

**ELECTION OBSERVATION MISSION
ELECTIONS TO THE PEOPLE'S ASSEMBLY OF GAGAUZIA FROM
SECOND ROUND – 3 OCTOBER 2021**

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

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I. PRELIMINARY CONCLUSIONS

The second round of elections to the People's Assembly of Gagauzia was calm and generally well administered, however the electoral discourse was marked by allegations on different flaws and abuses in the electoral process. The preliminary results of the first round of elections were published in a timely but incoherent and protracted manner, compromising transparency. The procedures applied for voter registration made the wide use of additional voter lists indispensable. Active participation of the government and public administration representatives in the campaign blurred the division between the state and the electoral contestants. Affluence of some candidates raised concerns over their possible undue influence on Gagauz politics. The vast majority of electoral complaints were dismissed or found inadmissible. The election day was calm and the voting process was conducted in an orderly manner, but groups of citizens, candidates' relatives and supporters conducted informal agitation outside of polling stations.

The second round contests were held in 11 constituencies and in 6 constituencies, where the turnout was lower than one third of registered voters, repeated elections were organized. The turnout threshold of a third of registered voters applied also for the run-offs but, pursuant the amendment to the Electoral Code introduced in January 2021, there was no turnout requirement for the repeated elections.

The elections were administered by the Central Election Commission (CEC), 3 District Election Commissions (DEC) and 38 Precinct Election Bureaus (PEB). The CEC met legal deadlines and administered technical aspects of these elections. Some interlocutors opined that the electoral practice applied during the country-wide elections, such as evaluation of the election administration or availability of technical tools, could be used also in the context of Gagauz elections.

The additional voters lists were used extensively in both rounds of the elections. The right to vote on the basis of temporary registration as well as inconsistent manner of voter lists verification by local administration were named by interlocutors as the key reasons for inflated additional voter lists. The ageing population of Gagauzia as well as the lack of any criteria for application for mobile voting combined with the use of the tool to mobilize voters led to high number of applications for that form of voting.

The campaign preceding the second round was marked by the discussions about the quality of the electoral process. The candidates and representatives of local public administration alleged irregularities in mobile voting and vote buying as well as commented on change of residences by both candidates and voters shortly before elections to secure electoral victory. Moreover, affluence of some candidates raised concerns over their possible undue influence on Gagauz politics. The participation of members and employees of Executive Committee and representatives of the local public administration in the campaign events blurred the line between the state and the electoral contestants, contrary to the international commitments.

Reportedly some banks automatically closed the campaign accounts of some candidates without taking into consideration the option those clients can run in the second round or repeat elections. Consequently, a few candidates had to open the campaign accounts for the second time. The CEC did not publish on its website the weekly financial reports of candidates running in the second round, obscuring the transparency of campaign finance.

After the first round of elections the CEC received 12 complaints, filed by candidates or their representatives. The CEC dismissed the complaints as unfounded or on procedural grounds. Five of those decisions were appealed to the Appeal Court of Comrat and concerned the deregistration of candidates for alleged pressure on voters and for alleged violation of campaign finance provisions, alleged pressure on voters by a PEB, campaigning on election day, and violation of the secrecy of vote.

Election day was calm and some of the observers reported certain voters' fatigue. The opening of polling stations was assessed as very good or good in 94 per cent of the observations and voting process was assessed positively by 97 per cent of observers. Groups of citizens, candidates' relatives and supporters were observed outside of polling stations conducting informal agitation for candidates of their preference. Transportation of voters was widespread. The observers assessed counting positively in 95 per cent of cases and the process of tabulation at DEC's went overall smoothly.

II. BACKGROUND AND POST-FIRST ROUND DEVELOPMENTS

In the first round of elections 18 candidates won seats in their respective constituencies, gaining more than 50 per cent of the votes cast. Among the winners six were from the Electoral Bloc of Communists and Socialists (BeCS), one from the Party "Build Europe at Home" (PACE); the rest of the successful candidates ran as independent. There is only one female among the candidates who got elected in the first round.

While in 11 constituencies none of the candidates won absolute majority of votes and hence the second round was held between two leading candidates, in 6 constituencies the turnout in the first round was below a third of the registered voters and the elections had to be repeated. Overall turnout in the first round of elections amounted to 40.6 per cent.

The elections to the People's Assembly of Gagauzia (PAG) took place after a profound change on the Moldovan political landscape following the results of the 11 July early parliamentary elections. The Action and Solidarity Party (PAS) won 52.8 per cent of the votes and 63 of the 101 parliamentary seats. The countrywide results of the early parliamentary elections were in stark difference to those in Gagauzia, where the BeCS received 80.75 per cent of votes.

III. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The PAG deputies are elected in 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.

Both in the first and in the second round at least a third of voters registered in a constituency need to cast their votes for elections to take place. In the contrary case the elections need to be repeated in two weeks time. The repeat elections do not have to meet any turnout threshold. The turnout requirement of a third of registered voters for the repeat elections, was repealed through the amendment to the Electoral Code (EC) introduced on 26 January 2021.¹

IV. THE ELECTION ADMINISTRATION

The Central Election Commission (CEC) published election results from the first round in a manner, which lacked cohesion, and hence compromised the transparency. The turnout was reported in regular intervals, but provided the number of those who voted rather than the per cent, hindering the transparency of the turnout growth. The announcement of results for the constituencies was not supported by the information about the number and percentage of votes won by each candidate. The DEC protocols with the detailed information on the results started to be published on the CEC website on 24 September 2021. Some protocols were published as late as 30 September.

Pursuant the CEC decision from 22 September, the second round contests were held in 11 constituencies and repeat elections were organized in 6 constituencies, in which the turnout was lower than one third of registered voters.²

On 3 October, the elections were administered by the CEC, 3 District Election Commissions (DEC) and 38 Precinct Election Bureaus (PEB). For the run-off, the CEC met legal deadlines and administered technical aspects of these elections. The CEC extended the tenure of the DEC and the PEB members where run-offs took place. In some PEBs the members were replaced due to health reasons. Their substitutes were drawn from the reserve register of election professionals held by the election administration.³

Reflecting on the experience of the first round, the CEC as well as the DEC of Comrat and Cedir-Lunga raised the issue of deadlines related to submission of reports and protocols to the CEC. The reform of the election administration, reducing the number of DEC from 35 to 3, has increased their workload, but it needs to be completed within unchanged deadlines, i.e. the DEC needs to submit protocols on the results of voting to the CEC within 24 hours from the closing of the polling stations.

¹ Law № 60-XLV/VI from 26 January 2021.

² Second round of elections were held in constituencies No 1, 4, 5, 6, 12, 15, 20, 22, 29, 30, 34, while repeat elections were organized in constituencies No 2, 3, 10, 13, 27, 28

³ In Cedir-Lunga district two PEB members from different PEBs, one of them a deputy chair of the PEB, applied to the DEC to swap the Bureaus they had been assigned to in the first round.

The DEC's initially prepared summary reports that reflected the results for their respective districts, and were requested by the CEC to prepare also protocols for each of the constituencies. There was no template provided for the constituency-level protocols, which the CEC recognized as an issue, which needs to be addressed in the future. The Election Code (Art. 59) provisions on the tabulation of results require the DEC's to prepare a protocol for an electoral constituency.

In accordance with the Election Code, the CEC printed the ballots three days before elections, i.e. on 30 September. Yet, the adjudication of complaints on electoral results, appeals for repeated elections and pronouncement of validity and legality of elections was scheduled by the Appeal Court of Comrat for 1 October. The CEC raised its concern over its capacity to organize repeated elections in a specified time if adjudicated. (*See: Complaints and Appeals*).

V. VOTER REGISTRATION

The DEC's did not deliver to the courts the voter lists assigned to PEBs where run-offs were expected. The voter lists were updated between the two rounds for deceased and citizens who turned 18, but those who had been included in additional voter lists in the first round, remained on that list also for the second round.⁴ The number of voters who registered on additional voter lists was especially high in Russkaya Kiseliya and Kopchak (two constituencies) where they amounted to respectively 22 and 10 per cent of voters who participated in elections⁵. The right to vote on the basis of temporary registration as well as inconsistent manners of voter lists verification by local administration were named by interlocutors as the key reasons for inflated additional voter lists.⁶

A total of 66,929 voters were registered in the 17 constituencies holding run-offs. Voter lists were posted at polling stations and were available on the CEC website, providing opportunities to check their data. The EOM interlocutors cited lack of any special criteria for application for the mobile voting, ageing population and the use of the tool for voter mobilization as the key reasons for high number of requests for mobile voting.

VI. CAMPAIGN ENVIRONMENT AND CAMPAIGN FINANCE

The campaign preceding the second round was marked by the discussions about the quality of the electoral process. The candidates and representatives of local public administration commented on alleged irregularities in mobile voting and change of residences by both

⁴ Both main and additional voter lists had a separate column for signatures of voters who voted in run-offs and repeated elections.

⁵ High number of voters in additional voter lists were also noted in Constituencies No 1, 12, 28.

⁶ For instance, in Kopchak reportedly the voter list was prepared with deletion of voters that were assumed be absent in the constituency on the election day. As a result, a total of 287 voters were included in the additional voter list in two constituencies in Kopchak with 2,955 voters registered in main lists.

candidates and voters shortly before elections to secure electoral victory.⁷ Affluence of some of the elected candidates raised concerns over their possible undue influence on Gagauz politics.

The allegations of vote-buying were raised after the first round of elections by candidates and representatives of local public administration.⁸ Vote-buying is a criminal offence subject to punishment ranging from a fine of 550 to 850 conventional units (27,500 - 42,500 MDL) 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 (200,000 – 300,000 MDL) along with prohibition to perform certain activities or liquidation of the entity.⁹ Yet, despite the gravity of the offence, no complaint was filed on the matter. The EOM interlocutors posited that either the claims were largely groundless and used to justify an electoral loss or that the candidates and their representatives do not perceive the quality of the process as the fundamental factor of electoral competition.

The candidates continued to hold meetings with voters. BeCS led its campaign in a coordinated manner, as before the first round. The former President and one of the BeCS leaders, Igor Dodon, held a number of meeting in support of the BeCS candidates competing in the second round. The candidates were also supported by the Block's affiliates who won their seats in the first round. The Movement *Nash* ("Our"), founded by Victor Petrov, who run in repeat elections in Comrat constituency No. 2, reportedly supported in the second round an independent candidate in Cedir-Lunga constituency No. 5. The participation of members and employees of the Executive Committee and representatives of the local public administration in the campaign events blurred the line between the state and the electoral contestants, contrary to the international commitments.¹⁰

⁷ See for instance: [«Афера налицо». Примар Комрата Анастасов о массовых прописках и попытках комратчан стать депутатами от сел](#) (*Obvious fraud. Anastasov about mass re-registrations and attempts of Comrat citizens to become deputies from the villages*) GagauzInfo, 23 September 2021, Kirsovo candidate, Semion Dragan, posits the mobile voting was conducted in a selective manner, disenfranchising some voters, [Facebook](#), 27 September 2021.

⁸ For instance: in Vulcaneshiti both the independent candidate Sergei Chernev, who lost against a BeCS candidate, and the mayor of the town claimed widespread bribery on election day, with the alleged amount of 5,000 MDL paid for every vote. See: [«На моем участке доходило до 5 тысяч за голос». Чернев заявил о подкупе избирателей в Вулканештах](#) ("In my precinct it reached 5 thousand per vote." Chernev announced bribery of voters in Vulcanesti), Gagauz Yeri, 22 September 2021; [Мэр Вулканешт считает, что на выборах в НСГ представители ПСРМ раздавали избирателям деньги](#) (*Mayor of Vulcaneshiti believes that PSRM representatives handed out money to voters in the PAG elections*), NTS, 25 September 2021. In Chok-Maidan, the enterprise SRL "Maidan-Group" launched a social assistance campaign for secondary school students. An independent candidate Valerii Yanioglo, who had lost in Chok-Maidan constituency to the owner of the SRL "Maidan-Group", claimed the assistance is *de facto* distribution of financial gratification to those who voted for the entrepreneur. [Facebook](#), 29 September 2021.

⁹ Provisions of the Criminal Code of Moldova, Art. 181¹.1. One conventional unit amounts 50 MDL.

¹⁰ For example: the mayor of Comrat and members of the Executive Committee participated in the campaign events of candidates of Comrat constituency No. 1 Irina Zelenskaya and Constituency No. 3 Lidia Gradinar. See respectively, [Facebook](#), 30 September 2021 and [Facebook](#), 28 September 2021. Irina Zelenskaya distributed leaflets with her photo with the mayor of Comrat. See also: an event commemorating the first President of Gagauz Republic attended by a member of the Executive Committee, the mayor of Comrat and Irina Zelenskaya who run in the second round. See Gagauz Bilim, [Facebook](#), 28 September 2021. [1990 OSCE Copenhagen Document](#), Paragraph 5.4 provides that the participating States will ensure "a clear separation between the State and political parties; in particular, political parties will not be merged with the State".

Both the regional public broadcaster Radio Television Gagauzia (GRT) and the Internet portal Nokta organized debates with candidates running in the 3 October elections. Not all the candidates used that opportunity to present themselves to voters.

The CEC informed the mission that some banks automatically closed the campaign accounts of a number of candidates without taking into consideration the option those clients can run in the second round or repeat elections. Consequently, those candidates had to open the campaign accounts for the second time. On 1 October, the CEC published on its website the summary financial reports of candidates for the entire period of the run-off, thereby skipping the publication of weekly reports in a timely manner.

VII. COMPLAINTS AND APPEALS

After the first round of elections the CEC received 12 complaints, filed by candidates or their representatives. The CEC dismissed the complaints as unfounded or on procedural grounds, apart from a complaint on alleged vote-buying, which was sent to the police for investigation. Four of those decisions were appealed to the Appeal Court of Comrat. The appealed cases concerned the deregistration of candidates for alleged pressure on voters and for alleged violation of campaign finance provisions, alleged pressure on voters by a PEB, campaigning on election day, and violation of the secrecy of vote. There was also a petition for repeated elections due to alleged irregularities related to mobile voting.

The Appeal Court of Comrat received two requests for vote recount in the PEBs No. 48 and 49 in Kirsovo constituency. The request on the recount of votes in PEB No. 48 was conceded by the Court, and conducted on 2 October, revealing only one vote difference in comparison with the initial results.¹¹

The timeframes between the first and second round for considering complaints and validation of results are not harmonized with the ones for printing ballots. The ballots should be printed no later than three days before elections, whereas the complaints on the decisions of election administration on electoral results should be considered by the Appeal Court of Comrat on the same day as the validity and legality of the elections, and no later than 10 calendar days after receiving all the documentation from the CEC. The Commission provided the Appeal Court with the documentation on 22 September and the ballots for the second round and for repeat elections were printed on 30 September. The Court considered and repealed all complaints on electoral results certified the validity and legality of first round on 1 October. The CEC expressed its concern that it may have had difficulties to organize the repeated elections in prescribed time in case the appeal had been conceded.

¹¹ The Appeal Court of Comrat received also a complaint on the actions of the PEBs No. 48 and 49 in Kirsovo. According to the Electoral Code a complaint to a judicial body should be preceded by a complaint to an organ of election administration superior to the one the compliant concerns.

On election day the CEC received and dismissed as unfounded one complaint from a voter who wanted to vote in another constituency in order to be able to vote for a female candidate. The DEC received three complaints; one on alleged agitation on election day was sent to police for investigation, two other complaints, which concerned alleged singular cases of multiple voting were dismissed on procedural grounds.

VIII. ELECTION DAY

The election day was calm and some of the observers reported certain voters' fatigue. On the election day the CEC reported that 65,400 voters were included into the main voter lists and 1,529 voters into additional voter lists (2.3 per cent). The highest number of voters was included into additional voter lists in constituencies No 1 and No 4 of Comrat as well as in Baurchi, Kopchak and Kongaz. The CEC informed about the turnout in regular intervals, adding to the transparency of electoral process. The turnout amounted to 38.2 per cent (25,548 voters), less than in the first round. Mobile voting was requested by 2.5 per cent of registered voters. The highest percentage of mobile voting was noted by the EOM observers in Kongazchik - 5.7 per cent and Etuliya - 5.1 per cent of registered voters. Out of 38 polling stations 7 were not accessible for persons with disabilities (18 per cent).

The opening of polling stations was assessed as very good or good in 94 per cent of the observations. In three cases, observers noted the presence of police inside the polling station. Women comprised 87 per cent of PEB members and 81 per cent of PEB chairpersons.

Over the election day, the police was more visible than during the first round, both near the PEBs and patrolling the constituencies. Although no campaign materials were visible inside and in the vicinity of the polling stations, groups of citizens, candidates' relatives and supporters were observed outside of polling stations, either taking note of who voted or conducting informal agitation for candidates of their preference. In constituencies of Comrat No. 4, Kongazchik, and Vulkaneshti candidates were observed near polling station(s) for a prolonged periods of time. Transportation of voters was widespread.

The voting process was evaluated positively by the EOM observers in 97 per cent of the polling stations; the procedures were largely followed by PEBs and no major irregularities were noted. EOM observers reported that in four cases they were obstructed from observation. In three cases the STOs were not allowed to view voter lists.

Moreover, the observers reported tension and disorder inside polling station (2 cases). There was a singular case of a voter taking a photo of its ballot after voting and of group voting. The voters were denied voting in 4 cases, due to the lack of proper ID and its paper attachment, absence in the voter lists, and voter's refusal to sign voter list.

Domestic and international observers were seen in 30 polling stations, while candidates' representatives were present during voting in all but two polling stations. In five cases, the

STOs reported unauthorized persons inside polling station: police in 3 cases and candidates in 2 cases.

The EOM observers assessed counting positively in 95 per cent of cases. There was a slight delay of up to 15 minutes in closing of two PEBs. In one case non-PEB members were seen participating in the count and in five cases unauthorized persons were present at the PEB. Moreover, in nine cases the validity of the contested ballots was not decided through voting and in three cases the ballots for each candidate were not piled separately. Some PEBs omitted other procedural steps, such as not determining the total number of ballots cast before counting them separately for candidates (4 cases). In two cases the number of ballots found in ballot boxes exceeded the number of voters who voted.

The process of tabulation at DECs went overall smoothly and observers reported that the circumstances were conducive for receiving the documents and tabulating the results. DEC always checked the availability of all documents as well as the correctness of the result protocols. Long queues were reported at the handover of documents at DEC Comrat (with the biggest number of PEBs, 23) as well as errors in reporting and procedural omissions by PEBs (lack of session protocols, resolutions), which delayed the process. Occasionally, PEB protocols on voting results were also corrected at the DEC. Only one candidate representative was present at one DEC, while there were no citizen observers, apart those from PILIGRIM-DEMO. Unauthorized persons (police) were observed in DEC Comrat.