

OBSERVATION MISSION

GENERAL LOCAL ELECTIONS
5 NOVEMBER 2023

Report no. 1

**Observation period:
1 January - 4 September 2023**

Promo-LEX

Advancing democracy and human rights



coaliția civică pentru alegeri libere și corecte

OBSERVATION MISSION

GENERAL LOCAL ELECTIONS
5 NOVEMBER 2023

Chisinau, 2023

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**Funded by
the European Union**

The report is prepared within the framework of the Observation Mission for general local elections from 5 November 2023, carried out by Promo-LEX Association with the financial support of the United States Agency for International Development (USAID) under the “Democracy, Transparency and Accountability” Program and of the European Union under the Project „Enhancing the electoral legal framework and assessment of its implementation during 2023 local general elections”.

The responsibility for the views expressed in this report belongs to Promo-LEX Association and does not necessarily reflect the opinion of donors. The content of this report may be subject to editorial review. If there are any discrepancies between the text in Romanian language and its translation in another language, the provisions in the Romanian version shall prevail.

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EXECUTIVE SUMMARY

Political context. Over the course of 4 years since the last general local elections in the Republic of Moldova, presidential elections were held in 2020, followed by early parliamentary elections in 2021. In both cases, the victory was achieved by candidates from a single political party. The upcoming local elections in autumn will serve as a test of the level of support for the government. The political context continues to be influenced by the division within society regarding the country's geopolitical orientation, particularly in the midst of the Russian Federation's war waged against Ukraine. The state of emergency established after the start of the war is permanently extended, but according to legal provisions it will not affect the organisation of elections. The political migration of local elected representatives on the eve of electoral period is also a feature of the socio-political context.

Legal framework. The new Electoral Code approved on 8 December 2022 entered into force on 1 January 2023. The general local elections on 5 November 2023 will be the first elections under the new legal provisions. In the opinion of Promo-LEX, the public consultation process on the electoral legislation was carried out in accordance with the legal provisions and was generally open, participatory and inclusive. The draft was also endorsed by the Venice Commission. Promo-LEX Association has been actively involved in the debate on the project, both on the CEC platform and the parliamentary platform. The changes, for the most part, were based on the conclusions of post-electoral conferences of electoral bodies, recommendations of national and international observation missions. However, after the election date was set, the Electoral Code was once again amended, in the context of implementing the Decision of the Constitutional Court regarding the declaration of unconstitutionality of a political party.

Electoral bodies. General local elections are more complex in terms of the organisation of the process and involve greater responsibility for the lower electoral bodies. The current elections will be the first country-wide elections organised by the current composition of CEC. In addition, this is taking place under a new Electoral Code. The regulatory framework was not fully approved by the beginning of the electoral period, but the deadlines for consultation on each act were met. Some new provisions led to some misunderstandings on implementation (e.g. the application of provisions referring to messages of public interest). The composition of CEC is not complete, as there is a vacant position approximately one month before the electoral period. The process of appointing the chairpersons of the ECEC level II has been finalized. The election organization process is proceeding according to the approved timetable.

State Register of Voters. CEC publishes monthly data on the number of voters in the SRV. Such a provision has been introduced in the regulatory framework and is already considered more than a good practice. Regarding the data from the SRV, it is worth noting that, contrary to the trends of the past few years, which saw a slight but constant decrease in the total number of voters, there has been an increase in the number of voters in the lead-up to the general local elections in November 2023.

Potential electoral competitors. The issue of announcing candidates for elective office before the official nomination period persists in these general local elections as well. At least 16 political parties have already announced their intention to nominate certain candidates - PPPO, PDCM, PACE, PAS, LOC, CUB, PPPDA, PL, PSDE, PSRM, CC, MAN, PS, MRM, PPDA, and PCRM. According to Promo-LEX OM, election-themed promotional activities for potential candidates have been observed in the case of 4 political parties: PAS, PSRM, PSDE, and PPPDA. Additionally, it is considered that in the case of two authorities - the City Halls of Chisinau and Balti, and one political party - PSRM, there may be the question of using administrative resources for political gain during the electoral period.

Observing the financing of electoral activities. Promo-LEX OM continues to observe the financing of initiative groups' activities and electoral campaigns of competitors. The methodology involves estimating expenses and comparing them with the information reported to electoral bodies. An important objective is also monitoring the implementation of new legal provisions, as well as the activity of CEC as a supervisory and control body. According to Promo-LEX, the budget allocated for organizing the general local elections is not fully transparent.

Hate speech. In 2022, the Contravention Code was amended, and currently, the use of hate speech and/or incitement to discrimination by electoral competitors, including through electoral materials, is prohibited and sanctioned.

The Central Electoral Commission and the Audiovisual Council have developed internal tools for regulating political and electoral advertising, as well as for monitoring hate speech in the audiovisual media.

In the context of trends in using hate speech during election periods over the last five years, as well as new provisions on electoral campaigning, monitoring the phenomenon of hate speech during general local elections is necessary in order to analyse and assess the extent to which hate speech and incitement to discrimination is used and sanctioned.

INTRODUCTION

Report No. 1 is prepared and presented in the context of the public launch of the work of the Promo-LEX Observation Mission (OM) for the General Local Elections from 5 November 2023. It covers the period from 1 January 2023, when the new Electoral Code came into force, and includes the results of the observation of the pre-electoral and electoral period until the start of the nomination procedures for candidates for elective office for level II electoral constituencies - 6 September 2023.

The main findings and trends in the current report relate to the socio-political and legal context of the general local elections, the work of electoral bodies and the activities of potential candidates with electoral impact. It also describes the methodologies and objectives of observing campaign financing and monitoring hate speech.

The Promo-LEX OM will present five interim election observation reports and a Final Report. For Election Day (first and second rounds) press releases will be prepared on the conduct of the elections and the results of parallel vote counting for the municipality of Chisinau and Balti. The objectives of the Promo-LEX OM reports are: to notify the electoral bodies about the results of real-time assessment of quality of the procedures for organising and conducting elections; to inform society about positive and negative trends observed in the electoral process; to make electoral actors accountable; to prevent possible violations of electoral legislation.

Promo-LEX election observation methodology is based on international standards in the respective field and involves both long-term (election period) and short-term (election day) observation of elections. Observation reports are prepared by the core team of the Promo-LEX OM, based on its own findings, including those reported by long-term observers (LTOs) on the work of all actors involved in organising and conducting elections: electoral competitors, public authorities, electoral bodies, political parties, citizens submitting their applications, and civil society. LTO findings are reported on the basis of thematic forms and are stored on the web platform www.data.promolex.md, a secure system with limited access managed by Promo-LEX. During field visits, Promo-LEX observers collect and analyse information resulting from field observations, interviews, meetings with interlocutors and consultation of official documents. The activity of candidates/electoral competitors is also monitored online.

The electoral process will be observed throughout the electoral period by 40 LTOs. Promo-LEX will also monitor hate speech and incitement to discrimination through 7 monitors. On Election Day, Observation Mission will ensure observation of elections by covering 100% of the polling stations in Balti and Chisinau municipalities (in both rounds of voting, where applicable) with one short-term (static) observer per polling station; other approx. 200 static observers and 140 observers in mobile teams (70 teams of 2 persons each) will be deployed to polling stations in the rest of the country, selected based on a representative sample.

The work of observers is managed by the Mission's core team. All Promo-LEX observers and monitors are trained in seminars organised by the Observation Mission. Observers also sign and agree to comply with the Code of Conduct¹ of Promo-LEX Independent National Observer, committing themselves to act in an operational, good faith and non-partisan manner.

The OM of the general local elections from 5 November 2023 is a project of Promo-LEX Association within the Civic Coalition for Free and Fair Elections.

Promo-LEX OM is not a political opponent of the competitors involved in the electoral process, is not an investigative body and does not assume the express obligation to prove the observed findings. However, the observers' reports are accompanied, as far as possible, by photographic and video evidence, which can only be made available to the law enforcement bodies, on the basis of appropriate requests, and under no circumstances to the electoral competitors. At the same time, the violations, including the alleged ones, which are included in this report, must be treated by the electoral authorities as notifications and are to be examined according to their competence, in the light of the provisions of Article 88, para. (9) of the Electoral Code.

¹ [Code of Conduct](#) of Promo-LEX independent national observer.

Promo-LEX Mission manages the web platform www.electoral.monitor.md where anyone can report election-related activities. The same platform stores relevant information from observers' reports. Notifications from citizens are verified by Mission observers during the next planned visit to the locality where the notification was registered.

Promo-LEX is a public association aiming to develop democracy in the Republic of Moldova, including in the Transnistrian region, by promoting and protecting human rights, monitoring democratic processes and strengthening civil society. The association has been organising election observation missions in the Republic of Moldova since 2009, this being the 25th. The staff and members of the Association also have international experience, taking part in election observation in International Missions in Armenia, Czech Republic, Germany, Georgia, Estonia, Montenegro, Norway, Romania, Serbia, Sweden, Turkey, Ukraine, etc.

The international standards referred to in this report are those developed by the UN, the OSCE, the European Commission for Democracy through Law (Venice Commission), the European Union and the Council of Europe. At the end of each report, recommendations are formulated for public authorities, electoral bodies, electoral competitors and other stakeholders, with the aim of ensuring the proper organisation and improvement of the electoral process.

This report was prepared with the financial support of the United States Agency for International Development (USAID) under the *“Democratic Transparency and Accountability Programme* and of the European Union under the project *„Strengthening the electoral legislative framework and assessing its implementation during the 2023 general local elections”*.

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I. SOCIO-POLITICAL CONTEXT

1.1. Description of the institutional framework

The territory of the Republic of Moldova is administratively organized into villages, towns, districts and the autonomous territorial unit of Gagauzia. The local public administration authorities through which local self-government is established in villages (communes), towns (municipalities) are the local councils, as deliberative authorities, and mayors, as executive authorities. At the same time, the local public administration authorities responsible for implementing local self-government in the districts are the district councils, as deliberative authorities, and the district presidents, as executive authorities.

In general local elections, mayors of cities (municipalities), villages (communes) and councillors of district, city (municipal) and village (communal) councils are elected by universal, equal, direct, secret and free suffrage for a four-year term.

The general local elections from 5 November 2023 will be the eighth such elections held in Moldova and the fourth observed by Promo-LEX.

898 mayors and 11 058 local councillors will be elected in the current general local elections, including 9 972 village (communal), town and 1 086 district/municipal councillors². Compared to the previous general local elections held on 20 October 2019, the number of local councillors to be elected has decreased by 522 persons.

According to Promo-LEX's analysis (see Annex No. 1), the number of councillors has decreased in at least 232 localities (26%), including 6 level I ATUs in Chisinau municipality. In terms of number, the most affected local councils are in Hincesti district - 17 LPAs. The number of councillor mandates increased only in Durlesti, from 23 to 27 persons.

This decrease is more dramatic than the one observed during the 2015-2019 period when the number of elective office decreased by approximately 100 councillor mandates. The causes include not only the continuous decrease in the population of administrative-territorial units (ATUs) but also changes in legislation³. Starting from this election, the number of councillor mandates in local councils is determined based on the number of residents as of 1 January 2023, according to data from the State Register of Population (SRP) presented by the Public Services Agency (PSA).

As in previous local elections, the electoral authorities do not organise local government elections in the localities on the left bank of the Dniester River, which are outside the constitutional jurisdiction of the central government authorities.

1.2. 1.2. Socio-political findings and trends

Dynamics of the socio-political situation in the inter-electoral period. Over the course of approximately four years of the local elected officials' mandate, from 2019 to 2023, the social and political situation in the Republic of Moldova has undergone significant changes. During this period, presidential elections (2020) and early parliamentary elections (2021) took place. In both elections, the candidates from the Party Actiune si Solidaritate (Action and Solidarity) (PAS) won. It's worth noting that in the 2019 local elections, PAS did not have its own list of candidates, and they were part of an electoral bloc called ACUM, together with the Platform Demnitate si Adevar (Dignity and Truth) (PPPPA).

PAS won 63 out of 101 parliamentary mandates in the last parliamentary elections, allowing it to create a single-party majority government. The Electoral Bloc of Communists and Socialists (BECS)

² [CEC Decision no. 1157 of 04.08.2023](#) on determining the number of local councillor seats for general local elections on 5 November 2023.

³ [Law no. 336](#) from 08-12-2022 for amending certain normative acts. Previously, the information provided by the National Bureau of Statistics was used as a basis for calculation.

also entered the legislature with 32 mandates and the political party “Sor” (PPŞ) - 6 MPs. Communication between the government and the opposition during the legislative process was poor, with the government being blamed for monopolising the legislative process and the opposition for not fully involving itself in the work of the legislature⁴. From this perspective, the general local elections could serve as a test of support for parliamentary parties, especially for PAS, after more than two years of holding a majority in parliament.

Shortly before the beginning of the electoral period the Constitutional Court, for the first time in the history of the Republic of Moldova, declared unconstitutional a political party⁵. This is the parliamentary party PPS, which in the 2019 general local elections won 72 (6.5%) mandates for level II councillors, 516 (4.9%) for level I councillors and 43 (4.8%) mayors mandates⁶. At the root of the cause is the complaint filed with the Constitutional Court on November 11, 2022, by the Government of the Republic of Moldova. In its assessment, the Court concludes, among other things, that „the non-transparent and illegal funding of the activities of the „Sor” Party and the corruption of voters are undeniable”. These systematic, continuous, and significant actions substantially limit the democratic electoral process and constitute a discouraging factor not only for other electoral competitors but also for voters who genuinely believe in democratic values. The Court emphasizes that the participation of such a party in the process of shaping the will of the state is not allowed in a free democracy”.

According to Decision No. 1165 of the Central Election Commission (CEC) from 9 August 2023, regarding the list of political parties eligible to participate in the general local elections on 5 November 2023, a total of 60 political parties registered with the Public Services Agency (ASP) will be able to nominate candidates. In the previous general local elections in 2019, there were 46 political parties with the right to nominate candidates. Out of those, 28 parties registered candidates, and 23 of them secured at least one councillor and/or mayor mandate.

A very important event shaping the social and political landscape of the Republic of Moldova during this period was the attainment on 23 June 2022 of the status of candidate country for accession to the European Union. In its Opinion issued on 17 June 2022⁷, the European Commission recommended to the EU Council that candidate status be granted to our country. However, it also highlighted the need to meet certain conditions. The Commission’s opinion provided a roadmap with nine commitments that the Republic of Moldova needed to implement to progress further towards EU accession. Commitment No. 2 focused on electoral reform. One year later, on 22 June 2023⁸, the European Commission rapporteur mentioned that three steps had been taken, with the first step relating to electoral reform.

At the same time, the political context of local elections in the Republic of Moldova continues to be affected by the division within society regarding the country’s geopolitical orientation, especially in the context of the war waged by the Russian Federation against Ukraine. According to the Barometer of Public Opinion (BPO) on 4 September 2023, when asked about the country’s geopolitical direction, 47% of respondents stated they would opt for EU accession, while 32.5% would choose the Eurasian Customs Union in the event of a referendum on this subject⁹. Even though these are local elections, where the primary focus should be on addressing local issues, at the level of political messages, the attitude towards the war remains an important criterion for distinguishing political parties within society.

The security context in the region has also affected the way the country is governed. As a result, a state of emergency¹⁰, was instituted since the beginning of the war, and it has been continuously extended (already 8 times), with the latest decision in this regard being approved by Parliament on 31 July and

⁴ [Promo-LEX Report](#). Monitoring the activity of the 11th legislature of the Parliament during the period 2021-2022.

⁵ [Decision](#) of the Constitutional Court No. 10 of 19 June 2023 on the control of constitutionality of the “Sor” Political Party.

⁶ [Results](#) of the general local elections from 2019.

⁷ [Opinion on](#) Moldova's application for membership of the European Union.

⁸ [Press remarks](#) by Neighbourhood and Enlargement Commissioner Olivér Várhelyi, following the informal General Affairs Council.

⁹ [Barometer of Public Opinion](#), Institute for Public Policy (IPP), September 2023.

¹⁰ Decision of the Parliament of the Republic of Moldova No. 41 of 24 February 2022 on declaring a state of emergency

coming into effect on 3 August 2023¹¹. However, according to the same decision, the state of emergency will not affect the organization of the elections this autumn.

Evolution of local elected representatives' political affiliation. According to the results of the local general elections in October-November 2019, the most mandates for mayor and councillor (levels I and II) were obtained by the Democratic Party of Moldova (currently the European Social Democrat Party (PSDE)) and the Party of Socialists of the Republic of Moldova (PSRM) - over 50% in total¹². At the same time, it should be noted that, in relation to the socio-political situation in 2019, the Democratic Party is no longer a parliamentary party, and the number of PSRM deputies has decreased.

Although it was not possible to identify statistical data on the political affiliation of local elected officials at the end of their mandate, the Promo-LEX Observation Mission will make efforts, in the context of election monitoring, to obtain an overview in this regard.

At the same time, it is important to note that during the last year of the local elected officials' mandate, several accusations regarding the actions of some parties in „recruiting” local elected officials have been publicized. These include accusations by the Liberal Democratic Party of Moldova (PLDM) against PAS¹³¹⁴, accusations by the European Social Democratic Party (PSDE) against the Party of Development and Consolidation of Moldova (PDCM)¹⁵ and PAS¹⁶, as well as accusations by the PSRM against Ilan Șor and the „Renastere” (Renaissance) Party (PR) for allegedly initiating a massive process of corruption and buying members of the Party of Socialists¹⁷.

The parties involved have denied the accusations of intimidating or corrupting local elected officials. Meanwhile, there has been media coverage of a documented case where law enforcement authorities apprehended a district councillor from the Ocnita District Council in the act of transferring a sum of 30,000 USD to the mayor of Ocnita town¹⁸. According to media reports, this incident involves an attempt to corrupt the local elected official to switch from PSRM to PR.¹⁹

Trust in local public authorities. Local public authorities, throughout the period from 2019 to 2023, continue to be among the most highly regarded state institutions by citizens. The level of trust granted by citizens is higher than that given to central public authorities.

Table No. 1. Degree of trust in public authorities from a comparative perspective (2019–2023)²⁰

<i>Very much trust / Some trust</i>	December 2019	June 2020	October 2020	February 2021	June 2021	November 2022	September 2023
City Hall	57.1%	49.9%	55.1%	55.8%	55.3%	55.6%	55.4%
Parliament	23.6%	17.1%	14.5%	13.9%	15.1%	24.3%	26.7%
Government	27.8%	20.3%	23.2%	18.5%	18.5%	28%	28.4%
President of the Republic of Moldova	36.3%	26%	28.3%	42.6%	47%	34.1%	35.8%

Administrative-territorial reform. During the last year of the local elected officials' mandate, the Government approved the Public Administration Reform Strategy for the years 2023-2030²¹. An

¹¹ [Decision](#) of the Parliament of the Republic of Moldova No. 244 of 31 July 2023 on the extension of the state of emergency.

¹² Results of the general local elections on 20 October 2019. <https://a.cec.md/ro/20-octombrie-2019-4847.html>

¹³ Press Release from the Permanent Central Bureau of the PLDM. <https://newsmaker.md/ro/doc-pldm-acuza-pas-ca-le-racoleaza-alesii-locali-continua-practicile-de-corupere-folosite-pe-timpurile-statului-capturat/>

¹⁴ [Stop](#) PAS! Start Freedom and Democracy!

¹⁵ PSDE: Genuine parties grow their own teams, they don't recruit members from other parties! <https://tribuna.md/2023/04/03/psde-partidele-autentice-propriile-echipe/>

¹⁶ Ion Sula, PSDE President: PAS puts pressure on PSDE mayors. <https://www.facebook.com/watch/?v=6351007074992078&ref=sharing>

¹⁷ PSRM press release. PSRM will not give in to pressure from mafia groups. <https://socialistii.md/psrm-nu-va-ceda-presiunilor-grupurilor-mafiate/>; PSRM: participants in the attack on the largest opposition party act in coordination with the ruling regime.

¹⁸ [Press release NAC](#). A councilor of Ocnita District Council was apprehended in the act of transmitting an illicit sum of money of 30 000 USD.

¹⁹ [Attempt to buy](#) a mayor: 30 000 USD to switch from PSRM to „Renastere” (Renaissance).

²⁰ [Barometer](#) of Public Opinion (2019 - 2022) & [Barometer of Public Opinion](#) (2023), Institute for Public Policy.

important component of this strategy is the reform of local public administration (LPA). It is proposed that by 2027, the issue of excessive fragmentation of level I ATUs should be resolved through voluntary amalgamation, and from 2027 onwards, through normative amalgamation, to consolidate the administrative capacities of ATUs.

The resolution of these issues has been delayed significantly, and in this regard, the government's intention to address them is appreciated. However, it is noted that there is no consolidated position among the political class on such a fundamental issue. At the same time, attempts to promote administrative-territorial reform through voluntary amalgamation of level I ATUs²² just before the general local elections, as well as the remaining uncertainties regarding the future of level II administrative units, create a sense of insecurity among local elected officials, or even "nervousness"²³.

²¹ [Strategy](#) for public administration reform in the Republic of Moldova for 2023-2030, approved by the Executive.

²² [Law no. 225](#) from 31.07.2023 on the voluntary amalgamation of administrative-territorial units.

²³ [Press release CALM](#). On the eve of the elections, Viorel Furduliu talks about cooperation with the government and strategic mistakes in local public administration!

II. LEGAL FRAMEWORK

2.1. Amendment of electoral legislation through approval of the new Electoral Code

2.1.1. Overview

On 8 December 2022, the Parliament of the Republic of Moldova approved the new Electoral Code²⁴. The general local elections will be the first election held and conducted under the new legal provisions. Many rules will be implemented for the first time, which places responsibility on both electoral bodies and other parties involved in organizing and conducting the election.

The proposals for amending the Electoral Code, as well as other legislative acts, were developed by the CEC and submitted to the Government of the Republic of Moldova and Parliament for consideration of the need to amend electoral and related legislation²⁵. In large part, the changes made to the electoral and related legislation have reflected the need to address the rulings of the Constitutional Court, adhere to the opinions of the Venice Commission, as well as the intention to implement recommendations from national and international observation missions.

The public consultation process was conducted in accordance with the legal requirements and was generally open, participatory and inclusive. The preparation and consultation period on the CEC platform lasted for about nine months²⁶. During this period, CEC organized a public presentation of the “Concept for amending electoral legislation and related legislation” on 3 February 2022, followed by a series of 9 thematic consultation workshops on the priorities set in this regard. Subsequently, on 25 May 2022, CEC presented to the public the first draft of the new Electoral Code and proposals for amending related legislation. The public events mentioned above were attended by members of the CEC and electoral officials, national and international experts in the field of elections, representatives of political parties, and civil society organizations, among others. The draft Electoral Code of the Republic of Moldova, No. 288, was registered in Parliament on 13.07.2022²⁷. As authors, only the members of the PAS majority faction have signed the draft legislation. We believe that such an important draft law would have benefited if it had been consulted at this stage with the parliamentary opposition and had been signed, and subsequently voted on, by opposition MPs.

Until the approval of the draft in the first reading (28.07.2022) the Legal Affairs, Appointments and Immunities Committee (LAAIC) of the Parliament of the Republic of Moldova has held one public hearing on the parliamentary platform. However, after its approval in the first reading, the document was sent to the Venice Commission for opinion, and until the adoption in the second reading (01.12.2022) of the draft Electoral Code, the LAAIC of the Parliament organised 5 public hearings to which stakeholders were invited.

In the second reading, the Electoral Code draft was approved after receiving and analysing the Venice Commission’s Opinion²⁸. According to the opinion, “the legislative changes envisaged by the draft Code include several welcome changes”, but some additional, including, principled, recommendations were also made, most of which were subsequently taken into account by the legislator. The new Electoral Code was approved in 3rd (final) reading on 8 December 2022.

2.1.2. *Promo-LEX contribution to electoral and related legislation*

Promo-LEX has been fully involved in the effort to improve electoral and related legislation. In particular, it participated in the public consultation process on both CEC and the parliamentary platform, but also provided logistical support for the organisation of public events for this purpose.

At the public consultation stage organised by CEC, the electoral authority collected and analysed 419 recommendations, of which 278 (66%) were submitted by Promo-LEX and about 55% of them were

²⁴ [Code no. 325](#) from 08.12.2022

²⁵ [Decision CEC no. 550](#) on submission of proposals to amend the Electoral Code and related legislation.

²⁶ [CEC initiates](#) the process of revising the legislative framework in the electoral field.

²⁷ [Draft](#) of Electoral Code of the Republic of Moldova No. 288 of 13.07.2022.

²⁸ [Joint Opinion](#) of the Venice Commission and OSCE/ODIHR on the draft Electoral Code of the Republic of Moldova (unofficial translation).

partially or fully accepted. The Association's recommendations were developed based on the experience gained during 23 national election observation missions in over 13 years of work in the field²⁹.

After the registration of the draft Electoral Code in Parliament, Promo-LEX sent some 168 recommendations to the Legislature for consideration³⁰. Of these, according to the Association's estimates, about 20% of the recommendations are fully or partially included in the new Electoral Code.

Furthermore, Promo-LEX Association has developed and submitted its proposals to the Venice Commission and OSCE/ODIHR for their joint opinion on the draft Electoral Code³¹. Approximately 30% of these proposals were included by the experts of the Commission in the Opinion submitted to the Parliament of the Republic of Moldova.

2.1.3. Key changes to electoral and related legislation

Given the existence of a new Electoral Code and its first-time implementation, Promo-LEX OM considers it appropriate to continue drawing attention to certain general provisions as well as specific ones related to the organization of local elections.:

- 1. The possibility of holding elections over the course of two days.** Art. 8 at para. (2) establishes by way of derogation from the provisions of para. (1) that for objective reasons (pandemics, exceptional situations, ensuring the right to vote in unusual conditions, large number of registered voters at polling stations abroad, etc.), elections may be held in some constituencies or polling stations over the course of two days (Saturday and Sunday), which shall be determined by CEC decision at least 25 days before the election day. Promo-LEX advocated during the public consultations for an approach that would ensure equal rights and opportunities for all voters, as well as predictability in the electoral process by providing a comprehensive description of these „objective reasons” in the law.
- 2. Making permanent the mandates of CEC members and Chairs of ECEC. Regulating a new mechanism for appointing CEC members.** Article 17, 19, and 35 establish that both the mandates of CEC members and the Chairs of ECEC at level II are permanent. CEC members hold public office positions through appointment and are subject to the provisions of Law No. 199/2010 regarding the status of persons holding public office positions, while Chairs of ECEC are appointed in accordance with Law No. 158/2008 on public office and the status of public servants. Promo-LEX supported the idea of professionalizing the senior and mid-level electoral officials, but it cautioned that establishing relationships of “direct hierarchical subordination” between CEC and ECEC could affect the autonomy of ECEC in carrying out its duties as defined by the legal framework.
- 3. Strengthening the role of CEC in overseeing and controlling electoral campaign financing and the activities of initiative groups.** Chapter V of the new Electoral Code provides detailed procedures for financing, reporting, and monitoring the financing of initiative groups and electoral campaigns, with a substantial qualitative leap in this respect. Promo-LEX Association consistently recommended strengthening the role of the CEC and adopting a proactive approach by the institution in overseeing the finances of electoral competitors and political parties.
- 4. Changes to electoral campaign restrictions.** Prohibitions related to the use by competitors in the campaign of “images representing state institutions or public authorities in the country”, „the combination of colours and/or sounds invoking national symbols of the Republic of Moldova”, and „the use of materials featuring historical personalities of the Republic of Moldova” have been removed from the campaign regulations.

These types of prohibitions have generally remained valid only in the case of other states or international organizations. Promo-LEX Association supported such changes. At the same time, we consider that, by supplementing Art. 70 para. 4 with the phrase “... if these lead to contestation and

²⁹ [Promo-LEX Association](#): Efforts to improve the draft of the new Electoral Code must continue for the second reading.

³⁰ [Recommendations](#) of Promo-LEX Associations sent to the Parliament of the Republic of Moldova in the context of the public consultation of Law no. 288.

³¹ [Proposals of Promo-LEX Association](#) for the Joint Opinion of the Venice Commission and OSCE/ ODIHR to the draft Electoral Code of the Republic of Moldova (Law no. 288).

defamation of the state and the people, incitement to war of aggression, national, racial or religious hatred, incitement to discrimination, territorial separatism, public violence, and other manifestations that undermine the constitutional regime”, the implementation of this article can be achieved. On the other hand, new limitations on electoral campaigning have been included, aimed at banning the organisation of concerts, other events involving creative and/or artistic staff from both the country and from abroad. Promo-LEX in its last observation reports did explicitly not recommend such prohibitive measures, but in essence we support the idea of a conscious and assumed vote to be formed following the debate of ideas and programmes between the competitors, and not in the framework of concerts, which can be treated as a mechanism of electoral corruption.

5. **Detailed legal proceedings.** The new Electoral Code specifies more explicitly the procedure for filing and examining complaints concerning the organisation and conduct of elections. Promo-LEX Association welcomes the new approaches regarding the form, content, period for filing complaints, etc.
6. **Exclusion of electoral competitors from the category of entities with the right to request accreditation of observers.** Compared to the provisions of the previous Electoral Code, Article 88 of the Code currently excludes electoral competitors from the list of subjects entitled to apply for accreditation of observers. In Promo-LEX’s opinion, the fact that competitors can only delegate representatives to electoral bodies, but not observers, does not limit their right to observe the work of electoral bodies or election day procedures, especially since the specific rights of observers have been included in the statute of their representatives. The Association’s concern expressed during public consultations, was that the new rules might encourage the emergence of „fake public associations” that could engage in political partisanship in favour of certain competitors during the observation process.
7. **Setting a fixed date for the organisation and conduct of general local elections.** Art. 159, para. (1) provides that general local elections shall be held on the last Sunday of October or the first Sunday of November. This recommendation was promoted by Promo-LEX and we appreciate that it was included, even at the very end, before the draft was voted on in second reading. This will ensure the predictability of the electoral processes. As a reminder, in 2019, even though the four-year term of office of local elected representatives ended in June, the elections were held in October-November, on the grounds that it was not possible to form a parliamentary majority and the date of the elections could not be set.
8. **Reducing the number of signatures required to support independent candidates running for mayor.** The new rules in Article 164, paragraph (1), state that a citizen of the Republic of Moldova can run as an independent candidate for mayor if they are supported by 1% of the number of voters in the constituency, but not fewer than 100 people. Previously, the threshold was set at 5%. Promo-LEX has consistently promoted this amendment and we welcome its adoption in the current Electoral Code. Another “novelty” recommended by Promo-LEX Association and included in the Code is the rule in art. 65, para. (11), which establishes that a voter can sign in support of several candidates seeking registration, whereas previously it was only possible to sign for one applicant.
9. **Standardisation of the electoral campaign period.** Article 70, para. (3) stipulates that regardless of the type of election, the electoral campaign begins on the date of the electoral competitor’s registration, but no earlier than 30 days before the polling day, and ends on the date of the electoral competitor’s registration cancellation or on the Friday before the polling day. Previously, in local elections, the electoral campaign of candidates would start from the moment of registration, which usually disadvantaged independent candidates compared to those nominated by parties. Promo-LEX recommended such a change, believing that all competitors should start the electoral campaign on equal terms.
10. **Preventing “artificial migration” of voters in local elections.** Compared to the previous provisions, Article 160 on special restrictions on voting rights has been supplemented by para. (2), which stipulates that the period of registration of domicile or temporary residence may not be less than 3 months before the date of the first round of elections. This amendment, promoted by

Promo-LEX and in line with the recommendations of the Venice Commission, aims to counter the phenomenon of “voter migration” - a phenomenon previously observed in general local elections.

- 11. Modification of the special conditions to be elected as mayor.** Art. 161, para. (2), establishes that citizens with the right to vote who have reached the age of 23, including on the day of the elections, and have at least compulsory general education, have the right to be elected as mayors. It should be noted that previously the age was 25, and the educational requirement was not specified. Although reducing the age was not among Promo-LEX’s recommendations, we support this initiative, which allows a larger group of citizens to access the respective elective office. Regarding the educational requirement, we note that it is not provided for in the Venice Commission’s Code of Good Practice in Electoral Matters³².
- 12. Introduction of a validity condition for the second round of voting.** The previous electoral code did not impose an attendance threshold for the second round of local elections. However, at the moment, by Art. 175, para. (1), it is established that in the second round of voting, the elections will be declared invalid if less than 1/5 of the number of persons entered on the electoral rolls have participated. Promo-LEX did not agree with these changes, considering that the second round is part of the elections already declared valid after the first round.
- 13. Granting the right to district electoral councils to confirm or deny the legality of local elections/local referendums within their area of competence.** This power introduced by Art. 84 para. (5) was one Promo-LEX disagrees with. Our position, as set out at all stages of public consultation, is that only the courts are competent to confirm or deny the legality of the elections in each constituency. Based on the current provisions we can speak of a possible conflict of competence and interests, as the ECEC are the ones who organise the elections, i.e. the same officials cannot be the ones to subsequently give a qualitative assessment of the electoral process and the election results.

In addition to changes to electoral legislation, we would also like to draw attention to some changes in related legislation³³:

- 1. Law No. 294 of 21.12.2007 on political parties.** At least 18 articles have been amended/complemented in the Law on Political Parties in the context of adopting the new Electoral Code. They are diverse, but in particular they refer to financial management issues: limitation of party activity if the party has not submitted the report on financial management, except for the period of the electoral campaign in which it participates (Art. 21); deletion of the political party from the State Register of Legal Entities in case of failure to submit annual reports on financial management for 2 consecutive years (art. 22¹); record keeping of how the contributions are collected, kept, and documented (art. 25¹); conditions of financial support in cash and transfer adjusted to the requirements of the Electoral Code (Art. 26); financial reporting (Art. 29); violation of provisions on donations/contributions and financial management (art. 31¹ and 31²). Basically, the amendments are in line with Promo-LEX recommendations developed in the context of party finance monitoring, which provide for greater accountability of parties in the financial management process and strengthen the role of the CEC in the supervision and control of party finances.
- 2. Contravention Code No. 218 of 24.10.2008.** At least 8 articles have been amended/complemented in the context of adopting the new electoral legislation. Most of the amendments relate to violations of the legislation on financial management of political parties, electoral funds and initiative groups, the related criminal sanctions and the competences of the CEC in this field (art. 48¹, 48³, 423⁷).
- 3. Criminal Code No. 985 of 18.04.2002.** The amendments concern 4 articles, which, similar to the contravention sanctions discussed earlier, relate to offences and penalties for financial violations. In particular, attention is drawn to the introduction of a new article providing for the punishment

³² [Code of good practices](#) in electoral matters. Guidelines and Explanatory Report. European Commission for Democracy through Law (Venice Commission), 2002.

³³ [Law no. 336](#) Law for the amendment of certain normative acts. From a total of 18 normative acts concerned, the laws considered most relevant to the electoral process observed by Promo-LEX were selected.

of illegal financing of political parties, initiative groups, electoral contestants or participants in referendums (art. 181³⁾).

4. **Law No. 212 of 24.06.2004 on the state of emergency, siege and war.** A current amendment in the current social-political context of the Republic of Moldova is also the amendment to Article 4 of Law No. 212/2004 on the state of emergency, siege and war. This amendment allows for the organisation of elections during a state of emergency, based on a decision of Parliament declaring a state of emergency, siege or war.

2.2. Changes to electoral legislation after the election date has been set

On 4 July 2023, CEC set the date of the general local elections for 5 November 2023. Shortly afterwards, on 10 July 2023, the draft law on the amendment of certain normative acts was registered in Parliament and voted in second reading on 31 July 2023 (implementation of some considerations of the Constitutional Court Decision No. 10/2023 on the control of political party “Sor”’s constitutionality)³⁴. The law entered into force on 18 August 2023, already during the electoral period, and brought new changes to the Electoral Code and the Law on Political Parties.

Meanwhile, also in line with Promo-LEX recommendations, the law was sent to the Venice Commission for opinion. According to the institution's website, the examination and response is expected in October, by which time the registration procedure for competitors will have already been completed³⁵.

Both the Code of Good Practices in Electoral Matters and Article 11, para. (1) of the Electoral Code, which refers to respecting the principle of electoral relationship stability, emphasize fundamental elements that should not be amended less than one year before elections. These include the electoral system and the method of constituting electoral constituencies or electoral bodies. We should underline that the amended rules do not refer to these conditionalities. In the same vein, given that the Constitutional Court Decision No. 10/2023 itself was adopted on 19 June 2023, an implementing law could not have been initiated earlier. On the other hand, since we are already in the electoral period, we cannot overlook the fact that the uncertainties regarding the use of the right to be elected may affect the predictability of the nomination procedures that will start on 6 September 2023.

7 articles of the Electoral Code were amended. In particular, the addition of letter e) to para. (2) of Article 16, which refers to restrictions on electoral rights. According to the additions, persons who, at the time of the Constitutional Court's decision declaring the unconstitutionality of a political party, were members of the executive body of the political party declared unconstitutional, as well as persons who held elective office in the political party declared unconstitutional for a period of 5 years from the date of the Constitutional Court's decision, cannot be elected.

In the opinion of Promo-LEX Association, with regard to members of the executive body of the political party declared unconstitutional, a measure temporarily restricting the right to be elected could be justified, but with regard to persons holding elective office, this measure cannot be justified unless the individual guilt of each person is proven³⁶. Attention should be drawn to the fact that in the draft version there were also restrictions applicable to alternate members. Promo-LEX questioned the proportionality of the sanctions for this category and recommended exclusion from the draft, which was finally accepted by the legislator.

A group of MPs submitted a notification to the Constitutional Court requesting a review of constitutionality of letter e) of para. (2) of Art. 16 Electoral Code³⁷. At the time of publication of the Report, the Court had not yet issued a decision. It is worth mentioning that the nomination period begins on 6 September 2023.

³⁴ [Law no. 220](#) from 31 July 2023 on amending certain normative acts (implementation of some considerations of the Constitutional Court Decision No. 10/2023 on the control of political party “Sor”’s constitutionality).

³⁵ [Documents by opinions and studies](#). 1145/2023 - Republic of Moldova - Opinion on amendments to the Electoral Code of the Republic of Moldova and other related laws concerning ineligibility of persons connected to political parties declared unconstitutional.

³⁶ [Promo-LEX Association Statement](#) regarding draft law no. 232 of 10 July 2023 on amending certain normative acts.

³⁷ [Notification](#) no. 197a of 4 August 2023 on the control of the constitutionality of Article 16 para. (2) of the Electoral Code.

Other changes related to the non-acceptance of the identity or similarity of identification elements of electoral symbols with those of parties declared unconstitutional (Art. 70, para. (4) and Art. 73, para. (3)). Promo-LEX Association considers these changes justified and necessary, based on Constitutional Court Decision No. 10/2023 on the control of constitutionality of Political Party „Sor”.

In addition to the provisions aimed at implementing some of the considerations of the Constitutional Court's ruling, the amendment grants the electoral bodies the power to establish the fact provided for in Article 54 para. (6) (a) on voter corruption. Subsequently, based on the same amendments, this finding can serve as a basis for cancelling the registration of the electoral subject under Art. 102 para. (5) (f). The administrative act establishing violations and, where appropriate, applying sanctions issued by the electoral body, once it becomes final, is brought to the attention of the relevant authorities for contraventional or criminal liability.

Promo-LEX OM considers that, since voter bribery is a criminal offence, as provided for in Art. 181¹ of the Criminal Code, it must be established in a criminal trial rather than in an administrative proceeding. At the same time, there might be concerns about the applicability of these norms:

- the act of electoral corruption finding issued by the electoral body and not annulled by the court will be considered as *res judicata*. In this way, the prosecution authorities will be bound by the act of finding, which, being issued within a short period of time, may contain several procedural deficiencies (e.g. regarding the right to defence; diligent collection/examination of evidence and/or facts relevant to the case, etc.);
- the act of voter corruption finding and applying the penalty of cancellation of registration is an act issued by a collegiate body, constituted as a result of the political appointment of its members. Thus, the issuance of a finding that is to produce criminal effects depends to a large extent on securing a sufficient number of votes within the collegiate body, rather than on ensuring that the case is resolved fairly, investigating all aspects, fully and objectively the circumstances of the case, highlighting both the circumstances proving guilt and those exonerating, as well as the circumstances mitigating or aggravating liability - conditions that must be met in the case of criminal proceedings.

Separately, we also draw attention to the addition, through an amendment proposed in the second reading of the same draft law, of Art. 78, para. (5) of the Electoral Code. This amendment³⁸, although in line with Promo-LEX Association's recommendations³⁹, is not related to the implementation of the Constitutional Court's considerations. It addresses the issue of students and eligible high school students voting in the context of applying special voting restrictions for local elections.

2.3. Development of legal framework in the context of legal framework changes

2.3.1. General overview

According to Article 244(1) of the Electoral Code, the Electoral Law entered into force on 1 January 2023 (except for the provisions on regional elections, which will enter into force on 1 January 2024). Para. (3) also establishes that CEC, within 6 months from the date of entry into force, will adopt the necessary normative acts for the organisation and conduct of elections. In other words, the process should be completed by 1 July 2023.

The process of adjusting the regulatory framework to the provisions of the new Electoral Code started immediately after the adoption in second reading of the draft Electoral Code on 1 December 2022. Already on 2 December 2022, the announcement on the initiation of the elaboration of draft resolution "On the approval of Regulation on the activity of the Central Electoral Commission" was published on

³⁸ Students and pupils with the right to vote, enrolled in educational institutions in the locality where they have been registered at home or at their temporary residence for less than 3 months before the date of the first round of elections, will be able to vote by being included in the supplementary lists. They will be required to present their identity card with the accompanying form and their student card with the details of the educational institution in which they are enrolled in the locality concerned.

³⁹ [Declaration of Promo-LEX Association](#) on the special restrictions of right to vote at general local elections from 5 November 2023.

CEC's website"⁴⁰. However, even though the process started promptly, its implementation was delayed.

According to the CEC website, by 7 August 2023 the authority had published for public consultation 36 normative acts (draft CEC decisions approving regulations and instructions). Out of a total of 36 drafts proposed for consultation, only 20 decisions (55%) had been approved by CEC by the beginning of the electoral period. For example, important documents such as the Regulation on the status of observers and the procedure for their accreditation, the Regulation on the Register of Electoral Officials, the Regulation on the financing of initiative groups and electoral campaigns, etc., were not approved by the beginning of the electoral period. Furthermore, by 1 July 2023, the deadline set by the final provisions of the Electoral Code, only 7 resolutions (20%) had been approved on this subject out of the total proposed for consultation. Promo-LEX OM considers that the procrastination of the process affects the organization of the general local elections. In addition, by 1 September 2023, during the electoral period, decisions to amend 2 Regulations have already been approved⁴¹.

2.3.2. *Promo-LEX contribution to the consultation of CEC regulatory framework*

Promo-LEX Association actively participated in the public consultation process of the Central Election Commission's regulatory framework. Out of a total of 36 published projects, recommendations were consulted, analysed, and submitted regarding 29 projects. Most of the projects on which Promo-LEX did not express its opinion are those published after 1 July 2023. It is difficult at the moment to analyse the degree of acceptance by CEC of Promo-LEX suggestions and recommendations because only in respect of 5 normative acts (14%) consulted and approved, Synthesis of recommendations have been published⁴². At the same time, we would like to point out that Promo-LEX in collaboration with CEC contributed to the organization of 8 public events where 12 draft laws were debated (see Annex 2).

2.4. Degree of implementation of Promo-LEX recommendations contained in the Final Observation Report for the General Local Elections from 20 October (3 November) 2019⁴³

As a result of observing the 2019 general local elections, Promo-LEX has drawn up 15 recommendations for amending electoral and related legislation. Following the approval of the new Electoral Code and the amendment of related legislation, 11 recommendations (73%) have been implemented, including: setting a fixed election date; preventing "artificial migration" by establishing a period before the election when the allocation of voters to certain addresses/polling stations is "frozen"; reducing to 1% the number of signatures to support an independent candidate running for mayor.

At the same time, some recommendations were not accepted by the CEC and the legislator. Thus, we reiterate the recommendation to introduce the obligation to collect subscription lists by all categories of potential competitors in local elections. As a reminder, political parties are not obliged to collect signatures for the submission of candidates. In this regard, the Venice Commission expressed the view in its opinion on the Electoral Code that "in order to ensure equal opportunities for participation, it may be considered that all parties, blocs and independent candidates who are not represented in the body to be elected or a higher body, should confirm their minimum support under the same or similar conditions"⁴⁴.

⁴⁰ Decision-making [transparency](#). Decision-making. 2022-2023.

⁴¹ [CEC Decision](#) no. 1202 of 30.08.2023 amending the Regulation on specifics of nomination and registration of candidates for local elections, approved by the decision of the Central Electoral Commission No 1103 of 21 June 2023; [CEC Decision](#) no. 1192 of 24.08.2023 for amending the Regulation on the coverage of elections by media outlets, approved by Decision No. 1137 of the Central Electoral Commission on 28 July 2023.

⁴² Information valid as of 01.09.2023.

⁴³ [Final Report](#). Promo-LEX Observation Mission for the new general local and parliamentary elections from 20 October (3 November) 2019, p. 82.

⁴⁴ [Joint Opinion](#) (Venice Commission and OSCE/ODIHR) on the draft Electoral Code. Adopted by the Venice Commission at its 132nd plenary session (Venice, 21-22 October 2022), item 66.

2.5. Calculating the electoral period

Another legal aspect, to which Promo-LEX OM considers it necessary to draw attention, concerns the definition of the electoral period in the Electoral Code. It is worth noting that in its previous reports, Promo-LEX mentioned certain issues regarding the determination of the electoral period, which de facto was always longer than the 90-day interval stipulated by the notion in the Electoral Code. The observation mission's recommendation was to extend the duration so that the legal provision could be implemented.

With the adoption of the new Electoral Code, the electoral period was extended from 90 to 120 days. However, even though the maximum duration of the electoral period has been extended by about 30 days, it should be stressed that also this time the "de facto" duration will exceed the "de jure" duration. Article 1 of the Electoral Code provides the following notion in this regard: "electoral period - the period between the day of adoption of the act on setting the election date and the day on which the election results are confirmed by the competent bodies, but not exceeding 120 days". Decision No. 1108 on setting the date of the general local elections was approved by CEC on 4 July 2023. By the date of the second round of elections (19 November 2023) there will be already 138 days.

III. ELECTORAL BODIES

3.1. Role of the Central Electoral Commission in the organisation of general local elections

Local elections are more complex in terms of organising the work of lower electoral bodies. Unlike national elections, where only Constituency Electoral Councils (ECECs) of level II operate, in general local elections, ECECs of level I are also organised, corresponding to the local public authorities of level I to be elected.

As the permanent national electoral authority, the CEC coordinates the work of all lower-level electoral bodies set up for the preparation and conduct of local elections: ECEC level II, ECEC level I and the electoral bureaus of polling station (EBPSs).

CEC composition. The current nominal composition of the Central Electoral Commission was confirmed by the Parliament's Decision No. 115 of September 16, 2021, with subsequent amendments, based on the provisions of the old Electoral Code. This mechanism of appointment has been in place since 2010⁴⁵. Thus, CEC consists of 9 members, 8 of whom are appointed by the Parliament, ensuring proportional representation of the majority and the opposition, while one person is appointed by the President of the Republic of Moldova.

Even if the new Electoral Code has modified the procedure for setting up, composition⁴⁶ and mandate of the CEC, we draw attention to the fact that according to the final and transitional provisions of the Code, "members of the Central Electoral Commission's composition, confirmed by the Parliament's Decision No.115/2021, who are in office at the date of entry into force of this code, continue their mandate until its completion". In other words, the current composition is expected to serve until 2026. At the same time, all CEC members, after the entry into force of the new Code, serve with a permanent status, not just the leadership, as was the case previously.

The following were elected to the CEC's management positions: Angelica Caraman, Chairperson (nominated by the parliamentary majority); Pavel Postica, Vice-Chairperson (nominated by the President of the Republic of Moldova) and Alexandr Berlinschi, Secretary (nominated by the parliamentary majority). As of 10 July 2023 one CEC member position (out of 9) is vacant, to be nominated by the Parliament from the parliamentary opposition.

The general local elections are the first elections organized across the entire country by the current composition of the CEC. The responsibility is even greater since these are the first elections held in accordance with the provisions of the new Electoral Code. In this context, attention is drawn to a press release issued by the institution on 8 August 2023, in which it stated that it had become the target of a smear campaign promoted vigorously by certain political actors. According to the CEC, the accusations made against the institution are entirely unfounded⁴⁷.

CEC Apparatus. According to CEC Decision No. 886 of 31 January 2023 on the approval of the staff limit, organisational structure and organisation chart of the Central Electoral Commission, the structure of the CEC Apparatus comprises 62 units⁴⁸. It is worth noting that 4 members of the current CEC composition have previously worked at some time in the CEC apparatus. Compared to the last national elections, for the purpose of exercising the task of oversight and control of political party financing, during 2022, the Division on Control and Oversight of Financing of Political Parties and Electoral Campaigns was established within the CEC, to which 8 staff units were assigned.

On the other hand, in the context of the approval of the new Electoral Code, which grants more responsibilities to the CEC, it is worth noting that there are several vacant positions within the institution's apparatus. Regarding the level of completion of staff positions, according to the data

⁴⁵ [Law no. 119](#) of 18.06.2010 on amending and supplementing the Electoral Code No. 1381-XIII of 21 November 1997.

⁴⁶ The next composition of the CEC will be formed as follows: one member appointed by the President of the Republic of Moldova; one member appointed by the Superior Council of Magistracy; one member appointed by the Government, at the proposal of the Ministry of Internal Affairs; and four members appointed by the Parliament (two proposed by the parliamentary majority; one proposed by the parliamentary opposition, and one proposed by civil society).

⁴⁷ [Press](#) releases. Statement of the Central Electoral Commission.

⁴⁸ [Decision](#) on the approval of the staff limit, organizational structure and organization chart of the Central Electoral Commission.

posted on the institution's website, as of September 1, 2023, a total of 9 positions (15%) appear to be vacant. The most vacant positions (4 out of 7 staff units) are in the Information Technology and Management of Voters List Division, followed by the Division on Control and Oversight of Financing of Political Parties and Electoral Campaigns (2 out of 8 staff units).

Setting up constituency electoral councils of level II. According to the decision of the CEC No. 886 of January 31, 2023, the structure of CEC includes 34 units of level II Constituency Electoral Commission (ECEC) chairpersons. In accordance with Article 35, para. (3) of the Electoral Code, the level II ECEC includes, with permanent status, its chairperson, who is appointed to office in accordance with Law No. 158/2008 on public office and the status of civil servant. According to the information provided by CEC, the process of appointing level II Constituency Election Commission (ECEC) chairpersons has been completed, and all positions have been filled. However, as of September 1, 2023, on CEC's website section dedicated to constituency election commissions, no data regarding 6 ECEC chairpersons out of 36 was published⁴⁹.

3.2. CEC activities relevant to the organisation of general local elections

Approval of decisions on the organisation of elections. According to Art. 159, para. (1) and (2) of the Electoral Code, general local elections are held on the last Sunday of October or the first Sunday of November, and the date of the elections is set by CEC at least 70 days before election day. On 4 July 2023, 124 days before election day, the CEC by Decision No. 1108 set the date of the general local elections for 5 November 2023⁵⁰.

In general, in the context of organizing the general local elections on November 5, 2023, CEC approved 11 decisions, including the one regarding the approval of the Calendar Schedule for carrying out the actions for the organisation and conduct of general local elections on November 5, 2023⁵¹. Based on the analysis of the authority's meetings, there were no draft decisions on this subject that were rejected.

At the same time, in the context of the adoption of the CEC Decision regarding the establishment of the number of local councillor mandates for the general local elections on 5 November 2023⁵² the institution sent at least 7 requests to the ASP for the re-evaluation of the number of residents, at the request of mayors from some localities⁵³. In addition, a local public authority requested that CEC change the number of councillors on the grounds that the data submitted by the Public Services Agency to the city hall differed from the data provided by ASP to CEC⁵⁴.

Although Promo-LEX supported the idea of calculating the number of advisers based on data provided by the ASP and not by the NBS, we keep drawing attention to problems related to data transparency. Promo-LEX OM has not identified on the ASP website disaggregated statistical data by level I units as of 1 January 2023, which would ensure transparency of the process and first source verification of data. It's important to note that on the CEC's website, under the „Incoming Documents” section, the document sent by the ASP was not found. Under these circumstances, if we compare the publicly available data on the population of ATU level II on the ASP website⁵⁵ with the data in the Annex to the CEC Decision on the number of local councillor mandates⁵⁶ (both referring to 1 January 2023), we observe that they do not coincide.

Public information. In the context of the ongoing electoral period, we note that the CEC regularly informs the public about the news of the Electoral Code and its work, through the institution's website

⁴⁹ General local elections from 5 November 2025. [Electoral constituencies](#).

⁵⁰ [CEC Decision](#) no. 1108 of 4 July 2023 on setting the date for general local elections.

⁵¹ [Annex](#) to the Decision of the Central Electoral Commission no. 1150 from 2 August 2023.

⁵² [CEC Decision](#) no. 1187 of 4 August 2023 on setting the number of local councillor mandates for general local elections from 5 November 2023.

⁵³ [Letter CEC-8/2689](#); [Letter CEC-8/2690](#); [Letter CEC-8/2691](#); [Letter CEC-8/2692](#); [Letter CEC-8/2693](#); [Letter CEC-8/2694](#); [Letter CEC-8/2737](#).

⁵⁴ [Letter](#) of Central Electoral Commission no. 8/2689 to Public Services Agency.

⁵⁵ [Statistical data](#) from the State Population Register on individuals living in the Republic of Moldova in administrative-territorial profile (status as of 1 January 2023).

⁵⁶ [CEC Decision no. 1157](#) of 04.08.2023 on setting the number of local councillor mandates for general local elections from 5 November 2023.

or in collaboration with other public authorities⁵⁷, participation in TV and radio broadcasts and public events with the participation of representatives of political parties⁵⁸. Promo-LEX also noted that during the reporting period, CEC conducted an extensive information campaign in the field under the slogan „Know Your Electoral Right”. According to the authority, the campaign took place from May to August 2023, and over 1500 representatives of local public administration were informed about the new provisions of the Electoral Code⁵⁹.

At the same time, we believe that certain sensitive topics should be reflected more nuanced. For example, it is about informing voters about the new provisions of the Electoral Code, such as Article 160, paragraph (2), which stipulates that the registration of temporary residence or domicile cannot be less than 3 months before the date of the first round of voting. In this regard, on July 27, 2023, the CEC issued a statement informing that „voters who establish their domicile or residence in another constituency later than 5 August 2023, will not be able to vote in the general local elections. Similarly, these individuals will not be able to vote in the locality where they previously had their domicile”⁶⁰. Furthermore, even though the Electoral Code was amended to allow students to vote, and through point 21 of the Regulation on Compiling, Administering, Spreading, and Updating Voters List approved on 4 August 2023⁶¹ by CEC, two more permissive situations were established, the electoral authority did not inform voters through another communication about these new legal and normative provisions that would have better clarified the issue raised, including by Promo-LEX⁶².

Training activities. As a novelty, Art. 35, para. (5) and Art. 38, para. (12) of the Electoral Code provide that only persons who have attended training courses at the Centre for Continuous Electoral Training and hold appropriate qualification certificates valid at the time of confirmation shall be nominated/appointed for the position of member of the ECEC of any level or EBPS. Article 33 stipulates that the Centre for Continuing Education in the Electoral Field (CICDE) is the institution that trains and certifies electoral officials and other categories of persons interested and/or involved in the electoral process. The certification procedure is a new one, but its implementation would require a lot of effort and resources. For this reason, we consider the transitional provision in Article 245(2)(a) to be reasonable. (5), which establishes that persons who are included in the register of electoral officials on the date of entry into force of the Electoral Code are considered to be certified ex officio with a validity of qualification certificates of 2 years.

In this context, on August 23, 2023, CEC and CICDE announced⁶³ the start of the registration period for the certification exam in the field of electoral training/specialization. Registration will be open from August 23 to August 31, 2023, until 17:00. To facilitate this, CICDE conducted training for electoral trainers from August 7 to August 10, 2023, as part of the preparations for the general local elections. These trainers will be involved in the training of electoral officials and other stakeholders⁶⁴.

Some problematic issues concerning the application of the Regulation on providing, distributing and disseminating political and electoral advertising and messages of public interest. In the context of the implementation of the legal norms by CEC, which state that „during the electoral period of general elections, only messages of public interest approved by CEC are broadcast”, there have been various discussions in the public space regarding the capacities and competencies of the authority in this field. It should be noted that the provisions in question are established by law by Art. 17, para. (2) of Law No. 62 of 17.03.2002 on advertising and Art. 90, para. (4) of the Electoral Code.

⁵⁷ For example: [Publication](#) on the website of the National Integrity Authority of the information regarding the lack of a requirement for a certificate of integrity for candidates..

⁵⁸ [CEC Press release](#). CEC invited political parties to discuss the uniform application of the electoral law to general local elections.

⁵⁹ [CEC Press release](#). Over 1500 local government representatives from all over the country were informed about the new electoral rules.

⁶⁰ [CEC Press release](#). Central Electoral Commission informs voters about special conditions for exercising the right to vote in the general local elections from 5 November 2023.

⁶¹ [CEC Decision](#) no. 1153 of 4 august 2023 on Compiling, Administering, Spreading, and Updating Voters List.

⁶² [Statement](#) of Promo-LEX Association regarding special restrictions on the right to vote in general local elections on 5 November 2023.

⁶³ [Announcement](#) on the conduct of training/specialization certification sessions in the field of elections.

⁶⁴ [Press release CICDE](#). Future trainers in the field of electoral training have completed the initial training course.

The concept of “public message” is a new one introduced by the Law on Advertising, and according to Art. 15 para. (1) the planning, technical assistance, evaluation and monitoring activities in the field of dissemination of public interest messages of public sector entities shall be coordinated by the Council for Public Interest Messages. We emphasise that, in the light of the rules of Art. 53 para. (3) the Government was to approve by 8 April 2023 regulations on the structure, constitution, organisation and functioning of the Council, which did not happen. According to experts in the field, “this state of affairs is delaying the process of correct and effective implementation of the provisions of the new Law on advertising”⁶⁵. In the electoral context, the questions arising mainly relate to CEC’s capacity to implement the legal provisions, as until now the institution has not had such powers, the field of the problem being a specialized and not a general one.

In its Opinion on the draft law on advertising, with reference to the rule that “During the electoral period of the general elections, only messages of public interest approved by the Central Electoral Commission shall be broadcast”, the institution stated: “we draw attention to the fact that the wording of the regulation in question creates confusion and can be treated in the sense that during the electoral period any message of public interest, regardless of its field, must be authorized by the Central Electoral Commission, whilst this provision, in its essence, must be applied only in the electoral field”⁶⁶. But the provision was not edited according to the CEC recommendations.

Practically speaking, during the electoral period of the general local elections of 5 November 2023, the CEC, through the approved Regulation, is actively involved in actions to implement the legal provisions. On the one hand, this effort could counteract attempts to use administrative resources, which according to Promo-LEX observations were among the most frequently observed violations in the local electoral campaign⁶⁷.

On the other hand, the approval of the Regulation only 3 days before the start of the electoral period, in tandem with the institution's insufficient proactive communication with local elected officials on this issue, has created a state of uncertainty regarding their communication with members of the community during the electoral period⁶⁸. Most of the requests to CEC asking for the institution’s opinion on whether the materials of the authority fall under the notion of „message of public interest” were sent by the Chisinau City Hall.

Regarding the public consultation of the draft Regulation, in Promo-LEX’s opinion, the steps provided by the framework law in the field have been observed. According to CEC’s website, recommendations on the subject were only sent by the Promo-LEX Association during the consultation stage. Additionally, a round table discussion was held on April 27, 2023, during which the Regulation project was debated⁶⁹.

3.3. Examination of notifications

After the election date was set and by the time of writing the report, the CEC had approved 4 decisions on notifications submitted in the electoral context. They concern 12 notifications from 6 police inspectorates (1 decision)⁷⁰ and 4 political parties - PLDM, MAN, MPSN, PNM (3 decisions)⁷¹. The concerned subjects were: Political Party “Renastere” (Renaissance) (PR) (6 notifications), PAS (3 notifications), Mayor of Chisinau mun. (1 notification) and City Hall of Balti mun. (1 notification).

⁶⁵ [IJC Analysis](#): The new advertising law: how are we doing on implementation?

⁶⁶ [CEC Decision no. 98](#) of 30.10.2021 on the approval of opinion on the draft law No. 269 of 7 October 2021 on advertising.

⁶⁷ [Final report](#). Observation mission for the new general local and parliamentary elections of 20 October (3 November) 2019, p. 53-54.

⁶⁸ [Letter CALM](#) on delivery, distribution and dissemination of political and electoral advertising and messages of public interest and certain related issues of the electoral period.

⁶⁹ [Promo-LEX Association](#) participates in the public consultation on the draft CEC Regulation on delivery, distribution and dissemination of political and electoral advertising and messages of public interest.

⁷⁰ [CEC Decision](#) no. 1175 of 16.08.2023 on certain notifications submitted to the Central Electoral Commission (No. CEC-7/5748, No. CEC-7/5781, No. CEC-7/5813, No. CEC-7/5814, No. CEC-7/5827, No. CEC-7/5835 and No. CEC-7/5960).

⁷¹ [CEC Decision](#) no. 1162 of 9.08.2023 on notification No. CEC-7/5708 of 24 July 2023; [CEC Decision](#) no. 1126 of 14.07.2023 on examination of notifications submitted to the Central Electoral Commission (No. CEC-7/5494 of 30 June 2023, No. CEC-7/5511 and No. CEC-7/5512 of 4 July 2023); [CEC Decision](#) no. 1193 of 24.08.2023 on the notification of the Movement of Professionals „Hope-Надежда” No. CEC-7/6005 of 11 August 2023

All of these notifications were related to the dissemination and distribution of advertising materials. According to CEC decisions, in the case of PR, the Commission concluded that the materials lacked identifying elements, and in the case of the Chisinau mun., the advertising materials containing elements of electoral campaigning were produced, distributed, and disseminated using direct and indirect administrative resources; in the case of Balti City Hall, elements of the use of administrative resources involving human, logistical and financial public resources were established; and in the case of PAS - certain materials have elements of electoral posters for the purpose of electoral campaigning.

For the same period (as of 4 July 2023), the "Incoming documents" section of the CEC website identified 6 notifications⁷² and one Supplement to a notification⁷³, all filed by the National Alternative Movement (MAN) political party. These involve the PAS party, with the notification stating that „the candidates of the party would benefit from an illegal period of electoral campaigning”. It should be noted that the actual notification to which the supplement was filed was not found in the list of incoming documents. The absence of certain notifications on the institution's website is a repetitive observation of Promo-LEX OM. In this regard, we reiterate our observation that the notifications submitted to the CEC should be published in full, which will allow monitoring and informing about all aspects of the electoral process, and especially about electoral disputes.

According to CEC's website, at the time of preparing the report, the authority provided 2 responses regarding 2 notifications (including the one with the supplement) submitted on 11 and 17 July 2023. These responses were communicated in the form of letters signed by the Vice President of CEC⁷⁴. Regarding the responses to the other 5 notifications submitted by MAN and registered on 14 August 2023, there is no information available on CEC's website.

3.4. Accreditation of observers. Confirmation of journalists. Authorisation for polls

Accreditation of observers. Requests for accreditation of observers under Article 88(2) of the Electoral Code, may be submitted before the start of the electoral period, but no later than 7 days before election day. The new Regulation on the status of observers and their accreditation procedure was approved only on 25 August 2023.

In the meantime, the CEC approved two decisions on the accreditation of 2 international and 58 national observers (Promo-LEX Association). According to Promo-LEX, even though the Regulation was to be approved by the beginning of the electoral period, in order to leave no room for uncertainty, the actual accreditation process was not affected. No refusals of accreditation were noted.

Confirmation of journalists. Attention is drawn to the fact that according to art. 89 para. (6) journalists accredited by media institutions and confirmed by CEC have access to meetings of electoral bodies, electoral operations and electoral information under the same conditions as observers. The procedure for confirmation by CEC is a new one and concerns only cases where journalists, including freelancers (bloggers and vloggers), who in addition to general coverage intend to make use of the rights provided for in Article 89 para. (6) of the Election Code must obtain observer status under the procedures established by the CEC⁷⁵. According to CEC decisions, at the time of drafting the Report, 9 journalists from the REALITATEA press group and one from the private institution "Radio Orhei" were confirmed. No refusals of confirmation were noted.

Authorization for conducting opinion polls and exit polls. Authorisation by the CEC is based on the new Regulation⁷⁶, providing for more detailed, more rigorous conditions regarding the content of the authorisation file. At the time of drafting the report, 4 entities were authorised: "IMAS-CERCETARE ŞI STRATEGII" S.R.L.; "INTELLECT GROUP" S.R.L.; Public Association Institute for Public Policy and "DATE INTELIGENTE" S.R.L. In the public space, no findings of refusals to authorize polls were identified.

⁷² [Notification](#) CEC - 7/6045; [Notification](#) CEC - 7/6044; [Notification](#) CEC - 7/6043; [Notification](#) CEC - 7/6042; [Notification](#) CEC - 7/6041; [Notification](#) CEC - 7/5640.

⁷³ [Supplement](#) to Notification no. CEC - 7/5562 din 11.07.2023.

⁷⁴ [Letter CEC](#) no. 2530 of 31 July 2023; [Letter CEC](#) no. 2539 of 2 August 2023.

⁷⁵ [Confirmation of journalists](#). General local elections from 5 November 2023.

⁷⁶ [CEC Decision](#) no. 1138 of 28.07.2023 on approving the Regulation on organization and conduct of opinion polls and exit polls during the electoral period.

IV. STATE REGISTER OF VOTERS AND ELECTORAL LISTS

4.1. Evolution of data in the State Register of Voters (SRV)

According to the Electoral Code, the State Register of Voters is a single integrated voter registration information system, an integral part of the State Automated Information System “Elections”, designed to collect, store, update and analyse information on Moldovan citizens who have reached the voting age. Based on the data in the RSA, basic electoral lists are drawn up, including all citizens with the right to vote who have their domicile or temporary residence within the territorial range of a polling station.

We appreciate the practice of the CEC to periodically (monthly) publish data from the RSA. Furthermore, in accordance with Promo-LEX’s recommendations, paragraph 8 of CEC’s Regulation on RSA establishes that the Commission publishes monthly, on the official website, general information regarding the voters registered in the RSA.

At the same time, we draw attention to the fact that, contrary to the trends of recent years of insignificant but constant decrease in the number of voters in RSA, in the run-up to the November 2023 general local elections there has been an increase in the total number of voters, which in Promo-LEX’s opinion could be explained by the public authorities.

Compared to 1 June 2022, we see an increase of over 19 thousand voters. Compared to 2019 (the previous general local elections) we see an increase in the total number of voters by more than 15 thousand. The increase is mainly due to the increase in the number of voters from the ATUs on the left bank of Dniester River and those without domicile/temporary residence.

However, given the specifics of the general local elections where only voters having a registered domicile or temporary residence in the respective administrative-territorial unit (ATU) will vote, we point out that the number of voters who will be able to vote has decreased, compared to 2019, by more than 47 thousand voters.

Table 2. Dynamics of the number of voters 2019 - 2023 based on SRV data

Date	Total no. of voters	Dynamics	Without domicile / residence	Dynamics	ATU left bank Dniester	Dynamics	Allocated by constituencies	Dynamics
22.08.2019 ⁷⁷	3 285 894		224 250		243 416		2 818 228	
01.07.2020 ⁷⁸	3 285 874	-20	228 852	+4 602	249 013	+5 597	2808009	-10 219
01.06.2021 ⁷⁹	3 282 288	-3 586	237 322	+8 470	258 598	+9 585	2 786 368	-21 641
01.06.2022 ⁸⁰	3 282 032	-256	249 289	+11 967	262 673	+4 075	2 770 070	-16 298
01.08.2023 ⁸¹	3 301 121	+19 089	259 386	+10 097	270 836	+8 163	2 770 899	+829

4.2. Special restrictions on voting right

According to Article 160 para. (1) of the Electoral Code, voters who are not registered at their domicile or temporary residence in the respective ATU shall not participate in local elections. This rule was also laid down in the old Electoral Code.

In addition, a new paragraph (2) has been included in the current Electoral Code, which will be applied for the first time in the local elections from 5 November 2023. Thus, in order to be able to vote, the citizen will have to have his/her domicile or temporary residence registered more than 3 months before the date of the first round of elections, i.e. by 5 August 2023. The introduction of this restriction is among the Promo-LEX recommendations aimed at eradicating the “artificial migration” of voters, a phenomenon that affected the fairness of the electoral process, according to observers, in some localities in the 2015 and 2019 local elections. Moreover, this measure was also promoted by international election observation missions. At the same time, we would like to remind that in its

⁷⁷ [Total number of voters](#) registered in the State Register of Voters is 3 285 894.

⁷⁸ [Total number of voters](#) registered in the State Register of Voters, on 1 July 2020, is 3 285 874.

⁷⁹ [Total number of voters](#) registered in the State Register of Voters, on 1 June 2021, is 3 282 288.

⁸⁰ [Total number of voters](#) registered in the State Register of Voters, on 1 June 2022, is 3 282 032.

⁸¹ [Total number of voters](#) registered in the State Register of Voters, on 1 August 2023, is 3 301 121.

opinion on the draft new Electoral Code, the Venice Commission also considered this measure as a reasonable precaution for the integrity of local elections⁸².

In this context, Promo-LEX Association issued a Statement⁸³ emphasizing that the solution to the problem of "artificial migration" should not unduly affect the right of voters to vote. Subsequently, the CEC specified in paragraph 21 of the Regulation on Compiling, Administering, Spreading, and Updating Voters List the situations of "admissibility":

- if the voter has both domicile and temporary residence, but the period of temporary residence is less than 3 months, the voter is included on the electoral list at the PS where he/she has his/her domicile;
- if the voter has been domiciled or temporarily resident for more than 3 months before the date of the first round of elections, but has changed his domicile or temporary residence within the same ATU level I, less than 3 months before the date of the first round of voting, he shall be included on the electoral list at the polling station where he is domiciled or temporarily resident.

In addition, we remind that the legislator, by amending Art. 78 para. (5) of the Electoral Code, allowed students and pupils with the right to vote, who have been registered at home or at temporary residence for less than 3 months before the date of the first round of elections, to participate in the elections by being included in the supplementary lists of the locality in which they study.

⁸² [Declaration of Promo-LEX Association](#) on special restrictions on the right to vote in general local elections from 5 November 2023.

⁸³ Idem.

V. POTENTIAL ELECTORAL COMPETITORS

5.1. Aspects regarding nomination of candidates

According to Article 1 of the Electoral Code, the nomination of candidates is the procedure for political parties, electoral blocs to adopt decisions on candidates for elective office, which is carried out at meetings of the competent bodies of political parties, electoral blocs, in accordance with their statutes or constituent agreements.

According to Article 63 para. (1), the deadline for nomination of candidates is immediately after the establishment of the constituency electoral councils), but not earlier than 60 days before election day. Thus, according to CEC's Calendar Schedule⁸⁴, the nomination of candidates for level II elective offices is to be carried out from 6 September 2023, and those for level I - from 26 September 2023.

Contrary to the above, by 1 September 2023, statements from political parties on potential candidates announced for the general local elections have been distributed and identified in the public space.

Thus, from October 2022 and until the presentation of this report, only for the City Hall of mun. Chisinau, at least 13 political parties have publicly appointed their representatives to be registered in the electoral race for mayor, as follows: PPO⁸⁵, PDCM⁸⁶, PACE⁸⁷, PAS⁸⁸, LOC⁸⁹, CUB⁹⁰, PPPDA⁹¹, PL⁹², PSDE⁹³, PSRM⁹⁴, CC⁹⁵ MRM⁹⁶ and PCRM⁹⁷. At the same time, two other party leaders publicly announced their intention to run for mayor of Chisinau mun. - Ion Ceban (MAN)⁹⁸ and Vasile Costiuc (PPDA)⁹⁹.

In the case of the office of mayor of Balti mun., the intention of Nicolae Grigorisin (PS)¹⁰⁰ as well as that of Aureliu Filipp (PDCM) was announced¹⁰¹. And for some LPAs of level I, at least the following parties - PAS, PACE, PDCM, PPR, CC and PSDE have publicly communicated the nominee for mayor.

Therefore, we note that the procedure for nominating candidates in the format provided for by the Electoral Code seems to be reduced to a mere formality - that of formal approval of decisions at meetings of the competent bodies of political parties/electoral blocs, when the *de facto* decision was adopted and communicated to the citizens long beforehand.

Moreover, from the moment the candidates are made known to the public until the official approval of the decisions in the meetings of the competent bodies, the political parties/electoral blocs nominating them may carry out their political promotion, including their local development visions (*de facto* - of electoral platforms).

⁸⁴ According to points 9 and 24 of the [Calendar Schedule](#) for the organisation and conduct of the general local elections from 5 November 2023.

⁸⁵ Former interim mayor of the capital Ruslan Codreanu ([PPO](#)) will run for mayor of Chisinau in 2023, from 22 October 2022.

⁸⁶ At the meeting of the National Political Council of [PDCM](#) on 12 November 2022, it was decided: Mr. Anatol Usatâi was approved as the candidate of PDCM for the position of Mayor of Chisinau mun.

⁸⁷ Permanent Bureau of the Party [PACE](#) approved candidates for mayors of several municipalities in the country for the 2023 general elections, published on 17 March 2023.

⁸⁸ Candidate of [PAS](#) for the position of mayor of Chisinau was nominated Lilian Carp on June 12, 2023.

⁸⁹ [League of towns and communes](#) nominated the candidate for the office of Mayor of Chisinau municipality from 19 June 2023.

⁹⁰ Ion Bulgac, candidate of [CUB](#) for the office of Mayor of Chisinau, from 25 June 2023.

⁹¹ Presentation of the candidate of [Platforma DA](#) in the elections for mayor of Chisinau municipality from 3 July 2023.

⁹² Ion Purice – candidate of [Liberal Party](#) for the office of Mayor of mun. Chisinau, from 24 July 2023.

⁹³ Vice-president of [PSDE](#), Vadim Brînzaniuc, will be the party's candidate in the Chisinau elections. The decision was taken by the Chisinau municipal organisation of PSDE on 27 July 2023.

⁹⁴ Decision of [PSRM](#) on the candidate for the office of Mayor of the capital, from 2 August 2023.

⁹⁵ Mihail Poleanschi – candidate of [Civic Congress](#) for the office of Mayor of Chisinau, from 9 August 2023.

⁹⁶ Press briefing by representatives of "[Movement Respect Moldova](#)" on the topic „Nomination of the candidate for the office of Mayor of the Capital”.

⁹⁷ [Plenum of CC](#) of PCRM proposed Diana Caraman as a candidate for the office of mayor of Chisinau.

⁹⁸ [Ion Ceban](#) will run for a second term as mayor of Chisinau on 25 August 2022.

⁹⁹ Leader of [PPDA](#), Vasile Costiuc, will run for office of mayor of capital in the autumn elections.

¹⁰⁰ [Joint conference](#) Grigorisin-Gligor, on 3 February 2023.

¹⁰¹ By unanimous [decision](#) of members of the Political Council of TO Balti, PDCM candidate for the office of Mayor of the Balti mun. in the general local elections from 5 November 2023, was nominated Aureliu FILIPP - President of the Balti TO of PDCM.

In Promo-LEX's opinion, the de facto nomination of candidates before the legally established deadline, as well as their election-themed political promotion before the start of the electoral campaign, may affect the principle of equal opportunities of electoral competitors (in the case of candidates who do not respect the respective deadlines, they have a much longer period to promote their candidates and, respectively, to persuade voters), as well as contributing to a certain extent to circumventing the legal provisions on campaign financing (the promotion expenses of potential candidates before the start of the campaign are labelled as political - which means that de facto the campaign expenses incurred can be much higher than those reported strictly from the start of the campaign).

In the light of the above, we recommend considering the possibility that in the context of public announcement of the potential candidate prior to the official nomination, under the Electoral Code, the nominal political promotion of the candidate be prohibited.

5.2. Election-themed promotional activities

According to Article 70, para. (3) of the Electoral Code, irrespective of the type of election, the electoral campaign shall begin on the date of registration of the electoral competitor, but not earlier than 30 days before election day, and shall end on the date of cancellation of the registration of the electoral competitor or on the Friday before election day. According to the Calendar Schedule approved by CEC¹⁰², the electoral campaign for all electoral competitors will start on 6 October 2023. Therefore, from 6 October 2023, electoral competitors will be entitled to conduct electoral campaigning.

According to art. 1 of the Electoral Code, electoral campaigning means appeals, statements, as well as actions of preparation and dissemination of information aimed at persuading voters to cast their vote for one or another electoral competitor.

Thus, we note that the current definition of "electoral campaigning" is broader and more open to interpretation than the one in the old Electoral Code, which explicitly referred to actions of preparation and dissemination of information containing an appeal to vote for one or another electoral competitor.

From the observations of the Promo-LEX OM, prior to presentation of the report, electoral promotional activities for potential candidates were found in the case of:

PAS - Lilian Carp (Chisinau), Igor Boldescu (Cricova), Oleg Popsoi (Durlesti), Tatiana Barda (Gratiesti), Stelian Manic (Codru). After 12 June 2023, when the Convention of the Chisinau Territorial Organisation¹⁰³ took place, activities to promote the potential candidates announced at the Convention were observed. In this context, at least in the case of the above PAS representatives, nominal street tents (with the name of PAS candidate on the wall of the tent), nominal flyers and, in some cases, nominal newspapers (with the name, picture of candidates and key points promoted by the candidate for the locality in which he/she will run) were observed.

We would like to mention that by CEC Decision No. 1126 of 14 July, following a notification by MAN, PNM and PLDM, including on some of issues described above, the Commission issued a warning to PAS and drew attention to the need to comply with electoral legislation.

PSRM, in the case of which after the public announcement on 2 August 2023 of the potential candidate for mayor of the mun. Chisinau - **Adrian Albu**, party newspapers promoting the nomination of the potential candidate (handed out either directly to citizens on the street or through street tents) were observed. Some of these activities were carried out with the direct participation of the potential candidate.

PSDE, in which case, from August 17, 2023, a survey campaign of the city's residents was launched to gather input on the city's issues for the purpose of developing the party's electoral program. As part of this campaign, at least one street tent with the name of the party's candidate and a reference to

¹⁰² According to point 42 from [Calendar schedule](#) for carrying out actions to organize and conduct the general local elections from 5 November 2023.

¹⁰³ At [PAS Chisinau Territorial Convention](#) from 11 June potential candidates for mayors office in the suburbs of the mun. Chisinau were presented.

Chisinau was observed, as well as promotional flyers featuring the name and photos of **Vadim Brinzaniuc**, announced as the candidate for the office of mayor.

PPPDA, in the case of which after 3 July 2023, on the social networks of this party, as well as on those of the candidate announced for mayor of the mun. Chisinau - Victor Chironda, posts urging to support **Victor Chironda** are published.

In the context of the above, we reiterate that election-themed political promotion of candidates before the start of the electoral campaign affects the equality of chances of electoral competitors and contributes to circumventing the legal provisions on campaign financing.

5.3. Misuse of administrative resources

According to the definition included in art. 1 of the Electoral Code, “*administrative resources are the human, financial and material resources that are equally available to persons in public office, persons in responsible positions and civil servants deriving from their control over personnel, financial resources and allocations from the national public budget, from access to public facilities or from their management of movable and immovable property that is part of the state public domain or of administrative-territorial units*”. This definition has been strongly promoted by the Promo-LEX Association¹⁰⁴, as it is much more comprehensive than the one in the old electoral legislation, but also in line with the definition proposed by the Venice Commission in 2013¹⁰⁵.

According to Article 70, para. (6) of the Electoral Code, during the electoral period it is prohibited for candidates to use administrative resources, including by launching or participating in the launch of infrastructure projects or of procurements from the national public budget, the use of public equipment, means and goods. Violation of these provisions during electoral periods, if it does not constitute an offence, shall be punishable by a fine of 90 to 300 conventional units (4,500 to 15,000 MDL) with deprivation of right to hold certain offices or engage in certain activities for a period of 3 months to one year¹⁰⁶.

In the event, that the misuse of administrative resources causes significant damage - the penalty shall be a fine of 6,000 to 8,000 conventional units (300,000 to 400. 000 MDL) or imprisonment for up to 5 years, in both cases with deprivation of the right to hold certain offices or to engage in certain activities for up to 5 years, and the legal person shall be punished by a fine in the amount of 13,000 to 15,000 conventional units (650,000 to 750,000 MDL) with deprivation of the right to engage in a certain activity or liquidation of the legal person¹⁰⁷.

Promo-LEX’s experience in observing elections, but also in monitoring the finances of political parties, has shown that the misuse of administrative resources is accepted by stakeholders, not only during election campaigns, but also outside them, including for political promotion purposes outside the election period. For this reason, it was recommended regulating the prohibition and sanctioning of the use of administrative resources both during and outside the electoral period for political promotion purposes¹⁰⁸.

In the same context, it is worth mentioning that the *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (OSCE)* of 29.06.1990¹⁰⁹, obliges member states to ensure a clear distinction between the state and political parties; in particular, political parties should not be confused with the state.

In the lead-up to the electoral period and during the electoral period¹¹⁰, Promo-LEX identified the misuse of administrative resources in the case of two public authorities of level II. This involved

¹⁰⁴ [Policy Document](#). Use of administrative resources in electoral campaigns in the Republic of Moldova: lack of explicit legal regulation and structure of the phenomenon.

¹⁰⁵ [Report on the Misuse of Administrative Resources during electoral processes](#), Venice Commission, 2013.

¹⁰⁶ Art. 48¹, (7) din [Contravention Code](#) of the Republic of Moldova.

¹⁰⁷ Art. 181², (2) of the [Criminal Code](#) of the Republic of Moldova.

¹⁰⁸ [Report](#): Financing of political parties in the Republic of Moldova: Retrospective of 2021, pages 39-40.

¹⁰⁹ [Document](#) of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (OSCE) of 29.06.1990, pt. 5.4.

¹¹⁰ Relevant situations are examined, including the period after the election date is set.

expenditure of public funds for political gain, and a political party taking credit for activities carried out at LPA level using public funds, as follows:

The case of Chisinau mun. In compliance with the provisions of the Parliament Decision no. 56 of 30.03.2017 on the approval of the National Integrity and Anti-Corruption Strategy for 2017-2023¹¹¹, as well as based on the Municipal Council Decision no. 4/1 of 17.05.2022 on the approval of Local Anti-Corruption Plan for 2022-2025, in the period May - July 2023, the City Hall of Chisinau mun. will be responsible for the implementation of the Local Anti-Corruption Plan for 2022-2025. Chisinau has developed materials to inform citizens about the results of the activity of the public authority in the last three years (practically since the last general local elections).

City Hall of Chisinau mun., based on the priority and indicators mentioned in the Strategy, planned in the Local Anti-Corruption Plan for the years 2022-2025¹¹² *“to improve communication with citizens and transparency of the LPA activity”*, using the official website of the LPA as a tool for this purpose, i.e. the publication of information on the website and, only in some cases, the information boards of the City Hall (for information on social aid). Therefore, we note that the printing and distribution of other information materials was not planned.

At the same time, we would like to mention that according to the Law on advertising¹¹³, art. 13, para. (4), letter b), messages of public interest may not contain information on the managerial achievements and/or objectives achieved by public sector entities.

Contrary to the above, during May - July 2023 (a year after the approval of the Local Anti-Corruption Plan), the City Hall of Chisinau mun. has developed (unplanned) materials to inform citizens about the results of the public authority’s activity in the last three years. The slogan used in this information campaign was – “City Hall of Chisinau mun. – We make promises come true!”. In connection with this slogan, however, we must understand that LPA operates according to activity plans, based on the available financial resources, and not on promises, usually made by competitors during electoral campaigns.

Information on the activity of Chisinau LPA was distributed using the following sources: information bulletin (cumulative circulation of two issues - 90,000 copies)¹¹⁴, flyers and leaflets (without the exact number of circulation), on the back of invoices printed by “Infocom”, street info-boards in public transport stations, as well as audio messages in the public transport means of M.E. “Regia transport electric”.

As a result of Promo-LEX OM analysis of public procurement conducted by the City Hall of Chisinau mun. to determine the costs incurred for the aforementioned information campaign, only the expenses of the Chisinau Municipality for printing the Information Bulletin and informational materials were identified - 741,000 MDL¹¹⁵. Additionally, it should be noted that no contract for the dissemination of street info-boards (in public transport stations) was identified in the public domain.

In the context of the above, in Promo-LEX’s opinion, the described situation constitutes the use of administrative resources for the purpose of political gain. Additionally, it should be noted that coincidentally or not, a significant part of the informational materials (information bulletin, leaflets) was printed in green colour - similar to the one used by the political party MAN, whose president is the current mayor of Chisinau, Ion Ceban.

On 9 August 2023, as a result of examining the notification submitted by PLDM and of qualifying the information materials distributed by the City Hall of Chisinau mun. as advertising materials containing elements of electoral campaigning, produced, distributed and disseminated with the direct and

¹¹¹ [Decision](#) of Parliament no. 56 of 30 March 2017 on the approval of National Integrity and Anti-Corruption Strategy for 2017-2023, Annex No. 1.

¹¹² [Decision](#) of Chisinau Municipal Council no. 4/1 of 17.05.2022 on the approval of Local Anti-Corruption Plan for 2022-2025.

¹¹³ [Law](#) no. 62 of 17 March 2022 on advertising.

¹¹⁴ Information bulletins – versions [RO](#) and [RU](#).

¹¹⁵ Procurement by the City Hall of Chisinau mun. of printing services for [Information Bulletin](#) and [information materials](#).

indirect use of administrative resources, CEC prohibited the public authority to disseminate the mentioned materials¹¹⁶.

The case of Balti mun. As in the case of the City Hall of Chisinau mun., based on the same documents, the City Hall of Balti mun. approved the Local Anti-Corruption Plan for 2023-2027, where it was foreseen “to increase the level of transparency of the activity of local public authorities and access to information of public interest through online and offline means”.¹¹⁷. To this end, three activities were planned, including the printing of an information bulletin.

As a result, the 1st and 2nd editions of the Bulletin were published in May and August 2023¹¹⁸. Contrary to what was planned, however, it was found that edition no. 1 and partly edition no. 2 were used to report on the results of the work of the current mayor and councillors (2021 - 2023) - which is contrary to the provisions of the law on advertising (messages of public interest may not contain information on managerial achievements and/or objectives achieved by public sector entities). The cumulative circulation of the two editions (Romanian and Russian version) was 176,000 copies, the total expenditure was 228.8 thousand MDL (including VAT)¹¹⁹.

On 24 August 2023, as a result of examining the notification submitted by the MPSN and qualifying the information materials distributed by City Hall of Balti mun. as a misuse of administrative resources, CEC prohibited the public authority from disseminating the specified materials¹²⁰.

The PSRM case. Another situation, considered by Promo-LEX as the use of administrative resources, concerns PSRM, in which the distribution of newspapers promoting the candidate for the office of Mayor of Chisinau, Adrian Albu, was observed. In the content of the newspaper, the PSRM took credit for numerous activities implemented at the level of the Chisinau Municipal Council with public money (repair of roads, parks/schools, kindergartens and schools, health care programs, etc.). According to Promo-LEX, in the situation described above, the delimitation between public authority and political party disappears - which prevents citizens from being properly informed about the work of LPA and the performance of the political party.

¹¹⁶ [Decision](#) of CEC no. 1162 of 9 august 2023 on notification no. CEC-7/5708 from 24 July 2023.

¹¹⁷ [Decision](#) of the Balti Municipal Council no. 2/33 from 28.03.2023 on the approval of the Local Anti-Corruption Plan for 2023-2027, page 17.

¹¹⁸ [Information Bulletin](#) „Transparent City Hall”.

¹¹⁹ [Contract](#) of City Hall of Balti mun. with “Edit Tipar Grup” SRL for printing services for information bulletin.

¹²⁰ [Decision](#) of CEC no. 1193 of 24 August 2023 on notification of MPSN no. CEC-7/6005 from 11 August 2023.

VI. ELECTORAL CAMPAIGN FINANCING

6.1. Methodological guidelines

The methodology for monitoring the financing of initiative groups/electoral campaigns for the local general elections involves observing the financial activities of initiative groups/electoral competitors in terms of funds collected and used for electoral and pre-electoral campaigning. Additionally, the degree of compliance with the legal norms in force in terms of reporting, record-keeping, and oversight of electoral actors is evaluated.

Traditionally, Promo-LEX will estimate the expenditures of initiative groups during the signature collection period and of electoral competitors during the electoral campaign for carrying out electoral promotion activities. These estimates will then be compared to the expenditures declared to CEC in reports on electoral campaign financing, which will allow to assess the level of transparency and fairness in electoral campaign financing.

For estimating campaign expenditures, minimum market prices will be applied for the services, goods, and works used by electoral competitors for electoral promotion purposes. These prices will be applied uniformly to all electoral competitors. It is acknowledged that there may be some discrepancies between the costs estimated by Promo-LEX and the actual costs incurred by electoral competitors (both in reporting financial campaign expenditures and those derived from material donations).

6.2. Legal framework for initiative group/electoral campaign financing

The financing of initiative groups (IGs) and electoral campaigns is regulated by the Electoral Code¹²¹, Contravention Code¹²², Criminal Code¹²³, the Law on Political Parties¹²⁴, the Law on Advertising¹²⁵ and the CEC Regulation on the financing of initiative groups and electoral campaigns¹²⁶. The CEC is the body empowered to receive, check, oversee and control financial reports on electoral campaign financing.

Financing sources and bank accounts. To finance initiative groups and electoral campaigns, electoral competitors shall use financial resources from three sources:

- ✓ own financial means accumulated in the accounts of the political party at the beginning of the electoral period (contributions, donations, allowances, other income as provided by law);
- ✓ donations;
- ✓ interest-free loans from the state.

Electoral competitors may collect donations from legal entities (by bank transfer, up to 12 average salaries per economy) and from individuals, citizens of the Republic of Moldova (in cash - up to 1 average salary per economy, and/or by bank transfer - up to 6 average salaries per economy). In 2023, the average salary per economy is 11,700 MDL¹²⁷. Thus, individuals will be able to donate a maximum of 70,200 MDL and legal entities - 140,400 MDL.

In the case of individuals, there are several restrictions on donations as follows:

- ✓ must not exceed 30% of the donor's registered annual income;
- ✓ must not exceed 10% of the donor's annual income, if the donor is a public official, civil servant, including those with special status, or an employee of a public organisation, but not more than 6 average monthly salaries per month;

¹²¹ Electoral [Code](#) of the Republic of Moldova.

¹²² Contravention [Code](#) of the Republic of Moldova.

¹²³ Criminal [Code](#) of the Republic of Moldova.

¹²⁴ [Law](#) no. 294 of 21 December 2007 on political parties.

¹²⁵ [Law](#) no. 62 of 17 March 2022 on advertising.

¹²⁶ [Decision](#) of CEC no. 1185 of 18 August 2023 on approval of Regulation on the financing of initiative groups and electoral campaigns.

¹²⁷ [Decision](#) of Government no. 936 of 28 December 2022 on the approval of the amount of the average monthly salary in the economy, forecast for 2023.

- ✓ must not exceed an average monthly salary in the economy if the donor receives only scholarships or other social benefits.

It should be noted that in accordance with the new legal provisions, the conditions for making donations by citizens with income earned on the territory of the Republic of Moldova and those with income earned abroad have been standardized.

If electoral campaign activities involve financial expenditures, the electoral competitor is obliged to open a bank account “Electoral Fund” and to register with CEC/ECEC the person in charge of finances - treasurer.

Compliance with advertising provision requirements, advertising space offering conditions. In accordance with art. 54 para. (10) of the Electoral Code, within 5 days from the beginning of the electoral period (up to and including 11 August 2023), advertisers owning or operating fixed or mobile advertising devices are obliged to make public the conditions under which they offer advertising space and other related services to electoral competitors or initiative groups. According to the information on the CEC website, 5 legal entities offering services in the field have complied with the requirements¹²⁸.

Also, according to the provisions of art.54 para. (9) of the Electoral Code, within 7 days from the start of the electoral period (until 13 August, inclusive), media service providers who have submitted declarations for election coverage are obliged to disclose the conditions under which they offer advertising space (including price/minute) and other related services to electoral competitors or initiative groups. Based on the information available on CEC's website, 13 radio stations, 15 TV stations and one information portal complied with the requirements¹²⁹.

Financing prohibitions. The financing of electoral campaigns is prohibited for citizens of the Republic of Moldova who have not attained the age of 18; citizens in respect of whom a judicial protection measure in the form of guardianship has been instituted; foreign legal entities, including those with foreign or mixed capital; individuals who are not citizens of the Republic of Moldova; anonymous persons or on behalf of third parties; legal entities who, in the last three years before the beginning of the electoral period, have concluded public procurement contracts with public institutions or have received state aid; non-commercial organisations, trade unions, associations or foundations from the Republic of Moldova or from abroad, charitable or religious organisations, as well as other states or international organisations, including international political organisations.

It is also prohibited for public authorities financed from the national public budget, self-governing public authorities/institutions, state-owned enterprises and joint-stock companies, the founders of which are central and local government authorities, state or municipal enterprises, or other legal entities financed from the national public budget or having state capital, to provide financing.

Financial reporting. Electoral competitors are required to submit to CEC/ECEC in electronic format, via the SSI “Financial Control” module, within three days of opening the “Electoral Fund” account and subsequently on a weekly basis, a report on the funds accumulated and the expenditures incurred in the electoral campaign. The final report shall be submitted within 3 days after voting day (Wednesday)¹³⁰.

Upon CEC's request, the reports will also be submitted on paper. The reports shall be published on CEC's official website within 48 hours of submission.

Sanctions. For violations of electoral legislation, CEC/CECE may apply or request the application of the following basic or complementary sanctions:

- ✓ warning;
- ✓ Depriving of free and/or paid airtime for a period of 24 to 48 hours, which can only be applied after a warning has been issued;

¹²⁸ Information on the conditions for providing advertising space. [Advertising broadcasters](#) owners or managers of advertising devices.

¹²⁹ Information on the conditions for providing advertising space. [Media service providers](#).

¹³⁰ Art. 58, para. (3) from [Electoral Code](#).

- ✓ deprivation of allocations from the state budget;
- ✓ the contravention sanction which, according to the Contravention Code, falls within the competence of CEC;
- ✓ cancellation of the registration of electoral competitors;
- ✓ request for ex officio deregistration of political parties.

6.3. CEC budget for general local elections

On 2 December 2022¹³¹, CEC approved the authority's budget for 2023 in the amount of 300.3 million MDL, of which 178.6 million MDL were planned for general local elections. Subsequently, on 22 December 2022¹³², the Parliament adopted the state budget for 2023, according to which the budget allocated to CEC was 280.5 million MDL - i.e. 20 million MDL less than estimated and planned by CEC.

After the approval of the state budget, no other information on the modification of the budget approved by the CEC on December 2 or its execution during 2023 was found on CEC's website. As a result, it was impossible to identify from open sources the expenditures planned by CEC for the general local elections from 5 November 2023. Also, it is not clear whether the 20 million MDL reduced by the legislature from the total amount planned by the CEC will stem from election expenditures or from other expenditures of the electoral authority?

In the light of the above, we recommend CEC to ensure the publication on its website of information on the approved budget of the institution, including the planned expenditures for the elections, as well as the level of its execution.

¹³¹ [Decision](#) of CEC no. 799 from 2 December 2023 on approval of budget of Central Electoral Commission for 2023.

¹³² [Law](#) no. 359 from 22 December 2022 of state budget for 2023.

VII. HATE SPEECH AND INCITEMENT TO DISCRIMINATION

7.1. Legal framework regulating hate speech

In 2022, the Contravention Code was supplemented by the adoption of Law No. 73 on the amendment of certain normative acts¹³³ which entered into force on 20 April 2022. Thus, art. 52, para. (3), Contravention Code, as amended and entered into force on 6 April 2023, prohibits the use of hate speech and/or incitement to discrimination by electoral competitors, including through electoral materials.

In April 2023, the Central Electoral Commission proposed for public consultation the draft regulation on how to provide, distribute and broadcast political and electoral advertising and messages of public interest. On 4 August 2023, the regulation¹³⁴ was approved by the Commission and entered into force on 11 August 2023. The Regulation prohibits the use of images containing incitement to national, racial or religious hatred, incitement to discrimination or public violence, those propagating, inciting, promoting or justifying racial hatred, xenophobia, anti-Semitism or other forms of intolerance, as well as messages containing discrimination of any kind in political or electoral advertising.

On 26 May 2023, the Audiovisual Council approved the methodology for monitoring cases of hate speech in the audiovisual media¹³⁵. This will allow the AC to monitor the manifestation of this type of discourse during the electoral period and beyond.

7.2. Trends in hate speech phenomenon

According to Recommendation (2022)¹⁶¹³⁶ of the Committee of Ministers of the Council of Europe, hate speech is “all forms of expression which incite, promote, spread or justify violence, hatred or discrimination against a person or a group of persons or which denigrate them because of their actual or ascribed personal characteristics or status, such as „race”, colour, language, religion, nationality, national or ethnic origin, age, disability, gender, gender identity and sexual orientation”.

In the Republic of Moldova, trends in the use of this type of discourse remain worrying. According to the monitoring data conducted by Promo-LEX Association, in the period 2018-2022, the phenomenon of hate speech had a constant presence in the public space, in the media and especially online. The political and electoral context have favoured its dynamics, and the trends in the use of hate speech confirm this. In the context of the early parliamentary elections in 2021¹³⁷, an average of 3.9 cases per day of hate speech and incitement to discrimination were identified, a slight decrease compared to the 2020 presidential elections¹³⁸, in the context of which an average of 4.9 new cases per day were identified, but representing a 2.3-fold increase compared to 2019¹³⁹ (190 cases - parliamentary elections of 24 February 2019 and general local elections of 20 October 2019).

7.3. Methodological guidelines on hate speech monitoring

In the context of trends in the use of hate speech during electoral periods, as well as the new provisions on electoral agitation, monitoring the phenomenon of hate speech in general local elections is necessary in order to analyse and assess the extent to which hate speech and incitement to discrimination is used and sanctioned.

¹³³ [Law no. 73](#) from 31.03.2022 on amendment of certain normative acts.

¹³⁴ Central Electoral Commission, [Regulation](#) on providing, distributing and disseminating political and electoral advertising and messages of public interest, 2023.

¹³⁵ Audiovisual Council, [Methodology for monitoring](#) hate speech in audiovisual media.

¹³⁶ Committee of Ministers of the Council of Europe, [Recommendation \(2022\)16](#) regarding hate speech.

¹³⁷ Promo-LEX Association, [Monitoring Report](#) „Hate speech and incitement to discrimination in public space and media in the Republic of Moldova during the electoral campaign for the early parliamentary elections of 11 July 2021 (monitoring period: 11.05.2021-25.07.2021).

¹³⁸ Promo-LEX Association, [Monitoring Report](#) „Hate speech and incitement to discrimination in public space and media in the Republic of Moldova during the electoral campaign for the presidential elections from 1/15 November 2020 (monitoring period: 01.09.2020 – 30.11.2020)”.

¹³⁹ Promo-LEX Association, Monitoring Report [2019/1](#) and [2019/2](#) „Hate speech and incitement to discrimination in public space and media in the Republic of Moldova” (monitoring periods: 01.08.2019 – 30.11.2019 și 11.01.2019 – 11.04.2019).

Monitoring will be carried out from 05.09.2023 to 05.12.2023, based on the methodology developed by Promo-LEX Association which includes both qualitative and quantitative analysis of cases of hate speech and incitement to discrimination identified in the public space, in the media and online, the reaction of authorities to cases of hate speech and actions taken to prevent and combat it.

The methodology contains a monitoring questionnaire that allows to collect categories of data necessary to measure and analyse the phenomenon of hate speech, such as: perpetrators, groups affected, criteria behind hate speech, extent of cases, etc.

Target group for monitoring: electoral competitors and persons active in influencing voter opinion, including but not limited to politicians, public officials in LPAs and CPAs, representatives of religious cults, local and national media and online media.

Electoral competitors will be included in the list of sources to be monitored in accordance with the data published by the Central Electoral Commission and their level of notoriety. Political and religious personalities will be selected based on sociological surveys and polls on public trust and their media presence. Media sources will be selected based on audience indicators and internet traffic measurement studies and polls conducted by sociological companies.

Theoretical and practical approach: To analyse and interpret the data, a broad approach to the concept of “hate speech” will be further used, which includes legal definitions in national and international law, but also related concepts such as sexist, homophobic, racist speech, incitement to violence, threats, support of ideologies based on superiority of a group, defamation and public insult based on belittling or denigrating a group and public promotion of intolerance. For the analysis and interpretation of cases of incitement to discrimination the legal definition in national legislation will be used.

The monitoring data will be analysed and presented to the public, authorities and election competitors in order to raise awareness and prevent the use of hate speech, as well as to sanction this type of speech according to the new provisions. Following the interpretation of the data, findings and recommendations will be formulated for the actors concerned (authorities, electoral competitors and media) on improving the mechanism for preventing and sanctioning hate speech and incitement to discrimination, conduct in electoral campaigns and coverage of hate speech in the media.

VIII. PROMO-LEX INFORMATION, VOTER EDUCATION AND APOLITICAL MOBILISATION CAMPAIGN

In the context of general local elections from 5 November 2023, Promo-LEX Association will conduct an information, voter education and apolitical mobilisation campaign for Moldovan citizens with the right to vote.

The overall objective of the campaign is to contribute to increasing the level of participation of Moldovan citizens in the 2023 general local elections and promoting informed and conscious voting. The target group of the campaign is the citizens of the Republic of Moldova with the right to vote, in particular young people.

The campaign will run from September to November 2023 and includes the following activities:

Electoral debates: To facilitate a platform for debates between electoral competitors and voters, Promo-LEX will organize 10-15 TV and public electoral debates, with the participation of candidates running for mayor of Chisinau municipality and other localities. In this regard, Promo-LEX will collaborate with PRO TV Chisinau, Info-Prim Neo Press Agency, independent online publication NewsMaker, the Public Association “The Investigative Journalism Centre”, the Public Association “Primaria Mea” (My City Hall) and the Privesc.eu portal.

Video spots: To promote conscious voting and apolitical mobilisation of voters, two video spots will be created and promoted on TV and social media.

Grants for non-governmental organizations and media: Promo-LEX Association offered 3 grants for projects promoting the participation of citizens of the Republic of Moldova in the general local elections from 5 November 2023¹⁴⁰. The beneficiaries of the grants are SRL “Interact Media” (AGORA portal), AO “Sud-Est Media” (Moldova.org portal) and AO Association for Participatory Democracy “ADEPT”, with a total budget of 59,433.00 USD.

¹⁴⁰ [Winners of Competition](#) of grants „General Local Elections 2023” start the implementation of projects to promote voter participation.

RECOMMENDATIONS

Constitutional Court

1. Pronouncing the Decision by the Constitutional Court based on the 197a/2023 Notification until 6 September 2023, when the candidate registration period for the general local elections of 5 November 2023 will begin.

Parliament of the Republic of Moldova

2. Amending the definition of the „electoral period” in art. 1 of the Electoral Code by replacing the text „from the day of adopting the act” with the text „from the day the act enters into force”.
3. Examining the opportunity to amend electoral legislation, in light of the Opinion of the Venice Commission, to ensure that all parties, blocs, and independent candidates who are not represented in the body to be elected or a higher body, confirm minimum support under the same or similar conditions.
4. Examining the possibility that in the context of public announcement of the potential candidate prior to the official nomination, the candidate's nominal political promotion should be prohibited.

Central Electoral Commission

5. Publication on the website of information on the institution's approved budget, including the exact expenditures planned for elections and the level of its execution.
6. Publication of all notifications submitted to the Central Electoral Commission in the context of the organisation and conduct of the general local elections from 5 November 2023, both in the section “Incoming documents” and in the section “General local elections from 5 November 2023”.
7. As an alternative to the recommendation to Parliament on the revision of the notion of “electoral period”, we recommend CEC to respect the legislation and to approve the act on the setting of the date of the election based on the current definition of “electoral period”.

Public Service Agency

8. Publishing on the institution's website, in a separate section, the data from the State Register of Population on the number of inhabitants of the administrative-territorial unit (levels I and II) which are submitted to the Central Electoral Commission for the purpose of determining the number of mandates for councillors.

ABBREVIATIONS

para. – paragraph

LPA – local public administration

art. – article

EBPS – electoral bureau of polling station

BPO – Barometer of Public Opinion

IPP – Institute for Public Policies

CC – Political Party Joint Action Party – Civic Congress

CEC – Central Electoral Commission

ECEC – Electoral Constituency Electoral Council of level II

CICDE – Centre for Continuing Education in the Electoral Field

CNESP – Extraordinary National Public Health Commission

CUB – Political Party Coalitia pentru Unitate si Bunastare (Coalition for Unity and Welfare)

let. – letter

LOC – Political Party Liga Oraselor si Comunelor (League of Towns and Communes)

MAN – Political Party Miscarea Alternativa Nationala (National Alternative Movement)

OM – Observation Mission

MRM – Political Party Miscarea Respect Moldova (Movement Respect Moldova)

MPSN - Miscarea Profesionistilor Speranta-Надежда (Movement of Professionals Hope)

mun. – municipality

no. – number

OSCE/ODIHR – OSCE's Office for Democratic Institutions and Human Rights

LTO – long-term observer

STO – short-term observer

PACE – Political Party Acasa Construim Europa (We built Europe at home)

PAS – Political Party Actiune si Solidaritate (Action and Solidarity)

PCRM – Party of Communists from the Republic of Moldova

pt. – point

PDCM – Political Party Partidul Dezvoltarii si Consolidarii Moldovei (Party of Development and Consolidation of Moldova)

PSDE – Social Democratic European Party

PL – Liberal Party

PLDM – Liberal Democratic Party of Moldova

POM – Political Party Partidul Oamenilor Muncii (Party of Labourers)

PP – political party

PPDA – Political Party Democratia Acasa (Democracy at Home)

PPPDA - Political Party Platforma Demnitate si Adevar (Platform Dignity and Truth)

PPPO – Political Party Puterea Oamenilor (Power of People)

PPŞ – Political Party „Sor” (declared unconstitutional)

PR – Political Party Renastere (Renaissance)

PS – Political Party Partidul Schimbării (Party of Change)

PSRM – Political Party Party of Socialists from the Republic of Moldova

REF – Register of electoral officials

v. – village

PS – polling station

ATU – administrative-territorial unit

EU – European Union

USAID – United States Agency for International Development

ANNEXES

Annex no.1. Number of localities affected by the change in the number of councillors

	No. of localities
Chisinau municipality	7
Balti municipality	0
Anenii Noi district	7
Basarabasca district	2
Briceni district	6
Cahul district	8
Cantemir district	8
Calarasi district	9
Causeni district	10
Cimislia district	4
Criuleni district	12
Donduseni district	8
Drochia district	9
Dubasari district	4
Edinet district	8
Falesti district	9
Floresti district	10
Glodeni district	10
Hincesti district	17
Ialoveni district	9
Leova district	5
Nisporeni district	2
Ocnita district	6
Orhei district	9
Rezina district	4
Riscani district	10
Singerei district	10
Soroca district	6
Straseni district	5
Soldanesti district	5
Stefan Voda district	4
Taraclia district	0
Telenesti district	3
Ungheni district	6
ATUG	1
TOTAL	233

Annex no. 2. Normative acts of CEC consulted during public debates

No.	Normative Act	Publication date on CEC website	Date of transmission of Opinion by Promo-LEX	Event
1.	Draft resolution "For the approval of Regulation on the preparation, administration, dissemination and updating of electoral rolls"	15 March 2023	No. 47 of 27 March 2023	30 March 2023 ,
2.	Draft resolution "For the approval of Regulation on the State Register of Voters"	15 March 2023	No. 47 of 27 March 2023	
3.	Draft resolution "For the approval of Regulation on the procedure for validation and allocation of mayoral and councillor mandates"	21 March 2023	No. 56 of 4 April 2023	4 April 2023
4.	Draft resolution „For the approval of Regulation on the activity of the constituency electoral council during the electoral period"	4 April 2023	No. 107 of 18 April 2023	19 April 2023
5.	Draft resolution „For the approval of Regulation on the specificities of nomination and registration of candidates for local elections"	6 April 2023	No. 109 of 20 April 2023	3 May 2023
6.	Draft resolution „For the approval of Regulation on the provision, distribution and dissemination of political and electoral advertising and messages of public interest"	6 April 2023	No. 110 of 25 April 2023	27 April 2023
7.	Draft resolution „For the approval of Regulation on election coverage by Moldovan media outlets"	2 May 2023	No. 117 of 9 May 2023	12 May 2023
8.	Draft resolution „For the approval of Regulation on organisation and conduct of opinion polls and exit polls during the electoral period"	5 May 2023	No. 117 of 9 May 2023	
9.	Draft resolution „For the approval of Regulation on the status and activity of the trusted persons of the electoral competitor"	22 May 2023	No. 138 of 6 June 2023	7 June 2023
10.	Draft resolution „For the approval of Regulation on the status and activity of the representative of electoral competitor"	22 May 2023	No. 138 of 6 June 2023	
11.	Draft resolution „For the approval of Regulation on the mobile ballot box voting procedure"	8 June 2023	No. 148 of 19 June 2023	21 June 2023
12.	Draft resolution „For the approval of Regulation on the specificities of voting over the course of two days"	14 June 2023	No. 149 of 19 June 2023	