

# DRAWING ELECTORAL DISTRICTS BOUNDARIES: BETWEEN NEUTRALITY AND POLITICAL PARTISANSHIP

- The analysis of the electoral results from the presidential elections extrapolated to the current configuration of the single-member districts demonstrates that their boundaries were gerrymandered, which advantaged at the systemic level the key proponents of the mixed electoral system-PDM and PSRM.
- The partisan mapping of the single-member districts (SMD) boundaries was performed mainly by squeezing the pro-European opposition voters in several constituencies, thus diminishing the total number of SMD in which the opposition candidates would be able to compete on equal footing with the incumbents and the PSRM candidates in the upcoming parliamentary elections. This approach was predominantly applied in the municipality of Chisinau and the central administrative districts of the country.
- Recruitment of mayors within the ranks of the ruling party through various means demonstrates the centrality of the local administrative resources that PDM counts on in the upcoming parliamentary elections. Establishment of a tight political control over the local authorities hints at their potential use at district level in order to offset the party's poor performance within the proportional component of the mixed electoral system.

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## Abbreviations

<b>SMD</b>	Single-member district
<b>IC</b>	Independent candidates
<b>PAS</b>	Action and Solidarity Party
<b>PDM</b>	Democratic Party of Moldova
<b>PSRM</b>	Socialist Party of the Republic of Moldova
<b>PLDM</b>	Liberal Democratic Party of the Republic of Moldova
<b>PCRM</b>	Communist Party of the Republic of Moldova
<b>PDA</b>	Dignity and Truth Platform Party
<b>PPEM</b>	Popular European Party of Moldova
<b>PPPN</b>	Our Party

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# 1. Mixed electoral system and the political competition in Moldova: general overview

The electoral system reform represents one of the most controversial institutional reforms enacted since the independence of the Republic of Moldova. The change from proportional representation to the mixed electoral system alters in a radical way the underlying rules of the democratic competition. Yet the manner in which this reform was conceived and implemented raised many doubts concerning the necessity and timeliness of its adoption. Except for the political parties that proposed and enacted it, there is a general societal consensus on the negative effects of the mixed electoral system on the quality of the democratic process and the electoral competition in Moldova. The same reservation was clearly expressed also by the international actors that warned the Moldovan authorities of the inappropriateness of the electoral system change and of the associated risks.

The topicality of the issue has spurred vivid and controversial debates in society both during the drafting process, and after the adoption of the electoral amendments. While the reformers have attempted to convince the society of the merits of the mixed electoral system in strengthening the relationship between citizens and their representatives, the opponents of the electoral amendments have claimed that the replacement of the electoral system is nothing but a useful tool employed by the ruling party (PDM) to cling to power by any means. This implied the collusion between the ruling party, seconded by the PPEM, and its declared opponent-PSRM.

This brief analysis aims to shed light on and clarify one of the most controversial aspects of the elec-

toral reform, namely the extent to which political partisanship represented the benchmark in drawing the SMD boundaries in favour of the reform supporters at the expense of the opposing political actors and future electoral competitors. Furthermore, this analysis will also address the issue of the potential impact of administrative resources, deployed at the lower tiers of public administration, on the electoral competition based on the election results from the last presidential elections. In this context, it should be underscored that I will not address two subjects which- albeit very relevant for the overall discussion on the electoral reform- lie outside the scope of this analysis. First, I will not analyse the implications/consequences of the mixed electoral system for the Republic of Moldova, including its associated advantages, disadvantages, shortcomings and risks, which are sufficiently covered and scrutinized in other studies, reports and opinion papers<sup>1</sup>.

Second, I will also overlook the issue of regulatory shortcomings of the electoral reform, which have not received appropriate solutions from the governmental authorities. These aspects have also been dealt with in various analyses, documents and opinions expressed by the representatives of civil society and international organizations<sup>2</sup>. Therefore, this analysis will focus exclusively on scrutinizing the most contentious aspect of the electoral reform, namely the application of gerrymandering techniques in the delimitation of SMD boundaries. The purpose is to see whether the proponents of the mixed electoral system disproportionately benefited from the partisan demarcation of district

<sup>1</sup> Valeriu Paşa, „Evaluarea funcționalității și impactului proiectelor de lege privind schimbarea sistemului electoral”/Assessment of the functionality and impact of the draft law on the change of the electoral system (Chisinau: Transparency International Moldova, 2017); Ion Tăbărtă, „Schimbarea sistemului electoral al Republicii Moldova: impactul asupra sistemului politic moldovenesc”/ The change of the electoral system in the Republic of Moldova: the impact on the Moldovan political system, Policy Brief (Chişinău: IDIS „Viitorul”, 2017); Ion Tăbărtă, „Deficiențe în aplicarea modului de scrutin mixt în Republica Moldova: Cazul Transnistriei”/ Shortcomings in the implementation of the mixed electoral system in the Republic of Moldova: the case of Transnistria, Policy Brief (Chişinău: IDIS „Viitorul”, July 2017); Mette Bakken și Adrian Sorescu, „Electoral System Design in Moldova” (Chisinau: USAID, Promo-Lex, May 2017).

<sup>2</sup> Venice Commission & OSCE/ODIHR, „Republic of Moldova: Joint Opinion on the Draft Laws on Amending and Completing Certain Legislative Acts (Electoral System for the Election of the Parliament)”, CDL-AD (2017)012 (Venice: European Commission for Democracy through Law, June, 2017); Promo-Lex, „The effects of the mixed-member electoral system. Case study: limitation of the constitutional right to elect of the voters with no domicile or residence”, 19 September 2017; Promo-Lex, „The effects of the mixed-member electoral system case study: Students and pupils’ vote can be fate-changing at the elections in some single-member constituencies”, 24 august 2017; Promo-Lex, „Public call on the limited transparency and the flaws found in the adoption of decisions regarding the establishment of single-member constituencies”, 7 November 2017; Promo-Lex & CRJM, „Public appeal on the transparency of the activity of the National Commission for the Establishment of Permanent Uninominal constituencies”, 21 august 2017; Sergiu Lipcean, „Problems and Challenges in the Financing of Parliamentary Elections in the Context of Changing the Electoral System” (Chisinau: IDIS „Viitorul”, Friedrich Ebert Stiftung, November 2017); Promo-Lex, „The Effects of the Mixed-Member Electoral System. Case Study: Situation of the Candidate from the National List of the Party, Who is, at the Same Time, an Independent Candidate in the Single-Member Districts”, 24 August 2017.



boundaries. In doing so I will rely on the electoral results from the last presidential elections, which are appropriate to perform such an exercise since they are candidate oriented and capture the political preferences of the electorate at the latest point in time. Furthermore, I will also investigate how the configuration of SMD, coupled with the potential use of administrative resources at the district level, might create additional opportunities for the ruling party to influence the electoral outcomes.

While several analyses have partially addressed the above-mentioned issues, pointing to the most vulnerable aspects of the transition to the mixed electoral system, hinting at some possible scenarios<sup>3</sup>, it is not very clear how the allegedly partisan demarcation of SMD boundaries in favour of PSRM, will interact with the administrative power of PDM at local level through the potential misuse and/or abuse of administrative resources. Moreover, it is not yet very clear to what extent the tacit coalition between the PDM and the PSRM will resist the test of electoral campaign. If one looks at the latest opinion poll, there is an enormous gap between PSRM (26%) and PDM (2.8%) in the voting intention of the electorate<sup>4</sup>. If PSRM starts from the *pole position* in both the proportional and the majoritarian components of the new electoral design, the starting position of PDM is not clear, although the majoritarian component is the one expected to entail the highest electoral returns.

Consequently, the lay of the land is radically different from the presidential contest in which the withdrawal of its own candidate from the electoral race

made it possible for the PDM to forge a coalition with PSRM. For the next parliamentary contest, PDM will file its own SMD candidates and, whether they will be disguised on the other parties' lists, compete as independents, or will openly run under the PDM logo, at least formally, they will compete with the PSRM candidates. For the time being, it is difficult to conceive of an open pre-electoral coalition between PDM and PSRM, at least this does not stem from the official narratives of both parties, which rather display a conflicting behaviour and positions to some policy issues. However, the allegations regarding the existence of cartel arrangements between PDM and PSRM, such as the split of the media advertising market, suggest that in relation with some crucial subjects, they succeeded in building up a mutually beneficial alliance, aiming at stifling political competition and the media pluralism. By the employment of dumping practices on media advertisement market they attempted to divert the financial resources from other market players who are more independent and non-partisan in their coverage of political events<sup>5</sup>. To what extent this undeclared coalition will remain consolidated over a longer time span it is difficult to predict. Nevertheless, the ill-fated experience of the previous PDM coalition partners does not rule out the possibility of defection, once the balance of forces will tilt towards one or another coalition partner. Yet, the consolidation of PSRM is partly the result of the PDM's support during the presidential elections, and the post-electoral developments have revealed that, despite openly expressed ideological and geopolitical acrimonies, both parties managed to agree upon the distribution of some key positions requiring the approval of the newly elected president<sup>6</sup>.

<sup>3</sup> sic.md, „Pe placul cui au fost croite circumscriptiile?"/Who was pleased by the drawing of electoral districts, sic!, 11 December 2017; „Care partide vor fi avantajate de sistemul mixt?"/Which parties are advantaged by the mixed system?, sic!, 19 May 2017; Valeriu Paşa, „Gerrymandering 2.0: cum au fost trasate circumscriptiile uninominale în Republica Moldova?"/Gerrymandering 2.0: How were drawn the SMD in the Republic of Moldova? (Chisinau: WatchDog.MD, February 2018); Promo-Lex, „Promo-Lex analysis on potential issues and possible effects of the SMD establishment under the current legal provisions” (Chisinau, 23 November 2017).

<sup>4</sup> Institute of Public Policies, „Public Opinion Barometer: November 2017” (Chisinau, November, 2017).

<sup>5</sup> Jurnal.md, „Cum funcţionează cartelul pe piaţa publicităţii, înfiinţat de Plahotniuc în tandem cu socialiştii; Unul dintre principalele scopuri - să ţină agenţii economici departe de Jurnal TV"/ How the cartel on the advertisement market set up by Plahotniuc in tandem with the socialists works; One of the main goals - to keep economic agents away from Jurnal TV, *Jurnal.md - Ca să ştii totul!*, January 2018; Radio Europa Liberă, „Piaţa publicităţii televizate şi înţelegerile de cartel - În aşteptarea unei anchete a Consiliului Concurenţei"/ TV advertising market and the cartel agreements - Waiting for an investigation by the Antimonopoly Committee, Radio Europa Liberă, data accesării 2 martie 2018; NewsMaker, „Лидеры продаж. Как демократы и социалисты подружились сейлз-хаусами"/ Sales leaders. How Democrats and Socialists became sales house friends, *NewsMaker*, January 2018; „Cutia Neagră cu Mariana Raţă: Cartel PDM şi PSRM pe piaţa publicităţii TV"/The black box with Mariana Rata: the PDM - PSRM cartel on the TV advertisement market. January 2018.

<sup>6</sup> Dan Dungaciu, „Binomul Plahotniuc-Dodon. Cronica Unei Manipulări de Stat"/ The Plahotniuc-Dodon Binom. The Chronicle of a State Manipulation, *Adevarul.Ro*, May 2017.

## 2. Methodological issues and the limits of the analysis

While developing this analysis I used the electoral results of the first round of the presidential elections, which were extrapolated to the SMD configuration in order to assess the extent of gerrymandering as underlying yardstick in drawing the SMD boundaries in favour of the supporters of the mixed electoral system. However, this approach could be applied only with regard to PSRM. Unfortunately, given the withdrawal of the PDM candidate from the presidential race it is not possible to assess its electoral strength based on results of the presidential elections. Likewise, the results of the 2014 parliamentary elections are not relevant to gauge its electoral strength due to the reconfiguration of the political spectrum as a result of parliamentary switching of many MPs from PCRM and PLDM to PDM, which led to the weakening of the two parties. In the same vein, the use of the electoral results from the 2015 local elections also bears the risk of being outdated. Despite the PDM's poor score recorded by the opinion polls, the perspective and expectation of replacing the proportional representation with the mixed electoral design resulted in the party's offensive towards countryside. This offensive is epitomized by the party recruitment of mayors and local counsellors from other parties and their enrolling into its ranks, an aspect to be discussed in more detail in a separate paragraph.

In order to offset this shortcoming, I have completed the data on the presidential election with the number of PDM mayors (as a proxy measuring party electoral strength) from both those elected on the party list and those who had joined PDM and openly expressed their new political affiliation at a later stage but before the presidential contest. Hence, in order to obtain a fuller picture of the party strength at local level I overlapped data on the PDM mayors' from the 2015 general local elections with the data on PDM mayors retrieved from the party official website. However, it should be noted that even this information is not complete, because according to some claims, the actual dominance of the party at local level is much stronger due to its ability to control about 600 mayors who represent two thirds of the countryside mayoralities<sup>7</sup>.

Thus, by combining data on the electoral outcomes from the first round of the presidential elections with the information on the PDM strength at local level and the data on the territorial demarcation of SMDs, I looked at some possible implications of the electoral system reform on the electoral competition for the upcoming parliamentary elections. By using the electoral results, I analysed how the delimitation of the SMD boundaries might have affected the electoral performance of the main presidential candidates, representing PAS-PDA and PSRM, under a mixed electoral design. Likewise, I assessed the effect of the PDM strength at local level on the electoral performance of each candidate to check for the potential bias in favour or against a certain electoral competitor.

At the same time, it should be stressed that two issues affect the quality and accuracy of this analysis – one is the methodological aspect and the second is related to the lack of data on the electoral strength of PDM. Methodologically speaking, a very precise assessment of the extent to which gerrymandering represented the chief yardstick applied to demarcate the SMD boundaries is troublesome and even tricky since Moldova is at its first experience of this kind. If the mixed electoral system had been previously employed and now the task consisted only in redrawing of the SMD boundaries, it would be easier to identify which political actors are expected to benefit mostly from this reconfiguration. Such conditions, however, do not exist and any attempt to establish the SMD boundaries from the scratch implicitly assumes a certain degree of partisanship in their delimitation. The introduction of mixed electoral system is instrumental in maximizing the electoral odds of the reform proponents at the next parliamentary contest. Nevertheless, the most controversial issue touches upon the magnitude of using gerrymandering techniques in the demarcation of the SMD boundaries. In the case of Moldova, it is imperative to emphasize that given the large disparities in the number of registered voters across administrative districts, the adoption of the mixed electoral design required the split of more populated administrative units and the

<sup>7</sup> Jurnal.md, „Directorul CALM: Cei mai mulți primari din țară au câte două sau chiar trei dosare penale pe numele lor.”/ CALM CEO: Most mayors have two or even three criminal cases lodged against them. *Jurnal.md - Ca să știi totuși*, January 2018; Radio Europa Liberă, „Viorel Furdui: În administrația publică locală s-a instituit o atmosferă foarte și foarte îngrijorătoare, de frică.”/ Viorel Furdui: In the local public administration, there is a very worrying atmosphere of fear, *Radio Europa Liberă*, January 2018.

creation of new SMDs, taking into account the total number of SMDs, as well as the number of registered voters in each district. This was inevitable, but the task of the governmental authorities was to ensure the relative equality of votes in each SMD, a requirement, which turned out to be grossly violated since the malapportionment, to which I will refer in a separate section, is far too obvious to be overlooked.

Concerning the second aspect - the lack of information on the PDM electoral strength - it affects the

ability to investigate more accurately the potential impact of the administrative resources at local level on the electoral outcomes. Even though we found an alternative proxy to account for the electoral strength of PDM that might capture even better the lay of the land, we don't possess the full information on the number of mayors and their distribution across SMDs. Even so, our findings are more likely to underestimate than overestimate the impact of the administrative power of PDM on the electoral performance of the presidential candidates.

### 3. Gerrymandering in the demarcation of the single-mandate district boundaries

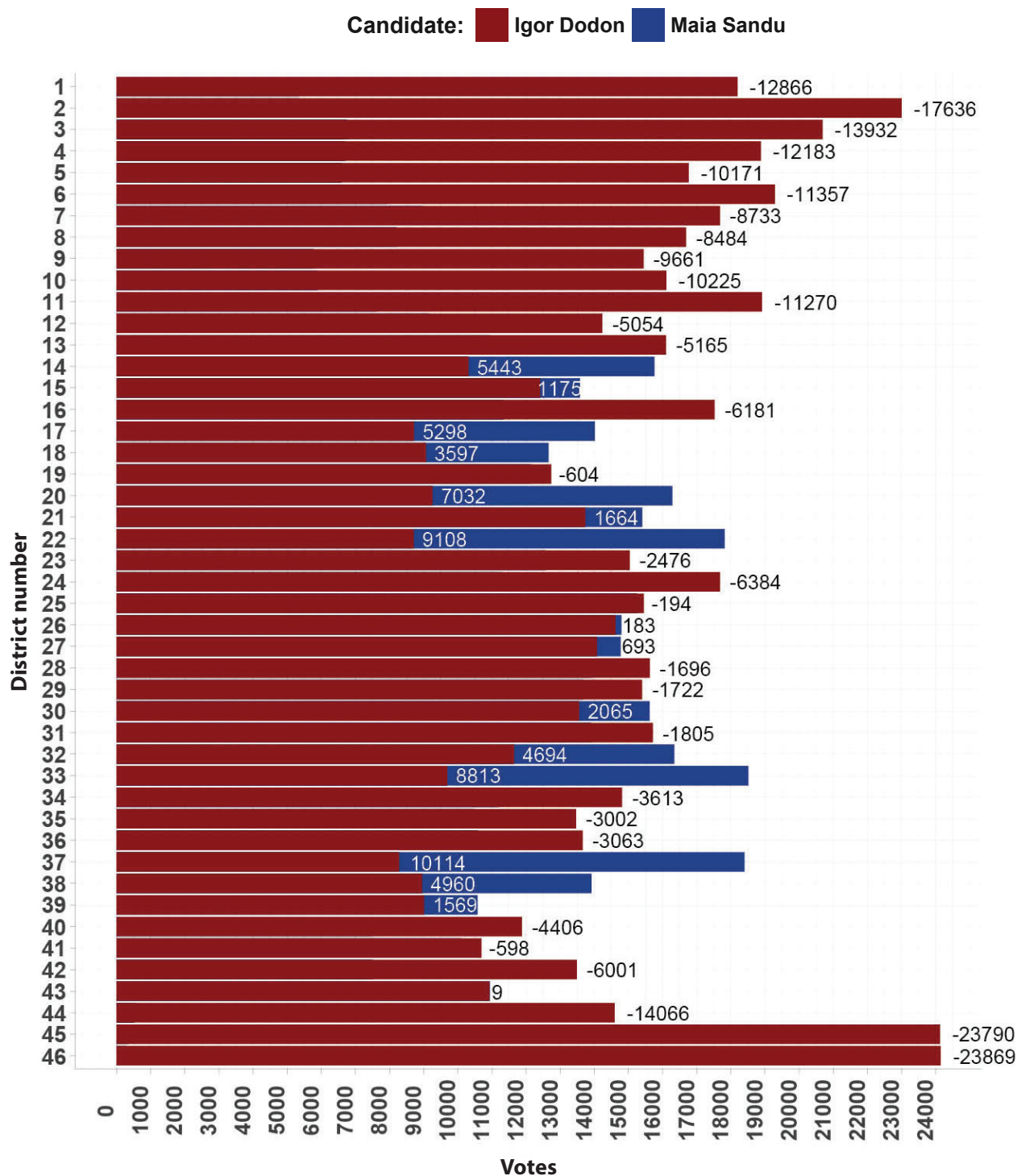
Putting aside the discussion about the necessity and timeliness of adopting the mixed electoral system, it is worth noting that, by default, it favours larger parties, which are provided with the opportunity to consolidate their position based on the SMD component. On the contrary, a mixed electoral design, by default, disadvantages smaller parties on the same dimension; regardless of how exactly the SMD boundaries are drawn. This represents a structural disadvantage operating against smaller electoral competitors. Obviously, the demarcation of SMD boundaries in a specific way may enhance or, on the contrary, weaken the built in structural advantage held by a certain political party in SMD relative to proportional representation. Therefore, the way in which the SMD boundaries are mapped out represents a critical issue.

Except for few obvious cases such as the squeezing of the pro-European voters from the Chisinau's suburbs into two SMDs aimed at freeing the space for manipulating the boundaries in other nine SMDs constituted in Chisinau, the picture is not as clear for the rest of administrative districts. Although the formation of some SMDs, resorting to less explicit criteria, hints at the use of gerrymandering to tailor the SMDs boundaries in favour of the proponents of the electoral reform,

no systematic evidence was provided to substantiate this assumption with respect to all administrative districts<sup>8</sup>. However, as I will show in this section, PSRM emerged as the clear winner at systemic level. The first and the most obvious indicator proving the delineation of the SMDs boundaries in favour of PSRM (Igor Dodon) at the expense of the PAS-PDA joined candidate (Maia Sandu) is epitomized by the gap in the electoral results obtained in the first round of the presidential elections held under proportional representation, relative to the same results overlapped on the current SMDs configuration. Hence, although the electoral result obtained by Igor Dodon in the first round was almost 48%, while the result of Maia Sandu was about 39%, the extrapolation of the same electoral results to the SMD configuration, indicates that Igor Dodon would have won the presidential elections already in the first round. He would have won in 2/3 or 67% of SMDs, which represents a difference of almost 20%. On the contrary, under a mixed electoral system, Maia Sandu would have been disadvantaged, winning only in 1/3 or 33% of SMD compared to 39 % of votes obtained under proportional representation. This is eloquently illustrated in *figure 1*, which displays the distribution of votes in favour of each candidate at SMD level, as well as the vote margin by which each candidate won at district level. Thus, the negative sign

<sup>8</sup> sic.md, „Pe placul cui au fost croite circumscripțiile?"/ Who was pleased by the drawing of electoral districts, sic!, 11 December 2017; Vale-riu Paşa, „Gerrymandering 2.0: cum au fost trasate circumscripțiile uninominale în Republica Moldova?"/ Gerrymandering 2.0: How were drawn the SMD in the Republic of Moldova? (Chisinau: WatchDog.MD, February 2018); Promo-Lex, „Promo-Lex analysis on potential issues and possible effects of the SMD establishment under the current legal provisions" (Chisinau, 23 November 2017).

**FIGURE 1.** Electoral results from the first round of the presidential elections extrapolated to the single member electoral districts



Source: Author's elaboration

reflects the difference by which Igor Dodon outscored Maia Sandu, while the positive sign indicates the opposite situation. The second source of gerrymandering, although not so straightforward, springs from the uneven electoral support cast in favour of each candidate across the country. The concentration of the electoral support in favour of Igor Dodon at regional level, especially in the northern and the southern administrative districts, as reflected by the top and the bottom SMDs from the *figure 1* reduces the room for gerrymandering. Conversely, the concentration of Maia Sandu's electoral support, predominantly in the central administrative districts, offered more possibilities to use gerrymandering in order to manipulate the SMD boundaries, as demonstrated by more splits of these districts.

Two strategies have been employed to achieve this goal. The first strategy resembles the one used in the Chisinau's suburbs (SMD № 32 and 33), that is, the concentration of the pro-European voters in fewer SMDs. Accordingly, the SMD № 14 (Telenesti-Soldanesti-Orhei), № 17 (Nisporeni-Straseni), № 20 (Straseni-Orhei), № 21 (Criuleni-Dubasari), № 22 (Ialoveni-Straseni-Calarasi), № 37 (Ialoveni-Causeni) Hancesti) are representative in this respect, by pooling together the largest number of voters who supported Maia Sandu in the presidential elections. Hence, Ialoveni, Hincesti, Calarasi, Nisporeni, Telenes-

ti and Orhei epitomize those administrative districts subject to the implementation of this strategy in its extreme form. Since Maia Sandu obtained in these districts a landslide victory, they were split in such a way that each part was attached to those SMDs in which pro-European voters were squeezed, thus resulting in much fewer SMDs in which pro-European parties would have obtained an advantage over the pro-Russian voters of Igor Dodon.

The second strategy in drawing the SMD boundaries consisted in a more even apportionment of the pro-European and pro-Russian voters across several SMDs such as in districts № 27 (Buiucani), № 26 (Center-Buiucani), № 25 (Center-Botanica), № 41 (Leova-Cantemir), № 43 (Cahul) and № 19 (Orhei-Dubasari). Both strategies are more visible if data is disaggregated by the candidate's level of electoral support in each SMD. *Annex 1* illustrates very eloquently this distribution, showing how the central administrative districts are split by squeezing pro-European voters in fewer SMDs. Even if this distribution theoretically affects both camps, PSRM has a clear advantage, especially if one considers the potential use of the administrative and media resources. Based on these considerations, it becomes obvious that the demarcation of the SMD boundaries was accomplished at the expense of pro-European voters who backed the candidacy of Maia Sandu.

## 4. Malapportionment of voters between electoral districts

One of the most contentious aspects of the SMD mapping touches upon the malapportionment of voters among SMDs, which undermines one of the fundamental democratic principles – equality of votes. As it has been shown in previous analyses, regardless of the benchmark employed to estimate the deviations from the admitted legal threshold of 10%, the law is grossly violated<sup>9</sup>. Therefore, the ballot of an elector in a SMD in which there are fewer registered voters will weigh heavier than the same ballot in those SMDs in which more voters are officially registered. Furthermore, in a SMD with fewer registered voters, fewer cast ballots will suffice to win elections relative to a larger SMD. In this context, the following question becomes crucial: whether and to what

extent the malapportionment advantages PDM and PSRM – the proponents of reform – or, on the contrary, disadvantages the pro-European opposition parties. This question is particularly relevant if one looks at how the extra-territorial SMDs (outside the country) were mapped out, which clearly indicates that pro-European opposition parties have been enormously disadvantaged, especially taking into account the turnout figures, for instance in Europe and Russia.

Yet, regarding the 46 territorial SMDs, the relationship between malapportionment and the partisanship towards PSRM and PDM is not so clear. The withdrawal of the PDM's candidate from the electoral

<sup>9</sup> Valeriu Paşa, „Gerrymandering 2.0: cum au fost trasate circumscriptiile uninominale în Republica Moldova?"/ „Gerrymandering 2.0: How were drawn the SMD in the Republic of Moldova? (Chisinau: WatchDog.MD, February 2018); Promo-Lex, „Promo-Lex analysis on potential issues and possible effects of the SMD establishment under the current legal provisions” (Chisinau, 23 November, 2017).



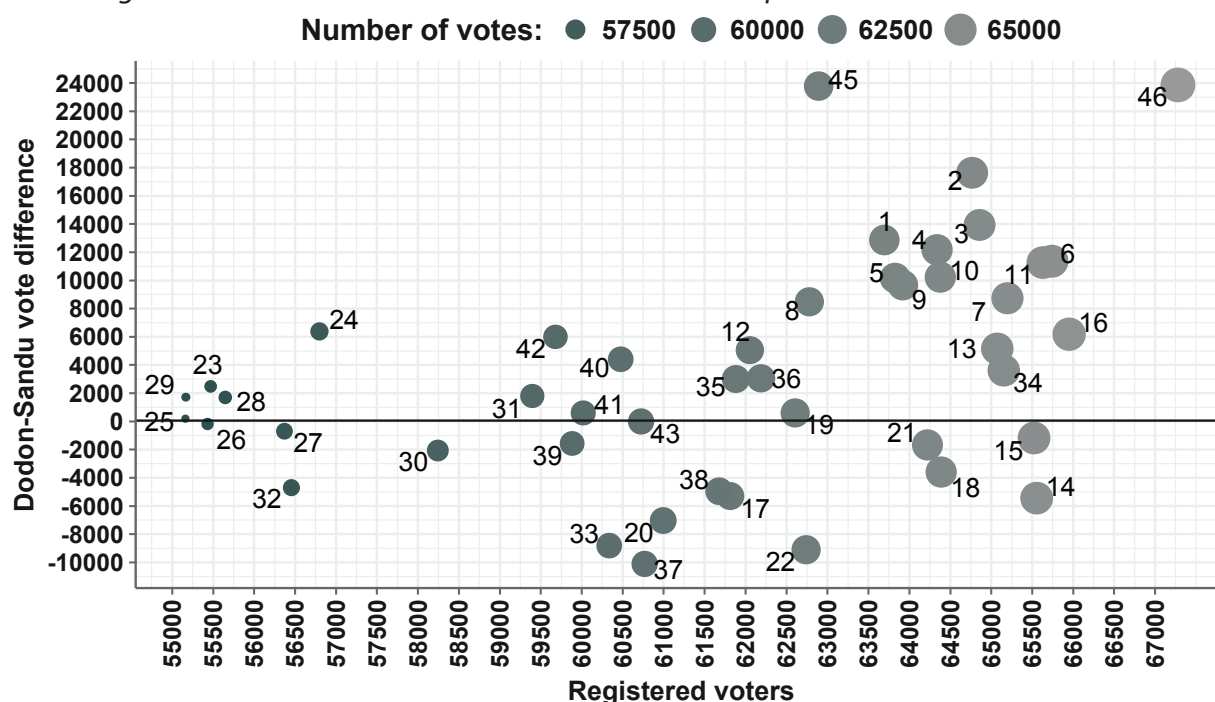
race does not allow assessing whether and how the party may benefit from malapportionment. As for PSRM, the demarcation of SMDs does not seem to indicate a systemic preferential treatment concerning the equality of votes as it occurred with regard to the apportionment of the extraterritorial SMDs. If one overlaps the votes' difference between Igor Dodon and Maia Sandu from the first round of the presidential elections on SMDs, it appears that in many SMDs in which Igor Dodon would have obtained a landslide victory with a difference of more than 10 thousand ballots represent those SMD with the highest number of registered voters. This translates into a lower electoral power per registered voter. It seems that gerrymandering in favour of PSRM had a price to be paid, reflected by the lower electoral power per registered voter. This relationship is clearly seen in *figure 2*, which displays the relationship between the votes' difference between Igor Dodon and Maia Sandu (y axis) and the number of registered voters in each SMD (x axis).

Hence, in the SMDs located above zero, Igor Dodon outscored Maia Sandu, while in those below zero Maia Sandu outscored Igor Dodon. Except for the SMDs in which Igor Dodon would have obtained a landslide victory, the other districts are almost evenly distributed between candidates regarding the disparities in the voters' electoral power. Overall, this

is not surprising since the overlapping of the electoral results from the presidential elections on the SMD configuration clearly indicates that Igor Dodon would have won in 2/3 of them. Of course, the absence of a clear pattern indicating the existence of a political bias in favour of PSRM does not justify per se the significant disparities in the citizens' voting power across different constituencies. Furthermore, as mentioned-above, it is not possible to gauge the extent to which PDM – the key actor which lobbied the change of the electoral system – would benefit from the malapportionment of voters across districts.

However, if one accepts the assumption that the citizens' voting power matters, then it is clearly higher in those SMDs with fewer registered voters. Therefore, one would expect that the main beneficiaries of the electoral reform would attempt to tailor the boundaries in a way that maximizes their electoral odds. This can be achieved easier in those SMDs in which the distribution of voters between parties is more uniform and there are no significant gaps that would be difficult to overcome. From this perspective, *figure 2* provides interesting clues as it underscores the fact mentioned in the previous paragraph that in several SMDs in which Maia Sandu would have won, the vote difference is minimal. Although some of them are in Chisinau, where the probability of using the administrative resources is lower relative to countryside, the

**FIGURE 2.** Relationship between the number of registered voters in SMDs and the vote difference between Igor Dodon and Maia Sandu in the first round of the presidential contest\*



Source: Author's elaboration

Note: Taraclia is not shown on the graph but it is the fourth SMD in which Igor Dodon won by the largest margin.

difference is so tiny that may be easily removed. Furthermore, except for the SMDs located in Chisinau, there are few SMDs across the country where the superiority of the pro-European vote over the pro-Russian vote is, alike, relatively small and may be cut down by the use of administrative and media resources, as it happened during the presidential campaign<sup>10</sup>. In addition, if one considers the number of the officially registered voters from the electoral register which is well above the number of real voters – which is a critical and still persisting issue – the rigging of elections does not seem so unlikely anymore<sup>11</sup>.

Accordingly, if one approaches the issue of the SMDs configuration from this vantage point, it becomes much clearer why PSRM was strongly favoured per-

taining to the delimitation of the SMDs boundaries but slightly disadvantaged with regard to the voting power in some constituencies. This sacrifice was made to free up the necessary space in the central part of the country in order to manipulate the SMD boundaries at the expense of the pro-European opposition. Furthermore, one should not neglect the PDM interests as the political party that fully controlled the composition and the activity of the committee entitled with the SMD demarcation<sup>12</sup>. In this regard, it is worth noting that given the PDM aggressive expansion in the direction of countryside, by the massive enrolment of mayors and local councillors from other political parties into its ranks employing various means, the mapping of the SMDs boundaries, as it was accomplished, gets a special twist.

## 5. Mixed electoral system and the local administrative resources of PDM

Beside the fact that the mixed electoral system advantages large parties, it also favours the political parties with a well-developed territorial infrastructure which can rely on local administration. The control of local administrative resources as reflected by the enrolment of mayors into the PDM ranks, represents currently one of the key priorities in preparing the ground for upcoming parliamentary elections and highlights the importance attached to the territorial domination at local level. Yet, it should be stressed that this expansion is not only about the increasing capacity of the countryside electoral mobilization. It is rather about the vertical management of the electoral process, ranging from the control over the nomination and composition of the district electoral councils to the control over the composition of the poll-

ing stations' committees. Hence, the more extended the ranks of PDM mayors and councillors, the easier to exercise this control. This is a crucial issue in light of international practice, which reveals that, in majoritarian and mixed electoral systems lacking free and fair elections, the manipulation of the electoral process occurs especially at the SMD level through the control of the district electoral councils, whose composition is dominated by civil servants and budgetary employees who are under direct executive subordination. The OSCE/ODIHR monitoring reports provide compelling evidence in this respect, showing how in the less democratic former-soviet republics, the administrative control at the local level creates a favourable environment to ensure the victory of incumbents and to harass the opposition candidates<sup>13</sup>.

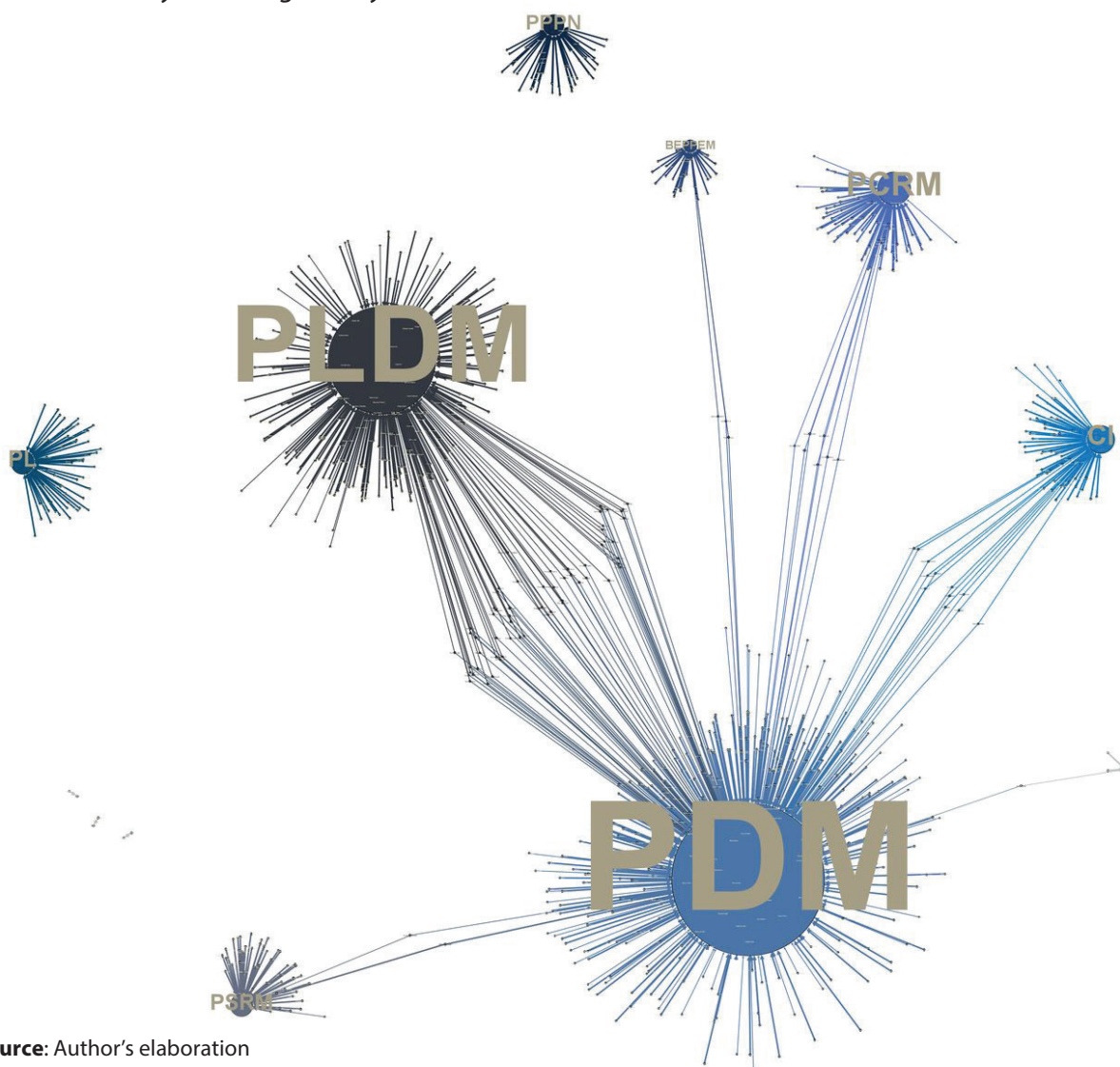
<sup>10</sup> API și CJL, „Monitorizarea mass-media în campania electorală pentru alegerile prezidențiale 2016: Raport final 15 septembrie 2016 – 11 noiembrie 2016”/ Media monitoring in the campaign for the presidential elections of 2016: Final report 15 September 2016 – 11 November 2016 (Chișinău: Asociația Presei Independente, Centrul pentru Jurnalism Independent, 2016); Promo-Lex, „Observation Mission for the Presidential Election in the Republic of Moldova on 30 October 2016” (Chisinau: Promo-Lex, ianuarie 2017), 37-39.

<sup>11</sup> Victor Ciobanu, „Mizerabili.md”/The Miserables, Ziarul Național, 5 April 2016; Victor Ciobanu, „Suflete moarte sau ce facem la alegeri?”/Dead souls or what do we do in elections, Ziarul Național, May 2016; Rise Moldova, „Cimitirul din listele electorale”/The cemetery from the electoral register, Rise Moldova, 9 September 2016.

<sup>12</sup> Valeriu Pașă, „Gerrymandering 2.0: cum au fost trasate circumscriptiile uninominale în Republica Moldova?”/ Gerrymandering 2.0: How were drawn the SMD in the Republic of Moldova? (Chisinau: WatchDog.MD, February 2018); Promo-Lex, „Promo-Lex analysis on potential issues and possible effects of the SMD establishment under the current legal provisions” (Chisinau, 23 November 2017); Promo-Lex & CRJM, „Public appeal on the transparency of the activity of the National Commission for the Establishment of Permanent Uninominal constituencies”, 21 august 2017.

<sup>13</sup> OSCE/ODIHR, „Russian Federation: Elections to the State Duma 7 December 2003” (Warsaw: OSCE/Office for Democratic Institutions and Human Rights, 27 January 2004), 5; OSCE/ODIHR, „Russian Federation: Elections to the State Duma 4 December 2011” (Warsaw: OSCE/Office for Democratic Institutions and Human Rights, 12 January 2012), 5-12; OSCE/ODIHR, „Republic of Azerbaijan: Parliamentary Elections 6 November 2005” (Warsaw: OSCE/Office for Democratic Institutions and Human Rights, 1 February 2006), 7; OSCE/ODIHR, „Republic of Azerbaijan: Parliamentary Elections 7 November 2010” (Warsaw: OSCE/Office for Democratic Institutions and Human Rights, 25 January 2011), 6-7; OSCE/ODIHR, „Republic of Kazakhstan: Parliamentary Elections 18 August 2007” (Warsaw: OSCE/Office for Democratic Institutions and Human Rights, 30 October 2007), 9-10; OSCE/ODIHR, „Kyrgyz Republic: Parliamentary Elections 20 February & 12 March 2000” (Warsaw: OSCE/Office for Democratic Institutions and Human Rights, 10 April 2000), 8-10; OSCE/ODIHR, „Republic of Tajikistan: Elections to the Parliament 27 February and 13 March 2005” (Warsaw: OSCE/Office for Democratic Institutions and Human Rights, 31 May 2005), 5-6; OSCE/ODIHR, „Republic of Tajikistan: Elections to the Parliament 28 February 2010” (Warsaw: OSCE/Office for Democratic Institutions and Human Rights, 6 July 2010), 9.

**FIGURE 3.** Party switching of mayors to PDM



**Source:** Author's elaboration

Even if one admits that the freedom of the electoral process in the Republic of Moldova cannot be compared with such authoritarian regimes, one could recently notice a backslide concerning the democratic development. The fight against grand corruptions is stalling, thus bringing back the discussion on state capture, associated with the undermining of state institutions and their deployment to promote the agenda of narrow vested interests<sup>14</sup>. Furthermore, the siege of the local administration via recent attempts to restrict local autonomy, as well as the harassment of the non-affiliated to PDM mayors by filing of crim-

inal cases, leaves no doubt about the party's real intentions in monopolizing the control over the local authorities<sup>15</sup>. If the information on the number of mayors controlled by the PDM is true and reaches about 600 mayors, one can see that the party succeeded in expanding its ranks at the expense of mayors elected on the other party lists. From less than 300 PDM mayors elected in 2015, their number has more than doubled in a relatively short time span. *Figure 3* illustrates the mayors' party switching quite tellingly, albeit it does not capture the full scale of this migration and only depicts those mayors who officially unveiled their

<sup>14</sup> Transparency International Moldova et al., „State Capture: the Case of the Republic of Moldova” (Chisinau: Transparency International Moldova, Association for Participatory Democracy, Legal Resources Center from Moldova, IDIS „Viitorul”, June 2017); Transparency International Moldova, „Schimbarea sistemului electoral înainte de alegeri – o încercare de autoconservare a guvernanților compromiși”/ The electoral system change before the elections - an attempt of self-preservation by the compromised incumbents, May 2017.

<sup>15</sup> Radio Europa Liberă, „Viorel Furdui: În administrația publică locală s-a instituit o atmosferă foarte și foarte îngrijorătoare, de frică.”/ Viorel Furdui: In the local public administration, there is a very worrying atmosphere of fear, Radio Europa Liberă, January 2018; *Radio Europa Liberă*, „Viorel Furdui: Cum de se întâmplă că aceia cotați cu cea mai mare încredere de către cetățeni să fie indirect considerați criminali?”/ Viorel Furdui: How does it happen that those who are the mostly trusted by citizens are indirectly considered criminals?, *Radio Europa Liberă*, 11 September 2017; *Point.md*, „Le-au promis că se vor pomeni cu droguri și muniții. Primarii PN ar fi amenințați”/ They were promised to be compromised through drugs and ammunition. The Our Party mayors would be threatened, *Point.md*, 15 September 2017; *Radio Europa Liberă*, „Centralizarea descentralizării și reforma fără formă...”/The centralization of decentralization and the reform without form..., *Radio Europa Liberă*, January 2018; *Jurnal.md*, „Directorul CALM: Cei mai mulți primari din țară au câte două sau chiar trei dosare penale pe numele lor.”/ Most mayors have two or even three criminal cases lodged against them, *Jurnal.md* - Ca să știi totul!, January 2018; *Unimedia*, „(video) Primarul orașului Fălești, amenințat și șantajat ca să părăsească «Partidul Nostru»”/The mayor of Falesti threatened and blackmailed to leave the Our Party, *UNIMEDIA*, 5 April 2017.

new political affiliation and are listed on the PDM official webpage. While much more countryside mayors who switched to PDM are not registered on the party's website, the magnitude of the voluntary or forced enrolment in the PDM ranks is considerable. As one can notice, while PLDM is the mostly affected party by this phenomenon, the PDM's strong gravitational force equally attracted a number of PCRM mayors and former independent candidates. Assuming that data on the party switching of mayors is authentic, it appears that one third of the local elected representatives have changed their political affiliation, which is

an impressive figure and can heavily weigh in shaping the outcome of the future parliamentary elections. In addition, the likelihood that the PDM's offensive against the non-affiliated mayors will cease is very low. On the contrary, with the approaching of elections, it will rather intensify. Given the PDM poor rating in the opinion polls, which primarily affects the party's capacity to successfully compete in the proportional component of the new electoral design, it will try to offset this handicap by focusing on the majoritarian competition through the extensive use of the local administrative resources.

## 6. The effects of local administrative resources on the electoral outcomes during presidential elections

The deployment of the PDM's administrative and media resources in favour of an electoral competitor was tested in the 2016 presidential elections. Despite the official statements expressed by the PDM leaders in support of Maia Sandu following the withdrawal of Marian Lupu from the electoral race, some politicians and media claimed that Igor Dodon was the presidential candidate who actually benefited from the PDM administrative support and favourable media coverage<sup>16</sup>. While the favourable media coverage is confirmed by the monitoring results of the election campaign which demonstrated that the broadcasting outlets affiliated to PDM had clearly favoured Igor Dodon<sup>17</sup>, there was no evidence of administrative support at local level, which is more difficult to prove. However, the PDM's emphasis on colonizing the countryside mayoralties suggests that it matters. For this rationale, in this paragraph we will try to identify whether there is a positive relationship between the PDM electoral strength at local level across SMDs, measured as the number of politically controlled mayors, and the electoral performance of Igor Dodon in the first round of presidential elections.

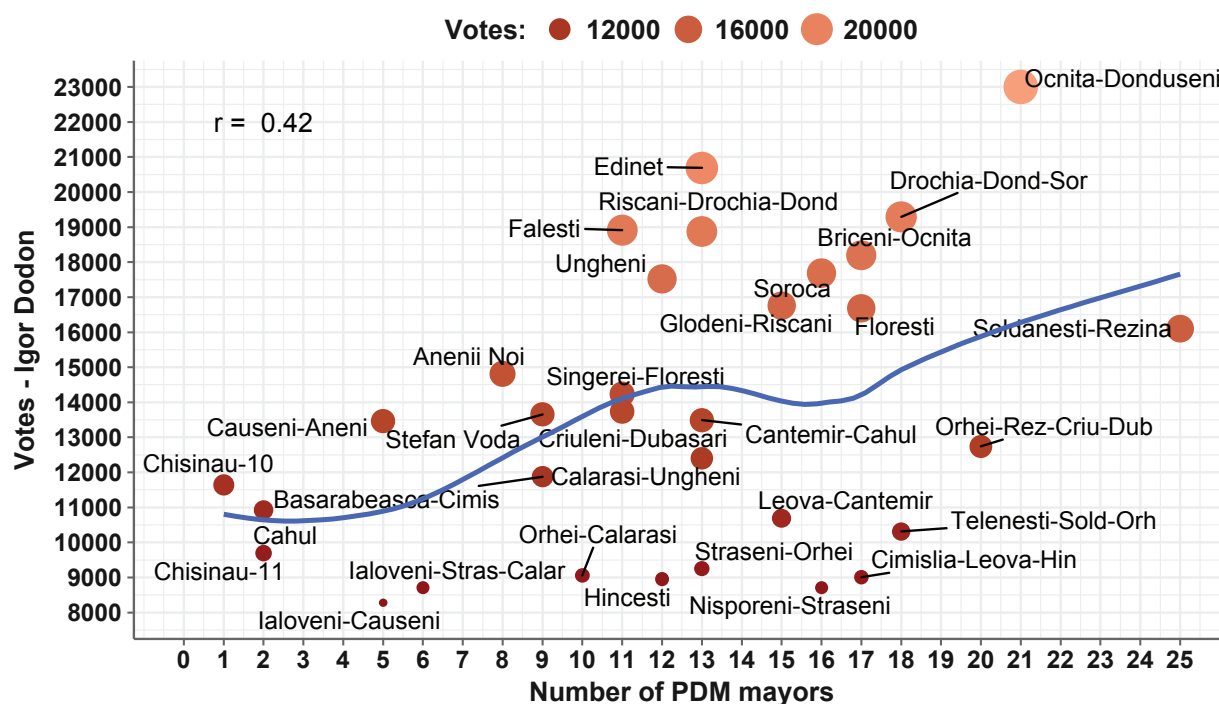
Since we are primarily concerned with the effects of local administrative resources on electoral out-

comes, I excluded from the model those constituencies formed in the municipalities of Chisinau and Balti, in which it is not possible to apply the same tools of administrative control relative to rural areas. I also excluded the other three SMDs formed in Gagauzia and Taraclia, in which the prevalence of the geopolitical vote leaves little room for administrative influence, even if I do not entirely rule out their potential impact. Overall, there are three possible scenarios in assessing the effects of the PDM's administrative resources in favour of the PSRM candidate: positive, negative or no effects. A positive relationship, in this respect, implies a better electoral performance of Igor Dodon in those SMDs in which PDM controls a higher number of mayors. That is, the more mayors PDM controls in a constituency, the more votes Igor Dodon is expected to receive. Vice-versa, a negative relationship implies a poorer electoral performance of Igor Dodon in those SMDs in which PDM controls more mayoralties. Exactly the same potential scenarios are valid for Maia Sandu. If the PDM's official declarations in support of Maia Sandu were truthful, one would expect a better electoral performance in those SMDs in which it controls more mayors and vice versa. Therefore, in order to check for the presence

<sup>16</sup> Adevarul.ro, „Sergiu Mocanu: Plahotniuc îl poate face pe Dodon preşedinte din primul tur”/Sergiu Mocanu: Plahotniuc could make Dodon president from the first round, *adevarul.ro*, 22 September 2016; *Point.md*, „Năstase: «Plahotniuc vrea să-l facă pe Dodon preşedinte din primul tur»”/Năstase: Plahotniuc wishes to make Dodon president from the first round, *Point.md*, 28 October 2016; *Deutsche Welle*, „Plahotniuc îl susţine pe Dodon «din tufiş»”/ *Deutsche Welle*, Plahotniuc supports Dodon from “the bush”, *dw.com*, November 2016.

<sup>17</sup> API şi CJL, „Monitorizarea mass-media în campania electorală pentru alegerile prezidenţiale 2016: Raport final 15 septembrie 2016 – 11 noiembrie 2016”/ Media monitoring in the campaign for the presidential elections of 2016: Final report 15 September 2016 – 11 November 2016.



**FIGURE 4.** Correlation between the electoral result of Igor Dodon and the number of PDM mayors in each SMD

**Source:** Author's elaboration

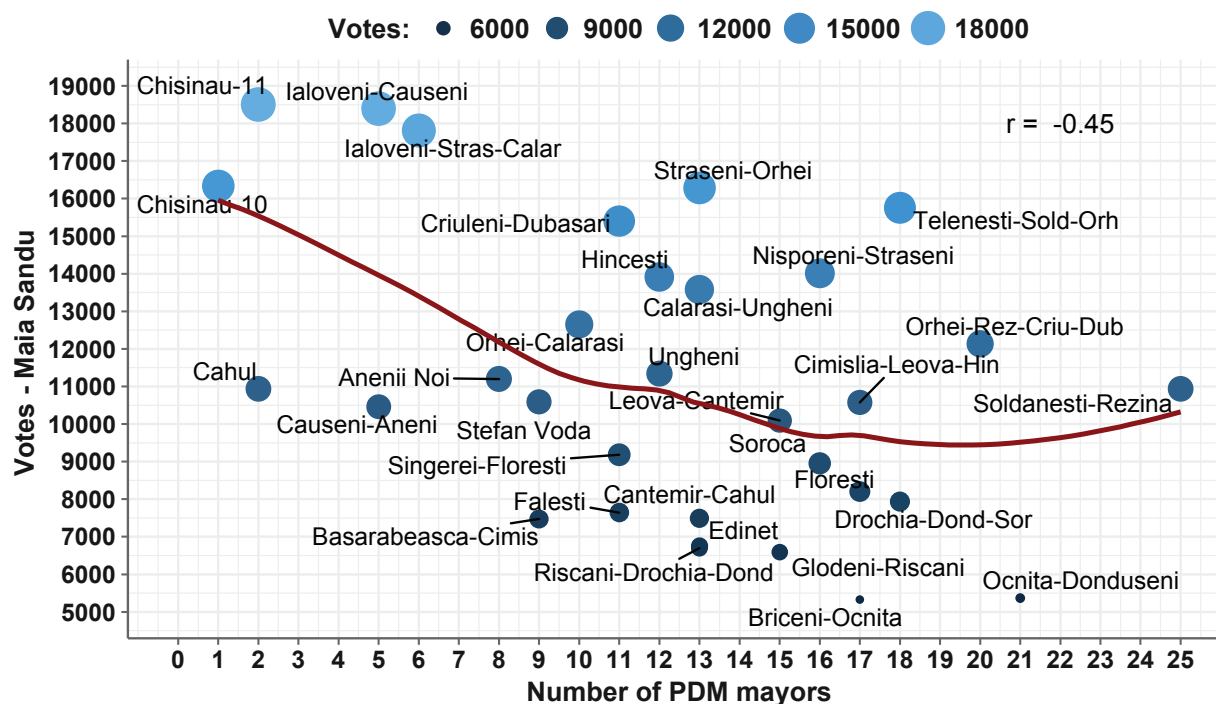
**Note:** Chisinau 10 and Chisinau 11 represent SMDs constituted from the Chisinau suburbs.

of this relationship and its strength, I correlated the electoral score of each presidential candidate with the PDM administrative strength in the countryside.

However, before analysing the effects of local administrative resources in favour of/against the presidential candidates, it should be noted that this correlation which measures the potential impact varies between -1 and 1. Between -1 and 0, the score reflects a negative relationship, while between 0 and 1 – a positive one. The closer this score approaches to -1 or 1, the stronger the relationship between the PDM's administrative strength and the candidate's electoral performance, although in different directions, irrespective of who is the candidate. On the contrary, the closer the score approaches to 0, the weaker the relationship. Hence, if the score lies between -1 and 0, it means that a larger number of mayors controlled by PDM in a particular constituency is, on average, associated with a worse electoral performance of the presidential candidate. Conversely, if the score lies between 0 and 1, the PDM's administrative strength is, on average, associated with a better electoral performance. The result of these correlations is depicted in figures 4 and 5, separately for each candidate. Figure 4, which

represents the correlation between the number of PDM mayors and Igor Dodon's electoral results, clearly indicates a positive relationship. Although the correlation coefficient of 0.42 does not indicate a very strong relationship, it is sufficiently robust and quite suggestive in the present context. Despite the significant differences across districts, the general trend is pretty clear – the electoral performance of Igor Dodon is positively associated with a stronger presence of the PDM's mayors in the countryside.

Unlike the positive relationship found in the case of the PSRM candidate, the correlation is negative in relation to Maia Sandu. Hence, the correlation coefficient of -0.45 demonstrates very clearly an opposite pattern in which the electoral performance of Maia Sandu, on average, decreases as the number of the PDM's mayors increases. Even though the existence of a sufficiently robust correlation does not allow us to make bold assumptions that the political control over the of local administrations had decisively contributed to Igor Dodon's victory over Maia Sandu, these results are more than suggestive for the proper evaluation of the PDM's partisan behaviour during the presidential campaign.

**FIGURE 5.** Correlation between the electoral results of Maia Sandu and the number of PDM mayors in each SMD

**Source:** Author's elaboration

**Note:** Chisinau 10 and Chisinau 11 represent SMDs constituted from the Chisinau suburbs.

The PDM's bias in favour of Igor Dodon is confirmed by the use of another statistical tool that sheds more light on and clarifies the strength of this relationship. To check the validity of the correlation result, I employed a simple linear model (ordinary least square regression/OLS), which allowed to estimate more precisely how the PDM's local administrative strength is associated with the electoral performance of the two presidential candidates. In this model, the number of the PDM's mayors stands as independent variable, i.e. the variable expected to affect the electoral performance, while the electoral result, measured as the number of ballots cast for each candidate, represents the dependent variable. Therefore, according to the advanced hypothesis, which was confirmed by the correlation coefficient, a larger number of the PDM controlled mayors is associated with a better electoral performance of Igor Dodon and a weaker performance of Maia Sandu.

The results of regression model are shown in *table 1* and fully validate the correlation results for the 32 countryside SMDs. Hence, the coefficient for each candidate from the table reflects the number of cast ballots contingent on the PDM's territorial strength. On the one hand, the data reveals the same positive relationship between the PDM's mayors and the PSRM candidate. On the other hand, it also confirms the negative relationship between mayors and the electoral performance of the PAS-PDA joint candidate. Accordingly, every DPM may-

or is, on average, associated with an increase by almost 300 voters in favour of Igor Dodon. On the contrary, the same mayor is, on average, associated with a decrease by more than 300 votes in relation to Maia Sandu. This represents a robust indicator on the potential effects of administrative recourses employed at district level to affect the outcome of the electoral competition.

**TABLE 1.** The effect of the local administrative resources on the electoral performance of presidential candidates

	Igor Dodon	Maia Sandu
	(1)	(2)
	Votes	Votes
PDM mayors	298.4** (2.51)	-306.0*** (-2.76)
Constant	10056.1*** (6.26)	14971.2*** (10.00)
N	32	32
R <sup>2</sup>	0.174	0.203

t statistics in parentheses: \* p<0.10, \*\* p<0.05, \*\*\* p<0.01

**Source:** Author's estimations

Even if one acknowledges the fact that there are many factors affecting the candidates' electoral performance, the data, however, leaves no doubts on the identity of the presidential candidate who benefited from the PDM's local administrative resources. Furthermore, if one lumps together the data on the partisan use of administrative resources with the data on the positive media coverage of Igor Dodon by the PDM's affiliated broadcasters, plus the data regarding the use of other legal and administrative tools, which undermined the electoral odds of the pro-European candidate, it might well be that the cumulative effects of all these factors tilted the balance in favour of the PSRM candidate.

Therefore, the demarcation of SMD, as it was performed, coupled with the electoral results of Igor Dodon as well as the possibility to employ administrative resources, eloquently demonstrates who are the main beneficiaries of the mixed electoral system at the upcoming parliamentary elections. It should be underscored, that the correlation and regression results presented above are based on the political control of about 400 mayors who were already enrolled in PDM at the time of the presidential elections.

At present this figure reaches about 600 mayors and it is not so difficult to imagine how this resource can be used to influence the electoral outcome for the next parliamentary contest. Thus bearing in mind that the demarcation of the SMDs boundaries clearly advantages PSRM, while the control of local administrative

resources is heavily dominated by PDM, one may assert that the prospect for fair and free elections is severely compromised long before the official start of the election campaign. The only uncertainty touches upon the development of the relationship between PDM and PSRM along with the approaching of elections. While during the presidential campaign PSRM received the PDM's support given the lack of a more acceptable alternative, the next parliamentary contest is going to be different. In this regard, it is difficult to believe that PDM will not use its administrative resources at district level to back up its own candidates, thus undermining the electoral odds of other competitors including PSRM. Even though we do not know the distribution of all the mayors politically controlled by PDM across the countryside constituencies, the available data shows that there are several districts from the northern and north-eastern part of the country in which the relatively high presence of the PDM's mayors cohabitate with an electorate which cast their vote predominantly in favour of the PSRM candidate. Hence, if one accepts the widespread opinion about the existence of a political cartel between PDM and PSRM, these constituencies are won long before the campaign's start. However, if one admits the possibility of an eventual competition between them during the next election campaign, the peaceful cohabitation between PDM and PSRM at the local level is not so certain. Regardless of the unfolding scenario shaping the development of this relationship, the pro-European opposition is going to be exposed to pressure from both sides.

## Conclusions

This analysis has conclusively shown that the enactment of the electoral reform was mainly driven by the political partisanship in the demarcation of the SMDs boundaries. Gerrymandering techniques were applied to the advantage of the main proponents and beneficiaries of reform, i.e. PDM and PSRM. Overall, two alternative strategies were used to shape and strengthen their competitive advantage. On the one hand, the voters of the pro-European opposition were squeezed in several constituencies, thus reducing the total number of SMDs in which the opposition candidates would be able to compete on equal footing with the PSRM and the incumbent candidates. On the other hand, where the application of this strategy was not possible, the SMD boundaries were drawn in a way that the relative advantage of the opposition candidates was so feeble

that it might be overcome through the manipulation of the electoral process. As a consequence, the mapping of the SMDs in this way contributed to the disproportional consolidation of the PSRM advantage and diminished the electoral weight of the PAS-PDA candidate relative to the electoral results obtained under the proportional system.

While the malapportionment of voters among districts does not directly favour incumbents or PSRM, the agglomeration of the PSRM voters in certain constituencies and the weakening of their voting power aims at achieving two objectives. On the one hand, their crowding ensures the victory at the upcoming elections in those SMDs and, on the other hand, it frees up the space for the discretionary tracing of the SMDs boundaries in the central ad-

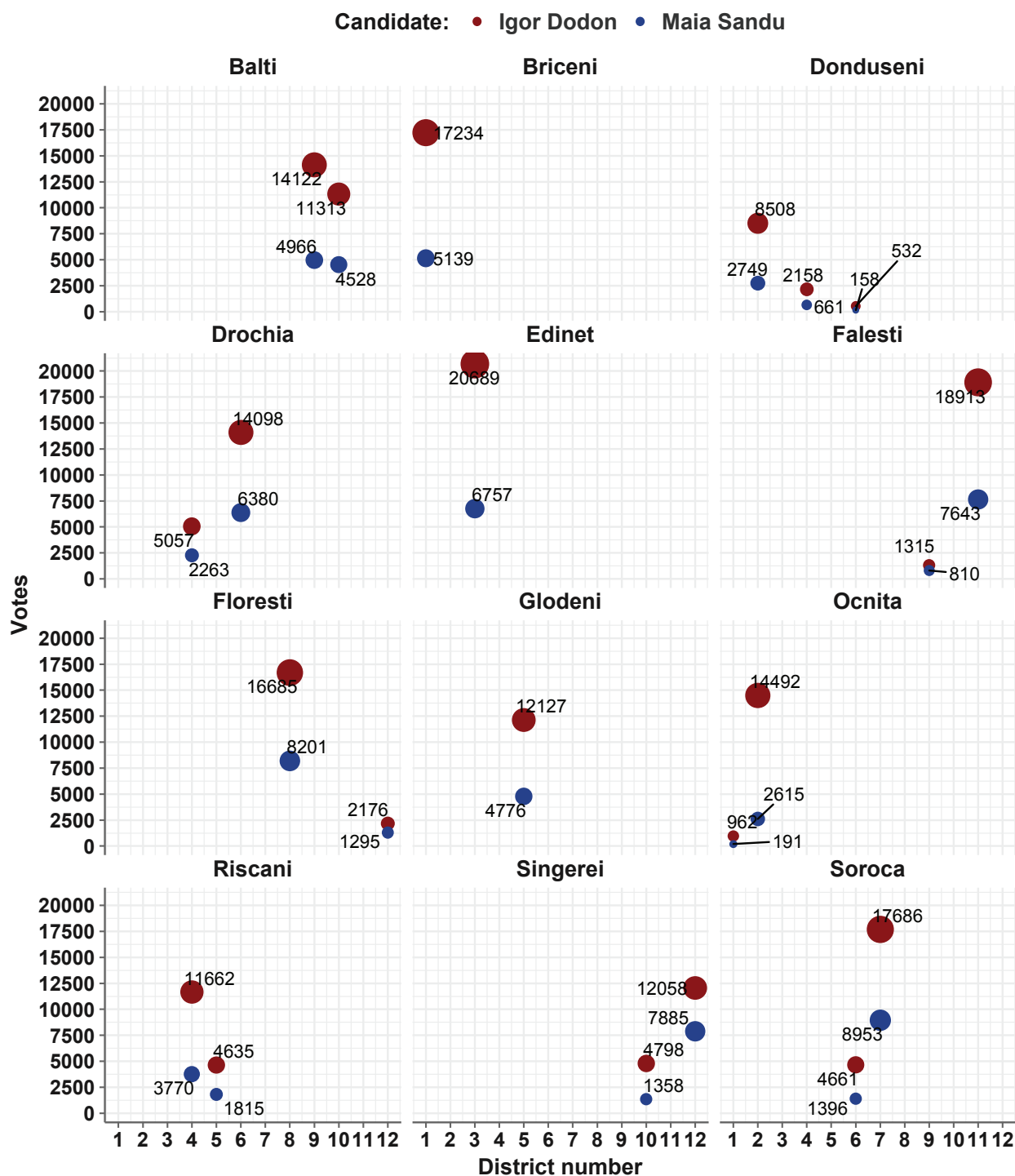
ministrative districts in a way that it would ex officio diminish the electoral odds of the pro-European opposition.

The aggressive offensive of PDM against local authorities and the intensification of the recruiting attempts of mayors from other political parties by employing various methods, demonstrates the relevance of the local administrative resources the party is counting on in the upcoming elections. Due to the party's low rating in the opinion polls, which will negatively impact on its performance particularly related to the proportional component, the party is trying to compensate this gap by focusing on the majoritarian component of the electoral system by establishing a wider political control over the local authorities.

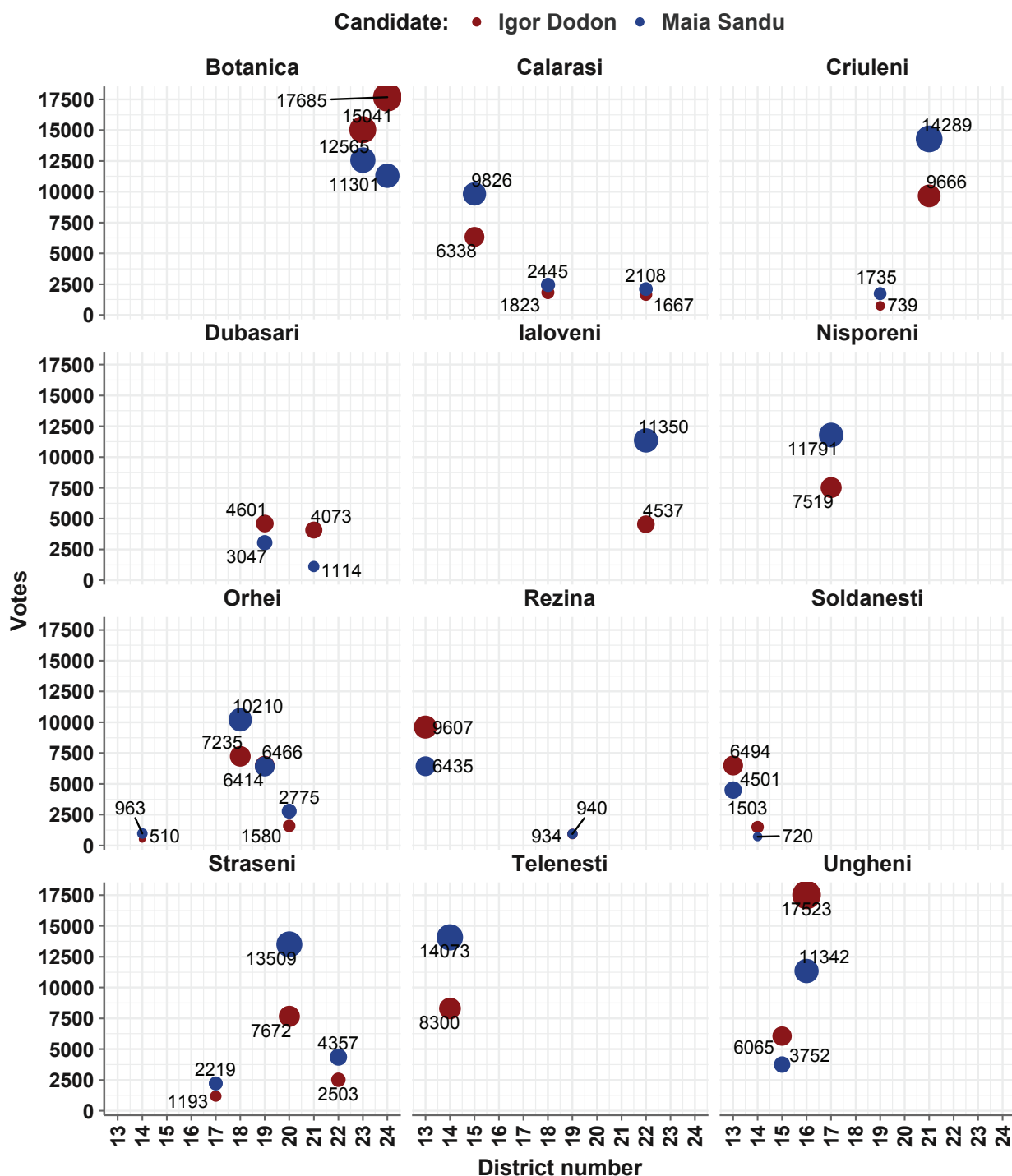
Data analysis on the relationship between the political control of the countryside mayors and the electoral performance of the presidential candidates confirms, once again, that the demarcation of the SMD boundaries was performed in a rather arbitrary manner, aiming at strengthening and maximizing the competitive advantage of the reform supporters and beneficiaries at the upcoming elections. Despite the PDM's official statements to support the PAS-PDA candidate, data clearly reveal that, de facto, the PDM's local administrative resources have been deployed in favour of Igor Dodon and against Maia Sandu. Under these circumstances, the introduction of the mixed electoral system entails the risk of suppressing political pluralism in the Republic of Moldova and of undermining electoral competition in the upcoming parliamentary elections well before the start of the election campaign.



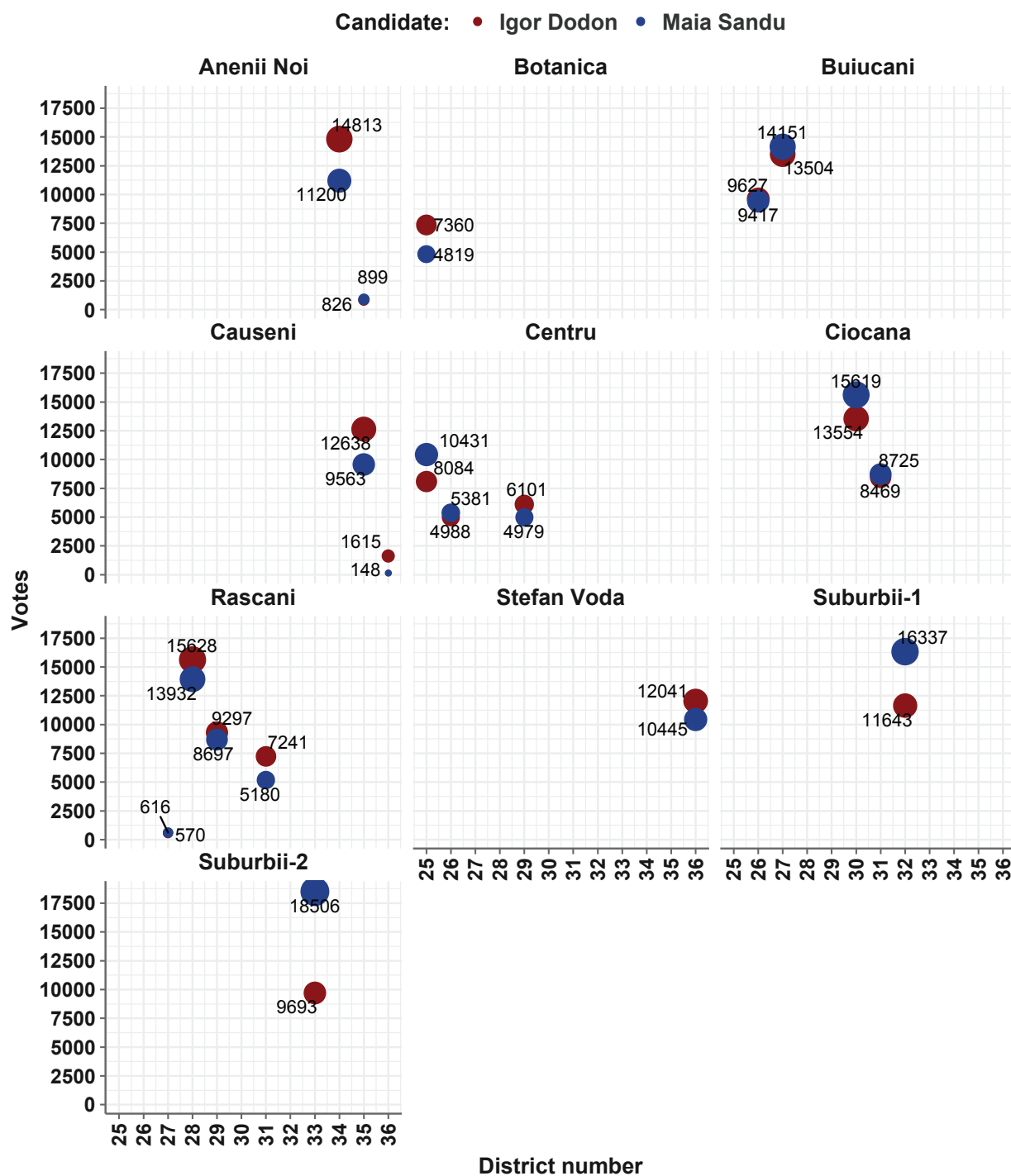
**ANNEX 1.** *Extrapolation of the electoral results of presidential candidates to the administrative districts by candidate and electoral district*



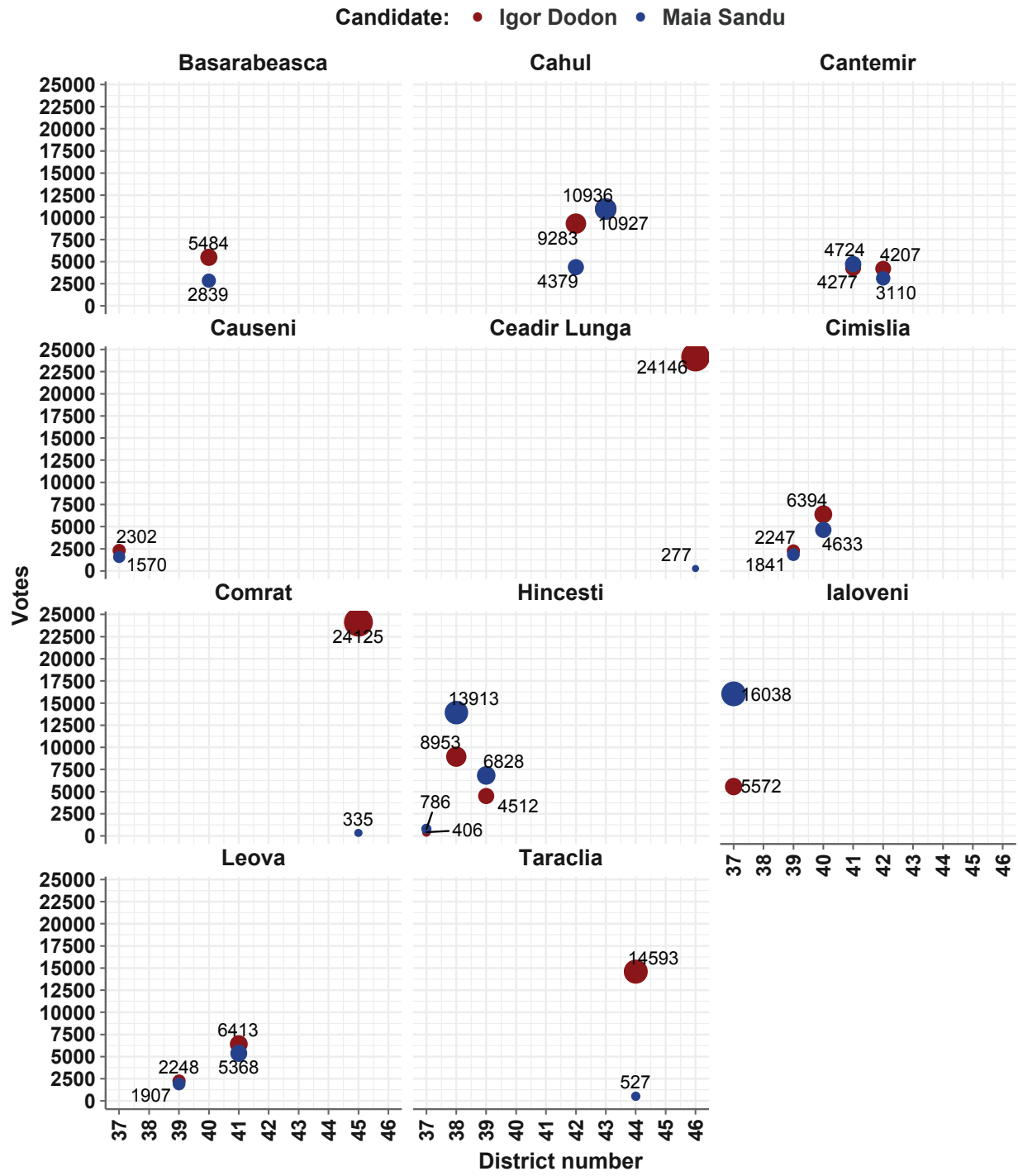
**ANNEX 1.** Continuation



## ANNEX 1. Continuation



ANNEX 1. Continuation



Source: Author's elaboration



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