



Office for Democratic Institutions and Human Rights

# REPUBLIC OF MOLDOVA

## EARLY PARLIAMENTARY ELECTIONS 11 July 2021

### ODIHR Election Observation Mission Final Report



Warsaw  
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**REPUBLIC OF MOLDOVA**  
**EARLY PARLIAMENTARY ELECTIONS**  
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**ODIHR Election Observation Mission Final Report<sup>1</sup>**

## **I. EXECUTIVE SUMMARY**

Following an invitation from the authorities of the Republic of Moldova and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission for the 11 July 2021 early parliamentary elections. For the short term election observation around election day, the ODIHR EOM was joined by delegations of the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, and the European Parliament to form an International Election Observation Mission (IEOM). The electoral process was assessed for compliance with OSCE commitments, other international standards for democratic elections, and with national legislation.

The Statement of Preliminary Findings and Conclusions issued on 12 July concluded that “the 11 July early parliamentary elections were well administered, competitive, and fundamental freedoms were largely respected. While lower-level commissions enjoyed trust, key decisions of the Central Election Commission brought into question its impartiality. Candidates had ample opportunities to campaign and voters were provided a wide range of alternatives. The lack of effective campaign finance oversight left potential breaches unaddressed. Numerous televised debates allowed voters to be informed of contestants’ policies, but the majority of monitored news outlets displayed bias. The legal framework does not adequately regulate electoral dispute resolution, and the handling of electoral complaints further highlighted the importance of strengthening judicial independence. Election day was calm, transparent and the process was assessed overwhelmingly positively, despite isolated cases of overcrowding and non-adherence to procedures.”

The electoral legal framework has seen improvements over the years and is generally conducive for the conduct of democratic elections. Significant amendments adopted since the previous parliamentary elections include the repeal of a ban on donations from foreign incomes of Moldovan citizens, the lowering of donation limits for individuals and legal entities, the establishment of a campaign fund limit, and the re-introduction of a campaign silence period. Some of these amendments addressed previous ODIHR and Venice Commission recommendations. The parliamentary electoral system was changed from a mixed system back to a fully proportional one and thresholds for parties and blocs were lowered, addressing previously expressed concerns. However, other recommendations to improve the legal framework remain outstanding, including on strengthening campaign finance oversight and further elaborating the complaints and appeals process.

The elections were administered by a three-tier administration, composed of the Central Election Commission (CEC), 37 district electoral councils, and 2,150 precinct electoral bureaus (PEB), including 150 PEBs abroad. Women were well-represented in the election administration, except in the CEC, which was composed entirely of men. The CEC operated overall transparently, and the technical preparations for these elections were managed efficiently, respecting the legal deadlines. The voter information campaign organized by the CEC was comprehensive and inclusive, addressing, among other issues, accessibility of polling for voters with disabilities, vote-buying, and epidemiological measures. In general, the election stakeholders expressed confidence in the technical abilities and efficiency of the election administration. At the same time, the impartiality of the CEC was undermined by decision-making along partisan lines on several prominent issues, such as establishing polling stations abroad and for voters residing in Transnistria, as well as its lack of action to address concerns about the potential

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<sup>1</sup> The English version of this report is the only official document. Unofficial translations are available in the State and Russian languages.

transportation of voters on election day. The CEC's inclusive registration of domestic and international observers enhanced the transparency of the electoral process.

The centralized voter register is maintained and updated by the CEC, based on data extracted from the state population register. Citizens over the age of 18 are eligible to vote. Provisions on the deprivation of the right to vote by a court decision for those with mental disabilities are contrary to international standards. The legal framework ensures the transparency and accessibility of voter lists, and voters had sufficient opportunity to request corrections of their data and submit complaints on inaccuracies in the lists. While the majority of stakeholders the ODIHR EOM met with were content with the accuracy of the voter register, the long-standing problem of deceased people on the voter lists remained.

The parliament's 101 members (MPs) are elected by proportional representation from closed candidate lists or as independents, a change from the mixed election system used previously. In an inclusive process, the CEC registered candidate lists of 20 parties and two blocs, and one independent candidate. All registered lists complied with the legal gender quota for 40 per cent of each gender and the newly introduced placement requirement that at least 4 out of every 10 candidates be of a different gender. Some 47 per cent of the 1,791 candidates registered were women, and 40 women were elected, a notable increase in the number of women MPs. Candidates from national minorities were included in the electoral lists of some parties and blocs, and led at least two party lists. The wide field of contestants provided voters with a broad range of political alternatives.

Fundamental freedoms were largely respected and candidates had ample opportunities to campaign. Despite certain limitations on gatherings and other campaign activities resulting from COVID-related public health measures, contestants were able to campaign effectively and were visible throughout most of the country. The main campaign themes included tackling corruption and judicial reform. President Sandu's high visibility was widely perceived to benefit her former party's campaign. With a few exceptions, local government authorities complied with their legal obligations and treated contestants equally. However, instances of pressure on public servants and local officials, as well as concerns about vote-buying and the use of economic incentives by some parties to create political loyalty impacted public confidence in the integrity of elections.

Campaigns are financed from public and private sources. Eligible parties and blocs receive annual public funding, which can be used for campaign purposes. Private donations are allowed from individuals and legal entities, both monetary and in-kind, within established limits. Election contestants report their donations and expenditures weekly to the CEC, which posts these reports online. Campaign finance reports were generally filed and posted on time, contributing to transparency. The completeness and accuracy of campaign finance reporting was questionable however, and the CEC had limited ability to effectively monitor, investigate, and identify discrepancies in actual and reported spending. The CEC's oversight was insufficient, undermining the statutory aims of campaign finance regulation.

A high number of broadcast and online media outlets operate and share a limited advertising market. The political affiliation of major media outlets reduces pluralism, influences the agenda of public discourse, and undermines the watchdog function of the media. The ODIHR EOM monitoring showed that two of the monitored TV stations, including the National Public Broadcaster, provided rather balanced coverage of the campaign in its news programmes, while three other TV stations and most of online media outlets displayed varying degrees of bias in favour or against certain contestants. The Audiovisual Council, which oversees broadcast media, did not adequately enforce provisions on impartial coverage in broadcasting during the campaign. Numerous debates on nationwide TV stations provided the opportunity for all parties to present policies and offered voters information on the contestants.

Before election day, the CEC received 25 complaints and 24 appeals were lodged with the courts against 15 CEC decisions. Expedited timelines for the handling of complaints and appeals are in line with

international good practice and the handling of election disputes by the Chişinău Court of Appeal was transparent. However, an overly formalistic approach, often taken by courts and the CEC, resulted in many cases being denied admissibility. Changes to some key judicial appointments during the election period further challenged the constitutional guarantee of judicial independence. The manner in which the CEC and courts applied and interpreted the laws led, at times, to unsound and conflicting decisions, raising questions about the political neutrality of the courts and undermining the effective resolution of election disputes, contrary to OSCE commitments and other international standards.

Election day was generally calm and orderly. The opening and voting processes in polling stations observed were assessed largely positively and most procedures were followed, but in some polling stations ballot secrecy was compromised due to overcrowding and space constraints. Only a third of polling stations visited were equipped for independent access by persons with physical disabilities. While not clearly prohibited in legislation, several instances of transportation of voters to polling stations were noted by the IEOM observers and a few voters were seen taking photos of their marked ballot papers, which could be indicative of attempts at undue influence on voters and compromise secrecy of vote. The CEC reported turnout information in real time and started posting preliminary results one hour after the closing of the polls, which enhanced transparency. While the overall conduct of counting was assessed positively by the IEOM, in some instances the election officials omitted important procedural steps. The tabulation process was assessed as orderly, despite inadequate premises that at times posed a challenge for the commissions' work and for transparency.

The CEC announced preliminary results on election night. All of the major political parties publicly indicated their acceptance of the results. On 19 July, the CEC approved the report on election results and submitted it to the Constitutional Court for validation. On 23 July, the Constitutional Court validated the election results.

This report offers a number of recommendations to support efforts to bring elections in Moldova further in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations relate to prevention of potential vote buying, strengthening campaign finance oversight, ensuring implementation of balanced and impartial media coverage, and substantive handling of electoral complaints and appeals. ODIHR stands ready to assist the authorities to improve the electoral process and to address the recommendations contained in this and previous reports.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of the Republic of Moldova to observe the 11 July 2021 early parliamentary elections and in accordance with its mandate, ODIHR deployed an Election Observation Mission (EOM) on 3 June. The EOM, headed by Mr. Tamás Meszerics, included 11 experts based in Chişinău and 28 long-term observers who were deployed throughout the country from 10 June. The Mission remained in Moldova until 21 July to follow post-election developments.

For election day, the ODIHR EOM was joined by delegations of the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP) to form an International Election Observation Mission (IEOM). Mr. Ditmir Bushati (Albania) was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and leader of the OSCE short-term observer mission. Ms. Pia Kauma (Finland) headed the OSCE PA delegation. Mr. Stefan Schennach (Austria) headed the PACE delegation. Mr. David McAllister (Germany) headed the EP delegation.

On the election day, 313 observers from 41 countries were deployed, including 221 long-term and short-term observers deployed by ODIHR, as well as a 59-member delegation from the OSCE PA, a 22-member delegation from the PACE, and an 11-member delegation from the EP. Opening was observed

in 115 polling stations and voting was observed in 1,154 polling stations across the country. Counting was observed in 100 polling stations, and the tabulation of votes – in 34 district electoral councils.

The electoral process was assessed for compliance with OSCE commitments, other international standards for democratic elections, and with national legislation. This Final Report follows the Statement of Preliminary Findings and Conclusions, which was released at a press conference in Chişinău on 12 July.<sup>2</sup>

The ODIHR EOM wishes to thank the Central Election Commission for the invitation to observe the election and to the Ministry of Foreign Affairs and European Integration (MFAEI) for its assistance. The ODIHR EOM also expresses its appreciation to other institutions, candidates, political parties, media and civil society organizations for sharing their views, as well as to the resident international community, and especially the OSCE Mission to Moldova, for their co-operation.

### III. BACKGROUND

Following the February 2019 parliamentary elections, the 101-member parliament was composed of the Party of Socialists of Moldova (PSRM), the Democratic Party of Moldova (PDM), the ACUM (“Now”) bloc (comprising of the Action and Solidarity Party (PAS) and the Party Platform Dignity and Truth, (PPDA), and the Şor Party.<sup>3</sup>

The new parliament had difficulty establishing the majority necessary for a vote of confidence in a new government. In June 2019, despite their markedly different policies, parties of the ACUM bloc and the PSRM agreed on a government with Maia Sandu as Prime Minister (PM).<sup>4</sup> However, in November 2019 Sandu’s government was ousted through a vote of no-confidence and replaced by a PSRM-PDM coalition under PM Ion Chicu.

Maia Sandu was elected President in the second round of the November 2020 election, defeating then incumbent President Igor Dodon. Before and after her election, Ms. Sandu repeatedly stated that she would seek early parliamentary elections as soon as possible, while the PSRM, PDM, and the Şor Party stated that they prefer that elections be held later.<sup>5</sup>

In December 2020, PM Chicu resigned, with the stated aim of paving the way for early parliamentary elections.<sup>6</sup> According to the Constitution, the president nominates a prime minister after consultations with parliamentary factions. If parliament declines to approve a new government at least twice, the president may dissolve parliament. On 11 February 2021, parliament rejected President Sandu’s first nominee for PM, Natalia Gavriliţa. Factions forming a parliamentary majority stated their support for the

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<sup>2</sup> See also [previous ODIHR election reports on Moldova](#).

<sup>3</sup> The PSRM won 35 seats; PDM (30); ACUM (26; 15 to PAS and 11 to PPDA), Şor Party (7), and 3 independents.

<sup>4</sup> On 8 June 2019, the Constitutional Court declared the decision to appoint Ms. Sandu as Prime Minister unconstitutional. On 14 June, in a major political development, Vladimir Plahotniuc, an influential businessman and then leader of the PDM, fled Moldova. A day later, Prime Minister Pavel Filip resigned, the Constitutional Court reversed its 8 June decision, and Ms. Sandu became Prime Minister.

<sup>5</sup> Between the 2019 parliamentary elections and the dissolution of parliament, 18 MPs had left the PDM faction, with seven MPs setting up a new party, Pro-Moldova; seven forming a faction “Pentru (For) Moldova”, two joining the Şor faction and two sitting as unaffiliated MPs. Ilan Şor, the current leader of the Şor Party, absconded from Moldova in mid-June 2019. In June 2017, Ilan Şor was sentenced to a seven-and-a-half-year prison term for fraud and money laundering but pending an appeal, remained at liberty albeit subject to travel restrictions. The judicial appeal was repeatedly postponed.

<sup>6</sup> An interim government led by Aureliu Ciocoi, Minister of Foreign Affairs and European Integration (MFAEI), was in place until a new government was installed on 6 August 2021.

appointment of Mariana Durluşteanu as PM. However, President Sandu re-nominated Ms. Gavriliþa; an act that on 23 February was ruled as unconstitutional.

On 16 March, Ms. Durluşteanu announced that she no longer wished to be considered for PM. President Sandu promptly nominated Igor Grosu, whose nomination was unsuccessfully challenged in the Constitutional Court.<sup>7</sup> After a majority of deputies did not attend the vote on Mr. Grosu's candidature, President Sandu asked the Constitutional Court to verify whether the constitutional conditions for dissolving parliament had been met.

On 31 March, parliament declared a state of emergency citing the COVID-19 pandemic.<sup>8</sup> It also voted to rescind the parliament's August 2019 appointment of the Constitutional Court judge (who is the Court's current President) and appoint her replacement; both votes were subsequently ruled unconstitutional. On 15 April, the Constitutional Court ruled that the President was entitled to dissolve parliament. On 28 April, the Constitutional Court annulled the state of emergency. On the same day, President Sandu dissolved parliament and called for early parliamentary elections on 11 July.

#### IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The legal framework for parliamentary elections is comprised of the 1994 Constitution, 1997 Election Code (most recently amended in July 2020), and other relevant legislation, supplemented by CEC regulations and decisions.<sup>9</sup> Fundamental rights and freedoms that underpin democratic elections are constitutionally guaranteed, to be implemented in accordance with international human rights treaties that are directly applicable and have priority over national law.<sup>10</sup> The electoral legal framework has seen improvements over the years and is generally conducive for the conduct of democratic elections. However, a number of substantive shortcomings, as well as gaps and ambiguities remain, as previously identified by ODIHR and highlighted below.

The parliament's 101 members (MPs) are elected for four-year terms by proportional representation from closed candidate lists or as independents. In August 2019, the parliamentary electoral system was changed from a mixed system that had been introduced for the 2019 parliamentary elections back to a fully proportional one. The return to a fully proportional system addressed concerns previously raised by ODIHR and the Venice Commission with respect to the use of a mixed system in the Moldovan context.<sup>11</sup> The system was changed more than one year prior to its applicability following an inclusive consultation

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<sup>7</sup> On 22 March, the Constitutional Court ruled Mr. Grosu's nomination constitutional, finding that consultations with the parliamentary factions had been held and there existed a lack of a parliamentary majority on a nominee.

<sup>8</sup> According to the Constitution, parliament cannot be dissolved when a state of emergency is in force.

<sup>9</sup> Other applicable laws include the 2007 Law on Political Parties, 2008 Law on Assemblies, 2018 Audio-visual Media Services Code, 2002 Criminal Code, 2008 Contraventions Code, and 2018 Administrative Code. Some 30 CEC regulations cover a broad range of matters under CEC jurisdiction.

<sup>10</sup> Moldova is party to major international and regional instruments related to the holding of democratic elections, including the [1966 International Covenant on Civil and Political Rights](#) (ICCPR), [1979 Convention for the Elimination of All Forms of Discrimination against Women](#), the [2003 Convention Against Corruption](#), [2006 Convention on the Rights of Persons with Disabilities \(CRPD\)](#), and [1950 European Convention for the Protection of Human Rights and Fundamental Freedoms](#) (ECHR).

<sup>11</sup> The change back to a fully proportional system addressed a concern raised *inter alia* in the [2017 Joint Opinion by ODIHR and the Council of Europe's European Commission for Democracy through Law \("Venice Commission"\)](#) that a mixed system offered a higher risk "as election stakeholders in single-member constituencies could be vulnerable to undue influence and manipulation by well-resourced local businesspeople."

process, in line with international good practice.<sup>12</sup> At the same time, frequent changes of the key elements of the electoral system undermine the stability of the electoral legal framework and process, a core feature of democratic systems.<sup>13</sup>

*To protect the stability of the electoral system, consideration should be given to introducing legal safeguards against frequent changes to the key features of electoral legislation.*

With return to the proportional electoral system, the thresholds for parties and blocs were lowered to five and seven per cent of valid votes cast, respectively, in line with previous ODIHR and Venice Commission recommendations.<sup>14</sup> The threshold for independents to win a seat remains, as in previous elections under the proportional system, at two per cent of valid votes cast. A minimum turnout requirement of one-third of registered voters, which does not apply to repeat elections, was also re-introduced.

Other significant amendments adopted in August 2019 include the repeal of a ban on donations from foreign incomes of Moldovan citizens, the lowering of donation limits for individuals and legal entities, the establishment of a campaign fund limit, and the re-introduction of a campaign silence period. Some of these amendments addressed previous ODIHR and Venice Commission recommendations. However, other recommendations to improve the legal framework remain outstanding, including on the prevention of misuse of administrative resources, strengthening campaign finance oversight, and further elaborating the complaints and appeals process.

Draft amendments to election-related laws have been pending in parliament since June 2020. In a joint opinion, the OSCE and Venice Commission recognized some proposed improvements for prevention of the misuse of administrative resources and strengthening the election dispute resolution process but raised concerns about provisions aimed at restricting campaigning and prohibiting ‘hate speech’.<sup>15</sup>

*The new parliament is encouraged to enhance the electoral legal framework in line with OSCE commitments and other international standards, and to address remaining shortcomings, taking into account outstanding ODIHR and Venice Commission recommendations. Any reform efforts should be undertaken well in advance of the next elections and within an inclusive, consultative and transparent process.*

The overall 40 per cent gender quota for candidate lists, first applied in the 2019 parliamentary elections, was subsequently strengthened in August 2019 by introducing a placement requirement that at least 4 out of every 10 candidates on the lists must be of the opposite gender. This also addressed a previous ODIHR recommendation. While ODIHR EOM interlocutors opined that further efforts to achieve gender parity in future parliaments would be welcome, the enhanced quota facilitated 40 women MPs to be

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<sup>12</sup> In October 2019, three MPs referred to the Constitutional Court the question which election system would apply to the next elections if they were called early. Referring to the Venice Commission’s Code of Good Practice in Electoral Matters, on 7 May 2020, the Court held that in order to ensure the stability of the electoral law, “[the electoral system] should be implemented at least one year after the adoption of the changes.”

<sup>13</sup> A fully proportional system was used for the 2010 parliamentary elections and twice changed in 2013, to a mixed system and back to a proportional one used for the 2014 elections; a mixed system, adopted in 2017, was used for the 2019 elections. See, for example, paragraph 3 of the [Venice Commission’s Opinion on the Electoral Law of the Canton of Ticino](#), stating that “stability of electoral law is not demanded by constitutional or international law. However, in the established democracies, major changes in this respect are few, guarding against any risk of the system being manipulated for purposes of electoral aim, and bearing witness to the maturity of democracy.” See also [2021 Urgent Joint Opinion of ODIHR and the Venice Commission on the revised amendments to the Election Code of Georgia](#).

<sup>14</sup> For the 2019 parliamentary elections, the thresholds were six and eight per cent, respectively. The amendments also reintroduced the D’Hondt formula for allocation of parliamentary seats, previously used until 2010.

<sup>15</sup> See [2020 Urgent Joint Opinion of the ODIHR and Venice Commission](#). See also [the 2017 ODIHR and Venice Commission Joint Opinion](#) on the legal framework governing the funding of political parties and electoral campaigns.



elected (nearly 40 per cent of the new parliament), a notable increase from the outgoing parliament which had some 25 per cent female MPs.

## V. ELECTION ADMINISTRATION

The elections were administered by the CEC, 38 District Electoral Councils (DEC), and 2,150 Precinct Electoral Bureaus (PEB), including 150 PEBs abroad and 41 PEBs specifically designated for voters from the localities on the left bank of Nistru (Transnistria).<sup>16</sup> The CEC is a permanent body of nine members, one nominated by the president and the rest by parliamentary factions. The DEC and PEBs are temporary bodies established for each election.<sup>17</sup> Women were well represented in the election administration, except the CEC, which was composed entirely of men. More than half of the DEC members were women and 19 of 37 DEC chairs were chaired by women. Women comprised the majority of PEB members and held the overwhelming majority of leadership positions.<sup>18</sup>

The technical preparations for these elections were managed efficiently, respecting the legal deadlines. The lower-level election bodies were provided with sufficient resources and logistical support from the authorities. On 3 June, the National Extraordinary Commission for Public Health adopted COVID-19 prevention measures for the electoral period, and the CEC distributed the instructions and the necessary equipment and materials to the PEBs. While the budget for these elections was only partly granted by the government before the elections, which put additional burden on the CEC, this did not appear to affect the overall operation of the election administration.<sup>19</sup>

As in previous elections, the State Automated Information System “Elections” (SAISE) was utilized as an integrated electronic tool for voter registration, managing the data and documentation on election administration bodies, registration of contestants and observers, as well as submission of campaign finance reports by the contestants. The system also functioned as a communication tool between the PEBs, DEC and CEC, including for the prompt tabulation and the announcement of preliminary results. On election day, a voter at the polling station could be checked against a national database to establish if s/he had already voted, which provided an additional safeguard against multiple voting.<sup>20</sup> Overall, the SAISE has considerably helped to facilitate electoral operations.

The CEC adopted a number of regulations and instructions for these elections, including on campaign rules, on mobile voting, on election day procedures and voting by voters without domicile and residence and by students, which supplemented the legal framework.<sup>21</sup> However, some areas, for example those

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<sup>16</sup> The 38 electoral districts established by the CEC, include one with a DEC in Chişinău for voting abroad and one located in Chişinău to administer polling for voters from the localities on the left bank of Nistru river, which are not under the control of the constitutional authorities of the Republic of Moldova, where, as in the past, voting did not take place.

<sup>17</sup> The DEC consists of 7 to 11 members. Local councils and courts nominate two DEC members each. The DEC establishes the PEB which consists of 5 to 11 members, including 3 nominated by local councils. Each parliamentary party has the right to nominate one member to each DEC and PEB.

<sup>18</sup> According to the CEC, 1,761 PEB chairs (82 per cent), 1,506 deputy chairs (70 per cent), and 1,921 secretaries (89 per cent) were women.

<sup>19</sup> On 30 April, the CEC estimated the budget for these elections in the amount of MDL 125 million (EUR 1 is approximately MDL 21.5 (Moldovan *Lei*). On 12 May, the Ministry of Finance allocated MDL 70 million, with the remaining budget pending further review. After the elections, on 14 July, the government approved an additional MDL 22.4 million.

<sup>20</sup> According to the CEC, only two cases of attempted multiple voting were reported, and both proved to be false.

<sup>21</sup> Voters who stayed in health and penitentiary institutions on election day voted through a mobile ballot box. Also, if for health or other well-grounded reasons (age, disability) a voter was not able to come to the polling station, s/he was able to request to be served with a mobile ballot box at home.

related to voters' data in the lists and ballot recounts, were not addressed by regulations, leaving room for confusion and inconsistent implementation.<sup>22</sup>

The CEC sessions were open to observers and media and streamed online, and later uploaded to its YouTube channel.<sup>23</sup> The meetings were announced in advance, and most of the minutes and decisions were published on the CEC's website in a timely manner, enhancing transparency. The DEC sessions were generally competent and well-prepared. However, DEC sessions observed by the ODIHR EOM were not announced in advance. While observers may request copies of DEC decisions and some decisions were posted at DEC premises, DEC sessions are not required by law to publish their decisions. This limits public access to information of public interest, such as decisions on appointment of PEB members and accredited party observers, decreasing transparency of the election administration. The PEBs were established on time; however, ODIHR EOM observers noted that PEB premises were often closed and members were not always present during the office hours, limiting access of voters.<sup>24</sup>

*To enhance the transparency of the election administration, the publication of all DEC decisions should be required.*

In general, the election stakeholders expressed confidence in the technical abilities and efficiency of the election administration. At the same time, the impartiality of the CEC was undermined by decisions adopted with regard to establishing polling stations (PS) abroad and for voters residing in Transnistria, as well as its lack of action to address concerns about the potential transportation of voters on election day. In debating and voting on these matters, CEC members appeared to follow partisan lines, diminishing the neutrality and collegiality of the commission.<sup>25</sup>

*To provide sufficient safeguards for the CEC's institutional impartiality and political neutrality, consideration could be given to reviewing the mechanism of nomination and appointment of the CEC.*

The CEC's decision of 5 June to establish 139 PS abroad was followed by public protests and statements from some government members and civil society, criticizing the low number of the PS and the CEC's

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<sup>22</sup> In particular, in some polling stations observed on the election day, the PEBs did not allow IEOM observers to inspect the voter lists, citing confidentiality of voters' personal data. Such restrictions were not contained in PEB manuals. Also, the possible recount of ballots was not regulated by the CEC.

<sup>23</sup> Some CEC members joined sessions remotely only.

<sup>24</sup> Observed by the ODIHR EOM in Anenii Noi, Cahul, Causeni, Chişinău, Criuleni, Dubăsari, Floresti, Leova, Nisporeni, Orhei, Singerei, Soldanesti, Soroca, Stefan Voda and Rezina. By law, voters were entitled to submit requests for absentee voting certificates, and check their personal data in the voter lists at the PEBs from 21 June until 10 July. Requests for mobile voting could be made between 27 June and 10 July and until 15:00 on election day, based on a health certificate (in suspected COVID-19 cases no certificate was required).

<sup>25</sup> On 5 June, CEC members discussed and voted on the proposed numbers of the PS abroad and for voters in Transnistria in line with the positions of political parties which nominated them. The initial proposal by the CEC chairman (nominated by PAS) to establish 162 PS abroad was challenged by the CEC secretary (nominated by PSRM), who offered to reduce the number to 139; the latter proposal was adopted. A similar pattern was noted on 7 July during the CEC's lengthy discussion of the issue on voter transportation on election day. While the CEC secretary temporarily recused himself during the discussions of matters related to the BeCS bloc due to conflict of interest (as his brother was a candidate on BeCS list), he played an active role in the discussion of other matters that could potentially involve conflict of interest.

application of the legal criteria.<sup>26</sup> These decisions also generated tensions among the CEC members.<sup>27</sup> On 8 June, the CEC revised its decision and increased the number of the PS abroad to 146. Following legal challenges by seven political parties, the Chişinău Court of Appeal annulled the CEC's decision of 8 June, ordering it to revise the number of the PS abroad, taking into account the MFAEI opinion. Subsequently, on 23 June, the CEC increased the number of the PS to 150.<sup>28</sup> Several ODIHR EOM interlocutors advocated for a clearer division of responsibilities between the CEC and the MFAEI for administering the process of voting abroad and for exploring alternative voting methods.

The CEC and its Centre for Continuous Electoral Training (CICDE) offered extensive training online and in-person for DEC and PEB members.<sup>29</sup> The training of PEB members observed by the ODIHR EOM was overall interactive and efficient. The voter information campaign organized by the CICDE was comprehensive and inclusive, addressing, among other issues, accessibility of polling for voters with disabilities, vote-buying, and epidemiological measures. It featured podcasts, videos, TV spots and posts in social networks in the state language and Russian, with sign language interpretation. To enhance accessibility of the process for voters with disabilities, the CEC equipped the PS with special voting booths, magnifying lenses and tactile ballot frames, a guide for voters in sign language, and an audio guide.

## VI. VOTER REGISTRATION

The voter registration system is passive and based on data extracted from the state population register maintained by the Public Services Agency. The centralized State Register of Voters (SRV) is maintained and updated by the CEC. Every citizen over the age of 18 by election day is eligible to vote, except those deprived of the right to vote by a court decision.<sup>30</sup> Deprivation of the right to vote on the basis of a mental disability is contrary to international obligations and standards.<sup>31</sup>

*The possibility for deprivation of voting rights should be reconsidered to exclude discrimination on the basis of a mental disability, in line with international standards.*

The SRV, which is updated on a daily basis, included 3,282,837 voters before these elections. Of these, 2,786,446 voters with registered residence or domicile were included in the main voter lists. Voters without domicile and residence, including those living abroad and voters residing in Transnistria, are not

<sup>26</sup> The CEC decision on the number of the PS abroad is to be taken based on the MFAEI proposal as well as voter turnout in the last election in a given country, the number of voters who pre-registered to vote there, and data on Moldovan citizens residing in a foreign country obtained by the MFAEI. While the voter turnout in the 2020 presidential election was higher than in previous elections, and the number of pre-registrations for voting abroad increased compared to 2020, the number of the PS established for these elections was initially the same as in 2020. The MFAEI initially proposed to the CEC opening 191 PS in 38 countries, doubling the number of the PS in places where around 5,000 voters voted in 2020.

<sup>27</sup> On 8 June, the CEC chairperson lodged a police report alleging that he had received physical threats from some colleagues in connection with the initial decision on the PS abroad.

<sup>28</sup> Additional PS were established in Germany (2), the United Kingdom, and the United States. This decision of the CEC was unsuccessfully challenged by several parties in the courts.

<sup>29</sup> Online training was offered to all DEC and PEB members through a video-conference. In-person training was provided for most of DEC members as well as for PEB leadership and the first-time members. The remaining PEB members were supposed to be trained by those who attended the training.

<sup>30</sup> Under the Civil Procedure Code, a court may deprive a person of the right to vote based on several grounds, in the context of guardianship proceedings.

<sup>31</sup> According to Articles 12 and 29 of the [UN Convention on the Rights of Persons with Disabilities](#) (CRPD), “State Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and ensure their “right and opportunity [...] to vote and be elected”. Paragraph 48 of General Comment No. 1 to Article 12 of the CRPD states that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election”.

included in the main voter lists and could be added to additional voter lists on the election day.<sup>32</sup> There is no register for voters abroad, which could inform decision-making on the PS abroad and facilitate greater accuracy of voter registration.<sup>33</sup>

The legal framework ensures the transparency and accessibility of voter lists, with public display of voter lists at the PEBs as well as availability of the lists in a searchable and downloadable format online.<sup>34</sup> From 21 June to 10 July, voters had sufficient opportunity to request corrections of their data and submit complaints on inaccuracies in voter lists to the PEBs; the updates were reflected in the SAISE. The voter lists were available for public scrutiny upon request at most polling stations visited by the ODIHR EOM before election day. However, voter lists were not always displayed, as prescribed by the law.

Most ODIHR IEOM interlocutors were content with the accuracy of the voter register.<sup>35</sup> However, the law does not provide for an automatic removal of data on deceased people from the voter register, therefore the long-standing problem of deceased people on the voter lists remained, especially regarding voters who resided abroad or in Transnistria.<sup>36</sup>

*The authorities should continue efforts to improve the accuracy of voter lists, including the development of effective mechanisms for removal of entries of deceased people from the voter register.*

## VII. CANDIDATE REGISTRATION

Eligible voters have the right to be elected, with the exception of active military personnel, convicts serving a prison sentence, individuals whose active criminal records include crimes committed intentionally, and persons deprived of the right to hold positions of responsibility by a final court decision. Citizens can stand as candidates on party or bloc lists as well as independently. The nomination of candidates lasted from 12 May until 11 June. Independent candidates must collect signatures from voters to support their nomination.<sup>37</sup> Contrary to previous ODIHR recommendations and international good practice, voters could sign in support of only one candidate.<sup>38</sup>

*Consideration should be given to amending the law to allow voters to sign in support of more than one candidate.*

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<sup>32</sup> According to the CEC, some 237,300 voters are registered without domicile or residence and some 258,600 voters residing in Transnistria.

<sup>33</sup> Optional online pre-registration for voters residing in Transnistria and abroad was available throughout the year. According to the CEC, the pre-registration was open until 26 May; 99,908 voters abroad and 256 voters in Transnistria used this opportunity.

<sup>34</sup> Only simplified voter lists, containing voters' names, surnames and years of birth may be published for public scrutiny.

<sup>35</sup> Access to the complete version of the voter lists with addresses may also be granted to the electoral stakeholders based on the declaration of non-disclosure of personal data.

<sup>36</sup> The death certificate should be submitted by the relatives of the deceased to the relevant authorities. The Public Services Agency (PSA) informed the ODIHR EOM about plans for regulatory changes to provide for communication of the death certificate directly to the Agency by the competent authorities. According to the CEC and the PSA, deaths abroad and in Transnistria are often not reported to the Moldovan authorities.

<sup>37</sup> Male candidates should submit between 2,000 and 2,500 signatures, while for female candidates the minimum is 1,000 signatures.

<sup>38</sup> Paragraph 96 of the [2020 OSCE/ODIHR and Council of Europe Venice Commission Guidelines on Political Party Regulation \(2<sup>nd</sup> Edition\)](#) states that "legislation should not limit a citizen or other individual to signing a supporting list for only one party".

In an inclusive process, the CEC registered all 20 parties and two blocs that submitted candidate lists and one of the two independent candidates that applied.<sup>39</sup> Seven new parties have been formed since the 2019 parliamentary elections, five of which contested the elections for the first time.<sup>40</sup> An unsuccessful legal challenge to the registration of the Alliance for the Union of Romanians (AUR) candidate list was made, alleging that the party's list was a hidden bloc.<sup>41</sup>

While the Law on Political Parties requires a party's name, abbreviation and symbols to be "clearly distinguishable" from other registered parties, the Election Code only prohibits "identical" symbols on the ballot. In the run-up to the election, the New Historical Option Party (PNOI) sought to change its name to the Alternative and Chances Party, which in the state language would have had an acronym "PAȘ", a very similar acronym to PAS. The Public Services Agency, which registers political parties, declined to effect PNOI's name change, and the CEC rejected PNOI's chosen ballot symbol, which was graphically identical to that of PAS.<sup>42</sup> Although these decisions prevented potential misuse and confusion for voters, the legal framework should be strengthened and consistent.

*Consideration should be given to reviewing the legal provisions on party names, acronyms, and registered symbols to ensure that the framework clearly and uniformly protects against the misuse of similar names and symbols to confuse voters.*

All registered lists complied with the legal gender quota and placement requirements. Women constituted approximately 47 per cent of the 1,791 registered candidates. Eight parties nominated more women than men, and four lists were led by women.<sup>43</sup> The wide field of contestants provided voters with a broad range of political alternatives.

## VIII. ELECTION CAMPAIGN

The law provides that parties, blocs and candidates have equal opportunities to campaign, and affords candidates certain legal protections.<sup>44</sup> However, it is prohibited to campaign for election prior to candidate registration.<sup>45</sup> Contestants could start election campaigning immediately after registration by the CEC.

Despite certain limitations on gatherings and other campaign activities resulting from COVID-related public health measures, contestants were able to campaign effectively and were visible throughout most

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<sup>39</sup> The PSRM formed an electoral bloc with the Party of Communists of Moldova (PCRM) – the Electoral Bloc of Communists and Socialists (BeCS). The Bloc Renato Usatîi (BeRU) was composed of "Our Party" (PN) and Patria Party (PP). The second applicant submitted less than the required 2,000 supporting signatures and was not registered. He challenged the decision in court, unsuccessfully arguing that the requirement for male candidates to collect more signatures than for female candidates was unconstitutional.

<sup>40</sup> A 2020 Constitutional Court decision ruled unconstitutional the requirement for parties to have at least 4,000 members in order to be registered; it was subsequently reduced to 1,000.

<sup>41</sup> The candidate list of the Alliance for the Union of Romanians (AUR) contained the names of two persons who are listed on the website of the PSA as chairpersons of other parties.

<sup>42</sup> Except for using the letter "Ș" rather than "S". The party unsuccessfully challenged the decisions in court.

<sup>43</sup> Women who led the lists were Victoria Grosu-Vremeș (AUR); Olga Afanas (Green Party); Mariana Durleșteanu (Law and Justice Party), and Svetlana Chesari (New Historical Options Party).

<sup>44</sup> Candidates cannot be unilaterally dismissed or transferred from their full-time job and are protected from certain actions by law enforcement, without the consent of the CEC, except for flagrant offences.

<sup>45</sup> The Election Code defines campaigning as preparing and disseminating information "which contains a call to participate in voting with the aim to influence voters to give their vote to one or another competitor". See Article 19(2) of the [ICCPR](#) and Article 10 of the [European Convention on Human Rights](#).

of the country.<sup>46</sup> In addition to a few large rallies, campaigning was conducted through traditional and online media, leafleting, campaign stands in public areas, door-to-door canvassing, gatherings, and billboard advertisements. Most contestants used social networks intensively, in particular to broadcast campaign activity and political views. In general, men were more visible than women as speakers at campaign events. Most outdoor campaign venues observed by the ODIHR EOM were accessible for persons with disabilities. Overall, election campaigning in the public space, as observed by the ODIHR EOM, was low-key, although its intensity increased as the election day approached.

The main campaign themes included economy and regional development, tackling corruption, social and welfare provision, and judicial reform. Other than for the two parties advocating the unification of Moldova with Romania, geopolitical orientation was not a major campaign topic. CEC decisions on the number and location of polling stations abroad and for voters in Transnistria became part of the political discourse during the campaign period.

The ODIHR EOM observed that during the campaign fundamental freedoms of assembly, expression, and movement were largely respected.<sup>47</sup> With some exceptions, local government authorities complied with their legal obligations to provide space to display campaign materials and treated contestants equally in their access to public spaces and buildings to conduct campaigning.<sup>48</sup> Overall, the campaign atmosphere was calm, despite a few isolated incidents.<sup>49</sup> The police investigated various election-related offenses.<sup>50</sup>

The CEC invited election contestants and media outlets to sign a voluntary Code of Conduct for campaigning which, reflecting a previous ODIHR recommendation, includes a commitment to not incite discrimination, hatred or violence in public speeches, in traditional and online media, and election materials. However, only seven parties and no media outlets agreed to abide by this Code.<sup>51</sup> At times, campaign rhetoric involved intolerant language that intensified at the end of the campaign and was, in particular, directed at women and sexual minorities.<sup>52</sup> However, no instances that would clearly

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<sup>46</sup> Limitations curtailed the number of attendees for indoor events and the number of campaigners engaging in street and door-to-door canvassing. BeCS, PAS, Șor, BeRU, PDM and PPDA all held over 100 gatherings during the campaign period. The ODIHR EOM observed 46 campaign events throughout the country.

<sup>47</sup> Parties were not able to undertake election campaign activity in person in Transnistria. AUR campaign activists were prevented on three occasions from entering localities in Transnistria and complained to the CEC to that effect.

<sup>48</sup> Exceptions were reported to the ODIHR EOM, among others, in Dubăsari district, where PAS alleged differential treatment in communes governed by the PSRM; in Bălți municipality, where PDM, PPDA, and AUR complained of unequal access to public companies to campaign. In Orhei, the city council cited a previous block booking of public spaces between 4 February and 31 December to deny parties' requests to hold campaign events in central areas of the town.

<sup>49</sup> There were physical altercations between AUR and BeCS candidates and campaign activists on 4 and 7 July in Chișinău, and on 11 June, AUR's campaign bus was damaged in Căușeni by the supporter of a rival contestant.

<sup>50</sup> According to the General Inspectorate of Police, as of 8 July, the police had recorded 34 cases regarding campaign materials, mostly related to unauthorised display; 9 cases of damage or theft of electoral campaign materials, and 36 regarding other violations, including insult and minor hooliganism. Some cases were closed, in others sanctions were imposed, and some were under investigation.

<sup>51</sup> Șor Party, PDM, Joint Action - the Civic Congress Party (PACCC), political association "Hope" (MSN), Party of Law and Justice (PLD) and NOI.

<sup>52</sup> This was noted at some BeCS rallies attended by the ODIHR EOM. In Bălți, a speaker stated that adopting European values would lead to children having two fathers and wanting to change gender at a very young age. Also in Bălți, Igor Dodon used language to refer to political rivals from BeRU as gay men. In Sorooca, a BeCS speaker questioned the gender of Maia Sandu.

constitute incitement to discrimination, hostility or violence under international standards were noted by the ODIHR EOM.<sup>53</sup>

Over 50 elected local officials were registered as candidates and signed declarations suspending their official functions, including mayors and deputy mayors, and presidents and vice-presidents of district councils.<sup>54</sup> The ODIHR EOM observed that many elected local office holders were active in campaigning, largely within limits set by law,<sup>55</sup> although some local authorities lent support to contestants using public resources and some local officials who were candidates continued with their official duties.<sup>56</sup> President Sandu undertook a wide range of activities in Moldova and abroad, during which she called on voters to deliver a stable parliamentary majority.<sup>57</sup> These actions were widely perceived to benefit PAS' campaign and several complaints on the President's activities were filed.<sup>58</sup> On election day, after she voted, President Sandu encouraged citizens to "take the next step (*'pas'*)".<sup>59</sup>

In some districts, the ODIHR EOM received credible allegations that public sector workers and other citizens were pressured to attend campaign events.<sup>60</sup> This is at odds with OSCE commitments and international standards, and insufficient action was undertaken to address the issue.<sup>61</sup> In a few districts, ODIHR EOM interlocutors perceived that retention of employment, including in the civil service and public sector, was linked to party affiliation.<sup>62</sup> During the pre-election period, the Congress of Moldovan

<sup>53</sup> The [2013 Rabat Plan of Action](#), an initiative of the UN High Commissioner for Human Rights, suggests a high threshold for restrictions on freedom of expression, incitement to hatred, and for the application of Article 20.2 of the [ICCPR](#). Also, the [2006 Joint Declaration](#) by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR (African Commission on Human and Peoples' Rights) Special Rapporteur on Freedom of Expression states that "Although it is legitimate to sanction advocacy that constitutes incitement to hatred, it is not legitimate to prohibit merely offensive speech."

<sup>54</sup> According to the Election Code, candidates holding specific public positions, including mayors and district presidents, must suspend their official activity.

<sup>55</sup> The Law on Public Dignitaries provides that during the exercise of their duties, public dignitaries should abstain from: propagating the ideology of a political party; collecting funds for a party; using administrative (public) resources for [the benefit of] a party; distribute material in the name of a party, or create party groups in the workplace.

<sup>56</sup> For example, in Taraclia district, the mayor of Comgaz attended a PSRM event and presented a public service award to a BeCS candidate. In Glodeni District, the mayor of Bălți attended a number of events organised by local authorities to mark local anniversaries during which he campaigned. In Aneni Noi, several candidates who were local officials campaigned while continuing their official duties.

<sup>57</sup> In her report on the first six months in office, issued on 24 June, the President wished to "work in the coming years with a Parliament in which deputies think about how to solve the serious problems we face and not how to invent laws that allow them to steal."

<sup>58</sup> In 2017, the Constitutional Court held that the constitutional requirement for the President of Moldova to renounce political party membership includes an obligation to act in the interests of the entire society, and not for the benefit of a political group or a party, and that the President cannot promote in any way the interests of a political party. Complaints were lodged with the CEC by BeCS, Party "Build Europe at Home" (PACE), and private individuals. On 3 July, the CEC sent a letter to the President and PAS that drew attention to the fact that the President should respect norms on equal campaigning.

<sup>59</sup> These comments appeared on the [presidency's official website](#) and on Ms Sandu's Facebook account. In the state language, the word "step" is "*pas*", which is also the abbreviation of the political party that Ms. Sandu led until her election as President.

<sup>60</sup> For example, in Briceni, PAS alleged that a school director mobilised colleagues to attend a PSRM event for fear of losing her job. In Cimișlia district, the Party of Development and Consolidation of Moldova (PDCM) alleged that PAS representative in the district, who is also the director of a local company, was putting pressure on his employees to vote for PAS.

<sup>61</sup> Paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) provides for "a clear separation between State and political parties". See Also Paragraph 7.7 of the [1990 OSCE Copenhagen Document](#) and [ODIHR and the Venice Commission Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#).

<sup>62</sup> The ODIHR EOM received reports on such cases in Briceni, Edineț, Chișinău, Cimișlia, Nisporeni, Orhei and Strașeni districts.

Local Authorities (CALM) alleged that pressure on mayors by law-enforcement and public-integrity agencies was initiated “to make [local elected officials] give up the election campaign or side with other parties”.<sup>63</sup> On 16 June, President Sandu called on political parties and state agencies to not put pressure on mayors.

*To promote a level campaign playing field, mechanisms to enforce separation of official functions and party activity of public dignitaries should be enforced, and the misuse of public office should be dealt with by the relevant authorities effectively and expeditiously.*

The law prohibits contestants from offering money or free-of-charge goods to voters, including humanitarian aid or other charity actions. Nevertheless, the ODIHR EOM received allegations that some parties offered inducements to voters.<sup>64</sup> The mutual promotion of the Șor Party and the Merișor grocery chain that is affiliated with this party, led to a frequently aired concern that economic incentives were being used to create political loyalty to the party.<sup>65</sup> Suspicions that vote buying targeting voters resident in Transnistria were often aired. The police informed the ODIHR EOM that on election day it recorded 15 cases of reasonable suspicion of vote buying. The offering of inducements to voters erodes public confidence in the integrity of elections and is against international standards.<sup>66</sup>

*To instil confidence in the integrity of the electoral process, the competent authorities should promptly and thoroughly investigate credible allegations of vote-buying and illegal inducements of voters and apply appropriate sanctions.*

A campaign silence period began on 10 July, the day before election day.<sup>67</sup> The CEC received several complaints related to violation of the campaign silence and the police investigated 25 reports of campaigning on election day.<sup>68</sup>

## IX. CAMPAIGN FINANCE

The legal framework for campaign finance established in the Election Code and Law on Political Parties has been improved over the years, particularly with regard to limitations on donations and spending and reporting requirements, contributing to a level playing field and transparency. However, some previous recommendations by ODIHR, the Venice Commission and the Council of Europe’s Group of State’s against Corruption (GRECO) remain unaddressed, including to regulate third-party financing and to strengthen campaign finance oversight to ensure greater transparency and accountability.

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<sup>63</sup> The CALM issued statements on 31 May and 16 June reporting that investigations have been launched against elected local officials in several districts based on the complaint of Vasile Bolea, a PSRM MP.

<sup>64</sup> On 9 July, the National Anticorruption Center received a petition from a group of Soroca district residents alleging that a local Mayor had received money from Șor Party to be used for vote-buying. The National Unity Party (PUN) filed a complaint with the Anticorruption Prosecutor’s Office alleging the vote buying by Șor Party through its links to the Merișor shops. At the campaign event in Riscani observed by the ODIHR EOM on 3 July, Mr. Dodon (BeCS) promised presents to the voters.

<sup>65</sup> Merișor enterprise has over 30 supermarkets throughout the country, which offer discounted groceries, and is listed by the party website as one of its projects. Additional mobile shops appeared during the election period. According to the National Center for Personal Data Protection, “Magazine Sociale” LLC, the legal entity that manages Merișor shops, is also registered as a personal data operator. The company has not reported a profit. In July 2020, Ilan Șor stated that “Everything the Șor Party does, including this wonderful project, it does for the citizens. I hope that in the near future the Merișor shops network will expand to over 200 units, so that every inhabitant of the country will have access to them and can save money.”

<sup>66</sup> According to [General Comment 25 on ICCPR](#) article 25, paragraph 19: “Voters should be able to form opinions independently, free of [...] inducement or manipulative interference of any kind.”

<sup>67</sup> The campaign silence does not apply to campaign materials previously displayed or posted online.

<sup>68</sup> Complaints were filed by BeRU against PACE, PPDA (two cases), PAS and BeCS.



Campaigns are financed from public and private sources. Parties and blocs receive annual public funding based on past election performance and the number of women and youth elected, which can be used for campaign purposes.<sup>69</sup> Contestants' own contributions are unlimited within the effective spending limit, which amounts to MDL 21 million for parties and blocs and MDL 110,000 for independents.<sup>70</sup> Contestants can receive an interest-free state loan, which is written off based on votes received.<sup>71</sup> Private donations are allowed from individuals and legal entities, both monetary and in-kind, with established limits.<sup>72</sup> Anonymous and foreign citizen donations, as well as donations from public, non-commercial, charitable, trade-union, religious, and foreign organizations are prohibited.

All campaign income and expenses must be transacted through a dedicated bank account (campaign fund). A contestant may also notify the CEC that an account will not be opened due to an intention not to collect or spend campaign funds, but there are no deadlines for opening the account or such notification.<sup>73</sup> Election contestants must submit weekly campaign finance reports to the CEC, in a standard template, which are to be posted online within 48 hours. A final accumulated report is due not later than two days before election day, which may not allow sufficient time for complete reporting, as noted in previous ODIHR reports.

The CEC is responsible for campaign finance oversight. Campaign finance weekly reports were generally filed on time in a standard detailed template, and the CEC posted them timely, contributing to transparency. The final accumulated reports were submitted by all parties, blocs and the independent candidate and posted online before election day. Donations were an important part of contestants' campaign income (74.5 per cent), with the remaining expenditure coming from parties' own resources.<sup>74</sup> The total value of in-kind (non-monetary) donations, including volunteers, was reported at some 3 million MDL. Combined, the contestants reported spending approximately 40.3 million MDL.<sup>75</sup> Most of the declared spending was on advertising and promotional materials, with the majority of advertising spending going to TV advertising.<sup>76</sup> Non-promotional expenses included transportation, organising events and remuneration.

At the same time, the completeness and accuracy of campaign finance reporting was challenged by shortcomings in regulation and enforcement. Reports were not accompanied by supporting documentation and, according to the CEC, it does not have the authority to request primary documents,

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<sup>69</sup> Up to a total of 0.1 per cent of the state budget is provided to parties/blocs, with MDL 20,707,070 allocated for 2021.

<sup>70</sup> The maximum amount of "electoral fund" is the effective spending limit. The limit for independent candidates did not change from the previous mixed system, when they competed in majoritarian districts.

<sup>71</sup> The maximum for the state loan was MDL 50,000 for parties/blocs and MDL 10,000 for independents. No contestant took out such a loan.

<sup>72</sup> Individuals could donate up to six average monthly salaries, MDL 52,300, up to half in cash, while Moldovans with foreign income can donate half the limit. Legal entities could donate up to MDL 104,600. Public servants and officials can donate up to 10 per cent of their salary or six months average salary, whichever is less.

<sup>73</sup> All contestants opened campaign accounts, except for the independent candidate, Green Party, party "Moldova's Patriots", and political party "Hope"; only the latter declared its intention not to accumulate or spend any money. Two parties ("Build Europe at Home" and PLD) complained of banks delaying establishing their campaign accounts, leading to a delay in the parties launching their campaigns.

<sup>74</sup> The vast majority of donations were made by natural persons resident in Moldova.

<sup>75</sup> The highest spending was reported by BeRU (MDL 13.7 million), PAS (MDL 6.4 million), BeCS (MDL 6.4 million) and Șor (MDL 5.4 million). Five contestants reported that they did not spend any money on their campaigns and four of these did not declare any in-kind donations.

<sup>76</sup> Combined, the four top-scoring parties spent 64.8 per cent of their total expenditure on advertising and 20.3 per cent on promotional materials. Of the funds devoted to advertising, TV accounted for 63 per cent, and the rest was spent on online and printed media, radio, and billboards. While BeCS spent twice as much on radio advertising as TV advertising, PAS spent almost 31 per cent of its advertising expenditure on online media.

conduct field monitoring, and investigate potential violations.<sup>77</sup> In conjunction with insufficient resources and expertise, this limited its ability to identify discrepancies in actual and reported spending.<sup>78</sup> The CEC regulations did not set out a method to value in-kind contributions, leading to varying practices. Spending on projects and events which promoted a political party, but fell outside the legal definition of campaigning, was not covered by reporting requirements; neither was spending by third parties.<sup>79</sup> A number of ODIHR EOM interlocutors, including the CEC, raised concerns about instances of the prohibited practice of potentially large donations being split up and made through proxy individuals, thereby circumventing the donation limits.<sup>80</sup>

*The legal framework for campaign finance should provide the oversight body the capacity to investigate sources of donations and potential discrepancies between actual and reported spending. Consideration should be given to introducing the legal requirement that donors declare that donations are in compliance with the law, subject to an established penalty. As previously recommended, the legislation should address third-party financing.*

The CEC's performance in its oversight role lacked diligence and rigour. In practice, the CEC's review is limited to checking the contestants' reports against bank records and verifying compliance with donation limits. The CEC identified various breaches, including the late submissions of reports, incomplete or improperly filled out donor declarations and reporting templates, and donations that exceeded the cash limits or came from prohibited sources.<sup>81</sup> While the legislation establishes financial penalties for such offences, the CEC did not use its powers to refer the matters for imposition of fines by the courts, even for repeated breaches by the same party. Rather, contestants were instructed to change or complete their reports to correspond with the templates or bank documents, or to transfer illegal donations to the state budget, and some warnings were issued.<sup>82</sup> The CEC maintained that it does not have the capacity and the authority to investigate potential violations. The lax enforcement undermined the effectiveness of campaign finance regulations.

*To enhance transparency and accountability of campaign finance, the oversight body should be equipped with adequate authority, resources, and technical expertise to exercise its functions effectively. To deter violations, proportionate sanctions should be applied for established breaches of regulations.*

## X. NATIONAL MINORITIES

According to the 2014 census, about a quarter of the Moldovan population identified themselves as belonging to a national minority, with Ukrainians (6.6 per cent), Gagauz (4.6 per cent), Russians (4.1 per

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<sup>77</sup> In May, the Supreme Security Council, an advisory body under the President of Moldova, recommended to the CEC to set up an inter-agency working group to detect and investigate actions of illegal campaign financing. The CEC did not address the proposal, nor did it refer any matters to law enforcement for investigation.

<sup>78</sup> Based on its field monitoring, NGO Promo-LEX reported discrepancies in actual and reported spending on campaign materials and staff by some parties.

<sup>79</sup> In June, the PSRM held events throughout the country promoting traditional family values, which did not include a call for voters to vote for BeCS and did not use BeCS election campaign materials. Merișor grocery chain promoted the Șor Party. A political party lodged an unsuccessful complaint calling for de-registration of the Șor party for failing to declare expenses related to the management of Merișor, an affiliated discount grocery chain.

<sup>80</sup> The CEC identified that some 12 per cent of donors to 17 parties, who donated more than MDL 2 million, did not have declared income from the past three years that corresponded to the amount of their donations, but no further investigations were undertaken. The CEC also identified eight parties that had multiple donors with incorrectly declared ID numbers.

<sup>81</sup> For example, the CEC found that PAS, PPDA, and the Party of Development and Consolidation of Moldova had received donations from unauthorised sources, and that AUR had received a cash donation in excess of the limit.

<sup>82</sup> The Security and Intelligence Service requested the CEC to address suspected unlawful foreign support of the AUR party's campaign. The CEC subsequently warned AUR for incorrectly reporting donations.

cent), Bulgarians (1.9 per cent) and Roma (0.3 per cent) being the most numerous.<sup>83</sup> Some minority communities are geographically concentrated, while others, such as Ukrainians, Russians, and Roma, reside in various parts of the country.<sup>84</sup> With the exception of Roma, minorities are predominantly Russian-speaking. Candidates from national minorities were included in the electoral lists of some parties and blocs, and led at least two party lists. At the same time, there is no proactive strategy or special measures to promote national minority political participation.<sup>85</sup>

Issues pertinent to national minorities, such as language policy, were not high on the agenda of the larger parties. Many ODIHR EOM interlocutors indicated that geopolitical orientation and economic issues were seen to be of greater importance by minority communities than ethnic or linguistic identity.<sup>86</sup> The ODIHR EOM observed campaign events also in the localities where national minorities are present in significant numbers or are a majority. Both the state language and Russian were used in these campaign events, with the choice often corresponding to the preferences of the audience. Ballots were printed in these two languages, taking into account the needs expressed by the PEBs.<sup>87</sup>

## XI. MEDIA

### A. ENVIRONMENT

A large number of broadcasters and a growing number of online media outlets are active in the country, while the circulation of print media is decreasing.<sup>88</sup> A lack of revenues in an insufficient advertising market undermines the sustainability of media outlets and results in dependence on financing by political and economic interests. According to ODIHR EOM interlocutors, at least seven TV stations with nationwide coverage are controlled by political actors directly affiliated with contesting political parties.<sup>89</sup> Furthermore, interference into the advertising market and irregularities in audience measurement undermine the level playing field for media outlets.<sup>90</sup> Legislation, including the competition law, is not

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<sup>83</sup> The census did not cover the territories not controlled by the Moldovan constitutional authorities.

<sup>84</sup> In the Autonomous Unit of Gagauzia, the Gagauz make over 80 per cent of the population.

<sup>85</sup> The [1999 OSCE HCNM Lund recommendations on the Effective Participation of National Minorities in Public Life](#) advise that “[i]deally, parties should be open and should cut across narrow ethnic issues; thus, mainstream parties should seek to include members of minorities to reduce the need or desire for ethnic parties.

<sup>86</sup> For example, pro-Romanian “unionist” parties’ campaigners were received with hostility in predominantly “pro-Russian” Gagauzia. “Pro-Russian” Roma communities in the Otaci (Ocnîța district) did not welcome a Roma candidate from PAS.

<sup>87</sup> For example, in Gagauzia, 94.6 per cent of ballots were printed in Russian, 5.4 per cent in the state language (none in the Gagauz language). Around 91 per cent of ballots for Taraclia, which has sizable Bulgarian communities, were printed in Russian. In two communes of the Criuleni district, the PEBs requested more ballots in Russian language than in the state language. In other districts, the majority of ballots were in the state language.

<sup>88</sup> The Audiovisual Council, the broadcast regulator, has licensed 56 television stations, including 13 with nation-wide coverage, and 62 radio stations.

<sup>89</sup> Former PDM leader Vladimir Plahotniuc is widely believed to be the beneficial owner of *Prime TV*, *Publika TV*, *Canal2* and *Canal3*; PSRM leader, Mr. Dodon, – of *Primul in Moldova* and *NTV*; Ilan Șor – of *TV6*.

<sup>90</sup> Following a complaint by four TV stations, the Competition Council, on 4 August 2020, decided to fine the advertising sales house *Casa Media*, associated with Vladimir Plahotniuc, for favouring politically-controlled media outlets. In 2019, the *Independent Media House* was founded with support of international donors in order to subsidize advertising placed in “independent” media outlets. Several ODIHR EOM interlocutors reported significant discrepancies between the “official” audience share rates generated by the TV MR MLD agency and alternative data on TV consumption. TV MR MLD confirmed that they provide audience share rates since 2004. The 2018 Audiovisual Media Service Code stipulates a tender for audience measurement to be conducted by the Audiovisual Council every five years.

implemented to ensure fair and non-discriminatory access to advertising revenues and audience share measurement.<sup>91</sup>

The party affiliation of major media outlets reduces political pluralism, influences the agenda of public debate and undermines the watchdog function of media. The interference into editorial autonomy results in self-censorship of journalists and renders self-regulation ineffective. Independent news production and investigative journalism significantly rely on international funding.<sup>92</sup>

*Competition law, including credible and transparent conduct of audience share measurement, should be enforced to prevent individual actors from acquiring excessive market power to the detriment of media pluralism.*

## B. LEGAL FRAMEWORK

The Constitution guarantees freedom of expression. The 2010 Law on Freedom of Expression allows for civil defamation lawsuits, but the Contraventions Code still contains defamation provisions, contrary to international standards which require defamation to be treated as a solely civil matter.<sup>93</sup> Media outlets frequently face civil defamation suits, at times claiming exorbitant damages.<sup>94</sup> While courts generally decide in favour of media outlets, defamation suits exert pressure on journalists, in particular during ongoing investigations.<sup>95</sup>

*Legislation should be reviewed to ensure that defamation laws are exclusively civil in nature, in line with international standards, and do not allow for awards of excessive damages.*

Several journalists reported to the ODIHR EOM significant issues with access to public information, which particularly hampers investigative reporting. In addition, courts display an uneven enforcement of the 2000 Law on Access to Information and the right to access public information is not upheld consistently.<sup>96</sup> Further, court rulings on these matters come too late to facilitate investigative reporting.

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<sup>91</sup> See also paragraph 6.c. of the [2018 Joint Declaration](#) on Media Independence and Diversity in the Digital Age by the UN Special Rapporteur on Freedom of Opinion and Expression, OSCE Representative on Freedom of the Media (RFoM) and OAS Special Rapporteur on Freedom of Expression.

<sup>92</sup> See the [2018 Recommendation of the Council of Europe's Committee of Ministers to member States on media pluralism and transparency of media ownership](#) that calls States to guarantee media pluralism, as well as editorial independence for reliable reporting on vital democratic processes such as elections.

<sup>93</sup> See paragraph 1.a.v. of the [2018 Joint Declaration](#) on Media Independence and Diversity in the Digital Age by the UN Special Rapporteur on Freedom of Opinion and Expression, OSCE RFoM and OAS Special Rapporteur on Freedom of Expression. Furthermore, while Article 70 of the Contraventions Code defines “slander” as “knowingly spreading false information that defames another person”, which is in line with international standards for defamation provisions, Article 69 of the Contraventions Code contains two “insult” provisions which are not, by their nature, subject to verification, and therefore do not comply with international standards. See also paragraph 47 of the [2011 CCPR General Comment No.34 to the ICCPR](#). The Police informed the ODIHR EOM that between 1 January 2016 and 30 June 2021, 86, 677 cases of alleged violations of Article 69 were reported and a total amount of MDL 44,357,160 of fines was imposed.

<sup>94</sup> Between 12 May and 24 June 2021, four defamation claims were initiated against *Jurnal TV*, including by PCRМ leader Vladimir Voronin who requested an apology and damages in the amount of MDL 300,000 following the TV’s alleged “association in images and words of [Mr. Voronin] with people of homosexual orientation” and “verbal insult”.

<sup>95</sup> On 17 June 2021, an investigative reporting NGO, RISE Moldova, was informed that Ilan Șor filed a defamation suit following a [Facebook post](#) by RISE alleging Ilan Șor’s involvement in organized drug trafficking. In a previous defamation case, the Chișinău Court of Appeals overturned a first instance decision against RISE following intervention by the European Court of Human Rights in March 2019.

<sup>96</sup> In March 2018, the Supreme Court upheld a court decision granting RISE Moldova access to information on a number of criminal investigations. However, the ruling did not set a precedent.

The 2018 Audiovisual Media Services Code aligns broadcasting standards with the EU Audiovisual Media Services Directive. The Code *inter alia* sets content requirements on impartiality and balance in news and current events, including discussion programmes. Despite a previous ODIHR recommendation, a quantitative and qualitative monitoring of news coverage is only conducted during election campaigns, by the Audiovisual Council, the broadcast media oversight body.<sup>97</sup>

*In order to monitor implementation of the provisions on balanced and impartial coverage set out by the Audiovisual Media Services Code, quantitative and qualitative monitoring should be conducted also between elections.*



### C. COVERAGE OF THE CAMPAIGN

[Click Here to Read Media Monitoring Results](#)

The Election Code, supplemented by a CEC regulation, requires fair, accountable, balanced and impartial media coverage of contestants' campaigns. However, the law or regulations do not define such coverage, leaving it to the discretion of the Audiovisual Council. This lack of sufficient guidance is at odds with international standards.<sup>98</sup> A prior ODIHR recommendation on this issue remains unaddressed.

*Campaign coverage requirements should be formulated in line with international standards, to uphold freedom of expression and provide sufficient guidance to journalists. The law should precisely define what constitutes fair, balanced and impartial coverage and what constitutes a violation of the requirement.*

Contestants have to be granted access to political advertising under equal conditions. Broadcasters with nationwide coverage have to provide free airtime for political advertising and are required to organize debates or may rebroadcast debates organised by the national public broadcaster.<sup>99</sup> Some 48 debates were noted by the ODIHR EOM, providing a fair opportunity for the contesting parties to present their platforms and debate each other.

The Audiovisual Council presented its monitoring report covering the period of 12 – 25 June on 30 June and published it two days later.<sup>100</sup> Although the monitoring results disclosed bias displayed by several TV stations, only two public warnings were issued to *10 TV* for biased coverage and disregarding provisions for viewers with special needs. The same broadcaster was fined for not publishing its rules on campaign coverage. In the same meeting, the Council examined a monitoring report by an NGO and two complaints on discriminatory speech by the same NGO. Two additional complaints on biased campaign coverage were filed by a citizen on 29 June. All complaints were rejected.

On 15 July, the Audiovisual Council published its final report.<sup>101</sup> Three public warnings and eight fines, between 5,000 and 12,000 MDL, were issued. In five instances, TV stations were found to have violated provisions on impartiality during the election campaign.<sup>102</sup>

<sup>97</sup> The Audiovisual Council informed the ODIHR EOM of a significant general lack of means, including human resources and adequate equipment.

<sup>98</sup> Paragraph 25 of the [2011 CCPR General Comment No.34 to the ICCPR](#) provides that “[...] a norm, to be characterized as a “law”, must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly.”

<sup>99</sup> During the campaign contestants are entitled to 5 minutes on nationwide TV and 10 minutes on nationwide radio stations. In addition, state broadcasters have to offer one minute per day for free-of-charge political advertising. ODIHR EOM monitoring results reveal that in total approximately 6.5 hours of paid political advertising was broadcast on monitored TV stations. Figures show that BeRU purchased approximately 3 hours of paid advertising, while Șor, PAS and BeCS bought 1.5 hours, 42 minutes and 18 minutes respectively.

<sup>100</sup> While the obligation for impartial media coverage covers the entire electoral period, the Audiovisual Council started monitoring only by the end of the candidate registration process on 11 June.

<sup>101</sup> Article 70.12 of the Election Code requires the Audiovisual Council to publish a final report two days before election day.

<sup>102</sup> *TV6, NTV Moldova, Primul in Moldova, BTV and 10 TV.*

*To enforce existing provisions on impartial coverage during the campaign and to provide for a level campaign playing field, the Audiovisual Council's monitoring reports should be issued in a timely manner and effective measures for violations should be applied immediately. The law should provide for remedies for disadvantaged contestants rather than focusing on sanctioning media outlets.*

Between 10 June and 9 July, the ODIHR EOM monitored five TV stations (*Moldova 1*, *Jurnal TV*, *Prime TV*, *PRO TV* and *NTV*) and four online media outlets (kp.md, newsmaker.md, point.md, and zdg.md). The ODIHR EOM monitoring revealed that public *Moldova 1* was rather balanced in its coverage of the major contestants' campaigns, providing 8, 15, 22 and 10 per cent of news coverage to AUR, BeCS, PAS and PPDA respectively. Other contestants received less than 5 per cent of coverage. *Prime TV* devoted to AUR, BeCS, BeRU, PAS, PPDA and Șor 13, 11, 7, 19, 23 and 13 per cent, respectively. The tone on both TV stations was predominantly neutral or positive.

*NTV* displayed an explicit bias in favour of BeCS and against PAS in both the amount of coverage and tone, devoting 41 per cent to BeCS and 24 per cent to PAS; 70 per cent of the BeCS coverage was in a positive tone, while 69 per cent of the coverage devoted to PAS was in a negative tone. Both *Jurnal TV* and *PRO TV* were biased against BeCS and somewhat favourable to PAS. On *Jurnal TV*, 14 per cent of coverage was devoted to PAS, compared to 12 per cent to BeCS; 31 per cent of the BeCS coverage was in negative tone (59 per cent was neutral and 11 per cent positive), while 35 per cent of PAS coverage was in positive tone (64 per cent was neutral and 1 per cent negative). *PRO TV* devoted 15 and 18 per cent of coverage to BeCS and PAS respectively, with BeCS covered in 37 per cent negatively (63 per cent neutrally and 1 per cent positively) and PAS in 19 per cent positively (74 per cent neutrally and 6 per cent negatively). Most of the monitored online media outlets displayed degrees of bias towards some political parties.

## **XII. COMPLAINTS AND APPEALS**

The complaints and appeals process is regulated by the Election Code, Administrative Code, and Civil Procedure Code. The actions, inactions and decisions of election bodies can be challenged by voters and electoral contestants to the higher-level election body, with further appeal to the courts. The Chișinău Court of Appeal (CCA) has jurisdiction over complaints against CEC decisions. The process for lodging complaints against actions of electoral contestants remains unclear due to the lack of harmonization between the Election Code and the subsequently-adopted Administrative Code.<sup>103</sup> The Supreme Court is the last instance in election cases and can issue advisory opinions on the interpretation of legislation. The Constitutional Court hears cases on the constitutionality of legislative and executive acts and validates the election results.

Public trust in the judiciary is low and some ODIHR EOM interlocutors voiced mistrust in the courts.<sup>104</sup> Judicial reform was high on the agenda of some parties' campaign platforms. Changes in some key judicial appointments during the election period challenged the constitutional guarantee of judicial

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<sup>103</sup> Article 71(1) of the Election Code provides that such complaints are to be lodged directly to the courts. However, the Administrative Code empowers courts to review only complaints against administrative acts.

<sup>104</sup> According to a [2019 public opinion poll](#) conducted by the NGO "Legal Resources Centre of Moldova", seven per cent of the participants expressed trust in the judicial system.

independence, potentially affecting the handling of electoral disputes.<sup>105</sup> In court proceedings of election-related cases, some 15 requests for recusal of judges on grounds of political bias were lodged; a few judges recused. The Constitutional Court faced ongoing political pressures for its election-related rulings.<sup>106</sup>

*Authorities should consider putting in place guarantees to ensure that courts enjoy freedom from political pressures and remain fully impartial in the handling of election-related cases.*

The submission and adjudication of electoral complaints and appeals are subject to expedited timelines, in line with international good practice.<sup>107</sup> The CEC's online complaints registry provided a level of transparency, but the CEC generally did not handle complaints in public sessions, challenging transparency and collegiality of decision-making.<sup>108</sup> Court hearings are open to the public, except for proceedings at the Supreme Court and admissibility hearings at the Constitutional Court, which is not fully in line with international standards.<sup>109</sup> Some court cases were finalised beyond the legal deadline, in part due to requests for recusal of judges and protracted legal arguments on admissibility.<sup>110</sup> Court decisions were generally posted in a timely manner. Decisions to lodge appeals against court rulings that overturned CEC decisions were not formally approved by the CEC members, challenging the commission's collegial nature.

Some 25 complaints were lodged with the CEC before the election day. Most related to the campaign, such as negative campaign rhetoric, allegations of misuse of a public position, and campaign finances.<sup>111</sup> A few complaints were against DEC decisions. The CEC classified some complaints as notifications under the Administrative Code, rather than as complaints under the Election Code, the former subject to less stringent administrative rules.<sup>112</sup> Such classification was done in an apparently arbitrary manner and undermined the due process to be afforded to electoral complaints. Many complaints were denied admissibility on various grounds, including for lack of legal standing, with three appealed

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<sup>105</sup> On 28 May, President Sandu revoked the appointment of the CCA President made by former President Dodon in September 2020. On 7 June, the Supreme Council of Magistracy (SCM) designated one of the CCA vice-presidents as acting president of the CCA. On 10 June, in a long-pending case, the Constitutional Court ruled unconstitutional the increase of SCM members on grounds of irregular parliamentary procedure, which resulted in the revocation of four members' appointments. On 15 June, the SCM acting president was replaced and the new SCM composition appointed a new acting president of the CCA.

<sup>106</sup> On 15 April, former President Dodon publicly stated that the Constitutional Court "abused state power for political interests, violating constitutional norms." The same day, the court received a false bomb threat. On 20 May, the President of the Constitutional Court was put under investigation by the National Integrity Authority for an alleged conflict of interest, for participating in overturning parliament's 23 April decision to revoke her judicial appointment. On 9 July, the Constitutional Court declared unconstitutional Article 19(1) of the Law on the Constitutional Court that had allowed the mandate of a judge to be revoked by relevant authorities based on a finding of conflict of interest.

<sup>107</sup> Election bodies have three days and courts have five days to resolve election-related complaints; the Supreme Court has three days. The general 30-day deadline for administrative complaints applies for the CEC to consider campaign finance complaints.

<sup>108</sup> Some complaints remained in the correspondence registry and were not posted in the complaint registry, or were not posted at all. In practice, claimants received letters signed by the CEC chairperson or deputy chairperson in response to their complaints. The few cases dealt with in sessions were pursuant to court order, but reasoned decisions were not adopted and issued in any case.

<sup>109</sup> [General Comment 32](#) to the ICCPR states that "the publicity of hearings ensures the transparency of proceedings and thus provides an important safeguard for the interest of the individual and of society at large."

<sup>110</sup> For instance, in one case the initial appeal was lodged to the CCA on 7 June and was decided on 8 July.

<sup>111</sup> Several claims accused the President, as well as mayors and councillors, of misusing their position in the campaign.

<sup>112</sup> The CEC maintains two online registries – one for complaints and one for notifications, both sets alleging violations of the law. Notifications under the Administrative Code are subject to the general administrative review process, including a 30-day response deadline, and are to be handled by the CEC secretariat.

to court.<sup>113</sup> Some complaints were forwarded to other authorities, including those without relevant jurisdiction.<sup>114</sup> A relatively low number of complaints were lodged with DECAs and district courts. Nationwide, police received some 140 election-related reports prior to election day, many concerning minor breaches of campaign material rules and disorderly conduct.

*To ensure effective resolution of election disputes, the CEC should consider complaints within the applicable procedural framework, in public sessions and by legal deadlines. To ensure the legality of the electoral process in the public interest, the CEC should avoid a formalistic approach and give substantive consideration to complaints, including notifications that raise concerns of a complaint nature.*

The CCA received 24 appeals challenging 15 CEC decisions.<sup>115</sup> In these cases, stakeholders and adjudicators misinterpreted and misapplied the Administrative Code in a way that undermined effective handling of complaints.<sup>116</sup> In particular, election disputes in the courts were bogged down in arguments on the applicable law in relation to admissibility of the cases, with the CEC regularly arguing for applying the Administrative Code in such a way as to deny admissibility.<sup>117</sup> Four referrals by the CCA and Supreme Court to the Constitutional Court for annulment of several Election Code provisions, sought by participants as a means to clarify rules on admissibility, were deemed inadmissible. Despite the procedural issues raised in the cases being matters of legal interpretation, the CCA did not request the Supreme Court, nor did the Supreme Court take the initiative, to provide any advisory opinions on the applicable administrative law.<sup>118</sup> This left the procedural legal framework for resolution of electoral cases vulnerable to further misuse.

Most cases were deemed inadmissible by the CCA on formalistic grounds, contrary to international good practice.<sup>119</sup> This included unduly narrow interpretations of legal standing.<sup>120</sup> Almost all such rulings were appealed to the Supreme Court, which overturned three of the inadmissibility decisions.<sup>121</sup> The manner in which these courts applied and interpreted the Election Code and Administrative Code led to various incoherently reasoned and conflicting inadmissibility decisions.<sup>122</sup> This undermined the effective

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<sup>113</sup> In one case, the CEC denied consideration of a complaint by an electoral contestant against another contestant, on grounds it was to be lodged in court. On appeal, the court held that the CEC had jurisdiction over the matter. In another case, the CEC denied admissibility of a complaint against the actions of an electoral contestant on the basis that the claimant was not yet registered as a contestant at the time the complaint was lodged.

<sup>114</sup> For example, several complaints on campaign rhetoric were forwarded by the CEC to the Council for Preventing and Eliminating Discrimination and Ensuring Equality, which issued a consultative opinion that the matters did not fall under its jurisdiction.

<sup>115</sup> The cases mainly concerned issues related to the number of polling stations to be established abroad and for voters in Transnistria, registration of contestants, and the CEC's denial of admissibility of complaints.

<sup>116</sup> For example, the CCA ruled a case against a CEC decision inadmissible due to lack of a prior request to review the decision, failing to consider the Election Code provision that provides for an exemption.

<sup>117</sup> In one case, the CEC legal representative in court argued for inadmissibility of the case while openly stating that the CEC members were themselves not in agreement about whether the appeal was admissible in court.

<sup>118</sup> While not binding, Supreme Court advisory opinions may guide the lower courts in their handling of cases and could serve to enhance consistency in judicial decision-making.

<sup>119</sup> Paragraph II.3.3b of the [Code of Good Practice](#) provides that "the procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals."

<sup>120</sup> The CCA ruled that a candidate deemed ineligible by the CEC and his nominating party, as well as a political party that challenged the legality of the registration of another party, did not have legal standing to lodge their cases due to lack of affected legal right.

<sup>121</sup> A CCA judge who had denied admissibility in one case refused to sit on the substantive examination of the matter on grounds that she disagreed with the Supreme Court's decision that overturned the CCA's inadmissibility ruling.

<sup>122</sup> For instance, the CEC's decision on the number of polling stations for voters in Transnistria was deemed an individual act and thus inadmissible without prior review by the CEC, while in a case against the decision on the number of polling stations abroad, the court deemed it a normative act and thus admissible without prior administrative review.



resolution of election disputes, contrary to OSCE commitments and other international standards.<sup>123</sup> Of those cases given substantive consideration, a few were satisfied, but rulings were at times inconsistent, raising questions about political neutrality of courts.<sup>124</sup> Of particular note, the CCA's rulings that overturned the CEC decisions on the number of the PS abroad and for voters in Transnistria ostensibly interfered in the discretionary decision-making of an administrative body, as abuse of discretionary power was not clearly demonstrated.<sup>125</sup>

*To provide access to effective legal remedy, legislative and judicial efforts should ensure a harmonized and clear legal framework on procedures, as well as substantive handling of electoral complaints and appeals.*

### XIII. ELECTION OBSERVATION

Citizen and international observers, as well as representatives of the contestants are entitled to observe the electoral process, including in the PS abroad.<sup>126</sup> The CEC, together with other authorities, facilitated the presence of international observers despite the COVID-19 related challenges. For these elections, the CEC accredited 1,800 citizen observers and 642 international observers. The inclusive registration of observers in general enhanced the transparency of the electoral process. However, no data was made public on the DEC's accreditation of party observers. Party observers were present in almost all the PS on election day and citizen observers were present in around half of the PS visited by the IEOM.

### XIV. ELECTION DAY

On 11 July, the IEOM observed the opening of 115 PSs, voting in 1,276 PSs, counting in 100 PSs, and tabulation in 34 of the 37 DEC's.

#### A. OPENING AND VOTING

The opening of polling stations was assessed positively in nearly all observations. In a few isolated cases, observers noted insufficient knowledge of the procedures by PEB members, presence of unauthorized persons (9 cases) and interference by party observers (2 cases). IEOM observers also reported small delays of up to 15 minutes in the opening of 15 polling stations.

The voting process was evaluated positively by the IEOM in 99 per cent of observations. Procedures such as identifying and processing voters through SAISE, finding voters on the lists, issuing ballots, stamping voters' IDs, and voters marking ballots in secrecy were largely followed and the process was

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<sup>123</sup> Paragraph 5.10 of the [1990 OSCE Copenhagen Document](#) states that "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity". See also Article 13 of the [European Convention on Human Rights](#) and Article 2.3 of the [ICCPR](#).

<sup>124</sup> The CCA's 17 June ruling, overturning the CEC decision to establish 146 PS abroad, and its 27 June ruling, upholding the CEC's subsequent decision to establish 150 PS abroad, provided incompatible reasoning with respect to the CEC's application of the legal criteria and consideration of the MFAEI's consultative opinion.

<sup>125</sup> On 8 July, a CCA ruling overturned the CEC's decision to establish 41 PS for voters in Transnistria. The judgement, issued three days before election day and one month after the appeal was lodged, and one day after the CEC voted down a ban on organized transport of voters in Transnistria, essentially ordered the CEC to set up no more than 12 PS. On 10 July, the Supreme Court overturned this decision.

<sup>126</sup> Civil society organizations and international organizations may accredit an unlimited number of observers, while contestants may accredit one observer for each polling station. Moldovan citizens living abroad as well as representatives of international and civil society organizations may be accredited to observe the out-of-country voting.

managed well by the PEBs in almost all polling stations observed. The few negative assessments were linked to the interference in the work of the PEBs and attempts to influence voters by party representatives or citizen observers (in 12 cases) and non-compliance with public health measures.

The voter identification and verification in SAISE was efficient, with only a few isolated technical issues caused by disruption of internet connections. The layout of polling stations was assessed as adequate to conduct polling in 97 per cent of observations. However, overcrowding was reported in 5 per cent of observations, resulting from limited space inside the PS and, at times, poor queue control. In some instances, overcrowding led to secrecy of the vote not being ensured (33 observations).<sup>127</sup> Group voting was noted in 26 cases.

As in previous elections, video cameras were installed in each PS to record opening, voting and counting procedures. While opening and counting are to be recorded in full view, during voting the cameras are to focus only on the part of the box where the ballot paper is inserted. On some occasions observers reported that video cameras were not focused on the ballot box and covered a wider area within a PS. Although this was not observed to have compromised ballot secrecy, people who voted could be identified in the footage, potentially exposing voters to undue influence.<sup>128</sup>

*Any use of video cameras in the polling stations should ensure that the privacy and personal data of voters are protected.*

The IEOM noted that only around a third of polling stations (32 per cent) were adequate for independent access by people with disabilities, which falls short of international standards and national legislation.<sup>129</sup> According to the CEC, 37, 532 voters used mobile ballot box, out of which 2,701 were persons with disabilities.

*To further promote universal suffrage and to ensure equal participation of persons with disabilities, further efforts are needed from the authorities to facilitate unimpeded access to polling stations for voters with reduced mobility.*

Allegations of vote-buying, especially targeting voters residing in Transnistria, were made by several political actors during the day and reported in the media.<sup>130</sup> Although not clearly prohibited in legislation, the IEOM noted several instances of transportation of voters to polling stations. Further, in several cases voters were seen taking photos of their marked ballot papers, which could be indicative of attempts at undue influence on voters.

## **B. COUNTING AND TABULATION**

The overall conduct of the count was assessed positively by the IEOM in all but 5 of the 100 observations. The performance and transparency of the PEBs during count and the completion of results protocols were mostly assessed positively, with the procedures largely being followed, including determination of valid and invalid votes in a consistent and reasonable manner, accurately separating and counting ballots for each contestant, entering results data into the SAISE, providing observers with a copy of the protocol upon request and properly packing and sealing ballots per each contestant.

<sup>127</sup> A CEC instruction requires the PS premises to ensure efficiency, transparency, secrecy and accessibility of the voting process and facilitate an orderly flow of voters. As recommended by ODIHR earlier, these requirements could be supplemented by specific minimum quantitative standards.

<sup>128</sup> A CEC regulation instructs that video recording should not jeopardize the privacy and personal data of voters.

<sup>129</sup> Article 30 of the Election Code stipulates that polling station premises should facilitate access for elderly persons and persons with physical disabilities. Article 29 of the [CRPD](#) states that “State Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others.”

<sup>130</sup> The ODIHR EOM received credible reports on apparent assembly points for co-ordinating voters in Transnistria in Cocieri, Corjova, and near Grigoripol.

The negative assessments related primarily to the PEB's omitting procedural steps, such as not establishing the number of issued ballots by counting the signatures in the voter lists (11 cases) and not counting the total number of ballots found in stationary ballot box before separating them by the contestant (22 cases). In one third of the observed counts, the validity of contested ballots was not decided by a vote of PEB members. A number of polling stations were overcrowded and in three observations observers did not have a clear view of the process. While candidate and citizen observers received copies of the results protocols in nearly all the PS observed, the results were not displayed publicly, as required by law, in nearly half (45) of observed counts.

The PEBs reported preliminary results directly through the SAISE system and the CEC began posting preliminary results live on its website one hour after the closing of the polls, further enhancing transparency. The tabulation process was assessed positively by the IEOM in all but 2 out of 31 observations. The DEC members had, in general, a good understanding of the tabulation procedures. In nearly all observations the tabulation process was assessed as transparent and complying with procedures such as checking that all materials were received and protocols completed correctly. Election materials were directly transferred to DEC members and the figures in PEB protocols reconciled in all IEOM observations.

However, inadequate premises and small rooms for data entry created challenges for the receipt of materials and tabulation. The DEC premises were assessed as not adequate for handover of PEB materials in three cases and not suitable for tabulating the results and overcrowded in five cases. Also, IEOM observers reported that citizen observers or candidate/party representatives did not have a clear view of the procedures in five cases and were prevented from following the handover process of PEB protocols in three cases.

## **XV. POST-ELECTION DEVELOPMENTS**

The CEC announced preliminary results on election night, showing that PAS had received 52.8 per cent of the vote, giving it 63 of the 101 parliamentary seats. Only two other contestants crossed the electoral thresholds: BeCS (27.2 per cent, 32 seats) and Șor Party (5.7 per cent and 6 seats). All of the major parties publicly indicated their acceptance of the results.

Shortly after the elections, on 16 July, the CEC published on its website the scanned copies of PEB results protocols for each polling station per district. After receiving tabulation protocols from the DEC members in a timely manner, on 19 July, the CEC approved the report on election results and submitted it to the Constitutional Court for validation. The final turnout was established at 52.3 per cent. The CEC also announced that 1,480,965 voters participated in the voting and the number of voters included in the additional lists was 284,568.

On election day, the CEC received several complaints from political parties alleging breaches of campaign silence and irregularities at polling stations, as well as some 100 reports on organized transportation of voters to polling stations.<sup>131</sup> Some 230 reports were lodged with police nationwide concerning potential election-day offences, mainly on breaches of the campaign silence, organized transportation of voters, vote-buying, photographing of ballots, disorderly behaviour and altercations. The Anti-Corruption Prosecutor's Office received two complaints of alleged systematic vote-buying.

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<sup>131</sup> The reports on organized transport were not posted on the CEC website. The PEBs and DEC members received relatively few election-day related complaints, with most DEC members informing the ODIHR EOM that no complaints were lodged with them.

The process for resolution of post-election complaints and appeals, including on re-counting votes and invalidation of results at the polling station level, is not prescribed in the Election Code.<sup>132</sup> Final election results are aggregated by the CEC but validated and declared by the Constitutional Court. This effectively leaves no possibility for an appeal against final results, at odds with international good practice.<sup>133</sup> In addition, the process for validation of the results by the Constitutional Court is not elaborated in the law.<sup>134</sup> The Constitutional Court can order a re-count of votes based on grounds which could have affected the results and the allocation of mandates.

Two appeals against the election results were made to the CCA, which deemed both inadmissible.<sup>135</sup> One of these claims was subsequently lodged with the CEC, including a request for a re-count, which forwarded the case to the Constitutional Court, together with its tabulation of the results, allocation of mandates, and related materials. On 20 July, the Court rejected the request for re-count.<sup>136</sup>

On 23 July, the Constitutional Court held a hearing for the validation of the final results and on the same day issued its reasoned decision, declaring the election valid and confirming the mandates.<sup>137</sup> The CEC presented to the Court an overview of its administration and oversight of the various aspects of the electoral process. PAS and Şor party representatives made presentations, noting problematic issues, but supported the confirmation of the results.<sup>138</sup> PNOI's allegation of illegality of the results was deemed unfounded and the request for annulment denied.<sup>139</sup> The Court did not make any recommendations for legislative amendments, as it had done in past elections.

*To provide an effective mechanism for challenging election results, the competences, procedures and timelines for post-election complaints and appeals should be clearly prescribed. Consideration could be given to empowering the CEC to establish the final election results, with a possibility of judicial review.*

## XVI. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to further enhance the conduct of elections in Moldova and to support efforts to bring them fully in line with OSCE

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<sup>132</sup> See also [2020 Urgent Joint Opinion](#) of the ODIHR and Venice Commission.

<sup>133</sup> Paragraph II.3.3.f of the [Venice Commission's Code of Good Practice](#) states that "all candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of the elections."

<sup>134</sup> In practice, the Constitutional Court holds a hearing, at which interested stakeholders can make presentations, and then issues a reasoned decision on the validation, including an overview of the election process. If deemed appropriate, the Court issues recommendations for amendments to the election legislation.

<sup>135</sup> On 14 July, PNOI requested a declaration of illegality and invalidity of the election results based, in part, on allegations that PAS extensively misused administrative resources, namely the image of the President of Moldova and state institutions, and that some media outlets presented imbalanced coverage of the contestants. The case was deemed inadmissible *inter alia* because the claimant could not establish the competence of the court to resolve disputes against election results. A complaint by a private citizen lodged on 21 July was deemed inadmissible because it was not in the official language, as required by law.

<sup>136</sup> The court deemed that PNOI's allegations of a miscount of three ballots would not affect the results and distribution of mandates.

<sup>137</sup> The hearing was not open to the public but it was livestreamed online, with advance notice.

<sup>138</sup> The PAS representative alleged a lack of impartiality with respect to CEC's decisions on polling stations abroad and for voters in Transnistria, and noted its 'failure' to regulate the organized transportation of voters. It also highlighted the need for parliament to address gaps in the administrative law applicable to resolving electoral disputes. The Şor party representative highlighted that many legal provisions are imprecise, leaving room for interpretation. Moreover, it claimed that the Ilan Şor's electoral rights were restricted.

<sup>139</sup> The law does not explicitly provide the Constitutional Court with jurisdiction to consider complaints on the legality of the results. During the hearing the court referred to the CCA's jurisdiction over cases challenging the election results and allocation of mandates.

commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past ODIHR recommendations that Moldova has yet to address.<sup>140</sup> ODIHR stands ready to assist the authorities of Moldova to further improve the electoral process and address the recommendations contained in this and previous reports.

#### **A. PRIORITY RECOMMENDATIONS**

1. The new parliament is encouraged to enhance the electoral legal framework in line with OSCE commitments and other international standards, and to address remaining shortcomings, taking into account outstanding ODIHR and Venice Commission recommendations. Any reform efforts should be undertaken well in advance of the next elections and within an inclusive, consultative and transparent process.
2. To instil confidence in the integrity of the electoral process, the competent authorities should promptly and thoroughly investigate credible allegations of vote-buying and illegal inducements of voters and apply appropriate sanctions.
3. To enhance transparency and accountability of campaign finance, the oversight body should be equipped with adequate authority, resources, and technical expertise to exercise its functions effectively. To deter violations, proportionate sanctions should be applied for established breaches of regulations.
4. In order to monitor implementation of the provisions on balanced and impartial coverage set out by the Audiovisual Media Services Code, quantitative and qualitative monitoring should be conducted also between elections.
5. To enforce existing provisions on impartial coverage during the campaign and to provide for a level campaign playing field, the Audiovisual Council's monitoring reports should be issued in a timely manner and effective measures for violations should be applied immediately. The law should provide for remedies for disadvantaged contestants rather than focusing on sanctioning media outlets.
6. Authorities should consider putting in place guarantees to ensure that courts enjoy freedom from political pressures and remain fully impartial in the handling of election-related cases.

#### **B. OTHER RECOMMENDATIONS**

##### **Legal Framework and Electoral System**

7. To protect the stability of the electoral system, consideration should be given to introducing legal safeguards against frequent changes to the key features of electoral legislation.

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<sup>140</sup> In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. The follow-up of prior recommendations is assessed by the ODIHR EOM as follows: recommendations 10, 13, 15, 19, 21, 22 and 27 from the [ODIHR final report on the 2015 local elections](#) (2015 Final Report), recommendation 9 from the [ODIHR final report on the 2016 presidential election](#), and recommendations 4, 8, 11, 13, 15, 16 and 32 from the [ODIHR final report on the 2019 parliamentary elections](#) (2019 Final Report) are fully implemented. Recommendations 3, 8, 9, 11, 12, 14 and 28 from the 2015 Final Report, recommendations 5, 6, 7, 21, 26 and 27 from the 2016 Final Report, and recommendations 2, 7, 14, 17, 21 and 29 from the 2019 Final Report are mostly implemented. Recommendations 1, 2, 5, 6, 7, 16, 17, 20, 23 and 25 from the 2015 Final Report, recommendations 1, 2, 8, 16, 18, 22, 24 and 25 from the 2016 Final Report, recommendations 1, 3, 5, 9, 10, 12, 20, 23 and 31 from the 2019 Final Report, and recommendations 7, 8, 9, 10, 14, 20 and 22 from the [ODIHR final report on the 2020 presidential election](#) are partially implemented. See also the ODIHR [electoral recommendations database](#).

## **Election Administration**

8. To enhance the transparency of the election administration, the publication of all DEC decisions should be required.
9. To provide sufficient safeguards for the CEC's institutional impartiality and political neutrality, consideration could be given to reviewing the mechanism of nomination and appointment of the CEC.

## **Voter Registration**

10. The possibility for deprivation of voting rights should be reconsidered to exclude discrimination on the basis of a mental disability, in line with international standards.
11. The authorities should continue efforts to improve the accuracy of voter lists, including the development of effective mechanisms for removal of entries of deceased people from the voter register.

## **Candidate Registration**

12. Consideration should be given to amending the law to allow voters to sign in support of more than one candidate.
13. Consideration should be given to reviewing the legal provisions on party names, acronyms, and registered symbols to ensure that the framework clearly and uniformly protects against the misuse of similar names and symbols to confuse voters.

## **Election Campaign**

14. To promote a level campaign playing field, mechanisms to enforce separation of official functions and party activity of public dignitaries should be enforced, and the misuse of public office should be dealt with by the relevant authorities effectively and expeditiously.

## **Campaign Finance**

15. The legal framework for campaign finance should provide the oversight body the capacity to investigate sources of donations and potential discrepancies between actual and reported spending. Consideration should be given to introducing the legal requirement that donors declare that donations are in compliance with the law, subject to an established penalty. As previously recommended, the legislation should address third-party financing.

## **Media**

16. Competition law, including credible and transparent conduct of audience share measurement, should be enforced to prevent individual actors from acquiring excessive market power to the detriment of media pluralism.
17. Legislation should be reviewed to ensure that defamation laws are exclusively civil in nature, in line with international standards, and do not allow for awards of excessive damages.
18. Campaign coverage requirements should be formulated in line with international standards, to uphold freedom of expression and provide sufficient guidance to journalists. The law should precisely define

what constitutes fair, balanced and impartial coverage and what constitutes a violation of the requirement.

### **Complaints and Appeals**

19. To ensure effective resolution of election disputes, the CEC should consider complaints within the applicable procedural framework, in public sessions and by legal deadlines. To ensure the legality of the electoral process in the public interest, the CEC should avoid a formalistic approach and give substantive consideration to complaints, including notifications that raise concerns of a complaint nature.
20. To provide access to effective legal remedy, legislative and judicial efforts should ensure a harmonized and clear legal framework on procedures, as well as substantive handling of electoral complaints and appeals.

### **Election Day**

21. Any use of video cameras in the polling stations should ensure that the privacy and personal data of voters are protected.
22. To further promote universal suffrage and to ensure equal participation of persons with disabilities, further efforts are needed from the authorities to facilitate unimpeded access to polling stations for voters with reduced mobility.
23. To provide an effective mechanism for challenging election results, the competences, procedures and timelines for post-election complaints and appeals should be clearly prescribed. Consideration could be given to empowering the CEC to establish the final election results, with a possibility of judicial review.

ANNEX I. FINAL RESULTS<sup>141</sup>

| No. on ballot | Name of the Party/Electoral Bloc                         | Number of votes received | Number of mandates |
|---------------|--|--------------------------|--------------------|
| 1             | Party “Build Europe At Home” (PACE)                      | 18,781                   | -                  |
| 2             | Joint Action - the Civic Congress Party (PACCC)          | 11,269                   | -                  |
| 3             | Electoral Bloc “Renato Usatii”                           | 60,100                   | -                  |
| 4             | Şor Party  | 84,187                   | 6                  |
| 5             | Party of Action and Solidarity (PAS)                     | 774,753                  | 63                 |
| 6             | Electoral Bloc of Communists and Socialists (BeCS)       | 398,675                  | 32                 |
| 7             | Political party “Hope”                                   | 2,814                    | -                  |
| 8             | Democratic Party of Moldova (PDM)                        | 26,545                   | -                  |
| 9             | Platform DA (PPDA)                                       | 34,184                   | -                  |
| 10            | National Unity Party (PUN)                               | 6,646                    | -                  |
| 11            | Political Party “Democracy at Home” (PDA)                | 21,255                   | -                  |
| 12            | “Us” Party (NOI Party)                                   | 1,431                    | -                  |
| 13            | Party of Development and Consolidation of Moldova (PDCM) | 6,315                    | -                  |
| 14            | Alliance for the Union of Romanians (AUR)                | 7,216                    | -                  |
| 15            | Green Party  | 1,202                    | -                  |
| 16            | Law and Justice Party (PLD)                              | 1,444                    | -                  |
| 17            | People's Power Party (PPO)                               | 1,613                    | -                  |
| 18            | Party of Regions of Moldova (PRM)                        | 1,264                    | -                  |
| 19            | Party “Moldova's Patriots” (PPM)                         | 889                      | -                  |
| 20            | Party of Change  | 2,455                    | -                  |
| 21            | New Historical Option Party (PNOI)                       | 197                      | -                  |
| 22            | Party of People of Labour (POM)                          | 1,467                    | -                  |
| 23            | Valico Veaceslav, independent candidate                  | 2,514                    | -                  |

|   |           |
|---|-----------|
| Number of voters in the main voter lists        | 2,768,035 |
| Number of voters in the additional list         | 284,568   |
| Number of voters who received ballots           | 1,481,273 |
| Number of voters who participated in the voting | 1,480,965 |
| Voter turnout                                   | 52.3%     |
| Invalid ballots                                 | 13,749    |
| Voters abroad                                   | 212,434   |
| Voters residing in Transnistria                 | 28,791    |

<sup>141</sup> According to [CEC decision No. 5178](#) of 19 July 2021.



## ANNEX II. LIST OF OBSERVERS

### OSCE Parliamentary Assembly

|                |                |                      |                |
|----------------|----------------|----------------------|----------------|
| Ditmir         | Bushati        | Special Co-ordinator | Albania        |
| Pia            | Kauma          | Head of Delegation   | Finland        |
| Andreas        | Minnich        | MP                   | Austria        |
| Harald         | Troch          | MP                   | Austria        |
| Marc           | Demesmaeker    | MP                   | Belgium        |
| Josef          | Hajek          | MP                   | Czech Republic |
| Kristyna       | Harakova       | MP                   | Czech Republic |
| Jan            | Hornik         | MP                   | Czech Republic |
| Radek          | Merkl          | MP                   | Czech Republic |
| Marie          | Krarup         | MP                   | Denmark        |
| Søren          | Søndergaard    | MP                   | Denmark        |
| Inka           | Hopsu          | MP                   | Finland        |
| Pascal         | Allizard       | MP                   | France         |
| Jean-yves      | Leconte        | MP                   | France         |
| Guy            | Teissier       | MP                   | France         |
| Nikoloz        | Samkharadze    | MP                   | Georgia        |
| Daniela        | De ridder      | MP                   | Germany        |
| Fritz          | Felgentreu     | MP                   | Germany        |
| Katja          | Keul           | MP                   | Germany        |
| Kordula        | Kovac          | MP                   | Germany        |
| Paul viktor    | Podolay        | MP                   | Germany        |
| Luigi          | Augussoni      | MP                   | Italy          |
| Francesco      | Mollame        | MP                   | Italy          |
| Charles        | Margue         | MP                   | Luxembourg     |
| Antoine        | Beukering      | MP                   | Netherlands    |
| Barbara        | Bartus         | MP                   | Poland         |
| Radoslaw       | Fogiel         | MP                   | Poland         |
| Kazimierz      | Kleina         | MP                   | Poland         |
| Robert         | Kwiatkowski    | MP                   | Poland         |
| Joanna         | Lichocka       | MP                   | Poland         |
| Antonio        | Malo de Abreu  | MP                   | Portugal       |
| Costel Neculai | Dunava         | MP                   | Romania        |
| Catalin-Daniel | Fenechiu       | MP                   | Romania        |
| Gabor          | Hajdu          | MP                   | Romania        |
| Alexandru      | Kocsis-Cristea | MP                   | Romania        |
| Christine      | Thellmann      | MP                   | Romania        |
| Predrag        | Rajić          | MP                   | Serbia         |
| Peter          | Osusky         | MP                   | Slovakia       |
| Daniel Karl    | Fässler        | MP                   | Switzerland    |
| Lars           | Thomsson       | MP                   | Sweden         |
| Ahmet          | Arslan         | MP                   | Turkey         |
| Kamil          | Aydin          | MP                   | Turkey         |
| Pavlo          | Frolov         | MP                   | Ukraine        |
| Vadym          | Halaichuk      | MP                   | Ukraine        |

|               |              |             |                    |
|---------------|--------------|-------------|--------------------|
| Sergii        | Rakhmanin    | MP          | Ukraine            |
| Torill        | Eidsheim     | MP          | Norway             |
| Lærke leonora | Hulsrøj      | Secretariat | Denmark            |
| Stephanie     | Koltchanov   | Secretariat | France             |
| Loic          | Poulain      | Secretariat | France             |
| Freyja        | Koci         | Secretariat | Germany            |
| Guido         | Almerigogna  | Secretariat | Italy              |
| Alessia       | De Rosa      | Secretariat | Italy              |
| Marcin        | Mykietynski  | Secretariat | Poland             |
| Agnieszka     | Pomaska      | Secretariat | Poland             |
| Anca Maria    | Constantin   | Secretariat | Romania            |
| Anzhelika     | Ivanishcheva | Secretariat | Russian Federation |
| Dimitrije     | Todorić      | Secretariat | Serbia             |
| Simona        | De Ciutiis   | Secretariat | Sweden             |
| Hatice        | Er As        | Secretariat | Turkey             |

### Parliamentary Assembly of the Council of Europe

|              |                 |                    |                |
|--------------|-----------------|--------------------|----------------|
| Stefan       | Schennach       | Head of Delegation | Austria        |
| Pierre-Alain | Fridez          | MP                 | France         |
| Cristian     | Klinger         | MP                 | France         |
| Jacques      | Le Nay          | MP                 | France         |
| Christian    | Petry           | MP                 | Germany        |
| Marina       | Berlinghieri    | MP                 | Italy          |
| Alberto      | Ribolla         | MP                 | Italy          |
| Inesa        | Libina-egnere   | MP                 | Latvia         |
| Laima        | Andrekiene      | MP                 | Lithuania      |
| Tiny         | Kox             | MP                 | Netherlands    |
| Aleksander   | Stokkebo        | MP                 | Norway         |
| Andi-Lucian  | Cristea         | MP                 | Poland         |
| Kyrsztof     | Truskolaski     | MP                 | Poland         |
| Diana        | Stoica          | MP                 | Romania        |
| Antonio      | Gutierrez       | MP                 | Spain          |
| Boriana      | Aberg           | MP                 | Sweden         |
| Oleksii      | Goncharenko     | MP                 | Ukraine        |
| Katharina    | Pabel           | Venice Commission  | Austria        |
| Gael         | Martin-Micallef | Venice Commission  | France         |
| Ivi-Triin    | Odrats          | Secretariat        | Estonia        |
| Anne         | Godfrey         | Secretariat        | United Kingdom |

### European Parliament

|                 |                     |                    |           |
|-----------------|---------------------|--------------------|-----------|
| David           | McAllister          | Head of Delegation | Germany   |
| Andreas         | Schieder            | MP                 | Austria   |
| Viola           | Von Craumon Taubade | MP                 | Germany   |
| Jouzas          | Olekas              | MP                 | Lithuania |
| Siegfrid        | Muresan             | MP                 | Romania   |
| Cristian-Vasile | Terhes              | MP                 | Romania   |

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|                |            |              |                          |
|----------------|------------|--------------|--------------------------|
| Cristina       | Castagnoli | Staff Member | Italy                    |
| Raffaele       | Luise      | Staff Member | Italy                    |
| Daniela        | Recinelle  | Staff Member | Italy                    |
| Robert Andrzej | Golanski   | Staff Member | Poland                   |
| Martina        | Hesse      | Staff Member | United States of America |

### ODIHR Short Term Observers

|              |              |                        |
|--------------|--------------|------------------------|
| Tamara       | Hovnanyan    | Armenia                |
| Armine       | Khzmalyan    | Armenia                |
| Aleh         | Leshaniuk    | Belarus                |
| Maksim       | Sapsai       | Belarus                |
| Nemanja      | Malic        | Bosnia and Herzegovina |
| Aleksandar   | Vranjes      | Bosnia and Herzegovina |
| Michal       | Černý        | Czech Republic         |
| Adam         | Drnovsky     | Czech Republic         |
| Sylva        | Horakova     | Czech Republic         |
| Jan          | Schroth      | Czech Republic         |
| Valdemar     | Uruba        | Czech Republic         |
| Tomas        | Vlach        | Czech Republic         |
| Hanne        | Madsen       | Denmark                |
| Erik         | Nielsen      | Denmark                |
| Marika       | Kundla       | Estonia                |
| Melissa      | Diagne       | France                 |
| Vincent      | Godbillon    | France                 |
| Hervé        | Hutin        | France                 |
| Marion       | Jouannet     | France                 |
| Jean-Charles | Lallemand    | France                 |
| Antoine      | Meyer        | France                 |
| Guillaume    | Pierre       | France                 |
| Elisabeth    | Sancery      | France                 |
| Elsa         | Vidal        | France                 |
| Michael      | Angermann    | Germany                |
| Heike        | Baddenhausen | Germany                |
| Lisa Marie   | Becker       | Germany                |
| Jan          | Busch        | Germany                |
| Claudia      | Dr. Schulze  | Germany                |
| Frank        | Fischer      | Germany                |
| Uwe          | Hellner      | Germany                |
| Michael      | Jelonek      | Germany                |
| Gesa         | Karrenbrock  | Germany                |
| Daniel       | Kempken      | Germany                |
| Stefan       | Lesjak       | Germany                |
| Petra        | Ruth         | Germany                |
| Johannes     | Schlichte    | Germany                |
| Jan          | Schneider    | Germany                |
| Ulrich       | Seel         | Germany                |
| Marlene      | Sieck        | Germany                |

|                 |                      |                    |
|-----------------|----------------------|--------------------|
| Caspar          | Sieveking            | Germany            |
| Richard         | Zweig                | Germany            |
| Zoltán          | Kondás               | Hungary            |
| Viktoria        | Olah                 | Hungary            |
| Beatrix         | Tölgyesi             | Hungary            |
| Walter          | Citti                | Italy              |
| Piero           | Iaia                 | Italy              |
| Mara            | Morini               | Italy              |
| Claudia Silvana | Tizzoni              | Italy              |
| Simonas         | Narvydas             | Lithuania          |
| Diederik        | Hindriks             | Netherlands        |
| Judith          | Kiers                | Netherlands        |
| Margriet        | Teunissen            | Netherlands        |
| Hans            | Van Oort             | Netherlands        |
| Elena           | Kuzmanovska Biondikj | North Macedonia    |
| Filip           | Popovski             | North Macedonia    |
| Janne           | Haraldsen            | Norway             |
| Tom             | Røseth               | Norway             |
| Øyvind          | Seim                 | Norway             |
| Nina            | Wessel               | Norway             |
| Szymon          | Bialek               | Poland             |
| Tomasz          | Bladyniec            | Poland             |
| Marek           | Całka                | Poland             |
| Roland          | Chojnacki            | Poland             |
| Mirosław        | Cieslik              | Poland             |
| Maciej          | Daszuta              | Poland             |
| Radziszława     | Gortat               | Poland             |
| Igor            | Gralczyk             | Poland             |
| Maciej          | Jakubik              | Poland             |
| Agata           | Janiszewska          | Poland             |
| Michał          | Józwiak              | Poland             |
| Kamila          | Kwiatkowska          | Poland             |
| Marta           | Lochowska            | Poland             |
| Barbara         | Mrowka-Jasiecka      | Poland             |
| Robert          | Rajczyk              | Poland             |
| Marcin          | Rychły               | Poland             |
| Alan            | Rynio                | Poland             |
| Michał          | Sarnicki             | Poland             |
| Rafal           | Sordyl               | Poland             |
| Mara            | Almeida Sousa        | Portugal           |
| Ricardo         | Taveira Rodrigues    | Portugal           |
| Bogdan          | Biris                | Romania            |
| Bianca Maria    | Necsa                | Romania            |
| Anca            | Popa                 | Romania            |
| Adina           | Sirbu                | Romania            |
| Iulian          | Toader               | Romania            |
| Rimma           | Aglushevich          | Russian Federation |
| Elena           | Arhipova             | Russian Federation |

|                         |                            |                    |
|-------------------------|----------------------------|--------------------|
| Mariia                  | Astakhova                  | Russian Federation |
| Sergey                  | Baburkin                   | Russian Federation |
| Elena                   | Balandina                  | Russian Federation |
| Kristina                | Bogdanova                  | Russian Federation |
| Elizaveta               | Borisova                   | Russian Federation |
| Alexey                  | Budarev                    | Russian Federation |
| Boris                   | Diakonov                   | Russian Federation |
| Arif                    | Gadzhiev                   | Russian Federation |
| Anna                    | Gozhina                    | Russian Federation |
| Dmitry                  | Groshev                    | Russian Federation |
| Maria                   | Kataeva                    | Russian Federation |
| Evgeny                  | Kozhokin                   | Russian Federation |
| Yulia                   | Kudeneeva                  | Russian Federation |
| Dmitrii                 | Litskai                    | Russian Federation |
| Evgeny                  | Loginov                    | Russian Federation |
| Anna                    | Makarenkova                | Russian Federation |
| Dmitry                  | Makarov                    | Russian Federation |
| Anna                    | Mardenskaia                | Russian Federation |
| Maria                   | Osipova                    | Russian Federation |
| Andrey                  | Ostvald                    | Russian Federation |
| Yuliana                 | Petrenko                   | Russian Federation |
| Anton                   | Postigov                   | Russian Federation |
| Emil                    | Shykhaliiev                | Russian Federation |
| Maksim                  | Sigarev                    | Russian Federation |
| Sviatoslav              | Terentev                   | Russian Federation |
| Sergei                  | Veselovskii                | Russian Federation |
| Alexander               | Vladychenko                | Russian Federation |
| Branislav               | Gallo                      | Slovakia           |
| Pavol                   | Ivan                       | Slovakia           |
| Javier                  | Burgos                     | Spain              |
| Virginia                | Cezilly Fernandez de Liger | Spain              |
| Jose Antonio            | De Jorge Martinez          | Spain              |
| Arantza                 | Ercoreca                   | Spain              |
| Javier                  | Martin Cantera             | Spain              |
| Joaquin                 | Murcia Corella             | Spain              |
| Marta                   | Pérez Soria                | Spain              |
| Montserrat              | Quinzán García             | Spain              |
| Barbara                 | Sbrogio Bolado             | Spain              |
| Andreas Sebastian       | Roth                       | Sweden             |
| Ulrika                  | Sehlin                     | Sweden             |
| Par                     | Skold                      | Sweden             |
| Marko                   | Wramen                     | Sweden             |
| Christine               | Bulliard-Marbach           | Switzerland        |
| Fabrizio Mario Giuseppe | Comandini                  | Switzerland        |
| Niklaus                 | Gugger                     | Switzerland        |
| Alexandra               | von Arx                    | Switzerland        |
| Terence                 | Duffy                      | United Kingdom     |
| Fredrick                | Fawn                       | United Kingdom     |

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|           |              |                          |
|-----------|--------------|--------------------------|
| Paula     | Keaveney     | United Kingdom           |
| Claire    | Porter       | United Kingdom           |
| Marc      | Tilley       | United Kingdom           |
| Keith     | Turner       | United Kingdom           |
| Deborah   | Alexander    | United States of America |
| Bogdan    | Banu         | United States of America |
| George    | Bogden       | United States of America |
| Hilary    | Bown         | United States of America |
| Anthony   | Bowyer       | United States of America |
| Maija     | Butler       | United States of America |
| Jennifer  | Butz         | United States of America |
| Alexandra | Cantone      | United States of America |
| Asim      | Dorovic      | United States of America |
| Robert    | Frost        | United States of America |
| Barron    | Helgoe       | United States of America |
| William   | Huennekens   | United States of America |
| Ethan     | Jenkins      | United States of America |
| Catherine | LaRoque      | United States of America |
| Andrew    | Long         | United States of America |
| Peter     | Lossau       | United States of America |
| Michael   | Martz        | United States of America |
| Eda       | Matchak      | United States of America |
| James     | McHugh       | United States of America |
| Dyrrell   | Moon         | United States of America |
| Andrew    | Offenbacher  | United States of America |
| Harold    | Otto         | United States of America |
| Gligor    | Tashkovich   | United States of America |
| Shapari   | Taxell       | United States of America |
| Micaela   | Thurman      | United States of America |
| Lisa      | Tilney       | United States of America |
| Megan     | Tingley      | United States of America |
| Laura     | Villalba     | United States of America |
| James     | Wellock      | United States of America |
| Namra     | Zulfiqar     | United States of America |
| Ikrom     | Saipov       | Uzbekistan               |
| Iroda     | Ubaydullaeva | Uzbekistan               |

**ODIHR Core Team**

|                |            |                 |                        |
|----------------|------------|-----------------|------------------------|
| Tamás          | Meszerics  | Head of Mission | Hungary                |
| Rashad         | Shirinov   |                 | Azerbaijan             |
| Vasil          | Vashchanka |                 | Belarus                |
| Mišo           | Imamović   |                 | Bosnia and Herzegovina |
| Marla          | Morry      |                 | Canada                 |
| Elma           | Šehalić    |                 | Germany                |
| Carlo          | Pappalardo |                 | Italy                  |
|                | Ficher     |                 |                        |
| Ahmad          | Rasuli     |                 | Kyrgyzstan             |
| Myagmartogtokh | Tumennasan |                 | Mongolia               |

|           |             |                    |
|-----------|-------------|--------------------|
| Max       | Bader       | Netherlands        |
| Bogdana   | Sybikowska  | Poland             |
| Ruslan    | Ovezdurdyev | Russian Federation |
| Robert    | Bystricky   | Slovakia           |
| Farrukh   | Juraqulov   | Tajikistan         |
| Oleksandr | Stetsenko   | Ukraine            |
| Paul      | O'Grady     | United Kingdom     |

### ODIHR Long Term Observers

|             |            |                          |
|-------------|------------|--------------------------|
| Jan         | Němec      | Czech Republic           |
| Miroslav    | Brozman    | Czech Republic           |
| Klaus       | Koenig     | Denmark                  |
| Mari        | Paajanen   | Finland                  |
| Alexandre   | Benz       | France                   |
| Sabrina     | Rouigui    | France                   |
| Natalie     | Krieger    | Germany                  |
| Marie Luise | von Halem  | Germany                  |
| Laura       | Erizi      | Italy                    |
| Aldo        | Tenisci    | Italy                    |
| Julius      | Lizūnas    | Lithuania                |
| Laurens     | Teule      | Netherlands              |
| Øystein     | Moen       | Norway                   |
| Cecilie     | Orestis    | Norway                   |
| Kamil       | Calus      | Poland                   |
| Andrzej     | Klimczyk   | Poland                   |
| Marc        | Morar      | Romania                  |
| Cristian    | Negrila    | Romania                  |
| Iurii       | Shapovalov | Russian Federation       |
| Andrei      | Volkov     | Russian Federation       |
| Claes       | Pile       | Sweden                   |
| Rebecca     | Palmer     | Sweden                   |
| Johanna     | Estermann  | Switzerland              |
| Daniele     | D'Esposito | Switzerland              |
| Roger       | Bryant     | United Kingdom           |
| Sandra      | Gale       | United Kingdom           |
| Mara        | Hanna      | United States of America |
| John        | Winters    | United States of America |

## ABOUT ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance and non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations. More information is available on the ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)).