

# **LAW**

## **on the elections for the Chamber of Deputies and the Senate\***

### **CHAPTER I**

#### **General provisions**

**Article 1.** – (1) The present law shall establish the general legal framework for the organisation and holding of the elections for the Chamber of Deputies and the Senate.

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

**Article 2.** – A voter shall be entitled to one vote for the election to the Chamber of Deputies and one vote for the election to the Senate.

**Article 3.** – (1) Deputies and senators shall be elected in constituencies based on the list system, according to the principle of proportional representation, as well as based on individual candidacies.

(2) The representation rate for elections to the Chamber of Deputies shall be one deputy for 70,000 inhabitants.

(3) The representation rate for elections to the Senate shall be one senator for 160,000 inhabitants.

(4) The number of deputies and senators to be elected shall be established by relating the number of inhabitants of each constituency to the representation rates set out under paragraphs (2) and (3), adding a deputy's or senator's seat to all that exceeds half of the representation rate, without the number of deputies being lower than 4, and that of senators being lower than 2.

(5) The number of inhabitants to be taken into account, according to paragraph (4), shall be the one existing on the date of 1 July of the year preceding the elections, as published in the Statistical Yearbook of Romania. If, at least 5 months before the election date, a general population census

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\* Law no. 373/2004 was published in the Official Gazette of Romania, Part I, no. 887 of 29 September 2004 and amended by Government Emergency Ordinance no. 80/2004, published in the Official Gazette of Romania, Part I, no. 941 of 14 October 2004. The amendments and additions are to be found throughout the present act. The Constitutional Court has ruled on the constitutionality of this law by means of Decision no. 339/2004, published in the Official Gazette of Romania, Part I, no. 887 of 29 September 2004, which is to be found at page 571.

takes place, the number of inhabitants to be taken into account shall be the one resulting from the census, published by the National Statistics Institute.

(6) The territorial delimitation and the numbering of constituencies, as well as the number of deputy's and senator's mandates per each constituency shall be stipulated in appendix no. 1.

**Article 4.** – (1) Within the meaning of the present law, *national minority* shall mean that ethnic group that is represented in the National Minorities' Council.

(2) The organisations of citizens belonging to a lawfully set up national minority as defined under paragraph (1), which have not obtained at least one deputy's or senator's mandate in the elections, shall be entitled to one deputy's mandate, all together, according to article 62 (2) of the Constitution of Romania, republished, if they have obtained, throughout the country, a number of votes equal to at least 10% of the average number of votes validly cast nationwide for the election of a deputy.

(3) The organisations of citizens belonging to the national minorities represented in the Parliament may submit candidacies.

(4) Candidacies may also be submitted by other organisations of citizens belonging to the national minorities as defined under paragraph (1), lawfully set up, which shall file with the Central Election Bureau, within 3 days of its establishment, a members' list comprising at least 15% of the total number of citizens who, in the latest census, have declared themselves to belong to that minority.

(5) If the number of members needed for complying with the terms stipulated under paragraph (4) should exceed 25,000 persons, the members' list shall comprise at least 25,000 persons residing in at least 15 of the country's counties and in Bucharest municipality, but no less than 300 persons for each one of those counties and Bucharest municipality.

(6) The members' list shall be drawn up per localities and counties and must comprise: the denomination of the organisation, members' full names, date of birth, residence, denomination, serial number of the ID paper, their signatures, as well as the full name of the person having prepared it. The person having prepared the list shall be bound to submit, along with the list, a statement on one's own account attesting to the truthfulness of the members' signatures, as well as the fact that the list has been prepared with a view to participating in that year's parliamentary elections.

(7) Within the meaning of the present law, the same legal regime applicable to the political parties shall be applicable to the organisations of citizens belonging to national minorities, as stipulated under paragraphs (3) and (4).

(8) The organisations of citizens belonging to the national minorities having participated in the elections on a joint list of two or more

organisations shall also benefit from the provisions of paragraph (2); if such is the case, if no candidate on the joint list has been elected, a deputy's mandate shall be assigned for all the organisations having submitted the list, in compliance with the provisions of paragraph (2).

(9) The provisions of paragraph (2) shall not be applicable to an organisation of citizens belonging to national minorities that has participated in the elections on a joint list with another political party, political alliance, or electoral alliance, or both on joint lists and its exclusively own lists.

(10) The deputy's mandate assigned according to paragraph (2) shall be granted in addition to the total number of deputies resulting from the representation rate.

(11) The organisations stipulated under paragraphs (3) and (4) may only participate in the elections and submit candidates' lists under the denominations and election signs of such organisations.

(12) As a departure from the provisions of article 5 (8), the organisations of citizens belonging to national minorities may submit the same candidates' list for the Chamber of Deputies in several constituencies.

**Article 5.** – (1) Candidacies for the Chamber of Deputies and the Senate shall only be proposed on separate candidates' lists by political parties and political alliances established under the Law of the political parties no. 14/2003, as well as by electoral alliances established under the terms of the present law.

(2) The candidates' lists for the election of deputies and senators should be prepared so as to make sure both sexes are represented.

(3) The number of candidates on each list may be higher than the number of mandates resulting from the representation rate by two to one quarter of such mandates; fractions should be rounded to the figure 1, irrespective of their size.

(4) In the same constituency, a political party, political alliance, or electoral alliance may only propose a single candidates' list for each of the Parliament's Chambers. The political parties from political alliances or electoral alliances may only participate in the elections on that alliance's lists. A political party may only belong to a single political alliance or electoral alliance.

(5) Candidates' lists shall also comprise the candidates' political membership, as far as political alliances and electoral alliances are concerned.

(6) An independent candidate may participate individually in the elections if he/she should be supported by at least 5% of the total number of voters in the permanent electoral lists of the localities located in the constituency where he/she stands for election. No independent candidacies shall be admissible on the candidates' lists submitted by political parties, political alliances, or electoral alliances. No independent candidates' lists shall be admissible either.

(7) The President of Romania, in office on the date of the election for the Chamber of Deputies and the Senate, if he should be in the last 3 months of his term of office, may run as an independent candidate on the lists of a political party, political alliance, or electoral alliance, for a deputy's or senator's mandate. If he is elected deputy or senator, after validation, the President of Romania shall be bound to choose between the deputy's or senator's position and that of president.

(8) A person may run either for a deputy's mandate or a senator's mandate in a single constituency.

(9) Candidacies on several candidates' lists, or both on a list and as an independent candidate shall be rightfully null. Such nullity shall be recorded in a decision by the election bureau of that constituency or, as the case may be, by the Central Election Bureau.

(10) The organisations of citizens belonging to national minorities may choose to submit the same candidates' list for the Chamber of Deputies in several constituencies.

**Article 6.** – (1) Political parties and political alliances may only become associated at a national level, based on a protocol, by establishing an electoral alliance, for the purpose of participating in the elections for the Chamber of Deputies and the Senate. A political party or political alliance may only belong to a single electoral alliance. An electoral alliance having participated in the previous elections under a denomination may only keep that denomination if it has not changed its original composition. Also, that denomination may not be used by another alliance.

(2) The protocol for the establishment of an electoral alliance shall be submitted to the Central Election Bureau within 48 hours of its establishment.

(3) The Central Election Bureau shall rule, in an open session, on the acceptance or rejection of the protocol establishing an electoral alliance, within 24 hours of it being submitted.

(4) The decision of the Central Election Bureau to admit the protocol establishing an electoral alliance may be contested by any interested natural or legal person before the High Court of Cassation and Justice, within 24 hours of it being pronounced.

(5) The decision by the Central Election Bureau to reject the protocol establishing an electoral alliance may be contested by the protocol signatories before the High Court of Cassation and Justice, within 24 hours of it being pronounced.

(6) The High Court of Cassation and Justice shall rule on the petitions stipulated under paragraphs (4) and (5) within 24 hours, by means of a final and irrevocable judgement.

(7) The other provisions of the present law regarding political alliances shall apply accordingly to electoral alliances, too.

**Article 7.** – (1) The election date shall be established and made public by the Government at least 45 days before the voting date and no later than 5 days from the date on which the term stipulated under article 63 (2) of the Constitution of Romania, republished, starts to elapse.

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

(3) The number of the ballot in the voter's card shall be established and made public by the Government together with the election date, and shall be the same all over the Romanian territory.

The election date shall be made public in the Official Gazette of Romania, part I, as well as in the print and broadcast media.

## **CHAPTER II**

### **Electoral lists and voter's cards**

#### *Section 1*

#### **Electoral lists**

**Article 8.** – The electoral lists shall comprise the citizens entitled to vote. They shall be permanent or special.

**Article 9.** – (1) Permanent electoral lists shall be drawn up per localities and shall comprise all the citizens entitled to vote who reside in the locality where the lists have been drawn up.

(2) The mayor of an administrative-territorial unit shall have the permanent electoral lists drawn up and updated along with the computer-based population record services within the structure of the Ministry of Administration and of the Interior.

(3) Permanent electoral lists shall be drawn up, for the communes, per villages and, as the case may be, per streets, if the latter have names, and for towns, municipalities and administrative-territorial subdivisions of municipalities, per streets, in alphabetical order.

(4) Permanent electoral lists must comprise, in the order of the number of the buildings where voters live, the latter's full names, personal code numbers, residence, denomination, serial number of the ID paper, as well as the constituency's number.

(5) Permanent electoral lists shall be drawn up in two original copies, signed by the mayor and the head of the computer-based population record service. A copy shall be handed over to the secretary of the administrative-territorial unit for safe keeping, and the other to the court of first instance having jurisdiction over the locality for which the list has been drawn up.

Permanent electoral lists shall be kept in special books with detachable sheets.

**Article 10.** – (1) The mayor, along with the computer-based population record services, shall update the permanent electoral lists, drawn up according to article 9, on an annual basis, by 1 March, and shall notify all updates operated in the lists to the court of first instance, within 15 days at the latest. In the year when elections take place, the list updating shall be done within 15 days, at the latest, of the date of establishing the election day.

(2) Deceased persons shall be struck off the permanent electoral list by the mayor of the administrative-territorial unit where they had their last residence. The striking off shall be based on a communication made by the computer-based population record service having recorded the death, within 24 hours of its registration.

(3) Persons having lost their Romanian citizenship shall be struck off the permanent electoral list, based on a communication sent to the mayor by the Ministry of Justice.

(4) Persons having lost their electoral rights shall be struck off the permanent electoral list, based on a communication sent to the mayor by the court of law, within 5 days of the court decree being final.

**Article 11.** – (1) Each voter shall only appear on a single permanent electoral list.

(2) Registration in the permanent electoral lists shall be mandatory. When a person changes his/her residence, the competent authority in charge of recording that change shall be bound to notify to the mayor, *ex officio*, the data needed for that citizen's registration in the electoral list at his/her new residence and for striking off the electoral list of his/her former residence locality.

**Article 12.** – Special electoral lists shall be drawn up in the events stipulated by the present law and shall comprise the voter's full name, residence, denomination, and serial number of his/her ID paper. Lists shall be signed by the president of the polling station election bureau where these were drawn up. Lists shall be written legibly and shall include all the data stipulated in the present article.

**Article 13.** – (1) Voters shall be entitled to check whether they are registered in the permanent electoral lists. For this purpose, the mayor shall be bound to make available the permanent electoral lists to the voters, for examination, and to organise events aimed at informing and guiding voters so they can make the necessary checks. Objections against omissions, mistaken data, or any other errors in the lists shall be filed in writing with the mayor's office, and the latter shall be bound to take a stand in that matter, in writing, no later than 3 days from the objection being filed.

(2) A petition may be filed against the solution issued by the mayor, within 5 days of notification. The petition shall be solved no later than 10 days from it being filed, by the court of first instance having jurisdiction over the voter's residence.

(3) In the case of voters appearing in special electoral lists, objections shall be solved, on the spot, by the president of that polling station election bureau, and petitions, by the court of first instance having jurisdiction over the location of the election bureau of the polling station that has drawn up the list. The judgement shall take place immediately. The court decree shall be final and irrevocable, being notified to the polling station election bureau as soon as it is delivered.

(4) Objections filed regarding the special lists abroad shall be solved by that polling station election bureau, and petitions, by the head of the diplomatic mission in that country or his locum-tenens. The decision shall be final.

**Article 14.** – (1) The mayors, together with the computer-based population record services, shall have copies made of the permanent electoral lists, comprising the voters in each polling station. The copies of the permanent electoral lists shall be handed over by the mayor, based on a written report, to the president of each polling station election bureau, 3 days before the election date. One copy shall be made available to voters for examination, and the other shall be used on election day. A copy shall be kept by the mayor.

(2) Any discrepancy between the permanent electoral list and the copy drawn up according to paragraph (1) shall be solved by the mayor, on the spot, based on the data comprised in the permanent electoral list.

(3) Any change occurred in the permanent electoral list, after the copy has been handed over to the polling station election bureau, shall be notified to the latter at once by the mayor.

(4) The copies of permanent electoral lists shall be signed by the mayor, the secretary of the administrative-territorial unit, and the head of the computer-based population record service.

(5) The copies drawn up according to paragraph (1) shall comprise: the voter's full name, personal code number, residence, denomination, serial number of the ID paper, number of the constituency, number of the polling station, as well as a box for the voter's signature.

**Article 15.** – No later than 10 days from setting the election date, according to the provisions of article 7 (1) and (2), the mayor shall be bound to make available copies of the permanent electoral lists to the political parties, political alliances, and electoral alliances, at their request and expenses.

**Article 16.** – The models of the permanent electoral list and of the special electoral list shall be set by Government decision.

*Section 2*  
**Voter's cards**

**Article 17.** – (1) The exercise of one's right to vote shall be based on the voter's card, issued under the terms of the present law. Romanian citizens abroad may also vote without a voter's card, based on their diplomatic, business, ordinary, or consular passports, on which the president of the polling station election bureau shall affix the stamp with the mention "Voted", stating the full date of the ballot.

(2) The form, content, issuance, and use of the voter's cards, as well as the expenses for printing and distributing them, shall be set out by Government decision, following the proposal by the Ministry of Administration and Of the Interior and the Permanent Election Authority.

(3) A voter may only receive and hold one voter's card.

**Article 18.** – (1) Voter's cards shall be permanent and valid for all national elections, according to the number of ballots they include. Voter's cards shall be issued to the citizens appearing in the permanent electoral lists of their residence localities.

(2) The voter's card shall only be kept and used by the holder. The voter's card may only be retained in the event of a criminal investigation made in connection with election organisation and progress.

**Article 19.** – (1) The voter's card shall be prepared by the Ministry of Administration and of the Interior, by means of the computer-based population record services in charge of the locality where the voter has his/her residence.

(2) The voter's card shall only be issued based on the ID paper, to the holder alone, and under his/her signature, being supplied by the Ministry of Administration and of the Interior, by means of the computer-based population record services.

(3) After the permanent electoral lists are updated, according to article 10 (1), the preparation and issuance of voter's cards for citizens who turned 18 by 1 March, or those who turn that age by the election date inclusive, shall take place according to the provisions of paragraphs (1) and (2).

(4) Objections to the preparation or issuance of voter's cards shall be solved by the computer-based population record service, which shall be bound to make a decision no later than 3 days from the objection being filed.

(5) The solution given by the computer-based population record service may be contested before a court of first instance within 24 hours of its notification, the provisions of article 13 (2) applying accordingly.

(6) The records of voter's cards shall be kept by the Ministry of Administration and of the Interior, by means of the computer-based population record services.

**Article 20.** – (1) If the voter's card should be lost or destroyed, a duplicate may be issued by the computer-based population record services within the structure of the Ministry of Administration and of the Interior. Duplicate issuance shall be mentioned in the permanent electoral list.

(2) Duplicate issuance shall take place at the holder's request and upon his/her responsibility. The original document pronounced lost or destroyed shall be rightfully null.

### **CHAPTER III** **Polling stations**

**Article 21.** – Polling stations shall be organised as follows:

- a) in towns, one polling station for every 1,000–2,000 inhabitants;
- b) in communes, one polling station for every 500-2,000 inhabitants; polling stations shall be organised, as a rule, in every village; polling stations may also be organised in villages or village groups with a population of up to 500 inhabitants.

**Article 22.** – (1) Polling stations may be organised next to military units, as well as in hospitals, maternities, sanatoriums, homes for disabled persons, medical care and recovery centres for adult disabled persons, and nursing homes, where at least 25 citizens entitled to vote are present.

(2) Polling stations may also be organised in railway stations, in bus terminals, in ports and airports, for voters who are travelling on election day.

(3) For full-time college students and school students entitled to vote who do not reside in the locality where they attend classes, a polling station shall be organised in students' hostels, for 250-1,000 voters.

(4) At the polling stations organised in military units, only conscripts belonging to such units shall vote, and at those for college and school students, only the college and school students from education units located in that district.

**Article 23.** – (1) A polling station shall be organised next to each diplomatic mission and consular office of Romania for voters who are members of the diplomatic representation office and their families, as well as for the Romanian citizens living in Romania or abroad who are in those countries on election day. The polling stations stipulated by the present paragraph shall belong to Bucharest municipality constituency.

(2) On ships under a Romanian flag which are navigating on election day, as well as on offshore platforms, polling stations shall be organised which belong to the constituency of the location of ship registration, or the constituency where the offshore platform is registered, respectively.

(3) The head offices of the polling stations stipulated under paragraph (1) shall be organised and supplied by the Ministry of Administration and of the Interior. To that effect, the Ministry of Public Finance shall allocate the necessary funds.

**Article 24.** – Voters shall vote both for the Chamber of Deputies and the Senate, at the same polling station.

**Article 25.** – (1) The delimitation of polling stations shall be established by the mayors of communes, towns, municipalities, or administrative-territorial subdivisions of municipalities, by means of orders, and shall be notified to prefects 5 days after the election date has been set.

(2) 10 days after the election date has been set, prefects shall be bound to number the polling stations within their counties and to make public the delimitation and numbering of each polling station, by means of publications which shall also state the place of voting.

(3) Polling stations within one constituency shall be numbered, irrespective of the kind of locality, starting with the municipality that is the county capital and going on with those in the other municipalities, towns, and communes, in the alphabetic order of each category; in municipalities having administrative-territorial subdivisions, numbering shall be done in observance of the chronological order of the subdivisions, as stipulated by the law.

(4) The mayors and secretaries of communes, towns, municipalities, and administrative-territorial subdivisions of municipalities shall be bound to provide all the data, information, and support needed so the prefects can meet the obligations stipulated under paragraph (2).

(5) The polling stations stipulated under articles 22 and 23 shall be established as follows:

a) by the prefect, together with the commanding officer of the garrison, as far as polling stations next to military units are concerned;

b) by the mayor, together with the heads of education institutions, as far as full-time college students and school students entitled to vote are concerned;

c) by the mayor, together with the heads of the health and social work institutions stipulated under article 22 (1);

d) by the Ministry of Foreign Affairs, as far as the polling stations stipulated under article 23 (1) are concerned;

e) by the prefect, together with the Ministry of Transport, Building and Tourism, as far as the polling stations stipulated under article 22 (2) are concerned;

f) by the prefect, together with the ship-registration harbour masters, as far as the polling stations stipulated under article 23 (2) are concerned.

## CHAPTER IV

### **Permanent Election Authority and election bureaux**

#### *Section 1*

#### ***Permanent Election Authority***

**Article 26.** – The Permanent Election Authority shall operate with a view to ensuring the logistic conditions needed for the strict implementation of the provisions of the law regarding the exercise of the right to vote, as well as the adequate conditions for a proper progress of the voting operations.

**Article 27.** – (1) The Permanent Election Authority shall be an autonomous administrative institution, acting as a legal entity of general competence, that makes sure the provisions of the law on the organisation and holding of elections or other national or local consultations are implemented consistently, between two election intervals. The Permanent Election Authority shall monitor and support polling station supply with the necessary logistics, as well as the implementation of typical operations between two election intervals.

(2) For the purpose of the present law, *election interval* shall mean the period of time starting on the date the election day is made public, and ending after the official communication of election results. The election interval shall comprise the period of time between the date on which the election day is made public and the date when the electoral campaign starts, the electoral campaign, the actual voting process, the counting and centralisation of ballot papers, the ascertainment of voting results, the distribution of mandates, and the publishing of election results in the Official Gazette of Romania, Part I.

(3) The Permanent Election Authority shall be headed by a president, acting as a minister, helped by two vice-presidents, acting as secretaries of state.

(4) The president shall be appointed by means of a decision passed in a joint meeting of the Chamber of Deputies and the Senate, based on the proposal by parliamentary groups, from amongst personalities who have a good training and experience in the legal or administrative field. The candidate having won the majority of the deputies' and senators' votes shall be appointed as a president.

(5) The president shall be helped by two vice-presidents acting as secretaries of state, one appointed by the President of Romania, and the other by the Prime Minister.

(6) The president and the vice-presidents may not be members of a political party.

(7) The terms of office of the president and vice-presidents of the Permanent Election Authority shall be 8 years each and may only be renewed once.

(8) The president's or vice-presidents' terms of office shall cease under the following circumstances:

- a) expiry of the term of office;
- b) resignation;
- c) removal;
- d) death.

(9) The president and vice-presidents may be removed from their position, for good reasons, by the authorities having appointed them.

(10) Based on the advice by the Ministry of Public Finance, the Permanent Election Authority shall approve its own draft budget, before the debates on the state budget, and shall forward it to the Government so that it may be included in the state budget. Inclusion of capital expenditures in its own budget shall be done after consultations with the Government.

(11) The president of the Permanent Election Authority shall be a main credit manager. In compliance with his powers, the president shall issue orders.

(12) The Permanent Election Authority shall have a secretary general appointed by the Prime Minister, following a contest, under the law.

(13) In the absence of the president, his powers shall be assumed by one of the vice-presidents, appointed by order.

**Article 28.** – (1) The Permanent Election Authority shall have its own specialised personnel.

(2) The organisation and functioning of the Permanent Election Authority's own personnel, number of positions, statutes of the personnel, their duties and organisational structure shall be set forth in the organisational and functioning regulations, approved by Government decision, following the proposal by the Permanent Election Authority. The Permanent Election Authority personnel shall have the same statutes as the personnel of the two Chambers of the Parliament. In the organisation and functioning of its own personnel, there shall be no application of the provisions of article XVI, title III, book II of Law no. 161/2003 on certain steps taken to ensure transparency in the exercise of public dignities,

public offices and in the business area, the prevention and sanctioning of corruption.

(3) The Permanent Election Authority may have regional branches in each of the development regions. The establishment of regional branches, the number of positions, their duties and relationships with the Permanent Election Authority shall be established in the latter's organisation and functioning regulations.

(4) The wages of the Permanent Election Authority specialised personnel shall observe the level stipulated by the law for the personnel of the two Chambers of the Parliament.

**Article 29.** – (1) The Permanent Election Authority shall exercise the following main powers in the interval between two elections:

a) working out proposals aimed at ensuring the logistics needed for election progress, which shall be sent to the Government and the local public administration authorities, and monitoring how such proposals are being carried out;

b) monitoring how the locations of polling stations and of the election bureaux headquarters are being established;

c) monitoring and making sure the typical supplies for polling stations, such as standard ballot boxes and booths, stamps, ink pads, containers for ballot papers transport and the like, have been provided in due time; checking how all these are being kept between election intervals;

d) making sure the necessary funding is provided for the timely and gradual obtaining of the logistics needed for the voting process;

e) preparing protection systems for polling stations, ballot papers and other documents and materials typical of the election interval;

f) monitoring and checking that the permanent electoral lists are being drawn up and updated, and how the records comprising the permanent electoral lists are being kept, as well as how the notifications stipulated by the law are being made and how they are being implemented, in due time, in the electoral lists;

g) monitoring how the voter's cards are being printed and issued in compliance with the permanent electoral lists;

h) monitoring and checking that the agreement between the content of the permanent electoral lists existing with the town councils and the copies filed with the courts of first instance is ensured;

i) making sure, within the limits of its competence, there is an equal implementation of the provisions of the law concerning election organisation;

j) drawing up studies and proposals aimed at improving the election system, that it makes public and submits to the public authorities, political parties, as well as other interested non-governmental organisations;

k) submitting to the Parliament, no later than 3 months from the closure of elections for the Chamber of Deputies and the Senate, for the President of Romania and the authorities of local public administration, or of a national referendum, a report on the organisation and progress of the elections or of the referendum, respectively, comprising references to the participation in the ballot, the progress of voting, the departures and drawbacks found, including legislative ones, and the results of the elections. The report shall be made public as a White Book;

l) preparing information and instruction materials and programmes for the voters, about the Romanian election system and the compliance with the election deontology, and making sure these are popularised;

m) preparing specific instruction programmes in election matters, for the mayors and secretaries of administrative-territorial units, as well as for the persons who may become members of the election bureaux, and organising the implementation of such programmes together with the National Administration Institute and the regional branches;

n) preparing programmes and setting down unitary rules on the exercise of the right to vote by illiterate or disabled persons, and making sure such rules are popularised;

o) drawing up its own draft budget, to be approved by the state budget law;

p) drawing up the list of the specialised personnel certified by the National Statistics Institute who participate in data centralisation and processing and in finding election results;

q) supporting the establishment of the material base typical of the nationwide information system, needed for establishing election results;

r) organising tenders with a view to selecting the computer software to be used by the Central Election Bureau for the centralisation of election results;

s) drawing up and submitting to the Government, for approval, together with the Ministry of Administration and of the Interior, the timetable of the actions for the election interval;

t) drawing up and submitting to the Government, for approval, together with the Ministry of Administration and of the Interior, the draft decisions typical of a proper organisation and holding of the elections;

u) drawing up draft statutory instruments for the improvement and perfecting of the Romanian election system, to be submitted to the Government for analysis and the exercise of the right to legislative initiative;

v) submitting to the Government for approval, together with the Ministry of Public Finance and the Ministry of Administration and of the Interior, the draft Government decision on the approval of the expenditures needed

for the organisation and holding of the elections; the decision shall be approved no later than 5 days after the election day has been made public;

w) certifying as unnecessary to change, 10 days before the election date, the software selected following the tender organised according to the provisions of the laws in force and making it available to the parties participating in the electoral competition, following their request;

x) keeping records of the communes, towns, municipalities, and Bucharest municipality districts where there are vacancies for the mayor's position or where the local councils have been dissolved, and making proposals to the Government for setting the date for the organisation and holding of the new elections;

y) supporting the organisation and holding of partial elections.

(2) The Permanent Election Authority shall submit an annual report on its activity to the Parliament.

(3) The Permanent Election Authority shall carry out any other duties stipulated by the law.

(4) In carrying out its duties, the Permanent Election Authority shall adopt decisions and instructions, which are to be signed by the president and counter-signed by the vice-presidents. The decisions by the Permanent Election Authority shall be published in the Official Gazette of Romania, Part I, and shall be mandatory to all bodies and authorities acting in the election field.

## *Section 2*

### ***Election bureaux***

**Article 30.** – (1) The Central Election Bureau, the constituency election bureaux, and the polling station election bureaux shall be established for the organisation and holding of specific election operations.

(2) Election bureaux shall only be comprised of citizens eligible to vote. Candidates, their spouses, relatives, and the latter's relatives up to the second level inclusive may not be members of election bureaux.

(3) In carrying out their duties, the members of the election bureaux shall exercise a position that involves state authority. The fair and unbiased exercise of the position of election bureau member shall be mandatory. The failure to comply with this obligation shall entail legal, civil or criminal liability, as the case may be.

**Article 31.** – (1) The Central Election Bureau shall be comprised of 7 judges from the High Court of Cassation and Justice, the president and vice-presidents of the Permanent Election Authority, 16 representatives of the political parties and their alliances that participate in the elections, as well

as a representative designated by the parliamentary group of national minorities in the Chamber of Deputies.

(2) The designation of the 7 judges shall be done by the president of the High Court of Cassation and Justice, in an open meeting, within 5 days of the setting of the election date by drawing lots, from amongst the sitting judges of the Court. The date of the open meeting for drawing lots shall be notified in writing to the parliamentary political parties by the president of the High Court of Cassation and Justice, two days before the date of its holding, and shall be made public by means of the print and broadcast media. A representative of each parliamentary party, designated as such, shall be entitled to participate in the organisation and holding of the drawing of lots. The result of drawing lots shall be recorded in a written report, signed by the president and the chief consultant of the High Court of Cassation and Justice. The written report shall represent the investing deed.

(3) Within 24 hours of being invested, the designated judges shall elect the president of the Central Election Bureau and his locum-tenens from amongst them, by secret ballot. Within 24 hours of the election of the Central Election Bureau president, the bureau shall be completed with the president and vice-presidents of the Permanent Election Authority, one representative of each parliamentary political party, as well as the representative designated by the parliamentary group of national minorities in the Chamber of Deputies. The completion of the Central Election Bureau shall be recorded in a written report that represents the investing deed. In this composition, the Central Election Bureau shall carry out all the duties incumbent on it under the present law.

(4) Two days after the candidacies have become final, the political parties which are not represented in the Parliament, the political alliances and the electoral alliances between such parties that participate in the elections shall notify the full names of their representatives, in writing, to the Central Election Bureau. Notifications sent after this term shall no longer be taken into consideration.

(5) The designation of the representatives of non-parliamentary political parties, political alliances and electoral alliances between such parties to the Central Election Bureau shall be done in the decreasing order of the number of candidates' lists centralised according to article 32 (1) d).

(6) The persons who act as representatives of a non-parliamentary political party, political alliance or electoral alliance between such parties in the Central Election Bureau shall be set out in the order mentioned in the notification stipulated under paragraph (4).

(7) If, on the designation of the representatives of non-parliamentary political parties, political alliances or electoral alliances between such

parties, the last seat to be distributed comes to parties or alliances that have submitted the same number of lists, the designation of their representatives shall be done by the president of the Central Election Bureau, by drawing lots, in the presence of the persons delegated by the political parties, political alliances, or electoral alliances in question.

(8) The completion of the Central Election Bureau with the representatives of non-parliamentary political parties, political alliances, and electoral alliances shall be done, within 24 hours of the expiry of the term stipulated under paragraph (4), by the president of the Central Election Bureau, in the presence of the bureau members and the persons delegated by the political parties, political alliances, and electoral alliances having sent notifications about such representatives. The written report drawn up by the president on how the representatives have been established shall represent the deed certifying their status as members of the Central Election Bureau.

(9) In the composition stipulated under paragraph (3), within two days of its constitution, the Central Election Bureau shall adopt its organisation and functioning regulations, to be published in the Official Gazette of Romania, Part I, which shall be mandatory to all election bureaux.

(10) The working personnel of the Permanent Election Authority shall support the Central Election Bureau, together with the personnel belonging to other public authorities and institutions, in carrying out their duties and activities during the election interval.

**Article 32.** – (1) The Central Election Bureau shall have the following main powers:

a) seeing to it that the permanent electoral lists are being updated, monitoring the implementation of the provisions of the law on the elections throughout the country, and making sure they are interpreted and implemented consistently;

b) making sure that the list comprising the denomination and electoral signs of the lawfully established political parties, political alliances, electoral alliances, and organisations of citizens belonging to national minorities that are entitled to participate in the elections shall be published in the Official Gazette of Romania, Part I, and notifying the list to all constituency election bureaux right after they have been set up;

c) solving objections regarding its own activity and petitions as far as the activity of constituency election bureaux is concerned; petitions shall be solved by means of decisions that are mandatory to the election bureau in question, as well as to the public authorities and institutions it refers to, under the sanctions stipulated in the present law;

d) centralising, based on the notifications received from the constituency election bureaux, the number of full lists with final candidacies submitted

by the political parties, political alliances, electoral alliances, and organisations of citizens belonging to national minorities; notifying the centralised report, within 24 hours of its preparation, to the Special Commission of the Chamber of Deputies and the Senate for granting air time, as well as to the Romanian Television Company and the Romanian Radio Company;

e) receiving the written reports comprising the number of ballots validly cast for each candidates' list from the constituency election bureaux, and finding whether there are political parties, political alliances, or electoral alliances that have not met the electoral threshold stipulated under article 90 (2); notifying the list of political parties, political alliances, or electoral alliances that have not met the electoral threshold to the constituency election bureaux and making it public within 24 hours of finding the facts;

f) checking and recording election results, summing for the entire country the unused ballot papers not used for each political party, political alliance or electoral alliance that meets the condition stipulated under point e), and making sure the mandates due to them are distributed in a centralised manner and per constituencies;

g) certifying the assignment of a deputy's mandate to the organisation of citizens belonging to national minorities having met the conditions stipulated under article 4 and issuing the certificate proving this to the deputy designated on such basis;

h) cancelling the elections in a constituency when finding that the voting or ascertainment of election results has been based on fraud liable to modify mandate distribution, and ordering a new suffrage;

i) possibly ordering the re-counting of votes in a polling station or the re-doing of votes centralisation and election results in a constituency, when finding, based on good evidence, that errors were made or discrepancies were found in the data appearing in the written reports;

j) sending the materials needed for drawing up the White Book of the elections to the Permanent Election Authority, after the election results have been published in the Official Gazette of Romania, Part I.

(2) The Central Election Bureau shall carry out any other duties incumbent upon it under the law.

(3) By *full list with final candidacies* one shall understand the list that comprises the maximum number of candidates, set out under article 5 (3).

(4) If, for the solution of a dispute, actual checks are needed, such checks shall be carried out in the presence of a judge from the Central Election Bureau. Such checks can- not be carried out on election day.

(5) The petition for cancelling the elections in a constituency for electoral fraud may only be made by the political parties, political alliances, electoral alliances, or independent candidates having participated in the elections. The

petition shall be filed with the Central Election Bureau, no later than 48 hours after the voting is closed, otherwise it shall be disregarded. The petition shall be based on solid grounds and accompanied by the evidence it is based on. The lack of evidence shall cause the petition to be rejected. A petition may only be admitted if the person having revealed the facts is not involved in the fraud and if it is established that such fraud was liable to modify the mandate distribution. The provisions of paragraph (4) shall apply accordingly. The solution of the petition for election cancellation by the Central Election Bureau may only be made before the date of the election results being published in the Official Gazette of Romania, Part I.

(6) By *electoral fraud* one shall understand any unlawful action taking place before, during, or after the voting is closed, or during ballot counting and drawing up the written reports, and the result of which is the alteration of the voters' will and the creation of advantages seen in additional ballots and mandates for a political party, political alliance, electoral alliance, or independent candidate.

(7) In the exercise of its powers under the provisions of the present law, the Central Election Bureau shall adopt decisions to be made public in open meetings and using any publicity means. The decisions by the Central Election Bureau shall be mandatory to all public authorities and institutions, election bureaux, as well as to all bodies involved in election matters, from the date they are made public in open meeting.

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

(9) The Central Election Office shall cease its activity after the election results have been published in the Official Gazette of Romania, Part I, according to the provisions of the present law.

**Article 33.** – (1) A constituency election bureau shall be comprised of 3 judges and no more than 10 representatives of the political parties, political alliances, electoral alliances, or organisations of citizens belonging to national minorities that participate in the elections in the constituency where the election bureau functions.

(2) The designation of the judges shall take place in open meeting, no later than 5 days after the election date has been set, by the tribunal's president, after drawing lots, from amongst the sitting judges. The tribunal's president shall make public the date of the meeting in the press, at least 24 hours in advance. Drawing of lots shall be done per positions: president and locum-tenens, being recorded in a written report, signed by the tribunal's president, which shall represent the investing deed. The constituency election bureau thus established shall carry out all the duties

incumbent on it under the present law, and shall be completed with the representatives of the political parties, political alliances, and electoral alliances participating in the elections.

(3) Within two days of the date candidacies have become final, the political parties, political alliances, and electoral alliances shall notify in writing, the full names of their representatives to the constituency election bureaux. Notifications sent after this term shall no longer be taken into consideration.

(4) The designation of the representatives of political parties, political alliances, and electoral alliances in a constituency election bureau shall be done in the decreasing order of the weight of the number of final candidacies from each political party, political alliance, or electoral alliance in the total number of final candidacies in that constituency, cumulated for the Senate and the Chamber of Deputies.

(5) The completion of the election bureau with the representatives of political parties, political alliances, or electoral alliances shall take place within 24 hours of the expiry of the term stipulated under paragraph (3). If several political parties, political alliances, or electoral alliances have submitted the same number of candidates, the designation of the representatives shall take place after the president of the constituency election bureau draws lots, in the presence of the delegates of the political parties, political alliances, or electoral alliances in question.

**Article 34.** – (1) The main powers of the constituency election bureaux shall be as follows:

a) seeing to it that polling stations are established on time, monitoring and providing the equal implementation of and compliance with the provisions of the law on elections by all authorities, institutions and bodies involved in the field of elections within that county;

b) recording candidacies submitted and finding that they are final;

c) seeing to it that the provisions of the law on publishing and posting candidates' lists and independent candidacies are met;

d) solving objections regarding their own activity and petitions concerning the operations of the polling station election bureaux or, as the case may be, of the election offices within the constituency where they operate; petitions shall be solved by means of decisions that are mandatory to the election bureau in question, as well as to the public authorities and institutions they refer to, under the sanctions stipulated by the present law;

e) distributing, together with mayors, ballot papers, control stamps, and stamps with the mention "Voted" to the polling station election bureaux. Bucharest municipality constituency election bureau shall distribute such materials to the election offices;

f) totalling the election results received from the polling stations and sending to the Central Election Bureau the written report comprising the number of votes validly cast per each list of candidates and independent candidates. Bucharest municipality constituency election bureau shall total the election results sent from the election offices and shall send the written report comprising the number of votes validly cast per each list of candidates and independent candidates to the Central Election Bureau;

g) finding the election results for that constituency and issuing the certificate attesting to the election for the office of deputy or, as the case may be, senator, based on the findings of the Central Election Bureau regarding the political parties, political alliances, or electoral alliances that meet the electoral threshold stipulated under article 90 (2); handing over the null and contested ballots that have been received from polling station election bureaux, to the court of law, based on a written report;

h) sending to the Central Election Bureau the written reports comprising the election results, as well as the objections, petitions, and written reports received from polling station election bureaux, and, in Bucharest municipality, from election offices;

i) sending to the Central Election Bureau the number of full lists containing the final candidacies of each political party, political alliance, electoral alliance, and organisation of citizens belonging to national minorities, within 24 hours from the candidacies becoming final.

(2) Constituency election bureaux shall carry out any other duties that are incumbent upon them under the law.

(3) The decisions of the election bureau shall be notified in open meetings.

(4) If discrepancies should be found in the data contained in the written reports received from polling stations, the constituency election bureau shall request the president of the polling station election bureau in question and its members that accompanied him to make the necessary corrections, certified by their signatures and the affixation of the polling station stamp.

**Article 35.** – (1) Election offices shall be organised at the level of Bucharest municipality and shall comprise a president, his locum-tenens, and no more than 7 members, who are representatives of the political parties, political alliances, electoral alliances, and organisations of citizens belonging to national minorities that participate in the elections in Bucharest municipality.

(2) The president and his locum-tenens shall be magistrates designated by the president of Bucharest Tribunal no later than 15 days before the election date, by drawing lots, from amongst the sitting judges of that district's court of first instance. The provisions of article 37 (6), (7), (8), (9),

(10), and (11) shall apply accordingly. The date of the open meeting for drawing lots shall be notified in writing to the parliamentary political parties, two days before the date of holding it, by the president of Bucharest Tribunal. A representative of each parliamentary political party shall be entitled to participate in the organisation and holding of the drawing of lots.

**Article 36.** – The powers of the election offices of Bucharest municipality districts shall be as follows:

a) receiving the ballot papers, control stamps, and stamps with the mention “Voted” from Bucharest municipality constituency election bureau, and distributing them to the polling station election bureaux in that district, with the help of district mayors;

b) totalling the election results received from the polling stations and sending the written report comprising the number of votes validly cast per each list of candidates and per each independent candidate to the Bucharest municipality constituency election bureau;

c) solving objections regarding their own activity and petitions concerning the operations of polling station election offices;

d) sending to the constituency election bureau the written reports comprising the election results, as well as the objections, petitions, and written reports received from the polling station election bureaux.

**Article 37.** – (1) The polling station election bureaux shall be comprised of a president, his locum-tenens, and no more than 7 members.

(2) The president and his locum-tenens shall be, as a rule, magistrates or other jurists, who are not members of any political party. The president and the locum-tenens shall be designated by the court president, no later than 10 days before the election date, by drawing lots. The magistrates’ list from which lots are being drawn shall be prepared by the court president, and that of the other jurists, by the prefect, together with the court president and a representative from each parliamentary political party.

(3) If the number of jurists should be insufficient, the list shall be completed by the prefect with other persons enjoying a good reputation with the inhabitants and who belong to no political party.

(4) The list suggested by the prefect shall comprise a number of persons exceeding the necessary by 10%. The persons appearing on the list, who are not designated as presidents or their locum-tenentes, shall remain at the disposal of the court president, with a view to substituting the holders of such positions in special cases. The list shall contain: the full names, addresses, telephone numbers, and acceptance signatures of the persons proposed.

(5) Grouping persons on the list, for drawing lots, shall be done taking into consideration the need for their addresses to be as near to the polling station election bureau as possible.

(6) Polling station election bureaux shall be established on the date of their members being designated.

(7) The members of the polling station election bureaux shall be represented by a representative of each political party, political alliance, electoral alliance, and of the organisations of citizens belonging to national minorities that participate in the elections, in the decreasing order of the number of final candidacies, cumulated for the Senate and the Chamber of Deputies, submitted in that constituency.

(8) With a view to designating the members of polling station election bureaux, the president of the constituency election bureau shall notify the number of final candidacies of each political party, political alliance, and electoral alliance to the presidents of the polling station election bureaux, within 24 hours of their designation according to paragraph (2). Political parties, political alliances, and electoral alliances shall be bound to notify the full name of their representative in the election bureau to the president of the polling station election bureau, within the same time limit. A political party, political alliance, or electoral alliance shall have no more than 3 representatives in a polling station election bureau.

(9) If two or more political parties, political alliances, or electoral alliances should have the same number of candidates, their representatives shall enter the polling station election bureau within the limits of the seats not taken by the representatives of the political parties, political alliances, and electoral alliances found, according to paragraph (7), in a more favourable position; if, after applying this provision, it is not possible for all representatives to be included in the composition of the polling station election bureau, the polling station president shall draw lots, in compliance with the provisions of article 33 (5), which shall apply accordingly.

(10) If the political parties, political alliances, or electoral alliances have not designated their representatives, or the number of representatives is insufficient, the completion of polling station election bureaux shall be done by the court president from the list stipulated under paragraph (4), by drawing lots. If necessary, the list shall be completed with other persons meeting the requirements of the law. If the bureau cannot be completed up to the number of members set out in the law, it may function with the number of designated members, but no less than 3.

(11) The designation of members of the polling station election bureau shall be done by the election bureau president, based on the notifications stipulated under paragraph (8) or, as the case may be, on the provisions of

paragraph (9), by means of a written report showing how the representatives have been established, which shall represent the deed attesting to their capacity as members of the polling station election bureau; the written report shall be drawn up within 24 hours of the expiry of the term stipulated under paragraph (8), in the presence of the representatives of the interested political parties, political alliances, and electoral alliances, if they have sent one delegate each, for this purpose.

**Article 38.** – The powers of polling station election bureaux shall be as follows:

a) receiving the copies of the permanent electoral lists sent according to article 14 (1), and, from the constituency election bureaux, the ballot papers for the voters who are to vote at that polling station, the control stamp, and the stamps with the mention “Voted”. In Bucharest municipality, the ballot papers, control stamp, and stamps with the mention “Voted” shall be received from the election offices;

b) running the voting operations, and taking all the steps for ensuring the necessary order in the polling station and around it;

c) numbering the ballot papers and recording the election results;

d) solving objections regarding their own activity;

e) sending the written reports comprising the election results, together with the petitions submitted and the materials they refer to, to the constituency election bureaux or, as the case may be, the election offices;

f) handing over, based on a written report, the ballot papers used and uncontested, as well as the cancelled ones, the electoral lists used, the stamps, and the other material needed for voting to the civil court having jurisdiction over them; the special electoral lists from the polling stations established at military units shall be handed over to the commanding officer of that unit, based on a written report;

g) as far as the polling stations established abroad are concerned, the materials stipulated under point f) shall be handed over to the diplomatic mission in that country, which shall send them to the 1st district Civil Court in Bucharest municipality.

**Article 39.** – (1) Election bureaux and offices shall function in the presence of the majority of their members, and make decisions based on the votes of the majority of the members present.

(2) In the event of an equal number of votes, the president’s vote shall prevail.

**Article 40.** – (1) The representatives of political parties, political alliances, and electoral alliances in the election bureaux may not receive or exercise other duties than those stipulated in the present law.

(2) For good grounds, accepted from case to case, the representatives of political parties in the election bureaux may be replaced, at the request of those having proposed them, based on the approval by the hierarchically superior election bureau, until election day, and, in the event of death, illness or accident, even on election day.

**Article 41.** – (1) The political parties, political alliances, and electoral alliances participating in the elections, as well as the independent candidates may contest the establishment and composition of election bureaux and offices no later than 48 hours from the expiry of the term for their establishment or, as the case may be, for their completion.

(2) The petitions stipulated under paragraph (1) shall be solved by the constituency election bureau, if they concern the polling station election bureau, by the Central Election Bureau, if they concern the constituency election bureau, or by the High Court of Cassation and Justice, if they concern the Central Election Bureau, no later than two days since they have been filed. The decision shall be final and irrevocable. In Bucharest municipality, petitions shall be solved by the election bureau, if they concern the polling station election bureau, or by the constituency election bureau, if they concern election offices.

**Article 42.** – (1) The election bureaux of the polling stations established abroad shall be comprised of a president, designated by the head of the diplomatic mission, and 2 members designated by the Central Election Bureau president, after drawing lots, from a list prepared by the Ministry of Foreign Affairs, after consulting the parliamentary political parties. Grouping the persons in lists, for drawing lots, shall be done taking into consideration the need for the persons in question to have their residence or to live in the locality where that polling station is being established or as near to it as possible.

(2) The president of the election bureau of polling stations established under the terms of article 23 (2) shall be the locum-tenens of the ship's commanding officer. The ship's commanding officer shall designate 2 members of the bureau by drawing lots.

**Article 43.** – Designation of election bureau presidents and of their locum-tenentes, as well as members shall be recorded in a written report acting as an investing deed.

## CHAPTER V Candidacies

**Article 44.** – (1) The proposals for candidates shall be made per constituencies and submitted to constituency election bureaux no later than 30 days before the election date.

(2) The political parties, political alliances, and electoral alliances participating in the elections shall make the proposals for candidates, in 4 copies, under the signature of their leadership or of the persons designated to sign them, and, as far as independent candidates are concerned, based on the list of supporters.

(3) The list of supporters shall comprise the election date, the candidate's full name, date of birth, address, denomination, serial number of his/her ID paper, and supporters' signatures, as well as the person having prepared the list.

(4) The list of supporters shall constitute a public document, with all the consequences stipulated by the law.

(5) Only citizens entitled to vote may be supporters.

(6) A supporter may only support one candidate to the Chamber of Deputies and to the Senate.

(7) The supporters' adherence shall be made on their own account.

(8) The candidates' list shall comprise the candidate's full name with father's initial, address, place and date of birth, occupation and profession. The list shall be accompanied by the candidate's olograph declaration of candidacy acceptance, as well as his/her declaration of assets, in two copies, filled in and signed by the candidate, and a written statement, according to the criminal law, regarding his/her having acted or not as an agent or collaborator of the *Securitate*, operating as a political police.

(9) The acceptance declaration shall comprise the candidate's full name, political membership, profession and occupation, his/her express consent to stand for elections, as well as the mention that he/she meets the terms stipulated by the law for doing this.

**Article 45.** – (1) The candidacy shall not be acceptable for persons who, on the date of candidacy submittal, do not meet the requirements stipulated under article 37 of the Constitution of Romania, republished, for being elected.

(2) The prefects and deputy prefects who submit their candidacies for a deputy's or senator's mandate shall be rightfully suspended from their positions from the date of candidacy submittal and up to the official communication of election results. During that time interval, the Government shall designate an interim prefect or, as the case may be, deputy prefect. Prefects and deputy prefects may not participate in electoral campaign actions. For the purpose of the present paragraph, electoral campaign actions shall be those stipulated under paragraph 55 (2).

**Article 46.** – (1) The constituency election bureau shall examine whether the terms of the law are being met for a person to be accepted as a candidate, and accept the candidacies which meet such terms. The

candidacies that do not meet the terms of the law shall be rejected by means of a decision.

(2) Two copies of the candidacy 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, shall be returned to the submitter; the latter shall file one of the copies returned to him with the court of law having jurisdiction over the constituency for which the candidacy is being submitted. One of the copies of the declaration of assets shall be kept with the constituency election bureau, and the other sent to the Senate or the Chamber of Deputies, as the case may be, and published on the chambers' website pages.

**Article 47.** – (1) 20 days before the election date, citizens, political parties, political alliances, and electoral alliances may contest candidacies.

(2) For this purpose, within 24 hours of candidacy submittal, one of the copies of the candidates' list shall be posted by the constituency election bureau at its headquarters.

(3) Petitions regarding the acceptance or rejection of candidacies shall be solved by the court of law having jurisdiction over the constituency, no later than two days from receiving the petition. The decision shall not be notified.

(4) An appeal may be lodged against the decision with the court of appeal, within 24 hours of its issuance. The appeal shall be solved within two days of its lodging. The decision shall be final and irrevocable.

(5) Petitions regarding candidacy acceptance or rejection shall comprise the conteste's full name, address and capacity, the candidate's full name, an account of the petition grounds, the date and the conteste's signature, and, if applicable, the name of the person designated to represent him/her.

(6) The petition and the appeal petition shall be lodged with the competent court of law, under the sanction of nullity.

(7) After the terms stipulated under paragraph (1) have expired, adding, if necessary, the terms stipulated under paragraphs (3) and (4), the constituency election bureaux shall find the final candidacies, based on a written report, post the final candidacies at their headquarters, and order the printing of ballot papers.

## CHAPTER VI

### **Ballot papers, election signs, and stamps needed for voting**

**Article 48.** – Ballot papers shall be printed and stamps needed for voting shall be made in observance of the models stipulated in appendix no. 2.

**Article 49.** – (1) The dimensions of a ballot paper shall be set out by the constituency election bureau, taking into consideration the number of candidates' lists and independent candidates, and the space needed for printing them.

(2) The paper for ballot papers shall be white, and thick enough to make sure no one can read on the back the printed name and the vote cast.

(3) On the inside pages of ballot papers, starting with page 2, enough quadrilaterals shall be printed to comprise all the candidates' lists, and all the independent candidates, respectively, except for the last page, which has to remain blank, so that the control stamp of the polling station may be affixed to it; ballot papers pages shall be numbered.

(4) Ballot papers shall be stapled.

(5) Quadrilaterals shall be printed parallel to each other, two columns on the same page. Quadrilaterals shall be numbered, starting with the first quadrilateral of the left column, the order number of which shall be 1, and going on with the first quadrilateral of the right-hand column, which shall be numbered 2, and the numbering shall thus continue up to the last quadrilateral.

(6) The full denomination, corresponding to the one established according to the decision of registration of that political party, political alliance, electoral alliance, or organisation of citizens belonging to national minorities that participates in the elections or, as the case may be, the mention "Independent candidate" shall be printed on the upper left-hand corner of each quadrilateral, and the election sign on the upper right-hand corner.

(7) The candidates' lists shall be printed in the quadrilaterals of each ballot paper; on the list, candidates shall be identified by their full names, and, in the case of alliances, by their political membership, too, and placed in the order set up by the political party, political alliance, or electoral alliance having submitted the list.

(8) In order to establish the order number on the ballot papers comprising candidates' lists and independent candidates, the procedure shall be as follows:

a) as a first step, the lists submitted by parliamentary political parties, political alliances, and electoral alliances shall be entered in the ballot paper quadrilaterals in the order resulting from the drawing of lots performed by the Central Election Bureau president; the first list picked up from the box shall be printed in the quadrilateral numbered 1; the second list picked up from the box shall be printed in the quadrilateral numbered 2. Printing shall continue until all the lists are exhausted;

b) as a second step, the lists submitted by the political parties that are not represented in the Parliament, political alliances and electoral alliances,

as well as the lawfully established organisations of citizens belonging to national minorities, shall be printed in the next quadrilaterals of the ballot paper, in the order resulting from the drawing of lots performed by the president of the constituency election bureau.

(9) The order established under paragraph (8) a) shall be valid for all constituencies and notified by the Central Election Bureau to the constituency election bureaux within 24 hours of the drawing of lots.

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

(11) A distinct quadrilateral shall be printed for each independent candidate, in the final part of the ballot paper, in the order of candidacy registration with the constituencies.

**Article 50.** – (1) Election signs shall be decided on by each political party, political alliance, or electoral alliance, or independent candidate, and shall be notified to the Central Election Bureau within 3 days of its setting.

(2) The election signs notified to the Central Election Bureau shall be clearly distinguished from those previously registered, and use of the same graphic symbols shall be prohibited, irrespective of the geometric shape they are included in. Political parties and alliances may use, as an election sign, the permanent sign declared on their registration with the Bucharest Tribunal.

(3) Election signs may not be contrary to the rightful order and good manners, and may not reproduce or combine the national symbols of the Romanian state, of other states, international organisations, or religious cults. An exception shall be that of political parties that are members of international political organisations, as they shall be allowed to use that organisation's sign as such or in a specific combination.

(4) The election signs used in the previous elections may only be used by other political parties, political alliances, electoral alliances, or independent candidates, with the written consent of those to whom they belonged, i.e. the parties having been members of the original alliance.

(5) If the same election sign should be claimed by several political parties, political alliances or electoral alliances, or independent candidates, the sign shall be assigned to the benefit of the political party, political alliance, electoral alliance or the independent candidate that registered such sign first, and if no priority can be established, the sign shall be assigned by drawing lots performed by the president of the Central Election Bureau within 24 hours of the expiry of the term stipulated under paragraph (1).

(6) Petitions regarding the registration of election signs shall be submitted within 24 hours of the expiry of the term stipulated under paragraph (1)

or, as the case may be, under paragraph (5), and shall be solved by the High Court of Cassation and Justice no later than two days from registration. The decision shall not be communicated to the parties. The decision shall be final and irrevocable and notified to the Central Election Bureau at once.

(7) The Central Election Bureau shall see to it that election signs are made public, by publishing them in the Official Gazette of Romania, Part I, one day after the term stipulated under paragraph (1) has expired or, as the case may be, after the court decree has become final and irrevocable, as well as that all these signs are notified to constituency election bureaux so they can be printed on the ballot papers.

**Article 51.** – A political alliance or electoral alliance having participated in the previous elections under a denomination may only keep it if it has maintained its original composition. That denomination may not be used by another alliance.

**Article 52.** – (1) For an entire constituency, ballot papers shall be printed in letters of the same size and font and using the same ink, in as many copies as the number of voters in the constituency, with an extra 10%.

(2) The constituency election bureaux, under the supervisions of prefects, shall attend to the printing of ballot papers. Prefects shall be responsible for the printing of the necessary ballot papers at least 5 days before the election date.

(3) Through the offices of prefects, a copy of the first print run for each type of ballot paper, from each constituency, shall be presented to that constituency election bureau's members. Delegates of the political parties, political alliances, and electoral alliances that have no representatives in the election bureau shall also be invited to the ballot paper presentation. The ballot paper presentation operation shall be recorded in a written report to be signed by all the persons present. Possible objections shall be made on the spot. Subsequent objections shall no longer be taken into consideration. Election bureau members and authorised delegates shall be entitled to request the prefect to have the ballot papers reprinted if candidates' names, election sign, or the denomination of political parties, political alliances, or electoral alliances are misprinted or cannot be seen clearly.

**Article 53.** – (1) Ballot papers shall be taken over by the prefect, together with the president of the constituency election bureau, based on a written report, and shall be kept in special rooms, locked and sealed. Ballot papers shall be handed over to the presidents of the polling station election bureaux, based on written reports, no later than the day preceding the elections. In Bucharest municipality, the president of the constituency election bureau shall distribute the ballot papers, at least two days before the election date, to the presidents of election offices, who shall hand them

over to the presidents of polling station election bureaux on the day preceding the election date. Ballot papers shall be handed over and distributed in sealed packages of 100 copies each, based on a written report.

(2) Two copies of the ballot papers shall be posted at the headquarters of courts of first instance as well as at the headquarters of each polling station, on the day preceding the election date, after they have been endorsed and annulled by the president of the constituency election bureau.

**Article 54.** – At the written request of the political parties, political alliances, electoral alliances, or independent candidates that participate in the elections, the constituency election bureau shall release to each of them two ballot papers, endorsed and annulled.

## **CHAPTER VII**

### **Electoral campaign**

**Article 55.** – (1) The electoral campaign shall start 30 days before the election date, and shall end on the Saturday preceding the election date, at 7.00 hours.

(2) In the electoral campaign, the candidates, political parties, political alliances, and electoral alliances, as well as the citizens shall be entitled to express their opinions freely and without discrimination, by means of rallies, reunions, and marches, as well as by means of the print and broadcast media. Rallies, reunions and marches may only take place based on the authorisations stipulated by the law.

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

(4) Any commercial publicity procedure using the print and broadcast media for electoral propaganda purposes shall be prohibited.

(5) It shall be prohibited to organise electoral campaign actions like those stipulated under paragraph (2) in military units and education institutions.

(6) During the electoral campaign, candidates shall benefit, without discrimination, from adequate spaces for meeting the voters. Such spaces may be located at townhalls, in houses of culture, clubs and cinema theatres, based on agreements concerning the maintenance expenses. Spaces in schools and universities may also be used for meetings with the voters, when classes are not being held.

**Article 56.** – (1) The electoral campaign through the broadcasting programmes services, public or private, must serve the following general interests:

a) of the voters, who should receive correct information, so that they can vote on an informed basis;

b) of the political parties, political alliances, electoral alliances, organisations of 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 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, within the broadcasting programmes services, that an equitable, well-balanced, and fair campaign takes place for all political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities, as well as for all the independent candidates.

**Article 57.** – (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 only be presented in the following types of shows:

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

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) Private radio and television stations, including cable television companies, may insert shows of the type stipulated under paragraph (1), within their own programme grid. The access of the representatives and candidates of political parties, political alliances, electoral alliances, and of independent candidates to this types of shows shall be free.

(3) Inside the shows stipulated under paragraph (1) b) and c) electoral videos not exceeding 30 seconds may be inserted, which advise the electorate to vote a candidate or a candidates' list.

(4) Inside the shows stipulated under paragraph (1) b) and c) an electoral video for each candidate or representative of the political party, political alliance, electoral alliance, or for the independent candidate present in that show, shall only be broadcast once, in compliance with article 56 (1) a) and b). If a political party, political alliance, or electoral alliance should have several candidates or representatives in that show, a single video for that party or alliance may only be broadcast once.

(5) The shows stipulated under paragraph (1) may not be deemed electoral publicity.

**Article 58.** – (1) During the electoral campaign, the access of political parties, political alliances, and electoral alliances, as well as independent candidates to public radio and television services, including those of the latter’s territorial studios, shall be guaranteed and free under the terms stipulated by the law.

(2) 3 days after the election date is made public, the political parties, political alliances, or electoral alliances shall be bound to file an application for air time with the managements of the public radio and television services. Applications filed after that term shall no longer be taken into consideration.

(3) Air time distribution shall be done by a special parliamentary commission, set up at least 10 days before the start of the electoral campaign. The commission shall be in office until the end of the electoral campaign.

(4) The special commission stipulated under paragraph (3) shall be comprised, by all means, of representatives of the parliamentary political parties or their political alliances or electoral alliances, a representative of the parliamentary group of national minorities, the president of the National Broadcasting Standards Council, the president of the Romanian Radio Company, and the president of the Romanian Television Company.

(5) The number of seats due to each political party, each political alliance or electoral alliance in the commission stipulated under paragraph (3) shall be established by the permanent bureaux of the Chamber of Deputies and the Senate in a joint meeting, being proportional to the cumulated number of deputies and senators belonging to each party. After the composition of the special commission is completed, the leaderships of the parliamentary political parties or parliamentary political alliances shall notify the full names of the persons designated to be members of it to the Romanian Radio Company and the Romanian Television Company.

**Article 59.** – (1) Before the completion of the candidacies, the parliamentary political parties, their political alliances or electoral alliances, as well as the organisations of citizens belonging to national minorities, represented in the Parliament, shall receive air time proportional to their weight in Parliament.

(2) Within 48 hours of its establishment, the special parliamentary commission shall notify the proportion of time, calculated according to paragraph (1), to the Romanian Radio Company and the Romanian Television Company.

(3) The Central Election Bureau shall notify the number of full lists comprising final candidacies from each political party, each political alliance or electoral alliance to the special parliamentary commission, no later

than 24 hours since they are sent by the constituency election bureaux, according to article 34 (1) i).

(4) After the Central Election Bureau notifies the number of full lists of final candidacies, according to paragraph (3), the special parliamentary commission shall calculate the proportion of the air time that should be assigned by the Romanian Radio Company, the Romanian Television Company, and their territorial studios to political parties, political alliances or electoral alliances, depending on the number of full lists comprising final candidacies, cumulated for the Chamber of Deputies and the Senate.

(5) The political parties, their political alliances or electoral alliances that do not have full lists of final candidacies in at least 50% of the constituencies shall not be granted air time.

(6) An exception to the provisions of paragraph (5) shall be represented by the organisations of citizens belonging to national minorities, which shall have access to the public territorial and national radio and television broadcasting services, if they participate in the elections with candidates' lists in the constituencies in counties covered by such services.

(7) Independent candidates may only exercise their right to air time once, between 5 minutes and one hour, equally, depending on the timetable set by the managements of the Romanian Radio Company and the Romanian Television Company, and on their number.

**Article 60.** – Private television and radio stations that have shows according to article 57 (1) in their programme grid shall distribute air time to political parties, political alliances and electoral alliances, as well as to independent candidates as follows:

a) 75% of the air time shall be distributed to parliamentary political parties, political alliances or electoral alliances, in proportion to their weight in Parliament;

b) 25% of the air time shall be distributed to non-parliamentary political parties, political alliances or electoral alliances that have put forward candidates' lists in the constituency where the private television or radio station is located;

c) independent candidates may only exercise their right to air time once, between 5 minutes and one hour, equally, within the 25-percentage, depending on the timetable set by the management of the private television or radio station, according to their number.

**Article 61.** – (1) During the electoral campaign, the candidates and representatives of the political parties, political alliances, electoral alliances, or the independent candidates in competition shall only have access to public and private radio and television stations, including cable television, in

electoral shows and debates, under the terms of articles 57, 58 and 59, on every Monday, Tuesday, Wednesday, Thursday, and Friday.

(2) The shows broadcast during the air time granted to each political party, political alliance and electoral alliance, independent candidates and organisations of citizens belonging to national minorities shall be live or recorded, according to the proportion established by them.

(3) In electoral shows, it shall be prohibited to combine colours, graphical signs or sounds evoking the national symbols of Romania or of other states.

(4) During the electoral campaign period, the candidates and representatives of the political parties in competition may not be producers, authors or anchor-men of shows made by public and private broadcasters.

(5) It shall be prohibited for trading companies with public or private capital, public institutions, non-governmental organisations, or natural entities to buy air time, for publicity purposes, for the benefit and in favour of participants in the electoral campaign, or to transfer air time to candidates.

**Article 62.** – (1) Public and private broadcasting companies shall be bound to take technical and editorial steps aimed at presenting the electoral campaign in an equitable, well balanced, and impartial manner.

(2) News bulletins should also comply with the obligation to be objective and equitable, and to inform the public correctly.

(3) Candidates who are already in public offices may only 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, an opposite point of view shall also be presented, in addition to the authorities' point of view.

**Article 63.** – (1) Electoral shows and debates must ensure equal conditions to all candidates as regards the freedom of expression, pluralism of opinions, and equidistance.

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

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

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

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

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

**Article 64.** – The authors and anchor-men of electoral shows and debates shall have the following obligations:

a) to be unbiased;

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 clear questions, unbiased and not tendentious;

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 violate the provisions of article 63 (2), because of their behaviour or expressions; if guests should not comply with the request, the anchor-man may decide to have their microphone power cut off or to put an end to the show, as the case may be.

**Article 65.** – (1) When opinion polls about the elections are presented, they must be accompanied by the following information:

a) the denomination of the institution having made the poll;

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

c) the sample size and maximum error margin;

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

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

**Article 66.** – The following are prohibited 48 hours before the election date:

a) presentation of opinion polls or broadcasting of electoral shows;

b) inviting or presenting candidates in programmes, except for the instances stipulated under article 68 (4);

c) comments on the electoral campaign.

**Article 67.** – On election day, it shall be prohibited to present polls made when people leave the polling stations, before the voting is over.

**Article 68.** – (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 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) Broadcasting companies shall 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 no later than 24 hours from the receipt of a written request; if the request

refers to a show broadcast on the last day of the electoral campaign, the decision shall be made no later than 12 hours from the receipt of the request;

b) to notify the decision made to the petitioner, within the terms stipulated under letter a), by telephone and/or in writing; if the requested right should be 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 no later than 48 hours from the receipt of the request; if the show making the object of the notice was broadcast on the last day of the electoral campaign, the correction or reply shall be broadcast on the day preceding the voting;

d) to broadcast the reply or correction within the term and under the terms notified 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 shall accommodate in their programmes, immediately after the evening news bulletin, a space for broadcasting corrections and replies resulting from the notices referring to the shows broadcast on the last day of campaign.

**Article 69.** – (1) The broadcasting companies shall be bound to make sure to record the shows designed for the electoral campaign under the terms set out by the National Broadcasting Standards Council.

(2) The recordings of the shows designed for the electoral campaign shall 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 70.** – (1) The failure to comply with the provisions of articles 57-69 shall entail the sanctions stipulated by the Law no. 504/2002 on radio and television, with subsequent amendments and additions, to be implemented.

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

**Article 71.** – (1) Mayors shall be bound to set up, by the beginning of the electoral campaign, special locations for electoral posting, taking into consideration the number of political parties, political alliances, and electoral alliances which state that they are submitting candidates' lists, and of persons stating that they are independent candidates in the elections.

(2) Mayors shall be bound to make sure that the special posting locations are in public squares, on streets and in other public places attended by citizens, without hindering traffic on public roads and other activities in those

localities. Prior to that, mayors shall be bound to make sure any other posters, notes and signs left from previous electoral campaigns have been removed.

(3) The use of electoral posting locations shall only be permitted to the political parties, political alliances, electoral alliances, and independent candidates that participate in the elections.

(4) 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 prohibited.

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

(6) Each political party, political alliance, electoral alliance, or independent candidate may only have one electoral poster in the space granted to them on an electoral billboard placed in the locations established under paragraph (1).

(7) 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.

(8) Electoral posters that combine colours so as to evoke the flag of Romania, of another state, or of an international organisation shall be prohibited. An exception shall be the political parties that are members of international political organisations, as they can use that organisation's sign as such or in a specific combination.

(9) Electoral posters that bring accusations slandering the public authorities, political parties, or candidates in the elections, due to their content shall be prohibited.

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

**Article 72.** – (1) Constituency election bureaux shall supervise the proper progress of the electoral campaign in their constituencies, solving by means of decisions the complaints submitted to them about the violation of the provisions of the law or of the election deontology by the candidates, political parties, political alliances, electoral alliances, or by persons having been prohibited from participating in electoral campaign activities, as well as about a political party, political alliance, electoral alliance, or independent candidate being prevented from carrying out their electoral campaign. The provisions of article 63 shall apply accordingly.

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

(3) A petition against the solution rendered by a constituency election bureau may be filed, the solution of which shall be issued by the Central Election Bureau, by means of a decision. The Central Election Bureau's decision shall be final.

(4) The solution to complaints and petitions shall be issued no later than 3 days since these have been filed, 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 VIII

### **Election progress**

**Article 73.** – (1) Each polling station shall be bound to have a sufficient number of voting booths, ballot boxes and stamps, in proportion to the number of voters appearing in the copies of the permanent electoral lists or to the estimated number of voters who shall go to the special polling stations.

(2) The voting booths and ballot boxes shall be located in the room where the president of the polling station election bureau and its members carry out their activity. The voting booths, ballot boxes, stamps, and other materials needed by the polling station election bureau shall be made available by the mayors of communes, towns, municipalities, and administrative-territorial subdivisions of municipalities, with the help of the prefects.

(3) The mayors and presidents of constituency election offices or, as the case may be, of election offices shall hand over the stamps and other necessary materials to the presidents of polling station election bureaux based on a signed written report, at least one day before the election date. After taking over the ballot papers and stamps, the president of the polling station shall make sure they are kept perfectly safe.

(4) The forms and other prints needed for voting shall be handed over to the polling station election bureau based on a hand-in-receipt bordereau, comprising the kind and number of copies of each print.

(5) The president of the polling station election bureau, together with its members, shall be present at the head- quarters of the polling station on the eve of election day, at 18.00 hours, and bound to take the necessary steps for making sure order is preserved and the voting operations take place correctly.

(6) The president shall order the setting up of guarding posts around the voting precinct.

**Article 74.** – (1) On election day, at 6.00 hours, in the presence of the other members, the president of the polling station election bureau shall check the ballot boxes, the presence of electoral lists, the forms for the special electoral lists, ballot papers and stamps necessary for voting, after which he shall close and seal the ballot boxes by affixing the control stamp of the polling station.

(2) The president shall be bound to make sure the control stamp of the polling station has been affixed on the last page of the ballot papers.

**Article 75.** – (1) The president of the polling station election bureau shall be bound to take the necessary lawful steps for voting operations to take place in adequate conditions of order and correctness.

(2) For this purpose, his/her powers shall also extend outside the polling station precinct, to the latter's yard, as well as in the streets and in public squares, up to a distance of 500 metres.

(3) Apart from the members of the polling station election bureau, candidates, observers and accredited delegates, no other person may stay in the public places in the voting area or in the polling station precinct for a time exceeding the necessary length of time for voting.

\*“(3<sup>1</sup>) At the polling stations abroad, the political parties, political alliances and electoral alliances participating in the elections may designate a delegate each, having Romanian citizenship and the right to vote, in order to attend, as observer, the electoral process throughout the duration thereof. All the expenses for travel, accomodation, food and other everyday expenses shall be borne from by those who designate the observers.”

(4) Constituency election bureaux shall do the accreditation of delegates from the Romanian print and broadcast media, as well as of home observers from non-governmental organisations whose main object is to preserve the values of democracy and human rights, based on the nominal applications submitted in writing at least 48 hours before the election date by the chief editors of print and broadcast media, as well as by the management of such non-governmental organisations.

\*“(5) The non-governmental organisations provided for in paragraph(4), legally established at least 6 months prior to the beginning of the electoral campaign, shall be entitled to designate internal observers.

(5<sup>1</sup>) The people designated as internal observers must have the right to vote and they must not be members of a political party. The accreditation

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\* Paragraph (3<sup>1</sup>) was introduced after paragraph (3) of article 75 by the Government Emergency Ordinance no. 80/2004, paragraph (5) was amended by the same act, and paragraph (5<sup>1</sup>) was introduced by the same emergency ordinance.

shall be issued by the constituency electoral bureau for all the polling stations within the district of that constituency, only at the request of the non-governmental organisations provided for in paragraph (5), accompanied by the written statement of each observer that he/ she will observe exactly the accreditation conditions. The statement should be made on one's own account and shall be deemed as public act, all entailing the consequences provided by the law. The accreditation conditions shall enter in the accreditation act."

(6) The accreditation of delegates from the foreign print and broadcast media, as well as observers from European and international organisations and institutions, shall be done by the Central Election Bureau, following the proposal of the Ministry of Foreign Affairs.

(7) The violation of the terms of accreditation, as well as of the provisions of the present law shall entail the termination of the accreditation. The accreditation may only be withdrawn by the constituency election bureau or, as the case may be, by the Central Election Bureau, at the request of the president of the polling station election bureau.

(8) The accredited delegates and observers may only attend the election operations, including the counting of votes and the drawing up of written reports, if they produce their accreditation document. They shall be entitled in no way whatsoever to intervene in election organisation and progress, being only entitled to notify the polling station election bureau on finding any irregularity. Any act of propaganda on behalf of or against a political party, political alliance, electoral alliance, or independent candidate, or an attempt to influence the voters' options, as well as the violation in any manner whatsoever of the accreditation document shall entail the application of sanctions according to the law, the suspension of the accreditation by the polling station election bureau that has found the departure, and, on election day, the immediate removal of the person in question from the polling station.

(9) In order to preserve order, the prefect together with the Ministry of Administration and of the Interior shall make available the necessary law enforcement means to the president of the polling station election bureau.

(10) During the voting process, the members of election bureaux and the accredited persons shall be prohibited from wearing tags, badges or other electoral propaganda signs.

**Article 76.** – Voting shall start at 7.00 hours and shall close at 21.00 hours.

**Article 77.** – (1) Voters may vote at the polling station in the district of which their residence is located and where they are registered in the copy of the permanent electoral list, or at the polling stations organised under

articles 22 and 23, respectively. Voters who vote at the polling stations organised under articles 22 and 23 shall be included on special electoral lists, through the offices of the president of that polling station election bureau.

(2) Voters who, on election day, find themselves in another locality than the one where they appear in the permanent electoral lists, may exercise their right to vote at any polling station, after having been included in the special electoral list, through the offices of the president of that polling station election bureau.

(3) The special lists shall also include the voters who come to vote and prove, by means of their ID paper, that they reside in the district of that polling station but they have been omitted from the permanent electoral list or from the copy existing with the polling station.

(4) The provisions of paragraph (2) shall also apply to Romanian citizens residing abroad who, on election day, find themselves in Romania and who vote based on their passport.

**Article 78.** – (1) Voters' access to the voting room shall take place in series corresponding to the number of voting booths. Each voter shall produce his/her voter's card and ID paper to the polling station election bureau members who, after checking that the person in question appears in the copy of the permanent electoral list or as the case may be, in the special electoral list stipulated under article 77, shall hand over to him/her the ballot papers and the stamp bearing the mention "Voted", based on that person's signature on the electoral list.

(2) If, for reasons found by the president of the polling station election bureau, a voter cannot sign in the electoral list, this should be mentioned in the list, being acknowledged by the signature of an election bureau member.

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

(4) The size of the "Voted" stamp shall be so that it is smaller than the quadrilateral.

(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 these do not open.

(6) A wrong folding of the ballot paper shall not entail ballot paper nullity.

(7) If the ballot paper should open by mistake, the ballot paper shall be annulled following the voter's request, and the voter shall be given, only one

time, a new ballot paper, this being mentioned in the voting operations written report.

(8) The stamp handed over to the voter with a view to voting shall be returned to the president or another member of the bureau, who shall affix it to the voter's card, in the quadrilateral corresponding to the ballot number issued by the Government, also mentioning the election date.

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

**Article 79.** – The president and his/her locum-tenens, the members of polling station election bureaux, as well as the persons in charge of preserving order shall vote at the polling station where they carry out their activity. They shall be included in the special electoral list stipulated under article 77 by the president of the polling station election bureau and removed from the copy of the permanent electoral list existing with the polling station in the district of which they live, following the request by the president of the polling station election bureau where they carry out their activity.

**Article 80.** – (1) Candidates and voters have the right to contest the identity of a person reporting for vote. In such cases, the president of the polling station election bureau shall determine the identity of the person in question, using any lawful means.

(2) If the petition has good grounds, the president shall prevent the contested voter from voting, mention the fact in a written report, and inform the police authorities about this.

**Article 81.** – (1) The president of the polling station election bureau may suspend voting for good grounds, with the consent of the president of the constituency election bureau.

(2) Such suspension may not exceed one hour and shall be notified by posting on the door of the polling station, at least one hour before. The length of all suspensions may not exceed two hours.

(3) During suspension, the ballot boxes, stamps, ballot papers, and other documents of the election bureau shall remain under permanent guard. During voting suspension, the ballot boxes and the stamps with the mention "Voted" shall be sealed.

(4) Bureau members may not be forced to leave the bureau at the same time. The persons who, based on article 75 (3), attend the voting process may stay in the voting room during the suspension, at their request.

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

(2) A voter who cannot vote on his/her own, for good grounds, found by the president of the polling station election bureau, shall be entitled to call for help an attendant chosen by him/her, in the voting booth. Such an attendant may not be an observer, a member of the polling station election bureau, or a candidate.

**Article 83.** – (1) For voters who cannot be transported due to an illness or disability, the president of the polling station election bureau may approve, at their written request or at that of the head of the health or social care institution they are admitted to and where no special polling stations are being organised, that a team comprised of at least two members of the election bureau goes with a special ballot box and the materials needed for voting – the stamp with the mention “Voted” and ballot papers – to the place where the voter in question is, so that he/she can vote. A single special ballot box shall be used by a polling station. Only the members of the polling station election bureau may carry the special ballot box. A special ballot box may only be requested from the polling station within the district of which the applicant’s residence or the headquarters of the social care institution is located.

(2) The persons voting according to paragraph (1) shall be included on the special electoral list by the members of the polling station election bureau who travel with the special ballot box.

**Article 84.** – At 21.00 hours the president of the polling station election bureau shall declare the voting completed and order the closure of the polling station. The persons found in the polling station at 21.00 hours shall be allowed to exercise their right to vote.

## CHAPTER IX

### **Establishing the results obtained in the elections**

#### *Section 1*

#### ***Finding the results of voting in polling stations***

**Article 85.** – (1) After voting has been closed, the president of the polling station election bureau shall proceed, in the presence of bureau members and, as the case may be, of the candidates and persons accredited to attend the voting, to making an inventory of the stamps with the mention “Voted”, as well as to counting and annulling the ballot papers not used, to checking the seals of the ballot boxes for integrity, and, after those operations are completed, to opening the ballot boxes. The counting of ballot papers and recording of results may be attended, as delegates, by the representatives of all the political parties, political alliances, and electoral

alliances that have participated in the elections, but have no representatives in the polling station election bureau and are authorised by the leaderships of their county organisations for this purpose. A written report on the operations stipulated in the present paragraph shall be drawn up.

(2) After the inventory, the stamps with the mention “Voted” shall be kept under seal. If there should be intact ballot paper packages left, the mention “annulled” shall be affixed once only on that package.

(3) On opening each ballot paper, the president shall read aloud the candidates’ list that has been voted or, as the case may be, the full name of the independent candidate voted and shall show the ballot paper to the people present. Opened ballot papers shall be stacked per political parties, political alliances, electoral alliances, as well as independent candidates, and counted and tied separately.

(4) Ballot papers that do not have the control stamp of the polling station, ballot papers of another type than the one lawfully approved, ballot papers that do not have the stamp with the mention “Voted” affixed to them, or in which the stamp is affixed on several quadrilaterals shall be annulled. The ballot paper shall be valid when, although the stamp has exceeded the limits of the quadrilateral, the voter’s option is nevertheless obvious.

(5) Null ballot papers shall not be taken into consideration when counting the votes validly cast.

(6) The result of voting for the Chamber of Deputies and the Senate shall be recorded in a separate table each. A member of the polling station election bureau, 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, too, per each one of the Parliament Chambers.

(7) The tables stipulated under paragraph (6) shall comprise the null ballot papers, the candidates’ lists or the full names of the independent candidates, and the number of votes validly cast for each one.

**Article 86.** – (1) After the ballot boxes have been opened and the votes counted, the president of the polling station election bureau shall draw up, separately for the Chamber of Deputies and the Senate, a written report, in 3 copies each, that shall 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 mentioned in the copy of the permanent electoral list;

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

b) the total number of voters appearing in the electoral lists existing with the polling station, who have participated in 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, obtained by each candidates' list or each independent candidate;
- f) a brief account of the objections filed and their solutions, as well as of the petitions sent to the constituency election bureau;
- g) the condition of the seals on ballot boxes, at the end of voting;
- h) the number of ballot papers received;
- i) the number of ballot papers not used and annulled.

(2) The written reports shall be signed by the president, his/her locumtenens, and members of the polling station election bureau, and bear the control stamp. The signatures shall be affixed next to the full name and, as the case may be, the political membership or the abbreviated denomination of the party that person is representing, respectively.

(3) The lack of the signatures of some bureau members shall not influence on the validity of the written report and of the elections. The president shall state the reasons that have prevented those persons from signing the report.

(4) A copy of each written report shall be issued to the members of the polling station election bureaux, at their request, by the president of the election bureau. Such a request shall be submitted in writing, before the written report is drawn up.

**Article 87.** – (1) During the operations that involve voting, opening the ballot boxes, counting the ballot papers and drawing up the written report, written objections may be raised as regards such operations.

(2) The polling station election bureau shall make a decision, on the spot, on the objections raised.

(3) Petitions may be filed in writing against the solution passed on the occasion of considering the objections. The petitions shall be sent to the president of the polling station election bureau, who shall issue the submitter a proof of receipt. Such petitions shall be sent to the constituency election bureau.

**Article 88.** – (1) For each of the Chamber of Deputies and the Senate, a file shall be prepared that comprises the written reports and petitions concerning the polling station's election operations, as well as the null and contested ballot papers. These files, sealed and stamped, shall be carried to the constituency election bureau or, as the case may be, the election office by the president of the polling station election bureau. The president shall

be accompanied by at least two bureau members, designated by lot drawing, and military guards. The files shall be sent no later than 24 hours from the closure of the polling station. Files shall be handed over based on signed written reports.

(2) 24 hours from receiving the file, the constituency election bureau shall send one of the written report copies to the court in the district of which the constituency is located; political parties and groups, as well as independent candidates may obtain certified copies of that document.

**Article 89.** – After receiving the written reports comprising the result of vote counting in the polling stations, the district election office shall draw up, according to article 86, separately for each of the Chamber of Deputies and the Senate, a written report stating the total number of votes validly cast for each political party, political alliance, electoral alliance, and independent candidate, which shall be sent within 24 hours to Bucharest Municipality Constituency Election Bureau, together with the files received from polling station election bureaux.

#### *Section 2*

#### ***Ascertaining the results of voting in constituencies***

**Article 90.** – (1) After receiving the files stipulated under article 88, and the written reports and files stipulated under article 89, respectively, the constituency election bureau shall draw up, separately for each of the Chamber of Deputies and the Senate, a written report totalling the votes validly cast per each political party, political alliance, electoral alliance, and independent candidate, which shall be sent to the Central Election Bureau within 24 hours.

(2) After receiving the written reports drawn up by the constituency election bureaux, according to paragraph (1), the Central Election Bureau shall ascertain the political parties, political alliances, and electoral alliance that meet the electoral threshold, separately for the Chamber of Deputies and the Senate. The electoral threshold shall be represented by the minimum number of votes validly cast for parliamentary representation, calculated as follows:

a) 5% of the votes validly cast throughout the entire country, for all political parties, political alliances, and electoral alliances;

b) as regards political alliances and electoral alliances, to the 5-percent threshold stipulated under point a) one shall add, for a second member of the alliance, another 3% of the votes validly cast in the entire country and, for each member of the alliance, starting with the third, one per cent of the votes validly cast in the entire country, without exceeding 10% of those votes.

(3) After receiving the finding document as regards the political parties, political alliances, and electoral alliances that meet or not the electoral threshold from the Central Election Bureau, the constituency election bureau shall proceed to assigning the deputy's and senator's mandates, respectively, according to article 91.

(4) The candidates and accredited persons shall be entitled to attend the operations carried out by the constituency election bureau.

**Article 91.** – (1) Mandate assignment shall only be done taking into consideration the political parties, political alliances, and electoral alliances that have met the electoral threshold stipulated under article 90 (2), separately for the Chamber of Deputies and the Senate, as well as for the independent candidates.

(2) Distribution and assignment of the deputy's and senator's mandates shall take place in two stages: at the level of each constituency and at national level.

(3) At the constituency level, the election bureau shall establish, separately for the Chamber of Deputies and the Senate, the constituency's electoral quotient, by dividing the total number of votes validly cast for all candidates' lists of the political parties, political alliances, and electoral alliances meeting the requirements stipulated under paragraph (1) and for the independent candidates, by the number of deputies and senators, respectively, to be elected in that constituency; each list shall be assigned as many mandates as the number of times the constituency's electoral quotient is included in the votes validly cast for that list; mandate assignment shall be done by the constituency election bureau in the order of candidates' listing; as far as independent candidates are concerned, a mandate shall be assigned to each one, if he/she has obtained a number of votes validly cast at least equal to the electoral quotient for deputies or senators, as the case may be. The remaining votes, i.e. those not used or in a number lower than the electoral quotient, obtained by the candidates' lists of political parties, political alliances, and electoral alliances that meet the requirement stipulated under paragraph (1), as well as the mandates that could not be assigned by the constituency election bureau, shall be notified to the Central Election Bureau by the latter, so that they can be distributed in a centralised manner.

(4) The Central Election Bureau shall sum, for the entire country, separately for the Chamber of Deputies and the Senate, the number of votes not used and that which is lower than the constituency electoral quotient in all constituencies, per each political party, political alliance, or electoral alliance meeting the requirement stipulated under paragraph (1); the number of votes thus obtained by each political party, political alliance, and electoral alliance shall be divided by 1, 2, 3, 4, etc., with as many division

operations as the number of mandates that could not be assigned at the constituency level; the quotients resulting from this division, irrespective of the list they come from, shall be ranked in a decreasing order, down to the number of unassigned mandates; the lowest of such quotients shall represent the national electoral quotient, for deputies and senators, separately; each political party, political alliance, or electoral alliance shall be assigned as many deputy's or senator's mandates, as the case may be, as the number of times the national electoral quotient is comprised in the total number of votes validly cast for that political party, political alliance, or electoral alliance, resulting from summing the number of votes not used and those lower than the constituency electoral quotient, at national level.

(5) The detailed assignment of the mandates distributed per constituencies shall be done by the Central Election Bureau, as follows:

a) for each political party, political alliance, or electoral alliance, that has received mandates under paragraph (4), the number of unused votes and of those lower than the constituency electoral quotient, in each constituency, shall be divided by the total number of votes validly cast for that political party, political alliance, or electoral alliance taken into consideration during the mandate distribution at national level.

The result thus obtained per each constituency shall be multiplied by the number of mandates due to that political party, political alliance, or electoral alliance. The data obtained shall be listed in a decreasing order at national level and, separately, in a decreasing order within each constituency.

Per each constituency, the first political parties, political alliances, or electoral alliances shall be taken into account, within the limit of the mandates left to be distributed in that constituency. The last number in that operation shall represent the distribution rate of that constituency.

Further on, one shall proceed to mandate distribution per constituencies in the order of the political parties, political alliances and electoral alliances, as well as of the constituencies in the national order list, as follows: the first number in the national order list shall be divided by the distribution rate of the constituency it comes from, thus giving the number of mandates coming to that constituency. Then, the procedure shall be identical for the next numbers in the national order list.

If the number of mandates due to a political party, political alliance, or electoral alliance, or from a constituency should be exhausted, the operation shall go on without them.

If the number in the national order list should be lower than the constituency distribution rate, a mandate shall be assigned;

b) if mandate assignment should not be possible in the order resulting from the implementation of the provisions under letter a), the Central

Election Bureau shall take into consideration the constituency where that political party, political alliance, or electoral alliance has the highest number of candidates or a candidate, who have not been assigned mandates, and if, even so, there are mandates left unspecified per constituencies, the constituency where that political party, political alliance, or electoral alliance has the highest number of votes unused or votes lower than the constituency electoral quotient;

c) if, after the provisions under points a) and b) have been applied, there are mandates left unassigned per constituencies, the Central Election Bureau shall establish them based on an agreement between the political parties, political alliances, or electoral alliances to which those mandates are due, according to paragraph (4), and, in the absence of such an agreement, by drawing lots, within 24 hours of the closure of the previous operations.

(6) The mandates distributed per candidates' lists, according to paragraph (5), shall be assigned to the candidates by the constituency election bureau, in their registration order.

(7) The constituency election bureau shall issue the certificates proving the election of the deputies and senators who have been assigned mandates, within 24 hours of the closure of each assignment operation.

(8) If the organisations of citizens belonging to national minorities should choose to submit the same candidates' list in several constituencies, according to article 5 (10), the deputy's mandate assigned based on article 4 (12) shall come, in the registration order, to the candidates placed on the list that have received the highest number of votes validly cast.

(9) The mandate stipulated under paragraph (8) shall be assigned to the constituency where the candidates' list submitted based on article 5 (10) has won most of the votes validly cast.

(10) The candidates placed on lists, who have not been elected, shall be pronounced substitutes in those lists. In the event of a vacancy for the deputy's or senator's mandates elected on candidates' lists, the substitutes shall take the vacant seats, in the order on the lists, if, by the date of validation, the political parties or groups on the candidates' lists of which the substitutes were included acknowledge in writing that the substitutes belong to them, in view of taking the vacant seats.

**Article 92.** – (1) The constituency election bureau shall draw up a written report for the Chamber of Deputies, and the Senate, separately, on all election operations, vote centralisation, finding of election results, and mandate assignment.

(2) The written report shall comprise:

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

- the total number of voters appearing in the copies of the permanent electoral lists;
- the total number of voters appearing in the special electoral lists;
- b) the total number of voters appearing in the electoral lists who have voted, of which:
  - the total number of voters appearing in the copies of the permanent voting lists;
  - 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, obtained by each candidates' list or each independent candidate;
  - f) the number of ballot papers received by the polling stations;
  - g) the number of ballot papers not used and annulled;
  - h) how mandates have been assigned, according to article 91, the full names of the elected candidates, as well as, as the case may be, the political party, political alliance, or electoral alliance having supported them;
  - i) the mandates that could not be assigned at constituency level, as well as the votes validly cast to be summed, according to article 91, at national level;
  - j) a brief account of the objections, petitions, and decisions made by the constituency election bureau.

(3) The written report, together with the objections, petitions, and written reports received from polling station election bureaux and from election offices, as the case may be, making up a file, tied, sealed, stamped, and signed by the members of the election bureau, shall be sent, under military protection, to the Central Election Bureau no later than 48 hours from receiving the communication by the Central Election bureau concerning the detailed assignment, per constituencies, of the mandates distributed in a centralised manner at national level.

(4) The null ballot papers shall be kept perfectly safe, packed, sealed and tagged, per each polling station, with the constituency election bureaux, until the validation of election results.

**Article 93.** – (1) The Central Election Bureau shall solve the objections and petitions filed with it, then it shall draw up separate written reports for the Chamber of Deputies and the Senate, comprising, at national level:

- a) the total number of voters appearing in the copies of the permanent electoral lists and in the special electoral lists, of which:
  - the total number of voters appearing in the copies of the permanent electoral lists;
  - the total number of voters appearing in the special electoral lists;

b) the total number of voters appearing in the electoral lists, who have voted, of which;

– the total number of voters appearing in the copies of the permanent electoral lists;

– 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, obtained by each candidates' list or each independent candidate;

f) the number of ballot papers received by the polling stations;

g) the number of unused and annulled ballot papers;

h) the finding on how constituency election bureaux implement the provisions of article 91 (3);

i) nationwide distribution of mandates according to article 91 (4) and their detailed distribution per constituencies under paragraph (5) of the same article;

j) the organisations of citizens belonging to national minorities that, although having participated in the elections, have obtained no deputy's or senator's mandate; the totalling of the votes validly cast for the lists of each of such organisations and finding which organisations shall be entitled to a deputy's mandate under article 4; the full name of the first candidate on the list of the organisation entitled to a deputy's mandate having obtained the highest number of votes; if the organisation's lists have obtained an equal number of votes, designation shall be by drawing lots;

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

(2) The written reports shall be signed by the president, his/her locumtenens and the other members of the Central Election Bureau in the presence of whom they were drawn up, and sent to the Chamber of Deputies and the Senate, aiming at election validation, together with the files prepared by the constituency election bureaux. The absence of the signatures of some bureau members shall not have an influence on the validity of the written report and the elections. The president shall state the reasons having prevented those persons from signing the document.

(3) The software used in the centralised distribution of mandates and their detailed distribution per constituencies shall be approved by the Central Election Bureau and shall represent an appendix to the written report sent for election validation.

**Article 94.** – The Central Election Bureau shall publish the election results in the press and in the Official Gazette of Romania, Part I, in due time, with a view to complying with the provisions of article 63 (3) of the Constitution of Romania, republished.

## **CHAPTER X**

### **Partial elections**

**Article 95.** – (1) If elections in a constituency should be annulled, according to article 32 (1) h), as well as if a deputy's or senator's mandate having become vacant cannot be taken by a substitute, partial elections shall be organised.

(2) No election shall be held if a deputy's or senator's mandate vacancy has occurred in the last 12 months prior to the expiry of the mandate to the Chamber of Deputies and the Senate, as stipulated in article 63 (1) of the Constitution of Romania, republished.

**Article 96.** – (1) If the partial elections should take place as a result of the annulment of the elections in a constituency, the elections shall be organised and held based on the same copies of the permanent electoral lists, the same candidacies, by the same election bureaux and, as the case may be, election offices, and at the same polling stations, on the third Sunday from the annulment of the original elections.

(2) Candidates found guilty of fraud may no longer participate in the new ballot.

(3) The partial elections organised in the event of a vacancy for a deputy's or senator's mandate shall take place under the terms of the adequate implementation of the present law, no later than 3 months since the Government has been notified by the president of the Chamber of Deputies or, as the case may be, by the president of the Senate, regarding the compliance with the conditions stipulated under article 95.

(4) If the partial elections stipulated under paragraph (3) should be organised in a single constituency, the Central Election Bureau shall no longer be established, and its powers shall be carried out by the constituency election bureau.

(5) Only the voters appearing on the permanent electoral lists of the localities within the constituency where elections are being organised shall participate in the partial elections.

## **CHAPTER XI**

### **Minor offences and crimes**

**Article 97.** – The following actions shall be deemed minor offences:

a) deliberately registering a voter in several electoral lists in his/her residence locality, registering fictitious persons or persons who are not entitled to vote in the electoral lists, signing the supporters' list in violation of article 44 (3)-(7);

b) violating the provisions stipulated under article 5 (2);

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

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

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

f) unauthorised persons performing operations in the permanent electoral lists;

g) failure to inform the civil courts about the changes operated in the copy of the permanent electoral list existing with the mayor's office;

h) unjustified refusal to issue a voter's card, following the written request of the person concerned;

i) failure by the organisers to take the necessary steps for a normal progress of electoral rallies, as well as distribution of alcoholic beverages during such rallies;

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

k) posting electoral propaganda means in other locations than the ones permitted or in violation of the provisions of the present law;

l) acceptance by a person to be registered in several candidates' lists, as well as the acceptance to stand for elections both on a list and as an independent candidate;

m) failure by the members of constituency election bureaux to make candidacy proposals public;

n) denial to permit access to the polling station of the candidates or accredited persons entitled to attend the progress of voting operations;

o) refusal to comply with the orders by the president of the polling station election bureau as regards ensuring order inside and outside the polling station;

p) unjustified refusal to register a voter on the special electoral list or to hand over the ballot paper and the voting stamp to a voter having signed in the electoral list, handing over the ballot paper to a voter who has not produced his/her voter's card and ID paper or who refuses to sign in the electoral list where he/she appears for receiving them;

q) polling station election bureaux drawing up written reports in violation of the provisions of the present law;

r) electoral propaganda being continued after the closure of the electoral campaign, 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 headquarters of the polling stations;

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

t) the president, his/her locum-tenens or members of the election bureaux, established under the provisions of the present law, missing from their activity;

u) refusal by the election bureau president or his/her locum-tenens to issue a certified copy of the written report to the persons entitled to it according to the provisions of the present law;

v) failure to apply the stamp with the mention "Voted" on one's voter's card or, as the case may be, on one's ID paper, as well as holding the voter's card without good reasons by the members of the polling station election bureau; a voter's card being retained by an unauthorised person, as well as the holder entrusting some other person his/her voter's card;

w) failure to implement the decisions of constituency election bureaux by the polling station election bureaux and the public authorities and institutions they refer to;

x) failure to implement the decisions made by the Central Election Bureau by the polling station election bureaux and the public authorities and institutions they refer to.

**Article 98.** – The minor offences stipulated under article 97 j), k) and n) shall be sanctioned with a fine ranging from ROL 3 000 000 to ROL 5 000 000, those stipulated under d), e), f), and g) with a fine ranging from ROL 5 000 000 to ROL 7 000 000, those under l), m) q), r) s), t), u) and v, with a fine ranging from ROL 7 000 000 to ROL 10 000 000, those stipulated under a), b), c), h), i), o) and p) with a fine from ROL 11 000 000 to ROL 15 000 000, and those stipulated under w) and x) with a fine ranging from ROL 20 000 000 to ROL 50 000 000.

**Article 99.** – (1) The minor offences stipulated under article 97 shall be found and the sanctions stipulated under article 98 shall be implemented by:

a) policemen, for the actions stipulated under article 97 i), j), k), n), o), p), r), and v);

b) mayors and their agents, for the actions stipulated under article 97 f) and j);

c) the president of the constituency election bureau, for the actions stipulated under article 97 a), b), j), l), q), r), s), t, and w);

d) the president of the Central Election Bureau, for the actions stipulated under article 97 c), l) and v);

e) 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 presidents of the election bureaux under them or by their locum-tenentes, for the actions stipulated under article 97 r), s), t), u) and v);

f) authorised agents of the Permanent Election Authority president, for the actions stipulated under article 97 a), d), e), f), g), h) and r).

(2) The offender may pay half of the minimum fine stipulated under article 98 on the spot or no later than 48 hours from the date of drawing up the written report or as the case may be, from the date it has been notified to him/her, and the finding agent shall mention this possibility in the written 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 97.

**Article 100.** – (1) Preventing by any means the free exercise of the right to elect or be elected shall represent a crime and shall be punishable by prison from 6 months to 5 years and prohibition of certain rights.

(2) The wilful registration of persons who do not appear in the permanent electoral list in the copy of that permanent electoral list shall represent a crime and shall be punishable by prison from 6 months to 5 years.

(3) Any attempted action according to paragraphs (1) and (2) shall be punishable.

**Article 101.** – (1) Violation by any means of the secrecy of voting by the members of the polling station election bureau or by other persons shall represent a crime punishable by prison from 6 months to 3 years.

(2) Any attempted action shall be punishable.

**Article 102.** – (1) The promise, offering or giving of money, goods, or other benefits for the purpose of making a voter vote or not a certain candidates' list or a certain candidate, as well as their acceptance by such voter shall represent crimes and shall be punishable by prison from 6 months to 5 years.

(2) If the action stipulated under paragraph (1) has been committed by an internal observer, the punishment shall be prison from 2 to 7 years.

(3) Any attempted action shall be punishable.

(4) Goods with a symbolic value, bearing the signs of a party, shall not be included in the category of goods stipulated under paragraph (1).

**Article 103.** – (1) A person's action of voting without being entitled to or voting two or several times on election day shall represent a crime punishable by prison from 6 months to 5 years.

(2) Any attempted action shall be punishable.

**Article 104.** – (1) Using a null voter's card or a forged voter's card or forged ballot paper, inserting a higher number of ballot papers than those a voter is entitled to, or forging the documents of the election bureaux, by

any means whatsoever, shall represent crimes punishable by prison from 2 to 7 years.

(2) Any attempted action shall be punishable.

**Article 105.** – (1) The attack by any means on the polling station precinct, the stealing of the ballot box or election documents shall represent crimes and shall be punishable with prison from 2 to 7 years, unless the action constitutes a more serious crime.

(2) Any attempted action shall be punishable.

**Article 106.** – (1) The opening of 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 85 shall represent crimes and shall be punishable by prison from 6 months to 3 years.

(2) Any attempted action shall be punishable.

**Article 107.** – (1) Entrusting other persons than the members of the polling station election bureau with the special ballot box, or transport of the special ballot box by a person who does not belong to the polling station election bureau shall represent a crime punishable by prison from 1 year to 5 years.

(2) Any attempted action shall be punishable.

**Article 108.** – (1) Commissioning and using computer software with apparent or hidden flaws, that alters the registration of the results obtained in the polling stations, totals results with errors, or leads to mandate distribution outside the provisions of the law, shall represent crimes punishable by prison from 2 to 7 years.

(2) The same sanction shall be applied to the introduction of data, information, or routines that lead to the alteration of the national information system.

(3) Any attempted action representing one of the crimes stipulated under paragraphs (1) and (2) shall be punishable.

**Article 109.** – For the crimes stipulated in the present law, a criminal procedure shall be initiated *ex officio*.

**Article 110.** – The goods designed for and used in committing the minor offences stipulated under article 97 l) and s), or the crimes stipulated under articles 102 and 104, or resulting from their committing, shall be confiscated.

## CHAPTER XII

### **Transitory and final provisions**

**Article 111.** – (1) The costs for the election operations shall be covered from the state budget.

(2) The headquarters and supplies of the Central Election Bureau shall be provided by the Government, those of the constituency election bureaux

by prefects and the presidents of county councils, or the general mayor of Bucharest municipality, respectively, and those of election offices, as well as polling station election bureaux, by mayors, together with the support of prefects.

(3) The documents prepared with a view to exercising one's voting rights stipulated in the present law shall be exempt from fees.

**Article 112.** – (1) In order to support the activity of the election bureaux, the Government shall provide the necessary statisticians, and the Ministry of Administration and of the Interior, together with the Permanent Election Authority, the necessary auxiliary technical personnel.

(2) For the time interval during which election bureaux and offices function, their members, statisticians, and auxiliary technical personnel shall be deemed as being given a temporary transfer and shall receive an allowance established by Government decision. Election bureau presidents, their locum-tenentes, and members shall receive that allowance from the date of drawing up vesting written reports, as stipulated under article 43.

**Article 113.** – (1) Judgement by courts of law of the objections, petitions, or any other requests stipulated by the present law shall take place under the rules set by the law for a presiding judge's order, in the mandatory presence of a public prosecutor.

(2) There is no right of appeal against the final decrees delivered by courts of law under the present law.

**Article 114.** – (1) The terms per days, stipulated by the present law, shall be calculated from the day they start to elapse, which shall be counted, until the day they are complete, even though such days may not be business days.

(2) For the entire election period, the election bureaux and courts of law shall make provisions for permanent activity in order that the citizens exercise their voting right. On election day, the courts of law shall make provisions for permanent activity.

**Article 115.** – (1) The persons sentenced by means of a final court decree to losing their voting rights shall not participate in the elections and shall not be taken into consideration when estimating the total number of voters.

(2) As far as the persons held in custody based on a special warrant are concerned, the provisions of article 83 on the special ballot box shall apply accordingly, and the petition shall be written by the petitioner in person. The petition may only be sent to the polling station within the district of which the detention place is located.

**Article 116.** – (1) Prefects shall check that mayors carry out properly their obligations under the present law and, if fraud or violations of some

provisions of the law are found, they shall inform the competent authorities about these.

(2) If prefects should find that a voter has not been included in the electoral lists or has not been removed from them, according to the law, or that the constituency election bureaux, election offices, or polling station election bureaux have not been legally established, they shall file objections and petitions, to be solved according to the provisions of the present law.

**Article 117.** – (1) For the purpose of the present law, by *ID paper* one shall understand the ID card, temporary ID card, or diplomatic, business, consular, or ordinary passport, and, in the case of conscripts and military school students, their military service card.

\*“(2) An ordinary passport may be used for exercising the right to vote only by the Romanian citizens who are abroad or the Romanian citizens residing abroad. The Romanian citizens residing in Romania who vote abroad, as well as those residing abroad who vote in Romania, on the basis of the ordinary passport, shall fill in a written statement on their own account that they have not or shall not exercise their voting right the same day on the basis of another ID paper, as this one is defined in paragraph (1), or on the basis of the voter’s card.”

**Article 118.** – (1) The written reports handed over to the Central Election Bureau, the latter’s registers, and all documents and materials from the Central Election Bureau resulting from the process of elections for the Chamber of Deputies and the Senate shall be kept, in compliance with the provisions of the National Archives Law no. 16/1996, with subsequent amendments and additions, in the archives of the High Court of Cassation and Justice, separately from the other court documents.

(2) The ballot papers either used or unused, as well as the null ones, and the written reports and stamps needed for voting, received by the court of law from constituency election bureaux or from polling station election bureaux, shall be kept in the archives, separate from the other court documents, for 3 months since the date of the publication of the election results in the Official Gazette of Romania, Part I.

(3) After the expiry of the term stipulated under paragraph (2), the courts, with the support of the prefects, shall hand over the ballot papers and other materials used in the voting process to specialised economic units, for recycling.

**Article 119.** – Within 5 days of the setting of the election date, the Government shall establish the model of the copy of the permanent electoral lists, the model of the special electoral list, of the supporters’ list, the list of the members of the organisations of citizens belonging to national minorities, as well as the model of the stamps of constituency

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\* Paragraph (2) of article 117 was amended by Government Emergency Ordinance no. 80/2004.

election bureaux and Central Election Bureau. The Government shall also set, at least 20 days before the election date, the models of the written reports ascertaining the election results and the certificate proving the election of deputies and senators.

**Article 120.** – (1) The 2004 elections for the Chamber of Deputies and the Senate, as well as for the office of President of Romania, shall take place on 28 November 2004.

(2) The electoral campaign for the elections stipulated under paragraph (1) shall start on 28 October 2004 and end on 27 November 2004, 7:00 hours.

(3) The provisions of the present article shall come into effect on the date of 11 October 2004, a date from which the terms that shall be calculated from the setting of the election date, under the provisions of the present law, start to elapse.

**Article 121.** – (1) In the 2004 elections, the voting right shall only be exercised based on the ID paper, as defined under article 117, on which the stamp with the mention “Voted” and the election date, or, as the case may be, a sticker containing the mention “Voted” and the election date, shall be affixed. The failure to affix the stamp with the mention “Voted” or, as the case may be, the sticker on the ID paper shall represent a minor offence punishable with a fine ranging from ROL 5 000 000 to ROL 7 000 000. Finding the offence and applying the fine shall be done according to the provisions of article 99 (1) a) and e).

(2) The voter’s cards issued by the date of the 2004 parliamentary elections shall not be used for these elections.

(3) The provisions of the present law concerning the use of voter’s cards shall be applicable starting with the 2008 parliamentary elections.

(4) The Ministry of Administration and of the Interior shall be bound to print and issue voter’s cards to all citizens entitled to vote, by 31 December 2006.

**Article 122.** – On the date of the present law coming into effect, Law no. 68/1992 on the elections for the Chamber of Deputies and the Senate, published in the Official Gazette of Romania, Part I, no. 164 of 16 July 1992, with subsequent amendments and additions, shall be repealed.

APPENDIX No. 1

**Numbering, territorial delimitation and number of deputy's and senator's mandates per each constituency**

<b>Constituency number</b>	<b>Territorial delimitation of constituency</b>	<b>Number of deputy's mandates</b>	<b>Number of senator's mandates</b>
No. 1 Constituency	Alba county	6	2
No. 2 Constituency	Arad county	7	3
No. 3 Constituency	Argeş county	9	4
No. 4 Constituency	Bacău county	10	5
No. 5 Constituency	Bihor county	9	4
No. 6 Constituency	Bistriţa-Năsăud county	5	2
No. 7 Constituency	Botoşani county	7	3
No. 8 Constituency	Braşov county	9	4
No. 9 Constituency	Brăila county	5	2
No. 10 Constituency	Buzău county	7	3
No. 11 Constituency	Caraş-Severin county	5	2
No. 12 Constituency	Călăraşi county	5	2
No. 13 Constituency	Cluj county	10	4
No. 14 Constituency	Constanţa county	10	4
No. 15 Constituency	Covasna county	4	2
No. 16 Constituency	Dâmboviţa county	8	3
No. 17 Constituency	Dolj county	10	5
No. 18 Constituency	Galaţi county	9	4
No. 19 Constituency	Giurgiu county	4	2
No. 20 Constituency	Gorj county	6	2
No. 21 Constituency	Harghita county	5	2
No. 22 Constituency	Hunedoara county	7	3
No. 23 Constituency	Ialomiţa county	4	2
No. 24 Constituency	Iaşi county	12	5
No. 25 Constituency	Ilfov county	4	2
No. 26 Constituency	Maramureş county	7	3
No. 27 Constituency	Mehedinţi county	4	2
No. 28 Constituency	Mureş county	8	4
No. 29 Constituency	Neamţ county	8	4
No. 30 Constituency	OLT county	7	3
No. 31 Constituency	Prahova county	12	5
No. 32 Constituency	Satu Mare county	5	2
No. 33 Constituency	Sălaj county	4	2
No. 34 Constituency	Sibiu county	6	3
No. 35 Constituency	Suceava county	10	4
No. 36 Constituency	Teleorman county	6	3
No. 37 Constituency	Timiş county	9	4
No. 38 Constituency	Tulcea county	4	2
No. 39 Constituency	Vaslui county	7	3
No. 40 Constituency	Vâlcea county	6	3
No. 41 Constituency	Vrancea county	6	2
No. 42 Constituency	Bucharest municipality	28	12
<b>TOTAL</b>		<b>314<sup>*)</sup></b>	<b>137</b>

\*) No more than 18 deputies shall be added to this number, from the organisations of citizens belonging to national minorities that have not reached the number of votes in the elections allowing them to be represented in the Parliament [under article 4 (2)].

**I. BALLOT PAPER MODEL FOR THE ELECTIONS FOR THE CHAMBER OF DEPUTIES**

<p>ROMANIA</p> <p>D</p> <p>BALLOT PAPER FOR THE ELECTIONS FOR THE CHAMBER OF DEPUTIES</p> <p>*)</p> <p>No ..... Constituency</p>	
<b>1</b>	<b>2</b>
<p>1)                      2)</p> <p>3)</p>	
<b>3</b>	<b>4</b>
	<p>4)                      5)</p> <p>6)</p>

\*) The election date shall be mentioned here.

**NOTE:**

- 1) The full denomination of the political party, political alliance, or electoral alliance shall be written here.
- 2) The electoral sign shall be reproduced here; between the denomination of the political party, political alliance, or electoral alliance, and the electoral sign there should be a 3-letter space kept. The electoral sign shall be printed in a graphical space of 2.5 cm x 2.5 cm.
- 3) The full names of the candidates shall be listed here, in the order of the candidates' list submitted, and, as far as alliances are concerned, their abbreviated political membership (initials of the political party, political alliance, or electoral alliance), then the quadrilateral shall be closed.
- 4) The mention "Independent candidate" shall be made here; for each independent candidate, a distinct quadrilateral shall be printed, in the final part of the ballot, in the order of candidacy registration.
- 5) The electoral sign shall be placed here.
- 6) The full name of the independent candidate shall be placed here.

- 
- The full names, as well as the words placed inside quadrilaterals shall be printed in capital letters.
  - Several quadrilaterals may be printed on one page, depending on the number of candidates appearing in the lists.

## **II. BALLOT PAPER MODEL FOR THE ELECTIONS FOR THE SENATE**

<b>ROMANIA</b>	
<b>S</b>	
<b>BALLOT PAPER</b>	
<b>FOR THE ELECTIONS FOR THE SENATE</b>	
*)	
No ..... Constituency	
<b>1</b>	<b>2</b>
1)                      2)  3)	
<b>3</b>	<b>4</b>
	4)                      5)  6)

\*) The election date shall be mentioned here.

**NOTE:**

- 1) The full denomination of the political party, political alliance, or electoral alliance shall be written here.
- 2) The electoral sign shall be reproduced here; between the denomination of the political party, political alliance, or electoral alliance, and the electoral sign there should be a 3-letter space kept. The electoral sign shall be printed in a graphical space of 2.5 cm x 2.5 cm.
- 3) The full names of the candidates shall be listed here, in the order of the candidates' list submitted, and, as far as alliances are concerned, their abbreviated political membership (initials of the political party, political alliance, or electoral alliance), then the quadrilateral shall be closed.
- 4) The mention "independent candidate" shall be made here; for each independent candidate, a distinct quadrilateral shall be printed, in the final part of the ballot paper, in the order of candidacy registration.
- 5) The electoral sign shall be placed here.
- 6) The full name of the independent candidate shall be placed here.

- 
- The full names, as well as the words placed inside quadrilaterals shall be printed in capital letters.
  - Several quadrilaterals may be printed on one page, depending on the number of candidates appearing on the lists.

### III. MODEL OF THE POLLING STATION CONTROL STAMP



) Constituency number and county name shall be mentioned (e.g. "No. 40 Vâlcea")

#### NOTE

- The ink for stamps shall be the same colour over the entire territory of a constituency.
- Stamps shall be made through the offices of the prefects.
- Stamp size shall be established by the prefect, by means of an order, so that all the data inside it are legible.

### IV. MODEL OF THE STAMP WITH THE MENTION "VOTED"

) Constituency number shall be inserted here.



#### NOTE

- The ink for stamps shall be the same colour over the entire territory of a constituency.
- Stamps shall be made through the offices of the prefects.
- Stamp size shall be established by the prefect, by means of an order, so that all the data inside it are legible.