

OPINION of Promo-LEX Association on the number of single-member constituencies to be created abroad and their distribution according to geographic areas [1]

New Legal Provisions

According to the new wording of the Electoral Code, the Parliamentary elections shall be held on the basis of a mixed voting system, in a national district encompassing the whole territory of the Republic of Moldova and the polling stations from abroad, as well as on the basis of 51 single-member constituencies, including the communities from the left bank of the Nistru river (Transnistria) and from abroad. The Parliament, as the supreme legislative body, has not established exact weights for the constituencies to be created abroad and in the territorial-administrative units with special status. In this context, the constituencies have to be created in accordance with the criteria set out in the Electoral Code and the general recommendations suggested by the international standards.

Methodology for Calculating the Number of Single-Member Districts to Be Created Abroad

Promo-LEX Association used two indicators to determine the number of constituencies to be created abroad:

- the number of citizens left for/staying abroad. According to the data presented by the Ministry of Foreign Affairs and European Integration (MFAEI)[2] 805,509 Moldovan citizens were abroad in 2016;
- the number of voters abroad who participated in the last national election[3], i.e. 138,723 people who received ballot papers during the second round of the presidential election.

These indicators and figures were divided to the total number of Moldovan citizens, as well as to the total number of voters[4]. An approximate number of single-member constituencies that should be created abroad was calculated for each of the two indicators mentioned above on the basis of the total number of 51 single-member districts to be created in the country.

Thus, by dividing the number of citizens from abroad to the total number of Moldovan citizens, we would get 20.29%; respectively, 20.29% of the total of 51 single-member constituencies would constitute about 10 constituencies that should be created abroad, according to the first indicator (see the details in Table 1).

Table 1

Indicator	The total number of Moldovan citizens[5]	The number of citizens left for/staying abroad	% of citizens abroad	No of single-member constituencies to be created abroad (out of 51)
The number of citizens left for/staying abroad	3,970,729	805,509	20.29%	10

Similarly, according to the calculations done on the basis of the number of voting citizens from abroad, who participated in the 2016 Presidential Election, 4.26% of the total number of voters from SVR voted outside the country; respectively, 4.26% of the total of 51 single-member constituencies would constitute about 2 constituencies that should be created abroad, according to the second indicator (see the details in Table 2).

Table 2

Indicator	Total number of voters ^[6]	No of voters who received ballot papers during the second round of the 2016 Presidential Election	% of voters out of the total, who voted outside the country	No of single-member constituencies to be created abroad (out of 51)
Number of voters abroad who participated in the last national election	3,255,361	138,723	4.26%	2

By summing up the weights obtained for these indicators (20.29% + 4.26%), we obtain a total coefficient of 24.55%, which in its turn should be divided to the divisor 2 (the number of indicators taken into account), resulting in an aggregate weight of 12.28%. Thus, the aggregate weight of 12.28% is the coefficient to be taken into account when determining the number of constituencies that should be created outside the country (out of a total of 51 constituencies)^[7].

In conclusion, according to these calculations, the diaspora citizens should be assigned about 12.28% or 6 constituencies of the total of 51 single-member constituencies.

Determining the Geographical Areas and the Number of Single-Member Constituencies to Be Created in Each Area

According to Article 74(5) of the Electoral Code, the authority responsible for creating single-member constituencies shall take into account the following condition when creating them abroad:

1. the information held by the Moldovan diplomatic missions and Consular Offices in the countries of residence;
2. the information held by the central public authorities, including the relevant official statistical data;
3. the information resulting from prior registration of citizens staying abroad, in accordance with the procedure established by the regulation approved by the Central Electoral Commission;
4. the number of voters who participated in the last election;
5. other relevant data obtained by the central public authorities, upon request, from the authorities of the host country, as prescribed by law;
6. when establishing the boundaries of constituencies created abroad, the Commission shall act in accordance with the regulation approved by the Government, and shall take into account the relevant geographic areas, such as:
 - the Member States of the European Union, Norway, Iceland, Switzerland, Liechtenstein, San Marino, the countries of South-East Europe that are not members of the European Union, Turkey, Israel;
 - the Member States of the Commonwealth of Independent States, Ukraine, Georgia, Asia, the Middle East;

- North America, South America, Africa, Australia, New Zealand, taking into account the boundaries of the states that can not be intersected on the inside.

The Promo-LEX Association believes that the first four indicators mentioned in the law are decisive for the distribution of constituencies within the geographical areas established by the Parliament. We reiterate that the geographical areas are distributed as follows:

- **Europe[8]:** Member States of the European Union, Norway, Iceland, Switzerland, Liechtenstein, San Marino, the countries of South-East Europe that are not members of the European Union, Turkey, Israel;
- **CIS and Asia:** the Member States of the Commonwealth of Independent States, Ukraine, Georgia, Asia, the Middle East;
- **America and other territories:** North America, South America, Africa, Australia, New Zealand.

Given the four criteria provided for by the Electoral Code, similarly to the analysis proposed by 'Gente Moldova' Association[9], Promo-LEX Association has performed a series of mathematical calculations to obtain percentage weights for the number of constituencies that should be created abroad in each of the three geographical areas established by law. Thus, the following tables indicate the corresponding calculations for each indicator taken apart:

Table 3

a) based on the information held by the Moldovan diplomatic missions and Consular Offices in the countries of residence				
Geographical area	Number of citizens left for/staying abroad	% of the number of citizens	Number of single-member constituencies according to the established weight (6)	Number of single-member constituencies to be created on the basis of criterion a)
Europe	240,423	29.85%	$0.298 * 6 = 1.80$	1.80
CIS and Asia	517,532	64.25%	$0.642 * 6 = 3.85$	3.85
America and other territories	47,554	5.90%	$0.059 * 6 = 0.35$	0.35
Total	805,509	100 %		6

The above table shows that, based on the information held by the Moldovan diplomatic missions and Consular Offices in the countries of residence, the number of voters in the CIS and Asia geographical areas exceeds twice the number of voters in the European countries, and the America geographical area and other territories reach about 6% of the total number. Therefore, according to Promo-LEX estimates, out of the 6 constituencies to be created, 1.80 constituencies should be created in Europe, 3.85 – in CIS and Asia, 0.35 – in America and other territories.

Table 4

b) based on the information held by SIRC Regstru as of 01.07.2017[10]				
Geographical area	Number of citizens	% of the number of citizens	Number of single-member constituencies according to the weight	Number of single-member constituencies distributed on the basis of criterion b)
Europe	22,891	22.07%	$0.221 * 6 = 1.32$	1.32
CIS and Asia	64,025	61.74%	$0.617 * 6 = 3.71$	3.71
America and other territories	16,783	16.19%	$0.162 * 6 = 0.97$	0.97
Total	103,699	100 %		6

On the basis of the information held by central public authorities, including relevant official statistical data, Promo-LEX finds that 1.32 constituencies should be created in Europe, 3.71 single-member constituencies in CIS and Asia, and 0.97 constituencies in America and other territories.

Table 5

c) based on the information obtained from prior registration for the 2016 Presidential Election of the citizens staying abroad				
Geographical area	Number of voters	% of the number of voters	Number of single-member constituencies according to the weight	Number of single-member constituencies distributed on the basis of criterion c)
Europe	2,800	78.43%	$0.784 * 6 = 4.71$	4.71
CIS and Asia	227	6.36%	$0.064 * 6 = 0.38$	0.38
America and other territories	543	15.21%	$0.152 * 6 = 0.91$	0.91
Total	3,570	100%		6

Taking the result of the prior registration for the 2016 Presidential Election of the citizens staying abroad as a basis for calculation, the table above shows that the number of voters in Europe exceeds 2.75 times the number of voters in the other geographical areas taken together. Therefore, 4.71 single-member

constituencies are to be created in this area, 0.91 single-member constituencies – in America and other territories, and 0.38 single-member constituencies in CIS area and Asia.

Table 6

d) based on the number of voters abroad, who participated in the last election				
Geographical area	Number of voters	% of the number of voters	Number of single-member constituencies according to the weight	Number of single-member constituencies distributed on the basis of criterion d)
Europe	114 892	82,82 %	$0,828 * 6 = 4,97$	4,97
CIS and Asia	13 116	9,45 %	$0,095 * 6 = 0,57$	0,57
America and other territories	10 715	7,72 %	$0,077 * 6 = 0,46$	0,46
Total	138 723	100 %		6

Similar calculations performed on the basis of the number of voters abroad, who participated in the 2016 Presidential Election show that 4.97 single-member constituencies should be created in Europe, 0.57 single-member constituencies – in CIS and Asia, and 0.46 single-member constituencies in America and other territories.

Finally, the number of single-member constituencies to be created in each of the three geographical areas represents the sum of the number of constituencies resulting from the calculations for each of the four criteria, divided by the number of criteria (four). The table below presents the final aggregate results of this analysis:

Table 7

CONCLUDING TABLE					
Geographical area	INDICATOR Information held by the Moldovan diplomatic missions and Consular Offices in the countries of residence	INDICATOR Information held by the central public authorities, including the relevant official statistical data	INDICATOR Information obtained from prior registration of the citizens staying abroad	INDICATOR Number of voters abroad, who participated in the last election	Number of single-member constituencies to be created in each geographical area

Europe	1,80	1,32	4,71	4,97	3,20
CIS and Asia	3,85	3,71	0,38	0,57	2,13
America and other territories	0,35	0,97	0,91	0,46	0,67
Total	6,00	6,00	6,00	6,00	6,00

Thus, bearing in mind the facts mentioned above, the number of single-member constituencies and their distribution must be a representative, proportional and universal outcome, to ensure fair conditions for every voter. Given that the Parliament has not set weights, the vote of each voter must have the same power both in the country and abroad.

In order to ensure this, all the possible criteria, including those established by the legal framework, have been taken into account. Thus, there has been determined an optimal way of distribution^[11] and a fair number of constituencies to be created for Moldovan citizens living abroad, according to the geographical areas established by the Parliament.

In conclusion, Promo-LEX Association points out the necessity to create 6 constituencies abroad, and recommends their following distribution by geographical areas:

- the Member States of the European Union, Norway, Iceland, Switzerland, Liechtenstein, San Marino, the countries of South-East Europe, which are not members of the European Union, Turkey, Israel – **3 constituencies**;
 - the Member States of the Commonwealth of Independent States, Ukraine, Georgia, Asia, the Middle East – **2 constituencies**;
 - North America, South America, Africa, Australia, New Zealand – **1 constituency**.
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[1] Calculations done on the basis of the information gathered from various open sources. Should the methodology be accepted, they ought to be reviewed on the basis of the official information submitted and confirmed by the relevant authorities

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

[3] <http://cec.md/index.php?pag=news&id=1991&rid=19965&l=ro>

[4] <http://cec.md/index.php?pag=news&id=1042&rid=20576&l=ro>

[5] <http://www.registru.md/date-statistice/in-profil-administrativ-teritorial>

[6] <http://www.cec.md/index.php?pag=news&id=1042&rid=20576&l=ro>

[7] If this methodology is used, it is recommended that the weight of about 12% be added to the figures of 55,000-60,000, which represent the number of voters needed to create a single-member constituency in the country, because it is according to this weight that the constituencies will be opened outside the country, where the voters who are de facto included in the voter lists will vote.

[8] The generic names of geographic areas are generalizing and are used in the study to facilitate the presentation of the information.

[9] https://drive.google.com/file/d/0B_QM79BYEMjnRHdEbdxYU5aWjA/view

[10] The information held by SIRC Registru as of 01.07.2017, <http://www.registru.md/date-statistice/referitor-la-cetatenii-rm-plecati-pestre-hotare-la-loc-permanent-de-trai>

[11] If this calculation methodology is used, it is also recommended to use it inside the geographical areas to establish fairly the number of constituencies (countries) in each geographical area.

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