

**INTERIM REPORT**  
**28 September – 18 October 2023**

**20 October 2023**

**I. EXECUTIVE SUMMARY**

- The 5 November local elections are held to elect all 898 city, town and village mayors, councillors of the 896 local councils, the cities of Chişinău and Bălţi, and 32 district councils. For an election to be valid, a turnout of 25 per cent of registered voters is required. If no mayoral candidate wins an absolute majority in the first round, a run-off is held within two weeks. A newly introduced 20 per cent turnout is mandated in case of a run-off and a repeated election if this condition is not met.
- The upcoming elections are 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 local elections will be conducted under a state of emergency authorised by Parliament in February 2022 in connection with the war in Ukraine.
- These are the first elections that take place under a new Electoral Code, in force since 1 January 2023. The Code includes many significant changes, such as in the composition of election commissions, the right to stand, the conduct of the election campaign, and the regulation and supervision of campaign financing. The changes address several prior ODIHR recommendations, including those related to the strengthening of political and campaign finance regulations and combating the abuse of state resources and vote buying. In the run-up to the elections, the Code was repeatedly amended to temporarily prevent certain members of a political party declared unconstitutional from competing in the elections.
- While some ODIHR EOM interlocutors expressed confidence in the impartiality and professionalism of the Central Election Commission (CEC), some considered it to be influenced by the ruling party. Thus far, the CEC has met most legal deadlines despite concerns about the lack of sufficient human resources to support the institution's work. CEC holds sessions open to observers and media and streamed live. The second-level District Election Commissions (DECs) have new permanent DEC chairpersons appointed by the CEC. While some interlocutors assessed this will increase professionalism, others pointed to the DEC chairpersons' hierarchical dependence on the CEC, which could potentially undermine their impartiality.
- On 2 October, the voter register included some 3.3 million voters, of which some 2.8 million have a residence in Moldova; voters without a registered residence, including those registered abroad and those residing in the localities on the left bank of the Nistru river (Transnistria), will not vote on election day. To further limit vote buying, the law now mandates that voters registered in a district less than three months before the local elections are registered to vote according to their previous address. In general, the ODIHR EOM interlocutors did not raise concerns regarding the accuracy of voter registration.
- Candidates are nominated by registered political parties, electoral blocs, or as individual candidates, and the registration is conducted by the DECs. Amendments to the Electoral Code adopted on 4 October resulted in a three-year ban on the right to stand for 102 persons affiliated with the former Şor party. The CEC informed the ODIHR EOM that 26 of the 102 affiliates attempted to register with DECs to compete in elections; five withdrew, and the others were rejected. Candidate registration

concluded on 13 October, and, according to the CEC, DEC registered the candidate lists of 36 parties and 1,104 independent candidates for councillors and mayors.

- The official campaign period commenced on 6 October, with limited visibility thus far. The use of public resources is prohibited, and, in line with the law, the CEC notified the incumbent contestants to temporarily suspend their terms of office. On 5 October, parliament authorised increases of salaries for public servants and one-time payments for teachers and the police, which was criticized by the opposition as giving the ruling party undue advantage. Most ODIHR EOM interlocutors noted that vote-buying and the use of illicit funds in the campaign remain a considerable problem.
- The new Electoral Code implemented some prior ODIHR recommendations, including a significant decrease in donation limits. Campaign-related activities must be funded through a dedicated bank account, but some contestants informed the ODIHR EOM of difficulties in opening them. The CEC exercises financial oversight over contestants' income and expenditures. As of 17 October, the CEC published 17 interim financial reports that the contestants are obliged to submit on a weekly basis.
- A high number of media outlets operate in an insufficient advertising market, and major television stations are controlled by business and political interests. The legislation protects freedom of expression and stipulates impartiality in broadcasting, but the recent legal amendments increased parliamentary control over the public broadcaster and the Audiovisual Council (AVC). The AVC commenced media monitoring of news programmes in the pre-election period and enhanced its media monitoring during the campaign. On 6 October, the ODIHR EOM started monitoring six TV stations and five online media outlets.
- Complaints against actions and inactions of electoral bodies are filed to the higher commission and can further be appealed to a first-instance court and then to the higher-level court. The affiliates of the former Şor party who were denied registration could appeal the DEC decision directly to the Chişinău Court of Appeal; three such appeals were rejected, while one was returned to the DEC for reconsideration. A total of 51 complaints have been filed with the CEC on early campaigning, misuse of administrative resources and registration of candidates. Of these, 24 were rejected, 19 ruled in favour of the complainant, and 5 are pending.

## **II. INTRODUCTION**

Following an invitation from the Central Election Commission (CEC) of Moldova, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) on 28 September 2023.<sup>1</sup> The EOM is led by Corien Jonker and consists of an 11-member core team based in Chişinău and 28 long-term observers deployed throughout the country on 6 October. Mission members are drawn from 23 OSCE participating States. ODIHR has requested participating States to second 200 short-term observers to observe election-day proceedings.

## **III. BACKGROUND AND POLITICAL CONTEXT**

In line with the law, on 4 July, the CEC announced local elections for all local and district councils and mayors to take place on 5 November 2023. In the most recent local elections in 2019, the Socialist Party (PSRM) won the most councillor and mayoral seats, followed by the electoral bloc comprising the Action and Solidarity Party (PAS) and the Dignity and Truth Platform Party (PPDA), and further by the Modern

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<sup>1</sup> See previous [ODIHR election-related reports on Moldova](#).

Democratic Party (PDM) and Şor Party. Following the 2021 early parliamentary elections, the PAS won a parliamentary majority with 63 out of 101 mandates and formed a government.<sup>2</sup>

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

The upcoming local elections are being held under a state of emergency, declared on 24 February 2022, due to threats to national security in relation to the war in Ukraine.<sup>3</sup> The elections are shaped by tensions between the ruling party and the opposition related to the country's geopolitical direction, the banning of key former Şor Party members from standing and the ongoing investigations into the use of illegal funds for vote-buying by parties and candidates associated with the former Şor party. These elections are seen as an important competition between the ruling party and the opposition for establishing a strong political presence and governing on a local level ahead of the 2024 presidential and 2025 parliamentary elections.

In the last two years, the government engaged in an ambitious reform agenda related to corruption, elections and judiciary, but without opposition support, who accused the ruling party of securing absolute power to prevent democratic change. In June 2022, Moldova received the status of an EU candidate country.

The political representation of women has increased in recent years, although it remains below parity. The president is a woman, and 6 of 17 (35 per cent) government ministers are women. Women hold 39 MP seats (38 per cent), and 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) are women. National minorities are generally well represented through elected positions in communities where they are geographically concentrated.

#### IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Local elections are primarily regulated by the 1994 Constitution, the newly adopted 2022 Electoral Code and the 2007 Law on Political Parties (LPP), supplemented by other relevant legislation and a set of CEC regulations.

These are the first elections that take place under a new Electoral Code, adopted in December 2022, following a comprehensive consultation process that included civil society organizations but lacked the participation of the parliamentary opposition.<sup>4</sup> The new code contains numerous and significant changes in many electoral aspects, particularly on the composition of election management bodies, the conduct of the election campaign, and regulation and supervision of campaign financing. The new legal framework addresses several prior ODIHR recommendations, including on strengthening campaign finance regulations and oversight, combating the abuse of state resources and vote buying and reviewing the nomination mechanism for the CEC in order to increase its impartiality. Some recommendations remain

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<sup>2</sup> The oppositional Electoral Bloc of Communists and Socialists (BeCS) and the Şor Party received 32 and 6 mandates, respectively. In the interim, five MPs have left the BeCS; four of them joined the Renaissance Party (PR), and one moved to the newly formed National Alternative for Moldova (MAN). The MAN was registered as a party in January 2023 predominantly from the team members of the current mayor of Chişinău. One MP seat remains vacant after Mr Ilan Şor was stripped of his mandate, having been sentenced *in absentia* by a final court decision in April 2023 to 15 years imprisonment for fraud and money laundering.

<sup>3</sup> It was last extended by parliament on 21 September 2023 for an additional 60 days.

<sup>4</sup> See the October 2022 [Joint opinion](#) of ODIHR and the Venice Commission of the Council of Europe.

unaddressed, such as those concerning the suffrage rights of persons with intellectual disabilities and relaxing some excessive requirements for financial reports.

Following the 19 June 2023 Constitutional Court decision declaring the Șor Party unconstitutional, parliament amended the Electoral Code on 31 July to ban party executives and elected officials nominated by a party declared unconstitutional from competing in elections for a period of five years.<sup>5</sup> The stated aim for the amendments was to implement the Court decision and enforce a preventive mechanism. However, on 3 October 2023, the Constitutional Court declared the provision unconstitutional finding the ban to be general, neglecting individual circumstances, and lacking effective remedies and guarantees against arbitrary decisions.<sup>6</sup>

On 4 October, parliament again amended the Electoral Code on a session boycotted by the opposition. The newly introduced amendment prohibits four specific groups of people from standing as candidates for a three-year period. These include those suspected, accused, indicted or convicted of crimes for which a party was declared unconstitutional, those prohibited from competing due to past violations of the election legislation, irrespective of the gravity of the violation, those on international sanctions lists, and those who performed other acts for which a party was declared unconstitutional.<sup>7</sup> On the same day, before the parliament's vote, the Commission for Exceptional Situations issued a decision also prohibiting similar categories of persons from contesting, in effect ensuring the application of the prohibitions before the law was promulgated by the president, given the candidate registration deadline of 6 October.<sup>8</sup> On 16 October, the provision was challenged at the Constitutional Court.

Local elections are conducted to elect 898 mayors and 11,058 councillors for villages (or communes), towns, and municipalities, including the cities of Chișinău and Bălți and 32 district councils and *rayons* in 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 an absolute majority of all valid votes in the first round, a run-off between the two top candidates is held within two weeks. A turnout of at least 25 per cent of the electorate is required for the validation of the first round, whereas for the run-offs, the new Electoral Code introduced a 20 per cent turnout requirement.

## V. ELECTION ADMINISTRATION

Local elections are administered by a four-tiered structure comprising the CEC, 35 second-level District Election Councils (DECs), 896 first-level DECs and 1,958 Precinct Election Bureaus (PEBs).<sup>9</sup> The CEC, is a permanent body appointed in 2021. Its current make-up, comprising one member nominated by the president and eight by parliamentary factions proportionally to their representation, will serve until the

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<sup>5</sup> The Law on Political Parties was also amended to prohibit the use of symbols resembling those of an unconstitutional party; electoral and political corruption were also introduced to the Criminal Code as new criminal offences.

<sup>6</sup> The decision was mostly in line with the October 2023 [Joint Opinion](#) of ODIHR and the Venice Commission, which recommended that limitations to the right to stand be accompanied by adequate criteria, an effective individual assessment, procedural safeguards and legal remedies.

<sup>7</sup> The law was adopted following two consecutive readings on 4 October, without public consultation. On that same day, an opinion on the draft law was requested from the CEC and the National Anticorruption Centre (NAC). The CEC issued an opinion as the majority of its members did not vote in favour of the draft law. The NAC did not offer its expertise due to the short notice. The NAC Director, who resigned on 10 October, informed the ODIHR EOM that in his view the legislation did not contain any corruption-related risks.

<sup>8</sup> The Commission for Exceptional Situations, which comprises members of the government and other state agencies, has wide-ranging competencies and has issued several legally binding decisions with immediate effect. In its [decision](#), the Commission argued that it is necessary to ensure a democratic electoral process and react to a danger to national security posed by persons associated with a party declared unconstitutional.

<sup>9</sup> According to the new provisions of the Electoral Code, the Central Election Council of Gagauzia will assume the duties of the DEC for these elections.

end of its five-year term.<sup>10</sup> The CEC currently has eight of the nine members appointed, all working on a permanent basis.<sup>11</sup> Five CEC members are women, including the chairperson. While some ODIHR EOM interlocutors expressed their confidence in the impartiality and professionalism of the CEC and election administration, some others considered it to be under the influence of the ruling party.<sup>12</sup>

The CEC has significant overall responsibilities in administrating the election process, including operating election management systems, overseeing election campaign and campaign finance, training to lower electoral bodies and other stakeholders, and certifying new electoral officials.<sup>13</sup> To align with the new legal framework, since the beginning of this year, the CEC developed and adopted 36 regulations and instructions for these elections, including on election administration, candidate registration, campaign finance, and election day procedures. The CEC and several other stakeholders expressed concerns to the ODIHR EOM about the general lack of adequate human resources, including the understaffing of the CEC's key departments (for instance, IT) and difficulties in identifying candidates for second-level DEC chairpersons.

The Electoral Code now defines second-level DEC as permanent structures on account of introducing permanently employed DEC chairpersons appointed by the CEC. This appointment process took place concurrently with the preparations for these elections and the CEC informed the ODIHR EOM it faced difficulties completing the appointments.<sup>14</sup> All other DEC members are temporarily employed and appointed by local councils and political parties. Women comprise 71.6 per cent of second-level DEC members and 63 per cent of chairpersons. While some ODIHR EOM interlocutors assessed this novelty as potentially contributing to increased professionalism and stability of the election administration, others have raised concerns that DEC chairpersons fall under the hierarchy of the CEC, which could undermine their impartiality. In local elections, DECs have several crucial tasks, including registration of candidates and establishing lower-level commissions. DECs also validate election results and allocate mandates, but some ODIHR EOM interlocutors opined that the courts should have retained this authority as DECs might not be fully objective regarding the validity of the elections they organize.

The CEC has thus far met the legal deadlines in preparation for the elections. Sessions have been open to observers and media, streamed live and remained available online. The agendas and adopted decisions have been published on the CEC website mostly in a timely manner. On the level of DECs, technical preparations are ongoing within the established deadlines.

Since 18 September, the CEC and its Centre for Continuous Electoral Training (CICDE) have conducted extensive online and in-person trainings for DECs of all levels and started training for PEB members on 11 October.<sup>15</sup> Between September and October, the CEC also held training sessions for the police and

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<sup>10</sup> In line with a prior ODIHR recommendation, the Electoral Code introduced a new formula, to be applied from 2026, that comprises seven CEC members nominated one each by the President, the Ministry of Interior, the Superior Council of Magistrates, the civil society and the parliamentary opposition, and two by the ruling party.

<sup>11</sup> Based on parliament's composition, the PAS has the right to nominate five members, and BeCS – three. One CEC member nominated by BeCS in July 2023 to fill in a vacancy is yet to be appointed by parliament. The Parliament's Legal Committee in charge of the approval procedure, informed the ODIHR EOM that some candidates proposed by the opposition did not meet the criteria of professionalism and were considered political and hence were not approved. The Committee also informed the ODIHR EOM that as of 12 September discussions have begun around a candidate, which could be approved after clearance from the Security and Information Service.

<sup>12</sup> In particular, the point was made that 5 out of 8 current CEC members are nominated by the ruling party and one is appointed by the president, creating an imbalance which potentially challenges the impartiality of the CEC.

<sup>13</sup> The Register of Electoral Officials maintained by the CEC includes some 44,000 persons. To be included in the register a person needs to either have election experience or be certified by the CEC, which requires completing a written test and an interview.

<sup>14</sup> Second-level DEC chairpersons have the status of public officials. Between February and August 2023, the CEC made an open call for a competitive selection process for 34 DEC chairperson positions. The CEC informed the ODIHR EOM that they faced a shortage of applicants, which in some districts led to re-advertisement of the positions.

<sup>15</sup> DECs are also trained in the validation of election results and the allocation of mandates.

judges. The voter information campaign organized by the CICDE includes podcasts, videos, and social media posts in Romanian and Russian, with subtitles and sign language interpretation.<sup>16</sup>

## VI. VOTER REGISTRATION

Citizens who have reached 18 by election day are eligible to vote, except those deprived of this right by a court decision due to intellectual or psychosocial disabilities. Deprivation of the right to vote on the basis of a mental disability is inconsistent with international obligations and standards.

The State Register of Voters (SRV) is maintained and updated by the CEC based on the data extracted from the population register. On 2 October, the SRV included 3,302,399 voters, of which 2,762,125 (83.6 per cent) have a permanent or temporary residence in Moldova. Some 273,112 voters without a registered residence, including those registered abroad and 267,162 residing in Transnistria, are not included in the voter list and will not vote on election day.<sup>17</sup> Most of the estimated 900,000 Moldovan citizens who live abroad also maintain a residence in Moldova, allowing them to vote if they return to the country.<sup>18</sup>

In general, the ODIHR EOM interlocutors did not raise concerns regarding the accuracy of voter registration. To prevent cases of voters moving to another election district close to election day, either pressured to do so or incentivized, a new legal provision mandates that voters who moved to another district less than three months before election day remain registered to vote in the precinct according to their previous address.<sup>19</sup>

The law ensures the transparency and accessibility of voter lists, with the public display at the PEBs no later than 16 October and the possibility to check the lists online. Voters can request corrections of their details and submit complaints on inaccuracies to the PEBs until 29 October. The lists are also available for scrutiny by the representatives of contestants.

## VII. CANDIDATE REGISTRATION

The right to stand is granted to all voters except persons serving military duty, those sentenced to prison by a final court decision, those with criminal records for crimes committed intentionally, and those deprived of the right to hold positions of responsibility by a final court decision.<sup>20</sup> To compete for the position of mayor, a prospective candidate must be at least 23 years of age and have graduated in the general compulsory education.<sup>21</sup> In addition, the amendments to the Electoral Code made on 4 October 2023 introduced a three-year ban on several groups of persons associated with a party declared unconstitutional (See *Legal Framework and Electoral System*). Overall, ODIHR EOM interlocutors noted that the candidate registration process was smooth, and most prospective candidates did not face impediments.

Candidates are nominated by registered political parties, electoral blocs, or through self-nomination as individual candidates. Candidate registration is conducted by the second-level DECes. All lists for council elections must have no less than four candidates of each gender in each consecutive group of ten candidates. The law does not mention quotas in the allocation of seats.

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<sup>16</sup> Topics covered include: introduction to public administration and local elections, candidate registration, including promoting women candidates, voter registration, and election-day procedures.

<sup>17</sup> As an exception, voters residing in the villages of Chițcani, Cremenciug and Gîsca in Transnistria, will be able to vote for the district council of Căușeni.

<sup>18</sup> According to the Public Service Agency (PSA), 109,121 voters have a registered permanent residence abroad.

<sup>19</sup> The law excludes students from this restriction.

<sup>20</sup> Recent legal changes introduced additional restrictions for candidate nomination.

<sup>21</sup> This requirement was reduced from 25 years of age. According to the CEC, the amendment has increased the potential number of eligible candidates by 71,000 persons, of which 42,000 are women.

Electoral blocs can be established only centrally by the CEC and may not vary across different constituencies. Registered parties and electoral blocs may nominate a mayoral candidate in each district. Any voter may apply as an independent candidate, both as a councillor and a mayor, if they submit a sufficient number of support signatures, which are then verified by DECs.<sup>22</sup> In line with a prior ODIHR recommendation, the Electoral Code prescribes the possibility for citizens to sign in support of more than one candidate.

In line with the temporary ban on candidacies of persons associated with a party declared unconstitutional, and based on information received from four different institutions, the CEC compiled a list of 102 persons ineligible to stand, which was then distributed to the DECs.<sup>23</sup> While the CEC informed the ODIHR EOM about the list, it was not made public with the stated aim to protect personal data privacy; however, it was leaked and available online on 6 October. The CEC informed the ODIHR EOM that 26 of the 102 registered with DECs, five withdrew, and the others were rejected.<sup>24</sup>

On 8 September, the CEC published the list of 60 parties eligible to participate in these elections.<sup>25</sup> Candidate registration was concluded on 13 October. In total, 36 parties nominated 55,634 candidates for councillors and 3,622 for mayors. Independent candidates amounted to 1,104 for councillors and mayors. Women comprise some 47 per cent of party lists and some 22 per cent of independent candidates. One electoral bloc was registered.

## VIII. CAMPAIGN ENVIRONMENT

Contestants can start campaigning 30 days before election day (6 October) and only after registration by the respective DEC. The campaign ends one day before election day. Local authorities are obliged to designate areas for campaign posters and meetings. According to recent legal amendments, parties and candidates are prohibited from organising and using concerts for campaign purposes. They may use political advertising and pre-election activities related to candidate nomination prior to the start of the campaign period. An instance of early campaigning in July by the prospective PAS mayoral candidate in Chişinău resulted in a warning issued by the CEC.

The use of public resources for campaign purposes is prohibited. To reduce incumbents' use of administrative resources, the law obliges state institutions and local administrations to publicize only information of public interest, for which they must obtain an approval by the CEC. On 9 October, as mandated by law, the CEC notified the incumbent contestants to temporarily suspend their terms of office for mayors, heads of city districts, council secretaries, and their deputies.

On 5 October, parliament adopted corrections to the state budget to allocate MDL 846,900,000 (approx. EUR 44,631,630) for salary increases of the 170,000 public servants, including those working in health, culture and judicial sectors. Teachers and the police will receive a one-time payment of MDL 5,000 (approx. 263 EUR).<sup>26</sup> In their meetings with the ODIHR EOM, parliamentary opposition parties criticised the decision, accusing the government of timing its budgetary adjustments to coincide with the elections,

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<sup>22</sup> Prospective 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. For the mayoral race, the number of supporting signatures required is reduced to 1 per cent, but no less than 100 voters.

<sup>23</sup> The names of those not eligible to stand were submitted by the General Inspectorate of the Police, the National Anticorruption Centre, the Intelligence and Security Service and the General Prosecutor's Office.

<sup>24</sup> The constitutionality of the temporary ban on candidacies introduced by the amendments to the Electoral Code of 31 July was challenged at the Constitutional Court, which, on 29 September, decided to suspend these restrictions and finally declared them unconstitutional on 3 October. Until new limitations were introduced on 4 October, those subject to the restrictions had the opportunity to collect support signatures and submit their registration documents.

<sup>25</sup> See the [list](#) of eligible political parties.

<sup>26</sup> As announced on the [website](#) of the Government of Moldova.

in order to give themselves an undue advantage through the use of public resources. On 5 October, the parliamentary opposition put forward a motion of no confidence in the government.

Some parties, including the PAS, the Party of Socialists (PSRM), the Chance party and Our Party, launched their campaign in different districts by presenting their candidates for mayors and councils. Thus far, the campaign has been calm and with limited visibility. Many ODIHR EOM interlocutors raised concerns about possible widespread vote-buying and, some noted that in advance of the candidate registration, efforts were underway by the ruling party to convince incumbent mayors to pledge allegiance or run on the party's ticket. On 2 October, Mr Ilan Şor stated that starting from November, every pensioner of Autonomous Territorial Unit of Gagauzia, Orhei and the city of Taraclia will receive MLD 1,000 from his private fund.<sup>27</sup> On 4 October, the premises of the Chance Party and RP were searched by law enforcement agencies on suspicion of illegal funding of political parties.<sup>28</sup>

## IX. CAMPAIGN FINANCE

The legal framework regulating campaign finance comprises the Electoral Code, the Law on Political Parties and CEC regulations. The CEC exercises financial oversight over contestants' income and expenditures. Campaign-related activities must be funded through a dedicated bank account. Parties and electoral blocs which registered candidates must open an account within three days after registration and inform the CEC of the account details within 24 hours, while independent candidates report to their respective DEC. Some contestants informed the ODIHR EOM of difficulties in opening accounts.<sup>29</sup> On 1 October, the CEC conducted a training for 22 party treasurers on reporting requirements.

Recent changes in the legislation strengthened campaign finance regulations, by implementing several prior ODIHR, Venice Commission, and Council of Europe Group of States against Corruption (GRECO) recommendations.<sup>30</sup> Among them, caps on donations from individuals were considerably decreased, from MLD 200 to 6 average monthly salaries, but not more than 30 per cent of their annual income, and for legal entities from 400 to 12 salaries.<sup>31</sup> The law allows for cash donations to be deposited in the electoral fund. The ODIHR EOM was informed on a few occasions of difficulties with donors attempting to do so.

Parties are allowed to use state subsidies for campaign purposes. Public funding to parties and electoral blocs amounts to up to 0.1 per cent of the state budget. The amounts allocated depend on party results in all elections and also considers the number of elected women and youth in parliamentary and local elections.<sup>32</sup>

Parties that use their own funds must submit a financial report covering the period 1 January to 6 October. Interim campaign financial reports on income and expenses, including donors' identities, must be submitted to the CEC on a weekly basis, and a final report must be submitted within three days after

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<sup>27</sup> The [statement](#) of Mr. Ilan Şor was published on the Şor party's website.

<sup>28</sup> The National Anticorruption Centre (NAM), the General Inspectorate of the Police and the Anticorruption Prosecutor Office issued [a statement](#) on 5 October noting that searches were carried out at the headquarters of political parties with seizure of "PYYPL" online banking cards, cash, debit cards and documents reflecting payments with unaccounted money to several individuals, including the names of mayoral candidates who reportedly received money to buy costumes, several boxes with food packages.

<sup>29</sup> In five instances (Green Ecologist Party, Democracy at Home, Liberal Party, the Chance Party, the RP and Movement Respect Moldova) banks requested a fee of MLD 5,000 (approx. EUR 263) and in one case the bank refused to open an account for the Party of Development and Consolidation of Moldova. Following complaints, the CEC obliged banks to review the procedure and to open accounts for contestants at no cost. See CEC Decision No. 1389 of 6 October.

<sup>30</sup> See ODIHR and the Venice Commission October 2022 [Joint Opinion](#) on the draft Electoral Code and the 2015 GRECO [Evaluation Report on Moldova Transparency of party Funding](#).

<sup>31</sup> As of October 2023, the average salary in Moldova is MLD 12,176 (EUR 639).

<sup>32</sup> According to a CEC decision, as of January 2023, 35 political parties will receive MLD 48,980,700 (approx. EUR 2,638,107).



election day.<sup>33</sup> All reports must be published by the CEC within a day of receipt. As of 17 October, the CEC website contained only 17 weekly reports of the 36 political parties registered to contest in the local elections.<sup>34</sup> The CEC informed the EOM ODIHR that the electronic reporting system was not fully functional when the first weekly financial reports were submitted. Therefore, the CEC will not sanction parties whose reports were not received on time.

## X. MEDIA

A high number of media outlets operate in an insufficient advertising market.<sup>35</sup> Most major TV stations are considered to be controlled by business people linked to political parties.<sup>36</sup> According to the ODIHR EOM interlocutors, independent news production and investigative journalism rely mostly on support from international donors.

The Constitution and legislation provide for the right to freedom of expression and general media legislation includes the 2010 Law on Freedom of Expression, the 2018 Audiovisual Media Services Code (AMSC) and the 2023 Law on Access to Information in Public Interest. The AMSC provides for impartiality in public and commercial broadcasting. Defamation is not only a civil matter since the Contraventions Code still contains defamation provisions. In addition, the law does not prevent awards of excessive damages in civil defamation cases.

The current management of the public service broadcaster *TeleRadio-Moldova* (TRM) and the broadcasting regulator Audiovisual Council (AVC) were appointed following the November 2021 amendments to the AMSC, which established parliamentary control over the appointment and dismissal of the management.<sup>37</sup>

Amendments to the AMSC of June 2022 prohibit the broadcasting of programmes that “constitute speech that incites hatred, disinformation, propaganda of military aggression, extremist content, content of a terrorist nature or that presents a threat to national security”, as well as programmes of informative, military or political content produced in countries other than EU member states, the United States, Canada or ratifiers of the European Convention on Transfrontier Television.<sup>38</sup>

Following decisions by the Commission for Exceptional Situations, on 16 December 2022, six TV stations were suspended for the duration of the emergency situation for “inaccurate coverage of national events, as well as the war in Ukraine”.<sup>39</sup> Some ODIHR EOM interlocutors opined that any further measures should have been taken by the AVC, before the suspension was applied as the measure of last resort. On

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<sup>33</sup> In case of run-offs, the financial reporting timeline starts when the campaign for the second round begins.

<sup>34</sup> The CEC financial reports repository on its website can be accessed [here](#).

<sup>35</sup> By September 2023, the Audiovisual Council has licensed 64 national, regional and local [TV](#) stations as well as 58 [radio](#) stations.

<sup>36</sup> See [AVC list of beneficial owners of TV stations](#).

<sup>37</sup> Following the amendments, the General Director of *TRM* is appointed by parliament on the proposal of the Supervisory and Development Council, who is also appointed by parliament. Previously, they were appointed, following a public tender, by the Supervisory Board which was appointed by the Audiovisual Council. The management structures of both the TRM and the AVC may be dismissed by parliament inter alia “following the finding of improper execution or non-execution of (his/her) duties”. See the November 2021 [legal analysis](#) by the OSCE Representative on Freedom of the Media, which criticized the amendments due to increased the parliamentary control of both *TeleRadio-Moldova* and the Audiovisual Council. See also the [open letter](#) by the European Broadcasting Union (EBU).

<sup>38</sup> The [Venice Commission Opinion](#) on these amendments stressed that, while deeming this content provision legitimate, necessary and proportionate, the terms used such as ‘extremist content’ need to be precise enough to form a legal basis for the severe interference into freedom of expression such as the prohibition to broadcast speech of certain content. However, according to the opinion, while the content-based prohibition is legitimate, the origin-based ban on broadcasting from other countries than the listed ones is not considered to be necessary and proportional.

<sup>39</sup> See the [decision](#) of the Commission for Exceptional Situations, to temporarily ban the broadcasting of *Primul în Moldova*, *RTR Moldova*, *Accent TV*, *NTV Moldova*, *TV6* and *Orhei TV*.

13 October, the AVC did not extend and did not grant the licenses of *Primul în Moldova* and *Familia*, respectively, *inter alia* for not complying with content requirements and due to a lack of transparency in financing and beneficial ownership.

Internet access providers are obliged to block online sources following an assessment made by the Intelligence and Security Service (SIS) if the content promotes “false news affecting national security [...] promote messages inciting hatred, mass disorder or war [...] or is used in the information war against the Republic of Moldova”.<sup>40</sup>

The Electoral Code, supplemented by a CEC regulation, stipulates fair, balanced and impartial media coverage of contestants’ campaigns. Contestants should be granted access to political advertising under equal conditions. As of 22 September, the AVC started publishing weekly reports on the quantitative and qualitative monitoring of 25 TV stations and 17 radio stations. It acts *ex officio* and upon media-related complaints. TRM announced its intention to broadcast a number of debates in 8 cities with four candidates during each debate.

On 6 October, the ODIHR EOM started monitoring six TV stations and five online media outlets with quantitative and qualitative analysis of their election-related coverage.<sup>41</sup>

## XI. ELECTION DISPUTE RESOLUTION

Complaints against the decisions, actions or inaction of electoral bodies must be filed by voters or contestants to the higher electoral body. Appeals on decisions on complaints can be submitted to the competent first instance court, and then to the higher-level court. Complaints against actions of contestants are filed to the body that registered the contestant. The Chişinău Court of Appeal is also the competent first instance court for complaints against the decisions of the CEC and of the Audio-visual Council related to the election coverage. The deadline for submitting all complaints and appeals is three days, and decisions must be taken within three days.

As part of the 4 October amendments to the Electoral Code temporarily banning certain members of a party declared unconstitutional from standing as candidates, a separate complaint procedure was introduced for candidates whose registration was denied by the DEC using this criterion (see *Legal Framework and Electoral System*). In these instances, the DEC decisions are appealed directly to the Chişinău Court of Appeal. To date, of the 21 prospective candidates who were rejected by the DEC, 4 of them have lodged appeals. In three instances, the Chişinău Court of Appeal upheld the decisions of the DEC and in one case, the court admitted the appeal and sent back the case to the DEC Orhei for re-examination. The DEC had until 13 October to publish the final decisions on candidate registration. These decisions can be appealed within three days to the Chişinău Court of Appeal. As a result, the election dispute resolution process pertaining to candidate registration could be ongoing for more than two weeks into the electoral campaign.<sup>42</sup>

Since the elections were called on 4 July, the CEC website has uploaded 51 complaints related to *inter alia* the registration of candidates, alleged early campaigning and misuse of administrative resources by electoral contestants. Of these, 24 were rejected, 19 ruled in favour of the plaintiff, 3 were referred to the

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<sup>40</sup> According to the National Regulatory Agency for Electronic Communications and Information Technology, 21 websites have been blocked since 24 February 2022.

<sup>41</sup> The monitored media are: *Cinema1*, *Jurnal TV Moldova1*, *Orizont TV*, *PRO TV* and *TV8*, as well as five online media outlets *zdg.md*, *point.md*, *newsmaker.md*, *noi.md* and *kp.md*.

<sup>42</sup> The decision of the Chişinău Court of Appeal can be appealed within 3 days to the Supreme Court which has an additional 3 days to issue a decision. If during the different stages of appeals related to candidate registration, the maximum three day deadline is used, the process will be exhausted at its earliest on 25 October.

competent DEC and 5 are pending.<sup>43</sup> Comprehensive information on appeals submitted to the courts is not available on the CEC website.

## **XII. CITIZEN AND INTERNATIONAL OBSERVERS**

The law provides for the accreditation of citizen and international observers and 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.

By 17 October, the CEC accredited 720 citizen and 107 international observers. Promo-LEX, part of the Civic Coalition for Free and Fair Elections, has deployed 40 long-term observers and plans to conduct a comprehensive election-day observation.<sup>44</sup>

## **XIII. ODIHR EOM ACTIVITIES**

The ODIHR EOM commenced its work on 28 September. The ODIHR EOM met with the Ministry of Foreign Affairs and European Integration, the CEC, political parties, civil society organizations, and representatives of OSCE participating States. It has established working relations with relevant stakeholders involved in the election process. Long-term observers have met stakeholders at the local level in their respective areas since deployment on 6 October.

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

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<sup>43</sup> In the 19 instances where the complaint was upheld, the CEC issued warning in 17.

<sup>44</sup> It plans to deploy 600 stationary observers and 70 mobile teams on election day to cover 70-80 per cent of the polling stations countrywide, including all polling stations in Chişinău and Bălţi.