



## INTERNATIONAL ELECTION OBSERVATION MISSION

### Republic of Moldova – Presidential Election and Constitutional Referendum, 20 October 2024

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#### STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

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#### PRELIMINARY CONCLUSIONS

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The 20 October presidential election and constitutional referendum were well-managed and contestants campaigned freely in an environment characterized by concerns over illicit foreign interference and active disinformation efforts. While this affected the integrity of the process, additionally, domestic campaign conditions did not allow for a level playing field among contestants. The election administration worked professionally and demonstrated impartiality in their decision-making. In a competitive but minimally visible campaign, voters were offered a variety of political alternatives among presidential candidates, who were registered in an inclusive process. The manner in which the presidential election and referendum campaigns were conducted simultaneously, and media coverage which favoured the incumbent and the government, did not provide fully equal opportunities. Misuse of administrative resources in the campaigns was noted. Recent changes created a robust legal framework for campaign finances, but oversight was diminished due to the limited capacity and resources of the Central Election Commission (CEC). Further, the effectiveness of the resolution of election disputes was limited in the handling of some contentious cases and by the failure to meet review deadlines consistently. Election day was calm and well-organized and the voting process was assessed overwhelmingly positively by IEOM observers, with only a few procedural problems noted. The vote count and tabulation were assessed positively overall.

The presidential election and referendum took place in the context of the government addressing national security threats resulting from the war caused by the Russian Federation's invasion of Ukraine. Law enforcement authorities, many international actors and civil society have proclaimed that Moldova is the target of an ongoing "hybrid war" directed from abroad that includes various forms of manipulative interference to destabilise the country, illicit financing of political actors, disinformation campaigns, and cyberattacks. As longstanding political discourse over the country's geopolitical orientation intensified, Moldova was granted the status of European Union (EU) candidate country and began accession negotiations in June 2024.

The presidential election was conducted under a revised legal framework that provides an adequate basis for holding democratic elections. Frequent amendments, introduced shortly prior to election and without providing the opportunity for sufficient consultation, diminished the coherence of election legislation and potentially affected legal certainty. The 2022 Electoral Code introduced substantial changes and together with the subsequent amendments implemented many prior ODIHR and Venice Commission recommendations. However, many others remain unaddressed.

The legal framework for the referendum has certain shortcomings and as such is not fully in line with international standards and OSCE commitments in a number of aspects. The decision to amend the legal framework for the referendum was made hastily and without broad consultation. There are no international standards prohibiting the simultaneous holding of elections and referendums. However, the simultaneous holding of the referendum and election without adjusting campaign regulations contributed to an unlevel playing field for presidential contestants. Furthermore, due to the absence of rules requiring public authorities to remain neutral, and the lack of regulations governing their legitimate involvement, there were insufficient safeguards against the misuse of administrative resources during the campaign. The legislation should provide for stricter requirements to disseminate objective

information on both options and to explain the consequences of a "yes" or "no" vote and offer a clear question. As a result, voters' ability to make an informed choice on the referendum question may have been compromised. If the outcome of the referendum is "yes", it would enable parliament to integrate the EU *acquis* without further constitutional reform. The decision to hold the presidential election and referendum simultaneously has been criticized by some actors from across the political spectrum, including pro-EU voices.

The CEC administered the election and the referendum efficiently and transparently, respecting the legal deadlines, despite being severely understaffed in several departments, and adopted its decisions in an impartial and collegial manner. All 37 District Electoral Councils (DECs) were well-equipped and professional, and permanently appointed DEC chairpersons contributed to the efficiency of election preparations. Most interlocutors expressed confidence in the professionalism and impartiality of DECs and Precinct Electoral Bureaus (PEBs), but some election stakeholders questioned the balance of the CEC's current composition and, consequently, the independence of its members.

Women are well represented in elected and appointed positions, including the presidency and the heads of the Constitutional Court, the Anti-Corruption Prosecutor's Office and the Audiovisual Council. Four out of the 11 presidential candidates, or 36 per cent, were women. Women's issues or concerns did not feature in the campaign. Women constituted the majority at each level of the election administration, including in the leadership. Very few incidents of negative rhetoric towards women were observed by the ODIHR EOM. Anti-LGBTI intolerant language was repeatedly observed.

The State Voter Register (SVR) has around 3,3 million voters. Voter registration is passive, and the SVR is maintained and updated by the CEC and based on the population register. Voters without a registered address in Moldova, those residing on the left bank of the Nistru river (Transnistria) and those pre-registered to vote abroad were not included in the printed voter lists available at the polling stations but could be added to supplementary voter lists on election day. There was overall confidence in the inclusiveness of the SVR but its accuracy was questioned by some election stakeholders due to records of citizens deceased abroad or in Transnistria remaining in the register.

Eleven presidential candidates, seven men and four women, were registered by the CEC in an inclusive and transparent process, offering voters a choice of political options. Positively, restrictions on the right to stand, for contestants associated with political parties determined as unconstitutional were repealed, in line with ODIHR and Venice Commission recommendations. However, regulations on the suspension and deregistration of political parties remain stringent. Some of the eligibility criteria are at odds with international standards, including the requirement for a higher education, the length of the residency required and the potential for the discriminatory application of the language requirement. While the law allows for independent candidates it does not clearly define how independence is determined. Despite the absence of clear criteria, the CEC took decisions on registration of independent candidates in a consistent and transparent manner based on objective criteria. Positively, the referendum legal framework includes the concept of supporters and opponents of a referendum and requires contestants to register to participate in the referendum campaign. The CEC registered thirteen referendum participants for the "yes" option and two for the "no" option. One initially registered referendum participant, the Chance Party, was de-registered after a court ordered the limitation of the party's activities for three months for financial irregularities.

During both the presidential and referendum campaigns, fundamental freedoms were generally respected, and overall contestants could campaign freely. Still the relatively low-key campaign was marred by foreign interference and active disinformation efforts. According to Moldovan authorities and a number of other interlocutors, this foreign interference predominantly comes from the Russian Federation and pro-Russian political forces. Presidential candidates, at odds with international

standards and OSCE commitments, did not fully enjoy equal campaign opportunities; the start of the official campaign period in the Electoral Code coincided with the deadline for prospective candidates to collect and submit signatures, whereas the registration of candidates by the CEC and the resolution of related disputes still remained in progress. Permission to campaign in the referendum was limited to political parties, thereby excluding citizen groups and civil society organizations. The legal framework was inadequate to address campaigning by political parties not registered for the referendum and illicit foreign interference. The campaign messages of the incumbent president and the ruling party often mirrored one another and the government promotion of the EU continued during the campaign. The ODIHR EOM noted instances of the misuse of administrative resources in the referendum and election campaign. Further, the incumbent in both her position as president and her status as a candidate, along with the government and the ruling party as a registered participant in the referendum, collectively appeared as the most visible campaigners, often blurring the lines between their roles, at odds with paragraph 5.4 of the 1990 OSCE Copenhagen Document.

The regulation of campaign and political party financing creates a sufficient framework for financial accountability and integrity of the campaign. However, the limited capacity and resources available for oversight diminished the effectiveness of the regulation. Campaign donation and expenditure limits apply separately to election contestants and referendum participants, meaning political parties and election blocs participating in both had the ability to spend more. Differing access to opening of campaign accounts created favourable campaign conditions for party-nominated candidates. Interim campaign finance reporting obligations are imposed on contestants and service providers on a weekly basis but were not uniformly complied with. Positively, the CEC published reports and its control results within the legal deadline, issued several warnings and, in some cases, required the transfer of unlawful funds to the state budget. Information available to voters prior to election day was impacted by the CEC announcing its financial control findings two weeks after the publication of the respective reports.

Moldova's media landscape has undergone significant changes in recent years. The majority of ODIHR EOM interlocutors informed that conditions for media work without interference have improved. The government has adopted several measures to address national security threats related to interference from abroad and the influence of political figures over media environment. However, this has resulted in less space for expressing a plurality of opinions. Disinformation narratives and manipulative content were common and primarily spread through social networks. During the campaign, radio and TV political coverage is tightly regulated to ensure fairness, accuracy and impartiality, but ODIHR EOM media monitoring shows that coverage of the candidates in news and editorial programs varied significantly, with the incumbent receiving the most coverage overall in her official capacity and as a candidate, without clear distinction of the two. This, coupled with extensive coverage of the government by the public broadcaster without critical scrutiny and a pro-EU preference in violation of the principle of impartiality by some private broadcasters, did not ensure a level playing field. Coverage of the referendum in all newscasts was very limited.

The right to file complaints is granted widely, but only for violations of individual rights. Although the dispute resolution deadlines comply with international good practice, the timeline for the resolution of candidate registration disputes does not ensure an effective remedy. On several occasions, the CEC and the appellate court did not comply with legal deadlines. The CEC failed to reach decisions on a number of contested cases, including one case challenging the interpretation of eligibility rules for independent candidates and another alleging misuse of office by the incumbent, which created a perception of bias and limited the effectiveness of the remedy. As most CEC decisions on inadmissibility were upheld upon judicial review, some important campaign-related issues were not examined on their merits. The transparency of the handling of allegations of the misuse of administrative resources was limited as the CEC did not publish most related complaints or the actions it took on them and the police did not inform the public about the actions taken on these matters. By contrast, relevant information on the

investigations related to illicit foreign financing and unlawful electoral materials was widely circulated by the police.

Citizen and international observers have the right to observe all aspects of the electoral process, including out-of-country voting. Citizen observers could notify the election administration regarding observed irregularities through an online platform. Promo-LEX conducted a long-term and large-scale observation of the election and referendum.

Election day was calm and orderly. The opening and voting processes were assessed positively in the overwhelming majority of polling stations observed, with established procedures largely followed. The few negative assessments of voting were mostly linked to intimidation of or pressure on voters, attempts to influence voters, or tension in and around polling stations. Secrecy of the vote was not always ensured, mainly due to the layout of the polling stations and, in some instances, the placement of the video camera. IEOM observers reported isolated irregularities, such group voting and tracking of voters. Regrettably, the majority of polling stations visited were not suitable for voting of persons with disabilities. The vote count was assessed negatively in 13 of the 117 polling stations observed, due to lack of adherence to prescribed procedures and procedural errors or omissions, at times significant. Tabulation was observed in all 36 DEC's for in-country voting and assessed positively in all but three of them.

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## PRELIMINARY FINDINGS

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### Background and Political Context

Moldova is a parliamentary republic where the prime minister serves as the head of government and the president as the head of state.<sup>1</sup> On 16 May the Parliament of the Republic of Moldova announced that the presidential election would be held on 20 October, simultaneously with a constitutional referendum that aimed to affirm the country's European path and integrate the European Union (EU) *acquis* into the domestic legal system.<sup>2</sup>

President Sandu, nominated by Party of Action and Solidarity (PAS), was elected in November 2020 following early parliamentary elections in July 2021,<sup>3</sup> in which PAS won 52.8 percent of the vote and 63 out of 101 parliamentary seats.<sup>4</sup> Women make up 39.6 percent of the parliament. In addition to the president, women serve in numerous high-level positions, including the heads of the Central Electoral Commission (CEC), the Constitutional Court, the Anti-Corruption Prosecutor's Office and the Audiovisual Council (AVC).

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<sup>1</sup> Presidential powers include convening and dissolving parliament, appointing the prime minister, conducting foreign relations and serving as the commander of the armed forces.

<sup>2</sup> Under the Constitution, the presidential election shall be held within two months after the expiration of the incumbent's four-year mandate. In January 2024, the respective provision of the Election Code was amended with the rule that presidential election shall be held not earlier than 90 days before the expiration of the incumbent's mandate. Simultaneously, the prohibition to hold a referendum on the same day as an election was repealed. The Constitutional Court denied as inadmissible a complaint challenging the constitutionality of the date for the presidential election.

<sup>3</sup> Following her election, President Sandu resigned as PAS party leader and withdrew her membership.

<sup>4</sup> The Bloc of Communists and Socialists won 32 seats and the Șor Party won 6 seats. In June 2023, the Constitutional Court determined that the Șor Party was unconstitutional and ordered its removal from the register of parties. Five Șor Party MPs retained their mandates and sit as independent MPs, while the sixth seat remains vacant after Mr Șor was stripped of his mandate, after being sentenced, in absentia, in April 2023 to 15 years imprisonment for fraud and money laundering.

Since February 2022, in the context of the war caused by the Russian Federation's invasion of Ukraine, the longstanding political discourse over the country's geopolitical orientation has intensified. The government has publicly claimed that Moldova is the target of a "hybrid war" directed from abroad. The authorities have warned that Moldova has been subject to various forms of manipulative interference to destabilise the country, including the illicit financing of political actors, disinformation campaigns, and cyberattacks. Opposition voices have criticized countermeasures, including the suspension of a number of media outlets, as overly restrictive.

In June 2022, Moldova was granted the status of an EU candidate country and began accession negotiations in June 2024. In December 2023, the president invited the parliament to initiate a referendum on constitutional amendments on the irreversibility of Moldova's EU path.<sup>5</sup> After the Constitutional Court issued a favourable assessment of the constitutionality of the proposed amendments, the PAS parliamentary majority approved the decree on the constitutional referendum, scheduling it simultaneously with the presidential election, while opposition MPs voted against or abstained. There are no international standards prohibiting the simultaneous holding of elections and referendums. However, there has been criticism of the decision to hold the presidential election and referendum concurrently, from across the political spectrum, including pro-EU voices as well as by some members of civil society and academia, with claims that it was done to benefit the incumbent's re-election campaign. In the run up to the election, the government, civil society and media have reported that interference from abroad had significantly increased.

## **Legal Framework**

The presidential election was conducted under a revised legal framework that provides an adequate basis for holding democratic elections.<sup>6</sup> The 2022 Electoral Code was amended eight times since its entry into force in January 2023, including shortly prior to this election, challenging the principle of stability of electoral law.<sup>7</sup> Frequent amendments reduced coherence between the rules and potentially affected legal certainty.<sup>8</sup> While the 2022 Electoral Code was developed in a participatory process, its subsequent amendments were adopted without cross-party support and without public consultation,

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<sup>5</sup> According to the Constitution, at least one third of all Members of Parliament (34 MPs) is required to table the initiative for constitutional amendments, along with a favorable conclusion on the constitutionality of the referendum initiative adopted by at least four of the six judges of the Constitutional Court. The referendum was formally initiated by 46 PAS MPs.

<sup>6</sup> The primary regulations are the 1994 Constitution and the 2022 Electoral Code (both last amended in 2024), as well as the 2007 Law on Political Parties (LPP, last amended in 2024). Other applicable legislation includes the 2002 Criminal Code and the 2008 Code on Contraventions, the 2018 Code on Audiovisual Media Services, the 2022 Law on Advertising, the 2011 Law on Personal Data Protection, the 2000 Law on Citizenship, the 2001 Law on the Administrative-Territorial Organisation (all last amended in 2024), the 2008 Law on Assemblies (amended in 2018), and the 1994 Law on Special Legal Status of Găgăuzia. Moldova is party to major international and regional instruments covering the holding of democratic elections.

<sup>7</sup> Paras II.B. 3 and 4 of the Venice Commission [Revised Interpretative Declaration](#) on the Stability of the Electoral Law, see also paragraph 60 of the 2016 Venice Commission [Rule of Law Checklist](#). Changes to the Electoral Code included: altering the dates for the presidential election; removing the prohibition on holding elections and a constitutional referendum on the same day; measures strengthening the campaign finance rules and the efficiency of campaign finance oversight. Moreover, a new law introduced postal voting as an alternative voting method abroad, and regulated its pilot implementation in six select countries; see the ODIHR [Opinion](#) as well as the Venice Commission [Opinion](#) on the law. Another amendment to the Code allowed the CEC to act in case of termination of powers of the Central Election Council of the Autonomous Territorial Unit of Găgăuzia, adopted in the aftermath of the decision of the local assembly to terminate the powers of the permanent CEC of Găgăuzia.

<sup>8</sup> These include simultaneous holding of an election and a constitutional referendum, with respect to campaign rules and their financing, as well as the scheduling and conducting the second round of the election. Paragraph 58 of the 2016 Council of Europe's Venice Commission [Rule of Law Checklist](#) states: "the law must, where possible, be proclaimed in advance of implementation and be foreseeable as to its effects"; see also paragraph 60.

which is at odds with OSCE commitments and international standards.<sup>9</sup> The legal framework for elections is supplemented by a comprehensive framework of CEC regulations, covering a wide range of issues.

The 2022 Electoral Code and the subsequent amendments implemented many prior ODIHR and Venice Commission recommendations, including, among others, on strengthening campaign finance regulations and oversight, allowing voters to sign in support of more than one candidate and clarifying the rules for candidate nomination; however, other ODIHR and Venice Commission recommendations remain unaddressed.<sup>10</sup> These include *inter alia* measures to address the accuracy of the voter register; the turnout requirements for various contests, including for a second round of presidential elections; the restrictive eligibility requirements for presidential candidates; the political balance of the CEC members; a lack of regulation on two-day voting; and the definition of criteria to establish polling stations abroad.

Positively, restrictions on the right to stand for those associated with political parties that have been determined to be unconstitutional, introduced shortly before the 2023 local elections, have been repealed in line with the ODIHR and Venice Commission recommendations.<sup>11</sup> However, rules on the suspension and deregistration of political parties and candidates remain strict and some of them are broadly formulated, failing to ensure legal certainty.<sup>12</sup> In January 2024, changes to the Law on Political Parties (LPP) introduced a new ban on participating in elections and political advertising for political parties with activities suspended due to financial violations.<sup>13</sup>

The legal framework for the referendum has certain shortcomings and as such is not fully in line with international standards and OSCE commitments in a number of areas. The lack of alignment of campaign rules following the lifting of the ban on holding concurrent election and referendum created an uneven playing field among contestants, at odds with paragraph 7.6 of the 1990 OSCE Copenhagen Document.<sup>14</sup> In the absence of rules requiring public authorities to remain neutral in the referendum campaign, and the lack of regulations governing their legitimate involvement, there were insufficient

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<sup>9</sup> In paragraph 5.8 of the [1990 OSCE Copenhagen Document](#) participating States committed to adopt legislation “at the end of a public procedure”. Paragraph 8 of the 1996 UN Human Rights Committee (HRC) [General Comment no 25](#) to Article 25 of the 1966 [International Covenant on Civil and Political Rights](#) (ICCPR) states that “Citizens also take part in the conduct of public affairs by exerting influence through public debate [...] with their representatives”. The [Rule of Law Checklist](#) refers to the meaningful opportunity for the public to provide input.

<sup>10</sup> See the ODIHR and Venice Commission [Joint Opinion](#) on the amendments. In paragraph 25 of the [1999 Istanbul Document](#) OSCE participating States agreed to “follow up promptly the ODIHR’s election assessment and recommendations.”

<sup>11</sup> In the Joint Opinions from [6 October](#) and [18 December](#) 2023 on the amendments and their [Joint Amicus Curiae Brief](#) on the ineligibility of persons connected to political parties declared unconstitutional, ODIHR and the Venice Commission recommended revising the laws citing, *inter alia*, the deficiencies in compliance with the principles of foreseeability and proportionality, the need for an individualized approach, overly broad definitions, as well as the potential effect on the presumption of innocence, and the necessity of an effective remedy, with guarantees of due process and possibilities for appeal.

<sup>12</sup> Article 21(1) of the LPP provides for suspension of political parties’ activities if its actions constitute “serious infringement to political pluralism or fundamental democratic principles”, without further clarification of its scope. A political party may be deregistered for a repeated failure to submit a financial report or information necessary for financial audit (Article 21 paras 1.1 and 7, 22 para 2a). Para 112 of the 2020 ODIHR and Venice Commission [Joint Guidelines](#) on Political Party Regulation recommends that “the possibility to dissolve or prohibit a political party should be exceptionally narrowly tailored and applied only in extreme cases”.

<sup>13</sup> The activities of a political party cannot be suspended during an ongoing election campaign, if it is a participant. In August the activities of one political party were suspended for financial violations, and proceedings to limit the activities of seven parties were pending decisions. One of the seven participated in the referendum campaign.

<sup>14</sup> This reflects, *inter alia*, in the entitlement to use an increased amount of campaign funding, conducting joint campaign events for presidential campaign and referendum.

safeguards against the misuse of administrative resources during the campaign.<sup>15</sup> Although the Constitution provides that public authorities shall ensure that citizens are correctly informed on public affairs,<sup>16</sup> the Electoral Code should provide for stricter requirements to disseminate objective information on both options and to explain the consequences of a "yes" or "no" vote and offer a clear question, in line with good practice.<sup>17</sup> Although citizens have the right to initiate referenda, the right to campaign for or against a referendum option is limited to political parties contrary to international standards.<sup>18</sup>

## Electoral and Referendum Systems

The president is directly elected from a single nationwide constituency for a four-year term, with a limit of two consecutive terms. A candidate who obtains the support of at least half of the voters who participated is elected and the election is valid if at least one third of voters registered in the voter list participated.<sup>19</sup> If no candidate obtains the required number of votes, a second round is held two weeks later between the two leading candidates.<sup>20</sup> The turnout requirement for the second round introduced in the 2022 Electoral Code may lead to repeated failed elections.<sup>21</sup>

The power to initiate a binding constitutional referendum belongs to the parliament, the government, and the citizens.<sup>22</sup> The referendum proposal is approved if it is supported by a majority of the voters who participated in the referendum. The referendum is valid if at least one third of the persons in the voter list participated. If passed, outcomes of constitutional referenda are binding and have legal supremacy.

The question for the referendum was formulated as follows: "Do you support the amendments to the Constitution in order to enable the Republic of Moldova to join the European Union?", with the text of the amendments changing the preamble to include provisions confirming the European identity of the people of the Republic of Moldova, the irreversibility of the European path of the country and the integration into the EU as its strategic goal; and introducing two new articles that would enable parliament to adopt organic laws to accede to EU founding agreements, and would establish the

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<sup>15</sup> In paragraph 5.4 of the [1990 OSCE Copenhagen Document](#) participating States committed to ensure "a clear separation between the State and political parties". Paragraph I.3.1 of the 2022 Venice Commission Revised [Code of Good Practice on Referendums](#), states that "Administrative authorities must observe throughout the campaign period their duty of neutrality (...), which is one of the means of ensuring that voters can form an opinion freely". According to the Explanatory Memorandum of the Revised [Code of Good Practice on Referendums](#), para. 11 "[t]he use of public funds by public authorities for campaigning purposes must be prohibited in order to guarantee equality of opportunity and the freedom of voters to form an opinion. In addition, the public authorities at every level (national, regional or local), must not engage in excessive, one-sided campaigning, but show objectivity".

<sup>16</sup> See Article 34 of the [Constitution](#): '(1) The right of a person to have access to any kind of information of public interest shall not be curtailed. (2) Public authorities, according to their assigned competence, shall be committed to ensure that citizens are correctly informed both on public affairs and issues of personal interest'.

<sup>17</sup> Guideline I.3.1.d and the Explanatory Memorandum of the Venice Commission Revised [Code of Good Practice on Referendums](#) states, in part: "The authorities must provide objective information... This implies that the text submitted to a referendum and an explanatory report or balanced campaign material from the proposal's supporters and opponents should be made [directly] available to electors sufficiently in advance... in order to enable voters to arrive at an informed opinion...".

<sup>18</sup> Article 25 of the 1966 [ICCPR](#) states that "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs"; para 5 of the UN HRC [General Comment No 25](#) clarifies this applies to referenda.

<sup>19</sup> If this threshold is not met, the election shall be repeated within two weeks.

<sup>20</sup> In case the turnout falls below one fifth of voters in the voter lists, a repeat voting is conducted within two weeks.

<sup>21</sup> See para 121 of the ODIHR and Venice Commission [Joint Opinion](#) on the draft electoral code. See also para 247 of the 2020 Venice Commission [Report](#) on Electoral Law and Electoral Administration in Europe, which underlines the potential negative impact of turnout requirements in the absence of "an absolutely accurate voter register".

<sup>22</sup> Such referenda can be proposed by at least one third of all MPs in the parliament, or by at least 200,000 voters. The president may only initiate consultative non-binding referenda.

precedence of the EU *acquis* over the national legal framework.<sup>23</sup> The referendum proposal combines a general question together with the verbatim text of the constitutional amendment with a single possible choice. This mechanism may have compromised voters' ability to make an informed choice.

The Constitution of Moldova requires a referendum involving a question revising “the sovereign, independent and unitary character of the state, as well as its permanent neutrality” to be approved by a majority of all voters in the voter lists.<sup>24</sup> Prior to the 2024 constitutional referendum, the Constitutional Court examined the issue and concluded that the amendments required for EU accession do not fall under the sovereignty clause.<sup>25</sup> The referendum aims to integrate the EU *acquis* into the domestic legal system through the use of organic laws adopted by a majority of MPs, rather than by a constitutional two-thirds majority.

## Election Administration

The presidential election and the constitutional referendum were administered by a three-tier structure comprising of the CEC, 37 District Electoral Councils (DECs), and 2,219 Precinct Electoral Bureaus (PEBs).<sup>26</sup> Of the latter, 30 were established for voters residing on the left bank of the Nistru river (Transnistria), 228 for out-of-country voting,<sup>27</sup> which represents a 52 percent increase since the 2021 parliamentary elections, and three assigned to handle postal voting, available for the first time in this election and referendum to voters abroad residing in six designated countries.<sup>28</sup>

The CEC is a permanent body appointed in 2021, consisting of nine members, one nominated by the president and eight by the parliamentary factions, proportional to their representation. In its current composition, the CEC has one member nominated by the president, five nominated by the parliamentary majority and three nominated by the opposition. DECs chairpersons are permanently employed, while members are appointed *ad hoc* before each election by district courts, district councils and parliamentary

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<sup>23</sup> Under the Constitution, the parliament adopts constitutional laws by a two-thirds majority of Parliament (67 votes). Organic laws are adopted to regulate, *inter alia*, state governance and local administration by a majority of Parliament (51 votes). Article 8 of the Constitution requires a comprehensive revision of the Constitution prior to ratification of international agreements that are contrary to the Constitution. The proposed amendment lifts the requirement of a comprehensive constitutional revision to eliminate all the divergencies between the Constitution and the EU *acquis* by recognising the superiority of the EU rules.

<sup>24</sup> Article 142(1) of the Constitution. The Electoral Code regulates other types of referenda and establishes the approval quorum of a majority (over 50 per cent) of all participants in the referendum on other constitutional amendments.

<sup>25</sup> In its [assessment](#), the Court determined that it was required to examine whether “the subject of the proposed amendment is not the sovereign, independent, unitary character of the state and its permanent neutrality”, while in its conclusions the Court stated that “the proposed initiative for constitutional amendment does not violate” the sovereign character of the state. Articles 1 and 5 of the [Treaty on the European Union](#) define the principles denoting the EU competences, i.e., conferral, subsidiarity and proportionality. In para. 44 of the [judgement](#) on the case C-621/18, the European Court of Justice stated “[...]the founding Treaties, which constitute the basic constitutional charter of the European Union [...], established, unlike ordinary international treaties, a new legal order, possessing its own institutions, for the benefit of which the Member States thereof have limited their sovereign rights, in ever wider fields, and the subjects of which comprise not only those States but also their nationals.

<sup>26</sup> The CEC established two municipal DECs (Chişinău and Bălţi), 32 *raion* DECs, one DEC for Găgăuzia, one for voters residing in Transnistria, and one for voters abroad.

<sup>27</sup> The decision to establish only 5 polling stations in the Russian Federation was criticized by some political actors and challenged in court by one (*see Election Dispute Resolution section*). After the MFA advised, on security grounds, on 25 September against opening Polling Stations (PS) in the Russian Federation other than on embassy or consulate premises and withdrew its nomination of members of three PEBs, the CEC acknowledged the practical impossibility of opening polling stations in Surgut, Iaroslav and St. Petersburg and the ballots printed for these PEBs were destroyed on 7 October.

<sup>28</sup> The United States of America, Canada, Norway, Sweden, Finland, and Iceland. The possibility of adopting postal voting on a wider-scale permanent basis will be assessed following the 2024 election.



parties.<sup>29</sup> PEBs are temporary bodies, whose members are appointed by local councils and parliamentary parties. Women constituted the majority at each level of the election administration; five CEC members are women, including the chairperson, as well as 70 per cent of DEC members and 59 per cent of DEC chairpersons.

The CEC administered the election and the referendum efficiently and transparently, respecting the legal deadlines, despite being severely understaffed in several departments.<sup>30</sup> Its sessions were announced in advance, open to observers and to the media and livestreamed. Session recordings remained available online, and the decisions adopted were published promptly afterwards. CEC decisions were adopted in an impartial and collegial manner, and draft decisions discussed openly during sessions, including with input from candidates, referendum participants and public institutions involved in election preparations.

DECs and PEBs were appointed within the legal deadlines. DECs were well-equipped and professional, and the permanence of the appointment of DEC chairpersons contributed to the efficiency of election preparations. DEC and PEB sessions observed by the ODIHR EOM were generally assessed as efficient. The ODIHR EOM noted that some PEBs were not always open during the announced working hours, which limited voters' opportunity to inspect the voter lists and request absentee voter certificates. Most interlocutors expressed confidence in the professionalism and impartiality of DECs and PEBs; however, public trust in the CEC may have been negatively affected by some election stakeholders questioned the balance of the CEC's current composition and, consequently, the independence of its members.<sup>31</sup>

Through its Centre for Continuous Training (CICDE), the CEC conducted an extensive training program for election officials and other stakeholders.<sup>32</sup> PEB training sessions observed by the ODIHR EOM throughout the country were assessed as professional, efficient and interactive. Online training was available for DEC and PEB members who had to be replaced after the in-person trainings had been completed.

The CEC and CICDE also conducted a broad voter information campaign through social media, broadcast media and printed leaflets and guides, including materials in six languages, as well as in Braille and with sign-language interpretation.<sup>33</sup> While the CEC took measures to facilitate the access of persons with disabilities to the electoral process, providing magnifying lenses and tactile ballot sleeves for election day, the vast majority of public buildings used as PEB premises remain physically inaccessible to voters with limited mobility.<sup>34</sup>

The Information Technology and Cyber Security Service informed the ODIHR EOM that during the past year it significantly strengthened its capacity to protect the digital infrastructure for elections against cyber-attacks and, ultimately, safeguard public confidence in the integrity of the election

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<sup>29</sup> In Găgăuzia these elections were administered by a temporary DEC. The DEC for Transnistrian voters functioned with 10 members after the resignation of its chairperson.

<sup>30</sup> A 2023 parliament decision recommending the government to take measures to overcome the shortage of qualified staff at the CEC remains unaddressed.

<sup>31</sup> Based on the current composition of Parliament, the majority of the CEC members were nominated by the ruling party, creating an imbalance that challenges the impartiality of the CEC. A new appointment mechanism intended to enhance institutional independence and impartiality, was introduced by the 2022 Electoral Code and will be applied as of 2026. The new formula comprises seven CEC members nominated one each by the President, the Ministry of Interior, the Superior Council of Magistracy, civil society and the parliamentary opposition, and two by the ruling party.

<sup>32</sup> All electoral officials must be certified by CICDE.

<sup>33</sup> The six languages are Romanian, Russian, Ukrainian, Romani, Bulgarian and Gagauz.

<sup>34</sup> A [2022 study](#) conducted by CEC and United Nations Development Programme Moldova on 2,017 buildings found that only 569 are accessible to an extent and only 18 fully accessible. The CEC has also published a PEBs [accessibility map](#).

process. Measures include identifying probable targets, increased preparedness to restore connectivity at PEBs, incident response training, cybersecurity training for State Automated Information System “Elections” (SAISE) operators and countering disinformation on potential cyber-attacks. An inter-institutional national crisis response team was established under the Ministry of Interior.

## Voter Registration

Citizens aged 18 or older are eligible to vote, except those deprived of this right by a court decision on the basis of intellectual or psychosocial disability; this is at odds with international standards and contrary to previous ODIHR and Venice Commission.<sup>35</sup>

Voter registration is passive, continuous and centralised. While the State Voter Register (SVR) is maintained and updated by the CEC, its accuracy depends on that of the population register, from which its data is extracted.<sup>36</sup> On 2 October, the SVR included 3,302,142 voters. Of these, 284,755 voters without a registered address in Moldova, 274,475 residing in Transnistria, and 20,896 pre-registered to vote abroad (including 1,809 for postal voting) were not included in the printed voter lists available at each PEB but could be added to supplementary voter lists on election day.<sup>37</sup> Moldova has a very high diaspora population, estimated to be 1,100,000, but only 117,326 Moldovan citizens are officially registered as living abroad while many others remain on the voter lists.<sup>38</sup> There was overall confidence in the inclusiveness of the SVR. However, the mechanism for removing deceased citizens from the SVR depends on the initiative of the family in reporting such changes and some electoral stakeholders questioned the accuracy of the register, particularly as regards those deceased abroad or in Transnistria.

PEBs had to make voter lists available for public scrutiny at PS premises from 30 September. The ODIHR EOM noted that some PEBs posted them at the premises, while others had them available upon request only during PEB working hours. Voters could also verify online their own record in the SVR as well as any voter list by polling station with redacted personal data, and could request corrections of their data until 13 October.

On election day, electronic verification of voters’ IDs against the SVR was conducted through the SAISE.<sup>39</sup> Each PS was connected in real time to the SAISE’s voter list module, and operators marked each voter in the system as having voted, to safeguard against multiple voting.

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<sup>35</sup> Paragraph 7.3 of the [1990 OSCE Copenhagen Document](#) states that the participating States will “guarantee universal and equal suffrage to adult citizens”. According to Articles 12 and 29 of the [UN Convention on the Rights of Persons with Disabilities](#) (CRPD), “State Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life” and ensure their “right and opportunity [...] to vote and be elected”. Paragraph 48 of [General Comment No. 1 to Article 12 of the CRPD](#) states that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising [...] the right to vote [and] the right to stand for election”.

<sup>36</sup> The State Population Register is maintained by the State Services Agency.

<sup>37</sup> Voters in medical institutions, prisoners and voters homebound due to age, disability or illness could apply for mobile voting until 19 October. Voters could vote at another polling station other than the one that they are registered at if they registered with a temporary address until 25 September or requested an absentee voter certificate until 19 October.

<sup>38</sup> See para 247 of the 2020 Venice Commission [Report](#) on Electoral Law and Electoral Administration in Europe, which underlines the potential negative impact of turnout requirements in the absence of “an absolutely accurate voter register”.

<sup>39</sup> The SAISE has separate modules for voter identification, support signature verification, observer accreditation, etc.

## Candidate and Referendum Registration

Citizens eligible to vote may stand for election if they are at least 40 years old, have resided permanently in Moldova for at least 10 years, and are proficient in the Romanian language.<sup>40</sup> The 2022 Electoral Code introduced higher education as an eligibility requirement.<sup>41</sup> The residency requirement is unreasonably lengthy at odds with OSCE commitments and international standards. The procedure and criteria for establishment of language proficiency are not regulated potentially leading to discriminatory application and the requirement for higher education is discriminatory, counter to OSCE commitments, international standards and good practice.<sup>42</sup> Active military service personnel, persons sentenced to imprisonment or with unexpunged criminal record for intentional crimes, and persons deprived of the right to occupy positions of responsibility by a final judicial decision may not stand.

Presidential candidates can be nominated by political parties and electoral blocs or, in the case of independent candidates, by groups of voters.<sup>43</sup> Registration is a two-step process; between 21 August and 31 August, the CEC considered 18 applications and registered 13 initiative groups;<sup>44</sup> these groups had to collect and submit between 15,000 and 25,000 supporting signatures between 21 August and 20 September.<sup>45</sup> Twelve of the 13 registered groups submitted nomination documents and supporting signature lists.<sup>46</sup> Positively, the 2022 Electoral Code allowed voters to sign in support of several candidates, introduced the signature collection requirement for political parties nominating a presidential candidate, and clarified the rules for candidate nomination and dispute resolution, as recommended by the ODIHR and Venice Commission.<sup>47</sup>

In its assessment of candidate nominations, the CEC scrutinised compliance of the submitted documents with the nominating parties' charters and minutes of their assemblies, and considered evidence linking candidates claiming to be independent with political parties. Although the CEC appears to have taken its decisions in a consistent manner and based on objective criteria, the absence of legal or regulatory provisions to establish a candidate's status as an independent candidate raises concerns as it can open the process to arbitrary interpretation.

The CEC conducted the signature verification process impartially and objectively. The process was open to observers and party representatives and conducted within the legal deadlines. Candidate

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<sup>40</sup> The procedure for language testing is not regulated.

<sup>41</sup> The Electoral Code requires submission of a diploma of a completed bachelor's degree, or an equivalent.

<sup>42</sup> Paragraph 7.5 of the [1990 OSCE Copenhagen Document](#) states that the participating States should "respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination." Article 25 in conjunction with Article 2 of the [ICCPR](#) requires that the right to be elected shall be ensured free from any discrimination. Paragraph 15 of the [UN Human Rights Committee General Comment No. 25](#): "persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation." See also guideline I.1.1.1c of the [Code of Good Practice in Electoral Matters](#).

<sup>43</sup> In order to be nominated by voters, a presidential candidate shall create an initiative group of 25 to 100 voters; the creation of the initiative group shall comply with formal requirements determined by the Election Code.

<sup>44</sup> Four initiative groups had their candidates' independent status questioned by the CEC. Ultimately, the CEC denied registration to initiative groups supporting: Mr Bolea, who is the chairperson of the Renaissance Party; Mr Tabarcea, for engagement in activities, including campaigning, for the Chance party; and Mr Borodachi, a member of the PACE political party. Mr Tarlev, a fourth candidate claiming to be independent, had the initial registration of his initiative group revoked, but was ultimately registered as a party candidate (Future of Moldova). The initiative group of Mr Pleșca was denied registration because he was nominated by the European Social Democratic Party of Moldova while being president of the Christian Social Union of Moldova (CSURM). His nomination was also not submitted in accordance with the nominating party's statute. The initiative group of Ms Corsun was denied registration after she failed to demonstrate Romanian language proficiency.

<sup>45</sup> Moreover, a minimum of 600 signatures from at least 18 out of the 35 administrative-territorial units is required.

<sup>46</sup> The initiative group supporting Mr Arseni did not submit nomination documents and support signatures.

<sup>47</sup> See the ODIHR and Venice Commission [Joint Opinion](#) on the draft electoral code (CDL-AD(2022)025).

registration was inclusive and resulted in 11 candidates, seven men and four women, offering voters a choice of political options. One candidate nomination was rejected for not meeting the required number of valid supporting signatures.<sup>48</sup>

Positively, the referendum legal framework includes the concept of supporters and opponents of a referendum and requires registration to participate in the referendum campaign.<sup>49</sup> However, the provision allowing only political parties and electoral blocs to register with the CEC as referendum participants, thereby excluding citizens, groups of citizens and civil society organizations, remains restrictive. By the 20 September deadline, the CEC received applications for registration from 19 prospective referendum participants and initially registered 16.<sup>50</sup> The Chance party was later de-registered after a court ordered the limitation of the party's activities for three months (*see Election Dispute Resolution*),<sup>51</sup> resulting in 15 registered participants.<sup>52</sup>

## Election Campaign

The 29-day official campaign began on 20 September and ended on 18 October at midnight. During both the presidential and referendum campaigns, fundamental freedoms of expression, association, and assembly were generally respected. Candidates could campaign freely overall, though some reported obstruction by the police; these claims were refuted by the police.<sup>53</sup> While the campaign environment was marred by interference from abroad and active disinformation efforts, the campaign of registered contestants remained low-key throughout. ODIHR also noted instances of the President and the ruling party taking advantage of the incumbency position.

During this period, electoral advertising was only allowed for candidates and referendum participants registered by the CEC. Four out of 11 presidential candidates were permitted to start campaigning from 20 September while the candidate registration and the related dispute resolution processes were still

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<sup>48</sup> The initiative group supporting Mr Munteanu submitted insufficient valid support signatures.

<sup>49</sup> Guideline I.2.2 of the Revised [Code of Good Practice on Referendums](#) “provides that equality of opportunity must be guaranteed for the supporters and opponents of the proposal being voted on”.

<sup>50</sup> The Victory electoral bloc was denied registration for failing to provide the CEC the requested supplementary clarification on the agreement to form the bloc and for applying to register with the same name as one of the member parties, contrary to a CEC instruction. The PACE party and the Victory party were denied registration for failing to prove that the application was submitted by those authorised by the party statute to do so and, in the case of Victory, for representing a “camouflaged electoral bloc”. In its 2014 [decision](#) on the parliamentary election results, the Constitutional Court stated that registering members of two or more parties on one party list should not be allowed and that members of two parties can only participate in elections together if the respective parties register as an electoral bloc.

<sup>51</sup> Two days before the November 2023 local elections, a Commission for Exceptional Situations, established as part of a state of emergency declared due to the war caused by the Russian Federation's invasion of Ukraine, ordered the de-registration of all candidates nominated by the Ilan Șor affiliated Chance Party, affiliated to the bloc “Chance. Duties. Realization” (Șansă, Obligații, Realizări, ȘOR) founded by Ilian Șor following the banning of the Șor Party. The order was based on claims of vote buying and violations of campaign finance rules, including the use of undeclared funds through sponsorship projects initiated by Mr Șor. This was overturned by the Chișinău Court of Appeal in December 2023. In May 2024, the Ministry of Justice requested new restrictions based on the party's failure to comply with CEC requirements. On 16 August, the Bălți Court ordered a three-month suspension of the party, which was confirmed by the Bălți Court of Appeal on 11 September 2024.

<sup>52</sup> A total of 13 parties were registered in support of “yes”: Green Ecologist Party, Respect Moldova movement, Alliance of Liberals and Democrats for Europe, Coalition for Unity and Prosperity, “Together” Bloc, Party of Action and Solidarity, National Alternative Movement, Home Democracy Party, Alliance for the Union of Romanians, “We” Political Party, Party of National Reunification “Home”, European Social Democratic Party and the “People's Will” Party. Two parties were registered in support “no”: Party of Communists of the Republic of Moldova (PCRM) and Renaissance. There is no option to register to campaign for a boycott of the referendum.

<sup>53</sup> Such claims were made by Ms Vlah, Ms Furtună, and Mr Tarlev as well as by PCRM. Police representatives refuted these claims when meeting ODIHR EOM.

ongoing,<sup>54</sup> thereby challenging the principle of equal campaign opportunities and at odds with paragraph 7.6 of the 1990 OSCE Copenhagen Document, other international standards and good practice.<sup>55</sup> Some reported further delays to the start of their campaign stemming from campaign financing rules (*see Campaign Finance section*).

An unofficial campaign from non-registered and illicit actors unfolded concurrently with the official campaign and the electoral framework did not provide sufficient instruments to counter a number of irregularities that impacted the campaign environment.<sup>56</sup> There were allegations of direct foreign support for multiple presidential candidates and political parties but the candidates were not disclosed by the competent authorities and no measures were taken against them ahead of the election.<sup>57</sup> There was credible evidence of interference from abroad, including offering illicit monetary incentives to influence voters.<sup>58</sup> For example the ODIHR EOM learned of text messages being sent, including one received by an ODIHR EOM observer two days before election day, inviting them to spread a Victory

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<sup>54</sup> According to candidate nomination and election dispute resolution deadlines set out in the Electoral Code, the start of the official campaign period coincides with the deadline for prospective candidates to collect and submit signatures. Mr Stoianoglo, Ms Sandu, Mr Usatii and Mr Tarlev were registered by 20 September and launched their campaign activities on this day or shortly thereafter. Ms Vlah, Mr Chicu, Mr Năstase, Mr Țicu, Ms Furtună, Ms Morari and Mr Ulianovschi were registered by 24 September and within the legal deadline for signature verification but six of them still had not begun campaigning a full week after the official start of the campaign period.

<sup>55</sup> Paragraph 7.6 of the [1990 OSCE Copenhagen Document](#) calls on OSCE 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”. See also, Section I.2.3.a of the 2002 Venice Commission [Code of Good Practice in Electoral Matters](#), which recommends that “Equality of opportunity must be guaranteed for parties and candidates alike”.

<sup>56</sup> On 18 October, the CEC held a [press conference](#) in which it called the conduct of election activities by unregistered subjects, including the Victory Bloc, unprecedented.

<sup>57</sup> In a [press release](#) from 3 October, the police announced that the National Investigation Inspectorate, jointly with the Anti-Corruption Prosecutor's Office, conducted “several searches in the framework of a criminal case initiated regarding the illegal financing of political parties, initiative groups and electoral competitors (...) The persons affiliated with the criminal organization led by Ilan Șor were instructed to recruit people to participate in the electoral ballot for sums of money, and to be notified on the eve of the elections through the groups in the Telegram application regarding the candidate to be voted for, as well as to vote with the option “no” in the Referendum”. Besides the press release, the police provided no other details. At a session on [7 October](#), the CEC stated to have received from the police notification of the topics discussed in the press conference but could do nothing about it, because the notification did not contain evidence on the names of the people involved or concrete evidence of illegal financing. In a [press conference](#) on 18 October, the CEC said that it would analyse any new information received from the police.

<sup>58</sup> On 29 September, Mr Șor posted a video in which he made the following claim: “I want to hire ambassadors of Ilan Șor in the referendum. For this you need to register on the Telegram Bot. The most important thing is to convince as many people as possible at your polling stations. We know the truth and we will tell you, and you will have to share this information with as many people as you can. The work will be remunerated, after registration on the Bot you will be paid 500 lei, and for three weeks you will have assignments that will be paid supplementary. If you work well, and in the region where you work, the majority of the people will vote against the referendum, the bonus will be 5000 lei.” On 3 October, the Anticorruption Prosecutor's Office, in cooperation with the National Investigative Inspectorate, [announced](#) the seizure of materials belonging to “people affiliated with the criminal organization led by Ilan Șor...made up of persons located on the territory of the Russian Federation”, and described a hierarchical scheme that included “the opening of accounts in the (Russian) commercial bank PromsveazyBank” for the purpose of receiving monetary incentives to influence the outcomes of the election and referendum. The authorities said that roughly 130,000 people were involved in the scheme and that USD 15 million had been transferred in September. The Moldovan authorities also informed the ODIHR EOM that they found evidence these schemes were orchestrated by Mr Șor and the Russian Federation, and included efforts to derail the referendum, and plans for organising protests and other destabilizing activities after the results of the election and referendum. On 17 October, the Security and Intelligence Services announced that it had “established that Ilan ȘOR used the front of the NGO "EURASIA" to finance the travel of some groups of young people to Moscow, in order to train them on the tactics and methods of carrying out protest actions”. In conjunction with the same investigations, the National Police [announced](#) that it had conducted 88 searches and seized 1.6 million lei. In a [statement](#) on the same day, the prime minister addressed the totality of efforts, saying that the “General Police Inspectorate has conducted 350 searches in criminal cases, arrested hundreds of offenders, issued over 250 fines, and seized tens of millions of lei”.

bloc message to vote for “no” in the referendum on social media in exchange for money.<sup>59</sup> Moreover, a variety of actors that were not registered as participants in the referendum were observed campaigning, both offline and online.<sup>60</sup>

During the campaign period, the government continued to run a large public campaign providing information on the “benefits and opportunities offered by” EU membership and did not provide objective explanations of the referendum options,<sup>61</sup> while the ruling party campaigned for “yes” in the referendum. While good practice says it is not necessary to prohibit completely intervention by the authorities in support of or against the referendum proposal, it also calls on authorities to not engage in excessive one-sided campaigning, but show objectivity.<sup>62</sup> These practices blurred the lines between the government and PAS as a party registered to campaign in the referendum, which is at odds with paragraph 5.4 of the 1990 OSCE Copenhagen Document.<sup>63</sup> The CEC’s protracted difficulty in adjudicating a complaint against Ms Sandu indicated that the regulatory framework on the use of administrative resources lacked sufficient clarity (see *Election Dispute Resolution*). Further, the ODIHR EOM noted cases of the misuse of administrative resources that were not subject to official complaints.<sup>64</sup>

Aside from PAS, few of the referendum participants registered for “yes” actively campaigned; the two parties registered in support of “no” campaigned mostly online, often using inflammatory language. No contestant was observed campaigning on the content of the proposed constitutional amendments. European partners have been actively supporting Moldova’s European path, including high-level visits during the campaign and the announcement of a 1.8-billion Euro financial package in support of Moldova’s economic development, under preparation since the beginning of the

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<sup>59</sup> The message reads: “Dear friends! We invite like-minded people to help us spread the word and post a new ad on Facebook! The video we propose to share will be in the next message. For your time and effort, we offer you a compensation of 150 lei. Please note that you must have at least 50 friends or subscribers on your page! The video is with member of parliament Marina Tauber, where she wants to engage people to go and vote No in the referendum. Otherwise the vote will be stolen and you will be responsible for the disastrous consequences that follow if Sandu wins.”

<sup>60</sup> PSRM leader Igor Dodon advised his followers not to participate in the referendum, in [social media posts](#) and during campaign events for Mr Stoianoglo. Chance party leader Alexei Lungu used his [Telegram account](#) to urge followers to vote “no” (the party’s Facebook and Instagram accounts have been suspended). The EOM also observed the Victory Bloc campaigning. Other examples include the website Not Now (Nu acum), which was banned by the Security and Intelligence Services (SIS), and anti-EU poster campaigns by unidentified actors.

<sup>61</sup> The [campaign was launched](#) on 8 July 2024 and scheduled to end on 18 August 2024. The [website](#) of the Government of Moldova directly links to the “[Europa pentru tine](#)” (Europe for you) webpage, which includes a countdown clock to the referendum and the assertion that “in order to live a good life you have to make the right choices”. The “Europe for you” campaign is [estimated](#) to have cost 515,000 Euro. It was also observed that local public institutions often displayed information explaining the EU. The campaign was subject of a complaint filed by Mr Bolea (see *Election Dispute Resolution section*). See Guideline I.3.1.d and the Explanatory Memorandum of the Venice Commission [Code of Good Practice on Referendums](#) on the need for authorities to provide objective material.

<sup>62</sup> According to the explanatory memorandum of the revised [Code of Good Practice on Referendums](#), para.11, “[t]he use of public funds by public authorities for campaigning purposes must be prohibited in order to guarantee equality of opportunity and the freedom of voters to form an opinion. In addition, the public authorities at every level (national, regional or local), must not engage in excessive, one-sided campaigning, but show objectivity.

<sup>63</sup> Paragraph 5.4. of the [1990 OSCE Copenhagen Document](#) provides for a “clear separation between the State and political parties; in particular, political parties will not be merged with the State.”

<sup>64</sup> Article 1 of the Electoral Code defines administrative resources, while Article 16 specifies the persons to which such provisions apply. Numerous members of the cabinet actively campaigned for both Ms Sandu and the referendum, some of which did so by promoting programs of the government, including the [Prime Minister](#), [Minister of Infrastructure and Regional Development](#), [Minister of the Environment](#), and [Minister of Culture](#). In addition, on 9 October, the government [announced](#) a one-time pension payment of 120 Euro. The EOM also received reports from Bălți, Cahul, Nisporeni, Orhei, Sîngerei, and Strășeni that local officials and civil servants were involved in various aspects of campaigning at the local level.

year;<sup>65</sup> the timing of this announcement, which came 10 days before the election and referendum, was criticized by the opposition.<sup>66</sup>

The presidential campaign was competitive, with messages mostly focused on Moldova's foreign policy, identity and values, economic issues, emigration and pensions. Campaign activities included door-to-door canvassing, small-scale meetings and larger rallies, leaflets and newsletters, billboards and posters, and traditional media. At times, the campaign rhetoric involved personal insults, often directed towards the incumbent president. At least two candidates overtly campaigned using anti-LGBTI messages. There were also credible reports on the involvement of religious figures in the campaign, contrary to national legislation.<sup>67</sup> Positively, there were no observed instances of discriminatory rhetoric towards national minorities. Russian language was commonly used by some candidates in their campaigns.

Women's issues or concerns did not feature in the campaign and there were very few observed cases of sexist language.<sup>68</sup> The EOM observed 59 campaign events, in which women represented an estimated 45.5 per cent of participants. Women represented approximately 50 per cent or more of attendees at the events of all four women candidates; in all cases but one, women represented 36 per cent or less of attendees at the events of male candidates. Women featured as speakers in 32 out of the 59 campaign events observed, representing 41.6 per cent of speakers.

All candidates used social media to campaign. Facebook, Instagram, TikTok, and Telegram were the most common platforms, which candidates used to announce campaign events, post videos and disseminate messages. According to the Meta Ad Library, candidates advertising most frequently online were Ms Sandu, Mr Usatii, Ms Morari, and Mr Chicu.<sup>69</sup> Online disinformation narratives were common and often reflected in offline campaigning, amplifying anti-LGBTI discourse and fears over the expansion of the war caused by the Russian Federation's invasion of Ukraine to Moldova, the sale of Moldovan land to foreigners, and the banning of the Metropolitan Church. The government has identified disinformation as a key threat to national security and put in place plans to address it going forward;<sup>70</sup> in the context of these elections, the government spokesperson has issued public statements to debunk these narratives.<sup>71</sup> While certain campaign regulations are applicable to campaign activities

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<sup>65</sup> Since the start of the presidential and referendum campaign on 20 September, these included the 4 October visit of Romanian Prime Minister, Marcel Ciolacu; the 10 October visit of the President of the European Commission, Ursula von der Leyen; the 15 October visit of foreign ministers of eight members of the Nordic-Baltic format - Denmark, Finland, Estonia, Iceland, Latvia, Lithuania, Norway, and Sweden. Ms von der Leyen's visit coincided with the [announcement](#) of a significant financial support package for Moldova of 1.8 billion Euro – the Growth Plan. On her [Facebook page](#), Ms Sandu called the visit “a clear message that we are strongly supported by our friends in the EU” and said that the financial plan “brings us closer to our goal of preparing the country for accession to the European Union by 2030”.

<sup>66</sup> For example, presidential candidate Mr Tarlev posted on [Facebook](#): “When high-ranking Europe thinks that alms before the elections can attract the votes of Moldovans on the side of the bankrupt regime, it is a shame!”.

<sup>67</sup> Article 15(2) of the 2007 Law No. 125 on freedom of conscience, thought and religion.

<sup>68</sup> In a campaign rally for Mr Stoianoglo in Bălți on 13 October, one of the speakers questioned Ms Sandu's ability to understand family and education policies, and to respect the church, since she does not have children. A similar statement was made at a rally for Mr Stoianoglo in Ungheni on 12 October.

<sup>69</sup> Ms Sandu was the highest spender over a seven-day period, while Veaceslav Platon, believed to be linked with Ms. Morari, was one of the highest spenders over a longer period of time.

<sup>70</sup> The [National Defense Strategy](#) for 2024-2034 provides for the protection of the information space, including the establishment of a Center for Strategic Communication and Combating Information, with the goal of “strengthening and improving interinstitutional efforts to combat disinformation, information manipulation, and coordinated actions that spread messages, narratives, or communications, regardless of their origin, which pose a threat or could harm national security and jeopardize the achievement of national interests.” Its role is more to cooperate with other actors, including civil society, media, the private sector, and international partners; conduct analysis; and make recommendations, with a focus on long-term resilience, rather than to take action itself.

<sup>71</sup> See the spokesperson's public statement on [“How to recognize disinformation traps?”](#).

on social networks, as the online space remains underregulated, there is no clarity on their enforcement.<sup>72</sup> Government authorities and civil society organizations are cooperating with social media platforms, with some response.<sup>73</sup>

## Campaign Finance

The regulation of campaign and political party financing creates a sufficient ground for financial accountability and integrity of the campaign.<sup>74</sup> However, the limited resources of the oversight body impede the potential effectiveness of the regulation. CEC instructions provide comprehensive regulation of campaign finance reporting and oversight, clarifying generic legal norms; however, some of the CEC rules lacked clarity or appeared to exceed the scope of the law.<sup>75</sup> Positively, the CEC regulation on financing of initiative groups and electoral campaigns references the laws to be applied as methodology for the evaluation of in-kind donation and audit requirements. Moreover, most GRECO recommendations related to transparency of political party financing have been addressed.<sup>76</sup> The long standing ODIHR and Venice Commission recommendations on lightening reporting requirements previously assessed as burdensome and excessive remains unaddressed,<sup>77</sup> which the CEC explained by the necessity of stringent control due to the lack of a culture of accountability in the political domain.

Campaign finance rules and reporting requirements apply to presidential and referendum campaigns. All campaign-related transactions shall be made to and from bank accounts for initiative groups and election campaigns.<sup>78</sup> The law creates favourable conditions for the campaign of party-nominated candidates, as political parties may open the accounts before registration, while independent candidates only after registration, which created favourable conditions for the campaign of party nominated candidates. Several contestants reported administrative obstacles while opening the accounts and obtaining fiscal identification numbers, which considerably delayed the start of their campaigns.

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<sup>72</sup> Campaign materials shall be distributed on social media on a contractual basis, be marked as campaign advertising, referencing the contractor. The restrictions on aggressive, discriminatory or harmful content, symbols of foreign states and organizations, and images of foreign public figures apply to campaigns on social media.

<sup>73</sup> On 10 October, at the request of the National Investigation Inspectorate, Telegram blocked the account of Ilan Șor and several of his associates. On 11 October, Meta [announced](#) it had removed several accounts as well.

<sup>74</sup> The 2024 amendments to the Electoral Code and the LPP introduced the obligation for the political parties to employ professional accountants, clarified the regime of cash donations, and the scope of oversight and control over financing.

<sup>75</sup> Paragraph 105 on planned financial controls determines objectivity and non-discrimination as the criteria for determination of control priorities, however, in the absence of further detail as to the scope of such criteria or the requirement of the planned controls of all contestants, it is unclear how compliance is to be assessed. The financial audit methodology was under elaboration during the campaign. While the law obligates banks to open campaign accounts, the CEC regulation determines conditions, when banks may refuse to provide their services. Paragraph 278 of the ODIHR and Venice [Commission Joint Guidelines on Political Party Regulation](#) states that “legislation should clearly outline the different steps of the audit process. Audits should be non-discriminatory and objective in their application to all cases.”

<sup>76</sup> The [2023 GRECO Evaluation report](#) (5th evaluation round) stated that “in the [...] Evaluation Round [dedicated to Party Funding], 88 percent of recommendations were implemented” (paragraph 9).

<sup>77</sup> Paragraph 261 of the ODIHR and Venice Commission [Joint Guidelines on Political Party Regulation](#) provides for three financial campaign reports: “Initial reports before the campaign begins (...); Reports providing oversight bodies and the public with preliminary information on campaign incomes and expenses of parties and candidates several days before election day; and – Final reports after the election and certification of results”.

<sup>78</sup> Small cash donations are allowed, subject to documentation, but cannot be used before they are transferred to the bank account.



Election campaigns can be financed from monetary and in-kind donations by individuals and legal entities, as well as funds of political parties and candidates.<sup>79</sup>

The campaign expenditure and monetary donations limits are doubled if the same contestant participates in both the election and referendum campaigns, which was enabled by the January 2024 amendments.<sup>80</sup> Only PAS and the “Together” Bloc nominated both a presidential candidate and registered to participate in the referendum, thereby affording both the opportunity for two sets of funding streams and two sets of free media airtime, while candidates who were nominated by groups of citizens did not have this right.

Interim campaign finance reporting obligations are imposed on contestants and service providers on a weekly basis.<sup>81</sup> The reports shall disclose all campaign-related transactions, including in-kind. The January 2024 amendments excluded the requirement for the contestants to submit primary financial statements along with the weekly campaign reports, but the CEC may request these documents for control purposes. All presidential contestants complied with the obligations to submit final nomination financial reports, but five submitted them late, resulting in CEC warnings. The compliance with interim campaign reporting was not uniform.<sup>82</sup> The CEC announced its financial control findings two weeks after the respective reports, limiting public scrutiny prior to election.<sup>83</sup>

Based on the campaign finance reports, party nominated presidential candidates initially relied on party funding, managing to attract significant individual donations later in the campaign.<sup>84</sup> The main sources of campaign expenditures for all candidates were promotional materials (total MLD 8.95 for all candidates), and campaign events and meetings (MLD 2.5 million), and the total expenses for presidential campaign reached MLD 23 million.<sup>85</sup> The CEC issued warnings to four candidates and two referendum contestants for the late opening of bank accounts, late reporting, and unreported expenditures, and issued a fine and a suspension of the free airtime entitlement for two candidates due

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<sup>79</sup> Donations by individuals and candidates cannot exceed EUR 4,188 (six average monthly salaries up to 30 percent of the donor’s annual income); by legal entities - EUR 8,376 (12 average monthly salaries). Donations from Moldovan citizens residing abroad, recipients of social benefits and public servants are subject to additional limitations. Political parties can transfer up to 70 percent of the party’s funds within the general threshold, with an extra report required for state funded parties.

<sup>80</sup> The total limit is EUR 3,350,000.

<sup>81</sup> Advertising companies, media outlets and banks on the use of card accounts report weekly. Banks report daily on all transactions from campaign accounts.

<sup>82</sup> From 20 September to 16 October, only five candidates uniformly complied with weekly reporting. Some reports included information on the donors, while some of the published reports only referenced total amounts of income and expenditure. For the referendum campaign, only two political parties submitted the first weekly financial report; all but the Renaissance party filed the second and third weekly reports, but only four parties reported any donations or expenditures for that period; all parties filed the fourth weekly report. For the pro-referendum campaign, PAS spent MLD 2.64 million primarily from donation, largely for promotional materials and media advertisement and other parties MLD 160,000 in total. For the anti-referendum campaign, the PCRM spent MLD 1.05 million mostly from party funds, the Renaissance – MLD 170,000, of MLD 407,000 received in individual donations

<sup>83</sup> On 12 October, the CEC presented its findings for the first ten days of campaign (till 30 September), as some of the candidates were registered after the official start of the campaign on 20 September, they did not report any expenses.

<sup>84</sup> Significant party funding was reported by 9 October by Mr Stoianoglo - MLD 3.9 million, Ms Sandu - MLD 3.75 million, and Mr Usatîi - MLD 1.9 million; monetary donations were primary sources of the income during weeks 2-4 for Mr Stoianoglo, Ms Vlah, and Mr Usatîi (approx. MLD 1.6 million), and Mr Năstase - MLD 1.2 million; consistent support by individuals and legal entities throughout the campaign was reported by Ms Sandu totalling-MLD 2.4 million (including numerous donations by public servants as seen in the reports) and MLD 2.35 million, respectively; by individuals - Mr Chicu - MLD 1.2 million; Mr Usatîi – MLD 2.8 million. Proportionately to the total campaign income, considerable support from the diaspora was given to Mr Năstase and Ms Morari..

<sup>85</sup> Approximately EUR 462,000 and EUR 130,000 respectively, total EUR 1 million. The highest expenses as of 16 October were reported by Mr Stoianoglo and Mr Usatîi (approximately MLD 2,5 million each) and Ms Sandu (MLD 5 million).

to a repeated violation.<sup>86</sup> The CEC required suspension of state subsidies for a political party that nominated a presidential candidate and to a political party participating in the referendum for unlawful financing of campaign materials production.<sup>87</sup>

The CEC oversees campaign finances and has a wide scope of powers to sanction contestants and initiate controls upon complaints or *ex officio*. While the law prescribes publication of contestants' weekly reports, reports by service provider are not published. The CEC published reports on the campaign finance and its control results within the legal deadline, and in several instances issued warnings and required the transfer of unlawful donations to the state budget.<sup>88</sup> According to the CEC, the verification of the reported costs of in-kind donations, costs associated with online campaigning, and the identification of undisclosed transactions were particularly problematic. The limited capacity and human and financial resources available to the election administration for oversight at central and local levels diminished the effectiveness of the regulation. The DEC's stated that while monitoring of the factual expenditures by political parties was feasible outside the campaign period, during the election campaign they were not engaged in such activities.

## Media

Moldova's media landscape has undergone significant changes in recent years. To protect its information space, the government has adopted several measures to counter interference from abroad and curtail the influence of political figures over media. These include closure of numerous TV and radio stations whose information content and ownership were deemed to be contrary to Moldova's security interests; affording powers to Security and Information Service (SIS) to block websites for the same reason; and enacting legislation which punishes spreading disinformation in the audiovisual media.<sup>89</sup>

Financially, the media continue to suffer from a weak advertising market which was further strained by the economic consequences of the war caused by the Russian Federation's invasion of Ukraine. Independent and investigative journalism relies mostly on international funding. Many ODIHR EOM interlocutors informed that conditions for media work without interference have improved. However, harassment of journalists, especially female journalists, persists; mostly online. The right to freely access information of public interest exists in law, but effective implementation for journalists is often lacking.

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<sup>86</sup> The warnings were issued to Ms Furtună, Mr Năstase, Mr Ulianoschi, Mr Tarlev, as well as PCRM and the National Alternative Movement. Additionally, the CEC suspended airtime allocated to Mr Ulianoschi and fined Ms Vlah for repeated campaign financing violations. The CEC reverted its decision to issue warnings to Ms Furtună and Ms Morari, as upon verification of the invoices the violations were not confirmed by the CEC.

<sup>87</sup> Upon verification of invoices, it was established that campaign materials of Mr Tarlev were not paid by the Party of the Future of Moldova in advance, as required by the law, with the unpaid amount of MLD 1.7 million. The CEC allowed the party to cover the loans within 24 hours, before initiating criminal proceedings. The needed funds were raised within the allocated time. The CEC suspended the state financing of the Party of the Future of Moldova for twelve months. The CEC also decided to suspend state financing of PCRM, as the leaflets the party printed from the referendum campaign fund criticised Ms Sandu, which the CEC considered a *de facto* presidential campaign.

<sup>88</sup> On 2 October, the CEC ordered two initiative groups to transfer MLD 15,000 and MLD 10,000 respectively to the state budget for financial and campaign violations. The CEC cross-checks donors with civic and fiscal registers to verify compliance with the respective donation caps, and bank statements regarding the amounts of declared expenditures.

<sup>89</sup> In 2022 and 2023, under the state of emergency rules, the licences of Moldovan 12 TV stations retransmitting content from Russian TV channels were suspended *inter alia* for disseminating disinformation about the war caused by the Russian Federation's invasion of Ukraine. In the course of 2024, these 12 TV stations as well as 4 radio stations lost their licences permanently under a newly introduced mechanism of vetting ownership in the light of state security interests because the majority stake was controlled by Ilan Șor or Vladimir Plahotniuc, who are under international sanctions. Appeals against the decisions are still pending. The SIS blocked 10 websites during the current election campaign, and in 2024 the AVC fined two TV stations for disseminating disinformation.

The freedom of expression is enshrined in the Constitution and other laws, and is generally respected, although the restrictive measures, adopted to protect Moldova's information space, have had a negative impact. A majority of ODIHR EOM interlocutors considered these restrictions as a necessary and legitimate responses to the threat posed by disinformation to national security and to social cohesion. Nevertheless, some question the process of adopting them has been hasty and untransparent and reported that the final decisions of withdrawal on licences have not been always based on the content of broadcasts violating Moldova's laws.<sup>90</sup> Some ODIHR EOM interlocutors have opined that the result has led to less space for expressing a plurality of opinions or scrutinising the government's actions.

During election campaigns radio and TV political coverage is strictly regulated to ensure fairness, accuracy and impartiality.<sup>91</sup> To cover campaigns beyond their news bulletins, audiovisual media must submit plans to AVC for approval; 31 outlets did so, and all were approved. The AVC monitored their compliance and published weekly reports. Candidates and referendum participants were granted sufficient free airtime as prescribed by law.<sup>92</sup> The AVC addressed complaints in a timely manner.<sup>93</sup>

In comparison, online outlets and social networks - which have become the most popular sources for news and information ahead of television - are largely unregulated. Most disinformation and falsehoods were primarily spread via *Telegram*, *TikTok* and *Facebook*, with the platforms taking limited action. In order to counter the persistent flow of false or distorted narratives, several media outlets teamed up with fact-checking organisations and in the days before the election and referendum day aired TV programmes verifying various claims.<sup>94</sup> In addition, private and public TV stations ran public service announcements by NGOs emphasising the importance of using trusted information sources.

Ten TV and seven radio stations opted to organise debates for the elections and/or the referendum. Numerous media outlets told the ODIHR EOM that they planned to cover the referendum in regular editorial programs as the high number of participants for "yes" and the low number for "no" did not allow for genuine debate. Nevertheless, others did hold debates on the referendum, and divided speaking time proportionally among the participants. The same rule was applied to debates of presidential candidates or their representatives. The incumbent president did not participate in any of the debates. Due to no-shows and walk-offs, some debates aired with only one participant. Voters were deprived from the possibility to compare all lead contestants directly, undermining the relevance of an open political debate.

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<sup>90</sup> In a [statement](#) issued on 16 January 2024, a number of NGOs criticized the amendments which now make it possible for TV licenses to de facto be suspended without a court decision. They also criticized the fact that the amendments were passed without public consultations.

<sup>91</sup> These principles are elaborated in the Electoral Code and the Audiovisual Media Services Code, as well as CEC regulations which provide for equal opportunities in advertising, free airtime, right of reply, a silence period, and regulate the publishing of opinion polls.

<sup>92</sup> Five minutes on TV and ten minutes on radio stations with nationwide coverage, and one more minute each day in the public broadcaster.

<sup>93</sup> The AVC fined seven media outlets for not providing subtitles or sign language to electoral broadcasts. PCRM, Mr Usatii and Mr Țicu complained about *TeleRadio-Moldova's (TRM)* decision, and Ms Morari about *JurnalTV*, to not air their free airtime spots. Mr Usatii was requested to remove the sentence "I am for banning LGBTI propaganda in schools" as it was deemed as potential incitement to discrimination. PCRM, as a referendum participant, wanted to criticise the president and used sexist language which is contrary to rules for use of free airtime. Mr Țicu and Mr Morari's complaints were partially upheld. Mr Stoianoglu complained to ODIHR about *JurnalTV*, but he did not file an official complaint to the AVC.

<sup>94</sup> TRM opted to run a fact-checking programme on the statements of candidates and referendum participants online, rather than on TV, as the format of show it wished to air, would not have corresponded to the rigid rules established for TV coverage.

The ODIHR EOM media monitoring shows that the referendum hardly featured in news broadcasts but the vast majority of the limited coverage was of the “yes” campaign in part due to the number of registered proponents.<sup>95</sup> Further, private channels such as *JurnalTV* and *TV8* who declared themselves openly pro-EU aired opinion pieces in support of “yes” and *TV8* ran their own pro-EU advertisements at their own cost. These initiatives strongly promoted the “yes” option and did not provide voters with balanced information to make an informed choice.<sup>96</sup>

News broadcasts contained only limited coverage of the election campaign. In the monitored news and editorial programs, except for debates, the incumbent president received the largest amount of coverage overall in her official capacity and as a candidate without clear distinction of the two, while Mr Năstase, Mr Țicu, Mr Chicu and Mr Ulianoschi received the least.<sup>97</sup> Ms Sandu had significantly more coverage than other contestants in two out of the four monitored TV channels, 32 per cent on the public broadcaster *Moldova 1* and 26 per cent on *JurnalTV*. In both channels the tone of the coverage was predominantly neutral, but on *Moldova 1* it was three times more than the next candidates Mr Usatii and Mr Stoianoglu (10 per cent each). In the other two channels the primetime coverage was awarded in a more balanced manner with candidates receiving between 6 per cent and 13 per cent of coverage on *ProTV* and in *TV8* 1 to 25 per cent. The tone of coverage was mostly neutral, with *JurnalTV* having a more positive tone towards Ms Sandu and *ProTV* towards Mr Tarlev, Mr Usatii and Mr Năstase.

Overall, combined with extensive online media coverage of political news, voters were given sufficient information to make an informed choice and the public broadcaster *Teleradio-Moldova* covered the presidential candidates in a factual manner. However, the public broadcaster did not uphold its legal obligation of impartiality,<sup>98</sup> as a large amount of its news coverage was devoted to the official activities of the government and the President, with little scrutiny of the President’s record in office or analysis of government’s decisions. Similarly, 42 per cent of *Radio Moldova* and 30 per cent of *Moldova 1* news were dedicated to the government’s work and 5 per cent and 7 per cent, respectively, to the president’s work. As a result while voters were given diverse information about candidates and referendum, the pro-EU preference in violation of the principle of impartiality by some private TV stations and the extensive coverage of the government and the president’s work in the public broadcaster did not ensure a level playing field for all contestants.

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<sup>95</sup> The ODIHR EOM started media monitoring on 20 September when the official campaign started. It monitored *JurnalTV*, *Moldova 1*, *PRO TV*, *TV8* and *Radio Moldova* during primetime hours (18:00 to 24:00). Online news sites *newsmaker.md*, *noi.md*, *point.md*, *stiri.md* and *zdg.md* were monitored qualitatively. According to ODIHR EOM media monitoring, only six per cent of overall political coverage was devoted to the referendum.

<sup>96</sup> Of the limited news coverage combined the two registered referendum participants supporting the “no” option received 9 percent and 3 percent in all editorial programs, the proponents of the “yes” campaign received 54 per cent of news coverage and 85 per cent of editorial coverage. The Victory Bloc, which is not registered for the referendum, but called for “no”, received 28 and 8 per cent respectively.

<sup>97</sup> In *JurnalTV*, Mr Usatii and Ms Morari received 17 and 14 per cent of coverage respectively, with the rest of candidates falling below 10 per cent. In *ProTV*’s news and editorial coverage, Ms Sandu received 13 per cent of coverage, while Ms Furtună and Ms Vlah 12 per cent and Mr Usatii 10 per cent. In *TV8* five candidates received more than 10 per cent of coverage (Ms Furtună 25, Mr Tarlev 14, Mr Stoianoglu and Ms Sandu 13, Mr Usatii 12, and Morari 11 per cent). On all monitored channels Mr Tarlev received between 5 and 14 per cent, Ms Vlah between 6 and 12, Mr Ulianoschi between 1 and 9, Mr Chicu and Mr Țicu 1 to 8, and Mr Năstase 2 to 7 per cent of coverage. On *Moldova 1* and *ProTV* the coverage of all candidates was mostly neutral or positive, while on *JurnalTV* and *TV8* 24 and 8 percent of coverage respectively was negative. On *JurnalTV* most of it was directed towards Mr Usatii, Ms Morari and Mr Năstase, and on *TV8* towards Ms Morari.

<sup>98</sup> Electoral Code (Art.89) stipulates that “media institutions are obligated to uphold the principles of fairness, balance, and impartiality when covering elections (..)Media institutions shall not offer preferential treatment to initiative groups, electoral contestants, or referendum participants based on their social status or the positions held by their candidates.”

## Election Dispute Resolution

Access to legal remedies is ensured for voters, electoral contestants, referendum participants, observers and the members of election administration bodies. The actions, inactions and decisions of election management bodies can be challenged to the superior election commission, and their decisions can be appealed to the court. Complaints about the activities of presidential candidates and referendum participants are to be submitted to the CEC. The CEC decides on complaints related to violations of campaign rules and financing, while complaints related to the media are decided by the AVC. The Chişinău Court of Appeal (CCA) decides on appeals of CEC and AVC decisions. The Supreme Court of Justice (SCJ) is the final instance of review. The deadlines to submit and decide on complaints are three days; election day complaints should be decided on the same day.

Although the dispute resolution deadlines comply with the international good practice, the timeline for the resolution of candidate registration disputes does not ensure an effective remedy as it limits prospective candidates' opportunities to campaign on equal terms.<sup>99</sup> The CEC did not publish all received complaints, primarily those alleging misuse of office or administrative resources, limiting transparency; on several occasions, the CEC and the CCA did not comply with the deadlines. The judicial decisions were motivated and contained analysis of cases, including for inadmissibility decisions. The cases were reviewed in open sessions, and the parties were provided the opportunity to present their arguments, in line with international standards. As most CEC decisions on inadmissibility were upheld upon judicial review, some important campaign-related issues were not examined on their merits.<sup>100</sup> ODIHR EOM interlocutors expressed a low level of trust in the electoral dispute resolution mechanism, citing complacency of the judiciary with the decisions by the authorities.<sup>101</sup>

Since the call of the elections, 22 CEC decisions have been appealed to the CCA, 14 of which were subsequently reviewed by the SCJ.<sup>102</sup> The CCA granted three cases, and rejected 14 appeals as unfounded; the SCJ rejected two appeals on merits, 11 as inadmissible, while one was granted and sent to be re-examined.<sup>103</sup> Four complaints were filed at the CCA against the CEC for failing to adopt formal decisions while rejecting initiative groups. One case was denied, while the CCA obliged the CEC to review the other three cases and adopt a formal decision. The courts' interpretation of the three-day

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<sup>99</sup> In total, 21 of 28 campaign days may be impacted. In case of close to deadline submission, the verification of registration documents may take place in the first week of the campaign; first instance litigation takes up to 7 days (in practice, the courts require 2 extra days to issue motivated decisions); appeals to the SCJ would further take additional 7 campaign days. See Article 2 (3) of the 1966 [ICCPR](#) that requires "to ensure that any person whose rights or freedoms are ... violated shall have an effective legal remedy". See also Article 13 of the [European Convention on Human Rights](#).

<sup>100</sup> The SCJ overturned a CCA decision as it found its review insufficient and one-sided, due to the CCA's failure to examine the arguments of the applicant, and based on a narrow interpretation of the CEC's obligations on examination of complaints.

<sup>101</sup> The 2023 [GRECO Evaluation report](#) on the Fifth Evaluation round states that "In the Fourth Evaluation Round, dealing with corruption prevention in respect of parliamentarians, judges and prosecutors, only 33 percent of all recommendations have been fully implemented to date." (paragraph 9). In paragraph 112 the [2020 Compliance Report](#), GRECO concluded that "the low level of compliance with the recommendations is globally unsatisfactory."

<sup>102</sup> Nine concerned the CEC rejections to register initiative groups for the presidential election, one candidate registration, and two - an electoral bloc, and a party, for the referendum and presidential election; the CEC's inadmissibility decision on a complaint alleging campaign violations by Ms Sandu, formation of polling stations, denial to appoint an authorised representative and to accredit national observers; and two appeals against the CEC sanctions for campaign financing violations. The PSRM requested the CCA to partially repeal the CEC decision on polling stations abroad regarding the polling stations in the Russian Federation, the CCA and the SCJ denied the admissibility of the complaint.

<sup>103</sup> The SCJ ordered the CCA to review on merits its decision on the involvement of minors in the incumbent's campaign. Two cases upheld by the CCA concerned campaign violations by Ms Sandu; another partially granted case concerned the rejection to register an initiative group of the independent candidate Avelin Tabarcea.

deadline and the possibility of extension until election day did not ensure a timely remedy for cases.<sup>104</sup> As the motivated judicial decisions were not available immediately after adoption, on several occasions the CEC reviewed its decisions reverted by the judiciary without the texts of the respective judgments.

The CEC informed that it received eleven complaints alleging campaign violations, all but two of which were rejected either on merits, or admissibility.<sup>105</sup> One complaint on campaign violations submitted by PAS was granted.<sup>106</sup> The CEC reexamined two complaints following appeals, one was denied, the other was granted. Neither the CEC, the police nor the Office of the Anticorruption Prosecutor provided public information on how the majority of allegations about the misuse of administrative resources by the government and other campaign violations, allegedly committed by PAS, were resolved. The CEC could not reach a decision on two complaints; one of the cases, related to the alleged misuse of office by the incumbent, was resolved on the third attempt following a full cycle of judicial review. The failure to reach a decision on that case created the perception of bias.<sup>107</sup> On two other occasions, the CEC forwarded the matters to the police to initiate misdemeanors.<sup>108</sup> The CEC granted a complaint against a DEC for voting abroad, which failed to form 3 of 5 PEBs in the Russian Federation, requesting the DEC to form all PEBs, which was not implemented due to the lack of inter-institutional coordination.<sup>109</sup>

### Citizen and International Observers

The Election Code provides for observation of the entire electoral process, including out-of-country voting, and right to access all election information and materials for citizen and international observers. Citizen observers can be appointed by civil society organizations and institutions conducting training and research in the field of elections. Electoral contestants may not appoint observers but enjoy the right to scrutinise the electoral process.

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<sup>104</sup> Article 100(1) of the Electoral code states that “during the electoral period, the competent authorities shall examine the complaints within three days, but not later than the Election Day”, which was interpreted by some members of the judiciary as a possibility of an extension.

<sup>105</sup> The complaints were filed by Mr Bolea, Mr Chicu, Mr Voronin and Mr Usafii, and citizens. The allegations concerned, inter alia, the “Europe for You” campaign launched by the government after the announcement of the election and the referendum, violation of neutrality by the incumbent campaigning on nomination by a political party, early campaigning, campaigning by governmental officials and public servants for the incumbent and for the referendum, alleged participation of the minors in the electoral campaign and the legality of President’s donation to a charity. Additionally, five candidates’ complaints concerned the alleged obstruction of campaign activities by the police (by Mr Ticu, Renaissance, PCRM, two by Ms Vlah and her authorised representative); all of which were rejected as inadmissible for the lack of competence or as they were submitted by an unauthorised person, some without formal decision.

<sup>106</sup> This concerns the temporary suspension of PCRM state subsidies for using the referendum campaign fund to print campaign materials against Ms Sandu as a presidential candidate.

<sup>107</sup> The lack of decision in one case originated from the change in interpretation of the independent candidate eligibility criteria. Another originated from Mr Chicu’s complaint about the misuse of office and blurring the line between the incumbency and candidacy, for the incumbent’s participation in an inauguration and related social media posts without role distinction. The CEC failed to reach a majority twice, voting for and against violation. Meanwhile, the incumbent’s social media reposted the inauguration, indicating it as a campaign event. That was contested by Mr Usafii. Despite several judicial decisions on the CEC’s failure to issue formal decisions, the CEC complied with the judgments only with respect to individual cases, while maintaining the practice of informal responses, including on complaints alleging misuse of administrative resources.

<sup>108</sup> One case related to the engagement of minors in the incumbent’s campaign, the other - alleged misuse of administrative resources by the government regarding the “European Moldova” links on governmental websites. Under the Administrative Code, the police initiates misdemeanour proceedings regarding the misuse of administrative resources and violations of rules for production and dissemination of campaign materials (Article 400, Article 48.1(7) and Article 50 (2)), while the CEC initiates proceedings for violation of rules on financing of electoral campaigns (Articles 423.7 and 48.3). The EOM was informed on another nine similar complaints, which were not published.

<sup>109</sup> The implementation of the CEC’s decisions requires coordinated actions by the respective DEC and the MFA. A related complaint on the failure to establish the PBs by Mr Dodon was rejected as inadmissible for late submission.

The Electoral Code grants citizen observers the right to submit notifications regarding observed irregularities. Notifications are submitted to the electoral authorities through an online platform connected to the SAISE enabling them to review such cases promptly. Statistical data on registered observers were published online in real time, enhancing transparency.<sup>110</sup>

The CEC accredited international observers from 52 organizations and citizen observers from six organizations. Promo-LEX, the largest citizen observer organization, conducted a long-term and large-scale observation of the elections, including in all polling stations established for voters residing in Transnistria and 50 polling stations abroad. The CEC denied accreditation to some 775 observers nominated by two NGOs affiliated to the Chance party. The CEC refused to accredit six prospective IEOM observers. The CEC informed the IEOM that this decision was based on the input from the checks conducted by the Security and Intelligence Services.

## Election Day

Election day was calm and orderly. The CEC announced that turnout was 51.4 per cent for the presidential election and 49.8 per cent for the referendum. It started posting preliminary election results on its website at around 22:00 hrs. on election night, contributing to transparency. Women were well represented among polling staff; they constituted 88 per cent of PEB members in polling stations observed and chaired 89 per cent of PEBs in these polling stations. Positively, ballots in five minority languages were available in those PEBs that had requested them from the CEC.<sup>111</sup>

The opening process was assessed positively in all of the 118 polling stations observed. Opening procedures were largely followed, but IEOM observers reported isolated instances of procedural errors and omissions, including three cases of ballot boxes not being properly sealed, and two cases where the serial number of the ballot box seals were not entered in the opening form.

IEOM observers assessed voting positively in 99 per cent of the 1,202 polling stations observed, describing the process as well-organized, calm and smooth. The few negative assessments were mostly linked to intimidation of or pressure on voters (7 reports), attempts to influence voters (4 reports), or tension in and around polling stations (2 reports). IEOM observers also reported a few instances of people other than PEB members keeping track of voters who had voted in a few polling stations observed. Contrary to procedures, in 9 per cent of polling stations observed, not all voters were offered the option to receive only one ballot.

The majority of the polling stations observed were not suitable for voting of persons with disabilities and the access to many may have posed challenges for the elderly. Sixty-five per cent did not provide for independent access, and the interior layout was not suitable for voters with disabilities in 24 per cent of polling stations observed. Long queues of voters waiting to vote were noted outside 2 per cent of polling stations observed, and overcrowding inside 3 per cent.

Citizen observers were present in 46 per cent of polling stations observed, contributing to transparency. Candidate representatives were present in 96 per cent of polling stations observed; however, they were observed interfering in the work of the PEB in 12 polling stations. IEOM observers reported several individuals identifying themselves as “Șor observers”.

The voter identification and electronic verification in the polling stations observed was efficient, with very few isolated instances where the SAISE was not functioning properly. In 11 per cent of polling stations observed, one or more voters were turned away or redirected to a different polling station,

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<sup>110</sup> <https://observator.cec.md/Stats>.

<sup>111</sup> See [CEC information](#) on the number of ballots in minority languages requested by each DEC.

mostly because they were not on the voter list of that polling station or could not present a proper identity document.

Most voters marked their ballots in secrecy; however, the layout of the polling stations and the placement of the video camera recording the ballot box did not ensure the secrecy of the vote in 7 per cent of polling stations observed. Some instances of group voting were also observed (1 per cent). In 2 per cent of polling stations observed, the ballot boxes were not properly sealed. The IEOM directly observed indications of vote buying at two polling stations.

Some 104 of the 117 vote counts observed by the IEOM were assessed positively. However, the IEOM assessed the counting negatively in 13 polling stations observed, due to lack of adherence to prescribed procedures and procedural errors or omissions, at times significant. Further, 11 PEBs did not count the signatures of the voter list, and 16 did not securely store the voting stamps before opening the ballot box. In one half of counts observed, the PEB chairperson did not show each ballot to those present. The determination of ballot validity was at times problematic, as it was either not in line with the law (8 cases), not consistent (5 cases) or, in cases of dispute, not decided by a vote of the PEB (34 counts). In 29 counts, the PEB had problems completing the results protocols, and in 8 counts, announced figures were not entered accurately in the protocols. In 17 polling stations where the count was observed, protocols had been pre-signed, and in 48 cases the copies of the protocols were not posted at the polling station entrance, negatively impacting transparency.

Tabulation was observed in all 36 DECAs for in-country voting and assessed positively in all but three of them. Six DECAs were not adequate for the receipt of election materials from PEBs, and in five, not everybody had a clear view of the procedures. In 10 DECAs, not all protocols reconciled correctly. Tension was reported from one DECA.

The CEC received five complaints related to the referendum from the Renaissance party, all regarding the display of EU flags in polling stations. The CEC received one complaint related to the presidential election from a polling board member in Tocuz.<sup>112</sup> The CEC forwarded all cases to the respective DECAs.<sup>113</sup> On election day, the police informed the public about 146 cases of election-related violations reported, all of which were under investigation by the end of voting.<sup>114</sup>

***The English version of this report is the only official document.  
An unofficial translation is available in the Romanian language.***

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<sup>112</sup> The complaint concerned an unlawful attempt to substitute a PEB chairperson due to internal conflicts.

<sup>113</sup> The CEC informed that election-day complaints submitted to PEBs around the country primarily concerned display of campaign materials and attempts of unauthorised individuals to enter polling stations as candidate representatives. No information on actions or decisions on such complaints was published.

<sup>114</sup> The police reported 32 cases of voters photographing ballots; 14 cases of destruction of ballots; 9 cases of vote buying; 15 cases of breach of the campaign silence; 9 cases of display of unlawful campaign materials; 11 cases of organised transportation of voters to polling stations; 2 cases of group voting; 1 case of stealing ballots; 8 cases of violations of the right to vote; 2 cases of hampering the work of PEBs; 1 case of theft of a PEB stamp; and 37 other incidents (hooliganism, conflicts at polling stations, etc.). Most cases were reported in Chişinău, Dubăsari, Bălţi and Orhei.



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**MISSION INFORMATION & ACKNOWLEDGEMENTS**

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Chişinău, 21 October 2024 – This Statement of Preliminary Findings and Conclusions is the result of a common endeavour involving the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament (EP). The assessment was made to determine whether the election and referendum complied with OSCE commitments and other international obligations and standards for democratic elections and with national legislation.

Lucie Potůčková was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the OSCE short-term observer mission. Johan Büser headed the OSCE PA delegation, Petra Bayr headed the PACE delegation and Michael Gahler headed the EP delegation. Ambassador Urszula Gacek is the Head of the ODIHR EOM, deployed from 13 September.

This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process, including the count, tabulation and announcement of results, the handling of possible post-election day complaints or appeals, and the second round of the presidential election. ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some months after the completion of the electoral process. The OSCE PA will present its report at its Winter Meeting on 20-21 February 2025. The PACE will present its report at its Standing Committee meeting on 28 November in Luxemburg. The EP will present the report at one of the next meetings of the Foreign Affairs Committee.

The ODIHR EOM includes 11 experts in the capital and 26 long-term observers deployed throughout the country. On election day, 323 observers from 39 countries were deployed, including 235 observers deployed by ODIHR, as well as a 44-member delegation from the OSCE PA, a 28-member delegation from the PACE and a 16-member delegation from the EP. There were 45 per cent of women among observers. Opening was observed in 118 polling stations and voting was observed in 1,202 polling stations across the country. Counting was observed in 117 polling stations, and the tabulation in 36 DECes.

The observers wish to thank the authorities for their invitation to observe the elections, and the Central Electoral Commission and the Ministry of Foreign Affairs for their assistance. They also express their appreciation to other state institutions, political parties, civil society organizations, and the international community representatives for their co-operation.

For further information, please contact:

- Urszula Gacek, Head of the ODIHR EOM, in Chişinău (+373 69 873 519);
- Katya Andrusz, ODIHR Spokesperson (+48 609 522 266), or Vittoria Zanellati, ODIHR Election Adviser, in Warsaw (+48 695 917 357);
- Nat Parry, OSCE PA Head of Communications and Press (+4560108177);
- Ivi-Triin Odrats, PACE Secretary (+33 607067773);
- Raffaele Luise, EP Administrator, DG External Policies (+32 470880101).

**ODIHR EOM Address:**

75 Alexei Mateevici str.,  
Chişinău, MD-2009, Moldova  
Office telephone: +373 69 874 937  
email: [office@odihhr-moldova.org](mailto:office@odihhr-moldova.org)