



REPORT No 4

Observation Mission of the Presidential Election in the Republic of Moldova of 1 November 2020

Observation period: 30 September - 13 October 2020

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EXECUTIVE SUMMARY

Legal framework. Promo-LEX OM found the lack of an explicit legal framework on grounds for refusing to open an account for an initiative group or election contender, given the restriction of the right to be elected.

We would like to draw the attention to the uncertainties around the lawfulness of a political party supporting an independent candidate, including from the point of view of poor reporting of campaign financing, and around the lawfulness of involving in election campaigns political parties that do not participate in elections. We would also like to emphasise that the mechanism in place for suspending from office the President of the Republic of Moldova in relation to their participation in elections is not regulated sufficiently.

Like in the 2016 Presidential Elections, Promo-LEX OM is highlighting that there are some legal rules that affect contenders' opportunities to start the election campaigns at the same time.

Electoral bodies. During the reference period CEC met for 5 online and mixed meetings during which 33 decisions related to the organization of the presidential election were adopted, including accreditation of 427 national and international observers. In total, by 13 October 2020, a total of 919 national observers and 121 international observers were accredited for the presidential election. Of them, CEC accredited 894 national observers of the Promo-LEX Association.

During the visits of Promo-LEX observers all 36 level-two DECAs were operating. At the same time, not all DECAs observe the requirements on how to work during the pandemic: 12 (34%) councils do not have a register for monitoring the temperature of electoral officials; at least 18 (50%) DECAs do not measure the visitors' temperature; 4 DECAs (11%) do not display any information about the health protection rules during pandemic.

As regards the location of polling stations, we found that the share of PSs located within educational institutions decreased from 47% (2019 parliamentary election) to 33% for 2020 presidential election.

The electoral offices were established within the legally prescribed terms, but at least 48 PEB did not comply with the requirement to have an odd number of members. The membership is not gender balanced – 83% women and 17% men. In case of 468 PEB, there is no men in their membership. As regards the election of PEB management, of the total number of 116 offices monitored during the reference period, in case of three, the open voting procedure was not observed.

In terms of realising the right to vote by citizens from the transnistrian region, on 1 October 2020, the secessionist administration from Tiraspol announced that it would allow the access of citizens to polling stations established for the voters from the region.

Election contender nomination and registration. For the presidential elections of 1 November 2020, CEC registered 8 election contenders, of whom 7 were nominated by political formations and only one is an independent candidate (IC). One candidate was not registered and four initiative groups, of which three that supported some independent candidates, did not manage to collect the necessary number of signatures for different reasons.

In comparison with the presidential election of 2016, when 12 candidates were registered, the number of contenders in 2020 decreased. Also, the share of women candidates decreased from 42% (5 candidates) in 2016 to 25% (2 candidates) in 2020.

Electoral litigations. According to CEC website, during the reference period, no complaints were registered with the Central Electoral Commission. However, Promo-LEX analysed an application filed by Andrian Candu (Pro Moldova) and a request submitted by Dorin Chirtoaca (BE Unirea). The application was rejected and the request was not even registered as an appeal. Also, on 10 October

2020, one month after that, CEC issued an answer regarding the two notifications submitted on 9 September 2020.

During the reference period, Chisinau Court of Appeal and the Supreme Court of Justice reviewed at least 8 appeals on: the registration of of initiative groups and election contenders, establishment of polling stations for the voters from the left bank of Nistru River, CEC Circular Letter No 2796 of 15 September 2020 on how political parties may fund their nominated candidate; and refusal to register election contenders, check of the pre-registration for the polling stations from the Russian Federation, etc. The deadlines for solving the appeals filed with the Court of Appeal and with the Supreme Court of Justice were observed in most of the cases.

Public administration. Promo-LEX OM found that at least 355 electoral offices (18%) established on the territory of the Republic of Moldova have no member appointed by the local councils, and in case of 217 electoral offices (11%) the number of members appointed by LPAs is less than three members. However the law requires that at least three candidates for PEB members shall be nominated by the local councils.

Note that none of the PEB established by DEC No 1 Chisinau has any members appointed by the LPA. According to Promo-LEX observers, in the absence of a municipal council's decision on this matter, the absolute majority of PEB members were appointed from the Register of Electoral Officials (REO), managed by CEC. In this context, the question arises as to whether those persons were really in the REF, or whether the procedure for appointing on the basis of this register is a formality only. Note that the non-transparent compilation of the REF by CEC was flagged by Promo-LEX back in the 2016 presidential election.

Election contenders. During the first 12 days of campaign, Promo-LEX observers reported at least 595 electoral activities, almost a five-fold increase as compared to the last two weeks of signatures collection by IGs. Most activities (80%) were carried out by three candidates: Igor Dodon (IC) – 229 (39 %), by Renato Usatii (PN) – 130 (22%), Maia Sandu (PAS) – 114 (19%). Promo-LEX OM reported repeatedly the involvement of PSRM – a party that did not nominate any candidates, in the election campaign of Igor Dodon IC. In addition, Promo-LEX OM draws attention to at least 6 cases that can qualify as violation of the public health rules established by the Extraordinary Territorial Commissions of Public Health with regards to meetings, concerning Igor Dodon (IC) – 3 cases; Maia Sandu (PAS) – 2 cases; and 1 case – Tudor Deliu (PLDM).

The observers reported at least 1,554 cases in which electoral advertising was used. According to the observers, the most active (75%) were the same three candidates: Igor Dodon (IC) – 525 (34 %), Maia Sandu (PAS) – 322 (21%) and Renato Usatii (PN) – 309 (20%).

The observers identified at least 18 cases regarded as use of administrative resources, of which: 14 – Igor Dodon (IC), Tudor Deliu (PLDM), Renato Usatii (PN), Andrei Nastase (PPPDA), and Violeta Ivanov (PPS) – one case each. It is about the involvement of the public sector employees in election campaign activities during the working hours (13 cases) and taking credits for works/services provided from public money (5 cases).

Promo-LEX observers reported at least seven cases when images of foreign officials and images with state institutions/symbols were used. Of these, Maia Sandu (PAS), Andrei Nastase (PPPDA) and Dorin Chirtoaca (BE Unirea) were concerned in two cases each, and in one case – Tudor Deliu (PLDM).

At least two cases involving representatives of one religious cult in the election campaign of the candidate Igor Dodon (IC) were also reported.

Financing of election campaign. According to the information published on the official website of CEC, during the observation period, 6 of 8 election contenders submitted weekly reports: Renato Usatii (PN), Andrei Nastase (PPPDA), Maia Sandu (PAS), Violeta Ivanov (PPS), Tudor Deliu (PLDM) and Igor Dodon (IC). One contender – Dorin Chirtoaca (BE UNIREA) submitted a notification that he had not opened 'Electoral Fund' account as of that date. In non-compliance with the legal

requirements, Octavian Ticu submitted neither a report, nor a notification on not having incurred any expenses.

According to the reports submitted to CEC, the revenues declared by election contenders for the first week of election campaign amount to MDL 10,092,911; of which MDL 1,302,239 are revenues in the form of free goods and services. Promo-LEX OM also found that 566 individuals donated MDL 7.68 million in cash, of whom six donors being foreign nationals. Candidates (Maia Sandu, Andrei Nastase and Tudor Deliu) also received money from the parties' accounts and only one candidate (Maia Sandu) received donations from legal entities. All candidates received donations in commodities and services.

PROMO-LEX OM found a transfer of MDL 900,000 from the current account of PAS into 'Electoral Fund' account of candidate Maia Sandu (PAS). This amount exceeds the ceiling of MDL 95,436 set for legal entities in the CEC Circular Letter of 15 September 2020. As of the date when this report was prepared, CEC had not examined the contenders' reports submitted on 9 October 2020.

Promo-LEX OM emphasises that reporting in-kind donations or free services is a positive practice for a transparent election campaign. However, reporting such donations outside the 'Electoral Fund' account puts at risk the accuracy of reporting and might serve as a way to circumvent the rules on the basis of which the financial flows in the 'Electoral Fund' account are verified. This account is the only instrument that can be used to track the money used for the election campaign.

Promo-LEX has repeatedly given emphasis to the fact that none of the election contenders neither reported expenses for electioneers, nor reported their services as in-kind donations. The estimates are that 6 election contenders failed to report in full their campaign expenses in the total amount of at least MDL 809,477.

Hate Speech and Incitement to Discrimination. During the period 30 September – 13 October 2020, at least 62 cases of using hate speeches and incitement to discrimination were identified in the context of the presidential election of 1 November 2020, which is 2.6 times more than during the previous monitoring period.

Of these, in 41 cases the hate speech was used by candidates: in 39 cases the hate speaker was Renato Usatii (PN); in one case – Andrei Nastase (PPDA) and in one case Octavian Ticu (PUN).

There were also reported at least 14 cases of using hate messages and/or incitement to violence against candidates registered in the electoral race by politicians, journalists, opinion leaders or candidates' supporters. Thus, Maia Sandu (PAS) was targeted in 6 such cases, the independent candidate Igor Dodon (IC) - in 4 cases, Renato Usatii, PN candidate - in 2 cases, and the candidate of the electoral bloc UNIREA, Dorin Chirtoaca and that of PUN, Octavian Ticu - one case each.

In other 7 cases, hate speech and incitement to discrimination targeted members of political parties and/or supporters of candidates, as well as against public officials, politicians and voters in general.

Hate and discriminatory messages mainly built on the following criteria: political affiliation, disability, professional activity, sex/gender, religion and religious beliefs, sexual orientation and opinion.

Electoral Education and Awareness. In the context of the presidential election of 1 November 2020, Promo-LEX Association and other three organisations that received sub-grants from the Association, carried out at least 59 activities of voter information, education and apolitical mobilisation for the citizens of the Republic of Moldova having the right to vote.

The activities targeted young people, voters of the transnistrian region and the diaspora and included posts, articles, video news, video reports, information and mobilisation videos, vlogs, talk shows, election quizzes and informational web platforms. Because of the sanitary and epidemiological restrictions imposed amid the COVID-19 pandemic, all activities were carried out on-line and were advertised on social media networks.

CICDE and CEC conducted both trainings (for electoral officials, potential members of election offices of polling stations abroad, GPI staff), and awareness-raising activities (periodicals, video and didactic materials etc.) regarding presidential election preparations and the specifics of elections amidst the pandemic.

INTRODUCTION

Report no 4 is compiled by Promo-LEX Observation Mission (OM) of the Presidential Election in the Republic of Moldova of 1 November 2020. This report covers the results of election campaign observation during 30 September - 13 October 2020. The funding of candidates' election campaign was monitored for the period of 2 - 9 October 2020. The overall outcomes of monitoring the initiative groups' funding, including the last week 25 September - 01 October will be presented in the final report. The content of this report can be subject to editing.

Promo-LEX OM planned to submit six intermediate observation reports of the presidential election and a Final Report. In addition, press releases and two E-Day reports on the election day, the results of the partial vote counting and assessment of protocols accuracy will be prepared in connection with the election day (for round I and, eventually, round II of election). The Mission of Promo-LEX OM reports is to notify in real time the electoral bodies about the quality of procedures for election organisation and conduct for a predetermined period of time; raise the electoral stakeholders' accountability; identify the positive and negative trends in the electoral process.

Promo-LEX methodology for election observation was developed according to the relevant international standards and covers observation of the election both in the long run (election period), and in the short run (election day). The observation reports are prepared by the central team of Promo-LEX OM on the basis of the findings of long-term OM observers (LTOs) and describe the activity of all stakeholders involved in the organization and conduct of elections: election contenders, public authorities, electoral bodies, political parties, citizens who file their candidacy, as well as civil society. LTOs report their findings using specialised forms, which are stored on the web platform www.data.promolex.md, which is a secure system with limited access, administered by Promo-LEX. During the planned visits, observers analyse the information from interviews, meetings with interlocutors and review of the official documents. The activity of election contenders is also monitored on-line.

The electoral process is monitored during the election period by 42 LTOs. On the election day, Promo-LEX will delegate one short-term observer (STO) in each of the 608 polling stations (PSs) selected by Promo-LEX OM from a sample established by a sociological company. Moreover, special consideration will be given to polling stations abroad, where it is planned to delegate about 60 observers, and to polling stations where the voters from the transnistrian region will vote, with a static observer delegated to each of them. The electoral process in the polling stations, in their immediate vicinity and the access routes to the polling stations where the voters from the transnistrian region will vote, will be monitored also by 80 mobile teams of observers.

All the observers involved in the monitoring process are and will be trained during the seminars organized by Promo-LEX Mission. They sign and assume the Code of Conduct¹ of the Promo-LEX National Independent Observer, undertaking to act quickly, in good faith and in a non-partisan manner. Promo-LEX observers are also trained in protection standards in the context of the COVID-19 pandemic. The central team of the Association coordinates the activity of observers.

Promo-LEX OM for Moldova Presidential Election of 1 November 2020 is a project implemented by Promo-LEX Association as part of the Civic Coalition for Free and Fair Elections. Promo-LEX OM is not a political opponent for the election contenders involved in the electoral process, it is not an investigation body and does not assume the express obligation to support its findings by evidence. Nonetheless, the observers' reports are accompanied, as much as possible, by photo and video evidence. These can be made available only to law enforcement bodies on the basis of proper requests and never to election contenders. At the same time, electoral authorities shall deal with the violations presented in this report, including the alleged ones, as prescribed in Article 22 (1)(q) and Article 68 (5) of the Electoral Code, treating them as observers' notifications to be reviewed according to their competence.

¹[Code of Conduct](#) of Promo-LEX National Independent Observer.

Promo-LEX mission manages the public web platform www.electoral.monitor.md, which stores relevant information (with photos/videos, that do not contain any personal data) from the observers' reports. In addition, any individual, including representatives of electoral contenders, can upload on this platform their alerts about electoral activities. The Mission's observers verify the alerts of the citizens during the next visit planned in the community where such activities were reported. The Mission also manages www.instruire.monitor.md, a platform that offers access to everyone to the training materials for short-term observers, except for their reporting forms.

Promo-LEX is a Non-Government Organisation that aims at developing the democracy in the Republic of Moldova, including the transnistrian region, by promoting and defending the human rights, monitoring the democratic processes, and strengthening the civil society. The Association has been observing elections in the Republic of Moldova since 2009, this OM being the 20th. In addition, the Association employees and members have international experience and participated in the observation of elections, as part of International Missions in Armenia, Germany, Georgia, Estonia, Norway, Montenegro, Romania, Serbia, Sweden, Ukraine, etc.

This report refers to the international standards developed by UN, OSCE, European Commission for Democracy through Law, European Union and Council of Europe. Recommendations for public authorities, electoral bodies, election contenders, and other stakeholders, aimed at improving the electoral process, can be found at the end of each of the reports.

The Mission is conducted and the report is developed with the financial support of the United States Agency for International Development (USAID) via the 'Democracy, Transparency and Accountability' Program, the Good Governance Department of Soros Foundation-Moldova under 'Monitoring the Presidential Elections of 1 November 2020' Project, and the Council of Europe under 'Support for civic observation of 2020 Presidential Election in polling stations abroad'. *'Hate speech' component is supported by Justice and Human Rights Department of Soros Foundation-Moldova under 'Consolidation of a platform for the development of activism and education in the area of human rights in Moldova – stage IV' Project.*

The opinions set out in the public reports and press releases of Promo-LEX OM are those of the authors and do not necessarily reflect the donors' view.

I. LEGAL FRAMEWORK

Promo-LEX OM found the lack of an explicit legal framework on grounds for refusing to open an account for an initiative group or election contender, given the restriction of the right to be elected.

We would like to draw the attention to the uncertainties around the lawfulness of a political party supporting an independent candidate, including from the point of view of poor reporting of campaign financing, and around the lawfulness of involving in election campaigns political parties that do not participate in elections. We would also like to emphasise that the mechanism in place for suspending from office the President of the Republic of Moldova in relation to their participation in elections is not regulated sufficiently.

Like in the 2016 Presidential Elections, Promo-LEX OM is highlighting that there are some legal rules that affect contenders' opportunities to start the election campaigns at the same time.

1.1. Draft law on external voting during two consecutive days

On 6 October 2020 the Parliament registered the draft Law No 414² that recommends amending the Electoral Code's provisions, so that it allows external voting in two consecutive days (Saturday and Sunday). Its authors mention that organising the voting in two consecutive days for all polling stations, both in the country and abroad, would be a too high burden for budget expenditures. For this reason, introduction of voting in two days only for polling stations abroad, which were the most crowded during the 2016 presidential election and 2019 parliamentary election, would be more rational.

Pandemic is another reason for submitting this draft law. Because of the pandemic, the Moldovan citizens do not have the possibility to come back home to exercise their right to vote, and queueing up could increase the risk of infection much more than the authorities predicted.

We recall a similar draft submitted in May 2020, which provided for voting in two days, both in the country and abroad³. However, the Parliament did not review any of these drafts.

Note that in autumn-winter session the Parliament met for only two plenary meetings (on 10 and 11 September 2020), but in none of these it reviewed the draft Law No 263 of 19 June 2020⁴, or the draft laws that set out security measures for preventing the spread of COVID-19.

1.2. Decision of the Constitutional Court on the commercial organisations' right to provide paid services to election contenders

On 8 October 2020 the Constitutional Court issued the Decision No 24⁵, by which it decided to recognize the constitutionality of the non-commercial organisations' right to provide services to election contenders during the election campaign only to the extent that non-commercial organisations are allowed to provide paid services to them. Thus, currently ***the prohibition to provide paid services to election contenders during the election campaign, set out by the contested provisions, unduly and in a discriminatory manner limits the non-commercial organisations' right of ownership, contrary to Articles 16 and 46 of the Constitution.***

² [Draft Law](#) No 414 of 6 October 2020 amending the Electoral Code of the Republic of Moldova, adopted by Law No 1381/1997.

³ [Draft Law](#) No 210 of 28 May 2020 amending the Electoral Code No 1381/1997.

⁴ [Draft Law](#) No 263 of 19 June 2020 on the amendment of some regulatory acts (Electoral Code No 1381/1997 - Article 1, 8, 15, etc.: The Contravention Code of the Republic of Moldova (No 218/2008 - Article 52, 400, 4235, etc.).

⁵ [Decision](#) of the Constitutional Court No 24 of 8 October 2020 on the constitutionality control of provisions of Article 6(5) of the Law No 86 of 11 June 2020 on the Non-Commercial Organisations (prohibition to provide services to election contenders during the election campaign).

At the same time, the High Court submitted a referral ⁶ to the Parliament, requesting to regulate Article 6(5) of the Law No 86 of 11 June 2020 on Non-Commercial Organisations in accordance with the adopted decision, so that during the election campaign non-commercial organisations are prohibited to provide free services only, being allowed to provide paid services.

1.3. Limitation of the right to be elected of the election contender by banks' refusal to open a banking account

During the reference period, deficiencies were found with regards to opening the 'Electoral Fund' account for the election contender Violeta Ivanov, appointed by PPS, manifested by the refusal of some banks to open the respective account. Note that the impossibility to open a bank account was reported to CEC immediately after the registration of the initiative group⁷. At the same time, both during the existence of the IG, and after the registration of the election contender Violeta Ivanov, only donations in commodities, objects, works or services were reported.

The refusal to open the respective accounts seems also to be related to the closure of the PPS account by the commercial bank where it was maintained, but also to the refusal of other commercial banks to open a new account. We outline that commercial bank's notice about the termination of business relationship was issued on 9 June 2020, with effect from 13 August⁸.

The respective problem was reported both to CEC, and to the National Bank of Moldova (NBM). On 2 October 2020, NBM issued a response to the notification of CEC, stating that it cannot interfere in the banks' activity with their clients by obligating them to enter into contractual relations with certain individual/legal entities. This position is supported by the provisions of Law No 202/2017 on the Activity of Banks, according to which banks have legal, operational, financial and administrative independence from any entity, including NBM, Government and other public administration authorities, unless otherwise provided by law.

Also, NBM mentioned in its response of 30 September 2020 to PPS that the current legal framework on prevention and combating of money laundering⁹ lays down, inter alia, the obligation of banks to apply certain due diligence and enhance due diligence measures in the relationship with their customers and to perform a risk-based analysis of these relationships. Decisions to start, continue or terminate the business relationship with a customer are made individually by the bank, considering the risk associated to the customer and their transactions. In case of non-compliance with Law No 308/2017¹⁰, **banks are obliged** not to realise any activity or transaction, including through payment account, **not to enter into a business relationship or terminate the existing one** and consider reporting the suspicious activities or transactions to the Office for Prevention and Fight Against Money Laundering.

Taking into account the above mentioned, we note a gap in the legal framework in force. Thus, on one hand, political parties, initiative groups and election contenders are obliged to open a bank account, through which they shall carry out their activity. On the other hand, banks are obliged to refuse opening accounts, or limit or close their customers' accounts in case of any inconsistencies with the provisions of Law No 308/2017.

We note that the refusal to open or restriction of the political party's account by several banks, actually, limits its activity, including its participation to the election, without any violation of the law. Or,

⁶ [Referral](#) No PCC-01/130a/461 of 08 October 2020.

⁷ [Information](#) submitted by the IG of the presidential candidate Violeta Ivanov.

⁸ [Notice](#) issued by Victoriabank on 9 June 2020.

⁹ [Law](#) No 308/2017 on Preventing and Combating Money Laundering and Terrorist Financing.

¹⁰ Due diligence measures concerning customers include:

a) identifying and checking customers' identity based on their identity documents, as well as documents, data or information received from a credible and independent source;

b) identifying the beneficial owner and undertaking appropriate risk-based measures to check his/her identity, so that the reporting entity knows who the beneficial owner is, including undertaking reasonable measures to understand the customer's ownership and control structures;

c) understanding the purpose and the estimated business relationship's nature, receiving and assessing the relevant information.

according to Article 21 of the Law on Political Parties, the political party's activity may be limited if its actions seriously impair the political pluralism or the fundamental democratic principles.

The refusal to open an account for an initiative group or election contender limits the citizen's right to be elected, in absence of any restrictions provided by law. We outline that restrictions of the right to be elected are set up in Article 13(2) of the Electoral Code, which does not include provisions on its financial banking activity.

In order to ensure equal opportunities for all election contenders, *we recommend the legislator to provide for a special status for election contenders and the accounts opened by them, as well as a clear mechanism regarding the grounds for refusing to open accounts for them and legal consequences on the right to be elected.* In addition, these regulations should cover the political parties as well, so that in the stage of establishing the parties with the right to nominate candidates in elections, to know whether the activity of a political party was limited or not.

Moreover, we consider important that the reports sent to the Office for Prevention and Fight Against Money Laundering related to political parties' or election contenders' accounts are copied to CEC and the Ministry of Justice, if this fact could lead to the limitation of the political party's or election contenders' activity. We recall that Central Electoral Commission is responsible for the supervision of the political party and election contenders funding, and the Ministry of Justice has the right to start the proceeding limiting the activity or dissolution of political parties.

Based on Promo-LEX election observation experience, we underline that the Mission found more than one situation of this kind. Thus, at least during local election of 20 May 2018 one case of deficient opening of the 'Electoral Fund' account was found.¹¹

1.4. Uncertainties around the lawfulness of a political party supporting an independent candidate

According to Article 1 of the Electoral Code, an independent candidate is a person who nominates themselves for an eligible public office independently from parties, other socio-political organisations and electoral blocs.

We note that a candidate appointed by a political party or an electoral bloc has more advantages against independent candidates. In this manner, independent candidates supported by political parties benefit from:

- organisations and territorial structures of the political party;
- financial and material resources acquired in time by the party;
- human resources - party members and supporters;
- informational resources and political party's image created in time.

In this election campaign, Igor Dodon is the only independent candidate who was registered in the electoral race. However, his choice to participate independently seems to be determined by the Decision No 35 of 12 December 2017 of the Constitutional Court¹², which set that **the President of the Republic of Moldova may neither be member of a political party, nor promote, by any means, the interest of a political party. At the same time, the legal framework in force does not provide for any possibility of suspending the President for participating in the electoral race for a new term.**

According to Promo-LEX observers, the independent candidate Igor Dodon benefits of the support of PSRM, manifested by:

¹¹ In the context of early local election of 20 May 2018, Promo-LEX observers found that candidate Alexandr Rosco, nominated by PPCNM for the position of General Mayor of Chisinau, did not have an 'Electoral Fund' account opened due to the different treatment of the status of 'empowered person' who was to sign the account opening application.

¹² [Decision](#) of the Constitutional Court No 35 of 12 December 2017 regarding the constitutionality of Article 112 (2) of the Electoral Code (about the president of the Republic of Moldova being prohibited from being a party member), Item 62.

- engagement of chairmen and members of the party's territorial organisations in carrying out electioneering activities;
- utilisation of party's territorial organisations offices for storing and disseminating electioneering materials;
- use of informational resources provided by the party's territorial organisations, etc.

Thus, Promo-LEX OM finds that the position of independent candidate of the election contender Igor Dodon is perfunctory. Moreover, the use of the political party's resources in the election campaign and failure to declare these as PSRM donations could affect the transparency of the election campaign funding and result in annulment of the election contender's registration, under Article 75(5)(a) of the Electoral Code.

Note that the above-described situation also applies to political parties that do not form an electoral bloc, but support an election contender appointed by another political party. In this context, we remind the last presidential election of 2016 when Maia Sandu was supported by PPPDA after the candidate Andrei Năstase withdrew from the electoral race¹³, and also the early parliamentary election for the constituency of Hincesti of 15 March 2020, when the independent candidate Grigore Cobzac was supported by PUN and PPPDA¹⁴.

Taking into account the existing precedents, we recommend the legislator to regulate these situations in order not to admit poor reporting of the election campaign funding, but also the involvement in the election campaign of the political parties that do not participate in the election.

1.5. Uncertainties about suspending from office the President of the Republic of Moldova during the election campaign

Article 13(3) of the Electoral Code provides that citizens of the Republic of Moldova, who due to their position cannot be members of parties or other socio-political organisations, as well as people in position of high responsibility, whose appointment or election is regulated by the Constitution of the Republic of Moldova and/or by organic laws, since their registration as election contenders shall suspend their activity in the position they hold.

Although the exhaustive list of people subject to this provision doesn't include the president of the country, during several public statements Igor Dodon has mentioned that he took unpaid leave for the period of the election campaign¹⁵. We appreciate the decision of the President of the Republic of Moldova to cease holding the office during the election campaign by taking an unpaid leave, determined by his participation in this campaign. However, it is not clear who, if any, will hold the interim position of the President of the Republic of Moldova.

We mention that, according to Article 89 of the Constitution of the Republic of Moldova, the Parliament can suspend the president **only if he/she committed severe acts against the Constitution**. At the same time, Article 91 of the Constitution states that the interim office is exercised in the event the office of the President of the Republic of Moldova becomes vacant or the President has been dismissed, **or finds himself/herself in temporary impossibility** to discharge his/her duties. At the same time, according to Article 135 (1)(f) of the Constitution, the Constitutional Court ascertains the circumstances justifying the interim of the position of President.

In the opinion of the Venice Commission¹⁶ regarding the constitutional situation with particular reference to the possibility of dissolving the Parliament, the Commission noted that the provision on the interim position in the event of **temporary impossibility** relates to situations in which **the impossibility represents a consequence of verifiable circumstances**, especially in case of a disease.

¹³ [Report No 4](#). Promo-LEX Observation Mission for the Presidential Election in the Republic of Moldova of 30 October 2016, Item 9.

¹⁴ [Final Report](#) of Promo-LEX OM of the Early Parliamentary Elections of 15 May 2020,

¹⁵ [Statement](#) of Igor Dodon about his unpaid leave.

¹⁶ [The opinion](#) of the Venice Commission on the constitutional situation with particular reference to the possibility of dissolving Parliament, adopted at its 119th Plenary Session (Venice, 21-22 June, 2019) CDL-AD(2019)012.

Taking the leave to participate in the election campaign may be considered a consequence of actually verifiable circumstances, and respectively, the temporary impossibility to discharge the duties can be established. Also, in this respect, it is not clear if during the President's 35 days annual leave an interim position is needed, as, until now, such practices have not existed.

As a result of the above mentioned, we believe that the aspects regarding the suspension from office of the President of the Republic of Moldova due to his/her participation in the election campaign have to be regulated in the Electoral Code and/or by interpretation of constitutional provisions by the High Court.

1.6. Election contenders registration after the start of the election campaign

According to Article 116(1) of the Electoral Code, Moldova Presidential Election Campaign is to start no sooner than 30 days before the election day. As regards the Presidential Election of 1 November 2020, the campaign started on 2 September 2020. At the same time, Article 52(4) of the Code states that electioneering for an electoral contender is allowed only after his/her registration with the electoral body. As to the registration of the election candidates, the law states that the documents, including the signature sheets, shall be submitted to CEC at least 30 days before the election date. The latter has 7 days to register or refuse to register candidates appointed for the position of President.

In fact, on 29 September 2020, two applicants submitted registration applications to CEC. Thus, given the deadline of 7 days CEC has to review the documents, they were from the start disadvantaged against other candidates previously registered and who were already launched in their campaign as of 2 September. Accordingly, on 5 October 2020, those two candidates were registered in the electoral run. Thus, they had three days less to promote their electoral program, compared to other candidates.

In the Code of Good Practice in Electoral Matters, the European Commission for Democracy through Law recommends the validation of applications by the beginning of the campaign, as the late validation may put certain parties and election candidates at a disadvantage during the campaign.

Promo-LEX OM reported during other elections as well the national law created unfair conditions for the candidates who submit the signature sheets at different stages. To this end, we reiterate that it is necessary to adjust the national law, so that all candidates have a level playing field, as it was also recommended by the Venice Commission.

1.7. Approval of new rules for preventing Covid-19 infection on election day

On 13 October, the NEPHC Decision No 34¹⁷ was passed, which amended the Instruction on Organisation and Conduct of Elections by CEC amidst the COVID-19 pandemic. According to these amendments:

- The access of voters in the polling station and electoral bodies office shall be granted only if wearing a protective mask. PEB shall offer each voter a free protective mask. Promo-LEX OM welcomes this amendment as earlier it was mentioned that voters will be granted access in the polling station only if wearing a protective mask, so voters who do not have one, but want to realise their right to vote shall be offered a free mask.
- There were also drawn up regulations regarding people with acute respiratory infection symptoms coming to the polling stations by 3 p.m., who will not be allowed into the station, but will be registered on the list of voting at the place of stay. Simultaneously, those who will come to the polling station after 3 p.m., even if they will have the same symptoms, they will be provided conditions for voting. At the same time, the access in the polling station of voters from the left bank of the Nistru river will be allowed regardless of their health condition. Promo-LEX OM finds that, in this case, voters will be treated differently depending on their

¹⁷ [NEPHC Decision](#) No 34 of 13 October 2020.

time of arrival at the polling station and on their domicile/residence, if they have one, on the left bank of the Nistru river, or if they vote from abroad. We believe that on the election day a level playing field shall be ensured for all voters, and the preparation for COVID-19 prevention on the election day and ensuring the right to vote for all electors have to be taken before the respective day.

- The situation of voters who are in self-isolation (for treatment at home, contacts, people returned from abroad from the red zone and those who already have symptoms of acute respiratory infection) was also regulated, allowing them to realise their right to vote at the place of stay by a demand submitted to the electoral office of the polling station where the voter has his domicile/residence. Analysing the established mechanism of submitting requests to vote at the place of stay, we find that voters who are in self-isolation, but still come to the polling station, are in an uncertain situation. So, if electoral authorities do not have access to the lists of people in self-isolation, will allow them to vote. Under these circumstances, other voters and electoral officials will be at risk. At the same time, if voters fail to respect their self-isolation regime they may be sanctioned contraveniently.

In order to ensure the implementation of this procedure, we consider important to carry out an extensive information campaign for people who are or will be in self-isolation regime on election day.

We note that these regulations did not take into account the situation when the person is self-isolated in another place than their valid domicile or residence. Respectively, voting at the place of stay may not be possible because the voter is registered in the main lists of voters at another polling station.

II. ELECTORAL BODIES

During the reference period CEC met for 5 online and mixed meetings during which 33 decisions related to the organization of the presidential election were adopted, including accreditation of 427 national and international observers. In total, by 13 October 2020, a total of 919 national observers and 121 international observers were accredited for the presidential election. Of them, CEC accredited 894 national observers of the Promo-LEX Association.

During the visits of Promo-LEX observers all 36 level-two DEC's were operating. At the same time, not all DEC's observe the requirements on how to work during the pandemic: 12 (34%) councils do not have a register for monitoring the temperature of electoral officials; at least 18 (50%) DEC's do not measure the visitors' temperature; 4 DEC's (11%) do not display any information about the health protection rules during pandemic.

As regards the location of polling stations, we found that the share of PS's located within educational institutions decreased from 47% (2019 parliamentary election) to 33% for 2020 presidential election.

The electoral offices were established within the legally prescribed terms, but at least 48 PEB did not comply with the requirement to have an odd number of members. The membership is not gender balanced – 83% women and 17% men. In case of 468 PEB, there is no men in their membership. As regards the election of PEB management, of the total number of 116 offices monitored during the reference period, in case of three, the open voting procedure was not observed.

In terms of realising the right to vote by citizens from the transnistrian region, on 1 October 2020, the secessionist administration from Tiraspol announced that it would allow the access of citizens to polling stations established for the voters from the region.

2.1. CEC Activity

During the monitored period CEC met for 5 online and mixed meetings, of which 3 ordinary meetings and 2 extraordinary, during which 33 decisions related to the organization and conduct of the presidential election were adopted.

2.1.1. CEC decisions relevant for the organisation and conduct of the presidential election

Thematic content of adopted decisions. Out of 33 decisions on the organization and conduct of elections, 14 (42%) are related to the accreditation of national and international observers. The other decisions were related to the registration of trustees, confirmation of persons in charge of financial matters, determination of the print-out number of ballot papers, approval of the template and text of the ballot papers, establishment of the order of election candidates on the ballot paper, employ more people at DEC No 1 Chisinau, amendment of previous CEC decisions.

2.1.2. Observer accreditation

As many as 382 national observers and 45 international observers were accredited during 30 September - 13 October 2020. In total, by 13 October 2020, a total of 919 national observers and 121 international observers were accredited for the presidential election. Of the total number of national observers, Promo-LEX Association accredited 894 (97%) (see Annex 1).

2.1.3. Circular letters

On 7 October, CEC developed and send the Circular Letter No CEC 8/3014 to the electoral contenders, law enforcement bodies and observers. The circular letter regards the necessity to observe the electoral legislation, particularly with respect to the following issues: organisation of illegal transportation of voters, corruption of voters and involvement of religious cults in the election. At the same time, the electoral authority emphasizes the obligation of law enforcement agencies to counter any action designed to organise/conduct unlawful transportation of voters; obligation of electoral contenders to refrain from actions that can influence the voters' decision;

obligation of state bodies, as well as of religious cults, to ensure the non-religious nature of election, with no involvement in electioneering in any form; importance and need to perform the observation mission in an unbiased way.

In essence, CEC's efforts to draw the attention of electoral contenders and law enforcement bodies on the need to comply with the law, especially with regards to the problematic aspects identified during the previous election campaigns, are beneficial.

However, Promo-LEX OM believes that a CEC decision, not only a circular letter, in this regard, would help strengthen the legal prerequisites for pronouncing court judgments or ascertaining violations committed by the law enforcement bodies. In addition, the circular letter does not have a binding effect if compared with a decision, and could be considered a recommendation by its receivers. In this regard, the request of Central Electoral Commission for the law enforcement bodies to investigate promptly all received signals, including those from the public space, is not legally binding. Only the decisions adopted by CEC according to Article 18 (4) of Electoral Code are mandatory for public authorities.

Note that the organised transportation of voters as a form of corrupting voters, corruption of voters or the involvement of religious cults in election are regulated and sanctioned by law. Accordingly, we would consider also appropriate to include these obligations for election contenders in the Code of Conduct. Thus, the candidates would be more conscious about these violations once the Code of Conduct is signed.

2.1.4. Public information regarding the list of candidates

According to Article 49(8) of the Electoral Code, after the expiry of the term for registration of candidates, the relevant electoral body shall publish the full list of registered candidates, providing their names, surnames, year of birth, residence, political affiliation, profession (occupation), as well as the name of the party, another socio-political organisation or electoral bloc that has nominated them.

On 6 October 2020, Promo-LEX OM found that the list of candidates registered for the position of president of the Republic of Moldova of 1 November 2020 was posted on the CEC website, 'Registered candidates' section, without mentioning their domicile.

2.1.5. Notifying CEC about surveys

According to the information on the CEC website, 'Survey notifications' section, during 30 September - 13 October 2020 applications on the initiation of surveys were submitted by [IMAS] sociological research company on performing several weekly surveys, sociopolitical (electoral) research, and also by 'Simpals' SRL on performing the survey on www.votum.md website regarding the internet users' preferences about the candidates in the presidential election of 1.11.2020.

In accordance with Article 70(10) of Electoral Code, the applications shall contain data about the institutions that will perform the survey, its period, proposed sample and orderer of the poll. With regard to the application of the [IMAS] sociological research company, Promo-LEX OM found that there were no data on the commissioner of the poll.

At the same time, on 13 October, the Association of Sociologists and Demographers presented the results of 'Vox Populi, October 2020 – Socio-Political Situation in the Republic of Moldova in the Eve of Presidential Election' survey, conducted during 26 September - 8 October. CEC notification is posted on the website of the election authority, in the appropriate section.

2.2. Activity of Level-Two Electoral Constituency Councils

2.2.1. Compliance with the work schedule

According to the information provided by Promo-LEX observers, throughout the 54 visits made during working hours in the reference period, 36 level-two DEC offices were open.

2.2.2. Changes to DEC membership

Promo-LEX OM reports the modification of nominal structure of at least 2 level-two DECs (No 37 Chisinau, No 21 Ialoveni). The modification initiatives were submitted by Chisinau Court, and respectively, by a political party (PAS) in Ialoveni. At the same time, Promo-LEX OM found the supply of DEC No 1 Chisinau staffing list with 2 accountants and 2 consultants.

2.2.3. The activity of the level-two DEC II amidst the pandemic

In the context of organisation and conduct of the presidential election, through the procurement procedure No CEC-8/2804 of 15 September 2020, CEC procured masks (512,500 pieces), gloves (307,500 pairs), protecting suits (12,300 pieces), face shields (61,500 pieces), thermometers (2,500 pieces), disinfectant solutions (41 tonnes) – protection equipment for the members of electoral bodies and voters in order to prevent the spread of COVID-19 infection.

During their visits to level-two DECs, Promo-LEX observers also assessed the protection and prevention measures against the spread of COVID-19 infection. The observers reported:

With regards to the register for monitoring the temperature of electoral officials. Out of the 36 level-two DECs visited during the observation period, 12 electoral councils¹⁸ (34%) do not have a register for monitoring the temperature of electoral officials.

With regards to measuring the temperature of DEC visitors. At least 18 electoral councils¹⁹ (50%) do not measure the temperature of DEC visitors, and in at least 6 electoral councils (17%) the visitors do not use masks/gloves.

With regards to displaying information on rules information about the health protection rules. There is no information about the health protection rules during pandemic displayed in the offices of at least 4 electoral councils²⁰ (11%).

With regards to the confirmation of infection among the electoral officials. At least 5 members of level-two DECs were found to be infected with COVID-19 (No 4 Anenii Noi; No 17 Falesti; No 23 Nisporeni; No 25 Orhei; No 27 Rascani). Note that the activity of electoral body was not affected.

With regards to receiving protection and prevention equipment from CEC and distributing it to PEB in the constituency, Promo-LEX found at least one decision of level-two DEC on the appointment of a person in charge of distributing anti-COVID equipment to offices of the electoral council (DEC No 29 Soroca).

In addition, we draw attention on cases of misinterpretation, by at least 7 level-two DECs, of point 1.2 of Annex 2 to NEPHC Decision No 33 of 28 September 2020, namely: it is prohibited for people aged over 63 (sixty-three) to leave their home and be in public areas without an urgent need²¹. According to observers, one DEC (No 14 Drochia) included in the PEB decisions the obligation for persons proposed as office members to be under the age of 63. In the case of other 6 DECs (Calarasi, Criuleni, Comrat, Nisporeni, Stefan Voda, Soldanesti), the observers noted verbal

¹⁸ DEC: Balti, Cahul, Chisinau, Criuleni, Dubasari, Edinet, Floresti, Ialoveni, Nisporeni, Rascani, Straseni, Taraclia.

¹⁹ DEC: Balti, Basarabeasca, Briceni, Cahul, Chisinau, Cimislia, Criuleni, Drochia, Dubasari, Edinet, Floresti, Ialoveni, Nisporeni, Orhei, Rezina, Sangerei, Straseni, Taraclia.

²⁰ DEC: Chisinau, Criuleni, Dubasari, Floresti.

²¹ [NEPHC Decision](#) No 33 of 28 September 2020.

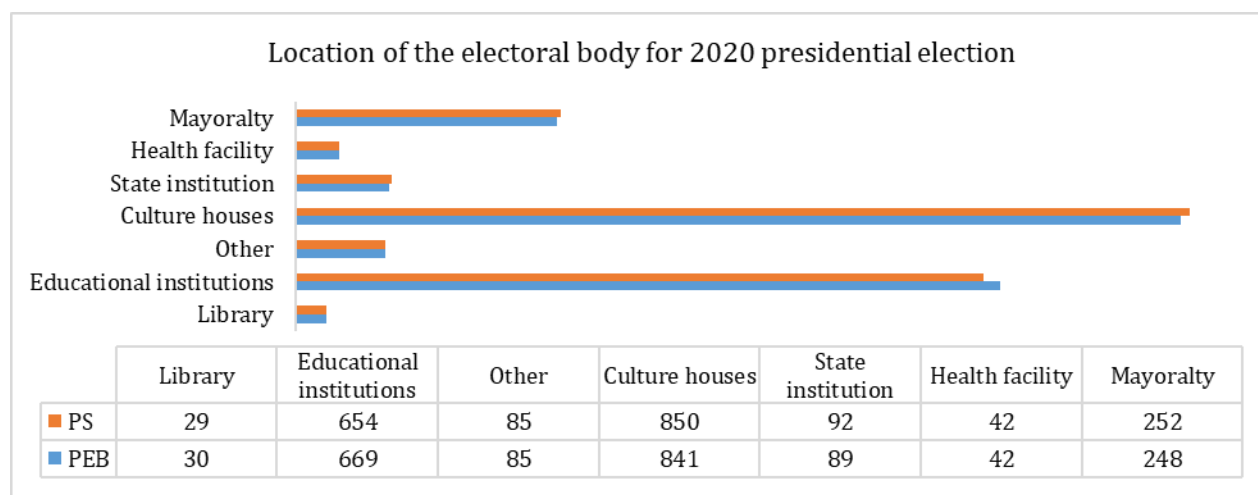
recommendations made by councils to the entities that recommended persons aged over 63 as candidates for PEB membership to propose other candidates. In Soldandesti DEC, PEB members aged over 63 reportedly had to sign an affidavit.

2.2.4. Location of polling stations

Promo-LEX OM reports that level-two DECs adopted at least 9 decisions on changing the address of 20 PSs (DECs No 6 Briceni' No 12 Criuleni; No 14 Drochia; No 25 Orhei; No 28 Sangerei; No 33 Taraclia; No 34 Telenesti; No 36 ATU Gagauzia; No 37 for the communities on the left bank of the Nistru River).

With regard the Circular Letter No CEC 8/2784 of 11 September on the identification of other public premises than educational institutions, Promo-LEX OM emphasises that, according to the observers, approximately 33% of polling stations were opened in educational institutions, including the preschool ones (see Chart 1). Note that the share decreased, compared to 47% of PSs set up in educational institutions during the last parliamentary elections of 24 February 2019 (Annex 3). Promo-LEX OM established a decrease by 14% of the number of polling stations opened in educational institutions, including the preschool ones, and respectively an increase by 5% of polling stations opened in mayoralties and by 2% of those opened in others state institutions.

Chart 1²²



According to Promo-LEX OM observers, at least in 48 cases, the address of PSs are not similar to those from the previous elections.

Moreover, Promo-LEX observers reported a case when a part of the community requested to relocate the polling stations from the educational institutions due to the pandemic. Thus, on 5 October 2020, CEC received the request of a civil society organisation from Vasieni, Ialoveni district, containing 97 signatures and supporting the relocation of 2 PSs from educational institutions to culture hall and mayoralty. By Letter No 124 of 58 October 2020, the Mayor of the community informed CEC that the PS location was decided on the basis of 3 criteria: geographical location of the community and of the proposed institutions; experience from the previous elections, when educational institutions accommodated the PS; the fact that the locations will be used on Saturday and Sunday only.

²² PS – the address of the polling stations (31.10.2020 – 01.11.2020); PEB – address of the electoral office of the polling station (until 30.10.2020, inclusively).

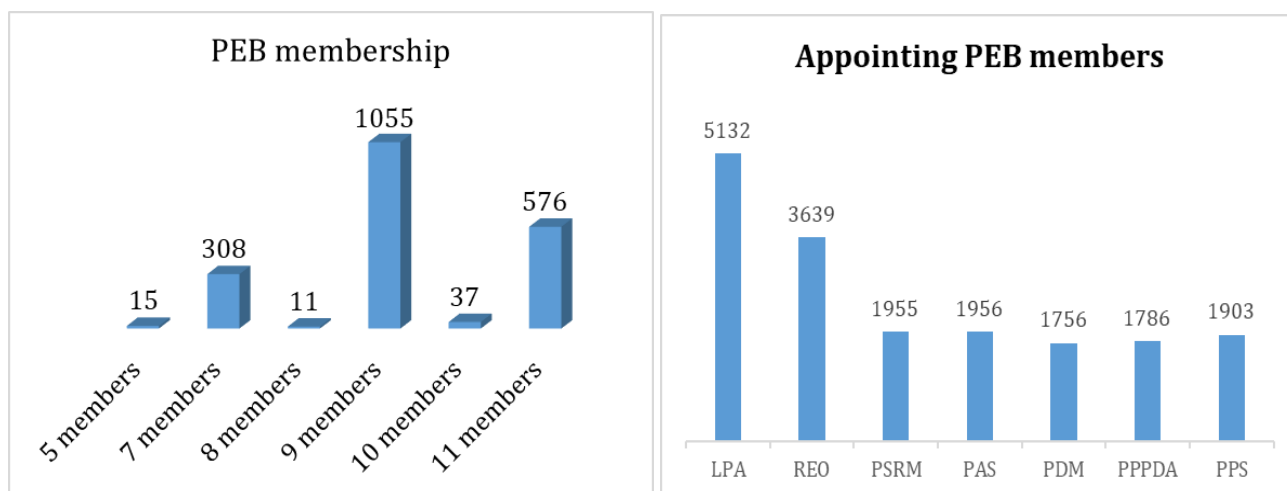
2.2.5. Establishment of electoral offices of polling stations and their membership

According to Article 30(9) of the Electoral Code, DEC shall establish an PEB at least 25 days before the election day, containing an odd number of members – 5 at least and 11 at most. According to Item 13 of the CEC Calendar Schedule, the deadline for establishing polling stations was set for 6 October 2020. In this respect, the level-two DEC established 2004 PEB within the legally prescribed terms.

Promo-LEX OM found that 48 PEB in the level-two constituencies (Chisinau municipality, Balti municipality, left bank of Nistru River) did not comply with the requirement to have an odd number of members (see Chart 2). Chart 3 illustrates the appointment of members to the DEC by entities that have this right²³.

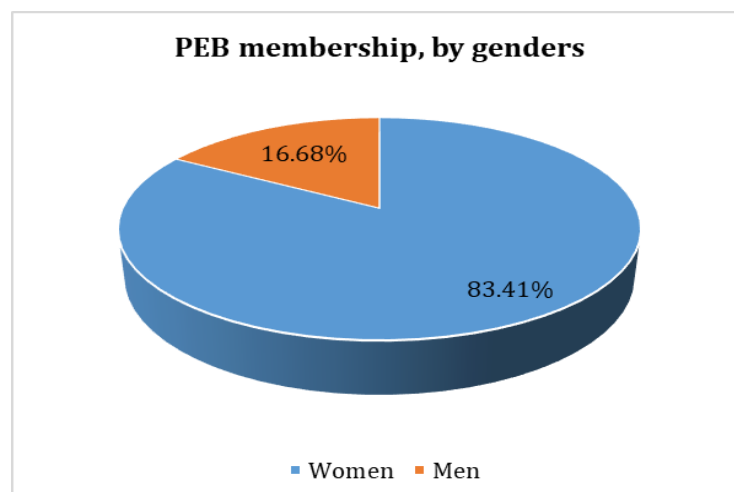
Chart 2

Chart 3



Having analysed the DEC Decisions on the PEB establishment, we noticed that women outnumbered men markedly (see Chart 4).

Chart 4



²³The chart does not include information on PEB on the left bank of Nistru River.

The analysis regarding the gender imbalance in the PEB membership is presented in Table 1.

Table 1. Gender imbalance within PEB

PEB Membership – male member		PEB Membership – female member	
0 (zero) male members	468 PEB	0 (zero) female members	0 PEB
1 male member	659 PEB	1 female member	2 PEB
2 male members	474 PEB	2 female members	3 PEB
3 male members	228 PEB	3 female members	21 PEB

Promo-LEX OM found at least two decisions being adopted on the modification of the nominal structure of PEB (DEC No 10 Causeni/PEB 10/5 and No 37 for the settlements on the left bank of Nistru River/37/19) and a decision on increasing the nominal structure of PEB from 7 to 9 members (DEC No 11 Cimişlia/PEB 11/10).

2.2.6. Election of the PEB management

With regard to the election of the PEB management, according to observers, Promo-LEX OM found:

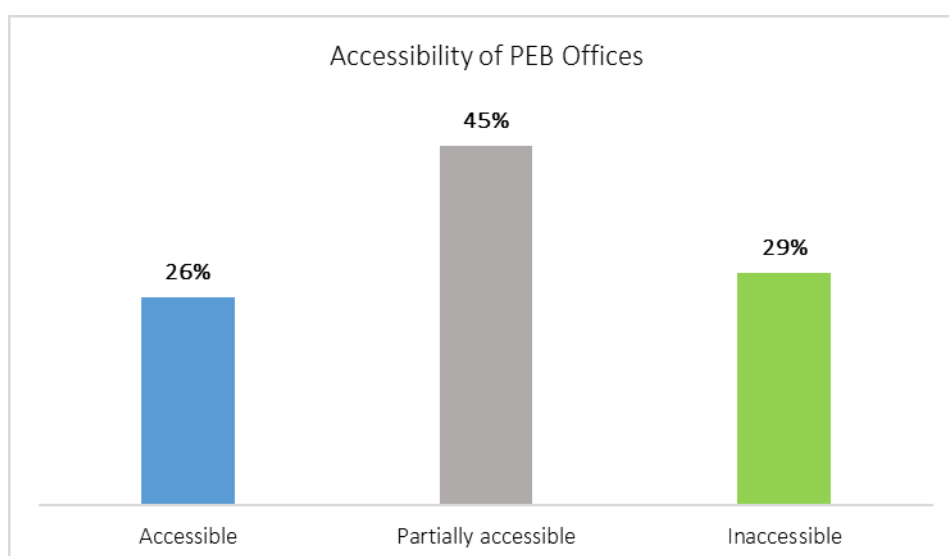
- at least 116 electoral offices elected their management;
- in at least three cases the open voting procedure was not observed when electing the management (PEB 22/36, PEB 22/37 – Leova, PEB 19/26 – Glodeni).

At the same time, Promo-LEX OM points out that, according to observers, at least two PEB members were found to be infected with COVID-19 (PEB 18/38 and PEB 18/54 – Floresti).

2.2.7. Accessibility of PEB Offices

In their visits to PEB, Promo-LEX observers also assessed the accessibility of the electoral offices on the basis of three criteria: accessible (a ramp at least 90 cm wide and a handrail about 75 cm high), partially accessible (ramp available, but no handrail), and inaccessible (both elements are missing). According to the reports of Promo-LEX observers, of the 152 PEB, only 40 (26%) are accessible to groups of vulnerable people (see Chart 5).

Chart 5



2.2.8. Issues with setting up polling stations for transnistrian region

Promo-LEX OM found that, during the reporting period, at least 5 LPAs refused to open polling stations for voters on the left bank of the Nistru River for the election of 1 November 2020: Stefan Voda Town, Rascaieti com. (Stefan Voda District), Hagimus village (Causeni District), Gura Bacului village (Anenii Noi District) and Rezina Town (Rezina District). Thus, in the town of Stefan Voda, in the villages of Hagimus and Gura Bacului, the local authorities oppose the opening of two PSs in each, in Rascaieti – of a PS. In Rezina, the councillors are willing to open only one PS instead of four, as requested by the Central Electoral Commission.

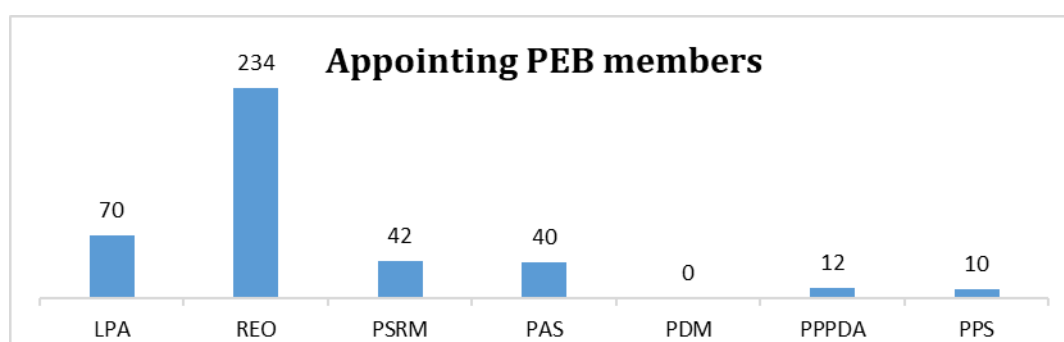
At the same time, note that on 7 October 2020 the Congress of Local Authorities from Moldova (CALM) submitted to CEC *the Information Note on the place and role of LPA in the electoral process*, expressing its concern about the disagreement to open distinct PSs for voters from the settlements on the left bank of the Nistru River. The lack of information and consultation of LPAs by the state, in due time was invoked, without the allocation of the necessary and sufficient financial and material resources depending on the possibilities and the impact on the local population²⁴.

Regarding the movement of the citizens of the Republic of Moldova residing in the transnistrian region, note that the secessionist administration from Tiraspol announced in the local media²⁵ that it will allow the crossing of the administrative line by citizens who want to exercise their right to vote without imposing the obligation to self-isolate for 14 days or take a test for the novel coronavirus at their own expense. At the same time, in the context of additional responsibilities related to ensuring the smooth conduct of the elections of the President of the Republic of Moldova on 1 November 2020, the Bureau for Reintegration Policies informed the LPAs and stakeholders of the list of available access routes for the citizens of the Republic of Moldova from the transnistrian region (247,609 voters).

2.2.9. Establishment of electoral offices of polling stations on the left bank of Nistru River (Transnistria)

On 6 October 2020, the DEC No 37 covering the settlements on the left bank of Nistru River established by the due deadlines and on the basis of Article 30(2) of the Electoral Code and of Item 13 of CEC Schedule 42 electoral offices with 5 to 11 members (Chart 6).

Chart 6



Promo-LEX OM found 18 PEB where no member was appointed by the LPA, and four others with fewer than 3 members appointed by the LPA. Note, also, that PDM did not nominate anyone as PEB member. The absolute majority of PEB members was appointed on the basis of the REO (57%).

²⁴The Note on the place and role of the local public administration authorities in the electoral process, CALC No 172 of 7 October 2020.

²⁵ [Первый Приднестровский](#).

III.ELECTION CONTENDER NOMINATION AND REGISTRATION

For the presidential elections of 1 November 2020, CEC registered 8 election contenders, of whom 7 were nominated by political formations and only one is an independent candidate (IC). One candidate was not registered and four initiative groups, of which three that supported some independent candidates, did not manage to collect the necessary number of signatures for different reasons.

In comparison with the presidential election of 2016, when 12 candidates were registered, the number of contenders in 2020 decreased. Also, the share of women candidates decreased from 42% (5 candidates) in 2016 to 25% (2 candidates) in 2020.

3.1. Election contender registration

1 October 2020 was the deadline by which one could submit to CEC their application for registration as contender in the presidential election of the Republic of Moldova scheduled for 1 November 2020. Of the 13 registered IGs, only nine managed to submit their application by the set deadline. As regards four other IGs – Constantin Oboroc IG (IC), Serghei Toma IG (POM), Alexandr Kalinin IG (IC) and Ion Costas IG (IC) – the applications were not submitted due to several reasons (see Annex 2). Of nine submitted applications, one – Andrian Candu IG (Pro-Moldova) – was not registered.

We remind, in this context, that according to Item 22 of CEC Regulation on Peculiarities of Appointing and Registering Candidates in the Presidential Election of the Republic of Moldova, the signature sheets – both used and unused, and the credentials of the group members are to be returned back to CEC for them to be dealt away with in compliance with the law. If the signature sheets are not returned to CEC, then this can serve as grounds for referring the case to the relevant bodies to enforce the legislation on personal data protection.

According to Promo-LEX observers, of the four IGs that did not submit registration applications, only Constantin Oboroc IG returned the signature sheets by 13 October 2020. As regards the other three IGs, between 30 September and 3 October 2020, CEC sent to Ion Costas IG (IC)²⁶, Serghei Toma IG (POM)²⁷, and Alexandr Kalinin IG (IC)²⁸ reminders regarding the obligation to return the signature sheets and IG member credentials, but its entreaties were not answered to. Until the date of 13 October 2020, though, CEC hadn't notified in this regard any relevant body to enforce the legislation on personal data protection.

For the presidential elections of 1 November 2020, CEC registered 8 election contenders (see Table 2), of whom 7 were nominated by political formations and only one was an independent candidate (IC), who – according to Promo-LEX observers – is also supported/promoted by a political party (Igor Dodon and PSRM)²⁹. Only two of the registered candidates are women (25%).

In comparison with the presidential election of 2016, when 12 candidates were registered, the number of contenders in 2020 decreased. Also, the share of women candidates decreased from 42% (5 candidates) in 2016 to 25% (2 candidates) in 2020.

²⁶ [CEC requests](#) to Ion Costas IG (IC) to return to CEC the signature sheets and IG members' credentials.

²⁷ [CEC request](#) to Serghei Toma IG (POM) to return to CEC the signature sheets and IG members' credentials.

²⁸ [CEC request](#) to Alexandr Kalinin IG (IC) to return to CEC the signature sheets and IG members' credentials.

²⁹ [Press release](#) on the official website of PSRM www.socialistii.md: PSRM: We urge citizens of this country to be on the side of Igor Dodon.

Table 2. Registered candidates

No	Candidate	Political affiliation	IG registration	Application submitted to CEC	CEC decision	No of signatures	Null and void signatures
1	Usatii Renato	PN	03.09.2020	07.09.2020	1236 of 13.09.2020	24,105	14%
2	Nastase Andrei	PPDA	03.09.2020	07.09.2020	4235 of 13.09.2020	25,000	17%
3	Deliu Tudor	PLDM	03.09.2020	14.09.2020	4272 of 19.09.2020	21,396	18%
4	Dodon Igor	IC	11.09.2020	21.09.2020	4303 of 28.09.2020	25,000	9%
5	Ivanov Violeta	PPS	09.09.2020	22.09.2020	4305 of 29.09.2020	25,000	15%
6	Sandu Maia	PAS	03.09.2020	23.09.2020	4307 of 30.09.2020	25,000	11%
7	Ticu Octavian	PUN	03.09.2020	29.09.2020	4321 of 05.10.2020	19,703	18%
8	Chirtoaca Dorin	BE Unirea	03.09.2020	29.09.2020	4322 of 05.10.2020	23,930	25%

According to CEC Decisions on the registration of candidates, the smallest number of null and/or void signatures was collected in favour of Igor Dodon (IC (9%)), while the greatest number of null and/or void signatures was collected in favour of Dorin Chirtoaca (BE Unirea (25%)). A share of 16% of the signatures collected in the context of the presidential election of 1 November 2020, and verified by CEC, were rejected as null and void. The average amount of null and void signatures increased, compared to the 2016 presidential election from 12% (in 2016) to 16% (in 2020).

IV. ELECTORAL LITIGATIONS

According to CEC website, no complaints were registered with the Central Electoral Commission during the reference period. However, Promo-LEX analysed an application filed by Andrian Candu (Pro Moldova) and a request submitted by Dorin Chirtoaca (BE Unirea). The application was rejected and the request was not even registered as an appeal. Also, on 10 October 2020, one month later, CEC issued an answer regarding the two notifications submitted on 9 September 2020.

During the reference period, Chisinau Court of Appeal and the Supreme Court of Justice reviewed at least 8 appeals on: the registration of initiative groups and election contenders, establishment of polling stations for the voters from the left bank of Nistru River, CEC Circular Letter No 2796 of 15 September 2020 on how political parties may fund their nominated candidate; and refusal to register election contenders, check of the pre-registration for the polling stations from the Russian Federation, etc. The deadlines for solving the appeals filed with the Court of Appeal and with the Supreme Court of Justice were observed in most of the cases.

4.1. Appeals submitted to the Central Electoral Commission

According to CEC website, no complaints were registered with the Central Electoral Commission during the reference period. Still, we believe it worthwhile to look into some requests, requests or notifications filed with CEC regarding CEC activity and the actions of certain election contenders.

- **CEC registered, on 6 October, the request filed by Andrian Candu calling on CEC to revoke the disadvantageous and illegal individual administrative act** – i.e. Decision No 2643 of 18 September 2020 – whereby the requester was refused registration as election contender. The request said that the candidates Octavian Ticu and Dorin Chirtoaca were registered, although when the signature sheets were being verified, they stated that they would not be registered. The reason for not being registered was the preliminary number of valid signatures that was below the registration threshold. The request also made reference to the statements made by a CEC member that ‘Alegeri’ [‘Elections’] State Automated Information System and the operators are prone to error, and that CEC, despite the flaws of this system, applied – in verifying the signature sheets – a different (favourable) treatment to the candidates named by the requester compared to other nominated candidates, having thus committed an act of discrimination.

This request was dismissed as unfounded by CEC Decision No 4332 of 9 October 2020. CEC explained in its Decision that Andrian Candu, Dorin Chirtoaca and Octavian Ticu were all subject to equal treatment. According to CEC, the similar treatment implies that the signature sheets were made available for repeated verification, and that protocols were drafted listing the reverified sheets and the objections of the initiative group regarding the errors found. While reviewing the request, CEC sought the opinion of other election contenders about whether they felt they were applied similar or differentiated treatment in the process of reverification of signatures.

Promo-LEX OM believes that the election contenders’ perceptions cannot serve as grounds for tackling a request to CEC as the former did not participate in the verification and repeated verification of signatures concerning all election contenders. We remind that Promo-LEX OM drew attention to system errors and underscored, on the occasion of the parliamentary elections of 24 February 2019, that it was imperative to approve a regulation on the software for checking the validity of collected signatures, having also mentioned how the data generated by the system could be cross-checked. The right of an election contender to be elected is thus undermined by the results generated by an imperfect system, without one being able to exercise their right to effective remedy.

Promo-LEX OM points out that the protocols on the repeated verification of signature sheets submitted by Octavian Ticu and Dorin Chirtoaca, information notes and CEC decisions do not provide enough information to determine the number of initially invalidated signatures that were subsequently declared valid. Such insights are important to understand what is the error level caused by the system and by the human factor. Still, according to the election contender nominated by BE Unirea, the preliminary results provided by CEC on 2 October showed that 15,248 signatures from across 7 districts were valid. However, CEC Decision No 4322 of 5 October 2020 on the registration of Dorin Chirtoaca specified that 17,253 signatures were valid. Therefore, as no request

to reverify the signature sheets was filed, it turns out that 2005 signatures (11.6%) were invalidated groundlessly.

Considering the aforementioned, the results generated by this system are obviously not absolute. CEC needs to put in place a reverification mechanism that would work even without requests to this end from election contenders. There should also be some provisions in place to allow election contenders to challenge the results generated by the system.

- **Dorin Chirtoaca**, candidate to the position of President of the Republic of Moldova, **filed a request with CEC on 9 October 2020**. He demanded to annul the registration of Igor Dodon as candidate under Article 72(5) of the Electoral Code, claiming that foreign funds and undeclared resources were used by the former. As of 13 October 2020, the claims were not registered as appeal, and no answer was published as to their review.

- **An answer was provided on 10 October with regards to two notifications** submitted on 9 September regarding the involvement of a foreign national in electioneering and on the dissemination of election materials that did not carry typographical data. *The fact that it took a month to inquire into a notification filed in the election period with regards to a contender in the presidential race is alarming.*

In its letter, CEC underscored that the allegations were not against an election contender since at that time the candidate nomination and initiative group establishment were just under way. With regards to the electoral materials, CEC informed that it would check whether leaflet printing expenses appears in the financial statements of the party concerned.

4.2. Appeals filed to court

During the reference period, Chisinau Court of Appeal and the Supreme Court of Justice reviewed appeals on: *the registration of initiative groups and election contenders, establishment of polling stations for the voters from the left bank of Nistru River, CEC Circular Letter No 2796 of 15 September 2020 on how political parties may fund their nominated candidate; and refusal to register election contenders, check of the pre-registration for the polling stations from the Russian Federation, etc. The deadlines for solving the appeals filed with the Court of Appeal and with the Supreme Court of Justice were observed in most of the cases.*

- On 29 September 2020, **Andrei Nastase** – presidential candidate – brought to Chisinau Court of Appeal a lawsuit in administrative court seeking, *inter alia*, the partial annulment of CEC Decision No 4301 of 26 September 2020 as illegal in respect of establishing/opening a total number of 42 polling stations for voters from settlements on the left bank of Nistru River (Transnistria), and that CEC be imposed to change the number of polling stations for those voters. The appellant underscored that no mention was made about the number of voters entitled to vote registered in the SRV and the citizens entitled to vote that were pre-registered in the CEC Decision concerned. Chisinau Court of Appeal pronounced a court resolution on 2 October 2020 declaring the appeal inadmissible, because the appellant did not comply with the legal procedure on initiating a lawsuit pursuing the issuance of an administrative act. Upon appeal filed with the Supreme Court of Justice, the SCJ Collegium of Civilian, Commercial and Administrative Proceedings accepted the second appeal and annulled the resolution of Chisinau Court of Appeal.

On 8 October 2020, Chisinau Court of Appeal issued a Decision rejecting the court action as groundless, declaring that the administrative act – the challenged part of which was regulatory – was legal and pronounced in compliance with the powers of the authority empowered for that purpose and that there were no grounds for annulling it. It explained that the court action initiated by the appellant proposed restricting the right to vote of voters living on the left bank of the Nistru River. The Chisinau Court of Appeal mentioned that upon filing the said appeal, the appellant did not specify what right of his was injured by the challenged decision and not even his representative in court was able to defend the violation of the appellant's right by the challenged administrative act. Following the appeal against the last decision of the Chisinau Court of Appeal, the Supreme Court of Justice pronounced, on 12 October, a resolution declaring the second appeal inadmissible.

- On 28 September 2020, **Serghei Toma** – POM presidential candidate – filed an appeal against CEC, seeking the annulment of certain decisions on initiative group registration. On 30 September 2020, the Chisinau Court of Appeal pronounced the action concerning the run-out of the statute of limitation provided for by the law inadmissible. Upon the second appeal filed with the

Supreme Court of Justice, the SCJ Collegium of Civilian, Commercial and Administrative Proceedings rejected the second appeal on 4 October 2020.

- As regards the appeal filed by **Unirea Electoral Bloc and the Liberal Party** with regards to the pre-registration of voters in the context of establishing polling stations in the Russian Federation, the Chisinau Court of Appeal issued, on 30 September 2020, a resolution pronouncing the action inadmissible as the appellants hadn't filed a preliminary request demanding the mandatory verification of all pre-registration applications submitted in relation to establishing polling stations in the Russian Federation.

- On 3 October, the Supreme Court of Justice pronounced inadmissible the second appeal filed by **Andrian Candu and Serghei Sirbu** against the Court of Appeal Decision of 28 September 2020. We remind that the Decision of the Chisinau Court of Appeal rejected the request to annul the CEC Decision declining the registration application of Andrian Candu as candidate.

- As regards the appeal filed by **PLDM and PL** seeking the annulment of CEC Circular Letter regarding the receipt of donations and making of expenses by election candidates in the presidential election of 1 November 2020 – the SCJ issued on 3 October 2020 a decision rejecting the filed second appeal. The resolution of the Chisinau Court of Appeal of 29 September 2020 – which established that the appeal was inadmissible because the circular letter concerned could not be viewed as an administrative act – was reckoned as well-founded. According to both courts, the CEC Circular Letter did not qualify as **administrative activity** in the meaning of Article 5 of the Administrative Code, and that it was a mere doctrinal approach, a theoretical interpretation of the Electoral Code, which meant that it did not have a binding effect. That circular letter neither inflicted changes on the already existing legal situation, nor did it give rise to a legal situation that did not exist before it was issued, as it only restated the provisions of the Electoral Code. The court emphasised that although the challenged circular letter was addressed to 'election contenders, political parties and those in charge of the finances of election contenders', **it did not carry a binding effect on those concerned.**

- On 5 October, the Chisinau Court of Appeal issued a resolution pronouncing the administrative proceeding action filed on 1 October by **Vladimir Arseni** with the Central Electoral Commission with regards to the obligation to release signature sheets and to having been deprived of the right to be elected. We mention that the action was pronounced inadmissible because the appellant did not address certain deficiencies. Upon appeal filed with the Supreme Court of Justice, on 10 October, the SCJ Collegium of Civilian, Commercial and Administrative Proceedings pronounced inadmissible the second appeal as the essence and grounds of the second appeal had not been specified.

- On 5 October 2020, **PLDM** filed an appeal against the Central Electoral Commission, seeking the confirmation of the fact that CEC did not examine by the deadline set by the law the PLDM application on the registration of trustees, and seeking that the CEC be imposed to examine that application. The resolution of 8 October 2020 issued by the Chisinau Court of Appeal pronounced that action inadmissible as the appellant could not allege the violation of a right by administrative activity. PLDM challenged this resolution by second appeal with the SCJ on 9 October 2020 as it believed it to be unlawful. Having examined the second appeal, the SCJ issued a decision rejecting it on 11 October 2020.

*Note that the deadlines for settling appeals filed with the Court of Appeal and with the Supreme Court of Justice were observed in most of the cases. However, the deadlines were **exceeded insignificantly** by one day in two cases (Supreme Court of Justice).*

V. STATE REGISTER OF VOTERS

It is in the context of the presidential election of 1 November 2020 that CEC has for the first time published the number of SRV voters more often than twice a year. In 2016, CEC started communicating the number of voters in the SRV twice a year – in March and in August, as a rule. Until this report was released, CEC had managed to announce the number of voters in the SRV four times: in July, August, September and October 2020.

The fluctuations in the number of voters in the SRV had been uneven over those four months. For instance, it increased in August by about 4,000 voters, then decreased by 3,000 voters in September.

In terms of voter categories – same as in previous instances – the number of voters registered in level-two ATUs decreased, while the number of voters without domicile kept increasing (including people abroad), as did the number of voters in the transnistrian region (see Table 3).

Table 3. Dynamics of voter numbers from 2016 to 2020, on the basis of SRV data

<i>Date</i>	<i>Total No of voters</i>	<i>Voters in level-two ATUs</i>	<i>Dynamics</i>	<i>Voters without domicile/place of residence</i>	<i>Dynamics</i>	<i>Voters in the transnistrian region</i>	<i>Dynamics</i>
22.08.2016	3,237,032	2,854,557		160,673		221,842	
01.09.2017	3,255,361	2,873,707	19,150	155,683	-4,990	225,971	4,129
10.12.2018	3,265,997	2,824,874	-48,833	210,890	55,207	230,233	4,262
22.08.2019	3,285,894	2,818,228	-6,646	224,250	13,360	243,416	13,183
01.07.2020	3,285,874	2,808,009	-10,219	228,852	4,602	249,013	5,597
01.08.2020	3,286,304	2,807,728	-281	229,570	718	249,006	-7
02.09.2020	3,290,312	2,810,689	2,961	230,384	814	249,239	233
08.10.2020	3,287,140	2,798,306	-12,383	232,631	2,247	256,203	6,964

Although the number of voters in level-two ATUs has been decreasing constantly – by 8,000 voters a year on average, the number of voters without domicile (including those abroad) and of voters living in the transnistrian region has been increasing constantly by 10,000 voters (no domicile), and by 5,000 voters (transnistrian region) respectively a year on average.

We reiterate³⁰ the concerns around the quality of SVR data because around 15% of the total number of voters consist of those living in the transnistrian region and of those that have no domicile (including those that migrated legally out of the country).

³⁰ [Analysis](#) of the data on the total number of voters registered in the SRV as of 1 July 2020.

VI. PUBLIC ADMINISTRATION

Promo-LEX OM found that at least 355 electoral offices (18%) established on the territory of the Republic of Moldova have no member appointed by the local councils, and in the case of 217 electoral offices (11%) the number of members appointed by LPAs is less than three members. However the law requires that at least three candidates for PEB members be nominated by the local councils.

Note that none of the PEB established by DEC No 1 Chisinau has any members appointed by the LPA. According to Promo-LEX observers, in the absence of a municipal council's decision on this matter, the absolute majority of PEB members were appointed from the Register of Electoral Officials (REO), managed by CEC. In this context, the question arises as to whether those persons were really in the REO, or whether the procedure for appointing on the basis of this register is a formality only. Note that the non-transparent compilation of the REO by CEC was flagged by Promo-LEX back in the 2016 presidential election.

6.1. Election organisation activities involving the local public administration

Until 13 October, Promo-LEX observers visited 235 level-one LPAs. In terms of LPA activities in the context of the presidential election, the observers reported:

With regard to the decision on places for electoral posters. A number of 24 mayoralties (10%) did not adopt a decision on places for electoral posters. Other 58 mayoralties (25%) did not make available yet at the premises of the LPA the decisions made with regards to places for electoral posters. No places for electoral posters were prepared in 44 ATUs (19%). There is still not enough space for electoral advertising (1 sq.m. per election contender) in 18 ATUs.

With regard to the decision on venues for meetings with voters. At least 22 mayoralties (9%) did not approve yet decisions on venues for meeting with voters. Other 61 mayoralties (26%) did not make available yet such decisions at the premises of the LPA.

With regard to the use of the venues for meetings. In 7 settlements the venues were already used for meeting with voters. They were used by PAS (1 – for free), PPS (1 – for free), PPPDA (1 – for free), PUN (1 – for free), PSRM (3 – for free).

6.2. LPA duties in appointing members to electoral bodies

According to Article 30(10) of the Electoral Code, 3 members of the electoral office of the polling station shall be nominated by local councils. The other members of the electoral office of the polling station are to be proposed by political parties and other socio-political organisations represented in the Parliament – one from each party or other socio-political organisation. If there are not enough members, then CEC shall nominate officials from the REO to fill in the missing members.

Having looked over the decisions establishing PEB, Promo-LEX OM found out that not one member was appointed by the local councils in 355 PEB (18% of the total 2004 PEB). Of these PEB, 305 (86%) are in Chisinau Municipality.

Note that according to the establishing decision, the members of all PEB set up by DEC No 1 in Chisinau Municipality must be appointed either by the parliamentary political parties or on the basis of the REO. According to Promo-LEX observers, Chisinau Municipality LPA was not able to nominate any members to PEB because the municipal council had not made a decision to such end. Therefore, the member positions that were supposed to be filled out as decided by the LPA, were ultimately filled out on the basis of the REO that is managed by CEC. In this context, the question arises as to whether those persons were really in the REO, or whether the procedure for appointing on the basis of this register is a just perfunctory. Note that the quality of REO was already tackled by the Promo-LEX OM back during the 2016 presidential election. In its final report, the OM highlighted the 'lack of

transparency in the establishment of the Register of Electoral Officials (REO) and the setting up, according to it, of lower-level electoral bodies³¹.

Promo-LEX OM also identified 217 PEB (11%) where the local councils appointed less than three members.

³¹ [Final Report](#). Promo-LEX Observation Mission in the presidential election of Moldova of 30 October 2016, p. 25.

VII. ELECTION CONTENDERS

During the first 12 days of campaign, Promo-LEX observers reported at least 595 electoral activities, almost a five-fold increase as compared to the last two weeks of signatures collection by IGs. Most activities (80%) were carried out by three candidates: Igor Dodon (IC) – 229 (39 %), by Renato Usatii (PN) – 130 (22%), Maia Sandu (PAS) – 114 (19%). Promo-LEX OM reported repeatedly the involvement of PSRM – a party that did not nominate any candidates, in the election campaign of Igor Dodon IC. In addition, Promo-LEX OM draws attention to at least 6 cases that can qualify as violation of the public health rules established by the Extraordinary Territorial Commissions of Public Health with regards to meetings, concerning Igor Dodon (IC) – 3 cases; Maia Sandu (PAS) – 2 cases; and 1 case – Tudor Deliu (PLDM).

The observers reported at least 1,554 cases in which electoral advertising was used. According to the observers, the most active (75%) were the same three candidates: Igor Dodon (IC) – 525 (34 %), Maia Sandu (PAS) – 322 (21%) and Renato Usatii (PN) – 309 (20%).

The observers identified at least 18 cases regarded as use of administrative resources, of which: 14 – Igor Dodon (IC), Tudor Deliu (PLDM), Renato Usatii (PN), Andrei Nastase (PPPDA), and Violeta Ivanov (PPS) – one case each. It is about the involvement of the public sector employees in election campaign activities during the working hours (13 cases) and taking credits for works/services provided from public money (5 cases).

Promo-LEX observers reported at least seven cases when images of foreign officials and images with state institutions/symbols were used. Of these, Maia Sandu (PAS), Andrei Nastase (PPPDA) and Dorin Chirtoaca (BE Unirea) were concerned in two cases each, and in one case – Tudor Deliu (PLDM).

At least two cases involving representatives of one religious cult in the election campaign of the candidate Igor Dodon (IC) were also reported.

7.1. Electoral activities conducted

During the reference period that spanned between 30 September and 13 October 2020, Promo-LEX observers reported at least 595 electoral activities promoting registered candidates (see Table 4).

Table 4. Conducted electoral activities

No	Activities	Igor Dodon (IC)	Renato Usatii (PN)	Maia Sandu (PAS)	Andrei Nastase (PPPDA)	Violeta Ivanov (PPS)	Tudor Deliu (PLDM)	Octavian Ticu (PUN)	Dorin Chirtoaca (BE UNIREA)	Total
1	Dissemination of electoral materials	125	92	70	26	19	2			334
2	Meetings with citizens	69	22	21	14	18	14			158
3	Door-to-door activities	32	7	11	2					52
4	Posting of electoral posters		7	8	4	6	1			26
5	Press conferences	1	1	3	2	2	1	2	2	14
6	Electoral debates		1	1	2		1	1	1	7
7	Flashmobs							1		1
8	Social stores					1				1
9	Surveys	1								1
10	Cleaning activities	1								1
	Total	229	130	114	50	46	19	4	3	595

According to observers' accounts, most activities were carried out by: Igor Dodon IG (IC) – 39%, Renato Usatii (PN) – 22% and Maia Sandu (PAS) – 19%. Distributed by regions, 33% of activities were reported in Chisinau, 6% – in Edinet, 5% – in Causeni.

Endorsement of Igor Dodon (IC) by PSRM. Promo-LEX observers reported at least 86 activities (38% of the total activities carried out by this candidate) of PSRM endorsing the candidate Igor Dodon, who was nominated as an independent candidate. Of these, 32 were electoral assemblies carried out by PSRM representatives (MPs, municipal councillors, etc.).

We reiterate that PSRM did not nominate a candidate for the presidential election of 1 November 2020.

7.2. Activities that can qualify as use of administrative resources for electoral purposes

At least 18 cases that can qualify as use of administrative resources (13 – Igor Dodon (IC), Tudor Deliu (PLDM), Renato Usatii (PN), Andrei Nastase (PPPDA), Violeta Ivanov (PPS) – one case each) were noticed during the monitored period:

- *Involvement of public sector employees in election campaigning during their working hours* – 13 cases (Igor Dodon (IC) – 9 cases; Tudor Deliu (PLDM), Renato Usatii (PN), Andrei Nastase (PPPDA) and Violeta Ivanov (PPS) – once case each).

Igor Dodon (IC): **1**) the launching of Igor Dodon (IC) campaign, held on 2 October 2020, was attended by Irina Vlah, Governor of ATUG, during her working hours; **2**) Alexandr Matarin, Mayor of Anenii Noi Town, organised – between 7 and 9 October 2020, during working hours – electoral assemblies with voters from Anenii Noi in support of the candidate Igor Dodon (IC); **3**) the Deputy President of Leova District, Aliona Briceag, spread newspapers in pursuit of promoting the independent candidate Igor Dodon, during her working hours on 5, 6, 7, and 9 October 2020; **4**) on 6 October 2020, the candidate Igor Dodon (IC) organised electoral assemblies with voters from the villages of Cismichioi and Etulia, Vulcanesti. Irina Vlah, Governor of ATUG participated in those events too, during her working hours; **5**) on 2 October 2020, a voter assembly was organised in the village of Condruta, Chisinau Municipality, which was also attended by the Mayor of Condruta, Andrei Donica, during his working hours.

Tudor Deliu (PLDM): on 8 October 2020, a voter assembly was held in the village of Chistelnita, Telenesti District, which was attended, during working hours, by Vadim Lelic – Mayor of Telenesti Town, and by Constantin Ciobanu – Mayor of Chistelnita.

Renato Usatii (PN): on 6 October 2020, Ivan Belciug – Mayor of Donduseni Town, disseminated – during working hours – PN newspapers favouring the candidate Renato Usatii (PN).

Andrei Nastase (PPPDA): on 8 October 2020, the candidate Andrei Nastase (PPPDA) organised a voter assembly with the staff of Criuleni District Hospital during working hours.

Violeta Ivanov (PPS): on 6 October 2020, a voter assembly was held in the village of Trinca, Edinet District, which was attended, during working hours, by Anatolie Gudumac – Mayor of Trinca.

- *Taking credit for works/services provided from public money* – 5 cases: Igor Dodon (IC).

On 5 October 2020, 4 video spots were uploaded to the YouTube account of Igor Dodon (IC) touting the merits of this candidate in the 'Prima Casa' project³², the financial and trade support provided to farmers (in relation to the Russian Federation)³³, the financial aid to pensioners³⁴, and the increase in the salaries of health workers³⁵.

³² [Игорь Додон](#) – Надежный Президент. Вместе мы справимся (Гагаузия) [Igor Dodon – a reliable president. Together we can make it!].

³³ [Igor Dodon](#) – Președinte Responsabil. Împreună vom reuși! (Rascani) [Igor Dodon – a reliable president. Together we

On 13 October 2020, after voter assemblies, the following message was posted on the social media accounts of Igor Dodon (IC): *I particularly remarked an important accomplishment of the team: the initiation of the staggered doubling of all health workers' salaries. Our health workers already received a 30% salary raise in October. Starting next year they will be granted another 30% raise, and then a 40% raise in the first quarter of 2021. This is only one example of our attainments. More instances of this kind have taken place and many more are coming.*

7.3. Activities that can qualify as promotion using images of foreign nationals and foreign and state symbols

According to Article 52(8) of the Electoral Code, images that represent state institutions or public authorities, both from the country and from abroad, as well as international organisations, may not be used for electoral advertising. The combinations of colours and/or sounds that invoke national symbols of the Republic of Moldova or any other state, the use of materials with historical personalities of the Republic of Moldova or from abroad, symbols of other foreign countries or international organizations, or the image of some foreign officials is prohibited.

In this context, note that during the monitored period, Promo-LEX OM spotted at least 5 contenders and 7 activities that made use of the image of foreign officials and foreign and state symbols. However, as reported in the context of the previous observation missions, according to Promo-LEX, the legislator should review the content of the restrictions in question, so that they are clearer, more explicit and take into account the general framework that regulates the freedom of expression. When the restrictions are inappropriate and almost impossible to apply, the legislator could consider abolishing them³⁶.

Using the image of foreign officials in electoral advertising (one case). The observers reported one case involving the PAS candidate – Maia Sandu. Her endorsement was expressed in the use of the image of Annegret Kramp-Karrenbauer – Chairperson of the Christian Democratic Union (Germany). On 12 October 2020 a message of support in favour of Maia Sandu (PAS)³⁷ was posted on the party's social media account. That post was then shared across social media by Mihai Popusoi – PAS Deputy Chairperson.

Using images that represent state institutions or symbols in electoral advertising (six cases). In their campaign launching events, Maia Sandu (PAS) and Andrei Nastase (PPPDA) played the state anthem and flew the Moldovan flag. In addition, on 5 October 2020, Andrei Nastase (PPPDA) included the image of the Presidential seat of the Republic of Moldova in a promotional livestream on social media.

The third candidate concerned – Dorin Chirtoaca (BE Unirea) used the image of the Parliament in the initial launching event (7 October 2020), but at the launching event attended by the members of the bloc (9 October 2020) the anthem of Romania was played and the flags of Moldova and of the EU were flown.

Tudor Deliu (PLDM) also flew the flags of the EU and of Moldova in a voter assembly in Straseni (4 October 2020).

can make it!].

³⁴ [Igor Dodon](#) – Preşedinte Responsabil. Împreună vom reuşi! (Criuleni) [Igor Dodon – a reliable president. Together we can make it!].

³⁵ [Igor Dodon](#) – Preşedinte Responsabil. Împreună vom reuşi! (Stefan Voda) [Igor Dodon – a reliable president. Together we can make it!].

³⁶ [Final Report](#). Observation Mission for the New Local Elections of 20 May (3 June) 2018, p. 26. [Report 3](#). Observation Mission of the Presidential Election in the Republic of Moldova of 1 November 2020.

³⁷ The [CDU](#) supports @sandumaiamd in the upcoming presidential election in the Republic of Moldova.

7.4. Involvement of religion in the election campaign

At least two cases were reported to have happened during the monitoring period that involved the use of religion in the election campaign. Igor Dodon (IC) was concerned in both of them.

We mention that on 6 October 2020, in voter assemblies in Etulia township, ATUG, the local priest delivered a message endorsing the candidate Igor Dodon (IC), having particularly focused on his the latter's contribution to infrastructure development, support, as well as to his catering for the family and religious values of the Moldovan people.

In one case reported on 6 October 2020, the church workers were told by the priest of 'Sfanta Treime' from the village of Cupcini, Edinet District, to send to parishioners messages announcing them about an approaching church service and the forthcoming visit of the metropolitan and of the candidate Igor Dodon (IC). That visit took place on 10 October 2020. On that occasion, the church service was followed by an electoral assembly of Igor Dodon (IC) with the parishioners in the yard of the church.

Note that during the monitoring period, Igor Dodon (IC) met with priests in religious venues on at least four other occasions³⁸.

7.5. Cases that can qualify as violation of the public health protection rules imposed by the Territorial Extraordinary Public Health Commission (TEPHC)

By the Extraordinary National Extraordinary Public Health Commission (NEPHC) Decision No 33 of 28 September 2020, the Territorial Extraordinary Commissions of Public Health (TEPHC) were assigned the task to set up public health measures in line with the COVID-19 Preparedness and Response Plan according to the alert code applied to the administrative territory they covered³⁹.

Therefore, every TEPHC was to pass decisions on the measures to be observed at local level. By the time this report was published, Promo-LEX observers had managed to identify at least four level-two ATUs (Cahul, Rezina, Telenesti and Calarasi) where public assemblies were prohibited. Note that on 28 September 2020, the NEPHC had put those four level-two ATUs under Red Code because of the infected people to total number of inhabitants ratio.

Nevertheless, at least 6 cases of election contenders participating in electoral assemblies in the regions where assemblies had been prohibited by the TEPHC were reported during the monitoring period. Igor Dodon (IC) was involved in 3 of those cases, in Cahul; Maia Sandu (PAS) took part on 2 other cases also in Cahul; Tudor Deliu (PLDM) was concerned in one case in Telenesti District.

7.6. Outdoor/promotional/on-line advertising

The observers reported at least 1,554 cases in which electoral advertising was used during the monitoring period. According to observers' accounts, most cases involved: Igor Dodon (IC) – 34%, Maia Sandu (PAS) – 21%, Renato Usatii (PN) – 20% (see Table 5).

³⁸'Sfantul Vasile cel Mare' ['Saint Basil The Great'] Church, Edinet ; 'Acoperamantul Maicii Domnului' ['Protection of the Mother of God'] Church, Grinauti, Ocnita; Condrita Monastery, Chisinau; 'Sfanta Treime' ['The Holy Trinity'] Church, Cupcini, Edinet.

³⁹ [NEPHC Decision](#) No 33 of 28 September 2020.

Table 5. Data on the use of advertising

No	Advertising	Igor Dodon (IC)	Maia Sandu (PAS)	Renato Usatii (PN)	Violeta Ivanov (PPS)	Andrei Nastase (PPPDA)	Tudor Deliu (PLDM)	Octavian Ticu (PUN)	Dorin Chirtoaca (BE UNIREA)	Total
1	Newspapers, leaflets, brochures, posters, etc.	216	105	122	34	47	15			539
2	Jackets, bags, caps, etc.	167	84	67	18	34	3			373
3	Tents	90	30	25	16	18				179
4	Sponsored advertising	6	78	32	26	23				165
5	Banners	2	17	25	45	6	12	4	1	112
6	Video spots	40	2	38	5	3	1			89
7	Billboards		2		69	7				78
8	Online banners	4			7	2				13
9	LED Advertising Screens/CityLight		3			2				5
10	Print media/online advertising		1							1
Total		525	322	309	220	142	31	4	1	1,554

7.7. Instances that can qualify as use of electoral advertising in violation of the law

According to CEC Regulation on the Location of Electoral Advertising and Political Promotion Materials on Advertising Billboards⁴⁰, posting advertising on fences, poles and other types of constructions, as well as on devices and equipments, regardless of the type of ownership is prohibited.

Promo-LEX observers found at least 9 instances where the provisions on advertising were violated. Violeta Ivanov (PPS) was concerned in 4 of them, Renato Usatii (PN) – in 3, and Andrei Nastase (PPPDA) and Maia Sandu (PAS) – in one case each.

7.8. Cases that can qualify as intimidation of contenders amid election campaign

According to the reports drafted by Promo-LEX OM observers, at least two cases of intimidation/violence occurred. The target was the team of candidate Maia Sandu (PAS).

On 10 October 2020, on the basis of a preliminary statement submitted to Stefan Voda Town Hall, members of Stefan Voda PAS set up a tent to hand out electoral materials. Shortly after, PSRM representatives showed up, determined to set up their own tent five meters away. In a little more while, the President of Stefan Voda District – Vasile Maxim, appointed by PSRM, made his appearance on site. He demanded PAS representatives to dismantle their tent or see it being taken down otherwise. The law enforcement authority was summoned on site thereafter, and having checked the documentation, it ordered the dismantling of the PSRM tent. Mad at the outcome, Vasile Maxim returned and – in front of several other people – rebuked PAS members, saying that they didn't know their place.

The other case occurred when the team of candidate Maia Sandu (PAS) was handing out information materials about her in the central district of Chisinau on 10 October 2020. The team of Igor Dodon (IC) was doing the same close by. At one point, one member of Igor Dodon (IC) team showed an aggressive behaviour against the electioneers of Maia Sandu (PAS), and also tore one copy of the newspapers that the PAS team was handing out.

⁴⁰CEC [Regulation](#) on the Location of Electoral Advertising and Political Promotion Materials on Advertising Billboards, approved by CEC Decision No 3328 of 28 April 2015.

VIII. FUNDING OF THE ELECTION CAMPAIGN

According to the information published on the official website of CEC, during the observation period, 6 of 8 election contenders submitted weekly reports: Renato Usatii (PN), Andrei Nastase (PPPDA), Maia Sandu (PAS), Violeta Ivanov (PPS), Tudor Deliu (PLDM) and Igor Dodon (IC). One contender – Dorin Chirtoaca (BE UNIREA) submitted a notification that he had not opened ‘Electoral Fund’ account as of that date. In non-compliance with the legal requirements, Octavian Ticu submitted neither a report, nor a notification on not having incurred any expenses.

According to the reports submitted to CEC, the revenues declared by election contenders for the first week of election campaign amount to MDL 10,092,911; of which MDL 1,302,239 are revenues in the form of free goods and services. Promo-LEX OM also found that 566 individuals donated MDL 7.68 million in cash, of whom six donors being foreign nationals. Candidates (Maia Sandu, Andrei Nastase and Tudor Deliu) also received money from the parties’ accounts and only one candidate (Maia Sandu) received donations from legal entities. All candidates received donations in commodities and services.

PROMO-LEX OM found a transfer of MDL 900,000 from the current account of PAS into ‘Electoral Fund’ account of candidate Maia Sandu (PAS). This amount exceeds the ceiling of MDL 95,436 set for legal entities in the CEC Circular Letter of 15 September 2020. As of the date when this report was prepared, CEC had not examined the contenders’ reports submitted on 9 October 2020.

Promo-LEX OM emphasises that reporting in-kind donations or free services is a positive practice for a transparent election campaign. However, reporting such donations outside the ‘Electoral Fund’ account puts at risk the accuracy of reporting and might serve as a way to circumvent the rules on the basis of which the financial flows in the ‘Electoral Fund’ account are verified. This account is the only instrument that can be used to track the money used for the election campaign.

Promo-LEX has repeatedly given emphasis to the fact that none of the election contenders neither reported expenses for electioneers, nor reported their services as in-kind donations. Thus, 6 election contenders failed to report in full their campaign expenses in the total amount of at least MDL 809,477.

8.1. Regulatory framework

Maximum limits for revenue accumulation. Remember that for the current election campaign, the general threshold of the funds than can be transferred into the ‘Electoral Fund’ account is MDL 18.93 million⁴¹. As regards the rules of collecting donations by electoral candidates from legal entities and individuals, including cash donations, note that an individual may donate at least six average monthly salaries for 2020 (MDL 47,718), of which three salaries (MDL 23,859) can be donated in cash while the rest of donations should be made by banking transfer or in commodities or services. A legal entity may donate at least 12 average monthly salaries (MDL 95,463)⁴². Legal entities may place funds on the ‘Electoral Fund’ account only by bank transfer, together with an information note on the non-existence of state, foreign or mixed quota within the share capital and with an affidavit on the lack of restrictions mentioned at letter d) of the Electoral Code. Legal entities transferring funds to the ‘Electoral Fund’ account shall inform its shareholders or members about such operations.

Reporting the funds on the party’s current account at the beginning of the election campaign. According to the Article 43(7) of the Electoral Code, throughout the election campaign, political parties have the right to accept donations only directly on the ‘Electoral Fund’ account, in line with to the rules set by the current regulatory framework. The political party may transfer to its ‘Electoral Fund’ account its own financial resources, held on its account at the beginning of the election campaign, provided that the financial statement is submitted to the Central Electoral Commission, which contains the date mentioned in para (1) of the same Article.

⁴¹ [CEC Decision No 4153](#) establishing the general ceiling for funds that can be transferred to ‘Intended for the initiative group’ and ‘Electoral Fund’ accounts of election contenders for the presidential elections of 1 November 2020.

⁴² Article 41(2)(e) and (10) din [Electoral Code](#).

Opening special accounts ‘Electoral Fund’ and appointing treasurers. The election candidates shall open an ‘Electoral Fund’ bank account, and transfer on it their own funds, as well as other funds received as prescribed by law, from individuals – Moldovan citizens or legal entities, and shall inform CEC about the persons responsible for their funds (the treasurer). Election candidates may not be appointed as treasurers. The account marked as ‘Electoral Fund’ may be opened until the registration of the electoral competitor, provided that the receipts and expenses on this account are made only after its registration. The election contender who does not open a bank account with the mention ‘Electoral Fund’ shall inform CEC about this and shall carry out only electoral campaign or promotion activities that do not imply financial expenses⁴³.

Financial reporting during the election campaign. The reporting rules of election contenders are determined by the Electoral Code and by the CEC Schedule. Thus, according to Article 43(1) of the Electoral Code, within three days after opening the account with the mention ‘Electoral Fund’ and further, every week, the election contenders shall submit to CEC reports of the financing of election campaign, in electronic format and in paper form, according to the sample report approved by CEC. The reports for the entire election campaign shall be submitted to CEC at least two days before the election day.

8.2. Submitting the financial statement of the political party at the beginning of the election campaign

Promo-LEX OM notes that until 13 April 2020, two parties (PN⁴⁴ and PAS⁴⁵) submitted the financial statements on their own funds collected until the beginning of the election period – 2 October 2020, stating the revenues, expenses and donors. Thus, in accordance with the legal provisions in force, only two out of eight registered election contenders have the right to receive into their ‘Electoral Fund’ accounts funds from the current accounts of parties that nominated them. These two contenders are Renato Usatii (PN) and Maia Sandu (PAS).

8.3. Opening bank accounts and appointing treasurers

According to the data published on the official website of CEC, Promo-LEX OM found that all eight registered election contenders confirmed their treasurers with CEC by 13 October 2020. Only five contenders opened ‘Electoral Fund’ accounts (Renato Usatii (PN), Andrei Nastase (PPPDA), Maia Sandu (PAS), Igor Dodon (IC) Tudor Deliu (PLDM)), and all of them complied with the legal provision to submit the initial financial statements, three days after opening the ‘Electoral Fund’ account, as provided by Article 43(1) of the Electoral Code.

Promo-LEX OM reported the difficulty the candidate Violeta Ivanov (PPS) faced when she was not able to open the ‘Electoral Fund’ account due to the refusal of commercial banks to open such an account. CEC correspondence⁴⁶ shows only requests from NBM and one media outlet that ask for the clarification of the situation by CEC.

Note that as of 11 September 2020, during the activity of initiative groups, Promo-LEX OM found that⁴⁷ Violeta Ivanov IG (PPS) filed a request mentioning that IG was waiting for the opening of the bank account ‘Intended for the initiative group’.

However, on 6 October 2020, during the meeting for the examination ⁴⁸ of the reports submitted on 2 October 2020, CEC mentioned that ‘the electoral contender, Violeta Ivanov, submitted on 2 October 2020 a request informing the Commission about the fact that on 30 September she obtained the Certificate of assigning a tax identification number and stamp issuance and mentioned the previous notification concerning the fact that she approached several banks and asked them to open the account “Intended for the initiative group”, but she received negative and evasive answers’ and attached to the request the correspondence letters with a commercial bank. At the same time, she

⁴³ Article 41(2) Point a), b) and c) of the [Electoral Code](#).

⁴⁴ Submission of the [financial statement of PN](#) at the the beginning of the election campaign.

⁴⁵ Submission of the [financial statement of PAS](#) at the the beginning of the election campaign.

⁴⁶ [CEC Correspondence](#).

⁴⁷ [Request](#) from Violeta Ivanov IG (PPS) published on CEC website.

⁴⁸ CEC Decision No [4325](#).

informed about the submission of the Report on Election Campaign Funding, but without stating the banking data of the candidate.

8.4. Financial reporting of election contenders to the Central Electoral Commission

According to the information published on the official website of CEC, during the first week of the election campaign, 6 contenders submitted weekly reports to CEC: Renato Usatii (PN), Andrei Nastase (PPPDA), Maia Sandu (PAS), Violeta Ivanov (PPS), Igor Dodon (IC) and Tudor Deliu (PLDM). One contender – Dorin Chirtoaca (BE UNIREA), was registered on 5 October 2020 and submitted a notification that he had not opened ‘Electoral Fund’ account as of that date and the candidate Octavian Ticu (PUN) did not submit any report or request on not having incurred any expenses.

Table 6. Opening of ‘Electoral Fund’ accounts, appointing treasurers and submitting weekly reports to CEC

	Registering as election contender	Appointing the treasurer	Submitting the financial statement of the political party at the	Opening the ‘Electoral Fund’ account	Submitting the initial report, 3 days after opening the bank account	Submitting the report for week 1, 02.10.2020	Submitting the report for week 2, 09.10.2020
Renato Usatii (PN)	13.09.2020	13.09.2020	21.09.2020	16.09.2020	18.09.2020	02.10.2020	09.10.2020
Maia Sandu (PAS)	30.09.2020	30.09.2020	03.10.2020	02.10.2020	02.10.2020	02.10.2020	09.10.2020
Violeta Ivanov (PPS)	29.09.2020	29.09.2020	-	-	-	02.10.2020	09.10.2020
Igor Dodon (IC)	28.09.2020	28.09.2020	-	01.10.2020	01.10.2020	03.10.2020	09.10.2020
Andrei Nastase (PPPDA)	13.09.2020	13.09.2020	-	29.09.2020	30.09.2020	03.10.2020	09.10.2020
Tudor Deliu (PLDM)	25.09.2020	25.09.2020	-	06.10.2020	06.10.2020	08.10.2020	09.10.2020
Octavian Ticu (PUN)	05.10.2020	05.10.2020	-	-	-	-	-
Dorin Chirtoaca (BE UNIREA)	05.10.2020	09.10.2020	-	Request	Request	Request	Request

Data obtained from the reports submitted to CEC

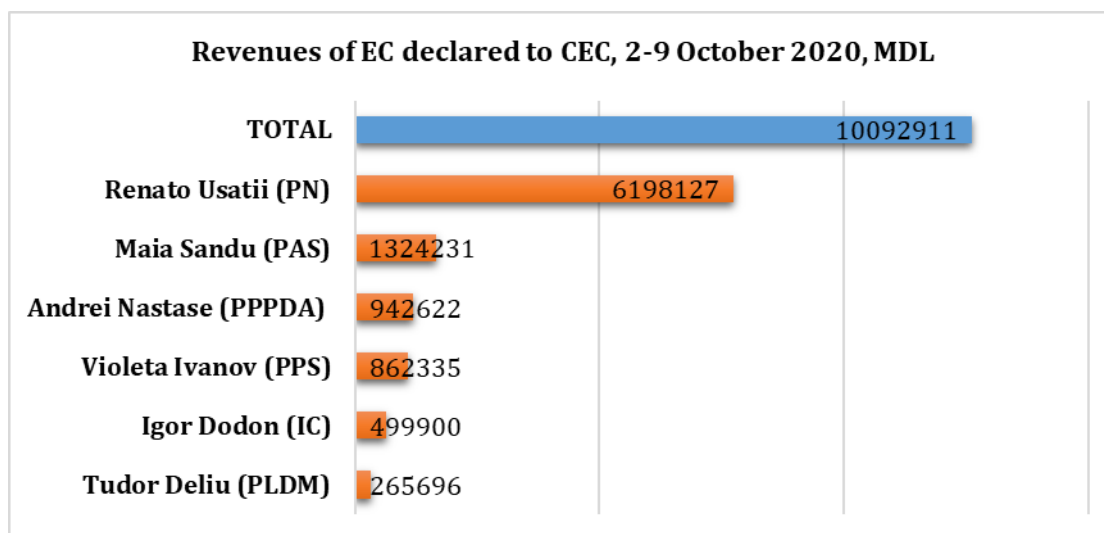
8.5. Election contenders’ revenues and expenses reflected in financial reports

8.5.1. Revenues and expenses

According to the reports submitted to CEC, the amount of revenue and expenses declared by the contenders, for 2-9 October 2020, is MDL 10,092,911. This amount also included donations in commodities, objects, works or services – estimated by the candidates at the market value and reflected in the annex to the report ‘Donations in commodities’, in the amount of MDL 1,302,239.

Thus, Renato Usatii (PN) reported revenues of MDL 6,130,900 and donations in commodities and services in the amount of MDL 67,227; Maia Sandu (PAS) – revenues of MDL 1,040,450 and donations in commodities and services of MDL 283,781; Andrei Nastase (PPPDA) – revenues of MDL 919,022 and donations in commodities and services, Violeta Ivanov (PPS) – only donations in commodities and services in the amount of MDL 862,335, Tudor Deliu (PLDM) – financial revenues of MDL 210,400 and donations in commodities in the amount of MDL 55,295, Igor Dodon (IC) reported financial donations in the amount of MDL 489,900 and donations in commodities and services in the amount of MDL 10,000 (Chart 7: Revenues of election contenders).

Chart 7. Revenues of election contenders collected between 2 and 9 October 2020, MDL



Data obtained from the reports submitted to CEC

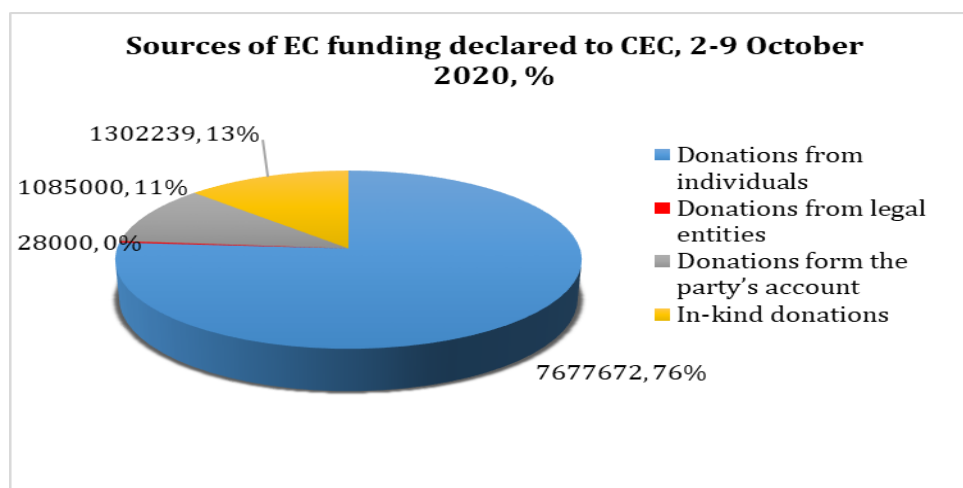
6.3.2. Funding sources

Promo-LEX OM reports that the main source of funding of contenders between 2 and 9 October were the donations from individuals – MDL 7.68 million (76%), followed by donations in commodities and services – MDL 1.30 million, donations into the party’s ‘Electoral Fund’ account – MDL 1.09 million (11%) and donations from legal entities – MDL 28,000 (0.21%) (Chart 8).

Thus, until 9 October 2020, the candidates reported:

- financial donations of 566 individuals amounting to MDL 7.68 million for Renato Usatii (PN), Maia Sandu (PAS), Igor Dodon (IC), Andrei Nastase (PPPDA), Tudor Deliu (PLDM);
- in-kind donations in the total amount of MDL 1.30 million for six candidates (Violeta Ivanov (PPS) – MDL 862,335, Maia Sandu (PAS) – MDL 283,781, Renato Usatii (PN) – MDL 67,227, Tudor Deliu (PLDM) – MDL 55,296, Andrei Năstase (PPPDA) – MDL 23,600, Igor Dodon (IC) – MDL 10,000) (Chart 8);
- transfer of own funds from the current account of three political formations: PAS into the ‘Electoral Fund’ account of Maia Sandu in the total amount of MDL 900,000, PPPDA into the ‘Electoral Fund’ account of Andrei Nastase – MDL 90,000 and PLDM – MDL 95,000 into the ‘Electoral Fund’ account of Tudor Deliu;
- donations from four legal entities in the amount of MDL 28,000 for Maia Sandu (PAS).

Chart 8. Funding sources between 2 and 9 October 2020, %



Data obtained from the reports submitted to CEC

As regards the lawfulness of the funding sources, Promo-LEX OM found that according to the Electoral Code, all the donations received from the election contenders were under the maximum set thresholds – both from individuals, legal entities and cash donations. Note that according to CEC Circular Letter⁴⁹ of 15 September 2020, the parties are considered legal entities and have the right to transfer up to 12 average monthly salaries (MDL 95,436) into ‘Electoral Fund’ account. Next, we should specify that a transfer of MDL 900,000 from the current account of PAS into the account of PAS candidate was included in the report⁵⁰ submitted on 9 October 2020 to CEC. According to the Circular Letter, the candidate Maia Sandu exceeded this threshold by receiving this money into ‘Electoral Fund’ account. As of the date when this report was prepared, CEC had not examined the election contenders’ reports submitted on 9 October 2020.

At the same time, two election contenders (Andrei Nastase (PPPDA) and Tudor Deliu (PLDM)) received into the ‘Electoral Fund’ account means from the current accounts of political parties that nominated them in the amount of up to 12 average monthly salaries, without submitting financial statements at the beginning of the election campaign or without the publication of these statements on the official website of CEC.

Note that that reporting in-kind donations or free services is a positive practice for a transparent election campaign, which is provided for in the Electoral Code⁵¹. This is a good measure, particularly given the impossibility to open a bank account specially intended for the revenues and expenses during the election campaign. However, this practice seems to be symbolic, once the amounts estimated for these donations are not included in the balance sheet of the financial statement – in the heading ‘turnovers’ (funding sources (with the indication of individuals or legal entities that donated, the origin of these donations) and payments (spending purposes, as indicated in Annex 4 to the Financial Report⁵²).

However, reporting such donations arbitrary, without clear CEC directives, puts at risk the accuracy of reporting and might serve as a way to circumvent the rules on the basis of which the financial flows in the ‘Electoral Fund’ account are verified, which is the only instrument that can be used to track the money used for the election campaign.

As regards financial expenses reported to CEC for the period between 2 and 9 October, the six contenders reported an amount of MDL 6,328,465. The highest amount of expenses was reported for advertising – MDL 3.96 million (63%); followed by expenses for promotional materials – MDL 1.63 million (26%); expenses for transportation – MDL 506,880 (8%); expenses for public events MDL 216,358 (3%) and other expenses – MDL 13,364 (0.21%) (Chart 9).

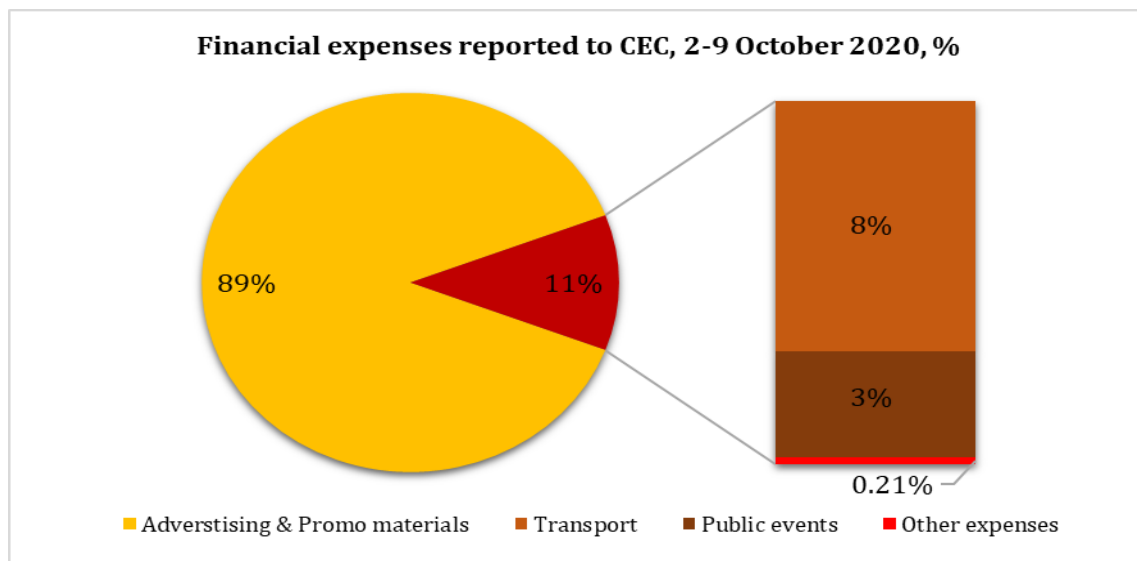
⁴⁹ Circular Letter on the receipt of donations, and expenses by election candidates in the presidential election of 1 November 2020.

⁵⁰ [Report](#) of candidate Maia Sandu, submitted on 9 October 2020.

⁵¹ Article 43(1)(b) of the [Electoral Code](#).

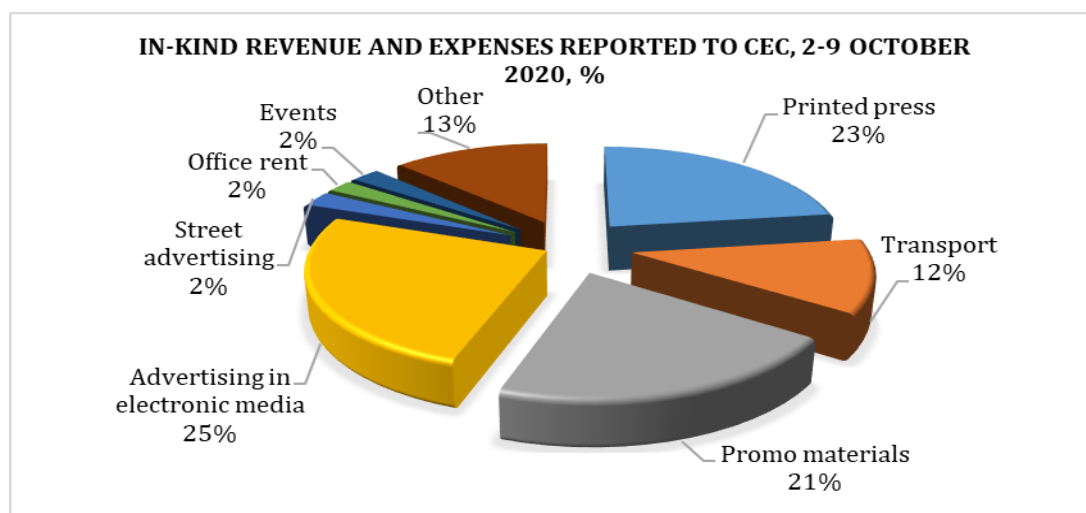
⁵² [Regulation](#) on Funding of Election Contenders’ Campaigns, approved by CEC Decision No 2704 of 17 September 2019, Annex 4.

Chart 9. Expenses from financial sources reported to CEC between 2 and 9 October 2020, %



Data obtained from the reports submitted to CEC

Chart 9.1. Material donations and expenses from the material donations reported to CEC, between 2 and 9 October in the amount of MDL 1.30 million, %



Data obtained from the reports submitted to CEC

8.6. Election contenders' expenses found by the Promo-LEX observers and not reflected in the financial statements

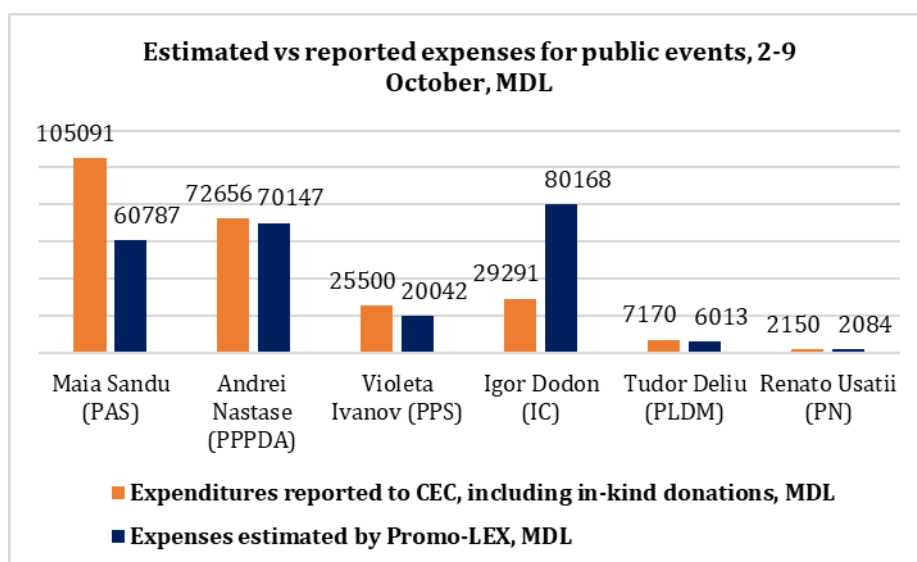
a) Expenses for public events

Between 2 and 9 October 2020, Promo-LEX OM observers reported activities during certain public events such as election campaigns launchings and candidates promotions, electoral meetings, door-to-door activities, statutory events, etc. The amount of the estimated unreported expenses amount to MDL 50,877 in case of the candidate Igor Dodon. The other candidates reported higher amounts than those estimated by the observers (Chart 10).

Thus, in case of the candidate **Igor Dodon (ID)** 24 electoral meetings and one campaign launching covered by TV and online media were reported; other 31 meetings of PSRM with voters during which messages and printing materials that support Igor Dodon were disseminated. The estimated unreported expenses amount to MDL 50,877. In case of the candidate **Tudor Deliu (PLDM)** at least 10 electoral meetings and one launching campaign were reported. The estimated expenses amount to MDL 6,013 and are aligned with those reported to CEC. In case of the candidate **Maia Sandu (PAS)** 17 electoral meetings and one launching campaign covered by online media were reported.

The estimated expenses amount to MDL 60,787 and are aligned with those reported to CEC. In case of the candidate **Violeta Ivanov (PPS)** 12 electoral meetings and one launching campaign covered by online media were reported. The estimated expenses amount to MDL 20,042 and are aligned with those reported to CEC. In case of the candidate **Andrei Nastase (PPPDA)** 16 electoral meetings and one launching campaign covered by media were reported. The estimated expenses amount to MDL 70,147 and are aligned with those reported to CEC. In case of the candidate **Renato Usatii (PN)** 11 electoral meetings and one press conference launching the campaign, covered by online media, were reported. The estimated expenses amount to MDL 2,084 and are aligned with those reported to CEC.

Chart 10



Data obtained on the basis of the data published on CEC official website and Promo-LEX findings

a) Advertising expenses⁵³

a. 1) Electronic media

During the reference period (2-9 October 2020), Promo-LEX OM observers reported sponsored advertising for the candidate **Renato Usatii (PN)** on at least one public page on Facebook (FB) with at least 45 sponsored posts⁵⁴ and online banners on *Viber* and various websites. Also, a press conference and an electoral video of 1.53 minutes were reported. As regards **Igor Dodon (IC)**, observers reported the website www.dodon.md, three professional electoral spots 30 minutes each, press conferences, online banners on various websites and at least 5 sponsored posts on *Odnoklassniki* social network. As regards the candidate **Andrei Nastase (PPPDA)**, Promo-LEX OM observers reported online banners on various websites and at least 20 sponsored posts on at least one public page on FB social network⁵⁵. As regarding the candidate **Maia Sandu (PAS)**, Promo-LEX OM observers reported at least 90 sponsored posts, from at least 2 FB public pages⁵⁶. Observers reported at least 3 public pages with 35 sponsored posts for the candidate **Violeta Ivanov (PPS)** on FB⁵⁷ and online banners on YouTube.

Promo-LEX OM estimated an amount of at least MDL 277,256 of unreported expenses during the reference period for one candidate: Igor Dodon (IC) (Chart 11).

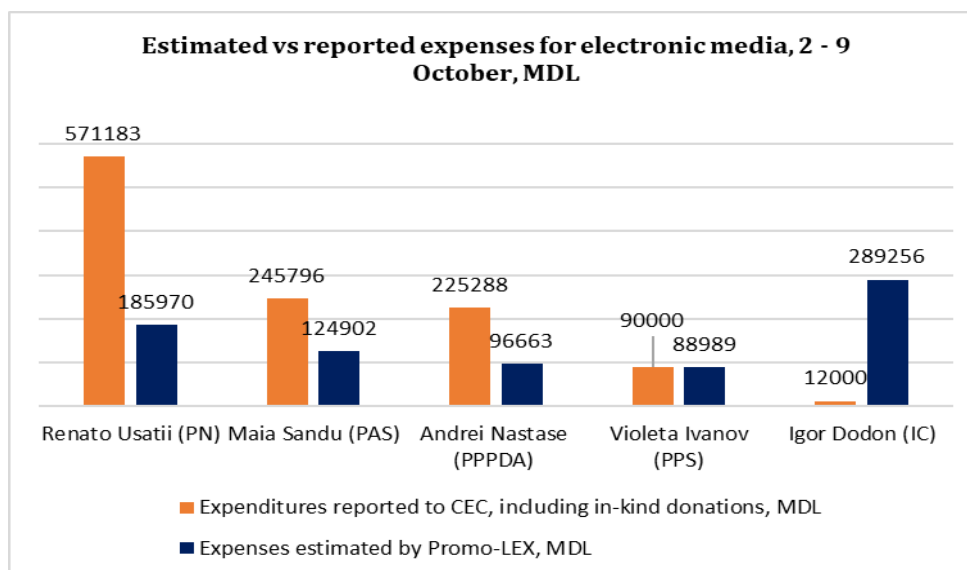
⁵³Promo-LEX OM does not monitor the TV advertising.

⁵⁴ Sponsored advertising on a public page for Renato Usatii (PN), [Усатый Ренато-Renato Usatii](#).

⁵⁵ Sponsored advertising on a public page for Andrei Nastase (PPPDA): [Andrei Năstase](#).

⁵⁶ Sponsored advertising on 4 public pages for Maia Sandu (PAS): [Maia Sandu, PAS](#).

⁵⁷ Sponsored advertising on 10 public pages for Violeta Ivanov (PPS): [Violeta Ivanov, Ilan Sor, Sor Party](#).



Data obtained on the basis of data published on CEC official website and Promo-LEX findings

a. 2) Expenses for promotional materials and print-outs

During the reference period, as regards the candidate **Igor Dodon (IC)**, Promo-LEX OM observers reported vests, caps and coats with the emblem of the candidate, print advertising in the form of posters and small calendars from the 'Electoral Fund'⁵⁸, as well as newspapers paid from the 'Electoral Fund'⁵⁹. As regards **Andrei Nastase (PPPDA)**, the observers reported stickers without data, A4 leaflets and posters paid from 'Electoral Fund' account⁶⁰, as well as newspapers paid from 'Electoral Fund' account⁶¹. As for the candidate **Maia Sandu (PAS)**, Promo-LEX OM observers reported A4 posters and leaflets paid from the 'Electoral Fund' account⁶², including newspapers paid from the 'Electoral Fund' account⁶³. As regards the candidate **Violeta Ivanov (PPS)**, Promo-LEX OM observers reported A4 leaflets and flyers in form of greeting cards⁶⁴, newsletters reported as material donations⁶⁵. In case of **Tudor Deliu (PLDM)** the observers reported A4 leaflets without data. As regards **Renato Usatii (PN)**, Promo-LEX observers reported newspapers, posters, calendars and leaflets paid from 'Electoral Fund' account⁶⁶.

⁵⁸ Posters and calendars paid from 'Electoral Fund' account, according to the invoice No 1080 of 5 October 2020, printing house ARVA Color SRL, order 2394 of 5 October 2020, print run 15,000.

⁵⁹ Bilingual newspapers in Romanian and Russian, coloured; RO: Candidate for the Position of the President of RM Igor Dodon 'Presidential Election 01.11.2020', printing date 2 October 2020, Edit Tipar Grup printing house, order No 946, print run: 55,000; RU: Candidate for the Position of the President of RM Igor Dodon 'Presidential Election 01.11.2020', printing date 2 October 2020, Edit Tipar Grup printing house, order No 947, print run: 65,000 – both paid from the Electoral Fund according to the invoice No 40 of 2 October 2020.

⁶⁰ A4 posters, print run 5,000 copies, Aviprint Prim, printed on 2 October 2020, A4 leaflets on both sides, print run – 30,000 copies, paid from the account of DA Platform Political Party.

⁶¹ Party newspapers/newsletter: print run – 150,000 copies; printed at Edit Tipar Grup on 1 October 2020; paid from the Electoral Fund of the candidate for the position of the President of the Republic of Moldova.

⁶² Party newspapers: print run 400,000 copies; printed at Edit Tipar Grup; on 2 October 2020; paid from the Electoral Fund of the election contender; account No 63, order No 970.

⁶³ A3 calendars – paid from the Electoral Fund of the election contender Maia Sandu; 2 October 2020; print run 100,000 copies; 'Policolor' SRL printing house, A4 flyers on both sides: paid from the Electoral Fund of the election contender Maia Sandu, 2 October 2020, print run 150,000 copies, 'Policolor' SRL printing house.

⁶⁴ A4 leaflets, paid according to the contract No 1G/12 of 2 October 2020, printed at Nova-Imprim SRL. Print run: 215,000 copies and flyers in form of greeting cards 'Happy Birthday Chisinau', paid according to the contract No 06-10/20 of 6 October 2020, printed at 'Capatina Print' SRL. Print run 25,000 copies

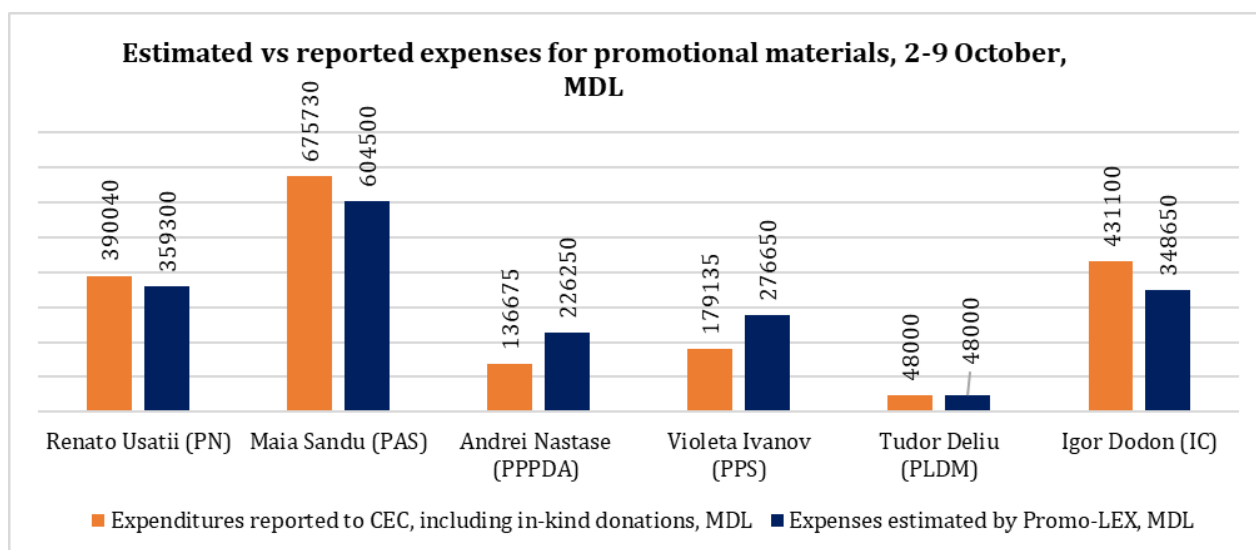
⁶⁵ Newsletter in Russian language, on 2 October 2020, paid according to the contract No 79 and invoices No 54, 55, 56, 57, 58, 59, 60, 61, 62, at Edit Tipar Grup SRL, order No 969, print run 220,000 copies.

⁶⁶ Party newspapers – 'Puterea în adevăr' ['Strength in the Truth'], 'Universul' printing house, order No 870 of 1 October 2020, print run 210,500 copies, according to the invoice No 02/AP-RU of 1 October 2020 (Ro), 16 pages. Party newspapers – 'Сила в правде' ['Strength in the Truth'], 'Universul' printing house, order No 861 of 30 September 2020, print run 310,000 copies, according to the invoice No 01/AP-RU of 30 September 2020 (Ru), 16 pages.

The total estimated unreported expenses amount at least to MDL 187,090: Andrei Nastase (PPPDA) – MDL 89,575; Violeta Ivanov (PPS) – MDL 97,515 (Chart 12).

Promo-LEX OM reported the use of informative printouts in the electioneering and their declaration in the reports on the funding of the election campaign, on the page dedicated for donations in commodities and services. The observers reported such cases in relation to Violeta Ivanov (PPS) and Tudor Deliu (PLDM). Violeta Ivanov reported the following in-kind donations: newsletters on 2 October 2020, paid according to the Contract No 79 and invoices No 54, 55, 56, 57, 58, 59, 60, 61, 62, at Edit Tipar Grup SRL, order No 969, print run 220,000; A4 leaflets paid according to the contract No 1G/12 of 2 October 2020, printed at Nova-Imprim SRL. Print run: 215,000 copies and flyers in form of greeting cards 'Happy Birthday Chisinau', paid according to the contract No 06-10/20 of 6 October 2020, printed at 'Capatina Print' SRL. Print run 25,000 copies. Tudor Deliu reported A4 leaflets at in-kind donations.

Chart 12

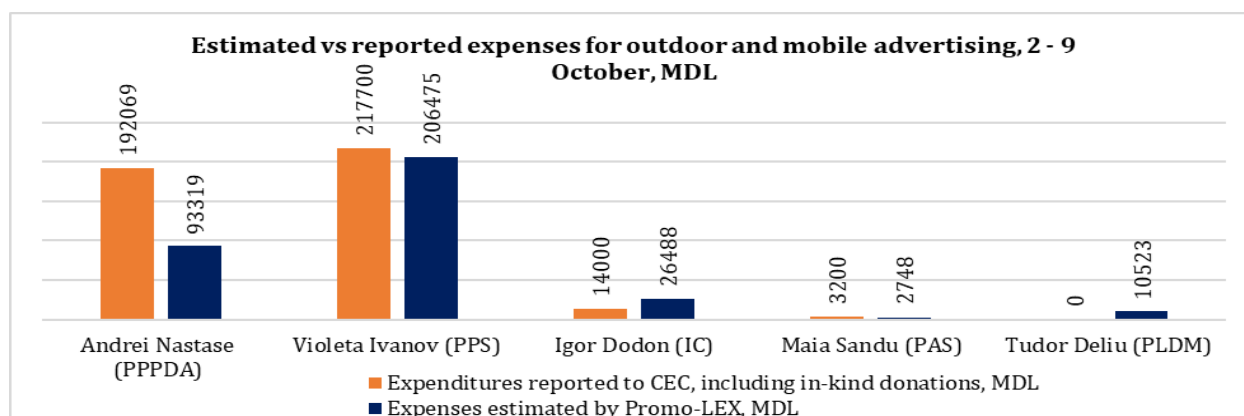


Data obtained on the basis of data published on CEC official website and Promo-LEX findings

a. 3) Mobile and outdoor advertising

During the reference period, Promo-LEX OM reported outdoor advertising placed by 5 contenders: Maia Sandu (PAS), Andrei Nastase (PPPDA), Violeta Ivanov (PPS), Igor Dodon (IC), Tudor Deliu (PLDM). Only three of them reported expenses to CEC that are aligned with the Mission's estimates. The mission estimated an amount of at least MDL 23,011 of unreported expenses for: Igor Dodon (IC) – MDL 12,488, Tudor Deliu (PLDM) – MDL 10,523 (Chart 13).

Chart 13



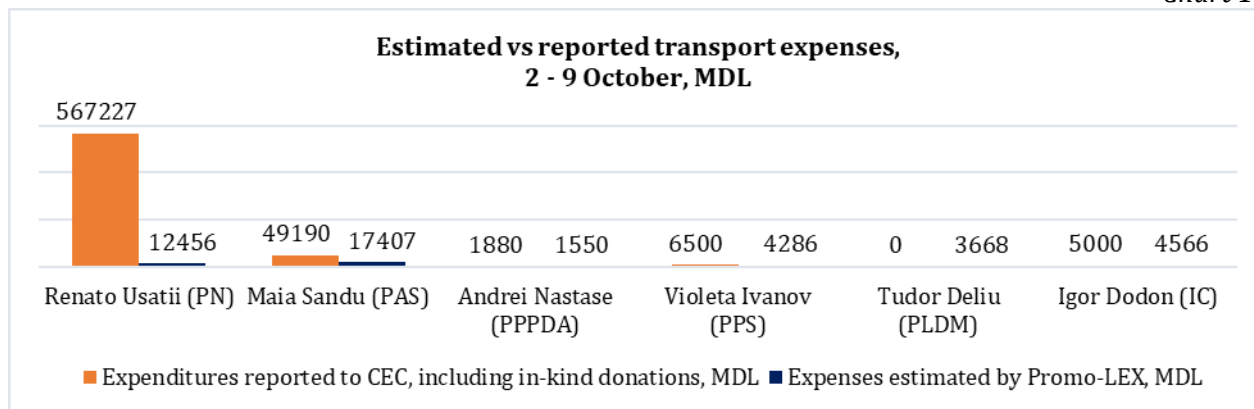
Data obtained on the basis of data published on CEC official website and Promo-LEX findings

b) Transport-related expenses

To estimate the cost of trips inside the country, we multiplied the consumption average of 10 l / 100 km (car), 11 l / 100 km (minibus), 35 l / 100 km (bus) by the distance travelled and the price of fuel of MDL 15.55.

Promo-LEX OM estimated an amount of at least MDL 3,668 of unreported expenses for trips inside the country during the reference period for six contenders. Only one election contender did not report expenses to CEC – Tudor Deliu (PLDM). The transport expenses estimated by Promo-LEX OM amount to MDL 3,668 and they all are made by the candidate Tudor Deliu (PLDM) (Chart 14).

Chart 14

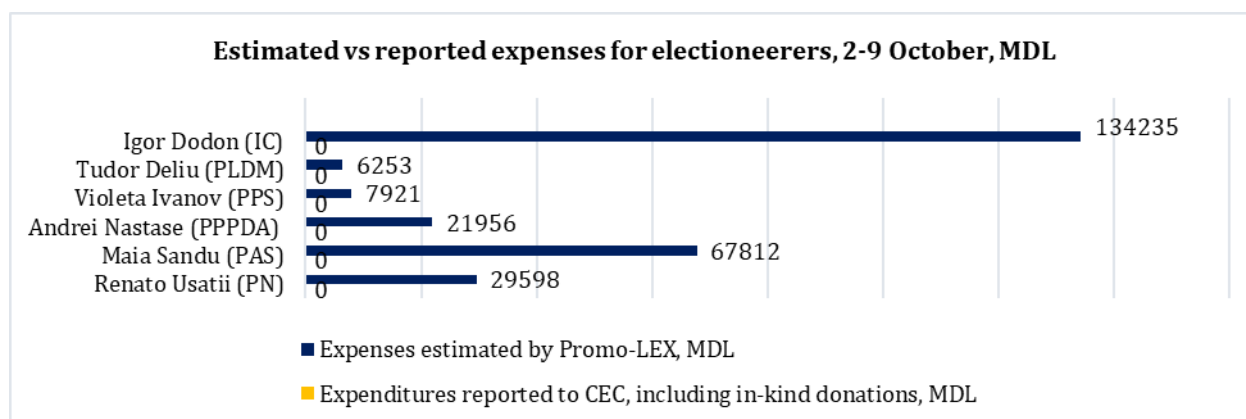


Data obtained on the basis of data published on CEC official website and Promo-LEX findings

c) Expenses for delegating/seconding persons

The expenses for delegation of electioneers of election contenders were calculated on the basis of the minimum wage guaranteed in the real sector for 2020⁶⁷. Thus, the estimates were obtained by multiplying the number of unique electioneers with 8 working hours per day and with the cost per hour (MDL 17.37), taking into account that each electioneer worked at least one day. Only the electioneers of the candidates that were observed by Promo-LEX OM were taken into account. No contender reported to CEC expenses for the delegation of electioneers. Moreover, no election contender reported their signed declarations of volunteering. According to the observers, Igor Dodon (IC) involved at least 966 electioneers (including those of PSRM), Maia Sandu (PAS) – at least 488, Renato Usatii (PN) – at least 213 electioneers, Andrei Nastase (PPPDA) – at least 158, Violeta Ivanov (PPS) – 57, Tudor Deliu (PLDM) – 45. Promo-LEX OM estimated at least MDL 267,766 for the work of electioneers (Chart 15).

Chart 15



Data obtained on the basis of data published on CEC official website and Promo-LEX findings

⁶⁷ [The minimum guaranteed salary in the real sector in 2020](#) amounts to MDL 2,935 per month or MDL 17.37 per hour.

Finally, Promo-LEX OM found that 6 election contenders did not report fully the expenses incurred during 2-9 October 2020.

Igor Dodon (IC) – under-reported expenses for public events – MDL 50,877, advertising in the electronic media – by MDL 277,256; outdoor and mobile advertising – at least MDL 12,488; under-reported expenses for volunteers/electioneers of at least MDL 134,235. **Total estimated unreported expenses — MDL 474,856.**

Andrei Nastase (PPPDA) – under-reported expenses for promotional and printed materials – at least MDL 89,575; under-reported expenses for volunteers/electioneers of at least MDL 21,956.

Total estimated unreported expenses — MDL 111,531. Violeta Ivanov (PPS) – under-reported expenses for promotional and printed materials – at least MDL 97,515; expenses for volunteers/electioneers of at least MDL 7,921. **Total estimated unreported expenses — MDL 105,236.**

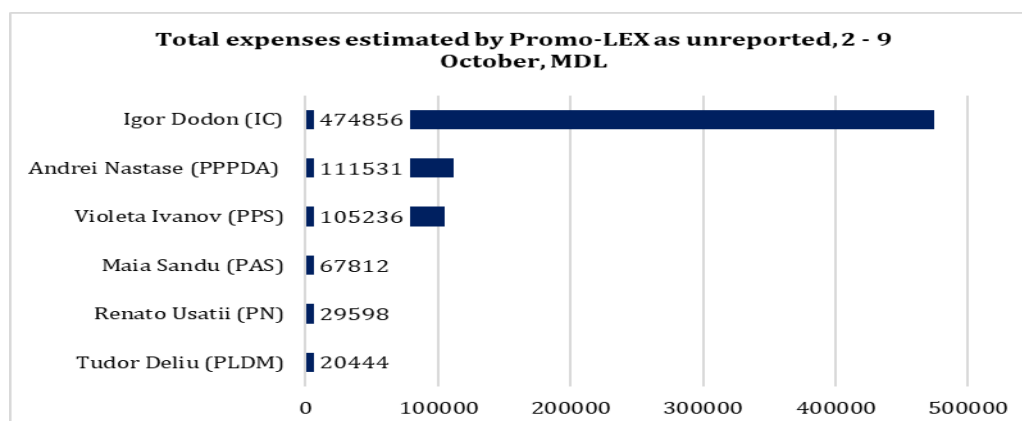
Maia Sandu IG (PAS) – unreported expenses for volunteers/electioneers. **Total estimated unreported expenses — MDL 67,812.**

Renato Usatii (PN) – unreported expenses for volunteers/electioneers. **Total estimated unreported expenses — MDL 29,598.**

Tudor Deliu IG (PLDM) – unreported expenses for outdoor advertising, transportation and for volunteers/electioneers, **the total amount of which was estimated at MDL 20,444.**

The 6 election contenders **did not report an estimated amount of at least MDL 809,477** for the observed period (Chart 16).

Chart 16



Data obtained on the basis of data published on CEC official website and Promo-LEX findings

IX. HATE SPEECH AND INCITEMENT TO DISCRIMINATION

During the period 30 September – 13 October 2020, at least 62 cases of using hate speeches and incitement to discrimination were identified in the context of the presidential election of 1 November 2020, which is 2.6 times more than during the previous monitoring period.

Of these, in 41 cases the hate speech was used by candidates: in 39 cases the hate speaker was Renato Usatii (PN); in one case – Andrei Nastase (PPDA) and in one case Octavian Ticu (PUN).

There were also reported at least 14 cases of using hate messages and/or incitement to violence against candidates registered in the electoral race by politicians, journalists, opinion leaders or candidates' supporters. Thus, Maia Sandu (PAS) was targeted in 6 such cases, the independent candidate Igor Dodon (IC) - in 4 cases, Renato Usatii, PN candidate - in 2 cases, and the candidate of the electoral bloc UNIREA, Dorin Chirtoaca and that of PUN, Octavian Ticu - one case each.

In other 7 cases, hate speech and incitement to discrimination targeted members of political parties and/or supporters of candidates, as well as against public officials, politicians and voters in general.

Hate and discriminatory messages mainly built on the following criteria: political affiliation, disability, professional activity, sex/gender, religion and religious beliefs, sexual orientation and opinion.

9.1. Candidates who used hate speech or incitement to discrimination

During the monitoring period, at least 41 situations were registered where three out of the eight election contenders used hate speech and incitement to discrimination, prejudices, stereotypes, incited to discrimination and violence and favoured the perpetuation of intolerance in the society.

Out of the 41 reported cases, in 39 cases the author of the hate speech was the PN candidate, Renato Usatii, and in the other two cases – Octavian Ticu and Andrei Nastase.

Hate speech or incitement to discrimination used by Renato Usatii (PN)

As regards the hate speech or incitement to discrimination used by Renato Usatii, out of 39 cases, 14 cases targeted Igor Dodon, 3 cases – the politician and business man Vladimir Plahotniuc, 2 cases – PAS candidate Maia Sandu, and the other 20 cases targeted different social groups (politicians, women, LGBT individuals and public officials) (see Chart 17).

Chart 17

Sexism	Phrases like 'she took him under her skirt', etc. were used in relation to Maia Sandu during three TV shows and in one message published on FB.
Dehumanization	Associations with animals "rat", "dinosaur", "Mr. bag" etc. were used in relation to Igor Dodon, politicians and civil servants in nine meetings with voters, four TV shows and four posts on the Facebook page.
Prejudices and stereotypes	The expressions "brothel of deputies", "prostitutes", "crazy", "idiot" were used in relation to Igor Dodon and politicians in four meetings with voters, one Facebook post and one TV show.
Incitement to discrimination	The statement 'I am against those blue or pink marches' was made in the context of public meetings with the voters.
Incitement to violence	Phrases such as "take a shovel or pitchfork handle and just drive them out" were used in relation to I. Dodon, V. Plahotniuc, politicians and officials in six meetings with voters, two TV shows and one Facebook post.

One of the **cases of sexist speech** used by Renato Usatii against Maia Sandu took place during the TV show *'Puterea a patra'* [Fourth Power] from N4 on 1 October 2020, during which the PN candidate said:

- 'If she managed to take Andrei Nastase under her skirt and politically suffocated him by keeping him under her skirt for a year, what do you want from me now?'
- 'To have clean elections, it would be good to get to the second round of elections together with Maia Sandu, she doesn't even know what is she doing, I mean, she doesn't know how to make such combinations like Dodon.'

In 10 cases out of those 39 that were registered, the candidate Renato Usatii incited to violence, which is one of the most aggressive forms of hate speech and incitement to discrimination used by the PN candidate. Hereafter are two such examples:

- *06.10.2020/Message on the personal Facebook page*
'I will kill the appetite of all the bastards for stealing and I will do this in such a way that they will never want the money of those who work and suffer. I will never manage to obtain anything by acting good. If it is necessary, I will use the spade and the ax to chase all the bastards that harm us.'
- *04.10.2020/Meeting with the voters in Sturzovca village, Glodeni*
'You know how the second hand market looks on Pushkin Street, and all this happened in one year due to the fact that someone's fingers had to be cut and someone's little hands will have to be cut and I understand that without tough changes this country will get nowhere. [...] If it is necessary to chase them away with forks, I will do that; if I have to use the chainsaw, believe me, I will, I will use it and nothing will remain of them.'

The hate speech against his counter-candidate, Igor Dodon, took the form of denigration, dehumanization and incitement to violence. As regards his counter-candidate, Maia Sandu, Renato Usatii used sexist speech and gender prejudices.

In other cases, by using prejudices against people with mental disabilities and gender prejudices, Renato Usatii didn't just use hate speech, but also created an enabling space to display it, thus affecting not only his counter-candidates but also other social groups like: women, people with disabilities, LGBT people, politicians and members of political parties, etc.

We would also like to draw attention to the plenty of messages that promoted a form of physical violence, instigated to violence against public persons and not only. This is one of the most aggressive forms of hate speech and can increase the level of intolerance in the society towards certain individuals or group of individuals.

Hate speech or incitement to discrimination used by Andrei Nastase (PPPDA)

Another candidate for the office of President of the Republic of Moldova who used a speech that incites to discrimination is Andrei Nastase, PPPDA candidate, who during a video material LIVE broadcast *on his personal Facebook page on 20 September 2020*, said:

'Do you know what this country has been lacking over the years? People with fear of God to rule this country. We usually had people without fear of God and this is serious. What could be more important than the life, health and freedom of your peers?'

Thus, Andrei Nastase promoted the idea according to which an individual that is not a member of a religious cult is dangerous once they hold a public position. The freedom of religion also means the freedom of not adopting a religion and the freedom not to practice it, and through his message, the PPPDA candidate rather supports an exclusive policy, than an inclusive one.

Hate speech or incitement to discrimination used by Octavian Ticu (PUN)

Octavian Ticu, PUN candidate, is the third candidate who used a denigrating message against politicians, which took the form of a written message on his *personal Facebook page on 30 September 2020*.

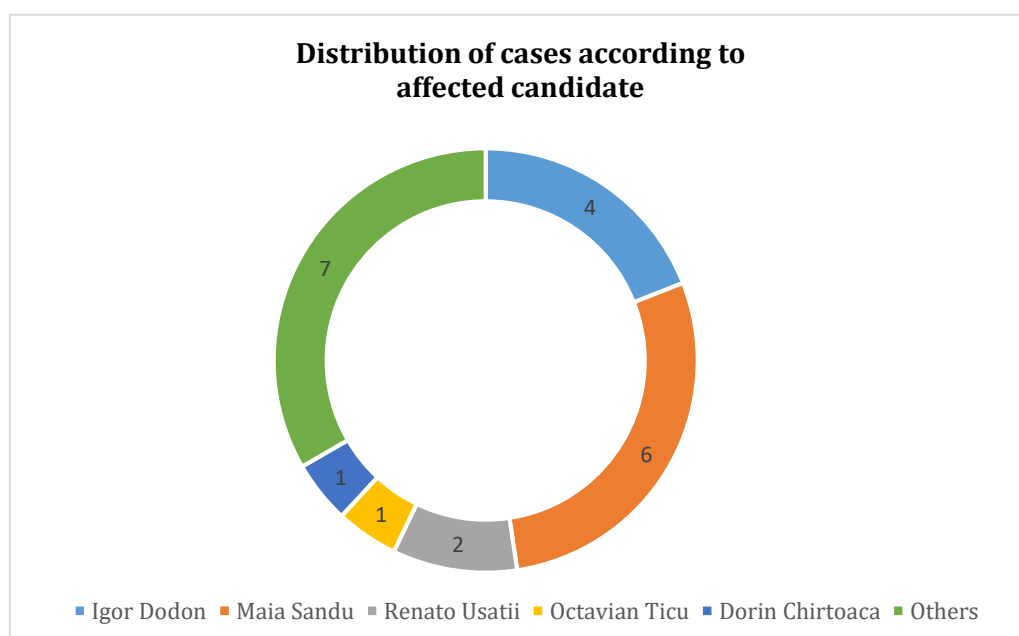
‘Do you think that there is a candidate who runs in the elections and will manage someday to clean up these stables of Moldovan politics?’

Associating the political field with ‘stables’ brings up the idea of an untidy space where politicians work, thus making an indirect association and a dehumanization of the latter.

9.2. Candidates who were the target of hate speech or incitement to discrimination

During the monitoring period, at least 14 cases when five out of the eight candidates were affected by a form of hate speech and incitement to discrimination. In other 7 cases, hate speech and incitement to discrimination targeted the supporters of the candidates, members of political parties and voters in general.

Chart 17



Hate speech and incitement to discrimination against Maia Sandu (PAS)

Out of six cases of hate speech and incitement to discrimination that targeted PAS candidate, Maia Sandu, four were generated by the PSRM MP Bogdan Tirdea. In two cases, Bogdan Tirdea associated Maia Sandu with negative pictures or negative events from the society and contemporary history: crisis of refugees during 2015–2017 and extermination of the Jews and Roma in the Romanian space under the leadership of Ion Antonescu.

- *01.10.2020/Message on the personal Facebook page*
‘Do you remember the story about 30,000 Syrian people? Sandu has been wailing for four years that it was a fake. Why is she silent now? Or maybe she will sue The Guardian?’
- *11.10.2020/Komsomolskaya Pravda (www.kp.md)*
‘Antonescu burned half of a million of “good people” like cattle: For the presidential candidate Sandu, he is a “historical personality”, not a criminal; for Maia Sandu, a war criminal like Antonescu is a historical personality! What were you expecting? He killed 300,000 Jews, 30,000 Roma and thousands of Moldovans. According to those like Sandu, he deserves

respect. Not everyone would be able to solve “a national problem” this way. You need to be an animal, not a human in order to do so.’

In the first case, the MP Tirdeș feeds one of the social fears concerning a possible wave of immigrants in Moldova. This has to do with the fake news known as ‘the story of those 30,000 Syrians’ launched in the public space in the context of the 2016 presidential election and associated with the former and current PAS candidate, Maia Sandu. In the second case, Bogdan Tirdeș mentions something Maia Sandu said about Ion Antonescu and associates her with his negative image.

In the other two cases, the PSRM MP uses prejudices against LGBT individuals and associates Maia Sandu with this community.

- *12.10.2020/Message on the personal Facebook page*
‘The goals of Sandu are crystal clear: Unification, gay marches, selling land to foreigners. She was the one who openly supported the White card of investors which is mainly based on selling land!’
- *04.10.2020/Message on personal account of Telegram*
Here are several sentences from this song: ‘And all the best women are married, All the handsome men are gay, You feel deprived’. Yeap... No matter how hard Maia Sandu tries to address the family, she ends up speaking about LGBT.’

In both situations, Bogdan Tirdeș ridicules the candidate of PAS, implying that she promotes LGBT rights and not the family. Also, the MP Tirdeș feeds several social fears: unification of the Republic of Moldova with Romania, LGBT marches and ‘the sale of land to foreigners’, that he associates with Maia Sandu. At the same time, these messages foster intolerance in the society towards those who support the unification, LGBT individuals and foreigners.

The author of the fifth identified case of using sexist language is Igor Volnitchi, journalist and political scientist. During the show ‘ДЕЛО ПРИНЦИПА’ [MATTER OF PRINCIPLE] from Accent TV broadcast on 9 October 2020 he stated the following:

‘I think that if Andrei Nastase reaches the second round of elections, he will have more chances than Maia Sandu because with her behavior, she rejected the supporters of these parties, who supported them, voted during these years; these people will simply not want to support the cause of Maia Sandu one more time, during one more election, according to the representatives of Platforma DA.’

Another sexist message that targeted the candidate of PAS was found on *Komsomolskaya Pravda* (www.kp.md), in the article entitled ‘Give Maia a grenade: Sandu blames the authorities for the impossibility to return the stolen billion, but she did not return a single penny when she was the Prime-Minister of Moldova’, published on 4 October 2020, in which the author, Leonid Reabcov wrote:

‘They didn’t return it. They forgot they were ruling a country. They got a memory like a sieve. Nothing to worry about.’

Hate speech and incitement to discrimination that target Igor Dodon (IC)

In case of this independent candidate, the hate speech took the form of pictures and video materials aimed to denigrate and ridicule him by dehumanizing and associating him with negative images.

In two of four cases identified in the Facebook page of *Mercury Detox*, Igor Dodon was associated with animals (‘pig’) and in other two cases he was associated with the LGBT community by using swear words against homosexuals or the image of public persons known for having a different sexual orientation.

Hate speech and incitement to discrimination that target Renato Usatii (PN)

Other two cases identified in two public articles published on the website *Komsomolskaya Pravda* (www.kp.md), targeted the candidate of PN, Renato Usatii.

- 05.10.2020/Article: 'Closed poll on the eve of the presidential elections in Moldova: The main looser – Usatii, will not reach the second round of elections even if he changes his sex and sings on Yakut language/Author: Bogdan Tirdea
07.10.2020/Article: 'Is it deadly dangerous for the citizens of Moldova to come to the meeting with Renato Usatii?' Author: Pavel Munteanu
'Is it deadly dangerous for the citizens of Moldova to come to the meeting with Renato Usatii?'
Now, let's put ourselves in the shoes of those who come to 'watch the speaking dog' (c) – that is, common people, even if most of them are members and supporters of Our Party. I mean, if an explosion happens, Usatii will self-disappear from the explosion site in an armoured BMW, but what about ordinary people? They will just lay on the asphalt.'

In both cases, the phrases used by the authors: 'will not reach the second round of elections even if he changes his sex' and 'speaking dog' aim to ridicule and denigrate the PN candidate.

Hate speech and incitement to discrimination that targets Dorin Chirtoaca (UNIREA Electoral Bloc)

The candidate of UNIREA Electoral Bloc, Dorin Chirtoaca, was affected by hate speech through a picture from the *Facebook page Mercury Detox*.

He appears in a photoshopped picture, in underwear, with lines of his abdomen area and genitals drawn on his body. The picture is accompanied by the following text: 'The way Chirtoaca describes himself in front of voters'. The picture ridicules and denigrates Dorin Chirtoaca.

Hate speech and incitement to discrimination against Octavian Ticu (PUN)

The fifth candidate affected by hate speech is Octavian Ticu, candidate of PUN. On 3 October 2020, in *Moldova suverana [Sovereign Moldova]*, the author Mihai Contiu made use of prejudices against people with mental disabilities in order to denigrate Octavian Ticu and wrote:

'After reading the "revolt" of Ticu, we can see even better what a mean, lying, two-faced and immoral person is this candidate for presidential elections. His megalomania is even more visible when in order to make himself look important, he qualifies, in a delusional way, the President Dodon and Moscow as his personal enemies. Hello, is this the psychiatric hospital, is someone there? Delirious, manipulatory and a dangerous liar, just like his unionism and of those who control him! Hello, is this the psychiatric hospital, is someone there?'

Hate speech and incitement to discrimination against the supporters of the candidates/political parties and voters

In other 7 cases, hate speech and incitement to discrimination targeted the supporters of the candidates, members of political parties and voters in general.

The discussions in the public space about the number of polling stations opened for Diaspora and residents from the transnistrian region transformed into racist messages that incite to discrimination by citizens. Thus, three out of seven registered cases targeted ethnic minorities and the citizens of the Republic of Moldova from the transnistrian region:

- 09.10.2020/deschide.md/REPORT// *Revolt of villages against the polling stations for transnistrians: 'They vote for money, but we have to defend our health'*
Anatol Iepure, the mayor of Hagimus village, Causeni, said:
'They come for money, but we defend our health. Blood will be shed. The Police should think about how to organise a corridor between us and them.'
- 08.10.2020/Meeting of Andrei Nastase with the voters from Criuleni town
During the public event, a participant said: 'They gave autonomy to Gagauzians, Russians want Pridnestrovia, Roma want Soroca. What do they want more from Moldova?'

Another participant, during the same event said: 'Now they want to use Transnistria, Gagauzia, all the pro-Russians and all the degraded Moldovans, sorry for saying that.'

Neither in the first case, nor in the second, Andrei Nastase, the candidate of PPPDA who organised the meeting with the voters and live streamed the meeting on his personal Facebook page, intervened to draw the attention on the racist messages.

Also, out of seven cases, the supporters of Igor Dodon and Maia Sandu were targeted in two cases.

- *07.10.2020/Facebook page 'Jos Dodon' [Down With Dodon]*
A picture that shows Igor Dodon in front of a flock of sheep and is accompanied by the text: 'Dodon at a meeting with his voters'.
This way, the supporters of Igor Dodon are associated with sheep, which dehumanizes and denigrates them.
- *03.10.2020/Personal Facebook page of Alexandr Muravschi*
On his personal Facebook page, Alexandr Muravschi, former MP in the Parliament of the Republic of Moldova and former minister of economy, wrote:
'For the future, my proposal is to give up any kind of filters and register near Maia Grigorievna another thousand of homeless people and potential patients of the well-known institution from the suburbs. I think a lot of people will want that. This is how world-class democracy will look like!'

In a case of incitement to violence, registered during the *talk show 'Cabinetul din umbra: Batalia prezidentiala se da pe 1/11/2020. Part II'*, ['The Room in the Shadow: the Presidential Battle Will Take Place on 1/11/2020'] of *01.10.2020* from Jurnal TV, Sergiu Sirbu was asked: 'Have they (PDM members) made a fortune since Dodon came in power or were they already wealthy at that time?'

His answer was: 'At least back then, under Plahotniuc, they were trying to hide it. It is only now that I certainly understand the big mistake that Plahotniuc made. Maybe he let things happen, but did not have enough time to check on everyone and show them their place or to discipline those who went out of line and who have potentially took advantage of their power, of Plahotniuc, of the Democratic Party, of the Government to carry out their absolutely illegal deeds that many of us have learnt about much later. However, it is only now that we discovered what they did when we were in power.'

Another case of hate speech that was aimed against the voters from Moldova was expressed on *7 October 2020* in a post on the *personal Facebook page* of the activist Feodor Ghelici:

'An idiot is a person who suffers from a severe form of mental retardation. How many of them are in Moldova and will elect who is in power?'

The Promo-LEX Association emphasises that the use of hate speech and incitement to discrimination in the public space and in the mass-media by candidates and their supporters amid election campaign harms not only the dignity of counter-candidates, but also that of people from particular social groups, including when prejudice and stereotypes are used or when people are incited to discrimination and violence.

Promo-LEX also mentions that fuelling social fears in pursuit of manipulating with and misinforming voters leads to division in the society and exacerbates intolerance to different social groups.

We also think it is worth mentioning that the TV show hosts react to none of the cases of hate speech or incitement to discrimination.

X. ELECTORAL EDUCATION AND AWARENESS

In the context of the presidential election of 1 November 2020, Promo-LEX Association and other three organizations that received sub-grants from the Association, carried out at least 59 activities of voter information, education and apolitical mobilization for the citizens of the Republic of Moldova having the right to vote.

The activities targeted young people, voters of the transnistrian region and the diaspora and included posts, articles, video news, video reports, information and mobilization videos, vlogs, talk shows, election quizzes and informational web platforms.

Because of the sanitary and epidemiological restrictions imposed amid the COVID-19 pandemic, all activities were carried out on-line and were advertised on social media.

CICDE and CEC conducted both trainings (for electoral officials, potential members of election offices of polling stations abroad, GPI staff), and awareness-raising activities (periodicals, video and didactic materials etc.) regarding presidential election preparations and the specifics of elections amidst the pandemic.

10.1. Promo-LEX campaign for information, electoral education and apolitical mobilization of Moldovan citizens with the right to vote

As part of the 'aiVOT!' Campaign, Promo-LEX Association carried out voter information and education activities. The activities targeted young voters, voters from the transnistrian region and the diaspora, as well as the voters as a whole.

In this respect, Promo-LEX distributed through various social networks 12 awareness-raising messages⁶⁸ regarding the presidential elections and voting procedures⁶⁹. In addition, three⁷⁰ Vox videos targeting young people were promoted, regarding the election date, the duties of the president and how a president should be in the youth view.

Promo-LEX also organized a Quiz⁷¹ – knowledge contest in the electoral field, in which 39 young people participated. The questions covered the voting and electoral procedures in a presidential election, as well as the presidential elections of 1 November 2020. Ten young people, the winners of the contest, got symbolic prizes – 'aiVOT!' Campaign visibility materials.

Also, the organizations that received grants from Promo-LEX Association carried out various activities of voters information, electoral education and apolitical mobilization.

In this respect, the 'Association of Independent Press' CSO (AIP) organizes the Campaign 'Be in trend: Have fun voting and vote having fun'. During the reporting period, AIP produced and promoted on social networks 4 awareness-raising thematic articles⁷² on the participation in voting of young people and voters of the transnistrian region⁷³. Also, 6 videos on voters information⁷⁴ and apolitical mobilization⁷⁵ and 2 talk-shows, featuring young people, were made and distributed through social networks. Together with diez.md portal, the AIP also conducted a thematic Quiz⁷⁶ for young voters in the country and in the diaspora, the questions covering the electoral and voting procedures in the presidential election.

AIP campaign activities were carried out in partnership with the information portals diez.md, observatorul.md, expresul.md, nokta.md and tuk.md.

⁶⁸ [Come and vote.](#)

⁶⁹ [Come and vote.](#)

⁷⁰ [Come and vote.](#)

⁷¹ [Election QUIZ](#) with prizes.

⁷² [If the voter](#) puts on the critical thinking hat – informed voting is guaranteed.

⁷³ [A voter](#) from transnistrian region: 'First of November is a good opportunity to remind everybody that we also exist...' 2020 Presidential⁷⁴ [Elections](#). Useful information about the election of 1 November.

⁷⁵ [The Young People](#) go to the polls 2020.

⁷⁶ [Check](#) your knowledge in the election field. Answer correctly and win prizes.

The 'Association for Participatory Democracy' CSO (ADEPT) created a dedicated page *The 2020 Presidential Elections in the Republic of Moldova* on the website www.alegeri.md with relevant information about the election, the election campaign, the election contenders, etc. Also, together with the journalist and vlogger Dorin Galben and *Ziarul de garda*, ADEPT made and promoted on social networks a video⁷⁷ on the diaspora voters' participation in election and voters' pre-registration and a video report⁷⁸ on the establishment of polling stations abroad.

The 'Rokit Academy' CSO made and promoted on social networks 23 KOMETA video news about the presidential elections, voting procedures⁷⁹, election campaign⁸⁰, election contenders⁸¹ and their electoral platforms⁸², etc. Also, 4 videos were made regarding the statements of the candidates for the position of President of the Republic of Moldova.

10.2. Training and awareness-raising activities for voters, organized by CEC and CICDE

Training activities. During the monitored period, CEC and the Centre for Continuous Electoral Training (CICDE) provided online and face-to-face training for electoral officials, GPI staff that could be involved in the conduct of elections, potential members of election offices of polling stations abroad.

Between 29 September and 3 October, CICDE organized 42 webinars. As a result 600 people were trained, potential PEB members abroad, established for the presidential elections of 1 November 2020.

On 7 October, CICDE organized a webinar for 2309 electoral officials of the PEB, established for the presidential elections of 1 November 2020, who found out about the specifics of the PEB activity, the main responsibilities of an election office member.

On 9 October, CICDE, together with CEC and the Police of the Republic of Moldova, trained 270 GPI employees online, that are going to be involved in ensuring public security throughout the election period. An important aspect was the organization of the presidential election in conditions of public health security amid the detection of new cases of COVID-19 infections.

On 10 and 11 October, CICDE organized a training workshop for PEB members abroad. The training covered topics such as: legal regulation of the election offices' activity abroad, the rights, obligations and responsibilities of PEB members, vote counting and tabulation, transmitting electoral documents and materials, as well as the organization of elections under COVID-19 pandemic conditions.

On 12 and 13 October, CICDE conducted face-to-face training of PEB electoral officials. The training covered: PEB establishment and basic responsibilities of PEB officials, collaboration with persons authorized to monitor the voting, preparation for voting and voting procedure, accessibility of the electoral process, votes counting by PEB and related electoral documentation, packing, sealing and transmitting electoral documents and materials.

Information activities. As regards informing voters, CEC made and launched four videos about:

– *the organization of the 2020 presidential elections under COVID-19 pandemic conditions*, namely: the anti-COVID-19 measures to be observed on election day so as to protect the loved ones, but also the electoral officials and national and international observers, present in the polling stations;

– *the documents on the basis of which it is possible to vote both within the country and abroad*: the identity card with the loose leaf specifying the domicile; temporary identity card; the work ID card for the active duty servicemen (PS within the country), as well as the passport of the citizen of the Republic of Moldova, including with expired validity term; the identity card or the sailor's card (PS abroad);

⁷⁷ [Episode 144](#). Important message for Moldovans in the diaspora. How can we influence the results of the presidential election?!

⁷⁸ ['The Troubles'](#) caused by setting up polling stations abroad.

⁷⁹ [Voters on the left bank](#) of the Nistru have the green light to participate in the presidential election.

⁸⁰ [And so the story](#) goes.

⁸¹ [Moldova](#), know your heroes.

⁸² [So help us](#) God!

- *the importance of voting and of making a responsible choice;*
- *verification of the data included in the electoral list: adding on or removing from the main list of voters, on the basis of substantiating documents; correction of errors committed when entering data.*

As regards informing voters, CEC made and launched three videos about:

- *ballot counting procedure: persons authorized to participate in the process and persons entitled to monitor the elections;*
- *equal access for all to the electoral process: PS accessibility, access to information for all types of disabilities, as well as the possibilities for blind voters to participate in the presidential election;*
- *the day before election day: setting up the polling station, counting and distributing the ballot papers, assigning the duties for the election day;*
- *drawing up the lists of voters.*

During the monitored period, CICDE launched other 3 'CICDE Podcasts' on the following topics: voting options for those who want to vote in a different polling station; voter integrity and reporting instances of corruption; the fake news phenomenon during the electoral period and informing correctly the citizens.

Between 7 and 13 October, as part of the 'Archi's Journey to Elections' information campaign, CICDE addressed voting during the pandemic and measures to combat and prevent COVID-19 virus together with children, parents and teachers in different localities (Chisinau municipality, Balti municipality, Criuleni, Telenesti, Sangerei, Rascani, ATU Gagauzia).

RECOMMENDATIONS

To the Parliament of the Republic of Moldova

1. Resolve the referral to the Constitutional Court on regulating Article 6(5) of the Law No 86 of 11 June 2020 on Non-Commercial Organizations in accordance with the adopted decision, so that during the election campaign non-commercial organizations are prohibited from providing free services only, but are allowed to provide paid services.
2. Regulate explicitly the grounds for refusing to open accounts for election contenders by commercial banks, as well as the legal consequences on the right to be elected.
3. Regulate explicitly the lawfulness of a political party supporting an independent candidate, including in terms of not accepting poor reporting of election campaign financing and involvement in election campaigns of political parties that do not participate in elections.
4. Establish in the Electoral Code clear legal provisions on suspending from office the President of the Republic of Moldova for participating in the electoral campaign as a candidate.
5. Adjust the national legislation so that all candidates start the election campaign within the same time frame.

To the Central Electoral Commission:

6. Comply with the electoral legislation and the obligation to receive the financial statements of political parties that plan to donate into 'Electoral Fund' account at the beginning of the election campaign.
7. Record the donation in commodities and services in the balance sheet on the funding of the election campaign.

ABBREVIATIONS

para. – paragraph
LPA - Local Public Authorities
Art. – Article
PEB – Precinct electoral bureau
BE Unirea – UNIREA Electoral Bloc
NBM – National Bank of Moldova
twp. – township
CEC – Central Election Commission
DEC – level-two District electoral council
IC - independent candidate
CICDE - Ongoing Training Centre on Electoral Matters
NEPHC - National Extraordinary Public Health Commission
TEPHC - Territorial Extraordinary Public Health Commission
let. – Letter
OM – Observation Mission
mun. – Municipality
No - number
t. - town
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 – Action and Solidarity Political Party
p. – Item
PDM – Democratic Party of Moldova
PLDM – Liberal Democratic Party of Moldova
PN – Our Party
POM - People’s Labour Party Political Party
PPPDA – Dignity and Truth Platform Political Party
PPS – Sor Political Party
Pro Moldova – PRO MOLDOVA Political Party
PSRM – Socialist Party of the Republic of Moldova
PUN – National Unity Party
REO – Registry of Electoral Officials
v. - village
PS - polling station
ATU – Administrative Territorial Unit
c.u. - conventional units
USAID - United States Agency for International Development
ATUG - Autonomous Territorial Unit Gagauzia

ANNEXES

Annex 1. Observers accredited from 21 May to 13 September 2020

Applicant institution	21 May – 25 August	26 August – 15 September	16 September – 29 September	30 September – 13 October	Total, as of 13.10.20
National observers					919
Promo-LEX Observation Mission	69	-	464	361	894
Embassy of the Netherlands in the Republic of Moldova	-	-	1	-	1
Embassy of Japan in the Republic of Moldova	-	-	-	2	2
International institute of monitoring the development of democracy, parliamentarism and observance of the electoral rights of citizens from member of the IA of CIS	-	-	3	-	3
Delegation of the European Union to the Republic of Moldova	-	-	-	3	3
NDI Moldova Office NGO	-	-	-	16	16
International observers					121
Council of the Interparliamentary Assembly of the CIS Member States	-	21	-	2	23
Observation Mission of the Commonwealth of Independent States (CIS)	-	-	-	5	5
Swiss Cooperation Office/Swiss Confederation Embassy Office in the Republic of Moldova	-	2	-	-	2
OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR)	-	3	32	-	35
Embassy of the French Republic to the Republic of Moldova	-	3	-	-	3
Embassy of the Netherlands in the Republic of Moldova	-	-	1	-	1
Embassy of Hungary in the Republic of Moldova	-	-	1	-	1
Embassy of the Kingdom of Sweden in the Republic of Moldova	-	-	4	-	4
European Network of Election Monitoring Organizations (ENEMO)	-	-	5	11	16
Embassy of the Republic of Lithuania to the Republic of Moldova	-	-	4	-	4
Embassy of Republic of Turkey to the Republic of Moldova	-	-	-	10	10
Embassy of Republic of Austria to the Republic of Moldova	-	-	-	1	1
Embassy of Japan in the Republic of Moldova	-	-	-	3	3
Delegation of the European Union to the Republic of Moldova	-	-	-	8	8
Central Electoral Commission of the Republic of Uzbekistan	-	-	-	2	2
Central Commission for Elections and Republican Referendums of the Republic of Belarus	-	-	-	2	2
NDI Moldova Office NGO	-	-	-	1	1

Annex 2 Reasons invoked by registered IG that did not submit their files to CEC

<i>No</i>	<i>IG</i>	<i>Political affiliation</i>	<i>Reasons invoked by IG</i>
1	Oboroc Constantin	IC	Did not manage to collect the needed number of signatures in the signature sheets
2	Toma Serghei	POM	IG members got infected with COVID-19 and had to self-isolate and hence stop collecting signatures
3	Kalinin Alexandr	IC	IG members persecuted by PSRM representatives
4	Costas Ion	IC	Unlawful nature of the elections

