

Promo-LEX Observation Mission: Recent legislative changes create substantial ambiguities for participants in the electoral process

The Promo-LEX Observation Mission presented today, September 5, 2019, [the Second Report on the Monitoring of the General Local Elections and the New Parliamentary Elections of October 20, 2019](#). The Report contains monitoring results covering the period of 15 August – 3 September 2019.



Introducing amendments to the Electoral Code during the electoral period has a negative impact on the correctness and predictability of electoral process

The Promo-LEX Observation Mission is concerned about the modification of some legislative acts, by Law no. 113/2019, which has been made during the electoral period. The changes deal with such fundamental aspects as: electoral campaigning, financing of electoral campaigns, designation and registration of competitors, etc. It should be mentioned that the organization of electoral process is burdensome and accompanied by uncertainties, given that the amendments of the Electoral Code entered into force 15 days after the beginning of the electoral period for the new parliamentary elections and only 2 days before the beginning of the electoral period for general local elections.

In addition, certain provisions, including on the financing of electoral campaigns, will be applied differently to the two elections to be held on October 20, 2019, the new parliamentary elections taking place predominantly under the old electoral law, and the general ones based on the new legislation.

The modification of the legislation on the financing of electoral campaign requires the CEC to publish the place of work of the donors indicated in the financial reports

The new legal provisions regulate in detail the quality of donor of persons holding high positions, civil servants, including those with a special status, or those employed in public organizations, by expressly limiting the donated amounts. In this respect, Promo-LEX draws the attention of the CEC to the fact that the donor's workplace should be made public in the financial reports, since only in this way, the citizens and investigative journalists will be able to monitor the amounts donated by the civil servants. And only in this way, given the current circumstances, the legal rules can be implemented.

We reiterate that, in the opinion of Promo-LEX, the CEC must make accessible to the public respective data from the reports

on the financing of electoral campaigns, reports of initiative groups and those of political parties.

Increasing number of activities with electoral tinge, continued misuse of administrative resources

In the context of *the new Parliamentary Elections*, the Promo-LEX OM noticed the increased activism of potential MP candidates in single member constituencies, with 41 initiative groups being registered. Of them, 68% of the candidates are nominated by political parties and an electoral bloc. Only two subjects with the right to designate candidates – ACUM Electoral Bloc and the PLR – have candidates for all 4 constituencies.

In the monitored period, there have been identified at least 40 cases that can be qualified as electoral activities: the PSRM (25), the PN (6), ACUM Electoral Bloc (5), the PDM (2), the PPS (1) and the PCRM (1). Additionally, there are at least 10 cases that can be qualified as misuse of administrative resources (8 – the PSRM, 1 – the PDM, 1 – a potential candidate that is currently unaffiliated).

The Promo-LEX OM also found at least 4 situations that can be qualified as involvement of the President of the Republic of Moldova, Igor Dodon, in promoting the PSRM and its potential candidates for the general local elections.

Also, during the monitored period, there were reported at least 3 events that have a potential electoral impact and can be referred to as image transfer, organized with the involvement of foundations/ organizations associated with political parties: 2 cases by *“Renato Usatii” Foundation* and 1 by *“For Orhei” Public Association*.

Also, in the context of local elections, the Promo-LEX OM has identified at least 14 cases that can be qualified as early designation of candidates: 9 cases – the USB and 5 cases – ACUM Bloc (PPPDA / PAS). Contextually, the Promo-LEX MO

reiterates its position regarding the need to extend the period for designation of candidates in the case of local elections, which is shorter compared to the parliamentary and presidential elections.

Restricting the right to vote of citizens who do not have a place of domicile or residence

Paradoxically, although the CEC approved the reduction of councilor mandates in some second and first level local councils due to the decreasing population in the respective regions, we continue to witness an increase in the number of voters registered in the State Registry of Voters, especially those without a place of domicile or residence.

Also, the Promo-LEX OM points out that the probability of restricting the constitutional right to elect in the local and parliamentary elections of October 20, 2019 of voters who do not have a domicile or residence (their number exceeds 200 thousand) is real.

Reduced accessibility to the premises of level II DEC's and lack of public information affects the confidence of population

With reference to the *General Local Elections of October 20, 2019*, we have repeatedly found that level II DEC in Bender had not been established. Of the 35 DEC's II opened, only 66% displayed data on the membership of DEC II and only 71% displayed their working hours in visible places at their headquarters.

We attest to a relatively balanced situation in terms of gender balance within the DEC II. However, women holding the position of president of DEC II, are in the minority, accounting for 40%. Offices of only 7 DEC's II (20%) can be considered accessible under the conditions provided by the CEC normative acts.

In order to organize *the new Parliamentary Elections*, the CEC constituted, in legal terms, all the four DEC's in Single Member Constituencies, at the same time, the Promo-LEX OM found that at the formation of the DEC's in these constituencies, not all the subjects holding the right to appoint members designated members to the DEC's.

The Promo-LEX Association will carry out a Campaign for information, electoral education and apolitical mobilization of the citizens of the Republic of Moldova entitled to vote under the heading "I vote for ...". It will include: "door-to-door" information activities, carried out in 70 settlements with the involvement of 34 coordinators and over 200 volunteers; 10 public electoral debates in 10 rural and urban settlements; TV and Radio debates; creation and dissemination of 2 video spots; an online campaign for information and apolitical mobilization of voters, etc.

The full version of Report No. 2 can be accessed [here](#).

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