

Promo-LEX Observation

Mission: pre-election period marked by misuse of administrative resources, intimidation and activities with electoral overtones

The Promo-LEX Association has launched the first Observation Mission Report on the Parliamentary Elections of February 24, 2019. According to the observers' findings, the analysis of the pre-electoral context, the electoral legislation and the relevant regulations, Promo-LEX identified several irregularities that occurred during the period of July 27 – December 10, 2018:

Neglected recommendations in the process of transition to the mixed electoral system

Since the last parliamentary elections, the electoral system itself has been modified. Most of the technical recommendations formulated by the experts of the Venice Commission with regard to the draft law which changed the electoral system were neglected, only 12 recommendations out of 32 being implemented.

The principles of stability of the voting right and the freedom to form opinions seem to have been violated with the abolition of the ban on election campaigning on the day of election and the day preceding the election, as well as in the case of the amendments providing for the organization of the referendum on the same day with the parliamentary elections.

Consultative referendum approved hastily, without consulting

the public opinion

Promo-LEX OM considers that the organization of the consultative referendum on the day of parliamentary elections of February 24, 2019 is based on a legal framework that has been hastily approved at the end of a pre-electoral period, without consulting the public opinion.

Thus, joining the polls will not only disorient voters, it will also unduly increase the costs of the suffrage and substantially complicate its organization and holding. The Promo-LEX observation mission considers that the High Court's verification of the legal merits of organizing the referendum is to be carried out ex ante rather than ex post. Since in the case of an ex post verification, the consequences could be unpredictable. The inaction of actors entitled to refer the case to the Court arouses concerns.

Misuse of administrative resources

Promo-LEX OM has identified at least two parties whose actions can be qualified as misuse of administrative resources: the PDM and PSRM. In the case of the PDM, Promo-LEX OM identified in the pre-electoral period at least seven cases, where the activities of the potential national electoral competitors contained elements of deviations such as: merging the party with the state, abusive use of administrative resources and bribery of citizens. In the case of the PSRM, we refer to the fact that the party representatives in the Chisinau Municipal Council adopted and implemented projected using the public money.

Designation of candidates ahead of time

Promo-LEX OM has found that a number of political parties have carried out activities that can be qualified as designation of candidates in advance: the PSRM, PPS, PAS and PPPDA. In the period of 8 September – 3 November 2018, the PSRM publicly presented the party's candidates for 43 of the 46 uninominal

constituencies established on the territory of Moldova (except for the Transnistrian region). The Sor Political Party (PPS) resorted to its local representatives in the regions, which largely coincides with the uninominal constituencies. The PAS and PPPDA announced during the pre-election period that they have designated potential candidates to pass the integrity filters.

The establishment of a parliamentary commission of inquiry during the pre-electoral period for the examination of the activity of the parties in the opposition, potential electoral contenders, in the absence of conclusive evidence, raises reasonable suspicions about their possible intimidation in the electoral context.

Lack of confidence in the quality of the decision-making process managed by the CEC

In the opinion of Promo-LEX OM, during the monitored period, the CEC sporadically took account of the decision-making transparency and the number of normative acts that have been modified or approved too late is relatively large.

There were enough examples, both during 2018 and during the pre-election period, which demonstrated the lack of sustainability in ensuring decision-making transparency. An eloquent example of this is the amendment to the Regulation on the Financing of Electoral Campaigns, which has not even been subject to public consultations.

Referring to the video recording system in polling stations in the parliamentary elections of February 24, 2019, Promo-LEX mentions that the technical characteristics of the video recording system in the polling stations were adopted before the approval of the draft amendments to the normative acts on the operation of such a video recording system.

Differences in the data on the number of voters arouse suspicions

Promo-LEX OM draws attention to the fact that the continuous increase in the number of voters in the State Electoral Register (RSA), given the country's depopulation by emigration, as well as the existence of a negative population increase in 2000, fuels the society's mistrust in the functionality of the RSA and implicitly in the quality of electoral rolls. In order to increase the credibility of the electoral process, the RSA has to manage accurately, efficiently and under transparent conditions the data on the number of population and the number of voters.

At the same time, Promo-LEX emphasizes that under the existing legal framework, the citizens that do not have either a place of domicile or a place of residence are not allowed to vote in uninominal constituencies. We note that the number of voters that fall under this category has increased only in the last 15 months by 55,207, representing about 6.45% of the total number of voters.

Major risk of decreasing the transparency of the final report on the financing of electoral campaign

Promo-LEX qualifies the CEC's failure to bring in conjunction the compulsoriness to submit the final reports on the financing of electoral campaign with the new deadline for electoral race (as a result of extending the period of electoral campaigning) as evidence of making hasty changes without an overall analysis of the legislation. We consider this a legislative issue and we recommend to introduce a new deadline for the competitors' submission of the final report of on the financing of electoral campaigns, which should not exceed 5 days after the election day.

The full report can be read [here](#).

For further information, please contact:

Inga Stegarescu, Promo-LEX Association Press Officer;
GSM: 069 26 96 84;

E-mail: inga.stegarescu@promolex.md