



**Liga Apărării Drepturilor Omului din Moldova**  
**League for Defence of Human Rights of Moldova**

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CIVIC COALITION FOR FREE AND FAIR ELECTIONS

THE LEAGUE FOR DEFENCE OF HUMAN RIGHTS OF MOLDOVA - LADOM

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## REPORT IY

### ON THE MONITORING OF THE ELECTORAL PROCESS

### EARLY PARLIAMENTARY ELECTIONS OF 29 JULY 2009



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## **INTRODUCTION**

The given Report covers the electoral situation in Moldova on the day of the early parliamentary elections of 29 July 2009. This is the forth Report regarding the monitoring of early parliamentary elections drawn-up by LADOM within the framework of the Coalition for Free and Fair Elections – Coalition 2009 and represents the natural continuation of the project „Observing parliamentary elections of 2009”. LADOM relies on previous missions of election monitoring, which were implemented both in the Republic of Moldova and in other countries from this region. The experience of observing elections on the date of the 5<sup>th</sup> of April 2009 was very useful for the consolidation of the observation efforts of all electoral processes and contributed to the prevention from various schemes of election rigging.

Data provided in the Report have been collected by means of direct observation ensured by a national network of 4 regional coordinators, 62 long-term observers and 1832 short-term observers placed in the localities of all districts of the republic. All observers are appropriately accredited by the Central Electoral Commission. The monitoring process has been carried out in accordance with the provisions of the Electoral Code of the Republic of Moldova, of the Code of Conduct of the LADOM observer and in compliance with the international standards in the field of election observation.

Conclusions and recommendations provided in the given Report have been formulated with good faith and presented in the spirit of professional cooperation with all stakeholders interested in the creation of a transparent and fair electoral process in the Republic of Moldova.

## **EXECUTIVE SUMMARY**

Following the monitoring efforts undertaken by LADOM on the election day of 29 July 2009, the present report reveals the fact that the election day was marked by an increased and remarkable activism and interests on behalf of the voters. The voters turnout in elections was very high, over 58% in spite of all the obstacles created by the power: organisation of elections on a working day, lack of conditions for the facilitation of the right to vote for the citizens living abroad, students and people from the left side of the Nistru river etc.

On election day, the voters were motivated by the need of ensuring a free and fair electoral process and did fully contributed to this. The intimations and complaints submitted by the voters have sensitised the public associations involved in election observation, as well as the electoral bodies as to examine and investigate with maximum responsibility all cases of violations and breaches of the electoral legislation. Although most of the problems confronted by the electoral actors during the electoral process have been settled by the electoral bodies in a competent, timely and responsible manner, they have left a impact on the correctness of the electoral process. The imperfect voters' lists generated various problems on the election day, many voters showed indignation that after voting on April 5 at the respective polling stations, they could not find themselves in the new lists drawn up and verified before the April 29 elections. The presence in the electoral lists of erroneously registered voters, of deceased persons or the repeated registration of one and the same voter in several lists or in one and the same list, as well as other errors and deviations from the electoral norms made up the subject of lots of intimations and complaints submitted by the voters and observers on the election day.

The limitation of the right to vote of many voters by the electoral bureaus of the polling stations outlines the imperfection of the electoral procedures, which should be tacked in the future. The influencing of voters by the members of the electoral bureaus, as well as the permission to vote, in some cases, with different ballot papers reveals the fact that the way of formation of the electoral bureaus does not exclude the political affiliations of its members.

The electoral propaganda and corrupting of voters on the election day was not an exception, together with the intimidation of observers for the mere fact that that have been reporting irregularities and frauds.

The performance of the electoral bodies at the level of the Central Electoral Commission is very positive, however at the level of electoral bureaus the situations leaves much space for improvements. A wide range of intimations and complaints submitted by voters, observers and electoral contestants can serve as a proof. The parallel vote tabulation has also outlined a series of shortcomings of the electoral bureaus performance on the election day.

Taking into account the irregularities, violations and deviations from the electoral legislation and reiterating the principle for the organisation and conducting of free and fair elections, LADOM assesses the early parliamentary elections of 29 July 2009 as being partially fair and, also, taking into account the difficulties faced by certain categories of voters in exerting their right to vote, as partially free.

## **FINDINGS**

The findings presented in the given report are formulated and generalised on basis of concrete cases registered by the LADOM observers in the process of election observation on the election day on 29 July 2009. The list of frauds and irregularities is attached to the given Report.

### **Voters' participation in elections**

The election day of the early parliamentary elections of 29 July 2009 was marked by increased activism and interest of the citizens towards this important democratic process. It seems that the voters have understood that the responsibility for transferring the power to the parliament lies in their hands and took a very active part in elections (the turnout was over 58%). On election day the voters were motivated by the need of ensuring a free and fair electoral process and did fully contributed to this. The intimations and complaints submitted by the voters have sensitised the public associations involved in election observation, as well as the electoral bodies as to examine and investigate with maximum responsibility all cases of violations and breaches of the electoral legislation. Although most of the problems confronted by the electoral actors during the electoral process have been settled by the electoral bodies in a competent, timely and responsible manner, they have left an impact on the correctness of the electoral process.

### **Voters' lists**

The imperfect and inaccurate voters' lists was one of the main issues of concern reported by LADOM. LADOM observers were ready to offer their full support and assistance to the election bodies in the view of verification and rectification of the voters' lists. Regretfully, the electoral bodies not only rejected the offered assistance, but, in most of cases, they displayed an unfriendly attitude towards this process and did not allow the observers to make copies from the voters' lists and to take them out of the polling stations.

As a consequence, the inaccuracies in the voters' lists generated several problems on the election day. The voters were very dissatisfied of the fact that they could not find their names in the lists, and some of them even refused to vote because of being excluded from the lists although they voted on April 5 according to the same lists. The observers' concern and the suspicions of the electoral contestants' representatives have been nourished by multiple cases of including the same persons several times in the lists, registering them in the lists of other polling stations, including deceased persons as well as other errors and irregularities.

### **Restriction of the right to vote of the voters**

Many voters have been restricted in the exercise of their right to vote because they were not included in the electoral lists, and the others, coming to the polling station found out that someone have voted and signed for them already. In other cases, the members of the family voted one for the other. There were multiple cases when the students having their residence visa expired were not allowed to vote in their permanent place of residence etc.

### **Influencing the voters and multiple voting**

Some members of the precinct electoral bureaus suggested the voters whom to vote and the others received several ballot papers to cast them into the ballot box.

### **Electoral propaganda and corrupting the voters**

The electoral propaganda on the election day providing compensations and gifts to the voters for voting a certain candidate was largely used on the election day. The representatives of the electoral contestants used various methods for determining the voters to vote a certain candidate, wearing electoral insignias, pennants, pieces of clothes or other elements which identify the electoral contestant and even by offering money and gifts to the voters.

### **Intimidation of observers**

Some of the observers have been intimidated by the chairpersons of the electoral bureaus, members of the commission or representatives of the electoral contestants who were angry for the fact that they were reporting the irregularities and frauds. Many observers were limited in their right to freely observe all electoral operations, and were not allowed to freely move inside the polling station.

### **Voting with improper identity acts or the non-application of the “voted” stamp**

Many voters have been allowed to vote with improper identity acts or with the copies of the identity acts. LADOM observers found out several cases when the members of the electoral bureaus did not apply the stamp “voted” in the identity act because of the voter’s refusal.

## **ELECTIONS ADMINISTRATION**

### **The performance of the electoral bodies**

The Central Electoral Commission had an excellent performance on the election day. It had supervised the way of unfolding and administration of elections reported by the inferior electoral bodies and provided necessary assistance to them. The attitude of some precinct electoral officials towards the role of observing the elections by the independent observers contributed to some extent to their intimidation and generated lots of complaints. Thus, the observers were not allowed to move within the polling stations being forced to observe the electoral process from a one and the same place.

As regards the transparency of the CEC activity, it is worth mentioning that on the election day the terms for transmitting the election results from the precinct electoral bureaus to CEC have been fully respected. The information collected by CEC during the day and in the night following elections regarding the elections turnout, preliminary results for each electoral contestant as well as the protocols of the polling stations was available to all interested parties, being scanned and inserted on the web page of the commission.

### **Electoral bureaus**

The performance of the electoral bureaus on the election day registered serious drawbacks. A series of polling stations were arranged in an improper manner, the polling-booths were poorly illuminated, the ballot boxes were anaesthetic or were placed behind the windows etc. Many polling stations were overcrowded, people had to stay in the queue for a long time in order to vote and this created chaos in many cases. A series of irregularities and frauds were registered in the process of unfolding and administration of elections. From the very beginning of the voting process, in some polling stations the electoral officials forgot to introduce the protocols in the ballot boxes, others allowed the multiple voting or voting with improper documents, prevented the voters to vote due to irregularities in the voters’ lists etc.

In a series of polling stations the final protocols were compiled with errors and mistakes.

## **Electoral contestants**

In general, the electoral contestants had a tolerant and agreeable behaviour during the election day. However, some representatives of the electoral contestants admitted a series of violations and breaches of the electoral legislation conducting electoral propaganda, influencing the voters or corrupting them. Lots of complaints have been submitted to the electoral bodies in this respect.

## **Complaints**

The overwhelming majority of the complaints has been investigated and administrated by the electoral bodies in compliance with the electoral legislation. The complaints related to the way of organising and administration of the electoral process, the registration of the voters in the voters' lists, limitation of the voters' rights, fraudulent voting instead of other people, voting with improper identity acts etc.

The complaints were dealt with by the precinct electoral bureaus, precinct electoral councils, Central Electoral Commission and the courts. The adopted decisions in the most of cases settled the raised issues and satisfied the complainants.

## **PARALLEL VOTE TABULATION**

LADOM, with the support of those over 2000 observers involved in election observation on the election day, conducted the parallel tabulation of the votes expressed in the majority of the polling stations, except 83 national polling stations and those from abroad.

Thus, LADOM collected the information reported from 1879 polling stations in a database. After processing, the distribution of the valid votes for each electoral contestant is presented in the diagram attached to the report.

While analysing the protocols of the polling stations on the tabulation of votes, several errors and irregularities have been found out. Thus, in 23 polling stations the number of the people who voted on the election day is bigger than the number of people who received a ballot paper. In 6 polling stations the number of persons who received a ballot paper is bigger than the number of voters in the voters' list. In 145 polling stations the number of ballot papers found in the ballot boxes is higher than the number of people who took part in elections. In 153 polling stations the number of the ballot papers received by the polling station from the district electoral council is smaller than the sum of the invalid and the valid ballots, which means that ballots were brought inside the polling stations from the outside. In 71 polling stations ballot papers have been taken outside the polling station, that is the number of ballot papers received by the polling station is higher than the number of valid plus the invalid ballots).

Some errors may be caused by the lack of sufficient information, since not all the protocols were completely filled in. Most of errors have been admitted by the precinct electoral bureaus. The detected cases will be reported to CEC and will be deeply analysed by LADOM specialists.

The results of the parallel vote tabulation are as follows:

1. PCRM – 45,18%;
2. PPCD – 1,94 %;
3. AMN – 7,42%;
4. PL – 14,17%;
5. PLDM – 16,31%;
6. PDM – 12,67%;
7. PSD – 1,9%;
8. PEAV – 0,41%.

## CONCLUSIONS

Taking into account the negative tendencies, the irregularities and violations of the electoral legislation found out by LADOM observers and reported in the present and previous reports, and reiterating the principles for the organisation and conducting of free and fair elections<sup>1</sup>, LADOM assesses the early parliamentary elections of 29 July 2009 as being **partially fair**. Taking into account the difficulties faced by the citizens from the left bank of the river Nistru, people working abroad and the students in exerting their right to vote, the elections were **partially free**.

Taking account of the fact that in accordance with the provisions of art. 62 and 135 from the Constitution, the Constitutional Court is the only authority to confirm the elections results and decide on the validation or invalidation of the parliamentary elections, in this process of transfer of power from the people to the newly elected Parliament, we consider of extreme importance to draw the attention of the electoral bodies, electoral contestants, public authorities and the media on the need for unconditional respect of all the norms and standards in electoral matters, with a view to ensure a free and fair electoral process.

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1 According to the Code of good practices in electoral matters of the Venice Commission for Democracy through Law of the Council of Europe, adopted in 2002 and to the Document of the Copenhagen reunion of the OSCE Human Dimension Conference of 29 June 1990, which the Republic of Moldova joined on 10 December 1991.