

Comparative Analysis of the anti-corruption expert report of the Law on Piloting Mail-in Voting of the Republic of Moldova with the results of AI Analysis					
Legal Act	Article	Corruption Factor: Gap or Legal Conflict	The National Anti-Corruption Center of the Republic of Moldova	Recommendations	Conclusion
The Law on Piloting Mail-in Voting	In Article 1, part (4)	Uncertainty in voter identity verification procedures	Absent	In Article 1, part (4) of the draft law, the definition of digital voter identity verification is unclear and can be integrated in various ways. Specifically, it is not defined what additional data may be used for voter identity verification, which can lead to abuses. Additionally, the procedure for voter identity verification, including digital and manual verification, are not described in sufficient detail. The lack of specific steps and requirements for the verification process can lead to abuses and manipulations.	Background risk - Uncertainty in voter identity verification procedures
	Article 4, part (2)	Unclear procedures for ensuring voting security	Absent	In Article 4, part (2) of the draft law, it is stated that detailed procedures for ensuring voting security are established by regulations approved by the Central Election Commission. However, the absence of specific provisions in the law itself can lead to ambiguous interpretations and potential abuses. Additionally, the procedures for ensuring the security of postal voting, including the storage and transportation of sealed envelopes, are not described in sufficient detail. The lack of specific steps and requirements for these processes creates a risk to the transparency and reliability of the electoral process.	Background risk - Unclear procedures for ensuring voting security
	Article 5	Uncertainty in Defining the Place of Voting	Absent	Article 5 of the draft law states that mail voting is conducted at the voter's place of residence. However, the lack of a clear definition of this place could lead to ambiguous interpretation and abuses.	Background risk - Uncertainty in Defining the Place of Voting
	In Article 12, part (1)	Unclear criteria for forming electoral bodies	Absent	In Article 12, part (1) of the draft law, it is stated that the second-level district election council consists of an odd number of members, not less than seven and not more than 13 persons. However, the absence of clear criteria for selecting council members can lead to abuses. Additionally, the procedures for forming district election councils and precinct election bureaus do not contain clear criteria and requirements for candidates. This can lead to non-transparent selection of members of electoral bodies, creating a risk of corruption and manipulations.	Background risk - Effectively and reliably identifies the corruption risk - Unclear criteria for forming electoral bodies
	Art 13 letter b, Article 28	- Lack/transparency of administrative procedures - Lack/inefficiency of access to public interest information	The same objection applies to Article 28, paragraph (3), regarding the use of the text "ensures the public announcement of the information".	Absent	The National Anti-Corruption Center of the Republic of Moldova effectively and reliably identifies the corruption risk. Recommendations: For Article 13, letter b), it is recommended to rephrase the proposed norm and clearly establish the location and method for the electoral district council to post the voting results from the district. For Article 28, paragraph (3), it is recommended to rephrase the proposed norm and clearly establish the location and method for publishing information about the voting materials.
	Art. 18, paragraph (1)	Unclear procedures for voter registration for postal voting	Absent	In Article 18, part (1) of the draft law, it is stated that registration for postal voting is mandatory, but it is not defined what specific data must be used during registration. This can lead to ambiguous interpretations and abuses. Additionally, the procedure for voter registration for postal voting is not described in sufficient detail. The lack of specific steps and requirements for the registration process can lead to abuses and manipulations.	Background risk - Effectively and reliably identifies the corruption risk - Unclear procedures for voter registration for postal voting
	Art. 18, paragraph (8)	- Ambiguous wording that allows for abusive interpretations - Responsibilities that permit derogations and abusive interpretations - Lack/transparency of administrative procedures - Unclear criteria for rejecting voter registration	The unclear formation of the electoral body's responsibilities generates the possibility for officials to choose the most convenient interpretation of their responsibilities, as well as administrative acts of the Central Election Commission. This formulation is too general and can be used to reject registration based on creating a risk of corruption.	In Article 18, part (8), point g) of the draft law, it is stated that registration may be rejected based on other objective criteria than those specified in the administrative acts of the Central Election Commission. This formulation is too general and can be used to reject registration based on creating a risk of corruption.	Identical conclusions
	Art. 18, paragraph (8)	Unclear procedures for processing personal data	Absent	In Article 18, part (8) of the draft law, it is stated that information about citizens collected during registration for postal voting is processed only by authorized persons in electoral bodies. However, the specific procedures and control mechanisms for processing this data are not defined, which can lead to abuses. Additionally, the personal data processing procedures are not described in sufficient detail. The lack of specific control and responsibility for data processing can lead to abuses.	Background risk - Effectively and reliably identifies the corruption risk - Unclear procedures for processing personal data
	Article 20	Unclear Voter List Verification Procedures	Absent	Article 20 states that voter lists are verified in accordance with Article 52 of the Electoral Code, but with exceptions provided by this law. The exceptions are not specified, which could lead to manipulations with voter lists.	Background risk - Effectively and reliably identifies the corruption risk - Unclear Voter List Verification Procedures
	Article 26, Part (g)	Uncertainty in the Use of Alternative Postal Services	Absent	Article 26, Part (g) states that the voter can use the services of another provider of faster courier or postal services authorized in the United States or Canada, but the costs are covered by the voter. The lack of clear criteria for the authorization of such providers could lead to abuses.	Background risk - Effectively and reliably identifies the corruption risk - Uncertainty in the Use of Alternative Postal Services
	Article 29, Part (5)	Unclear Vote Counting Procedures	Absent	Article 29, Part (5) states that vote counting is conducted according to the procedures provided in parts (b) and (c) of Article 81 of the Electoral Code. However, specific details of these procedures are not indicated, which could lead to manipulations during the vote counting process.	Background risk - Effectively and reliably identifies the corruption risk - Unclear Vote Counting Procedures
	Art. 19 paragraph (3)	- Lack/transparency of administrative procedures - Lack of concrete deadlines/unjustified deadlines/unjustified extensions	The norm is confusing regarding the timing for transmitting the electoral list to the polling station's electoral bureaus for verification by voters, representatives of electoral competitors/interferendum participants, and observers. According to Article 54 paragraph (1) letter a) of Law No. 100/2017 on normative acts, "the content of the draft is expressed in simple, clear, and concise language to exclude any ambiguity". It is noted that the use of the term "immediately" is too broad and does not ensure compliance with the principles of drafting normative acts, as it does not precisely establish the deadline by which the electoral district council must transmit the electoral list to the polling station's electoral bureaus. Thus, the lack of clear deadlines will allow for abusive interpretations by the responsible persons, leading to excessive discretion in determining convenient deadlines in each case, both for their actions and for the actions of other legal subjects to whom these deadlines apply. In practice, these deficiencies will significantly increase the corruption potential of the provisions and the responsible persons applying the respective procedure.	Absent	The National Anti-Corruption Center of the Republic of Moldova effectively and reliably identifies the corruption risk. Recommendations: It is recommended to replace the word "immediately" with a specific deadline for the electoral district council to transmit the electoral list to the polling station's electoral bureaus.
	Art. 30, paragraph (3)	Unclear procedures for determining the validity of ballots	Absent	In Article 30, part (3) of the draft law, it is stated that in case of doubts about the validity of a ballot, the issue is resolved by voting among the members of the electoral commission. The absence of clear criteria for determining the validity of a ballot can lead to subjective decisions and abuses. Additionally, the procedures for verifying the validity of ballots are not described in sufficient detail. The lack of specific criteria for determining the validity of a ballot can lead to subjective decisions and manipulations.	Background risk - Effectively and reliably identifies the corruption risk - The lack of specific criteria for determining the validity of a ballot
	Article 34	Lack of Clear Instructions for the Second Round of Voting	Absent	Article 34 states that the ballot for the second round of voting is sent electronically, and the voter prints it independently. There are no clear instructions on how to verify the authenticity of such ballots, which could lead to falsifications.	Background risk - Effectively and reliably identifies the corruption risk - The lack of Clear Instructions for the Second Round of Voting
	Article 34, Paragraph (2)	Uncertainty Regarding the Term 'Reasonable Time'	Absent	Article 34, Paragraph (2) uses the term "reasonable time" for the return of external envelopes by the voter after receiving the electronic version of the voting ballot. The lack of a clear definition of this term could lead to different interpretations and abuses.	Background risk - Effectively and reliably identifies the corruption risk - Uncertainty Regarding the Term "Reasonable Time"
	Article 36, Paragraph (3)	Lack of Detailed Financial Justification for the Costs of the Pilot Mail Voting Regime	Absent	Article 36, Paragraph (3) states that the government must ensure the coverage of costs necessary for the conduct of mail voting in the pilot regime and propose separate amendments to the state budget law. However, there is no detailed financial justification for these costs, which could lead to non-transparent use of budget funds.	Background risk - Effectively and reliably identifies the corruption risk - The Lack of Detailed Financial Justification for the Costs of the Pilot Mail Voting Regime
	Article 36, Paragraph (4)	Uncertainty in the Financial Consequences of the Pilot Mail Voting Regime	Absent	Article 36, Paragraph (4) states that the results of the mail voting in the pilot regime will have legal force, but there is no information about the possible financial consequences and costs associated with this process. This could create risks for financial stability and transparency.	Background risk - Effectively and reliably identifies the corruption risk - Uncertainty in the Financial Consequences of the Pilot Mail Voting Regime
	Art. 36 paragraph (5)	- Non-exhaustive/ambiguous/objective grounds for refusal or inaction by the public entity - Lack/transparency of administrative procedures - Unclear criteria for invalidating election results	Analyzing the cited norm, it is noted that it has a clear potential for corruption due to the broad discretionary powers it grants the Central Election Commission to declare the mail-in voting results null and void if "objective circumstances of fraud" are found. This unclear formation of the Commission's responsibilities generates the possibility for responsible individuals to choose the most convenient interpretation of their duties, as the proposed norm does not clearly specify which specific circumstances of fraud will be considered "objective," leaving the determination seemingly to the discretion of the Commission.	In Article 36, point (5) of the draft law, it is stated that the Central Election Commission may invalidate the election results if objective circumstances of violations are established. However, the specific criteria or procedures for establishing these circumstances are not defined, which can lead to subjective interpretations and abuses. Additionally, the term "objective circumstances" is not clearly defined, which can lead to various interpretations and abuses.	Identical conclusions Background risk - Effectively and reliably identifies the corruption risk - Lack of Clear Criteria for Evaluating the Pilot Mail Voting Regime
	Article 36, Paragraph (6)	Lack of Clear Criteria for Evaluating the Pilot Mail Voting Regime	Absent	Article 36, Paragraph (6) states that after the completion of mail voting in the pilot regime, the Central Election Commission must prepare a report based on which the feasibility of its permanent application will be considered. However, there are no clear criteria for assessing the effectiveness and financial feasibility of this regime, which could lead to uncontrolled decisions.	Background risk - Effectively and reliably identifies the corruption risk - Lack of Clear Criteria for Evaluating the Pilot Mail Voting Regime