



Office for Democratic Institutions and Human Rights

REPUBLIC OF MOLDOVA

LOCAL ELECTIONS

5 November 2023

ODIHR NEEDS ASSESSMENT MISSION REPORT

4-7 July 2023



Warsaw
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I. INTRODUCTION

In accordance with its mandate and in anticipation of an official invitation to observe the 5 November 2023 local elections, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 4 to 7 July. The NAM comprised Ulvi Akhundlu, ODIHR Deputy Head of Election Department, and Goran Petrov, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the local elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR election-related activity for the forthcoming elections and, if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions, the election administration, and representatives of political parties, media, civil society and international organizations. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs and European Integration and the Parliament of Moldova for their assistance and co-operation in organising the visit. ODIHR would also like to thank all its interlocutors for meeting with the mission and sharing their views.

II. EXECUTIVE SUMMARY

On 4 July, the Central Election Commission (CEC) set a date for local elections for 5 November, in line with the law. Local governments are responsible for delivering a range of key public and infrastructural services. The state of emergency authorized by the Parliament in February 2022, introduced soon after the start of the war in Ukraine, has been regularly extended and remains in force.

In December 2022, the parliament adopted a new Electoral Code, which contains numerous significant changes in many electoral aspects. The recent legislative changes address several ODIHR recommendations, including those related to inclusive legislative reform, monitoring of broadcasting media in between elections, effective sanctions for media violations, and reviewing the mechanism of the nomination of election administration bodies. Most ODIHR NAM interlocutors evaluated the legislative changes positively, but noted that it will be comprehensively tested given that upcoming local elections will be followed by the presidential and parliamentary elections in 2024 and 2025, respectively. The CEC is yet to adopt a number of regulations important for the conduct of local elections.

The local elections will be conducted to elect all 898 city, town and village mayors, the councillors of the 896 local councils and the city of Chişinău and Bălţi, and 32 district councils. If no candidate is elected a mayor by winning a majority of the valid votes cases, the run-off for each race is held in two weeks.

Several ODIHR NAM interlocutors evaluated the CEC's work and professionalism positively, particularly with taking the lead in implementing the electoral reform, whereas some opposition

members accused it of partisanship. In local elections, the District Election Commissions (DECs) have a number of crucial tasks, including registering candidates and establishing lower-level commissions and the new Code provides for permanent DEC chairpersons employed as public servants. However, a number of them are yet to be appointed and trained. The implementation of legal changes places significant challenges on the CEC, including bringing up to date numerous regulations, updating its digital administrative systems for various aspects of the electoral process and conducting comprehensive voter education. While acknowledging the high professional capacity of the CEC and its secretariat, some ODIHR NAM interlocutors were concerned about the CEC's understaffing in important departments and perceptions of its impartiality.

Only voters allocated to polling stations in Moldova, according to their registration of residence three months before elections, will have the possibility to vote in local elections. Currently, 2,768,816 voters are registered. An estimated 900,000 citizens *de facto* reside abroad, although most maintain in-country residence and would be able to vote if they travelled to Moldova. Most ODIHR NAM interlocutors expressed trust in the accuracy of the voter register accurate, but some remarked on the relatively high number of voters without residence and the inclusion of those who died abroad.

Candidates may be nominated by registered political parties or electoral blocs and run as individual candidates. For the first time, candidate lists for local elections must have at least four of each ten listed candidates of each gender, which will result in an increase in the number of women councillors. ODIHR NAM interlocutors expect candidate registration to be inclusive, but some opposition parties found that the lack of possibility to form blocs on the local level prevents them from forming different political alliances depending on the local circumstances.

Candidates are prohibited from using administrative resources in the campaign and are not allowed to inaugurate infrastructural projects if they hold official functions. Some restrictive measures were introduced in the new Electoral Code to curb vote-buying, including a ban on the transportation of voters on election day. The Electoral Code no longer includes a provision that forbids campaigning outside of the official campaign period, but some ODIHR NAM interlocutors indicated that there is a lack of clarity on what actions are legally permitted before the campaign starts.

The campaign finance legal framework has been amended as a result of several changes introduced in the new Electoral Code, especially in relation to donation, reporting and control and oversight by the CEC. Third-party campaigning remains underregulated. To prevent an influx of illegal and foreign funds channelled through individuals, the Electoral Code now allows the election management bodies to request financial information from citizens to determine if the donated funds come from their income. Some opposition members stated that this would discourage donations to the opposition.

Several ODIHR NAM interlocutors noted that there is a considerable level of foreign interference and the spread of disinformation through the broadcast media and online, which continues to negatively effect, and further polarize society. Since December 2022, six TV channels have been suspended for as long as the state of emergency remains in place for spreading inaccurate information, though some interlocutors question the legal grounds for the suspension. Recently, the government introduced a draft law to create a body that aims to fight disinformation online by strengthening institutional capacity and promoting social cohesion.

Voters and contestants have the right to challenge the actions and decisions of election bodies and the actions of electoral opponents. Appeals against decisions of election bodies are submitted to higher-level commissions and then to the court. The Chişinău Court of Appeal has jurisdiction over appeals against the decisions of the CEC and the AVC. Some ODIHR NAM interlocutors expressed concerns

that the upcoming process of vetting judges may make them reluctant to take on sensitive cases during the elections.

Citizen and international observers are entitled to observe the election process, and the contestants may appoint one representative to each commission and for each polling station. A network of civil society organizations plans to monitor various aspects of elections, including deploying a large number of observers to follow the campaign and election day proceedings.

All ODIHR NAM interlocutors welcomed a potential ODIHR observation activity, underlying the benefits of an independent review of the implementation of the amended legal framework and underlining the importance of observing if the contestants have equal opportunities to compete. Interlocutors mentioned a wide range of election aspects that would be important to observe, including the respect of fundamental freedoms, impartiality and independence of election administration, the conduct of the campaign, including online and in the media, and the implementation of campaign finance regulations and its oversight.

Based on the findings of this report, the ODIHR NAM recommends, subject to the availability of resources, the deployment of an Election Observation Mission (EOM) to assess the 5 November 2023 local elections for compliance with OSCE commitments, other international obligations and standards for democratic elections and domestic legislation. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 28 long-term observers from OSCE participating States to follow the election process countrywide, as well as 200 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

III. FINDINGS

A. BACKGROUND

Moldova is a parliamentary republic with legislative power vested in the parliament and executive power exercised by the government. The president is the head of state and holds certain functions and authority, including foreign relations and national security. Local governments are responsible for delivering a range of key public and infrastructural services and share several competencies with the central government. On 4 July, the Central Election Commission (CEC) set the election day for 5 November.¹

After the July 2021 early parliamentary elections, the Party of Action and Solidarity (PAS) won 63 of the 101 mandates, with a significant majority to form the government. The Electoral Bloc of Communists and Socialists (BeCS) won 32 and the Şor Party the six remaining mandates. Forty women received MP mandates, the highest number since the first competitive elections in 1994.² The government engaged in an ambitious reform agenda related to corruption, elections and judiciary, but without opposition support, who accused the ruling party of securing absolute power to prevent democratic change. On 23 June 2022, Moldova received a status of an EU candidate country.

¹ The law provides for the possibility to set local elections on either the last Sunday of October or the first Sunday of November.

² See the [2021 Early Parliamentary Elections Gender Perspective](#), published in the framework of UNDP's elections support project.

The state of emergency, authorised by the parliament in February 2022 and introduced soon after the start of the war in Ukraine, has been regularly extended and remains in force.³

On 19 June, on a petition by the government, the Constitutional Court ruled to dissolve the Şor Party as unconstitutional and ordered its removal from the register of parties.⁴ The Şor Party MPs retained their mandates as independent MPs. While some opposition parties consider this measure excessive, many ODIHR NAM interlocutors supported it as proportionate, although some stated it might be insufficient to prevent further violations and the influx of foreign funds to influence elections.⁵ On 10 July, the ruling party submitted a draft law to amend the Law on Political Parties and institute a three-year ban on standing in any elections of the members of the executive board, elected representatives and candidates nominated by any party that was declared unconstitutional by a decision of the Constitutional Court.

ODIHR has observed sixteen elections since 1996.⁶ Most recently, ODIHR deployed an Election Observation Mission for the 11 June 2021 early parliamentary elections. The final report issued in December 2021 contains 23 recommendations, including 6 priority ones, for the authorities to improve the electoral process and bring it closer in line with OSCE commitments.⁷

B. LEGAL FRAMEWORK

Elections are regulated primarily by the Constitution and the Electoral Code, supplemented by CEC regulations and decisions.⁸ In December 2022, the parliament adopted a new Electoral Code, which contains numerous and significant changes in many electoral aspects, particularly on the composition of election management bodies, the conduct of the election campaign, regulation and supervision of campaign financing, voting rights, including voting abroad, and the rules on various types of referenda.⁹ Most ODIHR NAM interlocutors evaluated the legislative changes positively, but many also noted that the new Electoral Code will be comprehensively tested, given that upcoming local elections will be followed by the presidential and parliamentary elections in 2024 and 2025, respectively.

In October 2022, ODIHR and the Venice Commission provided a Joint Opinion on the draft code, and a number of its recommendations were implemented.¹⁰ According to most ODIHR NAM interlocutors, the process of presenting and discussing proposed changes that took place in 2022, as

³ The state of emergency was most recently extended as of 4 June for two months.

⁴ In its [decision](#), the Constitutional Court cited systematic, continuous and significant use of illegal funds by the party in order to gain power through undemocratic means and referred to numerous prior decisions by courts and other authorities related to serious campaign breaches in multiple elections since 2016. On the request of the Constitutional Court, in December 2022 the Venice Commission of the Council of Europe issued an *amicus curiae* [brief](#), advising *inter alia* that “the declaration of unconstitutionality should be strictly proportionate and state authorities must show that no less restrictive means would suffice” and that “state authorities must show convincingly based on sufficient evidence that the policies and/or activities of the party represent a serious and imminent threat to democracy, security or human rights.”

⁵ Mr. Ilan Şor, founder of the Şor party, has been in exile since 2019. On 27 April 2023, the parliamentary majority stripped Mr. Şor of his MP mandate after the Chişinău Court of Appeal sentenced him to 15 years imprisonment *in absentia* for fraud and money laundering.

⁶ See previous [ODIHR election-related reports on Moldova](#).

⁷ In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations.”

⁸ Other applicable laws include the 2007 Law on Political Parties (last amended in 2022), 2006 Law on Local Public Administration (amended in 2023), 2008 Law on Assemblies (amended 2018), 2018 Audio-visual Media Services Code (as amended in 2023), 2022 Law on Advertising, 2002 Criminal Code (as amended in 2023), 2008 Contraventions Code (as amended 2023), and 2018 Administrative Code (as amended 2022).

⁹ The unofficial English translation of the Electoral Code is [available on the CEC website](#).

¹⁰ See the [Joint Opinion](#) on the draft Electoral Code.

led by the CEC, was conducted in an open and inclusive process. However, the parliamentary opposition parties disagreed with several new provisions and did not support the new code. In particular, the opposition representatives explained to the ODIHR NAM that they oppose introducing permanent chairpersons of the district-level District Election Commissions appointed by the current CEC and the rules related to campaign donations, including the checking the legality of submitted donations, which they claim could provide a chilling effect on their donors (see *Campaign Finance*).

In 2023, the CEC engaged in a new public consultation process to adapt its regulations to the new Code.¹¹ According to the CEC, due to the complexity, workload and necessity to solicit some state institutions' input, a considerable number of its regulations are yet to be adopted.¹² Some ODIHR NAM interlocutors warned against the risk of detailing election procedures during the pre-election period.¹³

The recent legislative changes address several priority ODIHR recommendations, including those related to an inclusive legislative reform, monitoring of broadcasting media in between elections, effective sanctions for media violations, reviewing the mechanism of the nomination of election administration bodies and amending the law to allow voters to sign in support of more than one candidate[] However, the implementation of these and many other recommendations remains to be tested in elections. Several aspects remain to be addressed or implemented, such as ensuring that courts have the capacity to handle election-related cases without facing undue pressure, increasing the resources and technical expertise of the CEC in campaign finance oversight, facilitating independent access to polling stations of persons with disabilities, and adequate protection of voters' personal data.

C. ELECTORAL SYSTEM

The local elections will be conducted to elect all 898 city, town and village mayors, the councillors of the 896 local councils and the city of Chişinău and Bălţi, and 32 district councils.¹⁴

The number of councillors per council is determined by the CEC on 1 January of the election year, taking into account the number of inhabitants, and ranges between 9 and 43 councillors, and 51 for Chişinău. For all councils, the seats are allocated using the D'Hondt method for proportional distribution by allocating mandates to candidate lists. Candidates running individually receive seats if the number of their votes is next in line to be distributed. Candidates who did not receive seats become alternative candidates. If the turnout in the election is below 25 per cent, the CEC orders a repeat voting to take place within two weeks, using the same voter lists and candidates. The turnout in the second round must be one-fifth of registered voters, otherwise the election is repeated within two weeks.

¹¹ The code requires the CEC to pass new regulation within six months after it came into effect on 1 January 2023.

¹² By the beginning of July, the CEC adopted seven of the forty separate regulations. Majority of these regulations have impact on local elections and cover wide range of processes.

¹³ By law, the pre-election period starts on 7 August.

¹⁴ The elections are not organized in local administrative units in Transnistria as these are not under the control of the central government. Voters from communes of Gişca, Chitcani, Cremenciug in Transnistria will be able to vote for the district council of Căuşeni district, in polling stations opened outside of Transnistria.

A mayoral candidate is elected if they obtain more than half of the valid votes cast. Otherwise, a run-off is held within two weeks between the two highest-scoring candidates.¹⁵ The candidate who won the most votes is declared the winner.¹⁶

Following the elections, in case of reorganization of some local administrative units, new elections are held in those units.¹⁷

D. ELECTION ADMINISTRATION

Local elections are administered by the CEC, 34 second-level District Election Councils (DECs), 898 first-level DEC and some 1,985 Precinct Election Bureau (PEBs). The CEC is a permanent body vested with considerable competencies in organizing all types of elections and ensuring compliance with election legislation. The current composition of the CEC, appointed in 2021 following the early parliamentary elections, will remain in place until the end of its five-year term.¹⁸ The CEC comprises nine members, one nominated by the president and the others by the parliamentary factions proportionally to their representation.¹⁹ Five CEC members are women, including the chairperson. Several ODIHR NAM interlocutors evaluated the CEC's work and professionalism positively, particularly with taking the lead in implementing the electoral reform, whereas some opposition members accused it of partisanship.

The implementation of the legislative changes imposed in the new Electoral Code places significant challenges on the CEC, including bringing up to date numerous regulations, updating its digital administrative systems for various aspects of the electoral process and conducting comprehensive voter education. While acknowledging the high professional capacity of the CEC and its secretariat, some ODIHR NAM interlocutors were concerned about the CEC's understaffing in key departments and perceptions of its impartiality.

The new Electoral Code defines the second-level DEC as permanent structures on account of having a permanently employed DEC chairperson selected by the CEC. All other DEC members' appointments are temporary and confirmed by the CEC at least 50 days before the elections.²⁰ 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.²¹ In local elections, the DEC has several crucial tasks, including registering candidates and establishing lower-level commissions. The new Electoral Code stipulates that the DEC also establish the results of the elections and the mandates; previously, this task belonged to courts.

¹⁵ In case two or more candidates received the same number of votes in the first round, the DEC will draw lots to determine the two run-off candidates.

¹⁶ In case the two candidates won the same number of votes, the winner is the one who obtained more votes in the first round. In case that figure was also equal, the winner is determined by drawing lots.

¹⁷ The ODIHR NAM was informed that a draft law on reorganising some local administration units entered the parliamentary procedure.

¹⁸ In line with a prior ODIHR recommendation to reconsider the CEC composition, the Electoral Code introduced a new formula that comprises seven members nominated one each by the President, the Ministry of Interior, the Supreme Council of Magistracy, the civil society and the parliamentary opposition, and two by the ruling party, but the new formula will be applied in 2026.

¹⁹ Based on parliament's composition, the PAS party nominated five members, while the BeCS nominated three of them.

²⁰ DEC includes two members appointed by a court with jurisdiction in the district, two by the outgoing district council and one by each parliamentary party. Given the current composition of the parliament, each DEC will have a chairperson and six more members.

²¹ The Central Election Council of Gagauzia is the main election management body for elections of the Governor (*Bashkan*) of Gagauzia and the People's Assembly of Gagauzia.

According to some ODIHR NAM interlocutors, the employment of DEC chairpersons as public servants without term limits is meant to provide security of tenure that should protect them from political pressure. However, some opposition representatives asserted that this one-off recruitment would permanently place DEC chairpersons loyal to a single political option. The recruitment of the DEC chairpersons through an open competition process initiated by the CEC is yet to be completed, as only 16 have been appointed by the beginning of July.²² While the CEC explained that the late appointment of the DEC chairpersons is not a welcome development when it comes to administering the upcoming local elections, it stressed the importance of high-quality recruitment.

The first-level DEC and PEB are established by the DEC 40 and 25 days before elections, respectively.²³ The ODIHR NAM interlocutors did not raise any specific issues with the operations of the local-level election bodies, but some indicated possible problems with staffing due to low compensation. By law, all new members of election administration must receive training and go through a certification process.²⁴

E. VOTER REGISTRATION

The right to vote is granted to all citizens who have reached 18 years of age, except those deprived of this right by a court decision due to intellectual or psychosocial disabilities. ODIHR has previously noted that disenfranchisement based on any disabilities is contrary to international obligations and standards.

The voter register maintained by the CEC is continuously updated from the State Population Register maintained by the Public Service Agency (PSA). Only voters allocated to polling stations in Moldova will have the possibility to vote in local elections. The CEC provides monthly updates on voter data, and currently, 2,768,816 voters are registered.²⁵ An estimated 900,000 Moldovan citizens *de facto* reside abroad, although most maintain a residence in Moldova and would be able to vote if they travel to Moldova.²⁶ While ODIHR NAM interlocutors generally considered the voter register to be accurate, some ODIHR NAM interlocutors remarked on the need for more clarity related to a relatively high number of voters without residence and the inclusion of entries of citizens who died abroad.²⁷

According to some ODIHR NAM interlocutors, there were cases in previous local elections of voters moving to another election district close to election day under pressure or inducement by malevolent actors attempting to gain the advantage. To address this issue, the new Electoral Code now stipulates that voters vote according to their residence as registered three months before elections.²⁸

The law ensures the transparency and accessibility of voter lists, with the public display at the PEBs no later than 20 days before elections and the possibility to check the lists online. The lists are also

²² The recruitment of 10 more is pending, and the recruitments for 8 DEC chairpersons will be renewed due to insufficient quality of the applicants.

²³ PEBs comprise three members appointed by the local council and one from each parliamentary party. Each PEB vote to elect its chairperson and secretary.

²⁴ The CEC plans to conduct comprehensive training of the newly-appointed DEC chairpersons from 18 – 23 July.

²⁵ The total number of eligible Moldovan citizens is 3,299,973. Of these, 270,662 citizens reside in Transnistria and 260,495 citizens do not have a permanent or temporary residence registered in Moldova.

²⁶ According to the PSA, 109,121 Moldovan citizens have deregistered their residence in Moldova.

²⁷ According to the PSA, 93,674 voters have either valid or expired ID card but do not have a registered permanent or temporary residence and will therefore not have a possibility to vote in these elections.

²⁸ The PSA informed the ODIHR NAM that, as a consequence, the issuance of ID cards for voters who de-facto moved their residence within three months of the elections needs to be addressed, as the ID cards contain citizens' addresses.

available for scrutiny by the contestants. Voters can request corrections until seven days before elections, with the CEC or the respective PEB, who forwards it to the local public administration.

F. CANDIDATE REGISTRATION

The right to stand is granted to all voters except persons serving military duty, those sentenced to prison by a final court decision, those with criminal records for deliberately committed crimes, and those deprived of the right to hold positions of responsibility by a final court decision. As an additional condition, to run for a mayor, a prospective candidate must be 23 years of age and have graduated in the general compulsory education.²⁹

Candidates may be nominated by registered political parties, electoral blocs, and through self-nomination as individual candidates. The political party register is maintained by the PSA and currently contains 60 parties.³⁰ Unlike in previous elections, electoral blocs can now be registered only at the central level, with the CEC.³¹

Candidate lists for local and district councils must have a minimum of half of the total number of elected councillors and a maximum of the number of councillors elected, plus seven additional alternative candidates. All lists must have at least four for each ten listed candidates of the less represented gender, an increase from the previous regulation that required a minimum of three out of ten women (or men) candidates. According to many ODIHR NAM interlocutors, this measure, previously applied only in parliamentary elections, will significantly increase the number of women elected to local councils. Political parties that ODIHR NAM talked to do not have any additional internal gender-based policies for selecting candidates, including for mayors.

Registered parties and electoral blocs may nominate a mayoral candidate in each district. Any voters may apply as an independent candidate, both as a councillor and a mayor, if they collect sufficient support signatures.³² In line with a prior ODIHR recommendation, the Electoral Code prescribes the possibility for citizens to sign in support of more than one candidate.

No ODIHR NAM interlocutors criticized the registration procedures or their impact on inclusiveness, but some opposition parties found that the lack of possibility to form blocs on the local level prevents them from forming different political alliances depending on the local circumstances.

G. ELECTION CAMPAIGN

The official campaign period starts at the end of candidate registration but not earlier than 30 days before elections and ends two days before election day with a period of campaign silence. Local public administrations are required to establish locations for the placement of campaign materials and premises for holding rallies offered under equal terms for contestants.

²⁹ This age requirement was reduced from 25 years of age.

³⁰ See the [list](#) of registered parties. According to the PSA, the recent amendments to the Law on Political Parties eased the requirements for registration of new parties who now need to submit 1,000 declarations of prospective party members from any region and a party statute that stipulates its structure and activities in accordance with the law. The PSA registers or refuses a party registration within 15 days of the application.

³¹ Parties that joined blocs may not opt to contest any races as parties.

³² To run for a councillor, an individual candidates must be supported by 2 per cent of the number of voters registered divided by the number of seats, but not less than 50 support signatures. Independent mayoral candidate must collect one per cent of all registered voters in the locality.

Candidates are prohibited from using administrative resources in the campaign and, as officials, are not allowed to inaugurate infrastructural projects. If registered as candidates, certain types of public officials, including mayors and other local executive officials, must suspend their official activities.

Some restrictive measures were introduced in the new Electoral Code to curb vote-buying. Contestants are now prohibited from organizing concerts, competitions and other events in which artists and performers engage in political promotion or distribute campaign materials. Another new provision prohibits the transportation of voters to polling stations on election day.

The Electoral Code no longer includes a provision that forbids campaigning outside of the official campaign period, but some ODIHR NAM interlocutors indicated that there is a lack of clarity of what actions are legally permitted before the campaign starts. Some opposition parties criticized the actions of the prospective candidate for the mayor of Chişinău from the PAS Party for distributing leaflets to voters' addresses to announce that he would be standing in the election and claimed that the election authorities would sanction prospective opposition candidates if they started campaigning before the elections were announced, despite the change in the regulations.³³

By law, during emergency situations, the authorities may prohibit meetings and public events. However, the authorities explained to ODIHR NAM that the election processes, including rallies and meetings with voters, are exempt from this rule and pointed to the fact that citizens' protests are held regularly.

H. CAMPAIGN FINANCE

Campaign finance is regulated by the Electoral Code, the Law on Political Parties and the CEC regulation. Several changes were introduced in the new Electoral Code, especially in relation to donation, reporting and control and oversight by the CEC. Third-party campaigning remains underregulated. Several ODIHR NAM interlocutors noted that the efficacy of the campaign finance regulations will be tested during these elections.

Electoral contestants at the district level must request to open special campaign bank accounts at the latest three days after candidate registration for each type of election.³⁴ Contestants can receive income from their party accounts, donations and zero-interest loans from the state.³⁵ The campaign income is limited to 0.1 per cent of the state revenues for the current year, divided proportionally among districts depending on the number of registered voters.³⁶ Donations from foreign citizens, anonymous persons, persons acting on behalf of third parties, and several legal persons are prohibited.³⁷ In-kind donations are allowed but must be reflected in the donation reports according to the market value and fall within donation limits. Cash donations are allowed if paid directly into the campaign bank account.

Citizens may donate up to six average monthly salaries but not more than 30 per cent of their annual income, and if the donor is a recipient of social benefits, the donation may be at most one average

³³ Some ODIHR NAM interlocutors informed that they and other parties submitted complaints or letters to the CEC asking for a legal clarification.

³⁴ Contestants may opt to refrain from any financial activities in the campaign, and not open a bank account about which they must inform the CEC. The bank must inform the CEC on a daily basis on all transfers to and from the campaign bank accounts.

³⁵ The amounts of loans are set by the decision of the CEC and the contestants who took loans must return them within three months after election, but get partial exemption depending on their electoral performance.

³⁶ The specific amounts are determined by the CEC.

³⁷ Including those that concluded public contracts in the last three years, non-profit organizations and trade unions and foundations, and charity and religious organizations.

salary. To prevent channelling illegal and foreign funds through natural persons, as was the case in previous elections, the Electoral Code now gives CEC or respective DEC power to request financial information from citizens to determine if the donated funds come from their income. Some representatives of the opposition remarked to the ODIHR NAM that this measure would discourage potential donors from donating to the political opponents of the ruling party.

Electoral contestants must provide interim reports on income and expenditure on a weekly basis during the campaign period and a final report a day after election day.³⁸ The CEC must publish all reports within 24 hours of receiving them. In cases of non-compliance with the law, the CEC may decide to impose sanctions such as warnings and fines and may ultimately request the deregistration of a candidate or a candidate list.

An office within its secretariat assists the CEC in performing control and oversight. The CEC also intends to rely on the permanent DEC chairpersons in this respect. However, the CEC informed the ODIHR NAM that this office at the CEC is not fully staffed and trained yet and that a number of DEC chairpersons are yet to be appointed, trained and gain relevant experience.

I. MEDIA

Many broadcast and online media operate in a media environment characterized by a limited media market and concentration of media ownership. In recent years the consumption of political information through online media and social networks combined has superseded that of traditional broadcasting media.³⁹ Due to the recent re-classification of regional into national media, there are now 41 national, 8 regional, and 4 local broadcast media in the country and a high number of online media.

Several ODIHR NAM interlocutors noted a considerable amount of subversive foreign interference and spread of disinformation over broadcast media and online, which results in a harmful effect and further polarization in society. In December 2022, the government's Commission for Extraordinary Situations suspended six TV channels for the duration of the emergency situation for "inaccurate coverage of national events, as well as of the war in Ukraine" and basing the decision partly on the fact that the beneficiary owners of those TV stations are subject to international sanctions.⁴⁰ Some ODIHR NAM interlocutors remarked that a considerable amount of programming of these TV channels was transferred to other channels or online, largely circumventing the effect of the suspension. In contrast, some representatives of the parliamentary opposition alleged to the ODIHR NAM that the ruling party controls media access and limits the coverage to the opposition parties.

The Electoral Code, supplemented by a CEC regulation, requires fair, accountable, balanced and impartial media coverage of contestants' campaigns. Contestants should be granted access to political advertising under equal conditions. The Audiovisual Council (AVC) monitors broadcasters' compliance with the law and acts *ex officio* and upon media-related complaints. The new Electoral Code asks the AVC to conduct detailed monitoring of news programs of several broadcast media during the pre-election period starting from 7 August, based on the audience share. The AVC

³⁸ The reports should also include all supporting documentation related to income and expenditures. The CEC and DEC have a legal right to request any additional financial information from parties and vendors and public institutions, such as tax authorities.

³⁹ See the [Public Opinion Barometer](#) for information on mass media consumption as of November 2022.

⁴⁰ *Primul în Moldova, RTR Moldova, Accent TV, NTV Moldova, TV6 and Orhei TV*. The commission's decision is partially based on the AVC's report on the TV channels repeated violations of the article 13 of the Law on Audiovisual Services regarding their obligation to ensure accurate information. Some media NGOs argued that the suspension lacks sufficiently substantiated evidence and legal grounds to fully support the proportionality of such a decision.

representatives explained to the ODIHR NAM that it would further increase the scope of their monitoring in the campaign period to cover most broadcasters.

All broadcast media must submit their editorial policies and schedules for campaign coverage by 14 August. During the campaign period, some broadcast media and the public broadcaster Teleradio Moldova (TRM) plan to cover the election process by providing coverage of campaign events during news programmes and organizing debates between candidates. The TRM informed ODIHR NAM that it has started inviting prospective candidates to be guests or interviewees of its political programs. The AVC will publish weekly interim reports with the results of its media monitoring and a final report within three days of the elections. The NGO Independent Journalist Centre (IJC) plans to systematically monitor several media.

Campaigning in online media is mostly unregulated. However, the ODIHR NAM learned that a draft Law on Centre for Strategic Communication and Combating Disinformation was submitted to the parliament on 5 July with the expectation that it would be adopted before the start of the campaign and serve to fight online disinformation, including during the elections, and promote social cohesion.⁴¹

J. ELECTION DISPUTE RESOLUTION

The Electoral Code contains detailed regulations related to complaints and appeals processes. Voters and contestants have the right to challenge the actions, failures to act and decisions of election bodies and the actions of electoral opponents. The AVC considers the complaints related to election media coverage. Complaints related to political party and campaign finance are lodged with the CEC, except those related to independent candidates for councillors and mayors, which are submitted to the respective DEC. Appeals against decisions of election bodies are submitted to higher-level commissions and then to the court. The Chişinău Court of Appeal has jurisdiction over appeals against the decisions of the CEC and AVC. Some ODIHR NAM interlocutors expressed concerns that the upcoming process of vetting judges may make them reluctant to take on a case or be an impacting factor when considering sensitive cases during the elections.⁴²

Complaints must be filed with the election body, the AVC or the court within three days, and they have three days to adjudicate the case, but not later than by election day. Requests for cancellation of registration of the contestants for local elections must be submitted to the DECs by five days before elections. In case they are submitted later, they are considered at the time of the determination of election results.

K. CITIZEN AND INTERNATIONAL OBSERVERS

Citizen and international observers are entitled to observe the election process. The new Electoral Code defines national observers as those representing civil society organizations or research and training institutions accredited to observe elections. International observers are accredited by the CEC and citizen observers by the CEC or DECs, depending on the scope of observation. By law, observers have access to all election information, including minutes of election commissions, and may record inside the polling of commission premises if it does not jeopardize the secrecy of the vote or data

⁴¹ The draft law is [available on the parliament's website](#). The draft law defines disinformation as intentional dissemination of information of false or misleading character that can be verified to be false or misleading, and which creates a harmful effect to national security. According to the AVC, this definition, which is in line with their recommendation, will also be reflected in the 2018 Law on Audiovisual Services.

⁴² The ODIHR NAM was informed that the vetting of the Chişinău Court of Appeals judges will likely take place early next year.

privacy. Citizen observers may also submit notifications on irregularities. Electoral contestants may appoint one representative to each commission and for each PEB, but they may not be candidates.

A network of civil society organizations Coalition for Free and Fair Elections plans to monitor various aspects of elections. Promo Lex plans to conduct long-term observation of the election campaign and deploy several hundred short-term observers on election day.

IV. CONCLUSIONS AND RECOMMENDATIONS

All ODIHR NAM interlocutors welcomed a potential ODIHR observation activity, underlying the benefits of an independent review of the implementation of the amended legal framework and underlining the importance of observing if the contestants have equal opportunities to compete. Interlocutors mentioned a wide range of election aspects that would be important to observe, including the respect of fundamental freedoms, impartiality and independence of election administration, the conduct of the campaign, including online and in the media, and the implementation of campaign finance regulations and its oversight.

Based on the findings of this report, the ODIHR NAM recommends, subject to the availability of funds, the deployment of an Election Observation Mission (EOM) to assess the 5 November 2023 local elections for compliance with OSCE commitments, other international obligations and standards for democratic elections and domestic legislation. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 28 long-term observers from OSCE participating States to follow the election process countrywide, as well as 200 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

ANNEX: LIST OF MEETINGS

Officials and Institutions

Ministry of Foreign Affairs and European Integration

Victor Lapușneanu, Head of the Multilateral Cooperation Directorate

Valeria Ceban, First Secretary, OSCE and International Security Division

Central Election Commission

Angelica Caraman, Chairperson

Pavel Postica, Deputy Chairperson

Alexandru Berlinschii, Secretary

Corneliu Pasat, Deputy Head of Communication, Public Relations and Media Department

Legal Committee of the Parliament

Olesea Stamate, MP, Committee Chairperson, PAS Party

Chișinău Court of Appeal

Ghenadie Mara, Acting President of the Court

Adelina Roșca, Head of Public Relations

Public Service Authority

Iurie Cristea, Deputy Director

Svetlana Rotaru, Deputy Head of the Department of Identity Documents, Citizenship and Records of Persons

Sergiu Sîtnic, Head of the Digitalization Department

Valeria Bucicovschi, head of the European Integration Section, Legal Normative Department

Veronica Ignat, Head of the Non-Commercial Organizations Registration Section

Audio-visual Council

Aneta Gonța, Vice-president

Grigore Chițanu, Head of the legal division

Political Party Representatives

Diana Caraman, MP, Communist Party

Valeriu Muduc, MP, Communist Party

Gaik Vartanean, MP, National Alternative Movement (MAN)

Olga Ursu, Vice-mayor of Chișinău, MAN

Irina Gutnic, Vice-mayor of Chișinău, MAN

Victor Pruteanu, Adviser the Mayor of Chișinău, MAN

Veronica Roșca, MP, Party of Action and Solidarity (PAS)

Ana Calinici, MP, PAS

Ion Babici, MP, PAS

Fadei Nahacevschi, Vice-president, Party of Development and Consolidation of Moldova (PDCM)

Victor Macovei, Secretary of the Central Executive Office, PDCM

Valeriu Stoicev, Lawyer, Legal Department, PDCM

Vlad Batrîncea, MP, Deputy Speaker, Socialist Party

Adrian Lebedinschi, MP, Socialist Party

Media Representatives

Teleradio Moldova

Vladimir Turcanu, Director General
Natalia Sirbu, Assistant to Director General

Pilgrim-Demo

Mihail Sirkeli, Executive Director,

Civil Society Representatives

Nicolae Panfil, Director, Promo Lex
Igor Boțan, Executive Director, Association for Participatory Democracy
Nanide Gogu, Executive Director, Independent Journalism Center
Cristina Durnea, Legal Advisor, Independent Journalism Center

International Community

Representatives of diplomatic missions of Germany, Italy, the Russian Federation, Sweden, Türkiye and the United States.⁴³

Ambassador Kelly Keiderling, Head of Mission, OSCE Mission to Moldova
Vladimir Rusić, Acting Deputy Head of Mission, OSCE Mission to Moldova
Michael Schieder, Senior Political Officer, OSCE Mission to Moldova
Olesea Perean, Program Specialist, Effective Governance, Justice and Human Rights Cluster Lead, UNDP
Radu Mirza, Project Analyst, UNDP
Mihai Tanase, Election Strategic Expert, UNDP

⁴³ The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Moldova.