

## **CONCLUSION**

### **on the compliance of the legislation regulating the elections to the Parliament of the Republic of Moldova held on February 24, 2019 with the international standards for democratic elections**

This Conclusion contains an analysis of the compliance of the legislation regulating the election to the Parliament of the Republic of Moldova with the provisions of the Convention on the international standards for democratic elections, voting rights and liberties in the member nations of the Commonwealth of Independent States (further – the CIS Convention), with the UN documents (Universal Declaration of Human Rights; international pacts on human rights; the General Comments adopted by the UN Human Rights Committee which explain the principles of democratic elections set out in Article 25 of the International Covenant on Civil and Political Rights); with the documents of the OSCE (Document of the Copenhagen Meeting of the Conference on the Human Dimension, 1990, further – the Copenhagen Document; other treaties adopted by OSCE); as well as with the Code of Good Practice in Electoral Matters designed by the European Commission for Democracy through Law (Venice Commission).

Besides the review of the compliance with the requirements of the mentioned international instruments, the national electoral legislation is viewed in the context of the Recommendations of Interparliamentary Assembly of the CIS Member Nations (further – the IPA CIS) on improving the legislation of the CIS Member Nations in accordance with the international election standards; in the context of the recommendations listed in the final documents of the CIS missions and of the IPA CIS observer groups working on the previous nationwide elections in the Republic of Moldova as well as in the Conclusions prepared by the International Institute for Monitoring Democracy Development, Parliamentarism and Suffrage Protection of Citizens of IPA CIS Member Nations during the observation of the elections.

### **General characteristics of the legislation governing the election to the Parliament of the Republic of Moldova**

In accordance with the Constitution of the Republic of Moldova, national sovereignty belongs to the people of the Republic of Moldova, it is exercised directly and through representative bodies in the form defined by the Constitution (Clause 1, Article 2). It is established that the will of the people is the basis of state power and it is reflected in free elections held periodically on the basis of universal, equal and direct suffrage by secret and free voting (Clause 1 Article 38).

Citizens of the Republic of Moldova have the right to participate in the management of public affairs, either directly or through their representatives (Clause 1 Article 39). At the same time, citizens who are 18 years old on the

election day, with an exception of people deprived of this right according to the law, have the right to vote; the right to be elected is guaranteed to the citizens of the Republic of Moldova who have the right to vote, in accordance with the law (Clauses 2 and 3, Article 38).

The basis of the normative regulation to the elections of the Parliament of the Republic of Moldova (hereinafter referred to as the Parliament) is the Constitution of the Republic of Moldova and the Electoral Code of the Republic of Moldova (hereinafter referred to as the Code; in all cases unless otherwise stated references are made to the provisions of this act), as well as a number of other legislative acts.<sup>1</sup>

National legislation, based on key constitutional provisions, regulates all stages of the electoral process in detail, securing specific guarantees for observance of the electoral rights.

According to the constitutional regulations, the Parliament is elected on the basis of universal, equal and direct suffrage by secret and free voting; the organization and conduct of the elections is established by organic law. Elections of deputies of the Parliament shall be held no later than three months after the expiration of the term of office or the dissolution of the Parliament of the previous composition (Article 61).

In general, the electoral legislation in the part that regulates the elections of the Parliament determines with sufficient detail the rights and obligations of the subjects of electoral relations arising during the conduct of the relevant elections as well as the procedure for conducting all stages of the elections.

In addition to legislative regulation, the regulatory streamlining of parliamentary elections is also carried out at a sub-legal level, primarily by acts adopted by the Central Election Commission of the Republic of Moldova (hereinafter also the CEC).

As a specialized electoral body, the CEC studies the organization and conduct of elections in order to improve electoral legislation and electoral procedures, submits suggestions to the Government and Parliament about the amending of the electoral legislation, develops regulations and instructions

---

<sup>1</sup> In preparation of this Conclusion, the text of the Electoral Code of the Republic of Moldova was used with amendments and additions introduced by the laws of 04.02.1999, No. 268-XIV, 14.05.1999, No. 403-XIV, 02.07.1999, No. 480-XIV, 03.02 .2000, No.778-XIV, 03.03.2000, No.894-XIV, 09.06.2000, No.1036-XIV, 31.07.2000, No.1217-XIV, 09.21.2000, No.1227-XIV, 23.03 .2000, No.894, 30.06.2000, No.1107, 15.12.2000, No.1422, 12.28.2000, No.1439, 25.01.2002, No.796, 14.02.2002, No.842, 13.02.2003 No.31, 08.05.2003, No.191, 22.07.2005, No.176-XVI, 04.11.2005, No.276-XVI, 17.11.2005, No.298-XVI, 23.12.2005, No.368 -XVI, 06.04.2006 No.79-XVI, 21.07.2006 No.248-XVI, 12.28.2006 No.447-XVI, 23.03.2007 No.75-XVI, 12.12.2007 No.273 -XVI, 10.04.2008, No.76-XVI, 15.06.2009, No.25-XVII, 23.12.2009, No.127-XVII I, 23.12.2009 No.131-XVIII, 26.02.2010 No.16, 18.06.2010 No.119, 17.09.2010 No.216, 09.17.2010 No.222, 26.03.2011 No. 48, 04.01.2011, No.64, 12.19.2011, No. 181, 11.23.2011, No. 267, 07.11.2012, No. 187, 03.22.2013, No. 44, 04.19.2013, No. 92, 04.19.2013 No. 94, 03.05.2013 No. 108, 07.12.2013 No. 266, 03.06.2014 No. 18, 03.13.2014 No. 29, 11.04.2014 No. 61, 09.04. 2015 No. 36, 04.09.2015 No. 61, 04.30.2015 No. 84, 04.14.2016 No. 71, 06.17.2016 No. 134, 07.15.2016 No. 147, 07.21.2016 . No. 102, 07.14.2017, No. 153, 07.20.2017, No.154, 01.12.2017, No.254, 21.12.2017, No.305, 26.04.2018, No.74, 05.24.2018, No. 79, 07.27.2018 No. 172, 23.11.2018 No. 268 in Russian translation, posted on the official website of the Central Election Commission of the Republic of Moldova.

aimed to improve the electoral procedures (Clause 1, Article 22). The CEC as an independent oversight body supervising the financing of political parties and election campaigns develops and issues regulations to enforce and observe legislation on financing of political parties and election campaigns. The CEC studies and monitors the application of legislation on the financing of political parties and election campaigns, submits proposals to the Parliament and the Government on amending the legislative base for financing political parties and election campaigns (Clause 2, Article 22).

In particular, a number of important acts were adopted by the CEC as part of preparation for this elections (regulations "On the Activities of the District Electoral Council", "On the Activities of Precinct Election Bureaus", "On the Specific Aspects of the Formation and Functioning of the Polling Stations for Voters of the Republic of Moldova Living in Administrative and Territorial Entities of the Left Bank of the Dniester (Transnistria)"; the provisions "On Voting for the Citizens of the Republic of Moldova citizens abroad", "On Media Coverage the Election Campaign for the Parliamentary Elections and the Republican Referendum of February 24, 2019 by the Mass Media of the Republic of Moldova", "On Advance Registration", "On the Draw Procedure", "On the Order of Filling, Submitting and Checking of the Signature Sheets"; the instruction "On the Order of Systematization, Packaging, Sealing and Transfer of the Electoral Documents and Materials after the Closure of Polling Stations during the Parliamentary Elections").<sup>2</sup>

Legal regulation of elections also implies the application of the principles and norms of the international law. In accordance with the Constitution of the Republic of Moldova, constitutional provisions on human rights and freedoms are interpreted and applied in accordance with the Universal Declaration of Human Rights, covenants and other treaties to which the Republic of Moldova is a party; if there are inconsistencies between covenants or treaties on fundamental human rights the Republic of Moldova is a part of and the domestic laws, international norms take precedence (Article 4).

In the period since the last national elections, the electoral system of the Republic of Moldova was reformed, the proportional system was replaced by a mixed one, according to which half of the MPs are elected by single-member constituencies, and the other by party lists. According to the amendments of 2017, the parliamentary elections are held on the basis of a proportional majority system in one national district and in the single-member constituencies. In the

---

<sup>2</sup> In addition, the following acts play a significant regulatory role: CEC regulations; as well as the Regulation "On Ensuring the Access for Persons with Disabilities to the Election Procedure"; the provisions "On the Procedure for Consideration and Resolution of Complaints", "On the Register of Electoral Officials", "On the State Register of Voters", "On Recording the Cases of Undue Influence in the CEC", "On the Informers about Integrity of the CEC", "On Drafting, Administration, Distribution and Updating of Voter Lists", "On the Activities of the Authorized Representatives of the Electoral Candidates", "On the Procedure for Placing Advertising on the Billboards and on Political Promotion", "On the Financing of the Election Campaigns", "On the Status of Observers Accreditation Procedure; Instructions on the Use of Electoral Stamps"; instructions "On the Necessary Infrastructure of the Polling Stations", "On the Voting Procedure with a Use of a Portable Ballot Box".

national district, 50 deputies are elected according to the system of proportional representation; in single-member districts, 51 deputies are elected according to the rules of the majority system – one candidate from each district (Article 79).

Elections according to the rules proportional representation are held on the basis of a single national district covering the entire territory of the state and foreign polling stations. At the same time, a vote threshold for a party and a social and political organization is set at 6 percent of the valid votes cast in the country in general; for the electoral block – 8 percent (Clause 2 Article 95).

Along with this, elections are being held in 51 single-member constituencies, including constituencies formed for localities on the left bank of the Dniester River and abroad (Clause 1 Article 80).

In general, the composition and the ratio of individual normative acts regulating the elections of the Parliament of the Republic of Moldova comply with the requirements of the CIS Convention on Standards for Democratic Elections (Clause 3, Article 1) and recommendations of the Venice Commission (clause a. 2. II of the the Code of Good Practice) that the main sources of legal regulation of the elections shall be the Constitution and legislation.

### **Universal suffrage**

The law enshrines the principle of universal suffrage, which is one of the fundamental international electoral standards (Clause 1, Article 2).

In this regard, there is a ban on discriminatory restriction of active and passive electoral rights: Citizens have the right to elect and be elected irrespective of race, nationality, ethnic origin, language, religion, gender, opinions, political affiliation, wealth or social origin (Article 3).

Active suffrage in elections to the Parliament of the Republic of Moldova is granted to citizens of the Republic who reached the age of 18 on election day, with an exception of those deprived of this right in accordance with the law (Article 11).

At the same time, the law establishes an exhaustive list of the grounds for depriving of a electoral right: people who do not comply with the provisions of Article 11 of the Code (i.e. first of all, those who are not the citizens of the Republic of Moldova and have not reached the age of 18) and people who has been deprived of the right to vote by the court decision cannot vote at the elections and be elected (Clause 1, Article 13). The above limitations, being accepted in world practice, do not contradict obligations of the Republic of Moldova under the convention.

Citizens of the Republic of Moldova who have the right to vote, have reached the age of 18 years old on the election day, permanently reside in the country and meet the requirements of the Election Code (Article 75) have the right to be elected to the Parliament. The law also contains a list of persons with limited passive electoral right. Thus, army conscripts, persons recognized as legally incompetent by a court decision that has entered into legal force, persons sentenced to imprisonment by a final judicial decision and undergo a sentence in places of deprivation of liberty or have outstanding convictions for intentional

crimes, persons deprived of the right to hold responsible positions entered into force by a judicial decision cannot be elected (Clause 2, Article 13). This list also complies with the international electoral standards.

Citizens of the Republic of Moldova residing outside the country enjoy voting rights in full; diplomatic missions and consulates are obliged to create conditions for the citizens to exercise their voting rights freely (Clause 3 Article 2). In the case of parliamentary elections polling stations are formed in diplomatic missions and consulates of the Republic of Moldova for voters who will be abroad on election day. In addition to these polling stations polling stations can also be formed in other localities with the consent of the competent authorities of the country concerned. The formation of foreign polling stations is established on the basis of prior registration of citizens abroad. The foreign precinct election bureau is composed of a chairman appointed by the head of a diplomatic mission or consulate from among his staff or employees of other diplomatic institutions, and of six to ten representatives of parties and other social and political organizations represented in Parliament, one representative from each party or other public political organization. Protocols of foreign precinct election bureaus, along with all complaints about actions of precinct election bureaus, are transmitted by electronic means to the district electoral council within 24 hours after the polling stations are closed. The accuracy of the information in the protocols is confirmed by telephone. Proved discrepancies and errors are corrected by the electoral council of Chisinau District (Article 31).

Voter lists are compiled on the basis of information provided by relevant local public authorities and include all citizens with the right to vote, who were residing in its territory when the lists were compiled. Voter lists are updated by local public administration authorities annually. Voters who changed their place of residence after last time they participated in the elections are entitled to declare their new place of residence to the local public administration authority in order to be included in the voter list at the relevant polling station at least 30 days prior to the day of the next elections (Clause 7, Article 44).

The law provides that the voter lists shall be posted in the premises of polling stations for general information 20 days prior to election day and voters are given the opportunity to familiarize themselves with voter lists and check if they are correct. Voters are also entitled to appeal against non-inclusion or exclusion from the list, inaccuracies in their data or that of other voters no later than five days prior to election day. Such complaints are considered by elective bodies within 24 hours, and their decisions can be appealed in the court (Clause 2, Article 45). Thus, the provisions on the lists of voters comply with international electoral standards and create the necessary guarantees for the implementation of the active suffrage of citizens: the voter lists are updated annually, citizens have the right to familiarize themselves with the voter lists and appeal in case of inaccuracies in them, there is a procedure for including voters in the voter lists in case the place of residence has changed.

The right to nominate candidates is granted to the parties and other social and political organizations, registered according to the established procedure be-

fore the elections were called, to the electoral blocks formed on the basis of decisions taken in accordance with the statutes (regulations) of the parties and other social and political organizations included in those blocks and registered by the Central Election Commission, to citizens of the Republic of Moldova nominating themselves as candidates for the elections (independent candidates) (Clause 2, Article 46).

At the same time the nomination in the single-member constituency requires the collection of signatures in support of the candidate, an independent candidate as well; signatures are collected only in districts where the electoral candidates run. Verification of signatures is carried out within five days, and registration – within seven days (Clause 1 Article 48, Clause 3 Article 49).

In general, the procedure for nominations of party candidates lists and candidates running in the single-member districts is characterized by simplicity and clarity, the conditions for the registration do not impede the rights of citizens to be elected.

Thus, the Republic of Moldova created the regulatory prerequisites for the implementation of universal suffrage enshrined in the Convention for the conduct of the parliamentary elections.

### **Equal suffrage**

According to the law, citizens take part in the elections on the basis of equal suffrage (Clause 1, Article 2).

As an additional form of voting in the Republic of Moldova it is possible to vote with a voter's certificate, which is issued to a voter who has changed the place of residence or location in the period between the compilation of voter lists and the election day (Clause 7, Article 44). For voting in single-member districts, voting certificates are valid only if they are issued for the respective district. The voter's certificate remains in the precinct election bureau and shall be attached to the additional voter list (Item "a", Clause 2, Article 58).

It is also envisaged that voters who cannot arrive at the polling station due to the health issues or other legitimate excuses can vote at their location. In the latter case, upon written application of a voter the precinct election bureau sends at least two members of the bureau with a portable ballot box and attributes necessary for voting at the place of residence of the voter to vote. Applications may be submitted in writing no earlier than two weeks before election day and no later than 6 p.m. on the day prior to the voting day. On voting day, written applications may be submitted no later than at 3 p.m. together with a medical certificate. In the specified cases people shall vote according to the voter lists for a particular location compiled by the precinct election bureau on the basis of their applications; people who are not included in such a list cannot vote at the location (Clause 4, Article 60).

Thus, additional forms of voting ensure observance of the principle of equal suffrage and at the same time provide the necessary guarantees against distortion of the results when using such form of voting procedure.

In order to ensure equality in election campaign financing, participants of

the elections open a special account for an election fund where they transfer their own funds, funds received from individuals and legal entities with their prior consent, and funds received from the state in a form of a interest-free credit that shall be returned in full or in part whereas the exact amount depends on the number of votes received (Article 40).

In accordance with international electoral standards and in order to ensure the principle of equality of election participants there is a prohibition for individuals and legal entities to order the production of election campaign materials and pay for it using the funds that are not listed in the corresponding election fund (Clause 4 of Article 41).

The transparency of election campaign funding is ensured by the provision on the need to declare financial support and the obligation of the election participants to declare the received funds before they are spent, ensured by their duty to submit a financial report once every two weeks containing data on the flow of funds and their spending. The election authorities, in turn, shall weekly summarize the data on the amount of funds received by electoral funds, as well as information on sources of funding, and provide an opportunity to familiarize the public with relevant information (Article 43).

Thus, in the Republic of Moldova, regulatory prerequisites have been created for the implementation of equal suffrage enshrined in the convention during parliamentary elections.

### **Direct suffrage**

According to the law, citizens take part in elections on the basis of *direct suffrage* (Clause 1, Article 2).

Voters in parliamentary elections vote directly for candidates, electing all deputies of a unicameral parliament by direct vote. The voter has the right to vote only for one candidate (the list of candidates in the relevant constituency – national or single-member; voting against all candidates is not provided).

Thus, in the Republic of Moldova, regulatory prerequisites have been created for the implementation of direct suffrage enshrined in the convention during parliamentary elections.

### **Secret ballot**

According to the law, citizens participate in the elections by secret ballot (Clause 1, Article 2), which precludes the possibility of influencing the will of the voters (Article 6). In order to ensure the secret ballot, the polling station is equipped with booths (Clause 1 of Article 57).

Each voter votes individually; voting for another person is not allowed (Clause 1, Article 58). The ballot paper is filled in by the voter only in the booth for secret ballot. A voter who is unable to fill out the ballot may invite another person to the booth and that shall be noted in the report of the election bureau. Members of the precinct election bureau, including those representing electoral participants — parties, social and political organizations as well as independent candidates and other persons authorized to attend election procedures — cannot

be invited to the voting booth (Clause 1 Article 59)

Thus, in the Republic of Moldova, regulatory prerequisites have been created for the implementation of secret ballot enshrined in the convention during parliamentary elections.

### **Periodic and mandatory elections**

According to the law, parliamentary elections are held no later than three months after of the term of the Parliament ends. The date of the next elections shall be scheduled in a resolution of the Parliament no later than 60 days prior to the voting day.

The term of the Parliament is four years (Article 79).

Thus, the legislation provides a clear timetable for setting the elections, ensuring that they are conducted periodically.

At the same time, as noted in the previous Conclusions of the IPA CIS IIMDD , the law does not stipulate the procedure for actions in case the state bodies and senior officials do not fulfil the obligation to schedule the parliamentary elections.

Thus, in the Republic of Moldova, in general, regulatory prerequisites have been created for the implementation of the periodic and compulsory elections enshrined in the Convention during parliamentary elections.

### **Open and public elections**

The law assigns the CEC to ensure the transparency of actions related to the conduct of elections; transparency of the election bodies activities for the media and public. In particular, the CEC is obliged to publish the final election results within 24 hours after the documents are received from the Constitutional Court that confirms the election results (Clause 3, Article 101).

At the request of electoral bodies, mass media established by public authorities shall publish educational material on elections free of charge and broadcasting organizations shall distribute educational videos about civic education and elections free of charge as well. Besides, both shall inform voters about the procedure itself and special aspects of the elections free of charge (Clause 11, Article 70).

The principle of open and public elections is also ensured by the provision that all meetings of electoral bodies and electoral procedures related to the preparation for voting, voting itself and counting of votes shall be attended by members of the relevant bodies representing electoral participants – parties, social political organizations as well as independent candidates, national, foreign and international observers who have received proper accreditation and media. Thus, all meetings where the CEC addresses the issues related to elections, including those where the commission is to adopt resolutions on these issues, are open for representatives of the media and the public. A meeting shall be announced 48 hours before its start, with the exception of meetings held during the electoral period, when, due to the need to urgently resolve the issues, a shorter period is given to announce a meeting (Clause 2 Article 25).



At the same time, observers representing election participants – parties, political organizations as well as independent candidates, are accredited by the district electoral council, one at each polling station; only a motivated denial of accreditation is allowed, which may be appealed to a higher authority, and then to a court of law.

The CEC is authorized to accredit representatives of international organizations, foreign governments and foreign non-governmental organizations as election observers. The CEC or the district electoral council also accredit representatives from specialized public associations, i.e. public associations engaged in accordance with their statutes in the protection of human rights or democratic values, as observers (Clause 4 Article 68).

The media is free to cover the election process and inform the public about all aspects of the electoral process without any interference from public authorities, electoral candidates / candidates or other subjects (Clause 7 Article 69).

Thus, the principle of open and transparent elections in the Republic of Moldova is generally ensured.

However, the statutory requirement that refusal to accredit observers representing electoral candidates shall be motivated along with the right to appeal such a refusal to higher authorities and to the court (Clause 1, Article 68 ) shall also be extended to accreditation of representatives from the specialized public associations (Clause 4, Article 68).

The provisions governing the election campaign are also aimed at ensuring the principle of open and public elections. All citizens of the Republic of Moldova, parties, other social and political organizations and electoral blocks are given the right to freely and comprehensively discuss electoral programs of the candidates, their political, professional and personal qualities as well as the election campaign at meetings, rallies, meetings with voters, through the media, by posting electoral posters or using other forms of communication (Clause 1, Article 52).

At the same time, as noted in the previous Conclusions of the IPA CIS IIMDD , it seems excessive that the law allows to restrict this right in order to "protect the reputation of other people" as well as to "prevent the disclosure of information received in private" (Clause 2 Article 52).

Thus, in the Republic of Moldova, in general, the regulatory prerequisites have been created for the implementation of the conventionally fixed principle of open and public elections in the conduct of parliamentary elections.

### **Free elections**

According to the law, citizens take part in elections on the basis of free voting (Clause 1, Article 2). In addition, participation in the elections is voluntary: no one has the right to exert pressure on voters in order to force them to participate or not to participate in elections, as well as to influence the voter's freedom of expression (Clause 2, Article 2); no one has the right to exert pressure on a voter in order to force him/her to vote or not to vote, and also to pre-

vent him from expressing his/her own will (Article 7).

The implementation of the principle of free elections is also ensured by legal provisions stipulating the liability for the violation of free exercise of electoral rights (Article 75).

At the same time, as noted in the previous Conclusions of the IPA CIS IIMDD, the restriction present in the law does not comply with the principle of free elections, according to which every voter has the right to support only one candidate at the stage of collecting signatures in single-member constituencies (Clause 5, Article 47). In addition, this restriction indirectly contradicts the principle of secret ballot, revealing the political preferences of a voter (including the cases when it happens against the will of a voter).

Thus, in the Republic of Moldova, in general, regulatory prerequisites have been created for the implementation during the parliamentary elections of the principle of free elections enshrined in the Convention.

### **Fair elections**

In order to ensure this principle, the law envisages that broadcasting organizations in all their programs and print media established by public authorities are obliged to observe the principles of fairness, responsibility, balance and impartiality in covering the elections (Clause 1 Article 69); public broadcasters provide free airtime to the election candidates on fair and non-discriminatory terms in line with the principles of transparency and objectivity (Clause 3 Article 69);

One of the key guarantees that the principle of fair elections is observed is the appropriate regulatory mechanisms of election campaign. The national broadcasting organizations, the list of which is published by the Coordination Council on Television and Radio within the first three days of the election period, shall provide five minutes of TV airtime and ten minutes of radio airtime to the candidates for presenting their election programs and briefing of voters free of charge. This airtime is not included in the airtime allotted for election advertising and election debates (Article 70, Clause 4).

Public broadcasters provide one minute of airtime daily for electoral advertisements to all running candidates free of charge. During the election campaign each broadcaster provides at least two minutes of airtime daily for paid election advertising to each candidate. The conditions for buying the airtime and the corresponding rates are announced three calendar days prior to the airing of the election advertising. Charges for airtime provided to electoral competitors shall not exceed the fees normally charged for commercial advertising. Airtime for the paid election advertising is provided to all candidates at the same broadcasting hours (Clause 5, Article 70).

In addition, new forms of election campaigns, e.g. campaigns via the Internet and mobile phone communications, are considered to be legally regulated and are made equivalent to election campaign in print (Clause 8, Article 70).

Previously the difficulty of establishing the facts of campaigning on the day before voting as well as on election day itself, including campaigning in social media, doubts about the validity of legal responsibility measures for the alleged

campaigning, in some cases entangled the implementation of the principle of fair elections. In these circumstances, the amendment introduced by the legislator should be positively assessed. Now the ban on election campaigning is limited only to the voting day and applies only to the polling stations and the space near the entrance to them (Clause 10, Article 52).

Thus, in the Republic of Moldova, the regulatory prerequisites have been created for the implementation during parliamentary elections of the principle of fair elections enshrined in the Convention.

### **Holding elections by independent electoral bodies**

Elections to the Parliament of the Republic of Moldova are organized by the system of electoral bodies, which comprise the CEC, district electoral councils and precinct election bureaus (Article 14).

The Central Election Commission is a government authority established to implement electoral policies, organize and conduct the elections. The commission is elected for five years and consists of nine members: one is proposed by the President of the Republic of Moldova and other eight by the Parliament, in compliance with the proportional representation of the majority and the opposition. The composition of the commission is approved by a resolution of the Parliament adopted by a majority of the elected deputies (Clause 1 Article 16, Clause 6 Article 17). CEC members cannot be members of parties and other social and political organizations; they must have impeccable reputation and qualities necessary for electoral activity, as well as at least ten years of relevant work experience in the field of law or public administration. The CEC members shall be the citizens of the Republic of Moldova and reside in the country (Article 19).

The chairman, deputy chairman and the secretary of the Central Election Commission are elected from among the members of the Central Election Commission by a majority vote of its members and work in the CEC on a permanent basis (Clause 1 Article 17).

The CEC formation procedure established by law ensures a fairly wide representation of opposition parties and meets the requirements of the international electoral standards.

The district electoral councils are composed of 7 to 11 members: three members of the district electoral councils of the second level shall have a degree in legal studies or public management. At the same time, two members of the district electoral council of the second level are nominated by the Court or by the Appeals Chamber, and the other two are nominated by the local councils of the second level and the People's Assembly of Gagauzia. Other members are nominated by parties and other social and political organizations represented in the Parliament on the day the district electoral council is formed: one member from each party or other political organization, and in case it is not enough, the remaining number of members is filled by the CEC according to the Register of electoral officials. In case of non-nomination by parties and other social and political organizations of their candidacies to the district electoral council not later

than seven days before the expiration of his term of education, the required number of candidates shall be filled by the local council and the People's Assembly of Gagauzia, and if they do not nominate, the district council is completed CEC from the Register of electoral officials. If the district electoral council is also a precinct election bureau, members of the district electoral council proposed by the parties and other social and political organizations represented in Parliament cannot be the members of any parties (Article 28).

Precinct election bureaus are formed by district electoral councils and consist of 5-11 members with a decisive vote. Three members of the precinct election bureau are nominated by the local councils. The remaining members of the precinct election bureau are nominated by parties and other social and political organizations represented in the Parliament: one member from each party or another social and political organization, and in case it is not enough, the remaining number of members is filled by the district electoral council from the Register of electoral officials on the proposition of CEC. Members of the precinct election bureau cannot serve as counsellors to local councils and belong to any party. In case parties and other social and political organizations do not nominate their candidates to the precinct election bureau seven days before it the bureau is to be formed, the required number of candidates is filled by the local council, and if the latter does not nominate the candidates, the electoral bureau is staffed by the district electoral council on the proposition of the CEC from the Register of electoral officials (Article 30).

Participants of the elections are entitled to nominate one representative with the right of an advisory vote to the electoral body that registered them and to the inferior election bodies (Clause 1, Article 15). Such representatives are entitled to attend meetings of the relevant electoral body and have a number of other rights necessary to perform their functions.

Thus, in the Republic of Moldova the regulatory prerequisites have been created for the implementation of the principle of organization and conduct of the elections, including parliamentary elections, by independent electoral bodies that it enshrined in the Convention.

### **Resolution of electoral disputes**

Objective and timely resolution of electoral disputes as well as adequate measures of legal liability applied to persons guilty of committing an electoral offence are the significant guarantees of the democratic nature of elections held in the country.

Participants of the elections may be subject to the sanctions: warning and cancellation of registration. The warning is issued by a CEC resolution for violations not carrying criminal or administrative liability (Article 75). If there are grounds stipulated by law (intentional use of undeclared financial and material resources by a candidate or exceeding the maximum amount of the election fund – in all cases in significant amounts, i.e. more than 5 percent of the maximum amount, intentional use of finances from abroad by a candidate; non-suspension of activity in the position held by the candidate who is obliged to suspend it), the

CEC adopts a relevant resolution and files a complaint to the Appeals Chamber of Chisinau in order to cancel registration of the candidate, who is running in single-member constituency, or remove the candidate from the party list. The court shall consider the complaint and make a decision within five days, but not later than on the day preceding the day of elections (Clause 6 Article 75).

The voters and election participants have the right to appeal against actions/inaction and resolutions of electoral councils and bureaus, actions/inaction of candidates. An appeal to the court must be preceded by a complaint to an electoral body superior to the body whose act is being appealed, with the exception of the complaints related to the exercise of electoral right or election management and submitted to the electoral bureau on the election day (Clause 1 Article 71) . In particular, voters have the right to appeal against non-inclusion or exclusion from the list as well as inaccuracies in the data about them or about other voters no later than on the day prior to the election day. Complaints are considered by the relevant electoral authorities within 24 hours, and their decisions can be appealed to the court by the concerned parties according to the established procedure in case the authorities refuse to amend the list (Clause 2, Article 45).

Complaints regarding the coverage of the election campaign by broadcasting organizations under national jurisdiction are considered by the Coordination Council on Television and Radio in accordance with the provisions of the Code of Television and Radio of the Republic of Moldova, and complaints against print media are considered by a court. The decisions of the electoral authorities and the Coordination Council on Television and Radio regarding the complaints can be appealed to the court. At the same time, complaints about the actions or decisions of the CEC are filed to the Appeals Chamber of Chisinau, which shall consider it within five days, but no later than on the election day. Complaints against the actions and decisions of lower-level electoral bodies are considered within three days from the day of filing, but not later than on the day of the elections (Clause 1, Article 73)

In general, the procedure for submitting and considering complaints provided for by national legislation ensures the proper exercise of the right of appeal.

The Republic of Moldova has a mandatory procedure for confirming the election results carried out by the Constitutional Court, which within 24 hours after the election results were counted receives the necessary materials from the CEC and within five days, but not before all complaints are resolved by the court, gives a conclusion on the compliance or non-compliance of the elections with the law (Article 100). Elections shall be deemed invalid if the Constitutional Court determines there were violations during the course of elections and/or during the counting of votes that affected the results of the voting and distribution of mandates (Article 92). At the same time, election participants can apply for a recount of votes only until the results of the elections are not confirmed by the Constitutional Court (Clause 3 Article 65).

Thus, in the Republic of Moldova, in general, regulatory prerequisites

have been created for the implementation of the requirements enshrined in the Convention for the proper consideration of electoral disputes and legal responsibility for violations committed during parliamentary elections as well.

\*\*\*

**In the course of the examination of the electoral legislation of the Republic of Moldova defining the procedure for preparation and holding of the elections of the Parliament of the Republic of Moldova the International Institute for Monitoring Democracy Development, Parliamentarism and Suffrage Protection of Citizens of IPA CIS Member Nations has established that: the national regulation implements most of the requirements of the international electoral standards. Parliamentary elections are held on the basis of universal, equal, direct suffrage by secret ballot and with respect for the principles of free, genuine and fair elections organized by independent electoral bodies.**