

**Promo - LEX**



*Promovarea democrației și a drepturilor omului*

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coaliția civică pentru alegeri libere și corecte

**CIVIL COALITION FOR FREE AND DEMOCRATIC ELECTIONS  
PROMO-LEX ASSOCIATION**

**REPORT No 1**

**Monitoring of the General Local Elections of 14 (28) June 2015**

Monitoring period: 3 - 29 April 2015

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*The opinions presented in the report belong to authors and do not necessarily reflect the donors' view.*

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## **I. SUMMARY**

Promo-LEX Report covers the period between 3 April and 29 April 2015. In addition, it contains information on the amendments to the legal framework, approved after the Parliamentary elections of 30 November 2014 and general local elections of 5 June 2011. The report contains the summary of observers' findings and an analysis of some topics that will constitute priorities of Promo-LEX Monitoring Effort.

The performance of the Parliament, in terms of changes made to the conduct of the election campaign, activity of the Central Electoral Commission and of level-two constituency councils were the topics of major interest for this report. It also states the first actions of electoral nature, carried out by political parties, potential election candidates.

In this report Promo-LEX analyzes issues related to the establishment of election date, legislative amendments regarding the major changes to the funding of election campaigns, as well as other significant legislative amendments that impact the electoral process.

CEC was the main stakeholders during the reporting period, which established 37 level-two constituencies and only 35 electoral councils. The trainings of electoral bodies' members have begun. The registration of election candidates for positions of the second level has been initiated. 102 national and 5 international observers have been accredited. CEC established unevenly the threshold for funds that can be transferred on the "Electoral Fund" account of parties, social-political organizations, electoral blocks registered as election candidates, on the one side, and for independent candidates, on the one side.

This report makes reference to the international standards developed by UN, OSCE/ODIHR, European Commission for Democracy through Law, European Union and Council of Europe.

At the end, this report contains recommendations for the Parliament, CEC, LPAs and potential election candidates. The Effort's recommendations aim at improving the electoral process.

## **II. FINDINGS**

### **1. PRE-ELECTION PERIOD**

#### **1.1 Introduction**

The general local elections were held on 5 June 2011, when the local public administration was elected for a mandate of four years, as provided in Article 119(1) of the Electoral Code.

On 3 April 2015, the Parliament established the date of the general local elections for 14 June 2015. During the elections 12,578 elective positions will be filled, of which 10,564 mandates of counsellors in level-one local councils; 1,116 mandates of counsellors in level-two local councils; and 898 mayors.

The pre-election period was marked by uncertainties related to the date of the general local elections and amendments to the Electoral Code operated outside the term recommended by the European Commission for Democracy through Law (Venice Commission).

The uncertainty with the date of the general local elections was caused by the plenty of opinions, expressed publicly by a number of political leaders. The arguments related to the need to implement the administrative-territorial reform.

On 11 March 2015, Promo-LEX Association presented the Express-Analysis „Possible Scenarios for Setting the Date of the General Local Elections of 2015". According to the legal provisions described in the analysis, they specified and insisted for the general local elections to be organized between 5 June and 4 September 2015, and for the Parliament to establish the elections date by at least 60 days before the elections date.

During the Parliament's plenary meeting of 3 April 2015, MPs reviewed the draft Parliament Decision, submitted by the Socialist Party of the Republic of Moldova, which recommended for the elections to be held on 7 June 2015. During the meeting, the Liberal Democratic Party of Moldova suggested to set the elections date on 14 June 2015, which was accepted by the authors of the draft and voted by MPs.

## **1.2. Amendment of the Legal Framework of Electoral Character**

The electoral regulatory framework on the conduct of the general local elections of 14 June 2015 consists mainly of the Electoral Code, decisions, regulations and instructions of the Central Electoral Commission.

During the period between 5 June 2011 and 9 April 2015, the Electoral Code was subject to the following amendments:

- Voters have the right to demand that the lists of voters are changed, or to contest against non-inclusion or exclusion from the lists, or against other errors committed when entering the personal data in the lists of voters at least one day before the elections.
- The voters, who have both a domicile and a residence, may be entered in the list only at the place of residence.
- Prohibition to vote on the basis of the temporary ID card of F-9 type and ex-soviet passports of the model of 1974.
- The members appointed in the EOPS and ECC by political parties that are represented in the Parliament are not required to have a Qualification Certificate, issued by the Training Center upon completion of the training courses.
- Entry into force of the State Register of Voters and Lists Of Voters, prepared by CEC on the basis of the Register.

The Venice Commission, in its Code of Good Practice in Electoral Matters (2002), recommends to States to abstain from frequent amendments to the electoral law, in particular one year before the elections date. Contrary to these recommendations, the Parliament amended the Electoral Code during both the pre-election and election period.

On 9 April 2015, Law No 36 and Law No 61 were published in the Official Gazette, which amended a series of regulatory acts that govern the electoral process.

Thus, the following amendments were introduced in the Electoral Code:

- CEC was provided the following powers: to collect and systematize the annual report on the financial management of political parties, of reports on the audit of political parties and reports on the funding of the election campaigns submitted by the candidates; to review the notifications of and appeals against violations of the law related to the funding of political parties and election campaigns; to ascertain the offences related to the failure to submit timely and/or accurate financial statements of the political parties; to apply or request the application of the established sanctions for the violation of the law on the financing of political parties or election campaigns; to notify the competent bodies about the violations subject to administrative or criminal offences or about the violation of the tax law.
- The formula to calculate the general threshold for the transfer of funds on the "Electoral Fund" account was established, using as a basis a coefficient set by CEC, multiplied by the number of voters from the constituency, where the elections are held.
- It is allowed to use during the election campaigns only the financial resources received from the work, entrepreneurial, scientific or creation activity, carried out on the territory of the Republic of Moldova;
- The thresholds for the donations from individuals and legal entities to the "Electoral Fund" account for one election campaign was established at 200 and 400 average salaries set for the respective year.

- It establishes expressly that all the expenses for the election campaign shall be made from the “Electoral Fund” account.
- The procedure of reporting the election campaigns by the election candidates is regulated expressly.
- The use of images that represent state institutions or public authorities both in the Republic of Moldova and abroad, as well as international organization, for electoral purposes is prohibited. 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.
- The election candidates are prohibited from involving persons, who are not citizens of the Republic of Moldova, in any form of electoral activities.
- Involvement of persons, who are not citizens of the Republic of Moldova, in any form of electoral activities was included as a ground to request annulment of the registration of the electoral candidate.

Amendments were introduced in the Criminal Code regarding the incrimination of actions related to the illegal financing of political parties or election campaigns, violation of the rules for the management of the financial resources of political parties or electoral funds.

Amendments were introduced in the Criminal Code regarding the incrimination of actions related to the use of undeclared, non-compliant, or foreign financial resources to fund the political parties; violation of the rules for the management of the financial resources of political parties or electoral funds; failure to execute the summons of CEC.

The Law on Political Parties was amended as follows:

- The procedure of providing donations to political parties was regulated.
- The margin of annual revenue of a political party, collected from membership fees and donations, was set at 0.3 %.
- The margin of donations made by individuals or legal entities to one or several political parties was decreased to 200 and 400 average salaries, respectively, during one budget year.
- CEC and the Court of Accounts were established as bodies in charge of supervising and controlling the financing of political parties.

At the same time, during the election period, CEC developed 3 regulatory acts, which regulate mainly the peculiarities of registration of electoral blocks for the general local elections, the procedure of reflecting the election campaign for the general local elections of 14 June 2015 by media outlets of the Republic of Moldova, the procedure of placing the electoral and political advertising on advertising panels.

### **1.3. Implementation of the recommendations made by Promo-LEX Association in its Monitoring Reports of the Parliamentary Elections of 30.11.2014**

As a result of its monitoring of the Parliamentary elections of 30.11.2014 and with the view to improve the electoral process, Promo-LEX Association developed multiple recommendations for the public authorities, election candidates and voters.

From all the recommendations made, two were implemented partially by the Parliament, which amended the Electoral Code and introduced a uniform and constant formula for the establishment of the threshold for the funds that can be transferred on the electoral account of the election candidate, as well as introduced gradual legal liability for the failure to declare the expenses or for exceeding the threshold. In addition, the legislative package on the funding of political parties and election campaigns was approved in the final reading.

Other 5 recommendations made by Promo-LEX Association were not implemented, though they are relevant for the current electoral campaign:

- Explain the procedure of transferring funds from the account of the party (as a legal entity) into the electoral fund, and how such transfers should be reflected in the financial reports;
- Streamline the control mechanism of campaign funding and establish a single unified mechanism for checking/estimating undeclared expenses;
- Start discussions on the need to establish a ceiling of campaign donations, including the possibility to limit contributions from the party accounts to the de facto amounts of funds present in the respective accounts at the beginning of the campaign;
- Establish a mechanism to avoid the possibility of covering up the de facto donors of the candidate (by transferring funds into the party account, and later making single transfers from that account into the electoral fund);
- Revisit the mechanism of funding for independent candidates in order to facilitate their access to the campaign and ensure a level playing field with other candidates (political parties).

#### **1.4. Implementation of International Recommendations**

The Final report of the Monitoring Mission of the 2014 Parliamentary Elections, OSCE/ODIHR formulated a number of recommendations for public authorities and participants in the elections. They mainly referred to the fact that legislative reforms should be undertaken well in advance of elections, through open and inclusive consultations with all election stakeholders; designating an independent body with means and resources to oversee campaign finance and to impose sanctions in cases of violations; anticipation and more effectively addressing by CEC of the ambiguities or gaps in the law; revision of support signatures and registration requirements for independent candidates with a view to ensuring that such candidates have realistic opportunities of competing on a par with other contestants supported by parties; limiting the possibility for voters to register on election day to avoid the possibility of multiple registrations; starting the campaign period on the same day for all electoral contestants to ensure a level playing field during the election campaign; reducing the flexibility in adjusting party lists close to election day with a view to eliminating the possibilities for circumvention of provisions, thus preventing misuse of public office, providing voters with consistent candidate information and enabling them to make an informed choice; clear definition of the criteria for establishing campaign spending limits; exercise by BCC of its duties in an adequate and effective manner in order to enforce appropriate implementation of the legislation; further attention to the allocation of adequate premises for voting, including for voters with disabilities, and to the distribution of sufficient amounts of election materials, including ballot boxes.

Regarding the implementation of the international recommendations during the pre-election period of the general local elections of 14 June 2015, the recommendations on financing of election campaigns, of the activity of political parties and other social-political organizations, financial reporting by political parties were implemented partially.

## **2. PERFORMANCE OF THE ELECTORAL BODIES**

### **2.1. CEC Decisions**

During the monitoring period, CEC approved 4 decisions that regulate the preparation and submittal of the documents for the registration of election candidates in the general local elections, as well as samples of electoral documents required for the registration of candidates in the general local elections; access of persons with disabilities to the electoral process; number of members of the electoral bodies that can be exonerated from duties at the permanent workplace and the exonerated period for the general local elections of 14 June 2015; number of counselors for each constituency.

## **2.2. Timetable prepared CEC**

The CEC Decision No 3264 of 14.04.2015 approved the Timetable for the activities of organization and conduct of the general local elections of 14 June 2015. According to CEC, the Timetable was developed according to the Electoral Code. However, the Promo-LEX Monitoring Effort found a non-uniform interpretation of some terms from the Timetable. In this respect, we believe that the following shall be reviewed:

- Point 5 from the Timetable stipulates that the candidates for level-two ECCs for the establishment of level-one ECCs shall be submitted “by 27 April 2015, inclusively”. As the deadline for establishing level-one ECC is 2 May 2015, and according to Art. 27 para 2, 3 of the Electoral Code, to establish a level-one ECC, the candidates for level-two ECCs shall be presented at least 7 days before the expiry of the deadline for the establishment of councils, the correct term would be “by 24 April 2015, inclusively”.
- Point 36 of the Timetable did not indicate correctly that “within 3 days since the registration of the electoral candidate”, those in charge shall establish the minimum number of places of electoral posters and minimum number of venues for meetings with voters, displaying and communicating immediately to the public these decisions (dispositions). Based on Art. 47 para 7 of the Electoral Code, “LPAs” are in charge of establishing the minimum number of places of electoral posters and minimum number of venues for meetings with voters, which shall perform these actions “within 3 days since the initiation of the election period”.

## **2.3. Establishment of Level-Two Constituencies**

On the basis of CEC Decision No 3268 of 21 April 2015, CEC established 37 level-two constituencies for the general local elections of 14 June 2015. The constituencies No 3 (Bender) and No 37 (for the settlements on the left bank of the Nistru River) were also established.

## **2.4. Establishment of Level-Two ECCs**

As of 21 April 2015, 17 level-two ECCs were established, and as of 22 April 2015 - other 18. Though 37 level-two constituencies were established, two electoral council were not set up (for Bender municipality and for the settlements on the left bank of the Nistru River. All 35 level-two ECCs consist of 11 members, of which in the case of 32 ECCs the members were appointed as follows: 2 candidates from the rayon council, 2 candidates from courts of law, 2 candidates from the register of electoral officials and 1 candidates from each of the 5 political parties represented in the Parliament as of the date of ECC establishment. For 2 level-two ECCs (Chisinau No 1, Briceni No 6), the members were appointed as follows: 2 candidates from courts of law, 4 candidates from the register of electoral officials and 1 candidates from each of the 5 political parties represented in the Parliament as of the date of ECC establishment. For level-two ECC ATUG No 36, the members were appointed as follows: 2 candidates from courts of law, 5 candidates from the register of electoral officials and 1 candidate from 4 political parties.

### ***Changing/Adding Members to Level -Two ECCs***

The ECC membership was changed in 5 level-two constituencies (Donduseni, Briceni, Cantemir, Leova, Ungheni). These changes were made thanks to the intervention of PLDM - in Donduseni, Cantemir, Ungheni and of PDM - in Briceni, Leova.

## **2.5. Training of Electoral Officials**

The training of chairs and secretaries of level-two ECCs on the organization of local elections started by 3 days later than planned in the CEC Timetable. On 27 April 2015, OTCEM launched the training of the members of level-two ECCs.

In at least on case reported by Promo-LEX observers (Ungheni ECC), this prevented the potential independent candidates from obtaining the subscription lists from the level-two ECC.

## **2.6. Political Parties and other Social-Political Organizations that have the Right to Participate in the General Local Elections of 14 June 2015**



On 8 April 2015, the Ministry of Justice submitted to CEC the list of 43 political parties and other social-political organizations that have the right to participate in the general local elections of 14 June 2015, which in turn made it public. For comparison, the list for the general local elections of 2011 contained only 31 entities with the right to participate.

On 24 April 2015 the Buiucani Court from Chisinau municipality quashed the Decision of the Ministry of Justice on the registration of the statute and symbol of the Communist Reforming Party of Moldova. The higher courts will have to pronounce their judgment with regard to the validity of the Buiucani Court.

#### ***Registering an Electoral Block as a Potential Election Candidate***

On the basis of CEC Decision No 3271 of 21 April 2015, “European Popular Platform from Moldova - Iurie Leancă” Electoral Block, consisting of the Democratic Action Party, “Democracy at Home” Political Party and Liberal Reforming Political Party, was registered for participation in the general local elections of 14 June 2015.

#### **2.7. Submitting Applications to Register as Election Candidate**

Until 29 April 2015, the following political formations submitted to level-two ECCs applications to register as election candidate for the position of rayon counselor: PLDM (in 14 ECCs), PDM (in 11 ECCs), PCRM (in 10 ECCs), PSRM (4 ECCs), PL (2 ECCs), PNL, PPCD (each in one ECC), and PSRM and PCRM submitted applications for the position of Mayor of Balti municipality.

#### **2.8. Accreditation of National and International Observers**

For purposes of monitoring the general local elections of 14 June 2015, CEC accredited 100 observers from Promo-LEX Association; 2 observers from the Chisinau branch of the 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 (IPA CIS); 5 international observers from the Hungarian Embassy in the Republic of Moldova;

### **3. PERFORMANCE OF PUBLIC ADMINISTRATION**

#### **3.1. Parliament’s Inactivity regarding the Implementation of the Law on the Administrative-Territorial Organization of the Republic of Moldova**

According to Art. 17 paras 2,3 of the Law on the Administrative-Territorial Organization of the Republic of Moldova, a separate administrative-territorial unit is established if it has, as a rule, at least 1,500 inhabitants, and has enough financial resources to maintain the Mayor’s Office and the social institutions, and only in exceptional cases the Parliament may decide, via an organic law, on the establishment of a separate administrative-territorial unit with fewer inhabitants.

Contrary to these provisions, before the beginning of the election period, the RM Parliament failed to take any actions to reorganize the LPAs from the settlements with less than 1,500 inhabitants, failing thus to save public money. As of the commencement of the election period for the general local elections of 14 June 2015, there were 266 level-one LPAs with less than 1,500 inhabitants.

#### **3.2. Establishing the Places for Electoral Posters and Minimum Number of Venues for Meetings with Voters**

According to Art. 47 para 7 of the Electoral Code, the local public authorities shall establish and inform the relevant stakeholders, within 3 days since the beginning of the election period, about

the decisions on the places for electoral posters and minimum number of venues for meetings with voters.

Promo-LEX observers found that of the 35 LPAs checked as of 27 April 2015, 2 approved the decisions on time, 6 - with delays, and the other 27 failed to approve any decision in this respect.

#### 4. ELECTION CANDIDATES

##### 4.1. Pre-Term Electoral Activities

According to Art. 47 of the Electoral Code, during the election period, electioneering shall start with the registration of candidates by the Electoral Constituency Council.

Contrary to these provisions, Promo-LEX observers found that PSRM launched publicly its election campaign on 14 April in the Great National Assembly Square from Chisinau municipality. Besides, since 17 April 2015 political advertising materials were placed online in support of the following candidates for the position of Mayor of Chisinau: Zinaida Greceanii, Marcel Darie, Ilian Casu. Political advertising has been made for PSRM since 29 April 2015 on the following website, at least: [www.timpul.md](http://www.timpul.md) și [www.unimedia.info](http://www.unimedia.info).

Since 17 April 2015 advertising banner of PSRM were noticed in Chisinau municipality, and since 24 April 2015 - of PL.

#### 5. CIVIL SOCIETY

In the context of the Election Campaign for the General Local Elections of 14 June 2015, Promo-LEX Association will implement “**IEȘI la VOT!**” (“**COME TO VOTE!**”) Campaign, **with the purpose of promoting informed and conscious voting among the electorate**. The first workshop took place in Chisinau on 26 April 2015, where local coordinators from 21 settlements were trained how to organize surveys, “door-to-door” information campaigns, public debates and events.

### III. FUNDS OF THE ELECTION CANDIDATES DURING THE ELECTION CAMPAIGN FOR THE GENERAL LOCAL ELECTIONS OF 14 JUNE 2015

#### 1. Budget of the Electoral Commission for the 2015 Election Campaign

In line with Decision No 2636 approving the budget for 2015, CEC approved the budget for the organization and conduct of the general local elections of 2015 (including for the 2nd round) in the amount of MDL 98,333,370. According to CEC this amount will cover the operational expenses of CEC during 2015, as well as a part of the necessary expenses to organize the elections. If we deduct the amount of MDL 28,589,900 allocated from the state budget for the activity of CEC, which was planned for CEC activity according to CEC Decision No 2636, the amount of MDL 44,406,900 will remain for the local elections, which is not enough to organize the elections of 14 (28) June 2015.

For the 2011 local elections, CEC approved a budget of MDL 58,262,251, by MDL 40,071,119 less than in 2015. MDL 44,119,700 were allocated from the state budget in 2011 for the organization of elections (Fig. 1).

According to the State Budget Law the 2015, the budget of the Central Electoral Commission for the respective electoral year was approved in the amount of MDL 72,996,800, with the total revenue of the State Budget constituting MDL 34,315,109,100. Respectively, in 2015 CEC budget accounted for 0.21% of total budget, while in 2011 it amounted to MDL 52,371,500, accounting for 0.27% of the State Budget, which constituted MDL 19,048,822,600 (Fig. 2).

Добавлено примечание ([IN1]): In romana este “72, 996, 800 mii lei”, insa imi pare ca “mii” este in plus.

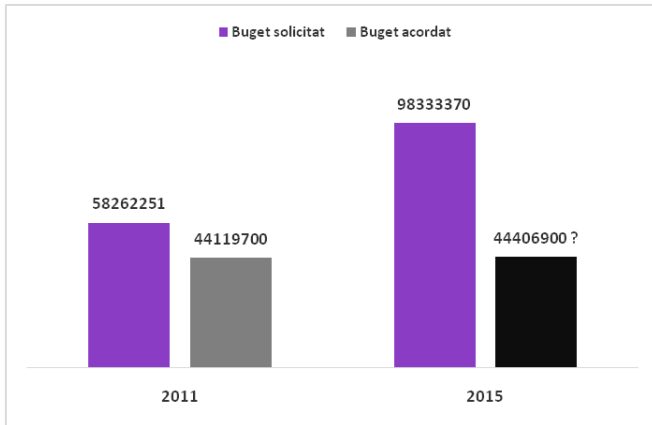


Fig. Electoral Budget

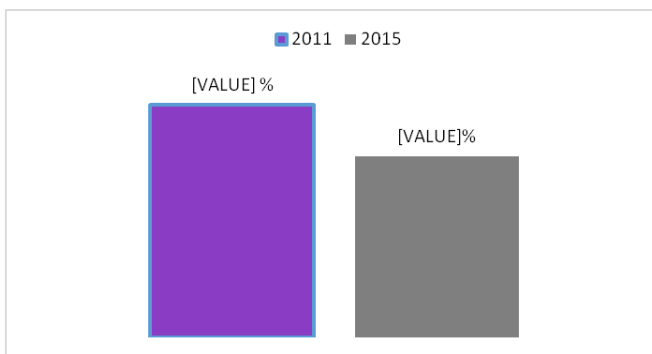


Fig. 2 Share of CEC Annual Budget in the State Budget

## 2. Establishing the General Threshold for the funds that can be transferred on the “Electoral Fund” account of the election competitor in the general local elections of 14 June 2015

In accordance with Art. 38 para 2 let. d) of the Electoral Code, CEC establishes the general threshold for the transfer of funds on the “Electoral Fund” account of the election candidate, using as a basis a coefficient multiplied by the number of voters from the constituency, where the elections are held.

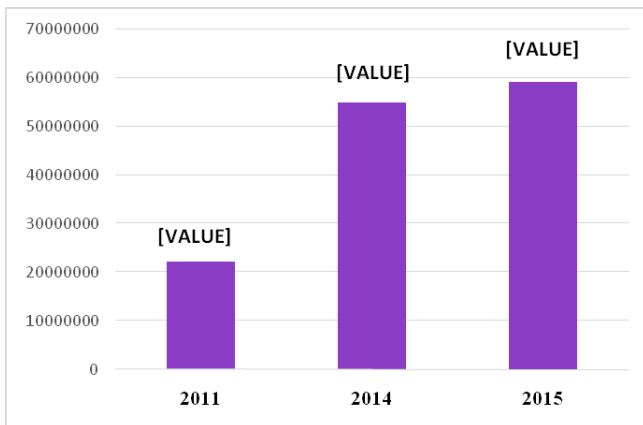
As of 24 April 2015, CEC established the threshold for funds at MDL 59,243,005 (Fig. 3), which can be transferred on the “Electoral Fund” account of parties, social-political organizations, electoral blocks registered as election candidates, on the one side, and for independent candidates - by multiplying the coefficient of MDL 20.86 to the number of voters included on the main lists of voters from the respective constituency. The amount of MDL 20.86 was established according to the updated legislation and constitutes 0.5% of the average salary for the previous year, which amounted to MDL 4,172.

The threshold for the general local elections of 5 June 2011 was set at MDL 22,142,345. Note that by using the new formula, the threshold has increased significantly, being twice higher than the one established for the previous elections. Thus a new result was obtained, i.e. the threshold set in

2015 for the political formations that participate in the elections increased by 167.56%, or MDL 37,100,660. By increasing the threshold, CEC admitted indirectly an increased margin for which a candidate can be excluded from the electoral run due to the failure to declare the expenses or due to exceeding them by 5% above the set threshold. Thus, if in 2011 the 5% share constitutes MDL 1,107,117, in 2015 it increased to MDL 2,962,150.

We find that the threshold set by CEC contravenes the international provisions of the European Commission for Democracy through Law on the equal voting, in particular equality of chances, which should be guaranteed in an equitable manner to all parties and candidates. Moreover, when setting the threshold CEC applied double standards with regards to the interpretation and application of Art. 38 para 2 let. d) of the Electoral Code. Thus, for independent candidates the threshold was established using the legal formula of “an coefficient multiplied by the number de voters from the constituency where the elections are held”, but for candidates – political parties, social-political organizations the calculations were not based on the number de voters from the constituencies where the they compete as candidates, but rather the total number of voters at the country level was used.

Thus, according to the threshold set by CEC, an independent candidate may spend only MDL 20.86 per one voter from a constituency, while a political party, electoral block or another social-political formation may spend more money. The political parties may manage their funds from the “Electoral Fund” account without any limitations, having the possibility to concentrate the whole or a significant part of the financial flow in constituencies of interest, which puts the independent candidates at an essential disadvantage.



*Fig. 3. Developments of the Threshold for the Funds that can be Transferred on the “Electoral Fund” Account of the Election Competitor*

### 3. Opening the “Electoral Fund” Accounts and Presentation of Treasures

According to Art. 38 para 2 let. a) of the Electoral Code, the election candidate shall open a bank account with the inscription “Electoral Fund” and shall notify to CEC about the person in charge of financial matters. Let. b) of the same article stipulates that the bank account may be opened before the registration of the election candidate, provided that any receipts into and payment out of this account be allowed only after the registration of the election candidate. Thus, political parties, electoral blocks may appoint their treasurers only after the opening of the bank account with the indication “Electoral Fund”. According to Art. 38<sup>2</sup> para.1 of the Electoral Code, political parties

and electoral blocks shall submit to CEC, within 3 days after opening the account with the inscription "Electoral Fund", a report on the funds accumulated and payments made.

As of 29 April 2015, no political party, social-political organization, electoral block or independent candidate has announced officially the opening of the "Electoral Fund" bank account, in spite of the fact that 3 political entities (PPEM-Iurie Leancă electoral block, PDM, "Our Party" PP) have assigned the treasurers for the general local elections of 14 June 2015.

#### ***Submitting Candidates for the Position of Treasurer***

Point 41 of the Timetable empowers CEC, level-one ECCs and level-two ECCs to confirm the persons in charge of financial matters (treasurers). According to Art. 38 para 2 let. a) of the Electoral Code, the election candidate shall open a bank account with the inscription "Electoral Fund" and shall notify to CEC about the person in charge of financial matters (treasurer).

Though CEC established in the Timetable the responsibility to confirm treasurers, there isn't any regulatory framework in place to regulate the procedure of confirming/duty of confirming these persons. Thus, given this legislative gap, CEC is advised to adopt a regulation/instruction on the confirmation of persons in charge of the financial matters of election candidates.

#### **4. State Material Support for Election Campaigns**

According to Art. 37 para 1 of the Electoral Code, the State provides interest-free loans to election candidates. Though no regulatory framework is in place to establish the powers of deciding upon and calculating the State loan, on 28 April 2015 CEC approved the quantum of the interest-free loans provided to election candidates. Thus, MDL 25 thousand can be provided to each party, social-political organization and electoral block; and MDL 5 thousand - to each independent candidate. CEC neither presented nor justified how it established the loan quantum.

#### **5. Expenses for election purposes before candidate registration**

According to Art. 38 para 4 of the Electoral Code, all the expenses for the election campaign shall be made from the "Electoral Fund" account.

Contrary to this provision, at least three potential election candidates (PSRM, "Our Party" PP, Marcel Darie IC) paid for political advertising online before being registered as election candidates.

Political advertising has been made for PSRM since 29 April 2015 on the following website, at least: [www.timpul.md](http://www.timpul.md) și [www.unimedia.info](http://www.unimedia.info).

Since 17 April 2015 advertising banner of PSRM were noticed in Chisinau municipality, and since 24 April 2015 - of PL.

### **IV. OBSERVATION METHODOLOGY OF PROMO-LEX ASSOCIATION**

Monitoring of the general local elections of 14 (28) June 2015 is a project implemented by Promo-LEX Association as part of the Civic Coalition for Free and Fair Elections. Promo-LEX Association is a Non-Government Organization 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.

Promo-LEX Monitoring Effort consists of 39 long-term observers (LTO) and 33 medium-term observers (MTO), who will monitor the electoral process in all the constituencies of the Republic of Moldova during 14 April-13 July 2015. Promo-LEX will delegate a short-term observer (TSO) in each level-one constituency on the day of elections. As part of its Effort, Promo-LEX will perform in parallel vote tabulation (PVT) in all polling stations of Chisinau, Balti and Comrat municipalities. The observers involved in the monitoring process sign the Code of Conduct of the Promo-LEX Independent National Observer, assuming the commitment to act quickly, in good

faith and in a non-partisan manner.

The public reports of the Monitoring Effort are developed exclusively on the basis of the observers' standardized reports, produced as a result of the visits to level-one and level-two Electoral Constituency Councils and discussions, meetings with interviewers and review of official documents.

Promo-LEX Monitoring Effort is not an political opponent for the election candidates involved in the general local elections of 14 (28) June 2015. Promo-LEX Monitoring Effort is not an investigation body and does not assume the express obligation to support its findings by evidence.

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## **V. RECOMMENDATIONS**

### **To the RM Parliament**

- Amend the Electoral Code by establish a single date for the general local elections;
- Implement the Law on the Administrative-Territorial Organisation of the Republic of Moldova and reorganize the level-one local public authorities that have less than 1,500 inhabitants;
- Comply with recommendations of the European Commission for Democracy through Law (Venice Commission) not to amend the regulatory framework of the electoral process a year ahead of the date of the elections;
- Improve the Electoral Code on treasurers confirmation;
- Improve the Electoral Code on the institution of the authority to establish the amount and the computation formula of credit granted by the Government to election candidates;
- Allocate enough funds for the organization of the general local elections.

### **To the Central Electoral Commission**

- Establish a single financial threshold for all election candidates, at the level of constituency where the elections take place;
- Break the expenses down by constituencies in the financial statements of the election candidates;
- Establish a mechanism to avoid the possibility of disguising the de facto donors of election candidates (by wiring the financial resources to the party's account and thereafter, to the electoral accounts via unique transfers from the party's account);
- Establish level-two ECC for Bender and ATULNR by adding members from the Register of Electoral Officials.

### **To LPAs**

- Comply with the Electoral Timetable
- Not allow any electoral activities before the legal term starts

### **To potential Election Candidates**

- Ensure financial transparency during the election period.

## **ABBREVIATIONS**

para - paragraph  
LPA - Local Public Authorities  
Art. - Article  
EOPS - electoral offices of the polling station  
ODIHR – Office for Democratic Institutions and Human Rights  
BPPEM – “European Popular Platform from Moldova - Iurie Leancă” Electoral Block  
BCC - Broadcasting Coordination Council  
CEC – Central Election Commission  
ECC - Electoral Constituency Council  
IC - independent candidate  
OTCEM - Ongoing Training Centre on Electoral Matters  
Fig. - Figure  
IPA CIS - Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States  
mun. - Municipality  
NDI - National Democratic Institute  
No - number  
NGO - Non-Government Organization  
UN - United Nations  
OSCE - Organization for Security and Cooperation in Europe  
LTO - Long term observer  
MTO - Medium term observer  
STO - Short-term observer  
PCRM - Party of the Communists of the Republic of Moldova  
PDM – Democratic Party of Moldova  
PL – Liberal Party  
PLDM - Liberal Democratic Party of Moldova  
PNL – Liberal National Party  
UNDP - United Nations Development Programme  
PP - political party  
PPCD – People’s Christian Democratic Party  
PSRM – Political Party “Party of the Socialists from the Republic of Moldova”  
PVT - parallel vote tabulation  
RM - Republic of Moldova  
ATULNR – Administrative Territorial Unit on the left bank of the Nistru River  
USAID - United States Agency for International Development  
ATUG - Autonomous Territorial Unit Gagauzia