

Election campaign marked by a large number of candidates, misuse of administrative resources and involvement of officials in electoral activities



In Report No. 3 of the Observation Mission (OM) for the general local elections from 5 November, Promo-LEX notes a significant rise in cases that could be qualified as misuse of administrative resources, a greater involvement of civil servants in campaign activities and non-reporting of full campaign expenditures by electoral competitors.

Promo-LEX OM appreciates in general the work of the electoral bodies but regrets the cases of obstruction of the free

observation of the electoral process (11 cases by ECEC I and 2 – ECEC II) and emphasises that observers in the exercise of their duties have the right to have access to all electoral information.

The observation period for the events included in the report is generally 5 – 17 October 2023. The observation of campaign financing was carried out between 6 and 13 October. And the monitoring of hate speech and incitement to discrimination covers the period 29 September – 12 October 2023.

Problematic situation of voters in Corjova village

Promo-LEX OM is drawing attention to the situation where a large number of voters, who de facto live in the Corjova, are excluded from the electoral lists, but their identity documents show their residence in the town of Dubasari. Most of the voters excluded from the lists live in the village of Mahala, which is part of the Corjova village, but the identity cards issued to the inhabitants of Mahala village indicate „Dubasari town” as their residence.

The problem of exclusion of part of actual inhabitants of Corjova from the basic rolls is perpetuated from one election to another, and the public authorities, including the electoral ones, have not proposed any systemic solutions. In Promo-LEX’s view, voting on supplementary rolls was a temporary solution that should be dropped, as it only perpetuates and aggravates the problem.

As a reminder, 992 voters took part in the 2021 early parliamentary elections in Corjova, including approx. 62% on supplementary rolls. Thus, we note that the right to vote of Moldovan citizens residing in Corjova could be violated if they are not allowed to vote on the grounds that they are not included in the basic electoral rolls. Promo-LEX OM is concerned that the non-admission of such a large number of voters to the polls could also affect the validity of the

elections and/or significantly influence the election results.

Promo-LEX OM considers it absolutely necessary to solve the problem of fixing the domicile in the identity documents according to the state of affairs and urges the Public Services Agency (ASP) and other central public authorities, together with the electoral bodies, to find a quick solution to this issue and actively inform citizens in this respect.

Competitive elections with a large number of registered candidates

Promo-LEX OM reiterates that the general local elections on 5 November are competitive and notes an increase in the number of registered candidates for all types of elective office compared to the previous local elections in 2019. The share of independent candidates for mayor has decreased, albeit insignificantly, from 10% to 8%. In contrast, the share of women candidates for mayor has increased, from 27% to 30%.

A positive dynamic in terms of registration of women as candidates for the office of mayor was observed in the municipalities of Balti and Chisinau – from 6% in 2019 to 19% in 2023. A record number of candidates – 27, all nominated by parties/electoral bloc – were registered for the office of mayor of mun. Chisinau. In mun. Balti, only two out of a total of 15 are independent candidates.

Promo-LEX observers recorded at least 15 cases of applications for registration of candidates for mayor and councillor offices being rejected. In most cases, the reasons for rejection of registration were: prohibition to hold public office and insufficient number of signatures collected.

In addition, 30 cases were reported when the list of candidates for councillor office was registered without respecting the minimum representation quota of 40% for both sexes, including 1 case of non-compliance with the positioning of candidates according to the formula of a minimum of four

candidates of the same sex for every ten places.

Documenting the change of political affiliation of mayors, Promo-LEX observers found that towards the end of their mandate (2019-2023), about 39% of mayors changed their political option or declared themselves independent/unaffiliated. Most of the mayors who abandoned the party that nominated them in the 2019 elections “migrated” to PAS (36%).

Involvement of civil servants in campaigning and misuse of administrative resources

During the monitored period, Promo-LEX OM is observing a significant increase in the number of cases that can be qualified as misuse of administrative resources. Since the official start of the electoral campaign, the number of such cases has increased almost threefold and amounted to at least 43:

- use of public authorities to promote electoral initiatives – 4 cases (Government – Satul European Expres (European Village Express); Executive Committee of ATUG, Taraclia City Council and Orhei District Council – monthly addition of 1,000 lei to small pensions, promised by Ilan Shor);
- involvement in campaign activities of persons holding public office – 18 cases (PAS);
- electoral candidates taking credit for public works/services carried out with public money – 11 cases (6 – PAS, 2 – PS, 2 – MAN, 1 – LOC);
- organisation of electoral meetings in public institutions with employees of those institutions during their working hours – 9 cases (5 – PSRM, 2 – PAS, 1 – CUB and 1 – PCRM).

One case of potential voter corruption concerns the offering of envelopes with money at a public event organised by ATUG

Governor with the support of Miron Şor Foundation.

Also, at least 14 cases were observed where electoral advertising was distributed in violation of legal provisions (6 – PAS, 3 – PSRM; 2 – PSDE; 2 – PDCM; 1 – PR) and 6 cases where electoral advertising was distributed simultaneously with political advertising (4 – PAS, 1 – PSDE and 1 – PSRM).

Unreported expenditures of almost 1 million lei

Promo-LEX OM finds that the campaign financial reports are published after the deadline and in a format inconsistent with the principle of open data. We also note that, until the launch of this election observation report, no financial reports of independent candidates were published on the website of the electoral authority.

In the period 6 – 13 October 2023, 14 political parties reported revenues in the total amount of 14.6 million lei, of which 14.1 million lei – financial means and 555 thousand lei – material donations. 79% of the total declared revenues were reported by 4 political parties (PAS – 33%, PSRM – 23%, PN – 12% and MAN – 11%). The other 10 political parties accounted for only 21% of the reported revenues.

The 14 political parties reported expenditures of 11 million lei, of which 10.5 million lei were in cash and 555 thousand lei in material donations. The largest expenditures were reported by PAS – 41%, PN – 16%, PSRM – 15% and PSDE – 6%.

As a result of civic monitoring, Promo-LEX OM estimated that a total amount of at least 953,228 lei was not reported to CEC for campaign activities carried out by 22 electoral competitors. Of the total estimated expenditures, 31% were estimated for PSRM and PLDM, 6% – PNM and 5% – CC. According to the purpose of the estimated expenditures, most of them were for promotional materials – 74%, followed by rewards for campaigners – 12%.

Uncertainty of applying restrictions to the right to be elected

Promo-LEX OM is observing uncertainty on behalf of authorities concerning the applicability of the ban on holding office, as a result of the final act of finding issued by the National Integrity Authority (ANI). This state of uncertainty was created in relation to about 20 people, for whom ANI's final act of finding established a ban on holding elective office, but their mandates were not lifted.

In Promo-LEX's opinion, the rules restricting the right to be elected should be interpreted in the spirit of the Electoral Code as a whole and this category of persons should not have been admitted to the elections. Otherwise, once the new office of mayor is validated, as a result of the elections of 5 November 2023, the previous mayor's mandate will cease and, thus, the sanction of disqualification from holding public office will automatically be imposed. In other words, new local elections would have to be organised and held.

During the observation period, the Constitutional Court rejected the application for suspension of the Parliament's decision of 21.09.2023 on the extension of the state of emergency and of the Provision of the Commission for Exceptional Situations (CES) of 04.10.2023 whereby it was decided that certain categories of persons could not participate in the general local elections from 5 November 2023.

It should be recalled that the Promo-LEX OM in its Election Observation Report No. 2 noted with concern that the legislation does not expressly empower CES with the right to intervene in restricting the right to be elected.

Hate speech continues to be used in the election campaign

In the period 29 September – 12 October 2023, at least 9 cases of hate speech, incitement to discrimination and other forms

of intolerance were identified. Most cases were identified on social media (3 cases) and in print and online media (3). The most common criteria for hate speech were political affiliation (4 cases), sexual orientation/gender identity (2 cases), sex/gender (2 cases) and health (2 cases). The main groups affected by hate speech remain politicians (5 cases), LGBT people (2 cases) and women (2 cases). The 9 cases of hate speech received more than 126 thousand views and were distributed more than 700 times.

As a reminder, the current election is the first in which the use of hate speech by electoral competitors, including through electoral materials, is prohibited and sanctioned.

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