



REPORT No. 2

Observation Mission of the Presidential Election in the Republic of Moldova of 1 November 2020

Monitored period: 26 August – 15 September 2020

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The Report is developed as part of the Observation Mission for the Elections of the President of the Republic of Moldova on 1 November 2020, conducted by Promo-LEX Association with the financial support of the United States Agency for International Development (USAID) via the 'Democracy, Transparency and Accountability' Program, with the support of the Good Governance Department of Soros Foundation-Moldova under 'Monitoring the Presidential Elections of 1 November 2020' Project, and with the support of the Council of Europe under 'Support for civic observation of 2020 Presidential Election in polling stations abroad'. 'Hate speech' component is supported by Justice and Human Rights Department of Soros Foundation-Moldova under 'Consolidation of a platform for the development of activism and education in the area of human rights in Moldova – stage IV' Project.

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EXECUTIVE SUMMARY

Legal framework. The view of Promo-LEX is that the existing legal framework does not contain precise and sufficient provisions to ensure equal opportunities for all contenders in the presidential election, as the incumbent president is running too for another term in office. Promo-LEX also reiterates its position on the need to relieve of duty the nominated candidates as early as at the stage of issuing the signature sheets so that signatures are collected in compliance with the principle of equal opportunities.

Note that the definition of election contender for presidential elections is faulty and limits the constitutional rights of political parties to participate in elections. Promo-LEX OM regards as unjustified and excessive the CEC interpretation that limits the financing of the election campaign by political parties, social-political organisations and electoral blocs that nominated candidates for the elections.

We believe that due to the lack of express legal provisions, political parties are treated as legal entities that may contribute financially to the election campaign only with up to 12 average salaries per economy in 2020. We reiterate that a strict and interpretation-free regulation of the status of a political party in terms of funding the election contender nominated by the party is absolutely necessary.

Electoral bodies. During the reference period the Central Electoral Commission met for 7 online and mixed meetings. It passed a total of 105 decisions, of which 79 focus directly on the organisation and conduct of the presidential elections of 1 November 2020. As of 15 September 2020, CEC had accredited 69 national observers (Promo-LEX OM) and 29 international observers.

CEC established 37 level-two constituencies and 36 councils (ECC) within the legally prescribed terms. No ECC was established for the electoral constituency No 3 Bender. Three parliamentary parties - PPPDA, PSRM and PAS - delegated members in all ECCs. The council memberships is gender unbalanced: 64% - women and 36% - men.

Promo-LEX OM identified at least two cases that can be regarded as conducting and presenting the outcomes of surveys without prior notification of CEC.

Pre-registration for the establishment of polling stations abroad and for the voters on the left bank of the Nistru River. The pre-registration of voters for voting in polling stations abroad and in the Transnistrian region ended on 16 September 2020. In comparison with the parliamentary election of 2019 we notice a higher activism of the citizens of the Republic of Moldova who reported to be abroad on election day.

Thus, if 24,125 pre-registrations were made in 2019, than 35,910 new pre-registrations were made during 2020 for the presidential election. Upon completion of the procedure, the total number amounted to 60,035 records. In 2020, most of the requests for pre-registration were made by voters from: Italy - 12,067; United Kingdom - 9,478; Germany - 6,423 and the Russian Federation - 6,202. Compared to the 2019 data, the highest increase in the number of pre-registrations occurred in the Russian Federation - almost 11 times.

On 11 September 2020, five days before the pre-registration deadline, CEC sent to the Ministry of Foreign Affairs and European Integration, without public consultation, proposals on the establishment of 202 polling stations abroad.

Regarding the pre-registration of citizens of the Republic of Moldova from the transnistrian region, we noticed a lower engagement, with 59 voters registered for the presidential election.

Election contender nomination and registration. A number of 13 initiative groups (IGs) were registered for the presidential elections, two of which that have nominated independent candidates (Alexandr Kalinin and Ion Costaş) submitted their application a second time. Of a total of 13 nominated candidates we note that nine were nominated by political formations (8 parties and one electoral bloc), respectively four candidates were nominated by citizens (independent candidates). However, Promo-LEX emphasises that with regards to at least two nominated independent candidates – Igor Dodon and Alexandr Kalinin – the observers reported activities supported by political parties.

From gender standpoint, in the electoral race registered only two IGs (15%) supporting women candidates: Maia Sandu (PAS) and Violeta Ivanov (PPŞ). In comparison with the presidential election of 2016, when five women candidates were registered (42%), women’s representativeness is lower this time.

Before the date of this report publication, IGs submitted to CEC documents to register 4 candidates. The Commission passed decisions on registration of two candidates: Renato Usatii (PN) and Andrei Nastase (PPPDA).

Electoral Litigations. During the observation period, at least five notifications and petitions were submitted to CEC, three of them – by a party/electoral bloc and two – by a citizen. The issues tackled in the notifications included: signature collection amidst the pandemic; alleged use of administrative resources (for 2 actions); electioneering in violation of legal provisions and handing-out of electoral advertising materials without identification data. According to the published information, three out of five notifications were either resolved or answered to.

At least two electoral appeals were filed against CEC decisions in the Chisinau Court of Appeal during the reference period. Regarding the appeal of PACE, Promo-LEX OM believes that both PACE, registered on 25.08.2020, and Pro MOLDOVA, registered on 18 June 2020, do not have the right to nominate candidates according to the Electoral Code. Concerning the appeal submitted by A. Kalinin, Promo-LEX OM believes that the nomination of candidates, according to the Electoral Code, should begin not earlier than 2 September 2020, not on 1 September as CEC decided in its schedule.

State Registry of Voters. In connection with presidential election, CEC published for the third time data of from SRV on 2 September. The number of voters keeps rising. But the progress is not consistent. If in July 2020 the number of voters increased by 430 persons, then in August the growth got ten times bigger – 4008.

Public Administration. Promo-LEX OM notes some gaps in the performance of LPAs’ tasks of ensuring a transparent and correct electoral process. According to observers of the 103 LPAs visited, only 42 (41%) of them approved the decision on electoral posters and only 40 LPA (39%) approved the decision on offering premises for meetings with voters.

Activity of Initiative Groups and Political Parties. During the observation period, at least 158 signature collection activities carried out by IG have been reported. Most of them were conducted

by IG Maia Sandu (PAS) – 81 (52%), IG Andrei Nastase (PPPDA) – 21 (13%), IG Octavian Ticu (PUN) – 20 (13%) and IG Renato Usatii (PN) – 20 (13%).

Promo-LEX observers reported at least 5 cases that may be regarded as offering electoral gifts. 2 cases of these involved PPPDA, 2 cases - the candidate Igor Dodon, and one case - PSRM. Observers reported at least eight cases of taking credit for activities funded from public money. PSRM was concerned in four cases out of the eight, and PPS – in the other four.

Observers also spotted at least two cases where the image of foreign officials was used in association with the nominated candidates Maia Sandu (PAS) and Igor Dodon (IC).

Promo-LEX OM noted not less than 363 cases regarding the use of outdoor/promotional/on-line advertising during the signature collection period. Most of them refer to Maia Sandu IG (PAS) - 200 (55%), Octavian Ticu IG (PUN) - 41 (11%) and Renato Usatii IG (PN) - 38 (10%).

With reference to the 2020 presidential election, the legislation that regulates the administrative resources in electoral context keeps its imprecise and unclear nature. Observation results also put the spotlight on the risk of abusive use of administrative resources by the head of state, who is also running in the presidential race.

Observing the Funding of IG Activity. According to the information published on the official website of CEC, out of the 13 registered GIs, 5 submitted weekly reports by 15 September 2020: Renato Usatii IG (PN), Andrei Nastase IG (PPPDA), Maia Sandu IG (PAS), Violeta Ivanov IG (PPS) and Octavian Ticu IG (PUN). The last two submitted reports with '0' revenue and expenditure; two initiative groups – Andrian Candu IG (PRO MOLDOVA) and Dorin Chirtoaca IG (BE UNIREA) – submitted each a statement stipulating that they were not going to open a bank account and to incur expenses.

According to the reports submitted to CEC, the amount of revenue and expenditure declared by the registered IGs, for 2-11 September 2020, was MDL 1,341,255. Promo-LEX OM noted that their main sources of funding were donations in commodities and services (75%), followed by donations from the party account to the IG account (17%) and donations from individuals (8%). Promo-LEX OM believes that the reflection of in-kind donations in the IG reports is a good development, but emphasises the need to include the financial values in the turnover of funds in the balance sheet.

According to Promo-LEX estimates, no IG reported expenses for signature collectors. What is more, according to estimates, 9 IGs did not report all expenses incurred during 2-11 September 2020 for per diem to signature collectors, transportation of people and advertising. These are Andrei Nastase IG (PPPDA), Igor Dodon IG (CI), Octavian Ticu IG (PUN), Renato Usatii IG (PN), Violeta Ivanov IG (PPS), Andrian Candu IG (PRO MOLDOVA), Tudor Deliu IG (PLDM), Dorin Chirtoaca IG (BE UNIREA), Maia Sandu IG (PAS). The total unreported expenses are estimated to amount to at least MDL 735,021.

Hate Speech and Incitement to Discrimination. Between 1 and 11 September 2020, at least two cases of presidential candidates using hate speech and incitement to discrimination in the public space were identified. Both cases involved Renato Usatii (PN).

At least 9 cases of nominated candidates affected by hate speeches or incitement to discrimination were also reported. Thus, Igor Dodon (IC) was targeted in 4 such cases, Maia Sandu (PAS) – in 3 cases, and (PPPDA) and Renato Usatii (PN) – in one case each. Hate and discriminatory messages

built on the following criteria: disability, sex/gender, health status, age, professional activity and political affiliation.

Electoral Education and Awareness. CICDE and CEC conducted both trainings (for electoral officials of level-two ECC and judges) and awareness-raising activities (on-line events, periodicals, video materials, didactic materials etc.) regarding presidential election preparations and the specifics of elections amidst the pandemic. Awareness-raising puts a separate focus on citizens that are going to vote abroad on election day. However, we note that a complex awareness-raising campaign for voters residents on the left side of Nistru River was not conducted.

INTRODUCTION

The report no 2 is compiled by Promo-LEX Observation Mission (OM) of the Presidential Election in the Republic of Moldova of 1 November 2020. This report includes the outcomes of the election period monitoring, conducted by observers between 26 August and 15 September 2020. The pre-registration was monitored until the last day of procedure - 16 September 2020. According to the methodology, Report No 2 may include also events that took place before 26 August 2020, these being identified by observers during the visits in the communities planned in the reporting period: 26 August – 15 September 2020 The funding of the initiative groups was monitored between 2 and 11 September, and of the hate speech and incitement to discrimination - between 1 and 11 September 2020. The content of this report can be subject to editing.

The Promo-LEX Observation Mission planned to submit five intermediate observation reports of the presidential election and a Final Report. Also, press releases and two E-Day reports on the conduct of the election on the election day, the results of the partial vote counting and assessment of protocols accuracy will be prepared in connection with the election day (for the round I and, eventually, round II of election). The Mission of Promo-LEX Observation Mission reports is to notify in real time the electoral bodies about the quality of procedures for election organisation and conduct for a predetermined period of time; raise the electoral stakeholders' accountability; identify the positive and negative trends in the electoral process.

Promo-LEX methodology for election observation was developed according to the relevant international standards and covers observation of the election both in the long run (election period), and in the short run (election day). The observation reports are prepared by the central team of Promo-LEX OM on the basis of the findings of long-term OM observers (LTOs) and describe the activity of all stakeholders involved in the organization and conduct of elections: election contenders, public authorities, electoral bodies, political parties, citizens who file their candidacy, as well as civil society. LTOs report their findings using specialised forms, which are stored on the web platform www.electoral.monitor.md, administered by Promo-LEX. During the planned visits, observers analyse the information from interviews, meetings with interlocutors and reviews of the official documents. The activity of election contenders is also monitored online.

The electoral process is monitored during the election period by 42 LTOs. On the elections day, Promo-LEX will delegate one short-term observer (STO) in each of the 608 polling stations (PSs) selected by Promo-LEX Observation Mission from a sample established by a sociological company. Moreover, special consideration will be given to polling stations abroad, where it is planned to delegate about 60 observers, and to polling stations where the voters from the transnistrian region will vote, with a static observer delegated to each of them. The electoral process in the polling stations, in their immediate vicinity and the access routes to the polling stations where the voters from the transnistrian region will vote, will be monitored also by 80 mobile teams of observers.

All the observers involved in the monitoring process are and will be trained during the seminars organized by the Promo-LEX Mission, and sign and assume the Code of Conduct¹ of the Promo-LEX Independent National Observer, undertaking to act quickly, in good faith and in a non-partisan manner. Promo-LEX observers are and will be also trained in protection standards in the context of the COVID-19 pandemic. The central team of the Association coordinates the activity of the observers.

¹[Code of Conduct](#) of Promo-LEX National Independent Observer.

Promo-LEX OM for Moldova Presidential Election of 1 November 2020 is a project implemented by Promo-LEX Association as part of the Civic Coalition for Free and Fair Elections. Promo-LEX Observation Mission is not a political opponent for the election contenders involved in the electoral process, it is not an investigation body and does not assume the express obligation to support its findings by evidence. Nonetheless, the observers' reports are accompanied, as much as possible, by photo and video evidence. These can be made available only to law enforcement bodies on the basis of proper requests and never to IG or election contenders. At the same time, electoral authorities shall deal with the violations, including the alleged ones, presented in this report as prescribed in Article 22 (1)(q) and Article 68 (5) of the Electoral Code, treating them as observers' notifications to be reviewed according to their competence.

Promo-LEX Mission manages the web platform www.electoral.monitor.md, where each citizen can report on the electoral activities. Relevant information from the observers' reports is stored on this platform. The Mission's observers verify the alerts of the citizens during the next visit planned in the community where such activities were reported.

Promo-LEX is a Non-Government Organisation that aims at developing the democracy in the Republic of Moldova, including the transnistrian region, by promoting and defending the human rights, monitoring the democratic processes, and strengthening the civil society. The Association has been observing elections in the Republic of Moldova since 2009, this Observation Mission being the 20th. In addition, the Association employees and members have international experience and participated in the observation of elections, as part of International Missions, in Armenia, Germany, Georgia, Estonia, Norway, Montenegro, Romania, Serbia, Sweden, Ukraine, etc.

This report refers to the international standards developed by UN, OSCE, European Commission For Democracy through Law, European Union and Council of Europe. Recommendations for public authorities, electoral bodies, election contenders, and other stakeholders, aimed at improving the electoral process, can be found at the end of each of the reports.

The mission is supported and the report is prepared with the financial support of the United States Agency for International Development (USAID) through the 'Democracy, Transparency and Accountability' Program and the Soros Foundation-Moldova through the project "Strengthening a Platform for Activism and Human Rights Education in the Republic of Moldova " on the component of monitoring hate speech.

The opinions set out in the public reports and press releases of Promo-LEX Observation Mission are those of the authors and do not necessarily reflect the donors' view.

I. LEGAL FRAMEWORK

The view of Promo-LEX is that the existing legal framework does not contain precise and sufficient provisions to ensure equal opportunities for all contenders in the presidential election, as the incumbent president is running too for another term in office. Promo-LEX also reiterates its position on the need to relieve of duty the nominated candidates as early as at the stage of issuing the signature sheets so that signatures are collected in compliance with the principle of equal opportunities.

Note that the definition of election contender for presidential elections is faulty and limits the constitutional rights of political parties to participate in elections.

Promo-LEX OM regards as unjustified and excessive the CEC interpretation that limits the financing of the election campaign by political parties, social-political organisations and electoral blocs that nominated candidates for the elections.

We believe that due to the lack of express legal provisions, political parties are treated as legal entities that may contribute financially to the election campaign only with up to 12 average salaries per economy in 2020. We reiterate that a strict and interpretation-free regulation of the status of a political party in terms of funding the election contender nominated by the party is absolutely necessary.

1.1. Faulty Legal Framework on the Conditions of Participation of the Incumbent President as Candidate for the President of the Republic of Moldova

According to Article 13(3) of the Electoral Code, the citizens of the Republic of Moldova, who due to their position **cannot be members of parties** or other socio-political organisations, as well as people in position of high responsibility, **whose appointment or election is regulated by the Constitution of the Republic of Moldova** and/or by organic laws, since their registration as election contenders shall suspend their activity in the position they hold.

Although the exhaustive list of people subject to this provision doesn't specify explicitly the president of the country, the position of president meets both criteria:

- the procedure of electing the President is regulated by Articles 78-80 of the Constitution;
- the Constitutional Court established by Decision No 35 of 12 December 2017² that **the President of the Republic of Moldova may neither be member of a political party, nor promote, by any means, the interest of a political party.** Also, in *Decision No 24 of 27 July 2017*³, the Court highlighted that in parliamentary systems **the Head of State has the role of arbitrator of a neutral power, uncommitted to political parties.**

According to Article 80(2) of the Constitution, the President of the Republic of Moldova shall exercise his/her mandate until the newly elected President is sworn in. Therefore, it is not quite clear to what extent the role of arbitrator or neutral power can be exercised concomitantly with

² [Decision](#) of the Constitutional Court No 35 of 12 December 2017 on the Constitutional Review of Article 112(2) of the Electoral Code (about the president of the Republic of Moldova being prohibited from being a party member), Item 62.

³ [Decision](#) of the Constitutional Court No 24 of 27 July 2017 on the Constitutional Review of the Decree of the President of the Republic of Moldova No 105-VIII of 28 March 2017 on Holding a Consultative Republican Referendum on Issues of National Interest.

participation in the electoral run, without prejudice to the duties of president (*acting exclusively in the spirit of faithfulness to the Constitution while not breaking the oath of office under no circumstances, **honouring the obligation of political impartiality and neutrality***), and without transgressing the Electoral Code.

Promo-LEX OM points out that the discharging by the president of certain duties and their wide coverage in the media can qualify as use of administrative resources or as electioneering in violation of legal provisions:

- meetings with citizens/president's field trips cannot be neatly divided from the meetings of the presidential candidate with voters for purposes of electioneering or political promotion. In such case, the other election contenders are at a disadvantage as they need to ask the authorities/public institutions for venues for meeting with voters;
- according to Article 86 of the Constitution, the President of the country has foreign policy-related duties. Therefore, such a contender could use or exploit the image of foreign officials for electioneering or political promotion;
- discharging, throughout the election period, the duties stipulated in Article 88 of the Constitution on the award of decorations and honourable titles, supreme military ranks, diplomatic ranks, senior classification ranks for prosecution staff, judges and other categories of civil servants, appointments in public offices could be perceived as use of administrative resources aimed at influencing certain electoral processes.

Other election contenders are also at a disadvantage from the perspective of Article 81 of the Constitution, according to which the President of the Republic of Moldova has immunity, shall not be held legally liable for the opinions expressed in the exercise of his/her mandate, as the period exercising the mandate coincides with the election period.

At the same time, in terms suspending the President of the Republic of Moldova from office, to ensure a balanced independence of the President of the Republic, the Parliament can suspend the president **only if he/she committed severe acts against the Constitution**. *However, if the incumbent president is not suspended, the right of other election candidates to participate on equal footing in the election campaign could be affected. For example, election contenders could be at a disadvantage in terms of the right to use mass-media, including radio and television, financed from the public budget, in line with Article 51(1) of the Electoral Code.*

The Code of Good Practice in Electoral Matters⁴ stipulates that equality of opportunity shall be guaranteed fairly to all parties and candidates alike. This involves a neutral (impartial) attitude of the public authorities, particularly regarding the election campaign, reflection of elections in the mass-media, particularly in the public ones, public funding of parties and election campaigns. There must be accurate, accessible, predictable provisions for this purpose.

Thus, Promo-LEX OM recommends the Parliament to regulate in the Electoral Code the measures that should be taken to ensure equal opportunities for all contenders in the presidential election, if the incumbent president is running for another term in office.

⁴ [The Code](#) of Good Practice in Electoral Matters, adopted by the European Commission for Democracy through Law at its 52nd Plenary Session of 18-19 October 2002.

Considering the imperfect legal framework as regards the conditions for participation of the incumbent president in the election; to ensure equal opportunities for all election contenders, Promo-LEX OM recommends the following, on the basis of international standards⁵:

- refraining from participation in official public events for election campaign purposes, including charitable events or events that favour or disfavour any candidate;
- refraining from making any major announcements related to or meant to instil a favourable perception about a candidate;
- refraining from non-essential appointments in public offices etc.

1.2. Extension of the suspension obligation, in line with Article 13(3) of the Electoral Code, over the signature collection period

Promo-LEX OM mentioned, in the previous elections⁶, that the condition to collect signatures could lead to suspension from office before registration as election contender. That's because it is the IG members who must collect signatures supporting the presidential nominee that is also subject to Article 13(3). Signing on the signature sheet to support a presidential candidate must be voluntary, without any pressure on the voters to persuade them to sign.

As in the current presidential election **a mayor, the incumbent president of the Republic of Moldova whose term did not ended and three MPs** were nominated as candidates, this could lead to distortion of the electoral process:

- the voters could feel compelled to sign in their support due to their positions;
- if suspension from office during the collection of signatures is not possible, the opponents of the aforementioned end up in unequal and unfair conditions. What the Parliament would aim for, via suspension from office during the election campaign, is equal chances for all election contenders in exercising their right to enter Parliament⁷;
- this category of candidates could commit abuse of power or authority in order to collect the signatures required for registration.

Summarizing the above, we believe that nominated candidates should be suspended from their offices when the signature sheets are released.

1.3. Faulty definition of election contender in presidential elections

The term election contender in presidential elections applies – on the basis of Article 1 of the Electoral Code – to candidates running for president of the Republic of Moldova, registered by CEC. Also, a candidate is a person who is running for an eligible public office on behalf of parties, other socio-political organisations, electoral blocs; an independent candidate is a person who nominates themselves for an eligible public office independently from parties, other socio-political organisations and electoral blocs.

⁵ Venice Commission and OSCE/ODIHR [Joint Guidelines](#) for preventing and responding to the misuse of administrative resources during electoral processes, p. 8-9.

⁶ [Report no. 2](#), Promo-Lex, Observation Mission of the parliamentary elections of 24 February 2019.

⁷ [Decision](#) of the Constitutional Court No 25 of 9 November 2010 on the Constitutional Review of Article 13(3)(a) of the Electoral Code No 1381-XIII of 21 November 1997.

According to the definition, the capacity of election contender is granted only to a registered candidate. However, political parties, socio-political organisations and electoral blocs participate in presidential elections at different stages of the electoral process related to presidential elections:

- nomination and registration of initiative groups and election contenders – Articles 46-49 of the Electoral Code;
- funding initiative groups and election contenders – Articles 38-43 of the Electoral Code;
- legal liability of the political party that nominated the candidate if the campaign was found to have been funded illegally, in which case it will be sanctioned by depriving it of the right to receive state budget appropriations – Article 75 of the Electoral Code;
- obtaining appropriations commensurate with the results of the presidential election – 15% – Article 27(1)(c) of the Law on Political Parties etc.

Using the term ‘election contender’ only with reference to candidates in elections would render a wide range of legal provisions inapplicable and would limit the right of political parties to participate in elections, which is not in line with the provisions of Article 41 of the Constitution of the Republic of Moldova.

Thus, in keeping with the spirit of legal rules, we believe that political parties/electoral blocs that nominated presidential election candidates also have the status of election contender. With respect to this matter, we recommend amending the definition of ‘election contender’ in presidential elections by adding the phrase ‘political parties, socio-political organisations and electoral blocs that nominated them’.

1.3.1. Exaggerated interpretations in the Circular Letter of CEC regarding the receipt of donations, and expenses by election candidates in the presidential election of 1 November 2020

On 15 September 2020, CEC issued the Circular Letter No 8/2796 on the receipt of donations, and expenses by election candidates in the presidential election of 1 November 2020⁸. The circular letter is addressed to election contenders and people in charge of election contenders’ funds. In the said circular letter, on the basis of the definition for election contender in presidential elections, CEC interpreted the law in the meaning of limiting the election campaign financing by political parties or electoral blocs that nominated candidates.

According to Article 41 of the Constitution, **political parties** contribute to defining and expressing the political will of citizens and, in observance of conditions set forth in the law, **participate in elections**. Hence, limiting the rights of political parties to participate freely in elections, including in terms of funding nominated candidates, is unconstitutional.

In addition, Promo-LEX believes that circular letter contained elements that could infringe the Electoral Code and the Law on Regulatory Acts for the following reasons:

- As a matter of principle, we mention that the CEC is not authorised to deliver an official interpretation of the Electoral Code. According to Article 72(2) of the Law on Regulatory Acts⁹, the official interpretation of laws is delivered exclusively by the Parliament by passing the laws of

⁸ [Circular letter No 8/2796](#) on the receipt of donations, and expenses by election candidates in the presidential election of 1 November 2020.

⁹ [Law](#) No 100 of 22 December 2017 on Regulatory Acts.

interpretation. All the 'clarifications' made in the circular letter are, in fact, an interpretation of the legal rules meant to clarify their meaning and to give legal solutions for their application.

- In addition, within the meaning of Article 72(5) of the Law on Regulatory Acts – the official interpretation of the provisions of the Regulation regarding the funding of election contenders' election campaigns may be made only via a regulatory act of the same category and with the same legal force. Therefore, if CEC intended to provide an official interpretation, it should have adopted a decision to that effect.

- Promo-LEX OM commented – in previous elections – on the questionable legal nature of the circular letters issued by CEC¹⁰. The only document where the circular letters developed by the CEC are mentioned is the Regulation on Electoral Constituency Councils. According to Promo-LEX, the circular letters drawn up by CEC, which charge subjects other than hierarchically lower bodies to carry out or refrain from carrying out certain actions, are not binding on subjects other than the lower-level electoral bodies.

Promo-LEX OM finds unsubstantiated these interpretations of CEC:

- *any financial support by a political party to the nominated candidate shall be based on conditions applicable to legal entities.* Note that by this interpretation CEC allows parties to only nominate a candidate for presidential elections, not to also support them throughout the electoral process. Thus, *ad absurdum*, according to the vision of CEC, political party resources (human resources, visibility materials, offices of territorial organisations, electoral symbols) may not be used for collecting signatures, for electioneering, as all of these qualify as material/non-material donations from a legal entity;

- *Article 43(7) of the Electoral Code doesn't apply to presidential elections.* According to this article – throughout the election campaign, political parties have the right to accept donations only directly on the 'Electoral Fund' account, in line with to the rules set by the Electoral Code. The political party may transfer to its 'Electoral Fund' account its own financial resources, held on its account at the beginning of the election campaign, provided that the financial statement is submitted to the Central Electoral Commission;

- Article 43 of the Electoral Code – regarding the deadline for submitting financial statements and regarding the information that must be provided in them, the templates, etc. – shall apply in accordance with the rules laid down in this article.

Note that CEC may not prescribe a selective application of the Electoral Code provisions. For example, Article 43 of the Electoral Code states that the **political parties and electoral blocs**, initiative groups and independent candidates shall, **in case of parliamentary and presidential elections, shall submit** to CEC, within three days after opening the 'Electoral Fund' account, and subsequently, once a week, a report on **funds raised and expenses incurred** during the election campaign'. Thus, election candidates, within the meaning of the definition in Article 1 of the Electoral Code are not obliged to submit financial statements.

By adopting this circular letter after the registration of initiative groups, including after the registration of some election contenders, CEC accepted the financing of initiative groups in line with Article 41-43, and establishes new financing rules for the election campaign.

The CEC issued this circular letter by exceeding its powers of an electoral body in terms of organising and conducting the election campaign. In addition, these actions of CEC may be qualified as an attempt to change the rules of election campaign financing and to limit the rights of election

¹⁰ [Report no. 2](#). Promo-Lex, Observation Mission of the parliamentary elections of 24 February 2019, p. 17.

contenders. Taking into account the above-mentioned, we recommend to the Central Electoral Commission to revoke the issued CEC Circular Letter in order to not allow any improper interference with the organisation and conduct of the presidential elections.

1.3.2. Uncertainties regarding the financing of the election contenders by the political party as a legal entity

According to Article 42 (2)(a) of the Electoral Code, the initiative groups and election campaigns of election contenders may be funded by individuals or legal entities provided that an ‘Electoral Fund’ bank accounts is opened, transferring on it own funds of the election contender, as well as other funds received as from Moldovan citizens or legal entities under the law.

We hence believe that own funds of the election contender means both the funds of the nominated candidate, and the funds of the political party/electoral bloc that nominated the former for the election.

Another condition provided in Article 42 (2) refers to the ceilings for donations to the ‘Electoral Fund’ account for an election campaign which represents six average monthly salaries in the national economy for the respective year from individuals, and 12 average monthly salaries in the national economy for the respective year from legal entities. Simultaneously, Article 1 (1) of Law on Political Parties states that political parties are voluntary associations with the status of legal entity. Therefore, the party couldn’t transfer his own funds that exceed the amount of 12 average monthly salaries in the national economy to the ‘Electoral Fund’ account.

We recall that Promo-LEX recommended, in the context of other elections¹¹, a strict and interpretation-free regulation of the status of a political party as a ‘voluntary association with status of legal entity’, in relation to other types of legal entities, as well as in the context of aspects related to political/electoral financing. As of the 2020 presidential election, this recommendation has not been implemented yes.

However, we remind the interpretation of the special status of a political party in the context of the early local election in Chisinau municipality in 2018. On 15 May 2018, CEC found¹² that ‘the limitation of the right to finance their own election campaign under a lower threshold than the one set out by the CEC according to the Electoral Code **constitutes an interference of unjustified limitation of the party’s core activity**, being contrary to the legitimate purpose of ensuring the financial autonomy of the party ‘.

CEC concluded also that the transfer of the party’s funds to their own account with the mention ‘Electoral Fund’ does not constitute a donation within the meaning of the Article 827 of the Civil Code. The legal identity status of the party may not be divided; when registered as an election contender it **obtains a special status with additional rights and obligations**, bearing liability within the limits provided for by the legislation in force even after the concurrent status ends. For example, applying a complementary sanction in the form of deprivation of the political party of state budget appropriations for a period from 6 months to one year, provided by Article 75 (4) of the Electoral Code.

Thus, taking into account that the interpretation provided by CEC in its decision refers to the general rules laid down in the Electoral Code, we believe that the interpretation provided in 2018

¹¹ [Final Report](#) of the Promo-LEX Observation Mission for the New Local Elections of 20 May (3 June) 2018, p. 53.

¹² [CEC Decision No 1630](#) regarding Complaint No CEC-9/ALN2018/5 of 8 May 2018 of the election contender PAS.

could also be applied accordingly to the presidential election, otherwise it generates suspicions of an inconsistent approach by institution (Annex 1).

Furthermore, as invoked by CEC, the special status that allows a political party to transfer own funds above the amount of 12 average monthly salaries in the national economy to the 'Electoral Fund' account is obtained when registered as an election contender. Respectively, political parties that do not delegate an election contender are not able to transfer to election contenders funds that exceed the threshold established for legal entities, as the respective election campaign is not inherent to that party.

Promo-LEX Observation Mission reiterates that the absence of express legal provisions that would establish the special status of political parties in the context of electoral funding, the ceiling for the funds transferred by the political party to 'Electoral Fund' account may not exceed the threshold set out in Article 41 (2)(e) for legal entities. Thus, we believe that political parties may transfer their own funds from their account to 'Electoral Fund' account at the beginning of the election campaign, but not more than 12 average salaries in national economy for 2020. *In this regard, we recommend the strict and interpretation-free regulation of the status of a political party in terms of funding the election contender nominated by the party.*

II. ELECTORAL BODIES

During the reference period the Central Electoral Commission met for 7 online and mixed meetings. It passed a total of 105 decisions, of which 79 focus directly on the organisation and conduct of the presidential elections of 1 November 2020. As of 15 September 2020, CEC had accredited 69 national observers (Promo-LEX OM) and 29 international observers.

CEC established 37 level-two constituencies and 36 councils (ECC) within the legally prescribed terms. No ECC was established for the electoral constituency No 3 Bender. Three parliamentary parties - PPPDA, PSRM and PAS - delegated members in all ECCs. The council membership is gender unbalanced: 64% – women and 36% – men.

Promo-LEX OM identified at least two cases that can be regarded as conducting and presenting the outcomes of surveys without prior notification of CEC.

2.1. CEC decisions relevant for the organisation and conduct of the presidential election

Thematic content of adopted decisions. In the context of the organisation and conduct of the presidential elections, CEC adopted 79 decisions on the organisation and conduct of the elections. In addition, six decisions amending the previous CEC decisions were passed during the monitored period, four of which respond to requests to add members on the IG list.

Transparency in decision-making. During the reference period, CEC adopted and amended three regulatory acts, with the endorsement of the relevant institutions (Broadcasting Council, Ministry of Justice, National Anticorruption Center):

- Regulation on the Media Coverage of Election Campaign for the Parliamentary Elections of 1 November 2020 in the Republic of Moldova;
- Regulation on the Funding of Initiative Groups for the Collection of Signatures in Support of a Candidate to an elective position or to initiate a referendum;
- Guidelines on systematizing, packaging, sealing and transmitting electoral documents and materials after the closure of polling stations in the presidential elections and republican referendum.

In the opinion of Promo-LEX, approving the Regulation on the Funding of Initiative Groups at the time when seven IGs were already registered, greatly affected the predictability of the regulatory framework.

2.2. Observer accreditation

During the report's reference period, 29 international observers were accredited: 21 from the Council of the Interparliamentary Assembly of the CIS Member States; 2 from the Swiss Cooperation Office/Swiss Confederation Embassy Office in the Republic of Moldova; 3 from the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and 3 from the Embassy of the French Republic to the Republic of Moldova.

At the proposal of CEC, in accordance with the Decision of the National Extraordinary Public Health Commission No 29 of 7 September 2020¹³, the international observers in the Presidential Election in the Republic of Moldova, representing international organisations, governments of foreign states, non-governmental organisations from abroad, the international experts in the electoral field, as well as foreign journalists will be able to enter the Republic of Moldova even if they come from states classified as ‘red zone’. Thus, they will be exempted from the obligation to comply with the 14-day self-isolation regime in the absence of clinical signs of respiratory infection or fever. International observers shall have proof of accreditation issued by the Central Electoral Commission, and foreign journalists – by the Ministry of Foreign Affairs and European Integration. Also, in order to ensure the efficient activity of international observers, CEC established the Protocol Office of International Observers under the Central Electoral Commission¹⁴.

In addition, note that according to item 9(e) of the Regulation on the Status of Observers and their Accreditation Procedure¹⁵ the accreditation of national observers in the polling stations established abroad is currently made on the basis of identity card. Since Article 58(2)(c) of the Electoral Code stipulates that citizens of the Republic of Moldova that are abroad can participate in elections on the basis of identity card, *Promo-LEX OM recommends to CEC to amend the Regulation on the Status of Observers and their Accreditation Procedure by adjusting the accreditation procedure of national observers in the polling stations established abroad on the basis of the identity card.*

Since the beginning of the election period until 15 September 2020, a total of 69 national observers (Promo-LEX OM) and 29 international observers were accredited for the presidential elections (see Table 1).

Table 1. Accredited observers from 21 May to 15 September 2020

The applicant institution	21 May – 25 August	26 August – 15 September	Total, as of 15.09.20
National observers			69
Promo-LEX Observation Mission	69	–	69
International observers			29
Council of the Interparliamentary Assembly of the CIS Member States	–	21	21
Swiss Cooperation Office/Swiss Confederation Embassy Office in the Republic of Moldova	–	2	2
OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR)	–	3	2
Embassy of the French Republic to the Republic of Moldova	–	3	3

¹³ [Decision](#) of the National Extraordinary Public Health Commission No 29 of 7 September 2020.

CEC ¹⁴ [Decision](#) on the establishment of the Protocol Office of International Observers for the presidential election in the Republic of Moldova of 1 November 2020.

¹⁵ [Regulation](#) on the Status of Observers and their Accreditation Procedure, approved by CEC Decision No 2637 of 2 September 2019.

2.3. Circular letters

CEC drafted and sent three circular letters, two of which were addressed to mayors of municipalities, cities, communes, villages, dated 29 August and 11 September, respectively, and one dated 15 September was addressed to electoral candidates, political parties and those responsible for funding the electoral candidates. The circular letters were published on the Commission's website, Circulars/Presidential Elections of 01.11.2020 page.

CEC Circular Letter No 8/2696, sent to mayors of municipalities, cities, communes, villages on 29 August concerns the responsibility of LPAs to identify/delimit the boundaries of polling stations, approve a decision in this regard and present to level-two ECCs, by 26 September, the updated information on polling station borders.

CEC Circular Letter No 8/2784, sent to mayors of municipalities, cities, communes, villages on 11 September, in the context of the epidemiological situation caused by COVID-19 and the restrictions imposed by NEPHC¹⁶, recommends LPAs to identify other publicly owned premises than educational institutions and present to level-two ECCs by 26 September the updated information on the boundaries of polling stations.

Promo-LEX points out that, according to the observations, in the previous elections the number of PSs opened in educational institutions was high. For example, in the last parliamentary elections of 24 February 2019, about 40% of the stations were opened in educational institutions¹⁷. The problem seems to be even more serious in the localities where separate PSs are to be open for voters from the left bank of the Nistru River. In these localities the LPAs will have to identify at least two publicly owned premises other than educational institutions. For the public infrastructure of rural localities, this task is especially difficult.

CEC Circular Letter No 8/2796 on the receipt of donations and expenses by election candidates in the presidential election of 1 November 2020 was sent to election contenders, political parties and persons in charge of the election contenders' finances¹⁸.

2.4. Setting up polling stations abroad

Pre-registration for the presidential elections of 1 November 2020 ended on 16 September 2020. Compared with the parliamentary election of 2019, we notice a higher activism of the citizens of the Republic of Moldova who reported to be abroad the on election day. Thus, if 24,125 pre-registrations were made in 2019, than 60,035 new pre-registrations were made as of 16 September 2020. Hence, as many as 35,910 new pre-registrations were made during 2020. Table 2 contains top 10 countries with the highest increase in the number of pre-registrations, compared to 2019.

¹⁶ [Decision](#) of the National Extraordinary Public Health Commission No 30 of 11 September 2020.

¹⁷ [Report No 3](#). Promo-Lex Observation Mission of the parliamentary elections of 24 February 2019, p. 19.

¹⁸ The content of CEC Circular Letter No 8/2796 was analysed in section 1.3 of the *Legal Framework* section.

Table 2. Top 10 countries with the highest increase in the number of pre-registrations

No	Country	2019	2020	Evolution	Share (2019/2020)
1	Russia	571	6,202	5,631	10.86
2	Germany	2,194	6,423	4,229	2.93
3	United Kingdom	3,504	9,478	5,974	2.70
4	France	1,968	5,029	3,061	2.56
5	Italy	5,244	12,067	6,823	2.30
6	Spain	716	1,634	918	2.28
7	Ireland	1,394	3,167	1,773	2.27
8	Belgium	457	1,012	555	2.21
9	Romania	2,904	5,347	2,443	1.84
10	USA	1,720	2,656	936	1.54

Thus, we find that citizens of the Republic of Moldova, who will be in the Russian Federation on the Election Day, have proven to be the most active in the pre-registration process. The number of their pre-registrations increased 11 times. In case of the other nine countries, the number of pre-registrations grew 1.5 – 3 times compared to 2019.

In the same context, note that in order to organise the presidential elections abroad, CEC members met with the ambassadors accredited in the Republic of Moldova (26 August, 3 September and 7 September 2020), with decision makers from MFAEI (9 September 2020) and with the representative of the Permanent Electoral Authority from Romania (28 August 2020).

Moreover, on 10 September 2020, CEC sent a request to the Legal Committee for Appointments and Immunities from the Parliament of the Republic of Moldova¹⁹ asking for clarifications regarding the interpretation of the legal framework on the establishment of PSs abroad, in particular with regards to: mandatory establishment of PSs in all diplomatic missions, previous election to be taken into account as a criterion for the establishment of PSs abroad (2019 parliamentary elections/referendum or 2016 presidential elections), the share of each criterion set by the legal framework for the establishment of PSs abroad. In the opinion of Promo-LEX, besides the fact that the request was sent with delay (only two weeks before the deadline for PS establishment), it was also sent to a Committee that does not have the right to make an official interpretation of the Electoral Code. According to Article 72 of the Law on Regulatory Acts²⁰, the official interpretation of laws shall be performed by the Parliament and may be done only through a regulatory act of the same category and with the same legal force.

Concurrently, on 11 September 2020, CEC sent a request to MFAEI²¹, asking to review the authority's proposal on the number and location of PSs to be established abroad. In the opinion of Promo-LEX, the fact that the proposals were sent five days before the pre-registration ended is a clear defiance of the importance of pre-registration. In addition, we believe that CEC attitude will diminish the trust of the Moldovan Diaspora in the importance and role of pre-registration for the establishment of PSs abroad.

In its request, CEC proposed to establish 202 PSs abroad in 36 countries (see Table 3). As a result, after the pre-registration ended, Promo-LEX estimated the number of PSs that need to be opened

¹⁹ [CEC Letter](#) No 8/2770 of 10 September 2020.

²⁰ [Law](#) No 100 of 22 December 2017 on Regulatory Acts.

²¹ [CEC Letter](#) No 8/2780 of 11 September 2020.

abroad starting from the number of 202 PSs proposed by CEC and the number of 150 PSs planned by CEC in the context of 2020 presidential elections.²²

Table 3. CEC proposals on the establishment of PSs abroad

No	Country	Promo-LEX estimates on the basis of 150 PSs planned by CEC	Estimates on the basis of 202 PSs proposed by CEC		
			CEC estimates	Promo-LEX estimates	Difference
1	Austria	1	1	2	+1
2	Belarus	1	2	1	-1
3	Belgium	3	2	3	+1
4	Canada	4	6	6	0
5	Czech Republic	2	1	2	+1
6	Denmark	1	2	1	-1
7	Switzerland	2	1	2	+1
8	Russian Federation	22	38	33	-5
9	France	7	9	10	+1
10	Germany	10	11	13	+2
11	Greece	2	2	2	0
12	Ireland	4	4	6	+2
13	Israel	3	3	4	+1
14	Italy	29	45	42	-3
15	United Kingdom	11	10	16	+6
16	Norway	0	1	0	-1
17	Poland	3	1	4	+3
18	Portugal	2	5	3	-2
19	Romania	11	15	15	0
20	Spain	4	7	6	-1
21	USA	8	18	10	-8
22	Netherlands	2	1	2	+1
23	Turkey	3	3	3	0
24	Ukraine	3	2	4	+2
25-36	Azerbaijan, Bulgaria, China, Cyprus, United Arab Emirates, Estonia, Japan, Latvia, Lithuania, Qatar, Sweden and Hungary	1 each (12)	1 each (12)	1 each (12)	0
Total proposed by CEC		150	202	202	

*Promo-LEX estimates were made on the basis of the total number of pre-registrations made upon completion of the procedure and CEC proposals were developed on the basis of pre-registrations as of 11 September 2020.

Thus, according to Promo-LEX estimates, compared to the 202 PSs proposed by CEC, more PSs are to be established in Austria (+1), Belgium (+1), Czech Republic (+1), Switzerland (+1), France (+1), Germany (+2), Ireland (+2), Israel (+1), United Kingdom (+6), Poland (+3), Netherlands (+1) and Ukraine (+2). On the other side, fewer PSs – as compared to CEC proposals – are to be established in Belarus (-1), Denmark (-1), Italy (-3), Norway (-1), Portugal (-2), Russia (-5), Spain (-1), USA (-8).

²² Based on CEC [Decision](#) No 3146 of 3 December 2019 approving the Budget of the Central Electoral Commission for 2020, the electoral authority planned financial resources for the establishment of 150 PSs abroad for the presidential elections of 1 November 2020.

According to the second scenario – the establishment of 150 PSs abroad, as planned, on the basis of Promo-LEX estimates versus CEC proposals, more PSs are to be established in Belgium (+1), Czech Republic (+1), Switzerland (+1), United Kingdom (+1), Poland (+2), Netherlands (+1) and Ukraine (+1). On the other side, fewer PSs – as compared to CEC proposals – are to be established in Belarus (-2), Canada (-2), Denmark (-1), France (-2), Germany (-1), Italy (-16), Norway (-1), Portugal (-3), Romania (-4), Russia (-16), Spain (-3), USA (-10).

As regards the number of PSs proposed by CEC to be established abroad, Promo-LEX is suspicious about the initiative of the authority to increase their number up to 202, as compared to 150 PSs planned on the CEC budget for 2020. The suspicions are generated by the fact that the electoral authority had preliminary information about the acceptance or refusal of the host countries to open polling stations outside the premises of diplomatic missions. At the same time, we note that there is no document or analysis on the authority's website that would justify this number of polling stations or their geographical distribution.

In the same train of thoughts, we found that before publishing the report, CEC did not submit updated information about the approval and conditions provided by foreign countries to organise the presidential elections for voters from Diaspora. According to the preliminary information that was published by CEC at the end of June 2020,²³ there were uncertainties regarding the consent of certain countries to organise elections on their territory in PSs established outside the diplomatic missions and consular offices in the context of new active wave of COVID-19 pandemic, forecast by WHO (Italy, Spain, Canada, China, USA). Considering the aforementioned, according to Promo-LEX, the risk that in certain countries it will be impossible to establish PSs because host country did not approve it, persists.

With regards to the same matter, note that during the last 10 days, the Civic Coalition for Free and Fair Elections (CALC) published two public calls²⁴ regarding the need to organise genuine, official and transparent public consultations on the Draft Decision on the Establishment of PSs Abroad, and invite all the stakeholders at least by publishing an official announcement on CEC website.

Despite the aforementioned, before issuing the report, CEC published neither the announcement on the organisation of public consultations, nor the draft decision on the establishment of polling stations abroad, with the related documents.

2.5. Election organisation activities for the citizens of the Republic of Moldova from the transnistrian region

According to Article 32 of the Electoral Code and CEC Regulation²⁵ on voting by citizens of the Republic of Moldova from the transnistrian region, separate polling stations are to be set up for the presidential election on the territory constitutionally controlled by the Moldovan authorities.

For the previous presidential election of October 2016, 30 such PSs were set up of the total of 1,982 PSs; and for the 2019 parliamentary elections – 47 PS of the total of the total of 2,143 PSs.

²³ [MFAEI Letter](#) No DC/3/017//5434 of 22 June 2020 on the conditions provided by foreign countries to organise the Presidential Election in the Republic of Moldova.

²⁴ [Request](#) of CALC sent on CEC address on 8 September 2020 and [the Call](#) of CALC on CEC address of 15 September 2020.

²⁵ [Regulation](#) on the peculiarities of organisation and operation of polling stations for voters of the Republic of Moldova living in the administrative-territorial units on the left bank of Nistru River (Transnistria), Bender Municipality and some settlements of Causeni District, approved by CEC Decision No 1567 of 24 April 2018.

As in the case of the election organised abroad, pre-registration is one of the criteria for setting up polling stations for voters from the transnistrian region. Compared to the parliamentary elections of 20 October 2019, when only 105 voters registered in a single-member constituency, the number of voters pre-registered for the presidential election increased to 176 by 16 September 2020, by only 71 potential voters more.

CEC Letter No 8/2368 said that CEC intended to open 41 PSs in the pre-election period, particularly in the districts of Anenii Noi, Causeni, Criuleni, Dubasari, Floresti and Stefan Voda. Finding available public venues for PSs is even more problematic amidst the pandemic. The concerns are augmented by the need to open more polling stations in some settlements for citizens who live on the left side of Nistru River and in Bender Municipality. For instance, according to CEC Letter No 8/2368, in Sanatauca, Floresti District, 4 polling stations could be set up, in comparison with one PS that was set up for the 2019 parliamentary elections. The same is true for Dorotcaia, where two PSs were proposed instead of one – which was the case in 2019.

In addition, because of the COVID-19 pandemic, the administration of the transnistrian region restricted the access of citizens from the region to settlements under the jurisdiction of constitutional authorities. By Order No 258пп of 15 September 2020, the unconstitutional authorities proposed to pass a ‘draft law’ through the fast-track procedure, to extend the validity of certain of a number of ‘laws’ in the transnistrian region, which have a limited period of validity – till 30 September 2020. Therefore, to continue efforts to contain the infection, the state of emergency was extended till 1 December 2020.

2.6. Establishment of level-two constituencies

On 3 September 2020, in line with item 7 of the Schedule and with the legal provisions²⁶, and by adopting Decision No 4177²⁷, CEC established 37 level-two constituencies, including constituency No 3 Bender and constituency No 37 for the settlements on the left bank of Nistru River. The establishment deadline was met.

We would like to draw your attention to the fact that despite the legal provisions on the conduct of presidential elections in Moldova, a separate constituency was not set up for polling stations abroad.

2.7. Establishment of level-two electoral constituency councils (ECCs)

CEC set up 36 electoral constituency councils by Decisions Nos 4195-4230, in line with Item 8 of the Schedule and with the provisions of the Electoral Code, on 11 September 2020. Note that Bender ECC was not set up even for this presidential election²⁸.

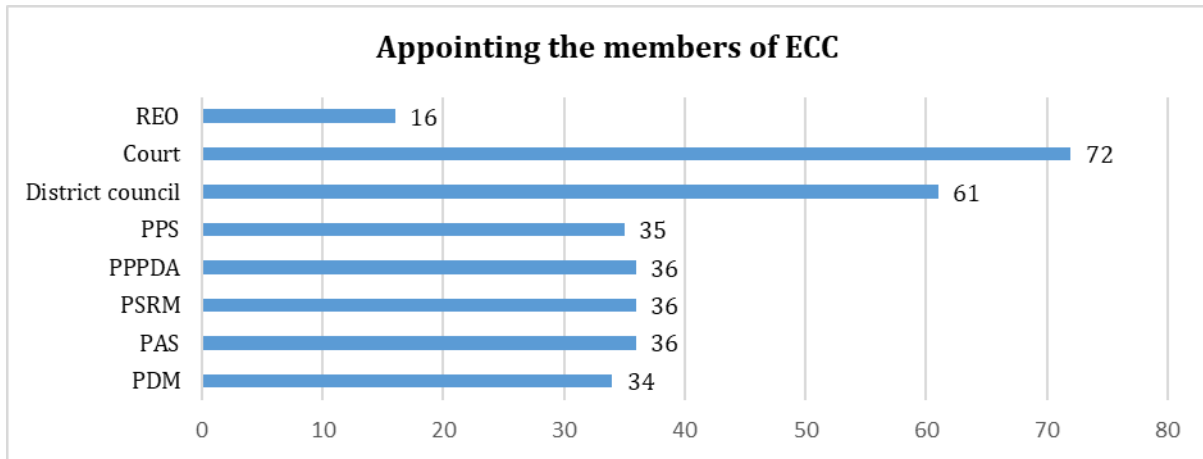
Out of all the ECCs, 35 level-two ECCs consists of 9 members. Chisinau Municipality ECC consists of 11 members. Chart 1 illustrates the appointment of members to the ECCs by entities that have this right.

²⁶ Article 18, Article 26(1)(c) and Article 108(1) of the Electoral Code No 1381/1997.

²⁷ CEC Decision No [4177](#) on the establishment of level-two constituencies for the Presidential Election in the Republic of Moldova of 1 November 2020, of 3 September 2020.

²⁸ [Final report](#). Promo-LEX Observation Mission for the Presidential Election in the Republic of Moldova of 30 October 2016, Item 25.

Chart 1



Three parliamentary parties – PPPDA, PSRM and PAS delegated members to all ECCs.

Having analysed the CEC Decisions approving the nominal structure of level-two ECCs, we noticed that women outnumbered men markedly (See Chart 2).

Chart 2

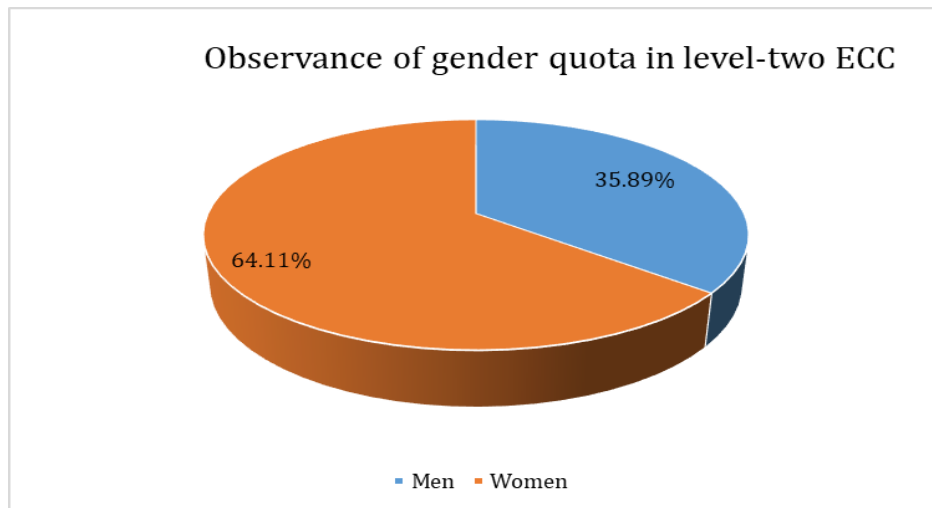


Table 4 lists the most gender-imbalanced ECCs.

Table 4. Examples of Gender Imbalance in Level-Two ECC

Level-two ECC	Gender ratio
No 12 Criuleni	0:9
No 8 Cantemir; No 17 Falesti; No 32 Stefan Voda	1:8
No 10 Causeni; No 13 Donduseni; No 21 Ialoveni; No 24 Ocnita; No 27 Riscani; No 34 Telenesti; No 37 for settlements on the left side of Nistru River	2:7
No 2 Balti; No 4 Anenii Noi; No 9, No 15, Dubasari; No 9 Calarasi; No 16 Edinet; No 20 Hincesti; No 22 Leova; No 23 Nisporeni; No 30 Straseni; No 31 Soldanesti; No 33 Taraclia.	3:6/6:3

2.8. Notifying CEC about surveys

According to Article 70(10) of the Electoral Code, during the election period any surveys of voters' political preferences may be conducted only provided that the Central Electoral Commission is notified. The notification shall contain data about the institutions that will perform the survey, its period, proposed sample and orderer of the poll. The survey results may be made public 5 days before the election day, at the latest.

According to the information on the CEC website, 'Survey notifications' section, information applications were filed by the Moldova Office of the International Republican Institute, by the Association of Sociologists and Demographers of the Republic of Moldova²⁹ and by 'Date Inteligente' SRL³⁰.

Promo-LEX OM also spotted at least two cases that did not meet the above-mentioned conditions:

- *Intellect Group* that carried out, in partnership with 'Spero' Civic Association, a pre-election survey between 24 August to 2 September regarding citizen's trust in state institutions and political parties, their voting intentions in the presidential election, but also in case of potential early parliamentary elections. The survey results were made public on 3 September 2020, without a prior notification on the dedicated page of the CEC website.
- *WatchDog.md*³¹ which is carrying out, as part of the sondaje.md project, an opinion poll among internet users of Moldova regarding the political preferences in the presidential election, without a prior notification on the dedicated page of the CEC website. Note that the survey will be running till the end of September. The authors of the project also specified that this type of surveys was not sociologically representative and that, instead, it reflected quite faithfully the opinions of active internet users in the country.

²⁹ [Notification](#) of the Association of Sociologists and Demographers of the Republic of Moldova regarding three sociological studies among the adult population of the country.

³⁰ [Notification](#) of 'Date Inteligente' SRL on presenting the results of a set of surveys on voting intentions.

³¹ <https://sondaje.md/despre>

III. ELECTION CONTENDER NOMINATION AND REGISTRATION

A number of 13 IGs were registered for the presidential elections, two of which that have nominated independent candidates (Alexandr Kalinin and Ion Costas) submitted their application a second time. Of a total of 13 nominated candidates we note that nine were nominated by political formations (8 parties and one electoral bloc), respectively four candidates were nominated by citizens (independent candidates). However, Promo-LEX emphasises that with regards to at least two nominated independent candidates – Igor Dodon and Alexandr Kalinin – the observers reported activities supported by political parties.

From gender standpoint, only two IGs (15%) supporting women candidates registered in the electoral race: Maia Sandu (PAS) and Violeta Ivanov (PPS). In comparison with the presidential election of 2016, when five women candidates were registered (42%), women's representativeness is lower this time.

Before the publishing date of this report, IGs submitted to CEC 4 candidate registration applications, the Commission having adopted Decisions to register only two candidates: Renato Usatii (PN) and Andrei Nastase (PPPDA).

3.1. Situations that can be qualified as nomination of candidates before the legal deadline

According to legal provisions³², the nomination of candidates for president shall begin 60 days before election day and end 30 days before it. According to CEC Schedule³³, the nomination of candidates is to take place between 1 September and 1 October 2020.

Contrary to the above, though, there were two cases of early nomination of candidates:

- on 27 August 2020, at a press conference organised by the PN leader, Renato Usatii, he announced that he would run for president in the presidential elections of 1 November 2020;
- on 28 August 2020, a press release published on the official website of PLDM announced the decision of the National Political Council of PLDM nominating Tudor Deliu as a presidential nominee in the Moldova presidential election.

3.2. Registration of initiative groups supporting election contenders

According to Article 114(2) of the Electoral Code³⁴, and to Item 24 of the CEC Schedule³⁵, IG registration applications could be submitted between 1 September and 11 September 2020.

³² Article 46(1) of the [Electoral Code](#).

³³ [Schedule](#) of organisation and conduct of the Presidential Election in the Republic of Moldova of 1 November 2020, Item 22.

³⁴ Article 114(2) of the Electoral Code: The list of members of an initiative group, where the leader of such group is specified, shall be filed with CEC 50 days before Election Day at the latest, by the person proposed as candidate for President of the Republic of Moldova.

³⁵ [Schedule](#) of organisation and conduct of the Presidential Election in the Republic of Moldova of 1 November 2020, Item 24.

At the same time, Article 46(1) of the Electoral Code provides that in parliamentary and presidential elections, the process of candidate nomination starts 60 days before the election day and ends 30 days before the election day. Note that CEC has erroneously indicated the period for the nomination of candidates and collection of signatures as ‘1 September – 1 October’³⁶, since the correct period, according to the provisions of the Electoral Code, is ‘2 September – 2 October’.

13 IG registration applications were filed during the reference period (see Table 5).

Table 5. Registered GIs supporting election candidates

No	Political affiliation	Candidate	Application date	Registration date	Decision
1	PLDM	Deliu Tudor	01.09.2020	03.09.2020	4,167
2	PN	Usatii Renato	01.09.2020	03.09.2020	4,168
3	PPPDA	Nastase Andrei	01.09.2020	03.09.2020	4,169
4	PAS	Sandu Maia	02.09.2020	03.09.2020	4,171
5	Pro Moldova	Candu Andrian	02.09.2020	03.09.2020	4,172
6	PUN	Ticu Octavian	02.09.2020	03.09.2020	4,174
7	BE Unirea	Chirtoaca Dorin	02.09.2020	03.09.2020	4,175
8	PPS	Ivanov Violeta	07.09.2020	09.09.2020	4,187
9	IC	Costas Ion	07.09.2020	09.09.2020	4,188
10	IC	Oboroc Constantin	07.09.2020	09.09.2020	4,189
11	IC	Dodon Igor	09.09.2020	11.09.2020	4,192
12	POM	Toma Serghei	09.09.2020	11.09.2020	4,193
13	IC	Kalinin Alexandr	10.09.2020	11.09.2020	4,231

With regards to two candidates, the IGs was registered after the applications were submitted a second time:

- Ion Costas IG (IC): the first IG registration application, submitted on 2 September 2020, was rejected by CEC Decision No 4173³⁷ because the procedures of candidate nomination and establishment of the initiative group were carried out before the deadline, in violation of Article 46 of the Electoral Code (the candidate was nominated on 27 August 2020). The second application was submitted on 7 September 2020, in compliance with the legal provisions;
- Alexandr Kalinin IG (IC): the first IG registration application submitted on 2 September 2020 was rejected by CEC Decision No 4170³⁸ because the procedures of candidate nomination and establishment of the initiative group were carried out before the deadline, in violation of Article 46 of the Electoral Code (the candidate was nominated on 28 August 2020). The second application was submitted on 4 September 2020, in compliance with the legal provisions. Given that at the CEC meetings of 6 and 7 September 2020, the candidate refused to fill out applications or to speak in Romanian to prove that he spoke the state language, he was not registered³⁹. Subsequently, on 10 September 2020, a third application was submitted, which was found to be in line with the legal provisions.

The ³⁶ [Schedule](#) of organisation and conduct of the Presidential Election in the Republic of Moldova of 1 November 2020, approved by CEC Decision No 4103 of 15 August 2020, Item 22.

³⁷[CEC Decision](#) No 4173 of 3 September 2020 on the application for registration of the initiative group supporting the candidate to the position of President of the Republic of Moldova, Mr Ion Costas.

³⁸[CEC Decision](#) No 4170 of 3 September 2020 on the application for registration of the initiative group supporting the candidate to the position of President of the Republic of Moldova, Mr Alexandr Kalinin.

³⁹Article 78(2) of the [Constitution](#) of the Republic of Moldova: Any citizen of the Republic of Moldova may run for the office of President of the Re-public of Moldova, provided that he/she has the right to vote and is over 40 years of age, had lived or has been living permanently on the territory of the Republic of Moldova for no less than 10 years and speaks the

Of the 13 nominated candidates we note that nine were nominated by political formations (8 parties and one electoral bloc), respectively four candidates were nominated by citizens (independent candidates).

From gender standpoint, only two IGs (15%) supporting women candidates registered in the electoral race: Maia Sandu IG (PAS) and Violeta Ivanov IG (PPS). We hence notice a low representation of women as contenders for the position of President of the Republic of Moldova. For comparison purposes, note that five women candidates were registered in the 2016 presidential elections, accounting for 42% of the total number of registered candidates (5 out of 12).

3.3. Election contender registration

According to Article 49(1) of the Electoral Code⁴⁰, as well as to Items 27, 28 and 29 of the CEC Schedule⁴¹, candidate registration applications are to be filed between 1 September and 1 October 2020, after signatures will have been collected on signature sheets. We reiterate, however, that according to the legal framework, the nomination of candidates was supposed to have started on 2 September 2020. Each candidate is to provide signatures between a minimum of 15,000 and a maximum 25,000 voters from at least half of level-two ATUs (18 out of 35 level-two ATUs)⁴².

During the observed period, 4 candidate registration applications were filed with CEC (see Table 6).

Table 6. Applications for election contender registration

No	Political affiliation	Candidate	CEC Decision	Collected signatures	Null and void signatures	% null and void*
1	PPPDA	Nastase Andrei	4,235 of 13.09.2020	25,000	3,517	17%
2	PN	Usatii Renato	4,236 of 13.09.2020	24,105	2,846	14%
3	Pro Moldova	Candu Andrian				
4	PLDM	Deliu Tudor				

* The share of null signatures was calculated as percentage of total signatures verified by CEC.

We can thus notice that with regards to two IGs – Andrei Nastase IG (PPPDA) and Renato Usatii IG (PN) – the required number of signatures was collected in 4 days. With regards to Andrian Candu IG (Pro Moldova), the signatures were collected in 7 days, and in 11 days for Tudor Deliu IG (PLDM).

Until this report was published, the Commission had passed decisions on registration of two candidates:

- Andrei Nastase (PPPDA), 17% of total signatures verified by CEC having been declared null and void for this candidate;
- Renato Usatii (PN), 14% of total signatures verified by CEC having been declared null and void for this candidate.

official state language.

⁴⁰ Article 49(1) of the [Electoral Code](#): To get registered, candidates shall submit the following documents to the Central Electoral Commission or electoral constituency councils **no later than 30 days before the election day**:

⁴¹ [Schedule](#) of organisation and conduct of the Presidential Election in the Republic of Moldova of 1 November 2020, Items 27, 28 and 29.

⁴² Article 113(1) of the [Electoral Code](#).

As regards the two other cases, CEC is make a decision after it will have verified the signatures on signature sheets.

In the same context, we mention that Promo-LEX observers had the possibility to monitor the verification of signature sheets, CEC having been open and collaborative in this regard.

IV. ELECTORAL LITIGATIONS

During the observation period, at least five notifications and petitions were submitted to CEC, three of them – by a party/electoral bloc and two – by a citizen. The issues tackled in the notifications included: signature collection amidst the pandemic; alleged use of administrative resources (for 2 actions); electioneering in violation of legal provisions and handing-out of electoral advertising materials without identification data. According to the published information, three out of five notifications were either resolved or answered to.

At least two electoral appeals were filed against CEC decisions in the Chisinau Court of Appeal during the reference period. Regarding the appeal of PACE, Promo-LEX OM believes that both PACE, registered on 25.08.2020, and Pro MOLDOVA, registered on 18 June 2020, do not have the right to nominate candidates according to the Electoral Code. Concerning the appeal submitted by A. Kalinin, Promo-LEX OM believes that the nomination of candidates, according to the Electoral Code, should begin not earlier than 2 September 2020, not on 1 September as CEC decided in its schedule.

4.1. Notifications submitted to CEC

At least five notifications and petitions were submitted to CEC between 26 August and 15 September 2020. They were regarding: *signature collection amidst the pandemic; alleged use of administrative resources; electioneering in violation of legal provisions and handing-out of electoral advertising materials without data on payments covered from the 'Electoral Fund'.*

Thus, on 3 September 2020, the Party of the European Left (PSE) submitted to CEC a petition requesting that the collection of signatures by the registered IGs be stopped. It also requested the issuance of an administrative act allowing the registration of candidates nominated by political parties without the submission of signature sheets. The petitioner emphasised that the Guidelines on COVID-19 prevention measures during the election period did not contain any legal provisions regarding signature collection amidst a public health emergency. The petition also tackled the limited applicability of Article 47 of the Electoral Code, according to which the candidates nominated by political parties are not required to collect signatures in order to be registered.

On 5 September 2020, the Commission answered the petition in a letter. CEC mentioned in that letter that COVID-19 prevention and containment measures during signature collection were detailed in the *Handbook for members of initiative groups supporting candidates for President of the Republic of Moldova*. Regarding the applicability of legal provisions, CEC explained that Article 47 was a general legal rule, while Articles 112 and 113 were special legal rules that derogated from the general rule and that applied thus to the registration of presidential candidates.

Dorin Chirtoaca, the co-leader of Unirea Electoral Bloc (BE Unirea), submitted a notification to CEC on 3 September 2020. His allegations were regarding a statement the President of the Republic of Moldova made in an interview⁴³ that his 'presidential election staff has been working for several months already'. So, Dorin Chirtoaca demanded that Igor Dodon be imposed administrative liability for the use of administrative resources and for abuse of electoral law. The allegations of BE Unirea were supported by the provisions of the Electoral Code, according to which activities of electoral nature may only be conducted within an election campaign.

⁴³ [The interview](#) Igor Dodon gave on 3 September, conducted by Radio Free Europe.

What is more, BE Unirea demanded that inquiries be made, with the help of the Intelligence and Security Service, into whether foreigners (citizens of the Russian Federation) are among the electoral staff of Igor Dodon.

On 4 September 2020, CEC communicated that the content of the submitted document did not comply with the requirements set forth in Article 75(1)(e) of the Administrative Code of the Republic of Moldova, namely – there was no signature of the person who submitted it. Thus, the notification remained unexamined for as long as said non-compliances are not addressed.

On 7 September 2020, Dorin Chirtoaca, co-leader of BE Unirea, submitted a notification to both CEC and the Broadcasting Council regarding the documentary film released in the public space on 3 September 2020: 'Dodon – the fifth president'. According to him, government officials (Speaker of the Parliament, Prime Minister), metropolitans, patriarchs, foreign leaders who appear in the documentary are involved in electoral advertising in favour of Igor Dodon, which is prohibited by law. Dorin Chirtoaca also highlighted that pieces of news with identical wording as in the documentary were broadcast by several media establishments. Thus, he drew some conclusions on the use of public administrative resources for the production of that documentary and of news favourable to Igor Dodon. He demanded that the application for registration of Igor Dodon in the election race be rejected.

On 8 September 2020, CEC communicated that the content of the submitted document did not comply with the requirements set forth in Article 75(1)(e) of the Administrative Code of the Republic of Moldova, namely – there was no signature of the person who submitted it. Thus, the notification remained unexamined for as long as said non-compliances are not addressed.

A voter submitted two notifications to CEC on 9 September:

- 1) On alleged electioneering by PAS and Maia Sandu, involving a foreign national, namely Donald Tusk – leader of the European People's Party. The voter referred to the fact that a message of support from Donald Tusk was published on the official facebook pages of PAS and of Maia Sandu on 31 August 2020. The voter thus demanded CEC to look into the legality of said actions.
- 2) Regarding the alleged production and dissemination by PAS, before and after the registration of the IG (3 September), of election leaflets that did not contain the statement that they were paid for from the 'Electoral Fund' account. With regard to the content of the electioneering material, the voter made the remark that it contained national symbols (the flag of the Republic of Moldova), foreign symbols (the flag of the European Union) and foreign nationals. Therefore, the voter demanded that the compliance of the said leaflet with the requirements of the electoral law and regulations adopted by the Commission be looked into.

As of 15 September 2020, there was no Decision of CEC regarding these matters. Therefore, their resolution is delayed, as no decision was published within at least six days. Note that according to Articles 72-73 of the Electoral Code, the actions/inactions of election contenders shall be challenged in court within three days from the date when the action occurred and shall be resolved within five days from the submission of the notification in such regard.

Except for the last notifications, it is commendable that all other notifications have been resolved or answered to within 1-2 days.

We remind, in this context, that the Constitutional Court established in its Decision No 34 of 13.12.2016⁴⁴, adopted amidst the 2016 presidential elections, that:

- both electoral authorities and courts rejected a large number of complaints as outside their remit;
- the faulty understanding by stakeholders of the process of electoral dispute resolution and that both electoral bodies and courts should have reviewed the notified violations rather than reject them as outside their remit;
- due to the faulty enforcement of the law by common law courts, the electoral stakeholders were literally deprived of an efficient judiciary control, and the Constitutional Court did not have the possibility to operate with the documents confirming the violations.

The High Court also reminded that a rule needs to be interpreted in a way that allows for its application, not in a way that doesn't.

Considering all of the aforementioned, and to ensure an effective remedy, we thus draw the attention of the electoral authority and of courts on the need for and importance of efficient resolution of electoral litigations, avoiding superficial resolution or failures to resolve the notified violations. In addition, we draw the attention on the obligation of CEC to analyse electoral frauds, including the current alleged ones, and to take preventive measures.

4.2. Appeals filed to court

At least two electoral appeals were filed against some CEC decisions in the Chisinau Court of Appeal during the reference period.

The first appeal was filed with the Chisinau Court of Appeal on 1 September 2020 by PACE, challenging CEC Decision No 4125 of 25 August 2020⁴⁵. The appellant's claims challenged the fact that PP PACE was not included in the list of parties entitled to support candidates in the presidential election.

Note that PP PACE was officially registered by the Public Services Agency on 25 August 2020⁴⁶. The list of parties entitled to support candidates in the presidential election was approved on the same day.

According to Article 46(2)(a) of the Electoral Code, **parties** and other socio-political organisations **registered prior to the setting of election day** have the right to nominate candidates. Considering that the date of the presidential election was decided on **21 May 2020⁴⁷**, we may draw the conclusion that all parties registered after this date cannot have the right to nominate candidates for the presidential election. We draw attention to the fact that the legal rule says specifically 'the setting of election day', not 'entry into force of the act setting the election day'. Therefore, the date the Parliament Decision setting the election day (15 August 2020) entered into force is not relevant within the meaning of Article 46(2) of the Electoral Code. Thus, both PACE, registered on 25 August

⁴⁴Decision of the Constitutional Court No 34 of 13.12.2016 Confirming the Election Results and Validating the Mandate of President of the Republic of Moldova.

⁴⁵CEC Decision No 4125 of 25 August 2020 on the list of parties and other socio-political organisations entitled to support candidates in the presidential election in the Republic of Moldova of 1 November 2020.

⁴⁶The [list](#) of political parties from Moldova.

⁴⁷Parliament [Decision](#) No 65 of 21.05.2020 setting the date of the presidential election in the Republic of Moldova.

2020, and Pro Moldova, registered on 18 June 2020, do not have the right to nominate candidates according to the Electoral Code. Still, CEC included Pro Moldova in the list of parties entitled to support candidates in the presidential election of the Republic of Moldova, in violation of legal provisions.

Promo-LEX OM reiterates the need to revisit the rules of the Electoral Code regarding the day on which the election date is set, namely the rules on the election period and the rules on the nomination of candidates.

On 7 September, Chisinau Court of Appeal ruled the request for summons filed by PACE inadmissible⁴⁸ on the ground that it was filed after the elapse of the legal term of three calendar days. However, on 11 September the Supreme Court of Justice annulled the Resolution of Chisinau Court of Appeal and put the case back on the roll⁴⁹.

The second appeal was filed on 5 September 2020 by Alexandr Kalinin with the Chisinau Court of Appeal, requesting the annulment of CEC decisions on the registration of the IGs supporting the candidates Dorin Chirtoaca, Octavian Ticu, Andrian Candu, Maia Sandu, Andrei Nastase, Renato Usatii and Tudor Deliu. To support his request, the appellant claimed that the nomination of those candidates had taken place more than 60 days before the election day, as the minutes regarding the nomination of the candidates were dated 1 September 2020.

According to Article 46(1) of the Electoral Code, in parliamentary and presidential elections, the process of candidate nomination starts 60 days before the election day and ends 30 days before the election day. Note that CEC has erroneously indicated the period for the nomination of candidates and collection of signatures as '1 September – 1 October'⁵⁰, since the correct period, according to the provisions of the Electoral Code, is '2 September – 2 October'.

Promo-LEX MO mentions that, although the Schedule approved by CEC allows for the nomination of candidates starting with 1 September, the political parties/electoral blocs had to comply with Article 46 of the Electoral Code and to nominate their candidates no earlier than 2 September 2020. This conclusion draws on the principle of *Lex superior derogat legi inferiori*, according to which in case of conflict of rules – the hierarchically higher one applies, which in this case is Article 46 of the Electoral Code.

On 7 September, Chisinau Court of Appeal ruled the request for summons inadmissible⁵¹ because within the meaning of Article 207(2)(e) and Article 39(2) of the Administrative Code, the applicant was not the subject of those individual administrative acts favouring the election contenders concerned in them (CEC Decisions on the registration of initiative groups). Therefore, the applicant cannot claim that his personal rights were violated by the challenged administrative acts.

⁴⁸ [Resolution](#) of the Collegium of Civilian, Commercial and Administrative Proceedings of Chisinau Court of Appeal of 7 September 2020 in the case of PP PACE vs CEC.

⁴⁹ [Decision](#) of the Collegium of Civilian, Commercial and Administrative Proceedings of Supreme Court of Justice of 11 September 2020 in the case of PP PACE vs CEC.

⁵⁰ The [Schedule](#) of organisation and conduct of the Presidential Election in the Republic of Moldova of 1 November 2020, approved by CEC Decision No 4103 of 15 August 2020, Item 22.

⁵¹ [Resolution](#) of the Specialized Panel for the Examination of Administrative Litigations and of the Collegium of Civilian, Commercial and Administrative Proceedings of Chisinau Court of Appeal of 7 September 2020 in the case of PP PACE vs CEC.

We also draw attention to the situation caused by the establishment, on 10 September 2020, of the special, limited regime of court hearings at the Chisinau Court, Rascani office⁵². The special regime was established to prevent the spread of the respiratory infection caused by COVID-19 virus.

Although the list of cases to be examined under the special work regime does not include explicitly electoral disputes, we assume that they are in the category of ‘emergency cases the postponement of which is such as to encroach upon the interests of justice’ and that they will be examined by the deadlines provided for in the Electoral Code.

Note that Chisinau Court, Rascani office, is specialized in administrative proceedings⁵³, being specialized thus in resolving electoral disputes. According to Article 71(1) and (3) of the Electoral Code, the appeals against the actions/inactions of the election contenders and those regarding the print mass-media are examined in court. *Thus, to observe the right to an effective remedy, it is imperative to ensure that competent courts work, examine and resolve electoral disputes in observance of legal deadlines.*

4.3. Notifications submitted to law enforcement bodies

On 10 September, the MP Sergiu Litvinenco filed an application with the Prosecutor General regarding the applications for written pre-registration by 300 citizens of the Republic of Moldova, alleging that applications were falsified and that signatures were collected by the same person. The MP demanded that the said notification be reviewed and a criminal trial be initiated to identify the circumstances in which they were collected, signed and submitted. He also demanded the identification and prosecution of those who committed misrepresentation – Article 352¹ of the Criminal Code, forgery of public documents – Article 332, and of those who produced, held, sold or who used official documents, forged official stationery, stamps or seals – Article 361 of the Criminal Code.

There are no special rules on reviewing criminal cases related to elections within a shorter period of time. Still, we expect that CEC and the society will be informed about the confirmation or refutation of allegations concerning the fraudulent pre-registration applications, before the establishment of polling stations abroad. However, if this is not possible, an answer as to the legality of signature collection should be provided before the confirmation or refutation of the election results by the Constitutional Court. Note that the efficient resolution of all appeals and notifications submitted in relation to the election is necessary to ensure free and fair elections, and to prevent cases of illegal influence of election results.

⁵²[Decision](#) of Chisinau Court No 47 of 10.09.2020 on the special work regime of Chisinau Court, Rascani office, approved in order to prevent the spread of the respiratory infection caused by COVID-19 virus.

⁵³SCM [Decision](#) No 555/25 of 27 November 2018 on the specialisation of Chisinau Court offices.

V. STATE REGISTRY OF VOTERS AND THE LISTS OF VOTERS

In the context of the presidential election of 1 November 2020, it is for the first time that CEC has published three times already the data from the SRV on the number of voters, with a monthly frequency – on 1 July, 1 August and 2 September 2020.

Table 7. Dynamics of voter numbers from 2014 to 2020, on the basis of SRV data

Date	Total No of voters	Dynamics	No of voters without domicile/residence	Dynamics	No of voters from ATUs on the left side of Nistru River	Dynamics
25.11.2014	3,226,446	-	171,052	-	211,329	-
22.08.2016	3,237,032	+10,586	161,630	-9,422	221,600	+10,271
01.09.2017	3,255,361	+18,329	155,683	-5,947	225,971	+4,371
10.12.2018	3,265,997	+10,636	210,890	+55,207	230,233	+4,262
22.08.2019	3,285,894	+19,897	224,250	+13,360	243,416	+13,183
01.07.2020	3,285,874	-20	228,852	+4,602	249,013	+5,597
01.08.2020	3,286,304	+430	229,570	+718	249,006	-7
02.09.2020	3,290,312	+4008	230,384	+814	249,239	+233

The number of voters in the SRV increased from 1 July to 1 August 2020. However, this increase is irregular, which seems even unusual in the run-up to the elections. While the number of voters increased between 1 July and 1 August by 430 voters, it increased ten times from 1 August to 2 September – a comparable time-frame – the difference being of 4,008 voters.

VI. PUBLIC ADMINISTRATION

Promo-LEX OM notes some gaps in the performance of LPAs' tasks of ensuring a transparent and correct electoral process. According to observers of the 103 LPAs visited, only 42 (41%) of them approved the decision on electoral posters and only 40 LPA (39%) approved the decision on offering premises for meetings with voters.

Article 52(9) of the Electoral Code provides for the obligation of local public administration authorities to establish and inform the relevant stakeholders, within 3 days since the beginning of the election period, about the decisions on the places for electoral posters and list of venues for meetings with voters.

Following visits to 103 level-one ATUs focused on LPA activities in the context of the presidential election, the observers reported:

With regard to the decision on places for electoral posters. A number of 42 mayoralties (41%) adopted the decision on places for electoral posters. Only 31 decisions of these (74%) were displayed at the LPA premises. At the same time, places for posters were prepared in 59 ATUs (57%). Of these, there was enough space for electoral advertising for all election contenders (at least 1 sq.m. per election candidate⁵⁴) in 42 settlements only (71%).

With regard to the decision on venues for meetings with voters. At least 40 mayoralties (39%) have approved decisions on venues for meeting with voters. Only 30 decisions of these (75%) were posted at the LPA premises. Out of 40 LPAs that have approved such decisions, 32 (80%) provided for free a place of meeting with voters. On the other hand, 8 LPAs (20%) are charging from MDL 50 to MDL 500 per hour, i.e. MDL 200 – MDL 700 per meeting.

With regard to the use of the venues for meetings. In four settlements the venues were already used for meeting with voters. They were used by PAS (2 – for free), PPS (1 – MDL 200), PPPDA (1 – MDL 1,500).

⁵⁴[Regulation](#) on the Location of Electoral Advertising and Political Promotion Materials on Advertising Billboards, approved by CEC Decision No 3328 of 28 April 2015.

VII. ELECTION CONTENDERS

During the observation period at least 158 signature collection activities carried out by IG have been reported. Most of them were conducted by Maia Sandu IG (PAS) – 81 (52%), Andrei Nastase IG (PPPDA) – 21 (13%), Octavian Ticu IG (PUN) – 20 (13%) and Renato Usatii IG (PN) – 20 (13%).

Promo-LEX observers reported at least 5 cases that may be regarded as offering electoral gifts. Two cases of these involved PPPDA, two other cases – the candidate Igor Dodon, and one case – PSRM. Observers reported at least eight cases of taking credit for activities funded from public money. PSRM was concerned in four cases out of the eight, and PPS – in the other four.

Observers also spotted at least two cases where the image of foreign officials was used in association with the nominated candidates Maia Sandu (PAS) and Igor Dodon (IC).

Promo-LEX OM noted not less than 363 cases regarding the use of outdoor/promotional/on-line advertising during the signature collection period. Most of them refer to Maia Sandu IG (PAS) - 200 (55%), Octavian Ticu IG (PUN) - 41 (11%) and Renato Usatii IG (PN) - 38 (10%).

With reference to the 2020 presidential election, the legislation that regulates the administrative resources in electoral context keeps its imprecise and unclear nature. Observation results also put the spotlight on the risk of abusive use of administrative resources by the head of state, who is also running in the presidential race.

7.1. Political activities with potential electoral impact (before the registration of IGs)

According to Article 116(1) of the Electoral Code, the Moldova Presidential Election Campaign is to start no sooner than 30 days before the election day.

During the reference period, Promo-LEX observers flagged up at least 125 activities with potential electoral impact carried out before the registration of IGs by political parties that nominated candidates (see Table 8).

Table 8. Political activities with potential electoral impact, carried out during the election period, before the registration of IGs supporting nominated candidates

No	Activities	BE Unirea	PAS	PN	PPPDA	PPS	Pro Moldova	PUN	PSRM	⁵⁵ Igor Dodon	Total
1	Dissemination of information materials		22	16	4	6			10		58
2	Meetings with citizens		4		3	9				9	25
3	Socio-political campaigns ⁵⁶						3	9			12
4	Door-to-door		8			1					9
5	Gifts	1			4			1	1	2	9
6	Press conferences		1		3						4

⁵⁵ With regard to Igor Dodon, activities carried out during 9-11 September specified (i.e. between the date then he was nominated as candidate and until Igor Dodon IG (IC) was registered).

⁵⁶ Socio-political campaigns: Pro Moldova and the „Dodon pleacă” [‘Dodon goes away’] campaign; PUN and the „Ce înseamnă unirea cu România” [‘What does the unification with Romania mean’].

7	Protests		2							2	
8	Social stores				2					2	
9	Flashmobs/demonstrations	1								1	
10	Inaugurations							1		1	
11	Surveys							1		1	
12	Video spots		1							1	
Total		2	38	16	14	18	3	10	12	10	125

Thus, most activities included the dissemination of informative printouts (newspapers, magazines, leaflets etc.) – 47% of all activities, followed by meetings with citizens – 20% of all activities.

Most activities were carried out by PAS (31%), PPS (15%) and PN (13%). Distributed by regions, 17% of activities were reported in Chisinau, 15% – in Ungheni, and in Straseni and Anenii Noi – 10% each.

7.2. Activities carried out by IGs

According to Item 22 of the CEC Schedule⁵⁷, registered IGs were allowed to collect signatures in support of their candidates for the position of President of the Republic of Moldova between 1 September and 1 October 2020.

During the monitored period, Promo-LEX observers reported at least 158 activities conducted by registered IGs to collect signatures in support of nominated candidates (see Table 9).

Table 9. Activities carried out by registered IGs

No	Activities	Dorin Chirtoaca IG (BE UNIREA)	Maia Sandu IG (PAS)	Tudor Deliu IG (PLDM)	Renato Usatii IG (PN)	Andrei Nastase IG (PPPDA)	Violeta Ivanov IG (PPS)	Andrian Candu IG (PRO MOLDOVA)	Octavian Ticu IG (PUN)	Igor Dodon IG (IC)	Alexandr Kalinin IG (IC)	Total
1	Signature collection		57	3	18	15	3	1	10	2	1	110
2	Dissemination of information materials		10		2		1		5	1		19
3	Meetings with citizens		10			3			2			15
4	Door-to-door		2						3			5
5	Press conferences	1	1			3						5
6	Social stores						2					2
7	Flashmobs/demonstrations		1									1
8	Inaugurations									1		1
Total		1	81	3	20	21	6	1	20	4		158

* All activities in the table above were conducted in order to collect signatures on the signature sheets.

Most of them were carried out by Maia Sandu IG (PAS) – 52%, Andrei Nastase IG (PPPDA) – 13%, Octavian Ticu IG (PUN) – 13%, and Tudor Deliu IG (PLDM) – 13%. Distributed by regions, 28% of activities were reported in Chisinau, 7% – in Ungheni, 7% – in Floresti, 6% – in Cahul.

⁵⁷ [Schedule](#) of organisation and conduct of the Presidential Election in the Republic of Moldova of 1 November 2020, Item 22.

We found however, that with regard to at least 2 independent candidates, there were activities supported by certain political parties. With regard to Alexandr Kalinin IG (IC), for instance, while the IG was collecting signatures, it was also handing out leaflets about this candidate, which had the logo of PRM, that party that Kalinin is leader of.

The second case involves Igor Dodon IG (IC): in a live conference⁵⁸, he explained why it wasn't possible for him to be nominated by PSRM, saying that *'the legal decision was to run as independent candidate, supported by PSRM'*. Also note that at least five candidates from the PSRM faction of the Parliament are members of Igor Dodon IG (IC)⁵⁹. Concurrently, at least one case was reported where, on 13 September 2020 (2 days after the registration of Igor Dodon IG (IC)) PSRM, which did not nominate an election contender, disseminated informative material to promote the nominated candidate Igor Dodon (IC).

7.3. Activities that can be qualified as misuse of administrative resources for electoral purposes

International electoral standards. Promo-LEX OM reiterates that the legislation on the use of administrative resources during the election period remains insufficient, which is why in the observation reports we refer, in particular, to the relevant international standards, which stipulate that 'the use of administrative resources for partisan purposes by the governing parties and their candidates, such as the use of government positions and equipment' should be prohibited.

OSCE/ODIHR defines 'abuse of state (administrative) resources' as 'undue advantage obtained by certain parties or candidates through the use of their official positions or connections to governmental institutions, in order to influence the outcome of elections'⁶⁰.

Also, the Code of Good Practice in Electoral Matters⁶¹ stipulates that equality of opportunity shall be guaranteed to parties and candidates alike. This entails a neutral attitude by state authorities, in particular with regard to: the election campaign; election coverage by the media, especially the publicly owned media; public funding of parties and electoral campaigns.

At the same time, according to the Venice Commission's Joint Guidelines for preventing and responding to the misuse of administrative resources during electoral processes⁶², the legal framework shall ensure neutrality of the civil service by prohibiting civil servants from engaging in campaign activities in their official capacity, either by running as candidates or by supporting candidates.

According to international standards, the legal framework should provide effective mechanisms to prohibit public authorities from taking undue advantage of their positions by organising official public events for election campaign purposes, including charitable events or events that favour or disfavour any political party or candidate. More exactly, reference is made to events involving the

⁵⁸ ['The President answers'](#): the episode of 11 September 2020, starting with the 43rd minute.

⁵⁹ [CEC Decision](#) No 4192 of 11 September 2020 on the application for registration of the initiative group supporting the candidate to the position of President of the Republic of Moldova, Mr Igor Dodon: Vlad Batrincea, Petru Burduja, Adrian Lebedinschi, Vasile Bolea, Radu Mudreac.

⁶⁰ OSCE/ODIHR [Handbook](#) for the Observation of Campaign Finance.

⁶¹ [The Code](#) of Good Practice in Electoral Matters, adopted by the European Commission for Democracy through Law at its 52nd Plenary Session of 18-19 October 2002.

Venice Commission's Joint⁶² [Guidelines](#) for preventing and responding to the misuse of administrative resources during electoral processes, p. 7.

use of funds from the state or local budget, as well as institutional resources (staff, vehicles, infrastructure, telephones, computers, etc.). This does not exclude the right of the current candidates to run for election and to conduct the election campaign outside working hours and without the use of administrative resources.

Ensuring equality of opportunity in the context of running for the office of President of the Republic of Moldova. On 9 September 2020, the President of the Republic of Moldova was nominated as an independent candidate for the position of President of the Republic of Moldova. Later, on 11 September 2020, at the conference ‘The President answers’, he stated that the decision to participate in the electoral race was taken a few months before being nominated⁶³.

Earlier, on 26 August 2020, Igor Dodon presented the activity report for the 4 years of mandate⁶⁴. Immediately after the publication of the report, a set of 3 publications was sent to at least 40 level-one LPAs (reported by Promo-LEX observers): *Igor Dodon, President of the Republic of Moldova* (Political Almanac, special edition), *President of the Republic of Moldova accounts to the people* (abbreviated version of the report) – in Romanian and Russian. The set was sent by the Office of the President of the Republic of Moldova, marked as *government correspondence*.

At the same time, Igor Dodon IG (IC) also issued *President of the Republic of Moldova accounts to the people* in the form of a newspaper and distributed it to the general public in the process of collecting signatures.

7.4. Situations that can be qualified as taking credit for activities funded from public money

During the monitored period, at least 8 cases were reported in which the works carried out on public money or by LPAs were promoted as being done at the initiative or thanks to the political parties/nominated candidates, as follows:

- 4 cases in which PSRM promoted the implementation of ‘Good roads for all’ program as being an initiative of Igor Dodon (IC). In this regard, observers reported two messages posted on social media (Vladimir Mizdrenco, PSRM MP, and Oleg Cuciuc, PSRM activist) and two activities of information materials dissemination (leaflets with the following text: *Thanks to the initiative of Igor Dodon – ‘Good roads for all’ program, in district X, by the end of 2020, road will be built and repaired in the following localities...*, followed by the list of localities);
- 4 cases where PPS promoted as its own initiatives the LPAs’ projects of street lighting (Taraclia town, Fiodarauca village, Orhei, Trifanesti village, Floresti) and building children’s playgrounds (Stolniceni village, Edinet).

7.5. Cases that can be qualified as electoral gift giving

Promo-LEX observers reported at least 5 cases that can be qualified as gift giving during the election period (from 25 August 2020) by the parties/candidates who publicly announced their participation in the presidential election race (see Table 10). Thus, in two cases PPPDA is involved, in two cases – the candidate Igor Dodon, and in one case – PSRM.

⁶³ ‘The President answers’: episode of 11 September 2020.

⁶⁴ [Press-release](http://www.pressedinte.md) on www.pressedinte.md: Igor Dodon presented the activity report for the mandate period.

Table 10. Electoral gift giving activities

<i>Party/nominated candidate</i>	<i>No</i>	<i>Activity description</i>
PSRM	1	On 28 August 2020, PSRM MP Vladimir Mizdrenco, together with other party representatives, presented to Tudor Bazatin, parish priest of the church 'Adormirea Maicii Domnului', the Honorary Diploma from the President of the Republic of Moldova, as a sign of appreciation and gratitude for working with dedication, and the Icon of Saint George (Pepeni village, Sangerei).
Igor Dodon	1	On 10 September 2020, the day after his appointment as an election contender, during a field visit, following the launch of a fundraising campaign, the incumbent president offered a family with many children, who was affected as a result of a fire, various gifts: appliances, furniture, a notebook, school supplies, essentials (Drochia town).
	2	On 10 September 2020, the day after his appointment as an election contender, during a field visit, following the launch of a fundraising campaign, the incumbent president offered as a gift to a family with many children, who was affected as a result of a fire, a washing machine, two sofas, school supplies (Marinesti village, Sangerei Noi com., Sangerei).
PPPDA	1	On 25 August 2020, on behalf of PPPDA team in Anenii Noi, backpacks and school supplies were offered as a gift to 6 children (Cobusca Noua village, Anenii Noi).
	2	On 30 August 2020, the president of the PPPDA youth organisation in Anenii Noi, on behalf of the PPPDA team in Anenii Noi, offered backpacks and school supplies as gifts to 6 children (Serpeni, Anenii Noi).

7.6. Activities that can be qualified as promotion using images of foreign officials

According to Article 52 (8) of the Electoral Code, images of foreign officials may not be used for the purpose of electoral advertising.

However, observers spotted at least two cases where images of foreign officials were used. In one case, the nominated candidate Maia Sandu (PAS) is involved and in other – the nominated candidate Igor Dodon (IC).

The case of the nominated candidate Maia Sandu (PAS): on 31 August 2020, a message of support from Donald Tusk, president of the European People's Party, was published on social networks. Maia Sandu shared the message on social networks, expressing gratitude for the support given.

The case of the nominated candidate Igor Dodon (IC): in the newspaper 'President of the Republic of Moldova accounts to the people' were published images of the nominated candidate with the presidents of three other states (Vladimir Putin – Russian Federation, Emmanuel Macron – France and Recep Tayyip Erdoğan – Turkey). There were also published images of Antonio Guterres – UN Secretary-General and Donald Tusk – former president of the European Council. Note that the newspaper was widely distributed both by the nominated candidate during the signature collection campaign and by PSRM.

7.7. Outdoor/promotional/online advertising with electoral impact (before the registration of IGs)

Promo-LEX observers found at least 154 cases of using advertising with electoral impact in the context of the aforementioned activities (before the registration of IGs). Thus, most of the cases were reported in relation to PAS (37%), PUN (22%) and PN (15%). The most frequently used were printing materials (newspapers, leaflets, posters) – 64%, followed by visibility materials (vests, bags, etc.) – 25%.

Table 11. Data on the use of advertising

No	Advertising	PAS	PN	PPPDA	PPS	Pro Moldova	PUN	PSRM	Igor Dodon	Total
1	Newspapers, magazines, brochures	11	16		7	1	13	2		50
2	Leaflets, posters, flyers, calendars	28		4	1	2	9	5		49
3	Vests, aprons, bags	10	7	4	2	3	12	1		39
4	Banners	5		1		1				7
5	Video spots	3		2					1	6
6	Sponsored advertising								2	2
7	Online banners								1	1
Total		57	23	11	10	7	34	8	4	154

7.8. Outdoor/promotional/online advertising during signature collection

In the process of monitoring the collection of signatures by IGs, observers reported at least 363 cases in which electoral advertising was used. Most of them refer to Maia Sandu IG (PAS) – 55%, Octavian Ticu IG (PUN) – 11% and Renato Usatii IG (PN) – 10%.

Table 12. Data on the use of advertising

No	Advertising	Maia Sandu IG (PAS)	Renato Usatii IG (PN)	Andrei Nastase IG (PPPDA)	Violeta Ivanov IG (PPS)	Tudor Deliu IG (PLDM)	Andrian Candu IG (PRO MOLDOVA)	Octavian Ticu IG (PUN)	Igor Dodon IG (IC)	Total
1	Tents	56	18	9			1	7	5	96
2	Vests, aprons, bags	63	7	5	1		1	9	3	89
3	Leaflets, posters, flyers, calendars	63	1	6				8	2	80
4	Billboards	1		4	32					37
5	Newspapers, magazines, brochures	1	7	1	1	1		14		25
6	Banners	7		4	2		1	3		17
7	Sponsored advertising	6								6
8	Video spots	2	2	1						5
9	Online banners		3						2	5
10	Print media/online advertising	1			1				1	3
Total		200	38	30	37	1	3	41	13	363

VIII. FUNDING OF THE ELECTION CAMPAIGN

According to the information published on the official website of CEC, out of 13 registered IGs, 5 submitted weekly reports by 15 September 2020: Renato Usatii IG (PN), Andrei Nastase IG (PPPDA), Maia Sandu IG (PAS), Violeta Ivanov IG (PPS) and Octavian Ticu IG (PUN). The last two submitted reports with '0' revenue and expenditure; two initiative groups – Andrian Candu IG (PRO-MOLDOVA) and Dorin Chirtoaca IG (BE UNIREA) – submitted each a statement stipulating that they were not going to open a bank account and to incur expenses.

According to the reports submitted to CEC, the amount of revenue and expenditure declared by the registered IGs, for 2-11 September 2020, was MDL 1,341,255. Promo-LEX OM noted that their main sources of funding were donations in commodities and services (75%), followed by donations from the party account to the IG account (17%) and donations from individuals (8%). Promo-LEX OM believes that the reflection of in-kind donations in the IG reports is a good development, but emphasises the need to include the financial values in the turnover of funds in the balance sheet.

According to Promo-LEX estimates, no IG reported expenses for signature collectors. What is more, 9 IGs did not report all expenses incurred during 2-11 September 2020 for per diem to signature collectors, transportation of people and advertising. These are Andrei Nastase IG (PPPDA), Igor Dodon IG (IC), Octavian Ticu IG (PUN), Renato Usatii IG (PN), Violeta Ivanov IG (PPS), Andrian Candu IG (PRO MOLDOVA), Tudor Deliu IG (PLDM), Dorin Chirtoaca IG (BE UNIREA), Maia Sandu IG (PAS). The total unreported expenses are estimated to amount to at least MDL 735,021.

8.1. Regulatory framework

The Regulation on Funding Initiative Groups On 3 September 2020, CEC approved a new Regulation⁶⁵ on Funding Initiative Groups for Signatures Collection in Support of a Candidate for an elective position or to initiate a referendum. Promo-LEX believes that approving the new Regulation, which is adjusted to the existing electoral legislation, was necessary, but delayed.

General ceiling for funds that can be transferred to 'Intended for the initiative group' and 'Electoral Fund' accounts For the initiative groups, CEC set the income accumulation threshold to about MDL 1 million⁶⁶, and for the electoral contenders - to MDL 18.93 million⁶⁷. Promo-LEX OM found that the Schedule was observed in terms of approving the income ceilings, and that they were set using the formula stated in the legislation in force.

Interest-free loans for election contenders. CEC established the interest-free loan for election contenders in the amount of MDL 50,000⁶⁸. At the same time, CEC decided that the Ministry of

⁶⁵ [Regulation](#) approved by the Decision of the Central Electoral Commission No 4176 of 3 September 2020.

⁶⁶ [CEC Decision No 4152](#) establishing the general ceiling for funds that can be transferred to 'Intended for the initiative group' account. Thus, on 1 September 2020, CEC established the general ceiling for the funds that can be transferred to 'Intended for the initiative group' account, set up to collect signatures in support of the candidate for the office of President of the Republic of Moldova in the presidential elections of 1 November 2020 in the amount of around MDL 1 million.

⁶⁷ [CEC Decision No 4153](#) establishing the general ceiling for funds that can be transferred to 'Intended for the initiative group' and 'Electoral Fund' accounts of election contenders for the presidential elections of 1 November 2020. Thus, on 1 September 2020, CEC set the general ceiling for the funds that can be transferred to 'Electoral Fund' account of election contenders for the presidential elections of 1 November 2020 in the amount of about MDL 18.93 million.

⁶⁸ [CEC Decision No 4154](#) on establishing the amount of interest-free credit granted to election contenders in the elections for the office of the President of the Republic of Moldova of 1 November 2020. According to Article 40(3) of the Electoral

Finance would draft and approve by the beginning of the election campaign a Regulation on how to grant interest-free loans to election contenders for the purposes of conducting the election campaign for the presidential elections of 1 November 2020.

8.2. Opening bank accounts and appointing treasurers

According to data published on the official site of CEC, Promo-LEX OM notes that by 15 September 2020, of the 13 IGs registered, 9 confirmed the treasurers at CEC (Renato Usatii IG (PN), Andrei Nastase IG (PPPDA), Maia Sandu IG (PAS), Octavian Ticu IG (PUN), Igor Dodon IG (IC), Violeta Ivanov IG (PPS), Ion Costas IG (IC), Constantin Oboroc IG (IC), Alexandr Kalinin IG (IC)). Only 2 IGs (Renato Usatii (PN), Maia Sandu (PAS)) opened 'Intended for the initiative group' account and only one group (Renato Usatii IG (PN)) complied with the legal provision to submit the initial financial report, at three days after opening the 'Electoral Fund' account, as provided by Article 43(1) of the Electoral Code.

8.3. Financial reporting of initiative groups to Central Electoral Commission

According to the information published on the official website of CEC, between 2 and 15 September 2020, 5 IGs submitted weekly reports: Renato Usatii IG (PN), Andrei Nastase IG (PPPDA), Maia Sandu IG (PAS), Violeta Ivanov IG (PPS), Octavian Ticu IG (PUN). Two initiative groups – Andrian Candu IG (PRO MOLDOVA) and Dorin Chirtoaca IG (BE UNIREA) – submitted each a statement stipulating that they were not going to open a bank account and to incur expenses. Violeta Ivanov IG (PPS), Octavian Ticu IG (PUN) submitted reports with '0' revenue and expenditure.

Promo-LEX OM noted that on 3 September 2020, Andrei Nastase IG (PPPDA) submitted to CEC a statement⁶⁹ stipulating that he was not going to open a bank account and to incur expenses for signatures collection. However, on 4 and 10 September⁷⁰ he submitted financial reports with information on donations in commodities offered by the party members.

Promo-LEX OM notes that Renato Usatii IG (PN) drafted erroneously the report⁷¹, the amounts indicated not reflecting the actual situation. For example, the total income – MDL 111,412.50 is less than the total money received from donations of individuals in the country – MDL 463,668, or, this is a situation of intangibility⁷².

8.4. Initiative groups' revenues and expenses reflected in financial reports

8.4.1. Revenues and expenses

According to the reports submitted to CEC, the amount of revenue and expenditure declared by 3 registered IGs, for 2-11 September 2020, was MDL 1,341,255. This amount also included donations in commodities, objects, works or services – estimated by the IG and reflected in the annex to the report 'Donations in commodities'. Promo-LEX OM notes for the first time such high values for revenues from in-kind donations and that this source of IG revenue becomes the main source of funding IGs.

Code, loans received from the state shall be paid fully or partially by the state depending on the total number of accumulated votes, provided that the contender obtained over 3% of the votes cast.

⁶⁹ [The statement](#) of Andrei Nastase IG (PPPDA) on not opening a bank account and not incurring expenses during signatures collection.

⁷⁰ [The statement](#) of Andrei Nastase IG (PPPDA) on recognizing donations in commodities.

⁷¹ [Renato Usatii IG Report \(PN\)](#).

⁷² *Intangibility* means that the balance sheet total at the beginning of the current reporting period must correspond to the balance sheet total at the end of the previous reporting period.

Thus, Renato Usatii IG (PN) reported revenue and expenses of MDL 111,412.50 and donations in commodities and services of MDL 13,435; Maia Sandu IG (PAS) – revenue of MDL 233,800, expenses of MDL 233,084.50 and donations in commodities and services of MDL 53,847; Andrei Nastase IG (PPPDA), Violeta Ivanov IG (PPS) and Octavian Ticu IG (PUN) reported only revenues and expenses from in-kind donations estimated at MDL 1,003,742 (Chart 3. IG Revenues).

6.3.2. Sources of funding

Promo-LEX OM noted that between 2 and 11 September the main sources of funding IGs were donations in commodities and services (75%), followed by donations from the party account to the IG account (17%) and donations from individuals (8%). Thus, by 11 September 2020, the initiative groups reported:

- financial donations of 25 individuals amounting to MDL 111,413 for Renato Usatii IG (PN);
- transfer of own funds from the current account of a political party (PAS) for Maia Sandu IG totalling MDL 233,800;
- in-kind donations totalling MDL 1,003,742 for three IGs⁷³ (Andrei Nastase (PPPDA), Maia Sandu (PAS), Renato Usatii (PN), Violeta Ivanov (PPS), Octavian Ticu (PUN)) (Chart 4. Funding Sources).

Chart 3

Initiative Groups' Revenues

for 2-11 September 2020, MDL

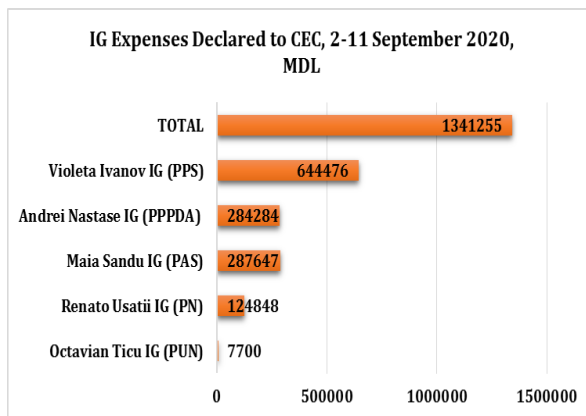
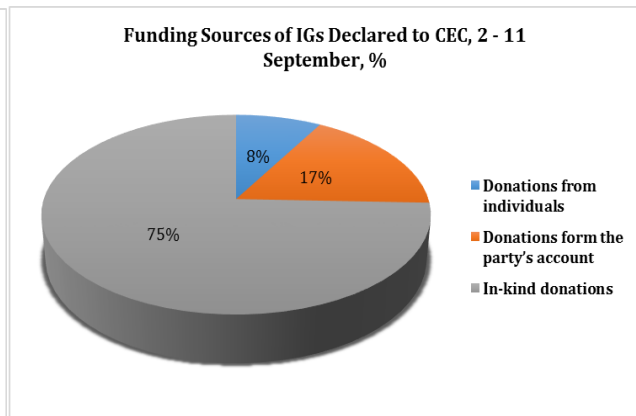


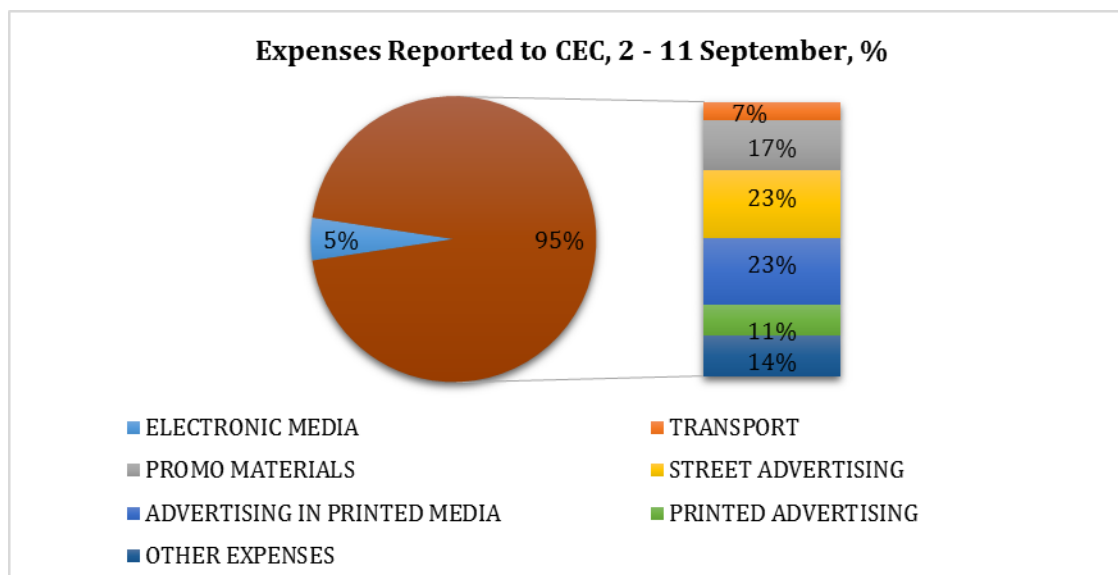
Chart 4. Funding Sources of IGs, %



⁷³ The in-kind donations are not included in the balance sheet of the financial report, in the funds turnover sections.

As regards the expenses reported to CEC for 2-11 September, the largest share of expenses was for print media advertising (PPS – 23%) and outdoor advertising (Maia Sandu IG (PAS), Andrei Nastase IG (PPPDA), Octavian Ticu IG (PUN) – 23%); promotional materials expenses accounted for 17% in the case of Maia Sandu IG (PAS), Andrei Nastase IG (PPPDA); print advertising expenses – 11% (Violeta Ivanov IG (PPS)), transportation expenses – 7% (Renato Usatii IG (PN), Maia Sandu IG (PAS)), expenses for electronic media/internet – 5% (Renato Usatii IG (PN), Maia Sandu IG (PAS)) and other expenses – 14% (Violeta Ivanov IG (PPS), Octavian Ticu IG (PUN), Maia Sandu IG (PAS)). (Chart 5. IG Expenses Reported to CEC

Chart 5. IG Expenses Reported to CEC for 2-11 September 2020, %



Data obtained from the reports submitted to CEC

8.5. Initiative groups' expenses found by Promo-LEX observers, but which are not reflected in the financial statements

a) Advertising expenses⁷⁴

To estimate the costs for promotional materials, the number of each type of promotional materials, reported by the Promo-LEX observers, was multiplied by the minimum market prices. According to our checks, the estimated minimal monthly price per 1 piece of A3 glossy paper poster is MDL 3.0 for a print run of 50,000 copies; 1 piece of A3 colour glossy paper calendar – MDL 3.5 for the same print run; 1 piece of A4 matte paper poster – MDL 1 for a print run of 50,000 copies; 1 piece of A3 newspaper – MDL 3.5 for a print run of 50,000 copies, MDL 1.5 for a print run of 200,000; 1 piece of 21x20cm² flyer – MDL 3; 1 piece of 15x20 cm² flyer for a print run of 300,000 copies – MDL 1.5; 1 piece of 10x12 cm² flyer for a print run of 50,000 copies – MDL 3; 1 paperboard greeting card of 21x10 cm² – MDL 3 for a print run of 700,000 print run; 1 magnet with message and logo – MDL 7.

a. 1) Electronic media

comprises the expenses for placing advertising on websites, politicians' profiles on social media, public institutions, political parties and party members, election contenders, etc.

During the reference period (2-11 September 2020), Promo-LEX OM observers reported sponsored advertising for Renato Usatii IG (PN) on at least one public page on Facebook (FB) with alt least 90 sponsored posts⁷⁵. As regarding Maia Sandu IG (PAS), Promo-LEX OM observers reported at least 30 sponsored posts for this IG, form at least 4 FB public pages⁷⁶.

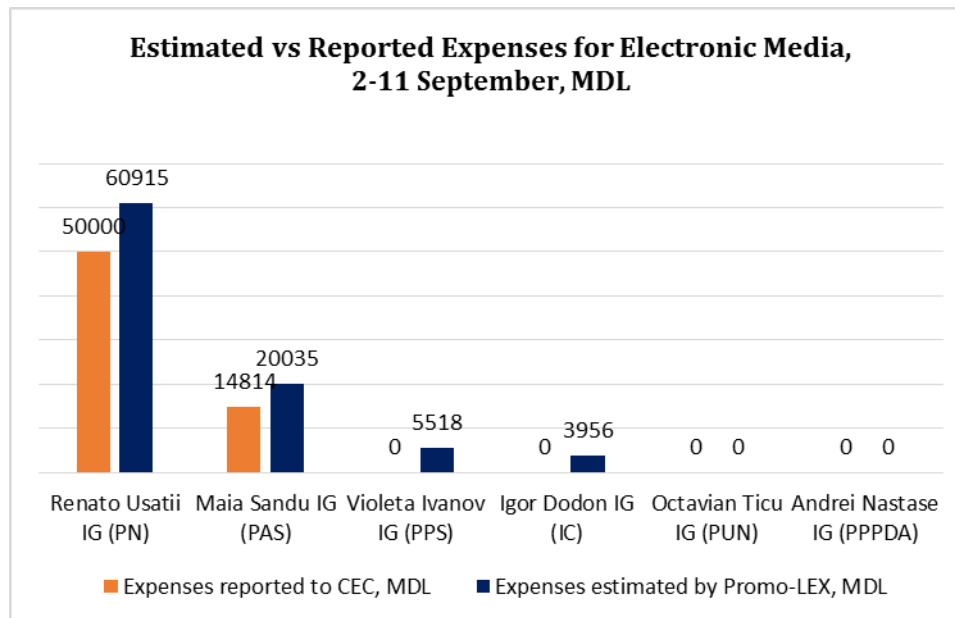
⁷⁴Promo-LEX OM does not monitor the TV advertising.

⁷⁵ Sponsored advertising on a public page for Renato Usatii IG (PN), [Усатый Ренато-Renato Usatii](#).

⁷⁶ Sponsored advertising on 4 public pages for Maia Sandu IG (PAS): [Maia Sandu, PAS, Partidul Actiune și Solidaritate](#).

The observers reported at least 10 public pages with 15 sponsored posts for Violeta Ivanov IG (PPS) on FB⁷⁷. As regards Igor Dodon IG (IC), Promo-LEX OM observers reported at least 7 sponsored posts for this IG on *Odnoklassniki* social network. Promo-LEX OM estimated an amount of at least MDL 25,610 of unreported expenses during the reference period for 4 IG: Renato Usatii IG (PN) – MDL 10,915, Maia Sandu IG (PAS) – MDL 5,221, Violeta Ivanov IG (PPS) – MDL 5,518, Igor Dodon IG (IC) – MDL 3,956.

Chart 6



a 2) Print media

comprises the expenses for placing the advertising in newspapers and magazines.

During the reference period, observers reported an insignificant number of articles and these findings will be cumulated for the final report.

a 3) Expenses for promotional materials and print-outs

comprise the expenses for the design of the advertising, which include the preparation, layout, design, translation, and production of promotional advertising – designing and printing the leaflets, designing the printed advertising in form of posters, leaflets, calendars, etc.

During the reference period, as regards Igor Dodon IG (IC), Promo-LEX OM observers reported print advertising in the form of newspapers paid from the ‘for IG’ account⁷⁸ and newspapers that were not paid from this account⁷⁹, leaflets⁸⁰ and flyers without any data about the printing house. With respect to Andrei Nastase IG (PPPDA), the observers reported A4 flyers⁸¹, A3 posters without data about the printing house — none of these paid from the ‘for IG’ account. As for Maia Sandu IG (PAS), Promo-LEX OM observers reported A4 posters and leaflets paid from the ‘for IG’ account⁸². As

Mihai Popsoi.

⁷⁷ Sponsored advertising on 10 public pages for Violeta Ivanov IG (PPS): [Violeta Ivanov](#), [Ilan Sor](#), [Sor Party](#), Taraclia PPS TO, Drochia PPS TO, Briceni PPS TO, Edinet PPS TO, Telenesti PPS TO, Donduseni PPS TO, Cantemir PPS TO, Glodeni PPS TO.

⁷⁸ The newspaper ‘Igor Dodon, the Responsible President’, 8 coloured pages, A3 format, paid from the fund of the initiative group, according to Invoice No 35 of 11 September 2020, ‘Edit Tipar Grup’ SRL, order 867 of 11 September 2020, print run 65,000 copies (Russian); order 866 of 11 September 2020, print run 55,000 copies (Romanian)

⁷⁹ Newspapers of 8 pages, printed at the printing house ‘Edit Tipar Grup’ SRL, order No 728, print run 33,000 copies, party newspapers – order No 814, printing house ‘Edit Tipar Grup’ SRL, Chisinau municipality, 4, Feredeului St, print run 45,000 copies

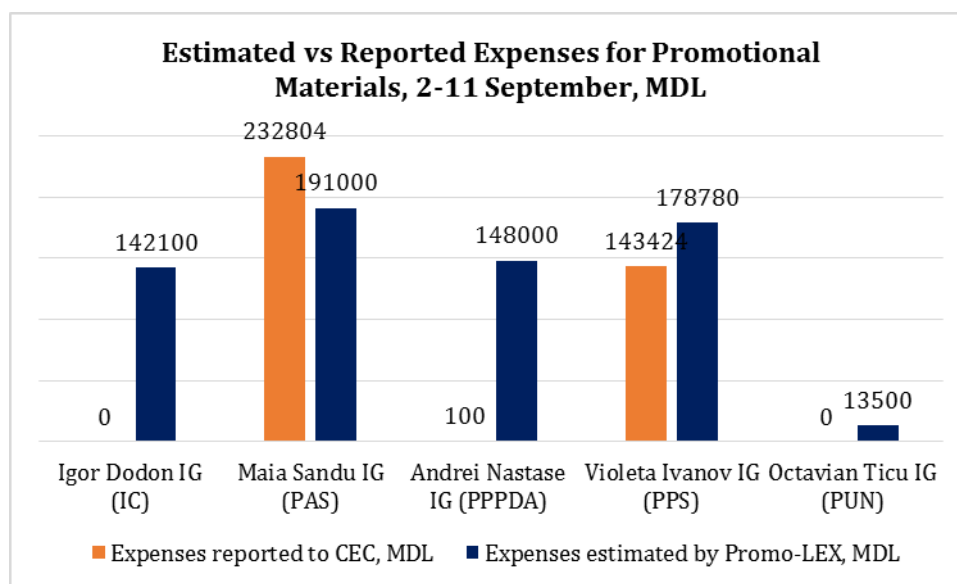
⁸⁰ printing house ‘Arva Color’ SRL, order No 2369, print run 1,000 copies.

⁸¹ Leaflets printed at ‘Aviprint Prim’, print run 100,000 copies (Romanian).

⁸² Posters printed at ‘Policolor’ printing house, print run 300,000 copies of 3 September 2020 and A4 leaflets, ‘Policolor’ printing house, order of 3 September 2020, print run 75,000 – all paid from the fund of the initiative group supporting Maia Sandu as a presidential nominee in the Moldova presidential election.

regards Violeta Ivanov IG (PPS), Promo-LEX OM observers reported party newspapers⁸³. In case of Octavian Ticu IG (PUN) and Renato Usatii IG (PN), Promo-LEX OM observers reported print materials (newspapers) that were issued before the election period started. As regards the promotional materials, Promo-LEX OM observers reported t-shirts, caps, vests, flags given away to signature collectors of Octavian Ticu IG (PUN) and Maia Sandu IG (PAS), with candidate support messages printed on them. The total estimated unreported expenses amount to MDL 338,856. Igor Dodon IG (IC) – MDL 142,100; Andrei Nastase IG (PPPDA) – MDL 147,900; Violeta Ivanov IG (PPS) – MDL 35,356; Octavian Ticu IG (PUN) – MDL 13,500 (Chart 7).

Chart 7



a 4) Mobile and outdoor advertising

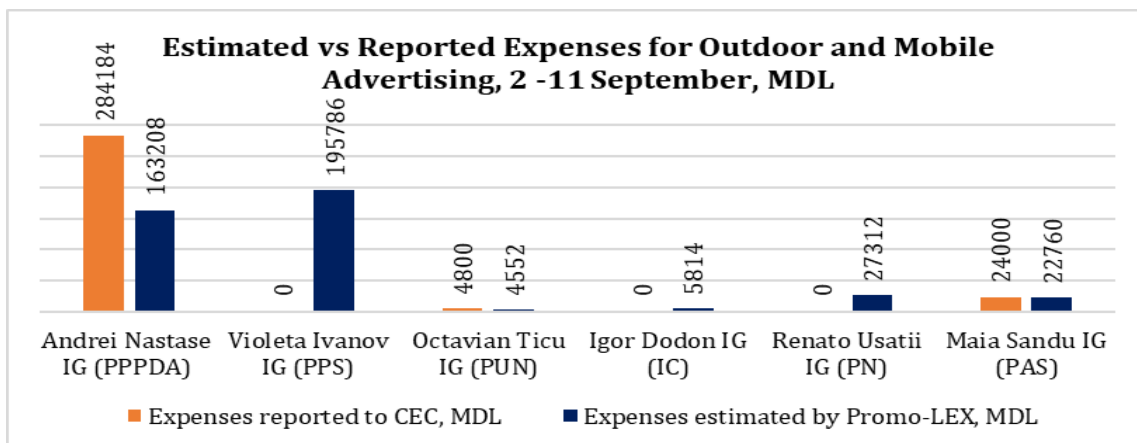
comprises the expenses for the design of outdoor advertising, which include the preparation, layout, design, translation, installation, space location, and production of advertising.

To estimate the expenses for the street billboards, the market value of prices for different panel models was checked. This, the minimum monthly fee to place a street billboard of 6x3m² is at least MDL 6,922, a street billboard of 9x12 m² – MDL 10,100, a LED billboard - MDL 7,911, a street billboard of 2x4m² – at least MDL 4 944, a banner of 1.5X2 m² – at least MDL 1,978, a wall banner for tent – MDL 569.

During the reference period, Promo-LEX OM reported outdoor advertising placed by 6 IGs: Renato Usatii (PN), Maia Sandu (PAS), Andrei Nastase (PPPDA), Violeta Ivanov (PPS), Octavian Ticu (PUN), Igor Dodon (IC). Out of 6 IGs, only 3 IGs reported expenses to CEC that are aligned with the mission's estimates. The mission estimated an amount of at least MDL 228,912 of unreported expenses of: Renato Usatii (PN) – MDL 27,312, Violeta Ivanov (PPS) – MDL 195,786, Igor Dodon (CI) – MDL 5,814 (Chart 8).

⁸³ Newspapers printed by 'Edit Tipar Grup', order No 762, print run 255,400 copies.

Chart 8

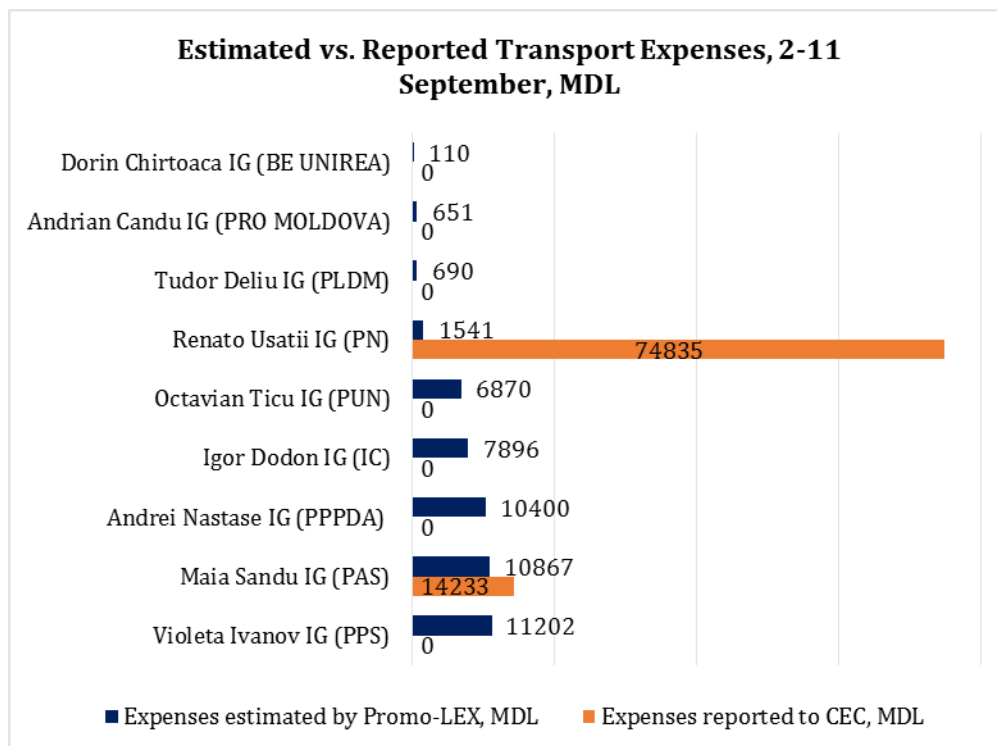


b) Transport-related expenses

To estimate the cost of trips inside the country, we multiplied the consumption average of 10 l / 100 km (car), 11 l / 100 km (minibus), 35 l / 100 km (bus) by the distance travelled and the price of fuel of MDL 15.55.

Promo-LEX OM estimated an amount of at least MDL 37,819 of unreported expenses for trips inside the country during the reference period for 7 IGs: Violeta Ivanov (PPS) – MDL 11,202, Andrei Nastase (PPDA) – MDL 10,400, Igor Dodon (CI) – MDL 7,896, Octavian Ticu (PUN) – MDL 6 870, Tudor Deliu IG (PLDM) – MDL 690, Andrian Candu (PRO MOLDOVA) – MDL 651, Dorin Chirtoacă (BE UNIREA) – MDL 110 (Chart 9).

Chart 9



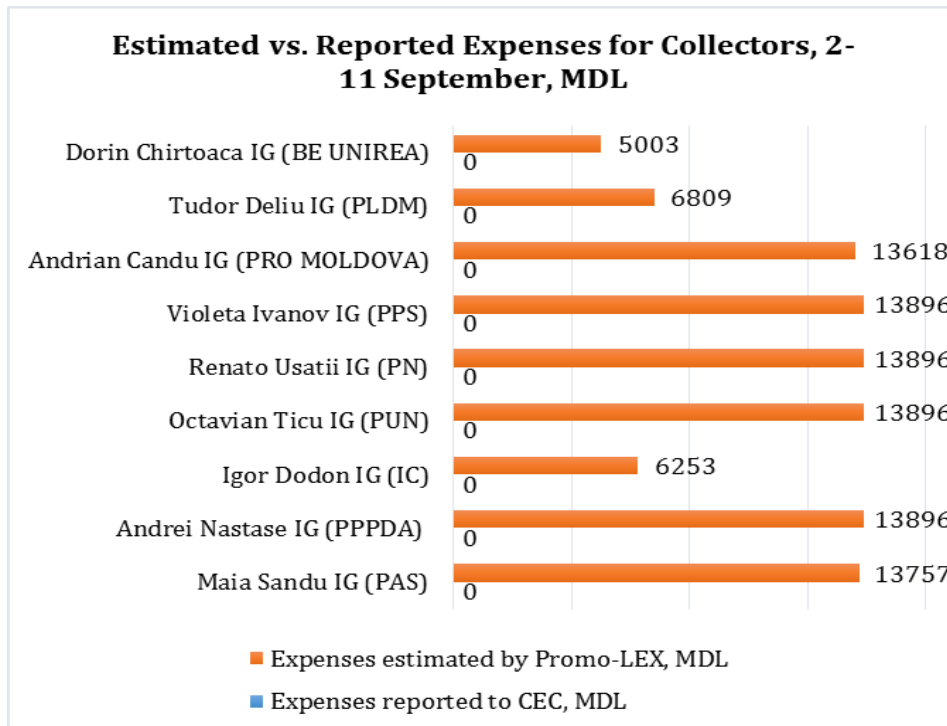
c) Expenses for delegating/seconding persons

The expenses for delegation of signature collectors were calculated on the basis of the minimum wage guaranteed in the real sector for 2020⁸⁴. Thus, the estimates were obtained by multiplying the number of collectors with 8 working hours per day and with the cost per hour (MDL 17.37), taking into account that each collector worked at least one day. Only the collectors from the IGs that were observed by Promo-LEX OM were taken into account. No IG reported to CEC expenses for the delegation of collectors. Moreover, no IG reported their signed declarations of volunteering. Promo-LEX OM estimated at least MDL 101.024 for the work of collectors (Chart 10).

Table 13. Data on the number of collectors

Initiative groups monitored in the field	No of collectors
Maia Sandu IG (PAS)	99
Andrei Nastase IG (PPPDA)	100
Igor Dodon IG (CI)	45
Octavian Ticu IG (PUN)	100
Renato Usatii IG (PN)	100
Violeta Ivanov IG (PPS)	100
Andrian Candu IG (PRO MOLDOVA)	98
Tudor Deliu IG (PLDM)	49
Dorin Chirtoaca IG (BE UNIREA)	36

Chart 10

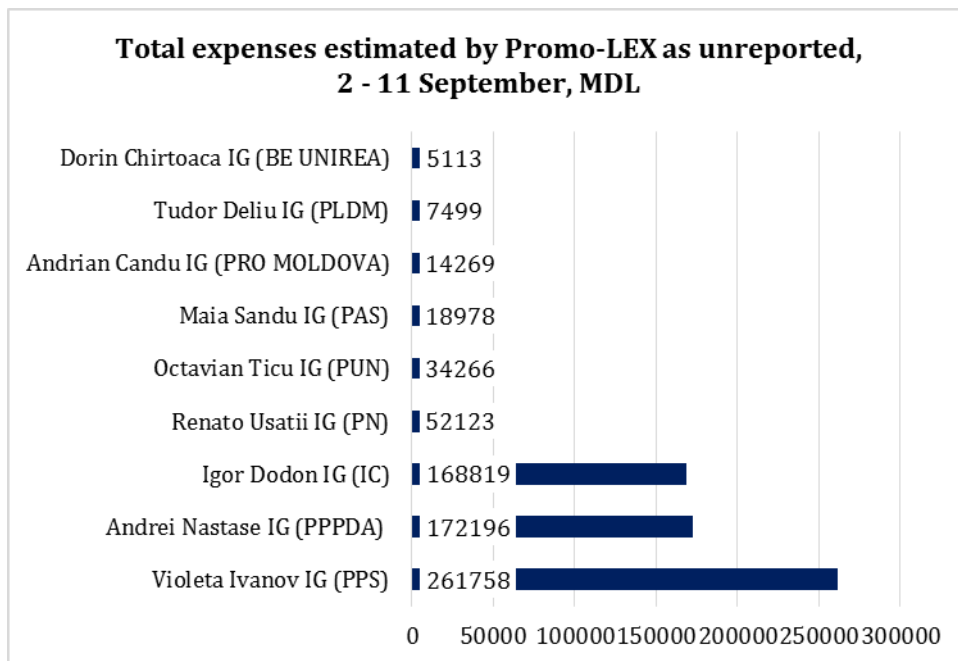


Promo-LEX OM states that 9 IGs did not report all expenses incurred during 2-11 September 2020 for per diem to signature collectors, transport and advertising. These are Andrei Nastase IG (PPPDA), Igor Dodon IG (IC), Octavian Ticu IG (PUN), Renato Usatii IG (PN), Violeta Ivanov IG (PPS),

⁸⁴ [The minimum guaranteed salary in the real sector in 2020](#) amounts to MDL 2,935 per month or MDL 17.37 per hour.

Andrian Candu IG (PRO MOLDOVA), Tudor Deliu IG (PLDM), Dorin Chirtoaca IG (BE UNIREA), Maia Sandu IG (PAS). The total amount of unreported expenses is estimated to at least MDL 735,021.(Chart 11).

Chart 11



IX. HATE SPEECH AND INCITEMENT TO DISCRIMINATION

Between 1 and 11 September 2020, at least two cases of presidential candidates using hate speech and incitement to discrimination in the public space were identified. Both cases involved Renato Usatii (PN).

At least 9 cases of nominated candidates affected by hate speeches or incitement to discrimination were also reported. Thus, Igor Dodon (IC) was targeted in 4 such cases, Maia Sandu (PAS) – in 3 cases, and (PPPDA) and Renato Usatii (PN) – in one case each. Hate and discriminatory messages built on the following criteria: disability, sex/gender, health status, age, professional activity and political affiliation.

9.1. Candidates who used hate speech or incitement to discrimination

During the monitoring period, at least three situations were registered when one of the election candidates used hate speech and incitement to discrimination, thus perpetuating the intolerance in the society based on discrimination, denigration, threat, incitement to violence and other forms of promoting stereotypes and preconceptions in the public space.

Thus, Renato Usatii (PN) made several statements about his political opponents and their supporters, which most of the times targeted the nominated candidate Igor Dodon (IC):

10.09.2020/Message on his Facebook page

'If Dodon tries to steal votes, to buy votes, to organise other interventions that imply lying to people of the Republic of Moldova, to use the difficulties encountered by people, especially those from rural areas, I will not only participate in the protest on 2 November, the next day after the election day, but I promise, dear citizens, that I will stand in front of you and if it is necessary, we will beat the living daylight out of him if he allows himself to somehow put his hands on this country in Plahotniuc style... just like the mentor of Dodon.'

02.09.2020/Talk show 'Secretele puterii' [The Secrets of the Power], Jurnal TV

'If in that little head of Dodon who happens to be a bit of a doctor, a bit of a patient, a bit of a traveller, pops up the idea to somehow simplify and get us out of the elections...'

'My head is OK, compared to Dodon. Like I said, the head temperature of turkeys is 41 degrees and that is why Dodon makes a lot of mistakes, while my average body temperature is... 36.6 degrees.'

In the cases that were identified, Renato Usatii, on the one side, tries to denigrate his counter-candidate, Igor Dodon, and associates him, by using the phrases 'his little head of a little bit of a doctor, a little bit of a patient', with people with mental disabilities. On the other side, Renato Usatii uses the phrase 'turkey' in order to dehumanize his political opponent. At the same time, certain messages of Renato Usatii can be classified as being aggressive as they instigate to violence against his political opponent, which take the form of a threat but also seem to be an indirect invitation for his supporters: 'if it is necessary, we will beat the living daylight out of him'.

9.2. Candidates who were the target of hate speech or incitement to discrimination

According to the data provided by the experts involved in the process of monitoring the hate speech, at least 9 situations were registered when the election contenders involved in the presidential election and the representatives of political parties and/or the supporters of election candidates were the target of public speeches that incited to discrimination or violence, denigrated and used stereotypes and preconceptions.

05.09.2020/Feodor Ghelici

On 5 September 2020, the civic activist Fiodor Ghelici, during the online talk show 'СУББОТА С ГЕЛИЧЕМ' [SATURDAY WITH GHELICI], said the following about the supporters of Renato Usatii (PN) and implicitly, the candidate himself, during a meeting with him:

'I have been listening with attention not only Usatii, but all the politicians, because I need first-hand information. And there he is, Usatii makes an announcement in Balti, organises an open-air press conference, not to mention the distancing, all this... I won't comment on it. I listened to him attentively and here is this sentence: 'If I betray you, I will give one liter of gasoline to each of you and I will allow you to fire my house, my car'. The things he said, I understand what politics is, what political strategy is, but there was something else that jumped way out at me, people that were standing there, listening to him... (he imitates the supporters who shout 'Bravo' and applaud) This is a madhouse. This is insane.'

The message of the civic activist incites to discrimination both against the supporters of candidate Renato Usatii and against persons with mental disabilities by using preconceived ideas.

01-08.09.2020/Facebook page JOS DODON [DOWN WITH DODON]

It must be mentioned that during the election period, fake Facebook accounts are used in order to denigrate, ridicule and sometimes to incite to discrimination and violence. For example, on 1 September and 8 September, two images were published on the Facebook page JOS DODON. The first image represents Igor Dodon as a woman who attends the show 'Поле чудес' [Field of Dreams]. The second image represents Igor Dodon near Zinaida Greceanii and Ion Chicu accompanied by the message 'Two morons are force, three morons are power'.

Both messages are aimed at discriminating the nominated candidate Igor Dodon (IC) and his supporters. Thus, gender prejudices and prejudices against people with mental disabilities are used, thus increasing intolerance in the society.

07.09.2020/Stefan Secareanu

On 7 September 2020, the former MP, Stefan Secareanu, wrote on his Facebook page about candidate Andrei Nastase (PPPDA):

'Everyone knew he was going to lose the elections in Chisinau and no one, but absolutely no one of those who supported and encouraged him to run for elections, and first of all Maia, wanted to stop the idiot! And he lost the capital city! In fact, he didn't lose it. We, those who voted for him, voted for that insane, we lost it!'

Associating Andrei Nastase with people with mental disabilities denigrates and ridicules him. At the same time, such statements affect people and spread preconceived ideas in the society, which result in more intolerance against this social group.

In the same message about the political activity of candidate Maia Sandu, Stefan Secareanu said:

'This is how Maia is acting now, before the presidential elections, after ignoring all the calls to be part of a team and nominate a joint candidate for the pro-Romanian and pro-European electorate in order to win against Dodon in these elections, another candidate than she! After lying in the same bed with Kozak in order to govern with Dodon, are you the one who teaches us how to get rid of this bastard?'

This message denigrates the appointed candidate Maia Sandu (PAS) by using gender stereotypes that women have less skills to get involved in the political life.

09.09.2020/Bogdan Tirdea

On 9 September 2020, the PSRM MP, Bogdan Tirdea, wrote on his Facebook page about the candidate Maia Sandu (PAS):

'As regards paying respect to fathers and mothers – this is a whole another conversation. The entire network of Soros and all the globalists promote the concept of 'parent No 1' and 'parent no 2', thus forcing out the concept of 'mother' and 'father'. Everything is done with one purpose – promotion of LGBT principles. You will never know who is the father and who is the mother of an adopted child in LGBT families. This is why they introduced the concept 'parents'. The same can be said about Sandu and family. No, we are not speaking about the fact that she doesn't have a family – don't get us wrong. This is not our business. We are speaking about the fact that during the 2016 elections she was supported by the Soros NGO GenderDoc-M, a defender of LGBT rights.'

The message of MP Tirdea denigrates the candidate Maia Sandu, on the one hand, by associating her with the prejudices against LGBT people, and, on the other hand, by using gender stereotypes – the fact that she is not married and has no children.

At the same time, the message of Bogdan Tirdea calls on the social fear fueled by the conspiracy theories regarding the involvement of businessman George Soros in actions aimed to destroy the values of the traditional family. The association of candidate Maia Sandu with this businessman does nothing else than making her look bad.

11.09.2020/Alecu Renita and Feodor Ghelici

On 11 September 2020, Alecu Renita, journalist and former MP in the first Parliament, in the context of a visit of the nominated candidate Igor Dodon (IC) in an education institution when he was pictured together with students without a protection mask, wrote in an article the phrase 'The pedophile without mask', which was published in *Ziarul National* [National Newspaper].

'Why do parents and teaches stay quiet, why didn't people from Sofia chase away this insane person?'

'Seeing the picture of that crazy man in front of the class, I remembered an episode from the end of the past century when in Chisinau, several pedophiles scared al lot the parents after they strangulated two students.'

'Isn't it a shame what the Moldovan society has come to, if parents and teachers allow a madman to enter schools and lyceums without protection mask, to risk infecting teachers, students and their families?'

'Shut the door in his face and treat him like a pedophile who endangers the health, integrity and dignity of your children!'

The article written by Alecu Renita, on the other hand, denigrates candidate Igor Dodon (IC) by using the words 'crazy', 'madman', 'pedophile', and on the other hand, incites to discrimination by calling on parents and teachers to treat him 'like a pedophile'. In this situation, the terms 'crazy' and 'mad' affect not only the election candidate, but also the people with disabilities and spread preconceptions against this social group.

In the same context, on the same day, Feodor Ghelici, civic activist, said the following in a message on his personal Facebook page:

'Look at you (Igor Dodon), are already old, you look sick. I am 100% sure that you are carrying the Coronavirus.'

'You have nothing of a man in you, I'm telling you this like a man to man.'

This message also uses gender stereotypes and incites to discrimination based on age and health status. Thus, the civic activist's statement denigrates Igor Dodon.

11.09.2020/*Комсомольская правда [Komsomolskaya Pravda]*

On 11 September 2020, an article entitled 'Evgenii Sobor: the Right-Wing Parties Have Bad Test Results' was published in the newspaper *Komsomolskaya Pravda*, the author of which wrote about the electoral objectives of the nominated candidate Maia Sandu (PAS):

'Her intermediate goal is to create a right-wing bloc during the second round of elections, and this seems to be the action of an impotent who is not able to reach their goals on their own. Not even ten impotents will be able to do what a real man can do on his own.'

The denigration of candidate Maia Sandu (PAS) by using terms with sexual connotation in association with her political life and by using gender preconceptions in order to ridicule her are in fact, a sexist speech and promote the perception that women lack leadership skills and that the political field is exclusively for men.

X. ELECTORAL EDUCATION AND AWARENESS

CICDE and CEC conducted both trainings (for electoral officials of level-two ECC and judges) and awareness-raising activities (on-line events, periodicals, video materials, didactic materials etc.) regarding presidential election preparations and the specifics of elections amidst the pandemic. Awareness-raising puts a separate focus on citizens that are going to vote abroad on election day. However, we note that a complex awareness-raising campaign for voters residents on the left side of Nistru River was not conducted.

Training and awareness-raising activities, organised by CEC and CICDE

Training activities. During the monitored period, CEC and the Centre for Continuous Electoral Training (CICDE) organised online trainings that, on the one hand, were intended for electoral officials from level-two ECC, and on the other hand, for judges that could be involved in the elections.

During the reference period, CICDE developed the Handbook for members of initiative groups supporting candidates for President of the Republic of Moldova. The material comprises practical recommendations on how to establish initiative groups, describes the responsibilities of a signature collector and the procedure of collecting signatures to support election candidates, and contains useful information on how to collect signatures in a way that minimises the spread of COVID-19 infection.

Information activities. On 8 September, CICDE together with CEC launched the Call Center for the Presidential Elections of 1 November 2020. The mission of the Call Centre is to provide information and support about the electoral proceedings to all stakeholders: voters, electoral officials, representatives of election contenders, representatives of local public authorities.

As regards informing voters from the Diaspora about the preparation of the presidential elections and about the opening of polling stations abroad, the electoral authority participated in a round table organised on 8 September entitled: 'Organizing the electoral process in the diaspora – Presidential elections 2020: Opening polling stations outside the Republic of Moldova'. Also, CICDE developed and launched a video material, informing about the ways and possibilities to involve in elections citizens of the Republic of Moldova who live abroad and namely: pre-registration, registration for courses to become an electoral official and encourage people to vote on the day of the presidential elections.

CEC page continues to upload information about voters' possibility to vote at the place where they live, the stages of pre-registration and the deadline – 16 September 2020, election contenders registered in the electoral race.

To have an in-depth understanding of the organization and conduct of elections, on 10 September 2020, CEC launched the election dictionary, which sets the difference between the significance of the most confusing terms and notions in the electoral field.

On 15 September, CICDE started the information and civic education campaign entitled 'Archi's Path to Elections', which will take place during 15 September – 1 November 2020. As part of the information and civic education campaign, CICDE urges voters to vote responsibly and safely. Also, CICDE launched the third edition of comics – 'Archi votes during the pandemic', which will be disseminated in schools from 50 localities throughout the country.

Promo-LEX OM found that CEC does not have a comprehensive information campaign for voters from the left bank of Nistru River in the context of presidential elections.

RECOMMENDATIONS

To the Parliament of the Republic of Moldova:

1. Amend the notion of 'election contender' in case of presidential elections by adding the phrase 'political parties, socio-political organisations and electoral blocs that nominated them'.
2. Amend the Electoral Code in order to relieve of duty the nominated candidates once the signature sheets are issued.
3. Review Article 46(2)(a) of the Electoral Code concerning the nomination of the candidates for elections by parties and other socio-political organisations registered before the day when the election day was established.
4. Regulate in the Electoral Code the measures that should be taken to ensure equal opportunities for all contenders in the presidential election, if the incumbent president is running for another term in office.
5. A strict and interpretation-free regulation of the status of a political party as a 'voluntary association with status of legal entity', in relation to other types of legal entities, in the context of aspects related to political/electoral financing.

To the Central Electoral Commission:

6. Settle the problem regarding the need and timeliness to establish the Municipal Electoral Constituency Council No 3, Bender.
7. Revoke the CEC Circular No 8/2796 in order to not allow any improper interference with the organisation and conduct of the presidential elections.
8. Amend the Regulation on the Status and Accreditation of Observers and introduce the possibility to accredit national observers in the polling stations established abroad, on the basis of the identity card.
9. Comply with the electoral legislation and the obligation to receive the financial statements of political parties that plan to donate into 'Electoral Fund' account at the beginning of the election campaign.
10. Record the donation in commodities and services in the balance sheet on the funding of the election campaign.

ABBREVIATIONS

para. – paragraph
LPA - Local Public Authorities
Art. – Article
PSA – Public Services Agency
EOPS – Electoral Office of the Polling Station
BE Unirea – UNIREA Electoral Bloc
NBS – National Bureau of Statistics
twp. – township
CEC – Central Election Commission
ECC – level-two Electoral Constituency Council
IC - independent candidate
CICDE - Ongoing Training Centre on Electoral Matters
NEPHC - National Extraordinary Public Health Commission
let. – Letter
OM – Observation Mission
mun. – Municipality
No - number
t. - town
OSCE – Organization for Security and Cooperation in Europe
OSCE/ODIHR – OSCE Office for Democratic Institutions and Human Rights
LTO - Long Term Observer
STO - Short-Term Observer
PACE – Building Europe at Home Political Party ‘PACE’
PAS – Action and Solidarity Political Party
p. – Item
PDM – Democratic Party of Moldova
PLDM – Liberal Democratic Party of Moldova
PN – Our Party
POM - People’s Labour Party Political Party
PPPDA – Dignity and Truth Platform Political Party
PPS – Sor Political Party
Pro Moldova – PRO MOLDOVA Political Party
PRM - Party of the Regions from Moldova
PSRM – ‘Party of the Socialists from the Republic of Moldova’ Political Party
PUN – National Unity Party
REO – Registry of Electoral Officials
SRV – State Registry of Voters
SRP – State Register of Population
v. - village
PS - polling station
ATU – Administrative Territorial Unit
c.u. - conventional units
USAID - United States Agency for International Development
ATUG – Autonomous Territorial Unit of Gagauzia

*Annex 1. Cases when political parties exceeded the ceiling for donations by legal entities
(on the basis of Promo-LEX observation reports)*

Year	Election	Ceiling for legal entities	Exceeding the ceiling	Details
2014	Parliamentary elections	1000 average salaries per economy = MDL 4,500,000.		PDM, PNT – MDL 15.27 million Reported in column Others receipts: funds on the parties' accounts in the Electoral Fund account
2015	Local Elections	400 average salaries per economy = 1,844,000.		7 political parties (NA) - MDL 7,013,340 Donations from legal entities
2016	Presidential elections	400 average salaries per economy = MDL 2,033,600.		4 political parties: PPEM, PN, PAS, MSPRR - MDL 7,008,200 for 4 EC (Iurie Leanca/PPEM, Dumitru Ciubasenco/PN, Maia Sandu/PAS, Inna Popenco/MSPRR).
2018	Early local elections in Chisinau	100 average salaries per economy = MDL 615,000.	PL – MDL 1,650,000 PSRM – MDL 955,940	PL - registered transfers of MDL 1,650,000 from the party's account to Electoral Fund account, PSRM - registered transfers of MDL 955,940 from the party's account to Electoral Fund account, which is also above the ceiling for legal entities' donations.
2019	Parliamentary elections	100 average salaries per economy = MDL 697,500.	PSRM and PDM exceeded 100 average salaries per economy. ⁸⁵	Own funds on the current account of 4 formations (subsidies from the state budget) amounting to MDL 8,912,500 (PSRM, PN, PCR, PDM)
2019	Local elections	12 average salaries per economy = MDL 83,700.	PSRM – MDL 5.59 million	own funds on the current account of 10 formations (subsidies from the state budget) amounting to MDL 11,342 MDL 794 (54.80%) (PDM, PLDM, PN, PSRM, PPŞ, ACUM, PVE, PPVP, PCR, PL).
2020	Presidential elections	12 average salaries per economy = MDL 95,436.		

⁸⁵ [Report No 4](#) 2019 Parliamentary Elections.