



Office for Democratic Institutions and Human Rights

# REPUBLIC OF MOLDOVA

PARLIAMENTARY ELECTIONS

24 February 2019

ODIHR NEEDS ASSESSMENT MISSION REPORT

18-22 June 2018



Warsaw  
30 July 2018

## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>1</b>
<b>II.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>III.</b>	<b>FINDINGS.....</b>	<b>4</b>
A.	BACKGROUND .....	4
B.	LEGAL FRAMEWORK AND ELECTORAL SYSTEM .....	5
C.	ELECTION ADMINISTRATION .....	6
D.	VOTER REGISTRATION .....	6
E.	CANDIDATE REGISTRATION .....	7
F.	ELECTION CAMPAIGN .....	8
G.	CAMPAIGN FINANCE.....	8
H.	MEDIA.....	9
I.	COMPLAINTS AND APPEALS .....	10
J.	CITIZEN AND INTERNATIONAL ELECTION OBSERVATION.....	10
<b>IV.</b>	<b>CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>10</b>
	<b>ANNEX: LIST OF MEETINGS .....</b>	<b>12</b>

**REPUBLIC OF MOLDOVA  
PARLIAMENTARY ELECTIONS  
24 February 2019**

**ODIHR Needs Assessment Mission Report**

**I. INTRODUCTION**

In anticipation of an official invitation to observe the 24 February 2019 parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 18 to 22 June. The NAM included Steven Martin, ODIHR Senior Adviser on New Voting Technologies, and Oleksii Lychkovakh, ODIHR Election Adviser. The ODIHR NAM was joined by Loïc Poulain, Presidential Adviser, OSCE Parliamentary Assembly.

The purpose of the mission was to assess the pre-election environment and preparations for the parliamentary elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and representatives of political parties, media, civil society and the international community. A list of meetings is annexed to this report.

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

**II. EXECUTIVE SUMMARY**

Parliamentary elections are scheduled for 24 February 2019. The current political context is characterised by public distrust in state institutions amid ongoing corruption investigations and economic stagnation. The governing coalition continues to consolidate its influence by garnering support from an increasing number of members of parliament (MPs) from other factions and local government representatives. The recent lack of validation of the Chisinau mayoral election by the courts following a complaint resulted in a series of protests against the ruling party and judiciary and more broadly diminished confidence in state institutions. Many ODIHR NAM interlocutors expect the events around the mayoral election to impact the conduct of the upcoming parliamentary elections.

The electoral legal framework primarily includes the Constitution, the Election Code and the Law on Political Parties, and is supplemented by other laws and Central Election Commission (CEC) regulations. In 2017, the Election Code underwent a series of significant amendments, including to introduce a mixed electoral system. Of the 101 MPs, 50 will be elected by proportional closed-lists in a single nationwide constituency, and 51 MPs in as many single-member constituencies. Other amendments focus on constituency delimitation and the funding of parties and electoral campaigns and additionally on the election administration, and voter and candidate registration.

The 2017 amendments were reviewed by ODIHR and the European Commission for Democracy through Law (Venice Commission). On certain issues, previous recommendations have been partially addressed, including on constituency delimitation, enhancing women's participation,

campaign finance contributions, and out-of-country voting. Many other recommendations on a range of issues remain to be addressed.

An ad hoc boundary commission was established to delineate majoritarian constituencies. The majority of representatives from opposition parties boycotted participation in the commission's work due to not supporting the change of electoral system. A number of stakeholders alleged that many commission members were affiliated with the main governing party and raised concerns about criteria to establish constituencies, in particular, the two constituencies in Transnistria and three for citizens abroad, which were noted to challenge the principle of vote equality.

The elections will be managed by a revised structure of election administration that includes the CEC, Constituency Electoral Councils (CoECs) and Precinct Electoral Bureaus. CoECs are established 60 days before election day and many ODIHR NAM interlocutors acknowledged uncertainties with the creation and functioning of this new level of election administration. Issues yet to be addressed include the administrative territorial division in constituencies and the recruitment and training of CoEC staff. Changes in the legislation place significant challenges on the election administration, including updating and adopting numerous regulations, updating its digital administrative systems and conducting comprehensive voter education. While acknowledging the high technical capacities of the CEC, some ODIHR NAM interlocutors noted decreased confidence in its credibility and impartiality.

Citizens at least 18 years old by election day are eligible to vote, with certain exceptions. Voter lists are compiled based on information in the State Register of Voters, managed by the CEC. Voters are assigned to single-mandate constituencies based on their domicile. Some 2.8 million voters are included in voter lists. Of these, up to 200,000 are without a domicile and authorities acknowledged a lack of clarity in how these voters will be assigned to single-member constituencies.

Candidates can participate through closed party lists, in an electoral bloc, or in single-mandate constituencies either by party nomination or independently. New provisions require candidates to obtain an integrity certificate, which includes information on any legal constraints to stand as candidate or to hold public office and personal financial disclosure. ODIHR NAM interlocutors stressed that the information on obtaining the certificate was limited, that the process could be used as a means to exclude candidates, and that the National Integrity Authority may have difficulties issuing all certificates in time. Signature collection requirements vary according to the contest with lower requirements for women candidates. Voters can only support one candidate. Some party representatives stated that this limitation may be problematic in collecting sufficient signatures and also stressed the likelihood of harassment and intimidation towards potential candidates.

Provisions on gender equality incentivize parties with proportional candidate lists that include at least 40 per cent female candidates. However, ODIHR NAM interlocutors noted that given the lack of a required order of candidates on the lists and that the incentive is only applicable to the proportional component; the impact will be limited.

The campaign lasts from 30 days until the day before election day. Parties met with by the ODIHR NAM informed about various campaign outreach activities through traditional means and more extensively via social media. Many stressed challenges of campaigning in constituencies in Transnistria and abroad. Broad concerns were raised about intimidation of candidates and their supporters, vote-buying, and a misuse of administrative resources, mainly in majoritarian contests.

Campaigns are financed from contestants' own funds and donations. Donations from out-of-country income remain prohibited. Despite changes to the party and campaign finance legal framework,

many ODIHR NAM interlocutors questioned its overall effectiveness. Some also raised the under-regulation of activities by charitable foundations affiliated with contestants that could be used as a way for potential vote-buying and circumventing restrictions on foreign funding. The CEC is responsible for overall campaign finance oversight with certain functions assigned to CoECs; however, these duties and responsibilities are yet undefined.

Some 70 national and local television channels operate across the country, and most are considered to be politically affiliated and controlled. The law obliges all broadcasters to provide equitable conditions for all contestants and ensure fair and impartial coverage and provides for free airtime and print space for each contestant. ODIHR NAM interlocutors noted uncertainty on the implementation of these requirements given the high number of contestants in single-mandate constituencies and a lack of clarity on which authority should develop the relevant regulations.

Broadcast media compliance is overseen by the Audiovisual Co-ordination Council (CCA). The CCA intends to monitor a selection of national and local broadcasters for compliance as well as examine gender aspects in electoral coverage and the level of access to information of persons with disabilities. Most ODIHR NAM interlocutors expressed little confidence in the CCA's impartiality and ability to effectively enforce the law. They opined that legislation on media and election coverage is ambiguous and its loopholes could be used to selectively pressure media.

A voter or contestant can file a complaint against election commissions, contestants, and media. In partially addressing previous ODIHR recommendations, amendments prescribe that these are to be filed to courts, except for complaints related to campaign finance. ODIHR NAM interlocutors noted a lack of clarity regarding the jurisdiction of local courts related to single-mandate constituencies and general mistrust with due judicial process in electoral matters, often citing the non-validation of the Chisinau mayoral election.

The law provides for international and citizen observers and representatives of contestants. Citizen observers met with by the ODIHR NAM informed that they intend to actively observe throughout the entire process. They expressed concern about changes to a CEC regulation on citizen observers that aligns requirements with international observers and requires the submission of additional accreditation documents. This change was noted as overly burdensome and raised concerns about the disclosure of personal data of citizen observers.

All ODIHR NAM interlocutors supported an ODIHR observation activity for the upcoming elections and many stressed the necessity of a long-term and nationwide ODIHR presence, especially given the establishment of single-mandate constituencies. Taking into account the introduction of the new electoral system and its numerous challenges, ODIHR NAM interlocutors emphasized the necessity of a robust ODIHR presence to comprehensively observe all aspects of the elections, including possible post-election developments. Specific aspects that could benefit from review include the implementation of the amended legal framework, candidate registration, the campaign, election dispute resolution and election media coverage.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) to assess the 24 February 2019 parliamentary elections for its compliance with OSCE commitments, other international obligations and standards for democratic elections and domestic legislation. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 26 long-term observers from OSCE participating States to follow the election process countrywide, as well as 200 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

### III. FINDINGS

#### A. BACKGROUND

Moldova is a parliamentary republic with legislative power vested in the parliament and executive power exercised by the government. The president serves as the head of state and holds certain limited functions and authority in foreign relations and national security.

Since the 2014 parliamentary elections, the majority of parliamentary factions have significantly changed their composition. The 101-member parliament comprises 51 members from the governing parties (Democratic Party 42 and European People`s Party 9), and 44 members in opposition; the Party of Socialists (PSRM) 24, Liberal Party 9, Party of Communists (PCRM) 6, Liberal Democratic Party (PLDM) 5, and 6 non-aligned members (elected mostly on PLDM and PCRM lists).

In 2016, a Constitutional Court decision declared revisions on the indirect election of the president from 2000 as unconstitutional, and the first direct presidential election since 1996 was held. The election was won by Igor Dodon of the PSRM.

Parliamentary elections are scheduled for 24 February 2019.<sup>1</sup> The current political context is characterised by public distrust in state institutions due to ongoing corruption investigations and economic stagnation. The governing coalition continues to consolidate its influence by garnering support from an increasing number of members of parliament (MPs) from other factions and local government representatives.

The lack of validation of the May 2018 Chisinau mayoral election by the courts following a complaint resulted in a series of protests against the ruling party and judiciary and more broadly diminished confidence in state institutions. Many ODIHR NAM interlocutors expect the events around the mayoral election to impact the conduct of the upcoming parliamentary elections.<sup>2</sup>

ODIHR has previously observed 13 elections in Moldova.<sup>3</sup> Most recently, ODIHR deployed an Election Observation Mission (EOM) for the 2016 presidential election, which concluded that the “election provided citizens with ample opportunity to express their preference for a new head of state. The campaign, taking place against a backdrop of economic hardship and a climate of mistrust in state institutions, was competitive and fundamental freedoms were respected. However, the process was marred by widespread abuse of administrative resources, lack of campaign finance transparency, and unbalanced media coverage”. Technical preparations were generally administered in a professional manner and, overall, election day procedures were positively assessed. Despite some efforts to prepare for a high turnout in specific polling stations abroad and for voters from

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<sup>1</sup> Article 61 of the Constitution provides that parliamentary elections are held no later than three months after the expiration of the mandate or dissolution of the previous parliament. The last elections were held on 30 November 2014.

<sup>2</sup> The CEC established that election was won by Andrei Nastase in the second round. The law provides that elections are validated by a court. On 19 June 2018, the Chisinau City Court issued a judgment that the election could not be validated based on a complaint which alleged that Mr. Nastase received support from abroad and campaigned on election day. The Court’s decision was upheld by the Chisinau Court of Appeal on 21 June. A decision has not yet been taken on how to proceed given that the election was not validated.

<sup>3</sup> See [previous ODIHR election reports on Moldova](#).

Transnistria, many citizens were unable to vote because the ballots allocated to these polling stations proved insufficient.

## **B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM**

The legal framework for parliamentary elections primarily comprises the 1994 Constitution, the 1997 Election Code and the 2007 Law on Political Parties. It is supplemented by other laws and Central Election Commission (CEC) regulations.

In 2017, the Election Code underwent a series of significant amendments, including to introduce a new electoral system. Other amendments focus on constituency delimitation and the funding of parties and electoral campaigns and adjusting aspects of the election administration and voter and candidate registration. While the amendments were drafted by a cross-party parliamentary legal committee, not all members were satisfied with the outcome of the process. Some ODIHR NAM interlocutors opined that the changes brought additional inconsistencies and a lack of clarity to the legal framework and imposed undue burdens on stakeholders responsible for implementation.

The series of amendments were reviewed by ODIHR and the Council of Europe's Commission for Democracy through Law (Venice Commission) in three opinions issued in June and December 2017, and March 2018.<sup>4</sup> On certain issues, previous recommendations have been partially addressed, including on constituency delimitation, enhancing women's participation, campaign contributions, and out-of-country voting. Many other recommendations on a range of issues remain to be addressed.

The amendments shifted the electoral system from fully proportional to mixed. Of the 101 MPs, 50 will be elected through proportional closed-lists in one nationwide constituency, and 51 MPs in as many single-member constituencies with candidates receiving the most votes declared elected. The threshold for electoral blocs was decreased to eight per cent, while it remains at six per cent for political parties. The June 2017 ODIHR and Venice Commission Joint Opinion concluded that "while the choice of an electoral system is a sovereign decision of a State, the amendments proposed in the draft aimed at shifting from a proportional to a mixed system, raise significant concerns...In light of these concerns and in view of the lack of consensus on this polarising issue, such a fundamental change, while a sovereign prerogative of the country, is not advisable at this time."

The amendments provided for an ad hoc and inclusive boundary commission to delineate single-mandate constituencies.<sup>5</sup> From September 2017, the commission held several sessions, streamed online, to delineate constituencies. However, as stated in the March 2018 ODIHR and Venice Commission Joint Opinion, a number of stakeholders alleged that most members of the commission were affiliated with the main governing party. Most opposition parties boycotted the work of the commission.

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<sup>4</sup> The [June 2017 Opinion](#) focused on the draft changes to the law (pre-adoption), the [December 2017 Opinion](#) focused on enacted amendments with an emphasis on the funding of parties and electoral campaigns, and the [March 2018 Opinion](#) focused on boundary delimitation.

<sup>5</sup> As per the law, participation stipulated inclusion of representatives from the CEC, parliament, the presidential administration, extra-parliamentary parties that obtained over two per cent of votes during the last parliamentary elections, the People's Assembly of Gagauzia, associations of national minorities, local public authorities, the Bureau for Relations with Diaspora, civil society and academia.

Constituencies should range between 55,000 and 60,000 voters, and any deviation should not exceed 10 per cent based on the number of voters in voter lists from the last general election.<sup>6</sup> A number of stakeholders raised concerns about criteria to establish constituencies, in particular, the two constituencies in Transnistria and three for citizens abroad, which were noted to challenge the principle of vote equality.<sup>7</sup>

### C. ELECTION ADMINISTRATION

The elections will be managed by a revised structure of election administration: the CEC, 51 Constituency Electoral Councils (CoECs) and some 2,000 Precinct Electoral Bureaus (PEBs). The CEC consists of nine members elected for a four-year term, two of whom, the chairperson and deputy chairperson, are women.

CoECs and PEBs are established for each election. CoECs consist of between 7 and 11 members nominated by local courts, councils and parliamentary parties. PEBs consist of between 5 and 11 members nominated by local councils and parliamentary parties. CoECs are established 60 days before election day and many ODIHR NAM interlocutors, including the CEC, acknowledged uncertainties with the creation and functioning of this new level of election administration. Many issues are yet to be addressed, including the administrative territorial division within constituencies and the recruitment and training of CoEC staff.

The CEC noted that the changes to the electoral legislation place significant challenges on the election administration, including to update and adopt more than 30 regulations, update its digital administrative systems (the State Automated Information System Elections, SAISE), and conduct a comprehensive education campaign. The CEC and its Centre for Continuous Electoral Training are already actively exploring how to address the full range of activities, including voter registration and education, and training of staff and stakeholders. A number of initiatives are already underway, including via social media and a small-grant programme for NGOs to support civic education.<sup>8</sup> While acknowledging the high technical capacity of the CEC to administer the elections, some ODIHR NAM interlocutors noted decreased confidence in its credibility and impartiality. The CEC noted possible cyberthreats and the necessity to continuously ensure the integrity of its various systems. It is already working closely with other state institutions involved in cybersecurity.

As in previous elections, voting is not expected to take place on the territory under the *de facto* control of the Transnistrian authorities. To facilitate the participation of voters in Transnistria, the CEC is undertaking an information campaign to encourage such voters to pre-register to be assigned to dedicated polling stations where they will be able to vote.

### D. VOTER REGISTRATION

Citizens at least 18 years old by election day are eligible to vote, except those declared incapable by a court decision. Voter lists are compiled based on information in the State Register of Voters, which is extracted from the State Population Register maintained by the Public Service Agency. Appropriate cooperation was noted among the various authorities in sharing relevant data and only limited issues were noted in updating information related to deceased voters as well as ongoing

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<sup>6</sup> Single-mandate constituencies are composed of one or more administrative territorial units. The law states that borders of the units should not be cut by different single-mandate constituencies.

<sup>7</sup> Distribution, among others, includes 11 constituencies allocated to Chisinau, 2 to Gagauzia, and 1 to Taraclia.

<sup>8</sup> The CEC will produce information materials in the state language and in Russian and NGOs are expected to translate and distribute materials in other languages for the Roma and other minority communities. Some materials will include Braille, sign language and online audio files for persons with disabilities.



efforts to complete the national address register. Voter lists are managed by the CEC and extracts should be displayed at polling stations for public scrutiny with voter data also available online. Voters are assigned to single-mandate constituencies based on their domicile.

Some 2.8 million voters are currently included in voter lists. Of these, up to 200,000 voters are without a domicile.<sup>9</sup> Authorities acknowledged a lack of clarity in how these voters will be assigned to single-member constituencies. Given the number of voters in past elections that needed to renew their identification documents, the authorities have expedited the renewal process aiming to manage all requests before election day.

Voters abroad are eligible to vote in polling stations established in the country's 41 diplomatic representations abroad as well as additional locations proposed by the authorities based on need.<sup>10</sup> Amendments elaborated the criteria for establishing polling stations abroad, which include considering data from diplomatic institutions and consular missions of Moldova, relevant public authorities, advanced registration of citizens abroad, and turnout in previous elections. Authorities are already working with diaspora leaders to reach out to voters abroad to pre-register and on a range of voter education materials. Despite additional clarification, many ODIHR NAM interlocutors underlined that criteria to determine polling locations and numbers remain insufficiently comprehensive and leave space for interpretation and political influence.<sup>11</sup>

## E. CANDIDATE REGISTRATION

Candidate nomination takes place from 60 to 30 days before election day. All citizens eligible to vote have the right to stand, with the exception of active military personnel, prisoners and persons whose criminal records include crimes committed intentionally. Candidates can participate through closed party lists or an electoral bloc or as a party-nominated or independent candidate in single-mandate constituencies.<sup>12</sup> Independent candidates cannot stand in the proportional contest.

Candidate lists in the nationwide constituency are registered by the CEC and by the respective CoEC in single-mandate constituencies. Majoritarian candidates are to collect between 500 and 1,000 signatures of voters residing in the given constituency; for female candidates this number is reduced to between 250 and 500 signatures. Voter support will only be verified for general validity; signature validation is not envisioned. Despite previous ODIHR recommendations, voters can only support one candidate. Some party representatives stated that this limitation may be problematic in gathering sufficient signatures and also stressed the likelihood of harassment and intimidation towards potential candidates.

According to the new provisions, candidates are required to present a list of documents in-person for registration, which includes an integrity certificate issued by the National Integrity Authority.<sup>13</sup> All candidates should be issued a certificate within 15 days of application, but before the candidate registration deadline.<sup>14</sup>

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<sup>9</sup> This includes various categories of voters, including students and citizens abroad.

<sup>10</sup> The number and location of polling stations abroad will be finalized after the elections are called.

<sup>11</sup> The CEC noted that at the time of the ODIHR NAM, only some 620 voters abroad had pre-registered. Pre-registration closes 45 days before election day.

<sup>12</sup> Candidates may run simultaneously in the national constituency and in a majoritarian constituency, with the latter having preference if a candidate is elected in both cases.

<sup>13</sup> The certificate includes information on any legal constraints to stand as a candidate or to hold a public office, and on financial disclosures regarding wealth and private interests, and on any conflict of interest.

<sup>14</sup> The March 2018 ODIHR and Venice Commission Joint Opinion recommended that "the practice should ensure that provisions on integrity certificates are applied impartially".

The Agency informed the ODIHR NAM that it is still to develop regulations, procedures and information materials on how to obtain the certificate. Many ODIHR NAM interlocutors stressed a lack of information on obtaining the certificate, that the process could be used as a means to exclude candidates, and that the Agency may have difficulties to issue all certificates in time.

New provisions on gender equality incentivize parties with proportional candidate lists that include at least 40 per cent female candidates.<sup>15</sup> However, ODIHR NAM interlocutors noted that given the lack of a required order of candidates on the lists and that the incentives are largely applicable to the proportional component; its impact will be limited. Only a few parties institute voluntary quotas to ensure the participation of female candidates.

## **F. ELECTION CAMPAIGN**

The campaign lasts from 30 days until the day before election day. Campaigning prior to this period, including during candidate registration, is prohibited. According to the law, contestants are to participate in elections on an equal basis and have an equal right to use mass media, including public media.<sup>16</sup> Local authorities are required to establish locations for posting campaign materials and holding rallies. Foreign citizens are not permitted to participate in the campaign.

Parties met with by the ODIHR NAM informed about their campaign outreach activities through traditional means and more extensively via social media. Many stressed challenges of campaigning in constituencies in Transnistria and abroad. Broad concerns were raised over the intimidation of candidates and their supporters, vote-buying and a misuse of administrative resources, mainly in majoritarian contests. In addition, a number of party representatives noted legal uncertainty related to campaigning, in particular of unclear sanctions for possible breaches of campaign regulations, based partly on the judicial outcome of the Chisinau mayoral election. Certain party representatives also raised concern over repeated attempts of hacking their internal party information.

## **G. CAMPAIGN FINANCE**

Campaign finance is regulated by multiple laws and regulations and a number of amendments were introduced to applicable laws in 2017.<sup>17</sup> Parties are financed through donations, membership fees and state funding. The law provides for annual state funding to parties up to 0.2 per cent of the state budget; half is distributed to parties proportionally based on their performance in parliamentary elections, and half proportionally based on local elections.<sup>18</sup>

Campaigns are financed from contestants' own funds and donations. Funding from foreign, state, public and anonymous sources and from non-profit and charitable organizations and trade unions is prohibited. Donations from out-of-country income remain prohibited. The 2017 amendments reduced cash donation limits and reduced overall limits for individuals and legal entities to 50 and 100 average monthly salaries, respectively. Spending limits of contestants are determined by the

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<sup>15</sup> In addition, according to the legislation, parties that nominate at least 40 per cent female candidates in single-mandate constituencies are entitled to an increase of the relevant party annual subsidy by 10 per cent and a multiplication coefficient for every woman elected in each single-member constituency.

<sup>16</sup> Candidates may not use public means and goods (administrative resources) during campaigns, while public authorities/institutions and other related institutions may not send/grant public goods or other benefits to candidates unless a contract is concluded to this end, providing equal terms to all candidates.

<sup>17</sup> This includes the Election Code, the Laws on Political Parties, on Administrative Offences, on the Court of Accounts, and the Criminal Code and supplemented by CEC regulations.

<sup>18</sup> From 2019, political parties will be entitled to additional state support based on the number of women and youth candidates elected.

CEC, but have yet to be set for these elections. All campaign transactions are to be made via dedicated bank accounts.

The CEC is responsible for overall campaign finance oversight. It receives and publishes financial reports from contestants on its website and is required to verify their accuracy and compliance.<sup>19</sup> The CEC may impose sanctions or request other competent bodies to act in response to irregularities or non-compliance. The CEC informed the ODIHR NAM about its intention to recruit additional personnel to increase the effectiveness of its oversight. Some stakeholders noted concern with a possible selective approach to reviewing contestant reports. The amendments also assign certain functions to CoECs on campaign finance compliance; however, CoEC duties and responsibilities are yet undefined.

Despite some positive changes to the campaign finance legal framework, many ODIHR NAM interlocutors questioned its overall effectiveness. Some also raised issue with the under-regulation of activities by charitable foundations affiliated with contestants, which could be used as a way for potential vote-buying and circumventing restrictions on foreign funding.

## **H. MEDIA**

Some 70 television channels, both national and local operate across the country, most are believed to be politically affiliated and controlled. Television serves as the primary source of election-related information with online and social media playing an increasing role. The legal framework for media coverage during elections comprises the 2011 Audiovisual Code, the Election Code and as well as other supporting legislation and regulations. The Audiovisual Code was amended in 2017, with the main changes limiting the right to re-broadcast foreign content and increasing the amount of domestic content to be aired.

The majority of ODIHR NAM interlocutors noted that the media and advertisement markets are dominated by two holding companies affiliated with the two largest parties in parliament. They stressed that the circumstances under which other media outlets struggle for financial sustainability could limit media pluralism and the independence of editorial policies and would likely limit the media coverage of contestants not affiliated with media owners. Media representatives noted the complexity of covering the upcoming elections and pointed to harassment of individual journalists, limitations to access information, including on candidate registration and campaign financing.

The Audiovisual Code obliges broadcasters to provide equitable conditions for contestants and to ensure fair and impartial coverage. In addition, the Election Code provides for free airtime and print space for each contestant during the campaign. ODIHR NAM interlocutors noted uncertainty on how these requirements would be implemented given the high number of contestants in majoritarian contests as well as a lack of clarity on which authority should develop the relevant regulations.

The national broadcaster, TeleRadio Moldova, expects to comply with equal coverage provisions, although representatives noted the lack of its transmission signal on the left bank of the Dniestr/Nistru River, which would limit access by some voters. Specific guidelines to implement election coverage requirements have not yet been developed. TeleRadio Moldova intends to broadcast educational spots developed by the CEC and to air specially targeted election-related programmes for different categories of voters, including youth, national minorities and the diaspora.

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<sup>19</sup> During the campaign, contestants are required to provide by-weekly reports. Reports for the entire campaign have to be submitted to the CEC not later than two days before election day.

Broadcast media compliance with regulations, including during elections, is overseen by the Audiovisual Co-ordination Council (CCA).<sup>20</sup> Previously, the CCA produced a concept of electoral coverage, on which the CEC develops its regulations; however, given the changes to the electoral legislation, there is a lack of clarity on which authority should draft them. The CCA is also responsible for examining media-related electoral complaints. The CCA intends to monitor a selection of national and local broadcasters for compliance with legal obligations as well as examine gender aspects in electoral coverage and the level of access to information of persons with disabilities. The CCA informed the ODIHR NAM that it lacks sufficient resources for a larger monitoring effort and noted uncertainty in how it would monitor coverage in all constituencies. Most ODIHR NAM interlocutors expressed little confidence in the CCA's impartiality and ability to effectively enforce legislation during the elections. They opined that legislation on media and election coverage is ambiguous and its loopholes could be used to selectively pressure media.

## **I. COMPLAINTS AND APPEALS**

A voter or contestant can file a complaint about action, inaction and decisions of election commissions, contestants, and media. In partially addressing previous ODIHR recommendations, amendments prescribe that these are to be filed to courts, except for complaints related to campaign finance. All complaints must be filed within three days of the date of action, inaction or decision. Complaints against contestants must be resolved within five days. Complaints against CEC decisions are filed with the Chisinau Court of Appeal and must be resolved within five days. All complaints must be decided before election day. ODIHR NAM interlocutors noted a lack of clarity over the jurisdiction of local courts related to single-mandate constituencies and general mistrust in due process in electoral matters, often citing the non-validation of the Chisinau mayoral election.

## **J. CITIZEN AND INTERNATIONAL ELECTION OBSERVATION**

The Election Code provides for international observers, representatives of contestants and citizen observers from "competent" civil society organisations. The law defines a "competent" organisation as "one which is committed under its statute to promote human rights and democratic values". Citizen observer groups met with by the ODIHR NAM informed that they intend to actively observe throughout the entire process.

Citizen observer groups expressed concern about recent amendments to the CEC regulation on observers. The regulation now aligns with requirements for international observers on the submission of additional accreditation documents. This change was noted by some stakeholders as overly burdensome and raised concerns about the disclosure of observers' personal data. In addition, there is ongoing discussion on how the CEC should facilitate the rights of observers and candidate agents to access information while ensuring personal data protection requirements.

## **IV. CONCLUSIONS AND RECOMMENDATIONS**

All ODIHR NAM interlocutors supported an ODIHR observation activity for the upcoming elections and many stressed the necessity of a long-term and nationwide ODIHR presence, especially given the establishment of single-mandate constituencies. Taking into account the introduction of the new electoral system and its numerous challenges, ODIHR NAM interlocutors emphasized the necessity of a robust ODIHR presence to comprehensively observe all aspects of the elections, including possible post-election developments. Specific aspects that could benefit

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<sup>20</sup> Print media is self-regulated through the Association of Independent Press.

from review include the implementation of the amended legal framework, candidate registration, the campaign, election dispute resolution and election media coverage.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) to assess the 24 February 2019 parliamentary elections for its compliance with OSCE commitments, other international obligations and standards for democratic elections and domestic legislation. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 26 long-term observers from OSCE participating States to follow the election process countrywide, as well as 200 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

## **ANNEX: LIST OF MEETINGS**

### **Ministry of Foreign Affairs and European Integration**

Mihail Capatina, Secretary General of State  
Sergiu Odainic, Head of Consular Affairs Department  
Corina Moroi, Attache, OSCE and International Security Division

### **Public Services Agency**

Svetlana Rotaru, Deputy Head of Department of Population Registration  
Olesea Garstea, Expert coordinator

### **Legal Committee of the Parliament**

Raisa Apolschii, Member of Parliament, Chairperson  
Serghei Sirbu, Member of Parliament  
Tudor Deliu, Member of Parliament  
Angel Agache, Member of Parliament

### **Central Election Commission**

Alina Rusu, Chairperson  
Rodica Ciubotary, Deputy Chairperson  
Corneliu Pasat, Head of Information and Public Relations Department  
Pavel Cabachenko, Director of Centre for Continuous Electoral Training

### **Audiovisual Co-ordination Council**

Dragos Vicol, Chairperson  
Lilia Gutu, Chief of the General Department of Licensing, Authorization and Monitoring  
Lidia Viziru, Deputy Chief of the General Department of Licensing, Authorization and Monitoring  
Elena Merjan, Deputy Chief of the General Department of Licensing, Authorization and Monitoring  
Aliona Melentieva, Department of External Relations and European Integration

### **National Integrity Authority**

Rodica Antoci, Chair  
Lilian Chisca, Deputy Chair  
Viorel Sochirca, Head of Division

### **Boundary Delimitation Commission**

Iurie Ciocan, Chairperson

### **Political Parties and Movements (in alphabetical order according to party)**

Andrei Nastase, Chairperson, DA  
Stanislav Pavlovschi, Deputy Chairperson, DA  
Chiril Motspan, Secretary-General, DA  
Vladimir Voronin, President, PCRM  
Elena Bondarenco, Member of Parliament, PRCM  
Constantin Staris, Secretary of the Central Committee, PCRM  
Vlad Cebotari, Deputy Chair, PDM  
Marian Lupu, Deputy Chair, PDM  
Dumitru Diacov, Honorary Chair, PDM  
Sergiu Sirbu, Deputy Chair, PDM  
Mihai Ghimpu, President, PL

Ion Apostol, Secretary-General, PL  
Ilian Casu, Deputy Chair, Our Party  
Elena Panos, Deputy Chair, Our Party  
Nicolae Tipovici, Deputy Chair, Our Party  
Dumitru Ciubasenco, Deputy Chair, Our Party  
Maia Sandu, Chairperson, Action and Solidarity Party (PAS)  
Mihai Papusoi, Deputy Chair, Action and Solidarity Party (PAS)  
Liliana Nicolescu, General Manager, Action and Solidarity Party (PAS)  
Vladimir Turcan, Member of Parliament, PSRM  
Adrian Lebedinsky, Member of Parliament, PSRM

### **Media**

Veaceslav Gheorghesenco, Teleradio Moldova  
Ecaterina Stratan, TV Moldova 1  
Tatiana Vlas, TV Moldova 1  
Andrei Jovmir, "Radio Moldova Actualitati"  
Constantin Vulpe, Teleradio Moldova  
Eugenia Nastase, Jurnal TV  
Dumitru Petrascu, Jurnal TV  
Patru Uncu, Jurnal TV  
Alina Radu, Ziarul de Garda  
Natalia Melnic, Newsmaker  
Galina Vasilieva, Newsmaker  
Evgenii Solari, Newsmaker

### **Civil Society**

Igor Botan, Association for Participatory Democracy  
Pavel Postica, Promo-Lex  
Polina Panainte, Civil Coalition for Free and Fair Elections  
Nadina Gogu, Centre for Independent Journalism  
Valeriu Pasa, WatchDog.md  
Nicolae Panfil, Civil Coalition for Free and Fair Elections

### **International Community**

Dorin Toma, United Nations Development Programme  
Ben Williams, Embassy of the United States  
Malgorzata Szkodzinska, Embassy of Poland  
Eva Gutjahr, Council of Europe