Establishment of Polling Stations for the Voters From the Left Bank of Nistru River

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Executive summary

- Creating conditions for the voters form certain settlements from the left bank of Nistru River and Bender municipality to participate in parliamentary and presidential elections and in republican referendums is a constant problem because they are outside of the sovereign control of the constitutional authorities of the Republic of Moldova. The problem is about ensuring the rights of the citizens from the transnistrian region to participate in the national elections.

- Voter turnout has been always low when compared to the number of people from the transnistrian region who have the right to express their political will in the presidential election from the Republic of Moldova. For the first time, the voter turnout reached 1% of the total number of voters, participating only in the second round of the Presidential Election of 2016.

- In 2017, by Law No 154/2017, various amendments and addenda were made to the Electoral Code, which set the criteria for the establishment of polling stations for the citizens of the Republic of Moldova who live in the administrative territorial units from the left bank of Nistru River, Bender municipality and certain settlements from Causeni district. However, there are problems related to the application of these criteria in establishing the polling stations. The decisions of the Central Electoral Commission were not justified well enough and it is impossible to apply strictly these criteria.

- The problem of organised transportation of voters occurred for the first time in 2016, which was accompanied by alleged actions of vote rigging on the election day. While the political stakeholders and the non-government organisations reported various cases of alleged bribing of voters, we found that no case was proved in the courts. Thus, if the potential actions voter rigging through their organised transportation are not sanctioned, it is very likely that this tool will continue to be used.

Introduction

Ensuring the right to vote of the citizens of the Republic of Moldova from certain settlements from the left bank of Nistru River and Bender municipality, was a problem that occurred due to the conflict on the Nistru River in 1992. In these circumstances, the Moldovan authorities had to identify relevant solutions during the organisation of the national elections to ensure the participation of people from the transnistrian region in voting.

The main problem was the establishment of the polling stations to ensure the participation of the voters from the transnistrian region in the national elections. This process was and is still hindered by the fact that the constitutional authorities does not have any power over certain settlements from the left bank of Nistru River and Bender municipality and, respectively, the polling stations are established without any support from mayors of towns (municipalities), sectors and villages (communes) in the settlements controlled by

the constitutional authorities. Thus, the right to vote is ensured in exceptional conditions. As a result, the Central Electoral Commission (CEC) had to decide, following the criteria set by the legal framework and the experience from the previous elections, on the number of polling stations for the voters from the transnistrian region.

The participation of the citizens of the Republic of Moldova from certain settlements from the left bank of Nistru River and Bender municipality was also hindered by the obstacles created by the Tiraspol regime. The reports of International Election Observation Missions and of non-government organisations from the Republic of Moldova repeatedly emphasized these restrictions. Due to these problems, the participation of voters from the transnistrian region in the elections was relatively low and constant, with certain small exceptions, until the second round of Presidential Election of 2016 when 16,728 votes were registered, which exceeded for the first time the figure of 10,000 voters from the left bank of Nistru River and Bender municipality.

The amendments and addenda that were made to the Electoral Code by Law No 154/2017 set several criteria for the establishment of polling stations for the citizens of the Republic of Moldova who live in the administrative territorial units from the left bank of Nistru River, Bender municipality and certain settlements from Causeni district. They set the basis for the decisions adopted by the Central Electoral Commission for the Parliamentary Election of 2019 and Presidential Election of 2020. Nonetheless, despite the provisions of the legal framework, it appears that these criteria were not sufficiently useful for CEC, which had to rule rather on the basis of its own calculations and views than apply strictly the legal provisions in order to decide the number of polling stations for the voters from the transnistrian region.

Since the 2016 Presidential Election, another severe issue has affected the organisation of the voting process for voters from the left bank of the Nistru River – vote rigging. It is about the suspicions related to the alleged cases of organised transportation of voters and their rigging on the election day. Thus, if the increased number of polling stations broadly solved the problem of ensuring the right to vote for the citizens from the transnistrian region, the cases susceptible to bribing of voters who are transported in an organised manner to the polling station are an important threat to the correctness of the elections.

This study examines the legal framework on the establishment of polling stations for voters from certain settlements on the left bank of Nistru River and Bender municipality. It assesses the participation of citizens domiciled in the transnistrian region from the perspective of ensuring their right to vote, including on the basis of the criteria set by the law. Attention was also focused on the alleged cases of bribing through organised transportation of the voters to the polling stations. As the number of polling stations grew significantly at the last two elections - 47 in 2019 and 42 in 2020 - compared to the previous elections, it is important to explain the logics behind these numbers. It is important to review the arguments brought by CEC for a certain number of polling stations, including in order to respond to the innuendos suggesting a causal link between the higher number of polling stations and organised transportation of voters to the polling stations in order to make them vote for a certain election contender.

Problems related to the organisation and conduct of national elections in the transnistrian region (retrospective aspects)

The 1994 Parliamentary Elections revealed for the first time the need to create special conditions in order to allow the citizens from the transnistrian region to vote. This state of affairs is actually a consequence of the conflict of 1992, after which, the Moldovan constitutional authorities lost the control over certain settlements from the left bank of Nistru River and Bender municipality. Given that the Chisinau administration cannot exercise its duties in the transnistrian region, two major problems affected the organisation and conduct of the voting process. We refer to the restriction of the right to vote and be elected and to the alleged cases of bribing the voters through their organised transportation to the polling stations.

The state institutions cannot establish polling stations in the settlements from the left bank of Nistru River, and are forced to take extraordinary measures in order to establish them in the administrative territorial units under constitutional control. To strengthen its regime, Tiraspol erected communication and movement barriers between the citizens from both banks of Nistru River. This restricted the participation of Moldovan citizens from the transnistrian region in the national election organised by the constitutional authorities and violated their constitutional right to vote. The barriers set up by the Tiraspol authorities also hindered the participation of the candidates from the region in the parliamentary elections, which meant that a large share of the population was not represented in the new Parliament. In addition, the election contenders did not have the opportunity to discuss and present their programs to the voters from the transnistrian region.

To address the challenges related to the participation of Moldovan citizens from certain settlements on the left bank of Nistru River and Bender municipality, the national authorities had to create special conditions in order to allow them to exercise this right. First, we want to mention the Decree of the President of the Republic of Moldova of 17 February 1994, which states that 'for the citizens with the right to vote from the districts on the left bank of Nistru river and Bender municipality, the period for the organisation of the parliamentary election of the Republic of Moldova is set for 21-27 February', asking that the Central Electoral Commission finds ways of organising and conducting elections for the mentioned citizens1. On 18 February 1994, CEC decided that the citizens of the Republic of Moldova from the transnistrian region would vote in 15 polling stations established in the settlements controlled by the constitutional authorities[2].

The first international missions for the monitoring of the Parliamentary Election of 1994 assessed the conditions for the participation in the voting process of the citizens domiciled in the settlements controlled by the Tiraspol regime. A report produced by the International Foundation for Electoral Systems (IFES) makes a thorough analysis of the problems related to the organisation of the voting process for the citizens from the

[1] The Decree of the President of the Republic of Moldova of 17 February 1994 on the creation of conditions for the participation of the citizens from the districts on the left bank of Nistru River and Bender municipality in the parliamentary elections of the Republic of Moldova. *Moldova Suverana [Sovereign Moldova]*, 19 February 1994, No 21 (18259).

[2] Press service of CEC. Conditions for voting. *Moldova Suverana [Sovereign Moldova]*, 23 February 1994, No 22-24 (18260-18362).

transnistrian region[3]. This document addresses the problems linked with the establishment of polling stations in the transnistrian region following the consequences of the conflict on Nistru River. It also documents Tiraspol authorities' actions of intimidating the citizens who travelled to the polling stations.

The report of the Delegation of the Parliamentary Assembly of the Conference for Security and Cooperation in Europe (CSCE) emphasized its reservations regarding the freedom and correctness of elections, given that Moldovans who live in the transnistrian region had very few opportunities to vote in the elections[4]. This assessment makes reference to various sources, including voters from the transnistrian region, according to whom in certain enterprises, the management collected the passports of the employees during the elections thus making impossible for many voters to express their vote. The reports of certain NGOs from the Republic of Moldova also emphasize the obstacles posed by the Tiraspol regime, as well as the negligence of the constitutional authorities towards the possibility of citizens from the transnistrian region to exercise their right to vote[5].

The Report of the OSCE Observation Mission for the 1996 Presidential Election of states that giving a realistic opportunity to exercise the civic right to vote in line with universal human rights to about 450,000 voters on the left bank of Nistru River was a major concern for the Office for Democratic Institutions and Human Rights[6].

Starting with the 1996 Presidential Election, CEC adopted periodically, for the national elections, decisions in order to regulate the participation of Moldovan citizens domiciled in certain settlements on the left bank of Nistru River, Bender municipality and certain settlements of Causeni district in the presidential and parliamentary elections and in the national referendums. CEC Decision of November 1996 establishing the polling stations and stating that the voters from the left bank of Nistru River and Bender municipality would be included on the additional lists and that the ballot papers had to be collected in 'special boxes'[7].

The shift from the proportional system based on party lists to the mixed one in 2017[8] and the further amendments of 2019[9] of the Electoral Code set the conditions for the organisation of the electoral process for the voters from the transnistrian region. Note the legal provisions that determine the peculiarities of the establishment and operation of the polling stations and precinct electoral bureaus, the establishment of the criteria for

[3] Thomas Carothers, Jonathan Soros, Ray S. James, Dorin Tudoran. The Moldovan Parliamentary Elections. 27 February 1994, IFES: https://www.ifes.org/sites/default/files/r01760.pdf, last time accessed on 26.11.2020.
[4] Report on the elections in Moldova, 27 February 1994, 1994. https://www.oscepa.org/documents/election-observation/election-observation-statements/moldova/statements-16/2102-1994-parliamentary-4/file, last time accessed on 03.12.2020.
[5] Final Report on the Electoral Process Monitoring in the Transnistrian Region of Republic of Moldova for the Parliamentary Elections 2009https://promolex.md/wp-content/uploads/2017/06/Raport-Final-Privind-Monitorizarea-Procesului-Electoral-%C3%8En-Regiunea-Transnistrean%C4%83-a-Republicii-Moldova-Alegerile-Parlamentare-2009.pdf, last time accessed on 5.12.2020.
[6] Office for Democratic Institutions and Human Rights. Final Report Presidential Elections in the Republic of Moldova. 17 November and 1 December, 1996. https://www.osce.org/files/f/documents/8/3/14852.pdf, last time accessed on 13.01.2021.
[7] Decision of the Central Electoral Commission No 95 of 5 November 1996 on the participation of the citizens of the Republic of Moldova domiciled in the districts from the left bank of Nistru River and in Bender municipality in the Presidential Election of the Republic of Moldova of 17 November 1996.
[8] Law No 154 of 20 July 2017 on the Amendment and Addenda to Some Legislative Acts.
[9] Law No 113 of 15 August 2019 on the Amendment and Addenda to Some Legislative Acts.

creating the polling stations[10] and the formation of a different electoral council based in Chisinau municipality for the polling stations intended for the settlements from the transnistrian region[11]. We would also like to mention, the Regulation on the peculiarities of organisation and operation of polling stations for voters living in the transnistrian region and certain settlements of Causeni district aimed to create conditions for the participation of voters from the settlements on the left bank of Nistru River (Transnistria) in the elections organised by the Central Electoral Commission[12].

Besides the efforts of the national authorities to create conditions to ensure the right to vote, we want to emphasize another problem that occurred during the last three national elections. During the second round of the 2016 Presidential Election, the political parties, non-government organisations and international institutions mentioned alleged cases of vote rigging by organising transportation to the polling stations established for the voters living on the left bank of Nistru River. According to the Final Report of the Promo-LEX Observation Mission, during the second round of elections at least 160 means of transport were involved in the organised transportation of voters, mainly to the polling stations that were established for the transnistrian region. The Promo-LEX observers documented cases that can qualify as voter rigging[13]. Also, according to the Report of the Election Observation Mission of OSCE, certain voters came to the polling stations that were intended for the citizens form the transnistrian region by buses, which is confirmed by certain interlocutors who said that their transportation was organised by PSRM or by the supporters of Igor Dodon and the voters were paid or threatened to lose their jobs[14].

This problem contrasts with the history of the organisation of national elections. Initially, the Tiraspol authorities restricted the participation of the citizens of the Republic of Moldova in the parliamentary or presidential elections, and even prohibited the movement of the means of transport[15]. The situation has changed starting with 2016 when the transnistrian regime stimulated the organised transportation of the voters from the left bank of Nistru River for the presidential election of that year.

The organised transportation of voters accompanied by their rigging during the election day, determined a change in the attitude towards the organisation and conduct of the voting process[16]. The participation in the elections was not doubted, but the organised

[10] Article 32 of the Electoral Code No 1381 of 21 November 1997.
[11] Article 81(2) of the Electoral Code No 1381 of 21 November 1997.
[12] CEC Decision No 1567 of 24 April 2018 approving the Regulation on the peculiarities of organisation and operation of polling stations for voters of the Republic of Moldova living in the administrative-territorial units on the left bank of Nistru River (Transnistria), Bender municipality and some settlements of Causeni district.
[13] Final Report. Observation Mission for the Presidential Election in the Republic of Moldova on 30 October 2016, p. 69. https://promolex.md/wp-content/uploads/2017/01/raport-electoral-final_RO_2016.pdf, last time accessed on 23.01.2021.
[14] OSCE/ODIHR Election Observation Mission Final Report. Republic of Moldova. Presidential election 30 October and 13 November 2016. https://www.osce.org/files/f/documents/2/5/300016_0.pdf, last time accessed on 15.12.2020.
[15] Final Report on the Electoral Process Monitoring in the Transnistrian Region of Republic of Moldova for the Parliamentary Elections 2009. https://promolex.md/wp-content/uploads/2017/06/Raport-Final-Privind-Monitorizarea-Procesului-Electoral-%C3%8En-Regiunea-Transnistrean%C4%83-a-Republicii-Moldova-Alegerile-Parlamentare-2009.pdf, last time accessed on 5.12.2020.
[16] CEC Decision No 4390 of 20 October 2020 on certain aspects related to the organised transportaion of the voters to the polling stations on the day of the presidential elections of 1 November 2020.

transportation of paid voters to vote for a certain political party was an important element of the monitoring of national elections[17].

Taking into account the suspicions of bribing the voters who were transported in an organised manner for the Parliamentary Election of 2019, the representatives of the local public authorities and the residents of various settlements under the constitutional control of the Republic of Moldova where traditionally, polling stations were opened for the voters from the region, were against the establishment of polling stations for the Presidential Election of 2020 in these territorial administrative units. Mostly, they argued their attitude with the fact that voters from the transnistrian region were to decide the political fate of the country without having any connection with the Moldovan political environment.

The phenomenon of organised transportation of voters and the alleged vote rigging is an electoral fraud. Although the organised transportation of voters and their rewarding were proved with evidences, not a single political stakeholder or the persons involved were punished. The notifications submitted with the General Police Inspectorate regarding the cases susceptible to bribing of voters who were transported in an organised manner were not investigated by the police because they could not fulfill their duties in the settlements that were not controlled by the constitutional authorities[18].

We would like to mention the position of the Constitutional Court, which outlined the idea that 'the organised transportation itself is not an electoral violation, unless it is proved that undue pressure was made to influence the voting choice'[19]. Also, according to them, it would be a huge mistake to incriminate organised transportation if there is no proof that the elections were defrauded by bribing these persons by certain political parties or stakeholders[20].

In legal terms, there is no definition of the term organised transportation of voters to polling stations in order to make them vote for a certain election contender. Nonetheless, for the Presidential Election of 1 November 2020, CEC issued the Circular Letter No 8/3014, which provides for the obligation of law enforcement agencies to counter the unlawful transportation of voters and the obligation of electoral contenders to refrain from such type of actions[21]. As regards the behavior of the contenders, we remind the provisions of Article 22 (r) of the Electoral Code, according to which CEC shall make sure that election contenders sign the Code of Conduct before the election campaign starts. Thus, to increase the accountability of the candidates, this mechanism could also be taken onto account even if no sanctions are set for the failure to observe it.

[17] Final Report. Observation Mission for the Presidential Election in the Republic of Moldova on 30 October 2016. https://promolex.md/wp-content/uploads/2017/01/raport-electoral-final_RO_2016.pdf, last time accessed on 23.01.2021.

[18] Interview conducted on 21 December 2020 with Alina Russu, CEC Chairperson during 2016–2019.

[19] Decision of the Constitutional Court No 34 of 13 December 2016 confirming the Election Results and Validating the Mandate of President of the Republic of Moldova.

[20] Interview conducted on 15 December 2020 with Iurie Ciocan, CEC Chairperson (2011–2016), CEC member (2003–2019).

[21] Circular Letter No CEC–8/3014 https://a.cec.md/storage/ckfinder/files/Alegeri%20Preziden%C8%9Biale_1%20noiembrie%202020/Circulara%20privind%20asigurarea%20respectarii%20legisla%C8%9Biei%20%C3%AEn%20%20procesul%20desf%C4%83%C8%99urarii%20%20campaniei%20electorale.pdf

The participation in the elections of the citizens from the transnistrian region

Considering the problems mentioned above, for the citizens from the left bank of Nistru River the elections were organised and conducted in special conditions. In Table 1 we can see the dynamics of the participation of voters from the transnistrian region in the parliamentary and presidential elections that were conducted between 1994 and 2020.

Table 1. Voter turnout of the citizens from the left bank of Nistru River

	No of voters who voted	Participation rate	No of voters from the transnistrian region	% of votes from the transnistrian region	PSs for the transnistrian region	Average of votes by PS from the transnistrian region
1994 Parliamentary Election	1,868,493	79.31%	7 664	0.4%	15	511
1996 Presidential Election	Round I – 1,634,661 Round II – 1,748,139	68.13% 71.61%	Round I – 3,550 Round II – 9,045	0.2% 0.5%	13	Round I – 273 Round II – 696
1998 Parliamentary Election	1,680,470	69.12%	3 738	0.2%	13	288
2001 Parliamentary Election	1,606,703	67.52%	4 265	0.3%	8	533
2005 Parliamentary Election	1,576,079	64.84%	8 206	0.5%	9	912
Parliamentary Election, April 2009	1,556,083	57.55%	4 042	0.3%	10	404
Parliamentary Election, July 2009	1,591,757	58.77%	5,100	0.3%	11	464
2010 Parliamentary Election	1,732,944	63.37%	7,704	0.4%	21	367
2014 Parliamentary Election	1,649,402	57.28%	9,261	0.6%	26	356
2016 Presidential Election	Round I – 1,440,733 Round II – 1,614,023	50.95% 53.45%	Round I – 6,964 Round II – 16,728	0.5% 1%	30	Round I – 232 Round II – 696
2019 Parliamentary Election	NC – 1,457,220 SMC – 1,441,326	50.57% 50.14%	NC – 37,257 SMC – 36,696	2.6% 2.5%	47	NC – 793 SMC – 781
2020 Presidential Election	Round I – 1,368,516 Round II – 1,654,150	48.54% 58.22%	Round I – 14,711 Round II – 31,784	1.1% 1.9%	42	Round I – 350 Round II – 757

Source: developed by the author on the basis of CEC, ODIHR of OSCE, IFES reports

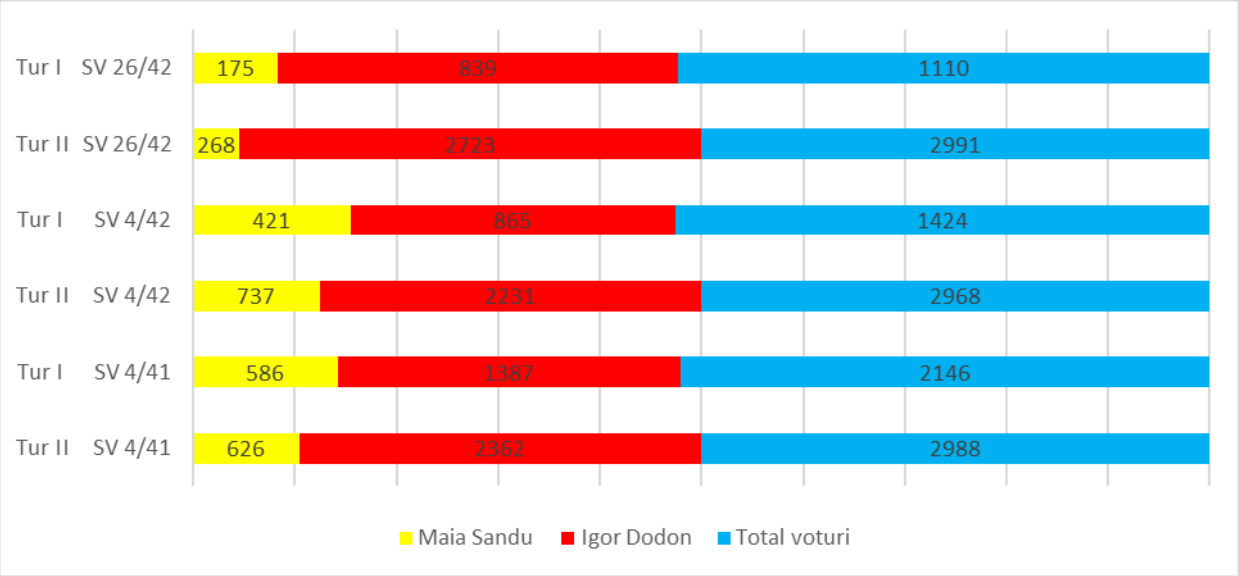
We found that between 1994 and 2014, the number of voters from the left bank of Nistru River and Bender municipality did not reach the figure of 10,000 people and respectively, never reached at least 1% of the total number of voters who participated in the elections

organised during that period. Between 1994 and 2016, conditions were created to participate in priority voting in mixed polling stations and occasionally, in polling stations that were specially established for these voters.

We also found that the increase in the number of polling stations from 11 in 2009 to 30 in 2016 (for the first round of Presidential Election) – did not result in any significant increase in the number of voters. On the contrary, this number was smaller in the first round of 2016 Presidential Election than in 2014 Parliamentary Election. Thus, the average number of votes expressed by the voters from the transnistrian region during the first round of 2016 Presidential Election marked the lowers turnout since 1994, when for the first time, special conditions were created for the voters from the left bank of Nistru River and Bender municipality.

The second round of 2016 Presidential Election was a turning point that changed the attitude of the election observation missions towards the organisation of the parliamentary and presidential elections and towards the participation of the citizens from certain settlements from the left bank of Nistru River and Bender municipality in national election. For the Presidential Election of 2016 three polling stations were exclusively established – Varnita No 4/41, Anenii Noi No 4/42 and Rezina No 26/42 – to allow the voters from the territorial administrative units from the left bank of Nistru River and Bender municipality express their vote[22].

Diagram 1. Results of 2016 Presidential Election in those 3 PSs established for the citizens of the Republic of Moldova living on the left bank of Nistru River and Bender municipality



Source: developed by the author on the basis of CEC reports

There are several elements that should be emphasized as regards the organisation, the results of the elections and the participation in this presidential elections in those three polling stations. First, the president elected in November 2016 obtained in those three polling stations that were exclusively created for the citizens from the transnistrian region 7,316 votes, which is about 44% of the total of 16,728 votes given by the citizens from the

[22]CEC Decision No 572 of 18 November 2016 approving Report on the results of the Moldova Presidential Election of 30 November 2016. https://a.cec.md/ro/privind-aprobarea-raportului-cu-privire-la-rezultatele-alegerilor-pentru-functia-2751_85873.html, last time accessed on 11.12.2020.

left bank of Nistru River. Second, after assessing the final data from Varnita No 4/41, Anenii Noi No 4/42 and Rezina 26/42, we found that in the second round of elections, Igor Dodon doubled, and in the polling station from Rezina, tripled the results as compared to the first round. Third, we found that for the first time, the participation rate of the voters from the left bank of Nistru River and Bender municipality accounted for 1% of the total number of those who voted. Note that the voter turnout in these polling station reached almost the limit of 3,000 ballot papers per polling station.

The implementation of the criteria for the establishment of polling stations

After the presidential elections of 2016, by Law No 154/2017, various amendments and addenda were made to the Electoral Code, which set the criteria for the establishment of polling stations for the citizens of the Republic of Moldova who live in the administrative territorial units from the left bank of Nistru River, Bender municipality and certain settlements from Causeni district[23]:

a) the polling stations shall be opened in the administrative territorial units under the constitutional control of the Moldovan authorities both on the left bank and on the right bank of the Nistru River;

b) for the settlements on the left bank of the Nistru River, separate polling stations will be opened on the basis of data from the State Register of Voters, including on the basis of preliminary registration, according to the procedure established by the regulation approved by the Central Electoral Commission;

c) when opening polling stations, the number of voters who participated in the previous elections shall be taken into account, according to the data from the State Register of Voters, including according to the preliminary registration.

As regards the last election, we would like to mention that CEC took a series of actions to set up polling stations for the 2020 Presidential Election. The Commission, in order to implement the Decision of the Parliament of the Republic of Moldova No 65 of 21 May 2020 setting the date of the presidential election in the Republic of Moldova, organised, on 19 February 2020, a working meeting with the representatives of the Joint Control Commission, of the Bureau for Reintegration Policies under the State Chancellery as well of the General Police Inspectorate. The establishment of polling stations for the voters from the left bank of Nistru River and ensuring the free access of voters to the polling stations on the election day were among the discussed topics[24]. Later on, the Commission asked the institutions that attended the meeting of 19 February 2020 to appoint one person to represent the institution in the inter-institutional group that was to be created[25].

On 17 June 2020, the Commission requested that the presidents of the districts bordering on the Nistru River submit information about the communication channels between those territorial administrative units and the transnistrian region[26]. As a result, the districts that do not have direct access ways to the settlements on the left bank of Nistru River (bridges) were excluded from the list of those who were to host polling stations for the citizens from the transnistrian region (Soroca, Soldanesti and Orhei).

[23] Article 32 of the Electoral Code No 1381 of 21 November 1997.
[24] Chronological information note about the actions taken to organise the polling stations for the voters from the left bank of Nistru River (Transnistria), sent at the request of the author.
[25] CEC Request No 8/1941 of 20 February 2020.
[26] CEC Request No 8/2341 of 17 June 2020.

On 25 June 2020, the Commission submitted to the district presidents, the preliminary list of polling stations[27], and on 30 July, the preliminary venue list was transmitted to the mayors of the settlements[28] in which the Central Electoral Commission intended to set up separate polling stations for the constituency (No 37) for the voters living on the left bank of Nistru River (Transnistria).

The collaboration between CEC and the Bureau for Reintegration Policies regarding the establishment of polling stations was also important. Law No 113/2019 envisages that the Bureau for Reintegration Policies shall submit proposals to CEC in order to establish polling stations for the voters living in the settlements from the left bank of Nistru River[29]. On 11 and 23 September, the Commission asked the Bureau to submit proposals on setting up polling stations for voters living in settlements on the left bank of the Nistru River (Transnistria), Bender municipality and certain settlements of Causeni district[30]. The recommendations of the Bureau were important, particularly from the perspective of the analysis of the communication/access ways in the settlements from the Security Zone[31].

Table 2. Data from the SRV regarding the preliminary registration and participation of voters in the previous elections

	Data from SRV	Preliminary registration	Participation of voters in the previous elections
2019 Parliamentary Election	230600	104	Round I – 6,964 of 2016 Second Round – 16,728 din 2016
2020 Presidential Election	247609	177	NC – 37,257 SMC – 36,696

Source: CEC

The amendments made in 2017 to the Electoral Code regarding the establishment of polling stations, although they set various criteria for their establishment, were not relevant for creating conditions for the participation of citizens living in the transnistrian region in the 2019 Parliamentary Election. Moreover, their strict application is impossible. If we take into account the legal provisions, over 76 polling stations (230600/3000) were to be open to cover at least 3,000 voters according to the Electoral Code.

Given that in 2020, about 247609 persons with the right to vote from the transnistrian region had the citizenship of the Republic of Moldova, 83 polling stations (247609/3000) were supposed to be set up according to the legal criteria. At the same time, considering that the participation rate at the latest national election (Parliamentary, 2019) was about 50%, a maximum of 42 PSs (50% of the total 83 PSs) would have been possible to be set up for the Presidential Election of 1 November 2020. In this context we remind that 42 polling stations were established for the 2020 Presidential Election.

However, the total number of stations may vary, meaning that it can be lower, if justified, than the maximum number established according to mathematical calculations, at least for

[27] CEC Request No 8/2368 of 25 June 2020.
[28] CEC Request No 8/249568 of 30 July 2020.
[29] Law No 113 of 15 August 2019 on Amendments and Addenda to Some Legislative Acts.
[30] CEC Regulation No 4301 of 26 September 2020 on setting up polling stations for voters from the left bank of Nistru River (Transnistria), Bender Municipality and some settlements of Causeni District in the context of Elections for the President of the Republic of Moldova of 1 November 2020.
[31] Response of the Bureau for Reintegration Policies No 23-05-8716 din 24 September 2020 at the Request of CEC 8/2875 din 23 September 2020.

two reasons. First, due to problems related to identification of premises, ensuring security or access and communication. Second, the participation rate of persons with the right to vote from the transnistrian region was of about 16% at the 2019 Parliamentary Election and about 13% at the 2020 Presidential Election.

On preliminary registration as a criterion for establishment of PSs for the transnistrian region, note that this mechanism is not yet developed sufficiently. We also found a small number of voters who have used this tool. The preliminary registration allows to see in real time the intention to vote. We believe that if preliminary registration is promoted more actively and more people register preliminarily, the identification of the venues for polling stations will be more efficient. The mechanism is still useful, even if CEC has official information about the number of citizens living in the transnistrian region.

In this context, in practical terms, the participation in the previous elections appears to be the most conclusive criterion used by authorities, although in this case we find that CEC does not have enough arguments for the establishment of the number of polling stations for the parliamentary elections of 2019 as compared with the elections form 2016 – from 30 in 2016, where 16,728 voters voted in the second round, to 47 in 2019.

Note that the opinions concerning the relevance of these criteria are divided. According to Alina Russu, the CEC Chairperson during 2016-2019, SRV data were important for the establishment of the PSs because it provided relevant information about the residence of the citizens from certain settlements from the left bank of the Nistru River, on the basis of which the number of polling stations for the 2019 Parliamentary Election was decided[32].

According to Iurie Ciocan, CEC Chairperson between 2011 and 2016, the decisions of the Central Electoral Commission are usually insufficiently substantiated when it comes to establishing the polling stations for the citizens living in the transnistrian region[33]. Thus, the criteria set in the Electoral Code are not very relevant and CEC established the PSs by taking into account the requests of the citizens who fled to different settlements of the Republic of Moldova and the recommendations of the OSCE election observation missions that have always mentioned the existing problems related to the access of citizens living in the transnistrian region to voting. It should be also mentioned that the polling stations are established without being supported by the mayors of towns (municipalities), sectors and villages (communes).

Establishing the number of polling stations to be set up requires a post-election analysis, including by cutting the number of polling stations, where appropriate[34]. Table 3 shows the dynamics of the voter turnout in the 2020 Presidential Election.

Table 3. Participation of citizens from the transnistrian region in 2020 Presidential Election

Polling station	Round 1	Round 2	Polling station	Round 1	Round 2
Chisinau No 37/1	675	1,151	*Criuleni No 37/22*	105	269
Balti No 37/2	9	20	*Criuleni No*	156	390

[32] Interview conducted on 21 December 2020 with Alina Russu, CEC Chairperson during 2016–2019.
[33] Interview conducted on 15 December 2020 with Iurie Ciocan, CEC Chairperson (2011–2016), CEC member (2003–2019).
[34] Interview with an expert in electoral systems conducted on 15 December 2020.

			37/23		
Anenii Noi No 37/3	601	1,115	*Cocieri No 37/24*	746	1254
Calfa No 37/4	89	542	*Cocieri No 37/25*	498	1 191
Calfa No 37/5	86	348	*Cosnita No 37/26*	222	516
Gura Bacului No 37/6	288	621	*Cosnita No 37/27*	29	195
Gura Bacului No 37/7	359	575	*Dorotcaia No 37/28*	404	1,672
Harbovat No 37/8	162	723	*Dorotcaia No 37/29*	157	600
Varnita No 37/9	812	1,129	*Molovata Noua No 37/30*	106	1,044
Varnita No 37/10	680	1,049	*Ustia No 37/31*	213	434
Varnita No 37/11	502	951	*Sanatauca No 37/32*	446	733
Varnita No 37/12	713	1,056	*Sanatauca No 37/33*	296	651
Causeni No 37/13	115	291	*Sanatauca No 37/34*	303	695
Causeni No 37/14	182	488	*Sanatauca No 37/35*	772	1,123
Chircaiesti No 37/15	53	167	*Rezina No 37/36*	1,305	1,838
Chircaiesti No 37/16	52	251	*Rezina No 37/37*	403	1,355
Copanca No 37/17	307	784	*Rezina No 37/38*	542	1,046
Copanca No 37/18	316	996	*Rezina No 37/39*	619	1,493
Farladeni No 37/19	352	749	*Stefan Voda No 37/40*	96	64
Hagimus No 37/20	297	533	*Stefan Voda No 37/41*	26	39
Hagimus No 37/21	443	755	*Rascaieti No 37/42*	174	879

Source: CEC. Scanned protocols: first round and second round.

We found a 116% increase in the voter turnout in the second round of elections as compared with the first round in the administrative territorial units from the transnistrian region, compared with a 21% increase at national level and a 75% increase in the polling stations outside the country. The results registered in the second round of elections will be the starting point for setting the number of polling stations to be established for the next

national elections, even if alleged cases of organised transportation of voters for financial rewards were registered[35].

A careful look at the voter turnout in those 42 polling stations suggests that it is necessary to cut them in certain settlements (one polling station instead of two, for example: Cosnita, Criuleni) or that some of them should not be established at all, for example, in Balti municipality (the legal framework provides for the registration procedure according to the place of residence), Stefan Voda town (to vote in Stefan Voda one should cross Rascaieti, which has PS).

We believe that the polling stations should be established in the settlements bordering on communication paths between both banks of Nistru River and Bender municipality. It is difficult to argue the rationale for establishing the polling stations in the settlements located at a certain distance from the access ways, given that people can vote in the adjacent settlements. We refer to the relevance of establishing polling stations in Causeni (there are PSs in Hagimus, Farladeni and Copanca), in Calfa and Anenii Noi (Gura Bacului, Varnita and Harbovat) and in Ustia (Criuleni).

Table 4. Estimated number and location of polling stations (recommended)

Settlement	Number of PSs
Chisinau	**1**
Gura Bacului	**2**
Harbovat	**1**
Varnita	**4**
Farladeni	**1**
Copanca	**2**
Hagimus	**2**
Criuleni	**1**
Cocieri	**2**
Cosnita	**1**
Dorotcaia	**2**
Molovata Noua	**1**
Sanatauca	**3**
Rezina	**4**
Rascaieti	**1**
Total	**28**

A post-electoral analysis reveals that 28 polling stations represent a reasonable figure to ensure the participation of citizens from the left bank of Nistru River in the voting process. This would mean about 1,330 voters per polling station if we take into account the maximum number of 37,257 citizens from the region who voted in the national constituency of the 2019 Parliamentary Election. Even if we admit that the number of individuals with the right to vote who will participate doubles, this number of polling stations will ensure the right to vote.

[35] Report No 8. Observation Mission of the Presidential Election in the Republic of Moldova of 1 (15) November 2020, last time accessed on 17.12.2020.

Conclusions

After the war for the defense of the territorial integrity ended in 1992, central authorities faced the problem of ensuring the participation of Moldovan citizens from certain settlements on the left bank of Nistru River and Bender municipality in the national elections. Given the situation, it was decided to create conditions for voting in the polling stations set up in settlements controlled by the constitutional authorities.

The participation of voters from the left bank of Nistru River was insignificant in most national elections – less than 10,000 voters (1994–2014), which usually accounted for less than 1% of the total number of citizens who voted, even if the number of polling stations increased constantly. The obstacles created by Tiraspol regime are one of the reasons for the low participation rate. The international and national election observation missions revealed the restrictions imposed by the Tiraspol regime.

Usually, between 1994 and 2016, the citizens of the Republic of Moldova from certain settlements from the left bank of Nistru River and Bender municipality were provided with conditions that allowed them to vote in mixed polling stations. The Central Electoral Commission adopted decisions regarding the number of polling stations based on its own estimates. Their number increased from 15 (with small changes over time) up to 30 between 1994 and 2016.

In 2017, various amendments were introduced in the Electoral Code, which targeted the organisation and participation in the elections of the voters from certain settlements from the left bank of Nistru River and Bender municipality. Thus, various criteria for the establishment and operation of polling stations for voters from the settlements from the left bank of Nistru River were defined.

Taking into account the peculiarities of establishing the polling stations for the 2019 Parliamentary Election and 2020 Presidential Election for the citizens from certain settlements from the left bank of Nistru River based on the criteria defined in 2017, we found they could not be applied *ad litteram.* As a result, the CEC decisions to establish 47 polling stations in 2019 and 42 in 2020 were not backed by enough arguments. The participation of voters in the previous elections and the data presented by the SRV have mattered in the decision-making process of CEC. We note that the data from the SRV provides information about the residence of citizens from the left bank of Nistru River and respectively, CEC took it into account for both rounds of elections when it established the polling stations.

The second round of the 2016 Presidential Election determined the non-government organisations, media outlets and certain political parties to pay attention to a problem that met the characteristics of an attempt to rig the elections – organised transportation and paying the voters to vote for a certain political stakeholder. It is worth to notice that the participation of the citizens living in the transnistrian region in the second round of the 2016 Presidential Election exceeded for the first time the share of 1%, with 16,728 voters.

Organised transportation and alleged rewarding of voters from certain settlements from the left bank of Nistru River and Bender municipality by representatives of political parties raised the problem of electoral fraud in 2019 and 2020. The problem is that the alleged cases of bribery following the organised transportation were not proved in courts and, respectively, not a single actor was sanctioned.

Recommendations

- The post-electoral analysis is important in identifying the settlements where polling stations should be established, as well as their number in the next national elections. Understanding that the right to vote needs to be ensured, we believe that polling stations should be concentrated in adjacent communities, controlled by the constitutional authorities of the Republic of Moldova, along the access ways.
- To avoid any suspicions looming over CEC arguments for the establishment of a certain number of polling stations for citizens from the transnistrian region, we believe that the Central Electoral Commission should put up this for public debates and explain to the society the rationale for setting up a certain number of polling stations.
- Also, it is necessary to cut the number of polling stations. The post-electoral analysis suggests to merge certain polling stations due to the small number of voters who showed up to the polling stations concerned. This concerns in particular the settlements that are located at a certain distance from the access ways.
- The Electoral Code should define the organised transportation of voters and the causal link with determining them to vote for a certain election contender. The Contravention Code and Criminal Code should be aligned to the amendments made to the Electoral Code. This would allow the General Police Inspectorate to find the contraventional and/or criminal nature of the unlawful actions and sanction the election contenders who break the law.
- Also, once the term is defined and the sanction is established, we recommend to include this provision in *the Declaration of Conduct as regards the conditions and provision of financial, tangible and intangible support for the election campaign*. Thus, the election candidates will sign a statutory declaration, which will provide the necessary mechanism for sanctioning organised transportation of voters and influencing their decisions by material rewards.