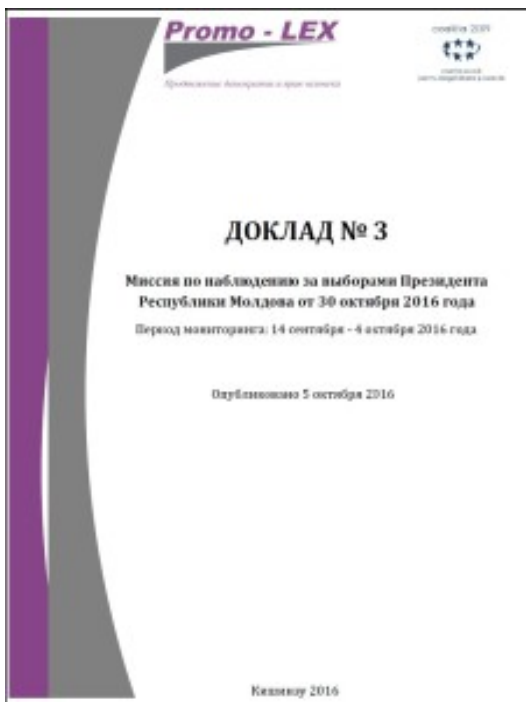
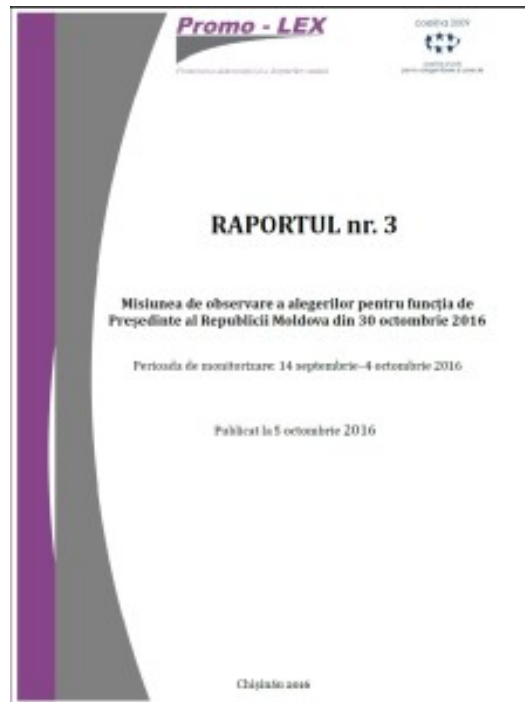
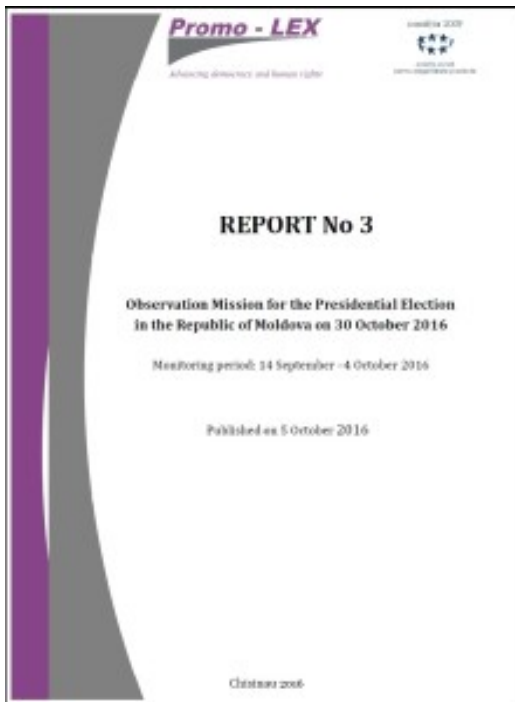

**REPORT No 3 – Observation
Mission for the Presidential
Election in the Republic of
Moldova on 30 October 2016**



Promo-LEX notes the tendency

of administrative resources use during the election period and believes it is necessary to increase the number of polling stations abroad



**Promo-Lex
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administrative resources use in promoting a particular candidate/potential candidate for the position of President, cases of offering electoral gifts, denigration and black PR activities, cases when signatures were collected by unauthorised people and stakeholders dodging to report the actual expenditures incurred for signature collection. At the same time, Promo-LEX welcomes the increase in the number of

polling stations abroad, but believes it is necessary to further increase their number in at least 6 countries.

During the monitored period, the submission of requests for the registration of presidential candidates came to an end. Out of 24 candidates, 8 failed to submit the application for registration to CEC, 7 of whom are independent candidates.

Promo-LEX Observation Mission welcomes the increase in the number of polling stations opened abroad for the Presidential elections of 30 October 2016 and the efforts made by authorities to inform the voters about the improvement of the access to vote on the election day. **Promo-LEX believes it is unjustified to reduce the number of polling stations in the UK and notes, on the basis of the analysis carried out, the need to increase the number of polling stations in 6 countries: Russian Federation, Belgium, Ireland, France, Italy and Romania.**

At the same time, **Promo-LEX notes with concern the delay in the approval by the MPs of the amendments to the Criminal Code as regards the corruption of voters during the Presidential elections.** Failure to timely approve the draft law criminalising the vote buying and failure to apply the provisions of Article 181¹ of the Penal Code for the Presidential elections may jeopardise any liability and penalty to people who will allow such crimes. In this context, the Mission found a total of 10 cases of offering electoral gifts, of which: PDM – 5 cases and PPPSRM – 5 cases.

The quality of data in the State Registry of Voters remains a problem with the decline in voters' confidence in the electoral process. Observers note several problems that repeat from one election to another: the inclusion of deceased people in the voters list and the failure of addresses included in the Registry to correspond to those indicated in the voter's ID. In 7 settlements, Promo-LEX observers found that addresses included in the State Registry of Voters did not correspond to

those in the voters' ID. **Only in Chirsovo settlement** of the Autonomous Territorial Unit of Gagauzia, **the observers found 80 cases when addresses included in the Register were not the same as those in the voters' ID.** The observers also found deceased people included in the Registry of voters in at least 6 settlements.

Promo-LEX Observation Mission notes the tendency of using administrative resources in promoting a candidate or a potential candidate. Thus, during working hours, **the representatives from local public authorities of level I and II were actively involved** in collecting signatures and meeting with citizens during political and electoral campaigns. **The findings revealed at least 20 cases of administrative resources use,** of which: representatives of PDM – 13 cases; PPPSRM – 3 cases; PPPN – 1 case; PPMSPR – 1 case; PPPEM – 1 case and the Independent Candidate Vasile Tarlev – 1 case.

The monitoring of the collection of signatures by initiative groups shows that **people who were not registered as members of initiative groups acted in the interest of at least 12 candidates.** Unauthorized people collected signatures for the following candidates: Mihai Ghimpu (PL), Andrei Nastase (PP PDA), Marian Lupu (PDM), Iurie Leanca (PP PPEM), Igor Dodon (PP PSRM), Maia Sandu (PP PAS), Inna Popenco (PP MPSPR), Valeriu Ghilechi (IC), Dumitru Ciubasenco (PP PN), Vasile Tarlev (IC), Vitalia Pavlicenco (IC) and Silvia Radu (IC).

Promo-LEX found that, during the monitored period, both **political parties, and candidates that announced their intention to participate in the elections of 30 October, had a range of electoral activities.** Thus, at least 32 electoral activities were noted, of which: Iurie Leanca/PP PPEM (4 activities), Dumitru Ciubasenco/PP PN (6 activities), Marian Lupu/PDM (7 activities), Igor Dodon/PP PSRM (5 activities), Andrei Nsstase/PP PDA (4 activities), Maia Sandu/PP PAS (2 activities), Mihai Ghimpu/PL (2 activities), Artur Croitor (1 activity), Vadim Brinzan (1 activity).

Of the 24 initiative groups who initiated the collection of signatures, only 11 submitted their financial statements during the entire collection signatures period. No initiative group reported amounts that would exceed the maximum threshold set by CEC in the amount of MDL 576 520. According to financial statements, only 3 initiative groups (PP PSRM, IC Vadim Brinzan, IC Roman Mihaies) indicated material donations and estimated them to the market value. This information is available in the financial documents submitted to CEC.

Promo-LEX Observation Mission notes with concern that at least 2 initiative groups (PP MSPRR and PL) submitted their 'zero' financial statements, despite the fact that they conducted promotion activities, both on online platforms and on billboards. Other 4 initiative groups (PP PDA, PP PPEM, IC Silvia Radu, IC Vadim Brinzan) sporadically indicated some expenditures and 'zero' expenditures in terms of concrete destinations, such as transport, promotion materials, volunteers remuneration. **Promo-LEX also notes that no initiative group submitted actual expenditures for advertising on online platforms in order to collect signatures.**

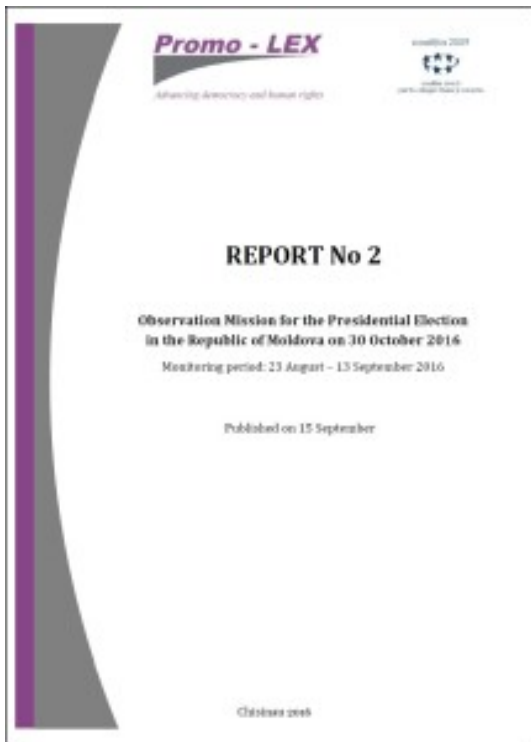
Promo-LEX Observation Mission consists of 42 long-term observers who will monitor the electoral process in all constituencies of the Republic of Moldova during 31 August – 30 November 2016. On the election day, Promo-LEX will delegate a short-term observer in each polling station of the country. Promo-LEX EOM will also perform the Parallel Vote Tabulation in all polling stations. The observers involved in the monitoring process sign the Code of Conduct of the Promo-LEX Independent National Observer, assuming the commitment to act efficiently, in good faith and in a non-partisan manner. The activity of all observers is coordinated by a central team consisting of 37 persons.

The activity carried out by Promo-LEX EOM and the "Come to Vote" campaign is currently funded by the United States Agency for International Development (USAID), the British Embassy in

Chisinau, the National Endowment for Democracy and the Council of Europe. 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 2 – Observation Mission for the Presidential Election in the Republic of Moldova on 30 October 2016



Promo-LEX found the use of administrative resources and a tendency to dodge reporting the actual expenditures incurred while collecting signatures



Promo-LEX
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g Report cases of administrative resources use during the signature collection campaigns by the initiative groups, cases when signatures were collected by unauthorised people and stakeholders dodging to report the actual expenditures incurred for signature collection.

During the monitored period the registration of initiative groups, in charge of collecting signatures for candidates to the position of President, came to an end. The Central Electoral Commission registered 24 initiative groups that will

have to collect signatures until 30 September 2016. Promo-LEX observers also found the intention of PCRM to boycott the Presidential Elections, keeping the right to assign members into the electoral bodies from their party.

The review of the legal framework on the Presidential elections reveals that the legislation is aligned to the international standards to a high extent, though the regulations on the Presidential elections are more recent, and there isn't yet any practice of their sustainable implementation. In this context, we draw the attention that during the presidential elections, **the students and pupils with the right to vote can vote only on the basis of their student/pupil cards**, which is a usual practice for the Parliamentary elections. Thus, Promo-LEX recommends to regulate the participation of students/pupils the right to vote in the electoral process by applying uniform, non-discriminatory and sustainable provisions for all types of elections.

The observers note that during this period, CEC manifested a high level of activity, adopting the necessary documents to secure compliance with the timetable. However, Promo-LEX Observation Mission believes that **on 3 September 2016, CEC could have worked** in order to fulfill its duties, including receiving documents to register initiative groups, **but not register candidates to the position of President**, because in such a way it favoured indirectly the PDM candidate, Marian Lupu.

At the same time, to ensure transparency, Promo-LEX recommends to CEC to publish without delays on its website all requests and applications received from the potential election candidates. In the same train of thoughts, **Promo-LEX requests to ensure continuous access to the information about the validity or invalidity of the signatures from the subscription lists established by operators, so that they could be subsequently compared with the CEC decisions on candidates**

registration.

Promo-LEX Mission welcomes the public information campaign, initiated by CEC for the Presidential elections of 30 October 2016, and the launching of two advertisement spots for voters both from the country and from abroad.

Monitoring of the signature collection by initiative groups revealed that signatures had been collected for 7 candidates to the position of the President of the Republic of Moldova in at least 110 settlements. In this context, isolated cases of signatures in the subscription lists by unauthorised persons were reported.

At the same time, Promo-LEX observers found **cases that can be regarded as use of administrative resources during the collection of signatures for four candidates:** Marian Lupu (PDM), Mihai Ghimpu (PL), Iurie Leanca (PPEM) and Igor Dodon (PSRM). With this in mind, note that the initiative group of candidate Marian Lupu collected signatures in 311 settlements run by PDM mayors, accounting for 75.12% of the 414 settlements where signatures were collected. In at least two cases, signatures were collected for Marian Lupu in public authorities and institutions (mayor's offices, schools, kindergartens).

In addition, according to Promo-LEX observers, Valeriu Munteanu, Minister of Environment, used the administrative resources when he received and filed the subscription lists for candidate Mihai Ghimpu, during the working hours.

The observers also found two cases when the subscription lists were filed during the working hours: to support the PPEM candidate, Mr Iurie Leanca, by the Deputy President of Cantemir district, and to support the PSRM candidate, Igor Dodon, by two social workers.

Promo-LEX found that, during the monitored period, both **political parties, and candidates that announced their**

intention to participate in the elections of 30 October, intensified their electoral activities. Thus, at least 27 activities of electoral nature were found in favour of 8 political parties/potential candidates (PSRM/Igor Dodon, PP PN, PDM/Marian Lupu, Valeriu Ghilețchi, PPEM/ Iurie Leancă, PPPDA/Andrei Năstase, PPPAS/Maia Sandu).

As for the financing, during the reporting period, **3 initiative groups** that submitted subscription lists to CEC, **reported lower expenditures in their financial statements than estimated by Promo-LEX, or reported zero expenditures.** Thus, according to the estimations of the Observation Mission, these initiative groups failed to report in their global financial statements at least MDL 85,200 for different categories of expenditures (IG of PPEM – MDL 28,555, IG of PL – MDL 24,999, PPPDA – MDL 31,646). Likewise, though the initiative group for the PDM candidate reported higher expenditures than estimated by EOM, nevertheless failed to include in the global financial statement the estimated expenditures of at least MDL 10599.60 for the remuneration of members of the initiative group and volunteers.

In this context, Promo-LEX reminds to election candidates that they are liable for contraventional, criminal and fiscal liability, and also risk to be eliminated from the electoral run, according to Article 38 (10) and Article 22 (2)(g) of the Electoral Code.

On the other hand, according to Promo-LEX observers, **as part of the electoral activities, a number of political parties incurred during the reporting period, for outdoor advertising only, expenditures estimated, by EOM at a minimum of MDL 1,142,000** (PPPAS – MDL 10,000, PP PDA – MDL 2,000 lei, PL – MDL 179,840, PDM – MDL 950,160).

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30 November 2016. On the election day, Promo-LEX will delegate a short-term observer in each polling station of the country. Promo-LEX EOM will also perform the parallel vote tabulation in all polling stations. The observers involved in the monitoring process sign the Code of Conduct of the Promo-LEX Independent National Observer, assuming the commitment to act efficiently, in good faith and in a non-partisan manner. The activity of all observers is coordinated by a central team consisting of 37 persons.

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REPORT No 1 – Observation Mission for the Presidential Election in the Republic of Moldova on 30 October 2016

REPORT No 1

**Observation Mission for the Presidential Election
in the Republic of Moldova on 30 October 2016**

Monitoring period: 04 March – 23 August 2016

Published on 24 August 2016

Chișinău 2016

RAPORTUL nr. 1

**Misiunea de observare a alegerilor pentru funcția de
Președinte al Republicii Moldova din 30 octombrie 2016**

Perioada de monitorizare: 04 martie – 23 august 2016

Publicat la 24 august 2016

Chișinău 2016

Доклад № 1

**Миссия по наблюдению за выборами Президента
Республики Молдова от 30 октября 2016 года**

Период мониторинга: 04 марта – 23 августа 2016 года

Опубликовано 24 августа 2016 года

Кишинев 2016

Promo-LEX Will Monitor the Presidential Elections of 30 October 2016



The Promo-LEX Election Observation Mission started monitoring the electoral process and stated in [its report](#) that the

electoral management bodies are investing efforts into the proper conduct of elections on 30 October 2016. The observers also mentioned the need to prepare the lists of voters and to verify political parties and election campaigns funding under conditions of greater transparency.

An analysis of the legal framework regarding the presidential elections of 30 October shows that the tools needed for this activity to be carried out are in place. However, there are some unsettled issues related to when the election campaigns are to begin and to the signature sheet terms and verification procedures. Promo-LEX EOM also found that the procedure to follow for the compiling of the list of initiative group's members and of the signature sheet is cumbersome.

The political parties do not observe to the fullest extent the provisions regarding the funding of parties and election campaigns. It is necessary to penalize those political parties that did not submit their financial statements before the deadline or did not submit any at all or that submitted incomplete financial statements or financial statements that contained obvious mistakes, particularly if such violations were reported by observers or other actors involved in the electoral process.

Promo-LEX notes that in order for the voters to be able to vote, CEC made an online early registration platform available for citizens who are abroad. There were as many as 557 voters registered as of the date that the report was developed on.

Promo-LEX expresses its appreciation for the openness of CEC to update and publish the information from the State Register of Voters on 22 August 2016. However, given the large discrepancies in the number of people who have turned 18 years of age, provided by different state institutions (ÎS CRIS Registru, NBS and CEC), the public authorities need to ensure a higher transparency of the process of compiling and providing access to the voters lists for all electoral stakeholders.

The Ministry of Justice updated the list of political parties having the right to nominate a candidate for the presidential elections. There are 45 parties and social-and-political organizations on the list. Until 23 August 2016, the following candidates expressed their intention to run for the presidential elections of 30 October 2016: Igor Dodon (PSRM), Iurie Leanca (PPEM), Maia Sandu (PPPAS), Andrei Nastase (PPPDA), Valeriu Ghiletschi (independent candidate) and Oleg Brega (independent candidate). The PPPAS, PPPDA and PLDM leaders announced later their intention to forward one joint candidate. The leaders of 4 parties (PCRM, PDM, PL and PPPN) announced their intention to nominate their own candidate if no final decision is taken by the party management body with

regards to its name.

Alongside the Election Observation Mission, Promo-LEX Association will also conduct the **“Come to Vote” Campaign**, the purpose of which is to engage the voters in the electoral process and to make sure that Moldovan citizens eligible to vote cast their votes knowingly and consciously. The Moldovan citizens eligible to vote, particularly the youth, will be the target group of the campaign. As part of the “Come to Vote” Campaign, as many as 10 public electoral debates will be held, two video-spots will be launched and awareness will be raised among citizens at local and national levels. Promo-LEX Association will also launch a Grant Contest for the NGOs from Moldova, meant to support 2-3 projects focusing on voter mobilization and on the promotion of informed and conscious voting.

The Report is available [here](#).

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Promo-LEX presented the monitoring results of the 2015 general local elections



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[of the General Local Elections of 14 \(28\) June 2015](#). The document was discussed during a round table, with the participation of representatives of the relevant public institutions (Central Electoral Commission, Parliament Republic of Moldova, CCA, GPI, NAC etc.), civil society, mass media, and partners.

The report presents the performance of the key electoral

stakeholders during the period between 3 April and 31 July 2015. Thus Promo-LEX Observation Mission has concluded that this year's local elections were marked by a moderate participation of the population, a tight competition and satisfactory organization of the election by the relevant bodies.

See the Report [here](#).

This year's election started with the pre-election period marked by uncertainty regarding the organization of the election, and ECC had to amend the regulatory framework within less than a year until the elections, which is against the recommendations of the Venice Commission. With a few exceptions, the electoral bodies were set up within the time-frame set by the CEC electoral calendar and had, mostly, a correct and impartial behaviour towards the election candidates.

A major problem was the access to check the lists of voters, which has affected the voters' trust in the electoral process, and the deficient interpretation of the electoral legislation on the preparation of the lists of voters based on residency has allowed the artificial migration of voters and has caused a few incidents involving violence and the ravaging of a polling station.

Promo-LEX mission also found that the current election campaign was latent in the beginning and became more dynamic in the last month, when the election candidates diversified the electioneering methods. Also, observers have worriedly identified isolated cases of violence and intimidation, use of provocative discourses leading to hatred against the counter-candidates, as well as the presents offered for electoral purposes.

Promo-LEX Observation Mission noticed a relative increase of the transparency level in reporting on the financial means

used by the election candidates, but also the continuation of certain major shortcomings in this area. Also, in comparison with the Parliamentary Elections of 30 November 2014, Promo-LEX noticed less involvement of the local and regional mass-media in reflecting the election campaign for local elections.

On the basis of the findings of the final report, Promo-LEX Observation Mission formulated 42 recommendations for public authorities, election candidates and other relevant stakeholders aimed at improving the legal framework and the election procedures. The following are among the key recommendations:

- Develop, adopt and complement the Electoral Code with a new provision that would set a single date for the general local elections;
- Add norms to the Law on Personal Data Protection that would ensure transparency of and access to the lists of voters;
- Add norms to the Electoral Code that would ensure the exercise of the right to vote for voters who don't have a domicile or residency;
- Amend the legal norms that regulate the votes recounting so that the expenses for the organization of the recounting to be covered by CEC if the initial results were found to be incorrect or by the party that has requested the recounting, if the initial results are confirmed;
- Establish a single financial threshold for all election candidates (independent candidates and candidates appointed by the political parties) at electoral constituency level, as well as establish the obligation of drafting financial reports for each electoral constituency;
- Ensure a mechanism to avoid the possibility of disguising the identity of the de facto donors of the election candidates (by wiring the financial resources

to the party's account and thereafter, to the electoral accounts through single transfers from the party's account);

- Apply the existing gradual sanctions for the violation of the legislation on election campaigns financing, without selective approaches for some election candidates, political parties and/or independent candidates;
- Hold accountable the persons guilty of having used administrative resources, offered electoral presents, used forbidden symbols during the election campaign, instigated to violence and intimidated citizens.

The findings and recommendations of the Observation Mission for the 2015 General Local Elections were possible to be made thanks to the involvement of 1954 national observers. The recommendations result from the findings arrived to in more than 5786 reports obtained from Promo-LEX observers in the field, including 3719 comprehensive reports on visits, 1814 reports on events / incidents, 253 district reports and 1836 reports developed on the election day. Promo-LEX also conducted the Quick Count and the Parallel Vote Tabulation in three constituencies: Chisinau, Balti and Comrat.

The Final Monitoring Report of the 2015 General Local Elections is developed on the basis of four interim reports submitted during the election campaign and of 2 totalization reports on the election day.

We remind you that 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 were 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 was 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).

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