

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 509 (2024)<sup>1</sup> Local elections in the Republic of Moldova (5 November 2023)

1. The Congress of Local and Regional Authorities of the Council of Europe (“the Congress”) refers to:

*a.* Article 1, paragraph 3, of the Charter of the Congress of Local and Regional Authorities of the Council of Europe, appended to Statutory Resolution CM/Res (2020)1 relating to the Congress 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 XIX of the Rules and Procedures on the practical organisation of election observation missions;

*d.* the previous Congress Recommendation 443 (2020) on the observation of local elections in the Republic of Moldova (20 October 2019) and the information report on the observation of early local elections in seven municipalities in the Republic of Moldova (20 May 2018) (CG35(2018)22);

*e.* the invitation by the authorities of the Republic of Moldova, dated 24 March 2023, to observe the general local elections held in the country on 5 November 2023.

2. The Congress reiterates the fact that genuinely democratic local and regional elections are part of a process of establishing and maintaining democratic governance and that observation of grassroots elections is a key element in the Congress’s role as guardian of democracy at local and regional level.

3. The Congress acknowledges that, overall, the legal framework is conducive to holding democratic elections, and that the adoption of the 2022 Electoral Code addressed some long-standing recommendations. However, the Congress believes that the stability of the electoral framework is paramount to ensure trust in the impartiality of the electoral process and deplores the fact that changes to the right to stand for elections were adopted shortly before the elections, which caused legal uncertainty and was not in line with the Code of Good Practice in Electoral Matters of the European Commission for Democracy through Law (Venice Commission).

4. The Congress notes with satisfaction that:

1. Debated by the Chamber of Local Authorities during the 46th Session on 27 March 2024 and adopted by the Congress on 27 March 2024 (see document [CPL\(2024\)46-04](#), explanatory memorandum), rapporteur: Vladimir PREBILIC, Slovenia (L, SOC/G/PD).

*a.* the 2022 Electoral Code significantly strengthened the overall legal framework and addressed long-standing recommendations on, *inter alia*, artificial voter migration, bussing of voters, campaign and party finance and requirements for independent candidates;

*b.* the Central Election Commission (CEC) operated in a transparent and efficient manner, at the head of a well-trained election administration, despite limited resources and challenges in implementing the new Electoral Code;

*c.* the legal framework and the oversight of campaign and party finance by the CEC were successfully strengthened and the CEC proactively and thoroughly investigated and sanctioned violations, in collaboration with law enforcement bodies;

*d.* the campaign was competitive and focused on local issues, and voters were able to choose between different political alternatives presented in a mostly impartial manner in the public and independent media, which is reflected in a diverse and pluralistic political landscape at local level;

*e.* the 40% gender quota and list placement requirements applied at local level for the first time were well respected by political contestants and contributed to a small but significant increase in women’s representation;

*f.* overall, the election day was calm, transparent and well-organised, despite being held under difficult circumstances; voter identification and cameras worked well and seemed to be perceived positively by voters and observers alike.

5. At the same time, the Congress expresses its concern on the following issues:

*a.* the numerous and credible reports of electoral corruption, illegal campaign and party financing and interference of foreign and/or criminal groups with a view to distorting the will of voters in the local elections considerably strained the institutions and were detrimental to local democracy;

*b.* the constitutional dispute and legal uncertainty related to the right to stand for election, in connection with the amendments to the Electoral Code, did not ensure ideal campaign conditions or provide enough time for individualised sanctions and legal remedies;

*c.* the state of emergency, granting wide-ranging powers to the Commission for Exceptional Situations, and the timing of its decisions, negatively affected the electoral process, in particular on the right to stand for election and on freedom of expression;

*d.* the post-election period was litigious and marred by contradictory jurisprudence and decisions by the electoral administration and the courts in the validation of mandates, which created confusion and delays;

*e.* the persisting reports of misuse of administrative resources and of early campaigning, which unduly benefited some incumbents;

*f.* the election day was marked by minor issues, including some instances of poor layout of polling stations, gatherings outside polling stations and directing of voters, and counting

suffered from some procedural inconsistencies; despite some notable efforts, the accessibility of polling stations for voters with disabilities remained inadequate in most polling stations visited;

*g.* the higher age and education requirements for running for mayor are not in line with good practice and Congress Recommendation 375 (2015) on the criteria for standing in local and regional elections;

*h.* some provisions of the 2022 Electoral Code were burdensome to implement, such as the weekly financial reports, the threshold requirements for the two rounds of elections and the monitoring by the CEC of information published by public authorities;

*i.* the registration of citizens *de facto* living abroad to vote in local elections persisted despite the lack of a genuine link with the municipality;

*j.* the enduring media concentration and the disinformation campaigns echoed on social media, contributed to unbalance an otherwise rather open media environment, in addition to the drastic decisions of the Commission for Exceptional Situations to ban dozens of media outlets due to national security concerns;

*k.* finally, despite some improvements, women remained less likely to be elected mayors, were less visible in the media and were too often placed on lists at a level where they could not win a seat. The same can be said for young candidates.

6. In the light of the above, the Congress invites the authorities of the Republic of Moldova to:

*a.* continue to investigate and build the capacities of the election administration and law enforcement bodies to tackle electoral corruption and increase voter awareness of prohibited activities;

*b.* avoid last-minute changes to the legal framework close to the campaign period and allow substantial time for consultations and for constitutional and legal disputes to be solved early enough to ensure equal campaigning conditions for all competitors;

*c.* re-examine the wide-ranging powers granted to the Commission for Exceptional Situations and refrain from resorting to blanket bans of political parties and to the Commission for Exceptional Situations to restrict democratic freedoms during electoral campaigns;

*d.* simplify the appeals and complaints procedure to reduce complexity and to ensure that all registration-related claims are handled in a timely manner before election day; at the same time, reconsider the provisions of Article 174 of the Electoral Code, that give district electoral commissions the competence to certify results and validate mandates;

*e.* implement existing legislation and regulations related to the misuse of public resources and provide for timely investigations and more dissuasive sanctions in case of violations;

*f.* pursue efforts to tackle election day violations and to ensure that polling stations are accessible for voters with mobility impairments; consider some adaptations to avoid overstraining precinct electoral bureau members;

*g.* review Article 161.2 of the Electoral Code and lower the age and education requirements to stand for mayoral elections;

*h.* resource the Central Electoral Commission adequately to enable it to fully monitor and oversee campaign and party finance and also prevent the misuse of public resources in real time; consider removing the turnout requirements for local elections;

*i.* tackle the issue of media concentration and disinformation, through transparency of media ownership and stronger regulation of the online and social media by the Audiovisual Council.

*j.* provide more incentives to increase the participation of women and young people in the media and as heads of list for local and district elections and as mayors.

7. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this Recommendation regarding the 2023 general local elections in the Republic of Moldova and the accompanying explanatory memorandum in their activities relating to this member State.