



Election Observation Mission to Moldova

Parliamentary Elections, 24 February 2019

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Chisinau, 26 February 2019

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

ENEMO European Network of Election Monitoring Organizations

Election Observation Mission to Moldova Parliamentary Elections, 24 February 2019



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Preliminary conclusions

The Parliamentary Elections of 24 February were held under a newly introduced, mixed electoral system. ENEMO notes that the legal amendments did not have broad political consensus and were strongly criticized by domestic and international stakeholders, as well as that they were adopted despite the Venice Commission and OSCE/ODIHR advising against.

The outcome of constituency delimitation disregards provisions of the law related to the number of voters in each constituency, as most constituencies established in the territory of the country under control of Moldovan authorities fail to meet the criteria set forth in the Electoral Code, with regard to number of voters and deviation percentage between constituencies. The turnout on 24 February in the three constituencies abroad raises questions on the principle of equality of the vote, as the turnout in one Constituency was much higher than the other two constituencies combined.

The conduct of CEC in the aspects observed has been mostly efficient and transparent. The sessions of the CEC were open to media and observers, as well to the public through online streaming. Decisions of the CEC were, generally, posted online in a timely manner. On Election Day, the CEC has provided periodic information on the process and turnout and, after the closing of the polls, has posted preliminary results online, which contributed to the transparency of the process.

Constituency electoral commissions were formed in time and despite occasional changes in their composition, most CoECs have conducted their duties timely and they have shown a high level of cooperation with ENEMO observers. However, ENEMO notes that publication of decisions of some CoECs was untimely, with many decisions still not published. Women were well represented as CoEC members, with more than 55%.

The CEC has registered fifteen contestants (fourteen parties and one electoral block) for the national constituency. 325 candidates participated in elections in single mandate constituencies, with several candidates being granted the right to stand for election as late as few days before Election Day, which significantly impacted their possibility to equally campaign.

Although legal amendments regarding the process of signature collection eliminated a number of unnecessary bureaucratic procedures and lowered the number of needed signatures, in line with previous recommendations made by the Venice Commission, ENEMO and OSCE/ODIHR, the procedure is still highly strict and burdensome, which, combined with lack of familiarity of candidates and initiative groups with the procedures, led to a number of candidates being refused registration.

The electoral campaign was intense, especially as the Election Day approached, with a high number of personal accusations between contestants, often resulting with formal complaints to the CEC and Courts. Main messages of the campaign were about domestic topics, especially related to economy and anti-corruption, whereas some candidates in single mandate constituencies campaigned on matters that are of competence of local administration.

The misuse of administrative resources, pressure on state employees and allegations of vote buying were stated by many interlocutors, whereas third-party involvement in campaigning was even recognized by the CEC. Also, the timing for introduction of many measures and activities of

local and central governments during the electoral period raises questions about their true purpose.

2,141 polling stations were established for these elections, 123 of which for voters residing abroad and 47 for voters from the left bank of the River Dniester. The number and locations of polling stations established for constituencies abroad and relocation of 31 of the 47 polling stations assigned to voters residing in Transdniestria, due to security reasons, have been considered by some electoral contestants as politically motivated, in an attempt to reduce the number of voters abroad and of those from Transdniestria.

Election Day was generally calm and procedural elements of the process were conducted in a professional manner by PEBs. ENEMO observers reported sporadic procedural mistakes and ambiguities during the Election Day, mostly due to latest amendments and procedures introduced, such as electoral campaigning on Election Day, the use of cameras, and holding of the referendum on the same day as elections. Most PSs observed were not fully accessible to voters with mobility impairments.

ENEMO observed the widespread organized transportation of voters from the Left bank of the Dniester River, whereas allegations of vote buying were also reported by different electoral stakeholders to the authorities, and are being investigated.

The legal framework for elections contains provisions aiming to improve equality of gender representation, both in the national and uninominal constituencies. However, in the absence of regulations about positioning women candidates in the national party lists, the legal provisions do not secure adequate gender representation in the Parliament.

Despite a high number of media outlets, plurality of viewpoints is hindered by high concentration of ownership and close ties of media to politics. The Audiovisual Coordinating Council has sanctioned a number of media outlets for bias in favor/disfavor of certain contestants. However, the monitoring and sanctioning mechanism of CCA was not efficient and failed to secure that voters were provided with unbiased and balanced viewpoints.

Preliminary findings

Introduction

Following an invitation of the Central Election Commission of Moldova, ENEMO has deployed an International Election Observation Mission (IEOM) to observe the Parliamentary Elections of 24 February 2019. The Mission is composed of a Core Team of eight international experts, based in Chisinau, and ten long-term observers, deployed in five multinational teams of two, throughout the country. The Core Team has been established since the beginning of the election period, and the long-term observers have been deployed on 10 January 2019, whereas the EOM will be present in the country until the end of March.

Since the beginning of the election period, ENEMO has monitored and assessed the overall environment in which elections were held, the performance of election management bodies (EMBs), the candidates registration process, voter registration, the electoral campaign, election related disputes, and other crucial aspects of the process. Eight teams of observers, in teams of two, were formed from the current members of the EOM to observe Election Day, including the voting process, conduct of precinct election bureaus (PEBs), tabulation of results, constituency electoral councils (CoECs) conduct and election environment in and around polling stations (PS). ENEMO EOM covered a total of 112 polling stations in Moldova. Additionally, three polling stations established in Ukraine for Moldovan voters abroad were observed.

The EOM assessed the electoral process for compatibility with international practices and standards for democratic elections, and the Moldovan legal framework. ENEMO EOM's mandate and scope is limited to the monitoring of the Parliamentary Elections of 24 February 2019; the EOM 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 elements of the Parliamentary Elections.

The interim report¹ produced by ENEMO was focused mainly on the general electoral framework, the performance of EMBs and the candidate registration process, from the beginning of the electoral period until 31 January. This Statement of Preliminary Findings and Conclusions focusses on the electoral period observed since the EOM was deployed, until Election Day. To that end, ENEMO EOM focused its attention to different aspects of the electoral process, including the electoral campaigning, voter and candidate registration, conduct of EMBs, election related disputes, Election Day and other segments of the electoral process.

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

¹ Interim report from February 4, 2019: <http://www.enemo.eu/en/missions/moldova-parliamentary-2019/285-enemo-international-election-observation-mission>

I Background

The 24 February Parliamentary Elections were held under a newly introduced, mixed electoral system, which was adopted by the Parliament of Moldova on 20 July 2017, in absence of broad political consensus and despite being strongly criticized by domestic² and international stakeholders³, as well as against the advice of the Venice Commission and OSCE/ODIHR. Within the mixed electoral system, 50 MPs were elected through proportional closed lists, in one nationwide constituency, whereas 51 MPs in 51 single member constituencies, through the first pass the post system (FPTP).

The conduct of the 24 February elections, in line with international standards is 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, of November 2018⁴ has especially stressed the importance of the 24 February elections, among other elements. The interest of the international community on the current elections was visible also by the relatively high number of international observers that monitored them.

A consultative Referendum⁵ was held on the same day as Parliamentary Elections, containing two questions, decrease of the number of MPs from 101 to 61 and the possibility of citizens to revoke mandates of elected MPs. Five parties registered to participate in the Referendum⁶.

II Legal framework and electoral system

The Republic of Moldova is a party to key international treaties and conventions⁷. 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 power⁸. The legal framework on elections is constituted by the Electoral Code⁹, as well as a series of legal acts¹⁰, and regulations adopted by the Central Election Commission (CEC).

Generally, the legal framework provides conditions for holding of elections according to most international standards. However, the conduct of the 24 February elections under the new system has revealed a number of shortcomings that should be addressed in the future, including the

² 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.

³ 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.

⁴ European Parliament Resolution of 14 November 2018 on the implementation of the EU Association Agreement with Moldova (2017/2281(INI))

⁵ Decision No. 332, of 30.11.2018, on the holding of Republican consultative referendum, Parliament of the Republic of Moldova.

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

⁷ Inter alia, the Republic of Moldova adheres to the European Convention on Human Rights; International Covenant on Civil and Political Rights (ICCPR); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention on the Political Rights of Women; International Covenant on the Elimination of all Forms of Racial Discrimination (CERD); Convention on the Rights of Persons with Disabilities (CRPD), etc.

⁸ Constitution of the Republic of Moldova, Article 38.

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

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

candidate registration process, electoral campaigning, misuse of administrative resources, and other matters noted in ENEMO findings¹¹.

In comparison to previous Parliamentary Elections, the legal framework on elections has undergone a series of fundamental amendments. Under the previous electoral system, 101 MPs were elected through a national proportional system and closed party lists. The current proportional segment of the new electoral system envisages for 50 MPs to be elected in one national constituency, through closed party list. The threshold in the proportional system is 6% for political parties and 8% for electoral blocs. Regarding the majoritarian segment of the system in these elections, 51 MPS were elected through a first-past-the-post (FPTP) system in 51 single mandate constituencies. The majoritarian system candidates can be independent, or proposed by political parties / electoral blocs, but in any case, need to be supported by a designated number of signatures of citizens residing in the same constituency where a candidate is running¹².

Different interlocutors, as well as the Venice Commission, have raised concerns about the composition and independence of the National Commission for the Establishment of Permanent Uninominal Constituencies¹³. Also, a number of interlocutors raised concerns about possible gerrymandering. The Government's Decision from 15 November 2017¹⁴ establishes 51 single member constituencies in total, including three constituencies for Moldovans living abroad: one comprising countries East of Moldova, one for countries West of Moldova and one for citizens living in the United States and Canada; as well as two constituencies for voters residing in left bank of the Dniester River.

Legal provision prescribe that constituencies established within the territory of the Republic of Moldova under the jurisdiction of constitutional authorities shall have as basis a relatively equal number of voters and comprise between 55,000 and 60,000 voters eligible to vote; and that the deviation of the number of voters between constituencies shall not exceed 10%¹⁵, based on the number of voters in the voters list in each PS, during the last 2016 elections. Another important and positive criteria while delimiting single member constituencies was not to dilute the representation of minorities, thus constituencies formed in the Autonomous Territorial Unit of Gagauzia and the Taraclia region were formed in this regard, what is in line with the Framework Convention for the Protection of National Minorities (FCNM) of the Council of Europe and the Code of Good Practice in Electoral Matters of the Venice Commission.

Generally, the number of voters in most constituencies was not in line with the margins for number of voters prescribed in respective legal provisions. Also, the law is not clear as to how should the 10% 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 elections¹⁶. Moreover, according to preliminary turnout data presented by CEC, 84% of the total number of voters abroad in these elections voted in Constituency 50 (West of RM).

¹¹ In its final report, ENEMO will provide its concrete recommendations to Moldovan authorities and electoral stakeholders.

¹² Exception is made for candidates that will run in five constituencies (three formed for voters abroad and two formed for voters living on the left bank of the Dniester River), who were able to collect supporting signatures from any of the constituencies.

¹³ The National Commission for the Establishment of Permanent Uninominal Constituencies was established to define the boundaries of single member constituencies in September 2017. Most opposition parties refused to take part in the work of the Commission, yet all sessions of this body were broadcasted live. The Commission submitted its decision to the Government on 30 October 2017.

¹⁴ Decision of the Government for the establishment of Uninominal Constituencies.

¹⁵ Electoral Code, Article 80, para. 4.

¹⁶ In the second round of elections in 2016, the overall voter turnout in Europe (West from Moldova, now Constituency 50) was around ten times higher than the voter turnout in the other two locations (now Constituencies).

III Electoral management bodies

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

The CEC is the primary institution in the election management hierarchy. CEC mandate is five years, while CoECs and PEBs are established for each elections. One member of the CEC is appointed by the President of the Republic of Moldova and the other eight members by the Parliament, proportionally representing the parliamentary majority and opposition¹⁷.

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. Following the beginning of the electoral period on December 10, CEC has held more than 40 sessions (regular and extraordinary sessions) until Election Day. CEC sessions are held in a transparent manner and they are open to media and public, as well as observers, whereas all sessions are broadcasted live at CEC's webpage. On Election Day, the CEC has provided frequent and regular updates to the media and public, while it has started providing preliminary results shortly after the start of the counting, which has improved the transparency of the process.

CEC printed a total of 6,922,494 ballot papers for Parliamentary elections, or 3,461,247¹⁸ ballot papers for elections in single mandate constituencies and the nationwide constituency each, through three contracted printing houses¹⁹. The Electoral Code states²⁰ 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 does not match the number of voters disclosed by the CEC²¹, whereas the number of different ballots delivered to each PS was also inconsistent²² and did not exactly match the number of voters in the designated PS, yet the difference in numbers was not high.

The Electoral Code regulates that complaints on Decisions of CoECs and matters about financing of electoral campaigns are to be filed with the CEC²³. Until Election Day, 78 complaints from electoral contestants were filed with the CEC, half of which regarding the candidates' registration process, of which 16 were from independent candidates. Regarding all filed complaints, the CEC has issued a decision on 42 cases, dismissing most complaints and approving, or partially approving 16²⁴. Regarding the consideration of the complaints, the CEC decisions have been in due time.

¹⁷ Electoral Code, Article 17, para 6.

¹⁸ https://a.cec.md/ro/astazi-24-februarie-2019-in-republica-moldova-au-loc-2781_92675.html

¹⁹ 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.

²⁰ Art 54, para 2 of EC.

²¹ CEC Press release from February 24 stated that main VL contains 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.

²² In 25% of PS 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.

²³ Article 71 of EC

²⁴ Complaints to CEC approved or partly approved: No. 5, 6, 7, 14, 25, 27, 30, 31, 40, 42/43, 44, 45, 50, 73, 75.

The CEC has conducted a broad voter education campaign. Thirteen election educational and motivational videos²⁵ 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.

The CEC established 51 Constituency Electoral Councils (CoECs) for Parliamentary Elections²⁶, in accordance with the election calendar. According to field data, there were around 66 replacements in all CoECs until Election Day. The most common reasons for replacements so far are 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. Headquarters of the three CoECs that were established for abroad voting and the two for voters residing on the left bank of the River Dniester are located in Chisinau. Similarly to CEC, CoECs' sessions are also transparent and open to observers, as noted by ENEMO LTOs deployed throughout the country. However, CoECs decision were posted online untimely, and many decisions from CoECs are still unpublished.

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

In total, 2,141 polling stations (PS) were established for Parliamentary elections. Of these, 2018 PS were established in the country (1,971 PSs were established in constituencies 1 – 46, another 47 PSs for voters living in the two constituencies located on the left bank of the Dniester River²⁷), and 123 polling stations were established for the three constituencies abroad²⁸.

Precinct Electoral Bureaus (PEBs) were formed in due time and with an adequate number of members. LTOs received information from many CoECs that not all Parliamentary parties that had the legal right to do so, nominated their members to PEBs²⁹. Their places were filled with members from the CEC reserve. 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 PS when visited

²⁵ 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.

²⁶ CoECs are to be composed of an odd number of members - between 7 and 11 - of whom of at least 3 must have completed higher legal education, or public administration education. Two members of CoECs are appointed by 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. According to the legal framework, CoEC members can be replaced either upon a personal request, or for violating the law in terms of political agitation, or not attending CoEC sessions (min. 2 sessions consecutively).

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

²⁸ 27 for constituency no.49, 83 for Constituency no. 50 and 13 for Constituency no. 51.

²⁹ Reports state that mainly PCRM and LP did not nominate the sufficient number of CoEC members.

by observers. Those that were at their premises were somewhat disorganized in the first days and majority of work was conducted by the Chairperson, Deputy Chairperson and Secretary of PEB. However, many PEB members were in the field delivering notification letters to voters. Most visited PS were not clearly marked and their numbers were not indicated in the first week that they were formed.

Compared to the 2016 Presidential elections, additional 25 PS were initially planned to be established for the voters abroad for Parliamentary Elections³⁰. The Ministry' of Foreign Affairs and European Integration's decision to open abroad polling stations was criticized by several election contestants as to where and how many PSs should be established and the representatives of the Ministry did not attend the respective CEC session to address such concerns. The final number of PS established abroad was reduced to 123 as two polling stations (in Toronto and Montreal) could not be established due to Canadian legal limitations. After being rejected by the Supreme Court, two electoral contestants³¹ even challenged the constitutionality of the Decision of the Government on the number of Polling Stations for voters abroad, by two simultaneous complaints, without success³².

After receiving information from the Police, only 2 weeks before Election Day, that they were not able to provide adequate security for a number of PSs formed for the voters from Left bank of Dniester river, the CEC decided to move 31 PS further inland. PSRM challenged this decision, claiming that this was just an attempt to reduce the overall participation of citizens from Transdnistria.

IV Candidate registration

All Moldovan Citizens eligible to vote and meeting the relevant provisions³³ of the Electoral Code have the right to be elected. Moldovan citizens who, due to the position they hold, are not entitled to be members of a political party or of a socio-political organizations, 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 the office upon their registration as candidates³⁴. The same provision does not apply to the Prime Minister and Speaker of the Parliament of RM, who were both candidates in the national constituency party list of PDM³⁵, without the legal obligation to suspend their activities to the official positions that they hold.³⁶

Candidates' nomination process for 2019 Parliamentary elections started 60 days before Election Day, on 26 December 2018, and ended 30 days before Election Day. The new system envisages registration of candidates for single mandate constituencies to be conducted by CoECs and the

³⁰ For the Presidential Elections 2016, a total of 100 PS were established abroad, but due to the high overall turnout of abroad voters and the fact that each PS had only 3000 ballots, many PSs faced difficulties responding to the needs/interest of voters abroad.

³¹ Party of Socialists of the Republic of Moldova and Bloc ACUM.

³² The Constitutional Court ruled (Decision No. 11 from 29.01.2019) 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.

³³ Art 13 of EC. 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.

³⁴ Art. 13, para 3 of EC.

³⁵ The Prime Minister was also a candidate in the single mandate constituency No, 20.

³⁶ CEC Decision No. 2349 based on the complaints issued by PSRM representative with the consultative voting rights to CEC.

registration of election contestants for the national constituency (political parties, blocks and other socio-political organizations) to be conducted by the CEC.

Within the legal deadline, fourteen political parties³⁷ and one electoral block³⁸ submitted their list of candidates for the national constituency to the CEC³⁹.

From 26 December 2018 to 4 January 2019, CoECs registered a total of 401 initiative groups for 400 candidates⁴⁰. The deadline for submission of candidacies and required supporting signatures was 24 January 2019, while CoECs had 7 days to register, or refuse the registration of a candidate. The verification procedures for the submitted documents and support signature sheets collected by initiative groups were rather complex⁴¹, as CoECs needed to analyze and verify signature sheets submitted by authorized collectors from initiative groups for completeness and accuracy of provided data against the official registry, using a combination of manual-visual check and electronic verification⁴².

One of the main challenges outlined by CoECs was that many candidates and their initiative groups were not familiar with, and therefore did not respect, the regulations during the process of collecting signatures, which resulted in a high number of signatures being considered invalid. Contestants on the other hand complained about the verification procedures of CoECs being too strict and the legal provisions not allowing any corrections to be made, nor supplementary signatures to be provided. As a result, more than 10% of candidates failed to collect a minimum number of valid signatures and did not submit registration requests, mainly being independent, or representing “smaller” parties.

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

³⁷ Democratic Party of Moldova (PDM); Communist Party of Moldova (PCRM); Socialist Party of Moldova, (PSRM); Sor Party; The political party „Antimafia.”; Political party „Our Party”; National Liberal Party; Political Party “The will of the people”; Party of Regions of Moldova; Political Party “Democracy at Home”; The Movement of Professionals “Hope”; Political Party “Homeland”; Green Ecologist Party; Liberal Party

³⁸ Electoral Bloc “ACUM”

³⁹ The registration of national contestants was mainly dependent on the adequate number of candidates (30-55), gender quota (min. 40% of both genders) and eligibility of each candidate within their electoral candidate lists, which had to be verified by the CEC and each candidate needed to obtain an integrity certificate from the National Integrity Authority. All submitted lists were registered by January 31. The same person could 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.

⁴⁰ 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.

⁴¹ The regulations clearly stipulate that each voter may support only one candidate and must fill in his/her data and signature personally. Only in exceptional cases and due to objective reasons, another person may fill data in on behalf of another person, but such cases had to be recorded and explanation provided in the space designed for such a note. In cases when the same voter signed support sheet for more candidates, only the first submitted support signature was deemed valid.

⁴² 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.

handwriting was applied to signatures. Also, some contestants expressed concerns about the accuracy of data entered by CoEC operators, as well as the way how the software functions.

Electoral contestants for the nationwide constituency were allowed to make changes in their candidate lists 14 days before Election Day, at the latest. Even though some replacements took place within the candidate lists for the national constituency, the requirement of gender quota was respected. Similarly, the candidates in the single mandate constituencies were allowed to withdraw from elections 14 days before Election Day at the latest. The total number of candidates running in elections for single mandate constituencies was 325. In total there were 268 candidates nominated by political parties or electoral bloc, while there were 57 independent candidates, running in half of single member constituencies.

Nominees whose registration was rejected by the decision of the CoEC could appeal to the CEC⁴³. With regards to the previously mentioned complaints regarding candidate registration submitted by candidates, 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 supporting signature sheets. 33 appeals from electoral contestants were filed to the Appeal Court of Chisinau, 4 to the Appeal Court of Balti and 28 appeals were submitted to the Supreme Court of Justice, during this electoral process⁴⁴. These courts have, mainly, upheld decisions of CEC and district courts⁴⁵.

Re-examination of support signatures and lengthy appeal procedures have significantly reduced the campaign period for some successful complainants. A dozen candidates were registered after a number of appeals to CEC and Courts after the official start of the campaign period, whereas several candidates were registered only several days before Election Day⁴⁶.

The overall number of support signatures deemed invalid was substantial, nonetheless many candidates/nominees submitted a number of supporting signatures higher than the legal minimum, in order to overcome possible invalidations and to meet the required number of valid support signatures⁴⁷. In the end, the total number of candidates registered to run in single mandate constituencies in Parliamentary elections was 325⁴⁸.

V Voter registration

Citizens of Moldova at the age of 18 on Election Day have the right to vote, except individuals legally deprived of this right under the law. The CEC compiles the voters list based on information in the centralized State Registry of Voters (SRV), which is extracted from the State Population Register and maintained by the Public Service Agency. The voter list includes all citizens with the

⁴³ Art. 72, para 1 of the EC.

⁴⁴ Based on the information published on the official website of the Appeal Court of Chisinau. Two of the complaints were regarding the Referendum process.

⁴⁵ Only in 6 cases, the appeals were approved by the Appeal Court of Chisinau.

⁴⁶ Besides, at least one candidate decided not to register after receiving the Court decision to CoEC to register him, as he publicly stated that he does not see the point in registering and contesting in elections only several days before E-Day.

⁴⁷ However, if the total number of valid signatures after the verification dropped below the minimum required threshold (500 for men and 250 for women candidates), nominees were refused registration, without the possibility to correct, or submit additional signatures.

⁴⁸ https://a.cec.md/ro/astazi-24-februarie-2019-in-republica-moldova-au-loc-2781_92675.html

right to vote, who have the domicile (permanent residence) or residence (temporary residence) on the territory of a precinct⁴⁹. There should be between 30 and 3,000 registered voters per PS.

On E-Day, CEC announced that there were 2,802,148 citizens with the right to vote on the main Voters' list. CEC also stated in December 2018 that there were 3,265,997 voters in total and among the electorate enrolled in the SVR there were 210,890 voters⁵⁰ that have neither domicile, nor place of residence in the Republic of Moldova and some 230,233 voters with residence in the administrative-territorial units on the left bank of the Dniester River.

Moldovan citizens residing out of the country enjoy full voting rights under the Electoral Code⁵¹. By 9 January 2019, 24,453 Moldovan citizens used the opportunity to preliminarily register as voters abroad. 105 citizens with domicile on the left bank of the Dniester River also preregistered. Preliminary registration was possible online or by submitting a written application to the CEC or to Moldovan embassies and consular offices. The number of pre-registered voters for the 2019 Parliamentary elections was almost seven times higher than in the 2016 Presidential elections⁵². In order to better facilitate voting rights for voters abroad, the maximum number of ballots per PS abroad was increased from 3,000 to 5,000⁵³.

The CEC clarified that voters abroad may vote only with a valid Moldovan passport, based on the decision of the Constitutional Court. According to the Public Service Agency, the number of voters with expired Moldovan passports was 58,454 as of 4 January 2019. At the same time, the CEC claimed that there were 175 voters from abroad that voted in the second round of Presidential elections in 2016⁵⁴, out of the total number of 138,350 voters. According to preliminary results, the voter turnout abroad was 74,111.

The regulations also address issues of voting for specific categories of voters. Voters who have both a domicile and a place of residence, could vote in their place of residence. Students having the right to vote, attending an education institution in a locality where they don't have their domicile or residence, were able to vote in the national constituency at any polling station opened in that locality, but not for single member constituencies. Only voters in the country with an expired ID card were given the possibility to request a temporary ID card, issued free of charge in the week preceding Election Day.

For Election Day, the CEC used the State Automated Information System "Elections" (SAIS E) as an online voter verification method. Data operators at each polling station checked the identity of voters against the nationwide voter database to determine whether a voter had already voted, and marked those that voted into the database. In addition to providing safeguard against multiple voting, the SAIS E served for the transmission of voter turnout data and preliminary election results from PS to be published on the CEC website.

⁴⁹ Electoral Code, Article 44.

⁵⁰ This number includes 99,598 Moldovan adult citizens that have officially emigrated abroad according to the data from the Public Service Agency.

⁵¹ Electoral Code, Article 2, para. 3.

⁵² The CEC reported in the 2016 presidential elections, there were 3,476 preliminary registered voters abroad.

⁵³ Electoral Code, Article 54.

⁵⁴ https://a.cec.md/ro/cec-combate-speculatiile-pe-seama-participarii-la-votare-cu-2781_92605.html It should be noted that Article 42, para 3 of EC does not mention the fact that the information regarding the validity of the identity documents (national ID, passport, military ID) of voters is provided to CEC by SRV, but only the series and the number of a document.

VI Campaign finance

The regulatory framework for campaign finance underwent several amendments recently, including enhancing reporting requirements for electoral contestants and initiative groups supporting candidate nominations, decreasing donation limits, and strengthening financial transactions through specific bank accounts, 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 expenditures and sanctions for non-compliance.

The Central Election Commission is responsible body in charge of oversight for the political party finance and election campaign finance. Initiative groups for the support of candidates and registered election contestants were obliged to open special bank account and submit weekly financial reports on sources of campaign funds and campaign expenditures or to inform the CEC that they will not have any financial expenditures during the reporting period. The CEC provided for the transparency by posting timely submitted financial reports on its website. However, a high number of initiative groups supporting independent candidates did not open special bank account for the initiative group and failed to timely inform the CEC that they will not have any financial expenditures during the period of nomination and collection of support signatures.⁵⁵

Political parties running in the elections and registered candidates in the single member constituencies were required to open a special bank account Electoral Fund and all financial transactions, including donations had to go through this Electoral Fund. In case political party or candidate does not incur any financial transactions during the campaign, the CEC needs to be notified. Almost all parties/block opened such an account⁵⁶.

Political parties registered as election contestants regularly submitted weekly financial reports and the final report two days before elections. In cases of delays or non-compliance, the CEC issued a warning giving 24-hours period for submission, or filing information on not having financial expenses during the campaign period.

Overall, CEC provided for transparency by timely publishing campaign finance reports, however, CEC oversight is insufficient to ensure integrity and accountability of campaign finances. CEC checks the financial statements submitted by electoral contestants against bank transactions, however it does not have the capacity to monitor campaign activities and check accuracy of submitted statements. Moreover, the CEC cooperation with other state institutions, like State Tax Inspectorate and National Anticorruption Centre is not sufficiently effective to fully implement the campaign finance regulation. 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.

⁵⁵ According to the CEC decision Nr. 2253 from 5 February 2019, of 101 initiative groups in support of independent candidates, only two opened the bank account and 20 provided information about not opening a bank account. https://a.cec.md/ro/cu-privire-la-rapoartele-financiare-ale-grupurilor-de-initiativa-constituite-pen-2751_92484.html

⁵⁶ 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 the decision by the State Tax Service.

VII Electoral campaign

The Election Code provides for fair and equal conditions for all contestants to participate. Campaigning for Parliamentary elections starts 30 days before Election Day, but not prior to the official registration of the contestant with the relevant electoral body⁵⁷. Following amendments to the Election Code on November 2018⁵⁸, it was possible to campaign even on the day before and Election Day itself, except for the entrance and inside polling stations.

Electoral contestants have used the pre-campaigning period, especially the holiday season, to organize events and different self-promotion activities, which could be considered as early campaigning activities, based on the vague definition of campaigning in the Electoral Code.

The legal deadlines for candidate registration, combined with the complex method of verifying signatures and the lengthy appeal process overlapped with the official start of the electoral campaign. This has led to at least eight candidates being registered as contestants well into the campaign period, with some registrations and/or deregistrations happening as late as several days before Election Day⁵⁹, thus not being able to use the full 30 days' timeframe for campaigning activities allowed by law, which has put them in a disadvantaged position compared to other candidates⁶⁰.

The Election Code forbids use of administrative resources during the campaigning, but no specific sanctions are provided for the breach of this provision. Misuse of administrative resources for campaign purposes was in continuity denounced by political contestants, throughout the campaign, whereas a dozen of complaints were filed to CEC in this regard. ENEMO observers have noticed instances of possible misuse of administrative resources during the campaign, including campaign meetings of candidates inside state institutions during working hours, high-ranking state officials participating in campaigning activities, state employees attending party candidate meeting during working hours, even wearing their uniforms⁶¹.

ENEMO observers were informed by a number of interlocutors about pressure on state employees to participate in campaign events of parties in power at the local and/or national level. 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 by both the local and central government. ENEMO deems that the timing for the introduction of such measures during the electoral period questions their true purpose.

At least 11 complaints were submitted to the CEC regarding alleged misuse of public assets for electoral purposes⁶², 11 complaints were filed with regards to the use of undeclared funds by electoral contestants⁶³, 4 complaints for pretended pre electoral campaign by electoral contestants⁶⁴ and, at least 4 complaints with regard to the alleged vote buying⁶⁵. Most of these

⁵⁷ CEC in the case of party or electoral block lists for the national constituency and CoECs in the case of candidates for single member constituencies.

⁵⁸ Law no 268, date 23.11.2018 "On amending some legislative acts", <http://lex.justice.md/md/378424/>.

⁵⁹ Date of registration and party/bloc for each candidate being registered late.

⁶⁰ Which is at odds with paragraph 7.6 of the Copenhagen Document.

⁶¹ Instances of misuse of administrative resources and public office were noted in Step-Soci, Ceadir Lunga, Balti, Orhei, Riscani, Briceni, Glodeni. Comrat, Otaci.

⁶² Complaints to CEC for pretended use of public assets for electoral purpose: No. 50, 51, 59, 60, 62, 64, 67, 68, 69, 70, 74.

⁶³ Complaints to CEC for pretended undeclared financial activity: No. 10, 12, 16, 19, 61, 63, 65, 66, 73, 76, 78.

⁶⁴ Complaints to CEC for pretended pre-electoral campaign: No. 9, 10, 11, 12.

⁶⁵ Complaints to CEC for pretended forms of vote buying by electoral contestants: No. 57, 58, 72, 77.

complaints were transferred to CoECs and, in few cases, were taken into consideration by the CEC⁶⁶.

Also, 12 complaints were submitted to the district courts regarding electoral matters during the electoral period⁶⁷, in 7 out of 15 District Courts.⁶⁸ These complaints also challenged electoral contestants' activity, and all complaints were rejected⁶⁹.

The campaign was highly competitive, both at the national level and at uninominal constituencies, whereas five parties being the most visible⁷⁰. Parties used different campaigning strategies, including rallies and concerts⁷¹, meetings with the community, and personal meetings between voters and candidates, either through tents set up in the street or, to some extent, canvassing. As the campaign was progressing, the intensity and the use of negative campaigning increased, with numerous personal accusations between electoral contestants.

Key messages of competitors during the campaign were mostly related to the improvement of infrastructure and living conditions for citizens, increasing salaries and pensions, fight against corruption, and organized crime, employment, economy and different local issues. Geopolitical issues were also mentioned, but were not very pronounced. ENEMO noticed that many single member constituency candidates tackled local issues in their campaigning agenda, but often those of competence to the local governments, 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.

Campaigning was 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.

Sporadic incidents happened during the campaign, including physical attacks on candidates, harassment of candidates while campaigning, and destroying of contestants' property. On several occasions, billboards and other electoral materials put by the candidates were also destroyed.

Breaches to the legislation with regard to posting of campaign materials in non-designated areas were observed by ENEMO throughout the country. A number of candidates have also complained of unequal access to public spaces for campaign meetings.

⁶⁶ LP and Shor submitted two complaints at CEC, regarding the activity of the President of Republic considering it a third party, undeclared support and the misuse of administrative assets of the Presidency in favor of the PSRM. They required the deregistration of the electoral contestant PSRM from elections. CEC warned the PSRM, thus accepting the pretended arguments, while notifying the President not to interfere into the campaign. This complaint was brought further into the Appeal Court of Chisinau, which considered it ungrounded. In its decision, the Court reasoned that the deregistration of the contestants could be required by the CEC and not by other contestants.

⁶⁷ District Court of Hincesti - 2 rejected, District Court of Orhei - 1 rejected, District Court of Causeni - 1 rejected, District Court of Cahul - 1 rejected, District Court of Ungheni - 1 rejected, District Court of Balti - 1 rejected, District Court of Drochia - 4 rejected, District Court of Soroca - 1 rejected.

⁶⁸ District Courts of Chişinău, Edinet, Criuleni, Comrat, Straseneni, Anenii-noi, Cimişlina.

⁶⁹ In three cases, the decisions were appealed to the Appeal Courts. (Balti, Orhei and Chisinau Court.)

⁷⁰ Democratic Party, Party of Socialists, electoral bloc ACUM, Political Party Shor and, to a limited degree, especially in the north of the country, Our Party.

⁷¹ Mostly conducted by PSRM and the Political Party Shor.

VIII Gender and minority representation

The current legal framework for elections contains several provisions that aim to improve gender representation. The candidate list of parties running in the nationwide constituency needs to be composed of at least 40% of candidates of each gender. All electoral contestants for the nationwide constituency respected the Election Code concerning the minimum representation of each gender of 40% on their lists and were therefore registered. Gender quota was respected even after a number of candidates were replaced. However, the law does not prescribe any mandatory order of candidates and therefore does not ensure adequate representation of both genders. When analyzing the first ten positions on each candidate list, the total percentage of women candidates is 32,6%, yet the results vary from only one woman candidate in the top ten, to up to five women candidates on one list.

Women candidates running for single mandate constituencies needed to collect only half of the total number of signatures (min. 250, max. 500) needed to be collected by men candidates (min. 500, max. 1000). Another provision that should foster the participation of women within the majoritarian system of elections is the Article 46, which stipulates that political parties that have at least 40% of women candidates in the total number of their candidates running in single mandate constituencies will receive 10% extra state financial subsidies, and additional incentives in proportion to the number of women candidates actually elected as MPs in these constituencies.

The overall participation of women candidates in single mandate constituencies was two times lower than on electoral lists on the national level (around 20%). When excluding political parties that had only one, two, or three candidates in total⁷², no other party running for elections in single mandate constituencies managed to fulfil the 40% of women representation and acquire additional subsidies. The lowest percentage of women candidates in single mandate constituencies was noted among PSRM and PCRM candidates (14% and 15%) and parties that had the highest percentage of women candidates were Our Party (35%), followed by Shor party and ACUM block (almost 30%). PDM had around 20% of women among its candidates, whereas only 13% of independent candidates were women. According to preliminary election results, around 21% of candidates that won in single mandate constituencies are women.

Women were highly engaged in different levels of electoral commissions. At the CEC there are only two women out of nine members, but they both hold leadership positions⁷³. At the CoEC level, approximately 56% of CoEC members were women, whereas women also largely prevailed as PEB members, including the positions of a Chairperson, Deputy Chairperson and Secretary.

Based on the observation of election contestants' campaigning activities there were no specific messages targeting specifically women policies. Also, several CSOs are active in promoting gender equality and the empowering of women in Moldova, and some of them are more focused to promote balanced participation and representation of women in politics.

Based on the 2014 Census⁷⁴, conducted by the National Statistics Bureau of Moldova, the population consists of the following nationalities/ethnic groups; Moldovan (2,068,058 people), Ukrainian (181,035 people), Russian (111,726 people), Gagauz (126,010 people), Romanian (192,800 people), Bulgarian (51,867 people), Roma (9,323) and other ethnicities (13,900 people).

⁷² "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;

⁷³ Chairperson and Deputy Chairperson.

⁷⁴ Population Census 2004; Demographic, national, language and cultural characteristic.

There are 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 minority population. With regards to the majoritarian system, the positive aspect used when delimiting single member constituencies was not to dilute the representation of minorities, in line with Framework Convention for the Protection of National Minorities and the Code of Good Practice in Electoral Matters. Therefore, separate constituencies for the territories of ATU Gagauzia and Taraclia were formed. While most electoral contestants did not focus much attention to specific minority issues and policies during their campaigns, at least two independent candidates in Taraclia proclaimed themselves as candidates protecting interests of the Bulgarian minority during their campaigning.

While all CEC decisions are published in State language, translation into Russian is also provided, but not in a timely manner. Also, around 800,000 of ballot papers were printed in Russian⁷⁵ 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 organizations⁷⁶.

With regards to the participation of persons with disabilities in the electoral process, CEC has undertaken some steps in this direction, in cooperation with NGOs working in this field⁷⁷. However, more efforts are needed to achieve an adequate level of access and participation of persons with disabilities in elections.

Over 70% of the polling stations visited by ENEMO observers on Election Day lacked adequate structures that would facilitate access of persons with mobility impairments to the PS. At the same time, in 70% of the visited polling stations magnifying glasses for voters with slight visual impairment were available, whereas templates in Braille alphabet that would enable voters with visual impairments to cast their ballot independently were noticed in 58% of visited PS. Moreover, sign language interpreters to assist voters with hearing impairments were present in four polling stations, as publicly announced.

IX Media

The Constitution of Moldova guarantees freedom of expression⁷⁸, whereas main principles for media conduct during elections are set out in the Electoral Code. The conduct of broadcasters is regulated by the newly approved Code for Audiovisual Media Services⁷⁹ and the Regulation of the CEC to this effect, adopted on 21 December 2018⁸⁰.

⁷⁵ For the last elections of 2016, CEC printed 3,132,427 ballots, of which nearly one million was in Russian and for the 2014 elections, of 3,131,227 ballot papers, 751,344 were in Russian.

⁷⁶ Contact Center, Miras Moldova, The Roma National Center, Eastern European Foundation, NGOs BARE ROM and TARNA ROM and many other.

⁷⁷ 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.

⁷⁸ Constitution of the Republic of Moldova, Article 32, Freedom of Opinion and Expression

⁷⁹ Code for Audiovisual Media Services, adopted by Law 174, dated 8 November 2018.

⁸⁰ "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.

Despite a relatively high number of media outlets, plurality of viewpoints is undermined by concentration of media ownership in the hands of few companies, with close ties to politicians. Independent media outlets struggle financially, which further decreases plurality. Attempts to diminish ownership concentration, through limiting the number of broadcasters that a single company can own up to two TV channels and two radio stations, have yielded limited results, as ownership was transferred to companies with links to the former owners.

The most influential media is television, followed by online portals and radio. However, the influence of internet on opinion forming during elections is further impacted by online advertising, which was observed to be highly present throughout the electoral campaign⁸¹, and use of social media.

The conduct of broadcasters is supervised by the Audiovisual Coordinating Council (CCA), which is a permanent body. For the 2019 parliamentary elections, 112 broadcasters⁸² expressed their intent to cover the election campaign⁸³, upon providing their editorial policies.

Complaints about broadcasters' conduct can be filed with CCA, while complaints regarding press and online media are filed with the Courts. Sanctions that the CCA issues to broadcasters for violations of the campaign coverage rules, may vary from issuing a public warning, to revocation of the broadcasting license, with various degrees of financial penalties in between. Different complaints related to coverage of elections by broadcasters were filed with CCA by contestants during the electoral period. CCA has rejected most of the filed complaints, including the ones related to campaigning prior to the official start of the campaign, while it has sanctioned two TV channels for failing to ensure impartiality and balance⁸⁴.

Since the start of the election campaign, CCA has also monitored the conduct of 13 TV channels⁸⁵. The monitoring is limited to news broadcasts and special news editions about elections. CCA is issuing three reports about the conduct of monitored media during the campaign, each covering 10 campaigning days. The first report was examined by the CCA on 15 February 2019⁸⁶ and the second on 21 February⁸⁷. Through the monitoring, the CCA found that most of the observed media have shown bias in favor/disfavor of one or more contestants. Based on the findings, the CCA has sanctioned parent companies of eight TV channels⁸⁸ on two occasions.

ENEMO deems that the monitoring and sanctioning mechanism of CCA is not efficient for several reasons: due to the period between reports, which is too long for an election campaign of only 30 days; pace of reviewing the monitoring reports, which is too slow to ensure for swift reaction to be taken; and due to the types of sanctions applied, which were not dissuasive, as almost all media

⁸¹ Political parties that have been observed to have the highest number of online ads during the election campaign include the Democratic Party, the Party of Socialists, the Electoral Block ACUM, Shor Party and, to some extent, Our Party.

⁸² 57 TV channels and 55 radio stations.

⁸³ The TV channel "Bravo" has informed the CCA on 28 January 2019 that it would not cover elections, as it lacked financial means to organize electoral debates.

⁸⁴ On 14 January 2019, TVC21 was issued a public warning for failing to comply with art. 13 par. (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 par. (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 par. (6) let. a) of the Audiovisual Media Services Code.

⁸⁵ "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".

⁸⁶ For the period 25 January (first day of campaigning) to 3 February.

⁸⁷ For the period 4 – 13 February 2019.

⁸⁸ "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 par. (6) let. a) of the Audiovisual Media Services Code.

outlets repeated the same, or similar offense after already being sanctioned/warned the first time. The combination of these elements makes the monitoring and sanctioning mechanism a pure formality and fails to secure that voters are provided with unbiased and balanced viewpoints, as to make an informed choice during elections.

Internet and social media have been largely used by both political parties and candidates in single member constituencies during the election campaign. Online disinformation and fake news is 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 behavior - a coordinated attempt to mislead voters - and use of divisive narrative⁸⁹. According to Facebook, some of the fake accounts that were linked to employees of the Moldovan government.

X Election Day

On February 24, voting took place 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.

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, without revealing the identity of voters. Also, cameras were supposed to be pointed towards the counting table, during the counting and tabulation of results.

On Election Day, the EOM 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 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 Ukraine⁹⁰.

In total, ENEMO observers monitored the opening procedures in eight polling stations in Moldova and two abroad⁹¹; 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 from the PEBs to the CoECs in eight CoECs.

ENEMO observers reported lesser procedural shortcomings during the day, mostly related to improper positioning of cameras, overcrowded and/or improperly set up polling stations, inaccessibility of polling stations for people with disabilities, as the majority of polling stations were evaluated as not accessible or hardly accessible to voters with mobility impairment.

Organized transportation of voters was observed in polling stations assigned for voters from Transnistria. During Election Day, ENEMO noted several allegations of vote buying being reported to authorities, whereas our observers were informed about similar practices from party

⁸⁹ Removing coordinated inauthentic behavior from Moldova, <https://newsroom.fb.com/news/2019/02/cib-from-moldova/>.

⁹⁰ Polling station in Kyiv, Odessa and Lviv (Ukraine) were monitored by ENEMO. Due to the fact that ENEMO has deployed an international election observation mission for Ukrainian Presidential elections 2019, LTOs from Ukrainian EOM volunteered to observe the Moldovan Parliamentary elections in respective cities, after being accredited by the CEC.

⁹¹ Due to a misunderstanding with the PEB in Odessa, which was resolved with the assistance from the CEC, ENEMO observers were not able to observe the opening in this PS.

representatives in polling stations, mainly connected to PS for voters from Transdnistria. The police has started investigations on reported cases of vote buying.

All polling stations observed were opened on time (07:00 AM) and with all needed materials for voting. Opening procedures were generally followed properly in the observed polling stations, both in Moldova and abroad, except one case, where opening procedures were not completely transparent⁹². Of the eight PS observed in Moldova, five were opened in the presence of all PEB members, while three of them were opened with partial presence of PEB members, but with the needed quorum.

ENEMO observers have 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 115 observed polling stations. However, observers reported some irregularities, such different interpretation of the procedures by PEBs as to the party agitation⁹³, placing of Protocols in ballot boxes, inadequate positioning of the camera and similar. 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 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 stations⁹⁴ observed.

Observed assessed that in 96% of the polling stations, the PEBs were able to manage the process properly, and only in three polling stations the process was disorganized and confusing. In one of the observed polling stations⁹⁵ the observers noted that the ballot box 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 PS 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.

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, it was hard to determine whether voters placed all ballots into the ballot box, or if voters took ballot papers out of the polling station without being noticed. ENEMO observers have noticed that voters left unused ballot papers in voting booths in two polling stations. on both cases, when the PEBs noticed the fact they removed the ballot papers and dully annulled them.

Observers also noticed that there were differences in understanding of the procedure 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% of the visited polling stations, observers noted that PEB members were asking voters if they wanted to receive the ballot papers for the referendum.

Campaigning activities during Election Day were noticed in 32% of the visited polling stations. Observers noticed different understanding of PEBs on regulations regarding campaign activity

⁹² In polling station 9/10, the opening protocol was not filled in the presence of all observers, the PEB filled the protocol in a room adjacent to the premises of the polling station.

⁹³ Some PEBs were allowing party activists to campaign right outside the PS, whereas others asked them to move at least 100m from the PS.

⁹⁴ Polling stations 17/1, 15/12, and 29/28. Moreover, in polling station 40/1, during mobile voting in hospital, commission members assisting voters were showing voters the exact row where to put the stamp.

⁹⁵ Polling station polling station in Moldova

and restrictions, especially in the first part of the day. During the day, CEC issued a press release to explain that campaigning is allowed, but not at the entrance, nor inside PS⁹⁶.

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

Women constituted the majority in most polling stations visited by ENEMO observers throughout Election Day. Women were also in majority in leadership positions in the observed PEBs⁹⁷.

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 procedures⁹⁸ and in one⁹⁹ the camera could not properly record the counting table as PEB members counting votes 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, signatures not counted). Overall, ENEMO observers assessed that such shortcomings were due to negligence.

ENEMO observers followed the transfer of materials from polling stations to the DEC in seven cases. DEC activities were evaluated positively (good or very good) in six out of seven DEC. In one case DEC¹⁰⁰ premises were evaluated as too small and inadequate for the proper intake of the election materials.

XI 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 countries¹⁰¹.

In total, the number of accredited observers was 4165, of which 3389 domestic observers from some 20 organizations, which monitored the conduct of the electoral process in the polling stations established within and outside the country, as well as 776 international observers 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, the Commonwealth of Independent States, different Embassies, foreign CEC representatives, etc.

PromoLex Association is the largest domestic organization that observed elections. PromoLex has observed all polling stations in the Republic of Moldova and many polling stations abroad, while also conducting parallel vote tabulation.

⁹⁶ https://a.cec.md/ro/in-incinta-sectiei-de-votare-sau-la-intrarea-in-2781_92682.html

⁹⁷ 78 percent of chairpersons in visited PEBs were women, 77 percent of deputy chairpersons were women and 94 percent were secretaries.

⁹⁸ Polling station 10/25.

⁹⁹ Polling station 25/10.

¹⁰⁰ DEC 25

¹⁰¹ Article 68 of the Electoral Code and Regulation No. 110 "On the status of observers and their registration", 18 August 2016

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 countries¹⁰², the present mission being the 26th, while a parallel EOM is observing the Presidential Elections of 2019 in Ukraine.

¹⁰² 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).