

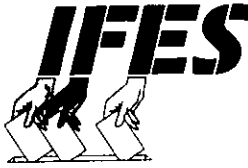
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**Pre-election Assessment**

**Moldova**

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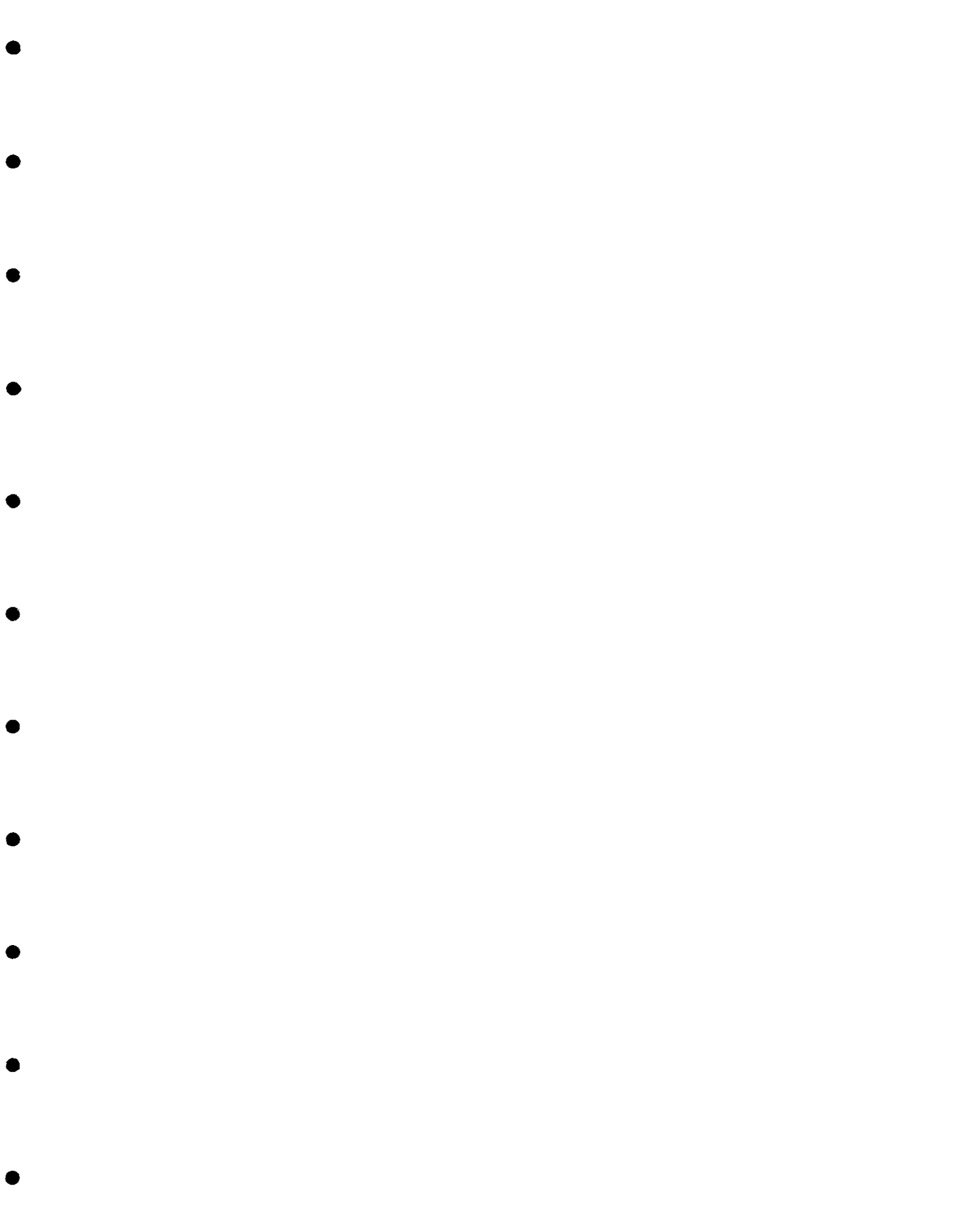
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## EXECUTIVE SUMMARY

In August of 1993, IFES fielded a three-member team with expertise in constitutional law, public administration and international technical assistance to assess the evolving electoral and political process in Moldova. The team travelled to Chisinau at the invitation of the Vice President of the Parliament of Moldova, Victor Puscas.

The purpose of the IFES visit was threefold: (1) to examine opinions with regard to the Soviet-style election system still in force at the time of the team's visit; (2) to assess efforts to reform the Moldovan electoral system in anticipation of new Parliamentary elections; and, (3) to propose opportunities for collaboration with Moldovan electoral officials and non-partisan civic organizations.

The IFES project team consisted of the following members:

James L. Huffman, Acting Dean of the Lewis and Clark Law School in Portland, Oregon. Mr. Huffman is an expert in international law and has written widely on constitutional issues.

Ray S. James, Principal Director of Elections, Kansas City Board of Elections. Mr. James formerly served as Director of the Division of Elections in the Office of the Secretary of State of Missouri.

Team Leader and Report Editor:

Christopher S. Siddall, IFES Senior Program Officer for East-Central Europe and former Soviet Union. For the past three years, Mr. Siddall has implemented civic education and technical assistance projects throughout the former Soviet Union and Eastern Europe.

The IFES team held meetings with many members of Parliament including the President and Vice Chairman of the Parliament of Moldova, the chairmen of the Parliamentary committees on Foreign Relations, Human Rights and Relations between Nationalities, Local Self-Administration and Local Economies. Discussions were also held with top advisors to the President of Moldova, Mircea Snegur.

The team was fortunate to exchange views concerning the Moldovan election system with the former Chairman of the Central Election Commission, Vladimir Kiktenko, and representatives of many of the political parties and civic movements active in Moldova as well as a broad cross section of the national print and electronic media, including the director of the national television.

The team traveled to Tiraspol to meet with top representatives of the separatist local government on the left bank of the Dniester River, known as the Transdniester. Though the team did not have the opportunity to visit with representatives of the Gagauz minority who have also pressed for some degree of autonomy from the Moldovan Government in Chisinau, their claims and their potential impact on new elections in Moldova have been taken into consideration in discussions

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with officials in the capital.

While in Moldova the team had access to the working draft of the Constitution and various drafts of the election law. These drafts were analyzed in overview form in the preliminary IFES summary of recommendations issued on September 14, 1993.

A month after the release of the first IFES report, the Parliament of Moldova adopted a new election law which discarded many of the Soviet features of the 1989 election law. Elections based entirely on proportional representation to a Parliament, almost three-fourths smaller than the former Moldavian SSR Supreme Soviet, were called for February 27, 1994.

The adoption of the new progressive election law and accompanying legislation has prepared the ground for Moldova to take great steps toward democratic government. Accompanying legislation mandating changes to the laws on political parties and socio-political organizations, the Constitution of Moldova, and the criminal code have also outlined a good framework for the elections. Translations and analysis of this accompanying legislation are included in this report. An unofficial election calendar compiled by IFES staff is also attached.

By analyzing the election law and accompanying legislation and focusing on areas of possible technical assistance to Moldova in the long and short-term, this document should serve as a resource for not only Moldovan election officials, political parties, civic groups, members of the media but also the international donor community which may be requested by the Moldovans to provide assistance to Moldova or observe the upcoming elections on February 27, 1994.

## **II. Country Background**

### **A. Size and Demographics**

Moldova, a predominantly Christian Orthodox republic situated between Ukraine to the northeast and Romania to the west, comprises only 0.2 percent of the total area of the former Soviet Union, yet is the most densely populated among the former Soviet republics. The 1989 census shows Moldova's population at 4,341,000, representing nearly 1.5 percent of the total population of the former Soviet Union.

Moldova, the second smallest of the former Soviet republics, is situated between Ukraine and Romania. The strategic significance of its territorial position is complicated by the country's diverse ethnic population which included, as per the census of 1989, 2.8 million Moldovans





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(64.5% of the total), 600 thousand Ukrainians (13.8% of total), 562 thousand Russians (12.8%), 153 thousand Gagauz (Turkic Christians) (3.5%), 88 thousand Bulgarians (2.0%), 66 thousand Jews (1.5% as of 1989, currently much reduced since through migration). Nearly 754,000 reside in the capital city, Chisinau.

### **B. History**

Like most countries of Southeastern Europe, Moldova has a complex history of intermittent independence and frequent domination by foreign powers. The region was first organized as a distinct political entity in the 14th century. Moldova achieved independence under the reign of Voivode Bogdan I, who ruled from 1359 to 1365. The principality was bordered by Hungary to the west, Poland to the northwest, Wallachia to the south, the Danube and Black Sea to the southeast, and the Ukrainian steppe (ruled alternately by various powers) to the east. At that time, some of the fundamental institutions were established: the Metropolitan Seat and the Council of the Land (Sfatul Tarii). Under Stephen the Great, who ruled from 1457 to 1504, Moldova successfully resisted pressures from the Tatars in the east, the Turks in the south, the Hungarians, and the Poles. Stephen's reign marks the apogee of the Moldovan feudal state. He is still regarded as the hero of Moldovan independence for his 13 years (1473-1486) war against the Ottoman Empire which preserved Moldova's brief independence.

By the middle of the 16th century, Moldova had been reduced to a vassal state of the Ottoman Empire, although in 1511, Bogdan III, Voivode of Moldova, and Sultan Bajezet II, concluded a treaty. It recognized Turkish sovereignty over Moldova but at the same time declared the independence of Moldova and conferred on the Ottoman Empire the obligation to "defend Moldova against all those who may attack her, and shall preserve her integrity, without doing any injustice to her and without permitting anybody to take the smallest part of her territory." In 1538 however, the Turkish-Tatar invasion completed Moldova's integration as a vassal state of the Ottoman Empire.

Except for brief periods during the late 16th and early 17th centuries, Moldova remained under Ottoman suzerainty for the next three centuries. In 1600 Michael the Brave won a brief period of independence for Moldova and Wallachia from the Ottoman Empire and briefly achieved the first political unification of those two principalities and Transylvania. In the early 17th Century Moldova became temporarily under Polish suzerainty. From 1683 to 1685, Moldova sought an alliance with King John III Sobieski of Poland. Later on Moldova briefly sought an alliance with the Hapsburgs of Austria.



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During the 18th century, Moldova became a source of contention between the Turks and Russians. The short reign of Dimitrie Cantemir (1710-1711) marked Moldova's last attempt to regain independence by military means. By the Treaty of Lutsk (1711), Russia, already at war with the Ottoman Empire, agreed to support Moldova's independence, promised not to interfere in Moldova's internal affairs, and recognize the right of Cantemir and his successors to establish an absolute hereditary monarchy. All Moldovan territories conquered by the Ottoman Empire were to be returned, with Russia guaranteeing Moldova's borders. In exchange, the prince accepted the Tsar as suzerain and agreed to provide reinforcements for the Russian army.

In July 1711, Turkish and Tatar troops won the war against Russians and Moldovans. Under the imposed peace, Russia was permitted to withdraw, and the Ottoman Empire took over Moldova. The Sublime Porte (the Ottoman Sultan) devised a more direct and efficient way of controlling the principalities: the Phanariot regime. The name originates from the region where most of the new princes originated: Phanar, the Greek quarter of Constantinople. The princes were appointed directly by the Sultan to rule Moldova and Wallachia from 1711 until 1821. In 1774, the Kuchuk-Kainardji peace treaty between Russia and the Ottoman Empire gave Russia certain rights of "protection" over Moldova and Wallachia while at the same time confirming Ottoman suzerainty.

In 1775, even though Moldova was not at war, Austria obtained Ottoman consent for annexing an area of approximately 9,000 square kilometers in northwestern Moldova, with nearly 100,000 inhabitants. This region, which had not had a particular name and had never before constituted a separate administrative area, became known as Bucovina and was administered by the Austrian crown until 1918.

As a result of another Russian-Turkish war, from 1806 to 1812, the Russian Empire annexed the area between the Prut and Dniester Rivers, bordering on Bucovina to the north and to the Danube and Black Sea to the south. This region has since been known as Bessarabia. As a result of the 1812 Treaty of Bucharest, this interfluvial region was given to Russia. Like Bucovina, until 1812 the region had not had a special name and had never before constituted a separate administrative area.

Throughout the period of Russian rule up to 1918, Bessarabia was maintained as an territorial administrative unit, as a "guberniya" ruled from St. Petersburg. At the time of the Russian annexation, the population of Bessarabia consisted of some 300,000 inhabitants, and Russian statistics of the period indicate that the overwhelming majority was comprised of native Moldovans speaking the Romanian language. During the remainder of the 19th century, Russia

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### **Moldova**

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sought to "russify" Bessarabia by encouraging immigration of Slavic peoples and by making Russian the official language in 1854.

The portion of the Moldovan principality west of the Prut to the Carpathians, which remained nominally under Ottoman control, joined with Wallachia in 1859 to form the state of Romania in 1861. Following Russia's defeat in the Crimean War, Russia was required by the Congress of Paris in 1856 Congress to restore to Moldova three counties in southern Bessarabia. Moldovan and, after 1861, Romanian rule in that area lasted until 1878, when Russia re-annexed southern Bessarabia despite the military and economic support given to Russia by Romania during the Russo-Romanian-Turkish War of 1877.

The fall of the Russian Empire in 1917 provided an opportunity for Moldovan self-determination. Following the October 1917 revolution in Russia and the separation of Ukraine from Russia, the population of Bessarabia elected through universal suffrage a legislative assembly named Council of the Land (Sfatul Tarii) whose ethnic and social composition reflected that of Bessarabia. The province declared itself in October 1917 an autonomous republic and on December 2, 1917 the Council of the Land proclaimed the independent Moldovan Democratic Republic. On April 8, 1918, the Council of the Land voted by a large majority, primarily along ethnic lines, to unite with the Kingdom of Romania on certain political and economic conditions. In December 1918, the same assembly rescinded those conditions.

In November 1918, the Romanian National Council of Bucovina voted for union with Romania. The Ukrainians in that region, concentrated in its northern part, opposed that decision but subsequently did not resist Romanian rule.

Bessarabia's accession to Romania was recognized by France, Great Britain, Italy and Japan, under the Treaty of Paris of October 28, 1920, and subsequently by a number of other countries. The USSR for its part refused to recognize the status-quo. Despite Soviet irredentist agitation among ethnic groups in Bessarabia in the inter-war period, inter-ethnic relations there remained stable and free of conflict. In 1924, the USSR created a Moldovan Autonomous Soviet Socialist Republic in the Transdnister, an area of historic Moldovan settlement.

Pursuant to the secret protocols of the Molotov-Ribbentrop pact of 1939, the Soviet Union demanded in an ultimatum to Romania in June 1940 that Bessarabia be ceded to the USSR. In addition, the ultimatum demanded the northern half of Bucovina which had not been included in the Molotov-Ribbentrop pact. Romania complied within three days as demanded. Romania regained control of Bessarabia and northern Bucovina in 1941 but the lost the territories again



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in 1944. Following the annexation, the USSR created the Moldovan Soviet Socialist Republic consisting of two-thirds of the territory of historic Bessarabia to which it added the western part of the Moldovan Autonomous Republic, joining the latter's eastern part to Ukraine. Moscow also transferred to Ukraine one third of Bessarabia's territory in two areas located in the north and the south of Bessarabia. Importantly, the southern area transferred to Ukraine included Bessarabia's outlets to the Danube and the Black Sea. In addition, northern Bucovina was also transferred to Ukraine at the same time. In 1947, the Peace Treaty of Paris recognized the boundaries between the Soviet Union and Romania according to the aforementioned 1940 Soviet ultimatum.

It was not until the late 1800s that in the Republic of Moldova, a movement for independence from the USSR developed. The movement initially focussed on the issue of language. Not only did the Soviet authorities impose Russian as the official language, it also insisted upon distinguishing between the Moldovan and the Romanian languages, and required the use of the Cyrillic alphabet in writing the "Moldovan" language. Soviet language policy was an effort to give plausibility to a distinction between Romanian spoken in Romania and the version allegedly used in Moldova -- a distinction not recognized by virtually all linguists including the most reputable Russian specialists on Romance languages. In 1989, under pressure from the popular movement, the Supreme Soviet of Moldova made the native language the official language of the republic and re-instituted the Latin script. Although nominally a forum for the exchange of ideas on literature and language, the Alexei Mateevici Club and the Democratic Movement in Support of Perestroika spearheaded the language campaign and formed the basis on which the Moldovan Popular Front was established in the summer of 1989.

Parliamentary elections held in February and March 1990 resulted in a victory for the Popular Front and the removal of the Communist Party from power, one-and-a-half years before this was achieved in Russia and some other former Soviet republics. On August 27, 1991, after the aborted coup in Moscow, the Moldovan Parliament proclaimed by a large majority Moldova's independence from the USSR. Meanwhile, parts of the Russian and other ethnic minorities became concerned about what they contended was a process of "romanianization". Moreover, local Russian Communist leaders in the Transdnister and Gagauz leaders rejected each of the political reforms instituted by Chisinau and resisted Moldova's aspirations for independence from the USSR. Supported by Moscow, the Dniester Russians and the Gagauz organized paramilitary forces and threatened to secede from Moldova if Moldova seceded from the USSR. They proclaimed in 1990 the "Dniester Soviet Socialist Republic" and the "Gagauz Soviet Socialist Republic", with their centers in Tiraspol and Comrat, respectively. Neither of these has been recognized by any state (but have been "recognized" by Abkhazia and the Serbian



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Krajina).

It is generally considered that the Gagauz area is not viable as an independent entity. The two districts and parts of a third which comprise it are in no position economically or politically to exist outside Moldova. Because the Gagauz area itself contains many non-Gagauz, it is widely assumed that any "Gagauz republic" would have serious separatist problems of its own. Moldovan and Gagauz leaders are in the process of negotiating a political compromise based on territorial autonomy for the Gagauz within Moldova. Some Gagauz leaders condition the participation of the Gagauz in the February 1994 elections on Moldova's prior grant of territorial autonomy, but other Gagauz leaders including the Gagauz People's Party (GPP, led by Konstantin Taushandzhi) do not advance this condition. This development increases the prospects for a more representational election than the earlier Gagauz position.

The situation in the Transdnister, on the other hand, is much more dangerous due to the continued presence of Russia's 14th Army. By threatening to dismember the Moldovan state, the hardliners in Russia and the Dniester Russian leaders continually threaten Moldovan independence. The Transdnister holds much of Moldova's industrial capacity, most of its power generating capability, and is an area of intensely capitalized agriculture. Moreover, the region's secession from Moldova would certainly mean the permanent stationing of Russian troops there. Without this region, survival as an independent state would be very difficult for Moldova. Moldovan and foreign observers consider that the formation of the Dniester republic would have been impossible without support from Russian hardliners and the Russian Army on the ground.

The Dniester Russian leaders and their supporters in the Russian military openly profess the goal of restoring the USSR or a Greater Russia of which that region of Moldova would be an important part. Moreover, the Dniester Russian leaders also profess adherence to Communist ideology and have opposed both Gorbachev's and the Yeltsin government's reforms, supporting instead the anti-reform forces in Russia. The Dniester Russian military leadership supported both the Communist putsch of August 1991 and the anti-Yeltsin rebellion of October 1993 in Moscow.

The Dniester republic constitutes a case of minority rule both politically, in that its leaders and supporters are pro-Communist, and ethnically, in that the local Russians constitute only one quarter of the region's population. The population of the Transdnister region consists of 41 percent Moldovans, 28 percent Ukrainians, and 25.5 percent Russians, according to the last Soviet census (1989). Moreover, many of the local Russians including some of their top leaders



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are non-native to the area, having resettled there from the Russian Federation. These leaders and their followers continue the traditional Soviet nationality policies centered on the linguistic russification of Moldovans and Ukrainians in the area.

Although a significant portion of the medieval principality of Moldova lies outside the current borders of the Republic of Moldova, there seems to be no contention that the Republic is entitled by historical claim to adjacent lands. Indeed, the only discussions of the proper boundaries of Moldova relate to its possible re-unification (from the Romanian perspective) or unification (from the Russian perspective) with Romania, and to the inclusion of the area east of the Dniester which was not part of the historical principality of Moldova. Although re-unification was widely discussed after the Moldovan declaration of independence in 1991, it is not considered a viable option by the current leadership and most of the population of the country. According to a September 1992 public opinion poll taken by the Moldovan National Social Research Institute, 52% of the respondents were against unification and considered this "extremely undesirable for Moldova", while 20% thought that it was "a possibility over a lengthy transitional period." Only 8 percent of respondents thought that re-unification was "inevitable."

The political spectrum in the Republic of Moldova is quite fluid, with parties in their nascent stages. Since 1989, the Popular Front of Moldova has gone from a broad opposition movement, able to accommodate representatives from most of the republic's ethnic minorities, to a more radical, largely ethnic-Moldovan organization committed principally to one single goal: speedy unification with Romania. After independence, it changed its official name to the Christian Democratic Popular Front of Moldova. In October 1992, it established the Christian Alliance for the Reintegration of Romania. The Women's Christian-Democratic League of Moldova has also supported the Front in its unification drive.

The Democratic Agrarian Party is supported by the peasants, collective-farm managers, and the Agrarian Club of deputies within the Parliament. The Agrarians have capitalized on the Popular Front's loss of support in the countryside.

Upon the resignation of Prime Minister Muravschi in July 1992, the political and ethnic face of the Moldovan government was altered with the selection of Andrei Sangheli. The new leadership's planned agenda also differs dramatically from the past in that it presents itself as a multi-ethnic and politically diverse coalition. The concept of "National Consensus" has been used to describe the goals of the current administration. A realistic representation of national political clubs and associations is now in place to express the various nationalities in the country.



Two national forces which have independently denounced Moldovan independence are now absent in the current governmental landscape, although they are playing key roles in the destabilization in the Transdniester. These are the Moldovan Popular Front, a pro-Romanian unification party, and Russians living in the Transdniester.

On February 27, 1994 elections are scheduled in Moldova which will decide the 104 seats up for selection in Parliament. Over 2.8 million electors are able to vote. Included in this Parliamentary process are 26 independent parties, including: the Social Democratic Party (SDP), under the leadership of Oazu Nantoy (one of President Snegur's former advisors); the Democratic Agrarian Party (PDAM) under Dimitru Motpan; the Gagauz People's Party (GPP) directed by Konstantin Taushanji who has supported President Snegur's Economic Union with the Commonwealth of Independent States (CIS); the Congress of Intellectuals; the Democratic Labor Party (which hopes to support the interests of business); and the Socialist and Communist parties. The first electoral bloc was formed as well which includes: The Christian Democratic Popular Front; The Women's League of Christian Democrats; The Organization of the Christian Democratic Youth; and The Movement of the Volunteers.

Major issues at stake include a decision whether a national referendum must be conducted to clarify the people's position on Moldovan independence and determination of the legitimacy of proposed legal groundwork set to resolve the Gagauz problem and give an impetus to resolve the situation in the Transdniester. SDP leader Nantoy stated that "the SDP has drafted a bill on special status of the Transdniester region which provides for common citizenship, constitution, monetary and banking systems and foreign policy."

### **C. Russification and Demographic Shift**

For 106 years (1812-1918) through the schools, the Church, and massive colonization by Russians, Ukrainians and others, the Czarist Empire imposed upon Romanians in Bessarabia an intensive program of russification.

In 1817, after five years of Russian occupation, the population breakdown was as follows: 87.7 % Romanians, 6.3% Ruthenians, 6% other nationalities, including the Bulgarians brought in by Russian army in 1807.

Forty years later, in 1858, Russian statistics give the following percentage: 65% Romanians, 15% Ruthenians and Russians, 8% Bulgarians, Gagauz and German colonists, 8.6% Jews.

In 1930, the Romanian Official Statistics show the following breakdown: 55.8% Romanians, 24.5% Russians and Ruthenians, 7% Jews, 6% Bulgarians, 7% other nationalities.

### **III. Prospects for Continuing Transition in Moldova**

#### **A. Moldova Implements Reform and Receives International Backing**

Since the demise of the Soviet Union, the transition to a democratic government in Moldova has faced difficult, and interrelated, political, theoretical and legal obstacles. Although a minority still laments the collapse of the Soviet Union, virtually everyone in positions of power in Moldova accepts that continuing transition is necessary. However, until very recently the legal framework for legitimate transition was absent.

In the aftermath of the bloody events of October 1993 in Moscow, those pursuing reform and peaceful transition in Moldova prevailed and managed to eliminate many of the legal obstacles which were blocking reform at the time of the IFES visit in August. For many Moldovans, the events in October in Moscow and the results of the December 12, 1993 elections in the Russian Federation have underscored the importance of managing a peaceful democratic transition.

In addition to adopting new legislation to allow for elections to Parliament, Moldova has adopted its own currency to replace the Russian ruble and the country's temporary script. The international community has responded to Moldova's reforms by providing credits and arranging for a new balance of payments regime for the country.

In recent months there has been broad and strong recognition of Moldova's reform-oriented policies. A major consultative group meeting of international lending institutions recently approved more than \$103 million as part of a standby arrangement for the country. This external financing which was approved by the International Monetary Fund board can be seen as a recognition of Moldova's step of introducing its own currency in late November 1993. Of the New Independent States of the former Soviet Union, only Kyrgyzstan which also introduced its own currency has received similar IMF backing.

In support of Moldova's economic reform program, additional support has come from the World Bank through a \$60 million rehabilitation loan and about \$220 million in credits and technical assistance from the donor community.

The United States alone provided \$32 million in Balance of Payments support to Moldova.





Japan and the European Union were also major contributors to this effort. With this financial backing of the international community Moldova has the opportunity to become one of the success stories of the countries which emerged from the Soviet Union.

### **B. The Parliamentary Stalemate**

The Parliament which disbanded itself in October 1993, differed little in its membership from the former Moldavian SSR Supreme Soviet. While many national and local leaders were committed to achieving a transition to a democratic government, depending on their orientation these same leaders were interested in maintaining their positions from where they could promote or limit change.

While this phenomenon is not peculiar to former Soviet governments, it contributed to the difficulty of implementing reforms. Moldovan leaders have recognized the need for legal and constitutional reform, but they also understand the implications of those reforms for their own positions of influence. Since independence, the resulting stalemate undermined Moldova's position internationally and led to severe problems at home.

In addition to these political obstacles to reform, Moldovan governing institutions faced fundamental problems of theoretical legitimacy. The leadership is eager to meet international standards for democratic government consistent with respect for human rights. Because the 1989 declaration of independence is based on the asserted illegitimacy of the former Soviet government in Moldova, the current government, which has been based largely on the laws of the former government, has had its own problems of legitimacy. This problem is inherent where there is no established legal process for the creation of new governments. Moldovans understand that democratic theory relies on popular sovereignty as the basis of legitimacy, but they also understand that the popular will requires an institutional framework for its expression.

The Parliamentary stalemate that characterized the immediate aftermath of the 1989 independence was a product of two general problems. First, most of the country's political leaders recognized the lack of clear authority under the existing governmental structure, with a corresponding vacuum of responsibility. Legislative power rested with Parliament, but that body was unable to act, often because of an inability to bring together enough members to achieve a quorum. Because its membership differed little from the former Supreme Soviet, the Parliament also suffered from being popularly perceived as not entirely democratic.

Executive power has since been divided between the "government," consisting of the Prime

Minister and his cabinet, and the popularly elected President, Mircea Snegur. The exact division of the executive power is unclear. It has been suggested that at this early stage it is more a competition for, rather than a division of, power. The judicial power of the country has been virtually silent on important matters of fundamental governmental organization.

Parliament was disabled also for political reasons which explain the persistent lack of a quorum. Deputies from the Transdnister, representing about 12 percent of the population, have not participated, particularly since the armed clashes in 1991 between military forces loyal to Chisinau and those supporting local interests or the "Soviet Union." Many of the members of Parliament from rural areas have also failed to participate: some due to the inconvenience, others due to a desire to prevent reforms which, among other things, would reduce the membership of Parliament by almost three-fourths.

### **C. The Draft Constitution**

A new draft constitution was developed in 1992. On the basis of an international seminar in May of 1993 and comments from many sources, including the American Bar Association/Central and East European Law Initiative, a revised draft was published in August of this year. Critiques of the earlier draft focused on a lack of clarity in the division of powers, a tendency to permit individual rights to be limited by ordinary law, and a recognition of many "positive rights" such as the so-called right to employment, which the government may well not be able to satisfy. The August draft retained a strong commitment to democratic institutions and the protection of individual liberty while correcting most of the perceived deficiencies. According to the existing constitution, which is a holdover from the Soviet era, the adoption of a new constitution requires a two-thirds vote of Parliament. The stalemate in Parliament prevented the adoption of the new Constitution. However, in October 1993, the Soviet constitution was amended to allow for early elections to Parliament.

Many of the commentators on the draft Constitution suggested that Moldova consider a federal structure as a means of accommodating the interests of the separatist regions in the Transdnister and regions in south of the country populated by the Gagauz. This topic apparently dominated the May seminar on the constitution.

Although most people in both the central government and the local regions favor significant decentralization of power, there has been a strong resistance to the term "federalism." In part this resistance reflects an understanding of federalism based upon Moldova's experience in the sham federation that was the Soviet Union. More importantly, it reflects a complex reality of

the current political situation in the country. Many in the Transdnierster would favor a federal arrangement, but not if there is any possibility of unification of Moldova with Romania. Further complicating matters, the leadership in the Transdnierster seem unwilling to grasp that federalism would not allow for the attributes they are demanding such as maintenance of a separate army, customs service and foreign ministry. Chisinau may believe that allowing for "federalism" will allow the Transdnierster region to secede from Moldova.

As things now stand in Moldova, even in the Transdnierster, the various ethnic groups seem prepared to work together. The debate over powers of these regions vis a vis Chisinau is a political rather than ethnic conflict.

Moldovan leaders are committed to the concept of a unified state with significant decentralization of power. There is a recognition that the solution to the Transdnierster and Gagauz problems rests in some degree of autonomy for those regions. Thus, although "federalism" may be uniformly rejected, a system allowing for some local autonomy by some other name is likely to emerge.

#### **D. Local Government Reform**

The draft law on local self-administration was developed independently of the draft constitution, but not without an understanding of its relationship to the constitution and to the draft election laws. The existing structure of local government consists of forty administrative regions. Those reformers in Parliament who have worked on local administration reform recognize that this number of regions is far too many for a small country and that many of the lines were drawn in either an arbitrary way or in the interests of the larger Soviet state rather than the territory of Moldova.

Though many of the members of Parliament may have felt that some reform of the administrative regions and local government may be palatable, they opposed the proposal for the creation of seven administrative regions to be called "judets" in Romanian. The reluctance to adopt the nomenclature of Romania's administrative units, also "judets", may have led to the postponement of this reform.

There has also been some fear on the local level that a shift from forty to seven regions would result in a loss of local control, although local authorities seem likely to accommodate a new regional structure if local governments acquire meaningful powers, particularly if they gain some control over their taxes and budgets.

Before elections were called in October, a key reformer in Parliament asserted that local administration reform must precede election law reform if elections are to be feasible. Before the eventual adoption of the election law in October, this view was well founded, since elections on any basis other than proportional representation with one nation-wide district would depend upon the identification of local districts to be represented in Parliament.

By adopting an election law, which necessitates the formation of only one nation-wide election district for this election, this problem is circumvented for the time being. Potential problems with local authorities in the separatist region of the Transdnister are also less likely to be brought into stark relief during and after the time of elections.

Though elections after February 27, 1994, will continue to be conducted by proportional representation, the formation of only one nation-wide district is an exception for this election justified by the fact the form of local administrative districts has not yet been decided. In the future, multi-mandate election districts will be set up for Parliamentary elections.

Some may argue that under ideal circumstances, constitutional reform, including local administration reform, would have come first in Moldova. This would then be followed by reform of election laws and accompanying legislation. However, the political realities in Moldova did not permit this to occur. Thus the Parliament made necessary changes in the Constitution and Criminal Code and adopted a new election law. The newly elected Parliament may then move on to address the underlying problems of constitutional and local administration reform.

#### **E. Privatization**

The laws on privatization have been adopted and are in the early stages of implementation. Agricultural privatization is on a relatively slow track and faces considerable opposition from the leadership on some state farms and collectives. Many of the political parties recognize that privatization, particularly in the densely populated farm areas, is critical to the process of democratization. Farm managers have considerable influence over the economic welfare of their workers and can exercise significant political power during elections. Because nearly half of the country's population is engaged in agriculture, and Moldova is the most densely populated of the former Soviet republics, privatization of agriculture will not be accomplished easily. It is nevertheless critical to the long run success of democratic reform in Moldova.

#### **IV. ELECTION LAWS AND ACCOMPANYING LEGISLATION**

##### **A. Overview of the 1989 Soviet Election Law**

The Parliament of Moldova which voted to disband itself in October of 1993 was elected as the Supreme Soviet of the Moldavian SSR in 1989 according to the Law on Election of Moldavian SSR People's Deputies of November 23, 1989. Election workers on the local level as well as all other significant actors in the electoral process are familiar with this law which was a somewhat liberalized version of previous Soviet election law. This law allowed for what may be called "multi-candidate" elections rather than true multi-party elections. This law was still in effect during the team's visit to Moldova in August.

Many of the features of the 1989 Soviet law served as the basis for the two circulating draft election laws of August 1993, which were reviewed in a preliminary IFES report in September. Though the 1989 Law was declared invalid by Parliament on October 19, 1993, the procedures and attitudes formed by the law will continue to exert considerable influence over the electoral process in Moldova. For this reason, the old law, too, bears examination.

A number of features of the 1989 Moldovan law were in conformity with established standards of election conduct: universal suffrage for all citizens over 18 years of age; equal rights and access to balloting regardless of sex, age, religion, nationality; and absolute secrecy of the ballot. Punishment of those for violating these rights was also provided, at least in theory.

Three-levels of election commissions [the Central Election Commission (CEC); District Election Commissions [DECs] and Precinct Election Commissions (PECs)] were required to do their work somewhat openly and with proper notice to the public. "Mass Media" and other agencies of the society were required to cooperate in the official information campaign regarding the elections. Various data about the candidates were made known to the voters through publication of official posters which outlined the candidates' biographical data.

On election day in the Soviet system, voters were given a choice of several candidates and instructed to cross out the names of all unwanted candidates, leaving only the name of the candidate that the voter wanted to be elected.

Elections were considered invalid unless a candidate had received an absolute majority. When either less than 50 percent of all eligible persons cast ballots or no candidate received an absolute majority, the election was repeated in what might be termed a "run-off," except that no

candidate was eliminated before the next round of voting.

### **B. Scheduling of Elections and Formation of Districts**

In 1989, 380 single-member districts were set up for the 380 seats to be filled in the Supreme Soviet. These districts were subdivisions within the 40 existing administrative regions ("raions" in Russian) and the 10 cities. To establish the districts, the number of voters rather than citizens, which is compiled by the local authorities, in each district was divided by 380 to establish the district norm.

The Law stated that "norm of voters per okrug...is established by the Moldovan SSR Supreme Soviet." Nevertheless, the Central Election Commission performs the division of the administrative regions and cities into districts, each of which is entitled to elect one deputy.

Vladimir Kikentko, the former CEC Chairman, told the team that the districts varied "plus or minus 10 to 15%" from the norm. Such variances occurred for purposes of political or administrative convenience, and to avoid dividing logical groupings of voters.

The time allowed to determine the boundaries of electoral districts was very short, presumably because they had already been decided by the leadership in the capital and changed little over time. Precincts were formed by the regional administration or local Soviets on the raion level and could include from 20 to 3,000 voters.

According to Mr. Vasily Uraschi, President of the Ciapaev Collective Farm and a former member of Parliament, the polling places themselves were highly stable because the people have come to expect to vote in certain places and there has been little change in apportionment to date.

The CEC's activity in defining electoral district boundaries must have been quite limited as the Commission was allowed only five days to "approve" all boundaries. The sections of the old law on electoral districts provided that the formation of districts by the CEC was based on the requests of regional or city councils or their presidiums. The specific role that the CEC plays in evaluating regional and city council requests or carrying out the procedures set out by Parliament was unclear in the 1989 election law.

### **C. Powers of the Central Election Commission**

No later than 90 days before a national election, the Supreme Soviet formed a Central Election Commission. Under the Soviet law the CEC had a chairman, a vice chairman, a secretary, and 18 members who served for the five years of the life of the Supreme Soviet. Members were nominated or "suggested" by officially sanctioned socio-political organizations but final confirmation was by the Supreme Soviet.

The CEC was, and continues to be in the new law, the heart of the Moldovan election system. With considerable input from outside sources to be sure, the CEC served as the central policy-making arm for the electoral administrative structure. Among its primary duties were the following:

1. preliminary planning and preparation for nation-wide elections including overseeing the appointment of members of lower-level commissions;
2. supervisory control over the execution and uniform application of the electoral laws and direction of the activities of regional and district election commissions;
3. formation of the electoral districts;
4. preparation of the nation-wide election budget;
5. design and approval of all forms and commodities used in the election process including ballots, protocols, ballot boxes, voter lists, registration and subscriber documents, seals of election commissions, etc.;
6. nation-wide summarization, validation and reporting of election results, and confirmation of elected deputies' authority to take office; and,
7. final authority to arbitrate disputes or complaints about election violations including overturning or suspending decisions or actions of subordinate election commissions.

The CEC heard appeals of decisions of lower level commissions and made final decisions in that regard. Its quasi-judicial findings were almost never reviewed in a court although there is an

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implication in the 1989 law that appeals could be made to the court. Also according to the law the CEC transferred to the appropriate state prosecutor evidence it obtained about violations of election law. However, at the time of the IFES team's visit, the team was informed that there have never been any convictions in Moldova for violations of the election law.

An important administrative responsibility of the CEC was the tabulation of national election results and their certification to the Supreme Soviet. In the event that local administrative Soviets' elections were being held simultaneously, the CEC played a role in those elections as well. There was an entire additional set of 52 similar articles that presently govern local elections entitled, Elections of Deputies of Moldovan SSR Local Soviets of People's Deputies of the Moldovan SSR. To date, this Law is still on the books.

Importantly, a catchall section in the 1989 law grants the CEC extremely wide-ranging powers in that it "exercises other authority in keeping with the present law and other laws of the Moldovan SSR."

### **D. Election Budget and Election Commission Autonomy**

With regard to budgetary considerations and the distribution of election funds, the CEC was responsible for identifying all election expenses and formulating them into a comprehensive budget document. However, unlike the mandate suggested in the new election law, in practice the CEC did not distribute funds independently. Rather, the CEC submitted the draft budget to the Supreme Soviet. Based on the deliberations of members of Parliament, an appropriation was made which is then administered, accounted for and distributed directly by the Ministry of Finance to regional committees for administration of elections within their boundaries, and to candidates for their campaigns.

It is important to note that the CEC members and staff collected their pay from the Supreme Soviet, underlining the fact that the Commission was not allocated its own funds to administer elections independently. With regard to payment for their services, most of the members of election commissions were not paid. At the district level accommodations were made to allow them to receive their normal pay from their regular employment. At the precinct level only the chairperson was paid, while most others serving at the polling place were volunteers nominated by former Soviet-sanctioned public organizations and state enterprises.

### **E. Election Commodities under the 1989 Law**

The acquisition process with regard to ballots, forms, and commodities used for the election, was





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completely decentralized. The role of the CEC consisted of providing procedural guidelines and samples of the forms which they have designed, but actual printing and distribution was handled by the District Election Commissions in cooperation with the support staffs of the local Soviets or executive bodies. For example, samples of the ballot style and wording were provided to each DEC by the CEC.

The DEC then arranged for printing and local distribution of ballots and all forms necessary for the election within its boundaries. Upon approval by the CEC, the DEC made changes to the ballot size to accommodate more or fewer candidates. But the CEC played no role in the acquisition or distribution of materials. Nor was there a uniform master list prepared with supplies needed to carry out the election.

The team learned that the purchase and acquisition of election day supplies with the exception of ballots, forms and stamps was decentralized further with each Precinct Election Commission responsible for determining its own needs and make its own arrangements for purchasing what the Precinct Commission members believed was required.

The CEC was, however, responsible for providing legal and technical guidance to the DECs. For example, the CEC provided an administrative calendar to election commissions which indicated legal and functional deadlines. Procedural and regulatory documents were also prepared by the CEC and distributed to election officials on the district level. In addition, CEC members and staff provided legal advice regarding the interpretation and technicalities of the law, relying on counsel from the legal affairs committee of the Supreme Soviet when necessary.

### **F. District Election Commissions (DECs)**

No later than 75 days before the election in each election district a District Election Commission (DEC) was formed consisting of 9 to 13 members. A list of "authorized" organizations (under the Soviet-era law) was entitled to suggest members of the DEC but the appointment power was vested in the Supreme Soviet, not the CEC.

Like CEC commissioners, DEC members were appointed for five years, and also elected their officers from their own ranks. DECs had thirteen enumerated powers. These included responsibility for the tabulation and certification of results for the District as well as the filing of Parliamentary candidates. Each DEC registered "nominated candidates for deputy and their agents." Since it was in possession of the list of candidates in each district, each DEC arranged for the printing and distribution of ballots.



The District Election Commissions functioned as the "filing authority" for candidates for deputy in the old law. This function was called "registration" and took place between 30 to 20 days prior to the election.

On the fourth day after the registration of any candidate, the appropriate commission published an announcement containing various biographical data about the candidate(s). A certificate of nomination was also issued.

There was also a procedure for replacement of withdrawn candidates. If there was time, the appropriate commission asked the appropriate organization to submit a new name. But, "when candidate deputies withdraw less than a month before the elections, a deputy from the corresponding electoral district (okrug) is elected within two months after the general election".

Under the old law, DEC's were responsible for the registration of candidates whose names would appear on their ballots. However, a list of the registered candidates and their supporting documents were forwarded to the CEC for approval of the ballot slate. The CEC reviewed the documents of the candidates and the protocols regarding the meetings at which the candidates were nominated in order to verify their eligibility.

Another key responsibility of the DEC was related to policy for the compilation of lists of eligible voters, though the actual compilation of the voter lists was handled at the polling site level. The DEC's also published the results of the district voting, official posters containing biographical data on the candidates, certificates of nomination, and any materials related to recall, repeat, and replacement elections. The DEC's heard complaints and other questions arising from the Precinct Election Commissions. Their decisions could be appealed to the CEC, which made the final decision.

It is important to note that due to the exception made to the new Election Law, no district lines will be drawn for the February 27, 1994 election and therefore no DEC's will be formed. Further, according to the new law, all functions of the DEC's will be performed by the Central Election Commission for this election.

It is unclear to what extent the CEC, in the absence of the DEC's, will rely on the same administrative apparatus of the local government bodies to perform the administrative support tasks of the election. In the December 12, 1993 elections in Russia, though a level of election commission was eliminated, the technical support bodies which served this level of commissions remained and continued to play an important administrative if not entirely legally-sanctioned role in the election process.

In many of the countries of the former Soviet Union, it is these technical support committees attached to the local Soviets and executive committees which are most often accused of malfeasance and subverting the electoral process. Without the supervision of District Election Commissions this problem may require special attention from the Central Election Commission during this next round of elections.

### **G. Precinct Election Commissions**

Under the 1989 law, the regional and city Soviets, now called councils, appointed the Precinct Election Commissions (PECs), which have served and will continue at the lowest level of election administration. These PECs were appointed no later than 45 days before the election and consisted of 5 to 15 members. Exceptions to the limits on members could be made by the local Soviet.

Unlike that of the CEC and DEC, the term of office for PECs expired when the new People's Deputies were seated by the Supreme Soviet. Again, officially sanctioned groups and "groups of voters," numbering at least 50, had the right to nominate members of PECs but in the end it was the local Soviets which made all the final decisions as to membership. Precinct chairmen also were paid an amount equal to what they would have been paid at their regular work.

The Precinct Election Commissions had nine enumerated powers, the most important of which was the compilation of the list of eligible voters. An entire article of the 1989 Soviet Election Law (Article 30) is devoted to the compilation of the list of eligible voters. For all practical purposes, Moldova had universal voter registration because the PECs derived their lists of voters from larger lists of persons known to live in their area of jurisdiction as maintained by local Executive Committees for purposes of taxation, census, law enforcement, etc. Voters were listed in each precinct in a manner "convenient for organizing the voting," usually in alphabetical order.

Each PEC had the responsibility to compile the voters list so that every eligible voter was included. Thus the goal was universal registration, a function initiated by the government, rather than the individual voter.

The data for the voter list was provided to the PECs by the local authorities, cities, "raions", villages and local Soviets. All were required to give the PEC information it needed. A provision was made to include military and their family members, whether living in units when their commanders are required to submit lists or when living outside units, when they were to be treated as any other voters.

The principal manner of ensuring the accuracy and completeness of the roll was its publication 15

days before the election so that citizens not included could ask that corrections be made. If proof of residence and eligibility was presented, the list was to be corrected within two days. The process could continue up to and including the day of the election. Denial of the right to inclusion was required to be made in writing by the PEC.

There were some reasons for non-inclusion of some citizens. Being under 18 years of age, being judged mentally incapacitated, or "undergoing compulsory treatment" were grounds to prohibit participation. Appeal to a local court was envisioned when a citizen disagreed with the PEC's decision against his or her inclusion on the list.

The PEC conducted the actual voting and tabulation of votes which it forwarded to the corresponding DEC in a document called a "protocol." Although the location of polling places was decided by the local Soviet, the PEC provided for the preparation of the polling places and the ballot boxes. In a provision that was new to the 1989 law, PECs had a procedure for absentee balloting.

In a procedure which has been often criticized as open to fraud, PEC members went to the homes of those who were ill on election day or unable to leave their homes with ballots and small mobile "traveling" ballot boxes to allow them to vote. This function, though performed, was not mentioned in their responsibilities in the 1989 law. However, there was a catchall at the end of the list of their responsibilities stating that each PEC "exercises other authority in keeping with the present law."

#### **H. General Rules for Election Commissions**

The chairman, deputy chairman and secretary of each commission were all elected by that commission, although the team had the impression that the chairman of the CEC was designated by the Supreme Soviet. The commissions had to have a two-thirds attendance to take action, and minority views were to be included in the record in writing. Although the law stated that certain actions and decisions appealed from lower commissions to the CEC would be final, in a seeming contradiction, appeal to "the court" is mentioned as "envisioned by the present law."

Provision was made for the pay, the removal and the replacement of commissioners. The decisions of various commissions, within their areas of jurisdiction, were binding on other institutions and agencies. In fact, other agencies and organizations were obliged to assist election authorities in the lawful pursuit of their duties. When there was a disagreement between an election commission and an agency of the state, that agency was obliged to respond to the commission's formal inquiry within three days. In essence, duly constituted election authorities had a certain limited preeminence related to the legitimate conduct of elections, not unlike that of the military in times of emergency in many

nations.

### **I. Nominations for People's Deputies of the Supreme Soviet**

The time frame for nominating general candidates was from 60 to 30 days before the election for those groups authorized to, in effect, caucus for nominations. A restricted process existed for approved groups, largely economic and "social class" type associations (Union of Veterans of Labor and War, Soviet Womens' League, etc.), to meet and select nominees for "registration" on the final ballot. Although the language of the 1989 election law permitted some openness (and in fact would have allowed it, on the occasions people were bold and organized enough to use the system), the practical effect was to allow access to the ballot by a seasoned political elite.

In the new Law, registered political parties and socio-political organizations as well as independent candidates through a petition system will have a good opportunity to propose candidates. The liberalization of today's registration process of political groups also serves to provide more breadth of opportunity to political newcomers.

### **J. Rights of Candidates**

Several articles and sections dealt with rights of candidates and enumerated provisions that most electoral systems assume and would not list or limit. Among these were the right to "speak at meetings, use the mass media, and obtain information." Candidates were required to "present a program of his future activity," which nevertheless, "should not contradict the USSR Constitution, the Moldovan SSR Constitution or Soviet laws." Candidates had a right to free transportation (except by taxis), certain immunities from arrest, and could employ five paid registered agents and unlimited volunteers to participate in certain "pre-election promotion."

Candidates, like election workers, were paid from election funds an amount equal to what they would have made at their place of work, from which they are allowed to take an amount of leave. It was not clear if leave could be denied or on what grounds.

### **K. Conduct of Voting**

The elections took place from 7:00 a.m. to 8:00 p.m. on a single day. Ten days before the election, there was notice to the public of the times and places of voting. Polling places and districts, as has been stated earlier, seldom changed.

At the time that the CEC approved the slate of candidates to be printed on the electoral district ballot, the District Election Commission responsible for the constituency could also seek approval to modify the size of the ballot design to accommodate fewer or more candidates. However, the basic information, layout and text was retained uniformly in all constituencies.

#### **L. Ballot Security Measures**

The Moldovan ballot was formerly of the Soviet style: alphabetical by last names of the candidates, with biographical data. Voters were expected to cross out the names of candidates not supported, leaving the one for whom they would like to vote.

The law seemed to require secrecy and ballot security measures, such as the checking, stamping and sealing of ballot boxes. Provision was made for those unable to fill out their ballots. Finally, "the completed ballot is dropped into the ballot box." However, many voters would take the ballot with them as a protest or for other reasons. The ballot security implications of allowing voters to leave the polling place with the ballot are serious and are discussed elsewhere in this report. The recently amended Criminal Code provides for a fine of voters who take the ballot out of the premises.

Ballots were printed in sufficient quantity to accommodate every registered voter with a sizable percentage of overage built in to make up for printing irregularities, damage, or for voters not on the list who show up on election day and demonstrate their right to vote.

The potential for misuse of extra or unvoted ballots has often troubled those analyzing the Soviet election system. The existence of extra ballots alone requires that strict ballot security procedures be enforced. While the ballots contained all the necessary ingredients for the orderly casting of votes, currently they do not incorporate some of the security features that have met with success in other countries.

With the introduction of a multi-party system and increased competition among candidates, there will be greater demands on election officials' accountability. As the new system evolves, officials will be under greater scrutiny and the integrity of the election process will be measured in terms of the documentation maintained to verify the accuracy and accountability of election results. Ballot security will be a prime ingredient. There are a number of other measures which could be adopted to enhance the security of the official ballot papers, as will be indicated in the recommendations section of this report.

The audit trail of ballot papers should start at the printing level and continue through the polling and

the verification at the count.

### **M. Counting Votes and Certifying Results**

In the past, officials have counted ballots using a "stack" method whereby the ballots are read while they are placed on an appropriate stack identified for each of the candidates appearing on the ballot. Any ballot withdrawn from the ballot box for which the voter's intent cannot be determined, or on which more than one candidate is left unmarked, is put aside and the validity determined by a vote of PEC members. Once all ballots have been reviewed, the poll workers set about hand counting the number of ballots in each stack. The resulting totals for each candidate are then entered on the protocol.

In this method there is no actual "tallying" as each vote is read. The main advantage of this method is its simplicity. It only requires one document for recording the results. No separate tallying sheets are required, resulting in a cost savings. In addition, its simplicity also results in easier training of officials.

However, except for the ballots themselves, there is no backup verification document that supports the totals reported on the protocol of results. An alternative method, commonly used around the world, calls for the creation of a record of a written tally for each vote cast, recorded on a prepared document designed for that purpose. The tallying sheets can be pre-printed with candidates or party names in the order in which they appear on the ballot.

Election results on each level were recorded on "protocols" as has been previously noted. The meetings of the various commissions are mentioned and the procedure for certifying the protocol is set out. Finally, the Central Election Commission tabulated all of the District protocols and announced and published the results.

The CEC could declare elections invalid if it detected irregularities and it could refuse to "register" a specific candidate if need be. In any event, "within no more than 10 days" after the election, the CEC would publish a list, in alphabetical order of the new deputies, issuing them a "certificate and badge". The sitting Supreme Soviet ratified the results and, thus, seated the new deputies.

"Repeat voting" was provided for in certain cases such as when no candidate received an absolute majority of votes cast or the turnout of all registered voters had not gone above 50%. In those cases, the CEC instructs the District Election Commission to rerun the election.

## **V. Draft Election Laws of Summer 1993**

### **A. Competing Drafts**

At the time of the team's visit in August 1993, two proposed drafts of new election laws were being discussed to repeal and replace the 1989 Soviet law. The first draft considered earlier in the summer was characterized by 100% proportional representation (PR) elections by party lists with a requirement that 50% of all registered voters turn out for the elections to be considered valid.

The second draft which was published in the newspaper, Nezavisimaya Moldova, as the team departed Moldova on August 10, 1993 envisioned that 50 of 101 of the seats of the new Parliament would be filled through party list proportional representation with a 4% threshold for a party to qualify the PR seats and 50 of the seats through majoritarian single-member districts.

In August 1993, neither draft was expected to be supported by a sufficient majority in Parliament necessary for adoption. Victor Puscas, Vice President of the Parliament, who invited the IFES team to Moldova was instrumental in the composition of the 1989 Soviet election law as well as both drafts. He indicated that the August 10, 1993 draft attempted to remedy some weaknesses in the first draft as well as moving to the compromise "mixed" (51 seats through PR and 50 seats through simple majority) election system.

By the time the October 19, 1993 election law was adopted, the "mixed system" had been discarded in favor of a system of 100% proportional representation which was favored in the early draft.

### **B. Changes to Accompanying Legislation Related to Elections**

During the discussion of the various election law drafts, other legislation that was still in force from the Soviet era that many believed would have a chilling effect on the election process unless also amended or declared invalid.

In the wake of the violent events in Moscow and the shelling of the Parliament, on October 14, 1993 the Law on Elections to Parliament was adopted and signed by President Mircea Snegur. This new law replaced the Soviet Law on Election of People's Deputies of the Moldavian SSR Number 3618-XI of November 23, 1989. Five days later on October 19 Parliament adopted the Decree of Implementation of the Law on Elections to Parliament.

On the same day, the Law Introducing the Changes to the Constitution (Basic Law) of the Republic



of Moldova was issued and signed by President Snegur. The Criminal Code was amended on the same day by President Snegur along with the Law Introducing Changes and Additions to the Criminal Code and Code of Administrative Offenses. The changes to the criminal code were introduced in order to deal with violations specifically related to the elections.

The Law on Parties and Other Socio-political Organizations and the accompanying Decree on Enacting the Law "On Parties and Other Socio-political Organizations" had been adopted on September 17, 1991 and were considered by many critics, chief among them members of the leadership of various political parties in Chisinau, to be unnecessarily restrictive of legitimate political activity. Some of the articles were considered unnecessarily vague or sweeping and in need of revision.

On October 19, 1993, President Snegur signed the Law on Introducing Changes and Additions to the Law "On Parties and Other Socio-political Organizations".

Article 10 of the old Law on Parties formerly prohibited the financing of political parties and socio-political organizations by "the State" and also prohibited use of "financial support from foreign countries, foreign citizens or juridical persons abroad."

While retaining the sensible restrictions on foreign financing of parties and socio-political organizations, the amended Article 10 prohibits "transferral of property" or in-kind donations by "state organs, state enterprises, organizations and institutions" as well as other entities (see attached legislation).

This amended article may be seen as a double-edged sword by parties and socio-political organizations. Though it restricts the sources of party financing, it should also serve to level the "playing field" of the upcoming election. Often in countries attempting to make the transition from one-party election systems to a true multi-party system, one or several parties take advantage of government or state enterprise resources to which they have entrenched access.

This inequitable access to resources such as automobiles, inexpensive paper, printing houses and office space is often unchallenged during the election campaign and soon forgotten after the party or parties with this access have safely installed their candidates in office.

It is unclear whether prohibition of "transferral of property" by the law may also be used to prohibit the practice of government agencies, state enterprises, etc. providing unfair access to resources. This is more than an academic question. During the visit by the IFES team, one of the major parties was openly using the offices of an important government ministry as a kind of party headquarters.

Further, the team was informed that the ministry had offices all over the country which were serving as hubs of a nation-wide network for the party's political activity. As elections approach, these disparities of access will no doubt be examined by the Moldovan media and the proper Moldovan authorities.

Some interlocutors took particular exception to Article 17 of the old party law because of its implicit restrictions on the sources of party financing:

Article 17. The financial support for a party or socio-political organization shall consist of its members' registration and monthly membership fees.

This Article was also amended on October 19, 1993 to allow parties and socio-political organizations the ability to raise funds from sources in addition to their own membership as was previously the case.

### **C. Campaign Financing According to the new Election Law**

Party financing is also regulated by Article 68 of the new Law on Elections to Parliament. This article outlines the mechanism for the creation of "election funds" for parties and socio-political organizations. The "election funds" can be created from party resources, outside resources not prohibited by the Law on Parties and Socio-political Organizations (as amended on October 19, 1993) as well as interest-free credit received from the government. The amount of this credit is to be determined by the "government."

Earlier, it appeared that those entities competing in the elections may spend without limits as long as all of the funds are channeled through the party "election fund." The CEC, DEC's and the Ministry of Finance are all responsible for monitoring compliance with these campaign finance provisions.

In January 1994, at the proposal of many representatives, the CEC established a maximum electoral limit on financial resources in which parties, socio-political organizations, voter blocs and independent candidates may spend in their electoral campaigns. Political parties, socio-political organizations and voter blocs will have the benefit of a 100,000 lei (approx \$33,000 with 12/93, 3:1 lei-dollar exchange rate) limit, while independent candidates will have a 2,500 lei (approx. \$830.00) limit. As earlier stated, a portion of this sum will be provided by the State; a concrete percentage will be determined by the "government".

Any credit received from the state budget of the Government of Moldova is to be repaid in full or in part depending on the following formula:

Amount Subject to Repayment EQUALS Credit Received by the party DIVIDED BY Voter Turnout in the District MULTIPLIED BY Valid Votes for the Party in the district the electoral district.

Those parties, socio-political organizations and independent candidates who do not at least meet the 4% threshold necessary to win a seat in Parliament must pay back the credit within two months. Those which have surpassed the threshold have four months for repayment.

#### **D. Choice of Systems of Representation**

The explanation of the August 10, 1993 law provided in Nezavisimaya Moldova provided a brief description of majoritarian single-member district systems as used in the United States, England, Canada and until recently the Soviet Union. The advantages of the majoritarian system included: (1) allowing for the election of a stable government and (2) encouraging the development of two or three large parties. Because of the difficulty of winning a seat in such a system for an independent or small party, the tendency to coalesce into large electoral groupings is built into the system.

However, this system has been criticized for permitting "wasted" or "lost" votes. Thus even if one votes for a candidate who receives 49.9% of the vote, if the opponent receives 50.1%, all of those who voted for the candidate who received less than 50% may consider their votes to have been "lost."

Most democracies in the world use some form of proportional representation (PR) to elect their legislatures. Many use proportional representation with a threshold to gain representation (usually of 4 or 5%) to keep tiny or extremist parties from entering the legislature.

Dr. Arend Lijphart's chapter in The Global Resurgence of Democracy (ED.S, Larry Diamond and Marc Plattner, Johns Hopkins Press) sheds some light on this subject. Professor Lijphart, a specialist in the area of comparative politics writes:

Two important factors influenced the adoption of PR in continental Europe. One was the problem of ethnic and religious minorities; PR was designed to provide minority representation and thereby to counteract potential threats to national unity and political stability.

Dr. Lijphart also deals with the some of the criticism which often accompanies analysis of the impact of PR:

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With regard to the problem of deep ethnic cleavages, these doubts can easily be laid to rest. Divided societies, both in the West and elsewhere, need peaceful coexistence among the contending ethnic groups. This requires conciliation and compromise, goals that in turn require the greatest possible inclusion of representatives of these groups in the decision-making process. Such power sharing can be arranged much more easily in Parliamentary and PR systems...

At the time of the IFES team's visit in August 1993, there was a temptation to take the middle road and "compromise" by choosing the mixed system PR/majoritarian system of the August 10, 1993 draft. However the serious considerations related to the territorial integrity of, and potential for violent conflict in, Moldova which were weighed by the country's leadership. Should a "mixed," pure majoritarian, or even proportional system in which multi-mandate districts would be necessary, election districts would have had to be drawn in all parts of the country.

Of course, these districts would then have had to be established in the secessionist area of Transdnister. Should no polling take place in these districts, it would make a clear statement that their de facto succession has been made formal due to continued local recalcitrance.

However should the entire country, including this area, be considered "unitary" or "one electoral district," the negative impact of these rebellious areas on the political process and the territorial integrity of Moldova could be diminished. There will probably be some opportunity for people in these regions to vote in certain areas and by absentee ballot, thereby lending their voices to the governance of the country as a whole.

Such a system with one nation-wide electoral district and voting by proportional representation for nation-wide party lists was opposed by local leaders outside Chisinau and some of the minority ethnic group leaders. They may feel that their power will be diluted in the larger mass.

However, many of these opponents came to realize that the alternative electoral systems which necessitate election districts in disputed areas may have lead to the breakup of Moldova and the loss of the country's economic viability and even sovereignty, and a possible replay of bloody conflict.

In order to compromise with opponents of nation-wide PR, its supporters realized that election systems need not be set in stone and may change according to the political and historical circumstances of a given country. By adopting exceptions to the election law for this first post-Soviet Parliamentary election the leaders of Parliament availed themselves of this opportunity.



### **E. Moldova's Choice of Election Systems**

The Moldovan electoral system profile can be characterized by full proportional representation with closed party lists, a 4% threshold and distribution by the Hare quotient and the d'Hondt formula.

The Moldovan elections for the 104 seats in parliament will be unusual in that the country will be considered one electoral district for this first post-Soviet election. Subsequent elections will allow for the creation of several multi-mandate districts. The full proportional system has also been used by Israel, Paraguay and the Netherlands.

Elections will be conducted by "closed" party lists which do not give the voter the ability to express preference for one candidate over another within a particular party list. Candidates become deputies based upon the overall success of their party, sociopolitical organization or voter bloc and their ranking on the list which is decided by the individual party's leadership.

This system strengthens the ability of the party leaders to discipline the rank and file and to form a coherent message to be communicated to the electorate. The introduction of this system should go a long way to strengthen the nascent political parties and sociopolitical organizations in Moldova. Unlike a majoritarian system, which presents the voter with a system that gives strength to individual candidates and personalities, the proportional representational system promotes party affiliations and a representation less dependent on personalities and more conducive to the development of political parties.

As defined in Moldovan election law, the total number of individuals elected from each party, socio-political organization or voter bloc is equal to the number of seats that the party has received in the first distribution, commonly called "the general party total". This first distribution is determined by the Hare quotient.

The threshold for a party, sociopolitical organization, etc. to win a seat is 4%. Thus any party that does not obtain this minimum percentage is not allocated a seat in parliament. Smaller parties, although having to deal with a threshold minimum of 4%, may be compelled to form coalitions to bolster their odds of gaining representation. Remaining seats can be divided among the "eligible" parties or socio-political organizations that did receive more than 4% of the vote according to the d'Hondt formula.

### **F. Quotients and Distribution Formulas**

A quotient is used to determine how many seats each party or coalition will receive during the first distribution of seats. The Hare quotient is obtained after the vote by dividing the total number of votes cast by the number of seats in parliament, in the case of Moldova, 104.

Other quotients divide the number of all votes cast by the number of seats in parliament plus one (Hagenbach-Bischoff) or two (Imperial). The addition of one to the divisor results in a smaller number of votes being required for a party to win a seat. The Imperial quotient's addition of two exaggerates the benefit to smaller parties to an even greater extent.

"The result of this fictitious seat or seats is to lower the threshold a party must meet in order to obtain a seat", according to Electoral Systems: A Worldwide Comparative Study published by the Inter-Parliamentary Union.

#### **G. Effects of the d'Hondt Formula**

The d'Hondt formula is used in the second stage to distribute the remainders after the initial allocation of seats by the Hare quotient. Remainders exist due to the existence of the 4% threshold. Rather than conducting runoffs to fill empty seats, this formula for distribution of empty seats to the parties that have cleared the 4% threshold is used.

D'Hondt presents what can be described as one of the best known "highest average formulas" to allocate the remaining earned seats between the parties and coalitions gaining the designated minimum threshold in a parliamentarian system.

In Elections and Electoral Systems, Dieter Nohlen describes the system:

The votes gained by the various political parties are divided by rows of divisors so that decreasing numerical series emerge for each party. The allocation of seats corresponds to the highest number of quotients. The feature of this formula is the series of divisors which reads: 1,2,3,4,5, etc. The votes gained by the various parties are divided by this series.

The key advantage of the formula of highest averages such as d'Hondt's, lies in its simplicity. All seats are divided in just one procedure unlike in numerous quota systems.

It has also been suggested that the d'Hondt formula gives the advantage to larger parties by constructing a majoritarian-like outcome in small electoral districts. Dieter Nohlen suggests that:

Major parties enjoy substantial advantages so that, in terms of the whole country, considerable differences occur between the share of votes and the share of seats at the expense of the smaller parties. The proportionality formula when applied in small constituencies does not lead to the representational goal of proportional representation, but results which correspond with...majority representation.

Because Moldova will be treated as one giant election district this effect will be mitigated. However, once Moldova holds its next election with multi-mandate districts it may play a role in giving an advantage to the larger parties in the final distribution of seats in parliament.

#### **H. Countries Currently Utilizing d'Hondt Formula**

A number of European states including Germany, Finland, Iceland, Italy, and Spain all use versions of the d'Hondt formula to calculate votes and allocate seats in their respective parliaments. Experience has proven that this system is one of the most widely accepted versions of allocation because of its concise and simple method in allowing equitable representation without the "lost votes" of a majoritarian system or the splintering effects of a proliferation of small parties.

Several mitigating factors may cause an electoral system to work more efficiently in one nation than in another. The most obvious may be socio-economic conditions, homogeneity of population; and differences in political culture. In Moldova's case, the importance of the integration of the all regions of the country in Moldova's governance has been an overriding factor.

#### **I. Inclusion of all Regions of Moldova**

The team was of the view that in case the problem with the leadership in the Transdnister and in the southern regions cannot be resolved prior to the election, arrangements should be made for the election of deputies to represent those areas in any case. The de facto but unlawful secession should not disenfranchise those citizens of Moldova who have a legitimate right to lend their voice to their country's governance.

If the local authorities in the Transdnister continue to block the right of Moldovan citizens to exercise their right to political expression while on the left bank, these voters could be allowed to vote at special sites near the border or by absentee ballot. However, any voting by absentee ballot should be subject to special examination by the Central Election Commission as this part of the election process is considered to be most open to fraud.

## **VI. Election Commissions Under the New Law**

### **A. Central Election Commission**

On February 27, 1994, all members of Parliament will be elected directly by the voters in one nationwide electoral district, with one delegate of Parliament for approximately every 28,000 voters.

As before, the Central Election Commission (CEC) is to be the heart of the new system. Instead of forming on the same day the election is set and announced as was previously the case, it would seem that the membership of the CEC is longer to be considered a fait accompli.

The membership of the CEC will come from two sources, the Supreme Court (as is the case in Romania), and from the "parties, sociopolitical organizations, and voter blocs that intend to compete in the elections." Five of the members are to be Members of the Supreme Court including the CEC Chairman, who is elected from among the five. Each of the entities intending to compete in the elections is allowed one member each on the CEC. There shall be at least 16 members total rather than the set number of 21 as in the old law. The CEC elects its own vice-chairman and secretary three days after its formation.

There is no limit on the number of CEC members in the Election Law. However, according to Article 2 of the Decree of Procedure for Enacting the Law on Elections to Parliament adopted on October 19, 1993, there are several exceptions to the Election Law to be made for these elections for the reason that:

Paying attention to the fact that the aforementioned Law (the Election Law) is based upon the new administrative territorial arrangement of the republic, a question that has not yet been considered by Parliament, elections shall be conducted on February 27, 1994 with the following deviations from the provisions of the Law:...

Among other provisions, the Decree states that there shall be no more than 26 representatives of parties and socio-political organizations on the CEC and that there shall be seven Supreme Court judges on the CEC, rather than the five indicated in the Election Law.

Earlier drafts of the election law envisioned that if too many nominees were proposed, lots would be drawn to eliminate excess members from the parties and socio-political organizations. It can be assumed that this process would be used for these elections.



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The CEC is not independent in the selection of its staff which must be "approved by the government." It is also the team's understanding that CEC staff receive their salaries from the government rather than from CEC funds. Also, the CEC's ability to fire and replace staff is unclear.

The CEC does have many supervisory and administrative powers which are outlined in Article 11 of the Election Law. Also as one of the exceptions for the elections on February 27, 1994 as stated in the Decree of Procedure for Enacting the Law on Elections to Parliament, the CEC shall perform all of the duties of the District Election Commissions.

The final important provision of the Decree is that the role of the Constitutional Court, envisioned in the Election Law to declare an election legal or illegal, shall be performed by the Supreme Court "at its plenary sessions." Supreme Court judges, therefore, have an important role to play both within the CEC and as part of the Supreme Court itself.

While the concept of "gerrymandering" does not seem to be widely contemplated as a strategy to affect party politics at this point in the country's democratic development, it was clear to the team that the potential manipulation of district boundaries relates directly to ethnic or political divisions or personal power struggles among local officials, could become an important area of concern. Though this issue is mute in the February 27, 1994 election since there is to be only one nation-wide district, it will be worthy of consideration during the reform of local administration and any future Parliamentary elections.

In this regard, there seemed to be some interest in ensuring that the election law specifically provided for a level of oversight and approval of the CEC's districting plan before its formal adoption. The law may include a provision allowing for the appointment of an independent commission charged with responsibility for the apportionment plan consisting of members representing a cross-section of government and non-government institutions, political parties and private interests.

### **B. District Election Commissions (DECs)**

Though the second-tier of election administration will not be set up for the February 27, 1994 elections due to the exceptions to the Election Law outlined in the Decree of Procedure for Enacting the Law on Elections to Parliament, their powers are worthy of consideration. As stated earlier, the functions of the DEC will be performed by the CEC for this election.

The formation of the DECs is analogous to that of the CEC. Five days after elections are scheduled, three local judges are selected (one of which becomes chairman) and no more than 10 representatives



of parties, sociopolitical organizations, and voter blocs participating in the elections shall be members of the corresponding DEC. Each DEC may have its own staff which must be approved by the CEC.

For a full listing of DEC powers which are to be performed by the CEC for the February 27, 1994 elections, see Articles 12-13 and 21-25 of the attached Law on Elections to Parliament.

### **C. Precinct Election Commissions (PECs)**

Unlike the CEC and DECs the Precinct Electoral Commissions (PECs) are prescribed a number of specific locally-based duties in arranging and ultimately carrying out the election procedures on the day of the election at the polling site.

The PECs are formed according to the new electoral law no later than thirty days before the elections and consist of a Chairman, Secretary, and no less than five members. The Chairman is approved at the suggestion of the council of the commune, city, or municipal organ of the DEC. In the February 27, 1994 elections however, as noted throughout this report, the CECs will perform the functions of the DECs. Each party, socio-political organization and voter bloc is permitted to put forth one representative to sit on the PEC. Should the number of parties exceed the number established in the PEC formation, parties which represent the largest number of candidates may draw lots for representation on the PEC, thus giving them the advantage due to relative size. Within three days of the memberships' completion, the PEC elects its Secretary and Deputy Chairman and immediately reports the results to the DEC or CEC for the February 27, 1994 elections.

Outlined in the new election law are a series of duties the PECs are held accountable for completing and overseeing which include, but are not limited to:

1. familiarization of the candidates with the voters,
2. oversight of the process of voter information including the issuance of certification for absentee voters,
3. notification and maintenance of polling stations and equipment,
4. election day supervision,
5. vote counting and recording,

6. responsiveness to questions regarding the election and voting decisions, and
7. exercising other authorities in keeping with the election law.

Regulations state that the right to deprive a member of the PEC of his or her authority must be approved by a higher commission, and a member of the CEC. Deprivation of authority is sanctioned "...if the member violates the law on elections or regularly ignores his duties." The replacement of a committee member must be completed within ten days of the initial removal.

Due to the locally-based conception of the PEC, all decisions by the PECs adopted within their jurisdictions are binding for all state and social organizations, enterprises, institutions, organizations and citizens, although appeals regarding the procedure for the formation and composition of the PECs may be forwarded to a higher commission and to the court within the PEC's jurisdiction.

The PEC membership and officers term expires upon "...the recognition of the authority of the deputies and the formation of the parliament."

For a full listing of PEC powers and duties to be performed for the February 27, 1994 elections, see Articles 14-15 of the Law on Elections to Parliament.

## **VII. Voter Registration**

As in many European countries, the local governmental authorities are required to compile, from their various lists of citizens, taxpayers, benefit recipients, etc., complete lists of persons eligible to vote. The election authorities alone use the resulting lists. This process will remain largely the same as in the Soviet-era law. Twenty days prior to the election, lists are delivered to the precinct commissions, containing the first and last names, the dates of birth and the addresses of voters entitled to cast ballots at the given precinct. The lists must be posted publicly at the precinct so that citizens may verify, and challenge if necessary, erroneous information.

## **VIII. The Ballot**

### **A. Style**

The form of ballots has been stipulated by the new election law and is to be established by the Central Election Commission. Depending on the number of candidates for a party or group, which cannot exceed the number of mandates the district has (plus two for replacements), the sizes of "squares",

containing names, and party or group symbols are decided by DEC's. Voters indicate choices by placing one "X" in one of the 15-millimeter circles next to the party of preference. That positive designation of choices replaces the old Soviet-era "cross out" system. There is no biographical data on the ballot, only first and last names of candidates on the party list.

All of the candidates for each party, socio-political organization, voter bloc, and independent candidates are listed on the ballot itself. According to the law the District Election Commissions are responsible for the printing of the ballots in Romanian and "other languages used by the voters of the electoral district." As the CEC will be performing all DEC functions for the February 27, 1994 elections, presumably the CEC will oversee the printing of all the ballots plus the required 10% in Chisinau. The ballots will probably be printed in at least three languages beside Romanian: Russian, Ukrainian and Turkish. There is a requirement that the ballots of a district have uniformity and be on paper that is not transparent. Ballots are to be delivered 10 days prior to the election.

The ballot will be a multi-page booklet similar to the one used in Romania in its parliamentary elections. The law states that the pages shall be "fastened together in such a way that they cannot be taken apart." The Romanian elections saw some problems with pages becoming separated during transport and removal from the ballot box after the voting.

According to Article 38, security is guaranteed by the "police" once ballots are delivered to days in advance of the voting to the precinct. There is no indication of security in, or access to, the printing house by observers, parties, etc. during the printing and storage of the ballots. For this election, it is likely that all of the ballots will be printed in the same printing house in Chisinau.

#### **B. Order of Electoral Entities on the Ballot**

A measure that was under consideration during the team's visit would have listed political parties and socio-political organizations on the ballot according to the order by which they registered with the Ministry of Justice. Entities competing in the elections, except independent candidates, will now be listed according to the order in which they were submitted to the electoral commission. To give the nascent parties an additional advantage, independent candidates shall be listed last.

#### **C. Ballot Security Measures**

While the team recognizes that the central printing of all national election ballots might be cumbersome, at the very least security paper should be centrally supplied and uniformly used according to specifications made by the Central Election Commission (CEC). The amount of paper

supplied to each district commission in future elections should be ample, but not far in excess of what is needed. Unused security paper should be returned to the central authorities and be accounted for.

While the ballot form under consideration contains all the necessary ingredients for the orderly casting of votes, currently they do not incorporate some of the security features that have met with success in other countries. With the introduction of a multi-party system and increased competition among candidates, there will be greater demands on election officials' accountability. As the new system evolves, officials will be under greater scrutiny, and the integrity of the election process will be measured in terms of the documentation maintained to verify the accuracy and accountability of election results. Ballot security will be a prime ingredient. There are a number of measures which could be adopted to enhance the security of the official ballot papers:

1. In the new law, the only stipulation regarding the paper the ballot is printed on states that it must "...be printed in the same script an the same color which is thick enough to prevent the text and marks made by the voter from showing through [and] if the ballot consists of several pages, they must be fastened together in such a way that they cannot be take apart." To inhibit the potential for fraudulent reproductions, the CEC may consider using paper which includes an exclusive watermark. As an alternative, a faint special ink screen could be applied as background for the text at the same time that printing is accomplished. Some techniques would allow the security screen and the ballot text to be applied with one pass through by the printing house so that the cost would not be significantly increased.
2. Ballots are to be bundled into groups of 100 and held in a "reliable place" within the electoral precinct before being passed to individuals within the precinct apparatus for proper distribution to the voters. This distinction is unprecedented in post-Soviet elections and should serve to enhance ballot security and handling. Standard packages will also provide officials with better control over the ballots under their supervision.
3. The team would strongly suggest that each ballot in each pad or book be attached to sequentially numbered stubs or counterfoils from which an unnumbered ballot could be separated at a perforation. The sequential numbering would allow the CEC and District Election Commissions (DECs) to maintain a record which documents not only the number of ballots provided to each precinct, but also the numeric range assigned to each site. As an additional safeguard, the list of ranges assigned to each site can remain secure until the ballots are actually distributed. The protocols used in accounting for the ballots used throughout the polling day could provide space to identify the sequence of numbers used, individual numbers of ballots which were damaged or otherwise unusable, and the sequence of numbers of the

ballot counterfoils left on the pads unused. The numbered stubs of issued ballots would remain part of the formal documentation of activity at each of the polling stations in support of the overall results.

Some of these security measures described above would result in greater cost, but the benefits should by far outweigh the financial outlays. In addition, there may be some ways to contain the costs which are not currently being utilized. The formerly decentralized process by which ballots have been printed at the district level has merit of easing the logistical burden after printing. However, certain cost and accountability advantages of centralized purchasing could be enjoyed in the future. For example, it is possible for all the security paper used for printing the Parliamentary ballots to be purchased at the CEC level to take advantage of discounts often associated with volume. Aside from the security factors, the centralized purchase of authorized ballot paper would guarantee the uniformity of all ballots used in the election and a greater degree of control at the CEC level.

Instances of "chain" voting are common in many countries of the world. When ballot stock is not controlled, voters can be issued pre-marked ballots which are taken into the poll and unmarked legitimate ballots are taken out to be "pre-voted" and used by another voter. The "chain" guarantees that ballots are marked and voted for certain candidates without fail. For this reason, the revision of the criminal code prohibits this practice is especially welcome.

## **IX. Election Commodities**

The team believes that security of ballots would also be enhanced by the use of uniform packaging and sealing commodities. Currently, election officials have no uniform materials to use for packaging or transporting ballots to and from precincts, or after the counting of ballots is completed at the end of the polling day. Each site is responsible for finding its own materials. It would be beneficial if officials had sturdy, uniform envelopes or packing boxes to secure their ballots. Envelopes with self-adhesive flaps would provide greater security for the ballots enclosed. In addition, these envelopes could be pre-printed to provide space to write the identity of the polling district and precinct, the number of the ballots enclosed, and the names of individuals responsible for packing the contents. Similar envelopes could be used for the packing of all protocols and election documents submitted. Uniform packaging would also make it easier for the archiving the materials after the elections are over.

Another commodity which might be considered would be a self-adhesive tamper-proof seal that could be used universally to seal precincts rooms, ballot boxes, packages of ballots and other envelopes containing accountability documents. These could also be pre-printed with spaces for election officials

to indicate the district and precinct number, and lines on which the responsible officials could affix their signatures.

Use of appropriate election commodities would provide a new look for Moldovan elections in general. Changing the complexion of elections at the precinct level may well go a long way in encouraging a greater acceptance of the new democratic process.

#### **X. Relationship Between Local Officials and Election Commissions**

Except for the CEC itself which answers only to Parliament, there is a close administrative tie between the DEC's and PEC's and the former local Soviets, now councils, and the local executive offices.

Members of local Soviets, local executive officials and their administrative staffs in particular play an integral part in the election process even though the legal structure establishes election commissions and places them at the forefront. Local councils and administrators are actually extensions of the election administrative structure. Therefore, under the law they should be recognized as election officials during the time of the elections, and be bound by the same rules of impartiality that apply to the commission members themselves.

On January 10, 1994, before summoned Government members, heads of state departments, heads of district election committees, and city mayors, President Snegur announced a decree on several measures to prepare and run the parliamentary elections. The decree forbids the heads of executive power bodies to make electoral propaganda, in addition, the buildings, transport, and equipment of said executive power bodies at all levels may only be used on the basis of decisions approved by the electoral commissions.

#### **XI. Media Access and Campaign Materials**

Also because of state ownership, especially of the electronic media and a large portion of print media, there is, by nature, a limit on space and media time. The team was told by the national television station that advertisements could be bought, but at a rather high price. In addition, listed candidates, parties, and groups will all be allocated a very brief period to state their case around the time of the elections. Those informational "spots", rotating through the list, will air at the same time each day, and all contestants will receive exactly the same one-time coverage.

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Posters with names, photographs, and restatements of positions may be placed in special sites approved by the "organs of local self-government." Each poster may not exceed two by three meters.

The law states, in effect, that candidates, parties, and groups may "campaign freely" using various means: "meetings, assemblies at their place of residence, personal conversations, radio, television, the press, (and) visual displays and other means that do not infringe on the public order." The team asked one regional administrator if telephone campaigning could be used and was informed that the technique is not prohibited, although it is not mentioned in the proposed laws.

There are some interesting restrictions on campaigning that bear scrutiny. First, the local government decides where posters can be placed. This important requirement needs further clarification. In addition, managers of enterprises and private companies, and other institutions may prohibit electoral material at their sites. In the case of collective and state farms, that power could be awesome.

Along those same lines there is the stipulation that campaign materials cannot be of an "anti-constitutional or illegal". This concept is not explained nor is there any specific mechanism to enforce it or specific penalty referenced. All campaigning ends on election day, although previously posted materials may remain in place.

As in the Soviet-era law, candidates have access to some special privileges. They are paid, from the election fund of the DEC, "...their average monthly wage..." and have access to the state mass media as outlined in Article 44 of the Law on Elections to Parliament.

## **XII. Election Day**

Moldovan elections are said always to take place on a Sunday, and this is outlined clearly in the new election law passed in 1993 unlike prior versions. The Law also indicates that the hours of voting are from 7:00 A.M. to 8:00 P.M., with the power to extend these hours given to the CEC. The Precinct Commissions may not interrupt voting for any but the most serious reasons, such as a natural disaster. If at all possible, voting is to resume, at a new site, if necessary, within no more than two hours.

Voting secrecy is provided for, as well as the lawful requirement that the polling places be adequately equipped. There is no particular reference to facilities for the handicapped, the hearing impaired, or those with sight problems. Assistance is allowed, however, in some cases, for the blind and others. Candidates and election commissioners are prohibited from helping these voters and must rely on





bystanders and random voters.

The District Election Commissions have the responsibility for the general supervision of polling places, with the Precinct Election Commissions being in charge of order on election day. Voters may only remain in the polls for the time it takes them to cast their vote.

It is required that the ballot boxes be inspected at the beginning of voting, and sealed in the presence of the commission members. Observers may also be present.

Proxy voting is not allowed in Moldova by the new law, and the actual casting of ballots is very much in accord with standard procedure: ballots are issued to only voters who are on the list. In order to receive a ballot, the voter must present an identification (presumably a passport or other document certifying his or her identity). The voter must also sign the electoral list next to his or her name to indicate receipt of the ballot.

A provision for a variety of election day registration exists, whereby a person not on the list may present a so-called "certificate that they are entitled to vote" (presumably an order from the local PEC, a higher commission or a court), and signs a supplementary list. A ballot may then be issued. The Precinct Election Commissions may still send "no less than two" of its members with a special ballot box to homes of the ill to allow them to vote.

### **XIII. The Vote Count and Results**

Votes are counted on the level of the Precinct Election Commission and reported on a protocol to the District level. Voted, spoiled and unused ballots are also sent along to the appropriate DEC.

The Precinct Election Commission is required to account for all ballots voted, and voided. Ballots that have been spoiled are considered void. But at the end of the day, unvoted ballots are to be voided by the precinct commission.

The protocol of the Precinct Election Commission is signed by PEC members and forwarded to the DEC. The team believes that two identical protocols should be made: one to send to the District level, and one to remain locally filed and available to the media, candidates, parties, groups, international observers, and the public, if desired. Of course, counting and filling out the protocols should be a public act with appropriate observation.

The proportionally elected candidates are seated in the order of their listing by the parties, this number



may exceed the number of seats in the corresponding electoral district by two candidates, being designated as "reserve status". Presumably the party apparatus has the authority to seat a "reserve" if a vacancy becomes available within that party or group's allocation. Ballot access groups are well advised to field a full slate, since they cannot fill vacancies unless they have "reserves" available after the mandated deadline for candidate registration. Mandates or replacements for vacancies created by the death or resignation of an independent candidate cannot be filled after the candidate registration deadline for filing.

The new law retains a turnout requirement that 33.3% + 1 of the eligible voters must participate for the results to be valid.

#### **XIV. Election Administration Expenses**

The public portion of election expenses is spelled out fairly clearly: the president of the Parliament estimates the total cost, the CEC adjusts that estimate, and the final approval from the treasury is made by the executive branch of government. Once transferred, the funds are deposited by the CEC in an account in the National Bank. Regardless of how the CEC handles its own expenditure of those funds, the Chairman of the commission is the officer who makes the disbursements. He or she distributes funds, as needed to the DEC's, whose presidents similarly deposit, expend, and disburse them as needed to the PEC's. Excessive or outlandish spending is forbidden. Unused funds revert back to the national treasury. The Chairman of the CEC is required to account for all public funds after the election cycle is completed.

#### **XV. Election Campaign Expenses**

Ballot access groups may deposit to their own accounts "personal funds and credits by the state and the National Bank." Evidently, some public subsidy of campaigns is envisioned whereby an amount that is a function of the dividend between a whole amount allocated and the number of voters who participate is calculated.

The result is factored by the votes received by each candidate, party, or group, and justifies a share for each. In any event, no spending in excess of the amount deposited, private and public, is allowed. Persons or groups who wish to participate would be well advised to have their war chests filled "up-front" and not count on the unpredictable public share.

#### **XVI. Election Offenses**

### **A. Penalties for Infractions of the Law**

At the time of the team's visit, there was no provision in the election law to deal with specific violations of the election law. Important changes, which allow for jail terms and fines, have now been made to the Election Law and to the Criminal Code and the Administrative Code of Legal Violations.

Victor Puscas, Vice President of Parliament, points out that in his work on both draft proposals, he and other authors made a concerted effort to build into the law a long list of election offenses. It was his view that by so doing, a strong deterrence to tampering with the process could be developed, and confidence in the veracity of the outcome could be better insured. The team was impressed both by Mr. Puscas' resolve and by the structure of the offense section of the final law.

The particular actions prohibited undoubtedly compares favorably with many election laws in countries where elections are regarded as fair and reliable: opening the ballot box in an unauthorized way or time, obstruction of the voting process, including an unqualified name on the voting roll, or excluding a qualified person from voting, the falsification of the result, etc. Most of the infractions constitute criminal offenses are to be reported to the local procuracy organs. Specific penalties for criminal infraction of the election law may impose imprisonment from six months to ten years depending on the offense.

Generally, infractions to do with voter registration lists and matters to do with campaigning violations -- improperly posted literature, using alcoholic beverages at a campaign rally, use of funds from outside the country, failure to give a ballot to a voter entitled to one, giving more than one ballot to a voter, deliberately entering individuals on the voter rolls who do not have the right to vote, removing the electoral ballot from the premises of the electoral precinct, and failure to sign the final report of a voting precinct by a commissioner, are grouped together as "administrative" infractions, not criminal. Continued campaigning on election day is one of those. Administrative offenses are to be reported to the local judiciary where the violation was committed. In cases of administrative violations, fines ranging from ten to thirty times the state's minimum wage may be imposed.

### **B. Adjudication of Grievances**

At the time of the team's visit one of the main issues of concern was the lack of sufficient guidelines to ensure that election commissions deliberating alleged violations treat them consistently and uniformly throughout the country. The new law gives adequate guidelines as to how remedies are to be applied, and the individual commissions are given a fairly defined latitude to determine what form

of relief they decide is appropriate.

## **XVII. Institutionalizing Election Administration**

The team found widespread support for the idea of providing training materials and programs for the workers at the precinct level and above. Voter education was warmly supported also. No particular department or agency of government is presently charged with the poll worker training responsibility. And because election commissions expire after their duties, and have little or no staff, little continuity exists for creating or conserving memory of election expertise.

The newly-elected Parliament might be well advised to establish a small unit with the responsibility of planning for poll worker training and doing some preliminary work on materials. Such a unit could be permanent, and small. But an ongoing staff to preserve and reapply election administration expertise is essential to having a truly open and reliable election system.

The team also believes that Moldovan election officials may want to seek international assistance to work with CEC or Parliamentary commission staff in order to compose and publish new training materials.

## **XVIII. Education of the Electorate**

### **A. Voter Education**

When the topic of poll worker training was raised, often the related subject of voter education was raised by Moldovan officials. Poll workers are dealing directly with voters, and it would be beneficial if such citizens knew in advance what sort of ballot and procedures they are to encounter in the polls. The idea of sample ballots was popular among persons interested in the process of the election itself. A sample ballot, clearly marked as such, could be published and posted so that voters would see in advance what their choices are and how to vote correctly. The instructions to voters would be included on the ballots together with a simple diagram or narrative about the voting process, if deemed necessary.

### **B. Civic Education**

The prospects for a successful transition to a democratic government and market economy are critically dependent upon the education of a people, few of whom have experienced or exercised most of the liberties which characterize both free elections and free markets. For a half century Moldovans

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**Moldova**

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have experienced a one-party political system and a centrally-planned economy.

The 1989 elections in Moldova, though more liberal than earlier elections, did not do much to change this situation. Even with reforms, the 1989 Parliamentary elections were conducted according to the Soviet model. The more recent presidential elections, although theoretically open to multiple candidates, were conducted with only one candidate. Voters have not yet experienced true, multi-party elections much less one that will be conducted entirely by party lists and by proportional representation.

The need for civic education is likely to increase over time. Economic conditions in the country are not good, and may grow worse over the winter. What many Moldovan leaders described as an apathetic population, will be inclined to grow more apathetic as their attention is increasingly focused on basic economic needs.

Members of Parliament, advisors to the President, and leaders of political parties and movements were unanimous in interviews with the IFES team that civic and voter education will be critical to the future of Moldovan democracy. The team was told on several occasions that people know little of the history of other civic societies, that they lack an understanding of new laws, and that they have little conception of the responsibilities of Moldovan citizenship.

These views were expressed in conversations on both the left and right banks of this divided country. It is also recognized that democracy and freedom will not be realized overnight. The Popular Front's powerful influence in the early efforts to abandon communism, and the party's rapid decline in influence when it was found to have no clear alternatives in mind, illustrate this point. Although voter participation was high in the past, it did not reflect an understanding of the principles of democratic government because the elections seldom decided anything.

Although the political parties may be able to play a role in civic and voter education, the major effort must come from the Parliament and other government entities, from nonpartisan organizations, and from foreign organizations cooperating with Moldovan groups. Within the government, the Central Election Commission can play a significant role in education about democracy, both through its own example by remaining nonpartisan and by sponsoring educational programs on the elections throughout the country. It is essential to take the education effort to all regions of the country. The media, both print and broadcast, must also play a role, which means that an independent media must be guaranteed.

Civic and voter education must focus on general principles of democratic government and on the



particulars of Moldovan law and society. Existing and proposed laws should be explained, and public comment should be heard and carefully considered. Education in a democracy is a two-way street; it flows from the people to the government as much as from the government to the people. Civic and voter education must be a ground-up effort to alter the thinking which has been ingrained over a period of fifty years. As a member of the civic group Prodemocracy observed, "in the past the state has created us, in the future we hope to create the state." That simple expression summarizes well the essence of democracy.

### **XIX. Political Parties and Socio-political Organizations**

There is a lack of understanding about the nature and role of parties in a multi-party system. The popular perception of a party is heavily influenced by experience with the Communist Party of the Soviet Union and its republican branch. Although there is a general commitment to the principle of pluralistic elections, ambivalence about parties is reflected in the law on political organizations. Both parties and socio-political organizations are treated the same under law but the distinction is real.

Party organizations function much differently than most civic groups, but the law draws no distinction in terms of their participation in elections. As the law stands, whether parties or socio-political organizations may nominate candidates for office depends upon their bylaws registered with the Ministry of Justice. Also, political parties are more able to represent a broader array of interests than organizations such as the "Union of Veterans", Womens' League or the Association of Beekeepers or Chess Aficionados. All of these types of groups are also registered under the same legislation by the Ministry of Justice.

The several parties that do exist have very limited resources making it difficult for them to educate their potential supporters and very few of the members of the former Parliament identified with any political party whatsoever after the demise of the Communist Party of the Soviet Union.

### **XX. International and Domestic Election Observers**

The presence of international as well as domestic observers at the next election is highly recommended. Observation of the electoral process constitutes a very positive contribution both to the likelihood and perception of free and fair elections in Moldova. It is strongly recommended that free access to multiple polls be allowed and that the requirements for both domestic and international observation be developed and distributed as soon as possible.

According to Article 46 of the Election Law, "foreign observers shall be invited as well as

representatives of any authorized private institution or organization especially accredited by the Ministry of Foreign Affairs." It is unclear whether foreign observers are to be accredited by the CEC or the Ministry of Foreign Affairs. As of December 19, 1993 the complete requirements for international observers had still not been decided. IFES has been informed, however, that guidelines are currently being developed and should be released soon. Article 46 also allows for each of the entities competing in the election to have one observer maximum per precinct.

A post-election round-table should be held so that the observers can be properly debriefed. Ideally, a report could be issued following the roundtable which would outline the observations of the monitors and offer suggestions for improvements of the election process. Reports could be provided to political and civic groups, government officials, and academic institutions.

## **XXI. Proposed Project Implementation**

If requested, IFES is prepared to offer assistance to Moldova in preparation for the Parliamentary elections on February 27, 1993 and beyond in the areas of technical election support and non-partisan voter education training. Assistance programs will be designed to promote the honest, impartial, and efficient administration of new elections in Moldova as well as public understanding of and participation in Moldova's new electoral system. IFES cooperation with the Moldovan Central Election Commission may include, but not be limited to, the following:

### **A. IFES Field Office**

Through the establishment of a field office, IFES will be in a position to serve as a resource center from which the Government of Moldova can obtain information, advice, and technical assistance regarding election preparation, administration, and management; voter and civic education initiatives; and election commodities and equipment. The provision of resources and services on a full-time basis during the entire campaign and election period will further support and reinforce specific programs outlined in points below.

IFES intends to place a Project Manager in Moldova for at least two months to coordinate IFES assistance activities in the areas of technical election assistance and voter education. An Election Administration Specialist could complement the Project Manager's expertise by traveling to Moldova for consultations with the newly-formed Central Election Commission.

### **B. Election Preparation and Administration Program**



IFES staff could be on hand to assist with election preparation should the CEC find it useful in the following ways:

**1. Logistical and Administrative Support**

The IFES project team may review logistical plans such as transportation of election materials and personnel, voter registration, design of ballot to accommodate language diversity, operation of voting tables, selection of election officials, role of political party observers, vote counting, and security on election day. The assistance will be offered to the CEC to take advantage of it as needed.

**2. Infrastructure Assistance to the Central Election Commission of Moldova**

The IFES team believes that as the time for Parliamentary elections approaches, the international community may be interested in supporting the Government of Moldova in its preparations for elections on February 27, 1994. International loans and grants are currently being made available to Moldova. Such grants and loans, however, are intended for the economic stabilization and development of Moldova. Since political stability depends on successful implementation of democratic reforms, international donors will have good reason to support electoral activities, which is a primary condition for the success of democracy in any country. The team recommends that any assistance to Moldova be coordinated not only with the Government of Moldova but also among the various donors to minimize duplication.

Possible areas of international donor assistance may involve: technical assistance, assistance in consumable items, and assistance in capital equipment. IFES may assist as well in the procurement and shipping of necessary election commodities and equipment to Moldova. The IFES team believes that all three types of assistance will be needed but should be provided in "packages" that include more than one type.

- (a) **Technical Assistance:** The IFES team suggests providing technical consultants to work with the Central Election Commission: an international project manager and an expert in election administration may be welcome additions to the CEC's efforts to organize the elections.
- (b) **Consumables:** It was clear to the IFES team during its stay in Moldova that paper is in short supply. The Editor of one of Moldova's leading newspapers highlighted his concern that there would be inadequate paper for the printing of



posters and administrative forms during the campaign and election period.

The shortage of paper, much less security paper, may affect the election process. The Central Election Commission requires tons of paper to print ballots. In addition to ballots, the Central Election Commission would also need tons of paper to print voters' lists and a multitude of forms required for the election process.

A recent proposal which would allow absentee voting "by envelope" by Moldovan citizens resident in Transnistria, would require approximately 250,000 security envelopes alone. International donors should be aware of continuing needs in the area of consumables for the Moldovan election process.

- (c) **Capital Items:** Several computers with both high-speed and regular printers for data processing and production of national election results are needed, both for the short-term needs of the February 27, 1994 election and for building the long-term capacity of the Central Election Commission. Attached to this report is a list prepared by the CEC with anticipated equipment needs. IFES can continue to update and fine-tune a needs analysis of the type of commodities or equipment required, including product descriptions, quantities, and cost figures, and with an emphasis on local availability (the CEC's list provided in mid-December, 1993, is attached).

### **3. Written Guidelines for Election Officials and Poll Workers**

In conjunction with representatives of the CEC, the on-site project team could develop and produce a standardized training manual for future elections. The manuals would be easy to understand and reinforce the concepts and procedures of the election law and accompanying laws and regulations.

In addition to explaining the new election administrative structure as well as outlining the specific responsibilities of election officials and poll workers, the manual would review election regulations and provide specific instructions designed to contribute to the honest, impartial, and efficient administration of elections.

Other information covered in the manual might include guidelines for handling unusual situations, the answers to frequently asked questions, important phone numbers, a description

of the various roles of participants in the elections, and a glossary of election-related terms. Pictures and other graphics could be incorporated to illustrate what is required and expected of the election official or poll worker.

### **C. Voter/Civic Education Program**

On-site project staff could offer guidance in designing programs to ensure that voters are aware of their electoral rights and obligations, that they are motivated to participate in the electoral process, and that they are not only cognizant of but also understand new arrangements, innovations, and changes with respect to the legislative branch, the system of representation, electoral districts, polling arrangements, and voting methods.

On-site project staff could be complemented by a trainer specializing in non-partisan public information campaign and mass communication. This specialist could work with the Central Election Commission in developing a comprehensive voter education program.

1. Through a series of voter education workshops, trainers could work alongside representatives of the CEC and participating NGOs who are involved in voter education initiatives. The trainers could assist the CEC and NGO groups in elaborating the objectives of an impartial program of voter education and in designing and implementing a program which will effectively reach the entire Moldovan electorate. Emphasis could also be placed on formulating targeted information campaigns for groups which have demonstrated low voter turn-out and low political awareness in the past.
2. Training and consultations could also be provided to representatives of the mass media to assist them in developing a program aimed at providing information on the election.
3. The NGO voter education program may include a poll-watcher training component. This component is intended to assist in the mobilization, organization, and training of domestic monitors and can be supplemented by the creation and distribution of an election-day check-list to record, in a consistent and formal manner, their observations on election day.
4. In addition to training, IFES may provide limited financial resources with which some elements of participating NGOs' civic/voter education programs could be

funded. Once programs have been designed, the Project Manager would assess areas of financial need that can be met within the limits of the budget.

5. After the conduct of the elections, there will be a need for a broadening of the focus of civic groups to address themselves to social and political life in the new Moldova. By conducting focus groups and public opinion polling in Moldova, these groups could gain greater insight into the attitudes of the Moldovan people on a variety of socio-economic issues. Post-election education and training programs could then be adjusted based on the new data as well as the results of the February elections.

#### **D. Refinement of Election Procedures Through Election and Post-Election Analysis**

A technical team, comprised of IFES project staff, could conduct an analysis of election administration and program impact both on election day and in the post-election environment. The findings of these technical assessments in conjunction with the results of post-election debriefings, survey and focus groups, and program participant evaluations will serve as the basis for recommendations for the continued refinement of election procedures in preparation for future elections as well as to outline possibilities for continued IFES assistance, particularly in the area of civic education. A report of these findings could be released within a month after the February elections.

## **XXII. CONCLUSION**

There exists a challenging set of circumstances facing a newly constituted election commission charged with the responsibility for the conduct, management, and administration of Moldova's first post-Soviet Parliamentary elections. The CEC has considerable work to do in a limited period of time and under ever-changing political circumstances. In addition, the CEC must also perform the duties of the District Election Commissions which will not be constituted for these first post-Soviet elections. Though facing many challenges, Moldova should serve as an example of a country which has adopted a new liberal election law and is committed to achieving a successful transition. With the appropriate outside assistance Moldova is well-positioned to achieve great success in implementing reform.

**ATTACHMENT 1:**  
**IFES BACKGROUND**

# **BACKGROUND ON THE INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEMS**

## **I. Organizational Overview**

The International Foundation for Electoral Systems (IFES) has been a leader in the field of international democratic initiatives for the last six years. With nonpartisan programs ranging from election law analysis and election implementation, to supporting organizations dedicated to education of the electorate and the building of civil society, IFES has a proven record of success working in a variety of fast-paced transitional environments.

## **II. IFES Projects in the former Soviet Union**

### **A. Election Law Analysis and Election Implementation.**

All countries emerging from the former Soviet Union are faced with the problems accompanying the transition from closed one-party, multi-candidate election systems to open, stable and competitive multi-party systems. In many counties of the former Soviet Union, IFES provides technical and material support to ministries, election commissions, legislatures, and non-governmental organizations in the planning and implementation of training programs and the actual conduct of elections. To date, IFES has conducted pre-election assessments in six of the eleven New Independent States (NIS) of the former Soviet Union.

IFES has built strong partnerships with election commissions throughout the former Soviet Union. IFES technical election assistance and training was first provided in the NIS to the Central Election Commission of Georgia prior to that country's first post-Soviet Parliamentary elections in 1992. IFES is currently cooperating with the Central Election Commission of the Russian Federation and has maintained an IFES technical support office within the Central Election Commission offices since November 1993.

Full-time on-site IFES advisors are providing comprehensive assistance to the Central Election Commission of Ukraine in the areas of election commodities, poll worker training and voter education prior to the March 1994 Parliamentary elections in that country.

### **B. Voter and Civic Education**

IFES complements its election-related assistance with high-impact voter education outreach projects. Building on IFES education projects around the world, IFES is already implementing voter education training projects in Ukraine and Moldova and planning initiatives for Russia.

In past projects, IFES has provided assistance to both governmental and private voter education efforts. Non-governmental organizations assisted by IFES such as Via Civica in Nicaragua, the Jaan Tonisson Institute in Estonia, and dozens in Romania through its network "Civic Voice"

have helped to stimulate interest in elections and participation in democratic transition.

IFES voter education seminars motivate discussants and encourage citizen participation in elections and their country's public life. IFES seminars have been open to civic leaders, including women and members of minority groups, on a nonpartisan basis. Political party activists, government officials, and journalists are also encouraged to attend, space permitting.

### **C. Framing Legislation**

IFES is dedicated to supporting the creation of stable legal and political environments that facilitate the transition to democratic, market-based societies in the former Soviet Union.

In its past work, especially in the NIS, IFES has recognized that election law and procedural reform is often even more important than, for example, constitutional reform initiatives, at least in the short term. In many countries, the body to be elected through the next elections will be charged with the drafting of the constitution. The legitimacy of the drafters' mandate and the resulting constitution will depend on the confidence the people place in the election system that brought their representatives to power.

IFES provides key players in the election and legislative process with the necessary legal, technical and material resources needed to make informed systemic and administrative choices for their country. As a nonpartisan organization with an international board, access to top international consultants and a diversified funding base, IFES is regarded as an "honest broker" by officials in the countries where it has provided election and civic/voter education assistance. It is this perception of IFES by officials and NGO representatives that enables IFES to implement truly collaborative democratic initiatives with host-country partners.

In the NIS, IFES has provided copies of election laws from around the world and has conducted analysis of the draft election laws and election systems of Belarus, Georgia, Kyrgyzstan, Moldova, Russia and Ukraine.

### **D. Strengthening Legal Institutions**

IFES believes that a sound election system may allow for the election of a good or a bad government, but an election system that suffers from incompetence and malfeasance will always result in the creation of a government prone to corruption and instability.

Since 1989, with both private and public funding, IFES has collaborated with Soviet or former Soviet election authorities and other officials in exchanges of expertise in order to encourage the independence and professionalization of election administration. Today, IFES is collaborating with NIS election commissions to strengthen reforms and train reformers within these bodies. For example, the acting Chairman of the Ukrainian election commission spent two months at IFES in the summer of 1993. In Russia, IFES is currently providing support to the Central Election Commission and plans to provide on-going assistance through June of 1996.

IFES was also requested by the Vice Chairman of the Parliament of Moldova to conduct both

election assistance and civic/voter education initiatives in that country. IFES has established a presence in Moldova to provide full-time support to the Central Election Commission of Moldova prior to that country's first post-Soviet Parliamentary elections on February 27, 1994.

IFES uses international election experts and regional specialists to support the work of election commissions, legislative committees and ministries responsible for elections. IFES on-site assistance packages include the following elements:

- Commodity assistance
- Communications assistance
- Data-processing assistance
- Logistical planning
- Statutory and procedural drafting
- Poll worker and election administrator training
- Voter education
- Observation
- Donor coordination and solicitation

**ATTACHMENT 2:**

**COMMODITIES REQUESTED BY THE  
CENTRAL ELECTION COMMISSION OF MOLDOVA**

Translated by the Washington, D.C.-based staff of the  
International Foundation for Electoral Systems, December 23, 1993



**COMMODITIES REQUESTED BY  
THE CENTRAL ELECTION COMMISSION OF MOLDOVA**

- \* 2 (Two) PC/AT 486DX/MHZ
  - 16 MB RAM
  - 256 Cache
  - HDD 1.2 GB
  - FDD 5.25" + 3.50"
  - SVGA 512 KB
  - SVGA Color 14", 0.28 pitch, interlaced
  - Keyboard

Price per unit : \$ 5,790  
Total price : \$11,580

- \* 6 (Six) PC/AT 386DX/387/40 MHZ
  - 4MB RAM
  - 64 Cache
  - HDD 120 MB
  - FDD 5.25" + 3.50"
  - SVGA 512 KB
  - SVGA Color 14", 0.28 pitch, interlaced
  - Desktop case
  - Keyboard

Price per unit : \$ 2,390  
Total price : \$14,340

- 1 (One) Xerox Copy Machine
  - Format A4
  - 15 Copies per minute

Price per unit : \$ 1,200  
Total price : \$ 1,200

- 1 (One) HP Laser Jet Printer 4L,A4

Price per unit : \$ 2,095  
Total price : \$ 2,095

- 1 (One) Fax Machine

Price per unit : \$ 600  
Total price : \$ 600

- \* 4 (Four) Modems 2400 bod, V22 bis, V42 bis

Price per unit : \$ 110  
Total price : \$ 440

\* 8 (Eight) Ethernet, NE 2000

Price per unit : \$ 75  
Total price : \$ 600

\* 1 (One) Multiplexor 8XRS232

Price per unit : \$ 1,590  
Total price : \$ 1,590

2 (Two) Printers 24 pin 132 col, Format A3

Price per unit : \$ 500  
Total price : \$1,000

2 (Two) Printers 9 pin 80 col, Format A4

Price per unit : \$ 300  
Total price : \$ 600

SOFTWARE :

1 (One) UNIX SVR 4, Version 6.0

Price per unit : \$ 2,498  
Total price : \$ 2,498

GRAND TOTAL : \$36,543

N.B.

The asterisk indicates "First Priority." The equipment should be made available to the Central Election Commission in Moscow by January 20, 1994.

Note prices are based on those supplied by:

Computerland Romania  
Mr. Florin Paunescu  
Mr. Nicolae Badea  
Bulevardul Unirii # 15  
Phone: 615-3003  
Bucharest  
Romania

**ATTACHMENT 3:**

**SOURCES**

## SOURCES

This assessment uses - sometimes less, sometimes more extensively - the following sources in the Country Background Section:

1. Coste, Brutus, „Letter to The Honorable Cordell Hull, Secretary of State”. American Romanian Academy of Arts and Sciences, Vol. III, Humboldt State University Press, California, 1983.
2. Dima, Nicholas, „Bucovina, Romania and the Ukraine”. American Romanian Academy of Arts and Sciences, Vol.III, Humboldt State University Press, California, 1983.
3. Georgescu, Vlad, „The Romanians: A History”. Ohio State University Press, 1991.
4. Jewsbury, George F., „An Overview of the History of Bassarabia”. American Romanian Academy of Arts and Sciences, Vol. III, Humboldt State University Press, California, 1983.
5. King, Charles, „Moldova”, Russia & The Successor States Briefing Service, Longman group UK Ltd., Volume 1, Number 2, April 1993.
6. Socor, Vladimir, „Moldova’s ‘Dniester’ Ulcer”, RFE/RL Research Report, Vol.2, No.1, 1 January 1993.
7. Stere, Ion, „The Principle of Self-Determination as Applied to Bassarabia”, American Romanian Academy of Arts and Sciences, Vol. III, Humboldt State University Press, California, 1983.
8. Verona, Sergiu, „Moldova Republic: Basic facts”, CRS Report for Congress, 92-182 F, Revised April 3, 1992.

**ATTACHMENT 4:**

**ELECTION-RELATED LEGISLATION AND DOCUMENTATION**

## **ATTACHED ELECTION-RELATED LEGISLATION AND DOCUMENTATION**

### **I. LAW ON ELECTIONS TO PARLIAMENT**

Adopted October 14, 1993 and Signed by the President of the Republic of Moldova, Mircea Snegur

Published in Nezavisimaya Moldova, October 23, 1993

Translated by the staff of the Foreign Broadcast Information Service, December 2, 1993

### **II. DECREE ON PROCEDURE FOR ENACTING THE LAW ON ELECTIONS TO PARLIAMENT**

Adopted October 19, 1993 and Signed by the Chairman of Parliament, Petru Luchinski

Published in Nezavisimaya Moldova, October 23, 1993

Translated by the staff of the Foreign Broadcast Information Service, December 2, 1993

### **III. LAW ON THE INTRODUCTION OF CHANGES TO THE CONSTITUTION (BASIC LAW) OF THE REPUBLIC OF MOLDOVA**

Adopted October 19, 1993 and Signed by the President of the Republic of Moldova, Mircea Snegur

Published in Collection of Legislative Acts for the Elections to Parliament, Parliament of Moldova, October 28, 1993

Translated by the Washington D.C.-based staff of the International Foundation for Electoral Systems, December 18, 1993

### **IV. LAW ON THE IMPLEMENTATION AND ADDITIONS TO THE CRIMINAL CODE AND THE ADMINISTRATIVE CODE OF LEGAL VIOLATIONS**

Adopted October 19, 1993 and Signed by the President of the Republic of Moldova, Mircea Snegur

Published in Collection of Legislative Acts for the Elections to Parliament,

Parliament of Moldova, October 28, 1993

Translated by the Washington, D.C.-based staff of the International Foundation for Electoral Systems, December 18, 1993

### **V. LAW OF THE REPUBLIC OF MOLDOVA ON PARTIES AND OTHER SOCIO-POLITICAL ORGANIZATIONS**

Adopted September 17, 1991 and Signed by the President of the Republic of Moldova, Mircea Snegur

Translated by the Bucharest-based staff of the International Foundation for Electoral Systems, August 15, 1993

### **VI. DECREE ON ENACTING THE LAW OF THE REPUBLIC OF MOLDOVA ON PARTIES AND OTHER SOCIO-POLITICAL ORGANIZATIONS**

Adopted September 17, 1991 and Signed by the Chairman of Parliament, Aleksandru Moshanu

Published in Collection of Legislative Acts for the Elections to Parliament,

Parliament of Moldova, October 28, 1993

Translated by the Washington D.C.-based staff of the International Foundation for Electoral Systems, December 18, 1993

**VII. THE LAW ON INTRODUCING CHANGES AND ADDITIONS TO THE LAW ON PARTIES AND OTHER SOCIO-POLITICAL ORGANIZATIONS**

Adopted October 19, 1993 and Signed by the President of the Republic of Moldova, Mircea Snegur  
Published in Collection of Legislative Acts for the Elections to Parliament, Parliament of Moldova, October 28, 1993

Translated by the Washington, D.C.-based staff of the International Foundation for Electoral Systems, December 18, 1993

**VIII. POLITICAL PARTIES AND SOCIO-POLITICAL ORGANIZATIONS**

Revised September 23, 1993

Published by the Ministry of Justice of the Republic of Moldova

Translated by the Washington D.C.-based staff of the International Foundation for Electoral Systems  
January 5, 1994

**IX. IFES ELECTION CALENDAR**

Based on the October 14, 1993 Law on Elections to Parliament

Prepared by the Washington, D.C.-based staff of the International Foundation for Electoral Systems,  
December 18, 1993

## **I. LAW ON ELECTIONS TO PARLIAMENT**

Adopted October 14, 1993

Signed by the President of the Republic of Moldova,  
Mircea Snegur

Published in Nezavisimaya Moldova, October 23, 1993

Translated by the staff of  
the Foreign Broadcast Information Service, December 2, 1993



Law on Parliamentary Elections

Text of Law

944K0233A Chisinau NEZAVISIMAYA MOLDOVA  
in Russian 23 Oct 93 pp 3-5

["Republic of Moldova Law on Elections to  
Parliament"]

[Text] THE PARLIAMENT OF THE REPUBLIC OF  
MOLDOVA ADOPTS THE PRESENT LAW.

Chapter I. General Provisions

Article 1.—The parliament shall be elected on the basis  
of universal, equal, and direct suffrage with free and  
secret voting, observing the conditions envisioned by the  
present Law.

Article 2.—The right to participate in the elections shall  
be granted to citizens of the Republic of Moldova who as  
of the day of the elections have reached 18 years of age;  
the right to be elected shall be granted to citizens of the  
Republic of Moldova who have reached 21 years of age.

Article 3.—Citizens of the Republic of Moldova shall  
enjoy full suffrage regardless of their origin, social or  
property position, racial or national affiliation, sex,

education, language, political views, religious beliefs, or type and nature of employment.

#### Article 4.

- (1) The following may not participate in the election:
  - a) military servicemen on active duty;
  - b) mentally ill individuals and individuals declared by a court to be incompetent;
  - c) individuals sentenced to incarceration by a court decision that has taken legal force.
- (2) The following may not be elected:
  - a) military servicemen;
  - b) judges, and workers of the procuracy, police, and national security organs;
  - c) individuals included in the categories envisioned by points b) and c) of the preceding part.

#### Article 5.

- (1) A citizen shall have the right to vote in only one electoral district; a voter shall have one vote.
- (2) A voter shall exercise his right to participate in the election only in the electoral precinct of the population point in which he permanently resides.

#### Article 6.

- (1) Elections to parliament shall be conducted in multiple-seat electoral districts based on voting according to lists from parties, sociopolitical organizations, and voter blocs into which they have joined and for candidacies of independent candidates according to the principle of proportional representation.
- (2) Deputy seats shall be obtained by parties, sociopolitical organizations, and voter blocs that have garnered in the elections no less than 4 percent of the valid votes in the country as a whole.
- (3) The norm for representation for elections to parliament shall be one deputy for 28,000 voters.
- (4) Parliament shall be elected for a term of four years and shall be permanently active. The performance of deputy duties shall be incompatible with other state or private positions.

#### Article 7.

- (1) The day of the elections to parliament shall be scheduled by an edict of the president of the republic no later than four months before the expiration of the term of office of parliament. The announcement of this shall be published in the mass media.
- (2) In the event that parliament is disbanded, elections shall be held within three months after it is disbanded. In the event that it disbands itself, new

elections shall be scheduled by the parliament itself within this same period of time.

- (3) Elections shall be conducted in all electoral districts on the same day, on a Sunday.

#### Article 8.

- (1) Candidates for election to parliament may be nominated by parties and sociopolitical organizations that are officially registered by the day of the scheduling of the elections in keeping with existing legislation and by voter blocs. In keeping with the conditions envisioned by the present Law, independent candidates may also be nominated.
- (2) A candidate shall be nominated within the time periods envisioned by the present Law.

### Chapter II. Electoral Commissions

#### Article 9.

- (1) A Central Electoral Commission and district and precinct electoral commissions shall be formed for elections to parliament.

#### Article 10.

- (1) The Central Electoral Commission shall be formed within 10 days after the scheduling of the elections. It shall include five judges of the Supreme Court and one representative from each party, sociopolitical organization, and voter bloc participating in the elections, but no less than 16 individuals.
- (2) The aforementioned five judges shall be elected from among the active judges of the Supreme Court by a secret vote at an open session within five days after the scheduling of the elections. The results of the voting shall be entered in a record which shall be signed by the chairman and the secretary of the meeting. The chairman of the Supreme Court shall announce the date of the meeting through the mass media no later than 48 hours before it begins.
- (3) On that same day the judges elected to the Central Electoral Commission shall elect a commission chairman from among themselves by a secret vote. The results of the voting shall be entered in the record which shall be signed by all five members of the Central Electoral Commission.
- (4) The Central Electoral Commission with this composition shall perform the duties assigned to it in keeping with the present Law until it is staffed by representatives of parties, sociopolitical organizations, and voter blocs.
- (5) Parties, sociopolitical organizations, and voter blocs that intend to participate in the elections shall within five days after the election of the chairman of the Central Electoral Commission submit their proposals regarding candidates for the full membership of the commission.

- (6) If the number of candidates nominated is less than the number established by part (1), the parties, sociopolitical organizations, and voter blocs shall nominate additional candidates. If the number of nominated candidates exceeds the established number of members of the Central Electoral Commission, the chairman of the commission, in the presence of representatives of the parties, sociopolitical organizations, and voter blocs shall conduct a drawing.
- (7) The Central Electoral Commission within three days after its positions are filled in keeping with the procedure established by it shall elect from among its members a deputy chairman and secretary and make public the composition of the commission, its location, and contact telephone numbers.
- (8) The Central Electoral Commission shall have its own apparatus whose members shall be approved by the government.

Article 11.

(1) The Central Electoral Commission shall:

- a) throughout the entire territory of the country oversee the implementation of the present Law, provide for its uniform application, and give explanations regarding the procedure for its application;
- b) in the event that early elections are scheduled in keeping with part (2) of Article 7, establish the time periods for conducting pre-election measures, reducing them correspondingly;
- c) make public the names and boundaries of electoral districts and establish the number of seats for each electoral district;
- d) establish the forms of the ballots, the voter rolls, the records of the meeting of the electoral commissions, and other documents, and the models of the stamps of the electoral commissions, and provide for their manufacture and storage;
- e) determine the duties of the ministries, state departments, and other organs of state administration related to preparing for and conducting the elections and listen to their reports;
- f) distribute the financial funds allotted for conducting the elections among the district electoral commissions, oversee the provision of electoral commissions with premises, transportation, communications, and counting equipment, and consider other issues of material and technical support for the elections;
- g) develop instructions on organizing and conducting elections and through the mass media

notify voters of the procedure for voting and clarify the significance of the voting;

- h) travel to electoral districts in order to oversee the application of the law on elections and the use of the instructions that have been received;
  - i) consider statements regarding its own activity and statements and complaints about decisions and actions of district and precinct electoral commissions and make decisions regarding them;
  - j) declare elections invalid in an individual electoral district if during the voting or the totaling of the results of the elections there were violations which could affect the distribution of seats;
  - k) receive from the district electoral commissions records with data concerning the number of valid votes cast for each slate of candidates and establish whether there are parties, sociopolitical organizations, and voter blocs that have not garnered 4 percent of the valid votes in the country as a whole; within 24 hours after the establishment of this, report the information to the district electoral commissions and make it public;
  - l) verify and register the results of the elections and the distribution among electoral districts of deputy seats of parties, sociopolitical organizations, voter blocs, and independent candidates;
  - m) exercise other authority in keeping with the present Law and other laws that are in force.
- (2) If with regard to a complaint it is necessary to conduct an inspection on the spot, it shall be carried out in the presence of a judge who is a member of the Central Electoral Commission.

Article 12.

- (1) The district electoral commission shall be formed within a five-day time period after the elections are scheduled. It shall include three judges of the district court or the municipal court—for Kishinev—and no more than 10 representatives of parties, sociopolitical organizations, and voter blocs participating in the elections.
- (2) The district electoral commission shall be formed in keeping with the provisions of parts (2)-(6) of Article 10.
- (3) The district electoral commission within three days after the members are chosen shall elect from among its members a deputy chairman and a secretary, of which it shall immediately notify the Central Electoral Commission, and it shall publish a list of members of the commission, its location, and contact telephone numbers.
- (4) The district electoral commission shall have its own apparatus, whose staff shall be approved by the Central Electoral Commission.

## Article 13.

The district electoral commission shall:

- a) oversee the execution of the present Law on the territory of the electoral district and provide for its uniform application;
- b) form electoral precincts;
- c) approve the composition of the precinct electoral commissions and publish lists of precincts, the composition of commissions, their location, and their contact telephone numbers;
- d) hear reports from organs of local self government and leaders of state enterprises, institutions, and organizations regarding questions of preparing for and conducting the elections;
- e) distribute the financial funds allotted for conducting the elections among the precinct electoral commissions; monitor the provision of electoral precincts with premises, transportation, communications, counting equipment, instructions, and laws on elections, and consider other questions of material and technical support for the elections;
- f) promptly notify the population of all measures related to organizing and conducting the elections;
- g) register lists of candidates from parties, sociopolitical organizations, and voter blocs and the candidacies of independent candidates, and issue them the appropriate certificates;
- h) make public and post lists of candidates from parties, sociopolitical organizations, and voter blocs and information on independent candidates;
- i) approve the text of the ballot for the electoral district and provide for the manufacture of ballots and their distribution among the precinct electoral commissions;
- j) organize instruction for members of precinct electoral commissions in preparing for and conducting elections, notify the voters about the voting procedure, and explain the significance of voting;
- k) sum up the results of the elections in the electoral district and make them public, submit the results of the elections to the Central Electoral Commission and the Constitutional Court, and issue temporary certificates to the elected deputies;
- l) consider statements and complaints about decisions and actions of precinct electoral commissions and make decisions regarding them;
- m) exercise other authority in keeping with the present Law and other laws in effect.

## Article 14.

- (1) The precinct electoral commission shall be formed no later than 30 days before the elections and consist of a chairman, deputy chairman, secretary, and no less than five members.
- (2) Chairmen of precinct electoral commissions shall be approved at the suggestion of the council of the commune or city or municipal organ of the district electoral commission within 10 days after the publication of the decision to form electoral precincts.
- (3) Parties, sociopolitical organizations, and voter blocs within the same 10-day period shall propose one representative each for the precinct electoral commissions.
- (4) If the number of representatives exceeds the number established in part (1), the advantage is given to parties, sociopolitical organizations, and voter blocs that have represented the largest number of candidates on the lists.
- (5) If all the positions on the commission have been filled and several parties, sociopolitical organizations, or voter blocs which have the same number of candidates on the lists are contending for it, the chairman of the district electoral commission shall conduct a drawing.
- (6) If the positions on the commission are not all filled because of the absence of representatives of parties, sociopolitical organizations, or voter blocs, these positions are filled by representatives of the population point in which the electoral precinct is located who are approved by the district electoral commission.
- (7) The list of representatives of the population point and the precinct electoral commission shall be approved by the local soviet on whose territory the electoral precinct is located and submitted to the district electoral commission as a reserve list along with the candidacy for chairman of the commission.
- (8) The chairman and representatives of the population point who are representatives of the precinct electoral commission may not be members of parties or sociopolitical organizations.
- (9) The precinct electoral commission within three days after filling its positions shall elect from among its members a deputy chairman and a secretary, which is immediately reported to the district electoral commission.

Article 15.

The precinct electoral commission shall:

- a) conduct a familiarization of voters with the list of voters, accept and consider statements about mistakes in the list and resolve the question of making the corresponding changes in it, and issue certificates of the right to vote to voters who on the day of the elections intend to be absent from their place of residence;
- b) notify the population of the day of the elections and the polling place, provide for preparation of the premises for voting and the installation of ballot boxes or booths, organize the voting on the scheduled day, supervise the course of the voting, and take the necessary measures for observance of public order in the premises of the voting precinct and the territory adjacent to it;
- c) upon completion of the voting, count the votes and draw up the records, which along with all the ballots shall be submitted to the district electoral commission;
- d) consider statements and complaints regarding questions of preparing for the elections and organizing the voting and make decisions regarding them;
- e) exercise other authority in keeping with the present Law.

Article 16.

- (1) Electoral commissions shall include citizens of the Republic of Moldova who have the right to vote.
- (2) One individual may be included on only one electoral commission.
- (3) The electoral commission may not include candidates and officials of organs of power at any level.
- (4) The inclusion of representatives of parties, sociopolitical organizations, voter blocs, and population points on the electoral commissions shall be carried out on the basis of decisions of management organs of parties, sociopolitical organizations, voter blocs, or the council of the commune, city, or municipality.
- (5) Individuals included on electoral commissions do not have the right to campaign for or against parties, sociopolitical organizations, voter blocs, or independent candidates participating in the elections.
- (6) If parties, sociopolitical organizations, or voter blocs do not submit lists of candidates within the time period specified by part (1) of Article 30, the members of electoral commissions who are representatives of these parties, sociopolitical organizations, or voter blocs shall be considered relieved of their duties.

- (7) Members of electoral commissions who are representatives of parties, sociopolitical organizations, or voter blocs may not exercise other authority than that envisioned by the present Law.

Article 17.

- (1) Chairmen, deputy chairmen, secretaries, and members of electoral commissions may be relieved of their duties on the commission at their own request, in the event that they are deprived of their authority or recalled by the organs that nominated them.
- (2) The right to deprive a member of the commission of his authority if he violates the law on elections or regularly ignores his duties shall belong to the higher electoral commission, and a member of the Central Electoral Commission—the Constitutional Court.
- (3) In the event that a member of the commission is deprived of his authority or recalled, the organ that nominated him shall within three days but no later than 10 days submit another candidacy in keeping with the present Law.

Article 18.

- (1) Meetings of the Central Electoral Commission or the district and precinct electoral commissions shall be authorized if a simple majority of their members participate in them.
- (2) If members of electoral commissions who are representatives of parties, sociopolitical organizations, or voter blocs boycott the work of the commissions out of various political motives they shall be relieved of their duties as members of the corresponding commission without the right to replacement and the commission shall work with an incomplete membership.
- (3) Decisions of the electoral commission shall be made by a majority of votes of those present by open voting. If the votes are divided equally the vote of the chairman is considered decisive. Members of the commission who do not agree with the decision that has been adopted have the right to express a special opinion which shall be put into writing and appended to the record of the meeting.
- (4) Decisions of electoral commissions adopted within the limits of their authority are binding for all state and social organs, enterprises, institutions, organizations, and citizens.
- (5) The procedure for the formation and composition of electoral commissions and their decisions and actions may be appealed to the higher electoral commission and also to the court in the place where the electoral commission is located.
- (6) The electoral commission and the court to which the complaint has been sent shall consider it within three days and give the applicant a substantiated decision.

- (7) A court decision may be appealed within three days after its adoption to an arbitration court, whose decision is final.
- (8) A complaint against the Central Electoral Commission shall be considered in the Constitutional Court within five days after it is received.

#### Article 19.

The chairman, deputy chairman, secretary, and members of electoral commissions when necessary, by a decision of the commission, may be released during the period of organizing and conducting elections from the performance of their production or work duties with the establishment for them from the money of the electoral fund of a wage which exceeds by 30 percent the average monthly wage in their main place of employment.

#### Article 20.

- (1) The term of office of electoral commissions shall expire after the Constitutional Court declares the elections in the corresponding electoral districts to be legal.
- (2) The term of office of the Central Electoral Commission shall expire after the recognition of the authority of the deputies and the formation of the parliament.

### Chapter III. Electoral Districts and Precincts

#### Article 21.

For elections of deputies to parliament, multiple-seat electoral districts shall be formed which correspond to the administrative-territorial units of the republic of the second level.

#### Article 22.

- (1) The number of seats for each electoral district shall be established by the Central Electoral Commission through dividing the number of voters in the district by the norm of representation envisioned by part (3) of Article 6. If the remainder is greater than half the norm of representation, one seat is added.
- (2) Figures on the number of voters in the population points of the electoral district for which the number of seats is determined shall be submitted by the State Department for Statistics as of 1 January of the year in which the decision to schedule the elections was made.

#### Article 23.

Lists of voter districts with an indication of their boundaries and the locations of the electoral commissions, the number of voters, and the number of seats shall be made public by the Central Electoral Commission within 15 days after the scheduling of the elections.

#### Article 24.

- (1) In order to conduct the voting the electoral districts shall be divided into electoral precincts formed by district electoral commissions in population points on the basis of reports from the corresponding organs of local self-government no later than two months before the day of the elections, with no less than 50 and no more than 3,000 voters.
- (2) Electoral precincts may be formed in dormitories and in hospitals, maternity homes, sanatoriums, and homes for the elderly with no less than 50 voters.
- (3) For students in the day form of education and for students who have the right to vote who are not living permanently in the population points in which they are studying, electoral precincts shall be formed at dormitories with from 200 to 3,000 voters.
- (4) For voters who are traveling on the day of the election electoral precincts may be created in railroad stations, bus terminals, and airports.
- (5) At diplomatic missions and consulates of the Republic of Moldova electoral precincts are formed for workers of these missions and consulates and members of their families and also for citizens of the Republic of Moldova who are in the corresponding countries. These electoral precincts are included in the electoral district of the municipality of Kishinev.

#### Article 25.

- (1) The district electoral commission shall establish the numbering of the electoral precincts within the electoral district and inform the voters of the boundaries of each electoral precinct, the location of the precinct electoral commission, the polling place, and the contact telephone numbers.
- (2) The electoral precincts shall be numbered beginning with the population point in which the district electoral commission is located, then according to the cities and then according to the communes in alphabetical order.
- (3) The heads of the population points shall make available all notices, information, and the necessary assistance to the district electoral commissions in order for them to perform their duties as envisioned by the preceding parts.

### Chapter IV. Voter Rolls

#### Article 26.

The voter rolls shall include citizens of the Republic of Moldova who have an active right to vote and who reside and are registered on the territory of the given electoral precinct on the day the list is compiled.

#### Article 27.

- (1) Voter rolls shall be compiled for each electoral precinct by the corresponding official's office and signed by the head official.

- (2) The voter rolls shall include in alphabetical order the last name and first name of the voter, the year of his birth, and his place of residence.
- (3) The voter may be included on only one voter roll and in only one electoral precinct.
- (4) Twenty days before the elections the voter rolls shall be submitted to the precinct electoral commission and posted in public places and in the premises of the voter precincts. The voters shall be notified by various methods of the voter precinct at which they must vote. A control copy of the list of voters shall be stored in the office of the corresponding administrative official.
- (5) Changes made to the voter rolls after they are submitted shall be reported to the precinct electoral commissions within 24 hours.

Article 28.

- (1) Citizens shall be provided with an opportunity to become familiar with the voter rolls and to verify the correctness of their compilation. They have the right to appeal their failure to be included or incorrect inclusion on the lists or exclusion from it, and also mistakes made in indicating the data on the voter. Complaints from voters shall be considered by the precinct electoral commission, which must within no more than two days and, on the day before and the day of the elections, immediately, make the necessary corrections in the list or issue to the applicant a copy of a justified decision to reject his complaint.
- (2) A decision of the precinct electoral commission may be appealed no later than two days before the elections to the court in the place where the electoral precinct is located. The court decision may be appealed to an arbitration court. A correction in the voter rolls in keeping with the court decision shall be made by the precinct electoral commission immediately.

Article 29.

- (1) When a voter changes his place of residence during the period between the compilation of the voter rolls and the day of the elections, the precinct electoral commission at his request and upon presentation of his passport or another document certifying his identity shall issue him a certificate of the right to vote. The voter who has received such a certificate shall have a notation made on the voter roll across from his name.
- (2) On the basis of the certificate of the right to vote the voter shall be included on the day of the elections on an additional voter roll in the corresponding electoral precinct.
- (3) An additional voter roll shall be compiled in keeping with part (2) of Article 27 and with an indication of

the document or the grounds on which the voter is being included on the lists.

Chapter V. Proposal of Candidacies

Article 30.

- (1) Proposals regarding candidates shall be submitted to the electoral districts and presented to the district electoral commissions. The documents shall be presented no earlier than the third day after the district electoral commission is fully formed and no later than 40 days before the elections. The district electoral commission shall register the candidates within no more than five days, and independent candidates—no more than 10 days after the receipt of the corresponding documents.
- (2) The registration of candidates shall end 30 days before the elections.
- (3) Within three days after the registration the district electoral commission shall publish the list of candidates and information about independent candidates.
- (4) The right to propose candidacies shall be granted to parties, sociopolitical organizations that are officially registered by the day of the scheduling of elections according to legislation in effect, and voter blocs.
- (5) Parties and sociopolitical organizations that have joined into voter blocs may not at the same time be members of other voter blocs and may not participate in the elections independently.
- (6) Citizens of the Republic of Moldova supported by no less than 1,000 voters from the corresponding electoral district may propose themselves as independent candidates.

Article 31.

- (1) A candidate may run in only one electoral district as a representative of only one party, sociopolitical organization, or voter bloc or as an independent candidate.
- (2) The number of candidates included on the list of the party, sociopolitical organization, or voter bloc may exceed the number of seats in the corresponding electoral district by two candidates, who have a reserve status.

Article 32.

- (1) Parties, sociopolitical organizations, and voter blocs shall submit to the district electoral commissions lists of candidates in three copies certified by leading individuals of the parties, sociopolitical organizations, decisions of the management organ of the

party, sociopolitical organization, or voter bloc concerning the proposal of candidacies and statements from candidates included on the list concerning their consent to run.

- (2) An independent candidate shall submit a statement of his consent to run and lists of signatures of no less than 1,000 voters supporting his candidacy.
- (3) The first copy of the lists of candidates submitted by the parties, sociopolitical organizations, and voter blocs shall be stored in the district electoral commission, the second copy shall be sent to the Central Electoral Commission, and the third copy shall be posted in the premises of the district electoral commission. For an independent candidate only the information contained in the documents envisioned by part (2) shall be submitted to the Central Electoral Commission.

#### Article 33.

- (1) The procedure for including candidates on the lists shall be determined by the parties, sociopolitical organizations, and voter blocs themselves.
- (2) The lists indicate the last name and first name of the candidate, the date and year of his birth, his occupation, his position (kind of employment), and place of residence.

#### Article 34.

- (1) The list of individuals supporting an independent candidate shall be the official document with all the consequences envisioned by law.
- (2) Indicated on the lists of individuals supporting independent candidates shall be the day of the election, the last name and first name of the candidate, the date and year of his birth, his occupation, his position (kind of employment), his place of residence, and also the last name and first name of the individual who compiled the list. An individual supporting a candidate shall indicate his last name and first name, the number of his identification document, his place of residence, he shall indicate the date and sign his name in support of the candidate.
- (3) The names of those who signed shall be numbered separately on each page beginning with the number one and shall be verified by the manager of the organ of local administration on whose territory the signatories reside.
- (4) A voter shall have the right to place his signature in support of only one candidate and only in his own electoral district. Only citizens of the Republic of Moldova with the right to vote may support candidates.

- (5) District electoral commissions shall have the right to verify the authenticity of the signatures. Upon discovery of a forgery the candidate shall not be registered or his registration shall be annulled.

#### Article 35.

- (1) A party, sociopolitical organization, or voter bloc shall have the right to recall a list of candidates, reverse its decision to include any candidate on the list, and a party or sociopolitical organization—to withdraw from a voter bloc.
- (2) A decision to withdraw a list of candidates or one candidate from a list or to withdraw from a voter bloc shall be made only by the management organ of the party or sociopolitical organization and shall be submitted to the district electoral commission. The voters shall be informed of the decision.
- (3) An independent candidate and candidates included on a list may withdraw their candidacies at any time before the day of the elections by submitting the corresponding application to the district electoral commission.
- (4) The replacement of the recalled candidate from the list by another candidate upon expiration of the period of registration of candidates envisioned by part (2) of Article 30 shall not be allowed.

#### Article 36.

- (1) Citizens of the Republic of Moldova, parties, sociopolitical organizations, and voter blocs may appeal proposed candidacies no later than 25 days before the elections.
- (2) Complaints regarding questions of registration of candidates shall be considered in court in the location of the population points included in the electoral district within two days after it is received.
- (3) In response to a decision concerning a complaint it shall be possible to submit an arbitration complaint to a higher instance within 24 hours after it is made. The arbitration complaint shall be considered within two days after it is received.
- (4) On the basis of the court decision the district electoral commission shall make an entry in the record regarding leaving the candidates on the list or excluding them from the lists and shall issue instructions to print the election ballots.

### Chapter VI. Election Ballots

#### Article 37.

- (1) The form and text of the election ballot shall be established by the Central Electoral Commission. The size of the electoral ballot shall be established by the district electoral commission. The election ballot



should consist of one sheet or more, depending on the number of lists and the number of registered candidates.

- (2) The election ballot shall be divided into rectangles according to the number of parties, sociopolitical organizations, voter blocs, and independent candidates represented in the corresponding electoral districts. The sizes of the rectangles shall be determined by the number of candidates included on the lists.
- (3) Entered in each rectangle in the order in which the lists are submitted to the electoral commission shall be the name of the party, sociopolitical organization, voter bloc, voter emblem (if one exists), and last names and first names of the candidates.
- (4) Two or several parties, sociopolitical organizations, or voter blocs may not have the same voter emblems. Voter emblems of parties, sociopolitical organizations, and voter blocs shall be made known to the public through the mass media.
- (5) Each independent candidate shall be included in a separate rectangle placed after the list of candidates from parties, sociopolitical organizations, and voter blocs, in which his last name and first name are indicated and the words "independent candidate" are written.
- (6) The electoral ballots shall be printed on the basis of a decision of the district electoral commission in the state language and other languages used by voters of the electoral district in a quantity corresponding to the number of voters in the electoral district plus 10 percent of this number.
- (7) Within each rectangle on the right side at an equal distance from the top and bottom shall be printed a circle 15 millimeters in diameter in which the voter when casting his vote for the corresponding party, sociopolitical organization, or voter bloc or for an independent candidate shall place two intersecting lines.

Article 38.

- (1) Electoral ballots in an electoral district must have the same format and be printed in the same script on paper of the same color which is thick enough to prevent the text and marks made by the voter from showing through.
- (2) If the ballot consists of several pages, they must be fastened together in such a way that they cannot be taken apart.
- (3) Electoral ballots shall be manufactured no later than 10 days before the elections.

(4) The printed ballots shall be stored in the district electoral commission and two days before the elections shall be sent to the precinct electoral commissions, for which a transfer document shall be filled out.

(5) The premises for the district electoral commission and the voter precinct in which the electoral ballots are stored shall be protected by the police.

Article 39.

Representatives of parties, sociopolitical organizations, and voter blocs and independent candidates have the right to familiarize themselves with the models of ballots in the district electoral commission.

Chapter VII. Election Campaign

Article 40.

- (1) The election campaign shall begin on the day the election date is made public and the day before the elections.
- (2) Elections shall be prepared for and conducted openly and shall be widely publicized in the mass media.

Article 41.

- (1) Parties, sociopolitical organizations, voter blocs, and independent candidates from the beginning of the election campaign shall be granted the opportunity to campaign freely and without impediment through rallies, meetings in the place of residence, individual discussions, using audiovisual means, the press, visual demonstrations, and other forms that do not allow violation of public order.
- (2) Electoral commissions and organs of local self-government shall be obliged to render assistance to parties, sociopolitical organizations, voter blocs, and independent candidates in conducting their election campaign.

Article 42.

- (1) After registration the parties, sociopolitical organizations, voter blocs, and independent candidates shall have the right to post their election programs and information on the candidates, and publish election slogans, statements, photographic materials, etc. The size of the placards and posters may not exceed two meters by three meters. Permission shall not be required to manufacture these printed products and they shall be paid for with money from the election fund.
- (2) State printing facilities shall fill equally orders from all parties, sociopolitical organizations, voter blocs, and independent candidates within acceptable time periods.
- (3) The Central Electoral Commission and the district electoral commission shall provide for publication of

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election programs in the republic and local press within five days after they are submitted.

- (4) The programs of the parties, sociopolitical organizations, voter blocs, and independent candidates shall not contain appeals for unconstitutional or other illegal actions.

Article 43.

- (1) Organs of local self-government shall be obliged within five days after the beginning of the election campaign to determine the place for locating election campaign materials taking into account the number of parties, sociopolitical organizations, voter blocs, and independent candidates participating in the elections.
- (2) Places for location of election campaign materials shall be assigned in squares, streets, and other public places.
- (3) It shall not be allowed for places for locating election campaign materials to be used by one party, sociopolitical organization, voter bloc, or independent candidate to the detriment of other parties, sociopolitical organizations, voter blocs, or independent candidates. Only one poster may be placed on one campaign billboard.
- (4) The content of campaign materials may not be unconstitutional or illegal.
- (5) It shall be prohibited to use on election posters combinations of colors that remind one of the flag of the Republic of Moldova or any other state, and also the state seal.
- (6) The police shall provide for protection of campaign billboards and posters.
- (7) On the day of the elections any kind of campaigning shall be prohibited with the exception of campaign material that was previously posted outside the polling place.

Article 44.

- (1) Parties, sociopolitical organizations, voter blocs, and independent candidates shall have access to the state mass media.
- (2) For the period of the election campaign the schedule for operation of National Radio and Television and air time shall be established by the Central Electoral Commission with the consent of its leaders.
- (3) Air time shall be distributed in proportion to the number of lists of candidates submitted in the country as a whole. Parties, sociopolitical organizations, and voter blocs that have submitted lists of candidates in 50 percent of the electoral districts shall be granted twice as much air time as parties,

sociopolitical organizations, and voter blocs that have submitted lists of candidates in fewer electoral districts.

- (4) Independent candidates shall be granted half as much air time as parties, sociopolitical organizations, and voter blocs that have submitted lists of candidates in less than 50 percent of the electoral districts, and for only one time.
- (5) Air time shall be granted to parties, sociopolitical organizations, voter blocs, and independent candidates on an equal basis and at the same time. The purchase of air time on state audiovisual means shall be prohibited.
- (6) The assigned air time shall not include interviews, reportage, or other audiovisual services of a general nature with the purpose of informing citizens.
- (7) The editorial offices of republic and local newspapers and magazines belonging to organs of state power and local self-government shall offer pages of their publications to parties, sociopolitical organizations, voter blocs, and independent candidates under equal conditions, establishing for them an equal number and equal sizes of articles.

Article 45.

- (1) The mass media shall regularly cover the course of preparing for and conducting the elections. Their representatives shall be guaranteed unimpeded access to all measures related to the elections. Electoral commissions, parties, sociopolitical organizations, and state organs shall supply them with the necessary information.
- (2) The Central Electoral Commission shall be obligated to regularly convey operational information to the mass media.
- (3) Reports from meetings of the Central Electoral Commission and district electoral commissions and decisions they make shall be regularly published in the republic and local press.

Article 46.

- (1) In order to observe the progress of the electoral campaign, at the request of parties, sociopolitical organizations, voter blocs, and independent candidates, the district electoral commission shall grant credentials to one of their representatives for each electoral precinct. To this end foreign observers shall be invited as well as representatives of any authorized private institution or organization especially accredited by the Ministry of Foreign Affairs.
- (2) Representatives of the press and the audiovisual media, observers, and other accredited representatives shall have the right to attend all the activities related to the elections, and on the day of the elections—be present in the voter precincts and

during the counting of the votes without interfering with the work of the commission and not hampering it, and inform the chairman of the precinct electoral commission of violations that have been committed in the event that they are discovered.

- (3) The chairmen of precinct electoral commissions shall create conditions for the work of observers and other individuals granted the right to be present in the polling places.
- (4) Any campaigning for or against candidates or any attempt to influence the choice of the voter shall entail the application of the sanctions of the law, the termination of the accreditation by the electoral commission that discovered the violation, and on the day of the elections—immediate expulsion of the violator from the polling place.

#### Article 47.

Candidates from parties, sociopolitical organizations, and voter blocs and independent candidates, after registration, shall be released according to the application submitted, from the performance of production or job duties while retaining their average monthly wage; for candidates from parties, sociopolitical organizations, and voter blocs—with money allotted by them for conducting the elections, and for independent candidates—with money from the election fund of the district electoral commission.

### Chapter VIII. Conducting the Voting

#### Article 48.

- (1) Voting shall be conducted on the day of the elections. It shall begin at 0700 and shall end at 2000.
- (2) If necessary, by a decision of the district electoral commission the time for conducting the voting in individual electoral precincts may be extended but by no more than two hours.
- (3) By a decision of the Central Electoral Commission the time for conducting the voting shall be extended even longer, but no more than until midnight.
- (4) During the time allotted for voting it shall not be allowed to close the polling place or terminate voting, with the exception of cases of mass disorders, natural disasters, or other foreseen circumstances which make conducting the elections impossible or dangerous for the voters. In these cases the chairman of the precinct electoral commission may suspend the voting for no more than two hours in order to put the electoral precinct into the proper condition or move it to another place, having notified the voters of this.

- (5) Individuals with the right to be in attendance at the voting may not be compelled to leave the polling place during the time while the voting is suspended.

#### Article 49.

- (1) The voting shall be conducted in specially allotted premises, which are equipped with a sufficient number of booths so as to avoid a large accumulation of voters; and in order to provide for secrecy of voting, places are designated for turning in ballots and ballot boxes are installed. The latter shall be placed in such a way that in order to approach them the voters must go through the booths for secret voting.
- (2) The provision of the electoral precinct with booths, ballot boxes, and other necessary materials shall be the responsibility of organs of local self-government.
- (3) For purposes of maintaining order in the electoral precinct and in order to avoid a large accumulation of voters, the precinct electoral commission shall establish the path for the movement of the voters, beginning with the entry to the tables where the ballots are passed out and then to the secret voting booths, and on to the ballot boxes.
- (4) In order to avoid theft the ballots shall be stored in a reliable place in the electoral precinct, packed in bundles of 100, and issued in the necessary quantity to individuals who will distribute them at various time intervals established by the commission chairman.
- (5) The responsibility for organizing the voting, ensuring secrecy of the expression of the will of the voters, equipping the premises, and keeping them in the proper order shall be assigned to the precinct electoral commission.
- (6) The responsibility for maintaining order on the day of the elections in the polling places and territory adjacent to it within a radius of 300 meters shall be assigned to the chairman of the precinct electoral commission. Decisions he makes in order to maintain order shall be mandatory for all.
- (7) Nobody other than members of the precinct electoral commission, candidates, observers, and other accredited representatives may be in the polling place for longer than the time necessary to vote.
- (8) The chairman, deputy chairman, secretary, and members of the precinct electoral commission shall be obliged to have identification cards. They and also other individuals who have the right to be in attendance in the electoral precinct shall be prohibited from carrying any emblems, badges, or other symbols having to do with the campaign.

## Article 50.

- (1) At 0700 on the day of the election the chairman of the precinct electoral commission in the presence of no less than half the members of the commission shall check the ballot boxes and seal them, check the voter rolls, ballots, and seals, and announce the beginning of the voting.
- (2) Each voter shall vote personally. Voting for other individuals shall not be allowed. The precinct electoral commission shall issue a ballot to the voter based on the list of voters when an identification document is presented. Upon receiving the ballot the voter must sign the voter roll next to his name.
- (3) Ballots issued to the voters must have on the reverse side a control stamp of the electoral precinct.
- (4) Citizens residing on the territory of the electoral precinct who have not been included on the voter rolls and also citizens who have arrived with a certificate of the right to vote shall be entered on an additional voter roll upon presentation of an identification document.
- (5) If because of health or any other factors the voter is unable to be present in the polling place, the precinct electoral commission, at his request, shall send no less than two members of the commission with a special ballot box and everything necessary for voting in the place where the voter is located in order to conduct the voting.

## Article 51.

- (1) The ballot shall be filled out by the voter in the secret voting booth. A voter who is unable to fill out the ballot by himself has the right to invite another individual into the booth, with the exception of members of the electoral commission, representatives of candidates, and accredited individuals.
- (2) The voter shall place within the circle of only one of the rectangles on the ballot two intersecting lines signifying that he has voted for the given party, sociopolitical organization, voter bloc, or independent candidate. The circles in the rest of the rectangles should be left blank.
- (3) It shall be prohibited to take the ballot that is received outside the polling place.
- (4) It shall be prohibited to vote for several parties, sociopolitical organizations, voter blocs, or independent candidates.
- (5) If the voter by mistake has spoiled the ballot, the precinct electoral commission shall issue him just one new ballot. A note is made of this in the record on conducting the voting, and the ballot is invalidated.
- (6) The voter shall drop the filled-out ballot in the ballot box.

## Article 52.

If representatives of parties, sociopolitical organizations, voter blocs, or independent candidates have disclosed cases of violation during the process of voting or have doubts about the identity of an individual who has appeared at the elections, the chairman of the precinct electoral commission must verify these facts, and if they are confirmed, take measures to eliminate the violation or draw up the appropriate record and turn it over to the police.

## Article 53.

- (1) The chairman and members of the precinct electoral commission and also individuals who have been entrusted to maintain order in the electoral precinct shall vote at this precinct after they have been placed on an additional list.
- (2) It shall be prohibited to enter the polling place with a firearm or bladed weapon with the exception of cases when there is no other possibility of restoring law and order, saving the lives of people in the premises, or protecting the electoral ballots and ballot boxes.
- (3) At the time of the completion of the voting the chairman of the precinct electoral commission shall announce the termination of the voting and give instructions to close the electoral precinct.

## Chapter IX. Summing Up the Results of the Elections

## Article 54.

- (1) Upon expiration of the time allotted for conducting the voting the chairman of the precinct electoral commission shall begin to sum up the results of the elections.
- (2) Before opening the ballot box all the unused ballots shall be counted and canceled by the precinct electoral commission by stamping them "canceled."
- (3) After checking the seals on the ballot boxes the chairman of the commission in the presence of members of the commission and individuals with the right to attend shall open the ballot boxes.
- (4) The electoral precinct must be provided with a sufficient number of tables so that all the ballots taken from the ballot boxes may be counted in one place before the eyes of all members of the commission and others in attendance.
- (5) On the table for counting the votes shall be installed flags with the names of the parties, sociopolitical organizations, voter blocs, and last names of independent candidates, before which the chairman of the precinct electoral commission shall unfold the corresponding ballots taken from the ballot boxes. The ballots shall be counted and bound together separately and the results of the counting shall be entered on a special table.

- (6) Before the number of votes garnered by each party, sociopolitical organization, voter bloc, and independent candidate is entered in the record, observers and other accredited individuals shall be granted an opportunity to recheck the figures entered on the special table.
- (7) Ballots on which there is no control stamp from the electoral precinct, ballots on the wrong form, and ballots on which circles have been crossed out in several rectangles or no circle has been crossed out on any rectangle shall be declared invalid. Invalid ballots shall be shown to all members of the commission, observers, and other accredited individuals.
- (8) Votes cast for individuals and parties and sociopolitical organizations added by the voters to the electoral ballots shall not be taken into account and such ballots shall be declared invalid.
- (9) If members of the precinct electoral commission have doubts about the validity of a ballot, the question shall be decided by a vote.
- (10) Invalid electoral ballots shall not be taken into account when summing up the valid votes.

Article 55.

- (1) The precinct electoral commission shall draw up in two copies a record which shall include:
  - a) the number of voters included on the voter rolls;
  - b) the number of voters who participated in the voting, including voters on supplementary lists;
  - c) the overall number of valid votes;
  - d) the number of electoral ballots declared invalid;
  - e) the number of valid votes cast for each list of candidates and for each independent candidate;
  - f) the number of ballots received by the electoral precinct;
  - g) the number of unused and canceled ballots.
- (2) A brief account of statements and complaints and decisions adopted regarding them shall be presented separately.
- (3) The results of the counting of the votes shall be considered at a meeting of the precinct electoral commission and entered into a record, which shall be signed by the chairman, deputy chairman, secretary, and members of the commission. The absence of signatures of individual members of the precinct electoral commission shall not make a record invalid. The reasons for the absence of these signatures shall be indicated in the record.

- (4) The record, complaints regarding actions related to the elections and at the electoral precinct, ballots declared invalid, unused, or protested, and the stamps of the electoral precinct shall be turned over in a sealed box by the chairman of the precinct electoral commission to the district electoral commission within 24 hours after the announcement of the closing of the electoral precinct. The sealed box shall be transported under a police guard.

Article 56.

- (1) After receiving from the electoral precincts the records with the results of the tallying of the votes, the district electoral commission shall establish whether or not no less than one-third of the voters on the voter rolls participated in the elections throughout the entire electoral district. Otherwise actions related to the elections shall be suspended and the provisions of Article 64 shall be applied. If the elections have been declared valid, the district electoral commission shall draw up a record which indicates the number of valid votes cast for each party, sociopolitical organization, or voter bloc throughout the entire electoral district, and within 24 hours it shall submit it to the Central Electoral Commission.

- (2) The Central Electoral Commission shall consider the records received from all the electoral districts, count the number of votes cast for each party, sociopolitical organization, or voter bloc in order to establish whether or not they have garnered no less than 4 percent of the valid votes in the country as a whole—the electoral qualification as established by part (2) of Article 6.
- (3) Within 24 hours the Central Electoral Commission shall send to the district electoral commissions information about the results of the voting in the country as a whole and its decision to exclude parties, sociopolitical organizations, and voter blocs that have not garnered 4 percent of the valid votes in the country as a whole from the process of distribution of seats.

Article 57.

- (1) After receiving the decision from the Central Electoral Commission concerning the exclusion from the process of distribution of seats of parties, sociopolitical organizations, and voter blocs that have not garnered 4 percent of the active votes in the country as a whole, the district electoral commission shall begin to distribute the deputy seats among the parties, sociopolitical organizations, and voter blocs that have a right to them and independent candidates in the presence of candidates and individuals accredited in keeping with the present Law on their request.

- (2) On the basis of records of precinct electoral commissions, the district electoral commission shall determine:
- a) the overall number of voters included on the voter rolls in the district;
  - b) the number of voters who participated in the voting, including voters on supplementary lists;
  - c) the number of ballots declared invalid;
  - d) the number of valid votes cast for each party, sociopolitical organization, and voter bloc, except for those that have been excluded by a decision of the Central Electoral Commission, and for each independent candidate;
  - e) the number of unutilized and canceled electoral ballots.

## Article 58.

- (1) The distribution of the deputy seats among the parties, sociopolitical organizations, and voter blocs shall be conducted by the district electoral commission through sequential division of the number of valid votes cast for each party, sociopolitical organization, and voter bloc, by 1, 2, 3, 4...and so forth up to the figure that corresponds to the number of seats in the electoral district.
- (2) From the results of all the divisions and the number of valid votes cast for independent candidates they shall select in declining order as many numbers as there are seats that are to be distributed in the electoral district. The quantity of numbers chosen in declining order at the disposal of the party, sociopolitical organization, or voter bloc shall correspond to the number of seats that are due to them.
- (3) An independent candidate shall be considered elected if the number of votes cast for him is included in the numbers selected in declining order.

## Article 59.

- (1) The distribution of seats among candidates proposed by parties, sociopolitical organizations, and voter blocs shall be conducted according to the procedure of including them on lists beginning with the first number.
- (2) The candidates not elected shall be declared candidate deputies. A candidate deputy may be declared elected by the Constitutional Court if for any reason a deputy seat belonging to the party, sociopolitical organization, or voter bloc which he represents is released.
- (3) If the party, sociopolitical organization, or voter bloc does not have a candidate deputy for the electoral district, partial elections shall be conducted in keeping with Article 65. Partial elections shall also be

conducted in the event that the seat of an independent deputy remains vacant.

## Article 60.

- (1) Within 24 hours after summing up the results of the elections and distributing the seats in the electoral district, the district electoral commission shall send under police guard to the Central Electoral Commission a record containing the information specified by part (2) of Article 57 and also a list of deputies elected from each party, sociopolitical organization, or voter bloc and independent deputies.
- (2) Within 24 hours after summing up the results of the elections and distributing the seats in the electoral district, the district electoral commission shall send to the Constitutional Court a report on conducting the elections to which is appended in one copy lists of candidates, the record, and all complaints for the electoral district accompanied by an account of the decisions adopted regarding them.
- (3) Within three days after summing up the results of the elections and distributing the seats, the district electoral commission shall publish in the press the figures contained in the record and the audiovisual media shall convey the information on the same day.

## Article 61.

- (1) The Constitutional Court shall study the reports of the district electoral commissions and within 10 days of the day of receiving the report, the period established for considering statements and complaints about violations during the process of organizing and conducting the elections, shall give a conclusion about the legality of the elections for each electoral district and within 24 hours send it to the Central Electoral Commission and the district electoral commission. After 10 days statements and complaints shall not be accepted for consideration.
- (2) If the Constitutional Court has established gross violations of the present Law, which have affected the results of the voting, the Central Electoral Commission shall conduct a repeat vote in keeping with Articles 63 and 64.
- (3) In electoral districts in which the elections have been declared valid, the elected deputies shall be recognized as legally elected and the Central Electoral Commission shall issue them the corresponding certificates.

## Article 62.

- (1) On the basis of the records received from the electoral districts the Central Electoral Commission shall draw up a record which shall include:
  - a) the overall number of voters on the voter rolls in the country as a whole;

- b) the overall number of voters who participated in the voting, including voters on supplementary lists;
  - c) the overall number of valid votes;
  - d) the overall number of electoral ballots declared invalid;
  - e) a verification of the application by district electoral commissions of the provisions of Articles 58 and 59;
  - f) the distribution of seats among parties, sociopolitical organizations, voter blocs, and independent candidates throughout the country;
  - g) decisions regarding statements and complaints that were received.
- (2) The record shall be signed by the chairman and members of the Central Electoral Commission in whose presence it was drawn up, and within two days after the receipt of conclusions from the Constitutional Court, shall be sent to the parliament along with copies of the lists of candidates registered by the district electoral commissions, the records of the summing up of the results of the elections in all electoral districts, and conclusions of the Constitutional Court regarding recognition of the authority of deputies and the formation of the parliament.
- (3) The Central Electoral Commission shall publish the results of the elections throughout the country.

#### Chapter X. Repeat Voting and Partial Elections

##### Article 63.

- (1) Elections shall be recognized as null and void if less than one-third of the voters of the district included on the voter rolls have participated in them.
- (2) Elections in individual electoral districts may be declared invalid by the Central Electoral Commission and for individual electoral precincts—by the district electoral commission if during the course of the elections and when counting the votes there were violations of the present Law which affected the distribution of the seats.

##### Article 64.

- (1) If elections in individual electoral districts or precincts have been declared null and void or invalid, by a decision of the Central Electoral Commission, within two weeks repeat elections shall be conducted with the same candidates using the same voter rolls.

- (2) Candidates guilty of forgery shall be excluded from the lists for the repeat voting and may not be replaced by other candidates.
- (3) In the event of a repeat vote the results of the election for the electoral district shall be added to the results obtained in the country as a whole in keeping with the present Law.
- (4) If even after the repeat vote the elections in the electoral district are declared null and void, further elections shall not be conducted and the unutilized seats shall be frozen.
- (5) If after the repeat vote scheduled as a result of declaring the elections invalid the elections for individual electoral precincts or districts are again declared invalid, the corresponding precinct or district electoral commission shall be disbanded. In this case new elections shall be held within two weeks after the formation of the new commission.

##### Article 65.

- (1) If a deputy seat has been released but there is no candidate deputy, partial elections shall be conducted.
- (2) Partial elections shall not be conducted for a deputy seat that is released during the last 12 months before the expiration of the term of office of parliament.
- (3) Partial elections shall be conducted in keeping with the present Law within a period of no more than three months from the day the application is submitted to the president of the republic or the chairman of parliament.
- (4) If partial elections are conducted in only one electoral district, the Central Electoral Commission is not formed and its functions are performed by the district electoral commission.
- (5) Only voters living in the corresponding electoral district shall participate in partial elections.

#### Chapter XI. Financing the Elections

##### Article 66.

Expenditures related to preparing for and conducting the elections shall be borne by the state. A rough estimate of these costs shall be determined by the government. The actual amount of the expenditures shall be established by the Central Electoral Commission and confirmed by the government.

##### Article 67.

- (1) The Central Electoral Commission shall open a special "Elections" account in the savings bank into which it shall transfer financial funds allotted for preparing for and conducting the elections. The distributor of this money shall be the chairman of the Central Electoral Commission.

- (2) The Central Electoral Commission shall determine the amount of money necessary for preparing for and conducting the elections in each electoral district and transfer it to the special accounts in the savings banks in the places where the district electoral commissions are located. The distributor of the funds allotted by the district electoral commission shall be its chairman.
- (3) The procedure for the expenditure of these funds and also the forms of reports on their expenditure shall be established by the Central Electoral Commission.
- (4) It shall be prohibited to spend the allotted funds for purposes not related to preparing for and conducting the elections or on excessive equipment for the premises for conducting the elections or the acquisition of costly supplies, equipment, and so forth.
- (5) Upon completion of the elections the chairman of the Central Electoral Commission shall submit to the government a report on the expenditure of the funds allotted.
- (6) The unutilized funds shall be transferred into the state budget.

## Article 68.

- (1) Parties, sociopolitical organizations, voter blocs, and independent candidates participating in the elections shall have the right to create for purposes of conducting their election campaign election funds, including in them their own money, interest-free credit obtained from the state, and also subsidies from individuals and legal entities in their own country, for which an account entitled "Election Fund" shall be opened in the savings bank.
- (2) The amount of their own money allotted for conducting the election campaign shall be determined by the leadership of the party, sociopolitical organization, voter bloc, or independent candidate.
- (3) The amount of credit allotted from the state budget shall be determined by the government.
- (4) Subsidies received from individuals and legal entities in their own country shall be used for conducting the election campaign by the party, sociopolitical organization, voter bloc, or independent candidate under the condition of preliminary public declaration.
- (5) Direct or indirect subsidization of the election campaign of any party, sociopolitical organization, voter bloc, or independent candidate by foreign individuals or legal entities shall be prohibited. The sums obtained this way shall be confiscated and used as revenue for the state budget and the list of candidates from the corresponding party, sociopolitical organization, voter bloc, or independent candidate shall not be allowed to participate in the elections. If this violation is discovered after the elections, the deputies from the corresponding party, sociopolitical organization, voter bloc, or independent candidate shall be deprived of their seat and partial elections shall be conducted.

- (6) The receipt of credit from the state budget and subsidies from individuals and legal entities for conducting an election campaign shall be allowed only through a financial authority especially designated by the leadership of the party, sociopolitical organization, or voter bloc or by the independent candidate.
- (7) The financial authority may be an individual or legal entity responsible along with the party, sociopolitical organization, voter bloc, or independent candidate that appointed him for the legality of the use of the subsidies granted and the observance of the provisions of Articles 69 and 70.
- (8) The status of the financial authority shall be recognized only after his official registration with the Ministry of Finance and a report of this in the press.
- (9) The maximum amount of the election fund shall be determined by the Central Electoral Commission. It must be sufficient to provide the parties, sociopolitical organizations, voter blocs, and independent candidates with everything they need during the period of conducting the election campaign.
- (10) The expenditure of funds for conducting the election campaign in excess of the sums envisioned by the electoral fund shall be prohibited.
- (11) The legality of the use of money from the elections funds by parties, sociopolitical organizations, voter blocs, and independent candidates participating in the elections shall be monitored by the Central Electoral Commission, the district electoral commissions, and the Ministry of Finance.
- (12) Credit received from the state is fully or partially paid back by the state, depending on the overall number of valid votes cast for the corresponding party, sociopolitical organization, voter bloc, or independent candidate in the given electoral district. The monetary sum, determined by dividing the sum of credit by the number of voters who participated in the voting and then multiplying the result obtained by the number of valid votes cast for the party, sociopolitical organization, voter bloc, or independent candidate, shall be subject to repayment.
- (13) Parties, sociopolitical organizations, and voter blocs that have not garnered 4 percent of the valid votes in the country as a whole and independent candidates who have not been elected as deputies shall return the credit received from the state budget within two months after the completion of the voting. The remaining parties, sociopolitical organizations, voter blocs, and independent candidates shall repay the credit within four months.



Chapter XII. Accountability for Illegal Actions When Conducting Elections

Article 69.

(1) The following acts or attempts to commit them by individuals and also persons authorized to take actions related to the elections and officials of state administrative organs shall be recognized as crimes and punished in keeping with existing legislation:

- a) using any means to stand in the way of free exercise of the right to vote or be elected—incarceration for a period of from six months to five years; the same actions combined with causing serious bodily harm or threat to human life—incarceration for a period of from three to 10 years;
- b) falsifying the results of the voting in various ways—incarceration for a period of from six months to four years;
- c) opening ballot boxes before the termination of the voting as established by law—incarceration for a period of from six months to three years;
- d) attacking the premises of the electoral precincts by any means and in any form, stealing ballot boxes or electoral documents—incarceration for a period of from three to 10 years unless the action is deemed to be a more serious crime qualified as a state crime.

(2) Criminal cases for crimes envisioned by part (1) shall be heard by procuracy organs.

(3) The chairmen of electoral commissions and other officials shall be obliged to inform procuracy organs immediately of all crimes related to conducting the elections that are committed in the electoral district.

Article 70.

The following actions shall be recognized as administrative legal violations and punished in keeping with existing legislation if based on the law in part (1) of Article 69 they are not considered crimes:

- a) destroying, smudging, or making unusable by other means voter rolls, posted election programs and platforms, or other posters and announcements pertaining to election campaigning;
- b) posting campaign material in places other than those assigned;
- c) officially organizing voter meetings with the sale and drinking of alcoholic beverages and failing to take measures for conducting these meetings in a normal manner;
- d) deliberately entering on the voter rolls individuals who do not have the right to vote in keeping with the present Law and individuals who do not

really exist or intentionally including the same individuals on several lists, and also unjustifiably refusing to accept and consider complaints pertaining to actions related to the elections;

- e) agreeing for an individual to be entered on several lists of candidates;
- f) failure on the part of members of the electoral commission to make public proposals for presentation of candidates;
- g) using funds obtained from abroad or not publicly declaring them;
- h) preventing people who have the right to vote from entering the polling place;
- i) refusing to follow the instructions of the chairman of the precinct electoral commission for providing for order in the polling place and the area adjacent to it;
- j) unjustifiably failing to issue a ballot to a voter who is included on the lists or issuing one and the same individual more ballots than envisioned by law;
- k) unjustifiable departure by members of the precinct electoral commission from the polling places before the results of the elections are summed up and they have signed the record;
- l) continuing to campaign on the day of the elections;
- m) taking the electoral ballot issued for voting out of the premises of the electoral precinct;
- n) falsifying signatures on lists in support of an independent candidate.

Article 71.

The administrative legal violations specified by points a), b), d), e), f), i), k), and l) of Article 70 and entail a fine in the amount of from 10 to 20 times the minimum wage, and those specified by points c), h), j), m), and n)—from 15 to 25 times the minimum wage, and specified by g)—confiscation of the sums into the state budget and a fine in the amount of 30 times the minimum wage.

Article 72.

(1) The establishment of administrative legal violations specified by points a), c), f), h), j), k), and l) of Article 70 shall be effected with records drawn up by the prefect and administrative officials of communes, cities, and municipalities, and points a), b), c), d), e), g), h), i), k), l), m), and n)—records drawn up by chairmen of electoral commissions, and points a), b), c), e), i), l)—records drawn up by officers, subofficers, and sergeants of police units performing duties for providing for actions involved in the elections.

- (2) Records concerning the establishment of administrative legal violations specified by the preceding part shall be sent to the court in the location of the population point in which the legal violation was committed.

Article 73.

- (1) During the period of the election campaign the courts shall immediately consider all statements, complaints, and other appeals related to organizing and conducting the elections. Decisions of higher judicial instances shall be final and subject to execution from the moment they are made;
- (2) The activity of the courts during this period shall be organized in such a way that the voters, parties, sociopolitical organizations, voter blocs, and independent candidates shall have an opportunity to submit statements and complaints freely and without delay.

Chapter XIII. Final Provisions

Article 74.

- (1) The government shall provide premises and everything necessary for the Central Electoral Commission, the prefects—for the district electoral commission, and the local administrative officials—for the electoral precincts.
- (2) The government shall provide paper for manufacturing the ballots and other electoral documents, counting equipment, and other material and financial means necessary for conducting the elections, and it shall monitor the work of printing enterprises in order to promptly manufacture the electoral documents.
- (3) Local administrative organs shall assign to the electoral commissions for the entire period of their activity statisticians and technical service personnel who shall work under contract and be temporarily released from their duties in their main place of employment.

Article 75.

For the entire period of the elections the electoral commissions and courts shall provide for their constant functioning which is necessary for the citizens to exercise their right to vote.

Article 76.

Individuals being detained on the basis of an arrest order until a court sentence is handed down, individuals sentenced to incarceration under a court decision that has not taken legal force, and individuals serving terms for committing an administrative legal violation shall vote in keeping with the provisions of part (5) of Article 50.

Article 77.

During the period of the elections the Ministry of Internal Affairs shall provide for reliable preservation of public order, protection of the polling place, ballot boxes, and ballots, and accompaniment of officials of electoral commissions when transporting electoral materials and documents.

[Signed] President of the Republic of Moldova Mircea  
Snegur  
Kishinev, 14 October 1993

**II. DECREE ON PROCEDURE FOR ENACTING  
THE LAW ON ELECTIONS TO PARLIAMENT**

Adopted October 19, 1993

Signed by the Chairman of Parliament,  
Petru Luchinski

Published in Nezavisimaya Moldova, October 23, 1993

Translated by the staff of  
the Foreign Broadcast Information Service, December 2, 1993

## Decree on Implementation

944K0233B Chisinau NEZAVISIMAYA MOLDOVA  
in Russian 23 Oct 93 p 5

["Decree On Procedure for Enacting the Law on Elections to Parliament"]

[Text] The parliament of the Republic of Moldova adopts the following decree.

## Article 1.

The Law on Elections to Parliament shall be enacted effective the day of its promulgation.

## Article 2.

Paying attention to the fact that the aforementioned law is based on the new administrative-territorial arrangement of the republic, a question that has not yet been considered by parliament, elections to parliament shall be conducted on 27 February 1994 with the following deviations from the provisions of the Law:

- a) a unified electoral district shall be formed which includes the entire territory of the Republic of Moldova;
- b) the time periods envisioned by the Law for actions related to the elections shall be calculated from 27 October 1993;
- c) the Central Electoral Commission shall include seven judges of the Supreme Court and no more than 26 representatives of parties and sociopolitical organizations;
- d) the authority of the district electoral commissions shall be exercised by the Central Electoral Commission;
- e) the authority of the Constitutional Court envisioned by the Law shall be exercised by the Supreme Court at its plenary sessions;
- f) the average monthly wage as envisioned by Article 14 shall be paid to candidates from parties, sociopolitical organizations, voter blocs, and independent candidates from the state budget;
- g) judges who are members of the Central Electoral Commission shall be released from performing

their official duties for the entire period of organizing and conducting the elections;

- h) representatives of parties and sociopolitical organizations who are members of the Central Electoral Commission shall be released, if necessary, from their production and official duties;
- i) members of the Central Electoral Commission shall be paid wages in keeping with the provisions of Article 19;
- j) on the ballots shall be indicated the name and electoral emblem of the party, sociopolitical organization, or voter bloc, the overall number of candidates submitted, and the name of the independent candidate;
- k) lists of candidates submitted by parties, sociopolitical organizations, and voter blocs, upon expiration of the registration period, shall be reproduced and sent to precinct electoral commissions to be posted;
- l) lists of candidates and candidacies of independent candidates shall be submitted to the Central Electoral Commission in keeping with the provisions of Articles 30-36;
- m) the rayon executive committees and the local officials of the cities shall submit to the Central Electoral Commission reports from the local administrative bodies of the corresponding population points concerning electoral precincts, their boundaries, their location, the telephone numbers of the precinct electoral commissions, and also decisions of councils of communes and cities concerning the composition of the precinct electoral commissions and proposals for candidates for commission chairmen;
- n) rayon executive committees and local administrative bodies of the cities shall submit for the approval of the Central Electoral Commission the composition of the technical group which will follow instructions of the Central Electoral Commission and maintain operational communications among the precinct electoral commissions and it. Members of the technical group may not be representatives of any party or sociopolitical organization;
- o) the electoral ballots shall be delivered by the deadlines established by law to the rayon executive committees and the local administrative bodies of the cities and shall be transferred under a document by the leader of the technical group

to the chairmen of the precinct electoral commissions. A police protection post shall be installed on the premises where the electoral ballots are stored;

- p) in the rayons and cities of the republic, except for the city of Kishinev, commissions shall be created consisting of the chairman of the rayon executive committee or local administrative official of the city, one judge, and one worker from the procuracy. The composition of the commission shall be approved by the Central Electoral Commission. The commission shall obtain from the precinct electoral commissions electoral documentation in sealed envelopes and packages and send it to the Central Electoral Commission. The precinct electoral commissions of Kishinev shall submit electoral documentation directly to the Central Electoral Commission. The individuals indicated in part (2) of Article 46 may be present during this;
- r) [no part q] as published] complaints regarding the presentation and registration of lists of candidates and candidacies of independent candidates shall be submitted to the Supreme Court. Complaints regarding forgeries and other violations of the Law on Elections to Parliament during the period of preparing for and conducting the elections shall be submitted to the court with jurisdiction over the territory on which they were committed;
- s) voters of population points of the left bank of the Dniester and the city of Bendery who do not have in their passports on the day of elections notes confirming their citizenship of the Republic of Moldova shall be allowed to participate in the elections upon presentation to the precinct electoral commission of a passport which confirms permanent residence in the Republic of Moldova up to 23 June 1990.

#### Article 3.

In order to prevent citizens from voting twice, those who vote in the electoral precincts specified by parts (2), (3), (4), and (5) of Article 24 shall have stamped in their passport on page 27 the inscription "voted—1994."

#### Article 4.

The government in conjunction with the rayon executive committees and the local administrative offices of the cities and communes shall take concrete measures to prepare for and conduct the elections in keeping with the provisions of the Law on Elections to Parliament and the present decree.

#### Article 5.

The National Bank of Moldova and the Ministry of Finance shall develop mechanisms for granting credit from the state budget and subsidizing electoral campaigns by individuals and legal entities in keeping with the provisions of the aforementioned law.

## Article 6.

The Law on Elections of Peoples Deputies of the Moldovan SSR No. 3618—XI of 23 November 1989 shall be declared invalid.

[Signed] Chairman of Parliament Petru Luchinski  
Kishinev, 19 October 1993

**III. LAW ON THE INTRODUCTION OF CHANGES TO THE  
CONSTITUTION (BASIC LAW) OF THE REPUBLIC OF MOLDOVA**

Adopted October 19, 1993

Signed by the President of the Republic of Moldova,  
Mircea Snegur

Published in Collection of Legislative Acts for the Elections to Parliament,  
Parliament of Moldova, October 28, 1993

Translated by the Washington D.C.-based staff of  
the International Foundation for Electoral Systems, December 18, 1993

**LAW ON THE INTRODUCTION OF CHANGES TO  
THE CONSTITUTION (BASIC LAW) OF THE REPUBLIC OF MOLDOVA**

The Parliament of the Republic of Moldova adopts the present legislation.

Article 1. The following shall be excluded from the Constitution (Basic Law) of the Parliament of Moldova: Chapter 10, Articles 79, 93, 98, 99 and the second section of Article 111.

Article 2. The present Law takes effect from its day of adoption.

**PRESIDENT OF THE REPUBLIC OF MOLDOVA  
MIRCEA SNEGUR**

**Chisinau, 19 October, 1993  
Number 1614-XII.**

*NOTE: Unofficial translation by Christopher Siddall, IFES Senior Program Officer, from the Russian-language version of the original Romanian-language legislation.*



**IV. LAW ON THE IMPLEMENTATION  
AND ADDITIONS TO THE CRIMINAL CODE  
AND THE ADMINISTRATIVE CODE OF LEGAL VIOLATIONS**

Adopted October 19, 1993

Signed by the President of the Republic of Moldova,  
Mircea Snegur

Published in Collection of Legislative Acts for the Elections to Parliament,  
Parliament of Moldova, October 28, 1993

Translated by the Washington, D.C.-based staff of  
the International Foundation for Electoral Systems, December 18, 1993

**LAW ON THE IMPLEMENTATION AND ADDITIONS TO  
THE CRIMINAL CODE THE ADMINISTRATIVE CODE OF LEGAL VIOLATIONS**

The Parliament of the Republic of Moldova adopts the following Law.

Article I - In the Criminal Code, approved by the Law of the Moldavian SSR on the 24th of March, 1961 (Official Bulletin of the Supreme Soviet of the Moldavian SSR 1961, Number 10 Article 41; 1990 Number 2, Article 17; Monitor of the Parliament of the Republic of Moldova, 1993 Number 4, Article 90), the following changes and additions shall be introduced:

1. The name and disposition of Article 133 shall be written in the following form:

**"Article 133. Impeding the Carrying Out of Pre-election Agitation**

2. To the Code Articles 133(2) and 133(3) the following text shall be added:

**Article 133(2) Impeding the Carrying Out of the Right to Vote**

Impeding by any means of the free carrying out of the right to vote and to be elected shall be punishable by imprisonment for a term of six months to five years.

The same action combined with the assault on the premises of polling sites by any means in any form, causing grave bodily harm, threat to the life of a person, and also with thefts of ballot boxes or electoral documents shall be punishable by imprisonment for a term of three to ten years.

The opening of the ballot box before the moment of the end of voting established by the law shall be punishable by imprisonment for a term of six months to three years.

**Article 133(3) Falsification of the Results of the Voting**

Falsification by various means of the results of the voting shall be punishable by imprisonment of the term of six months to four years.

Article II. In the Administrative Code of Legal Violations, adopted by the Law of the Moldavian SSR of March 29, 1985 (Official Bulletin of the Supreme Soviet and the Government of the Moldavian SSR, 1985, Number 3, Article 47; 1990, Number 2, Article 17; Monitor of the Parliament of the Republic of Moldova 1993, Number 4, Article 90), the following changes and additions shall be introduced:

1. Article 200(1) shall be written in the following form:

**Article 200(1) Violation of the Law on Elections**

Refusal by officials to submit the necessary information and materials to the election commissions, and also refusal to carry out their decisions shall be punishable by a fine in the amount of three minimum monthly salaries.

Destroying, marking out, making unusable by other means voter registries, posted election programs and platforms or other posters and announcements, related to pre-election agitation shall be punishable by a fine in the amount of ten to twenty minimum monthly salaries.

Posting materials for agitation in places other than those officially designated shall be punishable by a fine in the amount of ten to twenty minimum monthly salaries.

Organization by officials of the meeting of the voters with the sale and consumption of alcoholic beverages and not taking measures for the normal conduct of such meetings shall be punishable by a fine of the officials in the amount of fifteen to twenty-five minimum monthly salaries.

Deliberate inclusion in the voter registry of persons ineligible to vote according to acting legislation, and non-existent persons and deliberate inclusion of the same persons in several lists and also refusal without grounds to accept and review complaints concerning the actions related to the elections shall be punishable by a fine of the officials in the amount of ten to twenty minimum monthly salaries.

Agreement by a person to be included on many several lists of candidates shall be punishable by a fine in the amount of ten to twenty minimum monthly salaries.

Not publicizing by members of the election commission proposals for representation of candidates shall be punishable by a fine in the amount of ten to twenty minimum monthly salaries.

Using funds acquired from abroad or undeclared funds shall be punishable by a fine of the persons who were using these funds in the amount of thirty minimum monthly salaries with confiscation of the sums into the state budget.

Impeding the entrance into the voting premises of persons with the right to vote shall be punishable by a fine in the amount of fifteen to twenty-five minimum monthly salaries.

Refusal to carry out the decisions of the Chairman of the polling site election commission to ensure the order in the voting premises and on the bordering territory shall be punishable by a fine in the amount of ten to twenty minimum monthly salaries.



Groundless refusal to transfer the ballots to the voter included in the voter registry or handing over to the same person more than ballots than is envisioned in the law shall be punishable by a fine in the amount of fifteen to twenty-five minimum monthly salaries.

Departure without grounds by members of the polling site election commission from the premises of voting before the vote count and their signing of the protocol shall be punishable by a fine in the amount of ten to twenty minimum monthly salaries.

Continuing agitation on election day shall be punishable by a fine in the amount of ten to twenty minimum monthly salaries.

Removing the ballot, handed out for the voting, from the premises of the polling site shall be punishable by a fine in the amount of fifteen to twenty-five minimum monthly salaries.

Falsification of the signatures in the lists supporting an independent candidate shall be punishable by a fine in the amount of fifteen to twenty-five minimum monthly salaries.

2. Article 200(2) shall be excluded.

3. In Article 209 the figures "200-200(10)" shall be replaced with the figures "200, 200 (1), (200(3)-200(8), 200(10)."

4. To Article 281 the words "with exception of cases foreseen by law." shall be added.  
Article III. This law takes effect from the day of publication.

**PRESIDENT OF THE REPUBLIC OF MOLDOVA  
MIRCEA SNEGUR**

**October 19, 1993  
Number 1616-XII.**

*NOTE: Unofficial translation by Irina Zaslavskaya, IFES Program Assistant, and Christopher Siddall, IFES Senior Program Officer, from the Russian-language version of the original Romanian-language legislation.*



**V. LAW OF THE REPUBLIC OF MOLDOVA ON  
PARTIES AND OTHER SOCIO-POLITICAL ORGANIZATIONS**

Adopted September 17, 1991

Signed by the President of the Republic of Moldova,  
Mircea Snegur

Translated by the Bucharest-based staff of  
the International Foundation for Electoral Systems, August 15, 1993

# THE LAW OF THE REPUBLIC OF MOLDOVA

## Regarding parties and other socio-political organizations

The right of association is an inalienable part of the human rights, which are proclaimed by the Universal Declaration of Human Rights and are consecrated and guaranteed by the Constitution of the Republic of Moldova.

This Law establishes the conditions and principles for creating, organizing, and dissolving a party or other socio-political organization.

### I. General Principles

**Article 1: The notion of party and the notion of socio-political organization**

According to this Law, the parties and other socio-political organizations are free will associations of citizens, based on community

of ideas, ideals, and goals which contribute to the fulfillment of the political will of a part of the population. Their representatives participate in governing and solving the economic, social, cultural, and political problems.

The notion of socio-political organization also refers to leagues, fronts, unions, and political mass movements.

This Law does not regulate the activity of other citizens' independent organizations which are based on professional and cultural affinities and which are not requesting to participate in the foundation of state organizations.

**Article 2: The right of association in parties and other socio-political organizations**

The citizens of the Republic of Moldova have the right to associate by free will in parties and other socio-political organizations.

Only an eighteen years old reliable citizen can be elected as a member of a party or socio-political organization.

The member of a party cannot belong at the same time to another party.

The members of youth organizations can be younger than eighteen years, according to the statute of the respective organization.

The parties and other socio-political organizations have the right to

associate in political unions, blocks, federations, and associations.

**Article 3: The quality of being a member of a party or socio-political organization**

The quality of being a member of a party or socio-political organization is specified by the respective organization.

**Article 4: The basic ideas of the parties' and socio-political organizations' activities**

Parties and other socio-political organizations perform activities with respect to the Constitution of the Republic of Moldova, to the present law, and to other laws, and function according to their statute, registered in the established way.

The ruling bodies of the parties and other socio-political organizations must be situated in the territory of the Republic of Moldova.

On the territory of the Republic of Moldova cannot be created and cannot function other parties and socio-political organizations from abroad, or their subdivisions.

It is forbidden to be created and to be active the paramilitary parties or other socio-political organizations which have as goal to:

-the removal or change by force, or by other unconstitutional means

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of the state order.

- attempt to undermine the sovereignty and the territorial integrity of the Republic of Moldova.
- instigate to war, social disorder, inter-ethnic conflicts, religious conflicts.
- propagate war and authoritarian and totalitarian methods of ruling, and attempt on the natural human rights
- sets up activities that contravene the Constitution of the Republic of Moldova and the general accepted norms of international law.

**Article 5: The statute of the parties or other socio-political organizations**

The statute must contain the following data:

1. The name of the party or socio-political organization
2. The goals and the way to accomplish them.
3. The requirements and formalities necessary in order to become a member of a party or socio-political organization, to be excluded or to resign from it.
4. The rights and obligations of the members of the parties and socio-political organizations.
5. The way to form and the competence of the ruling committee of the party or socio-political organization and the terms of their

empowerments.

6. The way to adopt, modify, and complete the statute.
7. The sources for the financial support and other assets.
8. Conditions in which a party or socio-political organization can be created, reorganized, or dissolved.

The statute should not infringe the laws of the Republic of Moldova.

Only in case that the party or socio-political organization consists of at least 300 members, has a program and a leading committee, its statute can be registered.

**Article 6: The name of the party or socio-political organization**

The name, abbreviation and symbol of the party or socio-political organizations must be different from others registered in the Republic of Moldova.

In case that the name of the party or socio-political organization is changed, then the party or socio-political organization should be registered again, as this Law specifies.

**Article 7: The activity guarantees**

The State ensures that the rights and legitimate interests of the parties or other socio-political organizations are observed with respect to

the Constitution of the Republic of Moldova. Also, the State guarantees that the same juridical terms are ensured for the accomplishment of the tasks present in their statute.

The interference of State bodies and officials in the activity of the parties or other socio-political organizations and also the interference of the parties or other socio-political organizations in the activities of the State bodies or officials are forbidden, except the cases stipulated by the laws.

It is forbidden to oppress and to deny certain rights of a citizen because of his affiliation to a party or socio-political organization.

Any request to confirm the affiliation to a party or socio-political organization in an official document is not legal.

The activity of the party or socio-political organization must not be carried on during the working hours, and must be sustained out of its own financial resources.

The person which violates these conditions will carry on the responsibility provided by laws.

#### Article 8: The restrictions of the political activity

Soldiers, person who work in the Department of Internal Affairs, or in the State Security Department, or in the Customs Office, judges, prosecutors, state inspectors, as well as those working for the official

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press, radio and television, is not allowed to join any party or any socio-political organization.

The members of the parties or other socio-political organizations which are recruited, as established by the law, into the military service, appointed in the Prosecution bodies, Internal Affairs bodies, State Security bodies, as well as in the State Inspecting bodies, have to suspend their affiliation during the period they serve for these institutions.

The person which suspended its affiliation to a party or socio-political organization cannot be elected as a member of the ruling bodies of the party or socio-political organization, and cannot perform any duties for the party or socio-political organization.

**Article 9: The depolitisation of the education system**

In the Republic of Moldova, the education system is not politicized. It is forbidden to disseminate and propagate political ideas of a party or socio-political organization in any kind of school.

**Article 10: The financial support for the parties or other socio-political organizations**

The State must not give financial support to any party or socio-political organization, except the financial support for the election of



representatives of state power.

The parties and socio-political organizations are not allowed to receive financial support from foreign countries, foreign citizens or juridical persons from abroad.

**Article 11: Solving the affairs of the party or other socio-political organization**

The problems regarding the interest of a party or socio-political organization are solved, according to the legislation, by the state and economical organizations, with the participation or coordination of the respective parties or socio-political organizations.

**Article 12: The principle of creating a party or a socio-political organization**

The foundation of a party or a socio-political organization is based on the territorial principle.

The creation and activity of the organizational units of parties and socio-political organizations at the workplaces is forbidden.

The State or state officials cannot initiate the foundation of a party or socio-political organization.

## II. The registration of the parties and other socio-political organizations

### Article 13: The registration of the statute

The parties and other socio-political organizations have the right to achieve their purposes declared in the statute only after their registration.

The registration is entered into at the Ministry of Justice.

One month after the presentation of the statute, program and minutes of the congress (conference), the Justice Ministry will register the statute of the party or socio-political organization, if it does not infringe the provisions of the present Law.

The Justice Ministry's decision regarding the refusal to register the statute can be contested by the respective organization at the Supreme Court within ten days. The decision of the Supreme Court is final.

Modifications and completions of statutes of parties and socio-political organizations will be registered as the initial registration provides. The president or a representative of the executive body of a party or socio-political organization must be a witness to the statute's registration formalities.

Since the moment of registration the parties or other socio-political organizations become juridical persons.

The Justice Ministry holds the Register of parties and socio-political

organizations.

The Government regulates the registration of the statutes of parties and socio-political organizations, through a Regulation it approves.

**Article 14:** The symbol of a party or socio-political organization

The parties and socio-political organizations can have an emblem, or a flag as a symbol, which must be also officially registered in the established way for the registration of the statute. The symbol must not serve to purposes which are mentioned in Article 4 of the present Law.

### III. The activity of the parties and other socio-political organizations

**Article 15:** The rights of the parties and other socio-political organizations

The rights of parties and socio-political organizations are established by this Law and also by their statutes.

For the fulfillment of the purposes mentioned by their statute or by their programs, the parties and socio-political organizations have the right:  
-to freely circulate information about their activity.

-to participate (independently, as a part of a block or a union with other parties and organizations), to the elections for the representative state bodies of all ranks and to the formation of the state administration bodies.

-to have legal initiative through their republican bodies, inclusively to create or to nullify documents of the legislation in force.

-to possess its own mass-media means, and to have editorial activity, according to the legislation in force.

-to use free of charge, during the election campaign, the state mass-media, in accordance with the republican laws regarding the elections.

-to exert other empowerments provided by the present Law, or by other pieces of legislation.

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Article 16: The property of a party or socio-political organization

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Parties and other socio-political organizations can have assets and properties in buildings, equipments, publishing houses, printing houses, etc., as well as other material goods, necessary exclusively for the provided for in their statutes.

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The parties' and socio-political organizations' right to own properties is regulated by the legislation.

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The parties or socio-political organizations have the right to benefit





from their buildings and other goods, according to the lease contracts made up with other persons.

The parties and socio-political organizations cannot own: land, industrial units, cooperative societies, and cannot carry-on trade activities.

The parties and socio-political organizations are not allowed to possess weaponry, explosives, ammunition, or any other materials which may endanger the life of the citizens.

**Article 17: The financial support for the parties and other socio-political organizations**

The financial support for a party or socio-political organization consists of its members' registration and monthly subscriptions.

**Article 18: The use of the income**

According to the legislation, and exclusively in order to accomplish the purposes mentioned by its statute, a party or socio-political organization may set up enterprises or administrative organizations, which have the right to be juridical persons.

The benefits produced by those enterprises and organizations cannot be divided among the members of the party or socio-political organization.

Those benefits are to be used only for the purpose of accomplishing the

statutory provisions.

The members of parties or other socio-political organizations have no right to the benefits of their organizations, and they are not responsible for their debts.

The use of the benefits for charitable activities is allowed independently to the provisions of the statute.

The parties and socio-political organizations must publish an annual report about their incomes, sources, and until February 1st of next year, must present to the financial authorities a declaration about their financial activity for that year.

#### Article 19: The right to circulate information

The parties and other socio-political organizations have the right to make public, in written, verbal, or any other form, information about their activities, to propagate their ideas, purposes, and programs. They also have the right to establish their own mass-media means, except radio and television, and to use state mass-media, according to the legislation in force.

#### Article 20: The right to hold rallies

The parties and other socio-political organizations have the right to

manifest and to call for meetings or demonstrations, as established by the legislation.

IV. The control of the parties' and other socio-political organizations' activities

**Article 21: The supervising and control of the activities of the parties and other socio-political organizations**

According to the fiscal legislation, the financial authorities exert control over the sources of income of the parties and other socio-political organizations, and also the over tax-payment.

The Justice and the Public Prosecutor's Department exert control over the conformation to the statute's norms by a party or socio-political organization, as well as the supervision of its compliance to the legislation.

**Article 22: The responsibility of the parties and other socio-political organizations**

If a party or a socio-political organization prejudices by its illegal

action the interests of the state, citizens, organizations, or other parties or socio-political organizations, then that party or socio-political organization must compensate the damaged parts for their losses, out of its own sources, according to the legislation.

V. On suspending and dissolving the activities of a party or other socio-political organization

Article 23: The suspension of the activities of a party or other socio-political organization

The Justice Ministry will suspend the activity of a party or socio-political organization in case that it has infringed upon the Constitution or the present Law.

In this case, the Justice Ministry will inform in writing the ruling body of the respective party about the violation of the law that has been committed and will establish the term for removing it.

During the electoral campaign, only the Supreme Court can suspend the activity of a party or socio-political organization.

As long as a party or socio-political organization is suspended, it is not allowed to use mass-media, to make agitation, propaganda, or to participate in the elections.

After removing the violation, the party or socio-political organization will inform the Justice Ministry, which, in a period of five days, will authorize the party or socio-political organization to resume its activity.

A party or socio-political organization can be suspended for at most six months. The activities of a party or socio-political organization may be suspended for one year in the following situations:

- the violation is not removed.
- within less than one year, the law is infringed again.

**Article 24: The cessation of the activity of a party or socio-political organization**

The activity of a party or socio-political organization will cease in these cases:

- the party or socio-political organization is dissolved by itself, according to the statute.
- the party or socio-political organization is dissolved by the decision of the Supreme Court.

**Article 25: Penalization dissolving**

In case that a party or socio-political organization infringes the Constitution or the present Law again during one year after it has been

suspended, as an answer to the request of the Justice Ministry, the Supreme Court may suspend the activity of that party or socio-political organization.

The State Prosecutor has the right to ask for the suspension of the activity or the dissolving of any party or socio-political organization, reasoning his request to the Supreme Court.

#### Article 26: The appeals

A party or socio-political organization can appeal against the decision by which its statute was not registered or by which it was suspended or dissolved. The appeal will be sent to the Supreme Court, which shall examine it within five days.

### VI. Final Provisions

#### Article 27: The right to have international connections

According to their statute and to the provisions of this law, parties and other socio-political organizations have the right to enter into international associations, to have direct links and international connections, and to sign agreements.

**Article 28: Application of the norms of international treaties**

In case that an international treaty signed by the Republic of Moldova has diverging norms with this Law, then the norms of the treaty are to be applied.

The President of the  
Republic of Moldova

Mircea Snegur

Chişinău, September 1991

**VI. DECREE ON ENACTING  
THE LAW OF THE REPUBLIC OF MOLDOVA  
"ON PARTIES AND OTHER SOCIO-POLITICAL ORGANIZATIONS"**

Adopted September 17, 1991

Signed by the Chairman of Parliament,  
Aleksandru Moshanu

Published in Collection of Legislative Acts for the Elections to Parliament,  
Parliament of Moldova, October 28, 1993

Translated by the Washington D.C.-based staff of  
the International Foundation for Electoral Systems, December 18, 1993



**DECREE ON ENACTING  
THE LAW OF THE REPUBLIC OF MOLDOVA  
"ON PARTIES AND OTHER SOCIO-POLITICAL ORGANIZATIONS"**

The Parliament of the Republic of Moldova resolves:

1. The Law on parties and other socio-political organizations shall take effect from the day of its publication.
2. Henceforth, until the legislation of the Republic of Moldova is brought into accordance, the aforementioned Law shall act as the legislation concerning parties and other socio-political organizations which does not contradict the aforementioned Law.
3. Parties and other socio-political organizations registered and active before the bringing into operation of this Law are obligated to re-register in the course of 6 months from the day of the bringing into operation the aforementioned Law.
4. The organizational-structural subdivisions of all parties and other socio-political organizations active in work collectives of ministries, departments, enterprises and institutions are subject to liquidation in accordance with Article 12 of the aforementioned Law.
5. The government of the Republic of Moldova within a 10 day period shall:
  - Shall develop and ratify regulations concerning the method of registration of parties and other socio-political organizations;
  - Establish measures for the collection of fees for the registration charters of parties and other socio-political organizations and determine the method of their collection;
  - Resolve organizational questions related to the establishment within the Ministry of Justice a special service for the registration of the charters of parties and socio-political organizations and control over the inspection of them demanded by this legislation.

Within a two month period:

- To bring forth acts of this legislation and its decisions in accordance with the



aforementioned Law;

- To introduce to Parliament conforming regulations for changes in the citizen, administrative and criminal legislation in parts of responsibility for violation of the aforementioned Law.
6. The Order of Presidium of the Supreme Soviet of the Moldavian SSR of August 25, 1989, number 3459-XII "On the Temporary Order of Registration of Social Unions of Citizens in the Moldavian SSR" in sections pertaining to parties and other socio-political organizations from the day of bringing into operation the Law "On Parties and other Socio-Political Organizations" shall be eliminated.

**CHAIRMAN OF PARLIAMENT  
ALEKSANDRU MOSHANU**

**Chisinau, 17 September, 1991  
Number 719-XII.**

*NOTE: Unofficial translation by Christopher Siddall, IFES Senior Program Officer, from the Russian-language version of the original Romanian-language legislation.*



**VII. THE LAW ON INTRODUCING  
CHANGES AND ADDITIONS TO THE LAW  
"ON PARTIES AND OTHER SOCIO-POLITICAL ORGANIZATIONS**

Adopted October 19, 1993

Signed by the President of the Republic of Moldova,  
Mircea Snegur

Published in Collection of Legislative Acts for the Elections to Parliament,  
Parliament of Moldova, October 28, 1993

Translated by the Washington, D.C.-based staff of  
the International Foundation for Electoral Systems, December 18, 1993

## THE LAW ON INTRODUCING CHANGES AND ADDITIONS TO THE LAW ON POLITICAL PARTIES AND OTHER SOCIO-POLITICAL ORGANIZATIONS

The Parliament of the Republic of Moldova has adopted the present Law.

Article I. In The Law on Political Parties and Other Socio-political Organizations Number 718-XII of 17 September, 1991 the following changes and additions shall be included:

1. Article 10 shall be written in the following form: "The financing of parties and other socio-political organizations and the transferal of property to them shall be prohibited for:
  - foreign states, foreign individuals and legal entities, and individuals without citizenship;
  - state organs, state enterprises, organizations and institutions with the exception of financing in accordance with the present legislation of elections for the representative organs of state power;
  - joint-ventures in which more than 20% of the capital is foreign or owned by a foreign state or founder;
  - all unregistered citizen's unions;
  - any anonymous persons.

Parties and other socio-political organizations do not have the right to open their accounts in foreign banks and keep any monetary sums in them."

2. Article 14: The words "reproduce the state symbols and" shall be added after the words "They must not."
3. Article 15: In Section 2, Subsection 4 of the Article, the phrase "to have" shall be replaced with "to found and own."
4. Article 16: In Section 4 the following words shall be added: "with exception of cases mentioned in Article 17."



5. Article 17 shall be written in the following form:  
The finances of parties and other socio-political organizations may be formed from registration and membership fees, profits received from the activity of mass media, sale of socio-political literature, sale of other propaganda and agitation materials manufactured with their own symbols, from the holding of festivals, exhibitions, lectures, other measures, from the voluntary contributions, donations by physical and legal entities, with the exception of cases indicated in the first part of Article 10, and also from other sources not prohibited by law.

6. Article 18: Sections 2 and 3 shall be written in the following form: "Income received from the activities of parties and other socio-political organizations may not be distributed among their members and should be used solely for the achievement of prescribed goals.

Members of parties and other socio-political organizations do not have the right to income and property of parties and socio-political organizations and do not carry the responsibility for their debts;"

In Section 5 after the words, "about the source of their income," the following words shall be added: "and about expenditures."

7. Article 21: Section 2 shall be written in the following form: "Control over the observance by parties and other socio-political organizations of the norms of the regulations is to be carried out by the Ministry of Justice. Its representatives may be present during any events conducted by parties and other socio-political organizations and may ask for required documentation and clarifications."

The following text shall be added to Section 3: "Supervision of the compliance by parties and other socio-political organizations with the legislation shall be conducted by the organs of the public prosecutor."

8. Article 22: The words "physical and legal entities" shall replace the words "its enterprises, institutions or organizations, citizens, other parties, and socio-political organizations."

9. Article 23: In section 4 after the words "propaganda, agitation" the following words shall be added: "conducting banking operations or other operations concerning property."

ARTICLE II: "This law comes into force upon the day of publication".

**PRESIDENT OF THE REPUBLIC OF MOLDOVA  
MIRCEA SNEGUR**

**Chisinau, October 19, 1993  
Number 1615-XII.**

*NOTE: Unofficial translation by Irina Zaslavskaya, IFES Program Assistant, and Christopher Siddall, IFES Senior Program Officer, from the Russian-language version of the original Romanian-language legislation.*

**VIII. POLITICAL PARTIES AND SOCIO-POLITICAL  
ORGANIZATIONS**

Revised September 23, 1993

Published by the Ministry of Justice of the Republic of Moldova

Translated by the Washington, D.C.-based staff of the  
International Foundation for Electoral Systems, January 5, 1994

**Political Parties Registered in Conformity with the  
Law on Parties and Socio-political Organizations  
as of September 23, 1993**

<b>Num.</b>	<b>Name of Political Party/Socio-political Organization by Date of Registration</b>	<b>Tel. Number</b>	<b>Intial Member -ship</b>	<b>Address of Headquarters</b>	<b>Leadership</b>
1	International League of Youth	244037 221905	700	Strada Cogalniceanu, 87	A. Tanas V. Cuciuc I. Aleodor
2	Agrarian Democratic Party	266667 246144	8928	Bulevardul Stefan cel Mare, 168	Dumitru Motpan Val. Ciubotaru A. Talmatky
3	Union of Youth	263050 263400 263016 263654	11200	Strada Melestiu, 7	Petru V. Gafton Eugen V. Puskin
4	Association of Former Political Prisoners and Victims of Repressions	722022	300	Strada Iorga, 5	Alexandru Usatiuc



Num.	Name of Political Party/Socio-political Organization by Date of Registration	Tel. Number	Intial Member-ship	Address of Headquarters	Leadership
5	Association of Women	233500	10000	Strada Mateevici, 109/1	Ludmila Scalnii
6	National Christian Party	574011	3450	Strada Cuza-Voda, 19/2, ap. 119	Vladimir Nicu
7	Democratic Movement "Dignity"	8-257 98-295	370	Sat, Caragas, Slobozia Strada S.Lazo, 71	I. Ivanov O. Girla Iurie A. Zanosiev
8	Popular Christian and Democratic Front	225064	18000	Strada Jukovski, 5	Mircea Druc Iu. Rosca
9	The Womens League of Christian Democrats	264028 248325 242690	15000	Strada Banulescu-Bodoni, 7	Leonida Lari Natalia Buliga
10	The Democratic Party of Moldova	729888 739434 739972 325632	315	Strada Sfatul Tarii, 56	Palazov Cornel Staicov Gh. Ghimpu Omanet
11	The Democratic Christian Party	725847 248523 222661	1050	Strada 31 August, nr. 70	A. Dubrovski Ion Jigau

Num.	Name of Political Party/Socio-political Organization by Date of Registration	Tel. Number	Initial Member-ship	Address of Headquarters	Leadership
12	The Ecological Party "The Green Alliance"	212359 264469 579636 530299	790	Strada Puskin, 24	Sv. Arionescu Alecua Renita
13	The Movement for the Equality of Rights "Unity (Edinstvo)"	264215 251443	340	Strada Hincesti, nr. 78	P. Sornicov V. Solonari
14	The Social Democratic Party	234522 264215 265173 223325 223897 226618	300	Strada Cogalniceanu, nr. 11	A. Coselev O. Nantoi Iurie Filip
15	The Organization of the Christian Democratic Youth	224514	310	Strada Alexandru cel Bun, 43	Valeriu Babara
16	The Socialist Party	723237 628897 221444	300	Sosea Hincesti, bl. 60/1, ap. 69	Valeriu Senic Aurel Cepoi Vladim. Ianicu Lascionova

<b>Num.</b>	<b>Name of Political Party/Socio-political Organization by Date of Registration</b>	<b>Tel. Number</b>	<b>Intial Member -ship</b>	<b>Address of Headquarters</b>	<b>Leadership</b>
17	The Republican Party	213977 262849 265958	337	Strada Melestiu, 7	Gh. Mazilu V. Cozma T. Dani M. Camerzan A. Rotaru
18	The Association of Victims of the Totalitarian Communist Regime	244619	413	Strada Izmail, 84, ap. 24	M. Morosanu
19	The Movement of the Volunteers	2-42-66	316	Causeni, Strada D. Kantemir, 14, "B", 21	Nic. Barladeanu
20	The Organization of the Radical Democratic Youth	223594		Strada Tighinei, 47, et. 3, cab. 34	
21	The Party of Reform				Stefan Gorda Anatol Salaru
22	The Communist Party				Eugeniu Sobor Ion Tim. Gutu
23	The Congress of Intellectuals	244341 245249			Nicolae Negru Vas. Nedeliuc

## **IX. IFES ELECTION CALENDAR**

**Based on the October 14, 1993 Law on Elections to Parliament**

**Prepared by the Washington, D.C.-based staff of the  
International Foundation for Electoral Systems, December 18, 1993**

**Unofficial Election Calendar for the  
Moldovan Parliamentary Elections**

**February 27, 1994**

# **UNOFFICIAL ELECTION CALENDAR FOR THE FEBRUARY 27, 1994 MOLDOVAN ELECTIONS**

## **Introductory Explanation**

This election Calendar was compiled by the staff of the International Foundation for Electoral Systems and is based on the Law on Elections of Parliament which was promulgated on October 14, 1993. A complementary Order of Implementation of the Law on Elections to Parliament was issued on October 19, 1993 which states among other exceptions for February 27, 1994 that all functions of the District Election Commissions (DECs) shall be performed by the Central Election Commission (CEC). This exception is made necessary by the fact that for these first post-Soviet elections no election districts will be formed. All members of parliament will be elected in one nation-wide election district. Precinct Election Commissions (PECs) will be set up all over the country with the possible exception of some areas populated by the Gagauz and on the left bank of the Dniester River, where voting may be conducted by absentee ballot. Calendarization is based upon the deadlines defined by law and are therefore subject to fluctuation.



<b>DATE</b>	<b>TIMING DEFINED BY LAW</b>	<b>ACTION</b>	<b>ACTOR</b>	<b>ARTICLE OF LAW</b>
October 27, '93	4 months before election day	Elections scheduled	President	7.1
October 27	4 months before election day	Parties and sociopolitical organizations wishing to nominate candidates must be registered with the Ministry of Justice	Parties and Socio-political organizations	8.1
October 27	Day that election is made public	The election campaign shall begin	Candidates, parties, socio-political organizations and voter blocs	40.1
Dependant upon date of request	Within 5 days after requests are submitted (after beginning of election)	Shall provide for publication of election programs in the republic and local press	CEC and DEC	42.3
October 30	2 days before open session	Open session of Supreme Court to nominate CEC members is announced	Chairman of Supreme Court	10.2
November 1	5 days after scheduling elections	Through a secret vote at an open session five Supreme Court members are nominated to be CEC members	Supreme Court	10.2



<b>DATE</b>	<b>TIMING DEFINED BY LAW</b>	<b>ACTION</b>	<b>ACTOR</b>	<b>ARTICLE OF LAW</b>
November 1	5 days after scheduling elections	Commission Chairman elected by a secret vote	Supreme Court judges elected to CEC	10.3
November 1	5 days after scheduling elections	District election commissions formed		12.1
November 1	5 days after scheduling elections	Determination of place for locating election campaign materials	Organs of local self-government	43.1
November 4	8 days after scheduling elections	Deputy chairman & secretary of DEC elected; list of DEC members, location, and telephone numbers published; and CEC notified (except for the 2/27/94 elections in which the CEC shall perform the functions of the DEC)	DEC Members (except for the 2/27/94 elections in which the CEC shall perform this function)	12.3
November 6	10 days after scheduling elections	Central Election Commission formed		10.1
November 6	5 days after CEC Chairman elected	Proposals for full CEC membership submitted	Parties, Socio-political organizations and voter blocs	10.5



<b>DATE</b>	<b>TIMING DEFINED BY LAW</b>	<b>ACTION</b>	<b>ACTOR</b>	<b>ARTICLE OF LAW</b>
November 11	15 days after scheduling elections	List of voter districts made public w/ boundaries and locations of the electoral commissions, # of voters, and # of seats	CEC Members	23
November 9	3 days after CEC membership filled	Deputy Chairman & Secretary elected; composition, location, and contact information made public	CEC Members	10.7
November 4, 1993-January 17, 1994	40 days before election but not before 3 days after the DEC is fully formed	Proposals regarding candidates shall be submitted to the electoral districts and presented to the DEC's	Citizens	30.1
January 5	10 days after electoral precincts formed	Chairmen of PEC approved	Council of commune or city or municipal organ of the DEC	14.2, 21.1
January 5	10 days after electoral precincts formed	One representative must be proposed for each PEC	Parties, socio-political organizations and voter blocs	27.4, 21.1

<b>DATE</b>	<b>TIMING DEFINED BY LAW</b>	<b>ACTION</b>	<b>ACTOR</b>	<b>ARTICLE OF LAW</b>
January 8	3 days after filling PEC positions	Elect from members deputy chair & secretary and report to DEC	PEC Members	14.9
January 28	30 days before election	Registration of candidates shall end	Candidates	30.2
January 28	30 days before election	Registration deadline for replacement of recalled candidates already submitted as well as registration deadline for all candidates	Replacement candidates	35.4
January 27	30 days before election	Precinct Electoral Commissions (PEC) formed	council of the commune or city or municipal organ of the DEC and parties, socio- political organizations and voter blocs	14.1

<b>DATE</b>	<b>TIMING DEFINED BY LAW</b>	<b>ACTION</b>	<b>ACTOR</b>	<b>ARTICLE OF LAW</b>
January 29	3 days after candidate registration	List of candidates shall be published with info on independent candidates	DEC (except for the 2/27/94 elections in which the CEC shall perform this function)	30.3
February 2	25 days before election	Appeal proposed candidates	Citizens, parties, socio- political organizations and voter blocs	36.1
February 4	2 days after appeal of proposed candidate received	Complaints regarding questions of registration of candidates shall be considered	Court in the location of the electoral district	36.2
February 5	24 hours of complaint	Possible to submit an arbitration complaint to a higher authority	Citizens, parties, socio- political organizations and voter blocs	36.3

<b>DATE</b>	<b>TIMING DEFINED BY LAW</b>	<b>ACTION</b>	<b>ACTOR</b>	<b>ARTICLE OF LAW</b>
February 7	2 days after receipt of arbitration complaint	Arbitration complaint shall be considered	Higher court	36.3
February 7	20 days before election	Voter rolls shall be submitted to the PECs and posted in public in the premises of voter precincts	Corresponding official's office	14.3
February 8	24 hours of submission of voter rolls	Changes to the voter rolls must be submitted to the PECs	Corresponding official's office	27.5
February 9	2 days of roll posting	Complaints from voters shall be considered and necessary corrections made, or justified decision to reject complaint issued to the applicant	PEC Members	28.1
February 17	10 days before election	Electoral ballots shall be manufactured	DEC (except for the 2/27/94 elections in which the CEC shall perform this function)	38.3, 13.i

<b>DATE</b>	<b>TIMING DEFINED BY LAW</b>	<b>ACTION</b>	<b>ACTOR</b>	<b>ARTICLE OF LAW</b>
February 25	2 days before election	Printed ballots shall be sent to the PECs and transfer document filled out	DEC (except for the 2/27/94 elections in which the CEC shall perform this function)	38.4, 13.i
February 25	2 days before election	A decision of the PEC may be appealed to the court where the electoral precinct is located	Voter	28.2
February 26	1 day before election	Election campaign shall end	Candidates, parties, socio-political organizations and voter blocs	40.1
February 27	<b>Election Day</b>	All campaigning prohibited with exception of campaign material previously posted outside the polling place	Candidates, parties, socio-political organizations, and voter blocs	43.7
February 27	<b>Election Day</b>	At 0700 the chairman of each PEC (with no less than 1/2 of the members present) checks and seals ballot boxes; checks voter rolls, ballots, and seals; and then announces the beginning of voting	PEC Chairmen	50.1

<b>DATE</b>	<b>TIMING DEFINED BY LAW</b>	<b>ACTION</b>	<b>ACTOR</b>	<b>ARTICLE OF LAW</b>
February 27	<b>Election Day</b>	Voting in individual electoral precincts may be extended no more than 2 hours past 2000	DEC (except for the 2/27/94 elections in which the CEC shall perform this function)	48.2
February 27	<b>Election Day</b>	Voting may be extended until 2400 hours	CEC	48.3
February 27	<b>Election Day</b>	PEC chairman shall announce the termination of voting and close the electoral precinct	PEC chairmen	53.3
Undetermined	24 hours after establishing parties that have not surpassed 4% threshold	Report information on parties that have not passed 4% to DEC and to the public	CEC	11.1.k
February 28	24 hours after the announcement of closing	The record, complaints, ballots declared invalid, unused, or protested, and stamps of the electoral precinct shall be turned over to the DEC in a sealed box	PEC chairmen	55.4

DATE	TIMING DEFINED BY LAW	ACTION	ACTOR	ARTICLE OF LAW
Undetermined	Elections declared legal by Constitutional Court (Performed by Supreme Court in plenary for the Feb. 27, 1994 elections)	Term of office of electoral commissions expires		20.1
Undetermined	Within 24 hours after elections declared legal	Shall draw up a record which indicates the # of valid votes cast for each party, socio-political organizations, or voter bloc and submit it to the CEC	DECs (except for the 2/27/94 elections in which the CEC shall perform this function)	56.1
Undetermined	Within 24 hours of receiving records of valid votes cast	Sends to DECs result information including voting in the country and its decision to exclude parties, socio-political organizations and voter blocs which have NOT garnered 4% of the valid votes in the country as a whole	CEC	56.3

<b>DATE</b>	<b>TIMING DEFINED BY LAW</b>	<b>ACTION</b>	<b>ACTOR</b>	<b>ARTICLE OF LAW</b>
Undetermined	After receiving decision from CEC	Begin to distribute the deputy seats among the parties, socio-political organizations, voter blocs and accredited independents	DEC (except for the 2/27/94 elections in which the CEC shall perform this function)	57.1
Undetermined	Within 24 hours after summing up results and distributing seats	Send under police guard to the CEC a record containing info specified by Article 57 and the list of deputies elected	DEC (except for the 2/27/94 elections in which the CEC shall perform this function)	60.1
Undetermined	Within 24 hours after summing up results and distributing seats	Send to the Constitutional Court a report on conducting the elections including lists of candidates, the record, and complaints	DEC (except for the 2/27/94 elections in which the CEC shall perform this function)	60.2



<b>DATE</b>	<b>TIMING DEFINED BY LAW</b>	<b>ACTION</b>	<b>ACTOR</b>	<b>ARTICLE OF LAW</b>
Undetermined	Within 3 days of summing up results and distributing the seats	Publish in the press the figures contained in the aforementioned record	DEC (except for the 2/27/94 elections in which the CEC shall perform this function)	60.3
Undetermined	Within 10 days of the Constitutional Court receiving report via DEC	Give a conclusion about the legality of the elections for each electoral district	Constitutional Court (Performed by Supreme Court in plenary for the Feb. 27, 1994 elections)	61.1
Undetermined	Within 24 hours of concluding the legality of the elections	Send conclusions to the CEC and the DEC's	Constitutional Court (Performed by Supreme Court in plenary for the Feb. 27, 1994 elections)	61.1

<b>DATE</b>	<b>TIMING DEFINED BY LAW</b>	<b>ACTION</b>	<b>ACTOR</b>	<b>ARTICLE OF LAW</b>
Undetermined	10 days after election is declared legal	Statements and complaints shall not be accepted for consideration	Constitutional Court (Performed by Supreme Court in plenary for the Feb. 27, 1994 elections)	61.1
Undetermined	Within 2 days of receiving the conclusions from the Court	Sign the report and deliver it and lists of registered candidates, the records of summing up the results, and conclusions of the Court regarding recognition of the authority of deputies and the formation of the parliament	CEC Chairman & CEC	62.2
Undetermined	After elections are declared legal & recognition of authority of deputies & formation of Parliament	Term of office of the Central Electoral Commission expires		20.2
Undetermined	In the last 12 months before expiration of the term	Partial elections shall NOT be conducted for a deputy seat		65.2

<b>DATE</b>	<b>TIMING DEFINED BY LAW</b>	<b>ACTION</b>	<b>ACTOR</b>	<b>ARTICLE OF LAW</b>
Undetermined	No more than 3 months from the day of application is submitted to the president or the chairman of parliament	Partial elections shall be conducted in keeping with present law		65.3
Undetermined	Within 2 months after the completion of voting	Parties, socio-political organizations, voter blocs which have NOT garnered 4% of the valid votes and independents not elected as deputies shall return the credit received from the state budget.	Parties, socio-political organizations, voter blocs & independents not elected as deputies	68.13
Undetermined	Within 4 months after the completion of voting	Remaining Parties, socio-political organizations, voter blocs shall return the credit received from the state budget	The remaining Parties, socio-political organizations, and voter blocs	68.13
February 27, 1998	4 years after election day	Term of parliament ends		6.4

DATE	TIMING DEFINED BY LAW	ACTION	ACTOR	ARTICLE OF LAW
<b>IF ELECTIONS ARE NOT DECLARED LEGAL</b>				
Undetermined	Within 24 hours after DEC receives results from electoral precincts	If elections are NOT declared legal actions related to the election shall be suspended and referred to Article 64	DEC (except for the 2/27/94 elections in which the CEC shall perform this function)	56.1
Undetermined	2 weeks after elections declared invalid	Repeat elections must be held with the same candidates and same voter rolls	CEC	64.1
Undetermined	Within two weeks after formation of new commission new elections shall be held	If repeat vote is called invalid the corresponding precincts or districts must disband their electoral commissions and form a new commission	CEC	64.5