

Promo-LEX Election Observation Mission for the Presidential Election in the Republic of Moldova of 1 November 2020 | Polling Stations Opening

1 November 2020

Time: 9.00 am

Promo-LEX Observation Mission of the Presidential Election in the Republic of Moldova of 1 November 2020 informs that as of 9.00 am the Mission had received 63 incident reports from observers, and this press release contain information on the 35 incidents processed by the central team of Promo-LEX Mission as of this hour:

Polling stations opening:

Promo-LEX Observation Mission of the Presidential Election in the Republic of Moldova of 1 November 2020 finds,

Restricting the observers' access or preventing the free observation process at the polling station – 1 case.

- **PS 36/7 Gagauzia, Comrat.** Promo-LEX observer was denied access into the PS until 6:55 am. The observer arrived at the PS at 6:40 am, and the PEB Chairperson argued

that observers had to be present at 6:30 am.

Presence of advertising materials, electoral billboards and posters in the vicinity of the polling station (within the area of 100 m from the PS) – 6 cases.

- **PS 7/6, Cahul, Valeni.** Advertising materials favouring two candidates were found on the ads panels within the area of 100 m from the PS. PEB Chairperson told Promo-LEX STOs that he had not noticed them. They have been removed.
- **PS 01/266, Chisinau, Vadul lui Voda.** The electoral poster of a candidate is displayed at a distance of about 20 meters from the PS. The PEB Chairperson was informed and he told that he would take measures to address it.
- **PS 13/001, Donduseni, Donduseni.** A candidate's electoral posters in A4 form are displayed within 100 meters from the PS.
- **PS 16/2, Edinet.** The office of a candidate is located in front of the PS, at a distance of about 70 meters, and three banners with the candidate are displayed on the office gate. The PEB Chairperson was informed about this, but he did not react.
- **PS 36/4, ATUG, Comrat.** The banner of a candidate is displayed at a distance of about 70 meters from the PS.
- **PS 18/54, Floresti, Radulenii Vechi.** The banner of a candidate is displayed at a distance of about 50 meters from the PS.

Ballot boxes were not sealed according to the legal procedures/tearing/damage or absence of seals on ballot boxes – 5 cases.

- **PS 01/221, Chisinau, Riscani.** At 06.55 am, stationary ballot boxes were sealed with only 2 seals each. PEB Chairperson stated that all of the received seals had been used, and that he did not have other available.

- **PS 35/72 Ungheni, Valea Mare.** One stationary ballot box was sealed with 3 seals, one stationary ballot box was sealed with 2 seals. PEB Chairperson explained that this was the number of seals that he had received.
- **PS 28/52, Singerei, Pepeni.** The ballot box was sealed with 2 seals only. When asked by the observer, the PEB Chairperson replied that he has three ballot boxes and did not have enough seals for each.
- **PS 1/329, Russian Federation, Moscow area.** As the ballot box had only two places to apply the seals, only two seals were used.
- **PS 1/416, Romania, Sibiu.** As the ballot box offered to the PS is different from the ones used in the Republic of Moldova, only one seal could be applied, on the door on the top of the box.

Interrupted video recording of electoral procedures for polling station opening or procedures of ballot papers counting – 6 cases.

- **PS 27/37 Riscani, Racaria.** Camera turned on at 7.03 am.
- **PS 27/25 Riscani, Hiliuti.** Camera turned on at 6.59 am for a couple of seconds only, to say that the polling station was opened.
- **PS 25/045 Orhei, Malaiesti.** The video camera was not turned on to shoot the PS opening.
- **PS 25/040 Orhei, Furceni.** The shooting got interrupted while video monitoring the PS opening procedures, due to some technical errors. The electricity block it was connected to was out of order. The PEB Chairperson looked for another block and is trying to remedy the situation.
- **PS 1/415, Romania, Suceava.** The electoral office did not have a cable to connect the video camera, that is why the PS preparation was shot with a mobile phone.
- **PS 18/9, Floresti, Alexeevca.** The video camera was turned on after PEB members sealed the ballot box.

Restricting the free access to polling station for voters with symptoms of acute respiratory disease (body temperature above 37 Celsius degrees, coughing, breathing difficulties, etc.) – 1 case.

- **PS 2/45, Balti, Balti town.** A voter aged about 58-60 years came to the PS at around 8:35 am with body temperature of 37.4. PEB member did not allow her to enter the polling station. Shortly after, the PEB Chairperson informed her that she had the right to enter and vote. But the voter refused and left.

Organised voter transportation (by buses, passenger vans or other vehicles that wouldn't normally be around) – 1 cases.

- **PS 7/6, Cahul, Valeni.** At 8.40 am, a white passenger van with registration number BZJ 278 stopped at a distance of about 50 m from the PS and about 15 persons got off. The passenger van had neither a note saying it was transporting passengers, nor any sign of public transportation, nor yellow registration plates.

Deficient operation of SAIS "Elections" (suspended functionalities; situations when SAIS "Elections" states that the voted had voted, but the latter claims he had not) – 4 cases.

- **PS 01/078, Chisinau, Buiucani.** SAIS "Elections" had some technical deficiencies and it was out of order from 07.08 am to 07.39 am.
- **PS 01/223, Chisinau, Riscani.** One of the two computers of the polling station could not be connected to SAIS "Elections". At 07.40 am, PEB Chairperson called for Moldtelecom specialists, but the problem has not been solved yet.
- **PS 01/125, Chisinau, Center.** SAIS "Elections" was out of order from 7.00 am to 7.30 am. PEB Chairperson called for IT experts and the problem was solved.

- **PS 1/339, Russian Federation, Surgut Hanti-Mansiisk.** In spite of the presence of SAIS “Elections” operators and functional technical devices (computers), SAIS “Elections” had been out of order until 7:52 am (Russian Federation time).

Deficiencies in lists of voters (gaps between addresses; deceased voters; signatures instead of other people) – 1 case.

- **PS 01/092, Chisinau, Buiucani.** A voter who has recently changed the residence was not on the main list of voters. The voter was not allowed to vote on additional list, though he presented his ID card which confirmed his domicile within the area of the respective polling station.

Taking pictures of the ballot papers, other violations of the secret of vote (submitting the ID card with the vote on it, inappropriate location of voting booths so that voter’s option can be seen etc.) – 1 case.

- **PS 01/223, Chisinau, Riscani.** One voter took a picture of the ballot paper. This was noticed by PEB Chairperson and members. When asked for explanations, the voter said he had to answer a phone call at that very moment. PEB Chairperson said he would document that case.

Infringement by the electoral officials of COVID-19 protection and prevention measures – 4 case.

- **PS 18/026, Floresti, Cunicea.** The list with temperature measurements was prepared after PS opening, at 8:40. PEB Chairperson filled in the listed, without taking the temperature of PEB members.
- **PS 18/23, Floresti, Cuhureștii de Sus.** Failure to ensure the social distance between PEB members, and the PEB Chairperson does not wear a face mask. In addition, the observer’s body temperature was not measured when he arrived to the PS. The PS was opened at 06.55 am.

- **PS 18/9, Floresti, Alexeevca.** PEB members did not have face shields and did not wear correctly face masks.
- **PS 18/54, Floresti, Radulenii Vechi.** The thermometer was not operating correctly. When asked by observers, PEB members changed the thermometer.

Other – 5 cases

- **PS 4/14, Anenii Noi, Todirești.** The electricity went out. Half of the village is out of electricity. PEB Chairperson has reported the situation, it has not been solved yet.
- **PS 32/21 Stefan Voda, Popeasca.** The PS opening protocol states 3 voting booths, but in reality there are only 2 voting booths.
- **PS 18/002, Floresti, Floresti.** Before PS opening, 2699 voters were declared to be on the main lists of voters. After PS opening, PEB Chairperson stated she had been phoned by CEC representatives, asking to remove 19 voters who had been issued voting right certificates.
- **PS 37/3, Transnistrian region, Anenii Noi.** At 08:07 am, a voter made a note with his pen on the ballot paper and that is why he asked for another ballot paper. But PEB members refused to give him another ballot paper, hence the voter applied the “Voted” seal on the ballot paper with the notes made by pen. After this case, the PEB Chairperson explained to PEB members that they were obliged to give another ballot paper, if requested by voter.
- **PS 01/092, Chisinau, Buiucani.** The polling station opening protocol was drafted with a delay, at 7.11 am. Three voters had already voted by then.

The press release is developed as part of 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, the Good Governance Department of Soros Foundation-Moldova under 'Monitoring the Presidential Elections of 1 November 2020' Project, and 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 opinions set out in the public reports and press releases of Promo-LEX OM are those of the authors and do not necessarily reflect the view of funders or partners. The content of this report can be subject to editing.

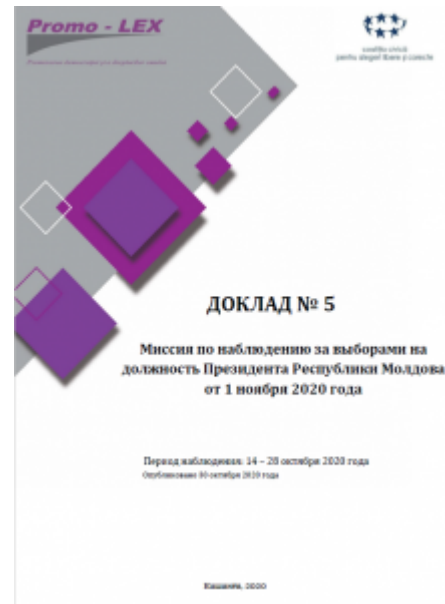
If there are any discrepancies between the text in Romanian and its translation, the provisions formulated in Romanian shall prevail.

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REPORT no. 5 | Observation Mission for the Presidential Election in the Republic of Moldova of November 1, 2020



Conclusions of Promo-LEX Observation Mission at the end of the campaign: Election contenders do not declare the actual spending for the campaign, and the number of violations is increasing at a worrisome pace

Promo-LEX Observation Mission (OM) launched the fifth monitoring report of the presidential election in the Republic of Moldova. Like in the previous reports, EOM found a number of problems, such as: use of administrative resources, intimidation and presence of hate speech and incitement to discrimination in the contenders' messages, electoral gifts, as well as involving religious cults in the election campaign of a candidate. Promo-LEX observers also found deceased persons and wrong addresses in lists of voters.



Multiple violations on the last mile of the campaign

Promo-LEX EOM found literally twice as many electoral activities compared to the first two weeks of campaign – 992. PSRM – a party that did not nominate any candidates, was found again to engage in the election campaign of Igor Dodon IC (52% of all of the candidate's activities).

Observers identified at least 24 cases that can be regarded as use of administrative resources, of which: 21 – Igor Dodon (IC) și 3 – Tudor Deliu (PLDM). At least two cases that can be regarded as voter corruption were reported and both of them involved candidate Igor Dodon (IC).

In this context, at least 52 cases reported where candidates were promoted by local elected officials: district presidents/deputy presidents or mayors/deputy mayors. The electioneering work was done while on leave, planned particularly during the election campaign period, without being registered with CEC as persons of trust.

At least six cases involving representatives of religious denominations in the election campaign of the candidate Igor Dodon (IC) were also reported.

According to observers' reports, at least nine cases of candidate intimidation or vandalizing their advertising materials were registered, 2 cases involving – Igor Dodon (IC), 2 cases – Maia Sandu (PAS), 2 cases – Renato Usatii (PN), and one case – Violeta Ivanov (PPS), Octavian Ticu (PUN) and Andrei Nastase (PPPDA) each.

Under-reported expenses and donations above the threshold for funds that may be transferred on the 'Electoral Fund' account

According to the reports submitted to CEC, the revenues declared by election contenders for 10-23 October amount to MDL 6,027,149; of which MDL 996,772 are revenues in the form of free goods and services.

The mission estimated at least MDL 3,800,981 not reported by the following election contenders: Violeta Ivanov (PPS) – MDL 1,574,706; Igor Dodon (IC) – MDL 932,334; Andrei Nastase (PPPDA) – MDL 551,901; Maia Sandu (PAS) – MDL 288,176; Renato Usatii (PN) – MDL 291,226; Tudor Deliu (PLDM) – MDL 61,117; Octavian Ticu (PUN) – MDL 74,813; Dorin Chirtoaca (BE UNIREA) – MDL 26,708.

Electoral bodies' failure to comply with the required measures of protection

According to Promo-LEX observers, not all DEC's conform to the restrictions imposed on activity amidst the pandemic: 8 (22%) councils do not have a register for monitoring the temperature of electoral officials; at least 18 DEC's (50%) do not take the visitors' temperature; while in other 5 DEC's (14%) the information on health protection rules amid pandemic is missing. Besides, as reported by observers, in at least 7 cases DEC's found shortages in the equipment for protection and prevention of the spread of COVID-19 infection, received from CEC.

Unfortunately, 776 (82%) of the electoral offices of polling stations (PEB's) were found not to comply with the protection

requirements in the context of pandemic.

The flaws of the Electoral and Administrative Codes limit the contenders' right to effective remedy

According to observers, during the reference period one single complaint was submitted to CEC, which was settled by the deadline stated in the law. As for other six notifications, it seems that CEC has neither settled them, nor published any response.

With regards to litigation settlement, Promo-LEX EOM finds that the election contenders' right to effective remedy is affected due to the misalignment of the Electoral Code with the Administrative Code.

Limiting the observers' access to the voter lists



Promo-LEX found non-compliance with the deadlines for submitting the voter lists to PEBs in at least 406 PEBs (42%) of the 947 visited. At the same time, note that about 20%

(184) of the polling stations visited by observers had a limited access to lists with full data on voters.

The most frequent errors found in lists are the following: presence of deceased persons (145 cases) and wrongful assignment of voters to another PS from the same or even from a different settlement (45 cases).

Less observers accredited compared with the Parliamentary election of 2019

During the observation period, CEC accredited 1,153 (53%) observers and experts. A total of 2193 observers were accredited for the presidential election, specifically 1883 national observers, 299 international observers and 11 international electoral experts. Of the total number of national observers, Promo-LEX EOM accredited 1200 (64%). Compared to the Parliamentary election of 24 February 2019, the number of national observers dropped by 45%, and of international observers – by 60%.

Hate speech and incitement to discrimination

We find a surge in hate speech by candidates and politicians, opinion leaders, journalists and citizens. At least 76 new cases were identified in the reference period alone – by 13 more than in the previous monitoring period.

Of these, candidate Renato Usatii (PN) used hate speech in 46 cases; Andrei Nastase (PPDA) – in three cases, Dorin Chirtoaca (BE UNIREA), Violeta Ivanov (PPS) and Igor Dodon (IC) – in one case each.

Other 15 cases of hate speech and/or incitement to discrimination involved 5 of the 8 candidates registered in the electoral race. Thus, Igor Dodon was targeted in 5 cases, Maia Sandu – in 4 cases, Violeta Ivanov – in 3 cases, Dorin Chirtoaca – in two cases, and Renato Usatii – in one case.

Seven new cases of hate speech against voters in general, and voters from the left bank of the Nistru river, in particular, were registered.

The Promo-LEX Association emphasises that the use of hate speech and incitement to discrimination in the public space and in the mass-media by candidates and their supporters amid election campaign harms not only the dignity of counter-candidates, by also that of people from particular social groups, including when prejudice and stereotypes are used or when people are incited to discrimination and violence.

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Find the full report [here](#).

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The Promo-LEX mission established that there is a surge in cases involving hate speech and religious cults in campaigning and in cases of misuse of administrative resources, while electoral bodies do not observe fully the sanitary and epidemiological requirements



Promo-LEX reports increasingly more cases that can qualify as use of administrative resources, and a 2.6 times increase in cases involving hate speech and incitement to discrimination. During the monitoring period (30 September – 13 October), there has been an upsurge in electoral events, in cases where the restrictions imposed by the Extraordinary Territorial Commissions of Public Health were not observed, as well as first instances where religious denominations were involved in the election campaign of a candidate.

Legal uncertainties that give rise to unequal opportunities for election contenders

Promo-LEX Observation Mission draws attention to the uncertainties around the lawfulness of a political party supporting an independent candidate, including from the point of view of poor reporting of campaign financing, and around the lawfulness of involving in election campaigns political parties that do not participate in elections officially. It came to our attention that members and supporters of PSRM – a

party that did not nominate a candidate – are taking part in the election campaign of Igor Dodon IC. We would also like to emphasize that the mechanism in place for suspending from office the President of the Republic of Moldova in relation to their participation in elections is not regulated sufficiently.

Like in the 2016 Presidential Elections, Promo-LEX OM is highlighting that there are some legal rules that affect contenders' opportunities to start the election campaigns at the same time.

The more active the election contenders, the more numerous the incidents

In the beginning of the election campaign, Promo-LEX OM established that the number of identified electoral events (595) increased almost five times compared to the previous reporting period. Of these, 39% were carried out by Igor Dodon (IC), 22 % – by Renato Usatii, 19% – by Maia Sandu (PAS), according to observers.

We would also like to draw attention to at least 6 cases that can qualify as violation of the public health rules established by the Extraordinary Territorial Commissions of Public Health with regards to meetings, concerning Igor Dodon (IC) – 3 cases; Maia Sandu (PAS) – 2 cases; and 1 case – Tudor Deliu (PLDM).

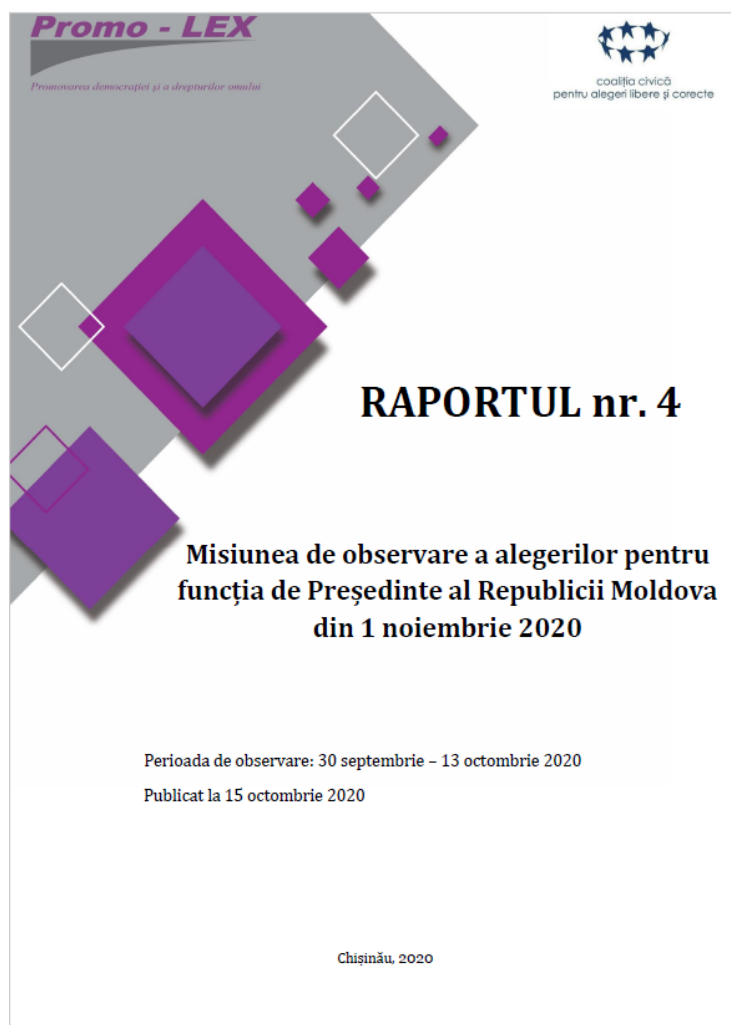
During the monitored period, Promo-LEX OM reported at least 18 cases that can be qualified as use of administrative resources: 14 – Igor Dodon (IC), Tudor Deliu (PLDM), Renato Usatii (PN), Andrei Nastase (PPPDA) and Violeta Ivanov (PPS) – once case each.

The number of cases that can qualify as using the image of foreign officials and images that represent government institutions/symbols is increasing, at least 7 such cases having been reported. Of these, Maia Sandu (PAS), Andrei

Nastase (PPPDA) and Dorin Chirtoaca (BE Unirea) were concerned in two cases each, and in one case – Tudor Deliu (PLDM).

At least two cases involving representatives of religious denominations in the election campaign of the candidate Igor Dodon (IC) were also reported.

Expenses of at least MDL 809,477 were not reported by candidates



According to the data published on the official website of CEC – out of the 8 registered candidates, one (Octavian Ticu) submitted neither a report, nor a notification on not having incurred any expenses. The main source of income reported by election contenders for the first week of the election campaign was donations from individuals. The observation mission confirmed there was a transfer from the current account of a party to the ‘Electoral Fund’ account that was above the ceiling of MDL 95,436 set for legal entities in the CEC Circular Letter of 15 September 2020. However CEC did not

respond to this yet.

We also found that 566 individuals donated MDL 7.68 million in cash, followed by donations in goods and services worth MDL 1,302,239. The observation mission emphasises that reporting in-kind donations is a positive practice for a transparent election campaign. However, reporting such donations outside the 'Electoral Fund' account puts at risk the accuracy of reporting and might serve as a way to circumvent the rules on the basis of which the financial flows in the 'Electoral Fund' account are verified.

The observers have repeatedly given emphasis to the fact that none of the election contenders neither reported expenses for electioneers nor reported their services as in-kind donations. The estimates are that 6 election contenders failed to report in full their campaign expenses in the total amount of at least MDL 809,477: Igor Dodon (IC) – MDL 474,856; Andrei Nastase (PPPDA) – MDL 111,531; Violeta Ivanov (PPS) – MDL 105,236; Maia Sandu (PAS) – MDL 67,812; Renato Usatii – MDL 29,598; Tudor Deliu (PLDM) – MDL 20,444.

An election campaign riddled with more and more hate speech and discrimination

The surge in hate speech by candidates and politicians, opinion leaders, journalists and citizens is regretful. At least 63 new cases were identified in the reference period alone – by 39 more than in the previous monitoring period.

Of these, in 39 cases the hate speaker was the candidate Renato Usatii (PN); in two other cases – Andrei Nastase (PPPDA) and Octavian Ticu (PUN). Other 15 cases of hate speech and/or incitement to discrimination involved 5 of the 8 candidates registered in the electoral race. Igor Dodon was concerned in 4 cases, Maia Sandu – in 6 cases, Renato Usatii – in 2 cases, Octavian Ticu and Dorin Chirtoaca – in one case each.

The Promo-LEX Association puts emphasis on the fact that this type of discourse affects not only candidates, but also people who are part of different social groups (women, LGBT, people with disabilities, etc.). We also noticed that in none of the cases of hate speech or incitement to discrimination on television did the TV show hosts react.

The activity of the electoral bodies amidst the pandemic

According to Promo-LEX observers, not all DEC's conform to the restrictions imposed on activity amidst the pandemic: 12 DEC's (34%) do not have a register for monitoring the temperature of electoral officials; at least 18 DEC's (50%) do not take the visitors' temperature; while in other 4 DEC's (11%) the information on health protection rules amid pandemic is missing.

Regarding the activity of the electoral offices of polling stations (PEB), we established that in at least 48 PEB the requirement of being composed of an odd number of members was not complied with. Also, the open ballot procedure was not observed in three of the total of 116 PEB monitored in the reference period.

From a gender perspective, women make up the greatest share in PEB composition – 83%. There are no men among the members of 468 PEB.

PEB formed without the participation of local authorities

Although the law stipulates that three of the PEB members must be nominated by the local councils, Promo-LEX found that in at least 355 PEB (18%) there was no-one nominated by the LPAs. Note that none of the PEB established by DEC No 1 Chisinau has any members appointed by the LPA. According to Promo-LEX observers, in the absence of a municipal council's decision on this matter, the absolute majority of PEB members were appointed from the Register of Electoral Officials (REF), managed by CEC. In this context, the question arises as to

whether those persons were really in the REF, or whether the procedure for appointing on the basis of this register is a formality only. Note that the non-transparent compilation of the REF by CEC was flagged by Promo-LEX back in the 2016 presidential election.



About 60 activities dedicated to information, voter education and apolitical mobilisation were carried out by Promo-LEX

Association and its partners

On the occasion of the presidential election of 1 November 2020, Promo-LEX Association and other three organisations that received sub-grants from the Association, carried out – during the reporting period – at least 59 activities of voter information, education and apolitical mobilisation. Because of the sanitary and epidemiological restrictions imposed amid the COVID-19 pandemic, all activities were carried out online and were advertised on social media networks.

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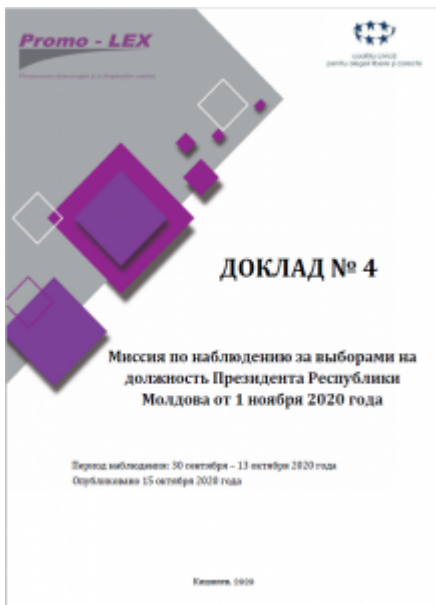
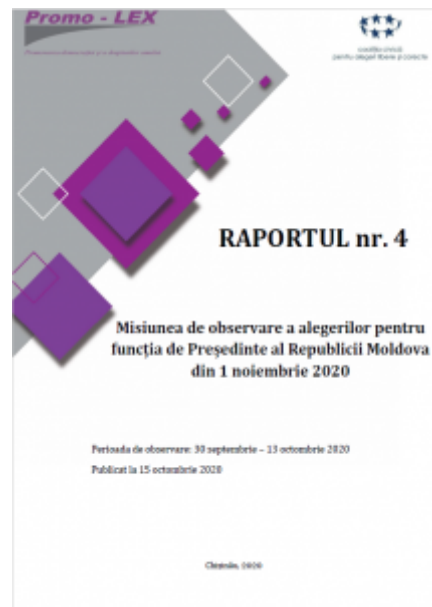
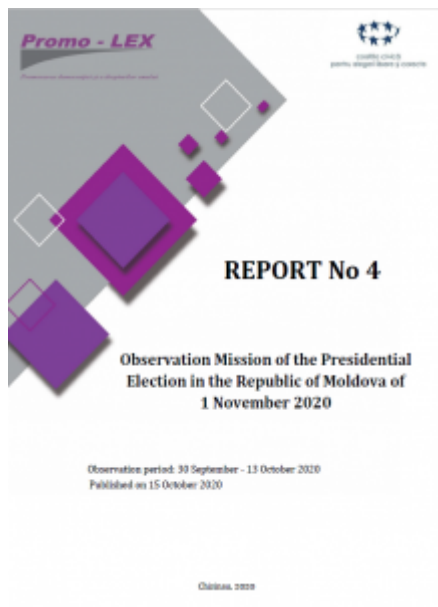
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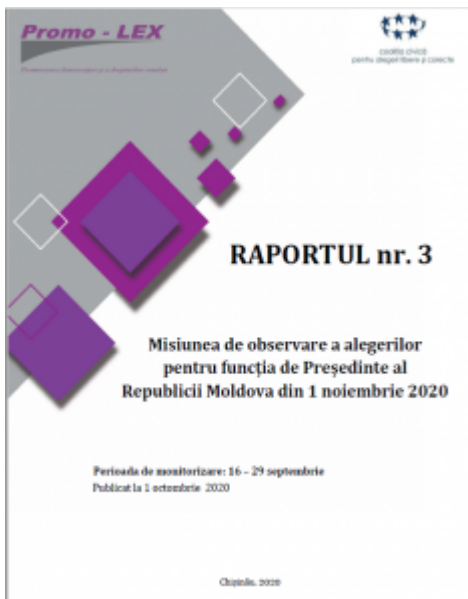
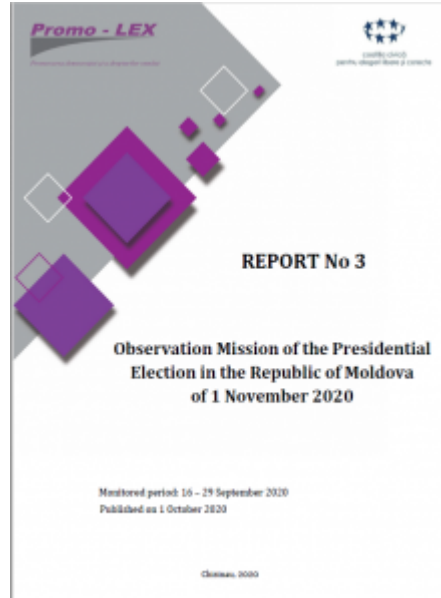
**REPORT no. 4 | Observation
Mission for the Presidential
Election in the Republic of**

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.

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Find the full report [here](#).

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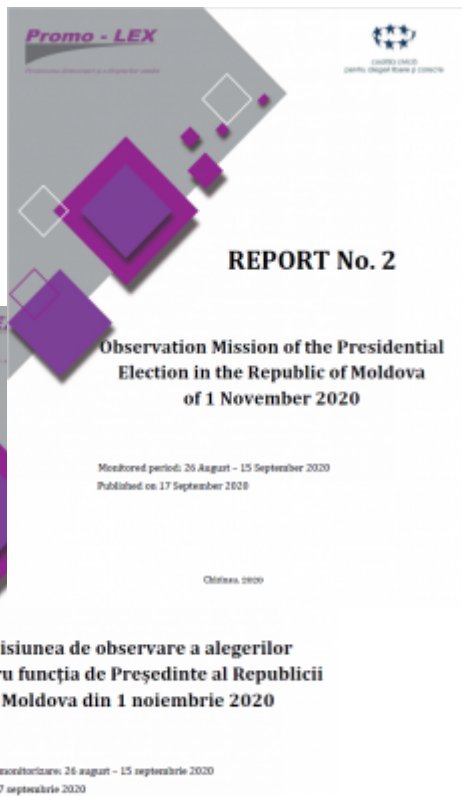
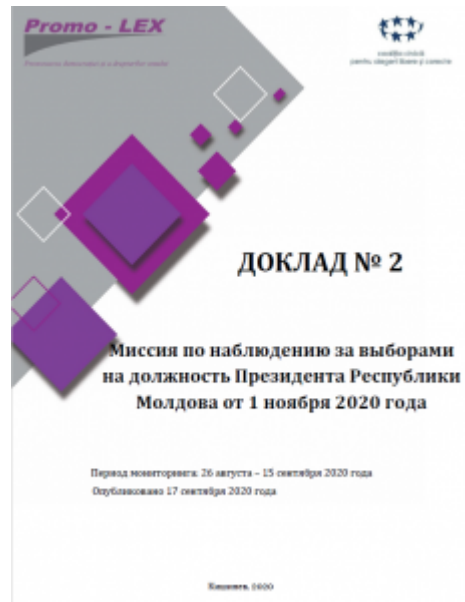
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REPORT no. 2 | Observation Mission for the Presidential Election in the Republic of Moldova of November 1, 2020.



Одінкив. 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

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**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](#).

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