



REPORT no. 1

Observation Mission for the New Parliamentary Elections of 15 March 2020

Monitored Period: 27 December 2019–11 March 2020

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The responsibility for the opinions expressed in this report lies with the Promo-LEX Association and does not necessarily reflect the position of the donors.

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EXECUTIVE SUMMARY

Political Context. New Parliamentary Elections are held in the Republic of Moldova as a consequence of the Parliamentary Elections of 24 February 2019 based on the mixed-member electoral system. The elections in the SMC no. 38 Hincesti were held following the resignation of the MP Alexandru Botnari, elected as mayor of Hincesti mun. in the general local elections of 20 October (3 November) 2019.

The electoral campaign takes place in the context of negotiations on institutionalizing a new parliamentary majority, as well as on preparing the political stakeholders for this year's Presidential Elections.

Legal Framework. The New Parliamentary Elections of 15 March 2020 are being held in compliance with the legal provisions that were equally applied in the Parliamentary Elections of 24 February 2019 (in accordance with the legislation in force until the adoption date of the Law no. 113/2019). Relevant exceptions refer to legal relations on excluding the requirement to submit the integrity certificates and providing for a ban on campaigning both on elections day and on the day preceding the elections day.

According to Promo-LEX, the date for the new parliamentary elections has been set by the CEC with delay, because the legal deadline covers the period from 5 February 2020 to 5 March 2020.

The Promo-LEX OM, especially in the context of the near presidential election campaign, draws attention to the need for explicit regulation of cases that can be classified as indirect financing of the election campaign of certain candidates by parties that are not registered as competitors, but carry out electoral campaigning.

Electoral Bodies. The CEC approved decisions that ensured the organization and conduct of elections during the reference period. CECEU no. 38 has been established in compliance with the legal provisions. 44 PEBs were formed within legal deadlines in order to conduct the elections. Regarding the election of the leadership, according to observers, in five cases the members of the PEBs did not follow the open voting procedure. The work programme was generally respected, with 95% of bureaus opened during the visits of the observers.

The gender composition of the PEB is not balanced, 85 % of them are women, and the proportions are maintained at the management level of the PEB. Please note that only women have been selected to serve as Bureau Secretary.

The requirements for displaying information of public interest at the PEBs headquarters were partially complied with: 61% displayed the list of electoral competitors, and 77% - the work schedule and the data on the composition of the PEBs.

Availability of lower level electoral bodies to people with locomotor disabilities and/or special needs is far from being great: CECEU no. 38 is totally inaccessible while PEBs premises are not available at a proportion of 75%.

Accreditation of Observers. The majority of the electoral competitors showed increased interest in the accreditation procedure. At least four competitors – the PDM, the PSRM, the PPS and PAS – accredited 44 observers to the CECEU, according to the number of PSs established therein. The CEC accredited 82 national and 12 international observers. The Promo-LEX Association, accredited 30 national observers.

Designation and Registration of Competitors. For the New Parliamentary Elections of 15 March 2020, eight initiative groups were registered, seven of which submitted documents for registration, with a potential candidate announcing his/her withdrawal from the electoral contest. All seven candidates have been registered. Compared to the Parliamentary Elections of 24 February 2020, in case of SMC no. 38 Hincesti, we attest a higher participation rate, being registered with three more candidates. During the campaign a candidate announced his/her withdrawal.

Electoral Complaints. According to Promo-LEX observers, during the monitored period one complaint was submitted to the CECEU and one request and one complaint to the CEC.

The Promo-LEX OM states a more active role of CEC in handling complaints and requests, compared to the practice of previous elections. At the same time, we draw attention to the fact that the effective processing of complaints and requests must be in strict compliance with substantive and procedural rules, and in their absence – by applying the analogy of the law. Also, the CEC’s attitude and approach should apply equally to all electoral competitors.

Voters’ Lists. The number of voters on the main electoral lists for the new parliamentary elections of 15 March 2020 in the SMC no. 38, decreased by 493 citizens with the right to vote (from 61 728 to 61 235), compared to the parliamentary elections of 24 February 2019.

The Promo-LEX OM identified the delayed transmission of voters’ lists in at least 16 PSs (37%). Also, according to observers, at least eight Level I LPAs received about 25 notices during the observation period. Even if there is no evidence of intentional assignment of voters to certain polling stations, we reiterate the need for explicit regulation of the process of “artificial migration”.

Electoral Competitors. The electoral competitors carried out 164 promotional activities, the most frequent being the distribution ones and those related to the placement of electoral displays – 44%, followed by meetings with voters – 30%.

Among the campaign activities that can be qualified as a deviation from the legal norm, we mention: activities promoting the electoral competitors ahead of the legal deadline established – two cases (the PSRM – 1; IC Grigore Cobzac – 1); use of the image of public authorities – one electoral competitor (the PSRM); distribution of election advertising without complying with the requirements for campaign materials – one case (the PSRM); advertisement placement in unauthorized places – 40 cases (the PSRM – 17; the PPS – 15; PAS – 7; IC Grigore Cobzac – 1); use of national symbols of the Republic of Moldova or of another state and materials in which historical personalities of the Republic of Moldova or from abroad appear – four cases (PAS, the UNIREA Bloc, the PLDM, the PSRM); activity of a public association and a foundation associated with electoral competitors (the PPS and the PSRM).

Financing of electoral campaign. The Promo-LEX OM finds that all political parties nominating candidates for the SMC no. 38 Hincesti, including the independent candidate Grigore Cobzac (with delay), have submitted reports on the financing of the election campaign. A shortcoming also previously mentioned by the Mission is that the format for viewing reports on the CEC website is not “user friendly” and is not “open data”.

According to the reports submitted by the electoral competitors, the main share of the declared expenses falls on: advertising and campaign materials – 81%, meetings and events – 11%, salaries for the electoral staff – 4%; use of transport – 3%; others – 2%.

The Promo-LEX OM finds that five out of seven electoral competitors failed to report all the expenses incurred by them in the election campaign: the PSRM, the UNIREA Bloc, the IC Grigore Cobzac, the PPS, the PDM. The total amount estimated as unreported is at least MDL 112 542.

INTRODUCTION

Report no. 1 has been developed within the framework of the Promo-LEX Observation Mission (OM) of the new parliamentary elections of 15 March 2019 held in the single-member constituency no. 38 from Hincesti. All findings, conclusions and recommendations presented by the OM cover both the political and legal context of the elections held, linking the experience of observing the previous elections with the events of this election campaign. The content of this document may be subject to editorial review.

In addition to this interim report on the observation of new parliamentary elections, in the context of the Elections Day, a press release on the results of the observation of voting day procedures will be prepared and presented. The Mission will also produce a final report, in which it will generalize the information on the new parliamentary elections, as well as appreciate the quality of all the procedures carried out. The aim of the reports published by the Promo-LEX OM is to diagnose, in real time, the quality of the organization and conduct of elections for a predetermined period of time; to bring to accountability electoral actors; to identify positive and negative trends in electoral processes.

The Promo-LEX election observation methodology has been developed in line with the international standards in the field and involves both long-term (electoral period) and short-term observation (elections day - via mobile teams of observers). Monitoring reports are prepared by the central team of the Promo-LEX OM, based on the findings reported by the long-term observers (LTO) within the Observation Mission on the activity of all the actors involved in the process of organizing and conducting the elections: electoral competitors, public authorities, electoral bodies, political parties, citizens, etc.

On the day of the elections, Promo-LEX will observe the elections via at least two mobile teams of observers created with this purpose.

All the observers involved in the monitoring process are trained in the seminars organized by the Promo-LEX Mission and sign the Code of Conduct¹ of the Promo-LEX Independent National Observatory, committing to act in good faith and in a non-partisan way. The activity of all observers is coordinated by the central team of the Association.

The report is drawn up based on the observation reports of the OM and the findings of LTOs introduced into the thematic templates, as well as on official public information reported by Promo-LEX OM observers. Carrying out some planned visits, the observers analyze the information that results from discussions, meetings with officials and consultation of official documents.

The Promo-LEX OM for the new parliamentary elections of 20 October 2019 is a project carried out by the Promo-LEX Association within the Civic Coalition for Free and Fair Elections. The Promo-LEX OM is not a political opponent of the competitors involved in the electoral process, it is not an investigative body and does not assume the express obligation to prove the observed findings. However, observers' reports are accompanied, as far as possible, by photographic and video evidence, which can only be made available to law enforcement bodies, on the basis of appropriate requests, and in no case, shall it be provided to electoral competitors. At the same time, the violations, including the alleged ones, which are found in this report, must be treated by the electoral authorities in the light of the provisions of art. 22, para. (1), letter q) and art. 68, para. (5) of the Electoral Code, including as notifications filed by observers and be examined by the competent authorities.

The Promo-LEX Mission manages the www.monitor.md web platform, where any citizen can report activities with electoral overtones, the information from observers' reports being stored on the same platform. Citizens' notifications are verified by the Mission Observers' during the next scheduled visit to the settlement, where the alert was recorded.

Promo-LEX is a public association that aims at developing democracy in the Republic of Moldova, including in the Transnistrian region, by promoting and protecting human rights, monitoring democratic processes and strengthening the civil society. The Association organizes Election Observation Missions in the Republic of Moldova since 2009, the current mission being the 19th. Additionally, the employees and members of the Association have extensive international experience

¹ Code of conduct for Promo-LEX election observers. <http://bit.ly/2RxhnJw>

and participated in election observations in the International Missions of Armenia, Germany, Georgia, Estonia, Norway, Romania, Sweden, Ukraine, etc.

The international standards referred to in this report are those developed by the UN, OSCE, the European Commission for Democracy through Law, the European Union and the Council of Europe. At the end of this report, we formulated preliminary recommendations for public authorities, electoral bodies, electoral candidates/participants in the referendums and other stakeholders to ensure the optimization of the electoral process.

The report is drafted within the “Democracy, Transparency and Responsibility” Program implemented by the Promo-LEX Association with the financial support of the US Agency for International Development (USAID).

The opinions expressed in public reports and press releases of the Promo-LEX OM belong to the authors and do not necessarily reflect the position of the donors.

I. POLITICAL CONTEXT

New Parliamentary Elections are held in the Republic of Moldova as a consequence of the Parliamentary Elections of 24 February 2019 based on the mixed-member electoral system. The elections in the SMC no. 38 Hincesti were held following the resignation of the MP Alexandru Botnari, elected as mayor of Hincesti mun. in the general local elections of 20 October (3 November) 2019.

The electoral campaign takes place in the context of negotiations on institutionalizing a new parliamentary majority, as well as on preparing the political stakeholders for this year's Presidential Elections.

According to the Constitution of the Republic of Moldova, the Parliament is the supreme representative body of the people of the Republic of Moldova and the sole legislative authority of the state, being composed of 101 members. The Parliamentary Elections of 24 February 2019 were the ninth parliamentary elections held in the Republic of Moldova following the declaration of independence in 1991² as well as the first ones held based on the mixed-member electoral system, where 50 MPs were elected according to the vote of proportional representation in the NEC, while another 51 – on the basis of the majority vote in the SMC.

On 15 August 2019, under the conditions of formation of a new parliamentary majority, the legislator approved on final reading the Law no. 113³, cancelling the mixed-member electoral system and returning to the party-list proportional representation systems. According to the same law, in case where the mandate of an MEP's elected in a SMC is declared vacant at least 180 days until the expiration of the tenth legislative mandate of the Parliament, (new) parliamentary elections shall be held, in accordance with the legislation in force until the adoption date of the Law no. 113/2019.

As a consequence of the Government formation on 8 June 2019 as well as of the vacancies in the Parliament of the Republic of Moldova⁴, on 20 October 2019, were originally organized new parliamentary elections, at the same time with the general local elections.

At the general local elections of 20 October 2019, the PDM member Alexandru Botnari has been elected mayor of Hincesti mun. Following the validation of the mayor's mandate⁵ as well as the appearance of incompatibility of the office⁶, on 5 December 2019, Alexandru Botnari submitted his request for resignation from the position of MP. Thus, the vacancy of the MP mandate occurred in the SMC no. 38 from Hincesti mun.

The events of the pre-election period of the new parliamentary elections of 15 March 2020 namely the adoption of the no-confidence motion on 12 November 2019⁷, in which the Parliament has cast its vote of no confidence to the Government of the Republic of Moldova, seem to have led to the delay in setting the date for the new parliamentary elections in the SMC no. 38 from Hincesti.

Based on the precedent regarding the delayed setting of the date of the new parliamentary elections of 20 October 2020⁸, the Civic Coalition for Free and Fair Elections (CCALC) member organisations have signed a public call⁹ insisting on the urgency of adopting the decision by the Parliament to take note of the resignation of Alexandru Botnari as a Member of Parliament as well as on setting the date for the new parliamentary elections by the CEC. Contrary to the CCALC recommendations, only on 20 December 2019, the Parliament, by the Decision no. 198¹⁰, took note of the request for resignation of the MP Alexandru Botnari and declared vacant the mandate of the MP in the Parliament for the SMC

² History of the supreme representative body in the Republic of Moldova by parliamentary terms. <https://bit.ly/2Q1qnIR>

³ Law no. 113 of 15.08.2019 amending some legislative acts, in force on 17.08.2019. <https://bit.ly/38zB0HI>

⁴ Report no. 1 of the Observation Mission for the general local elections and new parliamentary elections of 20 October 2019, page 10. <https://bit.ly/2U2bqa5>

⁵ Judgment of Hincesti Court of 5 November 2019. <https://bit.ly/3aCSsMz>

⁶ Art. 3, letter c, 1) of the Law no. 39/1994 on Status of Member of Parliament. <https://bit.ly/31qC2TO>

⁷ Parliament's Decision on granting the vote of no confidence to the Government of the Republic of Moldova. <https://bit.ly/2NSDbOJ>

⁸ Report no. 1 of the Observation Mission for the general local elections and new parliamentary elections of 20 October 2019, pages 15-16. <https://bit.ly/2U2bqa5>

⁹ Public Call of 19.12.2019. <https://bit.ly/2RrcrFK>

¹⁰ Moldovan Parliament's Decision no. 198 of 20.12.2019. <https://bit.ly/2RcM73h>

no. 38 from Hincesti mun. Consequently, the CEC, only on 27 December 2019, established the date for holding the new parliamentary elections in the SMC no. 38 from Hincesti mun.¹¹ for 15 March 2020.

The electoral campaign for the new parliamentary elections of 15 March 2020 took place against the background of the process of negotiation and institutionalization of a new parliamentary majority between the PSRM and the PDM, as well as in the context of the pre-election period of the Moldovan Presidential Elections, expected to be held this Autumn.

¹¹ CEC's Decision no. 3455 of 27.12.2019. <https://bit.ly/35Yf0t1>

II. LEGAL FRAMEWORK

The New Parliamentary Elections of 15 March 2020 are being held in compliance with the legal provisions that were equally applied in the Parliamentary Elections of 24 February 2019 (in accordance with the legislation in force until the adoption date of the Law no. 113/2019). Relevant exceptions refer to legal relations on excluding the requirement to submit the integrity certificates and providing for a ban on campaigning both on elections day and on the day preceding the elections day.

According to Promo-LEX, the date for the new parliamentary elections were to be set within the period from 5 February 2020 to 5 March 2020.

The Promo-LEX OM, draws attention to the need for explicit regulation of cases that can be classified as indirect financing of the election campaign of certain candidates by parties that are not registered as competitors, but carry out electoral campaigning.

a. Setting the date of the new parliamentary elections of 15 March 2020

If, in the new parliamentary elections of 20 October 2019, the date for holding elections has been set, in the opinion of Promo-LEX, around 13 days late¹², in the new parliamentary elections of 15 March 2020, the CEC repeatedly admitted a delay when setting the date for the elections of about 10 days.

However, in line with art. 105, para. (1) of the Electoral Code, whether and, if after repeated voting, the elections are declared null and void **or the office of the MP has become vacant**, the CEC shall determine the date for holding new elections, which are to take place at least 60 days as from the time the elections were declared null and void, but not later than three months from that date. Contextually, sections 80-83 of the Judgment of the Constitutional Court¹³ state that where a request for *resignation from the office of MP* is submitted by the MP in an incompatible office situation, the MP mandate expires when the request thereof is submitted, while the Parliament is **to act expeditiously** in order to comply with the legal provisions. For the MPs elected in single-member constituencies, resignation of the MP generates a set of procedures, consisting of several consecutive stages, which involve a series of actions taken by both the MP in an incompatible office situation, as well as by both the Parliament and the CEC:

- *Submitting the request for resignation of the MP to the President of the Parliament.* In this case, Alexandru Botnari have submitted his request for resignation as MP on 5 December 2019, on the last day within the 30-day period established by law. He was elected mayor of Hincesti municipality following the second round of local elections of 3 November 2019, while his mandate was validated by the Court of Hincesti on 5 November 2019. According to sections 98-99 of the Judgment of the Constitutional Court, the incompatible office situation for MPs in the course of their duties occurs as soon as the MP takes up another remunerated office or as soon as other incompatible office situations occur, under the conditions laid down by law – in the present case – when validating the mayor’s mandate. Moreover, the Constitutional Court states in section 88 that all procedures related to incompatible MPs office situations are to be completed within the 30 days term stipulated by the law when such incompatibility occurs.
- *Taking note of the request for resignation and declaring the mandate vacant by the Parliament.* Unfortunately, as in the case of the new parliamentary elections of 20 October 2019, the Parliament delayed the adoption of the decision on declaring the mandate vacant in the SMC no. 38 from Hincesti mun., however, from the date of submission of the request for resignation of the MP Alexandru Botnari and until the date of issuance of the Parliament’s decision on declaring the mandate vacant, the Parliament has held two plenary sessions¹⁴.
- *Setting the date of the new (partial) elections in the single-member constituencies thereof by the CEC.* Under the conditions of implementation of the legal provisions on the mixed-member electoral system, in violation of the deadline set by law, the CEC has set the date of 15 March 2020 for holding the new parliamentary elections in the SMC no. 38 from Hincesti mun. Thus, starting from the fact

¹² Report no. 1 of the Observation Mission for the general local elections and new parliamentary elections of 20 October 2019, pages 15-16.

¹³ Judgment of the Constitutional Court no. 21 of 24 June 2015. <https://bit.ly/3aBcrLd>

¹⁴ Parliament’s plenary sessions: 06.12.2019, <https://bit.ly/39v40RD>; 19.12.2020, <https://bit.ly/32UPgld>.

that the mandate of the MP Alexandru Botnari expired under law on 5 December 2019, pursuant to art. 105 of the Electoral Code and para. (12) of art. 2 of the Law on Status of Member of Parliament and explanations of the Constitutional Court, referred to in the Judgment no. 21 of 24 June 2015, ex officio, the CEC was supposed to establish the date for holding the new parliamentary elections between 5 February 2020 and 5 March 2020.

b. Amendment of the legal provisions for electing MPs in single-member constituencies, according to the Law no. 113/2019

According to Law no. 113/2019, on 17 August 2019, new amendments made to the Electoral Code, Law on Status of Member of Parliament, Law on identity documents in the national passport system, Law on political parties and Contravention Code of the Republic of Moldova have entered into force, cancelling the mixed-member electoral system and returning to the party-list proportional representation systems. However, according to art. VI of the same law, if partial (new) parliamentary elections will be held, the latter shall be carried out in accordance with the legislation in force until the adoption date of the Law no. 113/2019, with the exception of¹⁵: *legal relations on the requirement to submit the integrity certificates* (replacing the integrity certificate issued by the National Integrity Authority by a declaration on oath); *election campaigning* (returning to the “day of silence”, imposing a ban on campaigning both on elections day and on the day preceding the elections day); *voters’ ID documents* (expanding the list of ID documents allowing holders to vote in the PSs established abroad).

c. The scale of implementation of Promo-LEX recommendations contained in the Final Report on Monitoring general local elections and new parliamentary elections of 20 October 2019¹⁶ as well as in the Reports of the observation mission for parliamentary elections of 24 February 2019

Following the monitoring of the new parliamentary elections of 20 October 2019, as well as of the ordinary parliamentary elections of 24 February 2019, the Promo-LEX developed a series of recommendations for public authorities, electoral bodies, electoral competitors and law enforcement agencies, in order to improve the electoral process. Of the total of nine recommendations addressed to the Parliament to improve the relevant legal framework and new parliamentary elections, no recommendations were implemented until this report was drawn up, in the context of the elections of 15 March 2020.

d. Uncertainties regarding the reporting of electoral campaign expenses by a political party that is not registered as an electoral competitor

Art. 52, para. (1) of the Electoral Code provides that citizens of the Republic of Moldova, parties and other social-political organizations, electoral blocs, candidates and trustees of candidates have the right to subject to open discussions, and in all aspects the electoral programs of the candidates [...], as well as campaigning in sessions, rallies, meetings with voters, through mass media, electoral displays or via other means of communication. In this respect, including, parties that are not registered as candidates may make election agitation during the electoral campaign for certain candidates.

On the same lines, art. 41, para. (4) determines that all expenses for the electoral campaign are made from the means available on the account named “Electoral Fund”. From the perspective of the financial reporting of campaign expenses, according to Promo-LEX, there are certain uncertainties on the reflection of the resources spent by third parties (parties that are not registered as competitors but make agitation in favour of certain candidates, in particular declared independent ones). Even if these expenses will be included in the half-yearly/annual financial reports of the political parties, we mention that they do not belong to the category of means on the “Electoral Fund” account of the competitor. In the opinion of the Promo-LEX OM, the legislator, especially in the run-up to the presidential elections in Autumn 2020, is to regulate this issue more explicitly, for example, by obliging the inclusion of third-party expenses in the reports of electoral competitors as material donation.

¹⁵ Please see detailed analysis of the amendments in the Report no. 2 of the Observation Mission for general local elections and new parliamentary elections of 20.10.2019, pages 9-12. <https://bit.ly/2SgQZDU>

¹⁶ Final Report of the Observation Mission for general local elections and new parliamentary elections of 20 October (3 November) 2019, page 82. <https://bit.ly/31tuH6e>

III. ELECTORAL BODIES

The CEC approved decisions that ensured the organization and conduct of elections during the reference period. CECEU no. 38 has been established in compliance with the legal provisions. 44 PEBs were formed within legal deadlines in order to conduct the elections. Regarding the election of the leadership, according to observers, in five cases the members of the PEBs did not follow the open voting procedure. The work programme was generally respected, with 95% of bureaux opened during the visits of the observers.

The gender composition of the PEB is not balanced, 85 % of them are women, and the proportions are maintained at the management level of the PEB. Please note that only women have been selected to serve as Bureau Secretary.

The requirements for displaying information of public interest at the PEBs headquarters were partially complied with: 61% displayed the list of electoral competitors, and 77% - the work schedule and the data on the composition of the PEBs.

Availability of lower level electoral bodies to people with locomotor disabilities and/or special needs is far from being great: CECEU no. 38 is totally inaccessible while PEBs premises are not available at a proportion of 75%.

a. Activity of the Central Electoral Commission (CEC)

I. Structure of Electoral Bodies

In the context of holding the new parliamentary elections of 15 March 2020, the CEC coordinated the work of two levels of electoral bodies. It constituted the electoral council of the uninominal electoral constituency no. 38 (CECEU), whilst CECEU constituted 44 precinct electoral bureaux (PEBs).

II. CEC's Decisions

From the beginning of the electoral period until the reporting date, the CEC adopted 43 decisions to carry out actions to organize and conduct the parliamentary elections of 15 March 2020.

Thematic content of the decisions adopted. *CEC's Decisions on holding new parliamentary elections of 15 March 2020 on:* setting the date for the elections; approving the estimate of expenses for conducting new parliamentary elections; approving the calendar program; covering the electoral campaign in the media; establishing the list of parties and other socio-political organizations entitled to participate in the new parliamentary elections of 15 March 2020; establishing additional responsibilities of some authorities and institutions related to ensuring the proper conduct of the elections; constituting the CECEU no. 38 from Hincesti mun.; discharging the duties from the permanent place of work and convening certain members of the CECEU; registering the UNIREA Electoral Bloc and the electoral symbol thereof; accrediting the national observers designated by the "Promo-LEX" Association; accrediting the international observers; establishing the number of electoral competitors' trustees; conducting an opinion poll when exiting the polling stations (of exit-poll type); modifying the composition of the CECEU no. 38 from Hincesti mun.; confirming the representatives entitled to consultative vote in the CEC (the PDM, the PSRM) as well as confirming the treasurers (the PDM, the PSRM, the IC Grigore Cobzac, the PPS, the PLDM, the PAS, the UNIREA Bloc).

CEC's Decisions on financial activity of electoral competitors: establishing the amount of interest-free credit granted to electoral competitors; establishing the general ceiling of the financial means that can be transferred to the account "for the initiative group/groups"; establishing the general ceiling of the financial means that can be transferred to the "Electoral Fund" account; on the financial reports of the initiative groups formed by political parties, the electoral bloc and the independent candidate for collecting signatures in support of candidates running for MPs in the SMC no. 38 from Hincesti mun.; on the income and expenditure reports submitted by electoral competitors in the electoral campaign for the new parliamentary elections of 15 March 2020, to the situation at 14, 21 and 28 February 2020.

CEC's Decisions on handling complaints/referrals: on the referral no. CEC-7/6985 of 3 February 2020 of the PL as well as on the complaint no. CEC-10APN/1 of 27 February 2020 of the PPS.

III. REFLECTING the results of opinion polls with prior notice given to the CEC

According to art. 70, para. (10) of the Electoral Code and the CEC's Decision no. 3494 of 13.12.2019, during the electoral period, any opinion polls on the political preferences of voters can be conducted only on condition of prior notice given to the CEC.

According to the information on the CEC's official website, only one notice is registered for conducting sociological studies in the SMC no. 38 from Hincesti by the Association of Sociologists and Demographers of the Republic of Moldova.

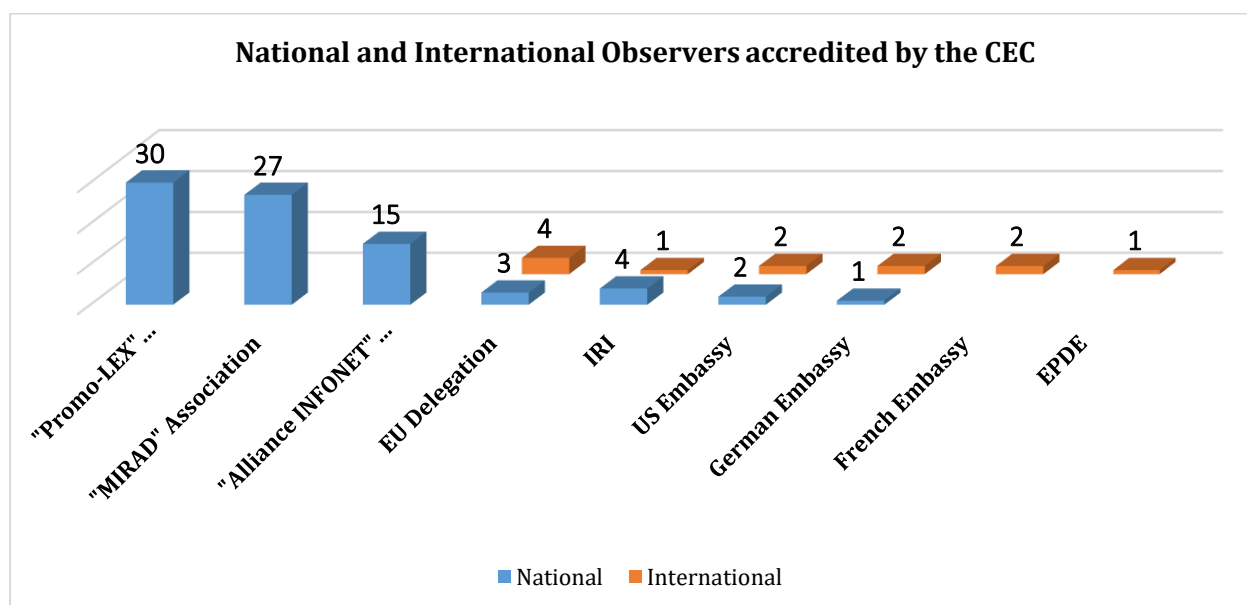
Contrary to the aforementioned, during the electoral period, two sociological studies organized including in the SMC no. 38 from Hincesti giving also the political preferences of voters were made public by the "Date Inteligente" SRL (iData) Company during two press conferences.

b. Accreditation of Observers

National and International Observers accredited by the CEC. According to the Calendar Program¹⁷, as soon as the date for the new parliamentary elections of 15 March 2020 has been set, the submission of documents for the accreditation of observers on the part of qualified public associations from the Republic of Moldova and representatives of international organizations, governments of foreign states and non-governmental organizations from abroad began.

The CEC accredited 82 national observers and 12 international ones. 30 observers were accredited on the basis of the requests submitted by the Promo-LEX Association (see Chart no. 1).

Chart no. 1



National Observers accredited by the CECEU no. 38 from Hincesti mun. Electoral competitors shall submit their requests for the accreditation of the observers following their registration as an electoral competitor, but no later than seven days before the date for holding the elections, i.e., until 7 March 2020. Thus, the political parties that have applied for the accreditation of the observers in due time were: the PDM, the PSRM, the PPS and the PAS. According to the CECEU's decisions, 44 observers were accredited on the part of each political party.

¹⁷ Calendar Program for carrying out actions for organizing and conducting new parliamentary elections of 15 March 2020. <https://bit.ly/2Tua5s5>

c. Establishment and Operation of the Hierarchically Inferior Electoral Bodies

i. Establishment and Operation of the Electoral Council of the Uninominal Electoral Constituency no. 38 from Hincesti (CECEU)

With a view to achieving the actions on the organization and conduct of the new parliamentary elections of 15 March 2020, the CEC constituted the CECEU no. 38 from Hincesti mun., on 10 January 2020, within the deadline set¹⁸, comprised of 9 members (6 men and 3 women).

The Promo-LEX OM has found compliance with the legal provisions¹⁹ in designating members in the CECEU composition by entities entitled to do so. The political parties represented in Parliament (the PAS, the PPPDA, the PPS, the PDM and the PSRM) have put forward candidacies in the CECEU composition. Whilst the candidacies of two members have been put forward by the Court of Hincesti and Hincesti District Council.

Leadership Election and Compliance with Gender Balance. According to the reports of the Promo-LEX observers, the CECEU leadership has been elected on 11 January 2020, respecting both the deadline and voting procedure (secret ballot). A woman whose candidacy was put forward by Hincesti District Council has been elected as President, whilst as deputy president has been elected a man put forward by the PDM, and as secretary has been elected also a woman put forward by Hincesti District Council.

Modifying the CECEU composition. On 4 March 2020, the person designated by the PSRM has been replaced.

Displaying the information of public interest. The full information about the CECEU composition, work programme, contact details and list of electoral competitors shall be displayed in the CECEU headquarters in a space accessible to the general public.

Registration of the electoral competitors' trustees by the CECEU and designation of the representatives entitled to consultative vote at the CECEU level. The CEC has established a maximum of 15 trustees for each electoral competitor²⁰. Thus, according to the reports of the Promo-LEX observers, until the time of drafting of this Report, the CECEU registered one trustee for each of the following electoral competitors: the PSRM, the PPS and the IC Grigore Cobzac. The CECEU has confirmed a single representative entitled to consultative vote, designated by the electoral competitor Anatolie Postolache, who withdrew from the electoral race on 28 February 2020.

Accessibility of the CECEU headquarter. When visiting the CECEU, the Promo-LEX observers also evaluated the accessibility of its headquarter, based on three criteria: accessible (availability of a ramp and support bar with the dimensions provided in the regulation²¹), partially accessible (only the ramp is available without the support bar) and inaccessible (both elements are missing). Consequently, the CECEU no. 38 headquarter is totally inaccessible to persons with locomotor disabilities, seniors having problems moving around, parents with babies in strollers or other category of persons with special needs and do not comply with norms and standards on accessibility thereof.

ii. Establishment of Polling Stations (PSs)

On 7 February 2020²², the CECEU constituted 44 PSs on the basis of the proposals of mayors, within the deadline set in respect thereof – at least 35 days before the Elections Day.

We note that, compared to the parliamentary elections of 24 February 2019, one more PS has been constituted in Loganesti village, while complying with the provisions of the Government Decision on

¹⁸ At least 55 days before the Elections Day, while according to the Calendar Program – up to and including 10 January 2020.

¹⁹ Art. 28, para. (5) of the Electoral Code.

²⁰ The CEC's Decision no. 3625 of 24.01.2020. <https://bit.ly/2SNVTK5>

²¹ Section 17 of the CEC's Regulation on the accessibility of the electoral process to people with disabilities. <https://bit.ly/2IYjpkX>

²² The CECEU Decision no. 20 of 7 February 2020 on the establishment of the PS. <https://bit.ly/2THI674>

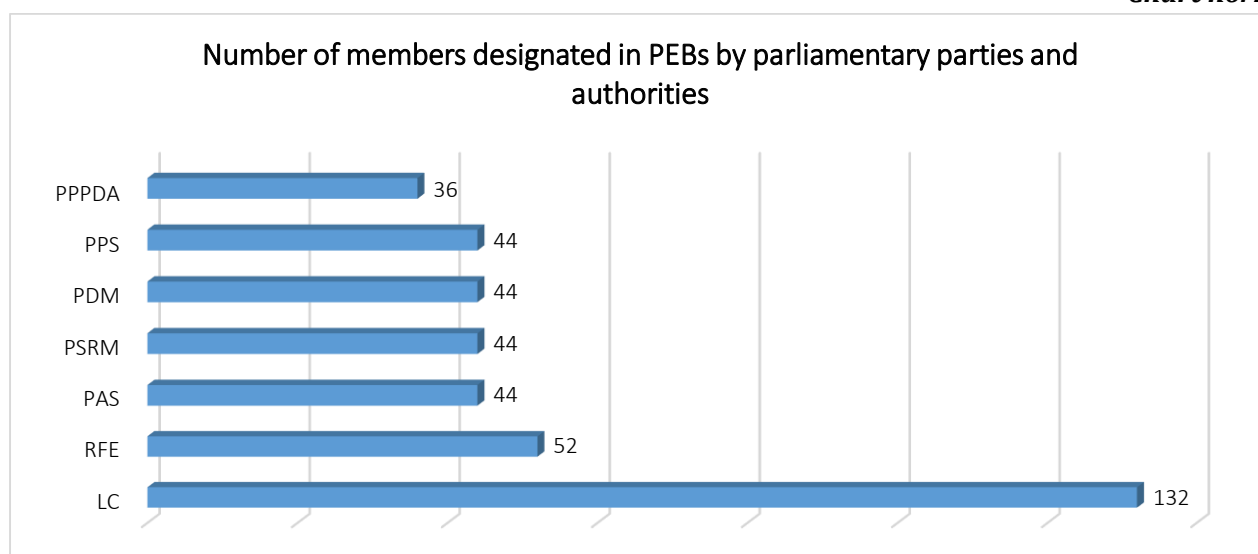
on the approval of permanent single-member constituencies²³. This case has also been reported by the Promo-LEX in the parliamentary elections of 24 February 2019²⁴.

d. Constitution and Operation of Electoral Bureaus of the Polling Stations (PEBs)

Constitution of PEBs. According to the Calendar Program and legal provisions²⁵, all PEBs have been constituted within the deadline set in respect thereof²⁶. Pursuant to art. 30, para. (9), the PEB shall consist of an odd number of members of at least 5 and not more than 11 persons. According to the CECEU Decision on the establishment of PEBs for parliamentary elections of 15 March 2020, all PEBs were composed of 9 members.

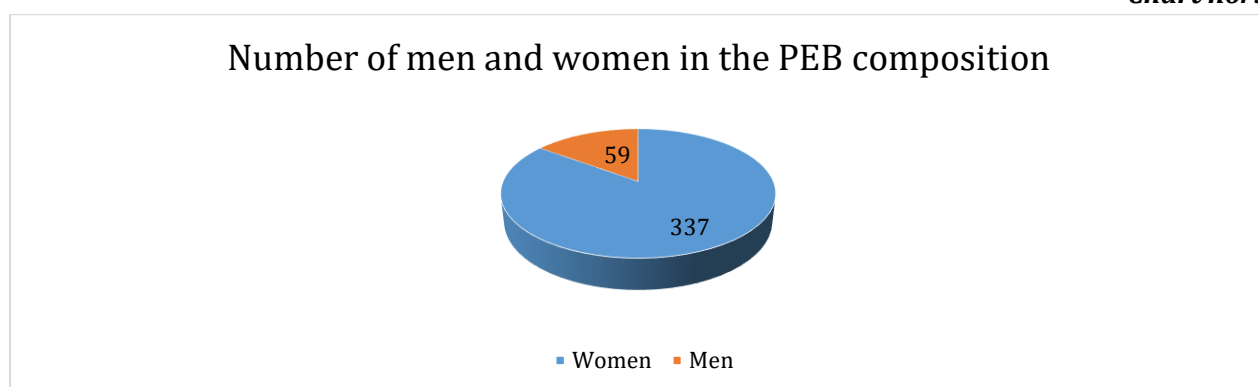
*Designation of members in the PEBs composition*²⁷. According to CECEU Decisions and reports of the Promo-LEX observers, the majority of members elected in the PEB composition were designated by the local councils, under the chart no. 2 below.

Chart no. 2



Meeting the deadline for the election of the PEB leadership, voting procedure and ensuring gender balance when filling the managerial positions within the PEB. According to the reports of the Promo-LEX observers, we find the predominance of women (85%) in the PEB composition. The gender ratio is also maintained in the managerial positions existing in the PEB: 80% of women were elected as president of the PEB, as deputy president – 64%, whilst again only women have been selected to serve as secretary (see charts no. 3 and no. 4 below).

Chart no. 3



²³ Government Decision no. 970 of 15 November 2017 on the approval of permanent single-member constituencies. <https://bit.ly/2AA8lgN>

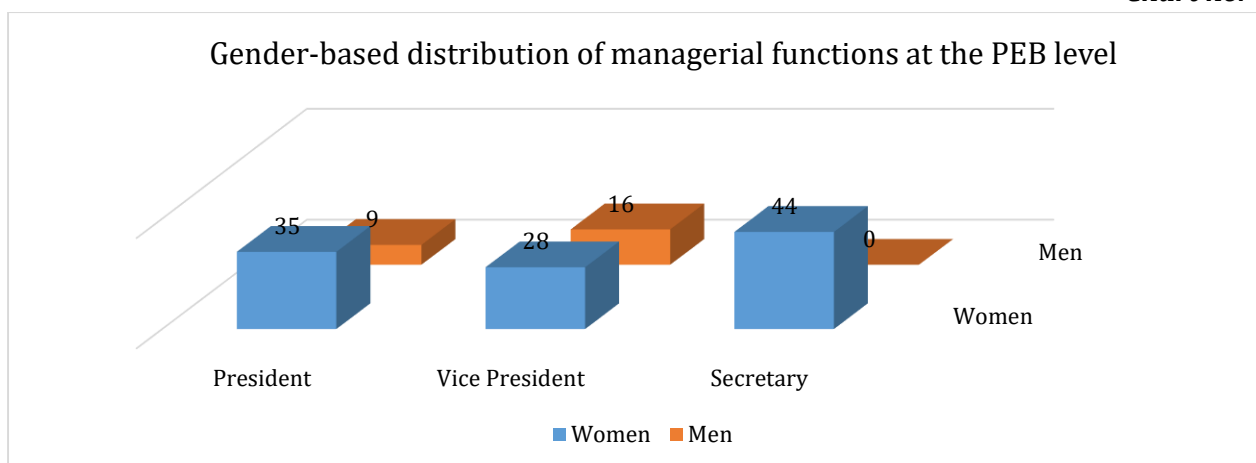
²⁴ Report no. 3 of the Observation Mission for parliamentary elections of 24 February 2019, page 18. <https://bit.ly/2vLhrOE>

²⁵ Art. 30, para. (9) of the Electoral Code: PEB shall be constituted up to and including 18 February 2020. According to the Calendar Program, PEB shall be constituted up to and including 18 February 2020.

²⁶ CECEU Decisions of 17 February 2020 on the establishment of PEBs. <https://bit.ly/38vG4MS>

²⁷ Art. 30, para. (10) of the Electoral Code.

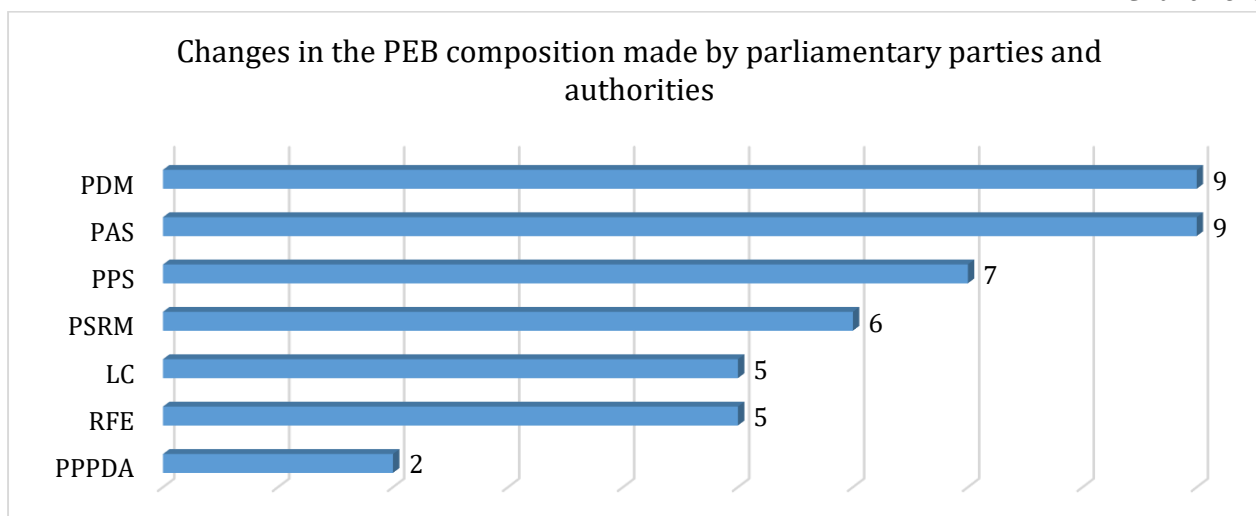
Chart no. 4



The procedure for electing the PEB members²⁸ to fill in the managerial positions has been followed in all 44 PEBs within the deadline set. As for the election of the PEB leadership²⁹ in an open vote, the Promo-LEX observers have reported five cases in which PEB members failed to comply with the procedure thereof³⁰.

Modifying the PEB composition. According to the reports of the Promo-LEX observers and data published by CECEU, at least 43 changes were made in the PEB composition. According to the chart no. 5 below, most of the requests for such amendments were submitted by the PDM, the PPS and the PAS, and the least – by the PPPDA.

Chart no. 5



Compliance with the work programme and public information of voters. During the visits made by the Promo-LEX observers, 95% of PEBs were opened within the work programme. Only PEB 38/14 Ciuciuleni and PEB 38/26 Anini were closed at the time of the visit.

In terms of *displaying information of public interest* in the PEB headquarters, their representatives complied partially with the requirements set in respect thereof (see chart no. 6 below). Thus, out of

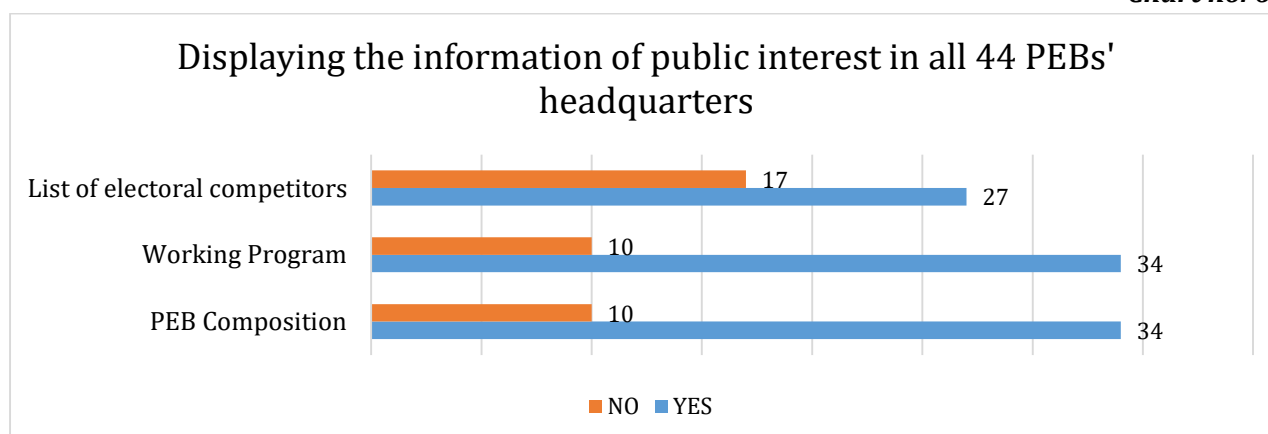
²⁸ Art. 30, para. (11) of the Electoral Code. According to the Calendar Program, the election of the president, deputy president and secretary of the PEB shall take place within two days from the date of the establishment of the PEB – up to and including 20 February 2020.

²⁹ Art. 35, para. (2) of the Electoral Code. “Decisions of electoral councils and bureaus shall be adopted in **an open vote**, by a majority of the members and shall be signed by the president and the secretary...”

³⁰ PEB no. 38/17 Cotul Morii; no. 38/19 Talaesti; no. 38/22 Fundul Galbenei; no. 38/30 Mereseni and no. 38/31 Sarata Mereseni.

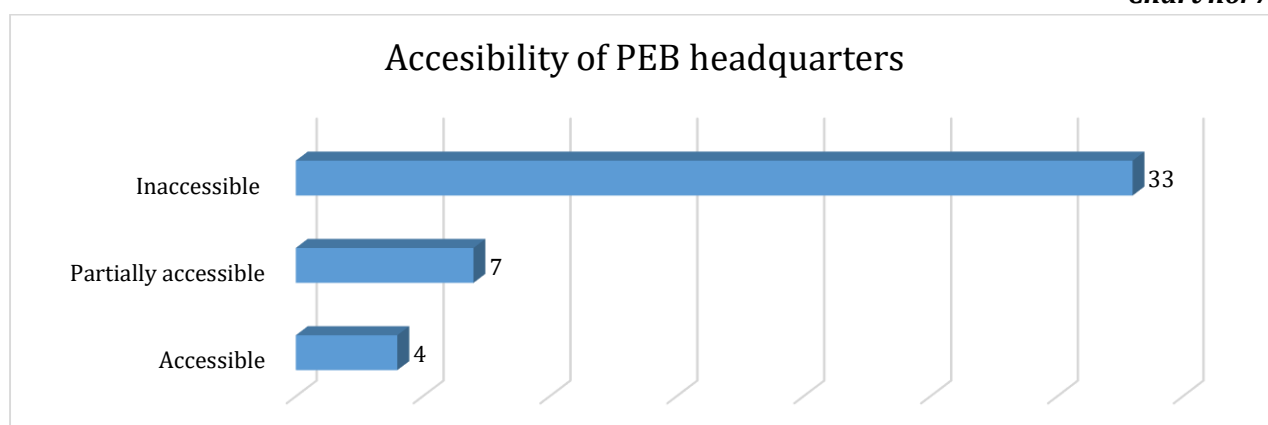
44 PEBs, only 27 (61%) have displayed the list of electoral competitors, while 34 (77%) PEBs have displayed both the work programme, and data on the PEB composition.

Chart no. 6



Ensuring the accessibility of PEBs' headquarters. According to the reports of the Promo-LEX observers, when performing visits to the PEBs' headquarters, 33 (75%) PEBs were inaccessible, 7 (16%) partially accessible and only 4 (9%) - accessible (see chart no. 7 below). Moreover, 38 (86%) PSs will be opened in the same premise as the PEB, which means that they will have the same inappropriate degree of accessibility.

Chart no. 7



In this context, according to a press release developed by CEC³¹, with the support of UNDP Moldova, CEC decided during the Elections Day to assess repeatedly the premises in which PSs will be established for holding the new parliamentary elections in the SMC no. 38 from Hincesti.

³¹ CEC's press release of 04.02.2020. <https://bit.ly/3345oZd>

IV. DESIGNATION AND REGISTRATION OF COMPETITORS

For the New Parliamentary Elections of 15 March 2020, eight initiative groups were registered, seven of which submitted documents for registration, with a potential candidate announcing his/her withdrawal from the electoral contest. All seven candidates have been registered. Compared to the Parliamentary Elections of 24 February 2020, in case of SMC no. 38 Hincesti, we attest a higher participation rate, being registered with three more candidates. During the campaign a candidate announced his/her withdrawal.

According to the legal provisions³², the nomination of candidates in the new parliamentary elections and the collection of signatures of candidates' supporters in the SMC begins 60 before the Elections Day and ends 30 days before the Elections Day. An initiative group (IG) to collect signatures in support of the candidate³³ was required to be constituted for each candidate in the SMC.

For the new parliamentary elections of 15 March 2020, eight initiative groups were registered to support candidates running for MP in the SMC no. 38 from Hincesti mun., according to the table no. 1 below.

Table no. 1

No.	Date of registration of the IG	Political Party/IC	Name, surname of the candidate
1.	19.01.2020	PPS	Balinschi Vitalie
2.	19.01.2020	PSRM	Gatcan Stefan
3.	19.01.2020	PDM	Mereuta Ion
4.	22.01.2020	PUN	Turcanu Vladimir
5.	23.01.2020	PAS	Stamate Olesea
6.	23.01.2020	UNIREA Bloc	Chirtoaca Dorin
7.	27.01.2020	PLDM	Postolachi Anatolie
8.	27.01.2020	IC	Cobzac Grigore

According to the Calendar Program, from 15 January 2020 up to 13 February 2020, the election candidates had a deadline for submitting documents to CECEU for registration as an electoral competitor. Out of eight IGs, seven submitted documents for registration of candidates. Both the PUN and the candidate of the political party, Vladimir Turcanu, on 28 January 2020, have declared the withdrawal of the candidature in favor of the IC Grigore Cobzac.

According to the Calendar Program³⁴, from 22 January 2020 up to including 11 February 2020, documents for registration of candidates as electoral competitors have been submitted with the CECEU by seven political parties, including the IC, within the deadline set. The table no. 2 below shows the candidates listed in chronological order the way they were registered.

Table no. 2

No.	Date of registration of candidates with the CECEU	Political Party/IC	Name, surname of the candidate
1.	22.01.2020	PDM	Mereuta Ion
2.	23.01.2020	PSRM	Gatcan Ștefan
3.	27.01.2020	PAS	Stamate Olesea
4.	07.02.2020	PPS	Balinschi Vitalie
5.	07.02.2020	UNIREA Bloc	Chirtoaca Dorin

³² Art. 46 – 49 of the Electoral Code.

³³ Art. 86, para. (1) of the Electoral Code. In order to be registered by the District Electoral Council, the candidate in the single-member constituency shall submit, under terms of art. 47 and art. 48, subscription lists containing the signatures of at least 500 and no more than 1000 voting supporters in the single-member constituency where they intend to run for elections. By way of derogation from this paragraph, a female candidate may be registered if she presents the signatures of at least 250 and no more than 500 voting supporters in her constituency.

³⁴ Starting from 15 January up to including 13 February 2020, according to the Calendar Program.

6.	27.01.2020	IC	Cobzac Grigore
7.	11.02.2020/ withdrawn	PLDM	Postolachi Anatolie

Compared to the parliamentary elections of 24 February 2020, in the SMC no. 38 from Hincesti mun., we attest a higher participation rate, being registered with three more candidates³⁵.

According to art. 89, para. (2) of the Electoral Code, the candidate in the SMC put forward by a political party may be withdrawn by the political party designating him/her no later than 14 days before the Elections Day. In this regard, on 28 February 2020, on the day before the deadline, the PLDM withdrew the candidature of Anatolie Postolache running for MP in the SMC no. 38 from Hincesti mun.³⁶. Therefore, six candidates have been included in the ballot paper for the new parliamentary elections of 15 March 2020³⁷.

³⁵ Final Report of the Observation Mission for Parliamentary Elections of 24 February 2020, page 31. <https://bit.ly/2Q4r8i8>

³⁶ CECEU Decision no. 35 of 28.02.2020. <https://bit.ly/2Q1c0SU>

³⁷ CECEU Decision no. 37 of 28.02.2020. <https://bit.ly/2Q516wy>

V. ELECTORAL COMPLAINTS

According to Promo-LEX observers, during the monitored period one complaint was submitted to the CECEU and one request and one complaint to the CEC.

The Promo-LEX OM states a more active role of CEC in handling complaints and requests, compared to the practice of previous elections. At the same time, we draw attention to the fact that the effective processing of complaints and requests must be in strict compliance with substantive and procedural rules, and in their absence – by applying the analogy of the law. Also, the CEC's attitude and approach should apply equally to all electoral competitors.

a. Complaints submitted with CECEU no. 38 from Hincesti

According to Promo-LEX observers, only one complaint has been submitted with the CECEU. The contesting party (candidate running for MP, designated by the PPS) invoked the display of the PSRM campaign adverts in unauthorized places (as bus station and exterior wall of the Cultural Centre) in Pascani village and Pereni village of Hincesti district.

Within two days of filing the complaint, the latter was submitted in the framework of their respective competences to Hincesti Police Inspectorate, to be examined in accordance with art. 50 of the Contravention Code. We note that the legal deadline for submitting the complaint for examination in line with their competences has been met.

The Promo-LEX OM points out that according to sections 18-20 of the Regulation on the location of electoral advertising and political promotion materials on billboards³⁸, placing campaign adverts in unauthorized places incurs liability under the legislation in force, whilst responsibility for removing the unauthorized campaign advert lies with the local public administration. The law enforcement bodies, together with the local public administration are required to establish and ensure the removal of campaign adverts and/or political campaign materials in billboards, which do not fulfil the conditions laid down in art. 52, para. (3), (4) and (8) of the Electoral Code. However, according to art. 400 of the Contravention Code, the administrative infringement on placing an unauthorized campaign advert shall be established and examined by the Police.

In this regard, we consider that the provisions of the CEC Regulation on the location of electoral advertising and political promotion materials should be adjusted in order to expressly mention the police's competence to declare the administrative infringement on the unauthorized display.

b. Complaints submitted with the CEC

During the monitored period, one request and one complaint have been submitted with the CEC.

a) The request covers the PPS actions, designating a candidate for the office of MP, but not registered therein, in the context of offering free transportation services to voters and giving bags bearing the PPS symbol on them containing also one cap, one t-shirt, one notebook, one pen, newspapers and chocolates in the SMC no. 38, on 01.02.2020. The PL criticized the PPS including the fact that they regularly organize the transportation of voters to the "OrheiLand" Leisure Park, carried out by the Public Association "Pentru Orhei", in their opinion, this being a form of electoral bribe.

We note that the request was submitted on 3 February 2020 by a political party registered in the electoral campaign as constituent part of the Electoral Bloc. Both the person who reported the alleged illegal actions and the person against whom this action was filed were registered on 7 February 2020, and at the time of committing the alleged illegal actions the subjects of the complaint had the status of suitor to the status of candidate for the office of MP/initiative group.

By Decision no. 3791 of 4 March 2020, on the complaint of 3 February 2020 of the PL³⁹, the Commission has expressed its views only in the part related to alleged violations of the legal provisions in organizing the transportation of voters to various events. The CEC found "the use of

³⁸ Approved by the CEC Decision no. 3328 of 28 April 2015. Go to the link: <https://bit.ly/39AymSJ>

³⁹ <https://bit.ly/3a1va7s>

undeclared financial and material funds by the PPS electoral competitor (candidate for the office of MP in the Parliament of the Republic of Moldova, Mr. Balinschi Vitalie), by financing the transportation of voters made in favor of PPS in order to carry out electoral campaigning by the Public Association “Pentru Orhei”.

The CEC have argued its Decision by the fact that regardless of the *de jure* organizer of the transportation of voters to various trips and the fact that meals were offered to voters in specialized places of public catering, the active presence at these events of the decision-makers within the party, as well as the presence of the candidate Vitalie Balinschi, denotes the benefit from services provided in his favor.

Hence, the Commission established the fact that the financial resources used to organize the transportation of voters for electoral purposes, carried out by the Public Association “Pentru Orhei” in favor of the PPS, were not reflected in the financial reports submitted by the PPS for the situation at 14, 21 and 28 February 2020 and were paid from other funds, and not from the financial resources accumulated in the “Electoral Fund” account. As a result of this finding, the CEC requested the Court of Appeal to cancel the registration of the electoral candidate designated by the PPS⁴⁰.

We note in the *aforementioned* complaint, the following inaccuracies and irregularities:

- 1) The extension of the subject matter of the complaint, in the absence of the request from the author of the complaint. Although the subject matter of the request submitted by the PL covered the actions made by the PPS on 1 February 2020, the alleged actions of voter corruption being invoked therein, the Commission established the failure to reflect the financial resources used for the transportation of voters on 17 January, 8, 9 and 13 February 2020 in the financial reports submitted.
- 2) Lack of the CEC’s conclusions on the role of the author of the complaint in the appeal as well as the role of the person against whom the complaint was made. Although the PPS invoked the lack of electoral competitor status both in the case of the author of the complaint and in the case of the PPS on 1 February, requesting the rejection of the complaint, the CEC failed to rule on this issue. Since the previous practice of the CEC shows that the lack of the role of electoral competitor was a reason for non-examination of the appeal or complaint, we consider that the Commission should specify the reasons for admissibility of the complaint.
- 3) Establishing the use of undeclared financial and material funds by the electoral competitor and requesting for the cancellation of the registration of the electoral candidate designated by the PPS in the SMC no. 38, in the absence of localization of the PPS actions in time and space. The Promo-LEX OM considers that when applying sanctions, it is imperative to identify the time or period of time when the action was carried out, in order to elucidate the applicable rules and the status of the person whose actions are referred to. It is also necessary to identify the space in which the action was carried out, including in order to distinguish the political activity of the political party from the electoral activity carried out in the single-member constituency. In the present case, the actions brought by the PL were carried out on 1 February 2019, when the PPS was not registered in the electoral campaign, having registered only an initiative group, and the finding concerns the use by the electoral competitor of undeclared financial and material funds and the request to cancel the registration of the electoral competitor.
- 4) Lack of the CEC’s conclusions on the conduct of electoral campaigning before the start of the electoral campaign. Although the CEC referred to the fact-finding protocols drawn up by the police and the statements of the persons heard by the police, according to which on 17 January they were urged to vote for the PPS candidate Vitalie Balinschi, the CEC failed to establish the conduct of the electoral agitation before the electoral campaign, which according to the Electoral Code is prohibited.
- 5) Finding facts relating to the referral submitted, prior to the CEC’s decision. In the CEC’s Decision no. 3779 of 4 March 2020, on financial reports of the initiative groups⁴¹, the Commission has applied two sanctions in the form of a warning to the PPS on 4 March 2020, one of which is for the non-disclosure of financial resources. As a basis for the application of

⁴⁰ By the Decision of the Chisinau Court of Appeal of 10.03.2020, the CEC’s request to cancel the registration of the electoral competitor was rejected.

⁴¹ <https://bit.ly/2lx9sHJ>

this warning, one of the alleged infringements of the PPS invoked in the referral was served, although the Commission had not ruled on the referral thereof.

The Decision examining the complaint was issued under the no. 3791 on 4 March 2020. The Promo-LEX OM states that although decisions were issued on the same date, the findings made in the examination of a complaint or appeal may be used in other judgments or lawsuits only after a decision on the complaint/appeal has been adopted.

- 6) The establishment of the connection between the PPS and the Public Association “Pentru Orhei” based on data on the President of the Association, the legal headquarters and an earlier CEC Decision of 20 October 2016, which established the use of the discount card of the social store administered by the Public Association “Pentru Orhei” for the benefit of the PPS. As for the latter criterion, we note that despite the fact that the CEC decision remains in force through a non-appeal, proved in the election court, the causal link cannot be automatically applied in other disputes. We note that the existence of the same factual and legal conditions that would lead to the same confirmation has not been revealed, and the application of the judicial precedent is not regulated in the Moldovan legislation.

In addition, the Promo-LEX OM considers that both the method of establishing the involvement in political or electoral activity of non-commercial organizations, foundations, charitable organisations and the sanctions imposed on them need to be regulated, being set the minimum criteria/procedure on which it can be concluded on the existence of the causal link between the non-commercial organization and the political party.

On the same lines, the Promo-LEX points out that the complaint was resolved within 30 days after submission, according to art. 71, para. (6) of the Electoral Code, the examination of appeals concerning the financing of electoral campaigns of political parties not being subject to the limitation periods provided for in art. 72-74.

- b) On 27 February 2020, the PPS filed an appeal against the alleged illegal actions of the PSRM to use administrative resources in the electoral campaign and to corrupt voters. There has been cited the performance of electoral agitation in a building from a public domain of the local public administration, involving the village mayor in carrying out electoral agitation during his working hours and corrupting voters by offering free medical care services to inhabitants of Onesti village.

By Decision no. 3792 of 4 March 2020, the CEC found that the use of the Cultural Centre for meeting voters does not conflict with the applicable legal provisions.

Regarding the alleged corruption of voters, on 28 February 2020, the Commission submitted the complaint to the Hancesti Police Inspectorate and to the General Police Inspectorate, contrary to the material competence. The Commission requested the authorities to determine whether, through the actions in question, persons who received free medical assistance were urged to vote for a particular electoral competitor, whether or not the subject of the new parliamentary elections of 15 March was approached and whether or not the provision of medical services was conditional on the political preferences of patients.

By letter no. 34/36-2080 of 3 March 2020, the Hancesti Police Inspectorate sent to CEC the conclusion about the result of the verification of the recorded information, which found that the constituent elements and signs of any crime or contraventions were missing. Subsequently, on 4 March, by Judgment no. 3792, taking into account the material competence for establishing the offence of voter corruption, laid down in art. 270¹ of the Code of Criminal Procedure, the CEC decided to forward to the Anticorruption Prosecutor's Office the complaint filed by the PPS, in the part concerning the possible existence of the offence of corruption of voters. We mention that the appeal was settled within six days, exceeding the legal period provided for in art. 73, para. (2) of the Electoral Code by one day, and as regards the submission to the Competent Authority of the appeal regarding the actions of corruption of voters, the deadline was exceeded by four days.

The Promo-LEX OM welcomes the fact that the CEC has taken a more active role in examining and resolving both the complaints and the requests in relation to the previous practice of resolving them in the previous elections⁴². However, we believe that the effective resolution of complaints and requests must take place according to the material and procedural legal provisions, and in their absence – by applying the analogy of the law.

⁴² During the 2019 General Local Elections, the Promo-LEX OM recommended the Central Electoral Commission and the lower electoral bodies to take an active role in order to efficiently solve complaints and requests, with the application of all legal instruments, and to avoid cases of decline of competence. Go to the link: <https://bit.ly/2IAagvF>

VI. VOTERS' LISTS

The number of voters on the main electoral lists for the new parliamentary elections of 15 March 2020 in the SMC no. 38, decreased by 493 citizens with the right to vote (from 61 728 to 61 235), compared to the parliamentary elections of 24 February 2019.

The Promo-LEX OM identified the delayed transmission of voters' lists in at least 16 PSs (37%). Also, according to observers, at least eight Level I LPAs received about 25 notices during the observation period. Even if there is no evidence of intentional assignment of voters to certain polling stations, we reiterate the need for explicit regulation of the process of "artificial migration".

a. Evolution of the number of voters in the basic voters' lists

The Promo-LEX OM for the parliamentary elections and general local elections⁴³ of 2019, on the number of voters in the State Registry of Voters (SRV), has revealed two areas of concern: the increase in the number of voters in the SRV, against the background of a negative natural growth of population of the Republic of Moldova since 1999 and the discrepancy between the number of people in the SRV and those in the basic voters' lists. In the case of the new parliamentary elections of 15 March 2020 the Promo-LEX was unable to verify the evolution of the number of voters based on the SRV on the grounds that separate updated data were not published for the SMC no. 38, respectively, the analysis is made according to the number of voters in the basic voters' lists.

Following the analysis of the difference between the number of voters included in the basic voters' lists for parliamentary elections of 24 February 2019 and the number included in the lists for the new parliamentary elections of 15 March 2020 (Annex no. 1), we see a decrease in the number of voters in the SMC no. 38 with about 493 citizens with the right to vote: from 61 728⁴⁴ to 61 235⁴⁵.

b. Problematic issues identified in the management of the voters' lists

Reception of the voters' lists by PEBs. According to art. 45, para. (1) of the Electoral Code, the voters' lists shall be made accessible in the premises of the polling stations, as well as posted on the website of the Central Electoral Commission 20 days before the Elections Day. The CEC calendar program shall establish by 24 February including the transmission by the LPA of two copies of the voters' lists to the PEBs.

Contrary to the aforementioned, observers have reported late submission of the voters' lists to at least 16 PSs (37%) (25 – 26 February 2020).

Reception of letters of formal notice on the registration of persons for a permanent/temporary place of residence by LPAs. The Promo-LEX observers identified at least eight level I LPAs in the composition of the SMC no. 38 receiving about 25 notices during the monitored period (about five more than in the electoral period of the general local elections for the same settlements). We point out that this information was obtained in the observation process until 9 March 2020 and not by formal request for access to information. Even if the Mission does not have evidence of "artificial migration" of voters, the Promo-LEX OM reiterates its recommendations on the need for the possibility of voting at other polling stations to be stopped before the elections.

⁴³ Final Report. Observation Mission for the general local elections and new parliamentary elections of 20 October (3 November) 2019. <http://bit.ly/2xiLlu1>

⁴⁴ According to the minutes on the tabulation of the results of the vote at the election of the MP for the SMC no. 38. <http://bit.ly/2TOWudd>

⁴⁵ According to data provided by the Promo-LEX observers.

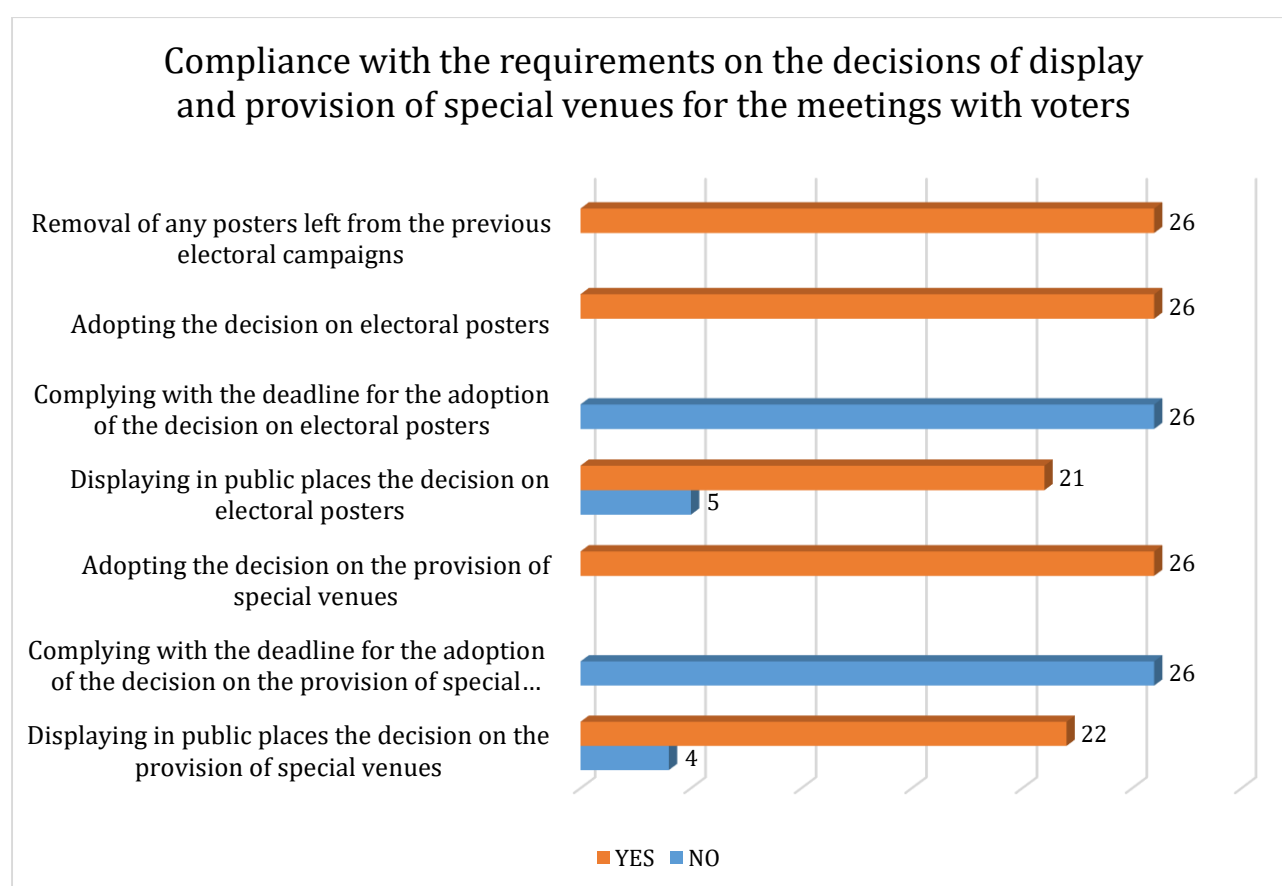
VII. PUBLIC ADMINISTRATION

According to the legal provisions⁴⁶, LPAs are obliged within three days from the start of the electoral period, to establish and guarantee a minimum of special electoral display spaces and a minimum of venues for holding meetings with voters. Such decisions (decrees) must be immediately displayed at the premises of those authorities.

During the monitoring period, Promo-LEX observers visited 26 LPAs, of which 100% approved the decision on electoral posters. Regarding the observance of the approval deadline, of 26 no LPA approved the decisions (decrees) within three days of the start of the electoral period ⁴⁷.

At the same time, we note the observance of removing electoral posters left from previous campaigns in 100% of LPAs. But not all decisions to grant spaces for electoral display/posters were displayed at the premises of the LPA, out of 26 LPA, five (19%) did not display them. In the case of decisions to provide special venues for meetings of electoral competitors with voters, four (15%) LPA did not display them at LPA headquarters.

Chart no. 8



⁴⁶ Art. 52, para. (9) of the Electoral Code and section 4 of the Regulation on the location of electoral advertising and political promotion materials on billboards. <https://bit.ly/2xqEU8l>

⁴⁷ According to the Calendar Program, date of commencement of the electoral period is 29 December 2019.

VIII. ELECTORAL COMPETITORS⁴⁸

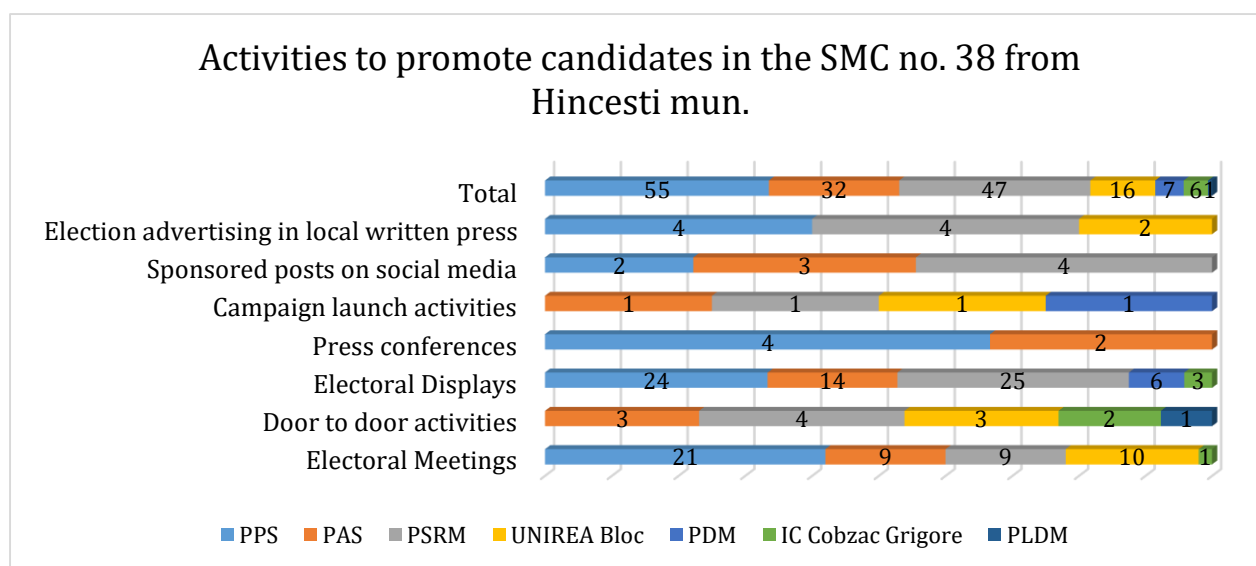
The electoral competitors carried out 164 promotional activities, the most frequent being the distribution ones and those related to the placement of electoral displays – 44%, followed by meetings with voters – 30%.

Among the campaign activities that can be qualified as a deviation from the legal norm, we mention: activities promoting the electoral competitors ahead of the legal deadline established – two cases (the PSRM – 1; IC Grigore Cobzac – 1); use of the image of public authorities – one electoral competitor (the PSRM); distribution of election advertising without complying with the requirements for campaign materials – one case (the PSRM); advertisement placement in unauthorized places – 40 cases (the PSRM – 17; the PPS – 15; PAS – 7; IC Grigore Cobzac – 1); use of national symbols of the Republic of Moldova or of another state and materials in which historical personalities of the Republic of Moldova or from abroad appear – four cases (PAS, the UNIREA Bloc, the PLDM, the PSRM); activity of a public association and a foundation associated with electoral competitors (the PPS and the PSRM).

a. Activities to promote candidates in the electoral campaign

During the electoral campaign (14 February – 10 March 2020), the observers of the Promo-LEX OM reported at least 164 promotional activities carried out by electoral competitors (see chart no. 9 below). The favourite types of activities were placement of electoral displays – 72 (44%), followed by meetings with voters – 50 (30%).

Chart no. 9



b. Activities to promote competitors before the legal deadline set

According to the legal provisions⁴⁹, activities to promote candidates in order to convince voters to vote for them are to be carried out within 30 days before the elections. According to the Calendar Program, the electoral campaign for the new parliamentary elections of 15 March 2020 started on 14 February 2020.

According to the data of the observers of the Promo-LEX OM, at least two cases of promotion of candidates have been reported before the start of the electoral campaign, targeting two electoral competitors: Vitalie Balinschi (the PPS) and the IC - Grigore Cobzac.

⁴⁸ Code of Good Practice in Electoral Matters, adopted by the Venice Commission. <https://bit.ly/2UQMD9B>

⁴⁹ According to art. 91 of the Electoral Code, the electoral campaign for parliamentary elections shall begin no earlier than 30 days before the Elections Day and shall be conducted in accordance with Chapter 7 (art. 50-52), which is applied in the appropriate manner.

In the first case, at the PPS event in the Territorial Organization of Hincesti of 1 February 2020, where Vitalie Balinschi has been elected president of the organization, using in his speech words with electoral tint: “...It is the perfect time now for Hincesti district, SMC no. 38, to give us their vote of confidence, while we promise to achieve everything we propose to. It is our political objective to win in this SMC... Together we will succeed, together we will revive the entire Hincesti district”.

The latter case is not about the candidate himself, but about the official support of a political party, which also falls under the provisions of art. 52, para. (1) of the Electoral Code. Thus, on 9 February 2020, the PPPDA (The Dignity and Truth Platform Party) officially announced its support for the IC Grigore Cobzac in the new parliamentary elections of 15 March 2020 and urged all voters in the SMC no. 38 from Hincesti mun., “...to go vote in large numbers and support the candidacy of Mr. Cobzac Grigore”.

c. Involvement of political parties that are not registered as electoral competitors in promoting candidates without reflecting their activities on the “Electoral Fund” account

According to Promo-LEX observers, two political parties that are not registered as competitors in the new parliamentary elections – the PPPDA (in at least 15 settlements) and PUN (in at least two settlements) – campaigned in favor of the IC Grigore Cobzac.

We reiterate the opinion expressed in the *Legal Framework* section hereof: the Promo-LEX OM recognizes the right of parties to make electoral agitation. However, we insist that such expenses must be reflected both in the annual/half-yearly financial reports of the political parties submitted with the CEC and in the reports on the incomes and expenses of the competitors on whose behalf electoral agitation is being made, for example, in the material donations section. In particular, we reiterate the need for these clarifications, including legislative ones, from the perspective of the upcoming 2020 Presidential Elections in Autumn, which has a sociopolitical impact on the whole country and not on a single-member constituency only.

d. Cases that can be qualified as use of the image of public authorities

The Promo-LEX OM found that a candidate – Stefan Gatcan (the PSRM) – is involved in activities that can be qualified as use of the image of public authorities.

We recall that the *Code of Good Practice in Electoral Matters* specifies as follows: “Equality of opportunity must be guaranteed for parties and candidates alike, this entailing an impartial attitude by state authorities towards them”⁵⁰. Also, art. 52, para. (8) of the Electoral Code states that “images representing state institutions or public authorities, both in the country and abroad, or international organizations, may not be used for electoral advertising. [...]”.

According to Promo-LEX observers, in the campaign tents of the PSRM candidate, “Orthodox Calendars for 2020” bearing the image of the President of the Republic of Moldova, Igor Dodon are being distributed together with the candidate’s own electoral materials.

Also, in the campaign launch event organized for the PSRM candidate Stefan Gatcan, the Vice-President of the Republic of Moldova, Vlad Batrincea, in his speech, pointed out: “...he’s the single person (Stefan Gatcan) who’s got the back of both the President of the country and the President of the Parliament, as well as of the Government, and the MPs...”.

All these observations overlap with the visits made by the President of the Republic of Moldova, Igor Dodon, during the electoral period, in the settlements that are part of the SMC no. 38⁵¹.

e. Events that can be qualified as using electoral advertising in breach of legal provisions

According to art. 70, para. (6) of the Electoral Code, the responsibility for the content of the electoral materials advertising, broadcast or published, is borne by the electoral competitor. Each advertising

⁵⁰ *Code of Good Practice in Electoral Matters*. Guidelines and explanatory report, page 18. <http://bit.ly/2YIK9Nm>

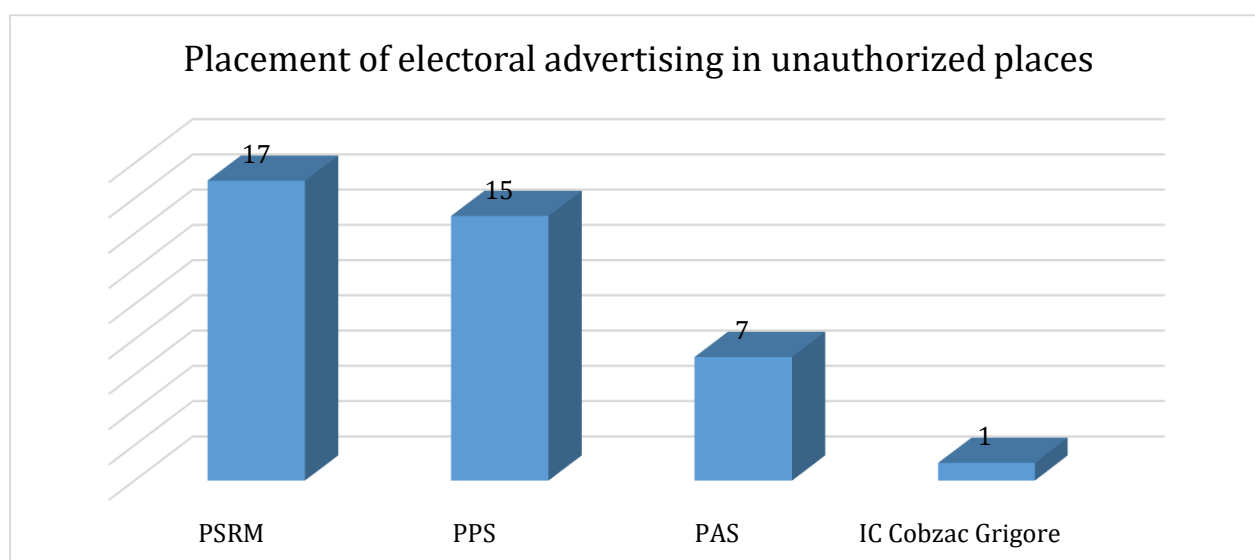
⁵¹ Visits of the President of the Republic of Moldova, Igor Dodon, in the villages of the SMC no. 38, Hancesti mun.: **8 February 2020** – Ciuciuleni village, Draguseni village, <https://bit.ly/2SsoWTt>, <https://bit.ly/2wavsFs>; Bobeica village, <https://bit.ly/39wWrtI>; **27 February 2020** – Nemteni village, <https://bit.ly/2wQirYo>.

material must include the name of the electoral competitor, the date of printing, the circulation of the material and the name of the printing company. On the same lines, in accordance with the provisions of section 14 of the Regulation on the location of electoral advertising and political promotion materials on billboards⁵², it is forbidden to place electoral displays in places other than those established by the legislation.

Based on the reports developed by the observers of the Promo-LEX OM, there has been found *one case of distributing electoral advertising without meeting the requirements set for advertising materials* targeting the PSRM candidate. In the campaign tents of the PSRM candidate, Stefan Gatcan, installed in the SMC no. 38, Hincesti mun., "Orthodox Calendars for 2020" bearing the image of the President of the Republic of Moldova, Igor Dodon were being distributed together with the candidate's own electoral materials accompanied by a message with electoral tint: *"Together we will ensure A YEAR OF ACHIEVEMENTS AND SUCCESSES in Moldova"*. These calendars contain polygraphic data of PSRM, without bearing the stamp *paid from the "Electoral Fund" account of the candidate Stefan Gatcan*, as required by the legal provisions⁵³.

At the same time, we note that there have been reported *at least 40 cases of placing electoral advertising in unauthorized places* (see chart no. 10 below). Most cases covered the PSRM candidate, Stefan Gatcan, followed by the PPS candidate, Vitalie Balinschi.

Chart no. 10



f. Events that can be qualified as electoral agitation in breach of the provisions of art. 52, para. (8) of the Electoral Code⁵⁴

According to art. 52, para. (8) of the Electoral Code, images representing state institutions or public authorities, as well as the combination of colors and/or sounds that invoke the national symbols of the Republic of Moldova or of another state, cannot be used for electoral advertising purposes. It is also forbidden to use materials in which historical personalities of the Republic of Moldova appear.

⁵² CEC's Decision no. 3328 of 28.04.2015 on the approval of the Regulation on the location of electoral advertising and political promotion materials. <https://bit.ly/2W2zkKx>

⁵³ Section 15 of the Regulation on the location of electoral advertising: *"Political parties shall be prohibited ... from distributing and placing electoral posters and/or political promotion materials during the electoral period, **paid from financial means that have not been transferred to the "Electoral Fund" account** and art. 41, para. (4) of the Electoral Code: "All expenses for the electoral campaign shall be covered from the "Electoral Fund" account"*.

⁵⁴ Art. 52, para. (8) of the Electoral Code: *"Images representing state institutions or public authorities, both in the country and abroad, or international organizations, cannot be used for electoral advertising. It is forbidden to **combine colors and/or sounds invoking national symbols of the Republic of Moldova or of another state, to use materials showing historical personalities of the Republic of Moldova or from abroad, symbolism of foreign states or international organizations or image of foreign officials"**.*

The observers of the Promo-LEX OM found at least four cases targeting four electoral competitors that can be qualified as events carried out in breach of the aforementioned provisions:

- on 16 February 2020, the PAS candidate, Olesea Stamate, launched in the electoral campaign in front of the bust of Mihai Eminescu in Hincesti⁵⁵, in violation of the rules of electoral campaigning according to which the use of materials showing historical personalities of the Republic of Moldova for electoral advertising is prohibited;
- the launching event of the UNIREA Bloc candidate, Dorin Chirtoaca, took place against the background of the Saint Stephen the Great monument in Hincesti⁵⁶. In addition, both the flag and anthem of Romania were used;
- the PLDM candidate, Anatolie Postolachi, also have used the anthem of the Republic of Moldova “Limba noastră” (Our Language) when launching into the electoral campaign, event that took place on 15 February 2020⁵⁷;
- again, the national anthem of the Republic of Moldova has been used in the launch event of the PSRM candidate, Stefan Gatcan⁵⁸.

g. Activities of foundations and public associations associated with electoral competitors

Promo-LEX observers have identified at least two entities: the Public Association “Pentru Orhei” and the Foundation “Din Suflet”, associated, according to Promo-LEX reports, both in the electoral period and in the inter-electoral period, with the PPS, and respectively, the PSRM candidates. Thus, the Public Association “Pentru Orhei” has organized trips to OrheiLand in at least six settlements, while the Foundation “Din Suflet” offered gifts in at least two settlements (including with the participation of the President of the Republic of Moldova).

We would like to remind you that through the activities of public associations and foundations, the image of one charitable organization/one philanthropic society is transferred to a political party/ an electoral competitor on the one hand, and on the other hand, through indirect funding of electoral or political campaigns outside the “Electoral Fund” account.

h. Use of black PR in the electoral campaign

On 11 March 2020, only three days before the Elections Day, at least five online media sources have spread the information on the alleged involvement in committing a crime of incest, about 20 years ago, by the PSRM candidate Stefan Gatcan running for MP in the SMC no. 38.

⁵⁵ Campaign launch event of the candidate Olesea Stamate. <https://bit.ly/37xv940>

⁵⁶ Campaign launch event of the candidate Dorin Chirtoaca. <https://bit.ly/3280g5l>

⁵⁷ Campaign launch event of the candidate Anatolie Postolachi. <https://bit.ly/2HuKvfh>

⁵⁸ Campaign launch event of the candidate Stefan Gatcan. <https://bit.ly/2SBzEqs>

IX. FINANCING OF ELECTORAL CAMPAIGN

The Promo-LEX OM finds that all political parties nominating candidates for the SMC no. 38 Hincesti, including the independent candidate Grigore Cobzac (with delay), have submitted reports on the financing of the election campaign. A shortcoming also previously mentioned by the Mission is that the format for viewing reports on the CEC website is not “user friendly” and is not “open data”.

According to the reports submitted by the electoral competitors, the main share of the declared expenses falls on: advertising and campaign materials – 81%, meetings and events – 11%, salaries for the electoral staff – 4%; use of transport – 3%; others – 2%.

The Promo-LEX OM finds that five out of seven electoral competitors failed to report all the expenses incurred by them in the election campaign: the PSRM, the UNIREA Bloc, the IC Grigore Cobzac, the PPS, the PDM. The total amount estimated as unreported is at least MDL 112 542.

a. Methodological Benchmarks

The methodology of monitoring the financing of electoral campaign consists in observing the activity of electoral competitors, estimating the financial resources collected and used both during the electoral period and in the electoral campaign. At the same time, the OM evaluates the degree, to which the activity of reporting, recording and supervising of electoral actors corresponds with the legal norms in force.

The data submitted by the LTOs are analyzed therein; later on, expenses are estimated at the minimum market price based on the aforementioned data, and subsequently a comparison is made between the financial information from the official reports of the electoral competitors submitted with the CEC and estimates made on the basis of the monitoring thereof. Lastly, the conformity of findings obtained therein is being assessed and reported to the current legal framework.

b. Legal framework on the financing of electoral campaigns

The financing of the electoral campaign in the new parliamentary elections is regulated by the Electoral Code of the Republic of Moldova⁵⁹ (until amendments were made to the Law no. 113/2019), Regulation on the financing of electoral campaigns, approved by the CEC’s Decision no. 3352 of 4 May 2015, which shall apply only for the new parliamentary elections, until the expiration of the mandate of the Parliament of the tenth legislature.

General ceiling of the means that can be transferred to the “Electoral Fund” account. According to the provisions of art. 41, para. (2), letter d) of the Electoral Code, the general ceiling of the means that can be transferred to the “Electoral Fund” account of the electoral competitor shall be established by the CEC, taking as a basis a coefficient multiplied by the number of voters in the constituency, in which the elections are held under the CEC’s Decision of 13 January 2020⁶⁰.

On 13 January 2020, the Commission set the general ceiling of the financial means that can be transferred to the “Electoral Fund” account of the electoral competitor for the new parliamentary elections of 15 March 2020 in the SMC no. 38 from Hincesti. The calculation basis⁶¹ for setting the ceiling on single-member constituencies is the coefficient set multiplied by 60 000 – number of voters underlying the establishment of single-member constituencies, according to art. 80, para. (4), letter a) of the Electoral Code.

Thus, for the “Electoral Fund” account of the electoral competitor in the SMC no. 38 from Hincesti mun., in the new parliamentary elections of 15 March 2020, it has been set the general ceiling of means that can be transferred in the amount of MDL 2 386 200,0.

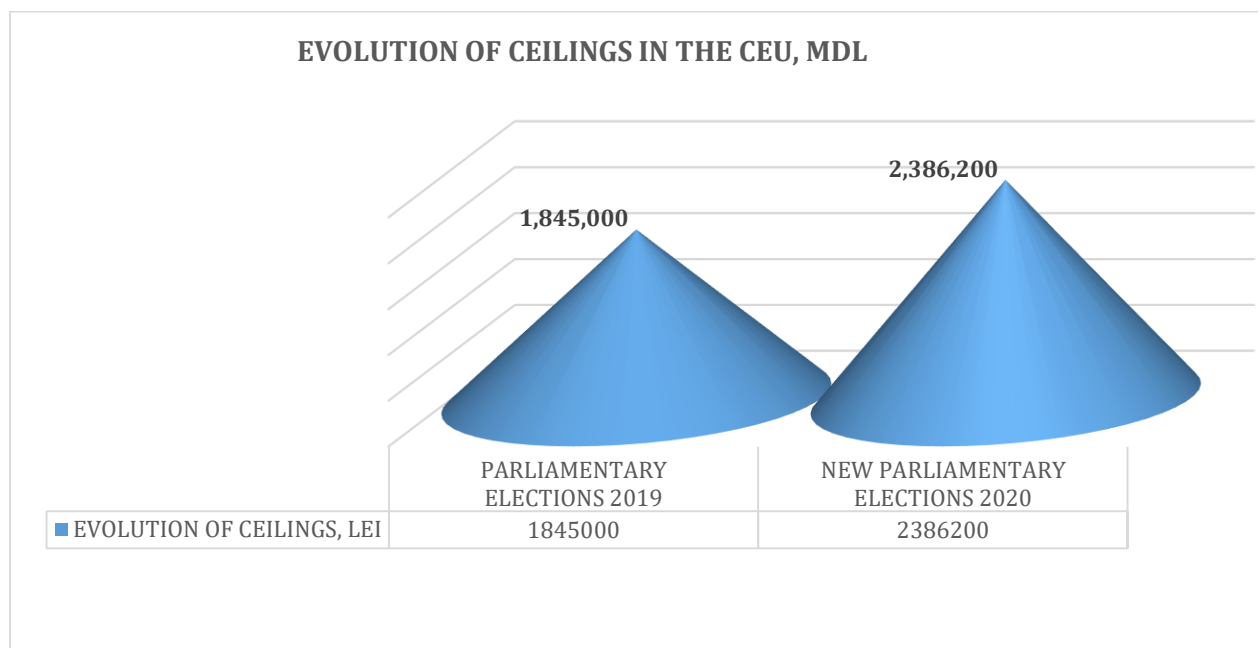
⁵⁹ See detailed description of the legal framework – Report no. 1. Observation Mission for the general local elections and new parliamentary elections of 20 October 2019, pages 25-28. <https://bit.ly/2kdDGaw>

⁶⁰ CEC’s Decision no. 3557 of 13.01.2020. <https://bit.ly/2u6G9b2>

⁶¹ The basis for calculating the coefficient was the average monthly wages forecast for 2020, approved by the Government Decision no. 678/2019, amounting to 7953,0 lei, the coefficient size being 0.5% of the respective average wages, thus constituting 39.77 lei.

The Promo-LEX OM notes in this poll an increase of the ceiling by approx. 30% compared to the ordinary parliamentary elections of 24 February 2019, from MDL 1 845 000 to MDL 2 386 200, when the size of the coefficient of 0.5% of the average monthly wage for 2018 constituted MDL 30.75⁶² (see chart no. 11 below).

Chart no. 11



Data obtained based on the reports submitted with the CEC

Interest-free credit granted to electoral competitors. The CEC established⁶³ the amount of interest-free credit granted to electoral competitors amounting to MDL 50,000 for each political party, socio-political organization and electoral bloc and MDL 10,000 for each independent candidate. At the same time, the CEC established that the Ministry of Finance will elaborate and approve a Regulation on granting interest-free credits to electoral competitors in order to conduct electoral campaigns for the new parliamentary elections of 15 March 2020.

c. Budget of the Central Electoral Commission

According to the CEC Decision⁶⁴ on the approval of the budget for organizing and conducting the new parliamentary elections of 15 March 2020 for electing the MP in the SMC no. 38, from Hincesti mun., the expenditure estimates given by the CEC is MDL 4226,67 thousand.

We note that in order to conduct new parliamentary elections in the SMC no. 38 from Hincesti municipality there have been allocated resources amounting to MDL 4 226, 7 thousand provided for in the budget for 2020 presidential elections, given that no financial means have been transferred to the 2020 CEC budget for organizing and conducting new parliamentary elections⁶⁵.

d. Opening of bank accounts and designation of treasurers

Opening of "Electoral Fund" account, designation of treasurers. According to the data published on the CEC's official website, the Promo-LEX OM notes that all political parties designating and registering their electoral competitors with the SMC no. 38 from Hincesti mun., have confirmed and named persons responsible for the financial means (treasurers) in the "Electoral Fund" account for the period of the electoral campaign. Also, according to the information published by the CEC, all political parties have opened accounts with the mention "Electoral Fund".

⁶² CEC's Decision no. 1989 of 21.12.2018. <https://bit.ly/2TG7yex>

⁶³ CEC's Decision no. 3555 of 13.01.2020. <https://bit.ly/36Zn8pv>

⁶⁴ <https://bit.ly/2Tr41kt>

⁶⁵ Letter of the Ministry of Finance of the Republic of Moldova. <https://bit.ly/3aGmYVG>

e. Submitting to the CEC the report on party funds held on party accounts at the beginning of electoral period

According to art. 43 par. (7) of the Electoral Code, as of the date of commencement of electoral period, political parties intending to submit documents for their registration as electoral competitors and to transfer to the Electoral Fund account their own financial means held on their accounts have the obligation to submit to the CEC a financial report, drawn up in accordance with the model established by the Commission.

The Promo-LEX OM reports that according to the CEC's official website, five political parties (the PSRM, the PPS, the PDM, the PAS, the USB) have submitted such reports by 14 February 2020, indicating their revenues, expenditures, and donors. Therefore, in accordance with the legal provisions, only these political parties had the right to transfer funds from their current accounts to the accounts intended for the "Electoral Fund" account.

According to their reports, the total amount of revenues available on the current accounts of the parties mentioned above amounted to MDL 6 435 843. It should be noted that the amount available for the current period is left in the final balance of the account, following the 2019 management year.

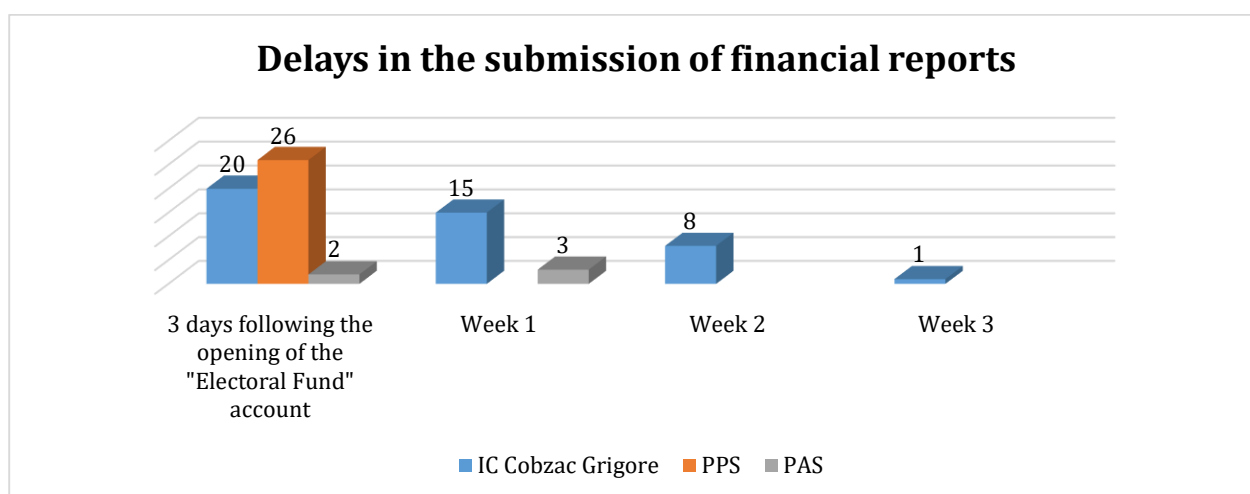
f. Financial reporting of the electoral competitors to the Central Electoral Commission

The Promo-LEX OM found that according to the CEC's official website, all political parties nominating candidates for the SMC no. 38 Hincesti, including the independent candidate Grigore Cobzac (with delay), have submitted reports on the financing of the election campaign (see chart no. 12 below).

According to the Calendar Program and legal provisions⁶⁶, the submission of the report by the candidates on the funds collected and the expenditures incurred during the election campaign, both in electronic format and on paper, with the signature of the responsible persons, are carried out within a period of three days from the opening of the account with the mention "Electoral Fund" and, subsequently, every week, on Fridays.

The CEC shall publish the reports on its official website within 48 hours of their receipt, in compliance with the Law on Personal Data Protection. The Promo-LEX OM monitored the activity of the CEC in this respect and found compliance with the timely publication of the financial reports.

Chart no. 12



The IC Grigore Cobzac presented his financial reports late – in the 3rd week of financial reporting, one week before the end of the electoral campaign. According to Promo-LEX, from the moment the candidate had expenses in the first week of the campaign, we can classify the financing from the first

⁶⁶ Art. 43, para. (1) and (6) of the Electoral Code. Calendar Program: three days following the opening of the "Electoral Fund" account; week 1 – 21.02.2020; week 2 – 28.02.2020; week 3 – 06.03.2020.

two weeks of the campaign of the IC Grigore Cobzac as lacking in transparency. However, the political parties that complied with this deadline were as follows: the PDM, the PSRM, UNIREA Bloc and the PLDM.

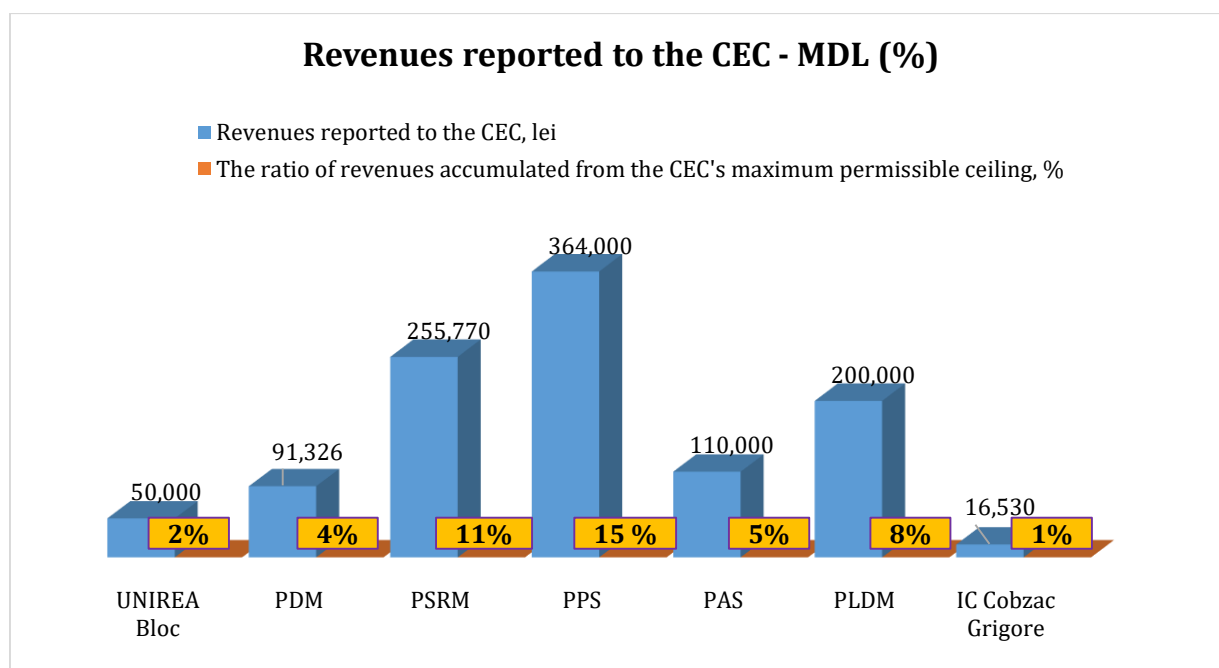
A previously mentioned flaw by the Mission is the format of the report model published on the CEC's official webpage. The published reports are not in open data formats, as the CEC strategic plan provides, but in scanned pdf formats, which complicates not only visual but also digital access to the data presented in the scanned reports.

The Promo-LEX OM requests the CEC to amend the Regulation on the financing of electoral campaign by introducing the obligation to fill out the reports in Excel format and subsequently publish them on the official website of the CEC, so that the data could be used for analysis purposes by the associate experts, media and academic environment.

i. Revenues and expenses of electoral competitors reflected in the reports on financing of electoral campaigns

According to the reports presented to the CEC, the amount of revenues declared by the seven registered competitors (parties, electoral blocs, independent candidate), for the period of **14 February – 06 March**, is MDL 1 037 626; the amount of expenses reported is MDL 828 703, final balance being MDL 208 923. No independent candidate has exceeded the general ceiling⁶⁷ of the means that can be transferred to the "Electoral Fund" account. The PPS had been the closest to it, reaching 15% of the aforementioned ceiling (see chart no. 13 below).

Chart no. 13



Data obtained based on the reports submitted with the CEC

ii. Sources of financing of electoral competitors consist of:

- financial donations made by 55 individuals amounting to MDL 380 530 for three electoral competitors (the PPS, the PSRM, IC Grigore Cobzac);
- own resources in the current account of five political parties (subsidies from the state budget) amounting to MDL 576 961 (the PL, the PDM, the PLDM, the PSRM, the PAS) and (donations) totaling MDL 50 000 (the PAS);

⁶⁷ According to the new legal provisions, in this case art. 41, para. (2), let. d) Electoral Code, the general ceiling of the means that can be transferred to the "Electoral Fund" account in the country constitutes 0.05% of the revenues provided by the law on the state budget for that year. According to the calculations, 0.05% of 42,125,500.0 thousand lei constitutes 21,062,750 lei.

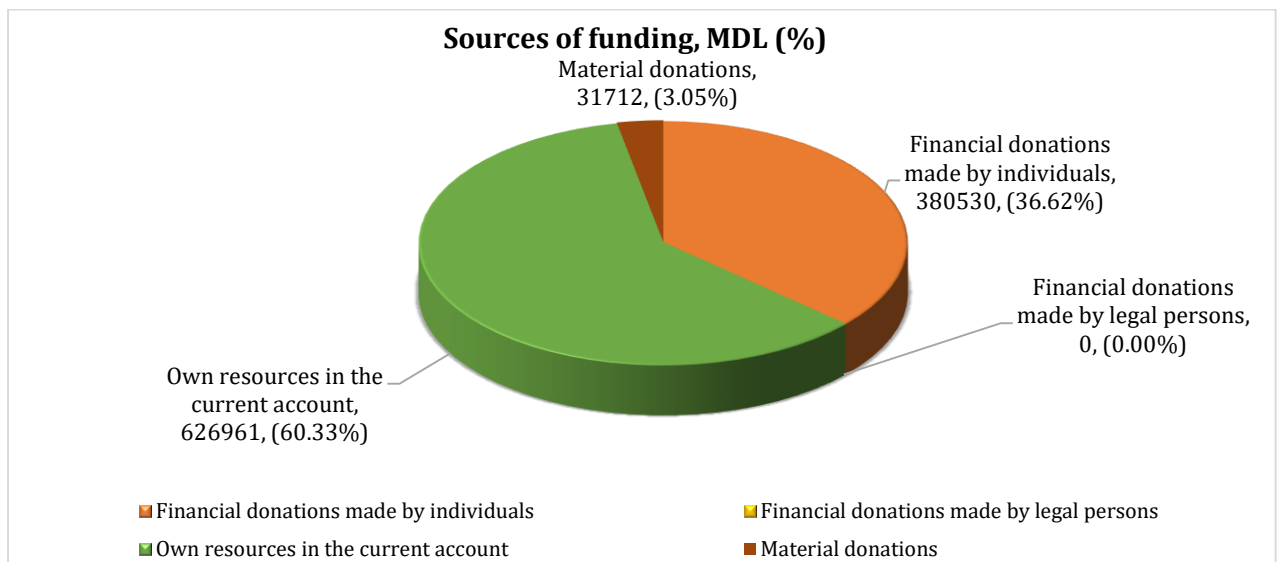
- material donations totaling MDL 31 712 for three political parties⁶⁸ (the PPS, the PAS, the PSRM) (see chart no. 14).

The Promo-LEX OM considers as uncertain the situation with donations from the party's account to the "Electoral Fund" account from the perspective of qualifying the donor political party as a legal entity. However, the legal norm is not explicit in this respect. As a reminder, according to art. 41, para. (2), letter e) of the Electoral Code, the ceilings of donations from legal entities in the "Electoral Fund" account for an electoral campaign shall constitute 100 average monthly salaries for the economy established for that year. Simultaneously, art. 1, para. (1) of the Law on political parties, states that political parties are voluntary associations with the status of a legal entity. Therefore, the party could not transfer its own financial means exceeding the amount of 100 average monthly salaries to the "Electoral Fund" account.

The position of the CEC is, however, different from the legal logic set out above, considering that the political party would have a special status, a fact not expressly provided by law, which is why we insist that the legislature should rule univocally on the given topic.

Thus, Promo-LEX recommends the precise clarification in the legislation of the status of the political party in the context of donations obtained from legal entities, as the political party has the status of legal entity and therefore the legislation on donations from legal entities is violated when they transfer funds into the "Electoral Fund" account.

Chart no. 14

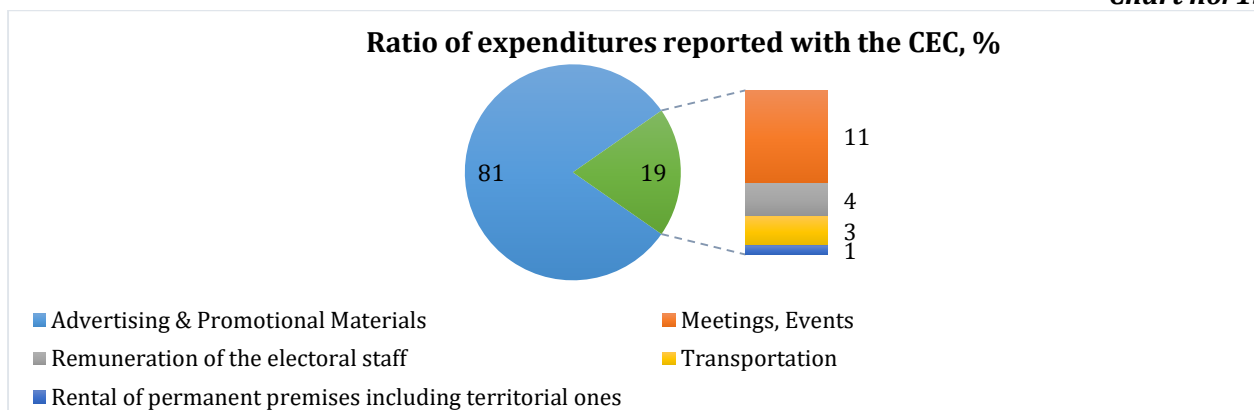


Data obtained based on the reports submitted with the CEC

iii. Reported Expenses

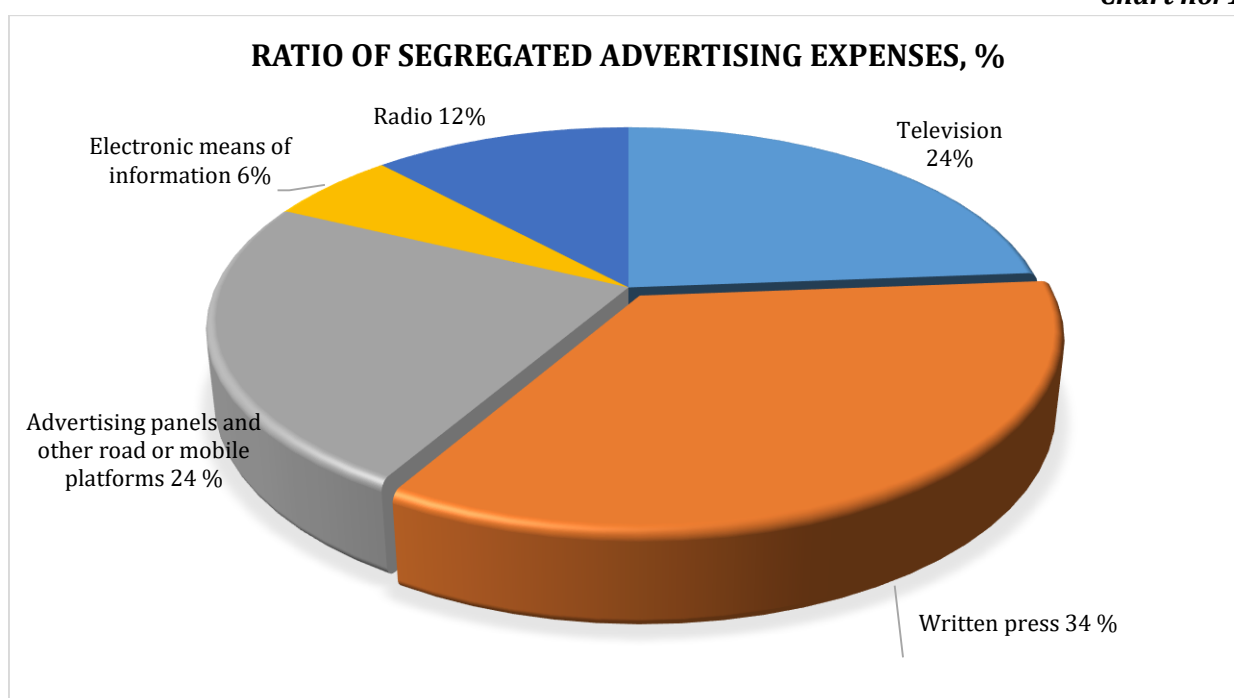
As for the expenses reported according to the reports, the major share of expenses declared therein is: for advertising – 56%; for promotional materials – 25%; for meetings and events – 11%; for the use of transportation – 3%; for the rental of permanent premises – 1%; for the remuneration of the electoral staff – 4%; for media/ strategy consultants – 0,4%; other expenses – 0.6% (see chart no. 15 below).

⁶⁸ Material donations are not included in the balance sheet of the financial report, in the section entitled turnover of financial resources.



Data obtained based on the reports submitted with the CEC

Analyzing the data in a segregated manner, we find that the largest share of advertising expenses in CEU Hancesti is for the written press (34%), at the same time, there existing a balance in the purpose of expenditures incurred, those for TV and street panels reaching a similar level, the share assigned to electronic media being 6% (see chart no. 16).



Data obtained based on the reports submitted with the CEC

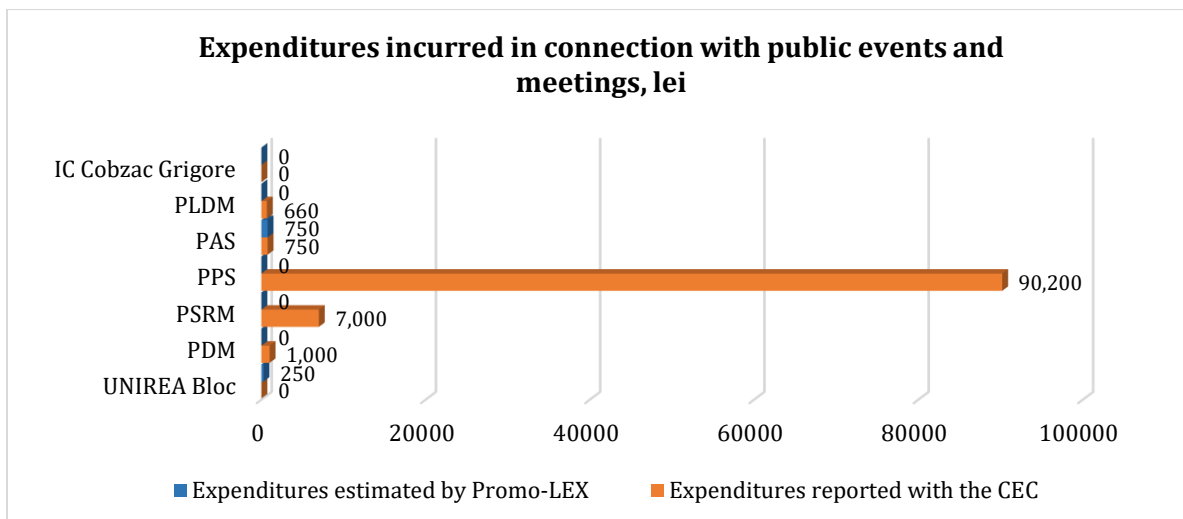
g. Expenditures of electoral competitors found by Promo-LEX observers and not reflected in the financial reports

a) Expenses for electoral meetings and events

During the electoral campaign, all seven competitors (the PSRM, the PAS, the PPS, the UNIREA Bloc, the PDM, the PLDM, IC Grigore Cobzac) organized at least 51 electoral meetings, 13 door to door activities, 4 campaign launch activities, 6 press conferences etc.

According to the findings of the Promo-LEX OM, five electoral competitors (the PDM, the PSRM, the PPS, the PAS, the PLDM) have reported expenditures larger than estimates indicated by the Promo-LEX; as for the IC not being reported neither observed any expenditures, only in the case of the UNIREA bloc we've found failure to report the expenditures incurred with the rental of the meeting room (see chart no. 17 below).

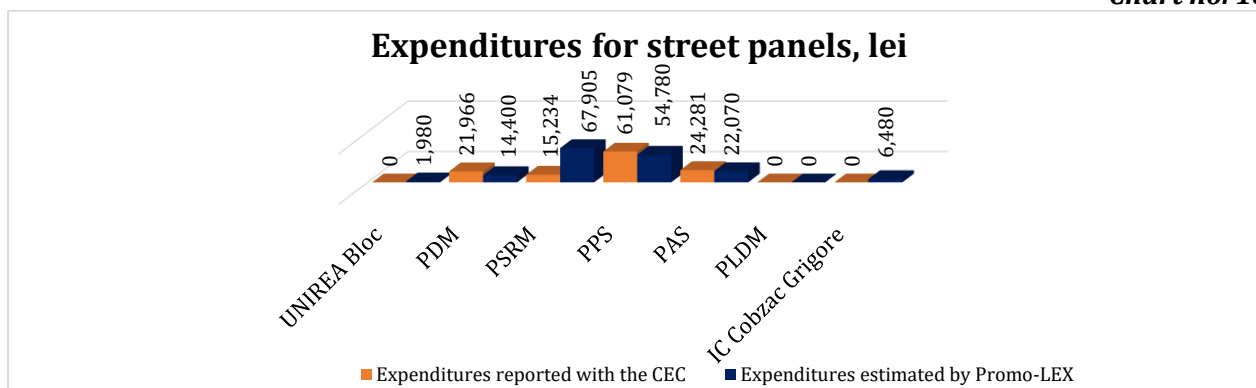
Chart no. 17



b) Advertising Expenses

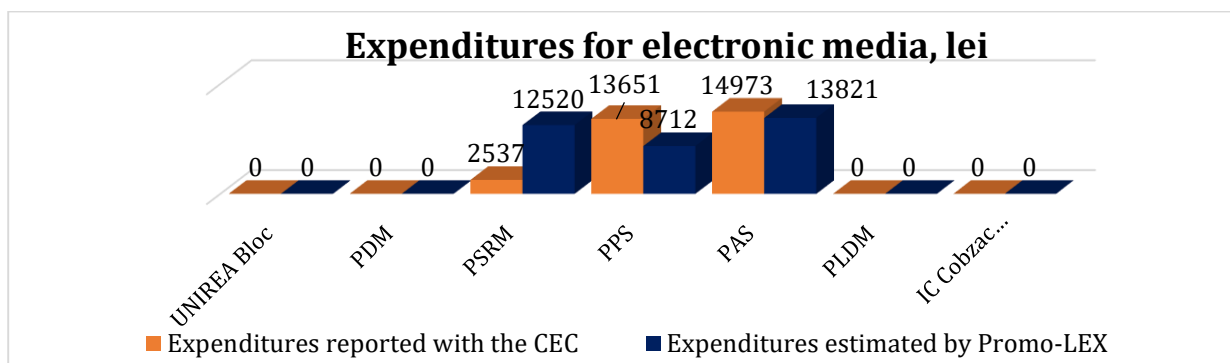
Expenditure for street and mobile advertising. According to the findings of the Promo-LEX OM, at least six out of seven competitors (the PPS, the PSRM, the PDM, the PAS, the UNIREA Bloc, IC Grigore Cobzac) incurred expenses for street and mobile panels. According to Promo-LEX, three competitors (the PSRM, the UNIREA Bloc, IC Grigore Cobzac) failed to report at least MDL 52 621 (see Chart no. 18).

Chart no. 18



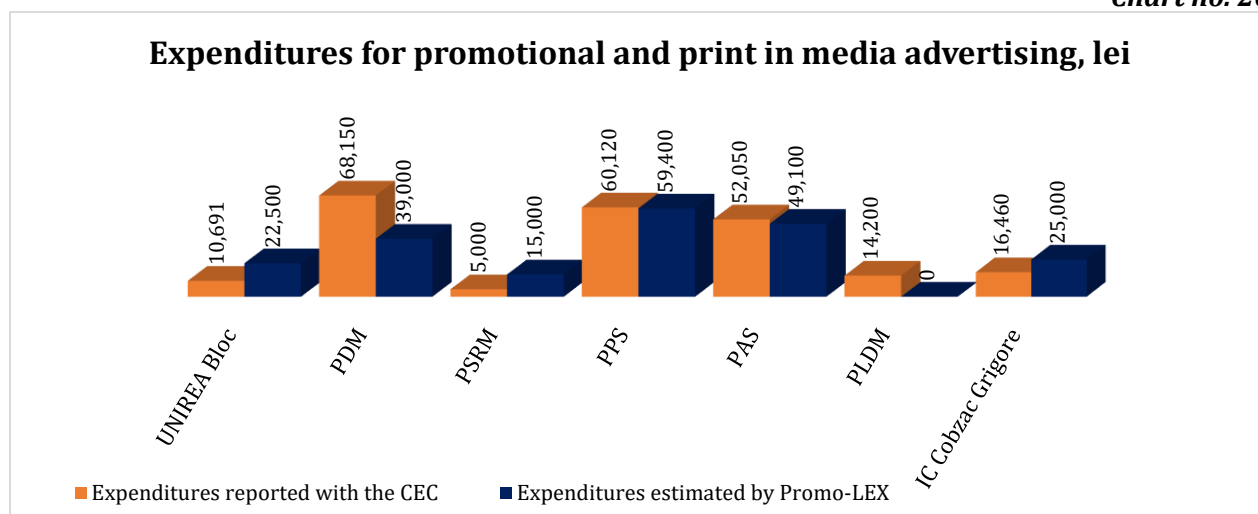
Expenditures for online advertising. The Promo-LEX OM found cases of online advertising also in the electronic media – press conferences, sponsored videos and messages on Facebook – in the case of three candidates (the PSRM, the PPS, the PAS). One electoral candidate (the PSRM) indicated expenditures, which are lower than the estimates of the Promo-LEX. Expenses estimated as unreported by the PSRM amount to at least MDL 9 983.

Chart no. 19



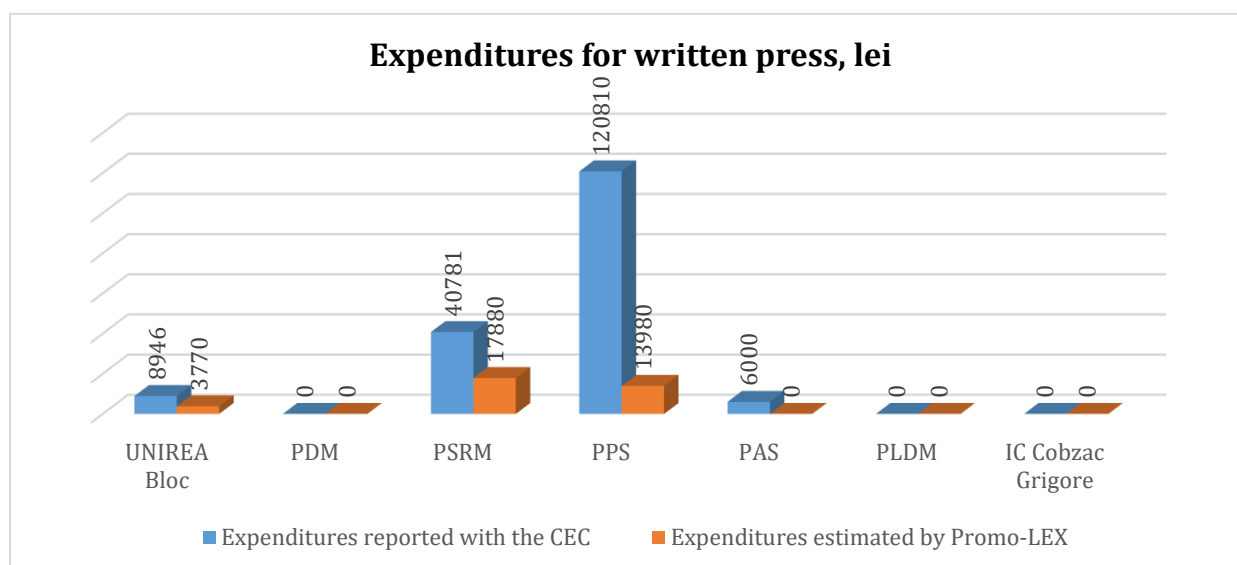
Expenditures for promotional and print in media advertising. According to the findings of the Promo-LEX OM, all seven electoral competitors incurred expenses for promotional and print in media advertising. In case of three candidates (the UNIREA Bloc, the PSRM, IC Grigore Cobzac) we found complete non-reporting of the expenses amounting to MDL 30 349 (see chart no. 20 below).

Chart no. 20



Expenditures for written press. According to the findings of the Promo-LEX OM, three electoral competitors incurred expenditures for written press. All competitors reported higher-than-expected expenses (see chart no. 21 below).

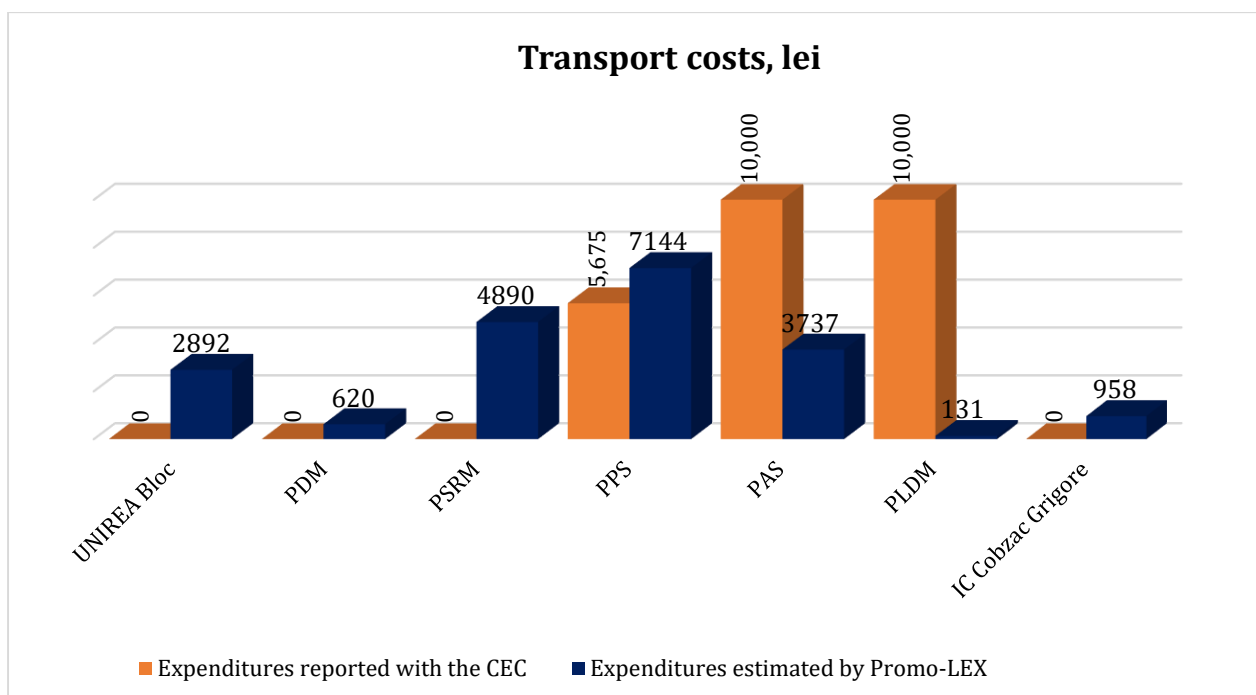
Chart no. 21



c) Expenditures for the transportation of people and goods

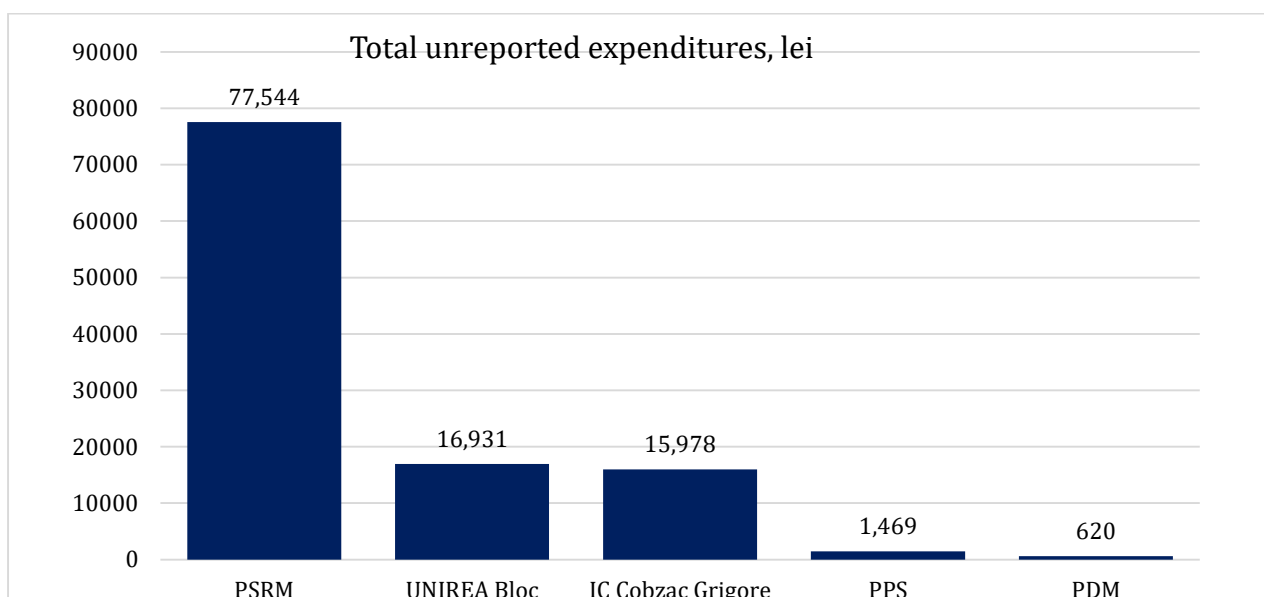
Promo-LEX observers have reported the use of cars in the CEU Hincesti for electoral purposes by at least seven candidates. Four of seven electoral candidates (the UNIREA Bloc, the PDM, the PSRM, IC Grigore Cobzac) submitted with the CEC reports with “0” expenditures in this category, while another candidate reported less expenses compared with the Promo-LEX estimates. Thus, five candidates (the UNIREA Bloc, the PDM, the PSRM, the PPS, IC Grigore Cobzac) failed to report an amount of at least MDL 10 829 (chart no. 22).

Chart no. 22



The Promo-LEX OM concludes that five of seven electoral competitors have failed to report completely all expenditures incurred in the electoral campaign. These were: the PSRM, the UNIREA Bloc, IC Grigore Cobzac, the PPS, the PDM. The total unreported amount is estimated to at least MDL 112 542 (see chart no. 23).

Chart no. 23



X. INFORMATION AND CIVIC EDUCATION

a. Activities carried out by the CEC and CICDE

*Training of electoral officials*⁶⁹. In the context of the new parliamentary elections of 15 March 2020, as regards the training of electoral officials, CICDE, jointly with the CEC, organized a series of seminars to ensure the proper conduct of the 15 March 2020 elections, as follows: training for the members of the CECE no. 38, Hincesti mun.; training for the members within the local public administration in charge for the SRV in the CECE no. 38, Hincesti mun.; training for PEB members; training for the “SAIS Elections” operators.

*Training of stakeholders participating in the elections*⁷⁰. Training for treasures of political parties; information activity for detainees in the prison no. 7 - Rusca within the territorial area of the SMC no. 38 Hincesti; observers and representatives of the electoral competitors.

b. Organising debates and other activities to inform citizens

Organization of the debates by the Promo-LEX Association. In the context of the electoral campaign for the new parliamentary elections of 15 March 2020 in the SMC no. 38, in the period of 11 – 12 March 2020, Promo-LEX, in partnership with the public television broadcaster “Moldova 1” and public service radio channel “Radio Moldova”, organized two TV and radio debates with candidates running for MP.

Other activities. During the electoral period, ADEPT Association carried out public information activities on the new parliamentary elections of 15 March 2020, during two press conferences and a live broadcast⁷¹.

Also, in the electoral campaign, on February 17 and 18, 2020, IPN News Agency organized two rounds of public debates on the topic “The stake of candidates vs. the stake of voters” with the participation of candidates running for MP in the SMC no. 38 from Hincesti.

⁶⁹ Training seminars for electoral officials: <https://bit.ly/2TZmRiV>; <https://bit.ly/31EXrsJ>; <https://bit.ly/39p8nO4>; <https://bit.ly/2TD2dU1>.

⁷⁰ Training seminars for stakeholders participating in the elections of 15 March 2020: <https://bit.ly/2vIhwbc>; <http://bit.do/fyjCE>.

⁷¹ <https://bit.ly/38Ij0FZ>, <http://bit.do/fy8md>, <http://bit.do/fy8nQ>.

RECOMMENDATIONS

To the Parliament of the Republic of Moldova:

1. Explicit regulation of uncertainties regarding the reporting of electoral campaign expenses by a political party that is not registered as an electoral competitor.
2. Completion of art. 134 of the Electoral Code with provisions that would establish a certain period of time (for example, 3 months) before the elections, when the assigning of voters to certain addresses / polling stations would be “frozen”. In this way, the “artificial migration” of voters could be excluded, with an impact on local elections.
3. Regulation of the procedure or minimum criteria for establishing the involvement in political or electoral activity of non-commercial organizations, foundations, charitable organizations, as well as sanctions imposed on them.
4. The precise clarification in the legislation of the status of the political party in the context of donations obtained from legal entities, since the political party has the status of legal entity and therefore the legislation on donations from legal entities is violated when they transfer funds into the “Electoral Fund” account.

To the Central Electoral Commission:

5. Avoiding cases of exposure on alleged violations raised in the referral/complaint before resolution and issuance of the decision on the referral/complaint.
6. Amendment of the CEC Regulation on the location of electoral advertising and political promotion materials in order to expressly mention the police competence to declare the contravention on unauthorized display.
7. Regular publication, but especially in the context of the organization and conduct of elections, of data from the State Register of Voters.
8. Publication of reports on revenues and expenses from the electoral campaign of competitors in “open data” format, friendly to data processing.

LIST OF ABBREVIATIONS

para. – paragraph
LPA – local public administration
art. – article
PEB – precinct electoral bureau
com. – commune
CEC – Central Electoral Commission
CECEU – electoral council of the uninominal electoral constituency
IC – independent candidate
CICDE – Center of Continuous Electoral Training under the CEC
SMC – single-member constituency
DUE – the Delegation of the European Union to Moldova
EPDE – European Exchange Association, European Platform for Democratic Elections
IRI – Public Association “Representation from Moldova of the US International Republican Institute”
let. – letter
OM – observation mission
mun. – municipality
no. – number
city – city
OSCE – Organization for Security and Cooperation in Europe
OSCE / ODIHR - OSCE Office for Democratic Institutions and Human Rights
LTO – long-term observer
STO – short-term observer
PAS – Political Party of Action and Solidarity
p. – point
PDM – Democratic Party of Moldova
PPPDA – Dignity and Truth Platform, Political Party
PSRM – Party of Socialists of the Republic of Moldova Political Party
d. – district
REO – Registry of Electoral Officials
SRV – State Registry of Voters
v. – village
PS – polling station
ATU – administrative-territorial unit
USAID – United States Agency for International Development

ANNEXES

Annex no. 1. Evolution of the number of voters in the basic lists Single-member constituency no. 38 from Hincesti

PS	District/Village	New Parliamentary Elections, 15.03.2020 (observer - Promo-LEX)	Parliamentary Elections, 24.02.2019 (minutes, CEC)	Difference
38/01	Hincesti_01	2,917	3,010	-93
38/02	Hincesti_02	2,754	2,744	+10
38/03	Hincesti_03	2,971	2,966	+5
38/04	Hincesti_04	2,959	2,928	+31
38/05	Hincesti_05	3,236	3,223	+13
38/06	Balceana	1,340	1,326	+14
38/07	Bobeica	635	640	-5
38/08	Dahnovici	845	868	-23
38/09	Draguseni	990	999	-9
38/10	Boghiceni	2,267	2,266	+1
38/11	Bujor	2,824	2,902	-78
38/12	Cateleni	1,028	1,034	-6
38/13	Ciuciuleni_13	1,887	1,892	-5
38/14	Ciuciuleni_14	592	848	-256
38/15	Ciuciuleni_15	569	611	-42
38/16	Ciuciuleni_16	822	601	+221
38/17	Cotul Morii	1,616	1,635	-19
38/18	Crasnoarmeiscoe	1,771	1,796	-25
38/19	Talaiesti	1,655	1,669	-14
38/20	Dragusenii Noi	1,528	1,512	+16
38/21	Horodca	175	192	-17
38/22	Fundul Galbenei	2,121	2,124	-3
38/23	Ivanovca	804	805	-1
38/24	Lapusna_24	2,866	2,662	+204

38/25	Lapusna_25	1,917	2,114	-197
38/26	Anini	122	128	-6
38/27	Rusca	133	155	-22
38/28	Loganesti	1,681	3,469	-101
38/29	Loganesti	1,687	-	
38/30	Mereseni	1,757	1,784	-27
38/31	Sarata Mereseni	417	415	+2
38/32	Miresti	1,090	1,078	+12
38/33	Nemteni	1,468	1,486	-18
38/34	Obileni	1,073	1,093	-20
38/35	Onesti	1,352	1,350	+2
38/36	Pascani	1,137	1,160	-23
38/37	Pereni	945	945	0
38/38	Pervomaiscoe	636	633	+3
38/39	Secareni	491	551	-60
38/40	Secareni Noi	252	193	+59
38/41	Cornesti	461	469	-8
38/42	Sofia	1,130	1,131	-1
38/43	Stolniceni	1,661	1,660	+1
38/44	Sipoteni	653	661	-8