

Promo-LEX Report: In the first round of the election campaign candidates committed a worrying high number of violations



12 June
2015 //
Chisinau
– 164
meetings
of
election
candidate
s with
voters,
70
concerts,
42 cases
of giving

away electoral gifts and 39 cases of using public resources – these are the main violations revealed in the Third Report of the Observation Mission of the General Local Election, presented today by Promo-LEX. The report reflects the electoral process in the Republic of Moldova during 21 May – 10 June 2015, on the basis of the findings made by Promo-LEX observers.

According to the Promo-LEX Association Report, during the election campaign for the General Local Elections of 14 June 2015, a worrying high number of violations committed by electoral stakeholders were found.

“It seems that the electoral stakeholders woke up from hibernation. Thus, we found that 10 parties, one electoral block and dozens of independent candidates organized various electioneering activities. Comparing to the previous reporting period, when only a few candidates initiated such activities, this time we noticed a spectacular increase in the number of electoral activities. The candidates used the traditional launching of election campaigns, meetings with voters, electoral concerts, distribution of electoral advertising, outdoor and media advertising, organization of sports activities, electoral tents etc.”, stated Aliona Onofrei, electoral analyst of Promo-LEX Observation Mission.

In addition, Promo-LEX found that only 16 election candidates filed their financial statements to CEC, and 15 reported revenue and expenses. According to the observers, 1554 citizens contributed during the reporting period with funds to the electoral budgets of political parties and electoral blocks. They donated approximately MDL 36.88 million. The sources of funding stated as membership fees are still unclear.

“Overall, the election candidates reported MDL 51.21 million to CEC, with 76% of the reported expenses being spent for advertising. At the same time, no election contestant reported any rewards as expenses. The largest expenses were reported by PDM – MDL 17.30 million, accounting for 29.21% of the set threshold”, stated Pavel Postica, head of the Promo-LEX Observation Mission.

The Promo-LEX observers found that the logistical arrangements of polling stations are still a serious problem. At the same time, though the Ongoing Training Centre on Electoral Matters (OTCEM) reported 33 workshops for electoral officers, the number of trained people is still very low.

This is the last Monitoring Report of Promo-LEX from the first round of the 2015 General Local Elections. The next report

will be published on 26 June 2015, before the second round of voting.

The electronic version of the Report [here](#).

Promo-LEX Observation Mission declares itself to be neutral and equidistant towards the election candidates; it is not an investigation body and does not assume the express obligation to support the observers' findings by evidence.

The General Local Elections of 14 (28) June 2015 are monitored by Promo-LEX Association under its Monitoring Democratic Processes Program. The Observation Mission is part of the activities carried out by the civil society under the aegis of the Civic Coalition for Free and Fair Elections.

The Observation Mission of the General Local Elections of 14 (28) June 2015 is supported financially U.S. Agency for International Development (USAID) and Council of Europe and benefits of technical assistance provided by the National Democratic Institute for International Affairs (NDI).

The opinions presented in the report belong to authors and do not necessarily reflect the donors' view.

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REPORT No 3 Monitoring of the

General Local Elections of 14 (28) June 2015



Promo - LEX: 22 electoral

stakeholders used administrative resources, and other 9 used electoral presents to promote themselves



21 May
2015 //
Chisinau
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, and
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presents to promote themselves. These are some of the most severe violations recorded by Promo-LEX Association, which presented on 21 May the second Report of the Observation Mission of the General Local Election of 14 (28) June 2015. The report covers the period of 30 April – 20 May 2015 and reflects the electoral processes of the Republic of Moldova, as reported by Promo-LEX observers.

Most violations included in the report refer to the financing of the political parties. Promo-LEX experts found that only five of the nine election candidates that submitted reports to CEC, have reported their revenue and expenditures. At the same time, only four citizens contributed with MDL 950 thousand to

the parties' electoral funds. "The sources of funding stated as *membership fees* are still unclear". Other funds worth MDL 3,418,200 were declared as donations from legal entities. Most expenses reported by election candidates were related to advertising – 83.1%. No election candidate has reflected during this period real expenses related to rental fees and maintenance of their permanent offices, salaries and remuneration" says Cornelia Calin, financial analyst of Promo-LEX Observation Mission.

In addition, Promo-LEX established that, unlike the previous election campaigns, during this campaign only several candidates started the electoral run with various promotion activities. They organized the traditional launches, meetings with voters, concerts, distributed promotional materials, placed outdoor and media advertising, tents, etc. At the same time, the local and regional media was passive, and the observers reported only five cases when it was used as an electoral instrument.

"We may state that during the monitored period CEC had an ordinary working regime. It recorded another electoral block and excluded a political party from the list of election candidates. We are glad that out of the 1231 national observers, who will be present at the elections, 1217 will be from Promo-LEX", stated Pavel Postica, head of the Promo-LEX Observation Mission.

Promo-LEX observers also referred to the problem of designating a special place for electoral posters, which exists in many settlements. The decisions to provide venues for meetings of the election candidates were taken without any violations. However, at least 603 cases were reported when the local authorities delayed the approval of such decisions.

Electronic version of the Report [here](#).

The next Monitoring Report of Promo-LEX will be published on

12 June 2015.

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REPORT No. 2 Monitoring of the General Local Elections of 14 (28) June 2015



**Over 1000 Promo-LEX Observers
will Monitor the General
Local Elections**



Promo-LEX
Associati
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published
the first
Report on
the
Monitorin
g of the
2015
General
Local
Elections

,
launching simultaneously the Monitoring Effort for the June elections.

The report presented during a press conference covers the period of 3-29 April 2015, contains the findings of Promo-LEX observers and an analysis of the amendments made to the legal and regulatory framework, and reveals the subjects that will constitute the priorities of the Monitoring Effort.

Though the pre-election period was marked by uncertainties related to the date of the general local elections and amendments made to the Electoral Code, the Parliament set the elections date in compliance with the legal provisions. "In their publicly debated arguments, political leaders also referred to the need for a territorial-administrative reform; in this context we remind that at the beginning of the electoral period the Republic of Moldova still had 266 settlements with less than 1500 inhabitants, where constituencies will be established, thus spending money from the state budget", stated Pavel Postica, head of Promo-LEX Monitoring Effort.

As a result of the recommendations made by Promo-LEX, the Parliament partially implemented the recommendation on the

determination of an uniform and constant formula to calculate the upper ceiling for the funds that can be transferred into the electoral fund. By using the new formula, the ceiling has increased significantly, being twice higher than the one established for the previous elections of 5 June 2011.

Promo-LEX Monitoring Effort recommends: **For the Parliament of the Republic of Moldova:** to amend the Electoral Code and establish a single date for the general local elections; to implement the Law on the Territorial-Administrative Organisation and reorganize first the level-one local public authorities that have less than 1500 inhabitants. **For the Central Electoral Commission:** to establish a single financial ceiling for all election candidates, including political parties at the level of constituency where the elections take place, and require that expenses be broken down by constituencies in the financial statements of the election candidates delegated by parties and electoral blocks.

Besides monitoring the Electoral Campaign, for the 2015 elections Promo-LEX Association will also conduct a Civic and Electoral Education Campaign. **"IEȘI la VOT!" ("COME TO VOTE!")** Campaign aims at promoting informed and conscious voting among the electorate. Civic education activities will be carried out in at least 28 rural and urban settlements throughout the whole Republic of Moldova (except for the Transnistrian region).

Last but not least, during May-June 2015, Promo-LEX will organize a series of Public Electoral Debates in at least 10 settlements with the goal to promote equitable, balanced and impartial activities of electoral education. The electoral education activities aim at promoting freedom of expression and political pluralism during elections.

We remind that the Monitoring Effort aims at informing the population about the conduct of the electoral campaign, at enhancing people's trust in the electoral process, and at

ensuring free and correct elections, according to the international standards and national law. Promo-LEX is still the only Non-Government Organization in the country that undertakes the largest monitoring effort, delegating over 1000 observers in all settlements of the country.

The electronic version of the Report [here](#).

The Monitoring Effort of the 2015 General Local Elections is supported financially by the U.S. Agency for International Development (USAID), Council of Europe (CoE) and technical assistance provided by the National Democratic Institute for International Affairs (NDI). The opinions presented in the public reports of Promo-LEX belong to authors and do not necessarily reflect the donors' view.

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REPORT No. 1 Monitoring of the General Local Elections of 14 (28) June 2015



Promo-LEX: Local General Elections May Be Postponed Only In Case of War or

Disaster

The Promo-LEX Association presents an express analysis: **“Possible Scenarios for Setting the Date of 2015 Local General Elections”**. In accordance with the legal provisions described in the analysis, Promo-LEX states and insists that local elections are to be held between 5 June and 4 September 2015, and that the Parliament should set the date of elections at least 60 days in advance.

Lawyers note that the principle of continuity of state power may be extended for a period of time, even after the expiry of the mandate, thus legalizing the “interim function of the electee”. According to the principle of representation, elected officials have a limited mandate, and after its expiration, they may exercise their mandate for a clearly set period of time, until the new electees assume their duties. In absence of clear legal provisions that establish the maximum duration of the “interim mandate” of local elected officials, we can draw certain conclusions and deductions by making an analogy between the provisions regarding the organization of general parliamentary elections and general local elections, and between the mandate of the Members of Parliament and that of local elected officials.

By analogy with setting the date of parliamentary elections, Promo-LEX lawyers followed the provisions of Art.76 of the Election Code, which states that elections can be held within 3 months after the expiration of the mandate of Parliament. This maximum period cannot be extended for other categories of elected officials, namely for local and raion councilors, and mayors. Thus **elected officials are given the possibility to exercise an “interim mandate” for a very short period of time, and it is required only for organizing elections**. Accordingly, the “interim mandate” of local officials cannot exceed the maximum period of three months, as specifically set out by the law for MPs. Otherwise, local elected officials exceeding

their term in office of 4 years and 3 months may be suspected of usurpation of power in taking certain decisions.

We note that political statements on the possibility of extending the term in office of local elected officials beyond the limits set by the Election Code (3 months) have no legal basis at this time, as under Art.15 paragraph 3 of the Law on Local Public Administration, the mandate of the council may be prolonged only by organic law in case of war or disaster.

In conclusion, Promo-LEX recommends the Parliament to adopt a Decision to set the date of local general elections to avoid further speculation on this subject.

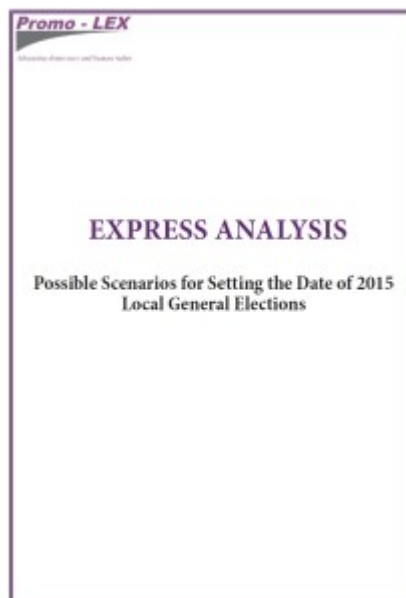
Express Analysis

The express analysis was produced as part of information and civic education activities carried out by the Promo-LEX Election Monitoring Effort as part of the Civic Coalition for Free and Fair Elections. The Monitoring Effort received technical assistance from the National Democratic Institute for International Affairs (NDI), and financial support from the US Agency for International Development (USAID) and the National Endowment for Democracy (NED).

The opinions presented in this analysis are those of the authors and do not necessarily reflect the views of donors.

EXPRESS ANALYSIS Possible Scenarios for Setting the

Date of 2015 Local General Elections



Conclusions

and

recommendations of Promo-LEX observers on local elections 2011



Chisinau, 30 August 2011 – Promo-LEX launches [final monitoring report of the local elections of 05 June 2011](#). The report described pre-election context, presents the main findings of Promo-Lex observers and outlined several recommendations to enhance the

quality of the electoral process.

The local general elections in 2011 in the Republic of Moldova, which were held on June 5 (Round I) and June 19 (Round II), were marked by a high level of voter participation, a fierce competition demonstrated by candidates and an adequate level of preparing the elections by the electoral organs. At the same time, multiple deficiencies have been recorded in the electoral process, mainly due to the actions undertaken by the majority of the involved actors. These deficiencies did not have a significant influence on the results of the scrutiny.

The pre-electoral period was marked by uncertainty regarding the date of organizing local general elections. The Parliament has set and announced the date for the local general elections as a result of the proposal which was not initially included in the official agenda and which was only three days prior to the expiry of the deadline specified by the legal norms. Amendments to the Electoral Code have been operated outside the term recommended for these purposes by the Venice Commission. Moreover, the amendments were admitted after the

announcing of the date of the local general elections.

The Promo-LEX observers have reported that local public administration authorities have mostly respected the provisions of the electoral legislation, demonstrated the tendency to respect the deadlines set by the electoral legislation and undertook the necessary measures in order to create equal conditions for all the electoral competitors. Except for a few cases, local public administration authorities have generally offered sufficient logistical support to the electoral organs. At the same time though, the observation effort has reported a significant number of cases of use of public function for campaigning purposes. The latter also include the isolated cases of abuse of public office for electoral campaign purposes by some central and local public administration officials.

The Promo-LEX elections monitoring effort reports that, with some exceptions, the electoral organs have been constituted generally on time within the deadlines prescribed by the CEC electoral calendar and have demonstrated a correct and impartial behavior towards all the electoral competitors. The Promo-LEX elections monitoring effort salutes the neutral behavior of the electoral organs members and a conscious fulfilling of the functional tasks, as well as the timely replacing of those members of the electoral organs whose incompatibility were found.

Nevertheless, observers reported minor deficiencies at constituting the voting stations, publicly displaying the information regarding the headquarters of the voting stations and the public contact information. Moreover, the monitoring effort found isolated cases of involvement of electoral organs members into electoral campaigning activities. Observers have reported cases of uneven interpretations and insufficient knowledge of the legal norms regarding the registration of electoral competitors, the filing of financial reports by the competitors, the access to electoral rolls and the procedures

regarding the modification of their content. The monitoring effort continues to be alarmed by the situation regarding the state of the technical and logistic assistance to electoral organs, the frequent changes in the composition of election bodies which makes it impossible to ensure adequate training to new members and causes delays in the plan of activities.

Observers have noted a dynamic election campaign, marked in particular by the organized launch of the political parties and independent candidates to elective office. More, observers noted that candidates used diverse methods of campaigning, as well as the obvious decrease in the number of electoral posters placed in unauthorized places.

On the other hand, the Promo-LEX observers remain very concerned over the isolated cases of violence and intimidation (at least 22 reported cases), black PR methods, use of provocative and hate speech aimed at counter candidates (at least 13 reported cases), as well as the considerable number of cases of using the administrative resources (at least 42 reported cases) and gifts in the electoral context (at least 99 reported cases).

The Promo-LEX monitoring effort continues to be worried by the candidates' opacity in declaring electoral funds and other material support used in campaign, but also by the lack of appropriate legal mechanisms for resolving electoral dissensions. Thus, observers highlight the tendency of more electoral disputes being solved by courts rather than amicably at the electoral organs. This phenomenon carries the risk of harming the credibility in the electoral process as a whole, emphases being transferred from the guaranteeing of the citizens' right to vote to the interpretations of electoral norms by courts.

The Promo-LEX monitoring effort notes the continued and active involvement of local and regional mass-media in covering campaign. In particular, the role of mass-media can be noted in the public presentation of the election administration

activity, in the presentation of information on candidates and in conducting the electoral debates. Nevertheless, some legal shortcomings have been noted related to the authentication of the electoral advertising authors in accordance with legal provisions.

Observers have reported two cases of impossibility to exercise the right to be elected as local elected officials in the administrative-territorial units Bender and UTA Transnistrian Region, because of the impossibility to constitute there appropriate election organs.

The Promo-LEX elections observation mission has formulated a number of recommendations which are aimed at improving the electoral process. The recommendations of the Promo-LEX observation mission are made in good faith in order to improve the election process. They are based on findings and indicate the direction for necessary intervention, without requiring specific solutions.

The full copy of the report in English language is available [here](#).

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FINAL REPORT Monitoring general local elections of June 5, 2011

Promo - LEX

coalitia 2009



promovarea democrației și a drepturilor omului

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RAPORT

**Monitorizarea alegerilor locale generale
din 10 iunie 2011**

Perioada de monitorizare: 5 aprilie – 25 iulie 2011

Publicat la 30 august 2011



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advancing democracy and human rights

THE CIVIC COALITION FOR FREE AND FAIR ELECTIONS

PROMO-LEX ASSOCIATION

FINAL REPORT

**Monitoring general local elections
of June 5, 2011**

Monitoring period: April 5 – July 25, 2011

Published on August 30, 2011



This report is financially and technically supported by the partners mentioned in the acknowledgements section. Promoting democracy and protecting human rights are priorities for all EU member states and for the international partners mentioned above. Promoting democracy and protecting human rights are priorities for all EU member states and for the international partners mentioned above.