

# **Final Report on the 2020 Presidential Elections: electoral incidents found by observers Promo-LEX should guide authorities towards a better electoral process**

*Election contenders avoiding reporting all campaign expenditures, record number of hate speeches and incitement to discrimination, use of administrative resources, bribing voters, high rate of complaints not accepted by CEC and courts... These are only several conclusions presented by Promo-LEX Association at the post-election Conference 'Promo-LEX Mission's Conclusions and Recommendations on 2020 Presidential Election'*

At the same time, we appreciate the efforts made by CEC to conduct the election efficiently amidst the pandemic, as well as the appropriate cooperation with MFAEI on the establishment of PSs abroad in line with the legally established criteria.

However, we regret the instances when observers' access to the main lists of voters was restricted. In addition, the observation process during the election day was affected by isolated cases of observer intimidation by the Police and electoral officials.

## **Legal drawbacks identified during the Presidential election**

Promo-LEX Observation Mission regrets the faulty public consultation process, which resulted in a lost opportunity to make amendments at the beginning of the electoral period that would respond, even if partially, to Constitutional Court's

addresses issued as early as in 2016.

Besides the repetitive legal issues, Promo-LEX underscores certain new legal drawbacks identified during these elections: contradictory provisions in the Electoral Code and the Administrative Code on reviewing and settling electoral complaints; neglecting the need to adjust the Electoral Code provisions to the pandemic conditions; faulty definition of the notion of election contender in presidential elections.

### More active contenders and hundreds of electoral incidents

Recording

### Desemnarea și înregistrarea candidaților

- 13 grupuri inițiativă înregistrate - 9 GI au depus documente de înregistrare, inclusiv liste de subscripție.  
Din 4 care nu au reușit să colecteze - 3 din partea candidaților independenți.
- CEC a înregistrat opt concurenți.  
Alegerile prezidențiale din 1 (15) noiembrie 2020 au avut un caracter competitiv.
- Din opt candidați înregistrați, șapte au fost desemnați de partide politice și un bloc electoral, iar unul - candidat independent, însă susținut deschis de un partid politic.

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Igor Bucataru

The number of campaign activities did not diminish during the pandemic, with election contenders displaying a high activism, particularly online. At the same, some activities of electoral nature were conducted before the legal time period started.

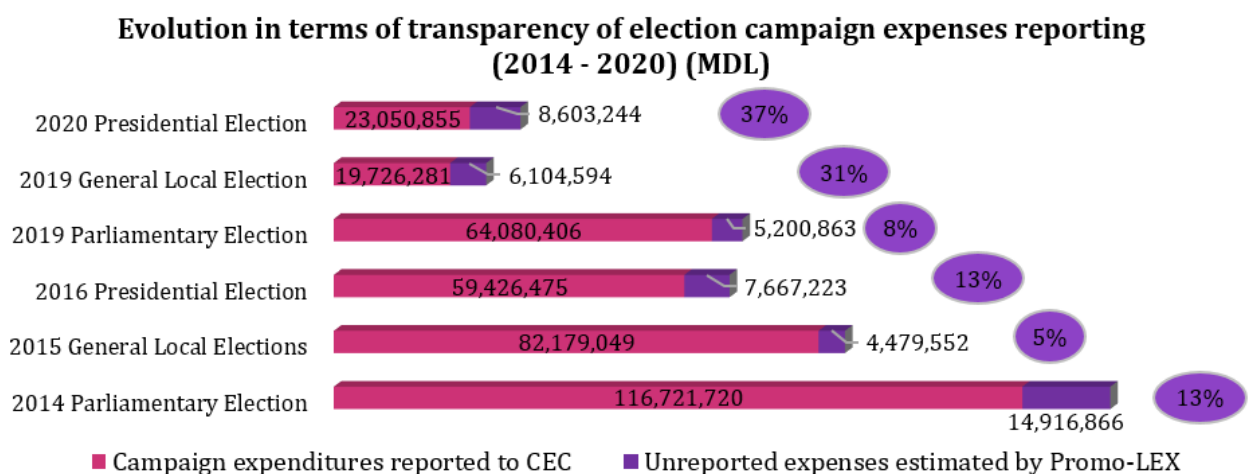
According to Promo-LEX OM, the election campaigns are still affected by the use of administrative resources, with 114 cases reported. Most cases refer to the involvement of public sector employees in the election campaign during their working hours (54%) and election contenders taking credit for

works/services performed at the expense of public funds (29%). Observers also identified at least 9 cases that can be regarded as electoral gifts.

Other identified violations include: use of images of religious cults in the election campaign (14 cases); promotion using the image of foreign officials and state symbols (17 cases); non-compliance with public health rules established by the extraordinary public health commissions (65 cases); use of electoral advertising in violation of legal provisions (57 cases); intimidation and use of violence in the electioneering process (12 cases).

### Low transparency of expenditures made and reported during the election campaign

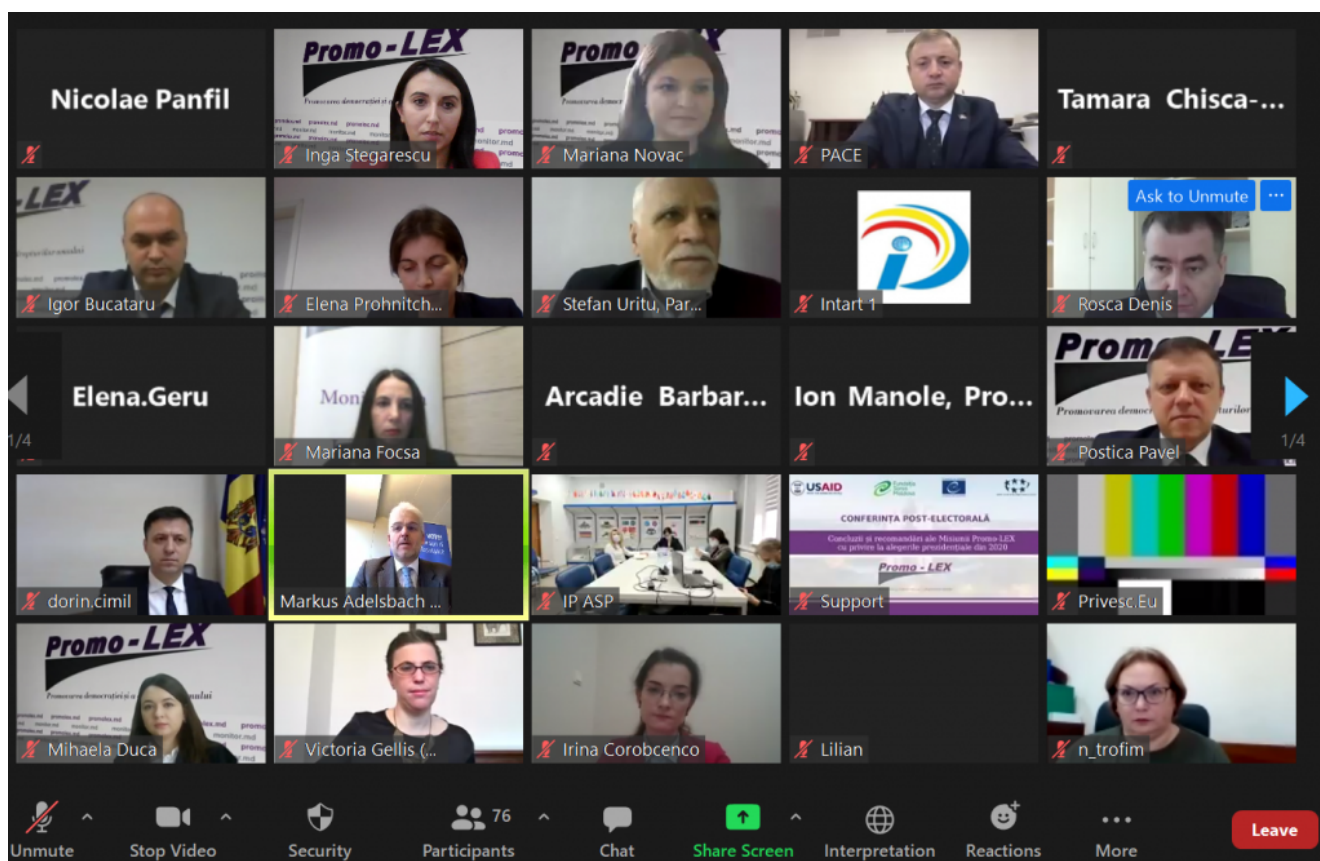
Promo-LEX OM finds that the current elections were characterized by a lower transparency of expenditures made and reported during the election campaign compared to the previous elections. Thus, for the 2020 Presidential Election, an estimated 39% of total expenditures reported to CEC failed to be reported, with a share of 13% the 2016 Presidential Election.



As estimated by Promo-LEX, the eight election contenders did not report to CEC at least MDL 9,099,163 for the activities conducted, which is by MDL 3 million than in the 2019

election. According to the estimations, Igor Dodon (IC) allegedly did not report at least MDL 5,057,965 (56%), Violeta Ivanov (PPS) – MDL 2,063,354 (23%), Maia Sandu (PAS) – MDL 1,163,142 (13%), Andrei Nastase (PPPDA) – MDL 394,805 (4%), Tudor Deliu (PLDM) – MDL 156,387 (2%), Renato Usatii (PN) – MDL 117,806 (1%), Octavian Ticu (PUN) – MDL 113,449 (1%) and Dorin Chirtoaca (BE Unirea) – MDL 32,256.

Promo-LEX warns about the total failure to report any expenditures for delegation of electioneers, stressing that no election contender had submitted declarations of volunteering to the control body, as they had declared plenty of times to journalists.



**Election day affected by organised transportation of voters, flaws in lists of voters and cases of cash rewards offered to voters.**

The 2020 Presidential Election was characterised by a high civic activism of voters, who showed up to vote even amidst the pandemic in greater numbers than for the 2016 election.

The people who voted in the polling stations abroad stood out in particular. Unfortunately, not all of them had the opportunity to exercise their right to vote due to the huge queues at the polling stations and the insufficient number of ballot papers in some polling stations. In this context, Promo-LEX Association urges repeatedly authorities and politicians to consider introducing alternative voting measures and/or extending the voting period.

During the two rounds, Promo-LEX observers reported 980 incidents (499 in the first round, 481 in the second) – a slight decrease compared to the 2016 Presidential Election (1053) and 2019 Parliamentary Election (1118 incidents). We must, however, underline that the number of observers at the latter two elections was higher than during the 2020 election.

We also draw the attention to cases/rumours of awards given to voters (36) and instances of organised voter transportation (87), flagged in particular at the PSs set up for voters from the transnistrian region.

In terms of quantity, the most frequently reported incidents involve taking a picture of the ballot papers and other violations of secrecy of vote (167), non-compliance with COVID-19 protection measures (110) and deficiencies in the operation of 'Elections' SAIS (96).

### **Limited accessibility of lower level electoral bodies**

Promo-LEX appreciates the efforts made by CEC to conduct efficiently the election amidst the pandemic. At the same time, compliance with the work schedule was poorer in the case of PEBs, so that 27% of the PEBs visited by Promo-LEX observers were closed during office hours. As well, not all lower-level electoral bodies complied with the pandemic-related requirements.

Accessibility for people with reduced mobility remains a problem for DEC (56%) and PEB (73%) offices.

## **High rate of complaints not accepted by CEC and courts**

Complaints review remains a problem for the electoral process in the Republic of Moldova. Promo-LEX OM, thus, draws the attention on the high rate of inadmissibility of complaints (75%), which seriously affects the society's trust in these procedures, the equal opportunities for contenders and the right to effective remedy.

The complaints mainly relate to: illegal electioneering, election campaign financing and the use of administrative resources.

## **Election affected by discriminatory messages and other forms of intolerance**



This election stood out due to the record number of cases (420) of hate speech and incitement to discrimination. As for ways of manifesting hate, sexist prejudices, gender stereotypes in the society and prejudices against persons with disabilities have the highest incidence.

Also, during the election campaign, the hate speech and incitement to discrimination took the form of irony, threats, incitement to violence, etc. and fueled different social fears that promoted intolerance in the public space.

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Find the full report [here](#).

*If there are any discrepancies between the text in Romanian and its translation, the provisions formulated in Romanian shall prevail.*

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