

# **PUBLIC APPEAL on the need to accelerate the procedure of appointment and approval of new members of the Central Electoral Commission (CEC) by the Parliament, as well as to elect the authority's management by CEC members**

To the Parliament of the Republic of Moldova

To the Central Electoral Commission

## **PUBLIC APPEAL**

on the need to accelerate the procedure of appointment and approval of new members of the Central Electoral Commission (CEC) by the Parliament, as well as to elect the authority's management by CEC members

*Promo-LEX Association,*

*draws the Parliament's attention to the need to appoint and approve new CEC members on an urgent basis in accordance with the legal terms established in the Electoral Code,*

*highlights that, in the context of the General Local*

***Elections scheduled for 20 October 2019, delays in the organization and conduct of elections may lead to both risks and uncertainties that may affect the quality and integrity of the electoral process,***

***believes that the CEC (members of the Commission and officers of the authority) should be provided with favorable working conditions, because the internal functionality and execution of authority's powers in the absence of a management body is very uncertain.***

The Central Electoral Commission is a body specialized in election field, which is responsible for the organization and conduct of elections in the Republic of Moldova. The functionality of the Commission is crucial to the quality and integrity of the electoral process and the credibility of its results. According to the existing statutory provisions, the Commission consists of nine members, one of which is proposed by the President of the Republic of Moldova, and the other eight by the Parliament with the proportional representation of the majority and the opposition.

During the period from 28 June–4 July 2019 three members of the Commission – Iurie Ciocan, Alina Russu and Rodica Ciubotaru resigned from their posts as CEC members. It should be noted that Alina Russu held the post of the head, while Rodica Ciubotaru held the post of the deputy head of the CEC. In this way, the Commission remained unmanaged, which strongly affects the functionality of the institution, including from the point of view of quality of the administer of the financial means allocated to the Commission from the state budget.[\[1\]](#) On 5 July 2019 the Parliament of the Republic of Moldova approved the draft decrees on the termination of powers of the CEC member in respect of the aforementioned persons.

In this regard, we emphasize that according to article 20 para. (5) of the Electoral Code, **in case of early termination**

**of the powers of a CEC member (in our case, the Parliament), within 10 days, the authority thereof shall propose,** while the Parliament shall approve the candidature of the new member of the Commission for the remaining term of office of his/her predecessor. In the event that all 3 members who have resigned have been appointed by Parliament, the legislature is the body that is to appoint new members of the Commission **before 15 July 2019, inclusive.** Bearing in mind that the President of the Republic of Moldova, referred to the Parliament for revision the law no. 56 of 18.06.2019 on amendments and additions to the article 20 of the Electoral Code no. 1381-XIII of 21 November 1997, and determination of the possibility of revision of the mechanism of appointment and resignation of members of the Central Electoral Commission, as well as their mandate within the institution thereof, consideration of these issues by the legislative forum is imperative. In this regard, Promo-LEX Association **is putting forward proposals to amend the electoral legislation,** which are listed [in the Annex hereto.](#)

Proposals to the deputies of the Parliament of the Republic of Moldova, in the draft law No. 36, by organizations that are members of the Coalition for Free and Fair Elections.

Simultaneously, by the cumulative interpretation of paragraphs (1) and (4) of the art. 17 of the Electoral Code, in the case of a vacancy for the post of the head and deputy head of CEC, **the members of the Commission should elect the new leadership within 15 days from the formation of the vacancy thereof** (from the date) of approval by the Parliament of the resignation of CEC members, in other words **until 20<sup>th</sup> of July inclusive.** Despite the fact that the Parliament has not yet approved the new members, we believe that the choice of a new leadership is absolutely necessary at this stage. We recall that the General Local Elections in Moldova will be held on 20 October 2019. Keeping in mind that the Parliament's Decree on the appointment of the election date comes into force on 1 August

2019, it is extremely necessary to ensure the full functionality of the electoral body.

**In the light of the above, Promo-LEX Association calls on the:**

**Parliament of the Republic of Moldova**

- *to appoint new CEC members within the legal period until 15 July 2019 and approve their candidature as soon as possible;*
- *to initiate public consultation on the improvement of the mechanism of creation of the CEC.*

**Central Electoral Commission**

- *to elect until 20 July 2019, the authority's new leadership to ensure the internal functionality of the institution and the effective performance of current duties;*
- *to put forward proposals to improve the legislation on the activities of the electoral system of the Republic of Moldova.*



[\[1\]](#) See art. 30 and 31 of the Regulation of the Central Electoral Commission.