

Promo-LEX

Advancing democracy and human rights

OBSERVATION MISSION

PRESIDENTIAL ELECTIONS AND
REPUBLICAN CONSTITUTIONAL REFERENDUM
OCTOBER 20, 2024

SUMMARY REPORT

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The observation mission is carried out under the auspices of the Civic Coalition for Free and Fair Elections.

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EXECUTIVE SUMMARY

Political context. The Republic of Moldova is a parliamentary republic, but the President is elected by universal suffrage. Among the central public authorities, the presidential institution enjoys the highest level of trust from society. Even though the President's powers are limited, the electoral competition for this position leads to a high level of voter mobilization.

The pre-electoral period was marked by a series of impactful socio-political challenges, both internal and external: the intensification of the geopolitical divide between "East and West" in the context of organizing a constitutional referendum on EU accession alongside the presidential elections; ensuring governmental stability despite strained relations between the ruling power and the opposition; illegal political/electoral financing involving foreign influence; and national security threats stemming from the hybrid war against Moldova.

The existing legal framework ensured the proper organization and conduct of the electoral process. The electoral and related legislation underwent modifications at the end of 2022 with the adoption of a new Electoral Code and further amendments before the elections. These changes allowed for the simultaneous organization of the presidential elections and the national referendum, as well as the partial implementation of postal voting.

MO Promo-LEX identified several legal issues that could endanger the smooth conduct of electoral procedures. These include: the lack of specific regulations on the participation of the incumbent President in the elections; the absence of clear grounds for rejecting or annulling the registration of initiative groups; uncertainties regarding electoral campaigns conducted by unregistered participants in the referendum; and gaps in the legal framework concerning assisted voting, among others.

Electoral bodies. The Central Electoral Commission (CEC) generally fulfilled its responsibilities despite the increased workload caused by organizing two simultaneous elections and partially implementing postal voting. For the presidential elections and the referendum, CEC accredited 1,534 national observers and 876 international observers. The Promo-LEX Association accredited 1,204 observers.

Lower-level electoral bodies (37 District Electoral Councils – CECE II and 2,219 electoral bureau of polling station - EPBS) were formed within legal deadlines. The electoral bodies adhered to their schedules in most cases. However, accessibility for persons with mobility impairments remains an issue, with 54% of CECE II and 66% of BESV locations being inaccessible. The composition of the lower-level electoral bodies was also imbalanced in terms of gender (85% women and 15% men).

The establishment of polling stations abroad based on clear criteria improved transparency in their distribution across countries. However, CEC's regulatory framework still lacks sufficient clarity on

applying complementary criteria. The polling stations were set up within legal deadlines, and the decision-making process was generally participatory and transparent. CEC established a record number of polling stations abroad—234, including three for postal voting.

Promo-LEX's estimates on the distribution of polling stations across countries largely aligned with CEC's calculations. However, regarding the organization of polling stations in Russia, Promo-LEX criticized the failure of the Ministry of Foreign Affairs and CECE No. 38 to comply with CEC's decision, resulting in only two polling stations instead of five, under the pretext of security concerns. The organization emphasized the need for legal compliance and better coordination.

Postal voting proved to be a useful and efficient tool for improving electoral accessibility. Considering recommendations for improvements and thorough procedural preparation, it should be implemented on a larger scale.

Moldova ensures voting conditions for citizens from localities in the Transnistrian region, which is outside the control of central authorities, by setting up polling stations on constitutionally controlled territory. However, electoral competitors were once again unable to campaign physically in the Transnistrian region. For these elections, CEC established 30 polling stations, 11 fewer than in the last national elections, but the reduction did not limit voter access.

Electoral complaints and disputes. Courts and electoral bodies only partially ensured the right to an effective remedy, with at least 32 complaints filed with CECE, 40 with CEC, and 39 in courts. Identified shortcomings in the handling of complaints included delays or failures in publishing complaints and decisions, insufficient justification of rulings, and unresolved complaints due to a lack of the required number of votes.

For the first time, passive electoral bribery was criminalized, and authorities made efforts to identify, document, and sanction such cases. However, despite the scale of the phenomenon reported by authorities, the number of sanctioning decisions remained low.

Candidate nomination and registration. In the race for the presidency, CEC registered 11 candidates. The October 20 (November 3) presidential elections were competitive. Compared to the 2020 elections, there was an increase in both the share of female candidates (from 25% to 36%) and the number of independent candidates (from 1 in 2020 to 5 in 2024).

CEC registered 13 initiative groups but refused to register five candidates due to reasons such as lack of Romanian language proficiency (1), failure to meet initiative group requirements (1), and incompatibility between independent candidacy and party membership (3). Regarding the latter issue, Promo-LEX believes it should be explicitly regulated.

For the constitutional referendum, CEC registered 15 participants: 13 supporting "Yes" and 2 supporting "No." Three registration requests were rejected.

Voter lists and the state register of voters. CEC continued to ensure transparency in the State Register of Voters by publishing monthly updates on the number of voters. Compared to the last presidential elections (2020), Promo-LEX noted an increase of over 14,000 voters at the beginning of the electoral period. Given Moldova's long-standing negative natural population growth, this increase, including a rise in voters using supplementary lists, raises concerns about the quality of voter data.

According to Promo-LEX observers, legislative amendments requiring voter list verification at BESV improved list quality. However, only 14% of visited BESV received voter lists on time. Identified issues included address errors, incorrect polling station assignments, and the presence of deceased individuals on voter lists.

Electoral campaign and violations. Electoral competitors showed high levels of activism in the presidential campaign. However, instances of de facto candidate nominations before the official period, early political promotion, and unauthorized campaigning for the referendum were observed.

The most common campaign activities were distributing electoral materials and meeting with voters. The primary advertising methods were printed voter information materials (31%) and sponsored social media posts (25%).

Compared to the 2023 local elections and the 2020 presidential elections, there was a significant increase in campaign activities and electoral advertising, mainly due to the simultaneous organization of two elections and the involvement of additional stakeholders in the referendum campaign.

The most serious campaign violations, according to Promo-LEX, were the misuse of administrative resources, illegal financing, and voter bribery. Observers reported 282 cases of administrative resource abuse, including public officials' involvement in campaign activities (163 cases), electioneering/signature collection by public sector employees during working hours (94 cases), state institutions being used for electoral promotion (19 cases), and electoral candidates taking credit for publicly funded projects (6 cases).

Despite the criminalization of passive voter bribery and the imposition of significant fines, the number of cases has not decreased compared to the last presidential elections; on the contrary, they have increased and become more complex. Promo-LEX observers identified at least 22 cases with potential voter bribery elements. Security and law enforcement agencies also reported systemic voter bribery, allegedly coordinated by Ilan Șor through the Victoria-Pobeda political bloc.

Election campaign financing oversight. The new electoral legislation strengthened CEC's role in supervising and controlling campaign financing. However, despite the new Electoral Code seemingly facilitating the opening of electoral fund accounts, several political parties reported that commercial banks refused to open such accounts.

Although most electoral competitors submitted weekly financial reports, Promo-LEX noted a persistent low quality of reported data. Unlike in the presidential elections, CEC did not consistently publish campaign finance reports for the referendum on its website in a timely manner. The open-format publication of financial reports remained inadequate for both elections.

During the electoral period, CEC enforced financial oversight by imposing sanctions, including free media time withdrawal (T. Ulianovschi) and state budget funding cuts (PPVM, PCRM, PR).

Main sources of funding. According to reports, the primary sources of funding are revenues accumulated from individuals (donations) and the parties' own funds from their accounts. The highest revenues in the presidential elections were declared by Maia Sandu (PAS) – 34%, Alexandr Stoianoglo (PSRM) – 23%, and Renato Usatfi (PN) – 16%, while in the constitutional referendum, PAS declared 65%, PR – 15%, and PCRM – 13%.

Unreported expenses. As a result of civic monitoring, MO Promo-LEX estimated unreported expenses for the presidential elections amounting to at least 4,035,063 MDL, with the highest unreported expenses attributed to Alexandr Stoianoglo (PSRM) – 45%, followed by Victoria Furtună (CI) – 19%, and Vasile Tarlev (PPVM) – 9%. In the case of the referendum, unreported expenses were estimated at a minimum of 5,929,187 MDL, with the highest amount linked to PR/BP Victorie – 84%, followed by PCRM and PAS, each with 6%.

Hate speech. The level of hate speech usage in the October 20 (November 3) 2024 presidential elections (224 cases) decreased compared to the 2020 presidential elections but still demonstrates a persistent presence in electoral campaigns. Mobile applications (78 cases) and social media platforms (75 cases) were the most frequently used channels for spreading hate speech. Hate messages delivered at public events were broadcast live through online media or social networks, thereby reaching a wider audience.

Hate speech continues to be predominantly used by men (162 cases), particularly those aged 35-50 (97 cases). The most common criteria underlying hate speech cases were "political affiliation" (79 cases), "health" (58 cases), and "opinion" (58 cases). Of the total number of hate speech authors, 42% were electoral competitors and politicians.

The process of reporting hate speech cases to authorities has declined compared to the general local elections of 2023. There is a slight increase in self-initiated investigations by the General Police Inspectorate, but the number remains significantly lower than the cases identified and published/reported by civil society organizations.

Election Day. Polling stations generally opened and closed as scheduled, with only a few extending their operations, mainly due to temporary voting suspensions during the day caused by bomb threats. Simultaneous voting in two types of elections, while causing some challenges, did not significantly influence the content and efficiency of voting procedures. The provision of heating in polling stations, along with accessibility, remains inadequate.

The vote-counting process was mostly orderly and calm but lengthy for some polling stations abroad. MO Promo-LEX once again highlights that some electoral bureau of polling station - EPBS failed to comply fully with vote-counting procedures.

Throughout the elections, observers reported 1,569 incidents (778 on October 20 and 791 on November 3), about 1.5 times more than in the 2020 presidential elections. The structure of the incidents was largely similar to previous national elections. The most frequently reported issues were violations of ballot secrecy (e.g., photographing ballots, displaying marked ballots) – 404 cases, and malfunctions in the SIAS "Elections" system – 172 cases. There was also a significant increase in interruptions of the filming process (149 cases).

MO Promo-LEX expresses particular concern regarding reported cases/rumors of voter incentives (25) and organized voter transportation (29), mainly observed at polling stations for voters from the Transnistrian region. Additionally, attention is drawn to cases of obstruction of free election observation (16) and isolated instances of observer intimidation.

The results of the parallel vote count for both the referendum and the presidential election confirmed the final data announced by the Central Electoral Commission (CEC).

Post-election period. Following the presidential elections, several complaints were filed in court, but after review, no electoral process violations were found that could have influenced the election outcome. On November 28, 2024, the Constitutional Court confirmed the election results and validated Maia Sandu's election as President of the Republic of Moldova. At the same time, the High Court addressed Parliament, highlighting the need to improve mechanisms for combating electoral corruption and preventing religious representatives from engaging in electoral campaigning.

The results of the constitutional referendum were confirmed and validated by the Constitutional Court on October 25, 2024, and the Constitution was republished in the Official Gazette on November 13, 2024.

INTRODUCTION

The Election Observation Mission for the Presidential Elections and Constitutional Referendum held on October 20 (November 3) is a project implemented by the Promo-LEX Association within the Civic Coalition for Free and Fair Elections. Promo-LEX is a non-governmental association that aims to develop democracy in the Republic of Moldova, including in the Transnistrian region, by promoting and defending human rights, monitoring democratic processes, and strengthening civil society.

The electoral process was observed throughout the electoral period by the central team, which consisted of 22 members, as well as 45 long-term observers (LTOs) assigned territorially, including two LTOs responsible for monitoring electoral campaigns and Election Day abroad.

On both the first and second rounds of voting days, the Promo-LEX Observation Mission ensured the presence of short-term static observers (STOs) in 614 polling stations (PS), selected based on a sample established by a sociological company. Additionally, static observers were deployed in all 30 polling stations set up for voters from the Transnistrian region. For election observation in polling stations established abroad, 92 static observers were deployed in the first round and 91 in the second round (out of a total of 231 polling stations). The electoral process in polling stations not included in the sample or in other previously mentioned categories, including access routes to polling stations and their immediate surroundings, was monitored by 89 mobile teams composed of 178 observers (two observers per team). In total, 1,029 observers were effectively involved in the election observation process out of the 1,204 recruited by Promo-LEX and accredited by the Central Electoral Commission (CEC).

Additionally, the Promo-LEX Observation Mission monitored hate speech and discriminatory discourse through seven monitors.

All observers involved in the monitoring process were trained in seminars organized by the Promo-LEX Mission and signed the Code of Conduct for Independent National Observers, committing to act promptly, in good faith, and in a non-partisan manner. The activity of all observers was coordinated by the Mission's central team. LTO findings were reported through thematic forms and stored on the secure web platform www.data.promolex.md, with limited access managed by Promo-LEX. Through field visits, Promo-LEX observers collected and analyzed information from on-site observations, interviews, meetings with stakeholders, and official documents. The activities of electoral competitors were also monitored in the online environment.

The Promo-LEX Observation Mission is not a political opponent of any electoral competitors, is not an investigative body, and does not assume an explicit obligation to provide evidence for observed findings. However, observer reports are accompanied, where possible, by photographic and video evidence, which can only be provided to law enforcement authorities upon formal request and under no circumstances to electoral competitors. Furthermore, violations, including alleged ones,

mentioned in this report should be treated by electoral authorities as notifications and examined according to their competencies, in accordance with Article 88, paragraph (9) of the Electoral Code. The Promo-LEX Mission manages the web platform www.electorala.monitor.md, where any individual can report activities with an electoral nature.

Promo-LEX has been organizing election observation missions in the Republic of Moldova since 2009, with this being the 27th such mission. The association's employees and members also have international experience, having participated in election observation missions in Armenia, the Czech Republic, Germany, Georgia, Estonia, Montenegro, Norway, Romania, Serbia, Sweden, Turkey, Ukraine, Hungary, and other countries.

The international standards referenced in this report are those developed by the UN, OSCE, the European Commission for Democracy through Law (Venice Commission), the European Union, and the Council of Europe. At the end of the report, recommendations are formulated for public authorities, electoral bodies, electoral competitors, and other interested stakeholders to ensure the proper organization and improvement of electoral procedures.

This report was developed with the financial support of the United States Agency for International Development (USAID) through the "Democracy, Transparency, and Accountability" Program, the European Union, and the German Marshall Fund of the United States as part of the "Support for Civic Observation of the 2024 Elections in Polling Stations Abroad" project, the Government of the United Kingdom of Great Britain and Northern Ireland under the "Support for Civic Observation of the 2024 Presidential Elections and Constitutional Referendum in Moldova" project, the International Organization of La Francophonie under the "Support for Civic Observation of the 2024 Elections in Polling Stations Abroad" project, and the Soros Foundation Moldova under the "Support for Civic Observation of the 2024 Presidential Elections and Constitutional Referendum in Moldova" project.

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RECOMMENDATIONS

To the Parliament of the Republic of Moldova:

1. Regulate the activity of political blocs outside of electoral periods.
2. Regulate the conditions for conducting electoral campaigns by subjects other than electoral competitors, as well as the sanctions to be applied to those who conduct electoral campaigns without being registered as electoral competitors.
3. Amend the Electoral Code with provisions that would more effectively regulate political and electoral financing by “third parties.”
4. Regulate the situations of support for independent candidates by political parties, to prevent incomplete reporting of electoral campaign financing.
5. Regulate the conditions for the participation of the incumbent President in presidential elections, ensuring equal opportunities for all candidates.
6. Explicitly regulate cases of refusal to register initiative groups, especially in situations where candidates supported by political parties request to be registered as independents.
7. Expand the list of subjects included in Article 1 of the Electoral Code as participants in a referendum to allow civic groups and public associations to get involved in promoting a referendum option.
8. Consider the possibility of amending Article 184 (2) of the Electoral Code to exclude the possibility of holding a referendum on the same day as parliamentary or presidential elections.
9. Add provisions to the Electoral Code regarding the “universal” implementation of absentee voting for voters abroad, to be applied after the parliamentary elections of 2025.
10. Adopt the definition of “administrative resources” formulated by the Venice Commission, as well as extend the ban on using administrative resources to accumulate political capital during the periods between elections.
11. Explore the possibility of banning the public political promotion of a candidate before their official nomination.
12. Revise the legal framework in line with EU standards to ensure broader inclusion of political advertising subjects and more effective control over it.

13. Amend Article 139 of the Electoral Code to include provisions allowing the collection of signatures from citizens of the Republic of Moldova living in areas to the left of the Dniester River.
14. Ensure, in collaboration with other authorities, the freedom of formation and expression of opinion for voters in areas to the left of the Dniester River, including through the creation of a unified informational space.
15. Regulate the mechanism for collecting signatures through the SSI LSE and the conditions for invalidating voter signatures.
16. Amend Article 27 of Law no. 133/2011 on the protection of personal data, to introduce the obligation for the CNPDCP to urgently examine and intervene in cases of non-compliant collection and use of personal data in elections and/or by political actors.
17. Conduct an evaluation of the effectiveness of sanctions applied for passive electoral bribery, and reduce the minimum threshold for contravention sanctions for the act stipulated in Article 471 of the Contravention Code.

To the Central Electoral Commission, the Continuous Electoral Training Center, and lower electoral bodies:

18. Regulate the procedures related to assisted voting and the guarantees for ensuring secret and freely expressed voting for persons with special needs, elderly persons, or those in nursing homes, orphanages, etc.
19. Train electoral officials on assisted voting to prevent influence or falsification of voting results.
20. Amend point 17 of the Regulation on prior registration to exclude the possibility of removing voters from the voter lists due to their prior registration.
21. Amend the Regulation on the establishment of polling stations abroad to include rules regulating the application of complementary criteria for establishing polling stations abroad (pre-registration data and information provided by the Ministry of Foreign Affairs).
22. Amend the regulatory framework governing absentee voting to improve it based on the partial implementation experience from 2024.
23. Consider the possibility of organizing four polling stations in Varnița, Anenii Noi, for voters from the left-bank areas of the Dniester River, instead of three.
24. Revise the conditions for verifying donations to support electoral campaigns (not only donations exceeding 3 average national salaries but also smaller donations, such as the minimum national salary).
25. Develop a guide/instruction for electoral competitors on how to estimate and report volunteer activities during elections.
26. Consider the possibility of modifying the regulatory framework to ensure that the grounds for rejecting the accreditation of observers are clear and predictable.

27. Investigate the phenomenon of fake observers in the context of presidential elections and the constitutional referendum, and, where applicable, establish a mechanism to identify this category of observers.
28. Regulate the procedure for adopting decisions during the electoral period to prevent unresolved complaints and requests due to an insufficient number of votes.
29. Strengthen efforts to examine effectively complaints regarding the abusive use of administrative resources.
30. Revise the model of subscription lists, particularly the number and content of fields that need to be completed by supporters, to simplify the registration process.
31. Apply electoral procedures uniformly to all electoral competitors in the examination of registration requests.
32. Monitor, in collaboration with state institutions, the online space during the electoral period, identify and block/remove content from polls conducted in violation of legal norms, and sanction those responsible in accordance with the Contravention Code.
33. Evaluate the impact of using information technologies for voter registration and management of electoral lists (SIAS "Elections") on the protection of personal data.
34. Develop, in collaboration with the Public Services Agency and Local Public Administration, a joint mechanism that allows for updates in the RSA under the responsibility of the Local Public Administration regarding voters known to be deceased but still appearing on the electoral lists due to the lack of confirmation documents.
35. Provide access to relevant information from the Register of Electoral Officials for subjects with the right to appoint members to electoral bodies (political parties, public authorities, courts).
36. Digitize the procedure for declaring a new place of residence, so that voters can personally update their information regarding their temporary residence.
37. Digitize the procedure for registering voters in the supplementary list at polling stations abroad and for voters from the left bank of the Dniester River.
38. Ensure continuous professional development for electoral officials by organizing ongoing activities in collaboration with Local Public Administration and the Centre for Continuous Electoral Training.
39. Monitor compliance by lower electoral bodies with the legal obligation to provide a minimum of electoral information.
40. Implement a monitoring mechanism by the CEC II and, where necessary, notify local authorities, including the territorial office of the State Chancellery, regarding non-compliance by Local Public Administration with the requirement stipulated in Article 70 (10) of the Electoral Code.

41. Conduct a full technical review of video cameras to assess their wear and tear and determine whether they can still be used.
42. Ensure transparency by fully publishing, in a timely manner, all relevant electoral process information, including complaints (petitions) and decisions regarding them.
43. Ensure transparency of financial reporting information in the context of elections, including ensuring that data is published in accordance with open data principles.
44. Train lower electoral bodies on the individualization of penalties applied to electoral officials.
45. Conduct periodic training activities in collaboration with the General Police Inspectorate, the Competition Authority, the Equality Council, and civil society for members of electoral bodies and employees on recognizing and identifying hate speech and other forms of intolerance, as well as promoting existing national mechanisms to combat hate speech and/or incitement to discrimination.

To Local Public Administration Authorities:

46. Avoid any form of interference in the activity of electoral bodies.
47. Ensure the accessibility of public utility buildings housing polling stations and electoral offices.
48. Provide full and timely support to electoral bodies in carrying out their duties (space, work equipment, thermal conditions, and electricity, heating).

To the Audiovisual Council:

49. Continue developing the internal mechanism for monitoring hate speech in audiovisual media by collecting disaggregated data.
50. Continue conducting periodic training activities for members and employees regarding the identification of hate speech, incitement to discrimination, or other forms of intolerance.

To the General Police Inspectorate:

51. In collaboration with the National Anti-Corruption Center (CNA) and the Prosecutor's Office, strengthen the capacity for documenting, investigating, and effectively holding individuals accountable for voter bribery cases, and regularly inform the public about the progress of electoral corruption investigations.
52. Strengthen efforts to effectively examine, identify, and sanction cases of illicit use of administrative resources, the involvement of religious denominations, and trade unions in electoral campaigns.

53. Conduct periodic training for police officers on hate speech and/or incitement to discrimination, as well as other forms of intolerance, to ensure the effective application of contravention provisions regarding hate speech.
54. Promote the Police reporting mechanism for cases of hate speech and/or incitement to discrimination among the public by initiating awareness campaigns.

To Political Parties:

55. Make use of the institution of "representatives and trusted persons" in electoral campaigns.
56. Ensure that minors are not involved in electoral agitation.
57. Condemn voter bribery and report violations to law enforcement.
58. Monitor compliance with their own Codes of Conduct, and in the absence of such codes, adopt the Code of Conduct proposed by the Central Electoral Commission as an internal self-regulation tool.
59. Condemn hate speech and use national mechanisms for examining and sanctioning hate speech whenever targeted by such speech.
60. Conduct periodic training activities for party members, especially those designated as candidates for elective offices and communicators, on hate speech, sexism, racism, homophobia, and other forms of intolerance.

ABBREVIATIONS

- para. – paragraph
- PA – Public Association
- art. – article
- EBPS – electoral bureau of polling station
- CEC – Central Electoral Commission
- ECEC – Electoral Constituency Electoral Council level II
- Com. – commune
- NAC – National Anti-Corruption Centre
- let. – letter
- MFA – Ministry of Foreign Affairs
- MIA – Ministry of Internal Affairs
- OM – Observation Mission
- no. – number
- t. – town
- OSCE/ODIHR – OSCE Office for Democratic Institutions and Human Rights
- LTO – long-term observer
- STO – short-term observer
- PAS – Political Party Action and Solidarity
- RP – Renaissance Party
- PSRM – Party of Socialists of the Republic of Moldova
- PSB – PromsvyazBank
- pt. – point
- d. – district
- REO – Register of Electoral Officials
- EU – European Union
- USAID – United States Agency for International Development