OSCE
Office for Democratic Institutions and Human Rights

REPUBLIC OF MOLDOVA
LOCAL ELECTIONS
5 June 2011

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT
22 – 24 March 2011

Warsaw
5 April 2011
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I. INTRODUCTION

In anticipation of an invitation from the authorities of the Republic of Moldova to observe 5 June 2011 local elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) undertook a Needs Assessment Mission (NAM) to the Republic of Moldova from 22 to 24 March 2011. The NAM included Nicola Schmidt, OSCE/ODIHR Senior Election Adviser, Tatyana Bogussevich and Igor Dolgih, OSCE/ODIHR Election Advisers.

The purpose of the mission was to assess the pre-election environment and the preparations for the local elections. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held in Chisinau with officials from the Ministry of Foreign Affairs and European Integration, the Central Election Commission (CEC), political parties, the media, civil society and the resident diplomatic community. A list of meetings is included as an annex to this report.

The OSCE/ODIHR would like to thank the Moldovan Ministry of Foreign Affairs and European Integration and the OSCE Mission to Moldova for their assistance and cooperation in organizing the NAM. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the mission and share their views.

II. EXECUTIVE SUMMARY

The 5 June local elections will be the fifth electoral event to be held in Moldova in the last two years. These elections will be taking place against the background of a persisting political crisis in which two successive parliaments were dissolved following their failure to elect a new head of state. A constitutional referendum held in September 2010 on introduction of a direct presidential election failed due to a low voter turnout. Although the elections have not been officially called, the first two Sundays of June 2011 are regarded as the most likely dates.

A number of proposed amendments to the Election Code are pending parliamentary review. While some of the suggested changes are of technical nature, others could have an important impact on the conduct of the elections. Of particular significance to the OSCE/ODIHR NAM interlocutors were the discussed changes of rules for the allocation of free airtime to contestants, the postponement in the use of a centralized electronic voter register and the review of provisions for student voting. At the same time, questions were raised whether the adoption of the proposed changes close to elections would be in line with international good practice in electoral matters.
Stakeholders appear overall satisfied with the performance of the election administration. The Central Election Commission (CEC) in its new composition continues to enjoy confidence. Many OSCE/ODIHR NAM interlocutors highlighted that the upcoming elections will be challenging to administer taking into account an expected high number of contestants and different types of electoral races. In this regard, the need for both a comprehensive training of election officials and voter education were emphasized.

Despite the legal obligation to complete the development of a centralized electronic voter register by the 2011 local elections, the CEC informed the OSCE/ODIHR NAM that it will most likely be unable to comply with the requirement. The CEC has requested the parliament to defer the use of the centralized voter register until the next regular parliamentary elections. It anticipates that the voter lists for the upcoming elections will be prepared as previously by local authorities. Most OSCE/ODIHR NAM interlocutors continued to regard the quality and the process of compilation of voter lists as the key persisting problem and expressed dissatisfaction with the slow progress in this regard.

OSCE/ODIHR NAM interlocutors continued to note improvements in the overall media environment observed in previous elections, including in the work of the public broadcaster. The CEC and the Audiovisual Broadcasting Council (CCA) have started developing the principles of media coverage for the upcoming elections. Interlocutors concurred that current legal requirements for the allocation of free airtime to contestants are excessive and difficult to implement in the context of local elections; they expect amendments to be adopted in this regard prior to the elections.

All interlocutors of the OSCE/ODIHR NAM encouraged the deployment of election observers for the upcoming elections and considered that their presence would add value to the process. The need for a long-term nationwide presence was emphasized to ensure comprehensive observation of the pre-election campaign, the compilation of voter lists, the work of the election administration in the regions, as well as media coverage of the campaign. Election-day proceedings were not highlighted as a serious concern and interlocutors concurred that previous elections demonstrated improvements with regards to the voting, counting and tabulation processes.

The OSCE/ODIHR NAM therefore recommends that a Limited Election Observation Mission (LEOM) be established to observe these local elections, contingent upon the receipt of an official invitation from the Moldovan authorities. Considering the decentralized nature and the high number of local races, in addition to a core team of analysts the mission recommends the deployment of 20 long-term observers to be seconded by the OSCE participating States to follow the election process countrywide.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

The local elections will be the fifth electoral event to take place in Moldova in the last two years. Early parliamentary elections had to be held twice as a result of failures by the

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Abbreviations used in this report for the names of political parties and other institutions are based on their spelling in the state language.
parliaments elected in April and July 2009 to elect the president of the country.\(^2\) In an attempt to overcome the crisis, the authorities initiated a constitutional referendum on the introduction of a direct election of the president by popular vote. The referendum took place in September 2010 but failed as the voter turnout fell below the legal requirement to validate a referendum.\(^3\) As the political crisis persisted, early parliamentary elections again took place in November 2010.\(^4\)

Following those elections, four parties are represented in the parliament.\(^5\) The governing alliance has not yet attempted to hold another presidential election in the parliament as neither the governing coalition nor the opposition holds a sufficient number of votes to elect the president. Parties informed the OSCE/ODIHR NAM that political negotiations continue and that different measures for resolving the situation are under consideration. Among others, the possibility of conducting another constitutional referendum on changing the rules for electing the president, to be held concurrently with the local elections, was mentioned.

The last local elections took place in Moldova in June 2007. The PCRM received over one-third of mayor and councilor positions and the rest of mandates were split between a range of parties, primarily AMN, PDM and the Christian-Democratic People’s Party.\(^6\)

OSCE/ODIHR NAM interlocutors assessed that the electorate is likely to show interest in the upcoming elections. They appeared confident that, despite a certain voter fatigue due to the number of elections held in the past two years, the turnout will meet the legal requirement of 25 per cent of registered voters to validate the elections. As during previous elections, voting is not expected to take place on the territory controlled by the Transdnistrian \textit{de facto} authorities.

\section*{B. \textbf{LEGAL FRAMEWORK}}

The legal framework for the conduct of local elections includes the Election Code and a range of other laws,\(^7\) as well as regulations and decisions by the CEC, which provide an overall adequate basis for the conduct of democratic elections. In a Joint Opinion of July

\begin{itemize}
\item \(^2\) In both elections, none of the parliamentary parties managed to secure the required three-fifths majority (61 votes) to elect the head of state. Following two failed attempts, the constitution requires that the parliament be dissolved and new parliamentary elections be held.
\item \(^3\) One third of registered voters must participate in the referendum. The turnout was only 30.29 per cent according to the official results of the 5 September 2010 referendum. See www.cec.md/i-ComisiaCentrala/main.aspx?dbID=DB_Results292.
\item \(^4\) Since the Constitution limits the number of dissolutions of parliament to one per year, the parliament elected in July 2009 following the dissolution of the parliament elected in April 2009 remained in place until November 2010.
\item \(^5\) The Party of Communists of the Republic of Moldova (PCRM) gained the largest number of votes and holds 42 seats. The Liberal Democratic Party of Moldova (PLDM; 32 seats), the Democratic Party of Moldova (PDM; 15) and the Liberal Party (PL; 12) formed a coalition government named the Alliance for European Integration (AIE). In spring 2011, two party mergers were announced. The Alliance ‘Our Moldova’ (AMN), previously a member of the governing coalition which did not re-enter the parliament after November 2010 elections, joined PLDM. The European Action Movement joined PL.
\item \(^7\) The legal framework includes the Constitution, Election Code, organic laws on courts, Law on Political Parties and Socio-Political Organizations, Law on Public Assemblies, Law on Territorial-Administrative Divisions, Law on Decentralization, and the Law on Local Public Administration.
\end{itemize}
2010 on draft amendments to the Election Code, the OSCE/ODIHR and the Venice Commission of the Council of Europe (VC/CoE) concluded that the proposed changes would address many previous recommendations by both institutions. Following this review, the parliament passed some additional important amendments in September 2010. The adoption of these amendments, which were widely perceived as having been designed to benefit the parties in power, shortly before elections and without public consultations was subject of contention and concern.

At the time of the OSCE/ODIHR NAM, several election-related legislative proposals were being discussed. In light of revealed imprecisions and ambiguities in the Election Code with regard to local elections, the CEC proposed to the parliament a number of adjustments to be considered for adoption before the elections. Some additional amendments proposed by the government were also pending parliamentary review. While some of the discussed changes appear to be of technical nature, others could have an important impact on the conduct of the upcoming elections.

Of particular significance to the OSCE/ODIHR NAM interlocutors were proposals related to the postponement in the use of the centralized electronic voter register (see section E on Voter Registration), the review of provisions for the allocation of free airtime to election contestants during local elections (see section G on Media Environment), as well as the review of rules of voting by students (see section D on Election Administration). The OSCE/ODIHR NAM was informed that a special parliamentary inter-faction working group was set up to review and to decide on the suggested proposals. At the same time, questions were raised whether the adoption of the proposed changes close to elections would be in line with international good practice in electoral matters.

C. ELECTION SYSTEM

The forthcoming elections will be conducted to elect some 900 mayors of municipalities, towns, communes and villages, as well as some 19,000 members of rayon (district), municipal, town, commune and village councils. Mayors and councilors are elected for a four-year term.

Members of councils are elected under a proportional representation system without a threshold. Mayors are elected using a majority system, with a runoff between the two candidates who received the highest number of votes in case no candidate won an absolute majority of the valid votes in the first round. At least 25 per cent of registered voters must participate for the elections to be valid. There is no turnout requirement for second rounds and repeat voting.

The right to nominate candidates in local elections is granted to political parties and electoral blocs, as well as to Moldovan citizens through self-nomination upon submission of voter support signatures.

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10 Candidates for local councils have to be supported by two per cent of voters in the respective district, divided by the number of available councilor positions, but not less than 50 persons. The mayoral
D. ELECTION ADMINISTRATION

Local elections will be administered by a four-tiered election administration comprising the CEC, Level 2 District Election Commissions (DECs),\(^\text{11}\) Level 1 DECs,\(^\text{12}\) and some 2,000 Precinct Election Bureaus (PEBs). The CEC of the Autonomous Territorial Unit of Gagauzia, which administers the electoral process on the territory of Gagauzia, has the status of a Level 2 DEC during local elections. Political parties have the right to nominate members to commissions of all levels proportionally to their parliamentary representation. Interlocutors of the OSCE/ODIHR NAM were generally satisfied with the work of the election administration.

Following the expiry of the mandate of the previous CEC, the Commission in its new composition was appointed by the parliament on 11 February 2011 for a five-year term. Of the nine members, one was nominated by the acting president and the other eight by the parliamentary parties. The chairperson, deputy chairperson and the secretary of the Commission were elected by secret vote from among the CEC members.

Most OSCE/ODIHR NAM interlocutors found the CEC to be operating effectively and transparently, and noted the efforts it undertakes to engage and co-ordinate activities with other relevant state bodies and the civil society. A public opinion survey conducted in February 2011 indicates that public confidence in the CEC is growing and has increased since the last elections.\(^\text{13}\) However, the PCRM representatives expressed disappointment with the fact that none of the PCRM-nominated members are represented in managerial positions in the current CEC.

Several interlocutors emphasized that the local elections will be challenging for the election administration to organize taking into account the high number of contestants and different types of races. The possibility to conduct a constitutional referendum concurrently with the local elections would make the electoral process even more complex to administer. In this regard, the need for comprehensive training of election officials, in particular of members of lower-level commissions was highlighted. Interlocutors also underscored the importance of voter education in the context of local elections to ensure greater awareness and understanding of procedures.

In addition, many interlocutors raised concern with regard to the proposed cancellation of a special 25 per cent bonus to regular salaries of election officials, which is currently being considered by the parliament. While political parties met by the OSCE/ODIHR

\(^{11}\) The legislation envisages that Level 2 DECs be established in 32 rayons, the municipalities of Chisinau, Balti and Bender, in Autonomous Territorial Unit of Gagauzia with the municipality of Comrat and the “Localities on the Left Bank of the River Nistru/Dniestr”, i.e. Transdniestria, with the municipality of Tiraspol.

\(^{12}\) Level 1 DECs are established in some 900 towns, communes and villages.

\(^{13}\) The survey was conducted on behalf of International Republican Institute by the Baltic Surveys/The Gallop Organization. In comparison with September 2010 figures, the level of confidence in the CEC has increased from 41 to 48 per cent of respondents. “Moldova National Voter Study,” IRI Baltic Surveys / The Gallup Organization Moldova National Study, January 24 - February 7, 2011; Section: Institutions.
NAM appeared confident in their ability to fill positions in election commissions, many feared that the remuneration cuts might make it more difficult to find qualified staff.

The CEC informed the OSCE/ODIHR NAM that it plans to use electronic candidate registration for the first time in the upcoming elections. Level 2 DECs will be tasked to enter the data on registered candidates into a designated electronic system for this information to be passed on further to the CEC. The CEC anticipates that this measure will considerably ease the management of data as well as the preparation and printing of ballots.

Student voting, which has been a contentious issue in previous elections, was brought up by OSCE/ODIHR NAM interlocutors as an issue requiring legal amendments before the local elections. Following the September 2010 legal amendments, students studying away from the place of permanent residence have the right to vote in any polling station of the district where their academic institution is located upon presentation of a student card accompanied by a valid identification document without prior registration. When applied to local elections, this arrangement contradicts the requirement of Article 123.2 of the Election Code, which stipulates that only permanent residents of a given territorial-administrative unit can participate in local elections.

E. VOTER REGISTRATION

Since 2008, the CEC has been working on developing a centralized electronic voter register, which is meant to help eliminate multiple entries and to identify errors. The Election Code requires the register to be fully operational by the local elections of 2011 and stipulates that the CEC will be responsible for its maintenance and for the printing of voter lists. However, the CEC chairperson informed the OSCE/ODIHR NAM that the CEC will be unable to finalize the development of the register by the legal deadline and it is therefore unlikely to be used in the upcoming elections.\(^\text{14}\) The CEC addressed the parliament with a request to defer the implementation of relevant legal provisions until the next regular parliamentary elections. While interlocutors acknowledged that the failure to put the centralized voter register in operation was likely caused by the cycles of elections that Moldova had to face in 2009 and 2010, the majority of them were disturbed by the expected delay in the implementation of the project.

In light of the deferral sought in the use of the centralized voter register, the CEC anticipates that voter lists for the upcoming elections will be prepared by local authorities. The CEC foresees that lists will be drawn up based on voter lists used during the 2010 early parliamentary elections as well as on the basis of updates provided by the Ministry of Information Technologies and Communication (MITC), which maintains the state population register. The CEC stated its intention to provide maximum guidance to local authorities in the process of compilation of voter lists, including through the conduct of regional trainings, provision of templates and manuals. In addition, to help encourage voters to verify their records, the CEC plans to carry out a targeted voter education campaign and to provide an opportunity for online verification of voter data nationwide.

\(^{14}\) The CEC is considering conducting a pilot project similar to those carried out in previous elections whereas the register will be tested in designated districts in parallel to regular paper voter lists.
As part of the voter registration process, by 1 March of each year local authorities are obliged to submit to the CEC electronic copies of an established format of updated voter lists for their respective localities. According to the CEC, these electronic copies are used by the CEC to carry out cross-checks for errors and multiple records. The CEC chairperson informed the OSCE/ODIHR NAM that 25 out of 900 local administrations did not submit the updates by the deadline and many submitted information in the wrong format. The CEC indicated that it plans to request the Ministry of Interior to investigate the cases of non-compliance and to apply sanctions as appropriate.

OSCE/ODIHR NAM interlocutors highlighted that the accuracy of voter lists is particularly crucial during local elections when voters are only allowed to vote at the place of their permanent residence. The majority of interlocutors regarded voter lists as a key persisting problem of the electoral process and expressed dissatisfaction with the slow progress in this regard.

F. CAMPAIGN AND CAMPAIGN FINANCING

The election campaign is expected to be highly competitive, with emphasis on local issues, interests and personalities. OSCE/ODIHR NAM interlocutors expect the enduring political crisis to spill over into the campaign and to contribute to a tense campaign environment. The race for Mayor of Chisinau is anticipated to be particularly heated. Some interlocutors opined that the misuse of administrative resources and vote buying might occur, particularly at the local level.

Political parties met by the OSCE/ODIHR NAM planned to campaign primarily through direct contact with voters, including door-to-door campaigning and small meetings. Paid advertising, including in the media, was deemed important primarily in Chisinau and other larger cities. Internet campaigning, particularly through party websites, blogs and social networks, was also regarded as an increasingly relevant campaign medium.

Parties have already started forming their lists of candidates and some indicated that they would implement internal quotas to enhance the inclusion of women. Some parties also plan to nominate representatives of national minorities as candidates, especially in minority-populated areas.

The Election Code obliges political parties competing in elections to submit by-weekly reports to the CEC detailing all campaign-related expenditures, which the CEC is obliged to aggregate and publish. The CEC pointed out that these regulations were not well-adapted to local elections as they fail to regulate campaign financing of independent candidates and do not take into account a potentially high number of contestants to be dealt with by the CEC at the central level. In addition, election legislation fails to provide detailed and clear verification and sanctioning mechanisms to enforce candidates’ compliance with reporting requirements. The CEC is seeking to address the above concerns through amendments currently pending parliamentary review. Many OSCE/ODIHR NAM interlocutors acknowledged that campaign spending limits are commonly exceeded, particularly in accepting services and goods in-kind, and opined that the present campaign finance system lacks meaningful transparency and enforcement mechanisms.

G. MEDIA FRAMEWORK AND ENVIRONMENT

A broad range of media outlets operate across the country, providing a variety of political views to the public. Television remains the most important source of information for 87 per cent of Moldovans. OSCE/ODIHR NAM interlocutors continued to observe improvements in the overall media environment noted in previous elections, including in the work of the public broadcaster Teleradio Moldova (TRM). However, the PCRM pointed out that in its assessment the proportion of coverage the party receives in TRM’s news and analytical programs does not correspond to the number of events it organized.

The legislation obliges broadcasters with nationwide coverage, including private media outlets, to provide the contestants in elections with 5 and 10 minutes of airtime free of charge on television and radio, respectively, per campaign. Electoral contestants are also entitled to one minute per day of free airtime on public broadcasters, and can place up to two minutes of paid electoral advertising per day per media outlet. OSCE/ODIHR NAM interlocutors, including TRM, CCA and the CEC, concurred that the above legal requirements are difficult to implement in the context of local elections due to the local nature of the campaign and the expected high number of contestants. There was a widely shared opinion that these provisions need to be amended prior to the elections. The CCA and the CEC stated that they hope to be able to replicate the amended provisions in the ‘Concept of Media Coverage’ for the upcoming elections that both institutions have already started developing.

Among legal adjustments that were deemed necessary, the CCA also mentioned the need to synchronize the provisions of the Broadcasting and the Election Codes to eliminate ambiguities and overlaps of responsibilities. The CCA believes an amendment is also necessary to stipulate that the Council’s decisions enter into force on the day of adoption, rather than on the day of publication as currently stated. In CCA’s assessment, this will enhance the effectiveness and timeliness of Council’s remedial actions; however, it did not anticipate these amendments to be passed before local elections.

The CCA plans to monitor the coverage of the campaign by all national broadcasters and, due to limited human resources, also intends to rely on media monitoring reports by domestic civil society and international organizations. As of 3 March 2011, the CCA is led by a newly-appointed chairperson following the retirement of the previous head. In addition, three positions in the nine-member Council are currently formally vacant and pending appointments by the parliament.

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19 Current provisions prevented the timely entry into force of a number of important decisions by the CCA during 28 November 2010 elections. See op.cit OSCE/ODIHR Final Report on 28 November early parliamentary elections, p. 16.

20 Members whose mandates expired continue to execute their duties in line with the Law on Status of High Public Servants until replacement members are appointed.
H. Domestic and International Observers

Domestic civil society and international organizations are planning to carry out a number of election-related activities. Among others, the Association PromoLex plans to conduct election observation on a limited scale and intends to focus on the activities of Level 2 DECs. The Institute for Human Rights in Moldova will maintain its usual focus on voter lists. The International Journalism Centre and the Electronic Press Association plan to monitor the coverage of the campaign in the media. The International Republican Institute is planning to carry out training of candidates and of party observers.

The presence of OSCE/ODIHR was welcomed by all interlocutors. Many emphasized the importance of a long-term nationwide presence in order to follow all aspects of the preparations for the elections and the campaign.

IV. Conclusions and Recommendation

All OSCE/ODIHR NAM interlocutors encouraged the deployment of OSCE/ODIHR election observers for the upcoming local elections and considered that their presence would add value to the process. The need for a long-term nationwide presence was emphasized so as to ensure comprehensive observation of the pre-electoral campaign, the compilation of voter lists, the work of the election administration in the regions, as well as media coverage of the campaign. The majority of interlocutors did not express serious concerns in relation to election-day procedures and concurred that the preceding elections demonstrated an improvement in regard to voting, counting and tabulation proceedings. This observation is supported by the reports of the OSCE/ODIHR election observation missions to the last two parliamentary elections.\textsuperscript{21}

Based on the above findings, the OSCE/ODIHR NAM recommends that a Limited Election Observation Mission (LEOM) be established to observe the 5 June local elections, contingent upon the receipt of an official invitation from the Moldovan authorities. Considering the decentralized nature and the high number of local races, in addition to a core team of analysts the mission recommends the deployment of 20 long-term observers to be seconded by the OSCE participating States to follow the election process countrywide. The OSCE/ODIHR LEOM would focus on the issues identified by the interlocutors, including the review of legal amendments currently pending consideration and their impact on the elections. While the mission would visit a limited number of polling stations on election day, systematic observation of electoral proceedings is not envisaged.

ANNEX: LIST OF MEETINGS

State Institutions

Andrei Galbur, Director, General Directorate for Multilateral Co-operation, Ministry of Foreign Affairs and European Integration
Vladimir Cuc, OSCE Desk, Ministry of Foreign Affairs and European Integration
Mircea Ciobanu, Head of Judicial Interaction Division, Ministry of Interior
Marian Maxian, Deputy Head of General Policing and Public Order Division, Ministry of Interior
Anatol Secu, Deputy Head of Public Security Division, Ministry of Interior
Iurie Ciocan, Chairperson, Central Election Commission
Andrei Volentir, Secretary, Central Election Commission
Serghei Sirbu, Member of Parliament, Deputy Chair of the Legal Committee, Parliament
Sergiu Railean, Director General, “Registru” State Information Resource Centre, Ministry of Information Technologies and Communications
Vasile Ciornii, Deputy Director General for Operations, Ministry of Information Technologies and Communications

Political Parties

Vladimir Voronin, Chairperson, PCRM
Grigori Petrenko, Member of Executive Committee, PCRM
Oleg Tulea, Deputy Minister, Ministry of Youth and Sport, PDM
Mihai Godea, Member of Parliament, Chairman of Parliamentary Faction, PLDM
Corina Fusu, Member of Parliament, PL
Valeriu Muntean, Member of Parliament, PL

Mass Media and Media Organizations

Marian Pocaznoi, Chairman, Audiovisual Co-ordinating Council
Constantin Marin, President, Teleradio Moldova
Angela Sirbu, Director for Television, Teleradio Moldova
Alexandru Dorogan, Director for Radio, Teleradio Moldova
Eugeniu Ribca, President, Council of Observers, Teleradio Moldova

Domestic Civil Society and International Organizations

Nadine Gogu, Independent Journalism Center
Pavel Postica, PromoLex
Stela Levadaru, Institute for Human Rights in Moldova
Alina Palii, Civil Control Coalition
Ecaterina Mardarovici, Political Club of Women
Petru Culeac, East Europe Foundation
Igor Botan, Executive Director, ADEPT Programme
Andrei Rusanovschi, National Democratic Institute
Pavel Cabacenco, Deputy Country Director, International Foundation for Electoral Systems
Andreas Johansson, Acting Country Technical Adviser, United Nations Development
Martin Andreas Wyss, Head of Mission, International Organization for Migration
Teodora Graur, International Republican Institute

**Diplomatic missions**

Representatives of embassies of the Czech Republic, Germany, Hungary, the Russian Federation, Turkey and United Kingdom