



## THE CIVIC COALITION FOR FREE AND FAIR ELECTIONS

### PROMO-LEX ASSOCIATION

#### REPORT no.2

#### Monitoring the national constitutional referendum of 5 September 2010

Monitoring period: August 14 – September 2, 2010

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## **I. EXECUTIVE SUMMARY**

The Promo-LEX monitoring effort has found during the August 14<sup>th</sup>- September 2<sup>nd</sup> monitoring period that the public and electoral administrations performed in an overall non-discriminatory manner, but has also noted several shortcomings both in terms of organization of the electoral process and in terms of the performance of electoral participants.

During the monitoring period the Promo-LEX effort did not observe discriminatory treatment of the electoral participants by the public authorities. Another positive practice observed was the fact that the diplomatic missions of Moldova published on their web-sites information about the Referendum and the voting process.

At the same time the Promo-LEX effort found a series of shortcomings in the organization of the electoral run. Almost half of the voter lists have been compiled by the local public administrations and presented to the CEC with a considerable delay. The CEC itself has failed to place the lists on the CEC website as was initially planned and announced, while the precinct electoral bureaus have displayed the lists for verification by the voters with delay.

The precinct electoral bureaus have been formed late in many localities. In the case of two localities the bureaus have not yet been formed by the time of publication of the report.

A series of parties and socio-political organization registered by the CEC as participants at the referendum have submitted incomplete and late financial reports to the electoral administration. Almost half of the participants have failed to present to the CEC the requested financial reports. At the same time the CEC has taken few steps to verify the data presented by the participants in the submitted reports.

Promo-LEX observed several cases of undue influence on the voters. The observers found that representatives of some of the public institutions, including universities, exerted undue pressure on the voters. Electoral participants continue to offer the so-called electoral gifts to the voters and institutions on various occasions.

The Promo-LEX monitoring effort is implemented through direct observation that is carried out by a network of 42 long term observers from all the rayons nationwide. The findings and recommendations of the effort are written in bona fide and aim at improving the electoral process. The Promo-LEX effort is conscious that his kind of electoral exercise is conducted for the first time in Moldova and aims at contributing in a constructive manner to the establishment and improvement of democratic practices in Moldova.

Promo-LEX will monitor the electoral process on the 5<sup>th</sup> of September, through deployment of 300 observers in national, representative sample of polling stations. The Promo-LEX effort will publish intermediary reports on the Referendum day findings and a compilation of findings immediately after the day of the Referendum. The methodology of observation will not allow Promo-LEX to estimate independently the voter turnout.

The Promo-LEX will carry out a Quick Count of voting results and will release the results of the count immediately upon the availability.

## **II. PROMO-LEX'S MONITORING EFFORTS**

The monitoring of the national constitutional referendum, which will take place on September 5, is a project implemented by the Association Promo-LEX as part of the Civic Coalition for Free and Fair Elections "Coalition 2009". This is a voluntary union of non-governmental organizations aiming to enhance the electoral process and raise public confidence in this process. The various election monitoring programs within the framework of the "Coalition 2009" are implemented by Promo-LEX as well as other member organizations.

The monitoring effort by Promo-LEX in the national constitutional referendum on 5 September 2010 involves 42 long-term observers (LTOs), who monitor the electoral process in

all the electoral constituencies in Moldova in the period from 13 August 2010 to 10 September 2010. The LTOs are assisted by 300 short-term observers (STOs) covering 15% of the total polling stations. The STOs have been assigned to various polling stations across the territory of Moldova based on a representative sample, with a 0.5% margin of error. These observers will monitor the electoral process only on election day and only at the assigned polling stations. The activity of all the observers is coordinated by a central team whose structure was conceived prior to the poll.

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### III. FINDINGS ON REFERENDUM CAMPAIGN

#### A. Public authorities

##### *Relations with the referendum participants*

As of 2 September 2010, there were registered no cases of discrimination by the the public authorities against the participants in the referendum campaign.

However, there were cases of favoritism toward certain participants in the referendum. For example, in the period during 16-19 August 2010 campaign posters of the Communists Party (PCRM) were displayed in the premises of the Stefan Voda mayor's office.

A similar case was registered in the village of Dubasarii Vechi, Criuleni district, with campaign posters belonging to the Liberal Democratic Party (PLDM) displayed in the premises of the polling station.

Two cases where the police held people distributing campaign materials were observed in Chisinau's Botanica district and in the town of Cahul. In both cases, the held people were distributing materials urging voters to boycott the referendum. The people were reportedly held because the distributed materials made no reference to the financing source for the printing.

##### *Electoral rolls*

Under the timetables for the organization and conducting of the referendum, the time limit for the submission of the electoral rolls by the local authorities and the diplomatic missions to the Central Election Commission (CEC) expired on 13 August 2010.

As of 17 August 2010, the CEC received electoral rolls for merely a half of the polling stations (**1070** of the total of **2035** established stations). On 20 August 2010 in the morning, the CEC announced the receipt of electoral rolls for another **263** stations, and in the evening the same day it announced the receipt of all the remaining electoral rolls (that is, for another **702** polling stations).

The Chisinau City Hall's official website provides voters with an on-line tool to verify their presence in the electoral lists. The voters who don't have access to the Internet can verify the lists by calling a special helpline opened by the City Hall.

##### *Involvement of the local authorities in campaigning*

On 19 August 2010, Mayor Gheorghe Anghel of Stefan Voda, accompanied by local councilmen representing the PCRM and other PCRM supporters, held a meeting with local voters during official work hours urging them to boycott the referendum.

## **B. Election authorities**

### ***Establishment of polling stations***

According to Art. 29 par.10 of the Election Code, the electoral bureaus of the polling stations (EBPS) shall start working no later than 25 days before election day. Thus, all the EBPSs were to be established until 10 August 2010. Delays were registered in the following electoral constituencies: Anenii Noi (1 EBPS), Cimislia (8 EBPSs), Criuleni (3 EBPSs), Drochia (1 EBPS), Dubasari (1 EBPS), Leova (8 EBPSs), Rezina (1 EBPS).

Under Art.29 par.14 of the Election Code, the CEC is obliged to establish polling stations so that all the voters can exercise their right to vote.

Until present, there haven't been established polling stations for the voters domiciled in the village of Cotul Morii, Hancesti district, and there haven't been provided guidelines on voting procedures for these citizens. And this happens despite a fact-finding visit to this community made on 16 August 2010 by CEC Chairman Eugeniu Stirbu and CEC member Pavel Midrigan. According to the secretary of the Hancesti District Election Council, the voters domiciled in Cotul Morii are to be informed on the voting procedures on 4 September 2010.

The diplomatic missions in Portugal, Greece and the Russian Federation, although later than expected, eventually published information on the addressees and contacts for the polling places in the respective countries.

### ***Electoral rolls***

Under Art.40 par.1 of the Election Code, the electoral rolls were to be made available no later than 20 days before the poll.

The failure to observe this provision was registered in Cahul (7 polling stations), Calarasi (1 polling station), Causeni (1 polling station), Chisinau (3 polling stations), Cimislia (1 polling station), Criuleni (4 polling stations), Soldanesti (4 polling stations), Straseni (5 polling stations), Rezina (1 polling station).

Furthermore, the CEC was to post the voter rolls on its website no later than 20 days before the referendum, but it hasn't done so until the present day.

### ***Inadequate supply of invitations to referendum***

According to Decision no.3279 of 13 July 2010, the CEC decided to issue 1.5 million invitations requesting voters to take part in the referendum, whereas the official registered number of eligible voters is roughly 2.66 million. Insufficient numbers of invitations were registered in the following electoral constituencies: Cahul, Calarasi, Causeni, all the districts of Chisinau municipality, Cimislia, Criuleni, Falesti, Sorooca, and Stefan Voda.

### ***Verification of referendum participants' financial reports***

On 20 August 2010, in Decision no. 3474, the CEC approved the financial report on revenues and expenses of participants in the campaign for the national constitutional referendum of 5 September 2010.

14 of the 25 registered participants submitted their financial reports before the deadline or with an up to 3 days delay. Of these, only 5 declared financial resources at the revenues and expenses chapters.

The following participants submitted financial reports within the fixed time limits: "RAVNOPRAVIE (Equality)" Republican Social-Political Movement; People's Republican Party;; "Patria-Rodina" Socialists Party of Moldova; Conservative Party; Roma Social-political

Movement of the Republic of Moldova; National Romanian Party; Labour Party; “Forta Noua (New Power)” Social-Political Movement; “Patriotii Moldovei (Moldova’s Patriots)” Political Party; Socialist Party of Moldova; Centrist Union of Moldova.

None of the parties which held meetings with the voters reported on the transportation expenses in their financial reports. At the same time, the CEC did not request the Court of Accounts or the Main State Fiscal Inspectorate to perform a monitoring of the income sources, accuracy of accounting and use of finances according to their purposes by referendum participants.

### **C. Referendum Campaign**

#### ***Electoral advertising***

According to p.12 of the Regulation on the placement of electoral advertisement on the billboards in the electoral period, adopted by the CEC Decision no. 3338 of 16 July 2010, the placement of campaign posters outside of the prescribed areas is prohibited. The following electoral posters were seen displayed in unauthorized places:

PCRM – Basarabeasca; Oxentea and Holercani villages in Dubasari, Gangura village in Ialoveni;

PLDM – Sipoteni village in Calarasi, Curchi village in Orhei, Riscani, Onitcani village in Criuleni, Dubasarii Vechi village in Criuleni (at the entrance to the polling station), Buda village in Calarasi, Nisporeni, Tirsitai village in Telenesti, Cosnita and Holercani villages in Dubasari, Orhei, Drochia, Marculesti and Floresti, Horodca village, in Ialoveni;

PDM – Riscani, Nisporeni;

MAE – Calarasi, Nisporeni;

AMN –Holercani village, in Dubasari.

#### ***“Electoral gifts”***

According to the provisions of article 38 (7) of the Election Code, electoral contestants may not offer voters money or gifts, may not distribute goods free of charge, including humanitarian aid or other charity.

While meeting with the voters in Hansca, Ialoveni, on 18 August 2010, the PDM leader Marian Lupu donated 30,000 lei to the local “Salcioara” Dance Ensemble, simultaneously campaigning for the referendum participant PDM and the modification of article 78 of the Constitution.

On 28 August 2010, the PDM president Marian Lupu donated 10,000 lei to the mayor of Vasieni, as part of the craftsmen’s festival “La poalele Tiglei”, for supporting the building of a concrete crucifix on the Tigla hill in Vasieni. During the event, Marian Lupu encouraged voters to participate in the referendum and support the amendment of the Constitution.

On the occasion of the first school day, on 1 September 2010, the PLDM leader -Vladimir Filat donated a set of computers from the Government fund to the schools in Nemteni, Obileni and Leuseni. During the event, Vladimir Filat made reference to the forthcoming referendum.

#### ***Code of Conduct***

In the period between 16 and 30 August, none of the referendum participants have signed the Code of Conduct on the Organization and Media Coverage of the Electoral Campaign for the National Constitutional Referendum on 5 September 2010”. According to the data provided by the CEC, “Moldova Noastra” Alliance is the only participant that had signed the Code of Conduct (as of 20 August 2010).

#### **D. Abusive influence on voters and observers and cases of intimidation**

According to the provisions of Article 2 (2) and Article 7 of the Election Code, participation in elections is based on the citizen's free will. No one may exercise pressure on a voter to force him/her to participate or not in the elections, nor on the expression of a voter's free will.

According to the Cahul District public prosecutor Mihail Tomita, mayors of Huluboaia, Lopatica and Doina villages, all representing PCRM, have been warned by the prosecutor's office about the possibility of legal liability with regards to their actions aimed at boycotting the referendum.

The mayor of Japca Village, Floresti, Galben Semion, threatened the voters that they would not receive pensions if they will participate in the referendum.

Representatives of the SRL "Balti-Gaz" management obliged their employees to participate in a meeting with the PDM representative on 15 August 2010.

In the period of 13-31 August 2010, a series of threats were reported, issued by Alexandru Cojocaru, principal doctor at the Causeni District Hospital, who was requesting that his subordinates join the Liberal Party.

As part of a meeting with voters held on August 2010 in Cahul, the PCRM representative Iurie Munteanu publicly insulted a voter and forbade another voter to record the event.

In a number of reported cases, administrations of higher educational institutions required the possession of voting right certificates as a condition for admission of previously enrolled students. Such cases were registered in Moldova Agricultural University and the Technical University of Moldova. A number of students from these universities had to present the voting right certificates from their home towns in order to receive rooms in the university dormitories.

#### **E. Behavior of Moldova's diplomatic missions and consular offices**

According to the provisions of the p.11 of the Regulation on the preliminary registration of Moldovan citizens abroad, adopted by the Decision no.3354 of 20 July 2010, voters will be informed about the period of registration through the websites of the CEC, the Ministry of Foreign Affairs and European Integration, embassies and consular offices, as well as by means of a special information campaign.

However, the Moldovan diplomatic missions in France, Cyprus and Spain still do not possess online instruments for communicating and informing Moldovan citizens in this countries about their possibilities to participate in the referendum.

#### **F. National and international observers**

As of 13 August 2010, a total number of 203 national and 32 international observers registered with the CEC to monitor for the referendum. In the period between 16 August and 2 September, another 126 international and 407 national observers registered, including 92 for monitoring the elections at the polling stations situated abroad.

#### **IV. CONCERNS**

Considering the findings presented above, the observers involved in efforts of monitoring the referendum express concerns over the following issues:

- Delays in compiling and submitting electoral rolls;
- The impossibility of the voters domiciled in the village of Cotul Morii to take part in the referendum;
- The failure to post the electoral rolls on the CEC's web page;
- Limited access to electoral rolls in many polling stations;
- Delayed establishment of a number of EBPSs;
- Inadequate number of invitations for participation in the referendum compared with the total number of registered voters;
- Offering of money and other material inducements to voters by certain referendum participants (PDM, PLDM);
- Unauthorized display of campaign posters and other electoral advertising materials (PLDM, MAE, PDM, PCRM, AMN);
- Intimidation of voters;
- Pressure on students;
- The lack of on-line instruments of communication destined for overseas voters;
- Frequent recall of EBPS members by the participants at certain EBPSs;
- Lack of transparency in the participants' use of financial resources for campaign purposes;
- Nonobservance of the Conduct Code by the referendum participants and media organizations.

#### **V. RECOMMENDATIONS**

The recommendations elaborated by the Promo-LEX effort are formulated in good faith and aim to improve the electoral process. The Promo-LEX effort finds that the shortcomings identified in the first monitoring report continue to exist.

##### **To the election authorities:**

1. Provide conditions to vote for the voters domiciled in the village of Cotul Morii, Hancesti district;
2. Post electoral rolls on the CEC's web page until the date of the referendum;
3. Improve the activity of the EBPSs, including by facilitating access to electoral rolls;
4. Establish a clear and explicit mechanism to inform the voters by means of invitations;
5. Improve the monitoring and analysis mechanisms applied to the financial reports submitted by the participants in order to prevent and sanction cases of failure to present such information, cases of delayed submission and cases of withholding information.

##### **To the central authorities:**

6. Create and employ on-line instruments of communication with voters located abroad.

##### **To the law enforcement bodies:**

7. Investigate cases of abusive influence on, and intimidation of voters;
8. Intensify efforts to prevent and sanction cases of unauthorized display of electoral advertising.