

Statement on the amendment of the electoral system in the Republic of Moldova

HDIM 2017

Dear Ladies and Gentlemen,

My name is Nicolae Panfil, from Promo-LEX Association, Republic of Moldova. I am honored to have the opportunity to share with distinguished participants the most recent but also most concerning aspects of the electoral developments in my country. I will speak here on behalf of my organization but also of a group of other 7 civil society organizations that undersigned the current Statement, namely:

- *The Institute for Development and Social Initiatives,*
- *The Legal Resource Centre from Moldova,*
- *Association of Independent Press,*
- *European Institute of Politics and Reforms,*
- *Transparency International Moldova,*
- *Association for Participatory Democracy,*
- *East Europe Foundation.*

Ladies and Gentlemen,

On July 20, current year, the Moldovan Parliament has adopted the law No. 154 on the switch from the proportional electoral system to a mixed system for electing the MPs. The signatory organizations recognize the right of the Moldovan Parliament to amend the electoral system.

However, the organizations underline that such a dramatic amendment of the electoral system should be done in strong correlation with the national standards established in the Constitution of the Republic of Moldova as well as the international commitments and recommendations of the UN, Council of Europe/Venice Commission, OSCE/ODIHR.

The signatory organizations draw the attention that the electoral system was amended without taking into account the main recommendation of the Venice Commission, which pointed out that the switch from the proportional to mixed voting system is not advisable for the Republic of Moldova.

In addition, the organizations want to pay your attention to a series of important deficiencies in the said law, such as:

1. The election of the MPs through a single round election, as it is provided in the adopted law, will ensure a lower representativeness of the Parliament, compared to the election of the President and of the mayors, which take place in two rounds. Under such circumstances, the signatory organizations consider that the Parliament has infringed the Article 60 of the Constitution that establish the Parliament as a supreme representative body;

2. The organizations are very much concerned with the violation of the principle of equality of votes provided in the recently adopted law. This observation is based on the fact that, the minimum threshold to enter the Parliament on the basis of the list of candidates submitted by the political parties in the nationwide constituency will be higher than that to be recorded in certain single-member constituencies. For example, at a minimum electoral score of 6% and a participation rate of 50% of voters, a political party will be able to delegate only 3 members to the Parliament from the nationwide list of candidates, which equals about 28,000 votes per mandate. In the same time, in the single-member constituencies, at the same participation rate, an MP would be elected with only about 3-5 thousand votes; A special concern also resides in the fact that the principle of equality of votes wouldn't be possible to be enforced in the constituencies created on the territory of Gagauz autonomy, Transnistrian region as well as for the voters residing abroad;
3. In the light of the above mentioned deficiency, the signatory organizations regret that the Moldovan Parliament ignored the recommendation of the Venice Commission on the lowering of the electoral threshold from the 6% barrier. It should be underlined that, under the adopted mixed electoral system, the threshold for political parties to enter the Parliament was actually doubled. Thus, compared to the previous proportional system, under the new electoral system, a political party with 6% popular support at the national level will be able to delegate only 3 MPs;
4. The organizations are extremely concerned with the fact that the adopted law excludes from the electoral process about 5% of the voters which equals approx. 158,000 voters who have neither domicile nor residence;
5. The last significant deficiency I want to bring to your attention refers to the ignorance of the Venice Recommendation which called the Parliament to establish an independent commission for drawing the boundaries of the single-mandate constituencies. On contrary, the Parliament empowered the Government, which is a political body subordinated to the Parliamentary majority, to set up the commission for the establishment of the single-member constituencies. Unfortunately, the Parliament also failed to include the boundaries of the single-member constituencies in the Electoral Code, as it was recommended by many civil society organizations.

In conclusion, given the infringement of the above mentioned principles and standards, the signatory organizations address the Moldovan authorities to withdraw the law on the amendment of the electoral system and return to a proportional electoral system.

The undersigned organizations also address to the representatives of the participating states and other international stakeholders the following recommendations:

1. To concede and support any legal request initiated within the country for the abolition of the mixed voting system and the return to a proportional voting system;
2. To monitor the implementation of the recommendations of the Venice Commission and OSCE/ODIHR produced in connection with the recently held elections and the amended electoral system.

Signatory organization:

- Promo-LEX Association
- Institute for Development and Social Initiatives Viitorul (IDIS Viitorul)
- Legal Resource Centre from Moldova
- Association of Independent Press
- European Institute of Politics and Reforms
- Transparency International Moldova
- Association for Participatory Democracy
- East Europe Foundation