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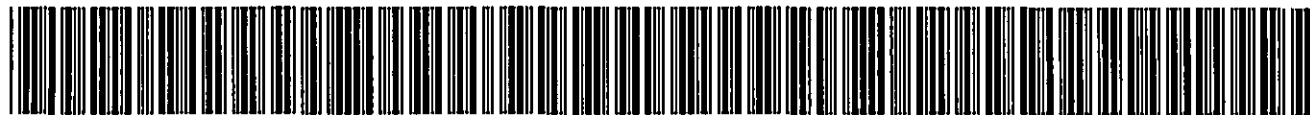
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Report to the
International Foundation for Election Systems

Technical Assistance Project

Republic of Moldova

November 22-24, 1998

Prepared by Paul DeGregorio
IFES Senior Consultant

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Background

Consultant Paul DeGregorio has provided technical assistance to the Republic of Moldova on five separate occasions since April 1995. During his visits, he has worked with the Central Election Commission, the presidency, the parliament, political parties and numerous non-government organizations involved in the electoral process in Moldova. The consultant is well-respected in Moldova and has provided assistance in the areas of election administration, election law changes, observer training, and voter and civic education. His presence in Moldova was part of IFES's continuing efforts to provide the Republic of Moldova with technical advice and assistance in the area of democracy and human rights.

Summary of Assistance

The Consultant spent three days (22-24 November 1998) in the Republic of Moldova to provide technical assistance to officials involved in the writing of electoral legislation and the implementation of election laws. Those he met with included Cornel Gurin, Andrei Funieru, Alexandru Cobzaru, and Ion Creanga of the legal department (Juridic) of the Moldovan parliament; Central Election Commission Chairman Dumitru Nidelcu and Anatol Puica, Secretary of the CEC; and Mr. Mihai Petrache, legal advisor to President Luchinski. During his discussions, the consultant was accompanied by IFES/Washington Program Officer Mike Conway, IFES/Moldova staff members Igor Bo_an, Principal Program Coordinator, and Mr. Gabriel Mumjiev, Program Coordinator. In addition to his meetings, the consultant provided IFES/Moldova with guidance regarding proposed electoral legislation and clarification involving decisions of the CEC.

During his discussions, the consultant listen to the concerns of the officials regarding changes needed in the current Moldovan code and gave advice to these officials and to IFES/Moldova regarding several proposals presented to him. The meetings are detailed on the following pages along with recommendations.

Meeting with Parliamentary Legal Committee (23 November)

*Present : Cornel Gurin, Andrei Funieru, Alexandru Cobzaru, Ion Creanga
Mike Conway, Paul DeGregorio, Igor Bo_an, Gabriel Mumjiev*

Members of the committee were concerned with several issues relating to the upcoming local elections expected in late Spring, 1999. Their concerns included:

1) Voter registration and identification. With so many people moving from the countryside to Chi_inau and, with many displaced people--some without a regular domicile--the committee sought suggestions and ideas which would allow such Moldovan citizens to participate in elections but, at the same time, to insure integrity in the registration and voting process. The consultant gave the group some ideas regarding the registration of homeless people, the proper identification of voters, and guidance to prevent fraud. One change to the law which was proposed was to have the a registration card issued to the voter and then have it stamped by the Precinct Election Commission when the voter receives a ballot. This is similar to a process which has been used in past elections. One idea which was proposed dealt with allowing "Homeless" citizens or those without a permanent or consistent address using the address of the local administration as their "official" domicile for the purpose of the election.

2) Distribution of mandates. The Moldovan Law on Elections is unclear regarding how the mandates will be distributed. Since under new legislation the number of rayons have been reduced from 40 to 13, this change--while welcomed--will precipitate a change in the boundaries and structure of the mandates. It appears that the CEC has the authority to determine the mandates but the methodology is not precise.

3) The participation of Transneister in the election. Based on current population and distribution system, the Transneister region would be allocated about 15 members of

parliament if it participated in the election. If the region did not, then their population would be added to that of the adjoining rayons. There appears to be continual logistical problems in securing an accurate voter list for the Transneister region. This is a problem which must be addressed.

Meeting the Central Election Commission (23 November)

*Present: Chairman Dumitru Nidelcu, Secretary Anatol Puica
Paul DeGregorio, Igor Bo_an*

Chairman Nidelcu indicated that his participation as an observer for the U.S. mid-term elections on 5 November proved to be very helpful in conceptualizing the complexities of conducting a major election. He expressed his profound appreciation to IFES for its expertise and specifically mentioned the professional assistance given to the CEC on a continuing basis by Igor Bo_an.

The Chairman and Secretary mentioned several problems with various parts of the code and other administrative logistics. They are described as follows:

- 1) Article 73. The Chairman brought up the problems with Article 73 of the election code which relates to the distribution of the mandates. The changes to this article contained in the draft do not make clear the method of distribution of the "voters number". Chairman Nidelcu said that changing this law will have a major effect on other portions of the law.
- 2) Threshold for independent candidates. The CEC recommends that the threshold for independent candidates be lowered to 1% (from the current 4%).
- 3) Draft law. Prior to (and in time for) the local elections in the Spring, the government will present a draft law to the parliament with changes to the election code. They anticipate that the changes made to the election code will be minor due to the political divisions in the

parliament and lack of consensus to pass significant reforms to the code.

4) Poll worker training manual. The CEC is in need of assistance to produce an adequate poll worker training manual which will detail the provisions of the electoral code, especially any changes which have been developed since the last nationwide election. The CEC indicated that the current situation is unacceptable. They specifically would like for IFES to provide assistance in this area. The CEC wants to develop a good "train the trainer" program so that there is more consistency and professionalism in the training process, particularly at the precinct level.

5) Voter Registration and Identification. In Moldova, the registration of the voters will be decided by the local administration. The CEC would like for the new judets to verify the voter registration records at least once per year. The consultant spoke of various methods used by other countries to develop adequate voter registration rolls. He also showed the CEC various samples of Voter Identification cards which have been used in other countries.

Meeting with Office of President (24 November)

*Present: Mihai Petrache, Legal Advisor to President Luchinski
Paul DeGregorio, Igor Bo_an*

Mr. Petrache said that at the time President Luchinski signed the current electoral code, he indicated that the code was defective and needed many improvements. Petrache said the President was placed into a difficult position when he was presented with the law because he was inclined to not sign it. However, because there were several technical matters in the law which were needed for the election, President Luchinski decided to sign it into law and propose changes at a later time.

Among the problems with the law cited by Mr. Petrache were:

1) Single Constituency Districts. President Luchinski has a problem with the current system of having a countrywide single constituency district. He would like to see the country divided into multi-mandate proportional districts. His argument is that such a system would bring the constituencies closer to their elected officials.

2). Pluralistic system. According to the Presidents' representative, this system is in its embryotic stage and still needs more review. He stressed again that there needs to be a closer linkage from the Members of Parliament to the people.

3) The proliferation of Political Parties. The current law encourages too many parties in the parliament. He believes that they need a new system which would help reduce the number of political parties represented in the parliament. At the same time, there should be minimal impediments to the establishment of political parties but higher thresholds for parties to have official representation in parliament. Any new system should encourage smaller parties to form coalitions.

4) Article 13; Candidate eligibility. A provision in the Constitution and the law regarding the "incompatibility of the position of with any other public or private positions" appears to make it difficult for some segments of Moldovan society to be candidates for the election. An example which was given was that a teacher, because he/she was considered a "public" position, would have to resign from the position of teacher for the duration of the election campaign. This law should be changed to allow for greater participation.

5) Threshold for entry into the parliament. They support the concept that any threshold requirement for the parliament be applied in a local constituency and not countrywide. It is their belief that this would prompt more competition at the local level.

The President's counsel said that he supported the work of the CEC to propose changes in the electoral code. The President supports the establishment of a Voter Identification Card which voters could present at the polling station and which would contain all information needed for the voter to prove their citizenship. Mr. Petrache suggested some kind of bar code to be added to the card so that eventually this information could be computerized and therefore eliminate duplication and voter fraud.

Finally, the Presidents' counsel expressed his appreciation to IFES for their continuing support and advice as the President and the Parliament continue to press forward to improve the democratic process in the Republic of Moldova.

Recommendations

Based on his discussions and a review of proposed changes in the Moldovan electoral code, the consultant makes the following recommendations.

- 1). *Continued Assistance.* IFES/Moldova should continue the excellent assistance it provides to all elements of Moldovan society involved in the development and implementation of democratic reforms. There is much more which needs to be done, especially during this time of great economic uncertainty. It is clear that the non-partisan professional assistance that has been provided over the past few years has helped to provide stability and has moved Moldovan democratic reforms forward. These efforts have earned IFES/Moldova the genuine respect of opinion leaders and officials from throughout Moldova. As Moldova moves towards conducting local elections for just the second time in its history, the CEC, parliament, presidency, and NGOs will continue to rely on IFES/Moldova for professional assistance.
- 2). *Poll Worker Training Manual.* The Central Election Commission has recognized the need for a professional training manual for those who work at the precinct election commission level. In fact, the Commission has indicated that it would welcome the assistance of IFES in developing such a manual. IFES should provide technical and other assistance to the CEC for such a project so that any manual which is developed is completed in a timely and professional manner.
- 3). *Voter Identification Card.* The CEC and others involved in the electoral process have expressed an interest in developing a proper voter identification card. Such a card could be used to prevent fraud. IFES should continue to work with the CEC and others involved in the electoral process to provide samples of voter identification cards which have been used in other countries.

- 4) *Voter Registration.* There have been serious concerns raised by the CEC, members of parliament and other groups that the voter registration system in Moldova needs to be improved. Specifically, there are worries over duplications and the lack of opportunity for those voters who have moved to be properly listed on the voter rolls. IFES should work with the CEC and parliament to address this issue and to propose ideas which could help to alleviate some of the problems which have been found in the past.