



Office for Democratic Institutions and Human Rights

REPUBLIC OF MOLDOVA

Assessment of the State Automated Information System “Elections” (SAISE) and of the Voter Registration System

OSCE/ODIHR expert visit conducted from
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REPUBLIC OF MOLDOVA

ASSESSMENT OF THE STATE AUTOMATED INFORMATION SYSTEM “ELECTIONS” (SAISE) AND OF THE VOTER REGISTRATION SYSTEM

I. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Central Election Commission of the Republic of Moldova (CEC) to undertake an assessment of the State Automated Information System “Elections” (hereafter SAISE or System), the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) visited Moldova from 5 to 9 March 2012. The OSCE/ODIHR expert team comprised Mr. Robert Krimmer, OSCE/ODIHR Senior Adviser on New Voting Technologies, Mr. Zoran Dokovic, OSCE/ODIHR Migration/Freedom of Movement Adviser, and Mr. Elmars Svekis, external expert.

This expert visit followed upon recommendations from past OSCE/ODIHR Election Observation Missions and was conducted in an effort to assist the authorities and other relevant stakeholders with their implementation. The visit is in line with the commitment made by all OSCE participating States in the 1999 Charter for European Security, and reaffirmed at the 2002 Ministerial Conference in Porto, to follow up promptly on OSCE/ODIHR election assessments and recommendations.

The expert team assessed the progress in the development of SAISE, reviewed the relevant regulatory framework and identified areas where improvements could be considered. With a view to the issues identified in the past by the OSCE/ODIHR and other international and domestic actors with regard to voter registration, as part of the assessment, the team also analyzed the voter registration system in place, including the plans for the establishment of a State Voter Register (SVR), which is envisaged by the legal framework. Finally, the expert team looked at measures that could help improve the quality of the voter list and made some suggestions in this regard, considering both the short- and long-term perspectives.

The OSCE/ODIHR is grateful to the CEC for the invitation and the opportunity to contribute to this review process. It also thanks the CEC for the support in organizing the expert team’s visit and the availability of its staff for discussions. In addition, the OSCE/ODIHR thanks the United Nations Development Programme (UNDP) Moldova and International Foundation for Electoral Systems (IFES) Moldova for their support, documentation and detailed clarifications provided. Finally, the OSCE/ODIHR would like to thank all other institutions and individuals who were available to provide their insights (see list of interlocutors in an annex).

This report takes into account and builds upon strategic documents and reports prepared by various domestic and international organizations. The CEC Strategic Plan for 2012-2015 identifies many of the issues and activities required for improving the voter list compilation process and further development of SAISE. A number of previous reports prepared by the OSCE/ODIHR, Venice Commission of the Council of Europe, and IFES Moldova provide further valuable information on topics that the expert team looked at.

II. EXECUTIVE SUMMARY

The OSCE/ODIHR expert team concluded that SAISE has the potential to become a powerful election management tool for the CEC; however, further work and improvements are required. The regulatory framework for SAISE needs to be further developed as it currently does not provide sufficient detail on the practicalities of the system’s functioning and only a limited amount of documentation on procedural and technical aspects of its implementation and functions exists. The capacity of the CEC to run and maintain SAISE needs to be considerably enhanced and requires significant investment.

While several of SAISE’s function blocks were created and tested, due to a range of political factors and a number of electoral events held in 2009-2011, the development of SAISE did not progress as initially intended. The most significant progress has been made on the functionalities dealing with candidate registration, voting, tabulation of results, as well as the generation of various reports on election day, while some function blocks remain to be created.

A number of concerns are related to the SAISE’s voter list-related module, which constitutes one of the key functions of the system. Pilot tests of the module indicate that serious issues remain concerning the quality of voter and address data and how it is verified, updated and maintained. Another concern is related to an ambitious and costly functionality that SAISE is meant to have. It is currently envisaged that all polling stations in the country would be equipped with computers connected in real time to the SAISE’s voter list module where each voter would be marked in the system as having voted in order to prevent multiple voting. Establishment of an online link with the local level will require significant investment into technology and infrastructure, but will not address existing problems of the quality of voter list data. Therefore, the rationality of the envisaged measure appears questionable.

With the view to the legal requirement to create an SVR under the CEC, an important decision needs to be made as to whether the software platform used for the SAISE voter lists module will be used as a basis for its establishment or an entirely new software solution should be sought. Overall, the main focus in further efforts to improve the system in relation to the compilation of voter lists should be both on procedural and technical aspects, in particular inter-institutional co-operation and data exchange, ensuring compatibility and merger/aggregation possibilities, developing mechanisms for cross-checks, updates and on increasing technical and human resources capacities.

As part of the assessment of the voter registration system, the expert team has concluded that while a properly functioning system would be possible to achieve only following a longer process of reforms, a number of intermediate steps can be undertaken to improve the quality of voter lists ahead of the next elections.

The current text of the Electoral Code includes provisions that will take effect in 2015, a number of which address some of the previously identified shortcomings with regard to voter registration. Consideration could therefore be given to having the improved voter registration-related provisions apply to the elections anticipated to be held in 2014. The inclusion of the Identification Number of a Natural Person (IDNP), as provided for by these new regulations, should significantly improve the capacity for cross-checking the data and the elimination of

inaccuracies or duplications. Additional detailed regulations and manuals on all aspects of voter registration need to be developed with the involvement of all relevant stakeholders.

Co-operation between all institutions involved in voter registration, including at a technical level, will be pivotal in improving the quality of voter list data. As long as local public authorities continue to be responsible for the compilation of lists, they should be adequately supported and equipped to perform this function. It is also essential for the integrity of the data that the same documentary evidence is used and the same procedures are applied by various institutions processing personal and address data. Corresponding regulations need to be developed and strictly enforced. In addition, introduction of an official address register would significantly improve the accuracy of address data. In its absence, the codification of streets could be a useful temporary solution allowing for an easier allocation of voters to polling stations. Finally, the procedures for declaring residence by citizens could be adjusted to make them less of an administrative burden for citizens, but envisaging citizens' responsibility for failure to inform authorities in a stipulated time period.

As part of a longer-term perspective, the expert team suggested that broader reforms of the population registration system that would create necessary conditions for vesting the authority for voter list preparation with the population registration authority. While close collaboration with other national institutions would be important, the reform would primarily entail the enhancement of the population registration mechanisms. Most importantly, it will be conditional on ensuring that civil status and residence data registration are performed electronically at the local level.

III. BACKGROUND

The quality of voter lists has been a long-standing issue in Moldova. This has been commented upon critically in a number of international election observation and other reports (see OSCE/ODIHR election observation reports and joint OSCE/ODIHR and European Commission for Democracy Through Law of the Council of Europe (the Venice Commission) opinions). The Electoral Code has undergone several revisions since its adoption in 1997, with the latest changes having been adopted in April 2011. Despite numerous amendments introduced over the past decade, the legislative framework governing the process of voter list preparation is still regarded as in need of further improvement.

Substantial changes were introduced to the Electoral Code in 2008. Among other things, they streamlined the voter list preparation process by making one institution, the CEC, responsible for voter lists. The CEC was initially due to assume this responsibility in 2011, but later requested and was granted a postponement until 2015. A number of other provisions of the Electoral Code related to voter registration will enter into force in 2015, including the provision for the establishment of a State Voter Register under the CEC. Many of these provisions will address certain concerns that were raised with regard to the voter registration system in the past and should contribute to improving it in the future (see Legal Framework). In particular, the establishment of a permanent centralized voter register has been a long-standing OSCE/ODIHR recommendation.¹ With the next regular parliamentary elections

¹ See OSCE/ODIHR Election Observation Mission Final Report on 29 July 2009 early parliamentary elections, p.19; <http://www.osce.org/odihr/elections/moldova/39799>, as well as voter registration sections of subsequent reports at www.osce.org/odihr/elections/moldova.

anticipated in 2014, it would be beneficial if the new improved provisions on voter registration were made applicable to these elections, ahead of the currently set time frame.

Aside from the amendments to the Electoral Code itself, an ambitious concept of an electronic multi-functional system for handling various elements of the election administration process has been conceived. In May 2008, the Moldovan Parliament adopted Law Nr. 101-XVI (commonly referred to as Law 101) On the Concept of State Automated Information System “Elections” (hereafter referred to as Concept). The Law 101 mandated the CEC to develop the system and to attract international donor funding to co-finance its development. At the same time, the Law 101 also required the government to provide initial funding and resources for the system’s general maintenance. SAISE and its different components have, thus, been under development for over four years.

IV. STATE AUTOMATED INFORMATION SYSTEM “ELECTIONS” (SAISE)

A. CONCEPT

The overall objective of SAISE is to conduct entirely automated elections in Moldova.² It is proposed that the automated management of the electoral process would reduce costs and improve control and transparency of the electoral process. The Concept, for example, envisages the preparation of almost all election-related documentation, including voter lists, observer accreditation documents, authorizations, and various forms and protocols through the system. An important envisaged module of SAISE is meant to allow voters abroad to vote electronically in the future. The system also foresees equipping of all polling stations with computers and other technology to allow for electronic voting, tabulation of results and provision of real time data about voter turnout and results. At the same time, the Concept recognizes that a number of legal provisions will have to be amended and introduced before such a system could be put into use, which would require significant investments in infrastructure and technology.

The Concept concentrates almost entirely on the description of the future automated process and the overall requirements for SAISE. Yet, the Concept does not provide sufficient details on the practicalities of the system’s functioning. In the part that discusses the creation of voter lists, it does not elaborate on procedural aspects of where various data will be taken from,

² According to the Law 101, the SAISE shall have the following function blocks: “Voter Lists”, “Preparation”, “Competitors”, “Documentation”, “Voting”, “Rotation”, and “Financial Control”. The “Voter Lists” block is meant to implement functions associated with compilation, verification, printing and editing of voter lists. The “Preparation” block has the function of registering lists of polling stations, election administration members and accredited observers. The “Competitors” block is meant to manage the data of political parties and candidates competing in elections and their authorized representatives. The “Documentation” block includes functions to prepare accreditation documents, authorizations to elections officials, generation of all election-related documents such as voter lists, various protocols, other acts, among other things. The “Voting” block is meant to provide the possibility of marking voters who were issued ballots in an online system to prevent multiple voting; introduction of electronic voting means enabling automatic aggregation of data (e.g. electronic pens, ballot scanners; conduct of electronic voting for voters in all polling stations and from abroad; compilation of reports on voter turnout and aggregation of elections results. The “Rotation” block is meant to manage records of persons who have to leave an elected post and of their replacements. The “Financial Control” block provides for recording of various statements on financial expenditures submitted by electoral competitors, recording of loans granted by the state and control over these loans by calculating the amounts to be returned based on election results.

how it will be entered into the system, as well as data quality requirements. While Law 101 foresees the adoption of additional elements of the legislation within 6 months of passing the law, only a limited amount of documentation on procedural and technical aspects of its implementation and functions exists.

It appears that the Concept of SAISE sees technology as the solution for a variety of existing problems. It does not address or does not provide sufficient detail on issues that were identified with regard to the electoral and voter registration process in the past, such as lack of co-ordination among various institutions, lack of capacity at the local and central levels and lack of public trust in the voter registration system. In the absence of a clear normative framework, capacity to implement it across all levels of public and electoral administration, rigorous adherence to procedures, highly advanced IT infrastructure and citizen participation, the SAISE itself will not enhance the integrity and transparency of and trust in the electoral process.

B. STATUS

To assist with the development of SAISE, the international community initiated a number of activities in support of the CEC’s efforts, including an electoral support project by the UNDP Moldova with funding from the European Union, the Government of Moldova and the United Nations. Since 2008, it has provided significant assistance to the CEC in this regard, including capacity building of the CEC staff, material support and other activities. By the time of the expert team’s visit, a number of SAISE’s functional modules have been partially or fully developed and tested, with notable support from the UNDP’s electoral support project. However, due to a range of political factors and a number of electoral events, including three early elections, local elections and a referendum held in 2009-2011, the development of SAISE did not progress as seems to have been initially intended. Functional blocks dealing with the rotation (replacement) of elected officials and financial controls are yet to be developed.

During the November 2010 early parliamentary elections, a number of functions were piloted in selected Chisinau Central District polling stations, including the “Voter lists”, “Voting” and “Documentation” modules. The piloting was generally assessed positively by the CEC and representatives from the UNDP electoral support project, yet the need for further improvements to a number of SAISE functions was highlighted. The main stated challenge was related to the allocation of voters to correct polling stations. In addition, certain limitations to the technical capacity of the hardware and the capacity of staff to use the system were also identified.

In the assessment of the CEC and UNDP technical personnel, the “Voter Lists” function block allows uploading voter list data from various sources such as the State Register of the Population (SRP), which is managed by the State Enterprise “Registru” of the Ministry of Information Technology and Communication (MITC), and other external data files. However, while the system allows for imports, the SAISE is reported not to be very user-friendly in merging various datasets from other sources, such as information from local public authorities (LPAs) necessary for the creation of a unified voter list for the country and to allow for cross-checks for multiple records. Interlocutors reported that a special computer program had to be created during pilot testing in order to merge and cross-check data from LPAs.

According to representatives of the UNDP electoral support project, the “Competitors” function block was technically ready for candidate registration. The “Voting” function block was successfully able to produce reports on voter turnout during the pilot. The voter turnout and election results were fed to a special CEC website; however, technical problems were reported, which resulted in a temporary malfunction of the system on election night.

Overall, the most significant progress has been made on the function blocks dealing with candidate registration, voting, tabulation, as well as on the generation of various reports on election day. However, the pilot and tests revealed that serious issues remain with regard to the quality of voter list data and how it is verified, updated and maintained. In this connection, the main focus in further efforts to improve the system in relation to compiling voter lists should be both on procedural and technical aspects, in particular inter-institutional co-operation and data exchange, ensuring compatibility and merger/aggregation possibilities, developing mechanisms for cross-checks, updates and on increasing technical and human resources capacities. Further work is also required to enable the generation of various documents, forms and protocols through the SAISE.

In addition, **an important decision needs to be made and spelled out accordingly in the regulatory framework as to whether the software platform used for the SAISE “Voter Lists” module will be used as a basis for establishing the State Voter Register, or an entirely new software solution should be sought.** Currently, this question remains open and thus far the CEC has been unable to use the “Voter Lists” module for the purpose of running nationwide cross-checks for multiple entries across lists received from local authorities.

In the run-up to the June 2011 elections, the CEC tried to increase the SAISE’s capacity to provide an automatic generation of ballots and improve the system’s performance with regard to electronic candidate registration and consolidation of election results. However, according to the 2011 OSCE/ODIHR Election Observation Mission’s Final Report, this effort was only partially successful, reportedly due to the insufficient qualifications of some system administrators. As a consequence, the CEC experienced difficulties in the process of aggregating candidate information and printing ballots.³

C. ASSESSMENT

In principle, the SAISE has the potential to become a powerful election management tool for the CEC. However, further improvement is required and could be focused on the following areas:

Clear concept and comprehensive regulatory framework: The SAISE can be further improved provided there is a clear vision on what it is meant to deliver, in particular with regard to voter registration. Its main potential lies in providing the CEC with a technical tool to facilitate the administration of elections. Further development of SAISE would require agreement on a strategic vision for the system and development of a comprehensive regulatory framework. As recommended in earlier OSCE/ODIHR reports, technical documentation and comprehensive guidelines could be developed for the system’s users.⁴

³ See OSCE/ODIHR Election Observation Mission Final Report on 5 and 9 June 2011 local elections, p.6; <http://www.osce.org/odihr/elections/85409>.

⁴ See *ibid*, p. 25.

Inter-institutional co-ordination: Based on the expert team’s assessment and information provided by various interlocutors, there is a need for further strengthening the collaboration between the SAISE and other key institutions involved in an electoral process, including the SRP and LPAs with regard to voter registration.

Institutional capacity: The capacity of the CEC to run and maintain the SAISE needs to be considerably enhanced and requires significant investment. This concerns both the capacity of the CEC staff to maintain and further develop SAISE’s functions and the hardware on which the SAISE is operating. The CEC should be supported with an appropriate structure and financial means to pay competitive wages and have a designated unit with highly skilled and motivated staff responsible for the maintenance and development of SAISE. Only with adequate resources will the CEC be able to ensure the proper functioning of SAISE in a sustainable manner.

Online link between the SAISE “Voter Lists” module and LPAs: In order for SAISE and its voter list-related function to operate to its full capacity, consideration needs to be given to making arrangements for the data exchange in the process of updating the information in the SAISE “Voter Lists” module to be performed electronically. This would be most effectively achieved by providing LPAs with online computer access to the register, although granting such access to some 900 LPAs in the country is likely to pose significant challenges. Currently, only a few national authorities have a direct online link with so many end users. “Registru”, for instance, has only about 50 direct links with the rayon level. Having such a link, however, would appear crucial to the functioning of the system. In its absence, it would not be possible to update the information in a timely manner and the entropy of data in the State Voter Register would increase over time.

Link between the SAISE “Voter Lists” module and polling stations: Since the Concept’s adoption, high expectations have been associated with an ambitious element that was meant to constitute part of SAISE and which the system became most known for. The Concept envisages that all polling stations in the country would be equipped with computers connected in real time to the SAISE “Voter Lists” module, where each voter would be marked in the system as having voted in order to prevent multiple voting. This feature was also meant to facilitate cross-checks to elicit and eliminate multiple records. While the identified goals and objectives are laudable, the solution of computerizing and establishing reliable communication at the local level, which is necessary for the functioning of the system as envisaged, appears overly ambitious and costly. Extension of SAISE to the local level and to each polling station requires significant investment into infrastructure, capacity building and support (helpdesk) functions, which will not necessarily provide adequate return on the investment.

Most importantly, the development of such an advanced technological solution does not address the core problem – the quality of the data in the “Voter Lists” module. Emphasis in further development of the system should be shifted to improving the voter list data handling procedures and their proper implementation through data merging, cross-checks and removal of duplicates. It should be recalled that the concept for the UNDP’s 2008 electoral support project emphasized that the creation of an online access to the voter register from polling stations is not vital or a determinant for the quality of data in the register.

Data management: There is a need to elaborate functionalities for merger, analysis and update of voter list data and to make it available for public scrutiny. Since a number of basic functions are already available for inserting data into the “Voter Lists” module and provided it is used for the establishment of the State Voter Register, these functions could be further improved to enable more efficient transfer of voter data from the SRP, data merger and matching exercises, and the distribution of voter lists to the local level.

Hardware: During elections, when a high number of requests to the system may be expected, there is a need for additional hardware resources to ensure its stable functioning.

The expert mission had a short duration and therefore limited possibilities to assess in detail all the aspects of the SAISE, its functions and implementation. While it is clear that significant work has been done and that the SAISE can perform a number of very important activities associated with election management, before further work continues, there may be a need to re-evaluate the overall concept of what SAISE is to perform, taking into account these various aspects.

V. VOTER REGISTRATION AND VOTER LIST COMPILATION PROCEDURES

As a first step to improving the quality of voter lists, there is a need for a critical analysis of the legal framework and procedures for the compilation of voter lists. The second, related issue is the quality of the source data for their compilation. The third is how the existing procedures are implemented in practice, both for the preparation of voter lists and for population registration. If the source data is problematic, the voter lists will also remain problematic. Since voter lists are based on the SRP data, it is important to look at how the population data is administered, what the responsibilities of different institutions are, and how they co-operate. Since the SRP only administers the data, it is important to assess how civil status information is registered and transferred. It is similarly important to see how personal data is linked with address data.

A. LEGAL FRAMEWORK

The legislative framework governing the voter list compilation process is widely regarded as in need of adjustment. The provisions of the Electoral Code that are currently in force do not assign the responsibility for the overall quality of voter lists to a single institution until 2015 when the CEC is due to assume this responsibility. It only assigns the responsibility for individual, local voter lists to local public administration bodies. At the same time, the LPAs, especially in rural areas, often lack capacity, support and technical means to analyze and cross-check voter list data for multiple entries with local public administrations in other areas and against the SRP data. Public administration bodies are governed by their own, often unaligned sets of rules, resulting in the application of varied procedures and inconsistent practice. In general, the overall legislative framework is highly complex, regulating population and civil status registration, the declaration of domicile and residence, and the exchange of information between various state institutions and election administration bodies. It also lacks consistent timelines and does not allocate responsibilities clearly.

One of the key issues that hamper the improvement of voter list quality under the current legal framework is the lack of a unique identifier for each voter. While the SRP assigns each citizen and resident an Identification Number of a Natural Person, there is no provision for its inclusion in the voter register. This number consists of thirteen digits; it is unique for every individual and does not change during their lifespan.

The current text of the Electoral Code includes provisions that will come into force in 2015, a number of which address some of the shortcomings identified above. Importantly, the Electoral Code foresees the inclusion of the IDNP into the voter register as of 2015. The use of the IDNP should significantly improve the capacity for matching and analyzing the SRP and LPA data. It should also help identify multiple records and assign voters to only one polling station. **Taking into account the anticipated positive effects, it would be beneficial to start using the IDNP earlier than currently provided for.**

The Code also establishes that the State Voter Register is to be based on the SRP data. In this regard it is anticipated that the CEC will have regular access to this data. However, detailed procedures on how voter lists will be compiled under the new provisions are yet to be elaborated.

At the same time, a number of issues related to voter registration, which were commented upon critically in previous reports and which have proved problematic in the past remain unaddressed. For instance, the Code still provides for numerous circumstances in which voters can be added to supplementary voter lists. The deadline for requesting changes to voter lists remains close to election day, rendering any necessary cross-checks and proper verification and adjustments difficult. Similarly, procedures for assigning voters to correct polling stations in the absence of codified street addresses remain difficult to implement. The declaration of residence for election purposes can be done on the basis of a variety of documents. This risks different standards being applied by different localities. Some of these issues are related to the legislative framework governing the conduct of elections, while others have to do with the wider population registration framework.

The provisions of the Electoral Code that will come into force in 2015 also mandate the CEC to establish detailed procedures for the administration and updates of the SVR. The authority granted to the CEC gives it an opportunity **to establish a regulatory framework that will allow the information and capacity of both the SRP and LPAs to be used to its full potential.** The CEC should establish close institutional co-operation and technical collaboration with the SRP to draw upon its extensive experience and resources to improve the voter list quality. The regulatory framework should also provide for feedback to the SRP following the voter list verification and update process.

With the next regular parliamentary elections anticipated to take place in 2014, consideration could be given to having the improved voter registration-related provisions, meant to come into force in 2015, apply to these elections. At a minimum, it needs to be clarified which legal provisions are to apply, taking into account the lack of clarity noted in this regard during previous elections. In general, it is important to have both clear interim provisions for the next elections and to focus on the overall reform of the population and voter registration systems as a longer-term goal.

B. LESSONS LEARNED FROM CURRENT VOTER LISTS COMPILATION PRACTICES

Data discrepancy and co-operation among institutions

One of the past criticisms regarding voter lists has been the discrepancies revealed between the data held at the local level by LPAs and by the SRP. Discrepancies most commonly identified are those related to the domicile/residence address, deceased people, voters who are known to have left the country or the address under which they remain registered, and people who do not have the right to vote. Such discrepancies were especially evident in the run-up to elections when LPAs were requested to verify and update the voter list data based on updates provided by the SRP. Generally, the LPAs claim that the data at the local level is more up-to-date than that maintained by the SRP. This, in some cases, can be attributed to the delay of transmitting the information from the local level through the intermediate (*rayon*) level to the SRP. It would appear that some data from the local level occasionally does not reach the SRP at all. At the same time, as it was noted in previous OSCE/ODIHR election observation mission reports, LPAs frequently applied procedures variably when updating and verifying voter lists.

Another factor is the technical means at the disposal of different bodies to obtain and transfer information. The LPAs, in principle, are given the possibility to verify their data against the SRP. However, many of them have limited technical capacity to do so. In particular, each LPA needs to sign an individual agreement on access to the SRP with “Registru” and there are certain basic requirements with regard to hardware and software that some LPAs do not have.

The local civil status authorities under the Civil Status Service of the Ministry of Justice are the main institutions responsible for recording civil status events such as births, deaths, marriages and others. The Civil Status Service provides source documentation to “Registru” in order for the data to be updated in the SRP. They are also eligible to record people’s domicile/residence. However, it appears that in practice, registration of an address can be done in more than one institution, namely in the SRP, local civil status office and/or municipality. It is also reported that local civil status offices may, in some cases, process civil status-related information, notably registration of domicile/residence, based on documentation that is officially inadmissible and that would have not been accepted by the “Registru” offices as a valid basis for a status update in the SRP. This results in instances where information is not updated in the SRP due to absence of valid documentation, while at the local level data is changed. **It is vital for the integrity of the data that the same documentary evidence is used and the same procedures are applied by various institutions processing personal and address data.**

Lack of accurate addresses

The lack of accurate address data is recognized as another major obstacle to improving the quality of voter lists. It was reported that during the piloting it was not possible to assign a large number of voters to correct polling stations due to the lack of codified street addresses. This is the result of an absence of a unified address system. Exact boundaries between the lowest levels of administrative units and polling station areas either do not exist or are not known to all stakeholders. This is particularly relevant for suburban areas where the same street might be crossing a number of administrative units. The same problem exists in rural

areas where one settlement may have two or more polling stations, but the lack of a street address system does not allow delineation of clear polling station boundaries.

The introduction of an official address register would significantly improve the accuracy of address data used for the assignment of voters to polling stations. The address register will enable registration of voters only at officially existing addresses and will allow responsible institutions to maintain accurate uniform data about the addresses of voters. Once established, the address register data should be considered as the key register and data should be provided to all public administration institutions free of charge. The responsible institution should be vested with clear responsibilities and authority and have the capacity to maintain the address register. All institutions using the address data should be obliged to use only the official address register data.

In the absence of an address register, the codification of streets could be a useful temporary solution allowing for an easier allocation of voters to polling stations using automated means. The existing street names and street segments could be codified by the institution that administers this data at the central level (e.g. State Enterprise “Cadastru”) in consultation with the relevant local governments. Codified names of streets should be the basis for the address information field in the voter register.

Another problematic aspect noted by the team was that citizens often fail to inform relevant authorities of their actual place of residence, which results in discrepancies between the SRP and LPA information. Incentives could be introduced to encourage citizens to report their residence changes. **The procedures for declaring actual residence should be easy and should not pose an excessive administrative burden, but also envisage responsibility for failure to inform authorities in a stipulated time period.** This would help keep residence data in the SRP updated, which in turn would facilitate the accurate assignment of voters to polling stations. Further consideration could be given to introducing polling station codes as an auxiliary database in the SRP and to linking polling station codes with actual addresses in the SRP. This may produce additional benefits in the efficient management of voter lists in the longer term.

The voter list compilation process and the quality of voter list data, especially if it is based on the data from the population registration system, are one of the most visible tests of performance of the institutions involved. The current situation shows that the exchange of information between the LPAs, local branches of state institutions and state enterprises and the CEC is a complicated process that lacks consistency of implementation and clearly requires improvement. To ensure that the source data is recorded and transmitted in a uniform manner and that all public administration bodies use the same information from the key registers a wider functional review and analysis of the regulatory framework should be considered.

Supplementary and additional voter lists

Current legal provisions on supplementary voter lists and procedures for adding people prior to election day increase the complexity and vulnerability of the system. The OSCE/ODIHR has noted previously that there are many ways in which voters can be added to supplementary

lists on election day, leading to allegations that supplementary voter lists could be a source of manipulation and reducing confidence in the integrity of elections.⁵

While supplementary lists may be seen as a feature that facilitates greater enfranchisement, the OSCE/ODIHR has previously recommended that **in order to avoid any possible abuse, the list of categories of voters and documents that could serve as the basis for inclusion in supplementary lists on election day should be limited.**⁶

Finally, the legislation envisages additional steps in the voter list preparation process for the conduct of voting abroad. For voters residing abroad, the CEC is to receive information from consular sections of the Ministry of Foreign Affairs seven days prior to election day. With such a short timeframe and also the lack of unique personal identifiers, cross-checking and marking of out-of-country voters in the corresponding in-country voter lists is difficult and exposes the system to inaccuracies, possible abuse and potential criticism.

C. ADMINISTRATION OF THE VOTER DATA IN THE FUTURE

Based on the findings of the expert visit, a number of steps could be undertaken by the respective authorities to improve the current voter registration system. Suggested measures are presented below from both a short-term and long-term perspective and are also presented in Section 5 of the present assessment in an action plan format.⁷

While the expert team considers that a properly functioning voter registration system would be achievable only following a longer process of reforms, a number of intermediate steps can be undertaken to improve the situation ahead of the next elections. While addressing issues that would benefit from immediate attention, authorities are encouraged to look beyond the immediate needs and consider embarking on the suggested comprehensive reforms.

Short-Term Perspective

With the provisions of the Electoral Code regarding the responsibility of the CEC for the maintenance of the State Voter Register coming into force in 2015, the CEC will assume primary responsibility for the compilation and printing of voter lists. In order for the CEC to successfully deliver upon these new responsibilities, four key issues need to be addressed:

- A decision needs to be taken as to whether the existing SAISE “Voter Lists” module represents an appropriate software platform for establishing the SVR or whether a new platform should to be developed to ensure an efficient data exchange between the CEC and the SRP and incorporation of the information received from the LPAs (see section III subsection B on the status of SAISE’s development for details);
- A legal and sub-legal framework has to be in place to clearly stipulate the tasks, procedures and responsibility of different actors involved in the process;

⁵ See OSCE/ODIHR Election Observation Mission Final Report on 28 November 2010 early parliamentary elections, p.9; <http://www.osce.org/odihr/75118>.

⁶ See *op.cit.* OSCE/ODIHR Election Observation Mission Final Report on 29 July 2009 early parliamentary elections, p.20, and *op.cit.* OSCE/ODIHR Election Observation Mission Final Report on 28 November 2010 early parliamentary elections, p. 25.

⁷ The action plan does not comprehensively present all the steps that could be undertaken as part of the reform of the civil and voter registration systems. It is included for the ease of reference and to facilitate the reading of the narrative parts of this assessment.

- A firm commitment on the part of all institutions involved, including their regional and local offices, to closely collaborate in the process, and conclusion of corresponding agreements or memoranda of understanding; and
- Considerably enhanced and specially designated resources, including financial and human, need to be made available to the CEC specifically for the maintenance of the State Voter Register and the related work.

1. Development of uniform procedures

Both legal and sub-legal frameworks, including detailed regulations and manuals, are very important for ensuring a uniform process. Regulations established by the CEC will need to be implemented uniformly and within set timeframes by all responsible bodies. The CEC, jointly with other stakeholders, should work to adopt detailed voter registration procedures, taking into account the suggestions presented in this report. On the basis of the adopted procedures, user-friendly manuals should be developed and procedures should be further explained through comprehensive training. At the same time, direct assistance and support to those LPAs that require it, can prove invaluable in maintaining overall data integrity. Involvement of all institutions that handle personal, address and voter data (such as the CEC, SRP, Civil Status Offices and LPAs) during preparation of the regulatory framework will guarantee an inclusive process, and enhance awareness and understanding by all stakeholders, which should in turn lead to more successful implementation of adopted regulations. Involvement of political parties, civil society and independent experts in the consultation process would also be beneficial.

2. Inter-institutional co-operation

Co-operation between all institutions involved, including at a technical level, will be pivotal in improving the quality of voter list data under the new provisions. The conclusion of a framework agreement between the CEC and MITC and its enterprise “Registru” appears essential to regulate the data exchange process. Since “Registru” already has significant experience in administering large amounts of population data with inputs from regional offices and LPAs, it may be beneficial for the CEC to establish deeper institutional and technical collaboration with this enterprise. This co-operation may be beneficial in designing the system for electronic sharing of information with the LPAs during the voter list preparation process.

3. Capacities of key institutions

For the CEC, maintenance of the State Voter Register will require solid IT capacity, which the CEC thus far has not been able to acquire. It proved challenging for the CEC to find sufficiently skilled staff to operate the system due to financial constraints and the inability to offer competitive salaries. Furthermore, additional support is needed to enhance the capacity of different CEC departments that will be responsible for the development of the regulatory framework for the voter list compilation, verification and update processes. Motivation of the staff involved in the voter list preparation process at all levels is another issue that requires serious attention. In this context, consideration could be given to reviewing the remuneration to staff currently provided. The OSCE/ODIHR has previously recommended that the system

of remuneration to members of election management bodies could be reviewed to reflect the workload and to ensure that fees paid are competitive enough to attract qualified personnel.⁸

The capacity of other bodies involved in the voter list preparation process is recognized to be limited. In particular, the capacities of LPAs in rural areas are deemed to be inadequate to perform proper verification and updates of voter lists. The CEC’s Strategic Plan already envisages the establishment of a sustainable training mechanism for the LPA staff involved in the electoral process. The CEC should work towards building its capacity to support LPAs in all their election and voter registration-related work.

Long-Term Perspective

Currently, voter lists are compiled by LPAs predominantly on the basis of data extracted from the SRP and adjusted as necessary based on the information available at the local level. Analysis by some stakeholders in Moldova suggests that LPAs often make corrections to the initial data provided by the SRP, amend inaccurate or outdated information and/or add the missing data. The main reasons for such discrepancies are the use of different procedures by the LPAs in the process of registering civil status/residency changes, delays in transmitting information, and lack of proper communication between the local level and the SRP. As long as such discrepancies between the information in the SRP and the local level exist, and the local authorities have the responsibility for voter registration data, the CEC will have to rely on the knowledge of local authorities in obtaining the most accurate data in the voter lists compilation process.

However, if the process of recording of civil status events and residence data is designed and implemented in such a way that the information at the local level is recorded and transmitted to the SRP in real time and using the same standard procedures, there should be no discrepancy in the data. In this regard, a reform of the civil registration system is due, the end result being the application by all institutions administering civil status and residency data of the same procedures and the use by all institutions of the same centrally-managed data that is accurate, complete and up-to-date. Taking into account the demonstrated technical capacities and the expertise of the SRP in managing large scale electronic databases, the reform could be geared towards vesting the authority for the production of voter lists with the SRP. Local election authorities would need to provide the assignment of addresses to polling stations, which the SRP could use as criteria for printing of voter lists for individual polling stations.

If following the reform it can be ensured that the SRP has all up-to-date citizen and residence information, then the SRP with its existing solid technical capacity and skilled staff could relatively easily extract voter lists, run quality checks and identify multiple records (the system should generally not allow for any). The SRP also has capacity to print voter lists and to publish them on the website for public scrutiny. Importantly, the SRP has offices in the regions, which are linked with the SRP server and can be very helpful in gathering the data from the local level and transmitting it. However, consideration needs to be given to considerably increasing the number of regional offices of “Registru” in order to bring data entry as close as possible to the LPA level. Overall, the SRP could be a service provider to the LPAs and the CEC in compiling and printing of voter lists. Such system of compiling of voter

⁸ See *op.cit.* OSCE/ODIHR Election Observation Mission Final Report on 5 and 9 June 2011 local elections, p.26.

lists is used in many OSCE participating States, including, among others, Austria, Finland, Norway, Bulgaria and Lithuania.

Public trust in the accuracy of voter lists compiled by the SRP could be built by making lists available for scrutiny for some 30 days or more before election day. During this period, voters would be encouraged to review their data and request changes as necessary. Changes would be introduced only on the basis of required official documentation and following adopted unified procedures. All adjustments and corrections would be entered directly into the SRP thus ensuring maximum accuracy of data. This process should be supported by a wide public awareness campaign encouraging citizens to check their data. In the beginning of the public scrutiny period, eligible voters could be notified about their preliminary voter list data and voting location, as well as about the updated procedures and required documentation.

The establishment of a voter list compilation system as outlined above requires political will and consolidated efforts by the CEC, MITC, LPAs and all other institutions administering civil status and address data. It also requires a re-design of the current civil registration system. If reform is implemented as suggested, the main workload would be on the SRP to enhance its registration mechanisms, streamline the co-operation with the local level and further broaden its presence at the regional/local levels. The CEC and the LPAs, with their experience in voter list compilation, could provide crucial input in establishing such a system.

Once the address register is established, the CEC should work with the responsible authority to create a database of polling stations aligned to the address register and address map. Such data will allow assigning voters to correct polling station based on their location.

VI. ACTION PLAN

A. SHORT-TERM PERSPECTIVE

No.	Activities	Assumptions	Main Actors
1	Clarify as soon as possible applicable legal framework for the next elections to be held in 2014. The legal framework for the next elections should at least cover the following: Clarify responsibilities for the voter register development process; Introduce the IDNP number to the voter register/voter lists; Develop and introduce polling station codes in voter register/voter lists; Enable the CEC to have greater access to the SRP within legal provisions of the data protection legislation.	- Political will to undertake changes to the legal framework	Parliament; CEC in co-operation with other state authorities
2	To enable the CEC to perform all the duties currently vested with it in relation to the voter lists preparation and verification process, its human resources and technical capacity needs to be strengthened.	- Political will - Availability of funding	Parliament
3	Decide whether the SAISE “Voter Lists” module is a solid enough platform for the establishment of a future State Voter Register. Work on improving or developing the IT platform for the State Voter Register.	- Technical facilities and skills available	CEC with input from SRP, UNDP
4	Develop procedures for the identification of multiple records, cross-checking of data, updating voter address data and for performing data matching and analysis.	- Data available - Technical facilities and skills available	CEC with expertise from SRP, experts from electoral support projects
5	Introduce the IDNP provided by “Registru” into existing records for each voter in the compilation of most recent voter lists submitted by LPAs.	- Availability of data - Technical capacity	CEC
6	Define clear technical format requirements for the data exchange between the SRP and the CEC. Ensure close collaboration between the technical staff of both bodies with regard to data transfers and analysis.	- Legal framework adopted - Will and commitment of relevant bodies	CEC, SRP, LPAs
7	Perform data matching between the data received from LPAs (with the introduced IDNP) and the most recent information from the SRP. Identify	- Availability of data - Technical capacity	CEC with input from SRP

	discrepancies in data for each voter list submitted by LPAs.		
8	Develop a user-friendly software platform for transfer of voter lists between the CEC and LPAs. Define clear technical format requirements for the data exchange between the LPAs and the CEC.	- Technical capacity of LPAs - IT capacity at the CEC	CEC, LPAs
9	Provide voter lists to LPAs along with reports on discrepancies identified during data matching for verification and update. Instruct LPAs to verify the voter list data with the latest information from the local level focusing on discrepancies with the data in the SRP. Provide technical assistance to LPAs as needed.	- Availability of data and successful implementation of preceding steps - Technical capacity of LPAs	LPAs, CEC
10	LPAs provide updates back to the CEC in an established uniform electronic format together with copies of documentary evidence for any amendments introduced.	- Technical capacity of LPAs	LPAs
11	The CEC incorporates data and updates from LPAs into the voter register, on the basis of developed procedures, conducts checks for multiple records and in direct contact with LPAs decides on multiple entries. Upon incorporation of data and elimination of multiple entries the CEC prints preliminary voter lists and delivers them to LPAs.	- Applicable legal framework is available - Technical capacity of the CEC and LPAs	CEC, SRP, LPAs
12	The CEC and LPAs post preliminary voter lists for public scrutiny both at the local level and on the internet (within remits of applicable personal data protection legislation). Consideration could be given to undertaking a broad public information campaign encouraging voters to verify their data.	- Availability of funding	CEC, LPAs
13	The CEC to provide feedback on personal data and voters’ residence to the SRP together with documentary evidence for instances where updates were required in the voter register for its consideration and follow up.	- Applicable legal framework available - Co-operation agreement between CEC and MITC concluded	CEC, SRP
14	Continuation of capacity building efforts both at the local and central levels	- Availability of funding	CEC

15	Consider using A3 paper format instead of A4 for printing of voter lists to allow inclusion of additional information, in particular the IDNP number. Consider introducing centralized printing and distribution of voter lists.	- Applicable legal framework available	CEC
16	Develop and systematize the documentation of the business processes in connection with the development of SAISE.	- Technical expertise available	CEC, UNDP Moldova
17	Monitor the development of the address system by the Cadastre. Utilize the address register data in the compilation of voter lists as soon as it becomes available. In the meantime, consider codifying street names for the purpose of assigning streets to polling station.	- Successful development of the address register	Cadastre, CEC

B. LONG-TERM PERSPECTIVE

No.	Activities	Assumptions	Main Actors
1	Consider a comprehensive review of the legislative framework governing all aspects related to civil and voter registration processes, including, but not limited to the Electoral Code, Law 101, Law on Registers, etc., to ensure consistency and to provide the legislative basis for the necessary administrative reforms.	- Political will or wider administrative and legal reform	Parliament, Government, SRP, Civil Status Service, CEC, LPAs
2	Consider working towards an upgraded population registration system comprising a set of key registers that will serve as the only source of data. For the purpose of elections, the SRP could provide personal data (name, surname, IDNP), data on the documentation (series and numbers of identification document) and declared domicile/residence data for eligible voters and generate voter lists. Polling station numbers/codes should be introduced into the SRP database. The declared domicile/residence should be based on the address register maintained by the responsible authority.	- Political will	Parliament, Government, SRP, Civil Status Service, CEC, LPAs
3	Consider increasing the number of regional offices of “Registru” in order to bring data entry as low as possible to the LPA level.	- Political will - Availability of funding	Parliament, Government, SRP

4	Establish a polling station boundary database based on the address register once it is developed.	- Address register available - Successful co-operation between Cadastru and the CEC	Cadastru, CEC
5	Consider placing additional emphasis on individual voter responsibility to register and declare updates to personal and address data in the SRP.	- Political will	Parliament
6	Consider limiting the number of documents allowed for voting to basic valid identity documents.	- Political will - Legal amendments	CEC, parliament
7	Consider introducing active registration for out-of-country voting while at the same time making it easy and accessible.	- Political will	Parliament

ANNEX 1 – LIST OF ACCRONYMS

OSCE/ODIHR – Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe

CEC – Central Election Commission

IFES - International Foundation for Electoral Systems

UNDP – United Nations Development Programme

SAISE – State Automated Information System “Elections”

SVR – State Voter Register

SRP – State Register of the Population

LPA – Local Public Authorities

IDNP – Identification Number of a Natural Person

MITC - Ministry of Information Technology and Communication

ANNEX 2 – LIST OF MEETINGS

STATE AUTHORITIES

Central Election Commission

Dr. Stefan URITU, Vice Chairman

Mr. Andrei VOLENTIR, Secretary of the CEC

State Enterprise “REGISTRU”

Mr. Oleg ROTARU, Director of Commerce Department

Representatives of the Municipality of Chisinau

Data Protection Authority

Mr. Nicolae JUNGU, Head of Legal Department

Mr. Victor MORARI, Head of Evidence and Control of Personal Data Holders Department

CADASTRE MOLDOVA

Mr. Valeriu GINJU, Deputy Director

POLITICAL PARTY REPRESENTATIVES

Ms. Corina FUSU, MP, Vice President, Liberal Party (Alliance for European Integration (AEI))

Mr. Valeriu NEMERENCO, MP, AEI

Mr. Tudor DELIU, MP, Vice Chairman of the LDPM Parliamentary Fraction, AEI

Mr. Serghei SIRBU, Vice Chair of Parliamentary Committee on Legislation, Appointments and Immunities, Communist Party of the Republic of Moldova (PCRM)

Mr. Valeriu DIOZU, former Advisor on IT to the Former President of Moldova, PCRM

Mr. Alexandru SIMIONOV, Member of the CEC nominated by the PCRM

CIVIL SOCIETY

Mr. Pavel POSTICA, Program Director, PROMO-LEX

INTERNATIONAL ORGANISATIONS

UNDP Moldova

Ms. Kate SULLIVAN, Chief Technical Advisor, Electoral Support to Moldova Project

Mr. Victor COJOCARU, Expert, Electoral Support to Moldova Project

IFES Moldova

Mr. Steven GRAY, Country Director

Mr. Pavel CABACENCO, Deputy Country Director

OTHER

Mr. Claus NEUKIRCH, former Deputy Head of Mission, OSCE Mission in Moldova