

ДОКЛАД № 2 | МИССИЯ ПО НАБЛЮДЕНИЮ: ПРЕЗИДЕНТСКИЕ ВЫБОРЫ И КОНСТИТУЦИОННЫЙ РЕСПУБЛИКАНСКИЙ РЕФЕРЕНДУМ 20 ОКТАБРЯ 2024 Г.



Promo-LEX released the second report of the Observation Mission for the election on 20 October

The Promo-LEX Observation Mission for the Presidential Elections and the Republican Constitutional Referendum released today its second monitoring report covering the period 20 August – 17 September.

The report mainly reflects the process of nominating and registering electoral competitors, the legal framework relevant to this process, the performance of electoral competitors, as well as the work of electoral bodies in preparation for the presidential elections and the referendum on October 20.

Legal framework. The Observation Mission (OM) report highlighted an important aspect related to the participation of the incumbent President in the 20 October election. The Constitutional Court had previously emphasized that the President must be apolitical, and the nomination of Maia Sandu by PAS raised questions about her neutrality. Given the impossibility of suspending the incumbent President from office for the period of the electoral campaign, Promo-LEX OM recommends that the President should refrain from participating in official public events that could be perceived as electoral campaigning activities and should minimize the use of administrative resources during the electoral campaign.

Promo-LEX OM also raised concerns over the refusal of the

Central Electoral Commission (CEC) to register some initiative groups, citing reasons such as political affiliation of candidates. Although CEC claims that political independence is a prerequisite for running as an independent candidate, the legislation does not expressly regulate such a ground for refusing registration of initiative groups. Promo-LEX recommends clarifying these issues in order to ensure transparency and predictability of the electoral process.

Electoral bodies. The electoral councils were set up within the deadline provided for by the legislation. For the majority of councils (95%), 11 members were appointed. The gender equality is uneven, with the majority of members being women (71%). According to the findings, only 17 out of 37 councils are accessible to people from vulnerable groups. Moreover, three councils (EDEC no. 36 ATUG, no. 37 – for localities on the left bank of the Dniester and no. 38 – for polling stations constituted abroad) did not have adequate premises for carrying out their activities one week after their establishment.

In total, 2,221 polling stations were set up for the autumn election, including 30 polling stations for voters from the left bank of the Dniester and 234 polling stations for voters from abroad set up by CEC in accordance with the provisions of the Electoral Code. Promo-LEX OM observers found that most polling stations (81%) were located in houses of culture and educational institutions, including pre-schools.

The organisation of polling stations abroad was carried out according to a legal framework established by the Electoral Code and CEC regulations. The main criterion for establishing polling stations is voter turnout in the last three elections, with other complementary criteria such as pre-registration and information provided by the Ministry of Foreign Affairs. A novelty in the electoral legislation for diaspora voting is the introduction of postal voting, with 1,994 citizens registered for this type of voting. CEC approved three polling

stations for postal voting.

Promo-LEX has noted some differences between its estimates for the distribution of polling stations abroad and those established by CEC, in particular for Italy and the UK.

As regards **the organisation of polling stations for the left bank of the Dniester**, even if the number of polling stations has been reduced from 41 (2021) to 30, we believe that access to voting will generally not be affected. One issue remains the freedom to vote, as previous observation experience has shown that one of the main challenges is to counter and sanction organized transportation of voters, as well as possible cases of corruption.

Electoral disputes. During the observation period, Promo-LEX noted that at least eight complaints were submitted to the CEC, most of which were declared inadmissible. A number of complaints concerned allegations of use of administrative resources, electoral campaigning and others. Promo-LEX warns that it is necessary that the resolution of complaints should be carried out within the deadline stipulated by the Electoral Code (3 days, with the possibility of extension by 2 days) and that the complainants should be informed about the remedies available.

During the monitored period, four complaints were filed in court against CEC decisions. Three of them were rejected and in one case the court obliged CEC to issue a reasoned decision.

Nomination and registration of electoral competitors. Between 21-31 August 2024, the Central Electoral Commission received 23 applications for the registration of initiative groups (IGs) in support of 19 presidential candidates, of which 13 were accepted. Three applications were rejected and two did not receive the required number of votes.

Out of the 13 IGs to which subscription lists were issued, 9

candidates submitted their subscription lists and registration files to the CEC, out of which 4 were registered as electoral competitors. CEC received 14 applications for registration as participants in the Constitutional Referendum, registering 10 participants, out of which 8 chose YES and 2 NO.

Performance of electoral competitors. Promo-LEX observed that 12 out of 13 registered IGs carried out 475 activities to collect signatures in support of presidential candidates, with the highest activity in the case of Ion Chicu (PDCM), Renato Usatii (NP (OP)) and Maia Sandu (PAS) – who cumulatively carried out 71% of the total observed activities. No signature collection activities were observed for IG Victoria Furtună (IC).

The activities took place predominantly in Chisinau, but also in other cities (Balti, Donduşeni, Ialoveni, Causeni), and the collection period ranged from 3 to 24 days. Promo-LEX observers found that in the case of at least three candidates, signatures were collected by unauthorized persons.

In the context of the constitutional referendum, the electoral campaign seems to have started ahead of schedule, in violation of the legal provisions, with multiple promotional activities with electoral overtones, including sponsored postings and distribution of information materials. Moreover, violations were identified, such as the lack of complete information on advertising materials.

Misuse of administrative resources. Promo-LEX identified 13 cases of misuse of administrative resources by various political groups and local authorities. Among them, PAS was targeted in 8 cases related to signature collection and EU promotion, BE Împreună (EB Together) and BP Victorie (PB Victory) were involved in using educational resources and organising events serving political purposes, as well as presenting donations as being made by the party. PDCM and LPA were also cited for misuse of administrative resources in the

process of collecting signatures and promoting political speeches, respectively.

Activities with voter corruption potential. During the monitored period, activities with voter corruption potential involving PB Victory and PVM (Party for Moldova's Future) were observed. PB Victory distributed school bags and school supplies to students from socially vulnerable families and provided wheelchairs to some individuals, with reported cases of promises of money against signatures. The PVM was also involved in collecting signatures through unauthorized persons who were allegedly paid for these services.

Election and electoral campaign financing. Most of the IGs have appointed treasurers and reported the opening of the „Electoral Fund” accounts, with the exception of IGs Alexandru Arseni (IC) and Alexandr Stoianoglo (PSRM). Some IGs encountered difficulties in opening accounts thus affecting their activity. In terms of financial reporting, most of the IGs submitted information on financing, albeit with some errors, meeting deadlines. However, irregularities were found in the reporting of expenses. 12 out of 13 registered IGs reported revenues totalling 2,009,727 MDL, of which 292,076 MDL – from material donations (15% of total declared revenues).

For the signature collection activities carried out by 11 IGs, Promo-LEX estimated unreported expenses of at least 580,321 MDL. The highest unreported expenses were in the case of IG Irina Vlah (IC) – 43%, followed by IG Maia Sandu (PAS) – 23%. The most frequent unreported expenses were for promotional materials (52%).

Hate speech. Between 20 August and 8 September 2024, at least 40 cases of hate speech and other expressions of intolerance were identified. Most cases were spread via social media (19 cases) and mobile apps (10 cases). Most often, hate speech was based on political affiliation (12 cases), sexual

orientation/gender identity (8 cases) and sex/gender (6 cases).

All 40 cases of hate speech had over 3 million views and more than 23 thousand shares.

As a reminder, Promo-LEX Association launched on 20 August the Observation Mission for the Presidential Elections and Constitutional Referendum. The observation will cover the whole electoral period, including election day and, if necessary, the second round.

Report no. 2 of the Observation Mission can be accessed [here](#).

The Observation Mission is financially supported by the United States Agency for International Development (USAID), the European Union and the German Marshall Fund of the USA, the Government of the United Kingdom of Great Britain and Northern Ireland, the International Organization of Francophonie, and Soros Foundation Moldova. The Observation Mission is carried out under the aegis of the Civic Coalition for Free and Fair Elections.

**REPORT NO.1 | Observation
Mission: presidential
elections and republican
constitutional referendum
October 20, 2024**



Promo-LEX Association has launched the Observation Mission for the election of 20 October 2024

Promo-LEX Association has launched the Observation Mission for the presidential election and constitutional referendum of 20 October 2024. The observation will cover the entire election period, including election day and, if necessary, the second round of voting.

The core team of the Mission and 45 long-term observers (LTOs), together with about 740 short-term observers (STOs), will monitor the election at national level, acting as static observers in 600 polling stations, as well as in 70 mobile teams that will visit all other polling stations during the election day. In addition, all polling stations open to voters from the Transnistrian region will be covered with static

observers, and at international level observation will be carried out in over 50 polling stations. Promo-LEX will also monitor hate speech and discrimination through seven monitors.

The Promo-LEX Observation Mission will monitor the observance of democratic principles and the national legal framework in the work of electoral bodies, registration of electoral competitors and electoral campaigning, financing of the electoral campaign, and other relevant aspects. On election day, Promo-LEX observers will supervise the opening and closing of polling stations, the voting process, the accessibility of premises, and the summing up of results. Likewise, they will carry out rapid counting of votes. Four interim reports will be presented (five in the event of a second round), and one final report, as well as press releases on election day.

In the context of the launch of the Observation Mission, Promo-LEX presented its first report, which analyzes the social and political background, legal framework, preparations for the presidential election and the constitutional referendum of 20 October, as well as other issues characteristic to the pre-election period.

Background to the election of 20 October 2024. The presidential election and the constitutional referendum this autumn will take place in a context marked, from the point of view of domestic politics, by a comfortable parliamentary and governmental stability for the Action and Solidarity Party (PAS), but also by a complicated relationship with the opposition, both in the Parliament and outside it.

A total of 64 parties have the right to participate in these voting events, and so far, at least 17 potential competitors have shown intention to participate in the presidential race and/or in the referendum. The competitiveness of this election is underpinned by both its dual nature and the 2025 parliamentary elections, seen as a major political

opportunity.

The integrity of democratic processes in the Republic of Moldova is further challenged by the problem of illegal financing of political and electoral processes. It has long exceeded the limits of an internal political competition and has become, rather, a manifestation of the hybrid war of the Russian Federation against the Republic of Moldova. Although Ilan Shor's party was declared unconstitutional in 2023, political activity continues through the political bloc "Victorie-Pobeda" [Victory], significant funds being allocated for its promotion.

Voting this autumn will also have very strong geopolitical valences. The geopolitical insecurity generated by the war of the Russian Federation against Ukraine has determined the acceleration of European integration processes, Moldova having managed to open EU accession negotiations in 2023. Against this background, the question asked at the referendum and the presidential election will once again test the West-East geopolitical division in society, with potential effects not only on the Constitution, but also on the social and political life in Moldova and even in the region.

Legal framework. This year's election is being held under the new Election Code, in force since January 2023, which had been amended several times up to a year before the election. Some of these changes were technical in nature, while others were more significant.

The legislature removed the ban from holding presidential or parliamentary elections along with a constitutional referendum. Promo-LEX criticized this change on the grounds that it could affect the equal opportunities of competitors and the voters' freedom to form opinions.

In April 2024, the Parliament adopted the law on partial implementation of postal voting. Promo-LEX welcomed the

introduction of this alternative method of voting, but also expressed some reservations, especially regarding the decision-making process and the lack of a broad political consensus on this issue.

Related legislation has also been amended. The law on political parties was supplemented with provisions designed to clarify some procedures and legal effects of limiting the activity of political parties. In addition, the amounts of fines for violations admitted in the electoral process and the sanctions for passive electoral corruption were amended in the Contravention Code.

Electoral bodies. The Central Electoral Commission is the authority responsible for organizing and conducting national elections. It adopted and amended several regulatory acts relevant to the election of 20 October 2024, approved the decision on the calendar program and at least 20 other decisions on the organization and conduct of elections.

The CEC's activity is generally transparent, all meetings being public and broadcast on online platforms. The Commission also conducts various information campaigns for voters. However, the Promo-LEX OM also found some deficiencies related to the publication of information about the adopted draft regulatory acts and decision-making transparency on the institution's website.

Nomination of candidates and actions with electoral tint. Candidates for presidential election can be officially nominated starting 60 days before the election and up to 30 days before the vote. So, tomorrow, 21 August, the process of nominating presidential candidates officially begins. So far, several candidates have expressed their intention to participate. Promo-LEX emphasizes that this is not a violation, but the electoral promotion of potential candidates before the start of the official campaign can affect the principle of equality of competitors.

Promo-LEX noted that at least eight potential candidates carry out promotional activities, such as setting up tents, distributing fliers, placing sponsored posts in social media, or organizing events. In connection with the constitutional referendum, campaigns for and against were observed, with activities that can influence the vote.

The Promo-LEX Observation Mission found two projects with potential for electoral corruption, coordinated by Ilan Shor, which, through their impact, can affect voters' freedom to form their opinion in the election. One of them is the initiative to pay allowances of 2,000 MDL through the Russian bank Promsvyazbank to pensioners from certain regions of the country. The other project, GagauziyaLand, was opened on 18 August, with the promise that the entrance and all attractions for children and adults would be free.

Use of administrative resources. During the election period, the use of administrative resources by candidates is prohibited. Although the Venice Commission's Code of Good Practice on Referendums allows the state to express its opinion for or against the text put to the vote, it still has the obligation to maintain its neutrality and, in particular, not to use public money to promote its opinion.

Between 8 July 2024 and 18 August 2024, the Government of Moldova conducted the information campaign "Europe for You". The Promo-LEX Observation Mission found that this campaign was planned and promoted from public money after the announcement of the election date, being implemented also during the election period, which can be interpreted as having the purpose of attracting political capital in support of the referendum. In this context, Promo-LEX reiterates the recommendation that such practices should be banned even outside the election period.

Finally, the Promo-LEX report underlines the importance of competitive and transparent elections in Moldova. The

association aims to inform the public and authorities about observed trends and to help prevent violations of electoral legislation.

Report no. 1 of the Observation Mission can be accessed [here](#).

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Responsibility for the opinions expressed in this report lies with the Promo-LEX Association and does not necessarily reflect the position of the donors. In case of discrepancies between the text in Romanian and its translation into another language, the Romanian version of the report will prevail.

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OPINION of the Promo-LEX

**Association on holding the
republican referendum on the
same day with the
parliamentary or presidential
elections**

