CENTRAL ELECTORAL COMMISSION OF MOLDOVA

CONCEPT NOTE - CREDIBLE VOTER LIST IN BUILDING A STATE

CONTEXT

BACKGROUND

Moldova is experiencing many of the problems of a country in transition: weak political parties; lack of vision and long-term planning; poor implementation and oversight of administrative and legal decisions; lack of transparency in decision-making and finances; and the need for training and education. These problems are compounded by the political problem of Transnistria and very poor economic conditions. Moldova is currently the poorest country in Europe. The economy is a fundamental cause of the exodus of 25-33% of the population and remittances from outside the country are a major component of GDP.

The Joint United Nations Electoral Assistance Division (EAD)/United Nations Development Programme (UNDP) Needs Assessment Mission (NAM) found that similar to many countries in transition, Moldova suffers from a lack of institutional and procedural experience in functioning as a multi-party republic. Political parties are considered by many to be corrupt and working only for themselves. Although many governmental reforms have been approved, there is little sustained implementation, leading to lack of oversight and transparency problems, particularly as related to finances. The political environment is characterized by a lack of vision and preoccupation with short-term goals in looking toward the next elections.

In terms of the technical requirements for elections, Moldova's election laws are generally good, having been drafted in 1997, approved by the OSCE.

The Central Election Commission (CEC) is widely praised and considered highly professional and having good potential for far-sighted planning. There are concerns, however, that it is kept chronically under-budgeted and under-staffed by the Parliament. In planning for the 2009 elections, the CEC has identified several priorities for potential international assistance that remain important and in chronic need of funding:

- Improving the Voter List
  - Using the Register of Population as base
  - Increase transparency of displaying the Voter List electronically on Internet
  - Reduce the chances of deceased people voting
  - Reduce the chances of Out of Country people voting twice
  - Reduce the number of Voters on the Supplementary Lists
- Increasing transparency and trust of voters in the electoral process via the phased introduction of an e-voting system
- Training for election administrators
- Increase the transparency of financial funding and spending of CEC
- Increase the transparency of financial funding and spending of Political Parties and Competitors

Among the major outstanding funding needs is the IT infrastructure for polling stations and decentralized elections management bodies, which is meant to enable full functionality of the State Automated Information System

"Elections", including its electronic register of voters and Internet-voting functionalities. Shortage in funding this development may result in limited functionality of the system, and hence limited increase in transparency and credibility of the electoral processes. Securing full financial support for this outstanding operation will considerably ensure and enable political accountability as well as guarantee the legitimacy of the election results.

ISSUES OF CONCERN

POST-ELECTION VIOLENCE

The International Election Observation Mission, represented by delegations from the OSCE Parliamentary Assembly, Office for Democratic Institutions and Human Rights (ODIHR), Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament evaluated the April 2009 Elections as positive on the whole, a preliminary report declaring the elections generally free and fair however with some reservations not affecting the outcome or the overall initial assessment. Having said that, one member of the 280-strong observation team, whose observation post was near the border of Transnistria, voiced concern over this evaluation, claiming that the representatives of Russian Federation in the OSCE influenced this report.

Claims of political and electoral corruption emerged alongside claims of voter fraud, with deceased and non-attendant persons reportedly voting. Following the announcement of preliminary election results on 6 April 2009, which showed the Communists Party winning approximately 50% of the votes cast, the opposition rejected the results, accusing the authorities of falsification in the course of counting the votes and demanded cross-checking of voters lists with eventual new elections. Opposition and NGO activists have organized protest demonstrations in the centre of Chisinau on 6 and 7 April 2009, ultimately spinning out of control and escalating into a riot and vandalising of Presidential Palace and Parliament Building on 7 April 2009.

POLITICAL CORRUPTION

One of the many challenges for international donors including that of the European Union, is how to constraint political corruption in the form of power preservation and power extension via the use of resources. Examples in Afghanistan have shown how international donors have indirectly funded political corruption when state resources (built via donor funds) are manipulated for partisan electoral purposes. A repeat of the kleptocracy of Afghanistan to any other country is a donor nightmare (Source: Wilder, 2009).

Corruption of electoral processes is a deadly threat to any further democratization efforts in a country. It is therefore of utmost importance to prevent and combat this kind of corruption by creating necessary institutional and strategic preconditions to ensure sustainable country's democratic development and growth. Enhancing the integrity of the electoral system of Moldova is a strategically important move to secure the legitimacy of elections as well as enhancing proper political accountability to the citizenry. A transparent election process offers a well-established mechanism by which political elites are forced to negotiate with the citizenry in order to claim power. Likewise, incumbent Governments need to be responsive during their term in office to appeal to the electorates. As such, electoral processes may dampen corruption and strengthen trust in the democratic political system. Where election integrity fails, the opposite becomes an imminent threat, as evidenced after the last Moldovan elections and elsewhere.

WHAT IS THE APPROACH?

Studies have shown that the only sustainable long term strategy to reduce the level of corruption in a society is through the strengthening of democratic institutions that ensure voice, accountability and transparency. A study by

the World Bank determined that one of the Worldwide Governance Indicators is Voice and Accountability - the extent to which a country's citizens are able to participate in selecting their government through the ballot box. Hence, the more strong and heard in the voice of citizens, the better is the quality of governance. The election process is the most obvious and important accountability tool to ensure civic participation and voice, as well as responsiveness. There exist a direct co-relation between political instability and violence to corruption. Corruption and lack of legitimacy in the use of state authority are known factors to cause instability and violence. Hence, the election process is all the more important in that they "offer safe, predictable, rule-bound method for arbitrating social conflicts through the selection of representatives or the definitive resolution of questions before the community" and that "…the more consolidated a democratic system is the less likelihood that political violence will be employed by contenders for power as a way to retain or attain office"(Sisk, 2008).

Key prerequisite to any free and fair election process is the accurate Voters List.

CEC recognised this and initiated the development of the State Automated Information System – Elections (SAISE), the concept of which was adopted by Parliament as Law 101 and published 04.07.2008. The purpose of SAISE is to:

- Increase transparency in Voter List
    - Increase participation of citizens abroad
    - Decrease the chances of multiple voting
    - Decrease the chances of diseased people voting
- Increase the transparency in officials authorized to be in the Polling Stations on Election Day
- Increase the transparency of Observers authorized to be in the Polling Stations on Election Day
- Registration of Political Competitors
- Increase the transparency and Voter Education by providing online internet
    - Constitutional right of Voters
    - Election Law
    - Electoral Procedures
    - Minutes of CEC meetings
    - Decisions made by the CEC
- Increase the transparency of funding reports by providing online internet
    - Funding movements
    - Funding and spending of CEC
    - Loans to Political Competitors
    - Expenses of Political Competitors
    - Financial Reports submitted by Political Competitors
- Providing online internet Complaints and Objects module for electoral misconduct
- Tracking of Ballots from design, manufacture, distribution and retrieval
- Online immediate Voter Turnout figures published from Polling Station aggregated up to National level
- Increase transparency of Election Results by publishing from Polling Station aggregated up to NCEC made a strategic decision to develop the SAISE in-house. This will optimize capacity building, ownership and therefor sustainability.

Public opinion poll done by Gallup after the pilot projects of the first SAISE modules developed by CEC indicated not only a high level of SAISE acceptance by Moldovans, but also a higher level of confidence in election integrity.
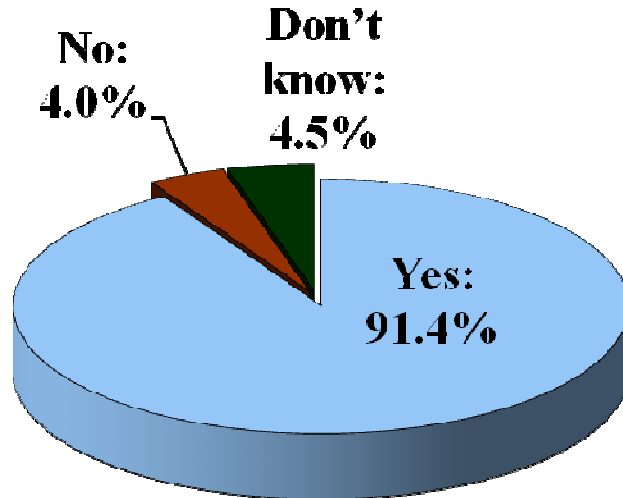
Figure 1: Do you think it is good to use electronic voters' lists?

The Project is proposing a systemic, institutionalized and strategic solution to the issue of possible corruption of electoral processes in Moldova.

The major corruption threat to Moldovan electoral processes currently are:

- Inaccurate voters lists and inherent difficulty in addressing this issue within the current system and framework;

- Doubts over integrity and transparency of votes counting;

- Disenfranchisement of large strata of Moldovan voters, particularly citizens staying abroad and students temporarily residing outside their usual places of stay.

The way this proposal plans to address those threats is full-scale implementation of a comprehensive Elections Management Informational System based on the concept documented in the Moldovan 2008 Law No.101 on State Automated information System "Elections". This system will specifically target the threat of elections corruption by:

- Providing an entirely new and automated voters register, minimizing the risk of any local voters list manipulations, and multiple voting;

- Providing an automated instrument for prompt and clear visualization of election turnout and votes count;

- Providing an automated and high technological instrument for enfranchising of Moldovan voters, specifically including those staying abroad, and automated votes count – via Internet voting;

- Providing a structured and automated system for evidence and tracking of all major actors (candidates, observers, electoral management bodies members, etc) and elements of the electoral system (complaints, polling station, electoral management bodies, etc).

The proposed solution offers a very high degree of sustainability, stability, efficiency and transparency as it is based on newest IT technologies minimizing the factor of human interference, and not requiring any massive financial intervention, beyond the system establishment, testing and launching in full-operation mode.

WHAT IS NEW IN THIS APPROACH?

While there are projects within UNDP Moldova that are geared towards anti-corruption, none are having focus on tying the tri-aspects of security, good governance and development initiatives into a coherent package. This approach will focus on creating institutional and strategic preconditions against corruption of electoral process in Moldova via Elections.

It is with strong interest that the CEC takes note of the Norwegian Government's interest in the area of 2.1 Ensuring well-functioning states via the policy documents (Stortingsmelding Nr. 13 (p. 25)):

- The Government wants to give stronger attention to the preconditions for success of anti-corruption institutions and strategy development.
- The Government wants to strengthen the multilateral organizations' anti-corruption activities.

And 6.2 Illegal cash flow and tax haven (Stortingsmelding Nr. 13 (p. 78)):

- The Government wants to work for universal accession to UNCAC and its practical implementation.

Having noted the above, the CEC is in full support for activities that enhances stability, efficiency, transparency and security of the Republic of Moldova via a free and fair election. Consequently, the CEC is in full support of the implementation of the United Nations Convention against Corruption (UNCAC) particularly Article 5: *PREVENTIVE ANTI-CORRUPTION POLICIES AND PRACTICES.*

The CEC is aware that the implementation of UNCAC Article 5 is not without problems. CEC realises that in many countries including those in transition that implementation response often consisted in the development of a broad national anti-corruption policy or strategy. However, it is often noted that this approach alone, has not been overly successful. The CEC is proposing the innovative approach of embedding anti-corruption approach through the electoral process in the tri-aspects of security, good governance and development initiatives into a coherent package, allowing donors the ability to see the direct relation between security, good governance and development initiatives – thus providing a more coherent approach in assisting a country in transition by addressing each challenge to the equation.

The CEC integratedinto the new Electoral Law 101 on which SAISE is build, a core of anti-corruption governance policies, namely curbing demand-driven political corruption via Financial Full Disclosure and Transparentization of Assets and Income by Candidates and Transparent Party Financing by working closely with enforcers from the Moldova Anti-Corruption Agency.

The CEC is constrained in taking this initiative forward, due to lack of capacity and resources to do so. Current funding comes from the Project Document executed by the UNDP with funding from the European Union.

MOTIVATION

The supplementary list count in both April 2009 and July 2009 Parliamentary Elections showed an average of 4%, in worst cases up to 10% of the Voting Population. This is very indicative of the quality of the Voter Register. The bad quality of the Voter Register has been quoted to be a major reason for the April 2009 unrest where the Parliament building was put on fire by grieved voters.

The 4% (close to 110,000 voters) together with allegations that dead people voted and out of country voters voted twice is cited by opposition parties as part of conspiracy schemes by the ruling party to stay in power.

It is also cited by opposition parties that corrupted Polling Staff officials allowed Voters to vote more than once or that the fact that a document number is used and not the unique IDNP, that corrupted officials in service of ruling government, used the Supplementary Lists to allow Voters to vote more than once.

There is a definite need to improve the quality of the Voters Register and to prevent duplicate voting.

Various methods were tried to enhance the quality of the VR. In the April 2009 Elections the Population Register were used and hardcopies as well as CD formats were send to Polling Stations. Possible contributions to this method failing are:

- Polling Staff are appointed 20 days before Election Day
- Register are displayed 20 days before Election Day
- Polling Stations have up to 3000 Voters
- Population Register 'lags' behind real time events such as deaths and voter relocation
- Believe/Trust in the Majors list instead of the Population Register
- Too time consuming to cross check two lists

In July 2009 Elections CEC requested the Polling Stations to send their Voters Lists to CEC to build a more accurate CEVR. Possible contributions to this method failing are:

- Not enough computers at Polling Station Level
- Different Operating System causing conflicts and mismatches for electronic searches
- Different Layouts between Polling Station Lists
- Different usage and formats of Date of Birth
- 30% of Voters only had Name, Surname and no Date of Birth or ID for Natural Person (IDNP)
- Missing information such as unique ID for Natural Person (IDNP)

FUNDING

The CEC is working closely with UNDP Moldova in the implementation of the Electoral Support to Moldova Project Document. The lifespan of this Project Document is up to 2013 however there is insufficient funding to support the implementation of the Project Document beyond June 2010.

While the current funding is via the EU Stabilization Fund, the fact that the violence did occur in April 2009 is not sufficient reason for EU to withdraw funding to Moldova or dispersed its interest as less important in its development agenda. Development objective, including its funding has to be long term and sustainable. Donors' underestimation of this aspect might have devastating impact, rendering a well-intentioned initiative short-lived and diluted its importance. The main actor in pushing the agenda forward, in this case the CEC, will lose the momentum of the initiative, to a point that it could endanger their credibility in future.

It is the strong desire of the CEC to continuously work through multilateral organizations such as UNDP alongside bi-laterals in order to bring this initiative to fruition without embarking on a new Project Document that may actually create heavier than necessary bureaucracy due to dual/triple reporting.

CURRENT PROJECT DOCUMENT OUTPUTS DEPENDENT ON ADDITIONAL FUNDING

OUTPUT 1: IMPROVED VOTER REGISTER AND HANDLING OF ELECTORAL INFORMATION (ELECTORAL INFORMATION MANAGEMENT SYSTEM - VOTER REGISTER, RESULTS AND BEYOND)

ACTIVITY 1 – ELECTRONIC VOTER REGISTER

Specific actions for the 2011 and 2013 Elections:

- If required, provide support for improvement of the population register through a burst of registration activity prior to the elections – The Population Register has more complete information and should be used as base. But the Village register is more often up to date with the latest changes they are aware of. The human factor can also be the cause where the Voter is on the Population Register and not in the local Voter Register. It is clear that the lists need to be *synchronised*. The best way is to use an online computer to update the CEVR directly (one advantage of the Central EVR is that a Voter cannot be on two Polling Stations' lists). SAISE will then send this as a request to Population Register to be verified and approved the change.
- If required, provide equipment for polling stations – During the Pilot Project it was proofed that the best way is to have at least one computer at the Villages to correct the Population Register as relevant events happen such as death or voter relocation. It would also be beneficial to have a computer at the Polling Station when the Polling Station is allocated and Polling Staff were appointed (20 days before Election Day) to sort out discrepancies online as quick as possible. Also during the observation missions conducted by the UNDP and from the two Pilot Tests on the CEVR, it was concluded that the Polling Stations lack sound infrastructure and would not be technically capable of conducting elections using the CEVR.

ACTIVITY 2 – SUPPORT FOR LONG TERM ELECTRONIC REGISTRATION, VOTING AND SAISE

Further support for the 2011 and 2013 elections should be assessed in light of the experiences obtained in the 2009 elections and conclusions on the legislative framework for Internet/absentee voting. The support should be extended to:

- Support the provision of electronic signatures for all Moldovan citizens, e.g. issued on a new civil ID smartcard – At least EMB officials, Observers and Political Party members should be issued with a Digital Signature e-token of some sort.
- Upgrade of the population register to include biometrics – There is still a public resistance towards biometrics such as fingerprints. Facial Recognition System might be used to identify one-to-one Voter Registration for i-Voting.
- Procurement of hardware capable of supporting full-scale Internet voting – The current internet bandwidth of the CEC will not be able to support full scale i-Voting.
- Provision of electronic voting machines in polling stations – The design of the software is such that a computer with touch screen capabilities could be built into a voting machine. This voting machine should be designed in such a way that it can be used for everyday e-governance support such as email, document handling, accreditation, Population Register updates, etc. too.
- Technical assistance throughout development and implementation of the above.

OUTPUT 2: ENHANCED PARTICIPATION OF CITIZENS ABROAD THROUGH IMPROVED CONSULAR SERVICES

The project will assist the relevant Moldovan authorities (namely the CEC and the Ministry Foreign Affairs and European Integration) to improve the management of elections outside the country and thus increase migrants'

participation in the elections with a special emphasis on the 2009 parliamentary elections. Under this component the project will train staff of Moldovan Embassies abroad to better facilitate elections, and will implement awareness raising activities that call for more active participation of voters abroad, also through taking into account the future of e-voting and other internet usage related activities. As a result, Moldovans living abroad would become more actively involved in political processes of Moldova, and democratic electoral procedures would be strengthened. Subsequently, good governance would be improved and accountability of the government would be increased.

Specific actionsto be undertaken before 2011 Elections:

- Preparation of an operational plan in collaboration with IOM in order to provide institutional capacity building for the Moldovan Ministry of Foreign Affairs for enhanced consular services in favour of external voting procedures and enfranchisement of voters.
- International Organization for Migration will roll-out a coordinated (with CEC and all stakeholders) response containing the following sets of actions:

ACTIVITY 1 – DEVELOPMENT OF THE NETWORKING COMMUNICATION SYSTEM FOR CONSULAR OFFICES

Initially IOM, in collaboration with MFAEI, will conduct an assessment and will design a networking communication system for consular offices to be integrated into the existing and upgraded electronic communication system of the Consular Department and thus establishing, along with other relevant activities of the project, better links of the consulates with the Moldovans in the respective countries for further improvement of consular services as well as a necessary prerequisite for ensuring a larger turnout of absentee and out-of-country voters during the 2013 elections.

ACTIVITY 2 – IMPROVEMENT OF CONSULATE COMMUNICATIONS THROUGH WEBSITES AND RELEVANT DATABASES

Consular websites will be upgraded with the use of appropriate software to introduce online services in relation to elections. To increase the participation of citizens abroad in the coming elections public information services will be enhanced. A system of periodical newsletters offering regular up-date information on consular services, general improvements in Moldova and social and economic opportunities will be developed, as well as Public Service Announcements (PSAs) for voters abroad in close collaboration with the Central Electoral Commission and MFAEI consular offices.

ACTIVITY 3 – DISTRIBUTION OF INFORMATION AND LOGISTICAL SUPPORT

With IOM's and MFAEI's facilitation, PSAs for the approaching elections in Moldova will be broadcast through local media with international coverage and in collaboration between local media and Moldova's consular offices. Information will be distributed among members of Moldovan Communities Abroad (MCAs), local community organizations, and churches frequented by Moldovans. Within legal framework and through bilateral agreements, IOM will provide all possible logistical support in relation to enhancing the polling capacity abroad in order to maximise the participation of MCAs in the 2009 Parliamentary elections.

ACTIVITY 4 – DEVELOPMENT OF A TRAINING SYSTEM FOR THE CONSULAR STAFF

The development and delivery of a training system, including curriculum, for new and current consular personnel on election related issues will be designed based on an evaluation of the current capacity of consular services in Moldova and abroad. The evaluation will base on assessment visits to the consulates of main destination countries (i.e. Italy

and Russia). It is planned, preliminary, that an approximate number of 200 consular staff will go through formal trainings on this topic. The training will increase the capacity of the consular staff to inform citizens abroad of their rights, especially with regard to their participation in the electoral process. The consular staff, through the training mechanism, will also have the necessary know-how to promote to migrants abroad the out-of-country/absentee voter registration developed by Central Electoral Commission. The capacity of the consular staff with regards to preparation and conduct of polling, election observation, and general issues such as neutrality, transparency and secrecy of the vote will be increased. The sustainability of the training of the consular staff will be ensured by having a curriculum for a training of trainers in addition to the curriculum of staff training. After the completion of training of trainers as a part of the practical training and logical continuation of capacity building process, a study tour to Poland will be organised.

OUTPUT 3: INCREASED CAPACITY OF THE CENTRAL ELECTORAL COMMISSION TO BETTER MANAGE ELECTIONS

ACTIVITY 1 – EMBEDDED CAPACITY BUILDING THROUGH THE PROVISION OF ON-SITE TECHNICAL ADVISORS

The project should provide the following election technical experts:

- Chief Technical Advisor.
- IT/VR Advisor (in particular involved in SAISE as mentioned under Output 1, above).
- PR Advisor (responsible for media and voter education actions as mentioned in Output 4, below).
- Other short-term consultants (Legal, Training, Web, IT, Media and Public Relations, Polling/Survey, Procurement/Material Support as identified during the inception of the action)

The experts should act as advisors and mentors to the CEC. They should embed themselves in the CEC and take part in its daily activities with a focus on advising, educating and training the staff on generic and specific electoral issues through day to day operations. Rather than work off a set curriculum this capacity building aimed at aiding the staff to do their daily work and the discharge CEC obligations under the law.

This element is a vital part of the program and will include reviews of all corporate systems including financial management, procurement planning, and HR management with a view to upgrading procedures in to corporate IT systems, where possible.

This activity will include support to the CEC in establishing a multi-year strategic plan and budget to include electoral events within the 2009-2013 electoral cycles.

ACTIVITY 2 – CAPACITY DEVELOPMENT THROUGH TRAINING AND EDUCATION

LOCAL TRAINING FOR OTHER CEC STAFF AND ITS SUBDIVISIONS

This activity will comprise of capacity development for electoral management staff and the development of sustainable capacities within the CEC to continuously raise the level of skills of electoral personnel.

The CEC will be supported to establish a permanent training centre that will be the main capacity building of electoral stakeholders, including:

- Training of Polling Station staff in SAISE.

ESTIMATED BUDGET

And estimated budget indicates that the full implementation of the Central Electronic Voter Register for July 2010 – June 2013 would be:

Human Resources (24 months)	$ 1 443 000.00
Central Election Commission IT Infrastructure, Training and Media Centres	$ 1 028 400.00
District Election Commissions IT Infrastructure and Training Centres	$ 80 000.00
Polling Station Infrastructure	$ 12 980 000.00
Consumables	$ 114 020.00
Other Expenses	$ 90 000.00
Contingency	$ 3 147 084.00
Total	**$ 18 882 504.00**

Note: The major IT Component is the Infrastructure at the Polling Station level. A Central Electronic Voter Register's main advantage is the ability to update a Voter's information at any place in the SAISE and have the ability to reflect the changes immediately worldwide. For instance when a Voter is being issued a Ballot Paper, the event would be recorded at that particular Polling Station and would be immediately visible for everyone who is using SAISE thus preventing double voting. Similarly when the Voter Register is updated, everyone will be able to see if his or her information is updated correctly. Transparency is the biggest advantage of SAISE and offers trust and integrity to the Voters and International Observers. To reduce the risk of viruses and key loggers is to ensure one standard of computers and one standard of software at each Polling Station, the advice is that CEC should be in control of the Infrastructure and Software.