OSCE/ODIHR LIMITED ELECTION OBSERVATION MISSION
Republic of Moldova - Local Elections, Mayoral Run-Off Contests, 28 June 2015

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Chisinau, 29 June 2015 – Following an invitation from the authorities of the Republic of Moldova, on 14 May, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established a Limited Election Observation Mission (LEOM) to observe the 14 June local elections. The OSCE/ODIHR LEOM remained in the country to follow the 28 June mayoral run-off contests.

The run-offs were assessed for their compliance with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. This statement should be considered in conjunction with the Statement of Preliminary Findings and Conclusions issued on 15 June, after the first round of voting.[1] The overall assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including counting and tabulation. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the process.

In line with the OSCE/ODIHR's methodology, the OSCE/ODIHR LEOM did not carry out systematic or comprehensive observation of election day activities. However, mission members visited a limited number of polling stations.

PRELIMINARY FINDINGS AND CONCLUSIONS

The administration of mayoral run-offs in 457 of 898 localities enjoyed the trust of most stakeholders, but confidence in the electoral process decreased following cases of abuse of temporary voter registration provisions during the first round. An unclear legal framework for run-offs and first round recounts impacted on campaign activities and the preparations for the second round. Fundamental freedoms were respected, yet a few violent incidents occurred. The media informed the public on the campaign, but generally failed to provide balanced coverage. Election day was calm and well managed, with limited exceptions.

The legal framework does not adequately address run-off contests, including that recounts are completed or first round results are finalized before holding a second round.[2] On 16 June, based on preliminary first round results, the Central Election Commission (CEC) announced the second round contests, and published finalized election results on 22 June, within the legal deadline. The OSCE/ODIHR LEOM was informed of some 40 requests for recounts related to mayoral contests submitted to district courts; it confirmed that 11 were granted and held before the second round and 11 were rejected as unsubstantiated or on procedural grounds.

The CEC efficiently managed preparations, held regular sessions and met electoral deadlines. While it continued to enjoy the trust of most stakeholders, the level of confidence in some lower level commissions decreased following their overall performance during the first round, including the handling of complaints.

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1 See the Statement of Preliminary Findings and Conclusions on the first round of elections held on 14 June, along with all previous OSCE/ODIHR reports on Moldova.

2 District courts must validate results or order recounts within ten days from receiving tabulation protocols from District Election Councils (DECs). There is no deadline for DECs to submit tabulation protocols to courts; the CEC stated that in practice such protocols are submitted within five days.

The Election Code does not provide for whether voter lists should be updated between the two rounds and the need to resubmit applications for mobile voting. The CEC made decisions to only address legal gaps related to voter registration. On 16 June, it decided to use the same voter and supplementary lists as in the first round, in order to prevent possible artificial voter migration. On 23 June, it issued a second decision stating that voters with changed registration would vote at their domicile/residence valid as of 14 June; voters with expired residence would vote according to their domicile; and voters who reached 18 years of age and voters without personal identification numbers could vote on supplementary lists.

A number of complaints were submitted by candidates and voters in relation to abuse of provisions for temporary residence registration during the first round.[3] As a result, public trust in the integrity of voter lists was negatively affected and led to reactions by state institutions, including the Parliament, which held a public hearing. The Ministry of Information Technology and Communications, responsible for population registration data, announced that it would investigate these cases; no results were made public as of election day.

The law does not clearly define when candidates may resume campaigning after the first round. According to the CEC, the run-off campaign started on 16 June and ended at midnight on 26 June, whereas most contestants considered the campaign to start on the day after the first round. The Election Code requires candidates to suspend their official positions once initially registered. Contrary to law, the incumbent Chisinau mayor returned to duty after the 14 June elections, and re-suspended his position two days later.

The campaign was overall more discreet than during the first round; its intensity and tone varied across the country. Candidates were freely able to campaign and fundamental freedoms were generally respected. However, the OSCE/ODIHR LEOM noted four incidents of election-related violence,[4] a few instances of the misuse of administrative resources for campaign purposes and one case of vote-buying.[5]

Most candidates continued to campaign through traditional means as in the first round, while others did not undertake any activities. Some contestants used billboards to thank voters for first round support and organized concerts. Negative campaigning appeared in broadcast and social media targeting both contestants in Chisinau.

There are no explicit legal provisions for campaign finance in case of run-offs. The Election Code lacks clarity on whether the expenditure limit is applicable to the first or both rounds, which was not addressed by the CEC.While the law also does not explicitly require campaign finance reports for the second round, the CEC decided that such reports were required and due on 26 June.[6] Reports were submitted by 7 out of 11 parties and blocs and were published on the CEC website the day

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[3] Complaints were filed in Truseni, Bacioi, Orhei, Drochia, Durlesti and Comrat against the registration of numerous voters at the same address and of temporary residents close to the elections. For example, in a polling station in Topala village, 53 persons (some 12 per cent of turn out) voted on the supplementary list during the first round after they were registered from 19 May. Following protests and complaints, the elections were cancelled and rerun at this polling station.

[4] In Bacioi, the Liberal Party (PL) candidate (incumbent) was assaulted while campaigning and a rally was interrupted by clashes between participants, resulting in two children being hospitalized. In Racovat, the Liberal Democratic Party of Moldova (PLDM) candidate was assaulted, allegedly by Our Party (PN) candidate and his relatives. There were also alleged threats against Precinct Electoral Bureau members and the opponent of incumbent mayor in Cimiseni.

[5] Misuse of office in Donduseni, Edinet and Comrat, and distribution of goods in Stauceni.

[6] Political parties and blocs, which nominated candidates, submit their reports to the CEC, while independent candidates to DECs.

before the elections.[7] This timeline was insufficient for the CEC to verify the reports before election day, which decreased the efficiency of its oversight and impacted voters` right to an informed choice.[8]

The media informed the public on the campaign, but generally failed to provide balanced coverage. On 23 June, the Audiovisual Co-ordination Council (CCA) published its report for the period 7-14 June. Despite some noted bias, the CCA did not take any actions, remaining unable to ensure respect for the law by media. In addition, the CCA did not publish any report for the period between the two rounds prior to election day, though not required by law. One media complaint was filed with the CCA.

The Chisinau mayoral race dominated the media monitored by the OSCE/ODIHR LEOM.[9] The public broadcaster, *Moldova 1*, allotted 99 per cent of news coverage to Chisinau mayoral candidates, in fairly neutral tone: 61 per cent to the PL candidate (incumbent), and 39 per cent to the PSRM candidate. *Moldova 1* and two monitored private channels proposed debates between the two, but the PSRM candidate declined and delegated her representative to attend. While there were other calls for debates, voters were deprived of the opportunity to observe direct debate between the two candidates. At the same time, debates were held in other localities.

In the private monitored broadcasters, the focus on the Chisinau race varied from 95 to 100 per cent of news coverage. Most private broadcasters devoted more coverage to the PL candidate, ranging from 50 to 89 per cent of coverage, while the PSRM candidate ranged from 11 to 50 per cent.[10] The tone of news coverage was generally neutral. Online and print media, *Komsomolskaya Pravda*, *Moldova Suverana*, *Noi*, *Omega*, and *Point* mainly favoured the PSRM candidate (with extensive positive coverage), while *Moldova* and *Unimedia* devoted generally neutral coverage.

In the limited number of polling stations visited by OSCE/ODIHR LEOM, election day was calm with few exceptions. The process was transparent; party and candidate representatives and citizen observers were present in all polling stations visited.[11]

Procedures were generally followed during voting. Some polling staff were noted as inconsistently implementing CEC regulations on voter registration adopted between the two rounds. The online system to verify voter identity functioned efficiently, with minor exceptions. The placement of voting booths did not always ensure the secrecy of voting. Counting and tabulation processes observed by the OSCE/ODIHR LEOM were well managed, with minor procedural deviations.

On election day, the CEC operated professionally and transparently. Within hours after closing, it published all preliminary results protocols by polling station. Voter turnout was reported at 47.7 per cent.

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An unofficial translation is available in Romanian and Russian.

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7 The highest income and expenditure was declared by the Party of Socialists of the Republic of Moldova (PSRM), followed by PN, PL and PLDM; the other three parties declared limited amounts.

8 Report verification before election day is not required by law. The CEC stated that it needed some four days to review them.

9 The OSCE/ODIHR LEOM media monitoring between 15–28 June continued in the same format as in the first round.

10 The PL candidate received most of the news coverage: 89 per cent at *Prime TV*, 79 per cent at *Publika TV*, 62 per cent at *Jurnal TV* and 63 per cent at *Pro TV*. *TV 7* allocated equal coverage to both candidates.

11 The accreditation of representatives of contestants and observers remained valid after the first round, regardless of whether contestants were in the run-offs.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Chisinau, 29 June 2015 – The OSCE/ODIHR LEOM opened in Chisinau on 14 May. It includes 13 experts in the capital and 14 long-term observers deployed throughout Moldova. Ten long-term observers remained in country to follow the 28 June mayoral run-off contests. Kimmo Kiljunen (Finland) is the Head of the OSCE/ODIHR LEOM.

The OSCE/ODIHR LEOM wishes to thank the authorities for the invitation to observe the elections, the CEC for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs and European Integration and other state and local authorities for their support and co-operation during the course of the observation. The observers also wish to express their appreciation to the OSCE Mission to Moldova,[12] and other international organizations and embassies accredited in Chisinau, as well as political parties, civil society organizations and media representatives for their co-operation and support.

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[12] The OSCE/ODIHR LEOM and the OSCE Mission to Moldova operate separately under specific mandates.