



## **ENEMO International Election Observation Mission**

### **Local Elections of 5 November 2023 in the Republic of Moldova**

#### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**6 November 2023**

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*The 5 November local elections come at a pivotal moment for the country's path towards building a fully functional democracy. While voters were presented with a broad choice, allegations of widespread and coordinated attempts to sway the will of the voters, through vote buying and other practices that are at odds with the very foundations of a democratic society, are extremely concerning. In the long run, such practices risk irreparably damaging electoral integrity, thus eroding democracy. They should be addressed efficiently and resolutely by the competent authorities, while also unequivocally upholding the principles of rule of law.*

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Following an invitation from the Central Election Commission of the Republic of Moldova, the European Network of Election Monitoring Organizations deployed an International Election Observation Mission (IEOM), to observe the Local Elections of November 5, 2023 in Moldova. The Mission is composed of four Core Team experts, based in Chisinau, and four long-term observers, deployed in two teams based in Balti and Comrat, and covering, respectively, the north and the south of the country. No additional short-term observers joined the Mission for Election Day. The Mission is headed by Dritan Taulla.

The aim of the IEOM is to improve the transparency of the election process and assess its integrity and compatibility with international obligations of Moldova and standards for democratic elections, as well as the domestic legislative framework. To achieve this aim, ENEMO observers are monitoring and assessing the overall political and electoral environment, the right to elect and stand for election, conduct of election management bodies, campaigning, gender representation, electoral dispute resolutions and other crucial aspects of the process. On election day, the IEOM observed the voting, counting, and tabulation of results in a limited number of polling stations.

The Statement of Preliminary Findings and Conclusions is based on ENEMO's findings on the national level and throughout the regions, from 1 October to Election Day. Parts of the findings and assessment precede the deployment date and are based on publicly available information, as well as information gathered from the Mission's interlocutors. Since deployment, ENEMO observers have conducted 297 meetings with various interlocutors, including election management bodies, political parties and candidates, state officials, media and domestic civil society organizations. The Statement of Preliminary Findings and Conclusions is better understood if read in conjunction with the [Interim Report](#), issued by the Mission on 30 October 2023.

The mission will remain in the country to observe the second round of elections in the municipalities where no mayor secured a majority of the votes in the first round, as well as potential complaints and appeals for both the first and the second round. A final report, including recommendations for potential improvements, will be issued within sixty days from the certification of results.

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## Preliminary Conclusions

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The 5 November elections were held against the background of a highly polarized political environment, and in absence of any meaningful cooperation between the majority and the opposition. The majority of the initiated reforms were passed without support from the opposition. Elections were also held against the background of the ongoing war in Ukraine, started in February of last year, with the full-scale invasion of the country by the Russian Federation. Moldovan authorities have unequivocally condemned the aggression and provided support to Ukrainian refugees fleeing the conflict. The country has faced economic blackmail and a sustained campaign aiming to destabilize it, which, according to the authorities, extended to attempts to compromise the electoral process and undermine the security of the country.

Generally, the existing legal framework provides a sound basis for holding elections in line with international commitments and standards. ENEMO welcomes the adoption of the new Electoral Code, which was significantly improved. The adoption of the law was preceded by a transparent, inclusive and comprehensive electoral reform, in line with ENEMO's long-standing primary recommendation.

The Central Election Commission (CEC) operated in a transparent and competent manner. Despite the significant number of notifications, procedural and organizational tasks, and shortages in human resources, overall the CEC managed the process timely and efficiently, while adhering to the election calendar and legal deadlines prescribed by the Law.

On 30 October, the CEC adopted a decision requesting relevant DEC's to examine the cancellation of registration of candidates for mayor and councilors in nine first level constituencies. Despite EMBs' legal competence on this matter, ENEMO raises concerns regarding the decision to de-register several candidates a few days before election day. The decision was taken by the electoral administration with limited time to appeal the decision to the courts, and seek proper legal remedy.

Generally, the DEC's on both levels adhered to the election calendar and were open to accredited observers. However, the decisions of the DEC's were uploaded on the CEC website with considerable delays and in an inconsistent manner. Furthermore, some ENEMO interlocutors, mainly from opposition political parties, expressed concerns about the independence of the chairpersons of second-level DEC's.

Most of the cases submitted to the CEC were addressed, while the complaints and respective decisions were published in the registry of complaints. However, there is no unified online and publicly accessible registry of complaints which encompasses complaints submitted to the DEC's and their respective resolutions, which resulted in a lack of transparency in the process.

An appeal which significantly impacted a substantial number of candidates from the "Chance" party served as a litmus test for the efficiency of the election dispute resolution system. The Chisinau Court of Appeal refrained from issuing a decision before election day started or concluded. The Court did not adopt the decision and requested an opinion of the Constitutional Court. This procedural dynamic included frequent referrals and jurisdictional conflicts which precluded effective legal redress for the complainants.

Elections were overall competitive with a high number of candidates registered. In general, the vast majority of candidates were able to register without difficulties and no major concerns were reported by ENEMO interlocutors. The registration of Chance party candidates throughout the country was canceled based on a resolution of the Commission for Exceptional Situations two days ahead of elections. Right after the deregistration, “Chance” and former Shor party members called openly upon voters to vote for other suggested independent candidates, which raises doubts about the genuineness of these candidates.

ENEMO deems that the decision to cancel the registration of candidates should have been made by election management bodies and the right to appeal should have been ensured. The intervention of the CES, a body mostly composed of members of the executive, in the right to stand for election, raises concerns about the involvement of the executive in the electoral process.

In line with ENEMO’s previous recommendation, the number of necessary signatures for independent candidates was lowered and voters could now support several candidates. No concerns were raised by interlocutors regarding the collection and verification of the signatures. However, the disparate conditions between independent candidates and political parties, and the fact that signature verification can extend beyond the start of the election campaign, are at odds with best practices for democratic elections.

The campaign was overall low-key and calm, but intensified in the last 10 days before election day. The legislation does not prohibit the involvement of high-level officials who were actively involved in campaigning for candidates of the ruling party. This practice gave an advantage to candidates from the ruling party and raises concerns regarding the separation between party and State.

While candidates had the opportunity to campaign freely, fair conditions in the campaign were not ensured. The playing field was distorted by promises of large-scale financial incentives used as campaigning instruments. Numerous allegations of widespread vote-buying, pressure on employees, misuse of administrative resources or the use of achievements of the municipalities in the campaign, mainly by incumbents, marred the election campaign.

ENEMO observed a limited efficiency of campaign finance oversight by EMBs, mainly due to the lack of crucial personnel and absence of delegation of some tasks to lower-level DECAs. Contestants could decide not to open an “Electoral Fund” and conduct their campaign without any financial costs. ENEMO assesses that this provision is at odds with best practices, and leaves space for unreported expenses and shadow funding. Many interlocutors raised serious concerns about “shadow funding” from abroad to bribe voters and the possible impact on the electoral results, which was also the main argument used to cancel the registration of the candidates fielded by the Chance political party.

The media landscape in Moldova reflects a complex interplay of political influence, economic challenges, and evolving regulations. The polarization between pro-Russian and pro-Western factions, coupled with oligarchic control, hampers the media's ability to act as an independent and critical voice. The advertising market, too small for the numerous television channels, faces financial difficulties.

Moldova has witnessed a surge in informational attacks and security threats, particularly during the electoral process, with Russia conducting disinformation campaigns through specific media outlets in a broader hybrid war. The decision to suspend licenses for six TV stations during the state of emergency, approved by the Commission for Exceptional Situations was driven by concerns about violations and manipulative narratives, aiming to safeguard the national information space. The Intelligence and Security Service has accused the Russian Federation of influencing local elections in Moldova, actively engaging in disinformation campaigns through these TV stations, thereby posing a threat to the democratic process.

The Electoral Code provides equitable campaign coverage, but shortcomings in secondary legislation, especially regarding online platforms and media ownership, highlight the need for comprehensive reforms. Challenges in ensuring gender-balanced coverage and instances of candidates avoiding certain media outlets underscore the intricacies of media dynamics during elections. The influence of social media, particularly Telegram and TikTok, remains a challenge, with unregulated spaces contributing to the spread of toxic narratives. While journalists work in a generally safe environment, they face risks of insults and cyber-harassment.

Based on the selected few polling stations observed by the mission on the day of voting, election day conduct was overall orderly with some procedural irregularities which are deemed not to have affected the legitimacy of the process. Election commission members seemed to be managing the process well and procedures were generally followed at polling stations observed. According to preliminary data announced by the CEC, the turnout in the first round of municipal elections was 41.68 percent.

## **Preliminary Findings**

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## **Background**

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On July 4, the CEC announced the date of the Local Elections, for November 5, 2023. In the

2019 local elections the Party of Socialists of the Republic of Moldova (PSRM) won the majority of councilors and mayoral positions<sup>1</sup>. In 2020, the candidate of PAS, Maia Sandu, won the Presidential elections, thus becoming the first woman president of Moldova, and in the 2021 early Parliamentary Elections, PAS won 63 out of 101 parliamentary seats, securing a simple majority in the 101 seats Parliament<sup>2</sup>.

The 2023 Local Elections come at a crucial moment for Moldova. Since 2021, state authorities have embarked on a series of reforms aimed at tackling corruption, on a clear pro-European path. In April of this year, the European Parliament passed a resolution calling for EU accession negotiations to start by the end of 2023, a commitment that was reiterated by an overwhelming favorable vote of MEPs at the beginning of October.

In June 2023, the Constitutional Court declared the “Shor” Party unconstitutional<sup>3</sup>, following a request of the Government, filed with the Court in November 2023, citing Article 41, para. 4<sup>4</sup> of the Constitution as grounds. The party was considered dissolved since the moment of the ruling, while its elected officials, at all levels, retained their mandates but are to serve as independents and have no right to join other factions for the duration of their term in office.

The 5 November elections were held against the background of a highly polarized political environment, and in absence of any meaningful cooperation between the majority and the opposition. The majority of the initiated reforms, including the amendments to the Electoral Code, were passed without support from the opposition. On October 19, a motion of no confidence in the Government, initiated by the Bloc of Communists and Socialists, failed to pass in Parliament. The polarization was accentuated during the electoral period, especially after the decision of the Commission for Exceptional Situations, two days ahead of election day, to cancel the registration of candidates from the political Party “Chance”, a clear successor of the “Shor” party.

The election process is held against the background of the ongoing war in Ukraine, started in February of last year, with the full-scale invasion of the country by the Russian Federation. Moldovan authorities have unequivocally condemned the aggression, provided support to Ukrainian refugees fleeing the conflict, and the country has faced economic blackmail and a sustained campaign aiming to destabilize it, which, according to the authorities extended to attempts to influence the results of the elections through illegal funding and massive attempts to corrupt voters, thus damaging the integrity of the elections.

As a result of the ongoing war, elections are being held under the state of emergency, which was extended by the Parliament on 21 September for 60 days, starting from October 2. The emergency

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<sup>1</sup> Followed by the electoral bloc ACUM, composed of Party for Action and Solidarity (PAS) and the Platform for Dignity and Truth (DA), the Democratic Party of Moldova (PDM), and the Shor Party.

<sup>2</sup> Followed by the Bloc of Communists and Socialists, composed by PSRM and Party of Communists (PCRM), with 32, and by the Shor Party, with 6.

<sup>3</sup> [Decision of the Constitutional Court on the constitutionality of the "Shor" Party.](#)

<sup>4</sup> Article 41, paragraph 4 of the [Constitution of the Republic of Moldova](#): “Parties and other socio-political organizations, whose objectives or activities are the engagement in fighting against political pluralism, the principles of the rule of law, sovereignty, independence, and territorial integrity of the Republic of Moldova are declared unconstitutional.”

provided the basis for the authority of the Commission for Exceptional Situations to order the cancellation of the registration of all candidates fielded by the “Chance” party.

Previously, national authorities openly expressed concerns about the risks of foreign interference in the electoral process and potential threats to national security. The Prime minister cited a report from the Security and Intelligence Service as the basis for the decision, which alleged that the criminal group headed by Ilan Shor, funded by the Russian Federation, was engaging in efforts to disrupt the electoral process in Moldova and to destabilize the nation's security. Furthermore, the head of the Intelligence and Security Service voiced serious concerns about foreign meddling and the hybrid warfare being waged against Moldova<sup>5</sup>. He highlighted that the current legislative measures do not offer adequate means for a swift and effective response to the full range of tactics employed in hybrid attacks.<sup>6</sup>

## Legal framework and electoral system

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### Legal Framework

Local elections are primarily regulated by the Constitution and the Electoral Code, with the CEC's decisions providing further guidance. Additionally, the regulatory framework also includes sections of the Law on Political Parties, the Criminal Code, and the Contravention Code. As a party to major international and regional agreements<sup>7</sup> Moldova is committed to upholding the principles of democratic election standards. In case of disagreements between domestic law and

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<sup>5</sup> The [Report](#) published by the Intelligence and Security Service.

<sup>6</sup> [Statement](#) of the Intelligence and Security Service:

<sup>7</sup> Among others, the European Convention on Human Rights; International Covenant on Civil and Political Rights (ICCPR); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention on the Political Rights of Women; International Covenant on the Elimination of all Forms of Racial Discrimination (CERD); Convention on the Rights of Persons with Disabilities (CRPD), etc.

international conventions or treaties to which Moldova is a party, primacy is given to the international law.<sup>8</sup> Overall, the existing legal framework provides a sound basis for holding elections in line with international commitments and standards.

The new Electoral Code, significantly improved, was passed by the Parliament in December 2022, without support from opposition parties, and came into effect at the beginning of 2023. The adoption of the law was preceded by a transparent, inclusive and comprehensive electoral reform, in line with ENEMO's long-standing primary recommendation, which began in 2021.

The Electoral Code was amended twice, following the Constitutional Court rulings of 19 June<sup>9</sup> and 3 October. Following the last ruling, the Parliament swiftly amended the Electoral Code on 4 October,<sup>10</sup> imposing a three-year ban on standing for office for some 100 individuals.<sup>11</sup> ENEMO notes that amending the legal framework, one month prior to Election Day is against best practice and threatens the principle of legal certainty in the process.<sup>12</sup> Simultaneously, the Commission for Exceptional Situations also passed a decision mirroring the Parliament's criteria, de facto preventing the same individuals to stand for election (see Candidate Registration section).

The new legislation specifically addressed a number of ENEMO's previous recommendations, and removed several loopholes in the legislation. Some of the most important amendments regarded the introduction of measures to increase the transparency of election management bodies, safeguards against undue influence on public officials and voters, mitigation of instances of vote-buying, restrictions aimed at preventing misuse of administrative resources, and stricter rules for campaign finance, etc.

## Electoral System

Local elections were held to elect 898 Mayors and 11,058 councilors, among which 9,972 councilors of first level administrative units and 1,086 district or municipal councilors. In local elections, boundaries of electoral constituencies match those of the relevant administrative unit.

Mayors are elected under a two round majoritarian system, with the two candidates that receive the highest number of votes to compete in run-off elections on 19 November, in municipalities where none of the candidates running in the first round received more than half of the valid votes

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<sup>8</sup> Article 4, paragraph 2 of the [Constitution](#).

<sup>9</sup> After the Constitutional Court declared the Shor Party unconstitutional on June 19, On July 31 Parliament enacted a disqualification for the party's executives and other officials from seeking elected roles for five years. This was challenged by former Shor Party MPs, and on October 3, the Court invalidated the disqualification criteria.

<sup>10</sup> On October 16, the former Shor Party MPs contested these latest amendments at the Constitutional Court, which declined to suspend the law.

<sup>11</sup> According to the amendment Individuals who are suspected, have been charged, or were convicted of crimes those previously removed from electoral competition due to breaches of transparency, or those on international sanctions lists are prohibited from running in elections for a period of three years.

<sup>12</sup> The Venice Commission's [Code of Good Practice in Electoral Matters](#) (II.2.b.), recommends that "the fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law".



cast. Councilors are elected under a list proportional representation system (List PR). Seats in the local council are allocated in a single multi-seat constituency<sup>13</sup>.

At least 25 percent of voters in a given constituency had to participate for the election to be valid in the first round. The new Electoral Code sets the minimum threshold for the second round: elections will be considered valid if at least 20 percent of those on the Voters' Lists have taken part. According to preliminary results, in eight localities the turnout was below the required threshold.

## **Election Administration (Marina)**

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Local Elections are administered by a four-tiered election administration, which encompasses the Central Electoral Commission, 35 Second level District Electoral Councils, 896 first level District Electoral Councils and 1,958 Precinct Electoral Bureaus (PEBs).

### Central Electoral Commission

The CEC is the highest permanent independent, collegial election management body that has the authority to plan, organize and conduct elections<sup>14</sup>.

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<sup>13</sup> Following the d'Hondt formula.

<sup>14</sup> Among other tasks, CEC responsibilities include uniform application of the electoral legislation, the formation and coordination of lower-level EMBs, the compilation and verification of voters' lists, the design of ballot papers, forms, and other election materials. In addition, the CEC is tasked with establishing technical criteria for voting equipment,

The CEC consists of nine members, selected by the Parliament. One of the members is proposed by the President and the other eight by the parliamentary majority (five members) and opposition (three members). Currently the CEC is operating with only eight members, pending Parliament's approval of an additional member, nominated by the opposition<sup>15</sup>.

The perception of the CEC's composition has led to varied levels of confidence among stakeholders, with a lack of trust from some opposition parties, viewing the Commission as influenced by the ruling party.

The CEC held regular, official sessions that were open to accredited observers, media and other authorized representatives. Sessions were livestreamed and agendas were published before the sessions. Positively, decisions made by the CEC were published on the institution's webpage in a timely manner.

Through effective planning and the ability to execute tasks in a timely manner, the CEC adhered to the election calendar<sup>16</sup> and legal deadlines prescribed by the Law. Despite the significant number of notifications, procedural and organizational tasks, and shortage in human resources, overall, the CEC managed the process timely and efficiently.

The CEC conducted a comprehensive voter information campaign, using traditional and social media, as well as in person communication. Informational materials were prepared in six languages<sup>17</sup>, as well as in audio format and sign language. Public Service Announcements were also distributed through social media channels<sup>18</sup> and traditional media. The CEC and its Center for Continuous Electoral Training, also conducted comprehensive training for election management bodies (EMBs) and other stakeholders involved in the electoral process.<sup>19</sup>

Delays in uploading first weeks' financial reports due to maintenance of the reporting system, point to technical challenges, which were compensated by the submission of hard copies of the financial reports by the parties. The CEC also faced a shortage of human resources in the body responsible for party/campaign finance. The CEC mentioned that their cooperation with other relevant government institutions helped address the personnel shortage effectively. However, given the complexity of local elections and the considerable number of candidates registered in the electoral race, human resource shortages posed a risk of hindrance to the CEC's ability to

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providing support to lower level commissions, as well as supervising the financial activities of political parties and their campaigns.

<sup>15</sup> According to the Electoral Code, instead of the existing system where political parties nominate members based on their representation in the Parliament, the new composition of the CEC involves the President appointing one member to the CEC, the Superior Council of Magistracy designating two members, the Government two members, and remaining two will be selected by the Parliament, ensuring a balanced representation of both the majority and opposition. This new formula will start to be applied in 2026, when the mandate of the current members expires.

<sup>16</sup> The [Election Calendar](#) was adopted on August 2, 2023 by the CEC.

<sup>17</sup> See the National Minorities section.

<sup>18</sup> [See the vidoes](#)

<sup>19</sup> State Registry of Voters' registrars, judges, police officers, as well as to parties on party and campaign finance reporting.

effectively monitor party and campaign finance, which was one of the major challenges of this electoral process.

On 30 October, the CEC adopted a decision<sup>20</sup> requesting relevant DEC's to examine the cancellation of the registration of candidates for mayor and councilors from the "Chance" Party in nine level I constituencies<sup>21</sup>. In addition, the CEC will examine the findings and decide on possible sanctions related to the allocations from the state budget for Chance party. The decision was made based on the notifications submitted by law enforcement authorities regarding the violations of the mentioned party candidates in these localities. According to the CEC, they identified violations by the "Chance" Party's representatives concerning the electoral legislation, specifically in the financing of their campaign. These violations included illegal campaign financing; voter corruption; use of unauthorized financial means (financial resources that did not come from the officially designated electoral fund); exceeding spending limits; and use of undeclared resources. Eight of the DEC's canceled the registration of the mayoral and councilor candidates of the "Chance" party, and one did not.

Despite EMBs' legal competence on this matter, ENEMO raises concerns regarding the decision to de-register several candidates a few days before election day. The decision was taken by the electoral administration with limited time to appeal the decision to the courts, and seek proper legal remedy.

#### District Electoral Councils (DECs)

Lower-tier electoral bodies, including the 1st and 2nd level District Electoral Councils (DECs) as well as the Precinct Electoral Bureaus (PEBs), were established within the legal deadlines.

The second level DEC's are permanent electoral bodies led by chairpersons that were appointed by the CEC based on open competition and have permanent positions holding the status of civil servants. First and second level constituencies match the administrative territorial division of the country, respectively first and second tier administrative units.

Generally, the DEC's on both levels adhered to the election calendar, operated in a transparent manner and were open to accredited observers. Many of the DEC's chairpersons as well as temporary members have previous election experience; those with lack of prior experience also generally managed the DEC's activities competently.

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<sup>20</sup> [Decision No. 1520](#) - regarding the notifications of the Intelligence and Security Service, the Glodeni and Orhei Police Inspectorates and the Chisinau Police Directorate of the General Police Inspectorate:

<sup>21</sup> Tîrșiței #34/27, Telenesti district; Țareuca communal electoral district #26/25, Rezina district; Ișcălu communal electoral district #17/16, Falesti district; Old Dobrogea Veche electoral district 28/14, Singerei district; Merenii Noi village electoral district #4/17, Anenii Noi district; Alexanderfeld village electoral district #7/2, Cahul district; Pitușca village electoral district #9/17, Calarasi district; Răculești communal electoral district #12/22, Criuleni district; Joltai village electoral district no. #36/24, UTA Gagauzia.

The decisions from the first and second level DEC were uploaded to the CEC website with considerable delays and in an inconsistent manner. While these decisions were displayed at DEC locations or on local public authority websites, this varied from DEC to DEC. Furthermore, some ENEMO interlocutors, mainly from opposition political parties, expressed concerns about the independence of the chairpersons of second-level DECs.

Overall, DEC commissioners were satisfied with the levels of communication with the CEC. They received information in a timely manner and confirmed that the CEC was accessible for consultation. The communication with the CEC mostly concerned synchronizing their activities with the election calendar and addressing DECs' operational needs. Support from local public administration to DECs was satisfactory, ensuring that necessary resources for their activities were provided including appropriate premises and equipment.

One of the challenges expressed by several DECs was the substantial workload and administrative tasks requiring full commitments from the entire composition of commissions, while only the chairperson is a permanent member.

DEC chairpersons participated in several training sessions focused on the mandate validation process. Although many DECs expressed confidence in implementing the procedures, some DECs in ATU Gagauzia seemed less knowledgeable about the process. This inconsistency in comprehension among certain DECs could result in potential delays and mistakes during the mandate validation.

#### Precinct Electoral Bureaus (PEBs)

The formation of PEBs was completed by DECs by October 11. In compliance with the legal deadline, 1,958 PEBs were formed, with each bureau comprising between 5 and 11 members. DECs, particularly in rural areas, faced challenges while recruiting PEB members with the necessary qualifications. Consequently, these DECs often had to request the CEC's authorization to carry out supplementary certification for prospective PEB members. According to DECs observed, even with this measure, this left PEBs in these rural areas operating with the bare minimum of members.

During the preparatory phase, all PEBs chairpersons, secretaries and two randomly selected members were trained and supplied with necessary materials by the DECs, fulfilling their duties in line with the electoral calendar.

ENEMO noted a significant number of replacements among PEB members, largely due to the initial members' conflicts of interest, lack of interest, or personal matters. While these substitutions were not substantial in proportion to the total count of PEB members, sourcing suitable replacements frequently posed a challenge especially in rural areas.<sup>22</sup> Consequently, DECs often had to seek the CEC's permission for additional certification of prospective PEB members. Nevertheless, the turnover within PEBs did not seem to compromise their functioning.

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<sup>22</sup> DEC members indicated to ENEMO observers that the high replacement rate might be attributable to the PEBs being established before the announcement of candidate lists, which later revealed potential conflicts of interest.

The PEBs delivered voting invitations to the voters addresses promptly. However, ENEMO observed that this task sometimes monopolized the time of all available PEB members, resulting in cases where no members were present at the polling stations during official hours.

## Registration of voters

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Citizens who are at least 18 years old on election day, and are not disenfranchised by a court decision establishing the measure of judicial protection, have the right to vote. Deprivation from the right to vote on the basis of a mental disability is at odds with international standards. Voter registration is passive. Voter lists (VLs) are compiled based on information in the State Register of Voters<sup>23</sup>, which is extracted from the State Population Register. The voter lists included all voters who have a domicile or a residence in a given precinct<sup>24</sup>. In an attempt to prevent the movement of voters from one electoral district to another in order to influence the result of the

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<sup>23</sup> The State Register of Voters is centralized and maintained by the CEC.

<sup>24</sup> The CEC oversees the preparation and confirmation of the Voters' List, working alongside pertinent central and local authorities. However, individuals lacking a registered temporary residence or domicile are ineligible to vote.

election, amendments to the Electoral Code provide that voters who change their residence or domicile less than three months prior to election day vote in the polling station of their previous address.<sup>25</sup> Exception was made for students and pupils eligible to vote, registered at educational institutions in the location of their current or temporary residence less than three months before the first round, who had the right to vote regardless of the registration deadline.<sup>26</sup>

As of October 2, of the 3,302,399 voters registered in the State Voter Register, 2,758,810 were eligible to vote in local elections. The discrepancy is due to persons who hold Moldovan citizenship but do not have a registered domicile or residence<sup>27</sup> and voters who are registered in administrative-territorial units in Transnistria<sup>28</sup>, temporarily outside the sovereign control of the constitutional authorities of Moldova, and where elections were not held.

Voters unable to visit the polling station due to health or other valid reasons could request to vote through a mobile box. This option was available for eligible voters in specific districts, including those in hospitals upon written request within a limited deadline.<sup>29</sup>

The voters' lists were distributed to PEBs to enable voters to verify their information. Besides, they were published at the premises of PEBs, and voters had the possibility to verify their data online at the webpage of the CEC.<sup>30</sup> Lists were also available to representatives of election contestants for scrutiny. No significant concerns were raised by interlocutors regarding the accuracy of voters' lists.

## Candidate registration

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The right to stand in local elections is granted to all citizens with the right to vote. Mayoral candidates must, in addition, be at least 23 years old and have completed at least general compulsory education.<sup>31</sup> Active duty military persons; persons sentenced to prison by a final court decision; those with active criminal records for deliberately committed crimes; and persons deprived of the right to hold public positions by a final court decision cannot stand for election.

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<sup>25</sup> Voters could vote at the polling station of their residence, provided the residence was changed more than three months prior to Election Day and if the residence was less than three months on election day, they could vote at the polling station of their primary domicile. Voters having both a permanent domicile and a temporary residence with a duration of less than three months, were registered at the polling station corresponding to their permanent domicile. Furthermore, if a voter had maintained their domicile or temporary residence for over three months before the election day of the first round but moved within the same administrative-territorial unit less than three months prior to 1st round voting day, they were registered on the electoral list at the polling station corresponding to their current domicile or most recent valid temporary residence. Paragraph 21 (4) *ibid*.

<sup>26</sup> Article 78 (5) of the Electoral Code

<sup>27</sup> 273,112 persons belong to this category, most of whom have legally emigrated abroad.

<sup>28</sup> 267,162 voters.

<sup>29</sup> Article 80 of the Electoral Code.

<sup>30</sup> The option for voters to check their data online at the CEC webpage was evaluated positively by ENEMO interlocutors. This option was perceived as a valuable opportunity to enhance the already satisfactory level of trust parties, candidates, and the public have in the accuracy and integrity of the voter's list.

<sup>31</sup> Article 161 of the Electoral Code. The age requirement for the mayor has been reduced from 25 years of age.

Based on the Parliament's decision from 4 October amending the Electoral Code, several public institutions sent data to the CEC on persons banned from running for election for three years since their party was declared unconstitutional. The list finalized by the CEC and forwarded to DEC's included 102 names. The authorities argued that these amendments were necessary to prevent voter bribery and illegal funding attempts to influence the elections, as well as to implement the 3 October Decision of the Constitutional Court. The Constitutional Court did not require the adoption of any amendment to the legislation. These persons had the right to appeal the decision to the Court of Appeal.

The amendments were adopted in a hasty manner without proper public consultations, at odds with best practice.<sup>32</sup> The step was criticized by the opposition that boycotted the Parliament session as well as by civil society representatives. ENEMO assesses that the late adoption of this amendment two days before the candidate registration deadline threatened the principle of legal certainty and posed a challenge for candidates to exercise their right to stand.<sup>33</sup>

On 30 October, the CEC called upon several DEC's to consider the annulment of the registration of several "Chance" Party candidates.<sup>34</sup> The CEC based its decision on information provided by the Intelligence and Security Service (SIS) and the General Police Inspectorate, claiming that these candidates were suspected of using illegal and undeclared funds from the "Shor criminal group" through the "Moldovan village" projects; of exceeding the "Electoral Fund" ceiling; as well as of voter corruption. Eight out of nine DEC's<sup>35</sup> decided to exclude the Chance candidates. At the same time, the CEC will examine the findings and decide on possible sanctions related to the allocations from the state budget for Chance party.

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<sup>32</sup> [Venice Commission Code of Good Practice in Electoral Matters](#), (II 2.b.), *"The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law."*

<sup>33</sup> The 4 October amendment to the Electoral Code violates the right of the candidates to stand in the elections before a final court decision. According to Article 14 of the General Comment 25 to Article 25 of the 1996 International Covenant on Civil and Political Rights (ICCPR), *"States parties should indicate and explain the legislative provisions which would deprive citizens of their right to vote. The grounds for such deprivation should be objective and reasonable. If conviction for an offense is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offense and the sentence. Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote"*.

<sup>34</sup> The de-registration relates to the mayoral and councilor candidates from nine municipalities: Tarsitei, Telenesti district; Tareuca, Rezina district; Iscalau, Falesti district; Dobrogea Veche, Sangerei district; Merenii Noi, Anenii Noi district; Alexanderfeld, Cahul district; Pitusca, Calarasi district; Raculesti, Criuleni district and Joltai, Autonomous Territorial Unit of Gagauzia. CEC further [stated](#) that voters were bribed to vote for the Chance/former Shor candidates, to sign in favor of the "Moldovan village" project as well as participate in post-electoral protest in case of the loss of these candidates. CC supported its decision on the point (157) of the CC [case](#) No. 34/2016 saying *"The Court notes, voter corruption must be seen as a serious violation of the principles of free and democratic elections, including the fair and transparent election process. Such violations create preconditions to question the legality and legitimacy of the elections. Also, these violations can significantly influence the results of the elections."*

<sup>35</sup> With the exception of Alexanderfeld, Cahul district.



On 3 November, two days prior to election day, the Commission for Exceptional Situations<sup>36</sup> passed a resolution to revoke the registration of all candidates of the "Chance" Party, throughout the country.<sup>37</sup> Following the CES' decision, Chance party candidates were excluded from the race. Various stakeholders informed ENEMO that a number of independent candidates had connections to the former Shor party. Right after the deregistration of "Chance" Party candidates, "Chance" and former Shor party members called openly upon voters to vote for the suggested independent candidates, which raises doubts about the genuineness of these candidates. Many ENEMO interlocutors called for a strong response from the authorities to stop the illegal practices of the Chance candidates.

ENEMO notes that the decision to cancel the registration of candidates should be considered as an extreme measure, reserved exclusively for the gravest violations<sup>38</sup>. Indeed, the cancellation of a candidate's registration right before an election bears significant consequences which may severely impact the electoral process as a whole. Decisions should be proportionate, transparent, legally sound, and subject to appeal, ensuring that the democratic process is not compromised.

The nature of the violations exposed in this case points to a strategic manipulation of the existing legal framework, the deliberate circumvention of the regulations that oversee party and campaign finance by the political party involved, as well as other actions mentioned in the decision which represent a significant threat to the integrity of the electoral process, key democratic principles, and even integrity of the state itself.

However, ENEMO deems that this is a situation that calls for extreme caution and maintaining a very delicate balance between protecting the state's integrity and safeguarding democratic norms and rule of law. The decision to cancel the registration of candidates should have been made by election management bodies and the right to appeal should have been ensured. The intervention of the CES, a body mostly composed of members of the executive, on the right to stand for election raises concern about the involvement of the executive in the electoral process, especially as the state of emergency was used to justify the exclusion, despite the authorities having previously claimed it would not affect the electoral process.<sup>39</sup>

Candidates could be nominated by political parties, electoral blocs or through self-nomination. Electoral blocs could only register with the CEC, and parties within the bloc could not appoint

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<sup>36</sup> Commission for Exceptional Situations in Moldova, consisting of government members and delegates from state institutions. During a state of emergency this commission takes a leading role to respond to the emergency and holds expansive authority to make and enforce decisions that have immediate legal effect. [Composition of the commission](#).

<sup>37</sup> The CES [decision](#) No. 92, subsequently adopted by the CEC in the [Decision](#) No. 1543.

<sup>38</sup> In their [Joint opinion](#), para. 106; ODIHR and the Venice Commission comment that "*de-registration of electoral contestants as a sanction applied by the election administration, namely that such severe interference with suffrage rights as de-registration should be a measure of last resort, applied only for the most serious violations, and subject to effective judicial oversight, in line with international standards and good practice.*"

<sup>39</sup> The [press release](#) of the Parliament from 21 September 2023.



the candidates on their own.<sup>40</sup> Electoral contestants could change or withdraw a candidate from the list or withdraw the whole list of candidates, up to 10 days before election day.<sup>41</sup>

Independent candidates had to collect a certain number of signatures from voters depending on the number of voters registered in the constituency divided by the number of councilor seats.<sup>42</sup> The number of required signatures is in line with best practice. The signatures needed to be submitted to DEC for verification and the deadline was 30 days before election day, which corresponds to the start of the campaign.<sup>43</sup> Verification can take up to seven days, which is at odds with best practice.<sup>44</sup> Additionally, the elapsed time between submission of documentation and time for DEC to verify signatures and other documents limits equal opportunities among candidates, and does not take into account possible complaints and appeals, which led to some candidates being registered long after the others had started campaigning.<sup>45</sup>

In line with ENEMO's previous recommendation, the number of necessary signatures was lowered and voters could now support several candidates, including for several elective offices. DEC informed ENEMO that the process of signature verification had been simplified compared to previous elections. No concerns were raised by interlocutors regarding the collection and verification of the signatures. However, the disparate conditions between independent candidates and political parties are not in line with best practices.<sup>46</sup>

Elections were overall competitive, with a high number of candidates registered. In total, 3,297 people registered for the 898 mayoral positions, and 45,775 candidates for 11,058 councilor mandates from 35 political parties and one electoral bloc, as well as 1,174 independent

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<sup>40</sup> ENEMO considers this limitation as overly restrictive in case of local elections where the political dynamics and coalitions vary considerably among cities and districts.

<sup>41</sup> The previous deadline was seven days.

<sup>42</sup> Independent candidacies for councils had to be supported by two percent of the registered voters in the district divided by the number of councilor seats, but no less than 50 signatures. In the case of mayoral candidates, they had to collect one percent of registered voters in the district, but no less than 100.

<sup>43</sup> The submissions for registration took place from 19 September until 6 October for second-level DEC, and from 29 September until 6 October 2023 for first-level DEC.

<sup>44</sup> According to the [Venice Commission Code of Good Practice in Electoral Matters](#) I.1.3 (v), "*Validation of signatures must be completed by the start of the election campaign*".

<sup>45</sup> A prospective candidate for mayor of Chisinau, Andrei Donica, was rejected by DEC No. 1 Chisinau with the argument that he already registered as a mayoral candidate in Condrita (village within the Chisinau Municipality) and cannot register in both municipalities. Donica appealed the DEC decision to Riscani District Court that decided on 19 October in favor of Donica. DEC No. 1 appealed the decision to the Chisinau Court of Appeal that upheld the Riscani Court Decision on 27 October and ordered the CEC to register Donica as a mayoral candidate in Chisinau. DEC No. 1 registered Donica the same day, but the decision was delivered to the candidate only on 30 October, de facto preventing him from campaigning.

<sup>46</sup> The discriminatory conditions for independent candidates do not respect the [1990 OSCE Copenhagen Document](#), which stipulates in the Para. 7.5 that the "*right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination*". Moreover, [the Venice Commission and OSCE/ODIHR Joint Opinion on the Draft Electoral Code](#) mentions that "*once registered, any political party can participate in any future elections without further conditions to ensure that it has minimum support to be listed on the ballot in advance of elections. On the other hand, the nomination of independent (individual) candidates for any elections, as well as presidential candidates, must be supported by a certain number of signatures. To ensure equal opportunity for participation, it could be considered that all parties, blocs and individual candidates not represented in the body to be elected or a higher body confirm minimum support under the same or similar conditions*".

candidates. In general, the vast majority of candidates were able to register without difficulties and no major concerns were reported by ENEMO interlocutors. An extraordinarily high number of independent candidates (288) were registered in Gagauzia.

While it was possible to find the registered candidates and lists on individual DEC websites, the CEC only published very general aggregated data with the total number of candidates and gender balance. Despite the candidate registration deadline being on 13 October, the CEC did not publish the information about the number of candidates registered by each political party nor the information about withdrawn and rejected lists and candidates before the election day.

Several parties raised concerns about attempts to bribe or even pressure their candidates to run on behalf of other political parties. Some parties raised concerns that their candidates were bribed by former Shor party members to run on the ticket of newly established parties or as independents. Several opposition parties also complained that their tentative candidates decided to run on a PAS ticket by a pledge of receiving funds from the “European Village” project<sup>47</sup>, due to pressure and harassment from law-enforcement bodies, or with promises to stop ongoing investigations.

## **Electoral Campaign and Campaign Finance (Olesea)**

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### Electoral Campaign

Electoral contestants had the right to start campaigning on the date of their official registration, but no earlier than 30 days before election day (6 October). Contestants’ campaigning period had

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<sup>47</sup> In the “[European village](#)” program, 724 infrastructure development projects have entered the competition; 497 projects have been selected, 231 completed and the total amount of allocated funds for the European Village Program is 2,8 billion MDL. The National Fund for Regional and Local Development (NFRLD) is the main source of funding. The Prime Minister of Moldova assured ENEMO that the “European village” funds are allocated fairly all over the country and mayors across the political spectrum benefit from them. Promo-LEX tentatively analyzed in its [Report No. 3](#) 399 projects and revealed that 59 percent of the mayors that benefited from the project currently run with PAS. Similar project “the Express European Village” program includes 399 projects, of which 48 have been completed.

to end on the date on which their registration was canceled or on Friday before election day (3 November).<sup>48</sup> ENEMO assesses that the deadline for candidate registration as well as the complaints and appeals period still collide with the beginning of the campaign, which does not ensure equal opportunities for candidates. The provision of the campaign period for the second round was introduced, as previously recommended by ENEMO.<sup>49</sup> Electoral campaigning is prohibited on and the day before the elections. ENEMO observed sporadic instances of breach of electoral silence.<sup>50</sup>

New electoral provisions introduced several bans while lifting several previous ones. The Electoral Code no longer includes the provision that prohibits campaigning outside of the official campaign period. The late adoption of the CEC regulations in August regulating the use of political advertising in the candidate nomination promotion created confusion among political parties regarding which activities are legally permitted before the campaign starts.<sup>51</sup>

By 3 October, local public administration authorities (LPAs) established places for electoral campaign posters and locations for holding meetings with voters.<sup>52</sup> Some contestants complained to ENEMO about the lack of space on the poster boards due to a high number of requests. ENEMO observers reported sporadic cases of posters being placed on top of the others or damaging of campaign materials, allegedly by other electoral contestants or their supporters. ENEMO observed the posters of the Chance party at unauthorized places in Chisinau, Orhei and Taraclia.

Some parties complained that many printing houses were overloaded with orders from contestants at the beginning of the campaign, as the parties could not use the “Electoral Fund” before.<sup>53</sup> Additionally, several contestants reported that some printing houses refused to print their campaign materials either for some or all contestants out of fear of persecution from law-enforcement bodies.

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<sup>48</sup> This was one of the previous ENEMO recommendations to streamline and uniform timeframes for campaigning in order to allow all deadlines for registration of candidates to expire before the official campaign period begins.

<sup>49</sup> Mayoral candidates who have passed in the second round of elections may conduct an electoral campaign after the establishment of the date of the second round of elections by the decision of the CEC, but no later than 10 days before the E-day (starting from 9 November at the latest).

<sup>50</sup> Contestants are not allowed to appear on television or radio broadcasts. The LPAs and advertising broadcasters have the obligation to remove electoral advertising materials. The ban does not apply to information already placed on the Internet. Contrary to the law, ENEMO observed the Change party billboard in Balti still in place on 4 November as well as PDCM Google advertisement on 5 November in the morning. On Election day, Our Party was sending SMSs to voters to encourage them to vote for their candidate in Balti, Alexandr Petkov.

<sup>51</sup> CSOs and media reported many cases of early campaigning across the political spectrum, mainly the distribution of information materials.

<sup>52</sup> While some LPAs provided the premises free of charge, others requested a fee from the competitors.

<sup>53</sup> On 21 and 22 September, police [seized](#) at two Chisinau enterprises election promotional materials without documents of origin belonging to the Chance Party that [claimed](#) not being able to pay for the material because of the difficulties to open a bank account. Nevertheless, the funds from the “Electoral Fund” may not be used earlier than 30 days before the election day, which means from 6 October 2023.

During the campaign, contestants were prohibited from organizing concerts, competitions, or performances.<sup>54</sup> Candidates were prohibited during the electoral period from using administrative resources, including by launching or participating in the launching of infrastructure projects or public procurements carried out from the national public budget, as well as the use of public equipment, means and goods. Additionally, to limit the misuse of public resources in the campaign, messages of public interest had to be approved by the CEC.<sup>55</sup> Candidates performing public officials' duties had to suspend their official activities during the campaign.<sup>56</sup> The legislation does not prohibit the involvement of high-level officials, including the prime minister and the ministers in the campaign and high state officials were actively involved in campaigning for candidates of the ruling party. This practice gave an advantage to candidates from the ruling party, put into question the neutrality of the executive power in the organization of the elections, and raises concerns regarding the separation between party and State.<sup>57</sup>

While candidates had the opportunity to freely present their programs, fair conditions in the campaign were not guaranteed. The level-playing field was distorted by the promises of large-scale financial incentives used as campaign arguments, namely "Moldovan village" and "European Village/Express European Village" projects. These projects were criticized by many interlocutors for having the potential to influence voters' choice and indirectly buy their votes. Furthermore, these projects involved the geopolitical division of the country into the campaign. During the electoral period, the fugitive oligarch Ilan Shor promised several times through his FB page financial incentives to voters.<sup>58</sup>

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<sup>54</sup> The ban on concerts and other performances reflects the recommendation from ENEMO EOM 2020 Presidential Election Final Report. The ban on the use of national symbols and images has been lifted, as recommended in previous ENEMO reports as well.

<sup>55</sup> Regulated in the CEC [Decision](#) No. 1155 from 4 August. According to the Article 13, para. (4), letter b) and c) of the [Law on Advertising](#), messages of public interest may not contain information on the managerial achievements and/or objectives achieved by public sector entities as well as information on political advertising. On 9 August, the CEC in its [Decision](#) No. 1162 prohibited the distribution of the [information materials](#) distributed by the City Hall of Chisinau containing results of the public authority's activity in the last three years. On 24 August, the CEC in the [Decision](#) No. 1193 prohibited the distribution of the [information leaflets](#) by the Balti City Hall containing results of the work of the current mayor and councilors. The deputy mayor of Ungheni had to withdraw a FB video including his achievements based on the CEC [Decision](#) No. 1318 from 22 September.

<sup>56</sup> These positions are mentioned in the Article 16 of the Electoral Code para. (3) and include mayors and their deputies; deputy prime ministers; ministers; secretary general of the president, parliament and government as well as their deputies; heads and deputy heads of public institutions; chairpersons of rayons and their deputies and secretaries of local councils and city halls. Few candidates resigned only after being registered, which was already after the start of the campaign. On 4 November, the Balti Court of Appeal [ordered](#) to de-register the PSRM candidate and current mayor of Nihoreni, Riscani district, Constantin Macovei for not complying with this rule.

<sup>57</sup> The 1990 OSCE [Copenhagen Document](#) in Article (5.4) obliges the state to ensure a clear separation between the state and political parties; in particular, political parties will not be merged with the state. These practices may have distorted the equal conditions of all the competitors.

<sup>58</sup> On 18 August, Ilan Shor, president of the former "Shor" party, announced on his Facebook page the launch of the "Moldovan Village" project with planned investments of 17 billion MDL to improve community and social infrastructure. On 31 October, several LPA representatives held a [press conference](#) to denounce the blocking of the "Moldovan village" funds to finance the infrastructure projects. On 1 October, Shor announced that starting from October, all pensioners with a pension below 3000 MDL from the city and district of Orhei, the city of Taraclia and Gagauzia will receive an addition of 1,000 MDL from Shor's fund. On 14 October, the Executive Committee of Gagauzia organized an event for some 2400 teachers dedicated to Teacher's Day where each teacher received 500

On the other hand, the Government took credit for the “European Village” program implemented from the state budget and used this for their promotion in the electoral period.<sup>59</sup> On 5 October, the Parliament adopted changes to the state budget to include 1,65 billion MDL for the “Growth for Moldova” package.<sup>60</sup> On 3 November, the Bashkan of Gagauzia presented to the public the government’s achievements in the past 100 days.<sup>61</sup>

The campaign was overall low-key, calm, but intensified in the last 10 days before election day.<sup>62</sup> Candidates focused on the distribution of campaign materials, small meetings with voters and employees, door-to-door, as well as the use of broadcast and social media. The mayoral candidates in Chisinau often used press conferences to present their programs.

The most visible parties during the campaign were PAS, PSRM, “Chance” Party as well as Our Party in the north and MAN in Chisinau. Main campaigning topics by candidates revolved mainly around local issues, infrastructure and urban development projects, including improvements of roads, public transport and parking places, new job opportunities, establishments of kindergartens or playgrounds as well as water or energy supplies. However, topics related to the foreign influence in the electoral process, geopolitical division and future orientation of the country played a significant role throughout the campaign, especially for the campaign of the ruling party.

Widespread allegations of massive vote-buying, pressure on employees, misuse of administrative resources or the use of achievements of the municipalities in the campaign, mainly by incumbents marred the election campaign.<sup>63</sup> ENEMO observers were also informed of campaign meetings with employees at their workplaces during working hours, at odds with the CEC regulation.<sup>64</sup>

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MDL in an envelope, allegedly the sponsorship from Shor. On 31 October, the Bashkan of Gagauzia, Eugenia Guțul, announced that the inhabitants of the Gagauzia will pay a preferential charge of 10 lei per cubic meter of natural gas. According to her [statement](#), a Turkish company signed a contract with a large European trading company to buy gas directly from the European gas supply system. Two days later, the Minister of Energy Victor Parlicov said the contract published by the Bashkan of Gagauzia is false and cannot be implemented and it is a part of the promises done in the electoral campaign.

<sup>59</sup> On 23 August, the CEC in its [Decision](#) No. 1216 prohibited the Government from publishing the sponsored advertising posts of the “European village” realized projects.

<sup>60</sup> The Government [announced](#) that the goal of this package is to finance development and infrastructure projects, salary increases for physicians as well as one-off payments to teachers, police officers, judges and other public servants, affecting in total around 170,000 citizens.. *“In order to prevent the misuse of administrative resources to imbalance the level playing field during electoral competitions, the legal framework should state that no major announcements linked to or aimed at creating a favorable perception towards a given party or candidate should occur during campaigns”* [Venice Commission and OSCE/ODIHR Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#), 2016, Guidelines B, Article 1.3.

<sup>61</sup> The event was [broadcasted](#) live on Gagauzia Radio and Television.

<sup>62</sup> ENEMO is aware of only one violent incident when the PSRM mayor of Zahoreni commune in Orhei district, was allegedly brutally beaten by the son of the PAS candidate on 16 October. The police confirmed the case, but did not provide more details as the investigation is ongoing.

<sup>63</sup> Such as the incumbent mayor of Balti (Change party), “Chance” party in Balti or incumbent mayor (PAS) in Sangerei were using the achievements of the municipality in the campaign..

<sup>64</sup> CEC [Decision](#) No. 2022 from December 2018 and the Article 57 of the [Law](#) No. 158 regarding the public office and the status of public servants. ENEMO observers received information about unequal conditions in arranging the meetings with public employees in Chisinau, Balti and Floresti.

## Campaign Finance

Positively, all legal acts regulating campaign finance underwent extensive changes in 2022, and brought them more in line with international standards such as the Venice Commission and GRECO recommendations, as well as the recommendations of domestic and international observers, including ENEMO.

The CEC was responsible for setting the overall ceiling of financial resources that can be transferred to the “Electoral Fund” account, which was limited to 0.1 percent of the state budget for the given year.<sup>65</sup> The overall ceiling was further divided proportionally for each first and second level DEC, based on the number of registered voters. All registered political parties participating in elections are entitled to public funding that they receive from the CEC on a monthly basis.

Candidates could finance the campaign from their own funds through party accounts, donations, or zero-interest loans. Citizens could donate to one or more electoral contestants up to six average monthly wages, but no more than 30 percent of their annual income from the previous year (a maximum of 70,200 MDL), while legal entities could donate up to 12 average wages (a maximum of 120,400 MDL).<sup>66</sup> The CEC or respective DECs had the authority to request additional financial information from citizens to check if they possessed sufficient income to prevent illegal funding. Several opposition parties stated that the comprehensive financial checks by the authorities could create a deterrent effect on citizens wishing to donate.<sup>67</sup>

Citizens of Moldova under the age of 18 or under guardianship; foreign legal entities; non-citizens; anonymous persons or persons acting on behalf of third parties; legal persons that concluded public contracts in the last three years or received state aid<sup>68</sup>; public institutions or entities financed from the public budget; non-commercial organizations, trade unions, associations, foundations, charity and religious organizations as well as other states or international (political) organizations are not allowed to finance the campaign.<sup>69</sup> Third-party campaigning remains underregulated.<sup>70</sup>

The EMBS’ campaign finance supervision competencies were extended. The CEC is the primary body entitled to oversee campaign finance. Positively, the new Division of Supervision and Control of the Financing of Political Parties and Electoral Campaigns (henceforth the Division) was created within the CEC in July 2022. However, it is understaffed and lacks key personnel,

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<sup>65</sup> The ceiling was set at 66,274,579 MDL by the CEC [Decision](#) No. 1219 of 8 September 2023.

<sup>66</sup> Further restrictions detail the maximum amount of donation for several categories of persons.

<sup>67</sup> See also the [Venice Commission and OSCE/ODIHR Joint Opinion on the Draft Electoral Code](#)

<sup>68</sup> Previous ENEMO missions recommended extending this ban to both before and after elections.

<sup>69</sup> Furthermore, according to the Article 54 of the Electoral Code, contestants are prohibited from offering to voters money, goods, including food, alcohol and tobacco products, providing services or offering other benefits in order to influence the voters choice. Contestants also cannot use “the Electoral Fund” for personal purposes and cannot finance their campaign from other undeclared financial or material funds.

<sup>70</sup> ENEMO observed cases of third-party campaigning on FB (For more details, see the Online media subsection).



including two finance specialists.<sup>71</sup> Additionally permanent second-level DEC chairpersons were responsible for campaign finance oversight of independent candidates, although in reality DECs only forwarded these reports to the CEC for scrutiny. ENEMO observed the limited efficiency of campaign finance oversight by EMBs, mainly due to the lack of crucial personnel and absence of delegation of some tasks to lower-level DECs.

Electoral competitors had to open a dedicated bank account (“Electoral Fund”) within three days of their registration and inform the CEC within 24 hours. Contestants that did not open an “Electoral Fund” account could conduct their campaign without the involvement of any financial costs and had to inform the CEC within three days of their registration. ENEMO assesses that this provision is at odds with best practices and leaves space for unreported expenses and shadow funding.<sup>72</sup>

Transfers from the “Electoral Fund” had to be made only after the registration of the contestant, but not earlier than 30 days before election day. According to the CEC and other EOM interlocutors, several parties and independent candidates faced difficulties in opening a dedicated bank account. The CEC demanded the banks to comply with the legislation, however some banks refused to open the bank accounts due to concerns about ongoing anti-corruption agencies’ investigations or the incompatibility of the party program with the bank’s policies.<sup>73</sup> This limitation deprived contestants from the opportunity to campaign, and may have led to unreported and illegal funding.<sup>74</sup>

All funds related to the financing of the campaign had to be managed through the “Electoral Fund” by means of an appointed treasurer. All the reports had to be submitted through the CEC’s “Financial Control” electronic module.<sup>75</sup> The module malfunctioned during the first week of the

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<sup>71</sup> Therefore, the Division has currently only five members out of eight (one head and one deputy head, one IT specialist and two legal specialists). The lack of financial specialists poses a challenge for the Division to effectively monitor campaign finance.

<sup>72</sup> [The Venice Commission and OSCE/ODIHR Joint Opinion on the Draft Electoral Code](#) from October 2022 stipulated that “*in line with requirements for transparency and accountability of campaign financing, all contestants should have an account and be required to report even if they do not incur any expenses. The provision should be reconsidered only in specific exceptions, such as campaigning of independent candidates or IGs in local council elections or local referendums.*” The CEC informed ENEMO that five of 35 political parties did not inform the CEC about the opening or non-opening of the “Electoral Fund”. Based on the CEC [webpage](#), 1,135 independent candidates out of 1,182 did not open a dedicated bank account. Bureaucratic procedures within banks were reported as reasons why independent candidates refrain from opening the account.

<sup>73</sup> The only justified reason should be if the banks follow the [2018 Law on Prevention and Combating of Money Laundering and Terrorism Financing](#) that was aimed to implement the [EU Directive 2015/849/EC](#) and implement the [FATF](#) recommendations.

<sup>74</sup> The CEC in its [Decision No. 1389](#) from 6 October reported that several parties faced problems in opening their bank account, mainly due to the fee charges of 5000 MDL. Parties that reported problems with the opening of an account are the Chance Party, Democracy at Home Party, Ecologist Green Party, League of Cities and Towns, Liberal Party, MAN, Modern Democratic Party, PACE, PONA, Revival Party and Ruslan Codreanu Electoral Bloc. PACE could not open the bank account because of the criminal investigation of the party leader, Gheorge Cavcaliuc.

<sup>75</sup> The “Financial Control” module is still under development and the CEC acknowledged technical difficulties. The citizens cannot extract the PDF reports into open-data sources easily, which limits the public scrutiny. The banks had to inform the CEC on a daily basis electronically on all transactions, while contestants had to send one initial report within three days after the opening of the account and afterwards on a weekly basis.

campaign and the format of the finance reports limited public scrutiny, affecting transparency in the process. The final financial report is due within three days after the election day.<sup>76</sup>

Reports from independent candidates had to be delivered to the DEC. The CEC was obliged to publish all reports within 24 hours after their reception.<sup>77</sup> As of 24 October 2023, the reports of independent candidates and six out of 36 parties were not available on the CEC website. The publication of the reports improved in the last two weeks of the campaign. However, the CEC does not publish the date of the submission and uploading of the report, therefore, the public cannot verify if the reports were submitted within the deadline. Some parties also submitted corrected reports, although the changes were not highlighted rendering public scrutiny more challenging.

While in the first two weeks of the campaign, the CEC did not inform the public about its campaign finance oversight findings, starting from 24 October, the CEC issued several decisions and warnings.<sup>78</sup> The parties reporting highest amounts of revenues and expenditures to the CEC by 27 October were PAS (expenditures of 6.7 mil. MDL), PSRM (4.26 mil. MDL), Chance Party (3 mil MDL), Our Party (2.9 mil. MDL) and MAN (2.5 mil. MDL).

Many interlocutors raised serious concerns about “shadow funding” from abroad to bribe voters and the possible impact on the electoral results which was also the main argument used to cancel the registration of the candidates fielded by the “Chance” party. Law-enforcement bodies conducted several searches all over Moldova during the electoral campaign targeting premises and members of the “Chance” party and “Revival” party in the prosecution of passive bribery, illegal funding, as well as funding from the organized criminal group Shor.<sup>79</sup> Another concern reported to ENEMO regarding influence on voters was the contracts with city and district councils related to promised funds for infrastructure projects, often with dubious foreign sponsorship. These practices pose significant challenges and raise serious concerns about the integrity of the electoral process.<sup>80</sup>

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<sup>76</sup> Previously, the final reports were due two days before the election day.

<sup>77</sup> The deadline was shortened from 48 hours compared to the previous elections. However, the CEC admitted some delays in publishing the reports, mainly because of the need to remove sensitive personal data from the reports before their publishing.

<sup>78</sup> On 24 October, the CEC in its [Decision](#) No. 1483 obliged the Chance and Revival Party to correct errors in the financial reports within three days. Additionally, the parties were imposed a sanction in form of warning for the use of financial means other than from the “Electoral Fund” and for the distribution of advertising materials which do not comply with the norms. On 26 October, the CEC issued the [Decision](#) No. 1495 regarding the oversight of the incomes and expenses of the electoral contestants in the electoral campaign providing the public with the campaign finance monitoring until 6 October. CEC called on those parties who did not inform it about the opening or non-opening of the bank account to do so as well as to appoint the treasurer. Several parties were called upon correcting the financial reports. PDCM and CUB were obliged to pay to the state budget 11 400 MDL and 300 MDL, respectively because these amounts exceeded the limit for the donations. Additionally, on 30 October, the CEC initiated the process of de-registration of the Chance party candidates because of the use of illegal funds and exceeding the campaign ceiling. CEC informed ENEMO that 10 political parties submitted the reports with delay.

<sup>79</sup> Several persons were detained and the police seized materials, such as “PYYPL” cards; cash; documents reflecting payments to candidates and voters; lists of mayoral candidates who received unaccounted amounts of money; falsifying signatures in lists for supporting and registering candidates.

<sup>80</sup> The Parliamentary Assembly of the Council of Europe (PACE) [expressed](#) serious concerns about the illicit interference through financial contributions by foreign states.



## Media (Marina)

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### Media Environment<sup>81</sup>

Moldova's media landscape is polarized between pro-Russian and pro-Western factions, with editorial stances heavily influenced by oligarchs and political leaders. The state of emergency resulting from the Russian invasion of Ukraine has led to increased control over disinformation and hate speech, affecting media outlets disseminating Russian propaganda.

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<sup>81</sup> The mission is not conducting traditional media monitoring activities. Findings and conclusions in this section are drawn from meetings with interlocutors that work on the media field in Moldova and monitoring of the activity of the body in charge of monitoring media conduct (Audiovisual Council). ENEMO is however monitoring some aspects of social media (see social media subsection, below).

According to interlocutors, in recent months Moldova has witnessed a surge in informational attacks and threats to national security, particularly escalating during the ongoing electoral process. Disinformation campaigns orchestrated through specific media outlets form part of a broader hybrid war waged by Russia against Moldova. The proposal to suspend the licenses of six TV stations<sup>82</sup> during the state of emergency underscores concerns over violations and manipulative narratives. This decision, approved by the Commission for Exceptional Situations, extends the measures initially implemented on December 16, 2022, aiming to safeguard the national information space. The Intelligence and Security Service stated that the Russian Federation is exerting influence on local elections in Moldova, and is actively engaging in disinformation campaigns through these TV stations, thereby posing a threat to the democratic process in the country.<sup>83</sup>

Although freedom of the press is legally guaranteed, the media environment is constrained by political affiliations and economic challenges. The advertising market, too small for the numerous television channels, faces financial difficulties. The advertising market is dominated by TV channels that rebroadcast Russian content. According to ENEMO interlocutors, access to information has improved, but promised open access to official registers without fees remains unfulfilled.

Despite a safe environment for journalists in Moldova, they face risks of insults from politicians, occasionally leading to cyber-harassment by their followers.<sup>84</sup> Access to Transnistria requires special accreditation.

The diverse perspectives from various sources emphasize the complexities of the media landscape in Moldova. While some interlocutors claim equal media access and cooperation, some expressed dissatisfaction with disparities and challenges in advertising. Entities closely connected to powerful politicians and oligarchs wield considerable influence over the advertising market, negatively impacting independent media. Independent media organizations themselves are grappling with financial hardships, as they face economic challenges exacerbated by the downturn in the advertising market amid the conflict in Ukraine. This economic strain makes it difficult for them to attract qualified personnel capable of producing high-quality work, leading many to rely on financial assistance from international donors.

### Legal Framework for Media

In principle, the regulatory framework in Moldova provides for equitable, balanced, and impartial media coverage during election campaigns, ensuring free airtime and space for electoral contestants. Journalists, including freelancers, can perform their duties without special permits,

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<sup>82</sup> See the SIS [Decision](#).

<sup>83</sup> See the [Press Conference](#) of the Director of SIS

<sup>84</sup> <https://cji.md/en/ong-urile-de-media-condamna-comportamentul-inadmisibil-al-politicianului-ion-chicu-in-raport-cu-reportera-zdg-mariuta-nistor/>

but specific rights under the Electoral Code require obtaining observer status through established procedures.<sup>85</sup>

While the Electoral Code aims to establish a media regulatory framework ensuring equitable and transparent election campaign coverage, notable shortcomings exist in secondary legislation. These deficiencies, particularly in the monitoring of online platforms, media ownership, and the lack of mechanisms to counter misinformation from print/online outlets, underscore the need for comprehensive reforms to enhance the effectiveness and inclusivity of the regulatory framework in addressing evolving challenges within the media landscape.

Significant legal changes were enacted, influencing the media and expression landscape. Amendments to the Electoral Code, aligned with ENEMO recommendations, introduced monitoring of broadcasting media between elections and sanctions for media violations. Internal tools for regulating political advertising and monitoring hate speech in audiovisual media have been developed. The Audiovisual Council (AVC) is responsible for overseeing compliance with these regulations, actively monitoring broadcasters and addressing media-related complaints. The Contravention Code now explicitly prohibits and sanctions hate speech and incitement to discrimination by electoral contestants..

The Electoral Code mandates media service providers to publish advertising space conditions for electoral competitors and submit weekly updates on political/electoral advertising income to the CEC. Despite commendable progress, challenges persist in the local press's legal landscape, with deficiencies in online media regulation, oversight on media ownership, and insufficient support measures. Overall, there is limited regulation regarding campaigning in online media.

#### Traditional media

While paid political advertising is not the preferred strategy for most contestants in regional/local media, exceptions include Our Party and PAS. ENEMO highlights efforts of some local outlets to provide a comprehensive platform for mayor and councilor candidates, fostering inclusivity in election coverage. However, concerns arise from the observed disparities, as some councilor candidates in Balti reported that they face limited access to local media and exclusion from electoral debates. The structured format of debates aims to delve into candidates' visions and solutions, but the refusal of some candidates to participate raises questions about their will to talk to the voters or face their opponents.

ENEMO interlocutors estimated the media advertising landscape at approximately 7 - 8 million Euros, which is a significant decrease from 20 million in recent years. Despite a large number of available television channels, almost all interlocutors noted that political parties show little interest in placing advertisements in television, with some revealing a deliberate policy of refusing political advertising to maintain the ability to conduct investigative journalism.

In the media landscape of Gagauzia, language plays a significant role in electoral debates, with Russian being predominantly used despite moderators employing Gagauz, whereas the public

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<sup>85</sup> Article 34 of the Constitution guarantees the right to access information, while Article 89 of the Election Code affirms media institutions' right to cover elections without interference.

television station Moldova 1 and Radio Moldova organize debates only in Romanian. The Chance party adopts a unique strategy, substituting candidates deemed less articulate with party leaders during debates. The varied concerns expressed by political figures and authorities highlight the need for a nuanced understanding of media dynamics and language inclusivity in the context of Gagauzia, emphasizing the importance of fostering an open and unbiased media environment during the electoral process.

According to ENEMO interlocutors, unlike previous elections when radio was not considered interesting or prioritized, the current election has seen a shift in perception, with increased engagement and demand for radio debate programs. Radio stations faced an increased workload during the current election due to a higher number of candidates participating in debates. Limited resources, such as the number of microphones, necessitated creative solutions to accommodate the large number of candidates. Additionally, radio stations faced a new requirement for electoral advertising, now linked to production of the program in order to secure airtime, a departure from previous practices.

During its monitoring process, the Audiovisual Council (CA) observed an increase in irregularities among television and radio broadcasting media services that signed the Declaration on editorial policy for election coverage and issued seven monitoring reports.<sup>86</sup> Following seven monitoring reports, in total the Audiovisual Council issued 28 public warnings and imposed 23 fines in the amount of 164,000 Lei.<sup>87</sup>

Furthermore, the Audiovisual Council (AVC) dealt with nine appeals and petitions, with two decisions subsequently challenged in the Court of Appeal, affirming the AVC's original rulings.<sup>88</sup> Although the appeals themselves were not published on the institution's website, the content was accessible through the AVC Decisions.<sup>89</sup> While transparency regarding electoral matters was maintained through the AVC's dedicated section on the General Local Elections, the publication of all AVC's decisions on the website adheres to legal requirements.

Domestic civil society organizations conducted independent media monitoring. Their findings suggest differences in treatment of candidates, with some TV stations being more balanced than

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<sup>86</sup> [Reports](#) of the Audiovisual Council.

<sup>87</sup> "TV Gagauzia" received four public warnings and a fine of 13,000 MDL, "Moldova 1" - 2 public warnings, "Exclusiv TV" 5 sanctions: 3 public warnings and 2 fines totaling 10,000 MDL, ITV - 4 public warnings, Vocea Basarabiei TV - 3 public warnings, TVC 21 - 3 public warnings, PRO TV Chisinau - 3 public warnings, Jurnal TV - 2 public warnings, TV 8 - 2 public warnings, N4 - public warning, TVR Moldova - public warning.

<sup>88</sup> A decision no. 317 of 13.10.2023 - Court of Appeal by Decision of 19.10.2023, file no. 3-173/23, rejected the summons submitted by "Reforma Art" SRL. The Supreme Court of Justice by Decision of 24.10.2023, file no. 3ra-1026/23, declared the appeal filed by "Reforma Art" SRL as inadmissible. Decision no. 341 of 27.10.2023 - is under examination at the Chisinau Court of Appeal, at the same time the file was sent to the Constitutional Court because "Reforma Art" SRL filed a request regarding the lifting of the exception of unconstitutionality of a sentence from art. 90 para. (2) Electoral Code.

<sup>89</sup> See [here](#).

others<sup>90</sup> and that electoral topics often relied on a single source of information, lacking diversity of opinion and in-depth coverage of subjects.

### Online and Social media

The decision of media outlets whose licenses were suspended in Moldova to migrate to online platforms signifies a strategic response to the evolving media landscape. This shift underscores a recognition of the influential role that online space plays in disseminating information, fostering audience engagement, and potentially overcoming constraints encountered in traditional broadcasting. Such a move is emblematic of a wider trend within the media industry, emphasizing the increasing importance of digital platforms for news dissemination. While the transition to an online presence offers new avenues for outreach, it also underscores the intricate challenges and regulatory complexities confronting media organizations in Moldova.

Recent trends in Moldova's information landscape signal a notable shift towards online media and social networks, surpassing the influence of traditional broadcast outlets. This transition brings about a varied media landscape, with some outlets tackling contentious topics and others aligning with political affiliations. Several ENEMO interlocutors underscored the pervasive challenge of misinformation and fake news in Moldova, exemplified by the surge in pro-Kremlin narratives during the recent Gagauzia election. Additionally, observed instances of harassment against Tuk.md<sup>91</sup> and accusations of bias against Nokta.md<sup>92</sup> presented challenges to media freedom.

Telegram and TikTok emerge as significant platforms for spreading misinformation, particularly during elections. Redirecting followers from restricted Facebook accounts to Telegram, and the identification of certain Facebook pages disseminating sponsored misinformation, further highlight the complex dynamics of information dissemination in the country.

Electoral contestants view social media as the most effective and cost-efficient communication tool, with Facebook being considered the most efficient channel for reaching voters. ENEMO observed in the Facebook ad library instances of pages not directly affiliated with any political party<sup>93</sup>, actively engaging in third-party campaigning. These pages were spending funds to promote specific politicians or parties, contributing to the complex landscape of political influence on social media. This phenomenon underscores the role of third-party actors in shaping public opinion and supporting political agendas through online platforms. The presence of such pages in

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<sup>90</sup> The Independent Journalism Center (IJC) released [two media monitoring reports](#) on the coverage of the general local elections campaign. According to the organizations' findings, Moldova 1, PRO TV, TV 8, Exclusiv TV covered the electoral campaign without favoring or disfavoring candidates. Ion Ceban was slightly disfavored by the negative tone in which he was portrayed in the news by Jurnal TV, TVR Moldova, Orizont TV, ITV Moldova. Ruling party was slightly favored by TVR Moldova, Jurnal TV, Vocea Basarabiei TV. Orizont TV and ITV favored the Sansa Party and the Renastere Party through a large number of materials featuring the representatives of these parties as news subjects, as well as positive materials about the representatives of the former Shor Political Party.

<sup>91</sup> See the article [here](#).

<sup>92</sup> See the article [here](#).

<sup>93</sup> Such as MoldResur EUR 4,705,, Moldova Social EUR 4,203, Moldova Echilibrata EUR 4,203 and Resursele Moldovei EUR 4,095.

the Facebook ad library highlights the need for heightened transparency and monitoring of political advertising, even when not directly linked to official party channels.

Regarding the paid ads on Facebook, during the period 01 October - 01 November 2023, when it comes to political actors, the party that spent most on paid ads is Partidul Nostru - EUR 9,337, followed by the Carp Lilian EUR 7.663, Ion Ceban - EUR 5,401, PAS - 5,005 and Ruslan Cordeanu - EUR 3.214.

ENEMO used the CrowdTangle platform to monitor the activities of political parties/candidates on Facebook. ENEMO continued to monitor 21 pages of political parties/candidates which used social networks and online space to spread political content. During the monitoring period, October 01 - November 5, 2023, the total number of content, published by monitored pages on Facebook was 2350 out of which individually, Partidul Schimbă 82 posts, PAS - 226, Partidul Liberal - 33, Carp Lilian - 102, Partidul Social - 114, MAN - 255, PCRM - 10, Blocul Electoral Ruslan Codreanu/ Putea Oamenilor - 47, Partidul Nostru - 136, Partidul politic "Renastere" - 63, Partidul Politic Sansa - 189, Ion Ceban - 287, Platforma DA - 87, Vasile Costiuc - 103, Partidul Acasă Construiam Europa - 66, Democrația Acasă - 120, Ruslan Codreanu - 76, Victor Chironda - 86, Diana Caraman - 64, Partidul Liberal Democrat din Moldova - 132, Vasile Bolea - 72.

A total of 1.07 million Facebook interactions were made on the mentioned posts, out of which as much as 452.2 thousand were only on posts of the "Democrația Acasă", 205.4 thousand on posts of Ion Ceban, Carp Lilian 108.9 thousand and PAS 84.7 thousand.

Parties/candidates communicated mostly through videos (40.67 percent), photos (35.91 percent) and Facebook live (16.15 percent).

Moldova's electoral landscape reveals a multifaceted and intricate political environment, as evidenced by the diverse strategies employed by political parties on Facebook. During the monitoring period, the MAN Party expressed concerns about a systematic smear campaign and media attacks, while also emphasizing their candidates and infrastructure-focused priorities in key Chisinau suburbs. The PAS Party adopted a nuanced approach, specifically addressing women and highlighting gender equality, European values, and concerns about potential Russian influence. The party also criticized the financial practices of the MAN Party's candidate and outlined a vision for Chisinau's development. The PSRM focused its online campaign on building a modern and inclusive capital, emphasizing infrastructure development, ethnic diversity, and unity against the perceived unpopular government. The party also criticized alleged chauvinistic behavior by opponents during televised debates, utilizing slogans in Russian to express solidarity. The exclusion of the "Chance" Political Party, based on allegations of Russian Federation financing, prompted the party to endorse alternative candidates. Following the cancellation, the "Renaștere" party promoted its mayoral candidate, Vasile Bolea, highlighting extensive citizen engagement during the campaigns. While making specific promises for the elderly population and addressing various local issues in different regions they also focused on critical messages against the ruling party, expressing a strong desire to remove the government.

## Complaints and Appeals

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The right to seek effective legal remedy is guaranteed in the electoral legislation, primarily by the Electoral Code and the CEC's decision<sup>94</sup>. The existing legal framework categorizes election-related cases into three primary forms: disputes, administrative offenses as subject of criminal liability under the Contravention Code<sup>95</sup>, and criminal offenses under the Criminal Code<sup>96</sup>.

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<sup>94</sup> The CEC [Regulation on the examination procedure of appeals during the electoral period](#).

<sup>95</sup> [Contravention Code of Republic of Moldova](#).

<sup>96</sup> [Criminal Code of Republic of Moldova](#).

Complaints can be filed by voters, candidates, initiative groups, bloc of parties, electoral contestants, regarding the actions, inactions and decisions of election management bodies, as well as actions, inactions of other contestants to higher electoral bodies or against other contestants. Electoral officials, observers, and civil society groups seeking accreditation for observers can lodge complaints against electoral bodies having infringed their rights. In such instances, the decision can similarly be challenged before a higher level EMB and then in courts.

Prior to election day, the CEC had received 70 complaints that were published in its complaints registry<sup>97</sup>. From 70 reviewed cases, approximately 39 complaints were referred to the relevant lower-level commission, police, or courts for examination. 12 complaints were partially satisfied, 3 fully satisfied or 9 were rejected. In some cases of misuse of administrative resources, the commission issued warnings and forwarded the decision to the relevant authorities for further investigation. In addition on election day, the CEC received 20 complaints that are under consideration.

Before election day, ENEMO was informed of some 27 complaints submitted to the DEC's mostly concerning candidate registration and illegal campaigning, and violation of campaign financing rules. Most complaints were rejected at the DEC level, or forwarded to the relevant authorities for further investigation. Few of them were granted by the courts and were returned to the DEC's for reconsideration. There is no unified online, publicly accessible registry of complaints which encompasses complaints submitted to the DEC's and their respective resolutions.

The mission is in a process of analyzing election day and post election complaints and appeals.

Some interlocutors highlighted concerns about the quality of complaints, noting that they are often unsubstantiated and do not adhere to legal deadlines. Political parties and their representatives seemed to have insufficient familiarity with the regulations governing the dispute resolution process and to lack resources and capacities to file and follow complaints. Many candidates viewed the process of filing complaints, particularly with the police, as overly complex and ineffective. They voiced concerns that filing a complaint would require them to dedicate significant time, both for the complaint submission and potential police testimony, which could be better spent on campaign activities.

It should be noted that there are no standardized complaint forms on the EMB level and the courts, which could potentially mitigate the risk of complainants missing obligatory formal requirements and thus rejection of complaints on formal grounds. However, the CEC pointed out to the mission that, despite minor deficiencies in formal requirements, they would still accept complaints as long as some basic prerequisites<sup>98</sup> were met.

ENEMO was informed about the hesitancy of some judges to oversee election-related cases, owing to their politically sensitive nature. This apprehension stems from the potential for subsequent retaliation, which is a matter of great concern.

The mission analyzed 28 decisions published on the registry of the Court of Appeals of Chisinau. Deadlines for adjudication of complaints were generally respected. However, for example, in one

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<sup>97</sup> [Complaints registry of the CEC](#).

<sup>98</sup> E.g. elements that would identify the complainant, address where the response should be sent.



case, the first instance court accepted and satisfied an appeal submitted beyond the deadline, although the Chisinau Court of Appeals later annulled the decision.<sup>99</sup> In most instances, the cases were judged on their merits and addressed within the legal deadline.

An appeal that significantly impacted a substantial number of candidates from the “Chance” party served as a litmus test for the efficiency of the election dispute resolution system. The “Chance” party filed an appeal against Decision no. 92 of the Commission for Exceptional Situations seeking to suspend it until final determination on the merits. Initially an appeal was filed to the first instance court in Râscani (Chisinau). Subsequently, due to procedural negative jurisdictional considerations, the matter was escalated to the appeals court in Chisinau.

On 4 November, the Court of Appeals of Chisinau abstained from making a substantive ruling, invoking a need for clarity on jurisdictional competence and thus sought an advisory opinion from the Supreme Court of Justice. The conflict pertained to whether the Chisinau Court of Appeal or the Chisinau District Court was the competent body to judge on the matter.

According to the Supreme Court's clarification, the case was submitted to the Chisinau Court of Appeal for a thorough examination within its confirmed jurisdiction. The Chisinau Court of Appeal started the hearing of the merits of the case on Saturday evening, 4 November, and continued on 5 November, election day<sup>100</sup>. The Court did not adopt the decision and requested an opinion of the Constitutional Court. The case is still pending.

ENEMO reiterates that electoral disputes should be resolved swiftly<sup>101</sup> to restore or uphold electoral rights.<sup>102</sup> Delays in reaching a decision, especially if they extend beyond the election day, could render any potential remedies ineffective<sup>103</sup>. Despite the expedited hearings, the Chisinau Court of Appeal refrained from issuing a decision before election day started or concluded. This procedural dynamic included frequent referrals and jurisdictional conflicts which could preclude effective legal redress for the complainants.

#### Criminal Cases and Contraventions

On election day the General Inspectorate of Police reported to have received some 220 cases of violations or incidents that are subject to relevant criminal or administrative proceedings.

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<sup>99</sup> *File no. 3r-518/23; /2-23146311-02-3r-02112023/*

<sup>100</sup> Article 100 paragraph 3, subparagraph (b) of the electoral code sets out a 3 days deadline but not later than before the Election Day for the complaints consideration for requests of registration cancellation, accreditation or confirmation of electoral subjects.

<sup>101</sup> [“...A balance must be struck between the length and scope of hearings and the need to resolve electoral disputes promptly.] Venice Commission [AMICUS CURIAE BRIEF FOR THE EUROPEAN COURT OF HUMAN RIGHTS IN THE CASE OF MUGEMANGANGO V. BELGIUM](#); Para 49.

<sup>102</sup> The [1990 OSCE Copenhagen Document](#) in Article (5.10) obliges the state to have an effective means of redress against administrative decisions so as to guarantee respect for fundamental rights and ensure legal integrity.

<sup>103</sup> It Should be noted that the Chisinau Court of Appeals rejected an appeal filed against the CEC decision #Nr. 1520, adopted on 30 October, instructing 9 DEC's to cancel registration of the candidates of “Chance” party. The Chisinau Court of Appeals rejected the case. See the [Decision](#).

From the start of the electoral campaign up to 30 October, 282 cases were registered by the subdivisions of the General Police Inspectorate concerning election related violations.

Among reported violations, about 178 cases related to unauthorized electoral display, out of which contravention proceedings were initiated in 36 cases and 50 protocols were drawn up under the Contravention Code. In 84 cases, evidence collection and administration activities were carried out to establish the existence/non-existence of the contravention; 10 cases were terminated, as the reported facts were not confirmed.

Out of 20 cases related to prohibited electoral campaigning, contravention proceedings were initiated in four cases; in one case, a report was drawn up regarding the contravention; in eight cases, evidence collection and administration activities were carried out to establish the existence/non-existence of the contravention; and in seven cases the examination was terminated, as reported facts were not confirmed. Out of 26 cases related to the violation of the legislation during meetings, two cases with contravention proceedings were initiated; in one case, a report was drawn up regarding the contravention code; in four cases the examination was terminated; in 19 cases, evidence collection and administration activities were carried out; in 5 cases, evidence collection and administration activities were carried out.

11 cases were related to the use of administrative resources, out of which: in one case a contravention process was started; in five cases, the examination was terminated as the reported facts were unconfirmed; in five cases, evidence collection and administration activities were carried out.

Five cases were related to reasonable suspicion of voter corruption, and in all cases activities were carried out to collect and administer the evidence to establish the reported fact.

42 cases related to other violations in the electoral process (hooliganism, spreading slanderous information, involvement of minors in the electoral process, etc.).

## Gender Representation

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Despite some progress made in recent years, participation of women in political life remains to be improved. In 2020, Moldova elected its first woman president. However, the presence of women in leadership positions in other institutions remains low.<sup>104</sup>

Women are well represented in election management bodies, at all levels. Five of the eight members of the CEC currently in office are women, including the President.

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<sup>104</sup> Three of the 16 government ministers are women; the prime minister and all three deputy prime ministers are all men. Some 38 percent of the current MPs are women; the Speaker of the Parliament and the deputy speakers are men.

The candidate lists for the municipal councils must have at least 40 percent from each gender, and the list should also have at least four candidates from each gender in every ten names in the list<sup>105</sup>. These measures aim to both ensure a more balanced candidate list and prevent the placement of women candidates in non-winning positions. However, there are no legal provisions that ensure gender balance while allocating mandates. In previous local elections in 2019, approximately 22 percent of elected mayors and 27 percent of councilors were women. However, there is currently no recent aggregated data on the number of women in local councils, as statistics are not updated with resignations and replacements. Political parties receive additional funding for elected women, but since the formula is calculated based on the number of women actually elected, the amount they receive does not necessarily reflect the current level of representation of women, which might change after the results are announced.

Only 31 percent of mayoral candidates in first level constituencies were women. The number of women candidates for municipal councils nominated by political parties was approximately 48 percent, evidencing that parties took steps to include more women candidates than the law requires (40 percent). However, the percentage of independent women candidates for the municipal councils was only 22 percent. The numbers are similar regarding candidates for the councils of second level constituencies, for which political parties and electoral blocs nominated some 46 percent of women candidates. However there were only 9 percent women candidates running as independents.

The EOM observed few campaign messages specifically targeting policies for women, most of which were indirect.

## National Minorities

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While all CEC decisions were published in Romanian, translation into Russian was also provided, but not in a timely manner. Ballot papers were printed in Romanian and Russian<sup>106</sup>.

Regarding voter education in minority languages, the CEC published videos in Russian, Ukrainian, Gagauz, and Bulgarian languages. Training sessions conducted by the CEC and the Center for Continuous Electoral training for lower-level commissions were conducted in both Romanian and Russian. Manuals were elaborated based on the new Electoral Code and were distributed to lower-

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<sup>105</sup> Art. 68, para. 3 of the Electoral Code. The obligation to have four persons from each gender for every ten names in the list is being applied for the first time for the current elections. While it was in place for the 2019 local elections too, at the time the Election Code had a special provision for those elections, obliging parties to have three names from each gender in every ten.

<sup>106</sup> For the November 5 elections 7,669,667 ballot papers were printed, 6,068,878 of which in Romanian and the rest in Russian.

level commissions, customized to their mandate and responsibilities, in Romanian and Russian languages.<sup>107</sup>

## **Inclusion of Persons with Disabilities**

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Contrary to international standards and previous ENEMO recommendations, persons with mental disabilities are excluded from the right to vote.<sup>108</sup>

Voter education materials prepared by the CEC included audio format and videos with sign language interpretation.

ENEMO notes that most of the level I and II DEC's are located on higher floors and as such are mainly not accessible to people with locomotor disabilities. A number of DEC's reported to the mission that polling stations are accessible to persons with locomotor disabilities as they are

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<sup>107</sup> According to the data provided by the Center for Continuous Electoral Training, five webinars were provided for a total of 404 registrars of State Registry of Voters; one seminar was conducted for 40 judges; two webinars and 3 seminars were conducted for 472 police officers and carabinieri. Training for First and Second level commissioners were conducted in two stages where in total 116 seminars and 8 webinars were conducted with some 2907 participants. As for the PEBs, 138 seminars were conducted with some 4744 participants. PEB members were also offered 4 video conferences available online.

<sup>108</sup> Article 29 of the [CRPD](#) requires states to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”. Paragraph 48 of [General Comment No. 1](#) to Article 12 of the CRPD states that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote, the right to stand for election and the right to serve as a member of a jury”.

located in the ground floor of public buildings. However, ENEMO observers noticed that in practice most polling stations were not fully accessible.

## **Election Day**

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On Election Day, ENEMO observed at a limited number of polling stations to follow the process of preparation and opening of polling stations, the voting and counting process, as well as the transfer and intake of election materials by DEC. In accordance with standard practice for limited ENEMO EOMs however, the mission did not observe Election Day in a systematic or comprehensive manner. Observation teams observed the opening procedures at two polling stations, voting at 46 polling stations, and closing and counting at two polling stations. Additionally, ENEMO observed the intake of election materials and tabulation of results at two level one DECs.

Election Day was generally calm and peaceful. At the limited number of polling stations observed by the mission, Election Day procedures were overall conducted efficiently and in accordance with the law.

However, at few polling stations observed ENEMO observers reported some cases of voter attempts to photograph their ballot; voters in queues due to overcrowding; breaches of campaign

silence; malfunctioning of polling station cameras<sup>109</sup>; insufficient number of stationary ballot boxes or improperly sealed ballot boxes; and alleged transportation of voters. Observers also reported on a case of “Chance” candidates and their supporters obstructing voters’ access to polling stations<sup>110</sup>, which is particularly concerning and should be addressed by the respective authorities.

Counting procedures at polling stations observed were properly followed by the PEB. Regarding intake of materials and tabulation of results, at the two DEC’s observed procedures were generally followed despite delays due to the lengthy protocol verification process.

## Observers

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### Domestic Observers

Domestic observer organizations are accredited by the CEC or DEC upon their request, provided that they fulfill accreditation requirements. National observers can be registered by public associations/nongovernmental organizations which deal with the protection of human rights or democratic values in accordance with their statute or other internal acts. Observers accredited by the CEC were allowed to monitor the electoral process throughout the country and in all polling stations. Observers accredited by DEC’s could perform their activity only within the territory of the concerned Electoral District.

The CEC accredited 8 domestic observer organizations with 1,092 accredited observers. Among accredited organizations Promo-Lex (with 998 observers), a member of ENEMO, conducted an extensive observation at various levels.

### International Observers

International observers are accredited by the CEC and have the right to monitor election processes throughout the whole country and within all polling stations. Their rights are identical to domestic

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<sup>109</sup> Observers reported on cases where the camera recording was disrupted, either due to electricity issues or to full memory cards.

<sup>110</sup> Reported from Chirsova. Observers were further informed that a complaint was submitted to the second level DEC, following which the police were notified and a criminal case opened.

observers, except for the right to submit complaints on irregularities, which is in line with international practice.

The CEC reported having accredited 1,092 national and 401 international observers in total.

ENEMO observers did not face any restrictions or issues in conducting their observation.

## **About ENEMO - No need to translate**

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

ENEMO seeks to support the international community's interest in promoting democracy in the region by assessing electoral processes and the political environment and offering accurate and impartial observation reports. ENEMO's international observation missions use international benchmarks and standards for democratic elections to evaluate the electoral process and the host country's legal framework. ENEMO and all its member organizations have endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signed the Code of Conduct for International Election Observers. ENEMO member organizations have monitored more than 250 national elections and trained more than 250,000 observers.

To date, ENEMO has organized 39 international election observation missions to 11 countries: Serbia 2022, Presidential and Parliamentary Elections; Hungary 2022, Parliamentary Elections; Georgia 2021, Local Elections; Kosovo 2021, Local Elections; Albania 2021, Parliamentary Elections; Moldova 2021, Parliamentary Elections; Moldova 2020, Presidential Elections; Ukraine 2020, Local Elections; Montenegro 2020, Parliamentary Elections; Serbia 2020, Parliamentary

Elections; Moldova 2019, Local Elections; Ukraine 2019, Early Parliamentary Elections; Ukraine 2019, Presidential Elections; Moldova 2019, Parliamentary Elections; Armenia 2018, Early Parliamentary Elections; Moldova 2016, Presidential Elections; Ukraine 2015, Local Elections; Ukraine 2014, Parliamentary Elections; Ukraine 2014, Presidential Elections; Ukraine 2013 – re-run of Parliamentary Elections 2012 in 5 DEC; Kosovo 2013, Local Elections; Ukraine 2012, Parliamentary Elections; Kosovo 2011, Re – run of Parliamentary Elections; Kosovo 2010, Parliamentary Elections; Kyrgyzstan 2010, Parliamentary Elections; Ukraine 2010, Presidential Elections; Kosovo 2009, Local Elections; Moldova 2009, Parliamentary Elections; Georgia 2008, Presidential Elections; Kyrgyzstan 2007, Parliamentary Elections; Ukraine 2007, Parliamentary Elections; Ukraine 2006, Local Elections in Poltava, Kirovograd and Chernihiv; Ukraine 2006, Parliamentary Elections; Kazakhstan 2005, Presidential Elections; 30 Albania 2005, Parliamentary Elections; Kyrgyzstan 2005, Presidential Elections; Kyrgyzstan 2005, Parliamentary Elections; Ukraine 2004, Presidential Elections, second round rerun; Ukraine 2004, Presidential Elections;

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