



Office for Democratic Institutions and Human Rights

## REPUBLIC OF MOLDOVA

### LOCAL ELECTIONS

3 & 17 June 2007

OSCE/ODIHR Election Observation Mission Report



Warsaw  
21 September 2007

## TABLE OF CONTENTS

<b>I.</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>II.</b>	<b>INTRODUCTION AND ACKNOWLEDGMENTS.....</b>	<b>3</b>
<b>III.</b>	<b>POLITICAL BACKGROUND.....</b>	<b>4</b>
<b>IV.</b>	<b>ELECTION SYSTEM.....</b>	<b>4</b>
<b>V.</b>	<b>LEGAL FRAMEWORK.....</b>	<b>4</b>
<b>VI.</b>	<b>ELECTION ADMINISTRATION .....</b>	<b>5</b>
<b>VII.</b>	<b>CANDIDATE REGISTRATION .....</b>	<b>7</b>
<b>VIII.</b>	<b>VOTER REGISTRATION .....</b>	<b>9</b>
<b>A.</b>	<b>VOTER IDENTIFICATION.....</b>	<b>10</b>
<b>IX.</b>	<b>ELECTION CAMPAIGN.....</b>	<b>10</b>
<b>X.</b>	<b>MEDIA .....</b>	<b>11</b>
<b>A.</b>	<b>BACKGROUND .....</b>	<b>11</b>
<b>B.</b>	<b>LEGAL FRAMEWORK FOR THE MEDIA.....</b>	<b>12</b>
<b>C.</b>	<b>TV DEBATES .....</b>	<b>12</b>
<b>D.</b>	<b>NEGATIVE CAMPAIGNING .....</b>	<b>13</b>
<b>E.</b>	<b>OSCE/ODIHR EOM MEDIA MONITORING.....</b>	<b>13</b>
<b>F.</b>	<b>SECOND ROUND .....</b>	<b>14</b>
<b>XI.</b>	<b>PARTICIPATION OF WOMEN.....</b>	<b>15</b>
<b>XII.</b>	<b>PARTICIPATION OF NATIONAL MINORITIES .....</b>	<b>16</b>
<b>XIII.</b>	<b>DOMESTIC OBSERVERS.....</b>	<b>16</b>
<b>XIV.</b>	<b>COMPLAINTS AND APPEALS.....</b>	<b>17</b>
<b>XV.</b>	<b>VOTING AND COUNTING.....</b>	<b>20</b>
<b>A.</b>	<b>FIRST ROUND, 3 JUNE 2007 .....</b>	<b>20</b>
1.	<i>Polling Procedures .....</i>	<i>20</i>
2.	<i>Counting Procedures .....</i>	<i>21</i>
3.	<i>Tabulation and Announcement of Results.....</i>	<i>22</i>
<b>B.</b>	<b>SECOND ROUND, 17 JUNE .....</b>	<b>22</b>
<b>XVI.</b>	<b>RECOMMENDATIONS.....</b>	<b>23</b>
<b>A.</b>	<b>LEGAL FRAMEWORK .....</b>	<b>23</b>
<b>B.</b>	<b>ELECTION ADMINISTRATION.....</b>	<b>23</b>
<b>C.</b>	<b>REGISTRATION OF CANDIDATES .....</b>	<b>24</b>
<b>D.</b>	<b>SUFFRAGE, VOTER REGISTRATION AND VOTER IDENTIFICATION .....</b>	<b>25</b>
<b>E.</b>	<b>ELECTION CAMPAIGN.....</b>	<b>25</b>
<b>F.</b>	<b>MEDIA .....</b>	<b>25</b>
<b>G.</b>	<b>VOTING, COUNTING AND VALIDATION OF RESULTS .....</b>	<b>26</b>
<b>H.</b>	<b>COMPLAINTS AND APPEALS.....</b>	<b>26</b>
<b>I.</b>	<b>PARTICIPATION OF WOMEN AND NATIONAL MINORITIES.....</b>	<b>27</b>
	<b>ANNEX: ELECTION RESULTS.....</b>	<b>28</b>
	<b>ABOUT THE OSCE/ODIHR.....</b>	<b>30</b>

**REPUBLIC OF MOLDOVA**  
**LOCAL ELECTIONS**  
**3 & 17 June 2007**

**OSCE/ODIHR Election Observation Mission Final Report**

**I. EXECUTIVE SUMMARY**

Following invitations by the Ministry of Foreign Affairs and European Integration and the Central Election Commission (CEC) of the Republic of Moldova to observe the 2007 local elections, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed an Election Observation Mission (EOM) to Moldova on 24 April 2007. The OSCE/ODIHR EOM assessed the electoral process for compliance with OSCE Commitments and other international standards for democratic elections.

While the 2007 local elections in the Republic of Moldova were generally well administered, and the diverse field of contestants offered voters a genuine choice, the election fell short of a number of OSCE Commitments central to a competitive electoral process. In particular, the right of citizens to seek public office and equitable media access were not fully respected. The second round on 17 June displayed marginal improvements, but key problems persisted.

As in previous elections, voting did not take place on the territory *de facto* controlled by the Transnistrian authorities since 1992. Voters in Corjova, a Moldovan-controlled village on the left bank of the river Nistru/Dniestr, were deprived of their right to vote during both rounds of elections by Transnistrian militia.

Candidate registration was carried out in an overall orderly manner, but problems evolved over the procedures for determining the order of candidates and party lists on a ballot. A number of DECAs did not address this issue in a transparent, consistent and impartial manner, what tended to benefit the ruling Party of Communists of the Republic of Moldova (PCRM).

A number of opposition candidates were intimidated and pressured by the authorities, as well as by some members of the governing party, leading to many withdrawals. In some instances, these withdrawals resulted in disqualification of candidate lists, as the number of remaining candidates fell below the required minimum. Several cases implicated senior public servants and some members of Parliament.

The election campaign was overall low-key, although more visible in Chişinău and other major towns. While campaign activities were mostly unimpeded, equal opportunities were not always provided to contestants. The allocation of municipal billboard space was often not implemented as provided by a relevant CEC regulation, and several political parties alleged that their campaign staff was harassed by police while conducting lawful campaign activities. Not all contestants adhered to campaign finance regulations, including reporting requirements.

As in previous elections, media coverage of the campaign in news programs suffered from a restrictive provision in the Electoral Code that was interpreted by broadcasters and regulatory bodies as prohibiting any coverage of campaign activities outside debates and paid electoral spots. In their prime-time news and current-affairs programs, publicly funded television *Moldova 1*, as well as some private TV stations, largely ignored the views and opinions of the

opposition, while providing substantial coverage of the activities of state authorities outside the campaign context. Before the first round of voting, the Audio-Visual Co-ordinating Council issued warnings to *Moldova 1* and some other broadcasters for their failure to provide balanced, fair and impartial news coverage. In a positive development, both publicly funded and private broadcasters organized televised debates among candidates.

The current election legislation provides an adequate basis for the conduct of democratic elections, if implemented in good faith. However, some provisions of the Electoral Code are vague and there are gaps and inconsistencies, which should be addressed. Despite sound legal provisions for equal participation, women remained under-represented as candidates as well as in decision-making positions in the election administration.

These elections were administered by a four-tiered election administration including the Central Election Commission (CEC), 35 Level 2 District Electoral Councils (DECs), 899 Level 1 DECs, and some 1,934 Precinct Electoral Bureaus (PEBs). Following the July 2005 amendments to the Electoral Code, the composition of election commissions at all levels permits nominations by political parties.

The election administration carried out the preparations for the elections in an overall orderly manner. The CEC made commendable efforts to remain impartial throughout the process, and took numerous decisions in open meetings generally conducted in a collegial manner. However, the CEC was frequently unable to ensure that its decisions reached the PEBs, which subsequently led to inconsistent implementation of procedures in some cases. As a result of the April 2006 amendments, the CEC also lacked legal authority to enforce its decisions or to sanction violations of the Electoral Code by imposing fines, which undermined its effectiveness. Training of DECs and PEBs showed a need for more consistency, and the quality of their work varied.

There was a continuing lack of uniformity in the preparation and verification of voter lists, compounded by little or no guidance from the CEC. In most localities observed, voter lists were not posted for public scrutiny outside polling stations, as required by law.

The overlapping jurisdiction of electoral bodies and courts as regards complaints and appeals led to confusion, duplication of efforts and undue delays. Court hearings at all levels were often too short to thoroughly examine the cases; judgments frequently contained unsound evidentiary basis and interpretations of the law. The presence of judges on DECs in some cases created an appearance of a conflict of interest, since DEC decisions can be appealed to courts on which judges normally sit.

On election day the voting process was assessed by observers as “good” or “very good” in 96 per cent of polling stations visited. However, several shortcomings were noted, in particular, the procedure for stamping of the reverse side of a ballot frequently undermined the secrecy of the vote. The vote count was assessed less positively than polling, with 23 per cent of observers rating it as “bad” or “very bad”, citing a range of procedural shortcomings with regard to reconciliation procedures and criteria for determining ballot validity. Many PEBs had difficulties reconciling the results and/or completing the results protocols. In a majority of counts observed, protocols were not immediately posted outside polling stations as required by law, decreasing transparency in the process. In addition, the release of the CEC first-round results protocol was delayed by 5 days, and lacked comprehensive data.

The second round of voting and counting was assessed slightly more positively, however the shortcomings noted during the first round persisted. The CEC released second-round results within the legal deadline; however, the data published were once again incomplete and did not contain detailed information for mayoral runoffs.

## II. INTRODUCTION AND ACKNOWLEDGMENTS

Following invitations by the Ministry of Foreign Affairs and European Integration and the Central Election Commission of the Republic of Moldova to observe the 3 June 2007 local elections, the OSCE Office for Democratic Institutions and Human Rights deployed an Election Observation Mission in the Republic of Moldova on 24 April 2007. The OSCE/ODIHR EOM assessed compliance of the electoral process with OSCE Commitments and other international standards for democratic elections, and domestic legislation.

The OSCE/ODIHR EOM, headed by Ambassador Dieter Boden, consisted of 25 experts and long-term observers (LTOs) from 19 OSCE participating States, who were based in Chişinău and five regional centres. For election-day observation during both rounds, the OSCE/ODIHR EOM joined efforts with a delegation of the Congress of Local and Regional Authorities of the Council of Europe to form an International Election Observation Mission (IEOM). Ms. Susan Bolam led the delegation of the Congress.

On the first-round election day of 3 June, some 187 short-term observers from 45 OSCE participating States were deployed within the IEOM, including 17 from the Congress. IEOM observers assessed voting in some 750 polling stations out of a total of 1,934, located in all 35 second-level administrative units where voting took place. IEOM observers also observed the vote count in some 50 polling stations, while reconciliation procedures were followed in 30 Level 1 DECs.

For the second round of 17 June, the IEOM deployed some 88 observers from 32 OSCE participating States, including a 12-member delegation of the Congress. On 17 June, IEOM observers visited some 300 polling stations, out of 959 where voting took place. Counting was observed in some 18 polling stations, and reconciliation procedures were followed in 14 Level 1 DECs.

This final report follows a statement of preliminary findings and conclusions, which was released at a press conference on 4 June 2007, and a press statement, which was released at a press conference on 18 June. Both documents are available on the OSCE/ODIHR website ([www.osce.org/odihr](http://www.osce.org/odihr)), as are the reports of previous observation missions deployed by the OSCE/ODIHR since 1996.

The OSCE/ODIHR EOM is grateful to the authorities, the Central Election Commission, political parties and civil society of the Republic of Moldova for their co-operation. The OSCE/ODIHR EOM also wishes to express its appreciation to the OSCE Mission to Moldova, the resident diplomatic missions of OSCE participating States and international organizations, and the European Union Special Representative for their support and cooperation.

### III. POLITICAL BACKGROUND

These elections were the fourth local elections since Moldova gained its independence in 1991, and the third national ballot since the PCRM came to power in 2001. In the 2005 parliamentary elections, the PCRM obtained 46 per cent of votes and 56 out of 101 seats in the Parliament. Following these elections, the PCRM reached an agreement with several opposition parties, including the Democratic Party of Moldova (PDM), the Social Liberal Party (PSL) and the Christian Democratic People's Party (PPCD), which gave it necessary support for the re-election of Vladimir Voronin as President of the Republic on 4 April 2005. Unlike the PSL, which retracted its initial support of the PCRM, the PPCD and the PDM did maintain, up to the 2007 local elections, a degree of collaboration with the governing party.

Moldova's political landscape has changed noticeably since 2005. The opposition "Moldova Democrată" Bloc (BMD), which had come in second in the 2005 parliamentary elections with 29 per cent of votes, dissolved within weeks following the polls, after the PDM and the PSL split from the Bloc, leaving the "Moldova Noastră" Alliance (AMN) on its own. Dissent within AMN followed, leading to the creation of breakaway parties in June and December 2006, when former Prime Minister Dumitru Braghiș formed the Social Democracy Party (PDS) and MP Vitalia Pavlicenco founded the National Liberal Party (PNL), respectively.

The remaining centrist and centre-right opposition is mainly composed of the Social Democratic Party of Moldova (PSDM), the Popular Republican Party (PPR) and the Liberal Party (PL). The leftist opposition is mainly represented by the Party of Socialists of the Republic of Moldova "Patria Rodina" (PSRM) and the Socio-Political Republican Movement "Ravnopravie".

### IV. ELECTION SYSTEM

The 3 June 2007 local elections were conducted to elect 899 mayors of municipalities, towns, communes and villages, and 11,967 members of *rayon* (district), municipal, town, communal and village councils. Mayors and councillors were elected for a four-year term. Councillors were elected under a proportional representation system without a threshold, with seats being allocated according to the d'Hondt formula. Mayors were elected using a majority system, with a runoff between two candidates who received the highest number of votes in case no candidate won an absolute majority of the valid votes in the first round. Independent candidates could run for mayor or councillor, provided they submitted support signatures from registered voters. The number of required support signatures varied, depending on the size of the constituency where independent candidates wished to run.

The turnout requirement for all types of elections was lowered from 33 to 25 per cent of the number of registered voters, and removed altogether for second rounds and repeat voting, thus eliminating the potential for cycles of failed elections.

### V. LEGAL FRAMEWORK

The conduct of local elections in Moldova, including on the territory of the Autonomous Territorial Unit of Gagauzia (hereafter Gagauzia), is regulated primarily by the Electoral Code, which was adopted in November 1997 and has since undergone a series of significant revisions.

The legal framework for local elections also includes CEC decisions and regulations, the Law on the Territorial-Administrative Division, the Law on Decentralization, the Law on Political Parties and Socio-Political Organizations, the Law on Local Public Administration and the Law on the Organization and Conduct of Meetings. The latter three laws were in the process of being reviewed by the Parliament during the OSCE/ODIHR EOM<sup>1</sup>. Also relevant are the Law on Administrative Procedure and the Code on Administrative Offences.<sup>2</sup>

The current legislation generally provides an adequate basis for the conduct of democratic elections, if implemented in good faith. In March 2006, the Venice Commission of the Council of Europe and the OSCE/ODIHR published their latest joint recommendations for improving the Electoral Code. While recent amendments to the Code reflected a number of these recommendations, some key ones remain to be addressed. Furthermore, in places, the Code is too vague and contains gaps and inconsistencies, what at times impedes cohesive and consistent application of the law by electoral bodies, courts and law enforcement agencies. The official Russian translation of the Electoral Code is not fully accurate.

## VI. ELECTION ADMINISTRATION

The territory of Moldova is subdivided into 902 Level 1 administrative units<sup>3</sup>, and 37 Level 2 units<sup>4</sup>. The 2007 local elections were administered by a four-tiered election administration, composed of the CEC, 35 Level 2 DECs<sup>5</sup>, 899 Level 1 DECs<sup>6</sup>, and some 1,934 PEBs. Electoral districts as a rule coincide with the respective administrative units. The CEC of Gagauzia, which administers the electoral process on the territory of Gagauzia, has the status of a Level 2 DEC during local elections.<sup>7</sup>

As in previous elections, voting did not take place on the territory *de facto* controlled by Transnistrian authorities since 1992. In Corjova, a Moldovan-administered commune on the left bank of the Nistru/Dniestr, voting was effectively prevented both on 3 and 17, as Transnistrian militia prevented the polling station from functioning.

Following the July 2005 amendments of the Electoral Code, the composition of election commissions at all levels permits nominations from political parties. Parties are entitled to

---

<sup>1</sup> In March and June 2007, the OSCE/ODIHR and the Council of Europe's Venice Commission each published comments on the draft Law on Political Parties. Documents are available at <http://www.legislationline.org/upload/lawreviews/93/60/7b15d8093cbebb505ecc3b4ef976.pdf> and at [http://www.venice.coe.int/docs/2007/CDL-AD\(2007\)025-e.asp](http://www.venice.coe.int/docs/2007/CDL-AD(2007)025-e.asp).

<sup>2</sup> Laws regulating the media during elections are addressed in the media section of this report.

<sup>3</sup> Towns, communes and villages.

<sup>4</sup> These include 32 *rayons*; the municipalities of Chişinău, Bălţi and Bender; Gagauzia with the municipality of Comrat; and the "Localities on the Left Bank of the River Nistru/Dniestr", i.e. Transnistria, with the municipality of Tiraspol.

<sup>5</sup> While the CEC formally established two Level 2 constituencies for the "Localities on the Left Bank of the River Nistru/Dniestr" and for the municipality of Bender, which are controlled by the Transnistrian authorities, the DECs were not appointed and were thus not operational.

<sup>6</sup> Three out of 902 Level 1 administrative units are communes/villages under Transnistrian control where elections did not take place and no Level 1 DECs were established. The CEC adopted a decision permitting residents of these three villages to vote on supplementary lists in other designated locations within the Căuşeni Level 2 electoral district. Voters were able to cast ballots for the Căuşeni *rayon* council only.

<sup>7</sup> However, decisions of the CEC of Gagauzia were appealed to the Comrat Court of Appeal instead of a territorial court as envisaged for appeals of DEC decisions, thus *de facto* treating its decisions on a par with those of the CEC.

nominate DEC and PEB members proportional to their representation in the Parliament. At the same time, members of election commissions may not be members of political parties.

The CEC is a permanent state body that has the central role in implementing the election legislation. It consists of nine members: one appointed by the President, one by the Government, and seven by the Parliament, including five members nominated by opposition parties. CEC members are appointed for a five-year term and can serve up to two consecutive terms.

Since the start of the electoral period on 30 March 2007, the CEC adopted a wide range of decisions and regulations which provided explanations and clarifications of various provisions of the Electoral Code, *inter alia* on the activities of DEC and PEBs, candidate registration, media coverage, campaigning and voting procedures. The CEC also issued numerous decisions on complaints and appeals.

The CEC made commendable efforts to remain impartial throughout the process. It held regular meetings twice a week, but also met in numerous extraordinary sessions, which were open to the public and the media. CEC meetings were generally conducted in a collegial manner, and most decisions were adopted unanimously. The agenda of meetings as well as decisions were generally posted on the CEC website prior to and after sessions respectively as required by law.

Level 2 and Level 1 DEC were formed within the legal deadlines, i.e. 50 and 40 days before election day respectively. PEBs were mostly established as required by the law 20 days before election day.

Under the Electoral Code, DEC consist of seven to 11 members, including two nominated by a local council of the respective administrative unit, and two by territorial courts. The remainder may be nominated by political parties. PEBs have five to 11 members, three of whom are nominated by the respective local council. Due to permissible variations in the number of commission members, some political parties could not nominate DEC and PEB members unless the body in question had the maximum number of members. In some instances this led to accusations of biased decision-making and lack of transparency by some political parties.

The election administration carried out its duties in an overall orderly manner. However, occasionally, the CEC failed to ensure that its decisions filtered down to the PEBs and to monitor their implementation, resulting in uneven application of rules and procedures. Legally, the CEC lacked authority to sanction violations of the Electoral Code and to enforce its decisions, even within the election administration. This seriously undermined its effectiveness.<sup>8</sup> Following an amendment to Article 69, the provision that previously enabled the CEC to issue warnings and to impose fines in cases of violations of the Code was removed. In the absence of enforcement mechanisms, the CEC at times appeared powerless in the face of non-compliance. In one notable case, the Briceni DEC refused for some time to comply with a CEC decision ordering it to cancel its decision to deregister a number of candidate lists. In Chioselia, Cantemir *rayon*, PEBs failed to respect and execute decisions of a court and of the CEC with regard to candidate deregistration.

---

<sup>8</sup> In 2006, Article 69.2 of the Electoral Code, which authorized the CEC to fine electoral competitors for violating the Electoral Code, was removed. At present, only courts can issue fines for certain electoral violations.



The quality of work of election administration at different levels varied. In certain areas, the distinction and separation between the DEC and local administration was blurred, with DEC personnel using local administration resources and offices rather than their DEC facilities, which were often closed during working hours. This opened the possibility of influence by local administration and/or political parties. Such a case was observed in Briceni, where the work of the Level 2 DEC was strongly influenced by PCRM senior district officials, who evidently pursued the exclusion of other parties and candidates from the race in the district.

The chairpersons, deputy chairpersons and secretaries of Level 2 DECs were trained by the CEC, and were perceived to have worked professionally. However, members of Level 1 DECs and especially of PEBs appeared to have not received sufficient training, resulting in inconsistent application of the Electoral Code and of election-day procedures by PEBs. In addition, PEBs did not appear to have received adequate technical support from higher-level commissions, resulting in some of them not being fully operational by the legal deadline.

In the run-up to the first round, the CEC undertook limited voter education and awareness-raising efforts by broadcasting two voter information spots. The DECs did not carry out any additional voter education activities in the regions; neither were there any further voter information efforts undertaken to improve voters' understanding of procedures in the run-up to the second round.

## VII. CANDIDATE REGISTRATION

The 2007 local elections provided voters with a genuine political choice. A total of 4,766 candidates competed for 899 mayoral positions, and some 60,000 for 11,967 seats in *rayon*, municipal, town, commune and village councils. Twenty-two of 27 political parties registered with the Ministry of Justice put forward their candidates. Two parties ran as an electoral bloc. In addition, more than 1,500 independent candidates competed. The European Action Movement was not able to participate in the elections as it was initially denied registration by the Ministry of Justice and was only registered after the elections had been called, following a court order.<sup>9</sup>

The registration of candidates was finalized by the respective DECs by 10 May, with the exception of appealed cases.<sup>10</sup> Although the registration process was overall orderly, complaints were made that some DECs requested more documents than required by the Electoral Code.<sup>11</sup>

With regard to the sequence of registration of party lists and candidates, which ultimately decides the order in which electoral contestants appear on a ballot, a significant number of DECs appeared to not have handled the process in a transparent, consistent and impartial

---

<sup>9</sup> Please see Section XV, Complaints and Appeals.

<sup>10</sup> In one case of denial of an independent candidate's registration, the decision was appealed all the way to the Supreme Court, with a final decision having been issued only days before the election.

<sup>11</sup> Article 44.1 of the Electoral Code requires potential candidates to submit several documents: a note from the party nominating the candidate, or a support signature list for independent candidates; biographical data; a declaration of agreement to run as a candidate; a declaration of income and properties; and a declaration of suspension from his or her position for the duration of the campaign. However, the law is unclear as to the role of DECs in checking the submitted documentation, and as to which actions they can take in case the data is incorrect or incomplete.

manner.<sup>12</sup> In some cases,<sup>13</sup> the DEC's allegedly registered the candidates from the governing party before the official submission date. In others,<sup>14</sup> the DEC's arbitrarily determined the ranking or irregularities were alleged in the drawing of lots performed to determine the order of contestants in cases of simultaneous submissions.<sup>15</sup> In some of these instances, the DEC chairpersons appeared to have issued decisions without consulting other DEC members. Significantly, most complaints lodged by electoral contestants with regard to candidate registration were rejected, citing lack of evidence.

A number of opposition candidates were intimidated and pressured by the authorities as well as by some members of the governing party, as corroborated by first-hand accounts collected by the OSCE/ODIHR EOM from people subjected to such pressure and intimidation.<sup>16</sup> Teachers and health-sector personnel, but also small business owners, were the most affected. Several cases implicated senior public servants from education and health departments and the State Ecological Inspectorate, as well as some members of the Parliament.<sup>17</sup> In other instances, evidence suggests that several court cases were re-opened in order to exert pressure on electoral contestants<sup>18</sup>. A number of complaints were lodged with courts and electoral bodies and reports were received from LTOs of mayors who, in contravention of the law, did not step down from their posts while running as candidates, or who continued to perform mayoral duties or to use administrative resources after resigning.<sup>19</sup> The withdrawal and exclusion of candidates was also handled in a questionable manner in some instances.<sup>20</sup>

---

<sup>12</sup> Article 44.2 of the Electoral Code stipulates that candidates may submit their documents only after the DEC's announce the time and place for their reception. CEC Decision No. 539 of 26 April 2007 stipulates that the reception of documents should not take place earlier than 24 hours after the announcement. If candidates submit all necessary documents simultaneously, the order on the ballot is established by drawing of lots in accordance with regulations developed by the CEC.

<sup>13</sup> For example, in Chişinău, Bălţi and Hînceşti.

<sup>14</sup> For example, in Căuşeni, Edineţ, Teleneşti and Ocnîţa.

<sup>15</sup> In Hînceşti, Ungheni, Cahul and Sîngerei.

<sup>16</sup> Credible allegations of pressure and intimidation against candidates were also made in Floreşti, Străşeni, Ungheni, Rîşcani, Ialoveni, Criuleni, Ocnîţa, Cahul, Călăraşi, Teleneşti, Nisporeni, Taraclia, Orhei and Sîngerei. In Hînceşti, a PPCD candidate was physically threatened. In Ştefan Vodă and Cahul, two PSL candidates and local councillors faced summary dismissal and suspension from their jobs in the State Ecological Inspectorate. AMN alleged similar pressure on its two candidates in Dubăsari and Bălţi. Between the two rounds, in village of Floreşti *rayon*, a wife of a PDM mayoral candidate was allegedly threatened with job loss by the Chairman of the *Rayon* Council in an attempt to force her husband to withdraw from the race.

<sup>17</sup> In Briceni, Floreşti, Drochia, Soroca, Ocnîţa, Şoldăneşti, Orhei and Nisporeni, the EOM was informed by some candidates that they had been pressured into signing resignation letters, while others had decided to withdraw "voluntarily" due to fear of retribution, such as dismissals or closure of their businesses. In Briceni, as a result of these withdrawals, the *rayon* council lists of PSL, PSDM, PPR and EBPRR were declared invalid by the Level 2 DEC, as the number of candidates remaining on the lists fell below the required minimum. In Ocnîţa, two party lists were invalidated by the Level 1 DEC on the same grounds. Some of these parties submitted complaints to the CEC and were consequently reinstated.

<sup>18</sup> Under Article 46 of the Electoral Code, registered candidates "may not have a criminal case filed against them, be arrested, detained or subjected to any administrative sanction without the agreement of the electoral body which registered them". The law is, however, unclear as to whether a candidate can be investigated or whether a case can be re-opened against him/her.

<sup>19</sup> In Străşeni, a mayor reportedly continued to sign expenditure vouchers, although he had stepped down from his position.

<sup>20</sup> In Briceni, the Level 2 DEC accepted personal resignation letters submitted by a third party although Article 46.6 of the Electoral Code states that withdrawal requests can only be submitted by a party or a candidate him/herself. A similar situation was observed in Ocnîţa.

## VIII. VOTER REGISTRATION

Voter lists are based on the information extracted from the permanent Population Register maintained by the Ministry of Information Development (MID). A voter may be included on a voter list of only one polling station at the place of his/her permanent or temporary residence, which is confirmed by a corresponding stamp in identification documents. A voter having both permanent and temporary residences votes in the polling station serving his or her temporary residence.

While Article 22.d of the Electoral Code indicates that the CEC shall “exercise the control of the drawing up and the verification of voter lists in cooperation with local and central public administration bodies”, voter lists are compiled by mayoral offices and verified by door-to-door checks in the first two months of each year. In electoral years, the same offices carry out the second verification, no later than 20 days before election day.

After the first verification, which was carried out up to 1 March 2007, the CEC announced that 2,447,715 voters would be eligible to cast ballots. Following the second verification, the number of registered voters dropped by 4.9 per cent, to 2,328,522. A third different figure was reported following 3 June voting, when the CEC announced that according to the aggregated counting protocol, 2,226,096 voters were eligible to cast ballots. Such significant fluctuations in the number of registered voters in a short period of time give serious grounds for concern with regard to the accuracy of voter lists and the quality of two verifications carried out.

Furthermore, observers reported lack of uniformity in the preparation, verification and handling of voter lists, compounded by little or no guidance from the CEC within the remit of its authority. LTO reports indicated many instances where lists were not posted within the legal deadline, were posted in mayoral buildings rather than at polling stations, were not posted and were available only upon request for individual scrutiny, or did not include all data specified in the Electoral Code, in particular the type and number of identity documents. LTOs also reported cases where citizens living abroad and students being away from their home towns were removed from the lists although they had not officially deregistered. Citizens residing on the territory controlled by the Transdnistrian authorities were not included in any voter list.

Plans to introduce a centralized electronic voter register were postponed until 2009 parliamentary elections, apparently due to lack of funding. However, on 3 June the CEC implemented an electronic voter list pilot project in three polling stations in Chişinău, where voters were electronically crossed out from a common database as having cast their ballots.

On election day, the PEBs used three types of voter lists: regular, supplementary and special supplementary lists for mobile voting. Despite two verifications performed in 2007, 83,802 voters had to be entered into supplementary lists for Level 2 council elections on 3 June.<sup>21</sup>

For the 17 June second rounds, supplementary lists from the first round were attached to and technically became an integral part of the regular voter lists. Nevertheless, in the second round another 38,072 voters, out of 1,051,164 citizens eligible to vote in second round mayoral contests, were entered into new supplementary lists for mayoral runoffs, representing 3.6 per cent, with a maximum of 9.5 per cent in Bălţi.<sup>22</sup>

---

<sup>21</sup> They represented 3.7 per cent of all registered voters, with a maximum of 9.1 per cent in Basarabasca.

<sup>22</sup> Most of the data published by the CEC after both rounds of voting did not contain summed up countrywide figures and percentages for all types of elections, including information on the number of

The lack of legal provisions and clear deadlines applicable to second-round contests hindered the preparations for the run-offs and resulted in inconsistent practices. Voter lists remained unavailable for public review at the majority of polling stations visited between the two rounds.

#### **A. VOTER IDENTIFICATION**

On election day, voters could identify themselves with one of the following four identification documents: national identity card accompanied by a paper slip with residence information; old Soviet passport; temporary identity card or the so-called "Form N 9"; and, according to a last-minute CEC decision, Alternative Civilian Service identity cards. The CEC also decided, five days before the first round and as during previous elections, that PEBs should accept expired identification documents.

According to the MID, some 453,500 citizens including residents of Transdnistria hold old Soviet passports or temporary identification documents instead of regular Moldovan identity cards. This figure comprises mostly pensioners and people who refuse the regular identification documents on religious grounds, the latter of which also do not have a national personal identification number. In addition, 107,704 citizens possess expired ID cards, and approximately 4,000 have an Alternative Civilian Service ID.

### **IX. ELECTION CAMPAIGN**

The official campaign period for parties and candidates started with their registration by the respective DECs. Overall, the electoral campaign before the first round was low-key, although more visible in Chişinău and other major towns, where party and candidate supporters were actively distributing and posting electoral materials and holding rallies. Campaign activities between the two rounds were limited, including in Chişinău. Electoral contestants resorted mostly to door-to-door canvassing and small-scale meetings with voters. These activities were mostly unimpeded.

However, equal opportunities were not always provided to all contestants. As per a CEC regulation of 20 April, municipal authorities were obliged to erect billboards for electoral contestants to post their electoral material. The space allocated on these billboards had to be equal for each contestant, and equivalent to at least one square meter per contestant and billboard. Although billboards were in many cases made available, the provisions of this CEC regulation were not adhered to by a number of municipalities. In Chişinău, as well as in many regions, local authorities failed to guarantee the minimum space per candidate. In Bălţi, the place for billboards was allocated, but the procurement, assembly and dismantling of billboards was left to the electoral contestants. Political parties with greater financial resources benefited from this arrangement.

Several political parties, such as PPCD, AMN, PDS and PSL complained that, at times, their campaign staff were harassed by police when conducting lawful campaign activities, while PCRM supporters were allegedly not criticized or held liable for infringing upon the law. In Chişinău, a party supporter was detained and fined by a territorial court for holding up a poster

---

voters added on supplementary lists. Instead, the data was mostly aggregated by Rayon and Municipal, town and commune/village levels, and mayoral contests.

in his hands in a public place.<sup>23</sup> In Chişinău and Floreşti, police prevented some party supporters from displaying posters and banners on their private property.<sup>24</sup>

Meetings and rallies generally took place unimpeded. In Teleneşti, however, a meeting of the PSL, which was scheduled to take place on 13 May, was prevented by a concomitant meeting held by the Speaker of Parliament. In Chişinău, a protracted legal dispute between the PCRM and the PPCD over access to the main square for a rally on 1 June, the last day of the first-round campaign, was resolved in the last instance in favour of the PPCD. The Supreme Court upheld the CEC decision that overturned the decision of the Chişinău Municipality to grant the venue to the PCRM.

Electoral contestants are obliged to open a special bank account, which must be used for all campaign-related financial transactions. Both natural and legal persons can contribute to candidates' campaign funds. Loans from the State budget can be taken by electoral contestants, and shall be repaid by them in proportion to the number of votes received.<sup>25</sup> Foreign funding is prohibited. The CEC may request the Court of Accounts or the Fiscal Inspector of the Ministry of Finance to audit electoral accounts. However, no systematic audit of campaign financing is performed.

Parties are obliged to publicly declare and report all financial and non-financial support received for their campaign. Bi-weekly reports detailing incomes and expenditures must be sent to the relevant electoral bodies. Electoral bodies issue weekly reports on sources of income and electoral expenditures for all contestants registered with them. The report on financial expenditures of political parties, released by the CEC two days before the first round, indicated that four of 21 political parties and electoral blocs participating in elections failed to submit complete reports, and one of them did not open an electoral account.

The CEC subsequently issued warnings to non-compliant parties; however, it generally did not appear to have monitored the implementation of campaign finance regulations by the DECAs and electoral contestants with due attention. Non-submission of regular reports by some political parties earlier in the pre-electoral campaign went unnoticed and was not acted upon. Neither did the CEC request assistance from the Court of Accounts or the Ministry of Finance with reviewing campaign expenditures.

## **X. MEDIA**

### **A. BACKGROUND**

While television is the most important source of information in the Republic of Moldova, radio also reaches significant audience, especially in the rural areas. Most newspapers have limited circulation. According to the main regulatory body for the broadcast media, the Audio-Visual

---

<sup>23</sup> The court held that the street corner in question was not an authorized place for displaying electoral posters.

<sup>24</sup> The Supreme Court noted in one case that it is prohibited to publicly display electoral posters on private property.

<sup>25</sup> The loans range from 1,000 Moldovan Lei (MDL) for candidates for commune/village council (€ 60) to MDL 40,000 (€ 2,500) for a political party. In addition, ceilings for campaign funds have been set for each position sought, ranging from MDL 50,000 to 100,000 (€ 3,000 to 6,000) for councilors<sup>25</sup>, MDL 200,000 to 300,000 (€ 12,000 to 18,000) for mayors, and MDL 7.5 million (€ 500,000) for political parties.

Co-ordinating Council (*Consiliul Coordonator al Audiovizualului*, CCA), some 38 terrestrial TV channels and 44 radio stations are currently licensed to broadcast in Moldova. However, most of them re-broadcast programs from Romania and Russia, offering only a limited amount of locally produced programmes. Publicly funded TV *Moldova 1* and *Radio Moldova* have nationwide coverage; together, they form the national public broadcaster *Teleradio Moldova*.

Despite a diverse media environment, a number of domestic interlocutors and international organizations<sup>26</sup> have repeatedly expressed concern about the lack of pluralism in the country's broadcasting sector, the ability of the media to provide diverse information, and media independence.

## **B. LEGAL FRAMEWORK FOR THE MEDIA**

The Electoral Code contains provisions governing media conduct during an election campaign, providing *inter alia* for the allocation of free and paid airtime to all contestants on equal terms and stipulating that it is obligatory for the public broadcaster and optional for private TV channels to organize televised debates, each lasting at least 90 minutes. When reporting on the activities of candidates who are currently holding a public office, the media is prohibited from offering them any privileged treatment over their opponents. Furthermore, under the Broadcasting Code, which regulates the activities of the broadcast media, broadcasters are required to "encourage and facilitate a pluralistic exchange of opinions" and to observe "principles of balance, fairness and impartiality".

Compliance with these provisions is overseen by the CCA as well as the CEC. In line with Article 40 of the Broadcasting Code, the CCA on 29 March adopted a "Concept of Media Coverage of the Campaign by All Media Outlets". Based on this concept, the CEC, in co-operation with the CCA, adopted an additional regulation on 6 April, which provided further details on the principles of allocation of free and paid time to contestants, as well as guidelines for the organization of debates. Apart from an obligation to follow the CEC and CCA general regulations, each media outlet wishing to cover the campaign was obliged to adopt its own internal regulations on the principles of coverage and to have them approved by the CCA.

## **C. TV DEBATES**

Regular televised debates organized by public and private broadcasters gave candidates opportunities to inform voters of their views and platforms. Before the first round of voting, *Moldova 1* and *Radio Moldova* each organized six debates among the candidates for Chişinău mayor, as well as debates with candidates running in various parts of the country. The PCRM decided not to participate in most of these debates, as was its right, but this decision somewhat reduced the value of these events for voters. The resulting lack of opportunity to address questions to the PCRM candidates, in particular the incumbents, was compounded by the fact that media generally chose not to pose critical questions. In addition to debates, candidates were able to convey their message to the electorate through paid political advertising and in the print media.

---

<sup>26</sup> See, *inter alia*, the press release by the OSCE Mission to Moldova ([http://www.osce.org/documents/mm/2006/12/22734\\_en.pdf](http://www.osce.org/documents/mm/2006/12/22734_en.pdf)), the Freedom House report on "Media Freedom in the World 2007" ([www.freedomhouse.org](http://www.freedomhouse.org)) and the 14 March 2007 Joint Statement of the diplomatic community in Moldova (<http://chisinau.usembassy.gov/pr031407.html>).

#### D. NEGATIVE CAMPAIGNING

Negative campaigning surfaced in the media some three weeks prior to the first round. A PCRМ spot was aired targeting the PDS candidate for Chişinău mayor, Dumitru Braghiş. A similar spot produced by the PDS and targeting the PCRМ was temporarily banned by the Rîşcani territorial court in Chişinău, following a PCRМ complaint claiming defamatory content. This decision was upheld by the Chişinău Court of Appeal. The territorial court postponed a substantive hearing of the case until only after the elections, thus leaving the temporary ban in force. As such, the territorial court essentially denied timely access to justice during a time-sensitive period.

#### E. OSCE/ODIHR EOM MEDIA MONITORING

Beginning with the official start of the campaign on 4 May, the OSCE/ODIHR EOM monitored six TV stations<sup>27</sup> and nine daily or weekly newspapers.<sup>28</sup> In addition, the monitoring team analyzed the coverage of the campaign by two radio stations<sup>29</sup> and the main news of two regional TV channels<sup>30</sup>. Media monitoring included quantitative and qualitative analysis of the coverage given to candidates and parties competing in the elections, and of the coverage devoted to other relevant political subjects.

As during previous elections,<sup>31</sup> news coverage of the campaign was restricted by a legal provision, which was interpreted by broadcasters and regulatory bodies as prohibiting any coverage of campaign activities outside debates and paid electoral spots in order not to violate the principle of equality.<sup>32</sup>

The majority of monitored broadcasters, through their prime-time news, provided extensive coverage of state authorities, thus favouring pro-government candidates. In its prime-time news and current-affairs programs, publicly funded *Moldova 1* displayed a clear bias and provided substantial coverage of the activities of state authorities outside the campaign context. In the four weeks preceding the first round of elections, *Moldova 1* devoted a total of 74 per cent of its political and election-related prime-time news coverage to the President, the Government, and the Speaker of Parliament, and another 6 per cent to the PCRМ. This coverage was overwhelmingly positive in tone. At the same time, the news programs on *Moldova 1* largely ignored the views and opinions of the opposition. A similar pattern was observed on publicly funded *Radio Moldova*. Thus, both *Moldova 1* and *Radio Moldova* failed to meet their legal obligation to create equal conditions for candidates and political parties.

The CCA issued warnings to *Moldova 1*, *Radio Moldova*, *Antena-C* radio and *NIT* for their failure to observe the principles of balance, fairness and impartiality in their news programs.

---

<sup>27</sup> *Moldova 1*, *NIT*, *Euro TV*, *Pro TV*, *TV7* and *N4*.

<sup>28</sup> Moldovan-language *Flux*, *Timpul*, *Jurnal de Chişinău*, *Moldova Suverană*, *Ziarul de Garda*, and *Săptămîna*, and Russian-language *Komsomolskaya Pravda*, *Argumenty i Fakty*, *Nezavisimaya Moldova*, and *Moldovskie Vedomosti*.

<sup>29</sup> *Radio Moldova* and *Antena-C*.

<sup>30</sup> *TV Gagauzia* and *TR Bălţi*.

<sup>31</sup> See, *inter alia*, OSCE/ODIHR Final Reports on the 2003 local elections [http://www.osce.org/documents/odihr/2003/08/560\\_en.pdf](http://www.osce.org/documents/odihr/2003/08/560_en.pdf) and the 2005 parliamentary elections [http://www.osce.org/documents/odihr/2005/06/14919\\_en.pdf](http://www.osce.org/documents/odihr/2005/06/14919_en.pdf).

<sup>32</sup> Article 47.4 of the Electoral Code states that “it is prohibited to air, apart from the air time granted free of charge during debates, spots and TV or radio reports, on the activity of the electoral contestant or on their or their trustees’ participation in meetings with voters, on working visits of the electoral contestants who hold offices at republican or *rayon* level.”

*Moldova 1* was also criticized for its favourable coverage of the state authorities and lack of critical reporting. A decrease in the amount of prime-time news coverage devoted to the state authorities, 53 per cent as opposed to 93 per cent in early May, was noted in the last week of the first-round campaign on *Moldova 1*. A similar trend was observed on *Radio Moldova*. In addition, *Moldova 1* and *Radio Moldova* offered some access and coverage of opposition candidates in the last days of the first-round campaign.

Discernable differences were observed in the news coverage provided by the private broadcasters. *NIT* and *TV N4* adopted a pattern similar to that of *Moldova 1*. *Euro TV* and *Antena-C* radio also generally provided favourable news coverage of the activities of state authorities in the run-up to the first round of elections. During the dispute between the PPCD and the PCRM about the right to use Chişinău's main square for a rally, some critical coverage of the PCRM appeared on *Euro TV*. *Pro TV* and *TV7* were the only channels to provide a more balanced coverage of the campaign. However, their potential audience is far smaller than that of two main networks, *Moldova 1* and *NIT*.

The political and election-related news coverage of the regional broadcasters monitored by the OSCE/ODIHR EOM showed a pattern of political favouritism towards local authorities. In Gagauzia, the publicly funded local broadcaster *TV Gagauzia* provided the Gagauz authorities with 92 per cent of its coverage, which was overwhelmingly positive or neutral in tone. On *Teleradio Bălţi*, which is owned by the municipal council, local authorities received 71 per cent of the coverage, which was also mainly positive or neutral in tone.

Paid advertising was used extensively by a number of candidates. Major TV channels aired a spot in which the Speaker of Parliament, Marian Lupu, supported the PCRM mayoral candidate in Chişinău, Veaceslav Iordan. This appeared to violate the CEC regulation on media coverage of the campaign, which states that "any images representing the institutions of the President, Parliament, or the central and local public administration may not be used". The CEC decided that the Speaker of Parliament did not appear in his official capacity, but as a private citizen, which therefore did not constitute a violation. At the same time, the CEC issued warnings to several candidates in the last week of the campaign, due to the fact that buildings and symbols of state and municipal institutions were featured in their electoral spots.

The CEC, upon the CCA request, issued warnings to two private broadcasters, *Pro TV* and *Euro TV*, for exceeding the daily time limits for paid advertising in favour of candidates from the PDS, PD and PPCD. However, no such warning was issued to *NIT*, which allocated more than the prescribed paid airtime to one or more contestants every day between 21 May and 1 June.

## **F. SECOND ROUND**

In the period between the two rounds, the majority of monitored TV stations, including publicly funded *Moldova 1*, continued to provide extensive coverage of the activities of state authorities outside the campaign context, thus repeating the pattern observed before the first round. This benefited pro-government candidates and limited opposition candidates' opportunity to reach the electorate on an equal basis. The authorities failed to take any remedial action between the two rounds to redress biased coverage on the public broadcaster.

The work of the CCA was disrupted during the last week before the second round by an investigation by the Centre for Combating Economic Crimes and Corruption (CCCEC) into



allegations of bribe-taking by members of the CCA. One of the four detained CCA members was charged and taken into custody. Two of the others temporarily detained have publicly claimed that the detentions might have been linked to the CCA warnings to some broadcasters for biased coverage before the first round. The CCCEC has denied this allegation.

Between the two rounds, there were no debates between the two candidates for Chişinău mayor as the PCRM candidate, Veaceslav Iordan, chose not to participate. In line with a CEC decision, his opponent, Dorin Chirtoacă, was able to utilize his allocated time by answering journalists' questions. The public broadcaster and *Euro TV* also organized debates between mayoral candidates running in other localities.

Negative campaigning reappeared in the media, with paid spots aimed against both contestants in Chişinău having been aired. Two formerly state-owned newspapers, *Moldova Suverană* and *Nezavisimaya Moldova*, clearly supported Mr. Iordan and published several articles against Mr. Chirtoacă, some with inflammatory content. By contrast, *Timpul*, *Jurnal de Chişinău* and *Ziarul de Gardă* showed their support to Mr. Chirtoacă and criticized his opponent.

## XI. PARTICIPATION OF WOMEN

National and international legal frameworks provide a sound basis for equal participation of women in electoral processes. The Constitution provides for equality between women and men, and the Law on Political Parties and Socio-Political Organizations obliges parties and other socio-political organizations to promote the principle of gender equality in designating governing bodies at all levels. The Law on Ensuring Equal Opportunities for Women and Men, adopted in February 2006, contains a specific article on equal opportunities in the electoral sphere and obliges the election administration and political parties to observe the principle of gender equality. Moldova is a State Party to the Convention on the Elimination of Discrimination Against Women (CEDAW), the Convention on the Political Rights of Women, and has acceded to the CEDAW Optional Protocol.

Regrettably, a comprehensive assessment of women's participation in the electoral process is significantly inhibited by a general absence of mechanisms for monitoring of women's participation. Gender-disaggregated statistical information on key election-related indicators, such as the proportion of women incumbents, candidates and voters would facilitate the evaluation of the country's adherence to the national legislation and international commitments with regard to non-discrimination. However, reports from interlocutors and the data available consistently highlighted that the *de facto* electoral environment did not facilitate the participation of women as candidates.

Most mainstream political parties established minimum internal quotas of 30 per cent for women candidates before the elections. However, few, if any, appeared to have met them. Women accounted for less than 25 per cent of mayoral candidates in both rounds.<sup>33</sup> Interlocutors cited economic and societal factors that negatively affected women's ability to run as candidates on an equal footing with men. These included some reports from women candidates of discrimination on the basis of gender, income disparities and a prevailing patriarchal system in society.

---

<sup>33</sup> First-round data is based on information from 20 out of 35 *rayons* and municipalities where elections took place. Second-round data are comprehensive.

Although women are represented in equal numbers with men in the election administration overall, they are under-represented in leadership positions at all levels. Concentration of women in lower ranks resulted in a large responsibility for delivering practical responsibilities on election day, but exclusion from higher-level decision-making during the electoral process. Election administration and political parties, while generally aspiring to adhere to the new Law on Ensuring Equal Opportunities for Women and Men, referred to its vagueness and lack of concrete implementation mechanisms as an impediment in its application.

Few attempts by the civil society to enhance women's participation in the electoral process were observed. Women's NGOs would benefit from improved strategies for co-ordination and co-operation amongst themselves as well as with other relevant parties.

## **XII. PARTICIPATION OF NATIONAL MINORITIES**

According to the 2004 census, national minorities account for some 24 per cent of Moldova's population. The largest minorities are Ukrainians, Russians, Gagauz, Romanian and Bulgarian. Roma NGOs put the numbers of Roma considerably higher than the official figures of 0.36 per cent of the population.

Moldova is a State Party to the Convention on the Elimination of Racial Discrimination and the Council of Europe's Framework Convention for the Protection of National Minorities. The Moldovan Constitution and the Electoral Code guarantee equal rights for national minorities. However, registration requirements in the current Law on Political Parties and Socio-Political Organizations are disadvantageous for the formation of parties representing minority communities and regionally based parties.

The activities of governmental and non-governmental actors relating to national minorities appeared to focus on cultural and social events. Minority issues were not visible in the political discourse, and most political parties reported inclusion of national minorities in their lists. The implementation of the legal provision for printing of a broad range of electoral materials in Russian is commendable as a positive feature, which facilitates participation of voters who do not speak the state language.

National minority NGOs expressed no concerns to the OSCE/ODIHR EOM with regard to participation of ethnic and national minorities in the electoral process, with the notable exception of representatives from Roma NGOs, who reported persistent discrimination in all spheres. Roma appeared to be under-represented as candidates and electoral administrators, even in areas where they constitute a significant part of the population. Despite the reported difficulties, very limited efforts appeared to have been undertaken by NGOs aimed at enhancing the participation of Roma in the electoral process and at addressing the issues of marginalization and exclusion of the community at higher political levels.

## **XIII. DOMESTIC OBSERVERS**

The largest domestic non-partisan observer effort to monitor the electoral process was undertaken by the "Civic Coalition for Free and Fair Elections – Coalition 2007", which was

created by seven non-governmental organizations.<sup>34</sup> Other NGOs could join the Coalition by subscribing to its Regulation and the Charter of Free and Fair Elections. By 3 June, the Coalition comprised 16 member organizations, while over 100 local and regional organizations were also affiliated.

In the framework of the Coalition, a broad range of activities was carried out by individual NGO members. LADOM has undertaken the election-observation effort having deployed 30 LTOs and some 1,900 STOs for the first round, and 650 STOs for the second round. It also organized a parallel vote count in Chişinău, Bălţi, Comrat, Cahul and Orhei. In co-operation with the CEC, ADEPT conducted training of some 2,500 election officials, as well as produced voter-education posters and TV/radio spots. Media monitoring effort was undertaken by API.

The Coalition 2007 published a number of reports on the pre-electoral campaign and the election day. In its final conclusions, the Coalition noted that its observers faced obstruction from the side of PEBs in some 5 per cent of observed polling stations.

Several other domestic NGOs were accredited as local observers by the CEC, including the First Club of the Council of Europe, the European Academy of Civil Society, the Institute for Civic Initiative and Information Development, the Helsinki Committee for Human Rights of the Republic of Moldova, the National Centre of Studies and Information for Women's Problems, the Centre of International Communication and Human Rights, the European Movement of Moldova and the Institute for Democracy.

#### **XIV. COMPLAINTS AND APPEALS**

Compared to a considerable amount of alleged irregularities during the electoral period, the number of formal complaints submitted to electoral bodies and courts was relatively low.<sup>35</sup> Some opposition parties explained their reluctance to file formal complaints by the lack of trust in the impartiality of the responsible bodies. Generally, opposition parties lacked the necessary resources and capacity to put together strong legal arguments and sufficient evidence, which often led to the dismissal of complaints.

The overlapping jurisdiction of electoral bodies and courts with regard to complaints and appeals led to confusion, duplication of efforts, undue delays, and conflicting rulings. There were instances of the same complaints being simultaneously submitted to electoral bodies and courts<sup>36</sup>, with conflicting decisions being issued on occasion. In a notable case, a complaint submitted concomitantly to the CEC and to the Chişinău Court of Appeal resulted in conflicting decisions on whether the PCRM or the PPCD would have permission to hold a rally on the capital's main square. Complainants frequently disregarded DEC's, citing lack of trust in their impartiality, and submitted complaints directly to the CEC, which in turn referred them down.

---

<sup>34</sup> The Coalition was formed by the League for Defense of Human Rights of Moldova (LADOM), the Association for Participatory Democracy (ADEPT), the CONTACT Centre, the Association of Independent Press (API), the Independent Journalism Centre (CJI), the Association of Judicial University Clinics and the National Youth Council of Moldova.

<sup>35</sup> Article 65.f the Electoral Code provides voters and electoral contestants the right to submit complaints and appeals to higher-level electoral bodies or courts against decisions, actions and inaction of electoral bodies.

<sup>36</sup> There is a three-tier court system, consisting of 40 territorial courts, five Courts of Appeal, and the Supreme Court of Justice.

Complaints submitted to electoral bodies and courts related to a broad range of issues. They included, *inter alia*, composition of electoral bodies, candidate registration, suspension of public duties, misuse of public administrative resources, unauthorized campaigning, unequal campaign conditions, intimidation of candidates, accuracy of voter lists, financial disclosure, and media coverage. There were also numerous complaints alleging irregularities in voting, counting and tabulation procedures during both rounds of voting.

The DEC received significant numbers of complaints. In adjudication of complaints, there were many instances of DEC failing to follow legal procedures, not meeting deadlines, and making legally unsound decisions. Some DEC were perceived as being politically biased or influenced by the local administration and political parties, while others appeared unwilling to invest necessary efforts into consideration of complaints. In some cases, DEC chairpersons made unilateral decisions on appeals. In one instance, a DEC based its decision on the Russian version of the Electoral Code, despite an obvious conflict with the official Moldovan version.

The presence of judges on DEC in some cases created an appearance of a conflict of interest, since decisions of DEC can be appealed to the same territorial courts on which the judges normally sit.<sup>37</sup> In one case observed by LTOs, judges of a territorial court considering a case involving their colleague, the chairperson of the court, who was nominated to work as a DEC chairperson during the electoral period, reportedly acted in a manner loyal to him. This resulted in a decision in his favour without due consideration of facts and evidence.

The CEC was evidently overwhelmed by the number of complaints received.<sup>38</sup> It lacked legal staff for thorough examination of complaints and for drafting of legal analyses and decisions for consideration by CEC members. Instead, members were personally responsible for considering individual complaints and for drafting decisions. Discussions in public meetings revealed that members lacked knowledge of the CEC jurisdiction and of relevant legal principles.

Written decisions did not thoroughly articulate the facts, issues, evidence, and legal analysis necessary for reader's full understanding of the circumstances and issues involved. In some instances, decisions were not legally sound. In many cases, the CEC failed to meet the three-day legal deadline for adjudication of complaints, thus delaying legal redress in a time-sensitive period.<sup>39</sup> Decisions on complaints were not published in the Official Gazette, as required by Article 18.4 of the Electoral Code, allegedly due to difficulties with ensuring timely translation into Russian.

Despite political constraints, the CEC has demonstrated its aspiration to act in the interests of the entire range of electoral subjects. In a significant case, the CEC recognized intimidation of several opposition candidates by public officials, which resulted in candidates' withdrawals, and cancelled the initial decisions by the Briceni DEC accepting their resignations. The Chişinău Court of Appeal upheld the CEC decision. In another case, in response to a complaint, the CEC informed the Prosecutor General's Office of a violation of the Electoral Code, related

---

<sup>37</sup> A concern to this effect was expressed by the Chairperson of the High Magistrates' Council, who stated that by keeping some judges away from their jobs and nominating them as election commission members, the work of some courts during the electoral period is somewhat disrupted.

<sup>38</sup> The CEC received more than 200 complaints.

<sup>39</sup> Article 67 of the Electoral Code provides for a three-day deadline. In violation of this requirement, the CEC issued a regulation which essentially allows it to indefinitely delay adjudication of a complaint.

to an investigation re-opened against a candidate during the electoral period.<sup>40</sup> The Prosecutor's Office informed the OSCE/ODIHR EOM that, in its opinion, the Electoral Code does not prohibit the re-opening of a case against a candidate, only the initiation of a new case, and denied allegations of politically motivated actions.

The police acted in a discriminatory manner by submitting the information to the CEC on violations related to posting of campaign material and conduct of campaign activities by the opposition parties, but not by the governing party, although such violations by the PCRM were widespread. In one instance, a CEC member publicly noted that although he knew of poster placement violations by the PCRM, a warning could not be issued since no official complaints or information were submitted.<sup>41</sup> Generally, the CEC did not take the initiative to pursue and adjudicate violations of the Electoral Code. The OSCE/ODIHR EOM is not aware of any instances of the CEC having referred relevant cases to courts, police, or prosecutor, as provided for by the Electoral Code, Articles 70.3 and 71.3, for further investigation and possible monetary or penal sanctions.

In April 2007, the Supreme Court issued an Explanation to courts to clarify their role and obligations during the electoral period. The territorial courts, Courts of Appeal and the Supreme Court heard numerous election-related cases.<sup>42</sup> In a significant number of cases, courts failed to adhere strictly to legal deadlines for adjudication set out in the Electoral Code.

Court hearings at all levels were open to the public, but frequently the hearings were too short to allow for thorough examination of cases. Courts, at times, issued questionable judgments that lacked sound evidentiary basis. It is, however, difficult to determine whether lack of clear legal provisions, professional incompetence, or political influence was the leading factor. In one notable instance, two Courts of Appeal, that considered two cases with similar facts relating to irregular candidate registration, eventually issued divergent judgments. Based on the rulings, in one case, an opposition candidate was excluded from the race, while in another, a PCRM candidate was permitted to run.

Although the Moldovan Constitution provides for an independent and impartial judiciary, in practice, many interlocutors perceived it as being susceptible to political influence.<sup>43</sup> In one case, the Cahul Court of Appeal accepted a PCRM complaint requesting deregistration of an opposition candidate, although it was submitted far beyond the legal deadline, and considered it in substance instead of referring it to a lower-level court. In line with its subsequent decision, the candidate was excluded from the race for a procedural error in his registration<sup>44</sup>.

---

<sup>40</sup> Article 46.5 provides, in part, that a criminal case cannot be filed against a candidate, except on flagrant offences.

<sup>41</sup> Article 26.b provides that the CEC has general responsibility for the oversight of the implementation of the Code's provisions. Under this provision, the CEC can issue warnings to parties on its own initiative.

<sup>42</sup> The Chişinău Court of Appeal issued 25 decisions and the Supreme Court issued 17. The EOM does not have complete statistics on cases heard by the territorial courts or Courts of Appeal.

<sup>43</sup> The OSCE Mission to Moldova, in the "Preliminary Findings on the Experience of Going to Court in Moldova" (30 November 2006) states that the Moldovan justice system, as a whole, does not appear to function fairly in all cases, and the public further does not believe that it always functions fairly. The report is available at [http://www.osce.org/documents/mm/2006/11/24340\\_en.pdf](http://www.osce.org/documents/mm/2006/11/24340_en.pdf).

<sup>44</sup> Whilst the outcome in this case would have been the same, procedurally, the court had authority to cancel the DEC decision (in this instance, the decision on registration of the candidate), but did not have authority to order deregistration *per se*, the wording it used in its decision.

The PCRМ was routinely represented in Chişinău courts by the Head of the Legal Department of the Chişinău Mayor's Office, which appears to constitute a misuse of public administrative resources. In one hearing at the Chişinău Court of Appeal, this lawyer represented the PCRМ in a case against a CEC decision, which had overruled the decision of the Mayor's Office on a rally authorization. Having this high-level legal representation provided the PCRМ with a clear advantage, and might be regarded as having been done to influence the justice.

One notable Chişinău Court of Appeal decision, upheld by the Supreme Court, overturned the decision of the Ministry of Justice (MoJ) to deny registration to the socio-political organization European Action Movement (MAE) and ordered its registration. Having been eventually registered only after elections were called and thus unable to put forward its candidates, the MAE expressed its intention to take this case to the European Court of Human Rights.

## **XV. VOTING AND COUNTING**

Both rounds of the election were generally calm, and, overall, voting was conducted in line with legal procedures. However, several procedural shortcomings were observed, which point to the fact that members of election commissions would strongly benefit from more extensive training, as well as sufficient availability and consistent use of polling-station manuals.

Apart from Corjova, where Transdnistriean militia deprived citizens of their right to vote during both election days, elections in Moldovan-administered communes on the left bank took place unimpeded.

### **A. FIRST ROUND, 3 JUNE 2007**

#### **1. Polling Procedures**

IEOM observers assessed the voting process as "good" or "very good" in 96 per cent of polling stations visited, while PEBs' understanding of procedures was evaluated positively in 86 per cent. The PEBs organization of work was assessed positively in 85 per cent of polling stations visited. However, only 63 per cent of observations assessed voters' understanding of election procedures as "good" or "very good", pointing to the necessity for voter education.

Despite this overall positive assessment, several procedural infringements were noted; in particular, the secrecy of the ballot was not consistently ensured. Observers reported that during the application of the control stamp immediately before ballots were inserted in ballot boxes, the secrecy was fully safeguarded in only 61 per cent of polling station visited, mainly because voters did not fold their ballots properly. Furthermore, in 13 per cent of polling stations, not all voters marked their ballots in secrecy.

Group voting was observed frequently in 7 per cent of polling stations visited, and isolated instances were noted in another 13 per cent. Very few cases of proxy voting were reported.

The presence of unauthorized persons was noted in 7 per cent of polling stations. However, only in two cases did such persons interfere in or direct the process. In 3 per cent of polling stations visited, persons influenced or tried to influence voters. Campaigning or campaign material in or around polling stations were reported from 2 and 3 per cent of polling stations visited, respectively.

In 46 per cent of polling stations, some voters were turned away because they had improper or no identification documents or were at a wrong polling station, another sign of insufficient voter education. In some cases, international observers noted that contrary to legal provisions and CEC decisions, PEBs did not allow voters with Soviet passports or expired ID cards to vote.

In polling stations visited, some 2 per cent of voters requested use of the mobile ballot box. Observers reported that the provisions for handling of Absentee Vote Certificates (AVC) were not always applied properly. In 40 per cent of polling stations visited, the PEBs did not retain all AVCs, thus neglecting this important safeguard against possible multiple voting.

Some problems were noted which appeared to have stemmed from vague provisions in the Electoral Code and lack of subsequent regulation by the CEC. Thus, some 26 per cent of polling stations, where opening was observed, opened late due to misunderstandings about the time when the PEBs have to make necessary preparations prior to the opening of polling stations. Observers also noted that in many polling stations ballot boxes were filled to capacity already during the first hours of voting due to the fact that ballots for different contests were inserted in the same ballot box even when several boxes were available.

Some 44 per cent of polling stations observed were not accessible for voters with disabilities. Furthermore, some 7 per cent of polling stations were overcrowded. Both problems were generally due to infrastructural constraints. Domestic non-partisan observers, mostly from the Coalition 2007, were identified in 73 per cent of polling stations, and party and candidate representatives in 99 per cent. They were able to conduct their activities largely unobstructed.

## **2. Counting Procedures**

The vote count was assessed less positively than polling, with 23 per cent of observers rating it as “bad” or “very bad”. PEB members’ understanding of counting procedures was assessed as “bad” or “very bad” in 19 per cent of counts observed. In 62 per cent of counts observed, voters waiting in line at 21:00 were not allowed to vote, contrary to a late CEC decision.

IEOM observers noted a range of procedural shortcomings. These included the failure to count and cancel unused ballots, 19 per cent of counts observed, to establish the number of voters who voted by counting the signatures on voter lists, 24 per cent, to reconcile the number of ballots in the mobile box with the number of voters who voted outside the polling station, 22 per cent, and to establish the number of ballots in ballot boxes, 34 per cent.

IEOM observers reported that controversies over ballot validity arose in 33 per cent of counts observed. In 27 per cent of counts, the PEB chairperson did not show all ballots to other PEB members and observers before declaring them invalid. In 7 per cent of counts observed, the criteria for determining ballot validity were not assessed as reasonable and in line with relevant legal provisions, and in 10 per cent the criteria were not applied consistently.

Some 54 per cent of PEBs had difficulties reconciling the results, which were mostly resolved by recounting ballots or signatures on voter lists, or by recalculating the numbers on the result protocols. In 32 per cent of polling stations where the count was observed, PEBs had problems completing the results protocols. Protocols were sometimes completed with pencils rather than ink pens, 11 per cent, or not given to those entitled to receive them, 14 per cent. In 61 per cent

of counts observed, protocols were not immediately posted outside polling stations as required by the law, lessening the transparency of the process.

The presence of unauthorized persons was noted during 15 per cent of counts observed. However, international observers reported only one instance where an unauthorized person interfered in the counting process.

### **3. Tabulation and Announcement of Results**

IEOM observers followed the handover of material as well as reconciliation and tabulation procedures at a limited number of Level 1 DEC. The handover and tabulation process was assessed as “good” or “very good” in 80 per cent of DEC. However, international observers noted that 17 per cent of Level 1 DEC. had problems completing the DEC result protocols.

The CEC result protocol for the first round, released with a five-day delay on 13 June, was incomplete, as it did not contain detailed information for each contest; instead, it provided data from Level 2 DEC, as well as national aggregate data. Delays in the publication of results and incomplete data provided grounds for concern about the transparency of the tabulation of results.

In response to complaints submitted to the DEC and the CEC with regard to the election day, a number of requests by parties for recounts or annulments were satisfied. In the absence of legal regulations on the conditions and responsibilities for the conduct of recounts, inconsistent procedures were followed by courts and DEC. The Chişinău DEC responded positively to parties’ requests for recounts; however, this delayed the tabulation of municipal results by seven days.

#### **B. SECOND ROUND, 17 JUNE**

The second round of voting was held on 17 June to elect 472 mayors in run-off contests, and to conduct 14 repeat elections in eight Level 1 localities, where the results of the first round were declared invalid or null, in some cases due to ballots containing incorrect information on contestants.<sup>45</sup> The CEC announced the run-offs on 7 June, giving contestants eight days to campaign. In Chişinău, the run-off for the mayoral election was announced a day later.

Second round contests were assessed by observers overall slightly more positively, especially with regard to adherence to procedures. However, 82 per cent of observation reports assessed the PEB understanding of procedures as “good” and “very good”, compared to 86 per cent in the first round, and 94 per cent of the reports assessed the conduct of the poll as “good” and “very good”, compared to 96 per cent in the first round.

Once again, the stamping of the reverse side of ballots immediately before they were deposited in the ballot box compromised the secrecy of the vote, as noted in 37 per cent of polling stations visited. In 8 per cent of polling stations visited, not all voters marked their ballot in secret.

---

<sup>45</sup> The following repeat elections were held on 17 June: six repeat elections for mayors (Corjova, Chioselia, Pervomaiscoe, Doina, Fundurii Noi and Bahmut), five for Level 1 councils (Corjova, Sadaclia, Fundurii Noi, Bahmut, Budăi, Făleşti), and three for Level 2 councilors (Corjova, Bahmut and Budăi).



On a positive note, a slightly smaller percentage of observers reported the presence of unauthorized persons inside polling stations, although there were three cases where such persons interfered in or directed the process. Observers also reported fewer attempts to influence voters and less instances of campaigning or the presence of campaign material in and around polling stations. More polling stations appeared to have opened on time in the second round.

The implementation of counting and tabulation procedures was assessed somewhat more positively than in the first round, in part due to a fewer number of ballots and documents to handle during run-offs with two candidates. However, problems with completion of result protocols were again reported as well as failures to post them for public information.

The CEC released the results protocol for the second round within the five-day deadline set out in the Electoral Code. However, the information published was once again incomplete as it included only national aggregate data and data on repeat elections, but lacked detailed information on mayoral runoffs.

After the second round, the CEC annulled the results of run-offs in two localities and called for repeat elections in three villages.<sup>46</sup>

## **XVI. RECOMMENDATIONS**

The following recommendations are offered for consideration by the authorities, political parties and civil society of the Republic of Moldova, in further support of their efforts to conduct elections in line with OSCE commitments and other international standards for democratic elections. A number of these recommendations have already been offered in previous OSCE/ODIHR final reports, but remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities and civil society of Moldova to further improve the electoral process.

### **A. LEGAL FRAMEWORK**

1. A thorough review of the Electoral Code should be undertaken and relevant amendments adopted to address the existing inconsistencies, gaps and vagueness, as indicated below, as well as in previous OSCE/ODIHR reports and the Joint Recommendations on the Electoral Code by the OSCE/ODIHR and the Council of Europe's Venice Commission. The CEC should develop a set of comprehensive regulations or instructions, aimed at securing a uniform interpretation and application of the Code.
2. The accuracy of the official Russian translation of the Electoral Code should be improved, in light of the legal status of Russian language in Moldova and the significant size of the Russian-speaking community.

### **B. ELECTION ADMINISTRATION**

3. As part of the CEC-developed formula for political party representation in election commissions, consideration could be given to enabling the participation of parties that

---

<sup>46</sup> Second-round elections in Dancu and Bobeică were annulled. Repeats were called in Mihăileni (for mayor and *rayon* council), Zorile (for mayor and Level 1 and 2 councils), and Buțeni (for mayor).

- in some regions of the country have a stronger presence than national parties represented in the Parliament.
4. The CEC, as a permanent body bearing the responsibility for the overall conduct of elections, should anticipate and address potential problems prior to the electoral period, or as early as possible in the electoral process. Adoption of last-minute decisions related to important election-day procedures should be avoided, unless necessary to address unforeseen issues.
  5. The two-way communication between the CEC and DEC and PEBs should be streamlined to ensure the transmission of information to lower level electoral bodies in a timely manner and with the possibility to address questions as they arise, in order to guarantee a uniform application of the law and CEC decisions.
  6. Consistent training should be provided to all members of election commissions at all levels, paying particular attention to the problems identified in this and earlier reports of OSCE/ODIHR EOMs. The development of concise and practical manuals for members of election commissions, including step-by-step election-day procedures, are key to ensuring a higher level of preparedness of commission members.
  7. The CEC should undertake greater efforts at monitoring the implementation of legal provisions related to campaign funding by DEC and electoral contestants. The possibility of having electoral accounts of contestants reviewed by the Court of Accounts or the Fiscal Inspector of the Ministry of Finance, envisaged by the law, should be used more widely as a measure of additional control.
  8. The CEC should consider a consistent strategy for voter education in order to ensure voters' understanding of the process, especially concerning the secrecy of the vote.
  9. As one of key indicators of the transparency of the electoral process, the preliminary and final results of elections should be published by the CEC as quickly as possible, with respect of legal deadlines, and include all necessary data as prescribed by the law. The data published by the DEC and the CEC should contain both aggregated results and results broken down by polling station. The CEC could also make greater use of its website as a means of public information, including for the publication of detailed results.
  10. The offices of DEC should be located outside local administration buildings, and should be given more human, material and financial resources in order to strengthen their independence from local administrations.

#### **C. REGISTRATION OF CANDIDATES**

11. The duties and responsibilities of the DEC with regard to the verification of candidate registration documents should be clarified in order to eliminate the possibility of imposition of unjustified burdensome requirements on candidates, e.g. selective requests for additional documentation.
12. The order in which electoral contestants are listed on a ballot should be determined by drawing of lots rather than by the sequence of their registration with respective DEC. The procedures for drawing of lots should be laid out in the Code or in a CEC regulation.
13. The withdrawal or exclusion of some candidates from a list of a party, that was already registered and thus has fulfilled all legal registration requirements, should not result in automatic deregistration of the entire list when the number of remaining candidates subsequently falls below the required minimum. Under Article 126.1 of the Election Code, the requirement for the minimum number of candidates on a party list applies to

registration and should not serve as justification for deregistration, which generally should be a measure of last resort in a democratic society<sup>47</sup>.

#### **D. SUFFRAGE, VOTER REGISTRATION AND VOTER IDENTIFICATION**

14. Consideration could be given to introducing measures aimed at avoiding disenfranchisement of conscripts during local elections, e.g. absentee ballot or early voting. Furthermore, the provision of the Code on the cancellation of voting rights of persons sentenced to imprisonment by a final court decision should be amended to allow for the deprivation of the right to vote only in cases of criminal conviction for serious offences and in conformity with the principle of proportionality. The Criminal Code should specifically state offences for which the cancellation of voting rights is foreseen.
15. The Electoral Code should provide for a clear division of responsibilities between the election administration and local authorities with regard to voter lists. The CEC should ensure that voter lists are prepared in a uniform format all across the country, contain all required data and are consistently posted outside polling stations.
16. The regulations on the use of Absentee Vote Certificates during local elections should be improved to prevent the possibilities of multiple voting.
17. A comprehensive definitive list of accepted voter identification documents should be included in a standing CEC regulation to avoid any modifications close to election day.
18. If there is to be any further consideration of the centralised electronic voter register in the future, this should be based on a comprehensive review of the pilot project accompanied by the production of a publicly available “lessons learnt” report, and any further steps based on broad consultation.

#### **E. ELECTION CAMPAIGN**

19. The articles of the law providing protection to candidates from administrative and legal actions during an electoral period should be adhered to and applied in a spirit of protecting the right to seek public office and to campaign freely. Consideration could be given to prohibiting through the Electoral Code all types of pressure and intimidation of voters, candidates and election officials. Cases of pressure and intimidation should be investigated and individuals found guilty held accountable.
20. Local authorities should undertake greater efforts at providing sufficient space for posting campaign materials on municipal information boards and ensuring that electoral contestants have access to them on an equal basis.

#### **F. MEDIA**

21. Legal provisions restricting the right of broadcasters to cover electoral activities in news and current affairs programs should be reviewed, and diverse reporting encouraged. When covering governmental activities, broadcasters should provide balanced reporting by offering an opportunity to a broad range of electoral contestants and parties to present their views to the electorate.
22. The formulations used in Articles 47.1 and 69.1 of the Electoral Code, including the terms “disturb public order”, “unethical”, “infringe the honor and dignity”, are overly

---

<sup>47</sup> See the OSCE/ODIHR Guidelines for Reviewing a Legal Framework for Elections, p. 20-21, available at [http://www.osce.org/odihr/item\\_11\\_13588.html](http://www.osce.org/odihr/item_11_13588.html).

broad and could be applied in a manner that would violate a person's right to free speech and expression.

23. The independence of the public broadcaster should be strengthened, including the development of impartial editorial practices, so as to provide the public with equitable, critical and interesting reporting, especially during an election period.
24. The independence of the CCA could be further strengthened to limit possibilities for political or other influence on its decision-making. In cooperation with the CEC, the CCA should monitor the implementation of media-related provisions of the Electoral and Broadcasting Codes and take prompt and effective action against violations. Availability of sufficient resources for a systematic monitoring of the media during an election period would assist the CCA in its work.

#### **G. VOTING, COUNTING AND VALIDATION OF RESULTS**

25. In order to protect the secrecy of the vote, an amendment to the Electoral Code should be made to provide for stamping of the reverse side of ballots to take place at the moment of issuance of ballots to voters, rather than after they have been marked. The secrecy of the vote could be further enhanced through voter education encouraging voters to fold their ballots, or through usage of envelopes or pre-folded ballots.
26. The provisions of the law on posting by PEBs and DEC's for public inspection of result protocols upon completion of count and tabulation should be consistently implemented.
27. The Electoral Code should provide for a clear division of responsibilities between the DEC's and courts with regard to recounts, specifying on what grounds can a recount be requested, by whom and from which body, as well as which body should carry it out.
28. Consideration could be given to simplifying and speeding up counting procedures by replacing the requirement for stamping of unused ballots with an "annulled" stamp, with a simpler procedure.

#### **H. COMPLAINTS AND APPEALS**

29. Powers and responsibilities of various bodies responsible for the review of complaints and appeals should be clearly defined to avoid conflicts of jurisdiction, duplication of efforts and conflicting judgments. The Electoral Code should provide a clear hierarchy and deadlines for the submission and adjudication of complaints; the stipulated legal deadlines should be strictly abided by, and all CEC decisions on complaints should be published.
30. The authority of the CEC to impose administrative sanctions for non-compliance with the Electoral Code or its decisions, as cancelled by April 2006 amendment, should be reinstated to enable it to effectively resume the responsibility for overseeing the implementation of the legislation. The law should stipulate the instances and types of administrative punitive measures that can be imposed for various infringements. The CEC should establish stronger working relationships with the Ministry of Interior, General Prosecutor's Office, and courts, and refer cases to relevant authorities for further investigation or prosecution as necessary.
31. The capacity of the CEC and lower-level commissions with regard to consideration of complaints and appeals should be enhanced by means of providing specialized legal training and additional financial and human resources as necessary. Similarly, training should be organized for judges of courts at all levels to ensure their knowledge of all election-related legislation and regulations and their uniform application. Development

of a referential set of governing judicial precedents for judges related to elections should be considered.

32. The judges should only be appointed to election commissions outside their judicial area of responsibility so as to avoid potential conflict of interest, or the appearance thereof.

#### **I. PARTICIPATION OF WOMEN AND NATIONAL MINORITIES**

33. The CEC, with assistance of relevant governmental institutions, could maintain a database of gender-disaggregated information on key election-related indicators as part of a mechanism to monitor women's participation in the electoral sphere, including the data on the number of female incumbents, candidates, elected officials, and women in leadership positions within election administration.
34. Greater precision regarding gender-related requirements for political parties and election administration in the Law on Political Parties and Socio-Political Organizations and the Law on Ensuring Equal Opportunities for Women and Men should be considered in order to help them meet their respective obligations.
35. Registration criteria in the Law on Political Parties and Socio-Political Organizations should be reviewed in order to ensure freedom of association and the political representation of national minorities and regional interests.
36. Further efforts should be made towards implementation of the OSCE Action Plan on Roma and Sinti, with particular focus on the chapters dedicated to participation in public and political life.

## ANNEX: ELECTION RESULTS

### CEC Data on 3 June Local Elections\*

Number of registered voters (after 2nd annual verification)	2,328,522	
Number of voters on regular voter lists (as per 3rd June count protocols)	2,226,096	
Number of voters added on supplementary voter lists	83,802	3,7 %
Number of ballots issued to voters	1,207,132	
Number of voters that voted	1,207,006	
Turnout		52,25%
Number of valid votes	1,152,621	
Number of invalid votes	54,385	
Number of ballots reported as missing	126	
Number of unused and cancelled ballots	1,087,518	
Number of ballots received by DEC's	2,294,650	

\* The data includes the results of elections to rayon and municipal councils (Chişinău and Bălţi), and excludes Gagauzia.

### Mayoral Elections (1<sup>st</sup> and 2<sup>nd</sup> Round)

Electoral Contestant	Votes (1 <sup>st</sup> Round)		Mandates (Total)	
	Total	Percentage	Total	Percentage
Democratic Party of Moldova (PDM)	121,276	9.46%	78	8.73%
Party of Communists of the Republic of Moldova (PCRM)	392,557	30.63%	329	36.84%
"Moldova Noastra" Alliance (AMN)	185,340	14.46%	155	17.36%
Christian Democratic People's Party (PPCD)	86,761	6.77%	62	6.94%
Liberal Party (PL)	69,478	5.42%	13	1.46%
Social Liberal Party (PSL)	35,381	2.76%	26	2.91%
Social Democratic Party of Moldova (PSDM)	41,681	3.25%	17	1.90%
Popular Republican Party (PPR)	37,709	2.94%	19	2.13%
Centrist Union of Moldova (UCM)	16,955	1.32%	14	1.57%
Social Democracy Party (PDS)	64,289	5.02%	25	2.80%
Electoral Bloc "Patria Rodina – Ravnopravie" (BEPRR)	25,918	2.02%	9	1.01%
Independent Candidates	162,909	12.71%	135	15.12%
Other	41,448	3.23%	11	1.23%
Total	1,281,702	100.00%	893	100.00%

### Rayon and Municipal Council Elections\*\*

Electoral Contestant	Votes		Mandates	
	Total	Percentage	Total	Percentage
Democratic Party of Moldova (PDM)	112,167	9.73%	116	10.34%
Party of Communists of the Republic of Moldova (PCRM)	394,023	34.18%	465	41.44%
"Moldova Noastra" Alliance (AMN)	193,282	16.77%	220	19.61%
Christian Democratic People's Party (PPCD)	97,927	8.50%	98	8.73%
Liberal Party (PL)	55,842	4.84%	22	1.96%
Social Liberal Party (PSL)	36,645	3.18%	30	2.67%
Social Democratic Party of Moldova (PSDM)	43,562	3.78%	36	3.21%
Popular Republican Party (PPR)	28,324	2.46%	27	2.41%
Centrist Union of Moldova (UCM)	16,691	1.45%	15	1.34%
Social Democracy Party (PDS)	55,220	4.79%	46	4.10%
Electoral Bloc "Patria Rodina – Ravnopravie" (BEPRR)	21,200	1.84%	14	1.25%
Independent Candidates	50,819	4.41%	20	1.78%
Other	46,919	4.07%	13	1.16%
Total	1,152,621	100.00%	1,122	100.00%

**Town and Commune/Village Councils Elections\*\***

Electoral Contestant	Votes		Mandates	
	Total	Percentage	Total	Percentage
Democratic Party of Moldova (PDM)	106,727	10.54%	1,131	11.11%
Party of Communists of the Republic of Moldova (PCRM)	331,265	32.71%	4,040	39.70%
"Moldova Noastra" Alliance (AMN)	175,737	17.35%	1,987	19.52%
Christian Democratic People's Party (PPCD)	82,530	8.15%	798	7.84%
Liberal Party (PL)	20,797	2.05%	156	1.53%
Social Liberal Party (PSL)	34,799	3.44%	316	3.11%
Social Democratic Party of Moldova (PSDM)	34,145	3.37%	276	2.71%
Popular Republican Party (PPR)	30,236	2.99%	250	2.46%
Centrist Union of Moldova (UCM)	14,547	1.44%	153	1.50%
Social Democracy Party (PDS)	46,802	4.62%	401	3.94%
Electoral Bloc "Patria Rodina – Ravnopravie" (BEPRR)	18,054	1.78%	137	1.35%
Independent Candidates	87,121	8.60%	326	3.20%
Other	29,844	2.95%	206	2.02%
<b>Total</b>	<b>1,012,604</b>	<b>100.00%</b>	<b>10,177</b>	<b>100.00%</b>

*\*\*These data do not include the results of repeat elections.*

## ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the 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.

The OSCE/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 130 staff.

The OSCE/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 standards for democratic elections and national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/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. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/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 persons, 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**, the OSCE/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. The OSCE/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.

The OSCE/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)).