



## **The Evaluation of Central Electoral Commission (CEC) from the Perspective of the National Integrity System of Transparency International**

A number of problems were identified within this evaluation. Thus, although the law provides the CEC with adequate resources to carry out its mission, the CEC is not sufficiently represented in the territory. The CEC has adequate resources to carry out its mission, but problems are: insufficient workspaces, including those necessary for the secure storage of electoral equipment and materials; high staff turnover and insufficient staff training; insufficient qualification of electoral officials, particularly in the case of members of constituency electoral councils and polling stations, appointed by political parties.

The legal framework contains regulations designed to ensure the independence of the CEC, but they are not sufficient; It is appropriate to review the appointment of CEC members - their possible appointment based on professional criteria following a public competition.

The CEC is not perceived as an independent authority, which is determined, particularly, by the way it is set up, by the superficial verification of the candidates, as well as the lack of genuine approaches while hearings them.

The legal framework on the transparency of the CEC is not supported by internal rules on the organization of public consultation procedures in the process of drafting and adopting decisions. The CEC ensures some transparency of its activity and the electoral process, but this needs to be increased, as the transparency of the constituency electoral councils and the electoral bureaus of the polling stations is insufficient.

Although there are provisions, according to which the CEC can be held accountable, they are not without shortcomings, not being sufficiently comprehensive and explicit: the public nature of the hearing of the CEC reports is not foreseen; electoral contention is incomplete and defective. Thus, they are insufficiently regulated. This refers to the modality of filing and examining appeals by citizens who vote in polling stations set up abroad; the procedure for examining appeals lodged on election day, which could not be lodged with the court on the same day; the body competent to examine the appeals concerning the administration of the elections, after the election day; the need or lack of need to follow the preliminary procedure in case of filing appeals regarding the administration of the election, after the election day; the

deadline for resolving appeals regarding the administration of elections, after election day, including in the case of filing an appeal by persons who voted abroad taking into account the time zone difference.

The Electoral Code contains only a certain regime of restrictions imposed on the membership of the CEC, without it being developed through rules of ethics and deontology. The CEC applies the tools to ensure institutional integrity, but efforts to do so need to be strengthened.

In terms of monitoring election campaigns, the CEC does not have the authority and resources to monitor, effectively and efficiently, the finances of political parties, but also the expenses of electoral contestants in the election campaign. In this sense, problems are: non-regulation of the online information environment during the election period; insufficient regulations on the use of administrative resources during the election period; low impact of information programs dedicated to the population, including - specific groups; lack of political pluralism in the media.

With regard to the administration of elections, problems remain due to the instability of the legal framework; the quality of the electoral lists; pre-registration of voters; reduced accessibility of polling stations for people with disabilities; the quality of the provisions meant to ensure the integrity of the electoral process; the quality of programs to promote electoral anti-fraud behavior.

A number of ***recommendations*** were made in the report, in particular:

- ensuring the stability of electoral legislation - in amending electoral legislation, guidance by international standards and the requirements of legislative technique;
- delegating the CEC the right to set up permanent representations in the territory;
- providing for the certification procedure of electoral officials;
- including in the composition of the electoral councils of the electoral councils of the constituency and of the electoral bureaus of the polling stations, exclusively, of the certified persons;
- digitalizing the electoral process;
- revising the way of setting up the CEC - eventual appointment of the CEC members based on the professionalism criteria following a public competition;
- applying in practice the procedures of verification and hearing of candidates for membership of the CEC;
- developing the legal framework on the transparency of the CEC through internal rules on the organization of public consultation procedures in the process of drafting and adopting decisions;
- increasing the transparency of the CEC activity and transparency of the electoral councils of the constituency and of the electoral bureaus of the polling stations, by fully

implementing the provisions of Law no. 239/2008 on transparency in the decision-making process;

- improving the legal framework meant to hold the CEC accountable, including the revision of the provisions related to the electoral contentious;
- ensuring a genuine hearings of the CEC reports in the plenary of the Parliament;
- developing the legal framework through rules of ethics and deontology applicable to CEC members;
- efficiently and fully implementing the instruments that ensure institutional integrity;
- developing an anti-corruption module and a career section on the web page of CEC website;
- improving the legal framework for monitoring the expenses of electoral contestants in the election campaign, as well as, in the same vein, increasing the capacity of the CEC, including through additional staff training;
- regulating the online information environment during the electoral period;
- improving the legal framework that prevents the use of administrative resources during the election period;
- increasing the capacities of the Continuing Education Center in the Electoral Field;
- increasing the visibility of information programs dedicated to the population;
- increasing the capacity of supervision, monitoring and sanctioning of the Audio-visual Council;
- combining the efforts of all responsible authorities in increasing the quality of electoral lists;
- reconsidering the mechanism of pre-registration of voters;
- increasing the accessibility of polling stations for people with disabilities;
- improving the legal framework aimed at ensuring the integrity of the electoral process;
- improving programs to promote electoral anti-fraud behavior.

*This document was developed in the project "Strengthening the state of law and democracy: the contribution of civil society" implemented by Transparency International - Moldova and financially supported by the Embassy of the Kingdom of the Netherlands. The opinions expressed belong to the authors and do not necessarily reflect the position of the funders.*