

Single-Member Constituencies

Between Political Opportunity and Lawfulness

Chisinau, 23 November 2017 – the mixed electoral system should be applied no earlier than the 2022 election, and only after the settlement of the deficiencies highlighted by Promo-LEX Association. These are related to constituency formation criteria, opportunity to use administrative resources for the election, delegation of candidates to establish constituency councils and the territorial competency to settle electoral litigations on the territory of single-member constituencies.

The *Analysis* published by Promo-LEX focuses on the effects that could be generated by the implementation of the mixed electoral system, especially in the single-member constituencies, given the way the constituencies were delimited by the Special Commission established for this purpose. The Association has previously analysed the effects of changing the electoral system. Some of the identified problems refer to the fact that the Government Decision was passed without settling the *notification filed with the Constitutional Court*, the issue of voting by students, and the *hurry in which this law was adopted*.

In order to overcome the problems generated by the implementation of the mixed system of electing Members of Parliament, Promo-LEX Association presents, in its *Analysis*, a series of deficiencies and recommendations to the Parliament.

Recommended implementation of the mixed system – no earlier than for the 2022 election and only after the settlement of all deficiencies

Changing the system generates too many complex issues for the 2018 Parliamentary elections to be held on the basis of the new system. Thus, Promo-LEX Association recommends that the Parliament amends Law No 154/2017, so that the mixed system is implemented no earlier than for the 2022 Parliamentary elections and only after all the gaps are settled and citizens are informed better about this change.

Unclear calculations for constituency formation

The Law stipulates that one constituency shall have 55,000-60,000 voters, and the difference in the number of voters between constituencies shall not exceed 10%.

Contrary to these legal provisions, from 15 to 30 constituencies are established with a deviation from the 10% margin established by law.

Political opportunity to use administrative resources

Promo-LEX experts found that the use of administrative resources in the election campaign were not regulated clearly by the Law. Thus, if we notice that some mayors and district councillor belong to certain Parliamentary parties, we could assume that they would express their support for specific candidates for the position of MPs. There is, hence, a risk that they will 'help' their party colleagues by using the administrative resources and leverages at their disposal.

Problems with the establishment of constituency councils

District councils and courts of law

According to the law, the members of constituency councils are proposed by courts of law, district council and People's Assembly of Gagauzia, as well as by political parties. As constituencies are established on the basis of several localities, it is not clear which district council (out of those included in the constituency) may propose candidates for the constituency councils. The same is true about courts of law.

For more important data, electoral projections and territorial-geographic issues, please see the *Analysis*.

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Thursday November 23rd, 2017