



REPORT No 3

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

Monitored period: 16 – 29 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.

The responsibility for the view shared in this Report belongs to Promo-LEX Association and does not necessarily reflect the opinion of donors. If there are any discrepancies between the text in Romanian and its translation, the provisions formulated in Romanian shall prevail.

Contents

INTRODUCTION.....	4
I. LEGAL FRAMEWORK	9
II. ELECTORAL BODIES	16
III. ELECTION CONTENDER NOMINATION AND REGISTRATION.....	25
IV. ELECTORAL LITIGATIONS.....	27
V. PUBLIC ADMINISTRATION.....	31
VI. ELECTION CONTENDERS.....	33
VII. FUNDING OF THE ELECTION CAMPAIGN	37
VIII. HATE SPEECH AND INCITEMENT TO DISCRIMINATION	46
IX. ELECTORAL EDUCATION AND AWARENESS.....	52
RECOMMENDATIONS	54
ABBREVIATIONS	55
ANNEXES	56

EXECUTIVE SUMMARY

Legal framework. On the basis of the existing legal framework, Promo-LEX finds that polling stations are established for voters from the left bank of the Nistru river without having to compulsorily consult the LPA on the availability of venues for them on their territory. However, this does not imply refusing amicable communication between parties in case of conflicts.

In the context of the pandemic and regulations approved by NEPHC, effective as of 1 October 2020, we draw the attention on CEC's failure to issue recommendations that would ensure predictability of how the election campaign will take place.

As for checking the signature lists, Promo-LEX OM reiterates the opinion that the restrictive provisions of CEC Regulations exceed the rules of the Electoral Code and, hence, put the prospective election candidates in an unfavourable position.

Electoral bodies. During the current observation period, CEC organised 7 online and in person meetings. Thus, CEC adopted 34 decisions on the organisation and conduct of the presidential elections.

The accreditation of observers is accelerating. Out of the total 613 national and international observers, 515 (84%) were accredited during the observed period. As of 29 September 2020, CEC had accredited 537 national observers and 76 international observers. Promo-LEX Association accredited a total number of 533 observers.

Most DEC's respect their working programme. Of the total number of 98 visits made by OM Promo-LEX observers during the DEC working hours, in case of 88 visits (90%), the premises of level-two DEC's were open and in case of 10 visits (10%), the premises were closed.

The observers reported an increase in the share of premises of level-two DEC's that are accessible/partially accessible for persons with special needs, from 44% during the general local elections of 20 October 2019, to 61% in the context of current presidential elections.

In the context of presidential elections of 1 November 2020, a number of 2,143 polling stations were established on time, of which 42 PS were established for the voters from the transnistrian region and 139 PSs were established for the voters from abroad. Compared to the presidential elections of 30 October 2016, the number of polling stations established by CEC for the transnistrian region increased (from 30 to 42), as well as the number of the polling stations established abroad (from 100 to 139). At the same time, the number of polling stations established by level-two DEC's decreased from 1981 to 1962.

According to Promo-LEX, the distribution of PSs established abroad is largely consistent with an unbiased methodological approach and is based on the criteria defined by the legal framework. The document on PS establishment informed stakeholders about the stages of establishment, the used calculation formula, the risks determined by the epidemiological evolution, etc. However, we draw attention to the lack of institutionalised public consultations, which raised speculations and suspicions among various stakeholders of the electoral process. Given the unpredictable evolution of the epidemiological situation, we recommend that CEC reveals as soon as possible its official position on the possibility that a different number of polling stations could be opened abroad for the first and the second round of the elections, within the maximum number of 139 PSs established, given that the approval of the host country could change depending on the evolution of the epidemiological situation.

As regards the PSs opened for the transnistrian region, we welcome the fact that most of them were geographically placed near the border crossing points. At the same time, certain communities could find it difficult to open more polling stations amidst the pandemic.

Election candidate nomination and registration. As of 29 September 2020, of the 13 registered IGs, nine had submitted signature lists to CEC, and 4 — had not. Seven of the nine submitted files, seven (Usatii Renato (PN), Nastase Andrei (PPPDA), Deliu Tudor (PLDM), Candu Andrian (Pro Moldova), Ivanov Violeta (PPS), Sandu Maia (PAS) and Țicu Octavian (PUN)) were submitted by IGs established by political parties, one IG established by an electoral bloc (Dorin Chirtoaca (BE Unirea)) and a file submitted by a group of citizens (Dodon Igor (IC)).

In addition, of the nine files submitted, five candidates were registered (Usatii Renato (PN), Nastase Andrei (PPPDA), Deliu Tudor (PLDM), Dodon Igor (IC), Ivanov Violeta (PPS)), one application was rejected (Candu Andrian (Pro Moldova)), and three files are being reviewed (Sandu Maia (PAS), Octavian Ticu (PUN), Dorin Chirtoaca (BE Unirea)). Of the four candidates that have not submitted their signature lists, three are independent candidates (Alexandr Kalinin IG, Oboroc Constantin IG, Ion Costas IG) and one nominated by the party (Toma Serghei IG (POM)).

Complaints and appeals. During the reference period two complaints were submitted to CEC. Both of them were submitted by co-president of BE Unirea, Dorin Chirtoaca. At the same time, it seems that the electoral authority has unjustifiably refused to register other two notifications to CEC, submitted by a DEC member and a presidential candidate. In this context, Promo-LEX OM believes that any notification, appeal, complaint shall be recorded as an electoral complaint if it involves certain violations of the electoral process.

Chisinau Court of Appeal and Supreme Court of Justice reviewed six complains on: status of subject with the right to nominate a candidate in the presidential election; procedure of signature collection; setting up polling stations abroad; CEC circular letter No 2796 of 15 September 2020 on how political parties may fund their nominated candidates; and refusal to register election candidates. Promo-LEX OM notes that most of the complains filed with the court were not resolved on the merits, being declared as inadmissible. In this regard, we reiterate that the right to effective remedy shall be ensured to election candidates, voters and other electoral stakeholders.

Public Administration. Promo-LEX OM still finds gaps in the performance of LPAs' tasks of ensuring a transparent and correct electoral process. According to observers of the 351 LPAs visited until 29 September, only 275 (78%) approved the decision on electoral posters and only 266 LPA (76%) approved the decision on offering premises for meetings with voters. Most of them — 217 (82%) provide for free, a meeting place with voters.

Promo-LEX observers found that not all LPAs know their duties with regards to how voters should declare their new place of stay. Of the 59 interviewed relevant LPAs, 4 (7%) did not know the mechanism. Statistically, 484 declarations on voter's place of stay had been submitted by 29 September 2020 to the interviewed LPAs, most of them being registered in Chisinau municipality — 454 (94%).

Activity of Registered Initiative Groups and Candidates. During the last two weeks of the process of signature collection, Promo-LEX OM reported less activism among initiative groups. Promo-LEX OM found at least 130 activities, by 28 fewer than in the previous reporting period, related both to the signature collection process conducted by IGs and to electoral-like political promotion of already registered candidates. Most activities were carried out by: Igor Dodon IG (IC) – 52 (40%), Maia Sandu IG (PAS) – 27 (21%) and the registered candidate, Andrei Nastase (PPPDA) – 24 (18%). Promo-LEX OM found that at least 25% of all the actions that are considered to be conducted by Igor Dodon IG, registered as independent candidate, were conducted by PSRM.

Also, the OM reported at least 207 cases in which electoral advertising was used, by 156 fewer compared to the previous period. The most active are: Maia Sandu IG (PAS) – 69 (33%), Igor Dodon IG (IC) – 55 (27%) Violeta Ivanov IG (PPS) – 45 (22%).

Observers identified at least 23 cases that can be regarded as use of administrative resources: 15 (65%) – Igor Dodon (IC), 7 (30%) – Violeta Ivanov (PPS) and 1 (4%) – Maia Sandu (PAS). The cases are the following: handing out state awards after registering the IG - 10; taking credit for

works/services funded from public money - 9; using the public position for promotional activities of electoral nature - 2; involving LPA employees in activities of electoral nature - one case.

Promo-LEX reported at least three cases then images of foreign officials and images with state institutions were used with an electoral impact. Two of these cases involved Igor Dodon (IC), and one case - Maia Sandu (PAS).

Observing the Funding of IG Activity. The funding of the initiative groups was monitored between 2 and 25 September. According to the information published on the official website of CEC, out of 13 registered IGs, 7 submitted weekly reports by 25 September 2020: Renato Usatii (PN), Andrei Nastase (PPPDA), Maia Sandu (PAS), Violeta Ivanov (PPS), Octavian Ticu (PUN), Igor Dodon (IC), Constantin Oboroc (IC). Four groups – Tudor Deliu IG (PLDM), Andrian Candu IG (PRO MOLDOVA), Dorin Chirtoaca IG (BE UNIREA), Sergiu Toma IG (POM) – each submitted a statement of not incurring any expenses. At the same time, two IGs have submitted neither a financial report nor a statement of not incurring any expenses to CEC: Costas Ion IG (IC) and Kalinin Alexandr IG (IC).

The amount of revenues and expenditures declared by 7 registered IGs, for 2-25 September 2020, was MDL 1,827,428. 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’. Donations in goods and services were the main source of income for initiative groups (61%). Though no initiative group exceeded the ceiling of MDL 994,250 set by CEC, the spending of Violetei Ivanov IG (PPS) was closest to the ceiling.

According to Promo-LEX observations, even on 25 September 2020 inclusively, no IG reported expenses for signature collectors. Finally, 9 IGs did not report fully or any expenses incurred during 2-25 September 2020: Violeta Ivanov (PPS), Andrei Nastase (PPPDA), Renato Usatii (PN), Igor Dodon (IC), Octavian Ticu (PUN), Maia Sandu (PAS), Andrian Candu (PRO MOLDOVA), Tudor Deliu (PLDM), Dorin Chirtoaca (BE UNIREA). The total unreported expenses are estimated to amount to at least MDL 748,173.

Hate Speech and Incitement to Discrimination. During the monitoring period, at least 5 cases of registered candidates using hate speech and incitement to discrimination in the public space were identified. All five cases involved Renato Usatii (PN).

Also, at least 19 cases of potential candidates affected by hate speech or incitement to discrimination were also reported. Thus, Igor Dodon (IC) was targeted in 8 such cases, Maia Sandu (PAS) – in 2 cases, and Renato Usatii (PN), Andrei Nastase (PPPDA), Andrian Candu (Pro Moldova) and Dorin Chirtoaca (BE UNIREA) – in one case each.

In other five cases, hate speech and incitement to discrimination targeted members of political parties and/or supporters of potential candidates.

Hate and discriminatory messages built on the following criteria: political affiliation, health condition, disability, professional activity, sex/gender, religion and religious beliefs, and opinion.

Electoral Education and Awareness. CICDE and CEC conducted both trainings (for electoral officials of level-two DEC, judges and accountants from level-two DEC offices) and awareness-raising activities (periodicals, video materials, didactic materials etc.) regarding presidential election preparations and the specifics of elections amidst the pandemic. Information activities target voters domiciled on the left bank of the Nistru river, as well as voters who want to vote at their place of stay on the day of the Presidential Election of 1 November 2020.

On 28 September 2020, Promo-LEX OM organised an information session for potential candidates in the presidential election. Of the 13 nominated/registered candidates that were invited, representatives of five potential election candidates participated. Stakeholders were informed about the observation and reporting methodology of Promo-LEX OM, including on the funding of candidates. In addition, they presented a platform for observer training www.instruire.monitor.md and one for reporting electoral incidents www.electoral.monitor.md, both accessible to all stakeholders.

INTRODUCTION

Report no 3 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 between 16 and 29 September 2020. The funding of the initiative groups was monitored between 2 and 25 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.data.promolex.md, which is a secure system with limited access, 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.

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 public web platform www.electorala.monitor.md, which stores relevant information (with photos/videos, that do not contain any personal data) from the

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

observers' reports. In addition, any individual, including representatives of electoral contenders, can upload on this platform their alerts about electoral activities. The Mission's observers verify people's alerts during the next visit planned in the community where such activities were reported. The Mission also manages www.instruire.monitor.md, a platform that offers access to everyone to the training materials for short-term observers. The training materials are based on the materials used to train Promo-LEX observers, except for reporting forms.

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 conducted and the report is developed with the financial support of the United States Agency for International Development (USAID) via the 'Democracy, Transparency and Accountability' Program, the Good Governance Department of Soros Foundation-Moldova under 'Monitoring the Presidential Elections of 1 November 2020' Project, and 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.*

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

On the basis of the existing legal framework, Promo-LEX finds that polling stations are established for voters from the left bank of the Nistru river without having to compulsorily consult the LPA on the availability of venues for them on their territory. However, this does not imply refusing amicable communication between parties in case of conflicts.

In the context of the pandemic and regulations approved by NEPHC, effective as of 1 October 2020, we draw the attention on CEC's failure to issue recommendations that would ensure predictability of how the election campaign will take place.

As for checking the signature sheet, Promo-LEX OM reiterates the opinion that the restrictive provisions of CEC Regulations exceed the rules of the Electoral Code and, hence, put potential election contenders in an unfavourable position.

1.1. Issues with the establishment of polling stations for voters from the left bank of the Nistru river

According to the general rules, polling stations are established by ECC in communities, on the basis of mayors' recommendations. In case of polling stations for the settlements on the left bank of the Nistru river (Transnistria), these are arranged for by CEC, and established by ECC accordingly. Thus, according to Article 32 of the Electoral Code, at least 35 days before the election date, for the voters from the left bank of the Nistru river (Transnistria) CEC shall arrange for a number of polling stations on the territory of the Republic of Moldova under the constitutional jurisdiction of the central public authorities. When setting up these polling stations, CEC shall take into account the recommendations of the Bureau for Reintegration Policies. When developing such recommendations, the Bureau shall take into account the administrative-territorial organisation and the peculiarities of access routes and communication means, in order to ensure voter access to the electoral process and relevant electoral bodies.

The electoral body in charge shall set up distinct polling stations for inhabitants from the left bank of the Nistru river (Transnistria), who belong to the respective constituency formed by CEC on the basis of the approved regulation.

The powers of local public authorities with regards to establishing polling stations for voters from settlements on the left bank of the Nistru river are limited to:

- the obligation to provide to electoral councils and bureaus the venues and equipment they need in order to organize, conduct and summarize the results of elections²;
- the right to appoint members of the electoral bureau for the polling stations established on the territory managed by the respective local public authority - local council³.

Taking into account the above-mentioned, Promo-LEX OM finds that polling stations are established for voters from the left bank of the Nistru river without having to compulsorily consult the LPA on the availability of venues for them on their territory. Nonetheless, for a smooth organisation and conduct of the electoral process, we believe that communication with local public authorities on the possibility and their availability to provide premises, equipment, consumables and human resources for the polling stations is of utmost importance.

² Article 38(6), Article 57(4) [Electoral](#) Code.

³ Point 15 of [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.

Note that, according to CEC Decision No 4301 of 26.09.2020⁴, the authority started to look for territorial-administrative units that will set up polling stations for voters from the left bank of the Nistru river back in February 2020. However, CEC carried out the following in relation to local public authorities:

- On 17 June, CEC requested that the presidents of the 10 districts bordering on the Nistru river submit information on the routes used to travel between the two banks of the Nistru river.
- On 25 June, CEC submitted to the presidents of the seven districts that have connecting routes between both banks⁵ the preliminary list of polling stations that they intended to set up in their administrative-territorial units, asking for their assistance with informing the mayors of the respective settlements in order to start the preparation of the venues that will accommodate the polling stations.
- Later, on 30 July, the preliminary venue list was submitted to the mayors of the settlements where the Central Electoral Commission intends to set up distinct polling stations for voters from the left bank of the Nistru river (Transnistria).

It seems hence that CEC set up polling stations using the approach of informing, rather than cooperating with LPAs. As a result, at least one mayor⁶ (Cioburciu village, Ștefan Voda district) informed CEC about impossibility to set up a polling station for voters from the left bank of the Nistru river due to lack of a venue. At the same time, the mayoralty of Varnita village, Anenii Noi district informed CEC about the risks related to setting up polling stations for voters from the left bank of the Nistru river, including the difficulty to select EOPS members and to locate four polling stations in an educational institution and in another building in the same yard as the high school, as well as about the fact that the respective institution is currently under repair⁷.

At the same time, after reviewing CEC Letter of 30.07.2020, but before issuing CEC Decision on setting up polling stations for voters from the left bank of the Nistru river, at least two LPAs issued decisions that 'rejected CEC's recommendation to establish distinct polling stations for voters from the left bank of the Nistru river'. Thus:

- Hagimus Village Council from Causeni district, issued Decision No 5/7 of 20.08.2020, that rejected the recommendation in order not to endanger the health and life of inhabitants of Hagimus village in the context of the current epidemiological situation⁸;
- The Council of Rascaieti township, Ștefan Voda district issued Decision No 6/1 of 16.09.2020, that 'rejected the recommendation and stated that it will not participate in the setting up of the polling station concerned. This decision was issued on the basis of an online survey, performed on social network by Rascaieti Mayoralty, protocols of the staff of Rascaieti Secondary School, Parents Council at Rascaieti Secondary School, Andries Kindergarten, and protocol of Rascaieti Emergency Situations Commission'⁹.

At the same time, according to Promo-LEX observers, local public authorities from at least other two settlements¹⁰ expressed their dissatisfaction with the need to open distinct polling stations on their territory.

⁴ [CEC Regulation](#) NO 4301 of 26.09.2020 on the organisation of polling stations for voters from the left bank of Nistru River (Transnistria), Bender Municipality and some settlements of Causeni District in the context of Elections for the President of the Republic of Moldova of 1 November 2020.

⁵ Floresti, Rezina, Criuleni, Dubasari, Anenii Noi, Causeni, Ștefan Voda.

⁶ [Letter](#) from Cioburciu Mayoralty, Ștefan Voda district, No 71 of 5 August 2020.

⁷ [Letter](#) from Varnița village, Anenii Noi district No 204 of 6 August 2020.

⁸ [Decision](#) of Hagimus Village Council from Causeni district No 5/7 of 20.08.2020 on the outcomes of reviewing CEC Circular Letter No 8/2495 of 30.07.2020.

⁹ [Decision](#) of the Council of Rascaieti township, Ștefan Voda district, No 6/1 of 16.09.2020 on setting up polling stations for voters from the left bank of the Nistru river (Transnistria).

¹⁰ Sanatauca village, Floresti district, Rezina town, Rezina district.

On 26 September 2020, CEC decided to establish 42 polling stations for voters living in settlements on the left bank of Nistru River (Transnistria), Bender Municipality and several settlements in the district of Causeni¹¹. Note that though two LPAs (Rascaieti, Hagimus) disagreed to establish distinct polling stations on their territories and issued decisions accordingly, CEC decided to set up polling stations in these settlements, as well. On the same day, ECC 37 adopted Decision No 4 on the establishment of polling stations abroad¹²

Later, the Council of Gura Bacului Village, Anenii Noi district, issued Decision No 7/2/1 of 28 September 2020, on 'rejecting the CEC recommendation on setting up polling stations for voters from the left bank of the Nistru river on the territory of Gura Bacului Village' and not allocating any public premises for such polling stations and refusing to appoint candidates for EOPS members. This decision was issued after reviewing CEC letter of 30 July 2020, having the goal to prevent the spread of COVID-19 and locking down the whole settlement¹³.

Taking into account that both CEC and ECC decisions, adopted within their limits of their powers, are enforceable administrative acts for the public authorities¹⁴, we believe the refusal of the Council of Gura Bacului village to provide a venue for the polling station and to appoint members of EOPS to be unjustified. In addition, we think that the Council of Hagimus village and Rascaieti township are to comply with decisions issued by CEC.

At the same time, we believe that the potential difficulties to setting up additional polling stations for the voters from the left bank of Nistru River can be resolved both out of court, by communication between CEC and ECC, have the obligation to examine them on the basis of Article 26(1)(g) and Article 29(d) of the Electoral Code, and in court by challenging the CEC decision in Chisinau Court of Appeal. However, CPA have to be prepared for alternative solutions allowing to realise the right to vote, taking into account the specific situation in the security zone, including the interdictions linked to the pandemic crisis and, in order to avoid the conflict escalations.

Note that ensuring the voting right for all citizens of the Republic of Moldova requires both the involvement of local public authorities and collaboration among all stakeholders involved in the organization and conduct of elections.

1.2. Uncertainties regarding the conduct of election campaign in the context of establishing the state of emergency in public health starting with 1 October 2020

According to Article 116(1) of the Electoral Code, Moldova Presidential Election Campaign shall start no sooner than 30 days before the election day. Thus, the election campaign is to start on 2 October 2020 for the election contenders.

Nonetheless, by NEPHC Decision No 33 of 28 September 2020¹⁵, the state of emergency in public health is established starting with 1 October in the administrative-territorial units having 'Red Code' alert level. Thus, **the state of emergency in public health is declared in 26 ATUs (68%) on the territory of the Republic of Moldova.**

The territorial public health committees are to establish public health measures according to the alert level in the managed administrative territory, and NEPHC will coordinate any adjustment (tightening/relaxation) of the public health measures related to the activity of electoral offices of the polling station.

¹¹ [List](#) of settlements where polling stations were established for voters from the left bank of the Nistru river.

¹² [Decision](#) No 4 of 26 September 2020 on the establishment of polling stations abroad, issued by ECC 37.

¹³ [Decision](#) of the Council of Gura Bacului Village, Anenii Noi district, No 7/2/1 of 28 September 2020, on setting up polling stations and appointing candidates for members of electoral offices of polling stations for voters living in settlements on the left bank of the Nistru river (Transnistria).

¹⁴ Article 18(4) and Article 35(3) Electoral Code.

¹⁵ [NEPHC Decision](#) No 33 of 28 September 2020.

According to COVID-19 prevention and control measures, it is allowed to organise group gatherings/meetings with the participation of less than 50 individuals with the observance of the public health measures. However, as stated in the Plan on preparation and response to the infection with COVID-19 – Version 2¹⁶, the territorial public health committees could **also impose restrictive measures for movement, home isolation, prohibition to organise mass gatherings**.

Therefore, it is not clear how election contenders' right to participate in the election campaign, to organise gatherings with the voters can be ensured equally according to Article 51(1) of the Electoral Code. In Report No 1 on the Observation Mission for the Elections of the President, Promo-LEX OM drew attention to the issues on organisation and conduct of presidential elections during the pandemic. Nonetheless, until 29.09.2020, CEC did not issue recommendations on how to conduct the election campaign within the conditions imposed by NEPHC.

To ensure that the election contenders will conduct the election campaign equally, and not to expose people to the risk of infection with the COVID-19 virus, we recommend the Central Electoral Commission to:

- *develop certain recommendations regarding the conduct of election campaign involving election contenders (meetings with the voters, door-to-door campaign, dissemination of election materials);*
- *make available to the public and publish on CEC website the decisions on adopting the restrictive measures imposed by the territorial public health commissions that could hinder or limit the development of the election campaign on that territory.*

1.3. Uncertainties regarding the conditions for verifying signature sheets

According to Article 113 of the Electoral Code, all the candidates for the position of President of the Republic of Moldova shall submit signature sheets containing the signatures of at least 15,000 and not more than 25,000 voters from at least half of level-two ATUs population in order to be registered by CEC. Level-two ATUs, where at least 600 signatures are collected, are deemed to be compliant with the legal requirements.

Condition for the collection, presentation and verification of the signature sheet are prescribed in Articles 47-48 of the Electoral Code. The Electoral Code provides the list of causes and conditions that nullify the signature sheet and the signatures (Article 48(4)¹⁷). On the other hand, even if the Electoral Code does not provide sanctions of nullity for the failure to observe other conditions established by Article 47(2), (3), (5), the special rule in Article 113 (3) of the Electoral Code provides the sanction of removing the signatures that were obtained in breach of Article 47 and Article 48 in case of the presidential elections.

However, the Regulation on how to draw up, present and verify the signature sheets¹⁸ lists other reasons for declaring the signature sheets null and void than those provided in the Electoral Code:

- are different from the template issued by the competent body, initiative group or by the election candidate (certain columns are missing or have another content than the approved and issued template; the numbers of order is missing or there are other order numbers than those issued) or are photocopied;

¹⁶ Plan on preparation and response to the infection with the novel Coronavirus (COVID-19) – Version 2, approved by the National Extraordinary Public Health Commission Decision No 30 of 11 September 2020.

¹⁷ Article 48(4) of the Electoral Code: The followings are considered null and void:

- a) signature sheets that were prepared before the candidate nomination period started;
- b) signatures from the signature sheets are considered false;
- c) signature sheets were filled in without observing the requirements provided in Article 47(4) and (6).

¹⁸ [Regulation](#) on how to draw up, present and verify the signature sheets, approved by the CEC Decision No 1730 of 3 July 2018.

- were prepared before the registration of the initiative group or before the date of issuance of signature sheets, as well as after the end date of signature collection period;
- contain incorrect, incomplete data in the fields with the constituency's name and, respectively, level-one authorities (mayoralities) where the signatures of the supporters included in the signature sheet were collected;
- contain a false signature of the collector;
- were drawn up and signed by the initiative group members who refused to collect signatures, according to the data indicated by the candidate/group leader.

In addition, the Regulation provides that the signatures of the supporters are invalid and inaccurate for those who:

- included inaccurate/incorrect identity data in the signature sheet (instead of domicile indicated the residence, though the supporter has both a valid domicile and residence);
- contain signs of adjusted data, including the signature;
- indicated an earlier date instead of the one on the signature of the list issued to the initiative group or election candidate, or an earlier date than the registration of the initiative group, or a date that is after the signature collection period ended;
- entered another identity card instead of the one requested;
- entered inappropriate/incomplete identity data (only the initials of the name, surname or a lower/higher number of digits in the ID card number (8 digits); signatories turning 18 years did not indicate the date and year of birth; one or several fields were not filled in: the date of signature is missing, the series and/or number of the identity act, the domicile is missing, etc.).

Thus, Regulation approved by CEC exceeds the rules of the Electoral Code and, hence, put potential election contenders in an unfavourable position. We believe that the invalidation of a signature or of a signature sheet on the basis of the additional grounds provided by CEC is a violation of the Electoral Code, is abusive in relation to electoral contenders, and it is unjustified in relation to voter's freedom of expression.

A. *At the same time, we think the condition established by Article 47(3) of the Electoral Code according to which 'the list of signature sheets shall contain only the signatures belonging to the supporters who live in one settlement' is excessive.* From the perspective of Article 48(4) of the Electoral Code, it is not justified to consider a signature sheet null and void if it contains the signature of individuals domiciled in another settlement than the one where the signatures were collected. Promo-LEX OM believes the condition to collect signatures in one settlement only is a relic of the condition to have the signature sheet authenticated by the local public authority. Since the abrogation of this condition, the provision mentioned in Article 47(3) can be considered obsolete and needs to be amended, as it cannot result in invalidation of the signature or list.

However, for example in the case of signature sheet submitted by Andrian Candu (Pro Moldova) at least 1,372 signatures were qualified as invalid and inaccurate, because the 'Signature sheets' app, part of the 'Election' SAISE system generated the 'Incorrect domicile region' error. According to CEC¹⁹, the system showed this error because the supporter is domiciled in another settlement than the one where the signatures were collected, which is contrary to Article 47(3) of the Electoral Code.

¹⁹ [Response](#) (additional reference) No CEC 8/2886 of 24 September 2020 at the request of the judge-rapporteur on the request for summons of Mr Andrian Candu, candidate to the position of President of the Republic of Moldova nominated by the Pro Moldova Political Party, against Central Electoral Commission.

Note in the context of presidential elections, the requirement concerning the domicile or the residence of a supporter is important given the minimum number of signatures that should be submitted for a level-two ATU – at least 600 signatures. *Thus, in case of signatures of supporters who have their domicile in another settlement than that on the territory of which signatures were collected, they can be excluded if they do not belong to the respective ATU. However, according to the Mission, the freedom of the voter to express their will should prevail and these signatures should be taken into account for the ATU the supporter has domicile/residence in, if there are no other vices that lead to nullity.*

B. *As regards the minor errors that allow to identify and individualise the supporter and meet the conditions regarding the right to vote, we believe that they may not lead to the invalidation of the signature.* For example, the entry with certain data corrected and with the confirmation signature next to other data served as reasons for the invalidation of certain signatures of the supporters of Andrian Candu²⁰. We reiterate that minor errors, which allow to identify the voters and their will, are not reasons explicitly provided for by Article 48(4) that lead to the nullity of the signature.

Promo-LEX OM reiterates that the excessive formal requirements, which do not meet the minimum requirements of the Electoral Code, should not lead to invalidation of signatures.

Also, the statement in the Decision No 4263 of 18 September 2020 according to which, *'after conducting the manual cross-check of data from the copies of the identity documents with the data entered in signature sheets, note that the positions that can be regarded as valid do not change the factual and legal situation and do not allow the candidate to obtain the minimum number of signatures for level-two constituencies'*. This means that the errors found by 'Checking of the signature sheets' system **could lead to an unjustified refusal to register the election contender**. Promo-LEX OM drew attention, during the Parliamentary Elections of 24 February 2019, on the need to approve the regulatory framework on the system for checking signature sheets and procedures for checking or challenging the data provided by the system.

At the same time, we appreciate the proactive attitude of CEC regarding the verification of the signature sheets submitted by Andrian Candu. Note that after presenting the information note regarding the verification results, CEC allowed to re-check the signature sheets by the IG leader, accompanied by several collectors together with the members of the working group under CEC and register the objections of the members of the initiative group in the protocols.

1.4. Interpretation of the term of election contenders

Following the circular letter issued by CEC, which interprets in a restrictive way the right of political parties to support candidates nominated by political parties, on 21 September 2020 the Parliament registered the draft Law No 396²¹ Interpreting Article 1 of the Electoral Code, and namely the term of 'election contenders'. According to the draft Law, in case of presidential elections, candidates for the position of the President of the Republic of Moldova, political parties, socio-political organisations and electoral blocs that nominated the registered candidates are election contenders. However, this draft was not approved because the Parliament does not meet in sessions.

1.5. Application of CEC Circular Letter 8/2796 in the context of the examination of IG reports

According to CEC Decision No 4233 of 13 September 2020, the Commission found that Renato Usatii IG (PN) and Andrei Nastase IG (PPPDA), respectively, received donations from legal entities – political parties that they have established, and exceeded the threshold set by Article 41(2)(e) of the

²⁰ [CEC Decision](#) No 4263 of 18 September 2020 on the application for registration of Mr Andrian Candu as candidate for the position of the President of the Republic of Moldova nominated by Pro Moldova Political Party, of the electoral symbol and confirmation of the representative with the right to consultative vote in the Central Electoral Commission and of the person in charge of finances (treasurer).

²¹ [Draft Law](#) no 396²¹ of 21 September 2020 Interpreting Article 1 of the Electoral Code.

Electoral Code for legal entities, that is, 12 average monthly salaries (approx. MDL 95,436). CEC found that at the same time that the general threshold of MDL 994,250, set by Item 2 of CEC Decision No 4152/2020, was not exceeded.

Later, 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 2020. In its Report No 2, Promo-LEX OM highlighted the existence of uncertainties regarding the financing of the election contenders by the political party as a legal entity.

On 28 September 2020, CEC approved Decision No 4302 on financial statements of initiative groups established in order to collect the signatures in the support of the candidates for the position of the President of the Republic of Moldova. As regards the previous Decision of 13 September 2020, the Commission found that Maia Sandu exceeded the threshold set for donations from legal entities, in this case, donations received from the political party that created the group, but it did not exceed the general threshold.

Thus, CEC, by its decision, contrary to what is stated in the Circular Letter 8/2796, considered admissible the financial support of initiative groups by political parties that established them and the IGs were not sanctioned.

In this context, the position of CEC regarding the refusal to initiate the annulment of the Circular Letter 8/2796 that generated suspicions, disputes and controversies is unclear, given that the Commission itself disregards its own Circular Letter.

II. ELECTORAL BODIES

During the reference period CEC met for 7 online and mixed meetings. Thus, CEC adopted 34 decisions on the organisation and conduct of the presidential elections.

The accreditation of observers is accelerating. Out of the total 613 national and international observers, 515 (84%) were accredited during the monitored period. As of 29 September 2020, CEC had accredited 537 national observers and 76 international observers. Promo-LEX Association accredited a total number of 533 observers.

Most ECCs observe the work programme. Of the total number of 98 visits made during the working hours, in case of 88 visits (90%), the premises of level-two ECCs were open and in case of 10 visits (10%), the premises were closed, respectively.

The observers reported an increase in the share of premises of level-two ECCs that are accessible/partially accessible for persons with special needs, from 44% during the general local elections of 20 October 2019, to 61% in the context of presidential elections.

In the context of presidential elections of 1 November 2020, a number of 2,143 polling stations were established on time, of which 42 PS were established for the voters from the transnistrian region and 139 PSs were established for the voters from abroad. Compared to the presidential elections of 30 October 2016, the number of polling stations established by CEC for the transnistrian region increased (from 30 to 42), as well as the number of the polling stations established abroad (from 100 to 139). At the same time, the number of polling stations established by level-two ECCs decreased from 1981 to 1962.

According to Promo-LEX, the distribution of PSs established abroad is largely consistent with an unbiased methodological approach and is based on the criteria defined by the legal framework. The document on PS establishment informed stakeholders about the stages of establishment, the calculation formula used, the risks determined by the epidemiological evolution, etc. However, we draw attention to the lack of institutionalised public consultations, which raised speculations and suspicions among various stakeholders of the electoral process. Given the unpredictable evolution of the epidemiological situation, we recommend that CEC reveals as soon as possible its official position on the possibility that a different number of polling stations could be opened abroad for the first and the second round of the elections, within the maximum number of 139 PSs established, given that the approval of the host country could change depending on the evolution of the epidemiological situation.

As regards the PSs opened for the transnistrian region, we welcome the fact that most of them were located near crossing points. At the same time, certain communities could find it difficult to open more polling stations amidst the pandemic.

2.1. CEC Activity

2.2.1. 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 34 decisions on the organisation and conduct of the elections. In addition, 14 decisions amending the previous CEC decisions were passed during the monitored period, ten of which were related to changes in the ECC membership.

CEC amended, during the reference period, the Regulation on the Status of Observers and their Accreditation Procedure²². The draft amendment was not submitted for public consultations as the

²² [Decision](#) amending Item 9 of the Regulation on the Status of Observers and their Accreditation, approved by Central

legal provisions require, but it was discussed with Promo-LEX OM representatives. The amendment focuses on the accreditation of national observers in polling stations established abroad, including on the basis of ID cards, which is in line with the Promo-LEX recommendation stated in its Second Report.

2.2.2. Observer accreditation

As many as 468 national observers and 47 international observers were accredited during 16-29 September 2020. In total, by 29 September 2020, a total of 537 national observers and 76 international observers have been accredited for the presidential election. Of the total number of national observers, Promo-LEX Association accredited 533 (99%) (see Annex 1).

2.2.3. Circular letters

Between 16 and 29 September 2020, CEC drafted and sent two circular letters to electoral bodies.

CEC Circular Letter No 8/2840 – sent to electoral bodies on 20 September, dedicated to ensuring the required conditions for the proper organisation and conduct of the presidential election in Moldova, and referring to Item 26 of the Regulation on the Activity of Electoral Constituency Councils²³ – CEC informs electoral bodies about the possibility of ECC members to participate in the meetings of the electoral body using information and communication technology and/or through online videoconferencing platforms. This option is available in states of emergency or states of public health emergency declared on the territory of Moldova, as well as in justified circumstances that make it impossible for the members to come to the office or participate in meetings held in the office of the electoral body.

CEC Circular Letter No 8/2883 – sent to electoral bodies on 24 September – covers the purchase of equipment and materials during the election period, which is a procedure that does not fall under the Law on Public Procurement, and emphasises the need for electoral bodies to comply with the basic principles of public finances – efficiency and free competition, as well as with the provisions of Law No 131/2015 on Public Procurement and Law No 133/2016 on Declaration of Property and Personal Interests.

2.2. Activity of Level-Two Electoral Constituency Councils

2.2.1. Compliance with the work schedule

According to the Regulation on the Activity of Electoral Constituency Councils, the governing bodies of the electoral constituency councils are to ensure the transparency of ECC by making public its decisions and other information. Of the 36 ECCs visited by Promo-LEX observers, 24 level-two ECCs (67%) displayed information about their composition. Also, 29 level-two ECCs (81%) displayed their work schedule.

According to the information provided by Promo-LEX observers – 98 visits to level-two ECCs were made in total during working hours throughout the monitoring period, and on 88 occasions (90%) the headquarters were open, while on 10 occasions (10%) the headquarters were closed.

The work schedule was not followed by ECCs: No 13 Donduseni (on all five visits); No 29 Soroca (on two out of five visits); No 6 Briceni and No 30 Straseni (on one visit out of three); No 37 Transnistria (on one visit out of two).

2.2.2. Changes to ECC membership

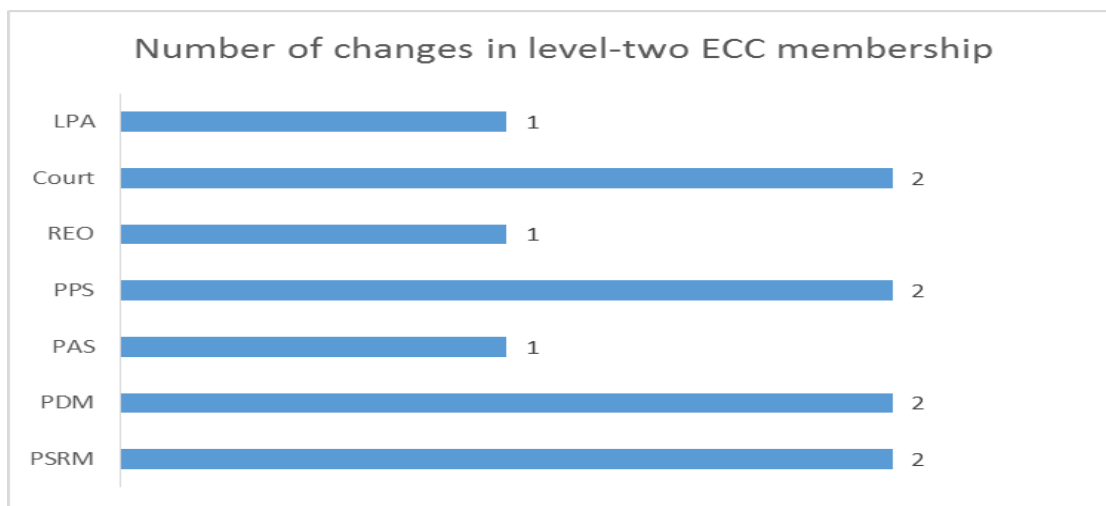
According to the findings of Promo-LEX OM, the nominal structure of ECC changed already in at least 9 level-two ECCs (Chisinau, Causeni, Cimislia, Criuleni, Falesti, Sangerei, Soldanesti, Straseni,

Electoral Commission Decision No 332/2006.

²³ Regulation on the Activity of Electoral Constituency Councils, approved by CEC Decision No 1702/2018.

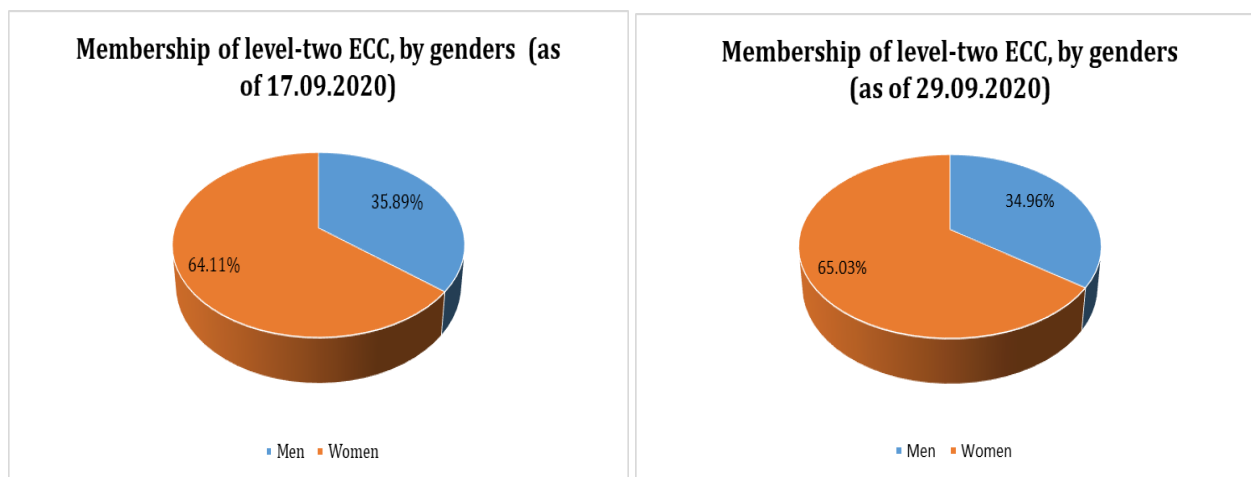
Taraclia). These changes were based on the initiative of the courts in Orhei and Criuleni; PAS in Chisinau; PDM in Cimislia and Criuleni; PPS in Singerei and Straseni; PSRM in Falesti and Taraclia; level-two LPAs in Causeni, as well as on personal request in Chisinau (from the Register of Electoral Officials) (see Chart 1).

Chart 1



Having analysed CEC Decisions amending the nominal structure of level-two ECCs, we noticed that women continue to outnumber men markedly (see Chart 2).

Chart 2

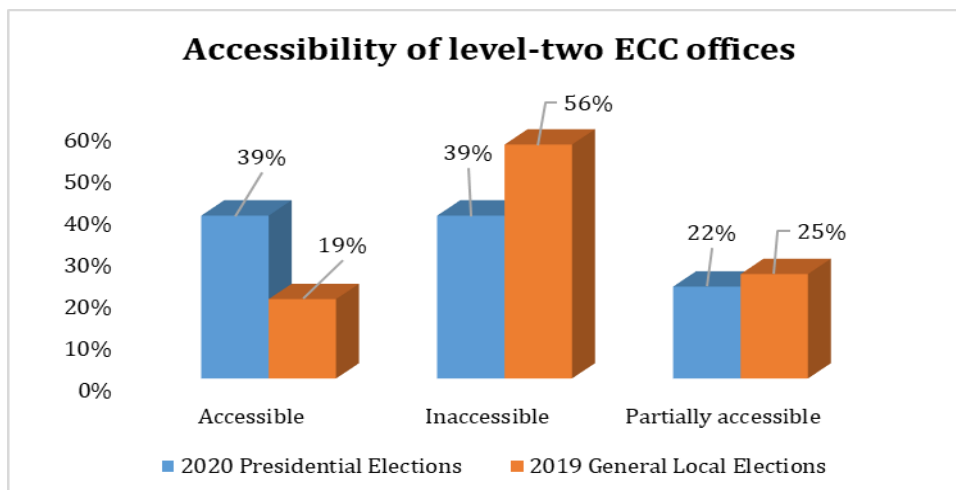


2.2.3. Accessibility of level-two ECC offices

In their visits to level-two ECCs, Promo-LEX observers also assessed their accessibility on the basis of three criteria: accessible (a ramp at least 90 cm wide and a handrail about 75 cm high), partially accessible (ramp available, but no handrail), and inaccessible (both elements are missing). According to the reports of Promo-LEX observers, of the 36 level-two ECCs, only 14 (38.8%) are accessible to groups of vulnerable people.

Still, from the comparative perspective, progress was made compared to the general local elections of 20 October 2019 (see Chart 3).

Chart 3



Similar to the previous elections, for the presidential election of 1 November 2020 the buildings are still not endowed with infrastructure friendly to a larger number of people (people with mobility impairments, older persons, parents with strollers or other groups of people with special needs). Therefore, Promo-LEX OM maintains its recommendation to electoral bodies and the local public administration to ensure the accessibility of all places of public interest for the election of 1 November 2020.

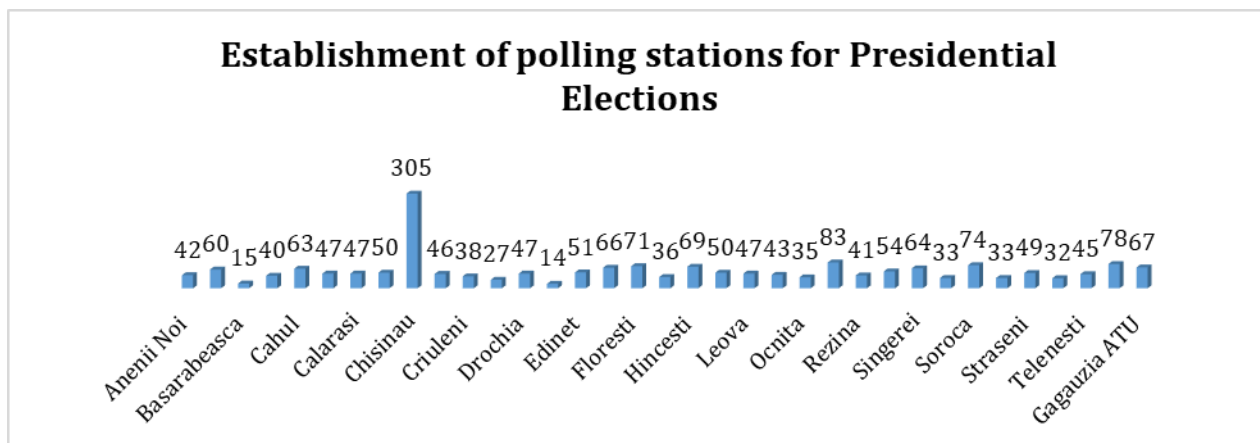
2.2.4. Establishment of polling stations by level-two ECCs

According to Article 30(2) of the Electoral Code, the ECC shall establish the PS in settlements on the basis of proposals from mayors of towns (municipalities), districts and villages (townships), no later than 35 days before election date, and shall comprise at least 30 and no more than 3000 of voters. Upon proposals from mayors of cities (municipalities), sectors and villages (townships), the 3000 voters limit can be exceeded by a maximum of 10%.

According to Article 30 of the Electoral Code and to Item 10 of the CEC Calendar Schedule, the deadline for setting up polling stations was set for 26 September 2020. Level-two ECCs established 1962 PSs (except for PSs in the transnistrian region and abroad). All polling stations were established by the set legal deadlines. Compared to the presidential election of 2016 when 1981 PSs were set up, there are by 19 PSs less for the presidential election of 1 November 2020.

The greatest number of PSs is in Chisinau Municipality (305), followed by the districts of Orhei (83), Ungheni (78) and Soroca (74) (see Chart 4).

Chart 4



2.2.5. Establishment of polling stations abroad

On 26 September 2020, 139 PSs were established abroad by CEC Decision No 4300²⁴, to ensure that the citizens who will be abroad at the time of the election will be able to exercise their right to vote. Despite the numerous requests of the Civic Coalition for Free and Fair Elections (CALC)²⁵, CEC did not hold public, official and transparent consultations involving all stakeholders with regards to the draft decision establishing PSs abroad. We may conclude, therefore, that the establishment of polling stations abroad was negotiated and analysed by CEC and MFAEI alone. Also CEC's reference to the establishment of PSs abroad according to the formula proposed by Promo-LEX is not completely true.

We appreciate, however, CEC efforts to provide a detailed description of the process of setting up of PSs abroad. It is thus for the first time since Moldovan citizens can vote abroad that the body in charge of setting up PSs abroad described in detail the actions taken to set them up: starting with the establishment of an inter-institutional working group consisting of CEC and MFAEI representatives, and up to the detailed description of the formula underpinning the estimation of PSs needed.

In the opinion of Promo-LEX, despite all criticism hurled in the process, the establishment of polling stations abroad for the presidential election of 1 November 2020 was the most transparent this time in comparison with previous years when PSs were set up abroad. Still, we believe that for a greater transparency CEC should have published systematically the primary documentation on the basis of which PSs were set up abroad, while involving all relevant stakeholders. The speculations and suspicions of several electoral stakeholders were the consequence of not having carried out consultations. We also recommend election authorities to create a separate section in 'Presidential election of 1 November 2020' called 'Setting up polling stations for voters abroad and on the left bank of Nistru' where they would upload all decisions establishing PSs on those territories, as well as the primary documentation on the basis of which those decisions were made.

Note that on 11 September – 5 days before the pre-registration closing date – CEC sent a request to MFAEI²⁶, asking to review its proposals regarding the number and location of PSs abroad. CEC proposed in that request that 202 PSs be established abroad. Later, on 21 September 2020, without having received an answer to its first request, CEC sent another one to the MFAEI, regarding the proposal to set up 145 PSs abroad²⁷. The requests, which were published on CEC website, were not accompanied by any evidence of how the estimated number of PSs needed abroad was calculated. What is more, the request filed by CEC on 21 September 2020 did not contain a list of states and PSs proposed to be established, respectively.

With no primary documentation on the basis of which the number of PSs needed abroad was estimated, Promo-LEX finds it impossible to assess the rationale of CEC regarding:

- the initial proposal – of 11 September – to set up 202 PSs abroad;
- the proposal of 21 September (10 days later), to set up 145 PSs abroad.

MFAEI answered both requests (of 11 and 21 September) by Letter No DC/2/402/8553 of 23 September 2020²⁸. In fact, though, MFAEI provided feedback only regarding the proposal to set up 145 PSs abroad. In its reply, MFAEI recommended setting up 136 PSs abroad, having reduced the number suggested by CEC on 21 September 2020 by 9 PSs, as reflected in Table 1.

²⁴ CEC [Decision](#) No 4300 of 26 September 2020 on the establishment of polling stations for the election of the President of the Republic of Moldova of 1 November 2020.

²⁵ [Request](#) of CALC sent to CEC on 8 September 2020 and [the Call](#) of CALC addressed to CEC on 15 September 2020.

²⁶ [Report](#) 2. Observation Mission of the Presidential Election in the Republic of Moldova of 1 November 2020, p. 19.

²⁷ CEC [Request](#) No CEC8/2866 of 21 September 2020 – published without annexes.

²⁸ MFAEI [Letter](#) No DC/2/402/8553 of 23 September 2020.

Table 1. Differences between CEC and MFAEI proposals

<i>State</i>	<i>Proposed by CEC</i>	<i>Proposed by MFAEI</i>	<i>MFAEI rationale</i>	<i>CEC (final)</i>
The Russian Federation	22	17	Having regard to the alarming COVID-19 situation, we propose setting up 17 PSs across regions where Moldovans live according to data from the diplomatic mission, previous elections and pre-registration; impossibility of the MFAEI to delegate heads of EOPS.	17
France	9	8	We recommend setting up in Nice 1 PS instead of the 2 PSs recommended by CEC, due to the number of Moldovans living there according to data from the diplomatic mission, previous elections and pre-registration.	8
Germany	8	6	The German law provides that foreign PSs can only be set up inside diplomatic missions and consular offices (including honorary consular offices).	6
Greece	2	1	We believe setting up a PS on the island of Crete is inappropriate, as an insignificant number of Moldovans live there, with only 2 pre-registration applications filed.	2 (Athens)
Italy	29	30	Giving up the PS in Bari and setting up 2 PSs in Verona and Parma each (instead the 1 PS planned by CEC). Reason: number of Moldovans living there according to data from the diplomatic mission, previous elections and pre-registration.	30
Spain	5	4	No PS in Malaga (few voters).	5 (including Malaga)

Having had regard to MFAEI's answer, by CEC Decision No 4300²⁹ of 26 September 2020, 139 PSs were set up abroad. CEC accepted the recommendations of MFAEI regarding the Russian Federation, France, Germany, Italy and Greece (no PS set up on Crete, however 2 PSs were set up in Athens). The recommendation to not set up a PS in Malaga, Spain was not accepted. Also, the number of PSs in Romania was increased from 12 to 13.

See in Table 2 the number of PSs set up by CEC, as well as Promo-LEX estimates regarding the number of polling stations that had to be set up abroad on the basis of criteria established by the legal framework. Promo-LEX estimates are based on both the 2019 parliamentary elections (column 3), and on the 2016 presidential elections (columns 4 and 6) – criterion also used by CEC to decide on the establishment of PSs abroad for the presidential election of 1 November 2020.

²⁹ CEC [Decision](#) No 4300 of 26 September 2020 on the establishment of polling stations for the election of the President of the Republic of Moldova of 1 November 2020.

Table 2. PSs established abroad

No	State ³⁰	Promo-LEX estimates (according to the draft Regulation proposed in May 2020) ³¹	Final recommendations of CEC to MFAEI (21.09.20) ³²	CEC Decision No 4300 of 26.09.2020 ³³	Verification, by Promo-LEX, of the formula used in CEC Decision establishing PSs (starting from 150 PSs budgeted by CEC)	Difference between final data of CEC and Promo-LEX
1	Austria*	1	1	1	1	
2	Azerbaijan	1	1	1	1	
3	Belarus	1	1	1	1	
4	Belgium	3	2	2	3	-1
5	Bulgaria*	1	1	1	1	
6	Canada	4	4	4	5	-1
7	The Czech Republic*	2	1	1	2	-1
8	China*	1	1	1	1	
9	Cyprus	1	1	1	1	
10	Denmark	1	1	1	1	
11	Switzerland*	2	1	1	2	-1
12	UAE	1	1	1	1	
13	Estonia	1	1	1	1	
14	Russian Federation	22	22	17	23	-6
15	France	7	9	8	7	1
16	Germany*	10	8	6	10	-4
17	Greece	2	2	2	2	
18	Ireland	4	4	4	4	
19	Israel	3	2	2	3	-1
20	Italy	29	29	30	29	1
21	Japan	1	1	1	1	
22	Latvia	1	1	1	1	
23	Lithuania	1	1	1	1	
24	United Kingdom	11	7	7	9	-2
25	Norway	0	1	1	0	1
26	Poland	3	1	1	3	-2
27	Portugal	2	3	3	3	
28	Qatar	1	1	1	1	
29	Romania	11	12	13	11	2
30	Spain	4	5	5	4	1
31	USA	8	12	12	7	5
32	Sweden	1	1	1	1	
33	The Netherlands	2	1	1	2	-1
34	Turkey	3	2	2	3	-1
35	Ukraine	3	2	2	3	-1
36	Hungary*	1	1	1	1	
	Total	150	145	139	150	

The number of PSs established by CEC coincides with Promo-LEX estimates in 21 cases. As regards two other states – the Russian Federation and Italy – CEC suggestions of 21 September 2020 almost coincided with Promo-LEX estimates. Still, upon MFAEI proposal, CEC decided to increase the number of PSs in Italy (+1) and reduce the number of PSs in the Russian Federation (-5). We believe that CEC should have proposed and decided on the establishment of more PSs in the United Kingdom

³⁰ Every state marked with * agreed to set up PSs only inside diplomatic missions and consular offices.

³¹ Promo-LEX [Opinion](#) regarding the establishment of polling stations abroad and regarding a draft Regulation in this respect.

³² CEC [Request](#) No CEC8/2866 of 21 September 2020 – published without annexes.

³³ CEC [Decision](#) No 4300 of 26 September 2020 on the establishment of polling stations for the election of the President of the Republic of Moldova of 1 November 2020.

(+2), the Russian Federation (+6), Canada (+1), Israel (+1) and Poland (+2). On the other side, fewer PSs were to be established in France (-1), Italy (-1), Romania (-2), Spain (-1) and the USA (-5).

Thus, the approved decision establishing PSs abroad was based on the formula proposed by Promo-LEX for calculating the number of PSs in the case of 21 states, while in 15 states exceptions were applied (the number of PSs being either smaller or bigger).

Still on this topic, Item XII of the CEC Decision establishing PSs abroad, specified that the preliminary announcement of the MFAEI of 23 September 2020 said that PSs could not be set up at the headquarters of the diplomatic missions from London (the United Kingdom), Madrid (Spain) and Ankara (Turkey) because they did not meet the epidemiological conditions set up by Moldova and by the host-state authorities, new locations needing to be found. CEC had decided on the establishment of PSs in those headquarters in this way: London (UK) – 3 PSs, Madrid (Spain) – 1 PS, Ankara (Turkey) – 1 PS. Hence, if the pandemic-related restrictions are maintained in these states, then people will be able to cast their votes only if MFAEI manages to find appropriate PS venues.

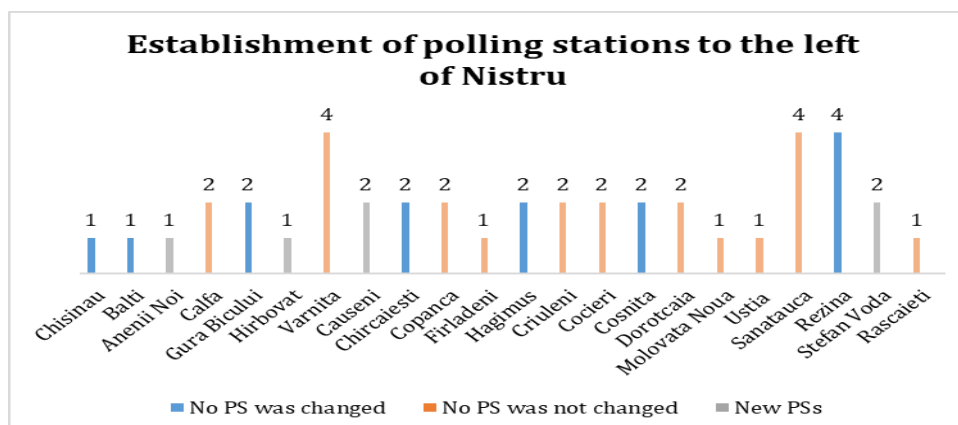
Considering the aforementioned, Promo-LEX developed the opinion that the number of PSs established abroad matches, to a great extent, the number that should have otherwise been arrived at on the basis of criteria from the legal framework. Also, the establishment of PSs abroad was more transparent than in the previous years. Still, we believe that for a better process, CEC should have organised public consultations involving all stakeholders, which would have helped avoid suspicions. Concurrently, considering the COVID-19 pandemic and in agreement with the MFAEI remark to CEC, we also believe that the approval of that decision is not a guarantee of the fact that elections will necessarily be held in all the established PSs. Therefore, for purposes of transparent and correct elections, we recommend that CEC and the MFAEI systematically inform on and make public any change made in matters concerning the organisation and conduct of elections for Moldovan nationals abroad.

In addition, Promo-LEX draws attention to the hypothetical situation of a worse pandemic situation on election day, as a consequence of which fewer polling stations might be opened abroad than stated in CEC Decision. Should there be a second round of elections against a receding pandemic, all polling stations could be opened as provided in the decision on the establishment of PSs, even if fewer were opened for the first round. The reverse scenario could also occur.

In the opinion of Promo-LEX OM, CEC should announce in advance a clear and justified position on the possibility of opening different numbers of polling stations in the first and second round subject to the epidemiological condition and upon approval by the host-state.

2.2.6. Establishment of polling stations to the left of Nistru (Transnistria)

As regards the voting access of voters living in settlements on the left bank of Nistru River, in Bender Municipality and several settlements in the district of Causeni, on 26 September 2020 CEC established 42 PSs on the territory controlled by the authorities of the Republic of Moldova on the basis of proposals forwarded by the Reintegration Policy Bureau (see Chart 5).



Promo-LEX OM remarked that for the presidential election of 1 November 2020, the number of polling stations for voters to the left of Nistru River was by 12 greater than for the presidential elections in October 2016 and by 5 lower than for the parliamentary elections in February 2019. Note that during the pre-election period CEC intended, as it appears in CEC Letter No 8/2371, to establish 47 PSs particularly in the districts of Anenii Noi, Causeni, Criuleni, Dubasari, Floresti and Stefan Voda.

As opposed to the parliamentary elections of 24 February 2020 when only 34% (16 PSs of 47 established PSs) were geographically located in the proximity of crossing points³⁴, most of the PSs for the election of 1 November 2020 (except for those in Chisinau and Balti) are located close to the crossing points (see Chart 5). Promo-LEX believes that setting up PSs closer to crossing points would make voters' access to polling stations easier.

We would like to repeat the concern mentioned in the Second Report with regard to the difficulties that LPAs could encounter in setting up additional polling stations, provided that NEPHC recommendations on protection against COVID-19 are observed. During the reporting period, Promo-LEX observers came across at least two settlements the representatives of which disagreed with opening polling stations for citizens of the Republic of Moldova living in the transnistrian region.

They mentioned that the Local Council of Rascaietii voted against establishing a polling station for voters from the transnistrian region. Among the reasons were the epidemiological situation and the risk of outbreak; the conflict with voters from the left bank of Nistru River at the previous elections; the location of all PSs in the same building, which disrupted the voting in the PS established for the local inhabitants of the settlement.

Similar circumstances were encountered in Hagimus, the inhabitants of which said that the local authorities of Hagimus were absolutely against setting up in this village the 4 polling stations that CEC requested for voters from the transnistrian region. They explained that they had neither premises, nor funds to set up those PSs.

We must say that in terms of the movement of citizens of the Republic of Moldova residing in the transnistrian region, although the state of emergency was extended until 1 December 2020, some categories of potential voters can travel freely. These are citizens living on the left bank of Nistru River registered as also having their residence in 8 settlements controlled the constitutional authorities of the Republic of Moldova³⁵. Additionally, any citizen that has the so-called transnistrian citizenship can leave the region for a short span of time of 12 hours at most, upon prior notification and receipt of travel authorisation from the breakaway administration. Therefore, the isolation of the region is not absolute. The citizens from the transnistrian region will need though the permission of the unconstitutional authorities.

³⁴ [Final report](#). Observation Mission for the Parliamentary Elections of 24 February 2019, p. 22.

³⁵ [Decision](#) No 326 of 23 September 2020.

III. ELECTION CONTENDER NOMINATION AND REGISTRATION

As of 29 September 2020, of the 13 registered IGs, nine had submitted signature sheets to CEC, and 4 — had not. Seven of the nine submitted files, seven (Renato Usatii (PN), Andrei Nastase (PPPDA), Tudor Deliu (PLDM), Andrian Candu (Pro Moldova), Violeta Ivanov (PPS), Maia Sandu (PAS) and Octavian Ticu (PUN)) were submitted by IGs established by political parties, one IG established by an electoral bloc (Dorin Chirtoaca (BE Unirea)) and a file submitted by a group of citizens (Igor Dodon (IC)).

In addition, of the nine files submitted, five contenders were registered (Renato Usatii (PN), Andrei Nastase (PPPDA), Tudor Deliu (PLDM), Igor Dodon (IC), Violeta Ivanov (PPS)), one application was rejected (Andrian Candu (Pro Moldova)), and three files are being reviewed (Maia Sandu (PAS), Octavian Ticu (PUN), Dorin Chirtoaca (BE Unirea)). Of the four candidates that have not submitted their signature sheets, three are independent candidates (Alexandr Kalinin IG, Constantin Oboroc IG, Ion Costas IG) and one nominated by the party (Toma Serghei IG (POM)).

3.1. Election contender registration

According to Article 49(1) of the Electoral Code³⁶, as well as to Items 27, 28 and 29 of the CEC Schedule³⁷, 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)³⁸.

During 16-29 September 2020 (2 days to the application deadline), CEC received five more election contender registration applications (see Table 3).

Table 3. Election Contender Registration

No	Political affiliation	Candidate	IG registration	Application date	CEC decision	Decision	No of signatures	Null and void signatures
1	PN	Usatii Renato	03.09.2020	07.09.2020	1,236 of 13.09.2020	registered	24 105	14%
2	PPPDA	Nastase Andrei	03.09.2020	07.09.2020	4,235 of 13.09.2020	registered	25 000	17%
3	PRO Moldova	Candu Andrian	03.09.2020	10.09.2020	4,263 of 18.09.2020	rejected	25 000	
4	PLDM	Deliu Tudor	03.09.2020	14.09.2020	4,272 of 19.09.2020	registered	21 396	18%
5	IC	Dodon Igor	11.09.2020	21.09.2020	4,303 of 28.09.2020	registered	25 000	9%
6	PPS	Ivanov Violeta	09.09.2020	22.09.2020	4,305 of 29.09.2020	registered	25 000	15%
7	PAS	Sandu Maia	03.09.2020	23.09.2020				
8	PUN	Ticu Octavian	03.09.2020	29.09.2020				
9	BE Unirea	Chirtoaca Dorin	03.09.2020	29.09.2020				

We can hence see that as regards Igor Dodon IG (IC), the application file was submitted 10 days after signature collection started (and this was the group with the least number of signatures declared null and void by CEC), Violeta Ivanov IG (PPS) – 13 days, Maia Sandu IG (PAS) – 20 days, Octavian Ticu IG (PUN) and Dorin Chirtoaca IG (BE UNIREA) – 26 days. However, Igor Dodon announced in a TV show on 16 September 2020 that his initiative group had already collected the 25,000 signatures. So, by the time this report was published, Octavian Ticu IG (PUN) and Dorin Chirtoaca IG (BE UNIREA) took the most number of days to collect signatures – 26.

In the same train of thoughts, note that during the reference period CEC passed Decision No 4263 of 18 September 2020 rejecting the application of Andrian Candu, nominated by Pro Moldova. The reason of rejection was that the signatures on the submitted signature sheets did not comply with the legal provisions. Of the total 29 level-two ATUs in which signatures were collected, the lists of

³⁶ 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**:

³⁷ [Schedule](#) of organisation and conduct of the Presidential Election in the Republic of Moldova of 1 November 2020, Items 27, 28 and 29.

³⁸ Article 113(1) of the [Electoral Code](#).

only 12 level-two ATUs (of the 18 mandatory ones) met the validity conditions of the minimum required 600 signatures. The rest of the lists from 17 level-two ATUs did not meet the legal requirements (there were less than 600 valid signatures).

Two other nominated candidates – Ion Costas (IC)³⁹ and Alexandr Kalinin (IC)⁴⁰ – announced they gave up on signature collection. For Ion Costas IG (IC) – the reason was the illegal nature of the election process (the legal framework was, according to his account, inappropriate, and CEC – an untrustworthy institution). For Alexandr Kalinin IG (IC), the cited reason was that the members of the initiative group were persecuted by PSRM representatives. However, Promo-LEX observers were not able to confirm these allegations (the incident conjured up by Alexandr Kalinin that took place in the village of Maramonovca, Drochia was not related to the presidential election and signature collection).

Two other IGs registered with CEC did not submit signature sheets until 29 September 2020: Constantin Oboroc IG (IC) and Serghei Toma IG (POM).

³⁹ Ion Costas IG (IC) [Press conference](#) – ‘2020 Presidential Election – Anti-national, Unconstitutional’.

⁴⁰ Initiative group activists [beaten](#).

IV. ELECTORAL LITIGATIONS

During the reference period two appeals were submitted to CEC. Both of them were signed by the co-president of BE Unirea, Dorin Chirtoaca. At the same time, it seems that the electoral authority has unjustifiably refused to register other two requests to CEC, submitted by an ECC member and a presidential candidate. In this context, Promo-LEX OM believes that any notification, application, appeal – regardless of the document’s name – must be recorded as an electoral appeal if it reports certain violations of the electoral process.

Chisinau Court of Appeal and Supreme Court of Justice reviewed six appeals on: status of subject with the right to nominate a candidate in the presidential election; procedure of collecting signatures; setting up polling stations abroad; CEC Circular Letter No 2796 of 15 September 2020 on how political parties may fund their nominated candidate; and refusal to register election contenders. Note that most of the appeals filed with the court were not reviewed on the merits, being declared as inadmissible. In this regard, we reiterate that the right to effective remedy shall be ensured to election contenders, voters and other electoral stakeholders.

4.1. Appeals submitted to the Central Electoral Commission

During the reference period two appeals were submitted to CEC. Both of them were signed by Dorin Chirtoaca (BE Unirea). At the same time, it seems that the electoral authority has unjustifiably refused to register other two requests to CEC.

With regards to the appeals submitted by Dorin Chirtoaca (BE Unirea):

- The claims of the appellant in one of the appeals⁴¹ challenge the legality of the CEC Circular Letter of 15 September 2020, concerning the receipt of donations and expenses made by election contenders for the presidential election of 1 November 2020⁴². According to the appellant, that circular letter doesn’t have legal force and cannot be regarded as a regulatory-legal document as it contains abusive interpretations that cannot override the Electoral Code and the Law on Political Parties. The appellant also insists on the fact that the link between the candidate of a party in a presidential election and in any other elections is intrinsic, permanent, just as the legislation provides. The nomination of an individual by a political party and the registration of that individual as election contender implies automatically the full involvement of the party in the campaign, in all aspects. The appellant demanded the annulment of the circular letter.
- The other appeal⁴³ challenged the establishment of polling stations abroad and, in particular, the number and location of polling stations in the Russian Federation. The appellant claimed that if nine polling stations are opened in one single building, as the CEC Letter No 8/2780 of 11 September says, it will be impossible to ensure the access of about 30,000 voters to the polling stations through the entrance of the Embassy of Moldova in Russia. The appellant demanded not to allow opening of polling stations on the basis of false applications in Russia and to cancel the decision to set up nine polling stations in the Embassy of Moldova in Russia.

Taking into account that appeals with the same subject and content were filed with both CEC and the Chisinau Court of Appeal, the Commission issued a letter⁴⁴ informing the appellant that the Commission will present its arguments during the proceedings on the case in the administrative court.

An **appeal** was also filed by a member of ECC No 22 from Leova, informing the Commission about the violations in the election of the Chair, Deputy Chair and Secretary of the ECC. The Commission

⁴¹ [Appeal](#) CEC-10Apr/1 of 17 September 2020 (BE Unirea vs CEC).

⁴² [Circular Letter](#) No 8/2796 of 15 September 2020 on the receipt of donations, and expenses by election candidates in the presidential election of 1 November 2020.

⁴³ [Appeal](#) CEC-10Apr/2 of 18 September 2020 (BE Unirea vs CEC).

⁴⁴ [Letter](#) No CEC 8/2839 of 19 September 2020.

answered⁴⁵ that a member of the electoral body may not challenge the decisions or actions of the body they are member of, and that only voters and election contenders are entitled to that right.

Note that this appeal was not posted on the appeals page of CEC website. Therefore, there are reasons to believe that it was not registered as electoral appeal. *Promo-LEX OM highlights that any notification, application, appeal – regardless of the document’s name – must be treated and thus registered as electoral appeal if it raises certain violations of the electoral process. The filing of an appeal by a person not entitled to do it is not a reason for not registering it accordingly.* Note that on the occasion of the 2019 local elections, at least two appeals of this kind⁴⁶ were registered as electoral appeals and posted accordingly.

The request filed on 21 September 2020 by Serghei Toma – presidential nominee supported by POM – requesting the annulment of certain CEC decisions, **was also not registered as appeal, it appears.** The Commission answered on that same day informing how CEC decisions could be challenged, and that a litigation on that same matter that was already under way⁴⁷. CEC answer made it obvious that the request pursued the annulment of CEC decisions and that was an appeal within the meaning of Article 1 of the Electoral Code. *It is not clear thus what is the understanding of CEC when it comes to recording inquiries, requests, notifications as electoral appeals or not.*

Note that according to Article 22(1)(q) of the Electoral Code, the Central Electoral Commission inquires into electoral fraud, include alleged fraud, in past, current or future elections, and takes preventive measures. CEC must thus address actively the examination and settlement of appeals, notifications and solicitations concerning electoral violations.

4.2. Appeals filed to court

During the reference period, Chisinau Court of Appeal and the Supreme Court of Justice reviewed appeals on: status of subjects with the right to nominate a candidate in presidential elections; signature collection procedure; setting up polling stations abroad; CEC Circular Letter No 2796 of 15 September 2020 on how political parties may fund their nominated candidate; and refusal to register election contenders.

- With regards to the appeal filed by **PACE against CEC Decision** No 4125 of 25 August 2020, the Chisinau Court of Appeal pronounced a court resolution on 17 September 2020 declaring the appeal inadmissible⁴⁸, because the appellant did not comply with the legal procedure on initiating a lawsuit pursuing the issuance of an administrative act. In other words, the appellant was supposed to have requested CEC to issue a decision to include PP PACE in the list of parties and other socio-political organisations entitled to nominating candidates to the presidential election. In the event of rejection or lack of a response, the appellant could have started a lawsuit in court. With regards to the second appeal filed with the Supreme Court of Justice, it maintained the resolution of the Chisinau Court of Appeal.

- As regards the appeal filed by **PSE**, the Chisinau Court of Appeal issued a court resolution⁴⁹ pronouncing the lawsuit inadmissible because the flaws the court called attention to had not been addressed by the set deadline. By that appeal, PSE sought to have the CEC answer to the petition annulled⁵⁰ and to have the Commission convoke a meeting to review it. It filed a second appeal with the Supreme Court of Justice, but the resolution of the Court of Appeal was maintained, and the second appeal – rejected⁵¹.

⁴⁵ [Letter](#) No CEC 8/2854 of 21 September 2020.

⁴⁶ [Appeal](#) CEC-10 ALG/23 of 4 October 2019; [Appeal](#) CEC-10ALG/26 of 5 October 2019.

⁴⁷ [Letter](#) No CEC 8/2871 of 21 September 2020.

⁴⁸ [Resolution](#) of the Collegium of Civilian, Commercial and Administrative Proceedings of Chisinau Court of Appeal of 17 September 2020 in the case of PP PACE vs CEC.

⁴⁹ [Resolution](#) of the Collegium of Civilian, Commercial and Administrative Proceedings of Chisinau Court of Appeal of 16 September 2020 in the case of Party of the European Left vs CEC.

⁵⁰ In that petition, PP PSE requested the ceasing of signature collection as Article 47 of the Electoral Code provides that only independent candidates must submit signatures. The petitioner invoked the lack for COVID-19 prevention rules in the signature collection process.

⁵¹ [Decision](#) of the Collegium of Civilian, Commercial and Administrative Proceedings of the Supreme Court of Justice of 19 September 2020 in the case of Party of the European Left vs CEC.

- On 17 September 2020, **PLDM and PL** filed a request with the Chisinau Court of Appeal to **annul the Circular Letter** No 2796 of 15 September 2020 on the receipt of donations, and expenses by election candidates in the presidential election of 1 November 2020. As the civil cases are related, a resolution was issued with regards to them on 21 September, which pronounced them inadmissible⁵² because the subjects were not election contenders and did not argue what legitimate right of theirs was violated by the issuance of the challenged administrative act. On 22 September, PL and PLDM filed substantiated second appeals challenging the resolution, but the Supreme Court of Justice issued on 25 September the Decision⁵³ annulling the challenged resolution, sending the case back to retrial. *Inter alia*, the administrative court collegium announced that the first instance court did not interpret and apply correctly the rules of substantive law and of procedural law, and that the phrase ‘restricts the right of political parties to participate in elections as election contender’ from the appeals is indicative of the fact that the appellants claimed a concrete subjective right. On 29 September 2020, the Chisinau Court of Appeal declared the court actions inadmissible again⁵⁴, as the object of examination was outside the scope of the administrative court. According to the former, the circular letter referred to represents administrative activity performed by public authorities and it is therefore not to be tried via the administrative court.

- On 18 September 2020, **PL and BE Unirea sued CEC** seeking the partial annulment of letter CEC 8/2780 of 11 September 2020, the enforcement of the obligation to check all pre-registration applications filed in view of setting up polling stations in the Russian Federation and of the obligation to settle the issue of polling stations in the Russian Federation altogether. On 22 September, Chisinau Court of Appeal issued a resolution⁵⁵ that pronounced the initiated action inadmissible because the applicants were not election contenders and did not argue what legitimate right of theirs was violated by the issuance of the challenged administrative act. The court ruled that the act concerned didn’t restrict in any way the applicants’ rights. Having filed a second appeal challenging the Chisinau Court of Appeal resolution, the Supreme Court of Justice issued on 28 September 2020 the decision⁵⁶ annulling the challenged resolution, sending the case back to retrial to the same judicial panel. *Inter alia*, the specialized judicial panel highlighted that the right of access to a court is an inherent element of all procedural guarantees provided for in the Convention. The exercising of this right demands that an individual be given a clear and concrete possibility to challenge an act that affects the rights of that individual.

- On 21 September 2020, **Alexandr Kalinin** filed a second appeal against the Chisinau Court of Appeal Resolution of 7 September 2020 that pronounced the action inadmissible. We remind that by the filed request for summons, Kalinin was seeking the annulment of the decision registering a number of initiative groups because they were established before the date the law provides for. On 24 September, the Collegium of Civilian, Commercial and Administrative Proceedings of the SCJ pronounced that second appeal inadmissible⁵⁷ as it was filed beyond the date by which a second appeal may be filed according to law. Note that the operative part of the Chisinau Court of Appeal Resolution provides for the possibility to challenge it within 15 days. So although the appellant filed the second appeal by the deadline stipulated in the Resolution, the SCJ concluded that A. Kalinin was supposed to have filed the second appeal by the deadline stipulated in Article 74(6) of the Electoral Code, not within the time wrongly indicated by the Chisinau Court of Appeal.

- On 21 September 2020, **A. Candu and S. Sirbu**, as leader of the initiative group, filed a request for summons **against CEC**, seeking the annulment of the administrative act and the registration of A. Candu as candidate to the position of president of the Republic of Moldova. On 28 September, the Specialized Panel for the Examination of Administrative Litigations of the Chisinau

⁵² [Resolution](#) of the Collegium of Civilian, Commercial and Administrative Proceedings of Chisinau Court of Appeal of 21 September 2020 in the case of PL and PLDM vs CEC.

⁵³ [Decision](#) of the Collegium of Civilian, Commercial and Administrative Proceedings of the Supreme Court of Justice of 19 September 2020 in the case of PL and PLDM vs CEC.

⁵⁴ [Resolution](#) of the Administrative Court Panel of the Collegium of Civilian, Commercial and Administrative Proceedings of Chisinau Court of Appeal, of 29 September 2020 in the case of PL and PLDM vs CEC.

⁵⁵ [Resolution](#) of the Administrative Court Panel of the Collegium of Civilian, Commercial and Administrative Proceedings of Chisinau Court of Appeal, of 22 September 2020 in the case of PL and BE Unirea vs CEC.

⁵⁶ [Decision](#) of the Collegium of Civilian, Commercial and Administrative Proceedings of the Supreme Court of Justice of 28 September 2020 in the case of PL and BE Unirea vs CEC.

⁵⁷ [Decision](#) of the Collegium of Civilian, Commercial and Administrative Proceedings of the Supreme Court of Justice of 24 September 2020 in the case of A. Kalinin vs CEC.

Court of Appeal issued a Decision⁵⁸ rejecting the request for summons and pronouncing that the challenged administrative act had been issued in observance of the law. By its decision, the court:

- a. established, *inter alia*, that the requirements set out in the law with regards to the filling out and signing on signature sheets by a candidate's supporters are explicitly detailed in the law and must be strictly complied with, or be invalidated if otherwise.
- b. highlighted that the errors committed during signature collection are imputable only to signatories and signature collectors who had the obligation to ensure that the legal requirements are observed, but as they were precisely not – the collected signatures did not meet the legal requirements that would have otherwise ensured their validity;
- c. concluded that the other objections of the appellants regarding the entry of data in the information system, the operability of this system, as well as the fields where the signatories changed their name, but not their ID, are insufficient to prove that in the indicated districts the appellant collected more than 600 valid signatures.

Note that a separate opinion⁵⁹ was given on the adopted decision. It rated the action as admissible and substantiated. The separate opinion says that although CEC had nullified 5,243 signatures, it did not provide a clear, focused and accessible justification to allow for understanding the objectivity and legality of conclusions regarding the absolute nullification of signatures declared null and void. In particular:

- a. CEC did not provide any truthful and conclusive evidence to support the rejection of 1,332 signatures on the grounds that the signature sheets included people who didn't live in the settlements concerned;
- b. in the absence of indisputable evidence, such as a handwriting analysis by an expert graphologist, or at least the person's testimony that the signature was not theirs, the appearance of inauthenticity cannot serve as grounds for annulling 213 signatures;
- c. the administrative act does not provide a sufficiently clear and focused justification as to the claimed inaccuracies or gaps that affect the validity of 893 signatures.

*Taking into account the above, note that during the reference period, most of the appeals filed with courts were pronounced inadmissible. Therefore, the appeals were not examined on the merits as they did not comply with the format requirements established by the Administrative Code. Also, at least two resolutions of inadmissibility were annulled by the Supreme Court of Justice during the reference period. In this regard, we reiterate that **the right to effective remedy shall be ensured** to election contenders, voters and other electoral stakeholders.*

*Note that the deadlines for settling appeals filed with the Court of Appeal and to the Supreme Court of Justice were observed in six cases. However, the deadlines were **exceeded insignificantly** by one day in two cases (Chisinau Court of Appeal) and by two days in another two cases (Chisinau Court of Appeal, Supreme Court of Justice).*

⁵⁸ [Decision](#) 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 28 September 2020 in the case of A. Candu and S. Sirbu vs CEC.

⁵⁹ Separate opinion on the Decision of Chisinau Court of Appeal of 28 September 2020 in the case of A. Candu and S. Sirbu vs CEC.

V. PUBLIC ADMINISTRATION

Promo-LEX OM still finds gaps in the performance of LPAs' tasks to ensure a transparent and correct electoral process. According to observers of the 351 LPAs visited until 29 September, only 275 (78%) approved the decision on electoral posters and only 266 LPAs (76%) approved the decision on offering premises for meetings with voters. Most of them — 217 (82%) provide for free a place of meeting with voters.

Promo-LEX observers found that not all LPAs knew their duties with regards to how voters should declare their new place of residence. Of the 59 interviewed relevant LPAs, 4 (7%) did not know the mechanism. Statistically, 484 declarations on voter's place of residence had been submitted by 29 September 2020 to the interviewed LPAs, most of them being recorded in Chisinau municipality – 454 (94%).

2.1. Election organisation activities involving local public administration

Until 29 September, Promo-LEX observers visited 351 level-one LPAs. In terms of 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 275 mayoralities (78%) adopted the decision on places for electoral posters. Only 153 decisions of these (56%) were displayed at the LPA premises. At the same time, places for posters were prepared in 267 ATUs (76%). Of these, there was enough space for electoral advertising for all election contenders (at least 1 sq.m. per election candidate) in 193 settlements only (72%).

With regard to the decision on venues for meetings with voters. At least 266 mayoralities (76%) have approved decisions on venues for meeting with voters. Only 150 decisions of these (56%) were posted at the LPA premises. Out of 266 LPAs that have approved such decisions, 217 (82%) provided for free a place of meeting with voters. On the other hand, 48 LPAs (18%) are charging from MDL 50 to MDL 1000 per hour, i.e. MDL 200 – MDL 1000 per meeting.

With regard to the use of the venues for meetings. In 12 settlements the venues were already used for meeting with voters. They were used by PAS (6 – for free), PPS (1 – MDL 200), PPPDA (4 – of which 3 for free and 1 for MDL 1,500), PUN (1 – for free).

2.3. LPA duties in implementing the procedure of declaration of one's new place of residence

According to Article 44(8) of the Electoral Code, people enjoying the right to vote who, after their last participation in elections, have changed their place of residence, have the right to declare their new place of residence to the local public administration body – at the latest 30 days before the next elections – in order to be registered in the list of voters at the polling station corresponding to the place of residence. The local public administration authorities concerned must communicate the information in question to CEC without delay.

On 23 September 2020 – only 8 days to the expiration of the term for submitting the declaration of residence – Promo-LEX OM was informed by a voter about their attempt to file a declaration to such end with Bubuieci LPA. According to the voter, the LPA representatives had no knowledge of the procedure on the declaration of the new place of residence of a voter on election day. Having also referred to a phone call to ECC No 1, the APL representative urged the voter to come back in relation to this request after 10 October 2020 when the EOPS will be working, i.e. after the deadline for filing the declaration on one's new place of residence will have been expired.

In this context, Promo-LEX OM interviewed representatives of 59 LPAs (32 district seats, Balti Municipality and two of its suburban settlements, Comrat Municipality, 5 city districts of Chisinau Municipality, 18 ATUs – suburban settlements of Chisinau Municipality). It turned out that

representatives of at least 55 LPAs (93%) had knowledge of the procedure for declaring one's new place of residence, while representatives of at least 4 LPAs (7%) had not. It should be noted that 2 out of the 4 LPAs that were not familiar with this procedure were from among the suburban settlements of Chisinau.

As many as 484 declarations on voter's place of residence had been submitted by 29 September 2020 to LPAs, most of them being recorded in Chisinau municipality — 454 (94%).

VI. ELECTION CONTENDERS

Over the last two weeks of signature collection, Promo-LEX OM reported less activism among initiative groups. Promo-LEX OM found at least 130 activities, by 28 fewer than in the previous reporting period, related both to the signature collection process conducted by IGs and to electoral-like political promotion of already registered candidates. Most activities were carried out by: Igor Dodon IG (IC) – 52 (40%), Maia Sandu IG (PAS) – 27 (21%) and the registered candidate, Andrei Nastase (PPPDA) – 24 (18%). Promo-LEX OM found that at least 25% of all the actions that are considered to be conducted by Igor Dodon IG, registered as independent candidate, were conducted by PSRM.

Also, the OM reported at least 207 cases in which electoral advertising was used, by 156 fewer compared to the previous period. The most active are: Maia Sandu IG (PAS) – 69 (33%), Igor Dodon IG (IC) – 55 (27%) Violeta Ivanov IG (PPS) – 45 (22%).

The observers identified at least 23 cases that can be regarded as use of administrative resources: 15 (65%) – Igor Dodon (IC), 7 (30%) – Violeta Ivanov (PPS) and 1 (4%) – Maia Sandu (PAS). The cases are the following: handing out state awards after registering the IG – 10; taking credit for works/services funded from public money – 9; using the public position for promotional activities of electoral nature – 2; involving LPA employees in activities of electoral nature – one case.

Promo-LEX observers reported at least three cases then images of foreign officials and images with state institutions were used with an electoral impact. Two of these cases involved Igor Dodon (IC), and one case – Maia Sandu (PAS).

6.1. Conducted activities

According to Article 116(1) of the Electoral Code, Moldova Presidential Election Campaign is to start no sooner than 30 days before the election day. However, according to Item 22 of the CEC Schedule⁶⁰, registered IGs are 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 130 activities focused on collecting signatures in support of nominated candidates and on promoting candidates (see Table 4).

Table 4. Conducted activities

No	Activities	Igor Dodon IG (IC) ⁶¹	Maia Sandu IG (PAS)	Andrei Nastase IG (PPPDA)	Violeta Ivanov IG (PPS)	Octavian Ticu IG (PUN)	Andrian Candu IG (Pro Moldova)	Renato Usatii IG (PN)	Serghei Toma IG (POM)	Alexandr Kalinin IG (IC)	Constantin Oboroc IG (IC)	Total
1	Meetings with citizens	20	11	20						1	1	53
2	Dissemination of informative materials	27	8	1	2							38
3	Press conferences	1	5	3	3		2	2	2			18
4	Flashmobs/demonstrations		3				1					4
5	Signature collection					2						2
6	Door-to-door activities	1				1						2
7	Electoral posters				1	1						2
8	Inaugurations	3			8							11
Total		52	27	24	14	4	3	2	2	1	1	130

⁶⁰ [Schedule](#) of organisation and conduct of the Presidential Election in the Republic of Moldova of 1 November 2020, Item 22.

⁶¹ Including at least 13 activities carried out by PSRM to support the Igor Dodon IG (IC).

Most activities were carried out by: Igor Dodon IG (IC) – 40%, Maia Sandu IG (PAS) – 21% and the registered candidate, Andrei Nastase (PPPDA) – 18%. Distributed by regions, 40% of activities were reported in Chisinau, 7% – in Causeni, 5% – in Anenii Noi.

Electoral Political Activities Carried Out by Registered Candidates. As regards the candidate Andrei Nastase (PPPDA), given his registration as a candidate on 13 September 2020, we found that the 24 activities carried out during the monitored period (meetings with citizens, dissemination of materials, etc.) can qualified as electoral political activities. The registered candidate Renato Usatii (PN) also carried out two activities with electoral impact.

In addition, note that the candidate Renato Usatii (PN) suspended his work as Mayor of Balti Municipality⁶² on 14 September 2020. Still, on 18 September 2020, he attended a working meeting at Balti Town Hall, dedicated to the results of the tender run for the selection of a supplier to refurbish sidewalks in Balti. He explained that he had noticed some non-compliances and needed to have them clarified.

Political promotion by PSRM of Igor Dodon – candidate nominated as independent. Promo-LEX observers reported at least 13 activities (25% of the total actions assigned to Igor Dodon IG) of PSRM promoting the candidate Igor Dodon, who was nominated as an independent candidate. We reiterate that PSRM did not nominate a candidate for the presidential election of 1 November 2020. Nevertheless, there were at least two instances in which Igor Dodon (IC) had identified himself with PSRM. For example, in the show ‘Presedintele rapsunde’ of 18 September 2020⁶³, he mentioned: ‘*We – PSRM – are credible, honest partners...*’ (speaking about the governing alliance); ‘*Now the socialists – my party, the party that supports me – have only 37 mandates*’ (speaking about the impossibility to pass some laws).

6.2. Activities that can qualify as misuse of administrative resources for electoral purposes

At least 23 cases that can qualify as use of administrative resources (15 – Igor Dodon (IC), 7 – Violeta Ivanov (PPS) and 1 – Maia Sandu (PAS)) were noticed during the monitored period:

- The impossibility to delimit ordinary office duties from using the position of public dignity for electoral promotion activities – 12 cases (Igor Dodon IG (IC)).

On 28 September 2020, which is the day on which CEC adopted the decision to register candidate Igor Dodon (IC), he had an online discussion with the President of the Russian Federation, Vladimir Putin. At that videoconference, Vladimir Putin mentioned that as response to Igor Dodon’s request, the Russian Federation was willing to provide humanitarian aid for farmers, amounting to RUB 500 million: ‘*As you kindly asked for, we organised the provision of humanitarian aid of RUB 500 million...*’⁶⁴

On the same subject – on 25 September 2020, Igor Dodon had a phone call with the President of Turkey – Recep Tayyip Erdoğan. Later, in a press conference on 28 September 2020⁶⁵, Igor Dodon mentioned that he sought support from Turkey to cope with the farmers’ crisis in Moldova.

Besides, at least five government award ceremonies were held at the Presidential Office during the monitored period. President Igor Dodon presented several citizens with high government awards (two of these ceremonies took place on 18 September 2020⁶⁶, one – on 22 September 2020⁶⁷, one –

⁶² According to Article 49(1)(i) one is to be suspended from their office over the election campaign (2 October – 1 November 2020). Still Promo-LEX recommended suspension from public office on the date when the IG is registered. We appreciate thus that candidate Renato Usatii suspended himself from office the next day after he was registered as candidate.

⁶³ ‘[Presedintele raspunde](#)’ [*The President Aswers*]: Episode of 18 September 2020.

⁶⁴ [The President](#) of the Republic of Moldova had a video-call with the President of the Russian Federation.

⁶⁵ [Press Statements](#) following the working meeting of the President of the Republic of Moldova – Igor Dodon, with the Speaker of the Moldovan Parliament – Zinaida Greceanii and the Prime Minister of the Republic of Moldova – Ion Chicu.

⁶⁶ [Igor Dodon](#) presented a group of citizens with high government awards.

on 25 September 2020⁶⁸ and one more – one 28 September 2020⁶⁹). According to the information published on the website of the Presidential Office, the decrees on government awards were signed earlier, but that their conferring had been put off for later. It was also found that on his field visits, Igor Dodon presented government awards in at least five other cases (two of them in Chisinau, another two in Leova, and one in Taraclia). Note that in comparison with 2019 – when awards used to be given on special occasions⁷⁰ – the number of award ceremonies has increased significantly in 2020.

On the same subject, note that about 43% (aprox. 870 awards) of all awards conferred by Igor Dodon in all four years of his term, were given in 2020. Of the total awards conferred by the President during this year, about 17% (over 145 awards) of the decrees on awards were signed during the election period (22 awards – after the registration of Igor Dodon IG (IC)).

- The use of the official sites of state institutions to promote electoral activities – one case (Igor Dodon IG (IC)).

We reiterate that on 21 September 2020, Igor Dodon IG (IC) submitted the application for the electoral race. The same day, a press release that the President⁷¹ submitted the signature sheets was published on the official site of the Presidential Office – www.presedinte.md. *The current President will fight for one more four-year presidential mandate in order to ensure the good functioning of the country during these difficult times at regional and global levels, marked by pandemic, drought and demographic issues.* The Head of the State will work during these four years in order to finish, with responsibility, all the projects promised to people.

- Involving LPA employees in electoral activities – one case (Maia Sandu IG (PAS)).

According to observers, on 24 September 2020, during a visit in Volintiri village, Stefan Voda, the mayor of the village asked LPA employees to give print information materials (leaflets) of the nominated candidate Maia Sandu to everyone who visits the mayoralty.

- Taking credit for works/services provided from public money – 9 cases: (Igor Dodon IG – 2 cases, PPS – 7 cases).

Cases of candidate Igor Dodon (IC):

1) During the talk-show 'Președintele raspunde' [The President Answers] of 18 September 2020⁷², when answering to the question about the financing source of the 'Good roads for all' project, Igor Dodon said that the works were conducted from public money. However, he didn't hesitate to mention that thanks to him and to the current Government, they managed to allocate and grant money for the repair of roads, financial aid for pensioners, compensations for farmers, additional payments for teachers, etc. (*I decided to give at least one million each (for roads). ...We found a MDL billion – we offered additional money to pensioners.) We found 1.3 billion – we gave it to 'Good roads for all'. We found 300-400 million and we gave this money for salaries for doctors, etc.*)

2) On 17 September 2020, the sports and recreation ground was inaugurated for the children from Ceadir-Lunga town, an event which was also attended by the nominated candidate Igor Dodon (IC). According to a regional news portal⁷³, the playground was built with the support of the President of the Republic of Moldova, who was notified in August about this topic by the citizens of this town. Moreover, note that the land for the construction and the construction itself was ensured by MP

⁶⁷ [Igor Dodon](#) presented a group of citizens with high government awards.

⁶⁸ [Igor Dodon](#) presented a some citizens with high government awards.

⁶⁹ [Igor Dodon](#) presented a some citizens with high government awards.

⁷⁰For instance, in the context of the solemn [reunion](#) dedicated to the 28th anniversary of state security bodies, [the ceremony](#) organised on the occasion of the 28th anniversary of the National Army, [the meeting](#) with students who showed remarkable performance in the 'Olimpiada Megapolis' intelligence contest, with the [the athletes](#) who performed remarkably in the World Summer Students' Sports Competition as well as in other international sports competitions, etc.

⁷¹ [The initiative group](#) submitted all the signatures necessary to register Igor Dodon in the presidential elections.

⁷² ['Președintele raspunde'](#) [The President Answers]: Episode of 18 September 2020.

[A sports playground was inaugurated in](#) ⁷³ [Ceadir-Lunga](#) with the support of the President.

Fiodor Gagauz, Ceadir-Lunga Mayorality and Local Council, Ceadir-Lunga district administration and by the regional enterprise Ape-Thermo'. However, the following information was written on the information board of the playground: *A playground for children. Gift of the President of the Republic of Moldova Dodon I.N. for the residents of Ceadir-Lunga municipality.*

Cases concerning PPS (nominated candidate – Ivanov Violeta):

- 1) Two case when this candidate took credit for LPAs' projects of street lighting from Toceni village, Cantemir and Raculesti village, Criuleni.
- 2) One case when this candidate took credit for building a bus station, which in fact, was conducted by LPAs (Logofteni village, Falesti).
- 3) Two case when this candidate took credit for building pedestrian crossing points (Trinca village, Edinet and Raculesti village, Criuleni).
- 4) Two cases when this candidate took credit for building playgrounds for children (Ghiliceni village, Telenesti and Branzeni village, Camenca commune, Glodeni)

In addition, note that Promo-LEX observers reported other 13 LPAs, which received from the Office of the President of the Republic of Moldova a set of three publications: *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 Russian⁷⁴.

6.3. Activities that can be qualified as promotion using images of foreign officials and the state symbols

According to Article 52(8) of the Electoral Code, images that represent state institutions or public authorities, both from the country and from abroad, as well as international organizations, may not be used for electoral advertising. The combinations of colors and/or sounds that invoke national symbols of the Republic of Moldova or any other state, use of materials with historical personalities of the Republic of Moldova or from abroad, symbols of other foreign countries or international organizations, or the image of some foreign officials is prohibited.

According to the international standards⁷⁵, the electoral process should be understood as a period that is much longer than the election campaign, as provided in the national law. It includes different stages of an electoral process starting with the establishment of the constituencies, nomination and registration of the candidates. Namely this broad approach covers the multiple methods of the abusive use of administrative resources during the entire electoral process and not just during the election campaign.

In this context, note that during the monitored period, Promo-LEX OM identified at least 3 cases when the nominated candidates promoted activities/events with potential electoral impact that featured the image of foreign officials and state institutions. The nominated candidate Maia Sandu (PAS) is involved in one case, and Igor Dodon (IC) — in two cases. However, as reported in the context of the previous observation missions, according to Promo-LEX, the legislator should review the content of the restrictions in question, so that they are clearer, more explicit and take into account the general framework that regulates the freedom of expression. When the restrictions are inappropriate and almost impossible to apply, the legislator can analyse the possibility to abolish them⁷⁶.

The case of the nominated candidate Maia Sandu (PAS): on 21 September 2020, she had a meeting with Peter Michalko, the European Union Ambassador in the Republic of Moldova, and discussed the political situation the Republic of Moldova, including the elections. The event was disseminated by

⁷⁴ [Report 2](#). Observation Mission of the Presidential Election in the Republic of Moldova of 1 November 2020, p. 40. Venice Commission's Joint⁷⁵ [Guidelines](#) for preventing and responding to the misuse of administrative resources during electoral processes, p. 5.

Final⁷⁶ [report](#). Observation Mission for the New Local Elections of 20 May (3 June) 2018, p. 26.

the potential candidate on social media and its necessary to note that even if the Ambassador Peter Michalko was tagged, the message was not published on the official's page and was not covered in media by him.

Cases of the candidate Igor Dodon (IC): 1) on 21 September 2020, a video containing images taken when Igor Dodon IG (IC) submitted the registration file to CEC, was published on social media. The video begins with the symbol of the Presidential Office of the Republic of Moldova⁷⁷; 2) on 28 September 2020, during an online discussion between the President of the Republic of Moldova Igor Dodon, and the President of the Russian Federation Vladimir Putin, the latter wished to Igor Dodon good luck for the upcoming elections: *'I hope that after the elections, that will take place in a month and that I wish you good luck with, we will continue the activities that we have started...'*

6.4. Outdoor/promotional/on-line advertising

During the monitored period, the observers reported at least 207 cases in which electoral advertising was used. Most of all such advertising was used by Maia Sandu IG (PAS) – 33%, Igor Dodon IG (IC) – 27% and Violeta Ivanov IG (PPS) – 22%.

Table 5. Data on the use of advertising

No	Advertising	Maia Sandu IG (PAS)	Igor Dodon IG (IC)	Violeta Ivanov IG (PPS)	Renato Usatii IG (PN)	Andrei Nastase IG (PPPDA)	Octavian Ticu IG (PUN)	Total
1	Sponsored advertising	28	2		16	2		48
2	Billboards	2		37		3		42
3	Leaflets, posters, flyers, calendars	17	11	2		4	1	35
4	Vests, aprons, bags	18	10				1	29
5	Newspapers, magazines, brochures		17	2			3	22
6	Tents	3	14				2	19
7	Online banners			1	5			6
8	Banners			3		1		4
9	Video spots	1						1
10	Print media/online advertising		1					1
	Total	69	55	45	21	10	7	207

⁷⁷ [Video spot](#) about the submission of the file to CEC by Igor Dodon IG (IC).

VII. FUNDING OF THE ELECTION CAMPAIGN

The funding of the initiative groups was monitored between 2 and 25 September 2020. According to the information published on the official website of CEC, out of 13 registered IGs, 7 submitted weekly reports by 25 September 2020: Renato Usatii (PN), Andrei Nastase (PPPDA), Maia Sandu (PAS), Violeta Ivanov (PPS), Octavian Ticu (PUN), Igor Dodon (IC), Constantin Oboroc (IC). Four groups – Tudor Deliu IG (PLDM), Andrian Candu IG (PRO MOLDOVA), Dorin Chirtoaca IG (BE UNIREA), Sergiu Toma IG (POM) – each submitted a statement of not incurring any expenses. At the same time, two IGs have submitted neither a financial report nor a statement of not incurring any expenses to CEC: Ion Costas IG (IC) and Alexandr Kalinin IG (IC).

The amount of revenue and expenditure declared by 7 registered IGs, for 2-25 September 2020, was MDL 1,827,428. 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’. Donations in goods and services were the main source of income for initiative groups (61%). Though no initiative group exceeded the ceiling of MDL 994,250 set by CEC, the spending of Violetei Ivanov IG (PPS) was closest to the ceiling.

According to Promo-LEX observations, as of 25 September 2020 inclusively, no IG reported expenses for signature collectors. Finally, 9 IGs did not report fully the expenses incurred during 2-25 September 2020: Violeta Ivanov (PPS), Andrei Nastase (PPPDA), Renato Usatii (PN), Igor Dodon (IC), Octavian Ticu (PUN), Maia Sandu (PAS), Andrian Candu (PRO MOLDOVA), Tudor Deliu (PLDM), Dorin Chirtoaca (BE UNIREA). The total unreported expenses are estimated to amount to at least MDL 748,173.

7.1. Totalising financial reporting of initiative groups to Central Electoral Commission

According to the information published on the official website of CEC, between 2 and 25 September 2020, 7 IGs submitted weekly reports: Renato Usatii IG (PN) – 2 reports, Andrei Nastase IG (PPPDA) – 2 reports, Maia Sandu IG (PAS) – 3 reports, Violeta Ivanov IG (PPS) – 3 reports, Octavian Ticu IG (PUN) – 3 reports Igor Dodon IG (IC) – 3 reports, Constantin Oboroc IG – 1 report. Four initiative groups: Tudor Deliu IG (PLDM), Andrian Candu IG (PRO MOLDOVA), Dorin Chirtoaca IG (BE UNIREA) and Sergiu Toma IG (POM) – submitted each a statement stipulating that they were not going to open a bank account and to incur expenses. At the same time, two IGs have submitted neither a financial report nor a statement of not incurring any expenses to CEC: Ion Costas IG (IC) and Alexandr Kalinin IG (IC).

Promo-LEX OM notes that Constantin Oboroc IG (IC) drafted erroneously the report⁷⁸, given that the revenue is the same as the final balance, but the report contains information about the expenses for promotional materials and transportation services.

7.2. Initiative groups’ revenues and expenses reflected in financial reports

7.2.1. Revenues and expenses

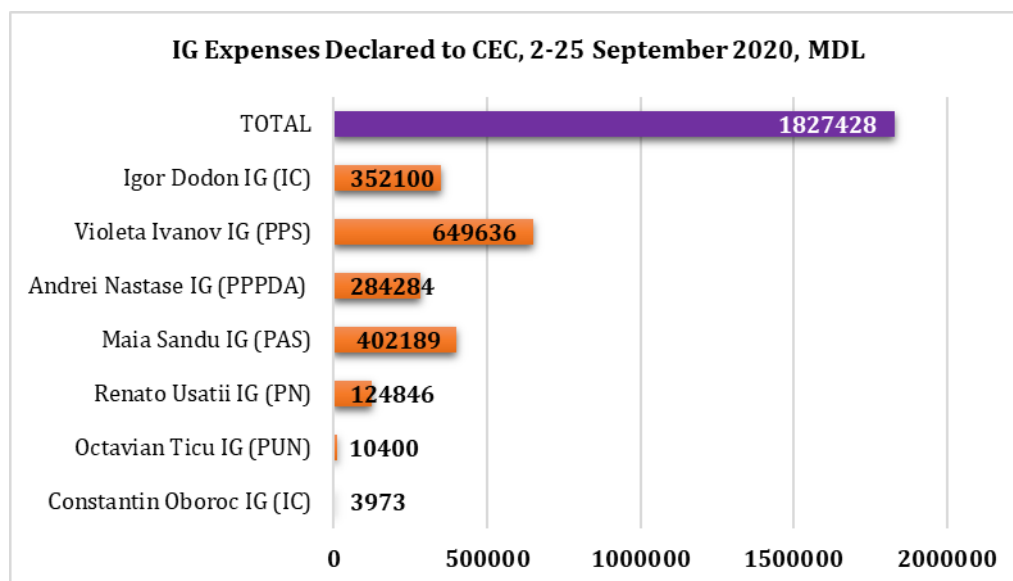
According to the reports submitted to CEC as of 25 September 2020, the amount of revenue and expenditure declared by 7 registered IGs, for 2-25 September 2020, was MDL 1,827,428. This amount also included donations in commodities, objects, works or services – estimated by the IG and reflected in the annex to the report ‘Donations in commodities’. Promo-LEX OM notes for the first time such high share (61%) for revenues from in-kind donations and that this source of IG revenue becomes the main source of funding IGs.

Thus, Violeta Ivanov IG (PPS) reported revenues and expenses of MDL 649,636 from donations in commodities; Renato Usatii IG (PN) reported revenues and expenses of MDL 124,846 of which MDL 13,435 in commodities and services; Maia Sandu IG (PAS) – revenues and expenses of MDL 402,189 of which MDL 146,468 in commodities and services; Igor Dodon IG (IC) – revenues and expenses of MDL 352,100 of which MDL 5,000 in commodities and services; Andrei Nastase IG (PPPDA) – revenues and expenses of MDL 284,284, all from donations in commodities and services; Octavian Ticu IG (PUN) reported only revenues and expenses from in-kind donations in the amount of MDL

⁷⁸ [Report of Constantin Oboroc IG \(IC\)](#).

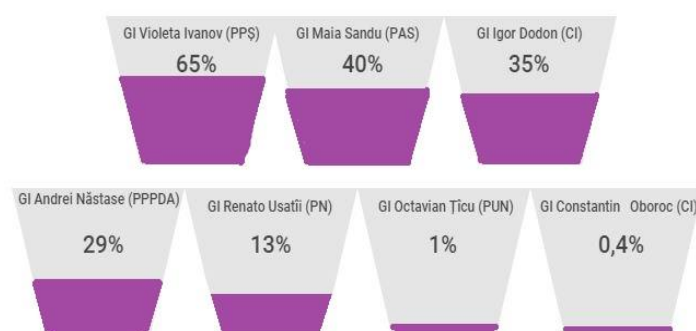
10,400 (Chart 6). No initiative group exceeded the threshold set by CEC in the amount of MDL 994,250 per IG⁷⁹ (Figure 1).

Chart 6. Initiative Groups' revenues between 2 and 25 September 2020, MDL



Data obtained on the basis of the reports of initiative groups published on CEC official website

Figure 1. Share of revenue from the maximum threshold established by CEC for IG⁸⁰



Data obtained on the basis of the reports of initiative groups published on CEC official website

6.3.2. Sources of funding

Promo-LEX OM noted that between 2 and 25 September the main sources of funding IGs were donations in commodities and services (61%), followed by donations from the party account to the IG account (11%) and donations from individuals (28%). Thus, by 11 September 2020, the initiative groups reported:

- financial donations of 90 individuals amounting to MDL 522,284 for Igor Dodon IG (IC), Renato Usatii IG (PN), Maia Sandu IG (PAS), Constantin Oboroc IG;
- transfer of own funds from the current account of a political party (PAS) for Maia Sandu IG totalling MDL 195,921⁸¹;
- in-kind donations totalling MDL 1,109,223 for six IGs⁸² (Andrei Nastase (PPPDA), Maia Sandu (PAS), Renato Usatii (PN), Violeta Ivanov (PPS), Octavian Ticu (PUN), Igor Dodon IG (IC)) (Chart 7).

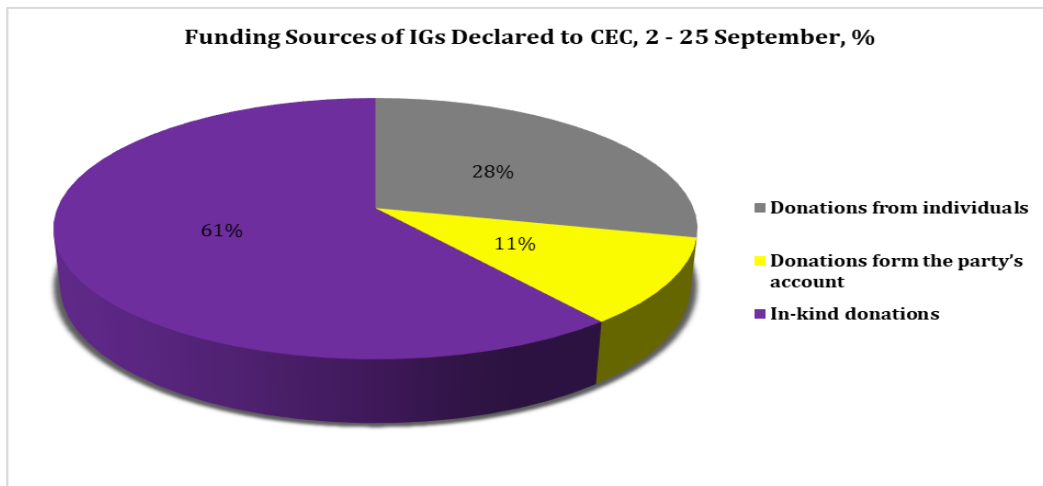
⁷⁹ CEC Decision [No 4152](#).

⁸⁰ The total revenue included the donations in commodities and services.

⁸¹ In the report for the third week, the treasurer of Maia Sandu IG (PAS) corrected the figure from the [report](#) concerning the transfer of own funds from the account of the party in the account 'Electoral Fund', from MDL 233,800 into MDL 195,921.

⁸² The in-kind donations are not included in the balance sheet of the financial report, in the funds turnover sections.

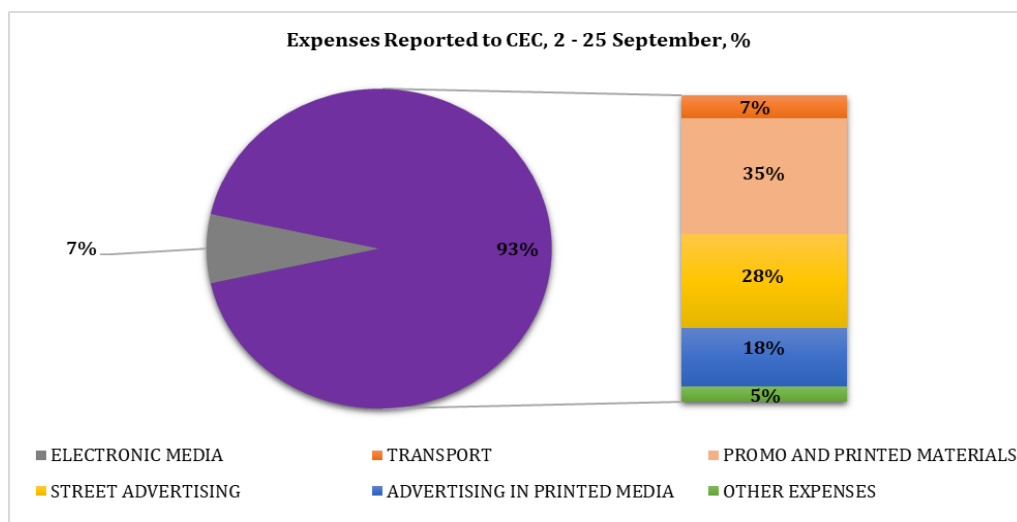
Chart 7. Funding sources of IGs, %



Data obtained on the basis of the reports of initiative groups published on CEC official website

As regards the expenses reported to CEC for 2-25 September, the largest share of expenses was for print media advertising (35%) and outdoor advertising (28%); print advertising expenses (18%), transportation expenses (7%), expenses for electronic media/internet (7%) and other expenses (5%) (Chart 8. IG Expenses reported to CEC).

Chart 8. IG expenses reported to CEC for 2-25 September 2020, %



Data obtained on the basis of the reports of initiative groups published on CEC official website

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

a) Advertising expenses⁸³

a. 1) Electronic media

During the reference period (2-25 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 123 sponsored posts⁸⁴ and online banners on various websites.

As regards Igor Dodon IG, observers reported online banners on various websites and at least 7 sponsored posts on *Odnoklassniki* social network.

⁸³Promo-LEX OM does not monitor the TV advertising.

⁸⁴ Sponsored advertising on a public page for Renato Usatii IG (PN), [Усатый Ренато-Renato Usatii](#).

As regarding Maia Sandu IG (PAS), Promo-LEX OM observers reported at least 56 sponsored posts for this IG, form at least 4 FB public pages⁸⁵.

Observers reported at least 10 public pages with 15 sponsored posts for Violeta Ivanov IG (PPS) on FB⁸⁶.

Promo-LEX OM estimated an amount of at least MDL 206,499 of unreported expenses during the reference period for 3 IG: Violeta Ivanov IG (PPS) – MDL 108,200, Renato Usatii IG (PN) – MDL 80,990, Igor Dodon IG (IC) – MDL 25,579.

a. 2) Expenses for promotional materials and print-outs

During the reference period, as regards Igor Dodon IG (IC), Promo-LEX OM observers reported print advertising in the form of newspapers paid form the 'for IG' account⁸⁷ and newspapers that were not paid from this account⁸⁸, leaflets⁸⁹ and flyers without any data about the printing house.

With respect to Andrei Nastase IG (PPPDA), the observers reported A4 flyers⁹⁰, 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' account⁹¹.

As regards Violeta Ivanov IG (PPS), Promo-LEX OM observers reported party newspapers⁹².

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 alt least to MDL 247,236: Andrei Nastase IG (PPPDA) – MDL 147,900; Violeta Ivanov IG (PPS) – MDL 70,196; Octavian Ticu IG (PUN) – MDL 29,140.

⁸⁵ Sponsored advertising on 4 public pages for Maia Sandu IG (PAS): [Maia Sandu, PAS, Partidul Acțiune și Solidaritate, Mihai Popsoi](#).

⁸⁶ 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.

⁸⁷ The newspaper 'Igor Dodon, the Responsible President', 16 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)

⁸⁸ 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

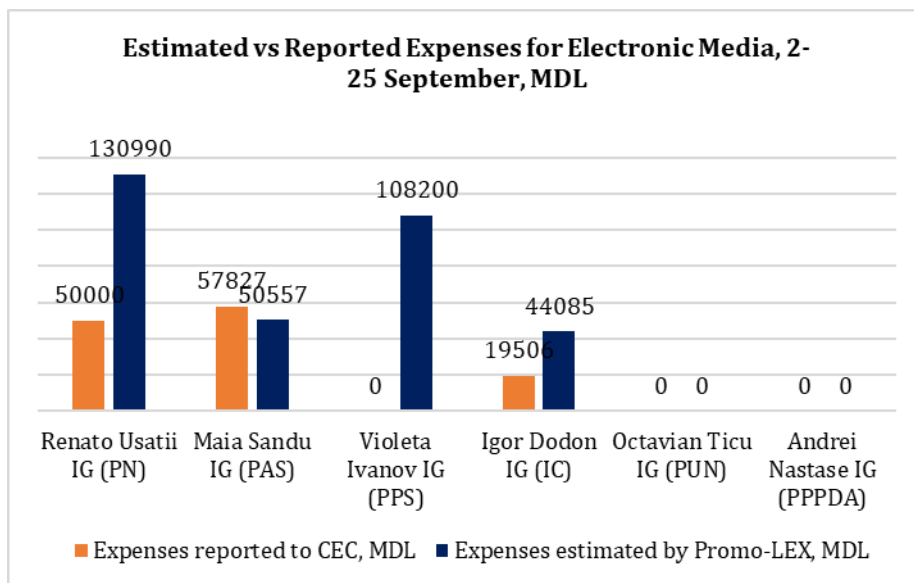
⁸⁹ printing house 'Arva Color' SRL, order No 2369, print run 1,000 copies.

⁹⁰ Leaflets printed at 'Aviprint Prim', print run 100,000 copies (Romanian).

⁹¹ 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.

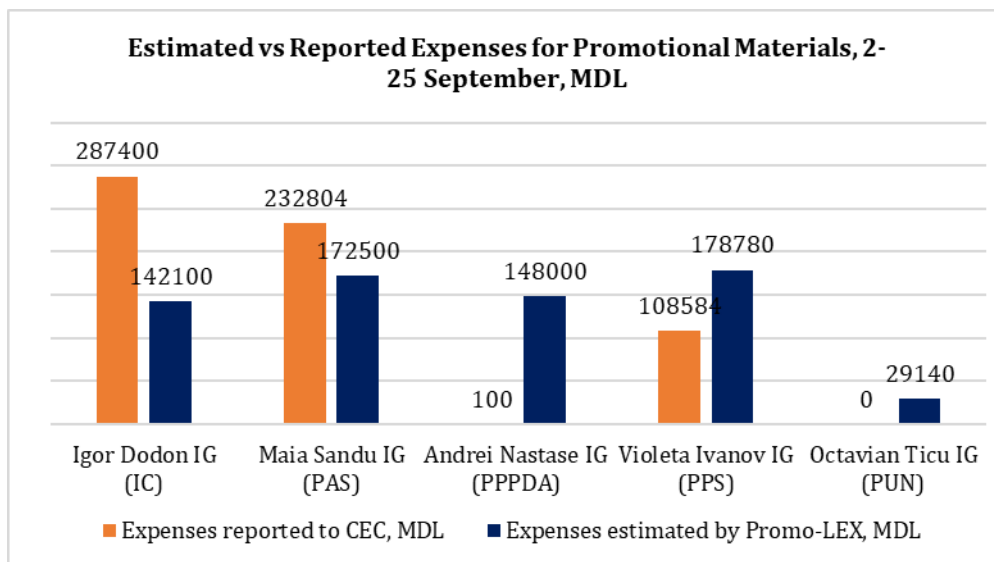
⁹² Newspapers printed by 'Edit Tipar Grup', order No 762, print run 255,400 copies.

Chart 9



Data obtained on the basis of the data published on CEC official website and Promo-LEX findings

Chart 10



Data obtained on the basis of the data published on CEC official website and Promo-LEX findings

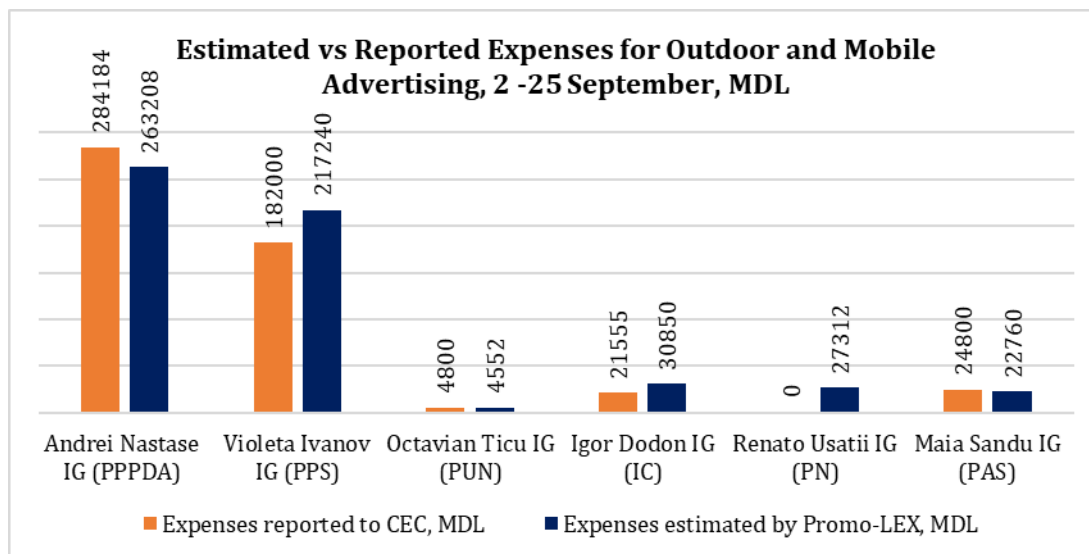
Promo-LEX OM reported the use of newspapers in the electioneering during the period before the campaign, namely during the operation of the initiative groups, without declaring them in IG reports at the on the page dedicated for donations in commodities and services. Observers reported such cases in relation to the IG of the potential candidate Octavian Ticu (PUN), newspapers No 1 and 2 of 26 June 2020, without printing data and A5 leaflets with PUN emblem and without printing data. Promo-LEX OM qualifies the use of these materials without declaring them to CEC as a violation of the rules for election campaign funding.

a. 3) Mobile and outdoor advertising

During the reference period, Promo-LEX OM reported outdoor advertising placed by 6 IGs: Maia Sandu (PAS), Andrei Nastase (PPDA), Violeta Ivanov (PPS), Octavian Ticu (PUN), Igor Dodon (IC), Renato Usatii (PN). 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 66,847 of unreported

expenses for: Violeta Ivanov (PPS) – MDL 35,240, Renato Usatii (PN) – MDL 27,312, Igor Dodon (IC) – MDL 4,285 (Chart 11).

Chart 11



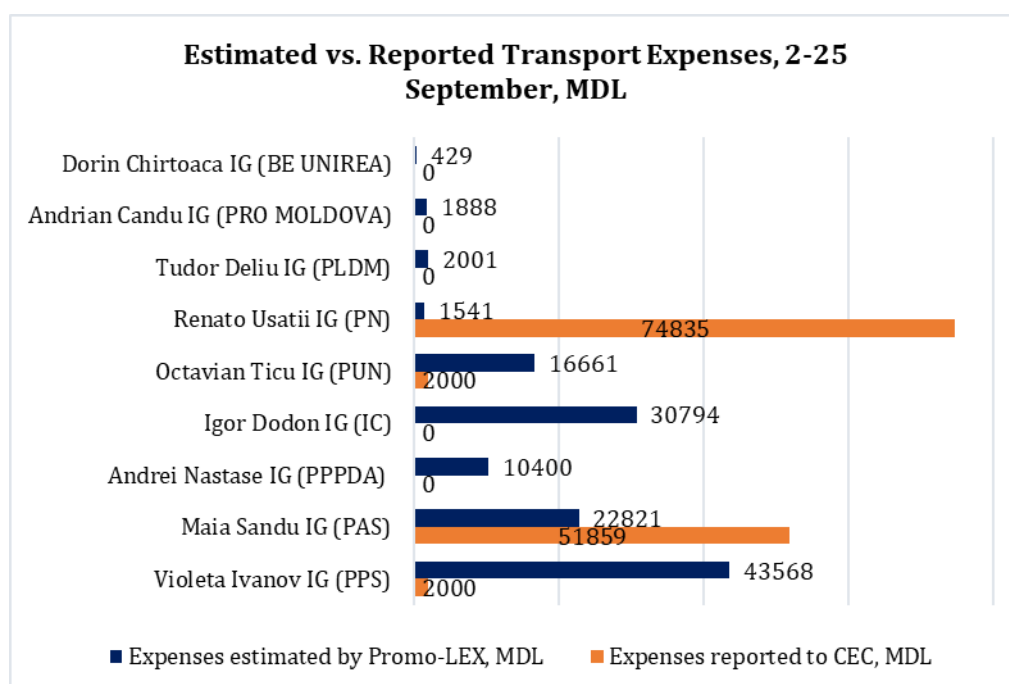
Data obtained on the basis of the data published on CEC official website and Promo-LEX findings

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 101,741 of unreported expenses for trips inside the country during the reference period for 7 IGs: Violeta Ivanov (PPS) – MDL 41,568, Andrei Nastase (PPDA) – MDL 10,400, Igor Dodon (IC) – MDL 30,794, Octavian Ticu (PUN) – MDL 14,661, Tudor Deliu IG (PLDM) – MDL 2,001, Andrian Candu (PRO MOLDOVA) – MDL 1,888, Dorin Chirtoacă (BE UNIREA) – MDL 429 (Chart 12).

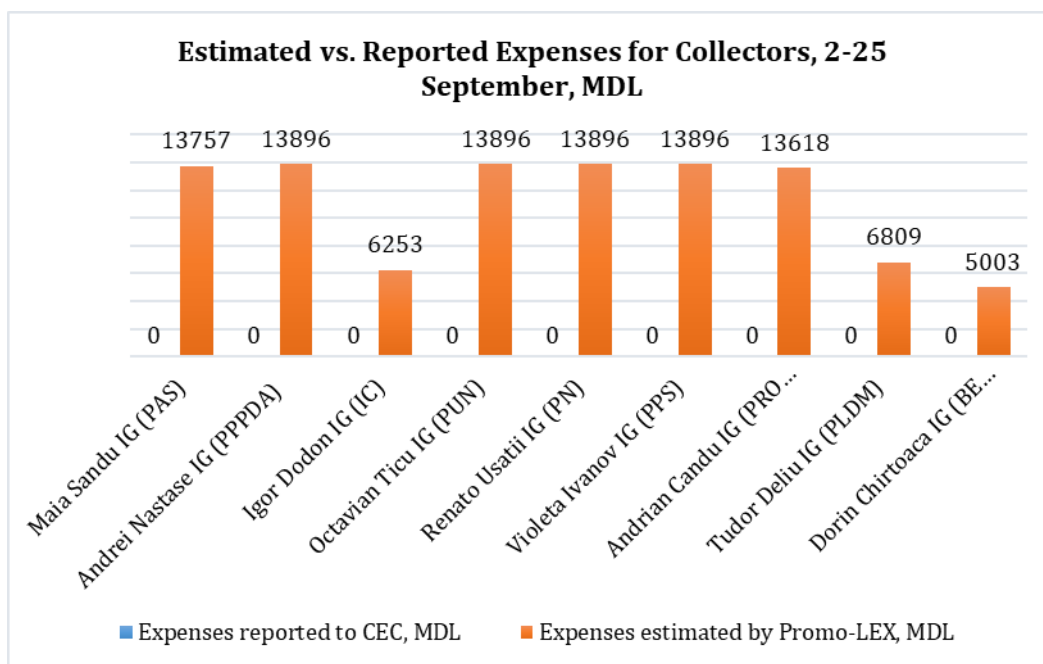
Chart 12



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 2020⁹³. 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 13).

Chart 13



Data obtained on the basis of the data published on CEC official website and Promo-LEX findings

Promo-LEX OM states that 9 IGs did not report all expenses incurred during 2-25 September 2020 for per diem to signature collectors, transport and advertising.

Violeta Ivanov IG (PPS) – under-reported expenses for advertising in the electronic media – by at least MDL 108,200 and expenses for collectors – by at least MDL 13,896; for promotional and print advertising – by at least MDL 70,196; for outdoor and mobile advertising – by at least MDL 35,240; and for transportation – by at least MDL 30,486. Total estimated unreported expenses — MDL 269,100.

Andrei Nastase IG (PPPDA) – under-reported expenses for collectors – by at least MDL 13,896; for promotional and print advertising – by MDL 147,900; and for transportation – by at least MDL 10,400. Total estimated unreported expenses — MDL 172,196.

Renato Usatii IG (PN) – under-reported expenses for the advertising in the electronic media – by MDL 80,990, for outdoor and mobile advertising – by at least MDL 27,312 and for signature collectors – by at least MDL 13,896. Total estimated unreported expenses — MDL 122,198.

Igor Dodon IG (IC) – under-reported expenses for the advertising in the electronic media – by at least MDL 42,135 and for transportation – by MDL 30,794; un-reported expenses for collectors – by at least MDL 6,253; under-reported expenses for outdoor and mobile advertising – by at least MDL 4,295. Total estimated unreported expenses — MDL 83,477.

Octavian Ticu IG (PUN) – under-reported expenses for promotional and print advertising – by at least MDL 29,140; for transportation – by at least MDL 14,661 and for collectors – by at least MDL 13,896. Total estimated unreported expenses — MDL 57,697.

⁹³ [The minimum guaranteed salary in the real sector in 2020](#) amounts to MDL 2,935 per month or MDL 17.37 per hour.

Maia Sandu IG (PAS) – unreported expenses for collectors. Total estimated unreported expenses — MDL 13,757.

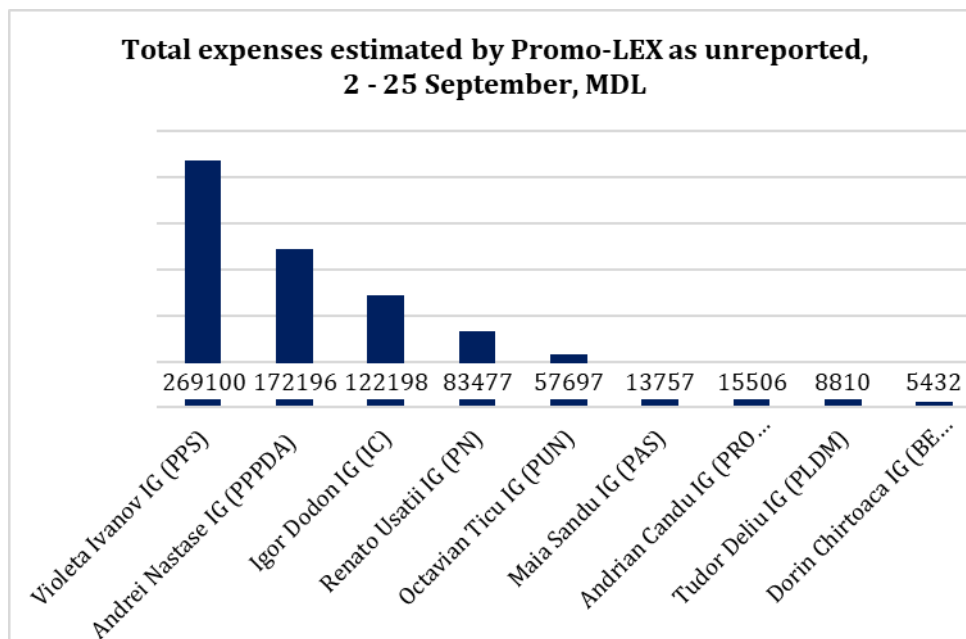
Andrian Candu IG (PRO MOLDOVA) – unreported expenses for transportation and for collectors – at least MDL 15,506.

Tudor Deliu IG (PLDM) – unreported expenses for transportation and for collectors – at least MDL 8,810.

Dorin Chirtoaca IG (BE UNIREA) – unreported expenses for transportation and for collectors — at least MDL 5,432.

No IG submitted any volunteering declarations signed by collectors, which should be signed if collectors do volunteering work. Those 9 potential candidates did not report an estimated amount of at least MDL 748,173 for the signature collection period (Chart 14).

Chart 14



Data obtained on the basis of the data published on CEC official website and Promo-LEX findings

VIII. HATE SPEECH AND INCITEMENT TO DISCRIMINATION

During the monitoring period, at least 5 cases of registered candidates using hate speech and incitement to discrimination in the public space were identified. All five cases involved Renato Usatii (PN).

Also, at least 19 cases of potential candidates affected by hate speeches or incitement to discrimination were also reported. Thus, Igor Dodon (IC) was targeted in 8 such cases, Maia Sandu (PAS) – in 2 cases, and Renato Usatii (PN), Andrei Nastase (PPPDA), Andrian Candu (Pro Moldova) and Dorin Chirtoaca (BE UNIREA) – in one case each.

In other five cases, hate speech and incitement to discrimination targeted members of political parties and/or supporters of potential candidates.

Hate and discriminatory messages built on the following criteria: political affiliation, health condition, disability, professional activity, sex/gender, religion and religious beliefs, and opinion.

8.1. Candidates who used hate speech or incitement to discrimination

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

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

20.09.2020/Message on personal Facebook page, entitled 'Preparing the Turkey in Two Rounds'

'I hope these crazy people will not kick us from the elections by bribing the voters. But wait, a turkey can be donated, are they insane?'

16.09.2020/Online press conference on the personal Facebook page

'Mr. Dodon, they mourn you because you're an idiot and I'm telling you, the next day, an entire country will laugh and enjoy.'

17.09.2020/Message on the personal Facebook page, entitled 'We Are Launching the National Project #dodonWCchallenge'

'Good luck with the initiatives of our great and powerful a little bit of a patient, a little bit of a president, Igor Dodon.'

In another two cases, Renato Usatii spoke in a denigrating way about the PSRM MPs Bogrdan Tirdea and Oleg Sava, as well as about the supporters of Igor Dodon:

16.09.2020/Online press conference on the personal Facebook page

'You speak so bad about them, but people from Balti proved their position in 2015, in 2018 during the early elections and even in 2019 when you, Dodon, together with Tirdea and other handicapped were spreading lies and aberrations in Balti.'

18.09.2020/Nordnews.md coverage

'I can tell you that if Sava makes estimates on the basis of all the liters of vodka he drinks every day, it's okay... Sava needs to give up drinking or... [...] If Sava still has a piece of missile in the head after Afghanistan, we can give him a X-ray examination and maybe help him with a surgery.'

In those three cases that targeted the independent candidate Igor Dodon, Renato Usatii used associations with birds ('turkey') as well as preconceptions about people with mental disabilities ('idiot', 'a little bit of a patient', 'handicapped') with the aim to denigrate, dehumanize and ridicule his counter-candidate.

Also, the hate speech and the incitement to discrimination used by Renato Usatii targeted PSRM members and MPs of the Parliament of the Republic of Moldova, known for supporting the independent candidate Igor Dodon, former President of PSRM. Thus, Renato Usatii, denigrated the MP Sava by inducing the idea that he was an alcoholic, and in case of the MP Tirdea, the election contender used preconceptions about people with mental disabilities ('handicapped') with the same aim: denigrate the latter.

Note that although the speeches that instigate to hate and discrimination targeted the independent candidate and PSRM MPs, the preconceptions and the stereotypes against people with mental disabilities affect indirectly the representatives of this social group, thus favouring the increase of intolerance in the society.

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

According to data provided by the experts involved in the process of monitoring the hate speech, at least 18 situations were registered when the election contenders and election candidates involved in the presidential election and the representatives of political parties and/or the supporters of election candidates/contenders were the target of public speeches that incited to discrimination or violence, denigrated and used stereotypes and preconceptions.

Cases of hate speech and incitement to discrimination that target Igor Dodon (IC) – 8 cases

22.09.2020/Facebook page of Mercury Detox

A video was published on the page of Mercury Detox, showing the head of the independent candidate Igor Dodon, and a dog that imitates a sexual intercourse, rubbing himself by his head. The video is accompanied by the following text: '1 November – haven't you decided yet? COME and VOTE! F*ck Dodon!'. Though we can consider that the phrase was used in a metaphoric sense, the message incites to violence against Igor Dodon. At the same time, the video material is a denigrating one and affects the dignity of the candidate.

20.09.2020/Public event: meeting of Liviu Vovc and Andrei Nastase with the residents from Carpineni, Hancesti

During this public event, according the live streaming made by the election contender Andrei Nastase, three different participants used speech that instigate to hate and violence against Igor Dodon:

- 'Dodod, it means nothing that you claim to have faith and go to church because you are the number one thief, criminal and robber and that mother of your who gave birth to you should have twisted you neck.'
- 'Dodon is such a chemical!'
- 'We'll take the forks and we'll go out and break his neck!'

These messages that were live-steamed, are very aggressive and that is why the candidate's intervention was appropriate. In the first case, Andrei Nastase asked the participant to give up attacking the mother of his counter-candidate and as regards the last message, the one that incited to violence, Andrei Nastase stepped up and asked the participant to stop using violence.

18.09.2020 and 23.09.2020/Facebook page Jos Dodon

Two images were published on the Facebook page *Jos Dodon*, representing hate speech and incitement to discrimination against the election candidate Igor Dodon.

The first case is about an image that accompanies the title of the post: 'The things you could buy with 100 lei in 2000 and in 2020. Sad'. The image represents the options of a budget of 100 lei in 2000, 2005 and 2012 as compared with 2020. In the first three cases the image represents baskets full of food products, while in 2020 the image represents two things: soap and rope. The last one represents Igor Dodon near the soap and the rope, the author suggesting this way that in 2020, with a budget of 100 lei, the only option is to buy soap and a rope in order to hang Igor Dodon. This post conveys an aggressive message that incites to hate and violence against the independent candidate.

In the second case, the post represents a collage of various images and questions that are most frequently introduced in the online search engines. Three out of six images are sexist and the last one represents the election candidate, Igor Dodon. His photo is accompanied by the question: 'Why do idiots become presidents?' Thus, the author of the post uses preconceptions against people with mental disabilities and denigrate Igor Dodon.

18.09.2020/Public event: protest organised by Pro Moldova Political Party in front of Central Electoral Commission

During the public event they spoke about the involvement of the independent candidate Igor Dodon, in the activity of Central Electoral Commission and among the participants in the event, an unidentified individual had a placard with a snout of pig on it and the following message: 'Get you snug off CEC'. Thus, the aim of this placard, associated with the messages conveyed by the organisers of the event, was to denigrate the candidate Igor Dodon, by dehumanizing him and associating him with an animal ('pig').

16.09.2020/Nordnews.md

In his article 'Igor Dodon – President Responsible for... Poverty, Corruption and Plastic Bags' in the heading 'Editorials', Anatol Moraru wrote:

'After several weeks of young lady tantrums, Igor Nicolaevici Dodon thought he couldn't leave us and decided to become one more time the President of the Republic of Moldova because he imagined that people wanted this a lot, because there was more room in his pockets and because he didn't manage to put everything on the plate of Russians.'

By using gender preconceptions ('young lady tantrums'), Anatol Moraru ridiculed the independent candidate Igor Dodon.

Cases of hate speech and incitement to discrimination that target Maia Sandu (PAS) – 2 cases

24.09.2020/Komsomolskaya Pravda (www.kp.md)

In the article 'Beggars at the march: In Moldova, Chirtoaca and Sandu pretend to be poor beggars and try to pity the voters', the author, Leonid Reabcov, wrote:

'Look at Maia Sandu. She is so slim-hipped, short, and that smile that usually helps get a discount at the market. All you want is to give her some food, a lot of food. Here is the PAS leader talking to us about how she lives with MDL 6,000 per month. She doesn't have a glamorous life and she thinks only about people.'

By using the phrase 'slim-hipped', 'smile that usually helps get a discount at the market', 'give her some food, a lot of food', the author incites to discrimination based on health and social origin by using the phrase 'poor beggars'.

23.09.2020/Personal Facebook page of Bogdan Tirdea

On his Facebook page, the PSRM MP, Bogdan Tirdea, wrote a message in the context of the statements of PAS election candidate, Maia Sandu, about the possible attempt to rig the presidential elections, entitled: 'The stories of Sandu about "the rig of the elections" - prepare us for Maidan!':

'This means that Moldovan citizens who live in Europe have the right to vote and those who live in the Russian Federation – don't. I mean, we have citizens of superior and inferior race, people who think right and who don't. And this happens in the 21st century, in a country that defeated Nazism! These are the citizens that want to become presidents. What can you say about this?'

This way, by means of the title of the message and the picture of PAS candidate near the former governor of Odessa region (Ukraine), Mihail Saakashvili, Bogdan Tirdea, associates Maia Sandu with the image of the socio-political event in the recent history of Ukraine – Euromaidan. Thus, the MP Tirdea, who speaks in a bad manner about this event, induces and feeds the social fear regarding the organisation of a potential 'Euromaidan' in Moldova by Maia Sandu.

At the same time, the MP Tirdea incites to hate based on opinion, against the candidate Maia Sandu, who he associates with another negative event in the contemporary history, racial segregation during World War II. This way, the candidate of PAS is associated with a discriminatory attitude against Moldovan citizens who live or work in the Russian Federation, by denigrating and associating her with a danger for the citizens of the Republic of Moldova from the Russian Federation.

Cases of hate speech and incitement to discrimination that target Dorin Chirtoaca (UNIREA Electoral Bloc) – 1 case

24.09.2020/Komsomolskaya Pravda (www.kp.md)

In the article 'Beggars at the march: In Moldova, Chirtoaca and Sandu pretend to be poor beggars and try to pity the voters', the author, Leonid Rebecov, wrote:

'Dorin Chirtoaca is poor at all and the other day he said that he lived on 2-3 thousand per month and even wore worn out pants. So skinny, but so tall.'

In this case too, the author incites to discrimination based on health status, by using the phrase 'skinny, but so tall' and social origin by using the phrase 'poor beggars'.

Cases of hate speech and incitement to discrimination that target Andrian Candu (Pro moldova) – 1 case

20.09.2020/Blocknot Moldova (www.bloknot-moldova.md)

The author of the article entitled 'Run ostrich, run, work with your wings!'. Andrian Candu was seen flying to Istanbul', Mihail Ghenciu, after an information about Andrian Candy flying to Turkey appeared, associates the latter with an ostrich, thus dehumanising and denigrating him.

Cases of hate speech and incitement to discrimination that target Andrei Nastase (PPPDA) – 1 case

20.09.2020/Komsomolskaya Pravda (www.kp.md)

Leonid Rebecov, the author, used in the title of the article the phrase 'beloved wife': 'He may not love Russia, but he has to love Romania: The presidential candidate, Andrei Nastase designated himself as "the beloved wife" of Romanian master'. This way, the author used gender preconceptions in order to denigrate the PPPDA candidate, Andrei Nastase.

Cases of hate speech and incitement to discrimination that target Andrei Renato Usatii (PN) – 1 case

17.09.2020/Komsomolskaya Pravda (www.kp.md)

Bogdan Tirdea, PSRM MP, in an article of KP.md, entitled 'Clash of titans: how Usatii will leave Maia Sandu bare handed', wrote:

'The thing that dissatisfied citizens do not understand is that Usatii is unable to organize and conduct a real long-term protest. Numerous illnesses, poor physical shape, the craving for an idle lifestyle simply turn off the will of Renato Usatii, which was obvious in 2015–2016.'

Thus, Bogdan Tirdea, by using the phrases ‘numerous illnesses’, ‘poor physical state’, ‘craving for an idle lifestyle’ incites to discrimination based on health state and ridicule the PN candidate, Renato Usatii.

In other four cases, hate speech and incitement to discrimination targeted members of political parties and/or supporters of election contenders/candidates.

26.09.2020/Facebook page of Mercury Detox

The Facebook page Mercury Detox published two pictures that represent a police officer who speaks to various females, allegedly commercial sex workers. One of them wears a t-shirt with an electoral message printed on it, which was used during the campaigns previously organised by PSRM. These pictures are accompanied by the following text:

‘Pictures taken during the raid of police officers against prostitutes! Big attention to the red t-shirt. #MoldovaAreViitor [Moldova has future] with Igor Dodon, support the girl... Do clients pay double and have the pleasure to finally f*ck a socialist?! Given that they f*ck us every day!’

The post denigrates PSRM members and/or their supporters and incite to violence against them. Also, it favours the increase in the level of intolerance towards commercial sex workers.

23.09.2020 / YouTube / BORIS Cusnir

A video of a discussion between Boris Cusnir, a physical education teacher and his pupils, was published on Telegram and was later taken over by various media sources and distributed on the Youtube channel of Democracy.md and on social media. During the registered discussion, Boris Cusnir said:

‘[...] that old man Vasile, who is 75 or 80 years old will go and will vote Dodon. These socialists... when I see Bolea, did you see him on TV? That mug, like a bull... idiot.’

Thus, Boris Cusnir uses preconceptions against people with mental disabilities (‘idiot’) and the association with an animal (‘bull’) thus dehumanising and ridiculing Vasile Bolea, MP and member of PSRM, known to be one of the supporters of the independent candidate, Igor Dodon.

21.09.2020/Personal Facebook page of Bogdan Tirdea

On his personal page, PSRM MP Bogdan Tirdea, published an infographic which contained information about both PAS candidate Maia Sandu and PAS members and MPs associated with businessman George Soros: ‘Several weeks ago we showed to honest people the list of 11 individuals who accidentally benefited from Soros fund’.

The PSRM MP wrote:

- ‘They serve the foreign donors and compradors, they trade the sovereignty and the will of people, the independence of their own country!’
- ‘They sell mineral resources, enterprises, factories, banks and, if necessary, land in order to ensure foreign control over the country. Or maybe you think that they get this money for nothing?’
- ‘They promote laws that are alien to our country.
Here is a list of everything you want:
a) LGBT (Law on Equality),
b) radical feminism,
c) juvenile justice (with the right to take children out of family),
d) Istanbul Convention (LGBT rights, tough punishments even for usual fights in the family),
e) control over cash (that is, full transition to cards in order to reach full control and limit your income),
f) law on selling land to foreigners (the Prime Minister Maia Sandu praised ‘White Card’, the Foreign Investment Agency, which offers the sale of land to foreigners!)’

- 'Serving the globalists, these people do not recognise national countries, languages and borders. Maia Sandu is the one who annulled the Russian language as a compulsory subject in schools. She also supports "the unification", that is, the liquidation of Moldova.'

The message of Bogdan Tirdea calls on the social fear fueled by conspiracy theories that businessman George Soros is involved in actions aimed to destroy the values of the traditional family and the national economy and security. The association of candidate Maia Sandu and of her team with this businessman does nothing else than associating PAS with actions and events that are negatively perceived by the Moldovan society.

Other social fears fueled by MP Tirdea through his post are those that target the recognition of the LGBT rights, empowerment of women, preventing and sanctioning gender based violence through Istanbul Convention, etc. This way, he uses elements of fake news and preconceptions against LGBT people that result in higher intolerance in the society toward these social groups.

17.09.2020/Personal Facebook page of Feodor Ghelici

On 17 September 2020, the civic activist Fiodor Ghelici, published two video materials which, through their content, denigrate the supporters of governing parties, including those that nominated their candidate for the Presidential Elections of 1 November 2020. He uses preconceptions against people with mental disabilities ('idiots') in order to denigrate the voters who choose to vote those who candidate of who according to Ghelici, vote without being informed.

- 'If you vote one more time for those who are currently in power, people, you are full idiots, I'm telling you this with all my sincerity. You can complain about me, you can tell me to get lost.'
- I don't give a damn on all those who say that I am not an unionist, I am a unionist and that's it. I don't give a damn on all those idiots who vote with closed eyes, who choose to vote 10 times the same people who continue to rob us.'
- 'They sit in the Parliament 20 years in a row, the same snouts, you understand and you go and vote for them, aren't you idiots?'
- 'When elections are over, when you and me, like some lowlifes, will choose the president, the media will announce us: Dear Moldovans, while you were letting things go on, you've been robbed. Hurray my friends, we are a bunch of idiots!'

In these cases, although the speeches that instigate to hate and discrimination targeted the election contenders/candidates and their supporters, as well as the members of political parties, the use of preconceptions and the stereotypes against people with mental disabilities affects indirectly the representatives of this social group, thus resulting in more social intolerance towards them.

IX. ELECTORAL EDUCATION AND AWARENESS

CICDE and CEC conducted both trainings (for electoral officials of ECC II, judges and accountants from ECC II offices) and awareness-raising activities (periodicals, video materials, didactic materials etc.) regarding presidential election preparations and the specifics of elections amidst the pandemic. Information activities target voters domiciled on the left bank of the Nistru river, as well as voters who want to vote at their place of stay on the day of the Presidential Election of 1 November 2020.

On 28 September 2020, Promo-LEX OM organised an information session for potential contenders in the presidential election. Of the 13 nominated/registered candidates that were invited, representatives of five potential or actual election contenders participated. Stakeholders were informed about the public communication mechanism of the mission, the observation and reporting methodology of Promo-LEX OM, including on the funding of contenders. In addition, they presented a platform for observer training, www.instruire.monitor.md, and one for reporting the election incidents, www.electoral.monitor.md, both accessible to all stakeholders.

9.1. Information delivered by Promo-LEX OM to potential election contenders about election observation methodology applied during the presidential election

On 28 September 2020, Promo-LEX OM organised an information session for potential contenders in the Presidential Election in the Republic of Moldova of 1 November 2020. All those 13 nominated/registered candidates and their representatives were invited. Only the representatives of five nominated/registered candidates attended the information session.

During the meeting, Promo-LEX OM presented the main methodological aspects of the observation, including the calculation methodology used to estimate candidates' expenses found by the Promo-LEX Observers but not reported in candidates' financial statements. They also described the reporting mechanism and presented the platform www.data.promolex.md used by observers of the mission. Also, they spoke about the public platform www.electoral.monitor.md, where anyone can view and notify about election activities.

Moreover, Promo-LEX OM presented to stakeholders the training platform used to prepare the short-term observers – www.instruire.monitor.md The invitees were informed that certain modules of the training course can be used by all the stakeholders, including by the election contenders, to train and inform their own observers.

9.2. Training and awareness-raising activities for voters, organised by CEC and CICDE

Training activities. During the monitored period, CEC and the Center for Continuous Electoral Training (CICDE) continued to implement the program for online and face-to-face training of electoral officials and judges that could be involved in the conduct of elections, as well as of accountants from level-two ECC offices for presidential election of 1 October 2020.

On 17 and 18 September, CICDE, in partnership with the National Institute of Justice, Central Electoral Commission and Council of Europe, organised a training workshop for the judges from Courts of Appeal and the Supreme Court of Justice. During the training the following topics were addressed: international principles of democratic elections, case-law of the European Court of Human Rights (ECHR) regarding the electoral disputes, as well as the national practice.

Between 21 and 24 September, CEC organised a face-to-face workshop in order to train the accountants from constituency councils in preparation for the Presidential Elections of 1 November 2020. Some of the topics addressed during the training were: peculiarities of the expenses bookkeeping, development and submission of reports concerning the estimates of expenses and issues regarding the retrospective of previous elections.

On 22 and 23 September, CICDE developed a new series of online trainings intended for electoral officials from ECC II. During the training the following topics were discussed: control over uniform

application and execution of the Electoral Code and of other acts regulating the organization and conduct of Presidential Elections of 1 November 2020.

Information activities. As regards the information of voters, under the 'Education of Electoral Actors in Presidential Elections of 1 November 2020', CICDE developed and launched two video materials about:

- *exercising the right to vote by the citizens of the Republic of Moldova from the left bank of Nistru river* and namely: establishing separate PSs, the voting procedure, identity documents that allow to vote and the need to document the voters regarding the voting procedures in the context of presidential election.

- *hate speech during the election campaign:* forms of hate speech and how verbal violence affects the voter's opinion, who can be affected by hate speech.

To address the options of participation in elections for those who want to vote in another settlement or who can't travel to the polling station, CICDE launched the third podcast entitled 'CICDE Podcast' on elections.

CEC and CICDE continue to post on their websites information about the possibility of voters to declare their place of stay on the election day and the deadline for the submission of the declaration of residence – 1 October 2020. CEC continues to post on its website information about the election contenders registered in the electoral race and the significance of the most confusing terms and notions in the electoral field (election dictionary).

RECOMMENDATIONS

To the Central Electoral Commission and other Lower-Level Electoral Bodies:

1. CEC should develop certain recommendations for election contenders on how to conduct of election campaign (meetings with the voters, door-to-door campaign, dissemination of election materials).
2. CEC should inform the public, including by publishing on its website, about the restrictive measures imposed by the territorial public health commission that could hinder the election campaign on that territory.
3. CEC should register any notification, application, complaint as an electoral complaint if it reports certain violations of the electoral process.
4. CEC should approve the regulatory framework on the system of checking signature sheets and procedures for checking or challenging the data provided by the system.
5. Ensure the accessibility of the premises of electoral bodies for people with special needs for the election of 1 November 2020.
6. CEC should announce in advance a clear and justified position on the possibility of opening different numbers of polling stations in the first and second round subject to the epidemiological condition.

ABBREVIATIONS

para. – paragraph
LPA - Local Public Authorities
Art. – Article
EOPS – Electoral Office of the Polling Station
BE Unirea – UNIREA Electoral Bloc
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
PSE – Party of the European Left
PSRM – Socialist Party of the Republic of Moldova
PUN – National Unity Party
REO – Registry of Electoral Officials
v. - village
PS - polling station
ATU – Administrative Territorial Unit
c.u. - conventional units
USAID - United States Agency for International Development
ATUG - Autonomous Territorial Unit Gagauzia

ANNEXES

Annex 1. Accredited observers from 21 May to 29 September 2020

The applicant institution	21 May – 25 August	26 August – 15 September	16 September – 29 September	Total, as of 29.09.20
National observers				537
Promo-LEX Observation Mission	69	-	464	533
Embassy of the Netherlands in the Republic of Moldova	-	-	1	1
International institute of monitoring the development of democracy, parliamentarism and observance of the electoral rights of citizens from member of the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States	-	-	3	3
International observers				76
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	32	35
Embassy of the French Republic to the Republic of Moldova	-	3	-	3
Embassy of the Netherlands in the Republic of Moldova	-	-	1	1
Embassy of Hungary in the Republic of Moldova	-	-	1	1
Embassy of the Kingdom of Sweden in the Republic of Moldova	-	-	4	4
European Network of Election Monitoring Organizations (ENEMO)	-	-	5	5
Embassy of the Republic of Lithuania to the Republic of Moldova	-	-	4	4