

# LAW

## on local public administration\*

### CHAPTER I

#### General provisions

##### *Section 1*

##### *General regime of the local autonomy*

**Art. 1.** – The present law shall regulate the general regime of local autonomy, as well as the organisation and functioning of the local public administration authorities.

**Art. 2.** – (1) The public administration in the territorial-administrative units shall be organized and function on the grounds of the principles of the local autonomy, decentralisation of public services, eligibility of the local public administration authorities, legality and consultation of the citizens in the solving of the local matters of a particular interest.

(2) The applying of the principles stipulated in para (1) shall not harm the character of national, unitary and indivisible state of Romania.

**Art. 3.** – (1) *By local autonomy* there shall be understood the right and effective capacity of the local public administration authorities to solve and to manage, in the name and in the interest of local collectivities that they represent, the public matters, under the terms of the law.

(2) This right is exercised by the local councils and mayors, as well as by county councils that are local public administration authorities elected by universal, equal, direct secret and freely expressed vote.

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\* The Law no. 215/2001 was published in the Official Gazette of Romania, Part I, no. 204 of 23 April 2001, and was amended by the Emergency Government Ordinance no. 74/2001, published in the Official Gazette of Romania, Part I, no. 271 of 25 May 2001 (approved by the Law no. 738/2001, published in the Official Gazette of Romania, Part I, no. 802 of 14 December 2001), by the Law no. 216/2002, published in the Official Gazette of Romania, Part I, no. 288 of 29 April 2002, and by the Law no. 161/2003, published in the Official Gazette of Romania, Part I, no. 279 of 21 April 2003. On the constitutionality of the law, the Constitutional Court gave its opinion through the Decision no. 112/2001, published in the Official Gazette of Romania, Part I, no. 280 of 30 May 2001.

(3) The provisions of para (2) shall not affect the possibility to resort to the consultation of the citizens by referendum or by any other form of direct participation of the citizens in the public matters, under the terms of the law.

(4) By *local collectivity* there shall be understood the totality of the citizens in the territorial-administrative unit.

**Art. 4.** – (1) The local autonomy shall be administrative and financial only, being exercised on the basis and within the limits stipulated by law.

(2) The local autonomy concerns the organisation, functioning, competencies and duties, as well as the managing of the resources which, according to law, belong to the commune, town or county, as the case may be.

**Art. 5.** – (1) The competencies and the duties of the local public administration authorities shall be established only by law. These competencies shall be full and exclusive, except for the cases stipulated by law.

(2) The local autonomy grants the local public administration authorities the right that, within the limits of the law, to have initiatives in all the domains, except for those that expressly are given in the competency of other public authorities.

**Art. 6.** – (1) The relations between the authorities of the local public administration in communes and towns and the public administration authorities at county level shall be based on the principles of autonomy, legality, responsibility, cooperation and solidarity in solving the matters of the entire county.

(2) In the relations between the local public administration authorities and the county council, on the one hand, as well as between the local council and the mayor, on the other hand, there are no terms of subordination.

**Art. 7.** – (1) The exercising of the competencies and duties established by law is incumbent upon the local public administration authorities that are the closest to the citizen.

(2) The establishing of competencies and duties for other authorities than those stipulated in para (1) shall have to take into account the scope and the nature of the responsibility that are incumbent on them, as well as the requirements of efficiency and efficacy.

(3) The central public administration authorities can not establish or impose any kind of responsibilities on the local public administration authorities in the process of decentralization of certain public services or of creating new public services, without ensuring the adequate financial means for achieving the respective responsibilities.

**Art. 8.** – The central public administration authorities shall consult, before adopting any decision, the associative structures of the local public administration authorities, in all matters that directly concern them, according to law.

**Art. 9.** – Within the national economic policy, the communes, towns and counties have the right to the own resources, which the local public administration authorities shall manage according to the duties devolving upon them, under the terms of the law. The financial resources of the local public authorities have to be proportional with the competencies and the responsibilities stipulated by law.

**Art. 10.** – The local public administration authorities shall manage or, as the case may be, shall dispose of the financial resources, as well as of the goods in public or private property of the communes, towns and counties, in accordance with the local autonomy principle.

**Art. 11.** – (1) The local public administration authorities shall have the right, within their competencies, to co-operate and to associate with other authorities of the local public administration in the country or from abroad, under the terms of the law.

(2) In order to protect and promote their common interests, the local public administration authorities shall have the right to join national and international associations, under the terms of the law.

**Art. 12.** – The local public administration authorities may conclude agreements among them and may participate, including by allocation of funds, in the initiation and carrying out of regional development programmes, under the terms of the law.

**Art. 13.** – (1) The local councils and the county councils in the territorial-administrative units adjacent to the border zones may conclude across the border cooperation agreements with the similar authorities in the neighbouring countries, under the terms of the law.

(2) Such agreements shall be concluded only in the fields that are in the competency of the local or county councils, according to the present law, by observing the internal legislation and the international commitments undertaken by the Romanian State.

(3) Through the across the border co-operation agreements, bodies may be set up also on the territory of Romania, that should have legal personality, according to the internal law. Such bodies do not have territorial-administrative competencies, in the sense of the present law.

(4) The local councils and the county councils, that concluded across the border co-operation agreements, have the right to participate, in other states, in the bodies set up through the respective agreements, within the limits of the competencies that are incumbent on them according to law.

**Art. 14.** – (1) The initiative of the local public administration authorities to co-operate and associate with local public administration authorities from abroad, as well as to join an international association of local public administration authorities shall be communicated to the Ministry of Foreign Affairs and to the Ministry of Public Administration.

(2) The local public administration authorities shall send, for endorsement, to the Ministry of Foreign Affairs the draft co-operation agreements or conventions that they intend to conclude with local public administration authorities in other countries, before submitting them for passing by the local or county councils, as the case may be.

(3) The endorsements stipulated in para (2) have to be issued within 30 days of the receipt of the request, otherwise it shall be considered that there are no objections and the respective draft can be submitted for the approval of the interested local or county council.

(4) The agreements or the conventions concluded by the local public administration authorities are binding only the responsibility of the local or county council that is a party to them, these being subjected to the legality control, and the documents issued by virtue of the respective agreements or conventions have, under the internal law, the same juridical value and the same effects as the administrative documents adopted in keeping with the provisions of the present law.

**Art. 15.** – The local councils and the county councils may decide on the participation with capital or with goods, in the name and interest of the local collectivities they represent, in the setting up of trading companies or in the setting up of services of local or county public interest, as the case may be, under the terms of the law.

**Art. 16.** – The administrative control and the financial control of the local public administration authorities' activity shall be exercised within the limits and under the terms stipulated by the law.

**Art. 17.** – In the territorial-administrative units in which the citizens belonging to the national minorities by a share of over 20% of the number of the inhabitants, the local public administration authorities shall ensure, in the relations with them, also the use of the mother tongue, in keeping with the provisions of the Constitution, of the present law and of the international conventions to which Romania is a party.

**Art. 18.** – (1) The communes, towns and counties are territorial-administrative units in which the local autonomy is exercised and in which local public administration authorities are organised and function.

(2) The communes may be formed of one or more villages.

(3) Certain towns may be declared municipalities, under the terms of the law.

(4) In municipalities, territorial-administrative subdivisions may be created, the delimitation and organisation of which are made according to law.

(5) The local public administration authorities may also be set up in the territorial-administrative subdivisions of the municipalities. Such authorities shall exercise the duties stipulated in art. 95 and art. 97, respectively, which apply accordingly.

**Art. 19.** – The communes, towns and counties shall be legal persons of public law. They shall have their own property and full legal capacity.

**Art. 20.** – The territorial delimitation of the communes, towns and counties shall be established by law. Any change in their territorial limits may be made only by law and only after prior consultation of the citizens in the respective territorial-administrative units by referendum, to be organised according to law.

Section 2

**Local public administration authorities**

**Art. 21.** – (1) The public administration authorities through which the local autonomy is achieved in communes and towns shall be the local councils of the communes and towns, as deliberative authorities, and the mayors, as executive authorities. The local councils and the mayors shall be elected under the terms stipulated in the Law on local elections.

(2) The local councils and the mayors shall function as authorities of the local public administration and shall solve the public matters in the communes and towns, under the terms of the law.

**Art. 22.** – A county council shall be constituted in each county, as the authority of the local public administration, for the coordination of the activity of the communal and town councils, aimed at the carrying out of public services of county interest. The county council shall be elected under the terms of the Law on local elections.

**Art. 23.** – The local elected persons are the mayor, the local councillors and the county councillors. In order to ensure the free exercise of their mandate, they perform a position of public authority, benefiting from the provisions of the penal law regarding the persons who hold an office involving the exercise of state authority.

**Art. 24.** – (1) The mandate of the mayor, of the local councillor, of the county councillor respectively, shall be of 4 years. The mandate is exercised under the terms of the law.

(2) The local council or the county council, as well as the mayor, elected during a mandate, as a result of the dissolution of the local or county council, respectively of the vacancy for a mayor position, shall end the mandate of the previous local public administration authority.

(3) The local council or the county council, as well as the mayor, elected following the organisation of new territorial-administrative units or following the dissolution of certain councils, respectively the vacating of certain mayor positions, shall exercise their mandate only until the organisation of the next general local election.

**Art. 25.** – In order to ensure local autonomy, the local public administration authorities have the right to introduce and collect local taxes and fees, to draw up and to approve the incomes and expenditure budgets of the communes, towns and counties, under the terms of the law.

**Art. 26.** – (1) The Government shall appoint a prefect in each county and in Bucharest Municipality.

(2) The prefect shall be the representative of the Government at local level and shall manage the decentralised public services of the ministries and of the other central bodies in the territorial-administrative units.

**Art. 27.** – (1) The prefect may challenge, in all or in part, before the administrative disputed claims court, the decisions adopted by the local council or by the county council, as well as the decisions issued by the mayor or by the president of the county council, in case he considers such deeds or stipulations in them as being illegal. The challenged deed or its stipulations shall be *de jure* suspended.

(2) Under the terms of the law, the prefect shall be accountable from the administrative, civil or penal point of view, as the case may be, at the request of the local or county public administration authorities, the deeds of which have been challenged, in the case in which the administrative disputed claims court decides that the administrative deed was abusively challenged.

CHAPTER II

**Local councils**

Section 1

**Constitution of the local council**

**Art. 28.** – The local councils shall be composed of councillors elected by universal, equal, direct, secret and freely expressed vote, under the terms established by the Law on local election.

**Art. 29.** – (1) The number of members of each local council shall be established by an order of the prefect, depending on the population of the commune or town, reported by the National Statistics Institute and Economic

Studies on July 1 of the running year or, as the case may be, on July 1 of the year preceding the elections, as follows:

Number of inhabitants of the commune or town		Number of councillors
– up to	1,500	9
– from	1,501 to 3,000	11
– from	3,001 to 5,000	13
– from	5,001 to 10,000	15
– from	10,001 to 20,000	17
– from	20,001 to 50,000	19
– from	50,001 to 100,000	21
– from	100,000 to 200,000	23
– from	200,001 to 400,000	27
– over	400,000	31

(2) The General Council of Bucharest Municipality shall be composed of 55 councillors.

**\*Art. 30. – Repealed.**

**Art. 31. –** (1) The constituting of the local councils shall be made within 20 days of the date of the elections. The prefect shall convene the elected councillors for the constitutive meeting. The prefect or his representative, as well as the mayor may participate in the constitution meeting, even if the validation procedure of his mandate was not finalised.

(2) The meeting shall be legally constituted if at least two thirds of the number of the elected councillors participate in it. In case this majority cannot be ensured, the meeting shall be organised, under the same conditions, after 3 days, on the convening by the prefect. If at the second convening the meeting is still not legally constituted, the prefect shall make a new convening after another 3 days, under the same conditions.

(3) In the case in which the local council cannot meet even after the last convening due to absence, without solid motivation, of the councillors, the prefect shall declare, by order, vacant the seats of the elected councillors who were unmotivated absent from the 3 previous meeting, if they cannot be replaced by the substitutes registered on the

\* Art. 30 was repealed by the Law no. 161/2003.

respective lists of candidates, completion elections being organised within 30 days, under the terms of the Law on local elections.

(4) The prefect's order stating as vacant the seats of the councillors who were unmotivated absent may be challenged, by those concerned, at the administrative disputed claims court within 5 days of communication. The decision of the instance is final and irrevocable.

(5) The absence of the councillors from the constitutive meeting shall be considered as motivated if proof is made that this occurred due to an illness that needed hospitalisation or made their presence impossible, to travelling abroad on official business, or to certain *force majeure* events.

**Art. 32. –** (1) The proceedings of the constitutive meeting shall be chaired by the senior councillor, assisted by 2 of the youngest councillors.

(2) In order to validate the mandates, the local councils shall elect by vote by show of hands, out of their members, a validation commission consisting of 3–5 councillors, for the entire duration of the mandate.

(3) The validation commission shall examine the legality of each councillor's election and shall propose to the local council the validation or the invalidation of the mandates.

(4) The validation commission shall propose the invalidation of a councillor's election only in the case in which the infringement of the eligibility conditions was ascertained, or if the councillor's election was made by electoral fraud, ascertained under the terms of the Law on local elections.

(5) The validation or invalidation of the mandates shall be made, in alphabetical order, by the show of hands of the majority of councillors present in the meeting. The person whose mandate is submitted to validation or invalidation shall not participate in the vote.

**Art. 33. –** (1) The decision to validate or invalidate the mandates may be challenged by those interested before the administrative disputed claims court within 5 days of adopting or, of communication, in the case of those absent from the meeting.

(2) The administrative disputed claims court shall be obliged to pass the decision within 30 days.

**Art. 34.** – (1) The councillors whose mandates have been validated shall take the following oath before the council, in the Romanian language:

“I solemnly swear to abide by the Constitution and the laws of the country, and to do, in good faith, everything in my power and my ability, for the welfare of the inhabitants of the commune... (town, county). So help me God!”

(2) The councillors who decline to take the oath shall be considered resigned by right.

(3) The oath may be taken also without the religious formula.

**Art. 35.** – In the case in which the elected councillor renounces the mandate before the validation or declines to take the oath, there shall be submitted to validation the mandate of the first substitute registered on the list of the respective political party, political alliance or electoral alliance if, before the validation of the mandate, the parties and the political alliances confirm in writing the membership to the party. In the case in which the seats remained vacant cannot be filled with substitutes, and the number of councillors is reduced below two thirds, completion elections shall be organised, within 30 days, under the terms of the Law on local elections.

**Art. 36.** – After the validation of the mandates and the oath taken by at least two thirds of the number of the local council's members, the councillor who chaired the meeting shall declare the council as legally constituted.

**Art. 37.** – (1) After declaring it as legally constituted, the local council shall elect from among its members, by the show of hands of the majority of councillors in office, a sitting chairman, for a period of maximum 3 months, who shall chair the council's sittings and shall sign the decisions adopted by it.

(2) The councillor elected under the terms of para (1) may be changed from office on the initiative of at least one third of the number of councillors, by the vote of the majority of councillors in office.

## *Section 2* **Powers of the local councils**

**Art. 38.** – (1) The local council shall have initiative and decide, according to law, on all matters of local interest,

except for those that are established by law in the competency of other local or central public authorities.

(2) The local council shall have the following main powers – it shall:

a) elect, from among the councillors, the deputy-mayor, respectively deputy-mayors, as the case may be; establish, within the limits of the legal norms, the number of personnel in the own apparatus;

b) approve the statute of the commune or town, as well as the organisation and functioning regulations of the council;

c) give its opinion or approve, as the case may be, studies, prognoses and programmes of socio-economic development, of territorial planning and organisation, documentation of territorial and town planning, including the participation in programmes of county, regional, zonal development, and across the border cooperation under the terms of the law;

d) approve the local budget, the loans, the credit transfers and the mode of utilisation of the budgetary reserve; approve the closing account of the financial year; establish taxes and local fees, as well as special fees, according to law;

e) approve at the proposal of the mayor, under the terms of the law, the organisation chart, the staffing schedule, the number of personnel and the organisation and functioning regulations of the own specialty apparatus, of the institutions and public services, as well as of the autonomous régies of local interest;

f) manage the public domain and the private domain of the commune or town;

g) decide on the granting of managing, licensing or renting of the public property goods of the commune or town, as the case may be, as well as of the public services of local interest, under the terms of the law;

h) decide on the sale, licensing or renting out of the private property goods of the commune or town, under the terms of the law;

i) set up public institutions, trading companies and public services of local interest; follow up and analyse their activity; establish, with the observance of the general criteria established by the law, norms of organisation and functioning for the public institutions and services of local interest; appoint and dismiss of office, under the terms of the law, the managers of the public services of local interest, as well as

those of the public institutions in its subordination; apply disciplinary sanctions, under the terms of the law, to the persons appointed by it;

j) decide on the setting up and reorganisation of the autonomous régies of local interest; exercise, in the name of the territorial-administrative unit, all the rights of the shareholder in trading companies set up by it; decide on the privatization of these trading companies; appoint and dismiss, under the terms of the law, the members of the management boards of the autonomous régies in its subordination;

k) analyse and approve, under the terms of the law, the documentation for the town and country planning, establishing the material and financial means necessary for its implementation; approve the allocation of funds from the local budget for protection activities against floods, fires, disasters and dangerous meteorological phenomena;

l) establish the necessary measures for the building, maintenance and modernisation of roads, bridges, as well as of the entire infrastructure belonging to the means of communication of local interest;

m) approve, within the limits of its competencies, the technical and economic documentation for the investments of local interest and ensure the necessary conditions for their implementation;

n) ensure, according to its competencies, the material and financial conditions necessary for the proper functioning of the public institutions and services of education, health, culture, youth and sports, the protection of public order, the protection against fire and civil protection, under its authority; follow up and control their activity;

o) decide, in the localities with insufficient number of doctors or health personnel, the granting of incentives in kind and money, as well as other facilities, according to law, aimed at ensuring medical services for the population; similar facilities may also be granted to the didactic personnel;

p) contribute to the organisation of scientific, cultural, artistic, sports and leisure activities;

q) decide on the ensuring of public order; analyse the activity of the public guardians, police, firemen and of the civil protection formations, under the terms of the law, and propose measures for the improvement of their activity;

r) take measure for the protection and rehabilitation of the environment, aimed at the increase in the quality of life;

contribute to the protection, conservation, restoration and turning to good account the historic and architectural monuments, parks and natural reservations, under the terms of the law;

s) contribute to the implementation of the measures for protection and social assistance; ensure the protection of child's rights, in accordance with the legislation in force; approve the criteria for the distribution of social housing; set up and ensure the functioning of charity organisations of local interest;

t) set up and organise fairs, market places, cattle fairs, amusement parks and places, sports grounds and ensure their proper functioning;

u) assign or change, under the terms of the law, names to streets, market places and objectives of public interest;

v) confer the title of freeman of the city of the commune or town, to Romanian or foreign natural persons with special merits;

x) decide, under the terms of the law, on the co-operation or association with Romanian or foreign legal persons, with non-governmental organisations and with other social partners, aimed at the joint financing and carrying out of certain activities, works, services or projects of local public interest, decide on the fraternisation of the commune or town with similar territorial-administrative units in other countries;

y) decide, under the terms of the law, on the co-operation or association with other authorities of the local public administration in the country or from abroad, as well as on joining national or international associations of local public administration authorities, aimed at the promotion of common interest;

z) support, under the terms of the law, the activity of the religious cults;

w) ensure the freedom of trade and encourage the free initiative, under the terms of the law.

(3) The local council exercises other powers, too, as established by law.

### *Section 3* *Functioning of the local councils*

**Art. 39.** – (1) The local council shall be elected for a mandate of 4 years, which may be extended, by organic law, in case of war or catastrophe.

(2) The local council shall exercise its mandate from the date of its constitution until the date when a newly elected council is declared as legally constituted.

**Art. 40.** – (1) The local council shall meet, monthly, on ordinary sittings, upon the convening by the mayor.

(2) The local council may also meet in extraordinary sittings at the request of the mayor or of at least one third of the number of the council's members.

(3) The convening of the local council shall be made in writing, through the secretary of the territorial-administrative unit, by at least 5 days before the ordinary sittings and by at least 3 days before the extraordinary sittings.

(4) In case of *force majeure* and of maximum urgency for the solving the interests of the inhabitants of the commune or town, the convening of the local council may be made straight away.

(5) The invitation to the sitting shall stipulate the date, hour, place where it shall take place, and its agenda.

(6) The inhabitants of the commune or town shall be informed of the agenda of the local council sitting through mass media or any other means of publicity.

(7) In the communes or towns in which the share of the citizens belonging to a national minority is over 20 % of the number of inhabitants, these shall be informed of the agenda also in their language, too.

(8) In all the cases the convening is recorded in the official report of the sitting.

**Art. 41.** – (1) The sittings of the local council shall be legally constituted if the majority of the councillors in office are attending.

(2) The presence of the councillors at the sitting shall be compulsory. The cases in which the absence is considered as motivated shall be established in the organisation and functioning regulations of the local council. In the case in which a councillor shall be absent twice consecutively, without good reasons, he may be sanctioned under the terms of the organisation and functioning regulations of the local council.

**Art. 42.** – The sittings of the local council shall be chaired by a councillor, elected according to the stipulations of art. 37.

**Art. 43.** – (1) The sittings of the local council shall be public, except for the cases in which the councillors decide, by majority of votes, that these should be held with closed doors.

(2) The matters regarding the local budget, the administration of the public and private domain of the commune or town, the participation in the development programmes of county, regional, zonal or of across the border co-operation, urban organisation and development of localities and territorial planning, as well as those regarding the association or co-operation with other public authorities, nongovernmental organisations, Romanian or foreign legal persons shall always be discussed in a public sitting. In connection with these matters, the mayor may propose the consultation of the citizens by referendum, under the terms of the law.

(3) The proceedings of the sittings shall be carried on in the Romanian language, the official language of the State. In the local councils in which the councillors belonging to a national minority represent at least one third of the total number, the mother tongue may also be used in the council sittings. In such cases, the translation into Romanian language shall be ensured by the courtesy of the mayor. In all the cases, the documents of the council sittings shall be drawn up in the Romanian language.

(4) The debates in the local council sittings, as well as the way in which each councillor exercised his vote, shall be recorded in an official report, signed by the councillor chairing the council sitting and by the secretary of the territorial-administrative unit.

(5) The councillor chairing the council sittings, together with the secretary of the territorial-administrative unit shall assume, by their signature, their responsibility of the veracity of the recordings.

(6) Before each sitting, the secretary shall put at the disposal of the councillors, in due time, the official report of the previous sitting, which he shall subsequently submit for approval to the local council. During the sitting, the councillors have the right to contest the contents of the official report and to request the exact mentioning of the opinions expressed in the previous sitting.

(7) The official report and the documents debated in the sitting shall be placed in a special file of the respective sitting, which shall be numbered, signed and sealed by the councillor

chairing the council sittings and by the secretary, after the approval of the official report.

**Art. 44.** – The agenda of the sittings shall be approved by the local council, on the proposal of the one who, according to the terms of art. 40, has asked for the council meeting. The modification of the agenda may be made only for urgent matters and only by the vote of the majority of the councillors present.

**Art. 45.** – The matters listed on the agenda of the local council sitting cannot be debated unless accompanied by the report of the competent compartment in the own specialty apparatus of the local public administration authority, that shall be drawn up within 30 days of the request of the initiator, as well as by the endorsement of the council's specialty commission, except for the cases stipulated in art. 40 (2) and (4).

**Art. 46.** – (1) In the exercise of its powers, the local council shall adopt decisions, by the vote of the majority of the members present, save for the cases in which the law or the organisation and functioning regulations of the council calls for another majority.

(2) The decisions regarding the contracting of loans, under the terms of the law, the administration of the public and private domain of the commune or town, the participation in programmes of county, regional, zonal development or across the border co-operation, the urban organisation and development of localities and the territorial planning, as well as those regarding the association or co-operation with other public authorities, with nongovernmental organisations, with Romanian or foreign legal persons shall be adopted by the vote of at least two thirds of the total number of councillors in office.

(3) The decisions regarding the local budget, as well as those by which local taxes and fees are established shall be adopted by the vote of the majority of councillors in office. If the local budget cannot be adopted after two consecutive sittings, that shall be held at an interval of maximum 7 days, the activity shall be carried out on the basis of the budget for the previous year until the adopting of the new local budget, but not more than 30 days of the date of coming into force of the state budget law.

(4) The local council may establish for certain decisions to be taken by secret vote. The decisions of individual character regarding persons shall always be taken by secret vote, with the exceptions stipulated by law.

(5) Draft decisions may be proposed by the councillors or by the mayor. The wording of the drafts shall be made by those that propose them, with the assistance of the secretary and of the services within the specialty apparatus of the local public administration authorities.

**Art. 47.** – (1) The councillor who, either personally, or through husband, wife in-laws or relatives up to and including fourth degree, has a patrimonial interest in the matter submitted to the debates of the local council, cannot participate in the deliberation and adopting of the decisions.

(2) The decisions adopted by the local council with violation of the provisions of para (1) shall be null according to law. The nullity shall be found out by the administrative disputed claims court. The suit may be introduced by any interested person.

**Art. 48.** – The decisions of the local council shall be signed by the councillor chairing the council sittings, elected under the terms stipulated in art. 37, and shall be countersigned, for legality, by the secretary. In case the councillor elected under the terms of art 37 is absent or refuses to sign, the decisions of the local council shall be signed by 3–5 councillors.

**Art. 49.** – (1) The secretary shall not countersign the decision in case he notices that this is illegal or that it exceeds the competencies that are incumbent on the local council, according to law. In such a case, the secretary shall state to the local council his motivated opinion, which shall be recorded in the official report of the sitting.

(2) The secretary shall communicate the decisions of the local council to the mayor and the prefect, immediately, but not later than 3 days since the date of the adopting.

(3) The communication, accompanied by the possible objections regarding the legality, shall be made in writing by the secretary and shall be recorded in a register specially dedicated to that purpose.

**Art. 50.** – (1) The decisions of normative character become compulsory and produce effects from the date of bringing

them to the public knowledge, with the individual ones, from the date of communication.

(2) The bringing to the public knowledge of the decisions of normative character shall be made within 5 days of the official communication to the prefect.

**Art. 51.** – In the territorial-administrative units in which the citizens belonging to a national minority have a share of over 20 % of the total number of the inhabitants, the decisions of normative character shall be brought to the public knowledge also in the mother tongue of the respective minority, while those of individual character shall be communicated, at request, in the mother tongue, too.

**Art. 52.** – (1) In exercising their mandate, the councillors are in the service of the local collectivity.

(2) The mayor is obliged that, through the secretary and the own specialty apparatus, to put at the disposal of the councillors, at their request, the necessary information for the carrying out of their mandate, within maximum 20 days.

(3) In carrying out their mandate, the councillors shall be obliged to organise, periodically, meetings with the citizens and to grant audiences.

(4) Each councillor, as well as the deputy mayor shall be obliged to submit an annual activity report, that shall be made public through the good office of the secretary.

(5) In order to participate in the sittings of the local council and of the speciality commissions, the councillor gets an indemnity established under the terms of the law.

(6) The councillors have the right to the defrayal of the expenses made during the carrying out of their mandate, under the terms of the law.

(7) The local council may decide on the reduction of the indemnity quantum stipulated in para (5) and of the quota in which the defrayal is made in accordance with the provisions of para (6), in keeping with the financial possibilities.

**Art. 53.** – (1) The councillors shall be jointly and severally liable for the activity of the local council of which they are members or, as the case may be, in their own name, for the activity carried out in exercising their mandate, as well as for the decisions voted.

(2) In the official report of the local council sitting, the result of the vote shall be compulsorily recorded.

(3) At the request of the councillors, their vote shall be nominally recorded in the official report of the sitting.

**Art. 54.** – The proceedings of the local council may be attended and the floor may be taken, without voting right, by the prefect, the president of the county council or their representatives, the deputies and the senators, the ministers and the other members of the Government, the secretaries and undersecretaries of state, the heads of the decentralised public services of the ministries and of the other central bodies in the territorial-administrative units, in the matters that concern the fields of responsibility of these services, as well as by interested persons invited by the mayor.

**Art. 55.** – (1) The inhabitants of the villages that do not have elected councillors in the local councils shall be represented in the council by a village delegate.

(2) The village delegate shall be elected for the period of the local council's mandate by a village gathering, made of a representative of each family, convened and organised by the mayor and carried out in the presence of the mayor or of the deputy mayor.

(3) When discussing the matters of the respective villages, the village delegates shall be compulsorily invited. Their vote shall have a consultative character.

(4) The provisions of art. 52 (5) and (6) are accordingly applicable to the village delegate.

**Art. 56.** – (1) After its constitution, the local council organises specialty commissions for the main fields of activity.

(2) Only the councillors, with the exception of the deputy mayor, can be members of the specialty commissions.

(3) Each specialty commission elects a president and a secretary.

(4) The specialty commissions analyse and endorse the draft decisions in their field of activity.

(5) The specialty commissions work in plenum and take decisions by the vote of the majority of their members.

(6) The organisation, functioning and the duties of the specialty commissions shall be established by the organisation and functioning regulations of the local council.

(7) The local councils may organise, on their own initiative or on the initiative of the mayor, as the case may be, special commissions of analysis and verification, for a limited period of time. The composition of the special commission of analysis and verification, the objectives and the period of time for the carrying out of its activity shall be established by decision of the local council. The commission members shall work within the limits established by the decision.

#### *Section 4*

#### ***The dissolving of the local council***

**Art. 57.** – (1) The local council may be dissolved if it adopted, during an interval of at most 6 months, at least 3 decisions that were cancelled by the administrative disputed claims court by a final and irrevocable judgment.

(2) The dissolving of the local council shall be made by Government decision, on the motivated proposal of the prefect, based on the final and irrevocable judgments.

(3) The dissolving decision may be challenged by any of the councillors at the administrative disputed claims court, within 10 days of the date of its publication in the Official Gazette of Romania, Part I. In such a case, the preliminary procedure provided under the law shall no longer be carried out and the institution of proceedings shall suspend the execution of the dissolving measure.

(4) The date for the organisation of the election of the new local council shall be established by the Government on the proposal of the prefect, within 30 days of the expiry of the term provided under para (3), or from the judgment rejecting the councillors' action at law remaining final and irrevocable, as the case may be.

(5) Until the setting up of the new local council, the mayor, the deputy mayor or in their absence, the secretary shall solve the current matters of the commune or town, in accordance with the competencies that are incumbent on him, according to law.

**Art. 58.** – (1) In the case in which the local council does not meet for 3 consecutive months or has adopted no decision in 3 consecutive ordinary sittings, as well as in the case in which the number of councillors is reduced to below half plus one and cannot be compensated by substitutes, it is considered as dissolved by right.

(2) The cases stipulated in para (1) shall be communicated by the mayor, deputy mayor or, in their absence, by the secretary, to the prefect who, by order, shall take note of the situation of dissolution of the local council and propose to the Government the organising of new elections.

(3) The prefect's order may be challenged by the interested councillors at the administrative disputed claims court, within 10 days of communication or of taking note of it.

(4) The administrative disputed claims court shall be obliged to pass the judgment within 30 days. In this case the preliminary procedure shall no longer be carried out and the bringing of the action shall suspend the execution of the dissolution measure. The decision of the court is final and irrevocable.

(5) The Government shall establish the date for the organising of the election of the new local council on the proposal of the prefect, within 30 days of the expiry of the term provided in para (3) or, as the case may be, of the judgment rejecting the action against prefect's order remaining final and irrevocable.

#### *Section 5*

#### ***Suspension and cessation of councillor's mandate***

**Art. 59.** – (1) The councillor's mandate shall be suspended by right only if he was arrested on suspicion. The measure of the arresting on suspicion shall immediately be communicated by the prosecutor's office or by the court, as the case may be, to the prefect who, by order, shall ascertain the suspension of the mandate.

(2) The suspension shall last until the final settlement of the case. The suspension order shall immediately be communicated to the councillor.

(3) In the case in which the suspended councillor was found innocent, he has the right to compensations according to law.

**\*Art. 60.** – (1) The councillor mandate shall cease by right in the following cases:

- a) resignation;
- b) *repealed*;

\* Art. 60 (1) b) was repealed by Law no. 161/2003.

c) change of domicile in another territorial-administrative unit;

d) impossibility of exercising the mandate for a period longer than 6 consecutive months, except for the case stipulated in art. 59 (1);

e) the finding out, after the mandate validation, that the election has been made by electoral fraud or by any other infringement of the Law on local elections;

f) sentencing, by a final judgment, to an imprisonment penalty;

g) laying under judicial interdiction;

h) disenfranchisement;

i) unmotivated absence from 3 consecutive ordinary sittings of the local council;

j) demise.

(2) The cessation by right of the councillor mandate shall be ascertained by the local council, by decision, upon the initiative of the mayor or of any councillor.

(3) In the case stipulated in para (1) c), d) and i) the decision of the local council may be challenged by the councillor at the administrative disputed claims court, within 10 days of communication. The court shall be obliged to pass judgment within 30 days. In such a case, the preliminary procedure shall no longer take place, and the decision of the first instance shall be final and irrevocable.

### CHAPTER III

#### The mayor and the deputy mayor

**Art. 61.** – (1) The communes and the towns shall have each a mayor and a deputy mayor, while the county residence towns shall have 2 deputy mayors each, elected according to law. The deputy mayors cannot be councillors at the same time.

(2) The mayor shall participate in the sittings of the local council and shall have the right to express the point of view on all the matters under debating.

(3) For the entire duration of exercising the mandate of mayor, deputy mayor, respectively, their labour contract at public institutions, autonomous régies, national companies, national societies, trading companies with majority state

capital or trading companies subordinated to the authority of local or county councils, shall be suspended by right.

(4) The mayor and the deputy mayor shall receive, for the entire duration of exercising the mandate, an indemnity established according to law.

**\*Art. 62.** – *Repealed.*

**Art. 63.** – (1) The validation of the mayor's elections shall be made within 20 days of the date of the elections, in the court chamber of the court in the territorial radius of which the commune or town is located, by a judge designated by the court president.

(2) The invalidation of the mayor's election shall be pronounced in the cases stipulated in art. 32 (4).

**Art. 64.** – (1) The invalidation decision of the mayor's election may be challenged by the interested party within 5 days of the trial, at the administrative disputed claims court.

(2) The instance shall be obliged to pass a judgment within 30 days.

(3) The result of the validation or invalidation of mayor's election shall be brought to the knowledge of the prefect and shall be presented in the constitutive sitting of the local council or, as the case may be, in an extraordinary sitting, by a judge designated by the court president.

(4) In case of invalidation of mayor's election the Government, on the prefect's proposal, shall establish the date of the elections within maximum 30 days of the invalidation date or, as the case may be, of the date the judgment remains final and irrevocable, under the terms of the law.

**Art. 65.** – (1) The mayor shall take, in front of the local council, the oath stipulated in art. 34 (1).

(2) The mayor who declines to take the oath shall be considered as resigned by right.

**Art. 66.** – (1) The mayor shall execute an office of public authority. He shall be the chief of the local public administration and of the own specialty apparatus of the local public administration authorities, which he manages and controls.

\* Art. 62 was repealed by Law no. 161/2003.

(2) The mayor shall be responsible for the proper functioning of the local public administration, according to law.

**Art. 67.** – (1) The mayor represents the commune or town in the relations with other public authorities, with Romanian or foreign natural or legal persons, as well as in justice.

(2) The distinctive sign of the mayor shall be a shoulder sash in the colours of the national flag of Romania.

(3) The shoulder sash shall be worn, compulsorily, at solemn ceremonies, receptions, public ceremonies and marriage ceremonies.

(4) The model of the shoulder sash shall be established by Government decision.

**Art. 68.** – (1) The mayor shall carry out the following main duties – he/she shall:

a) ensure the observance of the fundamental rights and freedoms of the citizens, of the provisions of the Constitution, as well as the applying of the laws, the decrees of the President of Romania, of the Government decisions and ordinances; order the necessary measures and grant support for the applying of the orders and instructions of normative character of the ministers and of the other leaders of the central public administration authorities, as well as the county council decisions;

b) ensure the implementation of the local council decisions. In the case in which he considers that a decision is illegal, within 3 days of adopting, he shall intimate the prefect;

c) he may propose to the local council the consultation of the population by referendum on the local matters of special interest. On the basis of the local council decision, shall take steps for the organising of such consultation, under the terms of the law;

d) present to the local council, annually or whenever necessary, reports on the economic and social status of the commune or town, in accordance with the duties that are incumbent on the local public administration authorities, as well as information on the modality of implementing the decisions of the local council;

e) draw up the draft of the local budget and the closing account of the budgetary exercise and shall submit them to the approval of the local council;

f) exercise the office of main official person entitled to authorise expenditure from the budgetary credits;

g) verify, *ex officio* or at request, the receipts and expenditure of sums of money from the local budget and communicate immediately the findings to the local council;

h) take measures for the prevention and limitation of the consequences of calamities, catastrophes, fires, epidemics or epizootics, together with the State's specialised bodies. To this end he may mobilise the population, the economic units and the public institutions in the commune or town, these being obliged to carry out the measures established in the protection and intervention plans drawn up by types of disasters;

i) ensure public law and order to the inhabitants, with the support of the police, gendarmerie, public guardians, firefighters and civil protection units, that are obliged to answer his requests, under the terms of the law;

j) guide and supervise the activity of the public guardians, in keeping with the contract commitments;

k) take the measures provided under the law with regard to the carrying on of public meetings;

l) take measures of prohibition or suspension of shows, performances or other public manifestations which contravene the established order, or infringe upon the good morals, public law and order and public peace;

m) control the hygiene and salubrity of public premises and of foodstuffs put on sale for the population, with the assistance of the specialised bodies;

n) take measures for the preventing and fighting the dangers caused by animals, under the terms of the law;

o) take measures for the drawing up of the general town-planning design of the locality and submits it to the approval of the local council; ensure the observance of the provisions of the general town-planning design, as well as of the zonal and detailed urbanisation plans;

p) ensure the distribution of the social housings on the basis of the local council's decision;

q) ensure the maintenance and the rehabilitation of the public roads, that are property of the commune or town, the installing of the traffic indicators, the normal unrolling of the road and pedestrian traffic, under the terms of the law;

r) exercise the control over the activities in fairs, market places, cattle fairs, recreation parks and places and take measures for their proper functioning;

s) manage the local public services; ensure the functioning of the civil status and of tutelary authority services; supervise the carrying out of the measures of social assistance and social allowance;

ş) perform the office of registrar;

t) issue the endorsements, agreements and authorisations that are, by law, in his competence;

ţ) propose for approval by the local council, under the terms of the law, the organisation chart, the staffing schedules, the number of personnel and the organisation and functioning regulations of the own specialty apparatus;

u) appoint and dismiss from office, under the terms of the law, the personnel in the own specialty apparatus of the local public administration authority, excepting the secretary; propose to the local council the appointing and dismissal from office, under the terms of the law, of the managers of the autonomous régies, of public institutions and services of local interest;

v) be responsible of the stock-taking and managing of the goods belonging to the public domain and to private domain of the commune or town;

x) organise the situation of the construction works in the locality and put at the disposal of the central public administration authorities the results of such situations;

y) take measures for the control of the depositing of domestic, industrial wastes or of any other kind, to ensure the hygiene of the river banks in the radius of the commune or town, as well as the unsilting of the local valleys and bridges to ensure the flow of big waters.

(2) The mayor shall exercise other duties, too, stipulated by law or other statutory instruments, as well as the tasks assigned by the local council.

**Art. 69.** – (1) In exercising his duties of tutelary authority and registrar, of the tasks that are incumbent on him from the statutory instruments regarding the census, the organisation and carrying on of the elections, the taking of measures of civil protection, as well as other duties established by law, the mayor also acts as representative of the State in the commune or town in which he was elected.

(2) In this capacity, the mayor may request, including through the prefect, under the terms of law, the assistance of the heads of the decentralised public services of the ministries and of the other central bodies in the administrative-territorial units if the tasks that are incumbent on him cannot be solved by the own specialty apparatus.

**Art. 70.** – (1) The mayor may delegate to the deputy mayor or, as the case may be, deputy mayors, by written order issued within maximum 30 days of validation, the exercising of the duties that are incumbent on him according to art. 68 (1) j), m), p), r), v), x) and y).

(2) The duties of registrar may be delegated to deputy mayor, secretary or to other officials having competencies in this field, according to the law.

(3) The duties that are incumbent on the mayor as representative of the State, according to art. 69, excepting those of registrar, as well as those stipulated in art. 68, (1) a) – f), h), i), k), l) and t) cannot be delegated.

**Art. 71.** – (1) In exercising his duties, the mayor shall issue orders of normative or individual character. These shall become executory only after they are brought to the public knowledge or after the interested persons are duly informed, as the case may be.

(2) The provisions of art. 49 and of art. 50 (2) shall apply accordingly.

**\*Art. 72.** – (1) The mayor's mandate shall be of 4 years and shall be exercised until the oath taking by the newly elected mayor. The mayor's mandate may be extended, by organic law, in case of war or catastrophe.

(2) The mayor's mandate shall cease, by right, in one of the following cases:

a) resignation;

b) *repealed*;

c) change of domicile in another territorial-administrative unit;

d) impossibility of exercising the mandate for a period of more than 6 consecutive months, except for the cases stipulated in art. 77 (2);

\* Art. 72 (2) b) was repealed by Law no. 161/2003.

e) if it is found, after the validation of the mandate, that the election has been won by electoral fraud or by any other violation of the Law on local elections;

f) he has been sentenced, by a final judgment, to a punishment of imprisonment;

g) laying under judicial interdiction;

h) disenfranchisement;

i) when, in exercising the duties that are incumbent on him by law, he issued 3 orders of normative character within 3 months, that were cancelled by the administrative disputed claims court by a final and irrevocable judgment;

j) demise.

(3) In the cases provided under para (2), the prefect, by an order, shall take note of the cessation of the mayor's mandate.

(4) In the case stipulated in para (2) d) the prefect's order may be challenged by the mayor at the administrative disputed claims court within 10 days of communication.

(5) The administrative disputed claims court shall be obliged to pass a judgment within 30 days. In this case, the preliminary procedure shall no longer be carried out, and the judgment of the first instance is final and irrevocable.

(6) The date for organising the elections for mayor's position shall be established by the Government, on the proposal of the prefect, within 30 days or after the expiry of the term provided for in para (4).

**Art. 73.** – (1) The mayor's mandate also ceases before the term as a result of a local referendum, organised according to law.

(2) The referendum for the cessation of mayor's mandate shall be organised at the request addressed in this regard by the inhabitants of the commune or town to the prefect, as a result of neglecting by him of the general interests of the local collectivity or of non-exercising the duties that are incumbent on him by law, including those exercised as State's representative.

(3) The request shall include the motives underlying it, the name and surname, date and place of birth, series and number of the identity card and the holograph signature of the citizens requesting the organisation of the referendum.

(4) The organisation of the referendum shall have to be requested, in writing, by at least 25% of the inhabitants having the right to vote. That percentage shall have to be achieved in each of the component localities of the commune or the town.

**Art. 74.** – (1) After receiving the request, the prefect shall proceed to the analysis of the solidity of the claimed motives, of the fulfilment of the terms stipulated in art. 73, as well as to the verifying of the veracity and authenticity of the signature, within 30 days.

(2) After verification, the prefect shall transmit to the Government, through the Ministry of Public Administration, a motivated proposal for the organisation of the referendum.

(3) On the basis of the prefect's motivated proposal, endorsed by the Ministry of Public Administration, the Government shall pronounce itself, by decision, within 60 days of the prefect's request. The Government decision shall establish the date of referendum and it shall be brought to the knowledge of the inhabitants of the commune or town, by courtesy of the prefect.

(4) The necessary expenditure for the carrying out of the referendum shall be covered from the local budget.

**Art. 75.** – (1) The local referendum shall be organised, under the terms of the law, by courtesy of the prefect, with the assistance of the secretary and of the own specialty apparatus of the respective local council.

(2) In such case, the procedures provided by law regarding the campaign for the referendum shall no longer apply.

**Art. 76.** – (1) The referendum shall be valid if at least half plus one of the total number of the inhabitants having the right to vote were present to the ballot.

(2) The mayor's mandate ceases before the term if at least plus one of the total number of the citizens having the right to vote have pronounced themselves in this regard.

(3) In the case stipulated in para (2), the provisions of art. 72 (6) shall apply accordingly.

**Art. 77.** – (1) In the exercising of his function, the mayor shall be protected by law.

(2) The mayor's mandate shall be suspended only in the case in which he has been preventively arrested. The measure of preventive arrest shall be immediately communicated by the prosecutor's office or by the court of justice, as the case may be, to the prefect who, by an order, shall take note of the mandate's suspension.

(3) The suspension order shall be immediately communicated to the mayor.

(4) The suspension shall last until the cessation of the case stipulated in para (2).

(5) If the suspended mayor has been found innocent, he shall have the right to compensation, according to law.

(6) The provisions of paras (1) – (5) shall also apply in the case of the deputy mayor.

**Art. 78.** – (1) The local council shall elect from among its members the deputy mayor, deputy mayors, respectively, by the secret vote of the majority of councillors in office. The duration of the deputy mayor's mandate shall be equal to that of the local council's mandate.

(2) The change from the office of the deputy mayor may be made by the local council, on the motivated proposal of one third of the number of councillors or of the mayor, by a decision adopted by the vote of two thirds of the number of councillors in office.

**Art. 79.** – The deputy mayor shall exercise the duties delegated to him by the mayor, under the terms stipulated in art. 70.

**Art. 80.** – The deputy mayor's mandate shall cease, by right, under the provisions of art. 72, that shall accordingly apply. In such a case, the local council shall take note of the cessation of the mandate and shall elect a new deputy mayor.

**Art. 81.** – The deputy mayor may be suspended from office under the terms stipulated in art. 77, that shall apply accordingly.

**Art. 82.** – (1) In case of vacancy of mayor's office, as well as in the case of his suspension from office, the duties that are conferred to him by the present law shall be exercised, by right, by the deputy mayor or, as the case may be, by one of the deputy mayors, designated by the local council by the secret vote of the majority of councillors in office.

(2) In the case stipulated in para (1), the council may delegate, by decision, a councillor from among its members, to temporarily fulfil the duties of the deputy mayor.

(3) In the case in which both the mayor and the deputy mayor are suspended from office, at the same time, the local council shall delegate a councillor that shall fulfil both the duties of the mayor and of the deputy mayor, until the cessation of the suspension.

(4) If both the mayor's office and that of the deputy mayor become vacant, at the same time, the council shall elect a new deputy mayor, the provisions of para (1) and (2) being applicable until the election of a new mayor. The provisions of art. 72 (6) shall apply accordingly.

## CHAPTER IV The secretary, the local public services and the own specialty apparatus

### Section 1 The secretary

**Art. 83.** – (1) Each commune, town or territorial-administrative subdivision of the municipalities shall have a secretary whose wages shall be paid from the local budget. The secretary of the commune, town or territorial-administrative subdivision of the municipalities shall be a civil servant of management, having legal or administrative higher education. Exceptionally, in the office of secretary of the commune may also be appointed a person having other higher education or with high school education attested by the baccalaureate.

(2) The secretary cannot be a member of a political party, under the sanction of being released of his office.

(3) The secretary cannot be husband, wife or first degree relative with the mayor or the deputy mayor.

**Art. 84.** – (1) The office of secretary shall be taken on the basis of competition or examination, as the case may be, and the appointment shall be made by the prefect.

(2) The competition or examination shall be organised by the mayor, according to the law, within 30 days of the date the office became vacant. The mayor, the secretary general of the prefecture, the secretary general of the county and 2 representatives designated by the local council shall compulsorily take part in the competition or examination commission. The appointment order shall be issued by the prefect, within maximum 10 days of the receipt of the result of the competition or examination, that shall be communicated by the mayor within maximum 3 days of the result of the competition or examination remaining final.

(3) The secretary enjoys stability in office, under the terms of the law.

**Art. 85.** – (1) The secretary shall carry out, under the terms of the law, the following main duties – he/she shall:

- a) participate, compulsorily, in the local council's sittings;
- b) coordinate the compartments and the activities of legal, civil status, tutelary authority and social assistance within the own specialty apparatus of the local council;

c) endorse the draft decisions of the local council, assuming the responsibility for their legality, countersigning the decisions he considers as legal;

d) endorse the mayor's orders for legality;

e) follow up the solving of the correspondence within the legal term;

f) ensure the carrying out of the procedures for convening the local council and the carrying out of the secretarial work;

g) prepare the papers to be submitted to the local council's debate;

h) ensure the communication to the interested authorities, institutions and persons the documents issued by the local council or the mayor, within maximum 10 days, if the law does not stipulate otherwise;

i) ensure the bringing to the public knowledge of the decisions and orders of a normative character;

j) deliver extracts or copies of any document in the archive of the local council, excepting those having a secret character, established according to law;

k) authenticate signatures on the documents presented by the parties and confirm the authenticity of the copies with the original documents, under the terms of the law.

(2) The secretary may also coordinate other services of the own specialty apparatus of the local public administration authorities, assigned by the mayor.

(3) The secretary also carries out other duties stipulated by law or tasks given by the local council or by the mayor.

**Art. 86.** – The dismissal from office, as well as the disciplinary sanctioning of the secretary shall be done by the prefect, only on the proposal of the local council, adopted by the vote of at least two thirds of the number of councillors in office, following the initiative of the mayor or of one third of the number of councillors, on the basis of the conclusions resulting from an administrative investigation.

#### *Section 2*

#### ***Public services of the commune, town and own specialty apparatus of the local public administration authorities***

**Art. 87.** – The public services of the commune or town shall be set up and organised by the local council in the main fields of activity, in accordance with the local specifics and

needs, by observing the legal provisions and within the limit of the financial means at its disposal.

**Art. 88.** – (1) The appointment and the dismissal from office of the personnel in the public services of the commune or town shall be made by the heads of the respective services, under the terms of the law.

(2) The mayor, under the terms of the law, shall make the appointment and dismissal from office of the personnel in the own specialty apparatus of the local council.

(3) The local council may make a motivated recommendation to the mayor for the dismissal of the heads of the compartments in the own specialty apparatus of the local council.

**Art. 89.** – The employees in the public services of the commune or town and in the own specialty apparatus of the local public administration authorities shall enjoy stability in office, under the terms of the law.

**Art. 90.** – (1) The Romanian language shall be used in the relations between the citizens and the local public administration authorities.

(2) In the territorial-administrative units in which the citizens belonging to a national minority hold a share of over 20% of the total number of the inhabitants, in their relations with the local public administration authorities and with the own specialty apparatus, they may also address themselves, orally or in writing, in their mother tongue and shall receive the answer both in the Romanian language and in their mother tongue.

(3) Under the terms provided in para (2), persons that know the mother tongue of the citizens belonging to the respective minority shall also be employed in the positions regarding public relations.

(4) The local public administration authorities shall ensure the inscribing of the name of the localities and institutions under their authority, as well as the posting up of the announcements of public interest also in the mother tongue of the citizens belonging to the respective minority, under the terms provided in para (2).

(5) The official documents shall be compulsorily drawn up in the Romanian language.

**Art. 91.** – The mayor, the deputy mayors, the secretary of the commune, of the town or of the territorial-administrative

subdivision of the municipality, shall, together with the own specialty apparatus of the local council, constitute a functional structure with permanent activity, called the *mayoralty of the commune or town* that carries out the decisions of the local council and the mayor's orders, solving the current matters of the local collectivity.

## CHAPTER V

### **The public administration of the Bucharest Municipality**

**Art. 92.** – The Bucharest Municipality shall be organised in 6 territorial-administrative subdivisions, called districts.

**Art. 93.** – (1) The districts of the Bucharest Municipality shall have a mayor and a deputy mayor each, while the Bucharest Municipality shall have a mayor general and 2 deputy mayors.

(2) The validation of the election of the mayor general of the Bucharest Municipality shall be made by the president of the Bucharest Tribunal, under the terms of the present law.

**Art. 94.** – The local public administration authorities in Bucharest Municipality shall be The General Council of the Bucharest Municipality and the local councils of the districts, as deliberative authorities, as well as the mayor general of the Bucharest Municipality and the district mayors, as executive authorities, elected under the terms of the Law on local elections.

**Art. 95.** – (1) The local councils of Bucharest Municipality districts shall function and may be dissolved under the terms stipulated by the present law for the local councils that apply accordingly.

(2) The local councils of the Bucharest Municipality shall exercise the following main duties – they shall:

a) elect, from among the councillors, the councillor that shall chair the council sittings, as well as a deputy mayor; they shall keep the position of councillor;

b) approve the organisation and functioning regulations of the council;

c) endorse studies, prognoses and socio-economic development programmes, of territorial planning and urbanisation, including the participation in regional and

zonal development programmes, under the terms of the law, which it shall submit for approval to The General Council of the Bucharest Municipality;

d) approve the local budget, the loans, transfer of credits and the modality of utilising the budgetary reserve; approve the closing account of the budgetary exercise; establish local taxes and fees, as well as special fees, under the terms of the law;

e) approve, on the mayor's proposal, the organisation chart, staffing schedules, number of personnel and the organisation and functioning regulations of the own specialty apparatus of the public services of local interest;

f) manage, under the terms of the law, the public or private property goods of the municipality, in the radius of the district, on the basis of the decision of The General Council of the Bucharest Municipality;

g) decide on the licensing or renting out of the public services under their authority, under the terms of the law;

h) set up institutions, trading companies and public services; institute, by observing the general criteria established by law, organisation and functioning norms for the public institutions and services, as well as for the trading companies set up or which are under their authority; appoint and dismiss from office, under the terms of the law, the heads of the public institutions and of the public services of local interest;

i) approve, under the terms of the law, the zonal and detailed urban plans of the districts, which they communicate to The General Council of the Bucharest Municipality; approve, within their competencies, the technological and economic documentation for the investments of local interest and ensure the necessary conditions for their implementation, in keeping with the general urban plan of Bucharest Municipality and the due regulations;

j) ensure, according to its competencies, the necessary conditions for a proper functioning of the public institutions and services of education, health, culture, youth and sports, protecting of public law and order, of local interest; follow up and control their activity;

k) contribute to the organisation of scientific, cultural, artistic, sports and leisure activities;

l) contribute to the ensuring of public law and order, analyse the activity of the public guardians and propose measures for its improvement;

m) act for the protection and rehabilitation of the environment, aimed at the increase of the quality of life; contribute to the protection, conservation, restoration and turning to good account of the historic and architectural monuments, of the parks and natural reservations;

n) contribute to the carrying out of the measures of protection and social assistance, ensure the protection of children's rights, according to the legislation in force; approve the criteria for the distribution of the social housing; set up and ensure the functioning of charity institutions of local interest;

o) set up and organise fairs, market places, cattle fairs, amusement parks and places, sports grounds and ensure their proper functioning;

p) decide, under the terms of the law, with the agreement of The General Council of the Bucharest Municipality, the co-operation or association with local public administration authorities in the country or from abroad, as well as the joining to the national and international associations of the local public administration authorities, aimed at promoting of common interests;

q) decide, under the terms of the law, with the prior agreement of The General Council of the Bucharest Municipality, the co-operation or association with Romanian or foreign legal persons, with nongovernmental organisations and with other social partners, for the joint financing and carrying out of certain activities, works, services or projects of local public interest;

r) ensure the freedom of trade and encourage free initiative, according to law;

s) support the activity of the religious cults, under the terms of the law.

(3) The duties stipulated in para (2) c)–h), p) and q) may be exercised only on the basis of the express authorisation given by decision of The General Council of the Bucharest Municipality.

(4) The local councils of the districts shall also exercise other duties established by law or delegated by The General Council of the Bucharest Municipality.

**Art. 96.** – The General Council of the Bucharest Municipality shall be constituted, function and carry out the duties stipulated by the provisions of the present law for the local councils, which apply accordingly.

**Art. 97.** – (1) The mayors and the deputy mayors of the Bucharest Municipality districts shall function under the terms stipulated by the provisions of the present law for the mayors and the deputy mayors of communes, towns and carry out the duties established by law for them, except those stipulated in art. 68 (1) c) and k), which shall be carried out only by the mayor general of the Bucharest Municipality.

(2) The provisions of the present law regarding the suspension and dismissal shall apply accordingly to the mayors and deputy mayors of the Bucharest Municipality districts.

(3) The mayor general and the deputy mayors of the Bucharest Municipality shall function and carry out the duties stipulated by the provisions of the present law for the mayors and deputy mayors of the communes and towns, which apply accordingly.

(4) The provisions of the present law regarding the suspension and dismissal shall apply accordingly, to the mayor general and to the deputy mayors of the Bucharest Municipality.

**Art. 98.** – The provisions of arts. 83–86 and the provisions of art. 120 shall apply accordingly to the secretaries of Bucharest Municipality districts, to the secretary general of the Bucharest Municipality respectively.

**Art. 99.** – The decisions of the General Council of the Bucharest Municipality and the orders of normative character of the mayor general shall be compulsory also for the local public administration authorities organised in the Bucharest Municipality districts.

**Art. 100.** – (1) The mayor general of the Bucharest Municipality, together with the mayors of the Bucharest Municipality districts shall meet at least once a month, upon the convening by the mayor or upon the proposal of at least 3 mayors of districts. In the sittings there shall be analysed the way in which the decisions of The General Council of the Bucharest Municipality and the orders of normative character of the mayor general are implemented

and mutual information shall be presented regarding the activity of the district local councils, aiming at the correlation of certain activities necessary for the proper functioning of Bucharest Municipality administration. The prefect of the Bucharest Municipality shall participate, by right, in the sittings.

(2) The district mayors shall participate, by right, in the sittings of The General Council of Bucharest Municipality and may intervene in the debates of the matters on the agenda.

(3) The presidents of the specialty commissions of the district local councils may participate in the sittings of The General Council of the Bucharest Municipality.

(4) The presidents of the district local council's specialty commissions have the right to intervene in the discussions, without having the right to vote.

## CHAPTER VI The county council

### Section 1

#### *Constitution and composition of the county council*

**Art. 101.** – (1) The county council shall be the authority of the local public administration, constituted at county level, for the coordination of the activity of the communal and town councils, aimed at the carrying out of the public services of county interest.

(2) The county council shall be composed of councillors elected by universal, equal, direct and freely expressed ballot, under the terms established by the Law on local elections.

**Art. 102.** – The number of members of each county council shall be established by the prefect, depending on the county population, reported by the National Statistics and Economic Studies Institute on the date of January 1 of the running year or, as the case may be, on the date of July 1 of the year preceding the elections, as follows:

Number of the county's inhabitants	Number of councillors
– up to 350,000	31
– from 350,001 to 500,000	33
– from 500,001 to 650,000	35
– over 650,000	37

**\*Art. 103.** – (1) On the constitution of the county council, the provisions of art. 30–37 shall be applied accordingly.

(2) In the cases stipulated in art. 60, the president of the county council shall have the obligation to propose to it the adopting of a decision by which note should be taken of the cessation of the councillor's mandate.

### Section 2

#### *Powers of the county council*

**Art. 104.** – (1) The county council, as a deliberative authority of the local public administration constituted at county level, shall carry out the following main powers – it shall:

a) elect a president and 2 vice-presidents from among the councillors;

b) approve, on the proposal of the president, the organisation and functioning regulations of the county council, the number of personnel within the legal norms, the organisation chart, the staffing schedules, the organisation and functioning regulations of the own specialty apparatus, of the public institutions and services, as well as of the autonomous régies of county interest;

c) adopt strategies, prognoses and economic-social development programmes of the county or of certain zones within it, on the basis of the proposals received from the local councils, order, approve and follow up, in co-operation with the interested communal and town local public administration authorities, the necessary measures, including those of financial order, for their implementation;

d) coordinate the activity of the local councils of the communes and towns aimed at the carrying out of the public services of county interest;

e) approve the own budget of the county, the loans, the transfer of credits and the modality of utilisation of the budgetary reserve; approve the closing account of the budgetary year; establish taxes and fees, as well as special fees, under the terms of the law; decide the distribution on communes, towns and municipalities of the share of the amounts deducted from certain revenues of the state budget or from other sources, under the terms of the law;

\* Art. 103 was amended by Law no. 216/2002.

f) manage the public domain and the private domain of the county;

g) decide on the giving for management, licensing or renting of the goods that are county public property, or, as the case may be, of the public services of county interest, under the terms of the law; decide on the sale, licensing and renting of the goods that are county private property, according to law;

h) decide on the setting up of public institutions and public services of county interest, under the terms of the law; appoint and dismiss from office, under the terms of the law, the heads of the public institutions and services it set up and apply, if the case may be, disciplinary sanctions according to law;

i) decide on the reorganisation of the autonomous régies of county interest; exercise, in the name of the territorial-administrative unit, all the rights of the shareholder in the trading companies it set up; decide on the privatization of such trading companies;

j) establish, on the basis of the consultation of the communal and town local public administration authorities, the drafts of organisation and territorial planning of the county, as well as of general urban development of the county and of the component territorial-administrative units; follow up the way of their implementation in co-operation with the communal and town local public administration authorities involved;

k) approve the construction, maintenance and modernisation of roads, bridges, as well as of the entire infrastructure of the means of communication of county interest; grant support and specialty technical assistance to the communal and town local public administration authorities for the construction, maintenance and modernisation of the communal and town roads; in this regard, the county council may set up specialised public services;

l) approve the technical and economic documentation for the investment works of county interest, within the limits and the terms of the law;

m) ensure, according to its competencies, the material and financial conditions necessary to the proper functioning of the cultural institutions, of the public institutions and services for education, social protection and assistance, of the public transport services under its authority, as well as of other activities, under the terms of the law;

n) ensure financial support for cultural activities or carried on by religious cults, as well as for educational-scientific and sports activities;

o) set up social and cultural institutions, as well as for the protection of child's rights and ensure their proper functioning, by the allocation of the necessary funds;

p) analyse the proposals made by the communal and town local public administration authorities, in view of drawing up prognoses and socio-economic development programmes or of rehabilitation and protection of the environment;

q) assign, under the terms of the law, names to objectives of county interest;

r) decide, under the terms of the law, on the co-operation or association with other local public administration authorities in the country or from abroad, as well as the joining the national and international associations of local public administration authorities, aiming at the promotion of certain common interests;

s) decide, under the terms of the law, on the co-operation or association with Romanian or foreign legal persons, with nongovernmental organisations and with other social partners, in view of the joint financing and carrying out of certain activities, works, services or projects of county public interest;

t) decide, under the terms of the law, the association with the local councils, for the carrying out of certain objectives of common interest, for which purpose it may set up together with the latter, public institutions, trading companies and public services;

u) coordinate the activities of the public guardians Corps, under the terms of the law.

(2) The county council also carries out other duties stipulated by law.

### *Section 3*

#### *Functioning of the county council*

**Art. 105.** – (1) The county council shall be elected for a 4 years' mandate, which may be extended, by organic law, in case of war or catastrophe.

(2) The county council shall exercise its mandate from the date of constitution until the date of the newly elected council being declared as legally constituted.

**Art. 106.** – (1) The county council shall meet in ordinary sittings once every two months, upon the convening by the president of the county council.

(2) The county council may also meet in extraordinary sittings as often as necessary, at the request of the president or of at least one third of the total number of the council's members or at the request of the prefect, addressed to the president of the county council, in exceptional cases that require the adopting of certain immediate measures for the prevention, limiting or removal of the effects of calamities, catastrophes, fires, epidemics or epizootics, as well as for the ensuring public law and order.

(3) The convening of the county council shall be made in writing, through the secretary general of the county, by at least 5 days before the ordinary sittings and by maximum 3 days before the extraordinary ones.

(4) In case of *force majeure* and of maximum urgency for the solving of the county inhabitants' interests, the convening of the county council shall be made at once.

(5) In the invitation to the sitting, the date, hour, place and agenda shall be precisely mentioned.

(6) In the case in which the president of the county council is in impossibility of convening the council in ordinary sitting, this shall be made by the vice-president designated under the terms of art. 118.

(7) The agenda of the county council shall be brought to the knowledge of the county's inhabitants through mass media or any other means of publicity.

(8) In the counties in which the citizens belonging to a national minority have a share of over 20% of the total number of the inhabitants, the agenda shall be brought to public knowledge also in the mother tongue of the citizens belonging to the respective minority.

(9) In all the cases, the convening shall be recorded in the official report of the sitting.

**Art. 107.** – (1) The sittings of the county council shall be legally constituted if the majority of the councillors in office are present.

(2) The presence of the councillors in the sittings shall be compulsory. The cases in which it shall be considered that the absence is motivated shall be established by the organisation and functioning regulations of the county council. In the case in which a councillor is absent twice consecutively without serious motives, he may be sanctioned under the organisation and functioning regulations of the county council.

**Art. 108.** – (1) The sittings of the county council shall be chaired by its president or, in his absence, by the vice-president designated under the provisions of art. 118.

(2) In the case in which, for solid reasons, the vice-president designated in accordance with art. 118 is also absent, the sitting shall be chaired by the other vice-president or by a councillor elected by the vote of the majority of the councillors present.

**Art. 109.** – (1) In exercising the duties that are incumbent on it, the county council shall adopt decisions by the vote of the majority of the members present, except for the cases in which the law or the organisation and functioning regulations of the council call for another majority.

(2) The decisions shall be signed by the president or, in his absence, by the vice-president of the county council that chaired the sitting and shall be countersigned for legality by the county secretary general.

**Art. 110.** – The provisions of art. 43, art. 45–54 and art. 56 shall be applied accordingly.

**Art. 111.** – (1) In the case in which the county council does not meet for 6 consecutive months or did not adopt, in 3 consecutive ordinary sittings, any decision, as well as in the case in which the number of the councillors is reduced to less than two thirds and the completion cannot be made with substitutes, it shall be dissolved by right.

(2) The cases stipulated in para (1) shall be communicated by the secretary to the prefect, who, by order, shall take note of the dissolution by right of the council and shall propose to the Government the organisation of new elections.

(3) The provisions of art. 58 (3)–(5) shall be applied accordingly.

(4) The establishing of the elections date shall be possible only after the expiry of the term stipulated in para (3) or after the judgment by which the action introduced against the prefect's order was rejected remains final and irrevocable.

(5) During the period in which the county council is dissolved or it could not be constituted according to law, the current matters of the county administration shall be solved by the secretary general of the county on the basis of a special authorization given by the Government, through the Ministry of Public Administration.

**Art. 112.** – The councillor’s mandate shall cease by right under the terms of art. 60, that apply accordingly.

*Section 4*

***The president, vice-president and secretary general of the county***

**Art. 113.** – (1) The county council shall elect from among its members, for the entire duration of exercising the mandate, a president and 2 vice-presidents.

(2) The president and the vice-presidents shall be elected by the secret vote of the majority of councillors in office. The dismissal from office of the county council’s president shall be made by the secret vote of at least two thirds of the number of the councillors in office, on the proposal of at least one third of their number, if he has issued, during a 3 months’ period, at least 3 orders that have irrevocably been cancelled by the law court for contravening the general interests of the State or of the county or have infringed the Constitution and the laws of the country. The vice-presidents may be dismissed, under the same terms, only if it was found by irrevocable judgment that they contravened, in exercising the tasks that were incumbent on them, the general interests of the State or of the county or have infringed the Constitution and the laws of the country.

(3) For the entire duration of exercising their mandate, the labour contract of the county council’s president and vice-presidents at public institutions, autonomous régies, national companies, national societies, trading companies with majority state capital, shall be suspended by right.

(4) The county council’s president and vice-presidents shall receive for the entire duration of exercising their mandate an indemnity established according to law.

**Art. 114.** – (1) The county council’s president shall represent the county in its relations with the other public authorities, with Romanian and foreign natural and legal persons, as well as in justice.

(2) The president shall be responsible before the county council, for the proper functioning of the county public administration.

(3) The own apparatus of the county council shall be subordinated to its president. The employees in the own specialty apparatus shall enjoy stability in office, according to law.

**Art. 115.** – The county council’s president shall be responsible for the proper functioning of the own specialty apparatus that he manages and controls. The coordination of certain compartments in the own specialty apparatus shall be delegated to the vice-presidents or to the secretary general of the county, by order.

**Art. 116.** – (1) The county council’s president shall carry out, under the terms of the law, the following main duties – he/she shall:

a) ensure the observance of the provisions of the Constitution, the applying of the laws, of the decrees of the President of Romania, of the Government decisions and ordinances, of the county council’s decisions, as well as of other statutory instruments;

b) draw up the draft agenda of the county council’s sitting;

c) order the necessary measures for the preparing and the carrying on under the best conditions of the county council’s proceedings;

d) draw up and submit to the county council approval its organisation and functioning regulations;

e) ensure the implementation of the county council’s decisions and periodically analyse the stage of their implementation;

f) chair the county council’s sittings;

g) coordinate and control the activity of the public institutions and services under the county council’s authority;

h) exercise the office of the main official entitled to authorise credits;

i) draw up the draft of the own budget of the county and the closing account of the budgetary year and submit them to the county council’s approval, under the terms and at the terms stipulated by law;

j) follow up the modality of achieving the budgetary revenues and propose to the county council the adopting of the necessary measures for their cashing on time;

k) propose for approval to the county council, according to law, the organisation chart, the staffing schedules, the number of personnel and the organisation and functioning regulations of the own specialty apparatus, of the public institutions and services under its authority;

l) present to the county council, annually or at its request, reports on the way of fulfilment of the own duties and of the council's decisions;

m) propose to the county council the appointment to and the dismissal from office, under the terms of the law, of the heads of the public institutions and public services under its authority;

n) issue the endorsements, agreements and authorisations given in his competency by law;

o) guide methodologically, follow up and control the activities of civil status and tutelary authority, carried on in communes and towns;

p) grant, through the own apparatus and the specialty services of the county council, support and technical and juridical consultation to the communal and town local public administration authorities, at their request;

q) coordinate, control and answer for the activity regarding the protection of child's rights.

(2) The president of the county council may delegate to the vice-presidents, by order, the duties stipulated in para (1) g) and p).

(3) The president of the county council shall carry out also other duties stipulated by the law or tasks assigned by the county council.

**Art. 117.** – (1) In exercising his duties the county council's president shall issue orders of normative or individual character. These shall become executory only after they are brought to the public knowledge or after the interested persons were appraised, as the case may be.

(2) The provisions of art. 49 and art. 50 (2) apply accordingly.

**Art. 118.** – (1) In case of president's suspension, his duties shall be exercised by one of the vice-presidents, designated by the county council by the secret vote of the majority of the councillors in office.

(2) In the other cases of absence of the president, his duties shall be exercised, on his behalf, by one of the vice-presidents, designated by the president by order.

**Art. 119.** – (1) The president and the vice-presidents of the county council shall keep the position of councillor. The duration of the mandate of the president and of the vice-presidents shall be equal to that of the county council's mandate.

(2) The provisions of arts. 62, 72 and 77 shall apply accordingly to the county council's president, too.

(3) In the case of cessation of the mandate of the county council's president ahead of the term, the prefect shall take note by order and shall inform the county council about the election of a new president.

**Art. 120.** – (1) Each county shall have a secretary general paid from its budget. The secretary general shall be a civil servant of management and should have juridic or administrative higher education. The secretary general enjoys stability in office, under the terms of the law. He cannot be a member of any political party or of a political formation, under the sanction of dismissal from office.

(2) The appointment of the secretary general of the county shall be made by the Ministry of Public Administration, on the county council's proposal, according to law.

(3) The appointment shall be made on the basis of competition or examination, as the case may be. The competition shall be organised, under the terms of the law, by the president of the county council within 45 days of the date on which the position became vacant. The president or, in his absence, one of the vice-presidents of the county council, a representative of the Ministry of Public Administration, the secretary general of the prefect's office and 2 representatives of the county council shall be part of the examination commission.

(4) The issuing of the appointment order shall be made within maximum 10 days of the receipt of the proposal.

(5) The dismissal from office, as well as the disciplinary sanctioning of the secretary shall be made by the Ministry of Public Administration, only on the proposal of the county council, approved by the vote of at least two thirds of the number of the councillors in office, as a result of the initiative of its president, or of one third of the number of councillors, on the basis of the conclusions reached following an administrative investigation.

(6) The provisions of art. 85 shall be applicable to the secretary general of the county.

(7) The secretary general of the county shall coordinate the compartments of civil status and guardianship in the own specialty apparatus of the county council. The county's secretary general shall carry out accordingly the duties established by law for the secretary general of the ministry.

## CHAPTER VII Public assets and works

### Section 1 Administration of assets

**Art. 121.** – The movable and immovable assets that belong to the public domain of the territorial-administrative unit, its private domain, as well as the rights and obligations of patrimonial character, shall constitute property of the territorial-administrative unit.

**Art. 122.** – (1) The assets which, according to the law or by their nature, are of public use and interest and are not declared by law of national public use or interest, shall belong to the public domain of local or county interest.

(2) The assets that are part of the public domain shall be inalienable, imprescriptible and not distrainable.

**Art. 123.** – (1) The private domain of the territorial-administrative units shall consist of movable and immovable assets, others than those stipulated in art. 122 para (1), entered into their property by the modalities provided by law.

(2) The assets that are part of the private domain shall be submitted to the provisions of the ordinary law, unless the law provides otherwise.

(3) The donations and the contingent devises may be accepted only with the approval of the local council or, as the case may be, of the county council, by the vote of two thirds of the number of its members.

**Art. 124.** – All the assets belonging to the territorial-administrative units shall be submitted to the annual inventory. The mayor, respectively the president of the county council, shall present a report on the management status of the assets, to the local and county councils.

**Art. 125.** – (1) The local councils and the county councils decide whether the assets belonging to the public or private

domain, of local or county interest, should be given to the management of the autonomous régies and public institutions, to be licensed or rented out. They shall decide on the purchase of certain assets or on the sale of the assets that are part of the private domain, of local or county interest, under the terms of the law.

(2) The sale, licensing and the renting out shall be made by public auction, organised under the terms of the law.

**Art. 126.** – The local councils and the county councils may give for free use, for a limited period of time, movable and immovable assets, public or private local or county property, as the case may be, to legal persons non-profit making, which carry on activities of charity or of public utility, or to public services.

### Section 2 Public works

**Art. 127.** – The local councils or the county councils may contract by auction the carrying out of works and services of public utility, within the approved amounts in the local budget, county budget, respectively.

**Art. 128.** – The construction and repair works of public interest, financed from the budgets of the communes, towns or counties, shall be carried out only on the basis of technical and economic documentation endorsed or approved, as the case may be, by the local council or by the county council, and only on the basis of a public auction, within the limits and under the terms of the law.

**Art. 129.** – The documentation for town and territorial planning regarding the commune, town or county shall be drawn up, approved and financed in keeping with the provisions of the law.

## CHAPTER VIII The prefect

### Section 1 The county prefect and the prefect of the Bucharest Municipality

**Art. 130.** – (1) The Government shall appoint one prefect, as its representative, in each county and in Bucharest Municipality.

(2) The prefect shall be assisted by a sub-prefect. In Bucharest Municipality, the prefect shall be assisted by 2 sub-prefects.

(3) The appointment to and the dismissal from office of the prefects shall be made by a Government decision. In order to be appointed to office, the prefect must have long term higher education.

(4) The appointment to and the dismissal from office of the sub-prefects shall be made by an order of the prime minister, on the proposal of the prefect and of the Minister of Public Administration. In order to be appointed to office, the sub-prefect must have higher education.

(5) For the entire duration of carrying out of the office of prefect or of sub-prefect, his labour contract at public institutions, autonomous régies, national companies, national societies and trading companies with majority state capital, shall be suspended.

**\*Art. 131. – Repealed.**

**Art. 132. –** (1) As representative of the Government, the prefect shall supervise for the activity of the local councils and of the mayors, of the county councils and of the presidents of the county councils to be carried out in accordance with the provisions of the law.

(2) Between the prefects, on the one hand, and the local councils and mayors, as well as the county councils and the presidents of the county councils, on the other hand, there shall be no relations of subordination.

**Art. 133. –** (1) The prefect shall manage the activity of the decentralised public services of the ministries and of the other specialty authorities of the central public administration, organised at the level of the territorial-administrative units.

(2) The appointment to and the dismissal from office of the heads of the decentralised public services of the ministries shall be made with the advisory opinion of the prefect, under the terms of the law. In well-motivated cases, the prefect may withdraw his opinion, proposing, under the terms of the law, the dismissal from office of their heads.

\* Art. 131 was repealed by Law no. 161/2003.

**Art. 134. –** (1) As representative of the Government, the prefect shall carry out the following main duties – he/she shall:

a) ensure the achievement of the national interests, the applying and observance of the Constitution, of the laws, of the Government decisions and ordinances, of the other statutory instruments, as well as of public law and order;

b) exercise the control over the legality of the administrative documents adopted or issued by the local and county public administration authorities, as well as by the county council president, except for the documents of current management;

c) order the proper measures for the prevention of the infractions and the protection of the citizens' rights, through the legally authorised bodies;

d) ensure, together with the authorities and authorised bodies, the preparing and the implementation, under the terms established by law, of the measures of defence that do not have a military character, as well as of those of civil protection; the military authorities and the local bodies of the Ministry of the Interior shall be obliged to inform and support the prefect in solving any matter of national or county interest, under the terms of the law;

e) present to the Government, annually, a report on the status of implementation of the tasks that are incumbent on him in accordance with the governing programme, as well as in connection with the control exercised over the legality of the documents of the local public administration authorities.

(2) The prefect carries out also other duties provided by the law and by the other statutory instruments, as well as the tasks assigned by the Government.

**Art. 135. –** (1) As a result of exercising the control over the legality of the documents adopted or issued by the local or county public administration authorities, as well as by the president of the county council, the prefect may challenge at the administrative disputed claims court these documents within 30 days of communication, if they have been considered as illegal, after implementing the procedure stipulated in art. 50 (2), except for those of current management. The action by which the prefect intimates the

law court shall be exempted from stamp duty. The challenged document shall be suspended by right.

(2) The prefect shall request the local and county local public administration authorities, within the term stipulated in art. 50 (2), with the necessary motivation, to reanalyse the document that he considers as illegal, with a view to modifying it or, as the case may be, to cancelling it.

**Art. 136.** – The prefect may request the mayor or the county council's president, as the case may be, the convening of an extraordinary sitting in the cases stipulated in art. 40 (2) and in art. 106 (2).

**Art. 137.** – (1) In the carrying out of the duties that are incumbent on him, the prefect issues orders of normative or individual characters, under the terms of the law.

(2) The orders that establish measures of technical or specialty character shall be issued after the consultation of the decentralised services of the ministries and of the other central bodies in the territorial-administrative units and shall be countersigned by their managers.

(3) The prefect may propose to the ministries and to the other central specialty public administration authorities measures for the improvement of the activity of the decentralised public services, organised at county level.

**Art. 138.** – (1) The prefects's order containing normative provisions shall become executory only after it was brought to the public knowledge, or from the date of communication, in the other cases.

(2) The orders of normative character shall immediately be communicated to the Ministry of Public Administration.

(3) The Ministry of Public Administration may propose to the Government, in exercising its hierarchical control, the cancellation of the orders issued by the prefect, if it considers them illegal or inopportune.

**Art. 139.** – (1) The prefects shall be obliged to communicate the orders issued according to art. 137 (2) to the interested ministries. The ministries may propose to the Government measures for cancelling the orders issued by the prefect, if they consider them as illegal or inopportune.

(2) The ministries and the other authorities of the central specialty public administration shall have the obligation to communicate to the prefects, immediately after the issuing,

the orders and the other provisions of normative character sent to the decentralised public services.

**Art. 140.** – (1) The sub-prefect carries out the duties assigned to him by normative documents, as well as the tasks delegated to him by the prefect, by order.

(2) In the absence of the prefect, the sub-prefect carries out, in the name of the prefect, the duties that are incumbent on the latter.

**Art. 141.** – (1) In order to carry out the duties that are incumbent on him, the prefect shall have an own specialty apparatus, the structure and the duties of which shall be established by Government decision, within 30 days of the date of the coming into force of the present law, on the proposal of the Ministry of Public Administration.

(2) The prefect's own specialty apparatus shall have a secretary general, a civil servant of management.

(3) The secretary general shall have higher education, juridical or administrative as a rule, and shall enjoy stability in office, under the terms of the law.

(4) The appointment to and the dismissal from office of the secretary general shall be made by the Minister of Public Administration, on the proposal of the prefect, under the terms of the law. The appointment shall be made on the basis of competition or of examination, organised by the Ministry of Public Administration, with the participation of the prefect or of the sub-prefect. The dismissal from office may also be made, according to law, at the initiative of the Ministry of Public Administration, on the basis of the conclusions of an administrative investigation.

**Art. 142.** – (1) In the counties with a wide area, with localities situated at long distances from the county residence or in large urban areas, the prefect may organise, with the approval of the Ministry of Public Administration, prefecture offices.

(2) The prefecture offices shall be components of the prefect's own apparatus, under his direct subordination, and shall be managed by a director, the appointment and the dismissal of whom shall be made by the prefect. The prefecture offices shall be organised within the limits of the number of positions legally approved.

**Art. 143.** – The prefect, sub-prefect, secretary general and the prefect's own specialty apparatus shall carry out their activity in the prefect's office.

**Art. 144.** – The civil servants in the prefect's own specialty apparatus shall benefit from stability in office, under the terms of the law.

## *Section 2*

### *The county advisory commission*

**Art. 145.** – (1) An advisory commission shall be set up in each county and in Bucharest Municipality.

(2) The advisory commission shall be made of: the prefect and the president of the county council; the sub-prefect and the vice-presidents of the county council; the secretary general of the prefect's office and the secretary general of the county; the mayor of the county residence municipality, the mayor general, respectively, the deputy mayors and the secretary general of Bucharest Municipality; the mayors of the towns and communes in the county, the mayors of Bucharest Municipality districts, respectively; the heads of the decentralised public services of the ministries and of the other decentralised bodies at the level of the county or of the Bucharest Municipality; the heads of the compartments within the own specialty apparatus of the county council, of The General Council of Bucharest Municipality respectively; the managers of the autonomous régies of county interest, of the branches of the autonomes régies of national interest and of the national societies in the respective county or in Bucharest Municipality, as well as the heads of other organised structures in the county or in Bucharest Municipality.

(3) Other persons whose presence is considered as necessary may also be invited to the proceedings of the advisory commission.

**Art. 146.** – (1) The advisory commission shall be convened by the prefect and the county council's president, by the mayor general of Bucharest Municipality, respectively, once every two months or whenever necessary.

(2) The proceedings of the advisory commission shall be chaired, in turns, by the prefect and by the county council's president.

(3) The secretariat of the advisory commission shall be ensured by two clerks in the prefect's own apparatus and by 2 clerks in the county council's own apparatus.

**Art. 147.** – (1) The advisory commission shall debate and adopt, by consensus, the annual orientative programme of economic and social development of the county, of Bucharest Municipality, respectively, on the basis of the Governing Programme accepted by the Parliament.

(2) The orientative programme of the county's economic and social development, of the Bucharest Municipality, respectively, shall be communicated to the decentralised public services of the ministries and of the other central bodies, to the county branches of the autonomous régies or of the national societies, to the autonomous régies of local interest and the trading companies and public services of local interest, that are interested, as well as to the local and county public administration authorities.

(3) In the meetings of the advisory commission, other activities, too, may be agreed upon, that are to be undertaken by the prefect and by the decentralised public services of the ministries and of other specialty authorities of the central public administration organised in the county, on the one hand, and the county council and the public services under its authority, on the other hand, for the purpose of harmonising the measures provided for in the Governing Programme with the activities carried on by the local and county public administration authorities, in keeping with the duties and responsibilities that are incumbent on them, according to law.

**Art. 148.** – (1) For the debating and working out of operative solutions, as well as for the mutual information regarding the main activities that are to be carried on in the county territory, an advisory-operative committee shall be set up in each county, made of the prefect and the president of the county council, the sub-prefect and the vice-presidents of the county council, the secretary general of the prefect's office, the secretary general of the county and the mayor of the county municipality residence.

(2) In Bucharest Municipality, the advisory-operative committee shall be made of the prefect and the mayor general of the capital, the sub-prefects and the deputy mayors of Bucharest Municipality, the secretary general of the prefect's office and the secretary general of the Bucharest Municipality, as well as the mayors of Bucharest Municipality districts.

(3) The advisory-operative committee shall meet weekly, on Mondays as a rule, and its sittings shall be chaired, in turns, by the prefect, by the county council's president and, by the mayor general of the Bucharest Municipality, respectively.

(4) Within the advisory-operative committee, one may establish the initiation, by mutual agreement, of some draft decisions of the Government or, according to the decision competencies specific to each institution and authority, the issuing of orders by the prefect, orders of the county council's president, or the initiation of decisions of the county council that should materialise the measures established with one accord.

### *Section 3* **Other provisions**

**Art. 149.** – The disputes between the decentralised public services of the ministries and of the other central bodies organised in the counties or in Bucharest Municipality and the local and county public administration authorities shall be mediated by the Government.

**Art. 150.** – The ministries and the other central bodies shall be obliged to communicate also to the prefects and the presidents of the county councils, to the mayor general of the Bucharest Municipality, respectively, the orders and the other measures and instructions that they transmit to the decentralised public services.

**Art. 151.** – The fulfilment of the duties that are incumbent on the Government with regard to the local public administration, including the control over the way in which the mayors exercise the duties delegated by law, shall be carried out by the Ministry of Public Administration, which proposes to the Government the taking of the required measures.

**\*Art. 152.** – (1) Until the organisation of the next local elections, the local councils and the county councils, The General Council of Bucharest Municipality, respectively, shall function with the number of councillors established in accordance with the law for the local elections of the year 2000.

(2) Until the organisation of the general local elections in 2004, the number of deputy mayors in Bucharest Municipality and the districts of Bucharest Municipality shall be the one established after the local election in 2000, namely 4 at Bucharest Municipality, and 2 at each district, respectively.

(3) The deputy mayors of the Bucharest Municipality and of its districts cannot be councillors at the same time. The provisions of art. 95 (2) a) shall be amended correspondingly.

## CHAPTER IX **Transitory and final provisions**

**Art. 153.** – (1) Until the constitution of the new local public administration authorities, following the new general elections for the local public administration authorities, the standing delegation shall be elected and function within the county councils.

(2) The standing delegation of the county council shall carry out the following main duties – it shall:

- a) draw up the draft agenda of the county council's sitting;
- b) analyse the draft decisions that shall be submitted for debating and adopting to the county council and ensure their substantiation;
- c) prepare the carrying on in the best conditions, of the proceedings of the county council's sittings, ensuring the proper drawing up of all the documents submitted to debating;
- d) propose to the president the convening of the extraordinary sittings;
- e) submit for approval to the county council its functioning regulations;
- f) establish the necessary measures for the fulfilment of the county council's decisions and periodically analyse the status of their execution.

\* The final sentence of art. 152 was repealed by Law no. 161/2003, and paras (2) and (3) were introduced by the Government Emergency Ordinance no. 74/2001 and the Law no. 738/2001.

(3) The standing delegation shall also carry out other duties established by law or by the county council's functioning regulations, drawn up and approved by observing the legal norms.

(4) The mode of organisation and functioning of the standing delegation shall be established by the county council's functioning regulations.

(5) The secretary general of the county is also the secretary of the standing delegation.

(6) The county council's sittings shall be chaired by the president or, in his absence, by one of the vice-presidents, designated by the president.

(7) In the case in which, for solid reasons, both the president and the vice-presidents are absent, the county council's sitting shall be chaired by a councillor elected by the vote of the majority of the councillors present.

**Art. 154.** – (1) The councillors, mayors, deputy mayors, the mayor general of the Bucharest Municipality, the presidents and vice-presidents of the county councils, the secretaries and the personnel in the own specialty apparatus of the local public administration authorities and, of the county councils, respectively, shall be responsible, as the case may be, administratively, civil or penal for the deeds committed in the exercising of their duties, under the terms of the law.

(2) The provisions of para (1) shall also apply to the prefects, sub-prefects, secretaries general, as well as to the personnel in the own specialty apparatus of the prefect.

**Art. 155.** – The Ilfov county shall have the residence in Bucharest Municipality.

**Art. 156.** – Within 30 days of the coming into force of the present law, the deputy mayors shall opt either for the capacity of councillor or for the position of deputy mayor.

**Art. 157.** – (1) The present law shall come into force 30 days after the date of its publication in the Official Gazette of Romania, Part I.

(2) On the same day, the Law on local public administration No. 69/1991, republished in the Official Gazette of Romania, Part I, No. 79 of April 18, 1996, with the subsequent amendments, as well as any other provisions to the contrary shall be repealed.

## LAW

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

#### CHAPTER I

#### General provisions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a) mentally retarded or insane people, who are laid under an interdiction;

b) persons deprived of voting rights, for a time period set by a final court decree.

(2) The following people may not be elected:

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

b) people who belong to the categories stipulated under para (1).

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

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

(3) Electoral alliances shall be registered with the election bureau of county or Bucharest Municipality constituencies, and, in the cases stipulated under article 31 (1) or, if elections are being organised in only one commune, town or municipality constituency, with the county or Bucharest Municipality election bureau, or the election bureau of the constituency where the elections are being held, respectively.

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

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

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

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

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

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

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

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

(4) If the number of members needed for meeting the requirements of paragraph (3) exceeds 25,000 persons, the members' list shall include at least 25,000 persons residing

in at least 15 counties of the country and in the Bucharest Municipality, but no less than 300 persons for each of those counties and for the Bucharest Municipality.

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

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

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

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

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

## CHAPTER II Organisation of elections

### *Section 1* *Constituencies*

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

(2) For the election of county councils and the General Council of the Bucharest Municipality, each county, and the Bucharest Municipality, respectively, shall represent a

constituency. The numbering of the county and Bucharest Municipality constituencies shall be regulated by Government Decision.

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

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

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

### *Section 2* *Polling stations*

**Art. 13.** – (1) The polling stations shall be organised as follows:

a) in urban localities, one polling station for 1,000–2,000 inhabitants;

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

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

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

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

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

*Section 3*  
**Electoral lists**

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

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

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

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

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

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

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

(8) Any change in the permanent electoral list, taking place after the copies have been sent to the election bureau of the

polling station, shall be notified to the latter by the mayor, within 24 hours at the latest.

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

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

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

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

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

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

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

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

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

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

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

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

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

#### *Section 4* **Election bureaux**

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

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

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

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

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

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

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

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

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

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

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

the drawing of lots shall be recorded in a report signed by the presiding judge.

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

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

(11) At the written request of political parties, political alliances, or electoral alliances, the court presiding judge along with the prefect shall draw up and make available to the former, within 48 hours of the request, the list comprising the necessary contact data of the presidents of the constituency election bureaux and of their deputies, as well as the addresses and telephone numbers of the headquarters of the constituency election bureaux.

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

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

(14) The completion of the constituency election bureaux with representatives of the political parties, political alliances, and electoral alliances shall be done 24 hours after the candidatures are final, by the president of the election bureau, in the presence of the persons authorised by the political parties, political alliances, and electoral alliances that have appointed representatives, in the decreasing order of the number of candidates proposed by each political party, political alliance, or electoral alliance for the local council in question, with, in addition, the candidate for the mayor's position, if applicable. In the case of the election bureau of a county constituency, or the Bucharest Municipality constituency, respectively, one shall take into consideration

the number of all candidatures submitted by each political party, political alliance or electoral alliance, for a county council, or the General Council of the Bucharest Municipality, respectively, as well as for the local councils and mayors registered in the county, or in the Bucharest Municipality, respectively. If the total number of representatives stated under paragraph (13) is lower than that of the members of the election bureau, the operation for appointing representatives shall be repeated until all seats are occupied. At this stage, shall participate only the political parties, political alliances, and electoral alliances that have proposed several representatives for the same election bureau. A political party, political alliance, or electoral alliance shall not have more than 3 representatives in the election bureau of the same constituency.

(15) The persons who act as representatives of a political party, political alliance, or electoral alliance in the constituency election bureau shall be established in the order mentioned in the notification stipulated under paragraph (13).

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

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

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

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

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

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

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

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

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

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

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

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

j) the election bureau of a county constituency, or the Bucharest Municipality constituency, respectively, shall total the votes cast for the county council, or the General Council

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

k) to organise, if applicable, a second ballot for mayors;

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

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

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

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

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

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

**Art. 28.** – (1) The election bureaux of polling stations shall be composed of a president, a deputy, and 3 to 5 members

in the case of polling stations in communes and towns, and 7 to 9 members, in the case of polling stations in municipalities and in the Bucharest Municipality districts, respectively.

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

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

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

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

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

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

(8) With a view to designating the members of the election bureau of the polling station, the president of the constituency election bureau shall notify the number of candidates proposed by each political party, political alliance or electoral alliance to the presidents of the election bureaux of polling stations, within 24 hours of their designation according to paragraph (2). Within the same time-limit, the political parties,

political alliances and electoral alliances that have submitted candidates' lists or proposals for candidates for the mayor's position in that constituency must notify the full name of their representative to the president of the election bureau of the polling station, through the local organisations. The provisions of article 24 (14) shall apply accordingly.

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

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

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

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

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

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

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

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

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

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

- e) to solve objections regarding their own activity;
- f) to draw up and forward the files stipulated under article 88 to the constituency election bureau;
- g) to hand over to the constituency election bureau, based on a report, the ballots used and uncontested, as well as the cancelled ones, the electoral lists used, the stamps, and other materials needed for voting.

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

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

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

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

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

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

**Art. 31.** – (1) In counties where partial local elections are being organised in at least two commune, town, or municipality

constituencies, a county election bureau shall be established, comprised of 3 of the acting judges of the courthouse, selected according to the procedure stipulated under article 32, the provisions of which shall apply accordingly.

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

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

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

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

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

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

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

(4) Within 24 hours of the election of the Central Election Bureau president, the bureau shall be completed with the

president and vice-president of the Permanent Election Authority, and a representative of each political party in the Parliament.

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

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

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

b) to make sure the Official Gazette of Romania, Part I, publishes the denomination and election signs of the lawfully established political parties, political alliances, electoral alliances, and organisations of citizens belonging to the national minorities, which are entitled to participate in the election of the local public administration authorities, and to communicate the list to all constituency election bureaux, immediately after the latter are established;

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

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

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

f) to centralise, based on the communications received from the election bureaux of county constituencies and the Bucharest Municipality constituency, the number of full lists submitted by the political parties, political alliances, electoral alliances, and organisations of citizens belonging to the national minorities,

and to forward the centralised report to the Romanian Television Broadcasting Company and the Romanian Radio Broadcasting Company, 24 hours after it has been drawn up;

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

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

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

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

(3) In the event of an electoral fraud, a petition for cancelling the elections in a constituency may be submitted only by the political parties, political alliances, electoral alliances, or independent candidates having participated in the elections and only within 48 hours of the closure of the

voting, under penalty of forfeiture. The petition must be grounded and accompanied by the evidence it is based on. A petition may only be admitted if the person having objected to the fraud is not involved in it. The petition must be solved by the date of the election results being published in the Official Gazette of Romania, Part I.

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

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

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

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

(2) Complaints shall be solved by the election bureaux of commune, town, municipality, or Bucharest Municipality district constituencies, if they concern the election bureau of a polling station, by the election bureaux of county or Bucharest Municipality constituencies, if they concern the election bureaux of commune, town, municipality, or Bucharest Municipality district constituencies, respectively, by the Central Election Bureau, if they concern the election bureau of county or Bucharest Municipality constituencies, and by the High Court of Cassation and Justice, if they concern the Central Election Bureau, within 2 days of the filing of complaints.

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

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

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

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

#### *Section 5* **Candidatures**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

it, a statement on his/her own account attesting to the truthfulness of the supporters' signatures.

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

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

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

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

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

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

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

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

**Art. 47.** – Candidates may give up their candidature by the date of the ballots' printing. For such purposes, they shall file

a declaration of withdrawal with the constituency election bureau, written, signed and dated by the person in question.

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

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

(3) The complaints must comprise the complainant's full name, address and position, the full name of the person whose candidature has been admitted or rejected, a presentation of the grounds for the complaint, date and signature of the complaint, and, if need be, indication of the person designated to represent him/her.

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

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

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

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

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

## Section 6

### Ballots

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) The drawing of lots stipulated under paragraph (8) shall take place in the presence of the representatives of the

political parties, political alliances, and electoral alliances that have submitted candidates' lists.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Section 7*  
**Electoral campaign**

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

**Art. 58.** – (1) In the electoral campaign, the candidates, political parties, political alliances, electoral alliances, as well as citizens are entitled to express their opinions freely and without discrimination, by means of rallies, reunions, television, radio, press and other mass media.

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

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

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

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

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

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

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

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

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

a) news bulletins – where information concerning the election system, voting procedure, and candidates' campaign activities may be broadcast; to this effect, the scheduled

length of the news bulletin may be extended by 15 minutes at the most;

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

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

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

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

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

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

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

within 24 hours of the receipt of the data communicated by the Central Election Bureau.

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

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

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

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

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

(7) The airtime with the public and private radio and television companies, including cable television, shall be granted to political parties, political alliances, and electoral alliances, on each Monday, Tuesday, Wednesday, Thursday, and Friday. Each independent candidate shall be entitled to an airtime, with the territorial studios, of 5 minutes at most, summed for the entire duration of the electoral

campaign. The independent candidates in constituencies in the Bucharest Municipality and those in municipalities that are county capitals and are not within the coverage of a station, shall have access to the national public radio and television services for the same time period of 5 minutes at most, summed for the entire duration of the electoral campaign.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a) to be impartial;

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

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

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

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

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

a) denomination of the institution having made the polls;

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

c) sample size and maximum error margin;

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

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

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

a) presentation of opinion polls or broadcasting of electoral publicity videos;

- b) inviting or presenting candidates in programmes, except for the instances stipulated under article 69 (4);
- c) comments on the electoral campaign.

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

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

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

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

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

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

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

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

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

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

(2) The recordings of the shows designed for the electoral campaign must be kept available to the National Broadcasting Standards Council, throughout the length of the electoral campaign and for 30 days after the official communication of the results.

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

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

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

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

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

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

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

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

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

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

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

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

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

### CHAPTER III Elections' progress

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

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

(3) The president of the election bureau of the polling station, together with its members, must be present at the headquarters of the polling station on the eve of the election day, at 18:00 hours, and must take the necessary steps for making sure order is preserved and the voting operations take place correctly.

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

**Art. 75.** – (1) On election day, at 6:00 hours, in the presence of the other members, the president of the election bureau of the polling station shall check the ballot boxes, polling booths, the presence of electoral lists, ballots and stamps necessary for voting, after which he shall close and seal the polling boxes by affixing the control stamp of the polling station.

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

**Art. 76.** – (1) The president of the election bureau of the polling station must take the necessary steps for the elections to take place in adequate conditions. For this purpose, his/her powers also extend outside the polling station premises, up to a distance of 500 metres.

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

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

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

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

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

**Art. 77.** – Voting shall take place in one day. It shall start at 7:00 hours and close at 21:00 hours.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Art. 84.** – At 21:00 hours the president of the election bureau of the polling station shall declare voting closed.

## CHAPTER IV

### Establishing and ascertaining the election results

#### Section 1

#### *Establishing the election results*

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

as delegates, the representatives of all the political parties, political alliances, and electoral alliances that have participated in the elections and have no representatives in the election bureau of the polling station, and are authorised by the leaders of the county organisations thereof.

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

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

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

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

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

(2) In the same manner, in the Bucharest Municipality, the election bureau of the polling station shall also draw up one

report each for the General Council of the Bucharest Municipality, and one each for the position of general mayor of the Bucharest Municipality.

(3) Such a report shall comprise:

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

– the total number of voters according to the copy of the permanent electoral list;

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

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

b) the total number of voters included in the electoral lists existing at the polling station, who have come for voting, including:

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

– the total number of voters included in the additional electoral lists;

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

c) the total number of validly expressed ballots;

d) the number of null ballots;

e) the number of validly expressed votes, obtained on each candidates' list or by each independent candidate;

f) the number of validly expressed votes, obtained by each candidate to the mayor's position;

g) a brief account of the objections raised and their solutions, as well as the complaints filed with the constituency election bureau;

h) the condition of the ballot box seals at the end of voting;

i) the number of ballots received;

j) the number of ballots not used and annulled.

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

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

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

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

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

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

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

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

#### *Section 2*

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

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

(2) The files containing the report with the result of ballot counting for the county council, and the General

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

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

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

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

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

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

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

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

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

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

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

b) in the second stage, the constituency election bureau shall distribute the unassigned mandates, based on a table comprising the political parties, political alliances, and electoral alliances that have reached the election threshold, in the decreasing order of the number of votes unused; the unassigned mandates shall be distributed to the political parties, political alliances, and electoral alliances, in the order in which they appear in the table, one for each political party, political alliance, and electoral alliance. If all

mandates cannot be distributed, the operation shall be repeated until they are exhausted.

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

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

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

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

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

(9) The listed candidates who have not been elected shall be pronounced deputies in those lists. In case of vacancy of

the councillor's mandates elected on lists of candidates, the deputies shall occupy the vacated positions, in the order they appear in the list, if, by the date of mandate validation for the vacated position, the political parties, or, if applicable, the political alliances or electoral alliances on the list of which the deputies have run acknowledge in writing, under the signature of the county leadership of the political parties, or of those political parties that have established political alliances or electoral alliances, that the deputies belong to that political party or one of the political parties that have established political alliances or electoral alliances, as the case may be.

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

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

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

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

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

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

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

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

**Art. 94.** – (1) If one of the candidates running for the mayor's position, of the two between whom the second

ballot is to take place, deceases, withdraws, or no longer meets the requirements of the law for being elected, the candidate ranking immediately after him/her shall participate in the second ballot.

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

**Art. 95.** – (1) The election bureaux of commune, town, municipality, Bucharest Municipality district and county constituencies, or the Bucharest Municipality constituency, respectively, shall draw up, separately, a report for the local council and the mayor, and the county council, the General Council of the Bucharest Municipality, and the general mayor of the Bucharest Municipality, respectively, as the case may be, concerning all the voting operations, ballot centralisation, ascertaining the election results, and mandate assignment.

(2) The report shall comprise:

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

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

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

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

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

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

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

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

c) the total number of validly expressed votes;

d) the total number of null votes;

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

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

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

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

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

j) the number of ballots unused and annulled.

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

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

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

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

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

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

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

**Art. 96.** – (1) Based on the reports stipulated under article 95 (5) and (6) and its own report, the election bureau of the county constituency and of the Bucharest Municipality constituency, respectively, shall centralise the ballots and the result of the elections per county, political parties, political alliances, electoral alliances, and independent candidates, and shall draw up a report for local councillor, county councillor, and Bucharest Municipality councillor, and for mayor and the general mayor of the Bucharest Municipality, respectively.

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

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

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

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

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

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

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

– the total number of voters included in the additional electoral lists;

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

c) the total number of validly expressed ballots;

d) the total number of null ballots;

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

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

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

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

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

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

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

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

results for that county, and for the Bucharest Municipality, respectively.

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

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

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

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

## CHAPTER V

### Minor offences and infractions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Any attempted action shall be punishable.

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

(2) Any attempted action shall be punishable.

**Art. 105.** – (1) The promise, offer or giving of money, goods, or other benefits during the electoral campaign, as well

as for the purpose of causing a voter to vote or not a certain candidates' list or a certain candidate for the mayor's or councillor's position, as well as the acceptance of these by voters shall represent infractions and shall be punishable by prison from 6 months to 5 years.

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

(3) Any attempted action shall be punishable.

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

(2) Any attempted action shall be punishable.

**Art. 107.** – (1) The attack by any means on the polling station premises, the stealing of the ballot box or election documents, or breaking the seals shall represent infractions and shall be punishable with prison from 2 to 7 years, unless the action constitutes a more serious infraction.

(2) Any attempted action shall be punishable.

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

(2) Any attempted action shall be punishable.

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

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

(3) Any attempted action shall be punishable.

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

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

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

## CHAPTER VI

### Transitory and final provisions

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

(2) The Government shall provide the premises, supplies and expenses of the Central Election Bureau. The premises and supplies of the election bureaux of county constituencies and, if applicable, county election bureaux shall be provided by the mayors of municipalities that are county capitals, along with the presidents of the county councils and the prefects, and those of the election bureaux of commune, town, municipality, and Bucharest Municipality district constituencies, as well as those of the polling stations, by the mayor, along with the prefects.

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

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

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

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

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

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

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

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

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

(2) All along the election period, the election bureaux and courts of law must ensure there is permanent activity necessary for the citizens to exercise their voting rights. Their activity timetable for the entire election period shall be posted in a visible place, and strictly adhered to.

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

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

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

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

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

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

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

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

**Art. 124.** – The persons designated as home observers shall not be members of a political party; accreditation shall be granted for all polling stations on the area of the county

constituency or Bucharest Municipality constituency, only at the request of the organisations mentioned under article 123, accompanied by the written statement by each observer he/she will comply with the accreditation terms; the statement shall be given on one's own account and shall represent a public law document, with all the consequences stipulated by the law; the terms of accreditation shall be those stipulated under article 116 (3) and shall be mentioned in the accreditation document.

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

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

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

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

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

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