



Office for Democratic Institutions and Human Rights

REPUBLIC OF MOLDOVA

**LOCAL ELECTIONS
5 NOVEMBER 2023**

**ODIHR Election Observation Mission
Final Report**



Warsaw
18 March 2024

TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY	1
II.	INTRODUCTION AND ACKNOWLEDGMENTS	4
III.	BACKGROUND AND POLITICAL CONTEXT	5
IV.	LEGAL FRAMEWORK AND ELECTORAL SYSTEM.....	6
V.	ELECTION ADMINISTRATION.....	9
VI.	VOTER REGISTRATION.....	11
VII.	CANDIDATE REGISTRATION	13
VIII.	ELECTORAL CAMPAIGN.....	15
IX.	CAMPAIGN FINANCE.....	18
	A. INCOME AND EXPENDITURE	18
	B. DISCLOSURE AND OVERSIGHT	19
X.	MEDIA	20
	A. MEDIA ENVIRONMENT.....	20
	B. LEGAL FRAMEWORK	22
	C. MEDIA MONITORING FINDINGS	23
XI.	ELECTORAL DISPUTE RESOLUTION	24
XII.	ELECTION OBSERVATION.....	25
XIII.	ELECTION DAY.....	26
	A. OPENING AND VOTING	26
	B. CLOSING AND COUNTING	27
	C. TABULATION AND ANNOUNCEMENT OF RESULTS	27
XIV.	POST-ELECTION DEVELOPMENTS	28
XV.	RECOMMENDATIONS	30
	A. PRIORITY RECOMMENDATIONS.....	31
	B. OTHER RECOMMENDATIONS	32
	ANNEXE I: FINAL ELECTION RESULTS.....	34
	ANNEXE II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION.....	35
	ABOUT ODIHR	41

REPUBLIC OF MOLDOVA
ELECTION OBSERVATION MISSION
5 November 2023

ODIHR Election Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the authorities of the Republic of Moldova, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) for the 5 November 2023 local elections. The ODIHR EOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, as well as national legislation. For election day, the ODIHR EOM was joined by delegations from the Congress of the Local and Regional Authorities of the Council of Europe (the Congress) and the European Parliament (EP) to form an International Election Observation Mission (IEOM).

The Statement of Preliminary Findings and Conclusions issued by the IEOM on 6 November concluded that "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 (CES) 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 2021 early parliamentary elections resulted in the parliamentary majority of the PAS with 63 out of 101 mandates, allowing it to pass legislation, form the government and solidify the party's position in Moldovan politics ahead of the local elections. The local elections were seen as an important competition between the ruling party and the opposition for establishing a strong political presence and governing at the local level ahead of the 2024 presidential and 2025 parliamentary elections. The elections were conducted under a state of emergency authorized by Parliament in February 2022 in connection with the war in Ukraine. In June 2023, on a petition by the government, the Constitutional Court ruled to dissolve the Șor Party as unconstitutional and ordered its removal from the register of parties.

The legal framework provides an adequate basis for the conduct of democratic elections. These were the first elections to take place under a new Electoral Code, in force since 1 January 2023, 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, for instance, strengthening campaign finance regulation and oversight, allowing voters to sign in support of more than one candidate and combating the abuse of state resources and vote buying. Some ODIHR recommendations remain to be addressed, such as preventing elected officials who are not candidates from campaigning while on duty, relaxing excessive finance reporting requirements and restoring suffrage rights of persons with intellectual disabilities. Notably, the Code was repeatedly amended during the campaign to prevent those associated with a political party declared

¹ The English version of this report is the only official document. An unofficial translation is available in Romanian.

unconstitutional from competing in elections. However, there is no provision for gradual limitations on the prohibition to stand, especially for individuals who are merely suspected of certain election-related crimes. The broad powers of the CES and the lack of a control mechanism over its decisions were of concern.

The elections were administered by a four-tiered structure led by the CEC, 35 second-level District Election Councils (DECs), 896 first-level DECs and 1,958 Precinct Election Bureaus (PEBs). Overall, the CEC worked professionally, collegially and in an open manner but could not fulfil its responsibilities in campaign finance oversight and key IT-intensive tasks due to a shortage of qualified personnel. The majority of the CEC members were nominated by the ruling party, creating an imbalance that challenged its impartiality, but the CEC generally enjoyed the confidence of stakeholders, except for the opposition. The new Code defined second-level DECs as permanent structures with permanently employed DEC chairpersons. The DECs were professional and well-organized but lacked the capacity and experience to monitor and oversee campaign finance. Women were well represented in election commissions at all levels. Only 28 per cent of polling stations were accessible for persons with physical disabilities.

Permanent or temporary residence in Moldova is required for voting in local elections. While most ODIHR EOM interlocutors did not raise major concerns regarding the accuracy of the voter register, many Roma citizens remain excluded, contrary to OSCE commitments, due to a lack of residence registration. Voters who moved to another district less than three months before election day were excluded from the voter list. The restriction was introduced to prevent fraud by voters moving fictitiously from one district to another; however, it resulted in the disenfranchisement of some 3,000 persons, at odds with the OSCE commitments.

In a transparent process, 57,396 candidates were initially registered to stand as mayors or councillors. A three-year ban to stand in elections for persons 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 from seeking a timely remedy. On 3 November, just two days before election day, the CEC implemented the decision of the CES and de-registered all 8,605 candidates nominated by the Chance party based on threats to national security, links to the former Şor party and significant campaign finance violations. The blanket exclusion without a possibility for effective legal remedy is contrary to OSCE commitments and international obligations and standards.

Contestants were, for the most part, able to campaign freely. Parties and candidates in bigger cities also actively used social networks, but their posts generally did not generate significant engagement. Persistent and widespread allegations of vote buying were raised before and during the campaign, attributed to Ilan Şor, who also publicly announced the funding of local infrastructure projects and pension supplements in some districts from his private funds. The influx of illicit and foreign funds and the monetary incentives used to influence voters' choices 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. Instances of incumbent contestants taking credit for publicly funded projects and campaigning by some officials while on duty blurred the line between State and party, at odds with OSCE commitments.

Women's representation in elected bodies has increased in recent years, but women remain under-represented in political life. Despite the introduction of a 40 per cent gender quota for the candidate lists, women remained under-represented as candidates in winning positions, and especially as mayoral candidates. The law does not guarantee the quota while allocating mandates, reducing the possibility of improving the gender balance. Women were featured as speakers in campaign rallies; however, most political parties did not include in their platforms any policies for the promotion of women. The ODIHR

EOM media monitoring showed that only 14 per cent of political actors covered in the news were women.

The new Electoral Code strengthened campaign finance regulations in line with several previous ODIHR recommendations, including a significant decrease in donation limits. However, deficiencies in the implementation of some of the provisions 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 the veracity of reported expenses and publish reports within the required timeframe detracted from the accountability and transparency of campaign finance.

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 the period between December 2022 and November 2023, the CES suspended a total of 12 TV stations due to concerns of disinformation, threats to national security and alleged control of these TVs by individuals and entities under international sanctions. The Security and Intelligence Service ordered blocking access to 73 websites on similar grounds. While the state of emergency ended in December 2023, the TV stations *de facto* remained suspended. Under international human rights law, these prohibitions do not appear to constitute proportionate restrictions on freedom of speech. During the electoral period, the AVC monitored and implemented comprehensive provisions for impartial campaign coverage, but it did so late in the process. Numerous debates contributed to voters' information. All six TV stations monitored by the ODIHR EOM did not provide for an equal amount of contestants' news coverage, as stipulated, and displayed bias in the tone of the coverage, both positive and negative, towards different contestants.

Deadlines for submitting and adjudicating electoral complaints and appeals are subject to an expedited timeframe 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 resolving election disputes. However, most ODIHR EOM interlocutors stated that trust in the judicial system remains low despite some recent improvements. Due to the overlap of the campaign with the dispute resolution on candidate registration, the legal framework does not offer an effective remedy to ensure a level playing field, contrary to international standards. The CES decision to de-register all candidates from the Chance Party was appealed at the Chişinău Court of Appeal on 4 November, but by election day, the case was still pending and was only decided on 12 December, when the Court cancelled the CES decision on the basis that it had exceeded its competencies.

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 was assessed positively by the ODIHR EOM observers. Procedures were generally followed, those present had a full view of the process, and no 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 less positively, mainly because some procedures were not consistently followed. The tabulation of results was assessed as mostly well-organized and professionally conducted but, in some cases, also as chaotic and disorderly. The CEC started posting

preliminary results soon after the closing of the polls, contributing to the transparency of the process, but the scans of all polling station results protocols were published only on 14 November.

After election day, 95 requests for recounts were lodged with the CEC, which approved 18 in an open plenary session, while the remaining 77 were dismissed as ungrounded in one uniform decision during a closed session, contrary to the principle of transparency. The Chance party filed 44 appeals, *inter alia*, against the establishing of results. The CEC announced the date of the run-off for 19 November while appeals were still pending with all Courts of Appeal and at the Supreme Court, including some for which a second round of elections was held. This challenged the right to an effective remedy for plaintiffs, contrary to international standards and obligations.

This report offers recommendations to support efforts to align elections in the Republic of Moldova with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations focus on the need to introduce an effective parliamentary control mechanism in case elections are organized during a state of emergency, further enhance the transparency of the lower level election administration, guaranteeing that the principles of legality and proportionality are applied in case of de-registration of candidates, improve implementation of procedures for campaign finance oversight, ensure full respect for freedom of expression and guarantee effective judicial remedy. ODIHR is ready and willing to assist the authorities to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of the Republic of Moldova, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) established an Election Observation Mission (EOM) on 28 September. The EOM, headed by Corien Jonker, consisted of a 14-member core team based in Chişinău and 28 long-term observers deployed throughout the country on 6 October. The ODIHR EOM remained in the Republic of Moldova until 15 November to follow post-election day developments.

For election day, the ODIHR EOM was joined by delegations from the Congress of the Local and Regional Authorities of the Council of Europe (the Congress) and the European Parliament (EP) to form an International Election Observation Mission (IEOM). The Congress delegation was led by Gunn-Marit Helgesen, and José Ramón Bauzá Díaz headed the EP delegation.

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 a 12-member EP delegation. A total of 43.5 per cent of observers were women. The opening was observed in 106 polling stations, voting in 950, counting in 96, and the tabulation in 89 DECes.

The ODIHR EOM assessed compliance of the electoral process with OSCE commitments and other international obligations and standards for democratic elections and with national legislation. This final report follows a Statement of Preliminary Findings and Conclusions, released at a press conference in Chişinău on 6 November.²

ODIHR wishes to thank the authorities of the Republic of Moldova for their invitation to observe the elections, the Ministry of Foreign Affairs and European Integration and the Central Election Commission (CEC) for their assistance and co-operation. ODIHR also expresses its appreciation to

² See previous ODIHR [election reports on the Republic of Moldova](#).

representatives of other state institutions, political parties, civil society, media and international community representatives for sharing their views.

III. BACKGROUND AND POLITICAL CONTEXT

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). The 2021 early parliamentary elections resulted in the dominance of the PAS with 63 out of 101 mandates, allowing it to form the government and solidify the party's position in Moldovan politics ahead of the local elections.³ On 4 July, in line with the law, the CEC set the date of these elections for 5 November 2023.

In November 2022, the government requested the Constitutional Court to verify the constitutionality of the Șor Party, citing criminal convictions of its leader and other party members and repeated irregularities sanctioned by the CEC and the courts related to vote-buying and other campaign finance malfeasance. In June 2023, the Constitutional Court declared the party unconstitutional, ordered its dissolution and mandated that the five former Șor Party Members of Parliament (MPs), 588 elected councillors and 43 mayors could continue to serve as independents but without being allowed to join other factions.

Over the past two years, the government undertook an ambitious reform agenda related to elections, the judiciary and the fight against corruption. The opposition has consistently criticized the ruling party of exercising its power in a unilateral and undemocratic manner, often citing its dominance in appointing functionaries of state institutions along party lines. On 23 June 2022, the European Council granted the Republic of Moldova the status of an EU candidate country.

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.⁴ Following repeated extensions to prolong the state of emergency, it was extended on 21 September 2023 during the election campaign, for an additional 60 days.⁵ Despite international obligations, the authorities of Moldova did not notify the UN General Secretary of the introduction of the emergency.⁶ According to several ODIHR EOM interlocutors, the repeated extensions of the state of emergency raise concern for expressions of democracy, including the freedoms of speech, opinion and association (see *Legal Framework and*

³ The oppositional Electoral Bloc of Communists and Socialists (BeCS) and the Șor Party received 32 and 6 mandates, respectively. In the interim, five Members of Parliament (MPs) left the BeCS; three joined the Renaissance Party, one the newly formed Movement Respect Moldova and the other the National Alternative for Moldova (MAN). One MP seat remains vacant after Mr Ilan Șor was stripped of his mandate, having been sentenced *in absentia* to 15 years imprisonment for fraud and money laundering.

⁴ Under the state of emergency, the Commission for Exceptional Situations, comprised of the government and members of state agencies, has wide-ranging competencies. To date, it has issued 92 legally binding [decisions](#) with immediate effect, including the de-registration of the Chance Party on the eve of the elections (see *Candidate Registration*).

⁵ Moldova [notified the Council of Europe](#) on 25 February 2022, in accordance with Article 15 of the [European Convention on Human Rights](#) (ECHR), of its derogation from certain ECHR provisions, referring to measures in the field of energy use and the media, including the introduction of special rules for the use of telecommunications and related to Article 10 (freedom of expression). See Article 4.1 of the 1966 [International Covenant on Civil and Political Rights](#) (ICCPR) stating that “[i]n time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation”.

⁶ Article 4.3 of the [ICCPR](#) stipulates that the states “shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated”. See also the 2001 [General Comment 29 to Article 4](#) of the ICCPR.

Electoral System). The state of emergency was extended on 24 November for the last time, for thirty days.

The context of the local elections was shaped by ongoing tensions between the ruling party and the opposition regarding the country's geopolitical orientation. The ban on former Șor Party members from standing and investigations into vote buying and using illegal funds for campaign purposes by the Chance and *Renaissance* parties, associated with Ilan Șor, were at the forefront of the public discourse.⁷ These elections were also seen as 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.

Women's representation in elected bodies has increased in recent years, but women remain under-represented in political life. The current president of Moldova is a woman, as well as 6 of 17 (35 per cent) government members. Women hold 39 seats (38 per cent) in Parliament. In the outgoing local administrations, 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.

IV. 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 Electoral Code, newly adopted in 2022, and supplemented by other relevant legislation and a set of CEC regulations.⁸ Moldova is a party to major international and regional instruments related to holding democratic elections.⁹

In line with good electoral practice, the Electoral 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.¹⁰ These elections were an opportunity to test the Electoral Code before the 2024 presidential and 2025 parliamentary elections. Most ODIHR EOM interlocutors, with the notable exception of the representatives of opposition parties, were generally positive about the changes in the legal framework.¹¹

The Code partially or fully implements many prior ODIHR recommendations, including on strengthening campaign finance accountability and oversight, allowing voters to sign in support of more than one candidate, reviewing the CEC members' nomination process to increase its impartiality, and

⁷ The Chance party was formed in July 2023 on the basis of the *Ai Noștri* Party, which was part of the electoral bloc Șansă, Obligații, Realizări – Ș.O.R., together with Alternative Force for Salvation of Moldova (FASM) [formed](#) by Mr Șor ahead of the elections, on 26 June 2023.

⁸ Other applicable laws include the 2007 Law on Political Parties, the 2008 Law on Assembly, the 2018 Audiovisual Media Services Code, the 2023 Law on Advertisement, relevant sections of the Criminal and Contraventions Codes and the 2018 Administrative Code.

⁹ Including the [1966 International Covenant on Civil and Political Rights \(ICCPR\)](#), the [1979 Convention for the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#), the [2003 Convention Against Corruption](#), the [2006 Convention on the Rights of Persons with Disabilities \(CRPD\)](#), and the [1950 European Convention for the Protection of Human Rights and Fundamental Freedoms \(ECHR\)](#). Moldova is a member of the European Commission for Democracy through Law (Venice Commission), and a party to the 1995 [Framework Convention on National Minorities](#).

¹⁰ See the October 2022 [Joint opinion](#) of ODIHR and the Venice Commission on the draft Electoral Code.

¹¹ Several opposition parties objected to the manner in which the Code was adopted and subsequently amended under the full control of the PAS and also objected to the late adoption of some of the CEC regulations.

combating the abuse of state resources and vote buying.¹² 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 or 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.¹³ The authorities' stated aim was to implement the Constitutional Court decision, which declared the Șor Party unconstitutional, and enforce a preventive mechanism.¹⁴ However, on 3 October 2023, the Constitutional Court declared the provision unconstitutional, finding the ban too general, neglecting individual circumstances, and lacking effective remedies and guarantees against arbitrary decisions.¹⁵

On 4 October, Parliament amended the Electoral Code, without public consultation, in a single session, which was boycotted by the opposition.¹⁶ The amendments aimed to address provisions previously assessed as unconstitutional by narrowing the limitation to the right to stand to four specific groups of citizens and by providing for the right to appeal directly to the Chișinău Court of Appeal.¹⁷ Whether these measures fulfilled their intended purpose is uncertain, given that the assessments more broadly included certain groups or categories and were not individualized. The measures are not in line with the principle of proportionality, and there is no provision for gradual limitations on the prohibition to stand, especially for individuals who are merely suspected of certain election-related crimes but not prosecuted and convicted.¹⁸ Despite the sense of urgency due to the start of the electoral period, the lack of public consultation was of concern, as it did not provide for a meaningful, transparent and inclusive process.¹⁹

¹² Among other such changes, the list of public officials who must suspend their service and official functions during their candidacy was extended to include senior government officials, deputy heads of central public authorities and secretaries of the local councils. However, the law does not require that misuse of public office be addressed by the relevant authorities in an effective and expeditious manner. In an effort to prevent vote buying, the law now prohibits the transportation of voters on election day.

¹³ In addition, the Law on Political Parties was amended to prohibit the use of symbols resembling those of a banned party. Electoral and political corruption were also introduced as criminal offences in the Criminal Code.

¹⁴ See the Constitutional Court [decision nr.10 of 19 June 2023](#) which declared the Șor Party unconstitutional.

¹⁵ 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 be accompanied by adequate criteria, an effective individual assessment, procedural safeguards and legal remedies. The opinion also recommended limiting “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”.

¹⁶ 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 a majority of its members had not voted in favour of the draft law. The NAC did not offer its expertise due to the short notice.

¹⁷ The amendment included restrictions on the right to stand that 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 an international sanctions lists, and those who performed other acts for which a party was declared unconstitutional.

¹⁸ See the European Court of Human Rights (ECtHR) 4 October 2022 ruling on [Kara-Murza v. Russian Federation](#) in which the Court “emphasized the need to “individualize” the restriction of the exercise of electoral rights and to take into account the actual behavior of individuals, rather than a perceived threat posed by a group of persons” (para. 48-50). See also paragraph 38 of the October 2023 [Joint Opinion](#) of ODIHR and the Venice Commission which stipulates that “any restrictions to the right to stand for election should be prescribed by law, pursue a legitimate aim, be justifiable based on objective, reasonable and non-discriminatory criteria, be proportionate, with sufficient procedural safeguards afforded to the individual to protect against arbitrariness. Any restrictions on electoral rights should be individualized and assessed against a given country’s political and historical context.”

¹⁹ Paragraph 5.8 of the [1990 OSCE Copenhagen Document](#) requires that “legislation [should be] adopted at the end of a public procedure...”.

A request for a constitutionality review of these legal provisions was introduced to the Constitutional Court on 16 October and was set to be reviewed by the Constitutional Court in March 2024.²⁰

The legal basis for any limitations based on misconduct should be revised to ensure a fully individualized approach and compliance with international standards pertaining to suffrage rights.

Parliament's decision of 24 February 2022 on the state of emergency granted the Commission for Exceptional Situations (CES) the authority to restrict gatherings, regulate telecommunications usage and combat disinformation, fake news, and hate speech. The CES took several decisions that negatively impacted the right to stand and the freedom of expression.²¹ On 4 October, before the Parliament voted on amendments to the Electoral Code, the CES issued a decision that prohibited several categories of persons from standing, similar to the amendments that the Parliament considered on the same day. In so doing, the Commission ensured the immediate application of the prohibitions before the law was promulgated. An additional decision taken on 3 November, two days before the elections, imposed a blanket de-registration of all candidates of the Chance Party on grounds related to national security, leaving limited time for legal remedy in case of appeals.²²

The possibility for the CES to take and implement decisions without an appropriate control mechanism does not ensure the respect of the principle of checks and balances and may be contrary to the requirements of legality, legitimacy, necessity and proportionality, as provided for by international obligations and standards.²³

In line with the jurisprudence of the Constitutional Court, an effective parliamentary control mechanism should be introduced over decisions of the Commission for Exceptional Situations when elections are held during a state of emergency.

Local elections were conducted to elect 898 mayors and 11,058 councillors for villages (or communes), towns, and municipalities, including the cities of Chişinău and Bălţi and councillors of the 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 top two contenders is held within two weeks. A turnout of at least 25

²⁰ The request was made by five former Şor Party MPs, who also asked for these provisions to be suspended pending the Court's review. The request for a suspension was rejected.

²¹ Decisions of the Commission are not subject to constitutionality review, only to normative control under the administrative litigation procedure. In March 2020, Parliament granted by law significantly increased powers to the Commission during a state of emergency. However, the Constitutional Court [ruling](#) 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 which the state of emergency was initially declared, that these powers should not exceed the competence of the executive power, and that Parliament should exercise effective oversight over these measures. Although the Court requested Parliament to bring the legislation in line with this ruling, these legislative amendments are yet to be adopted. See also the [Venice Commission Report](#) stating that "emergency decrees where the executive has used legislative powers which under normal conditions belong to parliamentary legislator, should be immediately submitted to Parliament which should be able to repeal them".

²² The Chance Party filed an appeal to the Chişinău Court of Appeal against the decision of the Commission on 3 November, which decided only on 30 November to reject the appeal.

²³ See the [Venice Commission May 2020 Report](#) on states of emergency, which states (para. 80) that "Legislative control over the acts and actions of emergency rule authorities and special procedures for such control are important for the realization of the rule of law and democracy." See also Venice Commission [Rule of Law Checklist](#) (para 5.1) "Strict limits on the duration, circumstance and scope of such powers is therefore essential. State security and public safety can only be effectively secured in a democracy which fully respects the Rule of Law." On 31 October, the Prime Minister, who presides over the Commission, informed the ODIHR EOM that a draft law to ensure legislative control over the Commission is being prepared by the government.

per cent of the electorate is required for the validation of the first round, whereas for run-offs, the Electoral Code introduced a 20 per cent turnout requirement.²⁴

V. 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).²⁵ The CEC is a permanent body appointed in 2021. One CEC member is nominated by the president and eight by parliamentary factions proportionally to their representation. Based on the current composition of Parliament, the majority of the CEC members are nominated by the ruling party, creating an imbalance that challenges the impartiality of the CEC. The new appointment mechanism intended to enhance institutional independence and impartiality, in line with a prior ODIHR recommendation, will be applied as of 2026, but its effectiveness will depend on the capacity of the institutions that nominate CEC members to act independently of the political interests of the ruling party.²⁶ Women were well-represented in the election bodies at all levels.²⁷

For these elections, only eight of the nine CEC members were appointed, all working on a permanent basis. Since July, Parliament has delayed the appointment of a CEC member nominated by the opposition without adequate justification and despite the ongoing election process, which raised concerns about politically motivated decisions related to the composition of the CEC.²⁸ The ninth CEC member was eventually appointed by Parliament after the elections, on 30 November.

The authorities should take all necessary measures to ensure independence in the work of the Central Election Commission (CEC). This could include a review of the current composition of the CEC ahead of the next presidential and parliamentary elections to avoid the possibility of domination by a single political party.

Overall, the CEC met legal deadlines except for the late adoption of most new regulations that had to be adopted to harmonize regulations with the new Electoral Code.²⁹ The CEC operated openly and enjoyed the confidence of most ODIHR EOM interlocutors. CEC 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.³⁰ Sessions were open to observers and media and streamed live. Agendas and decisions were published mostly in a timely manner, enhancing transparency.

²⁴ In eight level-one districts, mayoral elections were repeated as the 25 per cent turnout requirement was not met. In case of repeat election, there is no turnout requirement.

²⁵ Second-level DECs and the lower first-level 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 assumed the duties of the DEC for these elections.

²⁶ The new formula comprises seven CEC members nominated one each by the President, the Ministry of Interior, the Superior Council of Magistracy, civil society and the parliamentary opposition, and two by the ruling party..

²⁷ Five CEC members are women, including the chairperson. Women comprised 71.6 per cent of second-level DEC members, 63 per cent of DEC chairpersons, 90 per cent of first-level DEC members and 88 per cent of PEB members.

²⁸ The Parliamentary Committee for Legal Affairs, Immunities and Appointments informed the ODIHR EOM that the criteria of professionalism was called for by the majority as a condition for approving nominations for CEC members. Further delays were introduced by a prolonged background check by the Security and Intelligence Service.

²⁹ Most regulations were adopted after the deadline of 1 July set by the Election Code.

³⁰ On 4 and 12 October, it could not adopt decisions due to a split vote related to its opinion on the 4 October amendment to the Electoral Code and on two complaints against the PAS for breaches of campaign regulations. In addition, on 30 October and 3 November, during the review of the de-registration of candidates of the Chance Party, a member nominated by the opposition did not participate in the vote.

The CEC has significant overall responsibilities in administering local elections, including managing the lower-level commissions, oversight of the election campaign and campaign finance, training of electoral bodies, and certification of all new electoral officials. However, the CEC was understaffed in key departments, especially in the ICT and the party and campaign finance monitoring units. The CEC also informed the ODIHR EOM of difficulties identifying suitable candidates for DEC chairpersons.³¹ These issues negatively impacted the CEC's performance in some areas, most notably in the campaign finance oversight (see *Campaign Finance*).

The DEC and PEBs were formed on time and provided with sufficient support from the authorities. During the electoral period, several modifications were made to the composition of some second-level DEC by completing membership in almost all DEC but also replacing members in eighteen DEC, in many instances due to close family relationships to a candidate, which is prohibited by law. However, the replacement cannot be applied to a second-level DEC chairperson who has the status of a public official and whose position is permanent. According to the CEC, a candidate was closely related to a second-level DEC chairperson on three occasions. According to the CEC, the latter did not participate in voting on any decisions linked to that particular candidate.

The CEC maintains a register of electoral officials that includes some 44,000 persons who have previously served in an election body. To serve on an election body, a person must either be included in the Register or pass an online test and an interview to receive a CEC certificate. However, the CEC informed the ODIHR EOM of challenges older prospective DEC and PEC members face in getting certified due to limited computer literacy to take the test.

Some DEC members resigned during the preparatory process, reportedly due to the increased workload and responsibilities. Some political parties informed the ODIHR EOM about the challenges they faced in identifying PEB members in small localities largely because most of the qualified individuals affiliated or members of the party were standing as candidates. According to some ODIHR EOM interlocutors, the certification requirement could not always be fulfilled, particularly concerning political party nominees.

In order to enhance the possibilities for qualified persons to serve as members of lower-level election bodies, additional recruitment measures could be considered, including higher compensation for election day work, incentives for certification and re-certification to be included in the roster of election officials.

Overall, DEC on both levels were professional, well-organized, and operated efficiently, but similarly to the CEC, they could not oversee campaign finance (See *Campaign Finance*). While sessions attended by the ODIHR EOM were transparent and collegial, only some DEC decisions were published on the websites of the local administration or of the CEC.³²

To enhance the transparency of the election administration, the timely online publication of all District Election Commissions' decisions, including on complaints, should be required by law.

³¹ Second-level DEC chairpersons, appointed by the CEC, are now permanent public officials while other DEC members, nominated by local councils and political parties, serve on a temporary basis. The appointment of chairpersons overlapped with the preparations for these elections and the CEC had difficulties identifying qualified candidates.

³² The CEC regulation requires that the DEC decisions are communicated to the public, higher and lower-level electoral bodies, public administration institutions, enterprises, organizations, electoral competitors, and interested individuals as soon as possible, but no later than 24 hours after adoption, by posting them at the DEC headquarters and through other means of information.

The CEC and its Centre for Continuous Electoral Training (CICDE) conducted an extensive two-staged online and in-person training programme for DEC and PEB members.³³ Training sessions observed by the ODIHR EOM were effective, informative and well-organized.³⁴ However, training sessions are not mandatory by law and, at the PEB level, were attended only by the chairperson, secretary and those without previous experience. The lack of experience and training was, at times, evident on election day, particularly during the count and tabulation process (see *Election Day*).

CICDE organized a comprehensive voter information campaign 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.³⁵ However, no voter education was observed at the local level by either the DEC, the civil society organizations or the local media.

Only 28 per cent of polling stations were accessible for persons with physical disabilities.³⁶ To enhance accessibility for wheelchair users, the CEC supplied all polling stations with wider and lower voting booths, as well as magnifiers and tactile ballots (stencils) for persons requiring visual aid; some polling stations were also provided with posters with a QR code linking to online sign language and audio guides, prepared by the CEC.

VI. VOTER REGISTRATION

Citizens who reached 18 years of age by election day are eligible to vote, except those deprived of this right by a court decision due to intellectual or psycho-social disabilities. Deprivation of the right to vote on the basis of any disability is inconsistent with international obligations and standards.³⁷

In line with international obligations, all restrictions on electoral rights on the basis of intellectual or psycho-social disability should be removed.

The State Register of Voters (SVR) maintained by the CEC is continuously updated from the population register managed 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 residence in Moldova. Voters without a registered residence, including those living abroad and voters residing on the left side of the Nistru River (Transnistria), are not included in the voter list and did not vote on election day.³⁸ Apart from those

³³ The CEC also trained the DEC members on the validation of election results and on the 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.

³⁴ The ODIHR EOM observed 16 DEC and PEB training sessions in Bălți, Chișinău, Criuleni, Comrat, Drochia, Dubăsari, Edineț, Ialoveni, Leova, Soroca and Telenesti.

³⁵ Including on introduction to public administration and local elections, candidate registration and promotion of women candidates, voter registration, and election-day procedures.

³⁶ According to a [study](#) published by the CEC and UNDP Moldova in 2022, 569 buildings out of 2,017 where polling stations are located are accessible and only 18 are fully accessible.

³⁷ 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”.

³⁸ 267,162 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.

residing in Transnistria, according to the PSA, there were 258,779 voters with neither temporary nor permanent residence in Moldova, although some de facto reside in Moldova.³⁹

The ODIHR EOM interlocutors, in general, did not raise major concerns regarding the accuracy of the voter register. However, concerns were raised about its inclusiveness, given that a significant number of Roma citizens remain excluded from local elections due to a lack of formalized residence or may not realize their voting rights due to a lack of valid identity documents. This is at odds with the OSCE commitments.⁴⁰

With a view to ensuring universal suffrage, increased efforts should be made to facilitate access to personal identity documents for all citizens and to the registration of all citizens de facto residing in the country, especially Roma citizens.

Several ODIHR EOM interlocutors note that the long-standing problem of the inclusion of deceased persons in the voter lists remained unaddressed, which they saw as reducing the trust in the accuracy of the voter register and potentially opening room for abuse. Notably, the law does not provide for the automatic removal of deceased citizens from the population register.⁴¹

The authorities should continue efforts to improve the accuracy of the voter register, including mechanisms for automatic or timely removal of entries of deceased persons.

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 the voter list for local elections, either according to the old or the new residence.⁴² 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 by political actors who want to impact election results, it resulted in the disenfranchisement of some 3,000 voters. This is at odds with paragraph 7.3 of the 1990 OSCE Copenhagen Document and international good practice.⁴³

While methods to preserve the integrity of elections in line with international good practice should be maintained, they should be adjusted to guarantee the right to vote to all voters who change their residence close to election day, either at their old or at their new place of residence.

The law ensures the transparency of voter lists, with public display at the PEBs and the possibility to check the lists online.⁴⁴ Voters had the opportunity to request corrections and submit complaints to PEBs on inaccuracies from 16 to 29 October. However, the ODIHR EOM noted that very few voters visited PEBs to check the accuracy of their data in the voter lists.

³⁹ 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 that they have emigrated (96,734).

⁴⁰ Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) states that the participating States should “guarantee universal and equal suffrage to adult citizens”.

⁴¹ Death certificates are not submitted *ex officio* from medical institutions to the PSA. By law, families are responsible for reporting deaths to the local public administration, which then updates the PSA, which sometimes they fail to do.

⁴² On 1 November, the CEC clarified that those who reached 18 within the last three months were also eligible to vote. It also clarified that voters who had changed residence within the same district were eligible to vote for the district-level council, or if moving within Chişinău and Bălţi, also for the city mayor.

⁴³ Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) states that the participating States should “guarantee universal and equal suffrage to adult citizens”.

⁴⁴ Only simplified voter lists, containing voters’ names, surnames, years of birth and residence address were published.

VII. CANDIDATE REGISTRATION

The right to stand is granted to all voters except those serving in the military, those serving a sentence with a final court decision, those with a criminal record for crimes committed intentionally, and those deprived of the right to hold positions of responsibility by a final court decision. To compete for the position of mayor, a candidate must be at least 23 years of age and have graduated in the general compulsory education, which is not fully in line with international obligations and standards.⁴⁵

In line with international standards, the education requirement for the right to stand for mayor should be reconsidered.

Candidates can be nominated by registered political parties, electoral blocs, or through self-nomination. In line with international good practice, the number of signatures required by independent candidates to compete for mayor was reduced in the new Code from two to one per cent.⁴⁶ The Electoral Code now allows for citizens to sign in support of more than one candidate, as previously recommended by ODIHR.

The initial stages of the candidate registration process were conducted in a transparent and lawful manner. However, the process deteriorated due to restrictions introduced during the registration process that significantly affected the inclusiveness. The legal changes enacted on 4 October, two days before the deadline for submission of candidacies, introduced a three-year ban on persons associated with a party declared unconstitutional, which directly affected several persons associated with the former Şor Party (See *Legal Framework and Electoral System*). This aggravated the possibility of some prospective candidates to seek a timely remedy and jeopardized the fair balance between the legitimate aim pursued and the protection of the right to stand.⁴⁷

A total of 57,396 candidates were initially registered for these elections, including 1,174 independent candidates; the rest were nominated by 36 parties and one electoral bloc. This included 53,444 candidates for local councils (47 per cent women) and 3,952 mayoral candidates (30 per cent women). Of 855 independent candidates for councillors, 21 per cent were women. Of 319 independent mayoral candidates, 30 per cent were women.

For the first time in local elections, parties were obliged to submit at least four candidates of each gender in each consecutive group of ten candidates, which all parties complied with. While the application of the gender quota for local council candidate lists is a positive step for the enhancement of women's participation in political life, the law does not guarantee the quota during the allocation of mandates, detracting from the intended effect of improving the gender balance.⁴⁸

⁴⁵ The new Electoral Code reduced the age requirement for mayor - previously it was 25 years of age. Paragraph 15 of [General Comment 25](#) to the ICCPR, states that “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”.

⁴⁶ 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.

⁴⁷ Based on information received from the General Inspectorate of the Police, the NAC, the Security and Intelligence Service, and the General Prosecutor's Office, the CEC compiled a list of 102 persons associated with the former Şor Party as not eligible to stand, which was then distributed to the DEC. 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, five withdrew, and the others were rejected.

⁴⁸ Namely, depending on the electoral performance of a party, fewer than 40 per cent of women will be elected per candidate list, if not well represented at the top of the ballot. In addition, the percentage might be further reduced by the withdrawals of elected women councilors and their replacement by men if next on the list.

According to official results, women fielded by parties comprised 40 and 33 per cent of elected councillors of first and second-level districts, respectively, and 24 per cent of elected mayors. As independent candidates, women accounted for 24 per cent of mayors and 22 per cent of first-level councillors. No independent women candidate was elected to any council of the second level.

Consideration could be given to amending the gender quota rules so that the quota is reflected more effectively in the winnable positions on the ballot.

On 30 October, the CEC instructed nine first-level DEC to de-register 97 candidates nominated by the Chance Party. The de-registrations were requested *ex officio* on the grounds of vote buying and violations of campaign finance rules, including the use of undeclared funds through sponsorship projects initiated by Mr. Șor. The CEC informed the ODIHR EOM that the findings on specific violations were provided by the Security and Intelligence Service (SIS), the Anticorruption Prosecutor, the National Anti-corruption Centre and the Police as part of ongoing investigations into the use of undeclared foreign funds.⁴⁹

On 3 November, two days before the elections, the CES issued an executive decision to cancel the registration of all 8,605 Chance Party candidates contesting mayoral and council seat elections. The Commission based its decision on significant campaign finance violations, links to the former Șor Party and threats to national security based on findings by the SIS.⁵⁰

The Electoral Code provides for a suspensive effect of the CEC or DEC decisions to de-register candidates in the case of appeals. However, since this decision was not taken by an electoral body, the Chișinău Court of Appeal, based on provisions in the administrative law, rejected the request for the decision to be temporarily suspended, and the de-registration took effect on election day.⁵¹ The blanket exclusion limited voters' choices and appeared to be a disproportionate measure, and lacked the possibility for effective legal remedy, which is contrary to OSCE commitments and international obligations and standards.⁵²

In line with international obligations and standards, decisions concerning the de-registration of candidates should be based on the principles of legality, legitimacy and proportionality. To avoid irreparable harm to the right to stand, the law and institutions should guarantee timely and effective legal remedy.

⁴⁹ De-registrations took place in the villages of Dobrogea Veche, Ișcălău, Joltai, Merenii Noi, Pitușca, Răculești, Țareuca and Telenești town, comprising 78 councilors and 8 mayors. DEC Alexanderfeld village did not implement the CEC decision. The complaint filed by the Chance Party against the CEC decision was dismissed by the CEC and both the Chișinău Court of Appeal and the Supreme Court upheld the decision.

⁵⁰ The CES based its decision on the Law on State Security, citing special threat to the State's security: threatening sovereignty, independence or territorial integrity and unity of the State.

⁵¹ After the elections, on 31 November the Chișinău Court of Appeal finally rejected the appeal as inadmissible. The Chance Party further appealed to the Supreme Court which admitted the appeal and sent the case back to the Chișinău Court of Appeal to be judged on merits. On 12 December, in a final decision, the Chișinău Court of Appeal admitted the appeal and cancelled the decision of the CES on the grounds that the CES exceeded its competencies, as the power to legislate on electoral matters is the exclusive competence of Parliament. The decision was final as there was no further appeal to the Supreme Court.

⁵² Para 5.10 of the [1990 OSCE Copenhagen Document](#) states that “everyone will have an effective means of redress against administrative decisions”. Article 2(3) of the [1966 International Covenant on Civil and Political Rights \(ICCPR\)](#), calls for possibilities for judicial remedy, stating that “any person [...] shall have an effective remedy [...]”. Article 13 of the [European Convention on Human Rights](#), enshrines that “everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity”.

VIII. ELECTORAL CAMPAIGN

The official campaign period started on 6 October and ended one day before election day. The law provides for the use of political advertising and pre-election activities related to candidate nomination before the start of the campaign period. Candidates from PAS, MAN, the Renaissance Party and the European Social Democratic Party (PSDE) engaged in early campaigning, leading to several complaints and subsequent warnings by the CEC.⁵³ Contestants could start campaigning while the candidate registration and related dispute resolution processes were still ongoing, challenging the principle of equal campaign opportunities due to overlapping deadlines.⁵⁴ This is not fully in line with the OSCE commitments on equal possibilities to campaign.⁵⁵

In order to ensure equal campaigning conditions for all candidates, the law should be amended to provide sufficient time to conclude candidate registration before the start of the campaign, including the relevant dispute resolution process.

Electoral contestants were generally able to campaign freely and to reach out to the electorate, although with some restrictions imposed on organizing campaign events.⁵⁶ Candidates were entitled to equal access to public premises for holding events and to locations for placing posters.⁵⁷ Some ODIHR EOM interlocutors reported a few instances of pressure on candidates.⁵⁸

The claims of significant influx of illicit funds, mainly from abroad, and monetary incentives used to influence voters' choices distorted the campaign and threatened the level playing field. In the run-up to the elections, the authorities made a number of claims of foreign interference and cited its detrimental effect on national security.⁵⁹

Persistent and widespread allegations of vote buying were raised by the vast majority of the ODIHR EOM interlocutors, as was the use of foreign private sponsorship to fund local infrastructure projects in

⁵³ For instance: the distribution of campaign leaflets in July by the prospective PAS and MAN mayoral candidates and the construction of PSDE candidate tents in Chişinău; in August, distribution by the Renaissance Party of campaign leaflets with a message which called on voters not to support the PAS in Bălţi, Glodeni and Sângerei; in October, the construction of a stage in Chişinău with campaign messages by PAS.

⁵⁴ For example, one mayoral candidate which was rejected by DEC 1 Chişinău appealed to the First Instance Court which admitted his appeal on 19 October. On 23 October, the Chişinău Court of Appeal accepted the appeals of one mayoral candidate in Ialoveni and one candidate for Dubăsari council, whose registrations were previously rejected by the DEC.

⁵⁵ Paragraph 7.6 of the 1990 OSCE [Copenhagen Document](#), provides for contestants “to compete with each other on a basis of equal treatment before the law and by the authorities”.

⁵⁶ Recent changes in the legislation prohibit parties and candidates from organising and using concerts for campaign purposes, which potentially reduced their ability to communicate with the electorate choosing the preferred methods.

⁵⁷ By 3 November, the General Inspectorate of Police registered 54 violations related to the placement of campaign materials, and fined 16 persons affiliated with the Chance Party in Orhei municipality.

⁵⁸ In Chişinău, a 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 reportedly threatened with financial audits.

⁵⁹ On 30 October, the Prime Minister, in a [Facebook post](#), warned of a hybrid attack from the Russian Federation, with attempts to influence the elections and destabilise the country through TV channels linked to Ilan Şor and Vladimir Plahotniuc, a former Deputy Speaker and once influential businessperson and power broker who fled the country in June 2019 to avoid prosecution on corruption charges.

several districts.⁶⁰ On 15 October, the General Directorate of Education of Gagauzia distributed envelopes containing money to teachers with the support of the charity fund affiliated with Ilan Șor.

During the campaign, law enforcement agencies searched the premises of the Chance and *Renaissance* parties as part of an ongoing investigation into the use of illegal funding for political parties.⁶¹ The ODIHR EOM was informed by the Anti-corruption Prosecutor that at least seven separate investigations had been initiated into illegal financing of political parties since June 2023. On 3 November, the head of SIS publicly reported on instances of foreign interference and illegal campaign-related activities by the Chance party.⁶² On the same day, the CES cancelled the registration of all Chance party candidates based on evidence presented by the SIS (See *Candidate Registration*).

As a measure to prevent misuse of administrative resources during the election period, the law allows state institutions to disseminate only the information considered of public interest.⁶³ On 5 October, Parliament adopted corrections to the state budget to allocate MDL 846,900,000 (approximately EUR 44,631,630) for salary increases for 170,000 public servants, including those working in health, culture and the judiciary. Teachers and police officers were informed they would receive a one-time bonus of MDL 5,000 (approximately 263 EUR). Some opposition parties criticized the decision and accused the government of using public resources to gain an unfair advantage before election day.

ODIHR EOM observed several instances of incumbent contestants taking credit for publicly funded infrastructure projects, which is contrary to the legal restrictions on campaigning.⁶⁴ 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.⁶⁵ Two contestants filed a complaint to the CEC regarding the participation of the Prime Minister in campaign events. The CEC issued a decision to caution the Prime Minister but refrained from issuing any sanctions. Overall, some of the activities by high-level officials during the campaign period blur the line between state and party which is at odds with paragraph 5.4 of the 1990 Copenhagen Document.⁶⁶

⁶⁰ On 18 August, Mr Șor announced the launch of the Moldavan Village programme which would distribute MDL 17 billion through his My Dream fund, where each locality was promised MDL 20 million upon application by mayors. On 2 October, Mr Șor offered pensioners in Gagauzia, Orhei and Taraclia a monthly pension supplement of MDL 1,000 from his funds. In October, the authorities of [Biesti](#) and [Donici](#) communes (Orhei district) signed sponsorship contracts with an Israeli citizen Igal Shved each exceeding EUR 500,000. In [Joltai](#) village in Gagauzia, a contract with Igal Shved, dated 27 September 2023, exceeded EUR 100,000.

⁶¹ The NAC, the General Inspectorate of the Police and the Anticorruption Prosecutor Office issued a statement [on 5 October](#) and [26 October](#) noting that they searched the headquarters of these parties and seized numerous pre-paid banking cards, cash, and documents reflecting payments with money unaccounted for to several individuals, including mayoral candidates. [On 2 November](#), the NAC informed of a criminal case opened against MP Irina Lozovan from the Renaissance Party, who, in cooperation with Ilan Șor, offered USD 30,000 to convince the incumbent mayor of Ocnița city to run under the party ticket.

⁶² Including the use of MLD 90,840,702 (EUR 4,722,935) of undeclared foreign funds through withdrawals using virtual banking cards and disclosure of numerous donations and sponsorship contracts to bribe voters and finance the campaign.

⁶³ On 23 August, the CEC prohibited the government from promoting investment of some MDL 2.7 million for the restoration of road lighting. The funds were disbursed through the “European Village” assistance programme.

⁶⁴ 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 which featured infrastructure renovation projects.

⁶⁵ The law explicitly prohibits the prime minister from using their position to promote a party. The Prime Minister was observed at the PAS rallies on 6 October in Chișinău, 7 October in Căușeni and 14 October in Nisporeni.

⁶⁶ 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, which states “in order to prevent the misuse of administrative resources to imbalance the level playing field during electoral competitions, the legal framework should state that no major announcements linked to or aimed at creating a favourable perception towards a given party or candidate should occur during campaigns”.

In order to foster a level playing field and uphold genuine voter choice, the authorities should consider limiting corrections to the state budget to award social benefits after the elections are called.

Contestants and high-ranking officials should refrain from using their public office and government-funded projects to gain an unfair electoral advantage during the campaign period. The CEC should apply timely and proportionate sanctions for campaign violations equally to all participants in the election process, despite the status of incumbency or any other considerations.

The campaign was subdued for the most part; it intensified only in the last two weeks, most notably through door-to-door canvassing. Contestants also campaigned through community meetings, rallies, posters, party newsletters and billboards.⁶⁷ Infrastructure development, foreign investments, better wages and social care, ecology, the fight against corruption and the country's foreign policy orientation featured in the campaign.

Thirteen political parties and mayoral candidates in bigger cities actively used social networks, most notably Facebook, where they posted content centred around the same campaign topics. The overall tone was generally positive, and contestants presented their platforms, promoted their teams, posted meetings with voters and posted videos of their debates and interviews. But despite a high number of followers and daily activity, these posts did not generate significant engagement. During the campaign, the ODIHR EOM followed and observed that at least 13 parties and 8 candidates paid for over 500 targeted campaign ads on Facebook and Instagram. The ODIHR EOM noted a few negative paid ads targeting the incumbent mayor of Chişinău, and several Facebook and Telegram posts which attacked the government. A few instances of insults against candidates based on gender and political affiliation were also observed.

Several prominent women mayoral candidates were featured in the campaign. While women addressed audiences during campaign rallies, most parties did not include in their platforms any policies for the promotion of women. Furthermore, the ODIHR EOM media monitoring showed that only 14 per cent of political actors covered in the news were women.

Political parties should be incentivized to identify and overcome barriers for women candidates, including as participants in the electoral campaign.

On 21 October, debates organized by *Moldova One* in the predominantly Russian-speaking community of Comrat were held exclusively in Romanian, indirectly impeding the participation of seven mayoral candidates and their access to voters. In addition, the participation in debates of two mayoral candidates in Chişinău was also restricted due to the internal debate rules of the public broadcaster.⁶⁸

Candidates from the Gagauz and Bulgarian minorities were able to campaign using Russian without restrictions, except in one debate organized on the public service broadcaster (see *Media*). The participation of Roma in the campaign was limited as they remained the least integrated community in

⁶⁷ The ODIHR EOM observed 20 rallies throughout the country which were peaceful. Approximately half of the rally attendees observed by the ODIHR EOM were women.

⁶⁸ On 29 October, *Moldova One* and *Radio Moldova* stopped the broadcasting of a PCRM mayoral candidate after she refused to speak Romanian. During a public meeting of the AVC on 10 November, it was proposed to sanction both broadcasters with a fine of MLD 5,000 each for non-compliance with the law. The proposals resulted in a tied vote, thus no sanction was imposed. On 2 November, a mayoral candidate from the Patriots of Moldova party had her microphone switched off during a debate on *Radio Moldova*.

the political life of society.⁶⁹ The ODIHR EOM was made aware of five Roma candidates for local councils, two of whom were women.

IX. CAMPAIGN FINANCE

The 2022 Electoral Code has strengthened campaign finance regulations in line with several previous ODIHR recommendations.⁷⁰ The regulatory framework provides for detailed reporting, timely disclosure, comprehensive oversight, and liability for violations.⁷¹ The law introduced funding limits based on the number of registered voters. However, deficiencies in the implementation of the framework resulted in contestants facing obstacles and reduced the effectiveness of the campaign finance regulations.

A. INCOME AND EXPENDITURE

All campaign expenses must be paid through a dedicated bank account. Parties and electoral blocs that registered candidates must open an account within three days after registration and inform the CEC, while independent candidates report directly to the respective DEC. Several contestants described procedural impediments by banks which caused delays and affected the start of their campaign.⁷² To address the problem, the CEC issued a decision on 6 October, which required banks to review their procedures and open accounts at no cost.

The law limits donations from individuals to 6 average salaries but not more than 30 per cent of their annual income, and legal entities to 12 average monthly salaries.⁷³ In-kind donations are permitted and must be declared at market value and included in the donation limits – this also applies to services provided by volunteers. However, the Law on Political Parties does not classify work provided for the party on a volunteer basis as a donation. Some ODIHR EOM interlocutors raised concerns about the difficulties in determining the market value of certain services, including volunteers, which affected the accuracy of reporting. Donations in cash in the amount of one average monthly salary are permitted for individuals and must be deposited in the electoral funds. The ODIHR EOM was informed that some individual donors claimed they faced difficulties when attempting to do so.⁷⁴

Political parties which receive funding from the state can use up to 70 per cent for campaign purposes.⁷⁵ Among the 36 contestants, 13 parties used their own funds, including those received through state

⁶⁹ Most Roma citizens do not have ID cards and registered permanent residence, and parties do not have incentives to promote their electoral participation. In addition, Roma communities are not concentrated in one area, which further dilutes their representation in the local government bodies.

⁷⁰ See the October 2022 ODIHR and Venice Commission [Joint Opinion](#) on the draft Electoral Code and the 2015 GRECO [Evaluation Report on Moldova Transparency of Party Funding](#).

⁷¹ Previous ODIHR recommendations on excessive reporting deadlines and lack of capacity of the oversight institution remain unaddressed.

⁷² MAN, Modern Democratic Party, Green Ecologist Party, Democracy at Home, National Liberal Party, the Chance Party, the Renaissance Party and Movement Respect Moldova all faced long processing times for applications and transactions, and in some instances, included a fee of MLD 5,000 (EUR 263). A bank designated to operate campaign funding accounts refused to open accounts for the Party of Development and Consolidation of Moldova (PDCM) and for the League of Cities and Communes (LOC).

⁷³ The average salary was MLD 12,176 (EUR 639).

⁷⁴ For instance, individuals attempting to donate to PDCM and LOC.

⁷⁵ According to a CEC decision, as of January 2023, 35 political parties were entitled to annual state funding equal to 0.1 per cent of the state budget. For 2023, this amounted to MLD 48,980,700 (EUR 2,638,107). The criteria used in apportioning funding to different parties includes the results in parliamentary and local elections, as well as the number of women and young persons elected as MPs and councillors.

support, and filed a pre-election financial report, which covered the period 1 January to 6 October.⁷⁶ Taken together, from 6 October to 5 November, parties declared an income of MDL 33,534,708.41 (EUR 1,757,051), one quarter of which was from state subsidies (MDL 8,365,866 or EUR 438,329). The law does not provide for state subsidies or other compensatory mechanisms for independent candidates in local elections, at odds with international good practice.⁷⁷

In line with the law, the CEC set the ceiling for campaign expenses based on the number of voters registered, which in total amounted to MDL 66,274,579 (EUR 3,469,300).⁷⁸ During the four weeks of campaigning, contestants spent MDL 23,831,264.54 (EUR 1,248,639).⁷⁹ The candidates, in general, adhered to the campaign spending ceiling. The law stipulates that the use of undeclared funds which exceed one per cent of the electoral fund ceiling constitutes a basis for the de-registration of a candidate or a candidate list. In local elections, these could be overall insignificant amounts of funds for small constituencies, thereby creating conditions for de-registration for minor irregularities or errors in financial reporting, contrary to good practice.⁸⁰

Consideration should be given to reviewing criteria for the de-registration of candidates to allow for graduated and proportional sanctions. De-registration should take place only in case of grave violations and as a last resort.

B. DISCLOSURE AND OVERSIGHT

The CEC, mandated with oversight of campaign finance, expended considerable efforts in ensuring adherence to campaign finance regulations by the contestants. However, technical problems with the electronic reporting system used by contestants to submit financial reports and staff shortages prevented the CEC from verifying and publishing the reports in an efficient and timely manner.⁸¹ Issues with entering data into online spreadsheets also required several corrections after the reports were already submitted and published. For this reason, the CEC opted to refrain from imposing sanctions for late submission of reports, and some contestants resorted to also submitting hard copies of their financial reports in order to satisfy the deadline. On 8 November, the CEC decided to conduct a comprehensive verification of the Chance Party finances following its de-registration on 3 November.⁸²

By 9 November, the CEC completed a review of the interim reports of only the first two weeks of the campaign; it checked four donors to establish the origin of funds and found one violation of the donation cap. On 11 November, the CEC website contained only 30 of the 36 weekly reports, while 6 contestants did not submit any reports.⁸³ The law requires final reports to be submitted no later than three days after

⁷⁶ Among them Common Action - Civic Congress, Force of the Diaspora, Liberal Party, LOC, MAN, PAS, PCRM, PN, PPDA, PSDE, PSRM, The Will of the People.

⁷⁷ Paragraph 185 of the ODIHR and Venice Commission 2020 [Guidelines on Political Party Regulation](#) stipulates that “where political parties are provided with state support, such as the provision of public media airtime or campaign finance, there should also be a system of support for independent candidates to ensure that they are awarded equitable treatment in the allocation of state resources.”

⁷⁸ The highest electoral fund cap was for Chişinău – MLD 15,572,097 (EUR 806,842) and the lowest for Salcia village – MLD 6,023 (EUR 312).

⁷⁹ Parties with the highest spending were the MAN, PAS, PN, PSRM and the Renaissance Party.

⁸⁰ Paragraph 273 of the ODIHR and Venice Commission 2020 [Guidelines on Political Party Regulation notes](#): “there should be a spectrum of sanctions available when addressing non-compliance with laws and regulations. As noted above, sanctions must bear a relationship to the violation and respect the principle of proportionality.”

⁸¹ The CEC department responsible for campaign finance oversight was staffed with only 5 out of 8 planned employees, while the IT department responsible for the installation and maintenance of the electronic reporting system had 3 out of 5 staff on board.

⁸² The CEC initiated the verification process after receiving 105 complaints and notifications submitted by the SIS, the police and other stakeholders between September and November.

⁸³ According to the CEC, some parties were warned while others claimed they ran a campaign without the use of money.

election day and published by the CEC within a day. However, as of 13 November, no final reports were published on the CEC website.

The DEC's were responsible for receiving, analyzing and publishing independent candidates' campaign finance reports. The CEC informed the ODIHR EOM that due to problems with the formation of DEC's and a lack of capacity, their tasks were limited to collecting and transmitting reports to the CEC for analysis and publication. According to the CEC, only 31 of the 1,104 (2.8 per cent) independent candidates had campaign expenses and were required to open a bank account and submit reports. Some candidates failed to comply with the reporting requirements.⁸⁴ Some others uploaded reports that contained errors and discrepancies, and some were blank. Overall, the reporting procedures for all contestants with weekly interim reports excessively burdened both the contestants and commissions.

As previously recommended, consideration should be given to reducing the number of interim financial reports before election day and extending the deadline for the submission of final reports.

The lack of organizational capacity of the CEC to cross-check reported expenses against incomes and publish reports within the required timeframe detracted from the accountability and transparency of campaign finance.⁸⁵ Representatives of the civil society organizations raised concerns about discrepancies between the expenditures declared by contestants and the actual expenditures.⁸⁶

To enhance the effectiveness of campaign finance oversight, the election authorities at the central and regional levels should introduce mechanisms to check the veracity of the reported expenditures.

X. MEDIA

A. MEDIA ENVIRONMENT

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 distorted by some TV stations that rebroadcast at low-cost, expensive content produced abroad, which attracts high audience rates relevant for the placement of ads.⁸⁷ In addition, reported irregularities in audience measurement further undermine the level playing field for media outlets.⁸⁸ Most major TV stations are considered to be controlled by business people linked to political parties. The law requires broadcasters to disclose their beneficial owners and sets limitations on media ownership in order to ensure media pluralism. However, the media regulator Audiovisual Council (AVC), reported difficulties in the implementation

⁸⁴ 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 of the reporting requirements and would report after election day.

⁸⁵ The CEC noted that the verification of expenditures is done only by looking at the invoices. They also stated that significantly more staff is needed in order to undertake a proper cross checking of expenditures declared and incomes received.

⁸⁶ According to a 3 November [report](#) by Promo-LEX, the total amount of expenses not reported to the CEC was at least MDL 2,159,207 (EUR 113,131) for campaign activities carried out by 24 political entities and 23 independent candidates.

⁸⁷ This is in violation of legal quotas on content which should be produced locally. *Cinema 1*, among other broadcasters, was repeatedly [fined](#) by the Audiovisual Council (AVC) for not adhering to the quotas.

⁸⁸ In March 2023, *TV 8* complained to the Competition Council about the reliability and impartiality of the "official" audience share rates. The tender for the company which carries out audience measurement is initiated by the AVC every five years. The AVC appointed a committee which is expected to select a company by the end of April 2024.

of these legal requirements due to incorrect disclosure by some broadcasters.⁸⁹ Independent news production and investigative journalism rely mostly on support from international donors.⁹⁰

Legal provisions on limiting excessive media concentration should be enforced to prevent individual subjects from acquiring excessive market control to the detriment of media pluralism.

On 16 December 2022, six TV stations were suspended by the CES for the duration of the state of emergency. According to the decision, the suspension aimed to protect the national information space and prevent disinformation. It was motivated by sanctions imposed by the AVC for "inaccurate coverage of national events, as well as the war in Ukraine", and due to individuals and legal entities on the international sanctions list found to be exercising control over these TV stations.⁹¹ On 30 October 2023, the Commission suspended an additional six TV stations based on the same grounds.⁹² However, the 12 TV stations remain *de facto* suspended after the expiration of the state of emergency on 30 December 2023. On 27 December, the Council for the promotion of investment projects of national importance within the Invest Moldova Agency, temporarily suspended the permission of the six companies which own all 12 TV stations to operate.⁹³ The decision was possible following recent legal amendments.⁹⁴

While a number of ODIHR EOM interlocutors criticized the CES decisions to suspend TV stations, arguing that the decision was insufficiently grounded in law, many stakeholders considered such action legitimate and proportionate in response to the disinformation on these stations, which they assessed as a threat to national security. However, under international human rights law, disinformation or false information do not constitute legitimate grounds for the prohibition of speech unless they amount to 'any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, or 'propaganda for war'.⁹⁵ Furthermore, the AVC had the authority to take additional and graduated legal measures⁹⁶ against these stations, some of which it had previously and repeatedly fined for inaccurate reporting.⁹⁷

⁸⁹ In addition, a natural person cannot be a beneficial owner of more than two TV stations. In December 2022, the AVC [fined](#) *Media Resurse LLC*, the founder of *Orhei TV* and *TV 6*, for changing the beneficial (ultimate) owner without informing the AVC, as required by law.

⁹⁰ According to ODIHR EOM interlocutors *Jurnal TV*, *TV8* and *Ziarul de Gardă (zdg)* receive international grants.

⁹¹ See the [Decision](#). The licenses of *Primul în Moldova*, *RTR Moldova*, *Accent TV*, *NTV Moldova*, *TV 6* and *Orhei TV* were suspended. This decision was challenged on 17 December 2022 and rejected by the first instance court on 28 December 2023.

⁹² These TV stations were: *Orizont TV*, *ITV*, *Prime TV*, *Publika TV*, *CANAL 2* and *CANAL 3*.

⁹³ The Council for the promotion of investment projects of national importance was established in 2016 upon a Government [decision](#) and is chaired by the Prime Minister and the Minister of Economic development and digitization.

⁹⁴ In a [statement](#) issued on 16 January 2024, a number of NGOs criticized the amendments which now make it possible for TV licenses to *de facto* be suspended without a court decision. They also criticized the fact that the amendments were passed without public consultations.

⁹⁵ See [Article 20 of the ICCPR](#). Moreover, international bodies have expressed concerns 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, page 11.

⁹⁶ The law provides for license withdrawal for *inter alia* broadcasting 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.

⁹⁷ See paragraph 34 of the [General Comment 34 to the ICCPR](#) which stipulates that restrictions to freedom of expression "must be the least intrusive instrument amongst those which might achieve their protective function; they must be proportionate to the interest to be protected".

In February 2022, the CES ordered the providers of electronic communications services to block access to sources which promoted false news which was assessed as a threat to national security, as identified by the SIS.⁹⁸ On 13 October 2023, the AVC decided not to extend the licenses of two TV stations.⁹⁹ On 26 October 2023, a number of media NGOs condemned the "verbal aggression and intimidation" by Ion Chicu, president of the PDCM, against a journalist from the weekly newspaper *Ziarul de Gardă*.

Restrictions to freedom of speech should be appropriate and proportionate to achieve a legitimate aim, using the least restrictive means possible. A suspension or withdrawal of broadcasting rights should be imposed only if the broadcaster is held to be in serious and repeated breach of a legitimate restriction on content by the media regulator or the court.

B. LEGAL FRAMEWORK

The Constitution and legislation provide for the right to freedom of expression. The 2010 Law on Freedom of Expression provides for civil defamation lawsuits, but the 2008 Contraventions Code still contains defamation provisions. This is contrary to international standards, which require defamation to be treated as an exclusively civil matter.¹⁰⁰ The ODIHR EOM interlocutors reported that the courts generally decide in favour of freedom of expression, but that the claims of disproportionate damages and lengthy and costly civil court cases exert pressure on media outlets.¹⁰¹

The current management bodies of the AVC and the public broadcaster *TeleRadio-Moldova* (TRM) were appointed following the November 2021 amendments to the Audio-Visual Media Services Code (AMSC), which established parliamentary control over 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.¹⁰²

The law should be revised to ensure the independence of the management of both the Audiovisual Council and Tele-Radio Moldova and the stability of its members' tenure.

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

⁹⁸ By 30 October, access to 73 websites was blocked.

⁹⁹ *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](#).

¹⁰⁰ See paragraph 47 of the General Comment 34 [to the ICCPR which stipulates that](#) "States should consider the decriminalization of defamation". See also the 2018 [Joint Declaration on Media Independence and Diversity in the Digital Age](#) by the UN Special Rapporteur on Freedom of Opinion and Expression, OSCE RFoM and OAS Special Rapporteur on Freedom of Expression which envisages that the states: "ensuring that defamation laws are exclusively civil rather than criminal in nature and do not provide for excessive damages awards".

¹⁰¹ In June 2021, Ilan Șor filed a defamation suit against the investigative report of NGO *RISE Moldova* following a [Facebook post](#) announcing an [investigation](#) by *RISE* which alleged his involvement in organized drug trafficking. On 27 September 2023, the Chișinău Court of Appeal upheld the decision of the first instance court, which rejected Ilan Șor's appeal.

¹⁰² The TRM's General Director and AVC members may be dismissed by Parliament "following the finding of improper execution or non-execution of [their] duties". In June 2022, the Committee of Ministers of the Council of Europe [requested](#) the authorities to bring the legal provisions in line with Council of Europe 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 of Ministers [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.

terrorist nature are too broad to conform to international standards on the principle of legality.¹⁰³ In addition, the ban on broadcasting from certain countries rather than based on content does not conform to the principle of proportionality.¹⁰⁴

Prohibition on the dissemination of content should only be permissible in accordance with the test for restrictions on the right to freedom of expression under international law, namely that it is provided for by law, it serves legitimate aims, and is necessary and proportionate to protect those aims.

The 2018 Audiovisual Media Services Code *inter alia* sets content requirements on impartiality and balance in news and current events, including discussion programmes. The Electoral Code and a detailed CEC media-related regulation provide for fair, balanced and impartial media coverage of contestants' campaigns from the start of the electoral period.

C. MEDIA MONITORING FINDINGS [CLICK HERE TO READ MEDIA MONITORING RESULTS](#)

In line with the law and previous ODIHR recommendations, between 11 September and 17 November, the AVC conducted quantitative and qualitative monitoring of the campaign coverage in prime-time newscasts on 25 TV and 17 radio stations and published 10 weekly reports.¹⁰⁵ A total of 90 sanctions were imposed on 18 broadcasters *ex officio*, and seven sanctions were applied following contestants' complaints.¹⁰⁶ The AVC monitoring results revealed imbalanced news coverage from the start of the monitoring; however, measures were imposed only in the monitoring reports of November, possibly too late to remedy the biased coverage.

In order to ensure balanced and impartial coverage of the campaign in media, the Audiovisual Council should apply effective measures for violations immediately. The law should prescribe the opportunity to remedy impartial coverage as it happens rather than focus on sanctioning media outlets at a later stage.

In order to implement requirements on balanced coverage in the news, current affairs and discussion programmes set by the Audiovisual Media Services Code, quantitative and qualitative monitoring should also be conducted between elections.

On 6 October, the ODIHR EOM commenced its media monitoring.¹⁰⁷ Its findings showed that the campaign on TV was mainly covered in the news, and 49 candidates' debates were broadcast on public and commercial TV stations. Overall, the amount of news coverage was rather low, and all 6 monitored TV stations displayed a degree of bias. The public broadcaster *Moldova 1* devoted 21, 22, 9, 10, 10 and

¹⁰³ 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 the [2016 Joint Declaration](#) on Freedom of Expression and Countering Violent Extremism, which argues that “the concepts of “violent extremism” and “extremism” should not be used as the basis for restricting freedom of expression unless they are defined clearly and appropriately narrowly.”

¹⁰⁴ The law prohibits programmes with 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.

¹⁰⁵ Up until 22 October, the AVC only monitored coverage of the campaign in the news. As of 23 October, the AVC broadened the sample of programmes and the monitoring methodology, while reducing the number of monitored broadcasters to 15 TV stations and removed all radio stations from the sample. A summary report was published on 1 December.

¹⁰⁶ *Jurnal TV* and *PRO TV* Chişinău received two and one sanctions, respectively, following 12 complaints made by the mayor of Chişinău, Ion Ceban and MAN. In addition, each *ATV* and *Bugeac FM* received two sanctions, following complaints by two individuals.

¹⁰⁷ Between 6 October and 3 November, the ODIHR EOM monitored six TV stations *Cinema 1*, *Jurnal TV*, *Moldova 1*, *Orizont TV*, *PRO TV* and *TV 8*, and five online media outlets *zdg.md*, *point.md*, *newsmaker.md*, *noi.md* and *kp.md*.

6 per cent of news coverage to Chance Party, MAN, PAS, PCRM, Renaissance Party and PSRM, respectively.¹⁰⁸

All but one monitored TV devoted a significant amount of news coverage to the Chance Party in a negative tone.¹⁰⁹ The *Orizont TV* broadcasted a significant amount of negative news coverage of the MAN, PAS, Renaissance Party, PSDE and PSRM before it was suspended.¹¹⁰ The public *Moldova1* organized 13 debates in 8 districts attended by a number of candidates or their representatives, contributing to voter information on the local level. However, a number of candidates who were invited did not attend, and some debates lacked competitiveness.¹¹¹ Overall, the monitored media outlets provided sufficient and diverse information to enable voters to make an informed choice.

XI. ELECTORAL DISPUTE RESOLUTION

In line with previous ODIHR recommendations, the 2022 Electoral Code eliminated incoherencies and contradictory provisions related to the competent bodies for the resolution of election disputes. Complaints against decisions, actions or inactions of electoral bodies can 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 contestants are filed to the body that registered them, which for local elections are the DEC. The Chişinău Court of Appeal receives complaints against the decisions of the CEC and of the AVC related to election coverage in the media. The submission and adjudication of electoral complaints and appeals are subject to an expedited timeframe of three days for each, in line with international good practice. However, given that the campaign period overlaps with the dispute resolution process on candidate registration, the legal framework does not offer a remedy that would ensure a level playing field for all contestants, in line with international standards.¹¹²

The 4 October amendments to the Electoral Code, which banned certain members of a party declared unconstitutional from contesting for a period of three years, provided for the right to appeal the DEC refusals to register candidates directly to the Chişinău Court of Appeal and, of the 21 candidates rejected on these grounds, five lodged appeals.¹¹³ 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 and requested

¹⁰⁸ *Cinema1* devoted 6, 7, 36, 3, 3 and 4 per cent, *Jurnal TV* 16, 13, 9, 4, 11 and 8 per cent, *Orizont TV* 27, 11, 17, 0, 11 and 16 per cent, *PRO TV Chişinău* 21, 8, 6, 2, 5 and 5 and *TV8* devoted 25, 2, 10, 2, 11 and 11 per cent for the Chance Party, MAN, PAS, PCRM, Renaissance Party and PSRM, respectively.

¹⁰⁹ *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.

¹¹⁰ In 39, 36, 57, 36 and 58 per cent respectively.

¹¹¹ On 18 October in Orhei, the only two participants in the debate represented Chance and Renaissance Parties. *Moldova 1* informed that criteria for participation in debates are based on candidates' lists at the district level.

¹¹² Paragraph 2 of the ICCPR states that "any person whose rights or freedoms as herein recognized are violated shall have an effective remedy" and that "to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy". Furthermore, Article 13 of the European Convention on Human Rights provides that "[e]veryone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

¹¹³ Prospective candidates either contested the legality of the decision of the CES and the amendments to the Electoral Code, or they alleged that the DEC did not notify them of the hearing.

it to re-examine the case.¹¹⁴ Three of the Court's decisions were appealed to the Supreme Court of Justice, which upheld all of them.

Since the call of elections on 4 July, the CEC posted 102 complaints related to the registration of candidates, early campaigning and misuse of administrative resources. Twenty-nine complaints were rejected, 35 ruled in favour of the plaintiff, and 5 were referred to the competent DEC.¹¹⁵ For the 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.¹¹⁶

A relatively low number of complaints was lodged with DEC's and district courts; based on the information provided to the ODIHR EOM, some 60 complaints were filed to second-level DEC's, mainly related to the registration of candidates and allegations of misuse of administrative resources, and most were rejected as unfounded. No complaints were filed in 2 of the 15 first-instance courts.¹¹⁷ Appeals against 40 second-level DEC decisions were lodged to first-instance courts, mainly in relation to candidate registration. 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 at least had the transcripts published online. However, trust in the judicial system remains low despite some recent improvements.¹¹⁸

The de-registration of all candidates by the Chance Party on 3 November by the decision of the CES was appealed at the Chişinău Court of Appeal on 4 November, but by election day, the case was still pending (see *Candidate Registration*). On 12 December, in a final decision, the Chişinău Court of Appeal cancelled the CES decision on the basis that it had exceeded its competencies, as the power to legislate on electoral matters is the exclusive remit of Parliament.

XII. ELECTION OBSERVATION

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 Electoral 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 Code now requires media institutions to be accredited with the CEC if they wish to observe the process.

¹¹⁴ In the case related with the candidacy of the former mayor of Orhei, Pavel Verejanu, the Chişinău Court of Appeal admitted the appeal against the DEC decision to reject his registration. The Court considered that the decision was not fully motivated and that the electoral body did not inform the plaintiff of their inclusion in the list of persons prohibited to stand and that the DEC did not allow the candidate to present evidence that could exempt him from the prohibition, in accordance with the law. The decision was upheld by the Supreme Court of Justice, and subsequently the DEC re-examined the case, and finally rejected the registration.

¹¹⁵ In most cases when the complaint was upheld, the CEC reminded parties to refrain from illegal behavior and in eight instances contestants were warned. More than 40 complaints, including two on election day on alleged breaches of the electoral silence, were referred by the CEC to the competent DEC or to various Police Inspectorates at the district level.

¹¹⁶ Those decisions were in relation to the dismissal of one member of DEC Orhei, the rejection of a mayoral candidate who submitted applications to contest in two districts for different levels, and the rejection of the PDCM complaint against the PAS for alleged use of administrative resources and of the image of President Maia Sandu.

¹¹⁷ First Instance Courts of Soroca and Edinet.

¹¹⁸ According to a 2023 [public opinion poll](#) conducted by the NGO Legal Resource Centre of Moldova, only 23 per cent of participants expressed trust in the judicial system. In 2018, [trust](#) in the judiciary stood at 7 per cent.

The CEC accredited 1,092 citizen and 401 international observers. Promo-LEX 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 did not accredit seven prospective ODIHR observers nominated by the Russian Federation. It informed the ODIHR EOM that this decision was based on a recommendation by the Security and Intelligence Service.

XIII. ELECTION DAY

Election day was generally calm, and voting proceeded smoothly. Procedures were generally followed, and the ODIHR EOM observers did not observe instances of significant irregularities, whereas they noted that ODIHR and other observers in most observations had a full view of procedures. The CEC reported the turnout in real time, disaggregated by age and sex, and held regular updates for the media.

A. OPENING AND VOTING

The opening of polling stations was assessed positively in all 106 observations, and most procedures were followed. Most polling stations observed opened on time.¹¹⁹ The electronic voter registration system was not operational in 5 polling stations.

Polling was evaluated positively by the ODIHR EOM observers in 99 percent of observations, indicating a well-conducted process. Procedures were largely followed and transparently managed by the PEBs in most polling stations observed. A few negative assessments were linked to breaches of the secrecy of the vote and to overcrowding.

The polling station layout did not ensure the secrecy of the vote in four per cent of observations. The video cameras in some polling stations, installed to increase the transparency of the voting process, included polling booths in the field of view, potentially compromising voter secrecy.¹²⁰ On some occasions, the ODIHR EOM observers reported that voters did not fold their ballot in a manner to ensure secrecy, though sometimes this was done intentionally to avoid ink from the stamp spoiling the ballot. Overcrowding was reported in four per cent of observations, mostly due to limited space and poor queue control. Voter identification and electronic verification were efficient, with only a few isolated technical issues.

The Polling Election Boards should be instructed to check and adjust the layout and positioning of the polling booths and video cameras in order to protect the secrecy of the vote. The importance of ballot secrecy could be emphasized during the training of election commissions and in voter education programmes and materials.

Group voting was noted in 22 cases, usually due to family members voting together. The ODIHR EOM observers noted that the polling stations were generally adequate and suitable for voters with physical disabilities, but only 34 per cent of them were independently accessible for wheelchair users due to stairs or other obstacles, proving also inadequate for persons with reduced mobility in general.

¹¹⁹ A PEB in Cantemir suspended voting shortly after opening due to incorrectly printed ballots; the PEB reprinted them and resumed its work two hours later.

¹²⁰ One video camera was installed in each polling station to record opening, voting and counting procedures. While opening and counting procedures must be recorded in full view, during voting, the cameras must focus only on the part of the box where the ballot paper is inserted.

To further promote universal suffrage and to ensure equal participation of persons with disabilities, further efforts are needed from the authorities to facilitate unimpeded access to polling stations for voters with reduced mobility.

Transparency was overall ensured as candidate representatives were present in 94 per cent of polling stations observed.¹²¹ Citizen observers were present in 38 per cent of the polling stations observed, mostly from Promo-LEX. In nine per cent of observations, voters were redirected to another polling station and in three per cent of polling stations, voters did not present IDs and were therefore not allowed to vote.

Organized transportation of voters is prohibited by law with a view to combatting vote buying. However, the CEC published information on some 77 such cases, 5 of which were observed by the ODIHR EOM. 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 latter reported 37 instances of voters photographing their ballots, while the CEC received notifications of 27 such cases.¹²²

B. CLOSING AND COUNTING

The overall conduct of the count was assessed positively by the ODIHR EOM in all but 15 of the 89 observations, and observers described it mostly as well-organized, smooth and transparent. However, some irregularities and omissions were noted. In some cases, the PEBs did not follow all procedures, including establishing the number of ballots issued by counting voters' signatures (not followed in 11 observations) and the number of ballots found in the stationary ballot box (14 observations), not publicly displaying the result protocols (39 observations). Observers did, however, receive a copy of the results protocol upon request. In 36 cases, the validity of contested ballots was not decided by a vote of the PEB members. ODIHR EOM observers also reported that in some polling stations a high number of invalid votes were related to ballots cast in favour of de-registered candidates and candidate lists nominated by the Chance Party. In 22 cases, ballots for each contestant were comingled at counting instead of being placed in separate piles or stacks, as prescribed by procedures. In 18 cases, PEBs had problems with the reconciliation of the result protocols, and in 9 cases, PEB members pre-signed them before recording the figures. Some of these irregularities became grounds for requests for recounts following election day (see *Post Election Day Developments*).

The Central Election Commission (CEC) could enhance the effectiveness of the Polling Election Boards training by placing particular emphasis on procedures for closing, counting and completion of results protocols. In addition, the CEC could consider developing further tools for the completion of the results protocol and performing reconciliation checks to avoid technical errors.

C. TABULATION AND ANNOUNCEMENT OF RESULTS

Overall, the election management bodies handled the tabulation of voting results in an effective and timely manner. The tabulation of the first-level DEC's was assessed positively in 59 of 72 observations. Negative assessments were linked to the general environment and chaotic or protracted intake of protocols by the DEC's. In three cases, the ODIHR EOM noted technical issues with the ICT equipment for data processing and tabulation. The process at first-level DEC's was evaluated by the ODIHR EOM

¹²¹ The PSRM representatives were present in 72 per cent, PAS in 43 per cent, Renaissance Party in 32 per cent, PDCM representatives were present in 17 per cent, PDSE in 17 per cent and the Chance Party in 1.5 per cent of polling stations observed.

¹²² On election day, the CEC received 315 notifications, including 83 instances of election campaigning and 5 of unauthorized display of campaign materials. Two cases were examined under the criminal procedure code and 18 contravention cases were opened. In addition, there were over 95 other violations of the electoral process.

observers as generally professional and organized but also, at times, as slow and disorderly. The tabulation of second-level DEC's was assessed positively in 59 out of 64 observations. However, on a number of occasions, the figures in the PEB protocols did not reconcile in 17 and 11 observations at the first and second-level DEC's, respectively. This was either corrected by DEC's on the spot, or the PEB's were sent back to reconcile the figures. In addition, at both DEC levels, observers reported poor organization, insufficient space and overcrowding, which limited the possibility for an efficient tabulation process as well as for meaningful observation.¹²³

To ensure an efficient and transparent tabulation process, further efforts are needed to allocate adequate premises for the District Election Commissions at both levels.

By law, the CEC should publish disaggregated results by polling station immediately after processing. Preliminary results, summarised by districts, started becoming available on the CEC website shortly after the close of polls and were updated as the vote counts at polling stations were being completed. Soon after the start of the publication of preliminary results, the CEC announced that its IT system had been under sustained distributed denial of service (DDoS) attacks; however, it reported that it had been effectively dealt with and did not affect the process.

Second-level DEC's have 48 hours after the close of polls to deliver the official copies of the result protocols to the CEC. The CEC published scanned copies of the results protocols by polling station only on 14 November.¹²⁴ Some candidates who filed appeals complained about the refusal of the DEC's to hand them copies of the results protocols.¹²⁵

To further enhance transparency, the election results should be promptly published on the website of the Central Election Commission, disaggregated by polling station, and available in an accessible format.

Final results were announced on 17 and 27 November for all electoral contests and for mayoral run-offs, respectively.¹²⁶ The distribution of mandates for mayors and for councillors of first and second-level councils were announced on 28 and 29 November, respectively.¹²⁷ Women comprised 24 per cent of elected mayors and 33.33 and 40.35 per cent of elected councillors of the first and second level, respectively.

XIV. POST-ELECTION DEVELOPMENTS

The law provides that voters and contestants can challenge election results to the second-level DEC (for results declared by first-level DEC's) or to the CEC (for results declared by the second-level DEC's) and can file requests for recounts by submitting a complaint to the CEC. Further appeals can be filed to the competent courts.

¹²³ During the election night, the DEC Taraclia asked all observers to leave due to the fact that the premises were too small and the presence of observers obstructed the efficient conduct of tabulation procedures.

¹²⁴ According to the CEC, for cyber security reasons, the DEC's and PEB's did not have access to the CEC results management system and only the CEC is able to upload results protocols before posting them on its website. The CEC informed that the process was further hindered by an understaffed IT department.

¹²⁵ A candidate of the Chance Party for the local council of Bubuieci commune (Chişinău) appealed the alleged refusal to receive the protocol, but was rejected by the Chişinău Court of Appeal for lack of evidence and, subsequently, also by the Supreme Court.

¹²⁶ See [the results](#) for the 5 November contests, and for the [second round mayoral elections](#).

¹²⁷ See [the distribution of mayoral mandates](#). See the results for councillors of [level-1](#) and [level-2](#).

The Chance Party filed 35 complaints demanding the invalidation of the results of all second-level DEC. Complaints were dismissed by all DECs as inadmissible, as the party was no longer an electoral contestant and, therefore, not entitled to file complaints.¹²⁸ Further appeals were lodged to the CEC, which dismissed them on the same grounds. Two appeals called for the de-registration of candidates who either qualified for the run-off or won the mayoral race in the first round. In one case, DEC Bălți de-registered the independent candidate qualified for the run-off.¹²⁹ In another case, a request for de-registration was filed by the PAS against the winning candidate for the mayoral race in Orhei for alleged misuse of administrative resources and for the use of funds originating from sources affiliated with Ilan Șor. On 18 November, the first instance court of Orhei rejected the complaint as ungrounded.¹³⁰

A total of 95 requests for recounts were lodged with the CEC, which ordered 18 recounts in first-level districts. Decisions to conduct recounts were approved by the CEC due to the very tight difference of votes, irregularities in counting, a high number of invalid votes, and differences between the PEB results and those validated by the DECs.¹³¹ Only 18 of 95 requests for recounts were presented during a public CEC session on 10 November.¹³²

The remaining 77 requests for recounts were examined by the CEC in a separate closed session and were dismissed as ungrounded. The non-publication of requests which were rejected is contrary to the principle of transparency and raises doubts as to whether they were justifiably dismissed through a single decision.¹³³ Seven appeals were filed at the Chișinău Court of Appeal against the CEC's decision to reject the requests for recounts. All appeals were dismissed as the plaintiffs submitted no evidence, and the Court considered that the CEC had exercised its competence in accordance with the law.

Recounts were organized by the 18 first-level DECs within 3 days of the CEC decision. The CEC published the results of the recounts on its website on 15 November. In two first-level DECs, the recount resulted in different candidates competing in the second round. The outcome of all other recounts, bar one, either left the results unchanged (10 cases) or with a one-vote difference.

Forty-four appeals were filed after election day in eight First Instance Courts, the vast majority of them by candidates of the Chance Party, who contested the validity of the results or their de-registration. A total of 33 appeals were lodged at three courts of appeal. At the Chișinău Court of Appeal, 24 appeals

¹²⁸ A further appeal was lodged to the Chișinău Court of Appeal which argued that the nominated candidates should also have the right to appeal the de-registration. On this basis, the Chișinău Court of Appeal reversed the decision of the First Instance Court of Criuleni and sent the case back for judgment on the merits. The case was subsequently rejected by the First Instance Court of Criuleni as ungrounded.

¹²⁹ A complaint was filed with DEC Bălți by a Chance Party candidate and by the president of the party, against the independent candidate who qualified for the run-off with 21.52 per cent of the vote. The complaint requested the de-registration of the independent candidate due to her role as the administrator of *Telesistem TV Moldova* which is claimed to be controlled by Ilan Șor, her inclusion on the international sanctions list of Canada, exceeding the electoral fund cap, and the use of undeclared funds. On these grounds, the DEC Bălți de-registered the candidate, and the CEC upheld the decision. The decision was also upheld by all further instances, including by a final decision of the Supreme Court of Justice on 18 November.

¹³⁰ DEC Orhei had previously rejected the complaint as inadmissible and, according to CEC, had validated the results, although the case was still pending in the Courts.

¹³¹ By law, requests for recounts shall be considered by the CEC when there is a difference of up to 10 per cent between the valid votes cast for electoral contestants, and when data recorded or the corrections made in the results protocols raise questions about their veracity or possible errors.

¹³² The CEC informed the ODIHR EOM that these complaints were not published on the website due to lack of time and limited human resources available for the task.

¹³³ The CEC informed the ODIHR EOM that plaintiffs either did not indicate reasons for requesting recounts, did not reference which provisions were claimed to have been violated, pointed to only minor corrections to the protocols which do not impact the results, lacked sufficient documentation or information that could justify a recount, or were not signed. On 10 November, the CEC published one [decision](#) for all 77 requests, clearly mentioning the content of each request.

were registered against CEC and DEC decisions, most of them by the Chance Party.¹³⁴ All the other appeals were rejected as inadmissible or ungrounded. Five appeals were filed with the Court of Appeal of Bălți and four in Comrat (most by the Chance Party, which requested the invalidation of preliminary results published by DEC) and were all rejected.

At the Supreme Court, by 20 November, a total of 23 appeals were filed, 7 of them against the CEC's decision to reject requests for recounts. Contrary to the CEC's interpretation of the Electoral Code, the Supreme Court considered that the difference of less than 10 per cent between the first two candidates was sufficient to order a recount and that criteria for recounts as set by the Electoral Code should not be interpreted as cumulative.¹³⁵

On 19 November, the Supreme Court judged on 12 appeals against election results in the first round. The legal framework provides that results are validated by DEC's only after final court decisions on all related appeals and that any appeal filed against the decision of an electoral body that disqualifies candidates *de jure* suspends it. Yet, on 17 November, the CEC published on its website results in 273 constituencies and set the date for the second round for two days later in spite of the fact that cases were still pending at the level of all courts of appeal and the Supreme Court, including some for which a second round of elections was held.¹³⁶ The CEC motivated its decision to hold the second round on 19 November on the basis that the Electoral Code mandates a second round to be held within two weeks.

In order to ensure the right to an effective remedy, the second round of elections should take place only after the final decisions on appeals against election results have been reached. The law could specify a longer delay between the two rounds.

XV. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to further enhance the conduct of elections in the Republic of Moldova and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that have not yet been addressed. ODIHR stands ready to assist the authorities of the Republic of Moldova to further improve the electoral process and to address the recommendations contained in this and previous reports.¹³⁷

¹³⁴ Only one appeal, by a candidate in Criuleni, fielded by the Chance Party, was admitted.

¹³⁵ In two instances, the Supreme Court admitted the appeals and ordered a recount to take place on 20 November for mayoral contests in the communes of Sanatauca (Floresti district) and Hîjdieni (Glodeni district).

¹³⁶ For example, for the mayoral elections in the commune of Sanatauca (Floresti district).

¹³⁷ 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”. The follow-up of prior recommendations is assessed by the ODIHR EOM as follows: recommendations 10, 13, 15, 19, 21, 22 and 27 from the [ODIHR final report on the 2015 local elections](#) (2015 Final Report), recommendation 9 from the [ODIHR final report on the 2016 presidential election](#) (2016 Final Report), recommendations 4, 8, 11, 13, 15, 16 and 32 from the [ODIHR final report on the 2019 parliamentary elections](#) (2019 Final Report), and recommendations 7, 12 and 18 from the [ODIHR final report on the 2021 early parliamentary elections](#) (2021 Final Report) are fully implemented. Recommendations 3, 8, 9, 11, 12, 14 and 28 from the 2015 Final Report, and 27 from the 2016 Final Report, recommendations 2, 7, 14, 17, 21 and 29 from the 2019 Final Report, and recommendations 1, 9, 19, 20, 21 and 23 from the 2021 Final Report are mostly implemented. Recommendations 1, 2, 5, 6, 7, 16, 17, 20, 23 and 25 from the 2015 Final Report, recommendations 1, 2, 8, 16, 18, 22, 24 and 25 from the 2016 Final Report, recommendations 1, 3, 5, 9, 10, 12, 20, 23 and 31 from the 2019 Final Report, recommendations 7, 8, 9, 10, 14, 20 and 22 from the ODIHR final report on the 2020 presidential election and recommendations 3, 5, 8, 11, 14, 15 and 22 from the 2021 Final Report are partially implemented. See also the ODIHR [electoral recommendations database](#).

A. PRIORITY RECOMMENDATIONS

1. In line with the jurisprudence of the Constitutional Court, an effective parliamentary control mechanism should be introduced over decisions of the Commission for Exceptional Situations when elections are held during a state of emergency.
2. The authorities should take all necessary measures to ensure independence in the work of the Central Election Commission (CEC). This could include a review of the current composition of the CEC ahead of the next presidential and parliamentary elections to avoid the possibility of domination by a single political party.
3. While methods to preserve the integrity of elections in line with international good practice should be maintained, they should be adjusted to guarantee the right to vote to all voters who change their residence close to election day, either at their old or at their new place of residence.
4. In line with international standards, the education requirement for the right to stand for mayor should be reconsidered.
5. In line with international obligations and standards, decisions concerning the de-registration of candidates should be based on the principles of legality, legitimacy and proportionality. To avoid irreparable harm to the right to stand, the law and institutions should guarantee timely and effective legal remedy.
6. Contestants and high-ranking officials should refrain from using their public office and government-funded projects to gain an unfair electoral advantage during the campaign period. The CEC should apply timely and proportionate sanctions for campaign violations equally to all participants in the election process, despite the status of incumbency or any other considerations.
7. Restrictions to freedom of speech should be appropriate and proportionate to achieve a legitimate aim, using the least restrictive means possible. A suspension or withdrawal of broadcasting rights should be imposed only if the broadcaster is held to be in serious and repeated breach of a legitimate restriction on content by the media regulator or the court.
8. The law should be revised to ensure the independence of the management of both the Audiovisual Council and of Tele-Radio Moldova and the stability of its members' tenure.
9. Prohibition on the dissemination of content should only be permissible in accordance with the test for restrictions on the right to freedom of expression under international law, namely that it is provided for by law, it serves legitimate aims, and is necessary and proportionate to protect those aims.
10. To further enhance transparency, the election results should be promptly published on the website of the Central Election Commission, disaggregated by polling station, and available in an accessible format.
11. In order to ensure the right to an effective remedy, the second round of elections should take place only after the final decisions on appeals against election results have been reached. The law could specify a longer delay between the two rounds.

B. OTHER RECOMMENDATIONS

Legal Framework

12. The legal basis for any limitations based on misconduct should be revised to ensure a fully individualized approach and compliance with international standards pertaining to suffrage rights.

Election Administration

13. In order to enhance the possibilities for qualified persons to serve as members of lower-level election bodies, additional recruitment measures could be considered, including higher compensation for election day work, incentives for certification and re-certification to be included in the roster of election officials.
14. To enhance the transparency of the election administration, the timely online publication of all District Election Commissions' decisions, including on complaints, should be required by law.

Voter Registration

15. In line with international obligations, all restrictions on electoral rights on the basis of intellectual or psycho-social disability should be removed.
16. With a view to ensuring universal suffrage, increased efforts should be made to facilitate access to personal identity documents for all citizens and to the registration of all citizens de facto residing in the country, especially Roma citizens.
17. The authorities should continue efforts to improve the accuracy of the voter register, including mechanisms for automatic or timely removal of entries of deceased persons.

Candidate Registration

18. Consideration could be given to amending the gender quota rules so that the quota is reflected more effectively in the winnable positions on the ballot.

Electoral Campaign

19. In order to ensure equal campaigning conditions for all candidates, the law should be amended to provide sufficient time to conclude candidate registration before the start of the campaign, including the relevant dispute resolution process.
20. In order to foster a level playing field and uphold genuine voter choice, the authorities should consider limiting corrections to the state budget to award social benefits after the elections are called.
21. Political parties should be incentivized to identify and overcome barriers for women candidates, including as participants in the electoral campaign.

Campaign Finance

22. Consideration should be given to reviewing criteria for the de-registration of candidates to allow for graduated and proportional sanctions. De-registration should take place only in case of grave violations and as a last resort.
23. As previously recommended, consideration should be given to reducing the number of interim financial reports before election day and extending the deadline for the submission of final reports.
24. To enhance the effectiveness of campaign finance oversight, the election authorities at the central and regional levels should introduce mechanisms to check the veracity of the reported expenditures.

Media

25. Legal provisions on limiting excessive media concentration should be enforced to prevent individual subjects from acquiring excessive market control to the detriment of media pluralism.
26. In order to ensure balanced and impartial coverage of the campaign in media, the Audiovisual Council should apply effective measures for violations immediately. The law should prescribe the opportunity to remedy impartial coverage as it happens rather than focus on sanctioning media outlets at a later stage.
27. In order to implement requirements on balanced coverage in the news, current affairs and discussion programmes set by the Audiovisual Media Services Code, quantitative and qualitative monitoring should also be conducted between elections.

Election Day

28. The Polling Election Boards should be instructed to check and adjust the layout and positioning of the polling booths and video cameras in order to protect the secrecy of the vote. The importance of ballot secrecy could be emphasized during the training of election commissions and in voter education programmes and materials.
29. To further promote universal suffrage and to ensure equal participation of persons with disabilities, further efforts are needed from the authorities to facilitate unimpeded access to polling stations for voters with reduced mobility.
30. The Central Election Commission (CEC) could enhance the effectiveness of the Polling Election Boards training by placing particular emphasis on procedures for closing, counting and completion of results protocols. In addition, the CEC could consider developing further tools for the completion of the results protocol and performing reconciliation checks to avoid technical errors.
31. To ensure an efficient and transparent tabulation process, further efforts are needed to allocate adequate premises for the District Election Commissions at both levels.

ANNEXE I: FINAL ELECTION RESULTS¹³⁸

No	Nominating subject	Number of Elected Mayors	Number of Elected Councilors (2 nd level)	Number of Elected Councilors (1 st level)
1	Party of Action and Solidarity	291	357	3,189
2	Socialists Party	144	256	2,282
3	European Social Democratic Party	103	88	1,018
4	Party of Development and Consolidation of Moldova	48	57	573
5	Liberal Democratic Party	34	41	419
6	Renaissance Party	27	35	305
7	Dignity and Truth Platform	20	39	308
8	Movement for Moldova	19	11	147
9	Our Party	17	44	188
10	League of Cities and Municipalities	16	22	192
11	Modern Democratic Party	14	8	124
12	Coalition for Unity and Welfare	10	10	125
13	Communist Party	7	48	199
14	Party of Change	7	10	112
15	National Alternative Movement	5	20	92
16	Alliance of Liberals and Democrats for Europe	4	2	57
17	Liberal Party	3	1	31
18	Force of Alternative and Salvation	3	14	21
19	Democracy at Home	2	5	53
20	National Liberal Party	2	1	15
21	Green Ecologist Party	1		7
22	The Will of The People Party	1	1	22
23	Party of Common Action - Civic Congress	1		12
24	Our Bugeac Party			19
25	Patriots of Moldova Party			11
26	Movement of Professionals "Hope – Nadezhda"			4
27	We build Europea at Home			4
28	Force of the Diaspora			3
29	The New Historical Option Party			3
30	Ruslan Codreanu Electoral Bloc			3
31	National Progress Party			3
32	People's Party of Republic			2
33	Moldovan National Party			1
35	Independent candidates	116	16	449
	Total	895	1,086	9,993

¹³⁸ Results for the 5 November contests are [here](#). Results for the second round of mayoral elections are [here](#). Final results for both rounds, mayors and councillors: the distribution of mayoral mandates is [here](#). Results for councillors of [level-1](#) and [level-2](#).

ANNEXE II: LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

Congress of Local and Regional Authorities of the Council of Europe

Gunn Marit	Helgesen	Head of Delegation	Norway
Vladimir	Prebilic	Deputy Head of Delegation	Slovenia
Dusica	Davidovic	Congress	Serbia
Carla	Dejonghe	Congress	Belgium
Joao Manuel	Esteves	Congress	Portugal
Jani	Kokko	Congress	Finland
Alberto	Mazzoleni	Congress	Italy
Mathilde	Girardi	Congress Secretariat	France
Martine	Roudolff	Congress Secretariat	France
Jimmy	Moloney	Congress	Ireland
Randi	Mondorf	Congress	Denmark
Benoit	Pilet	Congress	France
Andreas	Rabl	Congress	Austria
Karin	Thomasson	Congress	Sweden
Peter	Thornton	Congress	United Kingdom
Brid	Quinn	Congress Expert	Ireland
Stephanie	Poirel	Congress Secretariat	France
Guillaume	Loiseau	Congress Secretariat	France
Sandro	Weltin	Congress Secretariat	France

European Parliament

Jose Ramon	Bauza Diaz	Head of Delegation	Spain
Ignazio	Corrao	MEP	Italy
Ryszard	Czarnecki	MEP	Poland
Tessel Dian Joel	Giele	Political Group Adviser	Netherlands
Christian	Terhes	MEP	Romania
Virginie	Joron	MEP	France
Emmanuel	Maurel	MEP	France
Raffaele	Luisse	EP Secretariat	Italy
Simona	Moroianu	EP Secretariat	Romania
Roman	Pable	Political Group Adviser	Austria
Martina	Hesse	Political Group Adviser	Germany
Wojciech	Sperzynski	EP Secretariat	Poland

ODIHR EOM Short-Term Observers

Gert	Binder	Austria
Gertrude	Brindlmayer	Austria
Tanja	Fachathaler	Austria
Harald	Rainer	Austria
Susan	Miller	Canada

Nodin	Nganji	Canada
Peter	Reimer	Canada
Nicholas Patrick	Ryan	Canada
Sumera	Saeed	Canada
Jan	Najman	Czech Republic
Jana	Plaňavová	Czech Republic
Petr	Přebinda	Czech Republic
Michaela	Pruckova	Czech Republic
Ivan	Puškár	Czech Republic
Thomas	Frank	Denmark
Søren	Hastrup	Denmark
Jonas	Jepsen	Denmark
Jytte Vagner	Petersen	Denmark
Ingrid	Poulsen	Denmark
Sofia	Svensson	Denmark
Tiina	Tomasberg	Estonia
Leena	Avonius	Finland
Maija	Dahlgren	Finland
Henri	Mure	Finland
Annika	Pelkonen	Finland
Carita	Vastinesluoma	Finland
Victor	Audubert	France
Benoit	Bouyssou	France
Marie	d'Arenberg	France
Pascal	Delumeau	France
Melissa	Diagne	France
Catherine	Greze	France
Alexandre	Joao	France
Aurore	Mermet	France
Rémi	Pellerin	France
Christophe	Picot	France
Pascale	Trimbach	France
Nadia	Yakhlaf-Lallemand	France
Stefan	Alscher	Germany
David	Bartels	Germany
Lisa	Becker	Germany
Peter	Besselmann	Germany
Ralph	Böhlke	Germany
Edgar	Brueser	Germany
Miriam	Danne	Germany
Johannes	Dopffel	Germany
Maximilian	Fritschen	Germany
Helmut	Goeser	Germany
Maria Mechthild	Herkenhoff	Germany
Fabian	Jung	Germany
Lea	Kaftan	Germany
Andrea	Maiweg	Germany
Jennifer	Rabener	Germany
Sonja	Schiffers	Germany

Stephani	Streloke	Germany
Marlies	Temme	Germany
Natalie	Troeller	Germany
Peter	Vogl	Germany
Szilveszter	Both	Hungary
Gyozo Jozsef	Gabriel	Hungary
Zsolt	Halmos	Hungary
Bendegúz	Papp	Hungary
Indriði	Ármannsson	Iceland
Kristin	Arnadottir	Iceland
Áslaug Karen	Jóhannsdóttir	Iceland
Patricia	Barker	Ireland
Ciaran	Kinsella	Ireland
Ruadhán	Mac Aodháin	Ireland
Maura	Moran	Ireland
Marie (Mary)	Smith	Ireland
Giovanni	Caligiuri	Italy
Cesira	Damiani	Italy
Elena	Ferrero	Italy
Yan	Fedotov	Kazakhstan
Aisuluu	Bukambaeva	Kyrgyzstan
Medina	Kutberdieva	Kyrgyzstan
Aleksandrs	Mironovs	Latvia
Paulius	Narvydas	Lithuania
Jevgenija	Nesterova	Lithuania
Mindaugas	Skačkauskas	Lithuania
Olaf	Ephraim	Netherlands
Catharina Cornely (Nynke)	La Porte	Netherlands
Helena	Saelman	Netherlands
Marc	Vogelaar	Netherlands
Jan Hugo	Holtan	Norway
Lisa Karina	Jacobsen	Norway
Kristin	Otterlei	Norway
Per Norvald	Svartefoss	Norway
Gro	Tjore	Norway
Teresa	Mourão	Portugal
Catalina	Niculae	Romania
Florina Mirela	Popescu	Romania
Madalina-Gabriela	Tarcan	Romania
Artur	Țventarnii	Romania
Arsen	Aisin	Russian Federation
Artem	Bogomolov	Russian Federation
Vera	Duganova	Russian Federation
Damir	Galiulin	Russian Federation
Denis	Golenko	Russian Federation
Anna	Gozhina	Russian Federation
Alexander	Ignatov	Russian Federation
Nikolay	Khaustov	Russian Federation
Alexander	Konkov	Russian Federation

Tatiana	Kupalova	Russian Federation
Semen	Liapichev	Russian Federation
Dmitrii	Litskai	Russian Federation
Evgeny	Loginov	Russian Federation
Konstantin	Lutsenko	Russian Federation
Ruben	Malayan	Russian Federation
Tamerlan	Munchaev	Russian Federation
Mariia	Osipova	Russian Federation
Andrey	Ostvald	Russian Federation
Sergey	Overchenko	Russian Federation
Polina	Plakhikh	Russian Federation
Vladimir	Ponomarev	Russian Federation
Andrey	Telushkin	Russian Federation
Maria	Vilkova	Russian Federation
Andrei	Volkov	Russian Federation
Enric Sol	Brines Gomez	Spain
Ruth	Ferrero-Turrión	Spain
Alvaro	Garlaschi Rodriguez	Spain
Alba Victoria	Romero Requejo	Spain
Agustín Asier	Tapia Gutiérrez	Spain
Anna Karin Susanna	Ahlfors	Sweden
Emma	Backlund	Sweden
Knut	Bergknut	Sweden
Karin Sofia Fredrika	Carlesten	Sweden
Rick Mikael	Forsling	Sweden
Stig Lennart	Glans	Sweden
Åke Lennart	Haggren	Sweden
Erik Hjalmar Knutsson	Hammar skjöld	Sweden
Agneta	Hedvall	Sweden
Ewa	Jacobsson	Sweden
Bernt Tommy	Karlsson	Sweden
Lena	Larsson	Sweden
Christian	Leffler	Sweden
Torbjörn Kjell	Messing	Sweden
Astrid Maria Annika	Moqvist Uggla	Sweden
Håkan Per-Olov	Nyman	Sweden
Pär Olof Daniel	Olsson	Sweden
Ulf	Ottosson	Sweden
Erik, Magnus, Ingemar	Persson	Sweden
Maximo Juan	Prades Barcelo	Sweden
Eva	Rimsten	Sweden
Victor Giovanni	Rojas Camargo	Sweden
Ola	Segnestam Larsson	Sweden
Bo Pontus	Tallberg	Sweden
Lars Tore Elvert	Tollemark	Sweden
Johanna Wilhelmina	van Rooij	Sweden
Mattias	Wandler	Sweden
Michael	Dozler	United States
Kate	Francis	United States

Christina	Putney	United States
Shane	Ahn	United States
Daniel	Alpert	United States
Tomas	Alsenas	United States
Kyle	Bowers	United States
Cecilia	Ciepiela-Kaelin	United States
Tracey	Cobb	United States
David	Darrin	United States
Aiesha	Eleusizov	United States
Ackeem	Evans	United States
Rebecca	Graham	United States
Anzhela	Greene	United States
Laura	Henny	United States
Rachel	Jacobs	United States
Ernest	Jones	United States
Alexandra	Karppi	United States
Dane	Koruga	United States
Nicholas	La Strada	United States
David	Levine	United States
Kristina	Mitchell	United States
Martin	O'Mara	United States
William	Ozkaptan	United States
Louis	Palmer III	United States
Ginette	Prophete	United States
Bernadette	Roberts	United States
Rene	Valdiosera	United States
cana	yang	United States
Ellen	Youssios	United States
Murodilla	Alimbaev	Uzbekistan
Kudratilla	Lutfullaev	Uzbekistan
Rustam	Mirzaev	Uzbekistan

ODIHR EOM Long-Term Observers

Günther	Guggenberger	Austria
Shahnaz	Hasanova	Azerbaijan
Omid	Aeineh Chi	Canada
Ahmad Jawid	Noor	Canada
Miroslav	Kremer	Czech Republic
Valdemar	Uruba	Czech Republic
Poul	Svane	Denmark
Janne	Ahola	Finland
Zouhal	Avzalchoeva	France
Grace	Favrel	France
Marion	Jouannet	France
Tamar	Kapanadze	Georgia
Kirsten	Müller	Germany
Jochen Michael	Rinck	Germany
Hildegard	Rogler-Mochel	Germany

Sigrídur	Asgeirsdóttir	Iceland
Sean	Hynes	Ireland
Serena	Bonato	Italy
Aidai	Masyllkanova	Kyrgyzstan
Maria J. J.	Lucas	Netherlands
Asgeir	Rustad	Norway
Øyvind	Seim	Norway
Robert	Hall	Sweden
Maud Agneta	Johansson	Sweden
Daniel	Drigot	United States
Hannah	McMillen	United States
Steven	Moran	United States
Urania	Petit	United States

ODIHR EOM Core Team Members

Corien	Jonker	Head of Mission	Netherlands
Rashad	Shirinov		Azerbaijan
Miso	Imamovic		Bosnia and Herzegovina
Elma	Sehalić		Germany
Peter	Marron		Ireland
Carlo	Pappalardo Fischer		Italy
Dimash	Alzhanov		Kazakhstan
Smaranda	Săndulescu		Romania
Anders	Eriksson		Sweden
Andreas	Roth		Sweden
Farrukh	Juraqulov		Tajikistan
Iryna	Khanenko		Ukraine
Yevheniia	Zamrii		Ukraine
Polyna	Lemos		United Kingdom

ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas, including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).