

REPORT

Assessing the Accuracy of the Electoral Lists in the Republic of Moldova, *Republican Constitutional Referendum 2010*



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TABLE OF CONTENTS

Methodological Framework.....	4
Monitoring Data.....	4
Central Electoral Commission (CEC).....	4
Electoral District Councils (EDC).....	5
Local Public Administration (LPA).....	6
Electoral Offices of the Polling Stations (EOPS).....	7
Recommendations.....	8

Executive Summary

Continuing the pilot-project from 2009, the Institute for Human Rights in Moldova (IDOM) has launched for the Republican Constitutional Referendum another pilot-project on “Assessing the accuracy of the electoral lists in the Republic of Moldova”. All the electoral actors and factors that influenced the process of supervising the voter lists have been examined, according to a methodology which covers the geographic area based on representative sample, direct observations, interviews and comparative analysis of data. 91 observers have been appointed and they attended 121 polling stations, covering the municipalities of Chişinău and Bălţi, all those 32 second-level territorial administrative units (rayons), and 45 first-level territorial administrative units (communes and villages).

For the good organization of the Republican Constitutional Referendum, the Central Electoral Commission (CEC) has elaborated necessary instructions and has organized training seminars in all electoral district councils, distributing to all the Local Public Administrations (LPA) the voter lists obtained from the State Register of Voters. However, the Electoral Commission did not manage to send the instructions to all LPA and polling stations, and did not receive the voter lists under the terms previously determined. The fact that CEC did not place the electoral lists on its webpage is contrary to the electoral legislation of the Republic of Moldova.

The monitoring of the Electoral District Councils (EDC) has demonstrated the necessity of a proper training of all the members of EDC in order to ensure an adequate management of the electoral lists and effective access to information. It is necessary to identify the persons who have experience within the framework of EDC and to involve them in the training seminars organized for LPA and Electoral Offices of the Polling Stations (EOPS), a fact which would contribute to a better decentralization and efficiency of the training activities conducted by CEC. Also, it is desirable to involve all EDC and LPA in an active collaboration for ensuring the accuracy of the voter lists.

As it happened during the previous elections, the LPA faced primarily with lack of human resources, and with the financial and technical ones as well. The monitored Local Public Administrations have elaborated differently the voter lists; most of the monitored LPA used at least three sources for the formation of the electoral lists, including the local registers, the information from CEC and the electoral lists used during the previous elections. In most LPA the difference between the number of the voters included in the electoral lists received from CEC and the number of the voters included after updating the lists was not significant, varying from 6 to 50 persons. The main reasons stated by the Local Public Administrations were the following: elimination of the persons who died, who changed the home address/residence (those who have left/arrived), and persons who meanwhile reached the age of 18 years. In some districts, the LPA has excluded from the electoral lists the persons who left abroad.

The majority of the electoral offices offered free access to the observers for monitoring the process of updating or modifying the voter lists. However, in some polling stations the access was practically not possible, because they were closed or in the process of some refurbishment works. Almost half of the monitored electoral offices did not make public the electoral lists in the terms provided by the Electoral Code, meaning 16 August 2010. The electoral offices continued the process of updating the voter lists even after being received by LPA. It is recommended to the electoral bodies to identify the premises of EOPS and to appoint their members in order to ensure the accessibility of electoral lists in the terms stipulated by the Electoral Code. Moreover, it is recommended to the electoral bodies to provide the electoral offices with all necessary technical resources and materials for a better administration of the electoral process.

Methodological Framework

The present report was elaborated due to the involvement of 91 observers who participated actively in the monitoring process on the entire territory of the Republic of Moldova. The observers have been assigned to different district of the country according to a representative sample. The sample covered the polling stations from municipalities of Chişinău and Bălţi, all those 32 second-level territorial administrative units (rayons), and 45 first-level territorial administrative units (communes and villages) as well. Thus, a total of 121 polling stations have been monitored. (The list of the monitored polling stations is attached.)

The concept of assessing the accuracy of the electoral lists included a series of methods. The observers monitored the process of compiling and updating the lists, focusing on the election responsible bodies and local public administrations. Also, the volunteers from the Institute for Human Rights in Moldova organized interviews with the election officials and representatives of the local public administrations. The data following the interviews was compared with the results of the interviews held with voters, direct observations of independent observers and statements of the voters after verifying the names in the electoral lists.

The report provides a comprehensive analysis done by electoral relevant bodies and local public administrations regarding the process of compiling and updating the electoral lists. Taking into account the limited access to the voter lists, materialized through the impossibility of making copies, or verifying holistically the information by the civil society, the present report does not provide quantitative data with regard to the accuracy of the electoral lists; it presents more an overview of the quality of the process, availability of the human and technical resources, accessibility for voters to the electoral lists.

Monitoring Data

Central Electoral Commission (CEC)

In accordance with the provisions of the Electoral Code of the Republic of Moldova, the Central Electoral Commission has adopted the Programme for implementing the activities regarding the organization of the Republican Constitutional Referendum dated 5 September 2010 and the Regulation on elaborating, compiling, distributing and updating the electoral lists. In the period July-August 2010, CEC organized training seminars in all the districts of Moldova, involving the participation of the chairmen and secretaries of first and second levels Electoral District Councils, electoral offices, etc.

On 5 and 13 August 2010 the Central Electoral Commission has accredited 105 observers from IDOM. It is welcomed the fact that these observers had access to the solicited information, the attitude of the electoral officials being a cooperative and friendly one. According to the statements made by CEC, in July 2010, within the framework of the training seminars the Commission distributed to the local public administrations the electoral lists obtained from the State Register of Voters. The electoral lists have been submitted in Excel format. In accordance with the electoral calendar approved by CEC, the updated lists followed to be sent till 13 August 2010. The observers of IDOM noted that when the deadline expired, CEC has got less than a half of the electoral lists. On 17 August, 1070 lists have been received by CEC in electronic version out of 2035 polling stations assigned for the whole territory of Moldova. On 20 August 2010, 1333 lists have been received in electronic format. On 1 September 2010 CEC was still continuing to receive the electoral lists, which were in both Excel and Word formats.

In accordance with the approved programme, the Central Electoral Commission was in charge of updating the registered lists, for being further placed on the webpage of CEC, 20 days before the election date. But, de facto, this process did not take place. The motivation of CEC was the fact that the personal data should be protected.

In Centru district of Chişinău municipality CEC has announced about the fact that the electronic register of the voters will be tested, being further implemented within the process of the next elections on the whole territory of the country. Due to the pilot character of this initiative, legal power will have the printed version of the electoral lists, available at the respective electoral offices. However, the process of updating the lists and electronic register continued after 16 August 2010, and the last changes done in electronic format have been sent to CEC on 2 September 2010.

Electoral District Councils (EDC)

According to IDOM experts, most Electoral District Councils have provided free access to information concerning the process of updating the electoral lists. The electoral officials in EDC 12 Criuleni, EDC 22 Leova and EDC 33 Taraclia have been more reticent, having provided partial access to information only, the main reason being the permanent lack of time of the Chairman of the EDC.

Most electoral officials have been involved in trainings on elections management, including the management of electoral lists. During the trainings, *inter alia*, copies of the Electoral Code, the Regulation concerning the elaboration, administration, distribution and updating of electoral rolls, as well as the Guide of the Electoral Official have been disseminated. According to electoral officials, the members of EDC 36 Comrat and EDC 12 Criuleni have not received instructions.

In case of Electoral District Councils differences of experience between the chairperson and the members of the EDC have been recorded. In absolute majority of cases the key-persons in EDC (Chairman and Secretary) have experience in elections administration, except EDC 27 Rîşcani (the Chairman does not have experience) and EDC 10 Căuşeni (none of the members has experience). However, in case of the other EDC officials, in most cases there is insufficient experience in elections administration. Thus, in case of EDC 35 Ungheni, DEC 30 Străşeni, EDC 14 Drochia, EDC 22 Leova, EDC 28 Sîngerei, EDC 18 Floreşti, EDC 10 Căuşeni – 2 people (the Chairman and the Secretary) have been members of EDC before, while for the others this was the first experience. In other cases, for instance EDC 31 Şoldăneşti, EDC 23 Nisporeni, EDC 17 Făleşti, EDC 24 Ocniţa, about 80 per cent of the members are involved in the process for the first time. At EDC 5 Basarabeasca, EDC 33 Taraclia, EDC 19 Glodeni, EDC 25 Orhei, EDC 2 Bălţi, EDC 32 Ştefan Vodă, EDC 21 Ialoveni, EDC 27 Rîşcani about 50 per cent of officials have previous experience. Only in three district electoral councils (EDC 4 Anenii Noi, EDC 20 Hînceşti, EDC 34 Teleneşti) all electoral officials had previous experience in the given field.

The actions of the EDC aiming at increasing the accuracy of electoral lists have varied significantly. In about 50% of the EDC no actions have been undertaken to increase the accuracy of the voter lists, since the election law in force does not provide powers in this area (EDC 23 Nisporeni, EDC 14 Drochia, EDC 22 Leova, EDC 28 Sîngerei, EDC 18 Floreşti, EDC 30 Străşeni, EDC 11 Cimişlia). However, some district electoral councils (EDC 26 Rezina, EDC 4 Anenii Noi, EDC 20 Hînceşti, EDC 34 Teleneşti, EDC 25 Orhei, EDC 32 Ştefan Vodă, EDC 19 Glodeni, EDC 31 Şoldăneşti) have undertaken actions of cooperation with the LPA in improving the accuracy of the electoral lists.

Local Public Administration (LPA)

Most LPA have provided IDOM observers with initial access to information concerning the process of updating the electoral lists. However, in some cases the local public administration did not want to cooperate, hindering the access of observers to information. Such cases have been recorded in case of LPA Șoldănești, Leova, Taraclia, Ialoveni, Rezina, partially Orhei. Unfortunately LPA Orhei and LPA Șoldănești did not want to cooperate with the IDOM observer.

Out of the 77 monitored districts, in 71 LPA have undertaken measures to improve the quality of elections management. At the same time 6 LPA have not organized actions/training seminars: Baimaclia (Cantemir), Cantemir, Edineț, Parcani (Șoldănești), Drochia, Leova.

Apparently, the CEC did not send written instructions on the elaboration, administration, distribution and updating of the electoral lists to all LPAs. According to data submitted by the observers, over 50 per cent of the observed LPAs had not received written instructions, though they mentioned the receiving of several verbal instructions during the training seminars.

The observed LPAs **prepared** the voter lists in different ways. About 50 per cent of the observed LPAs have used at least three sources for elaborating the electoral lists, including local registers, information from CEC, the electoral lists from the previous elections. About 10 per cent used the lists from the previous elections as a basis. Over 30 per cent of the LPAs used the lists from the CEC and the local register, while about 5 per cent have prepared the lists based on information from CEC only. **Additional verification** of the electoral lists has not been fulfilled according to a unified method. Thus, a relatively high number of districts have used local registers, while others have checked them on the basis of lists received from CEC or at the home place.

Like in previous elections, most LPAs accused the lack of human resources firstly, but also of financial and technical resources. Also, based on answers provided to us we can estimate that about 10 per cent of the LPAs mentioned the bad quality of lists received from CEC, presented in alphabetic order and not according to the streets/home address (for instance, Drochia, Telenești).

In most LPAs the difference between the number of voters included in the lists received from CEC and the number of voters included after the updating of lists was not significant, ranging between 6 and 60 people. However, in some districts the difference was quite high: Șoldănești – 619 people, Marinici village (Nisporeni) – 353 people, Hîncești – 182, Rîșcani – 129, Mîndrești – 90, Cahul raion – 402 people, compared to Soroca rayon – about 150 people. The main reasons mentioned by the LPAs were: exclusion of deceased persons, of people who have changed their place of residence/homeplace (those who have left/arrived), people who have meanwhile attained the age of 18 years. In some districts the LPAs have excluded from lists the people who have left abroad (e.g. Marinici v-ge (Nisporeni), Basarabeasca, Abaclia v-ge (Basarabeasca)).

Most LPAs sent the electoral lists to the Electoral Offices of the Polling Stations with delays. E.g. LPA Taraclia sent the lists on 24 August; LPA Romanesti (Strășeni) – on 23 August; LPA Cairaclia (Taraclia), LPA Comrat, LPA Ceadâr-Lunga - on 20 August 2010.

Electoral Offices of the Polling Stations (EOPS)

The majority of the electoral offices offered free access to the observers for monitoring the process of updating or modifying the voter lists. However, in some polling stations the access was practically not possible, because they were closed or in the process of some refurbishment works: 33/6 Taraclia, 26/1 Rezina, 26/5 Rezina, 34/26 Mîndreşti (Teleneşti), 30/26 Micăuţi (Străşeni), 35/4 Ungheni, 35/26 Cetireni (Ungheni), 27/1 and 27/2 Rîşcani.

In almost all the monitored polling stations the leaders/key persons within the EOPS have been involved in training activities. They also received copies of the Electoral Code, Guide of the Member of the Electoral Office of the Polling Station and a series of instructions, including the Regulation on elaborating, compiling, distributing and updating the electoral lists.

Almost half of the monitored electoral offices did not make public the electoral lists in the terms provided by the Electoral Code, meaning 16 August 2010. On 24 August 2010 the polling station 22/1 from Leova district was not yet created. Moreover, the polling stations 33/6 Taraclia, 30/26 Micăuţi (Străşeni), 11/4 and 11/1 Cimişlia, 33/16 Căraclia (Taraclia), 36/2 Comrat, 36/14 Ceadîr-Lunga, 10/2 and 10/3 Căuşeni had offered access to the lists only after 20 August 2010. In some districts the electoral lists were available only in the premises of the district mayorality houses, because the placement of the EOPS was not yet determined or the premises were in the process of refurbishment: 27/1 and 27/2 Rîşcani, 26/1 and 26/5 Rezina, 35/3 Ungeni, 21/5 Ialoveni. In the polling station 23/2 from Nisporeni the lists were exclusively in the possession of the chairman of the EOPS. The working schedule of the electoral offices was very different, a fact which influenced the accessibility to the electoral lists. In some polling stations the electoral offices were opened between 09:00 – 18:00 (6/2 Briceni, 30/38 Străşeni, Micăuţi, 31/3, 31/2 Şoldăneşti); other polling stations worked from 09:00 till 17:00 (4/3 Anenii Noi, 34/26 Teleneşti Mîndreşti, 23/29 Nisporeni Mileşti, 11/4, 11/1 Cimişlia, 25/15 Orhei); but the polling stations 23/27 Nisporeni Marinici and 23/2 Nisporeni worked from 08:00 till 12:00.

The electoral offices continued the process of updating the voter lists even after being received by LPA. A significant number of electoral offices have verified the lists at home (29/5, 29/10 Soroca, 30/38 Străşeni Romaneschi, 11/36 Cimişlia Mihăileni, 25/15 Orhei, 32/1 Ştefan Vodă, 32/29 Ştefan Vodă, 31/3, 31/2 Şoldăneşti, 33/6 Taraclia, 29/14 Soroca Bădiceni, 10/2, 10/3 Căuşeni, 21/5 Ialoveni, 24/2, 24/3 Ocniţa, 17/12 Făleşti Călineşti, 1/109, 1/110, 1/111, 1/115, 1/132, 1/228, 1/99, 1/112, 1/121 Chişinău); some other offices continued updating of the lists through local registers (4/23 Anenii Noi Geanăna, 20/30 Hînceşti Crasnoarmeiskoe, 31/23 Şoldăneşti Parcani, 23/27 Nisporeni Marinici, 34/24 Ineşti, 34/26 Teleneşti Mîndreşti, 35/3, 35/26 Ungheni, 1/81, 1/83, 1/142, 1/237 Chişinău).

During the process of updating the lists, the EOPS noticed a series of technical or organizational problems. Some members of the electoral offices mentioned that the process of including the voters in the electoral lists according to the alphabetical order presented an essential impediment in verification at home (14/3, 14/2 Drochia). Other polling stations faced with lack of financial and material resources, or overloaded working schedule (35/26 Ungheni Cetireni, 33/16 Taraclia Căraclia, 21/5 Ialoveni).

According to the observers' reports, in the monitored polling stations less than one percentage of the voters has verified the data from the electoral lists. Taking into consideration the polling stations from Chişinău municipality, the voters had the possibility to verify their data online. As the County of Centru district of Chişinău municipiailty stated, over 55, 000 voters accessed the webpage designed for verifying the electoral lists.

In the monitored polling stations the difference between the number of the voters included in the electoral lists received from the Local Public Administration and the number of the voters included after updating the lists was not significant; thus, this fact confirms the quality of verification done by the Local Public Administration.

Recommendations

It is recommended that the Central Electoral Commission should make efforts to pass quickly to the electronic register of voters. The accuracy of the data from the register will depend on the effective and comprehensive establishment of the electronic system of registering the population.

In the absence of the single register of voters, it is recommended that CEC should systemize the presentation of data in a unique format which would permit to verify rapidly the lists.

It is recommended to place the electoral lists on the website of CEC. In order to avoid allegations regarding the disclosure of personal data, the selective information could be published: name, family name; date of birth.

It is recommended that CEC should respect strictly the working programme.

It is recommended to train appropriately the members of CEC for ensuring the full access of observers to information.

It is recommended to identify the persons who have experience within the framework of EDC and to involve them in the training seminars organized for LPA and EOPS, a fact which would contribute to a better decentralization and efficiency of the training activities conducted by CEC.

It is recommended to involve all EDC and LPA in an active collaboration for ensuring the accuracy of the electoral lists.

It is recommended that the Local Public Administrations which obstructed the access of observers to information or had an hostile attitude towards them should respect the provisions of the Electoral Code of the Republic of Moldova and the Law regarding the access to information.

It is recommended that the Central Electoral Commission should proceed to the implementation of the new provisions stipulated in the Electoral Code with regard to continuous training of all persons involved in the electoral process.

It is recommended that CEC should elaborate at the beginning of the electoral process a set of instructions which must be distributed to all Local Public Administrations.

It is recommended that the Government of the Republic of Moldova should take progressive actions for ensuring the effective decentralization of the Local Public Administrations according to the European standards, a fact which will lead to the availability of resources, including those for updating the electoral lists.

It is recommended to the Local Public Administrations to respect the electoral legislation, including the terms and procedures during the process of elaborating and supervising the lists. Deleting the names of the people who left abroad from the lists could be possible only in the cases when these people are registered at the diplomatic missions of the Republic of Moldova.

It is recommended to the electoral bodies to identify the premises of EOPS and to appoint their members in order to ensure the accessibility of electoral lists in the terms stipulated by the Electoral Code.

It is recommended to the electoral bodies to provide the electoral offices with all necessary technical resources and materials for a better administration of the electoral process.

Taking into account the progressive development of the informational technologies, it is strongly recommended to place the electoral lists on the webpage of the Local Public Administrations of the second level and to inform in due time the voters about the possibility of verifying the lists.