



ODIHR LIMITED ELECTION OBSERVATION MISSION **Republic of Moldova, Presidential Election, Second Round, 15 November 2020**

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

PRELIMINARY CONCLUSIONS

In the run-off of the presidential election, voters had a choice between political alternatives and the fundamental freedoms of assembly and expression continued to be respected. However, negative and divisive campaigning and polarizing media coverage marred the campaign environment and degraded the quality of information available to voters. Claims of financial irregularities were left without an adequate response, reiterating the lack of effective campaign finance oversight. In the limited number of polling stations visited, the process was orderly and procedures were largely followed despite queues and occasional overcrowding. Timely information on the voting and its results was provided by the election administration, enhancing transparency of the process.

Following the announcement of the first round results by the Central Election Commission (CEC) on 4 November, the run-off was held between Igor Dodon and Maia Sandu, who polled the highest number of votes. The election took place in the context of the COVID-19 pandemic, which continued to affect the economic, political and electoral environment. The legal framework has few explicit provisions for the second round. This, however, did not raise stakeholders' concerns and did not impede the process.

The composition of election bodies remained largely unchanged. The CEC decisions were published in a timely manner, but the minutes and the records of their sessions were not available online for some time, detracting from transparency. The CEC sessions were open to observers and media, but the collegiality of the commission's work deteriorated and was at times undermined by acrimonious exchanges. For polling stations abroad, some additional staff was appointed and more material, including ballots, were provided. The same printed voter lists were used for the second round but updates of the voter register enfranchised the newly eligible voters, enabling their addition to supplementary lists on election day.

The competitive campaign resumed immediately after the first round. The campaign discourse became distinctly more negative as candidates exchanged personal attacks, at times accompanied by intolerant and divisive rhetoric, and negative campaign materials were broadcast and circulated in social networks. In addition to earlier campaign topics, discussions over the role of Moldovan diaspora gained prominence. Political realignments and positioning in relation to potential early parliamentary elections also became a campaign feature. Allegations of undue influence on public officials and voters reverberated between the rounds and both candidates expressed concerns over possible vote-buying and organised transportation of voters on election day.

Candidates reported their campaign expenses related to the second round within the deadlines. Upon review of first-round financial reports, the CEC reiterated that it lacked tools for effective campaign finance oversight. Similarly to the first round, regulatory shortcomings of campaign financing were compounded by the lack of a functional audit by the CEC. Few complaints on undeclared expenditures were rejected as inadmissible by the CEC and no investigations were carried out into the alleged violations on its own initiative.

The Audiovisual Council continued its monitoring of the national broadcasters, but its application of non-differentiated sanctions some two weeks after the first round did not ensure an effective oversight

of the campaign coverage. In contrast to the first-round, Mr. Dodon expressed willingness to take part in a televised debate with Ms. Sandu, but she declined this offer. Numerous political programmes and interviews dedicated to the election provided information on the candidates, although not all programmes presented pluralism of opinions. The ODIHR LEOM media monitoring results showed that the coverage of Mr. Dodon prevailed in the majority of monitored media, while wide differences in the tone of the coverage reflected persisting media polarisation.

There were no appeals against the results of the first round or requests for recounts. A limited number of election-day complaints were submitted to the election administration, while the police announced that it was investigating over 300 incidents related to the first round irregularities including transportation of voters, road blockades, campaigning, incidents with ballots, vote-buying, and violation of COVID-19 prevention measures. Complaints received by the CEC between the rounds were mostly dismissed without a substantive examination. Inconsistent and formalistic handling of complaints by the CEC undermined the transparency, timeliness of complaint resolution, and availability of effective legal remedies, at odds with international standards.

The ODIHR LEOM did not observe election-day proceedings in a systematic or comprehensive manner but mission members visited a limited number of polling stations (PSs) throughout the country. In the polling stations visited, voting mostly proceeded in a calm and orderly manner, despite queues and occasional overcrowding. Few instances of procedural irregularities, mostly during the counting, were noted. Obstacles to unassisted access for voters with disabilities were observed in the majority of the PSs visited. As in the first round, allegations of vote-buying and organised transportation of voters were circulated in the media and in social networks, and the police announced that it launched a number of inquiries. The CEC enhanced transparency of the process by providing live data on voter turnout and voting results by districts.

PRELIMINARY FINDINGS

Background and Political Context

In the first round held on 1 November, none of the eight candidates obtained the necessary majority of votes to be elected. The two candidates who received the highest number of votes were Maia Sandu, nominated by the Party of Action and Solidarity (PAS), with 36.2 per cent, and the incumbent President Igor Dodon, self-nominated, with 32.6 per cent. Renato Usatîi of Our Party (PN) came third with 16.9 per cent. On 4 November the Central Election Commission (CEC) announced the first round results and the run-off for 15 November between Mr. Dodon and Ms. Sandu.

In total, 1,368,516 or 48.54 per cent of registered voters participated in the first round, including almost 150,000 voters abroad. While Mr. Dodon won the largest share of vote in the country, Ms. Sandu was elevated to the first place by securing over 70 per cent of the out-of-country vote, nearly 105,000 votes.

Shortly after the first round of the election, on 9 November, Prime Minister Chicu of the Party of Socialists of Moldova (PSRM) replaced five ministers after his coalition partner, the Democratic Party of Moldova (PDM), announced withdrawal from the government.¹ The parliament has not convened

¹ After the departure of the PDM leader from the country, the PDM faction lost the majority of its 30 MPs, some of whom created the *ProMoldova* faction while others joined other factions or remained non-affiliated. The PSRM was able to pass laws together with its official coalition partner, the PDM, with the support of non-affiliated MPs. Since the first round of the election, the *Pentru Moldova* has been formed as a new parliamentary platform by *ProMoldova* and *Şor* Party members, with 15 seats.

since 11 September.² The election took place in the context of the COVID-19 pandemic, which continued to affect the economic, political and electoral environment.

Legal Framework

Despite a previous ODIHR recommendation to address legislative gaps related to holding of run-offs, the legal framework has few explicit provisions for the second round. While the date and the validity of observer accreditations are expressly regulated, other issues, including campaign coverage in the media and financing of the campaign before the announcement of the second round, as well as the management of voter lists, are not.³ This, however, did not raise stakeholders' concerns, nor did it impede the process. The Election Code prescribes that the run off is conducted two weeks after the first round, under the conditions of the Code. The main deadlines applicable for the second round were prescribed in the CEC calendar plan.⁴ With the announcement of the second round, the CEC also listed its prior decisions which continued to be applicable for the second round, including on media coverage, on the responsibilities of other bodies during the election process, on voting of special groups of voters, and on the transportation of voters.

Election Administration

Election administration bodies managed the tabulation of voting results from the first round in an effective and timely manner.⁵ After their receipt, the CEC published scanned copies of the original protocols for each polling station (PS) per district on its website.⁶ The preliminary turnout published on election night on the CEC website was corrected to reflect voting abroad and data from the supplementary lists.⁷

The composition of the election bodies remained largely unchanged.⁸ In some previously under-staffed out-of-country PSs, additional precinct electoral bureau (PEB) members were appointed and additional election materials were provided.⁹ In anticipation of higher turnout in the run-off, the CEC increased the amounts of ballots in all but five PSs abroad.¹⁰ In an effort to reduce procedural irregularities in the run-off, the CEC held a meeting with district electoral council (DEC) chairs to discuss issues reported on the 1 November election day.¹¹ While no additional training sessions were foreseen, the CEC invited

² Under the Constitution, if the parliament does not approve bills for three months, the president may dissolve it.

³ See [previous ODIHR election reports on Moldova](#).

⁴ Namely, the end of the campaign period, the deadlines for campaign finance reports, for the accreditation of observers, for the printing of ballots, for the delivery of election materials, and for tabulation.

⁵ The district electoral councils were required to finalize the voting results and submit the electoral documents within 48 hours after the closing of the polling stations. The CEC had five days to tabulate the final results.

⁶ The results data disaggregated by polling station were not published before the second round election day.

⁷ The initially published turnout of 42.76 per cent was corrected to 48.54 per cent. Domestic observers pointed out that the CEC's calculation also did not take into account that most voters included into the supplementary lists were already registered in the main voter lists.

⁸ According to the CEC, a few precinct electoral bureau (PEB) members were replaced after resignations due to health or personal reasons. In the Soroca district, one PEB was asked to resign following the launch of an investigation into the disappearance of 200 unused ballots from the polling station on election day. The DEC in Chişinău dismissed two PEB members for procedural irregularities on the first round election day.

⁹ The CEC provided 30 additional computers and contracted 30 new operators for the PSs abroad that had long queues during the first round. Additional ballot boxes and polling booths were provided for some of these stations.

¹⁰ Most PSs abroad were allotted the established maximum of 5,000 ballots. The five polling stations in Azerbaijan, China, Japan, Qatar, and United Arab Emirates, where fewer than 60 voters turned out in the first round, received 300 ballots each.

¹¹ The meeting focused on the opening procedures in the PSs and sealing of ballot boxes; compliance with protective measures against COVID-19; provisions for use of mobile ballot box; and procedures for closing, counting and tabulation and the filling in of election documents.

the lower-level election bodies to request clarifications and supplementary training. The voter information campaign continued after the first round, expanded by new materials on public health measures in the PSs and the application procedures for mobile voting and the absentee voting certificates (AVC).

In the run-up to the second round, the CEC held several sessions. While decisions adopted by the CEC were published in a timely manner, the minutes from sessions and records on the sessions were not systematically uploaded to the CEC website, detracting from transparency. The sessions were open to observers and media, however, the views of the candidates' representatives were not always heard and formally decided upon by the CEC as prescribed by its own regulation.¹² In addition, the collegiality of the commission's work deteriorated and was at times undermined by acrimonious exchanges.¹³

The same printed main voter lists and voter allocations to PSs were used for the second round.¹⁴ There are no legal requirements to update the voter lists between the rounds to reflect requested changes prior to the first round and on election day, and to add voters who came of age or exclude those deceased between the rounds.¹⁵ Positively, the State Register of Voters was updated to reflect changed residences and the newly eligible voters, enabling their addition to supplementary lists on election day.

In order to be able to vote outside their precinct of registration, voters had to re-apply for an AVC in person at the respective PEB. Voters also had to re-apply for voting with a mobile ballot box. However, the voter lists and AVC templates were available in some PEBs only after 9 November, limiting the time for voters to make use of these alternative voting options.¹⁶ Furthermore, as in the first round, several PEBs were not present in their offices during the official working hours.¹⁷

Observer accreditations issued for the first round remained valid for the run-off and the CEC launched a new accreditation period after the announcement of the second round until 7 November.¹⁸ For the second round, the CEC additionally accredited 162 national observers, including 41 for out-of-country PSs, and 23 international observers.

¹² In the session on 4 November, the representative of Ms. Sandu at the CEC submitted proposals for the agenda regarding the organization of PSs abroad which were left undiscussed and without any CEC decision. The CEC's Regulation on the contestants' representatives with the right of a consultative vote prescribes the right "to make proposals and [...] to require voting on them".

¹³ For example, on 4 November, following a sharp exchange on the non-inclusion of the candidate representative's proposals, some CEC members walked out of the session. On 10 November, one CEC member expressed his discontent by posting a written statement on his screen during the online session that he regretted voting for the current CEC leadership.

¹⁴ In some localities, alterations in assignments of voters to PSs in comparison to previous elections caused confusion during the first round and voters had to travel to more distant PSs. The ODIHR LEOM directly observed or were informed of such situations in the districts of Drochia, Hîncești, and Strașeni. According to the CEC, errors in assigning voters to polling stations resulted from deficiencies in the address system in rural areas.

¹⁵ According to the Public Services Agency, 1,456 citizens turned 18 between the rounds and 6,342 changed their domicile or residence between 6 October and 1 November, after closure of the voter lists for updates. After the first round, some 3,000 citizens changed their registered addresses.

¹⁶ According to the Election Code, voters can request voting with a mobile ballot box in the two-week period until the last day before the election day. Voters could submit the applications for mobile voting as well as requests for the AVCs until 14 November. On election day, voting with a mobile ballot box can be requested until 15:00, upon submission of a medical certificate. The certificate is not required from voters with coronavirus symptoms who arrive at a PS in person before 15:00 and they are obliged to request mobile voting. After 15:00, such voters are allowed to vote in the PS.

¹⁷ This was observed by the ODIHR LEOM in 18 districts.

¹⁸ The CEC did not reach a decision on the request for accreditation of additional observers from an NGO *Forța Veteranilor* in light of reported offences committed by some of their observers on the first election day.

Campaign Environment

The Election Code remains unclear on the start of the campaign for the second round.¹⁹ *De-facto*, campaigning for the second round resumed the day after the first round.²⁰ Candidates' supporters continued with door-to-door canvassing, leaflet distribution and information tents in the regions.²¹ Ms. Sandu held several meetings with voters throughout the country, while Mr. Dodon significantly reduced his regional campaign activities. Both candidates made an active use of social network platforms.²²

The main campaign topics continued from the first round. Mr. Dodon emphasised stability and claimed that positive relations with the Russian Federation would suffer from the “pro-Western” agenda of his opponent. Ms. Sandu positioned herself as a pro-European candidate and continued to stress her intention to fight corruption. The role of Moldovan diaspora gained more attention in the campaign, especially following Mr. Dodon's reference to the “parallel electorate” abroad.²³ Political realignments and positioning in relation to potential early parliamentary elections also became a prominent campaign feature, in part because Mr. Usatîi promoted the dissolution of parliament.

As in the first round, fundamental freedoms of expression and assembly were generally respected, but intolerant messages and statements were of concern.²⁴ Campaign discourse became distinctly more negative and divisive, as the candidates attacked each other's prior record in public service and personal credentials.²⁵ Scaremongering messages, mostly targeting Ms. Sandu, were distributed in printed campaign materials and circulated in the media and in social network platforms.²⁶ In contrast to the first-round, Mr. Dodon expressed willingness to take part in a televised debate with Ms. Sandu, but she declined this offer.

Following the first round, four defeated candidates declared their support for Ms. Sandu, while Mr. Usatîi asked his voters not to vote for Mr. Dodon.²⁷ Mr. Dodon received endorsements from various public associations, as well as local authorities.²⁸ Allegations of pressure from Mr. Dodon's campaign

¹⁹ Recommendation 14 of the [ODIHR Final report on 2016 Presidential election in Moldova](#) states that “the terms of resuming the campaign for a possible second round could be clearly stipulated to avoid uncertainty and inconsistent application of the law”.

²⁰ While the electoral funds are frozen until the declaration of the first round results by the CEC, there is no prohibition for the resumption of campaigning immediately after election day.

²¹ As during the first round, PSRM party structures and staff were observed by the ODIHR LEOM to be active in Mr. Dodon's campaign.

²² Ms. Sandu primarily used Facebook and Instagram. Mr. Dodon continued to stream live broadcasts "Igor Dodon responds" (known as “President responds” before the election period) on a weekly basis, answering the questions from citizens sent in advance.

²³ On 2 November, Mr. Dodon commented on Ms. Sandu's success with voters abroad and stated that the diaspora's vision and political preferences were “in dissonance” with those of the voters in Moldova. His opponents claimed that these remarks insulted the diaspora. Mr. Dodon gave conciliatory explanations and particularly encouraged voters in Russia to support him, including by hinting that those who vote would be given priority in having their irregular migrant status legalised by the Russian authorities.

²⁴ Mr. Dodon and public figures associated with his campaign repeatedly made disparaging and intolerant comments about sexual minorities.

²⁵ Various PAS statements called Mr. Dodon “toxic”, “criminal”, “corrupt”, “liar”, and espousing “disgust and hate for his own people”. Mr. Dodon repeatedly stated that Ms. Sandu was unfit to be president because she was not married and did not have children. He also attacked her for closing schools in villages.

²⁶ Among other claims, these messages alleged that Ms. Sandu's election would bring about closure of schools and hospitals, sale of agricultural lands to foreigners, bankruptcy of Moldovan producers, attacks on the Orthodox church, promotion of LGBTQI ideology, and a war in Transnistria. According to Ms. Sandu's team, these messages included defamatory content and distorted her views.

²⁷ Dorin Chirtoacă, Tudor Deliu, Andrei Năstase, and Octavian Țicu, who jointly obtained 7.8 per cent.

²⁸ Including national minority organizations, several sports federations and youth associations. On 9 November, a PSRM statement claimed that Mr. Dodon was endorsed by some 400 mayors and 20 regional councils.

staff on public officials and voters have been voiced by his opponents, with several credible reports received by the ODIHR LEOM.²⁹ Both candidates expressed concerns over possible vote-buying and organised transportation of voters on election day.

Campaign Finance

The CEC calendar plan prescribes the submission of one interim financial report on 6 November and the final report on 13 November. While this is not explicitly stated in the law, a candidate's campaign spending limit of MDL 18.92 million was interpreted by the CEC to apply for both rounds cumulatively. Bank accounts of the two remaining candidates were unblocked on 4 November, after the CEC had declared the second round.

Both candidates presented interim reports and the CEC published them timely.³⁰ On 7 November, the CEC reviewed the final financial reports submitted by candidates before the first round, summarizing the total campaign income and expenditure.³¹ The CEC found no violations of campaign finance rules during the first round and reiterated that it cannot effectively investigate the sources of donations and evaluate the legality of support coming from the political parties. Few complaints on undeclared expenditures were rejected as inadmissible by CEC due to the absence of legal standing of the complainants. The CEC also did not investigate the alleged violations on its own initiative.³²

Similarly to the first round, regulatory shortcomings of campaign financing were compounded by the lack of a functional audit by the CEC. Civil society monitoring and journalistic investigations provided additional information on the campaign financing.³³

Media

The same legislative rules and the CEC's regulations on media coverage applied to the second round.³⁴ Each candidate was allocated one minute a day for free advertising on the public broadcasters, and up to two minutes of paid advertising in the broadcasters that covered the campaign. In addition, broadcasters with national coverage (13 TV channels and one radio) are required by law to organise debates between candidates or their representatives in prime-time, or re-broadcast them live from the national public TV. Several debates between candidates' representatives were organised but no debates took place between the candidates.

The Audiovisual Council (AC) continued its monitoring of the national broadcasters and on 12 November fined 13 monitored TV channels for not respecting "the principles of fairness, accountability,

²⁹ In a Gagauz village, constituents who did not vote in the first round have reportedly been identified and pressured to vote for Mr. Dodon. A similar pattern with regard to public sector workers was reported to the ODIHR LEOM in Edinet.

³⁰ After the first week of the second-round campaign, Mr. Dodon reported some MLD 400,000 in expenses, mainly on advertisement in traditional media, while Ms. Sandu reported some MLD 550,000, mainly for advertisements online and on social network platforms.

³¹ On 25 October, the CEC decided that any unspent amount in a candidate's campaign fund would be transferred to the state budget or, at the choice of the candidate, donated to the CEC's Centre for Continuous Electoral Training or the National Agency for Public Health.

³² Mr. Usafii and Mr. Chirtoacă complained that Mr. Dodon printed more campaign materials than reported and thus spent undeclared funds. Mr. Usafii also complained that Mr. Dodon had higher transportation expenditures than declared, based on his campaign events.

³³ NGO Promo-LEX conducted monitoring of campaign finance reports. *Rise Moldova's* journalist investigation claimed that expenditures on foreign experts working for Mr. Dodon's campaign were not reported, while *Ziarul de Garda* newspaper claimed that both Mr. Dodon and Ms. Sandu had undeclared car expenses.

³⁴ In practice, rules on campaign coverage were applied by the outlets after the official announcement of the second round by the CEC.

balance and impartiality while covering the elections”.³⁵ The fines were based on monitoring data that were similar to the first monitoring period, when the AC regarded the results to be “within the limits of normalcy”. While the AC acted within the legal framework, its application of non-differentiated sanctions some two weeks after the election day did not ensure an effective oversight of the campaign coverage.

In the period between the rounds, the AC held three public sessions. They considered 27 campaign-related notifications, including those from the first round. Of them, 16 were rejected on formal grounds and the other were admitted with sanctions prescribed or partially admitted for further examination.³⁶

Numerous political programmes and interviews dedicated to the election contributed to informing the voters.³⁷ However, some programmes did not ensure impartiality, balance and “the free formation of opinions”, as required by the AC decision.³⁸

The ODIHR LEOM media monitoring results showed that the coverage of Mr. Dodon prevailed in the majority of monitored media, while the wide differences in the tone of coverage reflected persisting media polarisation.³⁹ In the news and current affairs programmes of five monitored channels Mr. Dodon received more coverage than Ms. Sandu, including in the public *Moldova 1*, that also gave Mr. Dodon more positive coverage.⁴⁰ *NTV Moldova* gave Ms. Sandu almost exclusively negative coverage (81 per cent). This included covering her activities in the past governmental positions and the accusations by third parties in the news. Mr. Dodon received predominantly negative coverage in *Pro TV* (70 per cent) and neutral and negative coverage in *Jurnal TV* (46 and 53 per cent respectively). *Moldova 1*, *NTV Moldova* and *Prime TV* favoured Mr. Dodon by positive coverage (25, 44 and 17 per cent respectively).⁴¹ Ms. Sandu received 19 per cent of positive coverage on *TV8*, while Mr. Dodon received 4 per cent.

The monitored newspapers *Argumenty i Factly in Moldova*, *Komsomolskaya Pravda* and *Moldova Suverana* positively covered Mr. Dodon in 97, 42 and 50 per cent, respectively. At the same time, these newspapers covered Ms. Sandu exclusively in negative tone (98, 80 and 87 per cent, respectively).⁴² Mr. Dodon was mostly criticised in *Gazeta de Chisinau* and *Ziarul de Garda* (40 and 60 per cent of negative coverage, respectively). In the online outlets followed by the ODIHR LEOM, both candidates were covered mostly in neutral tone.

³⁵ Provisions on sanctions in the Audiovisual Code are formulated broadly and vaguely, leaving room for disproportionate sanctioning. According to the AC monitoring, different channels were unbalanced in tone and time allocation to a different degree. Although the law provides for a range of sanctions, all the channels but one received the same fine of 5,000 MDL. This amount may be substantial for smaller outlets but it is not dissuasive for the larger channels even in comparison with their revenues from the paid electoral advertising.

³⁶ These sanctions included public warnings to four TV channels for violation of the requirement “to avoid any form of discrimination” in connection with discriminatory rhetoric towards LGBTQI.

³⁷ For example, Mr. Dodon was interviewed by *NTV Moldova*, *Radio Free Europe*, *TV8*, *Prime TV*, *RenTV Moldova*, *TVC21* and *Radio Moldova*. Interviews of Ms. Sandu were broadcast on *TVR Moldova*, *Jurnal TV*, *RTR Moldova*, *TV8*, *BTV-Balti* and *Pro TV*.

³⁸ In line with the 2019 AC decision, in information programmes on matters of public interest it is required to ensure impartiality, balance and present the main points of opposing views during the period when the issues are in public debate.

³⁹ On 2 November, the ODIHR LEOM continued the monitoring of prime time coverage on *Moldova 1*, *Jurnal TV*, *NTV Moldova*, *Prime TV*, *Pro TV*, and *TV8*; as well as newspapers: *Argumenty i Factly in Moldova*, *Gazeta de Chisinau*, *Komsomolskaya Pravda*, *Moldova Suverana*, and *Ziarul de Garda*. The ODIHR LEOM also conducted qualitative analysis of the election-related coverage in the following online outlets: *esp.md*, *newsmaker.md*, *nokta.md*, and *unimedia.info*.

⁴⁰ Mr. Dodon and Ms. Sandu received 54 and 46 per cent in *Moldova 1*, 63 and 37 per cent in *NTV Moldova*, 51 and 49 per cent in *Prime TV*, 56 and 44 per cent in *Pro TV*, 56 and 44 per cent in *TV8*, and 49 and 51 per cent in *Jurnal TV*, respectively.

⁴¹ These channels gave to 10, 1 and 4 per cent of positive coverage to Ms. Sandu.

⁴² These newspapers also extensively used negative rhetoric against the LGBTQI community.

Complaints and Appeals

According to information provided to the ODIHR LEOM by DEC's, following the first round some 10 complaints on breaches of election-day procedures were registered at PEBs and several complaints were submitted to DEC's. The CEC stated that it received some 20 complaints, none of which were discussed at its sessions as most were deemed to fall outside its jurisdiction and were forwarded to the police.⁴³ These complaints were responded to by letters. There were no appeals against the results of the first round or requests for recounts.⁴⁴ Following the first round over 300 incidents were reported to the police.⁴⁵ Eight people were fined for transporting voters on election day in violation of the CEC decision.⁴⁶

Similarly to the first round, the CEC continued to receive various communications that were not handled systematically or transparently. Unlike before the first round, these communications were not posted with the incoming correspondence on the website, reportedly due to technical problems. Thirteen complaints were registered between rounds in the CEC's complaint register. None of them were considered at sessions and all were disposed of by letters, mostly citing the lack of legal standing or insufficient evidence. Contrary to international good practice, the CEC formalistically interpreted admissibility requirements and avoided substantive consideration of complaints.⁴⁷ The inconsistent handling of complaints by the CEC undermined the transparency, timeliness of complaint resolution, and availability of effective legal remedies, at odds with international standards.⁴⁸

After the first round, the Chisinau Court of Appeals (CCA) reviewed one appeal and found it inadmissible because it was submitted by a candidate who did not proceed to the second round, and, in the CCA's view, thus no longer had the legal standing to make an appeal. The narrow interpretation of legal standing diminished the effectiveness of judicial review, similarly to the first round.

Election Day

The ODIHR LEOM did not observe election-day proceedings in a systematic or comprehensive manner. In the PSs visited by the ODIHR LEOM, voting was overall orderly and the environment in polling stations was calm, although voters often queued outside PSs.⁴⁹ Key procedures were generally followed and the process was well-organized. At the same time, the ODIHR LEOM observers noted instances of procedural omissions, such as non-diligent voter identification without requesting the removal of

⁴³ The CEC received complaints on voter transportation, vote-buying, the need to extend voting hours at some polling stations abroad, and an alleged violation of campaign silence in a penitentiary institution.

⁴⁴ The Election Code does not explicitly provide for appeals against the results. According to the Administrative Code, any administrative act, such as the CEC protocol on first round results, could be challenged. To request a recount a contestant has to address the Constitutional Court, however, there is no obligation for the Constitutional Court to react to such requests after the first round.

⁴⁵ According to the General Inspectorate of the Police, as of 2 November it launched inquiries into 115 cases of voter transportation, 36 cases of road blockades, 33 cases of campaigning during the silence period, 20 cases of incidents with ballots, 14 cases of vote-buying, and 14 cases of violation of COVID-19 pandemic prevention measures. A criminal investigation has been launched into the blocking of entrances of polling stations in Varnița.

⁴⁶ Six persons were fined for non-fulfilment of a decision of an electoral body and two for carrying out road transportation of persons without holding permit or specific transport documents.

⁴⁷ Complaints of candidates who did not advance to the second round were rejected citing the lack of legal standing. Ms. Sandu's complaint against Mr. Dodon was rejected citing non-compliance with formal requirements. Paragraph II.3.3.b of the [Venice Commission's Code of Good Practice in Electoral Matters](#) advises that "[t]he procedure must be simple and devoid of formalism, in particular concerning the admissibility of appeals".

⁴⁸ Paragraph 5.11 of the [1990 OSCE Copenhagen Document](#) prescribes that "administrative decisions against a person must be fully justifiable and must as a rule indicate the usual remedies available".

⁴⁹ The ODIHR LEOM visited a limited number of PSs in Chișinău and 35 administrative districts, including several PSs designated for voters residing in Transnistria.

protective masks, non-adherence to public health measures, and incorrect inclusion of voters into the main voter lists instead of supplementary lists. In several PSs, limited space and inadequate queue controls at times resulted in overcrowding, in defiance of the COVID-19 preventive measures, and compromising secrecy of the vote. Voters were not always instructed by the PEBs to fold their ballots and instances of group voting were noted. Obstacles to unassisted access to PSs for voters with disabilities were observed in the majority of the PSs visited.

Partisan and citizen observers were present in most polling stations visited, contributing to transparency of the process. As in the first round, however, some partisan observers in the PSs were seen interfering in the process and keeping track of voters, including marking down their personal data, which indicated potential undue influence on voters. In a few cases, the ODIHR LEOM observers were not allowed to view the voter lists.

The CEC regularly provided information on election day developments and incidents in the country and abroad. According to the CEC, its IT system came under cyber-attacks during the election day, however, these were successfully repelled and did not affect the electoral process. The police reported that it launched investigations into several cases of alleged vote-buying and organized transportation of voters, as well as instances of road blockades and obstructions in access to PSs.

At the polling stations visited by the ODIHR LEOM, counting was mostly carried out efficiently and accurately. Transparency of the process was sometimes undermined by non-adherence to the required sequence of counting procedures and omitting some important procedural steps, such as the announcement and display of results at each step of the process, crosschecking the figures, and consistent determination of the validity of votes.

Although the ODIHR LEOM observers noted good organization of the tabulation process in the limited number of DECAs visited, negative assessments were made related to overcrowding and non-compliance with the public health measures. Mistakes and discrepancies in the results protocols were either resolved by DECAs on the spot or the PEBs were required to reconvene and correct the errors, highlighting the lack of uniform guidance on this stage of the process.

Information on voter turnout was available in real time on the CEC website throughout the day, disaggregated by gender and age. The turnout published on election night was 52.78 per cent. The CEC started publishing preliminary results, summarised by the districts, on election night, enhancing transparency of the process.

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

MISSION INFORMATION & ACKNOWLEDGEMENTS

Chisinau, 16 November 2020 – This Statement of Preliminary Findings and Conclusions, delivered prior to the completion of the electoral process, presents an assessment of the election with respect to OSCE commitments and other international obligations and standards for democratic elections, as well as national legislation. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process.

The ODIHR LEOM includes 10 experts in the capital and 20 long-term observers deployed throughout the country. In line with ODIHR methodology, on election day mission members visited a limited number of polling stations in 35 districts and in the capital but there was no systematic observation of the opening, voting, counting, and tabulation of results.

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

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