

ELECTION OBSERVATION MISSION  
ELECTIONS TO THE PEOPLE'S ASSEMBLY OF GAGAUZIA  
19 SEPTEMBER 2021

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STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS  
FIRST ROUND  
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## PRELIMINARY CONCLUSIONS

*The 19 September elections to the People's Assembly of Gagauzia were conducted with respect of fundamental rights and freedoms but the perceived lack of independence of the election administration and the poor quality of the voter lists undermined the trust in the electoral process. The electoral legal framework is conducive for conduct of democratic elections, but differences in sizes of the single mandate constituencies distort the principle of equality of vote. The turnout requirement, combined with the problem of Autonomy's depopulation, made some of the institutions responsible for voter registration applying criteria beyond the legal framework to reflect the number of voters de facto living the constituencies. Changes of residence by hundreds of voters shortly before elections raised concerns about possible manipulation of voter lists for electoral gains. The candidates, registered in an inclusive manner, campaigned peacefully but focussed rather on personal achievements and values than on programmatic platforms. The CEC capacity to act as campaign finance oversight body proved insufficient. The election day was calm and the process was assessed overwhelmingly positively but widely used mobile voting compromised the integrity of elections.*

The People's Assembly of Gagauzia (PAG) elections are regulated by the Electoral Code of Gagauzia, which provides legal framework that is generally conducive for the conduct of democratic elections. The Electoral Code was last amended less than two months before elections, against the electoral good practice. The changes include a substantial reform of the electoral administration, decreasing the number of the District Election Commissions (DEC) from 35 to 3. The PAG deputies are elected in 35 single mandates constituencies, which size range from 418 to 5,648 voters, which distorts the principle of equality of vote.

The elections to the PAG were managed by the Central Election Commission of Gagauzia (CEC), 3 DECs and 66 Precinct Election Bureaus (PEB). The current CEC was appointed on 26 January 2021 and met legal deadlines in preparation for these elections. The sessions of the CEC were open to observers and most of the decisions were published. The DEC sessions were not always announced in advance and in some cases it was not clear whether the DEC decisions were taken in a collegial manner. The overall trust in election administration is low, due to lack of a clear separation between the local authorities and election administration, as well as low level of professionalism and lack of experience. The CEC lacks sufficient human resources to fulfil its duties.

The CEC of Gagauzia is in charge of compiling the Registry of Voters of Gagauzia but the process of building the registry has been complicated with the lack of access to the State Registry of Voters maintained by the CEC of the Republic of Moldova. The voters' lists are compiled for each precinct by local public authorities and consequently presented by PEBs for public scrutiny. The process of voter lists compilation as well their handover from the local authorities to the election administration was not uniform, revealing institutional discretion, the lack of knowledge of procedures as well as lack of resources. Changes of residence to Budgeac constituency by hundreds of voters shortly before elections were perceived as a tool for manipulation of voter lists to secure the electoral victory of a candidate.

Candidates can nominate themselves or be nominated by a political party, a civic organization, an electoral block or an initiative group. In an inclusive process, the CEC registered 123 candidates, of whom 18 were women. 21 candidates represent the electoral bloc of Communists and Socialists (BeCS) and 2 candidates represent the Party “Build Europe at Home” (PACE); the rest of the candidates registered as independent. Some of independent candidates reportedly formed different coalitions which were not formally announced, impeding the voters’ possibility to make a well-informed choice.

The election campaign initially subdued gained momentum closer to the elections day. Some of the candidates raised in their programs issues of strengthening the status of ATU Gagauzia and division of power between the Moldovan and Gagauz government as well outlined plans of infrastructure development projects, improvements in the sphere of education, healthcare and social assistance. Yet, generally little emphasis was put on electoral programs, and more on former accomplishments and personal values. Not all candidates used the opportunity to present themselves in the debates organized by local media outlets. A case of alleged vote buying in Chok-Maidan was reported to the prosecutor’s office, but the investigation has not been completed before the election day. The observers received a number of reports of alleged coercion to vote the dependent on social assistance.

Candidates can finance their campaign with donations from private persons and legal entities from the territory of ATU Gagauzia as well as use their own funds. The law provides for the ceiling on total amount of received donations, which the CEC established for these elections at the level of 40 MDL per number of voters in a constituency. All the financial transactions need to be processed through a dedicated bank account. 79 of 123 candidates opened the bank accounts and submitted their reports on weekly basis as required. The candidates used predominantly their own funds, with the committed amounts not exceeding 10,000 MDL. The CEC is the campaign finance oversight body, yet due to its limited capacities it did not scrutinize the weekly reports and only verified the submitted information at the stage of preparing the final campaign finance reports.

The submission and adjudication of electoral complaints and appeals are subject to expedited timelines, in line with international good practice. Yet, the cases referred to prosecutor’s office and police for investigation, were examined within regular administrative framework endangering/compromising the right to effective remedy. The Election Code does not provide for a clear demarcation of the respective jurisdictions of the courts and the electoral bodies regarding complaints on election administration, which can undermine the development of reasoned decisions and stable administrative and court practice for protection of electoral rights.

The election day was calm, with no major instances reported. The opening, voting, and counting were assessed positively in over 90 per cent of the 66 PEBs. The Short Term Observers (STO) reported instances of unauthorized persons presence at the polling stations, overcrowding and four cases of attempts to influence voters by PEB members and candidates. The process of tabulation of the results at the DEC started less orderly, with long queues and poor organization, and improved at a later stage. The mobile voting was used widely, in some polling

stations amounting to 11 per cent of the cast votes, at odds with electoral good practice. The EOM received numerous reports of alleged vote-buying, yet none of them were confirmed.

## PRELIMINARY FINDINGS

### I. BACKGROUND

Following the 20 November 2016 elections to the People's Assembly of Gagauzia (PAG) - *Gagauzianin Khalk Toplushu* – the legislative of the Autonomous Territorial Unit (ATU) Gagauzia, the Assembly was composed of six members affiliated with the Party of Socialists of the Republic of Moldova (PSRM) and one with the Democratic Party of Moldova (PDM), the remaining 28 deputies were independent. There were only three women deputies in the previous PAG, which constitutes 8.5 per cent of the Assembly, at odds with international commitments.<sup>1</sup> The head of Gagauzia is *bashkan*, who leads the executive and is an ex officio member of the Moldovan Government. The incumbent *bashkan*, Irina Vlah, was elected for her second term in 2019, winning 91.2 per cent of votes in the first round.

The PAG elections were initially scheduled for 16 May 2021 and the candidates' registration – which is to start 60 day before elections – commenced. However, on 31 March the Parliament of Moldova declared a state of emergency due to the pandemic situation. Pursuant the decision, the electoral process was suspended in accordance with the State of Emergency Law.<sup>2</sup> The 19 September PAG elections take place after a profound change on the Moldovan political landscape following the results of the 11 July early parliamentary elections, which brought a firm victory of the Party of Action and Solidarity (PAS).

### II. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The PAG elections are regulated by the Electoral Code of Gagauzia from 31 July 2015, which provides legal framework that is generally conducive for the conduct of democratic elections. The Electoral Code established the Central Election Commission (CEC), as a permanent election management body of the ATU.

The Electoral Code was last amended on 16 July 2021, less than two months before elections, against the electoral good practice.<sup>3</sup> The amendments decreased the number of the District

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<sup>1</sup> Article 7(b) of CEDAW. Paragraph 45 of [General Recommendation 23 on CEDAW](#) by the UN Committee on the Elimination of Discrimination Against Women provides that „[m]easures should be identified, implemented and monitored [...]to: (a) Achieve a balance between women and men holding publicly elected positions”

<sup>2</sup> [Law № 212 on the State of Emergency](#) from 24 June 2004, Art. 5.1.

<sup>3</sup> 2002 Venice Commission Code of Good Practice in Electoral Matters, Section II.2.b. The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.

Election Commissions (DEC) from 35 to 3. Furthermore, the provisions stipulating that a voter whose domicile and residence addresses differ should vote in PAG elections in the place of its temporary residence, were changed assigning the voter to the voter list in its domicile (Electoral Code Art. 9.2 and Art. 39.7). The amendments related to the place of vote were repealed by the Appeal Court of Comrat and subsequently by the Supreme Court of Justice.<sup>4</sup> Hence the voters whose domicile and residence addresses differed could vote based on their temporary residence. The Supreme Court decision had certain implications for election administration (*See: Election administration and Voter registration respectively*).

The PAG deputies are elected in 35 single mandates constituencies, through a majoritarian system, where the winning candidate must receive more than fifty per cent of valid votes. If no candidate obtains such a majority, a second round of election is to be held between the two leading candidates. The elections need to be repeated if less than a third of voters registered in a constituency cast their votes. The repeated elections do not have to meet any turnout threshold.

By law, each locality should have no less than one deputy, and although a deputy of the PAG represents 5,000 voters, the number of voters in constituencies ranges from 5,648 voters (Comrat constituency #2) to 418 voters (Karboliya).<sup>5</sup> Such delineation of constituencies distorts the principle of equality of vote.<sup>6</sup>

### III. THE ELECTION ADMINISTRATION

The elections to the PAG are managed by the CEC of Gagauzia, 3 DEC and 66 Precinct Election Bureaus (PEB). The CEC is a permanent body, appointed for 5 years, while DEC and PEBs are temporary bodies appointed before each election. Women are well represented in the election administration. Five of the nine members of the CEC, including the chairperson, the deputy and the secretary are women. Women constitute 76 per cent of the DEC members and 91.8 per cent of the PEB members. None of the DEC and 56 of the 66 PEBs (85 per cent) are chaired by women.

The CEC is approved by the PAG and composed of nine members equally nominated by the PAG, the Executive Committee of Gagauzia and the courts of Comrat, Chadir-Lunga and

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<sup>4</sup> Respectively: the Appeal Court of Comrat Decision №3-19/2021 from 4 August 2021 and the Decision of the Supreme Court of Justice from 8 September 2021 (File number 3ra-893/21).

<sup>5</sup> See [DECs Protocols for 2016 GPA elections](#).

<sup>6</sup> The Venice Commission, in Section I.2 of its [Code of Good Practice in Electoral Matters](#), recommends that “seats must be evenly distributed among constituencies”, whereas Section I.22.iv of the Explanatory Report provides that “[t]he permissible departure from the norm should not be more than 10%, and should certainly not exceed 15% except in special circumstances”. Paragraph 21 of [General Comment 25 to Article 25 of the ICCPR](#) provides that “[...] The principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another. The distribution of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group [...]”.

Vulkaneshti districts.<sup>7</sup> The manner of nomination of the CEC members does not ensure the Commission's impartiality, especially if political affinities of the Executive Committee coincide with those of majority of the PAG. Some interlocutors met by the EOM raised concerns about the CEC's alleged political and institutional dependence on the Executive Committee and about the lack of experience of the newly appointed CEC members.

The CEC met legal deadlines in preparation for the elections. Its sessions were open to observers and announced on CEC website and via a Viber group either a day before or on the day of the session.<sup>8</sup> The sessions observed by the EOM were generally short and formalistic; the decisions were adopted unanimously and without deliberation. At the beginning of the electoral process the CEC published on its website the minutes from its sessions and the decisions but later discontinued the practice, decreasing the transparency. The CEC also published the decisions and resolutions adopted by DEC's.

The CEC Secretariat is composed of six employees, including technical staff. The Commission raised concerns regarding the scarce human resources, insufficient to perform all the tasks prescribed by the Electoral Code. Moreover, the rudimentary structure of the Secretariat does not allow for building institutional memory, which the changing CECs could have relied on.

DECs consist of 7 to 11 members, nominated by local government bodies, among which at least two members should have law or public administration degree.<sup>9</sup> Drawing the DEC members from district administration employees often resulted in the commission members performing the duties of both public and election administration. This double burden infringed the perceived integrity of the DEC's as well as proper implementation of the election administration responsibilities. The lack of a clear separation between the local authorities and election administration is contrary to international good practice.<sup>10</sup> The DEC sessions were not always announced in advance, diminishing the transparency; sessions attended by the LTOs were

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<sup>7</sup> Pursuant reforms of the judiciary, the courts of Chadyr-Lunga and Vulkaneshti were given the status of territorial branches of the Court of Comrat. The change has not been reflected in the Election Code of Gagauzia.

<sup>8</sup> Since 18 August the announcements and the agendas of the sessions were posted only on the Viber group. According to the Electoral Code of Gagauzia, the CEC sessions should be open to observers and media with the announcements of the session made 48 hours in advance. During the electoral period the urgent sessions may be announced within a shorter timeframe.

<sup>9</sup> In case of the DEC's the public governance body is the district administration (*rayonnaya administratsiya*) which is a non-elected body representing the Executive Committee at the district level.

<sup>10</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".

assessed as short and formalistic at times. In some cases it was not clear whether the DEC decisions were taken in a collegial manner.<sup>11</sup>

The PEBs are composed of 5 to 11 members, depending on the number of voters within a given precinct. The local councils provide the lists of candidates for PEB members to be approved by the DEC, which was done in a timely manner.<sup>12</sup> Due to the COVID-19 pandemic, until the election day PEBs located in the educational institutions had a seat in local administration buildings. Some of the PEBs visited by the EOM were closed, occasionally with information on the changed location of the PEB office, which limited voters' access.

The CEC Moldova and its Centre for Continuous Electoral Education (CICDE) delivered trainings for all DEC and PEB members. The CICDE also developed and published manuals for DEC and PEB members, including detailed instruction on COVID-19 prevention measures to be applied during elections.<sup>13</sup>

On 20 July the CEC established 35 electoral constituencies that coincide with the administrative division of the autonomy. Election precincts are established by DEC no later than 45 days prior to the voting day and include from 30 to 3,000 voters. On 18 August the Comrat DEC took the decision to change the delimitation of boundaries between two constituencies in Comrat, reasoning the boundaries applied initially are used for Moldovan elections, which differ from those in Gagauzia. The differences in delimitation of constituencies' boundaries could be confusing to the affected voters.

The three-tiered election administration does not function as a hierarchical election management body. The DEC and PEBs develop their own dynamic of electoral management, which relies on people from the localities, appointed by district administration and local councils respectively. The LTOs reported instances of *inter alia* PEB members taking over an advisory role for other PEBs and election commissioners seeking an advice of a CICDE trainer rather than the CEC. The general trust in the impartiality of the election administration, especially DEC and PEBs, is low. A number of interlocutors posited the commissioners would coerce the votes of elderly and vulnerable, knowing their dependence on the public social assistance.

The CEC of Gagauzia is not part of the national election administration system and is not reflected in the national electoral legal framework. Hence, during elections within autonomy the election administration does not employ the State Automated Information System "Elections" (SAISE) - an electronic tool used in national elections for voter registration, managing the data and documentation on election administration bodies, registration of

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<sup>11</sup> For instance, at DEC sessions observed by the EOM in Chadir Lunga the agenda was not distributed and the items were discussed randomly and chaotically. Some issues were discussed "in advance" to "avoid more sessions in the future".

<sup>12</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>13</sup> The trainings and publications are supported by the Council of Europe.

candidates and observers, and submission of campaign finance reports by the contestants. The fact has implications especially for the voter registration process. (*See: Voter Registration*)

#### IV. VOTER REGISTRATION

Citizens of the Republic of Moldova, permanently residing within ATU Gagauzia, and who are 18 or older, have the right to vote. Convicts, regardless of the gravity of committed crime, and legally incapacitated persons are deprived of the right to vote. These blanket restrictions are contrary to international standards and good practice.<sup>14</sup>

While the CEC of Gagauzia is legally in charge of compiling the Registry of Voters of Gagauzia, it does not have access to the State Registry of Voters maintained by the CEC of the Republic of Moldova.<sup>15</sup> The CEC also informed EOM that the Registry of Voters for Gagauzia, provided by the law, does not exist in practice. The local public authorities provide the CEC with annual updates of the voters' lists prepared on the basis of citizens' permanent residences (domiciles). The voters' lists are compiled for each precinct by local public authorities and consequently are presented by PEBs for public scrutiny no later than 20 days before elections and posted on the CEC website.<sup>16</sup>

On 20 July the CEC instructed the heads of local public administration to update the voter lists in line with the provisions of the previous CEC regulations and the PAG resolution providing that taking into consideration effective spending of public funds and the depopulation of Gagauzia, the voters' lists should be formed in a manner which ensures that the number of voters registered per locality for 19 September PAG elections does not exceed that of 2019 *Bashkan* elections.<sup>17</sup> Although the Appeal Court of Comrat revoked the PAG decision, the CEC repealed its instruction almost a month later, in conjunction with the ruling of the Supreme Court of Justice on the place of vote. (*See: Electoral system and legal framework*).<sup>18</sup>

The local authorities met by EOM reported applying different principles to the compilation of voters' lists, ranging from solely removing the deceased and adding those who turned 18, to removing the citizens who do not live in a locality for a prolonged period of time. Also the practice of handover of voters' lists from the local authorities to the election administration was

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<sup>14</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 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>15</sup> Art 38 of the Election Code of Gagauzia.

<sup>16</sup> Complaints regarding the accuracy of the voter lists can be lodged until a day before election day with the PEB, whose decisions can be appealed to the courts

<sup>17</sup> There is a stark difference between the number of voters on the voters' lists for Moldovan and Gagauz elections. The number of voters registered for the 2019 *Bashkan* elections amounted to 106,435, whereas the number of eligible voters in Gagauzia for 11 July 2021 early parliamentary elections was 129,910.

<sup>18</sup> See respectively: the Appeal Court of Comrat Decision №3-19/2021 from 4 August 2021 and CEC Decision № 59/1 (281) from 9 September 2021.



not uniform, revealing the lack of knowledge on procedures as well as lack of resources.<sup>19</sup> In Comrat, 10 out of 12 PEBs noted in the provided lists double entries of in total some 950 voters, according to the DEC Chairman. Public scrutiny was limited due to little interest of voters and premises of the PEB offices changed for COVID-19 prevention measures. The CEC informed the EOM that 113,762 voters are eligible to vote in the 19 September elections to the PAG.

Following the ruling of the Supreme Court of the Republic of Moldova, which confirmed that the voters whose domicile and residence addresses differ should vote in the places of their temporary residence, the CEC instructed the local authorities to arrange the voter lists accordingly. The changes related predominantly to Budgeac constituency, where after including the voters with temporary residence the number of registered voters increased from 1,095 to 1,824.<sup>20</sup> Changes of residence to an apartment building in Budgeac by hundreds of voters shortly before elections were perceived by many EOM interlocutors as an attempt to manipulate voter lists to secure the electoral victory of a candidate.<sup>21</sup> The owner of the building, who runs in PAG elections from Budgeac constituency, denied allegations.<sup>22</sup>

Due to a health condition or any other valid reason voters may request the possibility of mobile voting. The voters themselves, their relatives or the social workers can submit the requests to PEBs until a day before elections without any additional justification. Moreover, the requests can be submitted until 15:00 hours on election day if supported by a medical certificate. A number of interlocutors raised concerns that the mobile voting can be abused and manipulated as requests could be made to the PEBs without the voters' knowledge. Such unrestricted use of mobile voting is at odds with the electoral good practice.<sup>23</sup>

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<sup>19</sup> The CEC informed EOM that local authorities do not have printers for A3 format to print voter lists and therefore transferred the voter lists to the CEC in an electronic form, with a request to print them. The *primaria* of Chadir-Lunga informed the CEC that the voter lists had errors and asked for reprinting.

<sup>20</sup> The number of voters in precincts #36 and #37 rose respectively from 605 to 784 and from 490 to 1,040.

<sup>21</sup> According to the [OSCE Existing Commitments for Democratic Elections in OSCE Participating States](#), 'the absence of a permanent residence should not prevent an otherwise qualified person from being registered as a voter.' (...) However, in order to vote in local or regional elections, a reasonable period of residence in the area may be required", 6 October 2003. Yet, the Venice Commission, [Code of Good Practice in Electoral Matters](#) is more prescriptive on the matter and states that "a residence requirement for local and regional elections is not an incompatible with the principle of universal suffrage, "if the residence period does not exceed a few months". CDL-AD (2002) 23, October 2002

<sup>22</sup> According to the *primar* of Budgeac around 450 voters were registered in the apartment building (Pavlov str, 5) between December 2020 and April 2021, which would constitute 70 per cent of increase of the village electorate since the initial number of registered voters was 615. According to the Budgeac candidate Vladimir Kyssa, this relocation of voters aims to manipulate the elections' results in favour of Mr. Kyssa's competitor and the building owner - Aleksandr Chendighlean.

<sup>23</sup> 2002 the Venice Commission, [Code of Good Practice in Electoral Matters Section I.3.2.vi](#) provides that "mobile ballot boxes should only be allowed under strict conditions, avoiding all risks of fraud", specifying further that mobile ballot box "often causes problems and risks of fraud". "The use of mobile ballot boxes is undesirable because of the attendant serious risk 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." (Paragraphs 39 and 40 of Explanatory Report respectively).

## V. REGISTRATION OF CANDIDATES

The nomination of candidates started 60 days before and ended 30 days before election day, in line with legal deadlines. Candidates can nominate themselves (independent candidates) or be nominated by a political party, a civic organization, an electoral bloc or an initiative group. Parties, electoral blocs and civic organisations may nominate only one candidate per each electoral district. A person can be a candidate from only one constituency.

Candidates should collect no less than 100 and no more than 150 support signatures on the templates provided by the CEC in order to be registered.<sup>24</sup> Pursuant the CEC Regulation on Support Signatures if a voter signs for more than one candidate, only the signature that was given first is considered valid.<sup>25</sup> This limitation is contrary to previous recommendations and international good practice.<sup>26</sup>

The CEC registered 123 candidates, of whom 18 are women. In 64 per cent of constituencies (19) there are solely male candidates on the ballot. 21 candidates represent the electoral bloc of Communists and Socialists (BeCS), 2 candidates represent the Party “Build Europe At Home” (PACE); the rest registered as independent.<sup>27</sup> The biggest number of candidates, i.e. seven, registered in Comrat constituencies #1 and #4. The voters in the Kotovscoe constituency are presented with no electoral choice as only one candidate runs there for the PAG.

A financial statement, listing properties and incomes obtained over the last two years, is one of the documents required for candidates’ registration. Some commentators questioned consistency and transparency of the submitted statements.<sup>28</sup>

In Budgeac constituency there are two candidates of identical names, i.e. Vladimir Kyssa. While one is the incumbent PAG chairperson, the other is a candidate, whose registration was initially rejected by the CEC due to insufficient number of submitted signatures, yet the decision

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<sup>24</sup> If the number of voters registered in a given district is smaller than 500, a candidate may submit minimum 50 and maximum 75 signatures supporting his candidacy.

<sup>25</sup> CEC Regulation on Compilation and Verification of Support Signatures (№287/63 from 1 February 2019). While the CEC regulation admits a possibility of giving signatures to more than one candidate, according to Contravention Law of Moldova (Article 51) a voter giving intentionally support signature to more than one candidate can be sanctioned with the fine of 9 to 15 conventional units ..

<sup>26</sup> Paragraph 77 of the [2010 OSCE/ODIHR and Council of Europe Venice Commission Guidelines on Political Party Regulation](#) states that “in order to enhance pluralism and freedom of association, legislation should not limit a citizen to signing a supporting list for only one party”

<sup>27</sup> The Moldovan Law on Political Parties provisions requiring for a political party registration 4,000 members and a territorial representations comprised of at least 120 members in each of at least half of Moldova’s 32 districts were found unconstitutional ([Constitutional Court Decision from 25 February 2020](#)). Although [the amended provisions](#), decreasing the required size of the membership to no less than 1,000 and abrogating the requirement of territorial representation in at least 16 districts, would allow for parties of regional character on the territory of Gagauzia, none of the registered candidates represents a party of a regional level (*See: Candidates registration*).

<sup>28</sup> See for example: [Кандидат с миллионными доходами и пенсионер: кто баллотируется в депутаты НСР по округу №2](#) (A candidate with millions of income and a pensioner – who runs in PAG elections in constituency #2), GagauzInfo.md, 9 September 2021.

was repealed by the Appeal Court of Comrat, ordering the CEC to register the candidate.<sup>29</sup> (*See Complaints and Appeals*).

## VI. CAMPAIGN ENVIRONMENT

A candidate can campaign from the moment of completion of the registration process until the electoral silence, which starts 24 hours before the election day, at odds with the electoral good practice which recommends the commencement of campaign period after the completion of the candidates' registration to ensure a level playing field.<sup>30</sup> The law provides candidates with an equal access to public venues for holding meetings and rallies. Furthermore, all localities need to secure a place for display of candidates' agitation materials.

The election campaign initially subdued gained momentum closer to the elections day. The candidates organized outdoors meetings, and meetings with representatives of different professional groups. Furthermore, they presented their programs through leaflets and social networks, Facebook and at times Instagram. The regional public broadcaster Radio Television Gagauzia (GRT) and the Internet portal Nokta organized debates with candidates. Not all the candidates used that opportunity to present themselves to the electorate.

Although 100 out of 123 candidates registered as independent, reasoning the political parties enjoy little public trust, they formed informal coalitions. The EOM was informed about *inter alia* the informal coalition formed on the basis of the *Devlet* movement led by Nicolai Dudoglo and about a group of candidates enjoying an endorsement of the incumbent *bashkan*. The LTOs observed joint campaign events organized by a number of candidates, with the outgoing PAG chairman at the helm. Neither of those coalitions was formally announced, which impedes the voters' possibility to make a well-informed choice. The BeCS candidates run a coordinated campaign, presenting a harmonized electoral program and holding joint events attended by BeCS' members of parliament (MPs), including the former President Igor Dodon.

The BeCS and independent candidates with previous experience in the PAG or the Executive Committee raised in their programs issues of strengthening the status of ATU Gagauzia, division of power between the Moldovan and Gagauz government and reinstatement of the joint working group of the Parliament and the People's Assembly, which was established in 2016. Some contestants outlined in their programs plans of infrastructure development projects, improvements in the sphere of education, healthcare and social assistance. Yet, generally little emphasis was put on electoral programs, and more on former accomplishments and personal

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<sup>29</sup> Vladimir Kyssa (DoB 1963) was initially rejected the registration for some of his support signatures came from citizens who had vouched their support for another candidate, and were hence considered invalid. The CEC accepted only 92 of the submitted support signatures – a number insufficient for the candidate's registration. The CEC informed the EOM that the support signatures of Mr. Kyssa (DoB 1963) were sent for investigation to the prosecutor's office, which referred the case to the police.

<sup>30</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.

values. The majority of interlocutors were of the opinion that the victory in the PAG elections depends more on candidates' reputation, then on their programs. The issues of the exclusion of the Gagauzia's prosecutor from the Supreme Council of Prosecutors, the criticism towards the General Prosecutor Alexandr Stoyanoglo at the central level, as well as the status of Russian language in Moldova surfaced in the course of campaign discourse. A number of EOM interlocutors stated the PAG elections' results would have an impact on the 2023 *bashkan* election.

The NGO *Tu nu ești singur* (*You are not alone*) submitted to the Gagauzia prosecutor's office an information about an alleged vote-buying in Chok-Maidan constituency by a candidate, who is the main shareholder in an enterprise SRL "Maidan-Group", while the latter offered a material assistance to Chok-Maidan citizens in need. The prosecutor's office referred the case to the police for investigation.<sup>31</sup> The EOM observed isolated cases of black PR. A few interlocutors alleged existence of fake Facebook accounts spreading slender messages.

The EOM observed in Chadir Lunga the DEC and PEB members as well as the head of the district administration attending a meeting with BeCS candidates at the premises of district administration. Electoral Code forbids participation of DEC and PEB members in campaign events. (EC Art. 32.5). The CEC informed EOM it was aware of the case but took no action since no complaint was filed on the DEC and PEB actions.

## VII. CAMPAIGN FINANCE

The Electoral Code of Gagauzia and the CEC Instruction on Campaign Finance No 29/8 adopted on 24 September 2016 regulate campaign finance. The PAG candidates can finance their campaign with donations from private persons and legal entities from the territory of ATU as well as use their own funds. The law provides for the ceiling on total amount of received donations, which the CEC established for these elections at the level of 40 MDL per number of voters in a constituency. Donations from foreigners, publicly funded organizations, anonymous persons as well as charity, religious and professional organizations are forbidden. The Election Code provides that the financial and other types of material means used in the campaign should be declared and published in the media; registered candidates should announce those means before using them. Candidates should also register with the CEC their financial representatives, a requirement that was criticized by some contestants as unnecessary bureaucratic burden considering the low campaign budgets in the PAG elections.

Contestants in the PAG elections should open dedicated bank accounts through which all donations and expenditures should be processed. Candidate's decision not to open a bank account needs to be communicated to the CEC. The bank fees for the electoral account opening

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<sup>31</sup> Vote-buying is a criminal offence subject to punishment ranging from a fine of 550 to 850 conventional units or one to five years of imprisonment for a private person; for legal entity the Criminal Code envisions sanction of 4,000 to 6,000 conventional units along with prohibition to perform certain activities or liquidation of the entity. (Criminal Code of Moldova, Art. 181<sup>1.1</sup>). One conventional unit amounts 50 MDL.

rose sharply over the last few months.<sup>32</sup> Reportedly, of the banks on the territory of the ATU only *Energbank* provided the service of opening the electoral account for candidates free of charge. The candidates need to submit weekly financial reports, which are published at the CEC website.

According to the CEC, of the 123 registered candidates 79 opened the bank accounts and submitted their reports on weekly basis, 29 candidates informed the Commission they would not open an account, while 15 candidates provided no information on their campaign financing.<sup>33</sup> The candidates used predominantly their own funds, with the committed amounts not exceeding 10,000 MDL. The BeCS supported its candidates by covering the costs of leaflets' production and fees for campaign activists. The candidates' weekly financial reports were published on the CEC website.

According to the Election Code, the CEC publishes a summary of the candidates' financial report two days before elections, which it did in a timely manner. The CEC is the campaign finance oversight body, yet due to its limited capacities it did not scrutinize the weekly reports and only verified the submitted information at the stage of preparing the final campaign finance reports.

## VIII. COMPLAINTS AND APPEALS

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. In cases of infringements of the Electoral Code by voters and candidates, provisions of the Contravention Law and Criminal Code apply respectively.<sup>34</sup>

The submission and adjudication of electoral complaints and appeals are subject to expedited timelines, in line with international good practice.<sup>35</sup> Yet, the cases referred to prosecutor's office and police for investigation, were examined within regular administrative framework impeding the right to effective remedy.<sup>36</sup> Complaints on actions, inactions and decisions of election administration bodies can be submitted either to the CEC or to a superior election administration organ, and subsequently appealed to the respective court.<sup>37</sup> These overlapping jurisdictions can

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<sup>32</sup> Whereas until the beginnings of 2021 the bank fee amounted 50 MDL, currently the candidates need to pay 5,000 MDL for opening a bank account for campaign financing.

<sup>33</sup> The BeCS opened one joint electoral account for all its PAG candidates and has been presenting joint weekly financial reports.

<sup>34</sup> Contravention Law Art. 47-53 and Criminal Code Art. 181-182.

<sup>35</sup> Complaints on election administration organs as well as on candidates can be submitted within three calendar days. Complaints on PEBs and DEC's shall be considered within three calendar days, whereas complaints on CEC and candidates – within five calendar days.

<sup>36</sup> If the subject of complaint does not fall within the competencies of an election administration organ, the complaint should be referred to competent organ within two calendar days. (EC Art. 67.5)

<sup>37</sup> The Art 26.1.n stipulates that the CEC considers and adjudicates on complains on DEC's and PEB's, 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.

undermine the development of reasoned decisions and stable administrative and court practice for protection of electoral rights.<sup>38</sup> On election day the decisions of PEBs related to the right to vote or election's administration, can be appealed directly to the court. A number of EOM interlocutors expressed their doubts about the courts' neutrality.

CEC received complaints on candidates, for alleged failure to suspend duties of PAG deputy from the moment of registration as a candidate for alleged vote-buying through development projects' for a community, and for violation of campaign and campaign finance provisions. The CEC and consequently the Comrat Appeal Court as well as the Supreme Court of Justice dismissed the complaints as unfounded.<sup>39</sup>

The CEC decisions were appealed twice to the Appeal Court of Comrat. A prospective candidate appealed to the CEC decision to reject his registration. The Appeal Court of Comrat repealed the CEC decision and obliged the CEC to register the plaintiff as a candidate in Budgeac constituency. Furthermore, another candidate from Budgeac appealed the CEC decision on the number of ballots envisioned for the constituency, requesting an increased number in accordance with the ruling of the Supreme Court of Justice allowing voters to cast the ballots in the place of temporary residence. (*See: Voter registration*) The Appeal Court of Comrat conceded the appeal as valid.

The DEC Comrat received a complaint from a candidate on the conflict of interest of some PEB members in Russkaya Kiseliya. The DEC recognized the complaint as valid and requested for appointment of new PEB members, yet the CEC and the Appeal Court of Comrat repealed the DEC decision.

On election day the CEC received complaints on a PEB member and third persons in Vulkaneshti for alleged indication whom to vote, on alleged irregularities in mobile voting and on instances of taking photos of ballots, with the choice already indicated. **The CEC dismissed all complaints as unfounded.**

## IX. ELECTION DAY

The election day was calm and no major incidents were reported. The CEC reported turnout in regular intervals, but provided the number of those who voted rather than the per cent, hindering the transparency of the turnout growth. Voting took place from 7:00 till 21:00 hours. On election day, the Piligrim-Demo EOM deployed stationary Short Term Observers (STO) to all 66 PEBs.

The opening of polling stations was assessed as very good or good in 91 per cent of the observations. In 12 cases, observers noted the presence of unauthorized persons (10 police, 1 candidate and 1 local authority). Also, short delays in the opening of up to 15 minutes were reported by the EOM observers in 7 polling stations.

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<sup>38</sup> 2019 ODIHR [Handbook for the Observation of Election Dispute Resolution](#).

<sup>39</sup> See the [CEC Decision from 19 August 2021](#).

The voting process was evaluated positively by the EOM observers in 91 per cent of the polling stations and the procedures were largely followed by PEBs. All PEBs were cooperative and all observers at the PEBs had clear view of all procedures. However, in nine cases the STOs were not allowed to view voter lists. The STOs reported unauthorized person inside polling station (candidates – 5 cases, police – 3 cases, authorities – 2 cases). There were also instances of BeCS MPs coming to the polling stations (e.g. in Avdarma), despite not being authorized pursuant the Electoral Code.

Moreover, the observers reported overcrowding (5 cases), attempts to influence voters by PEB members and candidates (4 cases), and the interference in the work of PEBs by citizen observers and candidate representatives. Candidates' representatives were present during voting in all but two polling stations, while domestic and international observers were seen in 38 polling stations. Observers noted instances of long queues (6 cases) as well as campaigning (5 cases) and tension (4 cases) outside of the PS. On two occasions EOM observers reported voters taking photos of their ballots after voting. Group voting was observed in 4 cases. The voters were denied voting in 26 cases, mostly due to the voter's absence in the voter lists or the lack of proper ID.

Counting was assessed positively in 92 per cent of observations. The negative assessments included primarily the PEB's omitting procedural steps, such as not determining the total number of ballots cast before counting them separately for candidates (5 cases), not opening the mobile ballot box first (2 cases). Moreover, in seven cases the number of ballots found in ballot boxes exceeded the number of voters who voted. Also, in 20 observations STOs reported that the validity of the contested ballots was not decided through voting and in three cases the PEB members did not offer an opportunity to review the ballots declared invalid.

The process of tabulation of the results at the DEC's started less orderly, with long queues and poor organization, and improved at a later stage. DEC's used Google Docs software to enter the data to DEC tabulation protocols for each constituency and later filled in manually the paper protocols. At times, the process was delayed due to the lack of knowledge of procedures by PEBs. On four occasions in DEC Comrat, PEB were not aware that they also had to submit the protocols from sessions held the day before elections; those protocols were drafted on the spot. PEB protocols on voting results were also corrected on the spot, which caused additional delays.

The EOM assessed 16 out of 66 PEBs as not accessible for voters with physical disabilities, contrary to Gagauzia's law and international standards.<sup>41</sup> The mobile voting was requested by

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<sup>40</sup> The chairman of DEC Comrat started to correct protocol on the result of voting for PEB 66 (Chok-Maidan) but later it was decided that the PEB would have a session next day to correct all the mistakes.

<sup>41</sup> Article 29 of the Election Code of Gagauzia stipulates that polling station premises should facilitate access for elderly persons and persons with physical disabilities. Article 29(a)j of the [CRPD](#) states that "State Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others".

2.6 per cent of registered voters. In some PEBs the number of requests for mobile voting reached 6 per cent of registered voters and 11 per cent of the votes cast. There were many cases in which voters were unaware who requested mobile voting on their behalf or the voters who, visited at home by the PEB members, informed they had already voted in the polling station.

The EOM received numerous reports of alleged vote-buying yet none of them were confirmed. Furthermore, there were no complaints filed on the issue on election day. Equally common were allegations of third persons indicating whom to vote for, but only one complaint on such practice was submitted to the CEC (*See: Complaints and appeals*) In Budgeac, Chok-Maidan and Comrat instances of transportation of voters to polling stations was reported.