

Report No 3 of Promo-LEX OM: Significant Concerns in the Context of an Increasingly Dynamic Election Campaign

Promo-LEX identifies an increasing number of gaps in the organisation and conduct of the election campaign for the early Parliamentary Elections of 11 July 2021. During the reporting period (26 May 2021 – 8 June 2021), a series of positive aspects were identified, as well as many concerns about the electoral process.



The activity of electoral bodies: achievements and problems during the reporting period

Promo-LEX OM found an acceleration of the observers' accreditation process, during the reporting period being

accredited a number of 734 (91%) out of 811 observers. The management of DEC's was also elected by the legal deadlines, with observance of the gender balance for management positions, except for the position of DEC secretary, 84% of which being held by women.

One of the issues in DEC activity is the failure to meet the work schedule. Thus, out of 83 visits made in the working hours, during seven visits (8%) the DEC II offices were closed. Another problem is related to the non-accessibility of DEC II offices for people with disabilities, as only 17 (46%) out of 37 premises are accessible to people with mobility impairments.

A number of 2149 PSs were set up for the early Parliamentary Elections of 11 July 2021, including 1959 by DEC II. On the other hand, many problems are related to the CEC work in the context of adopting decisions on establishing polling stations for the voters in the transnistrian region – 44 PSs and abroad – 146 PSs.

Therefore, though a smaller number of voters from the transnistrian region participated in the 2020 Presidential Elections in comparison with 2019 Parliamentary Elections, for the election of 11 July 2021 2 more PSs were arranged. We also ***note that 2 PSs were set up in Bender and 1 PS in Corjova village, and given that Government authorities did not get an efficient control over these communities, there could be significant risks*** (expressed by the Security and Intelligence Service and Bureau for Reintegration Policies) ***for the security of the electoral process and its participants.***

Regarding the polling stations for the voters outside the country, CEC first constituted on 5 June 2021 only 139 PSs, without considering the legal criteria for their establishment provided in Electoral Code. As a result of the social and political pressures, CEC reviewed its decision, and, on 7 June 2021 it decided to set up 146 PSs. ***According to Promo-LEX OM,***

CEC had to start from 150 polling stations, as it was set in its expenditure estimate, with potential increase of their number if MFAEI/the Government granted the availability of sufficient funds.

More active electoral contenders – more incidents



The activity of electoral contenders enhances along with the increase in the number of registered contenders, as well as with the progress of the election campaign. Thus, by 8 June 2021,

three days before the expiry of the deadline for the submission of registration applications, CEC registered a total of 17 electoral contenders, with two other applications being under examination. In comparison with Parliamentary Elections of 24 February 2019, there was a total of 15 contenders in the national constituency. During 26 – 8 May 2021, at least 673 electoral activities conducted by nine electoral contenders were reported, with BECS – 357 (53%) activities and PAS – 177 (26%) activities as the most active.

There is also an increase in the number of violations reported by Promo-LEX observers. Thus, **during the reference period, at least 42 cases that can be regarded as use of administrative resources** (involving public employees in election campaign activities – 27 cases; taking credit for works/services performed from public funds – 3 cases; organisation of electoral meetings within state institutions with their employees, during their working hours – 12 cases) were

reportedly carried out by: BECS – 34 cases, PDM – 4 cases, PAS – 2 cases, BERU and PDCM – 1 case each.

Report No 3 of *Promo-LEX OM* also includes one case that may be regarded as gifts with electoral impact, involving the BECS candidate (a playground for the community Parcani, Slobozia). There were also eight cases of using the image/state symbols of the Republic of Moldova and other states for electoral promotion purposes (4 – PAS, 2 BECS and by 1 case – PPPDA and PUN).

We draw attention to *two cases of campaign activities engaging religious cults*. On the one hand, one case was reported where representatives of religious cults engaged directly in the PDM election campaign, on the other hand, BECS used the image of religious cults in promotion activities.

Expenses not reported by the electoral contenders amounting to MDL 1 922 687.

During 21 May – 4 June 2021, seven electoral contenders (PPCC, BERU, PPS, PAS, BECS, PDM and PPPDA) reported a total revenue amounting to MDL 9 551 708. On the other hand, the amount of the declared expenses is about MDL 5 880 932. Most of them were reported to be used in political advertising – 39%, for promotion materials – 34% and for the organisation of electoral events – 16%.

At the same time, *Promo-LEX OM* estimated at least MDL 1.922.687 as undeclared expenses during the first two weeks of the election campaign, of which PAS – MDL 1.068.194 (56%), BECS – MDL 457.335 (24%), PPPDA – MDL 119.860 (6%), PPCC – MDL 91.909 (5%), PACE – MDL 86.249 (4%), PPS – MDL 81.509 (4%), PDM – MDL 13.185 (1%), BERU – MDL 4.447. The costs for advertising materials (56%), and outdoor and mobile advertising (18%) have the biggest share of the unreported expenses.

Activities of other public institutions in the context of the

early parliamentary elections

On 28 May 2021, the Presidency held a meeting of the Supreme Security Council, one of the subjects on its agenda being related to the risks of corruption in the process of financing political parties and election campaigns. PROMO-LEX supports the need to ensure lawful and transparent financing of parties and electoral contenders, but ***we draw the attention of public authorities to the importance of refraining during the electoral period from actions that can be interpreted as interfering or influencing the electoral process.***

Though with a delay, the National Extraordinary Public Health Commission approved the Instruction on Organisation and Conduct of Elections by Central Electoral Commission amidst the COVID-19 Pandemic. We however express our concern that some of the unclear provision of the Institution, found during the presidential election, have not been corrected.

Unfortunately, we still find gaps in the way LPAs fulfil their duties of ensuring a transparent and accurate electoral process. For this election as well, the Chisinau Municipal Council failed to approve the nomination of PEB members by local public authorities. In this context, ***we draw the attention that using the CEC's Register of Electoral Officials as a replacement of the LPA powers to appoint PEB members undermines the transparency of the electoral process and raises concerns about the integrity of procedures.***

At the same time, ***PROMO-LEX OM is worried about the information shared by the Congress of Local Authorities from Moldova*** (confirmed by other sources, as well) ***that a number of mayors reported unplanned checks started by investigation and control authorities during the electoral period, including at the request of two MPs, electoral contenders.***

Notifications not addressed in a swift manner and high rate of rejected complaints

During the monitored period, 5 complaints and 4 notifications were filed to CEC, most of them being against electoral contenders. The notifications were not addressed within the maximum period stated by the law, and 3 of the 5 complaints filed were rejected by CEC.

Other at least 10 complaints were filed with the Chisinau Court of Appeal against CEC actions and decisions. Until 8 June 2021, the Chisinau Court of Appeal issued its resolution on 5 complaints, within the legal term, rejecting them due to the lack of actual harm to the personal right of voter or electoral contender. ***Regarding complaint rejection, PROMO-LEX regards the rationale invoked as ungrounded, as any electoral violation affects the voters' right to form an opinion or the electoral contenders' right to run for elections on equal terms.***

Hate speech and incitement to discrimination are not sanctioned during this election either

In spite of the Code of Conduct on the conduct and media coverage of the election campaign for the Parliamentary Elections of 11 July 2021, Promo-LEX monitors found at least 36 cases of hate speech and incitement to discrimination – by about 33% more compared to the previous monitoring period.

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