

# **LAW**

## **for the election of local public administration authorities\***

### **CHAPTER I**

#### **General provisions**

**Article 1.** – (1) The present law regulates the status of the elections for the local public administration authorities – local councils, county councils, and mayors.

(2) The local councils and county councils, as well as the mayors shall be elected by means of a universal, equal, direct, secret, and freely expressed ballot.

(3) The local councils and county councils shall be elected in constituencies, based on electoral lists, according to the principle of proportional representation.

(4) The mayors of communes, towns, municipalities, Bucharest Municipality districts, and the general mayor of the Bucharest Municipality shall be elected in constituencies, by means of uninominal voting.

(5) The presidents and vice presidents of county councils, as well as deputy mayors shall be elected by means of indirect ballots, by the county councils and local councils, respectively.

(6) The provisions of the present law concerning the local councils and the mayors, as well as those concerning the constituencies in communes, towns, municipalities and Bucharest Municipality districts shall also apply adequately to the General Council of the Bucharest Municipality and the general mayor of the Bucharest Municipality, as well as to the Bucharest Municipality constituency, unless otherwise stipulated.

**Article 2.** – (1) Romanian citizens shall exercise their voting rights equally, without privileges or discriminations.

(2) The right to vote shall be exercised only based on the means of identification stipulated under article 122.

**Article 3.** – (1) The Romanian citizens aged 18, including those who have reached that age on the election day, shall be entitled to vote.

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\* The Law no. 67/2004 was published in the Official Gazette of Romania, Part I, no. 271 of 29 March 2004.

(2) For the election of the local council, county council, and mayor, each voter shall be entitled to one vote only.

(3) The right to vote shall only be exercised in the commune, town, municipality, or administrative-territorial subdivision of the municipality in which the voter is resident.

(4) Citizens entitled to vote who have changed their residence to another administrative-territorial unit at least 3 months before the election date may exercise their right to vote in that administrative-territorial unit, according to the provisions of the present law.

**Article 4.** – (1) The citizens entitled to vote, who have turned at least 23 years of age until the election day inclusive, have the right to be elected councillors or mayors, unless their association in political parties is forbidden to them, according to article 40 (3) of the Romanian Constitution, republished.

(2) Only the people who have their residence in the administrative-territorial unit where they intend to be elected may stand as candidates.

(3) In the districts of the Bucharest Municipality, the people who have their residence in the Bucharest Municipality, irrespective of the district, may stand as candidates and be elected.

**Article 5.** – (1) The following people may not elect:

a) mentally retarded or insane people, who are laid under an interdiction;  
b) persons deprived of voting rights, for a time period set by a final court decree.

(2) The following people may not be elected:

a) the citizens who belong to the categories stipulated under article 40 (3) of the Romanian Constitution, republished;  
b) people who belong to the categories stipulated under para (1).

**Article 6.** – (1) The candidatures for the local and county councils, as well as for mayors, shall be put forward by the political parties or political alliances established according to the Law of political parties no. 14/2003. Candidatures may also be put forward by electoral alliances established under the present law, by the organisations of the citizens belonging to national minorities as stipulated under article 7, as well as independent candidatures. The candidates' lists for the election of local councils and county councils shall be drawn up so as to ensure the representation of both sexes.

(2) Electoral alliances may be established between political parties or political alliances at the county or local level. A political party may belong, at the same level, only to one electoral alliance.

(3) Electoral alliances shall be registered with the election bureau of county or Bucharest Municipality constituencies, and, in the cases stipulated under article

31 (1) or, if elections are being organised in only one commune, town or municipality constituency, with the county or Bucharest Municipality election bureau, or the election bureau of the constituency where the elections are being held, respectively.

(4) In a constituency, the political parties belonging to political alliances may participate in the elections either on their own lists, or on the lists of the alliance. Political parties belonging to electoral alliances shall participate in the elections only on the lists of their alliance.

(5) A person may run for a single local council and county council, and only for a single mayor's position.

(6) A person may run, at the same time, for the position of local councillor, county councillor, and mayor.

(7) The number of candidates on each list may exceed the number of councillors set up according to the Law on local public administration no. 215/2001, with subsequent amendments, by one quarter of the number of mandates.

(8) The candidatures registered on several candidates' lists or both on lists and as independent are null *de jure*.

**Article 7.** – (1) Within the meaning of the present law, *national minority* means that ethnic group which is represented in the National Minorities' Council.

(2) Candidatures may be put forward by the organisations of the citizens belonging to national minorities represented in the Parliament.

(3) Candidatures may also be put forward by other lawfully established organisations of the citizens belonging to national minorities, that shall submit a members' list to the Central Election Bureau. The number of members may not be less than 15% of the total number of citizens who, at the latest census, have declared they belonged to that minority.

(4) If the number of members needed for meeting the requirements of paragraph (3) exceeds 25,000 persons, the members' list shall include at least 25,000 persons residing in at least 15 counties of the country and in the Bucharest Municipality, but no less than 300 persons for each of those counties and for the Bucharest Municipality.

(5) The members' list shall be drawn up per localities and counties, and shall include: the organisation denomination, the full names of the members, their dates of birth, addresses, the ID denomination, series and number, their signatures, as well as the full name of the person having drawn up the list. The person who has drawn up the list shall also submit, along with the list, a statement on one's own account certifying that the members' signatures are true.

**Article 8.** – The organisations stipulated under article 7 may participate in the election and submit candidates' lists only under the denomination and the electoral sign of that organisation.

**Article 9.** – (1) The election date shall be settled in a Government Decision, issued at least 50 days before the voting.

(2) In the event of partial elections, organised in the cases stipulated by Law no. 215/2001, with subsequent amendments, the date of such elections shall be established at least 30 days before the voting. In this event, the time-limits stipulated under the present law, except for the 24-hour ones, shall be diminished by half. If the operation that diminishes the time-limits by half generates day fractions equal to or higher than 12 hours, the rounding shall be done in plus. Fractions less than 12 hours shall be disregarded.

(3) Elections shall take place in a single day, which shall be a Sunday only.

## CHAPTER II **Organisation of elections**

### *Section 1* **Constituencies**

**Article 10.** – (1) For the election of the local councils and mayors, each commune, town, municipality, or administrative-territorial subdivision of a municipality shall represent a constituency.

(2) For the election of county councils and the General Council of the Bucharest Municipality, each county, and the Bucharest Municipality, respectively, shall represent a constituency. The numbering of the county and Bucharest Municipality constituencies shall be regulated by Government Decision.

**Article 11.** – (1) The numbering of the constituencies in each county, as well as of the Bucharest Municipality district constituencies shall be carried out by the prefect, by means of an order, within 3 days of the settlement of the election date.

(2) The numbering shall be done starting with the municipality that is the county capital and shall go on with the other municipalities, towns and communes, in the alphabetical order of each category of administrative-territorial units.

**Article 12.** – The number of the constituency shall be notified to the voters by the mayor, together with the notification of the delimitation and numbering of the polling stations, according to the provisions of article 15.

*Section 2*  
***Polling stations***

**Article 13.** – (1) The polling stations shall be organised as follows:  
a) in urban localities, one polling station for 1,000–2,000 inhabitants;  
b) in communes, one polling station for 500–2,000 inhabitants, usually in every village; polling stations may also be organised in villages or groups of villages with a population of up to 500 inhabitants.

(2) Conscripts shall vote only at the polling stations in their locality of residence, within the limits of the provisions of the military regulations.

**Article 14.** – (1) Voters shall vote for the local council, county council, and the mayor, at the same polling station.

(2) In the Bucharest Municipality, voters shall vote for the local council of the district, the district mayor, the General Council of the Bucharest Municipality, as well as for the general mayor of the Bucharest Municipality.

**Article 15.** – The delimitation and numbering of the polling stations shall be carried out by the mayors, by means of orders, which shall be notified to the voters within maximum 20 days of the settlement of the election date.

*Section 3*  
***Electoral lists***

**Article 16.** – (1) The permanent electoral lists shall be drawn up and updated by the mayor together with the computerised population registration services attached to the Ministry of Administration and of the Interior. The permanent electoral lists shall comprise all citizens entitled to vote who reside in the locality for which the list is being drawn up.

(2) Within 10 days of the settlement of the election date, according to the provisions of article 9 (1), a mayor must make available to the political parties, political alliances and electoral alliances, at their request and expense, copies of the permanent electoral lists, as well as of the additional electoral lists.

(3) Citizens are entitled to check the mentions made in the permanent electoral lists. The objections against omissions, mistaken mentions or any errors in the lists shall be made in writing and filed with the mayor's office.

(4) The mayor must make a decision, in writing, within maximum 3 days of the registration of the objection.

(5) A complaint may be lodged against the solution given by the mayor, within 24 hours of the communication. The complaint shall be solved within maximum 3 days of the registration, by the local courthouse having jurisdiction over the locality. The judgment shall be final and irrevocable.

and shall be notified to the interested person and the mayor within 24 hours of the passing thereof.

(6) The mayors together with the computerised population registration services shall make copies of the permanent electoral lists that comprise the voters in each polling station. The copies of the permanent electoral lists shall be forwarded by the mayor, in duplicate, to the election bureaux of polling stations, 3 days before the election date. A copy is placed at the voters' disposal for examination, and the other one is used on election day. A copy shall be kept by the mayor.

(7) Any discrepancy between the permanent electoral list and the copy made according to paragraph (6) shall be resolved by the mayor, at once, based on the data present in the permanent electoral list.

(8) Any change in the permanent electoral list, taking place after the copies have been sent to the election bureau of the polling station, shall be notified to the latter by the mayor, within 24 hours at the latest.

(9) The copies of the permanent electoral lists shall be signed by the mayor, the secretary of the administrative-territorial unit, and the head of the computerised population registration service.

**Article 17.** – The copies drawn up according to article 16 (6) shall comprise: the voter's full name, personal numerical code, residence, ID series and number, constituency number, polling station number, as well as a box for the voter's signature.

**Article 18.** – The mayors shall provide conditions for the voters to examine the copies of the permanent electoral lists, both at the town hall and at the headquarters of the polling station.

**Article 19.** – (1) At the request of citizens entitled to vote, who took up residence at least 3 months before the ballot in the constituency where the elections take place, such citizens shall be included by the mayor in an additional electoral list, based on the identity paper.

(2) The mayor shall ask for the removal of that person from the copy of the permanent electoral list at his/her residence. The request shall be in writing or by phone. Requests made by phone shall be mentioned in a special register.

(3) On election day, the persons stipulated under paragraph (1) and who do not appear in the additional lists, shall be included in the additional list by the president of the election bureau of the polling station, based on the identity paper.

(4) The president of the election bureau of the polling station shall also include, in the additional list, the persons omitted in the copy of the permanent electoral list, who come to vote and prove with their identity paper that they are resident in that polling station area.

(5) The model and content of the additional electoral list shall be established under the terms of article 121.

**Article 20.** – A voter can be included only in one electoral list.

**Article 21.** – (1) If a voter should change his/her residence to another constituency after the copy of the permanent electoral list has been forwarded to the election bureau of the polling station, he/she shall exercise his/her right to vote in the constituency of the new residence, based on the provisional ID card.

(2) On election day, at the election bureau of the polling station with jurisdiction over the new residence, a voter shall be included in the additional electoral list by the president, based on his/her provisional ID card.

(3) In the event stipulated by paragraph (1), the computerised population registration service shall issue, at the request of the person in question, a provisional ID document, on an emergency basis.

**Article 22.** – The mayor shall notify the number of voters resulting from the permanent electoral lists to the constituency election bureau, within 24 hours of the setting-up thereof. The final number of voters shall be notified by the mayor to the constituency election bureau 5 days before the election date, based on the data included in the copies of the permanent electoral lists and in the additional list.

#### *Section 4*

#### ***Election bureaux***

**Article 23.** – (1) For the organisation and holding of the voting operations, the following bureaux shall be established, under the present law: the Central Election Bureau, county election bureaux, constituency election bureaux and election bureaux of polling stations.

(2) Election bureaux shall be comprised only of citizens entitled to vote. The candidates shall not be members of the election bureaux.

(3) In carrying out the duties incumbent on the election bureaux, their members exercise duties involving the state authority. The fair and impartial exercise of such a duties shall be mandatory.

**Article 24.** – (1) The election bureaux of commune constituencies shall be comprised of 7 members, those of towns, municipalities and administrative-territorial subdivisions of municipalities, of 9 members, and those of the Bucharest Municipality and counties, of 15 members.

(2) An election bureau of a commune constituency shall be comprised of a president, a deputy, and 5 representatives of the political parties, political alliances and electoral alliances participating in the elections in that constituency.

(3) The election bureau of a town or municipality constituency and that in the administrative-territorial subdivisions of municipalities shall be comprised of a president, a deputy and 7 representatives of the political parties, political alliances and electoral alliances participating in the elections in that constituency.

(4) The election bureau of the Bucharest Municipality constituency and the election bureaux of county constituencies shall be comprised of a president, a deputy and 13 representatives of the political parties, political alliances and electoral alliances participating in the elections in those constituencies.

(5) The president and his/her deputy shall be designated, in an open session, by the court presiding judge, within 5 days of the settlement of the election date. The designation shall be done, by drawing lots, from among the existing magistrates and other jurists in the county or the Bucharest Municipality. The list of the magistrates participating in drawing lots shall be established by the court presiding judge, and that of the other jurists, by the prefect along with the court presiding judge and a representative of each parliamentary political party. The lists must include a number of persons 10% higher than the necessary one. The magistrates and other jurists in the list, who are not designated presidents or deputies, shall be at the disposal of the court presiding judge, in order to replace the occupants, in special cases. The list must include: the full name, residence, workplace, telephone numbers, and acknowledging signatures of the persons proposed.

(6) The list stipulated under paragraph (5) must nominate only jurists who, according to the statement on one's own account, are not members of any political party.

(7) If the number of magistrates and other jurists is insufficient, the list shall be completed by the prefect, on the proposal of mayors, with other persons who enjoy prestige before the inhabitants, who are not members of any political parties, according to the statement on one's own account, and who have at least secondary education.

(8) The date of the session when lots are being drawn shall become public knowledge through the press, as well as by posting on the court door, by means of the court presiding judge, at least 48 hours before it takes place. The results of the drawing of lots shall be recorded in a report signed by the presiding judge.

(9) The drawing of lots shall be done per duties: president and deputy.

(10) The report stipulated under paragraph (8) shall constitute the nomination act.

(11) At the written request of political parties, political alliances, or electoral alliances, the court presiding judge along with the prefect shall draw up and make available to the former, within 48 hours of the request, the

list comprising the necessary contact data of the presidents of the constituency election bureaux and of their deputies, as well as the addresses and telephone numbers of the headquarters of the constituency election bureaux.

(12) The constituency election bureau, established in compliance with the previous paragraphs, shall carry out all the duties incumbent on it under the present law, and it shall be completed with representatives of the political parties, political alliances, and electoral alliances that participate in the elections in that constituency, after the candidatures are final.

(13) Within 5 days of the date until which candidatures may be proposed, the local branches of the political parties, political alliances, and electoral alliances must notify to the constituency election bureaux, in writing, the full names of their representatives who belong to these bureaux. The communications sent after this time-limit shall no longer be taken into consideration. Communications may comprise a higher number of representatives for the same election bureau.

(14) The completion of the constituency election bureaux with representatives of the political parties, political alliances, and electoral alliances shall be done 24 hours after the candidatures are final, by the president of the election bureau, in the presence of the persons authorised by the political parties, political alliances, and electoral alliances that have appointed representatives, in the decreasing order of the number of candidates proposed by each political party, political alliance, or electoral alliance for the local council in question, with, in addition, the candidate for the mayor's position, as the case may be. In the case of the election bureau of a county constituency, or the Bucharest Municipality constituency, respectively, one shall take into consideration the number of all candidatures submitted by each political party, political alliance or electoral alliance, for a county council, or the General Council of the Bucharest Municipality, respectively, as well as for the local councils and mayors registered in the county, or in the Bucharest Municipality, respectively. If the total number of representatives stated under paragraph (13) is lower than that of the members of the election bureau, the operation for appointing representatives shall be repeated until all seats are occupied. At this stage, shall participate only the political parties, political alliances, and electoral alliances that have proposed several representatives for the same election bureau. A political party, political alliance, or electoral alliance shall not have more than 3 representatives in the election bureau of the same constituency.

(15) The persons who act as representatives of a political party, political alliance, or electoral alliance in the constituency election bureau shall be

established in the order mentioned in the notification stipulated under paragraph (13).

(16) If two or more political parties, political alliances, or electoral alliances have proposed the same number of candidates, their representatives shall belong to the constituency election bureau within the limits of the seats not occupied by the representatives of political parties, political alliances, or electoral alliances that are, under paragraph (14), in a more favourable position; if, by applying this provision, it is not possible for the representatives of all the political parties, political alliances, and electoral alliances having reached a tie to be included in the composition of the election bureau, the latter's president shall proceed to drawing lots, in the presence of the political parties, political alliances, and electoral alliances in question.

(17) Unless the political parties, political alliances, and electoral alliances have appointed representatives, the president of the constituency election bureau shall proceed to completing the bureau, including in it, after drawing lots, persons who do not belong to any political party. The drawing of lots shall be done using a list drawn up according to paragraph (7), within 24 hours of the request of the president of the constituency election bureau.

**Article 25.** – The constituency election bureaux shall have the following duties:

a) to see that the legal provisions concerning the elections have been implemented in the constituency where they operate;

b) to check if the permanent electoral lists have been updated and to supervise the drawing up of the copies of the permanent electoral lists and the organisation of the polling stations;

c) to register the candidates' lists and the independent candidatures for the local councils, as well as the candidatures for mayor, and to record that they are final;

d) to notify to the election bureau of the county constituency, or to the Bucharest Municipality constituency, respectively, the denomination of the political parties, political alliances, electoral alliances, and organisations of the citizens belonging to national minorities, that have submitted full candidates' lists;

e) to issue the necessary publications and make the necessary posting concerning the candidates' lists and the independent candidatures for councillor and the candidatures for the mayor's office;

f) to set up the number of supporters needed for the independent candidatures to be submitted, based on the number of voters included in the permanent electoral lists, notified according to the provisions of article 22;

g) to distribute the ballots, the control stamp, and the stamps marked “voted” to the election bureaux of polling stations;

h) to solve the objections raised in connection with their own activity and the complaints regarding the operations of the election bureaux of polling stations;

i) the election bureau of the constituency in a commune, town, municipality, and in a Bucharest Municipality district, respectively, shall total the votes cast and establish the result of the elections for the constituency in which it functions; it shall issue, to the councillors and the mayor, the certificate proving their election;

j) the election bureau of a county constituency, or the Bucharest Municipality constituency, respectively, shall total the votes cast for the county council, or the General Council of the Bucharest Municipality and for the general mayor of the Bucharest Municipality, respectively, and shall establish the election results; it shall issue, to the councillors, and the general mayor of the Bucharest Municipality, respectively, the certificate proving their election, then it shall send to the county council, or the General Council of the Bucharest Municipality, respectively, the reports and other documents regarding the results of the elections for councillors, as stipulated under article 95 (5), with a view to validating the mandates;

k) to organise, as the case may be, a second ballot for mayors;

l) to communicate data on the elections and their result, by means of the election bureau of a county constituency, or the election bureau of the Bucharest Municipality constituency, respectively, to the Central Election Bureau and the Government, and to notify the population within the constituency area of the election result, by any publicity means;

m) to receive from the election bureaux of polling stations, and to hand over to the local courthouses within the jurisdiction of which they operate the ballots used and uncontested, as well as the cancelled ones, the electoral lists used, the stamps and other materials needed for voting.

(2) By *full candidates’ list* one understands the list that comprises the maximum number of candidates for the councillor’s position, in compliance with the provisions of article 6 (7).

(3) The election bureaux of county constituencies and of the Bucharest Municipality constituency shall accredit the home observers.

**Article 26.** – The election bureau of the Bucharest Municipality constituency shall organise the election of the General Council of the Bucharest Municipality and of the general mayor of the Bucharest Municipality, also carrying out accordingly the other duties stipulated in the present law for the election bureau of a county constituency.

**Article 27.** – Within 7 days of the settlement of the election date, the prefects shall notify the public of the headquarters where the constituency election bureaux carry out their activity, as well as their timetable.

**Article 28.** – (1) The election bureaux of polling stations shall be composed of a president, a deputy, and 3 to 5 members in the case of polling stations in communes and towns, and 7 to 9 members, in the case of polling stations in municipalities and in the Bucharest Municipality districts, respectively.

(2) The president and his/her deputy shall be designated by the court presiding judge, by drawing lots, from among the persons included on a list drawn up by the prefect, on the mayors' proposals. The drawing of lots shall be done per positions.

(3) The president and his/her deputy are, as a rule, jurists who, according to the statement on their own account, do not belong to any political party.

(4) If the number of jurists is insufficient, the list drawn up by the prefect according to paragraph (2) shall be completed with other persons proposed by the mayor, who have, as a rule, at least secondary education, enjoy prestige in the locality where they reside and are not members of any political party. The lists shall include a number of persons 10% higher than the necessary one. The persons designated in the list, who are not appointed presidents or their deputies, shall be at the disposal of the court presiding judge for replacing, in special cases, the occupants established according to paragraph (2). The list must comprise the elements stipulated under article 24 (5).

(5) The provisions of article 24 (8) and (11) shall apply accordingly.

(6) The designation of the president and of his/her deputy shall be done no later than 10 days before the election date.

(7) The election bureaux of polling stations shall be completed with a representative of each of the political party, political alliance, and electoral alliance that participate in the elections, in the decreasing order of the number of proposed candidates, according to the provisions of article 24 (14).

(8) With a view to designating the members of the election bureau of the polling station, the president of the constituency election bureau shall notify the number of candidates proposed by each political party, political alliance or electoral alliance to the presidents of the election bureaux of polling stations, within 24 hours of their designation according to paragraph (2). Within the same time-limit, the political parties, political alliances and electoral alliances that have submitted candidates' lists or proposals for candidates for the mayor's position in that constituency must notify the full

name of their representative to the president of the election bureau of the polling station, through the local organisations. The provisions of article 24 (14) shall apply accordingly.

(9) The designation of the members of the election bureau of the polling station shall be done by the president of the latter, based on the communications stipulated under paragraph (8).

(10) The provisions of article 24 (15)-(17) shall apply accordingly, with the drawing of lots being carried out by the president of the election bureau of the polling station.

(11) The operations for designating the members of the election bureau of the polling station shall be recorded in a report that stands for the nomination act.

(12) The designation of the members of the election bureau of the polling station and the drawing up of the report shall take place 24 hours after the expiry of the deadline stipulated under paragraph (8), in the presence of the delegates appointed by the political parties, political alliances, and electoral alliances.

(15) The election bureaux of the polling stations shall be established on the date of conclusion of the report stipulated under paragraph (11).

**Article 29.** – The election bureaux of the polling stations shall have the following duties:

a) to receive from the mayors the copies of the permanent electoral lists and the additional electoral lists and to provide the conditions needed for them to be examined by the voters;

b) to receive from the constituency election bureaux the ballots for the voters who are to vote in that station, the control stamp, and the stamps with the mention “voted”;

c) to run the voting operations and take all the steps for ensuring order in the polling station premises and around it;

d) to count the votes and record the voting result for the constituencies for which voting took place in that station, distinctively for the local council, for mayor, or the general mayor of the Bucharest Municipality, respectively, for the county council, or the General Council of the Bucharest Municipality, respectively.

e) to solve objections regarding their own activity;

f) to draw up and forward the files stipulated under article 88 to the constituency election bureau;

g) to hand over to the constituency election bureau, based on a report, the ballots used and uncontested, as well as the cancelled ones, the electoral lists used, the stamps, and other materials needed for voting.

**Article 30.** – The election bureaux of county constituencies and the Bucharest Municipality constituency shall carry out adequately the duties stipulated under article 25, as well as the following duties:

a) to see that the provisions of the law on elections are implemented in all the constituencies of that county, or the Bucharest Municipality, respectively;

b) to ensure the notification of the Central Election Bureau's decisions to all the other election bureaux in the county, or in the Bucharest Municipality, respectively, and to see how they are implemented and adhered to;

c) to perform the training of the presidents of the election bureaux of commune, town, municipality, or Bucharest Municipality district constituencies, and of the election bureaux of polling stations throughout that county;

d) to perform the centralisation of the number of full lists submitted by the political parties, political alliances, electoral alliances, and organisations of the citizens belonging to the national minorities, based on the communication received from the election bureaux of commune, town, municipality, or Bucharest Municipality district constituencies, respectively, and to send the centralised report to the Central Election Bureau, within 24 hours of drawing it up;

e) to receive from the election bureaux of commune, town, municipality, or Bucharest Municipality district constituencies, respectively, the reports containing the election results, to centralise the results per counties, per political parties, political alliances, electoral alliances, and per independent candidates, and to make them public. The result of data centralisation per county, or the Bucharest Municipality, respectively, shall be recorded in a report, to be sent to the Central Election Bureau, according to the provisions of the present law.

**Article 31.** – (1) In counties where partial local elections are being organised in at least two commune, town, or municipality constituencies, a county election bureau shall be established, comprised of 3 of the acting judges of the courthouse, selected according to the procedure stipulated under article 32, the provisions of which shall apply accordingly.

(2) The county election bureaux, established according to paragraph (1), shall carry out adequately the duties stipulated in the present law for the Central Election Bureau.

(3) In counties where partial elections are being organised in only one constituency, the solution to the notices stipulated under article 33 (1) h) shall be given by the competent local court having jurisdiction over the constituency, and such court is to deliver a judgement within 3 days of the

registration of notices and complaints. The decision shall be final and irrevocable.

(4) The provisions of paragraphs (1) and (3) shall apply accordingly to the Bucharest Municipality too.

(5) In the instances stipulated under paragraph (3), the duties listed under article 33 (2) and article 123 shall be carried out by the constituency election bureau.

**Article 32.** – (1) The Central Election Bureau shall be comprised of 7 judges of the High Court of Cassation and Justice, the president and vice-president of the Permanent Election Authority, and 11 representatives of the political parties, political alliances, and electoral alliances.

(2) The designation of the judges shall take place in an open session, within 5 days at the latest of the establishment of the election date, with lots being drawn by the presiding judge of the High Court of Cassation and Justice, from among the latter's acting judges. The result of the drawing of lots shall be recorded in a report signed by the presiding judge and the chief consultant of the High Court of Cassation and Justice, which stands for a nomination act. The date of the session for drawing lots shall be brought to the public knowledge by means of the written and audio-visual press, by the presiding judge of the High Court of Cassation and Justice, at least 24 hours before.

(3) Within 24 hours of their nomination, the 7 judges shall elect from among them, by secret ballot, the president of the Central Election Bureau and his/her deputies.

(4) Within 24 hours of the election of the Central Election Bureau president, the bureau shall be completed with the president and vice-president of the Permanent Election Authority, and a representative of each political party in the Parliament.

(5) 48 hours after the candidatures are final, the non-parliamentary political parties, political alliances and their electoral alliances, which have submitted full lists for the county councils in at least 18 counties, may propose a representative each in the Central Election Bureau until the number of 11 members is complete. The completion shall depend on the number of candidatures submitted for the county councils by the political parties, political alliances, and electoral alliances, and if a tie is present, lots shall be drawn.

**Article 33.** – (1) The duties of the Central Election Bureau are as follows:

a) to see that the mayors prepare the copies of the permanent electoral lists;

b) to make sure the Official Gazette of Romania, Part I, publishes the denomination and election signs of the lawfully established political parties,

political alliances, electoral alliances, and organisations of citizens belonging to the national minorities, which are entitled to participate in the election of the local public administration authorities, and to communicate the list to all constituency election bureaux, immediately after the latter are established;

c) to monitor and to make sure the provisions of the law on elections are observed and properly implemented all over the country; to make sure the interpretation of its provisions is the same everywhere;

d) to solve the objections raised in connection with its own activity and the complaints regarding the establishment, composition, and activity of the election bureaux of county constituencies and the Bucharest Municipality constituency;

e) to accept and solve any complaint about the organisation and progress of the local public administration authorities election, other than those which, under the present law, should be solved by the competent constituency election bureaux or courts of law;

f) to centralise, based on the communications received from the election bureaux of county constituencies and the Bucharest Municipality constituency, the number of full lists submitted by the political parties, political alliances, electoral alliances, and organisations of citizens belonging to the national minorities, and to forward the centralised report to the Romanian Television Broadcasting Company and the Romanian Radio Broadcasting Company, 24 hours after it has been drawn up;

g) to receive the reports drawn up by the election bureaux of county constituencies and the Bucharest Municipality constituency, together with the reports containing the election results, drawn up by the election bureaux of commune, town, municipality, and Bucharest Municipality district constituencies; to total the results at national level, per political parties, political alliances, electoral alliances, and independent candidates, separately for the local councils, county councils, and mayors, and to ensure they are published in the Official Gazette of Romania, Part I, and in the press;

h) to solve objections about election frauds, with the power to cancel elections in a given constituency, if found, based on hard evidence, that the voting and the establishment of the election results have taken place by means of frauds apt to modify the distribution of mandates in that constituency; in such instances, it shall order a repeating of the elections, to take place two weeks after the fraud was found. The new elections shall take place under the same conditions, using the same electoral lists and the same lists of candidates and independent candidates, except when the bureau has ordered the cancellation of a candidates' list or of a proposal for independent candidates, who are proven to have committed the fraud having caused the

cancellation of the elections. The presence of the election fraud shall be established by the Central Election Bureau from case to case, based on the evidence produced by the persons having claimed it;

i) to carry out any other duties set up by the law.

(2) On the proposal by the Ministry of Foreign Affairs, the Central Election Bureau shall accredit foreign observers, as well as foreign mass media delegates, and solve the complaints about the accreditation or denial of an accreditation of home observers by the election bureau of a county constituency or the Bucharest Municipality constituency.

(3) In the event of an electoral fraud, a petition for cancelling the elections in a constituency may be submitted only by the political parties, political alliances, electoral alliances, or independent candidates having participated in the elections and only within 48 hours of the closure of the voting, under penalty of forfeiture. The petition must be grounded and accompanied by the evidence it is based on. A petition may only be admitted if the person having objected to the fraud is not involved in it. The petition must be solved by the date of the election results being published in the Official Gazette of Romania, Part I.

(4) In the exercise of its duties, the Central Election Bureau shall issue decisions that shall be notified in open sessions and using any publicity means. The decisions by the Central Election Bureau shall be mandatory for all election bureaux in the country, as well as for all the bodies involved in election matters, from the date they are made public in open sessions.

(5) The decisions by the Central Election Bureau that give interpretations of some provisions of the present law shall be published in the Official Gazette of Romania, Part I.

**Article 34.** – The Central Election Bureau shall cease its activity after the election results are published in the Official Gazette of Romania, Part I, according to the provisions of the present law.

**Article 35.** – (1) Complaints about the organisation and the composition of election bureaux may be filed within 48 hours of the designation of the presidents and their deputies, or, as the case may be, of the completion of the election bureaux with the representatives of the political parties, political alliances, or electoral alliances.

(2) Complaints shall be solved by the election bureaux of commune, town, municipality, or Bucharest Municipality district constituencies, if they concern the election bureau of a polling station, by the election bureaux of county or Bucharest Municipality constituencies, if they concern the election bureaux of commune, town, municipality, or Bucharest Municipality district constituencies, respectively, by the Central Election Bureau, if they concern the election bureau of county or Bucharest Municipality constituencies, and

by the High Court of Cassation and Justice, if they concern the Central Election Bureau, within 2 days of the filing of complaints.

(3) The judgment delivered shall be final and irrevocable, and shall be notified, in the case of the election bureau president and his/her deputy, within 24 hours, to the court presiding judge who, should the complaint be admitted, shall designate new persons.

**Article 36.** – Election bureaux shall operate in the presence of the majority of the members comprising them and shall pass decisions based on the vote of the majority of the members present.

**Article 37.** – The representatives of political parties, political alliances, and electoral alliances in the election bureaux may not accept or exercise other duties except for those stipulated in the present law.

**Article 38.** – The candidates in the elections, their spouses, relatives and their in-law relatives up to the second degree inclusive, as well as the persons who are not entitled to the exercise of voting rights may not be members of the election bureaux of constituencies or polling stations.

## *Section 5* **Candidatures**

**Article 39.** – The number of councillors for local councils and county councils shall be the one set by prefect's order, according to the provisions of Law no. 215/2001, with subsequent amendments.

**Article 40.** – The proposals of candidates for local councillors, county councillors, and mayors shall be made per constituencies, and shall be filed with the constituency election bureaux no later than 30 days before the election date.

**Article 41.** – (1) The proposals of candidates shall be made in writing, in 4 copies, by the political parties, political alliances, electoral alliances, or organisations of citizens belonging to the national minorities that participate in the elections, under the signatures of the leaders of their county organisations, and, in the case of independent candidates, based on the supporters' list.

(2) In the case of electoral alliances between political parties, the lists containing proposals for candidates must also be signed by the county leaders of each political party in the alliance. If electoral alliances are established at a commune, town, municipality, or Bucharest Municipality district level, the lists shall be signed by the alliance leaders and counter-signed by the leaders of each local organisation in the coalition.

(3) The candidates' lists must comprise the candidates' full name, place and date of birth, residence, according to the identity paper, denomination,

series and number of the identity paper, occupation, profession and political membership, and in the case of alliances, also the political party having proposed them.

(4) The candidates' lists must be accompanied by the candidature acceptance declarations, written, signed and dated by the candidates.

(5) The candidature acceptance declaration shall comprise the candidate's full name, residence, political party or alliance having proposed him/her, profession, occupation, and political membership, his/her express consent to running for that position, as well as the mention he/she complies with the requirements of the law regarding candidates.

**Article 42.** – One person can accept the candidature only for a single constituency, except for the case when the candidature is submitted both for a local council and the county council.

**Article 43.** – Political parties, political alliances, and electoral alliances may propose a candidates' list in each constituency for the local council, the county council, and one candidate each for the mayor's position.

**Article 44.** – (1) Independent candidates for the councillor position must be supported by at least 1% of the total number of the voters included in the permanent electoral lists in that constituency, but no less than 50 in communes, 100 in second- and third-rank urban localities, and 1,000 in counties, Bucharest Municipality, Bucharest Municipality districts, and first-rank urban localities.

(2) For the mayor's position, independent candidates must submit a supporters' list, which must comprise at least 2% of the total number of the voters included in the permanent electoral lists in that constituency, but no less than 200 in communes, 300 in towns, 1,000 in municipalities and the Bucharest Municipality districts, and 5,000 in Bucharest Municipality.

(3) No lists of independent candidates shall be accepted for the councillor position.

**Article 45.** – (1) The supporters' list must comprise the election date, the candidate's full name, the position he/she runs for, the supporter's full name, date of birth, address, denomination, series, and number of the identity paper, his/her signature, as well as the full name of the person having drawn up the list. The person who has drawn up the list must submit, along with it, a statement on his/her own account attesting to the truthfulness of the supporters' signatures.

(2) The supporters' list shall represent a public document, with all the consequences stipulated by the law.

(3) The supporters may be only citizens entitled to vote. A supporter may support one candidate each running for the local councillor's position, one for the county councillor's position, and one for the mayor's position.

(4) Supporters' statements of adhesion shall be given on their own account.

(5) The supporters' list must be accompanied by the candidature acceptance declaration, given under the terms of article 41 (4) and (5), and shall be submitted to the election bureau of the constituency he/she runs for.

**Article 46.** – (1) The constituency election bureau shall see that the terms of the law for a person to run for a position, the contents and form requirements of the candidates' lists, as well as of the supporters' list are observed. Candidatures that meet the requirements of the law shall be registered. Candidatures that do not meet the contents and form requirements of the law shall be rejected by the constituency election bureau.

(2) Two copies of the candidature proposal shall be kept with the constituency election bureau. The other two copies, certified by the constituency election bureau by means of its president's signature and the affixing of its stamp, shall be returned to the person submitting the candidature proposal; one of the copies returned to the person submitting the candidature proposal shall be filed by the latter with the local court having jurisdiction over the constituency for which the candidate runs, or with the court of law, respectively.

(3) Within 24 hours of the registration of each candidature, one of the copies of the candidature proposal shall be posted by the constituency election bureau at the latter's head office, in a visible location.

(4) The persons who, on the date of submitting the candidature proposal, do not meet the requirements of the law for being elected may not run for a position. The candidatures of such persons shall be rejected by the constituency election bureau.

**Article 47.** – Candidates may give up their candidature by the date of the ballots' printing. For such purposes, they shall file a declaration of withdrawal with the constituency election bureau, written, signed and dated by the person in question.

**Article 48.** – (1) The acceptance of a candidature by the constituency election bureau may be challenged by the citizens, political parties, political alliances, and electoral alliances, within 48 hours of candidature posting, at the latest.

(2) The rejection of a candidature by the constituency election bureau may be contested by the candidate, the political parties, political alliances, or electoral alliances that have proposed that candidature, within 48 hours of its rejection, at the latest.

(3) The complaints must comprise the complainant's full name, address and position, the full name of the person whose candidature has been

admitted or rejected, a presentation of the grounds for the complaint, date and signature of the complaint, and, if need be, indication of the person designated to represent him/her.

(4) The complaints and, as the case may be, the appeal petition shall be filed with the competent court for solution, otherwise they shall become null.

(5) Complaints on candidature admittance or rejection shall be solved within 48 hours of their filing by the local court or the court of law, respectively, having jurisdiction over the constituency. The decision shall not be communicated.

(6) The decision passed in the matter of a complaint may be appealed within 24 hours of judgement, in an immediately higher court. The appeal shall be solved within 24 hours of filing.

(7) The decision passed in the appeal shall be final and irrevocable.

**Article 49.** – After the expiry of the time limit for submitting a candidature, to which one must add, as the case may be, the time limits stipulated under article 48 (1), (2), (5) and (6), the constituency election bureaux shall draw up a report finding that the candidatures are final. The final candidatures shall be posted at the head office of the constituency election bureau, as well as at the head offices of the polling stations, after the latter's election bureaux are established, stating the candidate's full name, political membership, profession and occupation. The final candidatures may also be made public by means of any mass media, with the expenses being covered by those interested.

## *Section 6*

### ***Ballots***

**Article 50.** – The models of ballots shall be established by Government Decision and shall be different for local councils, county councils, or the General Council of the Bucharest Municipality, respectively, and for mayors, or the general mayor of the Bucharest Municipality, respectively.

**Article 51.** – (1) A ballot is comprised of several sheets. Quadrilaterals shall be printed on the inside pages of the ballot, in sufficient numbers so as to contain all lists of candidates, and all independent candidates, respectively, so that the last page remains blank in order to allow the affixing of the polling station control stamp; the ballot pages shall be numbered. Ballots shall be stapled.

(2) Quadrilaterals shall be printed parallel to one another, in two columns per page. Quadrilaterals shall be numbered, starting with the first quadrilateral of the left column on the first inner page, which is given the order number 1, and going on with the first quadrilateral of the right

column, which is given the order number 2, and so the numbering continues up to the last quadrilateral.

(3) The denomination of the political party, political alliance, electoral alliance, or organisations of citizens belonging to the national minorities that participate in the elections or, as the case may be, the mention “Independent candidate” shall be printed in the angle in the upper left side of each quadrilateral, and the election sign shall be printed in the angle in the upper right side.

(4) The candidates’ lists shall be printed in the quadrilaterals of each ballot; the candidates shall be identified in the list by their full name, and shall be inscribed in the order established by the political party, political alliance, or electoral alliance that has submitted the list.

(5) For the mayor’s election, the candidate’s full name shall be printed in the quadrilaterals of the ballot, besides the elements stipulated under paragraph (3).

(6) The dimensions of the ballot shall be established by the constituency election bureau, taking into consideration the number of quadrilaterals, as well as the necessary space for printing the candidates’ names and the other data stipulated under paragraphs (3), (4), and (5).

(7) The paper for the ballot shall be white and thick enough to prevent the printed name and the cast vote from being distinguished from the back.

(8) In order to establish the order number on the ballots that comprise lists of candidates or independent candidates for councillors, as well as for mayors, the procedure shall be as follows:

a) in the first stage, the lists submitted by political parties, political alliances, and their electoral alliances shall be printed in the ballot quadrilaterals in the order resulting from the drawing of lots performed by the president of the election bureaux of the county constituencies or the Bucharest Municipality constituency, respectively, in the presence of the majority of its members;

b) in the second stage, the lists submitted by non-parliamentary political parties, political alliances, and their electoral alliances, shall be printed in the next ballot quadrilaterals, in the order resulting from the drawing of lots performed by the president of the election bureaux of commune, town, municipality, and Bucharest Municipality district constituencies, or the president of the election bureau of the county constituency and the election bureau of the Bucharest Municipality constituency, respectively.

(9) The order established under paragraph (8) a) shall be valid for all constituencies in a county, and in the Bucharest Municipality, respectively, including the county and the Bucharest Municipality constituency, respectively. The order established under paragraph (8) a) and b) shall also be valid as regards the ballot for mayor’s election.

(10) For each independent candidate, including the independent candidates running for the mayor's position, a distinct quadrilateral shall be printed in the final part of the ballot, in which they shall be inscribed in the order of candidature registration.

(11) The order established under paragraphs (8)-(10) shall be communicated to the prefect by the presidents of the election bureaux of the county constituency, or the presidents of the election bureaux of commune, town, municipality, and Bucharest Municipality district constituencies, 24 hours from the drawing of lots.

(12) The drawing of lots stipulated under paragraph (8) shall take place in the presence of the representatives of the political parties, political alliances, and electoral alliances that have submitted candidates' lists.

**Article 52.** – (1) The political parties, political alliances, and electoral alliances may choose election signs which they shall communicate to the Central Election Bureau 3 days after the latter has been established.

(2) The political parties, political alliances, and electoral alliances that have participated in the previous local elections may keep their election signs, but they must communicate them to the Central Election Bureau according to paragraph (1). The election signs used in the previous elections may be used only by other parties, political alliances, or electoral alliances based on the written consent of those to whom they used to belong, or of the parties having been part of the original alliance, respectively.

(3) Election signs may not oppose the rightful order or good manners, and may not reproduce or combine the national symbols of the Romanian state, of other states, international bodies, or religious cults. Political parties that are members of some international political organisations, are an exception, and they may use the sign of that organisation as such or in a typical combination.

(4) The election signs communicated to the Central Election Bureau must be clearly distinguished from the ones previously registered, the use of the same graphic symbols being forbidden, whatever the geometric form that includes them may be. The permanent sign declared at the registration of the political party or political alliance may be used as an election sign.

(5) In all constituencies, the political parties, political alliances, and electoral alliances, formed at a national and county level, respectively, must use the same election sign.

(6) In the case of new election signs, if the same sign is claimed by several political parties, political alliances, or electoral alliances, the sign shall be assigned to the political party, political alliance, or electoral alliance that was the first to register that sign. Unless priority can be established, the president of the Central Election Bureau shall draw lots.

(7) The Central Election Bureau shall bring to public knowledge the election signs on the next day after the expiry of the deadline stipulated under paragraph (1) and shall communicate them to prefects by the date the candidatures are final, so they can be printed on the ballots.

**Article 53.** – (1) The constituency election bureaux shall be in charge of printing the ballots, by the prefects' care.

(2) For an entire constituency, ballots shall be printed with letters of the same size, with the same characters and the same ink, in a number equal to that of the voters appearing in the electoral lists, with an extra 10%.

(3) By the prefects' care, a copy of the first run for each model of ballot, in each constituency, shall be presented to the members of the election bureau of the county constituency. The latter are entitled to request the prefect to have the ballots reprinted if the candidates' names, election sign, or denomination of the political parties, political alliances, or electoral alliances are misprinted or cannot be seen clearly.

(4) Ballots must be printed no later than 10 days before the elections.

**Article 54.** – (1) The ballots shall be distributed to the constituencies by the prefects' care. Ballots shall be taken over by the mayor, together with the president of the constituency election bureau, based on a signed report, and kept in special rooms, locked and sealed. Ballots shall be handed over to the presidents of the election bureaux of polling stations, based on signed reports, no later than the day preceding the elections.

(2) Ballots shall be distributed and handed over in sealed packages of 100 copies each.

**Article 55.** – A ballot from each category shall be posted at the head office of the town hall and the constituency election bureau, as well as at the head offices of the polling stations, within 3 days of the expiry of the printing deadline, after it has been endorsed and annulled by the president of the constituency election bureau.

**Article 56.** – At the request of the political parties, political alliances, electoral alliances, or independent candidates, the constituency election bureau shall release, to each of them, a ballot from each category, endorsed and annulled.

### *Section 7* **Electoral campaign**

**Article 57.** – The electoral campaign shall begin 30 days before the election date and shall end on the Saturday preceding the election date, at 7:00 hours.

**Article 58.** – (1) In the electoral campaign, the candidates, political parties, political alliances, electoral alliances, as well as citizens are entitled to express

their opinions freely and without discrimination, by means of rallies, reunions, television, radio, press and other mass media.

(2) During the electoral campaign, candidates shall benefit, without discrimination, from adequate spaces where to meet their voters. Such spaces may be located at the town hall, in schools, universities, arts centers, clubs and cinema theatres, based on agreements concerning the maintenance expenses.

(3) The means used in the electoral campaign shall not contravene to the rightful order.

(4) It is forbidden to organise electoral campaign meetings in military units, as well as in school and university spaces while classes are being held.

**Article 59.** – (1) The electoral campaign through the audio-visual programme services, public or private, must serve the following general interests:

a) of the voters, who should receive correct information, so that they can vote with full knowledge of the facts;

b) of the political parties, political alliances, electoral alliances, organisations of the citizens belonging to national minorities, and candidates, who should be given the opportunity to introduce themselves and their platforms, political programmes and electoral offers, to the public;

c) of the radio broadcasting companies, in exercising their rights and duties deriving from the journalist's profession.

(2) Public and private broadcasting companies shall be bound to make sure that, within the audio-visual programme services, an equitable, well balanced, and fair campaign takes place for all political parties, political alliances, electoral alliances, organisations of the citizens belonging to national minorities, as well as for all candidates.

**Article 60.** – (1) During the electoral campaign, the information concerning the election system, voting procedure, electoral campaign calendar, political programmes, opinions and messages with an electoral content shall be presented only in the following types of shows:

a) news bulletins – where information concerning the election system, voting procedure, and candidates' campaign activities may be broadcast; to this effect, the scheduled length of the news bulletin may be extended by 15 minutes at the most;

b) electoral shows – where candidates may present their political programmes and electoral campaign activities;

c) electoral debates – where candidates, journalists, analysts and other guests debate on electoral programmes and public interest topics.

(2) The private radio and television stations, including cable television, may include, within their own programme schedule, shows of the type stipulated under paragraph (1).

(3) The shows stipulated under paragraph (1) shall not be deemed electoral publicity.

(4) 20-30 seconds' publicity videos that urge the voters to vote for a candidate or a candidates' list may be broadcast only within the shows stipulated under paragraph (1) b) and c).

(5) Buying broadcast time with a view to broadcasting electoral videos or shows shall be forbidden.

**Article 61.** – (1) The access of the parliamentary political parties, political alliances, and their electoral alliances, as well as of independent candidates to public radio and television services, including those of the latter's territorial studios, shall be free. Non-parliamentary political parties, political alliances, and their electoral alliances shall have free access to territorial radio and television broadcasting services only if they submit candidates' lists in at least 50% of the constituencies in a county that is covered by those territorial studios. The airtime granted under such circumstances must be proportional to the number of candidates' full list submitted in that territory, and shall be calculated by the Romanian Television Company and the Romanian Radio Broadcasting Company within 24 hours of the receipt of the data communicated by the Central Election Bureau. The non-parliamentary political parties, political alliances, and electoral alliances that submit full lists of candidates in at least 50% of the constituencies in 15 counties shall have access to the national public radio and television broadcasting services. The airtime shall be granted after the candidatures are final; it shall be proportional to the number of full candidates' lists submitted and calculated by the Romanian Television Company and the Romanian Radio Broadcasting Company within 24 hours of the receipt of the data communicated by the Central Election Bureau.

(2) The organisations of the citizens belonging to national minorities shall have access to the territorial and national public radio and television broadcasting services, if they participate in the elections with candidates' lists in the constituencies in the counties and in proportion to their weight in the total population of that county, and that of Romania, respectively.

(3) Until the airtimes are calculated, according to paragraphs (1) and (2), the parliamentary political parties, political alliances, and the organisations of the citizens belonging to national minorities represented in the Parliament shall be granted airtimes proportional to their weight in the Parliament.

(4) The access of the political parties, political alliances, electoral alliances, independent candidates, and organisations of the citizens belonging to national minorities to private radio and television services, including cable television, shall be free only during electoral shows, according to the provisions of article 60.

(5) Buying airtime for publicity purposes, for and on behalf of participants in the electoral campaign, or the transfer of airtime to candidates by public or private capital trading companies, public institutions, nongovernmental organisations, or natural entities shall be prohibited.

(6) The political parties, political alliances, electoral alliances, independent candidates, as well as organisations of the citizens belonging to national minorities must apply for airtime within 20 days after the election date has been brought to public knowledge, with the management of the public and private radio and television broadcasting stations, or, as the case may be, of their territorial studios. The applications filed after that deadline shall be disregarded.

(7) The airtime with the public and private radio and television companies, including cable television, shall be granted to political parties, political alliances, and electoral alliances, on each Monday, Tuesday, Wednesday, Thursday, and Friday. Each independent candidate shall be entitled to an airtime, with the territorial studios, of 5 minutes at most, summed for the entire duration of the electoral campaign. The independent candidates in constituencies in the Bucharest Municipality and those in municipalities that are county capitals and are not within the coverage of a station, shall have access to the national public radio and television services for the same time period of 5 minutes at most, summed for the entire duration of the electoral campaign.

(8) The shows broadcast within the airtime granted to each political party, political alliance, electoral alliance, to independent candidates, and organisations of the citizens belonging to national minorities shall be live or recorded, in the proportions decided upon by them.

(9) During the electoral shows, it is forbidden to combine colours, graphical signs, or sounds evoking the national symbols of Romania or some other state.

**Article 62.** – (1) Throughout the electoral campaign, the candidates and representatives of the political parties in competition shall only have access to the public and private radio and television stations in electoral shows and debates, under the terms of articles 59, 60, and 61.

(2) During the electoral campaign, the candidates and representatives of the political parties in competition may not be producers, directors or anchors of the shows made by public and private stations.

**Article 63.** – (1) Public and private radio broadcasting stations shall be bound, by means of technical and editorial steps, to present the electoral campaign in an equitable, well balanced, and unbiased manner.

(2) News bulletins shall also be bound to obey the obligation to be objective and equitable, and to inform the public correctly.

(3) Candidates who are already in public positions may appear in news bulletins strictly in matters related to the exercise of their position.

(4) If the news bulletins present special facts or events of public interest, besides the authorities' point of view, an opposite point of view must also be presented.

**Article 64.** – (1) Electoral shows and debates must ensure equal conditions to all candidates as regards the freedom of expression, pluralism of opinions, and equal distance.

(2) During electoral shows, the candidates shall have the following obligations:

a) not to jeopardise the constitutional order, public order, safety of persons and goods;

b) not to make assertions that could harm human dignity or public morals;

c) to prove possible accusations that could have a criminal or moral impact on another candidate;

d) not to urge to hatred or discrimination for racial, religious, nationality, sex, sexual orientation, or ethnic considerations.

**Article 65.** – The directors and anchors of electoral shows and debates shall have the following obligations:

a) to be impartial;

b) to ensure the necessary balance during the show, giving each candidate participating in the debates the opportunity to express his/her opinions;

c) to formulate his/her questions clearly, without bias or partiality;

d) to make sure the debate is kept within the sphere of interest of the electoral campaign and the topics set forth;

e) to intervene whenever guests, through their behaviour or expression, violate the provisions of article 64 (2); if guests do not comply with his/her request, the anchor may decide to have their microphone cut off or to put an end to the show, as the case may be.

**Article 66.** – (1) When opinion polls about the elections are presented, such polls must be accompanied by the following information:

a) denomination of the institution having made the polls;

b) date or time interval when the poll was made and methodology used;

c) sample size and maximum error margin;

d) who has requested and who has paid for the poll.

(2) Tele-voting or street surveys made amongst voters shall not be presented as representative for the public opinion or a certain social or ethnic group.

**Article 67.** – The following are forbidden 48 hours before the voting date:

- a) presentation of opinion polls or broadcasting of electoral publicity videos;
- b) inviting or presenting candidates in programmes, except for the instances stipulated under article 69 (4);
- c) comments on the electoral campaign.

**Article 68.** – On voting day, it is forbidden to present polls made when people leave the voting box, before the voting is over.

**Article 69.** – (1) The candidates and political parties whose rights and legitimate interests have been harmed due to the presentation of untruthful facts in an electoral programme shall be entitled to the right to reply.

(2) The candidates and political parties whose rights and legitimate interests have been harmed due to the presentation of inaccurate information in an electoral programme shall benefit from the right to correction.

(3) Radio broadcasting companies have the following obligations regarding the right to reply and to correction:

a) to make a decision about granting or not granting the requested right within 24 hours at the latest from the receipt of a written request; if the request refers to a show broadcast on the last day of electoral campaign, the decision must be made within 12 hours at the latest of the receipt of the request;

b) to notify the decision made to the petitioner, within the time limits stipulated under a), by telephone and/or in writing; if the requested right is denied, the reasons for this must be notified to the petitioner and the National Broadcasting Standards Council;

c) if the decision is made to grant the requested right, to broadcast the correction or reply within 48 hours at the latest of the receipt of the request; if the show making the object of the objection was broadcast on the last day of electoral campaign, the correction or reply shall be broadcast on the day preceding the voting;

d) to broadcast the reply or correction within the time limits and under the terms communicated to the broadcasting company, if the National Broadcasting Standards Council rules in favour of the petitioner.

(4) On the day preceding the voting, the broadcasting companies must accommodate in their programmes, right after the evening news bulletin, a space for broadcasting corrections and replies resulting from the objections referring to the shows broadcast on the last day of campaign.

**Article 70.** – (1) The broadcasting companies must ensure the recording of the shows designed for the electoral campaign, under the terms set up by the National Broadcasting Standards Council.

(2) The recordings of the shows designed for the electoral campaign must be kept available to the National Broadcasting Standards Council, throughout

the length of the electoral campaign and for 30 days after the official communication of the results.

**Article 71.** – (1) The failure to comply with the provisions of articles 59-70 shall entail the sanctions stipulated by the Radio and Television Law no. 504/2002, with subsequent amendments and additions.

(2) Facts shall be ascertained, and sanctions applied by the National Broadcasting Standards Council which may take up the issue by itself or by those involved.

**Article 72.** – (1) By the beginning of the electoral campaign, mayors shall be bound to set up, by order, special locations for electoral posting, taking into consideration the number of political parties, political alliances, and electoral alliances that state they are submitting candidates' lists, candidatures for the mayor's position, as well as independent candidates. Such locations must be in areas attended by citizens, without hindering traffic on public roads and the other activities in those localities.

(2) The use of electoral posting locations is permitted to the political parties, political alliances, and electoral alliances that participate in the elections, and to independent candidates.

(3) The use of the special locations for electoral posting by a political party, political alliance, electoral alliance, or independent candidate, so as to prevent their use by another political party, political alliance, electoral alliance, or independent candidate shall be forbidden. Each political party, political alliance, electoral alliance, or independent candidate may apply only one electoral poster on an electoral panel.

(4) An electoral poster placed in the locations stipulated under paragraph (1) may not exceed the dimensions of 500 mm on one side and 300 mm on the other side, and the one convening an electoral rally, 400 mm on one side and 250 mm on the other side.

(5) Electoral posting in locations other than the ones stipulated under paragraph (1) shall be permitted only based on the consent of the owners, administrators, or, as the case may be, of holders.

(6) Electoral posters combining colours or other graphical signs so as to evoke the national symbols of Romania or any other state are forbidden.

(7) The law enforcement authorities shall be bound to see that the integrity of the electoral panels and posters is preserved.

**Article 73.** – (1) Constituency election bureaux shall supervise the proper progress of the electoral campaign in their constituencies, solving the complaints submitted to them about a political party, political alliance, electoral alliance, or independent candidate being prevented from carrying out their electoral campaign, under the terms stipulated by the law, and in compliance with election deontology.

(2) If the constituency election bureau deems, on the occasion of complaint solving, that it is necessary to take administrative steps or apply minor offences or criminal sanctions, it shall inform the competent authorities.

(3) A legal contest against the solution rendered by the election bureau of a commune, town, municipality, or Bucharest Municipality district constituency may be filed with the county election bureau, or the election bureau of the Bucharest Municipality constituency, and a legal contest against the solution rendered by the election bureau of the county constituency or the election bureau of the Bucharest Municipality constituency may be filed with the Central Election Bureau; the solution thus rendered to the contest shall be final.

(4) The solution to complaints and contests shall be issued within 3 days of their filing, and the decisions made shall be published in the press and posted in a visible place at the headquarters of the election bureau having issued them.

### **CHAPTER III** **Elections' progress**

**Article 74.** – (1) Each polling station must have a sufficient number of polling booths, ballot boxes, and voting stamps, which will be supplied by the mayors.

(2) The polling booths and ballot boxes must be placed in the same room where the president and the members of the election bureau of that polling station carry out their activity.

(3) The president of the election bureau of the polling station, together with its members, must be present at the headquarters of the polling station on the eve of the election day, at 18.00 hours, and must take the necessary steps for making sure order is preserved and the voting operations take place correctly.

(4) The president shall order the setting up of the guarding posts around the voting premises.

**Article 75.** – (1) On election day, at 6.00 hours, in the presence of the other members, the president of the election bureau of the polling station shall check the ballot boxes, polling booths, the presence of electoral lists, ballots and stamps necessary for voting, after which he shall close and seal the polling boxes by affixing the control stamp of the polling station.

(2) The president must ensure the affixing of the polling station control stamp on the last page of the ballots.

**Article 76.** – (1) The president of the election bureau of the polling station must take the necessary steps for the elections to take place in adequate

conditions. For this purpose, his/her powers also extend outside the polling station premises, up to a distance of 500 metres.

(2) Foreign observers and home observers, accredited for this purpose, may monitor the progress of voting operations.

(3) Representatives of nongovernmental organisations whose sole purpose is human rights' protection and which are lawfully set up may be accredited as home observers. The persons designated by such organisations shall not be members of any political party.

(4) The accreditation of home observers may be challenged with the Central Election Bureau.

(5) Apart from the members of the election bureau of the polling station, candidates, persons accredited according to the law, as well as Romanian and foreign mass media representatives, no other persons may stay in the public places in the voting area or in the voting premises for a period longer than the necessary time for voting.

(6) In order to preserve order in the polling station premises and around, the president of the election bureau of the polling station shall have the necessary law enforcement means made available to him/her by the prefects' care.

**Article 77.** – Voting shall take place in one day. It shall start at 7.00 hours and close at 21.00 hours.

**Article 78.** – (1) A voter shall vote only at the polling station that has jurisdiction over his/her street or locality, according to the delimitation made according to article 15, and where he/she appears in the copy of the permanent electoral lists or in the additional list drawn up by the mayor according to the provisions of article 19 (1).

(2) The voters' access to the polling station shall take place in series corresponding to the number of booths. Each voter shall produce his/her identity paper to the members of the election bureau of the polling station, who, after checking that the person in question appears in the electoral list, shall hand over to him/her the ballots and the stamp marked "voted".

(3) Voters shall vote separately, in closed booths, by applying the "voted" stamp in the quadrilateral that comprises the candidates' list or the name of the candidate he/she wishes to vote for.

(4) The "voted" stamp must be round and of such dimensions so that it shall be smaller than the quadrilateral in which it is applied.

(5) After voting, voters shall fold the ballots so that the white page bearing the control stamp stays out, and then they shall insert them in the ballot box, taking care they do not open.

(6) A wrong folding of the ballot shall not entail the ballot nullity, if the voting secrecy is preserved.

(7) If the ballot should open so that the voting secrecy is no longer preserved, the ballot shall be annulled, and the voter shall be given, only one time, a new ballot, and this shall be mentioned in the voting operations report.

(8) The “voted” stamp, handed over to the voter in view of voting, shall be returned to the president, who shall affix it to the identity paper, also mentioning the election date. In the case of voters who vote based on the ID cards, a self-adhesive stamp marked “voted” and with the election date shall be applied on the back of the card.

(9) The president may take steps so that a voter does not spend an unjustified period of time in the polling booth.

**Article 79.** – By making an exception to the provisions of article 78 (1), the president and the members of the election bureaux of polling stations, as well as the auxiliary technical staff and the staff designated to keep order shall vote at the polling station where they carry out their activity, if they reside in the administrative-territorial unit for which voting takes place in that station. They must be included in the additional list by the president of the election bureau of the polling station, and crossed off from the copy of the permanent electoral list existing at the polling station that has jurisdiction over their residence, at the request of the president of the election bureau of the polling station.

**Article 80.** – Candidates and voters have the right to contest the identity of a person reporting to the polls. In such cases, the president of the election bureau of the polling station shall determine the identity of the person in question, by any means available. If the contest has good grounds, the president of the election bureau of the polling station shall prevent the contested voter from voting, record the fact in a report, and inform the police authorities.

**Article 81.** – (1) The president of the election bureau of the polling station may suspend voting for good grounds. Such suspension shall not exceed one hour and shall be notified by posting on the door of the voting premises, at least one hour before. The length of all suspensions may not exceed two hours.

(2) During suspension, the ballot boxes, stamps, ballots, and all paperwork of the election bureau shall remain under permanent guard, and the members of the bureau shall not leave the voting room at the same time.

(3) The persons who, according to article 76 (5), are entitled to attend the voting shall not be forced to leave the voting room during the suspension of operations.

**Article 82.** – (1) The presence of any person other than the voter in the polling booth is forbidden.

(2) A voter who, for good grounds, found by the president of the election bureau of the polling station, cannot vote on his/her own, is entitled to call for help an attendant chosen by him/her, in the polling booth.

**Article 83.** – (1) For voters who cannot be transported due to an illness or disability, the president of the election bureau of the polling station may approve, at their written request or that of the head of the health care or social security institutions they are admitted into, that a team comprised of at least 2 members of the election bureau goes with a special ballot box and the materials needed for voting – the “voted” stamp and ballots – to the place where the voters are, so that they can vote. A single special ballot box shall be used in the jurisdiction of a polling station. Only the members of the election bureau of the polling station may carry the special ballot box.

(2) In the cases stipulated under paragraph (1), voting shall take place only based on an extract drawn up by the president of the election bureau himself/herself from the copy of the permanent electoral list or the additional list existing at that station. The list shall be signed by the president and stamped, and the persons comprised in those extracts shall be crossed off from the other lists existing at the station.

(3) Only persons who reside in the jurisdiction of the constituency in question may vote in the manner stipulated under paragraphs (1) and (2), and only if the voting secrecy is preserved.

**Article 84.** – At 21.00 hours the president of the election bureau of the polling station shall declare voting closed.

## CHAPTER IV

### **Establishing and ascertaining the election results**

#### *Section 1*

#### ***Establishing the election results***

**Article 85.** – (1) After voting has been closed, the president of the election bureau of the polling station shall proceed to annulling the ballots not used and, after checking the seals for integrity, to the opening of the ballot boxes. The annulment of the ballots not used shall be done by writing the word “ANNULLED” on them, or by affixing a stamp containing that word. The ballot boxes shall be opened only in the presence of the bureau members and, as the case may be, of the persons who are entitled to attend the voting. In ballot counting may participate, as delegates, the representatives of all the political parties, political alliances, and electoral alliances that have participated in the

elections and have no representatives in the election bureau of the polling station, and are authorised by the leaders of the county organisations thereof.

(2) On opening each ballot, the president shall read in a loud voice the candidates' list that has been voted or, as the case may be, the full name of the independent candidate or the full name of the candidate for the mayor's position who has been voted, and shall show the ballot to the people present. Opened ballots shall be stacked per political parties, political alliances, electoral alliances, and independent candidates, and shall be counted and tied separately.

(3) Ballots that do not bear the control stamp of the polling station, ballots of another type than the one lawfully approved, ballots that do not have the "voted" stamp affixed or in which the stamp is affixed on several quadrilaterals or outside these shall be null; such ballots shall not be taken into account when counting the validly expressed votes. The ballot is valid if the stamp has exceeded the limits of a quadrilateral, if the voter's option is nevertheless obvious.

(4) The voting result shall be recorded in separate tables for the local council, the county council, and the mayor's position, respectively. A member of the election bureau of the polling station, designated by the president, shall draw up the tables. If candidates are also present when recording the results, they shall be entitled to draw up a table themselves. In the Bucharest Municipality, a distinct table shall be drawn up for the General Council of the Bucharest Municipality, and one for the general mayor of the Bucharest Municipality.

(5) The total number of voters, the total number of null ballots, the lists of candidates or, as the case may be, the full names of the independent candidates and those for the mayor's position, as well as the number of validly expressed votes for each category shall be inscribed in the tables stipulated under paragraph (4).

**Article 86.** – (1) After counting the ballots, the president of the election bureau of the polling station shall draw up one report each, in two copies, separately for the local council, the county council, as well as the mayor's position.

(2) In the same manner, in the Bucharest Municipality, the election bureau of the polling station shall also draw up one report each for the General Council of the Bucharest Municipality, and one each for the position of general mayor of the Bucharest Municipality.

(3) Such a report shall comprise:

a) the total number of voters existing in the copy of the permanent electoral list, in the additional electoral lists and in the extract used for voting with the help of the special ballot box, including:

- the total number of voters according to the copy of the permanent electoral list;
- the total number of voters according to the additional electoral lists;
- the total number of voters for whom the special ballot box has been used;
- b) the total number of voters included in the electoral lists existing at the polling station, who have come for voting, including:
  - the total number of voters included in the copy of the permanent electoral list;
  - the total number of voters included in the additional electoral lists;
  - the total number of voters for whom the special ballot box has been used;
- c) the total number of validly expressed ballots;
- d) the number of null ballots;
- e) the number of validly expressed votes, obtained on each candidates' list or by each independent candidate;
- f) the number of validly expressed votes, obtained by each candidate to the mayor's position;
- g) a brief account of the objections raised and their solutions, as well as the complaints filed with the constituency election bureau;
- h) the condition of the ballot box seals at the end of voting;
- i) the number of ballots received;
- j) the number of ballots not used and annulled.

(4) The reports shall be signed by the president and members of the election bureau of the polling station, and shall bear the control stamp. Signatures shall be placed at the level of the full name and, as the case may be, political membership, after stating the abbreviated denomination of the political party they represent, respectively.

(5) The absence of the signatures of some members of the election bureau has no influence on the validity of the report and the elections. The president shall mention the reasons that had prevented the signing.

(6) The president of the election bureau shall issue a copy of each report to the members of the election bureaux of polling stations, at their request. The request must be made in writing before the report is drawn up.

**Article 87.** – (1) During the operations of voting, ballot box opening, ballot counting and totalling, as well as registration of voting result in the reports, objections may be filed in connection with such operations.

(2) The election bureau of the polling station shall decide at once on the objections filed.

(3) Written complaints may be filed against the solution to the objections. Such complaints shall be submitted to the president of the election bureau of the polling station, who releases a proof of receipt to the complainant.

**Article 88.** – (1) A file shall be prepared for each local council, county council, and mayor's position, respectively, which comprises: the report and complaints filed, as well as the null and contested ballots. Files shall be sealed, stamped, transported under military protection and handed over to the constituency election bureau by the president of the election bureau of the polling station, within 24 hours of the voting closure at the latest. The president of the election bureau of the polling station shall be accompanied by at least 2 bureau members, chosen by the president after the drawing of lots.

(2) Files shall be handed over based on signed reports.

## *Section 2*

### ***Ascertaining the election results***

**Article 89.** – (1) After receiving the files from the election bureaux of polling stations, the election bureaux of commune, town, municipality, or Bucharest Municipality district constituencies shall proceed to setting them in order per categories of local public administration authorities for which elections have been held.

(2) The files containing the report with the result of ballot counting for the county council, and the General Council of the Bucharest Municipality, respectively, and the other documents stipulated under article 88 shall be handed over to the president's deputy of the constituency election bureau based on a signed report, who, together with another member of the bureau, designated by drawing lots, performed by the bureau president, shall carry them under military protection and hand them over to the election bureau of the county and Bucharest Municipality constituency, respectively.

(3) Files shall be handed over to the election bureau of the county constituency based on a signed report stating, in a mandatory manner, the number of files stipulated in the report mentioned under paragraph (2) and the number of files actually handed over.

**Article 90.** – (1) After receipt of the files containing the reports with the results of ballot counting from all the election bureaux of polling stations and after solving the complaints filed, the election bureaux of the commune, town, municipality, Bucharest Municipality district, and county constituencies, and the election bureau of the Bucharest Municipality constituency, respectively, shall proceed to totalling the votes expressed and assigning the mandates, under the present law.

(2) For this purpose, the constituency election bureau shall record, for the entire constituency, the number of ballots obtained, separately for each candidates' list or independent candidates.

(3) The election bureaux of the commune, town, municipality, Bucharest Municipality district constituencies, and the election bureau of the Bucharest Municipality constituency, respectively, shall total the number of ballots obtained by each candidate for the mayor's position, and the position of general mayor of the Bucharest Municipality, respectively.

(4) The proceedings of the constituency election bureau may be attended by the candidates and persons accredited for that purpose, as well as the persons stipulated under article 85 (1).

**Article 91.** – The election for councillors and mayors shall be valid, irrespective of the number of voters having participated in the election.

**Article 92.** – (1) In order to distribute the councillor's mandates, the constituency election bureau shall establish the election threshold of the constituency, representing 5% of the total number of validly expressed votes in that constituency. In the case of political alliances or electoral alliances, 2% shall be added to the 5 % threshold for the second member of the alliance. For alliances of at least 3 members, the election threshold is 8%.

(2) Mandate distribution shall be done taking into consideration only the political parties, political alliances, electoral alliances, and independent candidates having reached the election threshold stipulated under paragraph (1).

(3) Councillor's mandate distribution shall take place as follows:

a) in a first stage, the constituency election bureau shall establish the number of mandates coming upon each candidates' list, as well as the independent candidates, based on the election quotient determined by dividing the total number of validly expressed votes for all the lists and the independent candidates having reached the election threshold by the total number of the councillor's mandates in that constituency; the constituency election bureau shall distribute to each list as many mandates as the number of times the election quotient is included in the total number of the validly expressed votes for that list; also, an independent candidate who has obtained a number of votes at least equal to the election quotient shall be pronounced elected. The votes left after the mandates' distribution, as well as those lower than the election quotient shall be deemed as unused votes for each candidates' list of the political parties, political alliances, and electoral alliances;

b) in the second stage, the constituency election bureau shall distribute the unassigned mandates, based on a table comprising the political parties,

political alliances, and electoral alliances that have reached the election threshold, in the decreasing order of the number of votes unused; the unassigned mandates shall be distributed to the political parties, political alliances, and electoral alliances, in the order in which they appear in the table, one for each political party, political alliance, and electoral alliance. If all mandates cannot be distributed, the operation shall be repeated until they are exhausted.

(4) In the event none of the organisations of the citizens belonging to national minorities, other than the Hungarian one, has obtained at least a mandate, a councillor's mandate shall be assigned from among the ones left from the first stage to the organisation having reached the election threshold and having obtained the highest number of validly expressed votes of all those organisations.

(5) If during the operations stipulated under paragraph (3) it is found that two or more political parties, political alliances, or electoral alliances have the same number of unused votes, before the last mandate to be distributed is assigned, such a mandate shall be distributed to the political party, political alliance, or electoral alliance having obtained the highest number of validly expressed votes; if the number of validly expressed votes is equal, the mandate shall be distributed by drawing lots.

(6) Mandates shall be assigned by the constituency election bureau in the order the candidates appear on the list, and shall begin with the candidates' list for which the most votes have been expressed.

(7) If a political party, political alliance, or electoral alliance should have more mandates assigned than the number of candidates listed, the remaining mandates shall be assigned to the other lists of candidates or to the independent candidates, according to the provisions of paragraph (3).

(8) If no political party, political alliance, or electoral alliance reaches the election threshold, and the number of independent candidates having reached the election threshold is lower than the number of councillor's mandates in that constituency, the difference of mandates shall be distributed to the first 3 political parties, political alliances, or electoral alliances, in the decreasing order of the number of validly expressed votes for each one. One mandate shall be distributed to each political party, political alliance, or electoral alliance. The operation shall be repeated until all mandates are exhausted.

(9) The listed candidates who have not been elected shall be pronounced deputies in those lists. In case of vacancy of the councillor's mandates elected on lists of candidates, the deputies shall occupy the vacated positions, in the order they appear in the list, if, by the date of mandate validation for the vacated position, the political parties, or, as the case may be, the political

alliances or electoral alliances on the list of which the deputies have run acknowledge in writing, under the signature of the county leadership of the political parties, or of those political parties that have established political alliances or electoral alliances, that the deputies belong to that political party or one of the political parties that have established political alliances or electoral alliances, as the case may be.

(10) In case of vacancy of the mandate of an independent councillor or a councillor belonging to a political party, a political alliance, or an electoral alliance that has no other deputies on its list, as well as of a councillor elected on the list of a political party that has been crossed off, under the law, from the register of political parties, no matter what the reason for the crossing off was, the vacated position shall be taken by the first deputy from the list that has obtained the highest number of validly expressed votes.

**Article 93.** – (1) For the mayor’s position, ballot centralisation shall be done by the constituency election bureau.

(2) The candidate having obtained the majority of the validly expressed votes shall be pronounced mayor.

(3) If none of the candidates has obtained the majority of the validly expressed votes, fact which is recorded in the report prepared by the constituency election bureau, a second ballot shall be organised.

(4) A second ballot shall also be organised in the event of a tie between several candidates to the mayor’s position.

(5) Only the candidates ranking first and second, and the candidates in a tie, respectively, shall participate in the second ballot.

(6) The second ballot shall take place two weeks after the first ballot.

(7) In the second ballot, the candidate having obtained the highest number of validly expressed votes shall be pronounced mayor.

**Article 94.** – (1) If one of the candidates running for the mayor’s position, of the two between whom the second ballot is to take place, deceases, withdraws, or no longer meets the requirements of the law for being elected, the candidate ranking immediately after him/her shall participate in the second ballot.

(2) If one of the conditions stipulated under paragraph (1) occurs in the case of one of the candidates in a tie, there will be no other elections held, and the constituency shall pronounce the other candidate a mayor.

**Article 95.** – (1) The election bureaux of commune, town, municipality, Bucharest Municipality district and county constituencies, or the Bucharest Municipality constituency, respectively, shall draw up, separately, a report for the local council and the mayor, and the county council, the General Council of the Bucharest Municipality, and the general mayor of the

Bucharest Municipality, respectively, as the case may be, concerning all the voting operations, ballot centralisation, ascertaining the election results, and mandate assignment.

(2) The report shall comprise:

a) the total number of voters existing in the copies of the permanent electoral lists in that election constituency, in the additional electoral lists, and in the extract used for voting by means of the special ballot box, including:

– the total number of voters according to the copies of the permanent electoral lists;

– the total number of voters according to the additional electoral lists;

– the total number of voters for whom the special ballot box has been used;

b) the total number of voters existing in the electoral lists in that constituency, who have voted, including:

– the total number of voters according to the copies of the permanent electoral lists;

– the total number of voters according to the additional electoral lists;

– the total number of voters for whom the special ballot box has been used;

c) the total number of validly expressed votes;

d) the total number of null votes;

e) the total number of validly expressed votes, obtained by each candidates' list for the councillor's position or per each independent candidate;

f) the total number of validly expressed votes, obtained by each candidate for the mayor's position, and the position of general mayor of the Bucharest Municipality, respectively;

g) the full names of the candidates elected for the local council, or the county council and the General Council of the Bucharest Municipality, respectively, the political party, political alliance, or electoral alliance having supported them, or the mention "independent candidate", respectively;

h) the full name of the mayor, or the general mayor of the Bucharest Municipality, respectively, elected, and the political party, political alliance, or electoral alliance having supported him/her, or the mention "independent candidate";

i) a brief account of the objections and complaints filed and the decisions made by the constituency election bureau. The decisions made by constituency election bureaux shall be final;

j) the number of ballots unused and annulled.

(3) The reports shall be drawn up in two copies and signed by the constituency election bureau president and other members, also bearing the bureau stamp.

(4) The absence of the signatures of some constituency election bureau members shall have no effect on the validity of the report. The president shall mention the reasons for the missing signatures.

(5) A copy of the report for the local council, for the county council, and for the General Council of the Bucharest Municipality, respectively, along with the objections, complaints, and reports received from the election bureaux of polling stations, all making up a file, sealed and signed by the constituency election bureau president and members, shall be forwarded to the local council, or the county council or, as the case may be, the General Council of the Bucharest Municipality, respectively, in view of mandate validation, according to the provisions of Law no. 215/2001, with subsequent amendments. For the mayor's position, the file prepared according to the present paragraph shall be forwarded, under military guard, within 48 hours at the latest, to the local court having jurisdiction over the constituency where elections were held, and in the case of the position of general mayor of the Bucharest Municipality, to the Bucharest Court, in view of mandate validation, according to the provisions of Law no. 215/2001, with subsequent amendments.

(6) The second copy of the report prepared by the election bureaux of commune, town, municipality, or Bucharest Municipality district constituencies, shall be sent, within 24 hours, to the election bureau of the county constituency or Bucharest Municipality constituency, respectively.

(7) At the request of the constituency election bureau members or the representatives of the political parties, political alliances, and electoral alliances that have submitted lists of candidates, as well as the independent candidates, the election bureau president or deputy shall issue to them, in a mandatory manner, a certified copy of such report. The request must be filed in writing before the report is drawn up.

(8) The election bureaux of commune, town, municipality, or county constituencies, as the case may be, shall issue an election certificate to the local councillors and the mayor, or to county councillors, respectively.

(9) For the general mayor of the Bucharest Municipality, as well as for the members of the General Council of the Bucharest Municipality, the election certificates shall be issued by the election bureau of Bucharest Municipality constituency, and for councillors and the district mayor, by the election bureau of district constituencies.

**Article 96.** – (1) Based on the reports stipulated under article 95 (5) and (6) and its own report, the election bureau of the county constituency and of the Bucharest Municipality constituency, respectively, shall centralise the

ballots and the result of the elections per county, political parties, political alliances, electoral alliances, and independent candidates, and shall draw up a report for local councillor, county councillor, and Bucharest Municipality councillor, and for mayor and the general mayor of the Bucharest Municipality, respectively.

(2) The report shall be drawn up in two copies, within 24 hours of the receipt of all reports from the constituency election bureaux, and shall comprise:

a) the total number of voters included in the copies of the permanent electoral lists in the county constituencies, in the additional electoral lists, and in the extracts used for voting by means of the special ballot box, including:

- the total number of voters according to the copies of the permanent electoral lists;
- the total number of voters according to the additional electoral lists;
- the total number of voters for whom the special ballot box has been used;

b) the total number of voters included in the county electoral lists, who have come for voting, including:

- the total number of voters included in the copies of the permanent electoral lists;
- the total number of voters included in the additional electoral lists;
- the total number of voters for whom the special ballot box has been used;

c) the total number of validly expressed ballots;

d) the total number of null ballots;

e) the total number of validly expressed votes, obtained by the lists of candidates for the councillor's position, grouped per political parties, political alliances, or electoral alliances, as well as per independent candidates;

f) the total number of validly expressed votes, obtained by the candidates for the mayor's position, grouped per political parties, political alliances, electoral alliances, and independent candidates;

g) the total number of councillor's mandates, grouped per political parties, political alliances, electoral alliances, and independent candidates;

h) the total number of mandates for the mayor's position, grouped per political parties, political alliances, electoral alliances, and independent candidates.

(3) The report shall be signed by the president and members of the election bureaux of county constituencies, and the Bucharest Municipality constituency, respectively, and shall bear the bureau stamp.

(4) The absence of the signatures of some members of the bureau has no influence on the validity of the report. The president shall mention the reasons that have prevented the signing.

(5) A copy of the report shall be forwarded, 24 hours after being drawn up, along with the reports received from the constituency election bureaux, under military guard, to the Central Election Bureau.

(6) The election bureau of the county constituency and the Bucharest Municipality constituency, respectively, shall make public, through the official gazette of the county, the election results for that county, and for the Bucharest Municipality, respectively.

**Article 97.** – (1) The provisions of the present chapter concerning the election bureaux of the polling stations shall also apply accordingly to the election bureaux of the polling stations in the Bucharest Municipality.

(2) The provisions concerning the election bureaux of commune, town, and municipality constituencies shall also apply accordingly to the election bureaux of Bucharest Municipality district constituency, and, as the case may be, to the election bureau of the Bucharest Municipality constituency.

(3) The provisions concerning the election bureaux of county constituencies shall also apply accordingly, as the case may be, to the election bureau of the Bucharest Municipality constituency.

**Article 98.** – Candidates elected both for the local councillor's position and for the county councillor's position shall be bound to choose, within 10 days of the date of the last validation, one of the two positions. The positions thus vacated shall be filled in accordance with article 92 (9) and (10). The provisions of the present article shall also apply in the case of the members of the General Council of the Bucharest Municipality, who shall not be, at the same time, members of the local councils of Bucharest Municipality districts.

## CHAPTER V

### **Minor offences and infractions**

**Article 99.** – The following actions shall represent minor offences:

a) deliberately registering a voter in several electoral lists; registering fictitious persons or persons who are not entitled to vote in the electoral lists, signing the supporters' list in violation of article 45 provisions;

b) violating the provisions regarding the posting of candidates' lists and independent candidatures, or the use of electoral signs;

c) keeping the records with permanent electoral lists under inadequate conditions;

d) failure to make the communications stipulated by the law in due time and failure to operate them in the permanent electoral lists;

e) performing operations in the permanent electoral lists by unauthorised persons;

f) failure to inform the local courts about the changes operated in the copy of the permanent electoral list existing at the town hall;

g) failure of the organisers to take the necessary steps for a normal progress of electoral rallies, as well as distribution, by the candidates, including of alcohol beverages during rallies or, on election day, within the premises of the polling stations, delimited under article 76 (1);

h) destruction, deterioration, soiling, covering by writing on or in any other manner of electoral lists, programme platforms posted, and any other posters or announcements of electoral propaganda;

i) posting electoral propaganda means in other locations than the ones permitted under the provisions of the law;

j) acceptance by a person of his/her registration in several candidates' lists for the same public authority;

k) failure of the members of the constituency election bureaux to bring candidature proposals to public knowledge;

l) denial to permit the access to the persons stipulated under article 76 (5) in the voting premises;

m) refusal to comply with the disposals by the president of the election bureau of the polling station as regards keeping order inside and outside the voting premises, according to the provisions of article 76 (1);

n) unjustified refusal to hand over the ballot and the voting stamp to a voter appearing in the list, who produces identity paper, as well as handing over the ballot to a voter who has not produced his/her identity paper;

o) violation of the provisions of article 85 by the president of the election bureau of the polling station and drawing up reports in breach of the provisions of article 86;

p) leaving the polling station premises before the election result is established and the report is signed by the members of the election bureau;

q) electoral propaganda being continued after the closure of the electoral campaign according to the provisions of article 57, as well as advising the voters to vote or not certain political parties, political alliances, electoral alliances, or independent candidates, on election day, at the head office of the polling stations or within the premises stipulated under article 76 (1).

r) wearing, during the election, identity tags, badges, or other electoral propaganda signs by members of the election bureau of the polling station or accredited persons;

s) unjustified absence of the president, his/her deputy or members of the election bureaux, established under the provisions of the present law;

t) refusal by the election bureau president or his/her deputy to issue a certified copy of the report to the persons entitled to it according to the provisions of the present law;

u) failure of the mayor to comply with the provisions of article 16 (2).

**Article 100.** – The minor offences stipulated under article 99 h), i), j), and u) shall be sanctioned with a fine ranging from ROL 3,000,000 to ROL 5,000,000, those stipulated under c), d), e), and f) with a fine ranging from ROL 5,000,000 to ROL 7,000,000, those under j), k) o), p) q), r), s) and t) with a fine ranging from ROL 7,000,000 to ROL 10,000,000, and those stipulated under a), b), g), m), and n) with a fine from ROL 11,000,000 to ROL 15,000,000.

**Article 101.** – (1) The minor offences found and the sanctions stipulated under article 99, and article 100, respectively, shall be implemented by:

a) policemen, for the actions stipulated under article 99 a), b), g), h), i), k), l), m), n), and q);

b) mayors and their authorised representatives, for the actions stipulated under article 99 e) and h);

c) the president of the constituency election bureau, for the actions stipulated under article 99 j), o), p), and r);

d) the president of the election bureau, if the minor offences have been committed by the election bureau members, or the president of the immediately higher election bureau, if the minor offences have been committed by the president of the election bureaux under them or by their deputy, for the actions stipulated under article 99 s) and t);

e) authorised representatives of the Permanent Election Authority president, for the actions stipulated under article 99 a), b), c) d), e), and f);

f) prefects and deputy prefects, for the actions stipulated under article 99 t).

(2) The offender may pay, on the spot, or no later than 48 hours from the date of the report's drawing up, or, as the case may be, from the date of its notification, half of the minimum fine stipulated under article 100, and the finding agent shall mention this possibility in the report.

(3) The provisions of Government Ordinance no. 2/2001 on the legal status of minor offences, approved with amendments and additions by Law no. 180/2002, with subsequent amendments, shall be applicable to the minor offences stipulated under article 99.

**Article 102.** – (1) The mention of untrue data in the candidature acceptance declaration shall represent an infraction and shall be punishable by prison from 1 to 5 years.

(2) The deliberate registration of persons who do not appear in the permanent electoral list, in the copy of the permanent electoral list, shall represent an infraction and shall be punishable by prison from 6 months to 5 years.

**Article 103.** – (1) Preventing by any means the free exercise of the right to elect or be elected shall represent an infraction and shall be punishable by prison from 6 months to 5 years and suspension of certain rights.

(2) If the action stipulated under paragraph (1) has caused harm to one's body integrity or health, which requires care for more than 60 days for healing or which has caused one of the following consequences: loss of a sense or organ, cessation of their functioning, permanent physical or mental disability, maiming, abortion, or endangering the person's life, the punishment shall be prison from 3 to 10 years.

(3) Any attempted action shall be punishable.

**Article 104.** – (1) Violation by any means of the secrecy of voting by the members of the election bureau of the polling station or by other persons shall represent an infraction and shall be punishable by prison from 6 months to 3 years.

(2) Any attempted action shall be punishable.

**Article 105.** – (1) The promise, offer or giving of money, goods, or other benefits during the electoral campaign, as well as for the purpose of causing a voter to vote or not a certain candidates' list or a certain candidate for the mayor's or councillor's position, as well as the acceptance of these by voters shall represent infractions and shall be punishable by prison from 6 months to 5 years.

(2) The punishment stipulated under paragraph (1) shall also apply to a person voting without being entitled to or to the voter who votes several times on the elections day.

(3) Any attempted action shall be punishable.

**Article 106.** – (1) Printing and using forged ballots, inserting an additional number of ballots in the ballot box compared to the ones voted by the voters, forging by any means the documents at the election bureaux, as well as using a null or forged identity paper shall represent infractions and shall be punishable by prison from 2 to 7 years.

(2) Any attempted action shall be punishable.

**Article 107.** – (1) The attack by any means on the polling station premises, the stealing of the ballot box or election documents, or breaking

the seals shall represent infractions and shall be punishable with prison from 2 to 7 years, unless the action constitutes a more serious infraction.

(2) Any attempted action shall be punishable.

**Article 108.** – (1) The opening of the ballot boxes before the time scheduled for voting closure, as well as the use of the special ballot box under other conditions than the ones stipulated under article 83 shall represent infractions and shall be punishable by prison from 6 months to 3 years.

(2) Any attempted action shall be punishable.

**Article 109.** – (1) Entrusting the special ballot box to other persons than the members of the election bureau of the polling station shall represent an infraction and shall be punishable by prison from 1 to 5 years.

(2) The same punishment shall also apply to a person who carries the special ballot box without being a member of the election bureau of the polling station.

(3) Any attempted action shall be punishable.

**Article 110.** – The limits of the punishments for the infractions stipulated in the Penal Code or in the special penal laws, committed in connection with the progress of the elections, shall be increased by half of the special maximum.

**Article 111.** – For all the infractions stipulated in the present law, committed in connection with the election of councillors and mayors, the criminal procedure shall be initiated *ex officio*.

**Article 112.** – The goods designed for or used in committing the minor offences stipulated under article 99 i) and r), or the infractions stipulated under articles 105 and 106, or resulting from their committing shall be confiscated.

## CHAPTER VI

### Transitory and final provisions

**Article 113.** – (1) The expenses for election organisation and progress shall be incurred from the local budgets of communes, towns, municipalities, Bucharest Municipality districts, counties, or Bucharest Municipality, as the case may be.

(2) The Government shall provide the premises, supplies and expenses of the Central Election Bureau. The premises and supplies of the election bureaux of county constituencies and, as the case may be, county election bureaux shall be provided by the mayors of municipalities that are county capitals, along with the presidents of the county councils and the prefects, and those of the election bureaux of commune, town, municipality, and

Bucharest Municipality district constituency, as well as those of the polling stations, by the mayor, along with the prefects.

(3) The members of the election bureaux, statisticians, and auxiliary technical personnel shall be granted an allowance set up by Government Decision.

**Article 114.** – Prefects and deputy prefects shall not run for positions and may not participate in actions in the electoral campaign, under the penalty of being dismissed, unless they resign at least 50 days before the election date.

**Article 115.** – The documents drawn up in exercising the voting rights stipulated in the present law shall be exempted from the stamp fee.

**Article 116.** – (1) The Government, the presidents of county councils, and the mayors must provide, in support of the election bureaux' activity, the necessary statisticians and the auxiliary technical personnel, for the period such bureaux are in operation.

(2) The members of the election bureaux, statisticians, and auxiliary technical personnel, who act as employees based on labour contracts or are appointed to a public position, shall be deemed seconded to the election bureaux, for the period the latter operate.

(3) Accredited delegates may only attend the election operations if they produce the accreditation document. They shall not interfere in any way in election organisation and progress, being only entitled to inform the president of the election bureau when irregularities are found. Any propaganda action for or against a political party, political alliance, electoral alliance or independent candidate, or the attempt to influence a voter's option, as well as the violation in any way of the accreditation document shall entail the implementation of the lawful sanctions, the cancellation of the accreditation by the election bureau having found the breach, and, on the election day, the immediate removal of that person from the polling station.

**Article 117.** – (1) The judging by the court of the objections, complaints, and any other petitions stipulated by the present law shall be in compliance with the regulations set up by the law for the presiding judge's ordinance, in the mandatory presence of the public prosecutor.

(2) There is no way of appeal against the final and irrevocable decisions delivered by the courts of law according to the present law.

**Article 118.** – (1) The time limits per days, as stipulated in the present law, shall be calculated from the day they start to flow to the day they have elapsed, inclusive, even if such days are not week days.

(2) All along the election period, the election bureaux and courts of law must ensure there is permanent activity necessary for the citizens to

exercise their voting rights. Their activity timetable for the entire election period shall be posted in a visible place, and strictly adhered to.

**Article 119.** – (1) Persons deprived of voting rights as a result of a final court decision shall not participate in voting and shall not be taken into consideration in establishing the total number of voters, for the entire duration ordered by the decision.

(2) For persons in custody based on a warrant for preventive custody the provisions of article 83 concerning the special ballot box shall apply accordingly, as far as such a way of voting is requested.

(3) Under the terms of paragraph (2), only the persons who reside within the area of a commune, town, or municipality constituency, where elections take place, shall vote.

**Article 120.** – Within the meaning of the present law, the lawfully established organisations of the citizens belonging to national minorities shall be deemed similar to the political parties.

**Article 121.** – (1) Within 5 days of the setting up of the election date, the Government shall establish the model copy of the permanent electoral lists, the model of the additional electoral list, and of the supporters' list, as well as of the stamps for the constituency election bureaux, county election bureaux, and Central Election Bureau. Also, the Government shall establish, at least 20 days before the election date, the model of the control stamp and of the stamp marked "voted", of the reports for registration of the election result and of the certificate attesting to the election of the councillors and the mayor.

(2) Handover and receipt of the forms, stamps and other materials needed for voting shall be based on a signed report.

**Article 122.** – By *means of identification*, within the meaning of the present law, one understands the ID card, temporary ID card, or diplomatic or official passport, and in the case of conscripts and students in military schools, the military service card.

**Article 123.** – The election bureaux of county constituencies and of Bucharest Municipality constituency shall only accredit, as home observers, citizens entitled to vote, with powers granted by a nongovernmental organisation whose object is the protection of human rights, lawfully established at least 6 months before the beginning of the electoral campaign.

**Article 124.** – The persons designated as home observers shall not be members of a political party; accreditation shall be granted for all polling stations on the area of the county constituency or Bucharest Municipality constituency, only at the request of the organisations mentioned under article 123, accompanied by the written statement by each observer he/she will comply with the accreditation terms; the statement shall be given on one's

own account and shall represent a public law document, with all the consequences stipulated by the law; the terms of accreditation shall be those stipulated under article 116 (3) and shall be mentioned in the accreditation document.

**Article 125.** – The provisions of article 116 (3) shall be applicable accordingly to the nongovernmental organisations stipulated under article 123.

**Article 126.** – The Government shall establish the duration and conditions for keeping the ballots used and those contested, as well as the unused ones, the stamps and other materials needed for voting.

**Article 127.** – (1) The provisions of the present law shall apply accordingly to the elections organised over the duration of a mandate, as a result of the dissolution of some local or county councils, or councils of some Bucharest Municipality districts, as well as a result of the invalidation of the mayor's position or its vacancy.

(2) One year before the expiry of the normal duration of the mandate, no elections shall be organised any longer for the local councils, county councils, mayors, for the General Council of the Bucharest Municipality, or for the general mayor of the Bucharest Municipality.

**Article 128.** – By the expression *constituency election bureau*, as used in the present law, one understands the election bureau of commune, town, municipality, including that of the Bucharest Municipality, and county constituency, as well as of an administrative-territorial subdivision of a municipality.

**Article 129.** – The Law no. 70/1991 on the local elections, republished in the Official Gazette of Romania, Part I, no. 79 of 18 April 1996, with subsequent amendments and additions, shall be repealed.