



Office for Democratic Institutions and Human Rights

REPUBLIC OF MOLDOVA
PARLIAMENTARY ELECTIONS

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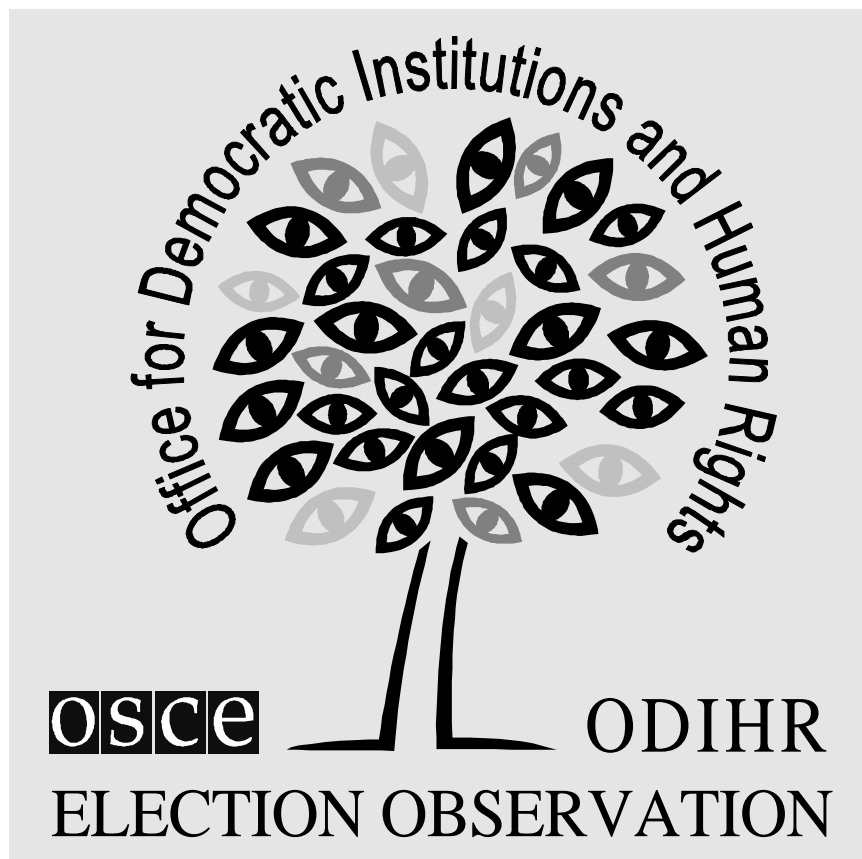


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I INTRODUCTION

Upon invitation from the Ministry of Foreign Affairs of the Republic of Moldova of 14 January 1998, the Organisation for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission in Moldova for the 22 March Parliamentary elections.

Mr. Markus Aaltonen, member of the OSCE Parliamentary Assembly and Chairman of the Foreign Affairs Commission of the Finnish Parliament, was designated by the OSCE Chairman-in-Office as a Special Co-ordinator to the Election Observation Mission

Mr. Kåre Vollan was appointed as the Head of the ODIHR Election Observation Mission in January, upon being seconded by the Government of Norway.

This statement is based upon the collective findings of observers seconded by 30 countries, by parliamentarians and public officials representing the OSCE Parliamentary Assembly and the Council of Europe Parliamentary Assembly, the OSCE Mission to Moldova, local Embassies, as well as a number of NGOs. In total, 140 short term observers and 14 long term observers and core staff were deployed throughout the country.

The Election Observation findings will also be part of the Council of Europe Parliamentary Assembly ongoing monitoring of Moldova.

II SUMMARY OF CONCLUSIONS

The election process was as a whole satisfactory. The candidates could compete under generally good conditions, and the voters could freely express their will on election day. A major exception to this positive assessment was Transnistria, where - due to the lack of *de facto* control by the Government of the Republic of Moldova - neither the candidates nor the voters had even close to adequate conditions for exercising their civil rights.

No significant deficiencies were observed during the pre-election period or on election day. However, further improvements can be made, in particular with regard to the legal framework, the voters registers and the media campaign.

III THE LEGISLATIVE FRAMEWORK

III.1 General

The Legal Framework

The Election Observation Mission was pleased to note that a number of the recommendations issued by the OSCE/ODIHR Election Observation Mission after the Presidential Elections in 1996 had been worked into the new electoral legislation. A permanent Central Election

Commission has been established, and adjustments have been made to the voting and counting process.

The electoral law is now one single law containing regulation of Presidential, Parliamentary and local elections as well as referenda. This provides a good improvement in that it guarantees that all technical arrangements are the same in all types of elections.

III.2 The Electoral System

The Republic of Moldova constituted one single constituency only and the electoral system was proportional. Candidates were nominated by parties, blocs or as independent candidates. On the ballot paper each party, coalition and independent candidate was listed with one entry each, and the voter marked the ballot with one indication only, according to their preference. The minimum number of votes that a party, bloc or independent candidate needed to gain one seat was set to be 4 % of the total number of votes cast. The number of seats was distributed proportionally between the entries that gained more than the threshold.

The electoral system was a divisional number system where the number of votes for each party or bloc was divided by 1, 2, 3, 4,, the so-called d'Hondt's Method. These quotients and the number of votes for the independent candidates were arranged in declining order. Each party or bloc got as many candidates as they have quotients between the 101 (which is the number of seats in the Parliament) highest quotients.

In the case of parties and blocs the persons actually elected were those candidates listed first on the party or bloc list, according to the number of seats won by that party or coalition. An elected independent candidate, would take the one seat personally.

III.3 Some Legal Issues

The Lack of Geographic Representation

The Parliament decided on an electoral system with one single constituency covering the whole country, and with proportional distribution of seats. This system may be appropriate in countries with no geographically concentrated minorities. However, if there are clear regionally based minorities, a system that provides for political competition within regions is normally used. This can be done by dividing the country in a number of constituencies. Complaints were raised by representatives from the Gagauzian authorities that the law did not give sufficient possibility for the Gagauzian population to have a political competition between parties within their Autonomous Territory. It is recommended that this issue be addressed as a matter of priority when reviewing the election law in view of future elections. Several systems combining full proportionality between parties and geographical representation are available. One simple method is to divide the country in a small number of constituencies following already established administrative boundaries (but combining counties into larger constituencies), applying a proportional system within each one of them, and then have a number of nation wide mandates to compensate for any lack of country-wide proportionality resulting from the district representation.

Such a system would also be of relevance for Transnistria.

The Threshold for Independent Candidates

An issue of controversy was whether the 4 % threshold was to be applied also to independent candidates. Some parties and the Central Election Commission (CEC) was of the opinion that the Election Law Articles 86 and 87 were not clear as to whether the threshold was to be applied to independent candidates or not. One argument was that the text had not been adopted with the same wording as a previous law where this issue was more clear. A petition was raised by the Government to the Parliament to make a clarification to the effect that independent candidates should be exempted from the threshold. This was rejected by the Parliament on 18 February, and the CEC was after this clear on its interpretation that the threshold would apply to independent candidates. The Election Observation Mission agrees that the wording of the law is quite clear, and that the threshold was to be applied even for independent candidates.

After the Parliament had decided that the threshold was to be applied even for independent candidates, the President filed an appeal with the Constitutional Court as well as a request to the Parliament to reconsider the issue, upon the request of more than thirty independent candidates. The Parliament did not put it on its agenda again, and the Constitutional Court reached a decision on the issue only in May, well after the elections. The decision confirmed the position of the CEC and the Parliament. The unclarity that remained on election day may have affected the voters' choice. It should therefore be emphasised that all ambiguities should be removed before the elections whenever possible.

It should be noted that the rule as it stands makes it difficult for an independent candidate to win a seat in the Parliament. This is, however, an intended effect and it is also the case in many countries that the representation from parties is the main rule, but an opening for independent candidates is being kept for exceptional cases. The Election Observation Mission does not take a stand on the substance of this issue.

The Incompatibility between Holding Certain Positions and Being a Candidate

The election law Article 13 states that a person holding a position that is incompatible, according to the law, with being a Member of Parliament cannot be elected unless he suspends his activity in the relevant position for the election campaign period. The law on the Status of Members of Parliament of the Republic of Moldova Article 3 stipulates that

The mandate of a Member of Parliament is incompatible with:

- a) the position of President of the Republic of Moldova;
- b) the position of member of Government;
- c) the exercise of any paid position, including the position offered by a foreign state or international organisation .

Other laws maintain similar regulations. The law on political parties that stipulates in Article 8 a restriction on political activity for military personnel, employees of internal affairs bodies, judges, public prosecutors and others. Similarly the law on the status of Judges that stipulates that a Judge cannot be member of the Parliament.

It is clear and not controversial that a Member of Parliament cannot be President of the Republic or member of Government, a Judge, a Public Prosecutor, and so on. The issue, raised especially by opposition parties, was if a Government member could stand as candidate for the Parliament, and then only upon being elected, should have to make a choice.

The CEC was in favour of allowing ministers to run for Parliament, arguing that the incompatibility should apply only to civil servants not engaged in politics, such as police officers or Judges. They argued that international practise normally would allow government members to run for a seat in the parliament. Further, the law on the Status of Members of Parliament Article 3 c) (MP) envisaged an incompatibility even with *any paid position*, that is with any job. This could, however, not have been intended, so they would restrict the interpretation to civil servants.

The Parliament, however, upheld the strict interpretation of the law, and the CEC made thereafter a consistent ruling on 20 February: Candidates to the role of member of the Parliament of the Republic of Moldova, who are engaged in a public service are obliged during the period of election campaign, starting on the 23 February, to suspend their public activity .

The Referendum on a Basic Law for Gagauzia

On 16 February 1998 the Gagauzian Popular Assembly decided to hold a referendum in Gagauzia on a draft of Basic Law for the Administrative Unit, setting the day of voting on the same day as the Parliamentary elections. The Central Election Commission authorised the District Election Council (DEC) of UTA Gagauzia to carry out both polls. This CEC decision was appealed to the Supreme Court by the Party of Democratic Forces (PDF) and some private citizens.

According to the petitioners, such decisions run against several provisions of the Election Code; Constitutional provisions, and the Law on the Special Legal Status of Gagauzia. By setting the referendum day, several provisions related to citizens equality, functioning of languages, and rights of citizens to information were violated. The Supreme Court accepted the appeals with the motivation that it was not clear which draft text of the law was going to be the subject of the referendum; that the date of the referendum was too close to its decision; the decisions were published only in Russian and thus infringing the Law on the Languages of the Republic and, finally, that several provisions of the draft regulation would contravene the Law No 344 of 23 December 1994 on the special status of Gagauzia.

After this decision, the CEC annulled the referendum. The Gagauzian authorities accepted the decisions. They have later requested the Council of Europe for a technical assistance team, to

make an assessment of their Basic draft law with respect to Moldova Constitutional Provisions and the international standards of autonomous regions in Europe.

IV THE ELECTION ADMINISTRATION

The highest administrative unit organising the elections was the Central Election Commission (CEC). In line with the recommendation of the OSCE/ODIHR Final Report on the Presidential Elections in December 1996, the CEC is now a standing body with a term in office of six years. The nine members with voting power are nominated by the Parliament, President of Republic of Moldova (Government) and the Supreme Council of Magistracy, three members from each and confirmed by the Parliament. The Chairperson, the Deputy Chairperson and the Secretary work on a permanent basis, while the other six members are summoned by the Chairperson upon request. In addition, each candidate has the right to appoint one member to the CEC, but this member enjoys only a 'consultative vote'.

The next level consisted of the District Election Councils (DECs). There was one DEC for each of the 45 administrative units of Moldova, consisting of 4 municipalities (municipale), 1 autonomous territory with special status (U.T.A. Gagauzia) and 40 regions (raionale). However, the DECs were not established in Transnistria, and the actual number of working DECs were therefore 38.

The third level of organisation were the Polling Station Bureaus (PSBs) of which there were 2,011. For each polling station there were supposed to be between 30 and 3,000 registered voters. More than 10% of the total number of PSBs are in Chisinau municipality.

Since the political situation in Transnistria did not allow for voting being organised on the left bank of Nistru, 13 polling stations were established on the right bank for people in Transnistria to cross over the river to vote. These PSBs were administered by seven DECs on the right bank. To each of these polling stations, only voters living in specified villages were allowed to vote.

Ballot Papers

The design of the ballot paper made the counting process complicated, the stamping of the ballot less efficient and the annulling of withdrawn candidates cumbersome. Due to the large number of contestants, the ballot paper was designed as a small booklet made of three separate sheets folded and stapled in the middle, showing 12 pages including a front and a back cover. For this reason, the reader had to turn the pages six times in order to examine each ballot paper. This caused a loss of time in the counting process since it was impossible to check by a glance the choice of the voter.

Protocols

The official counting protocol has been designed according to the election law, Article 58, f. that stipulates that the number of valid votes cast for *each* electoral contestant must be reported. The protocol does not report the *total* number of valid votes cast for all contestants. However, such total number is of paramount importance for reconciliation at the PSB level, and should therefore be included in the future.

V VOTER AND CIVIC EDUCATION

According to the law, each voter had to be informed with a written communication to his domicile, of the location of his polling station. This happened in most cases.

General voters education was done through the political contestants efforts to explain the election regulations to their supporters, as well as through a number of local newspapers at district level.

National television broadcasted short spots, with explanations on how to vote.

Election officials have generally shown a good degree of preparation, in spite of being very poorly paid, and not on time, for their work, do to the general economic situation in the country. Training seminars were held for the PSB members in all districts, but their quality can be improved with special emphasis on recent changes in existing laws which officials sometimes seemed not to be aware of. More emphasis should be put on enforcing the provisions for secrecy of the vote.

Party observers were sometimes not fully aware of their rights, and for this reason their presence was not as effective as it could have been.

Voters in Transnistria were informed by media from the territory controlled by the Government, and also by advertisements in the local newspapers, e.g. organised by the OSCE Mission to Moldova. However, the low turnout there may be attributed to inadequate information, as well as to the Transnistrian authorities' hindrances to free movement.

VI VOTER REGISTRATION

Voting took place according to voters registers. The registers were established per PSB and the voters had as a main rule to vote where they were registered. The registers were developed by the respective PSB and the Municipality, and they were then made public for voters to check their entries by the 2 March. This deadline was not generally respected, and the registers were not always published by actual posting or exposure in public places.

Citizens who were not included in the voters registers but who could prove their residence within the area of the Polling Station by showing a valid certificate of residency (*propisca*), were also able to vote. In such case their name will be included in a hand written supplementary list.

Citizens who had changed their place of residence after the voters registers were compiled, could be issued with a voters' certificate at their former place of residence, by signing the voters register at that place. When voting at the new place of residence, this voters certificate was retained, and the name of the voter was entered into the supplementary voters list.

The accuracy of the voters' registers had not been very high in previous elections, and unfortunately they are still not accurate. A number of the voters (approximately 6 % of those actually voting) had to be entered manually into supplementary lists, indicating that they had not been registered before the elections. This created some uncertainty with regard to the control of the voting process.

Transnistria

Polling by Transnistrian voters took place only on supplementary lists, as in past elections. There was no possibility to develop any voters registers in that area, due to the refusal of local *de facto* authorities to allow for any election process in that territory. Residents in Transnistria who were eligible to vote, needed to cross over to the west side of the river Nistru where 13 polling stations were assigned to receive voters from the east side.

Supplementary lists were hand-written and voters names were entered without any order that would allow for an efficient check of double voting. In the special polling stations for Transnistrian voters, several thousand voters could be expected in a single polling stations, and a check of double voting could become impossible. Only in the Varnita polling station (the largest of the 13 assigned to Transnistrian voters), the Chairperson decided after some time of voting, to enter voters names in alphabetical order. Such arrangements had previously been recommended by OSCE/ODIHR and should have been planned for in advance.

VII CANDIDATE REGISTRATION

Candidates registration was done by the CEC, upon the nomination by parties and other social-political organisations which are registered in accordance with their statutes and the current legislation, by electoral blocs or by citizens of the Republic of Moldova.

Nominations of independent candidates needed to be supported by at least 2,000 signatures of citizens with the right to vote. Parties or blocks, on the other hand, did not need to collect signatures to nominate candidates. According to the law on the registration of political parties, their statute was registered at the Minister of Justice if there were at least 300 members. Each list had to encompass from a minimum of 51 candidates to the maximum of 103.

All parties and blocks that nominated candidates were registered by the CEC, reaching in the end the number of nine parties and six electoral blocks.

Over 140 independent candidates applied for registration, but only 67 were accepted by the CEC after the scrutiny of their nominations. The overall number of contestants marked in the official ballot papers was 82. By the election day, 7 independent candidates withdrew.

Moreover, 15 candidates on the party ticket of Marina Livitchi (Party of Social-Economic Justice of Moldova) left the party, without affecting the contestants number.

The overall number of candidates registered from party/block lists or as independent candidates amounted to 1407.

After the decision by the Parliament and the CEC on the incompatibility of candidates (see Section III.3) all main contestants complied with the rule. Some suspended their official functions for the election period; and some others, as the incumbent Prime Minister Ion Ciubuc, withdrew his candidature. Only the Mayor from the second city of the country, Balti, decided to run for the Socialist Unity Party without suspending his official functions until the end of February.

VIII THE PRE-ELECTION CAMPAIGN

The electoral campaign was conducted in a generally calm manner.

However there were again some instances of inflammatory language during the campaign, as it was in earlier elections.

In one case Nazi symbols were used to characterise another contestant. In several TV-spots a party was comparing another contestant with Stalin and Hitler.

On March 17, one candidate was attacked in an appeal from Association of Orthodox Christians of Moldova published in another parties' newspaper for having a Baptist on their list and the party leader had "sold himself to sectarians, which poison and kill the soul of our Christians". The mentioned association is probably a fiction and the Moldovan as well as the Bessarabian Orthodox Church denied that they have anything to do with this appeal.

Despite such regrettable incidents, there was an improvement in the general tone of the campaign as compared to previous elections.

Several issues related to the campaign were solved before the campaign became intense. As mentioned above, on 20 February, the CEC took a decision that all candidates who held a public office had to suspend their activities beginning with 23 February. This decision reduced the possibility for using public funds and infrastructure for campaigning purposes.

Following up recommendations by the CEC and a Parliamentary Decision of 19 February, the Minister of Education, on 3 March, changed its order from 31 December, 1997 and allowed the use of schools as campaign venues when there were no classes. As in rural areas, school buildings are very often the only place where meetings can be held. This decision certainly helped the parties to conduct their electoral campaign in the country-side.

IX THE MEDIA

The ODIHR/OSCE Election Observation Mission monitored the Moldovan press with the help of a standardised method and conducted observation of the Moldovan state television. In addition, the Mission co-operated with the European Institute for the Media (EIM) who conducted a rigorous analysis of the media according to their standardised methodology.

The electoral campaign was widely reflected in the mass media and every electoral contestant had access to the electronic as well as print media according to the law and to the regulations issued by the Central Election Commission and by the Audio-Visual Council. The campaign was followed not only by the Moldovan media but also by the Russian channel ORT, which is retransmitted in Moldova by a the private company "TV-Telecom" and which has special news and advertisement slots for Moldova.

The state television, TRM, was allowed to grant up to six hours of free and paid air time for short spots and electoral sequences to each party or bloc. In addition, TRM was obliged to present all electoral contestants during its Mesager news program. These presentations were produced by TRM. Nevertheless they all had a positive connotation and did not differ much from the political advertisement the contestant produced themselves. Although the program of TRM was overloaded with electoral advertisement, presentations and round tables during the last part of the campaign, the state television failed to reflect on the electoral campaign as such, as it was just presenting the electoral contestants without any editorial analysis. The EIM team concluded on a lack of analysis to the point where the voters were deprived of qualitative information and analytical programming. By covering every of the 82 electoral contestants with the same positive, non-critical approach the state television gave the viewer no orientation in order to make up his mind. At the same time, TRM, on several occasions, gave room to the President of the Republic on election issues:

On 22 February, President Lucinschi gave a Prime Time interview on TRM during which he urged voters to elect pro-presidential forces and singled out the Democratic Convension of Moldova (CDM) as a political force not willing to co-operate with him in practice. On the eve of the elections the President gave another interview on TRM in which he however did not get engaged directly in the election campaign, but put his emphasis on the request to the voters to participate in the vote. On the same evening, however, the President, had also a shorter appearance on the Mesager news program, where he again urged the voters to elect moderate, centrist, pro-presidential forces. Similar appeals have been made by the President on TRM on 1 March, when he mentioned the Bloc for Democratic and Prosperous Moldova (PMDP) as the only force which showed also in practice that it supports him and on 16 March. By granting the President of the Republic a one-hour-interview on 21 March, TRM gave him the possibility to present his political program which coincides mainly with the one of the PMDP. Strictly interpreted, this could be regarded as a form of hidden campaign outside the special marked electoral slots and thus a violation of point 4.4. of the AVC Conception on the Reflection of the Electoral Campaign in the Mass Media. If an elected President expresses his preferences on upcoming elections, he should do so in a campaigning context and outside of the time slots allocated to him in his official capacity.

The two private Moldovan TV channels monitored, NIT and TV Catalan, showed also a clear bias. TV Catalan showed preferential treatment of the Party of Democratic Forces in its editorial coverage while negatively reporting on the activities of the Party of Democratic Forces (PFD's) main opponents. According to the EIM, the channel dedicated 39 minutes of editorial time to the PFD showing it in a predominantly positive light and reserved 87% of all political advertisement for this party. In this regard it has to be mentioned that the director of TV Catalan, was number 15 on the PFD's list and the director-general of the Catalan company, ran as number 12. Whereas the PFD was the only party which received positive coverage on TV Catalan, the Bloc for a Democratic and Prosperous Moldova (PMDP) was the only party receiving positive coverage on NIT.

The slots on the Russian channel ORT were exclusively used for political campaigning in favour of one electoral contestant, the Civic Alliance "Furnica", which listed the President of "TV-Telecom", second on its candidate list.

Thus, although progress has been made during the last years further development is needed in order to be able to provide political orientation to the electorate. Besides the mentioned lack of editorial coverage by the State TV of the campaign it is especially regrettable that the private TV stations were bound to certain political forces and therefore could not function as an independent source of information.

Also, all major Moldovan newspapers, in particularly the non-state owned, backed one or the other of the biggest political parties. This was to a lesser extent also true for the two government newspapers Moldova Suverana and Nezvissimaja Moldova which were slightly biased in favour of the PMDP. Both papers, for example, did not obey point IV.3. of the CEC Regulations on the Reflection of the Election Campaign, by publishing more than two pages of political advertisement in favour of the PMDP. Also, the editorial coverage of the PMDP in these newspapers outran the coverage of any other party. However, compared with the clear bias which could be observed in the state media during the 1996 presidential election campaign, a big step forward has been made by the state television and both the state newspapers.

As far as the Transnistrian Media is concerned, hardly any coverage of the Moldovan Parliamentary Elections took place. Moldovan electoral contestants were only covered when they touched Transnistrian issues and only one electoral contestant, the Socialist Unity Bloc, had access to the Transnistrian TV and was able to send 30 minutes electoral sequences.

X OBSERVATION ON POLLING DAY

On election day observers visited more than 710 polling stations, which represents more than 35 % of the total number. The sample chosen was balanced by including all parts of the country, cities towns and countryside, but with a certain over-representation of certain critical areas.

The voting and counting on election day was performed in an orderly and professional manner, and the people involved were committed to their important task.

The polling was carried out from 7:00 to 21:00 hrs. Polling stations opened generally on time; only one polling station of the 65 polling stations observed opened after 07:15.

In most polling stations observers from different political parties were present at the opening of the polling and remained for the whole process.

Some areas can still be improved:

The presence of unauthorised persons (Policemen, Mayors, etc.) was observed in 19 % of the polling stations. In one case the Mayor made a short speech when opening the polling station. Even though the presence of police forces was never necessary to ensure public order, it was observed in many places as being a general instruction issued by the government. Often municipal civil servants who were not members of the PSBs were present at the station offering technical advice.

Approximately 6.5 % of the observers reported that the premises of the polling stations were not adequate for the purpose. Many observers reported over-crowding within the polling station and that many of them were too small to handle the number of voters turning out.

The design of the ballot paper made the counting process complicated, the stamping of the ballots less efficient and the annulling of withdrawn candidates cumbersome.

In many instances all ballot papers were stamped before opening the polling station, contrary to the law and instructions,

The party observers did not always understand their role and their training should be improved.

Family voting is still a common practise, in particular in the villages. In total more than 30 % polling station observations included family voting and 5.5 % indicated open voting. The arrangements for assisting voters that needed assistance was violated in a large number of cases observed.

The withdrawal of four independent candidates at the last minute caused many technical problems. In some cases the PSBs were not informed until shortly before the polling station was due to open.

In the Polling Station of Varni, which had been designated for Transnistrian voters, the arrangements for receiving the number of voters that could be expected were not adequate. There was little control with arrangements against double voting, but later during the day the situation was improved by organising the voting lists in alphabetical order.

The overall assessment can be translated into 76 on a scale from 0 to 100.

The Transnistrian Region

The region on the left bank of the river Nistru is not under *de facto* control of the Government of the Republic of Moldova. It was therefore necessary to make arrangements for these elections similar to those established for the 1994 and 1996 elections, by inviting voters to travel to the right bank to vote in thirteen special polling stations set up for voters who reside in the Transnistrian region.

This was unfortunately not an adequate arrangement for giving all citizens a possibility to exercise their right to vote. Under normal circumstances the electorate of this size would be served with between 400 and 500 polling stations. The responsibility for this situation rests squarely with the Transnistrian authorities.

Based upon an oral agreement made in a meeting on 20 January with the Transnistrian authorities, and confirmed on the telephone on 9 March, the Central Election Commission organised buses to cross over to the left bank to bring voters back to the thirteen polling stations. The vast majority of these buses were on election day prevented by the Transnistrian authorities from crossing over to the left bank, and even regular buses were stopped or delayed in some cases, apparently as the result of an order originating from the Transnistrian security apparatus. There were also reports of intimidation of some Transnistrian voters on election day and the days leading up to it. In some regular buses, the control of persons went beyond the usual one, and names were recorded. People told the observers that they were afraid. These serious and deplorable manipulations deprived a vast number of voters from exercising their right to vote.

The turnout in these polling stations was less than half of the turnout during the 1996 Presidential election. Even though the number of eligible voters is uncertain, this represents less than 1-2 % of the electorate in Transnistria.

XI OBSERVATION OF COUNTING

The counting started immediately after the closing of polling. In the early hours of next morning, most polling stations had reported their results that in turn were tabulated and published as preliminary results, according to the law and in order to ensure transparency of the whole process. At 10 am on Monday 23 March the CEC published the results of 97% of the total number of polling stations.

Most observers reported that the elements of the count process were conducted correctly and that the count was generally well organised. In some individual cases, the counting was chaotic and unsatisfactory. A lack of training for the PSB could account for the instances of the disorganisation of the process.

Almost 10 % of the observers reported on too strict judgement on invalid ballots. In at least one place, the observers were not allowed to check the decision regarding the void votes.

The unfortunate design of the ballots accounts for some reports that not all the pages of the ballot pages were checked once the first mark had been found.

The sequence of the count procedure was not always adhered to. Thus more than 9 % reported that the unused and spoiled ballots were not counted and sealed before opening the ballot box, the protocols from the mobile voting were not reconciled prior to the opening of the ordinary ballot box in 27 % of the cases, the total number of ballot papers were not counted before counting the ballots in favour of each candidate in 56 % of the cases, the number of voters from the ordinary and supplementary lists were not properly established in 9 % of the cases. As a conclusion the understanding of the importance of and the procedure for the reconciliation of the figures at polling station level is still not fully understood.

In one polling station unused ballot papers were not cancelled as required, until a party observer insisted at the end of the count that this was done. At the same location, 362 ballot papers (already stamped for voting) were not going to be included for cancelling until the international observer commented that this number of ballots was missing from the total amount received from the DEC.

The aforementioned problem with the protocol missing the total number of valid votes cast, explains the failure of reconciliation in a number of cases, which have not been properly dealt with. Rather than re-counting the ballots, the DEC s have often preferred to correct the official figures in order to get them reconciled. In most cases the difference is not relevant, and does not affect the final result. However, the reconciliation process should become a more important part of the election officers training.

XII AGGREGATION AND VERIFICATION OF RESULTS

The reconciliation on polling station and DEC level has already been commented on in the previous Section. The CEC published intermediate results on the turnout already on election day and on the results the following morning. There was a procedure defined by the CEC on the data processing of both DEC as well as PSB protocols, and thus providing a scrutiny of the results.

The publishing of detailed results aggregated from polling station level is being done in Moldova, and observers, parties and the public are therefore able to make checks on the tabulation. This provides a very important measure of transparency to the process.

The results taken down by our observers in 66 polling stations were compared with the official tabulation and minor discrepancies that were found in 47 of them. This is a high number, probably in most cases due to the lack of re-conciliation at polling station level. The requirements for keeping a record of the changes made to protocols on DEC and CEC levels should be reviewed.

OSCE/ODIHR performed a parallel count based upon a sample of seventy polling stations observed during the count. Even based upon this small sample, the results for the parties exceeding the threshold value were within 1.3 % of the official results.

XIII RECOMMENDATIONS

Based upon the observations of the pre-election as well as the election day and post-election process the OSCE/ODIHR recommends the following issues to be addressed to improve the process even further:

- The electoral system could be reviewed to consider that both proportionality between political forces is secured on a nation-wide basis as well as a fair representation of regionally based minorities, such as the Gagauz.
- The editorial line of the state media should be further developed in the direction of providing a better independent reporting on the campaign, as opposed to just positive reporting on all parties. Special care should be taken when the incumbent President or representatives of the Government are given airtime.
- Establishment of independent, private media should be encouraged.
- The Transnistrian situation must be solved according to international law. The process by which the OSCE Mission to Moldova plays an important role must be supported by all parties involved. The disenfranchisement of a large group of voters, as was the effect for Transnistrian voters this time, should not be repeated.
- The voters registers should be further improved. A more automatic coupling to an appropriate citizens register should be considered.
- The design of the ballot paper should be changed to a folded single sheet. An ordinal number may be included next to each entry to simplify the count.
- The PSB protocols should include the total number of votes found in the ballot box, to secure a better re-conciliation.
- The training of PSB officials should be improved. This should include the importance of secrecy of votes, the duties and rights of party observers, the presence of unauthorised persons in the polling station, the judgement on invalid ballots, and the step-by-step counting procedure.