



INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Moldova - Local Elections, 14 June 2015

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Chisinau, 15 June 2015 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Congress of the Local and Regional Authorities of the Council of Europe (Congress).

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The assessment was made to determine whether the elections complied with OSCE commitments and Council of Europe standards, other international obligations and standards for democratic elections and with national legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including the tabulation and announcement of results, and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, approximately eight weeks after the completion of the election process. The Congress Report will be adopted at its Plenary Session on 20-22 October 2015.

PRELIMINARY CONCLUSIONS

The 14 June local elections were efficiently administered and offered the electorate a diverse choice. They were held in a context of political turmoil due to a massive financial scandal and the Prime Minister's resignation two days before the elections. The campaign environment was strongly impacted by the division of political forces and society over the country's future orientation. The campaign was lively and generally free, though reflected through politically influenced media. Recent amendments address some OSCE/ODIHR and Council of Europe recommendations; however, they were adopted after the elections were called, which led to confusion on implementation, and limit freedom of expression.

The legal framework generally provides an adequate basis for conducting democratic elections. However, some ambiguities and vague provisions, in particular in the Election Code, hamper the consistent and effective application of the law. Certain provisions restricting suffrage rights and on campaigning are at odds with OSCE commitments and international standards. Legal amendments, mainly related to campaigning and campaign finance, were introduced a few weeks prior to the elections, which is not in line with international good practice.

Despite these legal amendments and the enhanced oversight role of the Central Election Commission (CEC), the campaign finance regulatory system and its current implementation are insufficient to ensure the transparency, integrity and accountability of campaign finances. The majority of OSCE/ODIHR LEOM interlocutors opined that campaign finance reports were incomplete and inaccurate. The CEC published the reports on its website and issued 14 warnings for reporting irregularities. It stated it lacked sufficient human resources to efficiently monitor campaign finance.

In an overall inclusive process, 19 parties and 2 blocs, and 1,004 independent candidates were registered for 898 mayoral and 11,680 councillor positions, offering the electorate a broad choice. A number of candidate lists were changed close to election day, which may have impacted voters' ability to make an informed choice.

Freedoms of expression, association, and assembly were respected through the campaign. While the main topics included corruption, the economy and local governance and decentralisation, the campaign was based around personalities rather than on political platforms. Candidates were able to campaign freely in the State and Russian languages.

Some irregularities were noted by the OSCE/ODIHR LEOM during the campaign. A few local authorities did not designate sufficient places for posting campaign materials and premises for public meetings, which led to illegal posting and numerous complaints. One candidate was assaulted, another was dismissed from his administration position, and three high-profile candidates did not suspend their official positions within the required timeline. The different implementation of provisions on candidate immunity in two cases raised questions regarding the selective application of the law.

The election administration enjoyed the confidence of most stakeholders. Overall, it performed efficiently and transparently and respected electoral deadlines, with some exceptions related to voter list distribution. The CEC used its State Automated Information System "Elections" to generate candidate and voter lists and ballot papers, and for voter identification and the electronic receipt of results from polling stations.

The number of registered voters on preliminary voter lists was 2,821,657. The division of responsibility of various state authorities for the accuracy of data on voter lists remained partially undefined, which led to a lack of accountability. The quality of the voter register mostly enjoyed confidence from stakeholders; however, the verification process by voters would benefit from increased clarity and transparency.

Limited efforts were made to encourage and promote equal opportunities for women's participation in the elections. There were few visible female candidates (22 per cent for mayor; 35 per cent for local councils) and gender issues were not addressed in the campaign. While only one out of nine CEC members is female, women were well-represented in the mid-level of the election administration.

The media offered extensive coverage of the candidates, providing them with opportunities to address voters. The public broadcaster granted equitable news coverage, but somewhat favoured the ruling parties. Local broadcasters organized inclusive debates, as required by law. Most private televisions monitored by the OSCE/ODIHR LEOM failed to comply with their legal obligation of impartiality in their newscasts. Unbiased news reporting was hampered by political influence and a concentration of media ownership. The Audiovisual Co-ordination Council sanctioned five television stations for biased coverage, but its enforcement mechanism remains ineffective.

Complaints and appeals were overall handled in an open and transparent manner, within legal deadlines, and generally provided for effective judicial remedy. The majority of the complaints addressed by the election administration related to illegal campaigning, candidate registration and the misuse of administrative resources. Confidence in the complaint process varied among stakeholders.

The transparency of the electoral process benefited from citizen observation, in particular by one citizen observer organization that conducted large-scale observation, including long- and short-term observation, campaign finance reporting and a parallel vote tabulation for the three largest cities.

In the limited number of polling stations and tabulation centres visited by international observers, election day was generally well organized, although vote secrecy was not always ensured. Online voter verification and transmission of results from polling station were noted as efficient, with minor exceptions. The CEC published preliminary results protocols by polling station, and reported voter turnout at 49 per cent. Party and candidate representatives and citizen observers were systematically present throughout election day.

PRELIMINARY FINDINGS

Background

The 14 June elections were the sixth local elections held since independence, the twelfth elections observed by the OSCE/ODIHR and the fourth observed by the Congress since 1999.¹ The elections took place in a challenging political environment affected by a deep division in the society over the geopolitical orientation of the country and a massive scandal in the banking sector.² The political atmosphere was characterized by voters' distrust towards the political establishment.

After the 2014 parliamentary elections, a minority government was formed by the Alliance for European Moldova consisting from the Liberal Democratic Party of Moldova (PLDM) and the Democratic Party of Moldova (PDM), supported by the Communist Party of the Republic of Moldova (PCRM), despite being formally in opposition. On 3 April, the parliament called for the local elections to be held on 14 June.

Legal Framework and Electoral System

Elections are regulated primarily by the Constitution and the Election Code. They are supplemented by other laws, as well as Central Election Commission (CEC) regulations and decisions.³ The legal framework generally provides an adequate basis for conducting democratic elections. The Election Code, however, contains some ambiguities related to candidate registration (in particular for independent candidates) and campaign financing.

The Election Code has undergone numerous amendments since its adoption in 1997, most recently in April 2015 - after the elections were called. While amendments were introduced with the aim of improving the framework and addressed some previous OSCE/ODIHR and Council of Europe recommendations, introducing such changes so close to the elections led to some confusion and concerns about their implementation and is at odds with international good practice.⁴

¹ All previous [OSCE/ODIHR reports on Moldova](#) and [Congress Reports on Moldova](#) are available.

² The alleged embezzlement of approximately MLD 13.5 billion (some EUR 750 million, 1 EUR = approx. 20 MLD), or 16 per cent of the gross domestic product, from the *Banca de Economii* (with 56 per cent of shares owned by the state) and two private banks attracted strong public attention after a confidential report by a foreign investigative consultancy company was leaked to the media.

³ The legal framework also includes the Law on Political Parties, the Law on Assembly, the Criminal Code, the Code on Administrative Offences, and the Audiovisual Code.

⁴ The Council of Europe's Commission for Democracy through Law (Venice Commission) 2002 [Code of Good Practice in Electoral Matters](#) (II.2.b) advises against fundamental changes in electoral laws less than one year before an election.

The latest amendments primarily relate to campaigning and campaign finance. They include a prohibition for using State and foreign symbols and images and involving foreign citizens in campaigning. This is a disproportionate restriction challenging freedom of expression, as provided by the Constitution and is at odds with OSCE commitments and international standards.⁵ Other amendments provide more specific sanctions for violations of the Election Code, and elaborate on criminal liability for certain acts such as vote-buying. In addition, the Criminal Code was amended to criminalize illegal campaign funding.

The local elections were conducted to elect 898 mayors and 11,680 councillors. Councillors are elected under a proportional electoral system without a threshold, and mayors are elected under a two-round majoritarian system. If no candidate wins an absolute majority in the first round, a run-off between the two candidates with the highest number of votes is held two weeks later. At least 25 per cent of registered voters in a district is required for the election to be valid. There is no turnout requirement for a second round.

Election Administration

Local elections were administered by a four-tiered election administration: the CEC, 35 Level 2 District Electoral Councils (DECs),⁶ 896 Level 1 DECs,⁷ and 1,977 Precinct Electoral Bureaus (PEBs). Parliamentary parties could nominate members to election commissions at all levels. Parties/blocs and independent candidates could nominate non-voting representatives and observers in districts where they were contesting the elections.

The CEC is a permanent body that serves a five-year term, while DECs and PEBs are established for specific elections. The election administration enjoyed the confidence of most stakeholders. CEC meetings were generally conducted in a collegial manner, open to the public and media, and broadcast live on its website. The CEC published its session agendas in advance and provided draft decisions to those present upon request. CEC decisions, as well as other election-related documentation and information, were posted on its website, usually in a timely manner.

Electoral deadlines were respected, apart from voter-list distribution to some locations. Overall, DECs operated effectively, with some exceptions when dealing with complaints and appeals and campaign finances. Most PEBs visited by the OSCE/ODIHR LEOM prior to election day were well-organized. According to the CEC, 10 per cent of Level 2 DEC members were replaced as of 26 May, mostly due to their relation to new candidates or their nomination as candidates.⁸

The CEC used its State Automated Information System “Elections” (SAISE) to generate candidate and voter lists and ballot papers. The CEC reviewed the system and prepared contingency plans

⁵ Article 32.1 of the Constitution states that “all citizens are guaranteed the freedom of opinion as well as the freedom of publicly expressing their thoughts and opinions by way of word, image or any other means possible.” Article 19.2 of the International Covenant on Civil and Political Rights (ICCPR) states that “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” See also paragraphs 7.7 and 9.1 of [1990 OSCE Copenhagen Document](#).

⁶ The CEC established Level 2 DECs in 32 rayons, the municipalities of Chisinau, Balti and the Autonomous Territorial Unit of Gagauzia. DECs in Bender and Tiraspol, located on the territory controlled by the Transnistrian *de facto* authorities, were not appointed.

⁷ Level 1 DECs were established by Level 2 DECs in towns, communes and villages.

⁸ The Election Code permits changes to candidate lists up until seven days prior to election day; this resulted in changes in the composition of election commissions as their members cannot be related to candidates.

based on previous malfunctions on election day.⁹ On election day, PEBs could use the SAISE to identify voters and check against multiple voting, as well as transmit counting results directly to the CEC.

On 30 May, the CEC decided to shut-down its websites for two and a half hours in reaction to an inspection by the National Centre for Personal Data related to an inquiry from a citizen on the CEC's posting of her personal data. The two institutions agreed to postpone the resolution of the matter until after the elections. On 2 June, the CEC requested parliament to define the applicability of the Election Code and the Law on Personal Data Protection, stating that the joint implementation of some provisions of these laws is not possible.

Through its Center for Continuous Electoral Training, the CEC undertook an extensive training programme of election officials and other stakeholders, including party representatives and observers upon request, in the State and Russian languages.¹⁰ Training sessions observed by the OSCE/ODIHR LEOM were informative and well-organized.

Women's representation in election commissions varied. Only one of nine CEC members is a woman. They represented some 52 per cent of Level 2 DEC's (some 29, 46, and 83 per cent of chairpersons, vice-chairpersons and secretaries, respectively) and some 74 per cent of Level 1 DEC's.¹¹

Voting did not take place on the territory controlled by the Transdnistrian *de facto* authorities. However, provisions for voters from Transdnistria to exercise their right to vote were followed by the OSCE/ODIHR LEOM.

Voter Registration

Citizens 18 years of age by election day have the right to vote, except for those declared incapable by a final court decision and conscripted military personnel. These blanket restrictions are at odds with paragraph 7.3 of 1990 OSCE Copenhagen Document.¹²

Voter registration is passive. Voter lists are drawn up based on the State Register of Voters (SRV), which is extracted from the State Population Register maintained by the Centre for State Information Resources "*Registru*". The responsibilities of the *Registru*, the CEC and various public authorities for the accuracy of data on voter lists remains partially undefined, which led to a lack of accountability. In addition, the register of addresses does not integrate data on the registration of civil status and residency, which are essential components of the SRV.

Voter lists include all voters who have a domicile or (temporary) residence in a precinct.¹³ If a voter has both, s/he is assigned to the list based on temporary residence. A voter not included in a list, but who could prove their residence in the precinct are allowed to vote after being registered on

⁹ The CEC tested the system nationwide on 6 and 12 June. The first test demonstrated some Internet problems, and an uneven level of knowledge and low attendance by operators. The second test was more positive, although still showed some connectivity issues, mostly reported from DEC's in Gagauzia.

¹⁰ As of 5 June, the CEC conducted 549 seminars for some 15,000 commissioners, party representatives, observers and treasurers, and SAISE operators. It produced 58,200 printed materials, in the State and Russian languages.

¹¹ No statistics regarding the gender of PEB members was available.

¹² Paragraph 7.3 provides that the participating States "will guarantee universal and equal suffrage to adult citizens".

¹³ The legal provision that a precinct should have a maximum 3,000 registered voters was not respected in 34 polling stations.

supplementary lists on election day.¹⁴ Mobile voting is allowed for voters who are homebound or in hospitals or prisons, provided that they are entitled to vote in the given district.¹⁵

Citizens with expired identification documents (IDs) are not allowed to vote. On 1 June, the CEC requested the authorities to consider addressing the matter. The *Registru* declared their number at 152,685, and decided to issue free-of-charge temporary IDs for voting from 9 to 14 June.

According to the CEC, preliminary voter lists included 2,821,657 registered voters as of 22 May. This is an increase compared to 2011 local elections, reported as mainly due to the introduction of a centralized system for producing voter lists, which appears to be more inclusive compared to the previous system of local administrations maintaining the lists. The quality of the voter register mostly enjoyed confidence from stakeholders.

Between 25 May and 13 June, voters could check their data at PEBs and online.¹⁶ During this period, 5,526 entries were modified in the SRV, most of which reassigned voters to another polling station. In the polling stations visited by the OSCE/ODIHR LEOM, voter lists were available for individual verification. Some PEBs provided the voter with access only to his/her data, while others allowed voters to verify entries of their family members.¹⁷

The CEC decision in the State language provides that voter lists are made accessible at polling stations, while the Russian version of the decision requires that lists are to be posted; the decision reflects the different language versions of the Election Code. The Election Code provides that the State language version prevails when discrepancies exist. The Personal Data Protection Centre opined that the Election Code should stipulate how voter lists should be made public, which personal data of voters should be disclosed, and that processing of other personal data by the CEC should be clarified. Overall, the verification process by voters would benefit from increased clarity and transparency.

Candidate Registration

The right to nominate candidates is granted to political parties and electoral blocs (contestants), as well as to citizens through self-nomination upon submission of voter support signatures. Candidate lists were registered by 19 out of 42 eligible parties, and 2 electoral blocs.¹⁸

In an overall inclusive process, candidate registration concluded on 21 May. The number of mayoral candidates was 4,421 (22 per cent women)¹⁹ and 63,496 for local councils (35 per cent

¹⁴ According to the Code of Good Practice (I.1.2.iv), “there should be an administrative procedure - subject to judicial control - or a judicial procedure, allowing for the registration of a voter who was not registered; the registration should not take place at the polling station on election day.”

¹⁵ According to the Penitentiary Department of the Ministry of Justice, 1,440 of approximately 7,400 prisoners were entitled to vote in these elections.

¹⁶ The OSCE/ODIHR LEOM noted that several polling stations were locked during work hours and some PEBs received voter lists with a three to five-day delay (e.g. all 39 PEBs in Level 1 DEC's Basarabasca, Comrat, Cahul, and Ceadir-Lunga). The CEC reprinted voter lists in 76 polling stations due to the incorrect format of the first version.

¹⁷ International good practice states that voter lists should be published - see [Code of Good Practice](#) (I.1.2.7.iii).

¹⁸ On 8 April, the Ministry of Justice provided a list of 43 eligible parties, which was confirmed by the CEC. On 24 April, a court decision cancelled the registration of the Communist Reformist Party (the party contested the 2014 parliamentary elections, although a decision to deregister it was pending at the time with the Ministry of Justice). A new list of 42 registered parties was submitted to the CEC, which it confirmed on 4 May.

¹⁹ No party/bloc contested all mayoral races. According to information provided to the OSCE/ODIHR LEOM, the PDM registered 843 mayoral candidates, PLDM 797, PCRM 649, Party of Socialists of the Republic of Moldova (PSRM) 582, Peoples European Platform of Moldova–Iurie Leanca (PPEM) 296 and Our Party (PN) 289.

women). In Chisinau, 4 of 17 mayoral candidates were women, as were 248 of 801 candidates for its council. There are no legal provisions to enhance the participation of women in elections.²⁰

Independent candidates for local councils required support by two per cent of voters in the district divided by the number of councillor mandates, but not less than 50 persons. Independent mayoral candidates required support by five per cent of voters in the district, but not less than 150 and not more than 10,000. These unreasonably high requirements are at odds with international good practice.²¹ In addition, a voter can only support one candidate, which is an unnecessary restriction challenging political pluralism and paragraph 3 of the 1990 OSCE Copenhagen Document and international good practice.²²

Parties and blocs registered their lists at DEC's and could start campaigning immediately from 23 April. Independent candidates could only start collecting support signatures on that day, which negatively affected the equality of campaign opportunities, at odds with paragraph 7.6 of the 1990 OSCE Copenhagen Document and international good practice.²³

The CEC amended the procedures for candidate list registration after the start of the nomination period.²⁴ In addition, some contestants reported cases of DEC's requesting supporting documents not required by law. The lists were eventually registered, but only after clarification from the CEC. Contestants pointed out that this wasted their resources and also delayed their campaigns.

Campaign Environment

The campaign was highly visible and intensified closer to election day. Freedoms of expression, association, and peaceful assembly were respected. The campaign environment was strongly influenced by the massive scandal in banking sector and division in the society about the geopolitical orientation of the country. Two days prior to election day, the Prime Minister resigned in response to an investigation into his academic credentials.²⁵ This fostered a number of political statements and started discussions on forming a new government coalition. Many OSCE/ODIHR LEOM interlocutors stated that the elections would demonstrate the level of support for the major political forces.

While the main topics included corruption, the economy and local governance and decentralisation, the campaign was based around personalities rather than on political platforms. Of the 21

²⁰ Leaders of 20 of the 21 contestants are male.

²¹ The Code of Good Practice (I.1.3. ii.) prescribes that “the law should not require collection of the signatures of more than 1% of voters in the constituency concerned”.

²² Paragraph 3 states that participating States “recognize the importance of pluralism with regard to political organizations”. Paragraph 77 of the [2010 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulations](#) state that “in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party”.

²³ Paragraph 7.6 calls on participating States to ensure that contestants are able “to compete with each other on a basis of equal treatment before the law and by the authorities.” The Code of Good Practice (I.2.3.a) states that “equality of opportunity must be guaranteed for parties and candidates alike.”

²⁴ According to the CEC decision of 17 April, candidate lists had to be submitted for registration in the State and Russian languages; there was no language requirement for independent candidates. On 27 April, the CEC amended its decision, stipulating that the personal data in candidate lists should be submitted in the State language and in both languages for independent candidates. This late change caused some confusion and several DEC's continued to demand the Russian version for candidate lists.

²⁵ Prior to this, on 6 June, citing the general financial crisis and lack of appropriate response from state institutions, the Prime Minister announced that he would step-down from his position unless the leadership of the General Prosecutor Office, the National Bank and the Financial Stability Commission resign within 30 days.

contestants, 6 political parties and 1 bloc, together with several independent candidates were most visible.²⁶ Few women candidates featured in campaign activities.

Contestants placed billboards and posters in larger cities, conducted door-to-door campaigning, distributed leaflets and newspapers and held small-scale meetings, considered to be more effective than rallies. Some parties sponsored concerts. Social media and Internet were used by some mayoral candidates, particularly in Chisinau and Balti. Contestants campaigned freely in the State and Russian languages.

A few local authorities did not always comply with the Election Code and the CEC instruction providing designated premises for public meetings and places for posting campaign materials. These places were limited, which led to illegal posting and a number of complaints.²⁷ One mayoral candidate was assaulted with the aim of having him withdraw from the race.²⁸ While international observers were made aware of other allegations of intimidation, their credibility could not be substantiated nor were complaints formally submitted to the authorities. Two mayoral candidates for Chisinau and one candidate for Chisinau council did not suspend their official duties immediately, as required by law.²⁹

Two candidates for the Chisinau council under prior house arrest were not able to campaign for two weeks after being registered.³⁰ A candidate for Orhei mayor under prior house arrest was released the day after his registration.³¹ The different implementation of the legal provisions on candidate immunity raised questions regarding the selective application of the law.

Numerous contestants changed their candidate lists until the deadline, seven days prior to election day.³² Such late changes could mean that voters were unaware of the latest adjustments, impacting their ability to make an informed choice.

²⁶ This included the five parliamentary parties as well as PN and PPEM.

²⁷ Balti local administration provided contestants with space for placing campaign material with a two-week delay. Also in Balti, the PSRM was denied erecting a tent in the main square; following a complaint against the decision, the denial was overturned. In Edinet, three of six designated places for campaign materials were not installed. In Chisinau some panels were limited in size.

²⁸ The Dominteni mayoral candidate of the PPEM was attacked, allegedly by a PDM representative. The case is under police investigation.

²⁹ The PL incumbent mayor and two PLDM candidates. The DEC Chisinau decided that registered candidates must suspend official duties within three days, while the Election Code requires an immediate suspension.

³⁰ On 28 November 2014, two current members of the Our Home Moldova Party (PCNM) were detained for organizing a mass riot, and are not yet convicted. Following an appeal on 14 April, a court placed them under house arrest. On 15 May, the Chisinau DEC registered them as candidates. Later that day, another court extended their house arrest for 30 days. It is unclear why their detention was extended as they supposedly enjoyed candidate immunity. Following an appeal citing their immunity, they were released from house arrest only on 29 May, and placed under judicial surveillance. Article 46.5 of the Election Code states that "candidates cannot be held criminally liable, arrested or detained or subjected to administrative sanctions without the consent of the election administration that registered them, with the exception of flagrant offenses".

³¹ On 6 May, Ilan Shor was arrested and accused of abuse of official position and placed under house arrest for 30 days. On 21 May, DEC Orhei registered him as a mayoral candidate for the Movement *Ravnopravie*. The next day, the measure of restraint was appealed to the court, which determined that the house arrest was illegal under the immunity provision.

³² The changes related to the order, exclusion and inclusion of candidates. For example, in Anenii Noi 7 of 9 parties made changes, in Chisinau 7 of 18, in Cantemir 5 of 8 parties, and in Nisporeni all 7.

Campaign Finance

Following public consultations initiated in 2013, on 9 April 2015 legal amendments to six laws pertaining to campaign finance were adopted.³³ The late amendments affected the campaign as this did not provide stakeholders sufficient time to prepare for their implementation.³⁴

The amendments criminalized campaign finance irregularities and addressed some previous OSCE/ODIHR and Venice Commission recommendations including enhancing oversight, introducing more comprehensive reporting requirements and stipulating criteria for spending limits.³⁵ However, the regulatory system and its current implementation were insufficient to ensure transparency, integrity and accountability of campaign finances and did not enjoy public confidence. The majority of OSCE/ODIHR LEOM interlocutors opined that the financial reports of the contestants were incomplete and inaccurate.

Incomes and expenditures of parties/blocs and independent candidates have to be incurred through dedicated bank accounts. Contestants who plan to conduct cost-free campaign activities are not legally required to open such accounts, but have to inform the CEC (or to the DEC in the case of independent candidates) of such a decision. Three contestants took advantage of this provision.

Funding from foreign, state, public and anonymous sources as well as from non-profit and charitable organizations and trade unions is prohibited. In addition, citizens cannot donate out-of-country income, which is a disproportionate restriction of political participation. The amendments introduced a donation cap for individuals (200 average monthly salaries) and legal entities (400 average monthly salaries).³⁶ Legal entities must donate via bank transfer while individuals may also donate in cash.

Some OSCE/ODIHR LEOM interlocutors stated that the complicated donation procedures were an administrative burden on the contestants and could discourage potential donors.³⁷ Whereas there are no public subsidies for campaigning, contestants may receive interest-free loans from the state budget.³⁸ Each party/bloc/independent candidate could spend up to MDL 20.86 per registered voter.

The CEC is mandated with campaign finance oversight. It informed the OSCE/ODIHR LEOM that it lacks sufficient human resources to efficiently monitor campaign finance. The CEC receives financial reports of parties and blocs, is required to verify their accuracy and compliance, and may impose sanctions (or request other “competent bodies” to do so).³⁹ Possible sanctions include

³³ Political party and campaign finance is regulated by the Election Code, the Laws on Political Parties, on Administrative Offences, on the Court of Accounts, and the Criminal Code. These are supplemented by a CEC regulation on financing of electoral campaigns and CEC decisions on establishing the expenditure limit and on the amount of state loans to contestants.

³⁴ For instance, the CEC was granted six months for the adoption of regulations and decisions, but in practice had only three weeks until the start of the campaign on 30 April. The CEC Regulation on campaign finance was adopted on 5 May, after the start of campaign.

³⁵ See the [2013 OSCE/ODIHR and Venice Commission opinion on draft law pertaining to political party and election campaign financing](#).

³⁶ The 2015 average monthly salary is MDL 4,500. The individual cap is MDL 900,000, and the legal entity cap is MDL 1,800,000.

³⁷ A legal entity must submit a statement about the absence of state and foreign share in their capital and the recipient contestant must verify the information before accepting a donation. A donor can donate in cash only in the headquarters of the contestant, submitting a statement of personal liability, and receiving a statement of acceptance of the donation by the contestant. The donation is then deposited to the dedicated bank account.

³⁸ Loans are written-off fully or partially, proportional to the votes received, provided that a contestant has received above three per cent of the votes cast in the district.

³⁹ The Election Code does not specify these bodies.

warnings, fines, confiscation of funds, suspension of public funding and deregistration. Deregistration is applicable for using either undeclared or foreign funds or exceeding the spending limit by over five per cent.⁴⁰ The legislation on sanctions is ambiguous and conflicting. It does not stipulate an exhaustive list of possible breaches, and provides the CEC with discretionary powers to sanction.

Financial reports were submitted by contestants to the CEC on 8 and 22 May, and 5 and 12 June and published on the CEC website. The CEC issued warnings to nine contestants for not submitting reports.⁴¹ In addition, the PL received two warnings for using undeclared funds.⁴² Following an appeal by the PL, the court overturned the CEC decision. The CEC's warning was subsequently reinstated following its successful appeal to the Supreme Court.

Upon CEC request, the PN and PSRM submitted additional information on their membership fees as declared in their first two reports. Previously, the CEC requested the National Anti-Corruption Centre to investigate the sources of the income of these two parties, which was subsequently overturned following appeals. On 22 May, the State Tax Inspectorate requested the PSRM to submit its financial records since 2011 within six days, for reasons classified "tax secret" as defined by law. The PSRM stated that the request was politically motivated, that only the CEC is competent to verify the political party finances, and requested a postponement until after the elections.⁴³ The Tax Inspectorate has by law 30 days to respond.

Contestants declared a total of MLD 73 million of incomes and expenditure.⁴⁴ Independent candidates were to report to DEC's, which noted that most candidates either did not submit financial reports or declared no transactions. The current campaign finance rules have been viewed as a burden both by independent candidates and by DEC's. Few reports of independent candidates were posted on the websites of the local administrations, as required by law.

Media

Television is the primary source of information, with numerous media outlets operating across the country. Print media is constrained by limited circulation. Internet provides an additional source of political and election information. The Audiovisual Code, which regulates the media, was amended in March 2015, with the aim of increasing the transparency in media ownership.⁴⁵ Civil society and international organisations expressed significant concern over the concentration of media ownership, and warned that additional amendments under discussion could endanger media pluralism.⁴⁶ Political influence over the media landscape is exerted by the *General Media Group*, a dominant corporation associated with the PDM Deputy Chair.

⁴⁰ As of 1 January 2016, the law removes the five per cent limit and would allow for party deregistration for any use of undeclared or foreign funds and overspending.

⁴¹ The bloc Peoples' List, Patriots of Moldova, Rebirth, the Peoples' Socialist Party, Christian Democratic Peoples' Party, Party of Regions, Democracy at Home, Socialist Party of Moldova and Law and Justice Party were warned for not submitting reports.

⁴² The PSRM filed a complaint alleging that the PL used undeclared or non-permissible funds for the printing copies of the activity book of the incumbent Mayor of Chisinau and disseminated it as campaign material.

⁴³ The State Tax Inspectorate informed the OSCE/ODIHR LEOM that it has not made similar requests in the last two years.

⁴⁴ The highest incomes and expenditures were declared by the PDM, PSRM, PN, PCRM and PLDM.

⁴⁵ These amendments will take effect in November 2015.

⁴⁶ See the [2014 Legal Analysis of the Draft Laws Amending and Complementing the Moldovan Audiovisual Code by the OSCE Representative on Freedom of the Media](#). See also the [2014 European Neighbourhood Policy Country Progress Report](#). On 22 April, [the OSCE Representative on Freedom of the Media stated](#) that some proposed provisions are excessive and not in line with best international practices.

The media offered wide coverage of the election campaign in a variety of formats, including newscasts, information programmes, paid airtime, and television debates. Broadcasters granted access to contestants; however, most showed a division along partisan lines, failing to comply with the legal obligation of impartiality. Nevertheless, voters were well informed of the political alternatives. Women candidates received marginal news coverage (seven per cent average in the monitored broadcasters), reflecting outstanding issues related to women's participation in political life. The monitored media respected the provision of campaign silence, which started the day before the elections.⁴⁷ Campaign materials remained visible on Internet including social media during the silence period, which is not regulated in the law.

The Election Code and the Audiovisual Code regulate the media during the campaign. The regulation on broadcast media coverage approved by the CEC required all broadcasters to provide fair, balanced and impartial coverage. The monitored broadcasters generally fulfilled their obligation to allot the maximum two minutes per day of paid advertisements to each contestant; however, many local broadcasters offered additional paid airtime to political parties.⁴⁸ The CEC produced a voter information campaign with thematic spots in the State language with Russian language subtitles and sign language, which was largely broadcasted by the media.

The Audiovisual Co-ordination Council (CCA) oversaw media coverage and its compliance with the law. During election campaign, the CCA received six media-related complaints. It published three media monitoring reports for the period from 9 May to 6 June. The CCA warned nine television channels and sanctioned five broadcasters for biased coverage.⁴⁹ The enforcement mechanism of the CCA remains weak as it lacks effective and timely remedies.⁵⁰

On 27 May, the CCA renewed the ban of *Russia 24* channel over alleged propaganda, hate speech and threats to national security. This decision violates the principle of proportionality and is at odds with paragraph 9.1 the 1990 OSCE Copenhagen Document.⁵¹ Many OSCE/ODIHR LEOM interlocutors questioned the CCA independence from political influence.⁵²

The public broadcaster, *Moldova 1* granted candidates equal access to television debates. It also organized debates among mayoral candidates for Chisinau, Cahul, Comrat and Balti. All local broadcasters also organized electoral debates, as required by law. *Moldova 1* generally provided equitable news coverage of the contestants, but devoted extensive coverage to the government (38 per cent) and Speaker of the parliament (8 per cent), and favoured the ruling PLDM (10 per cent). *Radio Moldova* devoted most of its news coverage to government activities (77 per cent), and *Gagauz TV* to the local government of Gagauzia (80 per cent).

⁴⁷ Between 18 May–14 June, the OSCE/ODIHR LEOM monitored primetime political coverage of seven television channels (*Moldova 1*, *Gagauz TV*, *Jurnal TV*, *Prime TV*, *Pro TV Chisinau*, *Publika TV*, and *TV 7*), one radio station (*Radio Moldova*); two newspapers (*Komsomolskaya Pravda*, and *Moldova Suverana*); and five online media (*moldova.org*, *noi.md*, *omg.md*, *point.md*, and *unimedia.info*).

⁴⁸ All broadcasters were required to provide the CCA with statements about their election coverage. Many broadcasters published price lists for television shows and news reports and in at least in one case payment was requested to organize electoral debates.

⁴⁹ To date, the CCA imposed only minimum fines to *Publika TV*, *Canal 2*, *Canal 3*, *Prime TV*, and to *Accent TV*.

⁵⁰ Fines are limited by Article 38 of the Audiovisual Code between MLD 1,800 and 5,400.

⁵¹ Paragraph 9.1 the 1990 OSCE Copenhagen Document states that the right to freedom of expression includes freedom to impart information and ideas without interference by public authorities and regardless of frontiers. Also, paragraph 26 of the 1991 Moscow Meeting Document states that “media in their territory should enjoy unrestricted access to foreign news and information services. The public will enjoy similar freedom to receive and impart information and ideas without interference by public authority regardless of frontiers, including through foreign publications and foreign broadcasts. Any restriction in the exercise of this right will be prescribed by law and in accordance with international standards”.

⁵² CCA members are appointed by the parliament. On 5 June, the PCRM excluded from its ranks a CCA member due to his vote for the suspension of *Russia 24*, which it labeled as in breach of the party's policy.

The monitored private broadcasters showed bias. *Prime TV* and *Publika TV* largely favoured the PDM, with 21 and 14 per cent, respectively, of mostly positive news coverage. These two national channels did not organize debates and frequently aired a *VIP Magazin* spot featuring positively the PDM candidate for Chisinau mayor. *Jurnal TV* devoted extensive mostly negative news coverage to the government (23 per cent) and its parties: PDM (21 per cent), and PLDM (12 per cent). *Jurnal TV* covered a 7 June march promoted by a civil society group by airing a television spot against the ruling parties. These three channels devoted limited and often critical news coverage to the PSRM. *Pro TV* and *TV 7* provided generally neutral coverage of the major political parties, although devoted more time to the PLDM and PL.

Online and print media showed more diverse views. *Komsomolskaya Pravda* mainly favoured *Ravnopravie* and PN, *Moldova Suverana* favoured the PSRM, *Noi* the PCRM, and *Omega* the PN and PCNM. *Unimedia*, *Point* and *Moldova* provided generally balanced coverage. Some campaign materials in the print media were not identified as paid advertisement, as required by law.⁵³

Complaints and Appeals

The complaints and appeals process is regulated by the Election Code and CEC decisions. Voters and contestants may complain about action, inaction and decisions of election commissions, other contestants and the media.

Complaints and appeals were overall handled in an open and transparent manner and within legal deadlines, and generally provided for effective judicial remedy. The CEC processed complaints and appeals in timely and transparent manner. CEC sessions and court hearings were open to the media and the public. The CEC received 55 complaints and appeals, mostly related to candidate registration in DECs. It reviewed and made decisions on 18 complaints. Others were dismissed for not complying with procedural rules or as being outside its competence. Two complaints were withdrawn by petitioners. The OSCE/ODIHR LEOM was informed that eleven CEC decisions were appealed to the Chisinau Court of Appeal; three were dismissed for a lack of sufficient information, one was satisfied fully and one partially; information on the remaining six was not made available.

The OSCE/ODIHR LEOM is aware of some 85 complaints filled with the DECs and territorial courts. Of those, 25 related to illegal campaigning, 17 to candidate registration,⁵⁴ and 12 to abuse of public office and the misuse of administrative resources. The others related to obstruction of campaigning, vote-buying and complaints on the media. The OSCE/ODIHR LEOM attended 11 DEC sessions adjudicating complaints, where DEC knowledge of procedures varied. The confidence level in the complaint process differed among stakeholders.

Citizen and International Observers

The Election Code provides for citizen and international observation, as well as for the presence of contestants' proxies and representatives at polling stations. A total of 2,215 citizen observers representing 14 organizations were accredited by the CEC. One civil society organization, Promo-Lex, conducted a large-scale observation, including long- and short-term observation, campaign

⁵³ For example, *Komsomolskaya Pravda* published campaign materials of *Ravnopravie* candidate for Orhei mayor, and PSRM and PLDM candidates for Chisinau mayor.

⁵⁴ For example, on 4 May, the PN submitted documents for registration of the candidate list for DEC Briceni. On 12 May (a day after the response deadline), the party applied to the CEC to oblige the DEC to consider their application. On 13 May, the party received the DEC decision rejecting their list registration on procedural grounds. The PN appealed the DEC decision to the CEC, which overturned it on 15 May and the party list was registered.

finance reporting and parallel vote tabulation for Chisinau, Balti and Comrat mayoral elections. Another organization conducted media monitoring of 10 outlets during the campaign.⁵⁵

Election Day

In the limited number of polling stations visited by international observers, the process was transparent and procedures were generally followed. However, vote secrecy was not always ensured due to voters waiting inside polling stations and voting screen design and placement. Voter verification and transmission of results through the SAISE functioned efficiently, with minor exceptions. Most polling stations visited by international observers lacked adequate access for voters with disabilities. The counting and tabulation processes observed by international observers were orderly and well organized, although minor procedural shortcomings were noted.

On election day, the CEC operated transparently and efficiently and published preliminary results protocols by polling station on its website. Voter turnout was reported at 49 per cent. The transparency of the process benefited from the systematic presence of party and candidate representatives and citizen observers.

*The English version of this report is the only official document.
An unofficial translation is available in Romanian and Russian.*

MISSION INFORMATION & ACKNOWLEDGEMENTS

Chisinau, 15 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. In line with OSCE/ODIHR's standard methodology for LEOMs, the mission focused on the longer-term electoral process without the additional deployment of short-term observers that would have provided the basis for a quantitative assessment of election day. The observers visited a limited number of polling stations around the country on election day, although observation was not conducted in a comprehensive manner.

The Congress of Local and Regional Authorities of the Council of Europe deployed a 24 member delegation representing 16 countries from 9 to 15 June 2015. It included five members of the EU Committee of Regions and a member of the Congress' Group of Independent Experts.

On election day, 55 observers from 33 countries were deployed, including 24 locally elected representatives and staff from the Congress and 31 long-term observers and experts from the OSCE/ODIHR.

The observers wish 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,⁵⁶ the Council of Europe Office in Moldova 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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⁵⁶ The OSCE/ODIHR LEOM and the OSCE Mission to Moldova operate separately under their specific mandates.