

# The 2020 Presidential Elections: Key challenges for the electoral process in Moldova

POLICY BRIEF

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## Executive summary

Moldova is set for presidential elections this autumn. Like in 2016, this predicts to be a tight race. The final election outcome could hinge on a few percent of votes of two key constituencies – the Moldovan diaspora and the residents of the Transnistrian region. Suppressing the vote of one constituency in the detriment of the other may be decisive in this election.

The diaspora votes predominantly for European pro-reform forces, and Transnistrian residents for Russia-leaning political forces. There are significant risks that Moldovan citizens residing in the Transnistrian region could be used in voter fraud schemes while the rights of the diaspora abroad may be further curtailed. Moldovan and international observers will have to ensure that respecting the rights of Transnistrian residents to vote in the Moldovan elections is not a carte-blanche for vote-buying and vote-selling.

Electoral bribery has become more sophisticated and complex over time. It requires a different, updated set of monitoring tools for the experts and organizations assessing the fairness of the election outcome.

The media environment is still highly concentrated despite international and civil society pressure to reform. There is no capacity to tackle propaganda and targeted fake news campaigns. Relevant public institutions have no will or capacity to enforce the law.

The Russian interference has been strongly present during the latest electoral campaigns either through illicit financial assistance to political parties, media support, the Orthodox Church, or outright fake news and propaganda. There is a heightened risk of this repeating again.

The currently unfolding health crisis and the possible reappearance of Covid-19 during the next cold season provide fertile ground for further abuses of power.

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## Introduction

Moldova is set for presidential elections this autumn where the incumbent pro-Russian President Igor Dodon is expected to run for re-election. The most likely opposition lead candidate is Maia Sandu, a pro-European former prime minister and leader of the Action and Solidarity Party (PAS). Both competed for the same post in 2016, when Igor Dodon won the runoff with a narrow difference of 67,488 votes, and a total of 52%. Similar to the previous elections, this is likely to be another close race.

The previous presidential elections were assessed to generally correspond to existing international standards.<sup>1</sup> Observers, however, pointed to several challenges to the electoral process. A shortage of ballots in polling stations abroad, an unusually high number of ballots cast by Moldovans residing in the separatist region of Transnistria, and the unofficial support both of public authorities and allegedly from abroad in the advantage of the incumbent president Dodon seem to have had an impact on the accuracy of the outcome.<sup>2</sup> In addition, the political control over Moldova's polarized media environment also influenced the election results.<sup>3</sup>

Based on the experience of previous national elections, systemic problems ahead of this presidential bid alongside several contextual challenges deriving from the unfolding Covid-19 crisis and its aftermath may endanger a free and fair electoral outcome.

After discussing the possible effects of the Covid-19 crisis on the presidential elections, this policy brief identifies five key problems that are likely to affect the outcome of the upcoming elections. The (1) likely manipulation of the Transnistrian vote, (2) traditional, but more sophisticated electoral bribing, (3) limitations on the diaspora's vote from abroad, (4) concentration of mass media, proliferation of propaganda and fake news, and (5) Russian interference through financial and media assistance from abroad are amongst the most serious areas of concern for the civil society and expert community in Moldova.

The lack of strong democratic institutions and a rigorous legal framework, existing ethnic and linguistic divisions that make the society highly vulnerable to geopolitical messaging, as well as the nostalgia for Soviet times predominantly amongst the elderly, are all pre-existing conditions that can exacerbate the impact of each of these problems.

To help increase the likelihood of a free and fair electoral process, this policy brief concludes with short- and medium-term recommendations for each of the identified challenges. These address both national authorities and Moldova's international partners.

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<sup>1</sup> ODIHR Election Observation Mission, "Moldova, Parliamentary Elections, 24 February 2019: Final Report," OSCE, May 22, 2019, <<https://www.osce.org/odihr/elections/moldova/420452?download=true>> (accessed April 25, 2020).

<sup>2</sup> Bertelsmann Transformation Index, "BTI 2018: Moldova Country Report," <<https://www.bti-project.org/en/reports/country-reports/detail/itc/mda/>> (accessed April 25, 2020).

<sup>3</sup> Mihai Mogildea, "Seize the press, seize the day: The influence of politically affiliated media in Moldova's 2016 elections," Freedom House, February 2018, <[https://freedomhouse.org/sites/default/files/2020-02/4-Seize-the-Press-Seize-the-Day\\_ENGLISH.pdf](https://freedomhouse.org/sites/default/files/2020-02/4-Seize-the-Press-Seize-the-Day_ENGLISH.pdf)> (accessed April 25, 2020).

## 1. Possible Effects of Covid-19 on the Presidential Bid

Since March 7, 2020 when the first case of infection was confirmed, a total of 3481 cases and 101 deaths were registered in Moldova (as of April 27, 2020)<sup>4</sup>. So far, Moldova is hit the hardest per capita among the Eastern Partnership countries, and the lack of a coherent national response to contain the pandemic only prolongs the day when the country will be ready to lift the currently imposed restrictions. Experts, moreover, predict a severe socioeconomic impact in the aftermath of the pandemic.<sup>5</sup>

The currently unfolding crisis situation and the possible reappearance of Covid-19 later during the next cold season provide fertile ground for possible abuse of power. Undergoing political discussions point to the possibility of either changing the method of electing the president or postponing the elections (planned for October – November 2020).

### 1.1. The Parliament Elects the President?

On the background of the current state of emergency and media's restricted access to information, the 'political battlefield' has shifted almost exclusively to social media platforms. A key political debate going on under lockdown surrounds the proposal of a member of the ruling coalition, Dumitru Diacov of the Democratic Party, to change the electoral procedure so that the president is elected by parliament rather than by direct popular vote. Such a scenario requires the amendment of the Constitution.

Changing the election procedure under the current situation would be an infringement of the Constitution. First, the Constitution cannot be amended during the state of emergency. At the present time, this is scheduled to last for sixty days until May 15, 2020. Second, any amendment to the Constitution has to be registered at least six months prior to the voting day. Considering that the election needs to take place at the latest by November 23, 2020, such an amendment would have to be registered by June 21, 2020 at the latest. Any changes after this date and before the presidential elections would equal severe legislative violations.

Despite the reassurance provided by all key stakeholders that such a scenario is highly undesirable, and that the method of electing the president shall not be changed, the issue has to be further monitored.

### 1.2. Postponing elections

Moldova would not be the first country that would have to consider postponing elections, should the numbers of Covid-19 infections surge again in autumn. Their postponement should take place, however, when justified by strong epidemic reasons only, at the recommendation of epidemiologists and doctors.<sup>6</sup> One initial sign of concern is that currently Moldova has no doctors on board of its Commission for Exceptional Situations, which deals with the management of the crisis.

As the fight against Covid-19 is mostly a "learning by doing" process at the moment, epidemiologists have warned that flattening the curve can have temporary effects only, and that there is a high risk that the virus will re-appear aggressively in autumn. These hypotheses

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<sup>4</sup> Moldovan Ministry of Health, Work, and Social Protection <<https://msmps.gov.md/ro/content/73-cazuri-noi-de-covid-19-inregistrate-ultimele-24-de-ore>> (accessed April 27, 2020).

<sup>5</sup> Expert Group, "COVID-19: How to save the national economy and prepare the ground for a post-crisis recovery" [in Romanian], April 2, 2020, <<https://www.expert-grup.org/ro/biblioteca/item/1953-covid-19-cum-salvam-economia-nationala-si-pregatim-terenul-pentru-o-relansare-post-criză>> (accessed April 25, 2020).

<sup>6</sup> Anthony Fauci, "COVID-19 Could Become a Seasonal Illness: What We'll Need to Do," *Healthline*, April 1, 2020, <<https://www.healthline.com/health-news/covid19-could-become-seasonal-just-like-the-flu>> (accessed April 25, 2020).

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have been picked up by President Dodon, who mentioned that postponing elections is ‘quite possible, but undesirable.’<sup>7</sup>

While experts and political opposition outburst with allegations that the president might use the pandemic to change the elections date for his exclusive benefit, so far these are not grounded in rational arguments. Postponing elections without a widely accepted perception of a real epidemic threat may backfire. It can generate severe resentment in the society, and consequently lead to social unrest. Also, the long-term effects of the upcoming socioeconomic crisis may hit in full force towards the beginning of 2021, therefore postponing elections for later may not play into the president’s advantage.

## 2. Key Challenges to the 2020 Presidential Elections

### 2.1. Transnistrian Region: The Right to Vote or to Buy the Vote?

The legal uncertainty of the Transnistrian vote in the 2016 presidential and 2019 parliamentary elections is a serious risk for this autumn’s elections as well.

The complexity of the voting process for residents of the Transnistrian region stands on the existing tension between respecting the legislation and disregarding the foundations of free and fair elections. From one perspective, participation of Moldovan citizens residing in the Transnistrian region is a legal right, guaranteed by Constitution. At the same time, the separatist authorities do not allow any kind of mobility, electoral campaigning or even access to all political actors on their territory. Mainland media outlets are also banned there. Most political parties on the right bank of Nistru river, except those that have a direct agreement with Tiraspol are banned from traveling to the region and not allowed to conduct any political activity there. Hence, experts and some international organizations claim that the right to vote for the residents of the Transnistrian region should be respected as a fundamental constitutional right of all Moldovan citizens, while in parallel neglecting that the right to be elected, to campaign and to oversee the fairness of the elections is hampered, which constitutes a constitutional infringement.

Moreover, the voting process of Transnistrian residents is a grey area. People have little to no information about processes and developments taking place on the right bank and no access to Moldovan mainstream media. On the day of the elections, however, transportation has been anonymously organized to bring people to polling stations to cast their vote. In the 2016 presidential elections 16.728 voters were transported on the right bank of Nistru to vote in exchange for minor compensation.<sup>8</sup> The vast majority of them voted for the pro-Russian President Dodon. In 2019, almost 40.000 Transnistrian residents participated in the voting process for their single-mandate constituency. In both cases, media outlets and watchdog organizations reported dozens of cases of voters being transported and paid to cast their vote<sup>9</sup> - a dangerous trend as Promo-LEX put it in their election monitoring report.<sup>10</sup>

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<sup>7</sup> “Igor Dodon, on the postponement of the presidential elections: “If we have a new wave in the fall...” [in Romanian], TV8, April 3, 2020, <https://tv8.md/2020/04/03/igor-dodon-despre-amanarea-alegerilor-prezidentiale-daca-avem-un-nou-val-la-toamna/> (accessed April 25, 2020).

<sup>8</sup> ODIHR Election Observation Mission, “Moldova, Presidential Elections, 30 October and 13 November 2016: Final Report” [in Romanian] OSCE, February 15, 2017, <<https://www.osce.org/ro/odihr/elections/moldova/301236?download=true>> (accessed April 25, 2020).

<sup>9</sup> Radio Free Europe Moldova, “A Transnistrian voter admits he was promised money to vote” [in Romanian], February 24, 2019, <<https://moldova.europalibera.org/a/29787890.html>> (accessed April 25, 2020).

<sup>10</sup> PROMO-LEX, “Observation Mission for the Parliamentary Elections of 24 February 2019: Final Report,” April 10, 2019, <[https://promolex.md/wp-content/uploads/2019/04/Raportul\\_final\\_alegeri\\_parlamentare\\_2019\\_Eng.pdf](https://promolex.md/wp-content/uploads/2019/04/Raportul_final_alegeri_parlamentare_2019_Eng.pdf)> (accessed April 25, 2020).

Another sign of malign interference and alleged electoral fraud was the ad-hoc change of locations of polling stations for the Transnistrian residents, outside of the legally permitted timeframe to do so. Twelve days before the election date, the locations for all but 34% of the polling stations assigned for voters from the Transnistrian region have been swiftly changed. Experts explain this as an ‘act of manoeuvre’ to introduce more uncertainty in the voting procedure and mislead international and local observers. The fact that a high number of identity cards for Moldovan citizens residing in the Transnistrian region were issued in a short period prior to the election date raises further doubts about the transparency and legality of the Transnistrian vote also in the upcoming elections.<sup>11</sup>

While hard evidence is absent, the pro-Russian geopolitical interest in increasing the number of voters from the Transnistrian region is common knowledge for the expert community and the general public in Moldova. Integrating nearly 230.600 thousand potential voters from Transnistria from an isolated non-democratic region which, on top, is heavily militarized and where there is full media censorship<sup>12</sup> into Moldova’s electoral cycles, significantly heightens the risk of anchoring the country’s external vector to Russia’s geopolitical interests.

## 2.2. Electoral Bribery and Corruption

Electoral corruption is no novelty for Moldova. This, however, has become more sophisticated and complex over time and it requires a different, updated set of monitoring tools for the experts and organizations assessing the fairness of the results.

Election monitoring and evaluation missions usually qualify electoral bribes as “isolated” political malpractice that does not essentially influence the final outcome of an election. A step forward that Moldovan authorities took in fighting political corruption was the introduction of public party financing in 2015. While the law and its implementation are far from flawless, according to experts, small parties and independent candidates benefit from a somewhat level playing field. One positive side-effect of this law has been the establishment of more transparent parties, that bring along new standards of party accountability and openness.

International and national organizations like OSCE and Promo-LEX have revealed multiple cases of electoral gifts, abuse of administrative resources and unreported party expenses in their 2016 and 2019 election monitoring reports. Yet, none of them were assessed as endangering the freedom and fairness of the elections’ outcome. These conclusions have raised eyebrows in the expert community in Moldova, particularly in the context where President Dodon was elected in the runoff with a minor difference of votes.

Moreover, civil society, independent media, opposition parties, and even some state institutions have flagged innovative, large-scale corruption practices. One is the nationwide network of social grocery shops set up by the Sor Party. The party uses these shops to provide food at discounted prices and as hubs to offer gifts (i.e. invitations to concerts, restaurants) to retired and elderly people both in rural and urban areas. Another corruption scheme practiced nationwide is the blackmail of village and small and medium town mayors and locally elected officials. A study revealed that at least 192 mayors had to face criminal charges in the period of 2015-2018. 70% of all mayors swapped parties in one day, most of them joining the ruling

<sup>11</sup> “The mystery of the increased number of ballots in Transnistria: Voters brought by coach” [in Romanian], November 13, 2016, <<https://www.jurnal.md/ro/politic/2016/11/13/misterul-numarului-marit-de-buletine-de-vot-in-transnistria-alegatorii-adusi-cu-autocarele/>> (accessed April 25, 2020).

<sup>12</sup> Sergei Zveagintsev, “Transnistria’s Media in Times of Change,” *Freedom House*, August 2018, <[https://freedomhouse.org/sites/default/files/2020-02/7-Transnistria\\_Media\\_Change\\_ENGLISH.pdf](https://freedomhouse.org/sites/default/files/2020-02/7-Transnistria_Media_Change_ENGLISH.pdf)> (accessed April 25, 2020).

Democratic party at the time.<sup>13</sup> A third electoral innovation is the unreported electoral party expenses. This includes amongst other practices the organization of concerts, with invited local or international music bands, and paying organized transportation services for voters to polling stations. Especially the large political parties, with close ties to the ruling parties, have overused these practices at the latest elections. Local watchdog organizations roughly assess that in some cases, the amounts spent on such activities may exceed at times the expenses that a party has officially declared for the overall electoral campaign.

### 2.3. Diaspora's Limited Voting Power

One third of Moldovans eligible to vote reside currently abroad, but are unable to fully exert their voting rights.<sup>14</sup> As a result of a controversial decision to change from a proportional to a mixed electoral system,<sup>15</sup> Moldovan authorities have curtailed the voting rights of nearly one million citizens residing abroad to only three single-mandate constituencies (out of a total of 51). Their voting power has been significantly skewed in favour of citizens residing in the country and of governing elites. In the last 2019 parliamentary elections, 80,78% (in the uninominal vote) of the diaspora residing in Western European countries (single-mandate constituency #50) voted for the pro-European ACUM coalition's candidate, Maia Sandu, thus clearly favouring the political opposition of the past and present ruling coalitions.<sup>16</sup>

The number and geography of polling stations has also been an issue of controversy. In the 2019 parliamentary elections, only 13 polling stations were opened for the entire United States and Canada, and 83 polling stations for all Western Europe (which includes 43 states). Canada was allotted only one, in Ottawa. A significant number of Moldovans, as a result, were unable to cast their vote. While a record number of 138.720 diaspora voters participated in the 2016 presidential runoff, only 76.642 Moldovans voted in the 2019 parliamentary elections. Before the 2019 parliamentary elections there were repeated appeals for the government to (a) change the geography of polling stations so that more densely populated areas with Moldovans abroad could have easier access on the day of elections and (b) increase the number of polling stations.

The promise of the current ruling coalition is to facilitate diaspora's vote abroad. The fact that authorities have budgeted resources for 150 polling stations, with 25 stations more than for the 2019 elections is reassuring. In the past, however, electoral legislation and the geography of polling stations has been changed shortly before elections in order to hamper diaspora's vote.<sup>17</sup> A likely scenario also based on previous experience is for the authorities to open more polling stations in locations where fewer Moldovans reside in the detriment of more densely populated regions, thus seeking to minimize the number of votes while still maintaining the promised number of open polling stations. Such practices should be discouraged.

<sup>13</sup> Victor Ursu, "The criminal files of local mayors drown local investments" [in Romanian], *IDIS Viitorul*, October 5, 2018, <<http://www.viitorul.org/ro/content/dosarele-penale-ale-primarilor-ineacă-investițiile-din-localități>> (accessed April 25, 2020).

<sup>14</sup> "2019 parliamentary elections in the Republic of Moldova" [in Romanian], *ADEPT*, <[http://alegeri.md/w/Alegerile\\_parlamentare\\_din\\_2019\\_%C3%AE\\_n\\_Republica\\_Moldova](http://alegeri.md/w/Alegerile_parlamentare_din_2019_%C3%AE_n_Republica_Moldova)> (accessed April 25, 2020).

<sup>15</sup> By adopting the Law No. 154 of July 20, 2017, the Moldovan government changed the electoral system from proportional (voting all 101 MPs on closed party lists in a single national constituency) to a mixed-electoral system (50 MPs to be elected on party lists in one single national constituency, and 51 MPs to be elected in single-mandate constituencies via first-past-the-post system).

<sup>16</sup> "2019 parliamentary elections in the Republic of Moldova" [in Romanian], *ADEPT*, <[http://alegeri.md/w/Alegerile\\_parlamentare\\_din\\_2019\\_%C3%AE\\_n\\_Republica\\_Moldova](http://alegeri.md/w/Alegerile_parlamentare_din_2019_%C3%AE_n_Republica_Moldova)> (accessed April 25, 2020).

<sup>17</sup> Mihai Mogildea, "Presidential elections in the Republic of Moldova: how do we ensure optimal voting conditions for Moldovan citizens in the diaspora?" [in Romanian], *IPRE*, February 27, 2020, <[http://ipre.md/wp-content/uploads/2020/02/Document-de-discutii\\_Dialo-guri-Europene\\_27.02.2020.pdf](http://ipre.md/wp-content/uploads/2020/02/Document-de-discutii_Dialo-guri-Europene_27.02.2020.pdf)> (accessed April 25, 2020).

## 2.4. The Media: A Concentrated and Polluted Environment

The presidential elections in 2016, as well as the parliamentary elections in 2019, have both revealed several severe malfunctions of the media environment, particularly sensitive in an electoral context, that this study highlights.

*First*, the media environment is still highly concentrated despite international and civil society pressure to reform. Despite the obligation to publish the names of the media owners adopted in March 2015, and the legal ceiling of maximum two broadcasting licenses per owner adopted in 2016, not much has changed *de facto*. To bypass the law, oligarchs and media moguls formally register their outlets on proxies such as close friends or loyal employees. Hidden media ownership, as a result, is Moldova's reality to date. This is mostly due to poor state oversight and enforcement.<sup>18</sup> Law enforcement authorities, prosecution and the audiovisual regulator turn a blind eye.

*Second*, there is no capacity to tackle social media propaganda and targeted fake news campaigns. Troll factories, fake accounts, bots, and fake websites are widely used in Moldova. There are many civil society initiatives that work effectively to curb the increasing political manipulation which takes place via Facebook or other social networks. But most of these watchdogs operate post-factum. In an unprecedented move, few weeks before the 2019 parliamentary elections, Facebook announced that it has shut down 168 active accounts in Moldova due to their 'coordinated inauthentic behaviour.'<sup>19</sup> This was a big win at the time, but still a measure with a delayed effect. Thus, there is no permanent public or civic institution empowered and mandated to closely monitor and instantly address the spread of fake news through social media.

*Third*, while the Moldovan society is very vulnerable to media manipulation, public institutions have no capacity to enforce the law. Political bias, fake news, political "character assassination" campaigns, disinformation – these are some of the tactics used during electoral campaigning to disarm political opponents. Even when local or international watchdogs regularly identify and report on manipulation campaigns, lack of objectivity, or when fake news are widely de-conspired by the public, activists or independent media – usually neither the audiovisual regulator, nor law enforcement agencies, take any serious action to sanction identified infringements.<sup>20</sup> In the widely mediatized cases of fake news (i.e. thirty thousand Syrian refugees in the 2016 presidential elections campaign, the LGBT hate speech), the National Audiovisual Council has applied rather insignificant sanctions.<sup>21</sup>

## 2.5. Foreign Interference: Money, Media, and the Church

The Russian interference has been strongly present during the latest electoral campaigns either through illicit financial assistance to political parties, media support, the Orthodox Church, or outright fake news and propaganda.

<sup>18</sup> Vitalie Calugareanu, "The failure of demonopolization of the media" [in Romanian], *Center for Independent Journalism (CJI)*, November 14, 2019, <<http://media-azi.md/ro/stiri/esecul-demonopolizării-mass-media>> (accessed April 25, 2020).

<sup>19</sup> Radio Free Europe Moldova, "Facebook Removes 'Coordinated' Fake Accounts In Moldova Ahead Of Elections," February 14, 2019, <<https://www.rferl.org/a/facebook-removes-coordinated-fake-accounts-in-moldova-ahead-of-elections/29770382.html>> (accessed April 25, 2020).

<sup>20</sup> ODIHR Election Observation Mission, "Moldova, Parliamentary Elections, 24 February 2019: Final Report," *OSCE*, May 22, 2019, <<https://www.osce.org/odihr/elections/moldova/420452?download=true>> (accessed April 25, 2020).

<sup>21</sup> Mihai Mogildea, "Seize the press, seize the day: The influence of politically affiliated media in Moldova's 2016 elections," *Freedom House*, February 2018, <[https://freedomhouse.org/sites/default/files/2020-02/4-Seize-the-Press-Seize-the-Day\\_ENGLISH.pdf](https://freedomhouse.org/sites/default/files/2020-02/4-Seize-the-Press-Seize-the-Day_ENGLISH.pdf)> (accessed April 25, 2020).

While political financing from abroad of any kind is prohibited by national legislation,<sup>22</sup> there is evidence that President Dodon's Party of Socialists (PSRM) allegedly benefited from significant financial support from Moscow.<sup>23</sup> While the Central Electoral Commission (CEC) is the authorized institution to monitor campaign financing and sanction those violating the Electoral Code provisions, the poor resources at its disposal hamper its effectiveness to ensure free and fair electoral campaigns.<sup>24</sup> More important, CEC is often subjected to undue political influence.

The informational space in Moldova is heavily dominated by Russian media content. Particularly vulnerable are the regions of Transnistria and Gagauzia, where Russian is the dominant language of communication among ethnic minorities. The Law on Amending the Audiovisual Code of Republic of Moldova, considered a step in the right direction to counteract disinformation coming from the Russian media, has proven to be insufficient to limit the malign influence as it only refers to retransmissions of audiovisual programs. Russian TV channels based in Moldova have proved adaptive by presenting materials from *HTB, Россия 24* or *Первый канал* as local content (on NTV Moldova, Ren TV, Accent TV).<sup>25</sup> This intrusion, however, could not be possible without the lax approach of the government. Alongside a weak media regulatory framework, the absence of a governmental strategic approach provides fertile ground for exploiting existing political, economic, and societal frictions and vulnerabilities.

Another impactful factor that can sway opinions in critical junctures such as national elections, are the fake news and propaganda managed from abroad. There is a wide perception among experts that Russia uses its media presence for propaganda and disinformation purposes that suit its interests in the country.<sup>26</sup> Russian TV channels in Moldova are now "a means of delivery for fake narratives and propaganda, a highly controlled and centralized 'golden pipeline'", which helps Moscow "control, manipulate, and increasingly, disrupt the existing order in Moldova," a Freedom House report concludes.<sup>27</sup>

Moreover, the Orthodox Church is a key piece of the 'Russkiy mir' and a major player in the social life in Moldova. The most trusted institution, the Moldovan Metropolitan Church, is subordinated to the Patriarch of the Russian Orthodox Church. In the 2016 election campaign, fake news was proliferated with the help of the church and priests against Maia Sandu. Fake narratives have managed to undermine not only domestic affairs, but also the trust in the European Union and the country's regional security.<sup>28</sup>

<sup>22</sup> Central Electoral Commission, Art. 41, paragraph (3) of the Electoral Code of the Republic of Moldova; CEC decision no. 1916 of 11.12.2018 amending the Regulation on the financing of electoral campaigns, approved by the CEC decision no. 3352 from 04.05.2015 [https://a.cec.md/ro/pentru-modificarea-regulamentului-privind-finantarea-campaniilor-electorale-apro-2751\\_91446.html](https://a.cec.md/ro/pentru-modificarea-regulamentului-privind-finantarea-campaniilor-electorale-apro-2751_91446.html) (accessed April 25, 2020).

<sup>23</sup> RISE, "Russian-Linked Offshore Helps Fund Socialist Campaigns," September 28, 2016, <https://www.rise.md/english/russian-linked-offshore-helps-fund-socialist-campaigns/> (accessed April 25, 2020).

<sup>24</sup> ODIHR Election Observation Mission, "Moldova, Parliamentary Elections, 24 February 2019: Final Report," OSCE, May 22, 2019, < <https://www.osce.org/odihr/elections/moldova/420452?download=true> > (accessed April 25, 2020).

<sup>25</sup> Kremlin Watch Report, "External Propaganda in the Republic of Moldova: Lessons from the Moldovan Government and the International Community," 2018, <<https://www.kremlinwatch.eu/userfiles/external-propaganda-in-the-republic-of-moldova.pdf>> (accessed April 25, 2020).

<sup>26</sup> "External Media Pluralism in the Republic of Moldova: Between Opportunity and Reality" [in Romanian], *Romanian Center for European Policies & ActiveWatch Romania*, <https://www.soros.md/files/publications/documents/Pluralismul%20extern%20al%20mass-mediilor%20din%20RM.pdf> (accessed April 25, 2020).

<sup>27</sup> Victoria Bucataru, "Media Literacy and the Challenge of Fake News," *Freedom House*, January 2018, [https://freedomhouse.org/sites/default/files/01-Fake\\_News-EN.pdf](https://freedomhouse.org/sites/default/files/01-Fake_News-EN.pdf) (accessed April 25, 2020).

<sup>28</sup> Victoria Bucataru, "Media Literacy and the Challenge of Fake News," *Freedom House*, January 2018, [https://freedomhouse.org/sites/default/files/01-Fake\\_News-EN.pdf](https://freedomhouse.org/sites/default/files/01-Fake_News-EN.pdf) (accessed April 25, 2020).

## Conclusion

The international community is likely to witness the same political contenders for a second act in another tight presidential race this autumn in Moldova. If, however, in 2016 both Igor Dodon and Maia Sandu were on somewhat equal electoral footing while representing different opposition parties, this time the former is the incumbent president with a bureaucratic apparatus and significant administrative resources at his disposal.

Since the votes of the Moldovans residing in the Transnistrian region and abroad might decide the outcome of this election, there is a high risk that the incumbent authorities will pursue voting suppression strategies in the diaspora, and vote-buying strategies with Transnistrian residents. Some 'creatively abusive' electoral engineering around these votes could yield a narrow gap in favour of the incumbent later this year. National and international observers need to ensure that the rights of both of these constituencies are neither misused nor abused for electoral gains.

Some of the other challenges discussed in this paper and likely to be encountered in the electoral process are systemic issues and might be more difficult to address before this upcoming presidential bid. Also, they gradually become more complex to be accurately measured by election monitoring organizations. These systemic deficiencies will most likely be further enhanced by the socioeconomic impact of the Covid-19 crisis.

The rural population and the elderly, in particular, are projected to be severely affected by the upcoming economic downturn and, thus, become even more susceptible to electoral bribing, fake news, and geopolitical messaging.

Against this background, there is need for immediate and medium-term measures to be undertaken by government, civil society actors and international partners, to ensure that the fragile tenets of democracy in Moldova and the weakened societal trust in state institutions are not further undermined.

## Recommendations

### A. Short-term recommendations for immediate action for the 2020 elections:

To discourage possible abuses linked to upcoming presidential elections:

1. Any postponement of elections due to COVID-19 shall be consensually approved in the parliament both by the opposition and the ruling majority.
2. International organizations, the European Union and its member states, the US, CSOs, and opposition parties should closely monitor and provide strong oversight on the possible decision to postpone elections.

To ensure that the votes of residents of the Transnistrian region are freely and fairly cast, there is need to:

3. Develop a comprehensive action plan, backed by international (OSCE, EU, US, etc.) and local (political parties, Central Electoral Commission, civil society organizations) monitoring parties, that will include the necessary measures:
  - a) to prevent large scale bribery and illicit transportation of voters;
  - b) to ensure full transparency of the list of voters and registration procedures;
  - c) to ensure the right of electoral candidates and / or political parties to campaign and to be elected on the territory of Transnistria;
  - d) to ensure effective monitoring of local and international observers. OSCE, in this regard, should require the so-called Tiraspol authorities to grant free access to all political parties, international observers, and journalists before, on and after the elections date on the territory of Transnistria;
4. On election day, international and national monitors should pay special attention to the monitoring of polling stations adjacent to the Transnistrian region.
5. The Central Electoral Commission should organize a public tender to select in a transparent manner the company(ies) allowed to transport voters from Transnistria to the polling stations. No other entities, such as political parties, or undisclosed private individuals should be allowed to organize the transportation of voters by bus from the Transnistrian region. Local and international election monitors should be allowed to access these buses as part of their election monitoring mandate.
6. Clarify the geography of the polling stations in a transparent manner and with the participation of opposition parties. The Central Electoral Commission should provide detailed explanation on its decision regarding the number and location of polling stations based on the electoral pre-registration of voters from the Transnistrian region.

To address electoral bribery and the more complex corrupt practices it is necessary to:

7. Under the pretext of COVID-19 related economic difficulties, the ruling majority might move towards banning public party finance, which will hardly affect democratic development of the Republic of Moldova. Any moves towards the elimination of public finance for political parties should be strongly resisted;
8. Merge efforts of international organizations and development partners in assisting Moldovan CSOs to prevent, effectively monitor, investigate, as well as campaign against potential cases of electoral bribery. The looming economic crisis will severely impact the most vulnerable social categories (retired, disabled, unemployed, vulnerable families, etc.). The risk of nationwide electoral bribery by offering food packages is imminent.

To ensure that Moldovan citizens who reside abroad can freely exert their sovereign right to vote in elections by:

9. Continuing to monitor that the government does not to make swift and politically motivated changes to the electoral legislation. The EU should apply strict conditionality measures to safeguard the electoral legislation.
10. Developing and introducing a system of voting by mail. Considering societal resistance to both voting online and by mail due to security-related concerns, international organizations in partnership with CSOs should initiate projects to analyse the reliability, efficiency, and security of existing distance voting models in other countries, and how they may be applied to the Moldovan context. Pilot projects on a small scale shall be considered as options to gain confidence into mailing or online voting. The Covid-19 crisis offers the opportunity to introduce new voting mechanisms.
11. The process of deciding on the scope and geography of polling stations abroad should be done in a consensual manner between the governing majority and the opposition.

To address systemic problems in the media environment, there is need to:

12. Develop an independent, CSO-driven, journalist association that would have the mandate and capacity to identify, prevent, and counteract propaganda and fake news campaigns. Filling in the gap between the revealed campaigns of fake news, propaganda and their effect in terms of counter actions and sanctions.

To limit foreign interference in the pre-electoral campaign period by:

13. Assisting interested parties (government, opposition, NGOs) in revising or developing comprehensive key strategic plans to identify hybrid threats at local and central levels and to fight foreign interference in domestic affairs;
14. Empowering a civil society platform to develop tools and mechanisms for monitoring and swiftly reporting on the fake news and propaganda produced by Russian and local media sources at least throughout three months before the elections' date (planned for October 2020).

## **B. Medium-term recommendations for further action to improve the electoral process beyond the 2020 presidential elections:**

To ensure that the votes of residents of the Transnistrian region are freely and fairly cast, there is need to:

1. Initiate a comprehensive and transparent dialogue about the geopolitical reasons and implications of the Transnistrian vote among local experts, civil society, and Moldova's international partners.
2. Special care should be paid to the need to ensure that the right of Transnistrian residents to vote in Moldovan elections does not become a right to wholesale vote-buying and vote-selling practices.

To address electoral bribery and the more complex corrupt practices it is necessary to:

3. Safeguard and fine-tune the public financing mechanism of political parties. The mechanism should be kept and become more inclusive for small parties and independent candidates;
4. Develop a strong mechanism for permanent oversight of party expenses. A mechanism that shall rely on public scrutiny, media and CSOs reporting needs to be developed.

International partners could support the creation of an interactive online tool for financial scrutiny of political parties;

5. Revise sanctions and penalty measures for financial misbehaviour of political parties. Greater emphasis should be put on penalising responsible individuals within the parties, rather than the entire parties for financial misbehaviour. Excluding parties from elections shall be a measure of last resort. International donors can also help support the development of an electronic instrument that would correlate party donations with resident donors' incomes in an automated manner, connected to the tax office database.

To ensure that Moldovan citizens who reside abroad can freely exert their sovereign right to vote in presidential elections by:

6. Developing a clear and transparent mechanism for mapping the Moldovan electorate abroad to establish the geography of polling stations abroad. Preliminary registration has proven not to be enough to ensure representativeness. International partners could help develop a mechanism which ensures maximum objectivity by involving multiple layers of data analysis (such as data from diaspora organizations, social networks, transportation, banking).

To address these systemic problems, there is need to:

7. Ensure the genuine political independence of members of the audiovisual regulator (the National Audiovisual Council). The EU, its member states, and other international partners need to link strict conditionality measures to any financial assistance that is provided in that regard. The best indicator of the activity of the state regulator is the sanctions it applies to all outlets regardless political orientation;
8. Develop and set up a "StratCom" counterpropaganda mechanism. There is need to establish a unique political independent institution to deal with information threats that would be formed of CSOs, activists and professional journalists. Under the StratCom mechanism, a "troll hunting" online team needs to be established.

To limit foreign interference in the pre-electoral campaign period by:

9. Revising legislation to introduce swift and proportional sanctions to parties, party officials, and candidates who violate electoral financing legislation. Revise legislation to make their swift enforcement possible and mandatory;
10. Allocating appropriate competences and resources to the Central Electoral Commission to be able to monitor that electoral financing laws are respected, and make information about violations public as soon as they occur;
11. Amending the current audiovisual regulatory framework to tackle fake news, propaganda, and disinformation.

## About the authors

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