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THE CIVIC COALITION FOR FREE AND FAIR ELECTIONS

PROMO-LEX ASSOCIATION

FINAL REPORT

**Monitoring of the early parliamentary elections
of 28 November 2010**

Monitoring period: September 29 – December 27, 2010

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Fourth monitoring report on the early parliamentary elections of 28 November 2010

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I. SUMMARY

Promo-LEX has carried out the long term monitoring of the electoral period in the context early parliamentary elections from November 28, 2010 within the framework of the Civic Coalition for Free and Fair Elections. The effort has monitored the electoral process in all the electoral districts of the Republic of Moldova in the period October 6 – December 27, 2010. The Promo-LEX monitoring team has included 42 long term observers, 30 medium term observers and approximately 2,400 short term observers. The observers' activity has been coordinated by a central team which, among others, was responsible for training all the observers in the field of electoral procedures and of the non-partisan and independent character of the monitoring effort.

Promo-LEX has carried out a parallel vote tabulation operation (PVT), a qualitative and quantitative quick count of votes (Quick Count), a monitoring of the election day using mobile teams. For the vote recount, Promo-LEX has conducted a parallel tabulation of the recount results. The effort has published 4 interim reports during the electoral campaign, 3 interim reports on election day, has issued press releases on 3 special operations carried out on election day and has drafted the present final report.

The Promo-LEX effort has reported a balanced performance of both the public and the electoral administrations. It also observed that the majority of the electoral competitors have carried out diverse and active campaigns in a healthy competitive environment. Voters have demonstrated an increased interest in the electoral process, providing a massive presence on the election day. The results of the specialized operations carried out by Promo-LEX have largely confirmed the official results, both for the initial count and for the votes recount.

Nevertheless, the electoral process demonstrated a number of deviations from existing national electoral procedures and international democratic electoral practices. Some of these deviations were of sporadic nature, while others were systemic. Electoral competitors failed to demonstrate financial transparency and isolated cases of violence and intolerance overshadowed the electoral campaign. Moreover, Promo-LEX found that the processes of counting and of recounting the votes involve an excessive use of logical controls, thus making these processes susceptible to human error. Regretfully, the monitoring effort found a passiveness from the side of voters as far as verifying the correctness of their entry into the voting rolls.

The CEC has drafted a number of regulations and instructions aimed at clarifying and improving the electoral legal framework. Such decisions were issued in reference to the following aspects: reflecting the electoral campaign in the media; ensuring the security of the voting process; printing the voting ballots; the process of packaging, transmitting and collecting the electoral information; the voting procedure.

During the electoral campaign, certain electoral competitors have carried out electoral activities which are contrary to the norms prescribed by the electoral legislation in the form of: placing posters in unauthorized places; deteriorating electoral posters; offering electoral presents; intimidation and pressure on voters; vandalism violent incidents and use of administrative resources. A reason for concern represented the lack of financial transparency from the part of electoral competitors in regards to the reflecting the expenses related to the transportation, the publishing of electoral campaigning materials, the organizing of meetings with voters, electoral concerts and the pay of staff.

The monitoring of the early parliamentary elections from November 28, 2010 has been carried out by 3,214 observers representing national and international organizations, accredited with the Central Electoral Commission. Civil society has played an active role in the electoral campaigning by carrying out electoral campaign monitoring activities and awareness building campaigns aimed at citizens' participation in the voting.

Voters in the Transnistrian region of the Republic of Moldova have been discriminated by the opening of mixed voting stations, the lack of campaigning activities and by other problems which have affected the electoral process.

On the election day, the Promo-LEX observers have reported that the level of technical set up of the 1,962 polling stations (PS) was satisfactory, but with certain deficiencies caused by the lack of electricity, heat, insufficient number of ballot boxes, non-corresponding of voting booths. The voting process was carried out largely in a calm manner. Observers have reported cases of voting without corresponding identification documents, simultaneous entry in voting booths of multiple persons, violation of voting procedures for the mobile box, multiple voting. Also reported were cases of electoral campaigning conducted by competitors' observers, but also by representatives of competitors.

The Quick Count operation carried out by Promo-LEX revealed that 99 percent of polling stations have opened on time, the interior of the ballot boxes has been shown to observers before sealing them and voting booths were set up so as to ensure the secrecy of the vote. In 94 percent of polling stations no complaints from the electoral competitors or from observers have been registered throughout the election day. In 92 percent of cases, ballots were shown to Promo-LEX observers during the vote count, thus allowing for a confirmation of the final results.

The Promo-LEX effort has monitored the votes counting and tabulation procedure and has not found any major frauds or violations of procedures. Of the 1,965 protocols, only 4 presented sufficiently serious contradictions which would require a ballots recount. Even these incidents were solved in the end. The results of the Quick Count and of the PVT have been within the declared margin of error and have confirmed the final results.

Promo-LEX has monitored the process of recounting votes carried out on December 15, 2010. After processing 1,712 protocols and excluding 100 protocols which were poorly photographed and 147 protocols which included errors in the logical controls based on the verification formulas established by the CEC, Promo-LEX has concluded that the Parallel Tabulation of the recounting confirms the official preliminary results announced initially by the CEC.

An innovative method for exercising the vote – the Electronic Registry – was tested during the early parliamentary elections from November 28, 2010 in a number of PS in the Chişinău municipality. The found deficiencies in the work of the electronic registry were of technical manner and were resolved during the same day.

Based on the reported tendencies, the monitoring effort has formulated a list of concerns which are grouped based on the weight of the following criteria: the number, the geography and the repetition in time of the findings; the consequences on the electoral processes and on the involved persons; the expediency of the intervention from the part of the authorities. These concerns served as basis for putting together a list of recommendations made in good faith and aimed at contributing to the improvement of the electoral processes and raising the level of trust of the population towards elections.

II. PRE-ELECTORAL CONTEXT

On July 29, 2009, parliamentary elections were held in the Republic of Moldova. In the aftermath of the scrutiny, five political parties entered the Parliament, as follows: PCRM – 48 seats, PLDM – 18 seats, PL – 15 seats, PDM – 13 seats and AMN – 7 seats. The latter four went on to create a government alliance – „Alliance for European Integration” (AIE). With the votes of all parliamentarians from AIE, the Parliament elected its President, the Prime Minister and the Cabinet of Ministers. At the same time, the legislators failed in two consecutive rounds to elect the country's President, which in turn led to a constitutional crisis and to the necessity to call for early parliamentary elections.

In order to solve the constitutional deadlock, the Moldovan authorities have organized for the first time ever a constitutional referendum. Citizens were asked to vote on a legislative bill aimed at changing article 78 of the Constitution to allow for the direct election of the country's President. The constitutional referendum did not meet the minimum turnout requirement and was thus declared invalid.

As a consequence, on September 7, 2010, the interim President issued a note for the Constitutional Court, requesting a formal establishing of the circumstances for dissolving the Parliament. The Ruling of the Constitutional Court (CC) no.4 from September 21, 2010 has established the circumstances which justified the dissolving of the Parliament.

In accordance with the CC ruling, the interim President signed on September 29, 2010 the decree regarding the dissolving of the Parliament. The presidential decree called for early parliamentary elections to be held on November 28, 2010.

Previously, in June 2010 and in September 2010, the Parliament voted substantial amendments to the Electoral Code which dealt with legal liability, procedures for appointing the CEC, procedures for voting abroad, the mechanism for distributing the parliamentary seats, the voting procedure for pupils and students without residence or domicile visas in the locality where they study.

In its final report for the monitoring effort of the early parliamentary elections from July 29, 2009, Promo-LEX has presented a list of 27 recommendations aimed at the authorities. Of the 14 recommendations which dealt with improvements to the voting procedures, 12 were partially or entirely incorporated in the amendments to the Electoral Code and to the CEC regulations. The recommendations addressed primarily the necessity to intensify the effort of creating a national informational system "Elections" and a national voter Registry, to amend to the provisions of Art.27 (2), Art.66 and Art.74(1) of the Electoral Code, to review the status of the national observers, to institute a viable mechanism for training of the members of electoral bodies.

Law no.119 from June 18, 2010 regarding the amendment and the changing of the Electoral Code

The Parliament has voted in June 2010 on a number of amendments to the Electoral Code. These amendments have been drafted in a period of over 8 months by a special parliamentary committee, in consultation of all relevant actors. The amendments stipulate that the political parties financed from abroad can be eliminated from the electoral race by a request filed by the CEC at the Court of Appeal. The amendments provide for criminal liability against voters practicing multiple voting. A new mechanism for appointing CEC members was introduced. The new mechanism provided that of the 9 members of the CEC, one is appointed by the country's president and 8 by the Parliament. A Center for continuing education in the field of elections was established, so that in the future only holders of certificates of training certificates issued by the Center could be assigned to electoral bodies of all levels. The amendments provided a clear procedure for voting for citizens of the Republic of Moldova residing abroad, regardless if their residence abroad is legalized or not. The Law also changed the mechanism for distributing the seats in the Parliament. Thus, the number of votes for parties which did not pass the electoral threshold will be equally split among the parties which have entered the Parliament. Concomitantly, the parliamentary seats will be distributed according to a new formula, the number of seats obtained by each party being determined by dividing the votes obtained by the party to the number of total valid votes and multiplying the result with the total number of existing seats.

Law no.216 from September 17, 2010 regarding the amendment and the changing of the Electoral Code

On September 17, 2010, new amendments to the Electoral Code took effect. These established the terms for examining the complaints regarding the actions and the decisions of DEC and PEB and for examining the complaints regarding the actions/inactions of the electoral contestants. The amendments also established the voting procedure for pupils and students with the right to vote enrolled in educational institutions in localities other than those of their residence or domicile. Under the new amendments, the latter can vote in any polling station opened in the locality where they study so long as they present the appropriate documents (including the student card).

This change in the legal provisions is welcome because it simplifies the procedure for exercising the right to vote for pupils and students. Nonetheless, the amendment carries a number of deficiencies. Thus, it creates discriminatory conditions for other categories of voters who are in similar circumstances, such as Master students, workers on construction sites, other persons without permanent domicile in large towns. Many such voters are in Chişinău, Bălţi, Cahul, Ungheni.

III. PROMO-LEX MONITORING EFFORT

The monitoring of the early parliamentary elections, scheduled for 28 November 2010, is a project implemented by the Promo-LEX Association within the framework of the Civic Coalition for Free and Fair Elections. “Coalition 2009” is a voluntary union of non-governmental organizations whose mission is to enhance and raise public confidence in the electoral process. The Promo-LEX effort has included 2,500 observers, has published 4 interim reports during the electoral campaign and 3 interim reports during the election day, has carried out 3 special election day operations, has conducted the parallel ballot recount tabulation and has drafted the present final report.

The monitoring effort by Promo-LEX has involved 42 long-term observers, 30 medium-term observers and approximately 2,400 short-term observers. Promo-LEX has monitored the electoral process in all the electoral constituencies in Moldova in the period from October 6 through December 27, 2010. The observers have reported their findings using standardized forms; the findings were based on direct observations, meetings with interlocutors and analysis of official documents. The activity of all the observers has been coordinated by central teams specialized in Analysis, Network, Logistics, Communication and General Management.

On the election day, Promo-LEX has delegated short-term observers in all the voting stations opened on the territory of the Republic of Moldova. The Promo-LEX efforts has conducted a Parallel Vote Tabulation (PVT), a Quick Count (QC) based on a representative sample stations which included 299 polling stations, as well as the observation of the quality of the scrutiny. Data for QC was collected by telephone and by means of official copies from of protocols obtained by observers. It was then introduced into an electronic database which could identify logical errors based on the verification formulas established by the CEC. The Quick Count procedure was aimed both at statistically determining the fulfillment of the legal requirements towards the organizing of the electoral process and at forecasting the results of the vote. The maximum margin of error was 1%. The Quick Count and PVT operations organized by Promo-LEX have confirmed the official results with a maximum rate of precision.

Apart from the above-mentioned operations and procedures, Promo-LEX has delegated additional observers in the 60 polling stations from the Centru district of the Chişinău municipality where the Voters’ Electronic Registry was tested.

During the process of recounting the voting bulleting on December 15, 2010, Promo-LEX’ monitoring effort has involved 80 observers at the DEC level. These observers have monitored the process of transmitting the bags containing the electoral materials to the PEBs and

afterwards monitored the transmitting of the bags containing the electoral materials from PEBs back to the DEC. Observers made digital copies of the recounting protocols using digital photo cameras. Based on the photos collected in the central office, the parallel to CEC ballot recount tabulation was conducted.

The Promo-LEX monitoring effort is not an investigation body and has no intention of documenting with hard evidence the observed findings. The biweekly reports developed by the Promo-LEX monitoring effort were based exclusively on the standardized reports which were filled in by the observers immediately after events of an electoral nature occurred. These reports were submitted for analysis to the central team. Before starting their activity, the observers involved in the monitoring process signed a Code of Conduct of the Promo-LEX Independent Observer. The key obligations set out in this Code are good faith, political nonpartisanship and promptness. The full text of the Code is available on the Association's website at www.promolex.md.

The Promo-LEX monitoring effort is not an electoral contender, nor is it a political rival to any party or organization involved in the early parliamentary elections. The monitoring effort assigned a stakeholders liaison officer to serve as a contact for the central election bodies and the candidates. The officer attended all the meetings of the CEC and was open to collaboration (within the limits of the Code of Conduct and the existing legislation) with all the candidates standing for election in the Parliament. The statements and remarks of the electoral competitors were included in the monitoring reports only if independently confirmed by the observers' reports filed after interviews with the other parties involved and the witnesses of the event in question.

The Promo-LEX reports target three main categories: the citizens of the Republic of Moldova, the country's public authorities and the relevant/interested international community.

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IV. TENDENCIES

Tendencies are formulated based on the systemic findings which are repeated in time and/or location during the monitored period and which have lead to concerns or have caught the attention of the Promo-LEX effort.

A. Electoral Competitors

The electoral competitors have carried out multiple and diverse types of electoral campaigning. Predominant among these were meetings with voters, outdoor and media advertising. Although a large number of electoral competitors have registered, less than a quarter of them have carried out electoral campaigning in all the electoral districts. Of the 40 initially registered electoral competitors, half did not carry out any electoral campaigning, except for the use of the free airtime offered to them. During the electoral period, 28 complaints were filed by the electoral competitors to the CEC. The behavior of the electoral competitors during the electoral campaign was found to be unsatisfactory. The effort has found cases of displaying campaign posters in unauthorized places, deteriorating of campaign posters, offering of electoral gifts, intimidation and pressure on voters, electoral vandalism, violent incidents and use of administrative resources for campaign purposes. Some contestants who were expected to relieve from office, failed to respect the established deadlines.

Registering the electoral competitors

According to the Electoral Code, the process of designating the electoral competitors begins 60 days before the election day and ends 30 days before the election day.

The CEC received 40 requests for registration as electoral competitors, all of which were accepted by the CEC. Due to the withdrawal of one of the independent candidates, the voting ballot for election of the Parliament of the Republic of Moldova on November 28, 2010 included 39 electoral competitors: 20 political parties and social-political movements and 19 independent candidates. Of the total number of independent candidates, 5 were women.

Relief from office of the persons from the lists of electoral candidates

In accordance with the provisions of the Electoral Code, the following categories of candidates registered for deputy in the Parliament of the Republic of Moldova must suspend their activity from the held position:

- a) deputy prime ministers, ministers and deputy minister, members of the office of the Government;
- b) heads of central public authorities;
- c) rayon head and deputy heads;
- d) mayors and deputy mayors;
- e) praetors and deputy praetors.

Contrary to the provisions of the Code, a number of candidates did not suspend their activity within the deadline established by the CEC. These were: 12 of the 15 candidates who had to relieve from the **AMN** list; 5 of the 15 candidates from the **PDM** list, 4 of the 7 candidates from the **PL** list, the candidate from the **MAE** list. For these violations, the CEC has made several verbal complaints. The electoral authority did not issue any formal warning though.

Complaints filed with the CEC

Until the day of the elections on November 28, 2010, 28 complaints were filed by the representatives of the electoral contestants with the CEC. These were in regards to the supposedly illicit actions of some of the electoral contestants committed during the electoral campaign. The CEC has adopted 28 decisions based on the complaints filed by 6 electoral competitors. Thus, PCRM has filed 14 complaints, 7 of which were accepted and the other rejected; PPCD has filed 5 complaints, 4 of which were accepted and 1 was rejected; PL has filed 3 complaints, 2 of which were accepted and 1 was rejected; PDM – 2 accepted and 1 rejected; PPNT – 2 accepted; PUM – 1 accepted and 1 rejected. The targeted electoral competitors by the complaints were PLDM (12 complaints, of which 7 were rejected and 5 were accepted); PDM (4 complaints accepted and 1 rejected); PPCD (2 complaints accepted); PUM (2 complaints accepted); PL (3 complaints accepted and 1 complaint rejected); AMN (1 complaint accepted). Complaints referred most often to unauthorized placing of electoral posters, distribution campaign materials and alleged use of administrative resources in the electoral campaign.

Electoral campaign activities before the official start

In accordance with the Electoral Code, the campaigning activity during the electoral period starts after the registration of the electoral competitor by the CEC. The Promo-LEX observers have reported electoral campaigning activity before the registration of the parties as electoral competitors by the CEC in localities from four rayons (Cahul, Dubăsari, Orhei, Taraclia). The observed campaigning activities were meetings with voters and placement of

electoral posters. The political parties which such electoral activities before being registered as electoral competitors by the CEC were AMN, PDM and PCRM. Observers have also noted the presence of a large number of electoral billboards displayed during the referendum and kept through the start of the parliamentary electoral campaign which belonged to: PMUEM, PL, AMN, PUM, PLDM and PDM.

Types of electoral campaigning

During the electoral period, the elections monitoring effort has noted a diversification in the methods of electoral campaigning on the part of 19 registered electoral competitors. At the same time, no campaigning activities were observed from the other 20 electoral competitors, except for the use of the free airtime offered to them. The electoral period abounded in violent incidents, abusive influence over voters and cases of distributing various electoral gifts. Also, attempts have intensified to involve the religious institutions into the electoral process: PLDM – at least four such cases, PCRM – at least 6 cases, PDM – at least 1 case, PUM – at least 1 case.

The Promo-LEX observers have reported the following types of electoral campaigning activities: electoral concerts (at least 91 concerts in 56 different localities throughout the country carried out by 4 electoral competitors); “door to door” activities (in at least 8 electoral districts by 8 electoral competitors); auto vehicles carrying audio and visual electoral publicity (in 5 electoral districts by 6 electoral competitors); street electoral advertising (with different intensity in all electoral districts by 16 electoral competitors); fun activities targeted at youth (in 5 electoral districts by 3 electoral competitors); campaign outdoor tents (in 6 localities by at least 7 competitors), distributing promotional materials carrying the symbols of the electoral competitors (in 9 electoral districts by 3 electoral competitors), nationwide motorcades (by 3 electoral competitors) and leaflets / newspapers (in 23 electoral districts by 9 electoral competitors). Displaying electoral posters, with varying intensity, has been observed in most of the electoral districts (except in mun. Bender and the Transnistrian region) by 19 electoral competitors. The Promo-LEX observers attended meetings of electoral competitors with voters and reported that such meetings were organized by the following competitors: AMN – 47, PL – 58, PDM – 157, PLDM – 195, PCRM – 209.

Unauthorized display of campaign advertising

According to the CEC Decision no.512 from April 20, 2007, placing of electoral campaign advertising is prohibited in the following cases: in public transportation [which is part of the] public property; inside the premises where the district electoral council and the polling stations electoral bureaus are located and also within the radius of 50 meters from these; on fences, restrictions, poles and other structures and devices, as well as on equipment and devices regardless of its form of ownership.

As a result of an inadequate planning or total lack of panels for displaying electoral campaign materials in all the electoral districts except in the mun. Bender and the Transnistrian region, displaying of electoral campaigning materials not on the panels for electoral advertising (especially on poles and on fences) was observed to be conducted by PDM, PL, MAE, PpNT, AMN, PUM, PCRM, PLDM, PNL, PMUEM, PPM, PRM and PSD. Unauthorized display of electoral posters was observed also on the exterior of in-town transportation vehicles: in mun. Bălți (on minivan public transportation units – PCRM posters, on private vehicles – PSD posters), in mun. Chişinău (on minivan public transportation units – PLDM posters, on taxi vehicles – MAE posters), in the Edineţ rayon (on on minivan public transportation units and taxi vehicles – PDM posters).

“Electoral presents”

In accordance with art.38 (7) of the Electoral Code, electoral competitors are prohibited to offer voters money and presents, to distribute goods without requesting payment, including also humanitarian aid or from other charity activities.

Cases of offering presents were observed in the electoral activities of the following electoral competitors:

PSD: in at least 2 localities.

PDM: in at least 6 localities.

AMN: in at least 2 localities.

PCRM: in at least 6 localities.

PLDM: in at least 6 localities

PL: in at least 3 localities.

The presents offered by the electoral contestants consisted of books, organizing raffles with prizes, sums of money, football equipment, toys, clothes, food, computers, TV sets, bags, planting seeds, etc.

Use of administrative resources

The good practices Code of the Venice Commission prescribe a strict equality in the use by electoral contestants of public resources for electoral purposes. The “strict” equality means that political parties are treated equally, regardless of their at the time presence in the parliament or the embraced electoral support. In a similar manner, article 46, paragraph 2 of the Electoral Code provides that “All electoral competitors are offered equal opportunities for technical, material and financial support during the electoral campaign”.

During the monitored period, the Promo-LEX observers have noted a number of cases of use of administrative resources, including the use of the held office, in favor of certain electoral competitors.

Worrying trends of use of held public offices for electoral purposes have been observed in favor of the electoral competitors PCRM, PLDM, PDM and AMN in 16 voting districts (Anenii Noi, Basarabasca, Cahul, Ciadîr-Lunga Cimişlia, Comrat, Floreşti, Nisporeni, Ocniţa, Rezina, Rîşcani, Soroca, Ştefan Vodă, Teleneşti, Ungheni, Vulcăneşti).

The Promo-LEX observers have reported at least 18 cases of electoral campaigning carried out by public administration officials in favor of different electoral competitors. These were in favor of:

PLDM – 14 public administration officials participated in the electoral campaign (10 mayors, 2 rayon heads, the head of the National Social Insurance Office Rîşcani; the head of the Territorial Office Soroca of the Government Cabinet Secretariat.

PCRM – 2 mayors have participated in the electoral campaign.

PDM – 2 mayors and the heads of the rayon administration of the Vulcăneşti rayon participated in the campaign

In the case of each of the electoral competitors PPR, MAE, PCRM and AMN, one case of use of administrative resources other than public office have been found.

Electoral Vandalism

In accordance with the CEC Decision no.512 from April 20, 2007, destroying or deteriorating by any means the electoral posters placed in authorized places is liable in accordance with the existing legislation.

During the monitored period, cases were observed when electoral competitors have deteriorated electoral posters of opponents, placing own posters instead (in the rayons Anenii Noi, Bender, Călărași, Edineț, Ialoveni, Sîngerei, Ștefan Vodă, Taraclia, UTA Găgăuzia and in mun. Chișinău).

During the observed period, the Promo-LEX observers have reported 4 cases of vandalizing the property or the attributes of electoral competitors. On October 20, at the town headquarters of the electoral competitor PDM in Soroca a break-in occurred and as a result the safe which supposedly contained approximately 900-1,000 lei, the stamp of the PDM rayon organization, 300 applications to join the party and an electrical hob disappeared. On October 31, the national flag from the town headquarters of the electoral competitor PNL in Criuleni was burned. On November 2, the flag of the electoral competitor PL which was located on the party's headquarters in Soroca was deteriorated. On November 5, the national flag and the flag of the electoral competitor PLDM which were both located on the party's headquarters in Bălți have been deteriorated and the faade was significantly stained.

All these cases have been investigated by the police authorities.

Violent incidents

In the monitored period, a number of incidents of a violent nature were observed. Those incidents pertain to the campaigning style of the electoral competitors.

Thus, 6 cases of use of physical aggression against electoral competitors targeted at electoral competitors were registered. Of these, 3 cases were in the locality Holercani, Dubăsari rn. (with the involvement of members and/or sympathizers of PL), the locality Bravicea, rn. Călărași (PDM sympathizers) and the town of Comrat in UTA Găgăuzia (PLDM sympathizers). All these cases of physical aggression have been targeted at PCRМ representatives. Only one of the above cases is investigated by the police. Another 4 cases (in the locality Biruința, rn. Sîngerei, locality Bulbocii-Noi, rn. Soroca, locality Ciobalaccia, rn. Cantemir and in the town of Leova) of physical aggression have been targeted at PLDM representatives. Of the latter, 2 have been investigated by the police.

In 3 localities (town of Ștefan Vodă; locality Răzeni, rn. Ialoveni; locality Soroca Nouă, rn. Soroca) conflicts with elements of verbal aggression between the representatives of PCRМ and PLDM respectively were observed.

Intimidations and pressure on voters

In accordance with art.2 paragraph 2 of the Electoral Code, the participation in elections if free (voluntary) and nobody has the right to exercise pressure on voters with the purpose of forcing them to participate or not to participate in elections, as well as on the voters' expression of their free will.

During the monitored period, a number of cases of intimidation and pressure on the electorate have been registered by the observers. Also observed were multiple cases of forced electoral campaigning.

Thus, in 3 cases (high lyceum "Ion Creangă" from the locality Borceag, in the locality Șerpeni, rn. Anenii Noi and in the town of Cahul) PCRМ representatives have been observed applying verbal intimidation on voters. In another 2 instances, PCRМ representatives were observed forcing individual voters to leave premises during PCRМ meetings with larger groups of voters. These occurred in UTA Găgăuzia and at the theoretical lyceum "Ștefan Vodă" in the town of Ștefan Vodă. At the same time, observers reported 7 cases where voters were coerced to attend meetings with electoral PCRМ candidates (of these, 3 were in Rezina rn and 1 in each of the town of Ocnița, the mun. Chișinău, the rn. Dubăsari and the rn. Soroca). Coercion was applied by public authorities from the local public administration who threatened employees

with job loss, nonpayment of pensions, limiting the liberty to move by means of locking entrances to university premises and forced transportation by bus.

Observers reported 3 cases of abusive invitation to meetings with electoral candidates from the part of AMN (one reported case in each of the three location – rn. Criuleni, town of Comrat and rn. Ocnîța), b means of interrupting the educational process and pressure on public officials employed by the state company “Poșta Moldovei” (“Moldova Post”).

One case of pressure on voters exercised by representatives of PLDM was reported in the town of Comrat, where the director of the Budjac market has forced entrepreneurs selling their goods on the territory of the market to use bags with PLDM branding.

Financial reporting by the electoral competitors

In accordance with art.38 par.2 of the Electoral Code, electoral competitors have to open a bank account with the mentioning “Electoral Fund”. Moreover, art. 38, par.6 of the Electoral Code prohibits ordering electoral advertising material for and in favor of electoral competitors and paying its production costs without the consent of the electoral competitor and with payments originating outside the “Electoral Fund” account of the competitor.

In accordance with art.38 par.8 of the Electoral Code, electoral competitors have to file every two weeks throughout the campaign financial reports which should contain information regarding the income and the expenses incurred in the campaign, as well as the origins of payments. The reports have to be filed with the relevant electoral authority.

After analyzing the financial reports submitted by the electoral contestants from the start of the electoral campaign and through the election day, the Promo-LEX monitoring effort has observed some dissonances in reflecting the incurred expenses by the electoral campaigns, especially as far as organizing electoral concerts, payment employed staff members, transportation services and advertising materials.

Observers have reported numerous concerts organized as part of the electoral campaign. Thus, observers witnessed 27 concerts organized by the electoral candidate PDM, 2 concerts by PMUEM and 52 concerts by PLDM. At the same time, the financial reports filed by these three electoral competitors did not reflect any expenses regarding the organizing of these concerts, the only exception being PDM who indicated in its last financial report a payment of 10,000 lei for “stage technical equipment”.

The Promo-LEX observers estimated that electoral competitors paid their activist canvassers an average of 100-150 lei per one day of work. At the same time, none of the reports filed by all the competitors contained information about such payments. Moreover, Promo-LEX did not find in any of the reports payments for election day competitor observers or representatives.

The only electoral competitor who reported transportation expenses in the financial reports filed with the CEC was PCRM.

In accordance with art.64I par.6 of the Electoral Code, each advertising material produced for electoral campaign purposes has to contain the name of the electoral competitor, the date of printing, the print run and the name of printing house where it was produced. The following electoral competitors distributed electoral advertising material with partially complete or incomplete such information: AMN, PL, PDM, PLDM, PPPM, PPCD, PNL, PCRM, PRM, PMUEM and PUM. In the case of electoral competitors PCRM and AMN, observers found electoral advertising materials printed before the start of the electoral campaign. The fact that electoral competitors employed electoral advertising material which did not contain accurate and complete information as required by the Code raises questions regarding the accurate reporting of its cost of production in the financial reports filed with the CEC.

Even though the Electoral Code obliges the electoral competitors to publish every week declarations regarding the financial resources and other forms of material support obtained

during the campaign in a periodical with a national circulation, none of the electoral competitors met these requirements.

In accordance with art.38 par.10 of the Electoral Code and the Regulation regarding the financing of the electoral campaigns and the political parties which was approved by the CEC Decision no.3336 from July 16 2010, electoral competitors have to file with the CEC final financial reports reflecting the entire campaign no later than 2 days before the election day. These reports should reflect in an exhaustive manner the information regarding the amount and the sources of the financial means received by the electoral candidates throughout the electoral campaign period.

All the electoral competitors, with the exception of PCRM, PPR and the independent candidate Valentina Cușnir, have filed such reports on time.

In its Decision on November 26, 2010 regarding the final financial report summarizing the financial means received by electoral competitors through the electoral campaign for the early parliamentary elections from November 28, 2010, CEC concluded that the revenues and expenses reported by the independent candidate Elena Burghilă-Leonte do not correspond with the data presented by the banks which had accounts opened with the mentioning “Electoral Fund” for this electoral competitor. The annex to the same Decision reports that all competitors closed the bank accounts “Electoral Fund” without debts.

B. Electoral Authorities

The system of electoral organs in the Republic of Moldova is composed of the Central Electoral Commission which activates permanently. At the lower levels, the rayon-based district electoral councils (DEC) are constituted 50 days prior to the election day while the polling stations electoral bureaus (PEB) are constituted 25 days prior to the election day.

The Promo-LEX monitoring effort observed that not all parties that were represented in the Parliament had delegated representatives for purposes of constituting electoral bodies. Although the CEC provided the constitution of 37 DECs, only 36 such organs activated through the electoral campaign since the DEC for the Transnistrian region has not been constituted. In 11 electoral districts a number of polling stations were constituted after the expiry of the deadline provided by the law. Observers reported numerous cases of setting up polling stations without satisfying the minimum technical conditions. Overall, the members of the electoral bodies of all levels performed well, exercising their legal powers.

Constituting electoral bodies without the participation of some of the parties represented in the Parliament

In accordance with the provisions of art.27 and art.29 of the Electoral Code, the electoral bodies are constituted with the participation of the representatives of all “parties represented in the Parliament”.

At the constitution of the electoral bodies for the November 28, 2010 early parliamentary elections, representatives of the political parties PL, AMN, PDM, PCRM and PLDM – all represented in the Parliament – participated. Representatives from another two political movements, MAE and PMUEM, which were at the time represented in the Parliament, did not participate in the constitution of the electoral bodies. Moreover, the CEC did not undertake any action to inform the two parties about such a possibility.

Constituting the DECs

For the November 28, 2010 early parliamentary elections, the CEC provided the constitution of 37 rayon-based District Electoral Councils (DEC). In such a way, the CEC

Decision no.3556 from September 29, 2010 provided the constitution of electoral districts for the left bank and the Bender municipality, however district electoral councils for these entities.

The Promo-LEX observers have reported that the majority of DEC members were experienced in the field of elections and many of these officials were from legal backgrounds.

Constituting the Polling Stations

In accordance with the provisions of art.29 par.2 of the Electoral Code, no later than 35 days prior to the election day, which in the early parliamentary elections case meant October 23, DECs should constitute the Polling Stations (PS).

The provided deadlines for constituting some of the PS were not respected in the following electoral districts: Chisinau (Centru and Rîșcani sectors), Briceni, Edineț, Drochia, Leova, Ocnîța, Taraclia, Strășeni and Telenești. In the Nistru left-bank rayons and the Bender municipality electoral districts polling stations could not be constituted due to the absences of local public authorities which would be subordinate to the constitutional authorities.

In spite of the fact that in accordance with art.29 par.14 of the Electoral Code, the constitutions of the special polling stations is under the competency of the CEC, a number of DECs have constituted mixed polling stations (the electoral authorities in the districts of Anenii Noi, Florești, Rezina and Ștefan Vodă) for the voters from the left bank of Nistru.

Constituting and setting up the PEBs

In accordance with the provisions of art.52 par.1 and par.4 of the Electoral code, the setting up requirements for polling stations, among other, include: the necessary space; telephone, internet and other communication channels, electricity, head, sanitary standards.

During the electoral period, the majority of the DECs have constituted the PEBs. The Promo-LEX observers have reported that PEBs were prepared for the elections, some deficiency being reported only in the electoral districts of Călărași, Leova, Taraclia, Telenești and UTA Găgăuzia.

It was reported that the heat supply was provided in the majority of polling stations located in rayon centers and in Chișinău municipality. In rural areas, most of the polling stations opened inside the Culture Halls lacked any heat supply and only those polling stations which were hosted by schools and mayor's offices were provided with heat.

In accordance with art.29 par.7 of the Electoral Code, district electoral councils are tasked with publicly informing the voters about location of the polling stations electoral bureaus and their contact information. The Promo-LEX observers have reported deficiencies regarding the activity, the set up and the visibility of polling stations in at least 13 electoral districts. Thus, observers reported that 47 polling stations from 8 electoral districts lacked identification panels outside their premises. In another 53 polling stations from 10 electoral districts the working hours were not displayed or were not respected as announced. Finally, 27 polling stations from 6 electoral districts were located in premises which were in unsatisfactory or very poor technical conditions.

Performance of the electoral administration

The Promo-LEX observation mission has noted the active involvement of the CEC members in mediating conflicts which occurred within the lower levels of the electoral administration and in facilitating the observers' access to the electoral proceedings. However, our observers recorded situations of overt bias shown by some election bodies' members (expressed by conflict of status with PEB membership in the electoral districts of Anenii Noi and Căușeni; electoral bodies members involved in campaigning activities in the electoral districts of Anenii

Noi, Cantemir, mun. Chişinău, Făleşti and Taraclia), and disrespect for the principle of visibility of the polling stations and for the work schedule of the PEBs.

Overall, the DEC members have cooperated among themselves, exceptions in this sense being the DEC members in Bălţi, Găgăuzia and Taraclia where cases of conflict and tensed relations among the members of these electoral organs were reported. Certain frictions concerning the amounts of the honoraria and the allowances for gasoline have been reported among the members of the electoral organs in the sectors of Râşcani and Buiucani in the electoral district of the Chişinău municipality.

Terms for processing the complaints

In accordance with art.67 of the Electoral Code, complaints regarding the actions/inactions of the electoral contestants are examined within the term of 5 calendar days from the moment of their filing with the CEC, but not later than the election day.

The CEC has examined and issued decisions based on 46 filed complaints. Of these, 9 complaints were examined with the exceeded of the prescribed deadline by a period from 1 to 6 days. The maximum term that the deadline was exceeded was with 6 days and it happened in the case of a complaint filed by Promo-LEX concerning the actions of the municipal DEC Chişinău.

Regulation of the media activity

During the electoral period, the CEC has adopted a regulation regarding the coverage of the electoral campaign for the early parliamentary elections from November 28, 2010 in the mass media outlets in the Republic of Moldova. The regulation established for the first time ever the requirement to reflect in a fair, balance and impartial manner the parliamentary elections campaign for all the country's audiovisual institutions which have access to the informational space of the Republic of Moldova. The CEC has set a deadline for submitting the declaration regarding the editorial policy in the electoral campaign for each broadcaster which would cover the campaign, has set the deadline for presenting the requests for granting air time and space in the newspaper for electoral advertising.

Ensuring the security of the voting process

During the electoral period, the CEC has adopted 2 decisions aimed at eliminating the possibility of frauds during the scrutiny. Thus, the CEC has regulated the method for apply the stamp, formulating instructions for PEB members regarding the place for applying the stamp in the identity documents of voters. Moreover, for purposes of preventing cases of multiple voting, the CEC has introduced as a recommendation the pre-registration procedure for citizens of the Republic of Moldova who are abroad.

Organizing the voting process

During the reported period, the CEC has adopted five decisions regarding the organization of the voting process which were aimed at facilitating the participation in the voting of certain categories of voters and created limitations in this sense for other categories. The CEC has allowed for voting based on expired identity documents, has allowed – contrary to the provisions of the Electoral Code – verbal submission of requests for voting at home for voters with vision disabilities, has allowed, as an exception, voting by voters residing in the Transnistrian region at 21 special polling stations without a geographical bounding. Moreover, the CEC has also specified the simplified method of voting for students and pupils aiming for the uniform application of the corresponding provisions of the Electoral Code. At the same time, the

CEC has decided to relocate the polling station for the Corjova locality in the Cocieri locality, even if a law-required request from the local public authority was not filed in this sense.

Nonetheless, the CEC did not create a mechanism for applying the provisions of art.53 par.4¹ of the Electoral Code which allows voters who have both a residence and a domicile visa vote at the place of either domicile or residence.

Printing the voting ballots

In accordance with the provisions of the calendar program of organizing elections, the CEC has adopted two decisions regarding the printing and the distributing to DEC of the voting ballots. Subsequently, the CEC has modified its initial decision to increase the total number of voting ballots to be printed and distributed by 3,935.

Worth mentioning is that until November 25, 2010, approximately 400 voting stations from the total number of 1,962 did not submit to the CEC the information regarding the operated changes in the main electoral rolls.

During the Promo-LEX monitoring of the process of printing the voting ballots, a CEC official has banned twice in the same day the access of the observer to the process. Only after formally notifying the CEC of such incidents, the Promo-LEX observers obtained access inside the printing house facility where the voting ballots were printed.

Organizing the monitoring process

The CEC has issued decisions regarding the activity of monitoring the electoral process in view of facilitating the activity of the international observers and clarifying the results of voting based on exit-polls. In this sense, the CEC has instituted a protocol Office for the international observers, has accredited the representatives of the international mass media institutions, has allowed and has described the method for organizing two exit-polls (Publika TV in cooperation with IRES România and Prime TV in cooperation with CBS-AXA).

Transmitting the electoral documents and materials

According to the Timetable for the organization of the November 28 elections, the CEC, aiming to align the provisions of its own regulations and instructions with the norms from the electoral legislation, has adopted 2 decisions which provided the order of packaging, sealing, transmitting the electoral documents and materials and the method for transmitting and collecting these during the parliamentary elections.

Civic education and information campaigns

In accordance with art.22 let.i) and let.j) of the Electoral Code, the CEC is assigned to carry out civic education and information campaigns targeting voters during the electoral campaign.

On November 1, 2010, the CEC has launched its civic education and information campaign "Votează Lume" ["People, vote"], thus calling both on citizens who are in the country and those who live abroad to go and vote. The campaign employed video spots, calendars, street panels, internet banners and a song, all bearing an informative and educative character. Another instrument which was employed in the campaign was sending out SMS messages to 1 million users of mobile telephony with information about the election day and the voting procedures. Similar information was sent through the fixed-line telephony, using the robot messages. All these instruments were delivered to the public free of charge from the involved institutions.

In accordance with art.40 par.1 of the Electoral Code, voters have to be informed by all available means about the location of the polling station where they are expected to vote.

The CEC has standardized the process of informing voters by printing invitations to voting which were distributed by the members of PEBs to all the households. These invitations were qualitatively and quantitatively superior to those used in previous elections. The invitations which were distributed to voters contained information regarding the number of the voter in the electoral roll, the number, the location and the working schedule of the polling station on the day of elections, the voting procedures. The invitations also contained additional information regarding the submitting of requests to vote at home and the possibility to check the presence in the electoral rolls.

The Promo-LEX observers have reported the distribution of these invitations on a large scale in all the electoral districts, with the exception of the districts for the Transnistrian region and the Bender municipality.

Training electoral officials

In accordance with art.26 let.k) and art.28 of the Electoral Code, the DEC is tasked to organize instructive seminars and trainings for the presidents and the secretaries of the PEB, for mayors and the secretaries of the local councils.

The Promo-LEX observers have reported that the instructive seminars have been carried out in all the electoral districts. In most cases, these instructive seminars consisted of watching educational films. At the same time, the Promo-LEX observers have reported the presence of high-quality manuals for electoral officials, even though these manuals were not observed in all the polling stations.

C. Public Administration

Throughout the monitored period, the Promo-LEX observers have reported that the local public administration has acted within the terms established by the electoral legislation and has tended to create equal conditions for all the electoral competitors. Nevertheless, the elections monitoring effort has found a significant number of cases of using the public office for purposes of campaigning, discriminating electoral competitors and cases of inexistent corresponding space for electoral advertising.

Discrimination of electoral competitors by the public administration

In accordance with art.47 par.6 of the Electoral Code, the public authorities and/or institutions and those assimilated to these cannot pass onto or offer to electoral competitors public goods or other forms of favoring, except by signing a contract and ensuring equal conditions for all the electoral competitors.

All throughout the electoral campaign, the public administration demonstrated overall an impartial and equal attitude towards the electoral competitors, Nevertheless, the Promo-LEX observers have reported cases of discrimination of some electoral competitors by the public authorities. A total of 6 cases of treating in a discriminatory manner the electoral competitors have been reported, specifically in the town of Ocnița towards the electoral competitor PDM, in the town of Cantemir towards the electoral competitor PCRM, in the town of Râșcani towards the electoral competitor AMN, in the town of Ialoveni towards the electoral competitor independent candidate Victor Stepaniuc, in the town of Cahul towards the electoral competitor independent candidate Gabriel Stati, in the town of Costești towards the electoral competitor PLDM. Discriminatory actions consisted of refusal to rent premises, interdicting the placing of electoral posters and refusal of requests to organize concerts.

Lack of space for electoral posting

In accordance with art.47 par.7 of the Electoral Code, local public administration authorities are obliged, within the term of 3 days from the beginning of the electoral period, to designate and guarantee a minimum of special space for placing electoral posters, as well as establishing a list of a minimum of premises for conducting meetings with voters.

The Promo-LEX elections monitoring effort has found a number of problematic aspects which deal with the ensuring the space for placing electoral posters, the problems occurring predominantly in 4 localities: the towns of Dondușeni, Drochia, Strășeni and Basarabeasca.

D. Electoral rolls

Good quality electoral rolls are of primary importance in holding truly democratic elections in line with international practice and standards. In Moldova, the voters are listed in three types of rolls: primary electoral rolls, additional electoral rolls, and electoral rolls for voting outside the polling station. The past poll was the last in which, under the current legislation, the voter rolls were compiled by the local authorities, or more exactly, by 901 mayor's offices.

The additional rolls and those for voting outside of the polling station are drawn up by election officials on election day, according to certain criteria such as the voter's location of domicile/residence within the range of authority of the respective polling station, the impossibility to travel or walk to the polling station, or the lack of an entry on the primary electoral rolls. The voters are handed ballots only upon putting their signatures on the primary rolls, the additional rolls or those outside the polling station, depending on the case.

The Promo-LEX observers have reported that the electoral rolls have been compiled in all the electoral districts, except the district for the Transnistrian region. The electoral lists have been distributed in all the electoral districts, with the exception of the electoral districts for the Transnistrian region and Bender municipality. Standardized voter invitation cards issued by the CEC were distributed in all the electoral constituencies, except for the Transnistrian region and Bender municipality, with information on the electoral rolls and the voting procedures. However, the CEC failed to meet the deadline for posting the electoral rolls from all the polling stations on its web site and didn't arrange for a uniform method for accessing the electoral rolls.

Access to voter rolls

Under the Timetable for the organization of the November 28 elections, the electoral rolls were to be posted for public access 20 days before the date of the poll, that is, on November 8. But the CEC Regulation on the electoral rolls does not explicitly state how to ensure access to the voter rolls. This is left to the discretion of the PEBs.

According to the amended provision of art.40 par.1 of the Election Code, in effect from June 29, 2010, the CEC was to post on its website all the electoral rolls for information and verification purposes. The observation mission found that there were no electoral rolls displayed on the CEC's website.

At the same time, the Promo-LEX observers noted the following forms of access to the electoral rolls: display on billboards; availability at the PEBs and upon request; access via the Internet for the voters in Chisinau municipality and Călărăși rayon.

The observation mission found the access to electoral rolls to be limited in at least 15 polling stations in 7 electoral constituencies.

Quality of electoral rolls

The Promo-LEX observers revealed deficiencies in the electoral rolls both with regard to voter information and the proper use of standardized forms in at least a half of the country's electoral constituencies. Observers in at least 3 electoral constituencies reported cases of eligible voters being stricken off the voter lists, inclusion of names of dead people on the rolls (cases revealed by PEB members), inclusion of students with a valid residence visa on primary electoral rolls at the place of domicile, and inclusion of persons from neighboring communities on the rolls. Observations and interviews with PEB members revealed that the voters showed a lack of initiative when it came to verifying the accuracy of their entries on the electoral rolls.

E. National and international observers and the civil society

The monitoring of the early parliamentary elections from November 28, 2010 has been conducted by observers representing national and international organizations. These observers have been accredited by the Central Electoral Commission. The civil society played an active role in the electoral campaign by means of monitoring the electoral campaign and raising the awareness of the voters about the importance of voting.

The CEC has registered 3,554 national observers representing 26 institutions, including 101 persons representing 6 electoral competitors and 594 international observers representing 39 institutions.

The Civic Initiative for a Clean Parliament launched its 2010 edition of the "Cunoaște-ți candidatul" ["Know your candidate"] campaign. On November 19, the Civic Initiative for a Clean Parliament has launched the results of the monitoring of candidates in the parliamentary elections of 28 November. The list of candidates who did not meet the registration conditions included representatives of PLDM, PL, PDM, AMN and PCRM.

The non-governmental organizations CREDO and CPD have launched the Civic Action for Transparent Elections (ACTA) with the purpose to verify the campaign expenses of the electoral candidates.

The National Youth Council of Moldova (CNTM) has conducted project targeting youth aimed at raising the awareness about the importance to vote.

The Alliance of Community Centers for Access to Information and Training, formed for 102 centers throughout the country, has promoted models to consolidate the participatory democracy by involving youth in the social-political life. Prior to the parliamentary election day, it carried out such activities in 33 rayons.

F. Transnistrian Region

The opening of polling stations, the carrying out of the electoral campaign and of the entire electoral process was problematic in the Transnistrian region of the Republic of Moldova. Voters from Transnistria did not benefit from equal conditions regarding their electoral information and education. The constitutional authorities continue to register no visible efforts at the national and international levels regarding the ensuring some minimal conditions for participating in the electoral process for the voters from the Transnistrian Voters.

Discrimination of voters

During the monitored period, there were no discussions or debates regarding the improvement of conditions for the participation of all the citizens residing in the eastern rayons of the Republic of Moldova in the electoral process. Some debates were held regarding the constitutions of PS for the residents of the Corjova village in the Dubăsari rayon, where the

access to the polling station which was opened inside the theoretical high school “Mihai Eminescu” was blocked by the separatist authorities. As a result of the incident, the high school administration solicited from the CEC to relocate the polling station for the Corjova village in another locality, so as to prevent potential material prejudices to the high school from the side of the organs controlled by the Tiraspol administration.

Opening of mixed polling stations for voters from the Transnistrian region

During the monitored period, the constitutional authorities, the electoral organs and the competitors, the civil society and the media have continued to treat in a differentiated and discriminatory manner the voters from the Transnistrian region. Regardless of this, Promo-LEX has reported certain efforts from the part of the CEC aimed at facilitating the participation in the voting process and the exercise of the right to vote by the voters from that region. These efforts consisted of increasing the number of polling stations (from 11 to 21) where the citizens residing in Transnistria can vote. The CEC has also allowed the voters from that region to vote at any of the 21 polling stations. Of the 21 polling stations open for the region’s voters, 17 are “mixed”, meaning that voters from the respective community inscribed in the main electoral rolls also vote there. “Mixed” stations do not comply with the criteria established through the electoral legislation in terms of space and capacity of stations, employ an insufficient number of EBPS members and lack electoral rolls for the region’s voters.

Lack of electoral campaigns

The electoral competitors have not held any meetings or open information and citizen electoral involvement campaigns in the region. Posters of the electoral competitors PDM and PCRM were observed at a moment in the municipality of Bender, but these were shortly torn or spray painted.

Lack of electoral rolls and impossibility to exercise the right to vote at the place of residence

While the number of polling stations where voters residing in the Transnistrian region could vote was increased, the number of voting ballots printed for this category of voters has decreased to 13.800, as opposed to the 14.500 ballots printed for the parliamentary elections on April 5, 2009 and the 14.100 ballots for the constitutional referendum on September 5, 2010. The Ministry for Information Development of the Republic of Moldova reports that 223 thousand citizens with the right to vote reside in the Transnistrian region. Nevertheless, just as it was the case in previous elections, authorities have again failed to put together electoral lists for the voters from the Transnistrian region.

Reflection of the electoral campaign in the media outlets from the Transnistrian region

During the monitored period, a number of media institutions from the Transnistria region have reflected the electoral processes from the right bank of Nistru from various aspects. The analyzed reports though did not respect standards of unbiased, objectivity and verification of information from multiple sources. Some media institutions have published erroneous information regarding alleged military preparations on the right bank, all this in the context of early parliamentary elections.

V. ELECTION DAY

On election day, the monitoring effort has reported a satisfactory level of material support for the electoral process with certain problematic aspects linked to provision with electricity, heat, insufficient ballot boxes, nonconformance of voting booths to the accepted standards. The Electronic Registry was again tested. No major violations relating to voting rolls were found. The process of voting encountered certain deficiencies dealing with late opening of the polling stations (44 cases), voting without proper identification documents (observed in 9 polling stations), violating the voting procedures for the mobile box (3 polling stations), presence of unauthorized persons inside the polling station. Some cases of electoral campaigning were reported.

Polling Stations set up

On election day, the monitoring effort has reported a satisfactory level of setting up the polling stations.

Nevertheless, some electricity cuts have been reported. This was the case for 2 polling stations in the Chişinău, for 2-10 minutes and in PS no.4 in Taraclia for 5 minutes. In PS no.22 from the Ciuteşti village in Nisporeni there was no electricity throughout the election day.

Observers have reported that there was no heating in a number of polling stations: PS no.54 in Coşeni village, DEC Ungheni, PS no.251 in Codru village, DEC Chişinău, 17 polling stations from the Sîngerei DEC, PS no.36 in Şirăuţi village, DEC Briceni, 15 polling stations from DEC Drochia.

As a result of main ballot boxes being filled, additional boxes made from taped cardboard were improvised in the following polling stations: PS no.296 in Truşeni village, DEC Chişinău; PS no.40 and no.41 in Varniţa village, DEC Anenii Noi. In order to manufacture the cardboard boxes, these polling stations have closed for roughly 10 minutes every time.

Voting booths covered with transparent curtains through which voters could be seen while voting were reported in: PS no.55 in Dezghingea village, DEC UTA Găgăuzia; PS no.28 Avdarma village, DEC UTA Găgăuzia; PS no.27 Ştefăneşti village, DEC Ştefan Vodă; PS no.133 in DEC Chişinău.

Electoral rolls

In 8 polling stations low quality electoral rolls have been reported, the low quality caused by the absence from the rolls of voters who have voted on previous elections on main electoral rolls in those polling stations, the presence of other persons next to the domicile of some voters, erroneous indication of home address, absence of data regarding the series of the identity card, lack of information regarding the registration of the issue of voting right certificate.

Conduct of voting

During the election day, a number of cases in which voting stations opened with delays of up to 40 minutes have been reported. The following polling stations opened with delays of more than 20 minutes: PS no.33 in Bugeac village, DEC UTA Găgăuzia; PS no.32 in Caplani village and PS no.16 in Olăneşti village from DEC Ştefan Vodă, PS no.43 in Larga village, DEC Anenii Noi.

Multiple cases of voting without corresponding identification documents have been reported, of which: in 3 polling stations cases of voting without the accompanying sheet of the identity card have been reported; in 3 polling stations cases of voting with the passport have been reported; one case of voting based on a photo-copy of the identity card has been found; one case of voting without any identity documents has been reported; in one polling stations voters were allowed to vote on the supplementary rolls without presenting voting right certificates.

Cases of presence of unauthorized persons inside polling stations for periods of time longer than needed to vote have been reported throughout the day, of which: in 4 polling stations unidentified persons were present; police representatives were reported in 3 polling stations; PCRМ representative Raisa Spinovschi accompanying PCRМ candidate Vasiliu Şova have been seen in numerous polling stations in the Dubăsari DEC; the Dubăsari rayon head, Grigore Policinschi, has been seen in all the rayon's polling stations.

The Promo-LEX observers have reported the use of the "Votat" ["Voted"] stamp instead of the "Alegeri 28.11.2010" ["Elections 28.11.2010"] one at the PS no.34 in Munteni village, DEC Cimişlia and the PS no.96 in DEC Chişinău.

In 3 polling stations (PS no.145 and no. 247 in Chişinău DEC and PS no.17 in Corjeuţi village, DEC Briceni) the voting with the mobile box procedure has been violated by the fact that the mobile box was sent out of the polling stations without any written requests and medical certificates presented.

Cases of multiple voting or attempts of multiple voting have been found in 4 polling stations: PS no.40 in Varniţa village, DEC Anenii Noi; PS no.44 and no.212, DEC Chişinău; OS no.11 in the town of Orhei, DEC Orhei. The Promo-LEX observers have reported cases of denying the right to vote in 8 polling stations.

Electronic Registry

During the early parliamentary elections from November 28, 2010 an innovative method of exercising the right to vote has been tested through the implementation of the Electronic Registry. Thus, 43 polling stations were equipped with 2 computers and 2 human operators each. The Promo-LEX observers have reported that at least in 12 polling stations where the electronic registry was tested, the announcement regarding the conduct of the test was not posted. In at least 5 polling stations these announcement were inadequately placed and as a result voters could not find the information regarding the conduct of the electronic registry test. While the internet connection was of good quality, in a few polling stations the system has crashed.

Electoral campaigning

Posters belonging to the electoral contestants PCRМ, PLDM and PSD have been reported within the radius of 50 meters of 9 polling stations.

Electoral campaigning conducted by PEB members has been reported in 2 polling stations. Electoral campaigning conducted by public officials has been reported in 4 polling stations. These officials campaigned in favor of the electoral competitors PDM, PMUEM, PCRМ and PLDM. In 6 polling stations observers have reported cases when electoral competitors representatives campaigned. Of these, in 3 cases campaigning was conducted in favor of PCRМ and in the other cases in favor of PDM, PL and MAE. On election day, 7 cases of electoral campaigning conducted by voters have been reported, of which 6 voters campaigned in favor of PCRМ and one voters – in favor of PLDM.

In the vicinity of 4 polling stations, observers reported cases of offering electoral presents in the form of money and alcoholic beverages from the electoral competitors PL, PCRМ and PLDM.

On election day, the monitoring effort has reported cases of involvement of competitors observers in the voting process. Thus, PCRМ and PDM observers conducted electoral campaigning in 3 polling stations each. In 2 more polling stations the PCRМ observers attempted to influence voters.

On election day, observers in 13 polling stations have been denied access to the requested information regarding the electoral process. Cases of intimidating observers by representatives of electoral competitors and PEB committee members have been reported.

Complaints filed with the CEC

On election day, 4 complaints have been filed with the CEC by the electoral competitor PLDM. These dealt mainly with the conduct of electoral campaigning in media outlets on the day before the election day. Of the 4 filed complaints, 2 were partially admitted while the other 2 were rejected.

Transnistrian Region

On election day, the Promo-LEX observers have reported the following concerning the Transnistrian region:

- At the entrance in the Bender municipality on the Chişinău-Bender road, the Transnistrian control point doubled its staff. At the Transnistrian control points, citizens were asked questions regarding the participation at voting. On the Varniţa-Bender road, a traffic jam of 200 cars was formed.
- In the Corjova village, next to the “Mihai Eminescu” theoretical high school, observers reported the presence of approximately 100 persons under the influence of alcohol and carrying banners which read “Net viboram v Prednestrovii, net Rumîniizaţii v PMR” [“No to elections in Transnistria, No to Romanianization in Transnistria”]. The same situation was reported near the Corjova village gymnasium.
- The PEB members who accompanied the mobile box heading for the prison from the Bender Penitentiary have been stopped by the separatist forces.

VI. Counting and Tabulation of Results

The Promo-LEX monitoring mission has observed the process of counting and tabulating the results of the early parliamentary elections from November 28, 2010.

According to the Promo-LEX reported statistical data, 99 percent of polling stations opened on time, the interior of the ballot boxes has been shown to observers before the boxes have been sealed and the voting booths have been set up so as to ensure the secrecy of voting. In 94 percent of the polling stations, no complaints from the electoral competitors or voters have been registered. In 92 percent of the polling stations, Promo-LEX observers were shown the voting ballots during the counting, which allowed for confirmation of the final numbers.

When analyzing the protocols, Promo-LEX found discrepancies in 362 protocols, as follows: Chişinău 76, Bălţi 13, Basarabeasca 4, Briceni 8, Cantemir 11, Călăraşi 10, Cimişlia 7, Criuleni 9, Donduşeni 7, Drochia 1, Dubăsari 3, Edineţ 15, Făleşti 19, Floreşti 14, Hînceşti 11, Ialoveni 15, Leova 10, Nisporeni 6, Ocniţa 4, Orhei 1, Rezina 15, Rîşcani 11, Sîngerei 11, Soroca 21, Străşeni 1, Şoldăneşti 7, Ştefan Vodă 9, Taraclia 6, Teleneşti 8, Ungheni 21, UTA Găgăuzia 8. Nevertheless, these discrepancies were not such that could influence the final nation-wide results. Moreover, some discrepancies can be attributed to errors in copying results and/or introducing in the protocols database. Promo-LEX has found that the majority of deficiencies can be classified in 4 categories:

- Minor arithmetic errors, including errors of copying the protocols and introducing the data into the Promo-LEX protocols database. Calculations were conducted manually, thus making them susceptible to human error. The obtained sums from the counting of votes for the different electoral competitors sometimes varied by 1 or 2 votes. Given the fact 39 competitors were included on the voting bulletins and each one required a separated filling in of information, the risks of arithmetic errors was obviously high.

- Confusion among electoral officials due to the unclear formulations in the protocols. Protocols contained a number of questions which was intended to facilitate the processing of votes. In reality, due to the nature of wording these questions, these were difficult to understand by non-professionals and explications were not included directly on the protocols. Promo-LEX has also found errors in the fields reserved for the total number of issued ballots and the total number of expressed ballots, as well as in the fields with the number of ballots received by the polling stations and the number of bulletins which have not been used.
- Lack of practices in the area of checking. Although representatives of the electoral competitors have been given the opportunity to analyze the protocols, these demonstrated a lack of training or will to make good use of this right. At the same time, there are no official standardized procedures for correcting found mistakes. This aspect is left to the discretion of the officials from the polling stations where these mistakes are found or the DEC authorities.
- The access of observers to electoral rolls on election day was limited. Although observers has the possibility to verify periodically the electoral rolls while voters were applying their signatures in order to obtain the ballots, the Promo-LEX observers who requested a more thorough analysis of the voting rolls have been denied full access.

VII. Recount

In accordance with its Decision on December 11, 2010, the CEC took note of the Constitutional Court decision from December 10, 2010 and has ordered the launch of the process of recounting ballots which were validly expressed in favor of each of the competitors, ballots which were invalid, and ballots which were not used or were cancelled. The recounting was set for December 15, 2010.

According to the CEC instructions, the recounting process was due to begin at 8:00 AM with the distribution of electoral materials from the courthouses to the PEBs. Deviations from the process during the distribution of electoral materials have been reported in 24 of the 35 DECs. Thus, in 18 DECs reporters observed delays of up to 1 hour and in 6 DECs – by more than 1 hour.

Some territorial electoral organs have not managed to hold the training in advance of the PEB officials as far as the recount procedure. In some cases, the trainings were held on the day of recounting, thus delaying the process of issuing the electoral materials.

The Promo-LEX observers have reported in 8 DECs 30 cases of bags with electoral materials having broken seals. Based on the reported cases, Promo-LEX has found that the seals are old and of bad quality and can be easily deteriorated as a result of transporting, moving and other similar situations. Therefore, so far, the finding of broken seals is inconclusive insofar as evaluating the integrity of electoral materials.

In accordance with the provisions of the CEC instructions, the package with the electoral documents should be received by the PEB head who should be accompanied by at least 2 members of the respective PEB and by the police protection. This norm was respected only in 6 DECs. In 848 of the 1,962 polling stations, observers have reported deviations from this norm.

After processing 1,959 protocols which observers could access, Promo-LEX has found deviations from the logical controls, based on the verification formulations established by the CEC in 147 protocols. Due to objective reasons, such as photos of bad quality, processing and taking into account of approximately 100 protocols could not be done.

After processing and computing data from 1,712 (87% of the total number) protocols, thus excluding the calculations and data from abroad, Promo-LEX found that the Parallel Tabulation of the recount confirmed the official preliminary results announced initially by the CEC. The maximum margin of error was of 0,49%.

VIII. Validation of Elections

In accordance with the provisions of art.89 of the Electoral Code, the Constitutional Court, in a period of maximum 10 days after receiving the documents from the Central Election Commission, but not before final resolution by all courts of the complaints filed regarding the legal procedures, should confirm or infirm, by a note, the legality of elections. Concomitantly, the Constitutional Court validates the mandates of elected deputies and confirms the lists of substitute deputies.

On December 24, 2010, the Constitutional Court has confirmed by means of a note the legality of the elections and has issued a decision regarding the validation of the deputy mandates. The basis for validating the mandates of the deputies consisted of the CEC decisions no. 3984, no.3985 and no.3986 from December 18, 2010.

IX. CONCERNS

The electoral process for the early parliamentary elections from November 28, 2010 has served as an opportunity to see a number of qualitative improvements and the application into practice of some good electoral practices reflected in the amendments to the legal framework from the inter-electoral period. Promo-LEX salutes the implementation by the legislative organ of the list of recommendations formulated after the monitoring of the early parliamentary elections on July 29, 2010. Moreover, the process of drafting amendments to the Electoral Code can be described as transparent since it was implemented by a special parliamentary committee in close partnership with the civil society.

The innovative approach of the information and education campaign, manifested both by the type of employed instruments, but also by the unprecedented scale, has led to the increase in the level of awareness and understanding of the electoral processes among voters. Moreover, the new approach in training electoral officials had a positive effect on the works of the electoral organs of first and second levels.

Promo-LEX salutes the efforts of the electoral competitors to diversify the instruments of convincing voters, a fact which allowed the latter to make a more informed choice.

All these progresses have contributed to the increase of the overall quality of the electoral processes and were to the benefit of the voter – the target and the main beneficiary of any democratic scrutiny.

Nevertheless, some aspects of the electoral process raise concerns. Promo-LEX has grouped the concerns into three categories: Major, Medium and Minor. The distribution into categories was done based on the weight of the following criteria: the number, the geography and the repetition in time of the findings; the consequences on the electoral processes and on the involved persons; the expediency of the intervention from the part of the authorities.

Major Concerns

1. Constituting electoral organs without the participation of all the parties represented in parliament at the date when elections were announced (*see Recommendation 8*);
2. Isolated electoral incidents with the application of physical force and cases of intimidating and exercising pressure on voters (*see Recommendation 1*);
3. Lack of tolerance and aggressive attitude from the part of electoral competitors in regards to the opinion pluralism (*see Recommendation 1*);
4. The use of administrative resource for campaigning and of public office in favoring some of electoral competitors (*see Recommendation 5*);

5. The lack of financial transparency from the side of electoral competitors in reflecting the expenses related to transportation, publication of electoral campaigning materials, organizing of meetings with voters (concerts) and staff pays (*see Recommendations 7 and 10*).
6. Failure of electoral competitors to respect their obligations to publish the sources of material and financial support in periodicals with national coverage (*see Recommendation 6*);
7. Preparation of faulty electoral rolls (*see Recommendation 2*);
8. Non-publishing of electoral rolls on the official page of the CEC (*see Recommendation 2*);
9. Unclear wordings in the protocols for count/recount of votes and the existence of multiple and complicated formulas for arithmetic verifications of results (*see Recommendation 3*);
10. Lack of practices in regards to the identification of quantitative and qualitative deficiencies in protocols at their reception by the DEC's (*see Recommendation 4*);
11. Limiting the observers and the electoral competitors access to taking digital photos of and gaining access to electoral documents, including to electoral rolls both on election day and afterwards (*see Recommendation 3*).

Medium Concerns

12. Irregular and occasional activity of the PEBs during the electoral campaign, lack of a unified and transparent working schedule (*see Recommendation 12*);
13. Deficient technical conditions and non-corresponding set up of premises of PEBs and of rooms designated for voting (*see Recommendation 12*);
14. Use of electoral presents by the competitors (*see Recommendation 13*);
15. Exceeding the term for relief of public office by the deputy candidates (*see Recommendation 5*);
16. Carrying out electoral campaigning activities during the electoral period prior to the registration with the CEC as electoral competitor and, thus, lack of reflecting of the expenses for those activities through the Electoral Fund (*see Recommendation 15*);
17. Existence of a large number of electoral competitors, the electoral activities of which resumed to the use of the free of charge advertising offered by the state (*see Recommendation 16*);
18. Lack of electoral campaigning activities in the localities from the Transnistrian region (*see Recommendation 11*);
19. Failure to respect the 5 days term for examining the complaints at each stage of examining (*see Recommendation 17*);
20. Insufficient preparation of the PEB members for the recount procedures;
21. Employing electoral equipment – especially seals, ballot boxes and voting booths – of bad quality, based on outdated techniques (*see Recommendation 18*);
22. Amending the electoral legislation with two weeks prior to the beginning of the electoral campaign, contrary to the recommendations of the Venice Commission (*see Recommendation 14*);
23. Lack of mechanisms of applying the legislations in the cases of voters having concomitantly residence and domicile visas;

Minor Concerns

24. Constituting special polling stations for the voters from the Transnistrian region contrary to the administrative, territorial and legal competencies by the DEC and not by the CEC;

25. Insufficient places for electoral postings and excessive electoral posting in unauthorized places (*see Recommendation 25*);
26. Carrying out campaigning activities on election day, contrary to the legal provisions;
27. Multiple technical and logistic deficiencies of the Electronic Registry, highlighted by the testing of the system (*see Recommendation 27*).

X. RECOMMENDATIONS

The recommendations of the Promo-LEX elections monitoring efforts are drafted in good will and aim at improving the quality of the electoral process. These take as basis the found tendencies and indicate predominantly the direction of the required intervention, yet without dictating specific solutions. The format of structuring the recommendations follows the one of the Concerns, thus classifying these into Recommendations of Major, Medium and Minor priorities. Recommendations are addressed for the public authorities of national and local levels, electoral authorities, political parties and other electoral competitors and law enforcement institutions.

Major Priority Recommendations

1. Launching awareness campaigns targeted at electoral competitors aimed at promoting a calm and civilized behavior, both one towards another, and in relations with voters;
2. Instituting a unified mechanism for verifying electoral rolls;
3. Simplifying the procedures for logical verification of the correctness of counting votes and drawing the attention of the electoral authorities on two fundamental parameters: the number of voters who casted their votes in relation to the number of voting ballots extracted from the ballot boxes;
4. Instituting a clear mechanism for verifying the data in cases of identifying discrepancies in the protocols, including the clear establishing of cases when electoral materials are not received by the DEC's from the PEBs or when there is a necessity to recount voting ballots;
5. Instituting and applying sanctions for non-compliance with the terms for relief of public office by candidates;
6. Instituting sanctions for electoral competitors who fail to publish the sources of material and financial support in periodicals with national coverage;
7. Tightening sanctions for the intentional use by electoral competitors of undeclared financial and material resources or exceeding the expenses beyond the cap set by the Electoral Fund, by decreasing the threshold which establishes the "significant amount";
8. For purposes of improving the main electoral rolls, analyzing the voters participation in elections and other relevant analyses, granting electoral officials, electoral competitors, civil society and observers free access after the election day to electoral rolls – in accordance with the 1992 Law on Archives;
9. Improving the financial reporting mechanism for electoral competitors, aiming to ensure the exhaustive reporting of expenses, for increasing the transparency of the process and for setting the necessary conditions for the raising the level of trust of voters in the electoral process;

Medium Priority Recommendations

10. Carrying out information and education campaigns so as to ensure the increased participation of the voters, including those from the Transnistrian region;

11. Instituting a set of minimum standards regarding the technical set up and logistic support for PEBs, as well as their working schedule. Instituting viable control mechanisms for these standards;
12. Defining the terms “electoral presents” and “electoral corruption” and instituting a mechanism of certifying electoral campaigning materials so as to avoid the camouflage as electoral materials of the above mentioned situations;
13. Respecting the 1-year term recommended by the Venice Commission regarding the amending of the electoral legislation;
14. Prohibiting by law the campaigning activities during the electoral period without registry with the CEC as electoral competitor and reflecting the expenses for the respective activities;
15. Reviewing the mechanism of providing by the state of free public advertising air/space to electoral competitors, in view of a clear definition of the employed equality principle (strict or proportional);
16. Providing legal interpretation for the phrase “term of five days from the moment of filing [of complaints] but not later than the election day”, including for electoral complaints filed in courts, or filed after the election day;
17. Upgrading the electoral instruments – especially the seals, the ballot boxes and the voting booths – to ensure modern and uniform standards;

Minor Priority Recommendations

18. Repeated testing of the electronic registry at a national scale prior to its full launch;
19. Providing technical and financial assistance to address the shortage of places for electoral posting and of difficult situations in the activity of PEBs and of polling stations;