



REPORT No 1

Observation Mission for the Presidential Election in the Republic of Moldova on 30 October 2016

Monitoring period: 04 March – 23 August 2016

Published on 24 August 2016

All rights reserved. The content of the Report may be used and reproduced for not-for-profit purposes and without the preliminary consent of Promo-LEX Association, provided that the source of information is indicated.



The Observation Mission for the Presidential Election in the Republic of Moldova on 30 October 2016 is funded by the United States Agency for International Development (USAID), British Embassy in Chisinau, National Endowment for Democracy.

The opinions presented in the public reports of Promo-LEX belong to their authors and do not necessarily reflect donors' view.

TABLE OF CONTENTS

SUMMARY.....	4
OBSERVATION METHODOLOGY.....	5
INTRODUCTION.....	5
I. LEGAL FRAME	7
II. ELECTORAL BODIES.....	10
III. ELECTION CANDIDATES.....	13
IV. PUBLIC ADMINISTRATION.....	14
V. MOLDOVA PRESIDENTIAL ELECTION CAMPAIGN FUNDING.....	15
VI. CIVIL SOCIETY.....	16
VII. MASS-MEDIA.....	17
VIII. ELECTORAL INCLUSION.....	17
RECOMMENDATIONS.....	18
ABBREVIATION LIST	19

SUMMARY

The Report No 1 developed by Promo-LEX in the framework of the Election Observation Mission (EOM) for Moldova Presidential Election of 30 October 2016 covers the period of 4 March – 23 August 2016. The report was developed drawing on the findings arrived at by the central team of the Mission with regards to the public and electoral authorities' activity, as well as to the potential election candidates' behaviour within the period concerned. Since the election campaign is still to start, Promo-LEX team focused its efforts on observing state authorities preparing and organising the election. In addition, the report contains information on the approved amendments to the legal framework regarding the preparation of Moldova's Presidential Election.

Considering the particular circumstances of how the President is to be elected, the legal framework on presidential elections was approved in a relatively short but still long-enough time to prepare the candidates for the election. However, not all the issues and doubts concerning the beginning of the election campaign, the terms and procedures of verifying signature sheets were settled. Promo-LEX EOM believes that the procedure on compiling the member list of the Initiative Group and the signature sheets is subject to too many conditions.

During the monitoring period, the Promo-LEX Mission noticed a range of positive trends in electoral authorities' efforts to settle the problem of accessibility and electoral inclusion of persons with special needs, determined by the adoption of special related regulations. Integrating the gender dimension into the electoral agenda represents another positive aspect of the election campaign.

In the same train of thought, the principle of professional integrity as also highlighted in the appointment and activity of Central Electoral Commission (CEC) members. However, the delayed voting of the new CEC composition fueled society's doubts and mistrust towards whether the existing mechanism is an appropriate one, since on the one hand it favours the legislative power, in particular the governing political forces, and on the other hand – it is not transparent and competitive.

The political parties do not fully observe the legal provisions on party funding. It is recommended to penalize parties that do not comply with the requirements in the field. In the same context, CEC did not penalize the political parties that did not submit their financial statements before the deadline or that submitted incomplete financial statements or financial statements that contained obvious mistakes, even if such infringements were found and published by Promo-LEX.

National mass-media pays close attention to the Presidential Election on 30 October 2016.

The international standards that this report will refer to are the ones developed by UN, OSCE/ODIHR, European Commission for Democracy through Law, European Union and Council of Europe. Recommendations for public and electoral authorities, potential election candidates and other stakeholders are included at the end of this report in order to improve the electoral process.

OBSERVATION METHODOLOGY

Moldova Presidential Election Observation Mission for 30 October 2016 is a project worked out by Promo-LEX Association as part of the Civic Coalition for Free and Fair Elections. Promo-LEX Association is a Non-Governmental Organization that aims at developing democracy in the Republic of Moldova, including in the Transnistrian region, by promoting and defending the human rights, monitoring the democratic processes, and strengthening the civil society.

The Promo-LEX Observation Mission consists of 42 long-term observers (LTO), who will monitor the electoral process in all constituencies of the Republic of Moldova during 31 August – 30 November 2016. On the election day, Promo-LEX will delegate a short-term observer (STO) in each polling station (PS) of the country. The Mission will examine the opportunity of observing elections in polling sections abroad. Promo-LEX EOM will also perform the Parallel Vote Tabulation (PVT) in all polling stations where observers will be delegated. All the observers involved in the monitoring process sign the Code of Conduct of the Promo-LEX Independent National Observer, assuming the

commitment to act quickly, in good faith and in a non-partisan manner. The activity of all observers is coordinated by a central team consisting of 38 persons.

The official and public information, including the observers' standardized reports, produced as a result of the visits to electoral bodies and discussions, meetings with interviewees and the review of official documents served as source for the drafting of public reports by the Observation Mission.

Promo-LEX EOM is not a political opponent to election candidates running for President in the Republic of Moldova on 30 October 2016, neither is it an investigation body and does not assume the explicit obligation to support its findings by evidence. However, to the extent possible, the observers' reports shall be accompanied by photo and video evidence, which can be made available only to law enforcement bodies upon requests and never to election candidates.

Promo-LEX EOM is funded by USAID, the British Embassy in Chisinau, the National Endowment for Democracy. The opinions presented in the public reports of Promo-LEX belong to their authors and do not necessarily reflect donors' view.

INTRODUCTION

Legal context

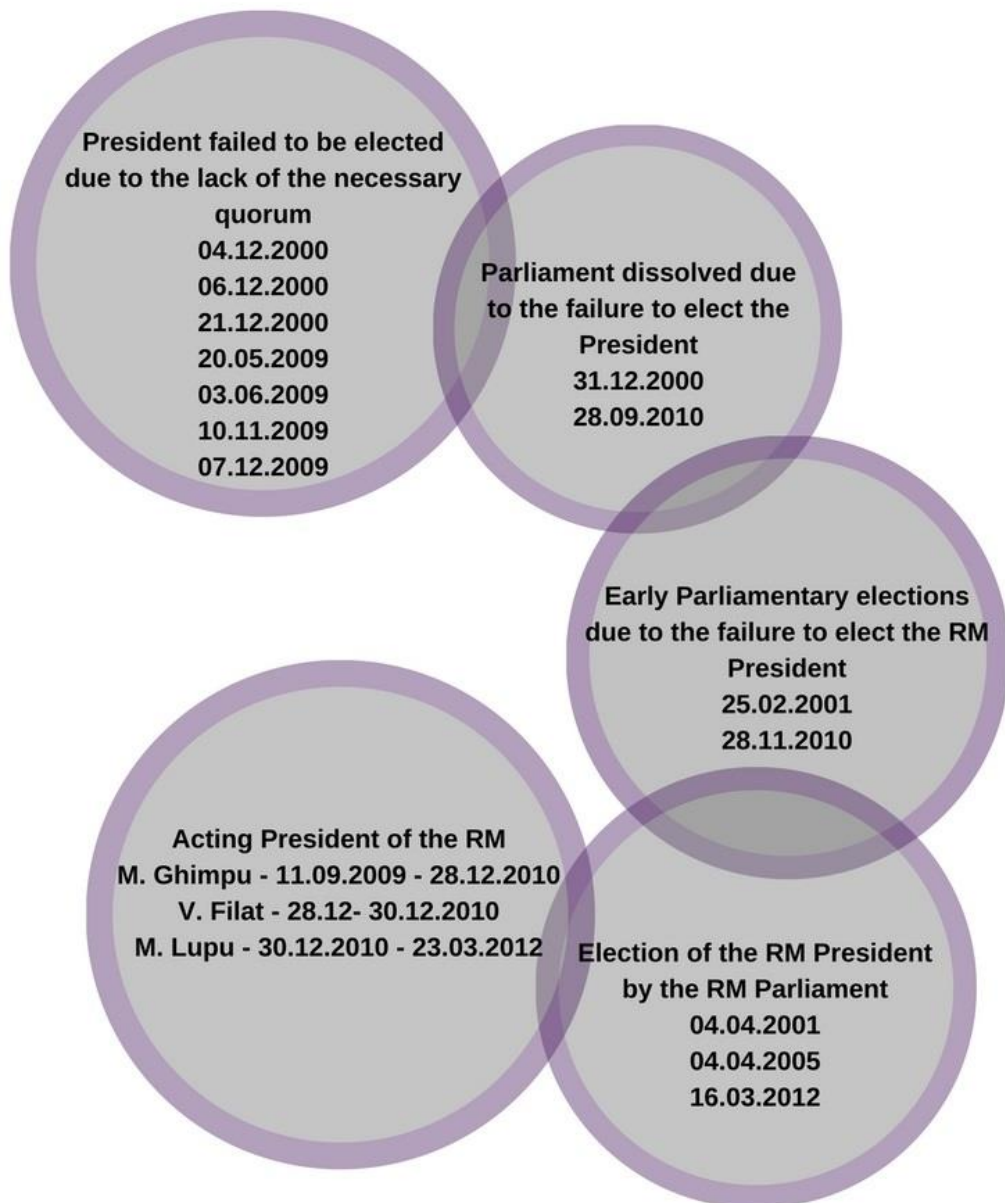
On 4 March 2016, the Constitutional Court of the Republic of Moldova adopted the Decision No 7 on the constitutionality of some provisions of the Law No 1115-XIV of 5 July 2000 amending and supplementing the Constitution of the Republic of Moldova. The Court found that some amendments and supplementations to Constitution in 2000, were procedurally violated and, therefore, the provisions of the Law No 1115-XIV on the election of the country President were declared unconstitutional. In addition, the Law No 1234-XIV of 22 September 2000 on the Election of the President of the Republic of Moldova, and the Law No 1227-XIV of 21 September 2000 amending the Electoral Code and re-establishing the annulled provisions were also declared unconstitutional.

On 1 April 2016, the Parliament of the Republic of Moldova adopted the Decision No 55 whereby the date of 30 October 2016 was set as the Presidential Election Day in Moldova. The date was established considering the Decision of the Constitutional Court mentioned above, under the Article 78 of the Constitution and Article 98(2) of the Electoral Code. It is worth mentioning that significant amendments to the Electoral Code were made. They provide for new presidential election organization and conduct conditions. In addition, on 29 July 2016, the Parliament of the Republic of Moldova established the beginning of the election period on 31 August 2016 by the Decision No 206.

Political context

On 5 July 2000, the Parliament of the Republic of Moldova reviewed the Constitution of the Republic of Moldova through the lens of the Law No 1115-XIV and modified, *inter alia*, Article 78. If by then the President used to be elected by direct vote, after the amendments – the Parliament of the Republic of Moldova was given the right to elect the President of the Republic of Moldova by the vote of three fifths of the MPs (61 MPs).

During a period of 12 years (2000-2012), the MPs had 10 attempts to elect the President of the country. In 3 cases: 2001, 2005, 2012, the Parliament voted the President of the Republic of Moldova from the first round of election. In 7 cases, the MPs that the people voted for did not reach a consensus on the election of the President of the country. As a result, the Parliament was twice dissolved, in 2000 and 2010, respectively, and early parliamentary elections were organised. The management duties were temporarily performed by three Members of Parliament, which lasted about 3 years – since 11 September 2009 until 23 March 2012 (see below).



I. LEGAL FRAMEWORK

1.1. Amendment of the electoral legal framework

The legal framework of the electoral process concerning the carrying out the Presidential Election in Moldova on 30 October 2016 mainly includes the Electoral Code, Decisions, Regulations and CEC instructions.

Since the last election held in the Republic of Moldova (14 (28) June 2015), the Parliament approved several laws by which the Electoral Code was amended.

Thus, the Parliament introduced the following amendments to the Electoral Code by the Law No 71 of 14 April 2016 amending and supplementing some legislative acts:

- Stricter conditions were imposed for the drawing up of lists of candidates that are to be submitted to CEC or ECC;
- The electoral body may register or refuse to register electoral candidates – which is a new feature;

- CEC was empowered to ensure the monitoring of the principle of gender equality within the election campaign for parliamentary and local elections;
- The lists of candidates for parliamentary and local elections will be developed by complying with the 40% minimum representation quota for both genders.

Promo-LEX EOM draws the attention to the fact that even though the Parliament provided in the law for the minimum gender quota in the lists of candidates, the legislator avoided to regulate the provisions of placing, so that the percentage rate could be applied for each 5 places in the list of candidates.

The legislator introduced the following amendments to the Electoral Code by the Law No 134 of 17 June 2016 (in force since 1 August 2016) amending and supplementing some legislative acts:

- The law was amended to specify that the CEC Chairperson, Deputy Chairperson and Secretary shall hold public dignity positions and make the object of the provisions of the legislation on the status of public dignitaries;
- A CEC member shall be dismissed if a legal act to this end was concluded directly or through a third party, if they took or participated in the taking of a decision by violating the legal provisions regarding the conflict of interests;
- A CEC member shall be dismissed if they did not submit the Declaration of Assets and Interests or refused to submit it as the law may permit or require;
- Also, a CEC member shall be dismissed if the court of law orders by irrevocable decision the confiscation of the unjustified property.

On 16 June 2016, the Legal Committee for Appointments and Immunities of the Parliament of the Republic of Moldova organized public consultations¹ of the Draft Law No 144 of 07 April 2016 amending and supplementing the Electoral Code No 1381-XIII of 21 November 1997. Subsequently, the most relevant amendments and supplements to the Electoral Code were made under the Law No 147 of 15 July 2016:

- The Electoral Code underwent adjustments in order to provide for the legal conditions for organising and holding the Presidential Election in the Republic of Moldova;
- The articles of the Electoral Code, which set out the electoral procedure rules, were supplemented with the necessary phrases, so as for these procedures to be applied for presidential elections too;
- Title IV was included again in the Electoral Code and is entirely designed for the election of the President in Moldova;
- Title IV of the Electoral Code includes Articles 95-117, which provide for what needs to be done to organize and carry out the presidential election and particularly relate to the universal, equal, direct, secret and free character of the vote cast, the length of the mandate, constituencies and polling stations, district electoral councils and precinct electoral bureaus, determining the election day, special conditions for candidates, registration of candidates, signature sheets, initiative groups, lists of voters, election campaign, ballot papers, the voting itself and other important elements of the electoral process.

One final regulatory act which interfered with amendments to the Electoral Code is the Law No 102 of 21 July 2016 amending and supplementing some legislative acts (in force since 12 November 2016).

- Besides, the legislator instituted a new condition that one has to abide by in order to be appointed in the position of CEC member. The condition is that for the last 5 years the candidate to the position of CEC member should have a clean professional integrity record.

¹<http://parlament.md/Actualitate/Noutati/tabid/89/NewsId/1554/language/ro-RO/Default.aspx>

There shouldn't be any negative remarks related to the professional integrity test for failing to observe the obligation not to allow for acts of corruption to happen.

At the same time, considering the amendments to the Electoral Code which seek to ensure gender equality, the supplementing of Article 364(6) of the Contravention Code is also worth mentioning. It provides for penalties for presenting, producing or broadcasting unfair, unauthentic, immoral and more recently, sexist advertising. The rule mentioned above is applicable for broadcasting electoral advertising.

On 9 June 2016, the Member of Parliament Valeriu Ghiletschi registered the Draft Law No 261 that aims to forbid the use of visual communication systems, which include billboards, stands, installations and constructions (placed separately or on the buildings' walls and roofs), electromechanical and electronic suspended panels. On 11 August 2016, the Member of Parliament Valeriu Ghiletschi announced within a press conference his intention to run for the position of President.

We repeat that the Venice Commission, in its Code of Good Practice in Electoral Matters (2002), recommends to States to abstain from frequent amendments to the electoral law, in particular one year before the elections date. However, contrary to these recommendations, the Parliament amended the Electoral Code during both the pre-election and election period.

1.2. Implementation of Promo-LEX recommendations contained into the Final Report on the Monitoring of General Local Elections of 14 (28) June 2015.

As a result of monitoring the general local elections of 14 (28) June 2015, Promo-LEX Association developed multiple recommendations for the electoral bodies, public authorities, election candidates and voters in order to improve the electoral process.

Out of all the developed recommendations the Parliament of the Republic of Moldova implemented only one recommendation. Thus, the part of the Electoral Code which provides for the obligation of all political parties to ensure the promotion of an equal number of women and men for eligible functions was amended.

In addition, with reference to another recommendation of Promo-LEX Association, the Draft Law No 261 of 9 June 2016, mentioned above, provides for the exclusion of the sentence: "The minimum area provided for a candidate on an advertising board is 1 square meter" of Article 1 of the Electoral Code, for the term "Minimum of special places for electoral advertising". Here we propose to add the statement: "In this area, each election contestant can post a single electoral poster, which cannot exceed the size of 500x350 mm".

Therefore, 6 other recommendations made by Promo-LEX Association were not implemented, though they are relevant for the next electoral campaign:

- Supplementing the Law on Personal Data Protection with rules ensuring transparency and accessibility of the lists of voters;
- Supplementing Article 38(1) of the Electoral Code by introducing a clear procedure and time-frames for confirming the persons responsible of funding the election candidates (treasurers);
- Improving the regulatory framework as regards the set up of the exact time-frames and procedures that provide for the continuation of the election campaign for the second round of the election;
- Amending the Electoral Code and the Law on political parties in order to establish a method of keeping records of and verifying the political party membership in order to prevent the political activity of the electoral bodies' members, and to sanction them if appropriate;
- Amend the legal norms that regulate the votes recounting so that the expenses for the organization of the recounting to be covered by CEC if the initial results were found to be

incorrect or by the party that has requested the recounting, if the initial results are confirmed;

- Review the ceiling of donations from individuals and legal entities to political parties by reducing them appropriately to the average standards of living.

1.3. Implementation of International Recommendations

In order to perform an observation of the local elections in June 2015, OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) carried out the Limited Election Observation Mission (LEOM). LEOM OSCE/ODIHR assessed the electoral process' level of compliance with OSCE commitments and other obligations and with the international standards for democratic elections, as well as with the domestic law.

In its final report, LEOM OSCE/ODIHR worked out several recommendations on how to improve the conduct of elections in the Republic of Moldova and bring them in line with the international standards for democratic elections. These mainly aim to: improve the electoral legal framework, implement legislative reforms long before the elections, review the interdiction to use state and foreign symbols for advertising purposes, develop CEC operability and timely communication of its decisions, improve continuously the process of supervising the election campaign funding, modify the mechanism of appointing CEC members in order to decrease the influence of the parliamentary majority over them.

The Mission also provided recommendations which reiterate partially the previous OSCE recommendations. These aim to: adjust the legal framework, the election administration process, register voters, carry out the election campaign, fund the election campaign, reflect the election campaign in media, lodge complaints and appeals and manage the election campaign on the election day.

As regards the implementation of international recommendations, during the pre-election period until 30 October 2016 – the election day, the recommendations on adjusting the legal framework so as to bring it in line with the new realities, as well as the recommendations to ensure the gender balance in the lists of voters, were partially implemented.

II. ELECTORAL BODIES

2.1. New Membership of the Central Electoral Commission (CEC)

After the Parliament of the Republic of Moldova tried 4 times to elect the members of CEC, it adopted the Decision No 144 of 17 June 2016 by which it confirmed the new nominal membership of the institution. The mandate of the previous membership expired on 11 February 2016

2.2. CEC Decisions

During the monitoring period, CEC adopted 18 decisions appropriate for the presidential election of 30 October 2016.

Thus, 6 decisions modifying CEC Regulations were adopted and they particularly relate to: preliminary registration of the Moldovan citizens from abroad who are eligible to vote, drawing lots procedures, funding political parties' activity, observers' status and their accreditation, signature sheet compilation, authentication, presentation and verification, the voting of Moldovan citizens who are abroad.

CEC examined observers' accreditation applications and adopted 5 decisions whereby observers from Promo-LEX Association (2 decisions), from the Chisinau-based branch of the International institute for monitoring the development of democracy, parliamentarianism and observance of electoral rights of the citizens from the member states of the Inter-parliamentary Assembly of the Commonwealth of Independent States (IIMSS IPA CIS), and from the Embassy of the Sovereign Order of Malta to the Republic of Moldova were accredited.

CEC also adopted 7 decisions whereby the timetable containing the activities to be carried out for the organization and holding of the Moldova Presidential Election on 30 October 2016 was approved. CEC also established when and where to submit the necessary documents for the registration of the initiative groups and of the presidential candidates. It approved the Guidelines on the registration of electoral blocks for the Presidential Election, approved the Regulation on the Funding of Initiative Groups and the Regulation on the Presidential Candidate Nomination and Registration Particularities, it set out the monthly amount of subsidies from the 2016 state budget for political parties according to the results of the parliamentary elections on 30 November 2014 and of the general local elections on 14 June 2015, and it also examined political parties' financial reports covering the first semester of 2016.

According to the 2016-2019 Strategic Plan of the Central Electoral Commission² – it intends to ensure that those voters who do not have the possibility to come to the polling stations can vote remotely. However, CEC announced that it won't be possible to vote remotely at the presidential election on 30 October 2016.

On 9 August 2016, CEC decided that new local elections will be held on 30 October 2016 to elect the mayors of Iserlia Township, Basarabeasca District, Bucuria Village, Cahul District, Galaseni Township, Rascani District and of Galesti Township, Straseni District. CEC decided to set out the date of the new local elections on the same date that the presidential election is to be held. We would like to let you know, however, that CEC Decision No 706 of 13 September 2011 on carrying out new local elections sets out the date of new elections on the second or third Sunday of May and November of each year. The purpose of these adjustments is to optimise expenses for the organization and holding of these elections.

2.3. Formation of the Lower Level Electoral Bodies

CEC launched an online procedure for the preliminary registration of Moldovan citizens eligible to vote in order to ensure that the citizens who are abroad can cast their vote too. The main objective of the procedure is to identify major concentrations of voters abroad, in order to create additional polling stations besides those open within diplomatic missions and consulates.

Promo-LEX EOM underscores the fact that, even though the online platform for the registration of Moldovan citizens based abroad was launched by CEC on 10 May 2016, only 557 voters were registered on it as of the date that this report was developed on.

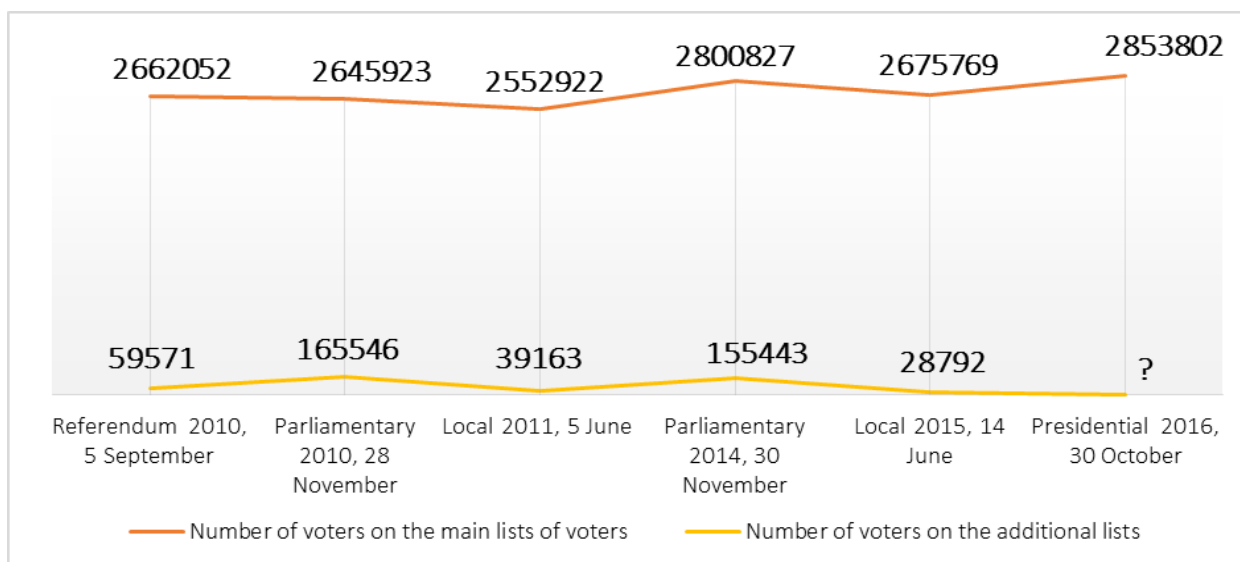
According to this procedure, the pre-registered citizens will be automatically de-registered from the list of voters compiled based their domicile in the Republic of Moldova. This de-registration will be temporary and valid only for presidential elections of this year. After the registration period lapses out, the information on the number of pre-registered citizens will be submitted to the Government of the Republic of Moldova so as for the decision on whether to open additional polling stations to be made.

2.4. State Registry of Voters

To prepare the lists of voters, CEC presented on 22 August 2016³ the total number of voters registered in the State Registry of Voters (SRV). Promo-LEX EOM underscores the fact that the ongoing increase of the voters' number, as well as the number of voters without residence, makes people question the integrity of the lists of voters and the entire electoral process itself.

² http://www.cec.md/files/files/planulstrategic20162019_107809.pdf

³ <http://www.cec.md/index.php?pag=news&id=1042&rid=17265&l=ro>



Promo-LEX appreciates CEC's eagerness to update and publish on 22 August 2016 the information into the State Registry of Voters. However, considering the fact that the number of citizens who turned 18 is different as reported by different state institutions (IS CRIS Registru, NSB and CEC), the public authorities need to behave in a more transparent manner as regards the creation of the lists of voters and making them available to the actors in the electoral process. Against this background, the Mission reiterates the recommendation to amend the legislation on the protection of personal data so as to ensure greater accessibility to the lists of voters. Moreover, the Observation Mission believes that each and every entity involved in keeping records of the citizens and/or voters must explain the data differences.

Information on citizens eligible to vote in the 2016 Presidential Election on 30 October

	Total number of population, including Transnistria ATU	Total number of population, not including Transnistria ATU	Voters, including Transnistria ATU	Voters, not including Transnistria ATU
CEC 31.03.2016	-	-	3233100	3013775
CEC 22.08.2016	-	-	3237032	3015432
CRIS Registru 01.08.2016	3951827	3655025	3589302	3312543
NBS <i>Date</i>	-	3553056 <i>01.01.2016</i>	-	2678955 <i>01.01.2015</i>

2.5. Electoral Training

During the monitoring period, the Center for Continuous Electoral Training has organised several training sessions, which were based on two topics: "Duties of the local council secretary during the election period" and "Training of registrars of the State Registry of Voters (SRV) – who are in charge of managing voters lists at LPA level".

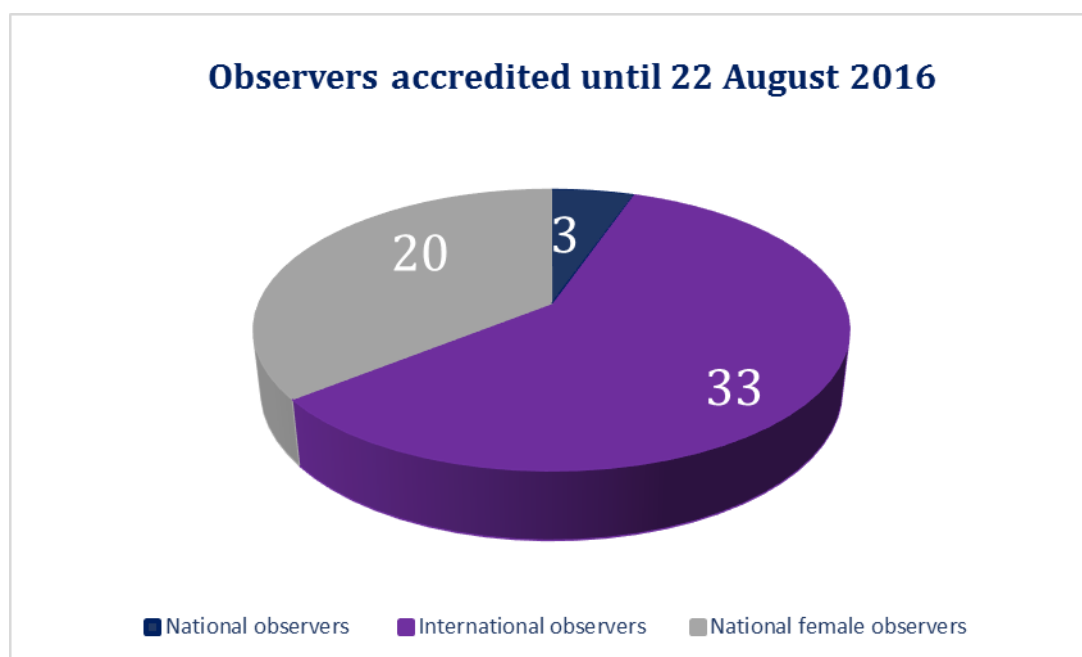
CCET also gave potential election candidates the opportunity to apply, by 10 August 2016, for training sessions on the status of observers and representatives with the right to consultative vote,

as well as on the duties of collectors of signatures in support of a candidate to the presidential election in Moldova.

2.6. National and International Observers

For purposes of monitoring the presidential election of 30 October 2015, CEC accredited until 23 August 2016, 53 national observers: from Promo-LEX Association – 51 persons; and 2 observers from the Chisinau-based branch of the International institute for monitoring the development of democracy, parliamentarianism and observance of electoral rights of the citizens from the member states of the Inter-parliamentary Assembly of the Commonwealth of Independent State. In addition, other 3 international observers were also accredited: on the proposal of the Embassy of the Slovak Republic – 2 persons and of Embassy of the Sovereign Order of Malta – 1 person.

33 national observers, 3 international observers, and 20 national female observers were accredited until 22 August 2016.



CEC has sent official requests to inter-parliamentary assemblies and international government organizations to which the Republic of Moldova is a party, international specialized institutions (including civil ones, as ENEMO is), election management institutions and consular offices accredited in the Republic of Moldova, asking them to delegate representatives to observe the presidential election on 30 October 2016. Thus, CEC has showed its openness towards ensuring a transparent electoral process in the Republic of Moldova.

2.7. Public Information

The CEC website is systematically updated with materials regarding the electoral process, ensuring thus the transparency and accessibility of information about the legal documents and activity carried out by electoral bodies. CEC meetings are broadcast online.

A new practice now is that of publishing annual/semi-annual reports and information on the financial matters of political parties, as required by Article 29(3) and the Law No 294 of 21 December 2007 on Political Parties. However, the documents on the CEC meetings and decisions adopted during the period of 14 July – 23 August 2016 were not posted on CEC website within this period. Some public interest information is not posted though (e.g. notifications).

Thus, particular doubts regarding the transparency of the decision-making process exist. Another example to support this idea, is that only 3 Draft Regulations have been sent for consultation during

the monitored period to Promo-LEX. On the other hand, the Promo-LEX Association's proposals on CEC's intention to complicate the observer accreditation procedure were accepted and as a result CEC gave up on this idea. In addition, CEC accepted a number of Promo-LEX Association's recommendations regarding the Draft Regulation on Funding Initiative Groups.

2.8. Notifications

According to the information available in mass-media, PPPAS informed CEC that PDM, PCRM, PL and PN have violated the regulatory framework in terms of political party funding (receipts of cash donations larger than MDL 5,050). We would like to note that the electoral authority has not yet given its official feedback on this matter, even though on 18 August 2016 it took note⁴ of the reports on financial management of political parties for the first semester of 2016.

2.9. Calendar Plan

On 23 August 2016, CEC approved the Timetable for the activities of organization and conduct of the 30 October 2016 Moldova presidential election.

CEC established the conditions and mechanism of receiving documents needed to register initiative groups and Moldova presidential candidates.

Having analysed the legal provisions and the timetable developed by CEC, we found that political parties and LPA may apply for the position of EOPS member during 31 days, while the legal time-frame is of 32 days before the election day. Thus, the date of 26 September 2016 is to be replaced by the date of 27 September 2016 – as the last day when the candidates for ECC II may be submitted to establish EOPS.

III. PUBLIC ADMINISTRATION

The Ministry of Justice periodically updates the list of political parties. Thus, on 23 August 2015, we checked its website and found that the list of political parties having the right to nominate a candidate for the presidential election contained 45 parties and social-and-political organizations.

According to the findings of Promo-LEX observers, on 23 August 2016, 24 out of 35 level-two local public authorities adopted decisions on delegating their members entitled to a deliberative vote to the Electoral Constituency Councils (ECC).

IV. ELECTION CONTESTANTS

In compliance with Article 41(2) of the Electoral Code, the following have the right to nominate a candidate for presidential elections: parties and other social-and-political organisations legally registered prior to the announcement of elections; electoral blocks created based on decisions adopted in accordance with the Statutes (regulations) of political parties and other social-and-political organisations which formed them and that are registered with the Central Electoral Commission; citizens of the Republic of Moldova who nominate themselves for elections (independent candidates).

All Moldova presidential election candidates must submit lists with 15,000, but not more than 25,000 support signatures of voters from at least half of the level-two administrative and territorial divisions of the country, where 600 signatures is the minimum number of signatures for each territory.

Until 23 August 2016, the following candidates expressed their intention to run for the presidential election of 30 October 2016: Igor Dodon (PSRM), Iurie Leanca (PPPEM), Maia Sandu (PPPAS), Andrei Nastase (PPFDA), Valeriu Ghiletschi (independent candidate) and Oleg Brega (independent candidate). The PPPAS, PPFDA and PLDM leaders announced later their intention to forward one joint candidate. The leaders of 4 parties (PCRM, PDM, PL and PPPN) announced their intention to

⁴ <http://www.cec.md/index.php?pag=news&id=1042&rid=17241&l=ro>

nominate their own candidate if no final decision is taken by the party management body with regards to its name.

Electioneering

According to Article 47 of the Electoral Code, during the election period, electioneering may start once candidates are registered with CEC. As the election period draws closer, one can see the potential election candidates growing more active.

According to social media, the potential presidential election candidate – Andrei Nastase, Chairperson of PPPDA, went on at least 3 business trips abroad – to the United States of America, Lithuania and to the Russian Federation, where he organised several meetings with local politicians and diaspora.

According to Promo-LEX EOM – Igor Dodon (PSRM) manifested its activism by: organizing meetings with citizens and handing out folded leaflets and newspapers containing electoral messages (23 July, 19 August); participating in particular events (visit to ATUG and celebration of Comrat municipality's anniversary, meeting with the ambassador of the Russian Federation in Moldova); releasing the movie about the politician Igor Dodon.

During the monitored period, Maia Sandu (PPPAS): tackled election rigging; set up a Facebook account – *Maia Sandu, President of the Republic of Moldova*; informed CEC that some political entities violated the law on political party funding.

Iurie Leanca (PPPPEM) met foreign politicians in Berlin, Brussels and Bucharest. The potential candidate set up a Facebook account: *Iurie Leancă – President*.

V. Ghiletschi organised a summer school for young people, entitled "Promoting Christian Values in the Election Campaign", with the support of the international organization European Christian Political Movement.

Oleg Brega did not do any electioneering.

V. FUNDING OF ELECTION CAMPAIGNS FOR THE PRESIDENTIAL ELECTION IN MOLDOVA

5.1. Regulatory amendments in the field of funding election campaigns for the presidential election on 30 October 2016

On 15 July 2016, the Electoral Code was amended and new legal provisions regulating the conduct of election campaigns for the presidential election in the Republic of Moldova were added. Basically, the amendment consists in the fact that the provisions on conditions, method, limits and responsibility for the funding of election campaigns shall be applied accordingly to the initiative groups too⁵. However, the Regulation on the Funding of Initiative Groups for the Collection of Signatures in Support of a Candidate to an Elective Position or to Initiate a Referendum was approved by CEC on 18 August 2016. It includes the particularities of the Electoral Code that are about:

- Defining the concepts related the initiative groups (IG): IG, account designed for the IG activity of collecting signatures, report on the cash flows related to IG activity, signature collection campaign, IG activity.
- Regulating the opening of bank accounts with the entry "For Initiative Group", which may be opened within 5 days since the day the initiative groups registered themselves as such.
- Setting the calculation formula for the general threshold for funds that may be transferred to the account of the initiative group in support of a candidate for the elective position.

⁵ All the provisions of Chapter IV of the Electoral Code "Material support for the conduct of election and funding of the election campaigns" apply directly to the Initiative Groups formed to support the presidential election candidate.

- Applying legal limits for the donations made by individuals and legal entities that must be of 200 and 400 monthly average salaries per national economy, as provided in both the Law No 294-XVI of 21 December 2007 on Political Parties and the Electoral Code.
- Prohibiting the following activities, as they might interfere with the equal opportunities of initiative groups:

1) financial support to the activity of initiative groups, provided by:

- a. foreign legal entities, including joint venture entities,
- b. other countries;
- c. international organizations, including international political organisations;
- d. citizens of the Republic of Moldova under the age of 18;
- e. citizens of the Republic of Moldova with limited legal competence or declared incompetent by final court decision;
- f. individuals from the Republic of Moldova that use their income earned abroad;
- g. public authorities, organisations, enterprises, public institutions, other legal entities funded from the public budget or having state capital, except for the cases when provision of the services or material support is prescribed directly in the legislation;
- h. legal entities which, one year before the start of the election period performed activities funded or paid from public funds, as well as by legal entities with foreign or mixed participation is prohibited;
- i. anonymous persons or persons acting on behalf of third parties;
- j. individuals that are not citizens of the Republic of Moldova;
- k. non-commercial organizations, trade unions, charity or religious organizations;

2) use of funds transferred in “Funds for the initiative group” account in the personal interests of the initiative group;

3) provision of money, gifts, goods free of charge, including humanitarian aid or other charity by the members of the initiative group;

4) funding the initiative group activity from other funds than those from “Funds for the initiative group” account;

5) use of unreported funds and material support by the initiative group or its exceeding of the general threshold for expenditure

- The body in charge for the verification of signatures shall make payments from the “Funds for the initiative group” account at least one day before the deadline. Since the signature sheets are submitted, any transfers from the respective account shall be prohibited.
- At the end of the signature collection campaign, the reports on cash flow related to the activity of the initiative group for their entire activity period shall be submitted for examination to the body in charge for the verifying the signatures.

5.2. Establishment of a general threshold for funds that can be transferred on the “Funds for initiative group” account for the presidential election on 30 October 2016

On 18 August 2016, CEC established the calculation basis for the threshold of the funds that can be transferred on the “Funds for initiative group” account. Thus, the formula will consist of a coefficient that CEC did not established yet, which will be multiplied by the maximum number of signatures that need to be collected by a IG (25,000).

VI. CIVIL SOCIETY

On 11 August 2016, the Promo-LEX Association shared with the stakeholders the survey entitled “Electoral disputes at the last two elections in the Republic of Moldova”. The respective analysis includes a research of electoral disputes, both at the stage when the preliminary examination of complaints takes place, and at the stage of their litigation during the parliamentary election on 30 November 2014, as well as during the election on 14 June 2015.

On 17 August 2016, an appeal to the RM Government and to the political and religious governance of the Russian Federation was made at the press conference on “Mass Discrimination Against Moldovan Voters”, organised by several Non-Governmental Organisations and political parties, among which “Patriotii Moldovei” (Moldovan Patriots) and “Moldova este Patria mea” Public Movement (Moldova is my Homeland), and some MPs of the first Parliament of the Republic of Moldova. The aim of this appeal was to create appropriate conditions for the Moldovan citizens living in the Russian Federation and on the territory of the Administrative Territorial Unit on the left bank of the Nistru River (ATUs on the left bank of Nistru River) to be able to cast their vote.

In the framework of the Democracy, Transparency and Accountability Program funded by USAID and in the context of Moldova presidential election of 30 October 2016, the Promo-LEX Association shall implement the “Ieși la Vot!” (“Come to Vote!”) Campaign.

The purpose of the Campaign is to contribute to the mobilisation of voters and promote informed and conscious voting among Moldovan citizens eligible to vote. The Moldovan citizens eligible to vote, particularly the youth, are the target group of the campaign.

As part of the Campaign, as many as 10 public electoral debates will be held, two video-spots will be launched and awareness will be raised among citizens at local and national levels.

Promo-LEX Association will also launch a Grant Contest for the NGOs from Moldova. It will support 2-3 projects focusing on voter mobilization and on the promotion of informed and conscious voting.

VII. MASS-MEDIA

The subject regarding the presidential election, date of election, as well as the legal nature of the Constitutional Court’s Decision were widely reflected in the media. Since the election day was announced, the national and local press began to tackle topics related to the presidential election focusing on three aspects:

- causes and consequences of changes at the level of electoral law;
- forecasts regarding potential candidates and electoral alliances established to participate in election. These subjects have primacy in the written media, radio and TV.
- electioneering publications, particularly in the newspapers affiliated with political parties.

The new CEC membership, including the management of CEC, the member selection and promotion procedures were widely reflected in the media.

We found the growing role of the social networks in the dissemination of electoral information.

VIII. ELECTORAL INCLUSION

Gender inequality persists in electoral administration. Thus, if the management of the superior electoral bodies mostly consists of men, then its right the opposite with the management of the inferior electoral bodies – which consists mostly of women.

CEC launched the initiative to create the International Association of Women in Electoral Management, which would promote equal opportunities for women and men in being appointed in positions in which they can make decisions pertaining to the political, economic and public life.

The number women in CEC has doubled, if compared to the former membership where there used to be only 2 women. Both women were appointed in management positions – Chairperson and, respectively, Deputy-Chairperson.

On 26 January 2016, CEC approved the Regulation on the Voting Accessibility for People with Disabilities. The purpose of the document is to regulate free and non-discriminatory voting accessibility for people with disabilities.

Electoral bodies did not adopt any regulatory act and did not develop any policy documents, that would regulate the involvement of ethnic minorities in electoral process and access to elective positions.

RECOMMENDATIONS:

To the Parliament of the Republic of Moldova

1. Introduce legal provisions that would ensure minimum gender quota of 40% for each 5 positions in the candidates' list.
2. Define and explain the phrase “and other social-and-political organisations”, which is included in the Electoral Code.
3. Supplementing the Law on Personal Data Protection with rules ensuring transparency and accessibility of the lists of voters;
4. Amend the Article 38(1) of the Electoral Code by introducing a clear procedure and time-frames for confirming the persons responsible for funding election candidates (treasurers);
5. Improve the regulatory framework as regards the set up of the exact time-frames and procedures that provide for the continuation of the election campaign for the second round of the election;
6. Amend the Electoral Code and the Law on Political Parties in order to establish a method of keeping records and verifying the political party membership in order to prevent the political activity of the electoral bodies members, and penalize them if appropriate;
7. Review the ceiling of donations from individuals and legal entities to political parties by reducing them accordingly to the average standards of living.

To the Central Electoral Commission

1. Simplify the requirements for the compilation of IG member lists and of the signature sheet, make the signature sheet verification mechanism known, as appropriate;
2. Review the conditions regulating the promotional advertising during the signature collection campaign;
3. Submit explanations and specification on the establishment and management of SRV.

To Political Parties and Potential Election Candidates:

1. Avoid using unreported electoral funds and gifts in the immediate period coming after the electoral one.

LIST OF ABBREVIATIONS

para. – paragraph
LPA – Local Public Authorities
art. – Article
twp. – township
CEC – Central Electoral Commission
ECC – Electoral Constituency Council
IC – independent candidate
CCET – Center for Continuous Electoral Training
ENEMO – European Network of Election Monitoring Organizations
IG – initiative group
IIMDD IPA CIS – Chisinau-based branch of the International institute of monitoring the development of democracy, parliamentarism and observance of the electoral rights of citizens from member of the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States
m2 – square meter
EOM – Election Observation Mission
LEOM – Limited Election Observation Mission
mun. – municipality
No – number
NGO – Non-Governmental Organization
t.- town
OSCE – Organization for Security and Cooperation in Europe
OSCE/ODIHR – OSCE Office for Democratic Institutions and Human Rights
LTO – Long Term Observer
STO – Short-Term Observer
p. – point
PDM – Democratic Party of Moldova
PLDM – Liberal Democratic Party of Moldova
PPPAS – Action and Solidarity Party
PPFDA – Dignity and Truth Platform Party
PEPM – “People’s European Party of Moldova” Political Party
PPPN – Our Party Political Party
PSRM - Political Party “Party of the Socialists from the Republic of Moldova”
PVT – parallel vote tabulation
QC – Fast Qualitative Counting
d. – district
RM – Republic of Moldova
SVR – State Voter Registry
v. – village
PS – polling station
TV – television
ATU – Administrative Territorial Unit
UATSN – Administrative Territorial Unit on the left bank of the Nistru River
USAID – United States Agency for International Development
ATUG – Autonomous Territorial Unit Gagauzia