

38th SESSION

Report
CG38(2020)12prov
14 February 2020

Local elections in the Republic of Moldova (20 October 2019)

Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (Monitoring Committee)

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Summary

Following an invitation of the authorities of the Republic of Moldova, the Congress carried out a mission to observe the local elections in the country on 20 October 2019. Prior to the main mission, a reduced Congress Delegation visited Chisinau from 2 to 4 October to carry out a pre-electoral visit. The Delegation to observe the 20 October local elections was deployed from 17 to 21 October 2019 and involved 24 observers from 21 European countries. On the Election Day, the Delegation was divided into eleven teams, which visited some 200 polling stations across the country and observed the voting as well as the counting process. Technically, the elections were well prepared and administered by an overall experienced electoral staff at the level of the polling stations.

The Congress welcomes some of the efforts made by the Moldovan authorities to improve the legal framework for elections, in particular amendments aiming at a better regulation of financing of political parties and regulation of campaign activities. However, the changes were introduced close to the Election Day and implemented in a very tight timeframe, increasing pressure on electoral bodies and generating uncertainty among candidates and citizens.

Despite some positive changes, the Congress expresses its concern about the overly burdensome registration requirements for independent candidates compared to the candidates from political parties. It also recommends that measures be taken to strengthen the participation of women in politics as voters and candidates, notably, through implementation of the legal quota rules on a minimum of 40%

¹ Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC/G/PD: Group of Socialists, Greens and Progressive Democrats
ILDG: Independent Liberal and Democratic Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

for both sexes. The Congress reiterates the need for a revision of residence requirements, notably the clarification between domicile and temporary residence which poses some issues for voter registration.

Further, the Congress recommendations include strengthening of oversight and enforcement powers for bodies tasked with administration of elections, supervision of financial matters and ensuring the impartiality of the media. The Congress also recommends that accessibility of polling stations be improved to support participation of voters with impaired mobility.

DRAFT RECOMMENDATION²

1. Following the invitation of the authorities of the Republic of Moldova to observe local elections held in the country on 20 October 2019, the Congress of Local and Regional Authorities refers to:

a. Article 1, paragraph 2 of the Committee of Ministers' Statutory Resolution CM/Res(2020)1 on the Congress of Local and Regional Authorities of the Council of Europe;

b. the principles laid down in the European Charter of Local Self-Government (ETS No. 122) which was ratified by the Republic of Moldova on 2 October 1997;

c. Chapter XVIII of the Rules and Procedures of the Congress on the practical organisation of election observation missions.

2. It reiterates the fact that genuinely democratic local and regional elections are part of a process to establish and maintain democratic governance. Observation of grassroots elections is a key element in the Congress' role as guardian of democracy at local and regional level.

3. The Congress welcomes the fact that the polling day was, apart from some incidents, calm and orderly and the elections were, by and large, effectively administered, following a generally free, though rather low-key, campaign prior to the second round.

4. The Congress recognises efforts made by the Moldovan authorities to improve the legal framework for elections, in particular amendments aiming at a better regulation of financing of political parties and regulation of campaign activities, though the amendments were adopted shortly before the elections, contrary to the Venice Commission's Code of Good Practice in Electoral Matters.

5. In the light of the above, the Congress invites the authorities to overhaul the legal framework, notably to eliminate inconsistencies and close loopholes, and further optimise the practical side of electoral management, in particular to:

a. revise the overly restrictive provisions related to the registration of independent candidates in order to provide a level playing field to all contestants running in local elections,³ notably put the required threshold of collected signatures, as well as other pertinent provisions, in line with the Venice Commission's Code of Good Practice in Electoral Matters;

2 Preliminary draft recommendation approved by the Monitoring Committee on 11 February 2020.

Members of the committee: *L. VERBEEK* (Chair); *H. AKGUN*; *L. ANSALA*; *V. ARQUES CORTES*; *N. BARBU*; *C. BAS*; *V. BELIKOV*; *B. BELIN*; *G. BERGMANN*; *H. BERGMANN*; *M. BERNTSSON*; *K. BILLE*; *A. BINDI*; *Z. BROZ*; *M. BUFI*; *T. BUYUKAKIN*; *X. CADORET*; *V. CASIAN*; *M. CAVARA*; *P. CEGONHO*; *G. CHATZIMARKOS*; *M. COOLS*; *J. CROWE*; *V. CRUDU*; *S. DICKSON* (*alternate: S. CHARLES*); *N. DIRGINCIENE*; *A. DISMORE*; *R. DODD*; *S. DOGUCU*; *D. ERAY* (*alternate: L. WEHRLI*); *R. FEJSTAMER*; *M. FENECH ADAMI*; *L. GARLITO BATALLA*; *M. GAUCI*; *G. GEGUZINSKAS*; *A.G. GEORGESCU*; *K. GERMANOVA*; *L.V. GIDEI*; *M. R. GOMES DE ANDRADE*; *B.A. GRAM*; *N. GROZEV*; *I. HANZEK*; *Z. HASSAY*; *G.M. HELGESEN*; *B. HIRS* (*alternate: M. HOLLINGER*); *J. HLINKA*; *B. HORDEJUK*; *M. H. HOURIGAN*; *V. HOVHANNISYAN*; *A. IBRAHIMOV*; *G. ILLES*; *A. JOZIC*; *K. KALADZE*; *A. KALEVA*; *G. KAMINSKIS* (*alternate: H. ROKPELNIJS*); *O. KASURI*; *M. KAUFMANN*; *N. KAVTARADZE*; *B. KERIMOGLU*; *J-P. KLEIN*; *A. KNOBOVA*; *J. KOKKO*; *C. LAMMERSKITTEN*; *A. LEADBETTER*; *F. LEC*; *J-P. LIOUVILLE*; *K. T. MAGNUSSON*; *A. MAGYAR* (*alternate: A. ACSAY*); *P. MANGIN* (*alternate: J-M. BELLARD*); *K. MARCHENKO*; *G. MARSAN*; *O. MELNICHENKO*; *R. MONDORF*; *S. MOSHAROV*; *D. PANTANA*; *V. PASQUA*; *G. PAUK*; *S. PAUNOVIC*; *M-L. PENCHARD*; *V. PREBILIC*; *V. PROKOPIV*; *P. PRYHARA*; *I. RADOJICIC*; *G. RIBA CASAL*; *J. ROCKLIND*; *R. ROHR*; *B. RUDKIN*; *S. SCHUMACHER*; *I. SEREDYUK*; *L. SFIRLOAGA*; *P. SMOLOVIC*; *A-M. SOTIRIADOU*; *R. SPIEGLER*; *Y. SVITLYCHNA*; *T. TAGHIYEV*; *T. TALIAHVILI*; *A. TARNAVSKI* (*alternate: T. BADAN*); *P. THORNTON* (*alternate: L. GILLHAM*); *K. TOLKACHEV*; *F. TRAVAGLINI*; *M. TURCAN*; *S. VAAG*; *V. VARNAVSKIY*; *R. VERGILI*; *D. VLK*; *B. VOEHRINGER*; *A. VYRAS* (*alternate: M. KOUKLIS*); *H. WENINGER*; *E. YERITSYAN*; *J. WIENEN*; *L. ZAIA*; *F. ZIMMERMANN*.

N.B.: The names of members who took part in the vote are in italics.

Secretariat of the committee: *S. POIREL*, Secretary to the Committee and *S. PEREVERTEN*, co-Secretary to the Committee.

3 Recommendation 375(2015) and Resolution 382(2015) on Criteria for standing in local and regional elections.

b. undertake measures to strengthen the participation of women in politics as voters and candidates, notably, through implementation of the legal quota rules on a minimum of 40% for both sexes on the candidate lists and introduction of prioritisation rules for women candidates;

c. establish clarity between the legal terms “domicile” and “temporary residence”, to avoid concerns related to supplementary voters’ lists on Election Day and to tackle the issue of “artificial voter migration”;

d. further strengthen the oversight and enforcement powers of bodies responsible for administration of elections, monitoring of the media and supervision of financial matters, including a better harmonisation of their roles, with regard to the implementation of provisions regulating financing of political parties and campaign activities and concerning the impartiality of media coverage during electoral campaigns;

e. consider introduction of measures aiming at better participation of candidates for Mayor of the capital city in the pre-election media debates;

f. improve accessibility of polling stations to support participation of voters with impaired mobility or other disabilities.

6. The Congress calls on the Committee of Ministers, the Parliamentary Assembly and other relevant institutions of the Council of Europe to take account of this Recommendation regarding the 2019 local elections in the Republic of Moldova and of the explanatory memorandum in their activities relating to this member State.

EXPLANATORY MEMORANDUM⁴

I. INTRODUCTION

1. In response to an invitation from the Moldovan authorities, a Delegation from the Congress of Local and Regional Authorities of the Council of Europe undertook a mission to observe the general local elections held in the Republic of Moldova on 20 October 2019. These were the 7th general local elections held in Moldova since the country gained independence.

2. Earlier, a pre-election Delegation from the Congress visited Chisinau from 2 to 4 October 2019 to evaluate the state of preparations and the political climate prior to the vote and to establish links with interlocutors in preparation for the main mission.

3. The Delegation participating in the election observation mission was deployed from 18 to 21 October 2019 and consisted of 24 observers from 21 European countries. Mr Vladimir PREBILIC, Slovenia (L, SOC), served as a Head of Mission.

4. On 18 October, the Congress Delegation held meetings with the representatives of diplomatic corps, Secretary General of the Government, Mr Andrei SPANU, and his Deputy; with the President of the Central Electoral Commission (CEC) Mr Dorin CIMIL; the Chairman of the Audio-visual Council, Mr. Dragos VICOL. The Delegation also met with representatives of the ENEMO Observation Mission in the Republic of Moldova and the citizen observers' organisation, Promo-LEX. The day before the elections, the Delegation met candidates from various political parties running in the mayoral elections in Chisinau.

5. On Election Day, eleven teams visited some 200 polling stations in Chisinau and its hinterland, as well as in Criuleni, Aneii Noi, Stefan Voda, Causeni, Gagauzia, Cimislia, Cahul, Orhei, Calarasi, Floresti and Balti. The preliminary conclusions were presented by the Head of the Delegation at a press conference on 21 October in Chisinau.

6. This report is based on the Delegation's exchanges with various interlocutors during the pre-mission and main mission as well as on the observations made during visits to polling stations on the Election Day.

II. BACKGROUND

7. General local elections to elect 898 Mayors and 11,580 Councillors were held on 20 October 2019 in Moldova. Four parliamentary seats were also being filled in single member constituencies, vacancies having arisen after Andrei NĂSTASE, Maia SANDU, Viorel MELNIC and Vladimir PLAHOTNIUC relinquished their Parliamentary mandates.

8. Although occurring as part of the normal electoral cycle, the 2019 general local elections in Moldova took place in a context shaped by developments in the national political and judicial arenas. The Parliamentary elections of 24 February 2019 resulted in a hung Parliament. Subsequently, the Constitutional Court declared the coalition formed by the ACUM bloc and the Socialist Party to be illegal. Following numerous court actions, the resultant constitutional and legal crisis was eventually resolved in late June when a coalition between the pro-Russian Socialist Party of Moldova (PSRM) and the pro-EU bloc ACUM was agreed. The new Government had a reform agenda and core legislation adopted by the coalition aimed at de-oligarchisation of Moldova, elimination of corruption and promoting the independence of the judiciary and the freedom of the press. In light of the earlier political turbulence and the move towards political, administrative and judicial reform, the 2019 local elections were perceived as an indicator of electoral support for the governing parties.

9. Since the previous local elections, held in 2015, some political fomentation had also taken place with many Mayors and Presidents of District Councils changing their political affiliation as evidenced by a Congress monitoring report.⁵ The report cites data provided by the local government association CALM (*Congresul autoritatilor locale si regionale din Moldova*) asserts that in the 2015 elections the

⁴ Prepared with the contribution of Congress expert Prof. Brid QUINN, Ireland.

⁵ CG36(2019)15final *Local and regional democracy in the Republic of Moldova* (Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (Monitoring Committee))

Democratic Party of Moldova obtained 287 mayoral positions but by June 2018 this figure had increased to more than 600. Similarly, the Democratic Party of Moldova obtained 17 positions as Presidents of the District Councils in the 2015 elections but by June 2019 it held the presidency in 28 District Councils.

10. A 2018 visit by members of the Congress Monitoring Committee raised issues about the political and judicial context surrounding the execution of mayoral functions.⁶ Of particular concern is the perceived influence of prosecutors on the work of local government. The seemingly capricious use of criminal files (*dossar penale*) initiated by the public prosecutors against local leaders negatively affected local government activity and resulted in the suspension of mayors and occasionally their subjection to house arrest. Frequently, such criminal charges were perceived to have been instigated for perverse or petty reasons. The report urged national authorities to find a balance between the fight against corruption and the requirements of local democracy.

11. Systemic changes affecting the electoral processes came into effect for the 20 October elections 2019. Legislation, particularly Law No. 113/2019, had been introduced changing several aspects of the electoral process. Among the most significant changes were those affecting candidate registration, campaigning and campaign financing.

12. The amendments served to eliminate some loopholes and overcome many perceived flaws in the existing Electoral Law. However, the changes were introduced close to the Election Day and implemented in a very tight timeframe, increasing pressure on electoral bodies and generating some uncertainty among candidates, citizens and administrators.

13. Although the 20 October elections and the second-round mayoral elections (20 November) took place in an atmosphere of calm and the electoral environment seemed positive, the national political situation soon changed considerably. Election of Chisinau's first Socialist Mayor on 3 November was followed by a vote of no-confidence in the Western-oriented ACUM-PRSM coalition on 12 November, the resignation of the Prime Minister Maria Sandu and the installation of a Socialist-PD technocratic government.

III. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

14. The Republic of Moldova is a Parliamentary Republic with a President as Head of State and a Prime Minister as Head of Government. Moldova is a unitary state with two levels of local government. The first level consists of 898 territorial units (864 Villages (*sate*) and 34 Cities/Towns (*orase*)). The second level of territorial administration consists of 32 Districts (*raioane*) usually comprising a city centre and the adjacent communes. Two large municipalities, Chisinau and Balti, hold the status of second level local government while Gagauzia is designated as an Autonomous Territorial Unit. Transnistria is designated by the Republic of Moldova as the Transnistria autonomous territorial unit with special legal status but the Moldovan authorities do not exercise authority over this separatist region although the region is considered by the UN to be part of Moldova. Article 112 of the Moldovan Constitution relates to village and town authorities and Article 113 to the district councils. All first-level units of local government have identical competences, regardless of the size or population of the unit.⁷

15. General local elections in Moldova are held every four years. Every person who is a Moldovan citizen, who has reached the age of 18 and has been registered on the voters' register, has the right to vote in local elections. Out-of-country voting is not allowed for local elections.

16. Voters elect the first-level Council under a proportional representation system based on lists compiled by the political parties and blocs. The number of first-level Council members elected in each administrative unit depends on the size of the population and is determined by the Law on Local Government. At the second level, voters directly elect District Councils. Subsequently, the President of each District is elected by the members of the District Council.

⁶ CG36(2019)15final, p. 20, available <https://rm.coe.int/local-and-regional-democracy-in-the-republic-of-moldova-monitoring-com/1680939183>.

⁷ Congress Report CG36(2019) *Local and regional democracy in the Republic of Moldova*

17. Mayors are directly elected under a two-round majoritarian system. If no candidate wins an absolute majority in the first round, a run-off between the two candidates with the highest number of votes is held two weeks later. There is no turnout requirement for the second round.

18. The 2019 local elections were structured so as to elect 898 Mayors and 11,580 Councillors. The President of the Central Election Commission (CEC) informed the Congress Delegation that 8,165 candidates were registered to compete for District Council positions and 42,245 for local Councils. A total of 3,761 candidates contested the mayoral elections.

19. Article 148 of the Electoral Code specifies that at least one quarter of voters must vote in order for an election to be deemed valid. Protocols on election results are submitted to the designated courts which take a decision confirming or invalidating the legality of elections in the respective constituency. The courts then validate the mandates of the elected Councillors and Mayors and the list of alternates. Only then may elected personnel take up their positions. District Election Councils (DECs) issue a document (approved by the CEC) certifying the new membership of the Council and the new Mayor.

20. The legal framework for local elections is regulated by the Constitution and the Electoral Code as well as supplementary laws and decisions of the Central Election Commission. Relevant laws and codes include the Law on Local Elected Officials; the Law on Political Parties; the Law on Local Government; the Law on Assembly; the Criminal Code; the Code on Administrative Offences and the Audiovisual Code. Significant legal changes came into effect for the 2019 general local elections. Law no. 113/2019 modified some legislative acts (the Electoral Code, the Law on the Status of the Member of the Parliament, the Law on Identity Documents in the National Passport System; the Law on Political Parties; the Contravention Code). Law No. 113 was published in the Official Gazette and entered into force on 17 August 2019. Changes were made with regard to electoral campaigning; financing of electoral campaigns; registration and designation requirements including gender quotas; collection of signatures for independent candidates; media obligations; availability and verification of electoral lists and the replacement of obligatory integrity certificates by sworn affidavits. The local elections would have required the National Integrity Authority to issue about 130,000 of these certificates.

21. These amendments were significant and served to bring the Moldovan system closer to international norms. While the changes are welcome and reflect recommendations made previously by Congress commentators, their introduction so close to the Election Day could be considered inadvisable. The Venice Commission recommends that amendments to fundamental elements of electoral law should not be implemented less than one year before an election.⁸

IV. ELECTORAL MANAGEMENT AND ADMINISTRATION

22. The Moldovan election administration system has four tiers:

- the Central Election Commission (CEC)
- Level Two District Electoral Councils (DECs)
- Level One District Electoral Councils (DECs)
- Precinct Electoral Bureaus (PEBs).

23. For the October 2019 local elections, 35 Level II District Electoral Councils (DECs), 896 Level I DECs, and 1,969 Precinct Electoral Bureaus (PEBs) were established.⁹ Article 22 of the Electoral Code outlines the functions of the CEC, specifying its supervisory role over DECs and PEBs.

24. The Central Electoral Commission consists of nine members: one member appointed by the Moldovan President and the other eight members by the Parliament with proportional representation of the majority and opposition parties. The term of office of the CEC is five years. The Commission officers (Chairperson, Vice-Chairman and Secretary), who are full-time employees, are elected by the CEC members but must be approved by Parliament. CEC officers must comply with all legislation on the status of publicly appointed office holders and are prohibited from political party or socio-political organisation membership during their term of office. The term of office of the current CEC runs from 2016-2021. However, during the political turmoil of the summer of 2019, three members of the CEC

⁸ Venice Commission (2002) *Code of Good Practice in Electoral Matters*,

⁹ ENEMO *First Interim Report*, October 2019

including the President and Vice-President resigned and were replaced. The current CEC has an all-male membership.¹⁰

25. The CEC manages the electoral process and coordinates the activity of all electoral bodies. It also develops regulations and guidelines to improve the election procedures; produces candidate lists; keeps and updates the State Registry of Voters; ensures compilation and verification of voters' lists; implements civic education and voter awareness programmes; organises training and regulates the Centre for Continuous Electoral Training (CCET).

26. Decisions of the CEC are 'administrative acts with individual or regulatory character'.¹¹ Such decisions must be posted on the CEC website, 24 hours after their adoption and be published in the Official Gazette of the Republic of Moldova within five days. The Congress interlocutors indicated that these obligations were generally respected during the October elections.

27. District Electoral Councils are created by the CEC at least fifty days prior to elections. DEC must consist of an odd number (7-11) of members, at least three of whom must have completed higher legal education or public administration education. For local elections, two members of first-level District Electoral Councils are nominated as candidates by the first-level local councils, and if there are no candidates nominated, the members are nominated by the Central Electoral Commission from the Registry of Election Officials. For general local elections, two members of the second-level District Electoral Councils are nominated by courts. A further two members are nominated by the second-level local council and by the People's Assembly of Gagauzia. Other candidates are nominated by political parties and other socio-political organisations. Members of the DEC nominated by courts and by Local Councils should not be Councillors in Local Councils, Deputies in the People's Assembly of Gagauzia and/or party members. The DEC elects by secret ballot a Chairperson, Deputy Chairperson and Council Secretary from its members.¹²

28. Among the duties of the DEC are: ¹³

- ensuring compliance with the Electoral Code and other laws on elections;
- establishing polling stations in localities at least 35 days prior to the Election Day;
- communicating details regarding the organisation of elections;
- registration of independent candidates and lists of candidates nominated by political parties;
- ensuring the supply of voters' lists, protocol forms, ballot papers etc. to PEBs;
- tabulation and publication of election results;
- establishment of Precinct Electoral Bureaus and supervision of their activity;
- training of PEB members;
- distribution of the allotted financial funds among Precinct Electoral Bureaus.

29. According to Article 30 of the Electoral Code, Precinct Electoral Bureaus (PEBs) shall be established by District Electoral Councils at least 25 days prior to elections and shall consist of an odd number of between five and eleven members. Local Councils nominate 3 candidates to the Precinct Electoral Bureau. The other members of the PEB are nominated by political parties and by other socio-political organisations represented in Parliament on the date of Bureau establishment, one candidate from each entity and where necessary, further members from the Registry of Election Officials are nominated by the DEC, at the proposal of the Central Electoral Commission. Members of PEBs should not be local Councillors or political party members.¹⁴

30. Among those duties are:

- to keep the voters' lists and ensure the integrity of voters' lists and of ballot papers;
- to organise the voting process during the Election Day;
- to consider requests related to errors made in voters' lists and to make the requested changes;
- to issue certificates to voters who will be away from their domicile on the Election Day;
- to prepare additional electoral lists for voters who cannot present a vote certificate;

¹⁰ <https://a.cec.md/ro/componenta-comisiei-2800.html>

¹¹ *Electoral Code* 2019, Article 18(4)

¹² *Electoral Code* 2019, Art. 28

¹³ *Ibid.*,

¹⁴ Article 33 of the Electoral Code

- to tabulate the election results in the Polling Station, prepare and submit the protocols and reports, along with all ballot papers to the DEC;
- to ensure that voters, observers, and candidates have access to information from the State Registry of Voters and to voters' lists.

31. Polling stations are established by DEC's in respective localities. Previously, in line with Article 30 of the Electoral Code, polling stations had between 30 and 3,000 voters. Law 113 /2019 introduced a possibility to increase the number of voters in a polling station by 10 percent at the request of a Mayor. Polling stations are usually established in public premises but special polling stations with at least 30 voters may be established in hospitals, health resorts, maternity hospitals, asylums and homes for the elderly. Although polling stations are expected to be equipped to facilitate the access of elderly and disabled people, this is not always the case.

32. A 2019 study commissioned by UNDP Moldova found that out of the 612 polling stations assessed, 432 were not fully accessible.¹⁵ During the 20 October observation, team members noted accessibility issues in many of the polling stations visited. The Congress observers noted that only few polling stations were easily accessible to people with physical disabilities.

V. VOTER REGISTRATION

33. Moldovan citizens who have reached the age of 18 and have been registered on a voters' list have the right to vote in local elections. Voters' lists include all voters who have domicile or temporary residence on the territory of a polling station. The lists are prepared using the State Registry of Voters which identifies Moldovan citizens who have attained the age of 18 years and are not statutorily prohibited from voting. The Registry of Voters is drawn from the State Registry of Population and is accessible to individual voters via the Central Electoral Commission website. Voters not included in lists, but able to prove their residence in the precinct, are allowed to vote after being registered on a supplementary list on Election Day. Upon written request, mobile ballot boxes are brought to voters who are homebound or in hospitals and have the right to vote in the given district.

34. Article 45 of the Electoral Code decrees that, at least twenty days before the election, voters must be notified about the location of the polling station where they can vote. Prior to and during Election Day, voters' lists must be displayed in PEB premises and on the CEC website. Corrections to the voters' lists may be requested no later than the day preceding the election. Law 113/2019 amended this Article to enable representatives of electoral competitors as well as citizens to verify voters' lists. Complaints about the lists must be considered by the relevant electoral bodies within 24 hours.

35. The Centre for Continuous Electoral Training (CCET) organises voter education campaigns and publishes web-information about the electoral process in several languages. It operated a Call Centre from 29 August to 5 November 2019, providing information to citizens and to officials responsible for managing voters' lists. The CCET, under the auspices of the CEC provided electoral training to 2,229 members of DEC's and over 4,000 members of PEBs.¹⁶ It also provided pre-election training for party and candidate representatives, observers, judges, the police and journalists.

36. According to various Congress interlocutors, there were recurring problems regarding artificial voter migration. Citizens registered as residing within the territory of the polling station not included in the voters' lists are entered on an additional list upon presentation of an identification document confirming their domicile within the polling station perimeter. A notable increase in notification letters regarding permanent residence/home address registration took place during the run up to elections. Interlocutors questioned the authenticity and motives of some voters registered on additional lists. The Congress team noted one instance of unusual voter migration in the south of the mission's deployment area. Domestic observers from Promo-LEX also highlighted voter migration issues. Accurate and authentic voters' lists are important for the integrity and transparency of electoral processes, the effective management of those processes, and the prevention of electoral fraud. The exhortation to enfranchise only those voters with permanent residence/domicile on the territory of a polling station, contained in Congress Recommendation 369(2015), has yet to be implemented in Moldova.

¹⁵ https://www.md.undp.org/content/moldova/ro/home/library/effective_governance/acces-egal-pentru-toi-in-seciile-de-votare.html

¹⁶ Information note, Congress pre-election Delegation

VI. REGISTRATION OF CANDIDATES

37. Moldovan citizens who are eligible to vote and have attained 18 years of age may be elected to Local Councils. Those who have reached the age of 25 may be elected as Mayors. The Electoral Code (Article 46) declares that the process of nominating candidates for general local elections begins after establishment of the constituencies and District Electoral Councils. In 2019, the registration period for level II electoral councils ran from 30 August and from 9 September for level I electoral councils.

38. Candidates may be nominated by parties and socio-political organisations¹⁷ or electoral blocs. Citizens may nominate themselves as independent candidates. Political parties, socio-political organisations and electoral blocs may only nominate one candidate per constituency for the position of Mayor.

39. Candidate lists are expected to observe the minimum representation share of 40 % for both sexes. For the 20 October elections, Law 113/2019 (Art. VII) was reinforced by a circular letter from the CEC, stating that two conditions would be cumulatively fulfilled via candidate lists:

- a minimum quota of 40% for both sexes;
 - out of every 10 candidates included on the list, three must be representatives of one gender.
- The CEC also disseminated a table illustrating calculated quotas of 40% which was welcomed.

40. This reinforcement of gender quotas was aimed at achieving greater gender equality but difficulties persist. The number of female candidates remains low. For the October elections, only 27% of local election candidates were female. For the mayoral elections, 26% of candidates in the 1st round and 23% of candidates in the 2nd round were women. Conflicting interpretations of the 40% quota rules, particularly as regards rounding off numbers, meant that some candidate lists were accepted which did not reflect the 40% requirement. Some DEC's accepted lists where candidate numbers had been rounded down to the nearest whole number when calculating the number of female candidates required for the lists, thereby failing to comply with the 40% obligation. Promo-LEX identified 62 cases at the DEC II level of reported deviations from the legal provisions regarding gender quotas.¹⁸ Furthermore, no prioritisation rules exist for the lists and therefore women candidates can be and often are placed last on the list.

41. Statements of consent to run by candidates for the positions of Mayor and Councillor must be submitted to the appropriate District Electoral Councils. Article 49 of the Electoral Code specifies a range of biographical, financial, health and personal data which must be provided prior to candidate registration. The Venice Commission has recommended dispensing with the requirements on biographical data and health certificates and allowing the electorate to assess for themselves the suitability of candidates.¹⁹ Law 113/2019 replaced the need for certificates of integrity and instead required affidavits regarding the absence of legal/judicial restrictions to run or hold public offices, a move welcomed by Congress interlocutors.

42. The Electoral Code specifies that Moldovan citizens may nominate themselves as independent candidates for election to local Councils, provided they are supported by two percent of the constituency voters, divided by the number of councillor seats available to be filled through elections, but not less than 50 persons; and for Mayor if they are supported by 5 percent of the constituency voters, but not less than 150 voters and not more than 10,000 people'.²⁰ The high threshold disregards the Venice Commission's recommendation that 'the law should not require collection of the signatures of more than 1% of voters in the constituency concerned'.²¹

43. It is also a condition that signatures shall only be collected in the districts in which the independent candidates are running for election. Law 113/2019 removed the option for authorised persons to collect signatures for candidates. Now, Article 47 of the Electoral Code states that 'only independent candidates and members of a citizen initiative group who nominate and/or support those candidates in elections, as well as members of initiative group for launching a referendum, shall have the right to

¹⁷ The *Electoral Code 2019*, Art. 1, defines socio-political organisations as political parties, fronts/organisations, leagues, popular political movements registered under the Law regulating political parties and other socio-political organisations.

¹⁸ Promo-LEX, Report No. 4, p. 36

¹⁹ CDL-AD(2018)008

²⁰ Electoral Code 2019, Article 138.

²¹ Venice Commission (2002) *Code of Good Practice in Electoral Matters*, Part I, Para. 1.3

collect signatures'. Likewise, there are stipulations about the submission and verification of signatures which are not consistently interpreted. By law, the signature lists should be verified in five days, but local election bodies are often understaffed and overloaded so the verification process takes longer. Some Congress interlocutors claimed that the registration requirements for independent candidates are discriminatory and that it is easier to run as party candidate.

44. These strictures concerning the collection of signatures for the nomination of independent candidates led to some problems and were criticised by local and international commentators. During the press conference after the Election Day, the Congress Delegation described the requirements as 'overly cumbersome compared to the situation of candidates from political parties'.²² ENEMO assessed the requirements as 'unduly high in regard to international standards'.²³ Promo-LEX asserted that 'the signature verification procedure developed by the CEC is disproportionately complicated and contains many grounds for invalidation'.²⁴ Observers and interlocutors also highlighted the inconsistent interpretations of the law leading to rejection of independent candidates by DEC's on the basis of what were perceived as minor errors and inconsequential technical errors.

45. The case of the independent candidate, Ruslan Codreanu, illustrates the difficulties that the current registration process presents for independent candidates. Mr Codreanu collected more than the required 10,000 signatures but his candidature was rejected because some signatures were deemed invalid on technical grounds.²⁵ He appealed to the CEC and the Court of First Instance which both upheld the initial decision. He then took the case to the Court of Appeal which on 8 October ruled in his favour but, on appeal by the CEC, this decision was overturned by the Supreme Court, thus preventing him from competing in the election.²⁶ During the pre-election mission, Mr. Codreanu drew the attention of the Congress to inconsistencies of interpretation between the various electoral and judicial bodies. He also referred to the financial and logistical burden and the pressure imposed by the tight timeframe for collection of signatures. This case exemplifies inconsistency between the law (113/2019) and the rules of the CEC regarding verification of subscription lists and the grounds for invalidating signatures on those lists.

46. During discussions with the Congress Delegation, CEC members acknowledged the logistical and financial burden the signature collection requirements impose on candidates. While reiterating that the actions of the CEC adhered strictly to the Electoral Code and legislation, they accepted that the experiences of the October 2019 campaign indicated that re-assessment of the current registration requirements for independent candidates might be warranted.²⁷

47. The issue of stipulations for registration of independent candidates was perhaps the most contentious topic during discussions about the election process. The high threshold for collection of signatures (5%) for independent mayoral candidates is perceived as an impediment. Furthermore, the changes introduced under Law 113/2019 led to ambiguity and inconsistency of interpretation regarding candidate registration.

VII. ELECTION CAMPAIGNING

48. The General Terms of the 2019 Electoral Code define electoral campaigning as the preparatory actions aimed at disseminating information seeking to induce the voters to vote for certain electoral candidates. Article 52 of the Code contains provisions aimed at regulating campaign activities and ensuring equitable conditions for electoral competitors. Election campaigning is only permitted after the registration of candidates.

49. Candidates may designate trustworthy persons to represent their interests in dealings with public authorities, voters and electoral councils and bureaux. The trustworthy persons of candidates must be registered by the respective District Electoral Council.

²² Preliminary conclusions of the Congress Delegation, available <https://www.coe.int/en/web/congress/-/republic-of-moldova-preliminary-findings-of-the-local-election-observation-mission>.

²³ ENEMO *First Interim Report*, October 2019, p. 11.

²⁴ RAPORT-nr.-4_MO-Promo-LEX_ALG_2019-ENG.pdf, p. 9

²⁵ 797 signatures were rejected because suburbs were not written on the lists; 815 were deemed invalid because of a suspicion that they were affixed by persons other than the supporters indicated in the subscription lists and the initiative group do not include a "Note" section, with the submission.

²⁶ For a detailed discussion of the legal issues see Promo-LEX, Report No 4, pp. 27-30

²⁷ Meeting with Chairperson and Deputy-Chairperson of the CEC, October 18th, 2019.

50. Local public authorities are required to establish and publicise a minimum number of locations for electoral advertising and a minimum number of venues in which to organise meetings with voters.

51. Candidates are prohibited from using State and foreign symbols and images for electoral campaigning. Neither are they permitted to involve foreign citizens or institutions in their campaigns.

52. Civil servants and State employees are not permitted to be involved in election campaigning during working hours. A Government press statement reiterating this ban and containing an official instruction to public authorities to treat all the electoral candidates equally was published on 7 October.

53. Article 52 of the Electoral Code states that candidates may not use public means and goods (administrative resources) during electoral 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. Despite these legal provisions the issues of misuse of administrative resources surfaced frequently during discussions. This alleged misuse involved, for example, availing improperly of public facilities, vehicles and human resources; candidates taking credit for projects supported from public funds; organising meetings with voters in public institutions during working hours; the use of municipal property and resources for campaigning.

54. Congress interlocutors also reported numerous cases of vote-buying through distribution of gifts and goods supplied by candidates or charities associated with them to the voters during the campaign period. These allegations were confirmed by some of the candidates running in the elections met by the Congress Delegation who admitted such practices during the pre-election period but emphasised their non-reciprocal nature.

55. Law 113/2019 reintroduced a day of silence before elections and campaigning is also forbidden on Election Day. The Misdemeanour Code was amended and specified fines for campaigning on Election Day or the previous day. Congress interlocutors welcomed these developments.

56. Campaigning was generally low-key but interlocutors commented on the increase in activity as the election drew near. Intense campaigning took place for the mayoral election in Chisinau. Interlocutors referred to the issues raised by voters with campaigners. These issues were mainly concerned with infrastructure, facilities and services rather than political issues.

VIII. CAMPAIGN FINANCING

57. In the past, the Congress has repeatedly called for measures to enhance the supervision and enforcement of party and campaign finance rules and the strengthening of sanctions.²⁸ Amendments to the Electoral Code in August 2019 brought about significant changes in the financing of campaigns and the reporting of campaign expenditure. The ban on financial or material support by legal entities to parties and electoral campaigns was made more explicit.

58. Article 41 of the Electoral Code was amended to permit contributions from Moldovan citizens living/working abroad. For financing electoral campaigns, the Code now permits the use of 'financial resources derived from labour, entrepreneurial, scientific or creative activities, carried out by the citizens of the Republic of Moldova both on the territory of the Republic of Moldova and abroad'.²⁹ This was welcomed by Congress interlocutors, among them domestic observers from Promo-LEX, as giving all Moldovan citizens the right to contribute financially to campaign of the preferred electoral candidate.

59. Strict limitations were put on campaign contributions with the ceilings for donations to parties and individuals being reduced. Individuals within Moldova cannot donate more than six times the average monthly salary established for that year³⁰ for any electoral campaign. Individuals may donate only three times the average monthly salary in cash with larger donations being made through bank transfers. Legal entities may now donate up to 12 times the average monthly salary. Citizens of the Republic of Moldova holding the status of high-ranking official, civil servants, including those with a special status,

28 Recommendation 378 (2015) local elections in the Republic of Moldova (14 June 2015), available at <https://rm.coe.int/observation-of-local-elections-in-the-republic-of-moldova-14-june-2015/1680718f1f%20>.

29 *Electoral Code* 2019, Article 41 (1), p. 39.

30 350 Euro for 2019

or employed in public organisations may donate up to 10% of their annual income, but this amount cannot exceed six average monthly wages for that year.

60. The amount paid from the State budget to political parties has been reduced from 0.2% to 0.1% of the State budget revenues, with the exception of special purpose revenues. Promo-LEX criticises this development, asserting that it will lead to an imbalance between public and private financing of political parties. Interest-free State loans to support political parties and electoral candidates are made available within the parameters outlined in Article 40 of the Electoral Code.

61. The time frame for donations was also tightened with political parties now only allowed to accept electoral funds donations from the start of the electoral campaign, not the electoral process as was previously the case. Congress interlocutors intimated that breaches of this provision had occurred.

62. The ban on financial or material support to parties and electoral campaigns by legal entities who have concluded procurement contracts was reinforced. Legal persons who within three years of the electoral period have concluded public procurement contracts are prohibited from financially supporting campaigns, as are legal persons with foreign or joint capital.

63. The CEC and level I and II level DEC's are responsible for supervising the financing of electoral campaigns. Financial reporting obligations were quite detailed for the October 2019 local elections. Each electoral candidate is required to open a dedicated bank account, titled 'Election Fund' and to notify the CEC of the name of their Financial Agent/Treasurer (who manages the account). The CEC set the general ceiling of the financial means that could be transferred to the "Electoral Fund" accounts of candidates at 21,062,750 lei.³¹

64. Reports on campaign income and expenditure are required within three days of the opening of election fund accounts with further reports required weekly from parties and electoral blocs and fortnightly from independent candidates. Within 48 hours of receiving reports, the CEC publishes reports from parties and electoral blocs and DEC's publish reports from independent candidates on their respective websites. These bodies also verify the accuracy of the accounts and check their compliance with the law. They and other competent bodies, such as courts, may impose sanctions on electoral competitors for failure to comply with the financial reporting requirements contained in the Electoral Code, particularly Articles 40, 41 and 43.

65. The CEC liaises with other State bodies to verify the accuracy of candidates' reports on campaign financing. Financial information is cross checked with State agencies such as the Tax Service, the Social Insurance Agency and the Public Procurement Agency. However, according to the CEC, there are problems with the accessibility and compatibility of registers and databases and the CEC has limited staff resources. The financial oversight measures still need refining.

66. Electoral competitors are prohibited from offering money to voters, from distributing material goods for free, including those derived from humanitarian aid or other charitable actions. According to the Criminal Code, Article 181, offering or giving of money, goods, services or other benefits in order to induce the voter to exercise or not to exercise his/her electoral rights is punishable with a fine. Symbolic gifts which have been purchased from declared means or from an Electoral Fund account are permitted.

67. State loans to support political parties and electoral candidates are allowed within the parameters outlined in Article 40 of the Electoral Code. Such loans are cleared, in full or in part, by the State depending on the number of votes received by the electoral candidate in the respective constituency.

68. For Parliamentary elections, political parties receive financial compensation for having women and youth (aged 18-35) on their lists. Parties complying with the minimum representation share of 40 % for women candidates nominated within single member constituencies receive a 10 % increase in the budget support amount allocated to the respective political party and a multiplying coefficient for each woman candidate elected in the single member constituency. Disappointingly, no such incentives have been put in place for local elections. Neither is there any mechanism on prioritisation of women in the candidate lists, such as the so-called zipper system.

31 CEC Decision no. 2 640 available at <https://bit.ly/2ISCnhq>

69. The explicit limits on campaign donations and the new reporting procedures were perceived by the Congress observation team and the interlocutors as a means of greater transparency. However, reports were made of breaches of the limits, misuse of administrative resources, under-reporting of costs and the donation of gifts such as bicycles.³²

IX. COMPLAINTS AND APPEALS

70. Various structures and processes have been put in place to deal with complaints about conduct of the electoral process. Voters and candidates may challenge the actions/inactions and decisions made by the electoral councils and bureaus, as well as the actions/inactions of candidates. Complaints referring to the organisation and holding of elections are dealt with by the electoral bodies. Complaints on the electoral campaign coverage by broadcasters, are considered by the Audiovisual Coordinating Council. Decisions on complaints taken by the electoral bodies and by the Audiovisual Coordinating Council may be appealed in Court. The Electoral Code (Articles 72-74) provides detailed procedures for the submission and consideration of complaints and appeals.

71. Several complaints and appeals were initiated during the local election campaign regarding candidate rejection by DEC's, the misuse of resources or the breaching of campaign financing rules. However, according to the Congress interlocutors, contestants often lack adequate understanding of the complaints and appeals process and deadlines, resulting in complaints being refused on procedural grounds.

X. MEDIA

72. The Moldovan Constitution upholds freedom of opinion and expression without censorship. Nevertheless, Moldova's media, while diverse, is regarded as quite politicised and polarised. Many of the main media outlets are owned by politicians and/or business figures. The media market concentration and the advertising market monopoly are perceived to limit access to information and facilitate bias. Some regulatory changes have been made in recent years and the Electoral Code (Article 69) requires media to observe the principles of fairness, accountability, balance and impartiality while covering elections. Nevertheless, the *Press Freedom Index* 2019,³³ published by Reporters Without Borders, ranks Moldova 91st out of 180 countries.

73. An Audiovisual Coordinating Council (CCA) was established in 1996. The CCA is an autonomous public authority regulating the public and private audiovisual media in Moldova and supervising implementation of the Audiovisual Code. It oversees media compliance and adjudicates media related complaints. In October 2018, the Moldovan Parliament adopted a new Audiovisual Media Services Code which had been developed as a result of a joint EU-Council of Europe project. The new Code is expected to increase media pluralism by disclosing the beneficial owners of media outlets to the public and regulatory authorities but does not currently apply to print and online media. The Audiovisual Code and the Press Law outline requirements for accurate, impartial and balanced reporting and the prohibition of hate speech. The CCA is responsible for hearing and adjudicating on complaints about the conduct of broadcasters during electoral campaigns.

74. The Electoral Code (Paragraph 70) sets out legal requirements for media coverage of election campaigns. Candidates should have equal access to media financed by the State. During the electoral period, opinion polls may only be conducted if the Central Electoral Commission has been notified. A regulation for the coverage of the electoral campaign for the October 2019 elections was adopted by the CEC in its Decision no. 2587 of August 2019. Broadcasters are obliged to submit to the Audiovisual Coordinating Council their editorial policies for covering the election campaign. Two broadcasters who failed to submit their editorial policies sanctioned by the CCA on 13 September.

75. On 22 August, the Code of Conduct on the conduct and coverage of electoral campaign was signed by three media companies (NTV Moldova; Compania Teleradio-Moldova and Polidisk- Novoe Radio), five political parties (the PVE, the PL, the PLDM, the PSRM and the PPCD) and a socio-political organisation (MPSN).³⁴ In preparation for the October elections journalists from over 20 mass media

32 Meetings with ENEMO and Promo-LEX (October 18th)

33 Press Freedom Index <https://rsf.org/en/ranking>

34 CEC Press Release: <https://bit.ly/2jUXSgZ>

outlets participated in training organised jointly by the CEC and UNDP.³⁵ The training was aimed at ensuring that the media reflected elections and electoral processes correctly.

76. For Parliamentary and Presidential elections and republican referenda, national broadcasters are *required* whereas local/regional broadcasters are *entitled* to organise public debates.³⁶ Such debates must be broadcast live and at prime times. Although use of social media to target voters is increasing significantly, TV is still the medium with the biggest influence in the country. Therefore, the Congress observers were concerned at the failure of many candidates to take part in such debates, particularly the top candidates for the first round of Chisinau's mayoral election.

77. Broadcasters are obliged to provide weekly reports on the volume of broadcasts about campaigning. In addition to the self-reporting by broadcasters, the CCA monitors media output for the CEC. Although the CCA is charged with monitoring the media landscape, for the 20 October elections, it opted only to monitor six outlets, two radio stations and four TV channels.³⁷ Consequently, a number of influential broadcasters were omitted from the monitoring process, thereby diluting the impact of process. The CCA issued reports every ten days during the electoral period. Adherence to both the spirit and the letter of the law was poor as evidenced by (a) one report which showed that 8 out of 10 stations violated the law by not presenting at least half the candidates in last two campaign weeks and (b) the CCA report for the period 20-29 September which deemed it necessary include a call to broadcasters to abide by the legislation while covering the election campaign.³⁸

78. During both the pre-election and electoral monitoring visits, the Congress Delegation was apprised by NGOs that media monitoring in the election campaign was biased, citing the selection of broadcasters to be monitored; the perceived pro-government bias of the CCA and the CCA's failure to criticise the selective actions of certain broadcasters.

XI. DOMESTIC AND INTERNATIONAL OBSERVERS

79. National and international observers were very much in evidence during the 20 October elections. Article 68 of the Electoral Code outlines the functions and status of observers and the accreditation procedures. This article was amended by Decision no. 2637 adopted by the CEC on 2 September 2019. Amendments included: elimination of the obligation to submit a form signed by the person whose accreditation is requested and replacement of the obligation to refrain from commenting with the obligation to refrain from campaigning in favour of or to the detriment of any electoral competitor. A handbook of guidelines for observers was published by the CEC.

80. The Central Election Commission accredits representatives of international organisations and of foreign governments and national observers from non-governmental organisations. At the request of electoral competitors, the District Electoral Council accredits an observer for each polling station to monitor the elections. DEC's also accredit representatives of qualified public associations of the Republic of Moldova to act as observers. The pre-election mission was informed by the President of the CEC that 755 domestic and 49 international observers representing 15 institutions had been accredited.

81. Observers accredited by the Central Electoral Commission have the right to monitor election processes throughout the country and within all polling stations. Observers accredited by District Electoral Councils have that right only on the territory of the respective district. Accredited observers are entitled to monitor the election procedures and to attend all meetings held by electoral bodies, including on Election Day and to report any irregularities observed to the chairperson of the electoral bureau. Observers may have access to all electoral information, to voters' lists and to the Protocols prepared by the electoral bodies. On 20 October, observers were evident at all stages of the electoral process gathering data for domestic and international analysis.

³⁵ https://a.cec.md/en/the-journalists-are-trained-to-reflect-elections-and-electoral-processes-2781_94404.html

³⁶ Electoral Code, Article 70(3)

³⁷ Moldova 1, Moldova 2, Prime, Canal 2, Radio Moldova and Radio Tineret.

³⁸ ENEMO 1st Interim Report (2019), p. 19.

XII. ELECTION DAY

82. On the Election Day, 11 Congress teams visited some 200 polling stations from early morning until the conclusion of late-night counting. The polling stations were randomly selected but included urban and rural locations and stations where just local council and mayoral elections were being held as well stations where parliamentary, district, mayoral and local council elections were taking place. Congress observers were in place to witness the opening and closing of the polling stations, the voting process, the mobile voting process and the counting and declaration processes.

83. The election passed off peacefully with only one Congress team receiving a report of intimidation of a (female) candidate, and another team being informed of complaints about campaign activities taking place in the vicinity of the polling station.³⁹ The assessment of the Delegation was that it was a generally well-administered electoral process, with the Head of Delegation describing it as 'a calm and orderly polling day'.⁴⁰ Staff at the polling stations co-operated fully with the observers. The teams considered that the commissions were efficient and mainly well-prepared. It was evident that many commission members, particularly the Presidents, had extensive experience in election administration.

84. In the polling stations visited, election personnel informed observers that they had received adequate training and materials from relevant public authorities to conduct the necessary preparations for the elections. The call centre facility and the electronic checking of voter registration were considered by election personnel to make the process easier and more efficient. Voters were identified on the Election Day through the use of the State Automated Information System "Elections" (SAIS-E), an electronic version of voters' lists. Voter IDs were checked electronically to ascertain that they were registered to vote at that polling station and to prevent multiple voting. The electronic checking system worked effectively. One Congress team noted, however, that some people who had died were still registered on the voters' list.⁴¹

85. Observers also commented on the gender composition of Electoral Commissions, many of which had high numbers of female members.

86. Observers noted that many polling stations were not easily accessible by people with physical challenges and some very small polling stations were rapidly crowded.

87. Some processual flaws and procedural inconsistencies were noted by Congress observers. These concerned sealing of the ballot boxes, use of video cameras and insufficient respect for the secrecy of the vote and stamping of ballot papers on reverse side. Most of these occurrences could be attributed to varying levels of knowledge and experience among the commission members. In most of the polling stations visited by the Congress observers, cameras were turned off over the day but used in the morning and in the evening to record the opening and the counting procedures. By and large, the counting was conducted in a transparent and professional manner (demonstrating experience of the electoral staff) with exceptions being noted in two of the polling stations visited by the Congress teams.

XIII. RESULTS

88. According to the official results announced by the CEC, the voter turnout on 20 October was 41.68%. This was 7% less than in 2015. This was disappointingly low considering that a voter awareness campaign had been actively promoted. Of the 46 political parties registered in Moldova, 21 participated in the elections with registered candidates and lists. Thus, voters had a reasonable range of options.

89. Following the elections, PSRM have the biggest number of Councillors in 16 District and Municipal Councils; ACUM in 11 District Councils; PD in 6 District Councils. In Chisinau Municipal Council (51 seats), PSRM will have 22 Councillors; ACUM – 19; Liberal Party – 3; PD - 2; Shor Party – 2. PCRM, PUN and Forta Noua each have one Councillor.

90. 518 Mayors were elected in the first round. Independent candidates were elected Mayor in 64 localities. Of the elected mayors, 191 ran on the ticket of PD; 124 mayors represent PSRM, 82 represent ACUM; 26 represent PLDM; 13 represent the Shor Party; 10 represent Our Party; 4 the

³⁹ Municipality of Cimislia

⁴⁰ Preliminary conclusions of the Congress Delegation Ref 20191031-

⁴¹ Municipality of Stefan Vodă

Party of Communists; 2 represent the Romanian People's Party; 1 represents the Liberal Party and 1 the National Unity Party.

91. On 3 November 2019, a second round of elections was held in 384 localities throughout Moldova, to elect mayoral candidates that did not gather over half of the votes cast in the first round. The Congress did not put an observation team in place for the second-round elections but paid close attention to the outcome, particularly in the capital, Chisinau. The voter turnout as announced by the CEC, was 41.68 percent but despite a hotly contested election, voter turn-out in the Chisinau municipality was only 37.78 percent.

92. Just 84 out of 384 elected Mayors are women (21.9 percent). Of the elected Mayors, 49 were independent candidates; 71 represent the PD (191 in the first round); 83 Mayors represent PSRM (124 in first round); 91 represent ACUM (82 in first round); 22 represent PLDM (26 in first round); 30 represent the Shor Party (13 in first round); 14 represent Our Party (10 in first round); 6 the Party of Communists (4 in first round); 5 represent the National Unity Party (1 in first round and 4 represent the Union Bessarabia.

93. The local elections of 2019 did little to change the gender balance among local politicians in Moldova. Despite the 40% candidate quota, the number of female candidates for both council and mayoral elections was below 30%. Similarly, the number of women elected was also below 30%. The situation of women in politics was undermined by the failure to insist on the 40% requirement for candidate lists. Yet, women continued to undertake the majority of administrative tasks on the lower level of election administration.

XIV. AFTERMATH OF THE LOCAL ELECTIONS

94. In a press conference on 4 November, Prime Minister Sandu pledged that the Government would work with all elected mayors and local public authorities and that "the biggest victory in these elections is that they were free". However, the political situation changed very rapidly. The mayoral election in Chisinau had significant implications for the local and also the national political situations. In the run-off on 3 November, the Socialist Party (PSRM) candidate, Ion Ceban (52.39% of votes) defeated the ACUM bloc candidate, Andrei Nastase (47.61%). This meant that for the first time, the city has a Socialist Mayor who is perceived by the commentators as being Moscow-oriented. Victory of the Socialist candidate for Mayor of the city of Chisinau worsened the already tense relations within the fragile coalition Government of the PSRM and the ACUM bloc. On 12 November a no-confidence vote (over the recruitment process for the Prosecutor General) was tabled by the Socialists, leading to the resignation of the Prime Minister Maria Sandu and the collapse of the Government. Subsequently, President Igor Dodon nominated Ion Chicu as Prime Minister and leader of a 'technocratic' caretaker government, led by the Socialist Party (PSRM) and the Democratic Party. The EU warned that the vote of no confidence sent worrying signals for the reform process in the country.⁴²

⁴² https://eeas.europa.eu/headquarters/headquarters-Homepage/70293/statement-spokesperson-situation-republic-moldova_en

APPENDIX I

PROGRAMME OF THE PRE-ELECTORAL MISSION TO THE REPUBLIC OF MOLDOVA
(2-4 OCTOBER 2019)

Delegation

Members of the Congress Delegation:

Mr Vladimir PREBILIC, Slovenia (L, SOC), Head of Delegation

Ms Barbara TOCE, Italy (L, SOC), Vice-President of the Congress

Mr Robert GRUMAN, Romania, (R, EPP-CCE), Chair of the Congress Governance Committee

Ms Rosaleen O'GRADY, Ireland (ILDG, R), Congress Thematic Spokesperson

Mr Magnus BERNTSSON, Sweden (EPP-CCE, R)

Ms Nino KAVTARADZE, Georgia (EPP-CCE, L)

Expert

Mr Matej GOMBOSI, Congress' Expert on electoral matters

Congress Secretariat

Ms Renate ZIKMUND, Acting Head of Service, Department of Statutory Activities, Division of Local and Regional Election Observation

Mr Adam DRNOVSKY, Election Observation Officer, Local and Regional Election Observation

Ms Martine ROUDOLFF, Assistant, Local and Regional Election Observation

Wednesday, 2 October 2019

Various times **Arrival of the Congress Delegation in Chisinau**

Thursday, 3 October 2019

- | | |
|---------------|--|
| 08:45 – 09:30 | Breakfast briefing for the Delegation with the Congress Secretariat
<i>Venue: Jazz Hotel</i> |
| 10.00 – 11.00 | Meeting with the President of the Central Election Commission (CEC) of the Republic of Moldova, Mr Dorin CIMIL
<i>Venue: CEC</i> |
| 11:15 – 12:15 | Meeting with Ambassadors from countries represented in the pre-electoral delegation and EU, UNDP and OSCE <ul style="list-style-type: none"> • Ambassador Daniel IONITA, Embassy of Romania • Mr Mikheil CHKHEIDZE, First Secretary and Consul, Embassy of Georgia • Ms. Anja JAHN GÜNTHER, First Secretary, Embassy of Sweden • Ms. Ala SKVORTOVA, Programme Specialist/Cluster Leader-Governance, Justice and Human Rights • Mr Michael SCHIEDER, OSCE Mission to Moldova <i>Venue: Jazz Hotel, Room Saxophone</i> |
| 12:15 – 13:30 | Lunch break |

13:30 – 14:30	<p>Meeting with representatives of NGOs and Thinktanks</p> <ul style="list-style-type: none"> • Mr. Valeriu PASA, Watchdog • Ms. Nadine GOGU, Independent Journalism Centre • Ms. Alina ANDRONACHE, Partnership for development <p><i>Venue: Jazz Hotel, Room Saxophone</i></p>
14.30 – 15.30	<p>Meeting with representatives of the citizen election observers' organisation PROMOLEX</p> <ul style="list-style-type: none"> • Mr. Pavel POSTICA, Electoral Programme Director <p><i>Venue: Jazz Hotel, Room Saxophone</i></p>
15.45 – 16.30	<p>Meeting with Mr Dorin CHIRTOACA (Liberal Party), candidate running in the local elections in Chisinau</p> <p><i>Venue: Jazz Hotel, Room Saxophone</i></p>
16.30 – 17.15	<p>Meeting with Mr Renato USATII (Our Party), candidate in Balti Municipality and Mr. Ivan DIACOV, candidate running in the local elections in Chisinau</p> <p><i>Venue: Jazz Hotel, Room Saxophone</i></p>
17:30 – 18:30	<p>Meeting with representatives of the Moldovan Delegation to the Congress of Local and Regional Authorities and representatives of the Congress of Local Authorities from Moldova (CALM)</p> <p><i>Venue: Jazz Hotel, Room Saxophone</i></p>
18:30 – 19:00	<p>Meeting with Mr Ruslan CODREANU</p> <p><i>Venue: Jazz Hotel, Room Saxophone</i></p>
19:00	De-briefing

Friday, 4 October 2019

08.00 – 8.40	<p>Working breakfast with the Head of Council of Europe Office in Chisinau, Mr William MASSOLIN</p> <p><i>Venue: Jazz Hotel, Room Saxophone</i></p>
08:45 – 09:30	<p>Meeting with Mr. Octavian TICU, (National Unity Party), candidate running in the local elections in Chisinau</p> <p><i>Venue: Jazz Hotel, Room Saxophone</i></p>
09.45 – 11.00	<p>Meeting with representatives of media</p> <ul style="list-style-type: none"> • Ms. Alina RADU, Ziarul de Garda • Ms. Mariana RATA, TV 8 <p><i>Venue: Jazz Hotel, Room Saxophone</i></p>
Various times	Departure of the Congress Delegation

APPENDIX II

PRESS RELEASE (PRE-ELECTORAL MISSION TO THE REPUBLIC OF MOLDOVA)

OBSERVATION OF THE ELECTIONS ON 20 OCTOBER 2019

Congress delegation to visit Chisinau for pre-electoral mission

A delegation from the Congress of Local and Regional Authorities of the Council of Europe will carry out a pre-electoral mission from 2 to 4 October 2019 to Chisinau (Republic of Moldova) to assess the campaign and the preparations for the local elections to be held on 20 October.

During the visit, meetings are scheduled with representatives of the Central Election Commission, the diplomatic corps, the media and NGOs as well as with the delegation of the Republic of Moldova to the Congress and with the local government association. There will be also an exchange of views with candidates for Mayor in Chisinau.

Congress delegation:

Members of the Congress:

Mr Vladimir PREBILIC, Slovenia (SOC), Head of Delegation

Mrs Barbara TOCE, Italy (SOC), Vice-President of the Congress

Mr Robert GRUMAN, Romania (EPP/CCE), Chair of the Congress Governance Committee

Mrs Rosaleen O'GRADY, Ireland (GILD-ILDG), Congress Spokesperson on the Observation of Local and Regional Elections

Mr Magnus BERNTSSON, Sweden (EPP/CCE)

Mrs Nino KAVTARADZE, Georgia (EPP/CCE)

Expert

Mr Matej GOMBOSI, Congress Expert on electoral matters

Congress Secretariat:

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Mr Adam DRNOVSKY, Election Observation Officer, Local and Regional Election Observation Division

Ms Martine ROUDOLFF, Assistant, Local and Regional Election Observation Division

APPENDIX III

PROGRAMME OF THE MAIN ELECTORAL MISSION TO THE REPUBLIC OF MOLDOVA
(17-21 OCTOBER 2019)

OBSERVATION OF THE ELECTIONS ON 20 OCTOBER 2019

Delegation

Congress membersHead of Delegation/Rapporteur:**Mr Vladimir PREBILIC**, Slovenia (SOC, L)**Ms Barbara TOCE**, Italy (SOC, L), Vice-President of the Congress**Mr Robert GRUMAN**, Romania (EPP-CCE, R), Chair of the Congress Governance Committee**Mr Marc COOLS**, Belgium (ILDG, L), Country Co-rapporteur on the Republic of Moldova**Mr Leo AADEL**, Estonia (ILDG, R)**Mr Magnus BERTSSON**, Sweden (EPP-CCE, R)**Ms Majlinda BUFI**, Albania (SOC, L)**Mr David ERAY**, Switzerland (ILDG, R)**Mr Geert GABRIELS**, Netherlands (SOC, L)**Mr Gintautas GEGUZINSKAS**, Lithuania (EPP-CCE, L)**Ms Daniela GIANNONI**, San Marino (NR, R)**Ms Antje GROTHEER**, Germany (SOC, R)**Mr Atte KALEVA**, Finland (EPP-CCE, L)**Ms Nino KAVTARADZE**, Georgia (EPP-CCE, L)**Mr Matija KOVAC**, Serbia (EPP-CCE, R)**Mr Jean-Pierre LIOUVILLE**, France (SOC, R)**Ms Isabelle MOINET-JOIRET**, Belgium (EPP-CCE, R)**Ms Rosaleen O'GRADY**, Ireland (ILDG, R)**Mr Thanasis PAPATHANASIS**, Greece (EPP-CCE, L)**Mr Jozsef PFEFFER**, Hungary (EPP-CCE, L)Expert**Ms Brid QUINN**, Congress' Expert on electoral mattersCongress Secretariat**Ms Renate ZIKMUND**, Acting Head of Service, Department of Statutory Activities, Division of Local and Regional Election Observation**Mr Adam DRNOVSKY**, Election Observation Officer, Local and Regional Election Observation**Ms Martine ROUDOLFF**, Assistant, Local and Regional Election Observation**Mr Sandro WELTIN**, Council of Europe Communication Directorate, Photographer

Thursday, 17 October 2019

Various times	Arrival of the Congress Delegation in Chisinau
17.00	Internal briefing by the secretariat <i>Venue: Jazz Hotel, Room Saxophone</i>
19:30 – 20:30	Reception / dinner offered by the Romanian Ambassador Mr. Daniel IONITA for the members of the delegation and the ambassadors of the countries represented in the delegation

Friday, 18 October 2019

09:00 – 10:00	Meeting with the President of the Central Election Commission (CEC) of the Republic of Moldova, Mr Dorin CIMIL , and Mr Vladimir SARBAN , Deputy Head of the CEC <i>Venue: CEC, str. Vasile Alecsandri nr. 119, Chisinau</i>
10:30 – 11:15	Meeting with Mr. Dritan TAULLA , Head of the ENEMO observation mission to Moldova and members of the ENEMO team <i>Venue: Jazz Hotel, Room Saxophone</i>
12:00 – 13:30	Lunch break
14:00 – 14:50	Meeting (sub-delegation) with the Secretary General of Government Mr Andrei SPANU and Deputy Secretary of Government Mr Adrian ERMURACHI <i>Venue: State Chancellery, Government building (entry from Puskin street)</i>
15.00 – 15.50	Meeting with the Chairman of the Audiovisual Council Mr. Dragos VICOL and Ms Tatiana BURAGA <i>Venue: Jazz Hotel, Room Saxophone</i>
17.00 – 18.00	Meeting with representatives of the citizen election observers' organisation Promo-LEX <ul style="list-style-type: none"> • Mr. Ion MANOLE, Promo-LEX Executive Director • Mr. Pavel POSTICA, Electoral Programme Director <i>Venue: Jazz Hotel, Room Saxophone</i>
18.00 – 18.15	Technical briefing with the secretariat for the Election Day
18.15 – 18.30	Technical briefing with interpreters and drivers for Election Day

Saturday, 19 October 2019

09.00 – 09.50	Meeting with Mr. Ion CEBAN, (Socialist Party) candidate running in the local elections in Chisinau <i>Venue: Jazz Hotel, Room Saxophone</i>
11.00 – 11.50	Meeting with Mr. Vlad CEBOTARI, (Democratic Party) , candidate running in the local elections in Chisinau <i>Venue: Jazz Hotel, Room Saxophone</i>
12:00 – 12:50	Meeting with Ms Lilia RANOGAET, (National Liberal Party) , candidate running in the local elections in Chisinau <i>Venue: Jazz Hotel, Room Saxophone</i>
13:00 – 14:30	Lunch break

Sunday, 20 October 2019 ELECTION DAY

06.30	Deployment of the teams
23.00	Late night debriefing <i>Venue: Jazz Hotel</i>

Monday, 21 October 2019

11.00 – 12.00	Press conference <i>Venue: Jazz Hotel, Room Saxophone</i>
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Various times	Departure of the Congress Delegation
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APPENDIX IV

DEPLOYMENT PLAN

OBSERVATION OF THE ELECTIONS ON 20 OCTOBER 2019

Team 1	<u>Chisinau 1</u> (center and western surroundings: Durl esti, Codru, Ialoveni, Truseni, Vatra, Straseni)	Vladimir PREBILIC, Head of Delegation Brit QUINN, Expert Renate ZIKMUND Sandro WELTIN <i>Interpreter: MOLD-EN</i>
Team 2	<u>Chisinau 2</u> (center and eastern surroundings: Botanica, Bacioi, Sanger, Chetrosu, Mereni, Colonita, Stauceni)	Antje GROTHEER Geet GABRIELS Martine ROUDOLFF <i>Interpreter: MOLD-EN</i>
Team 3	<u>Criuleni</u> (Dubasari, Molovata, Cocieri)	Robert GRUMAN Jozsef PFEFFER <i>Interpreter: MOLD-EN</i>
Team 4	Aneii Noi, Stefan Voda, Causeni	Leo AADEL Gintautas GEGUZINSKAS <i>Interpreter: MOLD-EN</i>
Team 5	<u>Gagauzia</u> (Comrat, Besarabesca, Taraclia, Cedar-Lunga, Vulcanesti)	Matija KOVAC Adam DRNOVSKY <i>Interpreter: RU-EN</i>
Team 6	<u>Cimislia</u> (Gura Galbenei, Porumbrei, Ecaterinovca, Cenac, Ciucur-Mingir, Selemet)	Rosaleen O'GRADY Magnus BERNTSSON <i>Interpreter: MOLD-EN</i>
Team 7	<u>Cahul</u> (Cantemir, Toceni, Tiganca, Rosu, Manta)	Isabelle JOIRET Jean-Pierre LIOUVILLE <i>Interpreter: MOLD-FR</i>
Team 8	<u>Orhei</u> (Piatra, Zorile, Podgoreni, Zahoreni, Rezina)	Barbara TOCE Daniela GIANNONI <i>Interpreter: MOLD-EN</i>
Team 9	<u>Calarasi</u> (Ungheni, Nisporeni, Racula, Pitesti, Soltanesti)	Majlinda BUFI Thanasis PAPATHANASIS <i>Interpreter: MOLD-EN</i>
Team 10	<u>Floresti</u> (Soldanesti, Japca, Alcedar)	Atte KALEVA Nino KAVTARADZE <i>Interpreter: MOLD-EN</i>
Team 11	<u>Balti</u> (Sangerei, Telenesti, Alexandreni, Izvoare, Taura Veche)	Marc COOLS David ERAY <i>Interpreter: MOLD-FR</i>

APPENDIX V

PRESS RELEASE

OBSERVATION OF THE ELECTIONS ON 20 OCTOBER 2019

Republic of Moldova: Preliminary findings of the local election observation mission

At the invitation of the authorities of the Republic of Moldova, the [Congress of Local and Regional Authorities](#) of the Council of Europe, on 20 October 2019, deployed 11 teams of 24 observers from 21 European countries to observe the local elections around 180 polling stations across the country.

"Generally, the elections were organised by well-prepared committees, the voting was conducted in an orderly manner and the counting was done in a professional manner," said Vladimir PREBILIC (Slovenia, SOC), Head of the Congress delegation, at a press conference today in Chisinau.

"Most of our interlocutors generally appreciated the recent amendments to the electoral legal framework, although they arrived late, which is in contradiction with the Venice Commission's Code of Good Practice in Electoral Matters," said the Head of Delegation welcoming the progress made in the campaign financing, notably the reduced ceiling for donations and measures to prevent misuse of administrative recourses through stricter procurement-related rules, the ban of campaigning on the Election Day as well as greater possibilities to verify the accuracy of voters' lists, and the improvement of the situation of the media.

However, the Head of the Congress delegation expressed his concern about the registration requirements for independent candidates which are overly cumbersome compared to the situation of candidates from political parties. "The minimum requirement with regard to the collection of signatures for an independent mayoral candidate is 5% compared to the 1% of voters in the constituency concerned, as recommended by the Venice Commission. The authorities of Moldova should amend the relevant provisions," he explained.

"We are also concerned about the situation of women in local politics and the fact that the legal requirement of a 40% quota for candidate lists is de facto undermined in many cases," said Vladimir PREBILIC, recalling that women were present in large numbers at polling stations and that the Republic of Moldova now has a female Prime Minister. "Increasing the number of women politicians at the local level should be both a commitment and an obligation," he insisted.

The Head of the delegation also pointed out some legislative shortcomings that the authorities should address in the near future as well as procedural inconsistencies observed in some places, mainly regarding the use of video cameras, respect of the secrecy of the vote and the sealing of the ballot boxes. He also regretted the low turnout rate of 42%, probably due to a weariness of the voters following the various elections that were held in the country.

Lastly, he recalled the recommendations already adopted by the Congress, in particular those concerning the introduction of effective measures to combat the misuse of administrative resources, as well as the adoption of legal amendments to enfranchise only those voters who actually have a permanent residence (or domicile) in the constituency concerned, and not only a temporary residence.

The report of the Congress on this fact-finding mission will be examined for approval at the meeting of the Monitoring Committee on 11 February 2020.