



REPORT

Observing the local elections in Moldova

Observation period: April 10 – May 8, 2007



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Observing the local general elections 2007

REPORT NO. 1

Period of monitoring: April 10– May 8, 2007

Monitoring the electoral process is part of the project implemented by the Group of Monitoring general local elections in the Republic of Moldova, appointed for June 3 2007, which was constituted by the League for Defence of Human Rights (LADOM) within the Coalition for Free and Fair Elections - "Coalition 2007".

The monitoring of the electoral process is carried out on the basis of international standards and principles, including standards of monitoring elections in the OSCE region, the Observer's Code of Conduct and the Central Election Commission Regulation on the status of the observer.

The monitoring group carries systematises the information provided by 5 regional coordinators who, respectively collect data from 30 long term observers acting in 30 raions (districts) of Moldova. The long term observers will mobilise and train 2000 independent national observers in view of monitoring the situation during the Election Day on June 3 2007. The project also provides the analysis of the voters' list accuracy and the carrying out a "Quick Count" in Chisinau and Parallel Vote Tabulation in the municipalities of Chisinau, Balti, Cahul, Orhei and Comrat (TAU „Gagauz Yeri”).

The activity of the Monitoring Group is carried out through 5 regional monitoring centres located in Chişinău, Bălţi, Cahul, Orhei and Soroca.

The information presented in the first report was collected by means of a monthly questionnaire on the unfolding of the electoral process.

SUMMARY AND CONCLUSIONS

This report provides the findings of the elections observation group during the aforementioned time period.

LADOM registered positive tendencies such as adoption of the Decision the Regulation on the modality to place electoral publicity on advertising panels for the general local elections 2007, decisions with maximum importance regarding the maximum quantum of expenses for the electoral contestants¹, as well as the modification of the Regulation of the order of receiving the documents from the contestants by chance (by odds). As well, the samples of the ballots for the election of mayors and counsellors of both levels have been approved. It is worth appreciating the fact that the Central Electoral Commission is cooperative and constructive in its relation with the representatives of non-governmental organisations working in the field.

In the meantime LADOM express particular concern over the following negative aspects of the unfolding of the electoral campaign:

- Non-justified involvement of the law enforcement agencies in the electoral process;
- Intimidation of the electoral supporters or candidates by the law enforcement agencies;

¹ Decision no. 511 from 20.04.2007 – on establishing the quantum of state credits for the electoral candidates during general local elections 2007

- Favouring a single candidate by the local public authorities;
- Use of administrative resources and tools by electoral candidates in the virtue of their current position;
- Inadequate conditions for the unfolding of the electoral campaign and for the organisation of the elections;
- Violation by CEC of some legal provisions by operating certain modifications to the Regulation of reflecting the electoral campaign in the media, without making prior consultations with the media;
- Lack of transparency in the financing of electoral candidates as well as the way the funds are spend;
- Lack of equal conditions for all electoral candidates.
- Inadequate training of electoral officials;
- Modification of the airing time for electoral debates.

The negative aspect mentioned in the present report can influence dramatically the integrity of the electoral process unless being removed.

FINDINGS

1. Political context

On regional level, the local general elections in the Republic of Moldova are held in a context of political instability in the neighbouring countries: calling for parliamentary elections in Ukraine and suspending the activity of the Romanian President Traian Băsescu by the Romanian Parliament.

The general local elections take place a short time after some other electoral events produced at the end of the last year, the election for the Bashcan of the Gagauz autonomy took place and which brought the victory to the independent candidate Mihail Formuzal and not the candidate fully and openly supported by the governing party Gheorghe Tabunșic. (The result showing a proportion of 56, 23% against 43, 77%)

The elections in the TAU "Gagauz Yeri" have preceded the organisation by the self-proclaimed Tiraspol government of the farce called "referendum on the international recognition of "pmr" on 17 September 2006, and the launch of appeals for the including of this very territory in the composition of the Russian Federation, these acts being recognised by the international community and a series of Moldovan NGO's as „an illegal and unacceptable act

2. The Central Public Authorities

Obstructing the electoral contestants in carrying out the electoral campaign

In Balti, two candidates for the municipal counsellors from behalf of the Party of Social Democracy have been retained by the police and brought to the police station from the "Dacia" neighbourhood. They are suspected of placing electoral publicity on the electricity pillar. According to the PSD, on May 2 2007 the candidates Victoria Spînu and Artiom Miscovschi have been retained by the police when they distributed electoral materials to the passengers, materials which also contained an open letter to the current mayor of Balti , Vasile Panciuc. the PSD submitted a request to CEC from Balti to take necessary measures for stopping the abuse. In its turn, CEC Balti decided to send the request to the local Prosecutor's Office. (from TIMPUL newspaper).

Unjustified involvement of the President in elections

The President Vladimir Voronin and the speaker of the Parliament, Marian Lupu defied the electoral legislation and made electoral publicity in the favour of the communist candidate for the post of mayor of Chisinau. These two, together with the Director of the Moldova Railways participated on Saturday, May 5, 2007, evening in a concert organised in the Great National Assembly Square where the special guest was the Russian singer Filip Kirkorov. Voronin, who shall be neutral and serve as a guarantee for Moldovan Constitution, allowed himself to call the people to vote with the candidate Veaceslav Iordan. Or a president shall hide his electoral preferences since he is a president; either make publicity for all 19 candidates.

In a democratic state, the electoral authority would react immediately to such an action. The head of the Chisinau precincts electoral council (CECC), Ion Crețu, told that „he is not commenting yet on the issue”. Crețu promised President Voronin involvement in the electoral campaign will be discussed at the next CECC session.

3. Local Public Authorities

Intimidation of electoral contestants

- In Glodeni district there have been registered many cases of pressure over the directors of schools, which were imposed by the local authorities and Raion Educational Direction to get enlisted in the Party of the Communists and stand for elections from their behalf.
- Similar intimidations have been registered in many raions of the Bălți region
- The candidate for the post of mayor in Zăicana village, Andrei Foiu from behalf of the Party of Social Democracy, risks to be fired from work on political grounds. On April 25, 2007, after submitting the acts for registration, Andrei Foiu was informed by the Head of the Execution Office Mrs Ecaterina Procofiiev, that because of absenting for several hours from work he is withdrawn the prize awarded for the month of April. At the insistence of Mrs. Procofiiev, the candidate Andrei Foiu submitted a request for resignation. Andrei Foiu is the electoral competitor for the current mayor from behalf of the PCRM.

4. Election Administration

According to the Electoral Code, art.14, the system of electoral bodies of the Republic of Moldova is hierarchically structured in three levels: Central Election Commission (C.E.C.), Precinct Election Councils (CECr), Election Bureaus of the Polling Stations.

C.E.C. is a state body having the status of legal person and permanent status, responsible for general organisation and unfolding of suffrages², respecting in its activity the stipulations of the Constitution, the Electoral Code and the Regulation of the commission approved through its decision. The Central Election Commission has to set up the election precincts of second level at least 55 days before elections and precinct election council at least 50 days before.

The precinct election councils, the election bureaus of the polling stations are temporary bodies constituted before the elections and ending their activity after

² Electoral code : art. 22

the publication of the final results. For the general local elections on June 3, 2007, there are 37 electoral precincts of the second level. To a great extent, the Councils have been made up of 9-11 persons, two of which being proposed by the municipal and district councils, two are proposed by the courts and the rest by the political parties – proportional to the number of mandates held in the Parliament, respectively PCRM-4, AMN-1, PPCD-1, PD-1. Mr. Eugen Știrbu, C.E.C., declared that four Councils of the second level (Basarabeasca, Dubăsari, Făleşti and Taraclia) have 9 members. Since now, the nominal composition of the precinct election council from Bender (Tighina), because the composition was not settled yet.

In order to guarantee the transparency of the electoral bodies' activity, the members of the election commissions and election bureaus have to be apolitical.

In this context, **LADOM** notifies that in spite of the fact that even the Electoral Code of the Republic of Moldova supported substantial changes and the new composition of C.E.C. proves professionalism and transparency, the national observers, electoral contestants and members of some political parties express their concern over the risk of taking some biased attitudes of some CEC members in the favour of a certain party, and moreover, taking into account the current circumstances, through the major representation of P.C.R.M.).

According to the provisions of the Electoral Code, the representation in the election commissions of all levels depends on the number of mandates held in the Parliament.

Upon the recommendation of OSCE/ODIHR and Venice Commission of the Council of Europe, the CEC from the Republic of Moldova is made up of representatives of several parties.

In order to avoid the unbalanced situation of the composition of the electoral bodies, **LADOM** recommends a better representation, equal to all electoral candidates, so that one member of each parliamentary faction be at least a member with consultative rights. Only in the case of equal representation within the electoral commissions and councils of all levels, we could count on the impartiality of the electoral bodies.

LADOM is confident that by ensuring a balanced composition of the election commissions and councils involved in the organisation of the electoral process, the members will be more credible, and the electoral campaign would be a clear example of the respect for the democratic principles and the principles of the state governed by the rule of law.

In this respect, as a pertinent example we have numerous notifications and contestations submitted to CEC as regards the way of registering the candidates¹, which were rejected „in block” by CEC and CECMr. We have also ascertained some biased attitudes of the electoral bodies towards the governing party.

With all these, LADOM registered positive tendencies in the CEC activity. Here can be mentioned the adoption of the Code of Conduct on unfolding and reflecting the electoral campaign and the Regulation on the modality to place electoral publicity on advertising panels for the general local elections 2007, decisions with maximum importance regarding the maximum quantum of expenses for the electoral contestants³, as well as the modification of the Regulation of the order of receiving the documents from the contestants by chance (by odds).

³ Decision no. 511 from 20.04.2007 – on establishing the quantum of state credits for the electoral candidates during general local elections 2007

As well, the samples of the ballots for the election of mayors and counsellors of both levels have been approved. It should be noted that for the activity of the CEC during the electoral campaign, including for the printing of ballots and other necessary materials, over **5,5 million lei (approx. 324,4 thousand Euro) have been allocated**. The ballots will differ depending on the colour: for the election of the General Mayor of Chisinau the ballots will be light-green, and for the mayors of the other villages and towns – of white colour.

Per total, 898 mayors and 11 843 raional, municipal, town, village counsellors will be elected.

It is worth appreciating the fact that the Central Electoral Commission is cooperative and constructive in its relation with the representatives of non-governmental organisations working in the field. We should also mention here that the Centre for the Promotion of the Freedom of Expression and Access to Information - „Access-Info“ carried out a complex monitoring activity during the year 2006 and in the period January – February 2007, on the application of the Law on the access to information. Thus, the Monitoring Report shows that the centre Access Info received all solicited answers from the Central Electoral Commission within legal time periods (within 15 days). At same time, as regards the contents of the answers, the rate of complete answers was only 52,17%, which nevertheless is higher than in other institutions which rate was about 45,45%.

Precinct election councils

According to art. 27 of the Electoral Code no.1381-XIII from November 21 1997, CEC constituted 37 electoral precincts of the second level, including one precinct for the localities from the left bank of Nistru. The electoral precincts of the municipalities Bălţi and Bender, having in their composition also administrative-territorial units of the first level, are equal to the electoral precincts of the second level. The borders of the electoral precincts cover the territory of the administrative-territorial units set up in the Law no.764-XV from December 27 2001 on the administrative territorial organisation of the Republic of Moldova, with its subsequent modifications and amendments.

It should be also mentioned that the Bender authorities continue to sabotage the elections organised by the Moldovan authorities. Under these circumstances, it was decided to open provisional polling stations for the voters from the Transnistrian region in the localities which are under the jurisdiction of Moldova.

Registration of electoral candidates

Unlike the previous years, LADOM experts and other NGO's registered serious drawbacks regarding the registration of the candidates. In this regard, the oppositional parties have contested the behaviour of members of many precincts election council before the CEC and the court, bringing in actions and practices which run counter the current legislation and discriminates the candidates of the opposition, favouring P.C.R.M representatives. This leads to major tensions within the system of electoral bodies and among the electoral candidates.

The leader of Social Liberal Party, Mr. Oleg Serebrian, told a press conference on April 28 that he could ask for the postponement of the election date and the re-launch of the electoral campaign unless it continues to be unfolding with serious deviations from the legal norms.

Among the violations, Serebrian listed the behaviour of the precinct election councils from Chisinau municipality who "change the rules of the game every day". In the localities where the communist candidates are not on the first place

in the lists, several tricks are used in order to eliminate from the electoral campaign those candidates registered before the communists. Several printing houses do not accept the offers of the oppositional parties. "There were no similar campaign in Moldova since the moment of the Declaration of Independence", concluded SLP leader.

Another pertinent example in this respect is the tergiversation of the registration of the European Action Movement at the Ministry of Justice of the Republic of Moldova, thing which made impossible the participation of this formation in elections.

A tight competition is taking place for the post of General Mayor of Chisinau, because there are over 700 thousand people living in Chisinau from the total of 3,5mln, that is $\frac{1}{4}$ of Moldova population. There are 19 electoral contestants registered for Chisinau, out of which 17 have submitted candidates for the position of Mayor. There are also two independent candidates.

A certain proof that the current suffrage is of major importance is the fact that from the very beginning, the prescient electoral council from Chisinau misinformed the electoral contestants. Initially, CECMC declared that it will accept the candidates request beginning with April 17, but in fact it started receiving them on April 13. CEC did not ascertain any violations in this case, and some of the candidates appealed to the court. Similar deviations have been registered in Balti. Here, the first place in the list was reserved for the communist candidate much before the time he was submitting his documents. 6 oppositional parties contested before CEC the Decision of the precincts electoral council Bălți. CEC ruled out that the registration of candidates was performed illegally. (see annexe no.).

On April 23, CEC rejected the contestations of the Popular Republican Party and Party of Social Democracy on the cancellation of the order of candidates' registration by the precincts election council from Căușeni town. Similar contestations have been submitted on April 19 2007 by Mr. A. Avcinicov-chairman of the "Moldova Noastră" Alliance branch in Ocnita, by Mr. Lapteanu, - chairman of the Edineț branch, by Mr V. Stirbu -chairman of the Briceni branch and by Mr. A. Banari, PPCD representative submitted on April 18.

Those 27 political formations and social-political organisations having the right to take part in elections, do this not only for having their members elected as mayors and counsellors, but also in the view of preparing the next parliamentary elections from 2009.

Meantime, the Coalition - 2007, national and international observers, the Council of Europe, European Union, OSCE have been notified during the parliamentary session from April 27 2007, by the MP Vasile Balan that the current electoral campaign is unfolded with "violations and abuses in chain". "Moldova Noastră" Alliance mentions that the relief from the function during the electoral campaign is applied only to some categories of public servants. A.M.N. reproached to CEC that it interpreted superficially the Electoral Code as relates to the categories of servants which should be suspended from their functions and asks CEC to revise its decision.

Voters' lists and other specific problems

The updating of voters lists was a sensitive issue during the last elections. The great number of voters included on additional lists because of the old voters' lists continues to persist. This fact dissatisfies the voters on the one hand, and is a subject of concern as regards possible frauds.

A specific issue is that of the identity acts which should be presented in the process of voting for each electoral campaign CEC drafts the list of these acts.

By compiling the voters' lists, the identification and nominalization of the voters take place. According to the Electoral Code the voter must be included only in one voters list and only at one polling station (art. 39, p. 8).

The voters' lists are compiled by the mayors of the respective municipalities, towns, villages, districts. Art. 39 of the Electoral Code provides for:

- (4) The voters are included in the list by indicating the name and surname of the voter, date of birth, domicile, series and number of the identity act. The order of including voters in the list is established by the mayoralties.
- (6) At the polling stations located in hospitals or other treatment institutions, the lists are compiled according to the data provided by the administration of the mentioned institutions.
- (7) At the polling stations constituted outside the Republic of Moldova, the voters' lists are compiled according to the data provided by the heads of diplomatic missions and consular offices in the respective states.

The voters' lists are compiled in communes according the villages included and in municipalities and administrative-territorial subdivisions according to the streets and order of the houses numbers.

The Law allows the verification of the voters' lists in order to ensure the correctness of the compilation and the accuracy of the lists. In case when the voter finds out some irregularities, he can address the public authority in order to make necessary adjustments. The update of the permanent voters' list is a necessity imposed by the natural demographic dynamics. The Electoral Code provides for the voters lists to be placed in public places in from of the mayoralty at least 20 days before the Election Day. The citizen can submit an intimation to the public authority concerning the accuracy of the lists at latest 5 days before the election day, intimation which should be examined within 24 hours.

Registration of the candidates on the first place in the ballots

On 25.04.2007 the procedure of electing the candidate who will have the first position in the voting ballots took place in the Cahul municipality. (The procedure is done by taking the odds/by chance) After the procedure, it was found out that the envelopes used have been marked with different stamps and the procedure was declared illegal and the candidates asked for a repeated procedure. after the second procedure, the following order was established: 1. A.M.N., 2. PD.M., 3. P.P.C.D., 4. P.S.L., 5. PP.R., 6. P.C.R.M. Although the communist candidate took part in the second procedure, he contested the results and appealed to court asking repeated third procedure. the court ascertained that the envelopes were marked with different stamps but this thing did not influence the results of the first procedure and confirmed the legality of the first procedure.

The precincts electoral council no. 12 submitted a contestation for repeating the procedure of selecting the order of places in the ballot in the village Maculești.

Complaints

Since the launch of the electoral campaign for the general local elections from June 3, 2007 CEC registered 32 contestations. Eugenia Pleșca, CEC consultant declared that 25 of them have been already solved and the others are under examination. According to the cited source, the contestations refers mainly to the procedure of submitting documents, relief for the functions of the candidates, etc. Mass-media declared for several times violations of the electoral legislation

by the members of the electoral councils from Moldova and by the PCRM representatives.

5. Electoral Competitors

Use of administrative resources

1. In the district of Căușeni, none of the 7 current mayors standing for elections again did not suspend their activity and use the administrative resources of the mayoralties for the electoral campaign. The employees of the mayoralty of Causeni collected signatures for the current mayor in order to stand as independent candidate in elections.

The use of social programmes and humanitarian aid in electoral purpose

2. In the raion of Criuleni there were registered situations of using the humanitarian aid in electoral purposes by the PCRM candidates.

Electoral publicity

- There were many cases when the electoral contestants did not respect the places where electoral publicity is allowed to be placed and the requirements of including in the electoral materials information regarding the circulation of the publication, the printing house, date of publication, name of the electoral candidate. (PRP, PSD, DP).

RECOMMENDATIONS

Taking into account the conservations made the concerns expressed, the implementation team of the project "Monitoring the electoral process" recommends:

- to react promptly and in an adequate manner to the cases of corrupting and intimidating the voters, as well as towards those electoral officials who violate the electoral legislation;
- solving the electoral disputes during reasonable time and in strict conformity with the law;
- Declaring the financial and material resources used by electoral candidates, in conformity with art. 38 par. (1) point a) of the Electoral Code.

Non-discriminatory treatment of the electoral contestants

- Ensuring adequate conditions in the polling stations
- Objective and complex information by the Media of the public opinion on the electoral process;
- Non-exclusion of persons temporarily residing abroad from the permanent voters lists;

Public authorities:

- Ensuring equal conditions for all electoral contestants
- Qualitative up-dating of the voter' s lists

Electoral contestants:

- Respect the electoral legislation

Mass-media:

- Objective and complex information by the Media of the public opinion on the electoral process.