

INTERIM REPORT
03 June – 17 June 2021

22 June 2021

I. EXECUTIVE SUMMARY

- The President called early parliamentary elections for 11 July, after the parliament declined to give the vote of confidence to the President's two nominees for prime minister. The Constitutional Court affirmed the constitutional basis for the dissolution of parliament and annulled the state of emergency declared by the parliament that would have prevented dissolution of parliament.
- The parliament's 101 members are elected by proportional representation from closed candidate lists or as independents. The legal framework underwent significant amendments since the last parliamentary elections, including the return to a proportional electoral system, the lowering of electoral thresholds for parties and blocs, and the strengthening of the 40 per cent gender quota with a placement requirement on candidate lists.
- The elections are administered by the Central Election Commission (CEC), 37 District Electoral Councils (DECs) and some 2,150 Precinct Electoral Bureaus (PEBs). The CEC has so far met the legal deadlines in preparation for the elections and its sessions have been open to observers and media and streamed online. The CEC's decisions on the number and location of polling stations abroad drew criticism and legal challenges on the perceived disenfranchisement of diaspora voters. An instruction on the preventive measures related to the COVID-19 pandemic during the electoral period was adopted by the authorities.
- The centralised voter register, maintained and updated by the CEC, is extracted from the population register. As of 1 June, there were 3,282,288 registered voters, including some 258,600 voters residing in the localities on the left bank of the Nistru river (Transnistria).
- By 17 June the candidate lists of 19 parties and two blocs were registered by the CEC to contest these elections. National minority representatives are included in some electoral lists. The Electoral Bloc of the Communists and Socialists, Party of Action and Solidarity, Şor Party, the Electoral Bloc "Renato Usatîi" were among the first to be registered and start campaigning.
- Contestants are guaranteed the opportunity to campaign on an equal basis. Prominent issues in the campaign to date include tackling corruption, justice sector reform, economy and regional development, education, decentralization, and social protection. Election campaigns may be funded from public subsidies to political parties, private donations by individuals and legal entities, as well as interest-free loans. The law sets limits on donations to campaigns by private individuals and legal entities, as well as an overall spending limit. Contestants are to submit weekly reports on donations and expenditures to the CEC, which is responsible for the oversight of campaign finance. Contestants are, in general, filing their financial reports in accordance with the regulations, although some parties are having to subsequently file corrected reports.
- A high number of broadcasters and a growing number of online media outlets are active in the country, while the circulation of print media is decreasing. A concentration in media ownership

reduces the diversity of views and amplifies the political polarization of the media landscape. The law requires fair, accountable, balanced and impartial media coverage of contestants' campaigns. Broadcasters with nation-wide coverage are obliged to provide free airtime for political advertising and organize or re-broadcast debates. The implementing body for media legislation, the Audiovisual Council, monitors broadcasters' compliance with election-related obligations and reports bi-weekly to the CEC.

- The CEC and courts have received and considered a number of complaints and appeals concerning the election administration and electoral campaign. They have denied admissibility of some cases on technical grounds. The lack harmonization between the Election Code and the subsequently-adopted Administrative Code in the context of electoral dispute resolution leaves the process unclear, and gives room for the CEC and courts to deny admissibility or apply extended deadlines on a number of cases.

II. INTRODUCTION

Following an invitation from the Ministry of Foreign Affairs and European Integration of the Republic of Moldova (MFAEI), and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Observation Mission (EOM) on 3 June. The EOM, headed by Mr. Tamás Meszerics, consists of an 11-member core team based in Chisinau and 28 long-term observers deployed throughout the country from 10 June. Mission members are drawn from 24 OSCE participating States.

III. BACKGROUND AND POLITICAL CONTEXT

Following the February 2019 parliamentary elections, the 101-member parliament was comprised of three political parties and one bloc: the Party of Socialists of Moldova (PSRM), the ACUM ("Now") bloc (comprising of the Action and Solidarity Party (PAS) and the Party Platform Dignity and Truth, PPD), the Democratic Party of Moldova (PDM) and the Șor Party.¹ Following the elections and during a period of political fluidity, a short-lived coalition of the ACUM parties and the PSRM was agreed on in June 2019 under Prime Minister (PM) Maia Sandu of PAS, despite their markedly different policies. Sandu's government was ousted in a motion of no-confidence in November 2019 and replaced by a PSRM-PDM coalition under PM Ion Chicu. Maia Sandu was elected President in the second round of the November 2020 election, defeating then incumbent President Igor Dodon of PSRM. Prime Minister Chicu resigned in December 2020 and the interim government has since been led by Aureliu Ciocoi, Minister of Foreign Affairs and European Integration. Parliamentary allegiances have changed, with a parliamentary majority led by the PSRM and the Șor Party.² After the presidential election, President Sandu repeatedly stated that she would seek early parliamentary elections as soon as possible.

According to the Constitution, the president nominates a prime minister after consultations with parliamentary factions. The president may dissolve parliament if it declines to approve a new government at least twice. After the parliamentary majority rejected the President's first nominee for PM, Natalia Gavrilița, in February 2021, President Sandu re-nominated Ms. Gavrilița, while the parliamentary majority put forward a different candidate, Mariana Durleșteanu, and successfully challenged Ms. Gavrilița's re-nomination in the Constitutional Court.³ On 16 March, Ms. Durleșteanu announced her withdrawal and on the same day President Sandu nominated Igor Grosu of PAS, whose

¹ PSRM (35 seats); PDM (30); ACUM (26; 15 to PAS and 11 to PPD), Șor Party (7), and 3 independent MPs.

² By the dissolution of parliament, 18 MPs left the PDM parliamentary faction, with seven MPs setting up a new party, Pro-Moldova; seven forming a parliamentary faction 'Pentru (For) Moldova', two joining the Șor faction and two sitting as unaffiliated MPs.

³ On 23 February, the Constitutional Court ruled unconstitutional the President's re-nomination of Ms. Gavrilița.

nomination was unsuccessfully challenged in the Constitutional Court.⁴ After the parliamentary majority did not attend the vote on Mr. Grosu's candidature, President Sandu asked the Constitutional Court to verify whether the constitutional conditions for dissolving parliament had been met. On 31 March 2021 the parliament declared a state of emergency citing the pandemic situation.⁵ It also voted to rescind the parliament's August 2019 appointment of the Constitutional Court judge and current President and appoint her replacement. These decisions were challenged in the Constitutional Court, which ruled them unconstitutional. On 15 April, the Court ruled that the President was entitled to dissolve parliament. On 28 April, the Constitutional Court annulled the state of emergency declared by the parliament.⁶ On the same day, President Sandu dissolved parliament and called for early elections on 11 July.

IV. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

Parliamentary elections are regulated by the 1994 Constitution, 1997 Election Code, and other relevant legislation, supplemented by Central Election Commission (CEC) regulations and decisions.⁷ The electoral legal framework has undergone significant amendments since the last parliamentary elections, mainly in August 2019, including the repeal of a ban on donations from foreign incomes of Moldovan citizens, the lowering of donation limits for individuals and legal entities, the establishment of a campaign fund limit, and the re-introduction of a campaign silence period. Some of these changes addressed previous ODIHR recommendations.⁸ At the same time, the parliamentary electoral system was changed from a mixed system, introduced prior to 2019 parliamentary elections, back to a fully proportional one.⁹ Further draft amendments to the electoral framework have been pending in parliament since June 2020.¹⁰

The parliament's 101 members (MPs) are to be elected by proportional representation from closed party or bloc lists or as independents.¹¹ Key aspects of the electoral system were revised when the system reverted, including the lowering of thresholds for parties and blocs to 5 and 7 per cent, of valid votes cast, respectively, in line with a previous ODIHR recommendation.¹² The threshold for independents to win a seat is 2 per cent of valid votes cast. The overall 40 per cent gender quota for candidate lists, first applied in the 2019 parliamentary elections, was strengthened by introducing a placement requirement that at least 4 out of every 10 candidates on the lists must be of the same gender, addressing a previous

⁴ On 22 March, the Constitutional Court ruled Mr. Grosu's nomination constitutional, finding that consultations with the parliamentary factions had been held and there existed a lack of a parliamentary majority on a nominee.

⁵ According to the Constitution, parliament cannot be dissolved when a state of emergency is in force.

⁶ Three MPs (two from PAS and one unaffiliated) requested the Constitutional Court to determine whether the parliament's decision to declare a state of emergency was constitutional.

⁷ Other applicable laws include the 2007 Law on Political Parties, 2008 Law on Assemblies, 2018 Audiovisual Code, 2002 Criminal Code, 2008 Code on Administrative Offences, and 2018 Administrative Code.

⁸ See [previous ODIHR election reports on Moldova](#).

⁹ In October 2019, three MPs referred to the Constitutional Court the question which election system would apply to the next elections if they were called early. Referring to the Council of Europe's European Commission for Democracy through Law ("Venice Commission") Code of Good Practice in Electoral Matters, on 7 May 2020, the Court held that in order to ensure the stability of the electoral law, any new electoral system applies only if the legislative change came into force at least one year before the election day.

¹⁰ The draft was assessed by an [Urgent Joint Opinion](#) of the ODIHR and Venice Commission, which noted some improvements for prevention of the misuse of administrative resources and strengthening the election dispute resolution process. However, it raised concerns with provisions aimed at restricting campaigning and prohibiting "hate speech".

¹¹ The change back to a fully proportional system addressed a concern raised *inter alia* in the [2017 Joint Opinion](#) by the Venice Commission and ODIHR that due to Moldova's political context, a mixed system offered a higher risk of influence and manipulation at the local level.

¹² For the 2019 parliamentary elections, the thresholds were 6 and 8 per cent, respectively. The amendments also reintroduced the *D'Hondt* formula for allocation of parliamentary seats, used for elections up until 2010.

ODIHR recommendation. A minimum turnout requirement of one-third of registered voters was re-introduced in the August 2019 amendments as well.

V. ELECTION ADMINISTRATION

The parliamentary elections are administered by the CEC, 37 District Electoral Councils (DECs) and some 2,150 Precinct Electoral Bureaus (PEBs).¹³ Additional polling stations were established in diplomatic missions and other localities in 38 countries to conduct out-of-country voting. Also, 44 polling stations were initially established for the voters residing in localities on the left bank of the Nistru river (Transnistria).¹⁴

The CEC is a permanent body and consists of nine members, one nominated by the president and eight by the parliamentary factions. The current CEC was appointed in June 2016, with three new members appointed and new leadership elected after resignations in July 2019.¹⁵ The DECs and PEBs are temporary bodies established for each election. The DECs were formed by 21 May and consist of 7 to 11 members. Local courts and councils nominate two DEC members each. The DECs established PEBs, consisting of 5 to 11 members, including 3 nominated by local councils. Each parliamentary party has the right to nominate one member to each DEC and PEB.

The CEC, so far, has met the legal deadlines in preparation for the elections. Its sessions have been open to observers and media and streamed online. The agendas and minutes of the sessions, and the decisions adopted, have been published on the CEC website mostly in a timely manner. On 3 June, the National Extraordinary Commission for Public Health adopted anti-COVID measures for the electoral period.¹⁶ To date, the budget requested by the CEC for these elections has only been partly approved by the government.¹⁷

The CEC's initial decision to establish 139 polling stations abroad was followed by public protests, as well as statements from the President, the interim Prime Minister, political parties and NGOs, criticizing the low number of polling stations and the CEC's application of legal criteria for establishing polling stations abroad.¹⁸ On 8 June, the CEC revised its decision and increased the number of polling stations

¹³ In total, the CEC established 38 electoral constituencies, including one with a DEC in Chisinau for voting abroad. As previously, voting will not take place in the districts in Transnistria, which are not under the control of the constitutional authorities of the Republic of Moldova. To administer polling for registered voters from these districts, a designated DEC located in Chisinau was established.

¹⁴ On 5 June, the CEC established, among others, one PEB in Corjova (Dubasari) and two PEBs in Bender. The Security and Intelligence Service of Moldova (SIS) warned against potential risks of interference and fraud at these PEBs. Several ODIHR EOM interlocutors raised concerns about the security and integrity of the electoral process in these three precincts. On 15 June, the CEC revised its decision and cancelled the establishment of these three polling stations, based on the Ministry of Interior's security assessment.

¹⁵ The five-year mandate of the CEC expires on 17 June 2021. However, the law provides for an automatic extension of the mandate until the end of the election period, but not longer than 90 days.

¹⁶ The Ministry of Health committed to provide all necessary materials and equipment related to anti-epidemiological measures for the election day inside the country.

¹⁷ On 30 April, the CEC estimated the budget for early elections in the amount of 125 million MDL (1 EURO is approximately 21.5 Moldovan Lei, MDL). On 12 May, the Ministry of Finance allocated 70 million MDL, with the remaining budget pending further review.

¹⁸ The Election Code provides three criteria for deciding on the number of polling stations (PS) abroad: 1) voter turnout in the last election in a given country; 2) number of voters who pre-registered to vote there; 3) data on Moldovan citizens residing in a foreign country obtained by the Ministry of Foreign Affairs and European Integration (MFAEI). While the voter turnout in the 2020 presidential election was higher than in previous elections, and the number of pre-registrations for voting abroad increased by more than 50 per cent compared to 2020, the number of PS established for these elections was initially the same as in 2020. The MFAEI initially proposed to the CEC opening 191 PS in 38 countries, doubling the number of PS in places where around 5,000 voters voted in 2020.

abroad to 146.¹⁹ Several political parties challenged these decisions in court. A number of ODIHR EOM interlocutors raised concerns that the decision of the CEC was political and aimed at disenfranchising diaspora voters. On 17 June, the Chisinau Court of Appeal annulled the CEC's decision, ordering it to revise the number of polling stations abroad; the ruling is subject to appeal.

Since 22 May, the CEC and its Centre for Continuous Electoral Training (CICDE) have conducted extensive online and in-person training for all DECAs and started training for PEB members on 16 June. The voter information campaign organized by the CICDE addressing issues such as accessibility of polling for voters with disabilities, vote-buying, and epidemiological measures includes podcasts, videos, and social media posts in the state language and Russian, with sign language interpretation.

VI. VOTER REGISTRATION

The voter registration system is passive and based on data extracted from the population register. Every citizen who is 18 or older by election day is eligible to vote, except those deprived of the right to vote by a court decision.²⁰ Deprivation of the right to vote on the basis of a mental disability is inconsistent with international obligations and standards.²¹ The centralized State Register of Voters (SRV) is maintained and updated by the CEC.

As of 1 June, the SRV included 3,282,288 voters. Of these, 2,786,368 voters with registered residence or domicile are included in the main voter lists. Voters without domicile and residence, including those who emigrated abroad and voters residing in Transnistria, are not included in the main voter lists and can be added to additional voter lists on the election day.²² The CEC provided the possibility for optional online pre-registration for voters from abroad and Transnistria throughout the year until 26 May.²³

The voter lists must be made available for public scrutiny in all polling stations no later than 21 June. Voters can also check their registration and the address of their polling station online. Voters can request corrections of their details and submit complaints on inaccuracies in voter lists to the PEBs until 10 July.

VII. CANDIDATE REGISTRATION

Citizens eligible to vote have the right to be elected, with the exception of active military personnel, prisoners serving their sentence in the penitentiary system, persons whose active criminal records include crimes committed intentionally, and persons deprived of the right to hold positions of responsibility by final court decision. Citizens can stand as candidates on party/bloc lists as well as

¹⁹ The CEC President subsequently lodged a police report alleging that he had received physical threats from some colleagues in connection with the initial decision.

²⁰ Under the Civil Procedure Code, a court may decide to deprive a person of the right to vote based on several grounds, in the context of guardianship proceedings.

²¹ According to Articles 12 and 29 of the [UN Convention on the Rights of Persons with Disabilities](#) (CRPD), "State Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life" and ensure their "right and opportunity [...] to vote and be elected". Paragraph 48 of [General Comment No. 1 to Article 12 of the CRPD](#) states that "a person's decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election".

²² According to the CEC, some 237,300 voters are registered without domicile or residence and some 258,600 voters reside in Transnistria.

²³ According to the CEC, 99,935 voters abroad and 256 voters from Transnistria used this opportunity. The CEC published disaggregated data on pre-registered voters abroad.

independently. The nomination of candidates lasted from 12 May until 11 June. Independent candidates must collect signatures from voters to support their nomination.²⁴

By the 17 June the candidate lists of all 19 parties and two blocs which applied to the CEC were registered.²⁵ Two independent candidates filed application papers. The PSRM formed an electoral bloc with the Party of Communists of Moldova (PCRM) – the Electoral Bloc of Communists and Socialists (BeCS) – with the joint candidate list led by a former President of Moldova, Vladimir Voronin of the PCRM. The Bloc Renato Usatîi (BeRU) is composed of “Our Party” (PN), led by Mr Renato Usatîi, and Patria Party (PP). All parties and blocs complied with the law’s gender quota and placement requirements. Some 46 per cent of the 1,739 candidates registered so far are women, however, only three lists are led by women.²⁶

VIII. CAMPAIGN

Contestants are allowed to start campaigning after registration by the CEC, with the campaign silence period beginning on 10 July, the day before election day.²⁷ The law guarantees the freedom to campaign, with some limitations on the use of colours, sounds, symbols and images in campaign materials. Contestants have guarantees of campaigning on an equal basis and with equal opportunities, and candidates enjoy certain legal protections.²⁸ Candidates holding certain high-level public positions must step down from their posts. The law prohibits the misuse of public resources.²⁹ Vote-buying is subject to criminal sanction.

The BeCS, PAS, Şor Party, BeRU were among the first to get registered and start campaigning. Prominent campaign issues include tackling corruption, justice sector reform, economy and regional development, education, decentralization, and social protection. In public discourse, the country’s geopolitical orientation remains a subject of discussion. Unification of Moldova with Romania is a key policy objective for some parties.

The authorities have adopted anti-COVID measures for election campaigning, which resulted in limitations on the number of attendees for indoor events and on campaigners engaging in street and door-to-door canvassing. In the campaign events observed by the ODIHR EOM so far, participants partially respected these measures.

The CEC invited election contestants and media outlets to sign a voluntary Code of Conduct for campaigning, which includes commitments to abide by electoral legislation; not incite discrimination, hatred or violence in public speeches, in traditional and online media, and election materials; and not misuse legal, institutional, media, and administrative resources. So far, only two parties and no media outlets agreed to abide by this Code.³⁰

²⁴ Male candidates should submit between 2,000 and 2,500 signatures, while for female candidates the minimum is 1,000 signatures. Contrary to previous ODIHR recommendations and international good practice, voters could sign in support of only one candidate.

²⁵ One candidate on the NOI list unsuccessfully challenged the CEC’s decision to reject his nomination on grounds of lack of Moldovan citizenship. The Joint Action - Civic Congress Party (PACCC) unsuccessfully challenged the CEC decision to register the Alliance for the Union of Romanians (AUR), alleging that the party list included candidates from other parties and was effectively a bloc.

²⁶ Victoria Grosu-Vremeş (AUR), Olga Afanas (Green Party), Mariana Durleşteanu (Law and Justice Party).

²⁷ The campaign silence does not apply to campaign materials previously displayed or posted online.

²⁸ Candidates cannot be unilaterally dismissed or transferred from their full-time job and are protected from actions by law enforcement, without consent of the CEC, except for flagrant offences.

²⁹ Article 52(7) of the Election Code provides that “candidates may not use public means and goods (administrative resources) during electoral campaigns”.

³⁰ Şor Party and the PDM.

IX. NATIONAL MINORITIES

According to the 2014 census, about a quarter of the Moldova's population identified themselves as belonging to a national minority, with Ukrainians (6.6 per cent), Gagauz (4.6 per cent), Russians (4.1 per cent), Bulgarians (1.9 per cent) and Roma (0.3 per cent) being the most numerous.³¹ Some minority communities are geographically concentrated, while others, such as Ukrainians, Russians, and Roma, reside in various parts of the country.³² With the exception of Roma, minorities are predominantly Russian-speaking.

National minority representatives are included in the electoral lists of some parties and electoral blocs.³³ There are no special measures to promote national minority representation. Issues pertinent to inter-ethnic relations, which regularly appear in the public discourse, are expected to feature in the campaign, including Moldova's sovereignty, the state language, and geopolitical preferences mapping onto ethno-linguistic identities.³⁴

X. CAMPAIGN FINANCE

The Election Code and the Law on Political Parties regulate party and campaign finance. Parties and blocs receive annual public funding based on past election performance and the number of women and youth elected.³⁵ This funding may be used for electoral campaigns. Contestants can receive small interest-free state loans for campaign expenses, written off in whole or in part based on votes received. The law sets limits on campaign donations by private individuals and legal entities.³⁶ Anonymous donations are prohibited, as are donations from public and religious institutions, non-profit organizations, labour unions, foreigners and third parties. Contestants must open a dedicated bank account for transacting all campaign donations and expenses.³⁷ The maximum amount of campaign funds to be accumulated is MDL 21 million for parties/blocs and MDL 110,000 for independent candidates, which is effectively a spending limit.

The mandate for campaign finance oversight lies with the CEC.³⁸ The contestants are to submit weekly campaign finance reports (donations and expenditures) to the CEC, in a standard template, which are to be posted online within 48 hours. A final accumulated report is due not later than two days before election day. According to the CEC, it is checking reports against the contestants' bank records and verifying compliance with the limits and the revenue records of donors, but it does not have the authority

³¹ The census did not include the territories not under control of the Moldovan constitutional authorities.

³² For example, in the Autonomous Unit of Gagauzia, the Gagauz make over 80 per cent of the population.

³³ The leader of PAS confronted a negative reaction by some party supporters to the inclusion a national minority representative with an allegedly pro-Russian position and affirmed the importance of inclusive party lists.

³⁴ The President called for unity of the entire Moldovan society during her meeting with national minority representatives on 3 June. In her public address on 31 May, the Governor (Bashkan) of Gagauzia urged political parties not to sow inter-ethnic divisions during the election campaign.

³⁵ For 2021, in total all political parties are to receive MDL 20,707, 070.

³⁶ Individuals can donate up to six average monthly salaries, MDL 52,300, up to half in cash, while Moldovans with foreign income can donate half the limit. Legal entities can donate up to MDL 104,600. Public servants and officials can donate up to 10 per cent of their salary or six months average salary, whichever is less. In-kind donations are to be assessed and reported at market value, and are subject to the donation limits.

³⁷ Upon notification to the CEC, contestants who do not intend to accumulate or spend campaign monies do not have to open an account.

³⁸ On 28 May, the Supreme Security Council issued a [recommendation](#) to the CEC to set up an inter-agency working group to identify the risks and detect and investigate actions of illegal financing of the electoral contenders. The CEC informed the ODIHR EOM that it has sufficient co-operation with state institutions. Some members viewed the recommendation as interference into the mandate of an independent body.

to examine primary documents or investigate potential violations, which it may refer to law-enforcement agencies.³⁹

Most registered parties and blocs have opened bank accounts for their electoral funds.⁴⁰ Contestants are, in general, filing their financial reports in accordance with the regulations, although some parties are subsequently filing corrected reports. The CEC is posting these reports on its website, generally in a timely manner.

XI. MEDIA

A high number of broadcasters and a growing number of online media outlets are active in the country, while the circulation of print media is decreasing.⁴¹ There is no reported undue interference into Internet freedom and some online media outlets, including on the local level, contribute to independent reporting and a plurality of news. At the same time, a concentration in media ownership reduces the diversity of views and amplifies the political polarization of the media landscape. A lack of revenues in a limited and concentrated advertising market undermines the sustainability of media outlets and results in dependence on financing by political and economic interests. Interference into editorial autonomy renders journalists conducive to self-censorship and hinders investigative journalism.

The adoption of several media-related laws, including on advertising, access to information, freedom of expression and personal data protection, in order to align legislation with EU law, are pending. The 2018 Audiovisual Media Service Code (“Audiovisual Code”) was amended in December 2020.⁴² Draft amendments to the Election Code, which included prohibitions on “hate speech” and “incitement to discrimination” were introduced in parliament in June 2020 and remain pending.⁴³

The Election Code, supplemented by a CEC regulation, requires fair, accountable, balanced and impartial media coverage of contestants’ campaigns. Contestants are to be granted access to political advertising under equal conditions. Broadcasters with nation-wide coverage have to provide free airtime for political advertising and are required to organize debates or may rebroadcast debates organized by the national public broadcaster. The implementing body for media legislation, the Audiovisual Council, monitors broadcasters’ compliance with election-related obligations and reports bi-weekly to the CEC. It acts *ex-officio* and upon media-related complaints.

On 10 June, the ODIHR EOM started the monitoring of five TV stations *Moldova 1*, *Jurnal TV*, *Prime TV*, *Pro TV* and *N TV* and four online media outlets kp.md, newsmaker.md, point.md and zdg.md.

³⁹ The CEC summons income tax records for the past three years of all donors to determine if the donor has a sufficient source of income in relation to the donation amount. The CEC informed the ODIHR EOM that some donors reported zero income in their tax returns. However, the CEC only includes this information in its report to parliament to advocate for more stringent laws, not for any other purpose.

⁴⁰ A few parties have yet to inform the CEC if they intend to establish electoral fund accounts. One party, Professional Movement “Hope” (MPS), has informed the CEC that it will not open a bank account.

⁴¹ The Audiovisual Council has licensed [56 TV stations](#) and [62 radio stations](#).

⁴² The Audiovisual Code was aimed to transpose the EU Audiovisual Media Services Directive (AVMSD). The amendments removed a 50 per cent quota for the purchase and broadcasting of audiovisual production from EU member states and signatories to the European Convention on Transfrontier Television (ECTT), that were in line with the AVMSD. In addition, the amendments lifted a ban on “informative, analytical, military and political programs” from states except EU member states, the US, Canada and parties to the ECTT. Furthermore, the amendments relaxed several restrictions on beneficial owners of media service providers. The European Commission criticized the amendment procedure for the lack of consultations and transparency.

⁴³ The ODIHR and Venice Commission [Urgent Joint Opinion](#) concluded that the wording of the prohibition of “hate speech” and “incitement to discrimination” was insufficiently precise to constitute a legitimate restriction on freedom of expression according to international law.

XII. COMPLAINTS AND APPEALS

Voters and contestants have the right to challenge the actions, inactions and decisions of election bodies and other contestants. Appeals against decisions of election bodies are to be lodged with the higher-level election body prior to going to court. The Chisinau Court of Appeal has jurisdiction over appeals against CEC decisions.⁴⁴ While the Election Code provides that complaints against electoral contestants are to be lodged directly to district courts, the 2018 Administrative Code provides that an administrative decision or action must first be taken prior to going to court.

Complaints must be filed with the election body or court within three days, with the election body and court having three days and five days, respectively, to adjudicate the matter. Appeals against court decisions are to be submitted within one day and decided by the higher court within three days. All complaints must be decided before election day. The Supreme Court is the last instance for appeals, and can issue advisory opinions on the interpretation of election legislation; its sessions are not open to the public or observers. The Constitutional Court hears challenges to the constitutionality of a law or a government decision and validates the final election results.

As of 16 June, the CEC's online registry included 14 complaints, lodged by voters and electoral contestants against public figures and election competitors, related to the misuse of public position in the campaign and negative campaign rhetoric, as well as to formation of PEBs. Seven CEC decisions were challenged in the Chisinau Court of Appeal, including petitions lodged by multiple contestants concerning polling stations established for voting abroad and for Transnistrian voters. Most were unsuccessful and further appealed to the Supreme Court. A number of complaints were denied admissibility by the CEC and courts on technical grounds. The lack of harmonization between the Election Code and the subsequently-adopted Administrative Code in the context of electoral dispute resolution leaves the process unclear, and gives room for the CEC and courts to deny admissibility or apply extended deadlines in the handling of complaints and appeals.⁴⁵ On 15 June, the Constitutional Court ruled inadmissible two referrals on the constitutionality of the applicability of the Administrative Code to election cases.

XIII. CITIZEN AND INTERNATIONAL OBSERVERS

The legal framework provides for observation of the electoral process by citizen and international observers, as well as representatives of the contestants. Observers may be accredited to observe the election both in the country and abroad. As of 17 June, the CEC accredited 875 citizen and 161 international observers. *Promo-LEX* is the largest citizen observer group, which has deployed 43 long-term observers throughout the country and has published three interim reports since the start of the electoral period.

⁴⁴ On 28 May, the President Sandu cancelled the 2 September 2020 decree of the former President Dodon that had appointed the Chairperson of the Chisinau Court of Appeal, citing the need to “purge the judicial system as a first step to an independent and fair system”. The move garnered criticism from some electoral contestants as a political manoeuvre.

⁴⁵ The CEC deems some complaints as “notifications” under the Administrative Code, applying general administrative procedures, while other complaints are subjected to special procedures, including expedited deadline, under the Election Code. In one case, the Chisinau Court of Appeal denied admissibility on grounds that the claimant had not sought from the CEC preliminary review of the challenged decision prior to going to court, as per the Administrative Code. A narrow interpretation of ‘personal interest’ under the Administrative Code is used to deny admissibility in the electoral cases.

XIV. ODIHR EOM ACTIVITIES

The ODIHR EOM commenced its work on 3 June. The Head of the ODIHR EOM met with the MFAEI, the CEC, the Constitutional Court, the Ombudsman, political parties, civil society organizations, and representatives of OSCE participating States. The ODIHR EOM has also established contacts with the Audiovisual Council, election administration bodies, representatives of the media, and other electoral stakeholders.

The OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP) intend to deploy delegations for election day observation. Mr. Ditmir Bushati (Albania) has been appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission. Election day observation will be the result of a common endeavor involving ODIHR and delegations from the OSCE PA, PACE and the EP.

*The English version of this report is the only official document.
Unofficial translations are available in the State and Russian languages.*