



## THE CIVIC COALITION FOR FREE AND FAIR ELECTIONS

### PROMO-LEX ASSOCIATION

#### FINAL REPORT

#### **Monitoring the national constitutional referendum of 5 September 2010**

Monitoring period: 7 July 2010 – 10 September 2010

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# **Monitoring of the national 5 September 2010 Constitutional Referendum**

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## I. SUMMARY

Promo-LEX carried out a nationwide monitoring effort to observe the national constitutional referendum of 5 September 2010 in the period from 7 July 2010 to 10 September 2010. The findings of the monitoring mission are based on direct observation of the electoral process carried out by a network of 42 long-term observers in all the rayons (districts) of the country. On voting day, other 300 short-term observers were involved in the observation, being assigned to select polling stations from a nationally representative sample.

The final monitoring Report includes the findings and the recommendations made in the period preceding the referendum campaign, during the campaign and on the voting day.

During the monitoring period Promo-LEX observers found that the public and election authorities were overall prepared satisfactorily to cope with the tasks related to the poll. The observation revealed no cases of discrimination against the referendum participants or voters by the public or election authorities. However, the voters residing in the Transnistrian region were confronted with unfavorable conditions for their right to vote.

During the referendum, the monitors observed that the number of applications for mobile voting was lower than in the previous campaigns. Massive mobile voting had in the past raised concerns about the fairness of the electoral process. At the same time the overall turnout was also considerably lower in this latest poll.

The Promo-LEX monitoring effort revealed a number of deficiencies related to the legal framework adopted in the period preceding the referendum, which partly contradicted the Election Code. Shortcomings were registered in the process of organizing the poll, both due to flawed development and implementation of the Timetables established by the CEC. Other problems were observed in the process of compiling, publishing and verifying the electoral rolls and in sending invitations to voters. Shortcomings were also observed in relation to the establishment of and supply arrangements for the electoral bureaus of the polling stations (PEB). Other objections were formulated with respect to the level of instruction and the activity of PEB members on voting day in a number of locations.

Two political parties represented in Parliament failed to delegate representatives to electoral bodies of first and second levels. Hence, the electoral bodies were predominantly formed by the “majority” political parties and in some cases with the contribution of the local authorities.

A number of political parties and sociopolitical organizations officially registered with the CEC as referendum participants submitted incomplete and overdue financial reports to the election authorities. Almost every second referendum participant failed to present financial reports to the CEC in the established time limits. For its part, the CEC made insufficient efforts to verify the information presented by the participants in their financial reports. Also, the referendum participants generally had a disregardful attitude towards the Code of Conduct.

Additionally, Promo-LEX observers found multiple and worrisome cases of undue influence exerted on voters, in particular on the voting day. The monitors reported cases of undue influence exerted on voters by the representatives of some public institutions, local authorities and universities. Cases of intimidation were also registered with respect to the voters residing in the Transnistrian region, who were prevented by the representatives of the Tiraspol administration from exercising their right to vote. The observers also noted a number of cases where the participants made financial donations to voters or entities in an electoral context.

The Promo-LEX monitoring effort found numerous instances when local authorities' representatives engaged in campaigning in favor of certain referendum participants. Observers also noted numerous activities aimed at boycotting and obstructing the electoral process by some referendum participants and representatives of local authorities. Such activities were prevalent on the voting day.

Other cases concern the abusive use of campaign advertising by a number of referendum participants, which was partly due to imperfections in the electoral legal framework.

Among the positive tendencies, specifically in the context of organizing the voting abroad was the fact that most of the Moldovan diplomatic missions had posted on their web pages information on the Referendum and the voting process.

One of the key recommendations formulated by the Promo-LEX monitoring mission is the need to develop a set of functional mechanisms for the proper implementation of the electoral legal framework by the local and election authorities. There is also a need to introduce additional measures to improve financial reporting and create favorable conditions for the exertion of the right to vote across the entire national territory, with the imposition of sanctions for the public authorities which violate this right.

The findings and recommendations of the Promo-LEX monitoring effort are formulated in good faith and aim at improving the electoral processes and the voter confidence in this fundamental democratic exercise.

## **II. THE PROMO-LEX MONITORING EFFORT**

The observation of the national constitutional referendum, which took place on September 5, is a project implemented by the Association Promo-LEX as part of the Civic Coalition for Free and Fair Elections “Coalition 2009”. This is a voluntary union of non-governmental organizations aiming to enhance the electoral process and raise public confidence in this process. The various election monitoring programs within the framework of the “Coalition 2009” are implemented by Promo-LEX as well as other member organizations.

The Promo-LEX monitoring effort involved 42 long-term observers, who monitored the electoral process in all the electoral districts in Moldova in the period from 13 August 2010 to 10 September 2010. The long-term observers were assisted by 300 short-term observers (who were assigned to various polling stations representing 15% sample of the total number of stations) to monitor the electoral process on the voting day. The activity of all the observers was coordinated by a central team whose structure was developed prior to the poll.

This project was supported financially and technically by the Organization for Security and Co-operation in Europe (OSCE), the United States Embassy, the East Europe Foundation with resources from the Swedish International Development Cooperation Agency (Sida), the Ministry of Foreign Affairs of Denmark, the National Endowment for Democracy (NED), the United States Agency for International Development (USAID) through the Eurasia Foundation. The expressed opinions belong to the authors and do not necessarily reflect the opinions of the donors.

## **III. INTRODUCTION**

On 5 September 2010, Moldova held its first ever constitutional referendum, in which the voters were asked to express their opinion about a legal proposal concerning the amendment of Article 78 of the Constitution, proposing a direct popular vote for the president. The voters were asked to answer the question: “Would you agree with the amendment of the Constitution which would allow for the election of the President of Moldova directly by the people?”, with two options given: “In favor” and “Against”. Twenty-five political parties and sociopolitical organizations were registered as participants in the referendum.

Until September 27, the Central Election Commission (CEC) didn't issue any final decision on the outcome of the referendum. According to CEC Decision no.3531 of 9 September 2010, concerning the results of the national constitutional referendum of 5 September 2010, 818,476 persons participated in the vote out of the total 2,662,052 persons included in the electoral rolls. Of the total number of valid votes (805,467), 707,468 votes were “in favor” (87.83%) and 12.17% “against”. According to information presented by the CEC on overseas

voting, 19,705 people abroad participated in the referendum, of whom 19,276 (97.99%) were “in favor” and 395 persons (2.01%) were “against”.

The voter turnout amounted to 30.29% of the total eligible voters. In conformity with the provisions of the Election Code, due to a voter turnout under 33% of the eligible voters, the constitutional referendum failed to meet the basic requirement to be considered valid.

## IV. FINDINGS

### A. Legal framework

In the period preceding the national constitutional referendum, in conformity with Art. 22 par.(c) of the Election Code, the Central Election Commission developed and adopted a set of regulations and guidelines aimed to improve electoral procedures:

**1. Regulation on the participation of political parties and other sociopolitical organizations in the election campaign preceding the national constitutional referendum of 5 September 2010**, adopted by CEC Decision no.3281 of 13 July 2010. The ambiguity of the definitions for “representative with consultative authority of the participant to the electoral bodies”, and “the participant's trusted person” led to confusion among stakeholders as to the time limits for the registration of these categories of actors with the election bodies.

**2. Regulation on the procedure of posting electoral advertising on billboards in the electoral period**, adopted by CEC Decision no.3338 of 16 July 2010. This regulation fails to define in any form the nature of the content of the electoral advertising, which limits the applicability of the Law on Advertising in terms of content control.

**3. Regulation on the financing of electoral campaigns and of political parties**, adopted by CEC Decision no.3336 of 16 July 2010. This regulation refers to the subjects required to submit weekly financial reports as “election contenders”, instead of using the definition of “referendum participants” normally applied in the context of this referendum.

**4. Regulation on the procedure of examining complaints by the election bodies in the electoral period**, adopted by CEC Decision no.3353 of 20 July 2010. The regulation states that “each voter and electoral contender” may submit an electoral complaint; however it overlooks the national observers (who are also voters).

**5. Regulation on the preliminary registration of Moldovan citizens abroad**, adopted by CEC Decision no.3354 of 20 July 2010. The regulation establishes for the first time ever the procedures and terms of preliminary registration of the Moldovan voters residing abroad. The purpose of the preliminary registration, which was not a mandatory procedure, was to estimate the approximate number of voters that would cast ballots at overseas polling stations.

**6. Regulation on drawing up, administering, transmitting and updating electoral rolls**, adopted by CEC Decision no.3364 of 23 July 2010. The regulation allows the voters to ask the PEB for a voting certificate upon the change of their residence or domicile, and this contradicts the Election Code, which gives this right only to the voters who change their domicile. Another contradiction with the Election Code is the time limit for declaring one's new residence – the Election Code allows 45 days, whereas the Regulation only 30 days.

**7. Decision on the requisition by the Moldovan Government no. 2204/45 of 20 July 2010 on the arrangement of overseas polling stations for the September 5 referendum.** This decision

was challenged by the PCRM which argued in particular that the time limits for establishing polling stations were breached. The Election Code does not expressly render CEC's decision null in case certain time limits are exceeded, but it is certain that the CEC established the overseas polling stations in breach of the existing legal provisions. The CEC explained its decision on the need to guarantee the right to vote to more Moldovan citizens abroad.

**8. Guidelines on the voting by the Moldovan citizens abroad**, adopted by CEC Decision no.3375 of 27 July 2010. It is for the first time that CEC adopted a regulation to establish the particularities of organizing the voting of the Moldovan citizens abroad. Without written procedures the organization of the polling abroad offered room for interpretation and for uneven implementation of the law.

**9. Instructions for the voting procedure with a mobile ballot box**, adopted by CEC Decision no.3391 of 30 July 2010. This set of instructions states that the number of ballot papers given to the polling officers who carry a mobile box shall coincide with the number of voters who requested to vote elsewhere than at the polling station, even though according to the Election Code each voter has the right to request a second ballot paper if the first gets spoiled by error.

**10. Decision on the procedure of the participation of the Moldovan citizens living in certain settlements on the eastern side of the Nistru, in Bender municipality, and in certain settlements in Causeni district, in the national constitutional referendum on 5 September 2010.** On 9 July 2010, the CEC adopted Decision no.3255 establishing the electoral constituencies no.3 Bender and no.37 for the settlements on the eastern side of the Nistru; the electoral councils in those constituencies were established after the deadline fixed for June 16. The Decision placed those voters in discriminatory conditions by providing that they shall be included on secondary electoral lists and use ballot boxes marked with the inscription "Special Ballot Box".

## **B. Development of referendum Timetables**

Concerning the imperfections in the Timetables established by CEC Decision no.3254 of 9 July 2010, the Promo-LEX monitoring mission remarks the following:

1. The Timetables established a different frequency from the Election Code as to how often the referendum participants were required to submit financial reports. Under the Timetables, the participants were to present such information once a week, as opposed to two weeks provided for in the Election Code. The CEC later warned the referendum participants in its Decision no.3373 issued on 27 July 2010 of the failure to submit financial reports once a week.
2. Contrary to the existing provisions of the Election Code, the Timetables allowed voters who changed their residence to declare their new address until 5 August 2010, that is, no later than 30 days before the date of the referendum. This deadline is by 15 days shorter than that allowed for in the Election Code. It needs to be mentioned, however, that a provision similar to the one contained in the Timetables exists in the Code as well, but it will enter in effect in 2011.
3. The Timetables contained provisions contradicting other CEC documents regarding the time limit for the presentation of the electronic version of the electoral lists. According to p.22 of the CEC Regulations on the drafting, administrating, transmitting and updating electoral rolls, the electoral lists were to be posted on the CEC web page 20 days before the date of the referendum, that is, until August 15, as opposed to August 13, the date established by the Timetables.

4. According to art.40 par.1 of the Election Code, the electoral rolls were to be signed and presented by the mayor and the PEB 20 days before the date of the referendum, that is, until 15 August 2010, as opposed to the date of 16 August 2010 provided by the Timetables.

5. According to Art.40 par.1 of the Election Code, the electoral rolls were to be posted for public viewing inside polling stations and on the web page of the Central Election Commission no later than 20 days before the date of the poll, that is, until August 15, as opposed to the date of August 16 established by the Timetables.

6. The Timetables contained contradicting provisions as to the time limit for printing and distributing the ballot papers. According to art.49 par.2 of the Election Code, the ballots were to be printed and distributed no later than 3 days before the date of the referendum, that is, until 1 September 2010, as opposed to 2 September 2010 in the Timetables.

### **C. Observance of Timetables by the election authorities**

#### ***Establishment of polling stations abroad***

Adopted by the CEC Decision no.3254 on 9 July 2010, the deadlines from the Timetables for the organization and conducting of the national constitutional referendum of 5 September 2010 were sometimes breached.

The Moldovan Party of Communists (PCRM) initiated legal action against the CEC at the Chisinau Court of Appeal, challenging the Commission's decision to establish polling stations abroad in addition to those traditionally hosted by the Moldovan diplomatic missions. Apart from the lack of specific agreements signed by the national authorities with the host countries where the additional polling stations were to be established, the PCRM cited the violation of the time limit fixed for the establishment of those stations. As the legal action has gone from Court of Appeals to the Supreme Court and back to the Court of Appeal, the monitoring effort could not learn the final ruling on the issue or whether there was one.

On 6 August 2010, the CEC issued a resolution rejecting the PCRM's appeal against the decision (no.11 of 3 August 2010, adopted by the Election Council of the Chisinau Constituency no.1) which established additional polling stations abroad. The CEC also rejected the accusations with regards to the violation of Art. 29 par.3 of the Election Code, concerning the establishment of the polling stations abroad before the completion of the preliminary registration of voters.

According to the CEC, the primary electoral rolls for voting abroad were compiled by the diplomatic missions and the consular sections in the case of the polling stations accommodated by them, and by the CEC in the case of preliminary registration, following the online registration of voters at the CEC-run website [www.voteaza.md](http://www.voteaza.md).

#### ***Failures to observe Timetables***

The estimation of costs for the organization and conducting of the national constitutional referendum of 5 September 2010 was approved by the CEC on July 16, which was 3 days past the deadline.

Training seminars destined for the chairpersons and secretaries of district/municipal/Gagauzia electoral councils were held on 28 July 2010, 15 days past the deadline.

### **D. Election authorities**

#### ***Establishment of election bodies***

Members of the following parliamentary parties participated in forming of election bodies: PCRM, PLDM, PL, PD and AMN. According to art.27 and art.29 of the Election Code, the election bodies are established with the participation of delegates from “the political parties

represented in the parliament”. The delegates of two other political groups represented in the parliament, European Action Movement and United Moldova, did not participate in the formation of the election bodies.

### ***Establishment of polling stations***

According to Art. 29 par.10 of the Election Code, the electoral bureaus of the polling stations (PEB) were to start working no later than 25 days before the date of the referendum. Accordingly, all the PEBs had to be formed by 10 August 2010. Delays in this respect were registered in the following electoral constituencies: Anenii Noi (1 PEB), Cimislia (8 PEBs), Criuleni (3 PEBs), Drochia (1 PEB), Dubasari (1 PEB), Leova (8 PEBs), and Rezina (1 PEB).

As late as on September 2, the voters in the flood-stricken village of Cotul Morii, Hancesti district, didn't have any polling station to vote at. Specific voting instructions were not developed for those voters either, despite a fact-finding visit to this locality paid on 16 August 2010 by CEC Chairman Eugeniu Stirbu and CEC member Pavel Midrigan. According to the secretary of the Hancesti District Election Council, the voters domiciled in Cotul Morii were to be informed on the voting procedures on 4 September 2010, the day prior to the Referendum.

### ***Electoral rolls***

Under Art.40 par.1 of the Election Code, the electoral rolls were to be made available no later than 20 days before the poll. The failure to observe this provision was registered in Cahul (7 polling stations), Calarasi (1 polling station), Causeni (1 polling station), Chisinau (3 polling stations), Cimislia (1 polling station), Criuleni (4 polling stations), Soldanesti (4 polling stations), Straseni (5 polling stations), Rezina (1 polling station). Furthermore, the CEC was to post the voters' rolls on its website no later than 20 days before the referendum, but that didn't happen, not even three days before the referendum.

### ***Inadequate supply of invitations to referendum***

According to Decision no.3279 of 13 July 2010, the CEC decided to issue 1.5 million invitations requesting voters to take part in the referendum, whereas the officially registered number of voters was roughly 2.66 million. Insufficient numbers of invitations were registered in the following electoral constituencies: Cahul, Calarasi, Causeni, all the districts of Chisinau municipality, Cimislia, Criuleni, Falesti, Soroca, and Stefan Voda.

### ***Verification of referendum participants' financial reports***

On 20 August 2010, by Decision no. 3474, the CEC approved the financial report on revenues and expenses of participants in the campaign for the national constitutional referendum of 5 September 2010. 14 of the 25 registered participants submitted financial reports within the established time limit or with delays of up to 3 days. Of those, only 5 had entries at all in the incomes and expenses categories.

The following participants failed to submit financial reports within the fixed time limits: “Ravnopravie” Social-Political Movement; the People’s Republican Party; “Patria-Rodina” Socialists Party of Moldova; the Conservative Party; the Roma Social-Political Movement of the Republic of Moldova; the National Romanian Party; the Labour Party; “Forta Noua” Social-Political Movement; “Patriotii Moldovei” Political Party; the Socialist Party of Moldova; and the Centrist Union of Moldova.

None of the parties which held meetings with the voters reported transportation expenses in their financial reports. At the same time, the CEC did not request the Court of Accounts or the Main State Fiscal Inspectorate to perform a monitoring of the income sources, accuracy of accounting and use of finances according to their purposes by the referendum participants.



### ***Behavior of election officials on voting day***

Of the total 300 monitored polling stations, the majority opened on time, except for the electoral bureaus of the polling stations (PEB): nos. 75, 79, 99 in Chisinau; no. 47 Pietrosu, Falesti district; no. 1 Cimislia town; and no. 61 Ivanovca, Floresti; these exceeded the maximum delay of 15 minutes allowed for opening the stations.

Attributable to the poor performance of the electoral officials, difficulties were observed in the activity of PEB no. 61 Ivanovca, Floresti district; and PEB no. 5 Straseni. The forms of the electoral rolls at the polling stations in question lacked the space normally reserved for the signature of the PEB representative.

Cases of incorrect arrangement of the voting place were observed at PEB no.24 Lozova, Straseni district; PEB no.5 Straseni; no.24 Gara Unchitesti, Floresti; PEB no.13 Costesti and no.7 Ialoveni town, Ialoveni district; and PEB nos. 9 and 10 Bardar, Ialoveni district.

Cases of unwarranted absence of PEB members were registered at PEB no.16 Balasenesti, Briceni district; and PEB no.9 Comrat, Gagauz autonomy.

Cases of voting rules violations were registered at PEB Balasenesti, and namely cases where more than one voter was allowed to be in the voting booth at a time.

Violations of the mobile voting requirements were registered at PEB no.26 Hirtop, Cimislia district, where the PEB members allowed for mobile voting without verifying the required medical certificates.

The observers reported one case of violation of the voter identification requirements at PEB no. 26 Hirtop, Cimislia, where the ballot paper was issued to a voter with a passport for international travel.

PEB representatives prohibited video recording and photography at the polling stations no.23 in Horodca, Ialoveni district, and no.154 in Chisinau.

Cases of violation of observer accreditation requirements were registered at PEB no.16 Taraclia, where the mayor of Cairaclia village was registered as an observer, and at PEB no.4 in Floresti town, where a Communist Party representative was allowed to observe the voting in the absence of a formal accreditation.

The voting stamp "Referendum 2010" was misplaced at PEB no.54, in Peresecina village, Orhei district.

Cases of improper application of the rubber stamp of the polling station were registered at PEB no.246 in Cricova, where the bureau's members applied the stamp on the back of about 300 ballots before being introduced into the voting box.

At PEB no.242 in Chisinau's Botanica district, the observers registered an attempt by a 73-year-old voter to drop 5 ballot papers into the ballot box.

Cases of unauthorized presence of people inside the polling stations were recorded at PEB no.46 in Botanica, Chisinau, and at PEB no.35 Rusestii Noi, Ialoveni district.

In breach of CEC Decision no.3444 of 13 Aug. 2010 and subsequent amendments introduced on 1 Sept. 2010, the members of PEB no.23 Copanca barred voters from Slobozia town from voting at the respective polling station.

Throughout election day technical problems were observed in accessing the Central Election Commission's web page.

### **E. Electoral participants**

The Central Election Commission registered the first participants in the national constitutional referendum on 16 July 2010. A total of 25 participants were registered by 6 august.

On July 27, the CEC warned the political parties about the potential consequences of their failure to submit reports on their financial situation for 23 July 2010. Warnings were issued to the Democratic Party of Moldova, "Moldova Noastra (Our Moldova)" Alliance, the Communists Party of Moldova, the Liberal Party, "RAVNOPRAVIE (Equality)" Republican Social-Political

Movement, the Liberal Democratic Party of Moldova, “Actiunea Europeana (European Action)” Movement, the Christian Democratic People’s Party and People’s Republican Party.

In its meeting on 5 August, the Commission reversed its July 27 decision which warned the 9 participants on their failure to submit financial reports. At the same time, CEC issued a warning to the “RAVNOPRAVIE (Equality)” Republican Social-Political Movement, People’s Republican Party, “Patria-Rodina” Socialists Party of Moldova, the Republican Party of Moldova, which did not submit financial reports before the deadline fixed in article 38 (8) of the Election Code.

## **F. Public authorities**

### ***Relations with referendum participants***

Generally speaking, the public administration displayed equal treatment of the referendum participants. However, there were cases of favoritism toward certain participants in the referendum. For example, in the period during 16-19 August 2010 campaign posters of the Communists Party (PCRM) were displayed in the premises of the Stefan Voda mayor's office.

A similar case was registered in the village of Dubasarii Vechi, Criuleni district, with campaign posters belonging to the Liberal Democratic Party (PLDM) displayed in the premises of the polling station.

Two cases where the police held people distributing campaign materials were observed in Chisinau's Botanica district and in the town of Cahul. In both cases, the persons’ taken into custody were distributing materials urging voters to boycott the referendum. The people were reportedly taken into custody because the distributed materials made no reference to the financing source for the printing of the campaign materials.

### ***Electoral rolls***

Under the timetables for the organization and conducting of the referendum, the time limit for the submission of the electoral rolls by the local authorities and the diplomatic missions to the Central Election Commission (CEC) expired on 13 August 2010.

As of 17 August 2010, the CEC received electoral rolls for merely a half of the polling stations (1070 of the total of 2035 established stations). On 20 August 2010 in the morning, the CEC announced the receipt of electoral rolls for another 263 stations, and in the evening the same day it announced the receipt of all the remaining electoral rolls (that is, for another 702 polling stations).

The Chisinau City Hall's official website provided voters with an on-line tool to verify their presence in the electoral lists. The voters who lack access to the Internet at home were offered the possibility to verify the lists by calling a special helpline opened by the City Hall.

### ***Involvement of the local authorities in campaigning***

A declaration of the Balti Municipal Council, not published officially but quoted by the media, was in breach of article 10 of the Law on the status of the local elected officials no.768 of 02.02.2000, according to which “the local elected official should contribute, through his/her personal example, to the consolidation of the local public administration’s authority, the due honoring of civic obligations, ensuring public order and respect for the legislation”. Local officials also disregarded the provisions of article 16 of the same law which oblige them “to contribute to the implementation of laws and other normative acts”.

Also, the spirit of the Balti Municipal Council’s statement went beyond the provisions of the article 47 of the Moldovan Election Code which stipulates that only the citizens of the Republic of Moldova, parties and other sociopolitical organizations, electoral blocs, candidates and trustees of candidates have the right to engage in electoral campaigning and only through means permitted by the law. The local councils are not part of this list which is exclusive.

Behavior, similar to that in Balti, was reported in Ocnita, Basarabeasca, Stefan-Voda and UTA Gagauzia.

### ***Preparation for the referendum***

The monitoring revealed several cases where the electoral bureaus of the polling stations lacked a minimum of conditions on election day. For example, on the eve of the referendum, PEB no.24 Unchitesti Rail Station, Floresti district, had been disconnected from the telephone network until the first half of the voting day on September 5. Also, the PEBs nos. 25, 26 and 27 in Cunicea, Floresti, had been temporarily disconnected from power supply. Furthermore, the representatives of the local public authorities didn't take adequate measures to ensure proper conditions for a normal progress of the voting in these polling stations.

### **G. Electoral rolls**

The monitoring revealed particular cases where names of deceased people were introduced in voter's rolls in: Anenii Noi, Dubăsari, Criuleni, Chisinau, Soroca. A large number of voters were registered in the additional rolls at PEB no. 32/29 Talmaza (105 persons) and no. 32/2 Stefan Voda (95 persons). 6 persons refused to be entered on additional rolls to be allowed to vote after finding out that their names were not in the basic rolls.

The monitoring indicated that only a small number of voters applied for mobile voting.

Observers found a series of problems related to the basic electoral rolls at PEB no. 282 in Straseni, where the form of the basic voters rolls did not include the division "signature of the bureau member who issued the ballot".

Voters registered in the electoral rolls of the Corjova PEB were offered the possibility to vote at the polling stations nos. 4 and 14 in Cocieri and no. 13 in Ustia, in Dubasari district.

### **H. Code of Conduct**

According to CEC, "Moldova Noastra" Alliance was the only political party to have signed (on 20 July) the *Code of Conduct on the Organization and Media Coverage of the Electoral Campaign for the National Constitutional Referendum on 5 September 2010*, released on 16 July, before the start of the election campaign.

### **I. Election campaign**

#### ***Electoral advertising***

According to p.12 of the Regulation on the placement of electoral advertisement on the billboards in the electoral period, adopted by the CEC Decision no. 3338 of 16 July 2010, the placement of campaign posters outside of the prescribed areas is prohibited. The electoral posters of the following electoral participants were seen displayed in unauthorized places:

PCRM – Basarabeasca; Oxentea and Holercani villages in Dubasari, Gangura village in Ialoveni;

PLDM – Sipoteni village in Calarasi, Curchi village in Orhei, Riscani, Onitcani village in Criuleni, Dubasarii Vechi village in Criuleni (at the entrance to the polling station), Buda village in Calarasi, Nisporeni, Tirsitai village in Telenesti, Cosnita and Holercani villages in Dubasari, Orhei, Drochia, Marculesti and Floresti, Horodca village, in Ialoveni;

PDM – Riscani, Nisporeni;

MAE – Calarasi, Nisporeni;

AMN –Holercani village, in Dubasari.

#### ***"Electoral gifts"***

According to the provisions of article 38 (7) of the Election Code, electoral contestants may not offer voters money or gifts, may not distribute goods free of charge, including humanitarian aid or other charity.

On 18 August 2010, the PDM leader Marian Lupu donated 30,000 lei to the “Salcioara” Dance Ensemble in Hansca, Ialoveni. The cheque was handed to the ensemble’s director Ilarion Ciubotari.

On 28 August 2010, the PDM president Marian Lupu donated 10,000 lei to the mayor of Vasieni, as part of the craftsmen’s festival “La poalele Tiglei”, for supporting the building of a concrete crucifix on the Tigla hill in Vasieni. During the event, Marian Lupu encouraged voters to participate in the referendum.

On the occasion of the first school day, on 1 September 2010, the PLDM leader Vladimir Filat donated a set of computers to the schools in Nemteni, Obileni and Leuseni. He stated that the donation is made from his own money. During the event, Vladimir Filat made reference to the forthcoming referendum.

### ***Campaigning on the day of the referendum***

The monitoring revealed violations of the provisions concerning the display of campaign advertising at the PEB no.267 in Bubuieci, Ciocana district, Chisinau and PEB no.17 in Danceni, Ialoveni (PLDM).

Instances of campaigning activity were registered near the PEB no. 46 in Botanica district of Chisinau; PEB no.22 Novoselovca, Budei and Albota de Sus, Taraclia; PEB nos. 2, 7, 11 Comrat and PEB no. 24 (PCRM); PEB no. 4 Floresti (PCRM); PEB no.15 Costesti, Ialoveni (PCRM); PEB no.12/37, Balasesti, Criuleni (PCRM); PEB no. 16 Taraclia (PCRM); PEB no. 31 Mirnoe, no. 30 Ciumai, no. 28 Vinogradovca (PDM).

Manifestations of electoral campaigning in the proximity of polling stations were held by representatives of the local public administration at PEB no.73 Teleseu, Orhei (Mayor of Teleseu, PCRM member); PEB no. 30 Ocnita (Mayor Victor Mamail, PCRM member).

Furthermore, there were observers who engaged in campaigning at the following PEBs: no. 40 Tareuca, Rezina (Catana Victor, PCRM); no. 1 Cimislia (PCRM); no. 24 Gara Unchitești, Floresti, (Dmitri Usatii, PCRM); no. 28 Mascauti, Criuleni (Ion Janiru and Gheorghe Bonegru, PCRM); no. 29 Huzun, Straseni (PCRM).

## **J. Undue influence on voters and observers and cases of intimidation**

### ***Intimidations in the electoral period***

According to the provisions of Article 2 (2) and Article 7 of the Election Code, participation in elections is based on the citizen's free will. No one may exercise pressure on a voter to force him/her to participate or not in the elections, nor on the expression of a voter's free will.

The mayor of Japca Village, Floresti, Galben Semion, had repeatedly threatened the voters that they would not receive pensions if they participated in the referendum.

Representatives of the SRL “Balti-Gaz” management obliged their employees to participate in a meeting with the PDM representative on 15 August 2010.

In the period of 13-31 August 2010, a series of threats were reported, issued by Alexandru Cojocar, principal doctor at the Causeni District Hospital, who was requesting that his subordinates join the Liberal Party.

As part of a meeting with voters held on August 2010 in Cahul, the PCRM representative Iurie Munteanu publicly insulted a voter and prevented another voter to film the event.

In a number of reported cases, administrations of higher educational institutions required the possession of voting right certificates as a condition for admission of previously enrolled students. Such cases were registered in Moldova Agricultural University and the Technical University of Moldova. A number of students from these universities had to show the voting right certificates from their home towns in order to receive rooms in the university dormitories

### ***Intimidations on the day of the referendum***

The monitoring brought up cases of voters being prevented from voting at PEB no.5 in Corjova, Dubasari district, after about 20 uniformed men and 300 persons dressed in plain clothes subordinated to the Tiraspol administration cordoned off the polling station. Promo-LEX observers found that these persons had been consuming alcohol and had an aggressive behavior.

Voter participation in the referendum was also impeded because of the restrictions imposed on the circulation between Varnita and Bender, at the checkpoint subordinated to the Transnistrian self-proclaimed authorities. The other vehicles were being redirected through the “customs checkpoint” on the Chisinau-Bender road.

Movement restrictions were also imposed on voters on the right bank of the Nistru River, as well. Because of these restrictions voters could not reach the PEB in Copanca and Dorotcaia.

There were cases of excessive presence of police near PEB no.109 in Chisinau and no.29 in Pojoreni, Ialoveni. Also, it was found that policemen accompanied the members of PEB no.109 in Chisinau as they carried the mobile ballot boxes from voter to voter. At the same time, authorities on the left bank interdicted the conveyance of mobile ballot boxes belonging to the PEBs nos. 40 and 41 from Varnita to the communities controlled by the Tiraspol administration.

### **K. National and international observers**

As of 13 August 2010, a total number of 206 national and international observers registered with the CEC to monitor for the referendum. In the period between 16 August and 2 September, another 126 international and 407 national observers registered, including 92 for monitoring the elections at the polling stations situated abroad.

This number is considerably smaller than the figures registered in the early Parliamentary Elections on 29 July 2009 and the Parliamentary Elections on 5 April 2009. Thus, by 22 July 2009, CEC provided accreditation to 122 international and 2374 national observers, representing different NGOs and diplomatic missions. Parliamentary Elections on 5 April 2009 were monitored by 3134 national and international observers.

A group of international observers (4 persons) were denied access by the members of PEB no. 123 Chisinau.

There were also cases of public order violation by national observers. Thus, a PCRM observer at the PEB no. 154 in Ciocana, Chisinau, was fined 200 lei for breaking the public order.

At the polling station in Tareuca, Rezina, a Promo-LEX observer was threatened by the PEB chairman for submitting a complaint. Rezina District Electoral Commission did not examine the complaint submitted by the long-term observer Valeriu Rusu. It was left without an answer.

### **L. Behavior of diplomatic missions and consular offices of Moldova**

According to the Decision of the Central Election Commission (CEC) on the requisition of the Government of Moldova no.2204/45 of 20 July 2010, it was decided to open 78 overseas polling stations in the countries and foreign cities where Moldovan citizens live. Compared with the previous poll, the number of overseas polling stations has been increased by 45. Information on the location of the polling stations, with exact addresses, was published on the website [www.voteaza.md](http://www.voteaza.md), which is operated by the CEC.

However, the specific organization activity of the diplomatic missions involved in the electoral process was to a great extent deficient, and in some cases even nonexistent. Out of 12 Moldovan embassies, only the embassy in the United Kingdom and that in the United States provided on their websites a complete set of information on the holding of the referendum and the addresses of the polling stations opened in these countries. Incomplete information was provided by the embassies in Germany, Italy and Romania. The online resources of the

diplomatic offices in Portugal, Greece and the Russian Federation provided no information whatsoever about the holding of the referendum, no contacts or addresses for the polling stations. These deficiencies run counter to p.12 of the Guidelines on the voting by the Moldovan citizens abroad, stipulating that diplomatic missions and consular offices of Moldova shall ensure the information of the Moldovan citizens in the respective countries about the date, the hours and locations of the conducting of the poll by providing such information at their premises (inside the building and/or on their announcement boards), on their websites, as well as through mass media.

Diplomatic missions in France, Cyprus and Spain, did not possess any on-line instruments for communicating with and informing the Moldovan citizens in these countries on the possibilities of their participation in the referendum.

## **M. Transnistrian Region**

In compliance with the obligations stipulated in the Election Code, the body responsible for maintaining public order in the towns and villages which host polling stations for voters in Transnistria region is the Ministry of Interior.

On the other hand, the Commission made an appeal to national and international observers as well as the Joint Control Commission to monitor the peaceful organization of the electoral process and maintaining safety within polling stations in villages situated in the Security Zone.

Activities that are common for an electoral campaign were practically nonexistent in the Transnistrian region. Voters did not have full access to information on the referendum. As it happened before, election participants ignored the voters from the Transnistrian region.

## **V. RECOMMENDATIONS**

### **To the Central Election Commission:**

1. Strictly comply with the provisions of the timetable with regards to the time limits set for the creation of polling stations and introduce comprehensive regulations with regards to the polling stations abroad;
2. Take additional measures to ensure the security of the Electronic Electoral Registry and the CEC official web page. Update the information on the web page in a timely fashion.
3. Revise the Directive on the mobile ballot box voting procedure in order to ensure the availability of the required number of voting ballots, so that citizens are guaranteed their right to vote;
4. Organize, within the time limits set in the timetable, trainings for the members of electoral bodies in order to ensure the efficient management of the electoral process.
5. Improve the monitoring and analysis mechanisms applied to the financial reports submitted by the participants in order to prevent and sanction cases of failure to present such information, cases of delayed submission and cases of withholding information;
6. Improve the legislation on outdoor campaign advertising;
7. Establish a clear and explicit mechanism to inform the voters by means of invitations;
8. Develop and introduce measures to penalize PEB members who do not comply with their legal obligations and pay more attention to the appropriate arrangement and equipment of PEBs;
9. Conduct information and electoral education campaigns in order to ensure high electoral participation of the population from the left bank of the Nistru River.

Analyze the possibility to provide transportation for these voters to the polling stations;

10. Establish polling stations in neighboring communities for citizens from the left bank of Nistru River, while ensuring their equal treatment and access to the election process;

**To the central authorities:**

11. Create and employ on-line instruments of communication with voters located abroad;
12. Identify a clear mechanism for preventing and penalizing public administration and observers delegated by election participants for unduly influencing the voters' choice;
13. Identify a clear mechanism for preventing and penalizing frauds in the voting process;

**To the Government of Moldova:**

14. Ensure efficient functioning of diplomatic missions that would ensure the good organization of the electoral process for the citizens of Moldova who are abroad;
15. Improve the online component of communication and information activities targeting Moldovan voters who are abroad;

**Election participants:**

16. Actively involve election participants represented in the Parliament in staffing the election bodies;
17. Ensure the signing of the Codes of Conduct by all electoral participants in order to encourage their active, fair and civilized participation in the election process;

**Mass Media:**

18. Actively provide the voters, including, those in the Transnistrian region, with correct, unbiased information on the electoral process.

**Law-enforcement bodies:**

19. Investigate cases of undue influence on and intimidation of voters;
20. Intensify efforts to prevent and sanction cases of unauthorized display of electoral advertising.