

OBSERBATION OF GAGAUZ BASHKAN ELECTIONS FROM 30 JUNE 2019

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FINAL REPORT

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Kingdom of the Netherlands

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## I. EXECUTIVE SUMMARY

The 30 June 2019 Bashkan elections were held in a peaceful atmosphere but voters were offered a limited choice of candidates. Allegations of pressure on public employees and strong indications of misuse of administrative resources raised concerns regarding level playing field. The campaign finance oversight did not fulfil its role as a safeguard of campaign transparency. Political bias of the local media limited the range of viewpoints presented to voters. Despite the fact that most aspects of the electoral process were administered in a transparent manner, the election administration enjoys little trust. The elections suffered from a number of procedural flaws stemming from the lack of adequate regulatory framework, limited election administration resources and training.

These were the first Bashkan elections held under the new Electoral Code of Gagauzia. Enactment of the Electoral Code represents a major step in harmonising different legal instruments. However, a number of provisions should be revised, including 50 per cent turnout requirement, which put an undue pressure on electoral stakeholders, and requirements regarding candidates' registration.. Attention also needs to be paid to the application of the provisions on the misuse of the administrative resource and clarify the electoral complaints and appeals jurisdiction.

The lack of regional political parties or social-political movements in Gagauzia results in weak political landscape in the Autonomy. The legal framework of the Republic of Moldova strongly limits political landscape in Gagauzia, contrary to the OSCE commitments, and effectively limits the political pluralism in the Autonomy.

Most technical aspects of elections were managed well at all levels. The CEC Gagauzia held regular sessions that were open to accredited observers and media and were conducted in a collegial manner. Most of the CEC sessions were short and practically void of deliberation. Majority of the EOM interlocutors expressed lack of trust in the professionalism and impartiality of the election administration. Women were well represented at all levels of election administration.

The right to vote is extended to all Moldovan citizens older than 18 and residing in Gagauzia, except incapacitated by the court decision and convicted prisoners. The blanket denial of voting rights should be revised in line with the international standards and the decision of the Constitutional Court of the Republic of Moldova. The CEC Gagauzia announced that 106,435 voters were included in the main voters' lists for 30 June Bashkan Elections. The number is in stark discrepancy with the one announced by the CEC Moldova for February 24 Parliamentary elections, which was 131,299. Many EOM stakeholders raised concerns about the accuracy of the voter's lists.

The citizens of Moldova of at least 35 years of age, who live or lived in Gagauzia for no less than 10 years can stand as *bashkan* candidates. CEC registered four candidates. For the first time since the enactment of the Election Code, the prospective candidates were required to pass Gagauz language test. The candidates need to collect 1,500 support signatures, with the caveat that a voter can sign in support of only one candidate. The CEC rejected registration of Vasiliu Aladov due to insufficient number of support signatures, invalidating *inter alia* the signatures of voters who earlier signed in support of another candidate. The CEC requirements regarding support signatures might need to be revised not to limit excessively the right to stand.

The voters could choose from a limited number of political platforms, as only two candidates run electoral campaigns. The level playing field was distorted by misuse of administrative resources and public funds used to organise campaign events of the incumbent. The economic development of Gagauzia, corruption, and country politics were the main topics of the campaign. Closer to the E-day two parallel campaigns unfolded, one for boosting the turnout and the other for boycotting elections.

Only two candidates out of four reported about their funds and campaign expenditures. The main items of expenditure were payments for TV programs, banners and billboards, ads in newspapers and radio. Independent campaign finance analysts reported to EOM that the actual costs of the campaigns were much higher and the declared expenditures by some candidates did not reflect the reality. CEC failed to play a meaningful role at the campaign finance oversight body.

The Pilgrim-Demo EOM media monitoring results revealed clear political bias of major broadcasters while covering the campaign. The failure to enforce the obligation to provide fair, balanced, and impartial campaign coverage limited the access of voters to the information about the elections and electoral programs of the candidates.

The electoral complaints and appeals filed with the CEC and the relevant courts were adjudicated in open sessions; consequently the decisions were published on the institutions' websites. The lack of clarity over complaints jurisdiction, excessive use of inadmissibility of electoral complaints by the CEC as well as lack of clear deadlines to review the recurrent complaints infringed the right to an effective remedy, at odds with the international standards.

Although voting was generally efficient and smooth, procedural inconsistencies were noted during closing. EOM observed that 27 PEBs (40 per cent) extended voting beyond 21:00 hours. By the law PEBs are entitled to extend the voting in a case if there is a queue of voters in the polling station at the time of closing, whereas explained that they took the decision about the vote extension for they had information on the voters still on the way to the polling station.

Initially, the CEC declared publicly that it had no reports from PEBs regarding to the extension of vote. Later, the CEC issued another statement, in which it noted that some PEBs had consulted with the CEC before 21:00 hours on the possibility of extending the vote. The issue revealed the lack of clarity of the PEBs regarding the circumstances that justify extension of voting as well as the lack of the proper coordination between different tiers of election administration. Some of the EOM interlocutors argued that the procedurally inconsistent extension of voting was intentional in order to ensure the required 50 per cent turnout.

## II. INTRODUCTION

The public association PILIGRIM-DEMO monitored the election of the Bashkan of Gagauzia of 30 June 2019, within the framework of the project "Promoting free and fair elections in Gagauzia – Election observation effort of Pilgrim-Demo for Gagauz Bashkan elections in 2019" and implemented with the financial support of the Embassy of the Kingdom of the Netherlands in Bucharest.

The monitoring was undertaken by the Election Observation Mission (EOM) composed of the team of experts deployed to Comrat, three Long Term Observers (LTOs) working from the Gagauzia's regional towns and 66 Short Term Observers (STOs) which observed the election day proceedings. Observation started on 1 May 2019, when the registration of candidates was launched, and lasted until the validation of the election results by the Appeal Court of Comrat. The EOM assessed the compliance of the election with the current legislation of Gagauzia and Moldova, as well as with international commitments, standards and electoral best practices. The mission assessed the current electoral legislation of Gagauzia ATU and its implementation, monitored pre-electoral activities, functioning of the electoral bodies and the process of electoral disputes resolution.

EOM wishes to thank the authorities of the Autonomous Territorial Unit (ATU) of Gagauzia, the Central Election Commission and election administration at all levels for their cooperation and assistance, as well as to express gratitude to representatives of the judiciary, candidates and their campaign teams, media, civil society, independent experts and other interlocutors for sharing their views.

The results of monitoring process are reflected in two Interim Reports and the Final reports. To the report contributed: Political and Legal Analyst - Daria Paprocka, Poland; Election and Campaign Finance Analyst - Rashad Shirinov, Azerbaidjan; and Media Analist - Petru Macovei, Moldova. Coordinator of the project – Mihail Sircheli, Moldova.

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### III. BACKGROUND AND POLITICAL CONTEXT

The ATU Gagauzia is governed pursuant the Law on the Special Legal Status of Gagauzia (Autonomy Law) and the Legal Code (*ulozhenie*). Legislative power of the Autonomy is vested with the People's Assembly of Gagauzia - *Gagauzianin Khalk Toplushu* (PA), composed of 35 deputies elected in direct suffrage for a four-year mandate. There are only three women deputies in the current PA.

According to the Legal Code, *bashkan* is the head of Gagauzia, the head of executive and *ex officio* member of the Moldovan Government. Bashkan forms the Executive Committee of Gagauzia, which needs to be endorsed by the PA. *Bashkan* represents the Autonomy in Moldova and abroad, ensures preservations of Gagauzia's autonomous status and functioning of public administration. The incumbent, Irina Vlah, was elected in 2015, winning 51.01 per cent of votes in the first round.

The electoral campaign in Gagauzia took place against a backdrop of political crisis in Moldova. On 8 June, the Party of Socialists of the Republic of Moldova (PSRM), led by President Igor Dodon and the coalition ACUM announced an unexpected political agreement. The parties, between them controlling 61 of 101 seats in the legislature, elected Zinaida Greceanii, (PSRM), as parliament speaker and Maia Sandu (ACUM) as the prime minister. In response, the Constitutional Court found the newly formed coalition unconstitutional, for established after the legally allowed timeframe of three months from the first parliamentary session. Whereas the PDM government claimed legitimacy of its power and organized demonstrations in Chisinau, the majority of international community recognized Maia Sandu's cabinet and the speaker Zinaida Greceanii as the legal authorities in Moldova. On 14 June the PDM government eventually resigned, and the Constitutional Court revoked the decision on holding snap elections. In the mist of governmental crisis, on 9 June, Irina Vlah expressed her support to President Igor Dodon and to the parliamentary coalition.

The *bashkan* election had been initially scheduled for 19 May 2019. However, in March 2019 a discrepancy between provisions of the Legal Code and of the Election Code in regards to validity of elections was brought into the PA attention. The latter, in order to clarify the legal discrepancies, postponed the date of *bashkan* election to 30 June.<sup>1</sup> (*See Legal framework*

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<sup>1</sup> The decision was taken as a special PA session held on 18 March 2019. The date of elections remained in line with the Election Code provisions, which stipulate that the PA calls *bashkan* elections no later than three months

*Section*). The 30 June 2019 elections were the seventh Bashkan Election since the endorsement of the Law on the Special Legal Status in 1994.

#### IV. LEGAL FRAMEWORK

The electoral legal framework is regulated by the Electoral Code of Gagauzia from 31 July 2015, which replaced the Law on Elections of People's Assembly, Law on Bashkan Election, Law on Referendum and Law on Election Administration of Gagauzia. The Electoral Code established the Central Election Commission of Gagauzia, as a permanent election management body of the ATU. The fact has not been reflected in the pertinent Moldovan legislation, making it at times difficult for the CEC to operate. (*See Voter Registration Section*).

This was the first *bashkan* election held under the amended legislation. Certain provisions of Contravention Code and Criminal Code of the Republic of Moldova also apply. Furthermore, Gagauzia CEC has the right to issue normative acts necessary to regulate campaign financing, and complaints and appeals (EC Art 25.2.a and Art. 66.2).

Enactment of the Electoral Code represents a major step in harmonising different legal instruments, but certain discrepancies, inconsistencies and repetitions require addressing. Inconsistency between provisions of the Legal Code and of the Election Code in regards to validity of elections resulted in postponing elections. For *bashkan* election to be considered valid, the Legal Code requires over 50 per cent turnout in the first round, whereas the Election Code provisions require participation of more than a third of voters.<sup>2</sup> The PA proposed amendments to the Electoral Code to address the discrepancy. On 26 March 2019 the legislative draft was rejected on procedural ground by *bashkan* Irina Vlah, who issued a decree that the requirement of over 50 per cent turnout should be applied, as the Legal Code stipulates that in case of divergences between its provisions and provisions of other legal acts of Gagauzia, those of the Legal Code prevail (Legal Code, Art. 2.1).

*Harmonization of the Election Code with the provisions of the Legal Code needs to be undertaken. Lowering the turnout's threshold to 30 per cent should be considered.*

The *bashkan* is elected by direct suffrage in a single constituency for a four-year term. If none of the candidates receives the absolute majority of votes of over 50 per cent of registered voters, a second round between the two leading candidates is held within 14 days. The candidate who receives the majority of votes of over one third of registered voters in the second round is elected

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after the expiry of incumbent's mandate, which in the context of this election meant no later than 15 of July 2019, as Irina Vlah was sworn in on 15 April 2015. The election should be held no later than 60 days after its announcement.

<sup>2</sup> See the Art. 61.2 of the Legal Code and Art. 112 of the EC respectively.

*bashkan*. There is no limit on the number of tenures. However, a *bashkan* that has served two consecutive terms, can register again as a candidate only after a four-year break (EC Art. 97.8).

The legal framework of the ATU and of Moldova strongly limits political parties' system in Gagauzia, contrary to the OSCE commitments.<sup>3</sup> The competency to regulate political parties is specifically excluded from the PA competencies listed in the Autonomy Law<sup>4</sup>, while the Moldovan Law on Political Parties provides that a political party, in order to be registered, needs to have its territorial representations comprised of at least 120 members in at least half of Moldova's currently 32 districts.<sup>5</sup> This threshold is practically insurmountable for the Gagauz minority regionally concentrated in three districts. The limitations regarding geographic area represented by a political party or territorial distribution of party members are contrary to international recommendations.<sup>6</sup>

The lack of regional political parties or social-political movements in Gagauzia results in weak political landscape in the Autonomy, which leads to legislature based predominantly on independent deputies. In the current PA, elected in 2016, of 35 seats 29 are held by independent deputies, five by the Party of Socialists of the Republic of Moldova (PSRM) and one by the Democratic Party of Moldova (PDM).

The diversity of the Moldovan political landscape is never fully reflected in Gagauzia, neither in state nor the autonomy elections. Of the countrywide political parties only few are active in Gagauzia, partly due to fairly homogenous political opinion of Gagauz electorate on Moldovan politics. In the latest Moldovan parliamentary elections, held on 24 February 2019, the PSRM won over 80 per cent of Gagauz votes in the proportional component of the race and both seats

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<sup>3</sup> OSCE member States committed themselves to recognize the importance of pluralism with regard to political organizations and to develop political parties and their role. See 1990 [OSCE Copenhagen Document](#) Sections I.3. and III.26.

<sup>4</sup> Autonomy Law, Article 12.3 c): The competence of the PA shall include “the determination of procedure governing the organisation and activities of the organs of local public administration of Gagauzia, as well as associations of citizens, with the exception of political parties and other socio-political organizations” [emphasis added].

<sup>5</sup> Law on Political Parties, Article 8d.

<sup>6</sup> 2011 ODIHR and Venice Commission [Joint Guidelines on Political Party Regulation](#), Paragraph 80 stipulates that “provisions regarding the limitation of political parties which represent a geographic area should generally be removed from relevant legislation”, whereas Paragraph 81 provides that “a requirement for geographic distribution of party members can also potentially represent a severe restriction of political participation at the local and regional levels incompatible with the right to free association. As such, geographic considerations should not be a requirement for political party formation. Nor should a political party based on a regional or local level be prohibited.” See also 2015 ODIHR and Venice Commission [Guidelines on Freedom of Association](#), Paragraph 141: “this right is also guaranteed for all members of minority groups within the jurisdiction of a state by a number of international instruments specifically addressed to this group of persons. They should, thus, be able to join associations and/or establish their own associations, without discrimination. However, it may also be appropriate to adopt legislative incentives aimed at supporting associations that promote the role of minorities in a democratic society.”



in the majoritarian constituencies within the territory of the Autonomy. The PSRM popularity, gives the party an unmatched leverage on the politics of Gagauzia.

*In line with OSCE commitments and international recommendations, legal provisions on political parties should be examined in order to allow for political pluralism at the regional and local level.*

## V. THE ELECTION ADMINISTRATION

The election of Bashkan of Gagauzia were managed by a three-tier system of election administration: Central Election Commission of Gagauzia (CEC), 3 District Election Councils (DECs) and 66 Precinct Election Bureaus (PEBs).

The CEC is a permanent body, which was established on November 26, 2019, pursuant the Election Code of Gagauzia. The CEC is composed of nine members nominated equally by the PA, the Executive Committee and the judiciary. The courts of Comrat, Chadir-Lunga and Vulkaneshti districts propose 1 nominee each. (EC Art. 16.1 and Art. 16.2)<sup>7</sup>. The PA approves the CEC composition for a five years term.

Members of the CEC can be dismissed by the Appeal Court of Comrat upon a request of the appointing body (EC Art. 21.2-21.5). The CEC of Gagauzia faces a court case initiated on 10 November 2017 by the PA. The latter calls for withdrawal of its nominees from the CEC, claiming their unsatisfactory performance. A number of EOM interlocutors opined that the decision of the PA was not based on any assessment of the CEC performance but rather politically motivated.<sup>8</sup>

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<sup>7</sup> The People's Assembly of Gagauzia, Bashkan and the Executive Committee of Gagauzia, the judiciary bodies of Comrat, Chadir-Lunga and Vulkaneshte districts. Members of the CEC cannot be at the same time members of political parties as well as they should refrain from engaging into political activities.

<sup>8</sup> On 10 November 2017 the PA took decision no. 125-VIII/V "On the increase of the efficiency of the Gagauzia CEC activities" pursuant to which the three CEC members nominated by the PA were withdrawn. According to the procedure, the PA addressed the Appeal Court of Comrat to confirm the withdrawal/dismissal of its nominees. The Appeal Court of Comrat refused to examine the case due to conflict of interests. Thus, the case was transferred to the Appeal Court of Cahul where it is still under examination/awaits adjudication. The PA recommended the Bashkan and the Courts to also withdraw/dismiss their respective nominees to the CEC. The Bashkan refused to follow the PA's recommendation due to suspecting it being politically motivated. The first instance court also refused to withdraw PA's nominees. The CEC challenged the PA decision at the District Court of Comrat. The District Court of Comrat refused to examine the case, finding no violation of the CEC rights in the PA decision. The CEC challenged the refusal of the District Court of Comrat in front of the Appeal Court of Comrat and then at the Supreme Court. Both the Appeal Court of Comrat and the Supreme Court upheld the Decision of the District Court of Comrat. The final adjudication was delivered on 6 March 2019. In response two members of the CEC nominated by the People's Assembly resigned from their permanent job at the secretariat of the People's Assembly.

On 19 May 2019 the movement *Devlet* – led by Nicolai Dudoglo, the key opponent of Irina Vlah in 2015 Bashkan election – held a party congress in Congaz, at which it was decided that the movement would not participate in the elections and would not register its candidate unless a new CEC is established. The leadership of the movement reasoned that the current CEC lacked legitimacy as the PA dismissed their CEC nominees in 2017.<sup>9</sup>

Apart from the court case, the general trust in the CEC's impartiality is very weak. At their meetings with EOM, all representatives of the opposition, candidates and candidates' hopefuls, apart from the incumbent, assessed the CEC as politically biased and dominated by the Executive Committee. They also doubted the impartiality of DEC and PEBs. Furthermore, the majority of the EOM interlocutors were critical of professional capacity of all tiers of election administration.

The CEC is understaffed and underfunded. The CEC Secretariat, composed of two people, is insufficient to render the Commission an adequate support. Furthermore, the CEC lacks requisite technology and information systems, including ones for processing votes' tabulation. The CEC premises also do not allow for a professional conduct of affairs. Over the last week of electoral process, the Secretariat operated in the same venue, where at the same time the CEC sessions were held. All those shortcomings were acutely visible in problematic cases like the overlap of a candidate registration and ballot printing, or an extension of voting. (*See Registration of Candidates and Election Day sections respectively*)

*Consideration should be given an increase of the CEC financial and human resources, in order to allow for its professional functioning.*

The Electoral Code allows for the election observation. The CEC has provided access to its sessions for candidates and its representatives, observers, media and civil society. The CEC sessions were usually announced shortly in advance.

DECs, comprised of 7 to 11 members nominated by local authorities, should be formed not later than 50 days prior to the voting day<sup>10</sup>. In case if local authorities do not present the nominees or present but insufficient number, than the lacking number of the DEC members is provided by CEC the Register of Qualified Electoral Workers, established pursuant the CEC Regulation from 16 November 2018. The DEC are mandated to establish and supervise the

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<sup>9</sup> On 13 May 2019 *Devlet* informed 13,850 signatures were collected under a petition to dismiss the “captured” Gagauzia CEC. See: the [full statement of the Devlet initiative group](#).

<sup>10</sup> Members of the PA, Executive Committee, local councils and of political parties are not allowed to be DEC members.

activities of PEBs, to oversee the update of the voters' lists, instruct PEB members, and distribute information about the procedures of voting.<sup>11</sup>

The DEC were often composed of civil servants and employees of public sphere as well as located in premises of the local authorities. Such set up, although not prohibited by law, did not allow for clear separation between the local authorities and election administration, contrary to the electoral good practice.<sup>12</sup> Also, in some cases political affinities of the local authorities and consequently the DEC led to appointment or dismissal of PEB members. On 24 June 2019 the DEC #3 in Vulkaneshti dismissed the chairwoman of the PEB #3/25 for allegedly politically biased performance as member of election administration bodies in 2011 and 2018 elections. (*See Complaints and Appeals Section*)

*Legal and procedural safeguards should be considered to ensure full independence and impartiality of election administration.*

PEBs are formed not later than 25 days prior to the voting day and should be composed of 5-11 members<sup>13</sup>. All PEBs were formed within the legal deadline of 5 June, although some lacked essential electoral material.<sup>14</sup> First PEBs meetings were held shortly thereafter.

On 13 June, upon a request from the CEC of Gagauzia, the Centre of Continuous Electoral Training under the CEC Moldova, provided PEBs with several trainings. The training EOM members assessed the attended trainings as being informative and detailed.

## VI. VOTER REGISTRATION

Citizens of Moldova over 18 years of age with permanent residence on the territory of ATU Gagauzia have the right to vote. Legally incapacitated persons and imprisoned, regardless of gravity of committed crime, are deprived of the active voting right. The blanket restrictions are contrary to international standards.<sup>15</sup>

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<sup>11</sup> All DEC met by EOM said they had almost no role in voters' lists update

<sup>12</sup> See: Code of Good Practice in Electoral Matters, Section 3, Paragraph 68: "Only transparency, impartiality and independence from politically motivated manipulation will ensure proper administration of the election process..." and Paragraphs 70 and 71: "in states with little experience of organizing pluralist elections, there is too great a risk of government's pushing the administrative authorities to do what it wants. This applies both to central and local government - even when the latter is controlled by the national opposition [hence] independent, impartial electoral commissions must be set up from the national level to polling station level to ensure that elections are properly conducted, or at least remove serious suspicions of irregularity".

<sup>13</sup> Special precincts can be established in hospitals, sanatoria, elderly houses and other places with at least 30 voters. Military personnel votes in ordinary PEBs outside of the military unit.

<sup>14</sup> In PEBs Kongazchik №52, Budjak №35, Feropontyevka №63 the commission members have not received on time voters lists from the local authorities.

<sup>15</sup> Paragraph 24 of the 1990 OSCE [Copenhagen Document](#) provides in part that "any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly

*Limitations on the active voting right should be reviewed to ensure compliance with OSCE commitments and other international obligations and standards. The withdrawal of individual franchise in case of a criminal conviction must be proportionate to the severity of the offence.*

Local public authority (*başkanat*) annually refine the voters lists against the voters residency and submits the information to the CEC Gagauzia by 1 April. Consequently, the CEC sends the updated voter lists to local administration bodies, which, in turn, send them further to PEBs. The lists are checked by the local administration against the voters' residency and should be made public not later than 20 days before elections, the deadline that was mostly met by PEBs.

Local public authorities informed the EOM that the current voter's lists were being compiled on the basis of the voters' lists used at the Moldovan parliamentary elections of 24 February 2019, to which they add citizens who turn 18 years old before election day as well as they delete the deceased and exclude people who do not reside on the territory of ATU Gagauzia.

On 6 March 2019 the CEC addressed the local authorities with a letter, in which the latter were instructed to exclude from the voters' lists those voters who have been absent or do not live within the residence "for a long time"<sup>16</sup>. The CEC informed the EOM that the letter was to serve more as guidance than instruction. Several local administration officials the EOM met with expressed their concern about the vagueness of the 'long time' term, which entitles the authorities to wide discretion, others – when inquired about interpretation of 'long time' – gave answers ranging from one to ten years. Consequently, the CEC recommendations on the way the voters' lists should be verified were applied in an inconsistent manner.<sup>17</sup>

According to the CEC the total number of eligible voters by 30 June at 7:00 hours was 106,435, significantly lower than the numbers of eligible voters for the February 2019 parliamentary elections, which amounted to 131,299.<sup>18</sup> Candidate Ivan Burgudji submitted to the CEC a suggestion to facilitate voting for voters residing outside Gagauzia. The CEC decided to refer

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proportionate to the aim of the law". [CoE Code of Good Practice](#) paragraph 1.1 d "deprivation of the right to vote and to be elected must be based on ... a criminal conviction for a serious offence"

<sup>16</sup> The primars of Avdarma, Feropontievka and Vulkaneshti challenged the CEC decision in the Appeal Court of Comrat on March 29, 2019. On April 4, the Appeal court of Comrat adopted a ruling refusing to examine the request of primars finding it inadmissible by invoking that primars have no right to put such kind of complaints or complain on actions or inactions of the CEC as they are not persons defined by the articles 66 and 67 of the Electoral code such: candidates or their representatives. The primar of Ferapontievka appealed the decision of the Appeal Court of Comrat to the Supreme court of Moldova on April 19, 2019. [On Mai 22, 2019 the Supreme Court of Moldova cancel the ruling](#) of the Appeal Court of Comrat and obliged to consider the case on its merits.

<sup>17</sup> For example, in Vulkaneshti the local public authority informed EOM that they had not excluded voters from the lists, because they found it was illegal.

<sup>18</sup> For instance, in Kongaz the number of voters dropped from 10330 during the parliamentary elections in February 2019 to 8050, in Dezginja from 4330 to 2877, Кирсово from 5911 to 4507, in Chok Maidan from 3000 to 2100 and so on.

the case to the Executive Committee.

Many EOM interlocutors expressed their concern about the accuracy of voters' list and some of them posited that the number of eligible voters is artificially lowered due to the turnout provisions, requiring participation of more than 50 per cent of voters for the election to be valid. According to the EOM interlocutors, lowering the turnout threshold would eradicate the problem. (*See Legal Framework Section*).

Gagauzia relies on its own system of voters' list compilation because, among others, the CEC Gagauzia is not reflected in the pertinent Moldovan legislation, which would allow an access to the National Voters Registry (NVR)<sup>19</sup>. This situation limits the possibility of the CEC Gagauzia as an election management body to ensure an accurate voters' lists<sup>20</sup>.

*Possibilities of amending the pertinent Moldovan legislation in order to provide the CEC Gagauzia with more authority in the area of voter registration should be considered.*

The voters' list verification process revealed little knowledge of the election administration bodies regarding their respective duties in that sphere. Some PEBs the EOM met with were not clear as to which body is mandated to apply changes to the voters list: PEBs or the local authorities should do it<sup>21</sup>. DEC #1 of Comrat, informed the EOM they were unaware they should work on voters' lists' accuracy, despite the fact that the oversight of timely update of the voters lists lies within the mandate of the DEC's pursuant the Electoral Code (Art. 28).

*CEC should provide the lower tiers of election administration with clear guidelines and instructions regarding voters' lists verification.*

For the first time the CEC used the electronic voter register, allowing voters to check their data online on the website: [www.mskgagauzia.md](http://www.mskgagauzia.md). The website was launched one week before the E-day. The CEC also prepared relevant information posters for PEBs and voters lists to be displayed in the PEBs. In some of the PEBs within DEC #1 visited EOM voters lists included ID numbers, contrary to the provisions on personal data protection.

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<sup>19</sup> [On March 25, 2019 CEC Gagauzia requested](#) from CEC Moldova access to the NVR in order to get necessary data to compose the voters lists for the 30 June Bashkan Elections. In its reply CEC Moldova refused the access for the CEC Gagauzia to the NVR invoking the fact that administration of the NVR is regulated by the Electoral Code of the Republic of Moldova which at the same time not regulating to any extend the Bashkan elections. As per the CEC Moldova in order to enable the access of the CEC Gagauzia to the NVR certain amendments has to be made to the Electoral Code of the Republic of Moldova.

<sup>20</sup> CEC informed EOM that it collaborates with Council of Europe to overcome these challenges.

<sup>21</sup> This was observed by EOM in PEBs in Beshalma, Kirsovo, Dezginzhe, Komrat, and Budjak.

## VII. REGISTRATION OF CANDIDATES

The citizens of Moldova of at least 35 years of age, who live or lived in Gagauzia for no less than 10 years, speak Gagauz language and have a university degree, can stand as *bashkan* candidates. The requirement of higher education is a limitation to candidacy contrary to international standards.<sup>22</sup> The restrictions to stand apply to soldiers in active service, legally incapacitated persons, imprisoned, and those having outstanding convictions for an intentional crime, regardless the gravity of the offence.

*Limitations on the right to stand should be reviewed to ensure that the disqualification based on a criminal conviction is proportionate to the gravity of the offence. Education requirements should be removed.*

In line with the Electoral Code the registration of candidates started 60 days before elections, i.e. on 1 May. Candidates can be either self-nominated or nominated by a political party, a civic-political organization, an electoral block or an initiative group of no less than 15 voters.<sup>23</sup> The registration of candidates end 30 days before elections (EC Art. 41.1), whereas the initiative groups could nominate their candidates up until 35 days before elections (EC Art. 101.2).

For the first time since the enactment of the Election Code, the prospective candidates were required to pass Gagauz language test conducted by a Linguistic Commission. The Commission was established by the Gagauzia CEC for the time of elections. The majority of members of the Linguistic Commission represented institutions directly subordinated to the Executive Committee of Gagauzia, which may have raised concerns regarding its independence and impartiality.<sup>24</sup>

*Legal provision on composition of the Linguistic Commission should ensure its independence from the executive of Gagauz Autonomy.*

The language tests were open to public and media, and streamed online. The fluency in Gagauz language is defined as a capacity of delivering a speech and reading a text in that language.<sup>25</sup> All registered candidates passed the language test without difficulties.

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<sup>22</sup> See [OHCHR General Comment no. 25 on Art. 25 of the ICCPR](#), Paragraph 15: “Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education...”

<sup>23</sup> A voter can be a member of only one initiative group.

<sup>24</sup> The Linguistic Commission is comprised of specialists from Scientific Research Centre of Gagauzia, Comrat State University, Comrat Pedagogy College, as well as representatives of Education and Culture Departments of the Executive Committee of Gagauzia.

<sup>25</sup> Pursuant the CEC Decision 272/60 from 20 July 2018, the speech needs to be no longer than 10 minutes and the text of the length of 250-300 words.

Candidates should collect at least 1,500 and no more than 2,000 support signatures on the templates provided by the CEC in order to be eligible to run. According to the international standards the number of required signatures for candidate's registration should not exceed one per cent of voters in the constituency.<sup>26</sup> The number of voters registered for this election amounted to 106,306, i.e. one per cent of voters in the constituency amounts to 1,063.<sup>27</sup> Once the support signatures are submitted to the CEC, no additional support signatures can be presented.<sup>28</sup> According to the international guidelines the law should permit the submission of a total number of signatures above the threshold in the event that some signatures are determined to be invalid.<sup>29</sup>

*Consideration could be given to lower the number of required support signatures to no more than one per cent of voters, and to remove the upper limit of submitted support signatures.*

The collection of signatures could start from the moment the registration of candidates commenced. Some EOM interlocutors expressed concerns over alleged instances of collecting support signatures for the incumbent ahead of the electoral period and with an assistance of civil servants. A couple of PA deputies challenged the issue in front of the CEC. (*See Complaints and Appeals Section*).

Pursuant the CEC Regulation on Support Signatures a voter has a right to sign in support of only one candidate.<sup>30</sup> The CEC Chairman informed the EOM that the limitation stems from the Electoral Code provision, which obliges the CEC to exclude the repeated signatures, without specifying whether the 'repeated' refers to the same candidate or different candidates (Art. 100.2). Despite of the CEC belief that such limitation is a legitimate barrier to frivolous candidates, the provision is contrary to the international standards.<sup>31</sup>

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<sup>26</sup> [2002 Venice Commission Code of Good Practice in Electoral Matters](#), Section I.1.3.ii

<sup>27</sup> On 19 January 2015 the People's Assembly amended the provision on the number of required signatures for *bashkan* candidates was lowered from 5,000 to 1,500.

<sup>28</sup> Paragraph 36 of the CEC Regulation №287/63 from 1 February 2019 on collection, submission and verification of support signatures.

<sup>29</sup> 2013 ODIHR [Guidelines for Reviewing a Legal Framework for Elections, second edition, page 39](#).

<sup>30</sup> CEC Regulation on Compilation and Verification of Support Signatures (№287/63 from 1 February 2019).

<sup>31</sup> Paragraph 144 of the 2010 [ODIHR/Venice Commission Guidelines on Political Party Regulation](#) provides that requirements that a citizen only be able to sign for support of one party should be avoided as such a regulation could easily disqualify parties who attempted in good faith to fulfil this requirement. "A requirement that voters may only sign in support of one candidate or party is also problematic because signing to support the registration of a candidate or candidate list is not a substitute for voting for the candidate or candidate list. In the presence of such a restriction, a candidate who has collected the required number of signatures in good faith may be denied registration through no fault of his or her own, but because voters have signed more than one petition. In the worst case, voters may deliberately sign more than one petition in order to try to prevent the registration of a particular candidate." [2013 ODIHR Guidelines for Reviewing a Legal Framework for Elections, second edition](#), page 40.

The CEC Regulation on Support Signatures holds persons who collect signatures responsible for ensuring the accuracy of the information contained in the subscription lists and obliges them to inform every citizen of its right to put its signature on only one subscription list.<sup>32</sup> Some EOM interlocutors claimed that people were confused as to which kind of lists and in support to whom they had signed already.<sup>33</sup>

*In order to ensure a meaningful opportunity for the candidates to secure their names on the ballot, the legislative provision that allow a voter to sign in support of only one candidate should be removed.*

On 6 June the CEC rejected registration of Vasili Aladov, due to insufficient number of support signatures. Mr. Aladov collected and presented to the CEC 1,816 signatures, of which the CEC invalidated 351. Hence, the CEC found application non-compliant with the registration requirements of the Electoral Code (EC, Art. 100) for Mr. Aladov submitted less than 1,500 signatures from less than a third of territorial units of the ATU, and with less than 75 signatures per territorial unit.<sup>34</sup> Among the invalidated signatures, were those of people who earlier signed in support for another candidate. Consequently, Mr. Aladov appealed the CEC decision to the Appeal Court of Comrat (*See Complaints and Appeals Section*).

On 7 June the CEC announced the completion of candidates' registration process, with four registered candidates: Ivan Burgudji, Serghei Cimpoies, Dmitrii Manol and Irina Vlah. All registered candidates are independent and nominated by initiative groups. Elena Novak and Mihail Vlah resigned from putting forward their candidatures. The prospective candidates at their meetings with EOM pointed at the lack of a level playing field, misuse of administrative resources, and doubts regarding voters' list accuracy as reasons for resigning.

## VIII. CAMPAIGN ENVIRONMENT

A candidate can start its campaign upon completion of the registration process (EC Art 47.3), contrary to international standards, which recommend the commencement of campaign period

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<sup>32</sup> Paragraph 47 of the CEC Regulation on Compilation and Verification of Support Signatures (№287/63 from 1 February 2019).

<sup>33</sup> The candidate registration process was preceded by a different initiative of collecting support signatures. On 23 March 2019, following the PA decision to postpone *bashkan* election, Irina Vlah called an Assembly of Gagauz Citizens in Congaz. The meeting participants decided to collect signatures in her support.

<sup>34</sup> Immediately after the CEC session Vasili Aladov held an online videoconference, at which he addressed the CEC members using derogatory language and threats. The CEC members reported the case to the police. Criminal Code of Moldova envisions punishment of up to two years of imprisonment for threats against an official or a person performing a civic duty (Article 349.1 of the Criminal Code of Moldova).



after the completion of the candidates' registration.<sup>35</sup> Electoral silence starts 24 hours before the election day.

*In order to provide a level playing field for all contestants, the registration process, including consideration of any complaints and appeals, should conclude before the start of the campaign.*

The voters could choose from a limited number of political platforms. Only Irina Vlah and Serghei Cimpoiies actively reached out to the electorate, presenting their programs. Dimitrii Manol – associated with the movement “Devlet” – called on his supporters to boycott the election, whereas Ivan Burgudji publicly admitted that he had registered solely to secure legitimacy of the election, fearing that all competitors of Irina Vlah could have withdrawn their candidatures before 30 of June.<sup>36</sup>

The economic development of Gagauzia, corruption, and country politics were the main topics of the campaign. Irina Vlah put an emphasis on the achievements during her first mandate, outlining plans for the next four years. The widely shared video clip “We are proud of Gagauzia” included the positive assessment of Ms. Vlah’s work as Bashkan of Gagauzia by President Igor Dodon.<sup>37</sup> The campaign of Serghei Cimpoiies focused on the competencies of the ATU Gagauzia, which according to him had been strongly limited over the tenure of Ms. Vlah. He also questioned involvement of Irina Vlah in some projects she took credit for during the campaign.

Both candidates held meetings with voters, mainly in villages and places of employment. Ms. Vlah attended also different religious and institutional events. On a number of occasions the incumbent attended meetings that were financed and organized by public institutions. Those include a competition of the Club of Merry and Resourceful (*Клуб Веселых и Находчивых*) financed among others by Chadyr-Lunga municipality on 10 May, opening of the Culture House in the Cishmikiyoy village on 1 June, a bike race organized by Chadyr-Lunga municipality on 9 June and finally the 30 June Ball of Graduates in Comrat organized by Department of Education of Gagauzia and attended by President Igor Dodon.<sup>38</sup> Access to such

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<sup>35</sup> Paragraph 7.6 of the 1990 OSCE Copenhagen Document calls on participating States to ensure that contestants are able to compete with each other on a basis of equal treatment before the law and by the authorities. Section I.1.3v of the 2002 Venice Commission Code of Good Practice in Electoral Matters provides that validation of signatures must be completed by the start of the election campaign.

<sup>36</sup> According to the Electoral Code Art. 115, if only one candidate participates in the election, new *bashkan* election is called in three months. Ivan Burgudji informed about his reasons for registration as a candidate on 31 May 2019 in a YouTube program “Politika”.

<sup>37</sup> See clip [„We are proud of Gagauzia”](#).

<sup>38</sup> During the 10 May 2019 competition of the Club of Merry and Resourceful each of the competing teams indirectly or indirectly campaigned for Ms. Vlah and joked about her electoral opponents. Video from the event is available [online](#). The Chadyr-Lunga Municipality paid for the event 41,436 MLD (approx. 2,000 EUR).

events granted Ms. Vlah an undue advantage of the incumbency contrary to international standards.<sup>39</sup>

The Electoral Code prohibits misuse of administrative resources, defined as public resources and properties (EC Art. 47.6) Misuse of administrative resources as well as assistance in the misuse of administrative of a resource, “resulting in large scale damages”, is a criminal offence (Criminal Code of Moldova, Art. 181<sup>2</sup>.2). The scope of the definition of misuse of administrative resources and of cases that merit sanctions are insufficient to be enforceable and dissuasive.<sup>40</sup>

*The legal definition of misuse of administrative resources needs to be broadened to include all cases of misuse of assets and positions by the candidates and third parties to influence the electoral outcome.*

Members of the Executive Committee, the acting *bashkan* and mayors, often assisted Irina Vlah in her meetings.<sup>41</sup> The practice is contrary to the OSCE commitments of clear separation between the state and political parties.<sup>42</sup> Dimitrii Manol filed a complaint to the CEC on

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<sup>39</sup> See 2015 ODIHR and the Venice Commission [Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources During Electoral Process](#). II.B.1.1. “The legal framework should provide effective mechanisms for prohibiting public authorities from taking unfair advantage of their positions by holding official public events for electoral campaigning purposes, including charitable events, or events that favour or disfavour any political party or candidate. More precisely, reference is made to events which imply the use of specific funds (state or local budget) as well as institutional resources (staff, vehicles, infrastructure, phones, computers, etc.)”

<sup>40</sup> ODIHR has defined ‘abuse of state resources’ as the “undue advantage obtained by certain parties or candidates, through use of their official positions or connections to governmental institutions, in order to influence the outcome of elections”. See: 2015 ODIHR [Handbook for the Observation of Campaign Finance](#). Guideline II.C.2.1. of the 2015 ODIHR and the Venice Commission [Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources During Electoral Process](#) provides that “the legal framework should define the misuse of administrative resources during electoral processes as an electoral offence.” Guideline II.A.1.1 recommends that “the legal framework should provide for a general prohibition of the misuse of administrative resources during electoral processes. The prohibition has to be established in a clear and predictable manner. Sanctions for misuse of administrative resources have to be provided for and implemented. Such sanctions need to be enforceable, proportionate and dissuasive.”

<sup>41</sup> Since 10 May 2019 Irina Vlah had been officially registered as a candidate and hence suspended her duties as *Bashkan* of Gagauzia in accordance with the Electoral Code provisions. Her first deputy, Vadim Ceban, was an acting *bashkan* for the electoral period. The following posts require suspension of duties for the electoral period due to the conflict of interest: *bashkan* and the first deputy of the Gagauzia Executive Committee, heads of departments and their deputies, members of the Executive Committee, head of regions and their deputies, heads of villages, towns, and municipalities and their deputies. (EC Art. 13.3)

<sup>42</sup> Paragraph 5.4 of the OSCE 1990 Copenhagen Document provides, in this regard, that participating States will maintain “a clear separation between the State and political parties; in particular, political parties will not be merged with the State”. According to Guideline II.B.1.5 of the 2015 ODIHR and the Venice Commission [Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources During Electoral Process](#) “[t]here should be a regulation put in place by a competent authority – electoral management body, branch of the civil service or special committee – identifying what activities are considered to be campaign activities and therefore forbidden to civil servants when acting in their official capacity”.

involvement of the executive and civil service in campaign activities (*See Complaints and Appeals Section*).

*In order to ensure the neutrality of the civil service, activities considered as campaigning should be defined and forbidden to civil servants when acting in their official capacity. Awareness raising on the importance of a fair use of administrative resources during electoral processes should play an important part of voters' education.*

The law provides candidates with an equal access to the public venues for holding meetings and rallies. Nevertheless, Mr. Cimpoies informed the EOM of a number of instances during which his pre-scheduled meetings in public venues were unexpectedly cancelled. Irina's Vlah run prominent outdoor campaign. Billboards with the electoral slogan "We are proud of Gagauzia" were posted – according to the LTOs interlocutors – already a month before the electoral period, without stating their source of financing, which was challenged in front of Gagauzia CEC.<sup>43</sup> (*See Complaints and Appeals Section*) Serghei Cimpoies informed the EOM that upon the commencement of his campaign he learned that majority of billboard spaces had been sold to Irina Vlah.

Internet, social media (predominantly Facebook, Odnoklasniki and YouTube) and live-streamed videoconferences were used as platforms of campaigning by all candidates. The incumbent was the only candidate who used merchandise (t-shirts, caps, wrist-bands) and direct mailing as campaign tools.

The unsuccessful candidate Vasili Aladov conducted an intensive campaign in social media, often resorting to derogatory language against his opponents and addressing Irina Vlah with open threats. The latter informed the EOM that she had not filed the case with the local police assessing police proceedings in such circumstances as little effective.<sup>44</sup>

Two parallel internet campaigns, one for boosting the turnout and the other for boycotting elections, were organized by supporters of Irina Vlah and "Devlet" respectively.<sup>45</sup> In the final stage of the campaign Irina Vlah also launched a video clip calling for participation in elections.

## IX. CAMPAIGN FINANCE

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<sup>43</sup> LTOs observed billboards in the towns of Chadyr-Lunga, Comrat, and Vulkaneshti.

<sup>44</sup> According to Article 155 of the Criminal Code of Moldova [t]hreatening murder or severe bodily injury or damage to health provided that the danger of accomplishing such a threat exists shall be punished by a fine in the amount of 200 to 400 conventional units or by community service for 180 to 240 hours or by imprisonment for up to 2 years.

<sup>45</sup> For more about the campaigns see [Nokta.md](http://Nokta.md).

The Electoral Code of Gagauzia and the CEC Instruction on Campaign Finance No 29/8 adopted on 24 September 2016 regulate campaign finance, defined as “direct and (or) indirect<sup>46</sup> financing, material support of candidates during elections by the state, physical and/or legal persons”.

Upon its registration, the candidate needs to make public the amount and source of campaign incomes available before the launch of the campaign. Furthermore, a candidate is required to open special bank account – “electoral fund” - through which all its campaign related financial operations should be conducted. Any incomes on the “electoral fund” should be communicated to the CEC by the bank within 24 hours (EC Art 37.10).

Campaign financing of Bashkan candidates can come only from private sources. Donations from foreign and anonymous sources, minors, publicly funded institutions, humanitarian and religious organizations as well as from trade unions are forbidden.

The law mandates the CEC to establish a ceiling of received donations for each election. For this election, CEC established it at the level of 40 MDL (approx. 2 EUR) per voter, which amounted to some 4.3 million MDL in this campaign (approx. 213,000 EUR).<sup>47</sup> The ceiling is quite generous in comparison with that deployed in other European countries, which put the limit on either the campaign incomes or expenditures.<sup>48</sup> The CEC Chairman informed the EOM that the limit was calculated with the assumption that the candidates should have sufficient resources to reach out to voters, so that the latter make an informed choice. The Chairman also expressed his hope that vibrant campaigns of the candidates could compensate to an extent for voter information and education, which were limited due to the scarce CEC financial resources.

Neither the Electoral Code nor the CEC Instruction on Campaign Finance No 29/8 regulate the in-kind contributions. Nevertheless, void of any guidance on how to value received in-kind donations, the CEC Instruction on Campaign Finance provides a template list for reporting on that type of incomes. This leaves an ample space for undeclared electoral expenses and allows candidates to potentially circumvent the donations’ limit. None of the candidates reported in kind donations.

*Regulation on in-kind donation disclosure and reporting could be considered to increase transparency of campaign finance.*

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<sup>46</sup> Commonly known as individual, voluntary and unpaid work for the favor of a candidate.

<sup>47</sup> CEC Resolution No 325/74

<sup>48</sup> E.g. in Slovenia parliamentary elections 2018 the campaign expenditures could not exceed 0.40 EUR per eligible voter, in Spain in 2015 - 0.37 euro, in 2017 French presidential election the limit of expenditure was set at 0.35 EUR for the first round 0.47 EUR for the second.

The candidates need to submit weekly financial reports to the CEC, which publishes them on its webpage. Only Irina Vlah and Sergei Chimpoesh reported about their campaign incomes and expenditures. Candidates Burgudji and Manol did not open a bank account, though they appointed their financial representatives. Mr. Manol informed the EOM he had no incomes and incurred no campaign expenses.

Mr. Chimpoesh reported investing only his own funds in the campaign, in the amount of 150,000 MDL. Ms. Vlah reported 308,000 MDL of incomes, coming predominantly from private donors. According to the data aggregated by the CEC, the expenditures of Mr. Cimpoies amounted 130,093 MDL and of Ms. Vlah – 273,758 MDL.<sup>49</sup> Sergei Chimpoesh reported expenses related to banners, TV programs, advertisements, newspaper printing and bank commissions. Irina Vlah reported investing in TV ads and programs, banners and billboards, renting venues and vehicles, ads in newspapers and radio, printing a newspaper.

The campaign expenditures of the incumbent, reportedly twofold of her key opponent – Mr. Cimpoies, do not reflect the difference in the intensity of the two campaigns. The campaign of Irina Vlah was several times more intensive, visible and diverse in terms of used tools. A number of campaign tools used by the incumbent, were not reflected in the campaign expenditures (e.g. costs of online ads, internet merchandise, direct mailing). Some EOM interlocutors assessed that some of the costs were under-reported, especially those related to the production of campaign spots and billboard renting.

According to the Electoral Code, the CEC is the campaign finance oversight body. In the process of scrutiny of the financial reports, it can require additional information about sources and use of funding from tax authorities and the Gagauzia Chamber of Accountants. Paragraph 17 of the CEC Instruction on Campaign Finance No 29/8 requires CEC to check the information provided for its comprehensiveness and ask the candidate to provide additional information if necessary. The CEC informed the EOM it did not intent to undertake any special measures related to the scrutiny of submitted financial reports, as it finds them sufficiently detailed and thorough. Two days before elections the CEC should produce and publish the final summary of the candidates' financial reports, which it did in a timely manner.

*In order to ensure a level playing field, the CEC should strengthen its position in the field the campaign finance oversight, ensuring that candidates' financial reports are subject to adequate scrutiny.*

Of the four registered candidates, only two run electoral campaigns. The two campaigns differed substantially in the scale and intensity of reach out. It limited voters possibility of taking an informed choice. Although a greater scrutiny of the incomes and expenditures would

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<sup>49</sup> See the CEC Gagauzia [webpage](#).

add to the level playing field and campaign finance transparency, it does address the issue of a limited choice the Gagauz voters were presented with.

*In order to foment political pluralism and ensure a meaningful choice of candidates, supporting to campaign financing from public sources could be considered.*

## **X. MEDIA MONITORING**

### **General data and methodological framework**

The monitoring is conducted to inform the general public about the editorial policy and conduct of the media during the election campaign for the Bashkan elections of 30 June 2019.

Three (3) representative media outlets in the region were selected for monitoring: one television channel (GRT TV OBK "Gagauziya Radio Televizionu"), one radio station (ALBENA) and one news portal ([www.Gagauzinfo.md](http://www.Gagauzinfo.md)).

Total monitoring period: 45 days (from 15 May 2019 to 30 June 2019).

Subject to monitoring were:

- *GRT TV* and *Radio ALBENA* - news and programmes aired from 6 p.m. to 10 p.m., including the main evening news, programmes, debates and video broadcasts;
- *Gagauzinfo.md* - all materials directly or indirectly related to the elections of the Bashkan (except for advertisements indicated as such according to the law and ethics norms).

The monitoring methodology was based on quantitative and qualitative indicators, including the type/genre of the journalist's item, its duration, subject matter, sources of information (including gender-based criteria), the tone of coverage of events and the contestants' presentation in news and other programmes.

### **Overall results and conclusions for the entire monitoring period**

#### *GRT public television*

During the entire monitoring period (May 15 - June 30, 2019), GRT public TV aired in the evening (from 18.00 to 22.00), a total of 90 programmes that were directly or indirectly related to the elections of the Bashkan, including 57 news bulletins, 23 other programmes, including talk shows, with the subject of the elections and candidates for the Bashkan position, 5 other thematic videos and 5 rounds of pre-election debates with the participation of candidates for the Bashkan position. Some programmes were also reissued (video materials from the May 20 meeting of the Devlet public movement, which called for a boycott of the elections); Interview

of the week" with former Bashkan Mihail Formuzal on 25 May, "Persona" on 7 June with Igor Grigoriev, former head of Irina Vlah's campaign headquarters in 2015 and on 9 June with former deputy Cornel Dudnik, and "Persona" programme with former member of the Moldovan Parliament Nicolae Dudoglo was broadcast three times: on 28 June and on 29 June, as well as in the morning of 30 June.

Thematic news presented in the evening newscasts informed about the work and activities of the Central Election Commission, the preparation of the polling stations, the work schedule of the Public Services Agency on election day, etc. During the last two weeks of the election campaign, the number of election news items increased and most of the news was equidistant, although many of the items consisted only of minimal information about the decisions taken by the CEC, without explaining the reasons why the CEC adopted them. At the same time, public television did not provide sufficient information in the news regarding the election process itself, as well as regarding the candidates' election programmes. It should be noted that between 16 and 29 June, there was little mention of candidates for the position of Bashkan in the news. On 30 June, special newscasts were issued, during which information on the course of elections in different polling stations, observers' comments, voters' opinions and complaints from some candidates were presented.

Between 20 May and 1 June, GRT allocated airtime to some candidates for the post of Bashkan at the commercial programme "Persona" with a duration of about 47 minutes (two programmes with Irina Vlah's participation - on 20 May and 27 May; three programmes with participation of Sergey Cimpoes - on 23 May, 31 May and 1 June (rerun). As it was specified in the previous reports, granting the right to candidates to participate in the programmes on a commercial basis (which may be considered, in fact, to be the same pre-election advertising), violates the principle of free and fair elections and the principle of equal access to media for all candidates. Unfortunately, the CEC of Gagauzia allowed such a vicious practice when it approved the publishing declarations of radio/tv broadcasters in the region.

During the last week before the elections, GRT organized 5 debates in the evening, in which only two candidates participated: Ivan Burgudji and Dimitri Manol. It should be noted that there were some omissions in the organization of these debates. Although the debates had different topics (economic development of the region, social problems, education and healthcare), these topics and the rules announced by the moderator were not respected by the candidates. Usually the debates were reduced to mutual criticism and accusations by Dimitri Manol against Irina Vlah. There was no timer on the screen, and the participating candidates complained that they did not understand how much time they had left to speak. The moderator had to clarify this aspect with the programme's director.

During the entire campaign period, GRT proved to have an editorial policy aimed at portraying the candidate for the position of Bashkan Irina Vlah in a negative light and criticizing her. Thus,

in 18 thematic programmes in which politicians, activists and other citizens participated, including some video materials that were aired at that time, Irina Vlah was severely criticized, while the presenters and editors of the programmes did not ensure pluralism of opinions on public television (on 31 May, former candidate Mikhail Vlah accused Irina Vlah of being the person behind the scenes when it came to persons disseminating false information; on 5 June, in the video of the Devlet movement, Irina Vlah was accused of being in control of the CEC; June 9 and 10 - Cornel Dudnik claimed that Irina Vlah is controlled by Vladimir Plahotniuc and the Democratic Party of Moldova; June 16 - Igor Grigoriev accused Irina Vlah of not keeping her promises; June 25 - Vladimir Voronin accused Irina Vlah of treason, etc.). One of the most eloquent examples is the broadcast of "Persona" of 28 June, with the participation of Nicolai Dudoglo, a political opponent of Irina Vlah, who did not participate in the campaign. Throughout the programme, the guest of the programme accused Irina Vlah of many abuses, of connections with the PDM party, of subordinating the CEC under her authority, of living in Chisinau and of doing nothing for Gagauzia, etc. It is noteworthy that this programme was aired on the last day of the election campaign, as well as on Saturday, June 29 and even on the day of elections - June 30, which, in fact, violates the legislation and the Regulation on the media coverage of the election campaign for the election of the Bashkan of Gagauzia.

In conclusion, it can be said that over the entire period of the election campaign, the news on public TV GRT was mostly balanced, but the general editorial policy was clearly biased against Irina Vlah, who was presented in a negative light in most non-news programmes, by selecting guests who criticized Irina Vlah and who called (some of them) for a boycott of the elections. The GRT did not implement adequate pluralism in these broadcasts. Thus, in these elections, the public television did not fulfil its mission, which is to inform the residents of the region about the election campaign and the candidates participating in it in an equitable manner.

#### *ALBENA radio station*

Throughout the monitoring period, the "ALBENA" radio station, which presents newscasts at the beginning of each hour, aired in the evening (from 18.00 to 22.00), in total 116 items, which were directly or indirectly related to the elections of the Bashkan, the absolute majority (112) were news programmes (including reruns), while 4 were commercial programmes on electoral subjects, all about the candidate Irina Vlah (on May 26 - Vlah presents her achievements in the position of Bashkan and her plans for the second mandate; on May 27 - rerun of this programme; on May 28 - recording of the programme "Persona" with Irina Vlah on GRT; on June 28 - Vlah presents her pre-election programme). Also, only Irina Vlah's electoral advertising spots were aired.

A number of news items covered the work of the CEC (registration of candidates for the position of bashkan, accreditation of observers, thematic competition of drawings, specifics of elections for those who vote for the first time, mobile ballot box and home voting, printing of



ballot papers, etc.). At the same time, throughout the campaign, most of the news on Radio ALBENA reported not so much about the election campaign in Gagauzia in general, but mainly about the campaign of Irina Vlah, including her pre-election events (congratulations on professional holidays and meetings in different groups and villages, where she presented her programme (May 27, May 28, May 30, June 5, June 6, June 14, June 17, June 20), quotes, surveys and interviews with various experts and some residents of the region, who highly appreciate I. Vlah and her pre-election programme (June 10, June 17, June 18, June 20, June 21, June 24, June 27), etc. The radio station also promoted Vlah in some news items that were not directly related to the elections (June 28 - in the news about the allocation of additional funding by the National Assembly for three educational institutions, the anchor noted that Irina Vlah did not allow the closure of schools in the region). Other candidates for the post of Bashkan were not mentioned at all or were mentioned much less frequently by ALBENA. Some results of the Piligrim-Demo campaign monitoring were also presented, but this was done selectively, without mentioning any critical conclusions about the editorial policy of ALBENA itself.

Thus, it can be concluded that during the election campaign, ALBENA had a clearly biased editorial policy and actually provided informational support to the candidate Irina Vlah.

#### *News portal [www.Gagauzinfo.md](http://www.Gagauzinfo.md)*

During the entire monitoring period, the news portal [www.Gagauzinfo.md](http://www.Gagauzinfo.md) published 182 items that were directly or indirectly related to the Bashkan elections, the vast majority of which (177) were from the news category. Some published news covered the work of the CEC (registration and denial of registration of candidates for the Bashkan elections, accreditation of observers, thematic competition of drawings, peculiarities of home and out-of-area voting, printing of election ballots, video cameras at polling stations, work schedule of "passport issuing stations", the course of the 30 June elections, including CEC briefings with data on voter turnout, complaints of some candidates, etc.). Most other relevant news items, though, were not so much dealing with the facts of, but merely with the opinions of various public figures (former and present officials and MPs, political experts, observers, etc.) regarding the pre-election campaign and candidates. It should be noted that these news items were not balanced and, as a rule, did not present the opinions of the people who were criticised by the quoted sources. This fact indicates the absence of an equidistant journalistic approach to the sources. Some results of the monitoring of the election campaign conducted by "Piligrim-Demo" were also presented, however, this was done selectively, without mentioning critical conclusions about the editorial policy of the portal [Gagauzinfo.md](http://www.Gagauzinfo.md).

Throughout the entire election campaign, [Gagauzinfo.md](http://www.Gagauzinfo.md) clearly and very actively promoted Irina Vlah, who was always presented in a positive context. Throughout the period, Vlah was the most prominent candidate in terms of frequency and duration of references in news (texts,

short videos and clips). Vlah was often the only source and hero of the news. In other news items various experts, mayors and former MPs praised her achievements or expressed their opinions in support of her. On the other hand, Irina Vlah's opponents (Nikolai Dudoglo, Cornel Dudnik - who did not participate in the Bashkan elections, as well as candidates Sergey Cimpoes and Dmitri Manol) were presented in a negative context, criticized and labelled without them presenting their opinions. Thus, during the reporting period, at least 35 of the materials published on the website were directed against the "eternal candidate" (often used label) Nicolai Dudoglo, against the public movement "Devlet" that he leads, against the former PDM Member of Parliament Cornel Dudnik, against the candidate Sergey Chimpoes, the "spoiler" candidate (another label used), who is allegedly under the control of N. Dudoglo. Here are some of the opinions and judgments of various people against Vlah's opponents (May 20: Dudoglo owes an apology to the autonomy's residents; June 7: Dudoglo is behind the actions of Vasily Aldanov, who was denied registration by the CEC as a candidate for the post of Bashkan; June 18: Dudoglo and Dudnik were short of seats in the plane used by Plahotniuc's entourage to escape from the country; June 24: Dudoglo and Dudnik may be prosecuted for attempting to seize power in Gagauzia; Sergey Cimpoes evades paying taxes; 25-26 June: Dudoglo tries to bribe people, his supporters call residents of the region, asking them not to come to the election; 26 June: Dudnik hides in a bunker and gets food through a pipe, etc.).

At the same time, at least 40 news items directly or indirectly promoted the candidacy of Irina Vlah, whose actions were covered in detail and were welcomed by a selection of positive responses, including in articles with signs of hidden advertising (May 18: Candidates are not able to compete with Irina Vlah, the favourite of the election race; 23 May, 26 May, 1 June, 15 June: Vlah's speeches at meetings of residents of different villages and communities, where the residents speak in her support; 19 and 21 June: other competitors envy Vlah and want revenge; 27 June: Vlah supported by 90% of the autonomy's mayors, etc.). Also appeals by mayors and representatives of ethnic minorities of the region to actively participate in the elections and to choose a "worthy candidate" were published, and from the text of these appeals it became clear that the only worthy candidate was Irina Vlah.

The portal Gagauzinfo.md published at least 48 advertising articles as well, paid from the election fund of the candidate Irina Vlah, which were marked in accordance with the law. However, starting from June 10, many articles that promoted Irina Vlah, and had an obvious advertising character, were not marked as paid from the candidate's election fund (only during the last two weeks before the elections 23 unmarked advertising articles were published). Advertising materials of other candidates for the post of Bashkan were not published on the website.

In conclusion, it can be said that during the entire period of the election campaign, the editorial policy of the news portal Gagauzinfo.md was clearly biased. Most of the news was biased against the other candidates for the position of the Bashkan, while the portal clearly supported

and actively promoted Irina Vlah. Vlah's opponents were presented in a negative light, labelled and constantly criticized, in most cases without them presenting their opinion.

## XI. COMPLAINTS AND APPEALS

The Electoral Code establishes the mechanism for complaints and appeals, which is further regulated by the Gagauzia CEC Regulation on complaints.<sup>50</sup> The right of complaint on decisions, actions, and inactions of election administration bodies as well as on actions and inactions of electoral contestants is extended to candidates and voters. The burden of proof lies with the complainant, except in cases of complaints on decisions of election administration bodies (EC Art. 66.5). In cases of infringements of the Electoral Code provisions by voters and candidates, sanctions and punishments provided in the Contravention Law and Criminal Code apply respectively.<sup>51</sup>

The Electoral Code provisions do not provide a clear jurisdiction for election disputes related to actions, inactions and decisions of election administration bodies. The CEC is mandated to consider and adjudicate on complaints on DEC's and PEBs (EC Art 26.1.n) and at the same time the complaint can be submitted to a superior election administration organ, and subsequently appealed to the respective court (EC Art 66.)<sup>52</sup> Furthermore, on election day the decisions of PEBs related to the right to vote or election's administration, can be appealed directly to the court.<sup>53</sup>

On 24 June the DEC Vulkanesti, decided to dismiss a chairwoman of PEB #3/25 Valentina Lisnik pursuant citizens' complaint on her politically biased performance as member of election administration bodies in 2011 and 2018 elections, which infringed the legal provisions prohibiting any political bias of election administration (EC Art. 32.5 and Art 33.2.b).<sup>54</sup> Ms. Lisnik appealed the DEC decision first to the CEC, which upheld the decision of the DEC, and consequently to the Administrative Court Vulkanesti. The latter – on election day - revoked DEC's decision, finding it groundless and unlawful, and ruled to reinstate Valentina Lisnik in

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<sup>50</sup> CEC Regulation № 67/15 from 25 October 2016 on the procedure for the consideration and resolution of complaints by election authorities during the election campaign.

<sup>51</sup> Contravention Law Art. 47-53 and Criminal Code Art. 181-182.

<sup>52</sup> For example the Art 26.1.n stipulates that the CEC considers and adjudicates on complains on DEC's and PEBs, whereas Art 66 stipulates that the complaints should be submitted to a superior election administration organ, and can be subsequently appealed to the respective court. The provisions on special functions of the CEC during the electoral period (EC Art. 26.2) and provisions on legal responsibilities (EC Art. 70.4) are repetitive.

<sup>53</sup> Gagauzia CEC Regulation on the procedure for the consideration and resolution of complaints by election authorities during the election campaign, Paragraph 5.

<sup>54</sup> In 2018 Piligrim-Demo publicly addressed the CEC Gagauzia raising concerns about the integrity of Valentina Lisnic.

her position of the PEB chair. Consequently the DEC appealed the ruling of the Vulkanesti Administrative Court to the Appeal Court of Comrat.

The Appeal Court of Comrat, in its ruling from 1 July, noted that the plaintiff, by appealing the DEC decision to the Vulkanesti Administrative Court, followed a wrong appellate hierarchy, as the decision should have been appealed to the higher level election administration body, i.e. CEC and consequently to the Appeal Court of Comrat. The Court recognized that the performance of Ms. Lisnik as a member of election administration in 2011 and 2018 qualified for excluding her from the PEB in accordance with the Electoral Code provisions and hence upheld the decision of the DEC Vulkanesti.

*In order to avoid 'forum shopping' and possible inconsistencies in adjudication, the Election Code should provide for a clear demarcation of the respective jurisdictions of the courts and the electoral bodies regarding electoral complaints and appeals.*

Complaint on actions, inactions and decisions of the CEC can be filed with the Appeal Court of Comrat (EC Art 67.3). On 10 June, the prospective candidate Vasili Aladov submitted to the Appeal Court of Comrat an appeal on the CEC decision to reject his application for candidate registration due to insufficient number of submitted signatures. On 11 June the Appeal Court of Comrat ruled that the CEC conducted verification of support signatures in a subjective and haphazard manner, and hence nullified the CEC decision from 6 June. Consequently, on 14 June the CEC repeated the procedure of signatures' verification, and with an increased diligence outlined the inadmissibility of some of them. Pursuant the repeated verification, of 1,816 signatures 373 were invalidated and the registration was rejected.

On 17 June Mr. Aladov appealed the CEC decision to the Appeal Court of Comrat. The latter recused itself from hearing the case due to the lack of plenum and forwarded the complaint to the Appeal Court in Cahul on 24 June. The Appeal Court in Cahul, pursuant the 2017 Law on Normative Acts forwarded the case to Court of Comrat, which requested to the Supreme Court of Justice to define jurisdiction for the case. The Supreme Court ruled the complaint should be referred to the Appeal Court in Cahul, which on 28 June revoked the CEC decision and adjudicated that plaintiff should be registered as a candidate. Due to lack of clarity of the appellate hierarchy the adjudication was not delivered within the timeframe of five days from the moment of appeal's submission (EC, Art. 68.1).<sup>55</sup>

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<sup>55</sup> "The electoral law shall secure a clear demarcation of the respective jurisdictions of the courts and the electoral bodies so as to exclude the possibility of courts or electoral bodies being served with repeated or concurrent complaints on the same matters... If the law allows the decisions of the highest electoral body to be reviewed by lower level courts, this should be stated as an exception to the general rule and be strictly defined in the law. The court to which such decisions may be appealed should be unambiguously identified in the law." 2000 ODIHR Resolving Election Disputes in the OSCE Area: Towards a Standard Election Dispute Monitoring System by Denis Petit. Page 10.

*The legal framework should set a clear hierarchical appellate procedure for electoral complaints and appeals, also for cases of repeated or concurrent complaints on the same matters.*

On 29 June the Gagauzia CEC registered Mr. Aladov candidacy and at the same time appealed the court decision to the Supreme Court of Justice. On the same day the Civil, Commercial and Administrative Extended Board of the Supreme Court of Justice, after examining the CEC decision on invalidation of some of the support signatures submitted by the plaintiff, ruled that the number of submitted signatures was insufficient for the registration, hence repealed the ruling of the Appeal Court in Cahul. The appeal to the second instance court overlapped with printing ballots. Hence, the CEC after registering Vasiliu Aladov proceeded with printing ballots including his name, to subsequently instruct the PEBs to put a stamp “withdrawn” on the name of Mr. Aladov on all the ballots. (EC Art. 46.7)

*The Electoral Code should set a deadline, after which the validity of candidatures may no longer be challenged. The timeframe for the verification process of the candidatures needs to be adjusted accordingly.*

Complaints on actions and inactions of the *bashkan* candidates and on campaign finance should be submitted to the Gagauzia CEC (EC Art. 66.6) but in case the subject of complaint concerns intentional use on non-declared financial resources by the candidate during elections, exceeding the ceiling of electoral fund (40 MDL per voter), intentional use of financial and material resources from abroad – the CEC should refer the complaints to court for adjudication. CEC received a number of complaints on campaigning before electoral period and violation of campaign finance regulations. All complaints were found inadmissible.<sup>56</sup>

On 6 June, the candidate Dimitri Manol submitted a statement (*zayavleniye*) to the Gagauzia CEC and to the Ministry of Education on misuse of administrative resources. The complainant posited that the Head of Education Department obliged all school directors to report on the number of personnel that participated in the *bashkan* election and threatened of consequences, including job dismissal, for those who would not vote on 30 June. According to the Electoral Code (EC, Art. 66) the complaint can be filed on action or inaction of a candidate. Since Mr. Manol’s statement considered actions of the Head of Education Department, the CEC found it

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<sup>56</sup> On 26 March 2019 Leonid Dobrov filed a complaint against Irina Vlah for launching campaign activities before the completion of the candidate registration process. On 29 March 2019 Mr. Dobrov filed with the CEC two inquiries: whether Ms. Vlah has the right to appeal for votes before beginning of electoral campaign and what are the sources of financing of her billboard campaign. On 4 April 2019 the PA deputies Dmitrii Manolov and Serghei Chernev filed with CEC a complaint alleging that signatures in support of Irina Vlah were gathered with assistance of all public institutions of Gagauzia and that billboards with photo of Irina Vlah were posted before electoral period and without information on the sources of funding, hence violating the Electoral Code provisions.

inadmissible. However, according to the Electoral Code, if the subject of a complaint does not fall within competences of an electoral organ to which it was submitted, the complaint should be forwarded to a competent to organ within two calendar days. (EC, Art. 67.5) Misuse of administrative resources and assistance in it are criminal offences subject to punishment ranging from a fine of 4,000 to 6,000 conventional units<sup>57</sup> (200,00 to 300,000 MDL or about 10,000 to 15,000 EUR) to three years of imprisonment, along with deprivation of holding certain offices and of engaging in certain activities for two to five years (Criminal Code of Moldova, Art. 181.2).<sup>58</sup>

*The legal framework should provide a clear jurisdiction in case of electoral complaints on the misuse of administrative resources both by candidates and third parties, to provide effective enforcement mechanism to prevent the violation.*

On the election day the CEC received 13 complaints, of which 11 were submitted by Dimitri Manol and one by Serghei Cimpoiies. Mr. Manol in his complaints alleged instances of vote buying and coercion to vote. Both aforementioned candidates filed complaints on PEBs' decisions to prolong voting beyond 21:00 hours. CEC found all complaints as inadmissible due to lack of sufficient evidence, although in cases of complaints on decisions of election administration bodies the burden of proof lies with the latter (EC Art. 66.5). The requirements for admissibility of complaints ensure that courts and electoral bodies are not burdened with irrelevant or frivolous challenges but they cannot undermine the right to appeal and effective remedy within the electoral framework.<sup>59</sup>

*To ensure due protection of the right to appeal and to effective remedy, the grounds for admissibility of complaints should be further clarified in the legislation.*

On 4 July Serghei Cimpoiies filed a petition in front of the Appeal Court of Comrat to cancel the CEC decision from 2 July "On final results of the *bashkan* election". Mr. Cimpoiies challenged the preparation and accuracy of voters' list, grounds for prolongation of voting beyond 21:00 hours. The plaintiff challenged legality of the election (EC, Art. 113), posited it did not pass the threshold of 50 per cent turnout (the Legal Code, Art. 61.1), and requested repeated elections (EC, Art. 114.5). On 9 July the Appeal Court of Comrat recognized legality

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<sup>57</sup> One conventional unit equals 50 MDL.

<sup>58</sup> 2015 ODIHR and the Venice Commission Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources During Electoral Process. Guideline II.C.2.2. Civil servants who misuse administrative resources during electoral processes should be subject to sanction, including criminal and disciplinary sanctions, up to the dismissal from office.

<sup>59</sup> "The electoral law should lay down the grounds upon which complaints and appeals are admissible. Any complainant should be duly notified in writing of the decision as to whether his/her petition was considered admissible or not, with reasons given." 2000 ODIHR Resolving Election Disputes in the OSCE Area: Towards a Standard Election Dispute Monitoring System by Denis Petit. Page 13.

of the election and legitimacy of Irina's Vlah mandate, at the same time dismissing the petition of Serghei Cimpoies. The latter appealed the Court's decision to the Supreme Court of Justice, which upheld the ruling of the first instance.

## XII. ELECTION DAY

According to the Electoral Code voting takes place from 7:00 till 21:00 hours. On election day the Pilirigrim-Demo EOM deployed STOs to all 66 PEB. Opening, voting, and counting during the election day generally was well-organized and the polling stations were equipped with all electoral material. The EOM assessed 24 PEBs as not accessible for voters with physical disabilities, contrary to the Moldova's commitments pursuant the UN Convention on the Rights of Persons with Disabilities (CRPD) and international recommendations.<sup>60</sup>

Almost all PECs opened on time; the observers assessed the opening as 'good' and 'very good'.<sup>61</sup> The voting process was assessed positively in all PEBs. For the first time during these elections CEC installed two surveillance cameras per each PEB. CEC explained it as a tool to ensure transparency and evidence in case of electoral complaints.

Although voting was generally efficient and smooth, procedural inconsistencies were noted during closing. EOM observed that 27 PEBs closed voting after 21:00 hours, in one case the vote was even delayed beyond 22:00 hours.<sup>62</sup> According to the Electoral Code, PEBs are entitled to extend the voting and delay closing of the polling station in case if there is a queue in the polling station at the time of closing. The vote, then, can be extended up to two hours and PEB should notify the DEC and CEC about the extension (EC Art 53.7). In some PEBs observed by the EOM the vote was extended, despite the fact there was no voters waiting to cast their votes. The PEBs explained that they took the decision about the vote extension for they had information on the voters still on the way to the polling station.

Initially, the fact of voting extensions was brought to the CEC's attention by candidates' representatives. From its side, the CEC declared publicly that it had no reports from PEBs regarding to the extension of vote. Later, the CEC issued another statement, in which it noted that some PEBs had consulted with the CEC before 21:00 hours on the possibility of extending the vote. The issue revealed the lack of clarity of the PEBs regarding the circumstances that justify extension of voting as well as the lack of the proper coordination between different tiers

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<sup>60</sup> [UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#), Art. 29, ratified by Moldova on 21 September 2010.

<sup>61</sup> In 10 PEBs observers noted minor delays in opening (10-15 min)

<sup>62</sup> 19 PEBs closed between 21.00 and 21.15, 4 PEBs between 21.16-21.30 and 3 PEBs between 21.31 and 22.00. The chairperson of one PEB (Chadyr-Lunga) informed EOM that the PEB decided to keep the doors open until 22.00 because "people were still coming".

of election administration. Some of the EOM interlocutors argued that the procedurally inconsistent extension of voting was intentional in order to ensure the required 50 per cent turnout.

*In order to avoid the high prevalence of extensions of voting, the CEC may analyse and adjust accordingly the voting procedures, the number of voters per precinct election bureau and the adequacy of voter information. The CEC provide detailed regulations regarding closing and possible voting extension, reinforced by training of PEB members.*

*The CEC should investigate the cases of vote extension. Also, Election Code could be amended in order to avoid misunderstanding and abuse with regard to duration of the vote.*

Counting was overall assessed positively with the exception of two PEBs where observers evaluated counting as bad. Also, in two PEBs observers noted that unused ballots were not counted before ballot boxes opening and in three cases the PEB did not mark the unused ballot with «cancelled» stamp. In five PEBs the ballot box seals were not checked before opening of the boxes. In three PEBs the number of used ballots for mobile voting did not match with the numbers allocated for this purpose. The transfer of election materials and ballots to the DECes were assessed positively. All observers enjoyed an unconstrained access to all stages of election day proceedings.

At 22:00 hours the CEC announced the voter turnout of 50.35 per cent. The preliminary results of the vote were announced on 1 July 2019.

### **Mobile voting**

Alternative method of voting, i.e. mobile ballot box, could be requested. In a number of PEBs visited EOM observed that mobile (or home-bound) voting was requested on behalf of some voters by persons who are legally ineligible to do so.<sup>63</sup> Majority of the requests were made on the grounds of old age and poor health condition. Out of all PEBs visited by EOM only one, PEB 25 in Vulkaneshti, strictly followed the mobile vote procedures.

Although the mission did not have a systematic observation of the mobile vote on election day, in cases observed by the EOM at times voters were not aware of applying for home-bound voting and were surprised to encounter PEB members at their domiciles. On some occasions the voter was not able to read, understand and stamp the ballot, and were assisted either by relatives or PEB members.<sup>64</sup>

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<sup>63</sup> According to the [CEC Regulation on procedures of voting with the use of the mobile box](#) only close relatives and social workers can request mobile vote on behalf of a voter, while this time neighbors, distant relatives and other persons requested it.

<sup>64</sup> EOM observed around 20 votes cast in the village of Kirsovo



In general, international good practices consider voting through mobile ballot box undesirable due to the high risk of possibility of fraud. “Should they nonetheless be used, strict conditions should be imposed to prevent fraud, including the attendance of several members of the polling station election commission representing different political groupings”<sup>65</sup>. Also, heavy reliance on home-bound voting method for enfranchising voters with physical disabilities is not recommended by electoral good practice.<sup>66</sup>

*Consideration should be given to introduce stricter requirements to the application for mobile voting via proxy and further detail the procedures to safeguard the integrity of the election process..*

### **XIII. RECOMMENDATIONS**

#### **Legal framework**

- 1. Harmonization of the Election Code with the provisions of the Legal Code needs to be undertaken. Lowering the turnout’s threshold to 30 per cent should be considered.*
- 2. In line with OSCE commitments and international recommendations, legal provisions on political parties should be examined in order to allow for political pluralism at the regional and local level.*

#### **The election administration**

- 3. The authorities should make sure that sufficient safeguards are in place for the independence and impartiality of election administration to improve public confidence as well as to avoid political polarization.*

#### **Voter registration**

- 4. Limitations on the active voting right should be reviewed to ensure compliance with OSCE commitments and other international obligations and standards. The withdrawal of individual franchise in case of a criminal conviction must be proportionate to the severity of the offence.*

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<sup>65</sup> Paragraph 40, Section 3 of the CoE Code of Good Practices.

<sup>66</sup> „General reliance on voting assistance and alternative voting as a way to ensure the political participation of persons with disabilities would not be consistent with the general obligations undertaken by States Parties under articles 4 and 29 of the Convention”. Paragraphs 58 and 74, [Thematic Study of the UN High Commissioner for Human Rights on Participation in Political and Public Life by Persons with Disabilities](#), 2011.

5. *The possibilities of providing CEC Gagauzia with more authority in the area of voter registration could be explored on the national level.*
6. *CEC should make better efforts in providing other election stakeholders with more reliable and clear guidelines and instructions in order to avoid confusion.*

### **Registration of candidates**

7. *Limitations on the right to stand should be reviewed to ensure that the disqualification based on a criminal conviction is proportionate to the gravity of the offence. Education requirements should be removed.*
8. *Legal provision on composition of the Linguistic Commission should ensure its independence from the executive of Gagauz Autonomy.*
9. *Consideration could be given to lower the number of required support signatures to no more than one per cent of voters, and to remove the upper limit of submitted support signatures.*
10. *In order to ensure a meaningful opportunity for the candidates to secure their names on the ballot, the legislative provision that allow a voter to sign in support of only one candidate should be removed.*

### **Campaign environment**

11. *In order to provide a level playing field for all contestants, the registration process, including consideration of any complaints and appeals, should conclude before the start of the campaign.*
12. *The legal definition of misuse of administrative resources needs to be broadened to include all cases of misuse of assets and positions by the candidates and third parties to influence the electoral outcome.*
13. *In order to ensure the neutrality of the civil service, activities considered as campaigning should be defined and forbidden to civil servants when acting in their official capacity. Awareness raising on the importance of a fair use of administrative resources during electoral processes should play an important part of voters' education.*

### **Campaign finance**

14. *In order to nourish a level playing field and strengthen political pluralism, public funding for candidates' campaigns could be considered.*
15. *To strengthen the campaign finance oversight, candidates' financial reports should be subject to audits by an independent finance control institution. The audits should be published within a reasonable timeframe and contain consolidated and detailed information. Further regulation on in-kind donation disclosure and reporting could be considered to increase transparency of campaign finance.*
16. *The final report on candidates' campaign finance should be after*

### **Complaints and appeals**

17. *In order to avoid 'forum shopping' and possible inconsistencies in adjudication, the Election Code should provide for a clear demarcation of the respective jurisdictions of the courts and the electoral bodies regarding electoral complaints and appeals.*
18. *The legal framework should set a clear hierarchical appellate procedure for electoral complaints and appeals, also for cases of repeated or concurrent complaints on the same matters.*
19. *The Electoral Code should set a deadline, after which the validity of candidatures may no longer be challenged. The timeframe for the verification process of the candidatures needs to be adjusted accordingly.*
20. *The legal framework should provide a clear jurisdiction in case of electoral complaints on the misuse of administrative resources both by candidates and third parties, to provide effective enforcement mechanism to prevent the violation.*
21. *To ensure due protection of the right to appeal and to effective remedy, the grounds for admissibility of complaints should be further clarified in the legislation.*

### **Election day**

22. *The CEC should investigate the cases of vote extension. Also, Election Code could be amended in order to avoid misunderstanding and abuse with regard to duration of the vote. For instance, it can be provided that the doors of the PEB shall be closed at 21.00 and only people who are within polling station by that time are allowed to vote.*

23. *Since the turnout requirement (50%) put a huge pressure on sides, the law could be amended to modify this.*
24. *Consideration could be given to introduce stricter requirements to qualify for mobile voting and further detail the procedures to safeguard the integrity of the election process. Identified shortcomings and malpractices with the administration of homebound voting should be addressed during training of election staff and adequately followed up by the authorities.*

#### XIV. ANNEXES

##### ANNEX I: FINAL RESULTS ANNOUNCED BY THE CEC GAGAUZIA

Total number of voters in the voter's lists	106306
Number of voters in supplementary voters' lists	3511
Number of voters who received ballots	55380
Number of voters who voted	55380
Invalid ballots	879
Number of valid votes	54501
<b>Voter Turnout</b>	<b>50,42%</b>

Name of the candidate	Number of votes received	Percentage
Irina Vlah	49742	91,20%
Serghei Cimpoies	3932	7,21%
Ivan Burgudji	481	0,87%
Dmitrii Manol	346	0,64%

## ANNEX II: RESULTS OF PARALLEL TABULATION BY PILIGRIM-DEMO

Total number of voters in the voter's lists	106322
Number of voters in supplementary voters' lists	3511
Number of voters who received ballots	55379
Number of voters who voted	55371
Invalid ballots	879
Number of valid votes	54508
<b>Voter Turnout</b>	<b>50,41%</b>

Name of the candidate	Number of votes received	Percentage
Irina Vlah	49711	91,20%
Serghei Cimpoies	3932	7,21%
Ivan Burgudji	476	0,87%
Dmitrii Manol	351	0,64%