

Promo-LEX

Advancing democracy and human rights

OBSERVATION MISSION

GENERAL LOCAL ELECTIONS
5 NOVEMBER 2023

Report no. 2

**Observation period:
5 September – 3 October 2023**

Promo-LEX

Advancing democracy and human rights



coaliția civică pentru alegeri libere și corecte

OBSERVATION MISSION

GENERAL LOCAL ELECTIONS
5 NOVEMBER 2023

Chisinau, 2023

Promo-LEX Association

23/13, Mitropolit Petru Movila str.

Chisinau, Moldova

tel./fax: (+373 22) 45 00 24, 44 96 26

info@promolex.md

www.promolex.md

DISTRIBUTED FREE OF CHARGE

All rights reserved. The content of this Report may be used and reproduced for non-profit purposes without the preliminary consent of Promo-LEX Association provided that the source of information is acknowledged.



USAID
FROM THE AMERICAN PEOPLE



Funded by
the European Union

The report is prepared within the framework of the Observation Mission for general local elections from 5 November 2023, carried out by Promo-LEX Association with the financial support of the United States Agency for International Development (USAID) under the “Democracy, Transparency and Accountability” Program and of the European Union under the Project „Enhancing the electoral legal framework and assessment of its implementation during 2023 local general elections”.

The responsibility for the views expressed in this report belongs to Promo-LEX Association and does not necessarily reflect the opinion of donors. The content of this report may be subject to editorial review. If there are any discrepancies between the text in Romanian language and its translation in another language, the provisions in the Romanian version shall prevail.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
I. LEGAL FRAMEWORK	7
II. ELECTORAL BODIES.....	11
III. NOMINATION AND REGISTRATION OF COMPETITORS	15
IV. ELECTORAL NOTIFICATIONS	17
V. PUBLIC ADMINISTRATION	19
VI. PERFORMANCE OF ELECTORAL COMPETITORS.....	21
VII. ELECTORAL CAMPAIGN FINANCING	26
VIII. HATE SPEECH AND INCITEMENT TO DISCRIMINATION	29
RECOMMENDATIONS	31
ABBREVIATIONS	32
ANNEXES	33

INTRODUCTION

Report No. 2 is prepared in the context of Promo-LEX Observation Mission (OM) for the General Local Elections from 5 November 2023. The observation period for the events included in the report is generally 5 September to 3 October 2023. Changes to the legal framework are reviewed up to and including 4 October. Finally, the results of monitoring hate speech and incitement to discrimination are presented for the period 5 - 28 September 2023.

The main findings and trends in the current report relate to the candidate nomination and registration process, the work of electoral bodies and electoral impact activities of nominated and registered candidates. The process of amending the regulatory framework, the examination of notifications and results of hate speech monitoring are also covered.

Promo-LEX OM is not a political opponent of the competitors involved in the electoral process, is not an investigative body and does not assume the express obligation to prove the observed findings. However, the observers' reports are accompanied, as far as possible, by photographic and video evidence, which can only be made available to the law enforcement bodies, on the basis of appropriate requests, and under no circumstances to the electoral competitors. At the same time, the violations, including the alleged ones, which are included in this report, must be treated by the electoral authorities as notifications and are to be examined according to their competence, in the light of the provisions of Article 88, para. (9) of the Electoral Code. Promo-LEX Mission manages the web platform www.electorala.monitor.md where anyone can report election-themed activities.

EXECUTIVE SUMMARY

Legal framework. Parliament's introduction of the restriction on the right to be elected in Article 16(1). (2) (e) only a few days before the start of the electoral period, the constitutionality of the rule being challenged (in two rounds) during the nomination and registration of candidates, the suspension of the action of law for a period of 5 days and the declaration of unconstitutionality of the restriction with only 3 days before the completion of candidate registration caused uncertainty for competitors, electoral bodies and voters, affecting the clarity and predictability of electoral procedures. During the observation period, the process of approving the regulatory framework under the Electoral Code continued, even though the deadline set by the Code expired on 1 July 2023. The drafts have been publicly consulted, but the summaries of objections and recommendations received are still not published on the Central Electoral Commission (CEC) website.

Electoral bodies. CEC ensured the implementation of planned actions on the organisation and conduct of elections according to the approved Calendar schedule. It also accredited a total of 517 observers (444 national and 73 international). Promo-LEX accredited 414 observers (93% of national observers). The nominal composition of the Constituency Electoral Councils Level II (ECEC II) was confirmed in due time and ECEC I and Polling Stations (PS) were also set up as scheduled. A total of 1958 PSs were set up for this election, which is 11 fewer than in the previous general local elections in 2019.

According to observers, the nominal composition of three ECEC II is incomplete. There are also at least 13 cases where the nominal composition of 10 ECEC II has changed. 97% of the work programme was observed. Promo-LEX observers visited 226 ECEC I during the monitoring period. In 95% of cases the work programme was observed. The gender composition of the lower electoral bodies is imbalanced.

Nomination and registration of competitors. Elections are competitive, according to the interim results of registration of candidates at ECEC II. During the period observed, ECEC Chisinau registered 13 candidates for the office of mayor, and ECEC Balti - 6 candidates. The relevant councils also registered 20 candidates for the office of councillor. No independent candidate has been registered yet for the office of mayor in these two constituencies and only one has been registered for the office of councillor.

In the other 32 electoral constituencies level II (district), 197 candidates were registered for the office of district councillor, 78% of them being nominated by political parties and only 12% of them are independent candidates. Independent candidates were registered in less than half of level II electoral constituencies. According to monitors' observations, in the case of registration dossiers for candidates

for the office of councillor for level II constituencies, the minimum representation quota for both sexes was respected when registering candidates.

Electoral notifications. At least 14 notifications, petitions and requests were submitted to the electoral bodies, of which 12 to CEC and 2 to ECEC II. The subject matter of the notifications concerns the actions/inactions of electoral bodies, illegal electoral campaigning and misuse of administrative resources by potential electoral competitors.

Promo-LEX OM ascertains a proactive approach from CEC in examining and resolving notifications and petitions, so as to ensure equal conditions for potential electoral competitors. At the same time, we repeatedly find that the CEC's webpage selectively publishes petitions, notifications and solutions to them issued in the context of local elections.

Public Administration. Promo-LEX OM finds shortcomings in the implementation by the local public administration (LPA) of powers related to ensuring a transparent electoral process. According to the observers, only 55% of the LPAs visited approved the decision on electoral advertising and only 54% - the decision to provide a minimum of space for meetings with voters.

Electoral competitors. We note an increased activism of political parties in the run-up to the electoral campaign. According to Promo-LEX, out of more than 700 reported actions, about 190 can be qualified as electoral activities. As type of activity, the most widespread were the distribution of information materials (58%) and sponsored promotion on the internet (28%). In terms of parties, the most active were the Party of Socialists of the Republic of Moldova (PSRM) (35%), the Action and Solidarity Party (PAS) (20%) and the National Alternative Movement Party (MAN) (7%).

The observation period was also characterized by the handling of criminal cases on the illegal financing of political parties, in which Ilan Sor, the former leader of a party declared unconstitutional, including on the grounds of non-transparent financing of the party, is targeted.

During the monitored period, Promo-LEX found 15 cases of misuse of administrative resources, including 2 cases of use of state institutions to promote electoral initiatives (1 - Government of the Republic of Moldova, and 1 - Mayor of Condrita village, mun. Chisinau) and 13 cases of electoral candidates taking credit for public works/services carried out with public money (1 case - PS, 5 - PSRM, 7 - PȘ). The promotion by the "Șansă" (Chance) Party (PȘ) of the "Satul Moldovenesc" (Moldovan Village) and Orașul Moldovenesc" (Moldovan town) projects, launched by Ilan Șor, president of the former "Șor" Party, declared unconstitutional, can be considered as a case of potential voter corruption.

Observation of electoral activities financing. During the monitored period, CEC adopted a number of decisions regulating the conditions for financing the activity of initiative groups and electoral campaigns, which aimed at establishing the amount of interest-free credit and setting the ceilings of funds that can be transferred to the accounts „For initiative groups” and „Electoral fund”. Regarding the financial reporting of competitors, we note that even though during the monitoring period, at the level of ECEC II, candidates from 22 political parties/electoral bloc and 19 ICs were registered, according to observers, up to the submission of the report, only seven political parties have confirmed with CEC the person in charge of finances (treasurer) - the Party of the Platform for Dignity and Truth (PPPDA), the Respect Moldova Movement (MRM), the Party of Development and Consolidation of Moldova (PDCM), the Liberal Democratic Party of Moldova (PLDM), PAS and „Ruslan Codreanu” Bloc.

While the first electoral competitors at ECEC II level were registered on 21.09.2023, until the submission of the report, CEC webpage lacks information on financial reporting by electoral competitors. Moreover, from the observers' perspective, the electronic module „Financial Control”, the main reporting tool for electoral competitors, is not functional either.

Hate speech. In the period 5 - 28 September 2023, at least 12 cases of hate speech and other forms of intolerance were identified. Social networks remain the main source of hate speech (7 cases), followed by mobile apps (2 cases). Hate speech was most often based on criteria such as political affiliation (8 cases), sexual orientation/gender identity (6 cases) and sex/gender (3 cases). Hate speech was directed

against politicians (7 cases), lesbian, gay, bisexual and transgender (LGBT) people (6 cases) and women (3 cases).

The 12 cases of hate speech received more than 820,000 views and were distributed more than 3,000 times.

I. LEGAL FRAMEWORK

1.1. *Constitutional case law*

a) On the constitutionality of Article 16, para. (2) (e) Electoral Code

Law no. 220, approved on 31 July 2023 and entered into force on 18 August 2023, introduced new restrictions on the right to be elected (Art. 16, para. (2) (e)). Thus, persons who, at the date of the Constitutional Court's ruling on the declaration of unconstitutionality of a political party, were members of the executive body of the political party declared unconstitutional, as well as persons holding elective office in the political party declared unconstitutional, cannot be elected for a period of 5 years from the date of the Constitutional Court's ruling.

On August 4, 2023, former political party "Sor" members of parliament¹ requested for a review of constitutionality of this rule, including the suspension of its action until the examination of the merits, as „a possible unconstitutional declaration of the challenged law will not have any effect, given that all procedures for nomination/registration of candidates (internal and external) will have already expired, these potential candidates will not be able to have their electoral rights restored, and the consequences will be irremediable”.²

As regards the application for suspension, the High Court decided to reject it on 8 August 2023, concluding that „the contested provisions will not cause imminent and irreparable damage and negative consequences, since at this stage the procedures for nominating and registering candidates have not even begun”³. Correspondingly, the period prior to the start of nomination and registration procedures was sufficient to deal with the notification.

Later, on 19 September 2023, the Constitutional Court, examining the notification, found a tie in the ruling and decided to adjourn the case⁴, art. 16, para. (2) (e) of the Electoral Code, being presumed constitutional.

However, on 26 September 2023, after one of the notifiers was refused the issue of subscription lists by the ECEC No. 2 Balti, the same notifiers filed a similar notification⁵ as on 4 August 2023. Two days later, the High Court issued a decision adjourning the case of Article 16 para. (2) (e) of the Electoral Code until the case is decided on the merits (3 October 2023). Thus, during this period, the entities subject to the restriction to be elected were allowed to collect signatures of supporters - for independent candidates - and/or to file for registration for mayor or councillor office.

By Ruling of 3 October 2023, the Constitutional Court declared Article 16 para. (2) (e) of the Electoral Code unconstitutional. Correspondingly, the entities subject to the restriction set out in this provision regained the right to be elected only 3 days before the start of the electoral campaign. It should be noted that although the High Court declared unconstitutional only Article 16, para. (2) (e), several rules of the Electoral Code become inapplicable because of this, such as the annulment of registration of an electoral subject in case of non-compliance with the restriction set out in Art. 16, para. (2)(e) (Art. 102, para. (5) (e)) or the obligation for candidates to submit for registration an affidavit confirming they are not subject to the restrictions set out in Art. 16 (5) (e)) (Art. 68, para. (1)(f)).

In this regard, Promo-LEX OM draws attention to the fact that all these factors and circumstances have created uncertainties for voters, electoral bodies and electoral competitors, and the transparency and predictability of the electoral process have been affected. It should be recalled that, according to the Code of Good Practice in Electoral Matters⁶, the stability of electoral legislation is one of the fundamental conditions of a democratic state based on the rule of law and an important element of electoral process credibility.

¹ Independent members of parliament Marina Tauber, Vadim Fotescu, Petru Jardan, Reghina Apostolova, Denis Ulanov.

² [Notification](#) no. 197a of 4 August 2023 on the review of constitutionality of Article 16, para. (2) of the Electoral Code.

³ [Decision](#) of Constitutional Court no. 95 from 8 August 2023 on the request to suspend the action of Article 16, para. (2) (e) of the Electoral Code.

⁴ [Ruling](#) no. 15 of 19.09.2023 of Constitutional Court on the constitutionality of Article 16, para. (2), letter e) of the Electoral Code, introduced by Law No. 220 of 31 July 2023.

⁵ [Notification](#) no. 211a from 26.09.2023 on the review of constitutionality of Article 16, para. (2) (e) of the Electoral Code.

⁶ [Code](#) of good practice in electoral matters.

b) On the constitutionality of Article 160, para. (2) of the Electoral Code (deadline for registering permanent or temporary residence of 3 months to vote in local elections)

The new Electoral Code, approved on 8 December 2022 and entered into force on 1 January 2023, introduced the rule according to which the deadline for registering the permanent or temporary residence cannot be less than 3 months before the date of the first round of elections (Art. 160, para. (2) of Electoral Code). On 6 September, review of constitutionality of this rule was requested by an MP⁷. On 12 September, the High Court declared the filed notification inadmissible⁸. However, we note that two judges of the Constitutional Court issued separate opinions, disagreeing with the decision of their colleagues⁹.

c) On reviewing the constitutionality of other provisions of the Electoral Code

The review of constitutionality of some provisions of the new Electoral Code was requested as early as February 2023 by two members of the Moldovan Parliament¹⁰. However, neither before the start of the electoral period nor afterwards did the Constitutional Court examine this notification.

In conclusion, Promo-LEX OM stresses that in the spirit of stability of electoral legislation, all uncertainties related to the constitutionality or legality of normative acts must be clarified, at the latest, before the beginning of the electoral period. At the same time, we note that some petitions that may influence the organisation and conduct of elections were examined promptly by the Constitutional Court, while other contested provisions did not receive the same attention.

1.2. Extension of the state of emergency

By Parliament Decision no. 274 from 21 September 2023¹¹ the state of emergency was extended for another 60 days, starting from 2 October 2023. Thus, the elections from 5 November 2023, as well as a possible second round of elections, will be held in the context of the state of emergency. Although, according to Article 6 of the said decision, the state of emergency does not affect the organisation and conduct of the elections, Promo-LEX OM considers that this is not a good practice. Taking into account the possibility of invoking the risks mentioned in the Report on the need to extend the state of emergency¹², as well as the broad spectrum of powers of the Commission for Emergency Situations, we maintain that the provisions of this Commission could influence the organisation and conduct of elections and/or the choices of voters.

In this context, we also point out that the legislation is not uniform in allowing or prohibiting the organisation and conduct of elections. Thus, while Article 4 of Law no. 212/2004 on the regime of state of emergency, siege and war allows the holding of elections based on the decision of the Parliament on the declaration of a state of emergency, siege or war, then Articles 184 and 216 of the Electoral Code prohibit the holding of both republican and local referendums in the event of establishment/declaration of a state of emergency. It should be noted that the concept of elections, as defined in Article 1 of the Electoral Code, also includes referendums.

1.3. Approval of regulatory framework under the Electoral Code

In the period 5 September - 3 October 2023, CEC continued to adopt and amend the regulatory framework under the Electoral Code, although the deadline for adoption of necessary normative acts for organising and conducting elections expired on 1 July 2023¹³, and the electoral period started on 7 August 2023. Thus, during the observation period, CEC additionally approved:

⁷ [Notification](#) no. 204a from 06.09.2023 on the review of constitutionality of article 160, para. (2) of the Electoral Code.

⁸ [Judgement](#) of Constitutional Court no. 111 of 12 September 2023 on the inadmissibility of notification no. 204a/2023 for review of constitutionality of article 160, para. (2) of the Electoral Code (the deadline for registering permanent or temporary residence of 3 months in order to vote in local elections).

⁹ [Separate opinion](#) of Constitutional Court Judge Sergei Turcan; [Separate opinion](#) of Constitutional Court Judge Sergei Turcan.

¹⁰ [Notification](#) no. 22a from 06.02.2023 on the review of constitutionality of some provisions from the Electoral Code.

¹¹ [Decision](#) of Parliament no. 274 from 21 September 2023 on the extension of the state of emergency.

¹² Summary [Report](#) on the need to extend the state of emergency on the territory of the Republic of Moldova, 20 September 2023: "There is also an increase in the dynamics of information attacks with increased risks on the social and political climate, implicitly by exploiting the information space and strengthening the instrument of information influence guided from outside the Republic of Moldova, with elements of disinformation. It is anticipated that false news and manipulation will increase, with the promotion of distorted messages aimed at undermining confidence in state institutions".

¹³ According to Art. (3) of the Electoral Code, the Central Electoral Commission, within 6 months from the date of entry into force, shall adopt the necessary regulations for the organization and conduct of elections. The Electoral Code entered into force

- Instruction on the approval of model, printing, transmission and storage of ballot papers¹⁴;
- Instruction on peculiarities of accounting in electoral bodies, expenditures for organisation and conduct of elections, approval of primary document forms and commitment management¹⁵;
- Instructions on how to systematize, pack, seal and transmit election documents (materials) and equipment after the close of polling stations¹⁶.

All instructions were publicly consulted, but summaries of objections and recommendations received were not published. Promo-LEX OM considers that although they were belatedly approved, the establishment of clear technical rules is necessary for the proper organisation and conduct of the elections.

However, we would like to draw the attention to the fact that as of 3 October 2023, the Regulation on the particularities of two-day voting has not yet been approved. It should be noted that, according to Art. 8, para. (2) of the Electoral Code, the conduct of two-day elections may be decided by CEC at least 25 days prior to election day.

At the same time, the following CEC regulations were amended:

- Regulation on preparation, administration, dissemination and updating of electoral rolls ¹⁷, by introducing, on 12 September 2023, the provision for inclusion in the supplementary electoral roll (in the case of local elections and local referendums) of students and pupils with the right to vote enrolled in educational institutions in the locality where they have permanent or temporary residence less than 3 months before the date of the first round of elections;
- Regulation on media coverage of elections and Regulation on the manner of provision, distribution and broadcasting of political and electoral advertising¹⁸, by introducing, on 21 September 2023, a ban on the use in electoral programmes, political or electoral advertising of attributes of political parties declared unconstitutional;
- Regulation on operation of video recording system in polling stations, by adjusting, on 3 October 2023, the provisions of Regulation to the new provisions of the Electoral Code, in particular those relating to the particularities of two-day voting.

Most of the amendments were made following the adoption by Parliament of Law no. 220 from 31 July 2023¹⁹, which entered into force on 18.08.2023. In this context, we reiterate our position that changing the already established rules during the electoral period, which is the responsibility of the legislature, affects the predictability of the electoral process. According to this law, CEC was obliged, within 30 days from the date of entry into force, to bring its normative acts in line with this law. The decisions on the amendment of regulations are published on the website, but we note that the new amendments were not yet integrated into the texts of regulations published on the CEC website under the section „Regulatory framework”, at least not until 28.09.2023, which could be misleading for stakeholders.

CEC Circular

On 26 September 2023, the Central Electoral Commission sent Circular no. CEC 8/3074 from 26.09.2023 on the uniform application of provisions of Article 68, para. (3) of the Electoral Code²⁰, which provides for a minimum quota of 40% for both sexes, a minimum of four candidates of the same sex for every 10 seats.

With this circular, CEC further establishes how to comply with the representation formula in case the last 10 seats are not filled, namely:

- a) if there are 2 persons, they will be of different sexes;
- b) if there are 3, 4 or 5 persons, 2 persons shall be of the same sex;
- c) if there are 6 or 7 persons, 3 persons shall be of the same sex;

on 1 January 2023.

¹⁴ [CEC Decision](#) no. 1212 from 06.09.2023.

¹⁵ [CEC Decision](#) no. 1221 from 12.09.2023.

¹⁶ [CEC Decision](#) no. 1305 from 21.09.2023.

¹⁷ [CEC Deciiion](#) no. 1222 from 12.09.2023.

¹⁸ [CEC Decision](#) no. 1315 from 21.09.2023.

¹⁹ [Law](#) no. 220 from 31.07.2023 for amendment of some normative acts (implementation of some considerations of the Constitutional Court Judgment no. 10/2023 on review of constitutionality of Political Party Sor).

²⁰ CEC [circular](#) from 26.09.2023.

d) if there are 8 or 9 persons, 4 persons shall be of the same sex.

The intention of uniform application of legal provisions by lower electoral bodies is welcome. However, we draw attention to the fact that such internal documents may not impose additional conditions on electoral competitors and, even more so, their registration may not be refused on the grounds of non-compliance with the conditions imposed by the circular, as long as the conditions laid down by law are respected. By way of example, we point out that in the case of 12 candidates, it would be sufficient for 5 candidates to be of the same sex, and they can be placed in the first 10. In this case, both the minimum quota of 40% for the entire list and the positioning of at least 4 candidates for every 10 seats are respected. Correspondingly, the requirement imposed by the circular that the last 2 places should include persons of different sexes would not be justified.

II. ELECTORAL BODIES

2.1. Activity of the Central Electoral Commission

In the context of organising and conducting general local elections, CEC adopted 77 decisions during the monitored period. These concerned the implementation of actions planned in the Calendar Schedule for organisation and conduct of elections and approval/amendment of regulatory framework under the law.

Accreditation of observers. During the reporting period, CEC accredited 457 observers: 386 domestic and 71 international observers and experts. In total, by 3 October 2023, CEC has accredited 517 observers: 444 domestic and 73 international observers and experts (see Annex 1). Of the total number of domestic observers, Promo-LEX accredited 414 (93%).

Confirmation of electoral competitors' representatives. CEC began confirming candidates' representatives, the first being that of the Party Renastere (Renaissance) (PR), confirmed on 3 October.

Confirmation of journalists. In the observed timeframe, CEC confirmed 17 journalists to cover and monitor the general local elections. In total, by 3 October 2023, the authority has confirmed 26 journalists from five media organisations/outlets in the country, who will have observer rights for these elections (see Annex 1).

Authorization for conducting and publishing opinion polls and exit-polls. During the reporting period, CEC authorised two opinion polls on voters' political preferences²¹, and publication of four opinion polls²². At the same time, the authority rejected the conduct of the opinion poll by "INTELLECT GROUP" SRL on the grounds that the poll's sponsor was not registered in the Republic of Moldova, as required by the regulatory framework²³.

Approval of messages of public interest. During the monitored period, CEC approved 9 messages of public interest (7 video spots, 1 information leaflet and 1 information brochure). In total, by 3 October 2023, CEC approved 11 messages of public interest (see Annex 1). No refusal decisions were noted.

Certification of election officials. According to the Electoral Code, only persons who have attended training courses at CICDE and hold appropriate qualification certificates are proposed for membership of the EBPS and ECEC. At the same time, the Code stipulates that persons included in the Register of Electoral Officials (RFE) at the date of its entry into force are considered to be certified ex officio with a 2-year validity of qualification certificates.

For these elections, CICDE and CEC organised certification sessions for all applicants. According to information obtained by observers from the CICDE, around 1076 people were certified. Data on the CICDE website shows that the pass rate was around 75%²⁴.

Promo-LEX OM observed the certification procedure of potential members of electoral bodies on 14 September (8 observation reports) and on 23 September 2023 (18 observation reports). According to the observers, in the absolute majority of cases, the procedure was carried out in accordance with the regulations²⁵, with no deviations that would influence the results of certification.

Determining the number of councillor seats. In its Report No. 1²⁶, analysing CEC Decision no. 1157/2023 on determining the number of local councillor seats for the current local elections, Promo-LEX OM

²¹ SC „MAGENTA CONSULTING” SRL and „MLD MEDIA” SRL.

²² SC „MAGENTA CONSULTING” SRL (1) and National Democratic Institute for International Affairs, Washington, Chişinău branch (3).

²³ [CEC Decision no. 1332](#) on request from “INTELLECT GROUP” SRL to authorise the carrying out of a poll on voters' political preferences.

²⁴ [Extract from minutes](#) on the conduct of certification examination for training/specialisation in electoral field, approved by Decision of Certification Commission no. 01 of 11.09.2023. [Extract from minutes](#) on the conduct of certification examination for training/specialisation in electoral field, approved by Decision of Certification Commission no. 02 from 14.09.2023.

²⁵ Regulation on certification of training/specialisation in the electoral field; Regulation on certification for training/specialisation in the electoral field; CICDE methodology for organisation and conduct of certification process for training/specialisation in the electoral field prior to the implementation of the Electoral Certification Information System.

²⁶ [Report no. 1](#). Promo-LEX Observation Mission for general local elections from 5 November 2023. Chisinau, 5 September 2023, p. 8, 20.

supported the idea of calculating the number of seats according to the data from ASP (Public Services Agency) and not from the National Bureau of Statistics (NBS), but drew attention to the insufficient transparency of the data. In this regard, during the current observation period, ASP, upon CEC request, provided a response with some methodological clarifications²⁷.

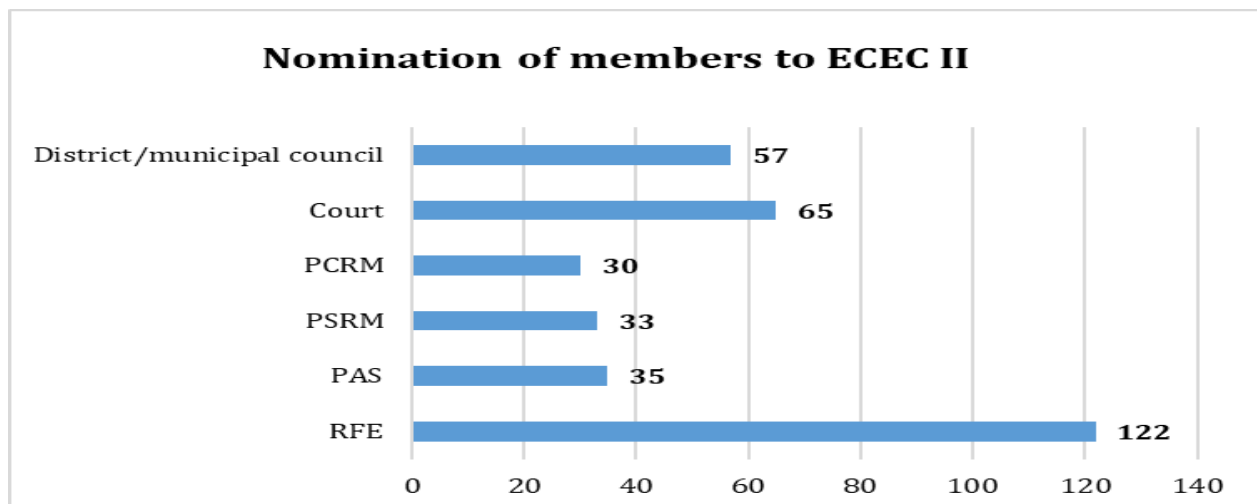
According to ASP, all categories of persons registered in the State Register of Population (SRP), regardless of age and legal status (including persons with indefinite legal status, foreign citizens, stateless persons and beneficiaries of international protection), who on 1 January 2023 had a valid permanent residence and/or temporary residence registration, were included in the calculation of the number of inhabitants. Similarly, ASP states that the entry and updating of data in the SRP is carried out only based on entries in the identity documents, and the legislation stipulates that citizens with permanent residence are required to have an identity card from the age of 16 years, and on request - from birth. In this way, a large number of children up to the age of 16, who do not have identity cards, are not registered at permanent and/or temporary residence.

We reiterate our support for calculating the number of mandates using the data provided by ASP, but we consider that CEC should draw up an explicit and relevant list of categories of citizens to be taken into account by ASP as a basis for calculation. Hence, for example, the inclusion of foreign citizens in an electoral list does not seem reasonable.

2.2. Activity of level II electoral constituency electoral councils

Confirmation and modification of ECEC composition. According to Art. 35, para. (1) of the Electoral Code, ECEC II shall be constituted by CEC from an odd number of members, of at least 7 and a maximum of 11 persons. Following the analysis of electoral authority's decisions, we find that for 33 ECEC II (94%) the numerical composition was set at 11 members, and for two ECEC II (no. 5 Basarabeasca and no. 15 Dubasari) the numerical composition was set at nine members. As regards confirmation of nominal composition of electoral bodies, we note that as of 3 October for three ECEC II the nominal composition is incomplete (no. 4 Anenii Noi and no. 28 Sangerei - 10 members out of 11; no. 26 Rezina - 9 members out of 11).

Chart no. 1



Also, during the reporting period, Promo-LEX OM found 13 cases of changes in the nominal composition of 10 level II ECECs (no. 1 Chisinau; no. 5 Basarabeasca; no. 8 Cantemir; no. 9 Calarasi; no. 10 Causeni; no. 14 Drochia; no. 15 Dubasari; no. 16 Edinet; no. 32 Stefan Voda and no. 33 Taraclia). The changes were due to requests for resignation of the appointed ECEC members from PAS (4); PCRM (1); LPA (4) and RFE (4).

With regard to gender composition, following the above-mentioned changes, we find a majority of women in ECEC II - about 72%. Moreover, in 24 electoral councils (69%) the number of men in the

²⁷ [Response](#) of ASP from 06.09.2023 on data delivered to CEC on the number of inhabitants.

composition of ECEC II is 1-2 per council. It is worth noting that, according to the legal rule, the need to ensure gender balance must be taken into account when setting up electoral bodies. The majority of the leading positions are also held by women: in 23 out of 35 ECEC II Presidents (66%) and in 27 out of 35 ECEC II Secretaries (77%). In all cases, the secret ballot procedure for the election of ECEC II Secretaries was respected.

Observance of the work programme. According to information provided by observers, during the monitored period, the premises of ECECs II were found closed during working hours only on two visits to ECEC no. 10 Causeni and no. 30 Straseni. In the rest of visits (77 out of 79 or 97%) the observers found the ECECs II open during working hours.

Accessibility of ECEC II premises. According to Promo-LEX observers' reports, only 17 (49%) of the 35 ECEC II are accessible to vulnerable groups, 12 (34%) are inaccessible and 6 are partially accessible (17%).

*Public information on the activity of ECEC II*²⁸. According to observers' reports filed in following 79 visits during the observation period, Promo-LEX OM notes:

- public information on the composition of the electoral body was ensured by 97% (34 ECEC II), except for ECEC no. 24 Ocnita;
- public information on working hours was ensured 100%;
- public information on the place and time of documents receipt was ensured by 94% (33 ECEC II), except for ECEC no. 23 Nisporeni and no. 33 Taraclia.

Setting up electoral constituency electoral councils of level I and of polling stations. ECEC level II constituted electoral councils of level I and polling stations within the deadlines set out in the Calendar Schedule adopted by CEC. Thus, for the autumn elections 896 ECEC I and 1958 polling stations were set up, with 11 fewer polling stations than in the previous general local elections in 2019.

2.3. Activity of level I electoral constituency electoral councils

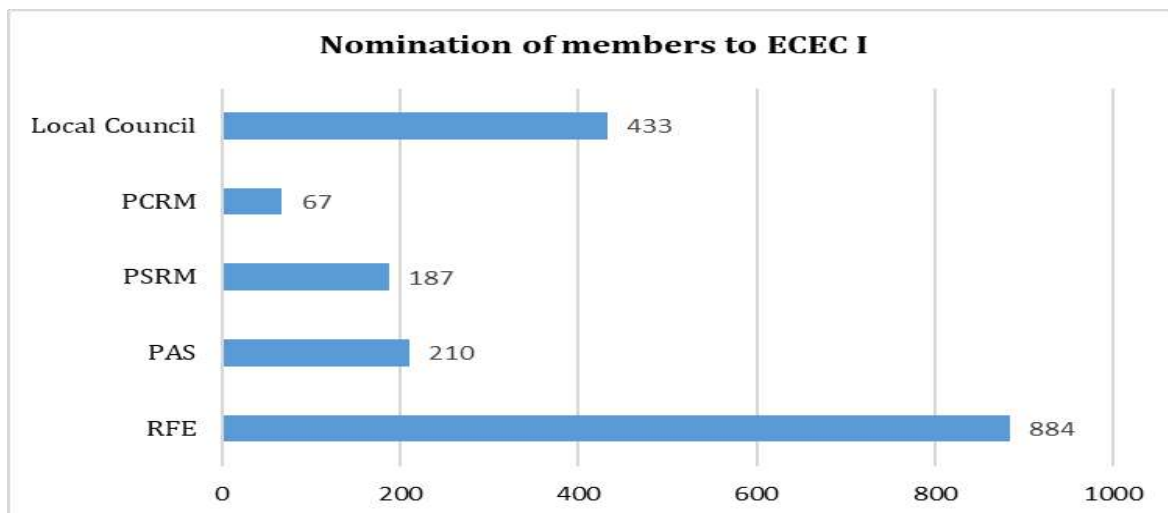
Observance of the work programme. During the monitored period, Promo-LEX observers visited 226 level I ECECs. Of these, 215 (95%) councils were open during working hours, while 11 (5%) were closed (ECECs no. 1/1 Codru; no. 8/19 Plopi; no. 16/29 Tarnova; no. 17/18 Logofteni; no. 22/25 Vozniseni; no. 25/14 Isacova; no. 25/21 Neaculaieuca; no. 30/3 Capriana; no. 32/1 Stefan Voda; no. 32/4 Brezoaia; no. 32/8 Copceac).

Public information on the activity of ECEC I. Following the 226 visits carried out during the observation period, the Promo-LEX OM finds that public information on the composition of the electoral body was ensured by 67% (150 ECECs I), on the working hours - by 76% (171 ECECs I), and on the place and time of documents receipt - by 70% (159 ECECs I).

Accessibility of ECEC I premises. According to Promo-LEX observers' reports, out of the 226 ECECs I, only 55 (24%) are accessible to vulnerable groups, 79 (35%) - partially accessible, and 92 (41%) - inaccessible.

Confirmation and modification of ECEC I composition. According to Art. 35 para. (6) of the Electoral Code, the ECEC I shall consist of an uneven number of members, not less than 7 and not more than 11 persons. Following the analysis of the information provided by Promo-LEX observers, we note that in the case of 12 ECECs I the numerical composition was set at 11 members, in the case of 86 ECECs I - at 9 members, and for 125 ECECs I - at 7 members. The nomination of members to the electoral body by the entities holding this right is reflected in Chart 2.

²⁸ The degree of information was observed based on following information channels: ECEC premises (entrance) or the institution where it is located, the information board located nearby, the public authority's website.



Promo-LEX OM also found 7 cases of changes in the nominal composition of first level electoral council (no. 17/11 Glinjeni; no. 17/21 Natalievca; no. 17/27 Pompa; no. 26/16 Otac; no. 27/24 Saptebani; no. 27/28 Zaicani; no. 30/16 Panasesti). The changes were due to requests for resignation of the appointed ECEC members from PAS (2); PCRM (1); LPA (3) and REF (1).

With regard to the gender component in the composition of electoral bodies, following the *above-mentioned* changes, we note that a majority of women make up 91.5% of ECEC I. Moreover, in 112 electoral councils (50%) there are no men, and in 104 electoral councils (47) the number of men in the composition of ECEC I is 1-2 persons.

Management of ECEC I. Following the visits during the observation period, Promo-LEX OM noted that the secret ballot procedure for the election of the management was respected (100%). In terms of gender composition, women were in the majority both as president of the electoral body (203 ECEC I - 92%) and as its secretary (214 ECEC I - 97%). Gender balance in the management of the electoral body was found in only 42 ECEC I.

III. NOMINATION AND REGISTRATION OF COMPETITORS

3.1. Regulating the registration procedure for competitors

According to the legal provisions, the nomination period begins no earlier than 60 days before election day for elective offices for level II electoral constituencies and no earlier than 40 days for level I electoral constituencies. Thus, according to the Calendar Schedule, the nomination period began on 6 September and 26 September 2023 respectively.

The period for submitting candidate registration files is 19 September - 6 October 2023 for ECEC II and 29 September - 6 October 2023 for ECEC I. The deadline for examining the files submitted to the electoral bodies is 7 days. Therefore, 13 October 2023 is the deadline by which the full list of registered candidates will be known.

On 16 September 2023, CEC registered the electoral bloc „Ruslan Codreanu” for participation in the general local elections from 5 November 2023, formed by the political party „Christian Social Union of Moldova” (UCSM) and the political party „People’s Power” (PPPO). Thus, only one electoral bloc was registered for participation in this election.

3.2. 3.2. Nomination and registration of competitors in mun. Chisinau and mun. Balti

Chisinau Municipality. During the period observed, 13 candidates were registered for both the office of mayor general and municipal councillor, all of them nominated by political parties/electoral bloc. From a gender perspective, only one female candidate was registered. No cases of refusal or cancellation of registration of candidates were observed. However, there was one case of withdrawal of a registration file, namely that of the candidate nominated by the League of Cities and Municipalities (LOC) party, Mihail Bagas.

Balti Municipality. Six candidates were registered for the office of mayor, all of them nominated by political parties, and from a gender perspective, all of them are men. Seven candidates were registered for the office of councillor, including one independent candidate. No cases of refusal or cancellation of registration of candidates were observed during the monitored period. Initially, there was one case of refusal to issue registration lists by the electoral body for Marina Tauber, motivated by the application of the prohibitions of art. 16, para. (2) (e) of the Electoral Code. However, after the suspension of law action and the subsequent declaration of unconstitutionality of the restriction by the Constitutional Court, the right to be elected was ensured.

Thus, candidates nominated by 16 political parties and one electoral bloc were registered for the elective offices of mayor and councillor in Chisinau and Balti municipalities (see Table 1).

Table no. 1. Registered electoral competitors (mun. Balti and mun. Chisinau)

Chisinau Municipality		Balti Municipality	
Mayor	Councillor	Mayor	Councillor
MRM, PACE, BE „Ruslan Codreanu”, PAS, PSRM, PCRM, PDCM, PPDA, CUB, PSDE, CC, PPPDA, PLDM.	PACE, PPPO, PCRM, LOC, PSDE, MRM, PAS, PSRM, PDCM, CUB, PONA, CC, PPPDA.	PLDM, PDCM, PCRM, PSRM, PACE, PAS.	PLDM, PDCM, PCRM, PSRM, PACE, PAS, CI Nicolai Usatfi.

3.3. Nomination and registration of candidates for councillor office in level II (district) electoral constituencies

During the monitored period, around 197 candidates were registered for the office of councillor in the 32 level II electoral constituencies (except ECEC Chisinau and Balti), of which only 23 were independent candidates (12%). Thus, 174 electoral candidates whose lists of councillors were registered by CECE II were nominated by political parties. At least 21 political parties registered their lists for the office of district councillor. Chart 3 shows the political parties which submitted files for registration of candidates for the office of councillor, who were registered. According to observers, PAS is the only political party that has registered its candidates for the office of district councillor in all level

II electoral constituencies. In addition, PAS also has registered electoral competitors at the Chisinau and Balti ECECs. It is followed by PSRM, which submitted 29 files and was registered as an electoral contestant in 29 level II electoral constituencies, including ECEC Chisinau and Balti. PCRPM was registered as electoral competitor in 20 electoral constituencies and PDCM - in 18 electoral constituencies.

Chart no. 3

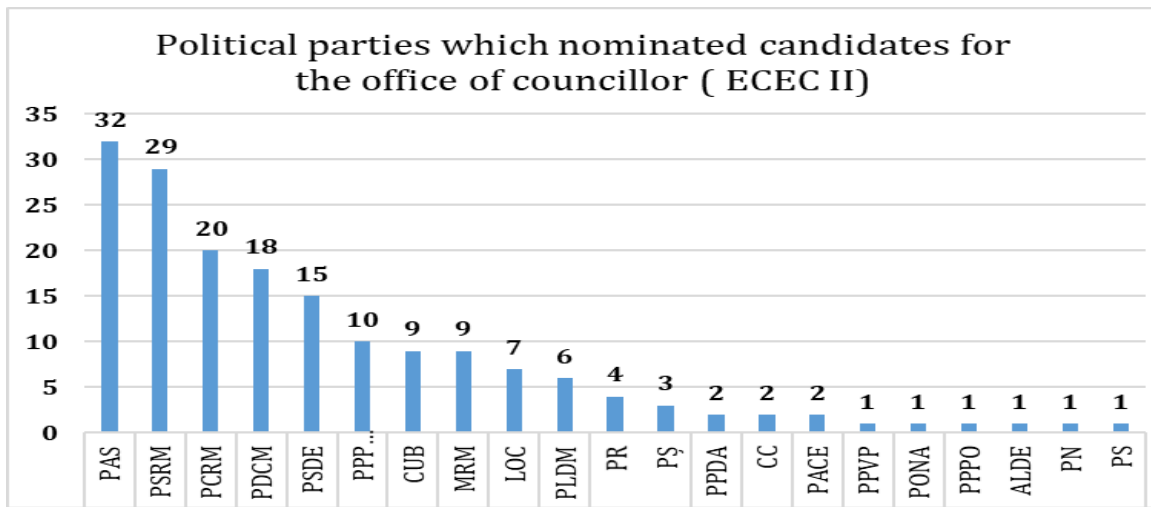
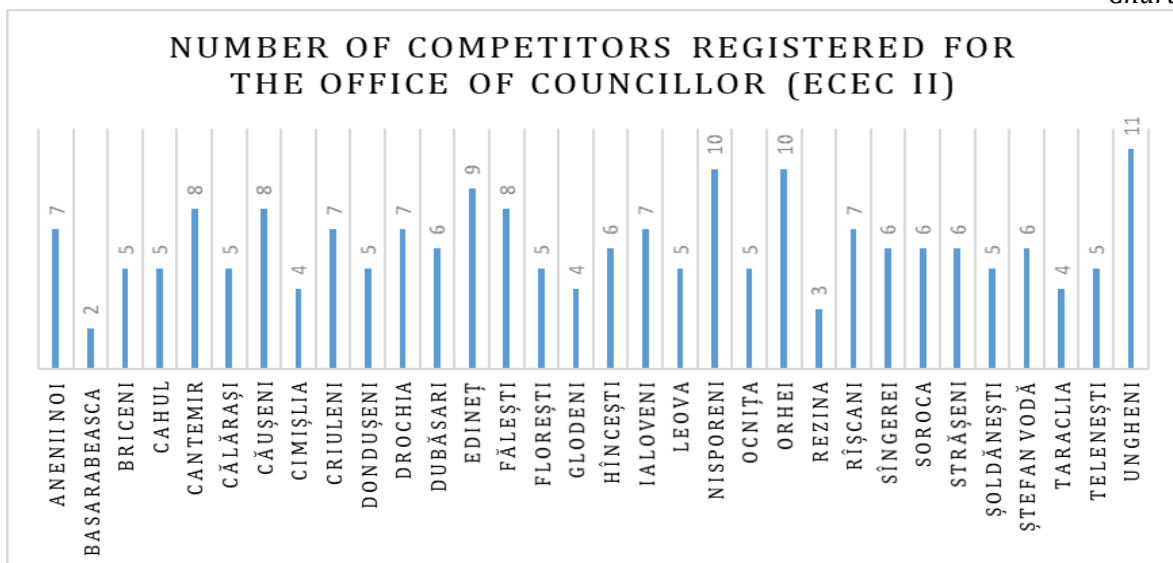


Chart 4 shows data on the number of electoral competitors registered during the monitored period for the office of councillor in the second level electoral constituencies. We note that ECEC Ungheni (11), ECEC Nisporeni (10), ECEC Orhei (10) and ECEC Edinet (9) registered the highest number of electoral competitors.

Chart no. 4



Out of 32 level II electoral constituencies, only in 14 independent candidates were registered. No registered independent candidate has applied for registration of an initiative group to support him/her.

IV. ELECTORAL NOTIFICATIONS

According to Promo-LEX observers, in the period 5 September - 3 October 2023, at least 14 notifications, petitions and requests were submitted to the electoral bodies, challenging or informing the electoral bodies on alleged violations of legal framework or requesting review or suspension of administrative acts regarding these violations.

Within the constituency electoral councils, one notification was submitted to CECE 27 Rascani, and another was submitted to ECEC 11/9 Gura Galbenei, Cimislia for examination according to its competence. Both notifications were filed by mayors, contesting the actions of illegal electoral campaigning by potential candidates for the office of mayor. While one notification received a response (within two days of submission) on the lack of conclusive information on the challenged actions, the other did not receive a response within at least 4 days of submission.

At least five notifications, two petitions and five requests (including two preliminary requests) were submitted to *the Central Electoral Commission*. Most of the subjects who submitted notifications to the higher electoral body were representatives of local public authorities (local councillor - 1; mayor - 2; town hall - 2) or potential electoral competitors (5). In most cases, the submitters of notifications and petitions expressed their disagreement with the acts or actions/inactions of electoral bodies²⁹ and with actions of conducting illegal electoral campaigning and misuse of administrative resources by potential electoral competitors.

With reference to the solutions given by CEC, we mention that in the case of at least four notifications and petitions, letters were issued rejecting the requests submitted or referring them for examination according to relevant competence. At the same time, nine decisions were adopted on 16 notifications and petitions. By decisions issued:

- 10 requests and notifications were rejected³⁰;
- the attention of the deputy mayor of the mun. Ungheni, Dionisie Ternovschi, on the need to comply with electoral legislation was drawn. The deputy mayor of the municipality of Ungheni was forbidden to broadcast the video "A day in the life of a deputy mayor" and was required to remove the video³¹. According to CEC, in the banned video recording, the deputy mayor of mun. Ungheni announces his intention to run for mayor, and the essence of his achievements was presented through image transfer from the local public authority to the potential candidate;
- the PSDE's attention was drawn to the need to observe the electoral legislation and a warning was issued³² for making a statement for the purpose of electoral campaigning by Vadim Brinzaniuc, candidate for mayor of the mun. Chisinau on behalf of PSDE;
- the mayor of mun. Balti, Nicolai Grigorișin, was warned on the obligation to properly execute his powers, prerogatives and obligations arising from the exercise of public office, without making use of his status, including the efficient and fair management of administrative resources during the electoral period, and the Party of Change (Partidul Schimbării) was warned on the observance of legal provisions in the process of involvement and implementation of political and electoral activities, including of conditions and manner of supporting these activities during the electoral period³³. In this case, CEC was critical of the promises made during the electoral period to renovate the institution using public resources and the actions of offering gifts in the form of food.

Promo-LEX OM appreciates the proactive way of examining and resolving notifications and petitions, so as to ensure equal conditions for potential electoral competitors. At the same time, we recommend the

²⁹ The challenged acts and actions/inactions of the electoral bodies referred to: in three cases - refusal to issue registration lists and/or restriction of right to be elected; in two cases - decision on banning distribution of information bulletins; in one case - distribution of false and unfounded statements.

³⁰ [Decision](#) of CEC no. 1220 from 12.09.2023; [Decision](#) of CEC no. 1349 from 28.09.2023; [Decision](#) of CEC no. 1215 from 08.09.2023; [Decision](#) of CEC no. 1287 from 19.09.2023; [Decision](#) of CEC no. 1324 from 25.09.2023.

³¹ [Decision](#) of CEC no. 1318 from 22.09.2023.

³² [Decision](#) of CEC no. 1317 from 22.09.2023.

³³ [Decision](#) of CEC no. 1286 from 19.09.2023.

standardisation of CEC's practice of classifying the actions of potential candidates as well as of the political party's responsibility for the actions of these candidates.

By way of example, we point out that in the case of Mayor Grigorisin, the Party of Change (PS) was warned, although, according to CEC's decision, "the determination of status of legal relations between the mayor of Balti mun., the League of Change and the Party of Change, including the manner of involvement and support of these actions cannot be established". And in the case of Deputy Mayor Ternovschi's actions, CEC found that the responsibility lies with the Deputy Mayor and not with the political party, given the failure of PAS Territorial Organization to adopt decisions on candidates for mayor at the time the video was posted (although the nomination was announced in the public space as early as August 28³⁴) and the lack of evidence of a link between the actions of the Deputy Mayor and PAS.

As regards the deadlines for resolving requests and notifications, we find that solutions were issued within 5 to 28 days, thus respecting the general deadline of 30 days within which an administrative procedure must be completed, according to Article 60 of the Administrative Code. However, given the selective publication on the CEC website of requests, notifications and solutions to them, issued in the context of local elections, it is not clear whether at least four requests and notifications have been solved.

In this respect, we reiterate the recommendation to publish all notifications, requests and solutions thereto within a short period of time.

³⁴ [Post](#) of PAS Ungheni on nomination of PAS candidate for office of mayor of mun. Ungheni.

V. PUBLIC ADMINISTRATION

5.1. Election organisation activities involving local public administration

During the reporting period, Promo-LEX observers visited 809 LPAs. During the visits, the observers also monitored the implementation of LPAs' tasks in the organization of elections.

Adoption of decision on the provision of poster spaces. A total of 446 municipalities (55%) adopted the decision on the provision of poster spaces. Of these, only 235 decisions (53%) were posted at the LPA premises. At the same time, 384 TAUs (47%) had poster spaces provided. Of these, in 341 localities (89%) there is sufficient space for the placement of electoral advertising of electoral competitors.

Adoption of decision on the provision of premises for meetings with voters. At least 439 municipalities (54%) have adopted decisions on the provision of premises for meetings with voters. Of these, only 228 decisions (52%) are posted at the LPA premises. Out of 439 LPAs that have adopted decisions, 328 (75%) provide meeting space with voters free of charge. On the other hand, 111 LPAs (25%) set fees ranging from 82 to 4000 lei per hour and from 285 to 2000 lei per meeting respectively. Among the premises provided are culture houses, assembly halls, educational institutions, parks and squares, stadiums, libraries, town hall meeting rooms.

5.2. LPAs' powers in nominating members to the electoral body

According to Article 35, para. (4) and par. (7) of the Electoral Code, the candidates of 2 members of the second and first level electoral council are proposed by the second and first level local councils. The nominations of the other members shall be proposed by the court, the parties represented in the Parliament, and if not sufficient, the number of members shall be completed from the RFE on CEC's proposal. Following the analysis of CEC's decisions on the setting up of ECEC II and the information provided by observers on the nominal composition of ECEC I, Promo-LEX OM concluded that the majority of local public administration authorities have fully exercised their right to propose members to the composition of electoral councils of both levels. Thus, only in three cases district local public authorities did not nominate members to the composition of ECEC II, and in seven cases only one member was nominated.

5.3. Certain aspects concerning the involvement of central public authorities in the organisation and conduct of elections

Communication of measures to ensure free and fair elections by the Government. On 12 September 2023, the General Secretary of the Government, Artur Mija, held a press conference in which he spoke about the actions taken by the executive and those planned to prevent electoral fraud and ensure free and fair elections³⁵. As a matter of principle, Promo-LEX OM has always supported the idea that state authorities should be actively involved in counteracting and sanctioning any kind of electoral misconduct, but especially those related to illegal financing. However, we insist on the idea that, in accordance with the legal provisions, it is the Central Electoral Commission's task to ensure optimal conditions for the unhindered exercise by citizens of their constitutional right to elect and be elected in free and fair elections, in cooperation with the other public authorities. Therefore, we are of the opinion that in this case the Government of the Republic of Moldova (instead of the CEC) has improperly communicated measures to ensure appropriate conditions for the proper conduct of the local elections from 5 November 2023³⁶.

Circulars from ministries to ensure the smooth conduct of general local elections. Promo-LEX observers identified at least two circulars sent to subordinate institutions by the Ministry of Labour and Social Protection (no. 02/3476 of 05.09.2023) and the Ministry of Education and Research (MEC) (no. 03/1-09/4395 of 08.09.2023), specifying measures on non-admission of use of administrative resources and ensuring equal treatment of electoral competitors. We reiterate our support for the efforts of public authorities to ensure non-involvement of employees in the electoral campaign during working hours

³⁵ [Press release](#). General Secretary of Government Artur Mija: „The zero priority is to have free and fair elections”.

³⁶ [Appeal of Civic Coalition](#) for Free and Fair Elections in the context of the general local elections of 5 November 2023.

and equal treatment of all candidates. However, at least in the case of the MEC circular, we consider that such conditionalities as “prior coordination with local education bodies on the conduct of electoral activities” could themselves generate risks of misuse of administrative levers. We believe that the “information” procedure would be sufficient in this process.

Identification by the law enforcement authorities of electoral materials without documents of legal provenance of the raw material. Promo-LEX MO observers found at least two cases (21-22 September) of police raiding printing houses and confiscating electoral promotional materials without documents of origin³⁷. On the other hand, PŞ reacted by taking responsibility for the materials, but specifying that it was not possible to pay for the printing services on the grounds that the “Electoral Fund” account was not yet open³⁸. At the same time, we draw attention to the fact that, according to Art. 56 para. (3), transfers of funds from this account shall be made only after the electoral competitor is registered, but not earlier than 30 days before election day. Respectively, on 21-22 September payments from this account could not be made anyway.

³⁷ [Capital’s police officers](#) detected and seized electoral materials from an LTD in Chisinau. [Another company](#) in the capital, specialised in printing newspapers and other related services, is targeted in the production of large quantities of electoral products.

³⁸ [Electoral materials](#) found in the capital belong to the Party „Şansă” (Chance).

VI. PERFORMANCE OF ELECTORAL COMPETITORS³⁹

6.1. Investigating cases of illegal financing of political parties

The observation period was also characterised by prosecution of cases of illegal financing of political parties. During this period, the National Anti-Corruption Centre, the Anti-Corruption Prosecutor's Office and the Security and Intelligence Service carried out investigations into cases of illegal financing of political parties⁴⁰. In this context, 5 requests were submitted to the Parliament of the Republic of Moldova and approved, requesting the waiver of parliamentary immunity of two MPs. At the same time, more than 20 searches were carried out in several localities in the Republic of Moldova. The searches and prosecutions target the involvement of the president of the unconstitutional party Ilan Sor in the illegal financing of political parties. Representatives of the Alliance of Liberals and Democrats for Europe (ALDE) party leadership have been working with law enforcement officials in an undercover operation to shed light on these cases⁴¹. According to Arina Spataru, ALDE President, she worked with the law enforcement authorities to "foil" Ilan Sor's plan to secretly take over the leadership of pro-European parties that would promote his interests⁴². On the other hand, after informing the public about this operation, Ilan Sor admitted that he held discussions with Arina Spataru regarding the financing of a political project with a pro-European vector and requested the return of the money transmitted for this political project⁴³.

In relation to the situations described, during the observation period, procedural-criminal measures were applied to at least three potential candidates for elective office in local elections, namely:

- on 21 September, Mihail Bagas, the candidate nominated by the LOC party for the office of mayor of mun. Chisinau, was arrested and subsequently detained on suspicion of preparing, aiding and abetting the illegal financing of political parties, initiative groups and electoral competitors by an organised criminal group on a large scale. On 25 September, the LOC party withdrew Mihail Bagas from the electoral race;
- On 21 September, the immunity of Alexandr Nesterovschi MP⁴⁴ was lifted and he was detained for the crimes of passive bribery, preparing the financing of a political party from sources prohibited by law and accepting the financing of a political party from an organised criminal group. Later, he was nominated as a candidate for the office of mun. Balti on behalf of the „Renaştere” (Renaissance) Party;
- on 21 September, the immunity of Irina Lozovan MP⁴⁵ was lifted and she was detained and subsequently placed under arrest for the offences of accepting the financing of a political party from an organised criminal group and money laundering committed by an organised criminal group on a particularly large scale. the „Renaştere” (Renaissance) Party announced about the recommendation of the Executive Bureau to nominate Irina Lozovan as candidate for mayor of the town of Ocnita on 9 August 2023⁴⁶.

In addition, another case occurred during the reporting period refers to the arrest on 19 September 2023 and subsequent house arrest of the mayor of Nisporeni, Grigore Robu, in a case of abuse of office and false statements.

It should be recalled that until April 2022, the Electoral Code provided for the guaranteed right of candidates not to be held criminally liable, arrested, detained or subject to administrative sanctions during the electoral period without the consent of the electoral body that registered them, except in cases of flagrant offences⁴⁷. However, in the context that a similar rule was previously declared

³⁹ This generic title refers to the behaviour of political parties that nominated and registered candidates during the period observed.

⁴⁰ [Press release](#). Requests for waiver of immunity of two MPs and searches of others in criminal cases involving illegal financing of political parties.

⁴¹ [CNA. An audio clip](#), recorded as part of investigations into the illegal financing of political parties, which contains part of a conversation between Ilan Sor and another person via the BRIA communication application on 6 August 2023.

⁴² [New details](#) about the secret operation involving Arina Spataru: A party leader suggested she goes to CNA.

⁴³ [Ilan Sor](#) asks Arina Spataru how she will return the 1.45 million dollars she received.

⁴⁴ [Press release](#) of Anti-Corruption Prosecutor's Office from 21 September 2023.

⁴⁵ [Press release](#) Anti-Corruption Prosecutor's Office from 21 September 2023.

⁴⁶ [Press release](#) of Party „Renaştere” (Renaissance).

⁴⁷ Art. 51, para. (4) [Electoral Code](#) no. 1381/1997.

unconstitutional⁴⁸, and the Constitutional Court ruling was not amended, this guarantee was excluded from the Electoral Code.

Without commenting on the indispensability and reasonableness of the prosecution measures carried out and applied during this period, Promo-LEX OM considers that both the lifting of parliamentary immunity and application of custodial measures to political figures during the electoral period are likely to influence voter opinion in favour or against an electoral competitor/political party. At the same time, the detention of candidates during the electoral campaign deprives them of the right to engage in electoral campaigning.

6.2. Pre-electoral campaigning and election-themed promotional activities

According to Article 70, para. (3) of the Electoral Code, regardless of the type of election, the electoral campaign begins on the date of registration of the electoral competitor, but not earlier than 30 days before voting day. According to the Calendar Schedule⁴⁹, the electoral campaign and, therefore, the possibility to conduct electoral campaigning shall start on 6 October 2023 for all electoral competitors.

According to Art. 1 of the Electoral Code, electoral campaigning includes appeals, statements, as well as actions of preparation and dissemination of information aimed at persuading voters to cast their vote for one or other electoral competitor. Therefore, according to Promo-LEX, electoral campaigning consists in influencing and/or making voters cast their vote for one or other electoral competitors, without the direct existence of a call for support being mandatory, as treated by CEC in a series of decisions adopted by it.⁵⁰

In this context, we note that in the period 6 September - 3 October 2023, at least 190 electoral-themed activities were observed, which can be qualified as promotion of candidates and electoral competitors (see Table 2). The most widespread activities were the distribution of information materials with electoral information (promotion of the nominated candidate, the candidates' vision for the development of the locality, the main issues, the party's merits in the development of the locality, etc.), which accounted for 58% of all reported activities. This is followed by sponsored internet promotion activities of competitors, which accounted for 28% of total promotion activities. The most reported activities were for PSRM (35%), followed by PAS (20%) and MAN (7%).

Table no. 2. Promotion activities observed during the monitoring period

Type of event observed	PSRM	PAS	MAN	PSDE	PŞ	CUB	PLDM	PR	PPDA	PDCM	PS	PACE	PNM	PPPO	Total
Distribution of information materials	59	23	14	10				2			1				109
Internet advertising	5	11		2		11	8	7	4	3				1	52
Nomination of candidates	1				3		1	1	1	2		1	1		11
Social campaigns („Satul Moldovenesc” (Moldovan Village), „Din tot sufletul” (From all heart))					10										10
Meetings with voters		3													3
Placement of nominal billboards							1		1						2
Press conference		1							1						2
Travelling abroad				1											1
Total	65	38	14	13	13	11	10	10	7	5	1	1	1	1	190

According to Art. 1 of the Electoral Code, pre-electoral campaigning includes appeals, statements, actions to nominate candidates for election, preparation of collection of signatures to support them,

⁴⁸ By [Ruling](#) of Constitutional Court no. 43 from 27.07.1999, article 46, para. (6), which provided that “Electoral competitors may not be held criminally liable, arrested, detained or subject to administrative sanctions without the consent of the electoral body that registered them, except in cases of flagrant offence” was declared unconstitutional.

⁴⁹ According to pt. 42 from [Calendar Schedule](#) for organising and conducting general local elections on 5 November 2023.

⁵⁰ CEC Decisions no. [1126](#) from 14 July 2023 on examination of some notifications submitted to cu (no. CEC-7/5494 from 30 June 2023, no. CEC-7/5511 and no. CEC-7/5512 from 4 July 2023), no. [1286](#) from 19 September 2023 on notifications no. CEC-7/6251 from 22 August 2023 and no. CEC-7/6257 from 23 August 2023 of Liberal Democrat Party from Moldova, etc.

including all these actions undertaken by the nominated candidate him/herself. During the observed period, 11 activities carried out to officially nominate candidates for election were reported. As a rule, these were held in the form of official meetings of party members - events broadcast directly via available live platforms (www.privesc.eu, social media, etc.). With reference to these activities, we find that they created some confusion even among candidates. Thus, for example, in the case of PSRM, the candidate nomination event on 19 September 2023⁵¹ was presented as a kick-off event for the electoral campaign, which, as mentioned above, will only start on 6 October 2023.

With reference to the above-mentioned activities, we find that the expenditures involved in their organisation and conduct will not be reported as expenditures incurred during the electoral period (campaign expenses). These will be reported as financial expenditures of the political party and financial reports will be submitted either before the beginning of the electoral campaign (if the political party intends to transfer funds from the party's current account to the "Electoral Fund" account) or before 15 January 2024, according to the legal framework⁵².

6.3. Misuse of administrative resources

According to the definition included in art. 1 of the Electoral Code, "administrative resources are the human, financial and material resources that are equally available to persons in public office, persons in responsible positions and civil servants deriving from their control over personnel, financial resources and allocations from the national public budget, from access to public facilities or from their management of movable and immovable property that is part of the state public domain or of administrative-territorial units". Also, according to Article 70, para. (6) of the Electoral Code, during the electoral period it is prohibited for candidates to use administrative resources, including by launching or participating in the launch of infrastructure projects or of procurements from the national public budget, the use of public equipment, means and goods.

In the same context, we note that the Venice Commission⁵³ has stipulated that during the electoral period, normal government activity must continue. However, in order to prevent the misuse of administrative resources for the purpose of unbalancing fair competition between electoral competitors, the national legal framework should prohibit during campaigns major appeals that are allegedly linked to or intended to create a favourable perception of a particular party or candidate. These provisions should not cover appeals imposed by certain unforeseen circumstances, such as economic and/or political developments in the country or region, e.g. following a natural disaster or emergencies of any kind requiring immediate action that cannot be postponed. In addition, we note that in the Document of the Copenhagen meeting of the Conference on the Human Dimension of the CSCE (OSCE) of 29.06.1990⁵⁴, member states undertook to ensure a clear distinction between the state and political parties; in particular, political parties cannot be confused with the state.

During the monitored period, Promo-LEX found 15 cases of misuse of administrative resources, as follows:

- *use of state institutions to promote electoral initiatives - 2 cases (1 - Government of the Republic of Moldova and 1 - mayor of Condrita village, Chisinau municipality).*

According to Promo-LEX, these cases of administrative resources misuse have the greatest impact on the electorate, as they involve the adoption of legislation in various areas.

Government of the Republic of Moldova. At a press conference on 25 September 2023 (just 10 days before the start of the election campaign)⁵⁵, Moldovan Prime Minister Dorin Recean announced the "Spor for Moldova" (Bonus for Moldova) package, which provides for:

⁵¹ Official [launching](#) of the Party of Socialists from the Republic of Moldova in the general local elections.

⁵² According to art. 29 from [Law](#) no. 294 from 21 December 2007 on political parties.

⁵³ Joint [Guidelines](#) for preventing and responding to the misuse of administrative resources during electoral processes, adopted by the Council for Democratic Elections at its 54th meeting, Venice, 10 March 2016 and by the Venice Commission at its 106th plenary session, Venice, 11-12 March 2016, pct. 1.3.

⁵⁴ [Document](#) of Copenhagen meeting of the Conference on the Human Dimension of the CSCE (OSCE) of 29.06.1990, point 5.4.

⁵⁵ [Press briefing](#) by the Prime Minister of the Republic of Moldova, Dorin Recean.

- 15% pay increase for health workers (48,000 workers);
- 25% pay increase for artistic staff in theatrical and performing arts institutions owned by the Ministry of Culture (1,700 workers);
- granting a one-off bonus of 5,000 lei to teachers (66,000 workers);
- granting a one-off bonus of 3,000 lei to non-teaching staff (35,000 workers);
- granting a one-off bonus of 5,000 lei to policemen and carabinieri (over 10,000 workers);
- allocation of 100 million lei for road repairs;
- allocation of 300 million lei for village and town development projects and the Programme „Satul european” (European Village);
- 100 million lei as a bonus for agriculture, which will support farmers in developing their businesses and creating new jobs.

From the same day - 25 September 2023, PAS began promoting sponsored information about the “Bonus for Moldova” package via social networks ⁵⁶.

The draft legislative acts ensuring the implementation of the “Bonus for Moldova” package were prepared and included in the agenda of the Government meeting of 4 October 2023⁵⁷.

Mayor of Condrita village, mun. Chisinau. On 2 October 2023, Andrei Donica, Mayor of Condrita village, mun. Chisinau, adopted a disposition⁵⁸ ordering the compensation of 9.06 lei per each cubic metre of natural gas - which means that the price paid by the final consumer is 9 lei per cubic metre. Moreover, the provision is retroactive, as its stipulations will be applied as of 7 June 2023. On 3 October 2023, he also submitted the documents for registration as a candidate for mayor of mun. Chisinau, nominated by MPSN.

- *electoral candidates taking credit for public works/services performed with public money - 13 cases (1 case - PS, 5 - PSRM, 7 - PȘ).*

PSRM. The distribution of party newspapers in which PSRM took credit for numerous activities implemented at the level of local councils with public money (repair of roads, parks/schools, kindergartens and schools, health care programs, etc.) was observed. These newspapers were printed separately for each of at least five ATU: Rezina, Causeni, Criuleni, Anenii Noi and Falesti.

PS. In a post on social media on 26.09.2023, Nicolai Grigorisin, candidate for mayor of mun. Balti, nominated by PS, pointed out that thanks to PS in the municipal council, the price for public electric transport in mun. Balti was reduced to 4 lei, from 1 October 2023..

PȘ. At least 7 cases have been observed in which the PȘ and its leader, Alexei Lungu, together with Ilan Sor's team, took credit for infrastructure works carried out with public money (renovation of two roads in the town of Orhei⁵⁹, construction of the road in Gaidar village, ATUG⁶⁰, asphaltting of a courtyard in Orhei⁶¹, street lighting in Cuhnesti, Glodeni district⁶², renovation of the road in Vatici, Orhei district⁶³, modernization of a street in Chiriet-Lunga, ATUG⁶⁴, renovation of the road in Ivancea, Orhei district⁶⁵).

6.4. Activities with voter corruption potential

⁵⁶ META advertising [library](#) of Party Action and Solidarity.

⁵⁷ Government [Meeting](#) from 4 October 2023, at 10:00: (L) – [Draft](#) decision on the approval of the draft law amending Law no. 270/2018 on the unitary salary system in the budgetary sector and (L) – [Draft](#) decision on the approval of the draft law on the amendment of State Budget Law for 2023 no. 359/2022.

⁵⁸ [Order](#) no. 63/b of 02.10.2023 on setting the compensation payment for natural gas.

⁵⁹ [Two](#) more roads put into operation in Orhei.

⁶⁰ [Party](#) „Șansă” together with Ilan Sor's team completed the road construction in Gaidar village in Gagauzia.

⁶¹ [Inauguration](#) of an asphalted courtyard from Orhei.

⁶² [Inauguration](#) street lighting in Cuhnesti, Glodeni district.

⁶³ [First](#) repair in the last 40 years: An important road in Vatici was renovated thanks to Party ȘANSĂ and Ilan Sor's team.

⁶⁴ [Party](#) „Șansă”, with the support of Ilan Sor's team, completed a project in Chiriet-Lunga.

⁶⁵ An important road was repaired for the residents of [Ivancea](#).

On 18 August 2023, Ilan Sor, president of the former “Sor” party, announced the launch of the „Satul Moldovenesc” (Moldovan Village) project. According to Ilan Sor, this project provides for an investment programme of over 17 billion lei for Moldovan villages to rehabilitate and improve community infrastructure, renovate and build social infrastructure, and co-finance local projects. The financial resources would come from the former party leader’s international partners. The announced project involves allocating 20 million lei over three years to each LPA I, which will fill in an application form for the respective investments. The financial transactions would be carried out under the guise of the fund opened by Ilan Sor – “Visul Meu” (My Dream) (not identified in the State Register of Legal Entities on Non-Commercial Organizations). Given that Ilan Sor is on the sanctions list and his properties are seized, it is not clear what would be the legal source of these donations promised to the population.

On 21.09.2023, at an official event⁶⁶, the PȘ announced its support for the “Moldovan Village” and “Moldovan Town” projects (which involves allocating 50 million lei over three years for the same purpose as the “Moldovan Village” project). During the monitored period, at least 4 cases were observed (in Taraclia, Cahul, Andrusul de Jos and Baurci-Moldoveni, Cahul district) where persons declaring themselves to be “Ilan Sor’s team” were collecting signatures for the “Moldovan Village” and “Moldovan Town” projects.

⁶⁶ [Party „ȘANSĂ”](#) announces support for the great republican projects „Moldovan Village” and „Moldovan Town”.

VII. ELECTORAL CAMPAIGN FINANCING

7.1. CEC actions in the field of initiative group/electoral campaign financing

During the monitored period, CEC adopted a number of decisions regulating the conditions for financing the activity of initiative groups and electoral campaigns, as follows:

- *setting the amount of interest-free credit granted to electoral competitors in the general local elections from 5 November 2023*⁶⁷;

For each political party/electoral bloc CEC set the amount of 50,000 lei and for each independent candidate - 10,000 lei. We note that despite the evolution of the economic situation in the Republic of Moldova, as well as the significant increase in inflation, the approved credit limits for electoral competitors have remained unchanged, the credit being constant since 2019. In Promo-LEX's opinion, the low amount of the interest-free credit could explain the unpopularity of this tool for electoral campaign financing.

- *setting the ceiling of financial means that can be transferred to the account "For initiative group" to support the independent candidate in the general local elections from 5 November 2023*⁶⁸;

According to Art. 53(5) of the Electoral Code, CEC set the ceiling of financial means that can be transferred to the account "For initiative group" for each constituency for the office of councillor and for the office of mayor (see Table 3).

Table no. 3. Limit of financial means that can be transferred to the account "For initiative group" per constituency for the office of councillor/mayor

<i>ECEC</i>	<i>Ceiling per constituency for councillor (lei)</i>	<i>ECEC</i>	<i>Ceiling per constituency for mayor (lei)</i>
896 ECEC I	1.199.82	867 ECEC I	2.399.64
27 ECEC II	1.199.82	29 ECEC I	up to la 5.000
6 ECEC II	up to 1.404	ECEC II Chişinău	155.720.97
ECEC II Chişinău	6.106.70	ECEC II Bălţi	24.055.70

Thus, in the case of initiative groups set up to collect signatures in support of independent candidates for the office of councillors, for all 896 ECEC I, as well as for 27 ECEC II, the ceiling limit set was 1,199.82 lei. Only in the case of 6 ECEC II the amount was slightly higher, and in the case of ECEC II Chisinau the ceiling set was the highest (6,106.70 lei).

In the case of initiative groups set up to collect signatures in support of independent candidates for the office of mayor, the ceiling set is higher than the one set for councillors - due to a higher number of signatures to be collected. Thus, the highest ceilings were set for ECEC II Balti (24,055.70 lei) and ECEC II Chisinau (155,720.97 lei).

- *setting the overall ceiling of financial means that can be transferred to the "Electoral Fund" account for the general local elections from 5 November 2023*⁶⁹.

According to Art. 53 para. (5) of the Electoral Code, CEC set the overall ceiling of funds that can be transferred to the "Electoral Fund" account for the general local elections from 5 November 2023. Thus,

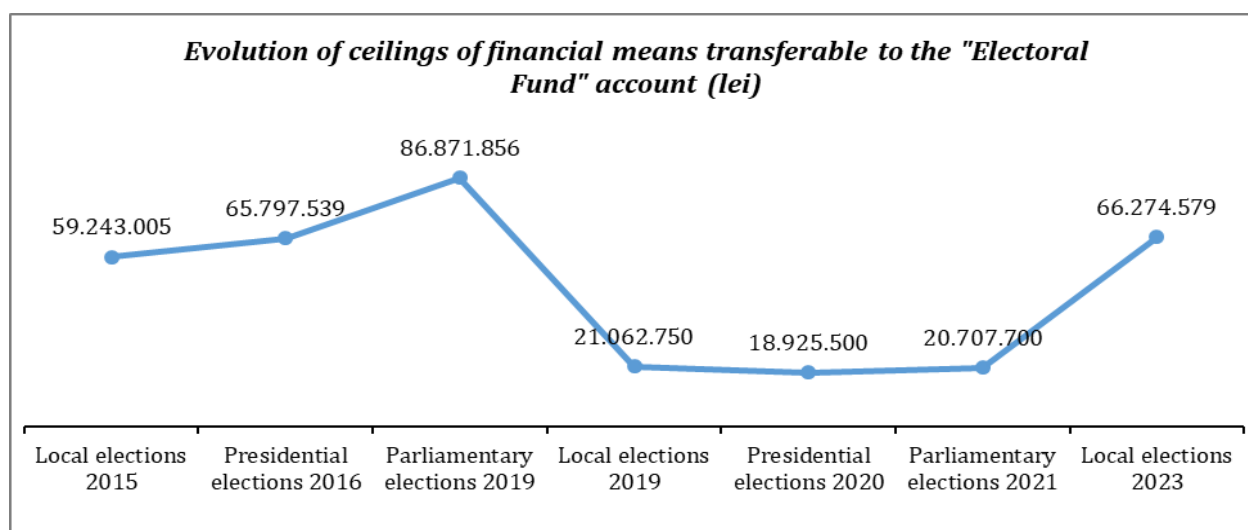
⁶⁷ CEC [Decision](#) no. 1217 from 8 September 2023 on setting the amount of interest-free credit granted to electoral competitors in the general local elections of 5 November 2023.

⁶⁸ CEC [Decision](#) no. 1218 from 8 September 2023 on setting the ceiling of financial means that can be transferred to the account „For initiative group” to support the independent candidate in the general local elections of 5 November 2023.

⁶⁹ CEC [Decision](#) no. 1219 from 8 September 2023 on setting the general ceiling of financial means that can be transferred to the „Electoral Fund” account for the general local elections of 5 November 2023.

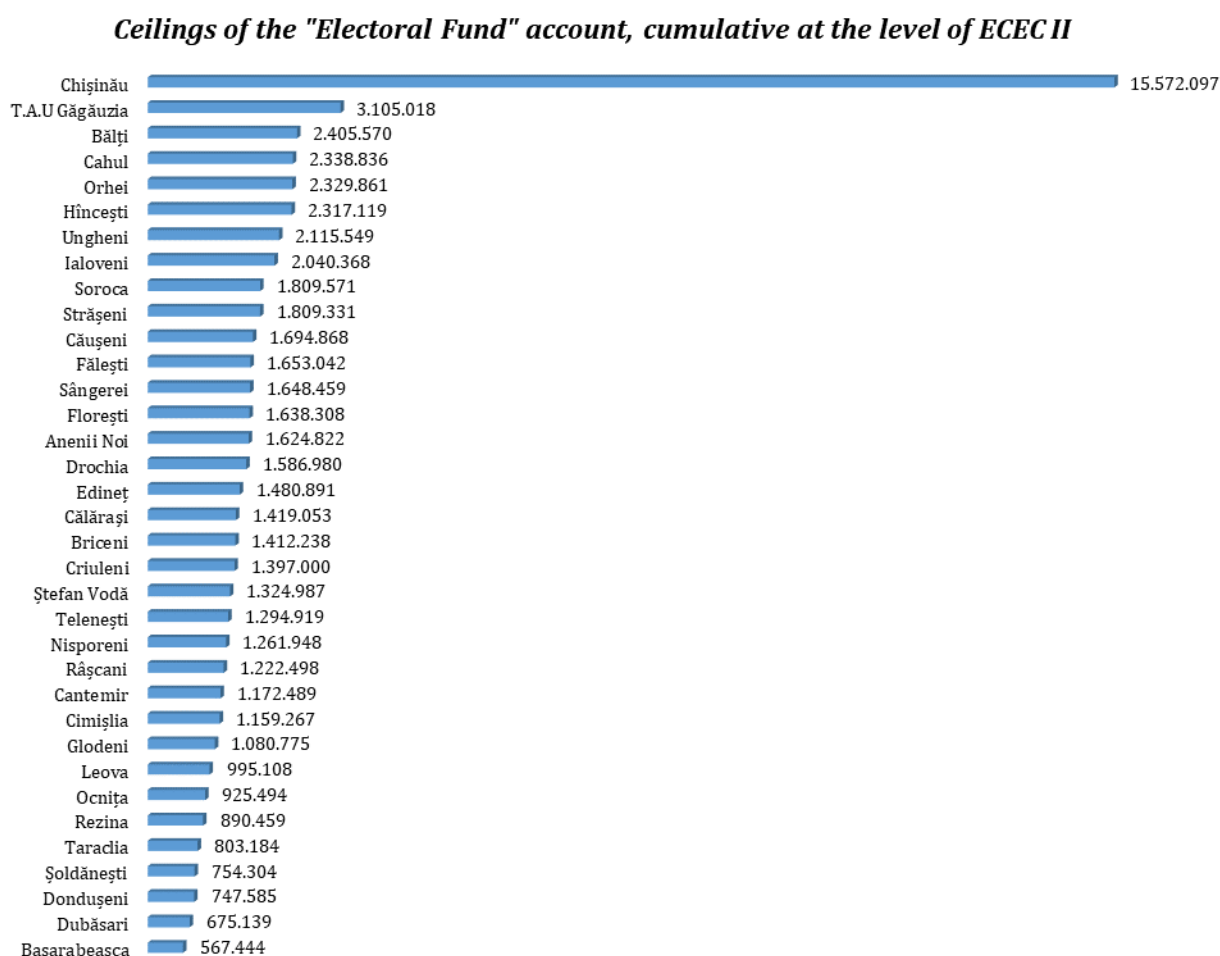
the maximum amount of financial resources that can be transferred to the “Electoral Fund” account, which cannot exceed 0.1% of the state budget, was set at 66,274,579 lei (see Chart 5).

Chart no. 5



We find that after the amendment of the Electoral Code, compared to the last four years, the ceiling limit has increased significantly - due to the increase of its value from 0.05% to 0.1% of the revenues provided in the state budget law for the corresponding year. In Promo-LEX's opinion, considering that from 2019 to date, the 0.05% ceiling has not been reached by any competitor in the national elections, the increase to 0.1% was excessive.

On the chart: “Electoral fund”, ATU, Hincesti Chart no. 6



Depending on the number of voters registered in each electoral constituency, CEC also approved the ceiling limit for each ECEC II and ECEC I (see chart no. 6). Thus, we see that the highest ceiling - 15.5 million lei - was set for ECEC II Chisinau, followed by ECEC II TAU Gagauzia - 3.1 million lei and ECEC II Balti - 2.4 million lei respectively.

7.2. Financial reporting of electoral competitors

The financial reporting process for election competitors includes the following steps:

- *nomination and submission for confirmation of the person responsible for finances (treasurer)*

According to Art. 55, para. (1) of the Electoral Code, the electoral competitor or initiative group shall nominate and submit for confirmation a person responsible for finances (treasurer) either to CEC (for political parties and electoral blocs nominating candidates for local elections) or to ECEC (for initiative groups and independent candidates).

During the monitoring period, at the level of ECEC II, 22 political parties/election bloc⁷⁰ and 19 ICs registered candidates for elections. At the time of reporting, only six political parties had confirmed with CEC the person responsible for finances (treasurer) - PPPDA, MRM, PDCM, PLDM, PAS and EB Ruslan Codreanu.

- *opening the account "Electoral Fund"*

According to Art. 56 para. (1) of the Electoral Code, within 3 days after registration, the electoral competitor must open an account with the bank with the mention "Electoral Fund". Subsequently, within 24 hours, the information about the opened account shall be submitted to the CEC/ECEC. In case of not opening the mentioned bank account, the electoral competitor shall inform the CEC/ECEC about this fact, carrying out electoral campaign activities not involving financial expenditures.

Although the first electoral competitors at the ECEC II level were registered on 21.09.2023, by the time of reporting, CEC webpage lacks information on financial reporting by electoral competitors. Also, the electronic module "Financial Control" - the main reporting tool of the electoral competitors - is not functional either, from an observation perspective.

In view of the above, we call on the electoral authority to ensure, as a matter of priority, the transparency of information on financial reporting in the context of local elections, especially as the electoral campaign is about to start.

⁷⁰ PAS (34), PSRM (29), PCRM (20), PDCM (20), PSDE (15), PPPDA (12), MRM (9), CUB (8), LOC (5), PLDM (5), PPDA (3), PR (3), CC (2), PACE (2), PNL (2), BE Ruslan Codreanu (1), PDMM (1), PONA (1), PPVP (1), PVE (1), ALDE (1), PN (1).

VIII. HATE SPEECH AND INCITEMENT TO DISCRIMINATION

8.1. Hate speech against electoral competitors and/or politicians

On 21 September 2023, Renato Usatii, president of the political party “Partidul Nostru” (Our Party), former mayor of Balti, on his YouTube channel, watched by more than 126,000 people (content also distributed on his personal Facebook page, with more than 310,000 followers), made threats against the members of “Sor” political party based on their political affiliation, stating that:

“Marin, this is not about you, but about your bosses and it doesn’t matter if they are in the country or abroad. So, I will not go around, write statements, give evidence against you, as some people do and as some colleagues do even today or did before, I will just start catching you around Balti like rabid dogs that can infect children with AIDS, get it? [...] Once again, shoriki, I’ll just catch you and I’ll have dichlorvos with me. because I’m not going to baby-talk and stand on ceremony with you...”⁷¹.

On his Telegram channel, Bogdan Tirdea, a member of the Parliament of the Republic of Moldova on behalf of the Bloc of Communists and Socialists, distributed a video in which Arina Spataru, president of the Political Party Alliance of Liberals and Democrats of Europe, former member of the Parliament of the Republic of Moldova in the 2019-2021 legislature, was making pancakes with her colleagues. He referred in a written text to another video from the 2020 presidential electoral campaign, in which Maia Sandu, at that time candidate for presidency, was preparing scrambled eggs. The allusion that women politicians get to be president of a country just because they can cook is a form of sexist language, whereby a woman’s skills are reduced to those of her gender (being a good cook).

“Future president? ALDE leader Arina Spataru cooked pancakes in front of the party banner. Previously, Maia Sandu fried eggs. Became president”⁷².

8.2. Hate speech against LGBT people

The cases of incitement to discrimination and hate speech against LGBT people were generated by the candidate of the Party of Socialists of the Republic of Moldova, member of the Moldovan Parliament, Adrian Albu, and Renato Usatii, president of the “Partidul Nostru” (Our Party) political party, former mayor of Balti.

Adrian Albu made several statements in the public space and published several messages on social networks and mobile applications on the prohibition of the right to freedom of assembly of LGBT people, which constitutes incitement to discrimination based on sexual orientation. All this was made public to support one of the objectives of the electoral program presented on 19 September 2023 at the official launch event of the Party of Socialists of the Republic of Moldova in the general local elections: that of “protecting traditional values”.⁷³

Later, on 20 September 2023, Adrian Albu wrote on his Telegram channels in Russian and Romanian:

“Chisinau is a homosexual propaganda-free zone! Our social, moral and Christian values, the family formed by a man and a woman, mum and dad, not parent 1 and parent 2, must be protected and preserved. I will ban any form of LGBT propaganda in the capital's schools. Homosexual parades will also be banned, as a form of aggressive propaganda of relationships alien to our traditional society. Democracy implies that the opinion of the majority must be taken into account, and in the case of LGBT, the minority imposes its position on the majority. I will protect the interests of the majority of the population, parents who oppose homosexual propaganda in schools, and all citizens who oppose LGBT propaganda on the streets of Chisinau”⁷⁴.

⁷¹ Renato Usatii, Online! About Pas-Şor-Marina. Local abortions 2023! <https://www.youtube.com/watch?v=OxalPfqqiNs>

⁷² Bogdan Tirdea, <https://t.me/tirdea/64586>

⁷³ Adrian Albu, Public event launching the Party of Socialists of the Republic of Moldova in the general local elections, <https://www.privesc.eu/Arhiva/103750/Lansarea-oficiala-a-Partidului-Socialistilor-din-Republica-Moldova-in-alegerile-locale-generale>.

⁷⁴ Adrian Albu, message published on Telegram channel, <https://t.me/albuadrian/191>.

In the context of the general local elections, where all public attention is focused on public information and messages of electoral competitors, Adrian Albu used various communication channels (social networks, mobile apps, electoral newspapers, etc.) to promote stereotypes related to gender identity and to spread a discourse inciting discrimination. He sought electoral support to become mayor, and consequently to use his elective office to restrict the rights of a group of people (LGBT people). From his position as candidate for mayor of the mun. of Chisinau, Adrian Albu justifies the incitement to discrimination by appealing to “traditional values”, religion and religious beliefs, but also to the fact that LGBT people are a minority and that the interests and beliefs of a majority group prevail over those of a minority group. Thus, Adrian Albu creates an environment hostile to the group represented by LGBT people.

Moreover, the Party of Socialists of the Republic of Moldova has promoted messages of hatred and intolerance against LGBT people, including through electoral materials (electoral posters). 120,000 copies of two electoral materials were printed. In these materials, the Party of Socialists of the Republic of Moldova associated actions to promote the rights of LGBT people with „perversion” and „desecration of streets” and has justified prohibiting their right to freedom of assembly in its electoral materials⁷⁵ distributed in the public space.

LGBT people have also been the target of intolerant discourse and incitement to discrimination on the part of Renato Usatii, the president of the “Partidul Nostru” (Our Party) Political Party, who, on 10 September 2023 and 24 September 2023, respectively, also justified the prohibition of their right to freedom of assembly on his YouTube channel (followed by over 126,000 people) and redistributed on his personal Facebook page (followed by over 310,000 people):

*“We speak for good people, for development partners, for NGOs who, remember, as soon as I get into power, Mr. Gonta, whether they want it or not, 80% of NGOs will be banned along with gay parades”.*⁷⁶

*“I have not changed my position on this topic since 2014, unlike, again, some politicians. I understand that these people exist, I mean sexual minorities. I understand that these people should have the right to live like any other human being. I am not against their right to live, work, study and so on. But any kind of propaganda, parades, marches and so on, I have been, am and will be against all my life. I suggested that if they want a parade so badly, they could hold it on the runway of the airport of Marculesti from 4 to 6 a.m., when people go to till their land at 6 a.m., so that they are done with it (the parade), and don't get a tilling tool on the head”.*⁷⁷

The hate messages and incitement to discrimination against the group represented by LGBT people, generated and promoted during the electoral period by the Political Party of Socialists of the Republic of Moldova and Renato Usatii represent a continuation of messages constantly promoted by them in the public space and online, which not only create a hostile environment towards this group, but may also lead to an increase in the number of cases of crimes motivated by prejudice based on sexual orientation⁷⁸.

⁷⁵ Party of Socialists of the Republic of Moldova, order no. 669 according to payment invoice no. 85 of 16.08.2023, total circulation - 50,000 copies and order no. 772 according to invoice no. 771 of 21.09.2023, total circulation - 70,000 copies.

⁷⁶ Renato Usatii, Online! Power is in Truth! 1, <https://www.youtube.com/watch?v=WURFGQLSAkA>.

⁷⁷ Renato Usatii, Power is in Truth! <https://www.youtube.com/watch?v=w96a43iKNAA>.

⁷⁸ According to data from GENDERDOC-M Information Centre, in the period 3 July 2022 - 3 July 2023, 15 cases of bias-motivated crimes against LGBT people were documented. Promo-LEX Association, Analytical study on the documentation and prosecution under the new hate speech provisions, <https://promolex.md/24205-studiu-analitic-privind-documentarea-si-tragerea-la-raspundere-contraventionala-si-penala-conform- prevederilor-noi-cu-privire-la-discursul-de-ura/?lang=ro>

RECOMMENDATIONS

Central Electoral Commission:

1. Ensure transparency of financial reporting information in the context of local elections, in particular in the case of the start of the electoral campaign.
2. Approval of the *Regulation on the specificities of voting over the course of two days* until the expiry of the period of at least 25 days prior to Election Day, as provided for in Article 8(2) of the Electoral Code for the determination by CEC of the opportunity to hold two-day elections in certain polling stations/constituencies.
3. Supplementing the *Regulation on the procedure for confirming the legitimacy of elections, validation and allocation of mayoral and councillor mandates* with provisions clearly establishing the categories of citizens from the State Register of Population to be taken into account by the Public Services Agency when calculating the number of inhabitants of the administrative-territorial unit for determining the number of local councillor mandates.
4. Add a sub-heading “Certification of electoral officials” to the section “*General local elections 2023*” on the CEC website. Even if part of this information can also be found on the CICDE website, i.e. there is a risk of duplication, we believe that for the full and convenient information of stakeholders, it should be grouped in one place.
5. In the context of examining notifications/contestations, we recommend standardising the CEC’s practice of classifying the actions of potential candidates and the political party’s responsibility for the actions of these candidates.
6. We reiterate our recommendation that all notifications, requests and solutions to them should be published within a short period of time.

ABBREVIATIONS

ALDE – Alliance of Liberals and Democrats for Europe

para. – paragraph

LPA –local public administration

art. – article

EBPS – electoral bureau of polling station

CC – Political Party Joint Action Party – Civic Congress

CEC – Central Electoral Commission

ECEC– Electoral Constituency Electoral Council of level II

IC – independent candidate

CICDE – Centre for Continuing Education in the Electoral Field

CNESP – Extraordinary National Public Health Commission

CUB – Political Party Coalitia pentru Unitate si Bunastare (Coalition for Unity and Welfare)

let. – letter

LOC – Political Party Liga Oraselor si Comunelor (League of Towns and Communes)

MAN – Political Party Miscarea Alternativa Nationala (National Alternative Movement)

OM – Observation Mission

MPSN – Miscarea Profesionistilor Speranta-Надежда (Movement of Professionals Hope)

MRM – Political Party Miscarea Respect Moldova (Movement Respect Moldova)

mun. – municipality

no. – number

OSCE/ODIHR – OSCE’s Office for Democratic Institutions and Human Rights

LTO – long-term observer

STO – short-term observer

PACE – Political Party Acasa Construim Europa (We built Europe at home)

PAS – Political Party Actiune si Solidaritate (Action and Solidarity)

PC – Conservative Party

PCRM – Party of Communists from the Republic of Moldova

pt. – point

PDCM – Politic Party Partidul Dezvoltării și Consolidării Moldovei (Party of Development and Consolidation of Moldova)

PL – Liberal Party

PLDM – Liberal Democratic Party of Moldova

PN – Politic Party Partidul Nostru (Our Party)

PNL – National Liberal Party

PNM – Political Party Partidul Național Moldovenesc (National Moldovan Party)

PPDA – Political Party Democratia Acasa (Democracy at Home)

PPFD – Political Party Forța Diasporei (Diaspora Strength)

PPPDA – Political Party Platforma Demnitate si Adevar (Platform Dignity and Truth)

PPPO – Political Party Puterea Oamenilor (The Power of People)

PPVP – Political Party Voința Poporului (People’s Will)

PR – Political Party Renastere (Renaissance)

PS – Political Party Partidul Schimbării (Party of Change)

PSDE – European Social Democratic Party

PSRM – Political Party Party of Socialists from the Republic of Moldova

PȘ – Political Party Șansă (Chance)

PVE – Political Party Partidul Verde Ecologist (Green Ecologist Party)

RFE – Register of electoral officials

PS – polling station

ATU –administrative-territorial unit

UCSM – Political Party Christian Social Union of Moldova

EU – European Union

USAID – United States Agency for International Development

ANNEXES

Annex no. 1. Registration/accreditation of persons authorized to participate in electoral proceduresTable no. 1.1. Observers accredited by CEC⁷⁹

National Observers				Total
Promo-LEX Association	414	Moldovan Institute for Human Rights	30	444
International observers and experts				
Embassy of the Czech Republic	2	Embassy of the Republic of Lithuania	4	
Embassy of the Kingdom of the Netherlands	5	Embassy of the Republic of Slovenia	1	
Central Electoral Commission of Georgia	3	Central Electoral Commission of the Republic of Lithuania	2	
Permanent Electoral Authority of Romania	1	Supreme Election Council of the Republic of Turkey	2	
State Electoral Commission of the Republic of Croatia	2	Central Electoral Commission of the Republic of Albania	2	
Central Electoral Commission of the Republic of Azerbaijan	2	Swiss Cooperation Office/Representation of the Embassy of the Swiss Confederation	1	
OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR)	41	European Network of Election Monitoring Organisations (ENEMO)	5	73

Table no. 1.2. Journalists confirmed by CEC⁸⁰

Private Institution "Radio Orhei"	1	Press group REALITATEA (REALITY)	9
Independent Periodical "Observatorul de Nord" (Northern Observer)	7	Limited Liability Company „NEWS MAKER”	7
Regional TV station "ELITA TV"	2	Total	26

Table no. 1.3. Authorisation of opinion polls and exit polls⁸¹

Authorisation to carry out opinion polls		7
„IMAS-CERCETARE ŞI STRATEGII” SRL		1
„INTELLECT GROUP” SRL		1
„DATE INTELIGENTE” SRL		3
SC „MAGENTA CONSULTING” SRL		1
„MLD MEDIA” SRL		1
Authorisation to publish opinion polls		4
Public Association Institute for Public Policy		1
„DATE INTELIGENTE” SRL		1
National Democratic Institute for International Affairs, Washington, Chişinău branch		3
Refusal to carry out opinion polls		1
„INTELLECT GROUP” SRL		1

Table no. 1.4. Approval of messages of public interest⁸²

UN Women	1 video spot
National Child Abuse Prevention Centre	1 video spot
Public Association Centrul CONTACT (Centre CONTACT)	1 informational-educational video spot
Central Electoral Commission	3 video spots 1 information brochure 1 information leaflet
Centre for Continuing Education in the Electoral Field	2 informational video spots
Council of Europe Office in Chisinau	1 informational video spot
Total	11

⁷⁹ Accreditation of observers.⁸⁰ Confirmation of journalists.⁸¹ Authorization of opinion polls and exit-polls.⁸² Approval of messages of public interest.