

Promo-LEX Mission: End of election campaign marked by misuse of administrative resources and intimidation



The Promo-LEX Observation Mission (OM) launched its fifth monitoring report on the parliamentary elections of 2019. Similar to the previous reporting periods, the Mission revealed several issues, including misuse of administrative resources, presence of hate speech and incitement to discrimination in competitors' messages, offering of electoral gifts, and unauthorized placement of advertising. Compared to the previous monitoring period, the number of electoral activities has doubled. Additionally, Promo-LEX observers have ascertained the presence of deceased persons and address errors in electoral lists.

Multiple violations on the last leg of the campaign

The Promo-LEX OM has found that the number of electoral activities has virtually doubled compared to the first two weeks of the campaign. A minimum of 1085 events have been registered, of which 31% fall for the PDM; 22% for the PSRM, 12% for the PPS, 11 for ACUM Bloc, and 6% for the PN.

The number of cases that can be qualified as misuse of administrative resources is also increasing, reaching the figure of 196. In 109 of these cases, the PDM is concerned, 36 cases – the PSRM, 14 cases – ACUM Bloc, 13 cases – ICs, 8 cases – the PN, 7 cases – the PPS, 6 cases – the PCRМ and 3 cases – the PL.

Another 3 cases refer to non-compliant use of electoral advertising and 65 cases account for unauthorized placement of advertising.

Actions of the CEC that do not meet the provisions of Electoral Code

The Promo-LEX OM warns against the content of the Circulation Letter issued by the CEC, which provides for derogations from the legal norm on the prohibition of electoral campaigning in the polling station. In the opinion of Promo-LEX, by allowing the use of electoral symbols in the polling station by voters and / or competitors' trustees, the provisions of Art. 52 par. (10) of the Electoral Code will be violated.

Likewise, the Promo-LEX OM considers that approval of the use of video cameras in the polling stations should have been made after the amendment of the Electoral Code. Otherwise, art. 60 of the Electoral Code expressly stipulates the actions taken to ensure the security of the voting process, and this list of actions lacks the provisions regarding the video recording system.

Restricted access to the polling stations of the Transnistrian

region

About 66% of the PSs set up for the Transnistrian region have been relocated, which will hinder voters' access to the polling stations within SMCs no. 47 and 48.

Seven candidates have enrolled in electoral race and three others have officially withdrawn

Having examined the appeals filed by the potential candidates, who had been refused the registration by the CCs until 20.02.2019, the court decided on the registration of 7 of them, as follows: the PPS – 4; the PCRМ – 1 and 2 independent candidates. Other three candidates have officially withdrawn from the race (ICs), and another 2 have announced their withdrawal through social networks (IC and the PDM).

A series of deficiencies in the electoral lists have been identified, as well as their delayed referral to the EBPS

The Promo-LEX OM ascertained the failure to observe the deadlines for transmitting electoral lists to the EBPS in 673 PSs (73%) out of the total of 928 interviews conducted. At the same time, we mention that in 84 of the 255 cases, the EBPS members made changes to improve the quality of electoral lists in the absence of confirmatory documents.

Interviews conducted with members of the 928 EBPSs revealed a number of deficiencies in electoral lists, most notably, the presence of deceased persons (23%); address errors (11%) and erroneous assigning of voters to PSs / settlements (5%). We also draw the reader's attention to a case of possible artificial migration of voters.

Conflicts and electoral litigation

According to the findings of the Promo-LEX OM, during the period subjected to monitoring, 4 complaints were filed within the CCs, 24 complaints were filed with the CEC and decisions

were taken with respect to 30 appeals.

During the monitored period, 13 electoral petitions were filed with the courts of first instance, 3 appeals against the CEC and nine appeals against the judgments issued by the courts of Chisinau, Comrat, Drochia, Hincesti and Orhei. 10 appeals have been filed with the Supreme Court of Justice.

Donations exceeding the ceiling of funds that can be transferred to the Electoral Fund account

In the period of 2-15 February 2019, 90% of electoral actors submitted to the CEC reports on the financing of their electoral campaigns. The total amount of financial resources accumulated and reported to the CEC is 24,343,390 lei, and the amount of expenditures incurred is 24,934,331 lei. The sources of financing reported included bank transfers, donations from legal entities and individuals, as well as material donations from electoral candidates.

The Promo-LEX OM found 2 donations, exceeding the ceiling of funds that can be transferred to the Electoral Fund account, amounting to 1,390,000 lei from ExFactor-Grup LLC, transferred on February 14, 2019 to the account of the PPS.

The Promo-LEX OM also noted that the PPS received the donations made on February 14, 2019 by the legal entities that carried out activities financed at public expense a year before the beginning of the electoral campaign, which is forbidden by the Electoral Code (Article 41 par. (3) letter e).

The Promo-LEX OM notes that there is no declaration of expenditures for campaign premises, electoral staffs and campaigners / observers of electoral candidates planned for the election day and hopes that these expenses will be reflected in the final report on the financing of electoral campaign that is to be submitted on February 22, 2019. Thereafter, the Mission estimated unreported expenditures of

at least 1,082,137 lei.

Electoral campaign continues to be affected by intimidation, incitement to hatred and discrimination

During the reference period, Promo-LEX continued to monitor hate speech and incitement to discrimination. On the basis of information reported by monitors, at least 4 cases, where electoral competitors generated discriminatory messages or other forms of public intolerance have been identified, of which: the PSRM – 2 cases; ACUM Bloc and the independent candidate Dumitru Cebotarescu – 1 case each.

On the other hand, referring to the competitors, who have been targeted by hate speech, ACUM Bloc was involved in 6 cases, the PL, the PDM, the PPS and the independent candidate Valeriu Ghiletschi – once each.

Sexist prejudices are most widely used in competitors' messages, perpetuating gender stereotypes in the society (5 cases), followed by homophobic expressions (4 cases).

Promo-LEX observers also reported 5 cases of intimidation / violence involving candidates.

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

For more information, please contact:

Inga Stegarescu,

Promo-LEX Association Press Officer

GSM: 069 26 96 84;

E-mail: inga.stegarescu@promolex.md