



ENEMO International Election Observation Mission

NOVEMBER 5, 2023 LOCAL ELECTION IN MOLDOVA

INTERIM REPORT

October 1 – 27 2023

October 30, 2023

The IEOM of ENEMO for the 2023 Local Elections in Moldova is financially supported by the Delegation of the European Union to the Republic of Moldova, the Embassy of the Kingdom of the Netherlands, and the Soros Foundation Moldova. The contents of this publication are the sole responsibility of ENEMO and do not necessarily reflect the views of the donors.



Following an invitation from the Central Election Commission of the Republic of Moldova, on October 1, 2023, the European Network of Election Monitoring Organizations deployed an International Election Observation Mission (IEOM), to observe the Local Elections of November 5 in Moldova.

ENEMO has accredited four Core Team experts, based in Chisinau and four long-term observers, deployed in two teams based in Balti and Comrat, which cover, respectively, the north and the south of the country. No additional short-term observers will join the mission. The Mission is headed by Dritan Taulla.

This is ENEMO's 40th Election Observation Mission and the 6th in Moldova¹. ENEMO has already gained considerable experience through observing elections in the region since the creation of the network in 2001. Through monitoring and reporting on crucial aspects of the elections, ENEMO aims to improve the transparency of the election process and it is assessing its integrity and compatibility with international obligations of Moldova and standards for democratic elections, as well as the domestic legislative framework.

The mission is monitoring 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 Core Team experts and long-term observers will observe the voting, counting, and tabulation of results in a limited number of polling stations.

This interim report is based on ENEMO's findings on the national level and throughout the regions observed from October 1st to October 27th 2023. In this period, ENEMO observers have conducted 211 meetings with election management bodies, political parties and candidates, state officials, media and domestic civil society organizations.

The mission will issue its statement of preliminary findings and conclusions after the election day and will remain in the country to observe the second round of elections in the municipalities where no mayor will secure a majority of the votes in the first round. The final report will be issued within sixty days from the certification of results. ENEMO will raise the awareness of the domestic and international community regarding the main challenges and problems observed in the elections, thus advocating for adequate policy changes, through the adoption of concrete recommendations, in its final report.

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¹ ENEMO previously observed the 2016 Presidential Elections, the 2019 Parliamentary Elections, the 2019 Local Elections, the 2020 Presidential Elections, and the 2021 Parliamentary Elections in Moldova. Reports of previous elections can be found at the [webpage of ENEMO](#).

The legal framework was substantially reformed and the drafting of the new law followed an inclusive and transparent process, in line with ENEMO's long-standing recommendation. Elections are competitive, with a high number of candidates running for election, and are generally being managed efficiently and transparently. However, widespread allegations of illegal and shadow funding to unduly influence the voters raises significant concerns about the integrity of the elections.

Executive summary

ENEMO welcomes that the upcoming elections are held under a substantially reformed electoral legislation, following a long-standing ENEMO recommendation on the need for a comprehensive transparent and inclusive electoral reform that would aim to better align the legislation with international commitments and standards. ENEMO acknowledges that the drafting process of new electoral legislation was comprehensive, transparent and inclusive, engaging various stakeholders. However, the adoption of the law in its final stage in the Parliament did not gain support from the opposition.

The Electoral law was further amended twice following decisions from the Constitutional Court, with the last amendment occurring on October 4. Amending the Electoral Code one month ahead of election day and only two days prior to the deadline for candidate registration is at odds with international good practice, and could have potentially limited the right to stand for election.

The existing legal framework provides a sound basis for the conduct of elections in line with international commitments and standards. The implementation of many of the positive amendments to the Electoral Code remains to be observed over the following period.

The CEC operates in an open, transparent and efficient manner. Its sessions are open to accredited observers, media and other authorized representatives, sessions are live streamed and agendas are available on the website. The CEC is overall responsible for planning and administering elections. To fulfill these tasks, the CEC is coping with tight deadlines and shortage of human resources. The level of trust of political stakeholders in the CEC varies.

Lower-level commissions were established and composed within the prescribed legal deadline. Overall the DECs operate transparently and efficiently on both levels. However, ENEMO observed replacements within DECs as well as the PEB structures mostly due to conflicts of interests, insufficient remuneration and personal reasons. While the replacements are not expected to negatively affect the work of the DECs, finding adequate replacements at the PEB level was often an issue.

Complaints submitted to the CEC and DEC's until now concern mostly candidate registration and illegal campaigning. Most cases regarding illegal campaigning were rejected. Deadlines for submitting and adjudicating complaints were generally respected. Official complaints submitted to the CEC level are published on the online registry, however, the complaints submitted to the DEC's are processed only offline.

As of October 2, some 3.3 million voters are registered in the State Voter Registry. Of these, some 2.7 million will be able to vote on November 5. The discrepancy consists of persons who hold citizenship of Moldova but do not have a registered domicile or residence and voters who are registered in administrative-territorial units in Transnistria, temporarily outside the sovereign control of the constitutional authorities of Moldova. No concerns regarding the accuracy of voter's lists were raised during the reporting period.

A high number of candidates are standing for election, making the election overall competitive. DEC's registered over 57 thousand candidates for the positions of mayor and councilors from 35 political parties and one electoral bloc, as well as 1,174 independent candidates.

The candidate registration period overlaps with the start of the campaign and EMB's had seven days to examine the files. This provision limits equal opportunities among candidates and does not take into account possible complaints and appeals, which leads to some candidates being registered long after the others have started campaigning. Several parties raised concerns about attempts to bribe or even pressure their candidates to run on behalf of other political parties.

The electoral campaign officially started on 6 October and has been low-key and calm during the observed period. 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. New electoral provisions introduced several bans while lifting some previous ones.

Candidates are prohibited from using administrative resources, including by launching infrastructure projects and must receive permission from the CEC to use messages of public interest. Financial incentives introduced during the electoral period were criticized by several stakeholders, as they have the potential to influence voters' choice. The mission was informed of widespread allegations of vote-buying, pressure on employees, and misuse of administrative resources. The ban to organize the transportation of voters to polling stations is noteworthy and its implementation in practice remains to be observed.

The legal framework and requirements for campaign finance are overall in line with the Venice Commission and GRECO recommendations. However, many ENEMO interlocutors informed ENEMO about "shadow funding" of electoral campaigns, mainly from abroad, which poses significant challenges and raises serious concerns about the integrity of the elections. Attempts of law enforcement to address this issue are still to be assessed. The EMB's campaign finance supervision competencies were extended, but its efficiency remains to be assessed.

Television remains the primary and trusted source of information in Moldova, but the media landscape reflects a polarized environment, with political clashes between pro-Russia and pro-West factions, evident in both traditional and digital platforms. Moldova's media ownership

is concentrated, with key outlets often controlled by political leaders, revealing the deep polarization and influence of oligarchs. Recent shifts suggest a decrease in the influence of media empires linked to specific political figures, allowing room for emerging entities such as a media holding company associated with a prominent pro-Kremlin oligarch.

The country's media regulatory framework, as outlined in the Electoral Code, seeks to ensure fair and transparent coverage during election campaigns, but deficiencies in secondary legislation are apparent, particularly regarding monitoring of online platforms, media ownership, and the absence of mechanisms to address misinformation from online/print outlets.

Journalists in Moldova face risks of cyber-harassment, especially when covering contentious issues, although ENEMO mission is not aware of any reported attacks or harassment on journalists, and being a journalist in Moldova is currently considered safe.

Recent trends indicate a transition in political information consumption, with online media and social networks eclipsing traditional broadcast media. The state of emergency triggered by the Russian invasion of Ukraine, coupled with measures from the Audiovisual Council, has intensified scrutiny on disinformation and hate speech, simultaneously weakening media entities disseminating propaganda content originating from Russia. Despite efforts to combat misinformation, challenges persist, notably on platforms like Telegram and TikTok, where the spread of fake news, political statements, and pro-Kremlin narratives poses a significant concern.

Despite some progress towards advancing gender equality, participation of women in political life remains to be improved. The legal framework ensures gender balance for councilors' candidate lists and these provisions have been overall respected. However, there are no legal provisions that regulate gender balance while allocating mandates. Women are well represented at all levels of election management bodies, including in leadership positions.

Background

On July 4, the Central Election Commission announced the date of the Local Elections, for November 5, 2023.

Moldova is a parliamentary republic, with the unicameral 101 seats Parliament invested with the legislative power, the Government exercising the executive power, and the President of the Republic as head of the state. The country is administratively divided into first and second tier administrative units.

The last local elections were held in November 2019. The Party of Socialists of the Republic of Moldova (PSRM) won the majority of councilors and mayoral positions, 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. Following those elections, Maia Sandu, running on behalf of PAS, won the Presidential elections in 2020. In the 2021 early Parliamentary Elections, PAS won 63 out of 101 parliamentary seats, 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.

In June 2023, the Constitutional Court declared the Shor Party unconstitutional², following a request of the Government, filed with the Court in November 2023, citing Article 41, para. 4³ 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 2023 Local Elections come at a crucial moment for Moldova. Since the 2021 Parliamentary Elections, the authorities have embarked on a series of profound reforms that aim to address corruption, strengthen the judiciary, improve efficiency of local governance, and improve integrity of elections, among others. Since 2021, Moldova has advanced 61 positions in the World Press Freedom Index and 14 places in the Transparency International Corruption Index. The country was granted EU candidate status on 22 June 2022. In April of this year, the European Parliament passed a resolution calling for the 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.

However, the political environment remains extremely polarized and cooperation between the majority and the opposition is lacking. 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 the Parliament.

² [Decision of the Constitutional Court on the constitutionality of the "Shor" Party.](#)

³ 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.”

The election process is also held against 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 the country has faced economic blackmail and a sustained campaign aiming to destabilize it. 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.

Legal framework and electoral system

Legal Framework

Local Elections are primarily regulated by the Constitution and the newly adopted Electoral Code, supplemented by decisions of the CEC. Additionally, applicable provisions are also included in the Law on Political Parties, Criminal Code and Contravention Code. Moldova is a signatory of key international and regional frameworks that govern democratic electoral standards⁴.

ENEMO notes that, overall, the existing legal framework provides a sound basis for the conduct of elections in line with international commitments and standards. However, the implementation of many of the positive amendments to the Electoral Code remains to be seen over the following period, including on election day and the post election period.

In 2021, following the confirmation of the new composition of the CEC, electoral reform became a primary focus. A working group was established to revise the electoral legislation. During the reform process several rounds of consultations were organized, involving political parties, civil society organizations, and international partners, including ENEMO. The process was transparent, comprehensive and inclusive, in line with a longstanding primary recommendation by ENEMO.

The new Electoral Code was adopted in December 2022 by the Parliament, with no support from the opposition. The law came into force at the beginning of 2023. It was seen as an important step forward to address the shortcomings of the previous electoral legal framework. The new Electoral Code also addresses a number of previous ENEMO recommendations. Specifically, measures were introduced to enhance transparency and stability of the election management bodies, undue influence over public officials and voters, as well as potential vote-buying instances. Restrictions have been placed on misuse of administrative resources and stricter campaign finance rules have been introduced.

⁴ 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.

The Electoral Code was further amended on two occasions, preceded by the two respective decisions of the Constitutional Court on June 19⁵ and October 3⁶. On June 19, the Constitutional Court declared the Shor Party unconstitutional. In response to this ruling, on July 31, the Parliament passed an amendment stating that for the next five years, members of the party's executive body and party members holding elected positions at the time of the Constitutional Court's decision would be ineligible for elected positions. Currently independent members of the Parliament, elected in 2021 on behalf of the Shor Party⁷, appealed these amendments to the Constitutional Court and on October 3, the Court found the amendments which set the ineligibility criteria as unconstitutional. Following the Constitutional Court's decision on October 4, Parliament introduced new amendments to the Election Code,⁸ providing criteria for ineligibility⁹ and thus effectively preventing a number of individuals standing for elections for the next three years. The amendments however, further propose a provision for a rejected candidates to submit evidence, if any, to regain their eligibility to stand as a candidate. However, the limited timeframe remaining before the candidate registration, October 6, may have posed a challenge to candidates to be able to benefit from this right. It should be noted that, on the same day, on October 4, the Commission for Exceptional Situation adopted a decision with the same criteria, effectively preventing the same group of persons from standing for election.¹⁰

On October 16, the group of same opposition members of the Parliament from the former Shor party challenged the amendment in the Electoral Code before the Constitutional Court to verify its constitutionality and requested the suspension of the law. The second request was not granted.¹¹

ENEMO notes that the tailor-made amendments to the Electoral Code, within a month before election day and two days prior to the deadline for candidate registration is at odds with international good practice¹² and it could have limited the right to stand for election.

Electoral System

⁵ The Constitutional Court decision:

https://www.constcourt.md/public/ccdoc/hotariri/h_10_2023_184h_2022_rou.pdf

⁶ The Constitutional Court decision:

https://www.constcourt.md/public/ccdoc/hotariri/h_16_2023_211a_2023_rou.pdf

⁷ Marina Tauber, Vadim Fotescu, Petru Jardan, Reghina Apostolova and Denis Ulanov.

⁸ Amendment to the Electoral Code:

<https://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/6676/language/en-US/Default.aspx>

⁹ 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.

¹⁰ See decision: https://gov.md/sites/default/files/document/attachments/dispozitia_cse_nr.86_04.10.2023.pdf

¹¹ The decision of the Constitutional court:

<https://www.constcourt.md/ccdocview.php?l=ro&tip=decizii&docid=1448>

¹² 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". See here: <https://rm.coe.int/090000168092af01>.

In local elections, boundaries of electoral constituencies match those of the relevant administrative unit. The administrative structure of Moldova is categorized into two tiers. The first tier comprises villages, towns, and sectors, while the second tier encompasses districts, alongside specific municipalities such as Chisinau, Balti, and Bender, as well as the autonomous territorial units of Gagauzia and Transnistria. From a public administration perspective, villages and towns exercise local autonomy through their respective local councils, which act as deliberative bodies, and mayors who serve in executive roles. Conversely, in districts, the local autonomy is manifested through district councils, serving as deliberative entities, and district presidents functioning as the executive authorities.

Local elections on November 5 are held to elect 898 Mayors and 11,058 councilors. Among them, 9,972 councilors of first level administrative units and 1,086 district or municipal councilors.

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 November 19, in case none of the candidates running in the first round receive more than half of the valid votes cast. Councilors are elected under a list proportional representation system (List PR). Seats in the local council are allocated in a single multi-seat constituency¹³.

At least 25 percent of voters in a given constituency have 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.

Election Administration

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

Central Electoral Commission

The Central Electoral Commission, as defined by the Electoral Code, is founded on the principles of impartiality and political neutrality, and is the hierarchically superior electoral body, operating on a permanent basis.

The CEC is composed of nine members: one member is appointed by the President of the Republic, the other eight are appointed by the Parliament, respecting the proportional

¹³ Following the d'Hondt formula.

representation of the majority with five candidates¹⁴ and the opposition with three candidates¹⁵. The current composition of the CEC was confirmed in 2021 and currently it includes eight members with one missing, as the parliament is yet to approve one of the members nominated by the opposition¹⁶. Trust in the Central Election Commission varied among interlocutors, the majority of opposition parties expressed their lack of trust in the CEC because of its current composition perceived as favoring the ruling party.

With its enhanced mandate, the CEC is overall responsible for administering elections. Among other aspects this includes ensuring legal and consistent application of electoral laws, creating and coordinating lower level EMBs, compiling and verifying the voter's lists, establishing the model of ballot papers, forms, and other election-related documents, defining stamps used by electoral entities, setting technical standards for electoral equipment, announcing the number of councilors based on the number of inhabitants of the district within specified deadlines, overseeing party and campaign financing.

On August 2, the CEC adopted the calendar¹⁷ for carrying out the actions of organizing and conducting the General Local Elections. So far, the EMBs have generally managed to comply with the deadlines provided in this calendar.

The CEC holds regular official sessions open to accredited observers and media. Positively, the CEC sessions are broadcasted live, available online¹⁸. Agendas are published prior to sessions and are available on the CEC webpage. Since the beginning of the electoral period, August 5, the CEC adopted some 300 decisions, among them 18 approval/amendment/completion of CEC regulations regarding the 2023 Local Elections. Decisions are posted on the website, mostly in a timely manner.

The CEC carries out voter information campaigns and uses three main channels for the communication with voters, which are social media, traditional media and in person communication. The CEC has developed information materials for voters on various aspects of the electoral processes in six languages¹⁹, in audio format and in sign language. Public Service Announcements are also distributed through social media channels²⁰ and traditional media.

The legal framework strengthened the mandate of the CEC regarding financial oversight of party and campaign finance. However, the CEC faces a shortage of human resources. Before the election campaign started, the CEC conducted training sessions with parties on financial

¹⁴ Political Party "Action and Solidarity Party"

¹⁵ The Block of Communists and Socialists.

¹⁶ 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.

¹⁷ Election calendar is available here: https://a.cec.md/ro/cu-privire-la-aprobarea-programului-calendaristic-pentru-realizarea-actiunilor-d-2751_106873.html

¹⁸ CEC section: <https://www.youtube.com/@comunicarecec/streams>

¹⁹ Romanian, Russian, Ukrainian, Gagauz, Bulgarian, and Roma.

²⁰ <https://www.youtube.com/@comunicarecec/videos>

reporting and introduced a specific set of guidelines. The CEC mentioned that their cooperation with other relevant government institutions helps address the personnel shortage effectively. While the designated online portal for publishing financial reports is being developed, some delays in uploading party and candidates' financial reports to the server have been observed.

The CEC and its Center for Continuous Electoral Training, conducted a comprehensive training program for election commission members, State Registry of Voters' registrars, and other key participants, such as judges and police officers. Furthermore, the CEC offered training to parties on party and campaign finance reporting. Training sessions 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-level commissions, customized to their mandate and responsibilities, in both Romanian and Russian languages.²¹

District Electoral Councils

The lower-tier electoral bodies, (1st and 2nd levels DEC, as well as PEBs) were established within the legal deadline.

According to the Electoral Code, the second-level district electoral councils represent the electoral bodies which act on a permanent basis and correspond to the size of the second-level administrative-territorial units. The second level DEC are headed by the chairpersons, elected by the CEC through an open competition, are permanent, and have status of civil servants under the law on the civil service.²²

DECs visited by ENEMO observers were following the election calendar and working transparently. Among the newly engaged chairpersons of 2nd level DEC, a few did not have previous experience, although in general they seemed to adequately and professionally manage the work of the commissions.

Replacements were made in observed DEC. The main reasons were the incompatibility of the members due to conflicts of interests, in cases when their relatives were running as candidates for mayors or councils,²³ the remuneration was considered insufficient, as well as for personal reasons. According to DEC representatives, these replacements are not expected to negatively affect the work of the DEC.

²¹ 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. Trainings 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.

²² Law No 158/2008 on the Civil Service.

²³ The Electoral Code prescribes incompatibilities and restrictions in the activity of the Electoral Council and Bureau activity, among others which PEB and DEC members in local elections, not be the husband (wife), relatives by blood or by marriage of the first degree of the candidate running in elections in the electoral district in whose area the electoral body is located.

Decisions of the DEC's are published at the appropriate space on the CEC website, but with a notorious delay and many decisions are missing. Additionally, they are posted at the DEC premises or webpages of local public authorities, although not systematically.

Precinct Electoral Bureaus

PEBs are established by the DEC's at least 25 days before the election day. As of October 11, 1,958 PEBs were formed within the legal deadline. The number of PEB members varies from 5 to 11 members.

Members of the PEBs received training and necessary materials from the DEC's and are performing their tasks according to the election calendar. During the training sessions, emphasis was placed on practical aspects, like completing protocols and handling other administrative duties. In general, EMB members seemed satisfied with the training provided.

The mission observed several replacements within PEB structures, mostly due to selected members having a conflict of interest, were not interested, or due to personal reasons. Despite the fact that the number of changes in relation to the total number of PEBs members is not high, finding adequate replacements for these positions was often an issue. As a result, DEC's often request the CEC's approval to offer further certification for potential PEB members. DEC members informed ENEMO representatives that the need for replacements might be linked to the fact that PEBs were set up before the candidate list was released, revealing potential conflicts of interest upon review.

Registration of voters

The Law grants the right to vote to all citizens of Moldova that have reached 18 years of age on the day of elections and have not been disenfranchised through a court decision establishing the measure of judicial protection. Voters having both domicile and residence address are included, during the period of validity of their temporary residence on the voter's list corresponding to the polling station where they have temporary residence.

Moldova has a passive voter registration system. The CEC manages and updates the State Register of Voters.²⁴ The CEC is in charge of compiling and verifying the Voter's List, in cooperation with the relevant central and local institutions.²⁵

Voters without a registered temporary residence or a domicile will not be able to vote. Furthermore, the amendments to the Electoral Code provide that the time frame for registering a domicile or temporary residence must be at least three months before the first round of

²⁴ Article 60 (1) of the Electoral Code

²⁵ Article 27 (f) of the Electoral Code

elections, in order to be able to vote in the relevant constituency.²⁶ If the voter possesses both a permanent domicile and a temporary residence with a duration of less than three months, they will be registered on the electoral list at the polling station corresponding to their permanent domicile.²⁷ Furthermore, if a voter has 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 will be registered on the electoral list at the polling station corresponding to their current domicile or most recent valid temporary residence.²⁸ Students and pupils eligible to vote, registered at educational institutions in the location of their current or temporary residence less than 3 months before the first round, have the right to vote regardless of the registration deadline.²⁹

As of October 2, of the 3,302,399 voters registered in the State Voter Registry, 2,762,125 are eligible to vote in local elections. The discrepancy consists of persons who hold citizenship of Moldova but do not have a registered domicile or residence³⁰ and voters who are registered in administrative-territorial units in Transnistria³¹, temporarily outside the sovereign control of the constitutional authorities of Moldova, and where elections will not be held.

Voters unable to visit the polling station due to health or other valid reasons can request to vote through a mobile box. This option is available for eligible voters in specific districts, including those in hospitals upon written request within a limited deadline.³²

No concerns regarding the accuracy of voter's lists were raised during the reporting period. The voters' lists are distributed to PEBs to enable voters to verify their information. Besides, voters' lists are published at the premises of PEBs, as well as on the website of the CEC, where voters have the possibility to verify their data. The option for voters to check their data online at the CEC webpage was evaluated positively by ENEMO interlocutors. This option is seen as a valuable opportunity to enhance the already satisfactory level of trust parties, candidates, and the public has in the accuracy and integrity of the voter's list.

²⁶ Article 160 of the Electoral Code; [The Venice Commission and OSCE/ODIHR Joint Opinion on the Draft Electoral Code](#) positively assesses the three months deadline, as reasonable safeguard for the integrity of local elections and in line with Code of Good Practice in Electoral Matters, paragraph I.1.1.c.iii. See: Para: 53 of the Joint opinion.

²⁷ Paragraph 21 (3) of the CEC decision no. 1153 of August 4, 2023 https://a.cec.md/ro/pentru-aprobarea-regulamentului-cu-privire-la-intocmirea-administrarea-difuzarea-2751_106895.html

²⁸ Paragraph 21 (4) *ibid.*

²⁹ Article 78 (5) of the Electoral Code

³⁰ 273,112 persons belong to this category, most of whom have legally emigrated abroad.

³¹ 267,162 voters

³² Article 80 of the Electoral Code

Candidate registration

The right to stand in local elections is granted to all Moldovan citizens with the right to vote. Mayoral candidates must, in addition, be at least 23 years old and have completed at least the general compulsory education.³³ 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.³⁴

Additional exceptions established by the amendments to the Electoral Code, adopted on 31 July 2023, including a five-year ban from running for election on members of executive bodies and elected persons of the political party declared unconstitutional, were suspended on 29 September and declared unconstitutional by the Constitutional Court on 3 October 2023. On 4 October 2023, the Parliament adopted amendments to the Electoral Code by which persons who are suspected; were charged or found guilty of offenses; those earlier excluded from the electoral race following the violation of the principle of transparency or those on international sanctions lists are banned from standing as a candidate at elections for three years.³⁵ The authorities argued that these amendments were necessary to prevent persons involved in voter bribery and illegal funding attempts, as well as to implement the 3 October Decision of the Constitutional Court. However, no amendment to the legislation was needed based on the 3 October Constitutional Court decision.

Under the given bill, the General Police Inspectorate, the National Anticorruption Centre, the Security and Intelligence Service and the Prosecutor General's Office provided the CEC with information about persons classified according to this amendment. On 5 November, the CEC compiled a list of 102 persons and shared it with DEC's. The list was not made public due to the sensitivity of personal data and the presumption of innocence³⁶. The persons had the right to appeal the decision to the Court of Appeal within one day.³⁷

Currently, 60 political parties are registered by the Public Services Agency and may nominate candidates.³⁸ Parties and blocs may nominate a mayoral candidate in each electoral district.³⁹

³³ Article 161 of the Electoral Code. The age requirement for the mayor has been reduced from 25 years of age.

³⁴ Article 16 of the Electoral Code.

³⁵ The CES [provision](#) No. 86 and Parliamentary [decision](#) to amend the Electoral Code No. 280/2023 adopted on 4 October.

³⁶ CEC informed the [press](#) about the fact that the list cannot be made public.

³⁷ One of the rejected candidates was an independent candidate and former Shor party MP, Marina Tauber, that was rejected by the Balti DEC and she filed an appeal to the Chisinau Court of Appeals. On 10 October, the Chisinau Appeals Court dismissed as unfounded Marina Tauber's request to annul the order made by the CES on 4 October. On 12 October, the Chisinau Court of Appeals dismissed as unfounded Tauber's appeal against the Balti DEC decision not to admit her to the competition for the mayoralty of Balti.

³⁸ [List](#) of political parties that may run in the 5 November local elections..

³⁹ According to Article 163, para. (4) and (5), councilor candidates may run both in first and second-level units as well both for mayor and councilor, but only in one district of the same level. Additionally, mayoral candidates may not stand in several districts of the same level nor in Chisinau and Balti municipalities simultaneously. 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

The lists of candidates for local and district councils should contain a minimum of half and a maximum of the total number of councilors, plus seven alternative candidates. Electoral competitors may change or withdraw a candidate from the list or withdraw the whole list of candidates up to 10 days before election day.⁴⁰ Electoral blocs can only register with the CEC, and parties within the bloc cannot appoint the candidates on their own.⁴¹

Candidates may also self-nominate and run independently, in which case they must collect a certain number of signatures from voters.⁴² For that purpose, independent candidates may establish an initiative group (IG) and register it with the respective DEC. Independent candidates may run for both a councilor and a mayoral position. The independent candidate for the council must 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 case of a mayoral candidate, they must collect two percent of registered voters in the district, but not less than 100.⁴³ In line with ENEMO's previous recommendation, the number of necessary signatures has been lowered and the voter may now support several candidates, including for several elective offices.

According to the CEC's electoral calendar⁴⁴, the candidate nomination period starts after the establishment of district electoral councils (DECs), 60 days before the elections in second-level constituencies and 40 days before the elections for the first-level constituencies. Political parties and electoral blocs cannot take decisions on the nominations before the beginning of the nomination period.⁴⁵ Contrary to these regulations, various political parties announced their candidates publicly before the stipulated period.⁴⁶ The early nomination gave these candidates and their parties the chance to promote them while using the party funds instead of the dedicated electoral funds. This provided them with an advantage in comparison with their competitors, violating the principle of equal opportunity.

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.

⁴⁰ The previous deadline was seven days.

⁴¹ ENEMO considers this limitation as overly restrictive in case of local elections where the political dynamics and coalitions vary considerably among cities and districts.

⁴² This provision does 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".

⁴³ The current provision is still not in line with previous ENEMO recommendations and the Guideline I 1.3 (ii) of the 2002 [Code of Good Practice in Electoral Matters of the Venice Commission](#) stating that "the law should not require collection of the signatures of more than one percent of voters in the constituency concerned". Previously, independent mayoral candidates required the support of five percent of voters in the district, but no less than 150 and no more than 10,000.

⁴⁴ CEC [Decision](#) No. 1150 approving the electoral calendar for the 5 November local elections from 2 August 2023.

⁴⁵ Article 63 of the Electoral Code.

⁴⁶ Promo-LEX Observation Mission General Local Elections 5 November 2023, [Report No. 1](#), page 25.

The submissions for registration took place from 19 September until 6 October for second-level DEC's, and from 29 September until 6 October 2023 for first-level DEC's. The DEC's had seven days to examine the submitted documentation (until 13 October). This provision limits equal opportunities among candidates and does not take into account possible complaints and appeals, which leads to some candidates being registered long after the others have started campaigning.

DEC's registered 57,396 candidates for the position of mayor and councilor in local councils from 35 political parties, one electoral bloc, as well as 1,174 independent candidates. For the position of general mayor of Chisinau, were registered 27 candidates from the parties as well as one electoral bloc, and for the position of mayor of Balti 15, of which 13 were nominated by parties, and two are independent.⁴⁷

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" project⁴⁸, due to pressure and harassment from law-enforcement bodies, or with the promises to stop ongoing investigations.

Electoral Campaign and Campaign Finance

Electoral Campaign

Electoral campaigning and the rights and obligations of electoral competitors are regulated in Chapter 8 of the 2022 Electoral Code, the 2002 Criminal Code, the 2008 Contravention Code, the 2022 Law on Advertising, and the CEC regulations. Regardless of the type of election, the electoral campaign begins on the date of the registration of the competitor, but no earlier than 30 days before election day (6 October)⁴⁹ and ends on the date on which the electoral competitor's registration is being canceled or on Friday before election day (3 November). The Electoral Code no longer includes the provision that prohibits campaigning outside of the

⁴⁷ CEC [press release](#) about the number of registered candidates for the 5 November local elections from 17 October 2023 and [press release](#) from 26 October.

⁴⁸ In the "[European village](#)" programme, 724 infrastructure development projects have entered the competition; 492 projects have been selected, and the total amount of allocated funds for the European Village Program is 2,8 billion MDL. The project competition is part of the Local Development Program intended for Level I Local Public Authorities in Moldova, which was launched in March 2022. 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.

⁴⁹ 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. Therefore, the recommendation has been partially implemented indicating the exact start of the campaign, however, the deadline for candidate registration as well as complaints and appeals period still collide with the beginning of the campaign and does not ensure equal opportunities for the candidates.

official campaign period, but the legislation is not clear on what activities are legally permitted before the campaign starts.⁵⁰

During the campaign, competitors are prohibited from organizing concerts, competitions, other events involving domestic or foreign performers, displaying slogans or other messages during such performances or distributing materials containing the electoral competitor's symbols or other identification elements, as well as participating in such events for the purpose of political promotion.⁵¹

The use of images of religious cults, foreign officials, state institutions or public authorities from abroad and international organizations, as well as the symbols of political parties declared unconstitutional, are prohibited in the campaign. It is also prohibited to use symbols of another state, materials containing foreign historical personalities, symbols of foreign countries or international organizations or images of foreign officials, if they lead to contesting and defaming the state and the people, incitement to war aggression, national, racial or religious hatred, incitement to discrimination, territorial separatism, public violence, as well as other manifestations threatening the constitutional regime. The ban on the use of national symbols and images has been lifted, as recommended in previous ENEMO reports.

It is also forbidden to organize the transportation of voters to polling stations on Election day and during the electoral period in order to persuade them to exercise their electoral rights. Candidates are prohibited 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, the use of public equipment, means and goods, during the electoral period.⁵² Additionally, to limit the misuse of public resources in the campaign, messages of

⁵⁰ CSOs and media reported many cases of early campaigning across the political spectrum, mainly the distribution of the information materials.

⁵¹ The ban on concerts and other performances reflects the recommendation from ENEMO IEOM 2020 Presidential Election Final Report. However, [the Venice Commission and OSCE/ODIHR Joint Opinion on the Draft Electoral Code](#) in the Article 77 states that the general formulation limits the freedom of expression and campaign opportunities. The consideration should be given to permit certain performances, but strictly control, if the expenses are properly reported in financial reports.

⁵² According to the Article 48¹ (7) of the [Contravention Code](#), the illegal use of administrative resources, if it does not constitute an offense, is sanctioned with a fine of 90 to 300 conventional units (4,500 to 15,000 MDL) with deprivation of the right to hold certain offices or carry out certain activities for a period of three months to one year. In case of the significant damage, Article 181² (2) of the [Criminal Code](#) stipulates that the penalty shall be a fine of 6,000 to 8,000 conventional units (300,000 to 400. 000 MDL) or imprisonment for up to five years, in both cases with deprivation of the right to hold certain offices or to engage in certain activities for up to five years, and the legal person is punished with a fine of 13,000 to 15,000 conventional units (650,000 to 750,000 MDL) with deprivation of the right to engage in a certain activity or liquidation of the legal person.

public interest must be approved by the CEC.⁵³ Candidates performing public officials' duties must suspend their official activities during the campaign.⁵⁴

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.⁵⁵ On 1 October, Shor announced that starting from October, all pensioners from the city and district of Orhei, the city of Taraclia and Gagauzia will receive an addition to their pension in the amount of 1,000 MDL from Shor's fund.⁵⁶ 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 MDL in an envelope. Given the fact that the legal sources of these donations are unknown, according to the law, local authorities should not have been allowed to use these funds.

One day before the start of the campaign, on 5 October, the Parliament adopted changes to the state budget proposed by the government on 25 September to include 1,65 billion MDL for the "Growth for Moldova" package. 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.⁵⁷ These financial incentives were criticized by several interlocutors as they have the potential to influence voters' choice and indirectly buy their votes.

⁵³ 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.

⁵⁴ 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.

⁵⁵ Ilan Shor's [statement](#) from 18 August. Upon application, each village may benefit from five million MLD within next three years. Chance party, officially promoted on Ilan Shor's FB page, [announced](#) the support of the project on 21 September.

⁵⁶ Ilan Shor's [statement](#) on his FB page from 1 October. On October 11, the Orhei District Council in its [Decision](#) No. 11/1 approved that pensioners with a pension lower than 3 000 MDL would receive a financial allowance of 1 000 MDL from individuals or legal entities irrespective of their legal form of organization. Allegedly, over 3000 applications were submitted within a few days. On 12 October, the similar [decision](#) was adopted by the City Council of Taraclia and by the [Executive Committee](#) of Gagauzia. As of 17 October, the [media](#) reported that some 8 000 applications have been submitted in Gagauzia and the aid has been paid in cash at local social security offices to pensioners with a pension below 3 000 MDL.

⁵⁷ Government [announcement](#) of the approval of the "Growth for Moldova" package on 5 October 2023. "*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 favourable 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.

The campaign has been low-key, calm and rather passive during the observed period. 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. Several parties reported the lack of billboard spaces across the country as only four companies were registered by the CEC. Some parties also 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.⁵⁸ On 5 October, various media outlets reported that the Moldovan Post was distributing PAS electoral campaign material.⁵⁹

The most visible parties thus far are PAS, PSRM, Chance Party as well as Our Party in the north and MAN in Chisinau. Main campaigning topics by candidates revolve 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.

The mission was informed of widespread allegations of vote-buying, pressure on employees, misuse of administrative resources or the use of achievements of the municipalities in the campaign, mainly by incumbents, including the mayors of Chisinau and Balti, as well as PAS party taking credit of the “European Village” program realized from the state budget.⁶⁰ High state officials, including ministers, the Prime Minister and the Speaker of the Parliament are actively participating in campaign events of PAS candidates. This practice, although not against the law, provides an advantage to the candidates from the ruling party and it may jeopardize the neutrality of the executive power in the organization of the elections.

Campaign Finance

Political party finance and the financing of initiative groups (IGs) and of electoral campaigns are regulated by Chapter V of the Electoral Code, the 2007 Law on Political Parties, the 2002 Criminal Code, the 2008 Contravention Code and the 2022 Law on Advertising. The legal provisions are further detailed in CEC regulations, such as the CEC Regulation on the financing of initiative groups and electoral campaigns adopted on 18 August 2023.

⁵⁸ 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.

⁵⁹ For instance, the [article](#) at Primul.md. PAS stated that they signed the contract with the Post which only delivered the material to their offices to have it prepared for the campaign. However, the paragraph 75 of the CEC [Decision](#) No. 1155 from 4 August on the manner of provision, distribution and dissemination of political and electoral advertising and messages of public interest, stipulates that during the electoral period, advertising providers will carry out preparation, production, distribution and placement of advertising on advertising posters/billboards only from the financial means transferred to the “Electoral Fund”, with the payment in advance. As mentioned above, the “Electoral Fund” can be used only from the beginning of the campaign, thus from 6 October. On 17 October, CEC [issued](#) a warning against PAS and forwarded the case to the Ministry of Interior.

⁶⁰ 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 distort the equal conditions of all the competitors.

Positively, all the legal acts underwent extensive changes in 2022 with the goal to bring the campaign finance legal framework more in line with international standards, Venice Commission's and GRECO's recommendations as well as the recommendations of international and domestic observers. Among the recently adopted provisions are the more thorough control of the donors' incomes, clearer instructions on reporting as well as the more precise guidelines on the control and oversight by the CEC.⁶¹

The CEC is the primary body entitled to receive, oversee and control the finance reports on electoral campaign financing. In May 2021, the Supreme Security Council, an advisory body under the President of Moldova, recommended to the CEC to set up an inter-agency working group to detect and investigate actions of illegal campaign financing. However, the CEC has not addressed this proposal until now.

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.⁶² Additionally, permanent second-level DEC chairpersons also perform campaign finance oversight of independent candidates. The oversight over the state subsidies for political parties has been granted to the Court of Accounts, following the Venice Commission's recommendation.⁶³ The efficiency of the campaign finance oversight remains to be assessed.

Electoral competitors must open a dedicated bank account ("Electoral Fund") within three days of their registration and inform the CEC within 24 hours.⁶⁴ Transfers from the "Fund" should be made only after the registration of the contestant, but not earlier than 30 days before election day. According to the CEC and EOM interlocutors, several parties faced difficulties in opening the bank account.⁶⁵

⁶¹ The new legal framework includes several recommendations from previous ENEMO missions.

⁶² The demanding recruitment conditions resulted in no applications being submitted for two financial specialist positions. Therefore, the Division has currently only five members (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.

⁶³ *"The funding of political parties from public funds must be accompanied by supervision of the parties' accounts by specific public bodies (e.g. the Auditor General's Department)." - [Compilation of Venice Commission Opinions and Reports Concerning Political Parties](#), adopted on 18 November 2021, (CDL-PI(2021)016rev), Chapter VII Financing of Political Parties.*

⁶⁴ Based on Article 56, para (5) of the Electoral Code, contestants that do not open the "Electoral Fund" may conduct the campaign without the involvement of any financial costs and must inform the CEC within three days of their registration. Based on the CEC website, the New Historical Option Party and NOI Party decided not to open the bank account. [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."*

⁶⁵ 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 cannot open the bank account because of the criminal investigation of the party leader, Gheorge Cavaliuc.

Contestants propose a person responsible for managing the account (treasurer).⁶⁶ All funds related to the financing of the campaign should be managed through the “Electoral Fund”. The bank informs the CEC on a daily basis electronically on all transactions, while the competitors send one initial report within three days after the opening of the account and afterwards on a weekly basis⁶⁷ through the CEC electronic module “Financial Control”.⁶⁸ The final financial report is due within three days after the election day.⁶⁹ The reports from the independent candidates are delivered to the DEC. The reports should include all the supporting documents and the CEC or DEC has the right to request additional information from contestants and public institutions.⁷⁰ The CEC is obliged to publish all reports within 24 hours after their reception.⁷¹

The majority of ENEMO interlocutors among political contestants mentioned that the enhanced financial reporting requirements are burdensome, especially regarding the requirement to report on the time measurements of their volunteers’ activities⁷². The CEC acknowledged that the reporting is challenging for parties with several hundreds of candidates due to the peculiarities in local elections.

The CEC sets the overall ceiling of financial resources that can be transferred to the “Electoral Fund” account, which is limited to 0.1 percent of the state budget for the given year.⁷³ The ceiling more than tripled compared to the last three elections due to the increase of the formula from 0.05 percent to 0.1 percent of the state revenues. The overall ceiling is further divided proportionally for each first and second level DEC based on the number of registered voters.⁷⁴

⁶⁶ The requirements for the treasurer are specified in the article 55 of the Electoral Code. CEC organized the training for treasurers on 1 October and provided them with a printed guidebook.

⁶⁷ The initial report relates only to the parties that intent to forward the funds from their party account to the “Electoral Fund”. 13 parties submitted the initial report. The deadlines for weekly reports are on 6, 13, 20 and 27 October and 3 November by 17.00 according to the CEC [Decision](#) No. 1150 approving the electoral calendar for the 5 November local elections from 2 August 2023.

⁶⁸ The “Financial Control” module is still under the development and the CEC acknowledges technical difficulties. The module did not work during the first-week reporting period meaning the parties had to submit reports in hard copies or with delays. This also limited the public scrutiny as the uploaded reports are not in a user-friendly, open-data format. The following reports were submitted in more user-friendly PDF format, but still not as usable as open data. Moreover, CEC has not uploaded any financial reports of the independent candidates as of 24 October.

⁶⁹ Previously, the final reports were due two days before the election day.

⁷⁰ These institutions are State Fiscal Service, National Social Security Service, National Medical Insurance Agency, Public Service Agency or State Procurement Agency among others.

⁷¹ The deadline has been shortened from 48 hours compared to the previous elections. However, the CEC has admitted some delays in publishing the reports, mainly because of the need to remove sensitive personal data from the reports before their publishing. As of 24 October 2023, the reports of independent candidates and six out of 36 parties were not available on the CEC website.

⁷² According to the CEC, candidates themselves do not have to report on their volunteering activities in their financial reports if declared to the CEC.

⁷³ The ceiling was set at 66,274,579 MDL by the CEC [Decision](#) No. 1219 of 8 September 2023.

⁷⁴ Art. 53 para. (4) of the Electoral Code. The maximum ceiling for each Electoral District shall be determined by the CEC by multiplying the coefficient laid down in paragraph (3) by the number of voters from that district.

All registered political parties participating in elections are entitled to public funding.⁷⁵ Political parties receive the funds from the CEC on a monthly basis.⁷⁶ The proportion of public funding in the parties' budget rose exponentially from 2017 and accounted for 77 percent in 2021 while private donations dropped rapidly to 15 percent.⁷⁷

Candidates may finance the campaign from their own funds through the party accounts (including the subventions from the state budget or membership fees), donations, or zero-interest loans.⁷⁸ In-kind donations, free services or voluntary activities must be reported in the finance reports according to their market value. Cash donations must be paid directly into the "Electoral Fund". Citizens may 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 may donate up to 12 average wages (a maximum of 120,400 MDL)⁷⁹. Further restrictions detail the maximum amount of donation for several categories of persons⁸⁰. The CEC or respective DEC has the authority to request additional financial information from citizens to check if they possess sufficient income to prevent illegal funding. Several opposition parties stated that the comprehensive financial checks by the authorities may create a chilling effect on citizens wishing to donate.⁸¹

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 aid⁸²; 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.⁸³

⁷⁵ The sum allocated is equivalent to 0.1 percent of state budget revenues, which equals 49 980 700 MDL in 2023.

⁷⁶ The individual sums are calculated in the CEC [Decision](#) No. 846 from 17 January 2023. Article 27 of the [Law on Political Parties](#) stipulates that the allocated amount is calculated on the basis of electoral results

⁷⁷ [Money that wins elections. Political and Campaign Finance in Moldova](#), page 24, July 2023. Independent Anti-Corruption Advisory Committee.

⁷⁸ On 8 September 2023, the CEC sets in its [Decision](#) No. 1217 the amount of the interest-free loans 50,000 MDL for political parties/electoral bloc and 10,000 MDL for independent candidates. Based on the Article 51, para. (6) of the Electoral Code, the loans are reimbursable within three months after the elections but may be partially exempted based on the contestant's result.

⁷⁹ In 2023, the average salary per economy is 11,700 MDL. [Decision](#) of the Government No. 936 from 28 December 2022 on the approval of the amount of the average monthly salary in the economy for 2023.

⁸⁰ According to the Article 57 of the Electoral Code, if the donor is a recipient of a scholarship or social benefits, the donation may not be more than one average wage. If the donor is a public official, civil servant, including those with special status, or an employee of a public organization, the donations cannot exceed 10 percent of the donor's annual income, but not more than six average monthly wages. Citizens may donate up to one monthly average wage in cash, the additional donations must be sent by bank transfer. The same conditions apply to Moldovan citizens living in the country and abroad.

⁸¹ See also the [Venice Commission and OSCE/ODIHR Joint Opinion on the Draft Electoral Code](#)

⁸² Previous ENEMO missions recommended extending this ban to both before and after elections.

⁸³ 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 voter's choice. Contestant also cannot use "the Electoral Fund" for personal purposes and cannot finance their campaign from other undeclared financial or material funds.

The CEC should announce the results of the overall control within six months after the confirmation of the election results.⁸⁴ In case of non-compliance with the campaign finance regulations, the CEC has several tools at its disposal, starting from warnings, deprivation of free or paid airtime for 24 or 48 hours or deprivation of funds from the state budget up to the contravention sanctions and de-registration of the contestant or the political party as a last resort.

The legal framework and requirements for campaign finance are overall in line with the Venice Commission and GRECO recommendations. However, many interlocutors informed ENEMO about the risks of “shadow funding” of electoral campaigns, mainly from abroad and through Transnistria, using cash, pre-paid PYYPL cards or cryptocurrencies. This poses significant challenges and raises serious concerns about the integrity of the electoral process. Another concern regarding the influence of voters reported to ENEMO is through the contracts with city and district councils related to promised funds for infrastructure projects, often with foreign sponsorship. On 21 September, five requests for the waiver of parliamentary immunity of two MPs, Alexandr Nesterovschi and Irina Lozovan, were submitted to the Parliament and approved.⁸⁵ Efforts of law-enforcement bodies to address this issue are still to be assessed.⁸⁶ Various stakeholders raised their concern about the possible impact which illegal funds and vote buying could have on the elections results.

⁸⁴ 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 are obliged to pay to the state budget 11 400 MDL and 300 MDL, respectively because these amounts exceeded the limit for the donations.

⁸⁵ National Anticorruption Center [statement](#) from 21 September 2023. Additionally, the LOC candidate for the mayor of Chisinau, Mihail Bagas, was arrested on 21 September and later released on 23 October. LOC withdrew his candidacy on 25 September. On 21 September, [4 October](#) and [26 October](#), the law-enforcement bodies conducted searches all over Moldova targeting premises and members of Chance and Revival party in the prosecution of passive bribery, illegal funding of political parties and funding from the organized criminal group. Police seized “PYYPL” cards; cash; documents reflecting payments to natural persons, such as payment of 20,000 MDL to party candidates and independent candidates confidentially supported by Chance party; payment of amounts from 500 to 3000 MDL to people who agree to vote for the candidates of Chance Party; lists of mayoral candidates who received unaccounted amounts of money; falsifying signatures in lists for supporting and registering candidates. Representatives of both parties complained to ENEMO that they perceive these actions as harassment and political persecution. On 27 October, Chance Party organized a [march](#) in Comrat to protest against the persecution from the Chisinau authorities.

⁸⁶ Until 2022, the [Electoral Code](#) included a provision in the Article 51, para. (4) that during the electoral period, candidates cannot be fired or transferred to another position without their consent, as well as they cannot be held criminally liable, arrested, detained or subjected to administrative sanctions without the consent of the electoral body that registered them, except in cases of flagrant crimes. However, similar rule was declared unconstitutional by the CC and the provision has not been included in the new Electoral Code.

Media

Media Environment⁸⁷

Television remains a predominant and trusted medium in Moldova, with a rising impact from online media, particularly social networks. Media platforms frequently serve as arenas for political clashes between pro-Russia and pro-West factions. Private FM radio networks often retransmit content from Russian and Romanian stations. The print media scene aligns with political party affiliations, and readership is limited and on the decline, with Moldova's only daily newspaper being an adaptation of a Russian tabloid. Prominent social networks include Facebook, Russia's Odnoklassniki, Instagram, TikTok, and Telegram.

Moldova's diverse yet polarized media landscape, characterized by a limited market and concentrated ownership, showcases numerous broadcast and online entities. Key outlets are under the control of political leaders, reflecting profound polarization and the sway of oligarchs. Formerly influential media empires associated with political figures such as Vladimir Plahotniuc and pro-Russian parties have waned, making way for a new media holding company linked to pro-Kremlin oligarch Ilan Shor, presently in self-imposed exile due to corruption charges.

The mission is not aware of any reported attacks or harassment on journalists. Being a journalist in Moldova is currently considered safe. However, journalists are at risk of insults from politicians, with their followers occasionally engaging in cyber-harassment against critical reporters. Access for journalists to Transnistria requires special accreditation.

Legal Framework for Media

The regulatory framework ensures equitable, balanced, and impartial coverage for all parties, offering free airtime or space in printed media for electoral contestants. Parties and candidates can utilize limited free airtime in national broadcasters for reaching voters and advertising in public broadcasters. Media institutions have the right to cover elections without interference, and journalists, including freelancers, can exercise their duties without special permits for general coverage. However, those intending to use specific rights under the Electoral Code must obtain observer status through CEC established procedures.

Article 34 of the Constitution ensures the right of access to information. In the Election Code, Article 89 outlines general principles for media coverage of elections, affirming media institutions' right to cover elections without interference and granting authorized journalists access to electoral proceedings on par with observers. Notably, in 2022 the Parliament adopted two laws, amending certain normative acts and the Audiovisual Media Services Code⁸⁸. These amendments influence the legal framework governing media and expression.

⁸⁷ The ENEMO IEOM will not conduct 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).

⁸⁸ On 14 April 2022 the Parliament enacted Law No. 102 and on 2 June 2022, Law No. 143.

In line with previous ENEMO recommendations, amendments to the Electoral Code introduced significant changes, notably addressing monitoring of broadcasting media between elections and instituting effective sanctions for media violations. Amendments to the Contravention Code now explicitly prohibit and sanction the use of hate speech and incitement to discrimination by electoral competitors, including within electoral materials. Internal tools for the regulation of political and electoral advertising, as well as monitoring hate speech in audiovisual media, have been developed by the CEC and the Audiovisual Council. Given the observed trends of hate speech in the preceding five years during election periods, coupled with the new provisions on electoral campaigning, monitoring hate speech during local elections became imperative for a thorough analysis and assessment of its prevalence and corresponding sanctions.

The Electoral Code⁸⁹ mandates that within seven days of the electoral period's commencement, media service providers submitting election coverage statements must publish conditions for offering advertising space and related services to electoral competitors within specified timelines. This information is to be shared with the CEC and the Audiovisual Council, with the former publishing it on its official platform. Throughout the electoral period, media service providers must provide the CEC with weekly updates on income derived from political/electoral advertising for each political party, electoral bloc, or electoral competitor.

The enduring uncertainty in the local press's legal landscape has been characterized by persistent legislative deficiencies. Key challenges include the lack of regulations in online media, insufficient oversight on the legal regime of media ownership, the absence of established support measures for media, superficial compliance, and discriminatory practices within the field. However, commendable progress has been achieved over the past two years in fortifying the national legal framework through the introduction of essential supplemental regulations.

There is generally little regulation regarding campaigning in online media.

Traditional media

In December 2022, licenses for six pro-Russian TV channels were suspended.⁹⁰ The evolving media landscape and strategic maneuvers underscore the intricate dynamics and ongoing transformations in Moldova's media environment, carrying implications for the diversity and control of information dissemination in the country.

The Electoral Code, supplemented by a CEC regulation, establishes requirements for fair, transparent, and unbiased media coverage of election campaigns, ensuring equal access to political advertising for contestants. Oversight of compliance with these regulations falls under the purview of the Audiovisual Council (AVC), which actively monitors broadcasters and

⁸⁹ Article 58, paragraph 9.

⁹⁰Including four controlled by Shor—Primul in Moldova, Accent TV, Orhei TV, and TV6. While officially described as a suspension during the state of emergency, at least one of Shor's channels, Orhei TV, faced a more definitive setback when the Audiovisual Council declined to extend its broadcast license in March. Despite this, Orhei TV, along with TV6, continued to produce and broadcast content through an unknown TV platform called Orizont TV. The justification given was a rebranding, offering production and equipment rental services, with Orizont TV as their first client. Although Primul in Moldova initially maintained online broadcasts, it is no longer accessible, and its content has surfaced on the ITV channel.

addresses media-related complaints. A notable amendment to the Electoral Code designates the AVC to conduct thorough monitoring of news programs on selected broadcast media during the pre-election period, using audience share as a criterion, starting from 7 August. However, the regulatory acts of the AVC reveal a deficiency in secondary legislation, lacking provisions for monitoring audiovisual commercial communications, content on video-sharing platforms, media ownership, gender equality, audiovisual pluralism, and compliance with rules on addressing dominance in shaping public opinion.

The recently enacted Electoral Code contains detailed and necessary provisions regarding media coverage of elections; however, it lacks a clear mechanism for monitoring and sanctioning print/online media outlets.

According to mission interlocutors, in the regional media landscape of Moldova, major TV stations are often perceived as being controlled by business figures associated with political parties, leading to uneven reporting and editorial bias. Independent news production and investigative journalism largely rely on support from international donors. Despite financial challenges faced by local media outlets, which often depend on donations from international entities, they strive to maintain balanced coverage by organizing debates that include all candidates, irrespective of their political background. However, financial constraints also contribute to the overall passivity observed in local elections, with limited utilization of available advertising space by political subjects.

Moreover, local media face challenges in providing daily reports to the Audiovisual Council, with those reporting on media and accountable to the AVC striving for equal coverage of electoral subjects. Lack of local media outlets in some districts is a concern, exacerbated by a lack of state funds; reliance on one-year grants further complicates financial stability. In Gagauzia, the public radio and television company, GRT, financed by the Gagauz budget, recently appointed a director allegedly with ties to the Shor party, indicating growing influence. The media organizes debates, but financial and human resource limitations hinder separate radio content in some areas. Some districts lack local media, relying on coverage from neighboring regions. Financial reporting challenges arise with services used for video preparation in the era where social media plays a central role in campaigning.

During elections, a common narrative portrays the government as pro-European, given Moldova's status as a European Union candidate. Conversely, politicians on the left disseminate messages suggesting that the European Union is disastrous, accusing the government of steering the country toward this perceived disaster, as stated by some mission's interlocutors. The impact of these narratives is particularly pronounced in villages with ethnic minorities, significantly influencing voter opinions.

In order to monitor the quality of the coverage of the elections, the Audiovisual Council is monitoring 42 broadcasters: television and radio⁹¹ that signed the Declaration regarding the

⁹¹ AVC monitors the following televisions and radio stations: „ATV”, „Agro TV Moldova”, „Jurnal TV”, „ITV”, „Moldova 1”, „ALBASAT”, „Orizont TV”, „TV Elita”, „Drochia TV”, „Exclusiv TV”, „Media TV”, „TVR Moldova”, „PRO TV Chişinău”, „Cinema 1”, „Vocea Basarabiei TV”, „TV8”, „R Live TV”, „TVC 21”, „Găgăuzia TV”, „Canal Regional”, „BAS TV”, „N4”, „ONE TV” („LEGAL TV”), „STAR TV” („GN TV”) și „ART-TV”, and

editorial policy for election coverage by the audiovisual media service⁹². Six media service providers have been fined 31,000 lei by the AVC⁹³ for violations of the Electoral Code found in the fifth monitoring report of media coverage of the election campaign between October 9-15, 2023.⁹⁴ Furthermore, a domestic organization, the Center for Independent Journalism is also monitoring the media conduct and it has issued two media monitoring reports⁹⁵. It monitored the main news bulletins of ten television stations: Moldova 1, TVR Moldova, Jurnal TV, Pro TV Chisinau, TV8, Cinema 1, ITV, Orizont TV, Vocea Basarabiei TV, and Exclusiv TV.⁹⁶

Online and Social media

The influence of online media, including social networks, is a significant factor in the political landscape, where battles between pro-Russia and pro-West camps unfold.

Several ENEMO EOM interlocutors stated that recent trends indicate a transition in political information consumption, with online media and social networks eclipsing traditional broadcast media. Some media outlets delve into potentially contentious topics, while others align with the political stance of their affiliated party. The state of emergency triggered by the Russian invasion of Ukraine, coupled with measures from the Audiovisual Council, has intensified scrutiny on disinformation and hate speech. Simultaneously, it has weakened media entities disseminating propaganda content originating from Russia.

ENEMO's discussions with various stakeholders have highlighted a prevalent issue of misinformation and fake news in Moldova, where tools like social media, political statements, and trolls are utilized for dissemination. According to many of these interlocutors, the recent Gagauzia election witnessed a surge in fake news and pro-Kremlin narratives, with all candidates

radio: „Radio Orhei FM”, „Aquarelle FM”, „Radio Chişinău”, „Jurnal FM”, „Radio Moldova”, „Radio Moldova Tineret”, „Bugeac FM”, „Radio Plai”, „Radio Media”, „HIT FM”, „Radio Relax”, „Radio Roks”, „BIZIM DALGAMIZ”, „Vocea Basarabiei”, „GRT FM”, „BAS FM” și „Radio Noroc”.

⁹²<https://consiliuaudiovizual.md/wp-content/uploads/2022/08/Modelul-Declaratiei-privind-politica-editoriala-pentru-reflectarea-alegerilor.pdf>

⁹³ Moldova-1, TV8, ART-TV, Radio Chisinau and Radio Moldova were fined 5,000 lei each, and Pro TV Chisinau, with a two-time violation, 6,000 lei.

⁹⁴ In the main news bulletins, Moldova-1, Pro TV Chisinau, TV8, Radio Chisinau and Radio Moldova broadcast topics concerning the results of an opinion poll, with an electoral theme without providing the full information, according to the CEC Regulation. Meanwhile, ART-TV and Pro TV Chisinau did not include the section "Electoral 2023" in their news bulletins, although they broadcast content of an electoral nature. Meanwhile, Prime, Publika TV, Canal 2, Canal 3, Canal 5 and Mega TV were fined 12,000 lei each for covering the election campaign, even though they informed the CA that they wouldn't. Report available at: <https://cji.md/en/monitorizarea-mass-mediei-in-campania-electorala-pentru-alegerile-locale-generale-din-5-noiembrie-2023-2023/>

⁹⁵Report available at: <https://cji.md/en/monitorizarea-mass-mediei-in-campania-electorala-pentru-alegerile-locale-generale-din-5-noiembrie-2023-2023/>

⁹⁶A total of three television stations (Moldova 1, Jurnal TV and Pro TV) offered equal access to news to the majority of the electoral competitors, without evidently favoring or disfavoring any of them. There is also a division in the mass media, with some, such as TVR Moldova, portraying the PAS candidate in a positive light while others portray Sansa and Renaştere in a slightly negative light. ITV and Orizont TV clearly favored the candidates of the Chance Party and the Renaissance Party. Several TV channels, such as TV 8, Vocea Basarabiei TV, and Exclusiv, provide access to a limited number of electoral contestants due to sporadic involvement in the electoral campaign coverage.

endorsing a pro-Kremlin stance and propagating Russian narratives against NATO, the European Union, the United States, and Romania.

According to many ENEMO EOM interlocutors Telegram and TikTok emerge as significant platforms for spreading misinformation, particularly during elections when politicians and their supporters actively contribute. However, a significant challenge lies in reporting such misinformation on Telegram. It is noteworthy that some politicians, facing restrictions on Facebook, redirect their followers to Telegram, where they can continue sharing their content. Although not originating from fake profiles, certain pages on Facebook have been identified disseminating sponsored or paid advertisements containing misinformation. Online platforms like Nokta.md operate independently of political ads.

To preserve the integrity of information during the state of emergency, Moldova's Information and Security Service (SIS) issued Director's Order No. 72, expanding the list of online sources to be blocked due to their distortion of information from recognized aggressor states, in alignment with Parliament's Decision No. 1/2022 to safeguard the country's information space.⁹⁷

ENEMO used the CrowdTangle platform to monitor the activities of political parties/candidates on Facebook. During the period October 01 - 27, 2023, ENEMO monitored 21 pages of political parties/candidates which used social networks and online space to spread political content. The total number of content, within this period, published by monitored pages on Facebook was 1,662 out of which individually, Partidul Schimbă 47 posts, PAS - 164, Partidul Liberal - 24, Carp Lilian - 68, Partidul Social - 87, MAN - 195, PCRM - 9, Blocul Electoral Ruslan Coredanu/ Putea Oamenilor - 33, Partidul Nostru - 109, Partidul politic "Renastere" - 41, Partidul Politic Sansa - 121, Ion Ceban - 241, Platforma DA - 51, Vasile Costiuc - 49, Partidul Acasă Construiam Europa - 29, Democrația Acasă - 75, Ruslan Codreanu - 52, Victor Chironda - 61, Diana Caraman - 49, Partidul Liberal Democrat din Moldova - 104, Vasile Bolea - 53.

A total of 726,700 Facebook interactions were made on the mentioned posts, out of which as much as 317,000 were only on posts of the "Democrația Acasă", 151,400 on posts of Ion Ceban, Carp Lilian 68,300 and PAS 60,200.

Parties/candidates communicated mostly through videos (41.66 percent), photos (32.69 percent) and Facebook live (16.20 percent).

Regarding the paid ads on Facebook, in the period from 26 September – 25 October 2023, the mission collected data about paid ads that were available in the Ad Library section. The party that spent most on paid ads is Partidul Nostru - EUR 5,954, followed by the Carp Lilian EUR 3,856, Ruslan Cordeanu - EUR 3,632 and Ion Ceban - EUR 2,207.

When it comes to the content of the monitored pages, ENEMO observed that the MAN Party initiated its Facebook electoral campaign with a focus on local issues, maintaining a balanced and solution-oriented discourse while avoiding excessive negativity, with acknowledgment of both their own achievements and those of incumbent mayor Ion Ceban. Notably, Ceban has

⁹⁷ <https://moldovalive.md/sis-blocks-multiple-portals-posing-threat-to-moldovas-information-security/>

publicly threatened legal action against anyone making slanderous claims, potentially intimidating political opponents and media entities.

Posts of the PAS Party mostly outline the party's comprehensive electoral platform, detailing plans for urban development, European integration, social and economic initiatives, infrastructure projects, and education. However, the campaign also involves negative rhetoric against the opponent, Ion Ceban, alleging he is a pro-Russian candidate and an FSB agent.

In its posts the PSRM Party emphasizes its team's experience, particularly in the municipal council, highlighting social projects and improvements in medical facilities, promising a better life for Chisinau residents; they also focus on regional events, expressing anti-PAS sentiments, and employ a strategy of in-person discussions over intense online activity, incorporating anti-Western rhetoric in their electoral discourse.

Șansă Political Party informed their followers about organized peaceful marches "For Fair Elections," criticizing Maia Sandu and PAS for bringing the country to decline, and their candidate for Orhei Mayor highlights an alliance with Ilan Shor, emphasizing joint infrastructure projects; the Chisinau mayoral candidate promises solutions to traffic and environmental issues, free transportation, financial aid to seniors, and housing improvements, portraying a focus on real actions and direct contact with people's concerns in their electoral strategy.

The "Renaștere" political party's Chisinau mayoral candidate and municipal council candidates focus their messages on developing and modernizing the city's infrastructure to unite citizens, with specific promises such as allocating funds for courtyard repairs, investing in communal households, and doubling road infrastructure investments; their social protection priorities include increasing beneficiaries of cold season compensations, providing financial assistance for the elderly and disabled, and offering financial support for newborns' baptism ceremonies, while advocating for a peaceful solution to the Transnistrian problem and expressing a readiness to collaborate with the Community of Independent States and support Moldova's integration into the Eurasian Economic Union.

Complaints and Appeals

The right to seek effective legal remedy is guaranteed in the electoral legislation, primarily by the Electoral Code and the CEC decision⁹⁸. The existing legal framework categorizes election-related cases into three primary forms: disputes, administrative offenses as subject of criminal liability under the Contravention Code⁹⁹, and Criminal Code.

⁹⁸ The CEC regulation on the examination procedure of appeals during the electoral period: https://a.cec.md/ro/pentru-aprobarea-regulamentului-privind-procedura-de-examinare-a-contestatilor--2751_106640.html

⁹⁹Contravention Code of Republic of Moldova: https://www.legis.md/cautare/getResults?doc_id=139460&lang=ru#

As for electoral disputes, voters, candidates, the initiative group, the electoral bloc of parties, the electoral competitors can file complaints against actions, inactions and decisions of election management bodies, as well as actions, inactions of other contestants to higher electoral bodies. Electoral officials, observers, and civil society groups seeking accreditation for observers can lodge complaints against electoral bodies having infringed their rights. In such instances, similarly the decision can be challenged before a higher level EMB.

As a general rule, complaints against actions/inactions or decisions of election management bodies can be filed by a higher electoral body and then courts. In line with previous ENEMO recommendations, the amendments to the Electoral Code regulate parallel handling of complaints at EMBs and courts, so that if a complaint is sent to several electoral bodies simultaneously, the hierarchically higher body, related to the disputed actions or decisions, will consider it. Complaints about electoral contenders or other participants should be addressed to the electoral body that initially registered, accredited or confirmed them. Furthermore, if the complaint is directed towards both the election administration and the Court, it will be considered by the Court, unless the initial consideration procedure has not been followed.¹⁰⁰

Decisions regarding complaints made by the EMBs can be challenged to appropriate first-level court. Complaints against actions/inactions or decisions of the CEC are filed with the Court of Appeals of Chisinau. The last instance for appeals is the Supreme Court. Amendment in the Electoral Code adopted by the Parliament on October 4th regarding preventing certain individuals¹⁰¹ running in elections, provides alternative judicial review concerning the matter.¹⁰² Particularly, the respective decisions made by the DEC's in rejection of individuals being listed among banned, are submitted with the Court of Appeals of Chisinau.

The timeframe for submission of complaints is within three days from the day the decision was taken, action took place, or inaction was identified.¹⁰³ Positively, the timeframe for complaints adjudication is within three days but in every case no later than election day.¹⁰⁴

As of October 25, the CEC reported having received 29 official complaints.¹⁰⁵ Among them the three were partially satisfied, nineteen not satisfied and seven cases were pending. With regard other notifications submitted to the CEC regarding different aspects of alleged violations of electoral legislation, the registry maintained by the CEC has only been updated with notifications filed until October 16.

¹⁰⁰ [The Venice Commission and OSCE/ODIHR Joint Opinion on the Draft Electoral Code](#) mentions that *“This is a step in the right direction, but it should be reminded that, according to the Code of Good Practice in Electoral Matters, “[n]either the appellants nor the authorities should be able to choose the appeal body.”* Venice Commission, Code of Good Practice in Electoral Matters, CDL-AD(2002)023rev2-cor, II.3.3.c.

¹⁰¹ Persons who are suspected, were charged or found guilty of offenses, those earlier excluded from the electoral race following the violation of the principle of transparency or those on international sanctions lists are banned from standing as a candidate at elections for three years.

¹⁰² Articles 91, 98, 102 concerning the complaint handling were amended.

¹⁰³ Article 95 (1) of the Electoral Code.

¹⁰⁴ Article 100 (1) of the Electoral Code.

¹⁰⁵ The CEC web-portal on complaints: <https://a.cec.md/ro/contestatii-depuse-la-comisia-electoral-centrala-14827.html?fbclid=IwAR0vG93SxpcWgYLUhLLllyGVXySdyZhKY5AXkYxByqs0dciYLwJZKprk34A>

ENEMO was informed about some 24 complaints submitted to the DEC's mostly concerning candidate registration and illegal campaigning. Most of the complaints were rejected at the DEC level, or 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. Over the reporting period, ENEMO analyzed 21 decisions published on the registry of the appeals court of Chisinau. In four cases the court ruled in favor of candidates and obliged the respective electoral bodies to reconsider their decisions. Most cases regarding illegal campaigning were rejected. Deadlines for submitting and adjudication of complaints were generally respected.¹⁰⁶ The mission is in the process of evaluating complaints at EMBs and Courts.

Criminal investigation and contraventions

The CEC mentioned some 40 ongoing investigations carried out jointly with the law enforcement agencies regarding illegal financing of the electoral campaign. As part of the ongoing investigations, on October 26 the the National Anticorruption Center, jointly with the National Investigation Inspectorate of the General Police Inspectorate (IGP) under the leadership of the Anti Corruption Prosecutor's Office, carried out 65 searches in several localities in the country¹⁰⁷, in the framework of a case file of illegal financing of a political party, but also of some independent representatives guided by the same staff, in local elections. Similar wide-scale searches had been carried out on October 4.¹⁰⁸ Law enforcement agencies conducted 70 searches including in the premises of Chance Party and Revival Party.

Women representation

In recent years, Moldova has made some progress towards advancing gender equality. However, the participation of women in political life remains to be improved. In 2020 Moldova elected its first woman president. 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. At the local level, approximately 22 percent of the mayors and 27 percent of the councilors elected in the last local elections, in 2019, were women.

Five of the eight members of the Central Election Commission currently in office are women, including the President. Women are well represented also at the other levels of election management bodies.

¹⁰⁶ ENEMO noted the complaint submitted to the 2nd level DEC in Anenii Noi with one day delay, however the DEC considered the case.

¹⁰⁷ Official statement of General Police Inspectorate: <https://politia.md/ro/content/perchezitii-mai-multe-localitati-din-tara-rezultatele-acestora>

¹⁰⁸ Official statement of National Anticorruption Center <https://www.cna.md/libview.php?l=en&id=5041&idc=5&t=/Mass-Media/Events/A-new-form-of-money-laundering-related-to-the-illegal-financing-of-some-political-formations-documented-by-legal-institutions/>

The legal framework for elections contains several provisions that aim to improve gender representation. In order to ensure gender balance of elected councilors, 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 list¹⁰⁹. These measures aim to both ensure a more balanced candidate list and prevent the inclusion of women in the list in non-winning positions. However, there are no legal provisions that regulate gender balance while allocating mandates. Additionally, the Election Code also has provisions aimed at ensuring gender balance in election management bodies, but these are general and do not include any specific obligations¹¹⁰.

Only 31 percent of mayoral candidates for constituencies of the first level are women. The number of women candidates for the municipal councils nominated by political parties is approximately 48 percent, which shows that parties made efforts to include more women candidates than the law requires (40 percent). However, the percentage of independent women candidates for the municipal councils is only 22 percent. The numbers are similar regarding candidates for the councils of second level constituencies, for which political parties and electoral blocks fielded some 46 percent of women candidates, but there are only 9 percent women candidates running as independents.

The EOM has not observed campaign messages specifically targeting policies for women.

National Minorities

Moldovan law defines persons from national minorities as individuals residing on Moldovan territory, are citizens, have ethnic, cultural, linguistic and religious peculiarities distinguishing them from the majority of Moldovans - ethnic origin¹¹¹. A relatively large number of minority organizations are registered. According to the latest census (2014), some 28.5 percent of the population is declared as belonging to an ethnicity other than Moldovan.

While all CEC decisions are published in Romanian, translation into Russian is also provided, but not in a timely manner. Ballot papers are printed in Romanian and Russian¹¹².

Regarding voter education in minority languages, the CEC published videos in Russian, Ukrainian, Gagauz, and Bulgarian languages.

¹⁰⁹ 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.

¹¹⁰ Art. 17, para. 4 of the Electoral Code.

¹¹¹ Law No. LP382/2001, of 19.07.2001 "[On the rights of persons belonging to national minorities and to the legal status of their organizations](#)"

¹¹² For the November 5 elections 7,669,667 ballot papers will be printed, 6,068,878 of which in Romanian and the rest in Russian.

Inclusion of Persons with Disabilities

The Law “On the social inclusion of persons with disabilities” guarantees, among other things, that the State shall ensure to persons with disabilities (PWDs) the right and opportunity to elect and to be elected, and the right to adequate, accessible, and easy to understand voting procedures and materials (implementation of alternative voting arrangements). It also guarantees the right to express their choice by secret ballot in elections and referendums, without intimidation, and the right to free expression of will as voters and, to this end, if necessary and upon request, allow them to be assisted by a person of their choice. Contrary to international standards and previous ENEMO recommendations, persons with mental disabilities are excluded from the right to vote.

The voter education materials prepared by the CEC include audio format and videos with sign language interpretation.

ENEMO notes that most of the level I and II DEC members are located on higher floors and as such are mainly not accessible to people with locomotor disabilities. A number of DEC members reported to the long-term observers of ENEMO that polling stations are accessible to persons with locomotor disabilities as they are located in the ground floor of public buildings. However, ENEMO observers have noticed that despite this fact, the visited polling stations are not fully accessible, thus raising questions on the level of understanding of the needs of persons with disabilities by DEC members.

Observers

Electoral legislation guarantees observation of the election process for both domestic and international observers. The law differentiates domestic, foreign and international organizations or institutions, who exercise the task of observing the process of organization and conduct of elections.

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 may monitor the electoral process throughout the country and in all polling stations. Observers accredited by DEC members may perform their activity only within the territory of the concerned Electoral District.

As of October 28, the CEC has accredited 5 domestic observer organizations with 980 accredited observers. Among accredited organizations Promo-Lex (with 931 observers), a member of ENEMO, is conducting 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 observers, except for the right to submit complaints on irregularities, which is in line with international practices.

By October 28, the CEC accredited 14 embassies, 12 election administrations of foreign states and 4 international organizations, with 147 accredited observers in total.

ENEMO observers have not faced any restrictions or issues in performing their observation and neither were reported similar restrictions by domestic observers.

About ENEMO

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's; 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; 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.