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## INTERNATIONAL ELECTION OBSERVATION MISSION Republic of Moldova – Local Elections, 5 November 2023

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### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

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#### PRELIMINARY CONCLUSIONS

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The 5 November local elections were peaceful and managed efficiently, but interference from abroad and restrictive measures, imposed due to national security concerns on freedom of speech, association, and the right to compete, had a negative impact on the process. These elections were held during a state of emergency, amidst tensions over the country's geopolitical orientation. Overall, the election administration worked transparently and professionally, despite being under-resourced and implementing a new Electoral Code. Contestants, for the most part, were able to campaign freely and provided voters with distinct alternatives. The de-registration of all candidates of the Chance Party on the eve of the elections through an executive decision of the Commission for Exceptional Situations lacked effective legal remedy, limited voters' choice and resulted in uncontested races in some smaller localities. The monitored media outlets provided sufficient and diverse information, but the suspension of many media outlets appears to be a disproportionate restriction of freedom of expression. Election day was calm, and the voting and counting process was overall assessed positively although the secrecy of the vote was not always adhered to. The tabulation process is ongoing.

The legal framework provides an overall adequate basis for the conduct of democratic elections. The elections took place under a new Electoral Code, adopted following a comprehensive consultation process that included civil society organizations but lacked the participation of the parliamentary opposition. The Code implements many prior ODIHR recommendations, including on campaign finance regulations and oversight, composition of election management bodies, abuse of state resources and vote buying. On 4 October, Parliament adopted legal amendments to prevent certain persons associated with a dissolved party from running in elections for three years. It remains questionable whether such measures are warranted without individualized assessments and gradual limitations on the prohibition to stand, especially for individuals suspected but not prosecuted and convicted for certain election-related crimes. The broad powers of the Commission for Exceptional Situations and the lack of a control mechanism over its decisions are of concern.

Overall, the CEC worked professionally, collegially and in an open manner but lacked staff in key departments, including IT and campaign finance control, which negatively impacted some of its activities. The majority of the Central Election Commission (CEC) members are nominated by the ruling party, creating an imbalance which challenges its impartiality. However, it generally enjoyed the confidence of stakeholders, with the exception of the opposition. The new mechanism of appointment intended to enhance institutional independence will be applied in 2026. District Election Councils (DECs), responsible for candidate registration and validation of election results, were efficient and respected the deadlines but lacked capacity for campaign finance oversight.

Permanent or temporary residence in Moldova is required for voting in local elections. Voters registered abroad, and those residing in localities on the left bank of the Nistru River (Transnistria) were not included in the voter list and did not vote. Most ODIHR EOM interlocutors did not raise concerns regarding the accuracy of the voter register, but a significant number of Roma citizens were excluded due to a lack of residence registration, and some also remarked on the inclusion of deceased persons. Voters who moved to another district less than three months before elections were not included in the main voter list. While this restriction aimed to prevent fraud by having voters move fictitiously, it resulted in some 3,000 voters who actually moved but were effectively disenfranchised, at odds with the OSCE commitments.

A total of 57,396 candidates were initially registered for these elections in a transparent manner. The three-year ban to stand in elections of those associated with a party declared unconstitutional was enacted only two days before the 6 October deadline for submitting candidacies. This aggravated the possibility of some prospective candidates seeking a timely remedy. On 3 November, just two days before elections, the CEC implemented the decision of the Commission for Exceptional Situation ordering the de-registration of all 8,605 candidates nominated by the Chance party on the basis of threats to national security, linked to the former Şor party and significant campaign finance violations. The blanket exclusion of candidates without a possibility for effective legal remedy is contrary to OSCE commitments and international standards.

Contestants were, for the most part, able to campaign freely. Credible, persistent and widespread allegations of the use of illegal funds for vote buying were raised before and during the campaign, attributed to Mr Şor, who also publicly announced funding local infrastructural projects and pension supplements from his private funds. In general, the influx of illicit and foreign funds and the monetary incentives used to influence voters' choice distorted the campaign. On 5 October, Parliament adopted budget corrections and allocated salary increases for 170,000 public servants and one-time bonuses for teachers and police. The prime minister campaigned for the PAS party while in an official capacity. Such practices blur the line between state and party, at odds with OSCE commitments.

Despite the introduction of a 40 per cent gender requirement on candidate lists in council elections, women candidates remained under-represented among mayoral candidates. Women featured as speakers in campaign rallies, however most political parties did not include in their platforms any policies for the promotion of women. The application of the gender quota for local council candidate lists is a positive step for women's participation, but the law does not guarantee the quota during the allocation of mandates, and therefore reduces the possibility of improving gender balance.

The new Electoral Code strengthened campaign finance regulations in line with several previous ODIHR recommendations. Regulations provide for detailed reporting, timely disclosure, comprehensive oversight, and liability for violations, but some deficiencies in the implementation created unnecessary obstacles for the contestants, including difficulties in opening dedicated bank accounts. The CEC, mandated to oversee campaign finance control and oversight, made considerable efforts to ensure adherence to campaign finance regulations. However, the lack of capacity at the central and regional levels to check expenses against incomes and publish reports within the required timeframe detracted from an otherwise transparent and accountable process.

A high number of media outlets operate in an insufficient and distorted advertising market, and most major TV stations are considered controlled by business people linked to political parties. In December 2022, the Commission for Exceptional Situations suspended six TV stations due to concerns of disinformation, threats to national security and alleged control of these TVs by individuals and entities under international sanctions. On 30 October, the Commission suspended six more channels and the Security and Intelligence Service ordered the blocking of access to 73 websites on the same or similar grounds despite the TV stations not being sanctioned for disinformation previously by the Audiovisual Council (AVC). Under international human rights law, these instances do not appear to constitute proportionate restrictions of freedom of speech. During the electoral period, the AVC monitored and implemented comprehensive provisions for impartial campaign coverage. Numerous debates contributed to voters' information, and all six TV stations monitored by the ODIHR EOM displayed bias.

Deadlines for submitting and adjudicating electoral complaints and appeals are subject to an expedited timeline of three days, in line with international good practice. Addressing previous ODIHR recommendations, the new Electoral Code eliminated incoherencies and contradictory provisions related to the competent bodies for the resolution of election disputes. Since 4 July, the CEC received 102 complaints related, *inter alia*, to the registration of candidates, early campaigning, illegal campaign

financing and the misuse of administrative resources. In 35 cases, the CEC decided in favour of the plaintiff, and in most cases, decisions were adequately motivated. However, due to the overlap of the campaign period with an ongoing complaints and appeals process on candidate registration, the legal framework does not offer an effective remedy that would ensure a level playing field in line with international standards. In the few cases of appeals to first-instance courts, decisions were for the most part adequately reasoned, timely, and published on their respective websites. However, most of ODIHR EOM interlocutors stated that trust in the judicial system remains very low.

Citizen and international observers are entitled to observe the entire electoral process. The Electoral Code now requires media institutions to be accredited with the CEC, if they wish to observe. The CEC accredited 1,092 citizen and 401 international observers. The CEC denied accreditation of seven prospective ODIHR observers nominated by the Russian Federation.

Election day was generally calm and voting proceeded smoothly and assessed positively by the IEOM observers. Procedures were generally followed, those present had a full view of the procedures and no instances of significant irregularities were noted. Secrecy of the vote was not always adhered to. Political party representatives and, to a lesser extent, citizen observers were present, increasing transparency. The counting process was assessed mostly positively, but some procedures were not always followed, especially related to establishing the number of voters who voted, and completing and posting the result protocol. The CEC started posting the preliminary results soon after closing. The tabulation process is still ongoing and the IEOM observers assessed its initial stages as mostly well organized and professionally conducted but, in some cases, also as chaotic and disorderly.

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## **PRELIMINARY FINDINGS**

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### **Background**

In the 2019 local elections, the Democratic Party of Moldova won the most mayoral and local council seats, followed by the Party of Socialists of the Republic of Moldova (PSRM), the electoral bloc comprising the Action and Solidarity Party (PAS) and the Platform Dignity and Truth Party (PPDA), and further by the Liberal Democratic Party of Moldova (PLDM). In the 2021 early parliamentary elections, the PAS gained a parliamentary majority, with 63 out of 101 mandates, allowing it to form the government and solidify the party's position in Moldovan politics.<sup>1</sup>

In the last two years, the government set in motion an ambitious reform agenda in the areas of corruption, elections and the judiciary. The opposition, in turn, accused the ruling party PAS of exercising its power in a unilateral and undemocratic manner. On 23 June 2022, EU granted the Republic of Moldova the status of an EU candidate country.<sup>2</sup>

In November 2022, the government requested the Constitutional Court to verify the constitutionality of the Şor Party, citing criminal convictions of its leader and other party members and repeated irregularities sanctioned by the Central Election Commission (CEC) related to vote-buying and other campaign finance malfeasance. In June 2023, the Court declared the party unconstitutional, ordered its dissolution and mandated the five former Şor Party MPs, 588 elected councillors and 43 mayors to serve as independents.

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<sup>1</sup> The oppositional Electoral Bloc of Communists and Socialists (BeCS) and the Şor Party received 32 and 6 mandates, respectively. In the interim, five MPs have left the BeCS; three joined the Renaissance Party, one each joined the newly formed Movement Respect Moldova and the National Alternative for Moldova (MAN). One MP seat remains vacant after Mr Ilan Şor was stripped of his mandate, having been sentenced *in absentia* to 15 years imprisonment for fraud and money laundering.

<sup>2</sup> See the [23-24 June Conclusions](#) of the European Council.

These elections were held under a state of emergency declared by Parliament on 24 February 2022 based on threats to national security in relation to the war in Ukraine.<sup>3</sup> They took place amid tensions between the ruling party and the opposition related to the country's geopolitical orientation, the banning of prominent former Șor Party members from standing and the ongoing investigations into the use of illegal funds for vote-buying by the parties associated with Ilan Șor, the Chance party and the Renaissance party.<sup>4</sup> These elections were perceived as an important competition between the ruling party and the opposition and an opportunity for the ruling party to reaffirm its mandate and establish a strong political presence at the local level ahead of the 2024 presidential and 2025 parliamentary elections.

The political representation of women has increased in recent years, but women overall remain under-represented in political life. The president is a woman, and 6 of 17 (35 per cent) ministers are women. Women hold 39 MP seats (38 per cent). In the outgoing local administration, 207 mayors (23 per cent), 300 councillors of districts and municipalities (27 per cent) and 3,823 councillors of towns, communes and villages (37 per cent) were women. National minorities are generally well represented through elected positions in communities where they are geographically concentrated.

### **Legal Framework and Electoral System**

The electoral legal framework provides an adequate basis for the conduct of democratic elections. Elections are primarily regulated by the 1994 Constitution and the newly adopted 2022 Electoral Code, supplemented by other relevant legislation and a set of newly adopted CEC regulations.

In line with good electoral practice, the Code was adopted after a comprehensive consultation process, which was led by the CEC and included election stakeholders and civil society organizations but lacked the participation of the parliamentary opposition.<sup>5</sup> These elections presented an opportunity for a test run of the Electoral Code in advance of the 2024 presidential and 2025 parliamentary elections. Most ODIHR EOM interlocutors, with the exception of representatives of opposition parties, were generally positive about the changes in the legal framework.<sup>6</sup>

The Code implements many prior ODIHR recommendations, including on strengthening campaign finance regulations and oversight, allowing voters to sign in support of more than one candidate, reviewing CEC nomination process to increase its impartiality and combating the abuse of state resources and vote buying.<sup>7</sup> Some ODIHR recommendations are yet to be addressed, such as preventing elected officials who are not candidates from campaigning while on duty, relaxing excessive requirements for financial reports, and restoring suffrage rights of persons with psychosocial and intellectual disabilities.

On 31 July, the Electoral Code was amended to introduce a five-year ban on participation in elections for party executives and elected officials of a party declared unconstitutional.<sup>8</sup> The authorities' stated

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<sup>3</sup> Under the state of emergency, the Commission for Exceptional Situations, comprised of the government and state agencies' members, has wide-ranging competencies. So far, it has issued 90 legally binding decisions with immediate effect. The state of emergency was last extended on 21 September 2023 for an additional 60 days. Repeating extension of the state of emergency raises concern for democracy.

<sup>4</sup> The Chance party was formed in July 2023 on the basis of the *Ai Noștri* Party which was a part of a coalition Șansă, Obligații, Realizări – Ș.O.R., [formed](#) by Mr Șor ahead of the elections, on 26 June 2023.

<sup>5</sup> See also the October 2022 [Joint opinion](#) of ODIHR and the Venice Commission on the draft Electoral Code.

<sup>6</sup> In contrast, several opposition parties objected to how the Code was adopted and subsequently amended under the full control of the PAS and to the late adoption of certain CEC regulations.

<sup>7</sup> The list of public officials who must suspend their service and official functions during their candidacy was extended to include high government officials, deputy heads of central public authorities and secretaries of the local councils, but the law does not require that the misuse of public office is addressed by the relevant authorities effectively and expeditiously. The law prohibits the transportation of voters on election day in an effort to prevent vote buying.

<sup>8</sup> In addition, the Law on Political Parties was amended to prohibit the use of symbols resembling those of a banned party, and electoral and political corruption were also introduced as criminal offences in the Criminal Code.

aim was to implement the Constitutional Court decision declaring the Șor Party unconstitutional and enforce a preventive mechanism. However, on 3 October 2023, the Constitutional Court declared the provision unconstitutional finding the ban to be general, neglecting individual circumstances, and lacking effective remedies and guarantees against arbitrary decisions.<sup>9</sup>

On 4 October, parliament again amended the Electoral Code at a session boycotted by the opposition.<sup>10</sup> Several ODIHR EOM interlocutors expressed concerns with regard to the lack of public consultation, while others argued that the urgency was due to the start of the electoral period. The amendments aimed to address previous unconstitutional provisions, narrowing the limitation to the right to stand to four specific groups and providing for the right to appeal to the Chișinău Court of Appeal.<sup>11</sup> The effectiveness of this measure is uncertain without individualized assessments and gradual limitations on the prohibition to stand, especially for individuals suspected of certain election-related crimes, but not prosecuted and convicted. A request for the constitutionality review of these legal provisions was introduced on 16 October to the Constitutional Court and is pending.<sup>12</sup>

The effect of the state of emergency on the electoral process and the broad mandate of the Commission for Exceptional Situations is of concern. Parliament's decision on the state of emergency grants the Commission the authority to restrict gatherings, regulate telecommunications usage, and combat disinformation, fake news, and hate speech. The Commission decisions are not subject to constitutionality review, only to normative control under the administrative litigation procedure. In 2020, the Commission was granted significantly increased powers during the state of emergency. However, a Constitutional Court ruling that followed in June 2020 clarified that the authorities overseeing the state of emergency should only carry out tasks and actions necessary to achieve the goals for declaring it, that these powers should not exceed the competence of the executive power, and that Parliament should exercise effective oversight over these measures. On 4 October, before the parliament's vote, the Commission for Exceptional Situations issued a decision also prohibiting similar categories of persons from standing, in effect ensuring the application of the prohibitions before the law was promulgated. A control mechanism over the decisions of the Commission would ensure the principle of checks and balances, especially during elections.<sup>13</sup> The Commission should use its powers with maximum caution, and certain decisions that impacted the right to stand and freedom of expression would benefit from a more elaborate motivation.

Local elections are conducted to elect 898 mayors and 11,058 councillors for villages (or communes), towns, and municipalities, including the cities of Chișinău and Bălți and 35 electoral districts. Councillors are elected under a proportional system from candidate lists or as independent candidates, and mayors under a majoritarian system. If no mayoral candidate wins more than half of all valid votes, a run-off between the two top contenders is held within two weeks. A turnout of at least 25 per cent of

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<sup>9</sup> The decision was mostly in line with the October 2023 [Joint Opinion](#) of ODIHR and the Venice Commission, which recommended that limitations to the right to stand to be accompanied by adequate criteria, an effective individual assessment, procedural safeguards and legal remedies.

<sup>10</sup> The law was adopted following two consecutive readings on 4 October, without public consultation. On that same day, an opinion on the draft law was requested from the CEC and the National Anticorruption Centre (NAC). The CEC did not issue an opinion as the majority of its members did not vote in favour of the draft law. The NAC did not offer its expertise due to the short notice. The NAC Director, who resigned on 10 October, informed the ODIHR EOM that in his view the legislation did not contain any corruption-related risks.

<sup>11</sup> Restrictions apply to all individuals suspected, charged, indicted or convicted of crimes for which a party was declared unconstitutional, those prohibited from competing due to past violations of the election legislation, irrespective of the gravity of the violation, those on international sanctions lists, and those who performed other acts for which a party was declared unconstitutional. The October 2023 [Joint Opinion](#) of ODIHR and the Venice Commission recommended limiting the “restrictions of the right to be elected only to those members and/or elected officials of the party whose activities have endangered the Constitution and the integrity of the democratic State, through their actions and expressions, and/or actively pursued the (illegal) goals of the unconstitutional parties.”

<sup>12</sup> The request was introduced by five former Șor Party MPs, who also asked for the suspension of these legal provisions, but the suspension was rejected.

<sup>13</sup> The Prime Minister, who presides over the Commission, informed the ODIHR EOM on 31 October that a draft law to ensure legislative control over the Commission is being prepared by the government.

the electorate is required for the validation of the first round, whereas for the run-offs, the Electoral Code introduced a 20 per cent turnout requirement.<sup>14</sup>

## **Election Administration**

Local elections were administered by a four-tiered structure comprising the CEC, 35 second-level District Election Councils (DECs), 896 first-level DECs and 1,958 Precinct Election Bureaus (PEBs).<sup>15</sup> The CEC is a permanent body appointed in 2021. It comprises one member nominated by the president and eight by parliamentary factions proportionally to their representation. Based on the composition of the current parliament, the majority of the CEC members are nominated by the ruling party, creating an imbalance which challenges the impartiality of the CEC. The new mechanism of appointment intended to enhance institutional independence and impartiality, in line with a prior ODIHR recommendation, will be applied as of 2026.<sup>16</sup> Women were well-represented in the election bodies at all levels.<sup>17</sup>

The CEC currently has eight of nine members appointed, all working on a permanent basis. Since July, parliament has delayed appointing a replacement CEC member nominated by the opposition without an adequate justification and despite the ongoing election process, raising concerns about politically motivated decisions related to the CEC's composition.<sup>18</sup> Overall, the CEC met legal deadlines, despite the late adoption of some new regulations; it operated in an open manner and enjoyed the confidence of most IEOM interlocutors. Sessions were professional and collegial, and most decisions were adequately motivated and adopted by consensus. However, the CEC failed to decide on a few contentious issues.<sup>19</sup> Sessions were open to observers and media, live-streamed and remained available online. Agendas and decisions were published mostly in a timely manner, enhancing transparency.

The CEC has significant overall responsibilities in the administration of local elections, including managing the lower-level commissions, oversight of the election campaign and campaign finance, training of electoral bodies, and certification of new electoral officials.<sup>20</sup> However, for these elections, the CEC experienced understaffing in key departments, including the IT and the party and campaign finance monitoring units. The CEC informed the IEOM about the difficulties in identifying suitable candidates for DEC chairpersons.<sup>21</sup> These issues negatively impacted the CEC's performance in some areas, particularly with regard to oversight of campaign finance.

The DECs and PEBs were formed on time and provided with sufficient support from the authorities. Between 19 September and 27 October, several modifications were made to the composition of the second-level DECs by adding members in almost all DECs and replacing them in eighteen, in many

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<sup>14</sup> In case of repeat election, there are no turnout requirements.

<sup>15</sup> DECs correspond to the two levels of territorial-administrative division of the country. According to the new provisions of the Electoral Code, the Central Election Council of Gagauzia will assume the duties of the DEC for these elections.

<sup>16</sup> The new formula comprises seven CEC members nominated one each by the President, the Ministry of Interior, the Superior Council of Magistracy, the civil society and the parliamentary opposition, and two by the ruling party.

<sup>17</sup> Five CEC members are women, including the chairperson. Women comprise 71.6 per cent of second-level DEC members, 63 per cent of chairpersons, 90 per cent of first-level DEC members and 88 per cent of PEB members.

<sup>18</sup> The Parliament informed the ODIHR EOM that the criteria of professionalism was imposed by the majority as a condition to approve any nominations for CEC members. Further delays were introduced by a prolonged background check by the Security and Intelligence Service (SIS).

<sup>19</sup> The CEC failed to adopt decisions on 4 and 12 October due to a split vote (4-4) related to its opinion on the 4 October amendment to the Electoral Code and on two complaints against the PAS on breaches of campaign regulations.

<sup>20</sup> The CEC's roster includes some 44,000 persons. To serve in an election body a person to have election experience or pass a written test and an interview in order to be certified by the CEC.

<sup>21</sup> Second-level DEC chairpersons, appointed by the CEC, are now permanent public officials. Other DEC members, nominated by local councils and political parties, are temporary members. The appointment of chairpersons overlapped with the preparations for these elections and the CEC had difficulties identifying qualified candidates.

instances due to being closely related to a candidate.<sup>22</sup> Overall, DEC members on both levels were professional, well-organized, and operated efficiently, but lacked capacity for campaign finance oversight (See *Campaign Finance*). The DEC sessions attended by the ODIHR EOM were transparent and collegial. DEC decisions were posted at the DEC premises, and some were published on the websites of the local administration and of the CEC.

The CEC and its Centre for Continuous Electoral Training (CICDE) conducted an extensive two-staged online and in-person training programme for the DEC and PEB members.<sup>23</sup> Training sessions observed by the ODIHR EOM were effective, informative and well-organized.<sup>24</sup> CICDE also organized a comprehensive voter information campaign, including through podcasts, videos, and social networks, mostly in Romanian and Russian but also in Gagauzian, Ukrainian, Bulgarian, and Romani, with subtitles and sign language interpretation.<sup>25</sup> However, there was no visible voter education provided at local levels.

Only 28 per cent of polling stations are accessible for persons with physical disabilities.<sup>26</sup> To enhance accessibility, the CEC supplied all polling stations with wider and lower voting booths, magnifiers and tactile ballots (stencils); some polling stations were also provided with posters with a QR code leading to a guide in sign language and an audio guide.

## **Voter Registration**

Citizens who have reached 18 by election day are eligible to vote, except those deprived of this right by a court decision due to intellectual or psychosocial disabilities, despite previous recommendations by the ODIHR and the Congress. Deprivation of the right to vote on the basis of any disability is inconsistent with international obligations and standards.<sup>27</sup>

The State Register of Voters (SVR) maintained by the CEC is continuously updated from the State Population Register maintained by the Public Service Agency (PSA). As of 2 November, the SVR included 3,302,681 voters, of which 2,761,158 (83.6 per cent) have a permanent or temporary residence in Moldova. Voters without a registered residence, including those living abroad and voters residing in Transnistria, are not included in the voter list and did not vote on election day.<sup>28</sup> According to the PSA, there are 258,779 voters who have neither temporary nor permanent residence in Moldova.<sup>29</sup>

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<sup>22</sup> Some DEC members resigned due to increased workload and new responsibilities. Some political parties informed the ODIHR EOM about the challenge to identify PEB members in small localities as the most qualified persons were standing as candidates. According to the IEOM interlocutors, the certification requirements could not always be fulfilled.

<sup>23</sup> The CEC also trained the DEC members on the validation of election results and allocation of mandates and conducted training for the PEB operators. Between September and October, the CEC also held training sessions for the police and judges. ODIHR EOM observed 16 DEC and PEB training sessions in Bălți, Chișinău, Criuleni, Comrat, Drochia, Dubăsari, Edineț, Ialoveni, Leova, Soroca and Telenesti.

<sup>24</sup> Topics covered included introduction to public administration and local elections, candidate registration, including promotion of women candidates, voter registration, and election-day procedures.

<sup>25</sup> According to a [study](#) published by the CEC and UNDP Moldova in 2022, 569 buildings out of 2,017 are accessible and only 18 are fully accessible.

<sup>26</sup> Articles 12 and 29 of the 2006 [UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#) stipulate that the “state Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and ensure their “right and opportunity [...] to vote and be elected”. Paragraph 48 of the [2022 General Comment No 1 to Article 12 of the CRPD](#) states that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election”.

<sup>27</sup> 267,162 voters reside in Transnistria. As an exception, voters residing in the commune of Chițcani, and villages of Cremenciug and Gîsca, were able to vote at PEBs in Copanca and Firladeni for the district council of Căușeni.

<sup>28</sup> The PSA estimated that most of these persons do not reside in Moldova and include those who reached 18 but never obtained an ID (52,219 citizens), persons with ID but no permanent or temporary residence (109,826), and those who declared they emigrated (96,734).

The IEOM interlocutors, in general, did not raise concerns regarding the accuracy of the voter register. However, concerns were raised about the inclusiveness of the voter register, given that a significant number of Roma citizens remain excluded due to a lack of formalized residence and a lack of identity documents. Also, the long-standing problem of the inclusion of deceased people in the voter lists remained unaddressed since the law does not provide for the automatic removal of deceased citizens from SVR.<sup>30</sup>

The new Electoral Code mandates that voters who moved to another district less than three months before election day, except for students, are not included in any voter list for local elections.<sup>31</sup> While this restriction was introduced in an effort to prevent voters from moving fictitiously to another election district close to election day, either pressured to do so or incentivized, it resulted in some 3,000 voters who actually moved in being effectively disenfranchised. This is at odds with paragraph 7.3 of the 1990 OSCE Copenhagen Document and international good practice.<sup>32</sup>

The law ensures the transparency of voter lists, with public display at the PEBs and the possibility to check the lists online. Voters had the opportunity to request corrections and submit complaints on inaccuracies to the PEBs from 16 to 29 October. Representatives of contestants and observers were also entitled to verify the accuracy of voter lists at the polling stations.

## Candidate Registration

The right to stand is granted to all voters except those in the military, prisoners with final court decision, individuals with intentional crime records, and those deprived of the right to hold positions of responsibility by a final court decision. To compete for the position of mayor, a prospective candidate must be at least 23 years of age and have graduated in the general compulsory education.<sup>33</sup> The restrictions to stand for mayor challenge international standards.<sup>34</sup>

The candidate registration process was conducted in a mostly inclusive and transparent manner. However, the legislative changes that introduced a three-year ban on several persons associated with a party declared unconstitutional were enacted only two days before the 6 October deadlines for submission of candidacies (See *Legal Framework and Electoral System*). This aggravated the possibility of some prospective candidates to seek a timely remedy and jeopardized the effective implementation on the rules for candidate registration.

A total of 57,396 candidates were initially registered for these elections, including 1,174 independent candidates and the rest from 36 parties one electoral bloc.<sup>35</sup> This included 3,952 mayoral candidates (30.3 per cent women) and 53,444 candidates for local councils (47 per cent women). Out of 319 independent mayoral candidates 30 per cent were women. Out of 855 independent candidates for councilors, 21 per cent were women. The candidate registration process concluded on 13 October.

Candidates were nominated by registered political parties, electoral blocs, or through self-nomination as individual candidates. For the first time in local elections, parties were obliged to submit at least four

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<sup>30</sup> The death certificates are not submitted *ex officio* from medical institutions to the PSA. By law, families are responsible to report deaths to the local public administration which then updates the PSA on a regular basis.

<sup>31</sup> On 1 November, the CEC clarified that those who reached 18 within the last three months are also eligible to vote. In addition, voters who moved within the same second-level district are eligible to vote for the district-level council, or if moving within Chişinău and Bălţi, also for the city mayor.

<sup>32</sup> Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) states that the participating States should “guarantee universal and equal suffrage to adult citizens”.

<sup>33</sup> The age requirement was reduced from 25 years.

<sup>34</sup> Paragraph 15 of the [General Comment #25](#) of the ICCPR states that the “persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation.”

<sup>35</sup> On 8 September, the CEC published the [list](#) of 60 parties eligible to participate in these elections.

candidates of each gender in each consecutive group of ten candidates. While the application of the gender quota for local council candidate lists is a positive step for women's participation, the law does not guarantee the quota during the allocation of mandates, potentially impacting the chances of improving gender balance in some localities.

In line with international good practice and the Congress recommendation 443(2020), the number of signatures required to run for a mayor was reduced to 1 per cent, but no less than 100 voters.<sup>36</sup> The amended Electoral Code allows signing in support of more than one candidate, as previously recommended by ODIHR.

Following the temporary ban on candidacies of persons associated with the former Şor Party, and based on information received from four different institutions, the CEC compiled a list of 102 persons not eligible to stand, which was then distributed to the DEC's.<sup>37</sup> By law, these individuals could submit evidence that they had publicly dissociated themselves from the party's illegal actions or had attempted to stop those actions; however, none of the rejected candidates used this opportunity. The CEC informed the ODIHR EOM that 26 of the 102 had applied with DEC's, of whom five withdrew, and the others were rejected.

On 30 October, the CEC instructed nine first-level DEC's to de-register 97 candidates nominated by the Chance Party for vote buying and violations of campaign finance rules, including the use of undeclared funds through sponsorship projects initiated by Mr Şor. The CEC informed the IEOM that it received substantive information on the specific violations by the SIS, the Anticorruption Prosecutor, the National Anticorruption Centre and the Police as part of the ongoing investigations into the use of undeclared foreign funds.<sup>38</sup> On 3 November, just two days before election day, the Commission for Exceptional Situations, based on information from the SIS, cancelled the registration of all 8,605 Chance Party candidates contesting mayoral and council seat elections. The Commission based its decision on threats to national security, links of candidates to the former Şor party and significant campaign finance violations. The de-registration led to 45 mayoral contests and 21 elections for councils remaining with only one contestant and 2 mayoral and 1 council elections were cancelled. The blanket exclusion of numerous candidates without a possibility for effective legal remedy is contrary to the OSCE commitments and international standards.<sup>39</sup>

## **Campaign Environment**

Electoral contestants were generally able to campaign freely and to reach out to the electorate, although with some restrictions imposed on organizing campaign events.<sup>40</sup> However, the influx of illicit funds and monetary incentives used to influence voters' choice distorted the campaign.

Contestants started campaigning from 6 October while candidate registration and the related dispute resolution processes were still ongoing, thereby challenging the principle of equal campaign

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<sup>36</sup> Prospective independent candidates for councils must be supported by 2 per cent of the number of voters registered in the district divided by the number of seats, but not less than 50 support signatures.

<sup>37</sup> The list was compiled based on inputs from the General Inspectorate of the Police, the NAC, the Intelligence and Security Service, and the General Prosecutor's Office.

<sup>38</sup> De-registrations took place in villages Țareuca, Ișcălău, Dobrogea Veche, Merenii Noi, Pitușca, Răculești, Joltai and a town of Telenești comprising 78 councillors and 8 mayors. DEC of Alexanderfeld village did not implement the CEC decision.

<sup>39</sup> Para 5.10 of the [1990 OSCE Copenhagen Document](#) states that "everyone will have an effective means of redress against administrative decisions" while paragraph 7.5 states that the participating States should "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination."

<sup>40</sup> Recent changes in the legislation prohibit parties and candidates from organising and using concerts for campaigning purposes, which potentially reduced their ability to communicate with the electorate.

opportunities due to overlapping deadlines.<sup>41</sup> Before the start of the campaign period, the law provides for the use of political advertising and pre-election activities related only to candidate nomination. Several instances of early campaigning from the PAS, MAN, the Renaissance Party and the European Social Democratic Party (PSDE), led to a number of complaints and subsequent warnings issued by the CEC.<sup>42</sup>

Credible, persistent and widespread allegations of the use of illegal funds for vote buying were raised by the vast majority of IEOM interlocutors, as was the use of foreign private sponsorship to fund local infrastructure projects in certain districts.<sup>43</sup> On 15 October, the General Directorate of Education of Gagauzia distributed envelopes with money to teachers with the support of the charity fund affiliated to Ilan Șor. During the campaign, law enforcement agencies searched the premises of the Chance Party and the Renaissance Party as part of an ongoing investigation into the use of illegal funding for political parties.<sup>44</sup> ODIHR EOM was informed by the Anti-corruption Prosecutor that at least seven separate investigations had been initiated since June 2023 into illegal financing of political parties. In the run-up to the elections, the state authorities made a number of claims of foreign interference and cited its detrimental effect on national security.<sup>45</sup>

Candidates are entitled to equal access to public premises for organising campaign events and designated locations for placing campaign materials.<sup>46</sup> As a measure to prevent the misuse of administrative resources during the electoral period, the legislation limits state institutions to disseminate information of “public interest” only.<sup>47</sup> The law also restricts some public servants and high-ranking officials from participating in the campaign. However, Prime Minister Dorin Recean, in his official capacity, attended the PAS rallies, where he introduced candidates and called for their support.<sup>48</sup> While not explicitly prohibited by law, such practices blur the line between state and party, at odds with paragraph 5.4 of the 1990 Copenhagen Document.<sup>49</sup>

On 5 October, parliament adopted corrections to the state budget to allocate MDL 846,900,000 (approx. EUR 44,631,630) for salary increases of 170,000 public servants, including those working in the health,

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<sup>41</sup> For example, one mayoral candidate rejected by DEC 1 Chișinău, appealed to the First Instance Court which admitted his appeal on 19 October. On 23 October, the Chișinău Court of Appeal accepted the appeals of one mayor candidate in Ialoveni and one candidate for Dubăsari council, whose registration was previously rejected by the DEC.

<sup>42</sup> For instance, related to the distribution of campaign leaflets in July by the prospective PAS and MAN mayoral candidates and the construction of PSDE candidate tents in Chișinău; for distribution of campaign leaflets in August by the Renaissance Party against the PAS in Bălți, Goldeni and Sângerei; for the construction of a stage in Chișinău with campaign messages in October by PAS.

<sup>43</sup> On 18 August, Mr Șor announced the launch of the Moldavian Village programme to distribute MDL 17 billion through his My Dream fund, where each locality was promised MDL 20 million upon completion of an application form by the mayors. On 2 October, Mr Șor offered to pensioners in Gagauzia, Orhei and Taraclia a monthly pension supplement of MDL 1,000 from his own funds. In October, the authorities of [Biest](#) and [Donici](#) communes (Orhei Districts) signed sponsorship contracts with an Israeli citizen Igal Shved each exceeding EUR 500,000. In [Joltai](#) village in Gagauzia, a contract from 27 September 2023 exceeds EUR 100,000.

<sup>44</sup> The National Anticorruption Centre, the General Inspectorate of the Police and the Anticorruption Prosecutor Office issued [a statement](#) on 5 October noting that they searched the headquarters of these parties and seized numerous pre-paid banking cards, cash, and documents reflecting payments with unaccounted money to several individuals, including mayoral candidates, and several boxes with food packages.

<sup>45</sup> On 30 October, the prime minister warned of a hybrid attack from the Russian Federation, with attempts to influence the elections and destabilise the situation through TV channels linked to Ilan Șor and Vladimir Plahotniuc.

<sup>46</sup> As of 3 November, the General Inspectorate of Police registered 54 violations related to the placement of campaign materials, including fines against 16 persons affiliated with the Chance Party in Orhei municipality.

<sup>47</sup> On 23 August, the CEC prohibited the use of the Government’s promotion of MDL 2.7 million investment for the restoration of road lighting, disbursed through the European Village programme.

<sup>48</sup> The Prime Minister was observed at PAS rallies on 6 October in Chișinău, on 7 October in Căușeni and 14 October in Nisporeni. Two contestants filed a complaint to the CEC regarding the 6 October event. The CEC cautioned the Prime Minister but did not issue any sanctions.

<sup>49</sup> Paragraph 5.4 of the 1990 OSCE [Copenhagen Document](#) provides for “a clear separation between State and political parties”. See also Paragraph II. B. 1.3 of the 2016 ODIHR and Venice Commission’s [Joint Guidelines](#) for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes.

culture and judicial sectors. Teachers and the police will receive a one-time bonus of MDL 5,000 (approx. 263 EUR). Some opposition parties criticized the decision and accused the government of using public resources to gain an unfair advantage before election day. The ODIHR EOM observed several instances of the incumbent candidates taking credit for publicly funded infrastructural projects.<sup>50</sup> A few instances of pressure on candidates were reported by interlocutors to the ODIHR EOM.<sup>51</sup>

The campaign appeared subdued and was not particularly visible; it intensified only in the last two weeks.<sup>52</sup> The most widely used campaign tool was traditional door-to-door canvassing. Contestants campaigned also through community meetings, rallies, posters, party newsletters and billboards.<sup>53</sup> While the campaign in the cities focussed on party platforms, in the majority of villages, it was mainly centred around prominent personalities. Infrastructure development, foreign investments, better wages and social care, ecology, fighting corruption, and, to a lesser extent, the country's foreign policy direction featured in the campaign.

Thirteen political parties and mayoral candidates in bigger cities actively used social networks, most notably Facebook, centred around the same campaign issues. The overall tone was generally positive, and contestants presented their platforms, publicised their teams, posted meetings with voters and uploaded recordings of debates and interviews. However, despite a high number of followers and daily activity, these accounts did not generate a significant level of engagement. During the campaign, at least 13 parties and 8 candidates also paid for targeted campaign ads on Facebook and Instagram.

Several prominent women mayoral candidates were featured in the campaign. Approximately half of the rally attendees were women. While women featured as speakers on campaign rallies, most political parties did not include in their platforms any policies for the promotion of women.

Candidates from among the Gagauz and Bulgarian minorities could campaign using the Russian language without restrictions, except in some debates organized on public media.<sup>54</sup> The participation of Roma in the campaign was limited. The IEOM is aware of five Roma candidates for town and village councils, of which two are women.

## Campaign Finance

The 2022 Electoral Code have strengthened campaign finance regulations in line with several previous ODIHR recommendations.<sup>55</sup> The regulatory framework provides for detailed reporting, timely disclosure, comprehensive oversight, and liability for violations.<sup>56</sup> The law introduces funding limits based on the number of voters registered.<sup>57</sup> However, some deficiencies in the implementation of the framework presented unnecessary obstacles to the contestants and reduced the effectiveness of the campaign finance regulations.

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<sup>50</sup> For instance, among other contestants, the Minister of Infrastructure, on behalf of the PAS and incumbent mayors of Bălți and Chișinău, had highly visible campaigns around infrastructure renovation projects.

<sup>51</sup> In Chișinău, one public servant alleged her contract with the state institution was terminated due to her intention to stand as an opposition candidate. In Ungheni district, two incumbent mayors, who initially intended to run as candidates for the Coalition for Unity and Welfare, were allegedly threatened with financial audits.

<sup>52</sup> The PAS, PSRM and regional PN, MAN and the Chance Party were among the most visible.

<sup>53</sup> The ODIHR EOM observed 20 rallies throughout the country.

<sup>54</sup> On 21 October, debates organised in the predominantly Russian-speaking community of Comrat by the public service broadcaster *Moldova One* were held exclusively in Romanian, preventing the participation of seven mayoral candidates. On 29 October, *Moldova One* asked the PCRM mayoral candidate for Chișinău to either speak in the State language or leave.

<sup>55</sup> See the October 2022 ODIHR and the Venice Commission [Joint Opinion](#) on the draft Electoral Code and the 2015 GRECO [Evaluation Report on Moldova Transparency of Party Funding](#).

<sup>56</sup> Some previous ODIHR EOM recommendations regarding excessive reporting deadlines and the capacity of the oversight institution remain unaddressed.

<sup>57</sup> For instance, the highest electoral fund cap for Chisinau is equal to MLD 15572097 (approx. EUR 806,842) and the lowest for Salcia village – MLD 6023 (approx. EUR 312).

All campaign expenses must be paid through dedicated bank accounts, which must be opened after the contestants' registration. However, several contestants described procedural obstacles from banks that caused delays and affected their start of campaigning.<sup>58</sup> The law limits donations from individuals to 6 and legal entities to 12 average monthly salaries.<sup>59</sup> In addition, parties receiving state subsidies can use up to 70 per cent for campaign purposes.<sup>60</sup> Of the 36 competing parties, 13 used their own funds, including state subsidies, and submitted a pre-election financial report covering the period from 1 January to 6 October.<sup>61</sup> Donations in cash are permitted but must be deposited in the electoral funds. The ODIHR EOM was informed on a few occasions about the difficulties of some individual donors attempting to do so.<sup>62</sup>

The CEC, mandated to oversee campaign finance control and oversight, have expended considerable efforts in ensuring adherence to campaign finance regulations by the contestants, leading to a more transparent and accountable process. However, technical problems with the reporting system and staff shortages prevented it from verifying and publishing financial reports in a timely manner.<sup>63</sup> As of 30 October, the CEC had reviewed the reports only for the first two weeks; four donors were checked on the origin of funds, and in one case, a violation of the donation cap was found.

DECs were responsible for receiving, analysing and publishing independent candidates' campaign finance reports.<sup>64</sup> Notably, most independent candidates stated that they had not incurred expenses, which by law exempts them from reporting requirements. Some candidates failed to comply with reporting requirements.<sup>65</sup> The CEC started to publish these reports only on 25 October once a dedicated tab on the website was installed.<sup>66</sup>

Overall, uniform reporting procedures for all contestants with weekly interim reports excessively burdened both contestants and commissions. Moreover, the lack of organisational capacity of the CEC at the central and regional levels to cross check expenses against incomes and publish reports within the required timeframe detracted from the accountability and transparency of campaign finance.<sup>67</sup>

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<sup>58</sup> For MAN, Modern Democratic Party, Green Ecologist Party, Democracy at Home, National Liberal Party, the Chance Party, the Renaissance and Movement Respect Moldova the processing times for applications and transactions were long, and in some instances included a fee of MLD 5,000 (approx. EUR 263). The designated bank refused to open accounts for the Party of Development and Consolidation of Moldova and for the League of Cities and Communes. The CEC issued a decision on 6 October requiring banks to review the procedure and to open accounts at no cost.

<sup>59</sup> The average salary was MLD 12,176 (approx. EUR 639).

<sup>60</sup> According to a CEC decision, as of January 2023, 35 political parties were entitled to public funding equal to 0.1 per cent of the state budget amounting to MLD 48,980,700 (approx. EUR 2,638,107).

<sup>61</sup> Among them PSDE, PLDM, PCRM, Liberal Party, PSRM, PN, *Platforma* DA, Force of the Diaspora, The Will of the People, Common Action - Civic Congress, PAS, MAN, and the League of Cities and Communes (LOC).

<sup>62</sup> For instance, individual donors of PDCM and LOC.

<sup>63</sup> On 30 October, the CEC website contained only 23 of the 36 weekly reports, while 6 parties had not submitted any reports. The CEC department responsible for campaign finance oversight had only five out of eight staff. The first weekly campaign finance reports on parties' income and expenses, including donors' identities, were delayed as the uploading system was not ready.

<sup>64</sup> The CEC informed the ODIHR EOM that due to problems with the formation of DECs and lack of capacity, their functions were limited to collecting and transmitting reports to the CEC for subsequent analysis and publication.

<sup>65</sup> For instance, four independent candidates in Nisporeni informed the ODIHR EOM that they used private funds to cover campaign expenses without dedicated bank accounts. In addition, one candidate in Orhei informed the ODIHR EOM that he was not aware about reporting requirements and would report after election day.

<sup>66</sup> According to the CEC, only 34 of the 1,104 independent candidates had campaign expenses and were required to open a bank account and submit reports. In addition, the uploaded reports contained several errors and discrepancies.

<sup>67</sup> The CEC noted that verification of expenditures is only done by looking at invoices. They also stated that significantly more staff is needed in order to undertake a proper cross checking of expenditures declared and incomes received.

From 6 to 30 October, parties declare a total of MDL 27,661,180 (approx. 1,438,657 EUR) income and MDL 18,511,887 (approx. 962,803 EUR) expenses. Most resources were amassed among the PAS, PSRM, PN and MAN.<sup>68</sup>

## Media

A high number of media outlets operate in an insufficient and distorted advertising market. According to some ODIHR EOM interlocutors, the fair distribution of TV advertising is undermined by some TV stations rebroadcasting at low cost the expensive content produced abroad. This is in violation of legal quotas on content which should be produced locally.<sup>69</sup> Most major TV stations are considered to be controlled by business people linked to political parties.<sup>70</sup> Independent news production and investigative journalism rely mostly on support from international donors.

The Constitution and legislation provide for the right to freedom of expression. The law provides for civil defamation lawsuits, and while the courts generally decide in favour of freedom of expression, claims of disproportionate damages and lengthy and costly civil court cases exert pressure on media outlets.<sup>71</sup>

The current management bodies of the Audiovisual Council (AVC) and the public broadcaster TeleRadio-Moldova (TRM) were appointed following the November 2021 amendments to the Audiovisual Media Services Code (AMSC), which established parliamentary control over the appointments and dismissals. A mechanism through which a parliamentary majority can dismiss individual members of management without sufficient legal grounds constitutes a violation of international standards.<sup>72</sup>

Amendments to the AMSC of June 2022 prohibit the broadcasting of content that “incites hatred, disinformation, propaganda of military aggression, extremist content, content of terrorist nature or that presents a threat to national security”. However, the restrictions on extremist content or content of a terrorist nature, are too broad to conform with international standards on the principle of legality.<sup>73</sup> In addition, the ban on broadcasting from certain countries rather than based on content does not conform with the principle of proportionality.<sup>74</sup>

On 16 December 2022, six TV stations were suspended by the Commission for Exceptional Situations for the duration of the state of emergency. The declared aims of the suspension were the protection of the national information space and the prevention of disinformation. The suspension was also due to

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<sup>68</sup> According to the CEC, as of 30 October: the PAS received MDL 6,730,431 or 24 per cent of all income, PSRM – MDL 4,278,610 (15.5 per cent), PN – MDL 3,038,467 (11 per cent), and MAN – MDL 2,541,701 (9 per cent).

<sup>69</sup> *Cinema 1*, among other broadcasters, was repeatedly [fined](#) by the Audiovisual Council (AVC) for violating the quotas.

<sup>70</sup> By law, licensed broadcasters should [disclose](#) their beneficiary owners. In December 2022, the Media Resurse LLC, the founder of *Orhei TV* and *TV6*, was [fined](#) for changing the ultimate beneficial owner without informing the AVC.

<sup>71</sup> In June 2021, Ilan Șor sued NGO RISE Moldova for defamation after they announced an [investigation](#) into his alleged involvement in drug trafficking. On 27 September 2023, the Chișinău Court of Appeal upheld the first instance court decision, rejecting Mr Șor’s appeal.

<sup>72</sup> The TRM’s General Director and members of the AVC may be dismissed by parliament *inter alia* “following the finding of improper execution or non-execution of (his) duties”. In June 2022, the Committee of Ministers of the Council of Europe (CoE) [requested](#) the authorities to bring the legal provisions in line with CoE standards in order to provide for genuine independence and stability of the AVC and address the potential for political control over the public broadcaster. Furthermore, the Committee [decided](#) to enhance the supervision of the execution of the 2009 European Court of the Human Right’s judgement *Manole and Others v. Moldova* in which the Court had held that there were insufficient statutory guarantees for the public broadcaster’s independence.

<sup>73</sup> Paragraph 25 of the 2011 [General Comment #34 to the ICCPR](#) notes that for a restriction to be legal, it “must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly”. See also paragraph 2c of the [2016 Joint Declaration](#) on Freedom of Expression and Countering Violent Extremism.

<sup>74</sup> The law prohibits programmes of informative, military or political content produced in countries other than EU member states, the United States, Canada or ratifiers of the European Convention on Transfrontier Television. See also Paragraph 102 of the October 2022 [Opinion](#) by the Venice Commission on amendments to the AMSC.

“inaccurate coverage of national events, as well as the war in Ukraine” and due to the claim that individuals and legal entities on the list of international sanctions were found to have exercising control over these TV stations.<sup>75</sup> On 30 October 2023, the Commission for Exceptional Situations suspended an additional six TV stations based on the same grounds.<sup>76</sup>

While a number of ODIHR EOM interlocutors criticized these decisions as not sufficiently grounded by the Commission, they consider them legitimate and proportionate in response to the disinformation on these TV stations as it constitutes a threat to national security. However, under international human rights law, disinformation or false information do not constitute proportionate restrictions of freedom of speech unless they amount to advocacy of hatred that constitutes incitement to hostility, violence and discrimination. In addition, the restrictions should to be appropriate and proportionate to achieve the legitimate aim, using the least restrictive means.<sup>77</sup> Furthermore, the AVC had the authority to take additional legal measures against these stations and it had previously repeatedly fined some of these stations for inaccurate reporting but not for broadcasting disinformation.<sup>78</sup> On 13 October, the AVC decided not to extend the licenses of two TV stations.<sup>79</sup> On 26 October, a number of media NGOs condemned the “verbal aggression and intimidation” by Ion Chicu, president of the Party of Development and Consolidation of Moldova (PDCM) against a journalist from the weekly newspaper Ziarul de Gardă.

The Electoral Code and detailed CEC regulation provide for fair, balanced and impartial media coverage of contestants’ campaigns from the start of the electoral period. In line with previous ODIHR recommendations and the AMSC, between 11 September and 3 November, the AVC conducted quantitative and qualitative monitoring of main prime-time news campaign coverage, initially on 27 TV and 17 radio stations and published 7 weekly reports.<sup>80</sup> A total of 51 sanctions were imposed on 18 broadcasters *ex officio*, and three sanctions were applied following contestants’ complaints.<sup>81</sup> Monitoring results revealed imbalanced news coverage of contestants, however measures were imposed only by the monitoring report of 3 November.

According to the ODIHR media monitoring results, the campaign on TV was mainly covered in the news, and 49 candidates’ debates were broadcast on public and commercial TV.<sup>82</sup> Overall, the amount of news coverage was rather low and all 6 monitored TV stations displayed certain bias. The public *Moldova1* devoted 21, 22, 9, 10, 10 and 6 per cent of news coverage to Chance Party, MAN, PAS, PCRM, Renaissance Party and PSRM respectively.<sup>83</sup> All but one monitored TVs devoted a significant

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<sup>75</sup> *Primul în Moldova, RTR Moldova, Accent TV, NTV Moldova, TV6 and Orhei TV*. It was challenged in court on 17 December 2022 and is currently at the first instance court.

<sup>76</sup> *Orizont TV, ITV, Prime TV, Publika TV, CANAL2 and CANAL3*. By 30 October, the Security and Intelligence Service ordered the blocking of 73 websites.

<sup>77</sup> Moreover, international bodies have reiterated their concern over the blocking or banning of media outlets as a response to disinformation and note that promoting access to diverse and verifiable information is a more effective response. See the OSCE RFoM 2014 [Communiqué on propaganda in times of conflict](#). See also the 2022 [Report](#) of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

<sup>78</sup> The law provides for license withdrawal for *inter alia* broadcasting of content that “constitutes speech that incites hatred, disinformation, propaganda of military aggression, extremist content, content of a terrorist nature or that presents a threat to national security”, after the application of graduated sanctions.

<sup>79</sup> *Primul în Moldova* for not complying with content requirements and *Familia* due to a lack of transparency in financing and beneficial ownership. See the AVC [decision](#).

<sup>80</sup> As of 23 October, to monitor more programmes beyond campaign coverage in the news, the AVC reduced the number of monitored broadcasters to 15 TV stations without any radio stations.

<sup>81</sup> *Jurnal TV* and *PRO TV Chişinău* were sanctioned, following several complaints made by the mayor of Chişinău, Ion Ceban.

<sup>82</sup> Between 6 October and 3 November, the ODIHR EOM monitored six TV stations *Cinema1, Jurnal TV Moldova1, Orizont TV, PRO TV and TV8*, and five online media outlets *zdg.md, point.md, newsmaker.md, noi.md and kp.md*.

<sup>83</sup> *Cinema1* devoted 6, 7, 36, 3, 3 and 4 per cent respectively, *Jurnal TV* 16, 13, 9, 4, 11 and 8 per cent respectively, *Orizont TV* 27, 11, 17, 0, 11 and 16 per cent respectively, *PRO TV Chişinău* 21, 8, 6, 2, 5 and 5 respectively and *TV8* devoted 25, 2, 10, 2, 11 and 11 per cent respectively to the same contestants.

amount of news coverage to Chance in a negative tone.<sup>84</sup> The suspended *Orizont TV* broadcasted a significant amount of negative news coverage of the MAN, PAS, Renaissance Party, PSDE and PSRM.<sup>85</sup> The public *Moldova1* organized debates in 18 districts attended by 51 candidates or their representatives, contributing to voter information on the local level. However, a number of invited candidates did not attend, and some debates lacked competitiveness.<sup>86</sup> Overall, the monitored media outlets provided sufficient, diverse information to enable voters to make an informed choice.

## Electoral Dispute Resolution

Complaints against the decisions, actions or inactions of electoral bodies must be filed by voters or contestants to the higher electoral body. Further appeals can be submitted to the competent first-instance court and then to the higher-level courts. Complaints against the contestants are filed to the body that registered them. The Chişinău Court of Appeal receives complaints against the decisions of the CEC and of the AVC related to election coverage. The submission and adjudication of electoral complaints and appeals are subject to an expedited timeframe of three days, in line with international good practice. However, due to the overlap of the campaign period with an ongoing complaints and appeals process on candidate registration, the legal framework does not offer a remedy that would ensure a level-playing field in line with international standards.

The 4 October amendments banning certain members of a party declared unconstitutional from running for three years, provided for the right to appeal the DEC decisions to the Chişinău Court of Appeal. Of the 21 candidates which were rejected by the DEC, five lodged appeals.<sup>87</sup> In four instances, the Chişinău Court of Appeal upheld the decisions of the electoral body, and in one case reversed the decision of the DEC Orhei which was asked to re-examine the case.<sup>88</sup> Three of the decisions were challenged to the Supreme Court of Justice, which upheld all decisions of the lower court.

Since 4 July, when the elections were called, the CEC posted 102 complaints related to the registration of candidates, early campaigning and misuse of administrative resources. Twenty-nine were rejected, 35 ruled in favour of the plaintiff, 5 were referred to the competent DEC and 33 are pending.<sup>89</sup> For complaints on violations liable for administrative sanctions, the CEC notified the Ministry of Internal Affairs and other competent institutions. In five cases, appeals were filed to the Chişinău Court of Appeal, which overturned three CEC decisions.<sup>90</sup>

A relatively low number of complaints was lodged with DEC and district courts. Based on the information provided to the ODIHR EOM, a total of 56 complaints were filed to the second-level DEC, mainly related to the registration of candidates and allegations of misuse of administrative resources, and most were rejected as unfounded. No complaints were filed to 5 of 15 first-instance courts.<sup>91</sup>

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<sup>84</sup> *Cinema1, Jurnal TV, Moldova1, Orizont TV, PRO TV Chişinău and TV8* covered the Chance Party in their news in 48, 59, 53, 13, 75 and 50 per cent in negative tone.

<sup>85</sup> In 39, 36, 57, 36 and 58 per cent respectively.

<sup>86</sup> On 18 October in Orhei the only two participants were representing Chance and Renaissance Parties. *Moldova 1* informed that compositions of debates are based on candidates' lists on district level.

<sup>87</sup> The rejected candidates either contested the legality of the decision of the Commission for Exceptional Circumstances and of the amendments to the Electoral Code, or they alleged that the electoral body did not notify them of the hearing. The ineligibility to be elected applies *ex lege* and its legality cannot be challenged in the Courts.

<sup>88</sup> In the case of the former mayor of Orhei, the Chişinău Court of Appeal admitted the appeal against the DEC Orhei decision to reject the former mayor's registration. The Court considered that the decision was not fully motivated and that the electoral body did not inform the plaintiff of his inclusion on the list of persons prohibited to stand, nor did the DEC allow him to present evidence that could exempt him from the law. The decision was upheld by the Supreme Court of Justice, and the DEC Orhei had to re-examine the case and finally rejected the registration.

<sup>89</sup> In most cases when the complaint was upheld, the CEC reminded parties to refrain from illegal behavior. In only in 8 instances the contestants were warned.

<sup>90</sup> Related to the dismissal of one member of DEC 25 (Orhei), the rejection of a mayoral candidate for two contests, and the rejection of the PDCM complaint against the PAS for the alleged use of administrative resources and of the image of President Maia Sandu.

<sup>91</sup> First Instance Court of Strasenii, Cimislia, Soroca, Orhei, Edinet.

Appeals against 18 second-level DEC decisions were lodged to first-instance courts, mainly in relation to candidate registration.

In line with previous ODIHR recommendations, the new Electoral Code eliminated incoherencies and contradictory provisions related to the competent bodies for the resolution of election disputes. The courts generally issued adequately reasoned decisions rendered in a timely manner and published them on their websites and hearings were open to the public, or transmitted live or transcripts were published online. However, most of ODIHR EOM interlocutors stated that trust in the judicial system remains very low.<sup>92</sup>

### **Citizen and International Observers**

The law provides for the accreditation of citizen and international observers. Observers have the right to access all election information and stages of the process and may record the work of commissions and polling proceedings if it does not jeopardize the secrecy of the vote and personal data privacy. The Election Code does not provide for contestants to nominate observers, but parties and candidates used their legal right to nominate representatives to all levels of the election administration. The new Electoral Code now requires media institutions to be accredited with the CEC if they wish to observe the process.

The CEC accredited 1,092 citizen and 401 international observers. Promo-LEX, part of the Civic Coalition for Free and Fair Elections, conducted large-scale long- and short-term observation, with 40 long-term observers, 600 stationary observers and 70 mobile teams on election day to cover three-quarters of the polling stations countrywide, and all polling stations in Chişinău and Bălţi. The CEC refused to accredit seven prospective ODIHR observers nominated by the Russian Federation. The CEC informed the ODIHR EOM that this decision was based on the input from the checks conducted by the Security and Intelligence Service (SIS).

### **Election Day**

Election day was generally calm and voting proceeded smoothly. Procedures were followed, the IEOM observers did not observe instances of significant irregularities and noted that observers in most observations had a full view of procedures without restrictions. The CEC reported the turnout in real time, disaggregated by age and gender, and held regular updates for the media. Preliminary turnout was reported at 41.41 per cent.

The opening of polling stations was assessed positively in all 106 observations and procedures were followed. Most polling stations observed opened on time.<sup>93</sup> The electronic voter registration system was not operational in 5 cases.

Polling was evaluated positively by the IEOM observers in 99 per cent observations, indicating a well conducted process. Procedures were largely followed and the process was well and transparently managed by the PEBs in most polling stations observed. A small number of negative assessments were linked to breaches in the secrecy of the vote and to overcrowding. The voter identification and electronic verification was efficient, with only a few isolated technical issues. The polling station layout did not ensure the secrecy of the vote in 4 per cent of observation. On some occasions, the IEOM observers reported that voters did not fold their ballot for secrecy. Overcrowding was reported in 4 per cent of observations, due to limited space and poor queue control.

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<sup>92</sup> According to a 2023 [public opinion poll](#) conducted by the NGO Legal Resources Centre of Moldova, 23 per cent of the participants expressed trust in the judicial system. In 2019, the figure stood at 7 per cent.

<sup>93</sup> A PEB in Cantemir suspended voting shortly after opening due to incorrectly printed ballots; the PEB reprinted ballots and resumed its work two hours later.

Group voting was noted in 22 cases, in most cases family members voting together. Occasionally, the video cameras in polling stations, installed for ballot box monitoring, had a broader view of the premises, potentially compromising voter secrecy. IEOM observers noted that polling stations were generally adequate and suitable for voters with physical disabilities but only 34 per cent of them were independently accessible. Transparency was overall ensured as candidate representatives were present in 94 per cent of polling stations.<sup>94</sup> Citizen observers were present in 38 per cent of the polling stations observed, mostly from Promo Lex. In 9 per cent of observations, voters were redirected to another polling station and in 3 per cent of polling stations, voters did not present IDs and were not allowed to vote.

The CEC published information on some 50 cases of organized voter transportation.<sup>95</sup> The IEOM observers noted this in five observations. In addition, the CEC suspected vote-buying in 11 instances, with an additional 16 cases reported by the General Inspectorate of Police. After closing, the General Police Inspectorate reported 37 instances of voters photographing their ballots, while the CEC received notifications of 27 such cases.

The overall conduct of the count was assessed positively by the IEOM in all but 13 of the 89 observations and observers described it mostly as well-organized, smooth and transparent. In some cases, the PEBs did not follow all the procedures, including establishing the number of ballots issued by counting voters' signatures (11 cases) and not displaying publicly the result protocols (34 cases); however, observers received a copy upon request. In 32 cases, the validity of contested ballots was not decided by a vote of the PEB members. In 17 cases, PEBs had problems with reconciliation of the result protocols and in 9 cases the PEB members pre-signed them before filling in the figures. Candidate representatives were present in the majority of polling stations observed. PEBs reported preliminary results electronically and the CEC began posting preliminary results live on its website one hour after the closing of the polls, further enhancing transparency.

The tabulation of the first level DEC was assessed positively in 44 out of 52 observations. In 3 cases, IEOM noted technical issues with the ICT equipment. The process at first-level DEC was evaluated by the EOM observers as generally professional and organized but also at times as chaotic, slow, and disorderly. The tabulation of second-level DEC was assessed positively in all 28 observations. However, on both levels, observers reported poor organization and insufficient space which limited the possibility of meaningful observation.

***The English version of this report is the only official document.  
An unofficial translation is available in Romanian.***

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<sup>94</sup> PSRM representatives were present in 63 per cent, PAS in 38 per cent, Renaissance Party in 28 per cent, PDCM representatives were present in 15 per cent, PDSE in 15 per cent and the Chance Party in 2 per cent of polling stations observed.

<sup>95</sup> By 19:00, the CEC received 220 notifications, including 65 cases on election campaigning and 4 cases of unauthorized display of campaign materials. Two cases are being examined under the criminal procedure code and ten contravention cases were opened, for which sanctions could be imposed. In addition, there are over 60 other violations of the electoral process.

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**MISSION INFORMATION & ACKNOWLEDGEMENTS**

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Chişinău, 6 November 2023 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Congress of the Local and Regional Authorities of the Council of Europe (the Congress) and the European Parliament (EP). The assessment was made to determine whether the elections complied with OSCE commitments, Council of Europe standards, other international obligations and standards for democratic elections and with national legislation. Each of the institutions involved in this International Election Observation Mission (IEOM) has endorsed the 2005 Declaration of Principles for International Election Observation.

Corien Jonker is the Head of the ODIHR EOM, deployed from 28 September until 15 November. The Congress delegation was led by Gunn-Marit Helgesen, the Vice President of the Congress and Rapporteur on the application of the European Charter of Local Self-government in the Republic of Moldova, and José Ramón Bauzá Díaz headed the EP Election Observation Delegation.

This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the electoral process, including the vote count, tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some two months after the completion of the electoral process. The Head of the Congress delegation will present a report at the next Congress session in Strasbourg in March 2024. The EP Head of Election Observation Delegation will report on the mission's results at the next meeting of the EU-Moldova Parliamentary Association Committee.

The ODIHR EOM includes 14 experts in the capital and 28 long-term observers deployed throughout the country. On election day, 295 observers from 36 countries were deployed, including 28 long-term and 191 short-term observers deployed by ODIHR, as well as a 19-member delegation from the Congress and 12-member delegation from the European Parliament. Opening was observed in 106 polling stations and voting was observed in 950 polling stations across the country. Counting was observed in 96 polling stations, and the tabulation in 84 DECs.

The observers wish to thank the authorities of the Republic of Moldova for their invitation to observe the elections, and the Ministry of Foreign Affairs and European Integration of the Republic of Moldova and the Central Election Commission for their assistance. The IEOM wishes to also express their appreciation to other state institutions, political parties, media and civil society organizations, and international community representatives for their co-operation.

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