

INTERIM REPORT
14 – 28 May 2015

1 June 2015

I. EXECUTIVE SUMMARY

- The 14 June local elections will be conducted to elect 898 mayors and 11,680 councillors. Councillors are elected under a proportional electoral system without a threshold, and mayors are elected under a two-round majoritarian system. Voting will not take place on the territory controlled by the Transnistrian *de facto* authorities.
- Legal amendments, adopted in April 2015 after the elections were called, primarily relate to campaigning and campaign finance. Some OSCE/ODIHR Limited Election Observation Mission (LEOM) interlocutors noted confusion and concerns about the implementation of such late amendments.
- Candidate registration concluded on 21 May. According to the Central Election Commission (CEC), 19 political parties and 2 electoral blocs registered candidate lists. Some contestants voiced complaints regarding the registration process, reporting cases of documents not required by the law being requested by election commissions.
- Campaign messages are largely affected by a corruption scandal in the banking sector as well as the polarization of the society on the east or west political orientation of the country. Campaign activities are mainly conducted through door-to-door canvassing and small community meetings. The recent legal amendments provide that contestants are not allowed to campaign using images representing symbols and institutions of the Republic of Moldova and foreign states and international organizations, and that foreign citizens cannot be involved in campaign activities.
- Electoral deadlines have been generally respected. The CEC uses an information technology system to generate candidate/party lists, voter lists and ballot papers for all election contests, as well as for the transmission of election-related documentation. CEC meetings are usually conducted in a collegial manner and open to the public and media. The procedures for candidate registration were modified during the registration, which led to different implementation by some lower-level commissions.
- According to the CEC, the number of voters registered is 2,840,029. Voter lists had to be available at polling stations for voters to verify their data.
- The recent legal amendments criminalize campaign finance irregularities and address some previous OSCE/ODIHR recommendations, including by enhancing oversight, introducing more comprehensive reporting requirements and stipulating criteria for spending limits. The CEC has already issued warnings to a number of contestants for campaign finance irregularities.
- The CEC approved a regulation on election media coverage, by which all broadcasters must provide fair, balanced and impartial coverage. The Audiovisual Co-ordination Council, which is tasked to monitor the compliance with the media provisions, has warned six private channels for

biased coverage on 27 May. On 18 May, the OSCE/ODIHR LEOM commenced its media monitoring of a cross-section of media outlets.

- As of 25 May, the CEC received 15 complaints; it dismissed 7 on procedural grounds and made decisions on 5 of them to date. The OSCE/ODIHR LEOM is informed of at least 28 complaints lodged with lower-level electoral bodies in regard to candidate registration and campaign violations.
- The Election Code provides for the observation of the electoral process by observers from international and citizen observer organizations. As of 25 May, the CEC had accredited 54 international observers and 1,419 citizen observers.

II. INTRODUCTION

Following an invitation from the Moldovan authorities, on 14 May, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established a Limited Election Observation Mission (LEOM) to observe the 14 June local elections. The LEOM is headed by Kimmo Kiljunen and consists of a 12-member core team based in Chisinau and 14 long-term observers (LTOs) deployed throughout the country. Mission members are drawn from 20 OSCE participating States. In line with the OSCE/ODIHR's methodology, the LEOM will not carry out systematic or comprehensive observation of election day activities. However, mission members will visit a limited number of polling stations.

Voting will not take place on the territory controlled by the Transdniestrian *de facto* authorities. As such, the OSCE/ODIHR LEOM will not deploy its observers there.

III. BACKGROUND

The 30 November 2014 parliamentary elections resulted in a change to the political landscape with the formation of a minority government by the Alliance for European Moldova comprising the Liberal Democratic Party of Moldova (PLDM) and the Democratic Party of Moldova (PDM), and supported by the Communist Party of Moldova (PCRM), despite being formally in opposition.

The political context of the upcoming local elections has been overshadowed by a deep division in the society as regards country's geopolitical orientation and a major corruption scandal in the banking sector.¹ Furthermore, the political atmosphere is affected by voters' distrust towards the political establishment.

The 14 June elections are the sixth local elections to be held since the independence and the twelfth elections observed by the OSCE/ODIHR.²

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Elections are regulated primarily by the Constitution and the Election Code. They are supplemented by other laws, as well as Central Election Commission (CEC) decisions and regulations.³

¹ The alleged embezzlement of approximately MLD 13.5 billion (some EUR 750 million, or 16 per cent of the gross domestic product) from the *Banca de Economie* (with 56 per cent of shares owned by the state) and two private banks attracted strong public attention after a confidential report by a foreign investigative consultancy company was leaked to the media.

² [All previous OSCE/ODIHR reports on Moldova are available.](#)

In April 2015, after the elections were called, some legal amendments were introduced. They primarily relate to campaigning and campaign finance and included a prohibition for candidates to use foreign symbols and images in their campaign materials and to involve persons who are not citizens of Moldova in their campaigns; provide more specific sanctions for violations of the Election Code; and elaborate on criminal liability for certain acts such as vote buying. In addition, the Criminal Code was amended to criminalize illegal campaign funding. According to some OSCE/ODIHR LEOM interlocutors, legal amendments introduced so close to the elections cause confusion and concerns about their implementation.

The Election Code preserved legal restrictions that deprive individuals declared incapable by a final decision of a court of law of their right to vote and that do not allow conscripted military personnel to vote in local elections. There are no legal provisions to enhance minority representation or the participation of women in elections.

The local elections will be conducted to elect 898 mayors and 11,680 councillors.⁴ Councillors are elected under a proportional electoral system without a threshold, and mayors are elected under a two-round majoritarian system. If no candidate wins an absolute majority in the first round, a run-off is held between the two candidates with the highest number of votes. At least 25 per cent of registered voters in a district must turn out for that election to be valid. There is no turnout requirement for the second round.

V. THE ELECTION ADMINISTRATION

Local elections are administered by a four-tiered election administration, comprised of the CEC, 35 Level 2 District Electoral Councils (DECs),⁵ 896 Level 1 DECs, and 1,977 Precinct Electoral Bureaus (PEBs).⁶ The CEC is a permanent body that serves a five-year term, while DECs and PEBs are established for specific elections. Contestants have the right to nominate their representatives and observers to election administration bodies.

CEC meetings are generally conducted in a collegial manner, open to public and media and most are broadcast live through its website. The CEC publishes its session agendas in advance and provides draft decisions upon request. The decisions, as well as other election-related documentation and information are posted on the CEC website, overall in a timely manner. Candidate registration, and publication of voter lists, however, required more comprehensive and timelier procedural clarifications.

Electoral deadlines were respected to date, except that several Level 2 DECs were formed with a one-day delay. Most Level 2 DECs used the websites of local authorities for posting information for the public, but not all of those were kept up to date. According to the CEC, as of 4 May, women

³ The legal framework also includes the Law on Political Parties, the Law on Assembly, the Audiovisual Code, organic laws on the courts, as well as relevant provisions of the Criminal Code and the Code on Minor Offences.

⁴ The number of councilors to be elected is 10,564 at Level 1 (cities, villages, and communes), and 1,116 at Level 2 (32 rayons and Chisinau and Balti municipalities). In the Autonomous Region of Gagauzia, only mayors and councillors of Level 1 are to be elected.

⁵ The CEC established Level 2 DECs in 32 *rayons*, the municipalities of Chisinau, Balti and the Autonomous Territorial Unit of Gagauzia. The DECs in Bender and Tiraspol, located on the territory controlled by the Transnistrian *de facto* authorities, were not established.

⁶ Level 1 DECs were established by Level 2 DECs in towns, communes and villages.

represent 49 per cent of Level 2 DEC's and 74 per cent of Level 1 DEC's. They also represent 29, 43, and 80 per cent of the DEC 2 chairpersons, vice-chairpersons and secretaries, respectively.

Through its Center for Continuous Electoral Training (CCET), the CEC has undertaken an extensive training programme of election officials and other stakeholders, including party representatives and observers upon their request.⁷ Previously, all prospective election officials were required to attend training and be certified by the CEC. Some OSCE/ODIHR LEOM interlocutors expressed concerns that the removal of this obligation may result in insufficient level of knowledge by some members of the election administration.

The CEC uses the State Automated Information System "Elections" (SAISE) to generate candidate/party lists, voter lists and ballot papers for all election contests, as well as for transmission of election-related documentation. Each polling station will use the SAISE to identify voters, and to verify them against multiple voting. The CEC is reviewing the system and prepares contingency plans based on the analysis of previous elections when the system malfunctioned on election day.

VI. VOTER REGISTRATION

Voter registration is passive. Voter lists are drawn up based on the State Register of Voters, which is extracted from the State Population Register. According to the CEC, the number of voters registered for these elections is 2,840,029. This is an increase compared to 2,653,921 for the 2011 local elections, reported as mainly due to the introduction of the centralized system that produces the voter lists in a consistent manner, as opposed to lists being prepared by each local administration.

As of 25 May, voter lists had to be available at the polling stations for voters to verify their data. There is some confusion about how this procedure should be implemented, as the instructions differ between State language and Russian versions of the Election Code.⁸ In addition, citing the Law on Data Protection, the National Centre for Personal Data Protection rejects the notion of displaying the lists, given that they contain protected personal data. Voters are also able to check their own data online.

VII. CANDIDATE REGISTRATION

The right to nominate candidates is granted to political parties and electoral blocs, as well as to citizens through self-nomination upon submission of voter support signatures.⁹ On 8 April, the Ministry of Justice provided a list of 43 registered parties eligible to participate in the upcoming elections. On 10 April, the CEC confirmed the 43 parties as electoral contestants. On 30 April, following a court decision that deregistered the Communist Reformist Party, the CEC requested the

⁷ The CCET is a public institution founded by the CEC. According to the CCET, since 4 April, it has conducted 143 seminars, including on campaign finance reporting for Level 2 DEC's, for 35 treasurers of contestants in Chisinau, and for some 200 representatives of political parties.

⁸ Based on the Election Code, the CEC decision in the State language provides that lists are made accessible, while the Russian version requires that they are to be posted at the polling stations. The law provides that the State language version prevails when discrepancies exist between versions.

⁹ Independent candidates for local councils have to be supported by 2 per cent of voters in the respective district divided by the number of available councilor positions, but not less than 50 persons. Independent mayoral candidates have to be supported by five per cent of voters in the respective district, but not less than 150 and not more than 10,000. A voter can sign in support of only one candidate.

Ministry of Justice to resubmit the list of registered parties.¹⁰ The new list excluded this party, and on 4 May, the CEC confirmed that 42 parties were eligible to run in the elections. Of these, 19 political parties and 2 electoral blocs registered candidate lists.¹¹

The CEC amended the procedures for candidate/party list registration by the DEC's during the registration period, which reportedly resulted in confusion among some DEC's and contestants.¹² In addition, some contestants reported cases of DEC's requesting documents not required by the law. All these contestants eventually registered their candidates and lists, but after clarifications from the CEC. Contestants pointed out that this wasted their resources, and also delayed the launch of their campaigns.

Candidate registration was concluded on 21 May. At the time of reporting, no aggregated data on the number of parties running for councilor positions and on mayoral candidates was yet publicly available. The OSCE/ODHR LEOM was informed that in Chisinau 4 of 17 mayoral candidates are women, as are 248 of 801 contestants for the municipal council.

VIII. CAMPAIGN ENVIRONMENT

Contestants can officially start their campaign immediately after their registration. According to the 2015 legal amendments, contestants are not allowed to campaign using images representing institutions of the Republic of Moldova, foreign states and international organizations, and foreign citizens cannot be involved in campaigning activities.¹³

Campaign messages contain local, economic and social issues, but are largely affected by the banking sector scandal as well as the east or west political polarization of the country. Campaign activities are mainly conducted through door-to-door canvassing and small community meetings. Billboards and posters are visible in the biggest cities and to a lesser extent in small towns. The Socialist Party (PSRM), PLDM, PCRM, PDM, Our Party (PN) and the electoral bloc People's European Platform (PPEM) – Iurie Leanca, are the most visible contestants.

Two candidates on the Our Home Moldova Party (PCNM) list for the Chisinau council are under house arrest and are not able to campaign.¹⁴ Their house arrest was extended after the DEC Chisinau registered them as candidates, and it is unclear whether their detention could be extended as they supposedly enjoy candidate immunity.¹⁵ A candidate for Orhei mayor was under house

¹⁰ The Chisinau Buiucani District Court cancelled the registration of Communist Reformist Party on 24 April.

¹¹ The blocs are the People's List and People's European Platform of Moldova – Iurie Leanca.

¹² The CEC's decision of 17 April stated that candidate lists have to be submitted for registration in the State language and in Russian; there was no specific language requirement for independent candidates. On 27 April (within the period of nominations), the CEC amended its decision, stipulating that the documents should be submitted in State language for parties/blocs and in both languages for independent candidates. This late change reportedly caused confusion and some DEC's continued to demand the Russian version for candidate lists.

¹³ Article 47.6.1 states that "Images representing state institutions or public authorities of the country, other states or international organisations cannot be used for the purpose of electoral advertising. It is prohibited to combine colours and/or sounds which are associated with the national symbols of the Republic of Moldova or of another state, to use materials which depict historical personalities of the Republic of Moldova or other states, symbols of other states or international organisations or images of foreign officials".

¹⁴ Article 46.5 of the Election Code states that "candidates cannot be held criminally liable, arrested or detained or subjected to administrative sanctions without the consent of the election administration that registered them, with the exception of flagrant offenses". Article 13.2.c listing who cannot be elected includes "individuals who are sentenced to prison ... by a final court decision and who serve their sentence in a penitentiary".

¹⁵ On 28 November 2014, the two were detained and accused of organizing mass violent disorder riot; one was also charged with a firearms offense. To date they are not convicted, but are kept in detention. Following the

arrest, but after his registration as a candidate, he was released and able to campaign.¹⁶

IX. CAMPAIGN FINANCE

Following public consultations initiated in 2013, on 9 April 2015, legal amendments to six laws pertaining to campaign finance were adopted.¹⁷ The amendments criminalized campaign finance irregularities and addressed some previous OSCE/ODIHR recommendations including enhancing oversight, introducing more comprehensive reporting requirements and stipulating criteria for spending limits.

Incomes and expenditures of parties/blocs or independent candidates have to be incurred through dedicated bank accounts called ‘electoral funds’. Contestants who plan to conduct cost-free campaign activities are not legally required to open electoral funds, but they have to inform the CEC of such a decision. Banks are required to notify the CEC (or the respective DEC) of the transactions through the electoral funds on a daily basis.

Funding from foreign, state, public and anonymous sources as well as from non-profit, charitable organizations and trade unions is prohibited. In addition, Moldovan citizens are not allowed to donate from out-of-country income. An individual may donate annually to one party or contestant up to MDL 900,000, whereas a legal entity may donate up to MDL 1,800,000.¹⁸ Legal entities may donate only through bank transfer, and individuals may donate also in cash. Whereas there are no public subsidies for campaigning, contestants may receive interest-free loans from the state budget.¹⁹ Each contestant may spend up to MDL 20.86 per registered voter.²⁰

The CEC is mandated with the oversight of campaign finance. It receives the financial reports of parties and blocs, verifies their accuracy and compliance and may impose sanctions, such as warnings and fines, or request other “competent bodies” to impose sanctions including fines, confiscation of funds, suspension of public funding and deregistration of a contestant.²¹ The CEC informed the OSCE/ODIHR LEOM that it does not have sufficient human resources to monitor efficiently the campaign finance as required by the new legal amendments.

Independent candidates submit their financial reports to the respective DEC, which must ensure public access to them. DEC’s are not required by the law to verify the reports. No reports have been posted on the websites of the local administrations, as required by law.

14 April appeal, the Chisinau Central District Court placed them under house arrest. On 15 May, Chisinau DEC registered them as candidates. Later that day, the Chisinau Ciocana District Court extended their house arrest for 30 days. The PCNM appealed the house arrest decision on the basis of candidate immunity; the case is yet to be decided by courts.

¹⁶ On 6 May, Ilan Shor was arrested and accused of abuse of official position and placed under house arrest for 30 days. On 21 May, DEC Orhei registered him as a mayoral candidate for the Movement *Ravnopravie*. The next day, the measure of restraint was appealed in the Chisinau Buiucani District Court, which determined that the house arrest was illegal under Article 46.5 of the Election Code.

¹⁷ Political party and campaign finance is regulated by the Election Code, the Laws on Political Parties, on Administrative Offences, on the Court of Accounts, and the Criminal Code. These are supplemented by CEC regulations on financing of electoral campaigns, on establishing the expenditure limits, and on the amount of state loans to contestants.

¹⁸ An individual may donate up to 200 average monthly salaries, whereas a legal entity may donate up to 400. The 2015 average monthly salary is MDL 4,500 (EUR 1 = MDL 20).

¹⁹ The loans are written off fully or partially, proportional to the votes received, provided that a contestant has received above three per cent of the votes cast in the respective district.

²⁰ A political party or electoral bloc may spend up to MDL 59 million nationwide.

²¹ The Election Code does not specify which these bodies are.

By 8 May, 9 of 11 contestants registered by the CEC filed their first financial reports.²² Of them, five declared donations and expenditures, and four declared no transactions.²³ The CEC issued warnings for inaccurate reports to three contestants, and requested additional information from two of them which were also referred to the Anti-Corruption Agency.²⁴ On 22 May, 14 contestants submitted bi-weekly financial reports.²⁵ On 26 May, the CEC issued warnings to 12 contestants requesting that they either notify the CEC that they will not open an electoral fund or that they submit financial reports.²⁶ In addition, after reviewing the second reports of PN and the PSRM, the CEC requested that they provide additional information on the sources of their income.

X. MEDIA

Moldova has a large number of media outlets. Television is the primary information source; Internet is growing and print media is declining. The media offer a plurality of opinions, but are perceived as politicized. The concentration of media ownership is a matter of concern for the civil society and international organizations.²⁷ The public broadcaster, *Moldova 1*, is one of the most influential television channels. Some media representatives voiced concern with the amendments to the Audiovisual Code currently discussed in the parliament.²⁸

The Election Code requires public media to be fair, accountable, balanced and impartial. All media must guarantee equal conditions when granting free or paid airtime to the contestants. Opinion polls cannot be published five days prior to the elections and a 48-hour campaign silence is required. In local elections, local broadcasters are obliged to organize electoral debates.

On 17 April, the CEC approved the regulation on election media coverage, which required that all broadcasters provide fair, balanced and impartial coverage.²⁹ Paid political advertising is allowed, but is limited to two minutes per contestant per day on each broadcaster. On 4 May, the CEC issued the Code of Conduct for Political Parties and the Media promoting mutual respect among competitors.

The Audiovisual Co-ordination Council (CCA) is tasked to monitor the compliance with the media provisions and deal with media-related complaints. It can issue warnings and impose sanctions. According to the CCA, 104 broadcasters will cover the campaign, and 74 of them will organize debates. On 9 May, the CCA started to monitor 13 broadcasters and is supposed to submit weekly

²² The Election Code requires that contestants submit their first financial reports within three days of registration. However, the CEC required the contestants registered before 8 May to submit the first financial reports on 8 May and the second reports on 22 May, and contestants registered after 8 May to submit the first reports on 22 May.

²³ Namely PN, PSRM, PCRM, PL and PPEM-Iurie Leanca declared a total income of MDL 4,368,200 and expenditure of MDL 2,835,364; PLDM, PDM, PPCD and PNL did not declare any income or expenditure.

²⁴ PN, PSRM and PL were issued warnings for non-compliance. PN and PSRM were requested to provide additional information. PN appealed this CEC decision on 25 May.

²⁵ Overall, contestants declared some MDL 30 million incomes and 22 million of expenses. The highest incomes and expenditures were declared by PDM, PSRM, PN and PCRM.

²⁶ Professionals' Movement Hope, New Force, Patriots of Moldova, European Action Movement, Rebirth, Peoples' Party, Christian Democratic Peoples' Party, Party of Regions, PSRM, Democracy at Home, New Historical Option and Law and Justice Party.

²⁷ See the [2014 Legal Analysis of the Draft Laws Amending and Complementing the Moldovan Audiovisual Code by the OSCE Representative on Freedom of the Media](#). See also the [2014 European Neighbourhood Policy Country Progress Report](#).

²⁸ For example, that the requirement to air minimum eight hours per day of its own produced content may restrict media pluralism. On 22 April, [the OSCE Representative on Freedom of the Media stated](#) that some proposed provisions are excessive and not in line with best international practices.

²⁹ This CEC decision is based on the concept paper submitted to the CEC by the CCA on 9 April.

reports to the CEC. On 27 May, CCA issued its first report and warned six private channels for biased coverage; on the same occasion it suspended the rebroadcasting of *Russia 24* channel.³⁰ On 22 May, the CCA encouraged private broadcasters, albeit not obliged by law, to disseminate CEC voter information spots free of charge.

On 18 May, the OSCE/ODIHR LEOM commenced its monitoring of a cross-section of media outlets, with quantitative and qualitative analysis of their political coverage.³¹ Media monitoring by one non-governmental organization revealed some biased coverage in the private media.³²

XI. COMPLAINTS AND APPEALS

The complaints and appeals process is regulated by the Election Code and CEC decisions. Voters and contestants may complain about action, inaction and decisions of election commissions, other contestants and the media. A decision of an election commission may be appealed to the territorial court but the complainant must first exhaust the administrative process involving the hierarchy of electoral bodies. All complaints must be filed within three days of the date of action/inaction. A complaint against a PEB/DEC decision must be resolved by the higher electoral body within three days, but no later than election day. A complaint against election contestants must be resolved within five days.

Complaints against CEC decisions are filed with the Chisinau Court of Appeal and must be resolved within five days. Complaints against the broadcast media are filed with the CCA and those against the print media are filed with the territorial courts. The Supreme Court is the last instance for appeals, but it does not review the facts of the cases as it only considers their legal basis. Its sessions are not public.

As of 25 May, the CEC received 15 complaints, one of which was withdrawn. It dismissed seven of them on procedural grounds and made decisions on five to date. One decision was appealed to the Chisinau Court of Appeals, which dismissed it as groundless. The OSCE/ODIHR LEOM was informed of at least 28 complaints lodged with lower level electoral bodies in regard to candidate registration and campaign violations.³³

XII. CITIZEN AND INTERNATIONAL OBSERVERS

The Election Code provides for the observation of elections by international and citizen observer organizations. As of 25 May, the CEC accredited 54 international observers and 1,419 citizen observers. The latter are mainly from the Promo-Lex Association, which is conducting a large

³⁰ The CCA stated that the reason for suspending *Russia 24* was that it used propagandistic methods, particularly related to the conflict in Ukraine and the situation in Transdnistria and Gagauzia.

³¹ This includes seven television channels (*Moldova 1*, *Gagauz TV*, *Jurnal TV*, *Prime TV*, *Pro TV Chisinau*, *Publika TV*, and *TV 7*) and one radio station (*Radio Moldova*), daily between 18:00 to 24:00; two newspapers (*Komsomolskaya Pravda*, and *Moldova Suverana*); and five online media (*moldova.org*, *noi.md*, *omg.md*, *point.md*, and *unimedia.info*).

³² The Independent Journalism Center monitors 10 media outlets. On 19 May, it issued its first report for the period 1-14 May.

³³ In one case, on 4 May, PN submitted documents for registration of its list of candidates to the DEC Briceni. On 12 May (a day after the response deadline), the party applied to the CEC to oblige the DEC to consider their application. On 13 May, the party received the DEC decision rejecting the registration of the list due to: some documents not signed by the party leader; the list was created without the consent of candidates; not all documents were discussed during the meeting of the executive committee of the party; and the party did not follow the procedure of assigning the candidates to the position of councilor. PN appealed the DEC decision to the CEC, which was overturned on 15 May and the party list was registered.

election observation effort, including long, medium and short-term observation, campaign finance reporting and parallel vote tabulation for Chisinau, Balti and Comrat mayoral elections.

XIII. MISSION ACTIVITIES

The OSCE/ODIHR LEOM opened in Chisinau with a press conference on 14 May. The Head of Mission met with the Ministry of Foreign Affairs and European Integration, the CEC, the Ministry of Interior, and with representatives of political parties, media, civil society, the OSCE Mission to Moldova and the international community.³⁴ The LEOM established contacts with election stakeholders at all levels.

The OSCE/ODIHR will join effort with the Congress of Local and Regional Authorities of Council of Europe which will deploy observer delegation for election day observation.

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

³⁴ The OSCE/ODIHR LEOM and the OSCE Mission to Moldova operate separately under their specific mandates.