



coaliția 2009



coaliția civică pentru alegeri libere și corecte

CIVIL COALITION FOR FREE AND FAIR ELECTIONS

PROMO-LEX ASSOCIATION

**Legal and technical troubles affect the credibility and
quality of electronic register of voters test carried out
by the CEC**

REPORT

**Monitoring of the mayoral by-elections in the villages of Ștefănești and
Semionovca, in the district of Ștefan Vodă,
carried out on November 15, 2009**

Monitoring period: 15 November 2009

Published 18 November 2009

The *Promo-LEX* Association observed, on the 15th of November 2009, local mayor by-elections carried out in the towns of Semionovca and Ștefănești, in the district of Ștefan Vodă. The *Promo-LEX* monitoring effort involved 7 observers deployed at the two polling stations. To a great extent, the monitoring effort was undertaken to observe directly the testing by the CEC of the electronic voter register.

The *Promo-LEX* monitoring effort salutes the high voter turnout voters in the monitored areas on 15 November 2009, the cooperative attitude of election officials in the polling stations, the quality of the electoral lists used, and the openness shown by voters towards the testing of the electronic register. At the same time, the monitoring effort draws the attention of the electoral authorities to various conscious and inadmissible violations of the Electoral Code that were committed, even if the goal was noble. Thus, the monitoring effort found some worrying tendencies that affected the quality of the electoral process in the polling stations monitored and the quality and credibility of the electronic voter register testing itself.

1. Members of the electoral office did not check voter's identity card attachments to confirm their places of domicile.

In accordance with the provisions of letter a), paragraph (3), art. 53 of the Electoral Code, voting must be carried out on the basis of RM [Republic of Moldova] citizens' Identity Cards, with the accompanying Attachments in which is indicated the voters' domicile or residence on the territory covered by a particular polling station. In great measure, this provision was not respected by members of the electoral office, the emphasis being put on finding voters on the electoral lists.

2. At both polling stations the ballot papers were issued in only one language: in Russian in Semionovca, and in Romanian in Ștefănești

Promo-LEX observers recorded requests on the part of voters for ballot papers in both languages. In particular, such requests were made by elderly voters in Ștefănești, who cannot read Latin characters.

3. The voting stations were not sufficiently equipped for the voting process.

The premises in which the polling stations were located were cold, and it was practically impossible to operate a decent voting system. The heating system in the voting office in Ștefănești did not provide sufficient heating to the voting station, and in the voting office in Semionovca there was no heating at all.

4. At the entrance to the polling stations, and inside the polling stations themselves, informational posters of the CEC [Central Electoral Commission] were displayed that mislead voters regarding the identity document on which voting was to be based

For example, the CEC poster expressly stated that only Identity Cards were to be presented, without mentioning the accompanying Attachments, in which a voter's domicile is recorded. These posters were displayed in both voting stations. The posters were displayed in Romanian, in Ștefănești, and in Russian, in Semionovca.

5. Voters had not been informed about the new voting process

To a large extent, only the posters at the entrance to the voting stations informed voters about the new voting procedure, which firstly involved checking voters on the electronic register, and then proceeded as normal. Many voters did not read the posters, so on entering the polling station they proceeded directly to members of the voting office, and had to be returned to the person operating the electronic register. During busy periods this created a sense of disorder.

6. There were a large number of unauthorized people in the voting stations

According to the pt 8 art 55 of the Electoral Code, the complete and exhaustive list of persons authorized to assist at electoral operations contains: members and representatives of electoral bodies hierarchically superior, representative members of the electoral competitors at the electoral authorities, local, national, foreign and international observers accredited by respective bodies, mass-media representatives. No other subject can remain inside the polling station for a period longer than the time needed for voting. Despite this, the operators of the electronic register, who were not members of the electoral bureau, had stayed inside the polling station permanently without a special accreditation. Additionally, operators of an exit poll who apparently have been accredited by the CEC, but are not enlisted as authorized persons to be present in the polling station range, were observed at a distance smaller than 100 meters from the polling station

Regarding the testing of the E-register

Promo-Lex is aware of the testing status of the operations connected to the electronic register. However, Promo-LEX found deficiencies related to the implementation of the electronic voter register, and draws the CEC attention to them, in bona fide.

1. Excessive confidence of the polling bureaus election officials in the electronic register

The performance of the members of the electoral bureau indicated that they were not sufficiently trained to test the electronic register. Whereas the operator confirmed the existence of the person in the register, which was implemented for

testing purposes and not as a proper checking procedure, polling bureau members did no longer verify the existence of the domicile stamp in the ID attachment.

2. Limited number of computers

At the Stefanesti polling station (940 voters in the electoral lists) there were two computers connected to the electronic register. At the Semionovka polling station there was only one computer. This creates premises for a busy environment and fails to ensure an undisturbed flow of voters in case of eventual technical problems with one of the computers.

3. The dependence on mobile Internet connection providers to connect to the CEC server and absence of an alternative access.

Based on conversation with the operators of the electronic register it has been discovered that the access to the CEC server is ensured through the Internet network, provided by the mobile network operators. Thus in Semionovka Moldcell services were used, while in Stefanesti Orange services. In case of technical deficiencies of the operator, access to the internet could be stopped, which involves the need for another permanent network access service thus leaving these operators as a back-up.

4. Low Internet connection speed

Because of the low speed of Internet connection, at Semionovka polling station, queues of voters occurred.

5. Discrepancy between the electronic register data and electoral lists after voting ended.

At the polling station of Stefanesti village, a discrepancy was revealed between the data inserted in the electronic register and the electoral lists. Thus according to the register 529 voters were verified while according to the voters lists 541 ballots have been issued. The difference makes 12 voters not registered in the electronic register. The request of the observers to include that discrepancy in the protocol was rejected, and motivated by the fact that the electronic voter register was simply a test.

Polling bureau members attempted to explain this discrepancy by the number of voters who voted by mobile ballot box, but this is not a plausible explanation since according to the protocol 38 persons voted using the mobile ballot box. After the return of the mobile ballot, according to the procedure, respective voters had to be marked in the electronic register.

6. Machine operators must be members of the electoral bureau.

As previously mentioned, the operators of the electronic register are not members of the electoral bureau, and were not accredited in any form by the CEC or other electoral bodies. Moreover, such an accreditation is not legally provided by the Electoral Code. In this regard, the issue can be solved in two ways. One of the options is to appoint as operators a computer literate member of the electoral bureau, and the other is to adjust the electoral legislation to grant permission to the operators of the electronic register to be present at electoral operations. A more reasonable solution would be the first, since these operators influence the behavior of the polling bureau members, and PEB staff relies on the operators checking the eligibility of the voter to receive a ballot.

7. Operators should be better trained to prevent involvement of any outside advisors.

At both polling stations the operators of the electronic register relied on guidance and consultancy from the implementers of the register (CEC and UNDP specialists). Such situation is possible for by-elections in few localities, but in case of national elections such assistance would be difficult to implement. In this regard we believe that operators should be much better trained to avoid the need for help from outside.

Promo-Lex monitoring effort is overall satisfied with the development of the electronic register and its testing in the monitored communities. We consider that the expansion of the electronic register to the entire country area will significantly reduce problems revealed in the quality of the electoral lists and will prevent the presence of the voter in several lists, or multiple voting. Promo-Lex would however like to draw the attention of the electoral bodies that the achievement of a noble purpose cannot be reached through violation of the current legislation.

Promo-Lex Association is a non-governmental, non-profit, non-partisan national organization aiming at the public benefit which holds its activity according to the actual legislation of the Republic of Moldova. The effort of Promo-Lex on observing the elections attempts at cross-checking the practices on carrying out elections in the Republic of Moldova to the existing international practices and standards and relevant national legislation. Promo-Lex is a member of the Civic Coalition for Free and Fair Elections – a volunteer union of non-governmental organizations that implement projects for to improve of the electoral process and to increase of the citizens' confidence in elections.

Promo-LEX election monitoring effort extends its gratitude for financial and technical assistance to the National Democratic Institute for International Affairs (NDI) and the United States Agency for International Development (USAID).

