

**Promo-LEX**

*Advancing democracy and human rights*

# OBSERVATION MISSION

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PRESIDENTIAL ELECTIONS AND  
REPUBLICAN CONSTITUTIONAL REFERENDUM  
OCTOBER 20, 2024

## Report no. 1

**Observation period:  
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# Promo-LEX

*Promovarea democrației și a drepturilor omului*

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The Observation Mission is carried out under the aegis of the Civic Coalition for Free and Fair Elections.

Responsibility for the opinions expressed in this report lies with the Promo-LEX Association and does not necessarily reflect the position of the donors. In case of discrepancies between the text in Romanian and its translation into another language, the Romanian version of the report will prevail.

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## EXECUTIVE SUMMARY

**Political background.** The Republic of Moldova is a parliamentary republic, but the President of the state is elected by universal suffrage. Although the powers of the President are limited, electoral competition for this position has a high potential to mobilize the electorate. Among the national public authorities, the President of the state enjoys the highest trust, surpassing the Parliament and the Government.

The pre-election period was characterized by internal political stability, the Presidency, the Parliament and the Government being represented by persons appointed by the same party, the Action and Solidarity Party (PAS).

The relationship between power and opposition is complicated, the actions of the parties being more divergent than convergent, both in the Parliament and outside it. The party system in Moldova is competitive. The 2024 presidential election seems to be treated by contenders as an opportunity to prepare for the parliamentary elections of 2025. The risks of electoral corruption remain a threat to the state.

The geopolitical agenda will most likely surpass topics of domestic policy during the campaign, especially in the context of simultaneous organization of the constitutional referendum regarding the European integration of Moldova. The referendum on European integration will take place in a society divided on geopolitical vector issues, where the prevailing public opinion is, however, favorable to the idea of joining the EU.

**Legal framework.** The election of 20 October 2024 is held on the basis of the Electoral Code that came into force on 1 January 2023. However, more than 20 articles of the Code were amended in the period of one year before the election. Even if it does not affect in a legal sense the principle of stability of electoral law, we believe that confidence in elections can be undermined by multiple changes, with a lack of decision-making transparency and in the absence of a broad political consensus on important matters.

Changes with the greatest impact for the election of 20 October 2024 were the regulation of the possibility of holding presidential election simultaneously with the republican referendum and the implementation of postal voting.

Related legislation was also amended, in particular, the Contravention Code. Those amendments mostly introduced new fines or increased existing ones for various violations of electoral procedures.

In 2024, the Constitutional Court twice declared provisions of the Electoral Code unconstitutional, the ones on limiting the right to be elected and on the media coverage of elections.

**Electoral bodies.** The organization of the election was carried out in accordance with the actions planned in the calendar program approved by the Central Electoral Commission (CEC). At the same time, at the beginning of the election period, the CEC did not have an approved calendar plan of activities for the implementation of postal voting.

Unlike the period of organization for the 2023 general local elections, since the beginning of the election period for the ballots of 20 October 2024, the CEC operates in full composition, and its staff is not affected by lack of officials.

The CEC did not approve all the regulations and instructions relevant to the organization and conduct of the ballots of 20 October 2024 before the beginning of the election period. The coverage of the public consultation process on the CEC's specialized webpage is not complete.

The campaign for certification of potential electoral officials organized by the Center for Continuous Electoral Training (CICDE) was broad and seems to have ensured a sufficient number of future members of electoral bodies.

**State Register of Voters.** The CEC periodically ensures transparency of data regarding the number of voters in the State Register of Voters (SRV).

Looking at the dynamics of data in the Register, we find that compared to the previous presidential election, at a distance of four years, there are 14,726 more voters in the SRV. Against the background of negative natural increase for more than two decades, the increase in the number of voters is a process that raises questions about the quality of data in the SRV. The Promo-LEX OM believes that for a plenary provision of information on the situation, respectively in order to prevent possible attempts to misinform society about the quality of voter lists, the CEC, together with the Public Services Agency (PSA), must explain in detail the cause of the respective dynamics.

**Potential electoral competitors.** Given the intention shown by at least 17 potential candidates to register, this could be the most competitive presidential election. As for the referendum campaign, we are also seeing a plurality of options shown by competitors. In addition, in the context of the constitutional referendum, the number of information campaigns on the advantages of joining the EU has significantly increased.

According to the Promo-LEX OM, promotion activities with electoral implications in the context of the presidential election have been observed in the case of at least eight potential candidates, and in five subjects such activities concerned the referendum.

**Use of administrative resources.** Between 8 July and 18 August 2024, the Government of Moldova conducted the information campaign “Europe for You”. The Promo-LEX OM found that this campaign had been planned and promoted from public money after the announcement of the election date, being implemented also during the election period, which can be interpreted as having the purpose of attracting political capital in support of the referendum. In this context, Promo-LEX reiterates the recommendation that such practices should be banned even outside the election period.

**Activities with the potential to corrupt voters.** The Promo-LEX OM found two projects with potential for electoral corruption, coordinated by Ilan Shor, which, through their impact, can affect voters’ freedom to form their opinion in the election. One of them is the initiative to pay allowances of 2,000 MDL through the Russian bank Promsvyazbank to pensioners from certain regions of the country. The other project, GagauziyaLand, was opened on 18 August, with the promise that the entrance and all attractions for children and adults would be free.

**Observation of the financing of electoral activities.** This Promo-LEX OM will again observe the financing of the electoral competitors’ activities. The methodology involves identifying and estimating campaign expenses and comparing them with the information reported to the CEC. The competitors’ electoral campaign will be monitored separately from that of the participants in the referendum. An important objective is also to monitor the activity of the CEC as a body of supervision and control. In the case of the CEC, the approval of amendments to the regulatory framework after the adoption of the calendar program created certain collisions of provisions.

**Hate speech.** The CEC and the Audiovisual Council (AC) continued the development of the internal regulatory and methodological framework for the regulation and monitoring of hate speech in elections. In this respect, the CEC approved the particularities of media coverage of the election of 20 October 2024, and the Council, in June 2024, amended and approved the methodology for monitoring electoral audiovisual programs.

Given the recorded trends, but also the data on cases of hate speech and/or incitement to discrimination documented by the police in the electoral campaign in autumn 2023, the monitoring of hate speech remains a necessity in order to analyze and assess the degree of use of this type of speech and its sanctioning.

## INTRODUCTION

Report no. 1 has been prepared and presented in the context of the launch of the Promo-LEX Observation Mission (OM) for the presidential election and constitutional referendum of 20 October 2024. In general, it covers the period starting on 16 May 2024, when the Parliament adopted draft decisions on setting the date of election for the office of President of the Republic of Moldova and on holding the republican constitutional referendum. The report includes the results of observation of the pre-election period and the election period until the start of the period of registration of initiative groups, designation, and collection of signatures for the presidential election of 20 August 2024.

The public reports presented by the Promo-LEX OM during its activity will include findings, conclusions and recommendations on both observed ballots: the presidential election and the constitutional referendum. Depending on the type of issues monitored, information will be presented either in compiled format without being divided per ballot (for example, regarding electoral lists), or will be divided into sub-compartments (for example, regarding campaign events).

The main findings and trends in the current report relate to the social, political and legal context of the ballots, the work of electoral bodies and the activities with electoral impact of potential candidates or participants in the referendum. Also, the results of monitoring the financing of the electoral campaign and hate speech will be presented.

Over the course of the Mission, Promo-LEX will present four interim observation reports (five in the case of the second round of election) and a final report. For the election day (including for the second round of the presidential election, if necessary), press releases on the conduct of the ballots and the results of the rapid counting of votes will be prepared.

The objectives of the Promo-LEX OM reports are: to inform society about the trends attested in the electoral process; to notify electoral bodies about the results of real-time observation of the quality of the procedures of organizing and conducting the ballots; to hold the electoral actors accountable; to prevent possible violations of the electoral legislation.

The observation methodology applied by Promo-LEX is based on international standards in the field and involves observation of elections both in the long term (election period) and in the short term (election day). The observation reports are prepared by the core team of the Promo-LEX OM based on their own findings and on those reported by the long-term observers (LTOs) regarding the activities of all the actors involved in the process of organizing and conducting the ballots: (potential) electoral competitors, participants in the referendum, public authorities, electoral bodies, political parties, as well as civil society. LTOs' findings are reported on the basis of thematic forms and are stored on the web platform [www.data.promolex.md](http://www.data.promolex.md), secure system with limited access, managed by Promo-LEX. Promo-LEX observers collect and analyze information resulting from on-site observations during visits to the territory, from interviews and meetings with interlocutors, as well as from study of official documents. The activities of electoral competitors and participants in the referendum will also be monitored online.

The monitoring of campaign financing is an important component of the work of the Promo-LEX OM. It involves observing electoral competitors from the perspective of the funds collected and used for campaign activities. Promo-LEX will estimate the expenses made by electoral competitors by applying minimum market prices and will compare them with those declared by competitors to the CEC in order to assess the transparency and correctness of the financing of the electoral campaign. We admit that there may be some differences between the costs applied by Promo-LEX for estimates and the actual costs of electoral competitors, but the important thing is that these prices will be applied uniformly for all competitors. The Promo-LEX OM will also observe and analyze how the Central Electoral Commission will perform its role of control and supervision in the area of political financing.

Observation of electoral procedures will be carried out during the election period by 45 LTOs, including two LTOs who will be responsible for monitoring electoral campaigns and voting day abroad. Promo-LEX will monitor hate speech and discrimination through seven monitors.

On election day, the Promo-LEX OM will ensure the observation of voting by covering polling stations based on a representative sample made of 600 static short-term observers (STOs). Their effort will be supplemented by 140 STOs who will visit the rest of the polling stations being grouped into 70 mobile teams, two observers per team.

Promo-LEX will observe every polling station set up for voters in the Transnistrian region. Over 50 polling stations opened abroad will also be covered with observers. In this regard, special attention will be paid to the polling stations established for postal voting, as well as those where voting will take place over two days.

The work of observers is managed by the core team of the Mission. All Promo-LEX observers and monitors are trained in seminars organized by the Observation Mission. Observers also sign and undertake to comply with the Code of Conduct<sup>1</sup> for Promo-LEX independent national observers, assuming the obligation to act operatively, in good faith and in a nonpartisan manner.

The OM for the presidential election and the constitutional referendum of 20 October 2024 is a project carried out by Promo-LEX Association within the Civic Coalition for Free and Fair Elections (CALC).

The Promo-LEX OM is not a political opponent of competitors and participants involved in the electoral process, is not an investigation body, and does not assume the express obligation to prove the observed findings. However, the observers' reports will be accompanied, as far as possible, by photographic and video evidence, which may be made available to law enforcement bodies and the Central Electoral Commission following their requests, but under no circumstances to competitors. At the same time, the violations, including the alleged ones, found in this report must be treated by electoral authorities as complaints and are to be examined according to their competence, in the light of the provisions of art. 88 para. (9) of the Electoral Code.

The Promo-LEX Mission manages the web platform [www.electoral.monitor.md](http://www.electoral.monitor.md), where anyone can report activities with electoral implications. Relevant information from observers' reports is stored on this platform, too. Citizens' reports can be checked by observers.

Promo-LEX is a public association that aims to develop democracy in Moldova, including the Transnistrian region, by promoting and protecting human rights, monitoring democratic processes, and strengthening civil society. The Association has been organizing election observation missions in Moldova since 2009, this OM being the 27th. Employees and members of the Association also have international experience, participating in international election observation missions in Armenia, the 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. Each report ends with recommendations for public authorities, electoral bodies, electoral competitors, other stakeholders, in order to ensure proper organization and improvement of the electoral process.

This report is prepared with the financial support of the United States Agency for International Development (USAID), the European Union and the German Marshall Fund of the USA, the Government of the United Kingdom of Great Britain and Northern Ireland, the International Organization of Francophonie and Soros Foundation Moldova.

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<sup>1</sup> [Code of Conduct](#) for Promo-LEX independent national observers.

## I. SOCIAL AND POLITICAL CONTEXT

### 1.1. Role of the institution of President of the Republic of Moldova

The Republic of Moldova is a parliamentary republic. The executive power is exercised by the Government, headed by a Prime Minister, and the President of the Republic of Moldova, and the legislative power is represented by the Parliament. The Government is accountable to the Parliament. The President is the head of state and has limited powers that concern, in particular, foreign policy and national defense policy.

At the same time, according to the provisions of art. 78 and 80 of the Constitution of the Republic of Moldova, the President of the state is elected by universal, equal, direct, secret and freely expressed vote for a term of 4 years. For the most part, the legitimacy offered by direct vote makes the citizens' expectations of this office higher than the possibilities offered by constitutional powers.

The previous presidential election in Moldova was held on 1 November 2020. It took place in two rounds and was won by the candidate nominated by PAS – Maia Sandu, the party president. On the basis of legal provisions, the elected head of state withdrew from the leadership position of PAS and renounced the membership of this party. However, during her mandate, some actions and initiatives assumed by the President indicated her important role in the decision-making process within PAS<sup>2</sup>.

### 1.2. Domestic social and political context of the election of 20 October 2024

**Government stability and the nature of power-opposition relations.** From the point of view of domestic politics, the pre-election period was characterized by parliamentary and governmental stability, without large-scale political conflicts within the parliamentary majority that might have caused defection or splits. All three main central public authorities (Parliament, Government, Presidency) represented one political orientation after the presidential (2020) and parliamentary (2021) elections.

At the same time, the relationship between power and opposition is complicated, the actions of the parties being more divergent than convergent, both in the Parliament and outside it. The identification of a national consensus on certain domestic policy topics seems not to have been a priority for political actors. For example, in the case of the initiative to organize the constitutional referendum on 20 October 2024, simultaneously with the presidential election, the parliamentary majority did not discuss in advance with the opposition, parliamentary or extra-parliamentary<sup>3</sup>. Also, according to the Promo-LEX Report on monitoring the Parliament activity of the 11th legislature, in the period August 2022 – July 2023, “no draft law authored only by the MPs of the parliamentary opposition has been promoted and adopted”<sup>4</sup>. At the same time, the monitors noted “the lack of a serious intention of the opposition to actively participate in the process of drafting, examining, and debating regulatory acts”<sup>5</sup>.

**Political financing and impact on elections.** The supervision, control, and counteraction of illegal financing and political/electoral corruption has become an issue of principle for the integrity of democratic processes in Moldova.

In 2023, for the first time in the political and electoral history of Moldova, a political party was declared unconstitutional on the grounds of non-transparent and illegal financing<sup>6</sup>, and one electoral competitor (with about 652 candidates for mayor and over 9,000 candidates for councilor) had its registration in the general local elections annulled on the grounds that could be described as “systemic electoral corruption”<sup>7</sup>.

The issue of illegal financing seems to have remained topical for the ballots of 20 October 2024. According to the Report on monitoring the financing of political parties for 2023, “82% of the total expenditures estimated by Promo-LEX as unreported were for the former Shor Party and its satellites – Chance Party

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<sup>2</sup> For [example](#), adoption by the PAS faction of the President's initiative to hold a constitutional referendum on the same day as the presidential election.

<sup>3</sup> [Opinion of Promo-LEX Association](#) on the holding of the republican referendum on the same day as the parliamentary or presidential elections. (para 1-5).

<sup>4</sup> [Promo-LEX Report](#). Monitoring the Parliament activity of the 11th legislature, August 2022 – July 2023, p. 35.

<sup>5</sup> [Promo-LEX Report](#). Monitoring the Parliament activity of the 11th legislature, August 2022 – July 2023, p. 43.

<sup>6</sup> [Judgment](#) of the Constitutional Court no. 10 of 19 June 2023 on constitutional review of the Shor Party.

<sup>7</sup> [Final Report](#). The Promo-LEX Observation Mission for the General Local Elections of 5 (19) November 2023, p. 70.



and Revival Party”<sup>8</sup>. In the context of the ballots of 20 October 2024, although the Shor Party was declared unconstitutional, its leader Ilan Shor still coordinates the activity of a political bloc (Victory Electoral Bloc) from the Russian Federation<sup>9</sup>.

The Promo-LEX findings regarding the obscure financing of Victory EB are also confirmed by the Moldovan Police. According to it, between April and May 2024, “Ilan Shor allegedly periodically organized meetings in the Russian Federation with representatives of parties affiliated to him, who in fact are used as couriers. Following some searches carried out on the territory of Moldova, amounts of about 3 million MDL were seized<sup>10</sup>. Already during the election period, the Police uncovered other illegal ways of financing political parties affiliated to Ilan Shor, such as camouflaging the activity of party representatives under notions of “volunteer”, paid through accounts in the Russian bank Promsvyazbank<sup>11</sup>.

Obscure financing also seems to be used in the context of the election of 20 October 2024 for the implementation and promotion of social and infrastructure projects with the purpose of accumulating political and electoral capital. Some examples are the opening of an amusement park in the Autonomous Territorial Unit of Gagauzia<sup>12</sup> and the payment of social allowances worth 2,000 MDL for pensioners<sup>13</sup>.

**Competitive party system.** The Republic of Moldova has a pluralistic party system that ensures a competitive political environment. Political parties are the main actors, in addition to independent candidates and electoral blocs (which are also made of parties), in the process of nominating candidates for presidential elections. A total of 64 parties have the right to participate in the election of 20 October 2024. The presidential election of 2024 is an opportunity for political parties and potential competitors, both from the opposition and from the government, to prepare for the parliamentary elections of 2025.

*The level of trust in the presidential institution.* Among the national public authorities, the Presidency enjoys the most trust, surpassing the Parliament and the Government. The data of sociological measurements indicate that in the perception of citizens the presidential institution is very important for them. At the same time, the degree of trust given by citizens to the President is lower than the support shown in relation to local public authorities.

Table no. 1. Degree of trust in public authorities from a comparative perspective (2020-2023)<sup>14</sup>

<i>A lot of trust / Some trust</i>	June 2020	October 2020	February 2021	June 2021	November 2022	September 2023
<b>President of RoM</b>	<b>26%</b>	<b>28.3%</b>	<b>42.6%</b>	<b>47%</b>	<b>34.1%</b>	<b>35.8%</b>
Parliament	17.1%	14.5%	13.9%	15.1%	24.3%	26.7%
Government	20.3%	23.2%	18.5%	18.5%	28%	28.4%
Mayor’s office	49.9%	55.1%	55.8%	55.3%	55.6%	55.4%

***Lack of a stable practice of organizing and conducting republican referendums with legal effects.***

The Promo-LEX Association points out that the practice of republican referendum is not very well known in Moldova. So far, only three such referendums were organized, two consultative and one constitutional, all of which were initiated only by political forces and not by citizens. Previously, only consultative referendums were confirmed by the Constitutional Court decision, and the constitutional one of 5 September 2010 was declared invalid due to the participation rate below the legal limit.

The idea of a constitutional referendum held on the same day as the presidential election was launched by the President of Moldova at the end of 2023<sup>15</sup>, with the announcement of her intention to run for

<sup>8</sup> [Promo-LEX Report](#). Financing of political parties in Moldova. Retrospective of the year 2023, p. 61.

<sup>9</sup> Made of the Revival Party, the Alternative Force for Moldova’s Salvation Party, the Chance Party, and the Victory Party.

<sup>10</sup> [Police](#) of the Republic of Moldova. Dozens of searches in a case of illegal financing of political parties and money laundering.

<sup>11</sup> [Police](#) of the Republic of Moldova. Searches in a criminal case of illegal financing of political parties, initiative groups, and electoral competitors

<sup>12</sup> [Great celebration](#) in the village of Kongaz: GagauziyaLand has opened its gates! The event gathered people from all corners of the country.

<sup>13</sup> [Pensioners](#) from Orhei and Taraclia began to receive supplements from Ilan Shor: 2 thousand lei will be paid monthly.

<sup>14</sup> [The Public Opinion Barometer](#) (2019-2022) and the [Public Opinion Barometer](#) (2023), Institute of Public Policies. There were no Barometer data for 2024 at the time of preparing this report.

<sup>15</sup> [Post](#) in Maia Sandu’s Facebook account.

another term. At that time, the electoral legislation did not allow this, and the Promo-LEX Association recommended that the legal rules not be changed<sup>16</sup>. Following the President’s request, the PAS faction in the Parliament initiated the process of amending the electoral legislation and approved amendments to the legal framework that make it possible to simultaneously organize a presidential election and a republican referendum. Consequently, this initiative is seen by some political actors and part of society as favorable for Maia Sandu, compared to other possible competitors.

### 1.3. Geopolitical context of the 20 October 2024 election

**The fragmentation of society on the basis of “East-West” geopolitical cleavage.** The geopolitical orientation of Moldova has manifested through the “East-West” dichotomy that divided / fragmented the society in all of the over 30 years of the state’s existence. However, from the perspective of public opinion, European integration, as a reflection of the geopolitical and value orientation towards the “West”, was and is the most preferred.

In recent years, the degree of support for the idea of joining the European Union has been oscillating around 50% (see table no. 2). At the same time, analyzing data from 2021, we understand that the potential of public opinion favorable to European integration may be even greater.

Table no. 2. Evolution of public opinion on the subject of European integration (2005-2024)<sup>17</sup>

<i>I would vote for accession</i>	12.2005	11.2014	12.2019	10.2020	06.2021	11.2022	08.2023	02.2024	06.2024
	64.3%	43.9%	59.2%	58.1%	65.1%	50.9%	49.7%	48%	53%

**European integration – strategic orientation of the Republic of Moldova and political/electoral strategy.** Over the years, several governments declared and manifested themselves as pro-European, which allowed them to capitalize politically on the geopolitical preferences of citizens, and some even managed to bring Moldova closer to the European Union. Thus, we are talking about the signing of the EU-Moldova Action Plan in 2005<sup>18</sup> and the Association Agreement in 2014<sup>19</sup>, as well as about obtaining the status of candidate state for EU accession in 2022 and opening accession negotiations in 2023<sup>20</sup>.

The President, according to the Constitution, represents the state and is the guarantor of sovereignty, national independence, unity, and territorial integrity of the country. Their role in the representation of the state is undeniable, respectively, the geopolitical implications in the realization of this function are obvious. At the same time, the question submitted to the constitutional referendum is also regarding the external strategic orientation of Moldova. Respectively, there is no doubt that, in the context of the simultaneous organization of the presidential election and the constitutional referendum on 20 October 2024, the topics of geopolitical orientation will be central themes on the agenda of electoral competitors, possibly even surpassing the themes of domestic politics.

In the public space, the messages of politicians who have declared their intention to run in the presidential election promote three geopolitical orientations: European integration, national interest/neutrality, and Euro-Asian integration. Also, due to the pluralistic party system, it is certain that both answers (“YES” and “NO”) to the question addressed to citizens will be promoted in the referendum, but there may also be political forces that will not participate in the referendum.

**The geopolitical agenda of Moldova in the context of the war in the region.** The war launched by the Russian Federation against Ukraine, as well as the hybrid warfare led by the Russian Federation in

<sup>16</sup> [Opinion of Promo-LEX Association](#) on the holding of the republican referendum on the same day as the parliamentary or presidential elections.

<sup>17</sup> Data in the first five sections are compiled from the [Public Opinion Barometer](#) (POB) (2005-2023), Institute of Public Policies. Since there is no POB information for 2024 in the public space, the last two columns were filled in with data from the [opinion polls](#) of the National Republican Institute for 2024.

<sup>18</sup> EU-MOLDOVA [Action Plan](#) no. 402 of 22.02.2005.

<sup>19</sup> [Law no. 112](#) of 02.07.2014 on the ratification of the Association Agreement between the Republic of Moldova, on the one hand, and the European Union and the European Atomic Energy Community and their member states, on the other hand.

<sup>20</sup> EU [enlargement policy](#). Republic of Moldova.

Moldova, involve numerous risks and challenges for society. The main manifestations of hybrid warfare include activities with the potential for institutional, political destabilization and disinformation. These appear to be coordinated, through obscurely funded political projects, by Ilan Shor, leader of the declared unconstitutional Shor Party, located in the Russian Federation. Disinformation carried out through digital platforms can affect the ability of citizens to independently and objectively form their opinion in an electoral context.

The geopolitical insecurity generated by the Russian Federation's war against Ukraine caused the acceleration<sup>21</sup> of the European integration process, culminating in the initiative to organize a referendum with the aim of including the strategic desideratum of European integration in the Constitution. At the same time, we shall remind that "according to the practices of the states that joined the European Union (EU), the absolute majority held referendums on this subject of public interest at the stages immediately preceding the final decision on accession, about a year before accession. And none of them were held concurrently with other elections"<sup>22</sup>.

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<sup>21</sup> Moldova officially started [negotiations for accession](#) to the European Union.

<sup>22</sup> [Opinion of Promo-LEX Association](#) on the holding of the republican referendum on the same day as the parliamentary or presidential elections (para 26).

## **II. LEGAL FRAMEWORK**

### **2.1. Setting the election date**

#### ***2.1.1. Organization of election for the office of President of the Republic of Moldova***

On 16 May 2024, the Parliament of the Republic of Moldova set the election day for the office of President of the Republic of Moldova for 20 October 2024<sup>23</sup>. The Promo-LEX OM notes that the date set by the Parliament complies with the legal provisions of the Electoral Code no. 325/2022, according to which the date for presidential election is set at least 60 days before election day, and election is held no later than 90 days before the end date of the acting president's mandate. Given that the President's term of office expires on 24 December 2024, the date of the presidential election was set within the legal timeframe.

#### ***2.1.2. Organization of the republican constitutional referendum***

On 9 April 2024, a group of members of the Parliament of Moldova addressed the Constitutional Court<sup>24</sup> to review the constitutionality of the proposal to initiate the republican referendum to revise the Constitution. The proposal included the draft Parliament decision on holding the constitutional referendum and the draft law on amending the Constitution of Moldova, with an explanatory note. The revision of the Constitution proposed by the authors consisted in amending it with provisions related to the accession of Moldova to the European Union.

On 16 April 2024, the Constitutional Court issued an opinion, finding that the initiative to revise the Constitution of Moldova by referendum complies with the provisions of Article 141 para. (1) lit. b) of the Constitution and does not exceed the material limits for the revision of the Constitution established by Article 142 para. (1) and (2) of the Constitution and may be submitted to the Parliament for examination.

Thus, on 16 May 2024, the Moldovan Parliament adopted the decision<sup>25</sup> on holding the republican constitutional referendum, setting in this regard the day of 20 October 2024, the date when the presidential election will be held, too.

As for the date of the constitutional referendum, it is important to note that according to the Electoral Code, the date of the republican referendum is set by Parliament decision at least 60 days before the day when it is to be held, at the proposal of the subject that has the right to initiate the referendum. Therefore, we find that the legal timeframe has been met.

### **2.2. New provisions of the Electoral Code relevant to the organization and conduct of the ballots of 20 October 2024**

#### ***2.2.1. Novelties in the Electoral Code valid for the presidential election***

Conceptually, in the part related to the organization of the presidential election, the Electoral Code no. 325/2022 has not undergone essential changes. However, several new general aspects of the electoral legislation also affect the presidential election, such as:

- regulation of the possibility for a citizen with the right to vote to support several candidates by signature;
- establishment of the validation threshold of 1/5 of the number of persons registered in voter lists for the 2nd round of election;
- possibility to hold the election over two days (Saturday and Sunday);
- supplementation of the list of specific requirements for presidential candidates with the obligation to have higher education. We note that during the public consultations on the new Electoral Code,

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<sup>23</sup> [Decision](#) of the Parliament of the Republic of Moldova no. 122 of 16.05.2024 on setting the date of election for the office of President of the Republic of Moldova

<sup>24</sup> [Referral](#) no. 84c of 9 April 2024 regarding the initiative to revise the Constitution

<sup>25</sup> [Decision](#) of the Parliament of the Republic of Moldova no. 121 of 16.05.2024 on holding the republican constitutional referendum

the Promo-LEX Association spoke for re-examination of the requirement for higher education, based on international standards in the field<sup>26</sup>;

- introduction of the obligation for the CEC to verify the knowledge of the Romanian language by candidates.

### **2.2.2. *Novelties in the Electoral Code valid for the republican referendum***

Compared to the old electoral code, the legal provisions related to the holding of the constitutional referendum remained practically unchanged. This is most likely explained by the fact that the legal standards governing the referendum institution are established by the Constitution. The “novelties” include the modification of the text that voters will have to choose in the referendum: the words “For” and “Against” on the ballot paper were replaced by the answers “YES” and “NO”.

In this context, we shall remind that the parliamentary majority intended through the draft Parliament decision no. 125 on holding the republican constitutional referendum to re/introduce the options “For” and “Against”. Promo-LEX sent to the Parliament of Moldova and the CEC an opinion in which it recommended keeping the provisions of the Electoral Code on the grounds that the referendum question initially proposed by the legislators began with one of the answer options – “Are you for ..?” In the end, the legislator took into account most of the Association’s suggestions.

### **2.3. *Amendment of electoral and related legislation within one year before the election***

Article 11 of the Electoral Code, “The principle of stability of electoral relations”, in para. (1) establishes that the electoral system and the method of setting up electoral districts or electoral bodies may be changed no later than one year before the national ballot. Earlier, the Promo-LEX Association welcomed the introduction of such a provision into the new Electoral Code.

According to the Code of Good Practice in Electoral Matters, “The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election”<sup>27</sup>.

In addition, through the Revised interpretative declaration to the Code of Good Practice in Electoral Matters on stability of electoral law<sup>28</sup>, on the one hand, particular emphasis was placed on the concept of legal certainty as a key element of the rule of law. According to the declaration, “In the electoral field, legal certainty means that the confidence in democratic elections in line with international standards should not be undermined by late amendments to primary or secondary legislation, including from electoral bodies.”

On the other hand, the list of elements that are not recommended to be amended one year before the elections includes: rules that determine the right to vote and stand for election, including voter and candidate registration; essential elements of the voting process; rules guaranteeing the effectiveness of elections.

Situations in which the principle of electoral stability should not be invoked include: to maintain a situation contrary to international electoral standards; to prevent amendments in accordance with these standards based on consensus between government and opposition and on broad public consultations; or to prevent the implementation of decisions by national constitutional courts or supreme courts with equivalent jurisdiction, international courts, or of recommendations by international organizations.

Contrary to the above, we find that the new Electoral Code and related legislation have been amended three times in the last year. Such amendments, even if they do not directly affect the fundamental elements of electoral law, can nevertheless undermine citizens’ confidence in electoral processes, given

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<sup>26</sup> [Proposals](#) by Promo-LEX for the joint opinion of the Venice Commission and OSCE/ODIHR on the draft Electoral Code (Law no. 288), p. 22.

<sup>27</sup> [The Code of Good Practice in Electoral Matters](#). Guidelines and explanatory report. Adopted by the European Commission for Democracy through Law at its 52nd plenary session (Venice, 18-19 October 2002), p. 11.

<sup>28</sup> [Revised interpretative declaration](#) to the Code of Good Practice in Electoral Matters on stability of electoral law. Adopted by the Venice Commission at its 139th plenary session (Venice, 21-22 June 2024).

that they are sometimes adopted without taking into account the need to ensure decision-making transparency and/or in the absence of a broad political consensus.

### **2.3.1. Amendment of the Electoral Code**

The Electoral Code was amended by the Parliament twice in 2024, as follows:

- *On 25 January 2024, by Law no. 1/2024<sup>29</sup>, without observing decision-making transparency and without public consultations, at least 20 articles were amended.*

Part of them were technical in nature and aimed at adjusting the legal provisions as a result of the application of the Electoral Code for the first time in the general local elections of 2023. For example, some notions in Article 1 were adjusted (*electoral campaigning, Register of electoral officials, election period, etc.*); changes were made to the procedure for relieving electoral officials, as well as to the method of their remuneration and guarantees; the deadline for informing the CEC by commercial banks during the election period was revised; etc. The article setting the date of presidential election was also amended, by adjusting to constitutional jurisprudence.

A principled amendment adopted by the legislator concerned the possibility of holding presidential or parliamentary elections simultaneously with the republican referendum. The Electoral Code entered into force in 2023 and approved by the current parliamentary majority prohibited the simultaneous holding of such ballots. This prohibition was also appreciated by the Venice Commission<sup>30</sup>. However, less than a year before the election, the same parliamentary majority voted to amend these provisions.

During public consultations, Promo-LEX pointed out that “even if the Constitution of the Republic of Moldova does not prohibit holding the republican referendum on the same day as parliamentary or presidential elections, and international practice knows examples of this kind, ... such a merger of ballots is not welcome, as it can affect the equality of competitors’ opportunities and the voters’ freedom to form opinions.”<sup>31</sup>

We shall remind that previously, in 2014, the Constitutional Court mentioned in its Opinion<sup>32</sup> on this issue that “merging different electoral exercises is not, in principle, prohibited”. At the same time, “if the holding of a referendum is prohibited 60 days before and 60 days after an election, in order to avoid confusion, *a fortiori*, the referendum cannot be held on that day.” Finally, the Court found that “it is the Parliament’s competence and obligation to eliminate the ambiguities in the Electoral Code regarding the possibility of merging election and referendum.”

- *On 26 April 2024, Law no. 109/2024<sup>33</sup>, which provided for the partial implementation of postal voting, was adopted. The same law also introduced two articles to clarify some situations related to the activity of the district electoral council of Gagauzia and reporting to the Audiovisual Council during the campaign.*

With regard to the partial implementation of postal voting, Promo-LEX welcomed the introduction of this alternative method of voting, but expressed some reservations during public consultations, especially regarding the decision-making process<sup>34</sup>:

- delayed inclusion in the public agenda of the subject of adopting postal voting;
- insufficient transparency in the process of drafting the law;
- lack of political consensus on this issue;
- the need to implement postal voting for all citizens of the Republic of Moldova abroad.

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<sup>29</sup> [Law no. 1 of 18.01.2024](#) on the amendment of some regulatory acts

<sup>30</sup> [Joint Opinion](#) on the draft Electoral Code approved by the Council for Democratic Elections at its 74th meeting (Venice, 20 October 2022) and adopted by the Venice Commission at its 132nd plenary session (Venice, 21-22 October 2022), para. 137.

<sup>31</sup> [Opinion of Promo-LEX Association](#) on the holding of the republican referendum on the same day as the parliamentary or presidential elections (para. 22).

<sup>32</sup> [Opinion no. 1/2014](#) (Referral no. 48c/2014) on the initiative to review articles 78, 85, 89, 91 and 135 of the Constitution of the Republic of Moldova through a republican referendum, para. 101, 102 and 107.

<sup>33</sup> [Law no. 109](#) of 26.04.2024 on the partial implementation of postal voting.

<sup>34</sup> [Opinion](#) of Promo-LEX Association regarding the draft law on the piloting of postal voting.

We also note that this law was the subject of examination by the Constitutional Court. The Court ruled in the decision of inadmissibility, stating, inter alia, that “by establishing the procedure for the right to vote by post, the exercise of the right to vote is not restricted, but, on the contrary, it is supplemented by diversification of voting methods.”<sup>35</sup>

Overall, the law was appreciated positively by the Venice Commission<sup>36</sup>. The Commission concluded that the proposal of the Moldovan authorities to use postal voting for citizens abroad is essentially welcome. In this context, experts also drew attention to the need to identify political consensus on such situations, as well as to avoid frequent changes of the electoral legislation, which can affect the voters’ confidence in the electoral system. The Commission also recommended that postal voting abroad be given a perennial nature, if the attempt is successful, thus ensuring its stability and legal certainty, and be applied in all countries where postal voting is safe and reliable, these being established by decisions of the Central Electoral Commission.

### **2.3.2. Legal provisions of the Electoral Code declared unconstitutional**

In addition to the amendments approved by the Parliament, the Electoral Code was also amended as a result of the Constitutional Court’s decisions on unconstitutionality. Thus, during 2024, the Constitutional Court twice declared unconstitutional certain provisions of the Electoral Code.

- *In the first case, they concerned some restrictions on the exercise of the right to be elected instituted by the Parliament in the context of implementation of the Constitutional Court’s decision declaring a political party unconstitutional.*

On 3 October 2023, the Constitutional Court declared unconstitutional some restrictions on the right to be elected instituted by the Parliament for representatives of a party declared unconstitutional<sup>37</sup>. As a reaction, the next day, 4 October 2023, two days before the end of registration of candidates, the Parliament of Moldova introduced into the legislative procedure and adopted, as a matter of urgency, restrictions on the right to be elected in art. 16 para. (2) lit. f). On 26 March 2024, the Constitutional Court<sup>38</sup> declared these limitations unconstitutional.

In addition to the substantive observations referring, in particular, to the need for the legal provisions to be accompanied by sufficient guarantees capable of ensuring protection against arbitrariness, the Constitutional Court also drew the Parliament’s attention to procedural shortcomings, which affected the predictability and stability of the electoral process, but also to the perception of voters and candidates about elections.

The Observation Mission carried out by Promo-LEX during the 2023 general local elections also concluded in its final report that “the approval of amendments to the current legal framework during the election period had a negative impact on the correctness of the electoral process and on the rights to elect and be elected”<sup>39</sup>.

- *In the second case, they concerned the declaration of unconstitutionality of certain provisions related to the particularities of the media coverage of elections.*

On 16 July 2024<sup>40</sup>, the Constitutional Court declared unconstitutional the text<sup>41</sup> of art. 90 para. (2) of the Electoral Code, according to which candidates and participants in the referendum may appear or be

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<sup>35</sup> [Decision no. 80](#) of 9 July 2024 regarding the inadmissibility of referrals no. 111a/2024 and no. 113a/2024 concerning the constitutional review of Law no. 109 of 26 April 2024 on the partial implementation of postal voting (postal voting).

<sup>36</sup> [Republic of Moldova. Opinion](#) on the Law on the partial implementation of the postal vote, approved by the Council for Democratic Elections at its 80th meeting (Venice, 20 June 2024) and adopted by the Venice Commission at its 139th Plenary Session (Venice, 21-22 June 2024).

<sup>37</sup> [Final Report](#). Promo-LEX Observation Mission for the general local elections of 5 (19) November 2023, p. 13.

<sup>38</sup> [Constitutional Court Decision](#) no. 09 of 26 March 2024 on control of the constitutionality of Law no. 280 of 4 October 2023 (prohibition to run for election, applied to persons associated with political parties declared unconstitutional)

<sup>39</sup> [Final Report](#). Promo-LEX Observation Mission for the general local elections of 5 (19) November 2023, p. 14.

<sup>40</sup> [Constitutional Court Decision](#) no. 16 of 16.07.2024 on exceptions of unconstitutionality of some provisions of art. 90 para. (2) of the Electoral Code (media coverage of elections)

<sup>41</sup> “In audiovisual media services, initiative groups, electoral competitors (candidates in elections), referendum participants, their representatives and trusted persons may not have direct or indirect interventions and may not be targeted by third parties in audiovisual programs other than those of an electoral nature, expressly stated in the editorial policy declarations of

targeted exclusively in audiovisual programs of an electoral nature. The Court held that those provisions are too rigid and contrary to the right to freedom of expression, guaranteed by art. 32 of the Constitution, and must be declared unconstitutional.

In addition, the Court sent an address to the Parliament of Moldova, asking it to take into account the considerations of its decision in order to regulate less intrusive legislative solutions, which would ensure compliance with the principles of fairness, balance, and impartiality in the coverage of elections in a manner consistent with the minimum guarantees established in the Constitutional Court decision and in the jurisprudence of the European Court.

However, the Parliament of Moldova failed to settle this address until the beginning of the election period, possibly due to the too short timeframe of only two weeks, although this aspect would have been necessary and beneficial for the electoral campaign.

### **2.3.3. Amendment of related legislation**

*The Law on political parties* was amended<sup>42</sup> in January 2024, being supplemented with provisions limiting the activity of a political party. These amendments were meant to clarify certain procedures and legal effects of limiting the activity of political parties, given that, for the first time, the authorities started the procedure of limiting the activity of a party<sup>43</sup>.

On 16 August 2024, the Balti Court partially admitted the action and ordered the limitation of the Chance Party's activity for a period of 3 months. At the time of editing of this report, the court's decision was not yet final and enforceable.

In this context, we should mention that until 2023, the Law on political parties no. 294/2007 did not allow limiting the activity of political parties one month before the parliamentary or general local elections, as well as during the period of these elections. Now, however, in the current wording of the above-mentioned law, the legislator has established as a rule the prohibition to limit the activity of a political party during the electoral campaign in which it participates.

In addition, the same law introduced the obligation for the persons responsible for the finances of political parties (treasurers) to have specialized economic or accounting studies, as well as not to hold important public offices.

*The Contravention Code* was amended several times during 2024, as follows:

- The upper limit of the fine for photographing ballot papers was reduced from 50 to 30 conventional units (Law no. 109/2024);
- The maximum fine for unauthorized removal of a ballot paper from the polling station or for transmission of a ballot paper by a voter to a third person was increased from 50 to 150 conventional units (Law no. 109/2024);
- A new article was introduced – 47<sup>1</sup> “Passive electoral corruption”<sup>44</sup>, with penalties ranging from 500 to 750 contravention units for such acts (Law no. 230/2024).

Although they were adopted only one day before the start of the election period, Promo-LEX supports the introduction of contravention sanctions to counter electoral corruption, both in its active and passive form. At the same time, at the stage of public consultations, the Association presented a series of recommendations to improve the draft law, which concerned the disproportionate nature of the proposed sanction and aspects related to ensuring the decision-making transparency in the process of adopting the law<sup>45</sup>.

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media service providers.”

<sup>42</sup> [Law no. 1 of 18.01.2024 on the amendment of some regulatory acts](#)

<sup>43</sup> [The Ministry of Justice](#) addresses the court with action regarding the limitation of activity of the Chance Party.

<sup>44</sup> “Claiming, accepting, or receiving, personally or through an intermediary, of money, goods, alcoholic beverages, tobacco products, food products, services, or other benefits during the electoral campaign, on the day preceding election day, or on election day in order to carry out actions in favor of a particular electoral competitor or against another electoral competitor”

<sup>45</sup> [Opinion of Promo-LEX Association](#) on draft law no. 295 of 09.07.2024



## 2.4. Calculation of the election period

A problem already mentioned in other election monitoring reports by Promo-LEX is the non-compliance of legal provisions on the start and duration of the election period with the actual situation established by the CEC decision.

Despite the fact that the new Electoral Code extended the election period from 90 to 120 days, in the general local elections of 2023 it was observed that *de facto* it was a period of at least 138 days<sup>46</sup>, contrary to legal provisions.

In the context of the current elections, by Law no. 1/2024, the definition of “election period” has been changed again. At first glance, this amendment could solve the problem, as the election period should start from “the day of entry into force of the act setting the date of voting”, and not from the day of “adoption” of that act.

The Parliament’s decisions on holding the republican constitutional referendum and on setting the date of election for the office of President of Moldova entered into force on 21 May 2024<sup>47</sup>. Thus, we note that for the election of 20 October 2024, the legislator did not take into account the maximum duration of the election period when deciding on the day of entry into force of the act setting the date of election. Based on the provisions of the Electoral Code, in order to fit within the 120-day duration of the election period, election results would need to be confirmed no later than 18 September 2024.

At the same time, the CEC set the date of 1 August 2024 for the start of the election period<sup>48</sup>. If we calculate the election period from that date, then its duration falls within the 120-day period established by the Electoral Code.

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<sup>46</sup> [Report no. 1](#). Promo-LEX OM for observation of the general local elections of 5 November 2023, p. 17.

<sup>47</sup> [The Official Gazette](#) no. 216-218 of 21 May 2024, p. 7-8

<sup>48</sup> [CEC Decision no. 2633](#) on approval of the calendar program for organizing and conducting the election for the office of President of the Republic of Moldova and the republican constitutional referendum of 20 October 2024.

### III. ELECTORAL BODIES

#### 3.1. Structure of the CEC and organization of the activity of electoral bodies

The Central Electoral Commission is the authority responsible for organizing and conducting national elections. For this purpose, the CEC coordinates the activity of lower-level electoral bodies, second-level district electoral councils and precinct electoral bureaus.

**Composition of the CEC.** Unlike the general local elections of 2023, when the Commission worked with eight members out of nine, at the beginning of the election period for the ballots of 20 October 2024, the composition of the CEC is full<sup>49</sup>. We shall remind that the nomination of the current members of the CEC was carried out on the basis of the provisions of the old electoral code, eight members being nominated by the Parliament, respecting the proportional representation of majority and opposition, and one member by the President of Moldova.

Compared to the original composition of the Commission, confirmed by Parliament Decision no. 115 of 16 September 2021, with subsequent amendments, the current composition has undergone changes at the rate of 56% – five out of nine members were changed over three years.

Also, it is important to note that in the context of activities of supervision and control of the finances of the Chance Party and Revival Party, as well as the refusal to register the Victory Electoral Bloc, the CEC seems to have become the target of a smear campaign by the leader of the former Shor Party, declared unconstitutional<sup>50</sup>.

**The CEC staff.** According to the information available on the website of the institution and on [www.cariere.gov.md](http://www.cariere.gov.md), at the beginning of the current election period, positions in the electoral authority were filled. We shall remind that at the beginning of the election period of the general local elections of 2023, the Promo-LEX OM found a certain number of vacant positions in the institution (about 15%).

As regards the heads of second-level district electoral councils (with permanent status), we also note that all positions are filled. After the general local elections, one position remained vacant – that of president of Chisinau District Electoral Council. However, this function was also filled following a public competition<sup>51</sup>. Only the Autonomous Territorial Unit of Gagauzia (ATUG) lacks a permanent electoral body that would ensure the coordination of certification of potential electoral officials and the implementation of other procedures to prepare for elections in the pre-election period<sup>52</sup>. In December 2023, the People's Assembly of ATUG liquidated the region's permanent electoral authority<sup>53</sup>.

#### 3.2. CEC activities relevant to the organization of ballots of 20 October 2024

**Approval of the regulatory framework and calendar program.** An important responsibility of the CEC during the preparation for elections is to adjust the regulatory framework to the relevant legislative changes. By the publication date of this report, the CEC managed to adopt and amend the regulatory acts relevant to the election of 20 October 2024, planned within the decision-making process.

Thus, the CEC approved six regulations and two instructions, as well as amended six other regulatory acts. Their approval is related to the introduction of new legal procedures (e.g. postal voting, two-day voting), but also to the need to implement the legal provisions of the new Electoral Code (e.g. regulating the suspension of voting).

The legal timeframe for ensuring the transparency of the decision-making process has been respected. The CEC organized three public events to discuss the regulatory acts subjected to public consultation.

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<sup>49</sup> [Parliament Decision](#) no. 162 of 27.06.2024 on the confirmation of a member of the Central Electoral Commission. It is about the appointment of Mircea Catirau from the parliamentary majority.

<sup>50</sup> [The CEC did not register](#) our Victory Bloc for participation in the referendum.

<sup>51</sup> [The list of candidates](#) who passed the contest for filling the vacant position of president of District Electoral Council no. 1 in Chisinau.

<sup>52</sup> The Promo-LEX OM for the new and partial local elections of 2024 concluded that “the lack of a permanent electoral body in the Autonomous Territorial Unit of Gagauzia (ATUG) created impediments to the activity of lower electoral bodies in ATUG.”

<sup>53</sup> [The People's Assembly](#) with a scandal adopted in the first reading the amendments that liquidate the permanent CEC of Gagauzia

The Promo-LEX Association participated in the public consultation of most draft regulatory acts, but the degree of implementation of the proposed recommendations cannot be estimated in the absence of summaries on the website of the institution, even if during the CEC meetings the rapporteurs mentioned their existence.

Some regulatory acts were adopted after the start of the election period. These are the regulations and instructions on postal voting, as well as the draft decision to amend the regulations on the establishment and registration of initiative groups, drawing up, presenting, and verifying the signatures collecting lists. The Promo-LEX OM considers that in order to ensure the predictability of electoral procedures, these regulatory acts must be adopted before the start of the election period.

Also, on 12 August 2024, the CEC approved Decision no. 2692 on some peculiarities of organization and conduct of the ballots of 20 October 2024<sup>54</sup>. Some problematic issues from this decision were publicly consulted with representatives of political parties and civil society organizations<sup>55</sup>. Such decisions were adopted for previous elections, too, but this CEC decision is more comprehensive, as it resulted from the specifics of the simultaneous organization of two ballots.

According to the CEC, many of the procedures (registration of blocs, accreditation of observers, issuance of certificates for the right to vote, etc.) are applicable to both types of ballots. The CEC also clarified that voters will sign separately in voter lists for receiving ballot papers, thus being ensured the right to vote either in both ballots or in only one.

Another important aspect reflected in this decision is related to the complementary procedure of collecting signatures in support of candidates nominated for the presidential election, through the Electronic Signatures Collecting List information system. According to art. 21 para. (2) of Law no. 124 on electronic identification and reliable services, the qualified electronic signature has the same legal value as the handwritten signature. Such initiatives can ensure a more efficient and inclusive signature collection process, and the Promo-LEX OM previously recommended them to the CEC for implementation<sup>56</sup>.

There is also an aspect that was not reflected in the CEC Decision no. 2692 – the procedure for assessing the presidential candidates' knowledge of the Romanian language, according to the attributions regulated in art. 136 para. (2) of the Electoral Code.

In the context of the above, the Promo-LEX OM considers that the simplification and clarification of procedures will streamline the electoral process, and the approval of this decision before starting the procedures of nomination and registration of competitors is beneficial to the predictability of the electoral process.

In the process of organizing and preparing the ballots of 20 October 2024, the CEC approved the decision on the calendar program<sup>57</sup> and at least 20 other decisions on the organization and conduct of the ballots. Referring to the approved calendar program, the Promo-LEX OM notes that it includes all activities for the organization and conduct of both types of ballots of 20 October 2024. At the same time, the program does not contain activities to implement postal voting, and a separate calendar program has not been approved by the time of presentation of this report. According to Promo-LEX, the activities of organizing and conducting postal voting were to be included in the general calendar program of the elections, being a component of the voting process abroad.

***Transparency of decision-making and public information.*** All CEC meetings are public and broadcast on online platforms. The institution informs the general public and interested parties, through press

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<sup>54</sup> [CEC Decision no. 2692](#) on some peculiarities of organization and conduct of the election for the office of President of the Republic of Moldova and of the republican constitutional referendum of 20 October 2024.

<sup>55</sup> [CEC press release](#). Peculiarities of organization of the presidential election and the republican constitutional referendum discussed with political parties and civil society.

<sup>56</sup> [Policy paper](#). Collecting signatures in a pandemic context to support candidates in elections or to initiate a referendum: alternative solutions and mechanisms.

<sup>57</sup> [CEC Decision](#) no. 2633 on approval of the calendar program for organizing and conducting the election for the office of President of the Republic of Moldova and the republican constitutional referendum of 20 October 2024.

releases, about important stages and aspects of the organization and conduct of ballots (for example, the specifics of the publication of public interest messages, the dissemination of advertising during the election period, etc.).

However, in terms of transparency of decision-making on the institution's website, the Promo-LEX OM notes some shortcomings or even a setback, compared to the general local elections of 2023. Thus, it is not clear which projects have been adopted and which have not, because the section "Status/Adopted decision" of the chapter "Decision-making transparency/Decision-making process" has no information. Transparency has also been affected by some periodic difficulties in accessing the "Entry/exit documents" section of the Commission's website.

At the same time, Promo-LEX welcomes the proactive approach of the Central Electoral Commission regarding the organization and conduct of information campaigns for voters. During the pre-election period, the CEC implemented the "Know your electoral right" campaign, through which it aimed to "familiarize the interested subjects with the provisions of electoral legislation and the related regulatory framework, with an emphasis on the organization and conduct of the presidential election and the republican constitutional referendum"<sup>58</sup>. Another information campaign was launched in June in collaboration with the General Border Police Inspectorate in order to "raise awareness among voters about the importance of prior registration, including for postal voting". According to the institution, more than 100 thousand<sup>59</sup> leaflets were printed explaining the procedures for prior registration, including with the option for postal voting.

***Certification of electoral officials.*** According to the Electoral Code<sup>60</sup>, only persons who have undergone training courses within the Center for Continuous Electoral Training and hold appropriate qualification certificates can work as electoral officials. At the same time, the persons who were included in the register of electoral officials at the date of entry into force of the Code are considered certified ex officio, with a 2-year validity of qualification certificates<sup>61</sup>.

According to the plan for organizing and conducting the certification process developed by the authorities, certification exams for future electoral officials for the ballots of 20 October 2024 are to be held between 20 May and 15 September 2024<sup>62</sup>.

As interim results, the Center for Continuous Electoral Training announced that 4,804 persons (86%) out of the total of 5,579 present at the exams were certified between 20 May and 19 July 2024<sup>63</sup>. Thus, in about 44 working days, an average of 107 potential electoral officials were accredited daily. This result was also possible due to the involvement of the permanent chairmen of district electoral councils.

### **3.3. Preparing for voting abroad**

Voting abroad, especially in presidential elections, has always been a challenge for the state authorities, especially for the CEC. In its final report of 2020, the Promo-LEX OM concluded: "Promo-LEX finds it necessary to revise the legal framework in order to adopt additional and alternative voting conditions for citizens located abroad by examining such opportunities as: increasing the voting time (from one day to two days, for example); adopting and implementing alternative voting methods (postal voting, early voting, or internet voting)." <sup>64</sup>

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<sup>58</sup> [This year's edition](#) of the information campaign "Know your electoral right" has come to an end.

<sup>59</sup> [The CEC continues to inform](#) citizens with the right to vote abroad about the importance of prior registration for the election of 20 October 2024.

<sup>60</sup> Electoral Code, art. 35 para. (5) and art. 38 para. (12)

<sup>61</sup> Electoral Code, art. 244 para. (5).

<sup>62</sup> [CEC Decision no. 2243](#) of 14.02.2024 on the approval of the plan for organizing and conducting the certification of training/specialization in the electoral field in the 2024 session.

<sup>63</sup> [Certification session 2024](#): The Center for Continuous Electoral Training has so far issued electoral qualification certificates to 4,804 candidates.

<sup>64</sup> [Final Report](#). The Promo-LEX OM for the election of President of the Republic of Moldova of 1 (15) November 2020, p. 99-100.

We shall note that in the context of the current election, most of the recommendations were implemented in whole or in part. Thus, the organization of voting abroad for the election of 20 October 2024 is unprecedented.

First, such a large number of polling stations will be opened for the first time. According to the expenditure estimate approved by the CEC, there will be 233 PS<sup>65</sup>. Moreover, in the context of additional informing of voters who will be abroad on 20 October 2024, the CEC announced on 19 August 2024, about a month before the establishment of polling stations, about the probability of opening about 278 PS abroad<sup>66</sup>. We shall remind that 139 PS were established abroad for the presidential election of 2020, and 150 PS for the early parliamentary elections of 2021.

Second, based on the budget estimates of the CEC, in about 53 PS voting might take place over two days<sup>67</sup>. Respectively, we urge citizens abroad to seek information about their location, in order to streamline the exercise of the vote.

Finally, an important step, even in part, is the implementation for the first time of an alternative voting mechanism – postal voting. Beyond the fact that the process is delayed and implemented partially<sup>68</sup>, as mentioned by Promo-LEX in its statements, we believe that citizens should be as actively involved as possible in order to test as effectively as possible and prepare for its full application. The number of registrations (472 as of 19.08.2024) seems to be still small in relation to the number of voters who cast their vote in the previous elections. For example, in the previous presidential election, in the first round, 5,733 voters voted in the USA. We urge citizens in the countries where postal voting will be implemented to register and vote through the alternative voting mechanism.

Regarding the criteria for the establishment and geographical distribution of polling stations provided for in the new Electoral Code, which will be applied for the first time, on the one hand, most of them remained in principle the same, but on the other hand, the Electoral Code already provides for one main basis and several complementary ones. We shall remind that the old legal provisions did not give priority to any particular criterion. We believe that the selection of one main objective criterion will make the distribution of PS across geographical areas clearer and more transparent.

Thus, the main basis for establishing PS is the dynamics of voter participation at polling stations abroad in the last 3 elections. Additionally, according to the Code, the data of prior registration of Moldovan citizens abroad and the information presented by the Ministry of Foreign Affairs and European Integration about the number and location of Moldovan citizens abroad (collected on the basis of consular records or other relevant data) will be taken into account. Respectively, the Promo-LEX OM further urges citizens to register in advance in order to allow public authorities to estimate certain migration processes that official data may not reflect.

In conclusion, the Promo-LEX OM believes that the necessary prerequisites have been created for the ballots of 20 October 2024 in order to organize a more accessible vote abroad.

### **3.4. Registration of electoral blocs**

According to Article 64 of the Electoral Code and the Instruction on the particularities of establishment and registration of electoral blocs, electoral blocs for all types of elections are registered by the CEC. In this respect, during the monitored period, the Commission examined two applications for the registration of electoral blocs (EB): Victory EB and Together EB.

Regarding the Victory EB, by decision no. 2687, the CEC refused its registration. During the examination of the application for registration, the CEC requested additional clarification of some aspects related to

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<sup>65</sup> [CEC Decision no. 2572](#) of 04.06.2024 on the approval of the estimate of expenditures for the organization and conduct of the republican constitutional referendum and of the estimate of additional expenditures for the organization and conduct of the election for the office of President of the Republic of Moldova of 20 October 2024.

<sup>66</sup> [Press release](#). List of possible locations of polling stations abroad for the republican constitutional referendum and the presidential election of 20 October 2024.

<sup>67</sup> [CEC Decision no. 1716](#) of 05.12.2023 on the approval of the budget of the Central Electoral Commission for 2024

<sup>68</sup> Postal voting is applied for the United States, Canada, Sweden, Norway, Iceland, and Finland.

the agreement on the establishment of the bloc, the veracity of the composition of the party bodies competent to form the bloc, the legal capacity of the bloc, etc.

According to the Commission, “the subjects of administrative procedure did not react appropriately to the indicated issues, but denied the very existence of deficiencies without using the opportunity to correct them, provided by the administrative operation of clarification.”<sup>69</sup>

One of the grounds invoked by the CEC in the above-mentioned refusal was the inadmissibility for the bloc to use a name identical to that of a political party already registered, as provided for in pt. 9 of the Instruction on the particularities of establishment and registration of electoral blocs. With reference to this aspect, the Promo-LEX OM notes that no such legal grounds for refusal to register an electoral bloc were identified in the Electoral Code or in the Law on political parties.

In this regard, we recommend the CEC and the Parliament of Moldova to intervene in the elaboration of a predictable and clear regulatory framework, since the issue of registration and/or refusal to register a political party or an electoral bloc should not create in the perception of citizens doubts regarding the objectivity of the decisions of electoral bodies.

We shall mention that the deadline for the registration of EBs for the nomination of presidential election candidates is 31 August, and for the constitutional referendum it is 20 September 2024. Respectively, after correcting the application in line with the CEC observations, the constituent parties can re-submit it if they wish.

At the same time, on 9 August 2024, the Chisinau Court of Appeal registered in administrative litigation the action filed by the Revival Party, the Chance Party, the Victory Party, and the Alternative Force for Moldova’s Salvation Party against the CEC Decision no. 2687 of 7 August 2024 on the refusal to register the Victory Electoral Bloc. The action is under consideration at the Chisinau Court of Appeal so far, and no decision has been delivered yet.

As for the Together Electoral Bloc, it was registered by CEC Decision no. 2715 of 16.08.2024. As in the case of Victory EB, the CEC examined the documents establishing the Together EB, as well as aspects regarding the right to intellectual property, such as the right to use the font present in the symbol of the bloc.

Unlike in the case of Victory EB, the content of the decision concerning the Together EB did not reflect aspects concerning the submission of the declaration of assets and personal interests or aspects concerning the financing of the constituent political parties. It is important to note the lack of these two examination criteria in the registration of the Together EB.

In the context of the above, the Promo-LEX OM believes that the solutions issued by the CEC must have a uniform character, both in terms of the criteria for examining the registration of political parties and in terms of the verification of compliance with legal conditions. We shall remind that there had previously been applications for the registration of electoral blocs, such as the Electoral Bloc of Communists and Socialists<sup>70</sup>, and in that case the CEC did not note the similarity in the name of the bloc and of some parties. Respectively, in previous cases the central electoral authority carried out a formal verification, cutting it down to the following wording: *“Following the examination of the submitted materials, it was found that they comply with legal provisions.”*

### **3.5. Examination of complaints**

After setting the date of the election and by the time of this report, the CEC adopted a decision<sup>71</sup> on a complaint filed by the National Alternative Movement Party (MAN). The object of the complaint was the dissemination and distribution of advertising materials and concerned the Action and Solidarity Party (PAS). The author of the complaint claimed that PAS started the electoral campaign for the declared

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<sup>69</sup> [CEC Decision](#) no. 2687 of 07.08.2024 on the application for registration of the Victory Electoral Bloc for participation in the republican constitutional referendum and the election for the office of President of the Republic of Moldova of 20 October 2024.

<sup>70</sup> [CEC Decision](#) no. 452 of 26.04.2022 on the application for registration of the Electoral Bloc of Communists and Socialists and of the electoral symbol.

<sup>71</sup> [CEC Decision](#) regarding complaint no. CEC-7/14373 of 18 June 2024 of the National Alternative Movement Political Party.

candidate Maia Sandu ahead of time and is making image transfer on her, considering that this will give her an advantage in the presidential election, held on the same day as the constitutional referendum.

The CEC rejected the complaint, basing its solution on the fact that the PAS action of promoting the idea of a referendum cannot be criticized, since representatives of political parties have the right to freely communicate their political views and make their message known to their supporters.

In addition to this case, we shall mention that on the CEC website there is a complaint signed by MP Vlad Batrincea, in which he challenged the use of administrative resources to promote the constitutional referendum through the websites of public authorities and public services. The author of the complaint asked the CEC to establish the illegal use of administrative resources and to prohibit the further use of administrative resources unlawfully in the promotion of the constitutional referendum. By the time of submission of this report, the CEC has not yet ruled on this complaint.

### **3.6. Accreditation of observers. Confirmation of journalists. Authorization of surveys**

These procedures are carried out by the CEC, upon request, for both ballots of 20 October 2024. During the monitored period, no situations of rejection of applications submitted by applicants were found.

Quantitatively, as of 19 August 2024, 52 national observers from the Promo-LEX Association were accredited, nine journalists from two media outlets were confirmed, and three requests for authorization to conduct opinion polls were accepted.

#### IV. STATE REGISTER OF VOTERS AND VOTER LISTS

According to the Electoral Code, the State Register of Voters (SRV) is a single integrated information system of voter registration, an integral part of the “Elections” Automated State Information System. Based on data from the SRV, the main voter lists are drawn up, which include all citizens with the right to vote who have their domicile or temporary residence in the territorial radius of a polling station.

The CEC continued to ensure the transparency of SRV data by means of their monthly publication. Thus we find that at the beginning of the election period there were 14,726 more voters in the SRV than four years ago, in the last presidential election. Against the background of negative natural increase for more than two decades, the increase in the number of voters might raise questions about the quality of data in the SRV.

*Table no. 3. Dynamics of the number of voters in 2020-2024 based on SRV data*

Date: _____	Total voters	Dynamics	Without domicile/r residence	Dynamics	ATU on the left bank of the Dniester	Dynamics	Assigned by constituency	Dynamics
01.07.2020 <sup>72</sup>	3,285,874		228,852		249,013		2,808,009	
01.06.2021 <sup>73</sup>	3,282,288	-3,586	237,322	+8,470	258,598	+9,585	2,786,368	-21,641
01.06.2022 <sup>74</sup>	3,282,032	-256	249,289	+11,967	262,673	+4,075	2,770,070	-16,298
01.08.2023 <sup>75</sup>	3,301,121	+19,089	259,386	+10,097	270,836	+8,163	2,770,899	+829
01.08.2024 <sup>76</sup>	3,300,600	-521	287,148	+27,762	274,531	+3,695	2,738,921	-31,978

However, analyzing the SRV data by category of voters (see table no. 3), it is important to observe the increasing evolution of the number of voters without domicile/residence. It is possible that some of them are citizens of Moldova settled abroad, who will anyway have access to polling stations, where they will vote on additional lists. However, the increase in the number of voters voting on additional lists may indicate a problematic quality of the main voter lists.

In conclusion, given the difficulty of the procedure for confirming the deaths of voters from the Transnistrian region and those from abroad, as well as the presence in the SRV of a significant number of voters without domicile or residence, we believe that the discrepancy mentioned above can be explained rather by systemic problems of citizen record-keeping than by the poor management of the SRV and voter lists by the CEC.

At the same time, the Promo-LEX OM recommends the CEC, along with the Public Services Agency (PSA), to present during the election period not only figures, but also some explanations regarding the increase in the number of citizens/voters in order to prevent possible attempts to manipulate or misinform society on this subject.

<sup>72</sup> [Total number of voters](#) in the State Register of Voters as of 1 July 2020.

<sup>73</sup> [Total number of voters](#) in the State Register of Voters as of 1 June 2021.

<sup>74</sup> [Total number of voters](#) in the State Register of Voters as of 1 June 2022.

<sup>75</sup> [Total number of voters](#) in the State Register of Voters as of 1 August 2023.

<sup>76</sup> [Total number of voters](#) in the State Register of Voters as of 1 August 2024.



## V. POTENTIAL ELECTORAL COMPETITORS

### 5.1. Nomination of candidates for the presidential election and assumption of options for the constitutional referendum

The nomination of candidates for the presidential election begins 60 days before election day and ends 30 days before election date. According to the calendar program of the CEC<sup>77</sup>, the nomination of candidates for president is to be carried out starting on 21 August 2024.

That procedure involves the adoption by political parties or electoral blocs of decisions on the candidate they are nominating for elective office, in accordance with their statutes or constitution agreements.

Like in the case of previous elections, this seems to be reduced to a simple formality – that of official approval of decisions at the meetings of the competent bodies of political parties / electoral blocs, while the decision *de facto* was adopted and communicated to citizens much earlier.

The Promo-LEX OM found that, by the time of publication of this report, at least 17 persons had publicly announced their intention to run for president, including nine who declared that they would run as independent candidates (IC), as follows: Renato Usatii (Our Party), Vlad Filat (Liberal Democratic Party of Moldova), Ion Chicu (Party of Development and Consolidation of Moldova), Valeriu Plesca (European Social Democratic Party), Vasile Bolea (Victory EB), Octavian Ticu (Together EB), Igor Muntean (Coalition for Unity and Welfare), Maia Sandu (President of Moldova), Tudor Ulianoschi (IC), Andrei Nastase (IC), Alexandr Stoianoglo (IC), Alexandru Arseni (IC), Irina Vlah (IC), Natalia Morari (IC), Vasile Tarlev (IC), Victoria Furtuna (IC), Stefan Savitchi (IC).

Although the announcement of the intention to run before the official start of the nomination period is not in itself a violation of electoral legislation, and can be qualified as political activity of parties, the Promo-LEX OM believes that political promotion of potential candidates with electoral implications can affect the principle of equal opportunities, and also determines, to a certain extent, the circumvention of the legal provisions on the financing of electoral campaigns.

Regarding the announcement of the position of political parties and electoral blocs on the participation in the referendum, we see moderate activism of potential participants. According to the Electoral Code, in the case of a referendum, the answer options that voters must choose from are “YES” and “NO”.

At the time of registration of the referendum participants, they will fill in the declaration on the option chosen for the republican referendum: “YES” or “NO”. Only the competitors who want to campaign “for” or “against” the referendum question will be able to register as participants. We emphasize that the “boycott” option is not provided for by the legislation. Thus, participants in the referendum will not be able to register for this purpose. If a political party does not want to register for participation in the referendum, it is its right, but during the electoral campaign it will not be able to advocate in favor of non-participation in the referendum.

The Promo-LEX OM noted that, by the time of presentation of this report, the messages delivered by potential participants in the referendum were sometimes contradictory. However, essentially three basic options were outlined: supporting the YES option (e.g. PAS<sup>78</sup>, ESDP<sup>79</sup>); non-participation/“boycott” referendum (e.g. PDCM<sup>80</sup>, PSRM<sup>81</sup>); and supporting the NO option (e.g. PCRM<sup>82</sup>, RP<sup>83</sup>).

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<sup>77</sup> According to pt. 50 of the [calendar program](#) for organizing and conducting the election for the office of President of the Republic of Moldova and the republican constitutional referendum of 20 October 2024, approved by CEC Decision no. 2633 of 16 July 2024.

<sup>78</sup> [United for European Moldova](#).

<sup>79</sup> [ESDP](#) launches its own national campaign to promote the plebiscite on the European integration of Moldova this autumn – “Save the referendum”.

<sup>80</sup> [PDCM](#) will have a candidate in the presidential election in the autumn of 2024.

<sup>81</sup> [PSRM](#) urges citizens not to participate in the referendum on 20 October.

<sup>82</sup> [Resolution](#) of the Political Committee of the PCRM on the implementation of the Resolution of the IX Plenum of the Central Committee of the PCRM and on the attitude towards the referendum.

<sup>83</sup> [The Victory Political Bloc](#) supports the communists’ decision to participate in the referendum and vote against European integration.

## 5.2. Promotion activities with electoral implications

Like in previous elections, the Promo-LEX OM found that, during the pre-election period and by the time of presentation of this report, several political actors and potential electoral competitors carried out multiple promotional activities with electoral implications, in the context of both the presidential election and the constitutional referendum of 20 October 2024.

In this context, we shall remind that the electoral campaign will start for all electoral competitors / participants in the referendum only on 20 September 2024<sup>84</sup>. Respectively, electoral campaigning can be carried out only after their registration, but not earlier than 30 days before the voting day, and ends on the date of annulment of the registration of the electoral competitor / participant in the referendum or on the Friday before the voting day.

At the same time, we shall mention that until the beginning of the electoral campaign, the activities carried out by political parties are considered political promotion activities, if they are not carried out in the context of the activity of initiative groups and/or promotion of potential candidates nominated for elective positions.

### 5.2.1. Promotion with electoral implications in the context of the presidential election

Given the legal provisions, the Promo-LEX OM noted the increase in the number of TV shows with the participation of potential candidates as guests, as well as other activities and materials with electoral implications made/broadcast directly by potential candidates for the office of President. Among examples we can mention:

- *Tudor Ulianoschi (IC)*. Nominal street tents and distribution of information fliers by the potential candidate were observed.
- *Renato Usatii (OP)*. Sponsored posts on the Internet promoting the party leader (Renato Usatii), shared messages referring to the qualities of a president (national leader, not dictator of farmers, pensioners, etc.) were observed.
- *Natalia Morari (IC)*. A video showing her declaration of running for president was seen being distributed via Google Ads.
- *Alexandr Stoianoglo (IC)*. His promotion in the newspaper printed and distributed by PSRM was observed (250 thousand copies – only the version in Romanian).
- *Irina Vlah (IC)*. Several meetings with electoral implications with citizens were observed (in Ceadir-Lunga, Edinet, Comrat, Singerei, Briceni, etc.).
- *Vasile Bolea (RP<sup>85</sup>)*. Events launching/commissioning various objects / infrastructure works, etc. were observed, at which the nominated candidate was promoted.
- *Victoria Furtuna (IC)*. Video of her declaration to run for president and sponsored online posts promoting her, including visions of state development and everyday issues, were observed.
- *Andrei Nastase (IC)*. Sponsored online posts promoting him, including views on the development of the state, were observed.

### 5.2.2. Promotion with electoral implications in the context of the constitutional referendum

For both elections and referendums, the same conditions apply regarding the organization and conduct of the electoral campaign. At the same time, according to Article 1 of the Electoral Code, only political parties and electoral blocs can participate in the autumn referendum.

- *PAS*. Since April 2024, newspapers were distributed in which the European Union was promoted, the central message being “United FOR European Moldova”. Street billboards and sponsored online posts were also seen, through which the same messages were promoted.
- *PAS / President of the Republic of Moldova*. The website [pentru.md](http://pentru.md), called “the official website of the campaign FOR Moldova’s accession to the European Union in the constitutional referendum of 2024”, urged citizens, at the first stage, to join the campaign of President Maia Sandu to promote the option

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<sup>84</sup> Pt. 42 of the [calendar program](#) of activities for the organization and conduct of the general local elections of 5 November 2023.

<sup>85</sup> Vasile Bolea was declared a candidate nominated by the Victory Political Bloc. However, given that such an entity is not officially registered, the Revival Party is mentioned in the text.

of European integration in the constitutional referendum. Later, the note “The page has been developed and managed by PAS” appeared on the page.

- *President of the Republic of Moldova*. On 23 May 2024, President Maia Sandu launched the civic Initiative “*Ambassadors for the Referendum*”<sup>86</sup>. The Ministry of Education and Research was also involved in its promotion<sup>87</sup>. At least at the launch, campaigners made a direct link between the campaign and the urge to support a particular option in the referendum.
- *PSRM*. Billboards/banners, street tents, and information leaflets were seen being distributed to promote the campaign “The national interest must be on the first place for Moldova”. The central message of the campaign is the idea that Moldova’s problems must be solved by Moldovans and not by other forces / other foreign subjects. The PSRM has declared a boycott of the referendum on European integration.
- *Victory Political Bloc*<sup>88</sup>. At the end of May 2024, representatives of the parties that formed the bloc launched the “Stop EU” campaign. Organization of protests/flashmobs, posting and distribution of sponsored advertising on social networks, organization of meetings with citizens to promote the NO option in the referendum of 20 October 2024 were observed.
- Without any printing details, banners, billboards, posters, etc. containing messages/appeals to vote against the EU were observed in several localities in the country (Balti, Gagauzia, etc.).

### 5.3. Political advertising with electoral implications

#### 5.3.1. National legal provisions and international standards

According to the legislation<sup>89</sup>, *political advertising* is advertising that has as its object one or more subjects of political advertising or their activity, one or more political projects (causes, initiatives, ideas, etc.), and/or one or more symbols (expressions, drawings, images, voices, etc.) used by one or more subjects of political advertising.

Respectively, *subjects of political advertising* are electoral competitors, political parties, members of political parties, persons who have publicly stated their support for a political party in the last 3 months, social-political organizations, members of social-political organizations, persons who have publicly stated their support for a social-political organization in the last 3 months, initiative groups for support of candidates to elective positions, initiative groups for initiating a referendum, persons who, in the last 3 months, have publicly stated their support for one or more initiative groups mentioned, as well as their activity.

In this context, we shall mention that at EU level<sup>90</sup>, *political advertising* means the preparation, placement, promotion, publication, transmission or dissemination, by any means, of a message, normally provided for remuneration or through internal activities or as part of a political advertising campaign by, for or on behalf of a political actor, unless it is of a purely private or purely commercial nature or which is likely and intended to influence the outcome of an election or referendum, electoral conduct or a legislative or regulatory process, at EU, national, regional or local level.

A *political actor* is any of the following subjects: political party / social-political organization / electoral bloc or entity directly or indirectly related to the sphere of activity of one of the mentioned parties; a candidate or holder of an elective office; a member of the EU institutions or a government of a member state at national, regional or local level; a political campaigning organization with or without legal personality, established solely for the purpose of influencing the outcome of an election or a referendum; any natural or legal person representing or acting on behalf of any of the above subjects and promoting the political objectives of any of these persons or organizations.

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<sup>86</sup> Be one of the young [Ambassadors for the Referendum](#) and decide your future and the future of Moldova! President [Maia Sandu discussed](#) with young people from all over the country who want to be ambassadors for the Referendum.

<sup>87</sup> [The Ministry of Education](#) wants to involve students in promoting the referendum.

<sup>88</sup> The entity is not legally registered. It is a declared union of four parties – Revival, the Alternative Force for Moldova’s Salvation, Chance, and Victory.

<sup>89</sup> Art. 3 of [Law no. 62](#) of 17 March 2022 on advertising.

<sup>90</sup> [Regulation](#) of the European Parliament and of the Council on the transparency and targeting of political advertising, 29 February 2024.

Analyzing the national versus European legal framework on this matter, we find that the terms stated in the legislation of Moldova do not include natural/legal persons that are not politically affiliated, but that, according to the right to free expression, can express their political vision or promote certain political projects. In some cases, the mentioned subjects may be classified as third parties<sup>91</sup>, but their activity and financing is not clearly regulated by the national legislation.

### **5.3.2. Background to presidential election**

In the context of the election of 20 October 2024, several subjects were identified, including independent candidates Tudor Ulianoschi, Natalia Morari and Irina Vlah, who distributed political messages, bearing financial expenses for this purpose, who cannot fall within the legal provisions for political advertising and, respectively, subjects of political advertising.

We therefore find that the terminology used at EU level is much wider and covers a wider range of subjects of political advertising. According to the EU legislation, Tudor Ulianoschi (IC), Natalia Morari (IC) and Irina Vlah (IC) are political actors who are also subjects of political advertising.

In the view of Promo-LEX, the current legislation is limited with regard to political actors who do not have a political affiliation, because they do not have the possibility to promote political advertising, especially one that involves financial expenses.

### **5.3.3. Background to the constitutional referendum**

On the same topic, we shall mention that after 16 May 2024, when the date of the presidential election and the constitutional referendum was set, the number of information campaigns on the advantages of EU accession increased significantly, as follows:

*Information campaigns:*

- *The "Citizens for Europe" initiative* is an apolitical civic initiative formed by a group of public figures, whose main goal is "to strengthen Moldova's place in the family of European countries". The campaigns organized by the civic initiative are focused on the idea of promoting the benefits of the EU, without making a direct reference to the referendum<sup>92</sup>.

*Media campaigns:*

- *The "I want into Europe" campaign* organized and carried out by the TV8 television. It is a set of reports, all with the same topic "I want into Europe", promoting the advantages offered by the European integration for the Moldovan business environment and presenting good development practices from the Eastern European states that joined the EU, such as Romania and Bulgaria<sup>93</sup>. The campaign also contains no direct appeal to express an option in the upcoming referendum.
- *"Around the EU with Catalin Lungu"* is a cycle of programs on Jurnal TV<sup>94</sup>, presenting life in some EU capitals. The campaign does not contain direct references and appeals in the context of the referendum;
- *"Why EU?"* – a campaign carried out by TVR Moldova channel<sup>95</sup> presenting the EU efforts to support the development of Moldova, etc.

Given that these information campaigns do not expressly promote a voting option in the referendum and are carried out before the start of the electoral campaign, it cannot be considered that they violate the national legal framework.

However, according to the European legal framework, these campaigns are likely to influence the behavior of voters. For the purposes of EU regulations, in the view of Promo-LEX, these campaigns could be qualified as political advertising in the context of the organization and conduct of the constitutional referendum, and the subjects who carried out and distributed this advertising can be qualified as third parties.

## **5.4. Use of administrative resources**

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<sup>91</sup> [Policy paper](#): Political and electoral financing by "third parties".

<sup>92</sup> [Citizens for Europe](#).

<sup>93</sup> [I want into Europe](#).

<sup>94</sup> [Around the EU](#) with Catalin Lungu.

<sup>95</sup> ["Why EU?"](#), a TVR MOLDOVA campaign.

According to legislation, during the election period it is forbidden for candidates to use administrative resources<sup>96</sup>, and the violation of these provisions shall be sanctioned<sup>97</sup>. In its experience of monitoring elections, Promo-LEX found that administrative resources are used by stakeholders not only in electoral campaigns, but also outside them, including for political promotion purposes outside the election period. For this reason, it was recommended to regulate the prohibition and sanctioning of the use of administrative resources both during the election period and outside the election period for political promotion purposes<sup>98</sup>. Promo-LEX also promoted the adoption of the definition of administrative resources formulated by the Venice Commission<sup>99</sup>, a broader and more exhaustive one<sup>100</sup>.

We shall also remind that, that by the *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (OSCE)* of 29.06.1990<sup>101</sup>, member states have undertaken to ensure clear delimitation between the state and political parties; in particular, political parties cannot be confused with the state.

However, according to the *Code of good practice on referendums*<sup>102</sup>, unlike other ballots, in the context of which the state authorities must ensure neutrality, in the case of referendums they can convey their viewpoint for or against the text put to the vote. Even so, in order to ensure equal opportunities, as well as the freedom of voters to form an opinion, the governing authorities should not abuse their position and, in particular, should not use public money to promote their opinion in relation to the question put to the referendum. In addition, public authorities at every level (national, regional or local) must not engage in excessive, one-sided campaigning, but show objectivity.

Given the above, but also the Mission findings in the run-up to the election period and during the election period, Promo-LEX found the use of administrative resources by the Government of Moldova, through expenditure made from the public budget in order to obtain political capital in support of the constitutional referendum.

Between 8 July and 18 August 2024, the Government launched and carried out the “Europe for you” campaign, the declared purpose being to inform citizens about the benefits and opportunities offered by the European Union. According to the information provided by the State Chancellery, the campaign was started based on the Declaration of the Parliament of the Republic of Moldova on the European integration of the Republic of Moldova of 21 March 2024<sup>103</sup>, through which the Government was assigned the task of “taking all necessary measures for the conduct and organization of the EU accession process, as well as strengthening the state institutions involved in all stages and in all chapters of negotiations”.

On 27 May 2024, 11 days after setting the date of the presidential election and the referendum, by a decision of Prime Minister Dorin Recean, the organizing committee of the “Europe for you” information campaign was established.

During the campaign, there were seen billboards, banners, posters, fliers, advertisements online and in the (private) means of transportation of citizens, etc. The central message delivered to citizens was “You

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<sup>96</sup> The Electoral Code, Article 1 – definition of administrative resources – “the human, financial and material resources which are equally available to persons in important public positions, persons with positions of responsibility and civil servants and which derive from the control of these persons over the personnel, financial resources and allocations from the national public budget, from access to public facilities or from the administration by these persons of movable and immovable assets that are part of the public domain of the state or of administrative-territorial units”.

<sup>97</sup> Art. 48<sup>1</sup> para. (7) of the [Contravention Code](#) of the Republic of Moldova and art. 181<sup>2</sup> para. (2) of the [Criminal Code](#) of the Republic of Moldova.

<sup>98</sup> [Report](#): Financing of political parties in the Republic of Moldova. Retrospective of the year 2021, p. 39-40.

<sup>99</sup> [Report](#) on the misuse of administrative resources during electoral processes.

<sup>100</sup> “Administrative resources include: human, financial, material, in natura and other immaterial resources enjoyed during electoral processes by both elected representatives and representatives of the public sector deriving from their control over public sector staff, finances, allocations and access to public facilities. It entails also resources enjoyed in the form of prestige or public presence that stem from their position as elected representatives or public officers and which may turn into political endorsements or other forms of support”.

<sup>101</sup> [Document](#) of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (OSCE) of 29.06.1990, pt. 5.4.

<sup>102</sup> [Code of good practice on referendums](#), CDL-AD(2022)015, approved by Venice Commission, Strasbourg, 20 June 2022, para. 11, p. 20-21.

<sup>103</sup> [Parliament Decision](#) no. 66 of 21 March 2024 approving the Declaration of the Parliament of the Republic of Moldova on the European integration of the Republic of Moldova.

for Europe, go to the referendum on 20 October 2024". In the case of printed information materials, they were printed without complying with the rules established by the legislation on advertising (they did not contain data on the payer, the date of payment, the number of copies of the advertising material).

Although the campaign slogan seems to be partly aimed at all citizens, calling them to vote in the referendum, the first part of it nevertheless suggests a biased position. Also, the fact that this information campaign was planned and promoted from public money after the announcement of the election date, being implemented also during the election period, can be interpreted as having the purpose of attracting political capital in support of the referendum.

### **5.5. Activities with potential to corrupt voters**

*Victory Political Bloc.* Based on information from the public space, in the context of the election of 20 October 2024, the Promo-LEX OM found two projects with potential for electoral corruption, coordinated by Ilan Shor, which through their impact can affect the freedom of voters to form their opinion in the election.

One of them is the initiative to pay allowances of 2,000 MDL through the Russian bank Promsvyazbank to pensioners from certain regions of the country<sup>104</sup>. We shall note that these payments, according to organizers, are announced as being made in the period after the date of the election of 20 October 2024 was set. Thus, according to a press release on the website of the former Shor Party, "In the Autonomy, more than 30 thousand people have already received this payment since May. Also, the allowance was transferred to the accounts of over 1.3 thousand pensioners from Orhei and about 1.5 thousand from Taraclia, cities that joined the project in July." All the merits are attributed to the "leader of the Victory Political Bloc", Ilan Shor, who implemented this project.

The other one is the opening of the recreation complex GagauziyaLand on 18 August as a "realization of Ilan Shor's electoral promise". According to organizers, the entrance and all attractions for children and adults will be free<sup>105</sup>. The construction of the complex and its maintenance are financed, according to organizers, by Ilan Shor<sup>106</sup>. During the event, free food and drinks were offered. The opening was attended by Vasile Bolea, the candidate announced by the Victory PB.

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<sup>104</sup> [Pensioners](#) and public sector employees from Gagauzia, as well as pensioners from Taraclia and Orhei, will continue to receive additional payments.

<sup>105</sup> [GagauziyaLand](#), Ilan Shor's electoral promise, opens with great pomp in the south of the country!

<sup>106</sup> [Opening](#) of GagauziyaLand in 25 photos.

## VI. ELECTION AND CAMPAIGN FINANCING

### 6.1. The CEC budget for the presidential election and the constitutional referendum

The budget planned and estimated by the CEC for the presidential election and the constitutional referendum, including postal voting, was 311.8 mln MDL<sup>107</sup>, which is 64% of the total budget planned and estimated by the CEC for its activity for 2024 (487.6 mln MDL).

Simultaneous conduct of two ballots, along with partial implementation of postal voting (19.6 mln MDL) and the conduct of voting in some polling stations for two days, made the estimated budget for the ballots of 20 October 2024 to be almost double compared to the financial effort for the presidential election of 2020.

On the other hand, the budget approved by the Parliament<sup>108</sup> for the CEC (including presidential election, referendum and postal voting) for 2024 was 422.2 mln MDL, which is 65.2 mln MDL below the total needs estimated by the CEC for the current year.

The Promo-LEX OM believes that the difference of about 65.2 mln MDL is a significant one and raises questions about the exact amounts that will be available to the CEC for the organization and conduct of the ballots and for the work of the institution until the end of 2024.

At the same time, as no information on its execution during 2024 was identified on the CEC website, it is difficult to assess from which sources the electoral authority plans to finance the uncovered expenses or how the funds will be redistributed.

In the context of the above, we ask the CEC to ensure publication on its website, under the heading *Institutional transparency*<sup>109</sup>, of information on the approved budget of the institution, as well as the level of its semestrial execution<sup>110</sup>.

### 6.2. Ceiling of funds that can be transferred to the account “For the initiative group” / “Electoral fund”

According to the legislation<sup>111</sup>, the CEC establishes the ceiling of funds that can be transferred to the account with the mention “For the initiative group” / “Electoral fund”. It constitutes 0.1% of the income provided for in the state budget law, relative to the total number of voters per country, and in the case of initiative groups also multiplied by the maximum number of signatures required to be collected by the initiative group to support a candidate for an elective position.

The general ceiling at national level in the amount of 0.1% of the income provided for in the state budget law for 2024 amounts to 65.8 mln MDL.

On 7 august 2024<sup>112</sup>, the CEC approved the ceiling of funds that can be transferred to the account “For the initiative group” in support of candidates for the office of President of the Republic of Moldova.

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<sup>107</sup> [CEC Decision](#) no. 1716 of 5 December 2023 on the approval of the budget of the Central Electoral Commission for 2024; [CEC Decision](#) no. 2572 on the approval of the estimate of expenditures for the organization and conduct of the republican constitutional referendum and of the additional estimate of expenditures for the organization and conduct of the election for the office of President of the Republic of Moldova of 20 October 2024; [CEC Decision](#) no. 2573 on the approval of the estimate of expenditures for the partial implementation of postal voting in the election for the office of President of the Republic of Moldova and the republican constitutional referendum of 20 October 2024.

<sup>108</sup> [Law no. 418](#) of 22 December 2023 on the state budget for 2024.

<sup>109</sup> [Budget planning and execution](#).

<sup>110</sup> [Law no. 181](#) of 25 July 2014 on public finances and budgetary-fiscal responsibility.

<sup>111</sup> Art. 53 of the [Electoral Code](#).

<sup>112</sup> [CEC Decision](#) no. 2682 on establishing the ceiling of funds that can be transferred to the account “For the initiative group” in support of candidates for the office of President of the Republic of Moldova in the presidential election of 20 October 2024.

Respectively, the ceiling of funds that can be transferred to the account “For the initiative group” was set in the amount of 498,610.29 MDL (the maximum number of signatures required to be collected is 25,000).

On 14 August 2024<sup>113</sup>, the CEC approved the general ceiling at national level of the funds that can be transferred to the account “Electoral fund” and used by electoral competitors in the presidential election, amounting to 65,830,540 MDL for each electoral competitor.

### **6.3. Establishment of interinstitutional communication and collaboration mechanisms in the field of electoral financing**

By an order of the CEC of 5 August 2024, the electoral authority approved the nominal composition of the interinstitutional working group for the coordination of actions specific to the financing of initiative groups and electoral campaigns of participants in the referendum / electoral competitors in the ballots of 20 October 2024. It includes representatives of 11 institutions (CEC, Security and Intelligence Service, Anticorruption Prosecutor’s Office, National Anticorruption Center, General Police Inspectorate, Office for Prevention and Combating of Money Laundering, State Tax Service and State Chancellery), including two representatives of civil society as observers – Promo-LEX and ADEPT.

The working group is a mechanism for interinstitutional communication and collaboration in order to prevent and combat illegal financing and corruption of voters by initiative groups and electoral competitors in elections.

### **6.4. Legal framework on financing of initiative groups / electoral campaign**

The financing of initiative groups / electoral campaign is regulated by several legislative and regulatory acts adopted both by the Parliament and the CEC<sup>114</sup>. The CEC is the body authorized to receive, verify, supervise and control financial reports on the financing of initiative groups and electoral campaigns.

In the context of the election of 20 October 2024, the CEC Regulations on the financing of initiative groups and electoral campaigns were amended by CEC Decision no. 2672 of 2 August 2024, after the start of the election period and after the approval of the CEC Calendar program on 16 July 2024. As a result, some provisions of the CEC Calendar program contradict the provisions of the Regulations.

Thus, for example, according to the Regulations, pt. 73 para. 1) – 3) lit. a), financial reports are to be submitted to electoral bodies by electoral competitors weekly, on Mondays, for the entire previous reporting week (starting with Monday, 0:00:00, until the end of day on Sunday, 23:59:59). On the other hand, according to the CEC Calendar program, financial reports are to be presented by electoral competitors weekly, on Fridays, until 17:00 (points 61, 76, 77). Therefore, we find the existence of regulatory acts with contradictory provisions, which may affect the process of understanding and correct reporting of financing by electoral competitors.

In the context of the above, we recommend the CEC to resolve the situation described. Also, in order to facilitate the correct understanding of the provisions of the CEC Regulations on the financing of initiative groups and electoral campaigns, we recommend the publication of their updated version on the website of the electoral authority, by including the amendments made by CEC Decision no. 2672 of 2 August 2024.

**Sources of funding and bank accounts.** For the financing of initiative groups and electoral campaigns, electoral competitors can use funds from three sources:

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<sup>113</sup> [CEC Decision](#) no. 2701 on establishing the general ceiling at national level of the funds that can be transferred to the account “Electoral fund” and used by electoral competitors in the election for the office of President of the Republic of Moldova of 20 October 2024.

<sup>114</sup> [Electoral Code](#); [Contravention Code](#); [Criminal Code](#); [Law no. 294](#) of 21 December 2007 on political parties; [Law no. 62](#) of 17 March 2022 on advertising; [CEC Decision](#) no. 1185 of 18 August 2023 on the approval of Regulations on financing of initiative groups and electoral campaigns; Calendar program for organizing and conducting the election for the office of President of the Republic of Moldova and the republican constitutional referendum of 20 October 2024, approved by [CEC Decision](#) no. 2633 of 16 July 2024.



- ✓ their own funds accumulated in the accounts of the political party by the beginning of the election period (contributions, donations, allowances, other incomes provided by law);
- ✓ donations;
- ✓ interest-free loans from the state.

Electoral competitors can collect donations from legal entities (up to 12 average salaries per economy, by bank transfer) and from individuals, citizens of Moldova (up to one average salary per economy in cash and/or up to 6 average salaries per economy by bank transfer). In 2024, the average salary per economy is 13,700 MDL<sup>115</sup>. Therefore, individuals will be able to donate a maximum of 82,200 MDL, while legal entities – 164,400 MDL. These amounts can be donated cumulatively to initiative groups, electoral competitors and/or participants in the referendum.

If the activities of collecting signatures and electoral campaigning involve financial expenses, electoral competitors are obliged to open a bank account “For the initiative group” / “Electoral fund” and to register with the CEC the person responsible for funds – treasurer.

**Compliance with the requirements for the publication of information on the conditions of offering advertising space.** In accordance with provisions of art. 54 para. (9) and (10) of the Electoral Code, within 7 days from the start of the election period (until 8 August 2024 inclusive), media service providers and advertising distributors owners or managers of fixed or mobile advertising devices are obliged to disclose the conditions under which they offer advertising space and other related services to electoral competitors, referendum participants or initiative groups.

According to information from the CEC website, 16 radio stations, 15 TV stations and 11 advertising distributors complied with the requirements<sup>116</sup>. According to the legislation, in case of non-compliance with the mentioned provisions, media service providers and advertising distributors will not be able to distribute electoral advertising.

**Funding bans.** The financing of initiative groups and electoral campaigns is prohibited to citizens of Moldova who have not reached the age of 18; citizens in respect of whom a judicial protection measure in the form of guardianship has been established; legal entities from abroad, including those with foreign or mixed capital; public authorities financed from the national public budget, self-managing public authorities/institutions, state-owned enterprises and joint-stock companies, the founders of which are central and local public administration authorities, state or municipal enterprises or other legal entities financed from the national public budget or having state capital; individuals who are not citizens of Moldova; anonymous persons or on behalf of third parties; legal entities that, in the last three years before the start of the election period, have concluded public procurement contracts with public institutions or benefited from state aid; non-commercial organizations, trade unions, non-commercial associations or foundations in Moldova or abroad, charitable or religious organizations, as well as other states or international organizations, including international political organizations.

**Financial reporting.** Electoral competitors have the obligation to submit to the CEC in electronic format, through the module of the “Financial control” information system, within three days from the opening of the “Electoral fund” account and subsequently on a weekly basis, a report on the accumulated funds and expenses incurred in the electoral campaign. The final report shall be submitted within 3 days after the voting day (Wednesday)<sup>117</sup>.

At the request of the CEC, reports are also to be presented in paper form. Reports shall be published on the official website of the CEC within 24 hours of submission, in reusable format.

**Sanctions.** For violation of election-related regulatory acts, the CEC may apply or request the application of the following main or complementary sanctions:

- ✓ warning;
- ✓ deprivation of free and/or paid airtime for a period of 24 to 48 hours, which can only be applied after the sanction of warning had been given;

<sup>115</sup> [Decision no. 1033](#) of 21 December 2023 on the approval of the amount of the average monthly salary per economy, forecast for 2024.

<sup>116</sup> [Information](#) on the conditions for offering advertising space.

<sup>117</sup> Art. 58 para. (3) from the [Electoral Code](#).

- ✓ deprivation of allowances from the state budget;
- ✓ contravention sanction that, according to the Contravention Code, is within the competence of the CEC;
- ✓ deprivation of allowances from the state budget for a period from two months to one year (in case of repeated application of the sanction in the form of warning during one election period);
- ✓ cancellation of registration of electoral competitors;
- ✓ request of ex officio de-registration of political parties.

## VII. HATE SPEECH AND INCITEMENT TO DISCRIMINATION

### 7.1. Legal framework regulating hate speech

On 31 July 2024, the CEC approved the particularities of media coverage<sup>118</sup> of the election for the office of President of the Republic of Moldova and the republican constitutional referendum of 20 October 2024. According to them, during the electoral campaign, audiovisual programs other than those provided for in art. 90 para. (2) of the Electoral Code can use images representing religious cults or their component parts, foreign officials, foreign state institutions or public authorities, international organizations, if they do not incite to war of aggression, to national, racial or religious hatred, to discrimination, to public violence.

In March 2024, the Audiovisual Council (AC) presented the software<sup>119</sup> created for monitoring audiovisual content in news, debate shows, talk shows and other types of programs. On 14 June 2024, the AC approved the methodology<sup>120</sup> for monitoring electoral audiovisual programs. It includes some specific indicators on hate speech and incitement to discrimination that need to be analyzed at the stage of monitoring of electoral debates and electoral advertising.

Thus, during electoral debates, the AC will analyze whether or not the moderator resorts to hate speech, messages that justify wars of aggression, denies war crimes or crimes against humanity, sexist language, etc. In electoral advertising, the Council will monitor whether or not it represents content that incites to war of aggression, to national, racial or religious hatred, to discrimination or public violence. Another aspect that was included in the methodology for monitoring electoral advertising refers to the non-use of attributes and symbols generally known to be used in the context of military aggression, war crimes or crimes against humanity, as well as propaganda or glorification of these actions.

### 7.2. Trends in hate speech

Although the changes<sup>121</sup> made to the Contravention Code in 2022 sanction the use of hate speech and/or incitement to discrimination by electoral competitors, including through electoral materials (art. 52 para. (3)), the latest data of Promo-LEX show that the level of use of hate speech remains the same<sup>122</sup>.

Further, the political and electoral context favors the use and spread of hate speech. In the election period for the 2023 general local elections, 102 cases of hate speech and incitement to discrimination were identified, and in the election period for the same elections in 2019, 101 cases were identified<sup>123</sup>. On the other hand, in the context of the early parliamentary elections of 2021<sup>124</sup>, an average of 3.9 cases of hate speech and incitement to discrimination were identified, while in the 2020 presidential election<sup>125</sup>, an average of 4.9 new cases were identified per day.

Given the recorded trends, but also the data on cases of hate speech and/or incitement to discrimination documented by the police<sup>126</sup>, the monitoring of hate speech remains a necessity in order to analyze and assess the degree of use of this type of speech and sanctions applied for it.

### 7.3. Methodological benchmarks for monitoring hate speech

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<sup>118</sup> [CEC Decision no. 2660](#) of 31.07.2024 on the particularities of media coverage of the election for the office of President of the Republic of Moldova and the republican constitutional referendum of 20 October 2024.

<sup>119</sup> [Press release](#), Audiovisual Council, 12.03.2024.

<sup>120</sup> Audiovisual Council, [Decision no. 166](#) of 14.06.2024 on the approval of the methodology for monitoring electoral audiovisual programs.

<sup>121</sup> [Law no. 73](#) of 31.03.2022 on the amendment of some regulatory acts.

<sup>122</sup> Promo-LEX Association, [Monitoring report](#) "Hate speech and incitement to discrimination in the public space and in the media in Moldova during the election period for the general local elections of 5 (19) November 2023", 2024, p. 23.

<sup>123</sup> *Ibidem*, p. 23.

<sup>124</sup> Promo-LEX Association, [Monitoring report](#) "Hate speech and incitement to discrimination in the public space and in the media in Moldova within the electoral campaign for the early parliamentary elections of 11 July 2021 (monitoring period: 11.05.2021-25.07.2021)".

<sup>125</sup> Promo-LEX Association, [Monitoring report](#) "Hate speech and incitement to discrimination in the public space and in the media in Moldova within the electoral campaign for the presidential election of 1/15 November 2020 (monitoring period: 01.09.2020-30.11.2020)".

<sup>126</sup> National Inspectorate of Public Security of the General Police Inspectorate under the Ministry of Internal Affairs, Letter no. 34/17-4514 of 15.07.2024. In 2023, four contravention lawsuits were started on the basis of art. 52 para. (3) of the Contravention Code.

Promo-LEX will monitor the phenomenon of hate speech during the election period for the presidential election and the republican referendum of 20 October 2024 between 20.08.2024 and 20.11.2024. The monitoring methodology is based on both the qualitative and quantitative analysis of cases of hate speech and incitement to discrimination identified in the public space, in the media and in the online environment, the reaction of authorities to cases of hate speech and the actions taken to prevent and combat it.

The methodology contains a monitoring questionnaire that allows collecting categories of data necessary for measuring and analyzing the phenomenon of hate speech, such as: authors, affected groups, criteria that hate speech was based on, the magnitude of cases, etc.

**Monitoring target group:** Electoral competitors and active persons who can influence the opinion of voters, including but not limited to politicians, representatives of religious denominations, local and national media and online media.

Electoral competitors will be included in the list of sources to be monitored according to the data published by the CEC and their notoriety. Political and religious personalities will be selected on the basis of sociological studies and surveys on public trust, but also on the basis of their media presence. Media sources will be selected based on audience indicators and Internet traffic measurement studies, as well as surveys conducted by sociological companies.

**Theoretical and practical approach:** For the analysis and interpretation of data, the extended approach of the “hate speech” concept will be used, which includes legal definitions from national and international legislation, but also related concepts, such as sexist, homophobic, racist speech, incitement to violence, threat on grounds of prejudice, support of ideologies based on the superiority of a group, defamation and public insult based on the depreciation or denigration of a group and public promotion of intolerance. For the analysis and interpretation of cases of incitement to discrimination, the legal definition from the national legislation will be used.

The monitoring data will be analyzed and presented to the public, authorities and electoral 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 provisions of the national legislation. Following the interpretation of data, findings and recommendations will be formulated for the targeted actors (authorities, electoral competitors and the media) to improve the mechanism for preventing and sanctioning hate speech and incitement to discrimination, conduct in electoral campaigns and media coverage of hate speech.

## VIII. PROMO-LEX ASSOCIATION'S EFFORT FOR INFORMATION AND APOLITICAL MOBILIZATION

In the context of the presidential election and the republican constitutional referendum of 20 October 2024, Promo-LEX will conduct a campaign of information, electoral education and apolitical mobilization of the citizens of Moldova with the right to vote.

The overall objective of the campaign is to help inform voters about the presidential election and the republican constitutional referendum of 20 October 2024 and promote an informed and conscious vote.

The target group of the campaign are citizens of Moldova with the right to vote, including those from the diaspora and young voters. The campaign will run from August to November 2024 and include the following activities:

- *Electoral debates.* In order to facilitate a platform for debates between electoral competitors and voters, Promo-LEX will collaborate with the TV channel Pro TV Chisinau, Radio Free Europe and the NewsMaker portal in order to organize 8-10 televised electoral debates, with the participation of candidates for the office of President of the Republic of Moldova.
- *Video spots.* In order to promote informed and conscious voting, two video spots will be created and promoted on TV and in social networks.
- *Grants for non-governmental organizations and media outlets.* Promo-LEX offered five grants for projects to inform voters about the presidential election and the republican constitutional referendum of 20 October 2024 and to promote an informed and conscious vote.

The beneficiaries of grants are Interact Media SRL (AGORA portal), Association for Participatory Democracy ADEPT, INFONET Alliance, WatchDog.MD Community for Advocacy and Public Policy, and Bright Communications SRL (Realitatea Media Group), with a total budget of 99,916.00 US dollars.

## **RECOMMENDATIONS**

### **To the Parliament of Moldova:**

1. To solve the Constitutional Court's address regarding the coverage of elections by media outlets in the spirit of the findings of the Constitutional Court and within the limits of competences.
2. To regulate the prohibition and sanctioning of the use of administrative resources both during the election period and outside the election period for political promotion purposes.
3. To reduce the sanction provided for in art. 47<sup>1</sup> of the Contravention Code for passive corruption, so that it is proportional to the amounts of money received as electoral bribes or to the value of goods, services that law enforcement authorities know about.
4. To include in the act setting the date of elections as "the day of entry into force of the act setting the date of elections" the calendar dates that would allow to fit within the legal term of 120 days regarding the duration of the election period.

### **To the Central Electoral Commission:**

5. To adjust the CEC Calendar program to the provisions of the CEC Regulations on the financing of initiative groups and electoral campaigns, amended by CEC Decision no. 2672 of 2 August 2024.
6. To explain in detail, together with the Public Services Agency if necessary, the causes of the increase in the number of voters in the SRV in the context of negative natural increase and emigration from Moldova.
7. To fill in all sections in the compartment "Decision-making transparency / Decision-making process", in particular, "Results of public consultation", "Draft after public consultations" and "Status / decision adopted".
8. To update in due time the CEC regulations placed on the website in the section "Regulatory framework / Regulations" in accordance with the amendments approved by the authority.
9. To publish on the CEC website under the heading "Institutional transparency" information on the approved budget of the institution, including the expenses planned for elections, the source of funding, as well as the level of its execution.

### **To the Government of Moldova:**

10. Not to allow the use of administrative resources during the election period.

### **To political parties:**

11. To carry out electoral campaigning activities only within legal timeframes, strictly in accordance with the electoral legislation.

## **ABBREVIATIONS**

para. – paragraph  
LPA – local public administration  
art. – article  
PEB – precinct electoral bureau  
POB – Public Opinion Barometer  
PB – political bloc  
AC – Audiovisual Council  
CEC – Central Electoral Commission  
DEC – second-level district electoral council  
IC – independent candidate  
CICDE – Center for Continuous Electoral Training  
IPP – Institute for Public Policy  
lit. – letter  
mln – million  
OM – Observation Mission  
no. – number  
OSCE/ODIHR – OSCE Office for Democratic Institutions and Human Rights  
LTO – long-term observer  
STO – short-term observer  
PAS – Action and Solidarity Party  
PCRM – Party of Communists of the Republic of Moldova  
PDCM – Party of Development and Consolidation of Moldova  
OP – Our Party  
RP – Revival Party  
ESDP – European Social Democratic Party  
PSRM – Party of Socialists of the Republic of Moldova  
pt. – point  
PS – polling station  
ATU – administrative-territorial unit  
EU – European Union  
USAID – United States Agency for International Development