



September – November 2017

Building electoral constituencies for the Republic of Moldova

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1. Executive Summary

Opinions in this report were submitted in due time to the Standing Committee for the Establishment of Constituencies (Commission) in order to mainstream the development of evidence-based electoral solution.

This Commission received Note 1 on the number of electoral constituencies for voters residing outside the country (see the text in Chapter 2), Note 2 on the number of electoral constituencies for the the Eastern region of the Republic of Moldova (see the text in Chapter 3), Note 3 on the boundaries of electoral constituencies (see the text in Chapter 4).

Conclusions in Chapter 5 were made on the basis of the quick exercise in the last days of activity of the Commission and were not made available to it, but publicly exposed (for example¹).

The report makes a multidisciplinary analysis of electoral policies to set up electoral constituencies deducted from the global and European practice, formulates proper conclusions and provides recommendations based on that evidence.

The solutions provided for by the Commission and the solution proposed by the author, which highlight the advantages and disadvantages, are addressed. The work procedure, approaches and the principles of activity of the Commission and author to generate these solutions are also explained.

Finally, the political sensitivity test for the generated solutions is also conducted.

The report does not aim to assess the adopted mixed electoral system².

Conclusion Chapter 2 (constituencies outside the country).

The constitution of maximum 4 out of 51 electoral constituencies³ for the citizens residing abroad eligible to vote could respectively result in 4% mandates, which represents the maximum threshold in the European and international practice.⁴

Electoral constituencies outside the country are not established on approaches identical to national ones. When establishing electoral constituencies abroad, the international and European practice *does not use the numerical proportional representation criterion* that would make a comparison between the nominal figures of citizens in certain regions outside the country with the ones in the regions inside the

¹ <https://deschide.md/ro/stiri/politic/20828/INTERVIU-SOstaf-explic%C4%83-tehnologia--de-creeare-a-circumscrip%C8%9Bilor-electorale-%C3%AEn-Comisia-de-resort.htm>

² See the Resource Center for Human Rights (CReDO). **OBJECTIVES OF THE ELECTORAL SYSTEM FOR THE REPUBLIC OF MOLDOVA.**

EXHAUSTIVE REPORT ON THE EX-POST EVALUATION OF THE PROPORTIONAL ELECTORAL SYSTEM, OF THE MIXED ELECTORAL SYSTEM

³ In case of uninominal constituencies, the number of electoral constituencies is equal to the number of elected Members of Parliament.

⁴ The concept of representation has 2 facets: **representation (in principle) and proportional (numerical) representation**. The proportional numerical representation is characteristic of either electoral systems or electoral proportionate components, or of constitution of electoral constituencies proportionate to the number of population within the country. Representation (in principle) is done through a qualitative and not quantitative representative associated with a region or territory. The principle of qualitative representativeness is characteristic of the constitution of the electoral constituencies outside the country. This principle of representation in principle/quality representation, applied to electoral constituencies outside the country, derives from a mix of considerations: a) the representation of the diaspora (the cultural aspect), which in most cases does not hold the citizenship of that country, b) low turnout by citizens abroad, c) long periods of time outside the country, therefore, the loss of connection and informed and educated knowledge about the evolution of the situation in the country.

country. To establish constituencies outside the country, the importance of *representation in principle (as quality representation)* is taken into account, typically 1 (in case of uni(pluri)nominal constituencies or not more than a certain number in each important geographic region. Generally, for over 12 countries out of almost 180 (under 10%), which did not decide upon the direct representation in the Parliament, the minimal threshold of representation accounts for 1% and the maximum one – for 5% of the total number of Members of Parliament (uninominal constituencies).⁵

Criteria provided for by the law and Regulation (point 35 – constitution of electoral constituencies abroad)⁶ in order to set out the boundaries of constituencies will be established in compliance with the threshold used at international and European level.

The most important geographic areas of representation of citizens outside the country are: 1) Americas and the rest of the world, 2) Europe, and 3) CIS. Therefore, the establishment of 3 constituencies for each geographic area is advisable.

Conclusion Chapter 3 (constituencies for Eastern region – Transnistria)

For regions that are not *de facto* under the control of constitutional authorities the authorities recognize the right of citizens to vote on the proportional component and create the electoral mechanisms on the majority component favorable to political integration of separatist regions.

In this situation, the key question must be seen in 2 aspects: 1) the constitution of the majority electoral solution favoring integration, and 2) the proper organization of election under these principles. The model of national constituencies is obviously more appropriate than the model of elections conducted outside the country. The global and positive examples aiming at integrating separatist regions provide for attractive opportunistic electoral solutions to be capitalized at the right time, when the existing conditions allow for the organization of these elections on the basis of reserved constituencies.⁷

Conclusion Chapter 4 (boundaries of constituencies)

Electoral constituencies will be established in particular under the principle of maintaining the existing district administrative structures. *The administrative structure of level II (districts) has a decade tradition, thus providing good predictability for the whole society about the boundaries of electoral constituency.* This reduces the possibilities of manipulation with the boundaries of electoral constituencies.

⁵ In this respect, there is no need to examine the numerical presence of diaspora or of citizens in different regions (805 thousand in total, of which: Russia - 478 thousand (24 thousand), Italy - 142 thousand (52 thousand), USA - 48 thousand (7 thousand), Romania - 9 thousand (16 thousand), Portugal - 7 thousand (4 thousand), Israel - 13 thousand (2.3 thousand), Germany - 15 thousand (5.7 thousand), Greece - 9 thousand, Canada - 18 thousand (4 thousand), Bulgaria - 5 thousand, Turkey - 5 thousand (1.2 thousand), France - 3 thousand (11.1 thousand), Czech Republic - 5 thousand (1.7 thousand), Ukraine - 17 thousand, etc.), how many voted (3 500 in the presidential election in 2016), or compare the number of voters by region. The solution is to determine important geographic regions by groupings to form those constituencies. 139 thousand voted in the presidential election in 2016, round 2.

<http://www.cec.md/index.php?pag=news&id=1991&rid=19964&l=ro>

⁶ GD No 670 of 23.08.2017, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=371082>

⁷ The solution based on this proposal is to reserve 3-5 constituencies for the Eastern Region of the Republic of Moldova, for which the elections to be organized only when certain conditions for ensuring free and fair election are satisfied. The intermediate solution may be to establish the boundaries of these constituencies including on both banks of Nistru River, so that a minimum percentage will be ensured. Number of citizens in the Eastern Region of the Republic of Moldova is around 220 thousand, which equals 3-4 constituencies.

In case of electoral constituencies outside Chisinau, the number of electoral constituencies will be 30 compared to 31 existent districts (see Map 4.1). In case of Chisinau city, 4 sectors of Chisinau city will transform into 11 constituencies in Chisinau on the basis of the principal similar to the supplementation of suburbs based on the principle of administrative organisation of services and infrastructure (see Map 4.2).

In order to observe the requirements of the law on the number of 55-60 thousand voters while establishing electoral constituencies, the settlements (polling stations), will be added from the account of adjacent districts with an excess of voters taking into account the ethnical, cultural and infrastructure criterion.

Conclusion Chapter 5 (compared analysis)

Simulation is done within the limits of possible variations, that is of existing geographical and administrative constraints on the East-West and South-North axis that makes it possible the modeling of at most 2-3 differently options for some regions of the country (center) and at the same time offers another 2-3 side adjustment options within these geographic configuration principle options.

The level 1 political sensitivity tests were run for the final proposal of the Commission, but also for the author's proposal. *The existence of level 1 manipulations (10-20% loss of a candidate's score due to change of boundaries without any justification)* was not deducted. Possible level 2 manipulations are performed selectively without results with a political adverse impact.

2. Number of constituencies for citizens residing abroad eligible to vote

2.1. Systematized information

According to the global practice, there are 115 countries that recognize the voting right of citizens outside the country (27 countries limit or do not recognize this right). The Table 1 below shows the European countries that belong to this category – a total number of 41 countries.⁸

Table 2.1. The European countries that do not recognise the voting right of citizens residing outside the country

Region	Country
Western, Central and Eastern Europe (41)	Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Gibraltar, Greece, Guernsey, Hungary, Iceland, Ireland, Italy, Jersey, Latvia, Liechtenstein, Lithuania, Luxembourg, Isle of Man, Moldova, Netherlands, Norway, Poland, Portugal, Romania, Russia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom

For an effective participation of the voter outside the country in the parliamentary election, the voter is additionally required to register in the electoral register in the respective constituency outside the country, according to the global and the European practice.⁹ Therefore, the registration for the exercise of the voting right is the requirement that ensures the exercise of the voting right. Authorities in charge of conducting elections will organize the registration procedure of the voter.

Only some of 41 European countries that recognize the voting right of citizens outside the country reserve the seats in Parliament for voters outside the country (less than 10%), including by establishing electoral constituencies outside the country.

Some relevant examples are: Italy, France, Portugal and Croatia, which allows for the representation of diaspora in national Parliaments¹⁰. In Italy - there are representatives in the Chamber of Representatives and in the Chamber of Senate since 2006. In France - there are representatives from among the senators since 1948. In Portugal they are elected since 1976. In Croatia there are representatives in both chambers, including in the one-chamber parliament since 2001.

Table 2 below shows those 12 countries (5 in Europe, 4 in America and 3 in Africa) that establish electoral constituencies abroad and respectively elect the MPs in the Parliament on the basis of these electoral constituencies.

Table 2.2. Reservation of seats in Parliament for the voters outside the country¹¹

⁸ The Anglo-Saxon countries practice limiting the right to vote in national elections of citizens living a long time (more than 3-7 years) outside the country). Canada (5 years), Australia (6 years), England (15 years), New Zealand (3 years).

⁹ Venice Commission CLD-AD (2015)040, Voting for citizens residing abroad.

¹⁰ M. Laguerre, Parliament and Diaspora in Europe, 2015, Palgrave

¹¹ The International IDEA Handbook, Voting Abroad, 2007, Electoral districts by nations
https://en.wikipedia.org/wiki/Lists_of_electoral_districts_by_nation

	country	model	seats reserved in Parliament	total number of reserved seats	% of reserved seats	Citizens (population) abroad, registered voters, thousand	population of the country, thousand	% of diaspora of the total population
1	Algeria (proportional)	Planned, but not implemented	8	389	2%			
2	Angola (proportional)	Planned, but not implemented	3	220	1.4%			
3	Cape Verde (proportional)	Since 1992, 1 seat in the special constituency for the voters outside the country	6	72	8.3%	350 (Portugal, USA, Netherlands, France, Germany)	850	40%
4	Columbia (proportional)	Since 1991, 1 seat in the special constituency for the voters outside the country	1	166	0.6%	3300 (USA, Venezuela, Spain, Ecuador, Canada, Panama, Chile)	33000	10%
5 (1)	Croatia (proportional)	In 1995, 12 reserved seats, 2 for each of the 10 plurinominal constituencies - criticized and reformed, Since 2003 - up to 6, depending on voters abroad, currently - 4 (proportional electoral system in 12 constituencies)¹²	6	152	3.9%	1500	4300	25%
6	Ecuador (proportional)	Planned, but not implemented	6	130	4.6%			
7 (2)	France (majority in 2 rounds)	Since 1983 – 12 seats in the Senate by means of a college made up of 150 members elected by direct vote	12	331	3.6%	2500 (Canada, Switzerland, USA, England, etc.)	65000	4.1%
8 (3)	Italy (proportional MPS and majority uninominal Senators)	Since 2000, 4 electoral constituencies, 1-Europe (includ. Russia+Turkey), 1-South America, 1- the rest of America, 1 –Asia, 1 senator and representative, that is 8 in total, the rest are distributed depending on the turnout (mixed electoral system)	12	630	1.9%	3500 (Argentina, Germany, Switzerland, France, Brasil, England, Belgium, USA, Australia)	60000	4%

¹² Electoral Constituency XI is for citizens living outside the country, until 2011 according to their presence in the ballot boxes they elected 12 MPs, after 2011 a fixed number of 3 MPs from this electoral constituency was set. Electoral Constituency XII is reserved to national minorities with 8 elected MPs.

9	Mozambic (proportional)	2 constituencies, 1 – Africa, 1 – Europe (Germany, Portugal)	2	250	0.8%			
10	Panama (uninominal)	Planned, but not implemented	6	130	4.6%			
11 (4)	Portugal (proportional)	Since 1976, 2 electoral constituencies, 1 - Europe, 1 - the rest of the world, election takes place chosen only with the participation of 55 voters in these constituencies, voters can vote only after prior registration, voters are residing abroad no more than 10-15 years and speak Portuguese (proportional electoral system)	4	230	1.7%	4000 (France, England, USA, Brasil, etc.)	10340	40%
12 (5)	Romania (proportional, previously mixed)	Based on electoral geographical colleges, the 43rd electoral constituency is made up of 4 MPs elected from the main geographic areas (1 - Western Europe, 1- Asia, 1- America, Australia, New Zealand, 1- Africa, Middle East, Israel), and plus one senator from Europe + Asia and the US + Africa, The model of representation of Romanian diaspora, proportionl electoral system previously mixed.	6 (4 MPs, 2 senators)	400	1%	4300 (3300 in Europe, 314 in Asia, 700 in both Americas, 5 in Africa)	22000	20%

2.2. Discussion

Table 2.2 shows that the low threshold for seat reservation in the Parliament, of the total number of Members of Parliament is 0.6% in Colombia or 1.7% in Portugal (Europe) and respectively the top threshold is 8.3% in Cape Verde or 3.9% in Croatia (Europe). In countries that adopt the maximum threshold for seat reservation in Parliament, the share of the population residing out of the country may be considerable, reaching up to 25-40% (Croatia, Portugal) of the population of the country, however, the seats reserved in Parliament are not numerically proportional to the number of population residing outside the country.

The global and the European practice is varied, in some cases the reservation is made for diaspora (the cultural character that is more comprehensive and more numerical than that of citizenship), in other countries – for citizens residing abroad for a considerable period of time. In the first case, one reserved seat in the Parliament probably relates to a much larger number of diaspora representatives than in case of the number of voters in the constituencies inside the country, although the actual number of voters is usually much lower in this comparison.

For the Republic of Moldova, 4 seats reserved in the Parliament would mean 4%, which would represent the top threshold for the allocation of seats in the Parliament according to the global and European practice.

The difference between the constitution of constituencies inside and outside the country resides not in the elected electoral system - proportional, mixed or majority - (see Note 1), nor in the percentage of the diaspora or citizens outside the country, but in the standard of representation within 1-5% of the total number of the Members of Parliament. One of the explanations for the allocation of a small percentage of MPs from citizens outside the country may be the hypothesis of predictability and close membership of the socio-economic-cultural space voters within the country.

The Table 2 reveals the following practice of the Parliament seat reservation mechanism on the basis of electoral constituencies outside the country:

1) Option 1. Uninominal constituencies outside the country, which result in the direct election of MPs (Italy), one constituency elects one MP.

2) Option 2. Plurinominal constituencies outside the country, which result in a varied, but limited election for each region/constituency of MPs based on the number of turnout (Croatia), one (plurinominal) constituency may elect several MPs depending on the number of voters.

3) Option 3. The College directly elected, made up of a larger number of elected representatives outside the country votes for several MPs (France), the college elects a fixed number of MPs.

The geographical representation of citizens outside the country¹³ is concentrated in 3 large regions: 1) CIS (about 600 thousand, of which Russia (about 480 thousand, Ukraine (about 150 thousand))), 2) Europe (about 300 thousand) and 3) both Americas (around 100 thousand).

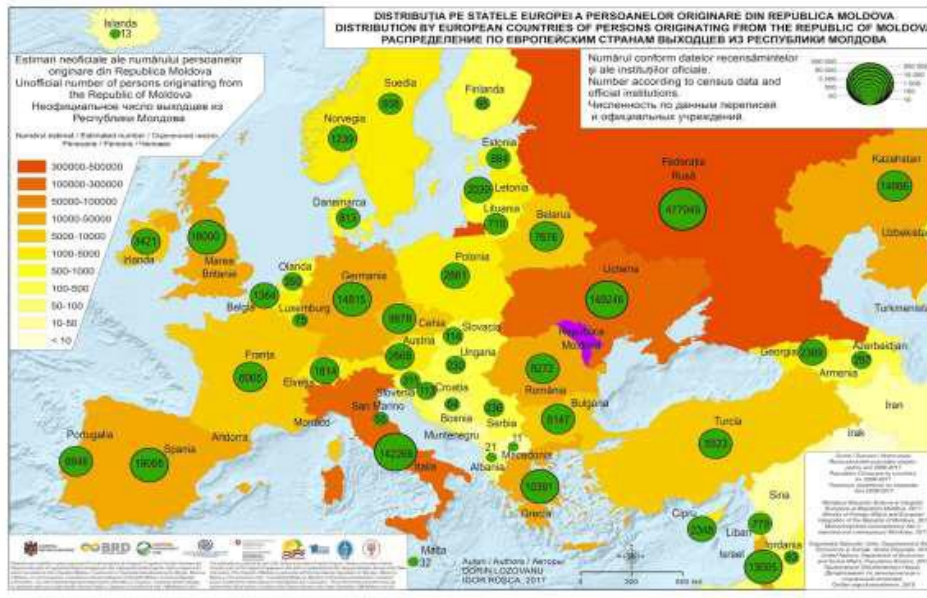
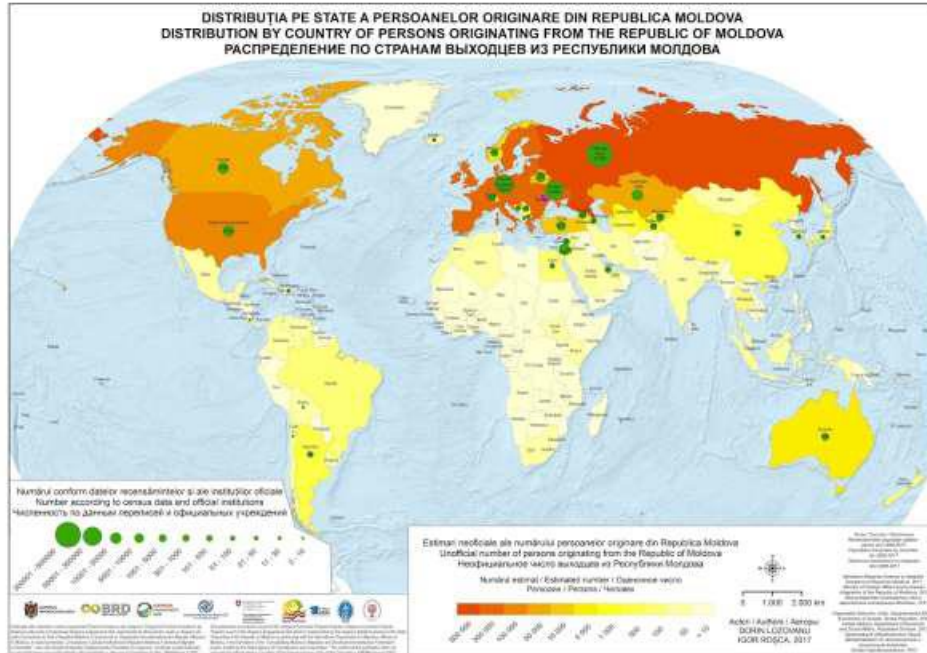
Map 2.3 Distribution of citizens in the rest of the world¹⁴

¹³ 1) 411 thousand of people involved in the long-term international migration, of which: - 370 thousand people – for labor purposes, (56% of men; 44% of women; 68% in the rural areas, 32% in urban areas). 56% (or 206 thousands of people) are identified in the Russian Federation, 22% (or 81 thousand) in Italy, between 2% and 3% (8-10 thousand) in France, 18.7 thousand people in Turkey and Portugal - for the purpose of family reunification; - 18,4 thousand persons - for studies;

2) 109 thousand seasonal *migrant workers* (72% of men and 28% of women, 70% from rural and 30% from urban areas). 81% (or 88 thousand people) work seasonally in the Russian Federation, 7% in Italy (or 7700 people)

http://brd.gov.md/sites/default/files/sn_diaspora_2025_web.pdf

¹⁴ <http://geoinformstory.blogspot.md/2017/08/raspandirea-moldovenilor-in-lume.html>



Conclusion 2.1. The most relevant practice for the Republic of Moldova is the Italian one, since its electoral system is comparable (mized) with the uninominal majority component where an electoral constituency and, respectively, a seat in the Parliament, is formed for each important geographic region.

Conclusion 2.2. Allocation of at least 3 electoral constituencies based on formula 1 – both Americas and the rest of the world, 1 – Europe, 1 – CIS expresses reasonably the quality representativeness of important geographic regions. None of these regions can be neglected by the principle.

3. Number of constituencies for citizens in the Eastern districts (Transnistria)

3.1. Situation discussed

In this note, we will provide an answer to the question whether the Eastern districts of the Republic of Moldova will have the same regime for the establishment of electoral uninominal constituencies as in other parts of the Republic of Moldova. In essence, the Republic of Moldova encounters 3 generic situations concerning the establishment of electoral constituencies: 1) territory that is effectively under the control of authorities, 2) territory beyond the country's boundaries, 3) territory that is not under effective control of authorities. It is important to understand based on rational arguments whether these three situations require different rules for the establishment of constituencies.

In the previous chapter, we discussed in detail the situation 2) and reached the conclusion that the principles governing the establishment of electoral constituencies for citizens residing beyond the borders, in line with global and European practices, will be based on criteria other than those detailed for the situation 1). According to this conclusion, the principle of geographical representation is used in the 2) case, not the principle of proportional representation, which is used to establish the constituencies across the country.¹⁵ This conclusion is also confirmed by the argument that the numerical proportional representation is implemented via the proportional component of the mixed electoral system (voting according to party lists).¹⁶

Establishment of electoral constituencies for citizens residing in the Eastern districts of the Republic of Moldova (Transnistria) is a difficult and multifaceted issue. At first glance, there are 3 choices possible: 1) establishment of constituencies based on the national model, 2) establishment of constituencies based on the model of citizens residing abroad and 3) a different approach that shall be discussed. The difference between the principle of establishment of constituencies in the country and outside its borders, resides neither in the chosen electoral system – proportional, mixed or majority – (see Note 1), nor in the percentage of the diaspora or citizens residing outside the country, but in the custom of representation within 1-5% of the total number of Members of Parliament. The situation of the territories that are not under the effective control of the authorities in certain respects is similar with the situation of citizens residing outside the borders due to the fact that they are in a different social, economic and cultural environment from that of the country. On the other hand, there is a similarity with the situation of establishment of constituencies in the country, especially in terms of the authorities' main obligation to take action to integrate all the regions of the country.

3.2. Examples from other jurisdiction

We present the practice from other constituencies when the Constitutional Authorities de facto do not control the mentioned regions during certain periods. The case studies are discussed from the point of

¹⁵ Whether or not affected by the lack of observance of democratic freedoms (freedom of opinion, political competition) and voting right, the electoral constituencies should not be taken into account.

¹⁶ In the case of the majority voting system, this proportional numerical representativeness does not exist. Thus, only mixed electoral systems provide the instrument of representation (majority component) and proportional numerical representation (proportional component).

view of establishment of electoral constituencies in the respective regions and the organization of elections in those areas¹⁷ (in chronological order):

Europe:

1) The region of Northern Cyprus, which had de facto seceded from the Republic of Cyprus, in 1974, partially controlled by Turkey in the context of 1964 Parliamentary Elections¹⁸ - in accordance with Article 62(2) of the 1985 Constitution (prior the representation was different, 35-15) 56 members are elected from the Greek Cypriot community and 24 from the Turkish Cypriot community (Northern Cyprus), but the seats reserved for the Turkish Cypriot community remain vacant since 1964, due to the fact that no elections were held in this community (proportional electoral system), the proportion of vacant seats is 40% out of the total number of MPs.

2) The region of Chechnya, had de facto seceded in 1991, from the Russian Federation¹⁹, Chechnya was declared an autonomy in 2003; during the First Chechen War (1994-95) and the Second Chechen War (1999-2009), 4 Parliamentary elections (1995, 1999, 2003, 2007 on the basis of the mixed electoral system with majority representation) were held – the elections for the uninominal electoral constituency in Chechnya have been organized with the participation only of the voting stations that were under effective control of the Constitutional Authorities (between 1993-5, Chechnya was not represented), the proportion of unelected MPs is insignificant, 1 out of 450 (less than 1%),

3) The region of Nagorno-Karabakh²⁰, had de facto seceded from Azerbaijan, in the context of Parliamentary Elections²¹ - establishment of constituencies for this region (Khankendi # 122 and Shusha-Fuzuli-Khojali-Khojavend # 124 constituencies in Nagorno-Karabakh) by the Azeri authorities, of which two MPs are elected from the registered [constituencies] and from among people with the status of „internally displaced” (uninominal electoral system starting with 2005; prior to this year, a mixed electoral system [was in place], elections based on the candidate with the relative majority of votes from the constituency),²² the proportion of MPs from these constituencies is insignificant, 2 out of 125 (prior 100),

4) The region of Abkhazia, had de facto seceded in 1992, from Georgia, the region of South Ossetia (Tshinvali), had de facto seceded in 1992, from Georgia, partially integrated by the Russian Federation in the context of 1992, Parliamentary elections^{23, 24} – no elections were held in these uninominal electoral constituencies (mixed electoral system, 75-75), the proportion of MPs from these regions is insignificant, a few out of 150 (under 2-3%),

¹⁷ Separatist conflicts of the past 100 years in which the constitutional authorities have no effective control over one part of the territory.

The presentation of the relevant cases and examples is practically exhaustive.

¹⁸ Conflict is mediated by UNO.

¹⁹ Conflict was mediated by none of the international bodies.

²⁰ With the current population of 135,000 predominantly populated by the Armenians, although in 1992 the population had over 200,000, of which 145 thousand Armenians and 42 thousand Azerbaijanis.

²¹ Conflict is mediated by the group from Minsk (Russia, USA, France).

²² <http://www.msk.gov.az/en/beyanatlari/433> , <http://www.msk.gov.az/en/mskxerite/>, <http://www.meclis.gov.az/?/en/deputat/165> , <http://www.meclis.gov.az/?/en/deputat/84>

²³ <http://agenda.ge/maps/election2016/> , <http://sao.ge/files/kanonmdebloba/kodeqsi/August%202012-ElectionCode-of-Georgia-EN-codified.pdf>

²⁴ Conflict is mediated by OSCE.

5) The eastern districts of the Donbass Region of Ukraine, had de facto seceded in 2014, and the Crimean peninsula occupied by the Russian Federation in 2014, in the context of Parliamentary elections (October 2014) and Presidential (March 2015)^{25, 26} - no elections were held in these uninominal electoral constituencies (mixed electoral system, 225-225), the proportion of MPs from these regions is small, 28 out of 500 (under 5%).

Asia:

6) The region of Aceh (Northern part of the island of Sumatra), had de facto seceded in 1976 from Indonesia, was granted autonomy in 2005 and as of 2012, participates in the electoral process within Indonesia - up to 2006, the Government of Indonesia did not hold elections in the region of Aceh (a plurinominal election system with 77 constituencies with 3-10 elected members to the Chamber of representatives and 34 constituencies based on the provinces who elect 4 senators), the proportion of MPs from this region is small, 10 out of 196 (under 5%),

7) The region of Tamil (Northern part), had de facto seceded in 1983 (civil war until 2009), from Sri Lanka, in the context of Parliamentary elections – less than a few percent of the population of the Northern islands participated in the elections organized in these regions; the elections were boycotted by the Tamil separatists in the rest of the region, but starting with 2009 the elections are held in the northern part of the island as well (the 1978 Constitution introduces a mixt election system in 22 plurinominal constituencies, who elect 196 representatives, as well as the proportional element on party lists), the proportion of representatives from this region is relative, 20 out of 196 (10%),

8) The region of northern Kurdistan, which is de facto autonomous since 1991, within the Republic of Iraq, as part of the Parliamentary elections, - the Kurdish region is represented by political parties in one national constituency, (proportional electoral system based on party lists and a 25% quota for women).

From the above, we can gauge a number of possible options:

Option 1 (Crimeea, Donbas, Abhazia, Tshinvali, Aceh), the authorities establish electoral constituencies for these region, but do not hold election for the respective (uni/pluri) nominal constituencies because they do not control these territories; the situation is in the open-hostilities phase. In this case, the proportion of representatives who are not elected is small, below a few percent.

Option 2 (Northern Cyprus), the authorities establish electoral constituencies for this region, but declare them as vacant, and do not hold elections for these constituencies, the proportion of this region is high, 40%.

²⁵ по мажоритарным округам вместо 225 могло быть избрано лишь 198 депутатов. Согласно закону о статусе временно оккупированных территорий, в Автономной республике Крым и Севастополе (где расположены 12 мажоритарных округов: округа № 1-10 в АРК и округа № 224 и 225 в Севастополе), выборы не проводились. парламентские выборы не были проведены и в девяти из 21 округа в Донецкой области и в шести из 11 округов Луганской области. Бюллетени для голосования не были переданы в округа № 41, 42, 43, 44 (Донецк), 51 (Горловка), 54 (Шахтёрск), 55 и 56 (Макеевка), 61 (Старобешево) на территории Донецкой области, а также в округа № 104, 105 (Луганск), 108 (Красный Луч), 109 (Краснодон), 110 (Алчевск), 111 (Свердловск) на территории Луганской области.

²⁶ Conflict is mediated by: USA, Germany, France and Russia – the group from Minsk based on Minsk agreements.

Option 3 (Nagorno-Karabakh, Tamil), the authorities establish and hold elections in these constituencies within limited voting sections, where it is possible, even if the representation is limited, within a few percent; in this case, the proportion of representatives from this area is small or relative.

There is no major and static difference between the above-mentioned situations. Usually, in the active and hot phase of the conflict, the authorities maintain these constituencies in the separatist areas, but declare them as vacant (a high proportion of representatives, Northern Cyprus) or manage the low participation rates in these constituencies (a low proportion of representatives, Nagorno-Karabakh, Tamil, Crimean Peninsula, Donbass region). At the same time, there are a number of examples of lack of effort to integrate the separatist regions - Georgia (Abkhazia and Tshinvali). Following the improvement of the situation in these regions, the reasons are not discussed; the authorities facilitate and promote the political integration of the regions via establishment of constituencies, development of partnerships with some political forces from these regions and holding full elections. Thus, the situation must be assessed in evolution and subjected to a concrete goal of political integration, which must be carried out when the opportunity of political integration arises.

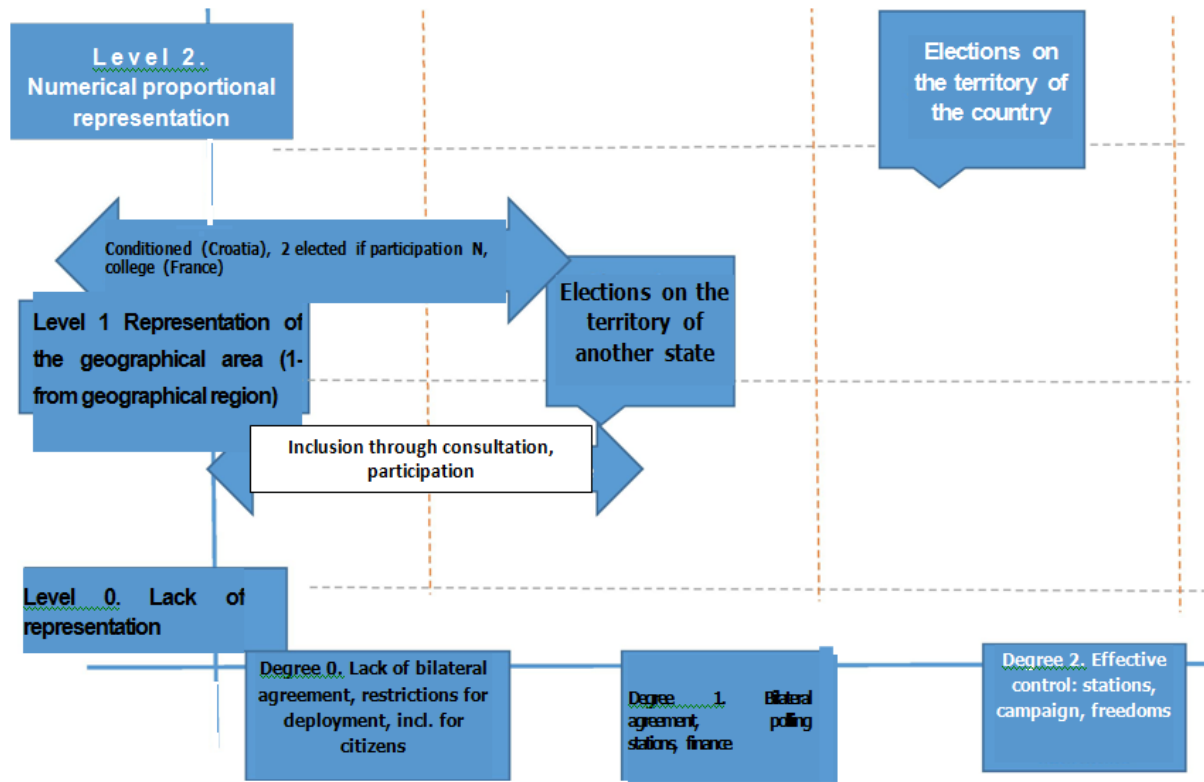
Conclusion 3.1 The political integration of separatist regions requires an electoral system that allows the political integration of a particular region. The submitted examples are relevant and exemplify the difficult evolution of the situation in the Tamil and Aceh regions that, after decades, have had a qualitative transformation. Even the 3 decade-long slow evolution of the situation in the Northern Cyprus²⁷ can have a political solution in the near future, [especially since for the whole duration of the conflict] the electoral solution [to the conflict] for ensuring the political integration of the region was available.

3.3. Situation analysis

The diagram below analyses the assessment criteria necessary for drawing the conclusion about which model should be used for establishing the electoral constituencies and how the elections should be organized in the respective regions. Hence, we divide the formulated question in 2 aspects: i) establishment of constituencies and ii) organization of elections in these constituencies. We will use the model of independent axes. The level of voters' representativeness on the vertical axis. The highest level (level 2) is the numerical proportional representation and the lowest level is lack of representativeness (level 0), in the middle (level 1) – the qualitative representation in principle of the geographic regions. On the horizontal axis – we have the control performed by the public authorities for the territory in which the electoral constituency is established. The highest level (degree 2) is represented by the right extreme, where authorities have total control and organizes the polling stations, ensures free and fair electoral campaign. The left extreme (degree 0) is lack of any participation from authorities, it is actually no control, including the denial and restriction of control. In the middle (degree 1) is the participation of authorities through a bilateral agreement with the respective country, which would include the opening of polling stations and other aspects.

²⁷ The existence of an important regional force as Russia (Abkhazia, Tshinvali, Donbas) or Turkey (Northern Cyprus).

Diagram 3.1 Level of representation and degree of control of elections by authorities



Two main criteria derive from this diagram for the situation in this region. The first criterion derives from the horizontal axis – *if the region is in a constitutional space within a recognized jurisdiction* (outside the country or within the country), for which the authorities may assume the control over the organization and deployment of elections. In this context, the *second criterion is the fulfilment of the positive obligations of the authorities to ensure the main democratic rights*, in particular the political freedom, mass-media freedom and free elections are recognized and practices with the possibility of international monitoring, which provides necessary legitimacy.

Table 3.1 Main criteria for representation formulation

	The main democratic freedoms are observed	The main democratic freedoms are not observed
The territory: 1) is within the limits of the internationally recognized borders and 2) is effectively controlled by the R. of Moldova authorities	The situation with the establishment of the national electoral constituencies	
The territory is: 1) within internationally recognized borders 2) but it is not effectively controlled by the R. of Moldova authorities		The situation in Transnistria (the location of polling stations is restricted, the accessible media is prohibited, the electoral campaign is restricted)
The territory is under the internationally recognized jurisdiction outside the country	The situation with establishment of electoral constituencies outside the country (EU, US, CIS, etc.) – the logics	The situation of the citizens in EU, US, CIS, etc., - the logics expressed in Note No. 1 (representation in

	<p>expressed in Note No. 1 (representation in principle) is applied, i) reserving the constituencies based on the geographical areas and ii) voting in the polling stations within the diplomatic missions</p>	<p>principle) is used, i) reserving the constituencies based on the geographical areas and ii) <i>voting in polling stations within the diplomatic missions upon the Government's discretion</i></p>
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For the maximum level of numerical proportional representation (level 2), it is necessary on one hand: to have the effective control over the territory of the country, ensuring the corresponding positive obligations (degree 2); on the other hand, to have assurance of the main democratic rights and freedoms including the freedom of media, the freedom of assembly, etc. The constitutional authorities cannot ensure the fulfillment of the second degree of obligations in the region on the left side of the River Nistru (Transnistria), because the authorities from this region restrict the participation of the citizens in voting on the right side of the River Nistru, do not allow opening of polling stations, do not recognize the right of organizing elections, and the authorities do not have missions with polling stations. At the same time, the fulfillment of the democratic rights and freedoms is systematically violated.

For the proportional level of representation (level 1), it is necessary to ensure the polling stations based on the bilateral agreements with the respective country and to involve the authorities in facilitating the fulfilment of the electoral rights of the electoral candidates. The duty to ensure the fulfillment of the democratic freedoms in the respective country belongs to the authorities from the respective country. The constitutional authorities cannot ensure the fulfillment of the first degree of obligations in the region from the left side of the River Nistru (Transnistria).

Conclusion 3.2 Lack of effective control over the separatist territory reduces the capacities of the state to organize elections in the respective constituencies. The decision to organize elections should not impede the correct establishment of electoral constituencies. At the same time, the principle of establishing the constituencies on the territories affected by militant separatism will be established based on the principles of the national constituencies – the numerical proportional representativeness.

The number of citizens of the Republic of Moldova with residence in the region from the left side of the River Nistru accounts for about 210 thousand, of whom less than 20 thousand participate effectively, meaning less than 10% of the number of citizens in this region (less than 1% of the total number of citizens entitled to vote), which is significantly less than in the rest of the country.

Conclusion 3.3 The number of constituencies for the eastern region of the Republic of Moldova according to the principle of numerical proportional representativeness would not exceed 3-4 constituencies. At the same time, the considerably reduced participation and the electoral hostility of the de-facto authorities from the region could leave some constituencies without legitimacy of the voting. Hence, the reserve of 2 constituencies at this stage is a reasonable step, which considers the factor of low participation in voting over the last 20 years and the barriers impeding the exercise of the right to vote.

4. Borders of electoral constituencies

The boundaries of electoral constituencies are established based on the Commission’s Decision²⁸. The proposal below is for the electoral constituencies from outside the country and from Chisinau.

It is rather complex to determine the territorial boundaries of the (pluri/uni) nominal constituencies, as it depends on: the population, the homogeneity of the population, the administrative traditions, the continuity of the communities’ interests.²⁹ The establishment of electoral constituencies in local elections or eventually in elections based on small regional constituencies can be accomplished by: a) making the electoral districts homogenous or b) making the electoral districts heterogeneous. In case of option a), the relations between the elected members become extreme and this polarized relations are transferred to the elected body, while under option b), we promote candidates who **prefer centrist options and integrate voters’ options**.

The *Gerrymandering* phenomenon is well known in the theory and practice of establishing electoral constituencies — deliberate manipulation of constituency boundaries in favor of obtaining a desired political result without any justification.³⁰ The effects of border manipulation are regrettably known in many states that apply the electoral system with the (pluri/uni)nominal component.³¹

4.1. Solution for the country

Map 4.1 a, b — districts (a), electoral constituencies (b) and electoral constituencies (c)

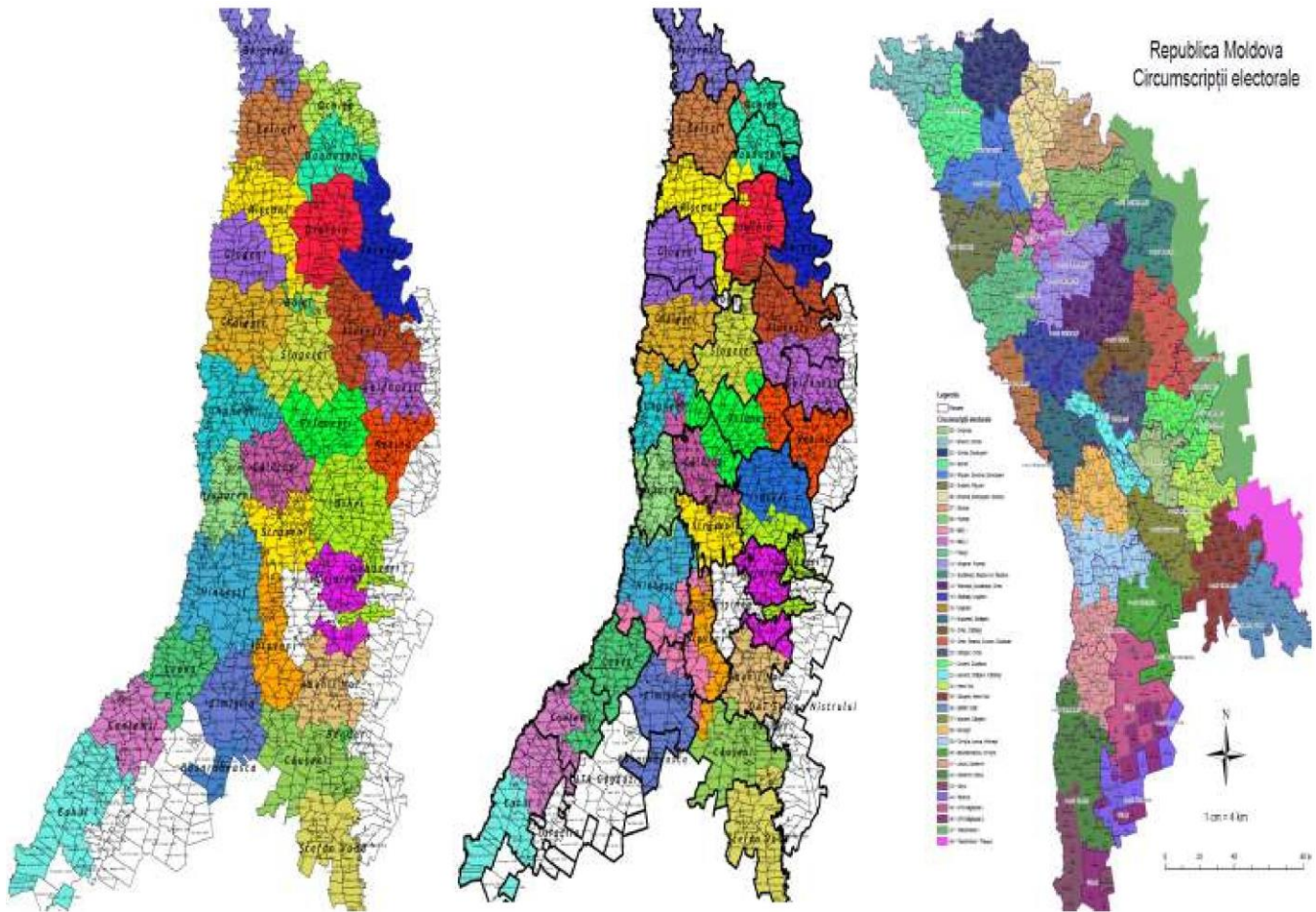
The administrative map of Moldova (31)	Electoral constituencies modeled by the author (30)	Electoral constituencies by the Commission
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²⁸ The boundaries of the constituencies are determined based on the decision of the Commission, which established the number of districts inside the country — 30.

²⁹ CReDO, Objectives of the Electoral System for the Republic of Moldova, 2017, p.113, <http://www.credo.md/pageview?id=619>

³⁰ The Electoral Knowledge Network, The ACE Encyclopedia: Boundary Determination, 2016, www.aceproject.org), means the loss of 10-20% of a candidate’s score due to changes in boundaries without any justification.

³¹ USA, Australia, Great Britain, Ukraine, Hungary, France.



Legend: the map on the left shows Moldova's districts, the map on the right – the shaping of electoral constituencies. Exact data on each constituency is provided in Annex 1.

The Commission's decision specifies 46 internal constituencies (5 constituencies for diaspora and the eastern region of the Republic of Moldova), of which the following constituencies will be created: Chisinau — 11, Balti — 2, Taraclia — 1, Gagauzia — 2, and thus the other internal constituencies include 30 constituencies³². The law stipulates the limit of 55-60 thousand voters plus 10% per constituency, so the lower threshold is 50 thousand and the upper threshold is 66 thousand voters. The voters' list includes 2.84 million people inside the country, so the maximum threshold is 66 thousand voters, and the average preferred number is 64 thousand voters.

The map shows the population density under the geographical aspect. The more intense color gradient signifies a higher population density and vice versa. Map No 1 identifies higher density in the central part of the country (except for Chisinau municipality), especially in the case of regions in the central part of the country: 1) Hincesti-Ialoveni, 2) Orhei, 3) Straseni-Nisporeni-Calarasi. These

³² In Note No. 1 the application of the representation principle and the necessity to allocate 3 constituencies for voters outside the borders of the Republic of Moldova was explained.

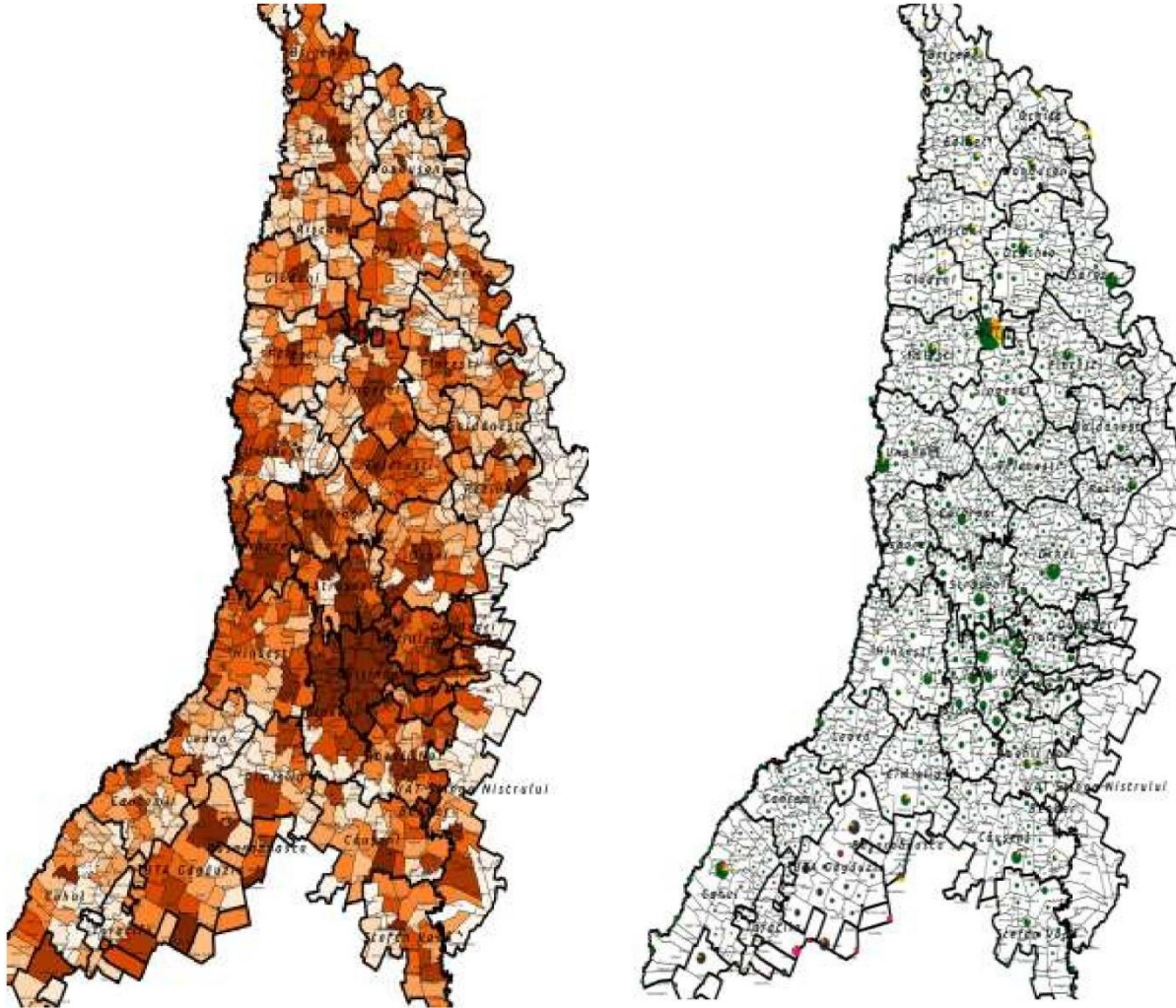
In Note No. 2 the application of the principle of proportional numerical representation in creating constituencies for voters in some Eastern regions of the country which are not under the effective control of the Government was explained

regions have high population density. The comparison of the map of the population density with the map of ethnic groups explains several aspects: i) the population density in these regions is due to a bigger number of localities, ii) the size in terms of the number of inhabitants in each locality in these regions, and iii) prevalence of self-identified ethnic Moldovans, Romanians in these regions.

As compared to the densely populated regions, we see a lower density in the regions: a) Ocnita-Donduseni, b) Leova-Cimislia, these regions should be tackled by a strategy of optimization of administrative units or if possible reallocation of localities, including borrowing localities to constitute a necessary constituency of population. At the same time, a number of districts have a small number of population — 30-40 thousand people, and need to be optimized by merging (Ocnita (with Donduseni), Dubasari (with Orhei 2), Basarabasca (with Cimislia)). In case of Chisinau municipality similar principles shall be applied for establishing electoral constituencies based on current administrative division.

The establishment of constituencies has 2 preconditions, and namely: distribution of population density under the geographical aspect and ethnical distribution under the geographical aspect. Below there are two maps in this respect.

Map 4.3 a, b Density of population (a) and ethnic distribution of population (b)



Legend: the map from the left shows a higher density of the population, the map from the right shows the communities in green – Romanians, Moldovans, yellow – Ukrainians, Russians, black – Gagauzians.

In author's opinion, the solution is that several actions are determined in the more densely populated regions: 1) creation of new constituencies to meet the requirement of 64 thousand citizens in a single constituency (with minimum 57 thousand and maximum 64 thousand), 2) merging of districts with a population less than 30-40 thousand voters, 3) creation of constituencies by changing the geographical center, the so-called geographic migration by borrowing some localities from other districts. When applying these solutions to the identified regions, some results are achieved if the set preconditions are met: a) establishing constituencies based on the existing districts, b) keeping the constituencies within the districts' boundaries if these districts have enough population to set up a constituency or the number is close to the threshold.

Specific division is presented in Annex 1.*Table 4.1 Convergence of districts into electoral constituencies.³³*

	District (North to South, West to East)	Voters on the list		Electoral constituency, v.1		1 st Difference	Electoral constituency, v.2	Voters	2 nd Difference
1	Briceni	61 769	1	Briceni district + localities from Ocnita	66 007	Increase by 4 thousand voters	Briceni district + localities from Ocnita		
2	Edinet	65 427	2	Edinet	66 499	Insignificant increase from Ocnita's account	Edinet		
3	Ocnita	42 173	3	Merging of Ocnita + Donduseni districts	64 229		Ocnita + Donduseni		
4	Donduseni	34 594							
5	Riscani	53 928	4	Riscani + localities from Donduseni, Drochia	64 890	Increase by 7 thousand voters	Riscani + Donduseni, Drochia		
6	Drochia	70 624	5	Drochia, Floresti cedes	63 357	Decrease by 6 thousand voters	Drochia, Floresti cedes		
7	Soroaca	79 229	6	Soroaca, cedes	64 743	Soroaca, cedes	Soroaca, cedes		
8	Glodeni	47 486	7	Glodeni	64 600	Glodeni	Glodeni		
9	Falesti	72 591	8	Falesti	64 207	Falesti	Falesti		
10	Singerei	71 074	9	Singerei	64 567	Singerei	Singerei		
11	Floresti	71 989	10	Floresti	64 977	Floresti	Floresti		
12	Ungheni	92 017	11	Ungheni	65 293		Ungheni		
13	Telenesti	56 413	12	Telenesti	65 310		Telenesti		
14	<i>Soldanesti</i>	<i>33 353</i>	13	Soldanesti	58 314		Soldanesti		
15	<i>Rezina</i>	<i>39 338</i>	14	Rezina	56 610		Rezina		
16	Calarasi	62 722	15	Calarasi	65 935		Calarasi		
17	Nisporeni	53 458	16	Nisporeni	64 738		Nisporeni		
18	Straseni	77 386	17	Straseni	64 535		Straseni		
19	Orhei	101 119	18	Orhei	65 000		Orhei		
20	Dubasari	34 200	19	Orhei - Dubasari	64 000		Orhei - Dubasari		
21	Criuleni	59 771	20	Criuleni	64 604		Criuleni		
22	Hincesti	99 823	21	Hincesti - 1	64 000		Hincesti - 1		
			22	Hincesti - 2	66 000		Hincesti - 2		
23	Ialoveni	84 436	23	Ialoveni	62 832		Ialoveni		
24	Anenii Noi	70 014	24	Anenii Noi	64 531		Anenii Noi		
25	<i>Leova</i>	<i>43 614</i>	25	Leova	64 335		Leova		
26	Cimislia	50 783							

³³ The exact data is in Annex 1.

27	Basarabeasca	24 531	26	Cimislia - Basarabeasca	65 315		Cimislia - Basarabeasca		
28	Causeni	80 187	27	Causeni	65 971		Causeni		
29	Stefan Voda	57 749	28	Stefan Voda	64 590		Stefan Voda		
30	<i>Cantemir</i>	<i>49 912</i>	29	Cantemir— Cahul	63 991	(Cantemir plus part of the north of Cahul district and part of Cahul municipality), 57 934 + 6 257	Cantemir		
31	Cahul	100 000	30	South of Cahul district and part of Cahul municipality (39 201 + 25 799)	65 000		Cahul		

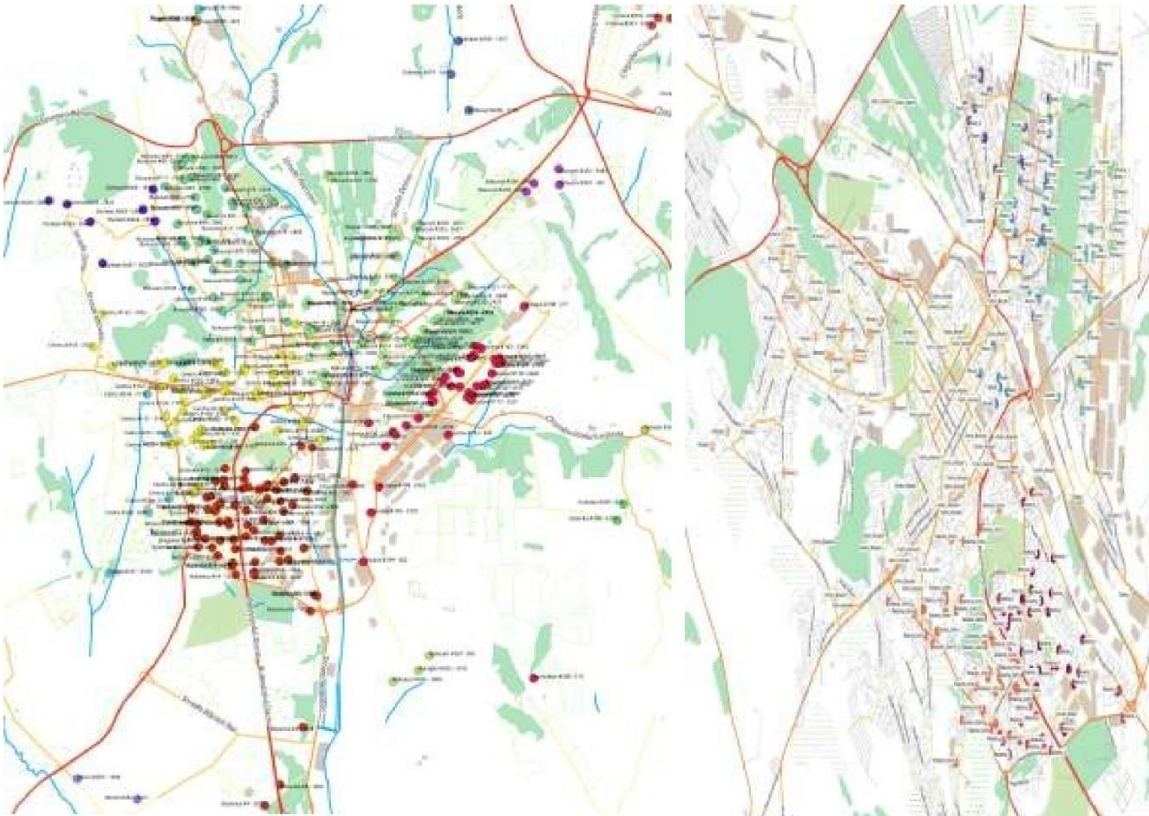
4.2. Solution for Chisinau

The establishment of electoral constituencies within Chisinau municipality. A number of constituencies' options may be generated since there are fewer constraints, hence there are in principle 4-5 essentially different solutions. The Commission had two essentially different solutions during its activity. I suggested a solution different from both Commission's proposals and another member of the Commission had a different proposal as well, so there were 4 working options for Chisinau. Each solution for establishing 11 constituencies has its advantages and disadvantages that can be discussed in detail.

Map 4.2 a, b – sectors and constituencies of Chisinau

a. Administrative map of Chisinau (4)

b. Electoral constituencies by the author, Chisinau (11)



Legend: map from the left shows the sectors of the Chisinau, map from the right shows the modeling of electoral constituencies. The exact data for each constituency is contained in Annex 2.

The author suggests the following for establishing constituencies in Chisinau municipality: Ciocana sector will have 2 constituencies, Botanica sector will have 2 constituencies, Buiucani sector will have 2 constituencies, Riscani sector will have 2 constituencies, Centru sector will have 2 constituencies and one additional sector will be created of the voters at the intersection of Botanica Centru Buiucani sectors. **Specific division is presented in Annex 2.**

Table 4.2 Convergence of districts into electoral constituencies in Chisinau

Sector	subsector	Voters			
Botanica	Botanica	140,718			
Botanica	Bacioi	9,882			
Botanica	Dobrogea	2,846			
Botanica	Revaca	1,062			
Botanica	Singera	11,906			
Botanica overall		166,414			
Buiucani	Buiucani	92,929			
Buiucani	Condrita	554			
Buiucani	Durlesti	19,012			
Buiucani	Ghidighici	4,527			
Buiucani	Truseni	7,737			
Buiucani	Vatra	3,071			
Buiucani overall		127,830			
Centru	Codru	13,335			
Centru	Centru	72,483			
Centru overall		85,818			
Ciocana	Ciocana	97,893			
Ciocana	Bubuieci	7,188			
Ciocana	Budesti	3,717			
Ciocana	Colonita	3,252			
Ciocana	Cruzesti	1,431			
Ciocana	Humulesti	230			
Ciocana	Tohatin	2,485			
Ciocana	Vadul Lui Voda	4,705			
Ciocana overall		120,901			
Riscani	Riscani	121,584			
Riscani	Ciorescu	5,600			
Riscani	Cricova	7,430			

Riscani	Fauresti	432			
Riscani	Goian	252			
Riscani	Gratiesti	5,810			
Riscani	Stauceni	7,442			
Riscani overall		148,550			
Grand total		649,513			

5. Analysis of solutions

5.1. Comparative analysis of solutions

The setup of the electoral constituencies is a rather complex exercise, which needs time and availability of specific technologies for constituencies' simulation (equipped additionally with primary geodesic information, statistics, etc.), but all these should be completed with good knowledge about the historical, geographical, linguistic, infrastructure and peculiarities of the Republic of Moldova. With the assistance of the specialized programs (as a rule, GIS-based geo-spatial information systems used for similar exercises in USA, England, Germany, France, etc.). They worked with the arc-GIS in the Commission. I have worked personally both: separately and in parallel, using the Q-GIS system (open source). In practice, there were 2 separate exercises with different approaches in certain cases, based on the primary data about the administrative structures, infrastructure, and localities of the country.

The outputs of the Commission were created with an assisted effort provided by the GIS expert, similar to the effort of the CReDO, from time perspective. The simulation is performed within the limits of the possible variations, meaning of the existing geographical and administrative constraints on the East-West and South-North axes. In general, there are only 1-2 districts in between the west and east extremes in the north and south on the horizontal axis, while in the central part – it is only 3 districts, hence the configuration of the constituencies under the condition of maintaining the structure of the districts, as the main principle, is very limited. The geographical limit makes it possible to model at least 2-3 different options in principle for certain regions of the country (center) and, at the same time, provides 2-3 secondary options for adjustment within these options of principle for geographical configuration (from mathematics viewpoint, there are constraints for the size of variations: the size of constituencies, the state border practically over 1 district, maintenance of districts' structure).

For the constituencies outside Chisinau, the Commission practically has generated one single solution of principle (although there was one effort more from 2 members, which was not finished because of missing mentioned technology), based on the incremental construction of the constituencies with the direction from north towards center and from south towards center – this is a possible approach. I have suggested, separately, another version based on the principle of scattering and moving the constituencies from the areas with high population density (center) to the areas with reduced density (north) and by building the administrative and social-economic relations of the future constituencies (in practice, 2-3 new constituencies were created in the center and merging – in the north). In practice, these two options had several differences of principle in about 30-35% of constituencies, especially in the center and in the south of the country.

All the attempts to simulate a third version based on other approaches failed, meaning that the third option had differences in principles which were less than 15-20% as compared to the first two mentioned, confirming once again the hypothesis of an existing natural limit of options due to the geographical form and other constraints. The proposal of the Commission is better in certain perspectives (compatibility of localities), while my proposal (keeping the districts' structure, social-economic-infrastructure development) was better from other perspectives, which unfortunately cannot be reconciled. Of course secondary small adjustments may be added to these two main options in relation to constituency borders' crossing – 3-4 modifications for moving some localities which are comparable as population from one constituency to the neighboring one, and vice versa.

Conclusion 5.1:

- 1) The overlapping degree for the constituencies created with districts' borders determines that CReDO proposal is better than that of the Commission.**

5.2. Analysis of political sensitivity (manipulations)

There are approaches for the ex-ante and ex-post (more accurate) testing of political sensitivities when setting up the constituencies. I have performed several tests of political sensitivity or risk over the given versions for the final option of the Commission and the one suggested by myself: first level assessment (constituency level) and only partially for several constituencies, and second level assessment (sub-constituency level). Based on the given methodology I could not deduce from these tests any indices for political favoring. It should be noted that the specialists use the notion of gerrymandering (manipulation with the borders of the constituencies – let's remember the case Gill v. Whitford from USA pending in front of the US Supreme Court of Justice since 2017), which means the loss of 10-20% of a candidate's score due to the modification of the borders with no reasoning.

For the constituencies outside Chisinau, more variations of the second level may exist (the ones of the third level cannot exist, as it is not allowed to divide the communes), meaning that 3-4% (which is under 5%) of localities from a constituency (on the perimeter of the constituencies' borders) are located either in one or another constituency – here we have a higher level of discretion, and in principle there is room for a more detailed analysis, which needs more time.

In relation to setting up the electoral constituencies within Chisinau municipality, a number of versions of constituencies may be generated, as there are fewer constraints, hence there are 4-5 solutions which are different in principle. The Commission had 2 solutions over its activity, which are different in principle. CReDO suggested a solution which differs from both proposals of the Commission, and another member of the Commission had a totally different proposal – meaning that there were 4 working options for Chisinau. Every solution for establishing 11 constituencies has its advantages and disadvantages, which may be discussed in detail. CReDO performed political sensitivity tests of the first level for the final proposal of the Commission, as well as for my proposal, and we did not find any manipulations at the first level. Of course, political sensitivity tests should be performed at the second level as well, so as to come up with a more accurate conclusion, but this needs much more time.

The proposal of the Commission has certain disadvantages as it separates the suburbs through the electoral constituencies – 2 – while the existing infrastructure, social-economic-financial-administrative aspect reveal the weaknesses.

Conclusion 5.2. – Assessment of political sensitivity:

- 1. In case of the constituencies outside Chisinau, the following comparisons were made: (i) voting per districts (presidential elections from 2016), (ii) voting in CReDO version, and (iii) voting in Commission's version – there are no deviations or manipulations. It remains to perform simulations in the second approximation, meaning the mayors and local councilors from local elections in 2015. At the first glance, the selection of several constituencies does not imply qualitatively the existence of manipulations.**

- 2. The following was compared in case of constituencies in Chisinau: (i) the proposal of the Commission, (ii) the proposal of CReDO, and we did not reveal any deviations or manipulations. It is necessary to perform simulations in the second approximation, meaning for mayors and local councilors from the local elections of 2015. At the first glance, the selection of several constituencies does not imply qualitatively the existence of manipulations.**