



## **ENEMO International Election Observation Mission**

### **General Local Elections, 20 October - Moldova 2019**

#### **INTERIM REPORT**

**20 September - 11 October 2019**

**13 October 2019**

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*The legal framework generally provides conditions for conducting competitive and democratic elections. ENEMO positively assesses recent amendments to the Electoral Code, and observes an overall competitive and calm campaign environment. However, despite most aspects of the process being administered in a transparent manner, shortcomings in the electoral legislation remain unaddressed and several candidates were denied registration, due to minor formal errors and varying interpretations of the law.*

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On 15 September 2019, the European Network of Election Monitoring Organizations (ENEMO) deployed an International Election Observation Mission (IEOM) to Moldova to observe the upcoming General Local Elections of 20 October 2019. These are the 7th general local elections held in Moldova, since the country gained independence, and the third Moldovan elections being observed by ENEMO<sup>1</sup>.

In addition to the 5 Core Team members based in Chisinau, ENEMO has accredited 8 Long term observers (LTOs) and deployed them in teams of two in Chisinau, Balti, Orhei, and Comrat on 26 September. The Mission is headed by Dritan Taulla. The IEOM's scope is to observe the local elections and will not be observing systematically the parliamentary elections that are to be held in four single member constituencies at the same date as the local elections. However, selected aspects of the process for the parliamentary elections, that might affect the local elections will be noted and reported on. Moreover, the IEOM will not engage additional short-term observers and, as a result, will not be conducting a comprehensive observation of the

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<sup>1</sup>ENEMO has observed the 2016 Presidential Elections and the 2019 Parliamentary Elections. Reports are available at the [webpage of ENEMO](#).

voting and counting process on election day. However, long term observers and core team members will form a number of teams to observe a limited number of polling stations on election day.

ENEMO has already gained considerable experience through observing elections in Moldova since 2016. The presence of ENEMO during the 2019 General Local Elections in Moldova will provide the national and international community with elaborate information about the electoral process. Up until 10 October, ENEMO LTO teams have conducted 288 meetings, 75 with election management bodies, 58 with political parties, 65 with candidates, 34 with state officials, 21 with media and 35 with domestic civil society organizations, in addition to observing 21 campaign activities (meetings or rallies).

The mission will monitor and assess the overall political and electoral environment, respect for the rights to elect and stand for election, conduct of election management bodies, campaigning, gender equity, voting and tabulation processes, electoral dispute resolutions and other crucial aspects of the process, based on international standards for democratic elections and the Moldovan legal framework. ENEMO will raise awareness of domestic and international community regarding the main challenges and problems observed in elections, thus advocating for adequate policy changes through the adoption of concrete recommendations.

This interim report is based on ENEMO observers' findings in Chisinau and all regions of Moldova from 20 September to 11 October, where they focused on the work of election administration bodies, registration of political parties and candidates, conduct of the election campaign, election-related complaints and appeals and other election related activities. The mission will issue its preliminary statement of findings and conclusions after the Election Day and will be in the country to also follow the potential run-off elections and issue a second preliminary statement after the run-off election day. The final report will be issued within sixty days from the certification of results.

**ENEMO's international observation mission for the 20 October 2019 General Local Elections in Moldova is financially supported by the European Union, Sweden and the Kingdom of the Netherlands. The content of the document is the sole responsibility of ENEMO and does not necessarily represent the position of the donors.**



## Executive summary

The day of the general local elections was set for 20 October 2019 by Parliament's Decision no. 53, dated 18 June 2019. Local elections will be held to elect 898 mayors and 11,580 councilors. Mayors are elected under a two round majoritarian system. If no candidate receives a majority of valid votes cast in the first round, a second round will be organized in two weeks between the two candidates that receive the highest number of votes. Councilors are elected under a proportional system, without threshold.

Overall, the legal framework, if implemented in good faith, ensures the conditions for holding democratic elections. A number of loopholes and shortcomings in the electoral law were addressed through legal amendments adopted in August 2019. The recent amendments bring the legislation more in line with international standards and fulfill previous ENEMO and other international and domestic stakeholders' recommendations. However, adopting them slightly more than two months before election day affects the stability of the law, and places additional burden on election administration bodies.

Local elections will be administered by a four-tiered election administration: The Central Election Commission (CEC), 35 Level II District Electoral Councils (DECs), 896 Level I DECs, and 1,969 Precinct Electoral Bureaus (PEBs).

CEC sessions were generally conducted in a collegial, open and transparent manner. The CEC published the agenda of upcoming sessions in advance and provided draft decisions upon request.

ENEMO notes that deadlines were overall respected by the election administration. ENEMO observers reported that, in general, the CEC and DECs operated effectively and in a timely manner to organize elections. However, ENEMO raises concerns regarding the considerable number of replacements of electoral commission members, with the process of appointing new members still ongoing.

ENEMO notes that the process of collection of signatures by independent candidates was problematic in a number of cases. Due to discrepancies in the legal interpretation of the provisions of the electoral law, DECs rejected a number of candidate applications.

Despite rather discriminatory provisions regarding independent candidates, ENEMO observed an overall inclusive process, with 3,736 mayoral candidates and 39,422 town/village candidates, 6,971 district/municipal candidates for local councils registered. In Chisinau, 19 mayoral candidates (840 for municipal council) and in Balti 11 (334 for municipal council) were registered.

According to ENEMO observers, no significant concerns need to be raised regarding the reliability of the voter lists. However, in some cases voter registration offices seemed

understaffed, and voiced the need for harmonizing voter registration procedures. Observers also noted potential issues regarding the presence of deceased voters still in the lists.

Campaigning has been low-key over the observed period, with variations in visibility depending on regions, and an increase as of ten days before the election. The environment can be assessed as peaceful and calm, with candidates able to campaign freely overall. However, some legal provisions on campaigning are disproportionately restrictive and at odds with international standards.

The framework and requirements for campaign finance are overall in line with the Venice Commission and GRECO recommendations. However, ENEMO observed a lack of effective oversight mechanisms and systematic verification by the CEC for discrepancies between reported amounts and campaigning conducted by electoral contestants.

The legal framework provides for adequate deadlines for timely resolution of complaints. However, the Electoral Code does not exclude parallel handling of complaints at EMBs and courts, making the electoral dispute resolution system lack linearity. ENEMO assesses that contestants lack adequate understanding of the complaints and appeals process and deadlines, which has often resulted in complaints being refused on procedural grounds.

Although television remains the primary source of political information, online media provide an increasingly prominent source of news. The Electoral Code sets out that media must provide balanced coverage and equal conditions for paid advertising during the campaign. However, some bias on media conduct has been noted by domestic stakeholders conducting media monitoring activities. The body in charge of monitoring the broadcasters conduct is monitoring a small and not relevant sample of broadcasters.

While positively assessing recent amendments aimed at improving women's representation in local councils, ENEMO deems them insufficient to achieve this goal. ENEMO notes that a number of DEC's registered party lists that, at the time of submission and acceptance, did not fulfill the gender quota for the local councils.

## Background

The 2019 general local elections in the Republic of Moldova will take place eight months after the 24 February 2019 parliamentary elections, which resulted in a political crisis and delays in constituting a parliamentary majority. This further led to uncertainties regarding the date of the general local elections. The political context of these elections is outlined by the establishment of a new governing alliance between the Socialist Party of the Republic of Moldova (PSRM), Party of Action and Solidarity (PAS), and the Dignity and Truth Platform Party (PPDA)<sup>2</sup>, with the Democratic Party of Moldova (the ruling party since 2009) moving to the opposition.

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<sup>2</sup> PAS and PPDA formed the block ACUM since 16 December 2018 and ran in the parliamentary elections under this bloc.

The newly formed majority has adopted laws aiming at the de-oligarchization of the country, while attempting to implement key-reforms to restructure the banking sector, reinforce the rule of law and reform the judiciary, among other matters. Investigations on potential corruption affairs are being conducted, both by ad hoc parliamentary committees and the prosecution.

The day of the general local elections was set for 20 October 2019 by Parliament's Decision no. 53 dated 18 June 2019. As was the case in previous local elections, electoral authorities do not plan to organize elections of local public authorities in the Transnistrian region and the city of Bender, which are currently not controlled by the constitutional authorities of the Republic of Moldova. It should also be noted that due to implementation difficulties, the election of district mayors and district councils in the municipality of Chisinau have been postponed for the next elections (2023).

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

For general local elections, mayors of cities (municipalities), villages (communes) and councilors of district, city (municipal) and village (communal) councils are elected for a four-year term in a universal, equal, direct, secret and freely expressed suffrage. The last general local elections were held on 14 June 2015, when the local public administration was elected for a four-year term, with their term of office expiring in June 2019.

Given this year's process of recomposition of political forces at the national level, the stakes of the general local elections are unusually high for the recently formed governmental coalition. Voters will have the opportunity to express their political preferences and choice for local councilors and mayors at the polls, with voting taking place in the broader context of the divisions in society over the geopolitical orientation of the country. Following the election of local councilors on 20 October, a second round for the run-off of mayors is expected to be held on 3 November 2019.

## Legal Framework and Electoral System

Moldova is a party to key international treaties and conventions<sup>3</sup>, while the domestic legal framework regulating elections is constituted, primarily, by the Constitution and the Electoral Code, which are supplemented by the decisions of the Central Election Commission and other

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<sup>3</sup> Among others, the European Convention on Human Rights; International Covenant on Civil and Political Rights (ICCPR); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention on the Political Rights of Women; International Covenant on the Elimination of all Forms of Racial Discrimination (CERD); Convention on the Rights of Persons with Disabilities (CRPD), etc.

laws<sup>4</sup>.

Overall, the legal framework, if implemented in good faith, ensures the conditions for holding of democratic elections. A number of loopholes and shortcomings in the electoral law, some of which ENEMO has previously provided recommendations on<sup>5</sup>, were addressed through legal amendments adopted in August 2019<sup>6</sup>.

ENEMO deems most of the amendments to be positive, serving to clarify ambiguities in the law, bringing the legislation more in line with international standards and best practices for democratic elections, and fulfilling previous ENEMO and other international and domestic stakeholders' recommendations. However, it should be noted that adopting them slightly more than two months before election day is not a good practice, as it affects the stability of the law, while also placing additional burden on the election administration bodies<sup>7</sup> and, potentially, creating confusion among contestants, voters, or other electoral stakeholders. It should be noted however that introduced amendments are not regarded as major changes to the law, which would be inadvisable to change less than one year prior to election day<sup>8</sup>.

The most important amendments to the Electoral Code that affect local elections<sup>9</sup> concern campaign financing<sup>10</sup> and candidate registration<sup>11</sup>. Other important amendments regard a redefinition of election campaigning<sup>12</sup>; return of election day silence period, which bans

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<sup>4</sup> E.g. the Law on Political Parties, the Law on Assembly, the Law on the State Automated Information System "Elections", the Audio-Visual Code, and relevant sections of the Criminal Code and of the Misdemeanor Code.

<sup>5</sup> See ENEMO's final reports on the [2019 Parliamentary Elections](#) and the [2016 Presidential Elections](#).

<sup>6</sup> Law no. 113/2019 through which the Electoral Code and several other laws were amended, adopted on 15 August 2019 and entered into force on 17 August, only two days before the start of the electoral period for the 20 October Local Elections.

<sup>7</sup> Especially on the CEC, which had to amend several regulations to abide to the new legal provisions during the electoral period.

<sup>8</sup> The [Code of Good Practice in Electoral Matters](#) of the Venice Commission recommends not to amend fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, less than one year before an election.

<sup>9</sup> A major amendment, which does not affect local elections, pertains reverting the electoral system for parliamentary elections from mixed to fully proportional. The system was changed from proportional to mixed in 2017 in the absence of political consensus and despite international and domestic stakeholders advising against. An analysis of the system change, the process for the change, and the impact of the new system on the electoral process for the 24 February Parliamentary Elections is available in the [Final Report of ENEMO](#) for those elections.

<sup>10</sup> E.g., set out the ceiling for funds, previously a competence of the CEC, in the Electoral Code, considerable reductions of the ceilings for donations, lifting of the ban on funding by Moldovan citizens from income obtained abroad, extension of the timeframe for legal persons that have benefited from public funding by conducting public works or delivered goods or services based on public procurement contracts, from one year prior to the start of the electoral period to three years.

<sup>11</sup> E.g., the provision on ensuring balanced representations of genders in the candidate list through a 40 percent obligatory quota for each gender has been complemented with the obligation to have at least four candidates from each gender in every ten names in the list (three for these elections), removing the obligation of the candidates to submit consent to run for elections in person and the obligation to submit the Certificate issued by the National Integrity Authority, replacing it with a declaration of personal responsibility.

<sup>12</sup> By including in the definition, the urge to vote in addition to the aim to induce voters to vote for a certain contestant (Art. 1 of the Electoral Code).

campaigning on Election Day and the day preceding it<sup>13</sup>; the obligation of media to broadcast electoral debates only live and in prime time<sup>14</sup>; the possibility to increase the number of voters for polling station by 10 percent (the maximum number of voters thus being up to 3,300 voters per polling station) on the request of mayors<sup>15</sup>; possibility for representatives of election contestants, besides voters themselves to consult the voter list<sup>16</sup>, etc.

Local elections will be held to elect 898 mayors and 11,580 councilors<sup>17</sup>. At least 25 percent of voters in a given constituency should participate for the election to be valid<sup>18</sup>. Mayors are elected under a two round majoritarian system, with the two candidates that receive the highest number of votes to compete in run-off elections two weeks after election day, in case none of the candidates on the ballot receives more than half of the valid votes cast in the first round<sup>19</sup>. For runoff elections there is no turnout requirement. Councilors are elected under a proportional system, without a threshold. Seats in the local council are allocated following the highest average method.

## Election Administration

Local elections will be administered by a four-tiered election administration: The Central Election Commission (CEC), 35 Level II District Electoral Councils (DECs), 896 Level I DECs, and nearly 2,000 Precinct Electoral Bureaus (PEBs)<sup>20</sup>.

The CEC supervises the activities of DECs and PEBs, and reviews complaints against level II DEC decisions. DECs are responsible for aggregating election results, registering candidates, and compiling and distributing voter lists, and play supervisory roles in campaign finance. PEBs administer voting and counting procedures on Election Day.

## Central Electoral Commission

The CEC is a permanent body with a five-year mandate and comprises nine members. One member is appointed by the President of Moldova and the other eight by the Parliament, with proportional representation of the majority and the opposition<sup>21</sup>. The chairperson, deputy chairperson, and the secretary of the CEC are elected from among the members of the Commission with the majority of votes of the total number of its members. In June 2019, the CEC composition was changed, and the new Chairman, Vice-Chairman and Secretary started their duties. ENEMO notes that no women are included in the current composition of the CEC.

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<sup>13</sup> Art. 52, para. 10 of the Electoral Code.

<sup>14</sup> Art. 70, para. 3 of the Electoral Code.

<sup>15</sup> Art. 30, para. 2 of the Electoral Code.

<sup>16</sup> Art. 45, para. 2 of the Electoral Code.

<sup>17</sup> 10,472 town/village councilors and 1,108 district or municipal councilors.

<sup>18</sup> Art. 147 of the Electoral Code.

<sup>19</sup> Art. 145 of the Electoral Code.

<sup>20</sup> Arts. 28, 29, 30, 33 and 131 of the Electoral Code.

<sup>21</sup> Art. 16 of the Electoral Code.



The CEC provides overall management of the election process and organizes the work of lower level EMBs. It also develops and approves election regulations and guidelines that aim at improving the election process<sup>22</sup>, ensures verification and compilation of voters' lists, keeps control over the State Voter Registry and updates it, supervises the implementation of fair campaigning, implements regulations for the facilitation of campaign financing, organizes coordination of Election Day and summary of election results, and reviews election related appeals on the work of the lower level electoral management bodies.

The Central Election Commission held meetings twice per week. The sessions were generally conducted in a collegial manner, open to the public and media, and broadcasted live on its website. The CEC published the agenda of the upcoming sessions in advance and provided draft decisions upon request. CEC decisions should be posted on its website less than 24 hours according to the law. ENEMO notes that this requirement was overall respected.

The CEC website contains information in the state language, and in Russian/English languages. With regards to social media activity of CEC in these elections, only its Facebook account is updated regularly.

The CEC and its Centre for Continuous Electoral Training (CCET) conduct nationwide voter education campaigns, and publish information related to the electoral process on their websites, including content in the state and Russian/English languages, with display options in high-contrast and large print for users with visual impairments.

The CEC undertook an extensive training program of election officials and other stakeholders, including party representatives, observers, and police officers, in the state and Russian languages. Manuals for DEC members were printed and distributed.

The CEC generates candidate and voter lists, as well as ballot papers, through its State Automated Information System "Elections" (SAIS-E). The CEC reviewed the system and prepared contingency plans based on malfunctions during 2019 Parliamentary Elections. PEBs use the SAIS-E to identify voters and check against multiple voting, as well as to transmit counting results directly to the CEC.

The CEC newly adopted or amended ten regulations in preparation for the local elections of 20 October. Nine of them were amended during the electoral period.

### **Level I and Level II District Electoral Councils (DECs)**

Parliamentary parties had the right to nominate members to election commissions at all levels, whereas other parties, blocs and independent candidates had the right to nominate non-voting representatives and observers. In line with the law, the following political parties have, generally, nominated members for the composition of level II DECs: Party of Socialists of the Republic of

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<sup>22</sup> Art. 22 of the Electoral Code.



Moldova (PSRM), Party Action and Solidarity (PAS), Party Dignity and Truth Platform (PPDA), Democratic Party of Moldova (PDM), and Political Party Shor (PPS)<sup>23</sup>.

ENEMO notes that deadlines were overall respected by the election administration. ENEMO observers reported that, in general, the CEC and DEC's operated effectively and in a timely manner to organize the election. However, in some instances, observers noted that DEC's were late in making their decisions publicly available.

### **Precinct Electoral Bureaus (PEBs)**

Ending on September 26th, 1,969 PEBs were constituted by respective DEC's in fulfillment of requirements of the law of at least 5 and maximum 11 persons.

ENEMO raises concerns regarding the considerable number of replacements of electoral commission members, with the process of appointing new members still ongoing. Many replacements occur due to refusals or nominated members not being consulted or informed in advance of their nomination, lack of interest, nominated members residing abroad or in positions of conflict of interest, and low payments.

Trainings for PEB commission members were held ahead of the election and conducted from 26 September to 5 October. ENEMO observers reported that commission members seemed overall satisfied with the content and quality of the training. However, observers also noted a lack of emphasis on Election Day procedures, which could result in uneven levels of preparedness on the day of voting.

According to observers, in some cases, PEB members seemed to make minor mistakes attributable to ignorance of regulations and inexperience, rather than a clear intention to commit manipulations.

ENEMO observers reported that election management bodies demonstrated a low-level of awareness regarding the need to conduct voter education, which is often limited to the clarification of procedures on election day and perceived as the sole mandate of the media and the CEC. In addition, one week before the election, many commissions had not yet been provided with enough flyers for inviting citizens to vote.

### **Registration of Candidates**

According to the Electoral Code, the process of nomination of candidates starts after the establishment of constituencies and district electoral councils<sup>24</sup>. The start of the period for submitting candidates' applications for registration was 30 August in the case of level II electoral

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<sup>23</sup> With one exception: the PPPDA doesn't have any level II DEC member in Gagauzia.

<sup>24</sup> Art.46 of the Electoral Code.

councils, and 9 September for level I electoral councils, and ended on 19 September<sup>25</sup>.

Citizens eligible to vote may stand as candidates for councilor, whereas only those over 25 years of age may run for mayor. Active duty military personnel, persons sentenced or serving prison sentence, persons with an active criminal record for deliberately committed crimes and persons deprived of the right to hold positions by a final court decision cannot stand for election.

An individual may run for both mayor and council, but only in one electoral district of the same level. The right to nominate candidates is granted to political parties and other socio-political organizations (no new political parties have been registered since the 2019 Parliamentary election) and electoral blocs, as well as to citizens through self-nomination upon submission of support signatures.

Signatures are collected only in support of independent candidates and are collected only in localities where independent candidates are running for election. Only independent candidates and members of citizen initiative groups who nominate and/or support independent candidates (and authorized persons by independent candidates, as well as members of initiative groups) have the right to collect signatures<sup>26</sup>.

Independent candidates for local councils required the support of 2% of voters in the district divided by the number of councilor mandates, but not less than 50 people. Independent mayoral candidates required the support of 5% of voters in the district, but no less than 150 and no more than 10,000.

Lists for collecting signatures in support of an independent candidate should include personal data of voters, as well as the first and last name of the person collecting the signatures<sup>27</sup>.

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<sup>25</sup> CEC Decision n° 2584 regarding regulation of the designation and registration of local election candidates (registration of initiative groups to support independent candidates for collection of signatures) was adopted on 20 August, two months before the election.

<sup>26</sup> After the signature collecting lists have been submitted, the competent EMB should start the verification of the authenticity of the signatures on sheets, including the right to vote of the persons who were included in the lists and their residence. The signature collecting lists should be checked within five days from the day of submission. The CEC informed submitters of signature collecting lists about the results of verification and announced the total number of names included on the sheets submitted by each candidate in elections, as well as the number of signatures found valid. Meanwhile the CEC did not aggregate data on candidate registration, which took place at lower levels and local administrations, which are obliged to publish information on mayoral and council candidates. ENEMO notes that lower-level electoral bodies did not have up-to-date websites or alternative sources of information on candidates. The respective EMB should issue a certificate of candidacy to registered candidates as soon as possible, but no later than in three days from the day of registration. The respective EMB should make public its decisions on registration of independent candidates or lists of candidates in mass media announcements, financed from budget resources. Parties that registered their lists at DEC's and candidates who have collected support signatures had the right to start campaigning immediately.

<sup>27</sup> A voter who supports a candidate shall personally fill in the signature collecting sheet his/her personal data and signature. If the supporter of the candidate, due to objective reasons, cannot fill in the requested personal data, such data shall be filled in by the member of the initiative group or any other person empowered to collect signatures, while the signature from the signature collecting list shall be applied personally by the supporter, and if it is not possible, by his/her legal representative. Each voter may sign the signature collecting sheet in support for only one candidate during one ballot.

Signature collection lists should contain only signatures of voters who live in one locality, and a voter can only support one candidate, which is a restriction that challenges the political pluralism.

The right of individual candidates to run for office free from political party association is specifically enshrined in the Copenhagen Document, which guarantees the *“right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”*.<sup>28</sup> However, the above-mentioned conditions for submission of candidacies create discrimination between candidates from political parties and non-affiliated candidates.

Additionally, ENEMO assesses these requirements as unduly high in regard to international standards. The Code of Good Practice in Electoral Matters of the Venice Commission states that *“the law should not require collection of the signatures of more than 1% of voters in the constituency concerned”*.<sup>29</sup>

ENEMO notes that the process of collection of signatures was problematic in a number of cases. The provisions of the law lack clarity and leave space for different interpretations of the terms “locality”, “municipality”, “suburban”, and “territorial-administrative unit”. Due to discrepancies in the legal interpretation of the provisions of the electoral law, DEC’s rejected a number of candidate applications, which led to several court disputes and appeals of first instance court decisions<sup>30</sup>. ENEMO observers reported that in several cases, grounds for rejection of independent candidates by DEC’s were based on minor errors, small technical mistakes, and variable interpretations of the law<sup>31</sup>.

Despite discriminatory provisions regarding independent candidates, ENEMO observed an overall inclusive process, with 3,736 mayoral candidates and 39,422 town/village candidates, 6,971 district/municipal candidates for local councils registered. In Chisinau, 19 mayoral candidates (840 for municipal council) and in Balti 11 (334 for municipal council) were registered<sup>32</sup>.

The highest number of candidates were nominated by the Socialist party (PSRM), the Democratic party (PDM) and the ACUM Bloc. Parties may amend their lists and candidates may withdraw their candidacy no later than seven days before election day.

## Registration of Voters

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<sup>28</sup> Paragraph 7.5 of the [1990 Copenhagen Document](#).

<sup>29</sup> Part I, Para. 1.3, point ii. of the [2002 Code of Good Practice in Electoral Matters of the Venice Commission](#).

<sup>30</sup> On 4 October the Chisinau Court and on 8 October the Chisinau Court of Appeal issued decisions which did not resolve the electoral dispute over registration of one of the mayoral candidates.

<sup>31</sup> For instance, some ENEMO observers reported that candidates’ signatures collected were in some cases considered invalid due to indicating their last name and first name in one column instead of two.

<sup>32</sup> Official CEC Memo of 7 October 2019 “Alegerile locale generale și alegerile parlamentare noi din 20 octombrie 2019”.

Moldova has a passive voter registration system. Citizens at least 18 years old by Election Day are eligible to vote except for those legally deprived of this right by a final court decision. Foreigners are also not allowed to participate in local elections, which is at odds with the Code of Good Practice in Electoral Matters of the Venice Commission which provides as “*advisable for foreigners to be allowed to vote in local elections after a certain period of residence.*”<sup>33</sup>

Voters who for health reasons or any other justified cases (patients staying at home, elderly, etc.) who are physically unable to come to the polling station, have the possibility to submit a written request and vote using a mobile box. Mobile voting is provided for voters who are homebound or in hospitals and have the right to vote in the given district.

Voter lists are compiled based on information in the State Registry of Voters, which is extracted from the State Population Register, maintained by the Public Service Agency<sup>34</sup>. Voter lists include all voters who have domicile or temporary residence in a precinct.

There are currently 2,804,919 voters in the electoral lists. According to domestic observer reports<sup>35</sup>, there is a continuous increase in the number of voters who do not have a domicile or residence (224,250 citizens) who will not be able to vote.

The data and information contained by the State Registry of Voters are designed exclusively for election processes and are accessible on the CEC website, each voter having access to her/his private data only. Representatives of parties and candidates also have the right to verify the correctness of electoral lists and to contest them.

Voters’ lists were displayed at the premises of PEBs, as well as on the website of the CEC, and voters could check their data starting on 30 September.

As per the law, voters are notified at least 20 days before Election Day about the location of the PEBs where they are assigned to vote<sup>36</sup>. ENEMO observers reported that EMBs across the country provide voters with the necessary information through individual invitations. However, cases indicating insufficient amounts of invitations provided to the PEBs were observed.

Citizens have the possibility to check the voter lists and its accuracy and may submit a complaint and request correction in case they notice discrepancies or mistakes in their personal data (or if they are not included in the voter lists). The last day for requesting corrections is the day preceding Election Day. Requests for corrections to the list of voters should be examined within 24 hours by the relevant election management body, and their decisions can be appealed in the

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<sup>33</sup> Point I.1.1.b. ii. of the [Code of Good Practice in Electoral Matters](#) of the Venice Commission.

<sup>34</sup> The State Registry of Voters should contain the following information about each voter: 1. full name; 2. date, month and year of birth; 3. state identification number (IDNP); 4. address of domicile (country, settlement, street, house, apartment); 5. address of residence (country, settlement, street, house, apartment); 6. series and number of the identity document (national ID, passport, military ID).

<sup>35</sup> [https://promolex.md/wp-content/uploads/2019/09/RAPORT-nr.-2\\_MO-Promo-LEX\\_ALG-2019\\_Eng.pdf](https://promolex.md/wp-content/uploads/2019/09/RAPORT-nr.-2_MO-Promo-LEX_ALG-2019_Eng.pdf)

<sup>36</sup> Article 45, paragraph 1 of the Electoral Code.

court if the request is rejected.

According to ENEMO observers, no significant concerns were raised regarding the accuracy and reliability of the voter lists, although in some cases voter registration offices seemed understaffed. Some EOM interlocutors mentioned potential issues regarding the presence of deceased voters still on the lists (for instance, individuals deceased abroad and absence of death certificate), and voiced the need for harmonizing and simplifying voter registration procedures.

## Electoral Campaign and Campaign Finance

### **Electoral Campaign**

Citizens of the Republic of Moldova, parties and other socio-political organizations, electoral blocs, candidates and authorized representatives of candidates have the right to campaign following registration of the respective party list or candidate. In the case of local elections, parties, electoral blocs and independent candidates can register as electoral contestants.

It should be noted that recent amendments to the Electoral Code modified the definition of electoral campaigning as the preparatory actions aimed at disseminating information that contain an “urge” to vote with the goal to determine voters to vote for some or other electoral competitors<sup>37</sup>. ENEMO assesses this definition as overly restrictive and is not inclusive of numerous instances which could be considered as electoral campaigning.

Another significant amendment is the return of the notion of “day of silence” and ban on campaigning on election day enshrined in the law. According to Article 52 of the Electoral Code, campaigning twenty-four hours before the day of voting and on election day is forbidden (except for campaign messages already placed on the Internet and to posters previously displayed before that period)<sup>38</sup>.

ENEMO notes that the law also prohibits the use of state and foreign symbols and images for electoral campaigning (as well as the involvement of foreign citizens or institutions in campaigns)<sup>39</sup>. This restriction can preliminarily be assessed as disproportionate, challenging

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<sup>37</sup> Article 1, General Terms of the Electoral Code.

<sup>38</sup> The Misdemeanor Code outlining fines for campaigning on election day or the day preceding it was amended on 4 October: campaigning on the day before the day of voting or on election day will be sanctioned with a fine of 10-20 conventional units for private people and a fine of 40- 50 conventional units for official person or electoral candidate.

<sup>39</sup> Article 52 Paragraph 8 of the Electoral Code.

freedom of expression (guaranteed by the Constitution) and is at odds with international standards<sup>40</sup>.

On 7 October, the government issued a press statement with a strong stance on prohibiting civil servants and officials from campaigning during working hours<sup>41</sup>, which can be assessed as a positive reaction of the government to avoid involvement of state employees in electoral campaigns while they perform their duties.

According to the law, candidates can begin campaigning on the day following their official registration by the CEC and respective DEC. Due to the official start dates varying depending on registration time frame, the official period of campaigning varies among candidates. ENEMO observers as well as interlocutors of the mission have reported on cases of early campaigning with candidates starting their campaigns before being officially registered. ENEMO considers this encroaches on the principle of equal opportunities which is not guaranteed among electoral participants. Cases of early campaigning were noticed by observers in several areas, including Susleni, Mana, and Marzesti villages, where candidates started distributing campaign materials before their registration process had been officially concluded.

Reports from ENEMO observers indicate that campaigning has been low-key over the observed period, with variations in visibility depending on regions, but with a progressive increase as of ten days before the election. Overall, the electoral campaign can be assessed as peaceful and calm, with campaigning conducted mostly through small community meetings with voters, door-to-door campaigns, promotion on social media, and distribution of printed materials at tents or other locations.

Out of the 46 political parties registered in Moldova, 21 are participating in the elections with registered candidates and lists. The most visible campaigns throughout the country so far have been those of the Socialist Party (PSRM), ACUM Bloc, Democratic Party (PD), Shor Party and the European Party of Moldova.

Main campaigning themes gravitate around infrastructure and local economic development, but also employment, infrastructural reconstruction, education reform, promises to improve roads and water supply, modernization of public transport, and increasing the level of income of citizens (primarily pensioners).

ENEMO notes that candidates are able to campaign freely overall. However, in Orhei district for instance, ENEMO interlocutors stated that emphasis was being put on distribution of leaflets and direct meetings with voters due to lack of billboard space in several localities. Some independent candidates claim that they do not have enough resources for TV and radio advertising, and although in most areas local authorities established special locations to display campaign materials, party representations also voiced criticism regarding the lack of emplacements for campaigning, in Donduseni for instance. Concerns should be raised regarding the lack of

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<sup>40</sup> [1966 International Covenant on Civil and Political Rights](#) (ICCPR) Articles 19 and 25; [1948 Universal Declaration of Human Rights](#), Article 19; [1990 Copenhagen Document](#), paragraph 7.7.

<sup>41</sup> [Official press statement](#) made by Secretary General of the Government Andrei Spînu.

equitable access to billboard space for campaigning, as it limits principles of fairness for conducting campaigns.

In several instances, observers reported on campaign materials placed in non-designated places and without indication of source of financing (in violation of the law). Such cases were reported from Rezina for example, and in few cases campaign posters were noticed in unauthorized places around the capital, and for instance in Strasenii and Stefan Voda. In isolated cases, observers noted damaged campaign materials in localities around Chisinau.

Cases of “black PR”, fake news, and hate speech were also reported, in particular through the active use of anonymous social media accounts with targeted negative campaigning against politicians.

In isolated cases, observers reported on allegations of misuse of administrative resources, namely by mayors formerly in office, which become candidates to their reelection. According to the law, incumbent mayors should resign upon becoming candidates. However, allegedly several mayors in this position formally transferred their competencies to the temporary mayors meanwhile still using municipal resources for their needs (premises, offices, work of the municipalities, etc.)<sup>4243</sup>. The ENEMO mission also noticed the incumbent president campaigning in favor of PSRM by supporting a candidate to the municipal council of Chisinau. ENEMO considers that such activities blur the line between incumbents and candidates and affect the principle of equal opportunities in the election.

An increase in the intensity of electoral campaigning is expected during the week leading up to the election. ENEMO assesses as a potential risk cases of hidden campaigning on election day, in part due to the recent amendments to the law forbidding campaigns during the day before the election and on the day of voting.

### **Campaign Finance**

Several amendments were made to the Electoral Code in August 2019 regarding the framework for financing of parties and electoral campaigns.

Main changes include the permission of Moldovan citizens’ financial contributions with funds from abroad<sup>44</sup>, which is in line with previous ENEMO recommendations, and it can be positively assessed as it lifts a disproportionate restriction on political participation. Ceilings of donations

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<sup>42</sup> Article 52 paragraph 7 of the Electoral Code states: “Candidates may not use public means and goods (administrative resources) during electoral campaigns, while public authorities/institutions and other related institutions may not send/grant public goods or other benefits to candidates unless a contract is concluded to this end, providing equal terms to all candidates”.

<sup>43</sup> Such cases were reported by ENEMO observers in Gagauzia, Basarabasca and Taraclia for instance.

<sup>44</sup> The amended law establishes different ceilings for donations made by citizens of Moldova with incomes obtained from abroad. For instance, 3 average monthly wages for Moldovan citizens holding a public office, civil servants, or employees of public organizations (the ceiling of donations should not exceed 10% of their annual revenue, nor should it exceed 6 average monthly wages in the respective year). The same provisions were included in Law no. 294/2007 on Political Parties regarding donations made to one or more political parties in a budget year.



to candidates and political parties were reduced<sup>45</sup>, and political parties are now allowed to accept donations to their electoral funds only from the start of their electoral campaign (as opposed to the start of the electoral process previously)<sup>46</sup>. In addition, the ban on financial or material support by legal entities to parties and electoral campaigns was strengthened in the law, in cases where they have concluded procurement contracts less than three years before the election (increased from one year before the election previously).

According to the law<sup>47</sup>, income and expenses of electoral contestants should be provided from dedicated bank accounts (election fund). Election fund money can only be used by electoral contestants after its declaration to the CEC, or respective DEC for independent candidates<sup>48</sup>. Political parties and candidates are entitled to receive donations during the electoral period only to their election funds. State loans to support political parties and candidates are allowed, under the conditions set forth in Article 40 of the Electoral Code.

Electoral contestants representing political parties and electoral blocs, as well as independent candidates, are obliged to submit to the CEC a report on the accumulated financial means and expenses incurred for their electoral campaigns within 3 days from the opening of their election fund, and further once per week (for parties and electoral blocs), and once every two weeks for independent candidates. Reports should be published on the official website of the CEC within 48 hours after receipt for parties and electoral blocs. For independent candidates, DEC's are responsible for publication of such reports on the webpages of the respective local public administrations within 48 hours.

In all cases, reports on the financing of electoral campaigns for the entire electoral period should be submitted to the CEC by electoral competitors, no later than two days before election day. Reports should be published on the official page of the CEC within 48 hours.

The CEC and level I and II DEC's are responsible for supervising the financing of electoral campaigns. They receive the financial reports of electoral contestants, verify their accuracy, compliance with the requirements of the legal framework and can apply sanctions (in the form of warnings and fines, confiscation of funds, contravention procedures, suspension of public funding and cancellation of registration of an electoral contestant). Other competent bodies, such as courts, may impose sanctions on competitors in cases of initiation of criminal or administrative proceedings.

ENEMO preliminarily assesses that the framework and requirements for campaign finance are

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<sup>45</sup> In accordance with the August 2019 legal amendments, the ceilings of donations made by a natural person for an electoral campaign has been reduced from 50 to 6 average monthly wages in the respective year, and from 100 to 12 average monthly wages in the case of legal persons.

<sup>46</sup> Article 41 of the Electoral Code, section d) details that the ceiling of funds which can be transferred to electoral competitors on their election fund accounts is set in the law at 0,05 % of the revenues of the state budget for the respective year, and the maximum ceiling per constituency is determined by the CEC by multiplying an established coefficient (calculated by division of the general ceiling with the total number of voters in the country) with the number of voters from the respective constituency.

<sup>47</sup> Article 41, paragraph 2(a) of the Electoral Code.

<sup>48</sup> Article 41 paragraph 2(i) of the Electoral Code.

overall in line with the Venice Commission and GRECO<sup>49</sup> recommendations. However, ENEMO notes the lack of effective oversight mechanisms and systematic verification by the CEC for discrepancies between reported amounts and campaigning conducted by electoral contestants.

ENEMO interlocutors have also voiced concerns about risks of “shadow funding” of electoral campaigns, namely considerable amounts of funds not being reported upon. Some of these allegations reached considerable media attention, and regardless of whether these cases are investigated and confirmed as facts or not, can potentially affect voters’ levels of trust in the fairness of the electoral process.

## Complaints and Appeals

The complaints and appeals process is regulated primarily by the Electoral Code, the Regulation of the Central Election Commission for complaints’ resolution during electoral periods<sup>50</sup>, and decisions of the CEC. Voters and election contestants can file complaints against actions, inactions and decisions of election management bodies, as well as actions, inactions of other contestants, or the media.

Complaints against actions/inactions or decisions of election management bodies can be filed with a court of law only after being previously filed to the hierarchically superior body to the one who’s action/inaction or decision is challenged. ENEMO notes that the Electoral Code<sup>51</sup> does not exclude parallel handling of complaints at EMBs and courts, as filing complaints with a court is not dependent on the hierarchically superior body resolving the complaint, but only on filing it with them.

Complaints against actions/inactions of the CEC should be filed with the Court of Appeals of Chisinau, while those against PEBs on Election Day should be directly filed to the court under the jurisdiction of which the PEB falls. Complaints about campaign finance are filed with the CEC, or with the relevant DEC in the case of independent candidates<sup>52</sup>, those about broadcasters’ coverage of the election campaign with the Audiovisual Coordinating Council, and against print or online media in court. The timeframe for lodging complaints is within three days from the day the decision was taken or the day the affected party has been made aware of the inaction. Members of election management bodies cannot file complaints, only representatives of candidates in the respective body or persons authorized by the candidate through a proxy-letter

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<sup>49</sup> The Group of States against Corruption (GRECO) was established in 1999 by the Council of Europe to monitor States’ compliance with the organization’s anti-corruption standards.

<sup>50</sup> [Regulation on the examination and resolution of electoral disputes to electoral bodies during electoral periods](#), approved with Decision no. 3353 of the CEC, 20.07.2010.

<sup>51</sup> Art. 71, para. 1 of the Electoral Code.

<sup>52</sup> Art. 71, para. 6 of the Electoral Code.

have the right to do so. If the body to which the complaint was filed finds that the complaint is not under their jurisdiction, they must forward it to the appropriate authority within two days from receiving it.

The timeframe for complaints adjudication is within three days<sup>53</sup>, except for complaints against decisions or actions/inactions of the CEC which is within five days<sup>54</sup>, but in every case no later than Election Day. The last instance for appeals is the Supreme Court.

According to their official webpage, as of 11 October, the CEC received 22 complaints and has considered 18 of them<sup>55</sup>. The CEC has issued a decision on six of the complaints and on ten cases it has either forwarded the complaint to the competent body for resolving them or returned them to the complainant without issuing a decision, while one complaint was withdrawn by the complainant. Only in one case the CEC ruled in favor of the complainant, while in all other instances rejected the complaint. Seven of the complaints regarded non registration of candidates, all of which were rejected<sup>56</sup>. The EOM has been informed of at least 29 complaints filed with lower level election management bodies, most of which concerned candidate registration<sup>57</sup>. Based on the information received to date, ENEMO deems that contestants lack adequate understanding of the complaints and appeals process and deadlines, which has often resulted in complaints being refused on procedural grounds, without being examined<sup>58</sup>.

## Media<sup>59</sup>

The media landscape is diverse, with a relatively high number of broadcasters and high internet penetration, while the print media is in decline. Although television remains the primary source of political information, online media, including social media, provide an increasingly prominent

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<sup>53</sup> Art. 73 of the Electoral Code.

<sup>54</sup> Complaints filed with the Audio-Visual Coordinating Council should also be resolved within five days.

<sup>55</sup> In one case, the CEC has merged two complaints and ruled on both by the same decision.

<sup>56</sup> One of the cases of refusal to register candidates that received high media and public attention was that of Ruslan Codreanu, who presented the request to be registered as independent candidate for mayor of Chisinau. Codreanu's application was refused by the Municipality Council No. 1, as a number of supporting signatures were deemed invalid for technical mistakes. Codreanu appealed the MEC decision in the first instance court, after the CEC rejected his complaint. The First Instance Court upheld the decision of the MEC, but their decision was overturned by the Court of Appeals, thus opening up the possibility for the case to be reconsidered by the MEC. However, the latter has appealed the case in the Supreme Court, which has overturned the decision of the Court of Appeals and ruled to uphold the first instance court decision.

<sup>57</sup> An independent candidate complained to the DEC 36 (ATU Gagauzia) about the decision of the DEC 36/1 not to register him due to insufficient number of signatures collected. According to the candidate he has not been able to collect enough additional signatures since the DEC had provided him with only one extra sheet for collecting signatures, thus limiting his capacities to collect enough reserve signatures (only 3.8% of extra signatures could be collected due to the limited number of sheets). The signature verification process has rejected a number of signatures, resulting in the candidate being refused registration.

<sup>58</sup> E.g., complaints being filed with the wrong body competent for resolving it, complaints being filed beyond the legal deadline.

<sup>59</sup> The ENEMO IEOM has not conducted media monitoring activities. Findings and conclusions in this section are drawn from meetings with interlocutors that work on the media field in Moldova and monitoring of the activity of the body in charge of monitoring media conduct (Audiovisual Coordinating Council).

source of news and their use for purposes of electoral campaigns seems to be on the rise, whether as a way of communicating directly with voters or as a platform for targeted political advertising.

Given the increasing number of social media users and expansion of social media's influence, political parties and candidates rely considerably on social networks for disseminating their ideas, programs and opinions. ENEMO EOM interlocutors have expressed concerns regarding online dissemination of fake news concerning campaigns and their effects on the current electoral process. They have also voiced concerns related to the transparency of online advertising.

The legal requirements for media coverage of election campaigns, which include the obligation to provide fair, balanced and impartial coverage and equal conditions for paid advertising, are set out in the Electoral Code<sup>60</sup>. The conduct of broadcasters is regulated by the Code for Audiovisual Media Services<sup>61</sup> and relevant regulations of the CEC. The CEC adopted the Regulation about media conduct for covering the election campaign for the 20 October Local Elections on 22 August<sup>62</sup>.

Broadcasters had an obligation to submit to the Audiovisual Coordinating Council their editorial policies for covering the election campaign<sup>63</sup> and types of coverage they would conduct<sup>64</sup>, an obligation most of them complied with within the deadline<sup>65</sup>. The broadcasters also report to the CCA on the volume of broadcasts about the campaigning on a weekly basis.

Besides self-declaration of broadcasters, the CCA is monitoring the conduct of six broadcasters, four TV stations and two radio stations<sup>66</sup> with national coverage during the electoral campaign and will issue a report on their conduct every ten days<sup>67</sup> throughout the campaign. While the monitoring is being conducted 24 hours, which is in line with previous ENEMO recommendations, the number of monitored broadcasters is very low and leaves out a number of important broadcasters, which considerably reduces the role that this body should play in monitoring the conduct of broadcasters. Within the monitoring period covered in this report, the CCA has examined the results of monitoring for the period 20-29 September and has called upon broadcasters to abide to the legislation while covering the election campaign<sup>68</sup>.

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<sup>60</sup> Art. 69 of the Electoral Code.

<sup>61</sup> [Code for Audiovisual Media Services](#), adopted by Law 174, dated 8 November 2018 and entered into force on 1 January 2019.

<sup>62</sup> ["Regulation for the coverage of the electoral campaign for the 20 October Local Elections in mass media of the Republic of Moldova"](#), adopted by the CEC with Decision no. 2587, of 22 August 2019.

<sup>63</sup> Art. 70, para. 2 of the Electoral Code.

<sup>64</sup> E.g., debates, coverage of campaign activities, advertising.

<sup>65</sup> Only two broadcasters failed to submit the editorial policies and were sanctioned by the CCA on 13 September.

<sup>66</sup> Moldova 1, Moldova 2, Prime, Canal 2, Radio Moldova and Radio Tineret.

<sup>67</sup> 20-29 September, 30 September - 9 October, 10 - 20 October.

<sup>68</sup> The monitoring report is not yet available at the webpage of CCA as to the date of issuing this report.

The CCA is also responsible for hearing and adjudicating on complaints about the conduct of broadcasters during the campaign, while complaints about printed media can be filed with the courts. To date, the CCA has ruled on one complaint, which was rejected.

## Gender Representation

The current legal framework for elections contains several provisions that aim to improve gender representation. The provision on ensuring gender balanced representations in the candidate list through a 40 percent obligatory quota for each gender has been complemented with recent amendments to the Electoral Code with the obligation to have at least four candidates from each gender in every ten names in the list<sup>69</sup>, aiming to tackle the ranking of women candidates in non-winning positions in the list. While assessing the amendment as a positive step, ENEMO deems it insufficient to ensure an adequate gender representation.

As per the law, failure to comply with the gender requirement quota should result in the candidate list being rejected. However, a number of DEC's registered lists that, at the time of submission and acceptance, did not fulfill the gender quota for the local councils<sup>70</sup>. A complaint was filed to the CEC on 28 September against the decisions of ten level II DEC's, mentioning a number of party lists that did not comply with the gender quota requirements and requesting their deregistration. The CEC did not issue a formal decision on the complaint, returning it to the complainant without judging the case on the merits. However, in the answer provided to the complainant, the CEC wrote that all decisions mentioned in the complaint did comply with the legal requirements set out in the Electoral Code<sup>71</sup>.

ENEMO notes that, unlike for parliamentary elections, there are no positive discrimination mechanisms for women candidates in the signature collection process and women candidates are required to collect the same number of signatures as men candidates. Approximately 25 percent of mayoral candidates are women.<sup>72</sup>

The Central Election Commission consists of nine members, all of whom are men. However, women are highly engaged in DEC's and largely prevail as PEB members, including in the positions of Chairperson, Deputy Chairperson, and Secretary.

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<sup>69</sup> Art. 46, para. 3 of the Electoral Code. A special provision for the 20 October Local Elections was adopted with the Law 113/2019 (Art. VII), by which a minimum of three candidates for every ten names should be from each gender, while maintaining the 40 percent quota for both genders.

<sup>70</sup> Namely, in cases where 40 percent of the total number of candidates in the list was not integer, DEC's accepted a list by rounding down the number to the nearest whole number (e.g. if a party submitted a list with 18 candidates, the gender quota of 40 percent would be 7,2 candidates. In this case, in order to fulfil the legal obligation of at least 40 percent of each gender, the list would have to contain at least 8 candidates from each gender. However, DEC's have registered lists with only 7 women candidates.

<sup>71</sup> [Letter of the CEC no. 8/1282](#) to Ion Calmic (complainant) of 2.10.2019.

<sup>72</sup> According to data available at the Central Electoral Commission website.

The EOM has not observed campaign messages specifically targeting policies for women, while media monitoring reports of domestic organizations have shown a low presence of women in campaign related news.

## National Minorities

Moldovan law defines persons from national minorities as individuals residing on Moldovan territory, are citizens, have ethnic, cultural, linguistic and religious peculiarities distinguishing them from the majority of Moldovans - ethnic origin<sup>73</sup>. A relatively large number of minority organizations are registered.

While all CEC decisions are published in the State language, translation into Russian is also provided, but not in a timely manner (sometimes with delays of up to 10 days). Ballot papers are printed in State language and Russian<sup>74</sup>. Regarding voter education in minority languages, the CEC published videos in Russian, Ukrainian, Gagauz, and Roma languages.

The government adopted an Action Plan<sup>75</sup> for the support of Roma population from the Republic of Moldova for 2016-2020. However, according to some interlocutors, no budgetary funding was allocated, or implementation steps taken under this action plan up until last week, when the first meeting of the inter-ministerial group was held. According to ENEMO interlocutors, Roma are particularly underrepresented in the electoral process. In total out of 250,000 candidates running in these elections, only 50 are ethnic Roma, and only 16 of them are women<sup>76</sup>. Several CSOs are working as part of a project<sup>77</sup> aiming to encourage and support the participation of Roma in elections.

## Inclusion of Persons with Disabilities

The Law “On the social inclusion of persons with disabilities” guarantees, among other things, that the State shall ensure to persons with disabilities (PWDs) the right and opportunity to elect and to be elected, and the right to adequate, accessible, and easy to understand voting procedures and materials (implementation of alternative voting arrangements). It also guarantees the right to express their choice by secret ballot in elections and referendums, without intimidation, and the right to free expression of will as voters and, to this end, if necessary and upon request, allow them to be assisted by a person of their choice.

According to the latest data published by the Ministry of Labor, Social Protection, and Family,

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<sup>73</sup> [Law No. 382](#) of 19.07.2001, “On the rights of persons belonging to national minorities and on the legal status of their organizations”.

<sup>74</sup> For the 20 October local elections, the CEC printed 7.8 million ballots, of which 6,104,000 in Romanian and 1,688,000 in Russian.

<sup>75</sup>The full decision can be found at the following [link](#).

<sup>76</sup> “Voice of the Roma” Coalition

<sup>77</sup> “Civil Society’s Plea for Free and Fair Elections in Moldova” implemented by the East-European Foundation, in partnership with the Partnership Center for Development, Pilgrim Demo and Tarna Rom.

the total number of persons with disabilities accounts for 183,415 persons, representing about 5.2% of the total population. According to the data revealed by the Ombudsman reports, about 46% of public buildings (premises of public institutions and authorities, law enforcement bodies, courts, etc.) complied to a certain extent with the accessibility conditions set for persons with mobility disabilities.

With regards to the participation of persons with disabilities in the electoral process, the CEC has undertaken some steps in this direction, such as publishing video materials, where persons with disabilities are encouraged to take part in the election process as voters and candidates<sup>78</sup>.

Most of the polling stations are situated in ground floors of schools and other public institutions, while most of the level I and II DEC are located on higher floors and as such are mainly not accessible to PWDs. According to several interlocutors from the local administration, municipalities do not have a specific budget line for electoral needs (even though they have certain obligations in this regard) and do not have enough resources to install ramps for PEBs.

Several CSOs are working on empowering persons with disabilities<sup>79</sup> and several interlocutors underlined that these elections are not inclusive, with only 11 persons with disabilities being engaged in the elections out of the total 170,000 persons with disabilities living in the country. ENEMO observers reported that persons with disabilities are rarely, if at all addressed in the election campaign.

## Observers

### **Domestic observers**

In accordance with the law, domestic observers should be accredited by the respective DEC for each polling station at which they plan to observe<sup>80</sup>. Candidates also benefit from the right to submit entitled individuals for accreditation as observers. In case of rejection of an accreditation request by the DEC, the respective electoral contestant should be notified with a motivated decision on the reasons for refusal. The decision can be challenged in court.

The CEC has a mandate to issue decisions on registration of domestic organizations (qualified as public associations within the law) intending to observe the elections. As a condition according to the law, these public associations should be committed as per their charter to protect human rights and democratic values.

Observers accredited by the CEC are entitled to observe throughout the whole country, whereas observers registered by DEC have the right to observe the elections only in the respective

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<sup>78</sup> Video posted on the CEC website on 23 September at the following [link](#).

<sup>79</sup> The Civic Coalition for Free and Fair Elections, NGO Infonet, NGO “Pro Altruism”

<sup>80</sup> Article 68, paragraph 1.



district.

ENEMO notes the CEC Decision no. 2637 regarding Regulation of the Status of Observers and their Accreditation as a positive amendment, in particular point 19 of the regulation<sup>81</sup>, as it lifts the ban for domestic observers to report before closing of the polls<sup>82</sup>. The Decision of the CEC also simplified procedures for accreditation of domestic observers, allowing registration without submission of individual statements on non-disclosure of personal data.

In total, 8 organizations accredited domestic observers to monitor the elections, amounting to 1081 observers in total<sup>83</sup>. According to ENEMO observers, no cases of pressure on civil society observers were reported.

### **International Observers**

International observers are accredited by the CEC and have the right to monitor election processes throughout the whole country and within all polling stations<sup>84</sup>. Their rights are identical to domestic observers, except for the right to submit complaints on irregularities, which is in line with international practices.

In total, the CEC accredited international observers from 28 organizations, for a total of 96 observers<sup>85</sup>. However, ENEMO notes the low level of presence of international missions for

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<sup>81</sup> Previously, the ambiguous wording in point 19 of the Regulation on the status of observers and their accreditation mentioned, among others, the obligation of observers to not make any statements before the polls closed. The amendments provided by Decision n°2637 removed this obligation. If interpreted literally, this point of the Regulation could, and it has been attempted to be used in the 24 February 2019 Parliamentary Elections, to prevent observers from presenting their findings at any stage of the electoral process while this was ongoing.

<sup>82</sup> Under the condition that they do not constitute electoral campaigning.

<sup>83</sup> According to the CEC webpage, those organizations are Promo-LEX (1025 observers), National Democratic Institute of USA Representative in Moldova (14 observers), East-European Foundation in Moldova NGO (10 observers), the International Republican Institute of USA Representative in Moldova (8 observers), “MIRAD” NGO (14 observers), the Embassy of the United Kingdom of Great Britain and Northern Ireland in Republic of Moldova (7 observers), the Embassy of the Turkish Republic in Moldova (2 observers), and the Embassy of the Kingdom of the Netherlands in Republic of Moldova (1 observer).

<sup>84</sup> Article 68, paragraph 5.

<sup>85</sup> In addition to domestic organizations, some international organizations accredited domestic observers (citizens of Moldova) to observe in the elections. According to the CEC webpage, those organizations/delegations are the Chisinau Branch of IIMDD AIP CSI (3 observer), The Council of the Interparliamentary Assembly of the CIS member states (2 observers), French Republic Embassy in R. of Moldova (4 observers), Russian Federation Embassy in the Republic of Moldova (15 observers), Embassy of Hungary in the Republic of Moldova (3 observers), Embassy of Sweden in R. of Moldova (3 observers), Embassy of Lithuania in the Republic of Moldova (4 observers), Italian Republic Embassy in the Republic of Moldova (4 observers), Embassy of the United Kingdom of Great Britain and Northern Ireland in Republic of Moldova (3 observers), Central Commission for Elections and Conduct of Republican Referendums of the Republic of Belarus (2 observers), Central Election Commission of the Republic of Lithuania (2 observers), State Election Commission of the Republic of Croatia (2 observers), National Election Commission of the Republic of Estonia (2 observers), Central Election Commission of the Republic of Latvia (2 observers), Central Election Commission of Georgia (3 observers), National Democratic Institute of USA Representative in Moldova (2 observers), The Parliamentary Assembly of the Black Sea Economic Organization (5 observers), Federal Ministry of Internal Affairs of Republic of Austria (1 observer), the Central Election Commission of Kazakhstan Republic (1 observer), Center for Electoral Systems Development, Reforms and

local elections apart from international delegations and embassies. ENEMO's mission will be the only IEOM observing the entire election process, in line with international practices and methodology.

ENEMO also raises concerns regarding delays in accreditation of its observers, the CEC having delayed the process and exceeding the legal deadline for accreditation<sup>86</sup>. ENEMO also notes that state institutions other than the CEC are involved in the process of accrediting international observers, which is at odds with international best practices<sup>87</sup>.

## About ENEMO

The European Network of Election Monitoring Organizations (ENEMO) is an international nongovernmental organization that represents a network of national nongovernmental civic organizations founded on September 29, 2001 in Opatija, Croatia. ENEMO consists of 21 leading domestic monitoring organizations from 17 countries of Central and Eastern Europe and Central Asia, including two European Union countries.

ENEMO seeks to support the international community's interest in promoting democracy in the region by assessing electoral processes and the political environment and offering accurate and impartial observation reports. ENEMO's international observation missions use international benchmarks and standards for democratic elections to evaluate the electoral process and the host country's legal framework. ENEMO and all its member organizations have endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signed the Code of Conduct for International Election Observers.

ENEMO member organizations have monitored more than 250 national elections and trained more than 240,000 observers.

To date, ENEMO has organized 30 international election observation missions to eight countries: Moldova 2019, Local Elections; Ukraine 2019, Early Parliamentary Elections; Ukraine 2019, Presidential Elections; Moldova 2018-19, Parliamentary Elections; Armenia 2018, Early Parliamentary Elections; Moldova 2016, Presidential Elections; Ukraine 2015, Regular Local elections; Ukraine 2014, Parliamentary elections; Ukraine 2014, Presidential elections; Ukraine 2013 – re-run of Parliamentary elections 2012 in 5 DEC's; Kosovo 2013, Local elections, first round; Ukraine 2012, Parliamentary elections; Kosovo 2011, Re – run of Parliamentary elections; Kosovo 2010, Parliamentary elections; Kyrgyzstan 2010, Parliamentary elections; Ukraine 2010, Presidential

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Training of Georgia (1 observer), Embassy of Polish Republic (3 observers), Embassy of Turkish Republic in Moldova (7 persons), Embassy of the Kingdom of the Netherlands in Republic of Moldova (1 observer), Central Election Commission of the Republic of Azerbaijan (2 observers), Central Election Commission of the Russian Federation (1 observer), Supreme Electoral Council of the Republic of Turkey (2 observers), Permanent Electoral Authority of Romania (2 observers), and ENEMO (13 observers).

<sup>86</sup> Point 13 of the Regulation on the status of observers and their accreditation of the CEC sets out that a decision on the accreditation or refusal to accredit for international observers should be taken within ten days. ENEMO observers were accredited 17 calendar days (13 working days) after submitting the request.

<sup>87</sup> The 2005 [UN Declaration of Principles for International Election Observation](#) states that the country holding the election should take the following actions: “Guarantees full, country-wide accreditation (that is, the issuing of any identification or document required to conduct election observation) for all persons selected to be observers or other participants by the international election observation mission as long as the mission complies with clearly defined, reasonable and non-discriminatory requirements for accreditation” (point 12, g.) and “Guarantees that no governmental, security or electoral authority will interfere in the activities of the international election observation mission” (point 12, h.).

elections, second round; Ukraine 2010, Presidential elections, first round; Kosovo 2009, Local elections; Moldova 2009, Parliamentary elections; Georgia 2008, Presidential elections; Kyrgyzstan 2007, Parliamentary elections; Ukraine 2007, Parliamentary elections; Ukraine 2006, Local elections in Poltava, Kirovograd and Chernihiv; Ukraine 2006, Parliamentary elections; Kazakhstan 2005, Presidential elections; Albania 2005, Parliamentary elections; Kyrgyzstan 2005, Presidential elections; Kyrgyzstan 2005, Parliamentary elections; Ukraine 2004, Presidential elections, second round re-run; Ukraine 2004, Presidential elections.

ENEMO member organizations are: *Center for Civic Initiatives CCI, Bosnia and Herzegovina; Center for Democratic Transition – CDT, Montenegro; Centre for Monitoring and Research – CeMI, Montenegro; Center for Free Elections and Democracy – CeSID, Serbia; In Defense of Voters’ Rights ‘GOLOS’, Russia; GONG, Croatia; International Society for Fair Elections and Democracy – ISFED, Georgia; KRIIK Association, Albania; Citizens Association MOST, Macedonia; Promo-LEX, Moldova; OPORA, Ukraine; Society for Democratic Culture SDC, Albania; Transparency International Anti-Corruption Center (TIAC), Armenia; Election Monitoring and Democratic Studies Center (EMDS), Azerbaijan; Belarussian Helsinki Committee (BHC), Belarus; FSCI, Kazakhstan; Kosovo Democratic Institute (KDI), Kosovo; Coalition for Democracy and Civil Society, Kyrgyzstan; Center for Research, Transparency and Accountability (CRTA), Serbia; Obcianske OKO (OKO), Slovakia; Committee of Voters of Ukraine (CVU), Ukraine.*

**The English version of this report is the only official document. An unofficial translation is available in Romanian.**

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