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MOLDOVA ELECTION ALERT #2

Video observation of the voting process - a threat or a solution for transparent elections?



Image source: pixabay

Ahead of the presidential election in Moldova, election observers have again called on the Central Election Commission (CEC) to ensure that video observation of polling stations will be operational on the whole of Election Day. Due to continued restricted travel and other anti-COVID restrictions in place, it is impossible to conduct a full observation of all polling stations domestically or abroad, which has prompted this renewed debate about video cameras in polling stations to ensure the transparency of elections. In this election alert, election expert Elena Prohntichi outlines previous and current problems around the issue of video observation at polling stations and provides recommendations to the CEC on how to proceed.

The context

Two weeks before Moldova's presidential election, on October 16, the Civic Coalition for Free and Fair Elections¹ called on the Central Election Commission (CEC) to ensure the operation of video observation on the whole of Election Day. This request came against the backdrop of growing allegations from the opposition and certain civil society circles of election fraud by the ruling Party of Socialists. Some of the allegations targeted the CEC. Its independence has been regularly contested by the electoral candidates in the last few elections. In 2020, the Commission attracted the criticism for [proposing to set up 38 polling stations](#) (PS) for Moldovan voters in Russia compared to 11 PS opened at the 2019 parliamentary elections², and for the [Circular](#) warning the political parties to refrain from funding their presidential candidates above the allowed limit imposed to an ordinary legal entity. Both these actions were deemed to favor the incumbent pro-Russian president Igor Dodon, who runs as an independent candidate, but is officially backed by the Party of Socialists.

The electoral race is unfolding amid a deepening COVID-19 crisis on both the national and international level. Many countries have reimposed travel restrictions to and from "red

¹ The Civic Coalition for Free and Fair Elections, www.alegeliber.md, is a permanent, voluntary entity, comprised of civil society organizations from Moldova, whose aim is to contribute to the development of democracy in Moldova, through advocacy and implementation of free and fair elections according to the standards of ODIHR (OSCE), the European Council and its specialized affiliated institutions.

² http://alegeri.md/w/Votarea_pestre_hotarele_Republicii_Moldova#tab2sectii

zone” countries, which includes Moldova, along with other European countries where polling stations for Moldovan citizens are going to be opened. The continuous increase in the daily COVID-19 cases in Moldova and the associated health risks posed by the infection have already resulted in the [cancellation](#) of the presidential election observation mission by the Parliamentary Assembly of the Council of Europe (PACE) and the [limitation](#) of the OSCE/ODIHR election observation mission in Moldova to a purely long-term observation mission. As compared to the last parliamentary elections, the number of international observers decreased by more than 5 times, while that of domestic observers by three times (as of 15 October 2020). Unlike previous parliamentary elections, this year the domestic election observation mission conducted by Promo-LEX will deploy short-term observers at only 608 polling stations out of 2134 set up within the country, and will cover only 60 out of the 139 polling stations established abroad ³.

Incursion into the history of video observation of elections in Moldova

The installation of video cameras in polling stations was launched on the basis of a public initiative in early November 2018, after the then Prime-Minister Pavel Filip and CEC held a meeting to discuss the recording of voting on Election Day as a means to increase the transparency of the electoral process. The CEC agreed on camera specifications and approved their purchase shortly after that. The procurement of the 2300 cameras, made in China, cost the public budget 12 million lei (approx. 600.000 EUR). The tender was won by an [IT company](#) that previously received a public contract to provide baby clothes for the national “New Life” campaign taken over by the Government from a social project launched by Vlad Plahotniuc's Edelweiss Foundation.

In its [Regulation on the operation of the Video Recording System in the polling stations](#) approved in February 2019 before the parliamentary elections, the Commission claimed the cameras would ensure transparency of the voting process and election operations on Election day and would serve as an additional safeguard against possible electoral fraud. The technical specifications of cameras were not meant for live online broadcast of voting, only the recording of ballot boxes and ballot counting procedures from the angle that would not compromise the secrecy of the vote. The memory cards are sealed and delivered to the CEC after Election Day. The video recordings are stored six months after the validation of elections and then destroyed. They could be viewed only if a problem is reported.

At that time, many electoral experts and political actors expressed their concerns over the need to use cameras in polling stations. This decision was perceived to be a politically imposed measure, while the cameras were seen as a [tool for those in power](#) to observe who voted and to later intimidate public employees. The civil society [criticized](#) the CEC for approving the introduction of cameras in polling stations in a hasty and non-transparent manner, without public consultations or main stakeholders and without a critical analysis of international

³ Promo-Lex, report no. 3 Observation Mission of the Presidential Election in the Republic of Moldova of 1 November 2020, https://promolex.md/wp-content/uploads/2020/10/RAPORT-nr.-3_MO-Promo-LEX_APreziden%C8%9Biale_red_RomEng.pdf, p.7.

practice. Experts concluded that cameras could not substitute election observation by civil society and political parties and are not a guarantee against all election-related manipulations, as they do not catch all moments of the voting process in a polling station. Online broadcasting of the polling stations would have been a better alternative, but this would have needed time to put the regulatory framework and money in place.

Both the national and international election observation missions had not reported any violation of the secrecy of the vote related to the use of cameras in polling stations during the 2019 parliamentary elections. But the domestic election observers noted that the video recordings had not been considered by the Constitutional Court when examining the election petition of one candidate to recount the votes⁴.

Shortly before the general local elections in 2019, the CEC [amended](#) the Regulation on the operation of the Video Recording System in polling stations and limited video observation to the opening of the polling stations and to the vote counting and tabulation. The reasons behind this amendment have not been made public. The new procedure was applied to the 2019 local elections.

....And what now?

The restrictions imposed by COVID-19 and the impossibility to conduct an observation of all polling stations either abroad or within the country has brought the topic of cameras in polling stations back to the public agenda. It seems that in current circumstances, video observation of the entire voting process is the only solution that could be used to ensure the transparency of elections in all polling stations and provide evidence in case of alleged violations or election complains. To apply it, the Central Electoral Commission should undertake several steps. Firstly, to revise in an urgent manner the Regulation on the operation of the Video Recording System in polling stations, restore the provision on video observation throughout the Election Day and clearly describe how the camera should be installed to capture the entire polling station. Another amendment proposed by the Civic Coalition for Free and Fair Elections is to allow election observers accredited by the CEC to access video recordings if there are reasonable grounds to suspect an electoral fraud. Secondly, the Commission should find out the real memory capacity of the cameras purchased in 2019. The [request for quotation](#) published by CEC contains a clear requirement for the storage capacity of minimum 256 GB, enough to record the first and the very likely second round of presidential elections. This contradicts the recent statement of the CEC that the storage capacity of cameras is much smaller, and another memory card is needed to record one more day of elections. Maybe the findings of the CEC will require a more thorough investigation. Nevertheless, additional SD cards would mean that supplementary funds are needed, which the CEC currently lacks, and so far no measures have been undertaken by the CEC to find these additional funds.

⁴ <http://alegeri.md/images/c/c1/Raport-final-promo-lex-alegeri-parlamentare-2019.pdf>

Conclusion and recommendations

Whatever decision the CEC will take, it is certain that the subject of voting observation either on a memory card or via online live broadcasting will remain relevant for a long time as nobody knows how long the pandemic will last. After the elections are accomplished and political tensions will diffuse, the Central Electoral Commission could take further actions in this regard:

- To initiate broad public discussions on the need of cameras and voting observation as a tool to increase transparency of elections, which should be preceded by an analysis of international practices;
- To amend the election legal framework or revise the regulatory framework on observation the voting process based on consultation results;
- To maintain the recent practice of involving civil society in the CEC working groups on public procurement;
- To adapt its Strategic Plan to the challenges imposed by the COVID-19 pandemic.

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More reports on the presidential election campaign in Moldova can be found [here](#).

More information also available at www.epde.org

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