

LAW

on the election of the President of Romania*

CHAPTER I

General provisions

Article 1. – (1) The present law shall regulate the way how the elections for the office of President of Romania will be organised and held.

(2) The President of Romania shall be elected by universal, equal, direct, secret and freely expressed vote, under the terms of the present law.

(3) A voter shall be entitled to a single vote in each round organised for the election of the President of Romania according to article 81 (2) and (3) of the Constitution of Romania, republished.

Article 2. – (1) In the administrative-territorial units, the voting operations for the election of the President of Romania shall take place in constituencies and polling stations, under the guidance and supervision of the election bureaux stipulated by the Law on the elections for the Chamber of Deputies and Senate, based on the same electoral lists.

(2) According to article 146 f) of the Constitution of Romania, republished, the Constitutional Court shall see that the provisions of the present law are complied with in the entire country, and shall ascertain the election results.

Article 3. – (1) In the elections for the office of President of Romania, candidates that are proposed by the political parties or political alliances established in accordance with the Law of political parties no. 14/2003, as well as independent candidates may run. Political parties and alliances may only propose one candidate each. Parties that are members of a political alliance proposing a candidate may not propose other candidates separately.

(2) Candidacies proposed by political parties and alliances, as well as independent candidacies may only be submitted if supported by at least 200 000 voters. A voter may only support one candidate.

Article 4. – (1) The election date shall be set and made public by the Government at least 45 days before the voting date and no later than 5 days after the expiry of the mandate of the President in office or, as the case may

* Law no. 370/2004 was published in the Official Gazette of Romania, Part I, no. 887 of 29 September 2004 and amended by Government Emergency Ordinance no. 77/2004, published in the Official Gazette of Romania, Part I, no. 920 of 9 October 2004. The amendments and additions are to be found throughout the present act.

be, from the date on which the term stipulated under article 97 (2) of the Constitution of Romania, republished, starts to elapse.

(2) The elections shall take place in a single day, which may only be a Sunday.

CHAPTER II

Election organisation and progress

Section 1

Powers of election bureaux

Article 5. – The powers of the Central Election Bureau shall be as follows:

a) seeing that the permanent electoral lists are updated, checking that the provisions of the law on the election of the President of Romania are complied with throughout the country, and making sure they are implemented consistently;

b) finding that the provisions of the present law for submitting candidacies are being met, and registering candidacies that meet such requirements; to this effect, it may request the Department of the Public Prosecutor to check that the terms stipulated under article 9 (3) are being complied with;

c) notifying the registered candidacies to constituency election bureaux, and making them public;

d) solving objections regarding its own activity, and petitions sent by constituency election bureaux; the solutions made by it shall be final;

e) centralising election results, finding the elected candidate, and sending the documentation needed for validating the mandate of President of Romania to the Constitutional Court;

f) carrying out any other obligations incumbent on it under the present law.

Article 6. – Constituency election bureaux shall have the following powers:

a) making the publishing and posting stipulated by the law, no later than 5 days from receiving the notification regarding the candidacies registered with the Central Election Bureau;

b) solving objections concerning its own activity, and petitions regarding the operations of polling station election bureaux;

c) distributing ballot papers, control stamps, and stamps with the mention “Voted” to polling station election bureaux;

d) centralising election results for that constituency and sending to the Central Election Bureau the written reports comprising such results, as well

as the objections, petitions, and written reports received from polling station election bureaux;

e) meeting any other obligations stipulated by the law as their competence.

Article 7. – Polling station election bureaux shall carry out, accordingly, the powers incumbent on them, under the law, for the elections for the Chamber of Deputies and the Senate.

Article 8. – Election bureaux shall work and make decisions based on the votes of the majority of the members present.

Section 2

Candidacies

Article 9. – (1) The proposals for candidates for the election of the President of Romania shall be submitted to the Central Election Bureau no later than 30 days before the election date.

(2) The proposals shall be in writing, being accepted only if:

a) they are signed by the leadership of the political party or alliance, or by the leaderships of such alliances that have proposed the candidate or, as the case may be, by the independent candidate;

b) they comprise the candidate's full name, place and date of birth, civil status, address, education, occupation and profession, and the mention that he/she meets the requirements of the law for running for president;

c) they are accompanied by the declaration of candidacy acceptance, written, signed and dated by the candidate, his/her declaration of assets, an authentic statement on one's own account, given under the criminal law, regarding his/her having acted or not as an agent or collaborator of the *Securitate* operating as a political police, as well as the list or lists of supporters, whose number may not be lower than 200 000.

(3) The list of supporters shall be a public document, under the sanction stipulated by article 292 of the Penal Code. The list or lists of supporters shall comprise the election date, the candidate's full name, as well as the full names, dates of birth, addresses, denominations, serial numbers of ID papers, and signatures of the voters supporting that candidacy. At the end of the list, the person having drawn it up shall be bound to make a statement on his/her own account attesting to the truthfulness of the supporters' signatures. The model of the list of supporters and of the statement on one's own account shall be provided for in appendix no. 1.

(4) The proposal for candidacy shall be submitted and registered by the Central Election Bureau in 4 copies, an original and 3 copies. The original and one copy shall be kept with the Central Election Bureau, another one

shall be sent to the Constitutional Court, and the fourth, certified by the president of the Central Election Bureau, shall be returned to the submitter.

Article 10. – The persons who, on the date of submitting the candidacy, do not meet the requirements stipulated under article 37 of the Constitution of Romania, republished, with a view to being elected or who have been elected twice previously, as President of Romania.

Article 11. – (1) The Central Election Bureau shall make public the proposals received for candidates, in the media, and shall post them, at its headquarters, within 24 hours of their registration.

(2) No later than 20 days before the election date, the candidate, political parties, political alliances, and citizens may contest the registration of – or the failure to register – the candidacy. The petition shall be submitted to the Central Election Bureau, which shall send it to the Constitutional Court, for solution, together with the candidacy file, within 24 hours.

(3) The Constitutional Court shall solve the petition within 48 hours of its filing. The solution shall be final and published in the Official Gazette of Romania, Part I.

(4) The next day after the expiry of the term for solving petitions, as stipulated under paragraph (3), the Central Election Bureau shall notify the final registered candidacies, in the order of their submittal, to constituency election bureaux.

Section 3 **Ballot papers**

Article 12. – (1) Ballot papers shall be printed according to the model stipulated in appendix no. 2.

(2) The size of the ballot paper shall be set out by the Central Election Bureau, taking into consideration the number of candidates and the space needed for printing them, and notified to constituency election bureaux together with the notification of candidacies.

(3) Ballot paper printing shall be ensured by the constituency election bureaux with the help of prefects, in compliance with the provisions of the law concerning the printing of ballot papers for the elections for the Chamber of Deputies and the Senate, which shall apply accordingly. Prefects shall be responsible for the necessary ballot papers being printed at least 3 days before election date.

(4) Candidates' listing in the ballot paper shall be in the order of candidacy submittal.

Article 13. – (1) Election signs shall be declared with the Central Election Bureau at the same time as the candidacy submittal.

(2) If the elections for the office of President of Romania should take place at the same time as those for the Chamber of Deputies and the Senate, only the election signs established in the elections for the two Chambers shall be used. If the elections for the office of President of Romania take place on a different date, only the election signs established in the last elections for the Chamber of Deputies and the Senate shall be used. As far as political parties or political alliances are concerned that did not participate in those elections, the provisions of the law on the elections for the Chamber of Deputies and the Senate, regarding election signs and denominations, shall apply.

Article 14. – The provisions of the law on the elections for the Chamber of Deputies and the Senate, regarding polling station stamps and the handover, distribution and posting of ballot papers, or the issuance of endorsed and annulled ballot papers, shall also apply to the elections for the office of President of Romania.

Section 4

Electoral campaign and election progress

Article 15. – (1) The electoral campaign and the progress of the elections for the office of President of Romania shall take place under the provisions of the law on the elections for the Chamber of Deputies and the Senate, unless otherwise stipulated in the present section.

(2) The president in office may participate in the electoral campaign of the political party or political alliance having proposed him or supporting his candidacy, according to article 9.

Article 16. – (1) Access to the public radio and television services shall be equal and free to all the candidates running for the office of President of Romania.

(2) The timetable for the electoral campaign and air time distribution in order to ensure equal and free access of candidates to public radio and television services shall be established, after the term for candidacy submittal has ended, by the reunited permanent bureaux of the two Chambers of the Parliament, together with the representatives of public radio and television services, with the participation of the candidates.

(3) If the elections for the office of President of Romania should take place at the same time as those for the Chamber of Deputies and the Senate, the timetable and air time distribution for the electoral campaign for the elections to the two Chambers shall also be taken into consideration.

Article 17. – Petitions shall be solved by the Constitutional Court, within 3 days of the notification, against the solution passed by a constituency election bureau concerning the complaints filed with it about a political party

or alliance, or a candidate having been prevented from carrying out their electoral campaign.

Article 18. – (1) If the elections for the office of President of Romania should take place at the same time as those for the Chamber of Deputies and the Senate, the persons accredited to attend the voting operations for the election of deputies and senators may also attend the operations involving the election of the President of Romania.

(2) If the elections for the office of President of Romania should take place on a different date, the Central Election Bureau shall be in charge of the accreditation of the delegates of the press, cinema industry, radio and television networks, either Romanian or foreign, of non-governmental organisations the main object of which is the protection of human rights, or of foreign observers applying for this, with a view to attending the voting operations.

(3) In the situation stipulated under paragraph (2), the political parties and alliances having proposed candidates shall be able to designate one delegate per each polling station and constituency election bureau, who will attend the voting operations. The designation shall include the representative's full name and address, under the signatures of the political party or alliance leaders. If several political parties or alliances have proposed the same candidate, they may only designate one joint representative.

Article 19. – (1) A voter shall vote by applying the stamp with the mention "Voted" inside the quadrilateral that comprises the full name of the candidate he/she is voting for.

(2) If the elections for the office of President of Romania should take place at the same time as those for the Chamber of Deputies and the Senate, the stamp with the mention "Voted" shall be affixed to the voter's card on a single election number after the vote has been cast.

(3) If the elections for the office of President of Romania should take place on a different date than those for the Chamber of Deputies and the Senate, the stamp shall be affixed to the voter's card after the vote has been cast, under the election number made public by the Government together with the election date.

(4) On the second round, the stamp shall be affixed to the election number that follows.

CHAPTER III **Ascertaining election results**

Article 20. – (1) The election operations for finding voting results in polling stations, the petitions and objections to the voting and ballot-box

opening operations shall take place in compliance with the provisions of the law on the elections for the Chamber of Deputies and the Senate.

(2) The results of voting in a polling station shall be listed in a table.

(3) The candidates in the elections for the Parliament acting on behalf of the political parties that have also proposed candidates for the office of President of Romania shall also be entitled to draw up a table. If the elections for the two Chambers and for the President of Romania do not take place at the same time, this right shall belong to the delegates of the political parties having proposed candidates in the elections for the office of President of Romania.

(4) The tables shall comprise the null votes, the candidates' full names, and the votes validly cast for each candidate.

Article 21. – (1) After the ballot boxes are opened and the ballot papers counted, the president of the polling station election bureau shall draw up a written report in 3 copies, comprising:

*“a) the total number of voters appearing in the copy of the permanent electoral list and the special electoral lists, of which:

– the total number of voters appearing in the copy of the permanent electoral list;

– the total number of voters appearing in the special electoral lists;

b) the total number of voters appearing in the electoral lists existing with the polling station where they came for voting, of which:

– the total number of voters appearing in the copy of the permanent electoral list;

– the total number of voters appearing in the special electoral lists.”

c) the total number of votes validly cast;

d) the number of null votes;

e) the number of votes validly cast per each candidate;

f) a brief account of the objections and petitions and of the way how they were solved, as well as of the petitions submitted to the constituency election bureau for solution;

*“f¹) the condition of seals, at the end of voting;

f²) the number of ballot papers received; ”

g) the total number of ballot papers unused and annulled.

(2) Written reports shall be signed by the bureau president and members. A copy of the written report shall be posted in a visible place, at the polling station headquarters.

* Points a) and b) of paragraph (1) of article 21 were amended by Government Emergency Ordinance no. 77/2004, and points f¹) and f²) were introduced after point f) by the same act.

(3) The members of polling station election bureaux shall be issued, at their request, a copy certified by all those having signed the original report; the request should be made before the written report is drawn up.

(4) The absence of the signatures of some bureau members shall not have an influence on the validity of the written report. The president shall state the reasons having prevented those persons from signing the document.

(5) The written reports, together with all the petitions regarding the polling station's election operations, as well as with the null and contested ballot papers, shall make up a file that, after being sealed and stamped, shall be sent to the constituency election bureau by the president and the members of the polling station election bureau, under military protection, no later than 24 hours.

(6) 24 hours from receiving the file, the constituency election bureau shall send one of the written report copies to the court of law in the district of which the constituency is located; candidates or the political parties or alliances that proposed them may obtain certified copies of that copy.

Article 22. – (1) After receiving the written reports from all polling station election bureaux and solving the petitions and objections received, the constituency election bureau shall draw up a written report that will comprise:

*“a) the total number of voters appearing in the copy of the permanent electoral list and in the special electoral lists, of which:

– the total number of voters appearing in the copy of the permanent electoral list;

– the total number of voters appearing in the special electoral lists;

b) the total number of voters appearing in the electoral lists existing with the polling station where they came for voting, of which:

– the total number of voters appearing in the copy of the permanent electoral list;

– the total number of voters appearing in the special electoral lists;”

c) the total number of votes validly cast;

d) the number of null votes;

e) the number of votes validly cast per each candidate within that constituency;

*“e¹) the number of ballot papers received by polling stations.”

f) a brief account of the objections, petitions, and decisions made by the constituency election bureau;

* Points a) and b) of paragraph (1) of article 22 were amended by Government Emergency Ordinance no. 77/2004, and point e¹) was introduced after point e) by the same act.

g) the total number of ballot papers unused and annulled.

(2) The provisions of article 21 (2) and (4) shall apply accordingly.

(3) The written report, together with the objections, petitions, and written reports received from polling station election bureaux, all making up a file, packed, sealed and signed by the election bureau members, shall be sent to the Central Election Bureau under military protection, no later than 48 hours from the receipt of the last written report from polling station election bureaux.

Article 23. – (1) The Central Election Bureau shall solve the objections and petitions filed, the decisions made by it being final, and then it shall draw up a written report comprising:

“a) the total number of voters appearing in the copy of the permanent electoral list and in the special electoral lists, of which:

– the total number of voters appearing in the copy of the permanent electoral list;

– the total number of voters appearing in the special electoral lists;

b) the total number of voters appearing in the electoral lists existing with the polling station where they came for voting, of which:

– the total number of voters appearing in the copy of the permanent electoral list;

– the total number of voters appearing in the special electoral lists;”

c) the total number of null ballot papers;

d) the total number of votes validly cast, for the entire country, per each candidate, and finding that the conditions stipulated under article 81 of the Constitution of Romania, republished, have been met; unless these conditions are met, the full names of the candidates who will participate in the second round;

e) the centralisation of the results for the second round, according to the provisions of letters a)–d), that shall apply adequately, and the full name of the candidate whose election has been found;

“e¹) the number of ballot papers received from polling stations.”

f) the way in which the petitions and objections received have been solved.

(2) The provisions of article 21 (2) and (4) shall apply accordingly.

(3) The written report, for each round, together with the files from constituency election bureaux, received under article 22 (3), shall be sent to the Constitutional Court under military protection, within 24 hours of the registration of the last file.

Article 24. – (1) The Constitutional Court shall cancel the elections if voting and result ascertainment took place based on fraud apt to modify the assignment of the mandate or, as the case may be, the order of the candidates who may participate in the second round. If such is the case, the

* Points a) and b) of paragraph (1) of article 23 were amended by Government Emergency Ordinance no. 77/2004, and point e¹) was introduced after point e) by the same act.

Court shall order the round to be repeated on the second Sunday following the date of election cancellation.

(2) The parties or candidates having participated in the elections may file a petition for election cancellation no later than 3 days from the closure of voting; the petition shall need to be motivated and accompanied by the evidence it is grounded on.

(3) The petition may only be admitted if the person having notified the facts is not involved in this fraud.

(4) The Constitutional Court shall solve the petition before the date set by the law for making election results public.

Article 25. – (1) The Constitutional Court shall publish the election results in the press and in the Official Gazette of Romania, Part I, for each round, and shall validate the election results for the elected president.

(2) The validation document shall be drawn up in 3 copies, one of which shall stay with the Constitutional Court, another one shall be sent to the Parliament for the oath to be taken as stipulated by article 82 (2) of the Constitution of Romania, republished, and the third shall be handed over to the candidate elect.

Article 26. – (1) The second round shall take place under the conditions stipulated under article 81 (3) of the Constitution of Romania, republished, two weeks after the first round, in the same polling stations and constituencies, with the election operations being run by the same election bureaux and based on the same electoral lists as the first round.

(2) In the second round shall participate only the first 2 candidates who have obtained the highest number of votes, validly cast for the entire country, in the first round. The Constitutional Court shall acknowledge that number no later than 24 hours from receiving the written reports stipulated under article 23 (3), by making public the full names of the two candidates to participate in the second round and the voting date set according to paragraph (1).

(3) The electoral campaign for the second round shall start on the date the voting day has been made public.

(4) Within two days of the opening of the electoral campaign, its timetable with the public radio and television services and air time distribution shall be established, according to article 16 that shall apply accordingly.

(5) The persons accredited to attend the election operations during the first round shall rightfully be accredited to attend these operations during the second round, too.

CHAPTER IV

Transitory and final provisions

Article 27. – The infringement sanctions and punishments stipulated by the law for violating the provisions of the law on the elections for the Chamber of Deputies and the Senate shall also apply as regards the violation of the provisions of the law on the election of the President of Romania.

Article 28. – The provisions of the law on the elections for the Chamber of Deputies and the Senate, regarding election costs, stamp duty, election offices, the Government support for election bureaux and election offices, materials used in the election process, ID paper and voter's card, as well as the judgement of objections, petitions, and any other petitions by the courts of law, shall also apply as regards the elections for the office of President of Romania.

***Article 28¹.** – The provisions of the present law regarding political alliances shall also apply accordingly to the election alliances established under the conditions stipulated by Law no. 373/2004 on the elections for the Chamber of Deputies and the Senate.”

Article 29. – Appendices no. 1 and 2 shall be an integral part of the present law.

Article 30. – (1) The 2004 elections for the office of President of Romania shall take place at the same time as those for the Chamber of Deputies and the Senate.

(2) The election date and length of the 2004 electoral campaign for the office of President of Romania shall be set by law.

Article 31. – On the date of the present law coming into effect, Law no. 69/1992 on the election of the President of Romania, published in the Official Gazette of Romania, Part I, no. 164 of 16 July 1992, with subsequent amendments and additions, shall be repealed.

* Article 28¹ was introduced by Government Emergency Ordinance no. 77/2004.

Denomination of political party or political alliance (or mention "Independent candidate", as the case may be)
 Election sign of the political party or political alliance

**LIST OF SUPPORTERS
 for the election of the President of Romania**

- (election date) -
 Candidate (full name)

No.	First name	Name	Date of birth	Address	ID paper			
					Type	Series	Number	Signature*)
1.								
2.								
5.								
4.								
5.								
6.								
7.								

DECLARATION

The undersigned (full name), residing in (full name),
 born on in the commune/town/municipality of county, holder of ID card series
 no. I hereby declare on my own account that all the data and signatures appearing in the present list, which has
 items, are true to reality.

Date, Locality, Signature,

*) The list is a public document, coming under the article 292 of the Penal Code. Signing several lists shall be prohibited.

**MODEL OF THE BALLOT PAPER
FOR THE ELECTION OF THE PRESIDENT OF ROMANIA**

Sheet 1

Sheets 2, 3 ...

<p>ROMANIA</p> <p>P</p> <p>BALLOT PAPER</p> <p>FOR THE ELECTION OF THE PRESIDENT OF ROMANIA</p> <p>*)</p> <p>No. Constituency</p>	<table border="1"><tr><td style="text-align: center;">1) 2)</td><td style="text-align: center;">1) 2)</td></tr><tr><td style="text-align: center;">3)</td><td style="text-align: center;">3)</td></tr><tr><td style="text-align: center;">1) 2)</td><td style="text-align: center;">1) 2)</td></tr><tr><td style="text-align: center;">3)</td><td style="text-align: center;">3)</td></tr><tr><td style="text-align: center;">1) 2)</td><td style="text-align: center;">1) 2)</td></tr><tr><td style="text-align: center;">3)</td><td style="text-align: center;">3)</td></tr></table>	1) 2)	1) 2)	3)	3)	1) 2)	1) 2)	3)	3)	1) 2)	1) 2)	3)	3)
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*) The election date shall be mentioned here.

- 1) The full denomination of the political party or political alliance, or the mention "Independent candidate" shall be written here.
- 2) The election sign shall be placed here; a 3-letter distance shall be kept between the denomination of the political party or political alliance and the election sign.
- 3) The candidate's full name shall be mentioned here.

NOTE:

As many quadrilaterals shall be printed as the number of candidates, in the order of candidacy submittal.

The paper for ballot papers shall be white, and thick enough to make sure no one can read the printed name and the vote cast from the back of it.

On the pages of ballot papers, enough quadrilaterals shall be printed to comprise all the candidacies, except for the last page, which is to remain blank, for the control stamp.

All the full names and wording to be inscribed inside a quadrilateral shall be printed in capital letters.

The ballot paper pages, including the last page which is to remain blank, shall be numbered.

Stamp ink of the same colour shall be used within the territory of a constituency.

The election sign shall be printed in a graphical space of 2.5 cm x 2.5 cm.