

Final Monitoring the national constitutional referendum of 5 September 2010



October 6, 2010. Promo-LEX Association has released [the Final Monitoring the national constitutional referendum of 5 September 2010.](#)

Promo-LEX carried out a nationwide monitoring effort to observe the national constitutional referendum of 5 September 2010 in the period from 7 July 2010 to 10 September 2010. The findings of the monitoring mission are based on direct observation of the electoral process carried out by a network of 42 long-term observers in all the rayons (districts) of the country. On voting day, other 300 short-term observers were involved in the observation, being assigned to select polling stations from a nationally representative sample.

The final monitoring Report includes the findings and the recommendations made in the period preceding the referendum campaign, during the campaign and on the voting day.

During the monitoring period Promo-LEX observers found that the public and election authorities were overall prepared satisfactorily to cope with the tasks related to the poll. The observation revealed no cases of discrimination against the referendum participants or voters by the public or election authorities. However, the voters residing in the Transnistrian region were confronted with unfavorable conditions for their right to vote.

During the referendum, the monitors observed that the number of applications for mobile voting was lower than in the previous campaigns. Massive mobile voting had in the past raised concerns about the fairness of the electoral process. At the same time the overall turnout was also considerably lower in this latest poll.

The Promo-LEX monitoring effort revealed a number of deficiencies related to the legal framework adopted in the period preceding the referendum, which partly contradicted the Election Code. Shortcomings were registered in the process of organizing the poll, both due to flawed development and implementation of the Timetables established by the CEC. Other problems were observed in the process of compiling, publishing and verifying the electoral rolls and in sending invitations to voters. Shortcomings were also observed in relation to the establishment of and supply arrangements for the electoral bureaus of the polling stations (PEB). Other objections were formulated with respect to the level of instruction and the activity of PEB members on voting day in a number of locations.

Two political parties represented in Parliament failed to delegate representatives to electoral bodies of first and second levels. Hence, the electoral bodies were predominantly formed by the "majority" political parties and in some cases with the contribution of the local authorities.

A number of political parties and sociopolitical organizations officially registered with the CEC as referendum participants submitted incomplete and overdue financial reports to the election authorities. Almost every second referendum participant failed to present financial reports to the CEC in the established time limits. For its part, the CEC made insufficient efforts to verify the information presented by the participants in their financial reports. Also, the referendum participants generally had a disregardful attitude towards the Code of Conduct.

Additionally, Promo-LEX observers found multiple and worrisome cases of undue influence exerted on voters, in particular on the voting day. The monitors reported cases of undue influence exerted on voters by the representatives of some public institutions, local authorities and universities. Cases of intimidation were also registered with respect to the voters residing in the Transnistrian region, who were prevented by the representatives of the Tiraspol administration from exercising their right to vote. The observers also noted a number of cases where the participants made financial donations to voters or entities in an electoral context.

The Promo-LEX monitoring effort found numerous instances when local authorities' representatives engaged in campaigning in favor of certain referendum participants. Observers also noted numerous activities aimed at boycotting and obstructing the electoral process by some referendum participants and representatives of local authorities. Such activities were prevalent on the voting day.

Other cases concern the abusive use of campaign advertising by a number of referendum participants, which was partly due to imperfections in the electoral legal framework.

Among the positive tendencies, specifically in the context of organizing the voting abroad was the fact that most of the Moldovan diplomatic missions had posted on their web pages information on the Referendum and the voting process.

One of the key recommendations formulated by the Promo-LEX monitoring mission is the need to develop a set of functional mechanisms for the proper implementation of the electoral legal framework by the local and election authorities. There is also a need to introduce additional measures to improve financial reporting and create favorable conditions for the exertion of the right to vote across the entire national territory, with the imposition of sanctions for the public authorities which violate this right.

The findings and recommendations of the Promo-LEX monitoring effort are formulated in good faith and aim at improving the electoral processes and the voter confidence in this fundamental democratic exercise.

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The report is available [here](#).

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