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DECREE – LAW no. 92 of March 14th, 1990 on the election of the Parliament and the President of Romania

ISSUER: PROVISIONAL NATIONAL UNION COUNCIL

PUBLISHED IN: OFFICIAL JOURNAL OF ROMANIA NO. 35 of March 18th, 1990 Given the proposals and conclusions arising following the debate of the decree-law draft, presented in the press, on the radio, TV as well as directly, as well as the results of the debates which took place with the political parties and groups, the Provisional National Union Council decrees as follows:

CHAPTER 1 General Provisions

Article 1

Political power in Romania belongs to the people and is exercised according to the principles of democracy, of freedom and human dignity, of the inviolability and inalienability of the fundamental human rights.

Article 2

Romania is governed according to the pluralist democratic system as well as the system of separation of legislative, executive and judicial power.

Article 3

The Parliament of Romania, consisting of the Assembly of Deputies and the Senate, as well as the President of Romania, are elected by universal, equal, direct and secret, freely expressed vote.

Article 4

The representation of all nationalities in parliament is guaranteed according to the system of proportional representation of the chairs resulting from the vote, under the terms hereof. Organizations representing national minorities registered at the time of adoption of this decree-law that do not raise the number of votes required to obtain, according to paragraph 1, a seat in the Assembly of Deputies, shall be entitled to one deputy seat.

Article 5

Each citizen has the right to a single vote for the election of the Assembly of Deputies, the Senate and the President of Romania.

Article 6

The Assembly of Deputies consists of 387 deputies, to which the deputies resulting from the enforcement of Article 4 paragraph 2 are added.

The Senate consists of senators elected according to the population of the counties of Romania, as follows: two senators shall be elected for the counties with a population of up to 500 000 inhabitants; three senators shall be elected for the counties with a population between 501 000

and 750 000 inhabitants; four senators shall be elected for all the other counties; 14 senators shall be elected for Bucharest municipality.

Article 7

The members of parliament are elected on the basis of electoral constituencies, established under the terms hereof.

The President of Romania is elected by citizens who have the right to vote throughout the country.

A political party or group can submit only one list of candidates in each electoral constituency.

Article 8

Citizens of Romania have the right to equally exercise their electoral rights in full, without any discrimination based on nationality, race, language, religion, sex, political convictions or profession.

Article 9

Romanian citizens who are aged 18 or over, or who turn 18 in the year of the elections have the right to vote.

Citizens who have the right to vote and who are aged 21 or over have the right to be elected as members of the Assembly of Deputies. Citizens who have the right to vote and who are aged 30 or over have the right to be elected as members of the Senate or as President of Romania.

Only those citizens who reside in Romania and who have a profession or legal employment can run for office.

Article 10

Mentally deranged or impaired persons as well as persons deprived of their electoral rights for a fixed period of time under a court sentence can neither elect nor be elected.

Persons who have abused their political, legal or administrative office, who have violated fundamental human rights, as well as those persons who organized or who were instruments of repression within the State Security forces, the former police or the militia, cannot be elected. Persons who, according to law, cannot be members of political parties, are equally forbidden from being elected.

Article 11

Candidatures for the parliament and for the presidency of Romania are proposed by the political parties or other political groups, set up according to law.

Candidatures for the parliament are proposed on the basis of lists of candidates, which can include no more than the actual number of deputies or senators who should be elected in each electoral constituency.

Each political party or group may propose just one candidate for the presidency. Independent candidates can also submit their candidature. Candidatures proposed by political parties and groups, as well as independent candidatures can only be submitted if they have at least 100,000 supporters.

Independent candidatures, or, as the case may be, according to paragraph 2, lists of independent candidates can be presented for the Assembly of Deputies or the Senate.

Each independent candidate must be supported by at least 251 citizens who have the right to vote.

One may run for a seat in the Parliament in just one electoral constituency.

Article 12

The elections date shall be established by decree, at least 60 days before the voting day.

CHAPTER 2 Elections Organization

SECTION 1

Electoral Constituencies

Article 13

Each county and the municipality of Bucharest constitute an electoral constituency.

Article 14

The number of deputies who can be elected in each constituency will be established by the government, according to the representation rate resulting from the division of the population to the 387 deputies' chairs, provided for by article 6 paragraph 1; according to the population of the electoral constituencies, a margin of error is 15% shall be tolerated.

Article 15

The electoral activities undertaken for the election of the president shall be carried out in the electoral constituencies established for the parliamentary elections.

Article 16

The numbering of the constituencies, the establishment of the number of deputies and senators and the publication of the above in the Official Journal of Romania and in the press shall be carried out by the government within no more than five days of the establishment of the elections date, according to article 12.

SECTION 2 Polling Stations

Article 17

In villages, towns and municipalities, polling stations are to be organized as follows:

a) in administrative-territorial units with a population of more than 2,000 inhabitants, one polling station will be established for every 1,500 to 3,000 inhabitants.

b) in villages with a population below 2,000, just one polling station will be established.

Polling stations can be established in villages or groups of villages with a population of up to 500 inhabitants if the distance between these villages and the polling station is greater than 5km.

Article 18

Separate polling stations can be established near military units, as well as near hospitals, maternity wards, sanatoriums, homes for the disabled and homes for the elderly, provided that they accommodate at least 50 voters.

Polling stations can be established in train stations, in ports and airports for the voters who are in transit on the elections days.

For full-time students and pupils who have the right to vote, who are not resident in the locality where they are studying, a polling station can be established near student dorms, for no more than 2,000 voters.

Article 19

Near the diplomatic missions and consulates of Romania, as well as near the economic agencies of the countries where Romania does not have a diplomatic mission or a consulate, polling stations will be established for the voting staff of these bodies, as well as their families, as well as for the Romanian citizens who are in the countries in question on the elections day. Such polling stations belong to the constituency of the municipality of Bucharest. Polling stations shall also be established on ships sailing under the Romanian flag that are at sea on the elections days, such polling stations being deemed as belonging to the constituency where the ship is registered.

Article 20

Voters will vote at the same polling station for the Assembly of Deputies, the Senate and the President of Romania.

Article 21

The borders and the numbering of polling stations shall be carried out, within 20 days of the establishment of the elections date, by the town halls of the counties of Romania and of the municipality of Bucharest.

The polling stations shall be numbered on the basis of municipalities, districts of the municipality of Bucharest, towns and communes.

The town halls of the counties of Romania and of the municipality of Bucharest shall inform the voters, within the term set out in paragraph 1, regarding the borders and numbering of the polling stations and shall indicate the location of the polling stations.

SECTION 3 Electoral Lists

Article 22

The electoral lists include all the citizens who have the right to vote of the localities where they reside.

The electoral lists are drawn up by the village halls, town halls, municipal town halls and the halls of the districts of the municipality of Bucharest.

Separate electoral lists shall be drawn up for each polling station, by villages in case of communes, by street for the towns, municipalities and the districts of the municipality of Bucharest. The electoral lists shall include the full name, age and address of the voters, in alphabetical order, as well as the number of the constituency the voter belongs to.

Special electoral lists will be drawn up for the persons doing their military service in military units, as well as for the students and pupils provided for by article 18 paragraph 3.

The special electoral lists for the military personnel shall be drawn up at the level of each military unit, while the ones for the students and pupils provided for by article 18, paragraph 3 shall be drawn up on the basis of the recommendations of the management of the educational units.

The compiler of such electoral list shall be bound to immediately inform the town hall of the administrative-territorial unit where the voter has his/her residence that the person in question was included on the special list.

The electoral lists shall be signed by the mayor and by the secretary of the town hall; the special electoral lists for the military personnel shall be signed by the commander of the military unit.

Article 23

A voter can be registered on one electoral list only.

Article 24

The electoral lists shall be published at least 30 days before the elections date, in a visible manner in public places.

The places where the lists will be published, as well as the possibility to check the registration of the voters on the lists shall be announced via the press and via any other means of public communication by the compiler of the lists; the electoral lists will be displayed at each polling station for the voters who are voting there. The original electoral lists shall be kept by the judge with jurisdiction over the locality for which the electoral lists were drawn up. The special lists for the military personnel shall be kept by the military unit.

Article 25

Citizens are entitled to check their registration on the electoral lists.

Any complaints concerning any omissions, incorrect entries or any other errors on the lists shall be submitted with the compiler of the list, the latter being bound to issue a decision within no more than three days as of the registration.

Any appeals against the decisions shall be settled within no more than three days, by the court with jurisdiction over the domicile of the respective voter, or, in the case of the voters registered on special lists, by the court with jurisdiction over the place of residence of the voter.

The decision of the court is final and enforceable; the decision shall be communicated to those concerned within 24 hours as of its pronouncement.

Article 26

If a voter changes his/her permanent domicile after the publication of the electoral lists or if the voter is absent on the elections days from the locality where he should vote according to the electoral lists, the compiler of the list will issue to the voter a certificate on the exercise of the right to vote and will make a note in this respect in the electoral lists.

On the elections day the voter will be registered on a separate electoral list at his new domicile or in the locality where he/she is temporarily staying by the electoral office of that polling station, on the basis of the certificate provided for by paragraph 1.

Article 27

The compilers of electoral lists will transmit them to the electoral offices of each constituency at least 20 days before the elections date and to the electoral offices of the polling stations two days

before the elections date. Any subsequent amendment shall be communicated within no more than 24 hours.

SECTION 4 Electoral Offices

Article 28

A Central Electoral Office, constituency electoral offices and polling station electoral offices shall be set up to ensure the correct running of the elections.

Article 29

The Central Electoral Office consists of 7 Supreme Court judges and 10 representatives of the political parties and groups, appointed in descending order according to the number of lists of candidates that they have submitted, for the whole country, for the parliamentary elections. The appointment of the 7 judges is carried out by drawing of lots, care of the Chairperson of the Supreme Court of Justice. Once appointed, the judges designate a chairperson who becomes the chairperson of the Central Electoral Office.

The set-up of the Central Electoral Office, with regard to the appointment of the judges and the president, shall be carried out within 5 days as of the establishment of the elections date, according to article 12. The Central Electoral Office shall fulfill all its designated powers in this configuration until its supplementation with the representatives of the political parties and groups.

On the expiry of the candidatures submission and complaints settlement deadline, the political parties and groups will officially communicate to the Central Electoral Office the total number of definitive candidate lists for the parliamentary elections, as well as the full names of the representatives.

The Central Electoral Office will then proceed to the supplementation of its staff, according to terms set out in paragraph 1.

If, according to paragraph 1, several political parties or groups submit the same number of candidate lists, the appointment of the representatives shall be carried out by drawing of lots, care of the Supreme Court of Justice, in the presence of the representatives of the political parties or groups in question.

No communications transmitted after the deadline set out in paragraph 4 shall be taken into account.

Article 30

The Central Electoral Office oversees the compilation of the electoral lists, their publication and the legal submission of candidatures. It also checks and records the result of the elections and fulfils the other powers it has under the provisions of this decree-law.

Article 31

The constituency electoral office consists of 3 judges and no more than 6 representatives of the political parties and groups that participate in the elections in the county and in the municipality of Bucharest, appointed in descending order according to the proposed number of candidates. The 3 judges are appointed from among the judges of the county by drawing of lots, care of the presiding judge of the county court. Once appointed, the judges will elect a chairperson, who becomes the chairperson of the constituency electoral office.

The constituency electoral office shall be set up, with respect to the appointment of the judges and president, within 3 days as of the public notification of the electoral constituencies. On the expiry of the candidatures submission and complaints settlement deadline, the political parties and groups will officially communicate to the constituency electoral offices the total number of final candidatures for the parliamentary elections. The constituency electoral office will then proceed with its supplementation under the terms set out in paragraph 1. If, according to paragraph 1, several parties or political groups submit the same number of candidates, the appointment of the representatives shall be carried out by drawing of lots, care of the chairperson of the constituency electoral office, in the presence of the representatives of the political parties or groups in question. No communications transmitted after the deadline set out in paragraph 4 shall be taken into account.

Article 32

Any complaints concerning the set up and structure of the constituency electoral offices shall be settled by the Central Electoral Office, within 3 days as of their submission. The pronounced decision is final.

Article 33

Constituency electoral offices have the following powers:

- a) the registration of the submitted candidatures;
- b) the production of the necessary publications and notices;
- c) the settlement of the objections raised in relation to its own activity and of the complaints concerning the operations of the polling station electoral offices;
- d) the distribution of the ballot papers, the official stamp and the stamp marked “voted” to the polling station electoral offices;
- e) the calculation of the results of the elections gathered from the polling stations, the establishment of the result for the constituency and the issuing to the deputies, and, where relevant, to the senators, of the election certificate;
- f) the forwarding to the Central Electoral Office of the reports containing the results of the elections, stating the number of votes taken into account for the granted seats, as well as the number of votes that will be redistributed at a national level for each party or political group, including the lists of candidates that were not elected, as well as objections, complaints and reports received from the polling station electoral offices.

Article 34

The polling station electoral offices consist of a chairperson, an alternate and no more than 7 members.

The chairperson and its alternate are, as a rule, judges or other legal advisors, who do not belong to any party or political group, and who are designated by the chairperson of the county court or of the court of the municipality of Bucharest, by drawing of lots, from the judges and other legal advisors of the county or of the municipality of Bucharest.

If the number of legal advisors is insufficient, the chairperson of the polling station electoral office or his/her replacement shall be established by drawing of lots, from persons of good reputation which are not part of any political party or group.

The list of legal advisors other than the judges, as well as of the persons set out in par. 3, shall be

drawn up by the county city calls and the city halls of Bucharest municipality and shall be sent to the presiding judge of the county tribunal and of the tribunal of Bucharest municipality at least 2 days before the set-up of the polling station electoral offices.

The members of the polling station electoral offices shall be designated by a representative of the political parties and groups who participates in the elections, in the descending order of the number of candidates proposed in the respective electoral constituency. The provisions of art.31 paragraphs 4-6 shall be applied accordingly, the drawing of lots being carried out by the chairman of the polling station electoral office.

The polling station electoral offices shall be set up at least 15 days before the elections date.

Article 35

Any complaints concerning the set up and structure of the polling station electoral offices shall be settled by the constituency electoral office, within no more than 3 days as of its registration. The pronounced decision shall be final.

Article 36

The polling station electoral offices have the following powers:

- a) the receipt of the electoral lists from the bodies that have compiled them, as well as the receipt of the ballot papers intended for the voters who will vote at the polling station in question, the official stamp and the stamp marked “voted” from the constituency electoral offices;
- b) the conducting of the actual voting operations, and the enforcement of order measures within the polling station and in its vicinity;
- c) the counting of the votes and the recording of the result of the vote;
- d) the settlement of the objections raised concerning their own activity;
- e) the forwarding of the reports detailing the result of the vote, together with the submitted complaints to the constituency electoral offices;
- f) the handover, under a delivery-acceptance protocol, to the court of competent jurisdiction, the used and valid ballot papers, as well as the invalidated ballot papers, the official stamps and other materials required for voting process.

Article 37

The electoral offices work in the presence of half of the total number of their members plus one and take decisions under the majority of the presents members.

Article 38

The candidates in the elections, as well as the persons who do not meet the requirements set out in article 10, paragraphs 1 and 2, cannot be members of the electoral offices.

SECTION 5 Candidatures

Article 39

The candidatures for the Assembly of Deputies and the Senate shall be made by electoral constituencies and shall be submitted to the constituency electoral offices at least 30 days before the elections date.

The proposals for Presidency candidates shall be submitted to the Central Electoral Office within the same term.

Article 40

Candidatures are submitted in writing, in 3 counterparts, by the political parties or groups participating in the elections, under the signature of their managing members or, in the case of independent candidates, on the basis of their list of supporters; Independent candidates are bound to submit an affidavit certified by the state notary attesting the accuracy of the supporters' signatures. Candidates shall hand in a candidature acceptance statement together with their application.

Article 41

The constituency electoral office reviews the candidature to see if it meets the conditions set out by the law and registers those candidatures which meet the respective conditions. One counterpart of the candidature application shall be kept at the electoral office, another one shall be registered with the county court or the court of the municipality of Bucharest and the third one, the office counterpart, shall be returned to the candidate. Any citizen, party and political group can dispute the candidatures within 10 days as of the candidatures submission deadline. Any complaints regarding the admission or rejection of a candidature shall be settled within no more than 3 days as of their submission by the county court or by the court of the municipality of Bucharest. The decision of the court is final and enforceable; the decision shall be communicated to the interested parties within 24 hours as of its pronouncing. The registration with the court and the settlement of the complaints against any presidency candidature fall under the jurisdiction of the Supreme Court of Justice; the provisions of the preceding paragraph shall be enforced accordingly.

Article 42

Upon the expiry of the candidatures submission deadline, a report shall be drawn up, signed by the members of the constituency electoral office. The constituency electoral offices shall publish the details of the candidatures stating the full name, domicile, political affiliation, profession and occupation of the candidate in the press, as well as in a notice displayed at the polling stations. The day after the expiry of the deadlines set out in articles 41, paragraphs 3 and 4, the constituency electoral offices forward the definitive candidatures to the Central Electoral Office, mentioning the details set out in paragraph 2. For the election of the President of Romania, the provisions of paragraphs 1 and 2 shall be applied accordingly by the Central Electoral Office.

SECTION 6 Ballot Papers

Article 43

The form of the ballot papers shall be established by the government, in distinct forms for the Assembly of Deputies, the Senate and the Presidency of Romania, within no more than 10 days

as of the establishment of the elections date. Within the same term, the government shall also establish the template of the stamps of the polling stations and those required for the vote itself.

Article 44

The sizes of the ballot paper shall be established by the constituency electoral office, taking into account the number of lists of candidates and independent candidates and the space required to print them.

The paper used for the ballot paper will be white and thick enough so that the printed name and cast vote cannot be read from the back.

A sufficient number of quadrilaterals shall be printed on the pages of the ballot papers so as to include all candidatures, with the exception of the last page, which shall remain blank and where the control stamp will be applied. The quadrilaterals will be printed in parallel on the form of two columns on each page. The name of the political party or group that is participating in the elections, or, where relevant, the reference: “independent candidate „or “list of independent candidates” respectively shall be printed in the top left-hand corner of the quadrilateral.

The electoral symbol of the political party or group or of the independent candidates that requested his/her identification through a symbol shall be printed in the top right-hand corner of the quadrilateral.

The lists of candidates, identified by their full names, in the order resulting from the drawing of lots carried out by the constituency electoral office shall be printed in the quadrilaterals of each ballot paper. A separate quadrilateral shall be printed for each independent candidate in the last part of the ballot paper, in the order of the submission of the candidatures.

For the presidential elections, the full name of the candidates shall be printed in the quadrilaterals, in the order established according to paragraph 7 by the Central Electoral Office, communicated to the constituency electoral offices within 24 hours as of the expiry of the deadline for the submission of candidatures and the settlement of any complaints.

Article 45

The electoral symbols shall be established by each party, political group or independent candidate and shall be notified to the Central Electoral Office within 3 days as of the set-up of the latter, according to article 29, paragraph 3.

If the same electoral symbol is requested by several parties, political groups or independent candidates, the symbol shall allocated drawing of lots.

Electoral symbols cannot conflict with rule of law.

The Central Electoral Office will ensure the notification of the electoral symbols to the public on the day immediately following the publication of the voting paper template.

Article 46

The ballot papers for an entire constituency shall be printed with letters of the same size, using the same characters and the same ink, in as many counterparts as necessary for the entire constituency, plus a surplus of 10%.

The ballot papers shall be printed by the constituency electoral offices, care of the county halls and the town hall of the municipality of Bucharest, at least ten days before the elections date.

Article 47

The ballot papers shall be handed over to the chairperson of the constituency electoral office, who will distribute them to the chairpersons of the polling station electoral offices, at least 2 days before the elections date. The handing over and distribution of the ballot papers shall be carried out under delivery-acceptance protocols.

Two counterparts of the ballot papers, stamped and cancelled by the chairperson of the constituency electoral office shall be displayed one day before the elections day at the premises of the courts, as well as each polling station.

Article 48

At the request of the parties, the political groups or independent candidates participating in the elections, the constituency electoral office shall issue for each of the aforementioned two ballot papers, stamped and cancelled.

SECTION 7 Electoral Campaign

Article 49

The electoral campaign begins on the date of the publication of the elections date and closes 2 days before the elections date.

Article 50

In the electoral campaign, the candidates, parties, political groups, all social organizations and citizens have the right to express their opinions in a free manner, without any discrimination, through meetings, gatherings, the use of television, radio, the press, and other forms of mass media.

The means used in the electoral campaign cannot conflict with the rule of law.

Article 51

Access to radio and television in the course of the electoral campaign is guaranteed and offered free of charge.

Article 52

Town halls are obliged to set up, within 5 days as of the start of the electoral campaign, special places where electoral posters can be displayed, taking into account the number of political parties and groups which declare that they are going to submit lists of candidates, as well as the number of independent candidates.

Measure will be taken so as to make sure that the special places for the display of electoral posters are located in squares, streets and other public places frequented by citizens, without impeding traffic on public highways and any other activities carried out in the respective localities.

The use of special places for the display of electoral posters in such a way as to prevent their use by another party, political group or independent candidate is forbidden. The display of electoral posters in places other than those designated according to paragraph (1) is permitted only under the consent of the owners or, where relevant, the holders thereof.

Article 53

The political parties and groups participating in the electoral campaign will receive funds from the state budget, in amounts established at the time of the establishment of the elections date. After the enforcement of this decree-law, the sponsoring of the electoral campaign with funds received from abroad or from other sources that are not publicly declared is forbidden.

CHAPTER 3

Elections Process

Article 54

Each polling station must include a sufficient number of polling booths, ballot boxes and voting stamps.

The polling booths and the ballot boxes must be located in the same room as the office of the chairperson of the electoral office. The polling booths, ballot boxes and voting stamps shall be provided by the city halls of the villages, towns, municipalities and districts of Bucharest.

The chairperson of the polling station electoral office shall be present on the premises of the polling station on the eve of the elections day from 6 p.m. and shall immediately take all the measures necessary to ensure the order and correctness of the voting operations.

The chairperson will arrange for the placement of the security posts around the polling station.

Article 55

At 5 a.m. on the elections days, the chairperson of the polling station electoral office, in the presence of the other members of the office, will check the ballot boxes, the existence of the electoral lists, of the ballot papers and of the stamps, and afterwards he/she will seal the ballot boxes, applying the official stamp of the polling station onto them.

The chairperson shall be bound to ensure the application of the official stamp to the ballot papers.

Article 56

The chairperson of the polling station electoral office shall take all the necessary measures to make sure that the elections are carried out in a proper manner.

In this respect, his/her powers extend outside of the polling station, into the courtyard of the polling station, onto the entry to the courtyard, around the premises of the polling station, as well as on the streets and public squares within a 500 m radius.

Apart from the members of the polling station electoral office, the candidates, the accredited representatives of the press, radio and television, both Romanian and foreign, no one is permitted to stay in the public areas around the polling station or on the premises of the polling station longer than the time required to vote.

For order maintaining purposes, the chairperson of the polling station electoral office will have at his/her disposal the necessary means for order maintenance, care of the county halls and the town halls of the municipality of Bucharest.

Article 57

The voting shall take place on just one day; it shall begin at 6 a.m. and shall end at 11 p.m.

Article 58

Voters shall vote only at the polling station where they have been registered, with the exceptions set out in articles 19 and 26.

The voters' access to the room where the voting takes place shall be organized in series according to the number of polling booths. Each voter will present his/her ID card to the polling station electoral office which, after checking the registration on the electoral list or, as the case may be, the receipt of the certificate provided for by art. 26, will give the ballot papers and the voting stamp.

Voters shall vote separately in closed polling booths and shall apply the stamp marked "Voted" inside the quadrilateral that includes the list of candidates or independent candidate for which the voter wants to vote.

The stamp marked "Voted" must be round and sized so that it is smaller than the quadrilateral. After voting, voters will fold their ballot papers in such a way that the white page bearing the control stamp is on the outside, and then they will place the ballot papers in the ballot box, making sure that the paper does not open.

The incorrect folding of the ballot paper does not invalidate the vote if the secrecy of the vote is respected.

If the ballot paper opens accidentally, the ballot paper shall be invalidated and the voter will receive a new ballot paper, only once; this aspect shall be noted in the voting operations report.

The stamp offered for voting shall be returned to the chairperson.

The chairperson can take the necessary measures to ensure that a voter does not spend an unreasonable amount of time in the polling booth.

Article 59

The chairpersons, members of the polling station electoral offices, as well as the persons responsible for order maintenance at the polling station, shall vote on the basis of the certificates on the exercise of their right to vote, at the polling station where they carry out their activity.

Article 60

The candidates and any voter shall be entitled to dispute the identity of any persons who present themselves at the polling station to vote. In such cases, the chairperson will establish the person's identity by any means necessary. If the complaint is well-founded, the chairperson will prevent that person from voting, record the event in a report and inform the police of the matter.

Article 61

The chairperson of the polling station electoral office can suspend the voting process for technical reasons.

The suspension of the voting process cannot last more than one hour and shall be notified by displaying a notice on the door of the premises of the polling station at least one hour before the suspension takes place. The length of all suspensions cannot exceed 2 hours. During the suspension, the ballot boxes, official stamps, ballot papers and all the papers of the electoral office will remain under permanent guard, and the members of the office will not be allowed to leave the polling station all at the same time.

Those persons allowed to attend the proceedings according to article 56, paragraph 3 cannot be forced to leave the polling station during this time.

Article 62

The presence in the polling booths of any person except for the person who is voting is forbidden.

Any voter who cannot, for good reason, acknowledged by the chairperson of the polling station electoral office, vote on his/her own, is entitled to be assisted in the polling booth by a person of his/her choice.

Article 63

For those voters who cannot be transported to the polling station due to reasons of illness or disability, at the request of the persona in this position or at the request of the management of the medical or social care institutions where the persons are admitted, the chairperson of the polling station electoral office may designate a number of members of the bureau to travel to the place where the voters are located with a special ballot box and the materials necessary for voting, so that these persons can cast their vote.

Article 64

At 11 p.m. the chairperson of the polling station electoral office will declare the voting closed.

CHAPTER 4

Voting Results Establishment

Article 65

After the voting ends, the chairperson of the polling station electoral office will proceed with the cancellation of the unused ballot papers and the opening of the ballot boxes, in the presence of the members of the electoral office and, where relevant, of those persons provided for by article 56, paragraph 3.

The chairperson will read aloud, at the opening of each ballot paper, the list of candidates the voter voted for, or where relevant, the full name of the independent candidate the voter voted for, and will show the ballot paper to those present.

Ballot papers that do not bear the control stamp of the polling station, ballot papers of a form different than the one authorized for use, ballot papers that have not been stamped with the "Voted" stamp or where the stamp has been applied in more than one quadrilateral shall be declared null and void; these votes shall not be included in the count of votes cast.

The result is to be recorded in two tables; one will be compiled by a member of the electoral office and the other by the candidates present.

The total number of voters, the number of invalid votes, the lists of candidates or the full name of the independent candidates and the number of votes received by each shall be recorded in these tables.

Article 66

After the opening of the ballot boxes and the counting of the votes, the chairperson of the polling station will draw up a report, in two copies, with regard to the Assembly of Deputies, the Senate and the Presidency of Romania. The report must contain the following, where appropriate:

- a) the number of voters, according to the lists of voters;
- b) the numbers of voters who presented themselves to vote;

- c) the total number of valid votes cast;
- d) the number of invalid votes;
- e) the number of votes obtained by each list of candidates or by each independent candidate;
- f) the number of votes obtained by each of the candidates for the Presidency of Romania;
- g) a brief account of the objections and complaints and the way in which they were settled, as well as an account of the complaints forwarded to the constituency electoral office. The reports shall be signed by the chairperson and the members of the office. The lack of the signatures of some of the members of the office shall not affect the validity of the report. The chairperson will explain the reasons why the report could not be signed.

Article 67

Objections and complaints regarding the operations of voting and the opening of the ballot boxes can be made while the aforementioned are in progress.

The claims shall be made in writing and shall be presented to the chairperson of the polling station electoral office, who will issue an acknowledgement of receipt.

The chairperson of the polling station shall immediately issue a decision regarding the complaints the settlement of which cannot be delayed.

Article 68

A file shall be compiled for each category of elected bodies, which will contain the following: the reports and complaints regarding the electoral operations of the polling station, as well as the invalid and contested ballot papers. The sealed and stamped files shall be forwarded to the constituency electoral office by the chairperson of the polling station electoral office and the members of the office, under military guard, within no more than 24 hours.

The constituency electoral office will send one of the counterparts of the report to the county court; the political parties, political groups and independent candidates will be able to obtain certified copies of such report.

CHAPTER 5

Election Results Centralization and Disputing

ART. 69

After the receipt of the reports with the result of the numbering of votes of all polling station electoral offices and after the settlement of the received complaints and claims, the constituency electoral offices shall proceed to the totaling of the votes cast and the granting of the chairs according to the provisions of art. 71 and 72.

To this end, the constituency electoral office shall record, for the entire constituency, separately for every list of candidates or independent candidate the number of obtained votes.

Furthermore, it will also add up the number of votes obtained by every candidate to the Presidency of Romania.

The persons provided for by art. 56 par. 3 shall be entitled to assist in the works of the constituency electoral offices.

Article 70

The elections held in a constituency are valid only if at least half plus one of the total number of voters takes part in the vote.

Article 71

The distribution of the deputy chairs shall be carried out in several stages, as follows:

- a) in the first stage, the number of chairs to which each list of candidates or independent candidate is entitled, shall be established according to the electoral coefficient, which shall be calculated by dividing the total number of valid votes cast for all the lists of candidates and independent candidates by the number of mandates attributed to each constituency; the constituency electoral office will distribute to each list a chair for each time the electoral coefficient can be subtracted from the total number of votes cast for the respective list. the allocation of the mandates from each list shall be carried out in the order of that the candidates appear on the list and shall begin with the list of candidates that received the highest number of votes; in the same way, an independent candidate will be declared elected if he/she receives a number of votes that is at least equal to the electoral coefficient. The votes that are left after the distribution of the chairs and those that are less than the electoral coefficient are considered to be unused votes for each list of candidates of the political parties and groups.
- b) in the second stage, the Central Electoral Office will total up the unused votes for each party or political group for the whole country; the number of votes of this nature received by each party or political group shall be successively divided by 1, 2, 3, 4 etc., making as many division operations as necessary to cover the chairs that remained unallocated in the electoral constituencies throughout the country, as a consequence of the provisions of letter a); from the quotients thus obtained, a number equal to the number of chairs to be redistributed will be written down in order of size; the smallest of these quotients will serve as the electoral distributor; a chair will be granted to each party or political group for each time the electoral distributor can be subtracted from the total number of centralized votes cast in the whole country for that party or political group; the allocation of the mandates will begin with the party whose candidate lists received the largest number of votes and will continue until all the remaining chairs have been allocated, according to the number of votes centralized for each party political or group;
- c) during the third stage the candidates from every list whom the deputy chair will be attributed to following the redistribution carried out at national level shall be established, according to the procedure set out in letter b); to this end, the Central Electoral Office will establish, for each political party or group which obtained chairs according to the provisions of letter b), the percentage represented by the unused votes received in each constituency, out of the total number of unused votes at country level for that political party or group; the percentages obtained will be recorded in descending order according to their size, by constituency; the number of chairs to be redistributed to the candidates from the lists of each constituency being determined according to the aforementioned percentage; where whole numbers do not result from the calculations, the numbers shall be rounded to the nearest whole number, starting from an average value established by dividing the sum of all the decimal fractions to their number; any fractions below the average level shall be discarded. If not all the chairs distributed to a list of candidates can be attributed, the remaining chairs shall be allocated to the respective list by electoral constituencies, in descending order of the percentages they are entitled to by such constituencies, until all the chairs distributed to the respective list have been allocated. If in the course of this latter procedure these percentages for two or more constituencies are equal and the

number of mandates is not sufficient for redistribution for all these constituencies, the allocation shall be carried out by the leaders of the respective political party or group.

The constituency electoral office shall issue the certificate attesting to the election of the deputies according to the provisions of letter c), on the basis of the communication made by the Central Electoral Office, within 24 hours.

The candidates registered on lists who have not been elected after the completion of the three stages mentioned in this shall be declared substitutes of the respective lists. If the chairs of deputies elected from the lists submitted by the political parties and groups are vacated, the substitutes will occupy the vacant chairs, according to the order in which they appear on the lists.

Article 72

The distribution of the senator chairs shall be performed by the constituency electoral office.

The number of chairs received by each list of candidates, as well as by the independent candidates, shall be established according to the electoral coefficient, determined by dividing the total number of votes cast for all the lists and independent candidates by the number of chairs allocated in each constituency; the constituency electoral office will distribute to each list a chair for each time the electoral coefficient can be subtracted from the total number of votes cast for the respective list; the allocation of the chairs from each list shall be carried out in the order of that the candidates appear on the list and shall begin with the list of candidates that received the highest number of votes; in the same way, an independent candidate will be declared elected if he/she receives a number of votes that is at least equal to the electoral coefficient.

If, according to paragraph 2, some chairs are not attributed, the constituency electoral office will redistribute the chairs to the candidate lists or independent candidates in the descending order of the votes left unused, following the application of the electoral coefficient.

If the senator chairs are vacated, the provisions of article 71, final paragraph, shall be applied accordingly.

The constituency electoral office shall issue the certificate attesting their election as senator to the elected candidates.

Article 73

The results of the vote for the President of Romania shall be centralized by the Central Electoral Office.

The candidate who receives the votes of at least 50% plus one of the voters registered on the electoral lists shall be declared the President of Romania.

If none of the candidates obtains this majority, a second ballot shall be organized on the second Sundays after the date of the first ballot, between the first two candidates, in the order of the number of votes received.

The elect candidate is the candidate who in the second ballot obtains the highest number of votes.

Article 74

If less than 50% plus one of the total number of voters registered on the electoral lists in a constituency have voted, the constituency electoral office shall record this in its report and shall inform the Central Electoral Office immediately, in order to organize new elections.

The new elections shall take place, *de jure*, two weeks from the date of the preceding elections, using the same electoral lists.

Article 75

The constituency electoral office shall draw up a report for the Assembly of Deputies, the Senate and the Presidency of Romania, regarding all the electoral operations, the centralization of the votes and the establishment of the result of the elections.

The report must contain, where appropriate:

- a) the total number of voters in the constituency, according to the lists of voters;
- b) the total number of votes cast;
- c) the total number of votes obtained by each list of candidates or independent candidate;
- d) the number of invalid votes;
- e) the way in which the provisions of article 71 letter a) and article 72 were implemented, the full name of the candidates elected, as well as the party or political group that proposed them, where relevant;
- f) the number of votes left unused after the application of the electoral coefficient for each participating list, and the candidates not elected for each party or political group, from their lists of candidates;
- g) the number of votes obtained by each candidate for the chair of President of Romania;
- h) a brief account of all the objections, complaints and decisions taken by the constituency electoral office.

The report, together with the objections, complaints and reports received from the polling station electoral offices shall be compiled in a file which shall be closed, sealed and signed by the members of the electoral office, and sent, under military escort, to the Central Electoral Office within 48 hours.

Article 76

The Central Electoral Office settles the submitted objections and complaints, its decisions being final. After this it draws up a report for the Assembly of Deputies, the Senate and the Presidency of Romania, which shall include the following, where appropriate:

- a) the total number of voters according to the lists of voters;
- b) the total numbers of voters who presented themselves to vote;
- c) the total number of votes cast for the whole country;
- d) the number of invalid votes;
- e) notes regarding the manner of implementation by the constituency electoral offices of the provisions of articles 71 letter a) and 72;
- f) the distribution of the chairs according to the provisions of article 71 letters b) and c), the full name of the candidates thus elected, and the related electoral constituencies;
- g) the number of votes obtained by each of the candidates for the chair of President of Romania;
- h) the organizations representing the national minorities which according to article 71 have not obtained any deputy chair; the full name of the first candidate of the list of the aforementioned organizations, who obtained the highest number of votes and who, under the terms of article 4 paragraph 2, will be designated as a deputy.

The reports shall be signed by the chairperson and the other members of the office in whose presence they were compiled.

The Central Electoral Office shall issue the certificate to the deputy provided for by letter h).

Article 77

The Central Electoral Office shall forward the reports mentioned in article 76 to the Assembly of Deputies and the Senate, for the validation of the elections.

The files compiled by the constituency electoral offices shall be forwarded together with these reports.

The report and the electoral file regarding the President of Romania shall be forwarded to the Supreme Court of Justice.

If the court finds that none of the candidates has obtained the majority of votes cast, it will proceed according to article 73 paragraph 3.

Article 78

The result of the elections shall be published by the Central Electoral Office in the Official Journal of Romania and in the written press.

CHAPTER 6 **The Parliament**

Article 79

By law the Assembly of Deputies and the Senate shall meet for their first session in the twentieth day following the elections date and, separately, under the presidency of the eldest deputy or senator, they shall elect, among their members, a validation committees, consisting of representatives of several parties or political groups, shall be elected for the Assembly of Deputies and the Senate.

The validation committees shall check the files and the lawfulness of the elections, after which they propose to the Assembly of Deputies and to the Senate the validation or the invalidation of the office of each deputy or senator; the validation or invalidation shall be decided by each chamber.

After the validation of the mandates and the confirmation of the fact that they have been legally set up, the Assembly of Deputies and the Senate shall each elect their working bodies and shall adopt their operation regulations.

Article 80

The Assembly of Deputies and the Senate, in joint session, constitute by law the Constitutional Assembly for the Adoption of the Constitution of Romania. The Chairperson of the Assembly of Deputies and the Chairperson of the Senate shall preside the Constitutional Assembly by rotation.

Until the enforcement of the Constitution of Romania, the parliament will carry out its activity as lawmaker. After the enforcement of the Constitution, the parliament will decide on the organization of new elections within no more than one year.

CHAPTER 7

The President of Romania

Article 81

The election of the President of Romania shall be validated by the Supreme Court of Justice, in its plenary session, within 20 days as of the elections date.

The decision of the court shall be presented before the joint session of the Assembly of Deputies and the Senate. As of this date the president-elect is declared the President of Romania.

The President of Romania, once elected, cannot be a member of any party or political group.

If the chair of President of Romania becomes vacant, or if the President is no longer able to carry out his/her powers, the chairperson of the Senate shall act as interim. When the chair of President of Romania becomes vacant, elections will be organized within no more than 3 months.

Article 82

The President of Romania:

- a) designates as Prime Minister the representative of the political party or group that has obtained the majority of chairs in the Parliament; if no majority is obtained, the President designates another deputy or senator, in consultation with the political parties and groups represented in the parliament; the structure of the government shall be subjected to the approval of the Assembly of Deputies and the Senate; receives from the Prime Minister the resignation of the government;
- b) designates the chairperson and the members of the Supreme Court of Justice, with the approval of the Senate, and also designates the General Prosecutor;
- c) can call an extraordinary session of the parliament;
- d) can dissolve the Constitutional Assembly, under the consent of the Prime Minister and the chairpersons of the Assembly of Deputies and the Senate, if the Constitution is not adopted within 9 months; in any case, the Constitutional Assembly shall be dissolved by law if it does not adopt the Constitution within no more than 18 months as of its set up;
- e) presents messages to the parliament, annually, concerning the main political issues of the nation;
- f) can declare a partial or general mobilization of the army, under the prior consent of the parliament; in exceptional situations, the decision of the Parliament shall be subjected to the approval of the Parliament within no more than 5 days as of its adoption;
- g) can institute a state of emergency throughout the country or in certain localities under the consent of the parliament given within no more than 5 days as of the adoption of this measure;
- h) can sign international treaties and submit them to the Parliament for ratification;
- i) can accredit and recall diplomatic representatives of Romania and receive the representatives of other states;
- j) can issue pardons or commute sentences;
- k) can award the rank of general, admiral and marshal;
- l) can award decorations and titles of honor;
- m) can promulgate laws.

For the exercise of the aforementioned powers the President of Romania shall issue decrees. The decrees shall be counter-signed by the Prime Minister.

Article 83

If the President commits acts that make him/her unworthy of being President, he/she will be suspended from office under a joint vote of the Assembly of Deputies and the Senate.

The President can be dismissed only under a referendum organized within no more than one month as of his/her suspension from office.

The suspension, as well as the proposal for dismissal, shall be decided by the parliament only if requested by at least one-third of the members of the Assembly of Deputies and the Senate.

CHAPTER 8

Article 84

The following acts are considered to be misdemeanors, to the extent that they are not considered crimes by law:

- a) the intentional registration of a person on more than one electoral list, the registration on electoral lists of fictitious persons or of persons who do not have the right to vote, as well as the infringement of the terms conditions relating the display of lists of voters;
- b) the unjustified refusal to issue a certificate on the exercise of the right to vote upon the request of the interested party;
- c) the failure of the organizers to take the necessary measures to ensure the proper holding of the electoral gatherings, as well as the distribution and consumption of alcoholic beverages at these gatherings;
- d) the destruction, deterioration, soiling or any writing over the electoral lists, manifestos on display or any other printed electoral announcements or propaganda;
- e) display of electoral propaganda in places other than those specified according to this decree-law;
- f) agreement to be registered on more than one list of candidates;
- g) failure by the members of the constituency electoral offices to notify the public concerning the candidature proposals;
- h) refusal to allow to the persons specified under article 56, paragraph 3 to access to the premises of the polling station;
- i) refusal to comply with the requirements of the chairperson of the polling station electoral office concerning order maintenance of order on the premises of the polling station and in the vicinity thereof, according to the provisions of article 56, paragraph 2;
- j) the unjustified refusal to give a ballot paper and a voting stamp to a voter registered on the electoral list or who provides a certificate on his/her right to vote with;
- k) the draw up by the polling station electoral offices of reports that violate the provisions of article 66;
- l) the continuation of the electoral propaganda after the end of the campaign, according to the conditions of article 49, as well as the advising of voters, at the polling station or in the places provided for by article 56 paragraph 2 to vote or not to vote for a particular party or political group, a list of candidates or an independent candidate.

Article 85

The misdemeanors set out in article 84 letters d), e) and h) are punished with a fine ranging between lei 2,000 and lei 5000, those set out in letters f), g), k) and l), with a fine ranging between lei 5,000 and lei 15000, while those set out in letters a), b), c), i) and j) with a

contraventional imprisonment between one and six months, or with a fine ranging between lei 15,000 and lei 30,000.

Article 86

The investigation of the misdemeanors set out in article 84 shall be carried out via a report compiled by the following:

a) officers and sub-officers of the police for the deeds set out in letters a), b), c), d), e), g), h), i), j) and l);

b) mayors and persons authorized by the mayor for the deeds set out in letters d) and e);

c) the chairperson of the constituency electoral office for the deeds set out in letters f) and k).

In the case of the misdemeanors set out in letters d), e), f), g), h), k) and l) the investigator will also mention the applied fine in the issued report.

The provisions of Law no. 32/1968, with the exception of article 26, shall be applicable to the misdemeanors set out in the preceding paragraph.

The report on the misdemeanors committed set out in letters a), b), c), i) and j) shall be forwarded to the county court for with jurisdiction over the area where the misdemeanor was committed, which will enforce the sanction based on the provisions of Decree no. 153/1970.

Article 87

The prevention by any means of the free exercise of the right to elect or be elected shall be punished with imprisonment between 6 months and 5 years and the removal of some rights. If the deed mentioned in paragraph 1 causes prejudices someone's bodily integrity or health requiring medical treatment lasting more than 60 days, or which causes one of the following consequences: the loss of one sense or a bodily organ, organ failure, a permanent physical or mental disability, maiming, abortion or the endangering of a human life, the punishment is imprisonment between 3 years and 10 years.

Any attempted infringement shall also be punishable.

Article 88

The violation by any means of the secrecy of the vote, by the members of the polling station or by other persons, is punishable by imprisonment between 6 months and 3 years.

Any attempted infringement shall also be punishable.

Article 89

The promise, offer or actual giving of money or other benefits in order to encourage a voter to vote or not to vote for a certain list of candidates or an independent candidate, as well as the acceptance of the aforementioned by the voter with the same purpose, or the exercise of the right to vote by violating the provisions of article 5, is punishable by imprisonment between 6 months and 5 years.

Article 90

The use of forged ballot papers, the placement in the ballot box of a number of ballot papers additional to those used by the voters to vote, or the forgery by any other means of the documents of the electoral offices shall be punishable by imprisonment between 2 and 7 years. Any attempt shall also be punishable.

Article 91

The attack of the premises of the polling station by any means, the theft of the ballot box or of other electoral documents shall be punishable with imprisonment between 2 and 7 years, if the deed in question does not constitute a more serious offence.

Any attempt shall also be punishable.

Article 92

The opening of the ballot box before the hour established for the closing of the vote is punishable by imprisonment between 1 and 5 years.

Any attempt shall also be punishable.

Article 93

The severity of the punishments for the crimes set out in the Criminal Code or in the special criminal laws, with the exception of those set out in articles 87-92, committed in connection with the elections, according to chapter 3 of this decree-law, shall be increased by half of the special maximum.

Article 94

For all crimes committed in connection with the election of the parliament and of the President of Romania the criminal action shall be initiated *ex officio*.

CHAPTER 9 Final and transitional provisions

Article 95

The expenses for the electoral operations shall be borne from the state budget. Any acts carried out for the exercise of the electoral rights set out in this decree-law shall be exempt from the stamp duty.

Article 96

The national minorities organizations, established in accordance with the law, that are represented in the Provisional National Union Council, are considered to be similar to political groups if they propose candidate lists on behalf of the respective minorities.

Article 97

The Government of Romania will provide statistics experts and the necessary auxiliary technical personnel to support the activity of the electoral offices.

During the period in which the electoral offices are operational, their members, the statistics experts and the auxiliary technical personnel are considered to be detached.

Article 98

The hearing by the courts of objections, complaints and any other requests set out in this decree-law shall be carried out in accordance with the regulations established by the law on presidential ordinances, with the mandatory participation of the public prosecutor.

Article 99

This decree-law shall be enforceable until the adoption of the electoral law drawn up on the basis of the new Constitution.

Article 100

Electoral law no. 67/1974, as well as all other provisions contrary to this present decree-law, are hereby repealed.

ION ILIESCU – PRESIDENT OF THE PROVISIONAL NATIONAL UNION COUNCIL