



INTERNATIONAL ELECTION OBSERVATION MISSION

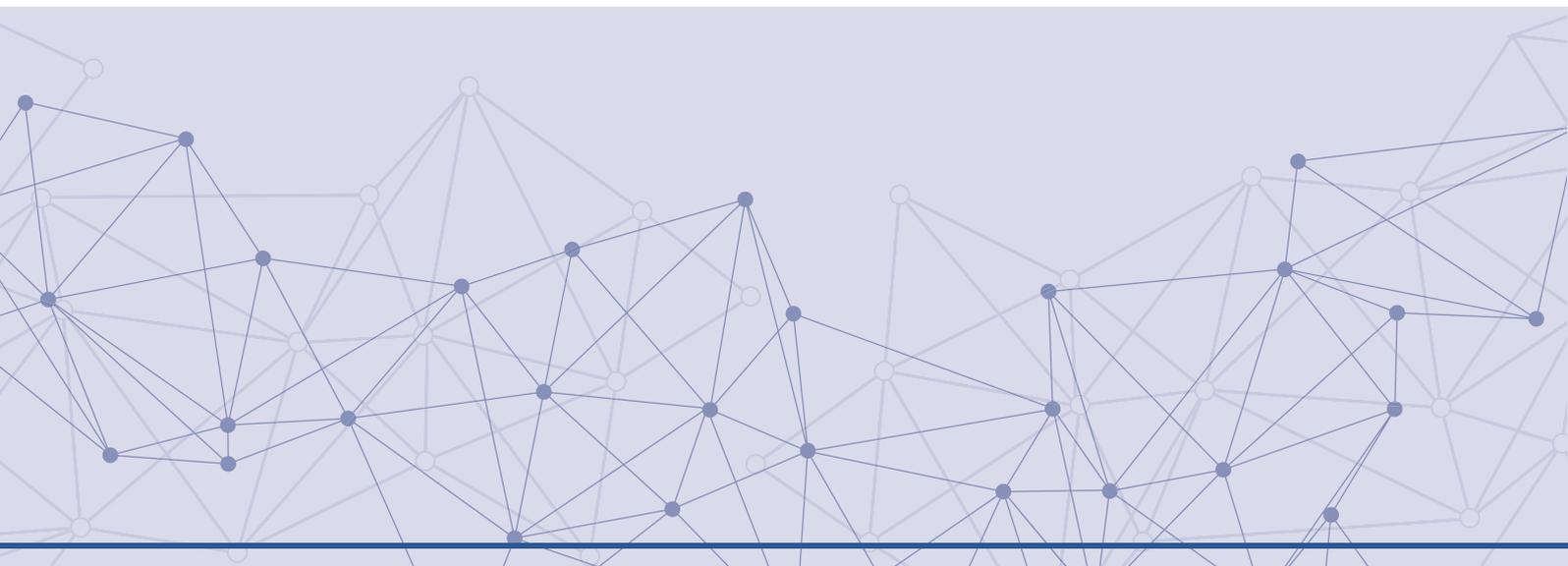
International Election Observation Mission to
Moldova

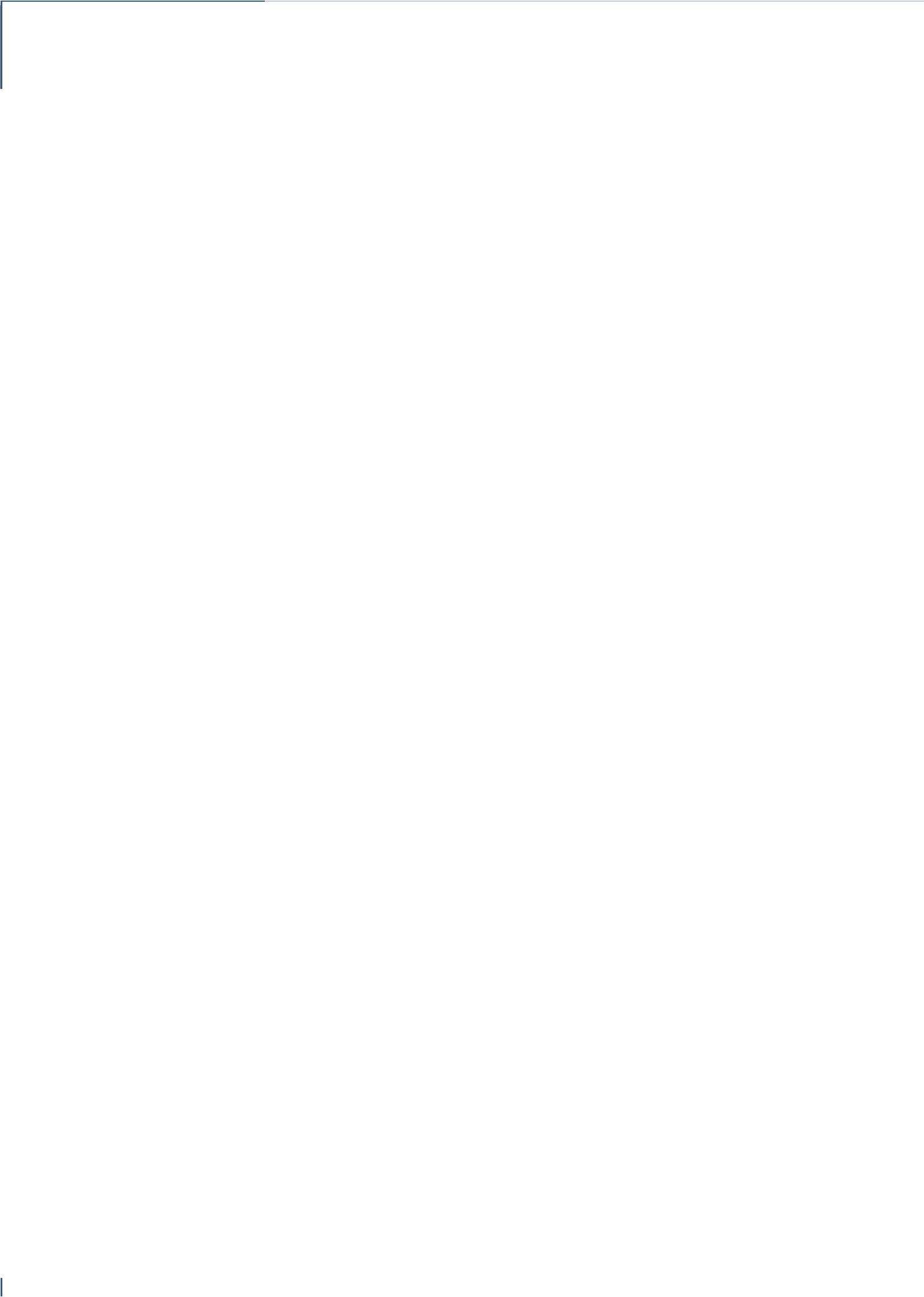
FINAL REPORT

PARLIAMENTARY ELECTIONS OF 24 FEBRUARY 2019

MOLDOVA 2019

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







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Parliamentary Elections of 24 February 2019

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ENEMO European Network of Election Monitoring Organizations



International Observation Mission to Moldova
Parliamentary Elections, 24 February 2019

EUROPEAN NETWORK OF ELECTION MONITORING ORGANIZATIONS ENEMO

Bul. Josipa Broza 23A
81 000 Podgorica, Montenegro
e-mail: info@enemo.eu
www.enemo.eu

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CONTENTS

EXECUTIVE SUMMARY	7
Introduction and acknowledgments	11
I. Background	13
II. Legal framework and electoral system	15
III. Election management bodies	20
Central Election Commission (CEC)	20
Constituency Electoral Councils (CoECs)	23
Polling Stations (PS) and Precinct Electoral Bureaus (PEB)	24
IV. Candidate registration	27
Candidate registration for the national constituency	28
Candidate registration for single mandate constituencies	29
V. Voter registration	33
VI. Campaign environment	38
VII. Campaign finance	43
VIII. Media	46
IX. Gender representation	49
X. National minorities	51
XI. Inclusion of persons with disabilities	52
XII. Complaints and appeals	53
XII. Election Day	56
XIII. Observers	60
XIV. Election results	61
Recommendations	64
Priority recommendations	64
Other recommendations	64
About ENEMO	69
List of abbreviations	70
Annex 1: Aggregated data on election results for both segments of the electoral system*	71
Annex 2: Information on the EOM	72



EXECUTIVE SUMMARY

The 24 February Parliamentary Elections were conducted, generally, in line with the domestic legal framework and most international standards, and provided voters with a wide choice of candidates at the national level and in most constituencies. Elections were, mostly, efficiently administered, and transparency was provided at the CEC level. The campaign was competitive, although tainted with personal attacks and accusations, and biased media coverage. However, the overall legal framework has a number of loopholes and shortcomings, especially with regard to voter control, misuse of administrative resources, abuse of office at the local and national level, media conduct, campaign finance, voter and candidate registration, and election dispute resolution.

Following an invitation from the Central Election Commission of Moldova, the European Network of Election Monitoring Organizations (ENEMO) deployed an International Election Observation Mission (IEOM) to observe the Parliamentary Elections that were held on 24 February 2019 in the Republic of Moldova. The Mission was composed of a Core Team of eight international experts, based in Chisinau, and ten long-term observers. The IEOM monitored and assessed the elections for compatibility with international practices and standards for democratic elections, and the national legal framework.

The 24 February elections were held against the backdrop of a public discontent with the high level of corruption, low trust in the electoral processes, state institutions, political parties, and the judiciary. International partners of Moldova have emphasized in continuity the importance of these elections for further democratization of the country.

These were the first elections in which Moldova applied a new, mixed system, with 50 MPs elected in a single nationwide constituency and 51 in single-member constituencies, through the first-past-the-post system. Legal amendments that led to the introduction of the mixed electoral system in 2017 were made in the absence of broad political consensus, while being strongly criticized by domestic and international stakeholders, as well as against the advice of the Venice Commission and OSCE/ODIHR.

Generally, the legal framework provides conditions for holding elections in line with most international standards for democratic elections. Amendments to the electoral law, partially reflect some previous recommendations of the Venice Commission and OSCE/ODIHR, as well as,

in relevant aspects, recommendations of ENEMO after 2016 Presidential Elections. However, many other recommendations remain unaddressed.

The performance of the Central Election Commission during the entire monitored election period and in the aspects observed has been mostly efficient and transparent. The CEC implemented the necessary activities for organizing the 2019 Parliamentary elections in line with the time-frame established according to the legal provisions and deadlines set therein.

Constituency Electoral Councils were open to observers and, mostly efficient. However, the conduct of CoECs was not always consistent, especially during the registration of candidates and the verification of the support signatures filed by candidates' nomination groups. Also, not all CoECs posted their decisions on time, on the CEC website, whereas many decisions from CoECs remained unpublished until the end of electoral period.

Precinct Electoral Bureaus (PEBs) were formed in due time and with an adequate number of members. 123 polling stations were established for voters residing abroad and 47 for voters from the left bank of the River Dniester. Election contestants criticized the decision for the establishment of the polling stations abroad and claimed that it was politically motivated. The criteria used by the Ministry of Foreign Affairs about the number and locations of polling stations to be established abroad were unclear. Representatives of the Ministry failed to attend the respective CEC session to address raised concerns.

The registration process of political parties/blocks for the national constituency was inclusive and managed professionally by the CEC, while the process of registration of candidates in single-member constituencies was burdensome and the verification of signatures was not always applied consistently. Additionally, late registrations, de-registrations and withdrawals posed additional challenges to candidate registration in single-member constituencies.

The overlap of candidate registration deadlines and eventual time for complaints on this matter with the start of the official electoral campaigning led to a number of candidates being registered as contestants, well into the campaigning period, thus not being able to use the full 30 days' timeframe for campaigning activities allowed by law. This problem largely impacted the electoral race, placing some contestants in a disadvantaged position.

The number of voters per polling station (PS) showed slightly different numbers and discrepancies among numbers of voters in main voter lists between the national and single mandate constituencies. Even though the given discrepancies in numbers are not substantial, they show the challenges faced by the CEC and other institutions to cope with the new electoral system and its specifics, as well as the need for an improved voter registration mechanism. Numerous interlocutors criticized the fact that changes made by voters in voter lists for previous elections are not adequately reflected in the SRV and that they need to correct the same information each time.

The election campaign was competitive and fundamental rights of association and speech were generally respected. However, allegations of misuse of administrative resources, vote buying, and pressure on public employees marred the campaign. The timing for the introduction of a number of measures by national and local governments, such as increase in salaries and benefits for various groups of society, infrastructure improvements, subsidies to different groups of citizens, new development projects, purchase of new public buses, etc., in the lead up to elections questions their true. Topics that were mostly tackled during the campaign were domestic ones, while geopolitical issues were less discussed and only by some contestants. Campaigning was mostly oriented toward issues of concern to the general population, while issues of concern to specific groups, such as gender equality policies, policies for youth, minorities or persons living with disabilities were almost non-existent.

The different legal time periods of campaigning for parliamentary elections and referendum allowed for referendum contestants that registered before the beginning of the electoral campaign for the parliamentary elections to use this period to promote the party, or some of its candidates, while campaigning for the referendum. Additionally, contestants that registered for the referendum could lead two parallel campaigns from separate campaign funds, yet not many contestants used this opportunity.

The regulatory framework for campaign finance underwent several amendments recently. Despite positive assessment of these amendments, other important areas identified in previous elections remained unaddressed, especially lack of effective oversight and comprehensive monitoring of campaign expenditures and sanctions for eventual non-compliance. The CEC lacks resources to monitor campaign activities in the field and check accuracy and completeness of submitted statements, which limits its oversight role considerably and goes against the spirit of the law.

Despite a relatively high number of media outlets, plurality of viewpoints is undermined by concentration of media ownership in the hands of few companies, owned by, or with close ties to politicians. Numerous interlocutors of the EOM have raised concerns about media bias, as well as about the fact that independent media struggles financially, which further decreases plurality.

The monitoring and sanctioning mechanism for broadcasters is inefficient and unsuitable for ensuring that the election campaign is properly covered and voters receive unbiased information. Combined with lack of independence of the most followed broadcasters and bias showed during the campaign this might have negatively affected the possibility of Moldovan voters to receive impartial information, as well as equity conditions for the contestants to access media.

Despite measures aimed at improving gender participation, the lack of an obligatory ranking of candidates from each gender in the national lists led to women being placed mainly in unwinnable positions. On a positive

note, the number of women MPs in the new parliament has increased to 25.75 percent, the highest number of women MPs since 1994. However, the number remains below 30 percent. Women were well represented in election management bodies, at all levels, including in leadership positions.

The number of voters in most newly established constituencies is not in line with the margins for number of voters prescribed in respective legal provisions (55,000 – 60,000 voters). Also, the law is not clear as to how should the 10 percent deviation be calculated, leaving space for different interpretations. However, ENEMO commends the decision for establishing single-member constituencies specifically for compact national minorities, such as the Gagauz and the Bulgarians.

In October 2018, the Constitutional Court of Moldova declared unconstitutional the deprivation from the right to vote of persons declared incapable by a court of law. Following the decision of the Court, the Parliament of Moldova amended the Election Code, removing the reference, as well as the wording of other articles referring to persons declared incapable by the court. However, efforts to improve participation of persons with disabilities in the electoral process are sporadic, while a structured and comprehensive strategy is lacking.

The dispute resolution mechanism is non-linear and rigid, and lacks a single hierarchical structure. The available mechanisms were insufficiently used by election stakeholders, among other reasons, due to reported lack of confidence in the impartiality of election administration, courts, and law enforcement bodies, and, apparently, due to lack of clarity and sufficient understanding of the complaints' resolution system.

Election Day was overall calm and peaceful. Procedures were followed properly in most of the observed polling stations, with occasional procedural violations, mostly related to improper positioning of cameras, overcrowded and/or improperly set up polling stations, inconsistent practice with regards to ballot boxes, and slight deviation for the counting procedures. ENEMO assesses that these violations have not affected the overall outcome of elections, nor the legitimacy of the process. However, organized transportation of voters, especially the ones residing in the left bank of the river Dniester, and allegations of vote buying, combined with many procedural loopholes on the voting and counting process are concerning and should be addressed by the CEC and the lawmakers.

ENEMO notes with concern that the ambiguous wording of the Regulation for the status of observers, as well as the prevention to make observations public on Election Day are not in line with international standards for democratic elections and leave space for restrictions to the rights of observers. 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.

No electoral contestant gained the needed number of mandates to form a government in the 24 February 2019 Parliamentary Elections. Four

parties/electoral bloc are represented in the new Parliament, Socialist Party of Moldova with 35 mandates; Democratic Party of Moldova with 30 mandates; the Electoral Bloc ACUM (composed of the political parties Party for Action and Solidarity and Party Dignity and Truth) with 26 mandates; and Political Party Sor with seven mandates. Three independent candidates, two of whom elected in the constituencies established for voters in Transdnistria and one in Cahul, became MPs, through single member constituencies. As to the date of publication of this report, no governing coalition has been formed yet and negotiations continue.

INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Central Election Commission of Moldova, the European Network of Election Monitoring Organizations (ENEMO) deployed an International Election Observation Mission (IEOM) to observe the Parliamentary Elections that were held on 24 February 2019 in the Republic of Moldova. The Mission was composed of a Core Team of eight international experts, based in Chisinau, and ten long-term observers, deployed throughout the country in five multinational teams of two. The EOM was deployed since the beginning of the election period and stayed in the country up to one month after Election Day.

The EOM monitored and assessed the overall environment in which elections were held, the performance of election management bodies (EMBs), candidates' registration, voters' registration, the election campaign, election related disputes and their resolution, and other crucial aspects of the process. The EOM did not engage additional short-term observers. Eight teams of observers, in teams of two, were formed from its members to observe the voting, conduct of precinct election bureaus (PEBs), tabulation of results, conduct of Constituency electoral councils' (CoECs), and the environment in and around polling stations (PS) on Election Day. The EOM observed a total of 112 polling stations in Moldova, as well as three polling stations established in Ukraine for Moldovan voters residing abroad¹.

1. The observation of the polling stations in Ukraine was made possible by the fact that ENEMO was running a parallel IEOM to this country for the 31 March and 21 April Presidential Elections. Long-term observers of the IEOM for the Ukrainian Presidential Elections volunteered to cover polling stations established for Moldovan voters residing there.

The IEOM assessed the electoral process for compatibility with international practices and standards for democratic elections, and the Moldovan legal framework. The mandate and scope of the IEOM was limited to the monitoring of the Parliamentary elections of 24 February 2019; the IEOM did not monitor the consultative Republican Referendum, which was held on the same day with the Parliamentary elections. However, selected aspects of the Referendum were observed and analyzed, to the extent that they affected certain elements of the elections.

ENEMO published an Interim Report², covering the period from the beginning of the election period until the initial deadline for CoECs to register single-member constituency candidates, and a Statement of Preliminary Findings and Conclusions³, two days after Election Day. This Final Report, analyzes and assesses the key aspects of the electoral process that the EOM has observed, as well as provides recommendations for improvement of the observed shortcomings.

ENEMO would like to express its gratitude to all interlocutors, representatives of public institutions; electoral management bodies, especially the Central Election Commission; election contestants; civil society, media, international community, and all other organizations, institutions and individuals in Moldova for their cooperation and support throughout the duration of the IEOM.

The International Election Observation Mission of ENEMO to Moldova for the 2019 Parliamentary Elections was made possible by the generous support of 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.

2. [Interim Report](#) of the EOM of ENEMO for the 24 February 2019 Parliamentary Elections in Moldova, 4 February 2019.

3. [Statement of Preliminary Findings](#) and Conclusions of the EOM of ENEMO for the 24 February 2019 Parliamentary Elections in Moldova, 26 February 2019.

I. BACKGROUND

Moldova is a parliamentary republic, with the legislative power vested in the unicameral 101 seats Parliament, executive power in the Government, and the President of the Republic as the head of the state.

Until 2014 (the last Parliamentary elections), the Parliament was elected for a four-year term through a proportional system, with electoral contestants presenting closed lists for a single nationwide constituency. The Electoral Code was amended substantially in July 2017, the major change being the introduction of a new mixed electoral system, under which the 24 February 2019 elections were held⁴. The legal amendments that led to the introduction of the new electoral system were made in the absence of broad political and public consensus, while being strongly criticized by domestic⁵ and international stakeholders⁶, as well as against the advice of the Venice Commission and OSCE/ODIHR.

The political landscape in Moldova has substantially altered since the 2014 elections, a change that was reflected in the composition of the Parliament at the end of the previous legislature, as well as that of the Parliament that resulted from the 24 February elections. A number of MPs⁷ from parties that entered the 2014 Parliament⁸ changed their party affiliation, resulting at the end of the previous legislature with the Democratic Party of Moldova (PDM) holding 23 seats more than it gained in 2014 elections, while all other parties lost at least one seat⁹. In addition, the public's discontent with the level of corruption, especially after the 2014 banks scandal and mass protests, has affected the creation of new, pro-European and anti-corruption movements, which led to the formation of two new political parties¹⁰, both of which ran in the 2019 elections under a single electoral bloc¹¹ and entered the new Parliament. Only two out of all parties that held seats in the previous Parliament are represented in

4. Under the current electoral system, 50 MPs were elected through proportional closed party lists, in one nationwide constituency, whereas 51 MPs in 51 single-member constituencies, through the first past the post system (FPTP). For more, see Section II. Legal framework and electoral system.

5. 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.

6. 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.

7. 38/101 MPs have changed their party affiliation from 2014 to 2018.

8. Five parties crossed the threshold in 2014 elections. The Parliament composition in 2014 was: Party of Socialists of the Republic of Moldova (PSRM), 25; Liberal Democratic Party (PLDM), 23; Party of Communists of Republic of Moldova (PCRM), 21; Democratic Party of Moldova (PDM), 19; Liberal Party, 13.

9. The Parliament composition at the end of the previous legislature was: Party of Socialists of the Republic of Moldova (PSRM), 24; Liberal Democratic Party (PLDM), 5; Party of Communists of Republic of Moldova (PCRM), 6; Democratic Party of Moldova (PDM), 42; Liberal Party, 9; European Peoples' Party of Moldova (PPEM), 9; Unaffiliated MPs, 6.

10. Party Action and Solidarity (PAS) and Party Dignity and Truth (DA).

11. Electoral Bloc ACUM ("NOW").

the new one, based on the results from the 24 February elections¹², while three parties formed after 2014 and three unaffiliated MPs hold the rest of the seats¹³.

Once a leading reformer among other Eastern European countries, Moldova has encountered democratic backslide, rampant corruption and economic stagnation. The unjustified annulment of the mayoral elections of Chisinau in June 2018 has led to strong reactions from both the domestic and international stakeholders. The perceived public lack of trust in the electoral processes, state institutions, political parties, and the judiciary increases the risk of further political instability. The perceived public lack of trust in the electoral processes, state institutions, political parties, and the judiciary increases the risk of further political instability.

The conduct of the 24 February elections, in line with international standards was considered crucial for the further democratization of Moldova, as stressed by many international partners of the country. The Resolution of the European Parliament on Moldova, from November 2018¹⁴ has especially stressed the importance of the 24 February Elections, among other elements. The interest of the international community was visible also by a relatively high number of international observers that monitored them.

In a move that was criticized by many domestic and international stakeholders¹⁵, on November 2018, the Democratic Party of Moldova announced the intention to present a legislative initiative to hold a consultative Referendum on the day of Parliamentary elections. Needed legal amendments to allow holding of a Referendum on the same day as Elections, which the Election Code previously disallowed, were made in November 2018, in a non-transparent manner¹⁶. The consultative referendum¹⁷, held on the same day as Parliamentary elections contained two questions, whether the number of MPs should be decreased from 101 to 61 and the weather citizens should have a possibility to revoke mandates of elected MPs. Five parties registered to participate in the Referendum¹⁸ and the referendum was in the end successful in terms of the needed voter turnout, whereas the options “For” had a larger percentage of votes on both questions.

12. PSRM, 35 seats and PDM 30 seats.

13. Party Action and Solidarity (PAS), 14; Party Dignity and Truth (DA), 12; Political Party Sor (PS), 7; and unaffiliated MPs, 3

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

15. Especially with regard to one of the questions in the ballot, revocation of the mandate of MPs. The Venice Commission has previously [commented](#) on a similar legislative amendment, later retracted by the Moldovan authorities, by advising against it as it was deemed to be against the Constitution of Moldova and not in line with international standards. The Constitutional Court of the Republic of Moldova has also ruled against such provision, on 19 June 2012.

16. The amendment was included in a package of amendments to several laws, mainly aimed at bringing the Moldovan legislation in line with the UN Convention on the Rights of Persons with Disabilities. While other amendments did focus on the rights of persons with disabilities, the amendment to paragraph 2 of Article 156 was not in line with the rest. [Law no. 238](#), date 08.11.2018.

17. Decision No. 332 of the Parliament of Moldova, 30.11.2018, on holding a Republican consultative referendum on 24 February 2019.

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

II. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The Republic of Moldova is party to key international treaties and conventions¹⁹. The Constitution 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 power²⁰. The legal framework on elections is constituted by the Electoral Code²¹ and regulations adopted by the Central Election Commission (CEC), as well as a series of other laws which are used to regulate selected aspects of the process²².

Generally, the legal framework provides conditions for holding elections in line with most international standards for democratic elections. However, the 24 February elections have revealed a number of shortcomings that should be addressed as soon as possible, including the candidate and voter registration, electoral campaigning and financing, misuse of administrative resources, voting procedures, unclear and incoherent complaints and appeals process, and other matters noted in this report.

In comparison to previous Parliamentary Elections, the legal framework on elections has undergone a series of fundamental amendments, the major being the change of the electoral system from a national proportional system to a mixed one. Under the previous electoral system, 101 MPs were elected through a national proportional system and closed party lists. The change of the electoral system was made in the absence of broad political and public consensus and despite concerns raised by international partners of Moldova, and international institutions, such as OSCE/ODIHR and the Council of Europe's European Commission for Democracy through Law (Venice Commission).

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 percent for political parties and 8 percent for electoral blocs. Despite the threshold being lowered with the amendments to the Electoral Code, it is still rather

19. 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.

20. Article 38 of the [Constitution of the Republic of Moldova](#).

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

22. Law on the State Automated Information System "Elections", Audiovisual Media Services Code, Criminal Code, Misdemeanor Code, Law on Political Parties, etc.

high in comparison to international practice. Candidates running for elections in the proportional segment of elections can be parties/blocks and socio-political organizations registered in line with the law²³, but not independent candidates. Regarding the majoritarian segment of the system, 51 MPS are elected through a first-past-the-post (FPTP) system in 51 single mandate constituencies, formed for these elections²⁴. Candidates for single-member constituencies 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 the candidate is running²⁵.

Other amendments to the electoral law addressed active²⁶ and passive²⁷ suffrage, financial incentives for women representation²⁸, holding of referenda²⁹, the political agitation during the electoral campaign³⁰, vote-buying³¹, electoral financial reports of the electoral subjects³² and donors' limitations³³.

Major changes introduced into the legal framework, such as the type of electoral system and the delimitation of the electoral constituencies, were adopted more than a year before the 24 February elections, which is in line with international standards³⁴. The amendments to the electoral law, partially reflect some previous recommendations of the Venice Commission and OSCE/ODIHR, as well as recommendations made by ENEMO after the 2016 Presidential elections. However other recommendations remain unaddressed, such as the first-past-the-post system³⁵, impossibility for independent candidates to run in the national constituency³⁶, threshold differentiation between political parties and electoral blocks³⁷, high thresholds³⁸, the "parity" formula for the remaining votes³⁹, lack of concrete legal time periods for a review process of the constituency delimitations⁴⁰, etc.

23. The list of 45 registered political subjects is available on: <http://www.justice.gov.md/pageview.php?l=ro&id=780&idc=212>

24. 48 districts were established in the territory of Moldova and three abroad (one district to the East of Moldova, one to the West of Moldova and one for the United States and Canada). Two of the 48 districts within Moldova were established for the territory on the left bank of the river Dniester and among the other 46 single-member electoral constituencies in the territory under the control of Moldovan authorities, 11 were established in the Municipality of Chisinau, 2 – in Balti city and 3 districts for the Autonomous Territorial Unit of Gagauzia and for Taraclia.

25. With the exception of candidates that ran in five constituencies (three formed for voters abroad and two formed for voters living on the left bank of the Dniester River), who are able to collect supporting signatures from any of the constituencies.

26. Article 13, paragraph 1 of the Electoral Code.

27. Ibid, Article 49, paragraph 1.

28. Ibid, Article 46, paragraph 4.

29. Ibid, Article 156, paragraph 2.

30. Ibid, Article 52, paragraph 10.

31. Article 181/1, paragraph 1 of the Criminal Code.

32. Article 43 of the Electoral Code.

33. Ibid, Article 41, paragraph 2.

34. Guideline II.2.b. of the [Code of Good Practice in Electoral Matters](#) of the Venice Commission

35. Paragraph 21 of the [Opinion no 907/2017](#) of the Venice Commission (CDL-AD(2018)008), date 19.03.2018.

36. Ibid, paragraph 23.

37. Paragraph 15 of the [Opinion no. 226/2002](#) of the Venice Commission (CDL-AD (2003)1), date 16.01.2003.

38. Paragraph 25 of the [Opinion no 907/2017](#) of the Venice Commission (CDL-AD(2018)008), date 19.03.2018.

39. Ibid, paragraph 26.

40. Ibid, paragraph 36.

Respecting the sovereign decision of the Republic of Moldova to choose any electoral system, ENEMO believes that the electoral system should be developed through a more inclusive process and adopted through a broader political consensus, to represent best interest of the voters.

The Government's Decision from 15 November 2017⁴¹ established new, 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 left bank of the Dniester River. 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 Single-member Constituencies⁴².

The Electoral Code is vague on the exact composition of the committee for the delimitation of constituencies, only mentioning the entities that can nominate members to its composition⁴³, but without mentioning the number of members for each of the categories or the selection process for representatives of civil society or academia⁴⁴. The final composition of the commission is decided by a decision of the Government, as are its Rules of Procedures, which gives the government excessive power over the committee. On the other hand, the Electoral Code is silent on the timeframe for reconsidering the boundaries of the constituencies.

In order to ensure non-partisan delimitation of electoral constituencies, the composition of the body that performs this function should be fully independent from the executive power. The timeframe for the reconsideration of boundaries of constituencies should be set out in the Electoral Code.

Legal provisions 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 percent⁴⁵, based on the number of voters in the voters list in each PS, during the last 2016 elections. Another important criteria while delimiting

41. 48 districts were established in the territory of Moldova and three abroad (one district to the East of Moldova, one to the West of Moldova and one for the United States and Canada). Two of the 48 districts within Moldova were established for the territory on the left bank of the river Dniester and among the other 46 single-member electoral constituencies in the territory under the control of Moldovan authorities, 11 were established in the Municipality of Chisinau, 2 - in Balti city and 2 districts in the Autonomous Territorial Unit of Gagauzia.

42. The National Commission for the Establishment of Permanent single-member 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 proposal to the Government on 30 October 2017.

43. Article 80, paragraph 2 of the Electoral Code.

44. Article 80, paragraph 2.j. of the Electoral Code.

45. Article 80, paragraph 4 of the Electoral Code.

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.

The outcome of constituency delimitation disregards provisions of the law. Generally, the number of voters in most constituencies is not within the margins for number of voters prescribed in respective legal provisions (55,000 – 60,000 voters). Also, the law is not clear as to how should the 10 percent deviation be calculated, leaving space for different interpretations. 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 elections⁴⁶. Moreover, according to official voter turnout in these elections, 84 percent of the total number of voters abroad voted in Constituency 50 (West from RM)⁴⁷. To that end, the voters' support to newly elected MPs representing abroad constituencies is highly disproportionate, ranging from 2,206 in constituency 51 and 3,614 in constituency 49, up to 49,955 in constituency 50, compared to an average "cost" of the mandate, of around 12,000 votes, at in-country constituencies⁴⁸.

Some of the main objectives that oriented the electoral reform, as were stated in the reports of the draft laws were: reducing the distance between elected representatives and their constituents; diversification of political leadership and improving the national decision-making process, a more fair representation of all citizens in the Parliament, including those from Transdniestria and those from abroad. Although it might be too early to measure whether such proclaimed objectives were achieved, the Parliamentary elections of 2019 show certain trends and conclusions that do not support the planned expected results of the change of an electoral system to a mixed one, or results that could not have been achieved through a less fundamental change, such as preferential voting.

Although the Parliamentary elections of 2019 have resulted with a number of new political figures into the Moldovan decision-making scene, it is hard to conclude that this was a result of the electoral system change, but rather a pre-composition of the Moldovan political scene, with a political downfall of certain political actors, such as liberals and communists and the emergence of new, mainly opposition parties. Based on the election results, the three main political factions (PSRM, ACUM and

46. In the second round of elections in 2016, the overall voter turnout in Europe (West from Moldova, Constituency No. 50) was around ten times higher than the voter turnout in the other two locations (Constituencies Nos. 49 and 51).

47. 7,747 in Constituency No. 49, 64,281 in Constituency No. 50, and 4,614 in Constituency No. 51.

48. The results for constituencies in Moldova were more consistent and representative, yet the "cost of a mandate" ranged from 6,634 votes in constituency No. 40, up to 22,018 votes in constituency No. 46.

PDM) achieved a similar election result in both the proportional segment of elections and across all single-member constituencies, whereas the fourth election contestant (Sor party) gained enough votes to pass the threshold through a previous, proportional system too.

In most single-member constituencies, voters voted for the candidate of the same party of their preference for the national constituency, and only three independent candidates managed to become MPs⁴⁹. When comparing the total number of votes received by political parties/blocks in single-member constituencies and the national one, there are only six constituencies that show different results, all in favor of PDM on behalf of PSRM⁵⁰. According to several interlocutors, this occurrence is not as much a result of a lower distance between the winning candidates and the electorate of named constituencies, but rather an outcome of several different factors, including the public presence of candidates and their previous political involvement, possible misuse of administrative resources and the use of FPTP voting system. While 10 percent of the votes were wasted in the national constituency (votes cast for contestants that did not pass the 6 percent threshold), more than 55% of total votes went to losing candidates in single-member constituencies.

Taking into consideration different factors regarding the fair representation of the abroad voters mentioned throughout this report, as well as issues concerning the voters from Transdniestria (moving many PSs for CoECs 47 and 48 to rather distant locations, organized transportation of voters from Transdniestria, combined with reports of vote buying, etc.), it is questionable whether this objective of the electoral reform was truly achieved.

If Moldova will keep the mixed electoral system, ENEMO strongly advises the decision-makers to analyze the effects of the new electoral system and especially the first-past-the-post system, and consider changing the system, if deemed necessary. FPTP should be assessed as to its true impact on the overall representativeness at the constituency level and the level of legitimacy that it provides to elected MPs.

49. Two of whom from Transdniestria, where most national parties have a limited access to voters.

50. In constituencies 3, 5, 6, 16, 40 and 42 PDM's candidates managed to achieve close victory over their opponents, primarily from PSRM, which had the largest number of votes for the national constituency in the same constituencies.

III. ELECTION MANAGEMENT BODIES

The election management structure in the Republic of Moldova is three-tiered, the Central Election Commission (CEC), Constituency Electoral Councils (CoEC), and Precinct Election Bureaus (PEB). The CEC is the highest body in the election management hierarchy. During the electoral campaign period, electoral competitors may designate one representative with a consultative vote in the electoral body that registered them, as well as in each hierarchically inferior electoral management body.

CENTRAL ELECTION COMMISSION (CEC)

The CEC is a legal person, whose mandate is five years, while CoECs and PEBs are established for each election. The CEC is composed of nine members, one of whom is appointed by the President of the Republic and the other eight by the Parliament, proportionally representing the parliamentary majority and the opposition⁵¹. **The performance of the CEC during the entire monitored election period and in the aspects observed has been mostly efficient and transparent. The CEC implemented the necessary activities for organizing the 2019 Parliamentary elections in line with the time-frame established according to the legal provisions and deadlines set therein.** During the electoral period, that started on December 10, CEC has held 46 sessions⁵². CEC sessions were held in a transparent manner and were open to media and the public, as well as observers, whereas all sessions were streamed live at CEC's webpage.

On Election Day, the CEC has provided frequent and regular updates on the conduct of voting to the media and public, while it has also provided preliminary results of elections shortly after the start of the counting, which has contributed to improved transparency of the process. **However, the preliminary results disclosed by the CEC for single-member constituencies only showed the three leading candidates' results and only at the CoEC level, what somewhat limited the full transparency**

51. Article 17, paragraph 6 of the Electoral Code.

52. 23 regular and 23 extraordinary sessions.

of the tabulation process.

The legislative role of the CEC is reflected in 33 CEC regulations⁵³ and 14 instructions⁵⁴ that additionally explain the Election Code and regulate certain procedural aspects of elections. Many changes to the existing regulations needed to be made for these elections, due to the latest legislative changes in Moldova and shifting towards a mixed voting system, which left a number of legal gaps and discrepancies between different norms of the Election Code. Besides, the CEC adopted some 500 decisions during the entire election period, most of which related to organization and administration of elections, whereas seven decisions were adopted with regards to adjusting the normative framework. **Certain CEC decisions were made rather late to ensure an adequate and uniformed application of the law**, some due to Court decisions that were made in the middle of election process and some due to unclear legal provisions and unexpected occurrences on election day.

The CEC should ensure that all disputed issues and questions that occurred during these elections are properly reflected in CEC regulations for all future elections, in order to ensure a timely and adequate information to voters, election contestants, and members of election management bodies. Where necessary, the CEC should also propose adequate legislative amendments to secure lawful and unified application of the law in future elections, in relation to reported ambiguities and discrepancies.

Complaints on decisions of CoECs and matters about financing of electoral campaigns are filed with the CEC⁵⁵. 86 complaints were filed with this body during the electoral period, almost half of which against CoECs decisions on candidate registration⁵⁶. The CEC has issued a decision on 45 cases, dismissing most complaints and approving, or partially approving 17⁵⁷. **CEC decisions on received complaints have been made within the legal deadlines and timely published on its website.**

CEC printed a total of 6,922,494 ballot papers for Parliamentary elections, or **3,461,247**⁵⁸ ballot papers for elections in single-member constituencies and the nationwide constituency each, through three contracted printing houses⁵⁹. The Election Code states⁶⁰ that ballot papers shall be printed no later than 3 days prior to elections in a quantity corresponding to the number of voters. However, the **total number of ballots printed by the CEC does not match the number of voters**

53. [Regulations adopted by the CEC.](#)

54. [Instructions of the CEC.](#)

55. Article 71 of the Electoral Code.

56. 16 complaints were filed by independent candidates.

57. See also Section XII. Complaints and appeals.

58. [Press Release of the CEC, on 24 February 2019.](#)

59. The three printing houses contracted by CEC for producing ballot papers were SE. "POLIGRAFIC", SE. F.E.-P. "Central Printing House" and Publishing House "Universul" SE. Today, at "Universul" Publishing House.

60. Article 54, paragraph 2 of the Electoral Code.

disclosed by the CEC⁶¹, whereas the number of different ballots delivered to each PS was also inconsistent⁶² and did not exactly match the number of voters in the designated PS, yet the difference in numbers was not high and the CEC explained such discrepancies by the fact that ballots are counted and packed manually by the employees of the printing house. However, even though there is no pattern that would suggest any intention behind the inconsistency between different numbers of ballot papers received by polling stations, as compared to the number of voters, it is clear that **the provisions of the Election Code⁶³ were not respected during the printing of ballots for 2019 Parliamentary elections.**

Furthermore, when analyzing the final results protocols, the total number of ballot papers received by all polling stations in all 51 CoECs for the majoritarian segment of elections was **3,448,103**, whereas the total number of ballots received by polling stations for the national constituency was **3,453,274**. In most cases, the total number of ballots received for different elections per each CoEC does not match and is normally higher than the number of voters in the main voter list of the same CoEC, but lower than the total number of voters (the number of voters in the main and supplementary lists combined). Some differences in numbers also occurred due to the fact that the CEC sent less than initially planned number of 5,000 ballot papers to polling stations abroad⁶⁴, in order to reduce unnecessary costs of sending ballots to those countries where a lesser number of Moldovan citizens presumably resides.

The CEC should ensure that the number of printed and distributed ballot papers for elections matches the latest available official number of voters. At the same time, the article 54, paragraph 2 of the Election Code should be amended to be more specific, perhaps to the number of voters in the voter registry on a specific date, since it is not possible to determine the exact number of voters living abroad, voters without any residence/domicile, or voters that live in Transdnistria.

The CEC has conducted a broad voter education campaign named “Democracy counts”⁶⁵, as well as numerous different motivational events for various groups of voters. Among different educational activities and involvement of the civil society organizations, thirteen election

61. The [Press release](#) of the CEC, of February 24, stated that the main voter list includes 2,802,148 citizens with the right to vote. CEC also stated in December 2018 that there were 3,265,997 voters in total, including the 210,890 with neither domicile, nor residence and 230,233 voters from Transdnistria.

62. In 25 percent of polling stations observed by ENEMO, the number of ballots received by PEBs for the nationwide constituency was slightly different to the number of ballots received for single mandate constituency.

63. Article 54, paragraph 2 of the Electoral Code.

64. The number of ballots that was to be sent to polling stations abroad was 615,000 (5,000 per each polling stations, for a total of 123 polling stations) for each type of elections, yet the total number of ballots received for each election was around 485,000.

65. An informational and voter education campaign conducted by the CEC, in collaboration with the Electoral Training Center and with the support of UNDP Moldova, which was conducted during 2018, involving different stakeholders and aimed at different target groups, including women, young people, persons with disabilities, national minorities, and others.

educational and motivational videos⁶⁶ were produced; most of them being broadcasted in the media throughout the election period. The Center for Continuous Electoral Training (CCET) was also involved in voter education and has established an informational call center for voters to consult on voting procedures.

ENEMO commends the efforts of the CEC and other relevant stakeholders to conduct voter education and motivation activities, especially due to significant changes in the election system.

CONSTITUENCY ELECTORAL COUNCILS (COECS)

The CEC established 51 Constituency Electoral Councils (CoECs) for Parliamentary Elections, in accordance with the election calendar. By law, CoECs are to be composed of an odd number of members - between 7 and 11 - of whom, at least 3 must have completed higher legal education or public administration education. Two members of CoECs are appointed by Courts and two by second-level local councils and by the Peoples' Assembly of Gagauzia for parliamentary elections. Other members are nominated by parties and other social-political organizations represented in the Parliament at the date of the establishment of each CoEC, one from each party. If insufficient, the remaining members are nominated by the CEC, from the Registry of Election Officials. ENEMO observers noted that the **majority of CoECs had either 9 or 11 members**, whereas some parliamentary parties did not nominate CoEC members at all, or only a limited number of members.

According to field data, there were around 70 replacements in all CoECs until Election Day. The most common reasons for replacements were outlined to be personal, mainly due to either lack of sufficient time, or health reasons. CEC used its Central Electoral Database to supplement CoECs with missing number of members, whereas some CoEC members were added by the CEC, even though they had the minimum number of members required by the law. Headquarters of the three CoECs that were established for the abroad voting and the two for voters residing on the left bank of the River Dniester were located in Chisinau. Similarly to the CEC, CoECs' sessions were also transparent and open to observers, as noted by ENEMO LTOs deployed throughout the country.

66. 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.

However, the **conduct of CoECs was not always consistent**, especially during the registration of candidates and the verification of the support signatures filed by candidates' nomination groups. Also, not all CoECs posted their **decisions on time, on the CEC website, whereas many decisions from CoECs remained unpublished until the end of electoral period.**

The support in trainings of CoEC members was provided by the Center for Continuous Electoral Training (CCET), a body founded by the CEC and regulated by the Election Code. The CCET has conducted numerous trainings for the participants of the electoral process, including members of CoECs and PEBs, registrars or operators of the State Automated Information System "Elections" (SAISE), police and court representatives, and other stakeholders. **The trainings of the CCET observed by ENEMO were well organized and professional.**

ENEMO would strongly suggest a certain level of professionalization of CoECs (at least three main positions of the Chair, deputy chair and secretary), whereas CoECs should also have legal capacity in order to conduct their work more responsibly and professionally, if CoECs are to keep as many authorities in conducting of elections.

The reasons and procedures for adding, or replacing CoEC members from the registry of election officials should be regulated in detail and not be based on the sole discretion of the CEC.

POLLING STATIONS (PS) AND PRECINCT ELECTORAL BUREAUS (PEB)

In total, **2,141 polling stations (PS)** were established for Parliamentary elections. Of these, 2,018 PSs were established in the country (1,971 PSs were established for constituencies 1 – 46 and 47 for voters living in the two constituencies located on the left bank of the river Dniester⁶⁷), whereas 123 polling stations were established for the three constituencies abroad⁶⁸.

Precinct Electoral Bureaus (PEBs) were formed in due time and

67. 22 polling stations for the Constituency No.47 and 25 for the Constituency No.48.

68. 27 polling stations for constituency no.49, 83 for Constituency no. 50, and 13 for Constituency no. 51

with an adequate number of members, yet not all Parliamentary parties that had the legal right to do so nominated their members to PEBs⁶⁹. Their places were filled with members from the CEC's Registry of Election Officials. Most PEBs informed ENEMO observers that they received adequate support and materials from relevant public authorities to conduct the preparation for the elections. Training of PEB members was also provided by the Center for Continuous Electoral Training (CCET).

ENEMO observers noted that many PEBs did not function properly during the first week after being established. Some PEBs stated that they did not have adequate premises (lack of heating and other technical resources) and therefore many of them were not present at the polling stations when visited by observers. Those that were at their premises were somewhat disorganized in the first days and the majority of the work was conducted by the Chairperson, Deputy Chairperson and Secretary of the PEB. However, many PEB members were in the field delivering notification letters to voters. Most visited PSs were not clearly marked and their numbers were not indicated in the first week that they were formed.

Compared to the 2016 Presidential elections, 25 additional polling stations were initially planned to be established abroad for Parliamentary Elections of 24 February⁷⁰, for a total of 125 polling stations. **The Ministry of Foreign Affairs and European Integration's decision on the number and locations of polling stations to be established abroad lacked transparency, as no arguments were provided about the locations and the number of polling stations.** Election contestants criticized the decisions and claimed that it was politically motivated, to prevent a number of voters abroad from participating in elections. No representatives of the Ministry attended the respective CEC session to address the raised concerns or explain the rationale for the decision. The final number of PSs established abroad was 123, as two polling stations⁷¹ could not be established due to legal limitations of the host country.

After being rejected by the Court of Appeals of Chisinau and the Supreme Court, two electoral contestants⁷² challenged the constitutionality of the Decision of the Government on the number of PSs for voters abroad, by two simultaneous complaints, but without success. The Constitutional Court ruled⁷³ 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.

69. Reports state that mainly PCR and LP did not nominate the sufficient number of PEB members.

70. 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 3,000 ballots, many PSs faced difficulties responding to the needs/interest of voters abroad.

71. Both located in Canada, respectively in Toronto and Montreal.

72. Party of Socialists of the Republic of Moldova and Electoral Bloc ACUM.

73. [Decision No. 11](#) of the Constitutional Court of the Republic of Moldova, 29.01.2019

After receiving information from the police that they were not able to provide adequate security for a number of polling stations formed for the voters from the left bank of the river Dniester, the CEC decided to **relocate 31 polling station further inland and form new PEBs, only 2 weeks before Election Day**. PSRM challenged this decision, claiming that it was an attempt to reduce the overall participation of citizens from Transdnistria. After being rejected by the Court of Appeals of Chisinau, PSRM unsuccessfully challenged this decision at the Supreme Court.

The decisions on location and number of polling stations to be established abroad should be taken in a transparent manner, based on clear and well-defined criteria. State institutions should present their election related decisions at open sessions of the CEC in order to be able to explain the reasoning behind their decisions to the CEC members and the public. During electoral periods, the CEC should be provided with adequate mechanisms to ensure full and timely compliance and cooperation from all relevant institutions.

IV. CANDIDATE REGISTRATION

All Moldovan Citizens eligible to vote and meeting the relevant provisions⁷⁴ of the Election Code have the right to stand for elections. Moldovan citizens who, due to the position they hold, are not entitled to be members of a political party or of a socio-political organization, as well as high-ranking officials whose appointment, or election is governed by the Constitution of the Republic of Moldova and/or by organic laws shall suspend their activity in office upon their registration as candidates⁷⁵. The same provision does not apply to the Prime Minister and Speaker of the Parliament, who were both candidates in the national constituency party list of PDM⁷⁶, without the legal obligation to suspend their activities to the official positions they held⁷⁷.

The Electoral Code⁷⁸ should prescribe that all public officials, including high-ranking officials, such as Prime minister and/or Speaker of the Parliament, registered as candidates, should suspend their activity in office while campaigning.

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 electoral system envisages registration of candidates for single-member 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. 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.

For the first time in Moldova, each individual candidate needed to obtain an Integrity certificate from the National Integrity Authority (NIA)⁷⁹ in order to stand for election. A number of candidates claimed that they did not receive this document within the legal deadlines and that

74. Per Article 13 of the Electoral Code, the following individuals cannot be elected: active duty military personnel; under-aged citizens; citizens deprived of the right to vote and/or the right to hold positions of responsibility by the final decision of the Court; individuals who are sentenced to prison by a final Court decision and who serve their sentence in a penitentiary institution, as well as individuals who have active criminal records for deliberately committed crimes.

75. Article 13, paragraph 3 of the Electoral Code.

76. The Prime Minister was also a winning candidate in the single-member Constituency no. 20.

77. CEC Decision No. 2349 based on the complaints issued by PSRM representative with the consultative voting rights to CEC.

78. Article 13, paragraph 3 of the Electoral Code.

79. The National Integrity Authority has declined the request of the IEOM for a meeting.

this mechanism represents an unnecessary administrative burden which can be abused in the future, if elections are not conducted in good faith. The previous practice in Moldova, as well as the usual practice of most countries, is that candidates with a criminal record, or unable to stand for elections for different reasons are deprived of this right based on a document normally issued by a relevant Ministry, or a court.

ENEMO believes that the integrity certificate is a mechanism that does not add any value to the integrity of elections and its contestants, while adding unnecessary administrative burden, and thus should be abolished as a practice, especially as the Election Code already stipulates that the Ministry of Internal Affairs, or the Ministry of Justice (besides NIA) should notify the electoral bodies about the existence of criminal records of any candidate.

CANDIDATE REGISTRATION FOR THE NATIONAL CONSTITUENCY

Parties and electoral blocs can submit candidate lists for the nationwide constituency; however, **independent candidates can only run in single-member constituencies, and not in the national constituency.** This restriction diminishes independent candidates' chances to be elected⁸⁰.

Within the legal deadline, fourteen political parties⁸¹ and one electoral block⁸² submitted their list of candidates for the national constituency to the CEC and were registered by the CEC, in an inclusive process. The registration of national contestants was mainly dependent on the adequate number of candidates (30-55), gender quota (min. 40 percent of both genders included in the list⁸³) and eligibility of each candidate within their electoral candidate lists (integrity certificate), which had to be verified by the CEC. By 31 January, all submitted lists were registered.

The CEC assigned the ranking in the ballot based on the date of submission of parties' candidate lists for registration⁸⁴. The total number of

80. See Paragraph 23 of the [Joint Opinion of the Venice Commission and OSCE/ODIHR](#) on the amendments to the Electoral System in the Republic of Moldova (CDL-AD(2018)08).

81. Democratic Party of Moldova (PDM); Communist Party of Moldova (PCRM); Socialist Party of Moldova, (PSRM); Political Party Sor; 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.

82. Electoral Bloc “ACUM”

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

84. If two or more contestants submitted their candidate lists on the same day, the ranking in the ballot was decided upon drawing of lots.

registered candidates in all 15 national lists was 632. The political parties and electoral blocks had a right to make amendments to their candidate list up to 14 days before election day. The number of replacements and/or changes in the ranking was insignificant⁸⁵.

The registration process of political parties/blocks for the national constituency was inclusive, transparent and managed professionally by the CEC.

The Election Code should provide for the possibility for independent candidates to run in the national constituency, besides being able to run in single-member constituencies, in line with international standards and recommendations⁸⁶.

CANDIDATE REGISTRATION FOR SINGLE MANDATE CONSTITUENCIES

Candidates for single-member constituencies had to form initiative groups, which needed to collect and submit supporting signatures from eligible voters from the corresponding constituency to the relevant Constituency Electoral Council (CoEC), in order to be registered⁸⁷. Each initiative group had to collect between 500 and 1,000 signatures for men and between 250 and 500 signatures for women candidates.

From 26 December 2018 to 4 January 2019, CoECs registered a total of 401 initiative groups for 400 candidates⁸⁸. The deadline for submission of candidacies and required supporting signatures was 24 January 2019.

The decrease in the number of needed candidate support signatures, as well as the elimination of previously burdensome and bureaucratic procedures is in line with previous recommendations of ENEMO⁸⁹, as well as the recommendations of the Venice Commission.

85. Some 6 replacements occurred due to withdrawal of candidates and 7 changes in the order of candidates on the lists.

86. Paragraph 7.5 of the 1990 OSCE, Copenhagen Document: “[The participating States will] respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”. See also Article 25, point 17 of the ICCPR and the General Comment 25 (1996) of the UN Human Rights Committee.

87. Initiative groups for candidates running in the three constituencies established abroad and the two constituencies established in Transnistria could collect supporting signatures from eligible voters from all constituencies.

88. 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.

89. ENEMO IEOM [Final Report](#) on the 2016 Presidential Elections in Moldova.

However, voters can only support one candidate during the supporting signatures collection⁹⁰, which restricts voters' freedom of association and might lead to disqualification of candidates⁹¹.

The Election Code should be amended to allow voters to sign for more than one candidate during the phase of collection of supporting signatures for candidates.

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 their completeness and accuracy of provided data against the official registry, using a combination of manual-visual check and electronic verification⁹².

CoECs' practice in verifying supporting signatures was not consistent and most of them applied rather strict rules for verification and individual entries of each supporter, which is at odds with international best practice for elections⁹³. In some cases, when the information on the front page of the sheet was not filled in completely and/or 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 person⁹⁴. There were also instances of invalidation of support signatures if the data of the supporter did not correspond exactly to the official data⁹⁵. The fact that new constituencies were formed for these elections and that collectors were not certain whether some addresses belong to the relevant constituency, combined with the need for all signatures to be systematized per administrative-territorial unit that they belong to and be placed on the same signature sheet, additionally led to a number of signatures being invalidated.

90. Paragraph 77 of the OSCE/ODIHR [Guidelines on Political Party Regulation](#), states that "in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party."

91. As voters can only support one candidate, this might lead to candidates believing, in good faith, that they have collected to the needed numbers of signatures and thus present the list. During the verification process, however, CoECs would accept a voter's supporting signature only in the list of the first candidate that presents it and disqualify the signature in subsequent lists. This might lead to candidates, especially the ones with fewer resources, who need more time to collect signatures, to drop below the threshold and thus, be refused registration.

92. 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. 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.

93. Guideline I.1.3.iii. of the [Code of Good Practice](#) in Electoral Matters of the Venice Commission.

94. 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.

95. Mistakes in names or address, usage of the Cyrillic alphabet, etc.

The regulations should be changed to allow candidates, or their initiative groups to correct at least technical mistakes made during the collecting of support signatures. Consistent verification procedures should be applied by different CoECs in the process of signature verification.

The overall number of support signatures deemed invalid was substantial, nonetheless many 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 denied registration, without the possibility to correct, or submit additional signatures.

One of the main challenges outlined by CoECs was that many candidates and their initiative groups were not familiar with relevant regulations for collecting signatures, which resulted in a high number of signatures being considered invalid. Contestants on the other hand complained about the verification procedures of CoECs being subjective and too harsh, especially as legal provisions do not allow any corrections to be made, nor supplementary signatures to be provided.

The rules for collecting signatures and verification rules should be simplified and better explained to candidates and their initiative groups.

CoECs had 7 days to register, or deny the registration of a candidate, whereas each candidate could appeal the CoEC decision to the CEC. The CEC received many appeals from nominated candidates against CoECs' decisions to refuse their registration, due to an insufficient number of valid 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 resolve eventual procedural shortcomings. In most cases, the CEC requested CoECs to re-examine the submitted signature sheets, and in most of these cases CoECs upheld their initial decision. A number of complainants appealed the CoECs' decisions on candidate registration denial directly to the courts. The duration of the entire appeal process was often excessively long, as last pending appeals were decided just a day⁹⁶, or several days before Election Day, thus limiting respective candidates' rights to equal passive suffrage and campaigning time, while also creating logistic difficulties for the process⁹⁷.

96. E.g., ACUM candidate in Constituency no. 4 successfully appealed her denial of registration by the CoEC in the Court of Appeal in Bălți, which obliged the CoEC to register her. The CoEC no. 4 appealed the disputed registration at the Supreme Court, which decided to nullify the decision of the Appeal Court. As the ballot papers for the single-member constituency were already printed the CEC decided to implement the Supreme Court decision by applying the stamp "Withdrawn" next to the name of the ACUM candidate.

97. Affecting the printing and distribution of ballot papers in respective single-member constituencies

According to the CEC, from four hundred initiative groups 39 did not submit support signature sheets, either returning blank sheets or failing to return the necessary documentation. Initially, the total number of registered candidates was 321 and 37 candidacies were rejected⁹⁸. However, after a lengthy process of appeals filed by applicants whose registration was denied, at least seven candidates⁹⁹ were additionally registered (after the official start of the campaign period, or even several days before Election Day), whereas five candidates withdrew before 24 February 2019 elections. Even though the CEC official statements indicated that 321 candidates registered for elections in single-member constituencies, according to the official election results protocols, the total number of candidates that received votes in all 51 single-member constituencies was 324 and among them 56 were independent candidates.

The process of registration of candidates in single-member constituencies was burdensome and the verification of signatures was not always applied consistently. Furthermore, the appeal process was lengthy, thus limiting the period for election campaign of successful candidates. It is not clear on what grounds some courts ruled in favor of the appellants, while in similar cases rejected the appeals of other candidates.

The position of candidates on the ballot for each single-member constituency followed the order of the registration date and time, the same as for the national constituency. Since candidates representing PDM were the first to collect signatures and therefore register in most 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.

The deadlines for verification of signatures should be shorter, whereas the last deadline for final decisions on candidate registration should be set to precede the date of the official start of the election campaign period, in line with international standards¹⁰⁰. Consequently, the order of candidates on the ballot paper could be determined by a lottery, right after the deadline for the final registration of candidates.

98. [Press release](#) of the CEC, date 1 February 2019.

99. Due to untimely and/or missing Decisions of some CoECs, it was not possible to assess the exact number, reasoning, and dates of registration of all additionally registered candidates.

100. Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) and Guideline I.1.3.v. of the [Code of Good Practice in Electoral Matters](#) of the Venice Commission.

V. VOTER REGISTRATION

Moldova uses a passive voter registration system. Citizens of Moldova of 18 years or older are granted the right to vote, except for those legally deprived of this right by a final court decision. The CEC maintains and updates a database of voters through a centralized State Registry of Voters (SRV)¹⁰¹, which is created using the State Population Register, administered by the Public Service Agency (PSA).

Moldovan citizens residing out of the country enjoy full voting rights under the Electoral Code¹⁰². Preliminary registration of voters abroad is possible, although facultative¹⁰³, both online and by submitting a written application to the CEC or to Moldovan embassies and consular offices. By the deadline of 9 January 2019, 24,480 Moldovan citizens used the opportunity to pre-register as voters abroad¹⁰⁴. Interest of voters abroad for these elections was high, as the number of those pre-registered was much higher compared to the number of pre-registrations for the 2016 Presidential elections¹⁰⁵. In order to better facilitate voting rights for voters abroad, the maximum number of ballots per polling station abroad was increased from 3,000 to 5,000¹⁰⁶, yet the number of ballots sent to each PS abroad was lower, due to a low number of citizens presumed to be living in some countries.

Only around a month prior to Election Day, the CEC clarified that voters abroad may vote only with a valid Moldovan passport, based on a decision¹⁰⁷ of the Constitutional Court and, contrary to the practice established in previous elections. The Electoral Code stipulates that voting in polling stations abroad is conducted upon presenting a passport of a Moldovan citizen for entering and exiting the country¹⁰⁸ for polling stations established abroad, thus leaving space for different interpretations. While responding to the Ombudsman's request for reviewing the constitutionality of the Electoral Code regarding the IDs for voters abroad, the Constitutional Court declared this request inadmissible, but at the same time stated that abroad voters should not be allowed to vote without a valid passport. The justification for the decision, among

101. The State Registry of Voters is a single, integrated information system for keeping records on Moldovan voters, designed to collect, store, update and review the data on Moldovan citizens who attain the age of 18 years and have no statutory prohibitions to vote.

102. Article 2, paragraph 3 of the Electoral Code.

103. Despite being facultative, the preliminary registration of voters is important as it is one of the criteria used by authorities when deciding on the number and location of polling stations to be established for voters abroad (Article 41, paragraph 4.c. of the Electoral Code)

104. Preliminary registration of voters from Transdniestria was also possible and 105 voters from Transdniestria used this opportunity.

105. The CEC reported that in the 2016 presidential elections, there were 3,570 preliminary registered voters.

106. Article 54 of the Electoral Code.

107. [Decision no. 5](#) of the Constitutional Court of the Republic of Moldova, date 14.01.2019.

108. Article 58, paragraph 3.c. of the Electoral Code.

other reasons, cites avoiding possible fraud, maintaining a link between the state and its citizens, and encouraging the possession of valid identity documents. Moreover, the Court stated that “*the disputed measure does not introduce disproportionate differential treatment, that it does not affect the essence of the right to vote and that the legislator has acted within its margin of maneuver permitted by the Constitution*”. **ENEMO deems that the timing of the decision might have prevented interested voters living abroad to exercise their right to vote, especially as the voting with expired passports was an established practice and, thus, voters might have expected it to be the case for these elections.**

The Electoral Code should be amended to specifically and clearly regulate provisions regarding proper identification documents that are to be used in elections, especially with regards to their validity. In any case, regulations on adequate IDs for voting should be developed and disclosed well in advance of elections to allow all interested voters to obtain the necessary and proper document/s.

According to the Public Service Agency, the number of voters with expired Moldovan passports was 58,454 as of 4 January 2019¹⁰⁹. The CEC also stated that in the second round of the 2016 Presidential elections, in fact only 175 voters of 138,350 who voted abroad identified themselves with expired passports, according to the SAIS E¹¹⁰. However, information regarding the validity of the identity documents is not among the information that the SRV should contain, as per the Electoral Code¹¹¹. Therefore, the issue whether and on what grounds SAIS E contains such data is rather unclear¹¹². In addition, according to the CEC report from 2016 Presidential Elections, there were in total 409,791 registered voters in possession of expired passports as of 13 October 2016, both domestic and abroad. **Public dispute about the lack of possibility of abroad voters to vote with expired passports and number of potentially affected voters remained one of the contentious issues of the 2019 parliamentary elections.** In the end, the total number of voters participating in the 2019 elections abroad reached 76,642, a level similar to voter turnout in previous 2014 parliamentary elections (73,311), yet almost two times lower than during the second-round of 2016 Presidential elections.

109. However, the number of Moldovan citizens with expired passports was established exclusively for Moldovan citizens that officially emigrated.

110. [Press release](#) of the CEC, 18 February 2019.

111. Article 42, para 3 of the Electoral Code lists the data that SRV should contain about each voter, including but only the series and the number of a document, together with the other relevant data (name, surname, address, etc.)

112. The IEOM asked the CEC through an official letter as to how was the number of citizens that voted abroad for the 2016 elections calculated, but the received answer was rather evasive, and it did not contain any details.

Since the Electoral Code provides full voting rights for the Moldovan voters abroad, the Government should increase its efforts to facilitate their active suffrage. This could be achieved through different instruments of out-of-country voting, such as by-mail voting, as well as providing more efficient mechanisms for abroad voters' identification, similar to the ones available to in-country voters.

The new electoral system, with recently established boundaries of single mandate constituencies in combination with organizing of consultative referendum brought additional challenges to the voter list design and implementation of voting of specific groups of the electorate. For these elections, the CEC needed to adopt a sample design for the main and supplementary voter lists for three types of polling stations: inside the territory of the country, abroad, and the polling stations designated to voters residing in Transdnistria¹¹³. Voters who reside on the territory of a precinct, but not included in the main voter lists can be entered on a supplementary voter list upon presenting an identification document confirming their place of residence within the respective precinct, and/or an absentee certificate. In single-member constituencies, only absentee certificates from the same constituency are accepted by the law. Nevertheless, the assignment of voters to election precincts within boundaries of new single mandate constituencies represented a new challenge in the process of updating and compiling voter lists within the new electoral system.

The regulations also addressed issues of **voting for specific categories of voters** and possibility to exercise their right to vote for the nationwide and/or single-member constituency. Voters with both a domicile and a place of residence, had to vote in their place of residence. Students having the right to vote, attending an education institution in a locality where they did not have their domicile or residence, were able to cast ballot for the national constituency at any polling station opened in that locality, but not for the single-member constituency. Voters in military service, detainees, prisoners, patients or voters with absentee voting certificate were able to cast a ballot for the national constituency, but were not entitled to receive a ballot for the single-member constituency, unless their residence or domicile was located within the respective single-member constituency.

On 10 December 2018, the CEC announced that there were 3,265,997 voters in the State Registry of Voters, including 210,890 voters¹¹⁴ that have neither domicile, nor place of residence in the Republic of Moldova and 230,233 voters with residence in the administrative-territorial units

113. Various voter lists differed in having one space for voters to sign in for receipt of referendum ballots, and either one space for signing in for two parliamentary ballots, or separate space to sign separately for each of the two parliamentary ballots for national constituency and for single-member constituency.

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

on the left bank of the Dniester River. At the moment of printing of voter lists, the CEC stated that 2,812,490 voters were included in the main voter lists of polling stations in the territory of the Republic of Moldova and 373 voters were included in the main voter lists for polling stations established abroad. The printed voter lists were sent by the CEC to the local public administration authorities and diplomatic missions or consular offices mainly within legal deadline of at the latest 22 days before Election Day. Voter lists were available for verification by voters at the premises of PEBs and on the website of the CEC. Voters requested corrections in case of discrepancies or mistakes in personal data, or omission from the voter lists, up to one day before the Election Day. **Numerous interlocutors criticized the fact that changes made by voters in voter lists for previous elections are not adequately reflected in the SRV and that they need to correct the same information each time.**

Changes introduced in voter lists and complaints regarding voter lists' data should be examined thoroughly after each election to provide solid basis for a continuous voter list update.

However, the number of voters per PS/CoEC, based on election results' protocols showed slightly different numbers and discrepancies among numbers of voters in main voter lists between the national and single mandate constituencies¹¹⁵. The results show a total of 2,803,519 voters enlisted in the main voter list for the national constituency and 2,802,875 voters enlisted in the main voter lists for all constituencies (PSs), which is around 9,000 voters less than the number of voters provided by the CEC on the day of printing of voter lists. Similar differences in numbers were noticed in supplementary voter lists as well¹¹⁶. **Even though the given discrepancies in numbers are not substantial, they show the challenges faced by the CEC and other institutions to cope with the new electoral system and its specifics, as well as the need for an improved voter registration mechanism.**

In the period prior to elections, **citizens in Moldova had facilitated access to obtaining new ID cards or temporary ID documents.** In the period from 24 December 2018 to 22 February 2019 the authorities issued 41,860 ID cards and 3,350 temporary ID documents¹¹⁷. Voters with expired ID cards were given the possibility to request temporary ID documents and those were issued free of charge, even on Election Day. According to the CEC report on 2019 parliamentary elections there were 2,915 voters who voted with temporary identification documents.

115. There was a difference of 644 voters in the main voter lists between all single-member constituencies and the national constituency.

116. 148,590 for single-member constituencies and 155,570 for the national constituency.

117. Public Service Agency reported that of 1,363 registered voters in penitentiary facilities, 621 requested temporary documents that would allow them to vote in the 2019 parliamentary elections.

On Election Day, there were 155,570 voters on the supplementary voter lists for the elections for the national constituency and 148,590 voters on the supplementary voter lists in all 51 constituencies., mainly voters that are not included in the main voter lists. **While positively assessing the efforts of the authorities to facilitate provision with documents for in-country voters, ENEMO notes that mechanisms for obtaining free of charge, or certain type of temporary identification documents were not put in place for voters residing abroad.**

On Election Day, the CEC used the **State Automated Information System “Elections”** (SAIS E) as an online voter verification system. Data operators were deployed at each polling station, checking identity of voters against nationwide voter database, entering those who voted in the database and having the possibility to determine whether a voter has already voted. In addition to providing safeguards against multiple voting, the SAISE served for the transmission of voter turnout data and preliminary election results to be published online on the CEC website.

The quality of the State Registry of Voters has been questioned repeatedly by some interlocutors, as the growing numbers do not match demographic trends observed in the Republic of Moldova. Besides the abroad voters, difficulties to remove deceased persons in general and, especially those from abroad, without proper documentation, remains one of the main reasons for this discrepancy, according to many interlocutors.

To increase the quality of voter registry, the Government should simplify the system of reporting deaths and citizens’ change of residence, while introducing adequate mechanisms to motivate, or oblige citizens to report all relevant changes of data contained in the SRV/SPR in a timely manner, especially their residence.

VI. CAMPAIGN ENVIRONMENT

The Election Code provides for fair and equal conditions for all contestants to participate. **The election campaign for the 29 February elections started on 25 January, although a number of activities of many election contestants conducted before this date can be categorized as early campaigning activities. The campaign was competitive and fundamental rights of association and speech were generally respected.** However, isolated cases of harassment or even attacks against candidates or their property, especially in the first days of the campaign; unequal access to public facilities for campaign activities to mainly opposition candidates in some municipalities, without proper justification; or attempts to disrupt campaign activities of opposition candidates were observed. **Allegations of misuse of administrative resources, vote buying, and pressure on public employees marred the campaign.**

The different legal periods of campaigning¹¹⁸ for parliamentary elections and referendum allowed for referendum contestants that registered before the beginning of the electoral campaign for the parliamentary elections to use this period to promote the party, or some of its candidates, while campaigning for the referendum. The Democratic Party of Moldova (PDM) used this opportunity to promote both the party and individual candidates, as many single-member constituency candidates of this party appeared in posters and billboards promoting the referendum in early January, approximately three weeks before the start of the campaign for the parliamentary elections. Additionally, contestants that registered for the referendum could lead two parallel campaigns, starting 30 days before elections, from separate campaign funds, yet not many parties used this opportunity. Two parties¹¹⁹ - the Democratic Party and the Party of Communists - registered as Referendum participants almost one month before the official start of the parliamentary electoral campaign, but only PDM conducted a highly visible campaign.

Furthermore, a number of candidates and parties used the end-year holidays' period for activities that can be considered as self-promotion, by

118. Referendum contestants can start campaigning for the referendum as soon as they register.

119. Out of the 5 registered referendum contestants, two parties - PDM and PCRM registered for Referendum on 28 December 2018 and the other three parties on 26.01.2019.

120. [1990 OSCE Copenhagen Document](#).

organizing various events and distributing minor presents and materials to citizens. **Certain activities of public officials during the pre-campaign period may also be categorized as a direct, or indirect campaigning.**

A number of measures, such as increase in salaries and benefits for various groups of society, infrastructure improvements, subsidies to different groups of citizens, new development projects, etc., were introduced or publicized in the lead up to elections. **ENEMO assesses that the timing for the introduction of such measures during the electoral period questions their true purpose and blurs the line between the party and the state, which is at odds with paragraph 5.4 of the Copenhagen Document¹²⁰.**

The legal framework should be amended to clearly define campaigning activities, so that early campaigning can be identified and properly prevented, thus ensuring equality of conditions for all contestants.

The legal deadline for submission of documentation for candidate registration is only one day before the first day of official campaigning period. Considering the time window of seven days for CoECs to decide on registration or refusal of registration for candidates and time needed for eventual complaints and appeals in case of a registration refusal, some candidates can be registered much later and, thus, be unable to start campaigning at the same time as others. **This overlap has led to a number of candidates being registered as contestants well into the campaigning period, with some registrations and/or deregistration's happening as late as several days before Election Day, thus not being able to use the full 30 days' timeframe for campaigning activities allowed by law.** This problem largely impacted the electoral race, placing some contestants in a disadvantaged position, **at odds with paragraph 7.6 of the Copenhagen Document¹²¹.**

The legal framework should be amended to ensure that the electoral campaign may not start before the registration of candidates is completely finished, so that all candidates can fully avail from the campaign period.

Following amendments to the Election Code on November 2018¹²², which have removed the electoral silence period, contestants could campaign on the day before and Election Day itself, except for the entrance and inside polling stations. However, campaigning on the day before and Election Day itself was not very visible¹²³.

121. Ibid.

122. Law no 268, date 23.11.2018 "[On amending some legislative acts](#)."

123. Election contestants that were observed to be most active on Election Day were the Democratic Party, Party of Socialists, and Political Party Sor.

The campaign can be described as mildly intense, and characterized by a moderate interest of voters in political events and candidates, five contestants being the most visible¹²⁴. As Election Day got closer, the intensity and use of smear campaigning¹²⁵ increased. Contestants used different campaigning strategies including canvassing, rallies and concerts¹²⁶, meetings with the community, and personal meetings between voters and candidates, billboards, leaflets, social media, internet and TV ads.

Topics that were mostly discussed during the campaign were domestic ones, mostly related to social-economic issues, such as improvement of infrastructure and living conditions for citizens, increase of salaries and pensions, employment, etc. Fight against corruption and organized crime was also a much-discussed topic, especially by the opposition parties. Geopolitics was not a very discussed topic during the campaign, with exception of the Party of Socialists and some smaller parties.

Campaigning was oriented towards issues of a concern to the general population, while issues of concern to specific groups, such as gender equality policies, policies for youth, minorities or persons living with disabilities were almost non-existent. ENEMO noticed that many single-member constituency candidates tackled local issues in their campaigning agenda, but often those of competence to the local government, which hints to an inadequate understanding of the competencies of MPs, vis a vis that of the local officials, by both candidates and voters, which could have derived from the introduction of the new mixed system.

Several allegations were made about pressure on voters, especially on public employees¹²⁷ to participate in campaign events of the parties in power at the local and/or national level. Observers have also noted cases of harassment, verbal and physical attacks or attack to property¹²⁸ against election candidates and damaging of campaign materials¹²⁹. Overall, these were relatively isolated cases, despite their gravity.

Breaches to the legislation with regard to posting of campaign materials in non-designated¹³⁰ areas were observed by ENEMO throughout the country, and certain electoral contestants also breached campaign

124. Democratic Party, Party of Socialists, Electoral Bloc ACUM, Political Party Sor and, to a limited degree Our Party, especially in the North of the country.

125. Derogatory leaflets were distributed against one of candidates in the single-member Constituency 10; pictures, allegedly of the Chairwoman of the Party for Action and Solidarity, suggesting homosexual tendencies were distributed online, etc.

126. Mostly conducted by PSRM and the Political Party Sor.

127. Several activities of PDM, especially the ones in which high officials of this party participated, took place inside state institutions and/or during working hours and state employees on several occasions have participated in these activities in their working uniforms.

128. E.g., attack against the candidate of the Electoral Bloc ACUM in Constituency no. 3, in Edineț of 27 January in front of the police station; setting on fire of the car of the son of PDM's candidate in Balti on 29 January; verbal attacks and prevention to campaign of the Electoral Bloc ACUM candidate in Constituency no. 18, Valeriu Monteanu on 26 January; verbal attacks and interference with a candidate of the Electoral Bloc ACUM in Constituency no. 33, in Bacioi village on 18 February, during a rally, etc.

129. In Constituencies Nos. 1, 9 and 10.

130. Posters on lamp-posts in Constituency No. 4; fences in constituencies Nos. 3, 9 and 10; entrance of government institutions in constituencies Nos. 1, 4, 5, 6 and 18.

provisions by placing promotional posters on public transportation vehicles and in some regions. The activity of local authorities regarding removing those materials was slow and sometimes even non existing. A number of candidates have also complained of unequal access to public spaces for campaign meetings¹³¹.

The Election Code forbids use of administrative resources for campaign purposes, but no specific sanctions are provided for the breach of this provision. Misuse of administrative resources for campaign purposes and third-party involvement were in continuity denounced by political contestants, throughout the campaign, whereas a dozen of complaints were filed with the CEC in this regard. Some of them even resulted with CEC's reaction, including the notice made by the CEC to the President of Moldova to refrain from involving in the campaign. Certain interlocutors also complained to ENEMO observers about different candidates and charity foundations linked to them offering goods and services to voters, especially the social shops linked to the Political Party Sor, as third-party involvement and voter influence mechanisms. ENEMO observers have noticed several instances of possible misuse of administrative resources during the campaign¹³², including campaign meetings of candidates inside state institutions during working hours¹³³, state employees attending party candidate meetings during working hours, even wearing their uniforms and other.

The lawmakers should establish clear legal provisions and mechanism for addressing complaints about misuse of administrative resources and third-party involvement, including appropriate sanctions for eventual perpetrators.

ENEMO observers, as well as local observers reported on series of cases of **transportation of voters from Transdnistria on Election Day**, encompassed with suspicions of possible influence on voters. At the same time accusations of vote buying continued to be widespread across the country. Such allegations should alert authorities, who should take needed measures to corroborate the claims and put perpetrators in front of justice, while also taking a more proactive approach in tackling this phenomenon. Allegations of vote buying contribute to the already low trust in institutions and jeopardize the integrity of the electoral process. **Mistrust in state institutions, in general, and the judiciary,**

131. ACUM candidate in Constituency no. 19 wasn't allowed to have a meeting with voters in the culture house in Step-Soci; independent candidate Kunev, in Constituency no. 44 was refused to rent the culture house in village Tvardica by the mayor of the village; the candidate of the Political Party "Our Party" in Constituency no. 10 was not allowed to post campaign materials on an advertising board outside the village mayor's office, etc.

132. At the town hall of the village Varnita observers noticed campaign materials for the candidate of PDM in Constituency no. 34; the headquarters of the Political Party Sor in Orhei were located in the same building of the town hall, although with a different entrance; in Constituency no. 5, Glodeni, the mayor of the village Braniste was involved directly in campaigning for the candidate of PDM; PDM candidates were advertised inside municipal buildings in Riscani (Constituency no. 4) and Briceni (Constituency no. 1).

133. E.g., in Balti, Step-Soci; Ceadir Lunga, Comrat, Budjak, Kirsovo, Orhei, Riscani, Briceni, Glodeni. Comrat, Otaci, Hincesti etc.

in particular, has been one of the most common reason provided by interlocutors of the EOM for failing to file complaints or denounce these allegations with the relevant authorities.

Some 11 complaints were filed with the CEC regarding alleged misuse of public assets for electoral purposes¹³⁴, 11 complaints were filed regarding use of undeclared funds by electoral contestants¹³⁵, 4 complaints regarding premature electoral campaign by electoral contestants¹³⁶ and, at least 4 complaints regarding alleged vote buying¹³⁷. Most of these complaints were transferred to CoECs and, in few cases, were taken into consideration by the CEC¹³⁸. At least sixteen complaints on matters related to campaigning were filed with first instance courts¹³⁹. Almost all these complaints have been rejected or declared inadmissible. Several of them were followed in the courts of appeals and, five, up to the Supreme Court.

134. Complaints nos. 50, 51, 59, 60, 62, 64, 67, 68, 69, 70 and 74.

135. Complaints nos. 10, 12, 16, 19, 61, 63, 65, 66, 73, 76 and 78.

136. Complaints to CEC for premature electoral campaign: nos. 9, 10, 11 and 12.

137. Complaints nos. 57, 58, 72 and 77.

138. The Liberal Party (LP) and Political Party Shor filed two separate complaints with the CEC regarding the activity of the President of Republic considering it a third party, undeclared support and misuse of administrative assets of the Presidency in favor of PSRM. They requested deregistration of the electoral contestant PSRM from elections. The CEC warned the PSRM, thus accepting the claims of the complainants and the presented arguments, while notifying the President to avoid further interference in the campaign. The complaint was filed with the Court of Appeals of Chisinau, which found it ungrounded, reasoning that the registration of election contestants could be requested by the CEC and not by other contestants.

139. Use of administrative resources, campaigning before the official start of the electoral campaign, use of similar symbols by other electoral contestants (all cases filed by PSRM), and use of national symbols while campaigning.

VII. CAMPAIGN FINANCE

The regulatory framework for campaign finance underwent several amendments recently, including the **enhancing of reporting requirements for electoral contestants and initiative groups, decreasing donation limits, strengthening control by requiring all financial transactions to go through special bank accounts opened for election funds, and including the reporting on in-kind contributions**. Despite positive assessment of these amendments, other important areas identified in previous elections remained unaddressed, especially **lack of effective oversight and comprehensive monitoring of campaign expenditures¹⁴⁰ and sanctions for non-compliance**. **The oversight of campaign finance by the CEC was insufficient to ensure accountability of contestants and transparency of campaign finance**.

Initiative groups and campaign activities are financed from contestants' funds and donations. In addition, contestants can apply for interest-free loans from the state, which are cleared, partly or fully based on the number of votes a contestant receives¹⁴¹. Funding from foreign legal persons or individuals; public institutions, state funded and/or owned entities, or those that have received public funding in the previous year; anonymous sources; non-commercial organizations; trade unions; charity or religious organizations is prohibited. In addition, Moldovan citizens cannot finance contestants with funds not earned in Moldova¹⁴².

ENEMO considers the prevention of Moldovan citizens to finance political parties from earnings derived from working abroad is excessive and a restriction to the freedom of association, and should be reconsidered, while developing mechanisms to prevent possible frauds.

The Central Election Commission is a responsible body in charge of oversight of political party and election campaign financing. Initiative groups supporting single-member constituency candidates and election contestants were obliged to open special bank accounts and submit weekly financial reports on sources of campaign funds and campaign expenditures, or inform the CEC that they would not incur financial

140. ENEMO IEOM [Final Report](#) on the 2016 Presidential Elections in Moldova.

141. Article 40 of the Electoral Code.

142. Article 41 of the Electoral Code.

expenditures. The CEC provided transparency by posting timely the submitted financial reports on its website. **A very high number of initiative groups supporting independent candidates did not open special bank account for the initiative group and did not inform the CEC about not having incurred any financial expenditures during the period of nomination and collection of support signatures¹⁴³.**

Political parties running in the elections and registered candidates in single-member constituencies were required to open a special bank account and all financial transactions, including donations, had to be made through this account. If contestants did not incur any financial transactions during the campaign, there was an obligation to notify the CEC about this fact. **All contestants, except for one opened the designated bank account for electoral funds¹⁴⁴. As for independent candidates, 33 of them opened bank accounts, while six informed the CEC about not opening bank account with commitment of not having campaign expenditures. The remaining 17 independent candidates did not open Electoral fund bank accounts and failed to inform the CEC about not having campaign expenses.**

Political parties registered as election contestants regularly submitted weekly financial reports and a final report two days before elections. In cases of delays or non-compliance, the CEC issued a warning, providing 24-hours for submission of reports or statement of not having financial expenses. However, the situation of 17 independent candidates not fulfilling this obligation remained unchanged and the only sanction applied by the CEC for non-compliance was issuing a **warning. The submission of the final financial report two days before Election Day is inconsistent with the new provisions allowing campaigning on Election Day and the day preceding it.**

Final financial statements of electoral funds should be submitted after Election Day, to include costs incurred for campaigning on Election Day and the day preceding it, as well as payments of candidate representatives in polling stations. However, in order to enhance the transparency of election campaign financing, a pre-final report should be published on the day before Election Day, including financial details to that date

Overall, the CEC provided for transparency by timely publishing campaign finance reports and checking the financial statements submitted by electoral contestants against bank transactions. **However, the CEC lacks resources to monitor campaign activities in the field and check accuracy and completeness of submitted statements, which limits its oversight role considerably and goes against the spirit of the law.** The

144. In a specific case, political party The Movement of Professionals "Hope" informed the CEC that bank did not allow them to open an Electoral Fund account, due to a decision by the State Tax Service.

CEC was rather passive in addressing possible violations of candidates and/or political parties and acted mainly after some allegations were brought to its attention by electoral contestants. On the other hand, observation reports of domestic organizations¹⁴⁵ showed a significant amount of under-reported, or unreported revenues and expenditures.

Campaign finance regulations and their implementation require a thorough overhaul to allow the CEC, in cooperation with other relevant institutions, to establish a robust, functional and efficient system of campaign finance oversight, including effective sanctions for cases of non-compliance.

In addition, the CEC must be supported with means and resources to effectively oversee campaign finance, or a separate body may be formed under CEC, comprising of financial experts from different institutions/organizations for the election period, to allow CEC to implement oversight and eventual sanctions accordingly.

145. According to the [Final Report](#) by Promo-LEX, which conducted a comprehensive campaign financing monitoring there was a significant amount of unreported revenues and expenditures during the signature collection by the initiative groups and campaign activities by election contestants. The largest share of unreported expenditures was related to public events of signature collection, rent of campaign venues, remuneration of campaign workers and party/candidate observers.

VIII. MEDIA

The Moldovan legislation, in general, provides a good framework for the freedom of expression and freedom of press. Legal requirement for media coverage of election campaigns, which includes the obligation of media to provide fair, balanced and impartial coverage and equal conditions for paid advertising, are set out in the Electoral Code. The conduct of broadcasters is regulated by the newly adopted Code for Audiovisual Media Services¹⁴⁶ and the relevant regulations of the Central Election Commission. The CEC adopted the Regulation about media conduct for covering the election campaign for the 24 February 2019 elections, ten days into the election period¹⁴⁷.

Despite a relatively high number of media outlets, plurality of viewpoints is undermined by concentration of media ownership in the hands of few companies, owned by or with close ties to politicians. Numerous interlocutors of the EOM have raised concerns about media bias, as well as about the fact that independent media struggle financially, which further decreases plurality. Attempts to diminish ownership concentration through amendments to the Audiovisual Broadcasting Code in February 2016, limiting the number of broadcasters that a single person can own to up to two TV channels and two radio stations, have yielded limited results, as ownership was transferred to companies/individuals with links to the former owners.

Internet has a high penetration rate and, according to many opinion polls, is the second most important medium for political news. Internet and social media have been largely used by contestants during the election campaign. Online disinformation and fake news was a concern raised by many interlocutors and confirmed by the social network Facebook, which on 13 February 2019 has announced taking down a network that engaged in coordinated inauthentic behavior¹⁴⁸ - a coordinated attempt to mislead voters - and use of divisive narrative¹⁴⁹. Facebook's move came after a local domestic organization notified it. According to Facebook, some of the identified fake accounts were linked to employees of the Moldovan government.

The most influential medium, as well as main source of information for political news, is television, followed by internet (online portals and social media) and radio. The conduct of broadcasters is supervised by

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

147. [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.

148. 168 Facebook accounts, 28 Facebook pages and eight Instagram accounts were removed.

149. Facebook Newsroom, Removing Coordinated Inauthentic Behavior From Moldova.

the Audiovisual Coordinating Council (CCA), which is a permanent body, whose members are appointed by the Parliament for a six-year term. The independence and impartiality of CCA members was questioned by many interlocutors of the EOM. There is no state institution in charge of monitoring the conduct of print and online media, but complaints about their conduct can be filed with a court of law.

Fourteen complaints related to early campaigning, coverage of elections by broadcasters, misconduct, or other matters related to coverage of political topics, were filed with CCA by contestants since the beginning of December 2018. CCA has rejected most of the complaints as ungrounded¹⁵⁰, including the ones related to early campaigning, while it has satisfied four, by sanctioning two TV channels for failing to ensure impartiality and balance¹⁵¹. Sanctions that the CCA issues to broadcasters for violations of the campaign coverage rules, as well as other violations, may vary from issuing a public warning, to revocation of the broadcasting license, with various degrees of financial penalties in between.

Since the start of the election campaign, the CCA also conducted monitoring of campaign coverage by 13 TV channels¹⁵². Besides being limited in the number of monitored broadcasters, the monitoring was also limited to news broadcasts and special news editions about elections. Results of the monitoring have been made public through three reports, each covering 10 campaigning days, and examined by the Council with several days delay. The second report, covering the period from 4 to 13 February, was examined and relevant sanctions applied only three days before Election Day, while the last one three weeks later¹⁵³. Results of the monitoring have showed that most of the observed media showed bias in favor/disfavor of one or more contestants. Based on the findings, CCA has sanctioned parent companies of eight TV channels¹⁵⁴ on two occasions¹⁵⁵.

ENEMO deems that the monitoring and sanctioning mechanism for broadcasters is inefficient and unsuitable for ensuring that the election campaign is properly covered and voters receive unbiased information. The period between reports is too long for an election campaign of only 30 days, while the pace of reviewing the monitoring reports and taking action is too slow to ensure for swift reaction to be taken. In addition, the applied sanctions are not dissuasive and focus on

150. See also Section XII. Complaints and appeals

151. TVC21 and Jurnal TV.

152. "Moldova 1", "TV8", "Prime", "Publika TV", "Canal 2", "Canal 3" "Accent TV" "NTV Moldova", "PRO TV CHISINAU", "Jurnal TV", "RTR Moldova", "Orhei TV" and "Central Television".

153. The [first report](#), covering the period from 25 January (first day of campaigning) to 3 February has been examined on 15 February 2019; the [second report](#), covering the period from 4 to 13 February has been examined on 21 February; and the [third report](#), covering the period from 14 to 24 February on 15 March.

154. "Prime", "Publika TV", "Canal 2", "Canal 3", "Accent TV", "NTV Moldova", "Orhei TV", "Televiziunea Centrală". Both on 15 and 21 February, the CCA has sanctioned the parent companies of these televisions, the first time with a public warning and the second time with 5,000 MDL each, for failing to comply with art. 13 paragraph (6) let. a) of the Audiovisual Media Services Code.

155. All sanctions have been applied based on findings from the first and second monitoring report. No sanctions have been applied based on findings from the third report, covering the period from 14 February to Election Day.

sanctioning violations, without attempting to remedy the observed bias. **The combination of these elements makes the media monitoring and sanctioning mechanism a pure formality and fails to ensure that voters are provided with unbiased and balanced viewpoints.** Combined with lack of independence of the most followed broadcasters and bias showed during the campaign, as demonstrated by the CCA findings, this might have **negatively affected the possibility of Moldovan voters to receive impartial information, as well as equity of conditions for the contestants.**

ENEMO recommends the introduction of a more functional mechanism for supervising coverage of the election campaign by media, which should focus on ensuring that the voters are provided with balanced and impartial information during the campaign. The mechanism should ensure a more frequent examination of the media coverage of the campaign as well as broader monitoring (more media and more airtime should be monitored).

An ad hoc body, composed of representatives from different stakeholders, including civil society organizations that work in the field of media, the CCA, the CEC and other relevant stakeholders could be established during election periods and tasked to monitor media conduct and propose, or apply sanctions.

Steps should be taken to regulate social media, as well as to address fake news and online disinformation, which is more and more a concern at the global level, and not a problem specific to Moldova.

IX. GENDER REPRESENTATION

The current legal framework for elections contains several provisions that aim to improve gender representation. Every candidate list of contestants for the nationwide constituency needs to include at least 40 percent from each gender¹⁵⁶; number of supporting signatures for women candidates in single-member constituencies is half of the number of signatures that men must collect¹⁵⁷; and contestants receive financial benefits for nominating at least 40 percent women in single-member constituencies and for each woman that gets elected in single-member constituencies¹⁵⁸. Despite these measures, aimed at improving gender participation, the number of women in the newly elected parliament remains below the 30 percent target, which is considered, as only 26 MPs (25.7 percent of the total) are women.

All contestants registered for the national constituency fulfilled the required gender quota in the initial lists and the quota was retained even after replacements of a number of candidates. **However, there is no obligation for the ranking of women candidates in the list¹⁵⁹, which resulted in women being placed, generally, in unwinnable positions.** Only 15 of the 50 MPs (30 percent) elected in the nationwide constituency are women.

The percentage of women candidates in single-member constituencies was two times lower than on electoral lists on the national level (around 20 percent). When excluding political parties that had only one, two, or three candidates in total¹⁶⁰, no other party running for elections in single-member constituencies fulfilled the optional 40 percent quota of women representation¹⁶¹ to receive the prescribed subsidies.

Numerous interlocutors, especially women and CSOs that represent women's rights criticized the reduced number of signatures needed for supporting women candidates as opposed to men, as a

156. Article 46, paragraph 3 of the Electoral Code.

157. Article 86, paragraph 1 of the Electoral Code.

158. Article 46, paragraph 4 of the Electoral Code.

159. The total percentage of women candidates in the first ten positions of candidate lists was 32, 6 percent, yet the results vary from only one woman candidate in the top ten, to up to five women candidates in one of them.

160. "Democracy at Home" Party had only one candidate – a woman, Green Ecologist Party had two candidates, one from each gender and National Liberal Party had 3 candidates in total, out of whom one woman

161. The lowest percentage of women candidates in single mandate constituencies was noted among PSRM and PCRM candidates (14 percent and 15 percent) and parties that had the highest percentage of women candidates were Our Party (35 percent), followed by Sor party and ACUM block (almost 30 percent). PDM had around 20 percent of women among its candidates, whereas only 13 percent of independent candidates were women.

condescending practice, especially in terms of the upper limit of signatures that may be collected.

While commending the lawmakers' efforts to increase the participation of women in elections, ENEMO recommends removing the upper limit of required support signatures for women candidates.

In total, 26 women were elected in the new Parliament, 15 of whom from party lists and 11 in single-member constituencies.

Women were well represented in election management bodies, at different levels. The Central Election Commission only has two women out of nine members, but they both hold leadership positions¹⁶². At the CoEC level, approximately 56 percent of members were women, whereas women also largely prevailed as PEB members, including the positions of a Chairperson, Deputy Chairperson and Secretary.

No messages targeting women, or gender equality policies were noticed during the campaign. Women were also poorly represented by the media in their campaign coverage, as monitoring reports of the Audiovisual Coordinating Council have found.

Proper inclusion of women in politics is still a challenge for Moldova and requires additional legal provisions, better public policies, but also additional efforts from political parties. *In terms of legal provisions for improving representation, ENEMO deems that an obligatory ranking of candidates in the party lists (alternating candidates from each gender) would provide safeguarding mechanisms for adequate gender representation.*

162. Chairperson and Deputy Chairperson

X. NATIONAL MINORITIES

As per the 2014 Census¹⁶³, the population of Moldova consists of several ethnic groups, with 7 percent self-identifying as Romanians, 6,6 percent as Ukrainians, 4.1 percent as Russians, 4.6 percent as Gagauz, 1.9 percent as Bulgarians, 0.3 percent as Roma, and over 75 percent as Moldovans. The Gagauz and Bulgarians are concentrated, respectively, in the Administrative Territorial Unit of Gagauzia and Taraclia.

With regards to the majoritarian system, **ENEMO commends the delimitation of constituencies paying attention not to dilute the representation of minorities**, in line with CoE's Framework Convention for the Protection of National Minorities (FCNM)¹⁶⁴ and the Code of Good Practice in Electoral Matters¹⁶⁵ of the Venice Commission. Separate constituencies were formed for the territories of ATU Gagauzia and Taraclia¹⁶⁶.

There were no political parties, nor other socio-political organizations directly representing any minority population running in elections at the national level, while some parties included candidates from minorities. At least two independent candidates in Taraclia proclaimed themselves as candidates protecting interests of the Bulgarian minority, while one of the newly elected MPs is a Roma¹⁶⁷. Electoral contestants did not largely discuss specific minority issues and policies during their campaigns.

While all CEC decisions are published in State language, translation into Russian is also provided, but not in a timely manner. Approximately 880,000 ballot papers were printed in Russian¹⁶⁸ and some trainings for the PEB members were also organized in Russian, depending on the region and preference of participants. Within the voter education campaign organized by the CEC, specific elements were aimed at minorities. Some empowerment activities, as well as voter and election education for minorities was also being conducted by local NGOs and other organizations¹⁶⁹.

163. National Bureau of Statistics of the Republic of Moldova, [Population Census 2014](#).

164. [Framework Convention for the Protection of National Minorities](#).

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

166. Constituencies nos. 44, 45 and 46.

167. MP Radu Marian, no. 17 on the national constituency list of the Electoral Bloc ACUM.

168. For each of the elections for the Parliament, thus the total for the single-member and national constituency was double.

169. Contact Center, Miras Moldova, The Roma National Center, Eastern European Foundation, NGOs BARE ROM and TARNA ROM and many other

XI. INCLUSION OF PERSONS WITH DISABILITIES

Steps have been undertaken to improve inclusion of persons with disabilities in the electoral process; however, more efforts are needed to achieve an adequate level of access and participation. Efforts to improve participation of persons with disabilities are sporadic and depending on specific activities, while a structured and comprehensive strategy for the inclusion of persons living with disabilities in the electoral process is lacking.

In a positive move, in October 2018, the Constitutional Court of Moldova declared unconstitutional the deprivation from the right to vote of persons declared incapable by a court of law¹⁷⁰. Following the decision of the Court, in November 2018, the Parliament of Moldova amended the Election Code, removing the reference to persons declared incapable by a court of law, as well as the wording of some other articles referring to persons declared incapable by the court¹⁷¹. The Central Election Commission has also undertaken some steps to improve inclusion of persons with disabilities, in cooperation with NGOs working in this field¹⁷².

ENEMO observers have assessed that over 70 percent of the polling stations visited on Election Day lacked adequate structures that would facilitate easy access for persons with mobility impairments to the polling station¹⁷³. 70 percent of the visited polling stations were equipped with magnifying glasses for voters with slight visual impairment, whereas templates in Braille alphabet were noticed in 58 percent of visited polling stations. Sign language interpreters to assist voters with hearing impairments were present in four polling stations, as publicly announced. In some polling stations, ENEMO observers noticed that PEB members did not have the needed understanding on the specific needs of persons with disabilities¹⁷⁴.

170. On 11 October 2-18, the Constitutional Court of the Republic of Moldova [declared unconstitutional](#) Article 13, paragraph 1, letter b of the Electoral Code that deprived from the right to vote persons declared incapable with a final decision of a court of law.

171. Article 7 of the [Law no. 238](#), date 08.11.2018.

172. NGO INFONET Alliance, Moldovan Institute for Human Rights (IDOM), Center for the Rights of Persons with Disabilities (CDPD), NGO KeyStone Moldova, NGO Deaf Association of Moldova and many others.

173. Even in cases where ramps were present in the polling station, they were not suitable to enable unimpeded access of voters with mobility impairment because of unsuitable angle, or the inside premises of the buildings where polling stations were located had other barriers (stairs, narrow doors or corridors, etc.)

174. E.g. in few polling stations, the PEB members did not have knowledge of the entrance suitable for persons with disabilities.

ENEMO assess that additional efforts should be made in adapting the polling stations with the needed facilities that would enable easy access for persons with mobility impairment to the polling stations, or persons with visual impairments to cast their ballots independently, so that the right to secrecy of the vote is ensured. In addition, commissioners of EMBs, especially those of PEBs should have adequate training on the legal provisions and standards for ensuring the right to vote for persons with disabilities. Adequate policies are also needed to improve the overall participation of persons with disabilities in elections and politics.

XII. COMPLAINTS AND APPEALS

The complaints and appeals process is regulated primarily by the Electoral Code and the Regulation of the Central Election Commission for complaints' resolution during electoral periods¹⁷⁵. Voters and election contestants can file complaints against actions, inactions and decision of election management bodies, other contestants, or the media.

Complains against actions or inactions of an electoral management body can be filed with the hierarchically superior body, within three days from the day the action was taken or the day they were made aware of the inaction. Complaints against the CEC should be filed with the Court of Appeals of Chisinau, while those against PEBs on Election Day, directly with the court under jurisdiction of which the PEB falls. Complaints about campaign finance are filed with the CEC¹⁷⁶, those about broadcasters' coverage of the election campaign with the Audiovisual Coordinating Council, and against print or online media with the courts.

The timeframe for complaints adjudication is short, within three days, but no later than Election Day. However, the Electoral Code does not provide a clear procedure for complaints and appeals, with a single hierarchical structure, thus the mechanism becomes non-linear and unclear to most stakeholders. This has led to complaints filed with non-competent bodies and thus, rejection due to the lack of competence of the relevant

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

176. Article 71 of Electoral Code.

body on the matter. The available dispute resolution mechanisms were insufficiently used by election stakeholders, among other reasons, due to reported lack of confidence in the impartiality of election administration, courts, and law enforcement bodies, and, apparently, due to lack of clarity and sufficient understanding of the complaints' resolution mechanisms.

The Central Election Commission has received 86 complaints¹⁷⁷ throughout the electoral period, almost half of which regarding the candidate registration process. The CEC has examined the complaints and issued a decision on 45 of the examined cases. Of the ones on which a decision was issued 17 were approved or partially approved¹⁷⁸. **In line with the rest of its activity, the complaints examination process by the CEC has been transparent, open to the media and the public. All complaints were examined within the legal deadlines and decisions timely published in the webpage. However, contrary to good practice, decisions failed to indicate the place and deadline for appeal, thus undermining the right to redress.**

The CEC received 40 complaints from nominated candidates against CoECs' decisions to refuse their registration, due to an insufficient number of valid 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 resolve eventual procedural shortcomings. However, the CEC operated under the understanding that it had no authority to order the CoECs to (de)register a candidate, but only to request them to re-examine the documentation and make a new decision if needed. In most cases, CoECs were requested to re-examine the signature sheets, and in most of these, the CoECs upheld their initial decision.** 14 of the complainants appealed the CoECs' decisions on candidate registration denial to the courts. The duration of the entire appeal process was often excessively long, as last pending appeals were decided just a day¹⁷⁹, or several days before Election Day, thus limiting respective candidates' rights to equal passive suffrage and campaigning time, while also creating logistic difficulties for the process¹⁸⁰.

At least 11 complaints were filed with the CEC regarding alleged misuse of public assets for electoral purposes¹⁸¹, 11 complaints were filed regarding use of undeclared funds by electoral contestants¹⁸², 4 complaints

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

176. Article 71 of Electoral Code.

177. [Complaints received by the CEC](#)

178. Complaints to CEC approved or partly approved: No. 5, 6, 7, 14, 25, 27, 30, 31, 40, 42/43, 44, 45, 50, 73, 75, and 83.

179. E.g., ACUM candidate in Constituency no. 4 successfully appealed her denial of registration by the CoEC in the Court of Appeal in Bălți, which obliged the CoEC to register her. The CoEC no. 4 appealed the disputed registration at the Supreme Court, which decided to nullify the decision of the Appeal Court. As the ballot papers for the single-member constituency were already printed the CEC decided to implement the Supreme Court decision by applying the stamp "Withdrawn" next to the name of the ACUM candidate.

180. Affecting the printing and distribution of ballot papers in respective single-member constituencies

181. Complaints nos. 50, 51, 59, 60, 62, 64, 67, 68, 69, 70 and 74.

182. Complaints nos. 10, 12, 16, 19, 61, 63, 65, 66, 73, 76 and 78.

regarding premature electoral campaign by electoral contestants¹⁸³ and, at least 4 complaints regarding alleged vote buying¹⁸⁴. Most of these complaints were transferred to CoECs and, in few cases, were taken into consideration by the CEC¹⁸⁵. Courts of all levels received approximately 95 complaints throughout the election period¹⁸⁶. Most of complaints were filed with the courts of first instance of Chisinau¹⁸⁷ and the Appeal Court of Chisinau. Only on Election Day approximately 40 complaints were filed, all of which in Chisinau, regarding violations of the right to vote. All of them were rejected and very few were followed by appeals to higher courts. Other complaints adjudicated by the courts regarded organization of elections¹⁸⁸, candidate registration, campaigning, and misuse of administrative resources.

Complaints about broadcasters' coverage of the campaign¹⁸⁹ were filed with CCA. Fourteen complaints related to early campaigning, coverage of elections by broadcasters, misconduct, or other matters related to coverage of political topics, were filed with CCA by contestants since the beginning of December 2018. CCA has rejected most of the complaints as ungrounded, including the ones related to early campaigning, while it has satisfied four, by sanctioning two TV channels, one of which repeatedly, for failing to ensure impartiality and balance¹⁹⁰.

The dispute resolution mechanism and procedures should be structured and organized to enable voters and contestants to better understand and defend their rights. Consideration should be given to revising the Electoral Code to provide a more linear, systematic and simple framework for complaints and appeals that ensures all mechanisms for legal redress in one hierarchical and clear structure. Also, efforts should be made to providing legal definitions and appropriate sanctions for different misuses and dubious activities noted during the elections, with clear distinction between administrative and judicial proceedings.

183. Complaints to CEC for premature electoral campaign: nos. 9, 10, 11 and 12.

184. Complaints nos. 57, 58, 72 and 77.

185. The Liberal Party (LP) and Political Party Shor filed two separate complaints with the CEC regarding the activity of the President of Republic considering it a third party, undeclared support and misuse of administrative assets of the Presidency in favor of PSRM. They requested deregistration of the electoral contestant PSRM from elections. The CEC warned the PSRM, thus accepting the claims of the complainants and the presented arguments, while notifying the President to avoid further interference in the campaign. The complaint was filed with the Court of Appeals of Chisinau, which found it ungrounded. In its decision, behind reasoning the deregistration of election contestants could be requested by the CEC and not by other contestants.

186. Approximately 75 in the courts of first instance, approximately 50 in the court of appeals and 32 in the Supreme Court of Justice.

187. Few complaints (in each case less than five) were filed with the courts of first instance of Causeni, Ungheni, Drochia, Hincesti, Balti, Comrat, Soroca, Orhei and Cahul.

188. Both the Electoral Bloc ACUM and PSRM have challenged the decision of the CEC about the establishment of polling stations abroad with two separate complaints, both filed on the same day (19.01.2019). The Court of Appeal of Chisinau and the Supreme Court have both rejected the complaints. PSRM has challenged the decision of the CEC to move some of the polling stations for voters from Transdnistria on 12.02.2019. Both the Court of appeals of Chisinau and the Supreme Court have rejected the complaint.

189. As well as other complaints related to the broadcasters' conduct.

190. On 14 January 2019, TVC21 was issued a public warning for failing to comply with art. 13 paragraph (6) let. a) of the Audiovisual Media Services Code; on 21 January, Jurnal TV was issued a public warning for failing to comply with art. 13 paragraph (6) let. a) of the Audiovisual Media Services Code; on 8 February 2019, Jurnal TV was fined at the amount of 5,000 MDL (approx. 260 Eur) for repetition of failing to comply with art. 13 paragraph (6) let. a) of the Audiovisual Media Services Code; and on 21 February, Jurnal TV was again fined by the same amount for the same violation.

XII. ELECTION DAY

Voting took place on 24 February 2019, from 7:00 AM to 9:00 PM in 2,141 polling stations, 123 of which were established for voters residing abroad, and 47 for voters from the left bank of the River Dniester. ENEMO deployed eight teams of observers to observe the opening, voting, counting and tabulation of results, transfer of materials to the CoECs and intake of election materials by the latter, as well as the environment around and inside polling stations and campaigning during Election Day. In addition, three short-term observers of ENEMO monitored the procedures in polling stations abroad, established in Ukraine.

In total, ENEMO observers monitored the opening procedures in eight polling stations in Moldova and two abroad; voting procedures in 112 polling stations in Moldova and three abroad, closing procedures in eight polling stations in Moldova and three abroad, and the process of delivery and intake of electoral materials in eight out of 51 CoECs.

Election Day was overall calm and peaceful. Procedures were followed properly in most of the observed polling stations, with occasional procedural violations, mostly related to improper positioning of cameras, overcrowded and/or improperly set up polling stations, inconsistent procedures for ballot boxes and slight deviations for the counting procedures. ENEMO assesses that these violations have not affected the general outcome of elections, nor the legitimacy of the process. However, organized transportation of voters, especially the ones residing in the left bank of the river Dniester, and allegations of vote buying, combined with many procedural loopholes on the voting and counting process are concerning and should be addressed by the CEC and the lawmakers.

For the first time, in these elections, cameras were used to record some aspects of the process. During the voting, cameras were to be pointed towards the stationary ballot boxes, in such a way that identity of voters would not be revealed. During the counting process, cameras were to be pointed towards the counting table. In a number of observed PSs, cameras were placed improperly, thus revealing the identity of voters. The recordings were not streamed, nor made available freely to interested parties, and were administered together with other election materials. **ENEMO deems that, while the use of cameras, in principle, can contribute to an increased transparency of electoral process, their use for the 24 February elections did little to achieve this goal.**

Improved functionality of the cameras, clearer guidelines and better training of PEB members on camera use, as well as increasing access to the footage for the public would improve transparency in future elections, if their use is to be retained.

All observed polling stations opened on time (07:00 AM) and with all needed materials for voting¹⁹¹. Opening procedures were generally followed properly in the observed polling stations, both in Moldova and abroad, except in one case, where opening procedures were assessed as not completely transparent. Of the eight polling stations observed in Moldova, five opened in the presence of all PEB members, while three of them opened with partial presence of PEB members, but with the needed quorum.

ENEMO observers visited 112 polling stations in Moldova throughout Election Day and observed the voting procedures. Additionally, three polling stations were observed abroad. The overall evaluation of observers was generally positive (very good or good) in 110 of the 115 observed polling stations. However, observers reported some irregularities, such as different interpretation of procedures by PEBs as to the party agitation, placing of protocols in ballot boxes, inadequate positioning of the camera¹⁹², and similar. The main inconsistencies in practice were related to the proper use of ballot boxes, as some PSs had only one ballot box open at a time, while others had two, or even three ballot boxes used simultaneously. This issue was even more problematized when taking into account that the opening protocol was mainly put in only one of these ballot boxes, as a safeguarding mechanism that proves that this box is the same one being used in this PS throughout the day. In most PSs, such protocol was not used for other ballot boxes, even the ones being taken out of special polling stations, such as hospitals and used as mobile boxes, due to a high number of voters.

Improper positioning of the camera, combined with the fact that many voters did not fold the ballot papers properly, prior to inserting them into the ballot box, as well as the use of several ballot boxes simultaneously, may have affected the secrecy of voting. Secrecy of voting was also jeopardized by improper positioning of the voting booths, but only in three polling stations observed.

Due to the fact that up to four ballot papers were provided to voters and that they were all placed together into the same ballot box by voters, made it almost impossible for PEB members to determine whether voters placed all received ballots into the ballot box, leaving space for the possibility of voters being able to take some ballot papers outside of the polling station. ENEMO observers have noticed in two polling stations cases of voters leaving behind, in the voting booth, unused ballot papers. In both cases, when the PEBs noticed that fact, they removed the ballot papers from the booth and dully annulled them.

191. In one of the observed polling stations, the observers noted that the ballot box was differed from the official ballot boxes used in current elections and it had the coat of arms of the Russian Federation on the side. Asked about the reason, the PEB members stated that the polling station was not provided with ballot boxes and that was the reason for using a different box. After the case was made public in the media, the symbol was covered.

192 9.8 per cent of observed polling stations.

Observers also noticed that there were differences in understanding of the procedures among different PEBs and even among members of the same PEB, with regards to providing the voters the option to receive ballot papers for the referendum or not. In 76.8 percent of the visited polling stations, observers noted that PEB members were asking voters if they wanted to receive the ballot papers for the referendum. This issue was significant due to the fact that the success of the consultative referendum depended on the minimum referendum voter turnout of at least one third of total voters in the VL.

Campaigning activities during Election Day were noticed in 32 percent of the visited polling stations. Observers noticed different understanding of PEBs on regulations regarding campaign activity and restrictions, especially in the first part of the day¹⁹³.

The electronic voter identification system (SAIS E) functioned well in visited polling stations, with few cases of minor technical problems.

Women constituted the majority of PEB members in most polling stations visited by ENEMO observers throughout Election Day. Women were also in majority in leadership positions, with 78 and 77 percent, respectively, covering the positions of chair and deputy chairpersons.

Accessibility of polling stations by voters with mobility impairment was very low, with 70 per cent of the visited polling stations being assessed as inaccessible, or hardly accessible.

ENEMO observers visited eight polling stations in Moldova and three abroad during the closing of polling stations and the vote counting/tabulation. In one of the observed PS, the camera was turned off during the counting, due to lack of understanding of procedures and in one the camera could not properly record the counting table, as PEB members were blocking the view.

Counting procedures in six out of eight PEBs in Moldova were assessed positively (good or very good). In two PSs procedures were not followed exactly as per CEC instructions (e.g. stationary ballot boxes opened before mobile boxes, or signatures in the voter list not counted). However, ENEMO observers assessed that such shortcomings were due to negligence, rather than intentional fraudulent behavior.

ENEMO observers followed the transfer of materials from polling stations to the CoEC in seven cases. CoEC activities were evaluated positively (good or very good) in six out of seven CoECs. In one case CoEC premises were evaluated as too small and inadequate for the proper intake of the election materials.

The Election Code should be amended to define the maximum distance between electors' residence and the polling station. Election management

193. During the day, the CEC issued a press release to explain that campaigning is allowed, but not at the entrance, nor inside PS.

bodies should provide conditions for voters to vote as close as possible to their place of residence. Given the particular circumstances of voters living in Transnistria, the possibility for EMBs, or other state authorities to provide transportation for these voters might be considered.

Many aspects of organization of PS and voting procedures should be defined in detail in the Election Code, and not through CEC regulations, as the lack of clarity has led to a confusion during Election Day. Some shortcomings related to important procedural aspects (e.g. position of cameras, number of polling booths and ballot boxes per polling station, number of ballot boxes in use at the same time, insertion of opening protocols in ballot boxes, etc.) should be addressed accordingly. Also, legal provisions should clarify the number of voters that are allowed to be present at the same time in each polling station.

The legal provisions should include possible steps to be taken by PEB members, in case of deliberate violation of the secrecy of the vote by voters, by not folding their ballot paper, or otherwise. Voters should either be obliged to exit the polling booth with a folded ballot paper, with relevant sanctions defined in case this does not happen, or polling stations should be provided with additional election materials that safeguard secrecy of the vote (e.g. envelopes).

The exact distance from the polling station where campaigning activities on Election Day can be held should be defined precisely, while contradictory articles amended properly.

XIII. 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 countries¹⁹⁴. Observers have the right to observe meetings of EMBs and have access to all electoral documentation including receiving a copy of the results protocol¹⁹⁵.

The total number of accredited observers for the 2019 parliamentary elections was 4,165, of which 3,389 domestic, from some 20 organizations and 776 international, from 58 different international entities, including ENEMO, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament, the EU Delegation, International Republican Institute (IRI), the Commonwealth of Independent States, different Embassies, foreign CEC representatives, etc.

ENEMO commends the CEC for the swift accreditation of its observers. However, the procedure for the accreditation of international observers is rather complex and includes the obligation of the CEC to cooperate with other state institutions¹⁹⁶, thus may lead to the established deadlines for the accreditation of international observers not to be respected, as was the case with some other international observers. ENEMO observers have, in general, reported a very good cooperation and transparency from election management bodies throughout the country, including on Election Day.

However, ENEMO notes an ambiguity in the “Regulation for the status of observers and their accreditation” adopted by the CEC. Among other obligations of observers, **the Regulation mentions also the obligation to not make any statements before the polls close**¹⁹⁷. According to CEC representatives, this obligation refers only to Election Day, however, if interpreted literally it can be used to prevent observers to present interim reports, during the electoral process. Additionally, even in the context of Election Day, **this prevents observers from issuing public statements and making public their findings on Election Day, which is not in line with best international practice and prevents increase of transparency of the process.**

194. Article 68 of the Electoral Code and Regulation No. 110 “[On the status of observers and their registration](#)”, 18 August 2016

195. CEC Regulation “On the status of observers and their registration”.

196. Section II.12 of the Regulation “On the status of observers and their registration”, among other things mentions the coordination/cooperation of CEC with other state bodies, including Ministry of Internal Affairs and Security and Intelligence services while accrediting international observers.

197. Article 19 of the Regulation “On the status of observers and their registration”.

This point of the Regulation on observers has been used as an argument by one of the CEC members to claim that the reporting of the PromoLEX Association, the only domestic organization that has conducted comprehensive, nationwide election monitoring, and a member of ENEMO, were not in compliance with the CEC regulation on rights and obligations of observers.

ENEMO recommends that the CEC amends the Regulation on the status and accreditation of observers, so as to remove ambiguities on the rights of observers to issue public statements, including on Election Day. 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.

XIV. ELECTION RESULTS

During Election Day, the CEC **publicly announced voter turnout and preliminary election results** through media and its website, based on the data entered by SAISE operators in each polling station, **thus contributing largely to the overall transparency of elections.** As the official results had to be tabulated at the constituency level on the basis of PEB protocols, the complexity of two election modules, combined with two referendum ballots, affected the work of CoECs in preparing relevant protocols. In a situation when CoECs were not able to complete the tabulation process in time to submit their results protocols within 48 hours after the closure of polling stations, the CEC took a decision to extend the legal deadline for CoECs by two additional days for submission of results protocols.

ENEMO recommends further training of PEB and CoEC members with regards to completing of results protocols in order to respect legal deadlines, prevent possible manipulation and increase the overall trust of electoral stakeholders and voters in election results.

The CEC announced official election results for the national constituency and single member constituencies including the assignment of MP mandates at the CEC session on 3 March 2019. Election results were then submitted to the Constitutional Court on 4 March 2019 for confirmation and validation of the MP's mandates. The CEC published final election results and protocols from all constituencies and PSs on its website.

The results of elections show a clear division of the electorate among three major political parties/blocks: Socialist Party of Moldova with 35 mandates in total, Democratic Party of Moldova with 30 mandates and the Electoral Bloc ACUM that gained 26 mandates. Only one other party (Sor Party) managed to pass the threshold of 6 percent, whereas only three independent candidates, two of whom from Transdnistria became MPs, through single member constituencies. Such a constellation of political factions, with completely different political platforms created difficulties in forming of a new Government, therefore early elections are very much a possibility at the time of preparing of this report. If calculating the voter turnout, by a total number of valid votes cast against the sum of voters in both the main and supplementary lists, the voter turnout for the national constituency was somewhat higher than for the single member constituencies (49.2 percent compared to 46.7 percent), mainly due to a larger number of invalidated ballots for single member constituencies.

Further analyses of published election data and protocols **mainly show consistency across different constituencies and different election types in all categories.** However, data in certain polling stations/constituencies shows worrying discrepancies, or grave mistakes in filling out protocols by PEBs, which were not corrected. For example, **the differences between the number of voters issued ballots and number of voters that participated in voting** for single member constituencies in PS 20, CoEC 40 – Cimislia and PS 3, CoEC 44 in Taraclia were oddly high (2062 and 490 respectively), compared to the average number of 23 per constituency, for all other single member constituencies, or even less (14 in average per CoEC) for the national constituency. Taraclia (CoEC 44) also had a 258 difference between the number of voters issued ballots and number of voters that participated in voting for the national constituency, by far the largest number of all CoECs when it comes to ballots issued, but not used by voters, mainly in one PS - No. 3.

If these figures are in fact a technical mistake made by PEBs of the respective polling stations, mentioned above, there are several other CoECs with a rather high number of ballots issued to, but not used by voters, both for the single member and national constituencies, such as: CoEC 29 in Chisinau (85 ballots issued to voters for single member constituencies, but not returned by voters and 77 ballots for the national constituency, mainly in two PSs, No. 3 and No. 19); CoEC 13 – Rezina (53 single member ballots and 123 ballots for the national constituency, mainly in PSs No. 4, No. 5 and No. 8); CoEC 17 – Nisporeni (65 and 52, mainly in PS No. 3) and others. **Even though the total number of ballots that were issued, but not used by voters is not high (3,710 for single-member constituencies and 949 for the national constituency), the fact that voters can leave the polling station with a ballot paper, without being noticed is concerning, as this practice can be misused in future elections.**

The CEC should find a mechanism to decrease the possibility of voters not to vote with a ballot that had been previously issued to them, as it may open space for abuse. One of the ways to cope with such an issue is to pose fines to voters that do not respect the voting procedure, inform voters on consequences of such behavior and keep voters' IDs until they finish with the voting in a proper manner, while recording their data in the records if they breach the procedure.

The total number of **invalid ballots** for single-member constituencies was much higher than the number of invalid ballots for the national constituency (61,396, or 4.3 percent compared to 40,861, or 3 percent). Highest number of invalid ballots was recorded in two constituencies: CoEC No. 4 – Rezina (3 276, or 10.7 percent) and CoEC No. 43 - Cahul (2 154, or 8.6 percent), what may be due to the fact that one of the prominent candidates in both of these constituencies either withdrew (PDM candidate in CoEC 43), or was de-registered by the Court (ACUM candidate in CoEC 4), shortly before Election Day. Additional occurrence worth mentioning is a very high number of invalid votes for the national constituency in CoECs established for voters from Transdniestria (CoEC 48 – 1,735, or 9.8 percent and CoEC 49 – 2,493, or 12.8 percent). Another two constituencies also had a high number of invalid ballots for the proportional vote: CoEC 45 – ATU Gagauzia 1 (1 806 ballots or 5.8 percent) and CoEC 51 – for abroad voters from U.S.A and Canada (320 ballots, or 7 percent), when compared to the average number of invalid ballots for the national constituency.

RECOMMENDATIONS

PRIORITY RECOMMENDATIONS

A comprehensive and inclusive electoral reform should be conducted to address contradictions, loopholes and ambiguities in the legal framework noted during the elections, and align them to international standards for democratic elections, especially with regard to prevention of voters' control, misuse of administrative resources, abuse of office at the local and national level, media conduct, campaign finance, voter and candidate registration, and election dispute resolution,

In order to improve professionalization of EMBs, a certain level of professionalization of CoECs (at least three main positions of the chair, deputy chair and secretary) should be ensured, whereas CoECs should also have legal capacity in order to conduct their work more responsibly and professionally, if CoECs are to keep as many authorities in conducting of elections.

The effects of the first-past-the-post system should be thoroughly analyzed and a system change considered, if deemed necessary. FPTP should be assessed as to its true impact on the overall representativeness at the constituency level and the level of legitimacy that it provides to the elected MPs.

OTHER RECOMMENDATIONS

TO THE PARLIAMENT OF MOLDOVA

In order to ensure non-partisan and objective delimitation of electoral constituencies, the body that performs this function should be fully independent and ensure equal, or adequate participation of all electoral stakeholders. The timeframe for the reconsideration of boundaries of constituencies should be set out in the Electoral Code.

Respecting the sovereign decision of the Republic of Moldova to choose any electoral system, ENEMO believes that the electoral system should be developed, or changed through a more inclusive process and adopted through a broader political consensus, to represent the best interest of the voters.

The Electoral Code should prescribe that all public officials, including

high-ranking officials, such as Prime minister and/or Speaker of the Parliament, registered as candidates should suspend their activity in office while campaigning, as to ensure an equal playing field for all contestants.

The integrity certificate should be abolished as a practice, as it does not add any value to the integrity of elections and its contestants, while adding unnecessary administrative burden, especially as the Election Code already stipulates that the Ministry of Internal Affairs, or the Ministry of Justice (besides NIA) should notify the electoral bodies about the existence of criminal records of any candidate.

The Election Code should provide for the possibility for independent candidates to run in the national constituency, besides being able to run in single-member constituencies, in line with international standards and recommendations.

The Election Code should be amended to allow voters to sign for more than one candidate during the phase of collection of supporting signatures for candidates. The regulations should be changed to allow candidates, or their initiative groups to correct at least technical mistakes made during the collecting of support signatures.

The deadlines for verification of signatures should be shorter, whereas the last deadline for final decisions on candidate registration should be set to precede the date of the official start of the election campaign period, in line with international standards.

The Electoral Code should specifically and clearly regulate provisions regarding proper identification documents that are to be used in elections, especially with regards to their validity. In any case, regulations on adequate IDs for voting should be developed and disclosed well in advance of elections to allow all interested voters to obtain the necessary and proper document/s.

Article 54, paragraph 2 of the Election Code should be amended to be more specific, perhaps to the number of voters in the voter registry on a specific date, since it is not possible to determine the exact number of voters living abroad, voters without any residence/domicile, or voters that live in Transdnistria.

The legal framework should be amended to clearly define campaigning activities, so that early campaigning can be identified and properly prevented, thus ensuring equality of conditions for all contestants.

A clear mechanism for addressing possible misuse of administrative resources, third-party involvement and similar issues during the campaign, with clear and adequate sanctions should be established.

Campaign finance regulations and their implementation require a thorough overhaul to allow the CEC, in cooperation with other relevant institutions, to establish a robust, functional and efficient system of campaign finance oversight, including effective sanctions for cases of non-compliance. The prevention of Moldovan citizens to finance political parties from earnings derived from work abroad is excessive and a restriction to the freedom of association, and should be reconsidered,

complemented with appropriate mechanisms to prevent possible frauds.

Final financial statements of electoral funds should be submitted after Election Day, to include costs incurred for campaigning on Election Day and the day preceding it, as well as payments of candidate representatives in polling stations. However, in order to enhance the transparency of election campaign financing, a pre-final report should be published on the day before Election Day, including financial details to that date.

ENEMO recommends the introduction of a more functional mechanism for supervising coverage of the election campaign by media, which should focus on ensuring that the voters are provided with balanced and impartial information during the campaign. The mechanism should ensure a more frequent examination of the media coverage of the campaign as well as broader monitoring (more media and more airtime should be monitored). An ad hoc body, composed of representatives from different stakeholders could be established during election periods and tasked to monitor media conduct and propose, or apply sanctions.

Steps should be taken to regulate social media, as well as to address fake news and online disinformation, which is more and more a concern at the global level, and not a problem specific to Moldova.

An obligatory ranking of candidates in the party lists (alternating candidates from each gender) would provide or a better gender representation. Also, while commending the lawmakers' efforts to increase the participation of women in elections, ENEMO recommends removing the upper limit of required support signatures for women candidates.

The dispute resolution mechanisms and procedures should be better structured and organized, to enable voters and contestants to better understand and defend their rights. Consideration should be given to revising the Electoral Code to provide a more linear, systematic and simple framework for complaints and appeals that ensures all mechanisms for legal redress in one hierarchical and clear structure, while clearly distinguishing administrative and judicial proceedings.

The Election Code should be amended to define the maximum distance between electors' residence and the polling station. Election management bodies should provide conditions for voters to vote as close as possible to their place of residence. Given the particular circumstances of voters living in Transdnistria, the possibility for EMBs, or other state authorities to provide transportation for these voters might be considered.

To reduce overcrowding at polling stations, legal provisions should clarify the maximum number of voters that are allowed to be present at the same time in each polling station. At the same time, the maximum number of voters per polling station should be reduced and more polling stations opened throughout the country.

Many aspects of organization of polling stations and voting procedures should be defined in detail in the Election Code, and not through CEC regulations, as the lack of clarity has led to confusion during Election Day. Some shortcomings related to important procedural aspects (e.g. position

of cameras, number of polling booths and ballot boxes per polling station, number of ballot boxes in use at the same time, insertion of opening protocols in ballot boxes, etc.) should be addressed accordingly.

The legal provisions should include possible steps to be taken by PEB members, in case of deliberate violation of the secrecy of the vote by voters, by not folding their ballot papers. Voters should either be obliged to exit the polling booth with a folded ballot paper, with relevant sanctions defined in case this does not happen, or polling stations should be provided with additional election materials that safeguard secrecy of the vote (e.g. envelopes).

Improved functionality of cameras, including live streaming with sound, or other means to increase public access to the footage from polling stations would improve transparency in future elections, if cameras are to be used as a practice in the future.

The exact distance from the polling station where campaigning activities on Election Day can be organized should be defined more precisely, while contradictory articles amended properly, if Moldova is to continue this practice in the future.

TO THE CENTRAL ELECTION COMMISSION

The CEC should ensure that all disputed issues and questions that occurred during these elections are properly reflected in CEC regulations for all future elections, in order to ensure a timely and adequate information to voters, election contestants, and members of election management bodies. Where necessary, the CEC should also propose adequate legislative amendments to secure lawful and unified application of the law in future elections, in relation to reported ambiguities and discrepancies.

The CEC should ensure that the number of printed and distributed ballot papers for elections matches the latest available and official number of voters.

The reasons and procedures for adding, or replacing CoEC members from the registry of election officials should be regulated in detail and not be based on the sole discretion of the CEC.

The rules for collecting signatures and their verification by CoECs should be simplified and better explained to candidates and their initiative groups. Rules for verification procedures should be consistently applied by all CoECs in the process of signature verification.

Additional efforts should be made in adapting polling stations with the needed facilities that would enable easy access for persons with mobility impairment to the polling stations, or persons with visual impairments to cast their ballots independently, so that the right to secrecy of the

vote is ensured. In addition, commissioners of EMBs, especially those of PEBs, should be provided adequate training on the legal provisions and standards for ensuring the right to vote for persons with disabilities.

The CEC should amend the Regulation on the status and accreditation of observers, so as to remove ambiguities on the rights of observers to issue public statements, including on Election Day.

ENEMO recommends further training of PEB and CoEC members with regards to completing of results protocols in order to respect legal deadlines, prevent possible manipulation and increase the overall trust of electoral stakeholders and voters in election results.

The CEC should establish a mechanism to decrease the possibility of voters not to vote with a ballot that had been previously issued to them, as it may open space for abuse. One of the ways to cope with such an issue is to pose sanctions to voters that do not respect the voting procedure, inform voters on consequences of such behavior and keep voters' IDs until they finish with the voting in a proper manner, while recording their data in the records if they breach the procedure.

TO THE GOVERNMENT AND OTHER INSTITUTIONS INVOLVED IN THE ELECTORAL PROCESS

State institutions should present their election related decisions at open sessions of the CEC in order to be able to explain the reasoning behind their decisions to the CEC members and the public. During electoral periods, the CEC should be provided with adequate mechanisms to ensure full and timely compliance and cooperation from all relevant institutions.

The decisions on location and number of polling stations to be established abroad should be taken in a transparent manner, based on clear and well-defined criteria.

The Government should increase its efforts to facilitate active suffrage of Moldovan voters abroad. This could be achieved through different instruments of out-of-country voting, such as by-mail voting, as well as providing more efficient mechanisms for abroad voters' identification, similar to the ones available to in-country voters.

Changes introduced in voter lists and complaints regarding voter lists' data should be examined thoroughly after each election to provide solid basis for a continuous voter list update.

To increase the quality of voter registry, the Government should simplify the system of reporting deaths and citizens' change of residence, while introducing adequate mechanisms to motivate, or oblige citizens to report all relevant changes of data contained in the SRV/SPR in a timely manner, especially their residence.

The CEC must be supported with means and resources to effectively oversee campaign finance, or a separate body may be formed under CEC, comprising of financial experts from different institutions/organizations for the election period, to allow CEC to implement oversight and eventual sanctions accordingly.

The Government should develop and implement relevant public policies to enhance political participation of women, youth minorities, persons with disabilities and other under-represented groups of the society.

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.

To date, ENEMO has organized 25 international election observation missions to eight countries¹⁹⁸, the present mission being the 26th, while a parallel EOM (the 27th) has observed the 2019 Presidential Elections in Ukraine.

198. 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).

LIST OF ABBREVIATIONS

ACUM	NOW - Electoral Bloc formed from the Party Dignity and Truth (DA) and Party Action and Solidarity (PAS)
CCA	Audiovisual Coordination Council
CCET	Center for Continuous Electoral Training
CEC	Central Election Commission
CoEC	Constituency Electoral Council
DA	Party Dignity and Truth
EMB	Election Management Body
ENEMO	European Network of Election Monitoring Organizations
IEOM	International Election Observation Mission
LP	Liberal Party
NIA	National Integrity Authority
PAS	Party Action and Solidarity
PCRM	Party of Communists of the Republic of Moldova
PD	Political party "Our Party"
PDM	Democratic Party of Moldova
PEB	Precinct Electoral Bureau
PLDM	Liberal Democratic Party
PPEM	European Peoples' Party of Moldova
PS	Polling Station
PSA	Public Services Agency
PSRM	Party of Socialists of Republic of Moldova
SAIS E	State Automated Information System "Elections"
SRV	State Registry of Voters
VL	Voter list

ANNEX 1: AGGREGATED DATA ON ELECTION RESULTS FOR BOTH SEGMENTS OF THE ELECTORAL SYSTEM*

	NATIONAL CONSTITUENCY			SINGLE MEMBER CONSTITUENCIES			MANDATES
	Frequency	Percent	Mandates	Frequency	Percent	Mandates	TOTAL
VOTERS AND TURNOUT DATA							
No. of voters in main VL	2,803,573			2,802,875			
No. of voters in supplementary VL	155,570			148,590			
No. of voters who received ballots	1,458,169			1,445,036			
No. of voters who voted	1,457,220	99.93**		1,441,326	99.74**		
Difference between ballots received and voters that have voted	949	0.07		3,710	0.26		
No. of invalid ballots	40,861	2.80***		61,396	4.26***		
TOTAL NUMBER OF VALID VOTES CAST	1,416,359	97.20****		1,379,930	95.74****		
ELECTION RESULTS							
PSRM	441,191	31.15	18	405,469	29.38	17	35
PDM	334,539	23.62	13	344,387	24.96	17	30
ACUM	380,181	26.84	14	354,581	25.70	12	26
SHOR	117,779	8.32	5	119,598	8.67	2	7
Ind. candidate Ion Groza - C. 43				7,524	0.55	1	1
Ind. candidate Alexandr Oleinic -C. 47				10,463	0.76	1	1
Ind. candidate Viorel Melnic - C. 48				11,961	0.87	1	1
Other parties/candidates	142,669	10.07	0	125,947	9.13	0	0
TOTAL	1,416,359	100.0	50	1,379,930	100.0	51	101

* Data for single member constituencies is aggregated only for the purpose of analyses. Therefore, the total number and percentage received by each election contestant includes total number of votes received across all constituencies, not only the winning ones

** As a proportion of voters who received a ballot.

*** As a proportion of voters who voted.

**** As a proportion of number of voters who voted.

ANNEX 2: INFORMATION ON THE EOM

CORE TEAM

POSITION	NAME	COUNTRY	ENEMO MEMBER ORGANIZATION
Head of Mission	Dritan Taulla	Albania	KRIIK
Deputy Head of Mission	Bosko Nenezic	Montenegro	Cemi
Election Expert	Peter Novotny	Slovakia	Obcianske oko
Legal Expert	Reald Keta	Albania	KRIIK
Central Election Commission Observer	Nurul Rakhimbek	Kazakhstan	FSCI
Long-Term Observers Coordinator	Ana Mihajlovic	Serbia	CeSID
Data Analyst / Financial Officer	Ivana Vujovic	Montenegro	CeMI
Logistic Officer	Milena Kalezic	Montenegro	CeMI

LONG-TERM OBSERVERS

NAME	COUNTRY	ENEMO MEMBER ORGANIZATION
Kanstantsin Staradubets	Belarus	VIASNA
Stanislav Zholudiev	Ukraine	CVU
Marija Milosevic	Serbia	CeSID
Edmond Prifti	Albania	KRIIK
Jelena Colakovic	Montenegro	CeMI
Dmytro Tuzhanskyi	Ukraine	CVU
Florin Poenaru	Romania	APD
Raushan Sadyrbaeva	Kyrgyzstan	Coalition for Democracy and Civil Society
Peter Nemeth	Slovakia	Obcianske Oko
Mariia Garais	Russia	GOLOS

The logo consists of the word "ENEMO" in a bold, white, sans-serif font, centered within a dark blue rectangular box. The background of the entire page is a light blue gradient with a faint, geometric network pattern of lines and nodes at the bottom.

ENEMO