

# The Congress of Local and Regional Authorities



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## STANDING COMMITTEE

### **Local elections in the Republic of Moldova observed on 3 and 17 June 2007**

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Explanatory Memorandum  
Bureau of the Congress

**Summary:** Following an invitation by the Moldovan authorities, the Congress monitored the local elections held on 3 and 17 June 2007 in the Republic of Moldova. Despite the overall positive administration of election day, the delegation highlighted serious shortcomings, such as intimidation of candidates and media representatives, lack of equal conditions for all contestants, unclear use of administrative resources during the electoral campaign, and concluded that some aspects of the electoral process fell short of international commitments on democratic elections. Observers also reported problems with candidate registration, voters' lists and the handling of complaints both by election bodies and by the courts. On election day, the delegation was particularly concerned by the inconsistency in the administration of polling stations all over the country and by the fact that ballot secrecy was not always assured. The Congress therefore addresses a certain number of recommendations to the Moldovan Authorities with a view to meet its commitments and fully comply with Council of Europe election principles and standards. Furthermore, the Congress undertakes to closely follow the developments and measures taken towards the implementation of these recommendations, and stands ready to support the Moldovan authorities in their efforts to develop local and regional democracy.

R : Chamber of Regions / L : Chamber of Local Authorities  
ILDG : Independent and Liberal Democrat Group of the Congress  
EPP/CD : Group European People's Party – Christian Democrats of the Congress  
SOC : Socialist Group of the Congress  
NR : Member not belonging to a Political Group of the Congress

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## **1. Introduction**

1. Following an invitation by Mrs. Renata Lapti, Deputy Chairman of the Central Electoral Commission of Moldova<sup>1</sup>, the Bureau of the Congress of Local and Regional Authorities of the Council of Europe decided to send a delegation to observe the local elections in the Republic of Moldova<sup>2</sup>, scheduled on 3 June 2007.
2. The delegation, headed by Mrs Susan Bolam (UK, EPP/CD, R), was composed of, Mr Joseph Borg (Malta, EPP/CD, R), Mr Joe Conway (Ireland, ILDG, L), Mrs Pauline Dee (UK, ILDG, L), Mrs Brith Fäldt (Sweden, SOC, L), Mr Mihkel Juhkami (Estonia, EPP/CD, L), Mr Ott Kasuri (Estonia, ILDG, L), Mr Hannu Kempainen (Finland, ILDG, L), Mrs Marie-Rose Koro (France, SOC, R), Mr Michael Neureiter (Austria, EPP/CD, R), Mr Petru Radu Paun Jura (Romania, ILDG, L), Mr Paolo Rondelli (San Marino, SOC, R), Mrs Ludmilla Sfirloaga (Romania, SOC, R), Mr René Van Diessen (Netherlands, ILDG, R) and Mr Emin Yeritsyan (Armenia, EPP, L). The delegation was accompanied by Mrs Pilar Morales and Ms Elena Piscopo of the Congress Secretariat. Due to the fact that the dates of the observation mission partly coincided with Congress Plenary Session, the delegation was exceptionally composed of a small group which attended all the briefings before election day and a larger group which joined the members already present in Chisinau immediately following the Plenary Session. The composition of the delegations appears in Appendix I. On election day, the 17-member delegation was deployed in seven areas: Chisinau, Hincesti, Balti, Ohrei, Cimislia, Causeni, and throughout the Self-Autonomous Territory of Gagauzi-Yeri. A 12 member delegation also observed the second round of the elections which took place on 17 June (see Appendix I).
3. The Congress would particularly like to thank Ambassador Dieter Boden, Head of the OSCE/ODIHR Election observation mission to Moldova and his staff for the very efficient co-operation and support provided during the preparation of its mission and on the spot. The Congress is convinced that this pooling of efforts in the monitoring of the local election process in Moldova has been very beneficial for both organisations, in terms of enhanced technical capability, territorial coverage, co-ordination and consistency of findings. The joint statements issued by the Congress and the OSCE/ODIHR, and presented during the press conferences held in Chisinau on 4 and 18 June are shown in Appendix II. The preliminary findings issued by the delegations on 4 June have been extensively taken into account during the preparation of the final conclusions and are fully integrated in the present report<sup>3</sup>.
4. The Congress also wishes to express its thanks to Mr Vladimir Ristovski, Special Representative of the Secretary General to Moldova and his staff for the assistance provided throughout the observation mission.
5. In the days preceding the elections, the delegation met with the Central Election Commission, government representatives, members of Parliament, domestic observer organisations, non-governmental organisations, leaders and representatives of political parties, and representatives of the international community in Moldova. The Congress would like to thank all those listed in the programmes for the useful information provided and for their readiness to meet Congress members during the mission. The final programmes of briefings and meetings organised before the two election rounds are set out in Appendix III.

## **2. Background**

### **2.1. The Republic of Moldova**

6. The Republic of Moldova became a member of the Council of Europe on 13 July 1995. It ratified the European Charter of Local Self-Government (ECLSG) on 2 October 1997 as part of its commitments to the Council of Europe, and this instrument entered into force on 1 February 1998. Since Moldova endorsed the ECLSG, the situation of local and regional democracy has been the object of quite a few

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<sup>1</sup> Letter addressed by Mrs. Renata Lapti, Deputy Chairman of the Central Electoral Commission of Moldova, to the Congress of Local and Regional Authorities of the Council of Europe, on 3 April 2007.

<sup>2</sup> CG BUR (13) DEC 5.

<sup>3</sup> Statement of Preliminary findings and conclusions, issued by the International Election Observation Mission on 4 June 2007.

information and monitoring reports prepared by the Congress<sup>4</sup> and several recommendations were addressed to the Moldovan Authorities<sup>5</sup>. Taking into account such recommendations, a significant number of legislative changes relating to local and regional democracy have been introduced. In January 2006, a Ministry of Local Public Administration (LPA) was created with the aim of addressing a number of problematic key issues, such as the distribution of powers and the financial relations between different levels of public administration. The newly established Minister, Mr Vitalie Vrabie<sup>6</sup>, former member of the Congress, who has subsequently also been appointed Deputy Prime Minister of the Republic of Moldova promoted a set of laws on “local public administration”, “administrative legislation” and “local public finance” which were adopted by the Parliament in December 2006. It should be noted that the draft laws were submitted to the Council of Europe for expertise; however only few recommendations have been taken into account before the adoption of the texts. A law on Regional Development, aiming at reorganising the territory into six main regions and promoting their self-sustainability, was also adopted in December 2006, without previous assessment by the Council of Europe relevant bodies.

7. Since Moldova joined the Council of Europe, the Congress has observed several elections, including the local elections in 2003, local by-elections in 2005 and the recent election of the Bashkan (Governor) of Gagauzia<sup>7</sup> in December 2006. In this framework, the Congress has recognised the progress made by the Moldovan Authorities in the administration of local elections. However significant improvements are still needed in order to fully comply with international electoral standards, in particular to reduce the discrepancy between the existing legislation and its effective implementation.

## 2.2. Legal background

8. The legal framework for the local elections is the Electoral Code of Moldova which was adopted on 21 November 1997 and amended twenty-two times between 1999 and 2007. The Electoral Code and part of its subsequent amendments have been assessed by the Venice Commission and the OSCE/ODHIR. The last Joint Opinion adopted in March 2006<sup>8</sup> noted that, besides some changes which partly addressed previous recommendations, a significant number of issues were not addressed and several newly adopted provisions still raised concerns if Moldova is to fully comply with international standards for democratic elections. It is worth noting that, further to this opinion, the Moldovan Parliament introduced further amendments in June 2006 which were not sent to the Venice Commission before their adoption. Most of the recently brought amendments, relating to media access during electoral campaign, secrecy of votes, publication of official results as well as complaints and appeals procedures, continued to be a particular cause of concern for the Congress delegation. It is worth noting that a revised Joint Opinion on the Electoral Code of Moldova is currently under preparation and is meant to be adopted by the Venice Commission and the OSCE/ODHIR by the end of 2007.
9. The legal framework is also composed of the Moldovan Constitution, of a number of organic laws, inter alia the Law on the Territorial-Administrative Division of the Republic of Moldova, the Law on Decentralisation and the Law on Political Parties and Socio-Political Organisations, as well as of a range of Decisions and Regulations issued by the Central Election Commission with the purpose of clarifying some administrative procedures and addressing existing gaps in the Electoral Code. The Congress Delegation concluded that the referred set of legal provisions generally provides an

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<sup>4</sup> CG/BUR(2)35, CG(4)20 Part II, CPR(7)4 Part II, CG(9)6 Part II, CG/BUR(8)95, CG/ BUR(9)29, CG/BUR(10) 103.

<sup>5</sup> Recommendations 38 (1998), 84 (2000), 110 (2002) and 179 (2005) on the situation of local and/or regional democracy in the Republic of Moldova.

<sup>6</sup> Mr Valentin GUZNAC was appointed Minister of LPA immediately after the present elections.

<sup>7</sup> Report on the election of the Bashkan (governor) of Gagauzia (3 and 17 December 2006), CG(13)43PART2; Report on the local by-elections in Moldova (27 November and 11 December 2005), CG/Bur (12) 98; Report on the local by-elections in Moldova (10 and 24 July 2005), CG/Bur (12) 34; Report on the regional elections in Gagauzia, Moldova (16 and 30 November 2003), CG/Bur (10) 89; Report on the local elections observation mission to Moldova (25 May and 8 June 2003), CG/BUR (10) 19 and Report on the regional elections in Gagauzia, Moldova (6 and 22 October 2002), CG/BUR (9) 59.

<sup>8</sup> CDL-0045ghL(2006)017rev.

adequate basis for the conduct of democratic elections, if implemented in good faith. However, a certain number of significant shortcomings remain to be addressed.

10. According to the legislation, Councillors are elected through proportional representation without a threshold and mayors are elected through a majority two-round system. One candidate is considered elected on the first round if he/she receives the absolute majority of the valid vote casts; otherwise, a runoff between the two top-scoring candidates is organised within two weeks of the first round. The Congress Delegation strongly commends the Moldovan Authorities for the decision to lower the turnout for mayors' elections from 33 per cent<sup>9</sup> to 25 per cent and to avoid any turnout requirement for runoffs or repeat voting.
11. Furthermore, the Delegation particularly welcomed the fact that, following its recent recommendations<sup>10</sup> to reduce the inconsistency between the Gagauzian electoral legislation and the Electoral Code of Moldova, the Moldovan legislation was also applicable to the Self-Autonomous Territory of Gagauz-Yeri during the present local elections. It should be finally recalled that, in response to Congress Resolution 232 (2007), the Venice Commission is currently preparing an opinion on the Law of the Autonomous Territorial Unit of Gagauzia No. 32-XXXIII/I on the election of the Governor of Gagauzia, which will be adopted by the end of 2007.

### **3. The elections**

12. On 3 June 2007, 2.340.514<sup>11</sup> Moldovan citizens were invited to directly elect 899 mayors and 11.967 members of district, communal and municipal local councils. Electoral districts coincided with the territorial organisation established by the Law on Territorial-Administrative Division of the Republic of Moldova, namely: 900 first-level units (including towns, villages and communes) and 35 second-level units (including rayons, municipalities of Chisinau and Balti and the administrative territorial unit of Gagauz-Yeri). It should be noted that elections did not take place on the territory controlled by the Transnistrian authorities. However, citizens residing in the villages of Chicani, Cremenciug and Gisca were able to vote in some designated locations of Causeni electoral district.
13. A total of 27 political parties and socio-political blocs registered with the Minister of Justice were entitled to nominate candidates. Twenty-two out of those twenty-seven parties and an electoral bloc contested the elections on 3 June. The European Action Movement, a socio-political organisation which was initially denied registration, was finally registered on 12 April, too late to be able to take part in the race. Independent candidates had the right to run for both mayors and councillors office, pending the support of a certain number of voters residents in the locality where their candidacy was put forward<sup>12</sup>.
14. On election day, 4766 contestants, including 565 independent candidates, ran for mayor offices and some 60.000, out of which around 1000 independent, ran for councillors seats. In Chisinau, 18 candidates, including an independent one, participated in the election. The Congress Delegation considered the wide field of candidates as a clear indication of confidence in local democracy, which gave voters a genuine opportunity to participate in deciding the future of their local communities.
15. Notwithstanding these positive figures however, domestic and international long-term observers, as well as most of the candidates in Chisinau, reported on serious inaccuracies with the sequence of registration of party lists and candidates which, by law, determines the order in which they appeared

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<sup>9</sup> It should be recalled that, during the last election for General Mayor of Chisinau held in June 2005, the 33 per cent turnout requirement produced a cycle of four failed elections after which the then acting Mayor Vasile Ursu remained in office until January 2007, see CG/Bur (12) 34 and CG/Bur (12) 98.

<sup>10</sup> Recommendation 213 (2007) on the election of the Bashkan (governor) of Gagauzia (observed on 3 and 17 December 2006).

<sup>11</sup> Such figure was officially announced by the CEC after the second verification of voters lists carried out during the run-up to the election. After the first verification concluded in March 2007, the number of eligible voters was announced to be 2.444.715.

<sup>12</sup> By law, independent candidates for the position of mayor had to collect signatures of five per cent of voters of their districts, but not less than 150 and not more than 10.000. Whereas independent candidates for local councils had to be supported by two per cent of voters of their district divided by the number of councillors to be elected, but not less than 50 voters.

on the ballot papers. Observers particularly denounced that a few District Electoral Councils (DECs) did not operate the registration procedure in a transparent way, imposed the ranking of registration in an arbitrary manner and that, in some instances, candidates of the communist party were registered even before the official registration date.

16. Congress members also took note of numerous credible allegations of pressure, intimidation and threats made on electoral contestants as well as reports of summary dismissals or forced resignations. The delegation cited the intimidation of candidates as one of the major shortcomings, which need to be urgently addressed.

### **3.1. Electoral Administration**

17. The local elections were operated by a four-tier administration including the Central Election Commission (CEC), 32 Second Level District Electoral Councils (DECs), 899 First Level DECs and 1934 Precinct Electoral Bureaus (PEBs)<sup>13</sup>. As indicated above, the Chisinau City Election Council, the Balti City Election Council and the Central Election Commission of Gagauzia had the same status as Second Level District Electoral Councils.

18. The permanent body responsible for the overall administration of the elections is the Central Electoral Commission (CEC). Following the 2005 amendments of the Electoral Code, Article 16 stipulates that the CEC consists of nine members with deliberative votes: one member appointed by the President of the Republic, one by the Government, seven by the Parliament, including five by the opposition parties, according to the percentage of the mandates they hold. CECs members cannot be members of parties or other socio-political organisations. They are nominated for a five-year mandate and are irremovable. The vacancy of the function can appear in the case of the mandate expiry, resignation, dismissal or death. Dismissal can finally be executed by the Parliament for specific reasons, among others, serious violations or criminal sentences against a member. As pointed out in the last Venice Commission - OSCE/ODIHR Joint opinion, this newly adopted formula provides for a politically inclusive composition of the CEC which, if implemented in good faith by all political forces, can address several shortcomings observed during previous elections, namely a lack of transparency and a strongly dominating position of the ruling party<sup>14</sup>. It should be also pointed out that the amendments introduced regarding the composition and dismissal of CEC members take into account the Joint Recommendation on the Electoral Law on the Electoral Administration in Moldova and partly addressed the problems commented upon<sup>15</sup>.

19. The composition of DECs and PEBs is regulated by art. 27-29 which have also been modified in order to guarantee better political balance. DECs consist of seven to eleven members appointed by the CEC not later than 50 days prior the elections and PEBs, made up of five to eleven members, are formed by the DECs no later than 35 days before the elections. As corroborated by the OSCE/ODIHR Election Observation Mission, except for some sporadic examples, DECs of Level two and one were generally formed by the CEC within the legal timeframe.

20. Congress observers commended the CEC for the transparency of its work and the efforts made to improve the administration of local elections. The delegation welcomed the mostly professional approach showed by CEC members and the constructive dialogue established with both the civil society and the international community. Nevertheless, Congress members were particularly concerned by the lack of enforcement power of CEC decisions and by the inconsistency of the appeals procedures, which by law might be lodged either to the court or to the electoral bodies. As a matter of fact, such conflict of jurisdiction led to significant confusion and was noticeably not in line with the provisions of the Code of Good practice on electoral matters<sup>16</sup>.

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<sup>13</sup> These figures did not include the communes in the territory of Transdnistria, where *de facto* the elections did not take place.

<sup>14</sup> CDL-AD(2006)001, par. 21.

<sup>15</sup> CDL-AD(2004)027, par. 41.

<sup>16</sup> CDL-AD(2002)23 rev, Art.97: "It is also vital that the appeal procedure, and especially the powers and responsibilities of the various bodies involved in it, should be clearly regulated by law, so as to avoid any positive or negative conflicts of jurisdiction. Neither the appellants nor the authorities should be able to choose the appeal body. The risk that successive bodies will refuse to give a decision is seriously increased where it is theoretically possible to appeal to either the courts or

### **3.2. Electoral campaign**

21. Under the Electoral Code, the official campaign period starts with the registration of parties and candidates by their respective DECs<sup>17</sup>. According to the information received, the electoral campaign remained low-key in most of the country with the exception of the major cities where it was active and quite visible, being mainly characterised by rallies, billboards, posters, fliers, sector meetings and motorcades. In suburban and rural areas, the traditional house-to-house canvassing remained the predominant method of campaigning. The delegation expressed concern about many cases where local authorities failed to provide equal conditions to campaign for all parties and candidates.
22. Most of the contestants met by the delegation during its visit reported on unfair competition conditions during the electoral campaign and denounced, amongst others, cases of obstruction and pressure on opposition candidates, alleged harassment and detention of opposition supporters, unequal access to municipal billboards and unbalanced access to media .
23. The conduct of the media during the electoral campaign is generally regulated by a restrictive legal provision of the Electoral Code<sup>18</sup>, which during the present elections was mainly interpreted as prohibiting the coverage of campaign activities outside public debates and free air-time. It is also regulated by the Broadcast Code and by a decision issued by the CEC in co-operation with the Audio-Visual Co-ordination Council providing further guidelines to media and explicitly forbidding the use of any images representing state or local institutions in the pre-election context<sup>19</sup>. Although campaign activities were by and large carried out unobstructed, many domestic and international observer organisations expressed serious preoccupations about the lack of pluralism and independence of the media as well as about the extensive coverage of state authorities' activities which implicitly benefited pro-government candidates. The Congress delegation welcomed the fact that television debates were organised for all candidates by both public and private media broadcasters. However it regretted the decision of the Party of the Communists of the Republic of Moldova (PCRM) not to take part in most of the debates which somewhat weakened their value.
24. As noted by Congress observers on the days preceding elections, negative campaigning was visible in the print media and it was particularly prevalent before the second round of elections. It should be noted that the run-off elections were officially announced by the CEC on 7 and 8 June, therefore campaigning activities were limited but quite nasty. No remedial actions to redress media biased coverage were observed.
25. The financing of the electoral campaign was also assessed as being somewhat problematic since several political parties and blocs failed to submit their financial reports to the CEC and were therefore warned by the electoral body. Finally, the use made by the ruling party of administrative resources was also reported to be quite unclear.
26. Taking these issues into account, the Congress delegation concluded that the electoral campaign appeared to fall short of some international commitments, which must be addressed to ensure effective democratic elections.

### **3.3. Voters' lists and Identification procedure**

27. By law, the voters' register is based on the information provided by the permanent State Population Register annually updated by the Ministry of Information Development. In the run-up to the election, voters' lists were verified twice. The first annual verification was performed in January and February

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an electoral commission, or where the powers of different courts – e.g. the ordinary courts and the constitutional court – are not clearly differentiated.

<sup>17</sup> In Chisinau, the campaign officially started with the registration of the first 10 contestants on 20 April.

<sup>18</sup> Article 47.4 of the Electoral Code states: "It is prohibited to air, apart from the airtime granted free of charge during debates, spots and TV or radio reports, on the activities of the electoral contestant or their trustees participation in meeting with the voters [...]"

<sup>19</sup> CEC Decision on media coverage of the campaign issued on 6 April, par. 18 "[...] it is prohibited to use in the election ads, programs and pre-election discussions any images representing the institutions of the President, Parliament, or the central and local public administration."

2007; the second verification, only due in electoral years, was carried out by local authorities and finalized by 14 May, that according to the electoral calendar was the legal deadline for posting the lists outside the polling stations for public scrutiny. Albeit voters' lists were mostly updated in time, some of them were not made public within the legal deadline of 20 days prior to the elections. Moreover, a few voters' lists were posted in mayoral buildings rather than at polling stations or made available only upon request. Observers also reported incomplete lists and cases of citizens residing abroad who were removed from the lists without being officially de-registered. It is worth noting that citizens living in Transdnistria generally do not appear in the permanent State Population Register so they were not included in any voters' list. Whilst recognizing the increased accuracy of the electoral roll compared to past elections, Congress members considered that the delay in the publication of the lists shortened the time available for voters to notify possible inaccuracies and for local authorities to make the necessary adjustments. The Congress above all recalls that the accuracy of the voters' lists is one of the main assets to ensure democratic elections and therefore underlines the need to display voters' lists within the legal timeframe in order for them to be duly checked and corrected where necessary before polling day.

28. Voter registration on supplementary lists remains possible on election day for those citizens who are not included in the regular lists but who can produce an absentee voting certificate or can prove their residence or domicile in the area served by a certain polling station<sup>20</sup>. Although in accordance with the law, the Congress underlines the need to guarantee a proper implementation of the provisions for handling absentee voting certificates in order to avoid possible manipulations or risk of multiple voting and to ensure that all the necessary checks before registration on the supplementary lists are carried out by PEBs members before the vote.
29. Special supplementary lists are also compiled for those voters requesting mobile voting. The names of such voters are then crossed out from the regular voter lists. On election day, Congress observers reported sporadic cases of polling stations commission members not well acquainted with the stamping procedure to be applied to ballot papers intended for mobile voting.
30. The introduction of a centralized electronic voters' register planned for the current local elections, was postponed to 2009, reportedly due to the lack of funds. Nevertheless, on election day, a limited pilot project was carried out and electronic voters' lists were tested in three polling stations of the capital.
31. To be eligible to vote, voters are requested to present either their National ID card accompanied by relevant domicile and residence papers or their temporary ID card, the so called Form 9. Pensioners and persons who refuse ID cards on religious ground are also allowed to vote by showing former Soviet passports duly stamped by the Moldovan authorities. Based on election day observation, Congress members assessed the identification procedure of voters as problematic. They particularly reported some voters turned away from a large number of polling stations because they had improper or no identification documents. In rural areas, domestic observers also reported many cases of citizens allowed to vote without the relevant identification documents.

### **3.4. Election day**

#### *3.4.1 First Round*

32. Election day was carried out in an orderly manner and the voting process was positively assessed in the vast majority of the polling stations. However, the secrecy of the vote was seriously compromised by the fact that many voters did not fold their ballot properly or did not mark their ballot in secrecy. While welcoming the information posters for voters available in every polling station, the Congress delegation noted that such posters did not make any reference to the need to cast the ballot within the polling booth and that many voters seemed not to be fully informed about voting procedures. Moreover, the application of the control stamp after the vote had been cast by the voter was also regretted by Congress observers, since it potentially contributed to further undermine the secrecy of the vote.

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<sup>20</sup> The average percentage of voters registered in supplementary lists of the polling station visited amounts to 7.5.



33. On polling day, most of the PECs were composed in accordance with law. Congress members particularly appreciated the high number of women sitting and chairing the commissions as well as the presence of domestic observers in every polling station. However, Congress observers strongly emphasized that the standard of administration of the polling stations varied considerably all over the country since not all members sitting on electoral commissions appeared to be fully aware of the procedures to be followed. While clearly not of a fraudulent nature, these inefficiencies reveal a clear lack of understanding of the reason behind certain procedures and a clear need for timely and adequate training of all officials with a view to future elections.
34. Among the major inadequacies found across the board, Congress observers noted a few instances of family and group voting condoned, voters allowed to vote without adequate check of identification documents, voters waiting in line before the official closing time of polling stations turned away despite a clear instruction on this issued by the CEC and cases of unauthorized persons tolerated within the polling stations.
35. Congress observers also highlighted a range of procedural shortcomings during the counting of votes including problems with the reconciliation of signatures on voters' lists and the ballot used, unused or invalidated; controversies over the validity of some ballots; and difficulties with the protocols for the compilation of results. In addition, the publication of results was not systematically assured in all polling stations thus, more transparency on this matter should be envisaged.
36. The Congress finally underlined the limited accessibility of the majority of polling stations for people with disabilities or elderly persons. While recognising the overall good functioning of the mobile voting and the positive value of special polling locations (hospitals, sanatorium and homes for elderly), the Congress considers that efforts should be made in order to guarantee greater accessibility to polling stations and thus enhance future democratic participation for Moldovan citizens.
37. As a positive feature, the delegation noted that, with very sporadic exceptions, security forces and local executive authorities were not present either in polling stations or near the entrances and they did not interfere in the election process, as explicitly instructed by the CEC.

#### 3.4.2 *Second Round*

38. Following voting results of the first round, a second round of elections was organised on 17 June to elect 474 mayors in run-off races. On the same day, repeat elections were organised in nine localities where the results of the first round were declared invalid or null. The CEC announced the run-offs on 7 June for most of the country and on 8 June for Chisinau, giving contestants only one week to campaign.
39. The delegation was informed that a significant number of complains related to voting, counting and tabulation of results were filed with the CEC, DEC and courts after the first round. Many requests for recounts were duly satisfied by the relevant authorities. However, in the absence of legal regulations on this matter, different procedures were applied by different authorities. A particularly destructive media campaigning was reported to be conducted prior to the second round.
40. The second round of elections marked some marginal procedural improvements over the first one. However, despite further training reportedly provided to polling station staff in between the two rounds, the standard of administration of polling stations continued to be considerably variable.
41. The delegation generally noted that very limited remedial actions were taken to rectify a certain number of inaccuracies observed during the first round. Moreover, the lack of legal provisions and of clear deadlines applicable to second-round contests hindered the preparation of the run-off and resulted in inconsistent practices.
42. Congress finally regretted that, both during the first and the second round, voting in Corjova, a Moldovan administered commune on the left bank of Nistru/Dniestr river, was prevented by the Transdnestrian militia who blocked the access to the polling station for a large part of elections days.

### 3.5. Results

43. According to results announced by the Central Election Commission, the average turnout on the elections was 52.34 per cent nationwide and 37.17 per cent in Chisinau. The Party of the Communists of the Republic of Moldova generally obtained the majority of the valid votes throughout the country (32.80 per cent), followed by the “Moldova Noastra” alliance (17.35 per cent), the Democratic Party of Moldova (10.46 per cent), and the Popular Christian Democratic Party (8.15 per cent). Independent candidates obtained 8.52 per cent of votes while the remaining share was dispersed among the numerous opposition parties. The results of parallel vote tabulation, unveiled by election watchdogs, mainly comply with the official data.
44. In Chisinau Municipal Council, the final breakdown was slightly different: the Party of the Communists of the Republic of Moldova obtained 16 out of the 51 mandates available, followed by the Liberal Party (11 seats), the “Moldova Noastra” alliance (7 seats), the Democratic Party of Moldova and the Popular Christian Democratic Party (4 seats each) the Party of Social Democracy (3 seats), the Social Democratic Party of Moldova and the Humanist Party (2 seats each), and the National Liberal Party and the Electoral Bloc (1 seat each).
45. In the Self-Autonomous Territorial Unit of Gagauzia, the Party of the Communists of the Republic of Moldova gained 37.47 per cent of the mandates available, the “Moldova Noastra” alliance 17.45 per cent, the Democratic Party of Moldova 8.28 per cent, the Popular Christian Democratic Party 6.6 per cent and the Party of Social Democracy 3.13 per cent followed by a significant number of parties which obtained less of three percent of the mandates available. Independent candidates earned 15.10 per cent of the mandates.
46. On 22 June, the Central District Court of Chisinau validated the results of the elections to the office of Mayor of Chisinau Municipality. Mr Dorin Chirtoaca, representing the Liberal Party, was elected new general Mayor by obtaining 61.17 per cent of the votes against Vaeceslav Iordan, Party of the Communists of the Republic of Moldova who received 38.83 per cent of the votes cast.
47. It is worth noting that the results protocol for the first round, released by the CEC on 13 June, provided national aggregated data as well as data from Level 2 DEC's but did not contain detailed information for each contest. Such incomplete data, as well as the delay in the publication of results, provides grounds for concern about the transparency of the tabulation results of the first round.

### 4. Conclusions

48. According to Congress observers, the conduct of the general local elections in the Republic of Moldova reflected the efforts of the authorities to carry out the election process in a professional, transparent and orderly manner. Though the Congress' assessment of the elections is exclusively based on its observations on 3 and 17 June, the Congress delegation underlined that the administration of election days marked an encouraging progress compared to the local elections monitored in 2003.
49. However, the Congress considers that several aspects of the electoral process fell short of international commitments on democratic elections and that significant steps are still needed to ensure the full respect of local democracy principles. In this regard, it invites the Moldovan Authorities to take full account of the present recommendations as well as of previous relevant recommendations made by the Parliamentary Assembly, the Venice Commission and other international organisations. It further reiterates the importance of such recommendations in view of the upcoming legislative elections.

**The recommendations of the Congress to the Moldovan authorities based on the observation of the local elections are presented in document CG/BUR (14) 25, Recommendation.**

## APPENDIX I

### COMPOSITION OF CONGRESS DELEGATION: FIRST ROUND

#### SMALL DELEGATION

- **Mrs Susan Bolam**, Northumberland County Councillor (UK, EPP/CD, R) – **Head of the delegation**
- **Mr Joseph Borg**, Deputy Chairman of the Local Council Association (LCA) (Malta, EPP/CD, R)
- **Mrs Brith Fäldt**, Councillor, Pitea, Member of the Congress (Sweden, SOC, L)
- **Mr Hannu Kemppainen**, Member, City Council of Kajaani (Finland, ILDG, L)
- **Mrs Marie-Rose Koro**, Regional Councillor of Basse-Normandie (France, SOC, R)
- **Mr Paolo Rondelli**, Municipal Councillor of San Marino (San Marino, SOC, R)

Accompanied by:

- **Ms Pilar Morales**, Head of the Co-ordination of election observation Division of the Congress
- **Ms Elena Piscopo**, Project Manager, Co-ordination of election observation Division of the Congress

#### LARGER DELEGATION

- **Mr Joe Conway**, Councillor, Tramore Town Council (Ireland, ILDG, L)
- **Mrs Pauline Dee**, Member, North Shropshire District Council (United Kingdom, ILDG, L)
- **Mr Mihkel Juhkami**, Chair, Rakvere City Council, Member of the Congress (Estonia, EPP/CD, L)
- **Mr Ott Kasuri**, Mayor of Harku Municipality (Estonia, ILDG, L)
- **Mr Michael Neureiter**, Vice President, Regional Parliament of Salzburg (Austria, EPP/CD,R)
- **Mr Petru Radu Paun-Jura**, Mayor of Simeria, Hunedoara County (Romania, ILDG, L)
- **Mrs Ludmila Sfirloaga**, Vice-President of the Congress, Councillor, Prahova County Council (Romania, SOC, R)
- **Mr René Van Diessen**, Member, Provincial Executive of Gelderland (Netherlands, ILDG, R)
- **Mr Emin Yeritsyan**, Councillor, Community of Parakar (Armenia, EPP/CD, L)

### COMPOSITION OF CONGRESS DELEGATION: SECOND ROUND

- **Mrs Susan Bolam**, Northumberland County Councillor (UK, EPP/CD, R) – **Head of the delegation**
- **Mr Joseph Borg**, Deputy Chairman of the Local Council Association (LCA) (Malta, EPP/CD, R)
- **Mr Joe Conway**, Councillor, Tramore Town Council (Ireland, ILDG, L)
- **Mrs Pauline Dee**, Member, North Shropshire District Council (United Kingdom, ILDG, L)
- **Mr Mihkel Juhkami**, Chair, Rakvere City Council, Member of the Congress (Estonia, EPP/CD, L)
- **Mr Hannu Kemppainen**, Member, City Council of Kajaani (Finland, ILDG, L)
- **Mrs Marie-Rose Koro**, Regional Councillor of Basse-Normandie (France, SOC, R)
- **Mr Michael Neureiter**, Vice President, Regional Parliament of Salzburg (Austria, EPP/CD,R)
- **Mr Petru Radu Paun-Jura**, Mayor of Simeria, Hunedoara County (Romania, ILDG, L)
- **Mr Paolo Rondelli**, Municipal Councillor of San Marino (San Marino, SOC, R)
- **Mr Emin Yeritsyan**, Councillor, Community of Parakar (Armenia, EPP/CD, L)

Accompanied by:

- **Ms Elena Piscopo**, Project Manager, Co-ordination of election observation Division of the Congress

## APPENDIX II

### JOINT PRESS STATEMENT ISSUED BY THE CONGRESS DELEGATION AND OSCE/ODIHR ON 4 JUNE 2007



### **International standards unevenly implemented during local elections in Moldova**

CHISINAU, 4 June 2007 – An international election observation mission monitoring the local elections in Moldova on 3 June noted that voters were given a genuine choice and that the elections were generally well administered. Other aspects of the electoral process, however, fell short of some international commitments on democratic elections.

The mission, which included nearly 200 observers under the auspices of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe's Congress of Local and Regional Authorities, cited intimidation of candidates as one of the major shortcomings.

"One of the hallmarks of a democratic election is the ability for candidates to run for office on an equal basis, free from intimidation," said Ambassador Dieter Boden, head of the ODIHR mission. "There were a number of cases throughout the country where candidates faced pressure or dismissal or suspension from their jobs as a result of their political activities."

Observers highlighted problems with candidate registration, voter lists, and the handling of complaints both by election bodies and by the courts. The media were criticized for their extensive coverage of state authorities during the campaign, thereby benefiting pro-government candidates. The mission also expressed concern about cases where local authorities failed to guarantee equal conditions for all parties and candidates.

"This election gave people an opportunity to participate in deciding the future for their local communities," said Susan Bolam, head of the Congress delegation. "The wide choice of candidates and the turnout in some parts of the country demonstrate the confidence that local democracy is generating despite a continuing bias in the media towards the government party and inconsistencies in the administration of the election."

The mission pointed out that the Central Election Commission would be much more effective if mechanisms were in place to enforce its decisions. At the same time, observers commended the Commission for the transparency and impartiality of its work.

Election day was calm, and observers assessed the voting process positively in the vast majority of polling stations visited. At the same time, secrecy of the ballot was not always ensured, and some voters were turned away in a large number of polling stations because of problems with their identification documents. In addition, observers reported a range of procedural shortcomings during the vote count.

The ODIHR election observation mission will stay in the country to continue monitoring developments prior to the second round of voting on 17 June, when it will be joined again by a delegation from the Congress.

For further information, please contact:

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- Pilar Morales, Congress of the Council of Europe, +33 650 39 29 13, [pilar.morales@coe.int](mailto:pilar.morales@coe.int).

**JOINT PRESS STATEMENT ISSUED BY CONGRESS DELEGATION AND OSCE/ODIHR  
ON 18 JUNE 2007**



**Polling in second round of Moldova's local elections slightly improved, but serious shortcomings remain**

CHISINAU, 18 June 2007 – Election Day procedures during yesterday's second round of local elections in Moldova showed marginal procedural improvements over the first round on 3 June, concluded an international election observation mission deployed by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe's Congress of Local and Regional Authorities of Europe. However, key problems identified during the pre-electoral period persisted, particularly media bias and intimidation of candidates.

"Despite the fact that we highlighted these shortcomings in our statement on the first round, the relevant authorities failed to take remedial action prior to the second round," said Ambassador Dieter Boden, who headed the ODIHR Election Observation Mission. "There continues to be a clear need to rectify these matters."

The head of the Congress delegation, Mrs. Susan Bolam, added: "We remain concerned that the standard of administration of the polling stations varied considerably: some were well run but many were not. It is essential that the appropriate action be taken to improve the knowledge of election procedures by polling station staff."

A second round was held on 17 June to elect 474 mayors in run-off contests, as well as mayors and councillors in nine localities where the results of the first round were declared invalid or null, in some cases due to ballots containing incorrect information on contestants. The Central Election Commission (CEC) announced the run-offs on 7 June, giving contestants eight days to campaign. In Chisinau, the run-off was announced a day later. Campaign activities were very limited.

Between the two rounds, most opposition parties committed to support one another against candidates of the Party of Communists of the Republic of Moldova (PCRM) and to constitute non-communist majorities in regional and local councils. The Social Democracy Party, the Social Democratic Party, and the Centrist Union announced that they would form joint council factions. As before the first round, observers continued to receive allegations of pressure on, and intimidation of, candidates and voters, including in Hincesti, Dubasari, Balti, Telenesti, Floresti, and Riscani.

Following voting on 3 June, the CEC released preliminary results as they were being submitted by District Electoral Councils (DECs). The CEC results protocol for the first round, released with a five-day delay on 13 June, was incomplete, as it did not contain detailed information for each contest; instead, it provided data from Level 2 DECs, as well as national aggregate data. Delays in the publication of results and incomplete data provided grounds for concern over the transparency of the tabulation of results.

In the run-up to the second round, no additional voter-education campaigns were carried out by the CEC in order to improve voters' understanding of polling procedures. Despite inaccuracies noted in the first round, voter lists remained unavailable for public review at the majority of polling stations. Lack of legal provisions and clear deadlines applicable to second-round contests hindered the preparations for the run-offs and resulted in inconsistent practices.

In the period between the two rounds, the majority of monitored TV stations, including publicly funded *Moldova 1*, continued to provide extensive news coverage of the activities of state authorities outside the campaign context, thus repeating the pattern observed before the first round. This benefited pro-government candidates and limited opposition candidates' opportunity to convey their message to the electorate on an equal basis.

The work of the Audio-Visual Co-ordinating Council (CCA) was disrupted during the last week before the second round by an investigation by the Center for Combating Economic Crimes and Corruption (CCCEC) into allegations of bribe-taking by members of the CCA. One of the four detained CCA members has been charged and remains in custody. Two of the others have publicly claimed that the detentions might have been linked to CCA warnings to some broadcasters for biased coverage before the first round. The CCCEC has denied this allegation.

There were no debates between the two candidates for Chisinau mayor because the PCRM candidate, Veaceslav Iordan, chose not to participate. In line with a CEC decision, his opponent, Dorin Chirtoaca, was able to utilize his allocated time. The public broadcaster and *Euro TV* also organized debates between mayoral candidates running in other parts of the country.

Negative campaigning reappeared in the media, with paid spots aimed against both contestants in Chisinau. Two formerly state-owned newspapers, *Moldova Suverana* and *Nezavisimaya Moldova*, which received substantial subsidies from the state budget at the end of 2006, clearly supported Mr. Iordan and published several articles against Mr. Chirtoaca, some with inflammatory content.

A significant number of complaints on the first round were filed with the CEC, DEC, and courts on a broad range of issues related to voting, counting, and the tabulation of results. A number of requests by parties for recounts or annulments were satisfied. In the absence of legal regulations on the conditions and responsibilities for conducting recounts, different procedures were followed by the courts and DEC. The Chisinau DEC responded positively to parties' requests for recounts; however, this delayed the tabulation of municipal results by seven days.

Election Day was generally calm. Overall, observers assessed the voting process slightly more positively than on 3 June, especially with regards to adherence to procedures. However, the stamping of the reverse side of ballots immediately before they were deposited in the ballot box once again undermined the secrecy of the vote. On a positive note, a smaller percentage of observers reported the presence of unauthorized persons inside polling stations, attempts to influence voters, and tension in polling stations. Furthermore, fewer instances of group voting were noted and more polling stations opened on time. The limited number of counts observed were assessed somewhat more positively than in the first round. However, observers again noted that many Precinct Electoral Bureaus had problems reconciling the results and that results protocols were frequently not posted at polling stations.

Voters in Corjova, a Moldovan-administered commune on the left bank of the Nistru/Dniestr river, were once again deprived of their right to vote by Transdnestrian militia, who used force to prevent the opening of the polling station there.

This press statement should be read in conjunction with the Statement of Preliminary Findings and Conclusions of 4 June. The ODIHR will issue a final report approximately two months after the completion of the electoral process and the Congress will vote on a report on these elections during its next session. Both institutions will also make recommendations on possible improvements to the electoral process.

*This statement is also available in Moldovan and Russian. However, the English version remains the only official document.*

### APPENDIX III

#### **PROGRAMME OF MEETINGS AND BRIEFINGS ATTENDED BY THE CONGRESS DELEGATION ON 31 MAY, 1 & 2 JUNE 2007**

##### **Thursday 31 May 2007**

- 8:00- 9:30 Breakfast with **Heads of Delegation** (Coordination of Forum)  
Venue: Jolly Alon Hotel
- 9:30 –10:30 Meeting with **Coalition For Free and Fair Elections 2007** and Long Term Observers.  
Venue: Eurasia Foundation, 49/4 Tighina Str.
- 10:45-11:30 Meeting with **Mr. Veaceslav IORDAN**, candidate of Party of the Communists of Moldova  
Venue: CoE Office (meeting room)
- 11:30-12:15 Meeting with **Mr. Vladimir FILAT**, candidate of the Democratic Party  
Venue: CoE Office (meeting room)
- 12:30-13:15 Meeting with **Mr. Dorin CHIRTOACA**, candidate of the Liberal Party and **Mr. Mihai GHIMPU**, President of the Liberal Party  
Venue: CoE Office (meeting room)
- 13:30-15:00 *Lunch*
- 15:00- 16:00 Meeting with **Mr. Eugen STIRBU**, Chairman of the Central Electoral Commission  
Venue: Central Electoral Commission, 119 V. Alecsandri Str.
- 16:30–17:15 Meeting with **Mr. Valentin KRILOV**, candidate of “Patri-Rodina - Ravnopravie” Movement  
Venue: CoE Office (meeting room)
- 17:30 – 18:15 Meeting with **Mr. Leonid BUJOR**, candidate of “Moldova Noastra” Alliance  
Venue: CoE Office (meeting room)
- 19:00 – 21:30 Forum with **International Community, Political Parties and NGO’s**  
Venue: OSCE Mission to Moldova (Conference room)

##### **Friday 1 June**

- 9:00- 10:00 Meeting with **H.E. Mr Marian LUPU**, President of the Moldovan Parliament  
Venue: Parliament of Moldova
- 11:15–11:45 Meeting with **Mr. Alexandru CORDUNEANU**, candidate of PPCD  
Venue: CoE Office (meeting room)
- 11:45- 12:15 Meeting with **Mrs. Vitalia PAVLICENCO**, candidate of National Liberal Party  
Venue: CoE Office (meeting room)
- 12:45 –13.30 Meeting with **Mrs. Maria POSTOICO**, Vice-president of President of the Moldovan Parliament  
Venue: Parliament of Moldova
- 13:30 - 14:00 *Lunch*
- 14.00 – 15.00 Meeting with the **H.E. Mr Andrei STRATAN**, Vice Prime-minister of Moldova, Minister of Foreign Affairs and European Integration  
Venue: Ministry of Foreign Affairs and European Integration

- 15:00 – 15:45 Meeting with **Mr. Cornel CIUREA**, candidate of Social Liberal Party  
Venue: CoE Office (meeting room)
- 17:00- 18:00 Meeting with **Mr. Vitalie VRABIE**, Vice Prime-minister of the Republic of Moldova, Minister of Local Public Administration  
Venue: Government of the Republic of Moldova

### **Saturday 2 June**

- 9:00 - 9:30 Meeting with **Mr. Dumitru BRAGHIS**, candidate of the Party of Social Democracy  
Venue: Jolly Alon Hotel, Conference room
- 9:30 – 10:30 Briefing to large delegation by Susan Bolam  
Venue: Jolly Alon Hotel, Conference room
- 10:30 -12:15 Meeting with **OSCE/ODIHR** Election Observation Mission  
Venue: Jolly Alon Hotel, Conference room
- 12:30- 13:30 Meeting with **Mr. Vladimir RISTOVSKI**, Special Representative of the Secretary General of the Council of Europe to Moldova
- 15:00– 17:00 Meeting of teams with interpreters and drivers  
Deployment of election observation teams

### **Sunday 3 June**

Election day

### **Monday 4 June**

- 7.30- 11:00 De-briefing and preparation of press release  
Venue: Jolly Alon Hotel, Conference room
- 14:00- 15:00 Press Conference  
Venue: Leogrand Hotel



**PROGRAMME OF MEETINGS AND BRIEFINGS ATTENDED  
BY THE CONGRESS DELEGATION  
ON 16 JUNE 2007**

**Saturday 16 June**

- 10:30 – 12:00 Briefing with interpreters and drivers  
Venue: Jolly Alon Hotel
- 17:00 – 18:00 Delegation briefing and practical issues  
Venue: Jolly Alon Hotel
- 18:00 - 18:45 Meeting with **Mr. Iure Ciocan**, Secretary of the Central Electoral Commission  
Venue: Central Electoral Commission, 119 V. Alecsandri Str.
- 19:15 -20:30 Meeting with **OSCE/ODIHR** Election Observation Mission  
Venue: CoE Office

**Sunday 17 June**

Election day

**Monday 18 June**

- 7:30- 10:00 De-briefing and preparation of press release  
Venue: Jolly Alon Hotel
- 14:00- 15:00 Press Conference  
Venue: Leogrand Hotel

**APPENDIX IV**

**DEPLOYMENT AREAS on 1<sup>st</sup> Round - 3 June 2007**

<b>Team</b>	<b>Deployment Areas</b>	<b>Team Composition</b>
<b>1</b>	<b>Chisinau</b>	<b>Mrs Ludmila Sfirloaga Mr Joseph Borg</b>
<b>2</b>	<b>Chisinau, Hincesti</b>	<b>Mrs Susan Bolam Mrs Pilar Morales Ms Elena Piscopo</b>
<b>3</b>	<b>Comrat, Caedir Lunga</b>	<b>Mr Paolo Rondelli Mr René Van Diessen</b>
<b>4</b>	<b>Gagauzia – rural areas</b>	<b>Mr Mihkel Juhkami Mr Emin Yeritsyan</b>
<b>5</b>	<b>Balti</b>	<b>Mrs Brith Fäldt Mr Hannu Kemppainen</b>
<b>6</b>	<b>Ohrei</b>	<b>Mrs Marie-Rose Koro Mr Petru Radu Paun-Jura</b>
<b>7</b>	<b>Causeni</b>	<b>Mr Ott Kasuri Mr Joe Conway</b>
<b>8</b>	<b>Cimislia</b>	<b>Mrs Pauline Dee Mr Michael Neureiter</b>

**DEPLOYMENT AREAS on 2<sup>nd</sup> Round - 17 June 2007**

<b>Team</b>	<b>Deployment Areas</b>	<b>Team Composition</b>
<b>1</b>	<b>Chisinau</b>	<b>Mr Joseph Borg Ms Elena Piscopo</b>
<b>2</b>	<b>Comrat, Gagauzia – rural areas</b>	<b>Mr Mihkel Juhkami Mr Emin Yeritsyan</b>
<b>3</b>	<b>Balti</b>	<b>Mr Hannu Kemppainen Mr Paolo Rondelli</b>
<b>4</b>	<b>Ohrei</b>	<b>Mrs Marie-Rose Koro Mr Petru Radu Paun-Jura</b>
<b>5</b>	<b>Causeni</b>	<b>Mrs Susan Bolam Mr Joe Conway</b>
<b>6</b>	<b>Cimislia</b>	<b>Mrs Pauline Dee Mr Michael Neureiter</b>