

End of campaign marked by increase in cases of misuse of administrative resources and potential voter corruption



Report no. 4 of the Promo-LEX Observation Mission for the General Local Elections from 5 November notes perpetuation of practice of legal framework problematic interpretation and implementation. In the last two weeks of the electoral campaign, the activism of competitors has increased significantly, as has the number of cases that can be qualified as misuse of administrative resources and of those with the potential to corrupt voters. The amount of unreported expenditures estimated by Promo-LEX has also increased substantially.

The observation period for the events included in the Report runs generally from 19 October to 2 November 2023. Campaign

financing observation was conducted until 27 October. The results of the monitoring of hate speech and incitement to discrimination are presented for the period 13 – 29 October 2023.

Problematic interpretation and implementation of the legal framework

Promo-LEX OM notes with concern that, during the monitoring period, the Commission for Exceptional Situations, not empowered by Parliament, has again interfered in the organisation and conduct of elections through its provisions. At the proposal of SIS, CES temporarily suspended the broadcasting licences of six TV stations, without providing extensive explanations of the factual and legal circumstances justifying the restrictive measures.

Regarding CEC's decision to oblige nine constituency electoral councils to examine the cancellation of registration of candidates nominated for office of mayor and councillor of the Party Şansă (Chance), OM Promo-LEX notes that both illegal financing of electoral campaigns and corruption of voters are serious violations of the electoral process, which are likely to influence the election results. Authorities' actions to stop these phenomena are necessary in the context of an ongoing election. At the same time, Promo-LEX believes that authorities should examine the legality and constitutionality of the deliberate actions of the Party Şansă (Chance) to associate itself with the image of the former Şor Party, declared unconstitutional.

Promo-LEX OM expresses its concern over the tendency of some competitors to support independent candidates or candidates nominated by other political parties. We also believe that the support of some independent candidates by political parties should be reflected in the competitors' financial reports.

Doubling of cases of misuse of administrative resources

In the last two weeks of the electoral campaign, the activism of competitors has significantly increased, with about four times more promotional activities than in the previous observation period. In total, at least 1,421 promotional activities were carried out. The most active were PAS – 22% of activities, PSRM – 19%, PȘ – 13% and PDCM – 6%.

The number of cases that Promo-LEX qualifies as misuse of administrative resources has practically doubled. A total of 77 such cases were found, including: involvement of persons holding public office in campaign activities – 21 cases (PAS); involvement of LPA in candidates' electoral promotion activities – 15 cases (6 – IC Lupov Veaceslav, 9 cases – SSP); electoral candidates' taking credit for public works/services carried out with public money – 16 cases (6 – SP, 5 – PAS, 4 – MAN, 1 – LOC); organisation of electoral meetings in public institutions during working hours – 25 cases (6 – PSRM, 5 – PAS, 4 each – PLDM and PDCM, 2 each – PSDE and IC Vrabie Vitalie, 1 case each – PR and IC Anastasov Serghei).

At least 5 cases that can be qualified as voter corruption were observed (2 cases – SSP, 1 case each – PAS, PLDM, IC Zagorcea Iurie).

Promo-LEX observers found multiple cases of violation of electoral advertising legislation: unauthorised placement of advertising (96 cases); lack of complete information in electoral advertising (95 cases) and distribution of electoral advertising together with political advertising (9 cases).

Donations with gaps and unreported expenditures

In the period 6 – 27 October 2023, 30 political parties and 16 ICs reported revenues totalling 29.8 million lei. Most revenues (69%) were reported by five competitors: PAS – 23%, PSRM – 15%, PȘ – 12%, PN – 11% and MAN – 9%. About half of these were donations from individuals, and 40% – revenues

transferred from the political parties' accounts. A total of 28.2 million lei in expenditures were reported, of which 1.4 million lei were from material donations.

Following the analysis of electoral competitors' financial reports, Promo-LEX observers identified collection of cash donations exceeding legal limits in the case of 5 electoral competitors (ALDE, PȘ, PSRM and 2 ICs). Also, in the case of two electoral competitors (PAS and MAN), collection of donations from legal entities was observed which, in the last three years before the beginning of the electoral period, have concluded public procurement contracts. 6 competitors (PAS, MAN, CUB, PLDM, PS and LOC) reported donations from legal entities with arrears to the state budget.

Promo-LEX OM estimated a total amount of at least 2,159,207 lei of expenditures not reported to CEC for campaign activities carried out by 24 political parties and 23 ICs. Of the total estimated unreported expenditures, 42% were for PR, followed by PȘ – 14%, PAS – 10% and PSRM – 9%.

Gaps in the electoral rolls

According to observers, in 15% of the EBPSs visited, electoral rolls were received after the legal deadline. In 13 cases observers were not given access to electoral rolls. The main problems identified in the rolls included: presence of deceased persons on the rolls (94 cases); wrong allocation of voters to the polling station (36 cases); missing voters on the basic rolls (8 cases); wrong allocation of voters to another locality (17 cases); address errors (7 cases).

Attention should be drawn to the fact that in the majority of cases where deceased persons were identified on the electoral rolls, according to the members of the electoral office, their removal was not possible due to missing confirmatory documents, on the grounds that either these persons died abroad or after the electoral rolls were printed.

CEC established that voters living in Corjova commune, including those from Mahala village, who have Dubasari town as their residence on their identity cards, will vote based on supplementary rolls, as in previous elections, including local ones. Officials of the electoral bodies in the locality expressed concern that the ballots, which will be sent according to the number of voters on the basic rolls (about 1100 citizens with the right to vote) could be insufficient. It should be recalled that in the last elections held, the early parliamentary elections in 2021, 992 voters took part in the vote.

Promo-LEX OM reiterates that the problematic situation of voters in Corjova commune must be urgently solved through the joint efforts of Corjova town hall, the Public Services Agency and the Central Electoral Commission, in the interest of the local citizens and in accordance with the legal framework.

Electoral bodies activity

During the observation period, CEC continued the implementation of activities foreseen in Calendar Schedule. The observer accreditation process was intensive, with about half of the total number of observers accredited (716 out of 1493). The share of international observers is about 27%.

Level II Electoral Constituency Electoral Councils (ECEC II) have fully complied with their work programme and five councils had their composition changed. Promo-LEX observers identified several problematic aspects in the work of ECEC I: five cases of obstruction of observers' work; one case where electoral officials were involved in electoral campaigning; a high incidence of changes in the nominal composition (396 cases for 278 councils) and violations of restrictions and incompatibilities in 67 ECEC I.

In the case of electoral bureaus (EBPSs), the main difficulties mentioned by EBPS members include: delayed

technical and material provision; lack of space and favourable working conditions (electricity and heating); poor communication with higher-level bodies; and increased number of changes in the nominal composition of electoral bodies.

Hate and sexist speech

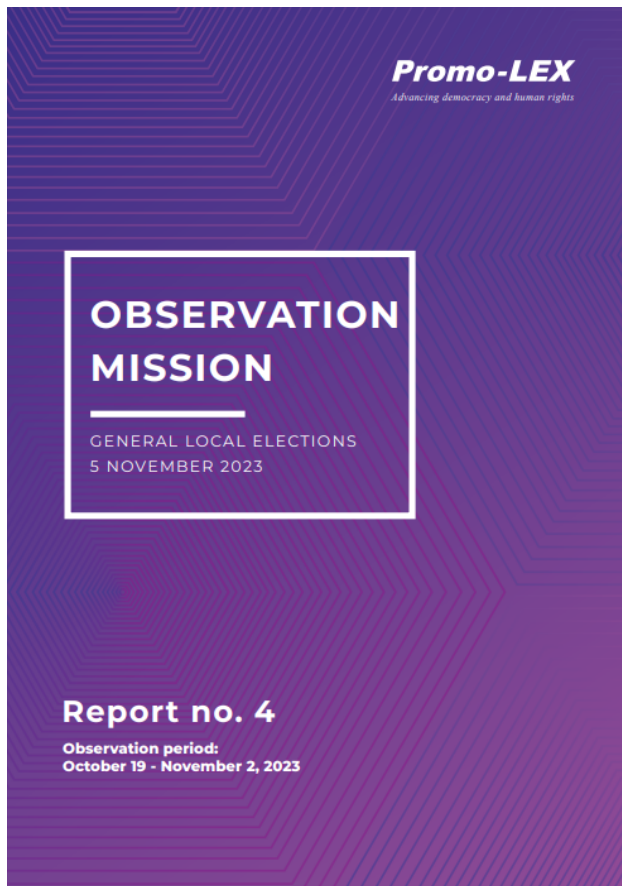
In the period 13 – 29 October 2023, at least six cases of hate and sexist speech were identified. Five cases took place online and one case took place offline at a public electoral event.

Hate speech was based on following criteria: political affiliation, sexual orientation/gender identity and sex/gender and was directed against politicians and electoral competitors (4 cases), women (3 cases) and LGBT people (2 cases). All six cases were distributed 1,144 times and had more than 107 thousand views.

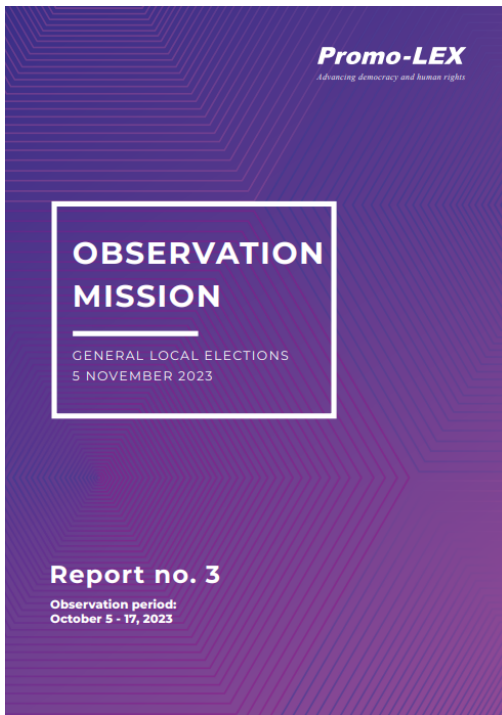
The report was prepared with the financial support of the United States Agency for International Development (USAID) under the Democratic, Transparency and Accountability Programme and of the European Union under the project „Strengthening the electoral legislative framework and assessing its implementation during the 2023 general local elections“.

**REPORT no. 4 | Observation
Mission Promo-LEX for the**

General Local Elections of November 5, 2023



REPORT no. 3 | Observation Mission Promo-LEX for the General Local Elections of November 5, 2023



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

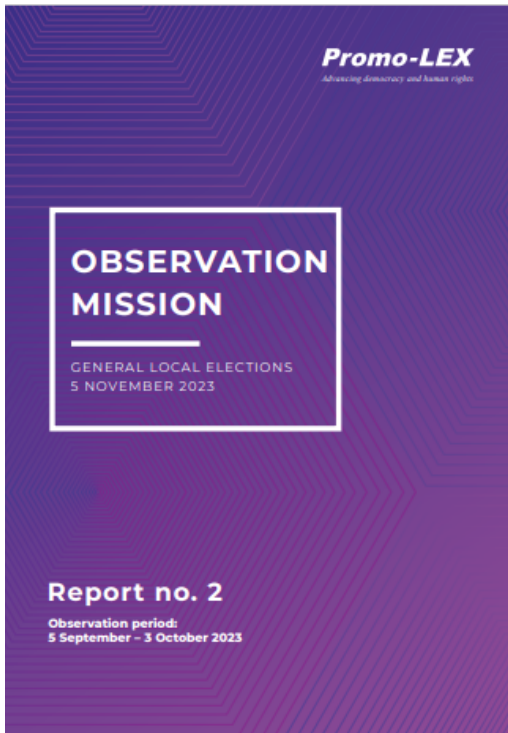
In the period 29 September – 12 October 2023, at least 9 cases of hate speech, incitement to discrimination and other forms of intolerance were identified. Most cases were identified on social media (3 cases) and in print and online media (3). The most common criteria for hate speech were political affiliation (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.

The report was prepared with the financial support of the United States Agency for International Development (USAID) under the Democratic Transparency and Accountability Programme and of the European Union under the project „Strengthening the electoral legislative framework and assessing its implementation during the 2023 general local elections“.

REPORT no. 2 | Observation Mission Promo-LEX for the General Local Elections of November 5, 2023



Promo-LEX Observation Mission notes worrying trends that may affect organisation and conduct of electoral process and results of local elections



Promo-LEX Association presented on Thursday, 5 October, the second Report of the Observation Mission (OM) for general local elections from 5 November 2023, in which it notes worrying trends that may affect both the organisation and conduct of electoral process and results of elections. The observation period for events covered in the report runs generally from 5 September to 3 October 2023, but also includes changes to the legal framework adopted as a matter of urgency on 4 October.

New legislative restrictions on the right to be elected – a dangerous precedent

Promo-LEX OM notes with concern several problematic issues regarding the establishment of the latest restrictions on the right to be elected by the provision of the Commission for Exceptional Situations (CES) and the amendment of the Electoral Code by the Parliament.

Not being expressly empowered with the right to intervene in restricting the right to be elected and invoking alleged risks, CES issued Provision No. 86, by which, by way of derogation from provisions of the Electoral Code, it decided that certain categories of persons, whose actions led to

declaration of unconstitutionality of the political party or were targeted in the Constitutional Court's judgement, would not be able to participate in the general local elections from 5 November 2023.

Similar restrictions were declared unconstitutional by the Constitutional Court, and the reasons for the declaration of unconstitutionality also apply to the restrictions set by CES. Thus, some of the criteria set out in CES provision do not appear to be objective, and are rather general and insensitive to particular circumstances. At the same time, with reference to the established mechanism by which the law enforcement bodies draw up and send to the Central Electoral Commission (CEC) a list of persons in respect of whom certain suspicions exist, it is not clear who will verify/control and ensure that no abuses or errors are admitted in this process.

At the same time, the quality of the mechanism established for individual assessment of a person's involvement in the political party's activity comes along with the reversal of the burden of proving the person's dissociation from the political party's actions before declaring it unconstitutional. Promo-LEX OM considers that this mechanism could be rather cumbersome for electoral bodies.

Given that CES largely comprises members of the Government (usually from political parties), a dangerous precedent has been set for the Executive to become involved in the organisation and conduct of the elections and to influence the results of the elections and question their legitimacy.

Amending the electoral legislation by the Parliament as a matter of urgency with the inclusion of restrictions on the right to be elected similar to those established by CES provision was done in violation of principle of stability of electoral legislation and with the omission of legislative stages (endorsement, expertise, public consultation), before the start of the electoral campaign – which can ensure neither

the quality of the legislative act, nor an effective implementation and uniform applicability, neither a transparent and competitive organization and conduct of elections.

Promo-LEX OM has urged on every occasion for ensuring wide consultation on the amendments to the Electoral Code, reaching consensus on the amendments with other political actors, seeking the opinion of the Venice Commission on them and expeditiously approving the amendments without neglecting or rushing the legislative procedures.

Increase in the number of cases of misuse of administrative resources

During the observation period, Promo-LEX OM found 15 cases of misuse of administrative resources, including 2 cases of use of state institutions to promote electoral initiatives (Government of the Republic of Moldova and Mayor of Condrita village, Chisinau mun.). According to Promo-LEX OM, these cases have the biggest impact on the electorate, as they involve the adoption of normative acts in various areas.

Just 12 days before the start of the electoral campaign, on 25 September, Prime Minister Dorin Recean announced the Government's "Spor pentru Moldova" (Bonus for Moldova) package, which provides for salary increases and financial bonuses for various categories of budget employees. Immediately after the package was announced, the ruling PAS party began promoting it via sponsored social media.

Just four days before the start of the campaign, on October 2, and one day before registering as a candidate for mayor of Chisinau mun., nominated by MPSN, the Mayor of Condrita village, mun. Chisinau, Andrei Donica, adopted a provision ordering the compensation of the tariffs paid by consumers for natural gas, with retroactive effect from 7 June.

The other 13 cases of misuse of administrative resources refer

to electoral candidates taking credit for public works/services (repair of roads, parks/schools, kindergartens and schools, street lighting, health care programs, reduction of public transport prices, etc.) carried out with public money (1 case – PS, 5 – PSRM, 7 – PȘ).

First activities of potential voter corruption

The promotion by the “Șansă” (Chance) Party (PȘ) of the “Satul Moldovenesc” (Moldovan Village) and “Orașul Moldovenesc” (Moldovan town) projects, launched by Ilan Șor, president of the former “Șor” Party, declared unconstitutional, can be considered as a case of potential voter corruption. On 21.09.2023, at an official event, PȘ announced its support for these projects, involving infrastructure investments for localities, from obscure sources, while Ilan Șor is on the sanctions list and his properties are seized. During the monitored period, at least 4 cases were observed (in Taraclia, Cahul, Andrușul de Jos and Baurci-Moldoveni, Cahul district) where persons declaring themselves to be from “Ilan Șor’s team” were collecting signatures for the 2 projects.

Investigating cases of illegal financing of political parties

During the observation period, the National Anti-Corruption Centre, the Anti-Corruption Prosecutor’s Office and the Security and Intelligence Service carried out several criminal prosecutions, including searches, targeting the involvement of Ilan Șor, president of the unconstitutional party, in the illegal financing of political parties.

Criminal procedural measures were applied to at least three candidates for local elections (Mihail Bagas, Alexandr Nesterovschi and Irina Lozovan).

Without commenting on the indispensability and reasonableness of the prosecution measures carried out and applied during this period, Promo-LEX OM considers that both the lifting of parliamentary immunity and the application of custodial

measures on political figures during the electoral period are likely to influence the voter's opinion in favour or against an electoral competitor/political party. At the same time, the detention of candidates during the electoral campaign deprives them of the right to engage in electoral campaigning.

Increased pre-campaign activism by political parties

Between 6 September and 3 October 2023, at least 190 election-themed activities were observed, which can be qualified as promotion of electoral candidates and competitors. The most widespread activities were distribution of materials with election-themed information (promotion of the nominated candidate, candidates' vision of local development, main issues, party's merits in local development, etc.). These accounted for 58% of all reported activities. This was followed by sponsored promotional activities on the competitors' internet network, which accounted for 28% of all promotional activities. The most reported activities were for PSRM (35%), followed by PAS (20%) and MAN (7%).

In addition, 11 activities carried out for the purpose of officially nominating candidates for election were reported. Some of them created some confusion even among candidates. For example, in the case of PSRM, the candidate nomination event on 19 September 2023 was presented as a launch event for the electoral campaign which, in fact, will only start on 6 October 2023.

Promo-LEX OM notes that the expenditures related to organising and carrying out these activities will not be reported as expenditures incurred during the electoral period (campaign expenditures). These will be reported as financial expenditures of the political party.

Designation and registration of competitors

Based on the interim results of candidates' registration at ECEC level II, Promo-LEX OM finds that the elections are

competitive. During the observed period, ECEC Chisinau registered 13 candidates for the office of mayor and ECEC Balti – 6 candidates. The mentioned councils also registered 20 electoral competitors for the office of councillor. No independent candidate has been registered yet for mayor's office in these two constituencies, and only one has been registered for the councillor's office.

In the remaining 32 level II (district) electoral constituencies, 197 competitors were registered for district office, of which only 23 were independent candidates (12%). Independent candidates were registered in less than half of level II constituencies. At least 21 political parties registered their lists for district office. According to the monitors' observations, in the case of registration dossiers for candidates for councillor for level II constituencies, the minimum representation quota for both genders was respected when registering candidates.

The full report is available [here](#).

The report was prepared with the financial support of the United States Agency for International Development (USAID) under the Democratic Transparency and Accountability Programme and of the European Union under the project „Strengthening the electoral legislative framework and assessing its implementation during the 2023 general local elections“.

*If there are any discrepancies between the text in Romanian language and its translation into another language, the Romanian version of the report will prevail.

First findings of the Promo-LEX Observation Mission for General Local Elections from 5 November 2023



Promo-LEX Association launched on Tuesday, 5 September, the work of the 25th Election Observation Mission (OM) and presented the first Monitoring Report of general local elections from 5 November 2023.

The Promo-LEX OM consists of the core team and 40 long-term observers (LTOs) who will observe the electoral process throughout the electoral period. On Election Day, OM will observe the elections by covering 100% of the polling stations in Balti and Chisinau municipalities (in both rounds of voting, where applicable) with one short-term (static) observer per polling station. Other approx. 200 static observers and 140 observers in mobile teams (70 teams of 2 persons each) will be deployed to polling stations in the rest

of the country, selected based on a representative sample. Promo-LEX will also monitor hate speech and discrimination through 7 observers.

The Promo-LEX OM will present five interim election observation reports and a Final Report. On Election Day (first and second rounds) parallel vote counting will be conducted for Chisinau and Balti municipalities.

The first Monitoring Report of the local elections from 5 November 2023 includes the results of the observation from 1 January 2023, the date of entry into force of the new Electoral Code and covers the pre-election and election period until the start of the nomination of candidates for elective office for level II constituencies – 6 September 2023.

First elections organised and conducted under new legal provisions

In Promo-LEX's opinion, most of the amendments to the Electoral Code are beneficial and aim to address the problems reflected in the monitoring reports of national and international observers, in the addresses of the Constitutional Court, but also in the opinions of the Venice Commission. [In the general local elections on 5 November 2023, many rules will be applied for the first time.](#)

The amendment of the Electoral Code, after the election date has been set, in the context of the implementation of the Constitutional Court ruling on the unconstitutionality of a political party, *may create uncertainties regarding the use of the right to be elected and may affect the foreseeability and predictability of the nomination procedures that will already start on 6 September 2023, given that the Venice Commission is due to present its opinion on these amendments in October, when the registration procedure for candidates will already be completed.*

Other amendments made to the Electoral Code after the election

date has been set include giving electoral bodies the power to make findings of voter corruption. Subsequently, such findings may serve as grounds for the cancellation of registration of an electoral subject. We consider that a criminal act such as voter corruption must be established in a criminal trial, not in an administrative trial. In addition, there may even be concerns about the applicability of these rules.

Nomination of candidates before the legal deadline

According to the electoral calendar, the procedure for nominating candidates for elective office is to start on 6 September 2023 for candidates for elective office in LPA level II, and 26 September 2023 – for LPA level I.

Contrary to this calendar, Promo-LEX OM identified, only for the municipality of Chisinau, at least 11 political parties (PPP0, PDCM, PACE, PAS, LOC, CUB, PPPDA, PL, PSDE, PSRM and CC) that have publicly declared their representatives who will run for mayor. At the same time, two other party leaders announced their intention to run for mayor of the municipality of Chisinau – Ion Ceban (MAN) and Vasile Costiuc (PPDA). For the office of mayor of Balti municipality, the intention of Nicolae Grigorişin (PS) to run for mayor of Balti was noted. And for a number of LPAs of level I, at least 6 parties (PAS, PACE, PDCM, PPR, CC and PSDE) have publicly announced their nominees for mayor.

Promo-LEX OM finds that the procedure for nominating candidates, in the format provided by the Electoral Code, seems to be reduced to a mere formality, and the de facto nomination of candidates before the legal deadline, as well as their electoral political promotion before the start of the electoral campaign, may affect the principle of equal chances of electoral competitors, as well as contribute to a certain extent to circumventing the legal provisions on campaign financing.

Election-themed promotional activities before the official start of the campaign

According to the calendar program approved by the CEC, the election campaign for all electoral competitors is set to begin 30 days before the voting day, which is on 6 October 2023. Starting from this date, electoral competitors will have the right to conduct electoral campaigning.

Promo-LEX OM has witnessed, prior to the submission of the report, election-themed promotional activities of potential candidates in the case of 4 parties (PAS, PSRM, PSDE, PPPDA). The most used types of activities were: installation of nominal street tents, distribution of nominal flyers and newspapers and promotion on social networks.

It should be noted that in the case of PAS, following a complaint by a political party, CEC, by Decision No. 1126 of 14 July, issued PAS with a warning and drew attention to the need to comply with electoral legislation.

We reiterate that, in the opinion of Promo-LEX, the political election-themed promotion of candidates before the start of the electoral campaign negatively influences the principle of equal opportunities of electoral competitors, contributing to the circumvention of legal provisions on electoral campaign financing.

Misuse of administrative resources

In the run-up to the electoral period, Promo-LEX identified several instances of the misuse of administrative resources, involving expenditures from the public budget with the aim of gaining political advantage. These cases involved two public authorities of level II: the City Hall of Chisinau Municipality and the City Hall of Balti Municipality. In both cases, unplanned informational materials with a clear electoral bias were prepared, which could be considered as activity reports of local public authorities (LPA). This

contradicts the Law on Publicity, which stipulates that messages of public interest cannot contain information regarding managerial achievements and/or objectives accomplished by entities in the public sector.

We note that on August 24, 2023, as a result of qualifying the informational materials distributed by the City Hall of Balti as a misuse of administrative resources, CEC prohibited the public authority from disseminating these materials.

Another situation, assessed by Promo-LEX as the use of administrative resources, concerns PSRM, where the distribution of newspapers promoting the candidate for the position of mayor of Chisinau, Adrian Albu, was observed. In the content of the newspaper, PSRM took credit for numerous activities implemented at the level of the Chisinau Municipal Council using public funds (repairs of roads, parks/squares, kindergartens, schools, healthcare assistance programs, etc.).

We note that the new Electoral Code provides a more comprehensive definition of the notion of administrative resources, and it prohibits and sanctions their use by candidates during electoral periods. Observing that the misuse of administrative resources is admitted by actors concerned not only during electoral campaigns but also outside of them, including for political promotion, Promo-LEX previously recommended regulating the prohibition and sanctioning of the use of administrative resources both during and outside of electoral periods.

Stricter financing of electoral campaigns

Promo-LEX OM will closely monitor the implementation of the new electoral campaign financing rules, as well as the financial reporting requirements of electoral competitors. Traditionally, we will estimate the expenses incurred by electoral contestants during the electoral campaign for their promotional activities. These expenses will be compared to the

ones declared to CEC in their reports on campaign financing. This will enable us to assess the level of transparency and fairness in electoral campaign financing.

The strengthening of CEC's role in overseeing and controlling the financing of electoral campaigns and the activities of initiative groups in the new electoral legislation represents a substantial qualitative leap. Promo-LEX has consistently recommended strengthening the role of CEC and adopting a proactive approach in monitoring the finances of electoral competitors and political parties. However, significant challenges in this regard include the lack of sufficient human resources within CEC's specialized Directorate to implement the new legal provisions and the risk of excessive politicization of this issue in the public sphere once the financial transparency requirements for political parties and electoral competitors are rigorously implemented.

Filing and examination of notifications

At the time of drafting the report, CEC has approved 4 decisions on notifications submitted in the electoral context. These concern 12 notifications from: 6 police inspectorates (1 decision) and 5 political parties (3 decisions). The subjects concerned were: Political Party „Renaştere” (PR) (6 notifications), PAS (3 appeals), the Mayor of Chisinau municipality (1 a notification) and City Hall of Balti municipality (1 notification). All the notifications pertained to the dissemination and distribution of advertising materials. In the case of PR, the materials were without identifying elements, and in the case of the Mayor of Chisinau, the Balti City Hall and PAS – materials „for the purpose / with elements” of electoral campaigning.

During the same monitoring period, the „Incoming documents” section of the CEC website identified 6 notifications and one Supplement to a notification. It is worth noting that the actual notification to which the Supplement was submitted was

not found in the list of incoming documents. All the notifications were filed by the political party National Alternative Movement (MAN), targeting PAS, alleging that „the party’s candidates would benefit from an illegal period of dissemination of electoral campaigning”. According to CEC website, at the time of drafting the Report, the authority sent 2 responses explaining its position on 2 notifications (including the one with the supplement). In this context, for better information of actors concerned Promo-LEX recommended the Central Electoral Commission to ensure the publication on its website of all notification and complaints registered in the chancellery.

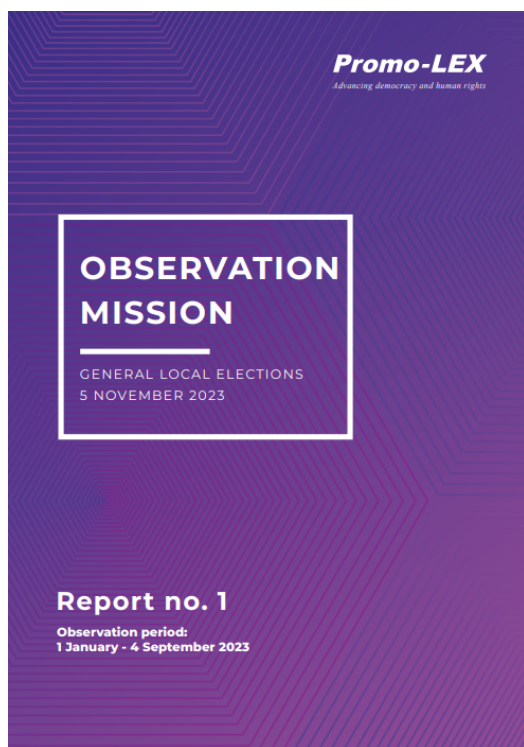
The full report is available [here](#).

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*If there are any discrepancies between the text in Romanian language and its translation into another language, [the Romanian version of the report will prevail](#).

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FINAL REPORT Observation mission of new local elections 21 november 2021



FINAL REPORT | Observation Mission for the Early Parliamentary Elections of 11

July 2021

