



LIMITED ELECTION OBSERVATION MISSION Republic of Moldova, Mayoral Run-Off Contests, 19 June 2011

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Chisinau, 20 June 2011 - Following an invitation from the Central Election Commission of the Republic of Moldova, and based on the recommendation of the Needs Assessment Mission, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established a Limited Election Observation Mission (LEOM) in Chisinau on 9 May for the 5 June 2011 local elections. The OSCE/ODIHR LEOM remained in the country to follow the 19 June mayoral run-off contests.

The run-offs were assessed for their compliance with OSCE commitments and other international standards for democratic elections, as well as with Moldovan legislation. This statement should be considered in conjunction with the Statement of Preliminary Findings and Conclusions issued on 6 June, after the first round of voting.¹ The overall assessment of the election will depend, in part, on the conduct of the remaining stages of the election process, including counting and tabulation. OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the process.

In line with standard OSCE/ODIHR methodology for LEOMs, the mission included long-term observers but not short-term election observers. The OSCE/ODIHR LEOM did not conduct a comprehensive and systematic observation of election-day proceedings, but visited a limited number of polling stations.

PRELIMINARY FINDINGS AND CONCLUSIONS

The period between the first round of the local elections on 5 June and the mayoral run-offs that took place on 19 June was characterized by respect for fundamental rights and freedoms. Contestants continued to have equitable opportunities to conduct their campaigns. The competitive campaign environment countrywide offered voters distinct political alternatives to choose from. The Chisinau mayoral race was highly-charged, being a contest of national political significance. The process in the run-up to the second rounds underscored the need to improve voter registration and political finance regulation, as well as to further clarify the legislation, including provisions on second round contests. The aggregation and publication of preliminary mayoral run-off results by the Central Election Commission (CEC) was transparent and efficient, in a considerable improvement over the first round.

Mayoral run-offs took place in 512 of 898 locations, including Chisinau. Of 1,024 second-round candidates, 208 were women. The level of campaigning decreased noticeably between the two rounds. A few large rallies took place in Chisinau in the run-up to the 19 June vote. The rallies exhibited some strongly divisive rhetoric that underscores the polarization of political forces. Chisinau mayoral candidates accused each other of having misused public funds while holding office in the past. On 9 June, parties from the governing Alliance for European Integration (AEI) issued a joint statement to support each other in races against non-AEI candidates. They also endorsed the Liberal Party (PL) candidate for the Chisinau mayor. As observed before the 5 June first round, contestants did not fully comply with campaign finance regulations in their reporting related to the second round. This again underscored the need to further develop campaign finance oversight and enforcement mechanisms.

The campaign environment between the two rounds was affected by a controversy over the 5 June vote results for the mayor of Chisinau. This controversy was caused by conflicting information conveyed by some media in the early hours of 6 June and the preliminary results announced by the CEC later that day. Some media initially reported that one candidate had won in the first round. These reports were based on unofficial data provided by the Chisinau District Electoral Council (DEC) chairperson for the Chisinau city results, excluding Chisinau suburbs. Complete preliminary results announced by the CEC showed

¹ See Statement of Preliminary Findings and Conclusions on the first round of voting held on 5 June, available at: www.osce.org/odihr/78446.

that no candidate had won in the first round. Contestants accepted these results as no legal challenges were filed.

Although the CEC announced the 5 June vote results and required second rounds by the 10 June legal deadline, tabulation transparency was affected by delays in publishing the preliminary results and by irregular updates of information on its website by the CEC. Data on the valid votes cast for each contestant by Precinct Electoral Bureau (PEB) was made available on the website by the evening of 7 June. Complete and disaggregated results by PEB were only made available on 14 June.

Most post-election day complaints were requests for recounts. The complaints were most commonly based on allegations of irregularities related to the invalidation of ballots and obstruction to observation during counting, as well as to PEB members being related to contestants. The OSCE/ODIHR LEOM long-term observers were informed by territorial courts that ten requests for ballot recounts in several PEBs were satisfied.² During recounts followed by the OSCE/ODIHR LEOM, the procedures applied varied, partly due to a late instruction by the CEC on this subject. Overall, recounts confirmed initial results. However, in one instance, the recount resulted in a re-allocation of mandates in a local council. In another, a candidate was found to be elected in the first round. In one case, the court ordered repeat voting in a polling station where a local council candidate who withdrew from the race was not removed from the ballot; repeat voting was combined with the 19 June vote. In Chisinau, the PL requested a recount for the Chisinau council race. The territorial court rejected the complaint; however, upon appeal, the last instance court ruled that a recount was to be conducted after the mayoral run-offs.

Concerns related to the accuracy of voter lists and some other aspects of voter registration persisted between the two rounds. A continuing lack of clarity regarding permanent vs. temporary residence in determining where a voter is entitled to vote underscored the need for legal amendment. Some political parties also alleged politically-motivated manipulations with temporary residence registration. In addition, an analysis of CEC data revealed that in some 16 per cent of polling stations the number of voters included into supplementary lists on the 5 June was over 5 per cent of voters that participated in elections.

The Election Code does not contain detailed regulations on the conduct of second rounds. This resulted in certain inconsistencies. Election commissions had varied understanding of requirements for campaign finance reporting and for informing voters about the time and place of voting. There was also uncertainty as to which version of voter lists was to be used on the 19 June election day and whether applications for mobile voting submitted before the first round were valid for the run-offs.

The CEC continued to work collegially and impartially ahead of the run-offs. In a decision adopted four days before the second-round vote, the CEC instructed PEBs to remove curtains from voting booths. This instruction followed repeated allegations of various vote buying schemes that had been brought to the CEC's attention. The decision was initially upheld by the Chisinau Appeal Court, but was annulled by the Supreme Court on the evening before election day.

In the run-up to the second round, reporting by TV stations monitored by the OSCE/ODIHR LEOM focused on the outcome of the 5 June vote. Substantial coverage was also given to a statement by a certain foreign state regarding the conduct of the local elections and Moldova's official response to this statement. The media also actively covered and commented on the circumstances surrounding the death of a campaign manager of a prominent independent candidate in a car explosion on 7 June. The case is currently being investigated by the Prosecutor's Office.

The coverage devoted to contestants' campaigns increased only in the final days before the run-offs. Broadcasters monitored by the OSCE/ODIHR LEOM devoted most coverage, 60 per cent, to the Chisinau mayoral race.³ The coverage of other races was limited. In prime-time news and current affairs

² Complete and official information about recounts was not available at the time of writing.

³ Monitoring focused on the coverage of prime-time editorial programs, including news, analytical programs and debates. The monitored period was from 9 June to 17 June.

programs, all monitored channels⁴ except NIT gave greater coverage to the PL Chisinau mayoral candidate (supported by the AEI), ranging from 53 to 64 per cent, mostly neutral in tone. The Party of Communists of the Republic of Moldova's (PCRM) candidate received less coverage, ranging from 36 to 47 per cent, mostly neutral in tone. The coverage of the campaign by NIT confirmed the trend observed before the first round: the channel allocated 84 per cent of airtime to the PCRM candidate, mostly neutral in tone, and 17 per cent of largely negative coverage to the opposing candidate.

Most of TV channels monitored hosted electoral debates. However, in several instances, broadcasters reported that candidates did not attend, resulting in some debates being cancelled or being held with only one candidate. Both mayoral candidates in Chisinau used paid electoral advertising extensively. The Democratic Party of Moldova was the only party to purchase airtime on the channels monitored to promote six mayoral candidates. Voter education spots, which were produced by the CEC for the second round, were aired by most broadcasters monitored.

Election day was calm and PEBs generally complied with prescribed voting procedures in polling stations visited. PEBs had not been officially informed about the Supreme Court decision of the evening before election not to remove curtains from polling booths. This led to inconsistent practices and, as a result, the secrecy of voting was at times compromised. This was also due to the fact that voters often did not fold their marked ballots. OSCE/ODIHR LEOM observers noted voters complaining about the absence of curtains in certain cases.

In one village of Ungheni district, the CEC terminated voting as ballot papers contained an incorrect candidate; the case is due to be reviewed by court. A case of free transportation of Moldovan voters from a foreign territory on election day received media attention and was seen by political parties as a contentious issue.

Counting and tabulation of election results followed by OSCE/ODIHR observers were conducted efficiently overall, with no major problems or issues with transparency. In a welcome effort, the CEC frequently updated election results broken down by PEB on its web-site throughout election night and held regular press briefings. Complete preliminary results for the Chisinau mayoral race were available in the early hours on the day after election. The countrywide turnout announced was 53.74 per cent.

***The English version of this statement is the only official document.
An informal translation is also provided in the State language and in Russian.***

Mission Information & Acknowledgements

Following an invitation from the Central Election Commission of the Republic of Moldova, and based on the recommendation of the Needs Assessment Mission, the OSCE/ODIHR established a Limited Election Observation Mission (LEOM) in Chisinau on 9 May. Mr. Gerald Mitchell is the Head of the OSCE/ODIHR LEOM, which consists of an 11-member core team and 14 long-term observers deployed throughout the country. Nine long-term observers remained in country to follow the 19 June mayoral run-off contests.

The OSCE/ODIHR LEOM wishes to thank the Ministry of Foreign Affairs and European Integration, the Central Election Commission, and other state and local authorities for their support and co-operation during the course of the observation. The OSCE/ODIHR LEOM also wishes to express appreciation to the OSCE Mission in Moldova and other international organizations and embassies accredited in Chisinau for their co-operation and support.

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⁴ Moldova 1, Prime TV, NIT, PRO TV, Jurnal TV and Publika TV.