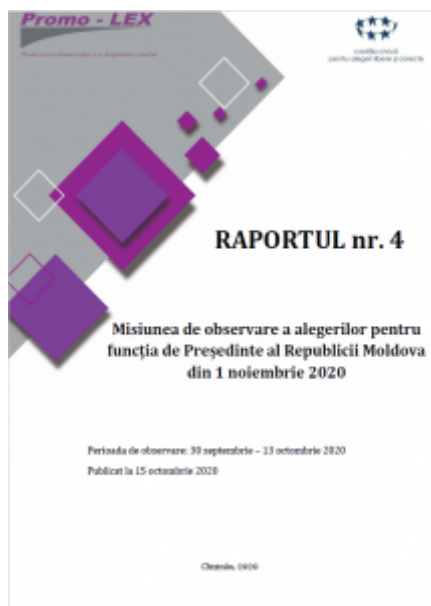
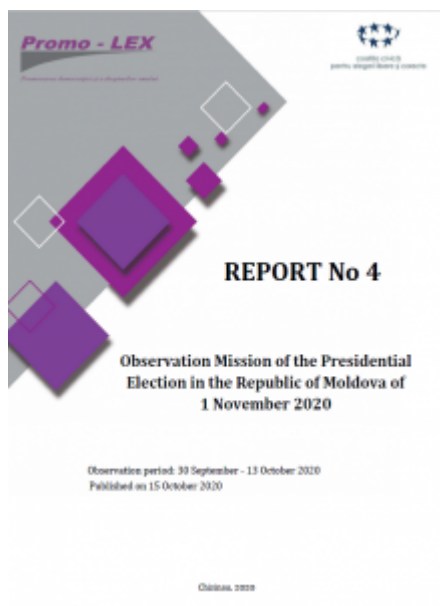
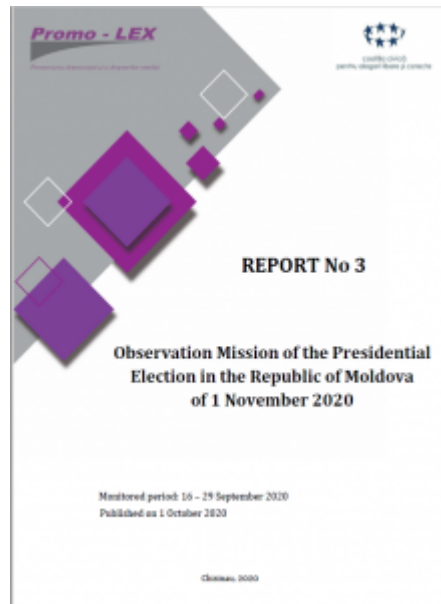


REPORT no. 4 | Observation Mission for the Presidential Election in the Republic of Moldova of November 1, 2020



REPORT no. 3 | Observation Mission for the Presidential Election in the Republic of Moldova of November 1, 2020.



Promo-LEX Report No 3: Setting up polling stations abroad (outside the diplomatic mission premises) – a process that was contested, conducted without any public consultations, but for the first time was based on a clear mechanism for establishing the PS number and location

Promo-LEX launched today the Third Report of the Observation Mission for the Elections of the President of the Republic of Moldova on 1 November 2020. The key aspects covered in the report include establishment of polling stations, including the ones abroad and for voters from the transnistrian region, promotional activities conducted by potential election contenders, as well as financial reporting of their expenses.



Polling stations established abroad on the basis of a clear methodology and by informing stakeholders, but without any public consultations

For the presidential elections of 1 November 2020, a number of 2143 polling stations were established, of which 42 PSs were established for the voters from the transnistrian region and 139 PSs were established for the voters from abroad.

CEC established abroad by 39 more PSs than during the presidential elections of 2016. Compared to the previous elections, the document on PS establishment informed stakeholders about the stages of establishment, the calculation formula used, the risks determined by the epidemiological evolution, etc. However, we draw attention to the lack of institutionalized public consultations, which raised suspicions about how the number and the location of polling stations abroad was decided. Also, if the epidemiological situation worsens, the actual number of polling stations established abroad could be lower than the number of polling stations determined by CEC, but it is

important that the central electoral body communicates at an early stage and transparently about such possible situations.

Issues with the establishment of polling stations for voters from the left bank of the Nistru river

Given the isolated cases of refusals to provide support to CEC in establishing polling stations for voters from the left bank of Nistru river, the Observation Mission reports a poor and contradictory communication between certain level-one local public authorities (LPA I) and CEC on the establishment of these polling stations.

Even if according to the law, polling stations are established for voters from the left bank of the Nistru river without having to compulsorily consult the LPA, it is recommended that stakeholders reach a compromise and have an amicable communication in order to ensure the right to vote for voters from that region.

Election contenders registration



Of the total number of 13 registered IGs, as of 29 September 2020, five election contenders were registered, one application was rejected and other three files were under review. Of the four candidates that have not submitted their signature sheets by 29 September 2020, three are independent candidates.

In the third monitoring report, Promo-LEX also underlines issues related to the conditions for verifying signature sheets. In this regard, we reiterate that the provisions of CEC Regulations are more restrictive than of the Electoral Code and, hence, put election contenders in an unfavorable position and affect the freedom of expression of voters.

Appeals and notifications

Promo-LEX also found that the electoral authority did not register two notifications. We believe that any notification, application, complaint – regardless of the name of the individual who submitted them – shall be registered as an electoral complaint if it reports certain violations of the electoral process.

Note that four out of five complaints were declared inadmissible in the first instance court. In this regard, we reiterate that the right to effective remedy shall be ensured to election contenders, voters and other electoral stakeholders.

Promo-LEX reports increasingly more cases that can be qualified as misuse of administrative resources

According to Promo-LEX Observers, during this period, the initiative groups (IGs) carried out at least 130 activities to collect signatures and electoral-like political promotion activities with regards to already registered candidates. Most activities were carried out by: Igor Dodon IG (IC) – 52 activities, Maia Sandu IG (PAS) – 27 activities, and the registered candidate Andrei Nastase (PPPDA) – 24 activities.

At least 25% of all the actions that are considered to be conducted by Igor Dodon IG, registered as independent candidate, were conducted by PSRM members and supporters.

Also, at least 23 cases of using administrative resources were reported: 15 (65%) – Igor Dodon (IC), 7 (30%) – Violeta Ivanov (PPS) and 1 (4%) – Maia Sandu (PAS).

Zero expenses reported for the activity of signature collectors

The revenues and expenses reported to CEC between 2 and 25 September 2020 by the seven registered IGs, which submitted weekly reports amount to MDL 1 827 428. No initiative group exceed the threshold set by CEC in the amount of MDL 994 250.

According to Promo-LEX observations, no IG reported expenses for signature collectors. Nine IGs did not report fully or any expenses incurred during the reference period: Violeta Ivanov (PPS) – MDL 269 100, Andrei Nastase (PPPDA) – MDL 172 196, Renato Usatii (PN) – MDL 122 198, Igor Dodon (IC) – 30 794, Octavian Ticu (PUN) – MDL 57 697, Maia Sandu (PAS) – MDL 13 757, Andrian Candu (PRO MOLDOVA) – MDL 15 506, Tudor Deliu (PLDM) – MDL 8 810, Dorin Chirtoaca (BE UNIREA) – MDL 5 432. The total unreported expenses are estimated to at least MDL 748 173.

Hate and discriminatory speech continues to affect the election campaign

According to the information reported by observers, at least five cases when Renato Usatii (PN) used hate speech and incitement to discrimination in the public space were identified.

Also, at least 19 cases of election contenders affected by hate speeches or incitement to discrimination were also reported. Of these, 14 cases involved candidates and/or election contenders, and five cases referred to members of

political parties and/or their supporters. Thus, of the candidates and/or election contenders, Igor Dodon (IC) was targeted in 8 such cases, Maia Sandu (PAS) – in 2 cases, and Renato Usatii (PN), Andrei Nastase (PPPDA), Andrian Candu (Pro Moldova) and Dorin Chirtoaca (BE UNIREA) – in one case each.

Hate and discriminatory messages built on the following criteria: political affiliation, health condition, disability, professional activity, sex/gender, religion and religious beliefs, and opinion.

The Observation Mission for the Elections of the President of the Republic of Moldova on 1 November 2020 is conducted by Promo-LEX Association with the financial support of the United States Agency for International Development (USAID) via the 'Democracy, Transparency and Accountability' Program, with the support of the Good Governance Department of Soros Foundation Moldova under 'Monitoring the Presidential Elections of 1 November 2020' Project, and with the support of the Council of Europe under 'Support for civic observation of 2020 Presidential Election in polling stations abroad'. 'Hate speech' component is supported by Justice and Human Rights Department of Soros Foundation Moldova under 'Consolidation of a platform for the development of activism and education in the area of human rights in Moldova – stage IV' Project.

The translation and dissemination of this report was financially supported by the European Platform for Democratic Elections (EPDE), which is financially supported by the European Union and funds by the Federal Foreign Office of Germany, including its ifa funding program zivik.

Find the full report [here](#).

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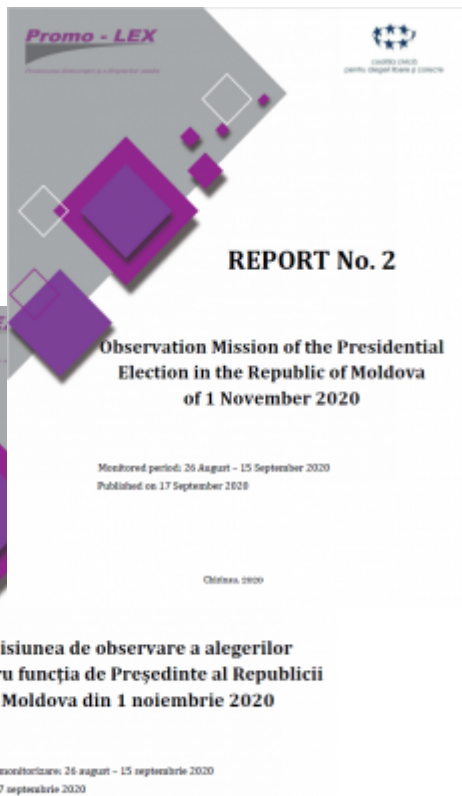
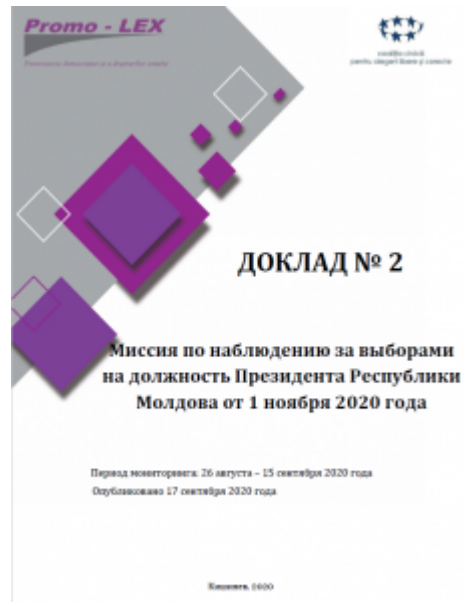
For more information, please contact:

Inga Stegarescu, Press Officer of Promo-LEX Association

GSM: 069 26 96 84;

E-mail: inga.stegarescu@promolex.md.

REPORT no. 2 | Observation Mission for the Presidential Election in the Republic of Moldova of November 1, 2020.



Одінков. 0400

**Promo-LEX
potential**

**Report: neither
election**

candidates, nor voters are on equal footing

The Promo-LEX Observation Mission launched today the Second Report of the Observation Mission for the Elections of the President of the Republic of Moldova on 1 November 2020. This report contains the findings, conclusions and recommendations of the Mission, collected by observers from 26 August to 15 September 2020. The parties' funding was observed during 2-11 September 2020, while the aspects of pre-registration were observed until the end of the procedure. Key observations include the uneven increase in the number of voters, unequal opportunities for potential election candidates and for categories of voters, unreported expenses amounting to at least MDL 735,021, and contestants taking credit for activities funded from public money.



Pre-registration completion affected by neglecting the

registration made after 11 September 2020

The pre-registration of voters for voting in polling stations abroad and in the Transnistrian region ended on 16 September 2020. The total number of registrations (2018-2020) at the end of the procedure was 60,035, out of which 35,910 in the context of the presidential election. Most requests for prior registration during 2020 concerned: Italy – 12,067, Great Britain – 9,478, Germany – 6,423 and Russian Federation – 6,202.

With regard to the number of 202 PSs proposed by the CEC to be established abroad, Promo-LEX treats with suspicion the authority's initiative to increase their number, compared to 150 PSs planned under the CEC budget. This position is explained by the fact that the CEC already had preliminary information on the possible refusal of some states to open PSs outside the locations of diplomatic missions.

According to the law, pre-registration is one of the three criteria on the basis of which the polling stations are to be established. However, on 11 September 2020 already, five days before the pre-registration deadline, CEC sent to the Ministry of Foreign Affairs and European Integration proposals on the establishment of polling stations abroad. Despite the legal provisions on decision-making transparency and the renewed calls of the Civic Coalition for Free and Fair Elections, the public consultation of CEC proposals was not launched. The fact that a decision was made on the establishment of polling stations before the legal deadline and without taking into account all pre-registration applications could weaken the public trust in this procedure and arouse suspicions that the decision was politicised.

Unequal Opportunities for Election Candidates

The view of Promo-LEX is that the existing legal framework does not contain precise and sufficient provisions to ensure

equal opportunities for all contenders in the presidential election, especially as the incumbent president is running too for another term in office.

In contradiction with the unfounded and exaggerated interpretations of CEC, Promo-LEX believes that political parties, other socio-political organisations and electoral blocs that nominated candidates for the presidential elections also have the status of election candidate. We also believe that due to the lack of express legal provisions, political parties as legal entities may transfer on the 'Electoral Fund' account funds up to 12 average salaries per economy in 2020. We also believe that the interpretations made by CEC at the previous elections, on the basis of which donations above the ceiling set for legal entities were accepted from political parties could be used for the Presidential elections as well. Otherwise, suspicious of inconsistent behavior of the institution could be raised. In this context, we reiterate the need for a strict and interpretation-free regulation of the status of a political party in terms of funding the election candidate nominated by the party.

Independent Candidates Supported by Political Parties

By the time this report was published, 13 candidates were nominated, two of whom were registered: Renato Usatii (PN) and Andrei Nastase (PPPDA).

Promo-LEX emphasises that with regards to at least two nominated independent candidates – Igor Dodon and Alexandr Kalinin – the observers reported activities supported by political parties.

Taking Credit for Activities Funded from Public Money

According to Promo-LEX Observers, during this period the initiative groups (IGs) carried out at least 158 signature collection activities.

The observers reported at least eight cases of taking credit for activities funded from public money. PSRM was concerned in four cases out of the eight, and PPS – in the other four.

Observers also spotted two cases where the image of foreign officials was used in association with the nominated candidates Maia Sandu (PAS) and Igor Dodon (IC).

Observation results also put the spotlight on the risk of using administrative resources by the head of state, who is also running in the presidential race.

Unreported Expenses Amounting to at Least MDL 735, 021 for Signature Collection

The revenues and expenses reported to CEC between 2 and 11 September 2020 by the registered IGs amount to MDL 1,341,255. Donations in commodities and services (75%) were the main source of funding.

According to Promo-LEX observation, no IG reported expenses for signature collectors. What is more, nine IGs did not report all of the expenses incurred during this period, which amounted to at least MDL 735,021. The following nine IGs reported lower expenses than estimated by Promo-LEX OM: Violeta Ivanov IG (PPS) – MDL 261,758, Andrei Nastase IG (PPPDA) – MDL 172,196, Igor Dodon IG (IC) – MDL 168,819, Renato Usatii IG (PN) – MDL 52,123, Octavian Ticu IG (PUN) – MDL 34,266, Maia Sandu IG (PAS) – MDL 18,978, Andrian Candu IG (PRO-MOLDOVA) – MDL 14,269, Tudor Deliu IG (PLDM) – MDL 7,499, Dorin Chirtoaca IG (UNIREA Electoral Bloc) – MDL 5,113.

Complaints and appeals

At least two electoral appeals were filed against CEC decisions in the Chisinau Court of Appeal during the reference period. Five notifications and petitions were submitted to CEC, three of them – by a party/electoral bloc and two – by a citizen. The issues tackled in the notifications included:

signature collection amidst the pandemic; alleged use of administrative resources (for 2 actions); electioneering against legal provisions and handing-out of electoral advertising materials without dates.

According to the published information, three out of five notifications were either resolved or answered to. As for other two notifications, we find their resolution to be delayed, as no decision had been published within at least six days.

We remind that the Constitutional Court found in its Decision No 34 of 13.12.2016:

- both electoral authorities and courts rejected a large number of complaints as outside their remit;
- faulty understanding by stakeholders of the process of electoral dispute resolution and failure to understand that both electoral bodies and courts should have reviewed the notified violations rather than reject them as outside their remit;
- due to the faulty enforcement of law by common law courts, the electoral stakeholders were literally deprived of an efficient judiciary control, and the Constitutional Court did not have the possibility to operate with the documents confirming the violations.

We thus draw the attention of the electoral authority and of courts on the need for and importance of efficient resolution of electoral disputes, avoiding superficial resolution or failures to resolve the notified violations. In addition, we draw the attention on the legal obligation of CEC to analyse electoral frauds, including the alleged ones, and to take preventive measures.

Failure of LPAs to Ensure a Transparent and Correct Electoral Process

According to observers, only 41% of the 103 visited LPAs approved a decision on electoral posters and only 39% – a decision on offering premises for meetings with voters.



Election campaign with cases of incitement to hatred and discrimination

As reported by monitors, at least two cases were identified where election candidates conveyed discriminatory messages or engaged in other forms of intolerance in the public area. All cases involve Renato Usatii (PN).

At least 9 cases were also reported of nominated candidates affected by hate speeches or incitement to discrimination. Thus, Igor Dodon (IC) was targeted in 4 such cases, Maia Sandu (PAS) – in 3 cases, and (PPPDA) and Renato Usatii (PN) – in one case each.

Hate and discriminatory messages built on the following criteria: disability, sex/gender, health status, age, professional activity and political affiliation.

The Observation Mission for the Elections of the President of the Republic of Moldova on 1 November 2020 is conducted by Promo-LEX Association with the financial support of the United States Agency for International Development (USAID) via the 'Democracy, Transparency and Accountability' Program and of the Good Governance Department of Soros Foundation Moldova

under 'Monitoring the Presidential Elections of 1 November 2020' Project. 'Hate speech' component is supported by Justice and Human Rights Department of Soros Foundation Moldova under 'Consolidation of a platform for the development of activism and education in the area of human rights in Moldova – stage IV' Project.

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For more information, please contact:

Inga Stegarescu, Press Officer of Promo-LEX Association

GSM: 069 26 96 84;

E-mail: inga.stegarescu@promolex.md.

**Promo-
LEX publicly launches the
Observation Mission for the
Presidential Elections to be**

held on November 1, 2020 in the Republic of Moldova

The Promo-LEX Association publicly launched, on August 26, 2020, the Observation Mission (OM) for the Presidential Elections of November 1, 2020. The Mission presented its first Report on the monitoring of the pre-election period (21 May – 25 August 2020).



Promo-LEX monitors found that the current pre-election period is characterized by an evident impact of the pandemic

on the efficiency of the governmental policies and such socio-political trends as frequent change of political affiliation, especially within parliamentary parties, and return of geopolitical issues to electoral agenda.

Promo-LEX recommends to the CEC to take a pro-active stand and to settle, within the limits of its competence, the referrals, the Constitutional Court sent to it in the presidential elections of 2016.

Four years after the confirmation of election results and the validation of the mandate of President of the Republic of Moldova in 2016, the Parliament, in the opinion of Promo-LEX,

managed to fully settle one and to partially resolve two of a total of six referrals of the Constitutional Court.

We consider that by virtue of the powers granted to it by the legal framework, the CEC in its capacity of a body responsible for the organization of elections and issuance of mandatory normative acts, can partially settle, within the limits of its own competence, the referrals of the Constitutional Court. Technical solutions can be issued with regard to such issues as: organized transportation of voters in the context of suspicions of electoral frauds, involvement of religious denominations in election campaigns, examination of appeals after the election day.

The number of voters in the Republic of Moldova continues to increase

Although since 1999, the Republic of Moldova has been registering a negative rate of natural increase of population (RNI), the number of voters in the State Register of Voters (SRV) continues to increase, albeit at a slower rate compared to the previous years. According to the SRV, as of August 1, 2020, the number of voters was 3,286,304, which is by 410 more compared to the same period in 2019.

The increase in the total number of voters is mainly due to the growth of the number of voters with no domicile or residence and of those registered in the Transnistrian region, given that the number of voters in the other ATUs of the Republic of Moldova, as a whole, is declining.

Some parties nominated their candidates ahead of time, while others took credit for activities carried out at public expense

The Promo-LEX OM has found that, the PPPDA, PAS, PUN and MPU performed activities that can be qualified as early nomination of candidates. Additionally, the observers reported political campaigns with a potential electoral impact in the

case of at least five political players – PRO Moldova, the PN, PAS, PUN, MPU, while in the case of the current President and two parties – the PSRM and the PPS – activities that can be qualified as taking credit for actions performed at public expense have been reported.

Pre-registration of voters affected by the lack of explicit regulations

With regard to the manner the CEC managed the pre-registration procedure, Promo-LEX OM considers that the importance and value of the procedure is greatly affected by the lack of certainty that all prior registrations submitted will be taken into account. We emphasize that the difference in numbers of prior registrations submitted in the previous elections by voters from the Transnistrian region and those from abroad, undermines the objectivity and veracity of the data. Moreover, the lack of explicit regulation of pre-registrations in paper format, including collective claims, also affects the pre-registration procedure.

Promo-LEX warns about the need to adjust the normative framework for election campaign funding

In the context of presidential elections, the Observation Mission also emphasizes the need to adjust some aspects of the normative framework of the CEC to the changes made in electoral legislation. We also note that Initiative Groups (IGs) do not appear in the Criminal and Contravention Codes as subjects to sanction, as well as the need to harmonize the sanctions described in the Contravention Code with those of the Criminal Code, in accordance with the guidelines of the Venice Commission.

It should be mentioned that at the request of Promo-LEX, the CEC issued accreditations for the first 69 national observers.

The Observation Mission also monitors the phenomenon of hate speech present in the discourses of electoral competitors.

The OM identified, based on the monitored sources of information, cases of hate speech, the subjects who use hate speech in their electoral messages and those who are affected by this type of discourse.

In the context of Presidential Elections of November 1, 2020, the Promo-LEX Association will carry out a voter information and voter education campaign to raise the awareness of Moldovan citizens entitled to vote. The campaign will include 25 debates broadcast by TV and radio stations; creation and dissemination of a video spot; an online apolitical information and voter mobilization campaign, as well as grants for projects to promote participation in elections.

The Observation Mission for the Presidential Elections of November 1, 2020 in the Republic of Moldova is carried out by the Promo-LEX Association with the financial support of the United States Agency for International Development (USAID) through the “Democracy, Transparency and Accountability” Program. The “hate speech” component is supported by the Department of Justice and Human Rights under Soros-Moldova Foundation through the “Strengthening a Platform for the Development of Human Rights Activism and Education in the Republic of Moldova – stage III” Project.

The full report can be accessed [here](#).

For further information, please contact:

Inga Stegarescu, Press Officer of the Promo-LEX Association;

GSM: 069 26 96 84;

E-mail: inga.stegarescu@promolex.md

REPORT no. 1 | Observation Mission for the Presidential Election in the Republic of Moldova of November 1, 2020.

