

Report by an Eastern Partnership Civil Society Forum monitoring team* on the parliamentary election in the Republic of Moldova on November 30 2014

*The Civil Society Forum team reports that the election passed in a calm and peaceful atmosphere with no more than incidental irregularities concerning voting regulations. The election gave voters a broad choice of political options on the future of their country. Indeed the campaign was dominated by geopolitical issues with one set of parties promising to bring the country closer to the European Union while another opted for a close relationship with Russia**. The team saw no systematic fraud in what they deemed to be a generally free and fair election even in potentially politically tense regions of the country such as Gagauzia, where pro Russian feeling runs strong. Concerns that the last minute deregistration of the pro Russian Patria Party led by Renato Usatii would lead to demonstrations were not realised. The report points to several general problems which arose before and during the elections and expresses the hope that the Moldovan authorities will address these with due care and attention*

General impressions

The polling stations which were observed by the Civil Society Forum team, saw voting take place in a quiet atmosphere. People waited patiently in line wherever bottlenecks slowed down the pace of voting. The atmosphere in the Precinct Electoral Bureaus (PEBs) was businesslike and the staff helpful and informative to both voters and to observers. Many of the precinct staff were young and spoke many languages including English while the elder staff spoke Romanian and Russian. Almost all senior staff had served in PEBs in previous elections and thus had experience of organising and managing polling stations. Domestic observers were present in all the bureaus visited. A few took part in the process of directing voters to the polling booths most notably in PEB 123 where one observer sought to give the impression that he was in charge of the voting process***. The group noted small failings. In one PEB the ballot box provided by the organisers for collecting was too small and when it filled up a larger box had to be brought in. In another an elderly lady complained that her older 90 year old friend had not been informed about where to vote. In several places steps made it impossible for people with wheel chairs to enter the DEB. These issues were overshadowed, however, by problems with the electronic voter registration system and the last minute deregistration of the Patria Party.

Problems with the System of Voter Registration

The main problem noted was the intermittent failure of the centralised System of Voter Registration (SRV). This system is designed to guard against multiple voting and to report results to the Central Election Commission (CEC) once votes have been counted. The failure of the system undermined the credibility of the electoral process in this election and raises of the question of why the system was not checked adequately before voting day. According to Iurie Ciocan, the head of the CEC, when the system began to fail the CEC increased the number of dedicated servers from two to eight but this did not help. The system only started to function during the evening of polling day. The group also noted a case of the SRV system working well in one DEB (131) while in another DEB (132) literally 150 metres away later the system was not working. Indeed during the time the team was in the DEBs the SRV rarely worked. This caused queues of voters as PEB staff were forced to take down voter details by hand for putting into the computer system once the system had begun to work

again. This meant that in very many cases there was no immediate safeguard against multiple voting as the system registers the voter when he or she enters the DEB, checks their name against the SRV and immediately reports if this person has already voted. **Once the system has been made to work and safeguarded against hacking our group recommends that the data should be input by the people in the DEB who are in charge of collecting voter signatures on the voting register and handing out ballot papers. This would speed up the process.**

The deregistration of the Patria Party

The other major question hanging over the election was the removal from the list of candidates by the CEC of the Patria Party (PP) led by Renato Usatii which before the move by the Commission had stood at around ten per cent in the opinion polls. The charge was that the party, which is considered by many to be strongly linked to Russia, had received funding of Euro 453,000 from abroad while foreign funding for candidates is prohibited by the electoral code. The leader of the party subsequently fled to Russia. The last minute change on the ballot paper was not generally commented by voters, according to reports by officials in the DEBs which the group visited, and only in one case did a voter protest that her candidate had been removed. Observers from the Patria party (each registered party is allowed to have one observer present in a DEB) were also barred from the polling stations. However the action by the CEC raises questions about the transparency of the process and whether Patria had not been singled out for this harsh treatment for political reasons while a blind eye had been turned towards the high spending of other parties taking part in the election.

The deregistration of the PP only a day before polling was noted by international observers including ODIHR, who stated that the speed with which this was done “raises questions concerning the timing and circumstances of such a decision”.****. This view was echoed by the European Platform for Democratic Elections (EPDE) which stated that the decision “raises concerns that a formal legal excuse in this case was used to achieve political results”*****

The CSF team considers that the PP was not given enough time to defend itself against such charges and that public opinion was given too little information to enable it to form a view of the evidence of wrongdoing which was presented. Also there appears to be no appeals procedure. **The electoral law should be clarified in order for such cases to be dealt with fairly. Charges should be brought against those incriminated in good time before the date of the election. Also the deregistration of a candidate or a party list can only be accomplished after the full process of law including an appeal procedure has been exhausted. The issue of transparency in such cases is paramount.**

Implementation of campaign finance rules still a major problem

Overall, questions were raised by Promo Lex, the Moldovan election monitoring group, about funding of the electoral campaigns of several parties ***** in its reports on the campaign. Endemic practices reported by Promo-Lex included the donation of gifts in kind to potential voters which is expressly prohibited by the Moldovan electoral code. Reports of financial outlays by candidates were also, in many cases, not delivered in time to the CEC. It appears therefore that the CEC is not fully equipped to monitor the funding of political parties and their spending. **The authors of this report suggest that other state bodies like the Supreme Court of Accounts should be routinely charged with monitoring this area or new bodies be established for this purpose.**

Media issues

The Moldovan electoral code requires the media to cover the elections in an “accurate, balanced and impartial manner”. Long term observers reported that the campaign coverage of the media was partisan and the Audio Visual Coordination Council (CCA) issued warnings to ten visual channels and handed down fines in seven cases for partisan reporting.*****. However it appears that there was no monitoring of foreign language programming which is re-broadcast by local television stations including domestic Russian stations such as RTR. **Russian language media are a fixed feature of the Moldovan broadcasting scene and it would appear sensible to monitor the impact of these on voter attitudes and to see if the Moldovan Electoral Code requirement of a lack of bias should be respected by them.**

It is also essential that both direct and indirect ownership of electronic and print mass media be revealed to the public so that there is full transparency in this area and viewers know who owns and directs the flow of information in the political sphere. This is particularly important in the period before and during elections. We urge that the Moldovan authorities consider a ban on offshore ownership of media outlets as is already implemented in Georgia.

Other issues

- 1) The CSF team observed a detachment of military men voting in DEB 123. The group had been brought by their officers and they were registered for voting under a different method than civilian voters. **There appears to be no good reason why members of uniformed units should not be allowed to vote under their own volition and in their own time and in civilian clothes. Also the registration procedures should be the same as for ordinary voters.** DEB staff explained that the officers had brought a list of the members of the unit who were to vote and that was the reason for the differing procedure. The manner in which the voting was organised raised the suspicion that the unit had been told how to cast their vote and for whom.
- 2) The CEC did not give permission for exit polls to be conducted. This is problematical as honestly conducted exit polls give a good picture of voting preferences before votes are actually counted and provide an additional safeguard against electoral fraud.
- 3) There was a great deal of confusion over the provision of polling stations in Russia where many Moldovans work, some of them illegally. A several thousand strong demonstration in Moscow in the morning of election day of Moldovans, attended by Renato Usatii, who were demanding to be allowed to vote, was designed to show that this right had been denied them by the Moldovan authorities. **It appears that in future elections this issue of providing access to polling in Russia has to be resolved by the CEC.**
- 4) As ever the authorities in Transnistria, the breakaway region of Moldova, did not permit the election to be held there. Inhabitants of the region had to travel to the shore of the Dniestr River to be able to vote in 26 especially established polling stations.

Key recommendations:

- 1) The electoral law should be clarified in order that cases of breaking the electoral code which threaten deregistration of party lists should be dealt with fairly. Charges should be brought against those incriminated in good time before the date of an election. Also the deregistration of a candidate or a party list can only be accomplished after the full process of law including an appeal procedure has been exhausted. The issue of transparency in such cases is paramount.**
- 2) Implementation of rules governing funding of election campaigns should see the CEC outsource monitoring in this area to other state bodies like the Supreme Court of Accounts or new bodies be established for this purpose.**
- 3) Russian language media are a fixed feature of the Moldovan broadcasting scene and it would appear sensible to monitor the impact of these on voter attitudes and to see if the Moldovan Electoral Code requirement of a lack of bias should be respected by them. It is also essential that both direct and indirect ownership of electronic and print mass media be revealed to the public so that there is full transparency in this area and viewers know who owns and directs the flow of information in the political sphere. This is particularly important in the period before and during elections. We urge that the Moldovan authorities consider a ban on offshore ownership of media outlets as is already implemented in Georgia**

Results of the elections after 97.6 per cent of the votes had been counted:

Socialist Party (PSRM) 20.7 per cent
Liberal Democrat Party (PLDM) 19.97 per cent
Communists (PCRM) 17.7 per cent
Democratic Party (PDM) 15.95 per cent
Liberal Party (PL) 9.53 per cent
Turnout 55.5 per cent

Source: Central Election Commission (www.voteaza.md)

*The report was conducted by an EaP Civil Society Forum working group composed of Lasha Tughushi from the European Initiative – Liberal Academy Tbilisi (EI-LAT) in Georgia and by Krzysztof Bobinski from the Unia & Polska Foundation in Poland. Both are members of the EaP CSF Steering Committee and are in Working Group 1 - . The group members arrived in Chisinau on November 29 and attended a series of briefings on that day organized by On polling day they observed the elections at a number of polling stations in the Moldovan capital (116, 117, 123, 124, 125, 120, 127, 121, 128, 129 and 130) and observed the counting of the vote at (...). On December 1 they attended a number of briefings by monitoring groups including OSCE/ODIHR. The report is based on their own observations and reports prepared by Promo Lex, the Moldovan election monitoring organization as well as by ODIHR. The group expresses its gratitude for advice received from Nicolae Panfili from Promo Lex and from Leo Litra from the Institute of World Policy in Kyiv The work on

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**Street posters put out by the various parties underlined this choice. The pro western Liberal Party had a poster with the message: “Going with Russia means poverty and war. The UE and Nato will give us work and prosperity”. While the Socialist Party ran a poster showing the party leader with Valdimir Putin with the message: “Together with Russia” The Liberal Democratic Party was more modest simply exhorting voters to “continue on the road to Europe”.

*** This phenomenon was also noted by the Silba monitoring team from Denmark which noted in its post election report that “some local observers were too active in the election process” (www.silba.dk)

**** International Election Observation Mission (IEOM), preliminary Findings and Conclusions , 1 December 2014 , Page 7

***** EPDE expert assessment dated 1 December 2014

***** Promo-Lex report no 2 dated 16 October 2014 pp 14-16 (www.promolex.md)

***** IEOM, 1 December 2014, Page 10