



FINAL REPORT



OBSERVATION
MISSION FOR THE
PRESIDENTIAL
ELECTION IN THE
REPUBLIC OF MOLDOVA
ON 30 OCTOBER 2016

Promo - LEX



Advancing democracy and human rights

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FOR THE PRESIDENTIAL ELECTION
IN THE REPUBLIC OF MOLDOVA
ON 30 OCTOBER 2016

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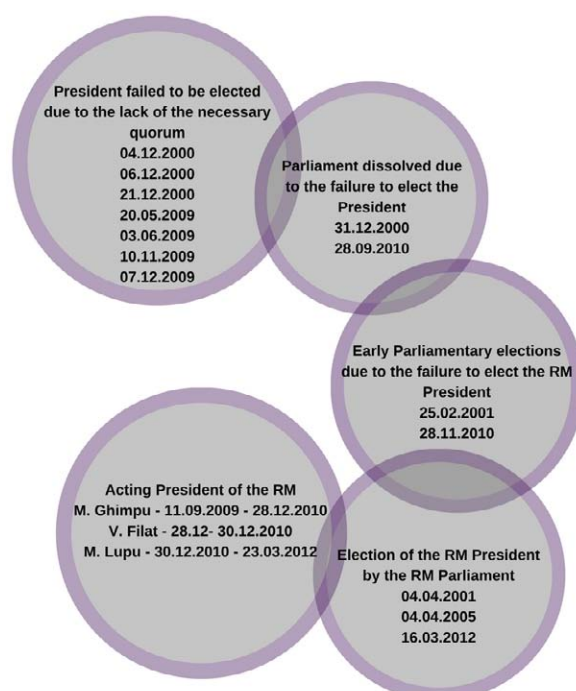
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INTRODUCTION

On 4 March 2016, the Constitutional Court of the Republic of Moldova (RM) adopted Decision No 7 on the constitutionality of certain provisions of Law No 1115-XIV of 5 July 2000, which had amended and modified the Constitution of the Republic of Moldova. The Court found that some of the amendments and changes to the Constitution in 2000 were violations of procedure and consequently the provisions of Law No 1115-XIV on the election of the President of the country were declared unconstitutional. In addition, Law No 1234-XIV of 22 September 2000 on the Election of the President of the Republic of Moldova and Law No 1227-XIV of 21 September 2000 amending the Electoral Code were also declared unconstitutional and the annulled provisions were reestablished. On 5 July 2000, the Parliament of the Republic of Moldova reviewed the Constitution of the Republic of Moldova taking Law No 1115-XIV into account and modified, inter alia, Article 78. Before that date the President had been elected by direct vote, but after these changes the Parliament of the Republic of Moldova was given the right to elect the President of the Republic of Moldova by the vote of three fifths of the MPs (61 MPs).

The 4-year mandate of the President of RM Nicolae Timofti, who had been elected by the Parliament, ran out on 23 March 2016. Pursuant to article 90(4) of the Constitution, within 2 months of the date on which the position of President of the Republic of Moldova becomes vacant, a new presidential election must be organised. However, due to the Constitutional Court Decision of 4 March 2016 reinstating the direct election of the President by Moldovan citizens, Parliament had to amend the legal framework regulating presidential elections. Since this task was complex, the 2-month period was exceeded, during which time President Nicolae Timofti stayed in office until the president-elect was sworn in (according to Article 80(2) of the Constitution).

Chart 1. Election of the President of the Republic of Moldova by direct voting



Over a 12-year period (2000–2012), MPs attempted to elect a President of the country ten times. Three times – in 2001, 2005, and 2012 – Parliament elected a President of the Republic of Moldova during the first round of voting. In 7 cases, the representatives of the people could not reach a consensus on the election of the president of the country. As a result, Parliament was dissolved two times, (in 2000 and 2010) and early parliamentary elections were organised. Presidents were in office for about 3 years – from 11 September 2009 until 23 March 2012.

By the Constitutional Court Decision of 4 March 2016, the Head of State is elected by the citizens of the RM by universal, direct, secret and free suffrage. On 1 April 2016, the Parliament of the Republic of Moldova adopted Decision No 55, whereby 30 October 2016 was set as the day of the presidential election in Moldova. This date was established with consideration of the Constitutional Court Decision mentioned above, along with Article 78 of the Constitution and Article 98(2) of the Electoral Code. It is worth mentioning that significant changes were made to the Electoral Code regulating the organization and conduct of presidential elections under the new conditions. In addition, with Decision No 206 on 29 July 2016 the Parliament of the Republic of Moldova established the beginning of the election period as 31 August 2016.

OBSERVATION METHODOLOGY

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



During its period of activity, Promo-LEX EOM monitored the electoral process in all constituencies of the Republic of Moldova with long-term observers (LTO). The mission involved 42 LTOs for the period from 5 September to 30 November 2016. On both election days (round I and round II), Promo-LEX EOM delegated one short-term observer (STO) to each of the 1,981 polling stations (PS) across the country. The Mission monitored the election abroad as well, at 44 PSs during the first round and 36 PSs during the second round. Promo-LEX EOM performed a parallel vote tabulation (PVT) in all PSs where it delegated observers.

Promo-LEX EOM observers were trained at seminars organized by the Mission and signed the Code of Conduct for Promo-LEX Independent National Observers¹, committing themselves to act quickly, in good faith and in a non-partisan manner. The activity of all observers was coordinated by a central team consisting of 36 persons.

¹ https://promolex.md/wp-content/uploads/2017/01/doc_1333025354.pdf.

Official and public information served as a source for the public reports of the Observation Mission, as well as observers' standardized reports, which were produced following random visits² to each community in an observer's area of responsibility and weekly visits to electoral constituency councils, and additional reports on events completed whenever observers noticed events that could be qualified as electoral. During the planned visits, observers collected information from discussions and meetings and by reviewing official documents. Information on the financing of election campaigns, signature collection and political activity by political parties is reported in their standardized financial statements, which were used to analyze both revenues earned and expenses incurred by participants in the electoral process and political parties.

Promo-LEX EOM is neither a partisan opponent to the electoral candidates running for President of the Republic of Moldova on 30 October 2016 nor an investigative body and does not assume the express obligation to support its findings by evidence. However, to the extent possible, observers' reports were accompanied by photo and video evidence that can be made available on request to law enforcement bodies only and never to election candidates. The Promo-LEX Election Observation Mission also manages the web platform www.electorala.monitor.md, where any citizen can report on activities that could be qualified as electoral. These are verified by mission observers during the next planned visit to the community where such activities were reported.

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

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Promo-LEX's previous experience in observing electoral processes. The Promo-LEX Association began monitoring elections in the Republic of Moldova with the parliamentary election of April 2009, when it had 7 observers in the Transnistrian region. Later, Promo-LEX monitored the early parliamentary election on 29 July 2009, sending LTOs to 6 ATUs (the Transnistrian region and its neighbouring districts), and STOs to 249 PSs on the day of the election. On 5 September 2010, Promo-LEX monitored the Republican Constitutional Referendum, involving for the first time a nationwide network of 42 LTOs in all second-level ATUs. STOs were also sent to 300 PSs across the country, designed to be a representative sample, and to 40 PSs abroad. From then on, Promo-LEX became the most important NGO monitoring electoral processes in the Republic of Moldova.

Promo-LEX monitored the early parliamentary election of 28 November 2010 in all the electoral constituencies of the Republic of Moldova, sending observers to every PS in the country on the day of the election. Promo-LEX accredited and worked with more than 2,500 national observers in all. As part of the same monitoring effort, it also performed a parallel vote tabulation (PVT), and a qualitative and quantitative quick count. The general local election of 5 June 2011, the parliamentary election in 2014 and the general local election of 14 June 2015 were monitored using the same methodology as the parliamentary election on 28 November 2010. The Promo-LEX Association also monitored local elections on 15 November 2009, 16 May 2010, 19 May 2013, 10 November 2013 and 11 May 2014.

2 The visits were planned in such a way that the LTO visits every settlement in the area of responsibility once during the period of signature collection, twice during the election campaign and once during the campaign for the second round of election.

In 2005, Promo-LEX became a member of the Coalition for Free and Fair Elections. In 2009, the Promo-LEX Association joined the European Network of Election Monitoring Organizations (ENEMO), and, in 2015, it was chosen to become member of the Board of that international organization. In 2010, Promo-LEX joined the Global Network of Domestic Election Monitors (GNDEM). In 2013, it became a founding member of the European Platform for Democratic Elections (EPDE).

Promo-LEX observers have gained international experience by participating in election and referendum observation efforts in other countries including Estonia, Georgia, Germany, Kosovo, Macedonia, Great Britain, Norway, Romania and Ukraine.

The calculation methodology used to estimate expenditures found by Promo-LEX Observers but not reported in candidates' financial statements

a) Expenses for office rental

Expenses for renting offices were calculated by multiplying the minimum monthly rental fee per square meter for the period of election campaign (Round I – 1.0 months, Round II – 1.5 months) by the total area of the offices used by an EC. The minimum rental fees were MDL 80 (in towns and suburbs of municipalities), MDL 100 (in Balti Municipality) and MDL 150 (in Chisinau Municipality).

b) Expenses for office maintenance services

The expenses for office maintenance services were calculated by multiplying the minimum monthly fee for electricity for one office (MDL 110), water (MDL 60), and gas (MDL 30), by the number of offices belonging to each EC and by an activity period of 1.0 months (Round I – 1.0 months, Round II – 0.5 months).



c) Expenses for landline and mobile telephone services and internet

The expenses for landline phone services and internet were calculated by multiplying the number of offices used by each EC, as reported by Promo-LEX observers, by the minimum monthly fee for these services (landline phone – minimum fee of MDL 6, internet per office – a fee of MDL 180), and by an activity period of 1.0 months.

d) Expenses for remuneration for work

Payroll expenses were calculated by Promo-LEX EOM by multiplying the minimum guaranteed salary in the real sector for 2,016 (MDL 2,100 per month) by the number of employees reported by Promo-LEX observers and by the length of the election campaign.

e) Expenses for rewarding volunteers/campaigners and observers on Election Day

Expenditures for rewarding volunteers were calculated by multiplying the number of volunteers for each EC with the specific reward reported by Promo-LEX observers. The involvement of at least 6,090 volunteers in the daily campaigning activity of 10 ECs and rewards of MDL 100–300 were reported. The minimum amount of compensation reported, MDL 100, was used as the basis for the calculation. Expenses for observers were calculated based on the specific rewards that partisan observers reported to Promo-LEX observers, and, for the candidates who did not report it, based on the minimum value reported, MDL 200.

f) Transportation expenses

The calculation formula consists of an average fuel consumption of 9 l / 100 km (car), 10 l / 100 km (minibus), 35 l / 100 km (bus) multiplied by the distance travelled and by a fuel price of MDL 16.6/l.

g) Expenses for promotional materials

The calculation of these expenses was done by multiplying each type of promotional product reported by Promo-LEX observers by the minimum estimated market prices. According to Promo-LEX observers, the minimum estimated monthly price for one A3 glossy paper poster is MDL 2.5 at a print run of 5,000 copies; for 1 A3 color glossy paper calendar – MDL 2.5; for one A4 matte paper poster – MDL 0.5 at a print run of 15,000 copies; for a brochure/book of 110 pages – MDL 49.9; for one newspaper – MDL 0.48 at a print run of 100,000 copies; for one 21x20 cm² flyer – MDL 2; for one door hanger at a print run of 200,000 copies, glossy paper – MDL 2.5; for one 10x12 cm² folding leaflet – MDL 0.5 at a print run of 300,000 copies; and for one 10x12 cm² folding leaflet at a print run of 50,000 copies – MDL 1. One balloon with a message and logo costs MDL 2.5, 1 magnet with a message and logo – MDL 3.5, one A5 flyer – MDL 0.5, and one 9x11.5 cm² transfer picture – MDL 3.

h) Expenses for advertising in local/regional print media

The calculation of the expenses for advertising in print media was done by multiplying each newspaper advertisement reported by Promo-LEX observers by the minimum market prices. According to Promo-LEX observers, the minimum price for a 1 cm² advertisement in a publication/newspaper was MDL 3.70.

i) Expenses for public events

Expenses for public events include promotion in the media, artists' fees, and the costs for renting venues, stages, sound equipment, etc. The basis for calculating the expenses for election events/concerts was the fee of each artist (market rate) to perform for a potential EC multiplied by the actual working time of the event.

j) Expenses for outdoor and mobile advertising

According to data gathered by Promo-LEX EOM, the minimum monthly fee to place one billboard of dimensions 6×3 m² is at least MDL 6,660, one billboard of dimensions 15×12 m² / 20×10 m² – at least MDL 20,200, one LED billboard – MDL 7,770, one billboard of dimensions 1.8×2 m² – at least MDL 2,220, one banner of dimensions 1.5×2 m² – at least MDL 2,000, and TV advertising in 6 markets in the Nr.1 supermarket chain (for 30 days, 10 minutes a day, from 9:00 a.m. to 10:00 p.m.) – MDL 144,330.

k) Expenses for online advertising

The formula for calculating the costs of sponsored pages on Facebook is the number of days on which the advertisement was observed multiplied by a cost per sponsored post of EUR 5 (MDL 111). The costs for online banners were calculated by multiplying the number of online advertising companies that own the platforms presented below by the price of EUR 3,500/month (MDL 77,700).

SUMMARY

The presidential election in the Republic of Moldova on 30 October (13 November) 2016 was conducted by universal suffrage for the first time since 1996. The election took place in 2 rounds separated by a period of two weeks. The election was competitive, partially free and satisfactorily organized. A total of 12 candidates, who reflected the political pluralism of society, entered the race. The free nature of suffrage was affected by restrictions on the ability of citizens abroad to cast their votes, as well as limits on opportunities for voters to form their own opinions in a campaign characterized by negative PR and the manipulation of public opinion, and by vote buying and the use of administrative resources. Overall, the procedural administration of the electoral process was transparent and in accordance with legislation.

The legal framework for presidential elections was adopted by virtue of the Constitutional Court Decision on 4 March 2016, in opposition to the principle of stability of electoral law stipulated by the European Commission for Democracy through Law, according to which, "if the electoral law is amended, the old system will apply to the next election – at least if it takes place within the coming year – and the new one will take effect after that."

The legal framework for presidential elections was approved hastily, with certain ambiguities and gaps in regulation, but with enough time and content to allow for democratic elections. In general, the legislation conforms to democratic norms. Despite this, Promo-LEX EOM draws attention to a number of problematic situations in the following areas: signature collection by initiative groups (IGs); the simultaneous start of all candidates' election campaigns; the exercise of the right to vote and validity of identity documents; the financing of election campaigns and IG activity; the applicability of sanctions for corrupting voters; the insufficient regulation of campaigns for the second round of elections; the accessibility of voting procedures for citizens abroad; and the legal regulation of organised voter transportation.

On 17 June 2014, the Parliament of the Republic of Moldova belatedly appointed a new nominal membership of CEC after 4 failed attempts. The mandate of the previous committee had expired on 11 February 2016. Regardless, the CEC organised and conducted the election in a predominantly transparent and orderly manner. There were certain organisational oversights related to: the fulfillment of CEC duties (overlooking initiatives from within, the non-uniform application of sanctions, etc.); the quality of the voter lists; the functioning of the State Automated Information System ("Elections" SAIS) on Election Day; adherence to the work schedule by certain electoral bodies; access for persons with disabilities; the organization of voting for citizens on the left bank of Nistru River; and the provision of heat and power at PSs on Election Day.

Lower electoral bodies were created by the deadlines established by law, except for the PSs abroad. These polling stations were set up by the CEC in response to a proposal by the Government with a slight delay. The distribution and the number of PSs opened abroad was among the most talked-about issues of the election because of the shortage of ballots in at least 13 PSs abroad during the second round of the election. Although the CEC was not directly responsible for the number of PSs opened, it never addressed this issue with the Government during the election campaign.

The electoral authorities made efforts to provide general and apolitical information to voters encouraging them to go out and vote on Election Day. Motivational video spots, including in minority languages, were created. Meetings with the diaspora were organised. Planned training for electoral officials and for other participants in the electoral process (who requested it) was conducted. Both men and women were actively involved in decision-making at all levels of the electoral administration. An effort was made to communicate with voters with disabilities (hearing, vision, locomotive disabilities, etc.) in order to increase their participation in the election.

The quality of the data in the State Registry of Voters (SRV) and of the contents of the voter lists remains an issue with a high risk of invalidating the electoral process. We found several common issues: the insufficient transparency of the mechanism for counting the number of voters; the continued presence of the names of deceased people on the SRV; inconsistencies between the addresses in the SRV and those in voters' identity documents.

"Elections" SAIS had already been used in three elections. We have found that it is getting progressively better. This system has allowed multiple voting to be prevented and given the CEC the ability to monitor voter turnout online. Still, technical problems with "Election" SAIS indicate that it is not yet that transparent enough to inspire trust from society.

The registration of candidates was conditioned on the collection of signatures on signature sheets, a mandatory task for all nominated candidates. This procedure was harder for independent candidates to complete. This system created circumstances that, (though in compliance with the law) allowed certain candidates to launch their campaigns before others. Twelve election candidates were registered initially, but one of them was later deregistered because of incomplete financial reporting, and 2 other candidates withdrew from the race.

The presidential election campaign, unlike other types of elections, had a pronounced personal character. This feature was mostly latent, but grew in intensity before the second round of the election. During the first round of the election campaign, Promo-LEX EOM found a series of cases in which administrative resources were used and electoral gifts were given by election candidates. The second round of the campaign was characterized by denigrative and manipulative material, discriminative messages and attitudes, and the involvement, in violation of the law, of religious organisations in campaigning.

Promo-LEX EOM found a relative increase in the degree of transparency in the financial reporting of election candidates. The Mission still believes, however, that election candidates do not report all their expenses in the financial statements they submit to the CEC. We also draw attention to the growth of the ceiling for funds able to be transferred to candidates' accounts, even though the lower ceiling for the previous election was not reached. Excessive expenditures were made for advertising.

The national mass media reported on the presidential campaign at length, with local and regional media becoming involved to a lesser extent. The majority of media institutions were assessed as biased by the state authorities responsible for audiovisual communication, as well as by observers. In the opinion of Promo-LEX EOM, the penalties imposed were not severe enough to hold broadcasters accountable, as was proven by the broadcasters' later conduct.

Electoral bodies accredited 4,035 national and international observers, of whom 2,720 were Promo-LEX Association observers. With a few exceptions, the activity of Promo-LEX observers was not restricted not during the election campaign or during voting. Promo-LEX EOM regrets that some observers were subjected to physical aggression during the election. Most candidates did not manage to send observers to each PS.

National legislation provides for the possibility of reporting electoral violations and specifies procedures for doing so. Most complaints were filed after the second round of the election and referred to limitations on the right to vote for citizens of the Republic of Moldova abroad.

Promo-LEX EOM has formulated a series of recommendations meant to improve the electoral process. They are intended in good faith and are based on the concerns of the Mission's observers, and mostly indicate where direct intervention is necessary without imposing specific solutions.

ELECTION OBSERVATION DURING THE ELECTION PERIOD

I. LEGAL FRAMEWORK

Since the last election in the Republic of Moldova (on 14 (28) June 2015), Parliament approved several laws modifying the Electoral Code. In Law No 71 from 14 April 2016, Law No 134 from 17 June 2016, Law No 147 from 15 July 2016 and Law No 102 from 21 July 2016, Parliament made several improvements to the legal framework for elections, most importantly creating the necessary conditions for organizing and conducting presidential elections in Moldova. Title IV – dedicated fully to presidential elections – was reintroduced into the Electoral Code, after having been supplemented with certain articles establishing electoral procedure rules, so that they are applicable to the election of the president of the Republic of Moldova.

During the monitoring period, Promo-LEX EOM identified a number of legal concerns. Solving them would prevent and overcome certain risks that could jeopardize the proper conduct of voting procedures. The purpose of the Mission was, among other things, to hold both the administration of the election and the electoral candidates accountable for following legal provisions in their activity. The most relevant legal problems were:

No incompatibility for IG members. During the monitoring of the activity of the initiative groups, Promo-LEX EOM found that the Electoral Code and the Regulations governing the activity of IGs do not stipulate the conditions of incompatibility for the members of the initiative groups and their leaders. Promo-LEX EOM findings show cases in which public and administrative officials – IGs members and/or leaders – could take advantage of their position to influence the process of collecting signatures.

The collection of signatures by unauthorised persons. While monitoring signature collection, Promo-LEX observers identified many cases in which unauthorised persons – persons who were not members of IGs and who did not introduce themselves as the empowered representatives of candidates – collected signatures. Moreover, some stated that they had been sent by the mayor's offices. Both the Electoral Code and the Regulation on Signature Sheet Completion, Authentication, Presentation and Verification stipulate who is authorised to collect signatures. With regards to the candidates themselves and IG members, the situation is clear, but this is not the case for the definition of empowered persons. It is impossible to identify and/or check the documents of these people or to monitor how many of them there are. Promo-LEX EOM believes that, in order to ensure fair conditions for all candidates, the number of people authorised to collect signatures should be limited, and that the CEC should be the only body able to authorise them.

The authentication of signature sheets by the LPA. The Electoral Code provides that the signature sheets shall be authenticated by the LPA. This means by default that Moldovan citizens on the left bank of Nistru River and those abroad are deprived of the possibility to sign for a candidate for either presidential elections or for other types of elections. For the citizens of the Republic of Moldova in districts on the left bank of Nistru River, authenticating collected signatures is impossible because the authorities of the Republic of Moldova do not have control in that region. For the Moldovan citizens abroad, this procedure is practically impossible.

Moreover, based on the presidential election of 2016, Promo-LEX EOM found, after the signature sheets had been verified by the CEC, more than 8 thousand cases of mismatches between the domicile of the people who signed and the communities where the signatures were collected. However, the local authorities that had checked the lists had no objections and either ignored the mistakes intentionally or due to inattentiveness. This fact shows the inefficiency and irrelevance of this local responsibility, at least for national elections.

Signatures in support of several candidates. When the signature sheets were submitted and checked, the CEC found that repeated signatures by one person in support of several candidates running for president.



Article 42(5) of the Electoral Code states that: “Each voter may sign a signature sheet in support of only one candidate during an election”. To elaborate on this provision, the CEC adopted the Regulation on the Signature Sheet Completion, Authentication, Presentation and Verification, which states in Item 8 that: “If the voter supported several candidates, only the signature applied first according to the date on the signature sheet is considered valid, [...]”.

By established the date of the signature as the criterion for identifying the first signature applied, in practice the CEC could confront a situation in which it receives, checks and subsequently registers an election candidate for whom some supporters had signed after signing for other candidates. In such cases, the date when the files were submitted to the CEC for verification and the election candidate registered prevails over the date indicated on the signature sheets.

The length of the election campaign. National legislation creates unfair conditions for the candidates for the position of President of the Republic of Moldova who submit their signature sheets

at different times. The Electoral Code stipulates that all documents, including the signature sheets, must be submitted to the CEC at least 30 days before the date of the election. The central electoral body has 7 days to register or to refuse to register candidates. In fact, on the last day when documents were being accepted, 8 candidates submitted their registration requests to the CEC. Four of them were registered and entered the electoral race but had 7 fewer days to promote their electoral programs. We also found that the date on which the campaign for the second round of elections starts is uncertain.

Gaps in the regulation of the establishment of electoral blocks after the deadline for nominating candidates. On 21 October 2016, the PPPDA candidate, Andrei Nastase, left the electoral race in favour of the PPPAS candidate, Maia Sandu. On 24 October 2016, the PLDM political council unanimously voted to support Maia Sandu as the common candidate of PPPAS and PPPDA for the President of the Republic of Moldova. During the election campaign, Maia Sandu, appointed by PPPAS, became the common candidate for three parties: PPPAS, PPPDA and PLDM.

We found that the establishment of alliances and unions after the deadline for nominating candidates is incompletely regulated. The Electoral Code does not stipulate terms or describe in detail the registration procedure for electoral blocks. The guidelines on the details of the registration of electoral blocks for presidential elections establish in Item 5 that the documents for registering electoral blocks must be filed with the CEC at least 50 days before the election. For parliamentary elections, which are similar to presidential elections from the standpoint of organization and conduct, the CEC allows a longer period, equal to the period for candidate nomination. Based on this argument, we believe that a period of 50 days for the registration of electoral blocks for presidential elections is detrimental and we believe it necessary to apply uniform rules to all types of elections³.

The publication of personal data the annual reports on the financial management of political parties submitted to the Central Electoral Commission. According to Article 3 of the Law on Personal Data Protection, personal data are defined as any information related to an identified or identifiable individual. An identifiable person is someone who can be identified, directly or indirectly, by reference to an identification number or to one or more specific physical, physiological, mental, economic, cultural or social features. An IDNP and residence, or a year of birth and a workplace can be qualified as personal data and should therefore be protected.

The Law on Personal Data Protection was passed on 8 July 2011. Although this law was in force during the parliamentary election in 2014, donors' workplaces were disclosed to the public. We note that, after the publication of journalistic investigations raising questions on the origin of large amounts of money belonging to certain public employees, this information became secret in financial statements filed with the CEC for the local election of 2015 and for the presidential election of 2016.

Nonetheless, public interest prevails with regard to information about donors' workplaces superimposed on the amount of money donated, and this information should therefore be made public in order to ensure the transparency of election campaign financing.

Contracting the services of foreign business entities during the election campaign. In principle, the Electoral Code does not explicitly prohibit the purchase of foreign products/services used for campaign purposes. Consequently, we recommend supplementing the regulatory framework in order to establish an explicit regulation on the ability of a non-resident to become involved in election campaigns under contract. We refer to Article 47(21) of the Electoral Code prohibiting any form of involvement by individuals who are not citizens of the Republic of Moldova in campaign

3 https://promolex.md/wp-content/uploads/2016/10/RAPORT_nr.4_electoral_2016_oct.pdf (p.9).

actions. At first sight, this provision refers only to individuals, not to legal entities, as is in the case of the Romanian printing press hired by Mihai Ghimpu.

The exercise of the right to vote and expired identity documents. The right to vote is not included in absolute rights. A non-absolute right can be restricted, with Parliament enjoying a large margin of appreciation in its regulation.

According to Article 53(3) of the Electoral Code, voting must be carried out using one of a limited list of identity documents. Article 5(1)(d) of Law No 273 of 9 November 1994 stipulates that identity documents are declared invalid when their period of validity expires. Because voting with expired ID is possible, Promo-LEX EOM calls attention to the fact that, according to Article 9(1)(i), the use of expired identity documents constitutes a violation of law. Nevertheless, the CEC allowed citizens abroad vote using expired passports.

Campaigning in penitentiary institutions. According to RM law, people condemned to prison have the right to vote and, just like the rest of the population, they are entitled to the right to information stipulated in Article 34 of the Constitution.

Promo-LEX EOM found that the current regulatory framework does not regulate the particular ways in which election campaigns can be conducted in penitentiaries. For this reason, in the whole electoral experience of Moldova, detainees have been ignored to a great extent by election candidates and, therefore, have voted without having been well informed about electoral platforms.

Voting conditions for students and pupils. Title IV of the Electoral Code, which regulates special conditions for the organisation and conduct of presidential elections, makes no exceptions for and does not take students and pupils into account in any way. Students can vote in parliamentary elections using their student/pupil identification card. This difference exists even though presidential and parliamentary elections are similar in terms of organisation.

Promo-LEX EOM believes that the legal regime for students/pupils with the right to vote should be general and applicable to all voters, and the special conditions for parliamentary election should be excluded.

Uncertainties regarding the status of "Elections" SAIS operators as participants in electoral operations. Promo-LEX EOM notes certain issues regarding the status of "Elections" SAIS operators as participants in electoral operations. They need to be included in the category of persons authorized to assist electoral operations, as defined in the Electoral Code. This is the third electoral cycle during which the Code has not regulated the status of the operators. The provisions of the Regulation on the Operation of Polling Stations are not sufficient. The status of "Elections" SAIS operators needs to be regulated, by a separate act, particularly in regard to: their rights and obligations, incompatibility, mechanisms, and employment terms. In the absence of restrictions, for instance, a member of a political party taking part in an election could also be a participant in the election operations of "Elections" SAIS.

The calculation of votes cast in support of candidates. Promo-LEX EOM draws attention to certain legal provisions regarding the calculation of the percentage value of the votes cast in support of election candidates that leave room for interpretation. The fact that the word "valid" does not precede the word "votes" in Article 110(1) of the Electoral Code reduces the certainty of this legal rule. It could be understood as the calculation of the percentage value of the total number of votes cast by voters. The use by the legislator of the phrases "valid votes" and "votes" for similar situations is a strong indication that the votes declared invalid could be interpreted as votes as well and thus included in the calculations.

In order to better demonstrate the risk of an erroneous interpretation and incorrect application of the aforementioned rule, we will provide some examples from the first round of the election in 2016. A possible calculation based on the formula deduced from the current version of the Electoral Code would diminish the percentage value of the score registered by the candidate Igor Dodon by 0.74%, and of the candidate Maia Sandu by 0.59%. Taking into account the closeness of one candidate to 50% of the vote, we can see that this difference in calculation is essential and can even be decisive.

The term within which the Constitutional Court confirms the validity of the election. Uncertainties and different opinions regarding the 10 days that the Constitutional Court takes to validate elections were sparked immediately after the second round of the presidential election. The phrase “but not before the final settlement of complaints by courts of law” in Article 111 of the Electoral Code is not very explicit and leaves room for interpretation regarding whether the examination of complaints by ordinary courts is included in the 10 days belonging to the Constitutional Court. The procedures for examining complaints in ordinary courts may leave too little time for the Constitutional Court to look into all the materials submitted by the CEC.

Besides the problems described above, Promo-LEX EOM draws the attention of the authorities and election candidates to several legal deficiencies and violations of the electoral legislation, such as: a) the registration of the residence of the candidate running for the position of the President of the Republic of Moldova in the signature sheets; b) the adjustment of the most recent Russian version of the Electoral Code, using the Romanian version as a reference; c) limits on citizens in voting at their residence (ballot boxes); d) the publication of personal data by some election candidates; e) the violation of the CEC Decision on the establishment of the place and time for receiving the documents required for registering initiative groups and candidates for the position of President of the Republic of Moldova; f) the use of national and international symbols during the signature collection campaigns⁴.

II. ELECTORAL BODIES

Lower level electoral bodies were set up in conformity with electoral legislation. The new membership of the Central Electoral Commission was confirmed by the Parliament of the Republic of Moldova late, which added to suspicions regarding the impartiality of the CEC. Again, no electoral bodies were set up for Moldovan citizens from the Transnistrian region. The registration of candidates took place, in general, as prescribed by law. During the election campaign, the CEC examined complaints that were filed only and did not take the initiative with regard to certain issues relevant to the electoral process. Information campaigns were visible, targeting all voters as well as specific groups (persons with disabilities, national minorities, the diaspora), but they did not have the expected impact on certain issues: preliminary registration, reporting of new domiciles, etc. Electoral training conducted by the Center for Continuous Electoral Training (CCET) in collaboration with the CEC have insured a good preparation of electoral officials overall.

⁴ To find out more, look into the intermediary 2016 presidential election monitoring reports developed by Promo-LEX EOM: <https://promolex.md/category/publicatii/monitorizare-procese-democratice/>

II.1. The Activity of the Central Electoral Commission

Decisions by the Central Electoral Commission. In order to create the necessary conditions for the conduct of the presidential election, on 23 August 2016, the CEC approved the schedule for the organization and conduct of the Moldovan presidential election of 30 October 2016. To observe the schedule during the election period, CEC adopted 302 decisions regulating different aspects of the electoral procedures.



In particular, the CEC approved regulations and guidelines, made amendments and changes to existing regulations, registered IGs in support of candidates running for president, established the ceiling for the funds that can legally be transferred to “Initiative Group Fund” accounts, registered candidates running for president, established a general ceiling for the funds that can be legally transferred to “Electoral Fund” accounts, set up the second-level electoral constituencies, examined accreditation applications filed by national and international observers, established the Protocol Office for International Observers, established the order of election candidates on the ballot paper, approved the template and contents of the presidential election ballot, commented on candidates’ complaints, in addition to making decisions on other important aspects regarding the smooth conduct of the election.

Also, to ensure a smooth presidential election with good conditions, the CEC adopted Decision No 237, whereby it established additional responsibilities for certain central public administrative authorities, local public authorities as well as for certain institutions. To this end, the CEC sent this Decision to the Ministry of Economy, the Ministry of Internal Affairs, the Ministry of Foreign Affairs and European Integration, the Ministry of Information Technologies and Communications, the Ministry of Transport and Road Infrastructure, the Intelligence and Security Service, the Civil Status Office, the National Regulatory Agency for Electronic Communications and Information Technology – IS “Centrul de Telecomunicații Speciale”, SA “Moldtelecom” and to the local public administrative authorities so that they could appoint people to working together with electoral bodies and candidates.

After the first round of the presidential election – by Decision No 516 of 2 November 2016 – the CEC took note of the voter turnout on 30 October 2016. The CEC found that the number of voters on the main electoral lists was 2,812,566 voters, the number of voters on the supplemental lists was 117,128, and the total number of voters who actually voted was 1,440,733 voters. Therefore, the voter turnout was 50.95%, i.e. more than one third of the number of people on the voter lists, and the Moldovan presidential election of 30 October 2016 was declared valid.

In addition, on 2 November 2016, the CEC adopted Decision No 517, whereby it established that none of the candidates for the position of President of the Republic of Moldova received half the votes cast in the first round of the election. The CEC therefore organized a second round of elections between the two candidates who received the most votes during the first round: Igor Dodon, nominated by the “Socialist Party of the Republic of Moldova” (PPPSRM), who obtained 680,550 votes, and Maia Sandu, nominated by “Action and Solidarity Party” (PPPAS), who obtained 549,152 votes. The contents and template of the ballot paper for the second round on 13 November 2016 were also approved.

The final results of the presidential election were officially made public by the CEC in Decision No 571 of 18 November 2016 summarizing the results of the second round of the Moldovan presidential election on 13 November 2016. The CEC declared candidate Igor Dodon (PPPSRM) the winner of the race, as he got the most votes in the second round of elections – 834,081 votes. This decision was sent to the Constitutional Court in order to have the election results confirmed and the mandate of the President of the Republic of Moldova validated.

On 18 November 2016, the CEC adopted Decision No 572 approving the Report on the Results of the Moldovan Presidential Election on 30 October 2016, which was also sent to the Constitutional Court.

The registration of candidates. The CEC received the registration applications and signature sheets of 16 nominated candidates. After the signature sheets were verified, 4 candidates were not registered. Promo-LEX EOM asked the CEC for information on the results of the examination of the signature sheets submitted by the candidates running for president on 30 October 2016. After analyzing the data provided, the following conclusion were drawn:

- all 4 candidates who were not registered⁵ were rejected because they could not provide enough signature sheets as required from level-two ATU, and therefore the criterion for the minimum number of signatures was not fulfilled;
- the signature sheets with the least errors were submitted by election candidate Valeriu Ghiletschi (96.19% of the signatures were valid), while those with most errors were submitted by Mihai Ghimpu (76.52% of the signatures were valid);
- the most common reason why signatures were annulled was that the signatures belonged to people who did not reside in the respective territory (8,652 cases). Promo-LEX EOM also draws attention to the fact that the head of the LPA said nothing about signature sheets with errors. Considering that public authorities are supposed to be the first to find such errors, we thus concluded that the LPA representatives checked the signature sheets only superficially;
- other violations that invalidated signatures were: the same signatures on the same sheets or on different sheets (2,385 cases); the date when the signature was affixed did not match the signature collection period (577 cases); the names of deceased persons were registered on the lists as having signed (138 cases); the signatures belonged to people who were not yet 18 years old when they signed (76 cases), etc.

5 Ion Dron (IC); Roman Mihaes (IC); Vasile Tarlev (IC); Vitalia Pavlicenco (IC).

Table 1. The accuracy of the signature sheets submitted by registered candidates

No	Name and surname of the nominated candidate	Valid signatures as a percentage of all validated signatures (%)
1.	Valeriu Ghiletschi (IC)	96.19
2.	Silvia Radu (IC)	94.94
3.	Igor Dodon (PPPSRM)	93.23
4.	Dumitru Ciubasenco (PPPN)	93.05
5.	Marian Lupu (PDM)	91.63
6.	Ana Gutu (PP DREAPTA)	90.66
7.	Andrei Nastase (PPPDA)	89.19
8.	Maia Sandu (PPPAS)	88.83
9.	Iurie Leanca (PPPPEM)	83.48
10.	Maia Laguta (IC)	81.52
11.	Inna Popenco (PPMSPR)	79.41
12.	Mihai Ghimpu (PL)	76.52

The State Registry of Voters/ voter lists. The quality of the data in the SRV is still an issue that puts the electoral process at a risk of being corrupted. Before the election campaign started, the CEC presented data from the SRV on the number of voters several times (Table 2). Promo-LEX EOM draws attention to the fact that how the information was shown – the presentation of the data without any explanatory comments, the continued growth in the number of voters, and the number of voters without residence – has caused society to distrust the integrity of the voter lists and, therefore, the entire electoral process.

Table 2. Information from different sources on the number of citizens eligible to vote

	Total population, including ATUs on the left bank of Nistru River	Total population, excluding ATUs on the left bank of Nistru River	Voters, including ATUs on the left bank of Nistru River	Voters, excluding ATUs on the left bank of Nistru River
CEC/SRV, 31.03.2016	-	-	3,233,100	3,013,775
CEC/SRV, 22.08.2016	-	-	3,237,032	3,015,432
CEC/SRV, 13.09.2016	-	-	3,237,072	3,015,230
CRIS Registru, 01.08.2016	3,951,827	3,655,025	3,589,302	3,312,543
National Bureau of Statistics (NBS), 01.01.2015	-	3,553,056	-	2,678,955

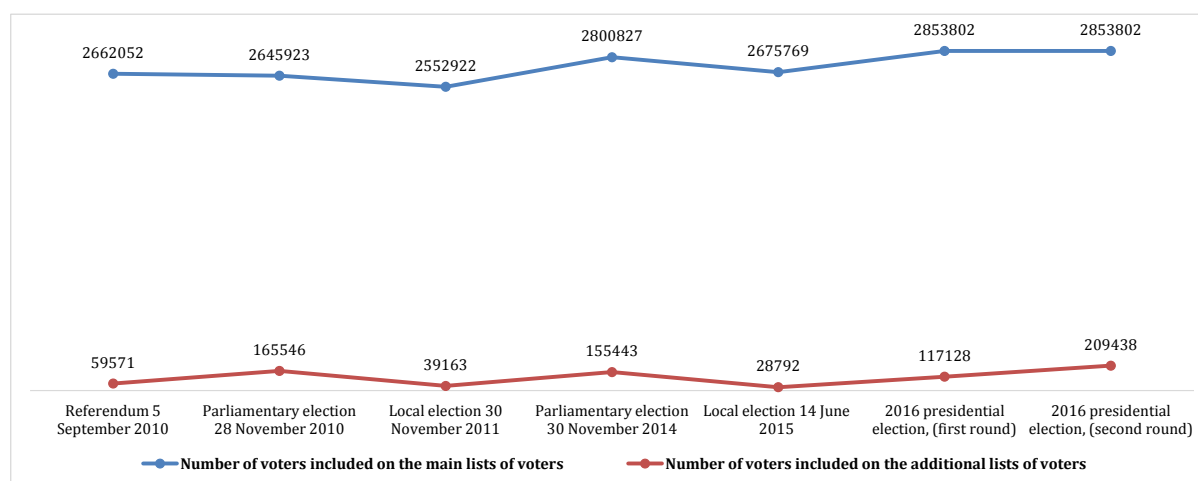
During the monitoring period, Promo-LEX observers found and reported at least 51 first-level ATUs where problematic situations were found with the SRV by the responsible registration operators. The following types of shortcomings were identified: mismatches between the address indicated in voters' identity documents and that in the SRV; the registration of unknown persons in the SRV; voters registered in the SRV in different ATU than their domicile; the registration of foreigners; and the registration of deceased people in the SRV. We found these same systematic issues repeated from one election to another. We reiterate that this situation is serious because of the repetitive nature of the issues.

Most of the abovementioned issues in the SRV were found in the voter lists as well. Promo-LEX EOM also found two major issues regarding the number of voters on the main lists. First, the number of voters on the main lists was different between the first and second rounds of the elec-

tion, which is a violation of the law. Second, it is not clear why the 3,569 citizens who registered to vote abroad beforehand were not registered in the main lists, as the Regulation on Preliminary Registration stipulates. There were 349 voters in the main lists of voters for extraterritorial stations for the first round of the election, and 343 voters for the second. In addition, Promo-LEX EOM believes that disregarding statistical data from the State Registry of Population on the number of Moldovan citizens living abroad is inadmissible⁶. We believe that it is absolutely necessary to consider the right of citizens that live in another country to vote. In our opinion, it is mandatory and imperative that these citizens of the Republic of Moldova be included in the main lists of voters at polling stations abroad.

The chart below illustrates the increase in the number of citizens who voted on the supplementary lists, including in the second round of the election. This is explained by the increase in the number of voters abroad and voters casting their ballots at the stations opened for voters from the Transnistrian region.

Chart 2. The evolution in the number of voters (2010–2016)



Electoral training. For the proper functioning of the electoral system, the CCET, in collaboration with the CEC, organized several training sessions for various electoral actors. The training sessions targeted local council secretaries, SRV registration operators, people in charge of managing the LPA-level lists of voters, judges, operators checking signature sheets, ECC members, operators who will work with ECCs, ECC presidents and secretaries, ECC accountants, and members of the electoral offices at the polling stations (EOPS). Since some ECC members moved from one ECC to another, the CCET provided a training program by phone with an information line for new ECC members. The CCET also held a training on the right of people with disabilities to vote.⁷

The CCET also gave election candidates the possibility to attend training sessions for observers and representatives with the right to a consultative vote, collectors of signatures in support of a presidential candidate, and treasurers for IGs supporting a candidate for the position of President of the Republic of Moldova. In addition, election candidates' representatives had the ability to benefit from online instruction.

During the election campaign, the CCET – in collaboration with the CEC – launched the Call Centre, whose operators – both during the election campaign and on Election Day (round I, II) – provided daily consultations and assistance on electoral matters to anyone who asked for it: voters, electoral officials, representatives of election candidates, and other stakeholders. Voters had the

⁶ <http://www.registru.md/date-statistice/referitor-la-cetatenii-rm-plecati-pestre-hotare-la-loc-permanent-de-trai>

⁷ <http://www.cicde.md/index.php?pag=album&rid=49&l=ro#sthash.m2WdCJ9C.dpuf>

possibility to find out more about their polling station, the voting procedure and other details of the presidential election on 30 October 2016. According to the information on the official CCET website during the election period, 331 training sessions were conducted for 8,387 persons by 33 instructors, of whom 5,928 (70.68%) were members of electoral bodies.⁸

Public information. During the monitoring period, the CEC showed its willingness to communicate with interested parties and citizens. The CEC's meetings were public and broadcast online. For the presidential election on 30 October 2016, the CEC conducted an awareness-raising information campaign for voters in Moldova and abroad, placing 14 advertising spots in mass-media and on social networks. Partnering with Radio Moldova, the CEC launched the radio show "ABC Electoral" ("Electoral ABC"), meant to inform the audience about their rights and obligations during the election period and on the day of the election.

For the information campaign "My Vote, My Voice", the CEC, partnering with the CCET, organized an information campaign with mobile teams consisting of CCET trainers. During the period 1 – 29 October 2016, they traveled across the country to inform voters about the presidential election of 30 October 2016 in the Republic of Moldova.



CEC partnered with the US International Republican Institute (IRI) office in Moldova, with MFAEI, and with the Bureau for Diaspora Relations (BDR) to launch the "Voters Abroad" program, in which meetings with representatives of the diaspora took place.

National and international observers. The CEC accredited 4,035 national observers from 74 national and international organizations and an election candidate to monitor the presidential election on 30 October / 14 November 2016. Promo-LEX EOM accredited 2,720 national observers, which represents 80.02% of the total number of national observers.

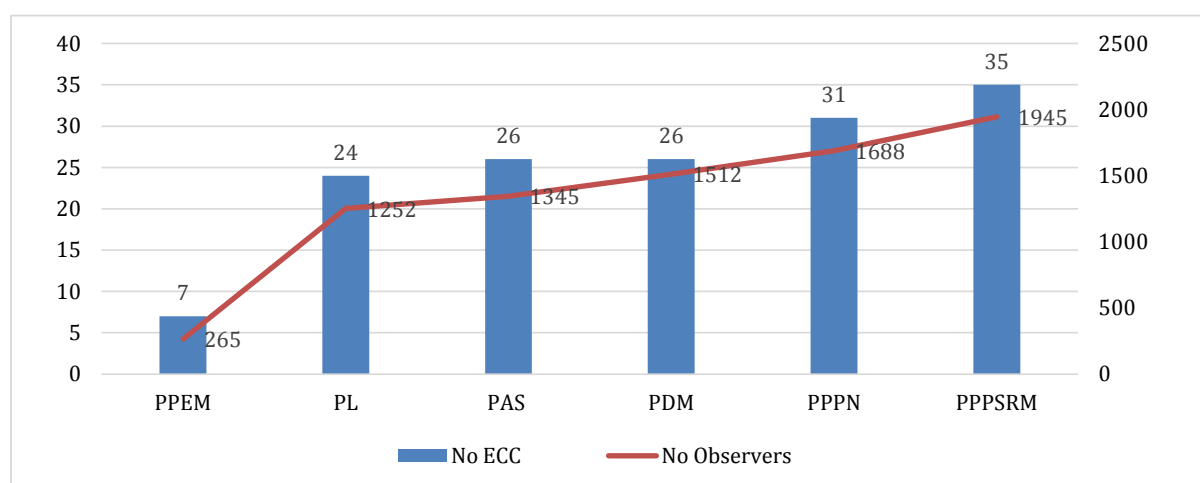
8 http://cicde.md/media/files/files/raport-cicde-apr-2016_17_11_16_cec_2330145.pdf

Table 3. Accredited observers for the Moldovan Presidential elections

Number	National observers		National observers abroad		International observers	
	First round	additional Second round	First round	additional Second round	First round	additional Second round
Total number of organisations that accredited observers	20				54	
Organisations that accredited observers	18	4	3	2	52	10
Total observers	3,399				636	
Accredited observers	3,096	189	106	8	562	74
Total No of Promo-LEX observers	2,720					
Promo-LEX observers	2,573	89	54	4		

According to Promo-LEX observers, a total of 35 ECCs accredited 8,007 observers on behalf of 6 candidates.

Chart 3. Number of observers for election candidates accredited by ECC II



Representatives with consultative voting rights. The CEC registered representatives to electoral bodies with the right the consultative voting rights on behalf of 11 registered candidates (except the candidate Maia Laguta) in the electoral race. The CEC confirmed 49 and EOPS 4,096 representatives of election candidates with consultative voting rights.

At the same time, we note that there were two cases when representatives of parties that did not take part in the election campaign registered as representatives with consultative voting rights. The Criuleni ECC registered the representatives with consultative voting rights for PCRM and PLDM, but these parties did not nominate a candidate for the position of the President of the Republic of Moldova.

II.2. The Activities of Second-Level Electoral Constituency Councils

On 9 September 2016, Electoral Councils were established for 35 constituencies (out of 37), all except the Bender constituency and the constituency for the left bank of the Nistru River. One of the problems identified by Promo-LEX EOM was the lack of transparency in the establishment of the Registry of Electoral Officials (REO) and the establishment of lower-level electoral bodies based on the REO.

All Electoral Councils chose their presidents, deputy presidents, and secretaries without breaching the terms of Article 27(7) of the Electoral Code. A single exception was recorded at Basarabeasca, where the meeting for the election of the Council's leadership took place on 13 September 2016, or one day late. In the Calarasi ECC, the procedure for the election of the leadership was violated. The deputy chairperson was elected with a majority of the votes of the ECC members present at the meeting, but not with the majority of the Council's members' votes, as stipulated by legislation. A repeat meeting for the election of the leadership was subsequently organized in compliance with the legal provisions.

According to the findings of Promo-LEX observers, in at least 8 constituencies (Chisinau, Stefan Voda, Taraclia, Basarabeasca, Edinet, Telenesti, Glodeni, Dubasari) the membership of the ECC was changed. These changes were due to the initiative of the Stefan Voda court; the PLDM party in Chisinau and Taraclia, second-level LPAs in Glodeni and Telenesti, and the personal requests of ECC members from Glodeni and Dubasari. Some changes were also made to the Basarabeasca and Edinet ECC leadership structure; in Basarabeasca, the secretary was changed by the personal request of the member elected to that position, and in Edinet the deputy chairperson and secretary were changed, also by personal request.

II.3. The Activity of the Electoral Offices of Polling Stations

Organization of the activity. According to Article 29(2) of the Electoral Code, PSs are established by ECCs in settlements with at least 30 and at most 3,000 voters based on proposals by first-level ATU mayors. In accordance with the CEC schedule, 1981 PSs were established across the Republic of Moldova before 24 September 2016 by the decisions of the ECCs. Compared to the 2015 general local election, Promo-LEX EOM found that the number of PSs increased by 3 PSs in Chisinau Municipality; by 2 PSs in Anenii Noi constituency; and by 1 PS Orhei and Rezina districts, while in Causeni, Dubasari, Soldanesti and Cantemir constituencies the number of established PSs was lower by 1 PS.

In order to ensure access for Moldovan citizens residing on the left bank of the Nistru River, in Bender Municipality and in some settlements in Causeni district to the voting procedure, the CEC followed the precedent set by previous elections and adopted Decision No 334 of 4 October 2016 approving a list of 30 PSs where the citizens mentioned above were able to exercise their constitutional right (compared to 26 PSs for previous elections).

In compliance with Article 29¹ of the Electoral Code, but failing to meet the deadline, the Government adopted Decision No 1080 on 26 September 2016 about the organization of polling stations abroad, approving a list of proposed polling stations. Subsequently, on 27 September 2016, the Chisinau Municipal ECC adopted decisions on the establishment of polling stations abroad, 100 in



total. In the parliamentary election of 30 November 2014, 95 PSs were established abroad. Promo-LEX EOM welcomed the increase of PSs abroad, but still considered them insufficient and suggested opening more of them⁹. Unfortunately, the conclusions of the Mission were confirmed – especially during the second round of the election – but they were not taken into account.

By 4 October 2016, in line with the provisions of the Electoral Code and Schedule, the ECCs adopted decisions establishing EOPSs for the conduct of the presidential election on 30 October 2016 in the Republic of Moldova. Regarding the appointment of EOPS leadership, the Mission found that 946 out of 1,981 EOPSs had delays in adopting decisions appointing their leadership. The leadership structure of EOPSs was changed in at least 1,214 cases. The numerical structure of EOPSs were changed in 29 cases, all of which were approved by the Chisinau ECC.

During the operation of EOPSs, the Promo-LEX Observation Mission confirmed over telephone whether the member suspended from his/her main job was present at the EOPS. Polling stations were called 3 times; the methodology provided for step 10 to be used for contacting PS. Out of total 1,981 polling stations, 207 were reached by the first call; 196 were reached by the second call; and, 213 by the third call. Like in previous elections, we found that over 60% of the polling stations called did not answer. The inactivity of electoral bodies violates the constitutional rights of voters to verify whether they are on the voter lists, to request a certificate entitling them to vote, and to file an request to vote at their place of residence¹⁰.

The involvement of electoral officials in campaigning activities. Promo-LEX EOM calls attention to the persistent practice of electoral officials becoming involved in campaign activities. Observers reported at least 5 illegal activities of this kind. On 14 October 2016 Anatolie Perju, a member of EOPS No 2 in Cahul, campaigned for the candidate Maia Sandu (PPPAS). On 19 October

⁹ See details in Report No 3 by Promo-LEX EOM: <https://promolex.md/3534-raportul-nr-3-misiunea-de-observare-a-alegerilor-pentru-functia-de-presedinte-al-republicii-moldova-din-30-octombrie-2016-2/>

¹⁰ See details in Reports No 4 and 5 of Promo-LEX EOM: <https://promolex.md/3706-raportul-nr-4-misiunea-de-observare-a-alegerilor-pentru-functia-de-presedinte-al-republicii-moldova-din-30-octombrie-2016/>; <https://promolex.md/4012-raportul-nr-5-misiunea-de-observare-a-alegerilor-pentru-functia-de-presedinte-al-republicii-moldova-din-30-octombrie-2016/>

2016, the president of EOPS No 5 in Rezina, Tatiana Batista, campaigned in support of Marian Lupu (PDM) in Cogalniceni village (Rezina district). On 3 and 4 November 2016, a member of EOPS No 5 in Cimislia town, Svetlana Bulat, campaigned for Igor Dodon (PPSRM) while handing out invitations to vote. The president of EOPS No 10 from Boghicieni village (Hincesti district) campaigned indirectly inside the EOPS by exhibiting flyers picturing the election candidate Maia Sandu in the office. On 8 November 2016 in Cotul Morii village (Hincesti district), the secretary of the Local Council, who is also the chairperson of EOPS No 29, became involved in indirect campaigning by displaying flyers picturing the candidate Maia Sandu in her office in the city hall.

II.4. Appeals and Notifications

Complaints. During both rounds of the election (1 October – 11 November 2016) the election candidates filed 40 complaints with the CEC. One complaint was filed by the MP Vladimir Voronin; one complaint was filed by a voter; and there was one collective petition. Another 9 complaints were filed after the day of the second election round.

The CEC rejected some of the complaints for being groundless. It returned some of them it did not have jurisdiction to investigate them, and some of them were passed to the relevant authority. The well-founded ones were examined by the CEC and it expressed an opinion on the issues mentioned.

Most of the complaints were about: the placement of electoral posters in unauthorised places; the free exercise of the right to vote; the dissemination of denigrating material by some election candidates; the public appearance of some election candidates with foreign public figures, as well as with representatives of religious groups; the use of undeclared funds and materials during the election campaign; the lack of transparency in financial reporting by the election candidates, etc.

One of the most relevant complaints is the appeal filed by election candidate Silvia Radu, who argued that legislation was violated in the organization of a public event. She asked the central electoral body to start the procedure of notifying the Chisinau Court of Appeals to investigate the cancellation of CEC Decision No 303 on 26 September 2016 regarding the registration of Inna Popenco as candidate in the Moldovan presidential election. Consequently, on 20 October 2016, the CEC filed the this complaint with the Chisinau Court of Appeals. On 21 October 2016, the Chisinau Court of Appeals accepted the complaint filed by the CEC and put the request canceling the registration of candidate Inna Popenco into effect. On 22 October 2016, the Supreme Court of Justice upheld the judgement of the lower court. The CEC enforced the judgement of the Supreme Court on that date.

In addition, as a result of the complaints filed by representatives of candidates Marian Lupu, Igor Dodon, and Maia Laguta, the Commission issued two warnings to the candidate Maia Sandu for partial failure to comply with the rules on completing financial reports and for the violation of Article 47(2¹) of the Electoral Code.

We would like to mention that, compared to the parliamentary election on 30 November 2014, during the presidential election of 30 October (13 November) 2016 both the election candidates and the voters were more passive, filing only 52 complaints with the CEC, as opposed to 78 complaints filed during the parliamentary election.

With respect to complaints filed with lower electoral bodies, the reports by Promo-LEX EOM observers indicate that at least 9 complaints were filed with 5 ECCs. On the day of the election 4,033 people also filed complaints with polling stations abroad, including collective complaints.

Three complaints were filed with the Drochia ECC. The authors were the representatives of PDM and PPPN and the complaints were about the use of administrative resources and the posting of electoral posters in unauthorized places. The ECC redirected all complaints to the competent authorities.

Another 6 complaints were filed with ECCs in Chisinau, Singerei, Ungheni and Briceni. The activity of EOPs was called into question, and the posting of electoral posters in unauthorized places was challenged, as well as the activity of representatives of the election candidates. The 6 complaints were rejected as either unfounded or filed past the legal deadline.

On the day of the election, 4,031 people signed collective complaints or filed individual complaints on the violation of their right to vote. Additionally, two other people filed complaints because they were prevented from voting based on their ID cards.

Based on the information provided by the CEC in its Report on the results of the presidential election of 30 October 2016, the number of complaints filed with lower electoral bodies was 164. Another 15 complaints were filed on day of the election.

Notifications. Prior to the day of the election, 5 notifications were filed with the CEC by representatives of the election candidates Marian Lupu and Igor Dodon with consultative voting rights, as well as on behalf of the election candidate Maia Sandu. The notifications raised many accusations that rival candidates had violated the rules on printing advertising materials and using images of foreign officials, as well as questioning the activity of inferior electoral bodies.

In addition, one Promo-LEX national observer filed a notification with the Criuleni ECC repeatedly requesting some information needed to better analyze the electoral process. We note the Criuleni ECC rejected the notification, refusing to provide the information and issuing a decision stating that the observer was not worthy of his or her status. Promo-LEX EOM qualified the actions of the Criuleni ECC as intimidation of the observer and a serious breach of electoral legislation.

III. PUBLIC ADMINISTRATION

According to the findings of Promo-LEX EOM, the role of public administration in the electoral process was primarily related to the organization of the election. At the same time, the Mission notes that civil servants and local elected officials were involved in the collection of signatures in their constituencies and in campaign activities favouring certain electoral candidates.

During the monitoring period, local public administration was involved in the following election organisation activities: participating in checking data on the SRV; ensuring the completion of declarations of a new place of residence; authenticating signature sheets; appointing of second-level ECC members; participating in checking the voter lists; submitting proposals to the ECC on the establishment of PSs; identifying of potential PS locations on public property; appointing EOPs members (to local first-level councils).

Organizing polling stations. Identifying locations for PSs is a duty of the LPA, as stated in Article 29(2) of the Electoral Code. An analysis of LPA decisions found that in 419 cases the suggested PS locations were different than the locations in the previous election. Promo-LEX EOM found that



in at least 2 cases the PSs were located in buildings that were in bad condition, in Tocuz village (Causeni district) and Cenusă village (Floresti district).

According to Promo-LEX observers, poor conditions in PSs continued to be an issue. In 1,817 (out of 1,981) PSs monitored during the period 5–26 October 2016, the following problems were found: insufficient furniture – 63 cases; lack of an internet connection – 587 cases; lack of telephone services – 606 cases; lack of fire protection – 757 cases; insufficient computers – 468 cases; lack of heating – 735 cases; poor lighting in the PS – 316 cases; lack of access for people with special locomotive needs (no access ramp) – 1,132 cases; lack of tools to facilitate voting by people with vision impairment (ruler, magnifier, lamp) – 1,191 cases¹¹.

Establishing places for electoral posters and venues for meetings with voters. According to the electoral schedule, the LPAs were supposed to issue a decision on electoral posters and venues for meetings with voters by 3 September 2016. Promo-LEX observers found that, out of 898 LPAs, only 867 made this decision and only 215 LPAs adopted this decision on time. 764 LPAs arranged places for posters. In 690 cases the place chosen was sufficient for electoral advertising by the election candidates¹². In 114 cases LPAs decided to provide a venue for meeting with voters for a payment (fees ranged from MDL 49 to MDL 2,100), while in 395 cases the LPA decided to provide such venues for free.

11 See details in Report No 4 of Promo-LEX EOM: <https://promolex.md/3706-raportul-nr-4-misiunea-de-observare-a-alegerilor-pentru-functia-de-presedinte-al-republicii-moldova-din-30-octombrie-2016/>

12 In accordance with the Regulation on the Location of Electoral Advertising and Political Promotion Materials on Advertising Billboards, an area of 1 m² shall be provided to each election candidate for electoral advertising purposes.

Providing temporary ID cards to voters for participating in the presidential election. To ensure the observance of CEC Decision No 237 from 14 September 2016 regarding the appropriate conduct of the Presidential Election on 30 October 2016, CRIS “Registru”, a state-owned enterprise, issued temporary ID cards prior to the first round of the election, including during voting for both rounds of the election, on the request of Moldovan citizens over 18 years of age. They were issued for free, following a simple procedure.

In the opinion of Promo-LEX EOM, another important aspect was the issuance of certificates containing data from the State Population Register or from the paper-based register during the same period and without charge, in order to keep a record of the population regarding the latest registration of one’s domicile/residence or the absence of it, so that these certificates are used on the election day at the relevant EOPS.

LPA actions that had the effect of intimidating voters. On 1 November 2016, Mayor of Orhei Ilan Sor signed the Disposition No 490 on filling in and updating data in the personal files of the Orhei city hall staff and of its subordinated enterprises and institutions. It required the staff of the Mayor’s Office and its subordinated enterprises and institutions to submit the original documents required for individual employment contracts in order to show how staff-related data had changed over time. Therefore, the staff was forced to submit the following documents: an ID card and its loose leaf, a military card, and a diploma/qualification certificate confirming professional qualification.

Promo-LEX EOM interprets this requirement imposed on the staff of Orhei Mayor’s Office and its subordinated institutions as a method of intimidating them, especially in the context of a public call to boycott the presidential election previously made by the candidate Inna Popenco. We specify that Inna Popenco was appointed as a presidential candidate by PPMSPR, a party whose the president is the Mayor of Orhei, Ilan Sor. However, Inna Popenco was subsequently excluded from the electoral race by a court decision for not declaring all her expenditures.

IV. ELECTION CANDIDATES

The election campaign for the 2016 presidential election can be characterized as more passive than the elections in 2014 and 2015. Campaigning by election candidates throughout the country was less visible than the activism taking place in the media.

As in previous elections monitored by Promo-LEX Association, there were cases when administrative resources were used, electoral gifts were offered, denigrative messages were used, etc. However, the behaviour of appointed candidates/election candidates in the 2016 presidential election had some specific elements: the activity of initiative groups during the election period; the aggressive involvement of certain religious organisations in campaigning and denigration; and the intensity and aggressiveness of denigrating, homophobic messages towards some election candidates.

IV.1. Activities of appointed candidates/election candidates in the period prior to the beginning of the election campaign

Registration of initiative groups. During 31 August – 9 September 2016, according to the schedule for organizing and conducting of the Moldovan presidential election on 30 October 2016, the CEC accepted requests and registered 24 initiative groups supporting candidates for the position of President of the Republic of Moldova. Below is the list of candidates for whom initiative groups were registered, in the order of the decisions approving their registration: Dumitru Ciubasenco, Andrei Nastase, Mihai Ghimpu, Maia Sandu, Iurie Leanca, Igor Dodon, Mihai Corj, Marian Lupu, Artur Croitor, Ion Dron, Valeriu Ghiletschi, Ana Gutu, Oleg Brega, Roman Mihaes, Vitalia Pavlicenco, Ilie Rotaru, Vadim Brinzan, Inna Popenco, Silvia Radu, Mihail Garbuz, Anatol Plugaru, Vasile Tarlev, Maia Laguta, Geta Savitcaia. The nominal structure varied from one group to another; 10 IGs had 90–100 members; 1 IG – 70–89 members; 1 IG – 51–69; 8 IGs – 30–50; and 4 IGs had less than 25–30 members.

Table 4. List of candidates nominated/appointed for the position of President of RM (listed by the date of candidate registration)

No	Candidate	Appointment / IG establishment	Date of IG registration / Decision No	Date of registration request submission	Date of registration with the CEC / Decision No
1.	Marian Lupu (PDM)	31.08.2016	02.09.2016/nr. 159	03.09.2016	10.09.2016/ nr. 236
2.	Mihai Ghimpu (PL)	31.08.2016	02.09.2016/nr. 153	06.09.2016	13.09.2016/ nr. 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 (PPPN)	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	06.10.2016/nr. 350
11.	Maia Laguta (IC)	08.09.2016	10.09.2016/nr. 232	29.09.2016	06.10.2016/nr. 346
12.	Ana Gutu (PP "DREAPTA")	31.08.2016	04.09.2016/nr. 177	29.09.2016	06.10.2016/nr. 344
13.	Roman Mihaes (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	06.10.2016/nr. 345
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	

Signature collection. Signatures were collected from 1 until 29 September 2016. All nominated candidates in presidential elections, whether they represent parties, blocs or ordinary citizens must submit signature sheets with 15,000–25,000 signatures to the CEC. Signatures were collected by Initiative Groups (IGs). Only 16 of the 24 registered IGs managed to submit the lists to CEC. Seven of the IGs who were not able to collect the required number of signatures were established in support of ICs.



According to Promo-LEX observers, during the monitoring period at least 18 IGs collected signatures in support of the candidates for President of the Republic of Moldova (Dumitru Ciubasenco, Andrei Nastase, Mihai Ghimpu, Maia Sandu, Iurie Leanca, Igor Dodon, Marian Lupu, Inna Popenco, Valeriu Ghilețchi, Silvia Radu, Vitalia Pavlicenco, Roman Mihaes, Ion Dron, Geta Savitcaia, Vasile Tarlev, Vitalia Pavlicenco, Vadim Brinzan, Ana Gutu) in at least 769 localities.

Promo-LEX observers found cases of signature collection by people not registered as IG members on behalf of the candidates Andrei Nastase (13 cases), Mihai Ghimpu (12 cases), Marian Lupu (7 cases), Iurie Leanca (5 cases), Igor Dodon (4 cases), Maia Sandu (4 cases), Inna Popenco (4 cases), Valeriu Ghilețchi (3 cases), Dumitru Ciubasenco (2 cases), Vasile Tarlev, Vitalia Pavlicenco and Silvia Radu – 1 case each. A case of veiled signature collection took place in Cucoara village (Cahul district), where unknown people collected signatures while telling citizens that they had been sent by the mayor's office¹³.

Another nominated candidate, Mr. Marian Lupu (PDM), managed to collect an amount of signatures larger the threshold imposed by law in a very short time. On 1 September the PDM nominated the candidate, on 2 September the IG was registered and the signature sheets issued, and on 3 September 2016 (a Saturday), the signature sheets were submitted to and received by the CEC.

Activities that could be qualified as campaigning. At the stage immediately prior to the election period, as well as during the period intended for signature collection, the nominated candidates/election candidates used various strategies to promote themselves outside the official election campaign. The majority used the signature collection campaign to promote their candidates' image. On the other hand, one nominated candidate, Marian Lupu (PDM), was already being promoted by his party's political campaign during that period.

¹³ For more details, please see: Report No 3 of Promo-LEX EOM, published on 5 October 2016. <https://promolex.md/3534-raportul-nr-3-misiunea-de-observare-a-alegerilor-pentru-functia-de-presedinte-al-republicii-moldova-din-30-octombrie-2016-2/>

Table 5. Types of activities carried out during the period immediately prior to the election campaign

Candidate / IG / Political party	Marian Lupu	Igor Dodon	Dumitru Ciubasenco	Andrei Nastase	Iurie Leanca	Valeriu Ghilitchi	Maia Sandu	Artur Croitor	Vadim Brinzan
Types of activities									
Political campaigns	2	-	-	-	-	-	-	-	-
Meetings with citizens	10	7	9	4	2	-	1	-	-
Concerts	8	2	-	-	1	-	-	-	-
Opinion polls	1	2	-	1	-	-	-	-	-
Marches, flash mobs	-	1	1	1	-	-	-	-	-
Trips abroad	-	-	-	3	3	-	-	-	-
Others (films, conferences, master-classes, summer schools, inaugurations)	-	2	-	1	-	2	2	1	1
Total	21	14	10	10	6	2	3	1	1

IV.2. The Registration/Withdrawal/Cancellation of the Registration of the Candidates for the Position of President of the Republic of Moldova

In total, the CEC registered 12 candidates (Marian Lupu, Mihai Ghimpu, Iurie Leanca, Andrei Nastase, Inna Popenco, Dumitru Ciubasenco, Maia Sandu, Igor Dodon, Silvia Radu, Maia Laguta, Ana Gutu, Valeriu Ghilitchi). At the same time, the CEC rejected requests to register the following candidates for the position of President of RM because they had failed to meet the requirements for registration: Ion Dron (IC); Roman Mihaes (IC); Vasile Tarlev (IC); Vitalia Pavlicenco (IC). It is worth mentioning that Vitalia Pavlicenco and Roman Mihaes appealed against the CEC decisions rejecting their registration. Their requests, however, were rejected by the courts.

On 20 October 2016, a candidate for the position of the head of state, Andrei Nastase, submitted a request to the CEC withdrawing from the election campaign. On 21 October 2016, the CEC accepted his request. On 22 October 2016, the Supreme Court of Justice reached a decision excluding the candidate Inna Popenco (PPMSPR) from the electoral race because she did not declare all her expenditures.

On 26 October 2016, the PDM candidate, Marian Lupu, announced his decision to withdraw from the presidential race. On 27 October 2016, Marian Lupu submitted a request that the CEC cancel its Decision registering him as an election candidate. The request was accepted by court decision. The seal "Withdrawn" was applied to the candidate's name on ballots. We note that, in accordance with Article 46(6) of the Electoral Code, 'candidates in an election may, no later than seven days prior to an election, withdraw their candidacy by addressing in writing a declaration to this effect to the electoral body which registered their candidacy.' On the other hand, para.7 of the same article does not stipulate any time limit for the candidate to submit an application or request regarding the cancellation of his/her registration.

IV.3. Election Campaign Activities

During the election campaign, Promo-LEX EOM found that various campaign activities were carried out by the election candidates, including: meetings with voters, concerts, “door-to-door” campaigns, press conferences, campaign launching events, and the dissemination of printed advertising materials. Igor Dodon proved to be the most active candidate, followed by Marian Lupu and Maia Sandu.

Table 6. Types of activities carried out by the candidates during the election campaign

Election candidate \ Types of activities	Igor Dodon	Marian Lupu	Maia Sandu	Dumitru Ciubasenco	Iurie Leanca	Mihai Ghimpu	Andrei Nastase	Inna Popenco	Silvia Radu	Valeriu Ghilitchi	Ana Gutu
Distribution of electoral advertising	80	66	30	18	35	12	2	11	10	-	-
Meetings with voters	49	57	48	36	22	11	6		1	2	1
Concerts	2	7	-	3	-	1	1		1		
Door to door	32	6	24	22	1	9	-	1			
Campaign launching events	1	2	1	1	1	1	-	1	1	1	1
Electoral tents (No of localities)	20	3	7	2	1		12	2	-	-	-
Other activities ¹⁴	3	13	17	-	-	-	-	1	1	-	-
Total	187	154	127	82	60	34	21	15	13	3	2

Outdoor advertising. Promo-LEX observers identified outdoor advertising supporting potential candidates for the position of President of RM during the signature collection period, as well as during the election campaign period. The candidate Marian Lupu had the most outdoor advertisements, followed by Igor Dodon and Mihai Ghimpu.

Table 7. Number and type of candidates’ outdoor advertisements

Electoral candidate	Billboards		Banners		City-light		LED	
	IG	EC	IG	EC	IG	EC	IG	EC
Marian Lupu (PDM)	223	156	13	70	168	231	6	7
Igor Dodon (PPPSRM)	69	63		23		6		
Mihai Ghimpu (PL)	59	39		8		96		
Inna Popenco (PPMSPR)	50	51		124		3		
Dumitru Ciubasenco (PPPN)	15	62		15		18		
Silvia Radu (IC)	3	76		7			3	1
Iurie Leanca (PPPEM)	20	23	3	7				
Maia Sandu (PPPAS)				9		8		
Andrei Nastase (PPFDA)			1	5				
IG Vadim Brinzan (IC)	6							

It is worth mentioning that during the period September – November 2016 billboards supporting the following election candidates were changed: Marian Lupu (PDM) – 3 times, Mihai Ghimpu

¹⁴ Automobile march, electioneering through a broadcaster, press-conferences, caravans, distribution of promotional materials, banquets, inauguration of a monument.

(PL) – 3 times, Igor Dodon (PPPSRM) – 4 times, Inna Popenco (PPMSPR) – 3 times, Dumitru Ciubasenco (PPPN) – 2 times, Iurie Leanca (PPPEM) – 2 times.

The elections for the ATUG People's Assembly took place on 20 November 2016. Prior to Round II of the presidential election in RM, billboards showing candidate Igor Dodon / PPPSRM together with the PPPSRM candidates for the position of member of People's Assembly were placed in 8 ATUG localities. In this case we witness an "image transfer", since some of the nominated candidates were local leaders.

IV.4. The Offering of Electoral Gifts

Electoral gifts from election candidates. According to the information provided by Promo-LEX observers, 27 cases that can be qualified as the offering of electoral gifts were registered during the monitoring period, compared to the local elections in 2015, when 58 cases were registered, and the parliamentary elections in 2014, when 67 cases were registered. We found that at least 5 election candidates were offering gifts, as follows: representatives of Igor Dodon (PPPSRM) – 13 cases; Dumitru Ciubasenco (PPPN) – 6 cases, Marian Lupu (PDM) – 5 cases, Inna Popenco (PPMSPR) – 2 cases, Andrei Nastase (PPFDA) – 1 case. Compared to previous elections, we see a significant decrease in the number of cases.

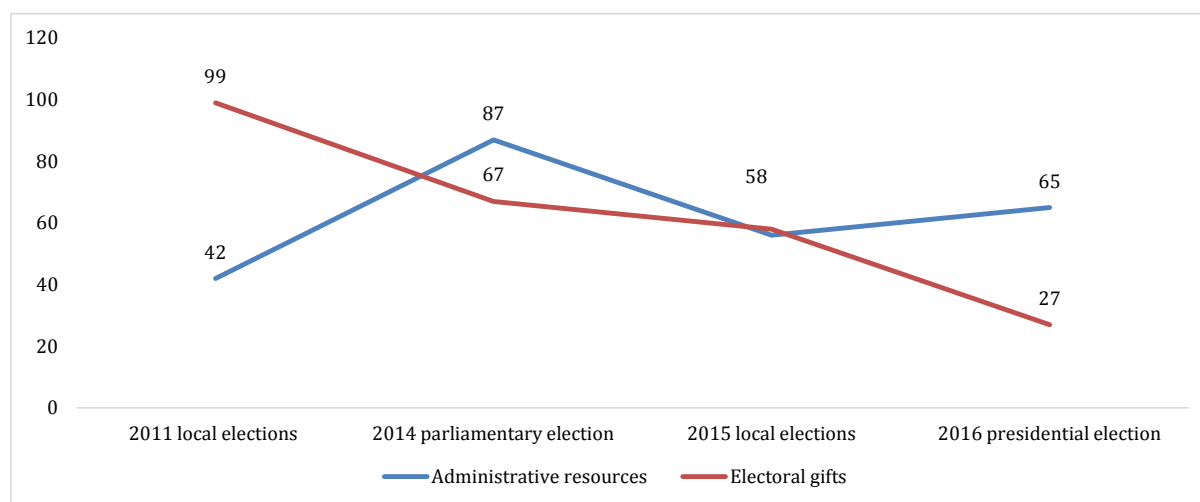
Table 8. Electoral gifts offered by election candidates

EC	Date	Locality	Type of electoral gift
PPPSRM	28.08.16	Cismichioi village (Vulcanesti district)	Financial support to the wrestling club
	28.08.16	Cismichioi village (Vulcanesti district)	Financial support to the local church
	29.08.16	Corjova village (Dubasari district)	Giving out ice cream
	19.09.16	Pirita village (Dubasari district)	Sponsoring fireworks
	20.09.16	Cocieri village (Dubasari district)	Giving out ice creams
	20.09.16	Cocieri village (Dubasari district)	Sponsoring fireworks
	22.09.16	Molovata village (Dubasari district)	Giving out ice cream
	09.10.16	Dubasarii Vechi village (Criuleni district)	Donating an icon to the local church
	14.10.16	Marcauti village (Dubasari district)	Sponsoring fireworks
	14.10.16	Dorotcaia village (Dubasari district)	Sponsoring fireworks
	16.10.16	Colibabovca village (Leova district)	Donating sports equipment to the women's volleyball team of the local secondary school
	05.11.16	Cimislia town	Offering a free meal and donating money to 80 pensioners
	08.11.16	Cosnita village (Dubasari district)	Sponsoring fireworks
PPPN	28.08.16	Antonesti village (Cantemir district)	Financial support to the local mayor's office
	21.09.16	Maximovca village (Anenii Noi district)	Financial support to the local mayor's office
	08.11.16	Lopatica village (Cahul district)	Financial support to the local mayor's office
	08.11.16	Cantemir town	Financial support to the local mayor's office
	08.11.16	Cania village (Cantemir district)	Financial support to the local mayor's office
	09.11.16	Ferapontievca village (ATUG)	Providing lottery prizes

EC	Date	Locality	Type of electoral gift
PDM	14.09.16	Ungheni town	Offering gifts for CRISR beneficiaries from Ungheni town
	20.09.16	Cocieri village (Dubasari district)	Sponsoring sporting competitions and providing financial rewards
	24.09.16	Etulia village (Vulcanesti district)	Giving a TV set to a multi-child family
	25.09.16	Grozesti village (Nisporeni district)	Installing a playground for children
	28.09.16	Dumeni township (Riscani district)	Installing a crucifix in Dumeni township
PPMSPR	18.10.16	Chisinau	Opening a social store in Chisinau
	20.10.16	Orhei town	Opening a social store in Orhei
PPPDA	08.10.16	Nimoreni village (Ialoveni district)	Holding a banquet

Types of goods provided included: money, TV sets; towels; ice cream; fireworks; icons; sports equipment; electric kettles, vacuum cleaners; microwave ovens, free meals, etc. The types of events during which the electoral gifts were made included: patron saint days of localities (10); visits to socially vulnerable citizens (4); sporting competitions (4); meetings with potential voters (3); and other events (6).

Chart 4. Dynamics of the practices of using administrative resources and offering electoral presents (2011–2016)



The involvement of foundations associated with political leaders. During the presidential election, two foundations associated with political leaders acted as stakeholders affecting the electoral image of two candidates. We refer to the “Edelweiss” Foundation of Vlad Plahotniuc and the “Renato Usatii” Foundation. A foundation is a non-profit, non-political organisation, which should not provide any political/electoral support to any candidate or political stakeholder. In these cases, through their activities and using the tool of image transfer, foundations whose names contain the names of politicians become indirectly involved in political activity, especially during election campaigns.

According to information published on social media¹⁵, during the period 28 August – 8 November 2016 the “Renato Usatii” Foundation donated over MDL 500,000 to develop villages and towns in the Republic of Moldova. Renato Usatii is the president of a party that nominated an election

¹⁵ <https://www.facebook.com/RU1.md/?fref=ts>, 22.11.2016. Фонд «Ренато Усатый» выделил более 500,000 леев на развитие городов и сел Молдовы. (“Renato Usatii” Foundation allocated over MDL 500,000 for development of Moldovan towns and villages)

candidate. On the other hand, 9 cases of gifts made by Vlad Plahotniuc's "Edelweiss" Foundation were registered during the campaign (playgrounds and mobile pediatric offices). It is important to specify that during the election campaign Vlad Plahotniuc was the First Deputy Chair of the PDM. The activity of offering gifts as performed by these foundations can be qualified as an image transfer for the candidates Dumitru Ciubasenco (PPPN) and Marian Lupu (PDM).

IV.5. The Use of Administrative Resources

During the monitoring period, Promo-LEX observers found at least 65 confirmed cases that may be qualified as the use of administrative resources by election candidates. Of the total of 65 identified cases, 40 refer to the activity of nominated candidate Marian Lupu (PDM), 9 to Mihai Ghimpu (PL), and 8 to Igor Dodon (PPPSRM). As for the candidates Iurie Leanca, Dumitru Ciubasenco, Inna Popenco and Maia Sandu – between 1 and 3 cases of use of administrative resources were observed.

Table 9. Use of administrative resources

Type of administrative resources	Electoral candidate / political party	Localities where cases of the use of administrative resources were registered	Activity / way of using administrative resources	No of cases
Use of public areas	Marian Lupu (PDM)	Sipoteni village (Calarasi district), Goleni village (Edinet district), Cotul-Morii village (Hincesti district)	Signature collection	3
		Oniscani village (Calarasi district), Salcia village (Taraclia district)	Campaigning with electoral advertising	2
	Igor Dodon (PPPSRM)	Doina village (Cahul district)	Campaigning with electoral advertising	1
	Mihai Ghimpu (PL)	Chisinau	Campaigning with electoral advertising	1
	Dumitru Ciubasenco (PPPN)	Vulcanesti town	Campaigning with electoral advertising	1
	Inna Popenco (PPMSPR)	Orhei town	Campaigning by placing and applying symbols and colors specific to the candidate	1
Use of public positions	Marian Lupu (PDM)	Cotul-Morii village, Dancu village, Poganesti village (Hincesti district), Tocuz village (Causeni district), Larga Noua village (Cahul district), Cahul town, Albina village (Cimislia district), Truseni township (Chisianu mun.), Chisinau, Leova town, Costangalia village (Cantemir district)	Signature collection	11
		Bestemac village (Leova district), Chisinau, Dubasarii Vechi village (Criuleni district), Meleseni village (Calarasi district), Javtur village, Satul Nou village (Cimislia district), Causeni town, Hincesti district	Distribution of electoral advertising by state employees	8

Type of administrative resources	Electoral candidate / political party	Localities where cases of the use of administrative resources were registered	Activity / way of using administrative resources	No of cases
		Stefan Voda town, Caplani village, Talmaza village (Stefan Voda district), Isnovat village (Criuleni district), Bascalia village (Basarabasca district), Taraclia town, Novosiolovca village, Musaitu village, Albota de Jos village (Taraclia district), Ciniseuti (Rezina district), Cahul town (2 cases)	Meeting with state employees	12
		Cocieri village (Dubasari district)	Meeting with voters	1
		Sagaidac village (Cimislia district)	A offer of support from LPA	1
	Iurie Leanca (PPPEM)	Porumbesti village (Cantemir district), Gura Galbena village (Cimislia district)	Signature collection	2
		Truşeni township (Chisinau mun.)	Meeting with state employees	1
	Dumitru Ciubasenco (PPPN)	Enichioi village (Cantemir district)	Signature collection	1
	Mihai Ghimpu (PL)	Porumbesti village (Cantemir district), Condrita town (Chisinau mun)	Signature collection	2
		Chisinau (2 cases), Soroca town, Leova town, Dubasarii Vechi village (Criuleni district), Leova town	Meeting with state employees	6
	Igor Dodon (PPPSRM)	Cioc-Maidan village (ATUG), Volcinet village, Codreni village (Ocnita district)	Signature collection	3
		Riscani district, Cimislia town, Negrea village (Hincesti district)	Distribution of electoral advertising by budgetary employees	3
		Cosnita village (Dubasari district)	Campaigning by public employees	1
	Vasile Tarlev	Bascalia village (Basarabasca district)	Signature collection	1
	Maia Sandu (PPPAS)	Chisinau	Meeting with public employees	1
Use of government means of transport	Marian Lupu (PDM)	Ustia village (Dubăsari district)	Meeting with voters	1
		Cosnita village (Dubasari district)	Mounting of PDM banners	1

In general, administrative resources were mainly used as follows: representatives of level I and II LPAs were actively involved in campaigning during working hours, meetings with citizens were organized for signature collection and political promotion campaigns; meetings with civil servants were organized during working hours; public servants were involved in campaign activities during working hours; and campaigning was conducted on public authorities' premises. See the detailed description of cases of using administrative resources during the election campaign in the Table 9.

IV.6. Other Activities

The boycotting of elections. On 3 September 2016, the PCRM announced its intention to boycott the presidential election on 30 October 2016 and urged voters to support this initiative¹⁶. In Comrat town, Alexeevca village (Edinet district), Chisinau, and Glodeni town, PCRM volunteers distributed PCRM newspapers and folded leaflets urging the voters to boycott the 2016 presidential election. On 13 October 2016, in front of the Government building of the Republic of Moldova, the PCRM protested demanding that the Government of the Republic of Moldova resign. Even though the PCRM boycotted the election, the party sent representatives to established ECCs and, in one case, a representative with consultative voting rights to ECC Criuleni.

Therefore, we concluded that the PCRM intended to participate in electoral procedures, through the available legal mechanisms, as long as the party was not involved in the nomination and registration of election candidates. These two intentions are not mutually exclusive. At the same time, we found no legal provisions that would explicitly regulate the behaviour of political parties that promote the idea of citizens boycotting the election during the election period.



Another political party that encouraged boycotting the presidential election was PPMSPR because its candidate, Inna Popenco, was excluded from the electoral race. From 24 October 2016, messages advocating boycotting the election were posted on one of the social network pages¹⁷.

The use of the church by candidates during the election campaign. Church representatives repeatedly expressed their political preferences and even encouraged people to vote for particular candidates. His Eminence Metropolitan Vladimir, the Bishop Marchel of Balti and Floresti and other church members openly supported Igor Dodon, a candidate for the position of President of the Republic of Moldova, and, at the same time, made serious and denigrating accusations against candidate Maia Sandu. In addition to verbal statements, candidate Igor Dodon appeared in public in the company of church representatives of the highest rank on church premises.

¹⁶ http://www.pcrm.md/main/index_md.php?action=news&id=10323

¹⁷ <https://www.facebook.com/inna.popenco/?fref=ts>

We note that Article 15(2) of Law No 125 of 11 May 2007 on the Freedom of Thought, Conscience and Religion states that the religious organizations and their component parts shall refrain from expressing or publicly showing their political preferences, or favouring one political party or socio-political organisation.

Illicit activity by election candidates. Promo-LEX EOM registered a series of activities carried out by election candidates in violation of legal provisions, including denigrative campaigns (29 cases), vandalism (10 cases), the intimidation of competitor (10 cases), the use of national and international symbols (5 cases), and the involvement of minors in the election campaign (1 case).

V. FINANCING OF THE ELECTION CAMPAIGN

V.1. Election-Related Financial Aspects during Signature Collection

On 15 July 2016, the Electoral Code was amended with new legal provisions regulating the conduct of election campaigns for presidential elections in the Republic of Moldova. The amendment stated that the provisions on conditions, methods, limits and responsibility in the funding of election campaigns applied to initiative groups (IGs) as well. On 18 August 2016, the CEC approved the Regulation on the Funding of Initiative Groups for the Collection of Signatures in Support of a Candidate to an Elective Position or to Initiate a Referendum.

V.1.1. Activities to Organise Initiative Group (IG) functions

a. The establishment of a general ceiling on the amount of funds that can be transferred into Initiative Group Funds" accounts in support of nominated candidates

On 26 August 2016, in accordance with legal provisions¹⁸ and the timetable, the CEC established the maximum amount of funds that can be transferred to the "Initiative Group Funds" account as MDL 576,250. This threshold was calculated by multiplying the coefficient of MDL 23.05 by the maximum number of signatures that are required for an IG (25,000). The coefficient of MDL 23.05 was established according to updated legislation and constitutes 0.5% of the average salary according to economic statistics for the year preceding the election, which amounted to MDL 4,610.9.

After monitoring IG funding and the signature collection period, Promo-LEX EOM found (based on negative feedback from those concerned) that the established ceiling was insufficient, jeopardizing the transparency of revenues and expenses related to signature collection activities.

b. The opening the "Initiative Group Funds" accounts and introduction of treasurers

According to the CEC, 22 of the 24 registered IGs nominated their treasurers by 29 September 2016. Although they registered treasurers, 2 IGs (supporting Mihai Ghimpu (PL) and I.C. Ion Dron)

¹⁸ Article 38(10) of the Electoral Code and paragraph 6 of Regulation on the Funding of Initiative Groups, approved by CEC Decision No 114 of 18 August 2016, CEC shall establish the general threshold for funds that can be transferred on the "Funds for initiative group" account, on the basis of a coefficient multiplied by the maximum number of signatures to be collected by the initiative group supporting an elective candidate.

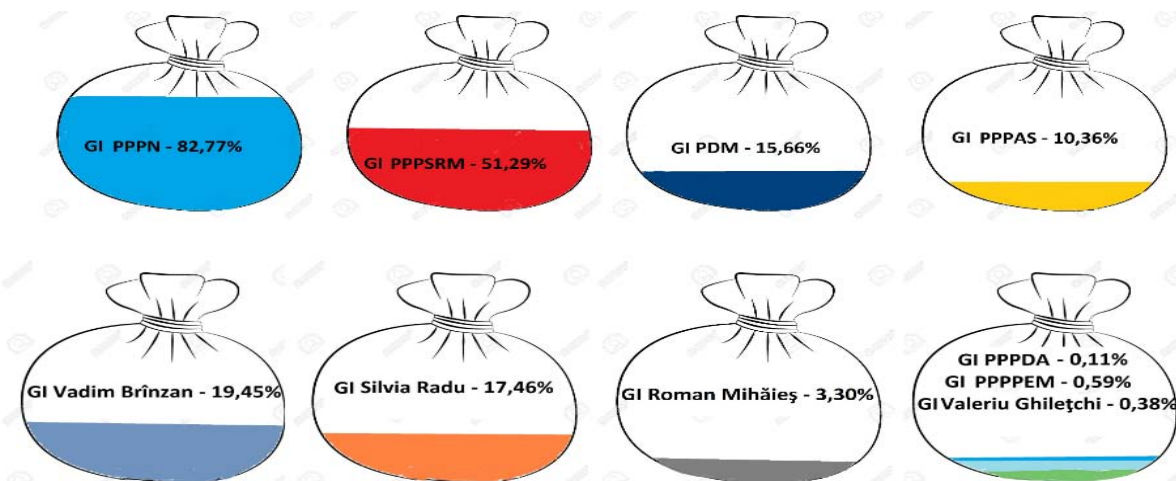
informed the CEC that they will not incur expenses and will not open “Initiative Group Funds” accounts. Out of the 24 registered IGs, 2 IGs (I.C. Mihai Corj and I.C. Geta Savitchi) did not nominate treasurers and informed the CEC that their activities will be conducted on a voluntary basis and will not require financial expenditures¹⁹. For the signature collection period (2 to 29 September 2016), 11 of the 24 registered IGs (PDM, PPPDA, PPPPEM, MSPRR, PPPN, PPPAS, PPPSRM, I.C. Silvia Radu, I.C. Vadim Brinzan, I.C. Valeriu Ghilețchi, I.C. Roman Mihaies) submitted financial statements²⁰, while another 7 IGs (Mihai Ghimpu, I.C. Tudor Tarlev, I.C. Maia Laguta, Vitalia Pavlicenco, Ana Guțu, I.C. Geta Savițcaia, I.C. Ion Dron) submitted declarations that they had not incurred any expenses. These statements and declarations have been published on the Central Electoral Commission website under the terms provided by law.

V.1.2. The Final Financial Statements of Initiative Groups

a. Initiative groups; revenue and expenditures as reflected in their financial statements

According to the final statements, the amount of revenue declared by 10 IGs for the period from 2 to 29 September 2016 was MDL 1,160,427 and the amount of expenses was MDL 1,159,991, with a final balance of MDL 881. 1 IG (MSPRR) reported no revenue and expenses during signature collection. No initiative group exceeded the maximum threshold of MDL 576,520 set by the Central Electoral Commission for the signature collection period. (See Chart 5).

Chart 5. Revenue as a percentage of the regulatory limit²¹



The sources of IG funding were donations from legal entities – 46.58%, donations from individuals to 6 IGs – 41.49%, and material donations – 4.66%.

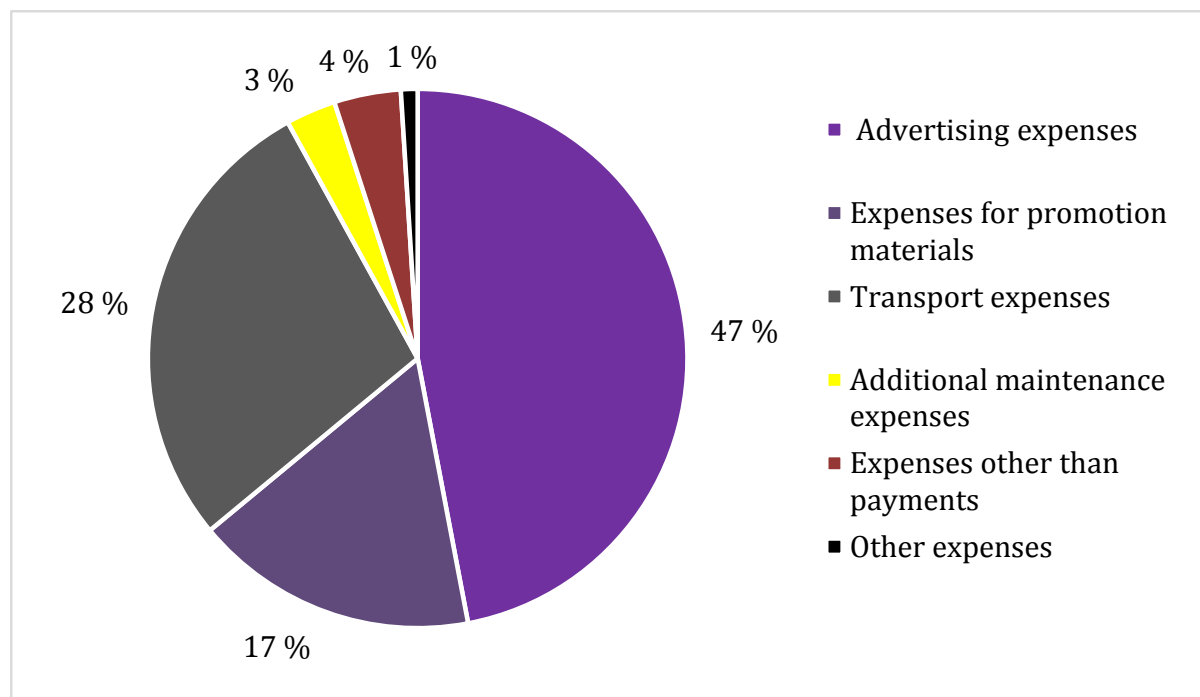
19 According to Article 38(10) of the Electoral Code and paragraph 5 letter a) of the Regulation on the Funding of Initiative Groups, the initiative group shall open a bank account entitled “Funds for initiative group” within 7 days from the date of registration at CEC, and shall inform the Commission in writing about it by communicating the respective banking data. If the initiative group does not open such an account, it has the obligation to inform the electoral authority and to carry out activities that do not involve financial expenses.

20 According to Article 38(8) of the Electoral Code, 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.

21 2 IGs (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 largest share of declared expenses was for advertising – 46.47%, followed by transport – 28.16%, promotional materials – 16.94%, additional maintenance expenses – 2.48%, expenses from material donations – 4.14%, and other expenses – 1.41. According to their financial statements, 5 IGs reported advertising expenses adding to MDL 539,030, 6 IGs reported transport expenses adding to MDL 326,700.5 IGs reported expenses for promotional materials adding to MDL 196,551, only 2 IGs (PPPN and I.C. Roman Mihaes) reported such expenses of MDL 28,805. 10 IGs reported such expenses amounting to MDL 16,354.07. (See Chart 6).

Chart 6. Reported expenses by subcategory.

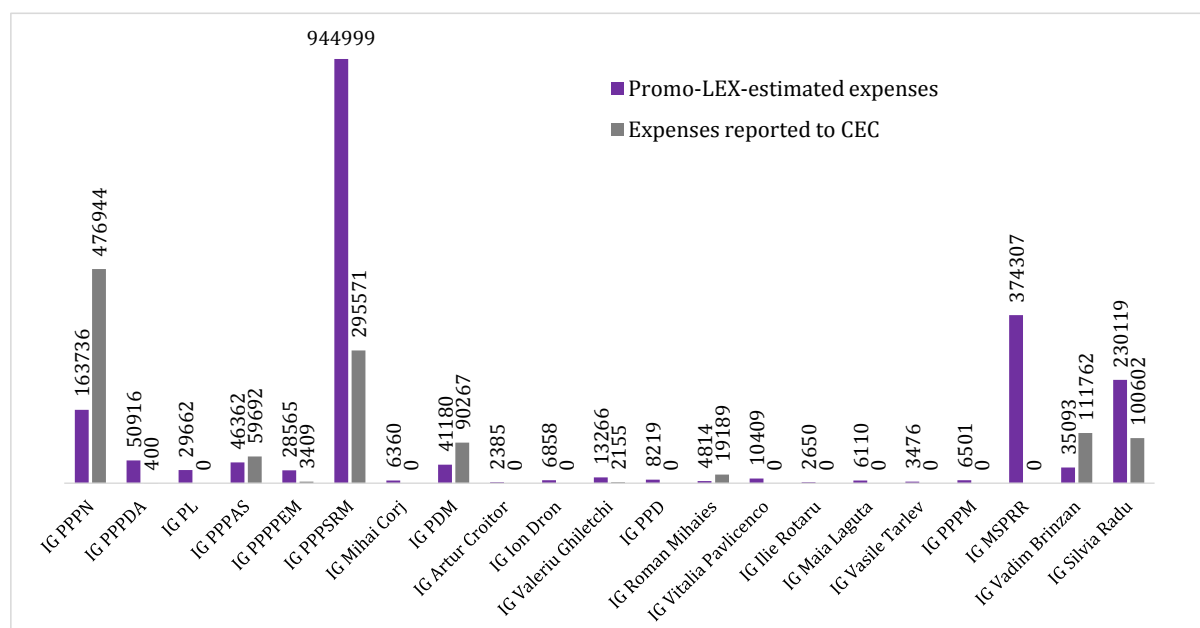


Promo-LEX EOM found 1 case in which an IG (supporting the candidate Maia Sandu) submitted signature sheets on 22 September 2016 but banking operations related to the “Initiative Group Funds” account were registered later, thus, violating Section 14 of the Regulation on the Financing of the IG. On 23 September 2016, 8 withdrawals from the abovementioned account were recorded, involving a total amount of MDL 43,786.80. In addition, deposits to this account were recorded on 23 and 24 September 2016. This account’s sole purpose could not, therefore, have been financing activities related to signature collection, which had already been completed.

b. Revenue and expenditures found by Promo-LEX observers that were not reflected in initiative groups’ financial statements

Promo-LEX EOM noted with concern that at least 2 IGs (MSPRR and PL) submitted financial statements with no expenditures, despite the fact that they conducted promotional activities, both on online platforms and billboards, in order to collect signatures. Another 4 IGs (PPPDA, PPPPEM, I.C. Silvia Radu, I.C. Vadim Brinzan) sporadically indicated some expenses and but claimed ‘zero’ expenses for obvious costs, including transport, promotional materials, and compensation for volunteers. According to their financial statements, only 3 IGs (PPPSRM, I.C. Vadim Brinzan, I.C. Roman Mihaes) indicated material donations, estimated them at their the market value, and made this information available in financial documents submitted to the CEC. According to Promo-LEX EOM, 16 IGs failed to report expenses totaling at least MDL 1,322.668.

Chart 7. Total estimated vs. reported expenses, MDL



According to the Regulation on Initiative Group Financing, IGs must submit, along with financial statements, lists of both financial donations and donations in goods, objects, work and services during the electoral period (indicating the name and type of the goods, objects, work or services, including the period, the market value of the goods donated, the number and date of the bailment agreement/donor). (See unreported estimated expenses of IGs by category in Annex 3, Charts 1–7).

Promo-LEX EOM notes that the legal provisions of the Contraventional Code regarding financial reporting during the election campaign do not apply to initiative groups, so sanctions are not imposed for improper reporting by initiative groups, resulting into incomplete reporting by those concerned. Promo-LEX EOM recommends amending Articles 48 and 48¹ of the Contraventional Code “Violations of laws on the management of political party financing and electoral funds” so that they apply to initiative groups as well.

c. Expenses incurred by political parties for activities with electoral overtones identified by Promo-LEX observers during signature collection



Promo-LEX EOM has estimated that a total amount of MDL 2,239,310 was spent by 5 political parties (PL, PDM, PPPPEM, PPPDA and PPPSRM) for activities that could be qualified as campaigning, based on statements by Promo-LEX observers. Promo-LEX EOM emphasises that the activities were qualified as political but occurred just prior to the election campaign, a fact that can produce ambiguities when qualifying these actions as electoral or political and, subsequently, when assessing expenses related to them. In addition, Promo-LEX EOM cautions political parties about their obligation to report the expenses found by Promo-LEX observers in their bi-annual and annual financial statements.

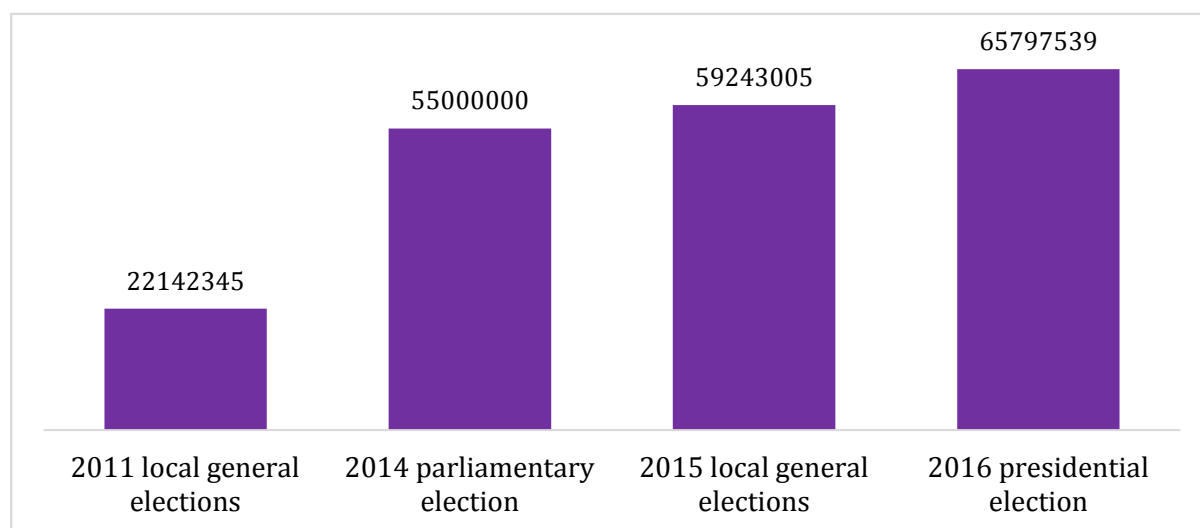
V.2. Financial Aspects of the Election Campaign

V.2.1. Legal Aspects of Election Candidates' Finances

a. The general ceiling on the amount of funds that can be transferred into the "Electoral Fund" account of the election candidate

On 14 September 2016, the Central Electoral Commission established the ceiling for funds that can be legally transferred to "Electoral Fund" accounts at MDL 65,797,538.85²². Promo-LEX EOM found that that this threshold is sufficient and presents below the evolution of this threshold during the most recent elections.

Chart 8. Evolution of spending limits across elections, MDL



b. Public Support for Election Campaigns

On 14 September 2016, the CEC established an interest-free loan in the amount of MDL 30,000 available to election candidates²³.

²² Article 38(2) letter d) of the Electoral Code, CEC stipulates that CEC shall establish the general threshold for funds that can be transferred 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.

²³ According to Article 37 (1) of the Electoral Code, the State provides interest-free loans to election candidates.

Promo-LEX EOM found that the CEC did not present or justify the formula used to establish the amount of the interest-free loan provided by the CEC. At the same time, it emphasizes that no election candidate took advantage of this loan during the election campaign.

c. The opening (round I) and reopening (round II) of the “Electoral Fund” accounts and appointment of treasures

Promo-LEX EOM emphasizes that 6 election candidates in the electoral race (Marian Lupu, Andrei Nastase, Inna Popenco, Dumitru Ciubasenco, Iurie Leanca, Igor Dodon) had opened “Electoral Fund”²⁴ accounts and appointed people responsible for these accounts (treasurers) by 30 September 2016. Another 4 ECs (Mihai Ghimpu, Maia Sandu, Valeriu Ghiletschi, Silvia Radu) opened “Electoral Fund” accounts between 3 and 7 October 2016.

Promo-LEX EOM notes that on 3 November 2016, the 2 ECs (Igor Dodon and Maia Sandu) that reached the second round of elections unlocked their Electoral Fund accounts and started the election campaign for the second round²⁵.

V.2.2. Final Financial Reporting by Election Candidates

Promo-LEX EOM found that 11 ECs reported on time, in both the first and second rounds of the election. On 28 October 2016, in accordance with Article 38² of the Electoral Code and the schedule approved by the CEC²⁶, out of the 12 ECs in the electoral race, 11 ECs (Marian Lupu (PDM), Mihai Ghimpu (PL), Iurie Leanca (PPPEM), Andrei Nastase (PPFDA), Inna Popenco (MSPRR), Dumitru Ciubasenco (PPPN), Maia Sandu (PPPAS), Igor Dodon (PPSRM), Silvia Radu (IC), and Valeriu Ghiletschi (IC), Ana Gutu (IC)) submitted their reports on cash flow and expenses for the period 30 September – 28 October 2016; 1 EC (Maia Laguta (IC)) submitted a declaration that no expenses had been incurred. On 11 November 2016, 2 ECs (Igor Dodon, Maia Sandu) submitted their final reports, including the period of the second round of the election, 3–11 November.

²⁴ According to Article 38(2)(a) of Electoral Code, 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 must inform the CEC about the persons responsible for their funds (the treasurer). Election candidates can not be appointed as treasurers. According to the same article, para. 4, all the expenses for the election campaign shall be made from the “Electoral Fund” account. Further, para. 7 of this article stipulates that the bank where the “Electoral Fund” accounts are open must inform the CEC about the funds transferred into the election contestants’ accounts, daily or on CEC request.

²⁵ According to Article 38(2) let. a) of the Electoral Code, the election candidate shall open a bank account with the inscription “Electoral Fund” [...]. According to p. 12 of the Regulation on Election Campaign Funding, the last payments from the “Electoral Fund” account shall be made with at least two days before the election day; thus, any transfers from this account after submitting the final financial statement are prohibited. In case of second round of elections or repeat elections, the “Electoral Fund” account can be unlocked at the request of the EC, once the electoral body has adopted such a decision. If election candidates do not open any “Electoral Fund” account in a bank, they must notify CEC that they carry out campaign or promotion activities that do not involve any financial costs.

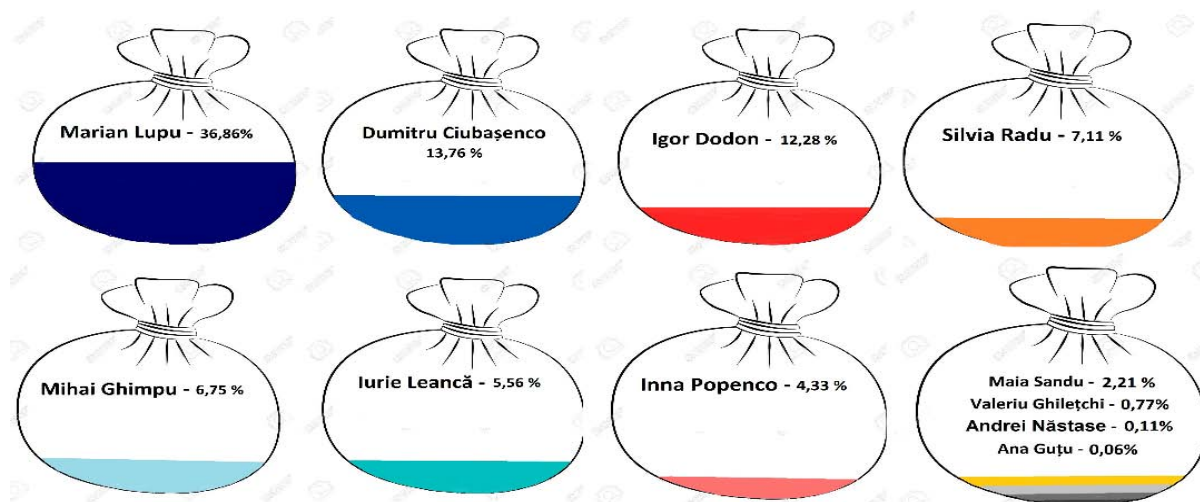
²⁶ According to Article 382 (6) of the Electoral Code, the registered election candidates shall submit to CEC the reports on election campaigns funding for the entire election period at least 2 days before the election day. The reports shall be published on the official website of CEC within 48 hours of receipt, observing the law on protection of personal data.

a. Election candidates' revenue and expenses as stated in their reports on election campaign financing

According to the final reports for the first and second rounds as submitted to the CEC, the revenue declared by 11 ECs for the period of 30 September – 11 November 2016 amounts to MDL 59,426,475 and the expenses to MDL 59,186,748.

Marian Lupu accumulated MDL 24,250,150, Dumitru Ciubasenco – MDL 9,053,614, Igor Dodon – MDL 6,437,072, Ana Gutu – MDL 40,450, Mihai Ghimpu – MDL 4,438,430, Valeriu Ghilețchi – MDL 503,870, Silvia Radu – MDL 4,678,990, Inna Popenco – MDL 2,851,785, Maia Sandu – MDL 1,453,414, Iurie Leanca – MDL 3,658,000, and Andrei Nastase – MDL 70,000. The total amount of declared revenue reached only 90.32% of the threshold established by CEC for a single election candidate. None of the ECs exceeded the maximum threshold established by the Central Electoral Commission of MDL 65,797,539.

Chart 9. Revenue as a percentage of the regulatory limit, MDL 65,797,539



EC's sources of funding consist of:

- financial donations by 2,895 individuals (to 9 ECs) amounting to MDL 52,408,936;
- financial donations by 10 legal entities amounting to MDL 7,008,200 to 5 ECs (Iurie Leanca / PPPPEM, Dumitru Ciubasenco / PPPN, Maia Sandu / PPPAS, Inna Popenco / MSPRR, Valeriu Ghilețchi / IC);
- in-kind donations amounting to MDL 837,765 for 4 ECs (Maia Sandu / PPPAS, Igor Dodon / PPPSRM, Inna Popenco / MSPRR, Dumitru Ciubasenco / PPPN).

According to the financial statements submitted to and made public by the CEC, Promo-LEX EOM found that 2 election candidates (Dumitru Ciubasenco and Maia Sandu) recorded donations from a third party without showing the primary donor who originally transferred these funds to the third party's account. Promo-LEX EOM reiterates that, in this election campaign and elsewhere, this practice is a subtle method intended to conceal donors and avoid transparency and public supervision by citizens and the relevant bodies.

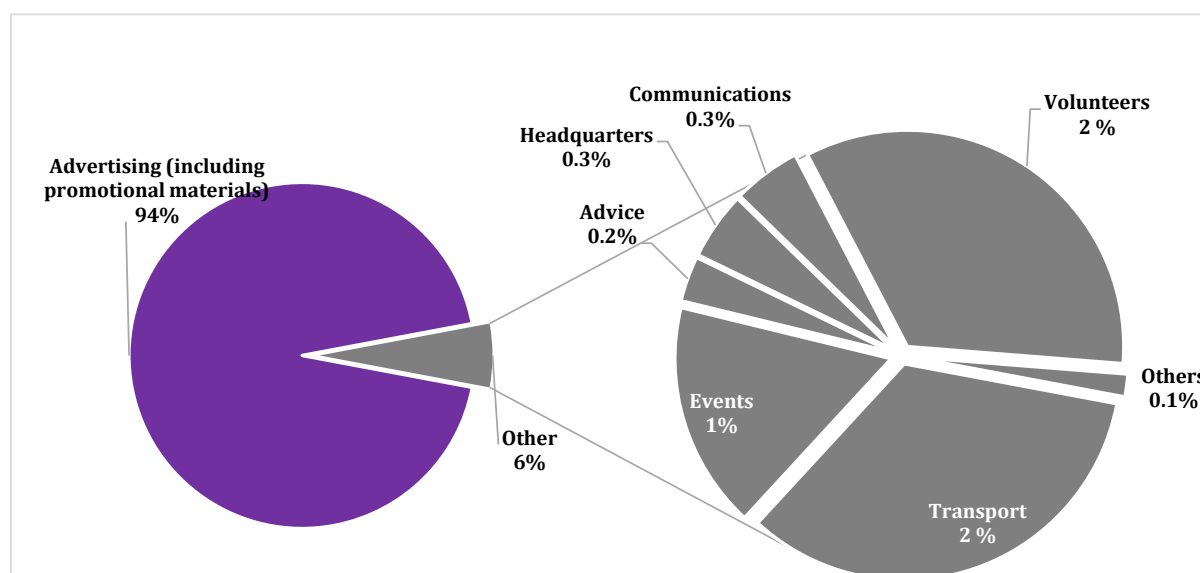
Therefore, an explanation is needed of the procedure for transferring funds from the account of a party (as a legal entity) into the electoral fund, and how such transfers should be reported in financial statements.

Promo-LEX EOM established 4 categories of donations:

- “very large” – over MDL 1 million: (Silvia Radu / I.C. – 1 donor; Dumitru Ciubasenco / PPPN – 1 donor; Inna Popenco / MSPRR – 1 donor);
- “large” – from MDL 75,000 up to MDL 1 million: (Dumitru Ciubasenco / PPPN – 4 donors; Mihai Ghimpu / PL – 16 donors; Silvia Radu / IC – 13 donors; Iurie Leanca / PPPPEM – 4 donors; Inna Popenco / MSPRR – 2 donors);
- “medium” – from MDL 60,000 up to MDL 75,000: (Marian Lupu / PDM – 41 donors; Igor Dodon / PPPSRM – 8 donors; Iurie Leanca / PPPPEM – 4 donors; Mihai Ghimpu – 2 donors; Valeriu Ghiletschi / I.C. – 2 donors; Dumitru Ciubasenco – 1 donor);
- “other donations” – up to MDL 60,000: (Marian Lupu / PDM – 1,670 donors; Dumitru Ciubasenco / PPPN – 593 donors; Iurie Leanca / PPPPEM – 91 donors; Igor Dodon / PPPSRM – 298 donors; Mihai Ghimpu / PL – 3 donors).

Promo-LEX EOM found that donations listed under the “large” and “very large” categories are subject to Section 20 of the Regulation on Election Campaign Funding, requiring the Main State Tax Inspectorate to verify the origin of financial contributions transferred to election candidates. At the same time, Promo-LEX EOM notes that 6 ECs received “medium donations” close to the MDL 75,000 limit, meaning the donors (58) did not have to be verified by the MSTI. According to the CEC announcement, Promo-LEX EOM recommends that MSTI verify the origin of “large” and “very large” donations and that the electoral administration request that the Court of Accounts supervise the income sources of the ECs receiving these categories of donations.

Chart 10. Distribution of declared expenditures



According to the final financial statements, the largest share of declared expenses went to advertising – 89%, followed by promotional materials – 5%, transport – 2%, expenses for meetings and events – 2%, expenses for delegating or detaching persons (volunteers/observers) – 1%; additional maintenance expenses – 0.3%, communications – 0.3%, and other expenses – 0.4%.

V.2.3. Expenditures Found by Promo-LEX Observers that were not Reflected in Election Candidates' Financial Statements²⁷

a) Expenses for office rentals

According to Promo-LEX observers, 9 ECs used at least 168 offices in 35 district centers, Chisinau and Balti municipalities and ATUG: Iurie Leanca – 10 offices, Andrei Nastase – 6, Ana Gutu – 1, Maia Sandu – 1, Mihai Ghimpu – 27, Marian Lupu – 40, Inna Popenco – 6, Igor Dodon – 42, Dumitru Ciubasenco – 34, Silvia Radu – 1. Only 3 ECs (Dumitru Ciubasenco, Marian Lupu, Andrei Nastase) reported such expenses in their statements submitted to the CEC. The minimal real amount of unreported expenses for the rental of 168 offices by 10 ECs was found by Promo-LEX observers to be MDL 573,895.

b) Expenses for office maintenance services

According to Promo-LEX observers, 10 ECs used at least 168 offices. No EC reported such expenses in their statements. The total unreported expenses for office maintenance services amount to at least MDL 38,496.



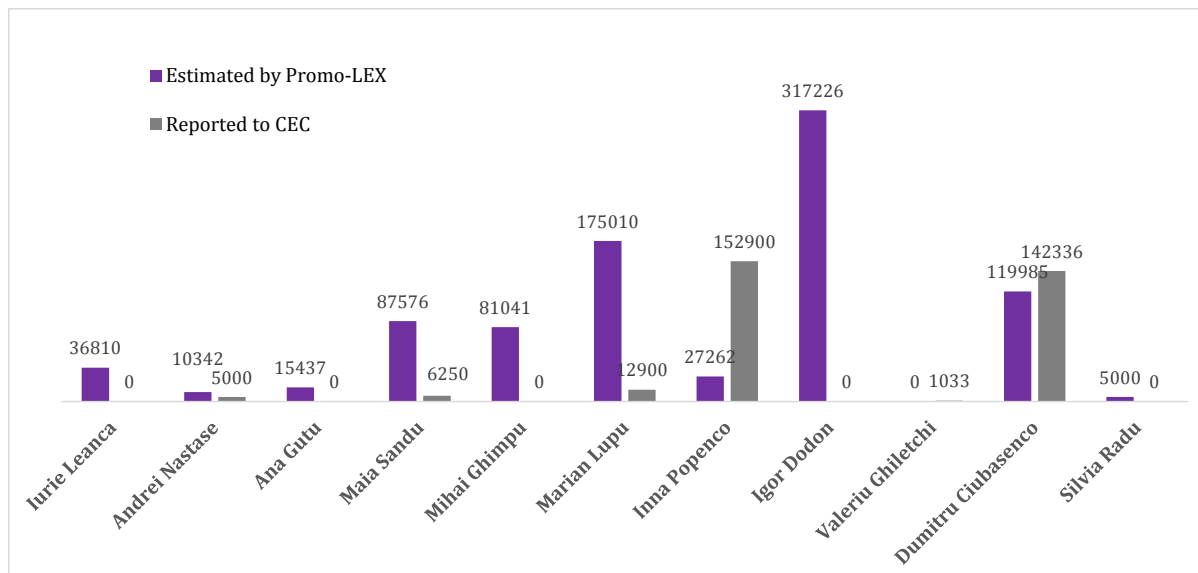
c) Expenses for landline and mobile telephone services and internet

According to Promo-LEX observers, 10 ECs used communication services during the election campaign. Only 3 ECs (Inna Popenco, Maia Sandu, Valeriu Ghiletschi) reported such expenses. Communication services include landline and mobile telephone services and the Internet. The expenses for mobile telephone services were calculated by multiplying the number of people en-

²⁷ Methodology is presented in the introduction of the Report.

gaged in the campaign on behalf of each EC by the minimum monthly fee for mobile telephone services – MDL 51, and by the period of activity: Round I – 1.0 months, Round II – 1.5 months.

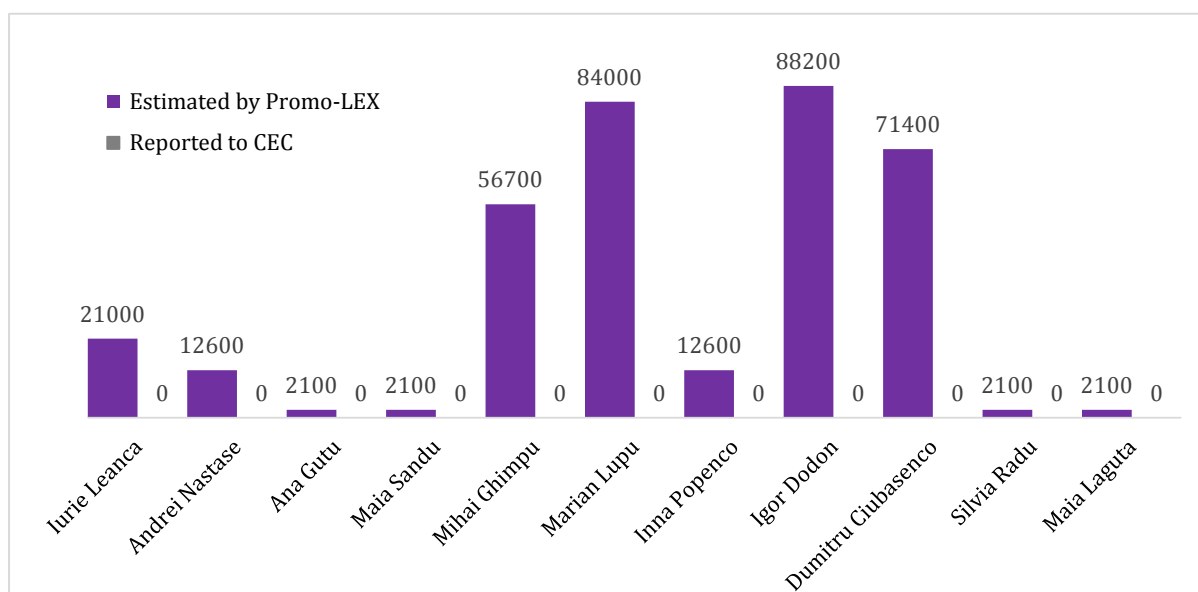
Chart 11. Additional Expenses for Maintenance and Telephone Services of EC, MDL



d) Expenses for work remuneration

According to Promo-LEX observers' findings, 11 EC hired at least 169 employees during the election campaign as their parties' central and territorial representatives: Iurie Leanca – 10, Andrei Nastase – 6, Maia Sandu – 1, Ana Gutu – 1, Mihai Ghimpu – 27, Marian Lupu – 40, Inna Popenco – 6, Igor Dodon – 42, Dumitru Ciubasenco – 34, Silvia Radu – 1, Maia Laguta – 1. For compensating at least 169 persons employed by 11 ECs, a total minimum amount of at least MDL 397,950 was estimated. No election candidate reported such expenses during the election campaign.

Chart 12. Expenditures for the compensation of work

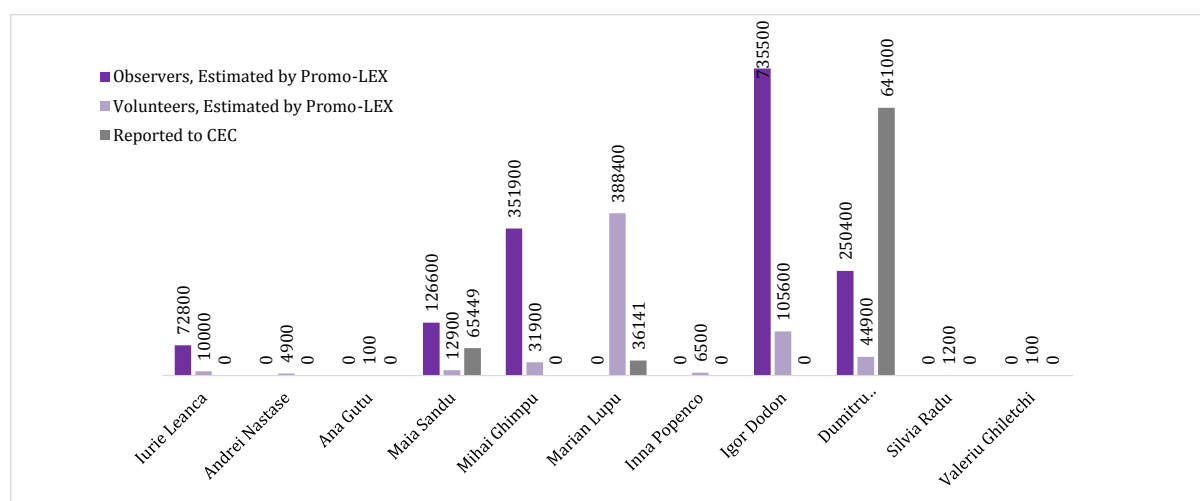


e) Expenses for rewarding volunteers/campaigners and observers on the day of the election

According to Promo-LEX observers, 10 ECs used volunteers during the first 4 weeks of election campaigning and 5 ECs had observers on the day of the election (Round I). Only 3 election candidates (Dumitru Ciubasenco, Maia Sandu, Marian Lupu) reported such expenses; moreover, only Dumitru Ciubasenco reported a concrete figures (MDL 641,000).

Iurie Leanca had at least 100 volunteers during the campaign, and 364 observers on the day of the election; Andrei Nastase – 49 volunteers; Maia Sandu – 129 volunteers and 1,984 observers for Rounds I, II; Mihai Ghimpu – 319 volunteers and 1,173 observers (rewards of MDL 300 / observer); Marian Lupu – 3,884 volunteers; Inna Popenco – 65 volunteers; Igor Dodon – 1,056 volunteers and 3,463 observers for Rounds I, II (rewards of MDL 500 / 1 observer); Dumitru Ciubasenco – 449 volunteers and 1,252 observers; Silvia Radu – 12 volunteers; Ana Gutu – 1 volunteer. According to Promo-LEX EOM estimates, the total cost for rewards for the 6,090 volunteers/campaigners for one day of campaigning is at least MDL 533,400, and the total amount estimated for 4,929 observers is at least MDL 2,268,600.

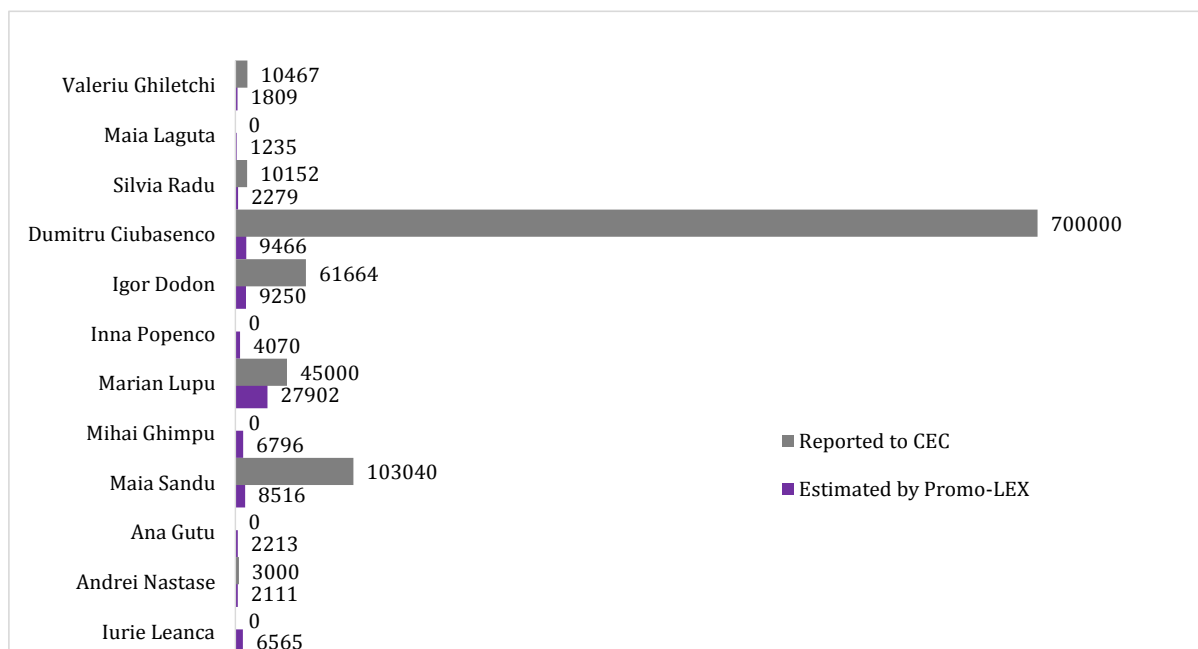
Chart 13. Expenses for compensation, MDL



f) Transportation expenses

Promo-LEX observers reported the use of vehicles for electoral purposes within RM by at least 12 ECs. Only 7 ECs reported such expenses in their statements submitted to the CEC. Out of 12 ECs, 5 (Iurie Leanca, Ana Gutu, Mihai Ghimpu, Inna Popenco, Maia Laguta) failed to report at least MDL 43,495.

Chart 14. Transportation Expenses, MDL



g) Expenses for promotional materials

According to Promo-LEX observers, 4 ECs fully or partially failed to report expenses for promotional materials in their reports on the funding of their election campaign submitted to the CEC. The total expenses for advertising amount to at least MDL 4,359,300.



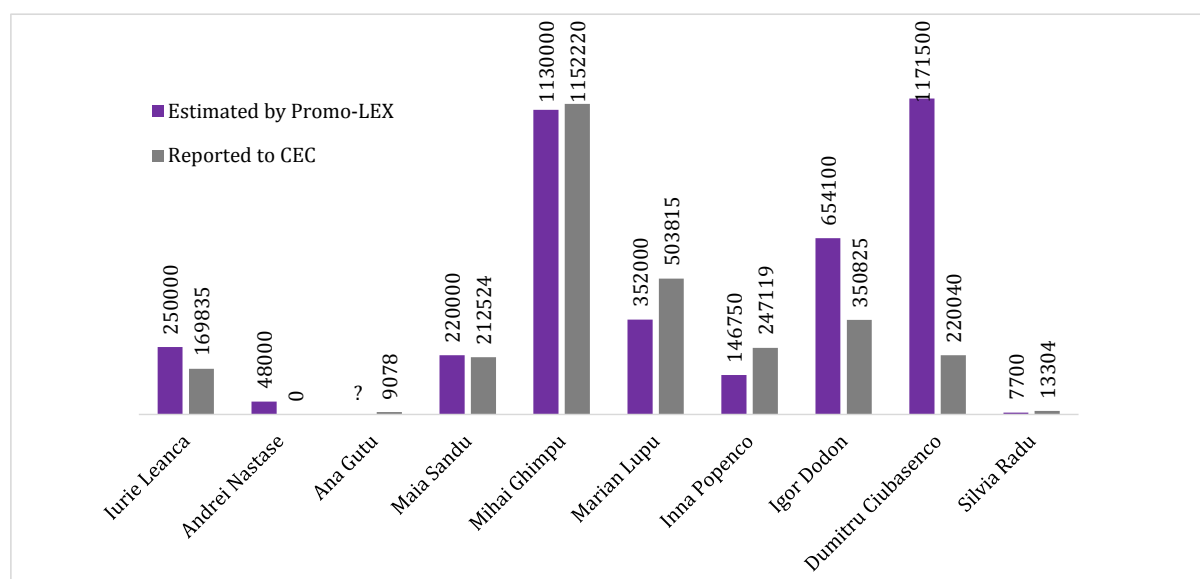
Promo-LEX EOM continues to find non-compliance with the legal requirement to report expenses on promotional materials, and finds the improper completion of reports in this area. The election candidates concerned (Marian Lupu, Mihai Ghimpu, Silvia Radu, Igor Dodon, Maia Sandu, Inna Popenco, Dumitru Ciubasenco, Ana Gutu, Iurie Leanca) did not include in their reports (as required by law) typographical data for their promotional materials, thus creating impediments to the process of assessing the accuracy of reporting and ensuring the transparency of the payments made, as well as clarifying the actual expenditures for this purpose. Simultaneously, Promo-LEX EOM has found the improper printing of typographical data on some samples of promotional materials for 3 ECs (Marian Lupu, Igor Dodon, Ana Gutu).

The EC Mihai Ghimpu did not include in neither the bimonthly financial statements, nor in the final statement the flow of money and expenses incurred during the election campaign the money paid to the printing house whose name was on the advertising materials printed out in the printing number of 100,000 copies, at "TIPOMEDIA PROD SRL". The material was printed under a contract dated 1 October 2016, specifying payment from the "Electoral Fund" account of the candidate. The violation is not only about not reporting, but also about the fact that Mihai Ghimpu incurred expenses for printing promotional materials such as newspapers before the "Electoral Fund" account was opened only on 3 October 2016. The law was violated in this case, since Article 38(4) of the Electoral Code provides that all expenses for the election campaign shall be covered from the Electoral Fund.

Promo-LEX EOM found the violation of the legislation on the financing of election campaigns – Article 38(4) of the Electoral Code, and at least 5 EC (Igor Dodon, Mihai Ghimpu, Iurie Leanca, Dumitru Ciubasenco, Andrei Nastase) committed violations falling under Article 48'(3) of the Convention Code.

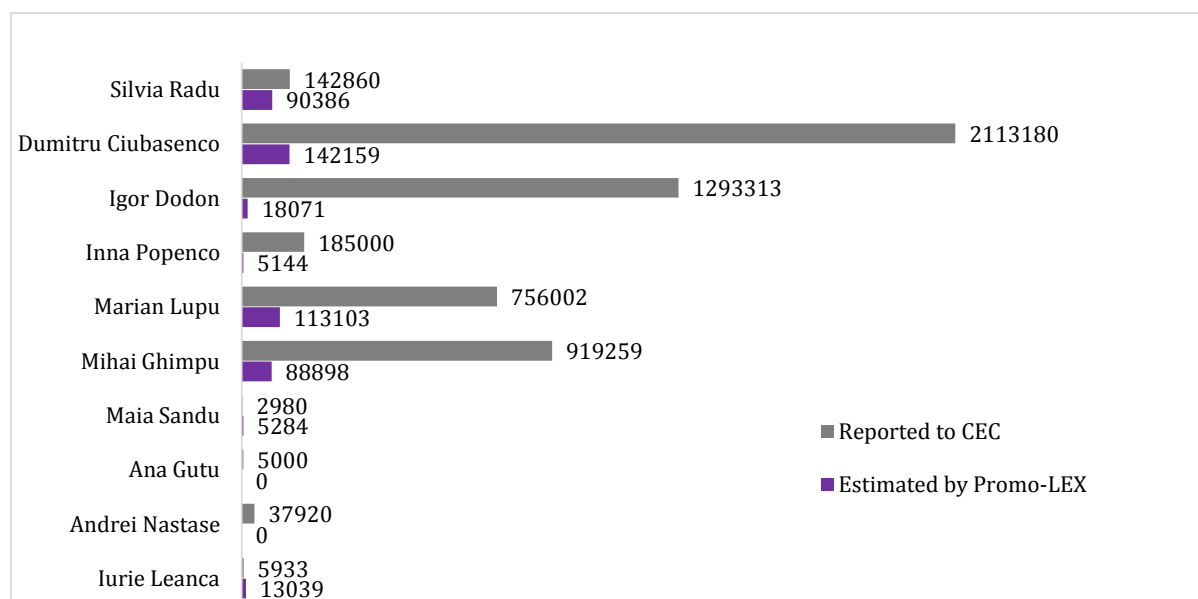
At the same time, for the second round of elections, one EC (Igor Dodon), did not report the expenses for the leaflets containing denigrating messages about the electoral rival – Maia Sandu. Promo-LEX EOM underscores that failing to report falls under Article 48'(3) [...], and the submission of incomplete data in the report, shall be fined from 300 to 500 conventional units. The fine shall be imposed on the persons in position of accountability.

Chart 15. Expenses for promotional advertising of EC

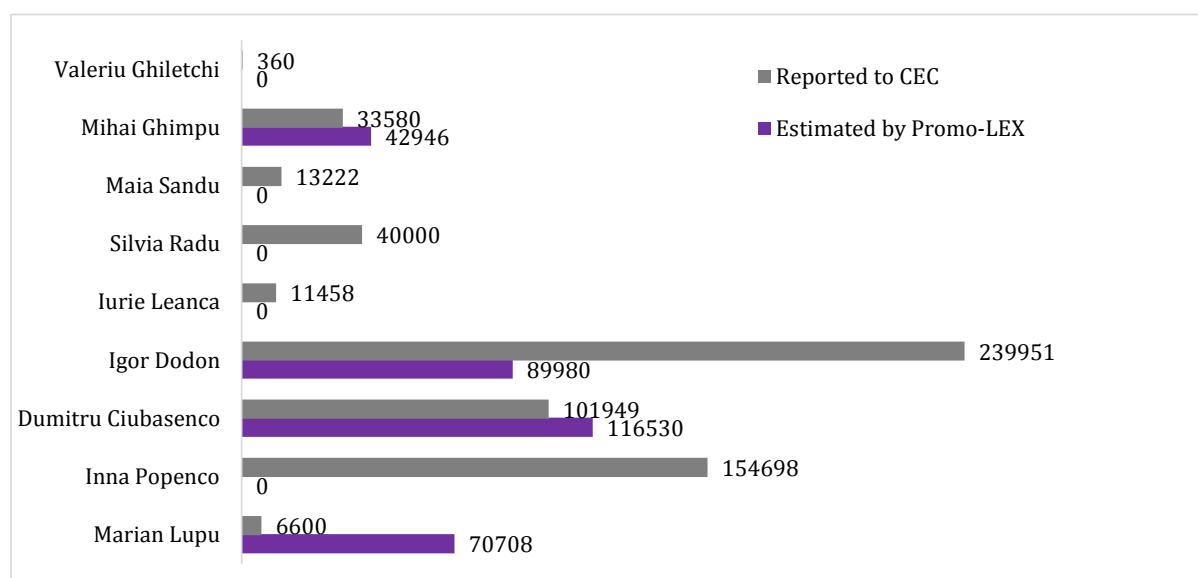


h) Expenses for advertising in the local/regional written media

According to Promo-LEX observers, for the period indicated, 10 EC incurred expenses for advertising in the written media amounting to at least MDL 476,084. Moreover, Promo-LEX EOM underlines that these expenses are included in election candidates' reports and they amount to MDL 5,461,447.

Chart 16. Expenses for written media of EC*i) Expenses for public events*

According to Promo-LEX observers, at least 4 EC (Dumitru Ciubasenco, Marian Lupu, Igor Dodon, Mihai Ghimpu) and 1 political party (PPPPA) spent money to organise 12 concerts, were performed at least 10 artists. 3 EC (Marian Lupu, Dumitru Ciubasenco, Mihai Ghimpu) did not report the actual expenses in this respect. According to the Promo-LEX estimates, the total expenses for public events amounts to at least MDL 326,164.

Chart 17. Expenses for public events of EC

Promo-LEX EOM found one instance when an election candidate was supported by another party, organising an electoral contest, which is a donation from a third party. As the legal framework on the financing of political parties and election campaigns does not regulate such a situation, Promo-LEX EOM recommends to amend the legislation in this regard to regulate the material/financial donations from third parties.

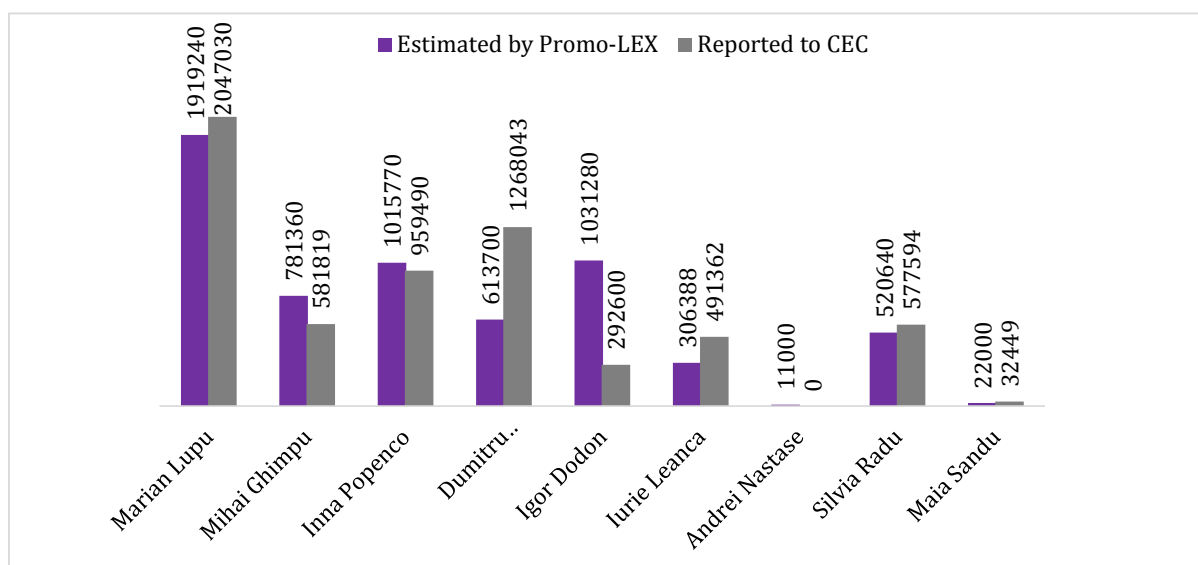
j) Expenses for outdoor and mobile advertising

According to Promo-LEX observers, for the period indicated, 9 EC incurred expenses for outdoor and mobile advertising. Most of the expenses were included in the reports, except for those of 4 EC: Igor Dodon, Mihai Ghimpu, Inna Popenco, Andrei Nastase. Promo-LEX EOM found that in all 4 cases the expenses were not reported entirely.



Regarding Igor Dodon, Promo-LEX observers reported 102 street billboards of 3x6 m², 88 city lights, 99 banners of 2x1 m², 4 street billboards of 6x15 m², 1 tent and 2 LED billboards. Regarding the EC Mihai Ghimpu, Promo-LEX observers reported 69 street billboards of 6x3 m², 81 city lights, 71 banners of 2x1 m². Regarding the EC Inna Popenco, Promo-LEX observers reported 56 street billboards of 6x3 m², 282 banners of 2x1 m², 1 street billboard of 3x12 m², TV advertisement in the Nr.1 market network. Regarding the EC Andrei Nastase, Promo-LEX observers reported 4 banners of 2x1 m², 1 tent. According to Promo-LEX EOM estimates, Igor Dodon failed to report in the financial statement at least MDL 606,505, Mihai Ghimpu – MDL 199,541, Inna Popenco – MDL 56,280, Andrei Nastase – MDL 11,000.

Chart 18. Expenses for Outdoor Advertising of EC



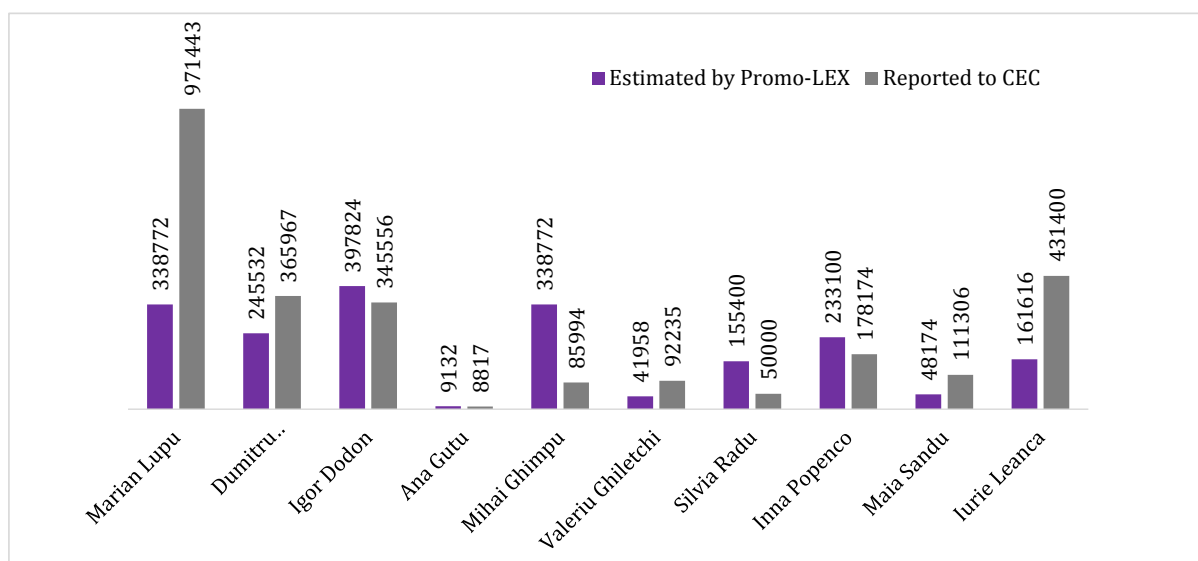
k) Expenses for online advertising

Till 29 October 2016, Promo-LEX EOM found that 10 election contestants (Marian Lupu, Igor Dodon, Mihai Ghimpu, Iurie Leanca, Dumitru Ciubasenco, Silvia Radu, Inna Popenco, Ana Gutu, Mihai Ghimpu, Igor Dodon, Silvia Radu, Iurie Leanca) had online advertisements – sponsored pages on Facebook and web banners on a number of websites, including on Skype from 10 election contestants. Only 6 EC reported expenses similar to the estimates made by Promo-LEX EOM.



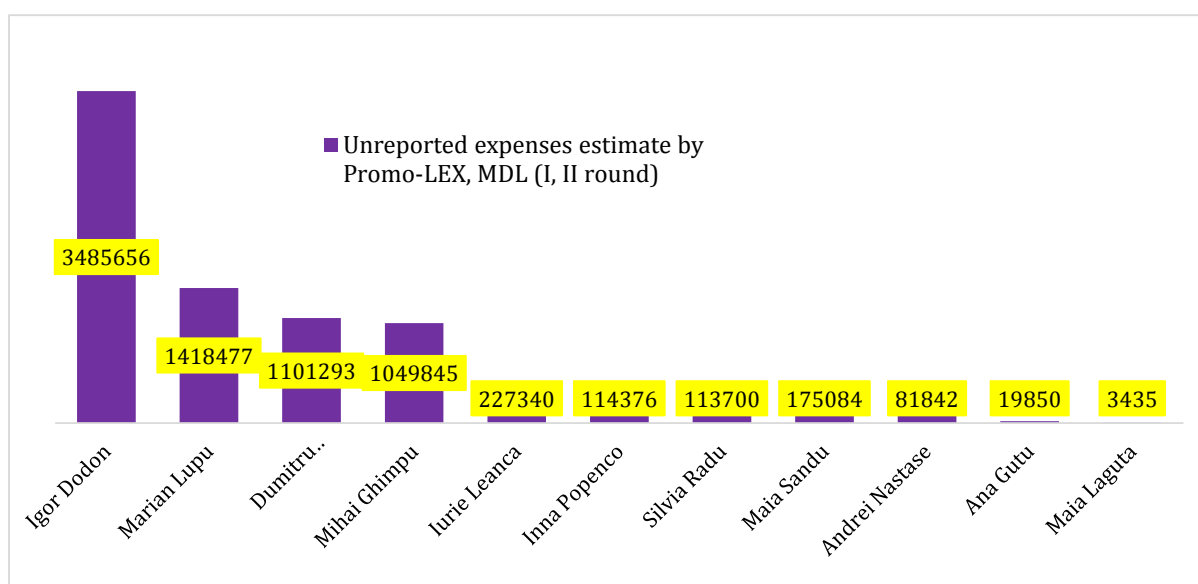
Promo-LEX EOM found that 4 of the EC mentioned above (Mihai Ghimpu, Igor Dodon, Silvia Radu, Inna Popenco) did not report fully these expenses, and estimated an amount of MDL 465,687 of expenses unreported by these 4 EC: Mihai Ghimpu – MDL 252,778, Silvia Radu – MDL 105,400, Inna Popenco – MDL 54,926, Igor Dodon did not report at least MDL 52,268.

Chart 19. Expenses for electronic media of EC, MDL



Total unreported expenses by EC. Promo-LEX EOM found that 11 EC did not report completely the expenses incurred during the election campaign (round I and round II). The total unreported expenses amount to at least MDL 7,667,223.

Chart 20. Unreported expenses estimated by Promo-LEX, MDL (round I, round II)



Promo-LEX EOM notifies CEC about the non-compliance of EC with the legal provisions, particularly, violations as provided for in Article 48¹(2) and (3) of the Contravention Code, according to which failing to observe the record-keeping and use of political parties' goods and of the means from the electoral fund shall be punished with a fine from 100 to 300 conventional units imposed on the person in position of accountability; the submission of incomplete data shall be punished

with a fine from 300 to 500 conventional units imposed on the person in position of accountability.

V.2.4. Sanctions

According to legal provisions, CEC has the legal competence to find violations and complete minutes on contraventions related to delayed or non-compliant submission of financial statements by election candidates. In addition, the legal provisions in this respect stipulate that election contestants' failure to submit the campaign financial statements in due time and in the format prescribed shall be fined 100 to 150 conventional units²⁸.

To this end, on 16 October 2016, CEC demanded from the EC Maia Laguta to submit within 24 hours either a document proving that expenses were not incurred, or a statement on election campaign funding. On 20 October, CEC adopted a decision whereby it requested the Chisinau Court of Appeal to make a statement, in accordance with Article 69(4)(a) of the Electoral Code, on the exclusion of the IC – Inna Popenco. Further, on 22 October 2016, CEC warned the EC Maia Sandu and demanded her to submit additional information on election campaign funding in the bimonthly report submitted to CEC.

According to the aforementioned, Promo-LEX EOM found that the electoral authority was passive in the 2016 presidential election campaign although, as an independent oversight and control body when it comes to matters of political parties' and election campaign funding²⁹, and as a prevention body³⁰, CEC has the mandate to impose or demand for penalties to be imposed, as provided for in the Electoral Code and in the Law No 294-XVI of 21 December 2007 on Political Parties. CEC also has the competence to inform the empowered bodies about any violation punishable under the contravention or criminal law, or related to the violation of the tax law. The law in force provides for gradual sanctions if violating the Law on Financing Political Parties and Election Campaign.

VI. CIVIL SOCIETY

During the monitoring period, civil society, through its representatives, conducted several activities in the context of the presidential election, which can be grouped into the following areas: education and civic mobilization, supporting certain candidates, adopting opinions on irregularities and negative practices during the campaign, and contributing to the good organization and conduct of the elections.

VI.1. Civic Education and Mobilisation Activities

Several NGOs and citizens with civic spirit began and conducted campaigns to mobilize voters. During the monitoring period, the Promo-LEX Association implemented the information and civ-

28 Article 481(1) of the Contravention Code.

29 Article 22(2)(c) "General Responsibilities of the Central Electoral Commission" of the Electoral Code.

30 Article 22(1) (q) CEC analyzes electoral frauds, including allegations of fraud, committed past or current elections as well as likely to be committed in future elections and take preventive measures; notifies public authorities about issues needing consideration according to current laws;

ic mobilization campaign “Ieși la Vot” (“Come and Vote”) with the slogan “ANGAJĂM PREȘEDINTE” (“PRESIDENT WANTED”). The purpose of the campaign was to contribute to the mobilisation of voters and to promote informed and conscious voting among Moldovan citizens. To this end, on October 9, and 23 2016 and 6 November, 105 volunteers from Promo-LEX talked with citizens in 35 towns and informed them about the Moldovan presidential election. The campaign also included Promo-LEX offering three mini-grants based on a competition, for public associations with the most successful and plausible educational initiatives and civic mobilization.

In addition, the following associations conducted educational and civic mobilisation campaigns: the National Centre for Assistance and Information NGOs in Moldova CONTACT, the Association for Participatory Democracy “ADEPT”, the Centre for the Analysis and Prevention of Corruption, the Center for Investigative Journalism, and Ziarul de Garda.



A group of Moldovan citizens living abroad started an online campaign “Adoptă un vot” (“Adopt a vote”) to mobilize the Moldovan diaspora. The campaign ensured free transport and accommodation for fellow citizens who wanted to vote in the second round of the presidential election, because many citizens had to travel long distances in order to exercise their right to vote.

VI.2. The Media

The national media. Media with national coverage was actively involved in the following activities during the election period: promoting election candidates, mobilizing voters, journalistic investigations regarding election candidates, and the denigration of election candidates. We note the increasing role of the press online and political blogs. Potential candidates used social media as a platform to introduce their political and electoral messages and discussion topics.

Under a partnership signed by the Promo-LEX Association and NPAI Teleradio Moldova Company, electoral debates were organized on the public channels Moldova 1 and Radio Moldova between 12 and 28 October 2016 and on 10 November 2016. Another 6 broadcasters also organised public debates: TV 7, ProTV, Jurnal TV, Realitatea TV, Accent TV and Noroc TV.

Public and private broadcasters reported on the procedures for organizing and conducting presidential elections. Private broadcasters favored certain potential and registered candidates. 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 Independent Press Association (API) and the Centre for Independent Journalism (CJI) developed and presented seven monitoring reports on the media during the campaign for the 2016 presidential election. The Audiovisual Coordination Council (ACC) presented three reports monitoring TV channels during the campaign for the presidential election on 30 October 2016.

Local and regional media. In relation to coverage of the 30 October 2016 presidential election campaign in the regional media, Promo-LEX observers noted the publication of at least 11 regional newspapers in 10 districts containing materials favouring certain election candidates.

VI.3. The Monitoring of Elections

The Association for Participatory Democracy “ADEPT” presented all events related to the presidential election of 30 October 2016 in real time. To this end, a new section – “Prezidențiale 2016” (2016 Presidential Election) – was created on the portal www.alegeri.md. The most significant activities performed were: gathering relevant information about candidates, publishing monitoring reports, updating of the profiles of political parties, etc. These activities were included in the plenary election monitoring and observation effort conducted by the member associations of the Civic Coalition for Free and Fair Elections.

On 31 October and 14 November 2016, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) submitted a statement regarding the preliminary findings and conclusions of the International Election Observation Mission. The Mission represented a joint effort to evaluate the presidential elections in the Republic of Moldova, in accordance with OSCE commitments, other obligations, and the international standards for democratic elections, as well as the national legislation. Overall, the voting process was assessed as very positively, with respect for the basic procedures.

On 1 November and on 15 November 2016, the preliminary findings and conclusions of the 2016 presidential election monitoring mission of the European Network of Election Monitoring Organizations (ENEMO) were submitted. According to the mission, the voting process was in line with international standards.

VI.4. Other Activities

Opinion polls. During the monitoring period, the Public Opinion Fund (FOP), the International Republican Institute (IRI), the Moldovan Association of Sociologists and Demographers (ASDM), the Institute for Public Policy (IPP), the Public Opinion Barometer (BOP), the National Democratic Institute (NDI), the Centre for Sociological Investigations and Marketing (CBS-AXA) and the Center for Sociological Research in Moldova (CCSM) presented the results of 14 opinion polls. These opinion polls revealed trends in the preferences of voters on the eve of the second round of presidential elections.

Press conferences. During the monitoring period, Promo-LEX EOM notes that several NGOs and opinion leaders became more active. They organised press conferences in support of certain election candidates or civic mobilisation messages. During the monitored period, at least 19 press conferences were organised by representatives of civil society.

VII. ELECTORAL INCLUSION AND EQUAL OPPORTUNITY

The access to voting for people with disabilities. The degree of accessibility of electoral procedures for persons with disabilities is the “litmus paper” test of electoral inclusion. Promo-LEX EOM welcomes and supports the activities carried out by specialised NGOs. During the election period and on election day, the INFONET Alliance, the “Motivatie” Association, the Association of the Deaf of Moldova, and the Center for the Medical and Social Rehabilitation of people with weak vision “Low Vision” implemented the “Social Policies for the Realisation of the Election Rights of People with Disabilities” Project. In addition, the Promo-LEX Association offered financial support from USAID funds for a project implemented by the Legal Assistance Center for People with Disabilities (LACPD), “Mobilizing the Participation of People with Disabilities in the 2016 Presidential Election”.

Between 7–8 October 2016, CCET trainers educated and trained 16 people with special needs from 8 regions of the country on the details of presidential elections, their rights in these elections, types of direct and indirect involvement in the electoral process, and techniques for mobilizing people with disabilities to vote.

According to Promo-LEX EOM findings, 36% of the monitored polling stations on the day of the election were not accessible for people with mobility impairments (no ramp/approach slope, PS located on the 2nd floor, etc.). Another 33% of PSs were not properly equipped for people with visual impairments (at least one of the following was missing: sufficient illumination, a magnifying glass, a ballot paper with large font, etc.). We note that no candidate has translated any message into sign language.

The Gender Dimension

Promo-LEX EOM notes that 24 people were nominated for the position of President of RM, of which 17 were men (70.8%) and 5 were women (29.2%). Subsequently, the CEC registered 12 candidates for the position of President of RM, of whom 7 were men (58.3%) and 5 were women (41.7%). A woman and a man participated in the second round of the election on 13 November 2016.

The CEC is composed of 9 people, of whom 7 are men and 2 are women. One positive aspect of gender dimension is the fact that both women have senior positions. When analysing ECC composition from the perspective of gender, we conclude that, of 317 members, 167 are men (52.6%) and 150 are women (47.4%), and that ECCs were run by 35 presidents, of whom 24 were men (68.5%) and 11 were women (31.5%).

Of the total of 2,720 Promo-LEX observers accredited by the CEC for the 2016 presidential election, 1,782 (65.5%) are women, and 938 are men (34.5%)

Table 10. Gender ratios of Promo-LEX EOM observers

No	Election year	Total observers	Women	Men
1	2014	2,676	1,785 (66.7%)	891 (33.3%)

No	Election year	Total observers	Women	Men
2	2015	2,003	1,280 (64%)	723 (36%)
3	2016	2,720	1,782 (65.5%)	938 (34.5%)

Homophobic messages. During the election campaign, especially during the second round of election, Promo-LEX EOM observers found a proliferation of discriminatory, sexist, and xenophobic attitudes, discourses and practices that fed on the fears and stereotypes against certain social groups including women, immigrants, refugees, atheists or non-Christians, and homosexuals. We believe that discriminatory and defamatory discourse must be sanctioned according to the law currently in force, in a consistent manner.

National minorities. Promo-LEX EOM did not report systematic problems in ensuring the right of representatives of national minorities to participate in the 2016 presidential election. Radio Moldova, in partnership with the CEC, has organised an information campaign in the languages of national minorities on CEC activity and decisions made during the election campaign regarding candidates registered in the presidential race. Radio listeners are invited to listen to the following Radio programs: Unda Bugeacului, Vocea Romilor, Radiomegdan and Renastere.

At the same time, at the request of EOPSs, ballots were printed in the Russian language. Promo-LEX EOM emphasizes that, during this election, representatives of national minorities did not request ballots in languages other than Russian, even if the Electoral Code and the Law on the Functioning of Spoken Languages in the Territory of RM allow this.

ELECTION DAY. THE FIRST ROUND OF ELECTIONS. THE SECOND ROUND OF ELECTIONS

a. The day of the Moldovan presidential election. The first round of the election. 30 October 2016

The opening/closing of polling stations. A total of 2,021 Promo-LEX observers monitored the opening of polling stations. According to their reports, Promo-LEX EOM determined the following:

- The opening of PSs: 1,920 PSs opened correctly (95%), and 101 PSs (5%) opened with a small delay.
- Accessibility for people with mobility impairments: 1,293 (64%) PSs were reported as being accessible, whereas 728 (36%) were non-accessible;
- The provision with appropriate tools for people with visual impairments: 1,354 (67%) PSs had the correct tools, whereas 667 (33%) did not.

Regarding the closing of PSs: 1,936 PSs closed correctly, i.e. at 9:00 p.m., and 68 PSs closed with a small delay after 9 p.m. The extension of the work schedule was requested in a single case, at PS No 335 in London, United Kingdom.

Incidents on Election Day. The most frequent type of incident was the presence of advertising materials, electoral billboards and posters in the vicinity of the polling station (within 100 meters of the PS). Promo-LEX EOM's opinion is that this type of incident is worth discussing from the perspective of the degree of EOPS members' responsibility, especially when there were billboards with electoral advertising within 100 meters of the PS, as well as in the context of the recommendation by the Mission that the public authorities examine the possibility of prohibiting all paid outdoor electoral advertising.

The efficient functioning of "Elections" SAIS remains an essential prerequisite for the proper conduct and integrity of the electoral process in RM. As long as this system faces technical problems, there will be suspicions about quality of the elections. Compared to previous elections in 2014 and 2015, we see an improvement in the system, but its viability is still questioned, as shown by the 28 cases of problems in its functioning.

Another fundamental aspect of the legitimacy of electoral procedures is the quality of the voter lists. This is a problem that has persisted from one election to another. Unfortunately, the quality of the voter lists and the SRV have continued to be called into questioning during this presidential election because of the serious problems reported – at least 23 on the day of the election.

Some other issues reported on the day of the election include: the unjustified presence of unauthorized persons inside or within 50 m of a polling station (mayor, policeman, driver of EOPS president, unidentified persons); restricted access or obstructions to the free observation process at the polling station; acts of violence or intimidation towards voters or other people; campaigning or negative PR within the perimeter of and/or near the PS, the photographing of ballots, etc.

Table 11. Incidents on Election Day, 30 October 2016

No	Type of incident	Number of cases
1.	Advertising materials, electoral billboards and posters in the vicinity of the polling station (within 100 meters of the PS)	40
2.	The unjustified presence of unauthorized persons inside or within 50 m of the polling station – (mayor, policeman, driver of EOPS president, unidentified persons)	30
3.	Problems in the operation of “Elections” SAIS	28
4.	Errors in the voter lists: mismatches between the address in a voter’s ID and the one in the list of voters (17 cases reported); deceased voters on the lists of voters (4 cases reported); and others (2 cases reported)	23
5.	Restricted access or obstructions to the free observation process at polling stations	20
6.	The organized transportation of voters: transportation without a organizer identified (13 cases); transportation organised by an election candidate (9 cases)	22
7.	Acts of violence or intimidation towards voters or other people: the intimidation of voters (5 PS); the intimidation of EOPS members by voters (12 cases); the intimidation of EOPS members by election candidates (2 cases); and others (3 cases).	22
8.	Campaigning or negative PR within the perimeter of and/or near the polling station with the intent to influence voters	21
9.	Ballot boxes were not sealed according to the legal procedures	18
10.	Photographing of the ballots	16
11.	Rumors, attempts, or even situations in which material rewards or money was offered to voters within the perimeter of and/or near the PS in order to influence them	7
12.	Ballots not distributed to EOPS members are not kept in a safe place at the polling station	7
13.	Problems in supplying polling stations with electricity	5
14.	The intentional release of more than 1 ballot to a voter or the introduction of more than 1 ballot paper into the ballot box by a single voter or by EOPS members	3
15.	Other: voting with expired IDs (2 cases); a signature affixed beside the name of a person who was not in the country (1 case); the introduction of a ballot issued in one PS to the ballot box of another PS (1); the erroneous application of the seal “Withdrawn” beside a candidate on the ballots (1 case).	5

Generalising from the character and the nature of the most frequent reported incidents, we deduce that they are mostly related to the organisation of electoral process, or, in other words, they were related to public (including electoral) authorities’ the area of responsibility.

The Vote Count Results After the First Round of Elections. An analysis of errors identified in the forms for counting votes.

The final results presented by Promo-LEX EOM regarding the number of valid votes cast for each electoral candidate were calculated based on data from 2,025 (1,981 PSs in RM and 44 PSs abroad) copies of vote counting forms given to Promo-LEX EOM observers and manually entered in a database by Promo-LEX operators.

Table 12. Final data, first round of the election

	Mihai Ghimpu	Iurie Leanca	Dumitru Ciubasenco	Maia Sandu	Igor Dodon	Silvia Radu	Maia Laguta	Ana Gutu	Valeriu Ghiletschi
Promo-LEX	1.80%	3.11%	6.03%	38.07%	48.20%	0.60%	0.97%	0.18%	1.04%
CEC	1.80%	3.11%	6.03%	38.71%	47.98%	0.37%	0.76%	0.17%	1.08%

These differences can be explained in at least three ways. First and foremost, there may be some errors in the vote counting and tabulation processes. Second, Promo-LEX EOM did not monitor all PSs opened abroad, but only 44% of them. The average percentages received by candidates in PSs abroad were different from the final results. Third, Promo-LEX made the calculation based on the number of votes cast by voters who participated in the elections, as the law on presidential elections stipulates, and not based on the number of valid votes, as the CEC did.



Promo-LEX EOM analysed the accuracy of the vote tabulation result forms for the election of the President of the Republic of Moldova on 30 October 2016. To this end, as many as 2,025 minutes – given to Promo-LEX observers by EOPS presidents were examined. Out of the total number of 2,025 verified forms, 62, or 3.06%, contained errors in at least one verification formula. This figure is smaller than the one registered for the 2014 parliamentary elections, when Promo-LEX found that 245 (12.38%) forms contained errors. Accuracy was checked by examining the formulae in the body of the forms: **$c \leq a + b$; $c \geq d$; $d = f + h$; $e = c - d$; $f = d - h$; $h = g1 + g2 + g3 + g4 + \dots + gn$; $i = c + j$; $j = i - c$.**

We found errors of completion in all formulae. The highest number of errors, 59 (2.91%), refers to the formula **$h = g1 + g2 + g3 + g4 + \dots + gn$** . The amount of votes cast for candidates does not match the total number of valid votes cast in 2.91% of the forms analysed. Promo-LEX EOM believes that these figures are alarming, especially should there be any questions about the accuracy of election candidates' results.

Table 13. Types of errors identified in forms, the first round of the election (30 October 2016)

Formula	Number of errors in the minutes (out of 62 PSs with problems)
$c \leq a + b$	4
$c \geq d$	4
$d = f + h$	50
$e = c - d$	20
$f = d - h$	50

Formula	Number of errors in the minutes (out of 62 PSs with problems)
$h = g_1 + g_2 + g_3 + g_4 + \dots + g_n$	59
$i = c + j$	57
$j = i - c$	57

b. The day of the Moldovan presidential election. The second round of the election. 13 November 2016

The opening/closing of polling stations. According to data provided by Promo-LEX EOM observers:

- A total of 1,974 PSs opened on time and 85 PSs opened with a small delay.
- A total of 38,171 requests to vote at the voter's place of residence were submitted at EOPs in the territory of RM for the second round of the election. For the purpose of comparison, STOs reported 19,931 requests in the first round of election. The second round saw almost double the number of requests submitted. According to the observation methodology of Promo-LEX STOs, observers do not accompany mobile ballot boxes. Based on this fact and the assumption that not all candidates have the ability to appoint an observer or a representative with consultative voting rights in each PS, the process of voting with mobile ballot boxes is still not very transparent.
- Access to the PS by observers as it was opened was restricted in 5 cases.

Regarding the closing of PSs: 1,980 PSs closed correctly, i.e. at 9:00 p.m., whereas 32 PSs closed with a slight delay after 9 p.m. The extension of the activities was requested at 5 PSs: No 220 in Chisinau; No 374 in Treviso, Italy; No 390 in Bucharest, Romania; No 407 in Tel Aviv, Israel; and No 47 in Balti.

Incidents on the day of the election. The organized transportation of voters was the most frequently reported type of incident by observers. The ATU on the left bank of Nistru and the ATUG are the regions where the most such cases were reported. Regarding the incidents reported on the day of the election, Promo-LEX EOM emphasizes the following:

- this phenomenon itself does not represent a violation of the law. Neither the Electoral Code nor regulatory acts treat the phenomenon of transportation as a deviation from the legal expectations;
- Promo-LEX EOM draws attention to the need to regulate this process because it generates risks of invalidating the electoral process. These risks result from the lack of transparency in the funding sources used for to transport voters, from the possibility and probability of voters being bribed as they are transported, and from campaigning occurring on the day of the election, etc.
- the transportation of voters reported by Promo-LEX observers consisted mainly of a flow from the administrative-territorial units on the left bank of the Nistru River (Transnistria) that are not controlled by Chisinau authorities. Promo-LEX EOM supports the efforts of the Chisinau authorities to increase the accessibility of electoral processes in the country for citizens of the Republic of Moldova on the left bank of the Nistru River, but believes that these actions should be taken in the context of ensuring national security and maintaining public order.
- because of the large number of voters, a precedent was created of allocating more than 3,000 ballots to a single PS. Therefore, PS No 14 in Dubasari was issued 4,045 ballots for the 3,045 people on the main voter list.

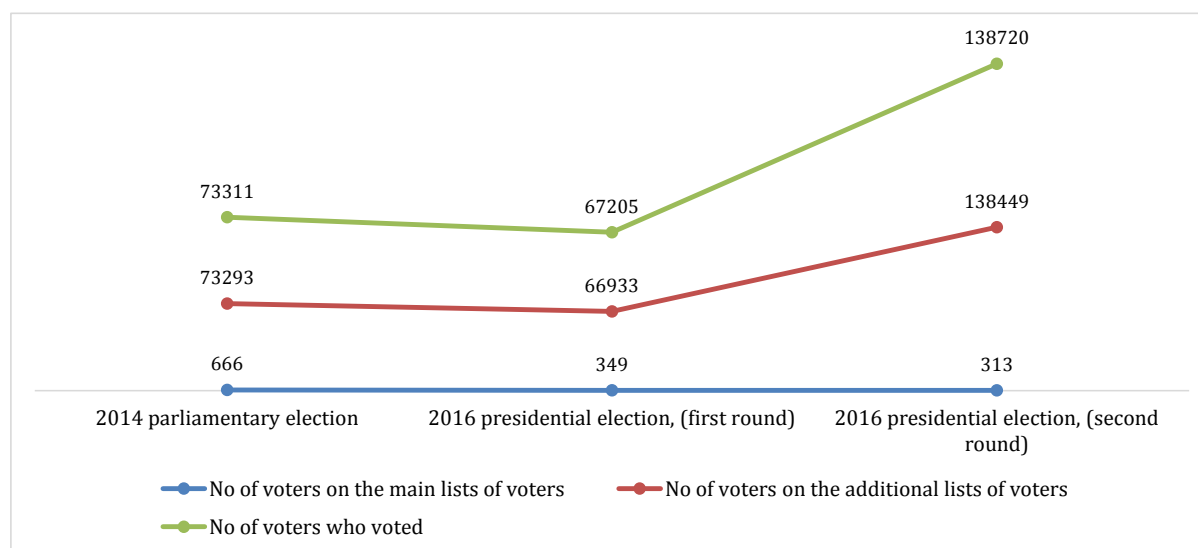
Table 14. Incidents observed during the second round of the election, 13 November 2016

No	Type of incident	Number of cases
1.	The organized transportation of voters (Igor Dodon / PPPSRM – 8 PS, at least 47 transport units; Maia Sandu / PPPAS – 0; unidentified – 31 PS; at least 113 transport units)	29 PS, at least 160 cases
2.	Photographing of ballots	84
3.	The unjustified presence of unauthorized persons inside or within 50 m of the polling station – (mayors, other LPA representatives, persons who pretend to be observers, supporters of candidates, unidentified persons)	55
4.	Problems in supplying electricity (up to three hours)	46 SV
5.	Problems in the operation of “Elections” SAIS	42 cases in 31 PS
6.	Errors in the voter lists: deceased voters on the lists of voters (9 cases); unidentified persons under citizens’ residences (9 cases); a lack of voters from the main list (6 cases); other (3 cases).	27
7.	Campaigning or negative PR within the perimeter of and/or near the polling station in order to influence the voters (Igor Dodon / PPPSRM – 15; Maia Sandu / PPPAS – 4; unidentified – 1)	20
8.	Acts of violence or intimidation towards voters or other people: intimidation of voters (2 PS); intimidation of EOPS members by election candidates (14 cases); other (3 cases).	19
9.	Queues in PSs abroad	18
10.	The presence of advertising materials, electoral billboards and posters in the vicinity of the PS or within 100 meters of the PS (Igor Dodon / PPPSRM – 7; Maia Sandu / PPPAS – 5; unidentified – 3)	16
11.	The problematic use of IDs during voting: voting only with the loose leaf (7 cases); voting without without the application of the stamp on the loose leaf (3 cases); a damaged ID card loose leaf (3 cases); other (2 cases).	15
12.	Rumors, attempts or even situations of material rewards or money offered to voters within the perimeter of and/or near the PS in order to influence them (Igor Dodon / PPPSRM – 5; Maia Sandu / PPPAS – 1; unidentified – 4)	10
13.	Ballot boxes were not sealed according to the legal procedures	9
14.	Restricted access or obstruction of the free observation process at the PS	6

Compared to the findings from the first round of election and data from Promo-LEX observers’ reports from previous elections, we warn that there was a significant increase in cases when ballot papers were photographed – at least 84 cases. This action can be considered an innocent act but is also evidence of possible voter corruption.

Issues with voting in PSs abroad was another characteristic of the second round of the presidential election. The issues were related to queues and ballot papers running out in the PS. Queues could be qualified as an inconvenience and not a problem, but the inability of voters to exercise their constitutional right to vote because of the lack of ballot papers is a problem that must be analysed thoroughly. In Interim Report No 3 published by Promo-LEX EOM on 5 October 2016, the Mission came up with proposals regarding increasing of number of ballots in PSs in certain conditions, including based on locality as the result of an analytical exercise based on the provision of the Electoral Code. Unfortunately, during the second round of the presidential election Promo-LEX’s concerns were proven true. We believe that the responsible public authorities should have made changes to the organisation and establishment of PSs abroad, but not in the period between election rounds. In the near future, will be necessary to have an open dialogue involving public authorities, electoral management bodies and the diaspora in order to identify solutions for streamlining the voting process in PSs abroad.

Chart 21. The dynamics of the voting process abroad



Problems in the operation of “Elections” SAIS and the quality of voter lists proved their repetitive nature during the second round of the 2016 presidential election.

One distinctive aspect of the election on 13 November 2016 was the large number of problems related to supplying power, in 46 PSs. We emphasize that this type of problem did not cause the suspension of EOPS activity, thanks to efforts made by members of the polling stations in collaboration with LPA (use of candles, power generators, etc.). Despite the fact that the large number of blackouts was provoked by unfavorable weather conditions, the responsible institutions were not able to prevent or respond promptly to them. The problems with power and heat supply proved that public authorities faced difficulties in ensuring the necessary conditions for EOPS activity. In this context, a subject of discussion could be the proposal to organize elections in the second half of May because of the following considerations: natural visibility is ensured during the entire voting process (7:00 a.m. – 9:00 p.m.); the outside temperature does not require heating systems; and the citizens with the right to vote are not on leave or on vacation.

The sealing of the ballot boxes with violations of legal provisions was a problem reported by STOs during both rounds of the election. The Mission believes it necessary to replace the current seals with better ones because they break easily. In this way, these violations can be avoided.

Certain types of violations by reported Promo-LEX EOM observers during the second round of the presidential election were distributed by candidate and are presented as follows:

Table 15. The most frequent incidents during the second round of election depending on the election candidates that provoked them

No	Type of incident	Number of cases for each candidate involved		
		Igor Dodon (PPSRM)	Maia Sandu (PPPAS)	Unidentified
1.	The organized transportation of voters	8 PS, at least 47 transport unit	0	31 PS, at least 113 transport units
2.	Campaigning or negative PR within the perimeter of a PS	15	4	1
3.	The presence of electoral posters within 100 meters of the PS	7	5	3

No	Type of incident	Number of cases for each candidate involved		
		Igor Dodon (PPPSRM)	Maia Sandu (PPPAS)	Unidentified
4.	Rumours, attempts or situations of voters being rewarded in the area of the PS	5	1	4

Final results of vote counting (after the second round of the election). An analysis of errors identified in the forms for counting votes.

The preliminary results of the election candidates were counted by Promo-LEX EOM on the basis of SMS messages sent by the observers in 1,981 PSs in RM.

The final results, submitted by Promo-LEX EOM regarding the number of valid votes cast for each electoral candidate were calculated on the basis of data from 1,981 vote counting forms from PSs in RM, received by Promo-LEX EOM observers and manually verified by the Observation Mission.

Table 16. Preliminary and final data, second round of election (based on the 1,981 forms from the PSs in the country)

Candidates	Preliminary data, Promo-LEX	Final data, Promo-LEX	Difference Preliminary data / Final data, Promo-LEX	Final data, CEC	Difference Final data, Promo-LEX / Final data, CEC
Igor Dodon	814,795	815,111	−316	814,971	140
Maia Sandu	646,123	646,664	−541	647,422	−758

The accuracy of the completion of the vote counting forms in 1,981 PSs in the country was also analysed for the second round of the election. As many as 34 forms contained errors in at least one verification formula or had missing data. Of these, three forms have no data on the number of valid votes. Another 31 forms were completed with errors in at least one verification formula (1.56%). This number was smaller than in the first round of the presidential election, when 3.06% forms contained errors.

Table 17. Types of errors identified in the forms, the second round of the election (13 November 2016)

Formula	Number of errors in the minutes (based on 31 PS with deficiencies)
$c \leq a + b$	16
$c \geq d$	16
$d = f + h$	16
$e = c - d$	8
$f = d - h$	16
$h = g_1 + g_2 + g_3 + g_4 + \dots + g_n$	10
$i = c + j$	16
$j = i - c$	16

THE POST-ELECTION PERIOD

Following the end of the second round of the presidential election and the announcement of the preliminary results, a number of citizens expressed their disagreement with the conduct of the elections.

On 13 November 2016, 4,031 citizens of the Republic of Moldova living abroad submitted complaints and appeals to electoral offices abroad about limits on the free exercise of their voting rights. The EOPS decided to submit the individual and collective complaints and appeals to ECC Chisinau for examination. Accordingly, ECC Chisinau adopted 2 decisions, No 54 on 16 November 2016 and No 56 on 17 November 2016, about submitting all complaints and appeals to the Constitutional Court so that they could be considered when confirming the election results. Subsequently, because the Constitutional Court refused to accept them, Chisinau MECC redirected all the complaints to the CEC for examination. The CEC, in turn, emphasized in its Report on the Results of the Election of the President of the Republic of Moldova on 30 October 2016 that the Constitutional Court was the authority empowered judge the legality of the process of organising the presidential election, and that the Court should assess the consequences of the complaints and to express its opinion on the tabulation of election results.

In this context, a group of lawyers complained to the court on 21 November 2016 on behalf of citizens who were unable to vote because of insufficient ballots at polling stations abroad. They appealed against the Chisinau MECC decisions mentioned above, requesting that the Chisinau Center District Court find that there were violations of the right to vote and discrimination and oblige the electoral body to eliminate the violations and ensure the right to vote. On 1 December 2016, the Court rejected this request as being groundless. As a result, the lawyers proceeded to exhaust all remedies provided by the domestic judicial system. On 6 December 2016, however, the Court of Appeals rejected the lawyers' request and upheld the judgment of Chisinau Center District Court; on 12 December 2016, the Supreme Court of Justice declared the second appeal filed by the lawyers on behalf of citizens inadmissible.

We mention that the Moldovan diaspora organised protests in a number of cities around the world, including Barcelona, Amsterdam, Paris, Berlin, Sydney, Cleveland, Treviso, Dubai, Bologna, Brussels, Bucharest, Dublin, London and Parma to demonstrate their disagreement with the organisation and the results of the second round of the presidential election on 13 November 2016.

Finally, on 13 December 2016, the Constitutional Court confirmed the results of the presidential election in RM on 13 November 2016 with Decision No. 34. At the same time, the Constitutional Court issued 6 written requests to the Parliament³¹. The Constitutional Court reiterated the need to review the all electoral law related to the election of the president, parliament and local authorities. The legal provisions should be included in a revised Electoral Code whose common and special provisions will ensure the organisation of democratic, fair and transparent elections in line with the constitutional principles.

On 14 December 2016, the CEC approved Decision No 623 dissolving the 35 second-level ECCs and 2,081 EOPSs that were established in order to organise and conduct the presidential election on 30 October 2016.

31 <http://www.constcourt.md/ccdocs.php?l=ro>

RECOMMENDATIONS

To the Parliament of the Republic of Moldova

- Introduce a new concept of distributing duties among the state institutions involved in the organisation and conduct of elections abroad. According to this concept, the CEC would be responsible for the process, with the assistance of the MFAEI.
- Amend Article 29¹ of the Electoral Code to establish three indicators as the legal basis for identifying the number and geographic distribution of polling stations abroad: the number of voters who participated in the previous election; statistical data in the State Registry of Population on the number of Moldovan citizens who have permanent residency abroad; and prior registration of citizens abroad.
- Modify Article 27 of the Electoral Code to allow PSs abroad to perform their work under a separate constituency. There is a need to expressly establish an ECC in charge of conducting voting abroad.
- Eliminate the requirement that local public authorities authenticate signature sheets in national elections. Promo-LEX EOM has demonstrated the inefficiency of signature sheet authentication in this report. This change would allow a more inclusive approach towards the citizens with the right to vote abroad and on the left bank of Nistru River who would like to sign the lists.
- Amend the Electoral Code with regard to the maximum number of ballot papers allowed in PSs abroad. This presidential election showed that up to 6,000 ballot papers can be processed at a PS.
- Consider the explicit legal regulation of the organised transportation of voters, including from the perspective of the risk of voter corruption.
- Amend the Electoral Code to explicitly regulate appeal procedures and the resolution of complaints by electoral bodies and courts of law. In particular, the following should be considered in presidential elections: opportunities for submitting complaints during signature collection, the competence of the CEC to review these appeals, the opportunity to submit complaints during vote tabulation regarding voting results in a particular PS, etc.
- Supplement the Electoral Code with an express provision obligating the CEC itself to take action in cases of violations of electoral legislation.
- Approve a revision of the Article 181¹ of the Criminal Code supplementing the list of goods that cannot be sold, and applying the provisions of this article to presidential elections.
- Explicitly regulate the categories of persons entitled to collect signatures in support of nominated candidates. Impose sanctions for the collection of signatures by unauthorised persons.
- Amend the legal framework by introducing conditions of incompatibility for the leaders and/or members of IGs.
- Extend the practice of requiring the submission of signature lists for the registration of nominated candidates (currently required in presidential elections) to other types of elections.
- Amend the Electoral Code in order to homogenise the rules for establishing electoral blocks in all types of elections. The rules used to nominate candidates for parliamentary elections could serve as a reference.

- Change electoral law on the registration of candidates in Moldovan presidential elections to ensure all candidates have an equal amount of time for their election campaigns
- Amend the Electoral Code and the Law on Political Parties in order to establish a method of keeping records and verifying political party membership in order to prevent political activity by members of electoral bodies, and apply sanctions if appropriate.
- Adjust the Russian version of the Electoral Code to coincide with the Romanian version (for instance, Article 40(1)) in order to avoid any misunderstandings when applying the law.
- Provide for the participation of students/pupils with the right to vote in the electoral process by applying sustainable and generally applicable provisions for all types of elections.
- Define and explain the phrase “and other socio-political organisations” from the Electoral Code as it relates to the Law on Political Parties.
- Supplement the Law on Personal Data Protection with rules ensuring the transparency and accessibility of voter lists and the transparency of donors’ workplaces in candidates’ financial statements.
- Change the approach to determining the minimum number of signatures on the signature sheets for a second-level administrative territorial unit, both for presidential elections and for other types of elections or referendums. The minimum number should be quantified in percentage values (1% or 2%) relative to the total number of voters from that ATU, rather than in absolute numbers.
- Improve the legal framework by establishing the exact schedule and procedures regulating the continuation of the election campaign to a second round.
- Explicitly regulate the exercise of the right to vote using expired identity documents.
- Eliminate the obligation of candidates for the position of President of the Republic of Moldova to include information about their residence on signature sheets; amend Article 42(3) of the Electoral Code and enforce its provisions for other types of elections and referendums.
- Supplement Article 29(11) of the Electoral Code with provisions on the incompatibility of EOPS membership with the mandate of mayor.
- Supplement the Electoral Code with provisions on the status of “Elections” SAIS operators as persons authorised to participate in electoral operations. Regulate the incompatibility of the capacities of observer and party member or elected local official.
- Amend the legal provisions regulating the method of calculating the percentage value of the votes expressed in support of election candidates in the election of the President of the Republic of Moldova, in order to adjust the formulations for other elections.
- Amend the Electoral Code by adjusting the Instructions for the CEC on mobile voting in order to develop a clear mechanism offering voters who vote at their residences equal opportunities for replacing incorrectly-completed ballots just like voters who vote at polling stations.
- Amend Article 27(6) of the Electoral Code to make incompatible the capacities of party member and ECC member nominated by a political party that is in Parliament.
- Regulate promotional advertising during the signature collection campaign.
- Supplement the regulatory framework in order to clearly regulate the involvement of non-resident service providers in the Republic of Moldova in election campaigns.
- Explicitly regulate the work of private foundations associated with politicians during the election period.

- Review the thresholds for donations from individuals and legal entities to election candidates and political parties by reducing them to correspond with the average standard of living.
- Supplement Article 38(1) of the Electoral Code by introducing a clear procedure and schedule for appointing the people responsible for election candidates' finances (treasurers).
- Change the legal framework to make 'Electoral Fund' bank accounts permanent in order to get rid of uncertainties and possible delays related to opening the accounts.
- Change the legal framework to prohibit paid electoral advertising and to increase free air time from public mass-media institutions, including for broadcasting electoral debates.
- Change the legal framework to prohibit outdoor electoral advertising (outdoor billboards, city light, mobile panels, posters etc.).
- Supplement electoral law to limit, prohibit or strictly regulate donations from legal entities that provide goods or services to any public administration, in line with GRECO standards.
- Apply the legal provisions on the punishment of illegal electoral campaign financing, namely Article 181² of the Criminal Code, to initiative groups collecting signatures for candidates nominated in a national elections and referendums as well.
- Change legislation in order to regulate the ability of Moldovan citizens living abroad to fund candidates' election campaigns.
- Explicitly regulate the financial accounting for donations both during the election period and in the period between elections, so recording these donations does not burden or delay the work and banking operations of those concerned.

To the Government of the Republic of Moldova

- Initiate and organise public discussions on mechanisms for ensuring that voters who are abroad on the day of the election have the right to vote.

To the Ministry of Justice

- Sanction the Metropolis of Chisinau and All Moldova for violations of the law by clerics who publicly shared their political preferences and supported a particular candidate during the presidential campaign. Apply sanctions uniformly, in accordance the law, to all religious organisations that were politically involved.

To the Central Electoral Commission

- Ensure more effective and a real-time communication with the external environment, including by updating operatively the institution's website.
- Simplify the requirements for compiling IG member lists and the signature sheets. Ensure the transparency of signature sheet verification.
- Conduct a plenary report on the establishment and management of the State Registry of Voters.
- Ensure the continuity and sustainability of the process of verifying lists, as well as their quality.
- Monitor the activity of lower electoral bodies in order to identify incompetent electoral officials. Those officials should be removed from the REO and should not to be involved in electoral activities in subsequent elections.
- Ensure the proper functioning of SIAS 'Elections'.

- Make the mechanisms for establishing and filling in the Registry of Electoral Officials.
- Establish a platform for sustainable communication with organisations for people with special needs (hearing, vision, locomotion, etc.) in the RM, in order to inform them about the electoral developments in due time and receive specific requests from them to make the electoral process accessible.
- Establish mechanisms to ensure that people sentenced to imprisonment have the ability to be informed about election campaigns and election candidates' platforms just like other citizens.
- Monitoring the implementation of recommendations on the provision of polling station infrastructure.
- Establish a ECC for the polling stations where RM citizens residing in the districts on the left bank of Nistru River (beyond the constitutional control of RM authorities) can exercise their right to vote.
- Check and ensure compliance with legal norms on establishing the electoral offices of polling stations.
- Monitor and ensure compliance with EOPS working hours.
- Supplement the Regulation on the Activity of Electoral Offices of Polling Stations with an express provision requiring the electoral body to remove electoral posters within 100 meters of the polling station the day before the election.
- Conduct an in-depth analysis of the expenses incurred by the IGs and apply appropriate sanctions in case of violations.
- Ascertain and evaluate/estimate, in accordance with the guidelines of the Venice Commission, the unauthorized use of administrative resources by political parties or candidates as financial contributions to election campaign funds and report these cases in the appropriate way.
- Establish a more rigorous mechanism for checking the financial statements of election candidates.
- Ensure transparency and accessibility to all data submitted to the CEC by election candidates during the election campaign, including donors' workplaces, as indicated in the content of the report on campaign financing, by displaying these data on the institution's website.
- Reduce the threshold for donations that require verification by the Court of Accounts and the Main State Tax Inspectorate from 75.000 to 50.000, on the basis of reports made available.
- Explicitly regulate the ability of political parties to finance election campaigns so that the identities of primary donors are included in the election candidates' reports.

To the Audiovisual Coordination Council

- Apply sanctions to the mass media in accordance with the law and depending on the severity of infringements. Make media institutions responsible for reporting on the election campaign in an unbiased and fair way.

To the Local Public Administrations

- Avoid becoming involved in collecting signatures for signature sheets of certain IGs.
- Avoid using administrative resources and public funds in the interest of a party or to promote certain candidates.

- Ensure some decent conditions in polling stations during voting: lighting, heating, sanitation, etc.
- Ensure access for people with special needs (access ramps, polling stations located on the ground floor, etc.).

To the Electoral Offices of Polling Stations

- Observe CEC instructions on PS layout in order to provide voters with a clear path and instructions on the conditions for free observation of the electoral process.
- Verify the accuracy of the completion of voting results forms according to the verification formulas embedded in the procedure.

To Election Candidates

- Monitor the work of electoral bodies and other election candidates in order to challenge violations in accordance with the law. Raise awareness of the responsibilities of all categories of electoral actors.
- Train supporters (Moldovan citizens with the right to vote) in advance, including them in the electoral process as observers, representatives with the consultative right to vote, and members of lower election bodies with the deliberative right to vote. In this way, frequent changes in the composition of ECC and EOPS will be avoided, and quality monitoring of procedures will be ensured.
- Do not allow the use of administrative resources to collect signatures and in election campaigns.
- Cover expenses during signature collection using the bank account meant for Initiative Groups (IGs) only.
- Observe the terms set by electoral authorities when opening the accounts for IGs.
- Do not use unreported electoral funds and gifts in the period immediately prior to elections.
- Ensure the transparency of revenue collection and expenses during the signature collection period.
- Avoid the transfer of donations from legal entities or parties to the 'Initiative Group Fund' and 'Electoral Fund' accounts, ensuring transparency of donations and donors.
- Register and report all donations received, including material (in-kind) donations, to the Central Electoral Commission in line with the best practices of the Council of Europe.
- Report all expenses incurred during the election period, in accordance with both the law and the best practices of the Council of Europe.
- Refrain from using printed materials with denigrating content addressed to rival candidates and from using negative PR in the election campaign.
- Refrain from expressing discriminatory, sexist, xenophobic and homophobic messages and attitudes in the election campaign.
- Avoid collective transportation of voters to polling stations on Election Day.

To Law Enforcement Bodies

- Investigate, in accordance with the provisions of contraventional and criminal law, cases concerning illegal campaign financing, voter corruption and the use of administrative resources for electoral purposes.

LIST OF ABBREVIATIONS

para.	paragraph
CPA	Central Public Administration
PACE	Parliamentary Assembly of the Council of Europe
API	Independent Press Association
LPA	Local Public Administration
Art.	Article
ASDM	Association of Sociologists and Demographers of Moldova
EOPS	Electoral Office of the Polling Station
ID	Identity Card
NBS	National Bureau of Statistics
TID	Temporary Identity Card
BRD	Bureau for Diaspora Relations
BP	Ballot Paper
c.	Commune
LACPD	Legal Assistance Center for People with Disabilities
CBS-AXA	Center for Sociological Investigations and Marketing
BCC	Broadcast Coordination Council
CCSM	Center for Sociological Research in Moldova
EC	Election Candidate
CEC	Central Electoral Commission
ECC	Electoral Constituency Council
IC	Independent Candidate
CCET	Center for Continuous Electoral Training
IJC	Independent Journalism Center
ord.	Order
CRIS 'Registru'	Centre for State Information Resources 'Registru'
ENEMO	European Network of Election Monitoring Organizations
EPDE	European Platform for Democratic Elections
etc.	et cetera
ET	Event Template

FOP	Public Opinion Fund
VT	Visit Template
IG	Initiative Group
GNDEM	The Global Network of National Electoral Observers
IDNP	Personal ID Number
IPP	Institute for Public Policy
IRI	International Republican Institute of USA
SOE	State-Owned Enterprise
let.	Letter
m ²	Square Meter
MFAEI	Ministry of Foreign Affairs and European Integration
EOM	Election Observation Mission
mun.	Municipality
l.	Level
NDI	National Democratic Institute
no	Number
NGO	Non-Governmental Organization
UN	United Nations
t.	Town
OSCE	Organization for Security and Co-operation in Europe
OSCE/ODIHR	OSCE Office for Democratic Institutions and Human Rights
LTO	Long-Term Observer
STO	Short-Term Observer
PCRM	Communists Party of Moldova
p.	Point
PDM	Democratic Party of Moldova
PL	Liberal Party
PLDM	Liberal Democratic Party of Moldova
PPD	Political Party DREAPTA
PPM	Moldova's Patriots Political Party
PPMSPR	Political Party Social-Political Movement Ravnopravie
PPPAS	Action and Solidarity Party
PPPDA	Dignity and Truth Platform Party
PPEM	People's European Party of Moldova Political Party

PPPN	Our Party Political Party
PPPSRM	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
SRP	State Register of Population
v.	Village
SIAS 'Elections'	State Automated Information System 'Elections'
USA	United States of America
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 of Gagauzia

ANNEXES

Annex 1. General information on the results of checking subscription lists submitted by the candidates nominated for the presidential election of 30 October 2016³²

No	Name and surname of the nominated candidate	Information on the results								
		No of IG mem- bers	No of signa- ture sheets issued	No of sheets submit- ted	No of signatures		No of null/void signatures	No of valid signatures	No of second- level ATU from which signatures were collected	No of com- plaints in the second- level ATU
					declared at submission	appealed when processing				
1.	Marian Lupu (PDM)	100	1,000	877	25,499	16,541	1,384 of 563 sheets collected from 19 ATU	15,157 of 563 sheets collected from 19 ATU	29	19
2.	Mihai Ghimpu (PL)	100	1,000	870	25,000	24,975	5,865	19,110	28	18
3.	Iurie Leanca (PPPPEM)	100	1,000	825	20,363	20,458	3,380	17,078	21	18
4.	Andrei Nastase (PPFDA)	100	1,000	888	25,000	Out of 729 lists checked – 20,615	2,228 of 729 lists checked	18,387 of 729 lists checked	29	22
5.	Inna Popenco (PPMSPR)	100	1,000	930	24,630	24,645	5,074	19,571	25	19
6.	Dumitru Ciubasenco (PPPN)	100	1,000	890	24,976	24,973	1,736	23,237	32	26
7.	Maia Sandu (PPPAS)	99	1,000	918	24,938	24,970	2,789	22,181	23	19
8.	Igor Dodon (PPPSRM)	100	1,000	862	25,000	24,971	1,690	23,281	23	23

³² Table developed on the basis of information submitted by the Central Electoral Commission at Promo-LEX EOM request.

No	Name and surname of the nominated candidate	Information on the results									
		No of IG mem- bers	No of signa- ture sheets issued	No of sheets submit- ted	No of signatures		No of null/void signatures	No of valid signatures	No of second- level ATU from which signatures were collected	No of com- pliants in the second- level ATU	
					declared at submission	appealed when processing					
9.	Vitalia Pavlicenco (IC)	100	1,000	624	15,440	Out of 30 ATU checked, only 14 meet the conditions of validity regarding the minimum number of signatures required		18,206	15,430	30	14
10.	Silvia Radu (IC)	31	1,000	630	15,673	16,252		18,206	15,430	18	18
11.	Maia Laguta (IC)	62	1,000	655	18,831	18,641		3,445 of 649 lists checked	15,196 of 649 lists checked	21	20
12.	Ana Gutu (PP DREAPTA)	37	1,000	722	19,707	19,524		1,823	17,701	20	18
13.	Roman Mihaies (IC)	27	1,000	567	15,911	15,888		Out of 31 ATU checked, only 13 meet the conditions of validity regarding the minimum number of signatures required		31	13
14.	Ion Dron (IC)	46	1,000	630	17,017	1,695		Out of 18 ATU checked, only 11 meet the conditions of validity regarding the minimum number of signatures required		18	11
15.	Vasile Tarlev (IC)	30	1,000	576	15,107	15,393		Out of 26 ATU checked, only 11 meet the conditions of validity regarding the minimum number of signatures required		26	11
16.	Valeriu Ghiletschi (IC)	100	1,000	803	18,792	18,927		721	18,206	34	18

Annex 2. Results of checking the subscription lists submitted by the candidates nominated for the presidential election of 30 October 2016³³

No	Situation/issue	Number of cases per Initiative Group															
		M. Lupu	M. Ghimpu	I. Leanca	A. Nastase	I. Popenco	D. Ciubasenco	M. Sandu	I. Dodon	V. Pavlenco	S. Radu	M. Laguta	A. Gutu	R. Mihaies	I. Dron	V. Tarlev	V. Ghilechi
1.	No Level-two ATU (subscription lists submitted with more than 600 signatures)	29	27	21	28	23	26	23	23	16	18	21	20	19	18	17	19
2.	No Level-two ATU (subscription lists having more than 600 signatures)	19	18	18	22	19	26	19	23	14	18	20	18	13	11	11	18
3.	Lists that were not authenticated by the APL stamp	1	1	1	1	1	1	1	-	-	-	13	1	22	-	3	9
4.	Lists containing the mention of the LPA head about SL filled in with errors (confirmed by personal signature)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5.	Persons deleted from the lists by the LPA head, indicating the exclusion basis in the 'Notes' rubric	-	-	-	-	66	-	1	-	-	-	-	-	-	-	-	-
6.	Complaints lodged against the refusal of LPA head to authenticate the subscription lists	-	-	-	-	-	-	-	-	-	-	-	-	1 ³⁴	-	-	-
7.	Signatures repeated on the same list or on other lists	98	183	268	60	1,015	282	384	95	-	-	-	-	-	-	-	-
8.	False signatures	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9.	Deceased persons who were registered	-	5	10	4	43	4	5	12	-	4	21	16	-	13	-	1
10.	Fictitious persons	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
11.	Signatures of persons without the right to vote (under the age of 18 at the date of signature)	2	7	9	6	22	6	8	5	-	4	11	1	-	-	-	1
12.	Persons not residing in the given territory	454	975	905	728	1,360	769	757	497	-	261	939	709	-	167	-	131
13.	Date of signature in the lists does not coincide with the period of signature collection	36	119	147	21	57	21	37	95	-	-	-	-	-	24	-	-

³³ Table developed on the basis of information submitted by the Central Electoral Commission at Promo-LEX EOM request.

³⁴ Decision of Balti City Hall challenged.

Annex 3. Expenses reported by the Initiative Groups and estimated by Promo-LEX EOM

Chart 1. Expenses of IGs for advertising (street billboards and TV advertisements), MDL

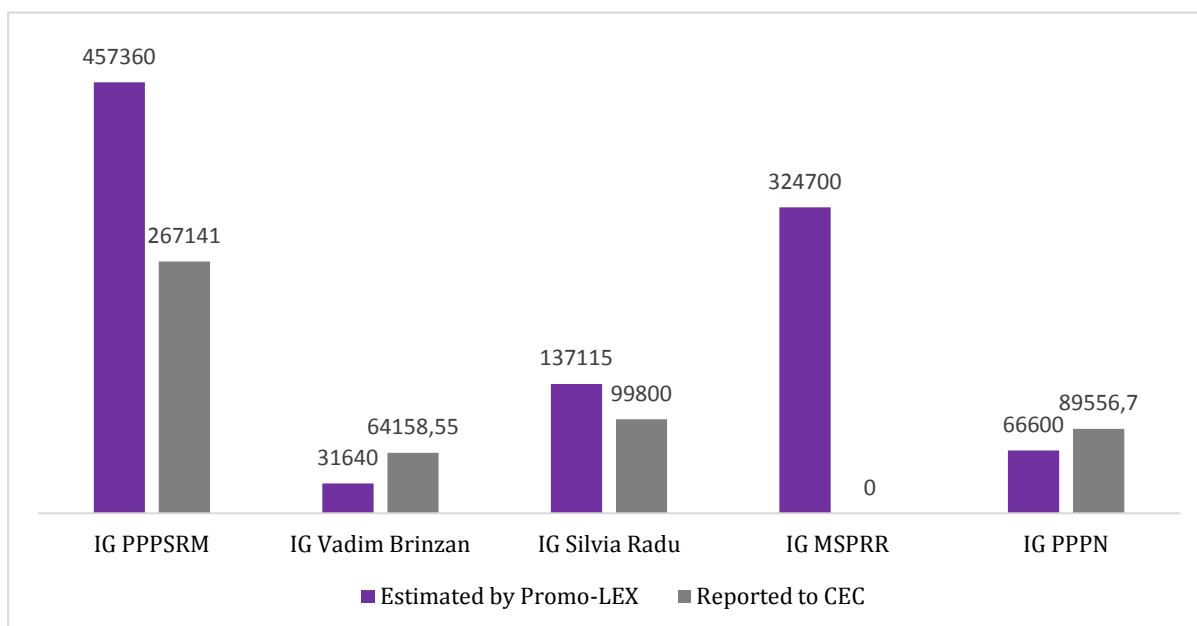


Chart 2. Expenses of IGs for promotional materials, MDL

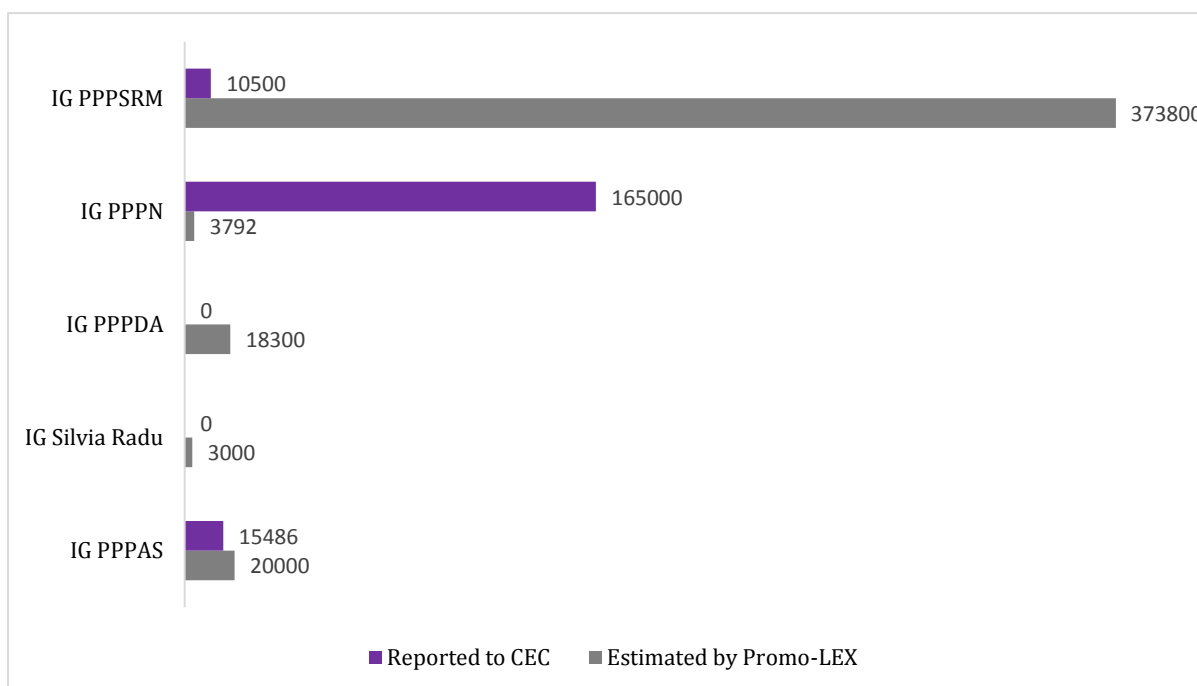


Chart 3. Expenses of IGs for advertising in the written media, MDL

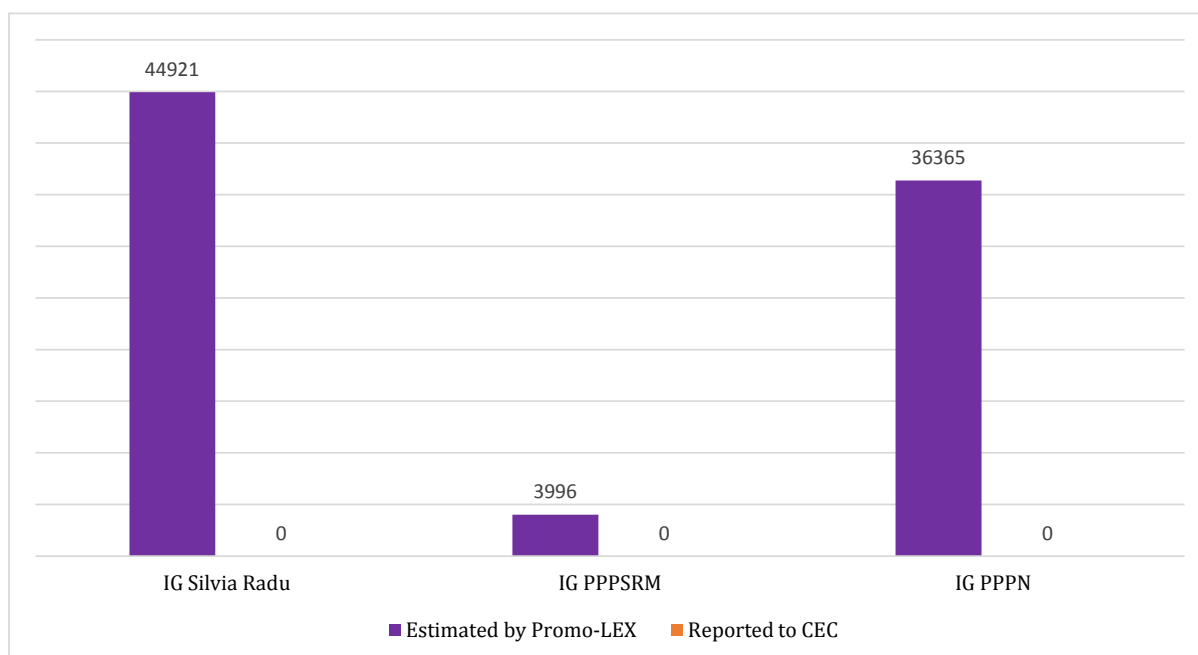


Chart 4. Transport expenses of IGs, MDL

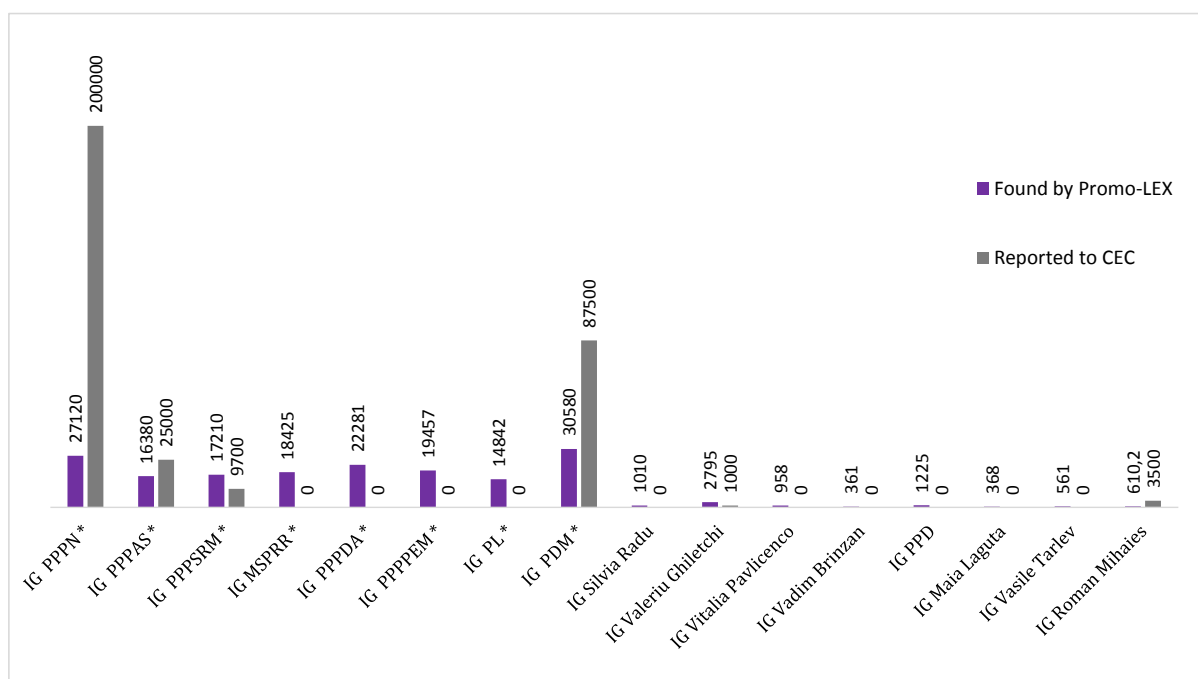


Chart 5. Remuneration expenses of IGs, MDL

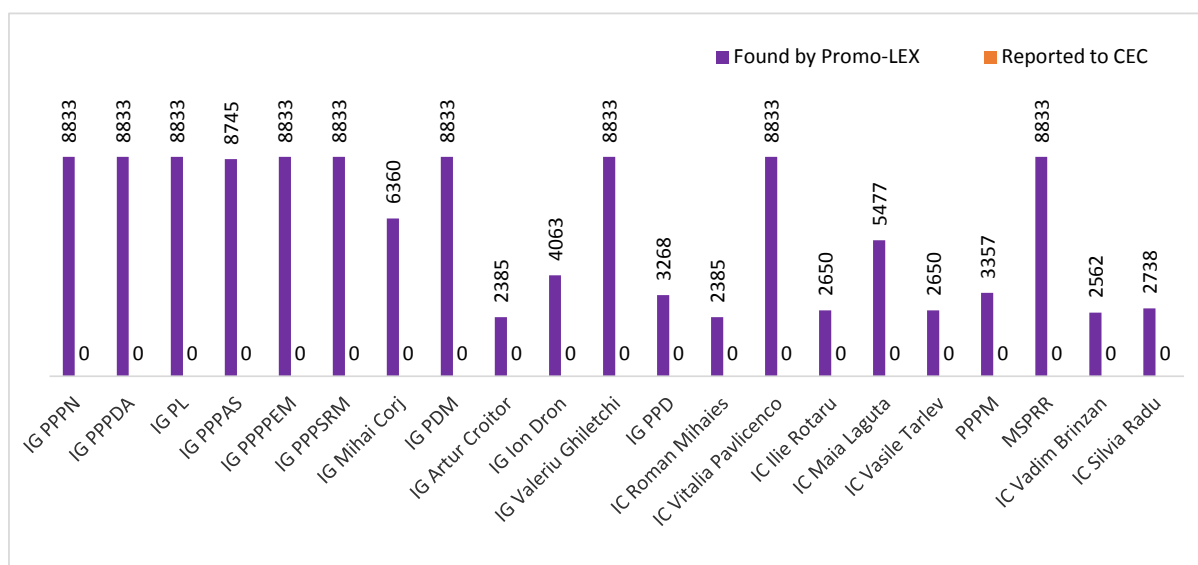


Chart 6. Expenses of IGs for volunteers/supporters, MDL

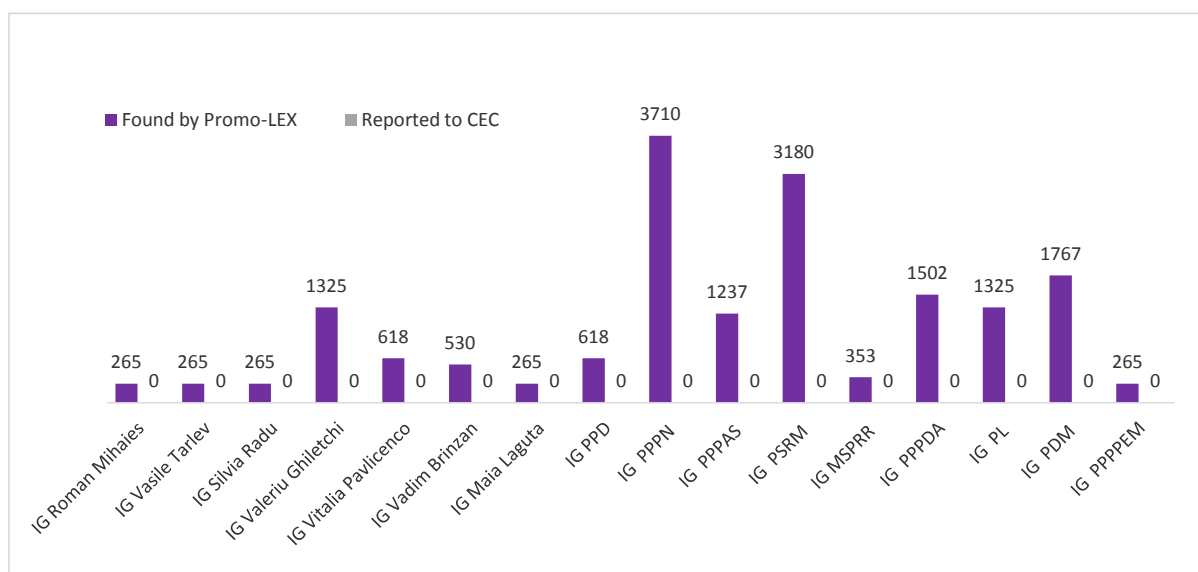
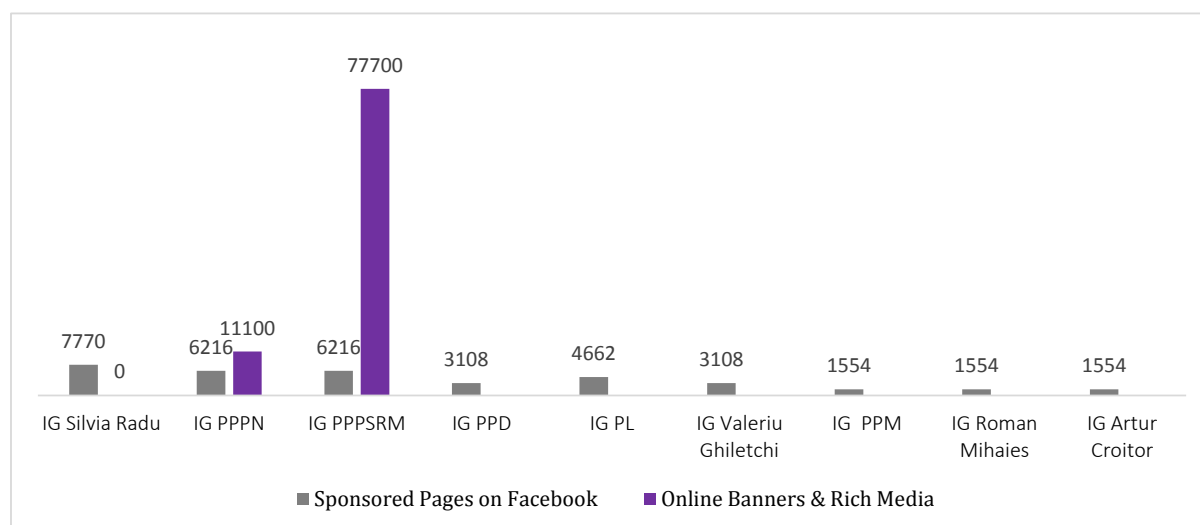


Chart 7. Expenses of IGs for online advertising, MDL



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