



Election Observation Mission to Moldova

Parliamentary Elections, 24 February 2019

INTERIM REPORT

The English version of this report is the only official document of ENEMO EOM.

ENEMO European Network of Election Monitoring Organizations

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EUROPEAN NETWORK OF ELECTION MONITORING ORGANIZATIONS ENEMO

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Executive Summary

The Parliamentary Elections are being held under a newly introduced, mixed electoral system. While fully respecting the sovereign right of the Moldovan authorities to choose the electoral system, ENEMO notes that the legal amendments did not have broad political consensus and were strongly criticized by domestic and international stakeholders, as well as that they were adopted despite the Venice Commission and OSCE/ODIHR advising against.

A number of interlocutors of the EOM have raised concerns that some of the newly introduced amendments to the legal framework might cause difficulties for contestants and voters to properly understand new procedures and, more importantly, implications of the newly introduced system.

The outcome of constituency delimitation disregards provisions of the law related to the number of voters in each constituency, as most constituencies established in the territory of the country under control of Moldovan authorities fail to meet the criteria set forth in the Electoral Code, with regard to number of voters and deviation percentage between constituencies. A number of interlocutors of the EOM have raised concerns about the process of forming constituencies, criteria used by the national commission for the delimitation, and possible gerrymandering. ENEMO commends the decision of the Moldovan authorities to form constituencies in such a manner as to respect representation rights of national minorities.

The performance of the Central Election Commission has been professional in the observed aspects. The sessions of the CEC are transparent, open to media and observers, as well to the public through online streaming.

Constituency electoral commissions were formed in time and despite occasional changes in their composition, during the reporting period most CoECs have conducted their duties timely; their work was transparent and they have shown a high level of cooperation with ENEMO observers. However, ENEMO expresses the concern that, in case the current trend of changes among members of the Constituency Electoral Councils continues in the upcoming period, this might pose difficulties for proper training of the new members and thus, negatively affect the quality of their work in the future.

Fifteen contestants (fourteen parties and one electoral block) will run in the national constituency. As of 31 January 2019, 321 candidates have been registered to run in uninominal constituencies and 37 were refused registration. The CEC is currently considering complaints from a number of candidates that were refused registration and, depending on expected decisions, the number of registered candidates might be higher.

ENEMO commends the legal amendments regarding the process of signature collection, such as elimination of a number of unnecessary bureaucratic procedures and lowering the number of needed signatures, in line with previous recommendations made by the Venice Commission, ENEMO and OSCE/ODIHR.

However, ENEMO has noted that many candidates and initiative groups were not entirely familiar with the procedures for signature collection and completion of signature sheets, what resulted in a relatively high number of invalidated signatures. Candidates complained about the process of support signature verification being too strict and not allowing for at least minor technical mistakes to be corrected.

A total of 125 polling stations will be established for voters abroad. Several electoral contestants have expressed their dissatisfaction with the number and location of these polling stations, and two contestants have challenged the decision in court, claiming that the process of determining the number and locations of polling stations abroad lacked transparency and was not grounded on all legal and factual basis.

In order to better facilitate voting abroad, the maximum number of ballots at polling stations abroad was increased from 3,000 to 5,000. However, due to the fact that voters will be issued two ballots for parliamentary elections and two ballots for referendum, the organization of voting may be significantly affected in case of a high turnout.

The legal framework for elections contains provisions aiming to improve equality of gender representation, both in the national and uninominal constituencies. However, in the absence of regulations about positioning women candidates in the national party lists, concerns can be raised about the effectiveness of current provisions, especially since the majoritarian system does not offer any guarantees about gender proportionality.

Despite a high number of media outlets, many interlocutors of the EOM have raised concerns on lack of pluralism, due to high concentration of media ownership in the hands of a number of companies, with close ties to business and politics.

ENEMO has noted with concern that the right to issue reports before Election Day of observers, and the alignment of this practice with international standards for election observation has been questioned. ENEMO strongly believes that any professional and impartial domestic and international election observation can only contribute to strengthening the legitimacy and improve any electoral process, thus reports of such observation should be welcomed at any time during the electoral period.

The electoral campaign will be covered in the next report, however, from the first days of the campaign, ENEMO notes with concern cases of harassment, verbal and physical attacks against some candidates and damaging of campaign materials, already in the first days of the campaign.

ENEMO uses this opportunity to condemn all attacks against election contestants and candidates, as well as any other attempt to prevent electoral and relevant non-electoral stakeholders to organize, participate, monitor, or report on the electoral process. In addition, ENEMO urges all relevant state authorities to do all in their power to prevent such cases and act swiftly to investigate and bring eventual perpetrators to justice, so that the right of every contestant to campaign freely is ensured.

Introduction

Following an invitation of the Central Election Commission of Moldova, ENEMO has deployed an International Election Observation Mission to observe the 2019 Parliamentary Elections, scheduled to be held on 24 February, based on a Decree of the Parliament of Moldova of 27 July 2019. The Mission is composed of a Core Team of eight international experts, based in Chisinau, and ten long-term observers, deployed in five multinational teams of two, throughout the country. The Core Team has been established since the beginning of the election period, and the long-term observers have been deployed on 10 January 2019. The EOM will not engage additional short-term observers on Election Day. However, at least seven teams of observers, in teams of two, will be formed from the current members of the EOM to monitor the voting, vote counting and tabulation of results in a number of polling stations.

Since its deployment, the Mission has monitored and assessed the overall environment in which elections are being held, performance of election management bodies, the candidate registration process, voters' registration, the beginning of the electoral campaign, complaints and appeals, and other crucial aspects of the process. The EOM is assessing the electoral process for compatibility with international benchmarks and standards for democratic elections, and the Moldovan legal framework. ENEMO EOM's mandate and scope is limited to the monitoring of the Parliamentary Elections of 24 February 2019; the EOM is not monitoring the conduct of the Republican Referendum, which is to be held on the same day with the Parliamentary Elections. However, selected aspects of the Referendum are being observed and analyzed, to the extent that they affect the Parliamentary Elections.

The first interim report focuses mainly on the general electoral framework, the performance of EMBs and the candidate registration process, from the beginning of the electoral period until 31 January. Other aspects of the electoral process, especially the electoral campaigning and voter registration, will mainly be assessed within the next report.

The Election Observation Mission of ENEMO to Moldova for the 2019 Parliamentary Elections is financially supported by the Embassy of the Kingdom of the Netherlands; Sweden; the National Endowment Foundation of the US Congress, through National Democratic Institute; and the European Union.

I. Background

The Parliamentary Elections are being held under a newly introduced, mixed electoral system, which was adopted by the Parliament on 20 July 2017, in absence of broad political consensus and despite being strongly criticized by domestic¹ and international stakeholders², as well as against the advice of the Venice Commission and OSCE/ODIHR. Within the newly established, mixed electoral system, 50 MPs are to be elected through proportional closed lists, in one

¹ There were two unsuccessful legal attempts to annul the newly introduced amendments, one by a group of NGOs and the other by an MP of the Moldovan Parliament.

² E.g., the public statement of 21 July 2017 of HR/VP Mogherini and Commissioner Hahn and public statement of the Embassy of the United States to Moldova of 24 July 2017.

nationwide constituency, whereas 51 MPs are elected in 51 newly formed, single member constituencies, through the first pass the post system (FPTP).

The main reasons that oriented the electoral reform, as stated at the draft laws, were to tackle the distance between elected representatives and their constituents; to facilitate the right of every citizen to stand in elections in uninominal constituencies; to increase the level of accountability of MPs to their constituents; and to provide more fair representation of all citizens in the Parliament, including minorities, voters abroad and voter from the left bank of Dniester.

The ongoing Parliamentary elections are of a high importance for the further democratization of Moldova, especially considering the low trust of Moldovan citizens in state institutions and the rule of law, mostly due to political turmoil and corruption investigations, including the 1 billion dollar bank fraud. Moreover, the Decision of the Supreme Court of Moldova to annul the results of mayoral elections in Chisinau of May 2018 has caused new protests and a strong international reaction, resulting with the Resolution of the European Parliament to Moldova in November 2018³ and the suspension of EU financial assistance to Moldova.

A consultative referendum⁴ will be held on the same day as Parliamentary Elections, containing two questions, decrease of the number of MPs from 101 to 61 and the possibility of citizens to revoke mandates of elected MPs. The Parliament of Moldova amended the Law⁵ to allow for a referendum to be held on the same day as elections and has scheduled the consultative Referendum for 24 February 2019. Five parties have registered to participate in Referendum⁶.

II. Legal framework and electoral system

The Republic of Moldova is a party to key international treaties and conventions⁷, by which it has committed to protect and promote human and political rights of its citizens. The Constitution of the Republic of Moldova establishes that the will of the people, expressed by free elections through universal, equal, direct, secret and freely expressed ballot, shall constitute the basis of the State power⁸. On this constitutional ground, the Electoral Code⁹ is the main legal source for regulating the electoral processes. There are also a series of primary¹⁰ and secondary legal sources that regulate selected aspects of the electoral process, most important secondary source

³ European Parliament Resolution of 14 November 2018 on the implementation of the EU Association Agreement with Moldova (2017/2281(INI))

⁴ Decision No. 332, of 30.11.2018, on the holding of Republican consultative referendum, Parliament of the Republic of Moldova.

⁵ Law No. 238, of 08.11.2018, "To amend some legislative acts"

⁶ Democratic Party of Moldova is registered for the FOR option; Party of Communists of RM, as well as People's Will Party and Democracy at Home Party are registered for the AGAINST option, whereas political party Hope is registered for the option FOR with regard to the first question and the option AGAINST for the second question.

⁷ Inter alia, the Republic of Moldova adheres to 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.

⁸ Constitution of the Republic of Moldova, Article 38.

⁹ Electoral Code of the Republic Of Moldova, Law No. 1381-XIII, adopted on 21 /11/1997.

¹⁰ Audiovisual Media Services Code, Criminal Code, Misdemeanor Code, Law on Political Parties, etc.

being the regulations adopted by the Central Election Commission (CEC) that additionally explain some of the legal provisions and procedures related to conducting elections.

The 24 February 2019 Parliamentary Elections were proclaimed on 27 July 2018¹¹. In comparison to previous Parliamentary Elections, the legal framework on elections has undergone a series of fundamental amendments. The most important amendments, such as the change of the electoral system¹² and the delimitation of electoral constituencies¹³ were adopted more than a year before elections, whereas some additional changes¹⁴ were introduced just before the official start of the electoral period.

A number of interlocutors of the EOM have raised concerns that some of the newly introduced amendments to the legal framework might cause difficulties with regards to sufficient time for contestants and voters to properly understand new procedures and, more importantly, implications of the newly introduced system.

Under the previous electoral system, 101 MPs were elected through a national proportional system and closed party lists. Within the new, mixed system, used for the current elections 51 MPs will be elected, on the same number of single mandate constituencies, whereas the other 50 MPs will be elected through a proportional representation (PR) system, with closed party lists.

The current proportional segment of the new electoral system envisages for 50 MPs to be elected in one national constituency, through closed party list. The threshold in the proportional system is 6% for political parties and 8% for electoral blocs. Regarding the majoritarian segment of the system in these elections, 51 MPS will be elected through a first-past-the-post (FPTP) system in 51 single mandate constituencies, formed for these elections. The majoritarian system candidates can be independent, or proposed by political parties / electoral blocs, but in any case need to be supported by a designated number of signatures of citizens residing in the same constituency where a candidate is running¹⁵.

Different interlocutors, as well as the Venice Commission, have raised concerns about the composition and independence of the National Commission for the Establishment of Permanent Uninominal Constituencies¹⁶. Also, a number of interlocutors raised concerns about possible gerrymandering. The Government's Decision from 15 November 2017¹⁷ establishes 51 single member constituencies in total, including three constituencies for Moldovans living abroad: one comprising countries East of Moldova, one for countries West of Moldova and one for citizens living in the United States and Canada, as well as two constituencies for voters residing in Transdnistria.

¹¹ Decision No. 197, adopted on 27/07/2018, Parliament of the Republic of Moldova.

¹² Law No. 154, "For amending and completing some legislative acts" of 20.07.2017

¹³ Decision No. 970/2017, of 15/11/2017, Government of the Republic of Moldova,

¹⁴ Some of the amendments are related to electoral campaigning on Election Day, active suffrage of persons with mental health conditions, etc.

¹⁵ Exception is made for candidates that will run in five constituencies, three formed for voters abroad and two formed for voters living on the left bank of the Dniester River, who were able to collect supporting signatures from any of the constituencies.

¹⁶ The National Commission for the Establishment of Permanent Uninominal Constituencies was established to define the boundaries of single member constituencies in September 2017. Most opposition parties refused to take part in the work of the Commission, yet all sessions of this body were broadcasted live. The Commission submitted its decision to the Government on 30 October 2017.

¹⁷ Decision of the Government for the establishment of Uninominal Constituencies.

Legal provision prescribe that constituencies established within the territory of the Republic of Moldova under the jurisdiction of constitutional authorities shall have as basis a relatively equal number of voters and comprise between 55,000 and 60,000 voters eligible to vote; and that the deviation of the number of voters between constituencies shall not exceed 10%¹⁸, based on the number of voters in the voters list in each PS, during the last 2016 elections. Another important and positive criteria while delimiting single member constituencies was not to dilute the representation of minorities, thus constituencies formed in the Autonomous Territorial Unit of Gagauzia and the Taraclia region were formed in this regard, what is in line with the Framework Convention for the Protection of National Minorities (FCNM) of the Council of Europe and the Code of Good Practice in Electoral Matters of the Venice Commission.

Generally, the number of voters in most constituencies is not in line with the margins of number of voters prescribed in respective legal provisions. Moreover, the law is not clear as to how should the 10% deviation be calculated, leaving space for different interpretations.

Moreover, the reasoning behind the decision to form three constituencies for voters abroad is not clear, especially when taking into consideration the total number of Moldovan citizens living abroad and the overall voter turnout during 2016 Presidential elections¹⁹.

III. Electoral management bodies

Moldova has a three tiered election management bodies structure, Central Election Commission (CEC), Constituency Electoral Councils (CoECs), and Precinct Election Bureaus (PEB).

The CEC is the primary institution in the election management hierarchy. The CEC mandate is five years, while CoECs and PEBs are established for each elections. One member of the CEC is appointed by the President of the Republic of Moldova and the other eight members by the Parliament, proportionally representing the parliamentary majority and opposition²⁰. Members of CEC cannot be members of political parties and should act impartially during their term of office. The Chairperson, Deputy Chairperson and Secretary of the CEC are elected amongst its members. CEC sessions are valid if attended by the majority of its members and decision should be adopted by a majority votes of all its members.

During the reporting period, the performance of the CEC has been professional in the aspects observed. The CEC implemented its activities in line with the time frame established according to the legal provisions and deadlines set therein, for completing all necessary activities to be carried out for organizing the 2019 Parliamentary elections.

Regular sessions of the CEC are conducted twice a week, while extraordinary sessions are held upon need. The extraordinary sessions are usually held for considering complaints. Following the commencement of the electoral period on December 10, CEC has held 17 sessions and 6 extraordinary sessions, until January 31. CEC sessions are held in a transparent manner and they are open to media and public, as well as observers. Moreover, the sessions are broadcasted

¹⁸ Electoral Code, Article 80, para. 4.

¹⁹ In the second round of elections in 2016, the overall voter turnout in Europe (West from Moldova, now Constituency 50) was around ten times higher than the voter turnout in the other two locations.

²⁰ Electoral Code, Article 17, para 6.

live at CEC's webpage and the agenda of each session is published in advance. The draft agenda for the sessions is prepared and provided to observers at the session. All adopted decisions of the CEC must be published on their website within 24-hours from the session, in state language.

The Electoral Code regulates that the decision making of Constituency Electoral Councils (CoECs) and matters about financing of electoral campaigns can be challenged to the CEC²¹. During the reporting period, 35 complaints from electoral contestants were submitted to the CEC, the majority of which regarded the candidates' registration process. There were several complaints submitted by election contestants regarding other contestants' alleged campaigning activities, before the official start of the campaign.

In total, 14 decisions regarding the submitted complaints²² are published on the webpage of the CEC until the end of January, most of which were dismissed²³. Apart from the published 14 decisions, some complaints were readdressed to other relevant institutions, or dismissed on procedural grounds. Based on latest available data, only four of the CEC Decisions were appealed to the Supreme Court of Chisinau, but all were dismissed.

The CEC has conducted a broad voter education campaign. Thirteen election educational and motivational videos²⁴ were produced; most of them being broadcasted in the media already. The Center for Continuous Electoral Training (CCET) is also involved in voter education and has established an informational call center for voters to consult on voting procedures.

In preparation for the Parliamentary Elections, the CEC established 51 Constituency Electoral Councils (CoECs), in accordance with the election calendar. Headquarters of the three CoECs that were established for abroad voting and the two for voters residing on the left bank of the River Dniester are located in Chisinau.

Similarly to CEC, CoECs' sessions are also open to observers, as noted by ENEMO observers deployed throughout the country.

CoECs are to be composed of an odd number of members - between 7 and 11 - of whom of at least 3 must have completed higher legal education, or public administration education. Two members of CoECs are appointed by courts²⁵ and two by second-level local councils and by the Peoples' Assembly of Gagauzia. Other members are nominated by parties and other social-political organizations represented in the Parliament at the date of the constitution of the CoEC, one from each party or other social-political organization. If insufficient, the remaining members are nominated by the CEC, from the Registry of Election Officials.

ENEMO observers noted that the majority of CoECs have either 9 or 11 members. According to the legal framework, CoEC members can be replaced either upon a personal request, or for violating the law in terms of political agitation, or not attending CoEC sessions (min. 2 sessions consecutively)²⁶.

²¹ Electoral Code, Article 71, para. 6.

²² Referring to the complaints published on the section titled "Hotărâri CEC", of the official website of the Central Electoral Commission, until 1 February 2019.

²³ Out of 14 published Decisions, three complaints were partly upheld and two upheld.

²⁴ The videos tackle main issues of the electoral and voting procedures - how to vote in country and abroad, what resources can be used by voters to learn more about elections, which documents can be used for voting in the country and abroad, videos for first time voters, how voters can check their data in voters' lists, why it is important to vote, videos for different minority groups, etc.

²⁵ Article 28, para. 5 of the Electoral Code states "courts or appeal courts, where appropriate".

²⁶ Electoral Code, Article 36.

According to field data, there were around 40 replacements in all CoECs until the end of January. The most common reasons for replacements so far are outlined to be personal, mainly due to either lack of sufficient time, or health reasons. There is a slight concern expressed by a number of interlocutors regarding CoEC members replacements, especially if the trend continues in the upcoming period, and the likelihood of newly appointed CoEC members to receive appropriate training, due to lack of time.

The support in trainings of CoECs is provided by the Center for Continuous Electoral Training (CCET), an institution founded by CEC and regulated by the Electoral Code. The CCET has conducted numerous trainings for the participants of the electoral process, including members of CoECs, registrars or operators of the SAIS system, police, court representatives and other stakeholders. The trainings of the CCET observed by ENEMO were well organized and professional.

During the reporting period, CoECs were mainly responsible for registering candidates for the single mandate constituencies. One of the main challenges outlined by CoECs at this stage is that many candidates and their initiative groups were not familiar with and therefore did not respect the regulations during the process of collecting signatures, which resulted in a high number of signatures being considered invalid.

In total, CoECs have established 2,143 polling stations (PS), within the legal deadline. Of these, 1,971 PSs were established in constituencies nos. 1 – 46, 47 PSs for voters living in the two constituencies located on the left bank of the Dniester River²⁷, and 125 polling stations were established for the three constituencies abroad²⁸.

Compared to the 2016 Presidential elections, for the voters abroad were established 25 more polling stations²⁹, 125 in total. After being rejected by the Supreme Court, two electoral contestants³⁰ challenged the constitutionality of the Decision of the Government on the number of Polling Stations for voters abroad, by two simultaneous complaints. Based on different grounds and requests, the complainants contested the number of planned polling stations to be established for the three constituencies abroad. The Constitutional Court ruled³¹ that Article 38 of the Constitution cannot be interpreted as imposing an obligation on the state authorities to hold elections abroad and that this article allows elections to take place outside the country, but does not impose them, and for this reason the legislature and the executive enjoys a greater discretion in the way of organizing these elections. As a result, both complaints were dismissed.

²⁷ 22 PS for the Constituency No.47 and 25 PS for the Constituency No.48.

²⁸ 27 for constituency no.49, 83 for Constituency no. 50 and 15 for Constituency no. 51.

²⁹ For the Presidential Elections 2016, a total of 100 PS were established abroad, but due to the high overall turnout of abroad voters and the fact that each PS had only 3000 ballots, many PSs faced difficulties responding to the needs of voters.

³⁰ Party of Socialists of the Republic of Moldova and Bloc ACUM.

³¹ Constitutional Court Decision No. 11 of 29.01.2019

IV. Candidate registration

Candidates' nomination process for 2019 Parliamentary elections started 60 days before Election Day, on 26 December 2018, and ended 30 days before Election Day. The new system envisages registration of candidates for single mandate constituencies to be conducted by CoECs and the registration of election contestants for the national constituency (political parties, blocks and other socio-political organizations) to be conducted by the CEC.

Within the legal deadline, fourteen political parties³² and one electoral block³³ submitted to the CEC their list of candidates for the national constituency. The registration of national contestants was mainly dependent on the adequate number of candidates (30-55), gender quota (min. 40% of both genders³⁴) and eligibility of each candidate within their electoral candidate lists, which had to be verified by the CEC and each candidate needed to obtain an integrity certificate from the National Integrity Authority. By 31 January, all submitted lists were registered. The CEC assigned the ranking in the ballot based on the date of submission of their candidate lists for registration. If two or more contestants submitted their candidate lists on the same day, the ranking in the ballot was decided upon drawing of lots. The same person can run both on the party list for the national constituency and in the single member constituency, on behalf of the same political party or as an independent candidate.

Candidates for single-member constituencies had to form initiative groups, which collect and submit supporting signatures from eligible voters from the corresponding constituency to the relevant CoECs, in order to be registered. Initiative groups for candidates running in the three constituencies established abroad and the two constituencies established in Transdnistria could collect supporting signatures from eligible voters from all constituencies. Each initiative group had to collect between 500 and 1000 signatures for men candidates and between 250 and 500 signatures for women candidates. The decrease in the number of needed supporting signatures, as well as elimination of some procedures that made the process of signature collection burdensome for candidates is in line with previous recommendations of ENEMO and OSCE/ODIHR, as well as in fulfillment of recommendations of the Venice Commission.

From 26 December 2018 to 4 January 2019, CoECs registered a total of 401 initiative groups for 400 candidates³⁵. The deadline for submission of candidacies and required supporting signatures was 24 January 2019, while CoECs had 7 days to register, or refuse the registration of a candidate. Candidates can still file an appeal to the CEC on the Decision of CoECs. According to latest available data, the total number of registered candidates is 321 and 37 were rejected³⁶.

³² Democratic Party of Moldova (PDM); Communist Party of Moldova (PCRM); Socialist Party of Moldova, (PSRM); Sor Party; The political party „Antimafia,; Political party „Our Party”; National Liberal Party; Political Party “The will of the people”; Party of Regions of Moldova; Political Party "Democracy at Home"; The Movement of Professionals "Hope"; Political Party "Homeland"; Green Ecologist Party; Liberal Party

³³ Electoral Bloc ‘ACUM’

³⁴ The Electoral Code only prescribes the overall percentage of candidates of each gender in the list to 40%, but not any particular order of the less represented gender on the list.

³⁵ In a unique case, a PDM candidate was allowed to register a second initiative group after a CoEC decided to refuse his registration, due to insufficient number of submitted valid support signatures the first time. As the CoEC decision was adopted on 3 January 2019, a second initiative group was registered to nominate him on 4 January 2019 within the legal deadline, thus allowing him to collect support signatures again and to be registered by the same CoEC.

³⁶ https://cec.md/ro/in-circumscripitiile-electorale-uninomiale-au-fost-inregistrati-321-de-2781_92408.html

The position of candidates on the ballot for each single mandate constituency follows the order of registration, same as for the national constituency. Since candidates representing PDM were the first to collect signatures and register in most of the constituencies, some contestants accused PDM of being privileged, either through the misuse of state resources, or other mechanisms of being prepared in advance. PDM, on the other hand, has stated that they were well organized and have a better party network than their opponents, which provided them with the possibility to collect signatures faster and therefore obtain first positions in the ballot order.

ENEMO observers also noted a case where two candidates with almost the same name will run in the same constituency³⁷, what might confuse voters, as both candidates will appear in the second and third position on the ballot.

The verification procedures for the submitted documents and support signature sheets collected by initiative groups were rather complex, as CoECs needed to analyze and verify signature sheets submitted by authorized collectors from initiative groups for completeness and accuracy of provided data against the official registry, using a combination of manual-visual check and electronic verification³⁸. The regulation clearly stipulates that each voter may support only one candidate and must fill in his/her data and signature personally. Only in exceptional cases and due to objective reasons, another person may fill data in on behalf of another person, but such cases had to be recorded and explanation provided in the space designed for such a note. In cases when the same voter signed support sheet for more candidates, only the first submitted support signature was deemed valid.

CoECs applied rather strict rules for verification of entire signature sheets and individual entries of each supporter. Operators at CoECs used the verification program to check correctness of data of signatories against the voter registry and whether he or she is eligible to vote in the given constituency. In some cases, when information on the front page of the sheet was not filled in completely and adequately, entire signature sheets have been considered invalid. In a number of cases, entire sheets of signatures, or a number of entries on the signature sheet, were considered void, as they were deemed to have been entered by the same handwriting, without specifying reasons as to why voters could not enter the data in person. There were also instances of invalidation of support signatures if the data of the supporter did not correspond exactly to the official data.

The overall number of support signatures deemed invalid was substantial, nonetheless many candidates/nominees submitted a number of supporting signatures higher than the legal minimum, in order to overcome possible invalidations and to meet the required number of valid support signatures. However, if the total number of valid signatures after the verification dropped below the minimum required threshold (500 for men and 250 for women candidates), nominees were refused registration, without the possibility to correct, or submit additional signatures.

Nominees whose registration was rejected by the decision of the CoEC in a single member constituency could appeal to the CEC. The CEC received many appeals from nominated candidates against the CoEC decisions to refuse their registration due to the invalidation of their support signatures. The CEC made efforts to be inclusive in its sessions, by hearing both the complainant and CoEC representatives, in an attempt to review the materials presented and to

³⁷ Andrei Nastas as an independent candidate was registered after the registration of Andrei Nastase from the electoral bloc ACUM, in CoEC 33.

³⁸ SAIS module Verification of Signature Sheets – a computerized verification of supporters' data, developed to assist CoECs with comparing voters' official data to the data provided.

resolve eventual procedural shortcomings. In most cases, the CEC requested CoECs to re-examine the submitted supporting signature sheets.

V. Voter registration

Citizens of Moldova at the age of 18 on Election Day have the right to vote, except individuals declared incapable to vote by a final court decision. The CEC compiles the voters list based on information in the centralized State Registry of Voters (SRV), which is extracted from the State Population Register and maintained by the Public Service Agency. The voter list includes all citizens with the right to vote, who have the domicile (permanent residence) or residence (temporary residence) on the territory of a precinct³⁹.

The CEC announced that on 10 December 2018 there were 3,265,997 voters in the State Registry of Voters. Among the electorate enrolled in the SVR there are 210,890 voters⁴⁰ that have neither domicile, nor place of residence in the Republic of Moldova and more than 200 thousand voters with residence in the administrative-territorial units on the left bank of the Dniester River, according to unofficial data.

Moldovan citizens residing out of the country shall enjoy full voting rights under the present Electoral Code⁴¹. By 9 January 2019, 24,453 Moldovan citizens used the opportunity to preliminarily register as voters abroad. 105 citizens with domicile on the left bank of the Dniester River also preregistered. Preliminary registration was possible online or by submitting a written application to the CEC or to Moldovan embassies and consular offices. The number of pre-registered voters for the 2019 parliamentary elections is almost seven times higher than in the 2016 Presidential elections⁴².

In order to better facilitate voting rights for voters abroad, the maximum number of ballots per PS abroad was increased from 3,000 to 5,000⁴³. However, due to the fact that voters will be issued two ballots for the parliamentary elections and two ballots for the referendum, the organization of voting abroad may be significantly affected in case of a high turnout. PEBs may decide to extend the voting only by two hours to allow the exercise of voting rights for voters in queue.

The regulations also address issues of voting for specific categories of voters. Voters who have both a domicile and a place of residence, shall vote in their place of residence. Students having the right to vote, attending an education institution in a locality where they don't have their domicile or residence, shall be able to vote in the national constituency at any polling station opened in that locality, but not for single member constituencies.

The CEC had adopted a sample design for the main and supplementary voter lists for three types of polling stations: PEBs inside the territory of the country (CoECs #1 to #46), PEBs abroad

³⁹ Electoral Code, Article 44.

⁴⁰ This number includes 99,598 Moldovan adult citizens that have officially emigrated abroad according to the data from the Public Service Agency.

⁴¹ Electoral Code, Article 2, para. 3.

⁴² The CEC reported in the 2016 presidential elections, there were 3,476 preliminary registered voters abroad.

⁴³ Electoral Code, Article 54.

(CoECs #49, #50 and #51) and PEBs for the voters residing in Transdniestria (CoECs #47 and #48). There should be between 30 and 3,000 registered voters per PS.

For Election Day, the CEC will use the State Automated Information System “Elections” (SAIS E) as an online voter verification method. Data operators will be at each polling station checking identity of voters against the nationwide voter database, enter those who voted in the database, which will provide them with the possibility to determine whether a voter has already voted. In addition to providing safeguard against multiple voting, the SAIS E will serve for the transmission of voter turnout data and preliminary election results from PS to be published on the CEC website.

VI. Electoral campaign

According to the Electoral Code of Moldova, electoral campaigning/agitation is defined as “preparatory actions aimed at disseminating information seeking to induce the voters to vote for certain electoral competitors”⁴⁴. The official election campaign for parliamentary elections can only start after a candidate has been registered with the respective electoral body, but not earlier than 30 days prior to Election Day⁴⁵, ending on Election Day⁴⁶. This provision reduces the campaigning time for candidates that submit requests for registration close to, or on the deadline, as they cannot start campaigning before being officially registered and the campaigning starts the day after the deadline for the submission of registration documents.

The different legal time periods of campaigning for Parliamentary elections and referendum allow for any referendum contestant that registers before the beginning of the electoral campaign to use this period to promote the party, or some of its candidates, while campaigning for one of the options of the referendum, as well as to lead two parallel campaigns starting 30 days before elections, from separate campaign funds.

Referendum contestants can start campaigning for the referendum as soon as they register. Only two parties⁴⁷ were registered as Referendum participants almost one month before the official start of the parliamentary electoral campaign, which allowed them to enjoy a higher visibility.

Furthermore, a number of candidates and parties used the holidays for activities that can be considered as self-promotion, by organizing various events and distributing minor gifts to citizens. According to several interlocutors, certain activities of public officials during the pre-campaign period may also be categorized as a direct, or indirect campaigning.

Even though ENEMO plans to assess the electoral campaign in its next report, the fact that there were cases of harassment, verbal and physical attacks⁴⁸ against election candidates and damaging of campaign materials already in the first days of the campaign, is highly concerning. Also, the beginning of the election campaign suggests that the campaign will be intensive, in

⁴⁴ Electoral Code, Article 1.

⁴⁵ Electoral Code, Article 91.

⁴⁶ Electoral Code, Article 1.

⁴⁷ Out of the 5 registered referendum contestants, two parties – PDM and PCRM registered for Referendum on 28.12.2018 and the other three parties on 26.01.2019.

⁴⁸ Referring primarily to the physical attack on ACUM candidate in constituency 3, in Edineț of 27 January, but also other reported cases of verbal harassment and intimidation.

terms of strong messages and rhetoric, negative campaigning and mutual accusations of most contestants. Some interlocutors expressed concerns about possible vote buying in the upcoming period, the abuse of state resources and the abuse of office, especially in terms of pressure on public employees from their management and authorities.

ENEMO is using this opportunity to condemn all attacks against election contestants and candidates, as well as any other attempt to prevent electoral and relevant non-electoral stakeholders to organize, participate, monitor, or report on the electoral process. In addition, ENEMO urges all relevant state authorities to do all in their power to prevent such cases and process eventual perpetrators efficiently and accordingly, as well as all electoral contestants to refrain from hate speech and provocation, and lead a fair campaign.

VII. Gender and minority representation

The current legal framework for elections contains several provisions that aim to improve gender representation. The candidate list of parties running in the nationwide constituency need to be composed of at least 40% of candidates of each gender. However, the law does not prescribe any mandatory order of candidates and therefore does not ensure adequate representation of both genders. All electoral contestants for the nationwide constituency respected the Election Code concerning the minimum representation of each gender of 40% on their lists⁴⁹ and were therefore registered. Besides, women candidates running for single mandate constituencies needed to collect only half of the total number of signatures (min. 250, max. 500) needed to be collected by men candidates (min. 500, max. 1000).

Another provision that fosters the participation of women within the majoritarian system of elections is the Article 46, which stipulates that political parties that have at least 40% of women candidates in the total number of their candidates running in single mandate constituencies will receive 10% extra state financial subsidies, and additional incentives in proportion to the number of women candidates actually elected as MPs in these constituencies. According to the data as of 31 January, no parties had more than 40% of women candidates in single mandate constituencies overall, excluding the parties that have only one, or two candidates.

In the Republic of Moldova, persons belonging to national minorities are defined by Law⁵⁰ as persons who reside on the territory of the Republic of Moldova, are its citizens, have ethnic, cultural, linguistic and religious peculiarities distinguishing them from the majority of Moldovans - ethnic origin. Different minorities are typically associated in non-governmental organizations, where 101 ethno-cultural organizations are registered at the Bureau of Interethnic Relations;

Based on the 2014 Census⁵¹, conducted by the National Statistics Bureau of Moldova, the population consists of the following nationalities/ethnic groups; Moldovan (2,068,058 people),

⁴⁹ Among the first ten positions on each candidates' current list, the total percentage of women candidates is around 32%, yet the results vary from only one woman candidate in the top ten, to up to even seven women candidates on one list.

⁵⁰ Law No. 382 of 19.07.2001, "On the rights of persons belonging to national minorities and on the legal status of their organizations",

⁵¹ Population Census 2004; Demographic, national, language and cultural characteristic.

Ukrainian (181,035 people), Russian (111,726 people), Gagauz (126,010 people), Romanian (192,800 people), Bulgarian (51,867 people), Roma (9,323) and other ethnicities (13,900 people).

According to the latest data, there are no political parties, nor other socio-political organizations directly representing any minority population running in elections at the national level. With regards to the majoritarian system, the positive aspect used when delimiting single member constituencies was not to dilute the representation of minorities, in line with Framework Convention for the Protection of National Minorities and the Code of Good Practice in Electoral Matters. Therefore, separate constituencies for the territories of ATU Gagauzia and Taraclia were formed. There is no official data at the moment on the number of candidates representing national minorities that will be contesting in single mandate constituencies.

While all CEC decisions are published in Romanian, translation into Russian is also provided, but not in a timely manner. Ballot papers are printed in Romanian and Russian. For the last elections of 2016, CEC printed 3,132,427 ballots, of which nearly one million was in Russian and for the 2014 elections, of 3,131,227 ballot papers, 751,344 were in Russian. Within the voter education campaign organized by the CEC, specific elements are aimed at minorities. Some voter and election education for minorities, as well as women participation is also being conducted by local NGOs and other organizations.

VIII. Media

ENEMO EOM for Parliamentary elections in Moldova is not carrying out media monitoring activities. The findings and assessment in this section are based on meetings with different interlocutors and available public reports from international and domestic stakeholders, as well as observation of the performance of institutions in charge of overseeing media activity.

Moldova's media landscape is diverse, with television and internet being the main sources of information, followed by radio and print media, according to latest polls and feedback from organizations that monitor media. However, despite a high number of media outlets, many interlocutors of the EOM have raised concerns about the lack of pluralism, due to high concentration of media ownership in the hands of a number of companies, with close ties to business and politics. The Code for Audiovisual Media Services prevents political parties from owning audiovisual broadcasters, but the provision does not apply to individual members of a party⁵².

The Electoral Code provides general principles on media coverage of elections, including provision of equal and non-discriminatory conditions for all contestants. Moreover, the Electoral Code provides for the right of contestants or candidates to reply to information published about them and, in case the latter refuse, a complaint can be filed. Specifically for these elections, the Central Election Commission has adopted a regulation on coverage of elections by media, on 21 December 2018⁵³.

⁵² "The Code for Audiovisual Media Services", Article 28, Legal Status of the Property of Media.

⁵³ "Regulation for the coverage of the electoral campaign for the 24 February parliamentary elections and republican referendum in mass media of the Republic of Moldova, adopted by the CEC with Decision no. 1992, of 21 December 2018.

The body in charge of overseeing broadcasters' compliance with regulations, both during elections and outside election periods, is the Audiovisual Coordination Council (CCA). CCA will monitor a limited number of broadcasters for compliance with regulations during the electoral campaign. There is no state body in charge of overseeing the print and online media coverage of elections. Complaints about broadcasters' conduct during elections can be filed with the CCA, while for internet and print media, complaints are filed with the Courts. Until 31 January the CCA has received two complaints⁵⁴ regarding media conduct, and has issued public warnings to TV stations.

Broadcasters had the obligation to submit to the CCA their intention to cover the election campaign, as well as editorial policies based on which they are going to cover the campaign. The CCA's webpage lists editorial policies of 74 broadcasters, which ENEMO has found not to fully comply with the requirements set forth in the Regulation adopted by the CEC⁵⁵.

For the Parliamentary elections 2019, the CEC developed the Code of Conduct, an agreement between political contestants and media regarding the conduct and coverage of the electoral campaign. By legal provisions, CEC should organize preliminary consultations with political parties, with other socio-political organizations, electoral blocs and Media representatives and ensure the signing of the Code of Conduct prior to the launch of electoral campaigns. The CEC invited electoral contestants and media⁵⁶ that have expressed the intention to cover the campaign to sign the Code of Conduct and the ceremony of signing it took place on January 24, 2019. By 31 January, six parties have signed the Code at the national level⁵⁷, as well as 11 media outlets⁵⁸.

IX. Observers

The legislation of Moldova provides for observation of elections by authorized observers of the election contestants and for non-partisan observation of both international and domestic organizations, as well as foreign countries⁵⁹. The accreditation process is still ongoing and by January 31 the CEC has accredited 1,395 domestic observers, which mostly include observers of Promo-Lex Association, and 233 international observers including ENEMO, IRI, OSCE/ODIHR, European Union, Parliamentary Assembly of CIS, Modern Legislative Initiative (Ukraine), representatives of electoral bodies of Belarus and Lithuania, Diplomatic Missions of Ukraine, Italy, Hungary, France, etc.

⁵⁴ The CCA website contains Decisions on two complaints of the Democratic Party of Moldova against Jurnal TV and another against Jurnal TV, TV 21 and N 4. The decision against Jurnal TV was appealed at the Chisinau Court of Appeals.

⁵⁵ Referring to the 74 editorial policies available on CEC website, only in few cases the statements reflect information on all the topics required by the Regulation. Most statements reflect only two topics out of many required by the CEC Regulation: "the name of the owner /owners of the broadcaster" and "the hourly schedule of free and paid air time, scheduling conditions for air times free and paid, the rates for paid air time that do not exceed the rates normally set for commercial advertising".

⁵⁶ Public statement from CEC, inviting all contestants and media to sign the Code.

⁵⁷ PDM, PSRM, Bloc ACUM, Political Party SOR, Green Party and Liberal Party.

⁵⁸ TV8, Jurnal TV, ProTV, Moldova1, Canal2, Canal3, Prime, Publica TV, NTV, CTC, Unimedia

⁵⁹ Article 68 of the Electoral Code and Regulation No. 110 "On the status of observers and their registration", 18 August 2016

PromoLex Association is the only organization in Moldova that is conducting a comprehensive, nationwide election monitoring, and a member of ENEMO⁶⁰. ENEMO has noted with concern that the reports on elections issued by PromoLex during the election period have been considered by one CEC member, not to be in compliance with the CEC regulation on rights and obligations of observers, and not in line with international standards. ENEMO strongly believes that any professional and impartial domestic and international election observation can only contribute to strengthening the legitimacy and improving any electoral process, thus reports of such observation should be welcomed at any time during the electoral period.

ENEMO commends the CEC for the fast accreditation of its core team observers. However, since the procedure for the accreditation of international observers is rather complex and includes the obligation of the CEC to cooperate with other state institutions⁶¹, it might lead to violation of the established deadlines for the accreditation of international observers.

About ENEMO

The European Network of Election Monitoring Organizations (ENEMO) is an international network of 21 leading non-profit, non-partisan and non-governmental organizations from 17 countries of Central and Eastern Europe and Central Asia, including two European Union countries, founded on September 29, 2001.

ENEMO seeks to promote civil society organizations' involvement in societies with democracies in transition, towards improvement of electoral processes, greater transparency of the governments and their accountability to the citizens, and respect of basic human rights and freedoms. To achieve this aim, ENEMO works independently or in cooperation with its member organizations.

The main activity of ENEMO consists in assessing electoral processes and the political environment by deploying international election observation missions, and offering accurate and impartial observation reports. ENEMO's observation missions use international benchmarks and standards for democratic elections and the host country's legal framework to evaluate the electoral process.

ENEMO has endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Non-partisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signs the Code of Conduct for International Election Observers.

⁶⁰ ENEMO international observation missions, according to ENEMO policies and international standards of election observation do not include domestic organizations from host countries in their compositions. Being a domestic organization that conducts its own election observation, PromoLex is not participating in ENEMO EOM to Moldova.

⁶¹ Section II.12 of the Regulation for accreditation of observers among other things mentions the coordination/cooperation of CEC with other state bodies, including MoI and Security and Intelligence services while accrediting international observers.

To date, ENEMO has organized 25 international election observation missions to eight countries⁶², the present mission being the 26th, while a parallel EOM is observing the Presidential Elections of 2019 in Ukraine.

⁶² Albania (2005 parliamentary elections); Armenia (2018 parliamentary elections); Georgia (2008 early presidential elections); Kazakhstan (2005 presidential elections); Kosovo (2009 municipal elections; 2010 parliamentary elections, 2013 municipal elections); Kyrgyzstan (2005 presidential elections; 2005 parliamentary elections; 2007 early parliamentary elections; 2009 presidential elections, and 2010 parliamentary elections); Moldova (2009 parliamentary elections and 2016 presidential elections); Ukraine (2004 presidential elections; 2006 parliamentary elections; 2006 mayoral elections in three municipalities; 2007 parliamentary elections; 2010 presidential elections, 2012 parliamentary elections, 2013 repeat parliamentary elections in 5 districts, 2014 early presidential elections, 2014 early parliamentary elections, and 2015 local elections).