

**INTERIM REPORT**  
**15 January – 4 February 2019**

**8 February 2019**

**I. EXECUTIVE SUMMARY**

- The 24 February parliamentary elections will be the first held under the newly introduced mixed electoral system with 50 members of parliament (MPs) elected through proportional closed lists in a single nationwide constituency and 51 MPs elected in single member majoritarian constituencies. ODIHR and the European Commission for Democracy through Law (Venice Commission) have previously raised concerns about the lack of an inclusive public debate and consultation during the change to the mixed system and because the issue polarized public opinion and did not achieve a broad consensus.
- Significant amendments were made to the Election Code in 2017 to reflect the mixed electoral system, improve regulation of financing, and to introduce a number of other changes. Observation by ODIHR EOM to date has showed that some ambiguities in the legal framework remain open to interpretation.
- Three levels of election administration are responsible for organizing the elections: the Central Election Commission (CEC), 51 District Electoral Councils (DECs) and 2,143 Precinct Electoral Bureaus (PEBs). The CEC established 125 polling stations in 37 countries for out-of-country voting and designated 47 polling stations on the government controlled territory for voters in Transnistria. CEC and DEC sessions have so far been open to observers and published their decisions on-line. The CEC is undertaking an extensive training programme for election officials and other stakeholders, including on ensuring voting rights of people with disabilities, and a voter information campaign focused on the specifics of the new electoral system.
- Citizens at least 18 years old by election day are eligible to vote, except those deprived of voting rights by a court decision. In line with previous ODIHR recommendations, in October 2018 the Constitutional Court declared unconstitutional the blanket denial of voting rights of persons declared incompetent by a court. Some 2,810,000 voters are included in the main voter list. Voters without domicile or residence as well as voters from Transnistria will be included in the additional voter list on election day.
- The CEC registered 14 political parties and one electoral bloc for the national constituency, with a total of 629 candidates. The DECs registered 321 candidates, including 57 running independently, for the single member constituencies. The DECs rejected 37 candidate applications based on an insufficient number of valid supporting signatures.
- The campaign officially started on 25 January, 30 days before election day. Campaigning is visible throughout the country, mostly conducted through billboards, door-to-door canvassing, and advertisements in the traditional media and on social networks. The more visible campaigns are being conducted by Democratic Party of Moldova, Bloc ACUM and Party of Socialists of the Republic of Moldova and to date have focused on social and economic issues, such as employment, pensions and anti-corruption, as well as foreign policy goals.
- The media landscape is diverse, but media ownership concentration remains an issue. The influence of political and economic forces may limit the diversity of viewpoints in the media. The CEC regulation on campaign coverage by media requires all broadcasters to provide fair, balanced and

impartial coverage. The Audiovisual Council oversees media compliance and adjudicates media related complaints; so far it has heard five complaints and issued two warnings against two TV channels. On 25 January, the ODIHR EOM started its quantitative and qualitative media monitoring of the campaign coverage by a sample of media outlets.

- Recent amendments to campaign finance legislation decreased the donation limits, banned the use of funds, except those coming from the campaign fund, and introduced reporting of in-kind donations from volunteers. The law provides for regular reporting on campaign income and expenditure before election day. The CEC is responsible for campaign finance oversight and publishes weekly financial reports from contestants on its website. The CEC informed the ODIHR EOM that because of limited human resources they could verify the accuracy of the reports and conduct inquiries only in response to complaints.
- National minorities comprise some 25 per cent of population, with Ukrainians, Russians, Gagauz, Bulgarians and Roma being the most numerous. The Election Code does not provide special measures to assist and facilitate minority representation. During boundary delimitation, three electoral districts with concentrated population of national minorities were created.
- The CEC had received 47 complaints, most of which concerned candidate registration. The Constitutional Court rejected two challenges relating to the CEC decision on polling stations abroad and identification requirements for out-of-country voters.
- The Election Code provides for observation of the entire electoral process by citizen and international organizations, as well as representatives of election contestants. As of 4 February, the CEC had registered 1,521 citizen and 261 international observers.

## **II. INTRODUCTION**

Following an invitation from the authorities of the Republic of Moldova, and based on the recommendation of a Needs Assessment Mission conducted from 18-22 June 2018, the Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) on 15 January to observe the 24 February parliamentary elections.<sup>1</sup> The EOM, headed by Matyas Eörsi, consists of a 13-member core team based in Chisinau and 28 long-term observers deployed throughout the country on 23 January. Mission members are drawn from 25 OSCE participating States. Participating States have been requested to second 200 short-term observers to observe election day procedures.

## **III. BACKGROUND AND POLITICAL CONTEXT**

The 24 February 2019 parliamentary elections will be the first elections held under the newly introduced mixed electoral system with 50 members of parliament (MPs) elected through proportional closed lists in a single nationwide constituency and 51 MPs in single member constituencies through a first past the post system.

Five parties crossed the threshold in the previous parliamentary elections held in November 2014.<sup>2</sup> Since then, the composition of parliament has changed due to lawmakers switching party allegiances or becoming independent. This “party migration” has resulted in the Democratic Party of Moldova

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<sup>1</sup> See [previous ODIHR election reports on Moldova](#).

<sup>2</sup> Party of Socialists of the Republic of Moldova (PSRM) – 25 seats; Liberal Democratic Party of Moldova (PLDM) – 23 seats; Party of Communists of the Republic of Moldova (PCRM) – 21 seats; Democratic Party of Moldova (PDM) – 19 seats; and Liberal Party (PL) – 13 seats.

(PDM), which came fourth in the parliamentary elections with 19 mandates, becoming the ruling party with 42 MPs.<sup>3</sup>

According to the ODIHR EOM interlocutors, the elections are taking place in an environment dominated by the country's poor economic performance and growing public distrust in state institutions. The annulment of the results of the 2018 early elections for the mayor of Chisinau by the courts further aggravated this distrust.<sup>4</sup> A consultative referendum, called by PDM, is also scheduled to take place on election day. The referendum will ask citizens their opinion on two questions: whether the number of MPs should be reduced from 101 to 61 and whether there should be the possibility to recall MPs who do not fulfill their duties accordingly. ODIHR EOM is only observing the referendum to the extent that it impacts the conduct of the parliamentary elections.

#### IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The Constitution and the Election Code, supplemented by other laws and Central Election Commission (CEC) regulations and decisions, regulate the elections.<sup>5</sup> Observation by ODIHR EOM to date has showed that some ambiguities in the legal framework remain open to interpretation.<sup>6</sup>

Significant amendments to the Election Code in 2017 changed the electoral system from a fully proportional system to a mixed system, and improved regulation of financing of parties and electoral campaigns. While recognizing the sovereign decision of Moldova with regard to the choice of electoral system, ODIHR and the European Commission for Democracy through Law (Venice Commission) raised concerns about the lack of an inclusive public debate and consultation during the change to the mixed system and because the issue polarized public opinion and did not achieve a broad consensus.<sup>7</sup> The amendments provided for an ad hoc boundary commission to delineate the 51 single member constituencies.<sup>8</sup> In line with previous ODIHR recommendations, the amendments also removed the minimum turnout requirement of one third of registered voters for the elections to be valid.

However, some previous ODIHR and Council of Europe recommendations have not been fully implemented. These include the relatively high thresholds for proportionally elected seats, periodic review of constituency boundaries, voters being unable to sign for more than one contestant, concentration of media ownership, lack of women candidates in winnable positions and the late deadline for the withdrawal of candidates that allows for replacements close to election day.<sup>9</sup>

#### V. ELECTION ADMINISTRATION

Three levels of election administration will organize these elections: the CEC, 51 District Electoral Councils (DECs) and 2,143 Precinct Electoral Bureaus (PEBs).<sup>10</sup> The CEC is a permanent authority with a five-year mandate that comprises nine members, one appointed by the President and the others

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<sup>3</sup> Other seats are currently distributed as follows: PSRM – 24, PL – 9, European People's Party of Moldova (PPEM) – 9, PCRM – 6, PLDM – 5, non-affiliated MPs – 6.

<sup>4</sup> Chisinau Court for the Central District cancelled the results of the mayoral election because both candidates violated the campaign silence by conducting 'get out and vote' campaigns on social media on election day.

<sup>5</sup> Other laws include the Law on Political Parties, the Law on Assembly, the Audio-visual Code, and relevant sections of the Criminal, Civil and Administrative Offences Codes.

<sup>6</sup> For example; signature collection and verification requirements and the jurisdiction for complaints against candidates.

<sup>7</sup> See Joint Venice Commission and ODIHR Opinions on the amendments from [June 2017](#), [December 2017](#) and [March 2018](#).

<sup>8</sup> Opposition and some of the civil society organizations boycotted the work of the commission.

<sup>9</sup> The threshold for parties is six per cent, and the threshold for electoral blocs was recently reduced from nine to eight per cent.

<sup>10</sup> Each polling station has from 30 to 3,000 voters.

by the Parliament with proportional representation of the majority and the opposition. Two members of the CEC, the chairperson and her deputy, are women.

The CEC appoints DEC members for each single member constituency.<sup>11</sup> DEC membership can vary from 7 to 11 members.<sup>12</sup> Courts and local councils nominate two DEC members each. DEC members establish PEBs consisting of 5 to 11 members, including 3 nominated by local councils. Each parliamentary political party has the right to nominate one member to each DEC and PEB. The members of DEC members and PEBs elect the chairperson, deputy chairperson and secretary from their members.<sup>13</sup> According to the CEC, women constitute almost 56 per cent of DEC members and 41 per cent of chairpersons.

To date, the CEC and DEC members have held regular sessions open to accredited observers and media. The CEC sessions are livestreamed on the CEC website and social media. CEC and DEC decisions are available on the CEC website.

The CEC and its Centre for Continuous Electoral Training are undertaking extensive training programmes for election officials and other stakeholders, including party representatives and observers. Election officials receive training on ensuring voting rights of people with disabilities. Polling stations should be accessible and equipped with special voting booths, magnifying lens and tactile ballots. Training sessions observed by the ODIHR EOM were informative and well organized. In addition, a voter information campaign with thematic spots focused on the specifics of the new electoral system was launched and includes a special web-platform, spots broadcasted on TV and radio, leaflets, brochures, and information banners.

For the two single member constituencies created for voters in Transnistria, the CEC designated 47 distinct PSs on the government controlled territory. On 19 January, the CEC established 125 polling stations in 37 countries for out-of-country voting, based on a proposal from the government. Two political parties unsuccessfully challenged the CEC decision in court alleging that the government did not follow the legal criteria for creating the out-of-country polling stations (PSs).<sup>14</sup>

## VI. VOTER REGISTRATION

Moldova has a passive voter registration system. Citizens at least 18 years old by election day are eligible to vote, except those deprived of voting rights by a court decision. In line with previous ODIHR recommendations, in October 2018 the Constitutional Court declared unconstitutional the blanket denial of voting rights of persons declared incompetent by a court.<sup>15</sup> The CEC is responsible for maintaining the centralized State Voter Register based on data from the State Population Register provided by the Public Service Agency.<sup>16</sup>

According to the CEC, some 2,810,303 voters are included in the main voter list based on their address of domicile or residence.<sup>17</sup> Voters without domicile or residence and those from Transnistria are not included in the main voter list and will be included in the additional voter list on election day.<sup>18</sup> Voters will also have the possibility to request an absentee voting certificate to vote in a different locality than

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<sup>11</sup> The DEC members were created on 21 December 2018, five days prior to the legal deadline in order to start the candidate registration in the single member constituencies within the timeframe prescribed by the Election Code.

<sup>12</sup> The number of members must in any case be an odd number.

<sup>13</sup> The Chairpersons of PEBs abroad are appointed by the head of the diplomatic or consular mission or by the staff of other institutions within the diplomatic unit.

<sup>14</sup> See *Complaints and Appeals* section for details of this case.

<sup>15</sup> Imprisoned and sentenced voters have the right to vote.

<sup>16</sup> According to the CEC, some 3,271,400 voters are registered in the State Voter Register, including 230,200 voters without domicile or residence and 230,600 voters from Transnistria.

<sup>17</sup> The voters who have both domicile and residence are registered based on their residence.

<sup>18</sup> Voters without domicile or residence can vote at any polling station within the country but only for the national list or at the polling station abroad.

their residence.<sup>19</sup> Voters abroad will vote by presenting a valid passport. The CEC estimates that some 58,000 voters abroad have expired passports and have to renew their documents before election day to vote.<sup>20</sup>

The voter lists must be available in polling stations for public scrutiny no later than 3 February. Voters can also check their registration as well as the address of the polling station on-line. Voters can request corrections of their details until 23 February and submit complaints to the PEBs, which must be considered within 24 hours. To date ODIHR EOM interlocutors have not raised significant concerns about the accuracy of voter lists.

## VII. CANDIDATE NOMINATION AND REGISTRATION

In the national constituency, citizens can stand as candidates on party or electoral bloc closed lists, but not independently. In the single member constituencies, citizens can participate as party-nominated or independent candidates. The CEC is responsible for candidate registration in the national constituency, and the DEC's in the single member constituencies.

All 14 political parties and one bloc that applied to the CEC were registered. All electoral contestants complied with the 40 per cent gender quota requirement on the national lists, but in single member constituencies candidates are predominantly male. There are 629 candidates on the national lists, including 263 women, however, only 48 of them are in top 10 positions in the candidate lists.<sup>21</sup>

The DEC's registered 321 candidates in single member constituencies, 57 of them are independent, 67 are women.<sup>22</sup> Male candidates in the single member constituencies had to collect between 500 and 1,000 supporting signatures from eligible voters, female candidates between 250 and 500.<sup>23</sup> Some ODIHR EOM interlocutors reported that the signature collection requirements are overly detailed, technical, and somewhat burdensome, particularly for independent candidates.

In addition, lack of clarity in some of the signature collection provisions led to differing approaches among the DEC's when validating signatures.<sup>24</sup> Once candidates submit the signature lists there is no opportunity to correct them. Thirty-seven candidate applications in the single mandate constituencies were rejected by the DEC's for having an insufficient number of valid supporting signatures.

Parties/blocs can change their candidate lists until 10 February, and candidates can withdraw until up to seven days before election day. Candidates in single member constituencies cannot be replaced.

This is the first election when candidates are required to obtain Integrity Certificates, which include details of any final court decisions that prohibit a person from holding public office. ODIHR EOM interlocutors raised no major concerns with regard to the process of obtaining and issuance of the certificates and no candidate was rejected in relation to this new requirement.

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<sup>19</sup> If such certificate is issued outside a voter's single member constituency, a voter can only vote for the national list.

<sup>20</sup> See *Complaints and Appeals* section for details of the unsuccessful challenge concerning expired IDs.

<sup>21</sup> Twelve nominees were rejected from national lists for failure to present the correct documents or to appear in person as required.

<sup>22</sup> The greatest number of candidates in a single member constituency is 13 and the lowest is 3.

<sup>23</sup> New amendments provide special and lower signature requirements for female candidates.

<sup>24</sup> The Election Code and the CEC Regulation on Signature Collection and Verification are not clear that a signature in a non-State language is valid, nor is it clear that signature collection could be done at a central location rather than during house-to-house visits; these points had to be explained in CEC Decisions after DEC's rejected some signature lists.

## VIII. CAMPAIGN ENVIRONMENT

The campaign officially started on 25 January, 30 days before election day. Amendments to the Election Code in 2018 eliminated the campaign silence period. However campaigning on election day is prohibited inside and at the entrance of polling stations.<sup>25</sup> Several parties lodged complaints with the CEC accusing contestants of early campaigning.<sup>26</sup> Several ODIHR EOM interlocutors alleged that PDM gained an advantage in the elections as their billboards in support of the referendum, erected before the start of the campaign, featured their national list and candidates in single member constituencies.

On 25 January PDM, PSRM and bloc ACUM (the bloc comprised of Party of Action and Solidarity and Political Platform DA) launched their campaigns with rallies in the capital.<sup>27</sup> In addition, candidates for single member constituencies held similar events in their respective districts.<sup>28</sup> Campaigning is visible throughout the country and is mostly conducted through billboards, door-to-door canvassing, and advertisements in traditional media and on social networks. PDM, Bloc ACUM, PSRM and Party Sor are conducting the more visible campaigns. To date, campaign messages have focused on social and economic issues, such as employment, pensions and anti-corruption, as well as foreign policy goals.

Six political parties and a number of media outlets signed the Code of Conduct proposed by the CEC.<sup>29</sup> The Code calls on political parties and media to respect each other's rights, freedoms and dignity and refrain from obstructing electoral campaigns and insulting opponents, including through dissemination of false and defamatory materials.<sup>30</sup> Several parties have complained to the ODIHR EOM about statements made by opponents which allegedly violate the Code of Conduct.<sup>31</sup>

While the campaign has been generally calm, parties and candidates have reported isolated incidents.<sup>32</sup> ODIHR EOM interlocutors have alleged misuse of administrative resources, such as pressure on civil servants to supply support signatures, campaigning by local authorities and employees attending campaign events during working hours.<sup>33</sup>

## IX. CAMPAIGN FINANCE

The Election Code and the Law on Political Parties regulate party and campaign finance.<sup>34</sup> Recent amendments to campaign finance legislation decreased the donation limit, banned the use of funds

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<sup>25</sup> The term "entrance" to the polling station is yet to be clarified.

<sup>26</sup> PDM has accused ACUM and PCRM has accused PSRM of early campaigning. CEC dismissed both complaints on procedural grounds.

<sup>27</sup> Other parties held similar events in Chisinau throughout the reporting period.

<sup>28</sup> During the reporting period, the ODIHR EOM observed campaign events in Anenii Noi, Balti, Cantemir, Chisinau, Criuleni, Causeni, Comrat, Floresti, Hincesti, Orhei, Singerei, Straseni, and Soroca.

<sup>29</sup> To date signatories include PDM, PSRM, ACUM, Sor, LP and Green Party as well as TV8, Jurnal TV, Pro TV, Teleradio Moldova, Channel 2, Channel 3, Publika TV, Prime TV, NTV Moldova, STS Domashni and news portal Unimedia.

<sup>30</sup> At the request of at least ¼ of the signatories, the CEC convenes debates with representatives of signatories and media and publically condemns the violations committed by the signatories.

<sup>31</sup> For example, PDM accused ACUM of violating the Code of Conduct for the language used by the speakers during campaign rallies; Maia Sandu alleged media controlled by the ruling party is spreading defamatory news about her and has filed a complaint to the court against Publika TV and Prime TV.

<sup>32</sup> Three perpetrators attacked an ACUM candidate in Edinet on 27 January in front of a police station, and a car belonging to the son of PDM's candidate was set on fire in Balti 29 January. Police have launched investigations into both incidents.

<sup>33</sup> Civil servants are only allowed to attend political events outside of working hours.

<sup>34</sup> Laws on Administrative Offences, on the Court of Accounts, and the Criminal Code as well as the 2015 CEC Regulation on financing of electoral campaigns and 2016 CEC Regulation on the funding of initiative groups supplement the legal framework.

except those coming from the campaign fund and introduced reporting on in-kind donations from volunteers.<sup>35</sup>

Parties may allocate for campaigning the portion of annual public funding received before the start of the electoral campaign. Starting from 2019, political parties are entitled to additional state support based on the number of women and youth candidates elected. Independent candidates are not entitled to public funding.

Contestants can finance their campaigns from their own funds and donations. Funding from foreign, state, public and anonymous sources, from non-profit and charitable organizations, trade unions and donations from out-of-country income are prohibited. An individual may donate up to MDL 348,750 (approx. EUR 17,750) and a legal entity up to MDL 697,500 (approx. EUR 35,500).<sup>36</sup> Campaign spending limits established by the CEC are MDL 86,871,855 for lists running in the national constituency and MDL 1,845,000 for candidates in the single member constituencies.<sup>37</sup>

Contestants are obliged to submit financial reports every week starting from the official launch of the campaign and a final report for the entire campaign not later than two days before election day. The CEC is responsible for campaign finance oversight and publishes weekly financial reports from contestants on its website within 48 hours. The CEC may impose sanctions or request other competent bodies to do so.<sup>38</sup>

The CEC informed the ODIHR EOM that because of limited human resources they could verify the accuracy of the reports and conduct inquiries only in response to complaints.<sup>39</sup> The CEC does not conduct any kind of field monitoring of campaign finance.

## **X. MEDIA**

The media landscape is diverse, although vulnerable to the influence of political and economic forces that may limit the diversity of viewpoints in the media. Television remains the primary source of information for the majority of the citizens. The law prohibits political parties from owning radio and TV stations, however, party members can hold broadcasting licences. Politicians and business people linked to politics own the most influential TV stations. Despite established ceiling of up to two TV and two radio channels per person, this provision has been circumvented in practice by the transfer of some media outlets to people directly connected to former owners. Therefore, concentration of media ownership remains an issue.

The Election Code and the Audiovisual Code govern the conduct of the media during the campaign. These codes are supplemented by a CEC regulation on campaign coverage by media which requires broadcasters to provide fair, balanced and impartial coverage and sets rules for debates, political advertisements and rebroadcast of campaign-related content produced abroad. All broadcasters informed the CEC and CCA about their political campaign coverage within 5 days prior to the start of

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<sup>35</sup> A number of ODIHR EOM interlocutors, including the CEC, recognized that the legal framework governing campaign finance contains gaps and inconsistencies.

<sup>36</sup> EUR 1 is approximately 19.64 Moldovan Lei (MDL).

<sup>37</sup> As of 4 February, the parties with the largest electoral funds are PDM with MDL 11,320,000, Sor Party with MDL 5,288,000, PSRM with MDL 4,600,000, ACUM with MDL 741,043, PCRM with MDL 700,000 and Our Party with MDL 384,745.

<sup>38</sup> The CEC can issue a warning for campaign finance violations. In case of repeated warnings, the CEC can withdraw public funding for a period from 6 months up to 1 year. The CEC can also request from the court the cancellation of competitor's registration in case of use of undeclared financial or material funds or exceeding the spending limits, use of undeclared funds from abroad or for engaging foreigners in campaigning.

<sup>39</sup> The CEC checks whether formal campaign finance requirements were complied, compares the reports with data received from the bank institutions, request the State Tax Inspectorate to check the origin of donations exceeding MDL 75,000.

the electoral campaign. National and public broadcasters are required to organize debates among party representatives who are running on the national list; local broadcasters must organize debates for candidates in single member districts. Each broadcaster shall establish the topic of the debate and the order of appearance of the candidates according to internal rules. Refusal to participate or the absence of a candidate shall be made public.

The Audiovisual Council (CCA) is the body mandated to oversee media compliance and adjudicate media related complaints. To date, the CCA has heard five complaints and issued two warnings against two TV channels for breach of the impartiality requirement and dissemination of campaign messages before the campaign period.<sup>40</sup> On 25 January, the CCA started to monitor 13 broadcasters and it will publish seven monitoring reports during the election period.<sup>41</sup> On 28 January, the CCA Chair called on authorities to protect journalists in the exercise of their duties during the electoral campaign.

From 25 January the ODIHR EOM is conducting quantitative and qualitative monitoring of the campaign coverage by a sample of media outlets. This includes six TV channels for six hours per day during prime time and six newspapers with nationwide coverage.<sup>42</sup>

## XI. PARTICIPATION OF NATIONAL MINORITIES

National minorities comprise some 25 per cent of population, with Ukrainians (6.6 per cent), Russians (4.1 per cent), Gagauz (4.6 per cent), Bulgarians (1.9 per cent) and Roma (0.3 per cent) as the most numerous. Moldova has enshrined national minority rights in the Constitution and in various legislative acts; it ratified the Framework Convention for the Protection of National Minorities in 1996.

The existing legal framework allows for the participation of national minorities in the electoral process on an equal basis. The Election Code does not provide special measures to assist and facilitate minority representation. During boundary delimitation, three electoral districts with concentrated population of national minorities were created. National minorities issues have not featured in the campaign so far.

## XII. COMPLAINTS AND APPEALS

Voters and election contestants have the right to complain about actions, inactions and decisions of the election bodies, other contestants and media. Appeals against decisions of election bodies are heard in the hierarchically superior election body before going to court. The Chisinau Court of Appeal hears appeals against CEC decisions. Complaints against candidates must be made directly to court or, in case of single member constituency candidates, to the DEC and then to court. Some ODIHR EOM interlocutors, however, have reported the potential for jurisdictional confusion as some DEC's refer candidates' complaints to court, whilst other DEC's consider them.<sup>43</sup>

Complaints must be filed within three days of the action or inaction, the competent election body has three days to resolve the complaint and courts have five days. All complaints must be decided before election day. The Supreme Court is the last instance for appeals, and can issue advisory opinions on the interpretation of election legislation; its sessions are not open to the public or observers. The Constitutional Court hears challenges to the constitutionality of a law or a government decision.<sup>44</sup>

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<sup>40</sup> *Jurnal TV and TVC 21.*

<sup>41</sup> The first report is scheduled to be published on 10 February.

<sup>42</sup> TV channels: public broadcaster *Moldova 1*; private channels *Pro TV*, *Jurnal TV*, *Prime TV*, *Publika TV* and *TV8*. Newspapers: *Moldova Suverana*, *Komsomolskaya Pravda*, *Timpul*, *Jurnal de Chisinau*, *Moldavskie Vedomosti* and *Argumenti i Facti*.

<sup>43</sup> The Supreme Court issued attempted to clarify this in advisory opinion on 18 January.

<sup>44</sup> The Constitutional Court hearings on admissibility are not open to the public or observers.

As of 4 February, the CEC had received 47 complaints, of which 26 were considered, 7 were returned to the complainant because the complaint failed to comply with formalities or should be brought elsewhere, and 14 are pending. The majority related to candidate registration, challenging registration decisions and refusals of registration. Other complaints related to alleged campaign violations. The CEC considers complaints at sessions that are livestreamed on-line and open to the media and observers.

The Chisinau Court of Appeal heard seven cases, four related to CEC decisions, and three related to CCA decisions. PSRM and ACUM both challenged the CEC's adoption of the government's proposal to establish overseas polling stations in the Chisinau Court of Appeal. The government did not appear at the hearing to defend its position. Both challenges were rejected.<sup>45</sup> The constitutionality of this decision was also challenged in the Constitutional Court, which declared the complaints inadmissible, as they did not establish a violation of the constitutional right to vote.<sup>46</sup> The Constitutional Court also ruled inadmissible the Ombudsman's challenge concerning the identification documents that out-of-country voters may use.<sup>47</sup>

### **XIII. ELECTION OBSERVATION**

The Election Code provides for observation by citizen and international observers, as well as party and candidate representatives. Accredited observers are entitled to follow all stages of the election process. CEC accredits observers for the territory of Moldova and abroad and the DEC's for single member constituencies. To date, the CEC has accredited 6 citizen and 28 international observer organizations with 1,521 and 261 observers, respectively. Promo-LEX, the largest citizen observation group, has had long-term observers in the field since 17 December and publishes interim reports on a by-weekly basis.

### **XIV. ODIHR EOM ACTIVITIES**

The ODIHR EOM commenced its work on 15 January. The Head of Mission met with the President, Prime Minister, Speaker of Parliament, Ministry of Foreign Affairs, the CEC, candidates, political parties, media, civil society and the diplomatic community.

The OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) intend to deploy delegations for election day observation. The President of the OSCE PA George Tsereteli will be serving as Special Co-ordinator and Leader of the OSCE short-term observer mission. Election day observation will be the result of a common endeavor involving ODIHR and delegations from the OSCE PA, PACE and the EP.

*The English version of this report is the only official document.  
An unofficial translation is available in the State and Russian language.*

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<sup>45</sup> The Chisinau Court of Appeals considered the complaints in relation to the government's and CEC's compliance with the Election Code. ACUM have appealed to the Supreme Court.

<sup>46</sup> The Constitutional Court relied on the European Court of Human Rights (ECtHR) jurisprudence that permits limitations on the right of citizens abroad to vote.

<sup>47</sup> The Constitutional Court relied on ECtHR jurisprudence and determined that the Election Code provision requiring a valid passport for an out-of-country voter to vote is a permissible interference that neither affects the essence of the right to vote nor is unconstitutionally discriminatory.