



REPORT No 5

Observation Mission for the Presidential Election in the Republic of Moldova on 13 November 2016

Monitoring period: 28 October - 10 November 2016

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INTRODUCTION

The Report No 5, developed by the Election Observation Mission (EOM) for Moldova Presidential Election of 30 October 2016 covers the observation period from 30 October to 10 November 2016. This Report consists of two distinct parts but which complement one another: election day observation (30 October 2016) and monitoring of the period between the first and the second round of the presidential elections (31 October – 10 November 2016).

This is an interim report, whose general mission is to ensure the overall improvement of the electoral process underway. This interim report has the following reference objectives: real-time quality diagnosis of procedures for the organisation and conduct of the elections for a predetermined period of time; awareness raising of the electoral stakeholders; identifying the positive and negative trends in the electoral process.

Promo-LEX Observation Mission monitors the electoral process in all constituencies of the Republic of Moldova. This report is developed on the basis of the monitoring efforts of the members of the EOM central team, findings of long-term observers (LTO) of the Mission and reports of the short-term observers (STO) on the election day regarding the activity of all stakeholders involved in the organization and conduct of presidential elections: public authorities, electoral bodies, election candidates, mass-media and civil society.

This report makes reference to the international standards developed by UN, OSCE, 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

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

The report regarding the election day is developed based on the monitoring efforts of the Promo-LEX EOM team , made up of: 1981 short-term observers (STO) present in every polling station in RM; 44 STO dispatched in PS abroad; 35 accredited observers from the electoral constituency councils (ECC); 41 observers involved in the activity of mobile teams; 42 long-term observers (LTO) from the EOM and members of the central Promo-LEX EOM team.

The monitoring report on the period between the first and the second round of presidential elections (31 October – 10 November 2016) was developed based on official and public information, including the observers' standardized reports, produced as a result of visits planned randomly¹ in each settlement in the area of responsibility, weekly visits to electoral bodies and reports of events worked out outside the visits normally planned when observers find electoral events, served as source for the drafting of public reports by the Observation Mission. During the planned visits, observers collect information from discussions, meetings with interlocutors and review of the official documents. Information on funding of the election campaign or of the political activity of political parties is reflected in the standardized financial statements, so that both the analysis of revenue earned and expenses incurred by the participants in the electoral process and political parties could be performed.

Just like for the first round of elections on 30 October 2016 – for the second round of elections on 13 November 2016, Promo-LEX EOM will delegate one short-term observer (STO) to every polling station (PS) in the country. The Mission will monitor the electoral process in about 40 PS open

¹ The visits are planned randomly so that each LTO visits every settlement in the area of responsibility once during the period of signatures collection, twice during the electioneering campaign and, eventually, once during the campaign for the second round of election, if it takes place.

abroad. The Parallel Vote Tabulation (PVT) will be conducted in all PS of the country, were Promo-LEX EOM will delegate observers to. All the observers involved in the monitoring process were trained during the seminars organized by the Promo-LEX Mission and signed the Code of Conduct of the Promo-LEX Independent National Observer, undertaking 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.

Promo-LEX EOM is neither a political opponent to election candidates running for President of the Republic of Moldova on 30 October 2016, nor an investigation body and does not assume the express obligation to support its findings by evidence. However, to the extent possible, the observers' reports shall be accompanied by photo and video evidence, that can be made available only to law enforcement bodies upon proper requests and never to election candidates. Promo-LEX Election Observation Mission manages the web platform www.electorala.monitor.md, where each citizen can report on the electoral activities. The Mission's observers verify them during the next visit planned in the settlement, where such activities were reported.

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SUMMARY

The Promo-LEX EOM found that during the voting and vote tabulation for election of the President of the Republic of Moldova on 30 October 2016 there were no violations so severe as to invalidate the elections. However, there were certain incidents and deviations from the legal provisions that the Promo-LEX observers witnessed and that should not take place during elections.

There were incidents on the election day that involved all electoral stakeholders. The most important incidents reported by Promo-LEX observers are about the *presence of advertising materials, posters, electoral billboards in the vicinity of the polling station (within the radius of 100 meters around the PS)* and the unjustified presence of unauthorised persons inside or within a radius of 50 meters around the polling station.

Pay attention to other types of incidents reported by the observers: *flawed operation of the* "Elections" State Automated Information System ("Elections" SAIS), issues with the lists of voters, organized transportation of voters and electioneering or black PR within and/or in the vicinity of the PS, acts of violence or intimidation against the EOPS members and taking pictures of the ballot papers.

As part of the election day monitoring efforts, Promo-LEX EOM believed it necessary to analyse the correctness of the minutes regarding the vote tabulation results for the election of the President of the Republic of Moldova on 30 October 2016. As many as 2025 minutes – given to the Promo-LEX observers by the EOPS chairpersons – were thus examined. The correctness was checked by examining the formulae in the body of the minutes: $\mathbf{c} \leq \mathbf{a} + \mathbf{b}$; $\mathbf{c} \geq \mathbf{d}$; $\mathbf{d} = \mathbf{f} + \mathbf{h}$; $\mathbf{e} = \mathbf{c} - \mathbf{d}$; $\mathbf{f} = \mathbf{d} - \mathbf{h}$; $\mathbf{h} = \mathbf{g} + \mathbf{g$

The 31 October – 13 November 2016 monitoring report was developed after having analysed the forms filled in by Promo-LEX observers and namely: 731 visit forms, 72 event forms, 19 forms for visits to ECCs and 86 forms regarding the monitoring of campaign funding.

Promo-LEX EOM draws attention on some legal provisions, which leave room for interpretation, with regards to the calculation of the percentage value of the votes expressed in support of election candidates. Thus, regarding the presidential elections, Articles 109(1) and 110(1) of the Electoral Code provide that the votes cast by the voters who participate in the elections shall be taken as the

basis for the calculation of the percentage value for election candidates. However, for local elections (Article 134(1) of the Code) and parliamentary elections (Article 86(2) of the Code) the percentage values for election candidates are calculated *based on the valid votes expressed by the voters* who participated in the elections.

During the first round of the elections, CEC calculated the percentage value of the votes expressed in support of election candidates *on the basis of the valid votes expressed by the voters*, while the Code establishes as the basis *the votes of the voters who participated in the elections*, which can include invalidated ballot papers of voters who participated in elections. Promo-LEX believes that CEC calculated incorrectly the percentage value of votes, which should have been smaller for all candidates. Nevertheless, there are at least three reasons to believe that the electoral process was not bad: the calculation method was used for all candidates on an arm's length basis, the number of invalidated ballot papers of the total votes cast by voters was only of 1.54% and lastly – none of the candidates earned a little more than 50% of the valid votes.

Promo-LEX EOM underscores that the Electoral Code does not regulate in any way the start of the election campaign for the second round of elections. Which is why, during several consecutive elections, the electoral stakeholders were not certain about the start of the election campaign for the second round of elections, nor about its rules (campaign funding, voting procedures, use of electoral documentation, etc.).

Promo-LEX EOM punctuates that there are uncertainties *regarding the lawfulness of the funding of election candidates by political parties* by transferring money to the "Electoral Fund" account. We believe this is a subtle way to conceal the actual donors, which was also highlighted by Promo-LEX in the reports regarding the previous elections. This can also be a way to avoid transparency, public scrutiny by the citizens or control by the relevant authorities.

Promo-LEX EOM found *flaws in observing the EOPS working hours* in most of the offices. Thus, a phone survey conducted from 3:00 p.m. to 5:00 p.m. showed that 129 out of 203 PS, i.e. 63.5% of the total number of contacted PS – did not pick up the phone. Voters' rights to see whether they are found back in the lists of voters, to get a certificate entitling one to vote, to file an application to vote in a particular PS can thus be violated.

Promo-LEX observers reported at least three cases of *involvement of electoral officials in electioneering*. Although it is not a big number, the sole fact that such violations of the law occur is alarming.

Promo-LEX EOM found *flaws related to heat supply in polling stations*. Thus, Promo-LEX observers found that 37 (6.37%) out of 581 PS monitored immediately after the elections – in Dubasari, Anenii Noi, Criuleni, Ștefan Voda, Taraclia, Cahul, Glodeni, Drochia, Riscani, Balti constituencies – were not heated.

Promo-LEX EOM found the active use of *printed material with derogatory content against the candidates* during the election campaign for the second round of the elections. In total, Promo-LEX observers identified 4 types of derogatory materials against the candidate Maia Sandu and one derogatory material against Igor Dodon.

Promo-LEX EOM noted the that the clerics of the Metropolis of Chisinau and Whole Moldova got themselves involved in the presidential campaign for the second round of elections by sharing their political preferences and their support for a particular election candidate. Promo-LEX believes that this religious organization violated the law. There is Article 15 of the Law No 125 of 11 May 2007 of the Freedom of Thought, Conscience and Religion, and its second paragraph provides that *religious cults and their component parts shall refrain from expressing or manifesting publicly their political preferences or favouring a political party or social-political organisation.* In the same train of thought, there is Article31(4) containing constitutional provisions regarding the autonomy of religious cults and their *separation from the State*, which denotes the *secular nature of the State*.

With regards to the funding of the election campaign, Promo-LEX EOM noted that the amount of revenues unreported by 11 election candidates for the period of 30 September – 28 October 2016 reaches up to MDL 56,526,004. This amount consists of *financial donations* – contributions coming from 2781 citizens, money transfers made by 10 legal entities – of which 2 political parties, and *material donations*. None of the election candidate exceeded the ceiling of MDL 65,797,539 that CEC established. Marian Lupu – the candidate who withdrew from the election race – got the greatest amount – MDL 24,250,150, i.e. 36.86% of the maximum amount allowed.

The main share of expenses declared relates to advertising – 94%. Other expenses relate to: use of transportation vehicles – 2%, expenses for delegation or secondment of people (volunteers/observers) - 2%, organizing meetings and events – 1%, additional maintenance costs – 0.3%, communications – 0.3%, consultation expenses – 0.2%, and other expenses – 0.1%.

During the period concerned, none of the election candidate reported great expenses for renting temporary or permanent premises, for the maintenance services of those premises, for the remuneration of the electoral staff and of the persons delegated or dispatched on the election day. According to the estimates of Promo-LEX EOM – 11 election candidates did not report all the expenses – at least MDL 6,505,159 were not reported.

Promo-LEX EOM noted the that *several NGOs and opinion leaders became more active* on the eve of the second round of presidential elections. They pushed for civic mobilisation and urged the voters to go out and vote for a particular candidate. According to the observations – at least 23 events of such nature took place.

Promo-LEX EOM found that the assessment of the international electoral process observation missions that operated on 30 October 2016 was positive. Thus, on 31 October 2016, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) submitted the results of the international election observation missions. On 1 November 2016, the preliminary findings and conclusions of the 2016 presidential election monitoring mission of the European Network of Election Monitoring Organizations (ENEMO) were submitted. The opinion that the missions arrived at is that the electoral process on 30 October 2016 was transparent, calm, orderly and in line with the international standards. The procedural irregularities noted are isolated cases.

ELECTION DAY

1.1. Polling Stations Opening/Closing

According to Article 50 of the Electoral Code, on the election day voting shall take place from 7.00 am to 9.00 pm. According to Article 55(1) of the Electoral Code, at 7.00 am on the election day the chairman of the electoral office of the polling station, in the presence of no less than half of the members of the office, shall check the ballot boxes and seal them. The chairperson shall also check the lists of voters, ballot papers and seals, and prepare minutes of this in two copies. Minutes shall be signed by all attending members of the electoral office; one copy is put in the ballot box, after which the chairperson declares the election open.

As many as 2021 Promo-LEX observers monitored the PS opening. According to the reports, Promo-LEX EOM determined the following:

- PS opening: 1920 PS opened appropriately (95%), whereas 101 PS (5%) opened with an insignificant delay.
- Accessibility for persons with locomotor disabilities: 1293 (64%) PS were reported as being accessible, whereas 728 (36%) as non-accessible;
- Endowment with appropriate equipment for persons with vision impairments: 1354 (67%) PS were endowed appropriately, whereas 667 (33%) were not.

Regarding the appropriate closing of PS - 1936 PS closed appropriately, i.e. at 9:00 p.m., whereas 68 PS - with a little delay.

1.2. Incidents Observed During the Election day

a. Restricted access or preventing the free observation process at the polling station

According to Article63 (5) of the Electoral Code, CEC-accredited observers may monitor the electoral process across the whole country and in all polling stations, whereas ECC-accredited observers – only within the area of the constituency. Accredited observers shall have the right to assist at all electoral operations, all meetings of the electoral bodies, including on the election day, without intervening in the electoral process or in other electoral operations, and inform the chairperson of the electoral body about the noticed irregularities. Accredited observers may continue their activity during the second round of elections as well as during repeated voting/referendum.

According to reports submitted by Promo-LEX EOM observers there were at least **20** cases where observers experienced difficulties in entering the polling stations and conducting unrestricted observation inside of them.

Restricted access for Promo-LEX observers to the polling stations upon the opening of the polling stations (6 cases): PS 6 Straseni; PS 1 Anenii Noi; PS 59, 259, 320 Chisinau; PS 19 Causeni; PS 1 Balti.

Restricted access for observers appointed by election candidates to the polling stations upon the opening of the polling stations (2 cases): PS 259 Chisinau (PPPAS observer); PS 1 Anenii Noi (PPPSRM observer).

Restricted access or preventing the free observation in the polling station and within the radius of 100 m around it (10 cases). PS 12 Cahul; PS 1 Cantemir; PS 70, 143, 154 Chisinau; PS 26 Hincesti; PS 16, 26 Ungheni; PS 3 Orhei; PS 49 Balti.

Specific situations: PS 39, ATUG. After the polling station opened for voters, the EOPS Chairperson took observers' mobile phones for a short while.

b. Presence of advertising materials, electoral billboards and posters in the vicinity of the polling station (within the radius of 100 m from the PS)

Item 14 of the Regulation on the Location of Electoral Advertising and Political Promotion Materials on Advertising Billboards prohibits the posting of election posters in buildings where the councils and electoral offices are located, and within the radius of 100 meters from them.

Promo-LEX EOM observers found *40 instances* of election posters posted within the radius of 100 meters around the PS.

Billboards with election posters of several election candidates (20): PS 15 Bălţi; PS 7, 32 Nisporeni; PS 9, Orhei; PS 6, 7, Ungheni; PS 34, Cahul; PS 8, Ialoveni; PS 59, 128, 175, 198, 288, Chişinău; PS 59, Ungheni; PS 55, Falesti; PS 37, 49, Ialoveni; PS 54, 82, Chisinau; PS 394, Brasov.

Election posters promoting one single election candidate (including those who pulled out of the race or who were dergistered):Igor Dodon (8 PS) – PS 16 Ialoveni; PS 37, Cimislia; PS 3 Basarabeasca; PS 4, UTAG; PS 41, Balti; PS 6, Ocnita; PS 38, Cahul; PS 17, Chisinau; Marian Lupu (5 PS) - PS 34, Cahul; PS 34, Calarasi; PS 8, Ialoveni; PS 3, Edinet; PS 4, Glodeni; Dumitru Ciubașenco (3)- PS 6, Ungheni; PS 12, Balti; PS 278, Chisinau; Maia Sandu (1) - PS 39, Calarasi; Mihai Ghimpu (1) - PS 40 Calarasi; Iurie Leanca(1) - PS 2, Floresti; Silvia Radu (1) - PS 54, Chisinau; Inna Popenco (1) - PS 152, Chisinau.

c. Ballot boxes not sealed according to the legal procedures

According to Article 55(1) of the Electoral Code, on the election day at 7.00 am, the EOPS Chairperson, in the presence of no less than half of the members of the office, shall check the ballot boxes and seal them. According to points 26 and 27 of CEC Guidelines on Enabling the Polling Station Infrastructure, the ballot boxes shall be secured through sealing. The stationary ballot boxes and the mobile ballot boxes shall have the possibility to be sealed by means of 4 and, respectively, 2 collar-type self-locking seals.

Promo-LEX EOM observers found *18 instances* of inappropriate use of seals (torn, missing, resealing) on stationary and mobile ballot boxes.

Instances of ballot boxes sealing in violation of legal rules: PS 40, Calarasi; PS 9, Orhei; PS 12, Balti; PS 32, Glodeni; PS 154, 278, 195, 198 Chisinau; PS 50, Floresti; PS 3, Soldanesti; PS 325 Dublin, Irlanda; PS 9, 10 Ungheni; PS 50, Floresti; PS 24, Soldanesti; PS 31, Ialoveni; PS 5, Cimislia; PS 24, Soldanesti.

Specific situations: PS 163, Chisinau – the mobile ballot box left the polling station with its seal damaged. PS 278, Chisinau – only one out of two stationary ballot boxes was sealed.

d. Unjustified presence of unauthorized persons inside or within 50 m from the polling station

Article 52(3) of the Electoral Code provides that the polling station shall be laid out in a way to allow the EOPS members and other authorized persons assist at the electoral operations, continuously observe all aspects of the voting process, including voter identification and issuance of ballots, voters' placing of ballots into ballot boxes and the developing of minutes. The list of authorised persons shall include: representatives and observers of election candidates in the electoral bodies, observers accredited by the constituency councils, observers accredited by CEC and mass-media representatives.

Promo-LEX EOM observers noted that there were various categories of unauthorised persons present within the polling station for a particular period of time: *mayor, policeman, driver of the EOPS Chairperson, unidentified persons.* Such a situation was witnessed in *30* PS, namely: PS 33, Leova; PS 23, 30, 52, 57, 71, 138, 143, 152, 196, 220, 223, 232, 240, 247, 248, 257, 266, 300 Chisinau; PS 24, 26, 27, 33, 43, Causeni; PS 13, Calarasi, PS 2, Edinet; PS 16, 58 Balti; PS 17, Soldanesti.

Specific situations: PS 63, Cahul. All through the election day, including during the counting of ballot papers, the driver of the EOPS Chairperson stayed inside the PS.

e. Ballot papers that were not distributed to EOPS members were not kept in a safe place at the polling station

The Regulation on the activity of electoral offices of the polling station provides in point 59 that ballot papers shall be kept in a safe place inside the polling station, packed in bundles of 100 pieces and shall be distributed by the chairperson of the electoral office of the polling station to the members of the electoral office to be then issued to voters whenever necessary.

Promo-LEX EOM observers noted **7** *instances* of ballot papers kept right on the desk of the EOPS chairperson or in its immediate proximity all through the election day: PS 40, Calarasi; PS 27, Ialoveni; PS 54, 70, 72, 131, 300, Chisinau.

f. Rumours, attempts or even situations of material rewards or money offered to voters within the perimeter and/or near the PS to influence them

Article 38(5) of the Electoral Code provides that election candidates shall not offer voters money or distribute goods free of charge, including from humanitarian aid or other charity acts.

Promo-LEX EOM observers reported *7 instances* of potential voter corruption:

PS 286, Chisinau – 2 voters were talking about how to take a picture of the ballot paper and present it as proof of who they voted for. PS 5, Chisinau – 1 voter took a picture of the vote that he/she cast for Igor Dodon and sent it away via Viber.

PS 269, Chisinau – a person, after voting in the voting booth, made a call and reported which candidate he/she voter for.

PS 5, Criuleni – voters show the PPPSRM representative with right to vote in EOPS – Perciuleac Vladimir, the stamped ballot paper.

PS 4, Ialoveni – a person wanted to take a photo of the ballot. He was not allowed and when he went outside the PS, somebody told him that he will not be rewarded because the failed to take the photo.

PS 30, ATUG – there was a minibus with the number plate GE AS 287 parked 150 m away from the PS, where voters were served wine.

PS 50, Ialoveni – some of the voters leaving the PS were going straight to the village store (100 m away), accompanies by suspicious persons.

g. Electioneering or black PR within the perimeter and/or near the polling station to influence the voters

Electioneering shall not be allowed on the election day and on the day before it (Article 47(8) of the Electoral Code). Point 52 of the Regulation on the activity of electoral offices of the polling station provides that persons entering the polling stations shall be prohibited from displaying any emblems, badges or other symbols having to do with the electoral campaign.

Also, according to Article 52 of the Code of Administrative Offences, the continuation of electioneering or the agitation in support of a referendum on the day before the election day or on the election day shall be penalised by imposing a fine amounting to 10-20 conventional units on individuals, and amounting to 40-50 conventional units on persons in position of accountability or on election candidates.

Promo-LEX EOM observers found that on the election day the representatives of election candidates and the voters promoted certain election candidates. Such cases were reported in *21 PS*.

Electioneering in support of a candidate on election day (in 19 PS):Igor Dodon (14 cases) – PS 4, 60, 82, 278, Chisinau; PS 15, 25, 30, 35, 37, 41 Calarasi; PS 11, 74, Ungheni; PS 69, Orhei; PS 7, Dubasari.

Dumitru Ciubasenco (5 cases) – PS 14, Edinet; PS 318, Moscova, Rusia; PS 359, Mestre, Italia; PS 1, Soldanesti; PS 41 Balti. *Maia Sandu* (2 cases) – PS 6, Ocnita, PS 69, Orhei.

Electioneering in support of candidates involving EOPS members (1 case): PS 23, Chisinau. EOPS members were having discussions with the election candidates, while there were many voters inside the PS.

Black PR/denigration: PS 69, Ungheni – 1 voter denigrated Maia Sandu inside the polling station.

h. Organized Transportation of Voters

Despite the fact that the organized transportation of voters is not regarded as a violation in the Electoral Code, Promo-LEX EOM monitored these situations as there is the possibility for voters to be bribed.

According to Promo-LEX EOM observers – there were *22 instances of organized voter transportation* to the PS.

Organized transportation (unidentified organizer): such situations occurred in 13 PS.

- PS 22, Soldanesti. About 8 persons were transported together. They got out of the minibus 50 meters away from the section. That was a Mercedes minibus, number plates SD AG 395.
- PS 138, Chisinau. Minibus, WYZ 038, transported voters to the PS.
- PS 270, Chisinau. A bus was seen 3 times transporting the voters to the PS.
- PS 66, Orhei. A minibus transported 20 persons from Burcuta to vote in Seliste.
- PS 42, Bender. Minibus with vehicle registration number plates A522EC, transported a group of 15 persons.
- PS 42, Rezina. As many as 10 persons were transported by a minibus with the vehicle registration number plates R269 BT.
- PS 24, Causeni. A LADA vehicle with number plates CS AL 291 was seen 4-5 times transporting voters to the PS.
- PS 42, Rezina. A minibus with the vehicle registration number plates R 332 BC transported 23 persons.
- PS 69, Orhei. Two minibuses, organised by the mayor of Step-Soci, transported voters.
- PS 10, Dubasari. Minibus with vehicle registration number plates IY AL 495 transported voters.
- PS 394, Braşov, Romania. Three taxi cubs and a private car transported about 15 people.
- PS 270, Chisinau. A bus drove several times to and form the PS.
- PS 208, Chisinau.

Transportation organized by certain election candidates. Such a situation was reported in *9 polling stations*. They all involved the PPPSRM candidate – Igor Dodon:

- PS 22, 23, 24, Causeni. The PPPSRM representative transported voters from PS 22, 23 to PS 24. Three such cases took place.
- PS 24, 25, Stefan Voda. PPPSRM representatives transported voters to PS.
- PS 10, Dubasari. A minibus (white, 15 places) with the vehicle registration plates IYL 495 transported voters to the PS twice. This minibus transported voters from Roghi village (this minibus was also seen at events organised by PPPSRM in Cosnita village).
- PS 2, Dubasari. Volkswagen minibus, RZ AI 891, transported voters 4 times, from 12.00 pm to 1.00 pm. The minibus belonging to a PPPSRM volunteer.
- PS 1, Cocieri. Since 12.00 pm, voters were brought in an organized manner from Dubasari Town by the following vehicles: Audi 80 (Transnistrian number plates E 253 BB), Chevrolet Coupe driven by the PPPSRM leader from Cocieri village (number plates IEW 826) and Renault RDT 159.
- PS 3, Dubasari. Several vehicles transported in an organized manner PPPSRM supporters. The vehicle registration number plates of one of these vehicles were E253BB.

i. Acts of violence or bullying against voters or other persons

Point 57 of the Regulation on the activity of electoral offices of the polling station provides that the chairperson of the electoral office of the polling station and the representative of the police station shall be responsible of ensuring order on the election day within the polling station and around it within the radius of 100 meters from the polling station. The decisions made in this regard shall be mandatory for all.

During the election day, Promo-LEX EOM observers reported *22 cases* of acts of violence. These cases can be broken down on the following categories:

Voter intimidation (5 PS):

- PS 9, 14, *Orhei*. There were voters whose access to the PS was restricted. There were unidentified persons within the radius of 100 meters from the PS who urged citizens, particularly the older ones, to boycott the elections.
- PS 72, *Chisinau*. PPPSRM observers intimidated voters, looked in the ballot papers, and put their hands on the ballot boxes.
- PS 19, Chisinau. Two voters engaged in a fight, which required the intervention of the police.
- PS 30, *Chisinau*. Datchii Anatolie PPPN observer was impolite to two voters who were talking about the PPPN candidate.

Intimidation of EOPS members by voters (12): PS, 24, 84, 109, 116, 120, 147, Chisinau; PS 17 Floresti; PS 27 Hincesti; PS 28 Stefan Voda; PS 34 Balti; PS 5 Straseni; PS 3 Leova.

Intimidation of EOPS members by election candidates (PPPSRM – 2 cases):

- PS 248, Chisinau EOPS chairperson was intimidated by PPPSRM supporters.
- PS 115, Chisinau PPPSRM observer intimidated EOPS members, willing to get involved in the counting of the ballot papers.

Intimidation of observers by voters (2): PS 27, 151, Chisinau.

Intimidation of observers by EOPS members (1): PS 65, Chisinau – EOPS members blamed a Promo-LEX observer for breaking a chair (that was already broken).

j. Intentional release of more than 1 ballot paper for a voter or introduction of more than 1 ballot paper into the ballot box by a single voter or EOPS members

Point 61 of the same Regulation provides that every voter shall cast his/her vote personally. Voting for other individuals shall not be allowed. The member of the electoral office of the polling station shall hand the voter the ballot paper according to the list of voters, only upon presentation of voter's ID and loose leaf in which voter's domicile or residence on the territory covered by the respective polling station is indicated, and only after the voter was looked up in the "Elections" SAIS and after it was determined that the voter meets all the participation requirements which shall enable him/her to vote in that particular polling station. Voters shall confirm receipt of the ballot by signing the voter roll next to his/her name. The member of the electoral office shall also leave their signature beside the name of the voter whom they handed the ballot paper to.

According to Promo-LEX EOM, in *3 cases* the voters were given more than one ballot paper.

- PS 4, Ungheni. One EOPS members gave 2 ballot papers. The person concerned voted on both ballot papers. The STO noticed this incident and the EOPS chairperson cancelled one ballot paper, while the other was introduced in the ballot box.
- PS 84, Chisinau. One voter took a ballot paper in Russian and another one in Romanian, and put one of them in his/her pocket.

• PS 103, Chisinau. One voter, who voted for one of the candidates by mistake, was given another ballot paper without having withdrawn the one with the mistake, and the voter then introduced both ballot papers in the stationary ballot box.

k. Deficient operation of "Elections" SAIS

As mentioned above, according to point 61 of the Regulation on the activity of electoral offices of the polling station – the member of the electoral office of the polling station shall hand the voter the ballot paper only after the voter was looked up in the "Elections" SAIS and after it was determined that the voter meets all the participation requirements which shall enable him/her to vote in that particular polling station.

According to Promo-LEX observers, there were **28** cases of deficient operation of "Elections" SAIS. **Four** of them took place in the polling stations from abroad.

Situations in which "Elections" SAIS indicates that the voter had already voted, while the voter sustains that he/she hasn't voted in fact and proves it by showing the ID that is not stamped (4): PS 390, Bucharest, Romania; PS 362, Modena, Italia; PS 45, Balti; PS 56, Chisinau.

Suspended operation of "Elections" SAIS for 5-36 minutes (24): PS 390, Bucharest, Romania; PS 4, 16, 17, 26, 30, 36, 42 Cimislia; PS 1, 3, 8 Donduseni; PS 7, Basarabeasca; PS 8, 20, 33 Criuleni; ECC ATUG; PS 57, Ungheni; PS 46, Balti; PS 8, Glodeni; PS 355, Bologna, Italia; PS 27, 92, 291, 248 Chisinau.

l. Errors in the lists of voters

The lists of voters drafted based on the State Register of Voters are lists containing the name of all citizens having the right to vote, who are domiciled or reside on the territory of a polling station. A voter may only be included on one single list of voters and in one single polling station. The voter who has his/her domicile and residence visa shall be registered, within the period during which the residence visa is valid, in the list of voters from the PS in the territorial range of which the voters has his/her residence (Article 39(1) of the Electoral Code).

According to Promo-LEX EOM, the lists of voters for the Republic of Moldova presidential elections contained errors. Such incidents were reported in at least *23 PS*, and can be broken down as follows:

Mismatches between the address in voter's ID and the one in the list of voters (17 cases reported): PS 3, 8, 9, 50, ATUG; PS 20, 21, 43, 52, 84, 77, 103, 114, 116, 222 Chisinau; PS 9, Basarabeasca; PS 24, 25, Stefan Voda.

Deceased voters on the lists of voters (4 cases reported): PS 2, 6, 27 ATUG; PS 12, Balti.

Specific situations: Flawed distribution of lists of voters to polling stations. This concerns two PS from abroad: PS 400 (Washington DC) and 401 (New York City).

m. Taking Pictures of the Ballot Papers

Point 63 of the Regulation on the activity of electoral offices of the polling station provides that: The ballot shall be filled out by the voter in a secret voting booth or room. The voter who is not able to fill the ballot in by himself/herself has the right to invite into the booth another person, with the exception of members of the electoral office, representatives of candidates, and other accredited individuals entitled to attend electoral procedures. These cases shall be recorded in the report of the electoral office of the polling station. Taking pictures of the ballot paper after having voted shall be prohibited.

According to the reports submitted by Promo-LEX EOM observers, a frequent phenomenon, compared against previous elections, was the photographing of ballot papers. At least **16 such cases** were reported in total. **Five of them** happened in the polling stations

where such a violation occurred are the following: PS 7, 26, Ungheni; PS 5, 25, 94, 257, 299, Chisinau; PS 25, Cimislia; PS 12, Balti; PS 6, Ocnita; PS 6, Cahul; PS 317, Moscova, Rusia; PS 347, Paris, Franta; PS 343, Atena, Grecia; PS 351, Lyon, Franta; PS 366, Parma, Italia.

n. PS infrastructure-related incidents

According to point 7 of the Guidelines on Enabling the Polling Station Infrastructure, the buildings where voting spaces are set up must have telecommunication, electronic, and electricity networks, lavatories, fire safety measures, and evacuation mark guides. The equipment and facilities must be operational.

With regards to incidents related to PS infrastructure, there were *5 instances* of blackout, but they were rare and fixed in due time. The blackout lasted from 3 minutes to about an hour, but the voting was not suspended: PS 47, Calarasi; PS 47 Ialoveni, PS 15, 61, Ungheni; PS 85 Chisinau.

o. Other incidents:

Introducing the ballot paper issued in one PS into the ballot box of another PS: a voter placed the ballot paper from PS 149 in the stationary ballot box of PS 148.

Violation of the principle of voter's secret: PS 351, Lyon, France – the ballot boxes were at the first floor, while from the second floor one could see who were the voters voting for.

There were signatures applied beside the names of persons who were actually abroad: PS 53, Balti, a voter found that there was a signature besides his wife's name who was actually in Moscow.

Signature affixed already in the lists of voters besides the name of the person who was just going to vote. PS 4, Orhei, the voter found that there was already a signature besides his/her name, meaning that he/she would have already been given a ballot paper, but there was not stamp in the loose leaf of the ID card. The voter couldn't thus enjoy the right to vote.

Voting by using expired IDs: PS 15, Ungheni; PS 77, Chisinau;

Application of the "Withdrawn" stamp on another candidate: in PS 114, Chisinau, there was a ballot paper where the "Withdrawn" stamp was put on the candidate Mihai Ghimpu, instead of the candidate Marian Lupu.

Significantly late opening of the polling station: PS 411, Odessa, the polling station was opened at 7:40 am, on grounds that an insufficient number of EOPS members were present at 7:00 am. No voter came to vote before 7:40 am, when the polling station was opened.

Cancellation of unused ballot papers, in violation of the term: PS 23, Chisinau. At 8.35 pm, before the closing of the PS, the EOPS chairperson applied the "cancelled" stamp on about 700 ballot papers.

Mobile ballot box escorted by only one EOPS member (instead of 2, as provided for in the Electoral Code): PS 94, Chişinău – the mobile ballot box left the station with 1 EOPS member and 2 observers.

1.3. Vote tabulation results

a. Comparative analysis of the vote tabulation data provided by Promo-LEX EOM and the Central Electoral Commission

The *preliminary results* of the election candidates were counted by Promo-LEX EOM based on the SMS sent by the observers in 2023 PS (1979 PS in RM and 44 PS abroad).

Table 1: Preliminary data

	Mihai Ghimpu	Iurie Leanca	Dumitru Ciubasenco	Maia Sandu	Igor Dodon	Silvia Radu	Maia Laguta	Ana Gutu	Valeriu Ghiletchi
Promo- LEX	1.84%	3.21%	6.20%	37.71%	47.44%	0.88%	1.47%	0.18%	1.04%
CEC	1.80%	3.11%	6.01%	38.42%	48.26%	0.40%	0.75%	0.17%	1.06%

The *final results*, submitted by Promo-LEX EOM regarding the number of valid votes cast for each electoral candidate, were calculated based on the data from 2025 (1981 PS in RM and 44 PS abroad) copies of minutes on the vote tabulation results given to Promo-LEX EOM observers and introduced manually in the database by Promo-LEX operators.

Table 2: Final data

	Mihai Ghimpu	Iurie Leanca	Dumitru Ciubasenco	Maia Sandu	Igor Dodon	Silvia Radu	Maia Laguta	Ana Gutu	Valeriu Ghiletchi
Promo- LEX	1.80%	3.11%	6.03%	38.07%	48.20%	0.60%	0.97%	0.18%	1.04%
CEC	1.80%	3.11%	6.03%	38.71%	47.98%	0.37%	0.76%	0.17%	1.08%

There are two categories of candidates: the first one is of those whose results coincide or are quite close, and the second one is of those whose results are different. The first category is made up of: Mihai Ghimpu, Iurie Leanca, Dumitru Ciubasenco, Ana Gutu and Valeriu Ghiletchi.

The greatest difference between the results provided by Promo-LEX EOM and CEC refer to: Maia Sandu (0.64%), Silvia Radu (0.23%), Igor Dodon (0.22%) and Maia Laguta (0.21%). With regards to the number of votes under 1% obtained by candidate, the diffirences are greater for the candidates Maia Laguta and Silvia Radu.

These differences, as well as those between the votes obtained by Maia Sandu and Igor Dodon, can be explained in at least three ways. First and foremost, there may be some errors in the vote tabulation and totalization processes. Second, Promo-LEX EOM did not monitor all PS opened abroad, but only 44% of them. The average percentage gained by the candidates in the PS abroad is different from the final results. Therefore, the average percentage of the candidate Maia Sandu was by far bigger than the final average result, the candidate Maia Laguta exceeded it by a little, while the candidates Igor Dodon and Silvia Radu had worse results abroad as compared against the final general data. Third, Promo-LEX made the calculation based on the *votes of voters who participated in the elections*, as the law on presidential elections provides, and not based on the *valid votes*, as CEC calculated.

b. Analysis of whether the EOPS members filled the vote tabulation results minutes correctly

As part of the election day monitoring efforts, Promo-LEX EOM believed it necessary to analyse the correctness of the minutes regarding the vote tabulation results for the election of the President of the Republic of Moldova on 30 October 2016. To this end, as many as 2028 minutes – given to the Promo-LEX observers by the EOPS chairpersons – were thus examined. Out of the total number of 2025 verified minutes 62, i.e. 3.06%, contained errors in at least one verification formula. This figure is smaller than the one registered at the 2014 parliamentary elections when the number of minutes with errors that Promo-LEX found was 245, i.e. 12.38%. The correctness was checked by examining

the formulae in the body of the minutes: $c \le a + b$; $c \ge d$; d=f+h; e=c-d; f=d-h; h=g1+g2+g3+g4+...+gn; i=c+j; j=i-c (see Annex 1). As it was found, there were filling mistakes in all formulae.

The formula $\mathbf{c} \leq \mathbf{a} + \mathbf{b}$, which implies that the number of voters who have been issued ballot papers should be smaller or equal to the total number of voters on the main lists of voters and the additional ones, was filled in incorrectly in 4 minutes out of 2025. This mistake means that more voters than the ones on the lists of voters (main lists and additional lists) got ballot papers.

The *formula* $\mathbf{c} \ge \mathbf{d}$ implies that the number of voters who were issued ballot papers (known due to the signatures on the lists of voters) must be equal to or greater than the number of ballot papers taken out of the ballot boxes. *Four minutes* in which this formula is not correct were found, which means that *they took out of the ballot boxes more ballot papers than they actually issued.*

The *formula* **d=f+h** was incorrect *in 50 minutes*. In these cases it was not proved that the number of ballot papers taken out of the boxes coincides with the total number of invalidated and valid ballot papers. There can be doubts regarding the correctness of valid vote tabulation, thus – regarding the results obtained by the candidates.

The formula **e=c-d** was not proved in as many as 20 minutes. Thus, in 20 PS the number of signatures on the lists of voters does not match the number of ballot papers in the ballot boxes.

The *formula* **f=d-h** is meant to check the number of invalidated ballots by taking out of the total number of ballot papers the valid ones. This verification formula was incorrect in *50 minutes*. The conclusions regarding the verification of the *formula* **d=f+h** are valid.

The formula **h=g1+g2+g3+g4+...+gn** was not observed in 59 cases (2.91%). Therefore, the amount of votes for candidates does not match the total number of valid votes cast in 2.91% of the analysed minutes. Promo-LEX EOM believes that these figures are alarming, should there be any questioning of the correctness of the votes as per election candidate.

The *formula* **i=c+j** could not be applied correctly in 57 *minutes*, the same being true for the formula **j=i-c**. So, either *the unused and cancelled ballots were not counted correctly, or the signatures in the lists of voters*. Actually, we found that "unused and cancelled" can mislead EOPS members and can put them in two different categories.

ELECTION OBSERVATION FROM 31 OCTOBER TO 10 NOVEMBER 2016

I. LEGAL FRAMEWORK

During the monitored period, Promo-LEX EOM continued its effort to monitor the observance of the legal provisions that regulate the Presidential Election of 30 October 2016. Our purpose is to hold accountable both the public and electoral authorities involved in developing, implementing and complying with the legal framework, as well as the election candidates, who should be guided solely by these provisions.

a. Calculation of votes cast in support of candidates

Promo-LEX EOM draws attention on some legal provisions, which leave room for interpretation, with regards to the calculation of the percentage value of the votes expressed in support of election candidates.

Thus, Article 110(1) of the Electoral Code provides that if after the totalization of election results it is found that a candidate got *at least half of the votes cast by voters who participated in the elections* – CEC shall declare the election valid and the elected candidate.

To the same end, Article 109(1) of the Code provides that if none of the candidates to the position of president of the Republic of Moldova gained at least half of the votes cast by the voters who participated in the election, then the second round of elections shall be held for the first two candidates established in descending order according to the number of votes gained on the first round.

However, when there are local elections: "the candidates running for mayor shall be considered elected provided that they are cast *more than half of the <u>valid votes cast by all the voters who attended voting."</u> (Article 134(1) of the Electoral Code) Also, for parliamentary elections: "the minimal threshold of representation is made of the following ratios of the <u>valid votes across the whole country [...]"</u> (Article 86(2) of the Electoral Code).*

Given the results announced by the CEC Decision No 517 of 2 November 2016, we determined that the central electoral body made the calculations based on the valid votes cast by the voters.

Still, the fact that the word "valid" does not precede the word "votes" in Article 110(1) of the Electoral Code, reduces the certainty of this legal rule. It could be understood for the purposes of the calculation of the percentage value, based on the total number of votes cast by voters who attended voting. The use by the legislator of "valid votes" and "votes" for similar situations is a strong indication of the fact that the invalidated votes may be taken as votes too and be thus included in the calculations. By means of deduction, thinking about the previous sentence, we determined that CEC did not calculate correctly the percentage value of the votes, i.e. in a way different than what the Electoral Code provides for.

For a better understanding of the risk of an erroneous interpretation and wrong application of the aforementioned rule, we will provide some figures compared against the votes gained by certain candidates during the first round of elections in 2016. As mentioned above, CEC calculated the percentage value for every candidate based on the valid votes cast by the voters.

Thus, according to the information available on the official website of CEC, candidate Igor Dodon accumulated 47.98% of votes. If the percentage value were calculated on the basis of the total number of expressed voted, and not on the basis of validated votes, then Igor Dodon would have obtained 47.24%. There is a difference of 0.74%, which is significant. The second candidate, who accumulated a significant number of votes, is Maia Sandu - 38.71%. Respectively, if the total number of accumulated voted were reported to the total number of expressed votes, Maia Sandu would have obtained 38.12% of votes, which is by 0.59% less than the percentage announced officially by CEC.

Therefore, taking into account the closeness of a candidate to 50%, we can see that this difference in calculation is essential and can even bear a decisive character. Therefore, we recommend the Parliament to review the text of Articles 109(1) and 110(1) of the Electoral Code in order to establish a clear calculation mechanism and identify thus the winner of the presidential elections.

b. Voters' mobility in the period between the first and second rounds of elections

The Electoral Code clearly provides that the right to vote shall be exercised in the settlement where the domicile of the voter is. Where the voter has a domicile and residence at the same time, in the period of the residence validity, the voter shall vote in the locality in which he/she has his/her residence. Nonetheless, on election day, not all citizens were physically present in the settlement where their domicile or residence is. To grant that all citizens can freely exercise their right to vote, the electoral legislation of RM provides for two alternative options that allow voting within the radius of the station in which the voter will be on election day.

Thus, Article 39(7) of the Electoral Code provides that if the voter changes his/her domicile or residence in the period between the date when the lists of voters were prepared and the election day, the electoral bureau of the respective polling station, at the voter's request and upon presentation of his/her passport or some other form of identification, shall issue a voting right certificate. The voting right certificate allows voters to vote in any polling station in the country.

Also, Article 39(8) of the Code provides that persons eligible to vote who, after their last participation in elections changed their domicile have the right to – 30 days before elections at the latest – declare their new domicile with the local public administration body so as to be included on the list of voters in the corresponding polling station.

Promo-LEX EOM found that in addition to the listed mechanisms, CEC expressed its intention to ask the administration of educational institutions to identify mechanisms for the registration of students and pupils entitled to vote so that they could participate in the second round of presidential elections on 13 November 2016 by going to the PS opened in the town where the university or college they study in is.

To check the statistics of voters' mobility between the two rounds of elections, on 10 November 2016 Promo-LEX EOM asked verbally "Registru" State Information Resources Centre (IS CRIS "Registru") to provide information on the number of persons who from 31 October 2016 to 9 November 2016 changed their domicile or residence. The institution, via the Press Relations, refused to answer to the verbal inquiries. It refused to give CEC-accredited observers the required information and urged them to file an application on the matter in writing, which would then be examined as the Law on Access to Information Provides.

c. Beginning of the election campaign for the second round of elections

Regarding the date when the election campaign for the second round of elections was to start, Promo-LEX EOM pinpoints that on 2 November 2016 CEC adopted the Decision No 517 on the totalization of the results of the presidential election in Moldova of 30 October 2016 and on the organization of the second round of elections. Thus, CEC decided on holding the second round of elections on 13 November 2016 for the first two candidates established in descending order based on the number of votes obtained during the first round: Igor Dodon and Maia Sandu. Thus, considering the statements made by the CEC Chairperson – Alina Russu, the election campaign is to start after CEC has officially decided on the organization of the second round of elections.

Still, Promo-LEX EOM underscores that the Electoral Code does not regulate in any way the election campaign for the second round of elections. Which is why, during several consecutive elections, the electoral stakeholders were not certain about the start of the election campaign for the second round of elections, nor about its rules (campaign funding, voting procedures, etc.).

Moreover, this flaw was mentioned by Promo-LEX Association in its final report on the monitoring of general local elections of 14 (28) June 2015. The Observation Mission reported that because there is no clear regulation, the election candidates who got into the second round did not know since when they were allowed to continue their campaign. In its final report, the OSCE/ODIHR limited general local elections observation mission for 14 (28) June 2015, also underscored the fact that the campaign for the second round of elections started on 16 June 2015, while most of the candidates believed that is started the next day right after the first round of elections. The limited OSCE/ODIHR mission recommended for the start of the election campaign for the second round to be then agreed on with the candidates so as to avoid any misunderstandings.

II. ELECTORAL BODIES

2.1. Decisions of the Central Electoral Commission

During the reporting period, CEC adopted a number of decisions necessary for the good organisation and conduct of the presidential election and observance of the Schedule approved on 23 August 2016.

Accordingly 25 decisions regarding the elections on 30 October 2016 were adopted, whereby the central electoral body: amended previously adopted decisions to adjust them to the new circumstances; clarified the implementation of some previously adopted decisions; took note of the reports of the elections candidates on the money gathered and expenses made for the election campaign for the Moldova presidential elections on 30 October 2016 as of 28 October 2016; took note of the participation of voters on 30 October 2016; summed up the results of Moldova presidential elections of 30 October 2016 and established the organization of the second round of elections; accredited international and national observers.

By the Decision No 516 of 2 November 2016, CEC took note of the participation of voters on 30 October 2016. Thus, CEC found that the number of voters on the main electoral lists was of 2,812,566 voters, number of voters on additional lists – 117,128, while the total number of voters who actually voted amounted to 1,440,733 voters. Therefore, the voter participation rate was of 50.95%, i.e. more than one third of the number of persons of the lists of voters, and thus – the Moldova presidential elections of 30 October 2016 were declared valid.

Also, on 2 November 2016, CEC adopted the Decision No 517, whereby it was established that none of the candidates to the position of president of the Republic of Moldova gained at least half of the votes cast by the voters who participated in the first round of elections. Thus, CEC decided on holding the second round of elections for the first two candidates established in descending order based on the number of votes obtained during the first round: Igor Dodon, nominated by the "Socialist Party of the Republic of Moldova" Political Party, who obtained 680,550 votes, and Maia Sandu, nominated by "Action and Solidarity Party" Political Party, who obtained 549,152 votes. The text and template of the ballot paper for the second round of 13 November 2016 were also approved.

2.2. Activity of Level-Two Electoral Constituency Councils

a. Work program

To facilitate the access to vote of Moldovan citizens established abroad and to grant the free exercise of the right to vote, Chisinau Municipality ECC, by Decision No 39 of 4 November 2016, increased the printing number of ballot papers up to 3000 in the following PS: 313, 315, 316, 334, 348, 383, 384, 385, 405, 406.

At the same time, Chisinau Municipality ECC, Calarasi, Nisporeni, Glodeni, Drochia, Hincesti, Singerei, Falesti and Rezina adopted a decision regarding the release from position of one member from al the PS within the municipality and from abroad.

b. Establishment/Changes of PS headquarters

Promo-LEX EOM welcomes the ECC decisions regarding the changes in the premises of the PS in order to provide better voting conditions. Unfortunately, the observers reported only 2 such cases.

In Chetrosica Veches village (Edinet d.), based on the decision of the Cupcini twp. Mayor's Office and the Decision of Edinet ECC – the PS moved from II "Bejan Oleg" (shop) to a kindergarten from the village because in the previous location of the PS alcoholic beverages used to be sold and there was no heating.

In Cernoleuca v. (Donduseni d.) the PS used to be inside the Wedding Hall of the village, where there was no heating and no good conditions for the voting process. Therefore, based on the Decision of Cernoleuca LPA and Donduseni ECC – after the first round the PS moved inside "Igor Vieru" secondary school, where the minimum conditions for elections are ensured.

According to Promo-LEX observers, in Valcinet v. (Calarasi d.) the PS 47 used to be separated per two rooms because there was no other better option. So in one of the rooms the ballot papers are issued, whereas the voting booths and ballot boxes are in the other room. This makes it difficult for the voters to cast their vote as well as it does not allow for the free observation of the elections.

c. Changes to EOPS membership

Chisinau ECC adopted a series of Decisions regarding the changes to the nominal structure of 141 EOPS and to the numeric structure of 12 EOPS from abroad. Thus, the numerical structure changed as follows:

Table 3:

from 9 to 7 members	PS 338, 387
from 7 to 5 members	PS 323
from 7 to 9 members	PS 335
from 9 to 11 members	PS 325, 345, 346, 347, 355, 359, 362
from 5 to 7 members	PS 323

Also on 8 and 9 November 2016 Chisinau ECC approved the Decisions No 47 and 49 regarding the changes in the EOPS membership in relation to 129 members.

d. Observer accreditation

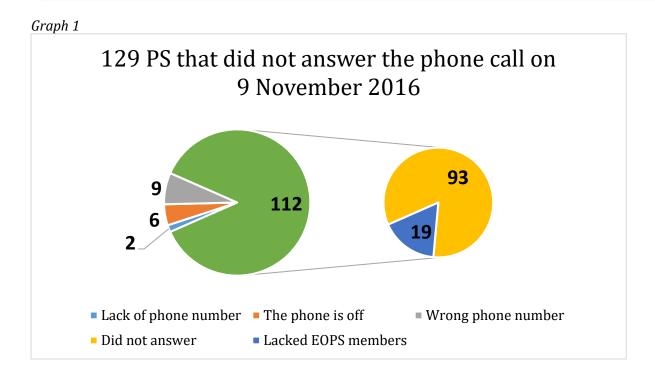
By Chisinau ECC Decision of 7 and 8 November 2016, 56 observers supporting Igor Dodon were replaced. Thus, 312 observers supporting Igor Dodon were accredited in Chisinau Municipality – 130 women and 182 men.

2.3. Operation of the Electoral Offices of the Polling Stations (EOPS)

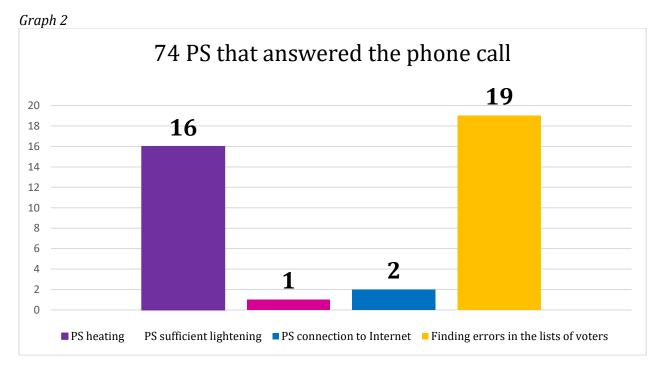
a. EOPS Work Schedule

From 31 October to 10 November 2016, except for the days off, Promo-LEX observers made 610 field visits. It was found, during the visits, the 42 EOPS from Dubasari, Basarabeasca, Glodeni, Rezina, Singerei were closed during working hours.

On 9 November 2016, Promo-LEX observers conducted a phone survey on a sample of EOPS to check the activity of the PS in Moldova. From 3.00 pm to 5.00 pm, 203 PS – selected, starting with PS No 4, by applying the counting step of 10 – were called by phone. During the telephone verification, 129 polling stations did not answer the phone, which accounts for 63.5% of the total number of the contacted polling stations (see graphs 1, 2).



According to Promo-LEX EOM, most of the PS did not pick up the phone. It is worth mentioning that around the first round of elections, about 69% of the called PS did not answer the phone. Voters' rights to see whether they are found back in the lists of voters, to get a certificate entitling one to vote, to file an application to vote in a particular PS can thus be violated. Note that in every PS there is a person released from his/her workplace/convoked to ensure the good operation of the PS.



With regards to EOPS members who picked up the phone (out of 74 PS), they were asked about some flaws in the operation of the offices. You can see the answers in Graph 2. As for the issues they had to deal with most often, they are the following: quality of the lists of voters and difficulties in ensuring the heating of the PS.

b. Involvement of EOPS members in electioneering

According to Article 32(5) of the Electoral Code, members of councils and electoral officers cannot electioneer for or against candidates to an eligible public position; cannot engage in political activities to support any of the election contestants; cannot be affiliated with any of them; cannot provide financial support by any other means, directly or indirectly, to any election contestant.

During the election period, Promo-LEX observers reported 3*cases* of involvement of electoral officials in electioneering. On 3 and 4 November 2016, a member of EOPS 5 from Cimislia t. – Bulat Svetlana – handed out to voters invitations to vote. The same EOPS member got involved in electioneering in favour of Igor Dodon and disseminated flyers picturing this candidate.

The chairperson of EOPS 10 from Boghiceni v. (Hincesti d.) got involved in electioneering inside the EOPS by exhibiting the in office flyers picturing the election candidate Maia Sandu.

On 8 November 2016 in Cotul Morii v. (Hincesti d.) the secretary of the Local Council, who is also the chairperson of EOPS 29 of Hincesti ECC, got involved in indirect electioneering by keeping in sight in the office from the Mayor's Office flyers picturing the candidate Maia Sandu.

2.4. Lists of voters

By virtue of the legal provisions, as well as considering the contents of the main lists of voters where there is a column for the second round of elections, on 13 November 2016 the main lists of voters from the first round are to be used. With regards to the additional lists of voters, they are to be replaced by new ones. Promo-LEX EOM found that, considering how long it took CEC to sum up the results of the elections, the lists of voters actually reached the EOPS on 3-4 November 2016.

According to Promo-LEX EOM, during the monitored period, in at least 11 PS, the following incidents were reported: presence on the lists of voters from other settlements (6 PS); address confusion in the same settlement (3 PS); deceased voters on the lists (1 PS); difficult processing of the data in the lists of voters (2 PS).

Inclusion of voters from other settlements in the lists of voters. In Rascaieti twp. (Stefan Voda r.), on 30 October 2016 49 voters could not vote in PS 24 because they were actually included on the main lists of Rascaietii Noi v. which is part of the aforementioned township. Actually, the members of EOPS 24 from Rascaieti submitted to the LPA the changes regarding the inclusion of those voters on the main lists of Rascaieti twp.

In Abaclia v. (Basarabeasca d.) on the election day 2016, 10 voters could not vote in PS 7 because they were on the main lists of PS 5 from Basarabeasca t. So they voted according to the additional lists.

There are at least 20 persons from Coada Iazului v. (Singerei d.) PS 18, on the lists of voters from PS 17 from Bilicenii Vechi v. (Singerei d.)

Address confusion in the same settlement. There were mistakes in voters' addresses on the lists of voters of PS 302 from Stauceni twp. and of PS 296 of Hulboaca v. (Chisinau mun.). On the election day, some voters from PS 6 from Basarabeasca t. found the names of former owners of their homes on the lists of voters.

Names of the deceased persons introduced in the lists. The name of a person deceased in 2003, from Orhei t., was included on the lists of voters from PS 8, and an invitation was also issued to the deceased to participate in the elections on 30 October 2016.

Difficult processing of the data in the lists of voters. In PS 8 from Abaclia v. and PS 11 from Iordanovca v. (Basarabeasca t.), EOPS members encountered difficulties in identifying voters on the lists of voters because many persons had identical last and first names with other voters.

2.5. Electoral Training

During the monitored period, the Center for Continuous Electoral Training (CCET), in partnership with CEC continued to implement the activity program on qualified electoral officials training for the presidential election of 30 October 2016. According to the information posted on the website of CCET, about 200 trainings were conducted during the election period for ECC and EOPS members. As many as 5500 electoral officials attended the trainings².

2.6. Public Information

CEC continued the public information campaign via publicity spots: "Even if you are away from your country, vote! Be part of its fate!"; "Make yourself heard of 13 November 2016!"; "If you want anything to change, you have to make yourself heard first!"; "The voting procedure. The second round of Moldova presidential elections on 13 November 2016"; "Voting procedure to be followed by voters from abroad. The second round of Moldova presidential elections on 13 November 2016".

On 8 November 2016, CEC communicated directly to potential voters from abroad as part of the "Let's vote" information campaign.

2.7. National and International Observers

During 28 October – 10 November 2016, CEC accredited 196 national observers and 127 international observers to monitor the presidential election of 13 November 2016:

- 93 national observers from the Promo-LEX Association;
- 6 national observers from the USA National Democratic Institute Office in Moldova;
- 93 national observers from the Institute for the Protection of Fundamental Rights and Liberties;
- 1 international observer and 1 national observer from the Embassy the United Kingdom of the Great Britain and Northern Ireland to the Republic of Moldova;
- 1 international observer from the Council of the Interparliamentary Assembly of the CIS Member Nations:
- 1 international observer from the Embassy of France to the Republic of Moldova;
- 59 international observers and 3 interpreters form the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR);
- 1 international observer from the Embassy of the Republic of Indonesia to the Republic of Moldova, with residence in Bucharest;
- 29 international observers and 20 interpreters from the European Network of Election Monitoring Organizations (ENEMO).
- 11 national observers and 2 international observers from the "German Marshall Fund of the United States - Representative Office from Romania";
- 17 international observers, 1 national observer and 5 interpreters from the Danish Association "SILBA-Support Initiative for Liberty and Democracy"
- 1 international observer from the Embassy of the Republic of Poland to the Republic of Moldova;
- 1 international observer from the Delegation of the European Union to Moldova;
- 2 international observers from the CIS Observation Mission;
- 3 international observers from the European Parliament.

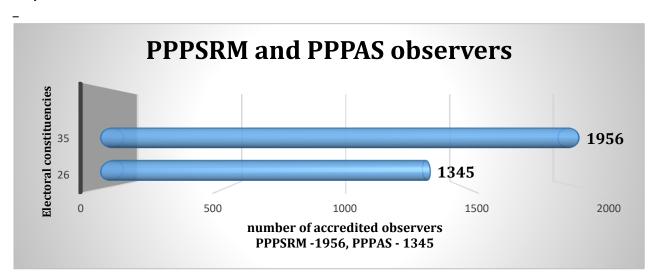
On 10 November 2016, Promo-LEX Association accredited a total number of 2667 observers.

Observers from Election Candidates' Side. In the second round of Moldova Presidential Elections on 13 November 2016, 3,301 PPPSRM and PPPAS observes will ensure the monitoring of the election of the President of the Republic of Moldova (See Graph 3). PPPSRM observers will monitor 1,945 PSs from 35 constituencies and 11 PSs from abroad, while PPPAS observers will monitor 1,345 PSs from 26 constituencies.

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 $^{^2\,}http://cicde.md/index.php?pag=news\&id=1063\&rid=1468\&l=ro\#sthash.SvkS1Pnk.dpuf$

Graph 3



2.8. Complaints

a. Complaints filed with CEC

During the monitored period CEC had registered 5 complaints. Four complaints were addressed by the Presidential candidates and one complaint by a citizen.

The citizen Mihai Grivneac asked CEC, through his complaint, to review the issue occurred on Voting Day of 30 October 2016, when he was prohibited to vote, because the house he live in was assigned to another polling station. The station he was referred also refused to accept him to exercise his right to vote. CEC has sent the complaint for the review by the Chisinau municipality ECC. The latter has rejected the complaint, because of the delay in filling.

Two other complaints were filed by the representative of Igor Dodon, who had the right to consultative vote in CEC, who requested the Commission to ascertain the use by the election candidate Maia Sandu of undeclared funds and materials and apply appropriate sanctions. Then, the author withdrew one of the complaints. As regards the second complaint, the CEC did not yet deliver any decision.

In addition, the representative of candidate Maia Sandu, having the right to consultative vote in CEC, filed 17 complaints regarding the distribution of denigrating electoral materials by the supporters of her oponent, Igor Dodon. As a result, CEC has handed over one of the complaints to the authors, because it has no competence to review it, while the second complaint was sent to the General Police Inspectorate, since it has the competence.

b. Complaints Filed with ECC

Aspects regarding the complaints filed with ECC. On the basis of the reports of Promo-LEX Association observers, at least 2 complaints were filed with two Commissions.

One complaint was filled with Chisinau municipality ECC. Thus, the representative of Igor Dodon, who had the right to consultative vote in CEC, had appealed the actions of the President of 1/296

EOPS who accepted, within the premises of a polling station, the diffusion of Moldovan and Romanian state anthems by a citizen. ECC did not yet deliver a decision in this respect.

c. Notifications Submitted to ECC by Observers

One notification was submitted by a national observer from Promo-LEX who repeatedly asked Criuleni ECC to provide the copies of the requests for observers accreditation submitted by the election candidates and/or competent civil associations, quantitative information about the number of observers accredited by the respective Electoral Council, as well as the copies that are under review. It should be mentioned that Criuleni ECC has rejected the notification and refused to provide requested information, invoking that it already provided similar information to other Promo-LEX observers. Moreover, Criuleni ECC qualified the observers' requests as an abuse of powers guaranteed by the Article 63 of the Electoral Code and issued a Decision stating that the observer does not worth its status. Promo-LEX EOM qualifies the Criuleni ECC actions as intimidation of the observer and a serious breach of electoral legislation. In this context, Promo-LEX reiterates that all the observers has access to all the information of electoral nature and can take pictures and videos, informing the president of the electoral body.

3. PUBLIC ADMINISTRATION

3.1. Election Organization Activities Involving Local Public Administration

Promo-LEX observers had found that out of 731 PSs monitored immediately after the elections a number of PSs are not equipped appropriately. Thus, at least 39 PSs from Dubasari, Anenii Noi, Criuleni, Stefan Voda, Taraclia, Cahul, Glodeni, Drochia, Riscani, Balti constituencies are not heated. 6 PSs from Malaiesti, Criuleni are not lightened appropriately.

3.2. LPA Actions to Intimidate Voters

On 1 November, the Mayor of Orhei signed the Indication No 490 on filling in and updating data from personal files of the staff of the Orhei Mayor's Office and of its subordinated enterprises and institutions. It requested the staff of the Mayor's Office and of its subordinated enterprises and institutions to submit the appropriate documents in original version in order to sign individual employment contracts, for the purposes of having documentation reflecting the staff's data evolution over the time. Thereby, the staff is forced to submit the following documents: ID card and its loose leaf, military card and diploma/qualification certificate confirming professional qualification.

Promo-LEX EOM appreciates this requirement imposed to the staff og the Orhei Mayor's Office and its subordinated institutions as a metchod to intimidate them, in connection with the public recommendation to boycott the presidential elections, made previously by candidate Inna Popenco. We should mention that Inna Popenco was appointed as a presidential candidate by the Political Party Social-Political Movement "Ravnopravie", the president of which is the Mayor of Orhei, Ilan Sor.

4. ELECTION CANDIDATES

4.1. Activities conducted during the election campaign

a. Meetings with citizens. *Door to door* campaigns. Press Conferences

According to Promo-LEX observers, election candidates carried out the following electoral activities:

Table 4

Meetings with citizens						
Maia Sandu (PPPAS)	02.11.2016	Chisinau city				
	04.11.2016	Drochia t., Chiscareni v. (Singerei d.)				
	05.11.2016	Cahul t., Orhei t., Soldanesti t.				
	06.11.2016	Cimislia t., Gura Galbenei (Cimislia d.)				
	08.11.2016	Gura Bicului v. (Anenii Noi d.)				
	09.11.2016	Ocnita t.				
	09.11.2016	Chisinau city				
	09.11.2016	Cernoleuca v. (Donduseni d.)				
Igor Dodon (PPPSRM)	05.11.2016	Cimislia t.				
	06.11.2016	Comrat t.				
	08.11.2016	Cosnita v. (Dubasari d.)				
	08.11.2016	Chisinau city				
Door to door						
Maia Sandu (PPPAS)	01.11.2016	Hostel No 10 of the State University of Moldova				
		(SUM), Chisinau city				
	05.11.2016	Troitcoe v. (Cimislia d.)				
	06.11.2016	Bogdanovca v. (Cimislia d.)				
	07.11.2016	Chisinau city				
Igor Dodon (PPPSRM)	31.10.2016	Chisinau city				
	07.11.2016	Donduseni t.				
	08.11.2016	Chisinau city				
Press Conferences						
Maia Sandu (PPPAS)	02.11.2016	Chisinau city				
	04.11.2016	Chisinau city				
	08.11.2016	Chisinau city				
Igor Dodon (PPPSRM)	07.11.2016	Chisinau city				
	08.11.2016	Chisinau city				
	09.11.2016	Chisinau city				

b. Denigrating Activities /Black PR

Promo-LEX EOM noted 5 cases of denigrating materials/activities against the PPPAS candidate, Maia Sandu and 1 case against the PPPSRM candidate, Igor Dodon.

Denigrating PPPAS candidate, Maia Sandu. A piece of denigrating information against Maia Sandu was published in the PPPSRM's newspaper – "Socialistii" at the 7th page. Promo-LEX observers reported about distribution of the aforementioned newspaper in Chisinau city and Comrat town.

Promo-LEX EOM observers reported about denigrating and manipulating folded leaflets against PPPAS candidate, Maia Sandu existent in the Chisinau municipality. They warn about a potential invasion of refugees in the Republic of Moldova, closing of kindergartens, disappearance of villages and "danger" of homosexuals. The folded leaflets does not contain information about who printed them, which edition and what funds were used to print them.

In addition, Promo-LEX observers have noted in Chisinau municipality and Edinet district another type of folded leaflets denigrating Maia Sandu which contain data on edition and an entry specifying that they were paid from the Electoral Fund of the PPPSRM candidate, Igor Dodon. The latter states that the PPPAS candidate, Maia Sandu is the representative of oligarchs, unionists and homosexuals.

In Sofrancani, Chetrosica Noua and Gaspar villages (Edinet d.) are distributed folded leaflets denigrating the PPAS candidate, Maia Sandu. They are edited in Romanian and Russian languages and contain these messages "Lupu and Plahotniuc support Maia Sandu, do you?" and "Maia Sandu will hand over the devastated country to the refugees, homosexuals and unionists". These one do not contain information on the printing house that delivered this service and funding sources.

During a press conference held on 8 October 2016, the PPPAS Secretary General, Igor Grosu informed that the party became the target of an attack from both sides the opposing presidential candidate and the controversial mayor of Orhei municipality, Ilan Sor. On 7 October 2016, 4 transfers amounting for MDL 70,000 were made on the PPPAS account. Money were transfered by a person with criminal past, who in his turn received them from Ilan Sor. After the press conference, audio records allegedly rendering the discussions between the PPPAS treasurer and the person who transfered money appeared in public space.

Denigrating PPPSRM candidate, Igor Dodon. On 7 November 2016, folded leaflets denigrating the PPPSRM candidate, Igor Dodon with the following content: "Dodon means corruption, war and oligarchy. Let's all vote on 13 November! Stop the candidate of Plahotniuc -Dodon!" were distributed in Chisinau city.

c. Involvement of the Religious Organisations in the Election Campaign

Promo-LEX EOM noted the involvement of the clergy of the Metropolitan Church of Chisinau and the Entire Moldova (MCCEM) in the electoral campaign in the favor of the election candidate Igor Dodon (PPPSRM). Church representatives have repeatedly expressed their political preferences and even encouraged other people to vote particular candidates. Thus, His Eminence Metropolitan Vladimir, the Bishop Marchel of Balti and Floresti and other church members have openly supported Igor Dodon, the candidate to the position of President of the Republic of Moldova and concomitantly have made serious and denigrating accusations against the candidate Maia Sandu.

We should mention that the Electoral Code does not refer to the church's involvement in electoral processes, except Article 38(3)(h) that prohibits any kind of direct or indirect financing or material support to the political parties' activity, of electoral campaigns/election candidates is prohibited if it is offered by non-commercial organizations, trade unions, charity or religious organizations.

In the same train of thoughts, although the Constitution of the Republic of Moldova does not define itself expressly as a secular state, however, the constitutional provisions covered in Article 31(4) on the autonomy of religious cults and *their separation vis-a-vis the State* indicates on the *secular nature* of the state³.

The Law No 125 of 11 May 2007 of the Freedom of Thought, Conscience and Religion, in Article 15(1) sets in this regard the following: *all the denominations are autonomous*, separated from the State *with equal rights before the law and public authorities*. So that, the electoral exercise is an indispensable attribute of a democratic state and exclusively refers to its organizational and legal part.

In addition, the Article 15(2) of the Law No 125 provides that the religious cults and their component parts shall refrain from expressing or manifesting publicly their political preferences or favouring a political party or social-political organisation.

We note that besides the verbal statements recalled, the candidate Igor Dodon appeared in public in the company of the church representatives of the highest rank from the RM in the premises of the houses of God. We appreciate that Article $47(6^1)$ of the Electoral Code does not refer to the use of the images representing church representatives and buildings, although the representatives of religious cults and election candidates must observe the non-interference principle.

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³Constitutional Court's Decision No 14 of 16 May 2016.

4.2. Giving Gifts During the Election Campaign

According to Article 38(7) of the Electoral Code, election candidates shall not offer voters money or gifts, shall not distribute goods free of charge, including from humanitarian aid or other charity acts. According to Article 181¹ of the Criminal Code, "offering or giving money, goods, services or other benefits in order to determine the voters to exert their voting rights in a certain way under the parliament and local elections or referendums shall be punished. Alcoholic beverages, tobacco products and food products are also goods". However, as we have previously mentioned, the way in which Article 181¹ of the Criminal Codeis applied is not clear, because it does not refer to the framework of presidential election.

According to the information provided by Promo-LEX observers, during the monitored period, at least 2 cases that can be qualified as electoral gifts were registered. The PPPSRM candidate, Igor Dodon is the object of both cases.

On 5 November 2016 Saturday, Dominica Chiselita - the head of the soup kitchen "Concordia" from Cimislia t., invited 80 pensioners for a free meal. It should be noted that the soup kitchen provides free food only on weekdays. The event was attended by PPPSRM representatives from Cimislia t., who electioneered and gave MDL 100 to each person.

On 8 November 2016, PPPSRM organised fireworks in Cosnita v. The observer estimated their cost to MDL 22,000 approximately.

4.3. Use of Administrative Resources to Promote Election Candidates

According to Article 47(6) of the Electoral Code, candidates cannot use public means and property (administrative resources) during election campaigns, and public authorities/institutions and those similar to them cannot give to election contestants any public property or other support unless they conclude contracts in this regard, on an equal basis for all election candidates.

Promo-LEX EOM observers found at least 2 cases of using administrative resources during the election campaign. The PPPSRM candidate, Igor Dodon is the object of both cases.

On 4 November 2016, the social assistant from the Negrea v. (Hincesti d.) electioneered, during her working time, in the favour of PPPSRM candidate, Igor Dodon, by using the telephone of the mayor's office.

On 9 November 2016, a group of persons employed at the Education Directorate of the Donduseni District Council paid a working visit to Tirnova, Baraboi, Corbu and Cernoleuca villages (Donduseni d.). Besides monitoring education processes, delegation members also discussed with teachers of the educational institutions from the aforementioned settlements and "recommended" them to support Igor Dodon in the second round of Moldova Presidential Election.

4.4.Outdoor/Promotional Advertising

Promo-LEX observers identified outdoor and printed advertising in the favour of potential candidates for President of the Republic of Moldova, as well as of political parties that nominated them.

Electoral Candidate		Billboar d No	Banne rs No	Te nt	Poste rs	News paper s/ Broch ures	Leafle ts	Other	Electoral posters in unautho rised place
Igor (PPPSRM)	Dodon	38	9	3	62	22	6	Calendars 3	12
Maia (PPPAS)	Sandu	-	9	-	30	ı	22	City light - 8	1

Printed materials without mandatory topographical data of the PPPAS candidate, Maia Sandu were distributed in Chisinau city and Ialoveni town.

A car rode in Cahul t. and electioneered in the support of the candidate Maia Sandu. A megaphone was used for this purpose.

5. FUNDING OF MOLDOVA PRESIDENTIAL ELECTION CAMPAIGN

5.1. Election campaign finances reporting

According to Article 38² (6) of the Electoral Code, the registered election candidates shall submit to CEC, at the latest 2 days before the election day, the reports on election campaigns funding for the entire election period. The reports shall be published on the official website of CEC within 48 hours of receipt, respecting the law on protection of personal data.

On 28 October 2016, in accordance with Article 38² of the Electoral Code and the schedule approved by the CEC, out of 12 EC in the electoral race, 11 EC (Marian Lupu (PDM), Mihai Ghimpu (PL), Iurie Leanca (PPPPEM), Andrei Nastase (PPPDA), Inna Popenco (MSPRR), Dumitru Ciubasenco (PPPN), Maia Sandu (PPPAS), Igor Dodon (PPPSRM), Silvia Radu (IC), and Valeriu Ghiletchi (IC), Ana Gutu (IC)) submitted reports on cash flow and expenses incurred during the period 30 September - 28 October 2016; 1 EC (Maia Laguta (IC)) submitted reports stipulating that no expenditures had been incurred.

Opening the "Electoral Fund" Accounts. Round II

According to Article 38 (2)(a), the election candidates shall open "Electoral Fund" bank accounts, to which to transfer their own funds, as well as other funds received as prescribed by law from individuals - Moldovan citizens or legal entities, and shall inform the Central Electoral Commission about the persons responsible for their funds (the treasurers). Election candidates can not be appointed as treasurers.

Moreover, according to Section 12 of the Regulation on Election Campaign Funding, the last payments from the "Electoral Fund" account shall be made at least two days before the election day; thus, any transfers from this account after submitting the final financial statement are prohibited. In case of second round of elections or repeat elections, the "Electoral Fund" account can be unlocked at the request of the election candidate, once the electoral body has adopted such a decision. If election candidates do not open any "Electoral Fund" account in a bank, they shall notify CEC that they carry out campaign or promotion activities that do not involve any financial costs.

Promo-LEX EOM notes that on 3 November 2016, 2 EC (Igor Dodon and Maia Sandu) that entered the second round of elections, unlocked their Electoral Fund accounts and started the election campaign for the second round.

5.2.1 Revenues and Expenses of Election Candidates Reflected in Reports on Election Campaign Funding

According to the totalising reports for the first round submitted to the CEC, the revenue declared by 11 EC for the period of 30 September - 28 October 2016 amounts to MDL 56,526,004, expenses - MDL 56,525,039; initial balance - MDL 574,009; final balance - MDL 1,433.

Thus, Marian Lupu accumulated MDL 24,250,150, Dumitru Ciubasenco - MDL 9,053,614, Igor Dodon - MDL 6,437,072, Ana Gutu - MDL 40,450, Mihai Ghimpu - MDL 4,438,430, Valeriu Ghiletchi - MDL 503,870, Silvia Radu - MDL 4,678,990, Inna Popenco - MDL 2,851,785, Maia Sandu - MDL 543,643, Iurie Leanca - MDL 3,658,000, Andrei Nastase - MDL 70,000. The total amount of declared revenue constitutes 85.91% of the threshold established for a single election candidate. None of the EC exceeded the maximum threshold established by the Central Electoral Commission - MDL 65,797,539. (See Figure 1).

EC's sources of financing are:

- financial donations of 2781 individuals (for 9 EC) amounting to MDL 50,418,236;
- financial donations of 10 legal entities amounting to MDL 6,098,429 for 5 EC (Iurie Leanca/PPPEM, Dumitru Ciubasenco/PPPN, Maia Sandu/PPPAS, Inna Popenco/MSPRR, Valeriu Gheletchi/IC);
- in-kind donations amounting to MDL 831,758 for 4 EC (Maia Sandu/PPPAS, Igor Dodon/PPPSRM, Inna Popenco/MSPRR, Dumitru Ciubasenco/PPPN).

On the basis of the submitted financial statements, made public by CEC, Promo-LEX EOM found that 2 election candidates (Dumitru Ciubasenco and Maia Sandu) have recorded donations from the party, without revealing the origin of the primary donors, who made the transfer on the party's account. Promo-LEX EOM reiterates during this election campaign, as well, that this practice is a subtle method intended to conceal the donors and avoid transparency, public control of citizens or control of relevant bodies. Thus, there is a need to explain the procedure of transferring funds from the account of the party (as a legal entity) into the electoral fund, and how such transfers should be reflected in the financial reports.

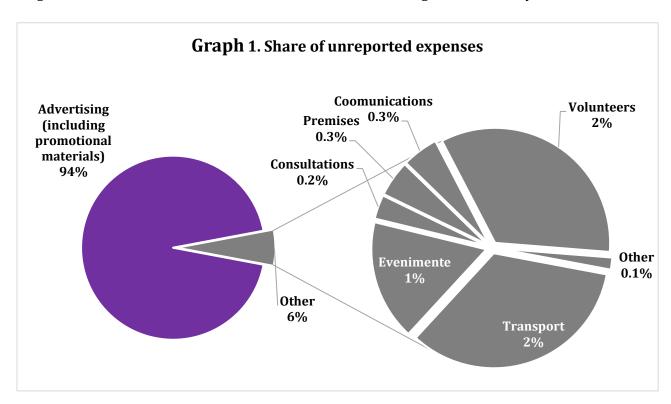


Figure 1. Share of revenue from the maximum threshold of MDL 65,797,539

According to Promo-LEX EOM analysis, there are 4 categories of donations:

- "very high" over MDL 1 million: (Silvia Radu/IC 1 donor; Dumitru Ciubasenco/PPPN 1 donor; Inna Popenco/MSPRR 1 donor);
- "high" from MDL 75,000 up to MDL 1 million: (Dumitru Ciubasenco/PPPN 4 donors; Mihai Ghimpu/PL 16 donors; Silvia Radu/IC 13 donors; Iurie Leanca/PPPPEM 4 donors; Inna Popenco/MSPRR 2 donors);
- "medium" from MDL 60,000 up to MDL 75,000: (Marian Lupu/PDM 41 donors; Igor Dodon/PPPSRM 5 donors; Iurie Leanca/PPPPEM 4 donors; Mihai Ghimpu 2 donors; Valeriu Ghiletchi/IC 2 donors; Dumitru Ciubasenco 1 donor);
- "other donations" up to MDL 60,000: (Marian Lupu/PDM 1670 donors; Dumitru Ciubasenco/PPPN 593 donors; Iurie Leanca/PPPPEM 91 donors; Igor Dodon/PPPSRM 298 donors; Mihai Ghimpu/PL 3 donors).

Promo-LEX EOM notes that the electoral subjects listed under the "high" and "very high" donations categories are subject to Section 20 of Regulation on Election Campaign Funding, in this case, regarding the need for the Main State Tax Inspectorate to verify the origin of financial contributions transferred to election candidates. Simultaneously, Promo-LEX EOM notes that 6 EC have received "high donations" close to the limit of MDL 75,000, thus not having to be verified by the MSTI.



The biggest share of declared expenses is for advertising – 89%, for promotional materials - 5%, for use of transport – 2%, expenses for delegating or detaching persons (volunteers/observers) - 2%; expenses for meeting and events - 1%, additional maintenance expenses - 0.3%, for communications - 0.3%, expenses for consultancy - 0.2%, and other expenses – 0.1% (see Graph 1).

a. Expenses for the organisation of meetings and events

According to the financial statements, 9 EC reflected expenses for transportation of people and goods amounting to MDL 601,818: Igor Dodon – MDL 239,951 (39.87% of the total amount); Inna Popenco - MDL 154,698 (25.71%); Dumitru Ciubasenco – MDL 101,949 (16.94%); Silvia Radu – MDL 40,000 (6.65%); Mihai Ghimpu - MDL 33,580 (5.58%); Maia Sandu – MDL 13,222 (2.20%); Iurie Leanca – MDL 11,458 (1.9%); Marian Lupu - MDL 6,600 (1.1%); Valeriu Gheletchi - MDL 360 (0.06%).

b. Advertising expenses

According to the financial statements, 11 EC reported advertising expenses amounting to MDL 49,937,103: Marian Lupu - MDL 23,633,539 (47.33% of the total amount); Dumitru Ciubasenco - MDL 7,235,402 (14.49%); Igor Dodon - MDL 5,774,072 (11.56%); Silvia Radu - MDL 4,547,163 (9.11%); Iurie Leanca - MDL 3,473,740 (6.96%); Mihai Ghimpu - MDL 3,251,052 (6.51%); Inna Popenco - MDL 13,791,333 (2.76%); Valeriu Gheletchi - MDL 404,116 (0.81%); Maia Sandu - MDL 146,835 (0.29%); Ana Gutu - MDL 31,252 (0.06%); Andrei Nastase - 60,799 (0.12%).

c. Expenses for promotional materials

According to the financial statements, 10 EC reported expenses for promotional materials amounting to MDL 2,952,827: Mihai Ghimpu - MDL 1,152,220 (39.02% of the total amount); Marian Lupu - MDL 503,815 (17.06%); Inna Popenco - MDL 247,119 (8.37%); Dumitru Ciubasenco - MDL 220,040 (7.45%); Iurie Leanca - MDL 169,835 (5.75%); Igor Dodon - MDL 350,825 (11.88%); Maia Sandu - MDL 212,524 (7.20%); Valeriu Gheletchi - MDL 74,067 (2.51%); Silvia Radu - MDL 13,304 (0.45%); Ana Gutu - MDL 9,078 (0.31%).

d. Expenses for transportation of people and goods

According to the financial statements, 7 EC reflected expenses for transportation of people and goods amounting to MDL 933,323: Dumitru Ciubasenco – MDL 700,000 (75.00% of the total amount); Maia Sandu – MDL 103,040 (11.04%); Igor Dodon – MDL 61,664 (6.61%); Marian Lupu – MDL 45,000 (4.82%); Valeriu Gheletchi - MDL 10,467 (1.12%); Silvia Radu – MDL 10,152 (1.09%); Andrei Nastase - MDL 3,000 (0.32%).

e. Expenses for public opinion polling services

According to the financial statements, no EC reported expenses related to public opinion polling services.

f. Additional maintenance expenses

According to the financial statements, 3 EC reported maintenance expenses amounting to MDL 160,236: Dumitru Ciubasenco – MDL 142,336 (88.83% of the total amount); Marian Lupu - MDL 12,900 (8.05%); Andrei Nastase - MDL 5,000 (3.12%).

g. Expenses for delegation or detachment of persons

According to the financial statements, only 3 EC reported expenses for delegation and detachment of persons, amounting to MDL 742,590: Dumitru Ciubasenco – MDL 641,000 (86.32%); Maia Sandu - MDL 65,449 (8.81%); Marian Lupu - MDL 36,141 (4.87%).

h. Consultancy expenses

According to the financial statements, 3 EC reported consultancy expenses, amounting to MDL 83,371: Silvia Radu – MDL 66,123.90 (79.31% of the total amount); Valeriu Ghiletchi - 12,247 (14.69%); Marian Lupu – MDL 5,000 (6.00%);

j. Expenses for communication services

According to the financial statements, 3 EC reflected expenses for communication services amounting to MDL 155,183: Inna Popenco - MDL 152,900 (98.53% of the total amount); Maia Sandu - MDL 1,250 (0.81%); Valeriu Ghiletchi - MDL 1,033 (0.67%).

k. Other expenses

According to the financial statements, 11 EC reported other expenses amounting to MDL 41,055: Marian Lupu - MDL 7,000; Dumitru Ciubasenco - 12,888; Iurie Leanca - MDL 2,524; Igor Dodon - MDL 10,560; Silvia Radu - MDL 1,797; Inna Popenco - MDL 1,023; Mihai Ghimpu - MDL 1,576; Valeriu Ghiletchi - MDL 1,430; Maia Sandu - MDL 1,322; Andrei Nastase - MDL 855; Ana Gutu - MDL 80.

5.3. Election candidates' expenses found by the Promo-LEX observers but which are not reflected in the financial statements

a) Expenses for rental of offices

According to Promo-LEX observers, 9 EC used at least 168 offices in 35 district centers, Chisinau and Balti municipalities and ATUG: Iurie Leanca - 10 offices, Andrei Nastase - 6, Ana Gutu - 1, Maia Sandu - 1, Mihai Ghimpu - 27, Marian Lupu - 40, Inna Popenco - 6, Igor Dodon - 42, Dumitru Ciubasenco - 34, Silvia Radu - 1. Only 3 EC reported such expenses in their statements submitted to CEC.

The expenses related to office rental fees were calculated by multiplying the minimum monthly rental fee per square meter with the total area of offices of an EC and with 1.0 months of activity during the election campaign. The minimum rental fee is: MDL 80 (in towns and suburbs of municipalities), MDL 100 (in Balti Municipality) and MDL 150 (in Chisinau Municipality). The minimal real amount of expenses for unreported rental of 168 offices of 10 EC, found by Promo-LEX observers, is MDL 559,869.

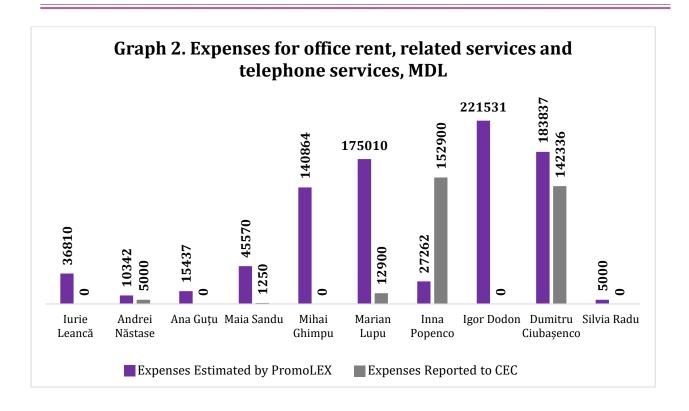
b) Expenses for offices maintenance services

According to Promo-LEX observers, 10 EC used at least 168 offices. No EC reported such expenses in their statements. The expenses for office maintenance services were calculated by multiplying the minimum monthly fee for one office for electricity - MDL 110, water - MDL 60, gas - MDL 30, with the number of offices of each EC and with the period of activity - 1.0 months. The total unreported expenses for office maintenance services amount to at least MDL 33,400.

c) Expenditures for Fixed and Mobile Telephone Services, Internet

According to Promo-LEX observers, 10 EC used communication services during the first 4 weeks of election campaign. No election candidate reported such expenses. Communication services include services of fixed and mobile telephone services, and the Internet. The expenses for mobile telephone services were calculated by multiplying the number of persons engaged in the campaign from each EC, including the accredited partisan observers of EC reported by Promo-LEX observers: Maia Sandu - 633, Mihai Ghimpu - 1173, Igor Dodon - 1507, Dumitru Ciubasenco - 1252, with the minimum monthly fee for mobile telephone services - MDL 51, and with the period of activity - 1.0 months.

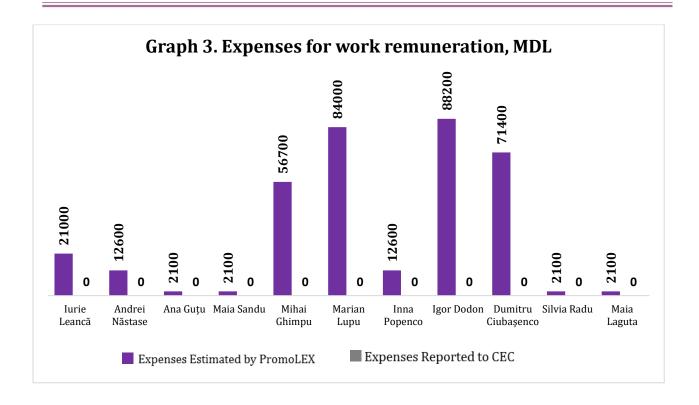
The expenses for fixed telephone services and Internet were calculated by multiplying the number of offices of each EC, reported by the Promo-LEX observers, with the minimum monthly fee for these services (fixed telephone - minimum fee of MDL 6, Internet per office - a fee of MDL 180), and with the period of activity - 1.0 months. The total unreported expenses for communication services amount to at least MDL 268,394. (See Graph 2, which provides the accumulated expenses for office rental, office maintenance and communication services.)



d) Expenses for Work Remuneration

According to Promo-LEX observers' findings, 11 EC engaged in the election campaign at least 169 employees from central and regional representatives of parties: Iurie Leanca - 10, Andrei Nastase - 6, Maia Sandu - 1, Ana Gutu - 1, Mihai Ghimpu - 27, Marian Lupu - 40, Inna Popenco - 6, Igor Dodon - 42, Dumitru Ciubasenco - 34, Silvia Radu - 1, Maia Laguta - 1. For remunerating the work of at least 169 persons employed by 11 EC, a total minimum amout of at least MDL 354,900 was estimated. No election candidate reported such expenses during the first 4 weeks of the election campaign. (See Graph 3).

The expenses for work remuneration were calculated by Promo-LEX EOM by multiplying the minimum guaranteed salary in the real sector for 2016 - MDL 2,100 per month with the number of employees reported by Promo-LEX observers.

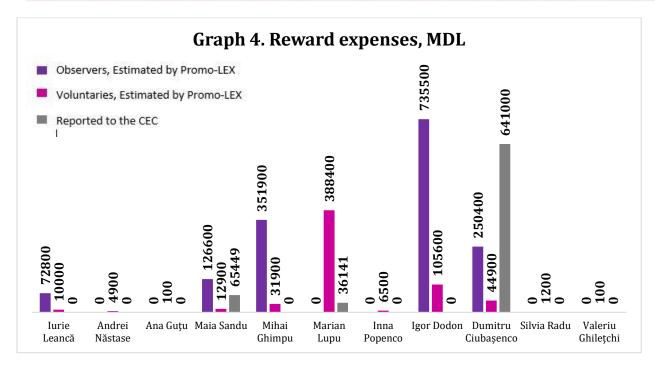


e) Expenses for Rewarding Volunteers/Electioneerers and Observers on the Election Day

According to Promo-LEX observers, 10 EC involved volunteers during the first 4 weeks of election campaign, and 5 EC had observers on the election day (Round I). Only 3 election candidate (Dumitru Ciubasenco, Maia Sandu, Marian Lupu) reported such expenses, however only Dumitru Ciubasenco reported real figures.

The expenses for rewards of volunteers were calculated by multiplying the number of volunteers of each EC with the specific reward reported by Promo-LEX observers. Involvement of at least 6,090 volunteers in the daily electioneering activity of 10 EC and rewards of MDL 100-300 were reported. According to methodology, the observers reported the minimum amount of MDL 100 as rewards. The expenses for observers were calculated based on the specific reward that the partisan observers reported to Promo-LEX observers, and for the candidates who did not report it, based on the lowest limit of this rewards, of at least MDL 200.

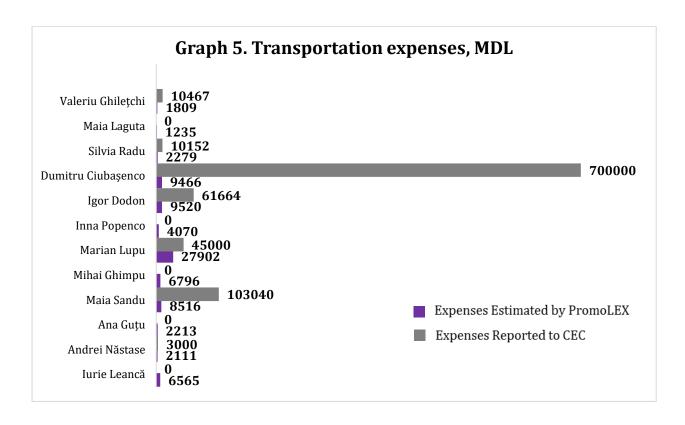
Thus, Iurie Leanca involved at least 100 volunteers during the campaign, and 364 observers on the election day (Round I); Andrei Nastase - 49 volunteers; Maia Sandu - 129 volunteers and 633 observers; Mihai Ghimpu - 319 volunteers and 1173 observers (rewards of MDL 300/1 observer); Marian Lupu - 3884 volunteers; Inna Popenco - 65 volunteers; Igor Dodon - 1056 volunteers and 1507 observers (rewards of MDL 500/1 observer); Dumitru Ciubasenco - 449 volunteers and 1252 observers; Silvia Radu - 12 volunteers; Ana Gutu - 1 volunteer. According to Promo-LEX EOM, the total amount of rewards for 6,090 volunteers/electioneerers for a day of electioneering is at least MDL 606,500, and the total amount estimated for 4,929 observers is at least MDL 1,537,200. (See Graph 4).



f) Transportation Expenses

Promo-LEX observers reported the use of vehicles for electoral trips within RM by at least 12 EC. Only 7 EC reported such expenses in their statements submitted to CEC. Out of 12 EC, 5 EC (Iurie Leanca, Ana Gutu, Mihai Ghimpu, Inna Popenco, Maia Laguta) did not report an amount of at least MDL 20,879.

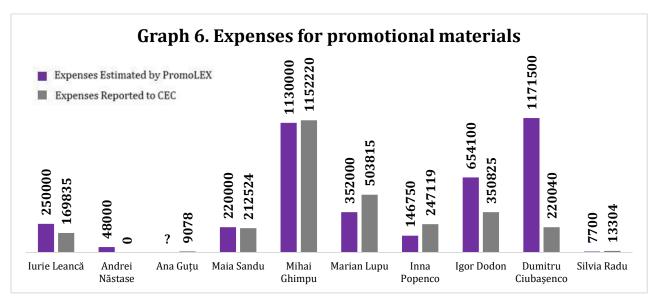
The calculation was done by multiplying an average fuel consumption of 9 l/100 km (car), 10 l/100 km (minibus), 35 l/100 km (bus) with the distance travelled and with the fuel price of MDL 16.6/l. (See Graph 5).



g) Expenses for Promotional Materials

According to Promo-LEX observers, 9 EC omitted fully or partially to report expenses for promotion materials in their reports on funding of election campaign, submitted to CEC. The calculation of these expenses was done by multiplying each type of promotional material reported by Promo-LEX observers with the minimum prices on the market. According to Promo-LEX observers' verifications, the estimated minimal monthly price for a u. of A3 glossy paper poster is MDL 2.5 at a pr. of 5,000 copies; 1 u. of A3 color glossy paper calendar - MDL 2.5; 1 u. of A3 matte paper poster - MDL 1.5 at a pr. of 15,000 copies, for a brochure/book of 110 pages - MDL 49.9, for a u. of newspaper - MDL 0.48 at a pr. of 100,000 copies, for a u. of 21x20cm² flyer - MDL 2, for a u. of door hanger at a pr. of 200,000 copies, glossy paper - MDL 2.5; 10x12cm2 folding leaflet - MDL 1. 1 balloon with a message and logo costs MDL 2.5, 1 magnet with a message and logo - MDL 3.5, 1 A5 flyer - MDL 0.5, 1 9x11,5cm² transfer picture - MDL 3. The total expenses for advertising amount to at least MDL 4,350,050. (See Graph 6)

Concerning Igor Dodon (PSRM), the Promo-LEX observers reported "Programul Electoral" ("Electoral Program") brochures of 12 pages, colour glossy paper, of a size of 21x23cm², Arva Color SRL Typography, com. 0604, pr. 50,000 copies, according to Invoice No 0676 of 3 October 2016, "Programul Electoral" ("Electoral Program") brochures of 12 pages, colour glossy paper, of a size of 21x23cm², Arva Color SRL Typography, com. 0605, pr. 50,000 copies; "Socialiştii" ("The Socialists") newspapers of 14 pages, colour matte paper, Edit Tipar Group SRL Typography, com. No 904, pr. 65,000 copies (Ro), com. No 923, pr. 40,000 copies (Ro), com. No 924, pr. 60,000 copies, Invoice No 3 of 30 September 2016 (Ru), com. No 905, pr. 125,000 copies (Ru) - all printed on 30 September 2016; A3 calendars, colour glossy paper, Arva Color SRL Typography, com. No 0606, pr. 25,000 copies according to Invoice No 0678 of 3 October 2016, small colour calendars, paperboard, of a size of 10x7cm2, com. No 0614, pr. 10,000 copies, Invoice No 0686 of 10 October 2016; A3 colour glossy paper calendars, Arva Color SRL Typography, com. No 0607, pr. 25,000 copies, according to Invoice No 0679 of 3 October 2016; about 550 copies of 20x23cm² brochures, Arva Color SRL Typography, Invoice No 0676 of 3 October 2016, A4 posters, Arva Color SRL Typography, com. No 0596, pr. 10,000 copies, A4 posters, Arva Color SRL Typograhpy, com. No 0599, pr. 1,000 copies; A4 posters, Arva Color SRL Typograhpy, com. No 0601, pr. 1,000 copies, A3 posters, Arva Color SRL Typograhpy, com. No 0621, pr. 5,000 copies; A4 posters, Arva Color SRL Typograhpy, com. No 0595, pr. 100,000 copies, com. No 0598, Arva Color SRL Typograhpy; 9x11,5 cm² transfer pictures, pr. 1,000 copies, com. No 0598 of 3 October 2016; newspapers "Socialiştii" ("The Socialists") (Ro), pr. 120,000 copies, com. No 991, newspapers "Socialistii" ("The Socialists") (Ru), pr. 185,000 copies, com. No 992, Edit Tipar Grup SRL Typography of 22 October 2016; 21x20cm² colour folded leaflets, pr. 30,000 copies, com. No 0627 of 21 October 2016. Promo-LEX EOM has estimated an amount of expenses of at least MDL 654,100.



Concerning Marian Lupu (PDM), the Promo-LEX observers have reported materials without indicating the command of printing as prescribed by law: folded leaflets of 4 pages, colour paperboard of $20x10cm^2$, pr. 60,000 copies, Fabrica Disa SRL Typography of 23 September 2016; A4 folded leaflets, Fabrica Disa SRL Typography of 29 September 2016, pr. 40,000; A3 posters, colour glossy paper, Estate Design SRL Typography, pr. 40,000 copies, com. No 1417, Fabrica Disa Typography; A3 calendars, pr. 25,000 copies, Estate Design Typography; newspapers com. No 1475, pr. 20,000 copies, Fabrica Disa SRL Typography; $21x20cm^2$ folded leaflets, pr. 40,000 copies, Fabrica Disa SRL Typography. Promo-LEX EOM has estimated an amount of at least MDL 352,000.

Concerning the EC Dumitru Ciubasenco (PPPN), the Promo-LEX observers reported "Puterea e în adevăr" ("Power in Truth") newspapers of 8 pages, colour matte paper, Universul SRL Typography, com. No 1302, pr. 150,000 copies (Ru), according to Invoice No 1703 of 29 September 2016; A3 calendars without typographical data; "Puterea e în adevăr" ("Power in Truth") newspapers, Issue 12, (Ru), pr. 200,000 copies, Universul Typography, com. No 1400, paid from Electoral Fund No 1703 of 29 September 2016; newspapers "Puterea e în adevăr" ("Power in Truth"), Issue 12; pr. 200,000 copies; com. No 1426, Universul Typography; flyers with the slogan "Votaţi Dumitru Ciubasenco" ("Vote for Dumitru Ciubasenco"), pr. 150,000 copies, Europres SRL Typography, paid fron the Electoral Fund according to Invoice No 413 of 4 October 2016; A3 posters, T.E.U. Typography, com. No 1438, pr. 30,000 copies paid from Electoral Fund according to Invoice No 1724 of 4 October 2016; A4 posters, pr. 200 copies, Europres SRL Typography, according to Invoice No 383 of 30 September 2016; A4 posters of 30x40 cm, 20x30cm without typographical data. Newspapers "Puterea e în adevăr" ("Power in Truth"), Issue 13, Universul Typography, pr. 5,000 copies, com. No 1545 of 20 October 2016; folded leaflets "Puterea e în adevăr" ("Power in Truth"), pr. 250,000 copies, Universul Typography of 13 October 2016; newspapers pr. 185,000 copies, Edit Tipar Grup SRL Typography, com. No 960 of 13 October 2016; A4 posters, com. No 1302, pr. 150,000 copies, newspapers "Puterea e în adevăr" ("Power in Truth"), pr. 250,000 copies, Universul Typography, com. No 1753 of 13 October 2016. Promo-LEX EOM has estimated an amount of expenses of at least MDL 1,171,500.

Concerning the EC Mihai Ghimpu (PL), the Promo-LEX observers reported colour flyers of 15x21cm², Tipografia-Sirius Typography, Contract No 34 of 22 September 2016, pr. 100,000 copies; colour flyers of 15x21cm², Tipografia-Sirius Typography, Contract No 34 of 22 September 2016, pr. 200,000 copies, colour newspapers of 8 pages, TIPOMEDIA PROD SRL Typography, Contract No 11/2016 of 1 October 2016, pr. 200,000 copies, fridge magnets manufactured by Baster-Media SRL, com. No 8446 of 23 September 2016. A4 posters, Monarch SRL Typography, pr. 25,000 copies; colour A4 folded leaflets (2X1), Monarch SRL Poliart Typography, pr. 100,000 copies; 7x10cm colour calendars, Monarch SRL Poliart Typography, pr. 25,000 copies; colour A3 bill sticking of PL, Tipografia-Sirius Typography, Contract No 34 of 22 September 2016, pr. 50,000 copies; promotional materials - the "Ghid Electoral" ("Electoral Guide") book, 110 pages, without typographical data; 20x10cm² flyers, pr. 200,000 copies, Print Studio SRL Typography, A3 posters, pr. 50,000 copies, Tipografia-Sirius Typography, door hangers, pr. 200,000 copies, Print Studio SRL Typography, A5 folded leaflets, pr. 100,000 copies, Tipografia-Sirius Typography. Promo-LEX EOM has estimated an amount of expenses of at least MDL 1,130,000.

Concerning the EC Iurie Leanca, the Promo-LEX observers reported 15x20cm² colour folded leaflets of 4 pages, Monarch SRL Poliart Typography, pr. 100,000 copies, without printing date and number of command; small colour paperboard calendars of $10x7cm^2$, without number of command, pr. 25,000 copies, A4 posters, Monarch SRL Poliart Typography, pr. 25,000 copies, 20x21cm2 folded leaflets, pr. 50,000 copies, Poliart Typography of 7 October 2016. Promo-LEX EOM has estimated an amount of at least MDL 250,000.

Concerning Inna Popenco, the Promo-LEX observers reported 4-page 10x20cm2 color folded leaflets, Tipar&SI Typography, pr. 25,000 copies (Ru), without printing date and number of command; 4-page 10x20cm2 color folded leaflets, Tipar&SI Typography, pr. 25,000 (Ro), without printing date and number of command; A3 posters, colour glossy paper, Novaimprim SRL Typography, on 30 September 2016, pr. 1,500 copies, newspapers, Edit Tipar Grup SRL Typography,

pr. 100,000 copies, com. No 909; questionnaires - colour matte paper, Primex Com SRL Typography, contract No 05/A of 30 September 2016, pr. 75,000 copies, 3,000 baloons with the EC's logo, A3 posters, Nova-imprim SRL Typography, pr. 600 copies, 6 October 2016; "Schimbare pentru Moldova" ("Change for Moldova") newspaper, GRUP SRL Typography, com. No 909 of 1 October 2016, pr. 100,000 copies. A3 posters, pr. 1,500 copies. Promo-LEX EOM has estimated an amount of at least MDL 146,750.

Concerning Maia Sandu (PPPAS), the Promo-LEX observers reported folded leaflets, Poliart SRL Typography, dated 7 October 2016, com. No 648, pr. 50,000 copies; A4 posters, POLIART SRL Typography, com. No 649, pr. 50,000 copies; A0 (3*A3) posters, pr. 2,000 copies, com. No 711, Balacron Typography, dated 24 October 2016; A3 posters, pr. 20,000 copies; com. No 709 of 21 October 2016; A5 flyers, pr. 200,000 copies, com. No 710 of 24 October 2016, Balacron Typography. Promo-LEX EOM has estimated an amount of at least MDL 220,000.

Concerning Ana Gutu (PPD), the Promo-LEX observers reported 21X15cm² folded leaflets with political advertising, colour glossy paper, without typographical and print run data, A4 PPD folded leaflets of 2 pages, without typographical data. Promo-LEX EOM had no data to make the necessary estimations.

Regarding IC Silvia Radu, Promo-LEX observers reported A3 colour posters. Nova-Imprim Typography, pr. 1,000 copies, 11 October 2016; A3 posters, paid from the Election Fund, Nova-Imprim Typography, pr. 1,000 copies, 11 October 2016; A3 folded leaflets, pr. 1,000 copies, Nova-Imprim Typography, 100 plastic bags and notebooks, T-shirts without date and print run data. Promo-LEX EOM has estimated an amount of at least MDL 7,700.

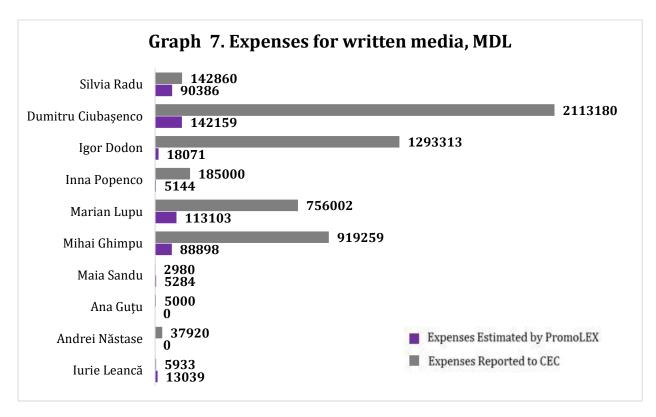
Concerning Andrei Nastase, the Promo-LEX observers reported "Demnitate şi Adevar" ("Dignity şi Truth") newspapers of 8 pages, colour matte paper, Edit Tipar Grup SRL Typography, com. No 868, pr. 100,000 copies (Ro). Promo-LEX EOM has estimated an amount of at least MDL 48,000 of expenses.

Promo-LEX EOM continues to find non-compliance with the legal norm of reporting expenditures for promotional materials, and improper completion of reports in this respect. The concerned election candidates (Marian Lupu, Mihai Ghimpu, Silvia Radu, Igor Dodon, Maia Sandu, Inna Popenco, Dumitru Ciubasenco, Ana Gutu, Iurie Leanca) did not includ in their reports, as prescribed by law, the typographical data that are found on promotional material, thus creating impediments in the process of assessing the conformity of reporting and in terms of the norm required for ensuring the transparency of payments made, as well as elucidating real expenses in this respect. Simultaneously, Promo-LEX EOM has found improper printing of typographical data on some samples of promotional materials of 3 EC (Marian Lupu, Igor Dodon, Ana Gutu).

Promo-LEX EOM notes violation of the legislation on financing election campaigns - Article 38 (4) of the Electoral Code, by 1 EC (Mihai Ghimpu). Even until 28 October 2016 he did not include the payments for contracting the typography indicated on the advertising material at a print run of 100,000 copies, printed at TIPOMEDIA PROD SRL Typography, in the final report on cash flow and expenses incurred during the election campaign. Printing took place under a contract dated 1 October 2016, specifying payment from the "Electoral Fund" account of the candidate. The violation concerns the fact that Mihai Ghimpu had incurred expenses for printing promotional materials such as newspapers before he opened the "Electoral Fund" account on 3 October 2016. We note a violation in this case, since according to Article 38 (4) of the Electoral Code, all the expenses for the election campaign shall be made from the "Electoral Fund" account.

h) Expenses for Advertising in the Local/Regional Written Media

According to Promo-LEX observers, for the period indicated, 10 EC incurred expenses for advertising in the written media amounting to at least MDL 476,084. Promo-LEX EOM underlines that these expenses are included in the election candidates' reports, and what's more, they amount to MDL 5,461,447. (See Graph 7).



i) Expenses for Public Events

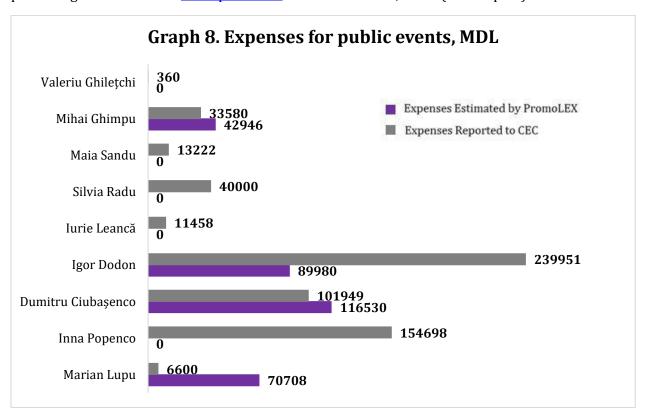
According to Promo-LEX observers, at least 4 EC (Dumitru Ciubasenco, Marian Lupu, Igor Dodon, Mihai Ghimpu) spent money for organising 11 concerts. These concerts involved at least 10 artists. 3 EC (Marian Lupu, Dumitru Ciubasenco, Mihai Ghimpu) did not report real expenses in this respect. The estimated unreported expenses amount to at least MDL 88,055.

The expenses for public events include the coverage in the media, the fees of artists, the costs for rental of space, stage, sound equipment etc. The basis for calculating the expenses for election events/concerts was the fee of each artist (market rate) performing for a certain potential EC multiplied by the de facto working time per event.

According to the Promo-LEX Monitoring Effort estimates, the total expenses for public events amounts to at least MDL 320,164.

According to observers' findings, Dumitru Ciubasenco organized 3 electoral concerts. Natalia Gordienco (2), the dance ensemble from Tomai village, popular ensemble Juravusca, Vitalie Dani, Nelly Ciobanu, Doredos band, Cristina Croitoru, and Brio Sonores band performed for this EC. 2 concerts were accompanied by fireworks of 5 and 10 minutes. A mobile stage was transported for one concert. Promo-LEX EOM estimated the expenses for artists' fees amounting to at least MDL 64,530, for fireworks - MDL 30,000, mobile stage - MDL 22,000. Igor Dodon organized 2 electoral concerts. Aliona Moon, Olga Ciolacu (3), Natalia Gordienco, Pasa Parfenii, and Lume band performed for him. Promo-LEX EOM estimated the expenses for artists' fees amounting to at least MDL 69,980, for fireworks - MDL 20,000. Marian Lupu organized 5 electoral concerts. Lenuta Gheorgita, Mihai Ciobanu, Victoria Lungu (3), Mariana Sura, folklore ensembles from different districts, soloists, and instrumentalists performed for this EC. Fireworks (1). One article of 1213cm² in the newspaper "Evenimentul actual" ("Current Event"), and one 8x10m² banner were reported. Promo-LEX EOM estimated the expenses for artists' fees amounting to at least MDL 46,220, for broadcasting the event - MDL 4,488, for fireworks - MDL 20,000. Mihai Ghimpu organized 1 launch concert during the election campaign. Vali Boghean performed for Mihai Ghimpu. Promo-LEX EOM estimated the

expenses for artists' fees amounting to at least MDL 10,000. Rental expenses - MDL 15,718.5, for promoting the event in the <a href="https://www.privesc.eunetwork - MDL 17,227.2. (See Graph 8)

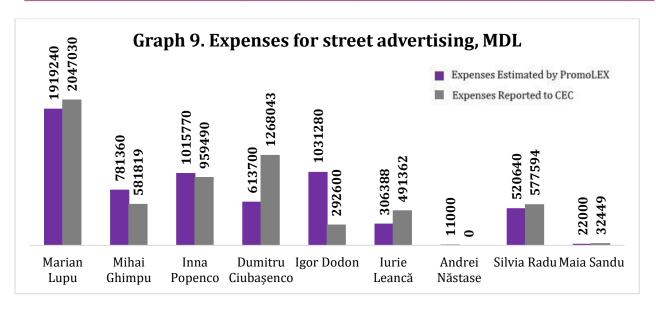


i) Expenses for Street and Mobile Advertising

According to Promo-LEX observers, during the indicated period, 9 EC incurred expenses for street and mobile advertising. Most of the expenses were included in the reports, except for 4 EC: Igor Dodon, Mihai Ghimpu, Inna Popenco, Andrei Nastase. Promo-LEX EOM notes that in all 4 cases the submitted costs are insufficient.

According to Promo-LEX observers' verifications, the minimum monthly fee to place a street billboard of $6x3m^2$ is at least MDL 6,660, a street billboard of 15x12 $m^2/20X10$ m^2 – at least MDL 20,200, a LED billboard - MDL 7,770, a street billboard of 1.8x2 m^2 – at least MDL 2,220, a banner of 1.5X2 m^2 – at least MDL 2,000. TV advertising in Nr.1 market network - 6 markets (for 30 days, 10 min a day, from 9.00 a.m. to 10.00 p.m.) - MDL 144,330. According to estimates, the expenses for street billboards for 4 weeks amount to at least MDL 6,221,378.

Regarding Igor Dodon, the Promo-LEX observers reported 82 street billboards of 3X6m², 88 city lights, 99 banners of 2x1m², 4 street billboards of 6x15m², 1 tent and 2 LED billboards. Regarding Mihai Ghimpu, the Promo-LEX observers reported 69 street billboards of 6X3m², 81 city lights, 71 banners of 2x1m². Regarding Inna Popenco, the Promo-LEX observers reported 56 street billboards of 6X3m², 282 banners of 2x1m², 1 street billboard of 3x12m², TV advertisement in the Nr.1 market network. Regarding Andrei Nastase, Promo-LEX observers reported 4 banners of 2x1m², 1 tent. According to Promo-LEX EOM estimates, Igor Dodon failed to declare in his report at least MDL 738,680, Mihai Ghimpu - MDL 199,541, Inna Popenco - MDL 56,280, Andrei Nastase - MDL 11,000. (See Graph 9).



i) Expenses for online advertising

Until 29 October 2016, Promo-LEX EOM found the presence of online advertising - paid Facebook advertisement and online banners on a number of portals of 10 election contestants (Marian Lupu, Igor Dodon, Mihai Ghimpu, Iurie Leanca, Dumitru Ciubasenco, Silvia Radu, Inna Popenco, Ana Gutu, Mihai Ghimpu, Igor Dodon, Silvia Radu, Iurie Leanca). Only 6 EC reported expenses similar to the estimates made by Promo-LEX EOM.

The formula for calculating the costs of sponsored pages on Facebook is the number of days when the advertisement was observed multiplyed by 1 sponsored post of EUR 5 (MDL 111). The costs for online banners were calculated by multiplying the number of online advertising houses that own the platforms presented below with the price of EUR 350/month (MDL 7,770).

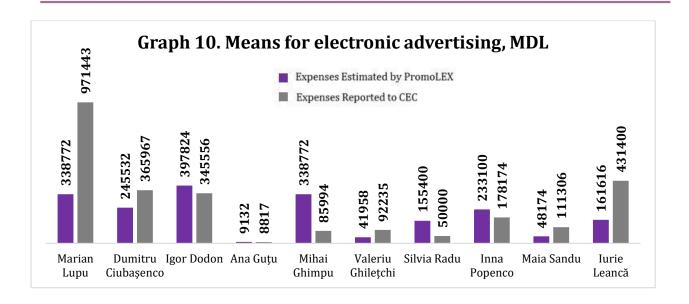
Promo-LEX EOM found that 4 of the EC mentioned above (Mihai Ghimpu, Igor Dodon, Silvia Radu, Inna Popenco) did not report fully these expenses, and estimated an amount of MDL 465,687 of expenses unreported by these 4 EC: Mihai Ghimpu - MDL 252,778, Silvia Radu - MDL 105,400, Inna Popenco - MDL 54,926, Igor Dodon did not declare at least MDL 52,268.

Concerning Igor Dodon, Promo-LEX observers reported at least 3 unique sponsored posts on Facebook and online banners on at least 14 different portals, all running for 28 days: www.unimedia.md – 1000X250 pixel banner; www.agora.md – 1000X250 px banner, www.acasa.md – 1000X250 px banner, www.acasa.

Concerning Mihai Ghimpu, Promo-LEX observers reported at least 9 unique sponsored posts on Facebook and online banners on at least 4 different portals, all running for 28 days: www.unimedia.md - rich media banners, www.agora.md - classic and rich media banners, www.agora.md - classic online banners.

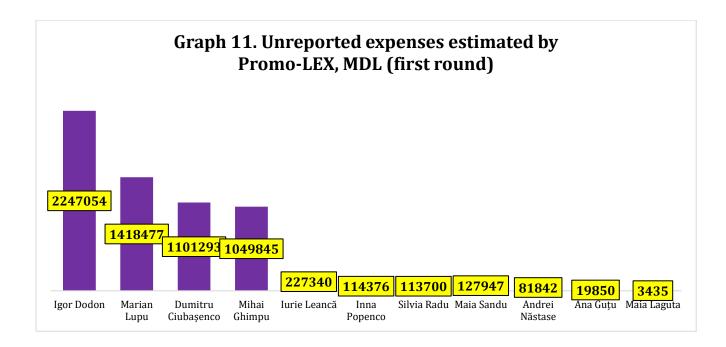
Concerning Silvia Radu, Promo-LEX observers reported at least 3 unique sponsored posts on Facebook and online banners on at least 4 different portals, all running for 28 days: www.ea.md, <a href="www.ea

Concerning Inna Popenco, Promo-LEX observers reported at least 3 unique sponsored posts on Facebook and online banners on at least 4 different portals, all running for 20 days: www.ea.md, <a href="www.e



Promo-LEX EOM notes that 11 EC did not reflect completely the expenses incurred during the election campaign. The total unreported expenses amount to at least MDL 6,505,159.

Promo-LEX EOM informes the electoral authority about failure of EC to comply with the legal provisions, in this case, Article 48¹ (2) of the Code of Administrative Offences, which stipulates that violation of the tracking and use of property of political parties and of electoral fund resourses is sanctioned with a fine of 100 to 300 conventional units applied to the responsible person.



6. CIVIL SOCIETY

6.1. Civic Mobilization Activities and Electoral Implication

Civic Mobilization Campaign. Between the first and the second round of elections, the Promo-LEX Association continued to implement the information and civic mobilization campaign "Ieşi la Vot" ("Come and Vote") with the slogan "ANGAJĂM PREȘEDINTE" ("PRESIDENT WANTED"). The purpose of the campaign is to contribute to the apolitic mobilisation of voters and promote informed and conscious voting among Moldovan citizens. To this end, on 6 October 2016, 105 volunteers from Promo-LEX discussed with citizens in 35 towns and informed them about the second round of presidential elections.

A group of Moldovan citizens living abroad have initiated an online campaign "Adoptă un vot" ("Vote for Your Future") to mobilize the Moldovan diaspora. The campaign ensures free transport and accommodation for fellow citizens who wish to vote in the second round of presidential elections, given that many fellow citizens have to travel long distances to exercise their right to vote.

Requesting special voting conditions for students. On 3 November 2016, a group young people organized a protest in front of the CEC in Chisinau, demanding the right to vote at the place of study. The protest lasted about 40 minutes, after which the CEC Chairperson met with the leaders of the protesters. During the meeting they discussed the participation of students and pupils with the right to vote in the second round of presidential elections on 13 November 2016. As a result, on 3 November 2016, the CEC posted on its website a press release, informing about the request for school administration to examine the possibilities of registrating at residence the students and pupils entitled to vote.

Requesting special voting conditions for Moldovan citizens who are abroad on the election day. During the monitoring period, after the first round of presidential elections in RM, some members of the diaspora have started an online petition asking the CEC to include the ID card into the list of documents based on which Moldovan citizens can vote abroad. The applicants argue their position by the fact that many Moldovan citizens living abroad have Romanian citizenship too, they are registered in the host country on the basis of Romanian documents, and they do not have the passport of the Republic of Moldova for going abroad. Furthermore, the members of the diaspora underline that the current legislation does not reflect the current realities and needs of Moldovan citizens living abroad.

6.2. Press Conferences

Promo-LEX EOM notes the that several NGOs and opinion leaders became more active on the eve of the second round of presidential elections. According to the observations, at least 23 events of such nature took place (Annex 2).

6.3. Opinion Polls

According to Article 641(10) of the Electoral Code, any surveys of voters' political preferences during the election period can be conducted only with the preliminary notification of the CEC, and their results can be made public 5 days before the election day, at the latest. On the election day, prior to the closing of all polling stations, the media shall refrain from making public materials, including interviews with voters, indicating how the contestants in the election are faring or how likely they are to obtain votes, including the exit-poll results.

To this end, only one opinion poll was made public during the monitoring period. It was presented by the Association of Sociologists and Demographers from Moldova on 7 November 2016. It attests the trends and preferences of voters on the eve of the second round of presidential elections. The poll was conducted during 1-5 November this year, on a representative sample of 1,075 respondents from 78 settlements. The margin of error is 3%.

6.4. Monitoring of Elections

On 31 October 2016, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) submitted the results of the international election observation missions. It represents a joint effort of evaluating the presidential elections of 30 October 2016, in accordance with the OSCE commitments and other obligations and the international standards for democratic elections, as well as the national legislation.

The international mission certifies that the procedures of the first round on the election day were respected in a well-ordered and calm manner. The voting process was assessed as very positive, with the basic procedures being respected. Evaluation of calculation of votes was less positive due to procedural irregularities. The counting process was assessed as being a prompt and transparent one, however the inadequate facilities for tabulation of results in some ECC resulted in tensions on a small scale. In almost all the monitored polling stations and ECCs, the candidates' representatives and observers were allowed to observe all stages of voting, calculation and tabulation without facing restrictions. The preliminary results depending on the polling station were posted on the CEC website, thus strengthening this process.

On 1 November 2016, the preliminary findings and conclusions of the 2016 presidential election monitoring mission of the European Network of Election Monitoring Organizations (ENEMO) were submitted. The opinion that the mission arrived at is that the electoral process on 30 October 2016 was transparent, orderly and in line with the international standards. The procedural irregularities observed in isolated cases did not have a negative impact on the electoral process, since they occurred without some clear instructions or due to a careless attitude of the EOPS members.

6.5. The Media

The National Media. During the monitoring period, the Promo-LEX Association, in partnership with NPAI Teleradio Moldova Company, organised electoral debates on the public channels Moldova 1 (10 November 2016) and Radio Moldova (10 November 2016). The main topics of the debates were: the economic policy, the security policy, insurance of the fundamental human rights, organization and democratic governance of society, insurance of social cohesion in Moldova, etc. The electoral debates are part of the "Ieși la VOT!" ("Come and Vote!") Civic and Electoral Education Campaign.

Other 6 broadcasters have also organised public debates: TV 7, ProTV, Jurnal TV, Realitatea TV, Accent TV şi Noroc TV.

The Centre for Independent Journalism and the Independent Press Association submitted on 10 November 2016 the sixth monitoring report assessing the media coverage of the campaign for presidential elections in Moldova for the period 28 October - 5 November 2016.

Regional and Local Media. Promo-LEX EOM notes that all occurrences reported in written media, and in the emission of local and regional broadcasters on the campaign for the second round of 2016 presidential elections contain elements of electioneering.

On 3 November 2016, at the radio station "Radio Media" from the town of Cimişlia, the presenter Zinaida Bargan campaigned for the candidate Igor Dodon. On 6 November 2016, the presenter Maria Gherlac, during a radiocast at the local radio station Dubasarii Vechi (Criuleni d.) urged voters to vote for the candidate Maia Sandu.

Materials favoring the candidates Maia Sandu and Igor Dodon were published in Issue 43 of Curierul de Hînceşti newspaper of 4 November 2016. A material favoring the candidate Maia Sandu was published in Issue 41 of Observatorul de Nord newspaper of 4 November 2016, covering the districts of Soroca, Drochia, Briceni and Edinet.

A denigrating material on the presidential elections in Moldova, criticizing the two candidates in the second round, was published in the local newspaper "Pridnestrovia Novosti" from Tiraspol municipality.

VII. ELECTORAL INCLUSION AND EQUAL OPPORTUNITIES

a. Access to vote of persons with disabilities

According to Promo-LEX EOM findings, 36% of the monitored polling stations on the election day were not accessible for people with mobility impairments (no ramp/approach slope, PS located on the 2nd floor, etc.). Other 33% of PS were not properly equipped for persons with visual impairments (at least one of the following was missing: sufficient illumination, magnifying glass, a ballot paper with large font, etc.).

b. Use of messages and discriminatory attitudes in the election campaign

On 8 November 2016, 13 NGOs and 11 civic activists launched a public appeal "2016 Elections: from discrimination to incitement, hatred and lies". The signatories note with great concern and indignation the proliferation of attitudes, discourses and practices that are harmful and dangerous for the present and the future of democracy in the Republic of Moldova. The appeal contained statements and discriminatory, sexist, and xenophobic attitudes which feed up the fears and stereotypes towards certain social groups such as women, immigrants, refugees, atheists or non-Christians, homosexuals. The report condemns any discriminatory and hateful speeches presented in public, and all persons are requested to refrain from such attitudes.

RECOMMENDATIONS:

For the Parliament of the Republic of Moldova

 To amend the legal provisions, which govern the method of calculating the percentage value of the votes expressed in support of election candidates in the election of the President of the Republic of Moldova.

For the Central Electoral Commission

- 1. To ensure the proper functioning of SIAS Elections.
- 2. To improve the electoral lists, including by saving the changes made during this presidential election.
- 3. To regulate explicitly the possibility of financing the election campaign of candidates by political parties.

For Electoral Offices of Pollong Stations

- 1. To provide for the second round of elections the elimination of electoral posters within 100 m from the polling stations.
- 2. To provide conditions for free observation of the electoral process.
- 3. To verify the accuracy of drawing up the minutes on the voting results according to the verification formulas embedded in the process.

For the Ministry of Justice

1. To warn the Metropolis of Chisinau and Whole Moldova about the violation of legislation by clergy by sharing their political preferences and their support for a particular election candidate in the presidential campaign.

For the Local Public Administration

1. To solve the problems related to heat supply in polling stations.

For Election Candidates:

- 1. To refrain from using printed materials with denigrating content addressed to their counter-candidates, and from using the techniques of black PR in the election campaign.
- 2. To avoid using discriminatory, sexist, xenophobic and homophobic messages and attitudes.
- 3. To avoid the practice of collective transportation of voters to polling stations on election day.

For Law Enforcement Bodies

1. To investigate, in accordance with the provisions of contravention or criminal procedure law, the cases concerning illegal campaign financing.

LIST OF ABBREVIATIONS

para - paragraph

CPA - Central Public Administration

PACE - The Parliamentary Assembly of the Council of Europe

API - Independent Press Association

LPA - Local Public Administration

PA OSCE - The Parliamentary Assembly of the OSCE

Art. - Article

TID - Temporary Identity Card

BRD - Bureau for Diaspora Relations

twp. - township

LACPD - Legal Assistance Center for People with Disabilities

BCC - Broadcasting Coordination Council

CEC - Central Electoral Commission

ECC - Electoral Constituency Council

IC - Independent Candidate

CCET - Center for Continuous Electoral Training

CIJ - Independent Journalism Center

com. - command

ENEMO - European Network of Election Monitoring Organizations

ET – Event Template

VT - Visit Template

IRI - International Republican Institute of USA

let. - letter

m² – square meter

EOM - Election Observation Mission

mun. – municipality

No - number

NGO - Non-Governmental Organization

UN - United Nations

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

PCRM - Party of the Communists of the Republic of Moldova

p. - point

EP - European Parliament

PLDM - Liberal Democratic Party of Moldova

PPPAS - Action and Solidarity Party

PPMSPR - Political Party Social-Political Movement Ravnopravie

PPPN - Our Party Political Party

PSRM - Political Party "Party of the Socialists from the Republic of Moldova"

PVT - Parallel Vote Tabulation

QC – Quick Qualitative Vote Counting

d. – district

RM - Republic of Moldova

v. - village

SIAS Elections - State Automated Information System "Elections"

USA - United States of America

PS - polling station

pr. - Print Run

TV – television

ATU - Administrative Territorial Unit

UATSN – Administrative Territorial Unit on the left bank of the Nistru River u. – unit
USAID – United States Agency for International Development
ATUG – Autonomous Territorial Unit Gagauzia

ANNEX 1. Model of Minutes on the Outcome of Vote Tabulation

(type of elections)	
 20	
(election date)	

MINUTES on the Outcome of Vote Tabulation drafted by the Electoral Office of Polling Station No _____

village (township), town, municipality, district, ATU Gagauzia

In accordance with Art. 30, 56-58 and 85/108/132 of the Electoral Code, the electoral office of the polling station has established:

a	The number of voters included on the main lists of voters *	
b	The number of voters included on the additional lists of voters	
С	The number of voters who have been issued ballot papers**	
d	(c≤a+b); (c≥d) The number of voters who voted (d=f+h)	
e	The figure that stands for the difference between ballot papers received by voters and number of voters who voted (e=c-d)	
f	The number of ballots declared invalid (f=d-h) (ballot papers taken from ballot box and declared invalid)	
h	The total number of valid votes cast (h=g1+g2+g3+g4++gn)	
i	The number of ballot papers received by the electoral office of the polling station (i=c+j)	
j	The number of unused and canceled ballots*** (j=i-c) (including ballot papers that have been wrongly filled in and canceled)	

*The number of voters included in the main lists of voters must be identical with the number in the minutes on preparation of polling station on election day

**The number of voters who have been issued ballot papers must be identical with the number of voters who signed the lists of voters upon receiving a ballot paper

***The number of unused and canceled ballot papers does not include the ballot papers declared invalid

Check the accuracy of drawing up the minutes with the help of the following formulas:

 $c \le a + b$; $c \ge d$; d=f+h; e=c-d; f=d-h; h=g1+g2+g3+g4+...+gn; i=c+j; j=i-c.

g	Electoral contestants in the registration order in the ballot paper:	The number of valid votes cast
g1		
g2		
g3		
g4		
gn		

Name and surname		Sex (M/F)	Signature
President			
Vice-President			
Secretary			
Electoral office of polling station meml	ers:		
Name and surname		Sex (M/F)	Signature
			Signature
Name and surname			Signature
Name and surname			Signature
Name and surname			Signature

L.S.	hour min
Date and time of drawing up the minutes	20

ANNEX 2. Civic Mobilization through Press Conferences

Protagonist	Conference Topic
National movement VOIEVOD,	We must change this corrupted system!
Scutul Moldovenesc, other NGOs	j , j
Iurie Rosca, journalist, writer	Presidential Elections
Group of officers (reserve,	Supporting the candidate Maia Sandu for presidency
retired), the management body of	
the Ministry of Defense, Ministry	
of Interior and SIS	
Viorel Donică, ex-director of SE	Igor Dodon's schemes and transgressions in government and in
"Univers-Agro"	opposition
1992 War Veterans Association	"Why we do not vote for Dodon"
Tiras-Tighina	
Association of Sociologists and	"Social and political situation in Moldova on the eve of the
Demographers from Moldova	second round of the presidential elections and voters' opinions"
"PARLAMENTUL-90" NGO	"Defend the fundamental principles of the Declaration of
	Independence! With Maia SANDU"
Leaders of the Reformist Liberal	The Reformist Liberal Party supports Maia Sandu
Party	,
Oazu Nantoi, Victor Leanca,	Addressing the elderly fellow citizens in connection with the
Gheorghe Baciu	second round of presidential elections
LPA representatives from the	The position of the representatives of local public
south of the Republic of Moldova	administrations in southern Moldova concerning the second
	round of presidential elections
Artists and academists	Artists and academists supporting the candidate Maia Sandu
Representatives of Chisinau	Total mobilization for Chisinau residents. Maia Sandu - the
Municipal Council factions	President!
Representatives of the Russian-	In the second round of presidential elections, the Russian-Slavic
Slavic Party from Moldova	Party from Moldova will support the candidate from PSRM, Igor
	Dodon
Group of veterans of the war for	War veterans will support the candidate Maia Sandu
the defense of independence and	
integrity of Moldova	
The initiative for transparent	The first round of presidential elections - issues of callers to the
elections "Fair Presidential	hotline
Election"	Councilors marrows and heads of districts in the councilors
LPA representatives	Councilors, mayors and heads of districts in the country are
	against liquidation of mayoralties and optimization of districts,
The leaders of Casislist Decale's	and express their position regarding presidential elections
The leaders of Socialist People's	About the election campaign and the strategic program to modernize Moldova
Party of Moldova "Onoare, Demnitate și Patrie"	The necessity of the right to vote starting with the age of 16
("Honour, Dignity and	The necessity of the right to vote starting with the age of 10
Homeland)" NGO	
Representatives of ethnic	The position of representatives of several ethnic groups in
minorities of ethnic	Moldova regarding the educational policies promoted by Maia
minorities	Sandu, and regarding the presidential election
	banaa, ana regarang are presidential election

Consiliul Municipal 90 (90	Declaration in support of the candidate for President of the	
Municipal Council) Association	country	
Viorel Donică, ex-director of SE	New revelations regarding the Moldovan politicians'	
"Univers-Agro"	transgressions, appeal and request to citizens of the country	
"STOP FALS!" Discussion Club	Informational manipulation in the electoral campaign	