



# **“Electoral Support to Moldova” Project**

## **2008 PROGRESS REPORT**

for the meeting of the  
**Project Steering Committee**  
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# **Project Steering Committee report**

## **ELECTORAL SUPPORT TO MOLDOVA**

The project aims at supporting democratic development in Moldova through strengthening of the electoral processes over the 2009-2013 electoral cycles with immediate emphasis on the 2009 parliamentary elections.

### **Expected benefits**

- Increased accuracy of voter lists will increase the credibility of electoral processes;
- Enhanced participation of citizens will provide for a greater degree of representation in elected bodies;
- Greater staff motivation through capacity building will streamline procedures and improved infrastructure will enable the CEC to better manage elections;
- Greater transparency of the electoral processes will generate more credibility and hence legitimacy of the elected bodies;
- Improved electoral legislation and judicial handling of electoral issues will enhance management of electoral procedures, and will increase the degree of representation in elected bodies;

In the 2009 work plan the project has detailed its target activities for 2009 to support the anticipated benefits outlined above. These include

- 1 Establish a framework for an Electronic Information Management System including the electronic register of voters.
- 2 Support to conduct of out of country voting for the 2009 election
- 3 Capacity building for the CEC, including materials management and planning, electoral education for the CEC staff and other stakeholders.
- 4 Increased transparency of the electoral process through improvements to information and education and improvements to the CEC public affairs and media relations
- 5 Support on identification of improvements and changes that might be required to the electoral legislation, political party law and electoral disputes management and procedures.

The project team has been together since November 3 and spent the first two months of the project in establishing new offices, building relationships with the CEC and other local and international election support organizations including IOM, Council of Europe, IFES, NDI, Eurasia Foundation, IREX, ADEPT, LADOM, IRI and OSCE and reviewing available documents and reports on electoral activities in Moldova. These documents include the Electoral

legislation, Political Party Law, Venice Commission joint opinions, Observer reports from 2007 local elections, Eurasia's Pre-electoral context and opinion poll analysis, ICJ media needs assessment, amongst others. The project staff have also attended several conferences and made presentations to other electoral support organisations.

### **Legal/Legislative issues**

Reports and other documents have consistently highlighted four issues as major problematic area in electoral legislation :

#### **➤ THE REMOVAL OF PRE-ELECTION ALLIANCES (BLOCS):**

A number of articles have been changed to remove the possibilities for parties to form a pre-election alliance or a bloc. Such alliances tended to be formed for electoral purposes only and the parties making up the bloc would submit a common list of candidates for the parliament or local council elections. Such possibilities are often given in cases where there are many small parties contesting in constituencies of a small magnitude (few seats) or where the threshold for the first candidate is high. In Moldova, the whole country is one constituency for the parliamentary elections and the whole district, municipality or village is the constituency for local council elections. In addition, the threshold for winning seats used to be higher for blocs than for parties. The need for forming alliances has therefore been less than in countries with smaller constituencies.

Yet, combined with the increase of the threshold for parliamentary representation, the removal of the possibility for political parties and socio-political organisations to run in electoral blocs could further increase the amount of lost votes in parliamentary elections.

The Venice Commission recommended to lower the threshold for participating in allocation of seats to its previous level at 4%.

#### **➤ CHANGE OF THRESHOLD FOR WINNING SEATS IN THE PARLIAMENT:**

The threshold for winning seats in the parliament has been changed several times. In 2005, it was lowered from 6% to 4% for parties and from between 9 and 12% to 8% for blocs.

The April 2008 amendments to the Electoral Code have instead raised the threshold for participating in the allocation of seats from 4 to 6% of the valid votes in the country as a whole (Article 86(2)). The new 6% threshold is rather high (even though there are countries with even higher thresholds). Such a high threshold may lead to a high number of wasted votes.

The Venice Commission recommended that the thresholds for winning seats should not be increased and consideration should be given to introducing a single threshold for parties and coalitions to gain seats in Parliament.

#### **➤ POLITICAL PARTY REGISTRATION PROCESS**

Ministry of Justice registration of the political parties has been slow and opaque. Out of 28 parties that have requested registration, only seven have been granted political party registration. A number of opposition political parties and associations (Liberal Democratic Party of Moldova, People's Action Movement, European Action Movement, "Patriot's of Moldova" Party) face difficulties in registration at the Moldovan Ministry of Justice.

➤ **THE RIGHT TO BE ELECTED: DUAL CITIZENSHIP FOR CANDIDATES ISSUE**

A new paragraph to article 13(2) in the Electoral Code denies the right to "*be elected*" in parliamentary elections to "*persons who have, beside the Republic of Moldova nationality, another nationality for the position of deputy in the conditions of Art. 75*". Article 75(3) states that a person may stand as a candidate with multiple citizenships, provided he/she upon election denounces other citizenships than the Moldovan. This must be considered as an incompatibility.

Beyond the mere question of the wording, restrictions of citizens' rights should not be based on multiple citizenship. The Code of Good Practice in Electoral Matters quotes the European Convention on Nationality, ratified by Moldova in November 1999, which unequivocally provides that "*Nationals of a State Party in possession of another nationality shall have, in the territory of that State Party in which they reside, the same rights and duties as other nationals of that State Party.*" Moreover, this restriction could be a violation of the Convention for the Protection of Human Rights and Fundamental Freedoms, articles 3 of the first Protocol and 14 of the Convention.

The European Court of Human Rights has ruled that this restriction is not in compliance with the European Convention of Human Rights and European Convention on Nationality, ratified by the Republic of Moldova. The response from the government has been that the Republic of Moldova might appeal the decision to the Grand Chamber of the European Court of Human Rights.

The above issues will be areas of priority for review as part of the support provided on electoral legislation and disputes management. Terms of reference for a legal advisor to work with the CEC and other stakeholders in reviewing the legislative environment and the disputes management procedures have been developed. The legal advisor will also provide recommendations for change to the electoral legislation and capacity development for the CEC and other stakeholders.

### **Operational matters**

The CEC have highlighted two critical operational priorities for them:

**Electronic voters roll.** A tender for the development of software to enable enquiries by Precinct Electoral Bureau (Polling place) closed on 11 December 2008. Another tender was out for the purchase of the hardware to host the database and related equipment, this tender closed on 17 December. Assessments for the software tender have been completed. The results of the assessments have shown a very large gap between the offers from Moldovan companies and the

international offer; both financially and technically. The differences were of such as scale that further discussions with the qualifying tenderers indicated that the procurement process for the software solution would not result in selecting an offer.

The software for the Electronic roll would allow the Precinct Electoral Bureau (PEB) staff to check a persons' registration at the PEB back to a server that will host the State Register of Voters list database. The State Register of Voters is to be supplied by the Ministry of Information Development delimited for each PEB.

On Monday 19 January a meeting between UNDP and the CEC agreed that to postpone the electronic register of voters for the 2009 election and requested confirmation from the CEC that:

- 1 the procurement activities for the electronic registration solution, even if developed for the next election event, would still be conducted in 2009
- 2 The CEC confirm the intention to continue the activity, revise technical specifications and re-launch the tendering in first half of 2009.
- 3 the CEC can still commit the MDL 6,000,000 according to the signed agreement in the project budget. The funding committed by UNDP and the project donors (upcoming Euro 2,000,000 from the European Commission) was decided with the Government's commitment of MDL 6,000,000 already in place.

As a result of these discussions the project will need to reconsider the second tender for the hardware. If there are changes to the specifications for the software requirements an assessment of the impact of these changes will need to be completed to establish if the hardware specified is adequate to support the changed specifications, should there be any.

The second issue the CEC has as a priority is the development of the Results Tabulation System for election night. The CEC does not have the IT skills base to develop or support a Results Management System.

The CEC places a tender for the development of a Results Management System 60 days out from the election. The results on election night are then sent to the successful tenderer by each DEC. These results are then aggregated and sent to the CEC for public display on election night. The UNDP Elections team see this as a very high priority as results management and reporting by the CEC on Election Night is a very high profile activity. A longer term view is that the CEC should own and manage its own Results Tabulation System in order to enhance the perception of the integrity of the results, the accessibility of the results by the CEC and the media organisations and transparency of results reporting.

In order to build capacity and assist the CEC and the project to scope and properly project manage the IT development identified above in the CEC the Project has advertised for an IT specialist to work with the CEC in these areas. This IT specialist will also work with the CEC in the redevelopment of the CEC website.

## **Budget Issues**

The project is facing difficulty in getting the media elements required for the 2009 election produced in time to be effective for this election.

The projects ability to contribute to the development and production of information materials for the 2009 election is constrained by a lack of funds. A plan has been developed for a comprehensive information campaign by the CEC, however without funding this campaign will not go forward.

Lack of funds for civic education/voter information activities, as well as an unknown election date made it challenging to draft, implement and produce voter information activities.

CEC has made it clear that their budget for voter information is almost non-existent.

Alternate plans have been made for a minimal program, should funding not be forthcoming or late, by the CEC with other international and domestic electoral stakeholders to fund PSA production, while the project has planned fund the production of limited printed materials. (see PR report below for details)

### **Other matters**

As noted elsewhere in this report the Project team has established its offices within the same building as the CEC. This was a milestone for the Project team and had several immediate benefits including many more ad-hoc visits with and by the CEC, other international elections support projects and has improved visibility within the CEC and staff morale.

There will be a need for more office space for the project team as the recruitment of new staff proceeds. The project manager reports on this matter further in this report.

### **Out of Country Voting**

The conduct of this program is the responsibility of IOM. They have drafted a project plan and related activities. This project is not moving forward beyond this point as there is no funding available to the project.

Other difficulties with this project to date are:

- The CEC has not endorsed the IOMs recommendation of making voting available by mail
- The CEC requires voting to be conducted through an attendance ballot and only at Moldovan Embassies or Consulates

These conditions will not open voting to most of the Moldovan citizens abroad. It places the responsibility on the citizens of travelling to the consulates or embassies to exercise their franchise. Generally the embassies and consulates are not convenient to the elector, an example of this it that the only Moldovan Embassy in the USA is in Washington requiring a Moldovan citizen to travel to Washington to exercise their franchise, regardless of where they live. Other

problematic areas of this activity is that the embassies are generally small with restricted space and limited skills available in the embassy staff. IOM does have a training program planned for this project to train consular staff to manage the electoral procedures properly and improve electoral management at the embassy. However this will not enhance dramatically electoral turnout at the embassies/consulates.

The legislation that covers this area is a priority area for review, if the Moldovan government wants to enable participation by its citizens abroad.

## **Public relations /media information.**

### **I. Assessment and Needs identification (CEC)**

Introductory phase was advisory and included capacity building proposals. Meetings on topics prioritized by the CEC as urgent for December 08.

#### Advisory

- Civic education voter education strategic planning matrix produced with Vice Chair and civic education division head, including context assessment and timeline of activities for procurement.
- Proposed changes to the Code of Conduct political parties and media.
- Proposed changes or revision to terms of references in the CEC management tree (civic education branch).
- Presentation to three permanent members (Mr. Stirbu, Mr. Ciocan and Ms. Lapti) of public affairs/relations relevance as it relates to this CEC and proposals to improve internal communication flow.
- Powerpoint slides prepared for eventual illustration on strategic communication planning (inclusive of civic education section) and management tree required changes.

#### Capacity building

- CEC expressed a strong interest in media coaching sessions on press conferences, how to talk to TV and radio, give interviews, messaging etc, held on a regular basis.
- Internet website needs urgent face lift help in technical and content: website development, technical uploading documents and procedure to vet information placed on the website. This will be part of the overall communication/PR component strategy.

### **II. Prioritized activities**

Code of Conduct for media: most media have announced they would not sign the media code of conduct. The relations between political parties, media and regulatory body (CCA) is very strained. With the Council of Europe, the UNDP Consultant approached the CEC Secretary, to bring to Moldova a media regulatory institution (CSA -- Conseil Supérieur de l'Audio-Visuel, France) in order to involve stakeholders (CEC, CCA regulatory institution, media) in producing, if not a code of conduct, at least a gentleman's agreement to adhere to certain basics (ethical standards).

This event will take place on January 19<sup>th</sup> 2009. The CSA will hold separate meetings with the ACC, the CEC, RadioTVMoldova, the ICJ (Independent Center for Journalism) and other NGOs. All will join in a working session at the CEC to create a basic document that would set the 'standards' for the campaign. This should help to restore the image of the CEC by showing pro-activeness/initiate a Code of Conduct process for the media.

### **Voter Information for 2009 campaign**

This campaign has been developed in December 2008. A framework timeline of activities to support CEC in civic education activities and media relations (PR), with Vice Chair Ms. Lapti and Secretary Mr. Ciocan, has been developed. Very urgent priorities were:

- Voter education identification of messages (deregistration of the first time voters on the civil registry and re-registration in Chisinau for students; new voting procedures; dates of verification periods etc).
- Production of radio and TV PSAs, print material and other events.
- Procedures for the dissemination of material.

Several strategy sessions with Vice Chair Ms. Lapti, Secretary Mr. Ciocan and Civic and Voter Education Head Ms. Bordeianu, out of which basic documents (CEC SWOT analysis, Context Assessment for Voter Ed communication plan and Voters Needs Assessment (incl. demographic assessment) were developed.

A Voters Needs Assessment and Media penetration analysis based on statistical information from Ministry of Health (Gallup poll) has been developed with Head of Civic Ed Training (Ms. Doina Bordeianu). The findings have been broken down by location, age and gender, literacy level, media penetration were used to project information tools (audio-visual, print) and distribution mechanisms with Moldovan Institutions (Ministry of Social Protection, Family and Child, social assistants, Moldova Post Office) and international partners.

Media Plan (including messaging), operational timeline and tasking schedule has been finalized with Civic Education Division and Vice Chair. Five TV PSAs and five radio PSAs (extracted from audio), leaflets, billboard, bus banners were identified as communication tools to target specific segments. To enable this program some preliminary actions have been taken.

- Bid documents for production of TV and radio PSAs have been produced.
- Proposal and background information from production company AllTime have been received. In addition to the five TV PSAs and five radio PSAs, leaflets, billboard,

bus banners were identified as communication tools to target specific segments of the voter population. Proposal includes a website for general elections 2009.

Until funding becomes available, an alternative media plan has been developed. This plan is for the project to produce limited print material, leaving the CoE to produce three PSA spots, CEC one and ADEPT one.

Further meetings with NGOs have been held to on co-operation on voter education material dissemination.

### **Public relations (Public Affairs) and Media Center**

List of prioritized activities for the year 2009 on Public Affairs presented to CEC Secretary Mr. Ciocan and Head of Staff Ms. Axenia Artemii. These activities include: advise in internal communications and restructuring ToRs; Computer literacy training for CEC staff; training on Public Affairs for CEC permanent staff; media coaching sessions, public speech training, workshops on PR writing and production of audio-visual material, Strategic communication planning, restructuring of the CEC website and design, commissioning of a tracking poll (3) in 2009; setup and running of a Media Centre, establishing a CEC media monitoring cell, development of CEC's capacity (including Secretariat) to deliver training to reporters on electoral issues

- Media Center will be housed in the CEC. Project will procure for internet connections, telephones, faxes, television monitor screens and some computers for media use, linked to a results service, audio and video pool feeds. Expected reporters attendance on election day and night will be about 40 reporters.
- Project will merge web designer ToR with IT consultant for Registration will also work on CEC website development and maintenance, hire a Media Center Manager (local) and train him/her in public speech training (with permanent CEC members) and Public Relations writing.
- Project will hire a print Graphic and Web designer (local). Meeting with CEC IT Head to assess the results systems and how they can be tailored and proposed to the media.
- Project will commission a Tracking poll in January 09 to measure the effectiveness of CEC's external communication for 09/10/11 and civic education activities.

## FINANCIAL SUMMARY

The Financial Summary of project expenditures for 2008 with breakdown by activities and donors is provided in the table bellow.

	<b>UN Trust Fund</b>	<b>UNDP</b>	<b>Total</b>
Activity 1:	0	71572,61	<b>107670,49</b>
Activity 2:	0	0	
Activity 3:	0	0	
Activity 4:	36097,88	0	
Activity 5:	0	0	
<b>Total (USD)</b>	36097,88	71572,61	