



THE CIVIC COALITION FOR FREE AND FAIR ELECTIONS

PROMO-LEX ASSOCIATION

Preliminary

REPORT

Monitoring the national constitutional referendum of 5 September 2010

VOTING DAY

5 September 2010



This project is financially and technically supported 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.

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I. PROMO-LEX'S MONITORING EFFORT

The monitoring of the national constitutional referendum, taking 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 monitoring effort by Promo-LEX in the national constitutional referendum on 5 September 2010 involves 42 long-term observers (LTOs), who monitor the electoral process in all the electoral constituencies in Moldova in the period from 13 August 2010 to 10 September 2010. The LTOs are assisted by 300 short-term observers (STOs) covering 15% of the total polling stations. The STOs have been assigned to various polling stations across the territory of Moldova based on a representative sample, with a 0.5% margin of error. These observers monitor the electoral process only on election day and only at the assigned polling stations. The activity of all the observers is coordinated by a central team whose structure was conceived prior to the poll.

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II. FINDINGS ON VOTING DAY

A. Public authorities

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, EBPS 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 EBPSs 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.

B. Election authorities

Of the total 300 monitored polling stations, the majority opened on time, except for the electoral bureaus of the polling stations (EBPS): 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 EBPS no. 61 Ivanovca, Floresti district; and EBPS 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 EBPS representative.

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

Cases of unwarranted absence of EBPS members were registered in the following locations: no.16 Balasenesti, Briceni district; and EBPS no.9 Comrat, Gagauz autonomy;

The EBPS members allowed for cases of improper handing out of ballot papers to the voters at EBPS no.3 in Cimislia town.

Cases of voting rules violations were registered at EBPS 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 EBPS no.26 Hirtop, Cimislia district, where the EBPS members allowed for mobile voting without verifying the required medical certificates.

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

EBPS 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 EBPS no.16 Taraclia, where the mayor of Cairaclia village was registered as a scrutineer, and at EBPS no.4 in Floresti town, where a Communist Party representative was allowed to observe the voting in the absence of a formal accreditation.

Problems concerning the rubber voting stamps were registered at EBPS no.54, in Peresecina village, Orhei district, where the voting stamp "Referendum 2010" disappeared from.

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

At EBPS 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 voting box.

Cases of unauthorized presence of people inside the polling stations were recorded at EBPS no.46 in Botanica, Chisinau, and at EBPS no.35 Rusestii Noi, Ialoveni district (Mayor Pavel Codreanu of Rusestii Noi, Democratic Party representative).

In breach of CEC Decision no.3444 of 13 Aug. 2010 and subsequent amendments introduced on 1 Sept. 2010, the members of EBPS 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.

C. Campaigning

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

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

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

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

D. Abusive influence on voters and cases of intimidation

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

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 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 EBPS in Copanca and Dorotcaia.

There were cases of excessive presence of police near EBPS no.109 in Chisinau and no.29 in Pojoreni, Ialoveni. Also, it was found that policemen accompanied the members of EBPS 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 EBPSs nos. 40 and 41 from Varnita to the communities controlled by the Tiraspol administration.

E. 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 EBPS 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 EBPS 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 voters rolls of the Corjova EBPS had the possibility to vote at the polling stations nos. 4 and 14 in Cocieri and no. 13 in Ustia, in Dubasari district.

F. National and international observers

A number of cases were registered where international observers (4 persons) were denied access by the members of EBPS no. 123 Chisinau.

There were also cases of public order violation by national observers. Thus, a PCRM observer, aged 22, was fined 200 lei by the police officer guarding the EBPS no. 154, in Ciocana, Chisinau, for breaking the public order.

At the polling station in Tareuca, Rezina, a Promo-LEX observer was threatened by the EBPS 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.

III. CONCERNS

- 1.Many EBPS were insufficiently prepared by the local public administration;
- 2.In a series of cases it was impossible to solve the problems within the polling stations because the EBPS would not meet the quorum necessary for adopting a decision;
- 3.The voting process was negatively affected by the fact that the EBPS were improperly arranged;
- 4.A wider range of electoral frauds were employed (inappropriate issuance of ballots, voters using more than one ballot, introduction of deceased persons in the voters' rolls);
- 5.The transparency of EBPS was restricted during the voting process (observers were not allowed to film or take pictures);
- 6.There was a notable decrease in the authorities concern in ensuring the voter's right to a secret voting;
- 7.Citizens from the Transnistrian region were restricted in enjoying their voting rights;
- 8.There was a lack of access to information on the voting process of the central electoral administration;
- 9.In a number of cases the voters' options were susceptible to influence by the campaign advertising displayed in the proximity of the polling stations;
- 10.There were cases of abusive influence on the voting process by the local public administration and the observers representing participants in the referendum;
- 11.The free enjoyment of the right to vote was hampered through intimidation and restrictions imposed on the free movement by the separatist forces.

IV. RECOMMENDATIONS

1. Develop and introduce measures to penalize EBPS members who do not comply with their legal obligations;
2. Pay more attention to the appropriate arrangement and equipment of EBPSs;
3. Identify a clear mechanism for preventing and penalizing frauds in the voting process;
4. Ensure necessary conditions for the enjoyment by citizens from the Transnistrian region of their right to vote, by creating EBPSs on the right bank and providing transportation to the polling stations;
5. Improve the legislation on outdoor campaign advertising;
6. Identify a clear mechanism for preventing and penalizing public administration for abusively influencing the voters' choice.