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**LOCAL ELECTIONS – DEMOCRATIC MECHANISM
OF PARTICIPATION OF THE PEOPLE IN THE PROCESS
OF GOVERNMENT**

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Summary

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CONCEPTUAL MARKINGS OF THE RESEARCH

Actuality and importance of the investigated theme . Currently, the organization and holding of free and fair elections represents one of the fundamental criteria according to which any democracy is evaluated. This postulate, enunciated and supported by many doctrinaires, is, as never before, current for the Republic of Moldova.

The quality of the electoral process is the starting point in the direction of fundamental changes, but also in other areas of political and socio-economic activity. In this context, the large-scale reforms have a lower degree of achievement in the conditions in which the means are not provided for the expression of a fundamental right - to choose and to be chosen, or in this chapter the Republic of Moldova must improve its performance. The monitoring reports of the national and international observers have permanently established the existence of some difficulties in the organization and conduct of the election. Although the evaluation reports of the monitoring institutions are usually positive, they also emphasize the vulnerable points of the electoral system, including several dimensions.

Non-governmental organizations (NGOs), being concerned with monitoring some aspects of the electoral process, such as: voter registration, media behavior, competition between competitors, financing of electoral campaigns, the pre-electoral period, are becoming more critical in their assessments of the quality and degree of democratization a electoral polls. This fact is explained by the permanent monitoring of the actors and institutions involved in the election process. Thus, the evaluations of the civil society recorded a regression in terms of the degree of democratization of the electoral process.

The topicality of the doctoral thesis results, first of all, from the importance of the electoral polls in relation to the process of achieving and consolidating the democratic regime in the Republic of Moldova. In this study , *the evolutionary-historical analysis* is required as the starting point . At the same time, the context of the evolution of the system of local elections in the Republic of Moldova was taken as the model for the present study. From this point of view, we consider that the electoral systems and their influence on the affirmation of local public administration institutions (LPA) is significant.

Currently, the local elections in the Republic of Moldova, by the fact that they take place before the parliamentary ones, represent a general rehearsal for the parliamentary/presidential elections. They enable political parties to test the electorate and the political atmosphere in society.

Of course, it should be noted that local elections are characterized by certain particularities in relation to parliamentary/presidential elections, because they are elections in which local leaders compete, regardless of whether or not they belong to political parties. Beyond the legal aspect of the problem, the main role is occupied by interpersonal relations, the political attitudes of the local leader, the negotiation capacity of both actors, but also the image and reputation of the party.

The research degree of the doctoral thesis . The problems regarding the essence, importance, structure, features and types of local elections were addressed in the works of local researchers, such as: I. Guceac, A. Arseni, V. Popa, T. Cîrnaț and foreigners, such as: E. Barker, E. Lakeman, JD Lambért, F. Hermens, M. Duverger, JG Grumm, S. Rokkan, G. Sartori, D. Nohlen, R. Katz, and others.

In the Republic of Moldova , local elections are a subject of great interest for researchers in several fields. Thus, in addition to research in the field of law, the research carried out by the collaborators of the Department of Political Science and Civic Education of the State University of Moldova is also worth studying. The research results are included in the scientific magazine "MOLDOSCOPIE" (Problem of political analysis), which totals 60 issues, being included in articles devoted to the formation, evolution and consolidation of local elections in the municipality of Chisinau. At the same time, we can find useful information related to the local electoral polls in the Republic of Moldova in the magazines: Scientific Annals of the State University of Moldova ("Social-Humanistic Sciences" Series), in "Philosophy and Law Magazine", in "Vocea Civică", etc. A useful material, containing a load of descriptive and analytical information in the approach to electoral systems, is presented on the website of the Association for Participatory Democracy (ADEPT) ¹.

Therefore, the aspect regarding local elections in the context of legal, political and social transformations in the Republic of Moldova is treated in a series of works by many local researchers, such as: I. Guceac, V. Popa, T. Cîrnaț, A. Smochină, G. Costache, A. Arsene, V. Moșneaga, Gh. Rusnac, V. Cujbă, P. Varzari, C. Ciurea, C. Mînăscuță, C. Solomon, M. Cernencu and others.

¹ <http://www.e-democracy.md/adept/about/> , Association for Participatory Democracy (ADEPT)

The doctrinal support of the research consists of the most relevant studies in the field, signed by the researchers:

- natives, such as: Arseni A., Costachi Gh., Cuceac Ion, Cârnaț T., Potângă A., Pulbere D., Frunze Iu., Smochină A., Șciuchina N., and others;
- from Romania, such as: Vrabie G., Paraschiv RG, Ion Deleanu, Ioan Muraru, Iancu G., Livius Manea, Vlăescu G., and others;
- from Ukraine and the Russian Federation, such as: Эбзеев В.С., Новицкий М., Кислов А.Г., Трошкин Ю.В., Баглай М.В. and others;
- from other European countries, such as: Robert J., Rivero J., Philippe G., Moronge J., Favoreu I., Burdeou G., and others;

The purpose and objectives of the investigation. *The goal* the present scientific study, taking into account the actuality and degree of research of the topic, consists in the analysis of the specificity of local elections in the Republic of Moldova as a form of manifestation of the will of the people, respectively: the in-depth analysis of *the provision of* democratic mechanisms regarding the conduct of local elections, the elucidation of the particularities related to the structure and their content, the degree of legal regulation and the transposition of the regulation into the practice of their implementation in order to identify those causes in the sphere of public power that prevent *the finality pursued by this legal institution*, with the aim of finding solutions capable of building the rule of law and participatory democracy and, at the same time, offering alternatives capable of responding to the exigencies of the circumstances in which the Republic of Moldova finds itself. In order to achieve the mentioned objective, the following **objectives** were established : the presentation of the essence and typology of the electoral system; analysis of the evolution of local elections after the declaration of independence of the Republic of Moldova; establishing the place of local elections in the electoral system of the Republic of Moldova; analysis of the composition of the elected Local Public Administration bodies; determining the attributions of actors involved in local elections in the Republic of Moldova; exposition of doctrine, legal regulations and jurisprudence; conceptual evolution and classification of electoral ballots; identifying the difficulties of organizing local elections; proposing the tools and methods of overcoming.

The hypothesis of the thesis is based on the assumption that the transformation of the function of mayor, according to the American model, into a city manager with an administrative role and the establishment of the commune council as the only representative body, according to the French model, will unlock the situation at the level of village administrations (from rural areas), they will strengthen the institutional capacity and allow greater financial autonomy, by increasing the budgets of the communes as a result of the liquidation of the district councils, but they will also ensure a more obvious democratization of the Republic of Moldova. As for the administrations in the urban environment (cities, municipalities), we assume that it is appropriate to consolidate them through the formation of municipal administrations and the liquidation of second-level administrations such as the districts.

The methodological and theoretical-scientific support of the doctoral thesis . The scientific character of the work is ensured by a series of methods and approaches, such as: *systemic, empirical, historical , legal, sociological, etc.*

The solved scientific problem consists in elucidating the purpose of local elections, which, being a legal institution, interacts with the political, economic and social field, and therefore must be seen as a political-administrative process, pursuing the purpose of administration to a greater extent than that of political competition. Therefore, local elections in the Republic of Moldova must respond to the objectives of territorial administration with the aim of preserving state integrity and the political rights of citizens organized in local communities.

The elements of novelty and scientific originality of the doctoral thesis include: in-depth research in the field of local elections, which contains detailed information about the evolution of this investigated field; the account of the stages passed by this institution, at the same time, the advantages and disadvantages at the time are mentioned; formulating relevant conclusions and recommendations with the aim of improving and democratizing the process of local elections in the Republic of Moldova.

The theoretical significance of the study resides in the fact that the information presented in the thesis contributes to the completion of the knowledge related to the researched topic, facilitating the subsequent study in the field, and the findings, syntheses and recommendations presented enrich the content of the theoretical basis of the field of the institution of local elections as a democratic foundation for the defense of the right to collectivities local.

The applicative value of the paper derives from the syntheses, comparisons and results deduced during the research. The content of the thesis can be an important landmark in the development of strategies for reforming local public administrations.

The conclusions and recommendations of the paper can be used by civil servants, politicians and experts in order to improve the local electoral processes in the Republic of Moldova.

Approval of scientific results. The research results find their axiological and legal reflection primarily in scientific publications and were approved in the scientific communications carried out as author and co-author. We mention the scientific papers presented and approved at national and international conferences: Specific features of modern electoral systems in countries with democratic regimes, 2020; Legal aspects regarding the financing of the electoral campaign in the case of local elections, 2021; International practices regarding the organization of elections in a pandemic context, 2021; The reform of local public administration in the Republic of Moldova. Technical-legal aspects, 2023.

The volume and structure of the thesis. The structure of the thesis includes: title page, annotation, abbreviations, introduction, three chapters, general conclusions and recommendations, bibliography consisting of 199 sources, 161 pages of basic text and 4 Appendices. The three compartments contain 9 subcompartments and conclusions.

Publications on the topic of the thesis : 8 scientific papers. 6 ca

Keywords: electoral system; local elections ; independence; deliberative authorities; elective process; local representative body ; participatory democracy; democratic mechanism; trial of the governor.

SUMMARY OF THESIS COMPARTMENTS

The **Introduction** describes the relevance of the investigated study, the degree of research of the topic, the purpose and objectives of the investigation, the methodological and theoretical-scientific support, the scientific novelty, the theoretical importance and the applied value of the doctoral thesis, the research hypothesis, the conclusions and recommendations, the approval of the results, articles published in specialized journals and at national and international conferences are presented.

Compartment I of the doctoral thesis, named " The doctrinal-normative dimension of the problematic of the institution of local elections and the identification of research problems ", consists in the comparative study of the doctrinal concepts and the legislative-normative regulations regarding the rules and procedures in the organization and the conduct of local elections for the purpose the establishment of local representative authorities in Romania and the Republic of Moldova. In doctrinal-theoretical terms, it is substantiated and demonstrated that the institution of elections, including local ones, represents one of the oldest institutions, evolving together with the democratic principles of organization and functioning of the states that have stepped on the path of democracy. In **this** chapter, the opinions and research results that refer to the investigated theme, identified in treatises and specialized journals, in various studies, works, monographs, online articles, etc. are presented. Normative and jurisprudential regulations regarding the investigated theme are also exposed.

Doctrinal exposition of the problematic of the institution of local elections reveals, first of all, the fact that, despite the importance and the complexity of local elections far beyond expectations, it remained, however, a rather current topic, but it is not sufficiently researched until now. That topic was addressed partially or tangentially and, most of the time, as a category related to *constitutional law*.

As for the research of local scrutins, as a great deal of institution of the will of the people in the organ of local level, we can measure that the tutors of this is the same, the more than one of the organ. you see society.

In the view of the scholars P. Raynaud, S. Rials, "democracy is a crossroads, a system of all possibilities, leading into the unknown. Democracy does not create a stable balanced life, but, more than any other form, it provokes the eternal spirit of search, characteristic of man" ². We believe that its popularity is due to this feature.

The institution of elections is the main pillar of representative and democratic governments, because it emerges from the fact that the power of governance in democracy is based exclusively on the consensus of the governed. The basic mechanism for transforming the consensus into government attributions is the holding of free and fair elections. However, not all elections are democratic in this sense.

Researcher M. Trăistaru defines democratic elections as "competitive, periodic, representative and completed elections, in the process of which citizens have the freedom to criticize the government and propose

² Dictionary of philosophie politique/ Coord. Philippe Raynaud, Stephanie Rials, Paris: Gallimard, 1996, p.-376

new alternatives, as well as to choose the people who will adopt the government decisions".³

The elections are meant to establish the government chosen by the people and, according to the opinion to US President Abraham Lincoln, "a government for the people".⁴

The issue of electoral systems embraced by different states, as well as elections in general, have been the object of research for many scholars. For example, the researcher V. Popa devotes several works to the analysis of electoral systems, including local ones, noting that in this way "the people appoint their representatives, both at the local level and in the central bodies, and the institutions that exercise sovereignty on behalf of the people have the right to the autonomous administration of some problems of local interest and acquire the features of public and representative authorities"⁵.

In our opinion, by *elections* we understand a complex of procedures carried out periodically under the normative sanction of the law with the aim of selecting representatives elected by vote for the exercise of public power and the administration of state affairs, with the aim of fulfilling state functions. Therefore, elections represent the democratic way of functioning of the state as a form of social organization.

Local elections represent a favorable environment for the manifestation of civil society, which has the opportunity, through its representatives, to participate in the monitoring of elections, the elaboration of expertise, including the conduct of opinion polls, models through which it can obtain an important role in the state in the consolidation of democracy.

The fundamental law of the Republic of Moldova is *the Constitution*, which was adopted on July 29, 1994 and entered into force on August 27, 1994.⁶ The Constitution of the Republic of Moldova (art. 2) enshrines the following: "National sovereignty belongs to the people of the Republic of Moldova, who exercise it in the manner directly and through its representative bodies, in the form established by the Constitution".⁷

Until 1997, the legislative framework for ensuring the right of citizens to vote included the Law on Referendum, adopted in 1992, the Law on Local Elections, adopted in 1994, the Law on Elections for the position of President of the Republic of Moldova, adopted in 1996. On November 21, 1997, the Electoral Code was adopted, which maintained the proportional system, stating that "the election of the Parliament takes place in a single national electoral district, in which 101 deputies are elected".⁸

Until recently, the main legislative act regulating the electoral process in the Republic of Moldova was the Electoral Code no. 1381/1997 repealed (with the exception of art. 16 par. (1) - (2) and art. 17 par. (1), (2), (4) and (6)), and from 23.12.2022 entered into force Electoral Code no. 325 of 08.12.2022.

The local public administration, in our view, represents the administration that, at the territorial level, fulfills the tasks assigned to them according to the normative acts and which aim to represent the interests of local communities. With the organization of societies in states, this form of administration at the territorial level was imposed by the need to direct the affairs of the communities located in different localities. This, throughout history, presented an evolution and a diversification of its competences starting from the extinction of the central administration and reaching decision-making autonomy.

For the Republic of Moldova, the issue of reforming local administration begins with the transition from totalitarianism and continues with a democracy in which, along with individual rights and freedoms, there is the need to recognize the interests of communities organized at the local level. Therefore, the problem arises of complementing the interests of the state with those of the local level, without diminishing the state authority or undermining this form of social organization⁹.

As for state power, it has several defining characteristics, including:

1. **Uniqueness ;**
2. **Political character;**
3. **Permanence;**

³Traistaru M. Political Science. Introduction to the study of political theory. Bucharest, 1998, p. 66

⁴Manda C., Manda CC Local public administration from Romania. Bucharest: Ed. Lumina lex, 2009, p. 88

⁵ V. Popa Treaty of Constitutional Law and Political Institutions, Second edition revised and added, Chisinau: Notograf Prim SRL 2021, p. 921

⁶The Constitution of the Republic of Moldova, adopted on 29.07.1994, entered into force on 27.08.94, Official Gazette of the Republic of Moldova, 1994, no. 1 with amendments and additions up to 15.10.2004

⁷The Constitution of the Republic of Moldova, adopted on 29.07.1994, entered into force on 27.08.94, Official Gazette of the Republic of Moldova, 1994, no. 1 with amendments and additions up to 15.10.2004

⁸Electoral Code no. 1381-XIII of 21 November 1997. Published in: Official Gazette of the Republic of Moldova, no. 277-287 of 26.08.2016, art. 585

⁹Iliciuc Cătălina, Cebanu Ion Reform of local public administration in the Republic of Moldova. Technical-legal aspects.

Analyzed from the perspective of the governance process, we summarize that the state is founded on three defining elements: *the people*, over which a government is carried out; *territory*, over which the functions of government administration and *power are exercised public*, through which governance is carried out.

We must admit that without a substantial reformation of the public administration, the Republic of Moldova cannot register a governmental performance that would respond to the imperatives of the time.

So, taking into account the purpose of the work, in this chapter the research objectives were achieved regarding the doctrinal and normative dimension of the institution of local elections by analyzing the doctrinal conceptions and the normative repertoire regarding the institution of elections as a whole and local elections in particular.

Elucidation of the proposed objectives according to the research topic allows to mention that, although during its existence, as an independent state, the Republic of Moldova undertook substantial efforts to improve the electoral system, it still failed to capitalize on the various social-political opportunities for the democratic development of the country, so that governmental stability it is reproduced through civic and economic dynamism in favor and for the benefit of the entire population.

Regarding the electoral legislation from independence to the present, we mention that the Republic of Moldova experienced an evolution that resulted in the adoption of an Electoral Code that established the democratic mechanisms regarding the election process.

The solved scientific problem consists in the reconceptualization of the institution of local elections by highlighting the administrative role that they must pursue even at the expense of the political character they possess and the development of an instrument for increasing the efficiency of local administration in the Republic of Moldova.

Although, at first glance, it is an electoral legislation close to European standards, however, at the moment of its implementation, a series of gaps appear that we believe that, with the passage of time, it will be imperative to intervene with clear regulations, which would exclude any shadow of doubt on the national electoral process.

Addressing in this way the opinions of the doctrinaires from the Republic of Moldova, but also those from Romania, we laid the foundations of our research for the following sections, proposing concrete solutions for all the identified problems.

The problematic of the institution of local elections, currently, it presents itself as a subject that is required to be researched to the extent of the vastness and complexity it deserves, which is why we have carried out an in-depth, multi-aspect study that includes in particular the importance and the position occupied by the institution of local elections within the framework of constitutional law in order to elucidate and capitalize on the degree of legal regulation held by this institution in the Republic of Moldova.

So, in compartment 1, we succeeded, by combining the doctrinal and jurisprudential framework with the normative one, to provide clarity and rigor to the topic under research, as well as to those elements that oriented and gave substance to the key issues of the research, more precisely: *in what measure* the doctrinal conceptions aimed at the phenomenon of local elections *respond to* the normative repertoire regarding the institution of local elections *and what are the difficulties encountered by* the institution of local elections *and how they can be overcome*.

Compartment 2, entitled "*Local elections: evolution, conceptualization, classifications*", includes research on the evolution of the institution of local elections, especially after the declaration of independence of the Republic of Moldova, describes the study of the main doctrinal theories regarding this institution, the classification of different systems of local elections, but also the analysis of international practice regarding the conduct of elections in the context of the Covid-19 pandemic. As a result of this analysis, I presented the formulation of the conclusions and, respectively, the recommendations of the law *ferenda*. *In this chapter*, the analytical part of the research is exposed, being a continuation of the descriptive content from the previous chapter. The analytical content reveals, first, the evolution of the institution of local elections after the declaration of independence of the Republic of Moldova, the conjunctural factors that have influenced this process over time, but also the theoretical delimitations regarding local electoral systems. Also, the classification of local electoral ballots is presented, subjects that will be taken up, analyzed and deepened in the next chapter of the paper. With reference to the organization of elections, international practices regarding the organization of elections in a pandemic context are identified.

Elections, as a political institution, have followed a rather arduous path: starting with antiquity, when Aristotle mentioned that, in general, "appointment in various magistracies by drawing lots is of a democratic

nature, and appointment by election is of an oligarchic nature" .¹⁰

So, we can define **local elections as the selection tool available to the members of local communities with the aim of forming the authority of the public administration, exercising local autonomy and solving public affairs in the administrative-territorial units.**

The way of organization and functioning of the public administration authorities in the administrative-territorial units are provided in Law no. 436 on local public administration of 28.12.2006.¹¹

A special aspect includes the autonomous unit of Gagauzia in terms of its status and the relationship with the central administration of the state. Thus, Law no. 344 regarding the special legal status of Gagauzia (Gagauz- Yeri) establishes that it is an autonomous territorial unit, with a special status which, being a form of self-determination of the Gagauz people, " is a component part of the Republic of Moldova and is administered under the Constitution of the Republic of Moldova, of other laws, the Regulation of Gagauzia and the normative acts of the People's Assembly (Halc Toplusu) of Gagauzia " , which do not contradict the Constitution and legislation of the Republic of Moldova.¹²

In our opinion, granting the right to self-determination of the Gagauz minority by differentiating it from the rest of the people of the Republic of Moldova means an ethnic division of the citizens of our state that can lead to unwanted conflicts and would even threaten the unity of the people, provided for in art. 10 of the Constitution of the Republic of Moldova, which establishes that " the state is based on the unity of the people, and the Republic of Moldova is the common and indivisible homeland of all its citizens " .¹³

In total, on October 20, 2019, in general local elections, " 898 mayors, 10,472 local councilors and 1,108 district and municipal councilors were elected - for a four-year mandate " .¹⁴ And in the elections of November 5, 2023, "896 mayors out of 898 and 11,020 local councilors out of 11,058 were elected in four localities in May 2024, new and partial elections for the positions of mayors and councilors will take place".¹⁵

One of the purposes of local elections is the eligibility of local public administration authorities, which implies their periodic succession through universal, equal, direct, secret and freely expressed voting. This principle is enshrined in art. 109 of the Constitution of the Republic of Moldova, where it is mentioned that public administration in administrative-territorial units is based on the principles of local autonomy, the decentralization of public services, the eligibility of local public administration authorities and the consultation of citizens in matters of special interest. At the same time, " autonomy concerns both the organization and operation of the local public administration, as well as the management of the communities they represent " .¹⁶

Approaching the aspect of the historical evolution of the institution of local elections and trying to structure the evolution of local elections since independence until now, in our opinion the three decades can be divided into three stages:

First phase. From the proclamation of independence to the adoption of the Constitution, it covers the social upheavals after and during the breakup of the USSR. During this period, the Supreme Soviet of the USSR, by Decision no. 45-XII of 29.05.1990, establishes a permanent commission for local self-administration and local economy, which had the task of consistently carrying out political and economic reforms, of radical restructuring in the RSSM of local self-administration. This commission together with the Government elaborated and promoted Law no. 635-XII of July 10, 1991 regarding the bases of local self-administration. Through the adoption of this law, the first attempts are made to establish some principles characteristic of a transition system towards democracy.¹⁷

The second stage. It covers the period of adoption of the Constitution of the Republic of Moldova from 1994 until the ratification of the European Charter for Local Self-Government from 1997. This period is notable for the establishment at the constitutional level, where they were regulated, in art. 109, the basic principles of local public administration: local autonomy, decentralization of public services, eligibility of local public administration authorities and consultation of citizens in local issues of special interest. At the same time, Law

¹⁰Rusu G., Negoită M., "Notions and general principles regarding local elections" article published in "Law and Life" from 2011, no. 12 p. 9

¹¹ the law no. 436 regarding administration public local from 28.12.2006, published in MO no 32-35 of 09.03.2007;

¹² Law no. 344 regarding the special legal status of Gagauzia (Gagauz-Yeri) from 23.12.1994 published MO no 3-4, from 14.01.1995, art 1, 2

¹³The Constitution of the Republic of Moldova of 29.07.1994, published in the Official Gazette no. 1 of 12.08.1994, art. 10

¹⁴ The general local elections of 2019 in the Republic of Moldova - elegire.md (accessed 02.04.2022)

¹⁵ Ibidem (accessed 01.12.23)

¹⁶The Constitution of the Republic of Moldova of 29.07.1994, published in the Official Gazette no. 1 of 12.08.1994, art. 109

¹⁷Ibidem, p. 60

no. 310-XIII of 07.12.1994 regarding local public administration. The first local elections take place, although the appointment of the interim mayor and the president of the interim district executive committee by the President of the Republic of Moldova, at the proposal of the Government, is maintained. It is ratified, by Parliament Decision no. 1253-XIII of 16.07.1997, the European Charter for Local Self-Government, adopted in Strasbourg on 15 October 1985. This period is also characterized by the emergence of local authority elections, but also by the preservation of the system of appointment by the central authorities of representatives in local administration, therefore we can call it the period of double standards¹⁸.

The third stage. It covers the period from the ratification of the European Charter for Local Self-Government (1997) until now. At the same time, it can be divided into two periods: a) the period of adoption and operation of Law no. 186-XIV of 06.11.1998 on local public administration, this is how local authorities formed by local councils and mayors, elected directly by citizens, are organized. At the second level, county councils were organized (we can call this short period the county period) and b) the period of transition from the county system to the district system. Thus, the legislator by Law 781-XV of 27.12. 2001 operated essential changes to the basic law, also marked by the political visions dominant at the time in the state legislature. All subsequent amendments preserved and perfected the institution of local elections.

In the historical development of each people, "organizational forms can be identified - at first rudimentary, then more and more evolved, through which the members of the collective participated or were attracted, in one way or another, to the exercise of leadership attributes".¹⁹

The practice of electoral polls developed several *types of electoral systems*, although each type is distinguished by its own particularities. The main types of electoral systems are:

- majority system;
- the system of proportional representation;
- mixed electoral system.²⁰

The majority electoral system, or the majority vote, as it is also called, in turn, has three subtypes: the majority electoral system with a single voting round, the majority electoral system with two voting rounds and the alternative majority electoral system. In the doctrine of constitutional law, there are also other classifications, such as, in relation to the method of nomination of candidates, in uninominal majority electoral system, plurinominal majority electoral system or list.

The absolute majority system requires, for the election, an absolute majority of votes (50% plus 1 (one) vote), although not always one of the candidates manages to win more than half of the votes in the first ballot, that is why it is necessary to organize the second ballot of the elections.

voting **systems based on lists with a predetermined order and with a single preferential vote** " are specific to the fact that each party presents a list of candidates in a predetermined order."²¹ When the proportional electoral system is used, to ensure fair representation of the parties, the rule of the largest remainder or the rule of the largest average can be applied, for example. The electoral quota is established for each constituency at the beginning. In an electoral constituency of five mandates, where the total number of voters' votes is, say, 100,000, the quota will constitute $100,000 : 5 = 20,000$ votes.²²

There are at least two main types of proportional system:

1. *Based on lists*
2. *The single transferable vote (VUT) .*

Mixed electoral systems are a hybrid between the single-member majority system and proportional representation. Until 1990, Germany was the only country that practiced this system. According to this system, each voter has two ballots (with one ballot he nominates a deputy in the Bundestag and with the other vote he votes for a party within a Land).²³

The best-known variants of the mixed system are those with the distribution of 50%, respectively 66.66% (two thirds) of the number of mandates in the uninominal regime and, respectively, the redistribution of the rest of 50% and 33.33% in the proportional regime. For example, mixed system variants exist in Hungary

¹⁸Ibid., op. Cit.

¹⁹Muraru I.. Simina Tănăsescu E., Constitutional law and political institutions, vol.II, CH Beck, Bucharest, 2009, p.101

²⁰Fruntașu P. Contemporary political systems: Volume I. Chisinau: USM, 2001, p. 171

²¹Guceac I. Electoral law, USM, Law Academy of Moldova. Chisinau. 2005, p.48

²²Fruntașu P. Contemporary political systems: Volume I. Chisinau: USM, 2001, p. 173

²³Ion-CEBANU.-Conceptual-typological-aspects-regarding-local-electoral-systems.pdf (ulim.md)

among the countries of Eastern Europe. ²⁴

The COVID-19 pandemic. The infection of the Coronavirus (COVID-19) presents " a difficult and unprecedented challenge for electoral management bodies (EMBs) and for the administration of elections, and the global spread of the infection profoundly affects the electoral process. " International experience shows that it is the right time to apply alternative voting methods in the elections, in order to avoid the spread of the COVID-19 infection. In such a situation, the constitutional and legal parameters must be carefully followed " ²⁵. The daily advice of epidemiologists and public health officials must be considered. Public concern about delayed, politically motivated or perceived abuse must be taken seriously.

The year 2020 is characterized by the global spread of infection with the new Coronavirus (COVID-19). The Republic of Moldova is not an exception to this phenomenon, on March 7, 2020, the first case of Coronavirus was confirmed. COVID-19 caused the first death on March 18, 2020: a 61-year-old woman returned from Italy. Under these conditions, the Parliament of the Republic of Moldova, on 17.03.2020, adopts Decision no. 55 regarding the declaration of the state of emergency by which, pursuant to art. 66 lit. m) from the Constitution of the Republic of Moldova, of art. 12 of Law no. 212/2004 regarding the regime of the state of emergency, siege and war and in view of the declaration by the World Health Organization of the coronavirus pandemic (COVID-19) , on March 11, 2020, and the establishment by the Extraordinary National Commission of Public Health , on March 13, 2020 - of the national red code in relation to the epidemiological situation due to the infection with COVID-19, the Parliament declares a state of emergency throughout the territory of the Republic of Moldova for the period March 17 - May 15, 2020.

Summarizing, we report that in the compartment second of the present research, we highlighted the conceptualization of the institution of elections, but also the classification of electoral ballots through the prism of theoretical delimitations regarding these electoral systems.

The study carried out allowed us to nuance the contemporary reality, through which it is highlighted that in addition to the democratic aspect, the institution of elections also contains a strong nuance of politicization of local authorities that does not in all cases lead to a good management of public affairs at the local level.

The problem identified, along with others, such as: the need to hold elections during a pandemic or the importance of electoral systems, finally allowed the solution of a scientific task, such as the need to respect political rights and in unfavorable objective conditions for their guarantee by the state authorities and at the theoretical level of the doctrinal relief regarding the conceptualization of the existing electoral systems.

We conclude that in the Republic of Moldova, the hesitancy to solve faster reforms at the level of local authorities from the first decade of independence, as well as the frequent system changes, for example, those of 1998 and 2001 (the transition to the county system and, later, the return to districts), the long Soviet period that interrupted the natural experience of elections through a vote, the unfinished decentralization, the excessive exodus of the population from the localities of the Republic of Moldova, the lack of personnel trained in the spirit of local autonomy, the impossibility of financing local needs from their own budgets, etc. lead to the excessive politicization of local elections, the access of people unprepared for the successful management of localities' interests, financial dependence on central authorities.

Likewise, the lack of local administration reform as a whole can turn into a big problem for the Republic of Moldova, which can lead to the inability to manage public affairs.

In chapter 3, entitled "The exercise of representative democracy within the local public authorities of the Republic of Moldova and the trust/expectations of the voters " , the research on three determining factors in the organization of local elections is presented: the place of local elections in the electoral system of the Republic of Moldova; the composition of the bodies of the Elective Local Public Administration in the Republic of Moldova and the attributions of the actors involved in the conduct of local elections in the Republic of Moldova. Also, a legal analysis of the difficulties of organizing local elections, reported on the territory of the Republic of Moldova, was carried out, respectively, the process of identifying and prioritizing the ways and tools to overcome these difficulties, as well as the corresponding measures/recommendations, was described. Regarding the concrete difficulties in the local elections, in the content of the last subchapter (3.4) the concrete and relevant situations were synthesized from the perspective of the frequency and intensity of the violated norms . In this context, in subchapter 3.4, the methods and tools corresponding to overcoming the respective difficulties were researched and prioritized, and within each of these categories concrete recommendations were established to overcome the difficulties in the process of organizing local elections. Regarding the proposed

²⁴Ionescu C. Treatise on contemporary constitutional law. Bucharest: ALL Beck, 2003, p.322

²⁵ international-practice-elections-covid_9916040.pdf (cicde.md) (accessed 23.02.2022)

measures, we appreciate that what validates them is the very fact that they are the consequence of the logical architecture of the doctrinal, jurisprudential and legislative considerations of chapters 1 and 2 of the paper. In addition, they enjoy *legitimacy* because they are based on universal values and principles, having a *legal and determined purpose*. We emphasize that all the recommendations proposed by the author, along with the general conclusions formulated, represent the result of the actual investigation and research regarding the institution of local elections.

The place of local elections in the electoral system of the Republic of Moldova

The issue of the place occupied by local elections in the electoral system of the Republic of Moldova is a topical one, we would like to point out that, in order to identify their position, we will resort to the doctrinal analysis, as well as the normative regulations in this regard. Thus, the supreme law - the Constitution of the Republic of Moldova, establishes in art. 109 para. (1) that " Public administration in administrative-territorial units is based on the principles of local autonomy, the decentralization of public services, the eligibility of local public administration authorities and the consultation of citizens in local issues of special interest." ²⁶Thus, from the constitutional regulation we derive the principle of eligibility of local public authorities , this fact requires the existence of local elections as expressly stated in art. 112 of the same normative act.

The public administration authorities, through which local autonomy is exercised in villages and cities, are elected local councils and elected mayors.

Local councils and mayors operate, under the law, as autonomous administrative authorities and solve public affairs in villages and cities.

The manner of election of local councils and mayors, as well as their duties, is established by law.²⁷

As for the methods of conducting the elections, they are regulated by the Electoral Code, according to the constitutional norms. Here we will remember that a new electoral law is in force from 2023, the old Electoral Code adopted in 1997 being out of date. In the new electoral regulations, local elections are presented under two types:

- local elections that take place on the territory of the Republic of Moldova, apart from the territory under the administration of the Gagauze autonomy;
- regional elections, held on the territory of the Gagauzia autonomy, which include the elections of the self-administration bodies of the autonomy under the auspices of the electoral bodies led by the Central Electoral Council of Gagauzia.

We will note that regional elections were not regulated in the old electoral law, thus they present a new conceptual regulation for the local legislator.

There is a peculiarity distinct from the parliamentary elections that specifically determines the choice of the number of councilors in the local councils, not being a fixed figure, the number of seats in the local councils is established by the decision of the Central Electoral Commission. This demonstrates the flexibility of the electoral bodies, but also certain population fluctuations that may occur and the electoral law must take these matters into account in the process of conducting the polls.

At the same time, Law no. 436/2006 on local public administration distinguishes two types of local representative authorities :

1. "*mayor* - representative authority of the population of the administrative-territorial and executive unit of the local council, elected by universal, equal, direct, secret and freely expressed vote;
2. *local council* - representative and deliberative authority of the population of the administrative-territorial unit of the first or second level, elected in order to solve problems of local interest."²⁸

We will underline the fact that the normative act in question does not regulate the administrative authorities of the Gagauz autonomy, these being the attributes of a special law in this sense, which we mentioned earlier.

A particularity of local elections, if we are to identify their place in the national electoral system, is presented by the fact that they borrowed a series of particularities from both parliamentary and

²⁶ Constitution of the Republic of Moldova: from 29.07.1994. In: *Official Gazette of the Republic of Moldova* , 1994, no. 1, art. 109 para. (1).

²⁷ *Ibidem* , art. 112.

²⁸ Law on local public administration: no. 436 of 28.12.2006. In: *Official Gazette of the Republic of Moldova*, 2007, no. 32-35, art. 1.

presidential elections or from the elections organized for the state's central administration bodies. We will remember here that in the case of local elections we are in the presence, in particular, of two types of authorities - the mayor and the local council.

The mayor, being a one-person authority, is elected according to the rules of representativeness, borrowing particularities of the presidential elections, the election of the mayor, in fact, represents the election of the local leader of the community, these polls are held in two rounds in the event that in the first round he did not accumulate any candidate the majority of votes given by the voters who presented themselves at the polls, there is an age and training/studies requirement and, last but not least, he has a political interest, being the leader of the community, political parties at the national level have a political interest to promote and support the candidates for the position of mayor.

On the other hand, the election of councilors in local councils is carried out on the basis of a single round, usually on the basis of party lists, submitted by the local party organizations for approval and verification to the electoral bodies established for these polls, thus gaining similarities with the elections parliamentary elections, which, in the same way, present themselves as a battle of political parties and less of independent candidates.

However, in the specialized literature there is the opinion that local elections seem more like administrative elections. In this context, we will mention the opinion of Professor Victor Popa, who states that: "In the content of legal reports of electoral law there are no rights and obligations regarding the administration process and these reports, therefore, cannot be of administrative law. The legal reports of electoral law are, par excellence, reports of constitutional law, and the legal norms that regulate social relations in the process of establishing local representative bodies, through universal vote, are also norms of electoral law" ²⁹ We embrace this opinion, even if we share a part from the arguments in favor of some administrative elections, considering the establishment of administrative authorities. However, since local elections regulate reports of constitutional law, they are par excellence electoral reports. At the same time, there are also political elections, since they are organized on the basis of political pluralism, where, in particular, political parties show all their interest in their participation in the nomination of candidates and their support in electoral campaigns.

Therefore, local elections, along with presidential, parliamentary and referendum elections, are a foundation of democracy and the rule of law, represent the form of expression of the local collectivity in relations with the central authority and represent a form of participation in the administration of local affairs. The norms that establish local elections are provided in the supreme law, in other national normative acts and, along with other elections, represent an institution that occupies a leading place in terms of the organization of society.

However, we will note that in certain situations, such as the case of the Republic of Moldova, certain reforms are required in this regard, in order to improve the administrative organization of the state and give the possibility of progress at the local level, by strengthening the functioning and administration capacity of local bodies.

Currently, according to the administrative-territorial structure of the Republic of Moldova, *local public administration authorities are divided into two levels* : And and and **THE II. Authorities them the administration publicly local first level** are _ authority public , taken as a whole, which are established and operate on the territory of the village (community), city (municipality) to promote the interests and solve the problems of local communities. Local public administration authorities of the second level " are public authorities, taken as a whole, which are established and operate on the territory of the district, the municipality of Chisinau, the municipality of Bălți, the autonomous territorial unit with special legal status for promoting the interests and solving the problems of the population of the administrative unit-respective territories " ³⁰

So, the local public administration authorities, through which local autonomy is achieved in villages (communes), cities (municipalities), are **the local councils, as deliberative authorities, and the mayors, as executive authorities.**

Local councils are composed of councilors elected under the terms of the Electoral Code. The number of councilors is determined according to the number of inhabitants of the administrative-

²⁹ POPA , V. *Treatise on constitutional law and political institutions* , ed. 2nd rev. and ad. Chisinau: Notograf Prim SRL, 2021 , p. 932-933.

³⁰ Guțuleac V., *Administrative Law*, Chisinau 2013, International Free University of Moldova, p. 203

territorial unit on January 1 of the year in which the elections take place, according to statistical data. The legal status and the organization of the activity of local elected officials within local public authorities, including the autonomous territorial unit with special legal status, are regulated by the Law on the status of local elected officials.

From the normative regulations, but also from the doctrine, we can distinguish the working bodies of the local councils, which are formed after the legal constitution of the councils and include:

- a) **The fractions.**
- b) **Specialized commissions.**
- c) **The chairman of the local council meeting.**
- d) **The permanent office of the local council.**

These working bodies of the local councils are formed with the support of councilors and come to organize their work within the local council. The Chisinau Municipal Council, being a body that administers an administrative-territorial unit, such as the capital of the Republic of Moldova, in addition to the bodies common to the local councils, also established the Permanent Bureau to gather the opinions of the various factions in order to achieve a higher efficiency of its activity. However, we note that the political factor in these deliberative bodies has a rather large weight. At the same time, we mention that following the general local elections of October 20, 2019, "a total of 10,472 local councilors and 1,108 district and municipal councilors were elected, according to the data of the Central Electoral Commission".³¹ The same number of local elected officials was kept after the November 5, 2023 election.

At the current stage, Law no. 436 on local public administration mentions that the mayor is the representative authority of the population of the administrative-territorial and executive unit of the local council. In the exercise of his duties, the mayor is assisted by the deputy mayor. The local council decides on the establishment of the position of deputy mayor.

Therefore, certain **recommendations** related to the amendment of the legislation regarding the establishment of the principle of partnership between the local council and the mayor and the reduction of competition between the two authorities are required, the establishment of clearly differentiated duties between them in order to avoid evading their fulfillment through their transfer from one authority to another, as well as the establishment of a uniform rule regarding the amount of councillors' remuneration.

The duties of the actors involved in the conduct of local elections in the Republic of Moldova .

The elections themselves represent a complicated process through which the democracy of contemporary states is built. Elections as an institution of democracy have, in turn, experienced a natural evolution from the census vote to the full embrace of the principle of people's sovereignty.

Electoral bodies

This category includes: the Central Electoral Commission, the constituency electoral councils and the electoral offices of the polling stations, and from 2023 the Central Electoral Council of Gagauzia.

Currently, according to the new regulations, the central electoral body will be composed of 7 members with a mandate of 6 years. The method of appointment after the entry into force of the new Electoral Code is:

- "one member is appointed by the President of the Republic of Moldova;
- one member is appointed by the Superior Council of Magistracy;
- one member is appointed by the Government, at the proposal of the Ministry of Internal Affairs;
- four members are appointed by Parliament as follows:
- two members proposed by the parliamentary majority;
- a member proposed by the parliamentary opposition (if there is no joint nomination from the opposition, the opposition faction with the most deputies on the date of the constitution of the Parliament will appoint the committee member);
- a member proposed by civil society, representative of the electoral field."³²

Regarding the status of the member of the Central Electoral Commission, attention is drawn to the condition which states, among other conditions, that only the person who: "in the last 5 years has no entries in the professional integrity file regarding the negative result of the professional integrity test for the

³¹ www.cec.md (accessed 11.04.2022)

³² Electoral code: no. 325 of 08.12.2022. In: *Official Gazette of the Republic of Moldova*, 2022, no. 426-427, art. 20.

violation the obligation provided for in art. 7 para. (2) lit. a) from Law no. 325/2013 regarding the assessment of institutional integrity."³³

From the study of previous and current legislation, we can divide the basic duties of this body into **three categories**, namely:

1. General duties;
2. Duties of financial control of political parties and independent candidates;
3. Attributions intended for the electoral process.

At the same time, **the Central Electoral Commission** founded the Center for Continuous Training in the Electoral Field next to the Central Electoral Commission (CIDE), which is a legal entity, has administrative and financial autonomy and operates on the basis of its own regulations. The purpose of its establishment is the training and qualification of electoral officials, including the people from the Register of electoral officials, their continuous professional development, the subjects involved in the electoral process in the Republic of Moldova, as well as other interested persons.³⁴ CIDE performs the following **functions**:

- a. elaborates professional development programs for members, including potential members of electoral bodies and officials employed in their apparatus, including based on the information held in the Register of Electoral Officials;
- b. develops training programs for representatives of political parties, media institutions, NGOs (including observer organizations), observers and voters, etc.³⁵

Level I and II Constituency Electoral Councils. In this sense, we mention that: "for the election of local councils and mayors, each district, administrative-territorial unit with special status, city (municipality), village (commune) constitutes a single electoral constituency. The first-level electoral constituencies, which correspond, as a rule, to the borders of the first-level administrative-territorial units of the Republic of Moldova, are established by the second-level constituency electoral councils at least 45 days before the election day. The city (municipal), village (communal) constituency electoral councils, called first-level constituency electoral councils, are established by the second-level constituency electoral councils at least 40 days before the election day. In the case of holding new or partial elections, as well as in the event that the second-level electoral councils are not formed, the electoral constituencies and the first-level constituency electoral councils are established by the Central Electoral Commission."³⁶

Constituency electoral councils are endowed by the legislator with several **powers**, such as:

a) exercises control over the execution of the provisions of the electoral legislation and other laws that contain provisions regarding the conduct of elections;

b) constitute the electoral offices of the polling stations and supervise their activity, organize training for their members;

c) distribute financial means etc. to the electoral offices of the polling stations. In addition to these, the new version of the Electoral Code introduces the following:

– "approve, by decision, the minutes regarding the results of the local elections in the respective electoral district, confirm or deny their legality;

– declares the elected candidates, assigns and validates, once the legality of the local elections is confirmed, the mandates of the elected mayors and local councilors, confirms the list of substitute candidates, with the adoption of decisions in this regard;

– assist the hierarchically superior electoral bodies in the process of carrying out the tasks of supervision and control in the field of financing electoral campaigns and political parties."³⁷

The electoral offices of the polling stations, most often, during the elections, the citizen with the right to vote comes into direct contact specifically with the officials in these bodies, because the direct exercise of the vote takes place specifically in the voting stations, established on the basis of the decisions of the electoral councils. Thus, in order to carry out voting and vote counting, the electoral constituencies are divided into polling stations for which polling station offices are established with duties that have practically remained unchanged from the old electoral legislation, such as: a) keep the electoral lists, ensure their integrity and ballot

³³ *Ibid.*, art. 22 paragraph . (1) lit. e).

³⁴ Decision of the Central Electoral Commission no. 1030 of 09.12.2011, point 9

³⁵ *Ibidem*, point 12

³⁶ Electoral code: no. 325 of 08.12.2022. In: *Official Gazette of the Republic of Moldova*, 2022, no. 426-427, art. 175 para. (1) and (2).

³⁷ *Ibid.*, art. 37 para. (1) lit. n), o) and p).

papers; b) examines requests related to inaccuracies in electoral lists, makes the necessary changes in them and issues certificates for the right to vote to voters who will not be at home on election day; c) draws up additional electoral lists, including in them the persons who vote on the basis of certificates for the right to vote, as well as the persons who, for certain reasons, were not entered in the basic electoral lists, etc.³⁸

Bodies of central and local administration authorities

The category of these subjects with direct attributions in the conduct of elections is diverse and depends on the respective body, directly on its administrative attributions and constitutional powers. Thus, according to the level of administration, they can be classified into:

- Bodies of the central public administration with attributions in conducting elections (Parliament of the Republic of Moldova, ministries, agencies, etc.).
- Local public administration bodies with attributions in conducting elections (mayors, local councils).

Law enforcement bodies

According to the purpose of the attributions that the actors of this category possess, we report that they have an indirect involvement, solving certain disputes of an electoral nature (electoral contestations), as well as holding them accountable for the violations admitted by some participants. Especially among the law enforcement bodies, which have indirect powers in the election process, we can mention the courts, the police and the prosecutor's office.

Courts, on the one hand, resolve electoral disputes, electoral bodies' requests regarding the exclusion of electoral competitors from the electoral race, but also the confirmation of elections and the validation of mandates. Thus, the constituency electoral councils of the administrative-territorial units of the first level present the minutes regarding the results of the elections in the respective sector or municipal courts, and those of the second level - in the courts where the constituency electoral councils of the administrative units are located. second level territories.

The Criminal Code of the Republic of Moldova establishes a series of crimes under art. 181-182, such as: preventing the free exercise of the electoral right or the activity of the electoral bodies; corruption of voters; illegal financing of political parties or electoral campaigns, violation of the way of managing the financial means of political parties or electoral funds and falsification of voting results.³⁹ These offenses are sanctioned with the aim of protecting the election process, which cannot be tainted by certain damages, thus, in this sense, the immediate attributions in the event of the occurrence of such facts belong to the field of activity of the prosecutor's office and the police.

However, we consider that these bodies have indirect powers in the electoral process, which should not be confused with the election process itself, the legal bodies are the actors that intervene for this purpose through the powers they possess only to confer legality on the process, to punish and deter the occurrence of damage, for the maintenance of law and order and for the protection of citizens' rights and freedoms, any exaggeration of the activity of these bodies is impermissible in a democratic society and may lead to the lack of legitimacy of the elections. The activity of these bodies must be seen as a protection of democracy with certain specific restrictions and by no means as an activity of direct involvement in the process of all types of elections.

Electoral competitors

From this category of actors with direct attributions in the election process, we can distinguish *two types of subjects*:

1. Political parties, electoral blocs and independent candidates participating in elections.
2. Persons representing the interests of the first category (representatives in electoral bodies, trusted persons and financial trustees).

The right to nominate candidates for local elections, according to the electoral law, is held by the parties and other social-political organizations, registered in the established manner, until the date of the elections is established, in accordance with their statutes (regulations) and the legislation in force; the electoral blocs, formed on the basis of the decisions adopted according to the statutes (regulations) of the parties and other social-political organizations that constituted them, which are registered by the Central Electoral Commission, in the case of parliamentary, presidential and general local elections, or by the electoral councils of constituency, in case of new elections. The candidates will be appointed within 15 days from the date of establishment of the electoral blocs, and if they were established before the start of the electoral period - within 15 days from the start of this

³⁸ The Electoral Code of the Republic of Moldova no. 1381 of 21.11.1997, published MO no. 451-463 of 20.12.2017, art. 33

³⁹ The Criminal Code of the Republic of Moldova no. 985 of 18.04.2002, published in the Official Gazette no. 72-74 of 14.04.2009, art 181-182

period, the citizens of the Republic of Moldova who submit their own candidacy (independent candidates).

Citizens of the Republic of Moldova with the right to vote

According to the Constitution of the Republic of Moldova, the citizens of the Republic of Moldova from the age of 18, completed up to and including election day, have the right to vote. Persons⁴⁰ deprived by the final decision of the court do not have the right to vote. The duties of the citizens are fundamental and edifying from the point of view of the formation of the local administration, and being bearers of sovereignty they decide on the participation or boycott of the elections, in the same way they decide by exercising the vote on the composition of the future local councils, but also on the validation of the future mayors. In addition to the right to vote, they also have the opportunity to challenge the decisions of the electoral bodies, to check the electoral lists, as well as to challenge the actions of the electoral competitors.

A peculiarity is the fact that citizens who have a residence visa in a locality have the right to vote only to elect the representatives of the local administration only from that locality and not from where the person would like. Therefore, voting is restricted by the residence visa, and citizens who are outside the residence visa range on election day are practically deprived of the right to vote. As there is no possibility of voting by mail or electronic voting, in practice, citizens with the right to vote from outside the Republic of Moldova are excluded in local elections from the constitutional process of forming local administration bodies. We consider this a major shortcoming for building democracy in the Republic of Moldova.

Observers, civil society, the press, the international community

Observers can be representatives of qualified public associations from the Republic of Moldova or representatives of electoral competitors, accredited by the electoral bodies under the conditions of the Electoral Code. They can be both national and international, having the following *attributions*: to assist, without getting involved in the process, at all the meetings of the electoral bodies, at the control, sealing and opening of the ballot boxes, at the counting and totaling of the votes, at the operations related to the electoral lists, ballots, certificates for the right to vote, when drawing up the minutes of the totalization of the election results; to inform the president of the electoral body about the irregularities observed in the election process And so on⁴¹

Civil society being regarded as the totality of non-governmental organizations and institutions that express the interests and will of citizens, has the attribute of a participant in public life, including the process of elections through voluntary mechanisms and guaranteed rights, such as: access to information, transparency or the right to petition. In this context, its activities can materialize during the elections through actions to research the electoral programs of the electoral competitors, conduct opinion polls, participate in electoral debates as experts, etc. The role of civil society for elections is important from the point of view of guaranteeing their freedom.

As for *the press*, its role is to reflect the electoral campaign in an equidistant manner so that the voter can form an opinion about the elections and the electoral competitors. The role of the media intensified in elections of any type after the Second World War, when technological development allowed media institutions such as: radio, television, newspapers, Internet press or through other technical means to be accessible to a wide audience. For the monitoring of media activity, the Audiovisual Council has a fundamental role, for example, for the new local elections of May 29, 2022 Central Electoral Commission Decision no. 405 of 04.04.2022 established that during the electoral campaign, the administrations of the media service providers supervise compliance with the provisions of the electoral legislation and the legislation on audiovisual media services, keep track of the airtime granted to electoral contestants and submit weekly (on Monday) to the Broadcasting Council the report, according to the model approved by the Audiovisual Council, about the volume of electoral broadcasts (spots, debates and electoral materials broadcast in the columns specially created to reflect the electoral campaign, informative broadcasts).⁴²

As far as *the international community* is concerned, it has the role of monitoring the elections through international observers or diplomatic missions accredited in Republic of Moldova. When we say the international community, we mean the subjects of international law with which the Republic of Moldova interacts, accepting globalization as a phenomenon of the democratic world, each of the subjects of public international law is interested in promoting free elections that promote the legitimacy and stability of the

⁴⁰The Constitution of the Republic of Moldova from 29.07.1994, republished in MO no. 78/140 of 29.03.2016, art. 38

⁴¹Decision of the Central Electoral Commission no. 332 of 24.10.2006 regarding the approval of the Regulation on the status of observers and their accreditation procedure, point 18

⁴²Decision of the Central Electoral Commission no. 405 of 04.04.2022 regarding the approval of the Regulation on the coverage of the electoral campaign in the new local elections of 29 May 2022 in the mass media, point 8

international community. Therefore, taking into account the results of observer missions by states or international governmental organizations refers not to the state's obligation, but to its reputation at the international level.

I. _ The difficulties of organizing local elections, tools and ways to overcome them

In the Republic of Moldova, as I have shown previously, both the members of the local councils and the mayors are elected by citizens' vote. The regulations of the election organization procedures are provided, in particular, in the main electoral law which is the Electoral Code, but also in a series of regulations and instructions of the Central Electoral Commission. In the three decades of independence, the Republic of Moldova went through several normative transformations, seeking to regulate local elections through the prism of the new political circumstances, but also from the perspective of the momentary interest of the forces that were at the central leadership of the state, a last example is implementing the mixed electoral system.

All this proves that the elections, including the local ones, in the Republic of Moldova are a complicated process, which broadly respects the principles of democracy, but have a series of shortcomings specific to societies emerging from totalitarian regimes. In addition to the social, economic or political problems, local elections also involve a series of difficulties related to their organization, directly related to legal procedures, technical equipment, normative regulation, electoral culture, migration, etc.

Thus, the issue of local elections can, in our opinion, be divided into several categories, among which:

II. The issue related to the technical-organizational aspect of local elections

In this category we include the equipment of the polling stations, which represent the place where citizens with the right to vote present themselves on voting day to express their voting option, which should correspond to the requirements and interests of all voters, including those with certain locomotor impairments (being equipped with access ramps), sight, hearing, but in reality these specific equipment are missing at some polling stations. Thus, this category of people, practically, is deprived of the possibility to exercise constitutional rights. We will also remind you that the Republic of Moldova has ratified the UN convention on the rights of persons with disabilities.⁴³

Therefore, the Republic of Moldova assumed the obligation to ensure that the rights of persons with disabilities to be respected, promoted and protected equally with the rights of others. We will also remind you that the types of disabilities that can influence the person's ability to exercise their right to vote are: visual impairments, hearing impairments, physical (locomotor) impairments. In the Republic of Moldova, there are several tens of thousands of people with disabilities, many of them are not active in the labor field, live below the subsistence minimum and face stigma and discrimination in most aspects of life.⁴⁴ Understanding that this spectrum of problems also depends on the possibility of financing the elections, we recommend the following tools as ways to overcome them:

1. Civic education, accessible to all, with the involvement of people with certain disabilities in this process.
2. Selection of rooms for polling station offices that would be equipped with the necessary in this regard.
3. Development of remote voting tools by electronic means, etc.

Another type of problem in this category would be the one related to the previously mentioned electoral lists, which resides in the fact that there is a mismatch between the data of the National Bureau of Statistics and the Electoral Register kept by the Central Electoral Commission, which leads to the uncertainty of the exact number of voters, which can influence the outcome of the vote. Therefore, this chapter requires:

- a. Clarification of the discrepancy between the voter register and the statistical data through a closer collaboration between two state institutions: CEC and NBS.
- b. Carrying out a referendum if necessary to clarify the given situation.

Another spectrum of problems concerns the preservation of electoral documents and, in particular, ballot papers after the elections have been completed.

Another problem that can put the start of the election process at a standstill is related to the financial allocation that is made through the parliament and the government. Or, in this sense, the aspects regarding the

⁴³The Convention on the Rights of Persons with Disabilities, adopted in New York by the UN General Assembly on December 13, 2006, was signed by the Republic of Moldova on March 30, 2007 and later ratified by Law no. 166 of 07/09/2010, published in MO no. 126-128/428 of 07/23/2010.

⁴⁴The role of the state in ensuring the electoral rights of people with disabilities, Chisinau Branch of the International Institute for Monitoring the Development of Democracy, Parliamentarianism, and Respect for the Electoral Rights of Citizens of AIP CSI Member States, Chisinau, Princeps, 2017, p.9

period that the two central authorities have to transfer the necessary means to the Central Electoral Commission so that it can fulfill its specific attributions for holding the elections within the deadline must be clarified.

III. Difficulties regarding the training of election officials

The specificity of local elections lies in the fact that they involve a large number of electoral officials at the local level and who must decide on the conduct of the elections. The respective persons do not in all cases have legal training or experience in organizing elections. Here we recall the role of the Center for Continuous Training in the Electoral Field and the fact that for the smooth conduct of the elections, around 20,000 electoral officials are involved, this process must acquire a continuous character, even outside the electoral period, considering that the number of officials working in that center is only 7.⁴⁵ Therefore, the Central Electoral Commission in collaboration with the local authorities should:

- a. To prepare training programs outside election periods that would involve election officials, local government officials and judges.
- b. Periodically, to renew the register of electoral officials.
- c. To spread examples of good practices among election officials.
- d. To strengthen the capacities of the Center for Continuous Training in the Electoral Field.

IV. Difficulties regarding the financing of electoral campaigns

Although the electoral legislation, as we have shown above, has undergone certain changes and emphasized the way of financial verification of electoral competitors, from the legislative regulations we can see several ambiguities, including the way of spending the financial means which can only take place after their transfer to the special account, but the practice of economic operations shows that most of the time the electoral contestants will sign economic agreements for the needs of the electoral campaign without having the necessary amounts transferred to the account or the use of these funds only after declaring them to the electoral body makes it even more difficult the process of electoral transactions, which have their own specificity, are limited in time, most of the time being adhesion agreements, they practically cannot be negotiated by electoral competitors. In addition to all this, the lending offered by the state to potential electoral competitors does not contain certain guarantees that would attract competitors with poor financial situations to benefit from those credits. Therefore, ***we recommend*** that the central electoral body create a clear mechanism for contrasting the amounts spent and declared with the expenses in the field, this procedure would eliminate certain suspicions related to the expenses incurred in the electoral campaign.

V. Legislative difficulties

This category of problems relates to the interpretation of electoral legislation and the behavior of electoral officials in particular. Therefore, the first normative aspects that could be revised concern the appointment of members in the electoral councils and polling station offices, but also the way of forming the composition of the central electoral body. We believe that the right of parliamentary parties to form their competence should be replaced by granting this prerogative to the Superior Council of Magistracy, local authorities or other factors that do not have a direct interest in the electoral process, in order to provide an increased degree of independence to the functioning of the system of electoral bodies.

Another aspect of the respective issue concerns the voting process. At the moment, the only voting procedure recognized by the national electoral legislation is voting directly in the polling station and, in certain cases, by means of the mobile ballot box. In this chapter, research is required with the aim of implementing some alternatives, such as electronic or postal voting. Considering the increased degree of migration of citizens, especially from rural areas, but also the diminished lack of trust of citizens in political parties which, in the end, can lead to a low level of voter turnout and the questioning of the degree of representativeness, there is a need to encourage citizens in their involvement for the formation of administrative authorities, and these alternative methods of voting can be an example of involvement even from a distance, as long as it is not vitiated by certain technical or normative gaps.

Therefore, the study carried out in this chapter highlighted the degree of democracy within local authorities, including from the perspective of voters' expectations. Therefore, we believe that an overall revision of the legislation aimed at councilors and mayors is necessary to strengthen these institutions of local administration, which should combine in their activity partnership with political competition, as well as the interest of the community, which must dominate the activity their administration throughout the mandate.

The spectrum of the highlighted issues includes: establishing the place of the institution of local

⁴⁵Iuras Natalia, Case study, Electoral training and education: The case of the Continuing Education Center in the Electoral Field from Moldova, 27.05.2021, op. Cit.

elections, organizational difficulties, but also the division of attributions regarding the conduct of the elections between the different actors involved.

This fact allowed us to make our contribution to solving some problems, such as: clarifying the need for society and, in particular, for local communities regarding the organization of elections for mayors and local councils, their purpose, but also an overall clarification on the reform of local public administration.

Finally, we mention that, regardless of the spectrum of problems involved in the electoral process, local elections are the basis for building democracy in a state that has gone through different political regimes. Therefore, elections are an institution of democracy, necessary for society as a whole, as well as for local communities as a way for citizens to influence public power.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

Contemporary democracies build their stability of socio-economic progress through elections. The electoral polls themselves represent complex processes in which decision-making factors are involved, important for the socio-political life of the state. The need for elections for democracies resides in the objective of legitimizing power in society and is the mechanism of direct interaction between citizens and public power.

In this paper, I have deepened the research of ensuring electoral rights in terms of the organization and conduct of local electoral polls and the degree of ensuring effective administration following the organization of these electoral processes.

Based on these considerations, we formulate as **objectives** of the research **Local elections – democratic mechanism of people's participation in the governing process**: *exposition of doctrine, legal regulations and jurisprudence that are relevant in relation to the researched topic ; e conceptual evolution and classification of electoral ballots; identifying the difficulties of organizing local elections; proposing the tools and methods of overcoming .*

All the objectives put forward for this scientific study were achieved and reproduced in the conclusions included in sections 1, 2 and 3 of the thesis and the recommendations formulated, presented below:

I. As to the conclusions Notable the first objective - *Exposition of doctrine, legal regulations and jurisprudence* - which is relevant in relation to the researched topic, they are presented in:

- the compartments I, as a result of the research, I consolidated the content of the doctrinal conceptions regarding the phenomenon of local elections as a complex one, which sums up, in addition to certain rights, the observance of certain procedures, all outlining, in the case of local elections, the character of democratic administration of the territorial-administrative units, enjoying - increased attention from the central authorities and society as a whole, especially from the perspective of the means and guarantees necessary to ensure the transposition of the legitimization of local power in practice;

- the compartments II, which explores the complexity of the evolutionary side of local elections (2.1) from the perspective of the institutionalization of democracy in contemporary society, approaches the electoral systems from the perspective of different doctrinal views (2.2);

- the compartments III, the section on the place of local elections in the electoral system of the Republic of Moldova (3.1) concretizes the concepts aimed at the doctrinal establishment of the position of electoral ballots in the national electoral system.

Regarding the conclusions related to the second objective – *Conceptual evolution and classification of electoral ballots* – they support the previously mentioned objective through the arguments presented in:

- compartments I, which fix the doctrinal, legislative and jurisprudential framework of electoral polls;
- compartments II, by addressing the classifications directly related to the electoral polls (2.3) and the evolution in the three decades of independence of the Republic of Moldova of the institution of elections by identifying some stages in this evolution (2.1);

- chapter III, regarding *the composition of the elective local public administration bodies* (3.2), deals with the result of the three decades of independence and electoral changes at the local public administration level, therefore we observe the current purpose of some changes made in the electoral system and, at the same time, who are the authorities local that have an elective character.

Regarding the conclusions intended to support the third objective – *Difficulties in organizing local elections, tools and ways to overcome them* – they are presented synthetically in:

- Chapter 1, in the content of which are addressed: the political and administrative nature of local elections, the differences of doctrinal opinions in this regard, as well as the need for clarification from the perspective of the

legislative repertoire of guaranteeing free elections at the local level.

- Chapter 2, where the evolutionary factor of elections, but also the identification of international practices for organizing elections during the Covid-19 pandemic (2.4) highlighted the possibility of conducting electoral polls even in conditions that threaten individual freedom - an important factor in the conduct of some free and fair elections. Mechanisms to overcome some situations of abuse by preserving the institution of elections and in such unfavorable conditions, through a redoubled effort on the part of the state institutions, were highlighted.

- Chapter 3, content related to the difficulties of organizing local elections, tools and ways to overcome them (3.4), *systematizes the repertoire of problems regarding the organization of local elections, but at the same time demonstrates a wide spectrum of unresolved problems, although the national electoral legislation has known a substantial evolution from the independence of the Republic of Moldova until now.*

Next, we present **the recommendations** that facilitate the achievement of each individual objective.

Recommendations related to the first objective – *Exposure of doctrine, legal regulations and jurisprudence* - represents a set of measures that, on the one hand, come to clarify certain doctrinal dimensions specific to the electoral system of the Republic of Moldova and, on the other hand, identify certain problems related to the practice of the election procedure, respectively in this sense we propose :

- *minimizing, as much as possible, the political factor in the system electoral through the depoliticization of the electoral bodies in which the members of the Central Electoral Commission and hierarchically lower electoral bodies are no longer appointed by the parliamentary parties, but by the Superior Council of the Magistracy, in order to strengthen the neutral and equidistant character in the activity of the electoral bodies;*

- *the introduction of elementary legal education studies centered on notions of maximum importance, such as democracy and freedom with the aim of educating the civic spirit in society;*

Regarding the recommendations aimed at the second objective of the thesis - *Conceptual evolution and classification of electoral ballots* - we consider the following:

- *strengthening the role of the Audiovisual Coordinating Council regarding the coverage of electoral campaigns ;*

- *conducting a population census to clarify the difference in figures held by the National Bureau of Statistics (NBS) and the Central Electoral Commission. Here we will remember that the only referendum of this kind was in 2004, and the one in 2014 contains criticisms regarding its veracity, therefore, not being in possession of up-to-date and truthful statistical data, it is problematic to ensure legality, but also representativeness elections in the conditions when population migration, in particular, from rural areas is increasing;*

- *the obligation of public authorities/institutions to inform and train civil society in order to participate in administrative decision-making processes, including those of a normative nature;*

- *the imposition of normative clarifications on voters who are outside the locality or the state on the day of the vote, for which reason, being deprived of the right to vote, this fact is all the more pronounced as the migration of the RM population is constantly increasing.*

We note that the purpose of all the recommendations presented lies in the efficiency and resettlement of relations between the individual and the state/authorities based on the criteria of trust, performance, transparency, representativeness and legitimacy, without which the elections would represent a sterile procedure.

At the same time, this situation is natural, because during the course of the evolution, the electoral polls were made vulnerable by a multitude of breaks in the legal relations, some extremely ostentatious, especially against the background of the non-respect of the fundamental rights by the states. For this reason, participative democracy - which appears to be the most promising formula - must be encouraged both in the direction of the transparency of public administration activity and in the sense of empowering the common man through his active involvement in public life, including in the decision-making process and of normative acts.

So, it is logical that such a problem of bringing the common man closer to the poles of public power, especially the local administration, which contributes to social cohesion and the removal of suspicions, acting as a true remedy of human conscience and of strengthening citizens' trust in institutions public.

The recommendations that support and build the third objective of the thesis - *The difficulties of organizing local elections, tools and ways to overcome them* - are in a set of measures related to the reform of local elections in the Republic of Moldova. So, they refer both to the material component itself and to the fairness and efficiency claimed by the election process in a contemporary democracy.

Starting from these principle aspects, we mention that, following the research carried out, there have been changes in our vision regarding the administrative-territorial organization of the state, thus starting from the reality in which contemporary local society operates and researching a series of practices international in this regard, we found the collapse of the public administration authorities and the need to reform them in order to provide them

with a degree of real autonomy and institutional capacity for self-administration.

Thus, we propose for the Republic of Moldova two types of territorial administration:

1. **Territorial administration in the form of municipalities** - on the model of Chisinau and Bălți municipalities, other localities can be organized as district residences (currently), this factor would allow a sustainable development of localities in the form of cities, would strengthen the institutional capacity and bring the local administration closer by citizen. We mention that in municipalities it is appropriate to preserve the procedure of direct election by citizens of both the mayor and the municipal council.
2. **Territorial administration in the form of communes** - this form of organization will include, in our opinion, a number of 300-400 communes throughout the state (this is how it is proposed to reduce town halls in rural areas), which will have several localities and where the council the local council will be elected directly by the citizens, and the mayor - by the local council from a specially formed register, which will include candidates who have undergone training in the field of public administration, who have a certain administration practice or who have a minimum experience 3 years as a public official with a management rank or public dignity.

Therefore, we propose transforming the position of mayor according to the American model into a *city manager* with an administrative role, and the only representative body remains *the commune council* according to the French model. We believe that these transformations will unlock the situation at the level of village administrations, strengthen the institutional capacity and give the possibility of greater financial autonomy by increasing the budgets of the communes as a result of the liquidation of the district councils.

We note that these reforms do not aim to reach the existing autonomies, but must be carried out in order to improve local administrative efficiency. The elections of municipal mayors will be passed from the citizens to the municipal councils in order to create a sustainable and efficient mechanism for the access to mayoral positions of trained dignitaries with experience and leadership capacity. In this context, we recall the dual character of local elections, which is both political and administrative, starting from the need for local administration of public affairs.

In our opinion, starting from this character of administration that must define local elections, we mention that electoral ballots differ in their purpose, which, in addition to representativeness, must also confer administrative efficiency. If administrative efficiency is impossible to ensure through such electoral voting processes, we consider it appropriate to partially abandon it in the idea of not jeopardizing citizens' interest in democracy as a whole.

From the above, several **recommendations are required**, among which:

- amending articles 110 and 112 and canceling article 113 of the Constitution of the Republic of Moldova ;
- the modification in another wording of Law no. 436 of 28.12.2006 regarding the local public administration;
- giving up, through liquidation, the administrative-territorial organization of the districts;

With reference to the difficulties in organizing the process of holding local elections, we also identified a series of **complementary solutions** to those shown above, among which:

- the collaboration of the central electoral body with the political parties until the beginning of the electoral period for the purpose of training and consultation;
- clarifying the status of the candidate for the position of mayor proposed by the political parties;
- the development of alternative methods of voting (the introduction of electronic voting or by mail);
- equipping polling stations with equipment and logistics necessary for certain situations, such as: guaranteeing the possibility to vote for people with certain physical impairments.

In conclusion, we can say that the adoption of correct and relevant measures towards the efficiency of local public administration, along with the range of recommendations we propose, is the key to ensuring good governance at the local level, the functioning of democracy and, obviously, improving the quality of life.

We also want to draw attention **to the future research plans** that this study opens up, referring to the possibility of analyzing local elections under the following aspects:

- *of human freedom in all forms of manifestation*. Such a research is required given the fact that through laws and, in particular, through the exercise of public power by administrations and governances, man is deprived of his freedom in an imperceptible way;
- of the right to object on grounds of conscience, including from the perspective of religious beliefs, a right recognized relatively recently in the practice of the ECHR, which could arouse the interest of exploring this right on a wider scale, considering the multitude of conflicts between the sincere beliefs of man and

- the obligations imposed by the legal norms;
- of the issue of the legal nature of electoral polls - another issue that could be the subject of a separate research.

We conclude not by praising in academic terms the achievement of the research goal, but by conveying a forecast that we consider the quintessence of our entire analysis, but especially with regard to the steps forwarded by us to reform the local public administration system, thus, we will remember by the great Greek philosopher Aristotle who said: " Whenever we are in doubt, we must choose the path by which we make less mistakes."

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ADNOTARE

CEBANU Ion. „Alegerile locale – mecanism democratic de participare a poporului la procesul de guvernare”, teză de doctor. *Specialitatea 552.01- Drept constituțional*, Chișinău, 2023

Structura tezei este compusă din introducere, trei capitole, concluzii generale și recomandări, bibliografia fiind formată din 199 de surse. Aceasta se desfășoară pe 161 pagini de text de bază și 4 anexe. Rezultatele obținute sunt publicate în 8 articole și comunicări științifice, 6 c.a.

Cuvinte-cheie: sistem electoral, alegeri locale, autorități deliberative, proces electiv, organe locale reprezentative, democrație participativă, mecanism democratic, proces de guvernare.

Domeniul de studiu: drept constituțional. Teza aprofundează cercetarea asupra alegerilor, în general, și asupra alegerilor locale, în special.

Scopul și obiectivele investigației: Cercetarea aprofundată a *asigurării* mecanismelor democratice privind desfășurarea alegerilor locale, elucidarea particularităților legate de structura și conținutul acestora, a gradului de reglementare juridică și a transunerii reglementării în practica desfășurării lor pentru identificarea acelor cauze din sfera puterii publice care împiedică *finalitatea urmărită de această instituție juridică*, cu scopul găsirii unor soluții, apte să edifice statul de drept și democrația participativă și, totodată, să ofere alternative capabile să răspundă exigențelor împrejurărilor în care se află Republica Moldova. Pentru atingerea scopului au fost trasate următoarele obiective: *expunerea doctrinei, a reglementărilor juridice și a jurisprudenței care prezintă relevanță în raport cu tema cercetată. evoluția conceptuală și clasificarea scrutinelor; identificarea dificultăților organizării alegerilor locale; propunerea instrumentelor și modalităților de depășire.*

Noutatea și originalitatea științifică: abordarea doctrinar-normativă a instituției alegerilor locale ca fundament democratic pentru apărarea dreptului colectivităților locale la autoguvernare; elucidarea unor probleme sau/și dificultăți de exercitare a acestui drept; identificarea unor soluții pentru edificarea scopului scrutinelor, care trebuie să fie unul care, în definitiv, va îmbunătăți actul de administrare a comunităților locale, și nu doar unul cu caracter politic, realizarea unei comparații între vechea legislație electorală și noile reglementări.

Problema științifică soluționată: constă în elaborarea unui concept contemporan privind alegerile locale, ca fiind o instituție juridică, care interacționează cu domeniul politic, economic și social, urmărind scopul de administrare într-o măsură mai mare decât cel de competiție politică, stabilind că, alegerile locale în Republica Moldova trebuie să răspundă obiectivelor de administrare teritorială eficientă, cu scopul păstrării integrității teritoriale și a drepturilor politice ale cetățenilor organizați în colectivități locale și pe de altă parte, să răspundă necesității de reformare a administrației publice locale.

Semnificația teoretică și valoarea aplicativă a lucrării: recomandările și concluziile lucrării vin în întâmpinarea actualelor deficiențe de sistem (educative, legislative, administrative și politice) și, prin măsurile practice recomandate, urmărim nu doar perfectarea mecanismului desfășurării scrutinelor, dar și identificarea din partea autorităților a unor reforme profunde în ceea ce privește administrația locală în ansamblu. Propunem reformarea administrației publice locale într-un cadru normativ care să orienteze mersul societății spre o civilizație fundamentată pe drepturile și libertățile omului. Or, tocmai acestea reprezintă, în definitiv, scopul participării poporului la guvernare.

Implementarea rezultatelor științifice: rezultatele științifice ale prezentei cercetări au fost susținute și expuse la diverse conferințe naționale și internaționale, găsindu-și materializare în cercetarea științifică și în învățământul universitar, dar fiind utile și specialiștilor din domeniul administrație publice locale. Recomandările propuse în teză includ instrumentele și modalitățile concrete de îndeplinire a obiectivelor și a finalității cercetării.

ANNOTATION

CEBANU Ion. "Local elections – democratic mechanism of participation of the people in the process of governance", doctoral thesis. *Specialty 552.01- Constitutional Law*, Chisinau, 2023

Thesis structure: The work consists of introduction, three chapters, general conclusions and recommendations, bibliography consisting of 199 sources, 161 pages of basic texts and 4 Annexes. The obtained results are published in 8 scientific articles, 6 c.a.

Keywords: electoral system, local elections, deliberative authorities; elective process; local representative bodies, participatory democracy, democratic mechanism, governance process.

Field of study: Constitutional law. The thesis deepens the research on elections in general and on local elections in particular.

The purpose and objectives of the research: in-depth analysis of *ensuring* the democratic mechanisms regarding the conduct of local elections, the elucidation of the peculiarities related to their structure and content, of the degree of legal regulation and of the transposition of the regulation in the practice of their development in order to identify the causes in the sphere of public power that prevent *the finality pursued by this legal institution*, with the aim of finding solutions capable of building the rule of law and participatory democracy and, at the same time, of offering alternatives capable of meeting the requirements of the circumstances in which the Republic of Moldova finds itself. In order to achieve the aim, the following objectives are formulated: *indication of doctrine, legal regulations and jurisprudence that are relevant in relation to the researched topic; conceptual evolution and classification of electoral elections; identification of the difficulty or organization of local alliances; proposal their tools and their ways of being overcome.*

Scientific novelty and originality: doctrinal-normative approach of the institution of local elections as a democratic basis for defending the right of local communities to self-government, elucidation of some problems or/and difficulties in exercising this right, identification of the solutions proposed of the elections, which must be one that will ultimately improve the act of managing the affairs of local communities and not just one with a political character, making a comparison between the old electoral legislation and the new regulations.

The scientific problem solved: it consists in the development of a contemporary concept regarding local elections, as a legal institution, which interacts with the political, economic and social field, pursuing the purpose of administration to a greater extent than that of political competition, establishing that, the elections local authorities in the Republic of Moldova must respond to the objectives of effective territorial administration, with the aim of preserving the territorial integrity and political rights of citizens organized in local communities and, on the other hand, respond to the need to reform local public administration..

Theoretical significance and applicative value of the work. The recommendations and conclusions of the work come to meet the current deficiencies of the system (educational, legislative, administrative and political) and, through the practical measures we recommend, we aim not only to perfect the mechanism of conducting elections, but also to identify from the state authorities some profound reforms in what it concerns local government as a whole. We propose the reformation of the local public administration within a normative framework that would guide the path of the society towards a civilization based on human rights and freedoms. However, it is precisely these that are, after all, the purpose of the people's participation in government.

Implementation of scientific results. The scientific results of this research have been supported and exhibited at various national and international conferences, being useful for scientific research and university education, but also for specialists in the field of local public administration. The recommendations proposed in the thesis include the instruments and concrete ways of achieving the objectives and purpose of the research.

АННОТАЦИЯ

ЧЕБАНУ Ион. «Местные выборы – демократический механизм участия народа в процессе управления», Диссертация на соискание ученой степени доктора права. Специальность 552.01- Конституционное право, Кишинэу, 2023

Структура диссертации: введение, три главы, общие выводы и рекомендации, библиография, состоящая из 199 источников, 161 страниц основного текста и 4 приложений. Полученные результаты опубликованы в 8 научных статьях, 6 а.л.

Ключевые слова: избирательная система, местные выборы, независимость, совещательные органы, элективный процесс, представительные местные органы, демократический механизм, управленческий процесс.

Область исследования: Публичное право. Специальность 552.01- Конституционное право.

Цель и задачи исследования. Провести **научное исследование** демократических механизмов проведения местных выборов, выяснения особенностей, связанных с их структурой и содержанием, степени правового регулирования и практики их развития с целью выявления причин в сфере публичной власти, препятствующих усовершенствованию, к которому *стремится этот правовой институт*, с целью поиска решений, способных установить верховенство права и представительную демократию, и в то же время предложить альтернативы, способные удовлетворить потребности реформирования общества, в которой находится Республика Молдова. Для этого сформулированы следующие задачи: выявить понятие *местных выборов закреплённые в доктрине, правовых норм и судебной практики, имеющих отношение к исследуемой теме*; *концептуальная эволюция и классификация избирательных выборов*; *выявление трудностей при организации местных альянсов*; *предложение инструментов и способов их преодоления*.

Научная новизна и оригинальность полученных результатов. В работе раскрывается новизна и оригинальность исследования через доктринально-нормативный подход к институту местных выборов как демократический механизм защиты права местных сообществ на самоуправление, а также путем освещения ряда проблем и/или трудностей в реализации этого права. То же самое можно сказать и о предложениях, предлагаемых для определения целей местных выборов, которые должны способствовать улучшению процесса управления делами местных общин.

Решённая научная задача заключается в разработке современной концепции местных выборов, как правового института, который взаимодействует с политической, экономической и социальной сферой, преследуя цели управления в большей степени, чем цель политической конкуренции, устанавливая что выборы местных органов власти в Республике Молдова должны отвечать целям местного управления, с целью сохранения территориальной целостности и политических прав граждан, организованных в местные сообщества, и, с другой стороны, отвечать на необходимость реформирования местного публичного управления.

Практическая значимость работы. Рекомендации и выводы работы направлены на устранение существующих недостатков системы (образовательных, законодательных, административных и политических) и, с помощью мер, которые рекомендуем, стремимся не только усовершенствовать механизм проведения выборов, но и определить со стороны государственных органов некоторые реформы в том, что это касается местного самоуправления в целом. Поддерживаем начатую реформу местного публичного управления в Республике Молдова.

Внедрение научных результатов. Научные результаты этого исследования были поддержаны и выставлены на различных национальных и международных конференциях, будучи полезными для научных исследований и университетского образования, а также для специалистов в области местного публичного управления.

CEBANU ION

**LOCAL ELECTIONS – DEMOCRATIC MECHANISM
OF PARTICIPATION OF THE PEOPLE IN THE PROCESS
OF GOVERNMENT**

Specialty: 522.01 – Constitutional law

Summary

the thesis of a doctor in law

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