



CENTRAL ELECTORAL COMMISSION OF THE REPUBLIC OF MOLDOVA

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DECLARATION OF CONDUCT

as regards the conditions and provision of financial, tangible and intangible support for the election campaign related to the parliamentary elections and the consultative republican referendum of 24 February 2019

Article 1. General Provisions

We, the representatives of political parties, electoral blocs, independent candidates, referendum participants, as well as other actors directly or indirectly involved in the election campaign as per Article 22(1)(r) of the Electoral Code, being

- AWARE of the importance of elections for building a democratic society;
- INTERESTED in the democratic conduct of the electoral process;
- COMMITTED to the use of the highest standards of integrity and good faith in the implementation of the existing legal framework on financing the activity of political parties and election campaign by political parties and election candidates;
- GUIDED by the need to overcome the climate of mistrust among parties;
- DETERMINED to strengthen the safeguards for free and fair elections during the election campaign for the parliamentary elections and the republican consultative referendum scheduled for 24 February 2019; have agreed as follows:

Article 2. Object of Regulation

The Declaration of Conduct as regards the conditions and provision of financial, tangible and intangible support for the election campaign (hereinafter referred to as the Declaration), regulates the conduct of political parties, electoral blocs, independent candidates, referendum participants in the election campaign and aims to ensure transparency of financing and supporting the election campaign, to counteract the misuses, including those of administrative resources, as well as to create uniform standards of conduct.

Article 3. Definitions

Misuse of administrative resources – use of public function and resources (including those of law enforcement, staff, financial, material, and other resources) by politicians or political parties to promote themselves during the elections in violation of legal rules and responsibilities and/or other rules governing the exercise of public office.

Corruption of voters – offering or giving money, goods, services or other benefits in order to determine the voters to exert or not their voting rights during the parliament and local elections or referendums.

Donation – money, goods or services provided free of charge or below the market price.

Anonymous donations – money, goods or services provided to a political party, electoral bloc, independent candidate by a donor with a hidden identity, or one that indicated incorrect data.

Financing of election campaigns – direct and/or indirect financing, and other material support of the election candidates by the state, individuals and/or legal entities.

Direct financing – support of a political party, electoral bloc or independent candidate during the election campaign using their own funds and/or by an individual or legal entity.

Illegal financing of the election campaign – forgery of reports on election campaign funding with a view to substituting or concealing donors' identities, the amount of accumulated funds or the destination or amount of used funds.

Indirect (illegal) financing – a donation made by an individual or legal entity through an intermediary, in order to avoid the restrictions prescribed by law, or a donation made by an individual or legal entity on behalf of a third party. For instance, donations from abroad, transferred through a Moldovan citizen who is in the country, in order to circumvent the ban on foreign financing.

Financing on behalf of a third party – expenditures made by an individual and/or organisation, independent of a political party, electoral bloc or independent candidate or by a third party affiliated with an entity/controlled or created by a person associated to a political party, electoral bloc, independent candidate, in order to promote or to oppose a political party, electoral bloc or independent candidate.

Financing of a political party – direct and/or indirect financing by offering, allocating or transmitting financial, material or other means from the state, individuals and/or legal entities to a political party.

Direct public financing – allocation of subsidies from state budget sources to political parties in order to finance their activity or provision of material support to election candidates by granting interest-free credits.

Indirect public financing – provision of resources having monetary value for the election campaign (rental of state-owned premises; public billboards; free access to national TV and radio broadcasters, etc.) to political parties and independent candidates by the state, in line with the legal provisions.

Supervisory and control body – an authority that receives financial reports from political parties, election candidates, referendum participants, then it reviews them and, should it find that the law was violated, the authority has the right to apply or request sanctions.

Misuse of institutional administrative resources – use of office equipment, means of transport, government structures, subordinate civil servants and other publicly financed material and human resources, for organising and carrying out both pre-election and election activities.

Coercive administrative resources – use of coercive methods against political opponents, their supporters and voters and to exert unjust influence over them.

Abuse of administrative media resources – provision of privileged conditions to the election subject or its candidate by media outlets financed from the state and local budgets.

Material (in-kind) support – any tangible (material) asset offered for free or cheaper than the market price to a political party, electoral bloc or independent candidate.

Non-material support – services or any other intangible (non-material) asset offered for free or cheaper than the market price to a political party, electoral bloc or independent candidate. For instance, this means offering own vehicle for free-of-charge use.

Article 4. General Principles

In financing the election campaign related to the parliamentary elections and the consultative republican referendum the signatories shall respect the principles of integrity, legality, equality, responsibility, impartiality and non-discrimination; shall acknowledge person's rights, freedoms and dignity; shall refrain from interfering in the work of electoral officials and accredited observers.

Article 5. Signatories

For the purpose of this Declaration, the term 'signatory' shall include:

- a) election candidates: parties, electoral blocs and independent candidates;
- b) referendum participants.

Article 6. Objectives:

We, the representatives of political parties, electoral blocs, independent candidates, referendum participants, as well as other stakeholders directly or indirectly involved in the election campaign undertake to reach the following objectives:

- a) comply with election law and other applicable legislation, as well as with the provisions hereof;
- b) submit correct and objective reports on election campaign financing, under the conditions provided for in Article 43 of the Electoral Code, as well as in regulations approved by the CEC;
- c) avoid all means and forms of voter corruption;
- d) respect the rules of financing political parties, election candidates, referendum participants, including direct/indirect public financing and/or tangible and intangible support through other activities by individuals, legal entities or third parties affiliated with political parties, including their members;
- e) use only financial resources obtained from legal activity carried out on the territory of the Republic of Moldova;
- f) provide donors' identity information and ensure transparency of revenues and expenses in the election campaign;
- g) eliminate any forms of indirect support for political parties, election candidates and referendum participants, whether tangible, intangible and/or on behalf of third parties;
- h) prohibit funding or any support, either direct or indirect, tangible and intangible from foreign individuals, international organisations, including international political organisations, and individuals who are not citizens of the Republic of Moldova;
- i) prohibit direct funding of or tangible/intangible support to election candidates from philanthropic organisations, charities, trade organisations and/or non-governmental organisations that contain identity elements, symbols, names of political parties or their representatives, of persons holding public dignity positions, of persons holding management/executive positions in political parties or in social-political organisations;
- j) prohibit any preferential treatment of election candidates due to their social status and/or held positions. Any person involved in electoral processes, regardless of his/her status, shall not misuse the legal administrative, institutional, coercive, media, and other resources in support of or against any political party, election candidate or referendum participant.
- k) inform and persuade members, persons of trust, treasurers and supporters not to violate this Declaration;

- l) build the capacities of political parties, election candidates, referendum participants, and other stakeholders, involved directly or indirectly in the election campaign, to manage their funds during the election campaign.

Article 7. Cooperation

Each signatory shall cooperate with:

a) electoral officials to ensure:

- clarification/review of cases alleging violation of the electoral legislation on financing of election campaigns;

- voters' access to information on election campaign financing, in accordance with the law;

b) accredited observers to create an environment enabling the review of the lawfulness of electoral campaign financing procedures;

c) signatories to take measures to ensure the electoral process integrity.

Article 8. Entry into Force

(1) This Declaration shall be signed at the Central Electoral Commission, where its original copy shall be stored and kept.

(2) The rules of conduct set forth in this Declaration constitute a moral obligation for its signatories, involved in the election campaign.

(3) This Declaration shall enter into force for each signatory at the time of its signature and shall be valid until the day when the final election results are confirmed by the Constitutional Court.

Signatories of this Declaration of Conduct:

On behalf of parties, independent candidates, electoral blocs, referendum participants	Date	Signature
