



# **REPORT No 3**

## **Observation Mission for the Presidential Election in the Republic of Moldova on 30 October 2016**

Monitoring period: 14 September –4 October 2016

Published on 5 October 2016

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## TABLE OF CONTENTS

INTRODUCTION.....	2
OBSERVATION METHODOLOGY.....	2
SUMMARY.....	3
I.    LEGAL FRAMEWORK .....	4
II.   ELECTORAL BODIES.....	7
III.  PUBLIC ADMINISTRATION.....	11
IV.  ELECTION CANDIDATES.....	15
V.    FUNDING OF THE ELECTION CAMPAIGN FOR THE PRESIDENT OF THE REPUBLIC OF MOLDOVA.....	20
VI.  CIVIL SOCIETY.....	32
VII. ELECTORAL INCLUSION AND EQUAL OPPORTUNITIES.....	34
RECOMMENDATIONS.....	35
ABBREVIATION LIST .....	37

## **INTRODUCTION**

The Report No 3 developed by the Election Observation Mission (EOM) for Moldova Presidential Election of 30 October 2016 covers the observers' period of activity of 14 September – 4 October 2016. This is an interim report, whose general mission is to ensure the overall improvement of the electoral process underway. This interim report has the following reference objectives: real-time quality diagnosis of procedures for the organisation and conduct of the elections for a predetermined period of time; awareness raising of the electoral stakeholders; identifying the positive and negative trends in the electoral process.

The report is developed on the basis of the monitoring efforts of the members of the EOM central team and findings of long-term observers (LTO) of the Mission on the activity of all stakeholders involved in the organization and conduct of presidential elections: public authorities, electoral bodies, political parties, initiative groups collecting signatures, citizens who expressed their intention to run for President of RM, mass-media and civil society.

This report makes reference to the international standards developed by UN, OSCE, European Commission for Democracy through Law, European Union and Council of Europe. Recommendations for public and electoral authorities, potential election candidates and other stakeholders are included at the end of this report in order to improve the electoral process.

## **OBSERVATION METHODOLOGY**

The Observation Mission for Moldova Presidential Election of 30 October 2016 is a project implemented by Promo-LEX Association as part of the Civic Coalition for Free and Fair Elections. Promo-LEX Association is a Non-Government Organization that aims at developing the democracy in the Republic of Moldova, including the Transnistrian region, by promoting and defending the human rights, monitoring the democratic processes, and strengthening the civil society.

Promo-LEX Observation Mission monitors the electoral process in all constituencies of the Republic of Moldova. On the election day, Promo-LEX will delegate a short-term observer (STO) in each polling station (PS) of the country. The Mission will monitor the electoral process in about 40 PS open abroad. Promo-LEX EOM will also perform the Parallel Vote Tabulation (PVT) in all PS of the country, where observers will be delegated. All the observers involved in the monitoring process are trained during the seminars organized by the Promo-LEX Mission and sign the Code of Conduct of the Promo-LEX Independent National Observer, undertaking to act quickly, in good faith and in a non-partisan manner. The activity of all observers is coordinated by a central team consisting of 38 persons.

The official and public information, including the observers' standardized reports, produced as a result of visits planned randomly<sup>1</sup> in each settlement in the area of responsibility, weekly visits to electoral bodies and reports of events worked out outside the visits normally planned when observers find electoral events, served as source for the drafting of public reports by the Observation Mission. During the planned visits, observers collect information from discussions, meetings with interlocutors and review of the official documents. Information on funding the election campaign, collection of signatures or ordinary activity of political parties is reflected in the standardized financial reports, so that both the analysis of revenue earned and expenses incurred by the stakeholders of the electoral process and political parties could be performed.

Promo-LEX EOM is neither a political opponent to election candidates running for President of the Republic of Moldova on 30 October 2016, nor an investigation body and does not assume the express obligation to support its findings by evidence. However, to the extent possible, the observers' reports shall be accompanied by photo and video evidence, that can be made available

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<sup>1</sup> Visits are planned randomly so that each LTO visits every settlement in the area of responsibility once during the period of signatures collection, twice during the electioneering campaign and, eventually, once during the campaign for the second round of election, if it takes place.

only to law enforcement bodies upon proper requests and never to election candidates. Promo-LEX Election Observation Mission manages the web platform [www.electorala.monitor.md](http://www.electorala.monitor.md), where each citizen can report electoral activities. The Mission's observers verify them during the next visit planned in the settlement where such activities were reported.

Promo-LEX EOM activity is funded by USAID, the British Embassy in Chisinau, the National Endowment for Democracy and the Council of Europe. The opinions presented in the public reports of Promo-LEX belong to authors and do not necessarily reflect the donors' view.

## SUMMARY

During 14 September – 4 October 2016, Promo-LEX Election Observation Mission (EOM) conducted a plenary monitoring of the election of the President of the Republic of Moldova of 30 October 2016 via 42 long-term observers (LTO) distributed on the territory of the Republic of Moldova, according to the level-two ATUs, and 5 regional coordinators. The Report is developed by analysing the templates filled in by Promo-LEX observers and namely: 1148 visit templates, 386 event templates, 101 templates of visiting ECCs and 83 templates of monitoring the company's funding.

During the monitored period, the period for candidates registration for Presidential Elections of 30 October 2016 came to an end. 16 applicants of 24 candidates submitted applications to CEC. The other 8 applicants explained their failure to submit the application for registration by the impossibility to collect the necessary number of signatures. 7 of these are independent candidates. On the last reporting day, CEC recorded already 8 election candidates (Annex 1). All 8 candidates were appointed by political parties.

Promo-LEX EOM found the use of national and international symbols in the political advertising. EOM draws the attention to requests on exercising the right to vote and validity of identity documents. In this respect, the Mission states that the Law on Identity Documents of the National Passport System qualifies the expired identity documents as invalid and their use constitutes a violation of the law. In addition, we find that the legislative acts are adopted by the only legislative authority of the state under the constitutional rules, and the waiver from their provisions is not acceptable.

The organization of election met the deadline provided by the legislation and, respectively, by the CEC Calendar Plan, except for the establishment of PS abroad and informing the public about the address of the registered office of the precinct electoral bureaus, address of the polling station premises and how people can contact the service Relations with Customers.

Regarding the PS from abroad, Promo-LEX EOM welcomes the Government's decision to increase the overall number of PS open abroad, but in the Report it expresses its own view on the number and location of PS open abroad. We think it was not justified to decrease the number of PS in United Kingdom. We welcome the increase in the number of PS in the Russian Federation, but we believe that their number should have been increased in Moscow and Sankt-Petersburg. Additional PS need to be open in Belgium, Ireland, Romania (Bucharest) and Italy (Mestre and Parma).

Promo-LEX EOM believes that, according to the provisions of the *Law on Transparency of the Decision-Making*, the organization of public debates for this subject, involving both the general public and other defined stakeholders (Diaspora, civil society etc.) is welcome. At the same time, we realize that in such a situation the legal norm cannot be fully observed, given that MFAEI has short deadlines.

The quality of data in SRV remains a problem, which decreases the voters' confidence in the electoral process. We find the presence of repetitive legal weaknesses (related to Promo-LEX observers' findings from the previous elections), observed by the Promo-LEX Mission and on the basis of the activity of LPA registers. Among them are: the further presence of dead voters in SRV and the inconsistency of addresses indicated in SRV with the ones from the voters' identity cards.

Promo-LEX EOM finds, with regret, the further use of practices that harm the democratic nature of the electoral process. Especially, it is about actions that can be qualified as *use of administrative resources and making gifts during the election period*. We state that representatives from local public authorities of level I and II actively used *administrative resources*, during working hours, to organise meetings with citizens during the campaigns of collecting signatures and the campaigns of political advertising.

According to these findings, a total of 20 cases of use of administrative resources were recorded, of which: representatives of PDM – 13 cases; PPPSRM – 3 cases; PPPN – 1 case; PPMSPR – 1 case; PPPPEM – 1 case and independent candidate Vasile Tarlev – 1 case.

As for the electoral gifts, the Mission found a total number of 10 cases, of which: representatives of PDM – 5 cases and representatives of PPPSRM – 5 cases.

CEC tried to apolitically and widely inform voters on the need to vote on the election day. Advertising spots were presented to mobilize voters in Moldova and those abroad on the election day. Information campaigns were organised with the involvement of mobile teams consisting of CCET trainers. Meetings with Diaspora were organised. CCET carried out trainings for different categories of participants in the electoral process. At the same time, we see the need to establish a sustainable communication platform with associations of citizens with special needs (hearing, vision, mobility etc.) to increase the accessibility and electoral integrity for them.

Only 11 of the 24 IG, who initiated the collection of signatures submitted their financial statements until 4 October, during the entire collection signatures period from 2 to 29 September 2016. We specify that only 16 of the 24 IG submitted the necessary number of signatures to CEC. I.C. Vadim Branzanu did not submit the signature sheets, but filed the financial statement. No IG reported amounts that would exceed the maximum threshold set by CEC of MDL 576,520.

According to financial statements, only 3 IGs (PPPSRM, IC Vadim Brinزان, IC Roman Mihaies) indicated material donations received, estimated at the market value. This information is available in the financial documents submitted to CEC.

Promo-LEX EOM notes with concern that at least 2 IGs (MSPRR and PL) submitted “blank” financial statements, despite the fact that they conducted promotion activities both on online platforms and on street billboards to collect signatures. Other 4 IGs (PPPDA, PPPPEM, I.C. Silvia Radu, I.C. Vadim Brinزان) sporadically indicated some expenses and ‘zero’ for some obvious expenditures, such as transport, promotion materials, rewards for volunteers, even though the observers found expenses for these categories of expenses.

## **I. LEGAL FRAMEWORK**

During this period, Promo-LEX EOM continued its effort to monitor the observance of the legal provisions that regulate the presidential elections of 30 October 2016. Our purpose is to hold accountable both the public and electoral authorities involved in drafting, implementing and complying with the legal framework, as well as the election candidates, who should be guided solely by these provisions.

### **a. Use of national and international symbols during the promotion campaigns**

According to Article 105(1) of the Electoral Code, the Moldova Presidential Election Campaign shall start no later than 30 days before the election day and shall be carry out according to Chapter 7, to be correspondingly applied. Thus, presidential candidates can start electioneering on 30 September 2016.

In addition, Article 47 (6<sup>1</sup>) of the Electoral Code provides that: “The use for electoral purposes of images that represent state institutions or public authorities both in the Republic of Moldova and

abroad, as well as international organization, is prohibited. The combinations of colors and/or sounds that invoke national symbols of the Republic of Moldova or any other state, use of materials with historical personalities of the Republic of Moldova or from abroad, symbols of other foreign countries or international organizations, or the image of some foreign officials is prohibited”.

During the monitoring period of 14 September – 4 October 2016, Promo-LEX observers found the use of national and international symbols by at least three political parties.

Thus, the Democratic Party of Moldova, whose candidate for President is Mr. Marian Lupu, used the national flag of the Republic of Moldova, the flag of the European Union and the anthem of the European Union, an extract from the “Ode to Joy” – Symphony No. 9 to promote his own projects.

The second party that used national symbols is PSRM, whose candidate is Mr. Igor Dodon, who used the Coat of Arms to make advertising in order to support his own candidacy for President.

On 14 September 2016, the presidential candidate Iurie Leancă published on one of his social networks photos appearing alongside the German Chancellor, Angela Merkel, and the President of the United States of America, Barack Obama.

On 23 September 2016, the presidential candidate Iurie Leancă published photos appearing alongside the Russian Patriarch, Kiril, and his message of support. In this respect, we find that the candidates used the image of foreign personalities, which is contrary to the electoral legislation and, just like in case of using the national and international symbols, this took place outside the election campaign and can only be qualified as a measure of electoral character.

The third case relates to another presidential candidate of the Republic of Moldova, Andrei Nastase, appointed by PPPDA, who appears on social networks and mass-media along with Lech Walesa, the President of the postcommunist Poland. According to Andrei Nastase, the photo was published by Lech Walesa on one of his social networks and then published by mass-media.

Note that this advertising did not contain direct call to vote, thus, it cannot be qualified as electioneering. More than that, this is not within the terms provided for the campaign given that the advertising was broadcast before 30 September 2016 and follows to be treated as political advertising and advertising made for the purpose of collecting signatures, thus it does not fall under the provisions of the Article 47(6<sup>1</sup>) of the Electoral Code.

However, considering the background of the political events, the activity and the presence in the public space of PDM and PSRM can be qualified as events of electoral character. Moreover, we want to draw attention on the fact that Law No 1227 of 27 June 1997 on Advertising, which also prohibits the use of national symbols to make advertising, is an exception and does not refer to the political advertising. Promo-LEX EOM thinks that the lack of a specific regulation of the political advertising requires to exclude the exception mentioned above from Law No 1227 and to level off the placement of all types of advertising.

We note with regret that such a treatment relates only to the funding aspect and not to conditions of electioneering that takes place at different stages in the same electoral period. Thus, we believe it was timely to amend the Electoral Code in order to regulate the conditions for promoting the campaign of signature collection.

## **b. Exercise of the right to vote and the expired identity documents**

Promo-LEX EOM deems it necessary to express its own view on some Diaspora representatives' requests to be allowed to vote for the presidential elections based on the expired identity documents, as well as on different positions adopted by CEC in this respect during the last elections (permission to vote in 2014 with the expired identity documents, and in 2015 – only with the valid ones). Note

that at the moment the Report was made public, none of the public authorities expressed clearly their position on this issue.

Article 38 of the Constitution of the Republic of Moldova provides that the will of the people is the foundation of the state's power. This will is expressed by free elections conducted periodically based on an universal, equal, direct, secret and freely expressed vote. Moldovan citizens' appropriate age to vote is 18 years old turned before and including the election day, except those banned under the law.

However, the right to vote is not included in the absolute rights. A non-absolute right can be restricted, the Parliament enjoys a large margin of appreciation in its regulation<sup>2</sup>.

According to Article 53(3) of the Electoral Code, the voting must be carried out under a limited list of identity documents. At the same time, the Law No 273 of 09 November 1994 on Identity Documents of the National Passport System stipulates the types, use, description, validity terms and how the identity documents are issued and received. Article 5(1) letter d) of the Law provides that the *identity document is declared invalid, if its validity term expires*. Therefore, taking into account the eventual possibility of voting based on expired documents, we draw attention on the fact that, according to Article 9(1) letter i) *the use of the expired identity documents constitutes a violation of law*.

In the same context, we remind you that the recommendations contained in the Final Report of the OSCE/ODIHR Election Observation Mission on monitoring Moldova early parliamentary elections of 28 November 2010, which in point 9 provide that: "The practice to allow voting with expired identity documents must be reviewed".

Against this background, *we believe that changing the law is the only means appropriate and necessary to meet the legal possibility for citizens to vote with expired identity documents, but this is impossible under current legislation*.

### **c. Challenge of certain rules relating to the electoral process in the constitutional court**

During the monitoring period, two petitions were submitted in the Constitutional Court on the conduct of the electoral process during the Moldova Presidential Election of 30 October 2016.

On 16 September 2016, Maia Sandu, as President of the "Action and Solidarity" political party required the Buiucani Court, Chisinau Municipality to cancel the exception of unconstitutionality of certain provisions of the Law No 264-XVI of 21 December 2007 on Political Parties. As a result, on 19 September 2016, the court submitted in the Constitutional Court the petition no 109g of 19 September 2016, by which the check on the constitutionality of the Article 26(6) letter b) of the Law No 294 which sets out that: The funding, provision of certain free of charge services or the material support in any form, direct and/or indirect of the political parties by: [...] b) individuals-citizens of the Republic of Moldova from the income earned outside the country is prohibited [...]" was required.

According to the petition author's view, the disposition of the Article 26(6) letter b) of the cited Law are not constitutional, given that these do not meet the provisions of the Articles 16(2) and 41(1) of the Constitution of the Republic of Moldova, Articles 11 and 14 of the Convention for the Protection of Human, as well as the Article 1 of the Protocol No 12 thereof. In addition, these are contrary to Articles 4 and 8 of the Constitution due to the fact that the challenged rules fail to consider the international acts, which are not mandatory for the Republic of Moldova.

Also, Valeriu Gheltschi, the MP and the presidential candidate required the Constitutional Court to control the constitutionality of certain rules of the Electoral Code. Thus, the author, by the petition no 111a claimed the following provisions of the Code to be declared unconstitutional:

<sup>2</sup>Decision of the Constitutional Court No 15 of 27 June 2014.

- a) the words “ in the presence of the head of local public administration on whose territory signatures were collected” and “signature sheet” shall be certified by applying on each sheet, the stamp of the respective local public authority” of the Article 42(6) of the Electoral Code;
- b) the words: “at least half of the administrative-territorial units at the second level of the Republic of Moldova” in Article 102(1) of the Code;
- c) Article 102(2) of the Code: “The administrative territorial units at the second level of the Republic of Moldova are deemed in line with the paragraph (1) where no less than 600 signatures were collected”;
- d) the words: “the sheets that were not certified by the stamp of the respective local public authority” of the Article 156(3) of the Electoral Code.

According to the petition’s author, the challenged rules do not meet the provisions of the Articles 16 and 38 of the Constitutions of the Republic of Moldova.

Note that on 26 September 2016, the Constitutional Court declared both petitions inadmissible, thus, they will not be examined in first instance.

## **II. ELECTORAL BODIES**

### **2.1. Decisions of the central electoral commission**

During the reporting period, CEC adopted a number of decisions necessary for the good organization and conduct of the presidential election and observance of the Calendar Program approved on 23 August 2016.

As a result, 10 decisions were adopted. Based on them, the central electoral body established the general threshold for the funds that can be transferred on the “Electoral Fund” account of the candidate for President of 30 October 2016, set out the number of the reliable persons of the presidential candidates, set out the amount of interest-free loan of the presidential candidates, absolved persons of obligations from the permanent workplace and assembled some ECC members at second level to organise and conduct presidential election, approved the staffing lists of ECC in presidential election, assessed the level of performance of point 4 of the Decision of the Central Electoral Commission No 111 of 18 August 2016 on “Reports on financial management of the political parties for the first semester of 2016”, approved some patterns of electoral documents for the presidential election, disposed the organization of the polling stations abroad for the presidential election of 30 October 2016, set out the way of participation of the RM citizens domiciled in the administrative-territorial units on the left bank of the Nistru River, Balti Municipality and several settlements of Causeni District, approved the Instruction on the use of electoral stamps in election and referenda.

In addition, CEC adopted the Decision No 237 by which it set out the additional liabilities for some authorities of central public administration, local public authorities, and some institutions, in order to ensure the well conduct of the presidential election. In this respect, the Commission remitted the decision of the Ministry of Economy, Ministry of Internal Affairs, MFAEI, Ministry of Information Technologies and Communications, Ministry of Transport and Road Infrastructure, Intelligence and Security Service, Civil Status Service, National Regulatory Agency for Electronic Communications – IS Center of Special Telecommunication”, SA “Moldtelecom” and Local Public Authorities in order to appoint some persons responsible for working with electoral bodies and election candidates.

Also, CEC examined a number of accreditation applications submitted by observers and national and international electoral experts. During the monitored period, CEC adopted 9 decisions by which 1558 national observers and 21 international observers were accredited.

## **2.2. Submission of Documents for Registration/Registration of Candidates for President of the Republic of Moldova**

During the monitored period, CEC examined the set of documents, including the signature sheets submitted by 6 presidential candidates. Thus, the following presidential candidates were registered: Iurie Leanca, Andrei Nastase, Inna Popenco, Dumitru Ciubasenco, Maia Sandu and Igor Dodon. In total, on 4 October 2016 – last day of the 3rd monitoring stage, CEC registered 8 previously registered candidates, including Marian Lupu and Mihai Ghimpu.

Note that the Commission is expected to comment on the set of documents of eight more election candidates who submitted requests for registration and the signature sheets on 29 September 2016. These are: Ana Gutu, Valeriu Ghiletschi, Maia Laguta, Ion Dron, Roman Mihaes, Vasile Tarlev, Vitalia Pavlicenco and Silvia Radu.

## **2.3. Activity of Level-Two Electoral Constituency Councils**

### **a. Changes to ECC structure**

According to the findings of Promo-LEX observers, the nominal structure of ECC was changed in at least 7 level-two constituencies (Chisinau, Stefan Voda, Taraclia, Basarabeasca, Edinet, Telenesti, Glodeni). These changes were due to the initiative of Stefan Voda court; PLDM party in Chisinau and Taraclia, II LPA in Glodeni and Telenesti. Some changes to the Basarabeasca ECC management structure – the secretary, at the personal request of the member elected in that position and the Vice President and secretary of ECC Edinet.

### **b. ECC activity program**

ECC Cimislia accredited 1 observer from the part of PDM, in order to monitor the presidential election of 30 October 2016 during 14 September – 4 October 2016. The following representatives eligible to consultative vote were registered in ECC as follows: ECC Criuleni, Stefan Voda, Chisinau, Sangerei of the candidate Marian Lupu (PDM), ECC Chisinau – Dumitru Ciubasenco (PPPN).

ECC Chisinau required from ECC 25 voting right certificates for each PS. 20 voting right certificates was decided to be granted for each EOPS.

## **2.4. Establishing Polling Stations**

According to Article 29(2) of the Electoral Code, the ECC shall establish the PS in settlements, based on proposals of mayors of towns (municipalities), districts and villages (townships), *no later than 35 days before election date* and shall comprise at least 30 and no more than 3000 of voters. In elections at any level and in republican referenda, PS shall be established within the same term. The registered offices of polling stations are usually established in publicly owned premises and arranged so as to facilitate their access to the elderly and disabled.

To conduct voting and count the votes, electoral constituencies shall be divided into PS. According to the provisions of the Article 29(2) of the Electoral Code and, based on the content of the Calendar Plan of CEC, 1982 of PS were established throughout the Republic of Moldova until 24 September 2016 by the ECCs decisions.

Compared to 2015 general local elections, Promo-LEX EOM find that the number of PS increased in Chisinau Municipality - 3 more PS; in Anenii Noi constituency – 2 more PS, in Orhei and Rezina districts - 1 more PS. One less PS was established in Causeni, Dubasari, Soldanesti and Cantemir constituencies.

CEC reiterated the practice of the previous elections and adopted the Decision No 334 of 4 October 2016 by which it approved the list of 30 PS where citizens mentioned will be able to exercise their constitutional right, compared to 26 PS open during the previous elections, in order to ensure the access to the voting procedure for the RM citizens domiciled on the left bank of the Nistru River, Balti Municipality and some settlements from Causeni district. The 30 PS refer to the following constituencies: municipal - Chisinau no 1 and Balti no 2, district - Anenii Noi no 4, Cahul no 7, Calarasi no 9, Causeni no 10, Criuleni no 12, Dubasari no 15, Floresti no 18, Orhei no 25, Rezina no 26, Soroca no 29, Stefan Voda no 32 and Ungheni no 35.

## **2.5. Establishing the Polling Station Electoral Offices (EOPS)**

ECCs adopted up to 4 October 2016 decisions by which EOPS were established to conduct the presidential elections of 30 October 2016 in the Republic of Moldova, observing the provisions of the Electoral Code and Calendar Program.

According to Promo-LEX observers, at the time the Report was published, all monitored ECCs adopted the decision of establishing EOPS within the terms set by the legislation.

At the time, the Report was published, the Promo-LEX observers have reported a single case of election of EOPS management. On 29 September, the EOPS meetings were carried out and management bodies were chosen in Marianca de Jos, Ciuburciu village (Stefan Voda district).

## **2.7. State Registry of Voters**

During the monitored period, Promo-LEX observers found and reported about the gaps that LPA registrars face during the SRV drafting.

In at least 7 settlements, Promo-LEX observers identified that addresses included in the voters' IDs did not correspond to those in SRV. Also, data in SRV do not correspond with those in IDs of citizens from Sangera town and Truseni township (Chisinau Municipality); Cedar Lunga town, Chirien-Lunga village and Chirsovo township (ATUG). In Sangera town, the residence and domicile in some IDs is indicated on streets that do no longer exist. In Chirsovo settlement ATUG, the observers found 80 cases when addresses included in the SRV were not the same as those in the voters' ID. In Truseni township, Chisinau Municipality, a certain street in SRV is indicated for certain inhabitants, but this is not indicated in their IDs. Voters require the lists of voters to be arranged in alphabetical order, but not according to addresses. In Ferapontievca village (ATUG) the SRV contains unknown persons, who according to the registrar, they do not live in this village.

The management of SRV lacked 4 cases of non-involvement from the part of the registrar. In Chioselia Rusa and Cotovscoie villages (ATUG) the registrar did not performed the check of SRV due to the fact that CEC did not sent to him written instructions. According to the local council, the responsible person for SRV management is still to appoint in Baurci township ATUG. After attending CCET trainings, Mihai Drosu, the person responsible to manage the lists of voters at LPA level in Bacioi township, Chisinau Municipality, refused to keep record and bear responsibility for the lists of voters in the township. Thus, no official responsible for SRV management was existing in Bacioi township during the observation. According to SRV, about 100 voters domiciled in Cuhuresti de Sus township (Floresti district) were registered in Nicolaevca township (Floresti district). At least 10 voters registered remained during the last observations.

The observers also found deceased people included in the SRV in at least 6 settlements. In Navarnet village (Falesti district) during the visit, the SRV contained 46 people deceased during 2015 – 2016. A similar situation was in Mingir village (Hincesti district) where 8 persons were found dead since 1999. In Singera town, Chisinau Municipality, Pohoarna village, Soldanesti district and Avdarma ATUG were registered deceased people, but they can not be excluded, because no decease certificate was presented.

The quality of data in SRV remains a problem, which decreases the voters' confidence in the electoral process. We note the presence of several problems that repeat from one election to another. Among them are: the durability of the institution of SRV registrar, the presence of dead voters and the inconsistency of addresses indicated in SRV with the ones from the voters' IDs. We reiterate the severity of the situation, that results from the repetitiveness of these problems.

## **2.8. Electoral Training**

During the monitored period, the Center for Continuous Electoral Training (CCET), in partnership with CEC continued to implement the activity program on qualified electoral officials training for presidential election of 30 October 2016. We welcome the CCET initiative to provide a telephone training program to the new members of the councils through the hotline, given that some changes were introduced in the structure of some ECCs during the monitored period.

CEC organized a seminar for the ECC Presidents and secretaries on 15 September 2016. Subjects as the electoral logistics, how to work with the State Registry of Voters, establishing EOPS and other activities included in EOPS Calendar Program were discussed during the meeting. CCET trainers organized the training for ECC Presidents on the subject "Electoral petitions".

Training for the ECC accountants were organised during 22-25 September. Another category of trained participants in terms of electoral procedures is the one of ECC operators (19 September 2016).

During the meeting, the participants addressed different subjects relating to the well organization and conduct of the presidential election of 30 October 2016 like the electoral logistics, how to work with the State Registry of Voters, establishing PS and EOPS and other activities included in the Calendar Program to achieve actions provided by the Electoral Code, previously approved by CEC. ECCs were distributed electoral documents and materials necessary to prepare the election.

CCET started the training of EOPS members since 28 September 2016. According to Promo-LEX observations, CCET carried out the training of EOPS members from Taraclia, Donduseni, Soroca.

## **2.9. Public Information**

Promo-LEX EOM welcomes the CEC initiative of 23 September 2016 to claim from the Chisinau Mayor's Office to examine the possibility of extending the work schedule of registrars from the Country Offices to offer the applicants the possibility of submitting declarations of change of domiciles. The requests come amid petitions submitted by the citizens eligible to vote, which invoke that citizens who work do not manage to submit their declarations due to the work schedule of Council Offices' registrars up to time 17.00 including.

On 15 September 2016, CCET in partnership with CEC launched the Call Center, whose operators provide electoral consultations and assistance to all applicants day by day. Voters can learn more information about their polling station, the voting procedure and other peculiarities of the presidential election of 30 September 2016. Call Center operators provide information to all persons that contact the unique phone number (+373) 22 88 01 01: voters, electoral officials, representatives of election candidates and other stakeholders.

During the information campaign "My Vote-My Voice", CEC, in cooperation with CCET, organized an information campaign via mobile teams formed of CCET trainers. During 1-29 October 2016, these will move throughout the country to inform the voters on the presidential election of 30 October 2016 in the Republic of Moldova. At the same time, the purpose of the campaign is to promote informed and conscious voting among citizens eligible to vote.

CEC developed 3 more advertising spots for the presidential election of 30 October 2016: "My Vote-My Voice!", "My voice can be heard everywhere!", "Submit the declaration at domicile".

## 2.10. National and International Observers

CEC accredited 1558 national observers and 21 international observers to monitor the presidential election of 30 October 2016 during 14 September – 4 October 2016. 1551 national observers and 7 international observers from PS open outside the country from the part of Promo-LEX Association; 6 observers from the Hungarian Embassy in Chisinau; 5 observers - Sweden Embassy in RM; 2 observers and 1 interpreter – Qatar Embassy in Chisinau; 3 observers - Japan Embassy in Chisinau; 2 electoral experts – Central Commission of the Republic of Belarus on Holding Elections and Republican Referenda.; 2 electoral experts – Permanent Electoral Authority of Romania; 2 electoral experts – Central Election Commission of Latvia.

In total, until 4 October 2016, 1921 national observers and 1 international observer and 1 interpreter were accredited. Of them, 1799 national observers are from the part of Promo-LEX Association.

## 2.11. Challenges/Petitions

The presidential candidate Maia Sandu, on one of her social networks announced on 30 September 2016 that she notified CEC to examine the investigation performed by RISE Moldova. In this respect, Maia Sandu requested from CEC to undertake all measures on information that would prove the foreign sources of funding the Party of the Socialists of Moldova, whose candidate for President is Igor Dodon.

The author wanted to mention in her petition that the Article 36(1) and Article 38(3) letter a) of the Electoral Code prohibit both the foreign direct and indirect funding. Also, the author mentions that in accordance with Article 69(4) letter b) of the Electoral Code, in case the election candidate uses foreign funds, the Central Electoral Commission requires the court to cancel the registration of the election candidate.

Though, Promo-LEX EOM finds that such a petition as being submitted and registered did not exist on CEC website on 3 October 2016. In addition, following a question to Commission, Promo-LEX Association received a negative answer on whether the central electoral body received that petition.

PDM representative eligible to consultative vote submitted on 4 October 2016 4 petitions by which the Commission is required to analyse the reported violations and apply sanctioned provided by law. Thus, the author indicates in two petitions that the presidential candidates Andrei Nastase and Dumitru Ciubasenco did not observe the provisions of Article 64<sup>1</sup>(6) of the Electoral Code by distributing advertising materials without indicating the date these were published (in case of Dumitru Ciubasenco), the turnout and the name of printing house, where there were printed.

Also, PDM representative claims in one of petitions that Adrian Nastase violated the provisions of the Article 47((6<sup>1</sup>) of the Electoral Code by appearing in photos alongside the co-founder of the first independent trade union from the communist Eastern Europe “Solidarity” and the President of the postcommunist Poland Lech Walesa.

Likewise, PDM requires CEC to publish the results obtained following the check of all signature sheets for all candidates admitted in the presidential competition. The petition’s author thinks that the public opinion must know whether independent parties or candidates that collected signatures of some deceased citizens do really exist.

## III. PUBLIC ADMINISTRATION

### 3.1. Parliament of the Republic of Moldova

Promo-LEX EOM notes that Moldovan MPs delay the amendment of Criminal Code as regards the corruption of voters.

Thus, on 12 May 2016, a group of MPs registered Draft Law No 205 at the Parliament Secretariat. It provides for a new wording for Article 181<sup>1</sup> of the Criminal Code and Article 69 para 4 let. d) of the Electoral Code. Particularly, the amendments to Article 181<sup>1</sup> of the Criminal Code refer to supplementation of the category of goods, the offering of which is prohibited, inclusion of a new paragraph that criminalises vote buying and application of this article for presidential election.

We note with concern that in the plenary session of 23 September 2016, the Parliament rejected the inclusion of this draft law in the agenda, citing procedural issues. The failure to adopt this draft law in due time endangers the proper and fair organisation of the election campaign by the candidates for President of RM.

### **3.2. Organisation of Polling Stations in Other Countries**

Article 29<sup>1</sup> of the Electoral Code sets out the peculiarities of formation and operation of PS and EOPS abroad. Paragraphs (2) and (3) of the article only indicate the locations of the future sections and of the state institutions responsible for their opening. We draw attention to the fact that the Electoral Code and Regulation on ECC activity do not specify a particular term for the establishment of PS abroad. Respectively, all polling stations, both in the country and abroad, were to be established at least 35 days before the election.

We note that in accordance with Article 29<sup>1</sup> of the Electoral Code, *but violating the deadline*, the Government adopted Decision No 1080 of 26 September 2016 on the organization of polling stations abroad, which approved the proposed list of polling stations to be opened. Consecutively, on 27 September 2016, CEC adopted Decision No 307 on the organization of polling stations abroad for the 30 October 2016 Presidential Elections, that established the organization of stations, according to the annex. Also, on 27 September 2016, the Chisinau Municipal ECC adopted Decision No 6 on the establishment of polling stations abroad, 100 in total. In the Parliamentary Elections of 30 November 2014, 95 PS were created abroad.

Promo-LEX EOM welcomes the increase in the number of PS opened outside RM for the Presidential Election of 30 October 2016, in the context of the increasing number of online requests and demarches from Diaspora representatives. We believe that this step will make the voting procedure more accessible on the election day to Moldovan citizens who are abroad.

At the same time, Promo-LEX EOM notes the delay by state authorities of the procedure for the establishment of polling stations abroad, thus violating the Programme for organizing and conducting the Presidential Election of 30 October 2016.

The monitoring of the procedure for identifying the locations and the number of PS abroad has allowed Promo-LEX EOM to develop a number of findings related to the quality of the process. According to Article 29<sup>1</sup> of the Electoral Code, the organization of PS abroad shall be determined exclusively based on two grounds:

- preliminary registration of citizens who are abroad;
- the number of voters who participated in the previous elections.

We note that in the Information Note to the draft Government Decision on the organization of PS abroad, MFAEI invokes, as a legal basis and as the main argument in determining the location of PS, "the extensive analysis carried out by the MFAEI, based on proposals of diplomatic missions and consular offices." We are aware that the Republic of Moldova cannot open polling stations outside the diplomatic and consular premises without the consent of the country of residence. However, it is regrettable that the authorities' arguments were not explained to the general public and the analysis was not been published on the MFAEI website.

Referring to the first criterion, in order to ensure the access to the voting process of the citizens of the Republic of Moldova, between 10 May and 19 September 2016, CEC made an online registration

platform available on the site <https://inregistrare.cec.md> for citizens eligible to vote, who will be abroad on the election day. Preliminary registration statistics, based on the Promo-LEX EOM findings, is the following:

Period	Durati on, days	Registration per period, no.	Registration per day (indicative), no.	Total on that date, no.
10 May – 23 August 2016	105	557	5.3	557
24 August – 13 September 2016	21	1300	61.9	1857
14 – 19 September 2016	6	1712	285.3	<b>3569</b>

Data from the table reveal the increased activism over the last 6 days, when about 48% of the total number of voters registered. We highlight the need for more active awareness-raising campaigns throughout the pre-registration period, which must be coordinated by the Moldovan Government and carried out by CEC, in partnership with the Ministry of Foreign Affairs and European Integration (MFAEI) and the Office for Relations with Diaspora.

Compared to the 2014 Parliamentary Election, when 666 voters were included in the basic lists in the polling stations outside the country, the current figure of 3,569 indicates an increase of 5.4 times in the number of citizens eligible to vote who will be registered in these lists. However, if compared to the number of voters included in the additional lists in the same 2014 Parliamentary Elections - 73,293, it can be noted that the online registration procedure does not solve the problem permanently, and the relevance of the second criterion is indisputable.

According to CEC information, the requests for pre-registration came from citizens established in 68 countries, most of them being from (top 10):

No	Country	Number of registered voters	Number of settlements
1.	Romania	599	27
2.	Italy	422	91
3.	United States of America	364	99
4.	France	348	54
5.	Great Britain	340	46
6.	Germany	290	93
7.	Canada	196	16
8.	Spain	142	31
9.	Russian Federation	133	20
10.	Belgium	108	11

As regards the second criterion, the table below present the results of the turnout of citizens from abroad in villages where more than one PS were open for the parliamentary elections in 2014. The estimation is carried out in descending order, according to the estimated average of voters per PS in a certain country.

No	Country	Number of polling stations	The number of voters who voted, Total	Number of voter per polling station (estimated, average)
<b>1.</b>	Russian Federation	5	9521	1904
<b>2.</b>	Italy	25	27596	1104
<b>3.</b>	France	4	4245	1061
<b>4.</b>	Romania	11	10454	950

5.	Greece	2	1735	868
6.	Germany	2	1715	858
7.	Great Britain	3	2334	778
8.	Canada	3	2032	677
9.	Spain	4	1940	485
10.	Portugal	5	2088	418
11.	United States of America	6	2253	376
12.	Israel	2	713	357
13.	Czech Republic	2	585	293
14.	Turkey	2	332	166
15.	Ukraine	2	308	154

As the table shows, the number of voters per PS from the Russian Federation exceeds about two times the number of voters from the second ranking country.

Ireland and Belgium stand out with 1467 and, respectively, 1163 voters in one PS, who casted their votes in 2014 parliamentary election. These figures are above the general estimated average of voters per PS, calculated on the basis of those 15 countries included in the table, and accounts for about 697 voters.

The analysis on voter turnout by settlements is also relevant. According to Promo-LEX, the number of polling stations should be increased in the settlements, in which over 2000 voters per PS casted their vote. Considering the data of minutes on vote tabulation in 2014 parliamentary elections, these are the following:

Country	Settlement	Polling station	The number of voters who voted
Italy	Mestre city	PS No 317	2309
Italy	Parma city	PS No 321	2248
Romania	Bucharest city	PS No 342	2697
		PS No 343	1400
Russian Federation	Moscow city	PS No 367	2993
		PS No 368	2999
Russian Federation	Sankt Petersburg city	PS No 369	2907

Based on the above findings referring to provisions of the Article 29<sup>1</sup> of the Electoral Code, Promo-LEX EOM deems it necessary to increase the number of PSs in: the Russian Federation (Moscow and Sankt Petersburg cities), Belgium, Ireland, France, Italy (Mestre and Parma cities) and Romania (Bucharest city). We believe that the decrease in the number of PSs from the United Kingdom is unjustified.

As regards the official data of MFAEI, received from the diplomatic missions and consular offices, in their turn obtained from the authorities of the host countries, it accounts for 805.509 Moldovan citizens abroad. This exercise was performed "in order to estimate the number of potential voters for the presidential election of 30 October 2016"<sup>3</sup>. We reiterate that the Electoral Code lacks references on such statistics used to identify the number of PSs needed to be opened abroad. According to MFAEI Statistics, the number of Moldovan citizens in the Russian Federation stands out from the rest - 477.949 (59%).

<sup>3</sup> <http://socialistii.md/igor-dodon-cere-deschiderea-a-159-sectii-de-votare-in-rusia/>

### 3.3. Organising of Election with the Involvement of Local Public Administration

During the monitored period, LPAs were involved in the following activities:

- present proposals on PS establishment to Level-Two ECC;
- participate in identifying headquarters for PSs, public property;
- assign EOPS members (level-one local councils);
- participate in reviewing SRV/lists of voters;
- ensure the accomplishment of the procedure of submitting the statement on the new place of residence;
- authenticate the signature sheets.

According to Article 29(2) of the Electoral Code, the ECC shall establish the polling stations in settlements, based on proposals of mayors of towns (municipalities), districts and villages (townships), no later than 35 days before election date. 1112 LPAs were monitored during 14 September - 4 October 2016. In 615 cases the Mayor's Office adopted the decision on establishing PS borders and headquarters. At least in 33 cases, the locations proposed for PS will not be the same as those from previous elections.

On the basis of the Article 39(8) of the Electoral Code, people eligible to vote, according to the last turnout, who have changed their residence, have the right to report to LPA about their new place of residence, no later than 30 days before election date, to be included in the list of voters at the PS corresponding to the place of residence. According to Promo-LEX observers, the statements on new place of residence were submitted in the following municipalities: Chisinau – 2076, Balti – 130, Cahul – 14. In order to ensure the access to the right to vote, 60 students of the Chisinau Police Academy have submitted statements on place of residence to Rascani District court.

### 3.4. Establishing the Places for Electoral Posters and Venues for Meetings with Voters

According to Article 47(7) of the Electoral Code, the local public authorities shall establish and inform the relevant stakeholders, within 3 days since the beginning of the election period, about the decisions on the places for electoral posters and list of venues for meetings with voters. The conditions for organising electoral meetings are stipulated in the Decision No 2811, approved by the CEC on 24 October 2014.

Promo-LEX observers have found that 603 Mayor's Offices adopted such decisions of 1112 LPAs monitored during 14 September – 4 October 2016, In 492 cases, the decision to provide venues for meetings with voters for free was adopted, while in 80 cases – against payment, varying from MDL 49 to 2100.

LPAs have arranged places for electoral posters in only 541 of 1148 monitored settlements and only 337 have enough place for placing electoral advertising of election candidates. However, we found out that the activity carried out by some LPAs is deficient. Thus, in Tatarasti village (Straseni district) the LPA's decision on establishing venues for meeting with the voters was not adopted due to failure to know the need of adopting such a decision and due to the lack of some suggestions from hierarchically higher authorities.

## IV. ELECTION CANDIDATES

According to the methodology of Promo-LEX EOM, the observers' findings on the activity of initiative groups and election candidates, presented into his report, shall be based on the analysis of all reporting forms received from Promo-LEX LTOs during monitored period (14 September – 4 October 2016). In this way, activities on which we were informed during 14 September – 4 October that were performed prior to 14 September 2016 are also reflected.

#### 4.1. Collecting Signatures by the IG

Promo-LEX observers reported that 18 IG have collected signatures to support the candidates for President of the Republic of Moldova (Dumitru Ciubasenco, Andrei Nsstase, Mihai Ghimpu, Maia Sandu, Iurie Leanca, Igor Dodon, Marian Lupu, Inna Popenco, Valeriu Ghiletschi, Silvia Radu, Vitalia Pavlicenco, Roman Mihaes, Ion Dron, Geta Savitcaia, Vasile Tarlev, Vitalia Pavlicenco, Vadim Brinzan, Ana Gutu) in at least 498 settlements.

According to Article 12 of the Regulation on the preparation, authentication, submission and check of the signature sheets, only IG members shall have the right to collect signatures. Promo-LEX observers have found cases when people who were not registered as members of IG collected signatures in the following settlements (according to the number of findings):

- Ucrainca village (Causeni district), Radoaia, Chiscareni and Cotiujenii Mici villages (Singerei district), Pohorniceni, Mirzesti, Chiperceni, Step-Soci and Crihana village (Orhei district), Marchet village (Hincesti district), Marcauti village (Dubasari district), Condrita village (Chişinău Municipality) – for the candidate *Mihai Ghimpu* (during the activity period of IG);
- Drojdieni village (Nisporeni district), Fundul Galbenei, Bozieni, Sarata Mereseni, Nemteni, Marchet and Carpineni villages (Hincesti district), Balasesti, Sloveanca and Chişcăreni villages (Singerei district), Susleni, Jora de Mijloc and Braviceni villages (Orhei district) – for the candidate *Andrei Nastase*;
- Tocuz village (Causeni district); Stolniceni, Poganesti and Dancu villages (Hincesti district), Mihailovca, Albina villages (Cimislia district), Larga Noua village (Cahul district) – for the candidate *Marian Lupu* (during the activity period of IG);
- Drojdieni village (Nisporeni district), Nemteni (Hincesti district), Valea Perjei, Ecaterinovca, Gura Galbenă village (Cimislia district) – for the candidate *Iurie Leanca* (during the activity period of IG);
- Codreni village, Volcineţ township. (Ocnita district), Balasesti, Sloveanca villages (Singerei district) – for the candidate *Igor Dodon*;
- Hagimus village (Causeni district), Susleni, Jora de Mijloc and Brăviceni villages (Orhei district) – for the candidate *Maia Sandu*;
- Onesti, Cornesti, Secarenii-Noi and Secareni villages (Hincesti district) – for the candidate *Inna Popenco*;
- Brejeni and Ciuciuieni villages (Singerei district), Enichioi village (Cantemir district) – for the candidate *Valeriu Ghiletschi*;
- Mihailovca village (Cimislia district), Enichioi village (Cantemir district) – for the candidate *Dumitru Ciubasenco*;
- Bascalua village (Basarabasca district) – for the candidate *Vasile Tarlev*;
- Plop Stiubei village (Causeni district) – for the candidate *Vitalia Pavlicenco*;
- Lipoveni village (Cimislia district) – for the candidate *Silvia Radu*.

#### 4.2. Electoral/Electoral Campaign Activities

**Meetings with citizens.** According to Promo-LEX observers, the following appointed/registered candidates organised at least 15 electoral meetings: Iurie Leanca in Gratiesti township (Chisinau Municipality), Cimislia town; Dumitru Ciubasenco in Leova and Sangera towns (Chisinau Municipality), Risipeni vilage (Falesti district), Soroca town, Tambula village (Singerei district) and Soldandesti town; Marian Lupu in Filipeni and Borogani villages (Leova district), Baraboi village (Donduseni district); Igor Dodon in Cotiujeni village (Briceni district); Andrei Nastase, Maia Sandu, Mihai Ghimpu in Chisinau city.

**Offlines.** The politician Andrei Nastase met with the students at law faculty and practitioners during the event “Master Class” in Chisinau. Maia Sandu met with 120 young people during the event “At a cup of tea with Maia Sandu” in Chisinau.

**Launching of Election Campaign.** The election campaigns of the candidates for President of the RM – Marian Lupu (PDM), Dumitru Ciubasenco (PPPN), Igor Dodon (PPPSRM) were launched on 30

September 2016. Iurie Leanca launched the election campaign on 1 October 2016. On 2 October 2016, Mihai Ghimpu (PL) launched the election campaign in Iasi, Romania.

On 30 September and 3 October, several student organisations expressed their dissatisfaction as regards the fact that Marian Lupu (PDM) launched the election campaign in the premises of a university. The event was attended by the staff of the Ministry of Culture, Ministry of Information Technologies and Communications, CRIS Registru, Posta Moldovei. Marian Lupu, Marcel Raducan, Constantin Raducan, Valentina Buliga, Sergiu Sirbu, Valentina Stratan, members of parliament, Monica Babuc, the Minister of Culture, Igor Sarov, Deputy Minister of Culture, Vitalie Babalau, counsellor of the Minister of Culture, Vasile Botnari, the Minister of Information Technologies and Communications also attended the event.

The election campaign of Mihai Ghimpu was launched in parallel with protests held in Ungheni station, where a group of citizens organised a flash mob against the candidate at the moment of his departure to Iasi by train. During his launching in Iasi, a young man protesting was apprehended by the gendarmerie.

**Press Conferences Organized by IG.** On 28 September 2016, the candidate Artur Croitor held a press conference on the results of signatures collection. On 29 September 2016, the candidate Vadim Brinzan informed during a press conference that he leaves the election campaign due to the fact that he did not collect enough signatures to be registered as a candidate.

**Electoral Concerts.** Promo-LEX observers found that at least 12 electoral concerts had been organized by the following political/election candidates:

- PDM in Cocieri, Molovata and Pirita villages (Dubasari district), Baraboi, Teleseuca, Cernoleuca, Briceni villages (Donduseni district), Filipeni village (Leova district);
- PPSRM in Cocieri village (Dubasari district), Cotiujeni village (Briceni d.);
- PPEM in Gratiesti township (Chisinau Municipality),
- PPPN in Soroca town.

**Flash Mob.** PPPDA members have organised a flash mob in Tocuz village (Causeni district).

**Opinion Polls.** It was registered that PDM representatives conducted opinion polls in Pelinei village (Cahul district), PPPDA – Ungheni town, PPSRM – Ungheni town, Balcauti village (Briceni district).

**Electoral Gifts.** According to Article 38(7) of the Electoral Code, election candidates shall not offer voters money or gifts, shall not distribute goods free of charge, including from humanitarian aid or other charity acts. According to article 181<sup>1</sup> of the Criminal Code, “offering or giving money, goods, services or other benefits in order to determine the voters to exert their voting rights in a certain way under the parliament and local elections or referendums shall be punished. Alcoholic beverages, tobacco products and food products are also goods” However, as we have previously mentioned, the way in which Article 181<sup>1</sup> is applied is not clear, because it does not refer to the framework of presidential election.

According to the information provided by Promo-LEX observers, during the monitored period, they registered at least 10 cases that can be qualified as electoral gifts.

As regards the appointed candidate, Marian Lupu (PDM), we found 5 cases as such. Nicolai Dudoglo, MP PDM, gave a TV “Vesta” to a family with 6 children from Etulia village (Vulcanesti district). PDM representative gave 1 rabbit, 1 cock, 1 ram, 2 monetary prizes of MDL 400. Vlad Plahotniuc, Vice-President of PDM, together with Constantin Botnari, member of the same party have participated in the opening ceremony of a playground for children in Grozesti village (Nisporeni district). The MP and PDM member, Constantin Tutu, has hand-outed by 2 towels: 1 big “shower towel” and 1 medium “face towel” to each beneficiary of CRISR from Ungheni town. The event was also attended by the President of the Ungheni district, Ludmila Guzun. The Mayor of Dumeni township (Riscani district),

who is also a PDM member, has put up, with the financial support of the party, a crucifixion in the center of the locality.

As regards the candidate appointed by PPPSRM – Igor Dodon, we also found 5 cases of giving electoral gifts. He gave to people of Cocieri and Molovata villages (Dubasari district) by 1,000 ice-creams. He also organised fireworks in Cocieri and Pirta villages.(Dubasari district) and Cotiujeni village (Briceni district).

**Denigrating Activities /Black PR.** On 18 September 2016, one case of vandalizing the street advertising IG Marian Lupu (PDM) was registered in Chisinau. The PPPDA members and supporters distributed the newspapers “Demnitate si adevar” (Dignity and Truth) and flyers containing denigrating information about Vlad Plahotniuc and PDM.

On 15 September 2016, the supporters of PDM – Ghenadie Cosova, President of the “Credinta Partiei” (Faith in Homeland) Association and Vadim Ungureanu, reporter of the Today.md portal tried to disrupt the proper meeting agenda of the meeting with voters organised in Chisinau by the PPPDA appointed candidate Andrei Nastase.

On 17 September 2016, the citizen Corbu Grigore used indecorous language to the appointed candidate Maia Sandu, during the process of collecting signatures by the IG Maia Sandu in Dubasarii Vechi village (Criuleni district).

On 30 September 2016, the PDM appointed presidential candidate Marian Lupu, was mocked in Hincesti by a group of citizens. On 3 October 2016, similar reactions towards same election candidate were noted in Balti.

On 2 October 2016, at the Day of Wine, Igor Dodon (PPPSRM), accompanied by a group of supporters, had an attempt to deliver a speech, but he was mocked by the crowd, the most active were a group of young people wearing T-shirts with the inscription “Orhei’s young people”.

#### **4.3. Use of Administrative Resources to Promote a Particular Candidate/Potential Candidate**

According to Article 47(6) of the Electoral Code, candidates may not use public means and goods (administrative resources) during electoral campaigns, and public authorities/institutions and other related institutions may not send/grant to candidates public goods or other benefits unless on a contract basis, providing equal opportunities to all candidates.

Promo-LEX EOM observers found that the candidates/potential candidates used administrative resources, in 20 cases during the monitored period. The cases classified by electoral stakeholders: PDM – 13; PPPSRM – 3; PPMSPR – 1; PPPEM –1 and the independent candidate, Vasile Tarlev – 1 case.

The administrative resources were used for the following purposes: *to collect signatures by IG, to organise political campaigns and meeting with potential voters, to launch election campaign.*

*To collect signature in the support of the candidate Marian Lupu (in the period until the submission of signature sheets to CEC). The Head of Hincesti Finance Department, Vasile Secu and Head of Hincesti Social Assistance Department, Tamara Calugaru have collected signatures in the support of the candidate Marian Lupu (PDM) in Dancu village (Hincesti district). The Hincesti District Vice-President in Agriculture, Cornei Dumitru has collected signatures in the support of the candidate Marian Lupu (PDM) in Pogonesti village (Hincesti district). The LPA was informed in advance about appearing before the Mayor’s Office in order to authenticate the signature sheets. The Head of Causeni State Chancellery, Antonov Mihail and the Mayor of the Tocuz village, Turcanu Alexandru has collected signatures in the support of the candidate Marian Lupu (PDM) in Tocuz village (Causeni district). The family doctor, Mirosnicenco Gheorghe has collected signatures in the support of the candidate Marian Lupu (PDM) in Larga Noua village (Cahul district), and the citizens were*

afraid to refuse him. The Mayor of Albina village (Cimislia district), Nicolae Bicos has collected signatures in the support of the candidate Marian Lupu (PDM). None of the aforementioned persons is a member of IG on collecting signatures for Marian Lupu.

*PDM Political Campaigns* The staff of post office of Bestemac village (Leova district), Chisinau city, Dubasarii Vechi village (Criuleni district) and Edinet town have distributed in the post boxes of citizens the leaflets of PDM with the “Together we are stronger” campaign. On 16 September 2016, the Mayor of Truseni township (Chisinau Municipality), Ion Apostol obliged the staff of local mayor’s office, kindergarten no 2 and gymnasium No 98 to participate, during their working program, at 14:00 in the meeting with PDM representatives, MP Valentina Buliga and local councillor Fiodor Madan.

On 19 September 2016, PDM held a meeting in Cahul town with the heads and staff of the institutions subordinated to District Council and of decentralized services and mayors, during their working program. That meeting was attended by Valentina Buliga, Elena Bacalu, Corneliu Dudnic, Marcel Raducan, Corneliu Padnevici, Constantin Tutu, Valentina Rotaru, (MPs), Ion Groza – President of DC, Vlad Casuneanu and Vladimir Calmic, Vice-Presidents of DC.

On 20 September 2016, PDM also conducted public debates entitled “For the reform in politics” in Leova town, during working program. The event was attended by Marcel Raducanu, Lidia Lupu, MPs, staff of the local decentralized services and public institutions, staff of the enterprises and of mayor’s offices and local public institutions.

*Collecting Signatures in the Support of the Candidate Appointed by PPPSRM – Igor Dodon.* The Mayor of Volcinet township and Codreni village (Octinta district), Cogut Victor (PPPSRM) and the head of house of culture, Cogut Piotr, who are not members of the IG, have collected signatures in the support of the candidate Igor Dodon (PPPSRM). Leaflets of 9x5 cm with the message “Moldova has future, Igor Dodon PSRM President” were exposed in the hall of the Mayor’s Office of Doina village(Cahul district).

The Mayor of Bascalua village (Basarabasca district), Petru Tarlev, who is not a member of the IG, has collected signatures *in the support of the independent candidate Vasile Tarlev.*

The Mayor of Enichioi village (Cantemir district), Serghei Ababii, who is not a member of the IG, has collected signatures *in the support of the candidate appointed by PPPN – Dumitru Ciubasenco.*

The Mayor of Gura Galbena village (Cimislia district), Victor Stina, has collected signatures *in the support of the candidate appointed by PPPEM – Iurie Leanca,* without being empowered to perform this activity.

Promo-LEX EOM found that hidden advertising *in the favor of the candidate Inna Popenco* (PPMSPR) is posted in the website of the Orhei Mayor’s Office. The invitation cards, designed by Orhei Mayor’s Office, for the “Golden Autumn” Festival (1 October 2016) and “Day of Wine” (2 October 2016) are printed with the symbols and colors specific to electoral advertising of this candidate.

### **4.3. Street Advertising**

Promo-LEX observers identified street and printed advertising in the favour of potential candidates for President of the Republic of Moldova, as well as of political parties that nominated them.

Table

Electoral Candidate	Billboards No	Banners No	City-light No	LED No	Tent Local.	Posters Local.	Newspapers Local.	Leaflets Local.
IG Marian Lupu/PDM	223	13	168	6			2	7
IG Igor Dodon/PPPSRM	69				3	4	17	4
IG Mihai Ghimpu/PL	59							
IG Inna Popenco/MSPRR	50					1		
IG Iurie Leanca/PPPEM	20	3						1
IG Dumitru Ciubasenco/PPPN	15					4	13	3
IG Vadim Brinzan	6				1			1
IG Silvia Radu	3			3				
IG Andrei Nastase / PPPDA	1	1			2		2	
IG Maia Sandu/PPPAS					2			1

During the monitored period, Marian Lupu (PDM), IG Mihai Ghimpu (PL), IG Igor Dodon (PPPSRM), IG Inna Popenco (MSPRR) have renewed their billboards. Electoral advertising of the candidates Marian Lupu and Silvia Radu was broadcast on the monitors inside the “Nr. 1” market network from Chisinau.

5 cases were registered with the use of transport displaying the election candidate’s poster: In the support of Iurie Leanca (PPPEM) in Gratiesti township (Chisinau Municipality), in the support of PDM in Anenii Noi township, Harbovat and Bulboaca villages (Anenii Noi district), in the support of election candidate Silvia Radu - on the minibus No 114, from Chisinau Municipality. Letters of congratulation were distributed under the doors of tenants in the name of Marian Lupu on the Day of Elderly on 30 September 2016 in Cimisia town.

2 cases of advertising in unauthorized places were registered: 1 case in support of the candidate Inna Popenco, in Cahul town and 1 case in support of the candidate Igor Dodon, in Chisinau city.

#### 4.4. Other Activities during the Election Period

**Boycotting of elections.** In Comrat town and Alexeevca village (Edinet district), PCRM volunteers distributed PCRM newspapers that urge the voters to boycott the 2016 presidential election.

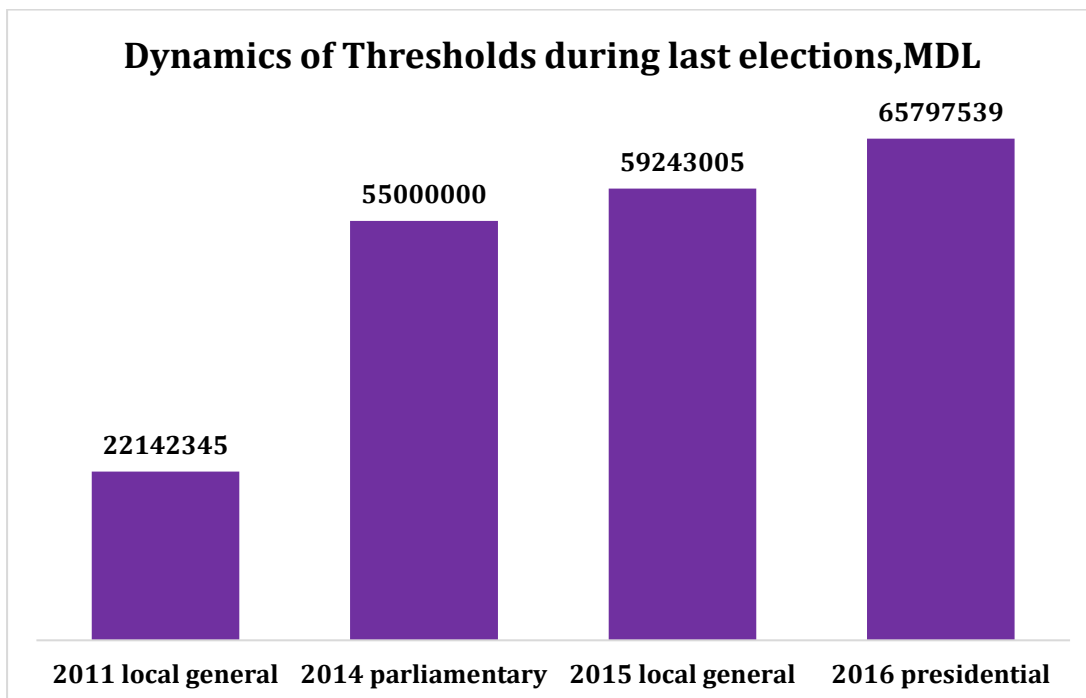
## V. FUNDING OF MOLDOVA PRESIDENTIAL ELECTION CAMPAIGN

### 5.1. Financial Normative Acts adopted during the Reporting Period

***The General Threshold for the funds that can be transferred on the “Electoral Fund” account of the election candidate***

In accordance with Article 38(2) letter d) of the Electoral Code, CEC shall establish the general threshold for the transfer of funds on the “Electoral Fund” account, using as a basis a coefficient multiplied by the number of voters from the constituency, where the elections are held. On 14 September 2016, Central Electoral Commission established the threshold of funds of maximum MDL 65,797,538.85 to be vired to the “Electoral Fund” account of the election candidate. Promo-LEX EOM

notes that this threshold is sufficient and presents below the threshold evolution of the last elections.



### ***State Material Support for Electoral Campaigns***

According to Article 37 (1) of the Electoral Code, the State provides interest-free loans to election candidates. On 14 September 2016, CEC established the interest-free loan amount of MDL 30,000 for the election candidates. Unfortunately, CEC did not present or argued the formula to establish this loan amount.

### ***Opening the "Electoral Fund" Accounts and Presentation of Treasures***

According to Article 38 (2) letter a), the election candidates shall open "Electoral Fund" bank accounts, to which to transfer their own funds, as well as other funds received as prescribed by law from individuals - Moldovan citizens or legal entities, and shall inform the Central Electoral Commission about the persons responsible for their funds (the treasurers). Election candidates can not be appointed as treasurers.

According to legal provisions, by 4 October 2016, 8 registered election candidates informed the electoral authority about opening "Electoral Fund" accounts and appointed persons responsible for funds (treasurers).

## **5.2 Totalising financial statements of initiative groups during signature collection**

According to Article 38 para 8, during the election period, the IG must submit to CEC, within 3 days from submitting the signature sheets, the statements on funds flow for the entire activity period of the initiative group. For the period of signature collection, which also includes the reporting period (2 to 29 September 2016), 11 of 24 IG that collected signatures over that period (PDM, PPPDA, PPPPEM, MSPRR, PPPN, PPPAS, PPPSRM, I.C. Silvia Radu, I.C. Vadim Brinzan, I.C. Valeriu Ghiletchi, I.C. Roman Mihaies) submitted financial statements and 3 demarches of not incurring expenses. The statements and demarches have been published on the Central Electoral Commission website, under the terms provided by law.

Promo-LEX EOM notes that although the IG supporting the candidate Maia Sandu submitted signature sheets on 22 September 2016, banking operations related to the “Funds for Initiative Group” were recorded later, too. Thus, violating Section 14 of the Regulation of financing the IG, on 23 September 2016, 8 discounts were performed through transfer in a total amount of MDL 43,786.80 from the above mentioned account. Besides, deposits of funds to this account were recorded on 23 and 24 September 2016. Thus, their purpose was but financing the activities related to collecting signatures, which otherwise had already been completed.

### 5.2.1 Revenues and Expenses of Initiative Groups Reflected in Financial Statements

According to the totalising statements, the amount of revenues declared by 10 IG for the period from 2 to 29 September 2016 is MDL 1,160,427 and the amount of expenses - MDL 1,159,991 the final balance - MDL 881. 2 IG (MSPRR and PL) have reported 0 revenues and expenses for the period of signature collection. According to the statements submitted to CEC, no initiative group exceeded the maximum of MDL 576,520 set by the Central Electoral Commission for the period of signature collection.

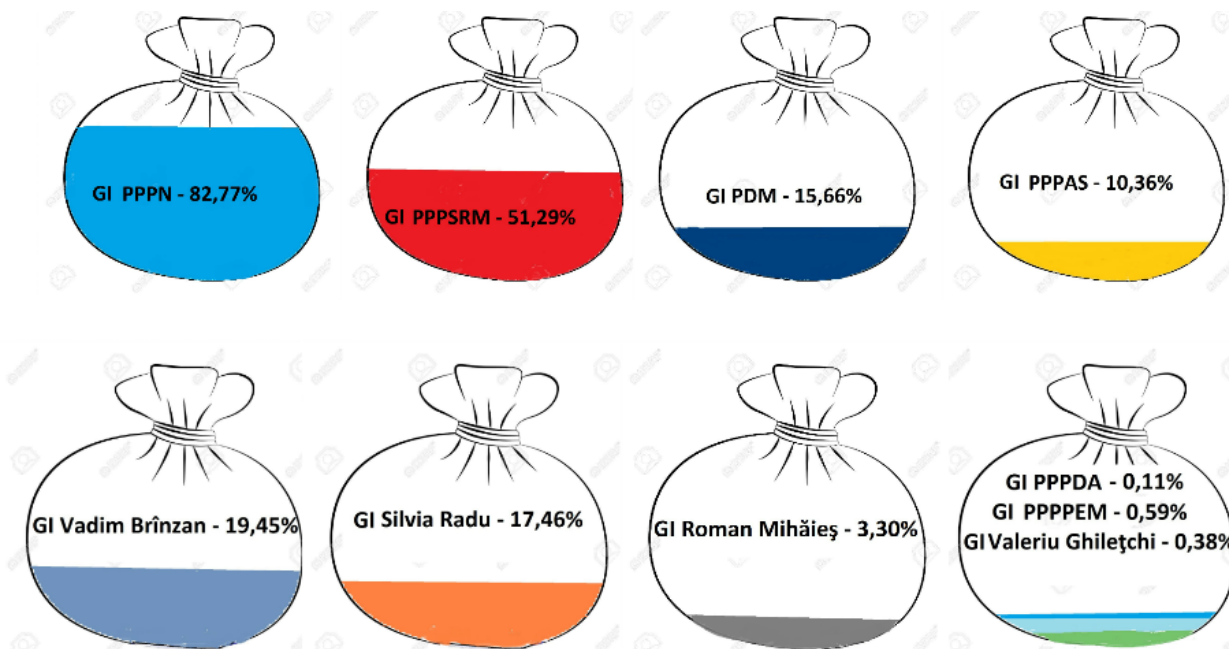


Figure 1. Share of revenue from the maximum established threshold<sup>4</sup>

IG's sources of financing are:

- donations from legal entities, earnings from the party's basic account, i.e. revenues accumulated over the period between elections, for 4 IG (PPPPEM, PPPDA, PPPN, PPPAS) – 46.58%,
- donations from individuals for 6 IG (I.C. Roman Mihaies, PPPSRM, PDM, I.C. Valeriu Ghilețchi, I.C. Silvia Radu, I.C. Vadim Brinzan) – 41.49%
- material donations for 3 IG (PPPSRM, I.C. Vadim Brinzan, I.C. Roman Mihaies) - 4.66%.

<sup>4</sup>2 IG (PL, MSPRR) have not reported revenues and expenses for the period of signature collection, thus using a share of 0% of the maximum established threshold.

The biggest share of declared expenses is for advertising – 46.47%, for use of transport – 28.16%, for promotional materials - 16.94%, additional maintenance expenses - 2.48%, expenses from material donations - 4.14%, and other expenses – 1.41% (see Figure 2).

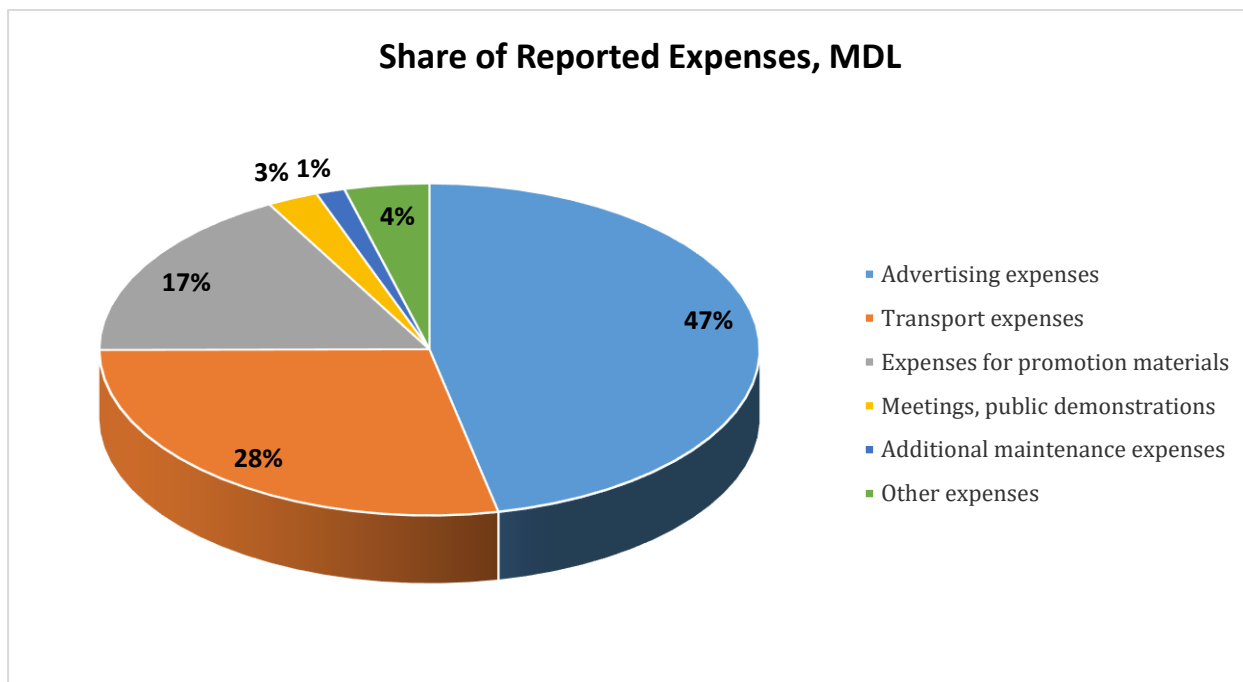


Figure 2. Share of expenses by subcategories

*c. Advertising expenses*

According to the financial statements, 5 IG have reported expenses amounting to MDL 539,030 for advertising. PPPSRM - MDL 267,140.75, PPPAS - MDL 18,373.80, PPPN - MDL 89,556.47, IG Silvia Radu - MDL 99,800, IG Vadim Brinzan - MDL 64,159.

*d. Expenses for transportation of people and goods*

According to the financial statements, 6 IG have reported expenses amounting to MDL 326,700 for transport. PPPSRM - MDL 9,700, PDM - MDL 87,500; PPPAS - MDL 25,000, PPPN - MDL 200,000; IG Valeriu Ghiletschi - MDL 1,000; IG Roman Mihaies - MDL 3,500.

*e. Expenses for promotion materials (posters, flags, T-shirts, caps etc.)*

According to the financial statements, 5 IG have reported expenses amounting to MDL 196,551 for promotion materials. PPPSRM - MDL 10,500; PPPAS - MDL 15,486; PPPN - MDL 165,000; PPPPEM - MDL 2,565; IG Roman Mihaies - MDL 3,000.

*f. Additional maintenance expenses*

According to the financial statements, only 2 IG (PPPN and Roman Mihaies) have reported such expenses amounting to MDL 28,805.14. PPPN - MDL 19,052.14 and Roman Mihaies - MDL 9,753.

*j. Other expenses*

According to the financial statements, 10 IG have reported such expenses amounting to MDL 16,354.07. PPPSRM - MDL 5,230.25; PPPAS - MDL 831.75; PPPN - MDL 3,335.37; IG PPPPEM - MDL 844; IG PDM - MDL 2,766.8 lei; IG PPPDA - MDL 400; IG Valeriu Ghiletschi - MDL 1,154.9; IG Silvia Radu - MDL 802; IG Vadim Brinzan - MDL 84; IG Roman Mihaies - MDL 905.

**5.3. Totalising the initiative groups’ revenues and expenses identified by Promo-LEX observers, that are not reflected in the financial statements**

*c. Expenses for street advertising*

According to Promo-LEX EOM verifications, the minimum monthly fee to place a street billboard of 6X3 m<sup>2</sup> is around MDL 6,660, a street billboard of 15X12 m<sup>2</sup>/20X10 m<sup>2</sup> – of at least MDL 20,200, a LED billboard - MDL 7,770, a street billboard of 1.8X2 m<sup>2</sup> – of at least MDL 2,220, a banner of 1.5X2 m<sup>2</sup> – of at least MDL 2,000, TV advertising in No 1 market network - 6 markets (for 30 days, 10 min a day, from 9:00 a.m. to 10 p.m.) - of MDL 144,330.

According to Promo-LEX observers, for the period indicated, 5 IG incurred expenses for street and mobile advertising. According to estimates, the monthly expenses amount to at least MDL 1,017,415. Concerning the IG PPPPSRM, Promo-LEX observers reported 46 street billboards of 6x3 m<sup>2</sup>, 5 banners of 2x1.5 m<sup>2</sup>, 1 street billboard of 6x15 m<sup>2</sup>; concerning IG Vadim Brinzan - 4 street billboards of 6x3 m<sup>2</sup>, 1 tent; IG Silvia Radu - 4 street billboards of 6x2 m<sup>2</sup>, 3 street billboards and TV advertising at No 1 market network - 6 markets (period - 14 days); concerning IG MSPRR - 45 street billboards of 6x3 m<sup>2</sup>; concerning IG PPPN - 10 street billboards of 6x3 m<sup>2</sup>. (See figures)

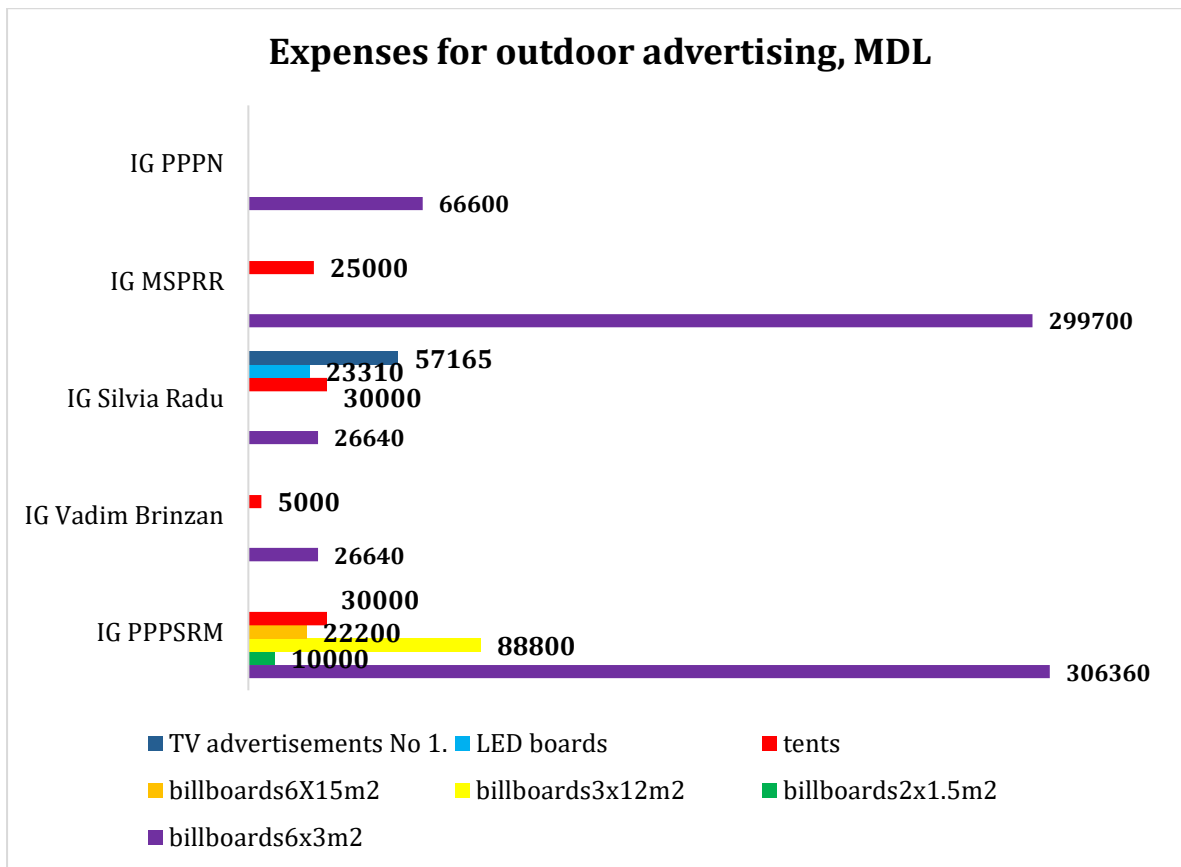


Figure. Estimated expenses of IG for mobile and street advertising by panel types

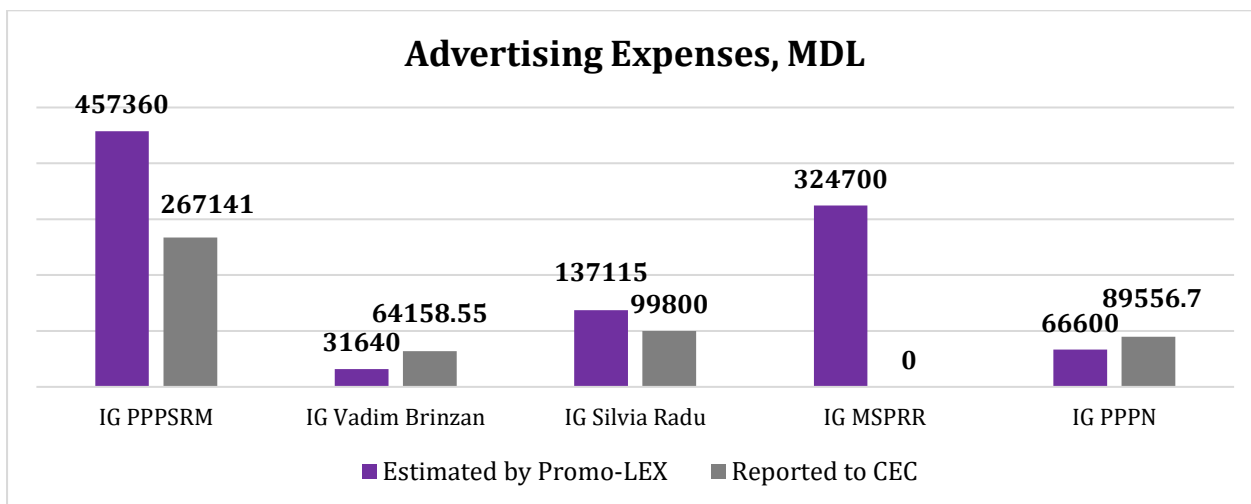


Figure. Estimated expenses of IG for advertising (street billboards and TV advertisements) by panel types

#### d. Expenses for promotional materials

For the indicated period, Promo-LEX observers reported party newspapers, leaflets and flyers of the IGs supporting Igor Dodon (PPPSRM), Adrian Nastase (PPPDA), Marian Lupu (PDM), Mihai Ghimpu (PL), Maia Sandu (PPPAS), Dumitru Ciubasenco (PPPN) and Iurie Leanca (PPPEM). The estimated amount of expenses is MDL 418,892. According to the Promo-LEX observers' verifications, the monthly minimum price for placing a tent is at least MDL 5,000, for printing one 16-page color matte paper newspaper – MDL 0.5, at a print run of 65,000 copies, for printing an 8-page color glossy newspaper – MDL 3, at a print run of 1,214 copies, the price for an article on A4 page in the local media varies between MDL 1,900 and 2,900; 1 A4 paperboard folding leaflet – MDL 0.5 for a print run of 25,000 copies, 1 A4 poster – MDL 3.

Concerning the IG PPPSRM, the Promo-LEX observers reported newspapers "Socialiștii" ("the Socialists"), printing company Edit Tipar Grup SRL, com. 826 (Ro) - print run of 65,000 copies, com. 827 (Ru) - print run 125,000 copies, com. 904 - print run of 65,000 copies (Ro), com. 873 - print run of 7,600 copies, com. 794 (Ro) - print run of 65,000 copies, com. 686 - print run of 35,000 copies, com. 795 (Ru) - print run of 125,000 copies, A4 flyers with the picture of the candidate, printing company Arva Color SRL, com. 0584, print run of 50,000 copies, 6 tents. The estimated amount of expenses is MDL 373,800.

Concerning IG Silvia Radu, the Promo-LEX observers reported mobile advertising placed in the seats of the minibuses on Route 114 and 193 (Administrator SRL Lunguscom), A4 color posters of IC Silvia Radu "Semnează pentru S.R. președinte" ("Sign for S.R. as President") without printing data.

Speaking about PPPAS, Promo-LEX observers reported 4 tents equipped with a table and a chair. The estimated amount of expenses is at least MDL 20,000.

In the case of PPPDA, Promo-LEX observers reported 3 tents and newspapers "Demnitate și adevăr" ("Dignity and Truth"), the printing company "Universul", Order No 1273, print run of 10,000 copies, flyers of 15X20 cm<sup>2</sup> without print run and without specifying that they were paid from the "Funds for initiative group" account. The estimated amount of expenses is at least MDL 18,300.

In the case of PPPN, Promo-LEX observers reported 50 A4 posters, newspapers "Puterea în adevăr" ("Strength in the Truth", print run of 1,214, calendars of 35X50 cm<sup>2</sup> with the picture of the candidate nominated by the IG PPPN. The estimated amount of expenses is at least MDL 3,792. (See the figure)

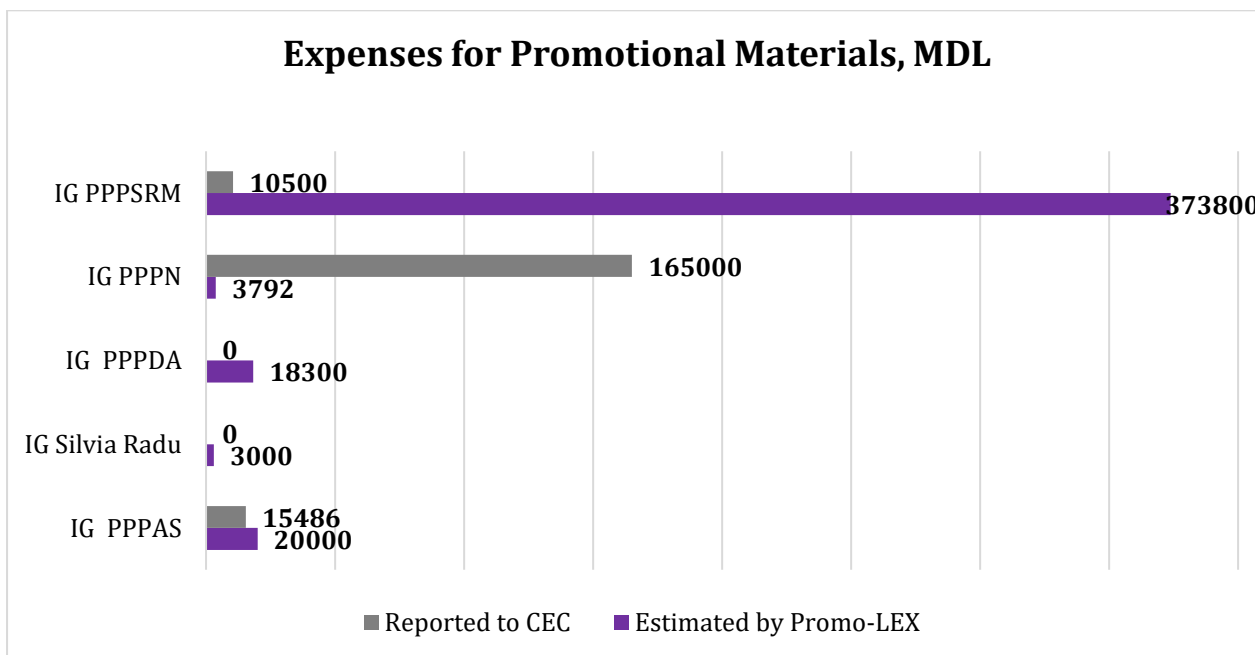


Figure. Expenses for promotional materials

#### e. Expenses for written media

Promo-LEX EOM notes that for the period indicated, expenses of at least MDL 85,282 were incurred referring to 3 IG supporting Silvia Radu (I.C.), Dumitru Ciubasenco (PPPN), and Inna Popenco (MSPRR). According to Promo-LEX observers' verifications, the minimum price for 1cm<sup>2</sup> article in a publication/newspaper is MDL 3.70.

Concerning IG Silvia Radu, Promo-LEX observers reported the following advertising in the local written media, a 962cm<sup>2</sup> article in the newspaper "Glia Drochiană" ("Drochian Land"), p. 7, volume - 1 page; a 1,218 cm<sup>2</sup> article in the district newspaper "Ecol Nostru" ("Our Echo") Issue 37; a 925 cm<sup>2</sup> and a 1080 cm<sup>2</sup> articles in the independent district newspaper "Observatorul de Nord" ("Northern Observer") Issue 35; a 2-page 600 cm<sup>2</sup> article in the newspaper "Cahul Expres" ("Cahul Express") Issue 38; a 2-page 600 cm<sup>2</sup> article in the newspaper "Gazeta de Sud" ("Southern Newspaper") Issue 35; a 1,218 cm<sup>2</sup> article in the newspaper "Unghiul" ("the Angle"); a 1,000 cm<sup>2</sup> article in the newspaper "Expresul" ("the Express"); a 962 cm<sup>2</sup> article in the newspaper "Cuvantul" ("the Word"); a 1,350 cm<sup>2</sup> article in the newspaper "Curierul de Hîncești" ("Hincești Courier") Issue 37, a 1,200 cm<sup>2</sup> article in the local newspaper "Cuvantul liber" ("the Free Word") Issue 36. The estimated amount of expenses is at least MDL 44,921.

Regarding IG PPPN, Promo-LEX observers reported about the following advertising in the local written media: a 1,218 cm<sup>2</sup> article in the newspaper "Unghiul" ("the Angle"); a 500 cm<sup>2</sup> article in the newspaper "Glia Drochiană" ("Drochian Land"); a 600 cm<sup>2</sup> article in the newspaper "Cahul Expres" ("Cahul Express") Issue 38; a 1,200 cm<sup>2</sup> article in the newspaper "Gazeta de Sud" ("Southern Newspaper") Issue 35; a 925 cm<sup>2</sup> article in the newspaper "Ziarul Nostru" ("Our Newspaper"); a 1,218 cm<sup>2</sup> article in the district newspaper "Ecol Nostru" ("Our Echo") Issue 37; a 962 cm<sup>2</sup> article in the newspaper "Cuvantul" ("the Word"); a 1,350 cm<sup>2</sup> article in the newspaper "Curierul de Hîncești" ("Hincești Courier") Issue 37; two 925 cm<sup>2</sup> articles - "Ciubasenco oferă opțiunea de relansare a Moldovei" ("Ciubasenco offers the option to relaunch Moldova") and "După decenii de dezmăț politic e timpul să alegem oameni" ("After decades of political debauchery it's time to choose people"). The estimated amount of expenses is at least MDL 36,365.

Regarding IG MSPRR, Promo-LEX observers reported about the following advertising in the local written media: a 1,080 cm<sup>2</sup> article in the newspaper "Curierul de Hîncești" ("Hincești Courier") Issue 37. The estimated amount of expenses is at least MDL 3,996.

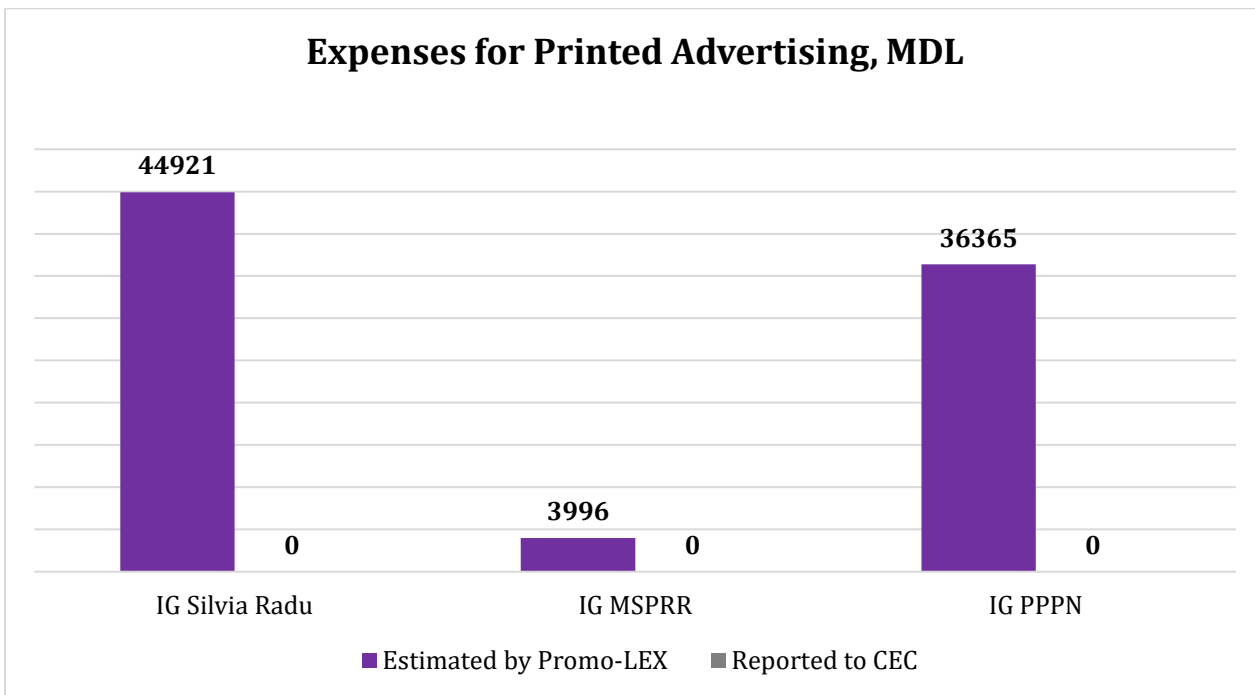
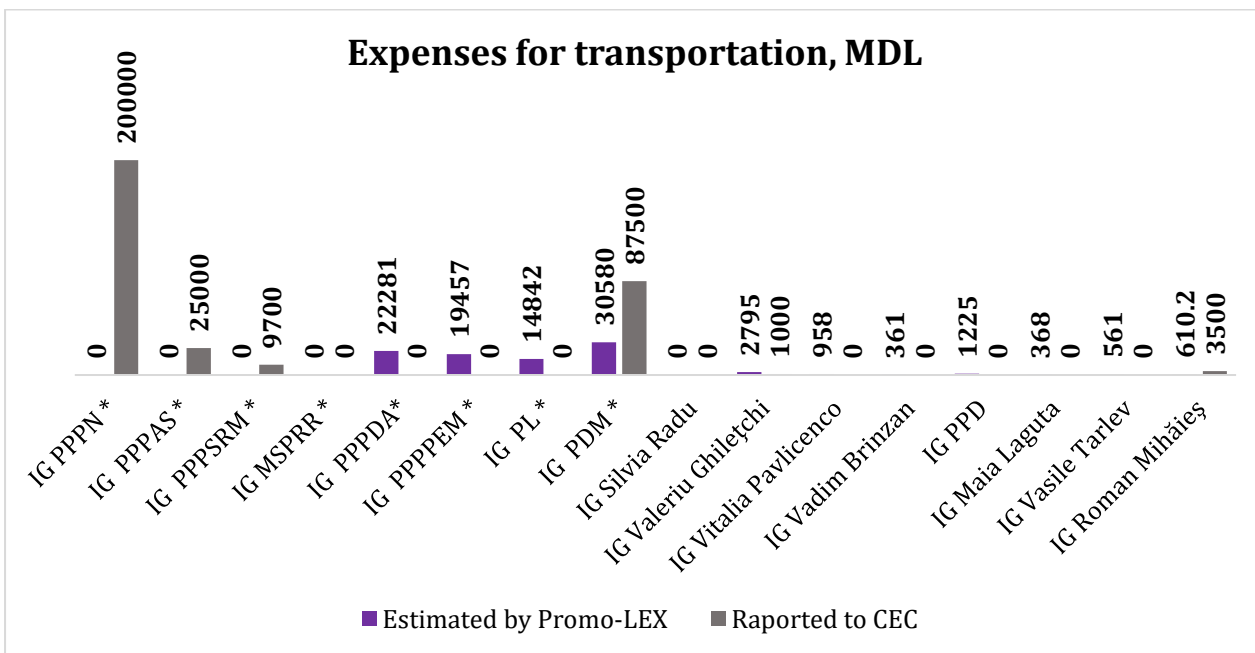


Figure. Expenses for advertising in the written media

f. Expenses for transportation of people and goods

Promo-LEX observers found that at least 16 IGs <sup>5</sup> used transport for collecting signatures. The estimated amount of expenses is at least MDL 174,183.

The calculation is done by multiplying an average consumption of 9 l/100 km by the distance travelled and by the price for fuel of MDL 16.6/l.

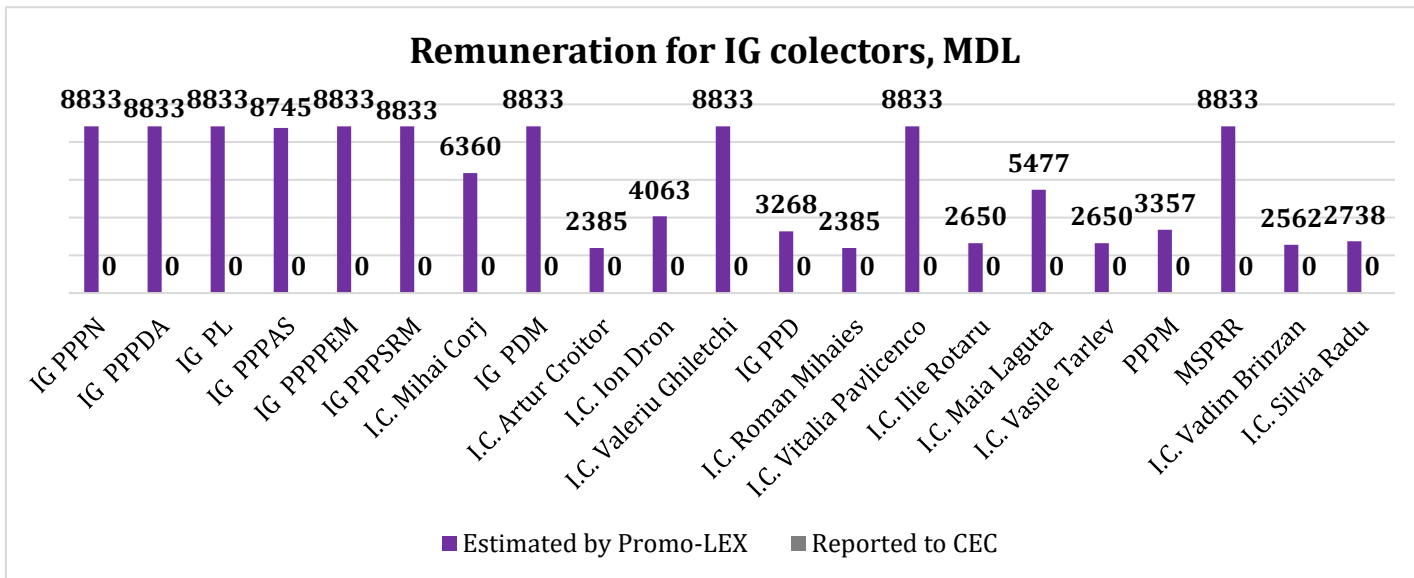


<sup>5</sup> Only the transport expenses of IG of PDM, PPPPEM, PL, PPPSRM, PPPN, MSPRR, PPPAS, and PPPDA were calculated based on the signature sheets submitted to CEC. Expenses for other IGs were calculated based on Promo-LEX observers' findings.

*j. Expenses for the remuneration of the staff employed temporarily for signatures collection purposes*

According to Promo-LEX observers’ findings, 21 IGs registered their members at CEC to collect signatures. The estimated expenses for their work amount to at least MDL 134,973 for a working day.<sup>6</sup>

The estimates were made at the lowest level possible, based on the average per diem rules for the Republic of Moldova and the number of registered members of IGs, thus establishing the threshold of MDL 88.33 per person for a working day.

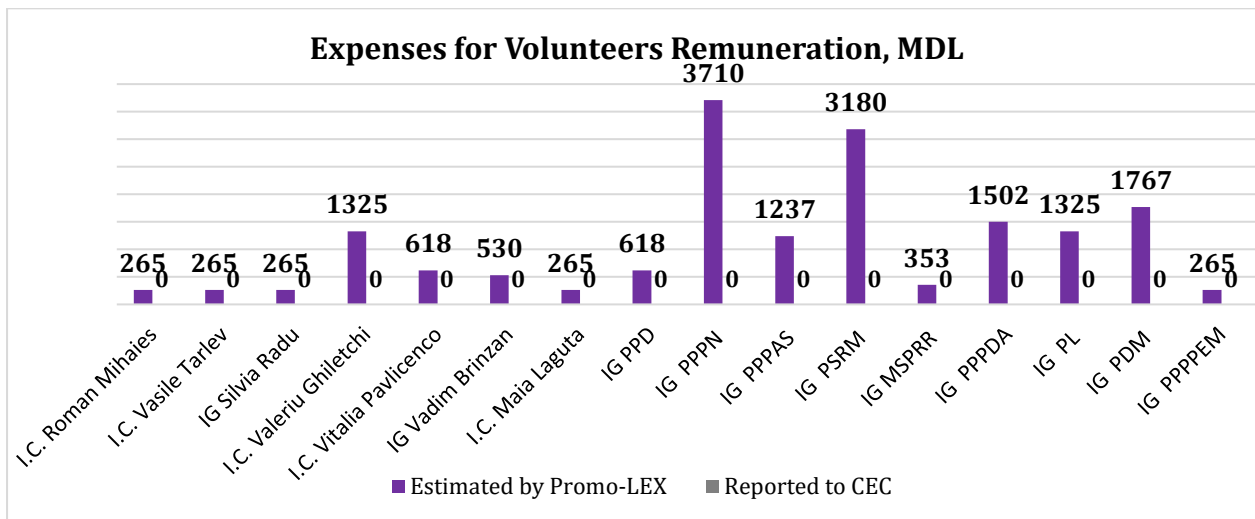


*h. Expenses for delegation or detachment of persons (including for remuneration/daily allowances of observers and volunteers)*

Promo-LEX observers reported that at least 198 volunteers were involved in signature collection activities for 15 IGs: IG Roman Mihaies – 3, IG Vasile Tarlev – 3, IG Silvia Radu – 3, IG Valeriu Ghiletschi – 15, IG Vitalia Pavlicenco - 7, IG Vadim Brinzan - 6, GI Maia Laguta - 3, IG PPD - 7, IG PPPN - 42, IG PPPAS - 14, IG PPPSRM - 36, IG MSPRR – 4, IG PPPDA – 17, IG PL – 15, IG PDM – 20.

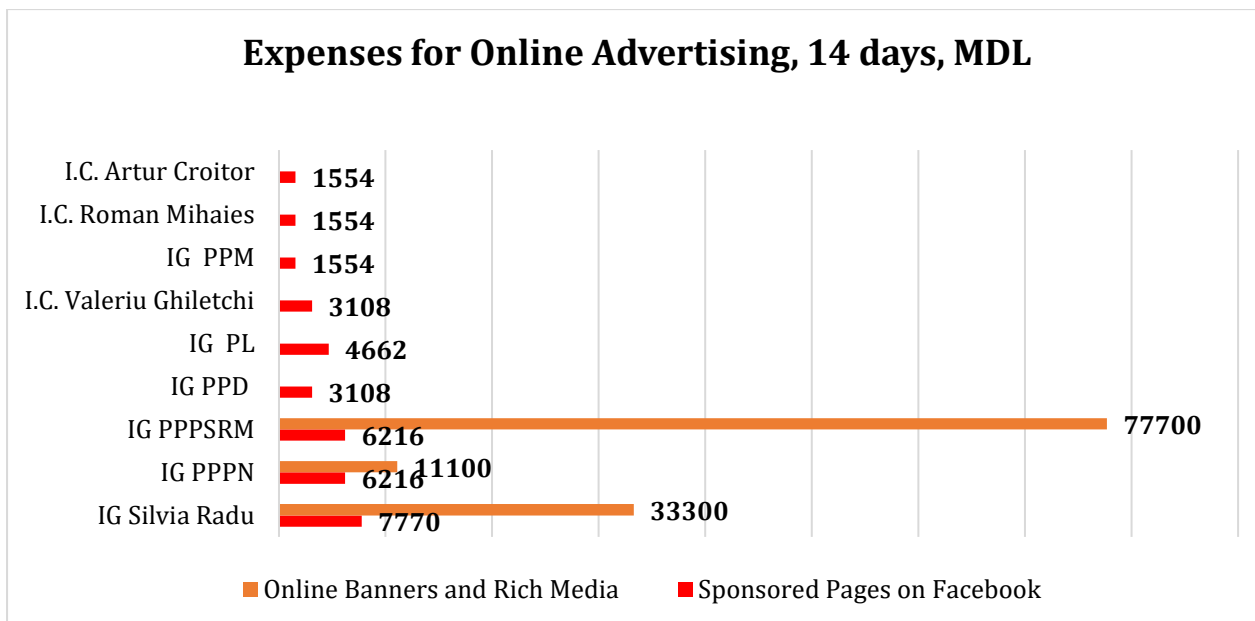
The estimated expenses for their work amount to at least MDL 17,489 for a working day. The estimates were made at the lowest level possible, based on the average per diem rules for the Republic of Moldova and the number of volunteers reported by Promo-LEX, thus establishing the threshold of MDL 88.33 per person for a working day.

<sup>6</sup> Information is valid for the entire period of signature collection.



*i. Expenses for online advertising*

Over the period 14 – 29 September 2016, Promo-LEX EOM reported presence of online advertising on several portals, performed by 9 initiative groups. Expenses for classic banners online placement were estimated at a rate of at least MDL 122,100, sponsored pages on Facebook - of at least MDL 35,742.



Promo-LEX EOM notes with concern that at least 2 IGs (MSPRR and PL) submitted their 'zero' financial statements, despite the fact that they conducted promotion activities, both on online platforms and on street billboards, to collect signatures. Other 4 IGs (PPPDA, PPPPEM, I.C. Silvia Radu, I.C. Vadim Brinzan) sporadically indicated some expenses and 'zero' expenses in terms of concrete destinations, such as transport, promotion materials, volunteers remuneration.

According to the Regulation of financing the initiative groups, the IG must submit, along with financial reports, both the list of financial donations and donations in goods, objects, works and services during the electoral period (indicating the name and specification of goods, objects, works and services, including the period, the market value of the goods donated, the number and date of the bailment/donor).

Promo-LEX EOM reiterates that donations of goods are accumulated in the financial amounts reflected in the cash flow statements and then compared with the thresholds established by the electoral authority, according to international standards and good electoral practices.

According to financial statements, only 3 IGs (PPPSRM, IC Vadim Brinzan, IC Roman Mihaies) indicated material donations and estimated them to the market value. This information is available in the financial documents submitted to CEC.

#### **5.4. Expenses of Political Parties for Activities with Electoral Tint Identified by Promo-LEX Observers**

##### *d. Expenses for public events*

According to Promo-LEX observers, at least 3 potential election candidates (PDM, PPPPEM, PPPPSRM) have spent money for organising 11 concerts. These concerts involved at least 9 artists. The expenses for public events consist exclusively of artists' fees, costs for renting space, stage, sound etc.

The basis for calculating the expenses for election events/concerts was the fee of each artist (market rate) performing for a certain potential EC multiplied by the de facto working time per event. According to the Promo-LEX Monitoring Effort estimates, the total expenses for public events amounts to at least MDL 223,600.

According to observers' findings, PDM has organized 8 concerts. A. Ursu (3), I. Cuciuc (3), M. Sura (4), A. Puica (3), I. Raiburg (1), entertaining group "Meridian" (1), fanfare group "Bras take five" (1), O. Ciolacu (1), band AKORD (1), and Roxana (1) performed for PDM. The expenses for artists' fees amounted to MDL 153,600. The expenses for sound - MDL 10,000. PPPSRM organised 2 concerts with fireworks. R. Voda, C. Prepelita, D. Gherman, I. Capraru, and A. Puica performed for PSRM. Expenses for artists' fees - MDL 35,000 lei, expenses for fireworks - MDL 20,000. PPPPEM organised at least 1 concert. Stela Botez performed for PPEM. Expenses for the artist's fees were estimated at at least MDL 5,000.

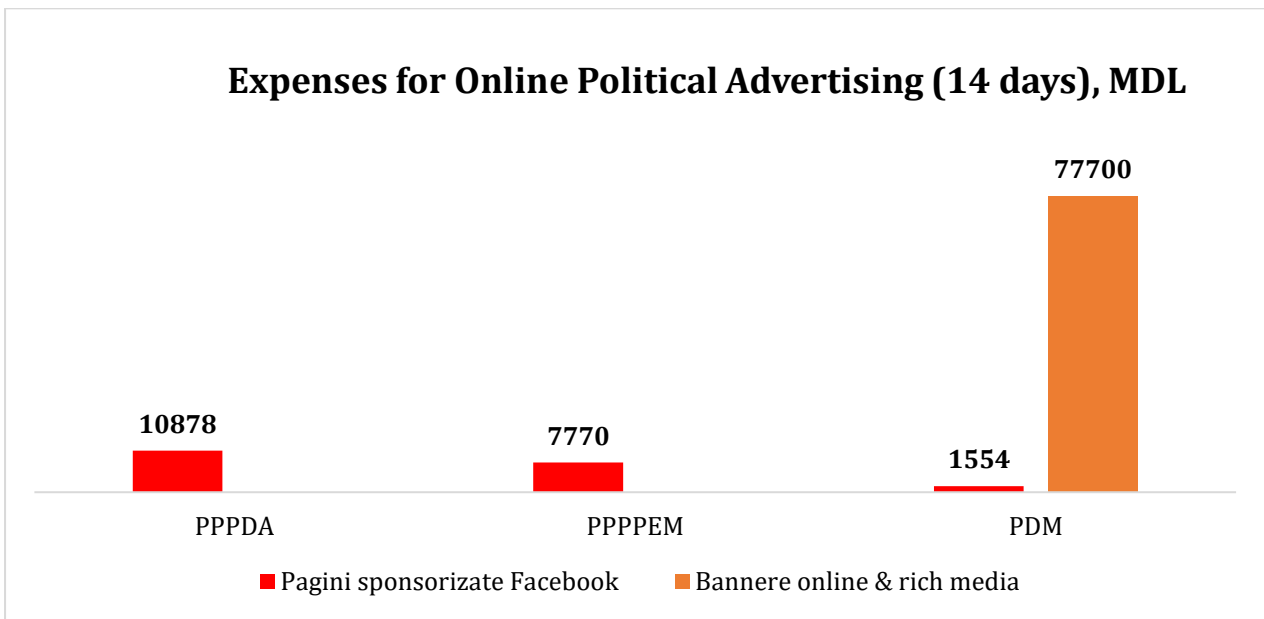
##### *h. Expenses for street and mobile advertising, policy with electoral tint*

According to Promo-LEX EOM verifications, the minimum monthly fee to place a street billboard of 6X3 m<sup>2</sup> is around MDL 6,660, a street billboard of 15X12 m<sup>2</sup>/20X10 m<sup>2</sup> - of at least MDL 20,200, a LED billboard - MDL 7,770, a city light 2x1,5m<sup>2</sup> or a street billboard of 1.8X2 m<sup>2</sup> - of at least MDL 2,220, a banner of 1.5X2 m<sup>2</sup> - of at least MDL 2,000, TV advertising in No 1 market network - 6 markets (for 30 days, 10 min a day, from 9:00 a.m. to 10 p.m.) - of MDL 144,330.

According to Promo-LEX observers, for the period indicated, 5 potential election candidates incurred expenses for street and mobile advertising. According to estimates, the expenses amount to at least MDL 1,159,148. Concerning PDM, Promo-LEX observers reported 24 street billboards, 147 city lights, 2 LED billboards, TV advertisements in No 1 market network - 6 markets (period - 30 days); concerning PL - 52 street billboards of 6x3 m<sup>2</sup>, 1 city light of 2x1,5m<sup>2</sup>; concerning PPPAS - 5 tents; concerning PPPDA - 1 street billboard of 6x3m<sup>2</sup>, 1 street billboard of 6x1m<sup>2</sup>, 1 city light of 2x1,5m<sup>2</sup> and 1 tent; concerning PPPPEM - 13 street billboards of 6x3 m<sup>2</sup>.

##### *c. Expenses for online advertising*

Over the period 14 - 29 September 2016, Promo-LEX EOM reported presence of online advertising on several portals, performed by 3 political parties that appointed election candidates (PDM, PPPPEM, PPPDA). Expenses for classic banners online placement were estimated at at least MDL 77,700, sponsored pages on Facebook - of at least MDL 20,202. (See)



*f. Gifts with electoral tint (other expenses rather than stated in financial statements)*

According to Promo-LEX EOM verifications, 1 set of bath towels - at least MDL 150, 1 LED TV - MDL 3,299, 1 set of sports equipment (T-shirt, shorts, sneakers) - MDL 600, 1 ice-cream - MDL 1.50.

Regarding PDM, the party that nominated a presidential candidate, Promo-LEX EOM estimated an amount of at least MDL 13,949 as expenses related to elections. Promo-LEX observers reported gifts, such as towels (by 2 to 22 persons), LED TV (1), sponsoring sports competitions.

Regarding PSRM, the party that nominated a presidential candidate, Promo-LEX EOM estimated an amount of at least MDL 15,000 as expenses related to elections. Promo-LEX observers reported gifts, such as sports equipment (20 sets, 1 set - T-shirt, shorts, sneakers), 2000 ice-creams.

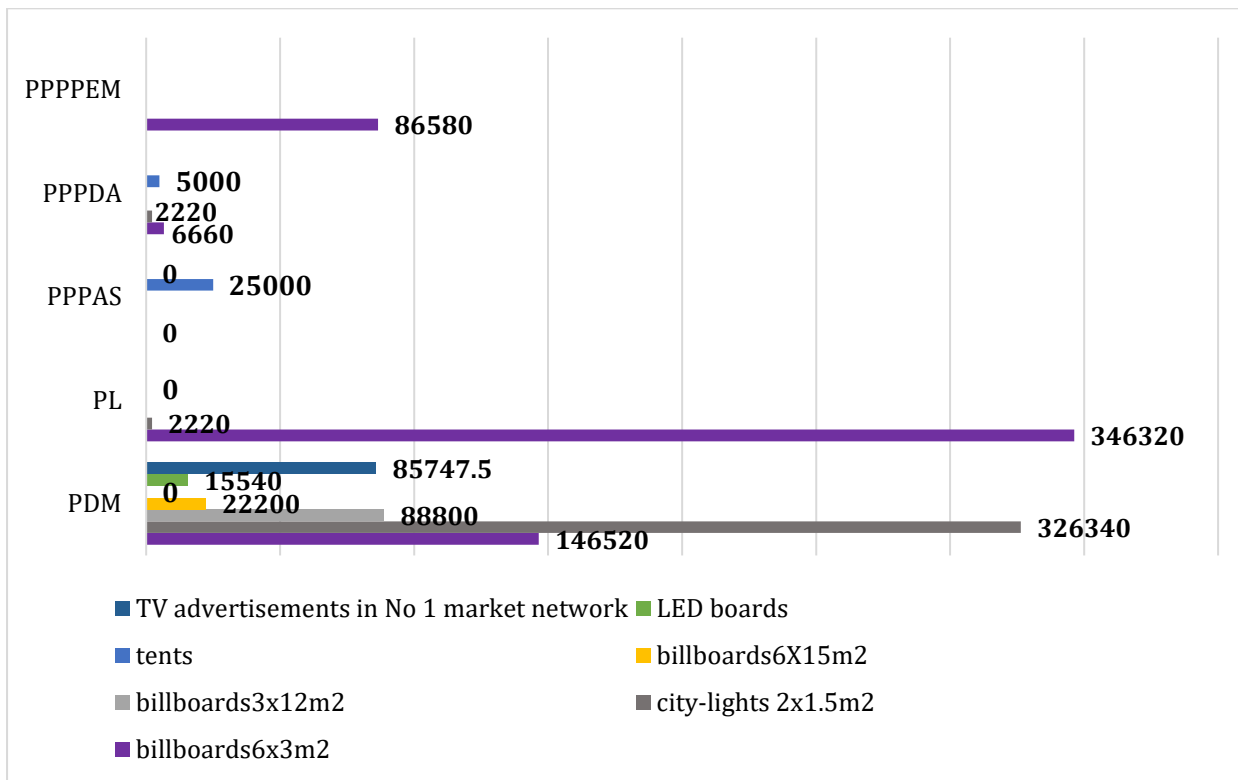


Figure. Estimated expenses for street and mobile advertising, policy with electoral tint

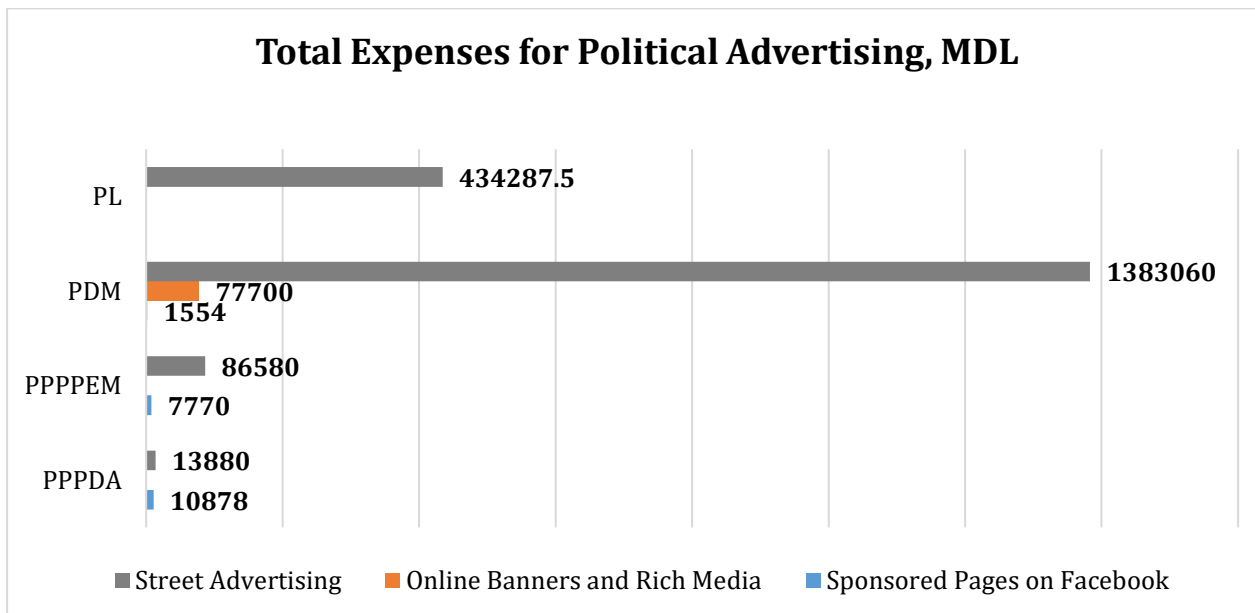


Figure. Total expenses for political advertising

We ascertain that over the period of collecting signatures, PDM has spent an amount of at least MDL 1,383,060 for political advertising.

## 5. CIVIL SOCIETY

### 6.1. Civic Education Activities and Electoral Implication

Promo-LEX EOM attests an activation of certain civil society associations with the upcoming presidential election of 30 October 2016.

According to Promo-LEX observers, during the reporting period, there were organised press conferences of the Resource Center for Human Rights on the topic “Drepturile cetătenilor prin prisma testului de evaluare a identității europene a prezidențiabililor și partidelor” (“Rights of citizens through the evaluation test of the European identity of presidential candidates and political parties”), of the Center for Investigative Journalism on the topic “Prezidențiale transparente: fortificarea abilităților jurnaliștilor de a monitoriza campania electorală din 2016 pentru alegerea șefului statului” (“Transparent presidential elections: strengthening the skills of journalists for monitoring the the 2016 presidential election campaign”), of Sputnik Press Center on the topic “Alegerea Președintelui Moldovei: societatea, statul, sănătatea națiunii” (“Election of Moldova’s President: the Society, the State, the Nation’s Health”), of Moldova’s Association of Sociologists and Demographers on the topic “Președintele Republicii Moldova în viziunea cetătenilor: abordare sociologică” (“President of the Republic of Moldova in its citizens' view: a sociological approach”).

Representatives of about 21 associations of Moldovan citizens settled abroad and some individuals have signed an open letter to CPA of RM with the subject of ensuring access to voting for representatives of Diaspora<sup>7</sup>. The letter requests: additional efforts on behalf of Moldovan authorities in communicating with citizens abroad on the subject of presidential election; opening of at least the same number of PS as in the 2014 parliamentary elections; permission to vote abroad with expired identity documents. In the previous compartments of this Report, Promo-LEX EOM has outlined its position regarding these issues.

## 6.2. Monitoring of Elections

Association for Participatory Democracy "ADEPT" presents in real time all the events related to the presidential election of 30 October 2016. To this end, a new compartment - Prezidențiale 2016 (2016 Presidential Election) - was created on the portal [www.alegeri.md](http://www.alegeri.md). The following activities are planned: to collect relevant information about the candidates, to publish the monitoring reports, to update the profiles of political parties etc. These activities are included in the plenary election monitoring and observation effort conducted by the member associations of the Civic Coalition for Free and Fair Elections "Coalition 2009".

Independent Press Association (API) and Centre for Independent Journalism (CJI) submitted on 4 October 2016 the first (out of 5) monitoring report of the media over the 2016 presidential election period. 28 media institutions, including 12 TV channels, 12 information portals and 4 newspapers are monitored. The monitoring period is 15 September – 13 November. The first report was submitted for the period 15 - 29 September. The Project has been realised under the Coalition for Free and Fair Elections.

## 6.3. The media

*The National Media* National media monitoring is an activity that is not included by Promo-LEX EOM in the observational methodology of the presidential election of 30 October 2016. However, for developing a plenary picture of the ongoing processes, we found it necessary to highlight the general trends in the national media.

The Community of Investigative Journalists RISE Moldova launched the platform “Prezidențiale 2016” (“2016 Presidential Elections”), where it published information about the candidates for President of the Republic of Moldova. The Center for Investigative Journalism conducted debates with the candidates in the 30 October 2016 elections: Marian Lupu (PDM), Mihai Ghimpu (PL), Iurie Leanca (PPEM). The IPN Agency held public debates under the cycle ‘Dezvoltarea culturii politice în debateri publice’ (“Developing political culture in public debates”), attended by representatives of non-parliamentary parties and NGOs, candidates for President of the Republic of Moldova: Artur Criotor, Valeriu Ghilețchi, Ilie Rotaru, Vitalia Pavlicenco, Ana Gutu. The Press Club “Rezonanța

<sup>7</sup><http://laparis.net/votare2016/>

socială” (“Social Resonance”) held a range of public debates with the candidates in the 30 October 2016 election: Dumitru Ciubasenco, Igor Dodon.

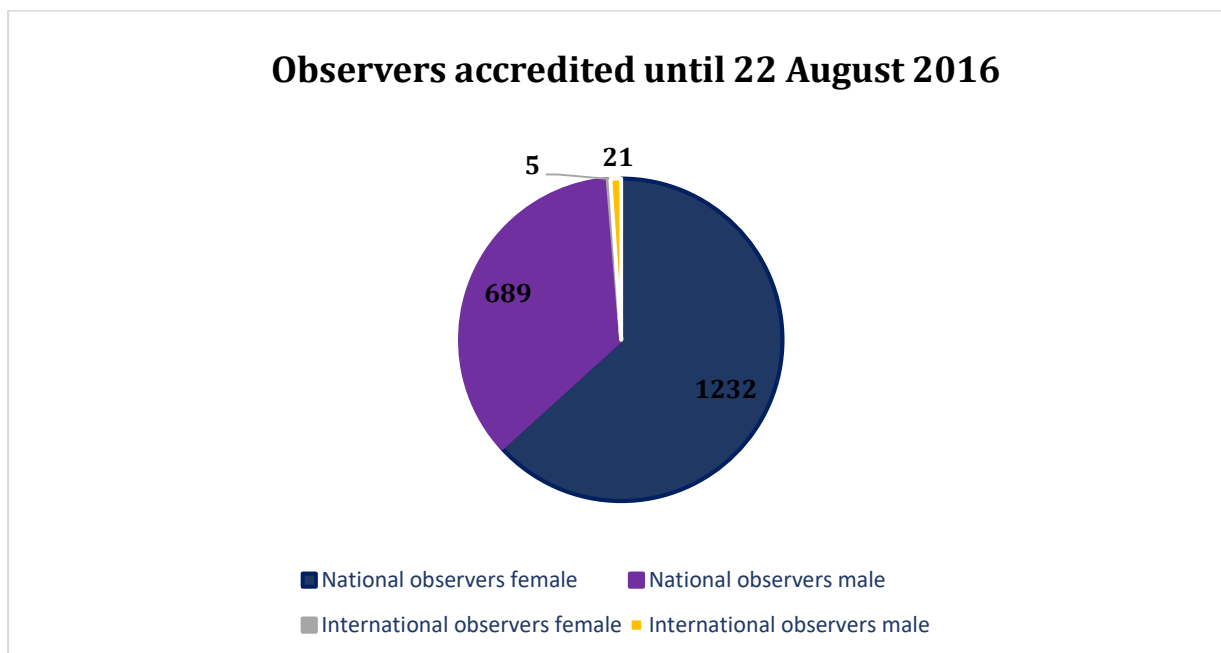
**The Local and Regional Media.** Referring to coverage of the 30 October 2016 presidential election campaign in the regional media, Promo-LEX observers noted the publication of at least 3 regional newspapers in 7 districts, which contained materials favouring the election candidates. 3 newspapers contained 6 articles favouring the candidate appointed by PPPN Dumitru Ciubasenco, 4 articles favouring the candidate appointed by PDM Marian Lupu, and 4 articles supporting the independent candidate Silvia Radu, 1 article supporting the candidate appointed by PL Mihai Ghipu. On 29 September 2016, Iurie Leanca was invited to the telecast “Ora locala” (“Local Time”) on the local TV channel “Media TV” from Cimislia.

## VII. ELECTORAL INCLUSION AND EQUAL OPPORTUNITIES

### 7.1. Gender Dimension

Promo-LEX MOA welcomes the signing on 19 September 2016 of the commitment on gender equality by 32 media institutions in the Republic of Moldova<sup>8</sup>. We believe that through this step the activity of covering the presidential election in the media will account for ensuring and promoting gender balance more strongly, thereby helping to improve the status quo in election inclusion.

By 4 October 2016, from the gender statistics perspective, 692 national observers (men) and 1,241 national observers (women), and 21 international observers (men) and 5 international observers (women) were accredited.



### 7.2. Integration of Voters with Special Needs

The RM Deaf community organized various events involving people with hearing impaired from 20 to 25 September 2016, on the occasion of International Day of People with hearing impairments, that is celebrated in the RM on the last Sunday of September<sup>9</sup>. A major problem touched upon by the

<sup>8</sup>[http://www.realitatea.md/angajament-de-promovare-a-egalitatii-de-gen--zeci-de-institutii-media-au-semnat-azi-documentul-in-cadrul-unui-eveniment-public---galerie-foto--video\\_45399.html](http://www.realitatea.md/angajament-de-promovare-a-egalitatii-de-gen--zeci-de-institutii-media-au-semnat-azi-documentul-in-cadrul-unui-eveniment-public---galerie-foto--video_45399.html)

<sup>9</sup><http://curentul.md/stiri/societatea-surzilor-din-moldova-sarbatoreste-ziua-internationala-a-persoanelor-cu-dizabilitati-de-auz.html>

members of Deaf Community is related to the RM presidential election. They feel discriminated because no candidate has any message translated into sign language. To this end, they demand inclusion. We note with regret that the series of events conducted did not include activities on promoting access to voting for people with visual impairments. Promo-LEX EOM notes the lack of mechanisms for sustainable communication between the electoral management bodies and associations of persons with disabilities in the RM, to promote their electoral inclusion.

### **7.3. National Minorities**

The Ethnic Festival, attended by about 45 ethno-cultural organizations in the Republic of Moldova, was organized on 18 September 2016 in Chisinau. Promo-LEX EOM notes that this event was an important opportunity that could be exploited by electoral management bodies to promote the international standards in electoral equality for national minorities in the context of the 30 October 2016 presidential election.

## **RECOMMENDATIONS:**

### **For the Parliament of the Republic of Moldova**

1. To approve the new wording for Article 181<sup>1</sup> of the Criminal Code regarding supplementation of the category of goods, the offering of which is prohibited, inclusion of a new paragraph that criminalises vote buying and apply this article for presidential election.

### **For the Government of the Republic of Moldova**

1. To increase the number of PS constituted outside the RM, in the following countries: Russian Federation (Moscow and Sankt Petersburg cities), Belgium, Ireland, Italy (Mestre and Parma cities) and Romania (Bucharest city). To waive the decreasing number of PS in the United Kingdom of Great Britain and Northern Ireland.
2. In accordance with the GRECO standards, the legislator should take measures aimed at limiting, prohibiting or otherwise strictly regulating donations from legal entities which provide goods or services for any public administration.
3. To connect the legal provisions which refer to punishment of illegal financing of electoral campaigns, namely Article 181<sup>1</sup> of the Criminal Code, and to presidential election.
4. To apply the legal provisions which refer to punishment of illegal financing of electoral campaigns, namely Article 181<sup>2</sup> of the Criminal Code, and to initiative groups collecting signatures for the candidate nominated in a national election and referendum.

### **For the Central Electoral Commission**

1. To decide explicitly and argument legally upon the right to vote and expired identity documents.
2. To establish a platform for sustainable communication with the societies of people with special needs (hearing, vision, locomotion, etc.) in the RM, for informing in real time about the electoral process news, and for receiving requests from them regarding the settlement of specific proposals for the represented segment.
3. To ascertain and evaluate/assess, in accordance with the guidelines of the Venice Commission, any unauthorized use of administrative resources by political parties or candidates as a financial contribution for funding the election campaign, and to request for it to be duly reported. At the same time, CEC should notify the relevant bodies.

### **For the Local Public Administration**

1. To avoid involvement in collecting signatures in signature sheets for certain IGs.

2. To be more responsible and politically impartial in the process of authenticating the signatures in signature sheets.
3. To avoid using administrative resources and public money in the interest of the party or to promote certain candidates.

**For Political Parties, Election Candidates and Initiative Groups:**

1. To train in advance sympathizing citizens with the right to vote, to include them into the electoral process: as observers, representatives with the right to consultative vote, members of the lower election bodies with the right to vote deliberatively. In this way, frequent changes in the composition of ECC and EOPS will be avoided, and a qualitative monitoring of procedures will be secured.
2. To avoid transfer of donations from legal entities - parties to the "Funds for Initiative Group" and "Electoral Fund" accounts, to ensure transparency of donations and of subjects who donated.
3. To recommend that IG/EC should record and report to the Central Electoral Commission all donations received, including in kind (materials), in accordance with the best practices of the Council of Europe.
4. To recommend that IG/EC should record and report all direct and indirect expenses during the election period, in accordance with the best practices of the Council of Europe.

**LIST OF ABBREVIATIONS**

para – paragraph  
 CPA – Central Public Administration  
 API - Independent Press Association  
 LPA – Local Public Administration  
 Art. - Article  
 ID - Identity card  
 CEC – Central Electoral Commission  
 ECC – Electoral Constituency Council  
 IC – Independent Candidate  
 CCET – Center for Continuous Electoral Training  
 CIJ - Independent Journalism Center  
 twp. – township  
 com. - command  
 Mr. – Mister  
 ENEMO – European Network of Election Monitoring Organizations  
 ET – Event Template  
 VT – Visit Template  
 IG – Initiative Group  
 let. – letter  
 m<sup>2</sup> – square meter  
 MFAEI - Ministry of Foreign Affairs and European Integration  
 EOM – Election Observation Mission  
 mun. – municipality  
 No – number  
 NGO – Non-Governmental Organization  
 UN – United Nations  
 t. – town  
 OSCE – Organization for Security and Cooperation in Europe  
 OSCE/ODIHR – OSCE Office for Democratic Institutions and Human Rights  
 LTO – Long Term Observer  
 STO – Short-Term Observer  
 PCRM – Party of the Communists of the Republic of Moldova  
 sct. – section  
 PDM – Democratic Party of Moldova  
 PL – Liberal Party  
 PLDM – Liberal Democratic Party of Moldova  
 PPD - Political Party DREAPTA  
 PPM – “Moldova’s Patriots” Political Party  
 PPPAS – Action and Solidarity Party  
 PPPDA – Dignity and Truth Platform Party  
 PPMSPR - Political Party Social-Political Movement Ravnopravie  
 PPEM – “People’s European Party of Moldova” Political Party  
 PPPN – Our Party Political Party  
 PSRM – Political Party “Party of the Socialists from the Republic of Moldova”  
 PVT – Parallel Vote Tabulation  
 QC – Quick Qualitative Vote Counting  
 d. – district  
 REO – Registry of Electoral Officials  
 RM – Republic of Moldova  
 SRV – State Registry of Voters  
 v. – village  
 PS – polling station

pr. – Print Run

TV – television

ATU – Administrative Territorial Unit

UATSN – Administrative Territorial Unit on the left bank of the Nistru River

u. – unit

USAID – United States Agency for International Development

ATUG – Autonomous Territorial Unit Gagauzia

**Annex 1.****List of candidates nominated/appointed for the position of President of RM**  
(list according to the date of registration of candidates)

No	Candidate	Appointment Date IG Establishment Date	IG Registration Date/No Decision	Date of submission of the registration request	Registration date: Registration date/No of Decision of Registration
1.	Marian Lupu (PDM)	31.08.2016	02.09.2016/nr. 159	03.09.2016	10 September 2016/No 236
2.	Mihai Ghimpu (PL)	31.08.2016	02.09.2016/nr. 153	06.09.2016	13 September 2016/No 245
3.	Iurie Leanca (PPPPEM)	31.08.2016	02.09.2016/nr. 155	09.09.2016	16.09.2016/nr. 255
4.	Andrei Nastase (PPPDA)	31.08.2016	02.09.2016/nr. 152	12.09.2016	18.09.2016/nr. 269
5.	Inna Popenco (PPMSPR)	07.09.2016	10.09.2016/nr. 227	19.09.2016	26.09.2016/nr. 303
6.	Dumitru Ciubasenco (PPPNN)	31.08.2016	02.09.2016/nr. 151	22.09.2016	29.09.2016/nr. 315
7.	Maia Sandu (PPPAS)	31.08.2016	02.09.2016/nr. 154	22.09.2016	29.09.2016/nr. 316
8.	Igor Dodon (PPPSRM)	31.08.2016	02.09.2016/nr. 156	23.09.2016	29.09.2016/nr. 317
9.	Vitalia Pavlicenco (IC)	04.09.2016	06.09.2016/nr. 180	29.09.2016	
10.	Silvia Radu (IC)	07.09.2016	10.09.2016/nr. 228	29.09.2016	
11.	Maia Laguta (IC)	08.09.2016	10.09.2016/nr. 232	29.09.2016	
12.	Ana Gutu (PP "DREAPTA")	31.08.2016	04.09.2016/nr. 177	29.09.2016	
13.	Roman Mihaies (IC)	03.09.2016	04.09.2016/nr. 179	29.09.2016	
14.	Ion Dron (IC)	31.08.2016	04.09.2016/nr. 175	29.09.2016	
15.	Vasile Tarlev (IC)	09.09.2016	10.09.2016/nr. 231	29.09.2016	
16.	Valeriu Ghiletschi (IC)	31.08.2016	04.09.2016/nr. 176	29.09.2016	
17.	Artur Croitor (IC)	31.08.2016	02.09.2016/nr. 159	N/P	
18.	Vadim Brinzan (IC)	07.09.2016	10.09.2016/nr. 226	N/P	
19.	Mihail Garbuz (PPPM)	31.08.2016	10.09.2016/nr. 229	N/P	
20.	Anatol Plugaru (IC)	08.09.2016	10.09.2016/nr. 230	N/P	
21.	Ilie Rotaru (IC)	03.09.2016	06.09.2016/nr. 185	N/P	
22.	Mihai Corj (IC)	31.08.2016	02.09.2016/nr. 157	N/P	
23.	Oleg Brega (IC)	01.09.2016	04.09.2016/nr. 178	N/P	
24.	Geta Savitcaia (IC)	07.09.2016	10.09.2016/nr. 233	N/P	