

INTERIM REPORT
24 October – 11 November 2014

14 November 2014

I. EXECUTIVE SUMMARY

- Despite a fragmented political landscape since the last parliamentary elections in 2010, the current parliament is set to complete its four-year term. The 101-member unicameral parliament is elected through proportional representation in a single nationwide constituency.
- The campaign is visible and relatively calm. Campaign activities are conducted through media, social networks, door-to-door-canvassing, and rallies. Isolated cases of vandalized campaign posters and billboards, use of inflammatory language, as well as official cars used for campaigning were observed. There were several instances of political parties and candidates campaigning prior to their registration as electoral contestants.
- The Election Code was amended since the last elections, most recently in April 2014. The OSCE/ODIHR previously assessed the legal framework as overall providing an adequate basis for conducting democratic elections. The recent amendments raised thresholds for entering the parliament, brought forward the implementation of the centralized State Register of Voters (SRV), and discontinued the use of ex-Soviet passport for voter identification. The Code, however, contains a number of provisions that are ambiguous and open to interpretation.
- The elections are administered by the Central Election Commission (CEC), 35 District Electoral Councils (DEC), and 2,073 Precinct Electoral Bureaus (PEBs). One of the nine CEC members is a woman, as are some 40 per cent of DEC members. So far, the election administration has worked in a professional and transparent manner, and generally met deadlines. Election stakeholders publicly raised the issue of a lack of clear and transparent criteria for the government to determine the number and locations of polling stations abroad.
- In an inclusive process, the CEC registered 21 political parties, one electoral bloc and 4 independent candidates. Candidate lists can be changed up until one week before election day. The number of candidates as of 7 November was 1,934, out of which 32 per cent are women. There are no legal provisions to enhance minority representation or participation of women in elections.
- The centralized SRV is being used for the first time and voter identification will be processed online in all polling stations. The SRV data shows some 3,072,000 eligible voters, about 10 per cent more than compared to the 2010 elections. The system will also allow PEBs to electronically report the counting results directly to the CEC. The CEC is yet to adopt the main regulation on the functioning of the SRV, and some OSCE/ODIHR Election Observation Mission (EOM) interlocutors expressed concerns about the readiness of the system for election day.
- Contestants have the right to free airtime on national broadcasters and media has to ensure fair and unbiased coverage. The Audiovisual Co-ordination Council, the media oversight body, warned 10 television channels for partisan coverage of certain contestants, and assessed public

Moldova 1 and private *Pro TV Chisinau* as balanced. On 26 October, the OSCE/ODIHR EOM commenced qualitative and quantitative monitoring of 20 media outlets.

- As of 11 November, the CEC received 35 complaints, considered 17 and sent 5 to competent authorities. Many of its decisions were appealed. The Supreme Court upheld a CEC decision prohibiting contestants from holding campaign events at the same place and time.

II. INTRODUCTION

Following an invitation from the Moldovan authorities and based on the recommendation of a Needs Assessment Mission (NAM) conducted from 2 to 5 September, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM) on 24 October.¹ The EOM, headed by Ambassador Jan Petersen, consists of a 13-member core team based in Chisinau and 22 long-term observers (LTOs) who were deployed throughout the country on 31 October. Mission members are drawn from 20 OSCE participating States. Participating States have been requested to second 200 short-term observers to observe election day procedures.

Voting will not take place on the territory controlled by the Transdniestrian *de facto* authorities. As such, the OSCE/ODIHR EOM will not deploy its observers there. At the same time, the EOM will be observing and reporting on the arrangements for Transdniestria voters to exercise their right to vote.

III. BACKGROUND

The 30 November elections will be the eighth parliamentary election since independence in 1991 and the eleventh election observed by the OSCE/ODIHR. The 2010 parliamentary elections resulted in a governing coalition, the Alliance for European Integration (AEI), which collapsed in 2013 after a vote of non-confidence in parliament. Despite a fragmented political landscape, a new coalition called the Pro-European Coalition was formed and the parliament is the first one since 2005 to complete its four-year term.

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The elections are regulated by the Constitution and the Election Code. They are supplemented by other laws, as well as CEC decisions and regulations.² The Code has been amended since the last elections, most recently in April 2014. The amendments included raising the thresholds to enter parliament,³ implementation of a centralized State Register of Voters (SRV), discontinuing the use of ex-Soviet passports, and repealing mandatory training for polling staff.

The legal framework was previously assessed as providing an adequate basis for conducting democratic elections. However, the Code contains provisions that are ambiguous and open to interpretation, including on candidate registration and verification of candidate support signatures.

¹ The NAM report and other OSCE/ODIHR reports on Moldova are available at: <http://www.osce.org/odihr/elections/moldova>.

² The legal framework also includes the Law on Political Parties, Law on Assembly, Audiovisual Code, organic laws on the courts, as well as relevant provisions of the Criminal Code and Code on Minor Offences.

³ The percentage thresholds are now 6 for political parties, 9 for an electoral bloc of two political parties, 11 for an electoral bloc of three or more parties, and 2 for independent candidates, based on valid votes cast.

Several OSCE/ODIHR EOM interlocutors stated that the legal framework would have benefited from changes proposed in 2013 that have not been adopted.⁴

The 101-member unicameral parliament is elected for a four-year term through proportional representation in a single nationwide constituency. One third of registered voters must participate in an election for it to be valid. Citizens who reach 18 years of age by election day have the right to vote, except those deprived by a court decision. Citizens eligible to vote can stand as candidates, except active military, persons serving a prison sentence or with an un-expunged criminal record, and those deprived of this right by a court decision. There are no legal provisions to enhance minority representation or the participation of women in elections.

V. THE ELECTION ADMINISTRATION

The elections are administered by three levels of election administration: the Central Election Commission (CEC), 35 District Electoral Councils (DECs)⁵ and 2,073 Precinct Electoral Bureaus (PEBs), including 95 located out of country. The CEC is a permanent body that serves a five-year term, while DECs and PEBs are established for each election. The election administration includes representatives of political parties, proportional to their representation in parliament. Currently, there is one woman out of nine CEC members.

Since 15 October, the CEC has passed some 220 decisions, including on the establishment of DECs, the compilation of voter lists, the use of voter list software, and location of polling stations (including for voters from Transdnistria). The CEC sessions have so far been conducted in a professional, collegial and transparent manner, agendas were published in advance, and decisions are available online.

Electoral deadlines have generally been respected. DECs and PEBs were formed with a total of 317 and 17,365 members respectively. Women make up some 40 per cent of DEC members. The DEC sessions observed by the OSCE/ODIHR EOM have been transparent and professional. Representatives of two DECs stated to the EOM that they have not yet received funds for their activities.

In April 2013, the Center for Continuous Electoral Training (CCET) of the CEC initiated a comprehensive training programme of election officials, judges, citizen observers, and candidate and political party representatives. The PEB members and approximately 4,200 PEB computer operators are yet to be trained (see Voter Registration section).⁶

Out-of-country voters can vote without prior registration. To estimate their numbers and potential polling station locations, the government established a website for voters to declare residency abroad. Only 1,700 voters used this opportunity. On 20 October, the government issued a decision to open 95 polling stations abroad.⁷ Election stakeholders publicly raised the issue of a lack of clear and transparent criteria to determine the number and locations of polling stations abroad, particularly of those in the Russian Federation.

⁴ The amendments are pending in parliament and include the introduction of gender quota for party lists, extending the period for voting abroad, and revising party and campaign finance regulations.

⁵ Moldova is divided into 37 electoral districts, one per territorial-administrative unit. The DECs in Bender and Tiraspol, located in the territory controlled by the Transdnistrian *de facto* authorities, were not established.

⁶ The CCET informed the OSCE/ODIHR EOM that over 10,000 persons have been trained since its establishment.

⁷ Most out-of-country polling stations are in Italy (25), followed by Romania (11), United States of America (6) and France, Portugal, and the Russian Federation (5 in each country).

VI. VOTER REGISTRATION

Voter registration is passive. Following amendments to the Election Code in April 2014, the centralized SRV is being implemented for the first time. On election day the PEBs will identify and register voters online, and will also check against multiple voting. The system will also allow the PEB to electronically report the counting results directly to the CEC.

The CEC is yet to adopt a regulation on SRV maintenance. Some OSCE/ODIHR EOM interlocutors expressed concerns about the readiness of the SRV for election day, mostly due to delayed or insufficient instructions and information about implementation. The EOM was also informed of some delays in the delivery of SRV equipment.

The SRV is based on data from the State Population Register. The number of eligible voters is some 3,072,000 compared to 2,734,000 in the 2010 parliamentary elections. The increased number of voters is mainly the result of including voters residing in Transdnistria. The increase has also led to changes in precinct boundaries and the number of voters per polling station. The CEC provided extracts of the SRV to local administrations to perform checks and to update the lists.

On election day, voters omitted from the voter list who can prove residence within the boundaries of the precinct, as well as voters from Transdnistria, students and those with absentee voting certificates can be added to a supplementary voter list and vote.

A 2014 change in the Election Code provides that ex-Soviet passports are not permitted as voter identification on election day. Authorities have made efforts to provide holders of such passports with new IDs.⁸ Other categories of potentially disenfranchised voters are those with expired passports or IDs, and those without an address.⁹ Starting from 10 November, voters can check their data and request corrections of the voter lists, which should be displayed at polling station. Voters can also check their data online.

VII. CANDIDATE REGISTRATION

In an inclusive process, the CEC registered 26 contestants: 21 political parties, one electoral bloc and four independent candidates.¹⁰ Political parties can change their candidate lists up until one week before election day. The CEC excluded two candidates from party lists on the basis of eligibility. The number of candidates as of 7 November was 1,934, out of which 32 per cent are women.

Independent candidates needed to collect at least 2,000 support signatures from eligible voters. The ambiguity in laws and regulations on signature collection and verification led to differing opinions in the CEC when validating the signatures on the lists of independent candidates.¹¹

⁸ The CEC informed the OSCE/ODIHR EOM that 5,500 ex-Soviet passports are not yet exchanged.

⁹ According to the CEC there are some 152,600 expired IDs and 241,000 expired passports. Reportedly, elderly citizens in rural areas and citizens from the Roma communities are among those most needing to change their documents.

¹⁰ The list of contestants is available at <http://www.cec.md/index.php?page=page&id=1355&l=ro>.

¹¹ Article 42.4 and 43.4 of the Election Code are ambiguous on whether a voter should enter his/her identification data on the signature list personally, or if it is sufficient to sign the list next to his/her data already written. The Election Code and the CEC Regulation on Signature Collection and Verification are unclear about the validity of data with minor mistakes or typos, and about the procedures for deciding if certain signatures are identical.

VIII. CAMPAIGN ENVIRONMENT

An election contestant can begin campaigning after being registered by the CEC. There were several instances of political parties and candidates campaigning prior to their registration. A silence period starts on 29 November.

Candidates holding certain governmental positions are required to suspend their official duties upon registration.¹² Parties can change their candidate lists up until 22 November, and they can re-register these individuals as well. Following registration, a number of parties formally withdrew candidates from their lists.¹³ Such late changes may limit a voter's opportunity to familiarize themselves with a party's candidates list.

The campaign is visible and relatively calm. To date, campaign activities are conducted through media, social networks, door-to-door canvassing and rallies, with a higher level of active campaigning in the regions outside of Chisinau. At least four political parties have publicly stated that they are conducting outreach to diaspora voters. Most OSCE/ODIHR EOM interlocutors opined that the intensity of the campaign will increase substantially in the coming weeks.

The campaign is focused on geopolitical issues such as European Union integration and the Eurasian Customs Union, as well as on individual political figures. Several major parties are also campaigning on social and economic issues, such as employment, pensions and anti-corruption. Some contestants expressed their opinion that foreign initiatives are impacting the electoral campaign.¹⁴

The OSCE/ODIHR EOM observed isolated cases of vandalized campaign posters and billboards, use of inflammatory language, as well as official cars used for campaigning. On 8 November, a candidate and three party members were temporarily detained when entering the territory under control of Transnistrian *de facto* authorities while allegedly carrying campaign materials.

IX. CAMPAIGN FINANCE

Campaign financing is regulated by the Election Code, the Law on Political Parties and the CEC Regulation on 'Financing of Electoral Campaigns and Political Parties'. The Code requires contestants to open a dedicated bank account for all campaign income and expenses, or otherwise notify the CEC. Banks must notify the CEC of any funds transferred to and from these accounts. The receipt of funds from abroad is prohibited.

The CEC set the ceiling for campaign spending at MDL 55 million for political parties and electoral blocs and at MDL 2 million for independent candidates.¹⁵ Overspending of these amounts by more

¹² This applies to deputy prime ministers, (deputy) ministers, *ex officio* members of the government, heads of central public authority bodies, chairpersons and deputies of *rayons*, (vice) mayors and (vice) praetors (administrators of municipal districts appointed by a mayor). The Law on the Status of High Public Servants prohibits public officials from manifesting support and campaigning while performing official functions.

¹³ For example, a deputy prime-minister, two ministers, the Chisinau mayor and the Governor of Gagauzia withdrew as candidates and returned to their official duties. The following week the deputy-prime minister re-applied as a candidate.

¹⁴ Related to, for example, the Federal Migration Service of the Russian Federation changing immigration rules to allow Moldovan citizens living illegally in the Russian Federation to travel home between 5 and 30 November, and then be able to return; also, to the European Union donating on 5 November police cars in a public ceremony attended by the Prime Minister, who is also a candidate of the Liberal Democratic Party of Moldova.

¹⁵ The exchange rate at the time of this report was Moldovan Leu (MDL) 1 = EUR 0.05.

than five per cent and the use of undeclared or foreign funds constitute grounds for the CEC to request de-registration of a contestant.

Bi-monthly reports of income and expenditures must be filed with the CEC. The CEC is to check these reports against the banks' notifications of accounts activities. Contestants are also obliged to declare to nationwide media outlets all financial or other material support at the outset of the election campaign and on a weekly basis thereafter.

The CEC received the first bi-weekly reports for the period 10-23 October from 13 out of 15 electoral contestants registered by that date. The CEC warned the other two contestants. The reports were posted on the CEC website. No report included expenditures for labour costs, while two reports had no incomes and expenditures. Only three reports included transportation expenditures, and only one communications expenses. The CEC requested tax authorities to verify the source of transfers exceeding MDL 100,000 in three cases.

X. MEDIA

The media landscape includes 64 television channels (5 with nationwide coverage), 57 radio stations, some 400 print publications and numerous online media. Television is the most important source of information, especially outside the capital. The public television *Moldova 1* is one of the most influential outlets. While print media struggle with declining circulation, Internet penetration and readership of online media, including of politically-oriented portals, is rapidly growing.

A degree of media pluralism has previously been noted by international organisations.¹⁶ Yet, important challenges concerning media independence persist, as journalists remain vulnerable to strong political influence. While the OSCE Representative on Freedom of the Media in May 2014 welcomed proposed legislative efforts aimed to limit ownership concentration and to increase ownership transparency, the broadcasting legislation has not been amended.¹⁷

The Election Code and the Audiovisual Code outline the framework for media conduct during the election campaign. In addition, on 30 September the CEC adopted the Regulation on Election Campaign Coverage, a detailed set of media requirements based on an instruction prepared by the Audiovisual Co-ordination Council (CCA), the oversight body for broadcast media. On 7 November, the CCA presented its first media monitoring report (for the period 20-29 October). Based on its findings, it issued public warnings to 10 television channels for partisan coverage of certain contestants. At the same time, *Moldova 1* and the private *Pro TV Chisinau* were assessed as balanced.

Broadcasters are obliged to cover elections in an accurate, balanced and impartial manner. Each contestant is entitled to five and ten minutes free airtime on each national television and radio channel, respectively. Contestants are entitled to participate in debates that national broadcasters are obliged to organize free of charge. Additional paid airtime can be purchased up to two minutes a day per broadcaster.

On 19 September, the Center for Human Rights of Moldova (Ombudsman) submitted a complaint to the Constitutional Court challenging the Election Code provision obliging private national

¹⁶ Such as the 2014 Reporters Without Borders World Press Freedom Index (http://rsf.org/index2014/data/index2014_en.pdf) and the 2014 IREX Media Sustainability Index (http://www.irex.org/sites/default/files/u105/EE_MSI_2014_Moldova.pdf).

¹⁷ See the 2014 Legal Analysis of the Draft Laws Amending and Complementing the Moldovan Audiovisual Code of the OSCE Representative on Freedom of the Media, available at: <http://www.osce.org/fom/118395>.

broadcasters to organize debates and provide free airtime to contestants. It stated that such obligations affect freedom of expression and editorial independence, and are inconsistent with the Code's principle that media have the right to disseminate information without interference from the authorities. The Court is yet to decide on this matter.

On 26 October, the OSCE/ODIHR EOM commenced its media monitoring based on qualitative and quantitative analyses of 20 outlets.¹⁸ A coalition of three local media-related non-governmental organizations is undertaking media monitoring of 35 media outlets since 18 October.¹⁹

XI. COMPLAINTS AND APPEALS

A voter or contestant may complain about actions, inactions and decisions of election commissions, other contestants and media. A complainant must exhaust the administrative process and respect the hierarchy of electoral bodies before going to court. All complaints must be filed within three days of the date of the action/inaction. A complaint against a PEB/DEC decision must be resolved by the higher electoral body within three days, but no later than election day. A complaint against electoral competitors must be resolved within five days.²⁰ Complaints against CEC decisions are filed with the Chisinau Court of Appeal and must be resolved within five days.

The Supreme Court is the last instance for appeals, but does not review the facts of the cases as it only considers their legal basis. Its sessions are not public. The Supreme Court has the prerogative to issue advisory decisions for the lower-level courts on the interpretation of election legislation. The last such decision was in 2010.

As of 11 November, the CEC had received 35 complaints, considered 17 and transferred 5 to competent authorities. The complaints were related to *inter alia* government members continuing to act in their official capacities after having stepped down for the campaign (see Campaign section), and unauthorized use of public resources.

The Chisinau Court of Appeal heard more than ten election related cases, many appealing CEC decisions. This included a CEC decision that electoral contestants cannot campaign simultaneously at the same location, which was upheld. A complaint against the government's decision on establishing polling stations abroad was rejected by all instances.

After the Ministry of Justice registered the Communist Reformist Party (PCR) on 29 June, the Party of Communists of the Republic of Moldova (PCRM) initiated litigation to deregister the PCR alleging that its logo is identical to PCRM's and will confuse voters. On 4 November, the Court of Appeals issued an injunctive decision requiring the suspension of PCR's registration as a party. On 11 November, the CEC postponed a decision to de-register PCR as contestant pending a response from the Ministry of Justice.

¹⁸ The OSCE/ODIHR EOM monitors eight television channels, *Moldova 1* (public), *Gagauz TV* (public), *Accent TV*, *Jurnal TV*, *Prime TV*, *Pro TV Chisinau*, *Publika TV*, and *TV 7* (private); three radio stations, *Radio Moldova* (public), *Radio Noroc*, and *Vocea Basarabiei* (private); four newspapers, *Jurnal de Chisinau*, *Komsomolskaya Pravda*, *Moldova Suverana*, and *Timpul*; and five online media, *moldova.org*, *noi.md*, *omg.md*, *point.md*, and *unimedia.info*.

¹⁹ See: www.apel.md.

²⁰ If the electoral body determines that a complaint is not within its competence, the complaint and the supporting documents are sent to the competent authority (police, court, or local government) within two days of receipt.

The Office of the Prosecutor General issued election-related instructions to guide local branches investigating and processing election-related crimes.

XII. PARTICIPATION OF NATIONAL MINORITIES

National minorities comprise more than 20 per cent of the population.²¹ While minorities often uphold their traditions and use their respective languages within their communities, outside they mostly communicate in Russian, which is regarded as a language of inter-ethnic communication. Knowledge of the State language remains limited among parts of the national minority population. According to the CEC, all electoral materials and voter education are provided both in the State and the Russian languages. Ballots in Russian will be provided to polling stations upon request. Candidates from different parties generally use both languages in their campaigns.

Roma representatives have expressed concerns to the OSCE/ODIHR EOM that their community can face difficulties in exercising their right to vote and to be elected due to lack of valid identity documents required for registration, and socio-economic marginalization. They reported that there are no Roma representatives on any party list.

XIII. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Code provides for observation by international and citizen organizations, as well as representatives of contestants. The CEC changed the deadline for observer accreditation from five to seven days before election day. As of 10 November, the CEC had accredited 2,032 citizen observers from 5 organizations and 168 international observers from 26 entities. One citizen organization is conducting a large-scale election observation effort, with both long and short-term observers, and is planning to conduct a parallel vote tabulation.²²

XIV. MISSION ACTIVITIES

The OSCE/ODIHR EOM opened in Chisinau with a press conference on 24 October. The Head of Mission met with the Ministry of Foreign Affairs and European Integration, the CEC, the Ministry of Interior, and with representatives of political parties, media, civil society, the OSCE Mission to Moldova and the international community.²³ The EOM established contacts with electoral stakeholders at all levels. The OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament have announced that they will deploy observer delegations for election day observation. The OSCE Chairperson-in-Office has appointed Emin Onen as Special Co-ordinator and Leader of the short-term OSCE observer mission for these elections.

²¹ This is according to the 2004 census, which does not include territories not under control of the Moldovan authorities. Ukrainians (8 per cent), Russians (6 per cent), Gagauz (4 per cent), Bulgarians (2 per cent) and Roma (0.3 per cent) are the most numerous minorities. The results of the April-May 2014 census are not yet available.

²² Promo-LEX released three observation reports to date. See: <http://www.promolex.md>.

²³ The OSCE/ODIHR EOM and the OSCE Mission to Moldova operate separately under their specific mandates.