



INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Moldova – Presidential Election, Second Round, 13 November 2016

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

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 Transdniestria, many citizens were unable to vote because the ballots allocated to these polling stations proved insufficient.

The second round of the presidential election took place between Igor Dodon, nominated by the Party of Socialists, and Maia Sandu, nominated by the Action and Solidarity Party. The run-off was required as no candidate obtained at least half the votes in the first round held two weeks earlier.

The legal framework provides an adequate basis for conducting democratic elections, but it does not address essential aspects for holding a second round. This includes the timely adjudication of complaints and appeals, the official start of the run-off campaign, application of campaign finance regulations, media coverage, and voter list updates. Some steps for administering the second round, however, were included in the Central Election Commission (CEC) electoral calendar.

Preparations for the second round were generally managed in a professional, transparent and timely manner. The CEC maintained the same structure and composition of lower-level election commissions and the same number of polling stations, including those abroad. In anticipation of a high turnout, additional ballots were provided to specific out-of-country polling stations and those serving voters from Transdniestria. These arrangements, however, were not sufficient to properly facilitate voting in all of these polling stations.

Fundamental freedoms were generally respected and candidates campaigned freely and without restrictions. The second round campaign was initially subdued but intensified as election day approached. Mr. Dodon's campaign was mostly focused on door-to-door outreach by his supporters. Ms. Sandu was actively involved in rallies and meetings throughout the country and made extensive use of social media. Negative campaign tactics were observed, including sexist language and gender stereotyping against Ms. Sandu, as well as instances of homophobic language.

The campaign in media was key for candidates. Five TV debates were aired, positively contributing to voter information. TV stations associated with political forces portrayed the race in an increasingly negative tone that further polarized the campaign. OSCE/ODIHR EOM media monitoring results revealed that *Jurnal TV* showed bias against Mr. Dodon while *NTV Moldova*, *Prime* and *Publika TV* showed significant bias against Ms. Sandu. In contrast, the public *Moldova 1* and other monitored commercial TV stations provided largely balanced coverage of the candidates.

Legal provisions for campaign finance do not address the second round. The financial reports for the run-off, though not explicitly required by law, were submitted to the CEC on 11 November. This timeline was insufficient for effective oversight of campaign finance and the CEC audit report was not adopted before election day. This decreased the efficiency of oversight, contrary to international standards and good practice, and affected voters' ability to make an informed choice.

Out of a total of 43 complaints received by the CEC, 18 were deemed outside of its jurisdiction, which raised concerns regarding stakeholders' understanding of the dispute resolution process. 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, contrary to OSCE commitments. The CEC did not consider all complaints prior to election day.

Election day was calm and well-administered within the country. The overall assessment of voting, counting and tabulation was positive, with key procedures followed. Candidate and citizen observers were present in almost all polling stations and DEC's observed and were able to follow all stages of the process. Preliminary results by polling station were posted on the CEC website, enhancing transparency.

PRELIMINARY FINDINGS

Background

On 30 October the first round of the presidential election was held. Out of the 12 candidates initially registered by the Central Election Commission (CEC), two withdrew before the first round and one was de-registered for a campaign finance violation.¹ The voter turnout was 49 per cent, passing the one-third threshold required for the election to be considered valid.²

The two candidates who obtained the most votes were Igor Dodon, nominated by the Party of Socialists, and Maia Sandu, nominated by the Action and Solidarity Party. According to the official results announced by the CEC on 2 November, they received 48 per cent and 39 per cent respectively.³ None of the nine contenders obtained at least half the votes cast required to be elected in the first round. Thus, in line with the law, a second round was called for 13 November between Mr. Dodon and Ms. Sandu. In the second round, the candidate who obtains the highest number of votes is elected regardless of voter turnout.

Legal Framework

The legal framework provides an adequate basis for conducting democratic elections, but it does not address essential aspects for holding a second round. Some steps for administering the second round were included in the CEC electoral calendar. However, neither the Election Code nor CEC decisions adequately regulate such matters as the timely adjudication of complaints and appeals, the official start of the run-off campaign, application of campaign finance rules and voter list management.

¹ Mr. Lupu and Mr. Nastase withdrew. Ms. Popenco was de-registered for failing to declare the cost of membership cards to "social stores", which were distributed to voters.

² For further information on the first round, see the [IEOM Statement of Preliminary Findings and Conclusions on the first round of the presidential election](#), as delivered at a press conference on 31 October.

³ The CEC reported that other candidates received the following percentages of votes: Mr. Ciubasenco 6.03 per cent, Mr. Leanca 3.11 per cent, Mr. Ghimpu 1.80 per cent, Mr. Ghiletschi 1.08 per cent, Ms. Laguta 0.76 per cent, Ms. Radu 0.37 per cent and Ms. Gutu 0.17 per cent.

The CEC did not adopt regulations clarifying elements of the electoral process related to the conduct of the second round, thus missing the opportunity to address problematic issues identified in previous two-round elections.⁴ This created the potential for uncertainty or conflicting interpretations of the applicable legal framework.⁵

Election Administration

Overall, the CEC managed tabulation of the first round results in a professional and timely manner.⁶ The CEC calculated the results of the first round based on the total number of the valid votes cast while both the Constitution and the Election Code stipulate that the calculation should be done based on the total number of votes cast. Given the number of votes received by the leading candidate, this practice did not have an impact on the decision to hold a second round.

The CEC maintained the same structure and composition of lower-level election commissions, including the same number of polling stations established abroad.⁷ Women are well-represented in the election administration, including decision-making positions. In anticipation of a high voter turnout, the CEC increased the number of ballots to the established maximum of 3,000 for certain out-of-country polling stations and 10 polling stations that served voters residing in Transdnistria.⁸ In total some 3.2 million ballots were printed, including some 750,000 in the Russian language.

The CEC held regular sessions in the run-up to the second round, which were open to observers and media. CEC members conducted their activities in a collegial manner and agendas and decisions were promptly published online. Preparations for the second round were generally managed by the CEC and lower-level election administration in a transparent, timely and professional manner.

The procedure for student voting was an issue raised by Ms. Sandu.⁹ The CEC clarified that those students not included in the regular voter lists at their place of study could be included in the supplementary voter lists if they demonstrated registration of temporary residence at their place of study or if they obtained absentee voting certificates in advance from their place of permanent residence. It further clarified that the same conditions should apply for both rounds of the election.

There are no provisions requiring voter lists to be updated between the two rounds. However, those that turned 18 between the rounds were able to vote by providing proof of residence and the required

⁴ This included aspects related to voter registration, campaign and media. See [OSCE/ODIHR Limited Election Observation Mission Final Report on Local Elections in Moldova 14 and 28 June 2015](#).

⁵ On 8 November, the CEC adopted a decision that the same rules related to election campaign in media, participation of citizens residing in Transdnistria, voting abroad with expired documents and without domicile or residence apply for the run-off. This decision, however, did not provide necessary details.

⁶ According to Article 60 of the Election Code the CEC has five days to announce final results. They were announced on 2 November, three days after the first round election day.

⁷ A three-level structure: the CEC, 35 District Electoral Councils (DECs) and 2,081 Precinct Electoral Bureaus (PEBs), including 100 abroad in 31 countries.

⁸ Six polling stations in France, 5 in the United States, 4 in Portugal, 3 in Canada, 2 in Italy, 1 in the Netherlands, 1 in Estonia, 1 in Latvia, 1 in Lithuania, and 1 in Switzerland. The law provides that polling stations will have between 30 and 3,000 voters.

⁹ On 1 November, Ms. Sandu requested the parliament to adopt the same student vote procedures for the second round of the presidential election as for parliamentary elections. According to these provisions, students that are not registered in the locality where their educational institution is located can vote in any polling station within the locality of their educational institution by providing ID card, ID slip and student card, issued by the university or college in the given locality and writing a statement refraining from multiple voting. The request was rejected by parliament on 3 November, on the grounds that the same conditions should apply for both rounds.

identification document. Their names were included in the supplementary voter lists.¹⁰ The same voter list print-outs from the first round were used for the second round. An additional column for voters' signatures for the second round had already been included.¹¹

Campaign Environment

The law does not define when the electoral 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.

As in the campaign for the first round, fundamental freedoms were generally respected and candidates campaigned freely and without restrictions. The campaign was initially subdued throughout the country, but intensified, especially in the media, as election day approached. The candidates devoted considerable attention in their activities to tackling corruption, as well as to broader social and economic issues. The second round campaign was perceived by most OSCE/ODIHR EOM interlocutors as a race between candidates with different geopolitical orientations.

Campaign activities were mostly carried out through door-to-door canvassing aiming to increase turnout of candidate supporters, as well as through social media targeting potential voters inside and outside the country. Mr. Dodon's campaign was mostly focused on door-to-door outreach by his supporters, while Ms. Sandu was actively involved in rallies and meetings throughout the country and made extensive use of social media.¹² Billboards and posters, mainly featuring Mr. Dodon, were displayed. Negative campaign tactics were observed, including sexist language and gender stereotyping against Ms. Sandu, as well as instances of homophobic language.¹³

Both candidates were endorsed by political parties which supported other candidates during the first round.¹⁴ The leader of the Communist Party, which called for a boycott in the first round, publicly expressed a preference for Mr. Dodon in the second. Representatives of the Moldovan Orthodox Church expressed public support for Mr. Dodon and opposition to Ms. Sandu. Several IEOM interlocutors raised concerns regarding the appropriateness of the active role of church representatives, particularly in light of the separation between church and state.

The abuse of administrative resources appeared less widespread in the run-up to the second round than the first. Nevertheless, the OSCE/ODIHR EOM noted some cases in which mayors campaigned or exerted pressure to support one candidate or the other.¹⁵ National and most local officials associated

¹⁰ According to the State Enterprise "Registru" in the period from 30 October to 13 November, some 1,400 persons turned 18 and some 1,200 died.

¹¹ PEB members received the voter lists print-outs from the first round from the first instance courts where they were deposited by the DEC.

¹² The OSCE/ODIHR EOM observed 10 rallies and meetings with voters organized by Ms. Sandu.

¹³ This was reflected in media, as well as numerous leaflets that were widely circulated. At a 8 November [press conference](#), several civil society representatives condemned hate messages being used in election campaign.

¹⁴ Mr. Dodon was supported by Our Party. Ms. Sandu was supported by the European People's Party, and the Dignity and Truth Platform.

¹⁵ The Law on the Status of High Public Servants prohibits officials from campaigning while performing official functions. 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.

with the main governing party, the Democratic Party, 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.

Campaign Finance

Legal provisions for campaign finance do not address the second round. The CEC regulation on campaign finance only mentions that the campaign account is reactivated in case of a second round.¹⁶ The Election Code and the regulation lack clarity on whether the expenditure limit is applicable to the first round only or both rounds. 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.¹⁷

The CEC published its assessment of the financial reports submitted before the first round on 30 October, the first round election day. It requested clarification on possible unreported spending from one candidate and requested the State Tax Inspectorate to verify the origin of donations exceeding MDL 75,000.¹⁸ No irregularities were found in other cases. In response to a question raised by the civil society organization Promo-LEX on possible discrepancies in the financial reports of some candidates, the CEC admitted that it had neither sufficient time nor qualified staff to thoroughly examine the reports. It continued to operate with limited resources and stated that it had capacity to conduct inquiries only in response to complaints.

In the absence of an explicit legal requirement to report on campaign finance for the second round, the CEC decided that such reports were required and due on 11 November. Financial reports were submitted to the CEC in time by both contestants. The CEC published information on total income and expenditure of candidates on its website, thus providing public access to campaign finance data.¹⁹ However, the timeline determined by the CEC was insufficient for effective oversight and the CEC audit report was not published before election day. This decreased the efficiency of campaign finance oversight, contrary to international obligations and good practice, and affected voters’ ability to make an informed choice.²⁰

Media

Legislation does not provide explicit provisions on media coverage for the second round. According to the CCA, the campaign period resumed on 31 October, obliging broadcasters to provide fair, balanced and impartial coverage, to offer free airtime and to organize debates between the contestants. While legal provisions regarding free airtime for a second round are unclear, each candidate was allocated one minute a day on the public broadcaster. The CCA continued its monitoring on 31 October; however, the report covering the period from 31 October to 13 November was not issued before the second round. On 28 October the CCA imposed fines on seven TV stations for unbalanced coverage at the maximum amount of MDL 5,400.

¹⁶ 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.

¹⁷ According to the reports for the first round, Mr. Dodon spent some MLD 6.4 million and Ms. Sandu some MLD 543,000. (EUR 1 is approximately MDL 22 (Moldovan Leu).

¹⁸ The candidate concerned was Ms. Laguta.

¹⁹ According to the reports, Mr. Dodon spent some MDL 8.4 million and Ms. Sandu some MDL 1.4 million. (EUR 1 is approximately MDL 22 (Moldovan Leu).

²⁰ See Article 7.3 of the [2004 United Nations Convention against Corruption](#) and paragraphs 194 and 200 of the [2011 Joint OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation](#).

The campaign in media was key for candidates and gained momentum as election day approached. TV stations associated with 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.²¹ This approach by media had an adverse impact on the campaign environment.

Five TV debates between the two candidates were broadcast, which positively contributed to voter information. The candidates frequently exchanged mutual and, at times, harsh accusations rather than engaging in substantive debate.

OSCE/ODIHR EOM media monitoring results revealed a mixed picture. The public *Moldova 1* equally divided their prime time news coverage between Mr. Dodon and Ms. Sandu. *Pro TV* and *TV 7* devoted 51 and 50 per cent of news coverage respectively to Mr. Dodon, and 49 and 50 per cent respectively to Ms. Sandu. Positively, the coverage on these TV stations was predominantly in a neutral tone for both candidates.

In contrast, *Jurnal TV* devoted 63 per cent of its news coverage to Ms. Sandu, and only 37 per cent to Mr. Dodon. 82 per cent of Mr. Dodon's news coverage was negative in tone. *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.

Complaints and Appeals

Between the two rounds the CEC received nine complaints and the courts received none. Complaints were mostly related to alleged campaign finance irregularities. Four cases related to alleged spending of unreported funds, another two to spreading false information and one to obstruction of voting rights.²² 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. 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.²³

According to information received by the General Inspectorate of Police, as of 9 November, the law enforcement agencies received 167 cases of alleged election-related offences and opened 52 cases, mainly concerning hindrance of 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 OSCE commitments.²⁴

The law lacks clarity on the avenue for challenging first round election results. While some stakeholders stated that first round results could be challenged through the standard appeal procedure

²¹ For example, alleging that Ms. Sandu had agreed to accept a large refugee intake, if elected.

²² The complaint on spreading false information by a newspaper about one of the candidates 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.

²³ 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.

²⁴ 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".

for which the Supreme Court is the final instance, others stated that the Constitutional Court should resolve all challenges related to election results. The law does not provide for sufficiently short deadlines for the resolution of possible election result disputes before the holding of the second round, contrary to OSCE commitments and international standards.²⁵ Final results have to be announced by the CEC within five days after election day, which may be challenged at the Constitutional Court.

Election Day

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 members observed and were able to follow all stages of the process. With very few exceptions, the State Automated Information System “Elections” (SAISE), which is an online voter verification system used at polling stations, functioned effectively as a safeguard against multiple-voting and a tool for prompt tabulation and announcement of the preliminary results. Women constituted 80 per cent of PEB members and 78 per cent of chairpersons in polling stations observed.

Opening was assessed positively in all polling stations observed. Most polling stations opened on time and key procedures were followed. However, in a few instances some procedures were not followed, including ballot boxes not properly 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. 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 not appropriate for such voters. Ballot boxes were not properly sealed in 3 per cent of observations, as also noted in the first round, which raises questions about the quality of seals and the 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 had no 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.

The counting was efficient and transparent and evaluated positively by IEOM observers. However, some procedural irregularities were observed, including PEB members not voting on the validity of disputed ballot papers in 15 cases and pre-signing of the results protocols in 12 cases. Reconciliation procedures were not always followed, which led to difficulties in finalizing the results protocols in 6 cases. This included not establishing the number of ballot papers issued by counting the signatures in the voter lists (4 cases) and not counting the total number of ballot papers in the ballot box prior to counting by candidate (5 cases). These procedural omissions were assessed mainly as attempts to speed up the process and had no major impact on the count. In half of the polling stations observed, the result protocols were not posted for public scrutiny, contrary to the Election Code. As in the first round, the PEB protocols were submitted directly to the CEC using SAISE, providing an additional layer of transparency.

²⁵ Section II.3.3.b and II.3.3.g of the [2002 Venice Commission Code of Good Practice in Electoral Matters](#) recommends that the procedure must be simple and devoid of formalism with short time-limits for lodging and deciding appeals. Article 2 of the International Covenant of Civil and Political Rights states that “any person whose rights or freedoms as herein recognized are violated shall have an effective remedy”. See also paragraph 5.10 of the 1990 OSCE Copenhagen Document.

The tabulation process was quick, transparent and well-organized. It was negatively assessed in only one of the 35 DEC observed. In 8 cases the 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, candidate representatives were noted only in 7 DEC.

The CEC frequently released information on voter turnout, as well as on out-of-country participation. It reported increased turnout of voters abroad in comparison to the first round. Several out-of-country polling stations ran out of ballot papers with many citizens unable to vote.²⁶ This underscored concerns that provisions to facilitate out-of-country voting on an equal basis were not fully effective. Two in-country polling stations dedicated to voters from the territory controlled by the Transnistrian *de facto* authorities also ran out of ballot papers and voters were redirected to nearby polling stations in order to cast their vote.

The preliminary turnout was reported at 52.48 per cent. The CEC started posting the preliminary results by polling station on its website at around midnight.

MISSION INFORMATION & ACKNOWLEDGEMENTS

Chisinau, 14 November 2016 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of Council of Europe (PACE) and the European Parliament (EP). The assessment was made to determine whether the elections complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

Arta Dade was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission. Geir Joergen Bekkevold headed the OSCE PA delegation. Elisabeth Schneider-Schneiter headed the PACE delegation. Igor Soltes headed the EP delegation. Douglas Wake is the Head of the OSCE/ODIHR EOM, deployed from 3 October.

Each of the institutions involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process. The OSCE PA will present its report at its next session. The PACE will present its report at its Standing Committee on 25 November. The EP will present its report at the meeting of its Committee on Foreign Affairs in November.

The OSCE/ODIHR EOM includes 13 experts in the capital and 16 long-term observers deployed throughout the country. On election day, 177 observers from 35 countries were deployed, including 136 long-term and short-term observers deployed by the OSCE/ODIHR, as well as an 11-member delegation from the OSCE PA, a 7-member delegation from PACE and a 10-member delegation from EP. Opening was observed in 68 polling stations and voting was observed in 683 polling stations across the country. Counting was observed in 56 polling stations, and the tabulation in 35 DEC.

²⁶ According to the CEC, out-of-country polling stations that ran out of ballots included one in Bologna, one in Bucharest, one in Paris, one in London and one in Moscow.

The observers wish to thank the authorities for their invitation to observe the elections, and the Central Election Commission and the Ministry of Foreign Affairs for the assistance. They also express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for their co-operation.

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***The English version of this report is the only official document.
Unofficial translations are available in the state and Russian languages.***