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## **INTERNATIONAL ELECTION OBSERVATION Republic of Moldova, Early Parliamentary Elections 28 November 2010**

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### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

Chisinau, 29 November 2010 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament (EP).

The assessment was made to determine whether the elections complied with the OSCE and Council of Europe commitments, as well as with legislation of the Republic of Moldova. This statement of preliminary findings and conclusions is delivered prior to the completion of the election process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including the tabulation and announcement of results, and the handling of possible post-election day complaints or appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process. The OSCE PA will present its report at the Bureau Meeting in Astana on 30 November 2010. The PACE delegation will present its report to the January 2011 session of the Assembly. The EP will present its report in the Committee on Foreign Affairs at its next meeting.

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### **PRELIMINARY CONCLUSIONS**

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The 28 November early parliamentary elections met most OSCE and Council of Europe commitments. The elections were administered in a transparent and impartial manner by the Central Election Commission (CEC), which enjoyed the trust of most contenders. A diverse field of candidates provided voters with a genuine choice. The media provided a broad range of political views and election information. Civil and political rights were respected during the election campaign. Since the last elections, legal reforms and practical measures have improved the electoral framework, but further efforts are needed to remedy remaining deficiencies and to strengthen public confidence in the democratic process.

Election day proceeded in a calm atmosphere. Election procedures, including voting, counting and tabulation, were assessed positively. Some procedural errors were observed. Substantial numbers of voters were added to the supplementary VLs. The CEC operated transparently, releasing results as they became available. Voter turnout was reported to be 59.10 per cent.

The elections became necessary following an extended political stalemate in which two consecutive parliaments elected in 2009 were unable to elect a president of the Republic and were dissolved. The sharp divisions in the parliament spilled over into the election campaign, which was sometimes polarized, with some candidates using inflammatory language and messages. Much of the campaign was low key, but it became increasingly active as election day approached. There were several isolated instances of election-related threats and intimidation, but the campaign atmosphere was peaceful overall. Political parties issued reports on campaign expenditures as required by law, thus enhancing transparency. Nevertheless, observation revealed deficiencies in the law and its enforcement. The veracity of financial reports should now be established.

Amendments to the Election Code (EC) included many improvements to the legal framework in line with recommendations of the Venice Commission of the Council of Europe and the OSCE/ODIHR. While the choice of an electoral system is the prerogative of a state, the adoption, four months before the elections and without public consultations, of a new mandate allocation system, which favours small parties led to the wide perception that the change was designed to benefit the parties in power. This is not in line with the Venice Commission Code of Good Practice in Electoral Matters.

The CEC operated in an efficient manner, meeting deadlines and generally taking decisions by consensus. Party lists and candidates were registered in an inclusive manner. District Election Councils (DECs) generally operated effectively and impartially, although they enjoyed less political party confidence than the CEC. The authorities doubled the number of polling stations abroad compared to the last parliamentary elections, which provided the opportunity for more voters to cast their ballots. However, the allocation did not correspond to the distribution of citizens residing abroad.

Voter lists (VLs), including supplementary VLs, remained a weak point of elections in Moldova and led to diminished public confidence. By law, a centralized electronic voter register should be established by 2011. Currently, however, the compilation of lists is a highly decentralized process, with no effective way to check systematically for duplicates. Many categories of voters can be added to supplementary lists on election day. The new system increased the possibility for students to vote by allowing them to cast their ballots at their location of study without being registered there was particularly controversial despite the safeguards in place. A large number of citizens abroad remained on the VLs in Moldova, as required by law, which caused fears of possible manipulations on election day.

A lively and diverse media covered the campaign actively and provided voters with varied information. Public television generally respected the legal requirement to provide accurate, balanced and impartial election coverage of the contestants. Private television broadcasters with national coverage were less balanced and one, pro-opposition *NIT TV*, fell notably short in this regard. A multitude of televised debates exposed the voters to candidates and issues. The Audiovisual Co-ordinating Council (CCA), the regulatory body for broadcasters, generally acted promptly on election-related complaints, although its sanctions were not implemented within the campaign period.

Election commissions handled complaints in a timely manner and issued well reasoned decisions, with a few exceptions. The courts dealt with complaints transparently, meeting short deadlines. The Constitutional Court ruled on two major cases, dismissing complaints that articles of the EC were unconstitutional.

Few women hold positions of power in political parties and few were placed near the top of candidate lists. While about 28 per cent of candidates were women, their visibility in the campaign was low. Minority issues were not prominent in the campaign, although the status of the Russian language occasionally arose as an issue.

A range of civil society organizations monitored the elections or aspects of them, which contributed to the transparency of the process as a whole.

As in previous elections, voting could not take place on the territory under the *de facto* control of the Transdniestrian authorities.

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## PRELIMINARY FINDINGS

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### Background

The November elections were the third parliamentary elections in less than two years. Parliaments elected in April and July 2009 were unable to elect a president of the Republic and were dissolved.<sup>1</sup> The early parliamentary elections were thus the latest stage in an extended political stalemate.

Following the July 2009 early parliamentary elections, five political parties entered parliament. The Communist Party of the Republic of Moldova (PCRM) remained the largest faction with 48 seats. The other four successful parties – the Liberal Democratic Party of Moldova (PLDM, 18 seats), the Liberal Party (PL, 15 seats), the Democratic Party of Moldova (PDM, 13 seats) and Alliance Our Moldova (AMN, 7 seats) formed a governing coalition named the Alliance for European Integration (AIE), which held a majority of 53 seats. Despite two failures to elect a president in November and December 2009, which necessitate the dissolution of the parliament, the parliament elected in July 2009 remained in office until 28 September 2010 in line with the provision of the Constitution stipulating that the parliament can be dissolved only once within twelve months.

In an attempt to overcome the political deadlock, the parliament voted on 7 July 2010 to conduct a referendum on amending the Constitution to provide for direct, popular election of a president. The referendum was held on 5 September 2010 but failed to gain the necessary 33 per cent turnout required to validate a referendum.

### Election System and Legal Framework

Moldova has a unicameral parliament comprising 101 members serving four-year terms. Members of the parliament are elected from a single nationwide constituency through proportional representation. Parties, coalitions and independent candidates are all listed on a single ballot. For the elections to be valid one third of registered voters must participate.

The legal framework for the conduct of elections includes the Constitution, the EC, organic laws on the courts, the Law on Political Parties, provisions of the Criminal and Administrative Codes and relevant sections of other laws, as well as regulations and decisions of the CEC. Overall, the legal framework provides an adequate basis for conducting democratic elections if implemented fairly.

The EC was most recently amended in June and September 2010. The amendments introduced some positive changes and addressed many of the previous recommendations of the OSCE/ODIHR and the Venice Commission. The draft text of some of the June amendments was reviewed by the Venice Commission and the OSCE/ODIHR in June 2010.<sup>2</sup> Positive changes introduced included lowering of the threshold for parties to four per cent and independent candidates to two per cent; reinstating the possibility to form pre-election coalitions; a requirement to appeal disputes through the hierarchy of the election administration before approaching a court; and allowing prisoners to vote.

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<sup>1</sup> Under the Moldovan Constitution, 61 votes in parliament – out of 101 members – are required to elect a president. If a parliament fails twice to elect a president, it must be dissolved.

<sup>2</sup> See Joint Opinion on the Draft Working Text Amending the Election Code of Moldova, Opinion No. 576/2010, CDL-AD (2010)014, [www.osce.org/documents/odihr/2010/06/44756\\_en.pdf](http://www.osce.org/documents/odihr/2010/06/44756_en.pdf).

After the legal review of the draft amendments was conducted, additional amendments were introduced and adopted by parliament without public consultation. These included a fundamental change in the mandate allocation methodology. Under the new methodology, “remainder seats” are allocated on an equal basis to all parties that pass the threshold to enter parliament rather than on a proportional basis, resulting in a possible distribution of a greater number of seats to small parties.<sup>3</sup> The amendment was widely perceived as designed to benefit the parties in power. While the choice of an election system is a sovereign matter of a state,<sup>4</sup> the Venice Commission’s Code of Good Practice in Electoral Matters stipulates that basic elements of the election system should not be changed within a year of an election. Moreover, the Code of Good Practice points out that when changing a fundamental aspect of an election law, “care must be taken to avoid not only manipulation [of the election system] to the advantage of the party in power, but even the mere semblance of manipulation.”<sup>5</sup>

The new system increased the possibility for students to vote by allowing them to cast their ballots at their location of study without being registered there by presenting an identification document and a student card/ID. This was particularly controversial despite the safeguards in place. These amendments were criticized by opposition parties and other stakeholders as opening the possibility for double voting or manipulation, and as providing students with voting opportunities that are not available to other citizens.

The EC has been amended substantively four times in the last two years and although it has been improved, so many amendments and elections held in a short period of time has caused some confusion among many stakeholders about EC provisions and how they should be implemented. It has also led to some internal inconsistencies in the EC and contradictions with other laws.

### **Election Administration**

The 2010 early parliamentary elections have been administered by a three-tiered election administration comprising the CEC, 35 DEC’s and 2,037 Precinct Election Bureaus (PEBs). Since voting could not take place on the territory under the *de facto* control of the Transdnestrian authorities, the CEC appointed only 35 of 37 DEC’s. However, 21 polling stations were designated as locations where persons resident in Transdnestria could vote by showing identification and being added to a supplementary voter list.

The CEC is a permanent body with nine members whose five-year term expired on 11 November 2010. As this occurred during the electoral period, their mandate was

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<sup>3</sup> Under the new method outlined in Article 87 of the Election Code, the first mandates are allocated to successful independent candidates. The votes cast in favor of these candidates are subtracted from the total number of valid votes. The remaining total number of valid votes is then divided by the number of mandates remaining to be allocated after independent candidates received their mandates. The number obtained represents the electoral quotient. Subsequently, the number of votes cast for each contestant is divided by the electoral quotient, which gives the number of mandates to be allocated to the contestant. The remaining mandates after the first distribution are to be allocated to each contestant starting with the contestant that received the largest number of mandates after the first distribution. One additional seat is given to all top parties until all mandates have been allocated.

<sup>4</sup> Decision No. 5/03 of the OSCE Maastricht Ministerial Council, 2003, acknowledges “that democratic elections can be conducted under a variety of different electoral systems and laws...”

<sup>5</sup> Venice Commission, “Code of Good Practice in Electoral Matters”, paragraphs 63-65, [www.venice.coe.int/docs/2002/CDL-AD\(2002\)023-e.pdf](http://www.venice.coe.int/docs/2002/CDL-AD(2002)023-e.pdf).

automatically extended. The current CEC was established in 2005 and includes representatives of the Christian Democratic Party, the PCRM, AMN and PDM.

All DEC members have nine members: two appointed by the territorial courts, two by the rayon council<sup>6</sup> and the remaining five by the five parliamentary political parties. PEBs were appointed by DEC members and have between seven and eleven members. Some PEBs were not established by the legal deadline. Election contestants were legally entitled to appoint one representative with consultative status to each level of the election administration.

The CEC generally enjoyed the confidence of political parties. During the electoral period, it adopted more than 380 decisions, including regulations developing procedures established in the EC. Overall, the CEC operated in a transparent and impartial manner. Meetings were open to the public, observers and the media. Its decisions were published on the website. Most of its decisions were taken unanimously, although some decisions on complaints showed a split vote along political lines. Deadlines were adhered to.

The level of confidence in electoral bodies at the regional and local level was lower, although OSCE/ODIHR observers generally assessed that DEC members operated effectively and impartially. However, in one instance, differing opinions of DEC members in Balti stemming from their political affiliations obstructed the work of the commission and necessitated intervention by the CEC.

The authorities increased the number of polling stations abroad to 75 compared to 33 in the last parliamentary elections, which provided an opportunity to more voters abroad to cast their ballot. Leaders of some political parties voiced concern regarding the possibility of manipulations of the out-of-country vote on election day because of a lack of party observers. Another concern was that the locations of polling stations abroad did not appear to reflect accurately the distribution of citizens residing abroad, with most polling stations in Western European countries, although the largest number of Moldovans abroad is believed to be in Russia.

DEC and PEB members underwent training facilitated by the CEC, which was positively assessed by observers. The CEC also produced manuals on procedures for DEC members and PEBs. The public information campaign conducted by the CEC consisted of TV and radio spots and information posters. Some spots encouraging citizens to vote were broadcast abroad.

### **Voter Registration**

The system of voter registration is highly decentralized, with mayors responsible for the compilation of basic VLs, which are then provided to the CEC, the DEC members and the PEBs.<sup>7</sup> While the election regulations require the submission of electronic copies of VLs to the CEC, about 300 out of 2,037 were not received, according to CEC officials. The CEC continued pilot testing of the centralized electronic voter register. As of 2011, the CEC will be responsible for its maintenance, as well as for printing of VLs.

Although the CEC provided guidance to mayors on how to update the VLs, there was no uniformity in the way the lists were compiled in different localities. Most often, the voter lists from the September 2010 referendum were used as a starting point. In some cases,

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<sup>6</sup> Or by the Popular Assembly of Gagauzia.

<sup>7</sup> VLs for voting abroad are compiled by the diplomatic missions, for active military personnel by unit commanders, and for patients and inmates by the heads of the respective institutions.

however, local authorities compiled new lists from scratch or began with a list from the local office of the Civil Register. PEBs were required to make voter lists accessible to the public for verification from 18 November until 5 days before election day and PEBs visited by the OSCE/ODIHR EOM did so. However, very few voters checked their records in these polling stations.

VLs, including supplementary VLs, remained a weak point of elections in Moldova and led to diminished public confidence. The compilation of lists is a highly decentralized process, with no effective way to check systematically for duplicates. The CEC receives lists from the mayors, but does not attempt to check their accuracy and is not required by law to do so.

Another significant problem with the VLs is that there are many ways in which voters can be added to supplementary lists on election day, leading to allegations that VLs could be a source of manipulation during voting.<sup>8</sup> Some political parties were especially concerned about the new provision for student voting. In addition, a number of DECAs, local authorities and political parties expressed concerns about the high number of citizens abroad who, as required by law, remain registered in the basic VLs; some feared this could result in impersonation on election day. Furthermore, as in previous elections, the CEC decided to allow for voting with expired identity documents.

Paradoxically, all the legal mechanisms established by the EC and the CEC aiming at the enfranchisement of a maximum number of electors are linked to the supplementary VLs, which are the weakest element of the Moldovan electoral process.

On 19 November, the CEC announced that there were 2,650,290 voters eligible to participate in the elections.

### **Candidate Registration**

Candidates were registered in an inclusive process in which no applicant was denied registration. The CEC registered 20 political parties and 20 independent candidates, one of whom subsequently withdrew, leaving 39 contenders on the ballot. The parties and candidates represented a plurality of views, offering voters a genuine choice. Candidate lists could be changed until seven days before the election, and several parties changed their lists immediately before that deadline. This had the potential to confuse voters. No pre-electoral coalitions applied for registration.

### **Campaign Environment**

The campaign around the country was generally peaceful. It was initially low key but increased in intensity as election day approached. Most campaigning was via the media, although parties also held hundreds of meetings and small rallies, distributed leaflets and campaigned door-to-door. Large rallies – drawing several hundred or more people – were

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<sup>8</sup> Supplementary voter lists are used for: voters not included in the basic voter lists but able to prove their domicile in the area covered by a PEB; voters with an Absentee Vote Certificate, which gives a right to vote at any polling station if away from a registered domicile; voters with no registered residence voting at the place of their last registration; homebound persons; persons under arrest or serving a prison sentence; voters under hospital treatment outside their permanent residence; students voting in a locality where their academic institution is located; voters from Transdnistria voting at the specially designated polling stations; and voters abroad not included in the regular VL of the designated PEBs.

generally held in the regions only when leaders of major parties visited. Campaign events often featured concerts or entertainment. Another aspect of the campaign was the use of the internet, including social networking sites.

Party billboards and posters were prominent across the country, including many electronic billboards in Chisinau. The EC stipulates that electoral advertising is restricted to designated places, but OSCE/ODIHR observers noted that allocation of those places was not sufficient for all political contestants to display their electoral materials. Many posters were torn down, defaced or plastered over, leading to a multitude of complaints.

Some candidates occasionally used inflammatory language. Key parties portrayed their main competitors as being influenced by the foreign policy of other countries (“pro-Russian”, “pro-Romanian” or “pro-European”). The four partners of the governing AEI coalition, who were standing individually in these elections, increased competition among themselves towards the end of the campaign. Apart from the parliamentary parties, several smaller parties were also fairly active, while independent candidates were generally of low visibility.

Freedom of expression, association, peaceful assembly and movement were respected. However, local administrations and institutions did not always respect the legal requirement to treat all contestants equally. The OSCE/ODIHR EOM verified that in some instances, local administrations gave preference to electoral contestants they favored when providing access to public premises. Although there were some accusations that incumbents used administrative resources to further their campaigns, these tended to centre around minor infractions, in particular the use of official cars during campaign events or the placement of posters.

Several isolated instances of election-related threats and intimidation were confirmed. The claim by a PCRM candidate that he was abducted received widespread publicity; the circumstances of the case remained unclear as of election day. Other incidents most often involved threats to persons campaigning door-to-door or distributing electoral materials. Several parties complained that their activists or supporters faced pressure or intimidation.

In response to complaints by some electoral contestants of being denied equal access to students for electoral events, the Ministry of Education on 5 November issued a decree limiting rallies in educational institutions and in dormitories to after study hours and prohibiting the involvement of minors.

### **Campaign Financing**

The EC obliges political parties and candidates competing in elections to submit reports to the CEC every two weeks detailing all campaign-related expenditures. Political parties and candidates did so as required by law, thus enhancing transparency. Campaign financing issues were monitored closely by both media and civil society. Investigative journalists highlighted some cases of dubious donations. This prompted the CEC, which does not have the legal competence to verify the financial reports, to send reports of election contestants to the Centre for Combating Economic Crimes and Corruption and to the fiscal authorities to investigate their accuracy. Although both bodies reported that they did not find any violations, neither looked beyond the materials they received from the parties. These observations revealed deficiencies in the law and its enforcement. The veracity of financial reports should now be established.

## Media

The media was lively and active in covering the campaign, using a variety of formats in both national and local media. A large number of televised debates exposed the voters to candidates and issues, although this positive trend was tempered by the decisions of the leaders of the four parliamentary parties not to participate in television debates. There was a broad perception of increased media freedom and improvements in the media environment since the last elections. A variety of views was available to the public, enhanced by the launching of two news-oriented television channels in 2010. A number of media outlets, however, are still perceived to be affiliated with political parties. The media as a whole provided sufficient, varied information to enable voters to make an informed choice.

The conduct of media during the election campaign was regulated primarily by the EC and the Broadcasting Code, as well as the CEC Regulation on the Coverage of the Election Campaign. Under the Broadcasting Code, all broadcasters are obliged to cover elections in an accurate, balanced and impartial manner. Complaints related to broadcasting were streamlined by amendments to the EC and were adjudicated exclusively by the CCA.

Many interlocutors assessed that the appointment of the new management of the public broadcaster, *Teleradio Moldova*, contributed to its enhanced impartiality and to its aspiration to cover the campaign in a balanced, neutral and informative manner in its various television and radio programs. Nevertheless, the coverage of election-related events appeared overly cautious, sometimes avoiding reports on controversies in an effort to ensure impartiality. *Teleradio Moldova* complied with the legal requirement to provide free air time and debates free of charge, and even increased the free airtime for each contestant to 20 and 45 minutes on television and radio, respectively.

Public television *Moldova 1*, part of *Teleradio Moldova*, remains the most important source of political information. *Moldova 1* devoted most of its political and election-related news coverage – 14 per cent of mostly neutral information – to the PCRM. At the same time, the PCRM also received the biggest portion of negative coverage among the five parliamentary parties, as it was often criticized by other contestants. While PLDM and PL received some 10 per cent of coverage respectively, both presented mostly in a neutral way, the other contestants were covered to a lower extent. The channel devoted some 22 per cent of the news to activities of the government, particularly of the Prime Minister, in a neutral and positive way. The coverage provided to the Prime Minister, who stood as a candidate in these elections, contributed to the advantages of incumbency. Public *Radio Moldova* adopted a similar approach to campaign coverage.

In addition to public television, there are four private TV channels with national coverage. All private national broadcasters also adhered to the requirements to air debates and provide free airtime, although some of them were not pleased with this obligation, which they considered an unusual and costly requirement for private channels.

Two private national broadcasters *Prime TV* and *2plus* in their newscasts gave preferential treatment to PDM. Both channels are closely affiliated with a prominent businessman who was included on the PDM candidate list just before the deadline for changing lists. Prior to that, broadcasters in numerous news reports promoted this businessman and the activities of his charitable organization.

*NIT TV*, another private channel with nationwide coverage, showed a clear bias in favour of the PCRM in its news reporting, devoting 50 per cent of its news coverage to the party in a predominantly positive or neutral tone. Its portrayal of the parties of the governing AEI (mostly PLDM) was overwhelmingly negative, with reports often being distorted or commented on negatively by journalists, without providing alternative points of view.

In response to numerous formal complaints against *NIT*, as well as to findings of its own media monitoring, the CCA sanctioned the broadcaster three times during the campaign. The sanctions were based on repeated violations of the legal requirement to ensure balance and pluralism in its news programs, but were not implemented by election day. *NIT* asserted that as the only broadcaster favouring the opposition, it was being unfairly singled out and punished in an attempt to force it to change its editorial policy or to close it down. The incremental approach adopted by the CCA in sanctioning *NIT* was in line with the law and was meant to allow the channel to institute the required balance without serious penalty.

### **Complaints and Appeals**

The CEC and the DEC's processed complaints in a timely manner following the procedures laid out in the EC and CEC regulations. With a few exceptions, CEC and DEC decisions reviewed by the OSCE/ODIHR EOM were well reasoned and appeared to be in line with the legislation.

The CEC received 67 complaints in total and issued 39 decisions. The highest number of complaints to the CEC related to electoral advertising not being in conformity with the EC, which requires all electoral advertising to include the name of the electoral competitor, date of publication, circulation and name of the printing house. The vast majority of complaints to the DEC's concerned the placing of election posters in unauthorized places. In most cases DEC's issued warnings to the parties concerned and referred the cases to the Ministry of Interior (MoI) for investigation under Article 50 of Administrative Code; the MoI recorded 85 such cases.

The only sanctions that can be imposed by the CEC or DEC's in case of violations are warnings to contestants or requests courts to deregister them. The CEC and DEC's resorted only to warnings, which were largely ignored by the contestants.

The courts dealt with election related complaints in a transparent manner. The media and the public were free to attend all hearings and decisions were publicly announced at the end of each hearing. The short timeframes for consideration of electoral complaints have been respected. The Chisinau Court of Appeal has heard 29 complaints and the Supreme Court 11. The OSCE/ODIHR EOM reviewed most decisions and found them to be well reasoned.

The Constitutional Court issued two significant decisions on election related matters during the electoral period. In the first case, the government requested the court to declare Article 13(3)<sup>9</sup> of the EC unconstitutional. The government argued that the suspension of activities by members of the government limited the ability of the government to perform its functions during the electoral period. The Court found the challenged article constitutional. However, the problem related to proper functioning of a government during an election period remains to be addressed.

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<sup>9</sup> Article 13(3) provides that officials who are candidates for parliament must suspend their official duties during the electoral period.

In the second case, the Court rejected an application by PCRM asking that the new mandate allocation methodology be declared unconstitutional. The PCRM argued that the methodology was adopted specifically to deny it a majority of seats even if it wins the majority of votes, thus violating the principle that seats should be distributed according to the number of votes accrued. The Court dismissed the complaint, noting that it had established in a previous case that the choice of mandate allocation methodology was exclusively within the purview of the parliament.

### **Participation of Women**

While 27.8 per cent of the candidates were women, they often were placed well down on candidate lists. Five of the independent candidates were female. Only two parties (AMN and PDM) explicitly mentioned the issue of gender equality in their electoral platforms, although social topics related to the role of women were included in the platforms of a number of parties. Two parties mentioned trafficking in persons and domestic violence in their platforms. OSCE/ODIHR EOM observers reported that approximately equal numbers of women and men attended campaign events.

In general, women do not hold positions of influence in political party structures and female politicians assert that it is difficult for them to compete in the male-dominated political landscape.

In the election administration, one of the nine CEC members, the vice chairperson, is a woman. Women were well represented in DECAs, although less so in leadership positions; 11 of 35 DEC chairpersons were women.

### **Participation of National Minorities**

There are no legal obstacles to the participation of national minorities in the electoral process. Political parties rarely made national minority issues a prominent subject of their campaigns. Many parties spoke about the importance of inter-ethnic dialogue. Some brought up the status of the Russian language and the importance of other minority languages in their discourse. Ballots were printed in the state language and in Russian, but some DECAs expressed concern about the lack of other electoral materials in Russian.

On 2 March 2010, the Roma Social Political Movement was registered as a party and subsequently, as a contestant in the upcoming elections. It is the only political party claiming to represent one specific national minority. The leaders of the Movement claim that many voting age Roma citizens are not registered in VAs. According to the 2004 census, there are 12,300 Roma in Moldova, but the leaders of the Movement are adamant that the actual number is much higher.

### **Domestic and International Election Observers**

The EC provides for the observation of the election process by international and domestic civic organizations, representatives of foreign governments and agents of electoral contestants. Observers accredited by the CEC have the right to monitor the election process throughout the country, while observers accredited by DECAs have the right to monitor in the respective districts.

Two domestic observer groups are monitoring the entire electoral period and election day proceedings – “Promo-LEX” and “Civic Control-Elections 2010”. In addition, several domestic organizations are monitoring other aspects of the election, including campaign financing, the media, the VLs. Out-of-country voting will be monitored by the “East European Foundation” in 25 of the 75 polling stations abroad. Vibrant civil society contributed to the transparency of the process as a whole.

### **Election Day**

Voting took place in a calm and peaceful atmosphere. Despite perceived voter fatigue, the CEC reported voter turnout of 59.10 per cent. Substantial numbers of voters were added to supplementary VLs.

The international observers assessed voting overwhelmingly positively in 98 per cent of polling stations visited with procedures generally followed as prescribed by law. Contrary to new legal provisions, some PEBs allowed for mobile voting upon telephone request. Some problems (3.5 per cent) were reported regarding the secrecy of the vote. These were at times caused by voters not folding their marked ballots, in a few instances due to semi-transparent curtains, in other cases due to the size of the ballot paper, which was almost a meter long. Overcrowding or lack of order was reported in 9.5 per cent of polling stations observed, including due to poorly laid out polling stations. In 4.5 per cent of observations, unauthorized persons were present at polling stations.

Ballot boxes quickly filled up and in 3 per cent of observations, the number of ballot boxes was not sufficient. This led to creative solutions, such as using cardboard boxes or emptying full ballot boxes into sacks which were sealed and then re-sealing the ballot box for further use.

Counting was also assessed positively in 100 of the 110 observed counts. In the counts assessed as deficient, this was due to procedural errors and lack of transparency. In some of these cases, PEBs did not count signatures on the VLs or cancel the unused ballots before the count began. Problems were also reported with reconciling the figures in the results protocols in 17 cases. In 12 polling stations observed for counting, observers were not able to see the ballots and in 8 counts an inconsistent approach to determining ballot validity was reported. In 19 counts observed, PEBs did not post result protocols as required. In 10 cases, the transfer of PEB protocols to DEC was not carried out by at least 2 PEB members as prescribed by law. There was no police escort in 8 cases and 3 PEBs did not transfer the protocols directly to DEC.

International observers monitored the work of all 35 DEC during election night with only minor problems reported, including the lack of transparency, inexperience of DEC staff and delayed tabulation.

In five polling stations abroad, the PEBs ran out of ballots and the CEC allowed voters in these polling stations to write their choice on a PEB pre-stamped blank sheet of paper. These were cast in separate ballot boxes and were counted separately.

The high presence of domestic observers from civil society organizations as well as from electoral contestants during voting, counting and tabulation enhanced the transparency of election day proceedings.

During election day, the CEC regularly announced the turnout figures and started reporting preliminary results from 23:00 on election night as they became available via the electronic data processing system. The CEC examined three complaints from political parties on election day, all of which dealt with alleged violations of the campaign silence period by the media.

*This statement is also available in the State language and Russian.  
However, the English version remains the only official document.*

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## **MISSION INFORMATION & ACKNOWLEDGEMENTS**

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The OSCE/ODIHR Election Observation Mission opened in Chisinau on 21 October with 13 experts in the capital and 20 long-term observers deployed throughout Moldova. The PACE pre-election mission visited Chisinau on 25-28 October 2010.

On election day, 339 observers were deployed, including a 38-member delegation from the OSCE PA, a 32-member delegation from the PACE and a 9-member delegation from the European Parliament. In total, there were observers from 45 OSCE participating States. Voting was observed in some 1,000 polling stations out of a total of 2,037. Counting was observed in 116 polling stations. The tabulation process was observed in 35 DECs.

Mr. Tonino Picula (Croatia), Head of the OSCE PA Delegation, appointed by the OSCE Chairperson-in-Office as Special Co-ordinator, led the short-term OSCE observer mission. Mr. Indrek Saar (Estonia) headed the PACE delegation. Mrs. Monica Macovei (Romania) led the EP delegation. Mr. Peter Eicher (USA) is the Head of the OSCE/ODIHR Election Observation Mission.

The observers wish to thank the Ministry of Foreign Affairs and European Integration of the Republic of Moldova, the Central Election Commission and other state and local authorities for their support and co-operation during the course of the observation. The observers also wish to express their appreciation to the OSCE Mission to Moldova, the OSCE Office of the High Commissioner on National Minorities and other international organizations and embassies accredited in Chisinau for their co-operation and support.

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