



coaliția 2009



coaliția civică pentru alegeri libere și corecte

CIVIC COALITION FOR FREE AND FAIR ELECTIONS

PROMO-LEX ASSOCIATION

## **1st Monitoring Report For Early Parliamentary Elections of 29 July 2009**

Monitoring period: 16 June – 11 July 2009

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### **Introduction**

The monitoring of the campaign for early parliamentary elections of 29 July 2009 conducted in 7 electoral districts is a project implemented by the Promo-LEX Association within the framework of the Civic Coalition for Free and Fair Elections "Coalition 2009".

This first Report covers the monitoring of the campaign for 29 July early elections, conducted in the period of 16 June – 11 July 2009 in the electoral districts of Floresti, Rezina, Dubasari, Anenii Noi, Causeni, Stefan Voda, and the Transnistrian region of Moldova, by over 270 observers, and is based on earlier civil society reports for the previous parliamentary elections campaigns, as well as on the observers' findings on the ground.

The findings and recommendations of this Report have been developed with bona fide intentions and are presented in a spirit of professional cooperation between all parties interested in building a transparent and fair electoral process in Moldova.

The authors of this Report call all interested persons or institutions to contribute information and criticism and/or rectify any aspects or recommendations included in this and other Monitoring Reports on the electoral process in the mentioned electoral districts.

This project is implemented with the financial support of the National Endowment for Democracy.

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### **Executive summary**

During the monitoring process, the Promo-LEX monitoring effort found the electoral campaign ahead of the snap parliamentary elections of 29 July 2009 is characterized by a series of patterns that can limit the voting opportunities of certain groups of voters, and delay the implementation of the electoral activities calendar set by the Central Election Commission, the central authority in the administration of elections.

During the monitoring period, the Central Election Commission registered ten contestants to run for the snap parliamentary elections. Two independent candidates were refused registration as electoral contestants because of an insufficient number of valid signatures on the subscription lists.

The observers reported occurrences of undue influence on voters, excessive involvement of law enforcement agencies into the electoral process, undue involvement of underage citizens into the campaign activities, and preferential treatment of some electoral contenders by local public administration.

The scheduling of the elections on a working day could create difficulties for the voters abroad, and those from the transnistrian region. The obligation to vote at the place of temporary residence and the lack of additional regulations complicate the participation of voters who go to schools and universities outside of the place of their permanent domicile.

Through the end of the monitoring period, the District Electoral Councils have failed to publicize the information regarding the borders of the polling stations, and the address and contact information of the polling stations locations, past the 3<sup>rd</sup> of July deadline. At the same time, the Central Election Commission has failed to collect in due time the preliminary voters' lists from the local public administration, while some of the submitted voters' lists were incomplete.

Promo-LEX observers found that the recommendations formulated by the domestic monitoring efforts in 2005 and 2009 have been implemented to a limited extent. For these snap parliamentary elections the election administration failed to open additional polling stations for the voters who have their domicile in the transnistrian region. The authorities have largely failed to investigate the allegations of electoral law violations, signaled by the monitoring efforts. The quality of the voters' lists continues to pose a major concern. The final responsibility for the compilation of voters' lists remains unclear. The election administration decided to introduce the application of a distinctive stamp in the ID attachments of the voters, without implementing other measures to prevent multiple voting.

The electoral administration ordered to apply a distinctive stamp on ID annexes, without undertaken any other measures which may prevent multiple voting.

Information is published on the CEC web page with delays. This page has very bad access and slowly loading.

Promo-LEX will continue monitoring the electoral process and will release other monitoring reports prior to the Election day.

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## **I. Recommendations Following Monitoring Efforts in Previous Elections**

### **A. Coalition 2005**

During the respective election monitoring period (November 2004 – April 2005), the Civic Coalition for Free and Fair Elections "Coalition 2005" presented five election monitoring reports for the March 6 parliamentary elections, and a final post-election report. The information was collected at a national level by a team of long-term observers (LTOs): one in each of the 32 districts on the right bank of the Nistru River, and by 7 regional coordinators in Chisinau, Balti, Soroca, Orhei, Cahul, Comrat, and Causeni.

The Coalition 2005 put forth a set of recommendations to the electoral actors. The present chapter discusses how these recommendations were fulfilled, and namely:

- *Guarantee the right to vote to all Moldovan citizens entitled to this right, including students, Moldovans residing in the Transnistrian region, and those working abroad.*

**The Central Electoral Commission [CEC] Decision No. 2258 of 6 March 2009, supplemented by CEC Decisions No. 2356 of 20 March 2009, No. 2400 of 27 March 2009 and No. 2698 of 7 July 2009, decrees that Moldovan citizens who are currently outside of Moldova may vote only at Moldovan diplomatic missions abroad. Thus, the government did not take any measures to open additional polling stations for Moldovans abroad.**

**The date of the election was set for a weekday (Wednesday), which limits the right to vote of Moldovans abroad and of those from the Transnistrian region.**

**The Election Day was set during the summer holidays (July), which limits the right to vote of Moldovans studying in educational institutions outside their hometown, as, in accordance with Article 9 of the Elections Code of 22 July 2005, they are obliged to vote at their place of temporary residence.**

**According to LTOs, voters from the Transnistrian region do not benefit from information or voter education campaigns.**

- *Provide Moldovan voters from the Transnistrian region with transportation to the polling stations opened in the adjacent localities; conducting information campaigns for the voters from the region.*

As of 11 July 2009, the CEC has not passed any decision or regulation providing voters from the Transnistrian region with transportation to the polling stations.

- *Provide a level playing field to all electoral contestants in organizing meetings with voters, guarantee special public display areas for electoral posters in accordance with the law.*

In the period 2005 – 2008 a number of provisions of the Elections Code referring to the organization of the electoral campaign have been amended. The current reading of Art.46 of the Code provides that: „(1) Electoral contestants participate, on equal bases, in the electoral campaign, and have equal rights to use the media, including radio and television, funded from the public budget. (2) All electoral contestants are provided equal opportunities in ensuring the technical-material and financial aspects of their campaigns”.

Codes of Conduct on conducting and covering the campaign for the 2009 parliamentary elections have been developed for the April 5 and July 29 elections. Furthermore, a procedural Handbook was developed for the election bureaus of the polling stations [PEBs]. The CEC Decision No. 2088 of 10 February 2009, amended by CEC Decisions No. 2168 of 20 February 2009 and No. 2664 of 30 June 2009, adopted a Regulation on the procedure of placing electoral advertising of advertising panels during the campaign for parliamentary elections.

- *Establish an exhaustive list of identity documents accepted for voting, and a single voting procedure for voters with both temporary and permanent residence.*

Article 9 of the Election Code of 22 July 2005 provides that „in case a voter has both permanent and temporary residence, for the duration of the temporary residence, the voter shall vote at the place of temporary residence”.

- *Identify a means to prevent multiple voting by applying the „Voted” stamp onto the identity document, using invisible sprays, UV lamps, etc.*

For the 29 July early election, the „Directive regarding the particularities of voting in the parliamentary elections”, passed by CEC Decision No. 2258 of 6 March 2009, and supplemented by CEC Decisions No. 2356 of 20 March 2009, No. 2400 of 27 March 2009 and No. 2698 of 7 July 2009, provides that a stamp containing the text: „29.07.2009 ALEGERI” shall be applied onto identity documents, and in the supplementary voters lists in case of voting outside the polling station (using the mobile ballot box).

As noted, no other measures to prevent multiple voting have been introduced.

- *Avoid abuse of public resources for electoral purposes*

A Code of Conduct on conducting and covering the electoral campaign was adopted for the 29 July early parliamentary elections. Its signatories (The Christian Democratic People’s Party [PPCD], The Party of Communists of the Republic of Moldova [PCRM], The Republican Party of Moldova [PRM], Moldova 1, EURO TV and TVC 21 television channels, and Radio Moldova and Antena C radio stations) committed not to admit “...use of authority or administrative resources by public or private institutions to influence voters’ options and intentions against their will.”

The Coalition for Free and Fair Elections – Coalition 2009 noted multiple violations of the Code of Conduct by its signatories. None of the electoral competitors received any public warnings for excessive use of public resources for electoral purposes.

- *Professional compilation and update of voter lists, posting the lists for public display at least 10 days before the Election Day.*

In accordance with Article 39 of the Elections Code, which was amended on 21 July 2006, „Local public administration authorities shall update the voter lists annually (after January 1) by checking the voters’ residence, and shall present updated voter lists to the CEC no later than on March 1 or each year”.

For the purpose of the 29 July early parliamentary election, the CEC Decision No. 2555 of 9 June 2009 „On the forming of voter lists” ruled that mayoralties shall compile, by July 3, voter lists for each polling station, and, no later than 6 July, provide a copy of the lists to the CEC.

On 6 July 2009, in a television program, CEC secretary Iurie Ciocan announced that the CEC had received 95% of the voter lists from the mayoralties, in digital form. However, the CEC Decision No. ... of 8 July 2009 states that 1043 voter lists have been received of the total of 1978 lists, which accounts for 52,7% of the lists. The cited Decision also states that certain lists do not contain all the data provided mandatory by the Elections Code, such as the voters' home address, year of birth or ID serial number.

- *Declaration of financial and material means used by electoral contestants, in accordance with Art.38 part(1) let.a) of the Election Code*

By CEC Decision No. 2167 of 20 February 2009, a Regulation on financing electoral campaigns and political parties was adopted.

On July 6 the CEC heard and approved the latest Financial Report on the revenues and expenditures of the electoral contestants for the 29 July early parliamentary election campaign.

In its Decision approving the Report of the financial means received by the electoral contestants for the 29 July parliamentary election as of July 7, 2009, the CEC took note of the reports submitted by three electoral contestants: PCRM, PPCD, and the Democratic Party of Moldova [PDM]; at the same time, the CEC issued warnings to the following electoral contestants: the Our Moldova Alliance [AMN], the Liberal Party [PL] and the Liberal Democratic Party of Moldova [PLDM], for violating the provisions of Art. 38 of the Elections Code.

- *Conducting information campaigns for the voters on the left bank of the Nistru river.*

The current legislation does not provide any norms or special conditions for conducting information campaigns for Moldovans residing in the Transnistrian region. As of 11 July 2009, neither the CEC or other electoral bodies nor electoral contestants had conducted any information or voter education campaigns in the region.

## B. Coalition 2009

The Civic Coalition for Free and Fair Elections – "Coalition 2009" represents a voluntary association of Moldovan nongovernmental organizations, which is intended to contribute at conducting the 2009 parliamentary election in a fair, transparent and democratic manner, which is essential for the development of the society and for the European integration of our country.

- *Amending the Elections Code by authorizing the Ministry of Information Development to compile voter lists.*

In accordance with Art. 22 let.g), the CEC "... collaborates, in the process of organizing and conducting elections, with the Ministry of Information Development, in keeping proper track of voters, including those currently abroad, via the State Voter Roster, formed on the basis of the State Population Roster...". However, the Ministry of Information Development has not been authorized to form voter lists or bear any responsibility for their contents.

- *Amending Art 39 par.9 of the Elections Code to introduce the collocation: „In case the voter changes his/her residence in the period between the date of forming voter lists and the Election Day, or in other situations, the electoral bureau of the polling station, upon the voter's request, and on the basis of his/her ID card, passport or other identity document, issues him/her a voting certificate”;*

The provision of Art 39 par.9 has not been amended. Voters from the Transnistrian region remain treated in a discriminatory manner. As voter lists are not formed for their localities of residence, they cannot obtain voter certificates to vote elsewhere.

- *Establish separate electoral bureaus for the Transnistrian region, and provide optimal conditions to encourage voters to participate more actively in the voting, promote their own candidates or contestants in elections;*

According to CEC Decision No.2574 of 16 June 2009, all polling stations were to be established no later than July 3, 2009. As of July 11, the CEC has not published the list of polling stations hence the creation of PEBs for all polling stations is uncertain at this moment.

- *Active involvement of the parties to the “5+2” talks process, as well as of the Joint Control Commission, in ensuring a proper organization and conduct of elections in the Transnistrian region;*

**No efforts have been reported on behalf of the authorities to ensure equal opportunities for voting to the voters from the Transnistrian region.**

- *Organizing and conducting information and voter education campaigns, involving citizens from the region more actively in the electoral process.*

**No efforts to organize and conduct information and voter education campaigns or to involve the citizens of the region in the election process have been observed.**

- *Investigation of cases that prevented people from exerting their right to vote in the Transnistrian region, and punishing all those responsible. Investigation of all the situations and cases of violations of the right to vote, and application of proper sanctions against the perpetrators.*

**With the exception of the situation in Corjova village in the district of Dubasari (when the polling station was blocked on 5 April 2009 Election Day), no other investigations of voter rights violations have been mentioned in the previous reports of the Coalition 2009.**

- *Boosting diplomatic efforts to raise the national and international awareness and to determine the Tir-aspol administration to ensure minimal conditions for the region’s citizens to exert their right to vote.*

**No efforts observed in that sense.**

- *Boosting efforts to reform the electoral system to ensure nondiscriminatory rights and conditions for the voters residing in the Transnistrian region.*

**Although the Elections Code was amended, the government did not address that particular issue.**

- *Given the particularities of the existing legislative framework, which do not allow for forming separate electoral districts in the municipalities of Balti and Bender, and bearing in mind the need for such districts, the Coalition 2009 recommended that the Elections Code be amended accordingly.*

**The CEC did not put forth such legislative amendments, despite respective recommendations by the Coalition 2009 (namely, amending Articles 27 and 74 of the Elections Code). For the upcoming 29 July election, the CEC, by its Decision No... of ..., created Electoral Districts No. 2 (Balti) and No. 3 (Bender), which is in contradiction to the current legislation.**

- *Given the ambiguity of the legal provisions with regard to the DEC membership suggestions by the judiciary in the Chisinau municipality, the Autonomous Territorial Unit Gagauzia and the Transnistrian region, the Coalition 2009 recommended that Article 27 of the Elections Code be modified accordingly.*

**Art 27 of the Elections Code hasn’t been modified.**

## **II. Current Legal Framework for the 29 July Early Parliamentary Election**

By Law No.25 of 15 June 2009 amending the Elections Code, the Parliament adopted the following changes:

1. Reduction of the threshold for political parties and organizations to accede to Parliament from 6 to 5 per cent;
2. Reduction of the voter turnout for the CEC validation of elections to 1/3 of those included in the voter lists (from a previous turnout provision of ½ of voters in voter lists);
3. Exclusion of the voter turnout rate for repeated voting – repeat elections are validated regardless of the number of voters who came to the polls (from a previous mandatory turnout of 1/3 of voters in voter lists).

In accordance with the Law No.24 of 15 June 2009 enacting Art.76 par.(3) of the Elections Code, “... The timelines for organizing and conducting general ordinary parliamentary elections as provided by the Elections Code shall be reduced proportionally, taking into account the 60 days term provided in Art.76 par.(2) for organizing these elections, with regard to the timeline between the date of enactment of the President’s Decree on the dissolution of Parliament and on calling early elections, and the early elections date established in the respective Decree. The propor-

tional reduction coefficient shall be determined by dividing the cipher „60” by the cipher indicating the number of days between the enactment of the Decree and the early elections date.”

The Presidential Decree No.2243 of 15 June 2009 dissolved the Parliament of 17th legislature, and an early parliamentary election date was set for 29 July 2009.

The Government Decree No. 389 of 26 June 2009 on the organization of work and rest time ruled that Wednesday, 29 July 2009, be decreed a day off, and the working hours of that day be transferred to another date to be established.

### **III. Election Process Findings**

- The Campaign

Observers noted that on 27 June in Tiraspol, the breakaway region’s Communist Party ruled that they shall „take every measure to prevent nationalists from taking power in Moldova, and therefore shall support PCRM in the upcoming early election on 29 July 2009”.

- The Contestants

In the monitoring period, the CEC registered 10 electoral competitors for participation in the early elections: PCRM, PPCD, AMN, PL, PLDM, PDM, the National Liberal Party [PNL], the Social Democratic Party [PSD], the Social-Political Movement „European Action” [MAE] and the Ecological Party „The Green Alliance”.

By CEC Decisions No. 2716 and No. 2717 of 10 July 2009, Bolotnicov Oleg and Laguta Maia were denied registration as independent candidates for deputy in the Parliament of Moldova for the 29 July early elections.

- The Public Administration

Crangaci Vitalie, mayor of Chirca village in Anenii-Noi district (member of PDM), does not provide equal treatment to electoral contestants. On 8 July, PCRM campaigners were ejected from the courtyard of the mayor’s office, where they wanted to post their campaign materials to the authorized electoral panel. The mayor said that any campaigning in his village may only be conducted with his consent. The electoral panels, fences and pillars in the village are covered only with posters of the PDM.

After having posted PLDM electoral materials in areas unauthorized by the local council, Ilia Valentina, a representative of the PLDM, was called to the police station in Speia village, Anenii Noi. At the request of other persons present at the meeting (mayor Snegur Alexandru), Ilia Valentina was charged with a fine of 100 lei, and was warned that she could get arrested for 15 days if caught repeating the offense. She argued in reply that the electoral panels in the village are already fully covered with electoral posters of another electoral contestant (PCRM), although, in accordance with the law, all contestants have equal rights in that sense.

No information or voter education activities have been observed in the monitored districts.

- Placement of Electoral Posters

In Causeni, electoral print materials of various contestants (PLDM, PD, AMN, PCRM) were posted in other areas than the ones authorized for campaigning (mostly on pillars, bus stations, and market shops). According to the observers, in the district of Anenii Noi, the electoral competitors did not observe the obligation to post campaign materials in authorized places either. In market No.1 in Causeni, the windows of market shops are covered with AMN posters. The market is managed by „ConsumCOOP” Causeni. The electoral panel in the village of Parata, district of Dubasari, was covered in full by PCRM posters. A poster advertising AMN was torn off and thrown down on July 11, when a meeting with a PCRM candidate (Vasile Sova) was scheduled in the village.

According to observers’ reports, not all localities in the monitored regions had issued decisions authorizing special electoral panels. On 11 July, the secretary of the local council in Chirca village, district of Anenii-Noi, Gopas Nadejda, told our observer that a decision hasn’t yet been taken in that regard in her village. In the district of Stefan

Voda, electoral contestants received the local council decisions with the information on the areas authorized for posting electoral materials.

In the monitoring period, observers noted PDM and PLDM posters placed in unauthorized areas in the villages Mereni and Roșcana of the district of Anenii Noi. The police tears off unauthorized posters.

- Undue Influence on Voters

On 9 July 2009, an electoral meeting was conducted in the Culture Hall of Causeni with Deputy Prime Minister Iurie Rosca (leader of PPCD – n.tr.). The participants to the meeting had been brought to the meeting by various community leaders from villages around Causeni. A dance teacher from the village of Saiti brought to the meeting a group of students from his school/dance class after telling them he was taking them to a concert in Causeni (many of the students were under 18 years of age). After the meeting, PPCD representatives distributed packages with bottled water of 1.5 l, a bottle of beer, peanuts and some 200g of cracklings.

On 11 July 2009, during an electoral meeting in Parata village in Dubasari district, Vasile Sova, a PCRM candidate for Parliament, threatened voters with instability and crises, and resorted to personal attacks. He verbally discredited local businessmen who are not affiliated with PCRM.

- Voters' Lists

On 14 July 2009 the voter lists shall be made public. Between 14 and 24 July voters should be able to check if the lists have been properly compiled.

- Electoral Bodies

Moldovan elections are managed by the Central Electoral Commission [CEC], District Electoral Councils [DECs] and Polling Electoral Bureaus [PEBs]. The CEC is a fulltime permanent body. DECs are created by the CEC, in early elections, with 37 days ahead of the Election Day. For their part, DECs are responsible for creating PEBs no later than 15 days before the Election Day.

On 3 July 2009 the DECs were supposed to establish lists of polling stations on the basis of mayors' suggestions, and to publicize the information regarding the area covered by each polling station, the address of the EBPS, the address of the polling station, and their contact details and information. According to our observers' reports, this information hasn't yet been publicized in the monitored regions.

#### **IV. Campaign Coverage in the Transnistrian Regional Media**

For the purpose of this project, two TV channels (TV PMR and TSV), three news agencies (Olvia Press, Regnum and Novyi Region), three newspapers („Pridnestrovye”, „Chelovek i Ego Prava” and „Novaya Gazeta”), and two news portals (tiraspol.info and Lenta PMR) were monitored in the period of 6-11 July 2009.

On 7 July, TV PMR broadcast two news items in a row, which stressed that due to „*the unstable political situation in Moldova, the talks process between Moldova and Transnistria cannot be resumed.*” The first news referred to a round of talks between railway officials of the two banks, and the second covered a meeting between the region's „foreign minister” Vladimir Yastrebnchak and Russian Ambassador at Large to Moldova.

The same message was extended on 7 July 2009 by the news agency Novyi Region in their coverage story of a meeting between Yastrebnchak and a German MP. The Pridnestrovye daily paper reiterated „*the political instability in Moldova*”. During the day of 7 July, the region's media suggested repeatedly that, because of the absence of a political leadership in Moldova, talks with the Transnistrian region are delayed.

On 8 July, news portal Lenta PMR re-published a story of the Moldovan news agency Novosti-Moldova, in which Vasile Sova, a candidate of PCRM, stated that „*PCRM is the only political force in Moldova capable of solving the Transnistrian issue in a peaceful way.*” Novaya Gazeta weekly paper published on the same day a letter of a pensioner from the village of Ghidirim, Rybnitsa district, who noted that „*during the years of Communist rule [in*

*Moldova – n.tr.] there were no cases of conflict between Moldovan and Transnistrian residents, except for several „clashes” caused by the leaders in Bender and Tiraspol”.* The letter ends with an appeal to all the Moldovan citizens in Transnistria to go to Rezina and vote PCRM.

On 6 July, Lenta PMR published a statement by Igor Dodon, a candidate for PCRM, that „*only PCRM has offered solutions to fight the crisis*”. On 8 July, the same agency noted that: „*PCRM is the party that spent the most money in this campaign*”. On 10 July, a news story was published quoting PLDM as stating that „*during the Communist government, the education system in Moldova entered significant decay*”, and on 11 July – that „*Moldova is the target of certain criminal groups from Russia*”.

TV PMR, TSV and Lenta PMR covered the registration of electoral contestants by the CEC. This was a frequent subject in the grid, probably aiming at informing the public on the parties joining the electoral competition.

On 7 July, Pridnestrovye daily published an opinion piece with the headline: „The Orange Wolf”. The article describes alleged strategic schemes by PCRM candidate Mark Tkaciuk and PDM leader Marian Lupu [Lupu is Romanian for wolf – n.tr.].

On 8 July, Lenta PMR re-published an article from the Moldovan biweekly „Moldavskie Vedomosti”, which alleges that the PCRM leader, Vladimir Voronin, has called voters to cast their votes for PCRM, PPCD or PDM. Lenta PMR also announced that the national TV channel Moldova 1 would host electoral debates.

In the monitoring period, the news portal Lenta PMR provided most Moldovan election-related news. News and stories were re-published from such sources as news agencies Moldpres, Novosti-Moldova, Omega, the Moldavskie Vedomosti biweekly, and Ukrainian analytical portal Daily.UA. Pridnestrovye daily re-published articles from the Moldovan weekly Kommersant Plus, while TV PMR quoted local sources, such as Transnistria’s official news agency Olvia Press.

## **V. Concerns**

In the light of the findings stated above, the Promo-LEX monitoring effort has established the following concerns:

- Violations of the electoral calendar by electoral bodies.
- Lack of information and voter education activities organized by the local authorities or electoral contestants – particularly in the Transnistrian region
- Reduced possibilities for Moldovan residing abroad and in the Transnistrian region to participate to the voting given the fact that E-Day (Wednesday, 29 July 2009) is a working day in Transnistria and abroad.
- Reduced possibilities to vote for citizens who have both permanent and temporary residence.
- Absence of a thorough monitoring of ID annexes in the voter lists, a measure which may prevent multiple voting.
- Abusive influence on voters on behalf of contestants and local authorities.
- Involving underage youth in campaigning.
- Excessive involvement of law enforcement bodies in the campaign.
- Unequal treatment of electoral contestants by the local authorities.

## **VI. Recommendations**

Taking into account the findings and observations noted so far, the Promo-Lex Association recommends that:

- Electoral bodies, public authorities and electoral contestants revisit the recommendations put forth by the Coalition 2005 and Coalition 2009, which have not been fulfilled or have been partially fulfilled.
- Sufficient polling stations be opened for voters from the Transnistrian region.
- Voters, especially those residing in the Transnistrian region, be informed and provided voter education, and be involved more in the electoral process.
- A column for the serial number of the ID annex be introduced in the voter lists next to the column for the serial number of the ID.
- The electoral bodies strictly observe the timeline of the electoral calendar.
- The electoral bodies intervene to ensure that a level playing field is provided to all electoral contestants.