



Office for Democratic Institutions and Human Rights

# REPUBLIC OF MOLDOVA

**PRESIDENTIAL ELECTION**  
**30 October and 13 November 2016**

**OSCE/ODIHR Election Observation Mission**  
**Final Report**



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## TABLE OF CONTENTS

<b>I.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>II.</b>	<b>INTRODUCTION AND ACKNOWLEDGMENTS .....</b>	<b>4</b>
<b>III.</b>	<b>BACKGROUND AND POLITICAL CONTEXT .....</b>	<b>5</b>
<b>IV.</b>	<b>ELECTORAL SYSTEM AND LEGAL FRAMEWORK .....</b>	<b>5</b>
<b>V.</b>	<b>ELECTION ADMINISTRATION.....</b>	<b>7</b>
<b>VI.</b>	<b>VOTER REGISTRATION.....</b>	<b>9</b>
<b>VII.</b>	<b>CANDIDATE REGISTRATION.....</b>	<b>11</b>
<b>VIII.</b>	<b>ELECTION CAMPAIGN.....</b>	<b>13</b>
<b>IX.</b>	<b>CAMPAIGN FINANCE .....</b>	<b>16</b>
<b>X.</b>	<b>MEDIA .....</b>	<b>18</b>
	A. MEDIA ENVIRONMENT.....	18
	B. LEGAL FRAMEWORK.....	19
	C. COVERAGE OF THE CAMPAIGN .....	19
	D. OSCE/ODIHR EOM MEDIA MONITORING FINDINGS.....	20
<b>XI.</b>	<b>CITIZEN AND INTERNATIONAL OBSERVERS .....</b>	<b>21</b>
<b>XII.</b>	<b>COMPLAINTS AND APPEALS .....</b>	<b>22</b>
<b>XIII.</b>	<b>ELECTION DAY .....</b>	<b>23</b>
	A. FIRST ROUND .....	23
	B. SECOND ROUND .....	25
<b>XIV.</b>	<b>POST-ELECTION DEVELOPMENTS.....</b>	<b>26</b>
<b>XV.</b>	<b>RECOMMENDATIONS .....</b>	<b>28</b>
	A. PRIORITY RECOMMENDATIONS .....	28
	B. OTHER RECOMMENDATIONS.....	29
	<b>ANNEX I: FINAL RESULTS .....</b>	<b>32</b>
	<b>ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION.....</b>	<b>33</b>
	<b>ABOUT THE OSCE/ODIHR.....</b>	<b>41</b>

**REPUBLIC OF MOLDOVA  
PRESIDENTIAL ELECTION  
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**OSCE/ODIHR Election Observation Mission Final Report<sup>1</sup>**

**I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of the Republic of Moldova, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) to observe the 30 October 2016 presidential election and remained in the country to follow the second round contest on 13 November. The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments and other international obligations and standards for democratic elections and with national legislation. For both election days, the OSCE/ODIHR EOM was joined by delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) to form an International Election Observation Mission (IEOM). Each of the institutions involved in this IEOM has endorsed the 2005 Declaration of Principles for International Election Observation.

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 31 October concluded that “the first round of Moldova’s first direct presidential election in 20 years provided citizens with ample opportunity to express their preference for a new head of state. The campaign, taking place against a backdrop of economic hardship and a climate of mistrust in state institutions, was competitive and fundamental freedoms were respected. However, the process was marred by widespread abuse of administrative resources, lack of campaign finance transparency, and unbalanced media coverage. The election administration undertook its duties in a professional and transparent manner, with voting and counting largely assessed positively.”

The Statement of Preliminary Findings and Conclusions issued on 14 November for the run-off concluded that “the presidential election run-off was competitive, with respect for fundamental freedoms. The campaign, featuring televised debates, allowed the two candidates to address voters directly. However, increasingly polarized media coverage, harsh and intolerant rhetoric, and continued instances of abuse of administrative resources detracted from the process. Complaints, mostly related to campaign finance, were not resolved in a timely or consistent manner. Technical preparations for the second round were generally administered in a professional manner and, overall, election day procedures were positively assessed. Despite some efforts to prepare for a high turnout in specific polling stations abroad and for voters from Transdnistria, many citizens were unable to vote because the ballots allocated to these polling stations proved insufficient.”

The legal framework largely provides an adequate basis for conducting democratic elections. Amendments to the Election Code established the conditions for holding the presidential election and partially addressed some previous OSCE/ODIHR and Council of Europe recommendations, including with regard to out-of-country voting and measures to promote women’s participation. However, most general aspects of the election legislation remained largely unchanged, and a number of previous recommendations including on signature collection and verification, the financing and conduct of the electoral campaign, sanctions on election violations, campaign restrictions, and the holding of a second round were not addressed.

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<sup>1</sup> The English version of this report is the only official document. Unofficial translations are available in the state language and Russian.

Technical preparations for both rounds were largely managed by the election administration in a transparent, timely and professional manner despite inadequate resources and poor infrastructure, especially in rural areas. The CEC issued a number of regulations, but failed to fully address the legal uncertainties and, in particular, to harmonize deadlines for candidate registration, the campaign period, campaign finance reporting, and dispute resolution in the electoral calendar for the second round established by the updated legal framework. Overall, OSCE/ODIHR EOM interlocutors largely affirmed their confidence in the impartiality of the CEC and its work, as well as in the work of the lower-level election administration.

Women were well-represented in the election administration, including in decision-making positions. The CEC Chairperson and her deputy are women. Almost half of District Electoral Council (DEC) members were women and 10 out of 35 DECs had female chairpersons. Women were over-represented in Precinct Electoral Bureaus (PEBs).

Out-of-country voting took place in 100 polling stations established in 31 countries. Many OSCE/ODIHR EOM interlocutors raised concerns regarding the criteria for determining their number and location. In anticipation of a high turnout, the CEC increased the number of ballots to the established maximum of 3,000 for some polling stations abroad. Nevertheless 18 polling stations ran out of ballots in the run-off.

Voter registration is passive and the process is maintained by the CEC using its centralized State Register of Voters, introduced in 2014. Several OSCE/ODIHR EOM interlocutors questioned the accuracy of voter lists, noting concerns that a number of deceased voters were included in the lists. Moreover, a large number of citizens living abroad are included in lists associated with their former addresses. This is consistent with national legislation, but results in voter lists that do not accurately reflect the number of eligible voters present in-country.

In an inclusive process, the CEC registered 12 candidates, including 5 women. Following two withdrawals and one de-registration, nine candidates stood for election, including four women. Inconsistent deadlines, selective implementation of rules during signature collection and verification, and disproportionate sanctions for campaign violations challenged the right to stand for election on an equal basis. Candidate registration is possible after the start of the official campaign period, while campaigning is allowed only after individual registration. This left four candidates with less time than the others to campaign.

The Election Code provides for fair and equal opportunities for contestants during the campaign. The campaign was low key and peaceful, but intensified as the first and second round election days approached. The campaign was competitive, with candidate messages mainly focused on corruption, social and economic issues and the country's geopolitical orientation. Although national minorities constitute 22 per cent of the population, language or identity issues did not prominently feature in the campaign. Election materials, including ballots, were printed in the state language and in Russian.

Freedoms of expression, association and assembly were generally respected and candidates campaigned freely. The OSCE/ODIHR EOM observed some cases of abuse of administrative resources, including pressure on voters during the campaign activities. Negative campaign tactics, including the use of sexist language and gender stereotyping as well as instances of homophobic language were also observed.

Despite substantial legal amendments regulating party and campaign finance introduced in 2015, the legislation does not allow adequate time for effective oversight of contestant financial reports,

fails to provide proportionate sanctions for campaign finance violations during signature collection and the campaign, does not regulate finance and reporting requirements during the second round, and does not address third-party campaigning. The CEC, responsible for campaign finance oversight, operates with limited resources to effectively monitor campaign finance.

Most media are strongly associated with major political forces and a concentration of ownership diminishes political pluralism, especially on TV. Pressure and interference from media owners result in self-censorship by journalists. The OSCE/ODIHR EOM media monitoring results, as well as monitoring activities of the regulatory body, revealed clear political bias of major broadcasters while covering the campaign. Politically affiliated TV stations portrayed some contestants in an increasingly negative tone, especially in the run-up to the second round, which further polarized the campaign. Some politically aligned broadcasters emphasized divisive topics, often with seemingly unsubstantiated information. The Audio-visual Co-ordination Council failed to enforce the obligation to provide fair, balanced, and impartial campaign coverage, compromising the level playing field for candidates.

Various OSCE/ODIHR EOM interlocutors expressed a lack of trust in the election administration and judiciary to handle complaints impartially. While pre-election complaints and appeals were overall handled by the CEC and courts in an open and transparent manner, an unclear legal framework and inconsistent interpretation of the law by the CEC and the courts at times left stakeholders without effective remedy. Neither the election administration nor the courts considered the merits of the vast majority of individual and collective complaints filed by over 4,000 persons who asserted that they were denied the opportunity to exercise their right to vote because polling stations abroad ran out of ballots.

The Election Code provides for observation by citizen and international organizations, as well as representatives of candidates. Accredited observers are entitled to follow all stages of the election and no concerns were noted about their ability to operate freely. The CEC accredited 3,285 citizen observers from 20 civil society organizations and institutions and 636 international observers from 52 entities. One of the most active civil society organizations, Promo-LEX, conducted long-term and short-term observation, parallel vote tabulation, and out-of-country observation.

Election day procedures were largely carried out in a well-managed and calm manner for both rounds. Candidate and citizen observers were present in almost all polling stations and DECAs observed and were able to follow all stages of the process. The successful use of technologies in polling stations on election day substantially contributed to the transparency and integrity of procedures. The overall assessment of voting, counting and tabulation was positive, with key procedures followed. Tabulation was prompt and transparent, but inadequate facilities for tabulating the results in some DECAs led to small-scale tensions during the first round. For the second round, overcrowding was noted, mainly in polling stations for voters from the territory controlled by the Transdnistrian *de facto* authorities, largely related to poor queue control and inadequate polling station layout. PEBs directly reported preliminary results to the CEC electronically without technical problems in the polling stations observed. Preliminary results by polling station were posted on the CEC website in real-time. Voter turnout was reported at 49 per cent for the first round and 53 per cent for the second.

The CEC submitted its final report on the election to the Constitutional Court on 21 November. The Election Code provides that the Constitutional Court must decide whether or not to validate the election results within ten days, but not before the resolution of election-related complaints.

Following the run-off, one of the candidates declared that thousands of voters abroad were deprived their voting rights and that the election was rigged, encouraging her supporters to provide evidence of violations. Three complaints were filed with the courts by voters abroad through their legal representatives in Moldova and by the run-off candidate Maia Sandu's official representative. On 13 December, the Constitutional Court validated the legality of the election after considering the final CEC election report, observer reports, and a complaint filed by Ms. Sandu on the day of the hearing. While the decision of the court stressed the need to revise electoral legislation and recognized that a number of violations took place during the election, the court found that such violations could not have influenced the final election outcome. The Constitutional Court addressed the parliament regarding the need to review legislation to eliminate a number of issues raised during the election.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of the Republic of Moldova to observe the 30 October 2016 presidential election and based on the recommendations of a Needs Assessment Mission conducted from 11 to 14 July, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established an Election Observation Mission (EOM).<sup>2</sup> The OSCE/ODIHR EOM was headed by Douglas Wake and consisted of 11 experts based in Chisinau and 20 long-term observers deployed throughout the country drawn from 24 OSCE participating States. The OSCE/ODIHR EOM observed both rounds of the presidential election (30 October and 13 November).

For both election days, the OSCE/ODIHR EOM was joined by delegations from the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) to form an International Election Observation Mission (IEOM). Arta Dade was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the short-term OSCE observer mission. Geir Jorgen Bekkenvold headed the OSCE PA delegation, Elisabeth Schneider-Schneiter headed the PACE delegation, and Igor Soltes headed the EP delegation.

In total, for the first round, 273 observers from 41 countries were deployed, including 204 long-term and short-term observers by the OSCE/ODIHR, a 34-member delegation from the OSCE PA, a 24-member delegation from the PACE, and an 11-member delegation from the EP. For the run-off, 177 observers from 35 countries were deployed, including 136 long-term and short-term observers deployed by the OSCE/ODIHR, an 11-member delegation from the OSCE PA, a 7-member delegation from the PACE and a 10-member delegation from the EP.

Voting was observed for the first round in 1,027 of 1,981 polling stations. Counting was observed in 100 polling stations, and tabulation in all 35 DEC. For the runoff, voting was observed in 744 polling stations, counting in 66 polling stations and tabulation in 35 DEC. Voting was not organized on the territory controlled by the Transdniestrian *de facto* authorities. As such, the IEOM did not deploy there. However, provisions for voters from this territory were followed by the IEOM observers.

The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE commitments and other international obligations and standards for democratic elections and with national legislation. This final report follows first and second round Statements of Preliminary Findings and

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<sup>2</sup> [See previous OSCE/ODIHR reports on Moldova.](#)

Conclusions, which were released at press conferences in Chisinau on 31 October and 14 November, respectively.

The OSCE/ODIHR EOM wishes to thank the authorities of the Republic of Moldova for the invitation to observe the presidential election, and the Central Election Commission (CEC) and the Ministry of Foreign Affairs and European Integration (MFAEI) for their assistance. It also expresses its appreciation to other state institutions, candidates and their representatives, representatives of political parties, civil society, media, the international community and other interlocutors for their co-operation. The OSCE/ODIHR EOM also wishes to express its gratitude to the OSCE Mission to Moldova for its co-operation and support.

### **III. BACKGROUND AND POLITICAL CONTEXT**

Moldova is a parliamentary republic. Executive powers are exercised by the government headed by a prime minister and legislative power is vested in the parliament. The president serves as the head of the state and holds certain limited authority, including on foreign policy and national defence. Since constitutional amendments in 2000, the parliament had elected the president by a three-fifth majority.

On 4 March 2016, the Constitutional Court ruled that the 2000 revision to the Constitution mandating the indirect election of the president by the parliament was unconstitutional. The decision resulted from a challenge submitted by the Liberal Democratic Party (PLDM) in 2015. By virtue of this decision, on 1 April, the parliament called the first direct presidential election since 1996 for 30 October 2016. The president's term of office ended on 23 March, but he continued to act as the president until the new president was sworn into office.

The election was held against a backdrop of overall public distrust in state institutions resulting from several corruption scandals, economic stagnation, and persisting division within the society over the country's geopolitical orientation. From late 2015 until early 2016, anti-corruption movements emerged and many large demonstrations took place throughout the country opposing corruption and the government.

In January 2016, after numerous unsuccessful attempts to form a new government, the parliamentary factions of the Democratic Party (PDM) and Liberal Party (PL), supported by a number of non-aligned members of parliament (MPs), formed a new government. The 101-seat parliament is currently composed of the Party of Socialists (PSRM) with 24 seats, PDM 20 seats, PL 13 seats, PLDM 10 seats, the Party of Communists (PCRM) 7 seats, and 27 non-aligned MPs.<sup>3</sup>

### **IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK**

The president is directly elected for a four-year term through a single nationwide constituency. For the election to be valid, participation is required from at least one-third of registered voters. A candidate is considered elected if supported by at least half of the votes cast. If no candidate obtains the required number of votes, a second round is held two weeks later between the two candidates who received the most votes. In the second round, the candidate who obtains the higher number of votes is considered elected regardless of voter turnout.

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<sup>3</sup> In 2014, the parliament consisted of the PSRM with 25 seats, PLDM 23 seats, PCRM 21 seats, PDM 19 seats and PL 13 seats.

The election is primarily regulated by the 1994 Constitution, the 1997 Election Code and the 2007 Law on Political Parties, all amended in 2016, as well as other relevant legislation.<sup>4</sup> The legal framework is further supplemented by CEC regulations and decisions. While at odds with international good practice, recent amendments to the Election Code were necessitated by the 4 March Constitutional Court decision to provide a legal basis for the election.<sup>5</sup>

The Election Code was amended in an expedited manner in July 2016 with public debates held only after the first reading of the draft amendments following an appeal from civil society organizations.<sup>6</sup> However, the level of debate was reportedly insufficient and did not fully provide for effective public consultation, contrary to OSCE commitments.<sup>7</sup> Moreover, the timeline for finalizing the amendments and developing supporting regulations did not provide for sufficient time to harmonize the legal framework and led to some uncertainty.<sup>8</sup>

The amended legal framework largely provides an adequate basis for conducting democratic elections.<sup>9</sup> Amendments to the Election Code established the conditions for holding the presidential election and partially addressed some previous OSCE/ODIHR and Council of Europe recommendations, including with regard to out-of-country voting and measures to promote women's participation. However, most aspects of the election legislation remained largely unchanged and a number of previous recommendations by the OSCE/ODIHR and European Commission for Democracy through Law (Venice Commission) were not addressed, including on signature collection and verification, the financing and conduct of the electoral campaign, sanctions on election violations, campaign restrictions, and the holding of the second round. These issues proved to be problematic during this election. In addition, the electoral calendar established by the updated legal framework did not streamline or harmonize corresponding deadlines for candidate registration, the campaign period, campaign finance reporting, and dispute resolution for a potential second round.<sup>10</sup>

*The election law could benefit from a comprehensive review to eliminate gaps and ambiguities and address recommendations of the OSCE/ODIHR and Venice Commission, including on signature collection and verification, candidate registration, the financing and conduct of the electoral campaign, sanctions on election violations, campaign restrictions, further strengthening measures to advance women's participation and the holding of a second round. Election-related provisions of other legislation, including the Criminal Code, could also be reviewed and updated. The review process should be inclusive and completed well ahead of the next elections.*

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<sup>4</sup> Other applicable laws include the 2008 Law on Assemblies, the 2002 Criminal Code, the 2008 Code on Administrative Offences, and the 2006 Audio-visual Code.

<sup>5</sup> Section II.2.b. of the [2002 Council of Europe's Commission for Democracy through Law \(Venice Commission\) Code of Good Practice in Electoral Matters](#) (Code of Good Practice) recommends that "the fundamental elements of electoral law... should not be open to amendment less than one year before an election".

<sup>6</sup> On 9 June, 23 civil society organizations issued a statement criticizing the lack of inclusiveness in the discussions of the amendments and highlighting what they considered to be various shortcomings.

<sup>7</sup> Paragraph 5.8 of the [1990 OSCE Copenhagen Document](#) provides that legislation be adopted at the end of a public procedure.

<sup>8</sup> For example, Article 181<sup>1</sup> of the Criminal Code does not address vote-buying during the presidential election. Amendments to the Criminal Code regarding vote-buying in the presidential election were passed in the first reading, but were not adopted during the election.

<sup>9</sup> See [the 2016 OSCE/ODIHR and Venice Commission Joint Opinion on the Draft Law on Changes to the Electoral Code of the Republic of Moldova](#).

<sup>10</sup> Some steps for administering a second round were included in the CEC electoral calendar.



The CEC issued a number of regulations, but failed to fully address legal uncertainties.<sup>11</sup> Moreover, it did not adopt regulations clarifying elements of the electoral process related to the conduct of the second round, thus failing to address problematic issues identified in previous two-round elections.<sup>12</sup> This included aspects related to voter registration, the campaign and media, and created the potential for uncertainty or conflicting interpretations of the applicable legal framework.<sup>13</sup>

## V. ELECTION ADMINISTRATION

The election was administered by a three-level structure: the CEC, 35 District Electoral Councils (DECs) and 2,081 Precinct Electoral Bureaus (PEBs).<sup>14</sup> The CEC designated 30 polling stations for voters residing in the territory controlled by the Transdniestrian *de facto* authorities.<sup>15</sup> One hundred polling stations in 31 countries were established for out-of-country voting.<sup>16</sup> The CEC maintained the same structure and composition of lower-level commissions, including the same number of polling stations established abroad, for both rounds.

The CEC is a nine-member permanent body that serves a five-year term. One member is nominated by the president and eight by the parliament in accordance with the proportional representation of parties in the parliament. The current CEC was appointed in June 2016, with six new members. The CEC held regular, live-streamed sessions.<sup>17</sup> They were conducted in a collegial and open manner, with agendas published in advance and decisions made promptly available online, contributing to the transparency of the process.

DECs and PEBs are established on a temporary basis for each election. DECs are formed by the CEC and consist of 7, 9 or 11 members nominated by courts, local councils and parliamentary parties. PEBs are subsequently formed by the DECs and consist of 5 to 11 members nominated by local councils and parliamentary parties. The establishment of PEBs is upon local authorities' recommendations. Each polling station has from 30 to 3,000 voters.

Women were well-represented in the election administration, including in decision-making positions. The CEC Chairperson and her deputy are women. Almost half of the DEC members were women and 10 of 35 DECs were chaired by a woman. Women were over-represented in PEBs.<sup>18</sup>

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<sup>11</sup> The CEC specified certain aspects of signature collection and verification, candidate registration, campaign finance, media coverage, accreditation of observers, and voter identification.

<sup>12</sup> See the 2011 and 2015 OSCE/ODIHR Final Reports on Local Elections in Moldova.

<sup>13</sup> On 8 November, the CEC adopted a decision that the same rules related to the election campaign in media, participation of citizens residing in Transdniestria, voting abroad with expired documents and without domicile or residence apply for the run-off. This decision, however, did not provide sufficient detail.

<sup>14</sup> Moldova is divided into 37 electoral districts, one per administrative unit. DECs in Bender and Tiraspol, located in the territory controlled by the Transdniestrian *de facto* authorities, were not established.

<sup>15</sup> As in previous elections, the election did not take place on the territory controlled by the Transdniestrian *de facto* authorities. Of the 30 polling stations designated for voters residing in Transdniestria, 27 were regular polling stations also serving other voters and 3 were allocated exclusively for voters from Transdniestria.

<sup>16</sup> The number of polling stations abroad was increased by five compared to the last parliamentary elections due to the high participation in some locations. In line with OSCE/ODIHR methodology, the IEOM did not conduct observation at polling stations abroad. Out-of-country voting was assessed based on information from the CEC, the MFAEI, and other OSCE/ODIHR EOM interlocutors as well as observation of the complaints and appeals process.

<sup>17</sup> From 26 June to 18 November, the CEC held 43 sessions taking 315 election-related decisions.

<sup>18</sup> The 35 DECs were comprised of 317 members – 163 men and 154 women. DECs included 25 men and 10 women as chairpersons, 20 men and 15 women as deputy chairpersons, and 6 men and 29 women as secretaries. PEBs were comprised of 15,264 women and 3,465 men.

Despite a climate of distrust in state institutions, OSCE/ODIHR EOM interlocutors largely affirmed their confidence in the impartiality of the CEC and its work, as well as in the work of the lower-level election administration. However, some CEC decisions lacked clarity and unduly complicated some aspects of the process. These particularly concerned the process of signature collection and verification and an inconsistent manner of handling of some complaints.

*To ensure a coherent electoral legal framework and contribute to its consistent application, the CEC could promptly address any emerging ambiguities and gaps in the law using regulations and instructions.*

Technical preparations for both rounds were largely managed by the CEC and lower-level commissions in a transparent, timely and professional manner despite inadequate resources and poor infrastructure, especially in rural areas. The CEC indicated that most polling stations were set up on the ground floor, with a number of access ramps installed, and magnifying glasses and tactile ballots available for visually impaired voters.<sup>19</sup> However, associations of persons with disabilities noted that these measures were insufficient and ineffective, which was largely confirmed by IEOM observation on both election days (See *Election Day* section).

This was the third election in which the CEC employed the State Automated Information System “Elections” (SAISE), an online voter verification system. The system ensures that prior to receiving a ballot, each potential voter at any polling station can be checked against a nationwide database to determine if s/he had already voted. The SAISE was available at all polling stations and provided a safeguard against multiple voting. In addition, the SAISE served as a tool for prompt tabulation and the announcement of preliminary results. The system, with very few exceptions, was fully functional, contributing considerably to the integrity of the process and enhancing trust.

The number of out-of-country polling stations and their locations was determined by the government based on the participation of voters abroad in the last parliamentary elections and the number of voters registered through a voluntary online registration organized by the CEC from 10 May to 19 September.<sup>20</sup> Despite efforts to raise voter awareness, only some 3,570 voters registered online. While the criteria for determining the number and location of polling stations abroad were reviewed aiming to address a previous OSCE/ODIHR recommendation, many OSCE/ODIHR EOM interlocutors raised concerns that the criteria remained insufficient.<sup>21</sup>

In anticipation of a high voter turnout for the run-off, the CEC increased the number of ballots to the maximum of 3,000 for certain out-of-country polling stations.<sup>22</sup> Nevertheless, 18 polling

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<sup>19</sup> Article 29 of the 2006 Convention on the Rights of Persons with Disabilities (CRPD) requires states to “guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others”.

<sup>20</sup> Various figures from different sources exist on the number of citizens living abroad. According to data provided by the MFAEI during the diaspora Court Hearing (3 lawyers representing 143 citizens from abroad) and based on information requested from embassies and authorities of other countries, the number is estimated up to 805,509.

<sup>21</sup> Although the number of stations in the Russian Federation was increased from five in 2014 to eight in 2016, concerns were expressed about whether this number fairly reflected the number of voters believed to be residing there.

<sup>22</sup> Six polling stations in France, five in the USA, four in Portugal, two in Italy, one each in the Netherlands, Estonia, Latvia, Lithuania, and Switzerland. In total, the CEC distributed 270,350 ballots to polling stations abroad for the first round and 288,850 for the second round.

stations ran out of ballots during the second round.<sup>23</sup> In the runoff, one contestant accused the CEC of depriving a large number of voters the right to vote by not providing more ballots in polling stations abroad. The CEC expressed regret that not all voters had the opportunity to vote, but noted that the number and location of polling stations abroad was determined by government decision. The CEC noted that it had no authority to further increase the number of ballots and pointed out that certain host countries do not permit the establishment of polling stations outside premises of diplomatic missions. The CEC acknowledged that numerous out-of-country polling stations ran out of ballots several hours before closing, indicating that they would have had the capacity to process more than 3,000 voters and that in some cases it might have been possible to co-locate more than one polling station in the same premises.

*As previously recommended, decisions on locations for polling stations abroad should be taken transparently and based on clear and consistent criteria. Such decisions should be taken in broad consultation with relevant stakeholders well in advance of an election. Consideration could also be given to establishing additional polling stations at the same location, where feasible, and/or providing legal authorization to increase the number of ballots to polling stations abroad.*

The CEC and civil society organizations conducted voter awareness campaigns targeting groups of voters such as women, students, out-of-country voters and persons with disabilities both in the state language and in Russian. Further, the CEC, through its Center for Continuous Electoral Training (CCET), organized 331 seminars during 17 August - 25 October, attended by 8,387 stakeholders. In September and October, the CCET conducted training for 5,634 PEB members, including out-of-country PEB members. The CCET developed a variety of training materials for electoral officials, including being available on its website in the state language and in Russian.

## VI. VOTER REGISTRATION

Citizens over 18 years of age by election day have the right to vote, except those declared incapable by a court decision.<sup>24</sup> Voter registration is passive and is facilitated via the centralized State Register of Voters (SRV), introduced in 2014 and maintained by the CEC. The SRV is based on data extracted from the State Population Register.<sup>25</sup>

Voter lists were made available to voters to verify their individual data at polling stations and on the CEC website from 20 days before election day for the first round as well as between the two rounds. According to the CEC, as of 29 October, the number of eligible voters was 3,247,106. There were no provisions requiring voter lists to be updated between rounds. However, voters who turned 18 year old between rounds were able to vote by providing proof of residence and the required identification document. Their names were included in supplementary voter lists. Based on data provided by the State Enterprise “*Registru*”, between two rounds, some 1,400 voters turned 18 years old and some 1,200 died. In total, 2,812,566 voters were included in voter lists for the first

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<sup>23</sup> The following locations abroad ran out of ballots in the second round: Montreal, Moscow (two locations), Dublin, Brussels, London (two locations), Frankfurt, Paris, Villeneuve-Saint-Georges, Montreuil, Bologna, Mestre, Padova, Parma, Verona and Bucharest (two locations).

<sup>24</sup> Paragraph 24 of the 1990 OSCE Copenhagen Document provides that “[a]ny restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law”. With regard to incapacitation on the grounds of disability see also Article 29 of the CRPD and the judgment of the European Court of Human Rights in *Alajos Kiss v. Hungary*.

<sup>25</sup> The State Population Register is maintained by the State Enterprise “*Registru*” based on data from the Civil Status Offices, Ministry of Interior, Property Registry Office, Border Police, and the MFAEI.

round and 2,810,057 for the second.<sup>26</sup> Voter lists do not include 159,899 citizens residing abroad or not having domiciles in the country and 222,253 citizens living in Transdnistria.<sup>27</sup> Voter list printouts from the first round were used for the second round.<sup>28</sup> The CEC printed 3,131,347 ballots for the first round and 3,164,549 for the second round, including 751,144 for each round in the Russian language.

Several OSCE/ODIHR EOM interlocutors questioned the accuracy of voter lists, noting concerns that numerous deceased voters were still included.<sup>29</sup> Moreover, according to the OSCE/ODIHR EOM interlocutors, a large number of citizens living abroad are included in voter lists associated with their former residence or domicile addresses. This is consistent with national legislation, but results in voter lists that do not accurately reflect the number of eligible voters present in-country.

*Consideration should be given to developing a more efficient system to update information in relevant registers that forms the basis of voter lists, including the timely update of entries in the civil and resident registers.*

Supplementary voter lists were compiled by PEBs on election day during the two rounds. In the first round, 117,128 voters were added. In the second round, the number increased to 209,438. Supplementary lists were used to include voters omitted from regular voter lists, but registered within the precinct, voters using absentee voting certificates, military conscripts, voters at polling stations outside the country (except for diplomatic personnel on the regular voters lists), voters from the territory controlled by the Transdnistrian *de facto* authorities, and those in prisons, detention centres, and medical institutions, provided they have documents to prove their identity.<sup>30</sup>

The student voting procedure was an issue raised before the second round by one of the candidates. While there are no special provisions relating to student voting in presidential elections, the Election Code provides that students can vote in parliamentary elections at their place of study, even if they are not registered as residents, on the basis of their student identification cards. The CEC clarified that students not included in regular voter lists at their place of study could be included in the supplementary voter lists on election day if they presented registration of temporary residence at their place of study or if they obtained absentee voting certificates in advance from their place of permanent residence. The CEC also encouraged educational institutions to facilitate the temporary residence registration of students at their place of study.

*Consideration could be given to harmonizing the provisions governing voting by students in national elections and to ensuring that clear information about student voting procedures is available well in advance of an election.*

In October, the CEC decided to allow voters residing abroad to vote with expired passports. The CEC did not allow in-country voters to vote with expired documents, although it was permitted in

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<sup>26</sup> The CEC explained the difference of 2,509 voters was due to the smaller number of Absentee Voting Certificates issued and more voters checked and verified their data on the lists between the two rounds or proper death certificates were provided and deceased persons were removed from the lists.

<sup>27</sup> Voters abroad added into supplementary voter lists totaled 67,205 for the first round and 138,720 for the second. The number of voters from Transdnistria was 6,964 for the first round and 16,728 for the second.

<sup>28</sup> An additional column for voters' signatures for the second round had already been included.

<sup>29</sup> There are no effective mechanisms for updating voter lists if a voter dies abroad unless a death certificate is presented to the authorities. Similarly, names of persons who died in-country before the introduction of the SVR remain on a voter list unless a death certificate is presented for the purpose of removal from a list.

<sup>30</sup> Section 1.2.iv. of the Code of Good Practice sets that "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".

prior elections. Some OSCE/ODIHR EOM interlocutors raised concern that the authorities did not take earlier steps to inform voters about available options for renewing documents and whether expired documents would be permitted, especially as the CEC issued decisions on the same subject shortly before the last parliamentary and local elections.

*Voter identification requirements within and outside of the country should be clarified well in advance of any election. They should aim at meeting the objectives of facilitating suffrage and allowing voter eligibility to be verified.*

## VII. CANDIDATE REGISTRATION

Eligible voters of at least 40 years of age who have resided in Moldova for a minimum of ten years and possess a proficiency in the state language are eligible to stand for office.<sup>31</sup> Those serving a prison sentence, with an active criminal record, or deprived of the right to hold decision-making positions by a final court decision cannot stand for election. The residency requirement constitutes a restrictive candidacy requirement, which is not in line with OSCE commitments and international obligations and standards for democratic elections as well as international good practice.<sup>32</sup> Some OSCE/ODIHR EOM interlocutors considered the age requirement as a politically motivated restriction, aimed in the current context to exclude certain prospective candidates.<sup>33</sup>

*Undue restrictions on the right to be elected should be removed from the legal framework. Consideration should be given to lifting the residency requirement and the language requirement should be clarified through detailed and objective provisions.*

Candidates can participate in the election independently or as a nominee of a political party or a bloc. To be registered, each candidate must first establish an initiative group and submit a minimum of 15,000 supporting signatures from at least 18 of 35 administrative units with at least 600 signatures from any given unit. A number of OSCE/ODIHR EOM interlocutors stated that these requirements were burdensome for independent candidates.

Despite previous OSCE/ODIHR and Venice Commission recommendations, and contrary to OSCE commitments and international good practice, voters can only sign for one candidate.<sup>34</sup> In line with its regulation, the CEC considered those signature submitted first as valid when a voter signed in

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<sup>31</sup> The legislation does not elaborate how, if at all, a candidate's command of the state language is assessed. The CEC required candidates to write their biographies in the state language, but without further assessment.

<sup>32</sup> Paragraph 15 of the 1996 General Comment No. 25 to Article 25 of the International Covenant on Civil and Political Rights (ICCPR) states that "Any restrictions on the right to stand for election, such as minimum age, must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation." See also paragraph 24 of the 1990 OSCE Copenhagen Document, section I.1.1.1.d.iii. of the Code of Good Practice, and Article 2.b of the 2002 Commonwealth of Independent States (CIS) Convention on Standards on Democratic Elections

<sup>33</sup> The minimum age was raised from 35 to 40 by a law adopted in 2000, which amended the Constitution to introduce indirect presidential election. This was the only provision that was not repealed by the 4 March Constitutional Court decision. The 2016 OSCE/ODIHR and Venice Commission Joint Opinion noted that the "age requirement of 40 years to stand for the presidency, although not without precedent in other countries, could be considered high".

<sup>34</sup> Paragraph 3 of 1990 OSCE Copenhagen Documents states that participating States "recognize the importance of pluralism with regard to political organizations". Paragraph 77 of the [2011 OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation](#) recommends 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".

support of multiple candidates.<sup>35</sup> This situation, as well as a lack of sufficient time to verify signatures submitted close to the deadline, led to inconsistent signature verification.<sup>36</sup>

The Election Code provides that candidates shall be listed on the ballot “in the order determined by the results of the lot daily drawn”. The CEC interpreted this provision to mandate that the order of placement on the ballot for the first round would be based on the date when candidates submitted signature lists and that lots would then be drawn to determine order among any candidates submitting lists on the same day. Many OSCE/ODIHR EOM interlocutors considered that this approach of determining the order on the ballots potentially created an additional incentive for abuse of administrative resources during the signature collection period.<sup>37</sup>

*Rules on candidate registration, including procedures for verifying supporting signatures, should be clarified to ensure transparency, consistency and legal certainty at all stages. Timelines should allow sufficient time to effectively and consistently carry out signature verification and decisions related to candidate registration should be taken sufficiently in advance of the campaign to provide equal opportunity to stand for all prospective contestants.*

The requirement for mayors to certify supporting signatures and their active role during signature collection was problematic given their perceived political affiliation with some candidates, creating potential for the misuse of administrative resources.<sup>38</sup> These arrangements blurred the line between State and party, contrary to paragraph 5.4 of the 1990 OSCE Copenhagen Document.<sup>39</sup>

*Consideration could be given to revising the role of the local administration in the signature verification process. Authorities could also consider alternative methods for candidate nomination.*

Twenty-four initiative groups were registered by the CEC, 10 represented parties and 14 independent candidates. Eight initiative groups did not submit the required signatures and the registration of four other candidates was denied following signature verification. Signature lists of eight candidates were submitted on the last day of nomination. In line with the law, the CEC verified the supporting signatures by 6 October, after the official start of the campaign, contrary to

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<sup>35</sup> Section I.1.3. of the Code of Good Practice recommends that “Checking of signatures must be governed by clear rules...The checking process must in principle cover all signatures; however, once it has been established beyond doubt that the requisite number of signatures has been collected, the remaining signatures need not be checked”.

<sup>36</sup> While the Election Code stipulates that signature verification is carried out in five days, the electoral calendar provided for the signature lists to be submitted up to 30 days before the election. According to the CEC, it did not crosscheck duplicate signatures for all nominees and did not check for duplicate signatures for Marian Lupu as he was the first to submit his lists.

<sup>37</sup> The CEC accepted the lists of Mr. Lupu on Saturday 3 September, in contravention of its decision excluding weekends from the schedule for acceptance of nomination documents. Some OSCE/ODIHR EOM interlocutors considered this CEC action as preferential treatment.

<sup>38</sup> The decision of a mayor not to certify signatures can be appealed to court. In one case, the Balti Court of Appeal held that the denial to certify signatures in favour of Roman Mihaes by the mayor of Balti was unfounded. Another prospective candidate, Vitalia Pavlicenco, appealed the CEC decision not to register her candidacy, claiming wide obstruction from the local authorities during signature collection. Representatives of Mr. Lupu and Mr. Ghiletchi also reported to the OSCE/ODIHR EOM that they faced administrative obstacles during certification of their signatures. OSCE/ODIHR EOM interlocutors, including most of the candidates, raised allegations of voters (including public servants) being forced to sign for Mr. Lupu.

<sup>39</sup> Paragraph 5.4 of the 1990 OSCE Copenhagen Document commits participating States to provide “a clear separation between the State and political parties; in particular, political parties will not be merged with the State”.

international good practice.<sup>40</sup> The CEC initially registered 12 candidates, including 5 women.<sup>41</sup> Two candidates later withdrew.<sup>42</sup>

The Election Code stipulates that candidates can be de-registered for any use of undeclared or foreign funds, funds exceeding the permissible spending limit, or involvement of foreign citizens in the campaign. As previously assessed by the OSCE/ODIHR, the ban on involving foreign citizens in campaigning is a disproportionate restriction challenging freedom of expression. One candidate was de-registered for violating campaign finance requirements, which was widely reported as a case of vote-buying.<sup>43</sup> Two other cases considered by the CEC were related to alleged involvement of foreign citizens in campaigning. One was dismissed as unfounded and in the other case, the CEC issued a warning to the candidate.<sup>44</sup> The law does not provide for intermediate sanctions for these violations, which is at odds with the principle of proportionality in that de-registration of a contestant should be a sanction of last resort after serious or repeated breaches of the law.<sup>45</sup> Following withdrawals and de-registrations, nine candidates, including four women, stood in the election.

Inconsistent legal deadlines, selective implementation of rules during signature collection and verification, and disproportionate sanctions for campaign violations, challenged the right to stand for elections on an equal basis, contrary to paragraph 7.6 of the 1990 OSCE Copenhagen Document.<sup>46</sup>

The Election Code provides general rules and a deadline of seven days for candidate withdrawals, but does not specifically address withdrawal of presidential candidates. In one case, a candidate withdrew by the legal deadline, providing a written notification to the CEC as required by law. The CEC accepted the withdrawal of another candidate following court decision, without further justification, three days before election day. PEBs were instructed to mark the name of the candidate who withdrew after printing the ballots as “withdrawn”, which placed an additional burden on their work.

*Procedures for the withdrawal of registered candidates after ballot printing should be clearly and exhaustively stipulated in the law. To avoid amending ballots manually, the deadline could be synchronized with ballot printing.*

## VIII. ELECTION CAMPAIGN

The Election Code provides for fair and equal opportunities for contestants during the campaign. Following the 2016 amendments aiming to address a previous OSCE/ODIHR recommendation to

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<sup>40</sup> Section I.1.3.v. of the Code of Good Practice recommends that “validation of signatures must be completed by the start of the election campaign”.

<sup>41</sup> Dumitru Ciubasenco, Igor Dodon, Valeriu Ghiletschi, Mihai Ghimpu, Ana Gutu, Maia Laguta, Iurie Leanca, Marian Lupu, Andrei Nastase, Inna Popenco, Silvia Radu, and Maia Sandu.

<sup>42</sup> Mr. Lupu and Mr. Nastase.

<sup>43</sup> Ms. Popenco was de-registered for failing to declare the cost of membership cards to “social stores” in the amount of MLD 25,044 (EUR 1 is approximately MDL 22 (Moldovan Lei)). Although the Criminal Code provides for criminal liability for vote-buying during parliamentary and local elections and referenda, it does not criminalize vote-buying during the presidential election.

<sup>44</sup> The complaint against Mr. Nastase was dismissed. The complaint against Ms. Sandu resulted in a warning.

<sup>45</sup> Paragraph 24 of the 1990 OSCE Copenhagen Document provides that restrictions on rights and freedoms must be “strictly proportionate to the aim of the law”. See also paragraphs 224-225 and 227-228 of the Guidelines on Political Party Regulation.

<sup>46</sup> Paragraph 7.6 calls on OSCE 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”.

ensure equal campaign opportunities, the official campaign period starts not earlier than 30 days and ends 24 hours before election day. According to the law, the registration of candidates is possible after the start of the official campaign period, while campaigning is allowed only after individual registration.<sup>47</sup> This left four candidates with less time than the others to campaign, which negatively affected the equality of campaign opportunities, contrary to paragraph 7.6 of the 1990 OSCE Copenhagen Document and international good practice.<sup>48</sup>

The law does not define when the campaign resumes after the first round and whether it is prohibited to campaign before the announcement of the final results of the first round. This lack of clarity resulted in different interpretations by the CEC and the Audio-visual Co-ordination Council (CCA). According to the CEC, the campaign for the second round started on 2 November and ended at midnight on 11 November, while the CCA stated that it resumed on 31 October. In practice, the campaign resumed immediately after the first round election day.

*To ensure a level playing field, consideration could be given to amending the law to ensure that candidate registration decisions are taken prior to the start of the campaign period, which should start on the same day for all contestants. The terms of resuming the campaign for a possible second round could be clearly stipulated to avoid uncertainty and inconsistent application of the law.*

Freedoms of expression, association and assembly, were respected and candidates campaigned freely. The campaign was low key and peaceful, but intensified as both election days approached. The campaign was competitive, with candidate messages focusing on corruption, social and economic issues, and the country's geopolitical orientation. Although national minorities constitute 22 per cent of the population, language or identity issues did not prominently feature in the electoral campaign.<sup>49</sup>

Most candidates campaigned through door-to-door canvassing, small-scale meetings and rallies, leaflets, billboards and posters, media, as well as intensively through social media.<sup>50</sup> Both the state language and Russian were used during campaigning.<sup>51</sup> While TV was the main source of information for voters, according to the OSCE/ODIHR EOM monitoring results, only six candidates used paid TV advertisements during the first round.<sup>52</sup>

The second round contestants (Mr. Dodon and Ms. Sandu) used different campaign strategies. Mr. Dodon's campaign mostly focused on door-to-door outreach, while Ms. Sandu was actively involved in rallies and meetings with voters and made extensive use of social media, targeting voters inside and outside of the country. The Communist Party campaigned for a boycott of the election on the basis that they did not recognize the legality of the 4 March Constitutional Court decision mandating the election, although in the runoff its leader publicly expressed his preference for Mr. Dodon.

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<sup>47</sup> Ms. Radu, Ms. Laguta, Ms. Gutu and Mr. Ghilechi were registered on 6 October, while the official start of campaign was on 30 September.

<sup>48</sup> See also, section I.2.3.a of the Code of Good Practice, which recommends that "Equality of opportunity must be guaranteed for parties and candidates alike".

<sup>49</sup> According to the 2004 census (excluding Transnistria), Ukrainians constituted 8.4 per cent of the population, Russians 5.9 per cent, Gagauzians 4.4 per cent, Bulgarians 1.9 per cent, and other minorities less than 1 per cent each. The results of the 2014 census will reportedly be published in March 2017.

<sup>50</sup> The OSCE/ODIHR EOM observed 31 rallies and meetings with voters (21 in the first round and 10 in the second).

<sup>51</sup> The OSCE/ODIHR EOM did not observe other languages used by national minorities.

<sup>52</sup> According to the OSCE/ODIHR EOM media monitoring, Mr. Lupu used 33 per cent of the overall paid airtime within the monitored period, Mr. Ciubasenco and Mr. Dodon used 17 and 18 per cent, respectively. Mr. Ghimpu, Mr. Leanca, and Ms. Radu used less than 10 per cent each. The other five candidates did not use paid airtime during the first round.



The Election Code prohibits the use of images of foreign officials for the purpose of campaigning, which the OSCE/ODIHR had previously recommended to reconsider. These provisions are at odds with paragraphs 7.7 and 9.1 of the 1990 OSCE Copenhagen Document, which provide for “political campaigning to be conducted in a fair and free atmosphere” and “the right to freedom of expression” respectively. Some pictures of candidates with foreign politicians were published in social media during campaign, which led to complaints from other candidates about possible violations. In the case of one candidate, the CEC issued a warning.<sup>53</sup>

*The ban on the use of state and foreign symbols and involvement of foreign citizens in the campaign should be reconsidered as they are disproportionate restrictions of the right to freedom of expression.*

Negative campaign tactics were observed, especially during the second round campaign, including the use of sexist language and gender stereotyping against Ms. Sandu, as well as instances of homophobic language. This was reflected in media, as well as in numerous leaflets.<sup>54</sup> The OSCE/ODIHR EOM noted that authorities failed to react against these practices, contrary to OSCE commitments.<sup>55</sup> The high representatives of the Moldovan Orthodox Church expressed public support for Mr. Dodon and opposition to Ms. Sandu. Several OSCE/ODIHR interlocutors raised concerns regarding the appropriateness of the active role of church representatives in the election.

*The authorities, upon consultation, should consider the introduction of an effective mechanism against instances of intolerant rhetoric, such as sexist and homophobic language and gender stereotyping, including in the campaign period. The general Code of Ethics and the internal codes of broadcasters could include provisions on avoiding discriminatory, sexist and homophobic language.*

The Election Code provides a general prohibition of abuse of administrative resources in the electoral campaign without further details.<sup>56</sup> The Law on the Status of High Public Servants prohibits officials from campaigning while performing official functions.<sup>57</sup> The OSCE/ODIHR EOM observed cases of abuse of administrative resources, including pressure on state employees and voters during campaign activities.<sup>58</sup> Many OSCE/ODIHR EOM interlocutors, including candidates and civil society, also reported on such abuses during the signature collection period as

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<sup>53</sup> Pictures of Mr. Nastase with former Polish president Lech Walensa and Ms. Sandu together with Angela Merkel, Donald Tusk and Jean-Claude Juncker were published in social media. The complaints were filed to the CEC by the PDM against Mr. Nastase and by the PSRM and independent candidate Ms. Laguta against Ms. Sandu. The CEC issued a warning to Ms. Sandu.

<sup>54</sup> At a press conference on 8 November, civil society representatives condemned the use of intolerant rhetoric in the campaign.

<sup>55</sup> Paragraph 40 of the 1990 OSCE Copenhagen Document states that “the participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds...They declare their firm intention to intensify the efforts to combat these phenomena in all their forms...” OSCE Ministerial Council Decision 10/07 calls for continued efforts by political representatives, including parliamentarians, strongly to reject and condemn manifestations of racism, xenophobia, anti-Semitism, discrimination and intolerance.

<sup>56</sup> For example, the law does not prescribe sanctions for abuse of campaign provisions during signature collection.

<sup>57</sup> The prohibition against campaigning includes reference to ministers. On 17 October, *Publika TV* broadcast the Minister of Agriculture who urged workers of a factory to vote for Mr. Lupu during his visit to Cahul.

<sup>58</sup> The OSCE/ODIHR EOM observed in the Edinet district cases of direct involvement of mayoral offices in distributing campaign materials of Mr. Lupu (in Blesteni, Donduseni, Edinet, Terebna, Trinka) as well as campaign activities in favour of Mr. Lupu (in Zabricani) and Mr. Dodon (in Alexeevka) during public events, organized by local authorities. None of the candidates were present at these events.

well as the campaign.<sup>59</sup> This blurred the separation between the State and parties at odds with paragraph 5.4 of the 1990 OSCE Copenhagen Document, which provides for “a clear separation between State and political parties”.

The abuse of administrative resources appeared less widespread in the run-up to the second round. Nevertheless, the OSCE/ODIHR EOM noted cases in which mayors campaigned or exerted pressure to support one candidate or another.<sup>60</sup> National and most local officials associated with the main governing party, the PDM, publicly stated their support for a ‘pro-European candidate’ (assumed to be Ms. Sandu). In practice, some mayors from this party worked to consolidate support for Mr. Dodon.

*Consideration could be given to introducing an effective enforcement mechanism to existing regulations on preventing the misuse of administrative resources to promote a level playing field among contestants and ensure the separation of state and party interests.*

## IX. CAMPAIGN FINANCE

Party and campaign finance are regulated by the 1997 Election Code, the 2007 Law on Political Parties, the 1994 Law on the Court of Accounts, the 2008 Code of Administrative Offences, and the 2002 Criminal Code. These are supplemented by CEC regulations and decisions. The 2016 amendments to the Election Code addressed financing of initiative groups’ activities during signature collection.<sup>61</sup> Despite substantial legal amendments regulating party and campaign finance introduced in 2015 that addressed some previous recommendations by the OSCE/ODIHR, the Venice Commission and the Council of Europe’s Group of States against Corruption (GRECO), the legal framework contains a number of gaps and leaves some previous recommendations unaddressed.<sup>62</sup> The legislation does not allow adequate time for effective oversight of financial reports, fails to provide proportionate sanctions for campaign finance violations during signature collection and the campaign, does not regulate finance and reporting requirements during the second round, and does not address third-party campaigning.<sup>63</sup>

*The campaign finance legal framework would benefit from further improvement to address identified gaps in its regulation and to further enhance transparency and accountability. Consideration could be given to consolidating all campaign finance legislation in a single law.*

Political parties can be financed through donations, membership fees and state subventions. For the

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<sup>59</sup> The OSCE/ODIHR EOM received reports about several cases in Balti and Glodeni where teachers were told to attend meetings about education issues, which turned out to be campaign meetings of Mr. Lupu. In other cases, the OSCE/ODIHR EOM received reports on alleged pressure by mayors on employees of Gagauz Gaz and post offices in Comrat to attend PDM rallies. The OSCE/ODIHR EOM received reports about cases of using vehicles and other administrative resources during the collection of signatures and campaign activities by PDM-affiliated mayors in villages around Balti, Causeni, Falesti, Glodeni, Riscani, and Talmaz. In Cainari, the representatives of the Popular European Party of Moldova (PPEM) informed the OSCE/ODIHR EOM that the mayor helped them to organize their campaign meeting.

<sup>60</sup> Mayors of Corbu, Regina Maria and Bulboci campaigned and exerted pressure in support of Ms. Sandu. Mayors of Abaclia, Sadaclia and Cimislia made a statement expressing support for Ms. Sandu and opposing Mr. Dodon. A mayor from Donduseni district instructed civil servants to campaign for Mr. Dodon. The Head of the Autonomous Territorial Unit of Gagauzia participated in a rally to support Mr. Dodon.

<sup>61</sup> These stated that the same rules apply for financing of initiative groups and the campaign.

<sup>62</sup> Issues addressed include more comprehensive reporting requirements and stipulating criteria for spending limits.

<sup>63</sup> The CEC regulation on campaign finance only mentions that the campaign account is reactivated in case of a second round. However, the law does not provide a deadline for closing these accounts. According to the CEC, the campaign accounts of contestants for the second round were not blocked between the two rounds.

first time, public funding totalling some MDL 40 million has been allocated for political parties, distributed proportionally based on a party's previous results in parliamentary and local elections. However, these funds could not be transferred to presidential candidates due to a lack of regulation regarding the use of public funds for election campaigns.

Activities of initiative groups and campaigns are financed from contestants' own funds and donations.<sup>64</sup> There are no direct public subsidies for campaigning, but contestants may receive interest-free loans from the state that may be written-off if a candidate receives a certain number of votes.<sup>65</sup> The CEC established maximum amount for a loan at MDL 30,000. The Ministry of Finance failed to adopt the required rules on receiving and repaying loans. No candidate requested such loans.

Despite a previous OSCE/ODIHR and Venice Commission recommendation, donations from out-of-country sources of income remain prohibited.<sup>66</sup> An individual may donate up to MDL 1,010,000 and a legal entity up to MDL 2,020,000. Only on 13 September the CEC established spending limits for initiative groups and candidates at MDL 576,250 and MDL 65,797,538, respectively.<sup>67</sup>

All expenses during signature collection and the campaign have to be made via dedicated bank accounts opened separately for initiative groups and candidates. Nine initiative groups declared no expenses incurred, thus raising concerns about the financial transparency of signature collection activities. However, the law does not detail sanctions for violating financing rules for initiative groups.

The CEC is responsible for campaign finance oversight. It receives and publishes bi-weekly financial reports from contestants on its website, and is required to verify their accuracy and compliance with the law, and may impose sanctions or request other competent bodies to do so. Limited human resources hindered the ability of the CEC to effectively monitor campaign finance, so it only verified if formal campaign finance requirements were complied with, and generally conducted inquiries in response to complaints.

The law requires contestants to submit reports from the date of opening their campaign account and not later than 48 hours before election day, which are published by the CEC on its website within 48 hours of receipt.<sup>68</sup> These were submitted to the CEC by all contestants within legal deadlines. As required by law, the CEC published information on total income and expenditures of candidates, thus providing public access to campaign finance data.<sup>69</sup> However, the timeline determined by the law does not cover activities carried out after the submission of the report and is insufficient for effective oversight.

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<sup>64</sup> Funding from foreign, public, and anonymous sources and from non-profit and charitable organizations is prohibited.

<sup>65</sup> Loans are written off fully or partially, proportionally to the votes received, provided that the contestant received above three per cent of votes cast.

<sup>66</sup> On 16 September, Ms. Sandu challenged the constitutionality of this provision to Buiucani District Court in Chisinau. The court referred it to the Constitutional Court which, on 26 September, declared the complaint inadmissible on procedural grounds.

<sup>67</sup> The CEC informed the OSCE/ODIHR EOM that, although not formally regulated, the expenditure limit of MDL 65.8 million applied for both rounds cumulatively.

<sup>68</sup> Financial reports were submitted to the CEC on 14 and 28 October, and 11 November. Reports do not disclose donor personal information in line with the Law on Personal Data Protection, which was raised as a concern by some journalists as detracting from transparency of campaign finance oversight. The reports of at least two candidates report transfers from political parties, detracting from transparency about the original source of the funds.

<sup>69</sup> A total amount of MDL 59.4 million was declared by all contestants. According to the reports, Mr. Dodon spent some MDL 8.4 million and Ms. Sandu some MDL 1.4 million.

While the assessments of the reports submitted before the first round were published before the first round election day, the second CEC audit report was not published before the run-off. This decreased the efficiency of campaign finance oversight, contrary to international obligations and good practice, and affected voters' ability to make a fully informed choice.<sup>70</sup>

*To further enhance transparency and accountability, it is recommended that the oversight body be required to publish results and conclusions of its audit in a timely manner. Consideration could be given to introducing shorter reporting deadlines to allow for a more effective audit.*

The CEC issued a warning to two candidates for misreporting. It requested clarification on possible unreported spending from one candidate and requested the State Tax Inspectorate to verify the origin of donations exceeding MDL 75,000. One candidate was de-registered for using undeclared funds (See *Candidate Registration*). No irregularities were found in other cases. In its final report, the CEC noted issues of transparency and possible discrepancies in the financial reports of some candidates raised by a civil society organization, but took no action as in most cases the CEC did not proactively address campaign finance violations and conducted inquiries only in response to complaints. Overall, the regulatory system and its implementation continues to be insufficient to ensure transparency, integrity and accountability of campaign finances, and did not enjoy public confidence.

*To enhance the transparency and oversight of campaign finances, previous OSCE/ODIHR, Venice Commission and GRECO recommendations should be addressed. A body with adequate capacity, technical expertise and independence to exercise its functions effectively should be empowered for such oversight. Should the CEC remain the competent oversight body, it should be given sufficient authority and resources to conduct effective campaign finance oversight. The law could prescribe graduated and proportionate sanctions for campaign finance violations.*

## **X. MEDIA**

### **A. MEDIA ENVIRONMENT**

The media landscape is characterized by a high number of media outlets operating in a limited advertising market where most depend on subsidies and advertising revenues from political and business affiliates. Major TV stations are owned by political and business interests and are strongly associated with political parties.

A concentration in ownership further diminishes political pluralism on TV, which remains the main source of information.<sup>71</sup> Four of five TV stations with nationwide coverage *Canal 2*, *Canal 3*, *Prime TV*, and *Publika TV* are registered under the General Media Group, owned by Vladimir Plahotniuc, who was the First Deputy Chair of the PDM during the electoral process.<sup>72</sup> The owner of *NTV Moldova*, Corneliu Furculita, is a PSRM MP, *Jurnal TV*, is reportedly controlled by a former politician linked to the leader of the Dignity and Truth Platform, and *TV7* is owned by PLDM MP Chiril Lucinschi.

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<sup>70</sup> See Article 7.3 of the [2004 United Nations Convention against Corruption](#) and paragraphs 194 of the [Guidelines on Political Party Regulation](#).

<sup>71</sup> An amendment to the Audio-visual Code of 2015 obliged broadcasters to disclose their owners. However, this obligation does not apply to offshore companies or advertising agencies.

<sup>72</sup> According to several media NGOs, Mr. Plahotniuc also controls more than 50 per cent of the TV advertising market.

Pressure and interference from media owners resulted in self-censorship by journalists. The coverage on commercial TV is exceptionally politically biased. The few outlets considered independent have issues with their financial viability. Thus journalists have limited opportunities to practice high standard journalism. However, some online news sources, supported by international donors, include investigative journalism and are re-published by other outlets. There is no interference in Internet freedom, and online news sources increasingly contribute to pluralism in media. Newspapers have marginal outreach and most display political bias.

## **B. LEGAL FRAMEWORK**

Media legislation provides a sound basis for journalists' work if implemented in good faith. The right to freedom of expression is guaranteed by the Constitution. Laws pertaining to defamation, the access to information and pluralism in broadcasting are largely in line with international standards and good practice. Defamation is decriminalized and no damages against media outlets in civil defamation cases have been awarded in recent years. While journalists noted issue that institutions are at times reluctant to provide access to public information, media representatives reported that in court cases filed to receive public information, courts generally decide in favour of journalists.

## **C. COVERAGE OF THE CAMPAIGN**

The Audio-visual Code obliges public and commercial broadcasters to have fair, balanced and impartial political coverage between and during election campaigns to provide for political pluralism. The regulatory body for broadcasters, the Audio-visual Co-ordination Council (CCA), acts following its own media monitoring and upon complaints. However, the CCA conducted quantitative and qualitative monitoring of the campaign coverage only during primetime newscasts and does not conduct regular monitoring of coverage between election campaigns. The CCA informed the OSCE/ODIHR EOM that its limited monitoring was due to limited resources.

*To promote political pluralism in broadcast media, the CCA could consider to oversee broadcasters' obligation to provide fair, impartial and balanced coverage beyond the official campaign period.*

On 6 September, the CEC, in consultation with the CCA approved the "Rules for the Practical Application of Fair, Balanced, and Impartial Coverage" for broadcasting. These rules obliged public and commercial broadcasters with nationwide coverage to organize debates with candidates or their representatives at their editorial discretion. The rules further granted each contestant five minutes of free airtime on commercial TV and ten minutes on commercial radio with nationwide coverage. In addition, the public broadcaster, *Teleradio Moldova*, had to provide one minute of daily free airtime to each contestant.

The CCA is mandated to impose sanctions upon violations of legal provisions, including on impartiality. However, the law does not define fair, balanced, and impartial coverage, leaving it to the discretion of the CCA. International standards, however, require that a rule in order to be recognized as a law and as a legitimate restriction on freedom of expression, has to be formulated precisely enough to enable an individual to regulate his or her conduct accordingly.<sup>73</sup>

*The impartiality requirement should be formulated in line with international standards, including on the right to freedom of expression as well as the need for sufficient precision to enable an*

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<sup>73</sup> See paragraph 25 of General Comment No. 34 on Article 19 of the ICCPR.

*individual to regulate his or her conduct accordingly. The law should precisely define what constitutes fair, balanced and impartial coverage and what constitutes a violation of the requirement.*

On 17 October, the CCA published its first monitoring report and issued public warnings to six TV stations for breaching the impartiality requirement. On 28 October, the last day of the first round campaign, the CCA imposed fines on seven TV stations for the maximum possible amount of MDL 5,400 for repeated breaches of the impartiality requirement. On 11 November, the last day of the second round campaign, the same seven TV stations were fined again in the same amount for repeated breaches of the impartiality requirement.<sup>74</sup> The Audio-visual Code obliges the CCA to warn the broadcaster, granting a “rehabilitation period” before further sanctions could be imposed. However, the law does not set a deadline between the warning and the application of sanctions. By the law, warning comes into force only after the broadcaster has formally been informed.

*To enforce existing provisions on impartial coverage during the campaign and to provide for a level field of candidates, the CCA reports should be issued in a timely manner and effective sanctions following violations of the impartiality requirement should be applied immediately. The amount of fines could be increased to serve its sanctioning role.*

Broadcasters are given the possibility to express their point of view, appeal, and request suspension of the CCA decisions in court. The Election Code does not explicitly provide for shorter deadlines for adjudicating the cases, leaving 30 days to consider an appeal.<sup>75</sup> The CCA informed the OSCE/ODIHR EOM that *Jurnal TV* challenged the fine with the Chisinau Court of Appeal and that the decision was pending as of 17 December 2016. The TV station’s request to suspend the fine was not granted by the Court.<sup>76</sup> While the CCA disclosed biased coverage of contestants by several monitored commercial broadcasters, no fines were enforced until the end of the second round campaign.<sup>77</sup> The CCA failed to enforce the obligation of fair, balanced, and impartial campaign coverage, which compromised a level playing field for candidates.

*Deadlines for the CCA to adjudicate election-related complaints could be reviewed to ensure media violations are effectively addressed and in a timely manner.*

During the second round, the media campaign was key for candidates and gained momentum as election day approached. TV stations associated with various political forces portrayed the race in an increasingly negative tone that further polarized the campaign. Some politically aligned broadcasters emphasised divisive topics, often with seemingly unsubstantiated information. Five TV debates between the two candidates were broadcast, which positively contributed to voter information. However, the candidates frequently exchanged mutual and, at times, harsh accusations rather than engaging in substantive debate.

#### **D. OSCE/ODIHR EOM MEDIA MONITORING FINDINGS**

The monitoring results disclosed that during the first round, the first channel of the public service broadcaster *Moldova 1* provided largely balanced coverage to Mr. Dodon (22 per cent of news

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<sup>74</sup> The CCA fined *Prime, Publika TV, Canal2, Canal3, Jurnal TV, Accent TV* and *NTV Moldova*.

<sup>75</sup> Although the Supreme Court on 26 September defined the time for an appeal of CCA decisions as five days, the CCA and some other interlocutors were unaware of this provision.

<sup>76</sup> In addition to the appeal on the CEC decision, the claimant can ask for a suspension of the fine until the court decision. In this case, a suspension of the fine was not granted by the court.

<sup>77</sup> According to the Code of Administrative Procedure, TV stations are granted 30 days to pay the fine. The CCA informed the OSCE/ODIHR EOM that it was not aware if any of station had paid the fine as of 22 November.

coverage), Mr. Lupu (15 per cent) and Ms. Sandu (32 per cent). Each of the other candidates received less than eight per cent of coverage.<sup>78</sup>

However, four of the seven monitored commercial TV stations displayed explicitly biased coverage of the contestants. *Prime* and *Publika TV* favoured Mr. Lupu by devoting 49 and 53 per cent of the news coverage, respectively, while devoting 19 and 14 per cent, respectively, to Mr. Dodon. Ms. Sandu received 20 and 21 per cent of news coverage, respectively, largely negative in tone. *Jurnal TV* devoted 58 per cent of news coverage to Ms. Sandu, while giving only 12 and 15 per cent to Mr. Dodon and Mr. Lupu, respectively. *NTV Moldova* devoted 48 per cent of news coverage to Mr. Dodon, 35 per cent to Ms. Sandu, and 8 per cent to Mr. Lupu; however, 76 per cent of the coverage of Ms. Sandu was negative in tone. *Pro TV* and *TV 7* devoted 37 and 41 per cent, respectively, to Ms. Sandu, 20 and 7 per cent to Mr. Dodon, and 11 and 14 per cent to Mr. Lupu.

During the second round, commercial TV stations' bias became more evident. *Jurnal TV* devoted 63 per cent of news coverage to Ms. Sandu, and 37 per cent to Mr. Dodon. Of Mr. Dodon's news coverage, 82 per cent was negative. *NTV Moldova*, *Prime* and *Publika TV* favoured Mr. Dodon. These TV stations devoted 70, 61 and 64 per cent of news coverage, respectively to Ms. Sandu, and 30, 39 and 36 per cent to Mr. Dodon. However, 72 per cent of Ms. Sandu's news coverage on *Prime* and 89 per cent on *Publika TV* was negative, while 96 per cent of the news coverage of Ms. Sandu on *NTV Moldova* was very negative in tone.

During both rounds, only the public broadcaster followed its obligation to organize debates and provide free airtime.<sup>79</sup> However, three of the monitored stations with limited coverage *Jurnal TV*, *Pro TV* and *TV7* organized debates, while the monitored nationwide *Prime* and *Publika TV* failed to do so.

The monitoring of online sources and newspapers disclosed that newspapers displayed political bias while two of the online news platforms *Point* and *Unimedia*, provided rather balanced coverage.

## XI. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Code provides for observation by citizen and international organizations, as well as representatives of candidates. Accredited observers are entitled to follow all stages of the election and no concerns were noted about their ability to operate freely. The CEC accredited 3,285 citizen observers from 20 civil society organizations and institutions, including 114 observers for out-of-country polling stations. The CEC accredited 636 international observers from 52 entities. One of the most active civil society organizations, Promo-LEX, conducted long-term and short-term observation, parallel vote tabulation, and out-of-country observation and published regularly preliminary reports covering most aspects of the electoral process.

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<sup>78</sup> The OSCE/ODIHR EOM conducted quantitative and qualitative primetime monitoring between 8 October and 11 November of seven TV stations (three with nationwide coverage, the public *Moldova1*, *Prime* and *Publika TV* and four with regional coverage: *Jurnal TV*, *Pro TV*, *NTV Moldova*), three Internet-based media outlets ([/point.md](http://point.md), [/unimedia.info](http://unimedia.info), and [zdg.md](http://zdg.md)), and two newspapers (*Komsomolskaya Pravda* and *Timpul*).

<sup>79</sup> However, during the second round, *Moldova1* broadcast one minute of free airtime, though not during primetime.

## XII. COMPLAINTS AND APPEALS

The complaints and appeals process is regulated by the Election Code and CEC regulations, as well as the Civil Procedural Code and Law on Administrative Court. Voters and contestants may complain about actions, inactions, and decisions of election management bodies, other contestants, and the media.<sup>80</sup> According to the CEC, contestants are not eligible to file official complaints until their registration.<sup>81</sup> A complaint must first be considered by a higher electoral body, before being filed with the court, except for complaints related to the exercise of the right to vote or those lodged with PEBs on election day.<sup>82</sup> All complaints must be decided before election day. CEC decisions can be challenged at the Chisinau Court of Appeal, whose decisions are appealed at final instance to the Supreme Court.

The electoral dispute-resolution framework lacks clarity on challenging election results and does not provide for sufficiently short deadlines for the resolution of possible election-result disputes before holding the second round. The Constitutional Court is vested with authority to validate election results, but not before courts have made final rulings on complaints according to legal procedures.<sup>83</sup> The Election Code does not foresee clear post-election complaints avenues and deadlines.<sup>84</sup>

*The election-dispute resolution system would benefit from an overall review to eliminate gaps and inconsistencies in order to provide for effective legal redress. In particular, the law should grant every voter a right to file a complaint on every stage of the electoral process, set out the competences and detailed procedures for different types of complaints, provide the deadlines for decisions on post-election complaints, including in-between two rounds of election, if required.*

Out of the 43 complaints received by the CEC for both rounds, 18 were deemed outside of its jurisdiction, which raised concerns regarding stakeholders' understanding of the electoral dispute resolution process.<sup>85</sup> Complaints were mostly related to alleged campaign finance irregularities. Four cases related to alleged spending of unreported funds, two to spreading false information, and one on the obstruction of voting rights.<sup>86</sup> The CEC dismissed the majority of complaints as

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<sup>80</sup> Complaints cannot be lodged by civil society organizations. However, they did not raise objection to not having this right, in order to be perceived as impartial.

<sup>81</sup> The CEC rejected the complaint filed by Mr. Voronin and stated that MPs are not entitled to file election-related complaints according to the law. In another case, on 24 November, the Chisinau Court of Appeal decided that representatives of contestants cannot file post-election day complaints as their mandate expires after election day according to Election Code. However, on 2 December, the Supreme Court overturned this decision, confirming that the mandate of the candidate's representative is valid until the final validation of results, and therefore they have standing to file post election complaints.

<sup>82</sup> All complaints must be filed within three days of the date of action, inaction or decision. A complaint against a PEB/DEC must be resolved by a higher electoral body within three days. Complaints against electoral contestants must be resolved within five days. Complaints against CEC decisions must be resolved within five days.

<sup>83</sup> While some stakeholders stated that first round results could be challenged through the standard appeal procedure for which the Supreme Court is the final instance, others stated that the Constitutional Court should resolve all challenges related to results. The Constitutional Court issued a press release stating it only verifies the validity of elections, but lacks the authority to deal with any election-related complaints.

<sup>84</sup> The law is unclear on how the 10-day deadline for the validation of election results by the Constitutional Court is calculated.

<sup>85</sup> Section II.3.3.c of the Code of Good Practice recommends that the appeal procedure and, in particular, the powers and responsibilities of the various bodies should be clearly regulated by law.

<sup>86</sup> The complaint on spreading false information about one of the candidates by a newspaper was returned to the complainant as the first instance court was the competent body to consider print-media complaints. Some complaints were referred to the police for further investigation, but were not addressed before election day.



unsubstantiated or referred the complaints to the police or courts.<sup>87</sup> The CEC postponed consideration of several complaints until after election day, which is contrary to the Election Code obligation to resolve complaints prior to voting.<sup>88</sup>

Various OSCE/ODIHR EOM interlocutors expressed a lack of confidence in the ability of the election administration and judiciary to impartially handle complaints. While pre-election complaints and appeals were overall handled by the CEC and courts in an open and transparent manner, an unclear legal framework and inconsistent interpretation of the law by the CEC at times left stakeholders without effective remedy, contrary to paragraph 5.10 of the 1990 OSCE Copenhagen Document and international standards.<sup>89</sup>

*The CEC and the courts should give full and impartial consideration to the substance of complaints, respecting the right to effective remedy and deliver consistent decisions. All complaints should be addressed in a timely manner with reasoned decisions in writing and published.*

During the election, the Chisinau Court of Appeal received some 30 appeals against CEC decisions, including on two refusals to register candidates, lack of transparency in candidate registration and failure to provide public information. Most complaints were dismissed as unfounded.<sup>90</sup> The Supreme Court is the last instance for appeals, but does not review the facts of the cases and only considers their legal basis. The Court's sessions are not public and none of the cases reviewed were heard in an open hearing, which did not contribute to the overall confidence and public trust in an electoral process. The Supreme Court upheld the majority of decisions of the Chisinau Court of Appeal.

According to the General Inspectorate of Police, as of 22 November, law enforcement agencies received 167 cases of alleged election-related offences and opened 52 cases, mainly concerning hindrance in the work of the election administration, violation of the campaign silence period, and destruction of campaign materials. The law does not provide for expedited deadlines to investigate and address violations within the electoral period, which undermined the right to an effective remedy, at odds with paragraph 5.10 of the 1990 OSCE Copenhagen Document.

*To ensure due process and to increase confidence in the complaints and appeals system, police and prosecutors should carry out investigations of electoral offences in a timely manner.*

### **XIII. ELECTION DAY**

#### **A. FIRST ROUND**

Election day procedures were largely carried out in a well-managed and calm manner. In almost all observations at polling stations and DECs, candidate and citizen observers were present and able to follow all stages of voting, counting, and tabulation without restriction.

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<sup>87</sup> According to the Election Code, a complaint should be referred to the relevant authority if the electoral body determines a lack of competence to examine it. In five cases, mostly related to campaign violations, the CEC referred the complaints to the police without a decision on substance.

<sup>88</sup> These complaints were later withdrawn by the complainant.

<sup>89</sup> Paragraph 5.10 of the 1990 OSCE Copenhagen Document provides that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental human rights and ensure legal integrity". Also, see section II.3.3b of the Code of Good Practice, which recommends that "procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals". See also Article 2 of the ICCPR and Article 13 of the European Convention on Human Rights.

<sup>90</sup> In one case, the Court ruled in favour of a voter stating that CEC had failed to provide public information.

The opening of polling stations was positively assessed in 95 per cent of observations, with key procedures followed. Some cases of minor procedural irregularities were reported by international observers, such as omitting ballot box seal numbers and an absence of all PEB members' signatures in the opening control form. Voting was assessed positively in 99 per cent of observations, with polling staff demonstrating a good understanding of procedures. The SAISE functioned effectively in almost all polling stations observed, although there were 12 cases where the Internet connection or software problems were encountered. Independent access for persons with disabilities to the voting premises was not ensured in 65 per cent of observations, while in 27 per cent of polling stations observed, the layout was unsuitable for such voters.

*Authorities should consider further measures to make all polling stations fully accessible to disabled voters by providing independent access as well as magnifying glasses and tactile ballots.*

In four per cent of polling stations observed, ballot boxes were improperly sealed. PEB members explained to IEOM observers that the seals were easily breakable and limited in numbers. Therefore, PEB members decided to loosely seal the ballot boxes in order not to run out of seals.

*Authorities should consider improving the quality of election material to guarantee the transparency and integrity of election day procedures*

In some regular polling stations designated to include voters from Transdniestria, IEOM observers noted that there were two ballot boxes, one dedicated for voters from Transdniestria and one for regular voters. This was contrary to CEC instructions and training, which provided that there should be only one ballot box, thus providing equal conditions for and no differentiation among voters.

IEOM observers noted that procedures for ensuring that all voters were checked in the SAISE system before signing voters' list and receiving a ballot varied. Some PEBs employed a system by which each voter received a stamped and signed piece of paper from the SAISE operator to indicate that his or her name had been checked in the system and then gave this paper to the PEB member before receiving a ballot. In other polling stations, while voters were directed to the SAISE operator before signing the voters list and receiving a ballot, there was no such paper trail. While these PEBs generally appeared diligent in managing voters to be verified via the SAISE, in some cases, the absence of formal control mechanisms could create a real or perceived opportunity for voters to bypass the SAISE system.

*The CEC could consider ways to further standardize election day procedures, including related to the use of the SAISE system, and to improve relevant training for polling staff.*

In 8 per cent of polling stations observed, some voters were not allowed to vote as they were not included in the voter list, and in 10 per cent, were refused for not presenting valid ID. This indicates a continued need to strengthen voter registration procedures and/or outreach to voters. Cases of overcrowding were reported in four per cent of polling stations observed and in two per cent, the layout of the stations did not guarantee the secrecy of the vote.

The assessment of counting was less positive, as eight per cent of observed counts were assessed negatively, primarily due to procedural irregularities. This included PEB members not counting unused ballots and the signatures in the voter lists in some seven per cent of observations. PEBs encountered difficulties in reconciling voting results in 21 per cent of observations, and there were cases of changes in voter list entries and result protocols in 6 per cent of counts observed. Results protocols were pre-signed by PEB members in 22 per cent of observations. In three per cent of

polling stations observed, unauthorized persons participated in the count. Positively, in most observations, candidate representatives and observers received a copy of the results protocol; however, protocols were only posted for public scrutiny in just over a half of the counts observed. PEBs directly reported preliminary results to the CEC electronically, which provided an important layer of transparency.

Tabulation was prompt and transparent. However, it was negatively assessed in 6 of 35 DEC observed, largely due to inadequate facilities for receiving election material and tabulating the results. In a quarter of DEC observed, procedures were not well-organized. As a result, tensions and unrest were reported in seven cases, which, at times, impacted the overall transparency of the process.

On 2 November, the CEC approved its protocol on the election results. None of the nine contenders obtained enough votes to be elected in the first round. Thus, a run-off was called for 13 November between the two candidates who obtained the most votes, Mr. Dodon and Ms. Sandu.

## **B. SECOND ROUND**

The second round election day was calm and well-administered within the country. PEB and DEC members were open and welcoming to international observers. Candidate and citizen observers were present in almost all polling stations and DEC observed and were able to follow all stages of the process. With very few exceptions, the SAISE functioned effectively.

Opening was assessed positively in all polling stations observed. Most opened on time and key procedures were followed. However, in a few instances, as in the first round, some procedures were not followed, including ballot boxes improperly sealed, ballot box seals not recorded in the opening control form, and the opening control form not being deposited in the ballot box prior to voting.

The overall assessment of voting was positive in 99 per cent of polling stations observed with PEB members displaying a sound understanding of procedures. Repeating the pattern from the first round, independent access to persons with disabilities was not assured in 69 per cent of observations, while in 23 per cent of polling stations observed, the layout was inappropriate for such voters. Ballot boxes were improperly sealed in 3 per cent of observations, as also noted in the first round, which raises questions about the quality of seals and instructions given to PEB members. In 5 per cent of polling stations observed, some voters were not allowed to vote as they were not on the voter list, and in 5 per cent of observations, they did not possess valid ID. In most cases, those voters were redirected to the appropriate polling station or requested to return with proper documents.

In 3 per cent of observations, overcrowding was noted, mainly in polling stations serving voters from Transdnistria. This was reported to be largely related to poor queue control and inadequate polling station layout. Isolated instances of tension and unrest were registered in those polling stations. A few polling stations dedicated to voters from Transdnistrian ran out of ballots and voters were redirected to nearby polling stations. IEOM observers and many OSCE/ODIHR EOM interlocutors noted that some voters from Transdnistria arrived at designated polling stations in buses. Some interlocutors claimed that transportation was organized by the PSRM or other supporters of Mr. Dodon and alleged that voters from Transdnistria might have been paid to cast votes or threatened with consequences such as job loss. IEOM observers was aware of such allegations on election day, but they could not be substantiated. The CEC issued a press release noting that organized transportation to facilitate participation in an election is not a violation of the law.

Counting was efficient and transparent and generally evaluated positively by IEOM observers. However, similar to the first round, some procedural irregularities were observed, including PEB members not voting on the validity of disputed ballots in 27 per cent of observations and pre-signing of results protocols in 24 per cent. Reconciliation procedures were not always followed, which led to difficulties in finalizing the results protocols in 11 per cent of observations. These procedural omissions were assessed mainly to speed up the process and had no impact on the count. In half of the polling stations observed, result protocols were not posted for public scrutiny, contrary to the Election Code. As in the first round, preliminary results data from PEB protocols were submitted directly to the CEC using the SAISE.<sup>91</sup>

Tabulation was quick, transparent and well-organized. It was only negatively assessed in one of the DEC's observed. In eight cases, conditions were not suitable for receiving election materials, which affected the transparency of the process. While citizen observers were present in the majority of DEC's, candidate representatives were noted only in seven DEC's.

#### **XIV. POST-ELECTION DEVELOPMENTS**

For both rounds, the CEC regularly released information on voter turnout, with a breakdown by age and gender, as well as on out-of-country voter participation. Preliminary voter turnout for the first round was reported at 49 per cent and 52.48 per cent for the second round. For both rounds, the CEC started posting preliminary results by polling station on its website around midnight of election night.

The CEC calculated the results based on the total number of valid votes cast while both the Constitution and the Election Code stipulate that the calculation should be based on the total number of votes cast. Given the number of votes received by the leading candidate, this practice did not impact the decision to hold a second round. The law does not specify all votes or valid votes cast as the basis for the calculation of second round results.<sup>92</sup> However, second round votes were also calculated based on valid votes.

*The CEC should reconsider the manner in which election results are determined to be in line with legal requirements.*

Shortly after the second round election day, Ms. Sandu declared that thousands of voters abroad were deprived of their voting rights and that the election was rigged, encouraging her supporters to provide evidence of violations. In the days after the runoff, the OSCE/ODIHR EOM noted that several small-scale protests against the results were organized in Chisinau, without hindrance from the authorities.

In its decisions of 16 and 17 November, the Chisinau DEC considered that it had no jurisdiction and decided to refer 4,031 complaints on violations of the right to vote received by out-of-country PEBs

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<sup>91</sup> In at least two cases during the second round, the preliminary results for the two candidates were transposed in the initial SAISE report; candidate and civil society observers drew public attention to the discrepancies. As noted by the CEC in a press release on the subject, while unfortunate, these isolated instances had no impact on the official tabulation of results which was based on review of the paper protocols.

<sup>92</sup> Article 109.5 of Election Code stipulates that the candidates who obtained the biggest number of votes in the second round of elections shall be declared as elected.

to the Constitutional Court.<sup>93</sup> These decisions were challenged by lawyers representing 133 citizens living abroad in the first instance court of Chisinau on 21 November, who also demanded recognition of the violation of the right to vote by the CEC, the MFAEI and the government, and acknowledgement of discrimination based on residence.<sup>94</sup> The first instance court of Chisinau rejected the complaint as unfounded after six days of hearings. The decision was available to the parties, but not published on the court's website, limiting the transparency of the process.<sup>95</sup> The Chisinau Court of Appeal and Supreme Court upheld this decision on appeal.

Ms. Sandu and her official representative filed two complaints to the Chisinau Court of Appeal challenging three decisions of the CEC in the post-election period. Ms. Sandu challenged decisions of the CEC to approve the final election results and report on the election, which was then referred to the Constitutional Court and requested their annulment.<sup>96</sup> The Chisinau Court of Appeal terminated consideration of the case providing that final election results can only be considered by the Constitutional Court, which, however, does not accept complaints and only validates the legality of the election based on the report submitted by the CEC and decisions of the courts.

The CEC submitted its final report on the election to the Constitutional Court on 21 November. The Election Code provides that the Constitutional Court must decide whether or not to validate the election results within ten days, but not before the resolution of all election-related complaints. On 13 December, the Constitutional Court validated the legality of the election after considering the final CEC election report, observer reports and a complaint filed by Ms. Sandu on the day of the hearing.<sup>97</sup> Ms. Sandu alleged that a number of violations occurred during the process, including violations of the right to vote of citizens residing abroad, multiple voting, lack of freedom of expression and biased media coverage, spreading false information, and abuse of administrative resources. While the court's decision stressed the need to revise electoral legislation and recognized that a number of violations took place during the election, the court found that such violations could not have influenced the final outcome of the election.<sup>98</sup>

The Court heard oral arguments from representatives of the candidates as well representatives of the CEC. The Court decided that it has no competence to review merits of these complaints, and stated that consideration of election day and post-election complaints by the election administration and courts revealed the lack of understanding of complaints and appeals procedures and deprived the complainants of effective legal remedy.

*Consideration should be given to establishing clear procedures and jurisdiction for the handling of election-related complaints and appeals in a timely manner, including complaints concerning out-of-country voting, and providing an effective mechanism to appeal election results. The CEC could*

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<sup>93</sup> The CEC Regulations on Complaints mandates the Chisinau DEC to review complaints against decisions of the PEBs established abroad.

<sup>94</sup> In the course of the hearing, the Court rejected lawyers' request to refer the case to the Constitutional Court to verify constitutionality of Article 49.3 of the Election Code which sets the limit of 3,000 ballot papers per polling station as unfounded.

<sup>95</sup> Article 14.1 of the ICCPR stipulates that "any judgement rendered in a suit at law shall be made public".

<sup>96</sup> Ms. Sandu alleged a number of violations occurred during the process, including violations of the right to vote of citizens residing abroad, multiple voting, lack of freedom of expression and biased media coverage, spreading false information about her, and abuse of administrative resources.

<sup>97</sup> The decision of the Constitutional Court to validate election results was originally expected by 1 December, but was taken on 13 December due to three pending court cases.

<sup>98</sup> The Court referred to its 2014 Decision No.29 on the validation of parliamentary elections where it stated that "the validity of elections depends on the size and extent of the violations found by the authorities". It stated that three conditions have to be met cumulatively to invalidate elections, including the existence of fraud during voting and counting, which can influence the final results, and evidence of violations on which request for annulment of election is based.

*employ measures to inform electoral stakeholders of jurisdiction and avenues for lodging election-related complaints.*

The Constitutional Court addressed the parliament regarding the need to review legislation to eliminate a number of issues raised during the validation of results. These included the lack of a clear electoral dispute resolution process, insufficient mechanisms for out-of-country voting and clear criteria for the number of polling stations and quantity of ballots, the lack of a regulatory framework for vote-buying during presidential election. The Court condemned involvement of religious bodies in the electoral process, noted that religious neutrality is the founding principle of the country, and recommended to introduce effective sanctioning mechanisms for involvement of the Church in the process. Moreover, the Court reiterated principles of balanced and impartial media and suggested introduction of timely and proportionate sanctions on broadcasters within the electoral timeframe.

## **XV. RECOMMENDATIONS**

These recommendations, as contained throughout the text, are offered with a view to enhance the conduct of elections in Republic of Moldova and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities of Moldova to further improve the electoral process and to address the recommendations contained in this and previous reports.<sup>99</sup>

### **A. PRIORITY RECOMMENDATIONS**

1. The election law could benefit from a comprehensive review to eliminate gaps and ambiguities and address recommendations of the OSCE/ODIHR and Venice Commission, including on signature collection and verification, candidate registration, the financing and conduct of the electoral campaign, sanctions on election violations, campaign restrictions, further strengthening measures to advance women's participation and the holding of a second round. Election-related provisions of other legislation, including the Criminal Code, could also be reviewed and updated. The review process should be inclusive and completed well ahead of the next elections.
2. To enhance the transparency and oversight of campaign finances, previous OSCE/ODIHR, Venice Commission and GRECO recommendations should be addressed. A body with adequate capacity, technical expertise and independence to exercise its functions effectively should be empowered for such oversight. Should the CEC remain the competent oversight body, it should be given sufficient authority and resources to conduct effective campaign finance oversight. The law could prescribe graduated and proportionate sanctions for campaign finance violations.
3. All relevant stakeholders should seek the broadest possible consensus on any necessary improvements to the legislative and regulatory framework as well as practical arrangements for voters abroad and those residing in areas not under the control of the Moldovan authorities as well as persons not at their place of residence or domicile on election day. Following broad

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<sup>99</sup> According to paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations".

consultations, such changes should be instituted well in advance of any future elections and thoroughly incorporated in effective voter education campaigns.

4. To enforce existing provisions on impartial coverage during the campaign and to provide for a level field of candidates, the CCA reports should be issued in a timely manner and effective sanctions following violations of the impartiality requirement should be applied immediately. The amount of fines could be increased to serve its sanctioning role.
5. The election-dispute resolution system would benefit from an overall review to eliminate gaps and inconsistencies in order to provide for effective legal redress. In particular, the law should grant every voter a right to file a complaint on every stage of the electoral process, set out the competences and detailed procedures for different types of complaints, provide the deadlines for decisions on post-election complaints, including in-between two rounds of election, if required.

## **B. OTHER RECOMMENDATIONS**

### **Election Administration**

6. As previously recommended, decisions on locations for polling stations abroad should be taken transparently and based on clear and consistent criteria. Such decisions should be taken in broad consultation with relevant stakeholders well in advance of an election. Consideration could also be given to establishing additional polling stations at the same location, where feasible, and/or providing legal authorization to increase the number of ballots to polling stations abroad.
7. To ensure a coherent electoral legal framework and contribute to its consistent application, the CEC could promptly address any emerging ambiguities and gaps in the law using regulations and instructions.

### **Voter Registration**

8. Consideration should be given to developing a more efficient system to update information in relevant registers that forms the basis of voter lists, including the timely update of entries in the civil and resident registers.
9. Consideration could be given to harmonizing the provisions governing voting by students in national elections, and to ensuring that clear information about student voting procedures is available well in advance of an election.
10. Voter identification requirements within and outside of the country should be clarified well in advance of any election. They should aim at meeting the objectives of facilitating suffrage and allowing voter eligibility to be verified.

### **Candidate Registration**

11. Undue restrictions on the right to be elected should be removed from the legal framework. Consideration should be given to lifting the residency requirement and the language requirement should be clarified through detailed and objective provisions.

12. Rules on candidate registration, including procedures for verifying supporting signatures, should be clarified to ensure transparency, consistency and legal certainty at all stages. Timelines should allow sufficient time to effectively and consistently carry out signature verification and decisions related to candidate registration should be taken sufficiently in advance of the campaign to provide equal opportunity to stand for all prospective contestants.
13. Consideration could be given to revising the role of the local administration in the signature verification process. Authorities could also consider alternative methods for candidate nomination.
14. Procedures for the withdrawal of registered candidates after ballot printing should be clearly and exhaustively stipulated in the law. To avoid amending ballots manually, the deadline could be synchronized with ballot printing.

### **Election Campaign**

15. To ensure a level playing field, consideration could be given to amending the law to ensure that candidate registration decisions are taken prior to the start of the campaign period, which should start on the same day for all contestants. The terms of resuming the campaign for a possible second round could be clearly stipulated to avoid uncertainty and inconsistent application of the law.
16. The ban on the use of state and foreign symbols and involvement of foreign citizens in the campaign should be reconsidered as they are disproportionate restrictions of the right to freedom of expression.
17. The authorities, upon consultation, should consider the introduction of an effective mechanism against instances of intolerant rhetoric, such as sexist and homophobic language and gender stereotyping, including in the campaign period. The general Code of Ethics and the internal codes of broadcasters could include provisions on avoiding discriminatory, sexist and homophobic language.
18. Consideration could be given to introducing an effective enforcement mechanism to existing regulations on preventing the misuse of administrative resources to promote a level playing field among contestants and ensure the separation of state and party interests.

### **Campaign Finance**

19. The campaign finance legal framework would benefit from further improvement to address identified gaps in its regulation and to further enhance transparency and accountability. Consideration could be given to consolidating all campaign finance legislation in a single law. To further enhance transparency and accountability, it is recommended that the oversight body be required to publish results and conclusions of its audit in a timely manner. Consideration could be given to introducing shorter reporting deadlines to allow for a more effective audit.

### **Media**

20. To promote political pluralism in broadcast media, the CCA could consider to oversee broadcasters' obligation to provide fair, impartial and balanced coverage beyond the official campaign period.



21. The impartiality requirement should be formulated in line with international standards, including on the right to freedom of expression as well as the need for sufficient precision to enable an individual to regulate his or her conduct accordingly. The law should precisely define what constitutes fair, balanced and impartial coverage and what constitutes a violation of the requirement.
22. Deadlines for the CCA to adjudicate election-related complaints could be reviewed to ensure media violations are effectively addressed and in a timely manner.

### **Complaints and appeals**

23. The CEC and the courts should give full and impartial consideration to the substance of complaints, respecting the right to effective remedy and deliver consistent decisions. All complaints should be addressed in a timely manner with reasoned decisions in writing and published.
24. To ensure due process and to increase confidence in the complaints and appeals system, police and prosecutors should carry out investigations of electoral offences in a timely manner.
25. Consideration should be given to establishing clear procedures and jurisdiction for the handling of election-related complaints and appeals in a timely manner, including complaints concerning out-of-country voting, and providing an effective mechanism to appeal election results. The CEC could employ measures to inform electoral stakeholders of jurisdiction and avenues for lodging election-related complaints.

### **Election Day**

26. Authorities should consider further measures to make all polling stations fully accessible to disabled voters by providing independent access as well as magnifying glasses and tactile ballots.
27. Authorities should consider improving the quality of election material to guarantee the transparency and integrity of election day procedures.
28. The CEC could consider ways to further standardize election day procedures, including related to the use of the SAISE system, and to improve relevant training for polling staff.
29. The CEC should reconsider the manner in which election results are determined to be in line with legal requirements.

## ANNEX I: FINAL RESULTS

### 1<sup>st</sup> round

Candidate	Percentage of valid votes cast	Valid cast votes
Igor Dodon	47.98	680,550
Maia Sandu	38.71	549,152
Dumitru Ciubasenco	6.03	85,466
Iurie Leanca	3.11	44,065
Mihai Ghimpu	1.80	25,490
Valeriu Ghiletschi	1.08	15,354
Maia Laguta	0.76	10,712
Silvia Radu	0.37	5,276
Ana Gutu	0.17	2,453
<b>Data regarding the voting process</b>		
# of voters included in the main VLs		2,812,566
# of voters included in the SVLs		117,128
# of voters who received ballots		1,440,830
# of voters that participated in the election		1,440,733
% of voting participation/turnout		49.18
# of invalid ballots		22,215
# of total valid votes		1,418,518
# of ballots received by the PEB of the PS		3 131 347
# of unused and cancelled ballot papers		1,691,117

### 2<sup>nd</sup> round

Candidate	Percentage of valid votes cast	Valid votes cast
Igor Dodon	52.11	834,081
Maia Sandu	47.89	766,593
<b>Data regarding the voting process</b>		
# of voters included in the main VLs		2,810,057
# of voters included in the SVLs		209,438
# of voters who received ballots		1,614,067
# of voters that participated in the election		1,614,023
% of voting participation/turnout		53.45
# of invalid ballots		13,349
# of total valid votes		1,600,674
# of ballots received by the PEB of the PS		3,164,549
# of unused and cancelled ballot papers		1,550,482

## ANNEX II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

### OSCE Parliamentary Assembly

Arta	DADE	Albania	Special Co-ordinator
Geir Joergen	BEKKEVOLD	Norway	Head of Delegation
Hubert	FUCHS	Austria	MP
Elisabeth	GROSSMANN	Austria	MP
Valerie	DE BUE	Belgium	MP
Malte	LARSEN	Denmark	MP
Thierry	MARIANI	France	MP
Michel	VOISIN	France	MP
Egon	JUETTNER	Germany	MP
Georgios	VAREMENOS	Greece	MP
Peter	CSIZI	Hungary	MP
Sergio	DIVINA	Italy	MP
Ola	ELVESTUEN	Norway	MP
Kari	HENRIKSEN	Norway	MP
Elzbieta	BOROWSKA	Poland	MP
Tomasz	GRODZKI	Poland	MP
Jacek	WLOSOWICZ	Poland	MP
Nilza	SENA	Portugal	MP
Florin	COSTIN PASLARU	Romania	MP
Jan Richard	ANDERSSON	Sweden	MP
Kent	HAERSTEDT	Sweden	MP
Kerstin	NILSSON	Sweden	MP
Sven-Olof	SAELLSTROEM	Sweden	MP
Celil	GOCER	Turkey	MP
Simon	MCGUIGAN BURNS	United Kingdom	MP
Anne-Cecile	BLAUWBLOMME- DELCROIX	France	Staff of Delegation
Georgios	CHAMPOURIS	Greece	Staff of Delegation
Monica Delli	PRISCOLI	Italy	Staff of Delegation
Lisbeth	MERETE STOCK	Norway	Staff of Delegation
Yasin	KARAARSLAN	Turkey	Staff of Delegation
Marc	CARILLET	France	OSCE PA Secretariat
Farimah	DAFTARY	France	OSCE PA Secretariat
Loic	POULAIN	France	OSCE PA Secretariat

### Parliamentary Assembly of Council of Europe

Elisabeth	SCHNEIDER- SCHNEITER	Switzerland	Head of Delegation
Stefan	SCHENNACH	Austria	MP
Alain	DESTEXHE	Belgium	MP
Maryvonne	BLONDIN	France	MP

Marie-Christine	DALLOZ	France	MP
Catherine	QUERE	France	MP
Colm	BROPHY	Ireland	MP
Luis Alberto	ORELLANA	Italy	MP
Claude	ADAM	Luxembourg	MP
Predrag	SEKULIĆ	Montenegro	MP
Andrzej	HALICKI	Poland	MP
Aleksander	POCIEJ	Poland	MP
Viorel Riceard	BADEA	Romania	MP
Pierre-Alain	FRIDEZ	Switzerland	MP
Erkan	KANDEMIR	Turkey	MP
Suat	ÖNAL	Turkey	MP
Pavol	UNHURIAN	Ukraine	MP
Valentina	LESKAJ	Albania	Co-rapporteur
Ögmundur	JÓNASSON	Iceland	Co-rapporteur
Oliver	KASK	Estonia	Venice Commission
Pierre	GARRONE	Switzerland	Venice Commission
Chemavon	CHAHBAZIAN	Armenia	PACE Secretariat
Franck	DAESCHLER	France	PACE Secretariat
Anne	GODFREY	United Kingdom	PACE Secretariat

### European Parliament

Igor	SOLTES	Slovenia	Head of Delegation
Heidi	HAUTALA	Finland	MEP
Fabio	MASSIMO CASTALDO	Italy	MEP
Maria	GRAPINI	Italy	MEP
Janusz	KORWIN-MIKKE	Poland	MEP
Siegfried	MUREŞAN	Romania	MEP
Paolo	BERGAMASCHI	Italy	Political Groups
Dovile	RUCYTE	Lithuania	Political Groups
Aleksander	GRĄBCZEWSKI	Poland	Political Groups
Timothy	BODEN	United Kingdom	EP Secretariat
Ieva	VALUTYTĖ	Lithuania	EP Secretariat
Joanna	KAMINSKA	Poland	EP Secretariat
Pilar	GONZÁLEZ- MURILLO	Spain	EP Secretariat

### OSCE/ODIHR Short-Term Observers

Arsen	MIKAYELIAN	Armenia
Johannes Michael	KOHLER	Austria
Jean-Pierre	BIEBUYCK	Belgium
Ekmel	CIZMECIOGLU	Belgium
Sonja Alice	LANGENHAECK	Belgium
Veronika	BAJGAROVA	Czech Republic
Jan	BLAZEK	Czech Republic

Petr	FRANC	Czech Republic
Ales	JAKUBEC	Czech Republic
Jaroslava	JEBAVA	Czech Republic
Jitka	RABITSCH ADAMCIKOVA	Czech Republic
Vladimir	SAL	Czech Republic
Ondrej	WAGNER	Czech Republic
Thomas	FRANK	Denmark
Soeren Bo	HUSUM	Denmark
Martin Bo	JENSEN	Denmark
Lise Malling	OLSEN	Denmark
Niels Christian	RASMUSSEN	Denmark
Hanne	SEVERINSEN	Denmark
Ly	METSIS	Estonia
Maris	TOMINGAS	Estonia
Tuula Anneli	COWEN	Finland
Nico Samuli	LAMMINPARRAS	Finland
Mikko Kalervo	OHELA	Finland
Carita Mirjami	VASTINESLUOMA	Finland
Julien	ARNOULT	France
Ekaterina Stanislavovna	BURDINA	France
Salim	Mejahdi	France
Lucien	TALLET	France
Valerie Florence	ADAMS	Germany
Ignatius Esebam Friday	ADEH	Germany
Sabine Elisabeth Margarete	ALCK	Germany
Gunda Agnes Lotte	AMAT AMOROS	Germany
Cletus Gregor	BARIÉ	Germany
Hans Wulf Peter	BARTELS	Germany
Fritz	BIRNSTIEL	Germany
Karin	BLEIß	Germany
Ingo David	BUETTNER	Germany
Regina	CORDES LARSON	Germany
Andreas Rudolf Leopold	DIETZ	Germany
Ino David	FLEISCHMANN	Germany
Joachim Heinrich	FRANKE	Germany
Christoph	FREIHERR VON FEILITZSCH	Germany
Max	FRITSCHEN	Germany
Ann-Sophie	GAST	Germany
Juliana Katharina	GLOECKLER-FUCHS	Germany
Ansgar	HANNÖVER	Germany
Janine Elisabeth Monique	HANSEN	Germany
Reinhard	HESSE, DR.	Germany
Christian	KEILBACH	Germany
Timo	KNAUTE	Germany
Jutta Gisela Isla	KRAUSE	Germany

Martin	KUNZE	Germany
Katja	LAUDEMANN	Germany
Reinhold Stephan Vincenz	OSTERHUS	Germany
Karl Josef	PAMMER	Germany
Jens	PRINZHORN	Germany
Faik Yanki	PüRSüN	Germany
Hans-Heinrich Josef	RIESER	Germany
Brigitte	SCHMID	Germany
Claudia	SCHULZE	Germany
Hildegard Maria	SUEHLING	Germany
Michael	TOBABEN	Germany
Markus Georg	VOGEL	Germany
Sándor	CSIGE	Hungary
Iván	KOVÁCS	Hungary
Szilvia	NAGY	Hungary
Tamás Andras	VASZARI	Hungary
Pat	CARROLL	Ireland
Ciaran James	KINSELLA	Ireland
Joseph	MANGAN	Ireland
Antra Margarita	TUMANE	Latvia
Erika	BATISIENE	Lithuania
Dainius	BAUBLYS	Lithuania
GINTARE	DESUKAITE	Lithuania
Milda	DIJOKIENE	Lithuania
Konstantinas	DUREIKO	Lithuania
Algirdas	GOSTAUTAS	Lithuania
Jurate	MUSTEIKYTE	Lithuania
Mindaugas	SKARAITIS	Lithuania
Jurate	VAZGAUSKAITE	Lithuania
EDVARD	VICKUN	Lithuania
Svetlana	KATNIC	Montenegro
Dubravka	POPOVIC	Montenegro
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Maria Johanna	LUCAS	Netherlands
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Oddvin	FORBORD	Norway
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Pawel	BOGDZIEWICZ	Poland

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Magdalena Lucja	GOLONKA	Poland
Michal	JASIULEWICZ	Poland
Mateusz	KAMIONKA	Poland
Krzysztof	KOLANOWSKI	Poland
Marek Jerzy	KUBERSKI	Poland
Robert Jacek	LECH	Poland
Iwo	MAGIERSKI	Poland
Bartosz Aleksander	MARCINKOWSKI	Poland
Barbara Grazyna	MROWKA-JASIECKA	Poland
Krzysztof Wlodzimierz	NAUMCZUK	Poland
Blazej Jan	PIASEK	Poland
Milosz	PIENKOWSKI	Poland
Jakub Dobrosław	PIENKOWSKI	Poland
Rafal	POBORSKI	Poland
Tomasz Pawel	SADZINSKI	Poland
Ewa Stanisława	SALKIEWICZ-MUNNERLYN	Poland
Aleksandra	WAWDEJUK	Poland
Bartłomiej	ZDANIUK	Poland
OCTAVIAN ALIN	GREBLA	Romania
Bianca Maria	NECSA	Romania
Cristina	ROMILA	Romania
Bogdan	STEFAN	Romania
Mihaela	STEFANESCU	Romania
Ayrat	ABDULLIN	Russian Federation
Anton	ANDREEV	Russian Federation
Stepan	ANIKEEV	Russian Federation
Elena	ANTIPOVA	Russian Federation
Sergey	BABURKIN	Russian Federation
Alexander	BEDRITSKIY	Russian Federation
Alexander	BELOSHEEV	Russian Federation
Timofey	BOKOV	Russian Federation
Elizaveta	BORISOVA	Russian Federation
Marina	BORODINA	Russian Federation
Kirill	BUDAEV	Russian Federation
VASILY	CHIZHOV	Russian Federation
Daniil	DEVYATKIN	Russian Federation
Alexey	DOROVSKIKH	Russian Federation
Sergei	ERMAKOV	Russian Federation
Vladislava	FADEEVA	Russian Federation
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Andrew	GRIDINSKY	United States
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Evelyn	LENNON	United States
George Orest	LIBER	United States
Andrew	LONG	United States
Garrett	MONTI	United States
Nour Saad	NOUREY	United States
Octavius Nairobi	PINKARD	United States
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Thomas Klaus	OYE	Germany
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Catharina Maria	APPEL	Netherlands
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Trude Studsrød	JOHANSSON	Norway
Jon Hallvard	KVÆRNE	Norway
Ellen Johanne	SAMUELSEN	Norway
Cristian-Daniel	BEȘLIU	Romania
Enver	AKHMEDOV	Russian Federation
Alexander	KOBRINSKIY	Russian Federation
Evgeny	LOGINOV	Russian Federation
Jeniffer	LANGLAIS	United Kingdom
Andrew	MCENTEE	United Kingdom
Sheila	JAGHAB	United States
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Kseniya	DASHUTINA	Belarus
Elma	SEHALIC	Germany
Marcell	NAGY	Hungary
Ahmad	RASULI	Kyrgyzstan
Lela	TSAAVA	Georgia
Angela	GHILASCU	Romania
Oleksander	STETSENKO	Ukraine
Ivana	STANOJEV	Serbia
Hans	SCHMEETS	Netherlands
Robert	BYSTRICKY	Slovakia

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).