



THE CIVIC COALITION FOR FREE AND FAIR ELECTIONS

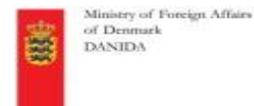
PROMO-LEX ASSOCIATION

REPORT nr.3

Monitoring general local elections of June 5, 2011

Monitoring period: June 5 – June 16, 2011

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**Monitoring Report nr.3 on general local elections of
June 5, 2011**

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I. SUMMARY

The present report covers the period between June 5 and June 16, 2011, describes the elections and reflects the major evolutions in the campaign, the performance of electoral competitors and both local and election authorities, within the prescribed normative and time limits framework.

In the reported period, the monitoring effort found that the administration largely followed the election legislation regarding elections validation, even though observers have reported exceptions related to technical errors in at least two polling stations. LPA showed mostly balanced behavior and tended to create equal conditions for all electoral competitors. However, Promo-LEX reported cases of using public office for campaign purposes.

Promo-LEX monitoring effort welcomes the neutrality of election authority members and a conscious performance of the functional duties, as well as changing those members whose incompatibility was noted on the Election Day. However, we cannot overlook the cases, although isolated, of refusing to release the tabulation reports to observers. Observers reported cases of varying interpretations and superficial knowledge of legal procedures related to transmission of electoral documents, organization of the election authorities' activity during the second round of elections, drawing electoral rolls for the second round of elections.

The situation about changing the electoral authorities' membership in terms of quality training of new members is still alarming. Several members of election authorities were left disappointed by the fees received for services rendered.

The Promo-LEX monitoring effort noted a dynamic campaign. At the same time, isolated cases of violence and intimidation continue to worry (*at least 7 reported cases*), as well as the use of administrative resources (*at least 4 reported cases*) and of electoral gifts (*at least 11 reported cases*). Especially worrying are the six reported cases of use of provocative and hate speech in addressing political opponents, this carrying the risk of provoking similar sentiments among own supporters.

In this context, Promo-LEX invites candidates to be more active in the submission of complaints concerning any deviation from the electoral rule and providing with adequate evidence, in this regard at least 25 requests were rejected of at least 56 submitted and pursued by observers.

Promo-LEX monitoring effort notes the continuous and active involvement of local and regional media in reflecting the campaign. In particular the role of mass-media can be noticed in displaying the election administration activity, the information about competitors and civic education on the second round of elections.

Promo-LEX monitoring effort recalls that it is not an investigative body and is not intended to prove the findings observed. The only source of drawing the public reports of the monitoring effort were about 400 standardized reports presented by observers. The reports have been prepared under direct observation, on the basis of meetings with interlocutors and official documents. They are submitted by observers for analysis immediately after observing electoral events. Observers involved in the monitoring process signed before starting activity a Code of conduct of the Promo-LEX national observer. The main moral obligations included in the Code are good faith, non political partisanship and promptness. The Code is available on the website of the Association – www.promolex.md.

II. PROMO-LEX MONITORING EFFORT

The monitoring of general local elections, scheduled for June 5, 2011, is a project implemented by the Promo-LEX Association within the framework of the Civic Coalition for Free and Fair Elections „Coalition 2009”. „Coalition 2009” is a voluntary union of nongovernmental organizations, aiming to enhance the electoral process and raise public

confidence in this process. The monitoring programs of general local elections, within the framework of the “Coalition 2009”, are implemented by Promo-LEX, as well as other member organizations.

The Promo-LEX monitoring effort is coordinated by 18 observers grouped in five central teams of Network, Analysis, Logistics, Communication and General Management. Central teams operate from the day the election date was announced and until the final observation report is produced, including findings on the pre-electoral and the post-electoral periods.

The Promo-LEX monitoring effort involves 40 long-term observers, who will observe the election process in all the II-level District Electoral Constituencies in Moldova in the period from April 18 to June 25, 2011. Observers will report the findings in a standardized form, based on direct observation, meetings with interlocutors and consultation of official documents.

On Election Day on June 19, 2011, Promo-LEX will deploy approximately 370 short term observers in polling stations opened on the territory of the Republic of Moldova, as well as a number of mobile teams of observers. The observers deployed to polling stations will monitor the electoral process in all the polling stations (300) opened in the electoral circumscription no.1 Chişinău. Throughout the country, the monitoring effort will dislocate mobile teams, at least one per each electoral circumscription, so as to visit to the maximum possible extent the polling stations where the second round of scrutiny or repeated elections are going to be organized.

On Election Day, the Promo-LEX monitoring effort will carry out a Parallel Vote Tabulation (PVT) in the electoral circumscription no.1 Chişinău, for the position of General Mayor of the municipality.

The current project is financially and technically supported by National Democratic Institute for International Affairs (NDI). The effort is co-financed by the East-European Foundation from the financial resources provided by the Swedish International Development Agency (SIDA/ASDI) and the Ministry of Foreign Affairs of Denmark. The expressed opinions in the report belong to the authors and do not necessarily reflect the opinions of the donors.

III. FINDINGS

A. Public Administration

Observers have reported that the public administration has mostly respected the provisions of the electoral legislation regarding the validation of elections, even though some exceptions linked to technical errors in at least two polling stations have been reported. The local public administration has demonstrated a predominantly balanced behavior and has tended to create equal conditions for all the electoral competitors. Nevertheless, the Promo-LEX observers have reported cases of use of public office for purposes of the electoral campaign.

Confirmation of the legality of elections and validation of elected representatives mandates

According to art.135 par.2 and par.3 Electoral Code, the court, within 10 days from the date of receipt of CER reports, decides on the legality of the elections in each constituency, along with the validation of councilor and mayor mandates.

In some constituencies, courts have not validated the election results, (Orhei district), or have validated them only partially. For example, in Comrat district, the election results have been validated only in the localities Svetloe and Avdarma, and in Donduşeni district, the elections have been validated only in the localities Teleşeuca and Corbul. In some cases, the court declared the elections null and void, such as the v.Logăneşti of Hânceşti district.

Exercise of the powers in the absence of the mandate

According to art.5 par. 1 of the Law on the status of local elected representatives nr. 768 of 02.02.2000, the mayor's mandate begins at the moment of validation and lasts until the expiry of the mandate.

Promo-LEX found a deviation from the said norm in the town of Florești city and in v.Carbolia, Vulcănești district, where the newly elected mayors started to use their position before the court to decide on the validation of the elections. Similarly, the elections winner of v.Pleşeni, Cantemir district, started to use the mayoralty automobile before the validation of the elections results.

According to art.15 par.2 of the Law on local public administration nr.436 of 28.12.2006, the local council shall exercise the mandate after the date of declaring it legally constituted until the date of the legal constitution of the newly elected council.

In violation of this law, on June 10 and 16, PCRM members elected to the Chișinău municipal council, although their mandates have not yet been validated, met in session at Chișinău municipal council headquarters.

Use of administrative resources

According to art.47 par. 6 Electoral Code, candidates may not use resources and public goods (administrative resources) for election campaign purposes.

Contrary to this provision, on June 15, several officials from the District Council Dondușeni used the office car to carry out campaigning for the PCRM candidate for mayor of v.Arionești, Vladimir Rusu. Similarly, Valeriu Beril, the head of the district Ștefan Vodă, provided office transport for the campaigns of PL candidates for the mayor of the localities Ștefănești, Răscăieți and Popeasca.

Prolongation of residence visas for students

According to art.39 par. 8 Electoral Code, voters who have both domicile and residence visa, vote at the polling station under residence visa.

Promo-LEX observers reported that at the State Pedagogical University „Ion Creangă”, the student group heads collected students IDs to extend their residence visas in Chișinău until July 1.

Limiting access to information for the observers

The Passport Departments in Chișinău, Criuleni and Rezina refused to provide information to the Promo-LEX observers regarding the number of requests for obtaining F9 form and the number of F9 forms issued last week. At the same time, the same information was made available to observers in the districts of Anenii Noi, Dondușeni, Drochia, Hâncești, Ialoveni, Leova, Ocnîța, Sângerei and ATUG.

B. Election Administration

Observers welcome the neutrality of the members of electoral organs and a conscious performance of functional duties, as well as the replacing of members whose incompatibility was found on Election Day. Nevertheless, one cannot oversee cases, even though isolated, of refuse in issuing protocols to observers. The elections monitoring effort received reports of uneven interpretations and superficial understanding of legal norms regarding the transmitting of electoral documentation, organizing the activities of the electoral organs for the second round of scrutiny, drawing electoral rolls for the second round of scrutiny.

The situation regarding the change in the composition of electoral organs, as far as the qualitative training of the new members, remains alarming. A larger number of members of the electoral organs remained disappointed by the fees they obtained for the delivered services.

Errors in filling in the protocols regarding the counting of votes

Following the analysis of the 298 protocols regarding the counting of votes for the position of general mayor of the Chișinău municipality, the Promo-LEX elections monitoring effort has found at least 51 cases of errors in the logical controls, based on the verification

formulas established by the CEC. Nevertheless, the electoral officials have not established a transparent procedure for correcting the errors in the protocols, except for by means of legal courts or as a result of vote recount.

În urma prelucrării celor 298 de procese verbale pentru funcția de primar al municipiul Chișinău la care au avut acces observatorii, operatorii Promo-LEX au constatat abateri de la controalele logice, conform formulelor de verificare stabilite de CEC, în cel puțin 51 cazuri. Cu toate acestea, nu este stabilită o modalitate transparentă de corectare a erorilor din procesele verbale, decât în instanța de judecată sau în urma renumărării.

Transmission of the election results tabulation reports

According to art.58 par.6 of the Electoral Code, each PEB is required to submit to DEC the report of the election results tabulation as soon as possible, but no later than 18 hours after closing PS. Similarly, art.59 par.4 of the Electoral Code requires DEC to submit to CEC the report of the election results tabulation within 48 hours from the closing of the polling station.

In at least 5 constituencies (Basarabeasca, Chișinău, Cimișlia, Hâncești, Ștefan Vodă), in several DEC I, observers reported errors and deviations in drawing the report of the election results tabulation. These errors were related to formulas and to the lack of signatures of all DEC members on the reports. Because of these inaccuracies, in at least 3 DEC II (Basarabeasca, Cimișlia, Hâncești) electoral documents were returned to several DEC I.

In at least 3 constituencies (Cimișlia, Hâncești, Ștefan Vodă), in several PEB, observers reported cases of delay in transmitting of electoral documents to DEC of up to 1 to 4 hours. Similarly, Promo-LEX noted that DEC II Cimișlia sent the report of the election results tabulation with a delay of 11 hours to CEC, due to the impossibility of signing the document by all DEC members.

In the DEC Hâncești observers reported cases of not sealing the bags with electoral documents, transmitting of stamps with the ballots to the Court instead of DEC II, contrary to legal prescriptions.

Transmitting of electoral documents to courts

According to art.135 par.1 and par.2 of the Electoral Code, DEC I and II are required to submit the elections results reports to the district or municipal courts, which subsequently, within 10 days, decide on the legality of the elections in each constituency.

A deviation from the norm was noted in Drochia city, where the transmitting of the electoral documents was carried out without coordination with representatives of the court and without police providing security of bags with electoral documents.

Non application of the stamp “withdrawn” on ballots

According to art.46 par.7 of the Electoral Code, if a candidate withdraws his candidacy from the electoral race after the printing of the ballots, PEB have to apply the stamp “Withdrawn” in all the bulletins, at the right of the candidate’s name.

In PEB 44 of v.Logănești, Hâncești district, Promo-LEX noted the non application on ballots of the stamp “Withdrawn” in case of Tudor Sîrbu, independent candidate for local councilor. As a consequence, on the day of scrutiny, the withdrawn candidate has accumulated 120 votes.

Inappropriate activity of Election Authorities

Observers reported numerous cases of absence from the work place of DEC I and II members during office hours. Similarly, observers noted cases where PEB were closed.

Promo-LEX reported cases of non presence at work of DEC II members in the districts of Cahul, Cantemir, Rezina and Ștefan Vodă.

In the villages of Ciobalaccia, Cârpești and Tartaul of Cantemir district, DEC I members were carrying out their professional duties inside the mayoralties instead of PEB premises. The

absence of DEC I members was reported in 6 DEC, in the districts of Basarabasca (1 case) and Cantemir (5 cases).

The absence of PEB members was reported in the villages of Busăuca, Cogâlniceni, Lipceni, Sârcova, Tăhnăuți, Minceni and Pripiceni, all in the Rezina district.

Discrepancies in the activity of PEB members were reported in 13 PEB, in the districts of Cahul (10 cases), Ștefan Vodă (2 cases) and Taraclia (1 case).

Refusal of DEC to release the protocols

According to art.58 par.4 of the Electoral Code, a copy of the protocol of the election results tabulation is mandatorily offered to each of the present observers.

Promo-LEX observers have encountered obstacles in receiving the election results tabulation protocols in DEC II of the districts of Cahul, Cantemir, Căușeni and Glodeni. They were offered such reasons for refusal as that the reports were sent to CEC or the need to ensure their safety.

Insufficient training of PEB members

In the localities Cârpești, Ciobalaccia, Șamalia, Toceni and Tartaul of Cantemir district, the PEB activity was paralyzed by not knowing the procedure of conducting the II round of voting.

Receipt of voting requests by mobile ballot box

According to p.3 of the Instruction on procedure of voting by mobile ballot box, approved by CEC decision nr. 3391 on July 30, 2010, requests for voting at the location shall be submitted to PEB.

Violation of this provision, in the district of Glodeni, the requests from voters for voting at the location were received by all DEC I.

Modification of the DEC and PEB membership

Promo-LEX reported cases of modification of DEC and/or PEB membership in the constituencies of Chișinău (at least 4 PEB) and districts of Drochia, Edineț (1 case), Hâncești, Soroca.

Loss of electoral materials

Promo-LEX observers were informed about two cases of loosing electoral documents. Thus, in the Edineț constituency a bag with electoral material was lost in a polling station in the v. Brătușeni. Police are investigating the case.

A similar case was registered in the court of Drochia, where the loss of an electoral document of v. Maramonovca PEB was reported. A scanned copy of the document was found in the judge's computer while the original copy was missing. Police are investigating the case.

Refusal of the PEB members to work for the second round of elections

In the district of Florești, numerous PEB members complained about the low salary level in the electoral authority, thus refusing to work for the second round.

CEC Decisions

On June 14, the CEC has issued the Decision no.294 regarding the organizing the voting process of the second round of scrutiny and the repeated voting on June 19, 2011. By this decision which carried a mandatory character, all PEB have been obliged to remove the curtains from the entry into the voting booths and to place the booths so that voters are guaranteed the possibility to express their vote in a secret manner. Regretfully, the respective decision did not provide the method for informing voters regarding the modification of some

procedural-technical aspects concerning the voting process and has been operated in the immediate proximity of the scrutiny day.

C. Electoral rolls

Changes in the electoral rolls

For all the constituencies, the electoral rolls are the same as in the first round of elections. However, in the DEC II of the districts Cahul, Dondușeni, Edineț, Strășeni, Taraclia, Ungheni and Vulcănești, the electoral rolls have been modified by including the names from the additional lists. In Chișinău the lists were changed to include citizens who by June 19, 2011 reach the age of 18.

D. Electoral Competitors

The Promo-LEX monitoring effort noted a dynamic campaign. At the same time, isolated cases of violence and intimidation continue to worry (*at least 7 reported cases*), as well as the use of administrative resources (*at least 4 reported cases*) and of electoral gifts (*at least 11 reported cases*). Especially worrying are the six reported cases of use of provocative and hate speech in addressing political opponents, this carrying the risk of provoking similar sentiments among own supporters.

In this context, Promo-LEX invites candidates to be more active in the submission of complaints concerning any deviation from the electoral rule and providing with adequate evidence, in this regard at least 25 requests were rejected of at least 56 submitted and pursued by observers.

Vote Recount

According to art.60 par.2¹ Electoral Code, in case of disagreement with the preliminary results of voting, before confirmation of the results by the authority empowered, candidates may request this authority to order the recount. Recount may be ordered by the authority empowered to validate elections results for good reason, which affect voting results and the distribution of mandates and will take place within 7 days after the adoption of the decision on recount.

Promo-LEX mission noted the extensive use by candidates of the right to request the recount. In 21 constituencies 52 requests for recount of votes have been registered. Of these, at least 25 applications have concerned the mayor office and 25 the local councilor position. Of the total applications, courts have accepted 23, rejected 25, and in 4 cases requests continue to be under examination.

An application for recount of votes was submitted in 10 constituencies, and most applications were submitted in the districts of Anenii Noi, Cahul (both by 6 requests) and Florești (by 5 requests).

Coalition against a candidate

Observers reported public announcement of support for candidates who continued the struggle from the part of the candidates who do not have access to second round of elections in these localities. Of the 8 such cases registered in 6 constituencies, 5 cases were against candidates from PCRM and one against candidates from PDM and PL.

Meetings with voters

Promo-LEX reported a low number of meetings with voters, conducted by the remaining candidates in the race. A dynamic campaign in this regard was held by candidates from parliamentary parties. So, PCRM held meetings with voters in at least 11 localities in 10 constituencies, PDM in at least 29 localities in 15 constituencies, PL in at least 5 localities in 4 constituencies and PLDM in at least 24 localities in 13 constituencies.

Observers reported cases where candidates from extraparlimentary parties have held meetings with voters (PP „Pentru Neam și Țară”, PPCD and PRM in one locality each), and independent candidates – Repeșciuc Grigore in Căușeni, Gheorghe Răileanu in Cimișlia and Petru Ceban in v.Cișmichioi, Vulcănești district.

Electoral concerts and disco

According to art.38 Electoral Code, a candidate shall open a bank account titled "Electoral Fund", transferring his own financial means, sums of money received from individuals and corporates in the country. The payment of such amounts on behalf of the candidate may be realized only with his prior agreement. Electoral competitors have to present every two weeks to the election authority financial reports, which should contain information on income and expenses as intended.

Candidates continued the practice of accompanying electoral meetings with various concerts. So, PCRPM held at least 2 concerts in Chișinău and Ștefan Vodă, PDM at least 7 electoral concerts in the villages Bărboieni and Bălăurești, Nisporeni district, Călărași, villages Grinăuți, Zăicani and Sofia, Drochia district, Rîșcani district, v.Cioburciu, Ștefan Vodă district, PLDM at least 2 concerts in v.Grătiești, Chișinău and v.Vărzărești, Nisporeni district. An electoral disco was organized by the independent Grigore Repeșciuc in Căușeni.

Until the publication of this report, no candidate reported expenditures for electoral concerts/disco.

Other types of campaigning

On June 9, in front of the Republic Palace, PCRPM supporters and members, including the candidate for mayor of Chișinău Igor Dodon, in total about 500 participants, held a protest meeting.

On June 12, over 200 cars took part in the car parade-tour of Chișinău and suburbs in support of PCRPM candidate for mayor of Chișinău, Igor Dodon. Participants had applied PCRPM symbols on cars. According to organizers, they have traveled about 300 km.

Campaign advertising on private passenger transport was seen on windows of the minibuses on routes 102, 103, 104, 120, 160, 174 and 175, and bus nr.28. in Chișinău. The advertising targeted candidates from PCRPM and PL.

Campaigning in favor of Igor Dodon, the PCRPM candidate, through electronic panels mounted on car trailers, was seen in all sectors of Chișinău.

New billboards in favor of PL candidate, Dorin Chirtoacă, were located in Chișinău.

Use of administrative resources

According to art.47 par.6 Electoral Code, candidates can not use the public means and goods (administrative resources) in campaign, and public authorities/institutions and those assimilated can not transmit/offer electoral competitors public goods or favours other than under contract, in equal terms for all electoral competitors.

During reporting period Promo-LEX found at least 4 new cases of use of administrative resources by candidates. In particular, the use of administrative resources was carried out by using service cars and public offices for campaign purposes, and service meetings turned into electoral meetings.

PCRPM (2 cases)

V.Arionești, Dondușeni district. Employees of district council Mîtituic Victor (vice chairman of district council), Șaragov Iurie (chief of district agricultural department), Rotaru Marin (main specialist of district finance department), Bibiașfilă Alexandra (district specialist of small and medium enterprises), Oleg Covali (chief of construction department), using the service car Niva with registration number DNAH240, held campaigning in favour of PCRPM candidate for mayor.

V.Coșnița, Dubăsari district. Leșan Alexandru, candidate for mayor, used the city hall car with registration number DBAD894.

PLDM (2 cases)

V.Dubăsarii Vechi, Criuleni district, June 6. Aureliu Borș used the office located inside the local health center to make campaigning during the work meeting. A similar meeting with the participation of electoral staff was held on June 9.

town of Leova, June 8. Vlad Cernăuțan, chief of family medical center, being in family relationship and party colleague with Gheorghe Focșa, candidate for mayor, held a meeting with voters for 1 hour, starting at 11. During the meeting the activity of doctors was suspended.

Distribution of electoral gifts/corruption of voters

According to art.38 Electoral Code, electoral competitors are forbidden to offer voters money, gifts, to distribute free goods, including humanitarian aid and other charity.

Promo-LEX reported at least 9 new cases of offering gifts to voters.

PCRM (at least 1 case)

1. Chișinău, Durlești city. Igor Dodon visited five families who have suffered from the floods of June 13 and offered for free items of first necessity.

PDM (at least 5 cases)

1. Chișinău, v.Grătiești, June 15. At 20.30 in front of the apartment building on Prieteniei str., nr.6, a meeting with voters and Andrei Florica, candidate for mayor, was held. More than 60 voters from that building attended the meeting. The candidate said that he did not come as a candidate, but as a citizen who wants to change, along with the residents, the aspect of the building entrance. Florica offered by 1500 lei for each entrance. In total about 10 envelopes were offered for representatives of each entrance.
- 2-3. Drochia district, localities Palanca and Șuri. 100 and 200 food packages were distributed to vulnerable families;
4. Hâncești district, v.Stolniceni. Nadejda Oancea, candidate for mayor, has distributed food packages to vulnerable families. On this case, the police were notified who made verbal remark;
5. Telenești district, v. Zgârdești. Tudor Claicneht, candidate for mayor, continues to offer wine to convince voters to vote for him.

PL (at least 2 cases)

1. Drochia district, v.Sofia. Valeriu Tătaru, candidate for mayor, offered voters prayer books.
2. The social networks placed announcements from PL supporters that free transportation is offered to voters/students studying in Romania to go to Chișinău and to vote on June 19, 2011.

PLDM (at least 1 case)

1. Criuleni district, v.Dubăsarii Vechi. In the churchyard a dinner was held in which alcoholic beverages were served.

Independents (at least 2 cases)

1. Victor Niculiță (v.Abaclia, Basarabeasca district). The candidate organized sports competitions, in which offered prizes and held a dinner party in the courtyard of the local restaurant.

2. Grigore Repeșciuc (Căușeni). After an electoral meeting, the candidate offered voters ice cream and wine.

Psychological and physical intimidation of electoral competitors and voters

Promo-LEX reported at least 9 new cases of intimidation, physical and psychological violence during the campaign.

On 6 and 7 of June, in v.Măgdăcești, Criuleni district, Victor Cojocaru, PLDM candidate for district councilor, has intimidated the relatives of Vera Guzun, PL candidate for local councilor of v.Măgdăcești, threatening them with physical violence for filming the organized transportation of voters to the local polling stations.

On 10 of June, in v.Dubăsarii Vechi, Criuleni district, Aureliu Borș, PLDM candidate for district councilor, has threatened Vitalie Casian, PL candidate for district councilor, with physical violence. The reason was that local PL staff does not support Alexandru Speianu, PLDM candidate in the second round of elections for mayor of the village. Also, Aureliu Borș has threatened two nurses with violence and firing for supporting PDM candidate.

On 12 June, in v.Tocuz, Căușeni district, Simion Daranuța, PLDM candidate for mayor, has applied physical violence against Efim Cibotaru, secretary of PCRM district organization. Police started an investigation on this case.

On 12 June, in v.Sofia, Drochia district, Ion Cristea, PDM candidate for local councilor, has applied physical violence against the interim mayor and the accountant of the local city hall. Police started an investigation on this case.

On 14 June, in Hâncești, in a local café, some unknown persons attacked Ion Fulga and Vladimir Enache, PDM supporters and agitators, causing them injuries. Police started an investigation on this case.

On June 15, in v.Mingir, Hîncești district, Valeriu Lazăr, minister of Economy and PDM member, paid the locality an electoral visit. A journalist from Radio Mingir wanted to attend the meeting. Unknown persons in charge of minister's security threatened him with confiscation of equipment and forced him to leave the event. The case is being investigated by the police.

On June 15, in Rezina, Valeriu Ciorici, PCRM candidate for mayor, held a meeting with about 60 voters. The electoral competitor urged voters not to comply with the CEC Decision to remove curtain from the voting booth, advising them to request the provision with curtain of the voting booth.

Electoral hooliganism

Unfortunately, the campaign for the second round of voting registered cases of electoral hooliganism. Promo-LEX found new cases of electoral hooliganism, expressed particularly by destroying electoral materials, damaging candidates' real estate or destroying goods of candidates or their affiliated persons.

In the night of June 12, in v.Hristici, Soroca district, persons unknown threw excrements in the real estate (houses, sheds and other dependencies) of Elena Bostan, PL candidate for mayor. Police started an investigation on this case.

On June 13, in v. Antoneuca, Drochia district, the electoral meeting of Oleg Grișcă, PLDM candidate for mayor, was not held because the local club was closed. The meeting was held outdoors under the rain.

In the night of June 14, in v.Izbiște, Criuleni district, unknown persons cut the tires of Anatolie Dobrovolschi's car, former independent candidate for mayor of the village. The incident occurred after June 13 when Dobrovolschi publicly announced support for PL candidate for mayor of the village and made propaganda for him.

On June 14, at the Ungheni town bus station, unknown persons displayed the photo of Ilie Ciocan, PCRM candidate for mayor, on a boutique for funeral crowns.

On June 15, in the town of Glodeni, unknown persons damaged the billboard of PLDM candidate for mayor of the city.

Hate speech and insulting agitation

According to art.47 of the Electoral Code, Moldovan citizens, parties and other socio-political institutions, electoral blocs, candidates and representatives of candidates have the right to make free discussion in all aspects about electoral programs of candidates, political, professional and personal skills of candidates, and make campaign during gatherings, meetings with voters, through mass-media, exposure of campaign posters or through other forms of communication.

Promo-LEX found at least four new cases of public use of hate speech, social intolerance and foul language. Moreover, such language is widely used by candidates in TV public debates. These situations generate the domino effect on supporters in the territory, nervousness and tension being felt in society.

On June 9, in front of the Republic Palace, about 500 PCRM members and supporters, including Igor Dodon, PCRM candidate for general mayor of Chişinău municipality, attended a protest rally, crying out slogans „Down with the Alliance!”, „Down with Lupu!”, „Down with the government!”, „Down with the CEC!”. The participants at the rally denigrated Dorin Chirtoacă, PL candidate for general mayor of Chişinău municipality, and Iurie Ciocan, CEC chairman.

An anonymous website www.chirtoaca.net was launched containing denigrating materials against Dorin Chirtoacă, PL candidate for mayor of Chişinău. Nobody signed the articles on this site.

On June 12, a meeting to commemorate the victims of political reprisals was held in the Opera and Ballet Theatre square. During the meeting, a number of speakers have brought criticism and denigrations to PCRM and its members.

On June 16, in Chişinău municipality, during a press conference, Oleg Cernei, elected municipal councilor on the PL lists, has launched criticism to the address of the elected municipal councilors on the PCRM list, accusing them of being previously charged by court and/or of being under penal investigation.

On June 9 and 16, Igor Dodon, PCRM candidate for general mayor in the Chişinău municipality, using his status of Parliament deputy, requested from the Prosecutor General's office to investigate alleged acts of corruption and other illegalities committed by Dorin Chirtoacă, PL candidate for the same position. The requests were accompanied by speeches which were presented in media, in which Dodon accused his counter-candidate of committing a number of illegal activities. Among the documents presented as evidence, Dodon presented a copy from the Official Monitor publication of Romania. Subsequently, on June 16, based on the results of a graphological expertise, the Prosecutor General's office has found the document to be a fake one.

Faulty interpretation of the electoral legislation

According to art.1 of the Electoral Code, the electoral campaign ends on the date of excluding the electoral competitor from the race or on the voting day. The Electoral Code does not regulate explicitly and in detail the situation of electoral campaigning for the second round of scrutiny.

In such a way, the electoral competitors who have acceded to the second round of scrutiny do not have a clear explanation regarding the moment when they can resume the electoral campaign and how the financing for the second round electoral campaigning activities is regulated. By its Decision no.284 regarding the amending and the completion of the Central Election Commission Decision no.84 from April 15, 2011 “Regarding the establishing of the ceiling for financial resources which can be transferred to the electoral fund accounts for the general local elections on June 5, 2011”, the CEC has attempted to clarify this situation. The mentioned Decision only specifies that the maximum ceiling for financial resources which is allowed to be spent for the electoral campaign is the same throughout the campaign, including

the second round or the eventuality of new elections. At the same time though, the CEC did not specify the timing and the procedure for reopening of the electoral accounts, neither did it indicate when electoral competitor can resume their campaigning activities.

The Promo-LEX observers have reported, starting with June 7, in most of the electoral circumscriptions electoral campaigning activities carried out by the top two scoring candidates for the position of mayor who got most of the votes in the first round, yet none of whom obtained at least 50% plus one vote. The electoral campaigning has started after the presentation of the preliminary and final results of the general local elections by the electoral circumscriptions and by the CEC.

The same confusion in the electoral legislation made it difficult to ensure the qualitative logistic preparation of the electoral processes concerning the second round of elections. The electoral organs did not budget and consequently did not print invitations to the voting in the localities where the second round of the scrutiny or repeated elections are to be held. Observers have reported the lack of such invitations in all the electoral circumscriptions.

On June 5, in v. Tănătari, district of Căușeni, Ion Cîrlig, PPCD candidate for the position of mayor of the locality, did not have the possibility to exercise his right to vote in the locality where he ran for office. When he arrived at the polling station to vote, Cîrlig was denied the right to do so because he had an identity document which expired on March 21, 2011 and he also lacked a residence or domicile visa in that locality. Consequently, the Appeal Court in Bender has admitted his appeal, invoking the violation of his right to vote.

Intimidation of observers and of the electoral administration

On June 5, at the PEB 297 in the locality s.Colonița in Chișinău municipality, due to the large influx of voters after 21.00, the electoral administration has decided to extend the voting process for one hour, informing the appropriate hierarchically superior organs. At around 21.30, 2 unidentified persons entered the above polling station, demonstrating aggressive and brutal behavior, discussing with the members of the electoral administration with a high tone in their voices and insisting on an aggressive tone that the polling station be closed. The two individuals identified themselves as members of the youth wing “Young Moldova” of PCRM and have filmed the entire process. After some time, the respective persons have identified themselves as observers representing the mentioned youth wing. The two persons have verbally intimidated the PEB president, as well as the members of the bureau, but also the Promo-LEX observer present in the polling station. Subsequently, the videotaped images were displayed on the website <http://www.grenada.md/>.

On June 8, the Ministry of Foreign Affairs of the Russian Federation has placed a comment on its official website <http://www.mid.ru/> regarding the preliminary results of the “general municipal elections on June 5 in the Chișinău municipality”. In that comment, the Russian MFA questions the objectivity of the observers of the OSCE/ODIHR Mission, accusing them in an open manner of concealing allegedly obvious “electoral frauds”. Moreover, the mentioned comment brings forward accusations also in the address of the CEC for announcing as winner an electoral competitor on the morning of June 6 and later announcing that it would hold the second round of elections in the Chișinău municipality. On two occasions, the comment highlights the quality of “victim” of Igor Dodon, the PCRM general mayor candidate for Chișinău. The comment does not mention any of the other electoral competitors. The Ministry of Foreign Affairs and European Integration of the Republic of Moldova has reacted to the comment by suggesting to the Russian authorities to analyze the official information, and not mass media articles.

Electoral campaign atmosphere

On June 12, Chișinău was visited by John McCain, US Senator. According to the senator, he has requested for meetings with all the parties represented in the Parliament. The PCRM representatives have refused to meet with the American official, invoking that such a meeting

could have an electoral connotation. Worth mentioning in this context is that on an earlier instance, on May 24, Igor Dodon, PCRM candidate for general mayor in the Chişinău municipality, has announced that he has met at the US Embassy with all the deputy heads of diplomatic missions accredited in the Republic of Moldova. Also on June 12, Senator McCain met Dorin Chirtoacă, PL candidate for general mayor in the Chişinău municipality.

On June 14, Igor Dodon, PCRM candidate for general mayor in the Chişinău municipality, met at the Ciuflea Monastery in Chişinău with the local clergy, but also with other priests from the city. After the meeting, the clergy representatives have declared that they have put forward a list of 10 requests to all electoral competitors and that they have discussed those requests with Igor Dodon.

Registering of electoral competitors

The Promo-LEX observers have reported that Anatol Lenţa has been included as candidate for the position of local councilor in the village of Cotova on the list of the electoral competitor PCRM and as a PPDM mayor candidate in the village of Popeştii de Jos, both in the Drochia district. Before joining the mayoral race in Popeştii de Jos, Lenţa has requested from PCRM to exclude him from the party's councilors list in Cotova. At that point in time, PCRM failed to operate the requested changes. Those changes have been operated only on June 16 by the law court while examining the cases for validating the results of the elections.

Another situation was registered in the village of Toceni, Cantemir district, where Constantin Petcu, mayor candidate, having completed the electoral race in the first round on the second place, has requested to be excluded from the electoral race for the second round, without presenting any reasoning. The law court has accepted his request, including Serghei Beleuţă, PLDM mayor candidate in the same village, in the race for the second round, Beleuţă having finished third in the first round.

E. Local and regional Mass-media

According to art.64 par.7 of the Electoral Code, mass media have the right to reflect the elections and to inform the public on all aspects of elections, free from any interference from public authorities, electoral competitors/candidates.

In the period immediately following the elections of June 5, the local press focused on the coverage of elections results, by making public the results accumulated by candidates. Such information appears in the publications „Meleag Natal” (Briceni), „Cahul Express” (Cahul), „Est-Curier” (the newspaper published the results for Dubăsari district and the names of candidates passed in the second round of elections), „Curierul de Edineţ” (Edineţ), „Drapelul” (Floreşti), „Câmpia Glodenilor” (Glodeni), „Ora Locală” (Ialoveni), „Cuvântul Liber” (Leova), „Ziarul de Nord” (Soroca), „Impuls TV” (Şoldăneşti) , „Svet” (Taraclia).

Also, the press published several articles in which candidates elected for public offices thank their voters. Such addresses have appeared in the newspapers „Observatorul de Nord” (Soroca) from the 5 candidates for mayor, „Glia Drochiană” (Drochia) that published the addresses of the elected mayors and of the candidates to participate in the second round of elections, „Est-Curier” (Criuleni) where the former PDM candidate thanks the voters for their support.

Another category of addresses is the call of the candidates, who have failed in the first round of elections, to vote a certain candidate in the second round. Thus, the TV station „SOR TV” broadcasted a show with the participation of the former candidate for mayor of the city Vladimir Nicuţa, when making the first round totals called all PDM supporters to vote for the PLDM candidate.

Electoral debates continue to be organized as well as shows on candidates to participate in the second round of elections. „SOR TV” (Soroca) broadcast live debates involving candidates for mayor of Soroca, Victor Său from PLDM and Elena Bondarenco from PCRM.

The station “Ocnița TV Cablu” (Ocnița) also broadcast live debates. „TV Prim” (Glodeni) broadcasts a story titled „Glodeni goes II round”, with information about the candidates for mayor of Glodeni, Ion Nemerenco from PLDM and Iulian Bogdan from PCRM.

Promo-LEX monitoring effort has noted a decrease in the election advertising volume in all the media. The newspaper „Observatorul de Nord” (Soroca) publishes advertising for PLDM, „Cuvântul Liber” (Leova) for PLDM, „Cahul Express” for PLDM and PCRM, „Est-Curier” (Criuleni) for PCRM, „Ora Locală” (Ialoveni) for PLDM, „Unghiul” (Ungheni) for PLDM. The newspaper „Glia Drochiană” publishes campaigning materials for PDM, PLDM and PRM, and the newspaper „Strășeanca” (Strășeni) for PL.

IV. RECOMMENDATIONS

The recommendations of the Promo-LEX mission are drafted in good will and aim at improving the quality of the electoral process. These take as basis the observers concerns and indicate predominantly the direction of the required intervention, yet without dictating specific solutions. Recommendations are addressed to all the actors involved in the electoral process, but in particular to public authorities of national and local levels, to election authorities, to political parties and other potential electoral competitors, as well as to Law enforcement institutions.

1. Launching awareness campaigns targeted at electoral competitors on the need for a calm and civilized behavior both one towards another and in relations with voters, to avoid cases of physical and psychological violence, speeches causing intolerance and hate, methods discrediting honor and dignity;
2. Deepening election legislation training of all electoral members of I and II levels, especially in regards to changes in the composition of election authorities and the existence of complex procedural issues or interpretations;
3. We insist on the official interpretation of par.2 art.123 Electoral Code of the notions „special restrictions of the right to vote” and „voters who do not reside in the administrative-territorial unit do not participate in the election of local council and mayor” or establishment of precise time-limits in which changes can be made so to exclude artificial „migration” of the voters;
4. Preparation of electoral rolls by a single author throughout the country, based on data held by the State Population Registry, in order to improve main lists and to operate computer check of the data;
5. Establish minimum standards for technical conditions and providing logistical planning of the electoral premises compared to the number of voters on the main electoral rolls, as well as the activity schedule of the election authorities;
6. Definition of „electoral gifts”, „electoral corruption”, „administrative resources”, establishment of a mechanism for qualifying campaign materials to avoid the disguise through these materials of the voters corruption;
7. Research by the competent authorities of using administrative resources during campaign by candidates and affiliated people, and in case of proof of guilt – sanctioning the persons guilty;

8. Research by the competent authorities of the offering of money, gifts, free distribution of material goods, humanitarian aid by candidates and/or affiliated people during campaign, and in case of proof of guilt – sanctioning the persons guilty;
9. Establish a single and clear mechanism to check the accuracy of registration on the main electoral rolls, the check confirmation, the responsibility for restricting voters access to lists verification;
10. Verification by the actors entitled to forward candidates for the election authorities of the designated people compatibility with the status they are going to have, to prevent staff turnover;
11. Establish sanctions for candidates who fail to declare the financial assistance and other material support in a newspaper with national coverage, and who do not reflect expenses for campaign purposes;
12. Improve financial reporting mechanism, especially in general local elections, where competitors are registered in various election authorities, for complete reporting of the expenditure, to improve transparency and increase voter confidence in the election process;
13. In order to prevent filling ballot boxes with ballot papers, to provide additional ballot boxes taking into account the diversity and the length of the ballot papers;
14. Use of legal methods to fight dishonest competitors, by filling complaints to competent authorities, in case of deviations from the electoral legislation;
15. Improve the mechanism of transmission of electoral documents to the superior election authorities or courts and establish appropriate sanctions in case of loss of electoral documents;
16. Improve legislation on the definition, organization and displaying campaign for the second round of elections by both election authorities and candidates, and establish a strong mechanism to use funds through the bank account "Electoral Fund" by candidates passed in the second round of elections.