

To: Parliament of the Republic of Moldova

OPINION

on the Draft Amendments to the Electoral Code of the Republic of Moldova

The analysis of the draft amendments to the Electoral Code highlights a number of significant changes that go beyond technical adjustments and may have a direct impact on the right to stand for election, electoral competition, the exercise of voting rights, the powers of the Central Electoral Commission, and the organisation of elections in the Autonomous Territorial Unit of Gagauzia.

Overall, the draft also contains useful solutions, including in the areas of financing transparency, donations in goods and services, and related matters. These objectives are legitimate and deserve support, provided that sufficient safeguards are introduced to ensure their predictable and proportionate application.

This assessment is based on constitutional standards governing the exercise of electoral rights, the case law of the European Court of Human Rights, the Venice Commission's Code of Good Practice in Electoral Matters, and the recommendations formulated by ODIHR in its Final Report on the 2025 parliamentary elections.

The analysis examines whether the proposed solutions comply with the principles of legality, legal certainty, proportionality, and equality of opportunity in electoral competition.

At the same time, the draft combines several distinct reforms: regulation of relations between independent candidates and political parties; expansion of certain electoral powers and sanctions; making postal voting permanent and introducing the general concept of "alternative voting methods"; reorganisation of the electoral architecture in the Autonomous Territorial Unit of Gagauzia; and amendments relating to campaign finance, the media, and local referendums.

The concentration of such diverse changes in a single draft requires separate justification for each reform and sufficient consultation.

Relevant principles

The draft should be assessed not only in terms of the objectives it seeks to achieve, but also in terms of its compatibility with the fundamental principles of electoral law and the rule of law.

Any electoral reform must ensure a balance between the prevention of fraud and the effective protection of electoral rights.

In this context, the analysis takes into account the principles of legality, legal certainty and foreseeability of the law, proportionality of restrictions on electoral rights, equality of opportunity among electoral contestants, independence and impartiality of the electoral administration, and stability of electoral legislation.

The draft is also assessed below against the relevant recommendations made by ODIHR.

Assessment against ODIHR recommendations

The Final Report of the ODIHR Election Observation Mission on the parliamentary elections of 28 September 2025, published on 18 February 2026, recommends a comprehensive review of the electoral framework in an inclusive and transparent manner and sufficiently in advance of the next elections.

At the same time, ODIHR recommends stronger safeguards against the arbitrary deregistration of candidates, including the requirement for compelling, relevant and sufficient evidence and effective remedies before sanctions with irreversible effects on political rights take effect.

From this perspective, the draft addresses the outstanding recommendations only partially.

Some solutions move in the direction recommended by ODIHR — for example, the inclusion of in-kind contributions within donation limits and the establishment of a primary legislative framework for postal voting.

Other **important recommendations remain unaddressed or are addressed in a manner that requires additional safeguards**, including third-party participation in electoral campaigns, effective protection against arbitrary candidate deregistration, access to effective remedies, certain issues concerning voters from the left bank of the Dniester, the voting rights of persons with intellectual or psychosocial disabilities, and the resolution of electoral disputes.

In electoral matters, a rule should be assessed not only by the objective it pursues but also by the risk of selective or disproportionate application. The broader the powers granted to an institution and the more severe the sanction, the more precise the legal rule must be, the clearer the standard of proof, and the more effective the judicial review.

The key issues identified and proposals for improvement are set out below, while preserving the useful solutions contained in the draft and strengthening the safeguards required to ensure free, fair and predictable electoral competition.

Issue 1: The right to stand for election, independent candidates and relations with political parties

1.1. Introduction of the concept of a “disguised independent candidate”

Proposed provision: Article I, point 1 of the draft — amendment to Article 1 of the Electoral Code.

The draft proposes defining a “disguised independent candidate” as an independent candidate who, “formally or informally, directly or indirectly, engages together with a political party or electoral bloc in common, coordinated or synchronised actions in the electoral campaign, financing, logistics or messaging.”

The definition links such actions to the purpose or effect of promoting the candidacy or circumventing legal restrictions relating to nomination by political formations.

Article 1 also introduces the concept of “disguised support for electoral contestants”.

Analysis of the issue and risks

a) Excessively broad and insufficiently foreseeable nature.

Terms such as “informally”, “indirectly”, “synchronised” or “common messaging” are not supported by sufficiently precise legal criteria.

The provision raises concerns regarding the quality and foreseeability of the law.

The terms used should be formulated with sufficient clarity to enable those subject to the rule to foresee, to a reasonable degree, the legal consequences of their conduct.

b) Possibility of imposing sanctions without proving intent.

The wording “with the purpose or having the effect” permits sanctions to be imposed even where no intention to circumvent the law is demonstrated.

In the absence of a requirement to establish intent or a demonstrable agreement, the sanction may become incompatible with the principle of proportionality.

c) Confusion between coordination and legitimate political expression.

It is unclear whether the following could be regarded as “disguised support”:

- participation in the same event;
- dissemination of similar political messages;
- public endorsement of a candidate by a political party;
- volunteer activities by individuals who are party members;
- distribution of a public statement.

d) Selective application.

The provision grants electoral bodies a very broad margin of discretion, which may lead to different interpretations of similar circumstances.

Connection with sanctions

Under Article I, point 46, the draft supplements Article 102(5) of the Code with point (i), introducing the status of a disguised independent candidate and disguised support as grounds for sanctions.

This means that the definition is not merely explanatory but may have direct consequences for the registration or continued participation of a candidate in the electoral race.

Assessment against ODIHR recommendations

This issue must also be examined in light of ODIHR's priority recommendation concerning the right to an effective remedy.

ODIHR recommends that sanctions having irreversible effects on the exercise of political rights, including the right to stand for election, should be applied only where sufficient time remains for an effective remedy, or that their enforcement should be suspended until the appeal mechanism has been exhausted.

At the same time, candidate deregistration should be based on compelling, relevant and sufficient evidence.

Proposals for improvement

Given that this definition may constitute grounds for deregistering a candidate or imposing other severe sanctions, the relevant conditions should be interpreted restrictively and expressly laid down in law.

The provision should cumulatively require:

- demonstrable coordination;
- an agreement, consent or control exercised by the political party;
- a concrete material, financial or organisational advantage;
- intent to circumvent the law;
- clear and verifiable evidence;
- a hearing of the candidate before sanctions are imposed;
- prompt judicial review, including the possibility of suspending the effects of an irreversible sanction pending the outcome of an appeal.

The wording "having the effect" should be removed or limited to situations in which the effect was foreseeable and accepted by the candidate.

1.2. Prohibition on political parties supporting independent candidates

Proposed provision: supplementing Article 54 with paragraph (5¹).

Independent candidates and initiative groups would be prohibited from receiving, directly or indirectly, financial, material, organisational, logistical or media support, including free services, from political parties or electoral blocs.

Analysis of the issue and risks

a) *The prohibition is almost absolute.* It does not distinguish between concealed financing and public political endorsement.

b) *"Media support" is undefined.* A party press release, social media post or public statement could potentially be interpreted as prohibited support.

c) *Interference with freedom of expression and association.* A political party should be able to express a political opinion regarding a candidate, provided that it does not finance the campaign or provide undeclared services.

d) *Candidate liability for the actions of others.* It is unclear under what circumstances a candidate would be held liable for unilateral action taken by a political party.

Proposals for improvement

The prohibition should be limited to financing, goods, services, personnel, logistics and advertising provided with the candidate's consent, acceptance or coordination.

Public support independently expressed by a political party should not automatically be equated with campaign financing or coordination.

Assessment against ODIHR recommendations

ODIHR recommends more detailed regulation of third-party involvement in electoral campaigns and the related transparency obligations.

The standards referred to by ODIHR are based on the principle that third-party participation should not be prohibited unconditionally but regulated so as to ensure transparency and accountability comparable to those applicable to electoral contestants.

The draft should therefore clearly distinguish between concealed financing or coordination and legitimate political expression or transparent third-party participation.

1.3. The 70-day restriction for persons nominated by political parties

Proposed provision: amendment to the definition of “nominated candidate” in Article 1.

Political parties and electoral blocs would not be permitted to nominate persons who, within at least 70 days before the elections, were members of a political party other than the party nominating them or a party outside the electoral bloc.

Analysis of the issue and risks

a) *The 70-day period is not justified in the text;*

b) *the rule may restrict the right to stand for election;*

c) *no exceptions are provided for persons expelled from a political party;*

d) *the draft does not regulate cases involving dissolution, reorganisation or merger of political parties;*

e) the provision is improperly included within a definition, even though it constitutes an eligibility or nomination requirement.

Proposals for improvement

The provision should be moved to a separate article and should specify:

- the legal basis and purpose of the restriction;
- the exact point from which the period is calculated;
- applicable exceptions;
- the verification procedure;
- the possibility of appeal;
- the legal consequences.

Issue 2: Electoral sanctions and the powers of the CEC

2.1. Extension of a sanctioning period from one year to four years

Proposed provision: amendment to Article 102(4).

The phrase “one year” is replaced with “4 years”.

Analysis of the issue and risks

a) Principle of proportionality of sanctions

In electoral matters, sanctions should be individualised according to the gravity of the violation, the existence of intent, the consequences produced and the impact on the integrity of the election.

b) Very severe sanction

Four years may amount to an entire electoral cycle.

c) Lack of differentiation

The draft does not provide sufficient gradation depending on:

- the gravity of the violation;
- intent;
- harm caused;
- repeated nature of the offence;
- impact on the election result.

2.2. Potential disproportionality

An administrative violation and a serious illegal financing scheme should not automatically result in identical consequences.

Proposals for improvement

A graduated scale of sanctions should be introduced:

- warning;
- fine;
- deprivation of public allocations;
- cancellation of registration;
- temporary restrictions,

depending on the gravity and effects of the violation.

The four-year period should be justified by reference to the precise nature of the sanction and, where it produces significant restrictive effects, reserved for serious, intentional and proven violations.

Clear gradation and a proportionality assessment are required.

2.3. Ex officio review by the CEC of acts of electoral bodies

Proposed provision: supplementing Article 91 with paragraph (12), under which the CEC would be able to review ex officio:

- administrative acts;
- actions;
- omissions of electoral bodies at any level,

where it identifies serious violations affecting the integrity of the electoral process.

Similar powers are granted to hierarchically superior electoral councils.

Analysis of the issue and risks

a) The concept of a “serious violation” is not defined.

b) No specific time limit is established.

The draft uses the phrase “reasonable time”, which is too vague in the context of a very short electoral process.

c) There are no rules governing the hearing of affected persons.

d) It is unclear whether the CEC may intervene after the expiry of appeal deadlines.

2.4. Concentration of powers

The CEC may simultaneously become:

- the election administrator;
- the supervisory body;
- the authority determining violations;
- the sanctioning authority.

The concentration of administrative, investigative and sanctioning functions within a single authority may raise concerns regarding institutional impartiality and the separation of administrative functions from quasi-judicial functions.

Proposals for improvement

Ex officio intervention should:

- be limited to expressly enumerated violations;
- take place within a precise statutory period;
- be preceded by notification and a hearing;
- be supported by detailed reasoning;
- be subject to immediate judicial challenge;
- be prohibited once the electoral legal relationship has become final, except in cases of fraud.

Issue 3: Postal voting and alternative voting methods

3.1. Introduction of a general category of “alternative voting methods”

Proposed provisions: amendments to Article 1, Article 9(3), Article 25, Article 75 and introduction of Chapter X¹, Articles 80¹–80⁵.

The draft allows voting by methods other than physical presence at a polling station.

The types of methods, categories of eligible voters and implementation procedures would be established by the CEC.

Analysis of the issue and risks

a) Excessive legislative delegation to the CEC.

Article 80¹(3) allows the CEC to determine the types of alternative voting methods, categories of eligible voters and the implementation procedure.

These are essential elements of the exercise of the right to vote and should be determined by law.

b) Possibility of introducing additional methods without adopting a new law.

The definition is not limited to postal voting.

c) Different treatment of voters.

The CEC could determine which categories have access to alternative voting methods without sufficient criteria being established by Parliament.

d) Pilot projects lack clear limits.

Article 80¹(4) permits phased implementation or pilot projects without defining:

- duration;
- criteria;
- evaluation;
- conditions for expansion.

Proposals for improvement

The Code should expressly establish:

- which methods are authorised;
- who may use them;
- for which elections;
- in which countries;
- the criteria for pilot projects and conditions for their expansion.

The CEC should regulate technical aspects, not determine by regulation the form in which the right to vote may be exercised.

3.2. Digital identification and the use of biometric data

Proposed provision: Article 1, definition of “remote identification by digital means”; Article 80¹(2).

Identification may include:

- identity documents;
- facial biometric measurements;
- image comparison;
- data from external sources;
- automated verification without a human operator;
- operator-assisted verification.

Analysis of the issue and risks

a) The draft does not sufficiently regulate:

- the exact categories of data collected;
- retention periods;
- the responsible institution;
- access to the data;
- reuse of the data;
- deletion;
- system auditing;
- identification errors;
- appeals against automated decisions;
- liability for security incidents.

Proposals for improvement

A separate article on data protection should be introduced, including provisions on:

- data minimisation;
- limited retention;
- prohibition on use for other purposes;
- independent audit;
- voter information;
- the right to human review;
- a rapid appeals procedure;
- security incident notification.

3.3. Conditions for postal voting

Proposed provisions: Articles 80²–80⁵ and the new Article 82¹.

Article 80² establishes criteria for selecting countries in which postal voting may be organised:

- distance to the polling station;
- previous experience;
- number of voters;
- reliability of postal services;
- diplomatic relations.

Article 80⁴ leaves it to the CEC to regulate procedures for dispatch, receipt, security and storage by regulation.

Article 80⁵ also leaves it to the CEC to determine specific rules on counting and tabulation.

Analysis of the issue and risks

- a) Too many essential elements are left to CEC regulations.**
- b) Secrecy of the vote cannot be controlled outside the polling station.**

There is a risk of voting under pressure from family members, employers or other persons.

- c) Inequality between countries.**

Voters in some countries may have access to postal voting while others do not.

- d) Risk of envelopes being delayed or lost.**
- e) Absence of a clear tracking procedure.**
- f) Possibility of invalidating ballots due to formal errors.**

Proposals for improvement

The law should directly establish:

- principal deadlines;
- chain of custody;
- conditions of receipt;
- procedures for damaged envelopes;
- traceability;
- observation;
- appeals against non-registration;
- liability of operators;
- publication of a detailed post-election report.

3.4. Inconsistencies regarding repeat voting and new elections

Proposed provisions: amendments to Article 130(2¹), Article 146(4¹), Article 153(2¹), and Article 154(1¹).

The draft provides that postal voting at new elections will be based on the previous registration; special deadlines will apply in a second round; and postal voting will not be organised for repeat voting.

Analysis of the issue and risks

- a) a voter who used postal voting in the original election cannot use the same method during repeat voting;
- b) it is unclear whether the voter will be informed and have practical access to a polling station;

c) automatic reuse of registration for new elections may include persons who have changed residence or preference;

d) second-round deadlines may be too short for dispatch and receipt.

Proposals for improvement

The law should provide for:

- confirmation or updating of registration;
- individual notification;
- the possibility of withdrawal;
- solutions for repeat voting;
- a realistic logistical assessment for second rounds.

Issue 4: Elections and electoral institutions in the Autonomous Territorial Unit of Gagauzia

4.1. Reorganisation of the Central Electoral Council of Gagauzia

Proposed provision: revised Article 36.

The Council is declared organisationally, functionally, operationally and financially independent.

However:

- its Chair is appointed by the CEC;
- two members are appointed by the People's Assembly;
- the remaining members are appointed under general mechanisms;
- the CEC fills vacancies;
- the CEC approves the administrative structure and staffing limit;
- the CEC may appoint an acting office-holder;
- funding is provided from the state budget;
- the Chair participates in CEC meetings without voting rights.

Analysis of the issue and risks

a) The proposed model may diminish the institution's declared functional autonomy insofar as key decisions regarding leadership and organisation are concentrated at CEC level.

b) Limited role of the People's Assembly.

It appoints only two members of a council composed of 7–11 members.

c) Concentration of CEC influence.

The CEC appoints the Chair, fills vacancies, approves the structure and supervises activity.

d) Potential conflict with the principle of autonomy.

e) Normative instability.

Article 36 jumps in numbering from paragraph (14) to paragraph (19), indicating a clear drafting problem.

Proposals for improvement

A balanced appointment formula is needed, including:

- representatives appointed by the institutions of the autonomy;
- professional members selected through competition;
- safeguards against local political control;
- safeguards against excessive subordination to the CEC.

4.2. Number of members of the People's Assembly to be determined by the CEC

Proposed provision: supplementing Article 156 with paragraph (2¹).

The number of deputies in the People's Assembly would be determined by the CEC, either ex officio or upon a proposal from the Chair of the Central Electoral Council of Gagauzia, depending on population.

Analysis of the issue and risks

- a) An administrative electoral authority would determine the size of the representative body of the autonomy;**
- b) the formula is linked to population, but the text also refers to “5,000 voters”, creating uncertainty;**
- c) this may periodically alter the political structure of the Assembly;**
- d) the relationship with the special legal framework of the autonomy is unclear.**

Proposals for improvement

The number of seats and the calculation formula should be established directly by law, not by an administrative decision of the CEC.

4.3. Change of electoral system for the People's Assembly

Proposed provision: Article II(2) and final and transitional provisions.

The draft provides that the first elections to the People's Assembly after the law enters into force will be held under a proportional electoral system instead of the previous system based on territorial constituencies.

Analysis of the issue and risks

a) This is a fundamental reform that may affect:

- representation of villages and small localities;
- the relationship between elected representatives and territory;
- access for independent candidates;
- the role of political parties;
- representation of local communities;
- distribution of seats.

Proposals for improvement

The change should be debated separately and accompanied by:

- simulations of seat allocation;
- a clear electoral threshold;
- rules governing candidate lists;
- consultation with institutions and communities within the autonomy.

Such a significant change should not be introduced solely through transitional provisions in a very broad legislative package.

4.4. Regulation of regional elections through CEC acts

Proposed provision: amendment to Article 155(1).

Specific aspects of regional elections would be developed through normative acts adopted by the CEC.

Analysis of the issue and risks

Important elements of elections to autonomous institutions could be shifted from legislation to administrative regulations.

Proposals for improvement

The law should regulate at least:

- the electoral system;
- eligibility conditions;
- constituencies;
- thresholds;
- registration;
- validation;
- appeals;

- allocation of seats.

The CEC should regulate only technical procedures.

Issue 5: Voters from the left bank of the Dniester

19. Criteria for establishing polling stations for voters from the left bank of the Dniester

Proposed provision: amendment to Article 40(2) of the Electoral Code.

The draft establishes voter turnout trends during the last three elections as the primary basis for determining polling stations, supplemented by data from the State Register of Voters and information or proposals from entities responsible for reintegration and security.

Analysis of the issue and risks

ODIHR recommended reconsidering arrangements for voters from the Transnistrian region, including the criteria governing the number of polling stations, distribution of ballots and location of premises, so that security concerns are reconciled with the effective exercise of the right to vote.

The new wording clarifies the hierarchy of criteria but may produce a restrictive effect if low turnout in previous elections becomes the principal argument for reducing future access.

Past turnout may itself have been influenced by polling-station accessibility, transport barriers or security conditions. Using it as a dominant criterion may therefore reproduce existing limitations.

Proposals for improvement

Article 40(2) should establish a balanced set of criteria without turning historical turnout into the dominant consideration.

The assessment should cumulatively include:

- number of eligible voters;
- physical accessibility;
- distance and transport;
- security;
- experience of previous elections;
- the positive obligation to facilitate the effective exercise of voting rights.

The CEC should publish its reasoning regarding the number and location of polling stations and the data used in reaching its decision.

Issue 6: Electoral campaign financing and third-party participation

6.1. Inclusion of goods and services within donation limits

Proposed provision: supplementing Article 53 with paragraph (2¹).

The ceiling would include:

- property;
- goods;
- merchandise;
- items;
- free work and services;
- services provided at a price below commercial or market value.

Positive aspects

The measure reduces the possibility of concealing donations through free or undervalued services.

Analysis of the issue and risks

- a) There is no clear methodology for determining market value;**
- b) ordinary commercial discounts could be confused with donations;**
- c) valuations may differ between contestants, and it is unclear who conducts the valuation.**

Proposals for improvement

The CEC should adopt a public methodology covering:

- market prices;
- comparable offers;
- commercial discounts;
- professional services;
- appeals against valuations.

The institutional capacity of the CEC to verify in-kind contributions consistently should also be assessed.

ODIHR has already found that the lack of clear guidance for valuing such contributions complicates reporting and oversight.

The methodology should be public, foreseeable and applied uniformly to all electoral contestants.

6.2. Extension of donor liability

Proposed provision: supplementing Article 54(3) with point (g).

Donors may incur liability for direct or indirect financing involving the exceeding of ceilings or breaches of the applicable rules.

Analysis of the issue and risks

- a) A donor may not know the total amount of donations received by the candidate;**
- b) the term “indirect financing” is broad;**
- c) there is no requirement of intent or knowledge;**
- d) the rule may discourage lawful donations.**

Proposals for improvement

Donor liability should depend on:

- knowledge of the breach;
- intent;
- provision of false information;
- coordination with the beneficiary;
- exceeding the donor’s own applicable limit, rather than a total ceiling of which the donor may be unaware.

6.3. Prohibition of credits, loans and virtual assets

Proposed provision: supplementing Article 54(6) with point (h).

Financing through the following would be prohibited:

- credits;
- loans;
- other activities generating financial obligations;
- virtual assets.

Opinion on the proposed provision:

The prohibition of virtual assets may be justified by difficulties of traceability.

However, an absolute prohibition on credits and loans requires further justification.

A transparent bank loan granted on market terms is not equivalent to an opaque loan granted by an affiliated person.

Proposals for improvement

The law could distinguish between:

- transparent bank loans;
- loans from individuals or affiliated entities;
- virtual assets;
- disguised financial obligations.

Issue 7: Media

7.1. Obligations of media institutions

Proposed provisions: amendments to Articles 89 and 90.

Article 89 establishes obligations of fairness, balance and impartiality.

Media institutions must provide airtime or advertising space on equal and non-discriminatory terms.

Article 90(5¹) requires audiovisual media service providers that have submitted editorial declarations to produce and broadcast news programmes concerning the activities and programmes of electoral contestants.

The time provided for in paragraph (9) increases from two to four minutes.

Analysis of the issue and risks

- a) the obligation to produce specific programmes may affect editorial freedom;
- b) the size and profile of the media institution are not taken into account;
- c) “balance” may be interpreted mechanically, without regard to journalistic relevance;
- d) it is unclear whether the requirement applies to every contestant in every news edition or to general coverage of the campaign.

Proposals for improvement

The following concepts should be clearly distinguished and defined:

- equal access to advertising;
- the duty of non-discrimination;
- the duty of balance;

- specific obligations of the public broadcaster;
- obligations applicable to private providers.

Obligations imposed on media providers should be interpreted in a manner that does not transform the principle of balance into a requirement of editorial uniformity or a disproportionate interference with editorial freedom.

Issue 8: Local referendums

8.1. Local referendums only twice a year

Proposed provision: revised Article 219.

Initiated local referendums would be held simultaneously, no more than twice per year, in spring and autumn.

Analysis of the issue and risks

- a) postponement of an urgent local issue;
- b) reduced flexibility for communities;
- c) artificial concentration of several referendums;
- d) possible negative impact on recall initiatives or urgent matters.

Positive aspects

The measure may reduce costs and allow for more uniform administrative organisation.

Proposals for improvement

Exceptions should be provided for:

- urgent situations;
- expiry of statutory deadlines;
- administrative-territorial reorganisation;
- recall of authorities;
- matters that cannot reasonably be postponed until the next scheduled period.

Issue 9: Legislative drafting

The draft also contains formal deficiencies that should be corrected before further consideration:

- “candidat independentent” instead of “candidat independent”;

- the numbering of Article 36 jumps from paragraph (14) to paragraph (19);
- the phrase “For reasons of legislative drafting and in order not to overload the text” is explanatory material that belongs in the explanatory memorandum;
- formulations such as “Central Electoral Council of Gagauzia of the constituency” are inconsistent;
- some sentences are excessively long and difficult to apply;
- references and numbering are inconsistent;
- essential terms remain undefined: “synchronised”, “media support”, “serious violation”, “reasonable time”.

Issue 10: Relevant ODIHR recommendations that remain unimplemented or insufficiently addressed

The draft should not be assessed solely on the basis of the amendments it introduces, but also against outstanding ODIHR recommendations that a broad revision of the Electoral Code should address.

The ODIHR Final Report of 18 February 2026 recommends a comprehensive review of the electoral framework and identifies several matters that remain relevant to the current draft.

These include:

- removing restrictions on voting rights based on intellectual or psychosocial disability;
- ensuring that candidates are able to remedy deficiencies in registration applications and reconsidering disproportionately burdensome requirements;
- adopting clearer rules for online campaigning and clarifying the treatment of inauthentic methods and networks;
- providing more detailed regulation of third-party participation in electoral campaigns;
- strengthening the CEC’s capacity to supervise campaign finance;
- improving mechanisms for removing deceased persons from the State Register of Voters;
- ensuring effective and timely resolution of disputes concerning candidate registration and clear rules for challenging election results.

Proposals for improvement

To the extent that Parliament is pursuing a broad revision of the Electoral Code, it would be advisable to publish an official compliance matrix indicating, for each ODIHR recommendation, whether it is:

- implemented;
- partially implemented;
- unaddressed;
- considered irrelevant to the draft,

together with the justification for the chosen approach.

Such an approach would improve the transparency of the reform and allow for a genuine assessment of the degree of alignment with international standards.

Conclusions

The draft amendments to the Electoral Code contain useful solutions and partially respond to recommendations and genuine needs of the electoral system.

Positive elements include, among others, stronger transparency requirements for in-kind contributions and clarification of certain electoral procedures.

However, these elements do not remove the need for substantial revision of provisions that directly affect electoral competition and the exercise of political rights.

The most significant risks identified include:

- the use of vague concepts to determine “disguised” support and impose severe sanctions;
- insufficient safeguards regarding effective remedies and the standard of proof;
- concentration of broad powers in the hands of the CEC and delegation to administrative regulations of matters affecting the substance of the right to vote;
- insufficient regulation of biometric data and alternative voting;
- reconfiguration of the electoral system in the Autonomous Territorial Unit of Gagauzia without a separate debate;
- incomplete consideration of outstanding ODIHR recommendations.

Given the scope and diversity of the proposed amendments, it is recommended that they be examined through separate legislative proposals, accompanied by distinct public consultations and impact assessments.

Such an approach would facilitate the proportionality analysis of each legislative intervention and contribute to strengthening confidence in the electoral reform process.

Modernising the Electoral Code cannot mean merely introducing new prohibitions, sanctions and powers for electoral authorities.

It must equally mean **stronger safeguards for voters, candidates and political competition.**

Relevant documents and sources

OSCE/ODIHR — *Moldova parliamentary elections 2025: final report*
<https://odihr.osce.org/news/odihr/662254>