

# **LAW o. 35\***

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**of 13 March 2008**

## **for the election to the Chamber of Deputies and the Senate and for the amendment and completion of Law o. 67/2004 for the election of local public administration authorities, of Law o. 215/2001 on the local public administration, and of Law o. 393/2004 on the Statute of local electees**

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**(EXCERPT)**

### **T I T L E I**

## **Election to the Chamber of Deputies and the Senate**

### **CHAPTER I**

#### **General Provisions**

Art. 1. – The present title shall set the general juridical background for the organisation and conduct of the election to the Chamber of Deputies and the Senate.

Art. 2. – Within the meaning of the present title, the terms and expressions below shall mean:

**1. *electoral poster* – appeal, statement, photograph, and other printed material, used in the electoral campaign by the electoral competitors for information and electoral propaganda purposes,\*\***

2. *elector* – any citizen of Romania having the right to vote and having reached the age of 18 until the election day inclusive;

**3. repealed;\***

4. *parliamentary elections* – elections for the appointment of the members of the Chamber of Deputies and the Senate of the Romanian Parliament;

5. *general elections* – any kind of elections having taken place during one single day, throughout the whole country;

**6. *anticipated elections* – elections organised in case of Parliament dissolution;\*\***

**6<sup>1</sup>. *parliamentary political parties* – political parties and organisations of citizens belonging to national minorities having their own parliamentary group in both Chambers of the Parliament;\*\*\***

**7. *electoral alliance* – association at national level between political parties and/or political alliances and/or organisations of citizens belonging to national minorities, with a view to participating in the elections for the Chamber of Deputies and the Senate, registered to the Central Electoral Bureau;\*\***

8. *political alliance* – association between political parties based on a protocol of association registered to the Tribunal of Bucharest, according to Law no. 14/2003 on political parties, with subsequent additions;

**9. *constituency* – administrative-territorial unit – county or municipality of Bucharest – or the constituency for Romanians having the domicile or residence outside the country, where elections are organised and at the level of which mandates are granted, depending on the election results;\*\***

10. *uninominal college* – subunit of a constituency, where a single mandate is granted;

11. *electoral bureau* – body set up for the good organisation and conduct of the elections at national level, at constituency level, and at polling station level;

12. *electoral office* – electoral body set up at the level of the districts of the municipality of Bucharest, without having the competence to find the election results at that level, but having the role to contribute to the good organisation and conduct of the elections in the Bucharest Constituency, including by totalising the election result at district level;

13. *electoral campaign* – the period during which the electoral competitors carry out propaganda activities with a view to convincing the electors to vote for them;

14. *candidate* – person participating in the elections following the nominations for election forwarded by electoral competitors, or on his/her own behalf, in order to get a mandate of Deputy or Senator, in the conditions when his/her candidature is declared final by the competent electoral body, according to the present title;

15. *independent candidate* – person participating in the elections in order to get a mandate of Deputy or Senator, and who proposes himself/herself for this, being supported by a certain number of electors, provided that his/her candidature is declared final by the competent electoral body, according to the present title;

16. *electoral competitors* – political parties, political alliances, electoral alliances, and legally set up organisations of citizens belonging to a national minority represented within the Council of National Minorities, that put forward candidatures, as well as the independent candidates;

17. *contestation* – way of attack by which any interested party – citizens, candidates, electoral competitors – appeal to the competent electoral bureaux or to the competent courts for the observance of the provisions stipulated as such in the present title;

18. *appointment of candidates* – procedure by which the political parties, political alliances, electoral alliances, and organisations of citizens belonging to national minorities adopt the decisions regarding the nominations for election;

19. *domicile* – address declared by a natural person as main home, and which is written in the identity card;

20. *residence* – address declared by a natural person as secondary home, other than the domicile, and which is mentioned in the identity card;

21. *electoral roll* – list including all the electors who exercise their right to vote within a polling station;

22. *supporters' list* – list including certain personal data and the signatures of electors who support a certain nomination for election with a view to entering it for the elections;

23. *internal observer* – representative of a legally set up non-governmental organisation, whose main object of activity is to protect democracy and human rights, accredited by the competent authority to observe the electoral process, according to the present title. Such representative may not be a member of a political party;

24. *international observer* – representative of a foreign organisation or institution, accredited by the Permanent Electoral Authority to observe the electoral process;

25. *electoral period* – interval beginning with the date of making public the election day and ending with the publication in OJ, Part I, of the ballot result. The electoral period shall include the interval between the date of making public the election day and the date of beginning the electoral campaign, the electoral campaign, the actual conduct of the vote, the counting and centralisation of votes, the setting of the election result, the granting of mandates and publication of the election result in OJ, Part I;\*

26. *nomination for election* – the act of entering the electoral competition of a person who wishes to compete in the elections in order to gain a mandate, in the conditions in which such person is proposed and supported by an electoral competitor, or he/she proposes himself/herself and is supported by a certain number of electors, according to the provisions of the present title;\*

27. *electoral threshold* – the minimum percentage of the separately validly cast votes for the Chamber of Deputies and the Senate, or the minimum number of uninominal colleges in which it is situated on the first place in the order of the number of validly cast votes, for a political party, a political or electoral alliance, necessary for entering in the process of distribution of mandates;

28. *ineligibility* – situation, provided for in the Constitution of Romania, republished, in which a person may not be a Deputy or a Senator;\*

29. *national minority* – that ethnic which is represented within the Council of National Minorities;

30. *electoral fraud* – any illegal action taking place before, during or after the close of poll, or during the counting of votes and closing of minutes, and which results in falsifying the electors' will and creating advantages materialized in extra mandates for an electoral competitor;\*

31. *electoral register* – a centralised database including all Romanian citizens, including those having the domicile or residence abroad, who reached the age of 18, with a right to vote;\*

32. *identity card* – identity paper, temporary identity paper, identity document; for Romanian citizens with the domicile abroad, the simple passport with the specification regarding the setting of the domicile abroad, for the citizens with the residence abroad, the simple passport or,

**for European Union member states, the identity card as well, accompanied by any other document issued by the foreign authorities, which proves the residence abroad; for the members of the diplomatic representations, the diplomatic or the service passport; for students of military schools, the military service card;\***

33. *objection* – way of attack by which any interested party – citizens, candidates, electoral competitors – requests a public authority or an electoral bureau having issued the objected document to observe the provisions of the present title;

34. *by-elections* – elections organised in the case of the cancellation of elections in a constituency, as well as in the case where a Deputy or Senator office becomes vacant.

Art. 3. – (1) The parliamentary elections in Romania shall be conducted by observing the universal, equal, direct, secret, and freely expressed nature of the vote, under the terms of the present title.

(2) Romanian citizens shall have the right to vote and to be elected, regardless of the race, sex, nationality, ethnic origin, spoken language, religion, political opinion, wealth, or social origin, under the terms of the present title.

**(3) Romanian citizens with the domicile or residence abroad shall exercise their right to vote under the terms stipulated in the present title.\***

(4) Romanian citizens shall have the right to vote from the age of 18, if they have reached this age until the election day inclusive.

(5) Mentally defective or alienated people, laid under an interdiction, or the persons convicted to the loss of the electoral rights, by final judgement, shall not have the right to vote.

Art. 4. – (1) Every elector shall have the right to cast one vote for the election to the Chamber of Deputies and one for the election of the Senate.

(2) Each elector shall express the vote personally. Exercising the vote on behalf of another elector shall be forbidden.

(3) The vote exercised within the election shall be secret. Any control on the way in which an elector votes shall be forbidden.

(4) Citizens' participation in the elections shall be based on their free will. Nobody shall have the right to put pressure on an elector to determine this one whether to participate or not in the elections.

Art. 5. – (1) Deputies and Senators shall be elected by uninominal vote, according to the principle of proportional representation, in uninominal colleges set up under the provisions of article 11.

(2) The norm of representation for the election to the Chamber of Deputies shall be of one Deputy for every 70,000 inhabitants.

(3) The norm of representation for the election of the Senate shall be of one Senator for every 160,000 inhabitants.

**(4) The number of inhabitants taken into consideration shall be the one resulted from the last population census, published by the ational Statistics Institute, allocated by localities, corresponding to the administrative-territorial structure in force.\***

Art. 6. – Elections shall be conducted during a single day, which may not be other than the Sunday.

Art. 7. – (1) The election day shall be made public at least 90 days prior to the day of vote by publication in OJ, Part I, of the Government decision on the election day.

(2) The electoral campaign shall begin 30 days prior to the day of vote, and shall end 24 hours before the moment of the beginning of vote.

**(3) If by-elections are organised, the date for conducting such elections shall be set at least 45 days prior to the day of vote. In this case, the time limits stipulated by the present law, except those of 24 hours, shall be reduced by half. If the result of these operations of reducing the time limits by half is represented by fractions equal to or above 12 hours, the rounding off shall be made by completion; fractions below 12 hours shall not be taken into account.\*\***

Art. 8. – (1) The electors shall only vote at the polling station to which the street or the locality of their domicile has been distributed, according to the delimitation made under article 18.

(2) Romanian citizens with a right to vote, with the domicile or residence abroad, shall exercise their right to vote at one of the polling stations in the country where they have the domicile or residence, under the terms of the present title.

(3) The personnel of the diplomatic missions and of the consular offices shall exercise the right to vote at the polling station set up near the diplomatic mission or consular office where such personnel carry out their activity. They shall be entered on the additional electoral roll by the president of the electoral bureau of the polling station and shall be able to vote based on the diplomatic or official passport.

(4) The members of the electoral bureaux of the polling stations, as well as the persons charged with the maintenance of order shall vote at the

**polling station where they carry out their activity, after having been entered on the additional electoral roll, if need be, only if they have the domicile under the jurisdiction of the uninominal college under which the respective polling station falls and they are distributed, according to their domicile, to another polling station of the same uninominal college, and the candidates may vote at any of the polling stations within the uninominal college in which they stand as candidates.**

**(5) The electors who have been entered on the electoral register with the address of residence shall only vote at the polling station which the street or locality of their residence is distributed to, according to the delimitation made under article 18, and where they are booked in the copy of the permanent electoral roll.\***

Art. 9. – (1) The organisations of citizens belonging to a legally set up national minority defined according to article 2 point 29, who have not obtained in the elections at least one mandate of Deputy or Senator, shall have the right, under article 62 (2) of the Constitution of Romania, republished, to one mandate of Deputy if they have obtained, in the whole country, a number of votes equal to at least 10% of the average number of validly cast votes on the country for the election of a Deputy.

(2) The organisations of citizens belonging to national minorities represented in the Parliament shall have the right to submit candidatures.

**(3) Candidatures may also be submitted by other organisations of citizens belonging to national minorities defined under article 2 point 29, legally set up, which are of public utility and which submit to the Central Electoral Bureau, within 30 days of the date of setting the election day, a list of members including a number of at least 15% of the total number of citizens who, at the last census, declared themselves as belonging to the respective minority.\***

(4) If the number of members needed for observing the conditions stipulated in paragraph (3) exceeds 20,000 persons, the list of members must include at least 20,000 persons with the domicile in at least 15 of the counties of the country and in the municipality of Bucharest, but not less than 300 persons for each of these counties and for the municipality of Bucharest.

(5) The list of members shall be drawn up by localities and counties, and must include: the name of the organisation, the full name of the members, the personal identification number, the date of birth, the domicile, name, series, and number of the identity card, their signatures, as well as the full name of the

person having drawn up the list. The person having drawn up the list shall have the obligation to also submit a statement on own responsibility, by which he/she attests the validity of the members' signatures, as well as the fact that the list has been drawn up with a view to participating in the parliamentary elections of the respective year.

(6) Within the meaning of the present title, the same judicial regime as the one applied to the political parties in the electoral process shall be applied to the organisations of citizens belonging to national minorities, provided for in paragraphs (1)–(3).

(7) The organisations of citizens belonging to national minorities, which have participated in the elections by putting forward candidates in common with two or more organisations shall also benefit from the provisions of paragraph (1); in this case, if no common candidate has been elected, the candidate who obtained the largest number of votes shall be granted a mandate of Deputy, for all the organisations that have put forward candidates in common, with the observance of the provisions of paragraph (1).

(8) The provisions of paragraph (1) shall not be applied to the organisation of citizens belonging to national minorities, which has participated in the elections in an electoral alliance.

(9) The mandate of Deputy conferred according to paragraph (1) shall be granted over the total number of Deputies resulted from the norm of representation.

(10) The organisations provided for in paragraphs (1)–(3) may participate in the elections and may submit candidatures only under the name and with the electoral sign of the respective organisation.

(11) By exception from the provisions of article 29 (2), the organisations of citizens belonging to national minorities may submit the same candidature for the Chamber of Deputies in several uninominal colleges. An organisation of a national minority may put forward the same candidate for several uninominal colleges belonging to the different constituencies, only provided that it puts forwards a single candidate at national level and only for the election to the Chamber of Deputies.

**Art. 9<sup>1</sup>. – (1) Political parties, political alliances and organisations of citizens belonging to national minorities may associate between themselves only at national level, based on a protocol, forming an electoral alliance, with a view to participating in the election to the Chamber of Deputies and the Senate. A political party, a political alliance or an organisation of citizens belonging to national minorities may only belong to a single electoral alliance. The electoral alliance that has participated in the**



previous elections under a certain name may keep this name only if it has not changed its initial structure. Also, the respective name may not be used by another alliance.

(2) The protocol for setting up the electoral alliance shall be submitted to the Central Electoral Bureau within 48 hours of its setting up.

(3) The Central Electoral Bureau shall pronounce in open meeting on the approval or rejection of the protocol for setting up the electoral alliance, within 24 hours of its submission.

(4) The decision of the Central Electoral Bureau approving the protocol for setting up the electoral alliance may be appealed by any interested natural or legal person to the High Court of Cassation and Justice, within 24 hours of its pronouncement.

(6) The High Court of Cassation and Justice shall pronounce on the contestations stipulated in articles (4) and (5) within 24 hours of the registration of the contestation, by final and irrevocable decision.

(7) The other provisions of the present law referring to the political alliances shall also be applied accordingly to the electoral alliances.\*

## CHAPTER II

### Constituencies, uninominal colleges, and electoral bodies

**Art. 10. – For the organisation of elections, they shall set up constituencies at the level of the 41 counties, one constituency in the municipality of Bucharest, and one separate constituency for the Romanians with the domicile or residence outside the country. The total number of constituencies shall be of 43. The name and counting of constituencies shall be stipulated in the annex being an integral part of the present title.\*\***

Art. 11. – (1) Within each of the 43 constituencies they shall set up uninominal colleges based on the norm of representation, as follows:

a) the number of uninominal colleges for the Chamber of Deputies, for the Senate respectively, shall be set by relating the number of inhabitants of each constituency to the norms of representation stipulated in article 5 (2) and (3), to which they add a college of Deputy, respectively of Senator for what exceeds the half of the norm of representation, without the number of the colleges of Deputy in a constituency being less than 4, and that of Senator being less than 2;

b) the number of inhabitants taken into account at the calculation of the number of uninominal colleges which is delimited within each county shall be stipulated in article 5 (4).

(2) The delimitation of the uninominal colleges shall be made by taking into account the following rules:

a) a constituency may only be formed of complete uninominal colleges;

b) the territory covered by a uninominal college must be on the territory of one and the same county, or of the municipality of Bucharest;

c) on the territory of a locality, they usually may delimitate only complete uninominal colleges;

d) a uninominal college may usually include one or more complete localities;

**e) in the municipality of Bucharest, the uninominal colleges must not exceed the administrative-territorial limits between the 6 districts. In each of these districts they shall delimitate uninominal colleges for the election to the Chamber of Deputies and the Senate, with the application of the provisions of paragraph (1) letter a), with the provisions of letter g) being applied for the uninominal colleges delimited inside each individual district;\***

f) in the special constituency for Romanian citizens with the domicile outside the borders of Romania, they shall form 4 uninominal colleges for the election to the Chamber of Deputies, and 2 uninominal colleges for the election of the Senate. The geographical distribution of the 4 uninominal colleges for the Chamber of Deputies and of the 2 uninominal colleges for the Senate shall be set by Government decision, according to the decision of a special parliamentary committee set up based on the parliamentary proportional representation, within no more than 90 days of the entry into force of the present title;

**g) within a constituency, the delimitation of the uninominal colleges for the election to the Chamber of Deputies and for the election to the Senate shall be made in such a way that their size, calculated in number of inhabitants, is bigger than the smallest uninominal college, in the situation when the provisions of letters a)–e) are observed;\***

h) a uninominal college for the election to the Senate shall always be formed of a complete number of uninominal colleges for the election to the Chamber of Deputies, complete and joint, within the same constituency.

**Art. 12. – (1) The first delimitation and numbering of uninominal colleges shall be carried out by Government decision, according to the decision of a special parliamentary committee set up based on the**

**parliamentary proportional representation, within no more than 90 days of the entry into force of the present title.**

**(2) The delimitation and numbering of uninominal colleges shall be updated by the Permanent Electoral Authority. The delimitation operation shall be updated annually in case of any changes occurred in the structure, name, or rank of the administrative-territorial units, as well as after each population census, at least 12 days prior to the parliamentary elections in term, by issuing a decision of the Permanent Electoral Authority, which is published in OJ, Part I.\***

(3) The modification of the uninominal colleges may only be made if, compared to the previous delimitation, a positive or negative variation of 10% of the population of the respective uninominal college occurred.

**Art. 13. – (1) For the organisation of the electoral process, the Permanent Electoral Authority functions permanently, and issues decisions, resolutions and instructions. During the organisation of the elections, they shall form the Central Electoral Bureau, electoral bureaux of constituency at county level, of the municipality of Bucharest, district electoral offices, for the municipality of Bucharest, and one electoral bureau of constituency for Romanian citizens with the domicile or residence outside the country, as well as electoral bureaux of polling stations.\***

(2) The electoral bureaux shall be formed only of citizens with a right to vote. The candidates in the elections, husband/wife, relatives and in-laws until second degree inclusive may not be members of the electoral bureaux.

(3) For achieving the obligations incumbent upon them, the members of the electoral bureaux shall exercise a position implying the state authority. The correct and impartial exercise of the position of member of the electoral bureau shall be mandatory. The non-observance of this obligation shall entail judicial, civil, or penal responsibility, as appropriate.

**Art. 13<sup>1</sup>. – (1) The electoral bureaux and offices shall operate in the presence of the majority of their members, and take decisions by a majority of votes of the present members. The Central Electoral Bureau shall operate in the presence of the majority of its members, and take decisions by a majority of votes of the present members.**

**(2) In case of equality of votes, the president shall have the decisive vote.\*\***

Art. 13<sup>2</sup>. – (1) The representatives of the political parties, political alliances, and electoral alliances, as well as of the organisations of citizens belonging to national minorities, in the electoral bureaux and offices may not be assigned and may not exercise other attributions besides those stipulated by the present law.

(2) The representatives of the political parties, political alliances, and electoral alliances, as well as of the organisations of citizens belonging to national minorities, in the electoral bureaux and offices may be replaced, at the request of those having put them forward, with the approval of the hierarchically superior electoral bureau, until the day prior to the day of vote, and in case of demise, illness or accidents, the very day of elections.

(3) The members of the electoral bureaux and offices who do not represent political parties, political alliances, electoral alliances or, as appropriate, organisations of citizens belonging to national minorities may be replaced, in case of demise, illness or accidents by those having appointed them, with the observance, as appropriate, of the terms stipulated in articles 13, 14, 16, 17, and 19.\*

Art. 13<sup>3</sup>. – The quality of member of an electoral bureau or office shall end *de jure* in the case of a disposition of summoning in court for having committed an infringement stipulated by the present law. The finding of the case of ending *de jure* of the quality of member of an electoral bureau or office shall be made, within 48 hours of the interview on the case, by the president of the hierarchically superior electoral bureau, and in the case of the Central Electoral Bureau by the president of the High Court of Cassation and Justice. The provisions of article 13<sup>2</sup> shall be applied accordingly.\*

Art. 14. – (1) At national level, they shall set up a Central Electoral Bureau, formed of 5 judges of the High Court of Cassation and Justice, the president and the vice presidents of the Permanent Electoral Authority, and of no more than 12 representatives of the political parties, political alliances, electoral alliances participating in the elections, under the law, as well as of a representative appointed by the parliamentary group of the national minorities in the Chamber of Deputies.\*\*

(2) The appointment of the 5 judges shall be made by the president of the High Court of Cassation and Justice, in open meeting, the third day after the setting of the election day, by drawing lots from among the

**judges in exercise of the High Court of Cassation and Justice. The date, time and place of the open meeting for drawing lots shall be communicated in writing by the president of the High Court of Cassation and Justice, one day before the conduct day, to the parliamentary political parties, and shall be made public by written and audio-video press. One representative, appointed as such, of each parliamentary political party shall have the right to participate in the organisation and performance of drawing of lots. The result of drawing of lots shall be registered in a minute, signed by the president and the prime-deputy-magistrate of the High Court of Cassation and Justice. The minute shall represent the act of investiture.\***

(3) Within 24 hours of the investiture, the designated judges shall elect from among themselves, by secret ballot, the president of the Central Electoral Bureau and his deputy. Within 24 hours of the election of the president of the Central Electoral Bureau, the bureau shall be completed with the president and the vice presidents of the Permanent Electoral Authority, with a representative of each parliamentary political party and organisation of citizens belonging to national minorities having their own parliamentary group within both Chambers of the Parliament, as well as with the representative appointed by the parliamentary group of the national minorities in the Chamber of Deputies, communicated in writing by them. The completion of the Central Electoral Bureau shall be registered in a minute representing the act of investiture. In this structure, the Central Electoral Bureau shall fulfil all the attributions incumbent upon it according to the present title.

(4) Within two days after the candidatures remain final, the political parties that are not represented in the Parliament, their political and electoral alliances participating in the elections shall communicate in writing to the Central Electoral Bureau the full name of the representatives. The communications made after this time limit shall not be taken into consideration anymore.

(5) The appointment of the representatives of the non-parliamentary parties, political and electoral alliances from among them in the Central Electoral Bureau shall be made in decreasing order of the number of candidatures remained final in the uninominal colleges.

(6) If upon appointment of the representatives of the non-parliamentary parties, political or electoral alliances from among them the last place to be distributed is due to parties or alliances that have submitted the same number of candidatures, the appointment of their representatives shall be made by drawing lots by the president of the Central Electoral Bureau, in the presence

of the persons delegated by the political parties, political alliances, or electoral alliances in cause.

(7) The completion of the Central Electoral Bureau with the representatives of the non-parliamentary parties, political or electoral alliances shall be made, within 24 hours of the expiry of the time limit stipulated in paragraph (4), by the president of the Central Electoral Bureau, in the presence of the members of the bureau and of the persons delegated by the political parties, political alliances and electoral alliances having communicated the representatives. The minute drawn up by the president regarding the way of setting the representatives shall represent the act of attesting their quality of members in the Central Electoral Bureau.

(8) The electoral competitors who appoint representatives in the Central Electoral Bureau according to the provisions of paragraphs (3) and (4) may also appoint one deputy for each representative. The deputy may only replace, having the same rights and obligations, the respective occupant when this one cannot participate in the meetings of the Central Electoral Bureau.

(9) In the structure stipulated in paragraph (1) the Central Electoral Bureau shall adopt, within two months of the setting up, a regulations of organisation and functioning which shall be published in OJ, Part I, and which shall be mandatory for all the electoral bureaux.

(10) The additional technical staff of the Central Electoral Bureau shall be provided by the Permanent Electoral Authority together with the Ministry of the Interior and Administrative Reform, and the necessary statisticians by the National Statistics Institute.

Art. 15. – (1) The Central Electoral Bureau shall have the following main attributions:

**a) to oversee the unitary implementation of the legal provisions on the elections and to ensure the unitary interpretation of their provisions;\***

b) to ensure the publication in OJ, Part I, of the list including the names and electoral signs of the political parties, political alliances, electoral alliances, and legally set up organisations of citizens belonging to national minorities, which have a right to participate in the elections, and to communicate the list of all electoral bureaux of constituency, immediately after their setting up;

**c) to solve the objections referring to its own activity and the contestations regarding the activity of the electoral bureaux of constituency; the contestations shall be solved by decisions which are mandatory for the electoral bureau in cause, as well as for the public authorities and**

**institutions to which it refers, under the sanctions stipulated by the present title;\***

d) to make the publications and the posters stipulated by the present title regarding the candidatures;

e) to centralise, based on the communiqués received from the electoral bureaux of constituency, the number of final candidatures in the uninominal colleges submitted by the political parties, political alliances, electoral alliances, and organisations of citizens belonging to national minorities; to communicate the centralised situation, within 24 hours of the drawing up, to the special committee of the Chamber of Deputies and the Senate for the granting of airtimes, as well as to the Romanian Television Company and Romanian Radio Broadcasting Company;

**f) to set, based on the minutes sent by the electoral bureaux of constituency, the list of political parties, political alliances, electoral alliances, and organisations of citizens belonging to national minorities which have met the electoral threshold, and to communicate these lists to the electoral bureaux of constituency, and make them public within 24 hours of the finding;\***

g) to annul the elections in a polling station if they find that the vote or the setting of the election result was carried out by electoral fraud;

h) they may request for the counting of votes in a polling station or for the remaking of the centralisation of votes and election result in a uninominal college if they find, based on the administrated proofs, that errors have been made, or inconsistencies between the data entered in the minutes have been registered;

i) to totalise the national result, based on the minutes received from the electoral bureaux set up at inferior levels;

j) to send to the Permanent Electoral Authority, after the publication of the election results in OJ, Part I, the materials necessary for the editing of the White Book on Elections;

k) to set, at national level, the number of mandates due in each constituency to each political party, political alliance, electoral alliance, organisation of citizens belonging to a national minority, independent candidate participating in the elections under the terms of the present title;

l) to attest the granting of a mandate of Deputy to the organisation of citizens belonging to national minorities that have met the terms stipulated in

article 9 (1), and to issue the proving certificate to the Deputy appointed on this basis;

m) to send the final election results to be published by the “Monitorul Oficial” R.A.;

n) to organise and implement a system for collecting data and periodically informing the public opinion on the presence of the population in the vote, based on a representative pattern at county and national level;

o) to fulfil any other attributions incumbent upon them according to the present title.

(2) If for the settlement of a contestation they need checking of facts, these shall be done in the presence of a judge from the Central Electoral Bureau. Such verifications may not be done on the election day.

(3) The request to annul the elections in a uninominal college for electoral fraud may only be done by the electoral competitors who have participated in the elections in the respective college. The request shall be submitted to the Central Electoral Bureau within 24 hours of the close of poll, under the sanction of decline. The request must be solidly justified and accompanied by the proofs on which it is based. The lack of proofs shall entail the rejection of the request. The request may only be approved if the person who submitted it is not involved in the causing of the fraud, and only if they find that this fraud was of such nature as to amend the granting of the mandates. The settlement of the request to annul the elections by the Central Electoral Bureau may only be made until the date of publication of the election result in OJ, Part I. Within no more than 10 days of the date of approving the request to annul the elections they shall organise a new ballot in the polling stations where they have found the electoral fraud. The bureau of constituency along with the local public authorities shall ensure the good conduct of the new ballot, with the proper implementation of the present title. Until the new results are got they shall suspend the electoral operations regarding the counting of votes and finding of the results.

**(4) In the exercise of the attributions incumbent upon them according to the present title, the Central Electoral Bureau shall adopt decisions and resolutions. The decisions of the Central Electoral Bureau shall be given for the unitary interpretation of the law and are generally mandatory. The decisions of the Central Electoral Bureau shall be given in the implementation of the provisions of the present law, as well as in the settlement of the objections and contestations which they have the competence to solve. The decisions of the Central Electoral Bureau shall be mandatory for all public authorities and institutions, electoral bureaux,**



as well as for all bodies with attributions in electoral matter, from the date of notification in open meeting. The decision shall be made public by open meeting and by any means of publicity, and the resolutions shall be published in OJ, Part I.\*

**(5) Repealed.\*\***

(6) The Central Electoral Bureau shall cease its activity after 48 hours of the publication in OJ, Part I, of the election result, according to the provisions of the present title.

**Art. 16. – (1) At the level of each of the 43 constituencies they shall set up an electoral bureau of constituency, formed of 3 judges, a representative of the Permanent Electoral Authority, and of no more than 9 representatives of the political parties, political alliances, electoral alliances, and organisations of citizens belonging to national minorities participating in the elections, according to the present title, in the respective constituency. The electoral bureau of constituency for the citizens with the domicile or residence outside the country shall have the headquarters in the municipality of Bucharest.\***

(2) The appointment of the 3 judges shall be made in open meeting, within 21 days of the beginning of the electoral period, by the president of the tribunal, by drawing lots from among the judges in exercise of the county tribunal, of the Bucharest Tribunal, respectively, for the Constituency of Bucharest and for the constituency for the Romanians with the domicile or residence outside the country. The date of the meeting shall be made public, by press, by the president of the tribunal, with at least 48 hours in advance. The result of the drawing of lots shall be registered in a minute, signed by the president, which shall represent the act of investiture. Within 24 hours of the appointment, the judges, by secret ballot, shall elect the president of the electoral bureau of constituency and his deputy. From that moment on, the bureau thus set up shall fulfil all the attributions incumbent upon them under the present title, being then completed with the representatives of the Permanent Electoral Authority, representatives of the political parties, political alliances, electoral alliances, and organisations of citizens belonging to national minorities participating in the elections, according to the present title.\*

(3) Within 24 hours of the date on which the candidatures remain final, the political parties, political alliances, electoral alliances, and organisations of citizens belonging to national minorities participating in the elections according

to the present title shall communicate, in writing, to the respective electoral bureau of constituency, the full name of their representatives in the electoral bureau. The communiqués sent after this term shall not be taken into consideration anymore.

(4) The representatives of the Permanent Electoral Authority shall be appointed by this one by decision, within 24 hours of the designation of the judges.

**(5) Within 24 hours of the expiry of the time limit stipulated in paragraph (3), the electoral bureau of constituency shall be completed with one representative of each parliamentary political party or political/electoral alliance from among the parliamentary parties that participate in the elections in the respective constituency. Within 24 hours of the completion of the bureau with the representatives of the parliamentary political parties, the electoral bureau of constituency shall also be completed with the representatives of the non-parliamentary parties, organisations of citizens belonging to national minorities, and political or electoral alliances from among them, that participate in the elections in the respective constituency, within the limit of the number of representatives stipulated in paragraph (1). The designation of the representatives of the non-parliamentary political parties, political alliances and electoral alliances from among them shall be done in decreasing order of the number of candidatures remained final from the uninominal colleges of constituency, and in case of equality, by drawing lots.\***

**(6) The electoral offices shall be organised at the level of the districts of the municipality of Bucharest and shall be formed of one president, one deputy of such president, one representative of the Permanent Electoral Authority, and of at least 7 members, representatives of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities participating in the elections in the municipality of Bucharest. The appointment of these representatives shall be made by the proper implementation of the provisions of paragraph (5).\***

**(7) The president and his deputy shall be magistrates appointed by the president of the Tribunal of Bucharest with 20 days prior to the election day, by drawing lots on positions, from among the judges in exercise of the district court.\***

(8) Within 24 hours of the appointment of magistrates, the political parties, political alliances, electoral alliances and organisations of citizens belonging

to national minorities participating in the elections shall communicate in writing the name of their representatives in the electoral office.

(9) Within 24 hours of the appointment of magistrates, the Permanent Electoral Authority shall communicate the name of its representatives appointed by decision, in each electoral office.

**(10) The electoral offices shall be completed by the proper implementation of the provisions of paragraph (5), within 24 hours, 48 hours respectively of the communiqués carried out by the electoral competitors.\***

**(11) In the constituencies in which by-elections are organised they shall set up electoral bureaux of constituency formed of 2 judges, one representative of the Permanent Electoral Authority and one representative of each parliamentary political party. The provisions of paragraphs (2)–(4) shall be applied accordingly.\*\***

**(12) For the organisation and conduct of by-elections they shall set up the Central Electoral Bureau formed of the president and vice presidents of the Permanent Electoral Authority. The Central Electoral Bureau thus set up shall fulfil all the attributions incumbent upon them according to the present title. The additional technical staff shall be provided by the personnel of expertise of the Permanent Electoral Authority.\*\***

Art. 17. – (1) The electoral bureaux of constituency shall have the following attributions:

a) to ensure the organisation in time of the polling stations, to oversee and ensure the unitary implementation and observance of the legal dispositions on the elections by all authorities, institutions and bodies with responsibilities in the electoral matter from within the constituency;

b) to register the candidatures submitted at the constituency level and to find that they remain final;

c) to communicate, within 24 hours of the moment the candidatures remain final, to the Central Electoral Bureau, political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities with representation in the Parliament by own parliamentary group in both Chambers of the Parliament, the other political parties, political alliances and organisations of citizens belonging to national minorities having put forward candidates at the level of the uninominal colleges under the jurisdiction of the constituency, as well as the number of candidatures forwarded by them;

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d) to make the publications and posters stipulated in the present title regarding the candidatures;

**e) to solve the objections referring to their own activity and the contestations regarding the operations of the electoral bureaux of the polling stations or, as appropriate, of the electoral offices within the constituency in which they operate; the contestations shall be solved by decisions which are mandatory for the electoral bureau in cause, as well as for the public authorities and institutions they refer to, under the sanctions stipulated by the present title;\***

**f) to distribute to the electoral bureaux of the polling stations, through mayors, based on a delivery note, the ballot papers, control stamp and the stamps with the specification “VOTED”, the forms for the conclusion of minutes, as well as the other materials needed in the electoral process. The Electoral Bureau of Constituency of the Municipality of Bucharest shall distribute these materials to the electoral offices;\***

g) to set the mandates due, at constituency level, to each political party, political alliance, electoral alliance and organisation of citizens belonging to a national minority, independent candidate participating in the elections under the terms of the present title, in compliance with the provisions of article 48;

h) to issue the certificate proving the election to the candidates declared elected;

i) to submit to the Central Electoral Bureau the minutes including the election result in the uninominal colleges that form the constituency in which they function, and the election result at the level of the constituency in which they operate, as well as the objections, contestations and minutes received from the county electoral bureaux;

j) to fulfil any other attributions incumbent upon them under the present title;

k) to make public, within 48 hours of the setting up, the number of electors entered on the permanent electoral rolls of each uninominal college.

**(2) The decisions of the electoral bureau of constituency shall be made public in open meeting.\***

(3) The district electoral offices shall have the following attributions: a) to monitor the implementation of the legal provisions on the elections in the districts in which they operate, and to ensure the organisation in due time of the polling stations;

b) to solve the objections referring to their own activity and the contestations regarding the operations of the electoral bureaux of the polling stations under the jurisdiction of the district in which they operate;

**c) to distribute to the electoral bureaux of the polling stations, through mayors, the ballot papers, the control stamp and the stamps with the specification “VOTED”, the forms for the conclusion of the minutes, as well as the other materials needed in the electoral process;\***

d) to totalise the election result, according to the minutes received from the electoral bureaux of the polling stations under subordination for each uninominal college for the election of Deputies, and for each uninominal college for the election of Senators under the jurisdiction of the district in which they operate, and to send the results to the Electoral Bureau of the Constituency of the Municipality of Bucharest to which it is subordinated;

e) to submit to the electoral bureau of constituency to which it is subordinated the minutes including the election result, under the jurisdiction of the respective district, as well as the objections, contestations and minutes received from the electoral bureaux of the polling stations;

**f) repealed.\*\***

**(4) The decisions of the district electoral office shall be made public in open meeting.\***

### CHAPTER III

#### **Polling stations and electoral bureaux of the polling stations**

Art. 18. – (1) For the organisation of the election to the Chamber of Deputies and the Senate they shall set up the Register of the polling stations, administrated by the Permanent Electoral Authority, including the delimitation and numbering of the polling stations on the territory of Romania.

**(2) The delimitation of the polling stations shall be set within 30 days of the setting of the election day by the mayors of the communes, towns, municipalities or administrative-territorial subdivisions of the component municipalities, together with the prefects and territorial structures of the ational Centre for Database Management of the People’s Record, without them exceeding the limits of the uninominal colleges for the Chamber of Deputies.\***

**(3) The numbering of the polling stations shall be set by the prefect, within the time limit stipulated in article (2), at the level of each**

**constituency, beginning with the county residence locality, and continuing with the localities of municipalities, towns, communes, in their alphabetical order; in the municipalities with administrative-territorial subdivisions the numbering shall be made with the observance of the order of these subdivisions, provided for by the law. The numbering of the polling stations from abroad shall be set by the minister of foreign affairs, by order, within the time limit stipulated in paragraph (2).\***

(4) The prefects shall communicate the delimitation and numbering of the polling stations at the constituency level to the Permanent Electoral Authority, for the registration in the Registry of the polling stations.

(5) **The polling stations shall remain constant, except the modifications that need the updating. Any kind of modifications, including those occurred in the structure of the administrative-territorial units or in the town-planning of the localities, shall be immediately communicated by the prefects to the Permanent Electoral Authority.\***

(6) **The polling stations shall be organised as follows:**

a) **in the localities with a population of over 1,500 inhabitants, one polling station for every 1,000 – 2,000 inhabitants;**

b) **in the localities with a population under 1,500 inhabitants, a single polling station;**

c) **they may also organise polling stations in the villages or groups of villages with a population up to 1,000 inhabitants, located within more than 3 km of the premises of the polling station in the residence of the commune, town or municipality.\***

(7) The mayors and the secretaries of the communes, towns or municipalities, as well as the National Centre for Database Management of the People's Record shall provide all the data, information and support that the prefects need in order to fulfil the obligations stipulated in paragraph (5).

(8) **Besides the diplomatic missions and consular offices of Romania, the Ministry of Foreign Affairs shall organise one or more polling stations for the electors with the domicile or residence outside the country. Besides these polling stations, they may also organise, with the consent of the government in the respective country, polling stations in other localities than those in which the diplomatic missions or consular offices have their premises. The electors having the domicile or residence in a state other than Romania shall exercise their right to vote at one of the polling stations in the country where they have the domicile or residence, set up under the**

terms of the present title. The residence abroad is proved by any document issued by the foreign authorities.\*

(9) The localities in which they organise polling stations abroad shall be set based on registrations of the diplomatic missions and consular offices of Romania.\*\*

(10) Romanian citizens with the domicile or residence in a state in which there are no diplomatic missions or consular offices of Romania, and where there is no possibility to organise a polling station, may express their right to vote in any of the polling stations organised in the states being part of the same uninominal college.\*\*

**Art. 19. – (1) The electoral bureaux of the polling stations shall be formed of a president, a deputy of the president, who usually are magistrates or jurists, as well as of 7 members. The electoral bureaux of the polling stations may not function with less than 5 members.\***

(2) The appointment of the presidents of the electoral bureaux of the polling stations and of their deputies shall be made 15 days prior to the election day, by the president of the tribunal, in open meeting announced with 48 hours in advance, by drawing lots, on positions from among the existing magistrates or jurists in the county or municipality of Bucharest. The lists of the magistrates participating in the drawing of lots shall be drawn up by the president of the tribunal, and those of other jurists, by the prefect, together with the president of the tribunal. The lists shall include a number of persons exceeding at least 10% of the necessary number, with these being a reserve at the disposal of the president of the tribunal, for the replacement, in special cases, of the occupants. The grouping in the lists with a view to drawing lots shall be made by taking into account the necessity for the dwellings of the persons in cause to be placed in the locality where the electoral bureau of the polling station has its premises, or as close as possible to this locality.\*

(3) The list provided for in paragraph (2) shall only include jurists who do not belong to any political party or any organisation of citizens belonging to national minorities participating in the elections, and are not relatives up to the fourth degree of any of the candidates.

(4) If the number of jurists is insufficient, the list shall be completed, at the prefect's proposal with the consent of the Permanent Electoral Authority, with other persons having a good reputation in the locality, who do not belong to any political party or any organisation of citizens belonging to national

minorities participating in the elections, and are not relatives up to the fourth degree of any of the candidates.

(5) The list proposed by the prefect shall include a 10% larger number of persons than the necessary one, with these persons being a reserve at the disposal of the president of the tribunal. The list shall comprise: the full names, addresses, telephone numbers and signatures for accepting the proposed persons. The list shall be accompanied by statements on own responsibility of the proposed persons, regarding the fulfilment of the terms stipulated in paragraph (4).

(6) The grouping of the persons in the list, with a view to drawing lots, shall be made by taking into account the necessity for the dwellings of the persons in cause to be placed near the premises of the electoral bureau of the polling station. The result of the drawing of lots shall be written down in a minute signed by the president of the county tribunal. The minute shall represent the act of investiture. Both the list drawn up by the president of the tribunal, and the list drawn up by the prefect shall be stamped by the Permanent Electoral Authority based on the analysis of the previous experience as presidents and deputies of presidents of electoral bureaux of polling stations resulted from the analysis of the minutes signed and handed over by them to the electoral bureaux of constituency or electoral offices, as appropriate.

**(7) Within no more than 48 hours of the drawing of lots, the president of the tribunal shall send the list of the persons appointed as presidents of the electoral bureaux of the polling stations and their deputies to the electoral bureau of constituency.\***

**(8) Within no more than two days of the expiry of the time limit stipulated in paragraph (7), the political parties, political alliances, electoral alliances, and organisations of citizens belonging to national minorities participating in the elections shall have the obligation to communicate to the electoral bureau of constituency, the electoral office, respectively, in the case of the municipality of Bucharest, the list of their representatives in the electoral bureaux of the polling stations, under the form of a table including the following: the number of the polling station, full names, personal identification numbers, domiciles or residences and means of getting in contact, telephone numbers, fax or e-mail addresses respectively. A political party, a political alliance, an electoral alliance or an organisation of citizens belonging to national minorities participating**



**in the elections may not have more than 3 representatives in an electoral bureau of a polling station.\***

**(9) The appointment of the representatives of political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities, who are used for the completion of the electoral bureaux of the polling stations, shall be made by the president of the electoral bureau of constituency, by the president of the electoral office respectively, in the case of the municipality of Bucharest, in the presence of the representatives of the political parties in the electoral bureau of constituency or in the respective electoral office, within 24 hours of the expiry of the time limit stipulated in paragraph (8), with the observance of the completion order stipulated in article 16 (5). The operations for appointing the members used to complete the electoral bureau of the polling station shall be written down in a minute representing the act of investiture. The electoral bureaux of the polling stations shall be deemed to be set up on the date of their completion with the representatives of the political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities.\***

**(10) At the written request of the delegates of the political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities that have designated representatives in the electoral bureaux of the polling stations, the president of the electoral bureau of constituency or, as appropriate, of the electoral office, shall place at their disposal certified copies of the minutes for completing the electoral bureaux of the polling stations.\***

**(11) Within 2 days of the expiry of the time limit for completing the electoral bureaux of the polling stations, the president of the electoral bureau of constituency shall inform the mayors, through the prefect's institutions, on the structure of the electoral bureaux of the polling stations falling under the jurisdiction of their localities.\***

**Art. 19<sup>1</sup>. – The electoral bureaux of the polling stations from abroad shall be composed of a president, appointed by the head of the diplomatic mission, and no more than 7 members designated by the president of the electoral bureau of constituency for the Romanians with the domicile or residence outside the country, by drawing lots, from a list drawn up by the Ministry of Foreign Affairs, at the proposal of the parliamentary political parties. If the number of the persons proposed by the parliamentary**

**political parties is insufficient, the list shall be completed by the Ministry of Foreign Affairs with other persons enjoying a good reputation and not belonging to any political party.\***

Art. 20. – The electoral bureaux of the polling stations shall have the following attributions:

**a) to receive from the territorial structures of the ational Centre for Database Management of the People’s Record within the Ministry of the Interior and Administrative Reform, through mayors, based on a minute, 3 days prior to the election day, two copies of the permanent electoral rolls including the electors in the polling station. One copy shall be placed at the disposal of the electors for consultation, and one copy shall be used on the election day;\*\*\***

**b) to receive from the mayors, on the basis of a minute, the ballot papers, the control stamp and the stamps with the specification “VOTED”, the forms for the conclusion of the minutes, and other materials necessary for the conduct of the electoral process, as well as two ballot papers, one for the election to the Chamber of Deputies and one for the election to the Senate, annulled by the president of the electoral bureau of constituency, which they shall post up in a prominent place, on the day prior to the election day; the electoral bureaux of the polling stations near the diplomatic missions and consular offices shall receive these materials through the Ministry of Foreign Affairs;\*\*\***

**c) to lead the voting operations, to take all measures of order both inside the premises of the polling station and around it;**

**d) to count the votes and register the election results;**

**e) to solve the objections referring to their own activity;**

**f) to submit to the electoral bureaux of constituency or the district electoral office the minutes including the election result, the null and contested ballot papers, along with the contestations submitted and the materials they refer to, as well as the electoral rolls used within the polling station, filed on types of rolls; the electoral bureaux of the polling stations near the diplomatic missions and consular offices shall hand over these materials to the electoral bureau of constituency for the Romanians with the domicile outside the country, through the Ministry of Foreign Affairs;\*\*\***

**g) to hand over, based on a minute, to the court under the jurisdiction of which their headquarters falls, the ballot papers used and uncontested, as well as those annulled, the stamps and the other materials used in the**

**conduct of the vote; the electoral bureaux of the polling stations near the diplomatic missions and consular offices shall hand over these materials to the Tribunal of Bucharest, through the Ministry of Foreign Affairs;\***

h) to issue one copy of each minute, certified by the president of the electoral bureau of the polling station for each representative of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities in the structure of the bureau;

i) to issue, at the request of both the observers of the non-governmental organisations, and the representatives of the press accredited to the respective polling stations, through the president of the polling station, one copy of each minute that registers the election result in the respective polling station;

**j) to supply, on the election day, data on the presence of the population to vote, according to a programme set by the Central Electoral Bureau.\***

Art. 21. – (1) The political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities participating in the elections under the present title, as well as the independent candidates, may contest the way of forming and the structure of the electoral bureaux, within 48 hours of the expiry of the time limit of setting up or, as appropriate, of completion of these bureaux.

**(2) The contestations shall be submitted to and solved by the electoral body set up at the level immediately superior to the one at which operates the bureau referred to in the contestation, or by the High Court of Cassation and Justice, if the contestation refers to the Central Electoral Bureau, within no more than two days of the registration. The decision or, as appropriate, the resolution given, shall be final.\***

## CHAPTER IV

### Electoral register, electoral rolls and voting cards

#### SECTIO 1

##### *Electoral register*

**Art. 22. – (1) The electoral register shall represent a centralised database comprising all Romanian citizens, including those with the domicile or residence abroad, who have reached the age of 18, with a right to vote. The registration of the citizens with the domicile or residence abroad shall be made based on the records existing at the General Office of Passports within the Ministry of the Interior and Administrative Reform, used upon**

**the issue of passports with the specification regarding the setting of the domicile abroad, as well as the data held by the Ministry of Foreign Affairs.\***

(2) The electoral register for the Romanian citizens with the domicile in Romania shall be structured on counties, municipalities, towns, communes, and for those with the domicile abroad, on countries and localities.

(3) The Permanent Electoral Authority shall draw up, keep, and permanently update the Electoral registry until 31 March of each year. At the level of each county and district of the municipality of Bucharest, the Electoral register including the electors with the domicile or residence under the jurisdiction of the administrative-territorial unit shall be kept and updated by the territorial bureau of the Permanent Electoral Authority.

(4) The National Centre for Database Management of the People's Record, as well as the General Office of Passports within the Ministry of the Interior and Administrative Reform shall place the documents and information needed to draw up and update the Electoral register at the disposal of the Permanent Electoral Authority.

(5) The data written down in each Electoral register for each elector shall be the following:

- a) date of birth;
- b) personal identification number;
- c) country of domicile or residence;
- d) address of domicile;
- e) address of residence;
- f) series and number of the voting card;
- g) series and number of the identity card.

(6) Once registered in the electoral register with the address of domicile, the elector may submit a request for his registration with the residence address to the Permanent Electoral Authority.

(7) The Romanian citizens with the domicile or residence abroad, as well as the Romanian citizens with the domicile in the country but temporarily being abroad, at their request, shall be registered in the Electoral register with the data corresponding to the last address of domicile or residence.

Art. 23. – (1) The persons deceased shall be erased from the electoral register, upon notification of the community public service on population records, within 24 hours.

(2) The persons having lost their Romanian citizenship shall be erased from the Electoral register, based on the communiqué of the Ministry of Justice, within 24 hours of its receipt.

(3) The persons having lost their electoral rights shall be erased from the Electoral register, following the petition made by the community public service of people's records, within 24 hours.

Art. 24. – (1) The data and information comprised in the Electoral register shall be exclusively meant for the electoral processes.

(2) Any person registered in the Electoral register may request information only on the personal data included in the register.

(3) The objections against the omissions, incorrect registrations, and any other error in the Electoral register shall be made at the competent county territorial bureau of the Permanent Electoral Authority, with this bureau having the obligation to pronounce an opinion, by disposition, within no more than 3 days of the registration.

(4) The contestations against the given dispositions shall be settled by the court under the jurisdiction of which the elector's domicile falls, within no more than 3 days of the registration.

## *SECTIO 2*

### *Electoral rolls*

Art. 25. – The electoral rolls shall include the citizens with a right to vote registered in the Electoral register. They shall be permanent or additional.

**Art. 26. – (1) Permanent electoral rolls for the administrative-territorial subdivisions on the national territory shall be drawn up by the mayor of the commune, town, or municipality, or of the district of the municipality of Bucharest, as appropriate, based on the data and information comprised in the Electoral register, and communicated to the mayor by the territorial bureau of the Permanent Electoral Authority that operates at the level of the county under the jurisdiction of which the locality falls.\***

(2) Permanent electoral rolls shall be drawn up by localities and shall include all citizens with a right to vote who have the domicile in the locality for which the rolls have been drawn up.

(3) In the case of communes, the permanent electoral rolls shall be drawn up by villages and, as appropriate, by streets, and in the case of towns, municipalities and administrative-territorial subdivisions of the municipalities, by streets and, as appropriate, by blocks.

(4) Permanent electoral rolls shall comprise, in the order of the number of flats in which the electors live, the full name, their domicile, the personal identification number, the series and number of the identity card, the series and number of the voting card, the number of the constituency for each type of ballot or, as appropriate, of the uninominal college, and the number of the polling station.

(5) Permanent electoral rolls shall be drawn up in 3 official copies, shall be signed by the mayor and by the secretary of the administrative-territorial unit, and shall be kept in 3 special registers with detachable sheets, of which one by the secretary of the administrative-territorial unit, one by the court under the jurisdiction of which falls the locality for which the rolls have been drawn up, and one by the Permanent Electoral Authority.

**(6) Electoral rolls shall be drawn up and shall be placed at the disposal of electors for consultation up to no more than 45 days prior to the election day.\***

**(7) The electors shall have the right to check the registration in the electoral rolls. The objections against the omissions, incorrect registrations and any other errors in the rolls shall be submitted to the mayor of the locality, with him having the obligation to pronounce an opinion, by disposition, within no more than 3 days of the registration.\***

**(8) The contestations against the given dispositions shall be submitted within 5 days of the communiqué and shall be settled by the court under the jurisdiction of which the elector's domicile falls, within no more than 3 days of the registration.\***

**(9) The mayor shall have the obligation to inform the court and the Permanent Electoral Authority on any modification in the electoral rolls.\***

**(10) Repealed.\*\***

(11) The modifications occurred following the sending of the copies of the permanent electoral rolls shall be communicated to the court and the electoral bureau of the polling station within 24 hours.

**Art. 26<sup>1</sup>. – (1) The territorial structures of the ational Centre for Database Management of the People's Record shall communicate to the electoral bureaux of constituency falling under their jurisdiction, within no more than 48 hours of their setting up, the minimum number of signatures necessary for supporting the independent candidatures in each uninominal college.**

**(2) The General Office of Passports within the Ministry of the Interior and Administrative Reform shall communicate to the electoral bureau of constituency for the Romanians with the domicile or residence outside the country, within no more than 48 hours of its setting up, the minimum number of signatures necessary for supporting the independent candidatures in each uninominal college from outside the country.\*\*\***

Art. 27. – (1) Additional electoral rolls shall be drawn up in the cases stipulated by the present title and shall include the elements provided for in article 26 (4). The rolls shall be signed by the president of the electoral bureau of the polling station where they have been drawn up.

**(2) In the additional electoral roll, the president of the electoral bureau of the polling station shall register the persons who come to vote and prove that they have the domicile under the jurisdiction of the respective polling station, but they have been omitted from the copy of the permanent electoral roll, the persons who cast their vote according to the provisions of article 8 (4), the Romanian citizens from abroad who prove, with the passport with the specification regarding the setting of the domicile abroad, that they have the domicile in a country within the respective uninominal college, the Romanian citizens who prove that they have the residence in a country within the respective uninominal college by presenting the simple passport or, in the case of the European Union member states, the identity card as well, accompanied by the document issued by the foreign authorities attesting the residence abroad, as well as the persons who vote under the provisions of article 8 (3). The respective persons may only vote based on the identity card and the voting card.\***

**(3) The objections formulated regarding the additional rolls shall be settled, by decision, by the electoral bureau of the polling station.\***

### *SECTIO 3*

#### *Voting cards*

Art. 28. – (1) The exercise of the right to vote in elections shall be made only on the basis of the identity card and the voting card, issued under the terms of the present title. The Romanian citizens with the domicile or residence abroad may also vote without the voting card.

(2) The model of the voting card shall be set by Government decision within 30 days of the entry into force of the present title.

(3) The voting card shall be drawn up by the community public services for personal records.

(4) The voting card shall be issued based on the identity card, only to the owner and under his/her signature, by the community public services for personal records.

(5) The community public services for personal records shall fulfil the obligations incumbent upon them according to paragraphs (3) and (4), in

collaboration with the Permanent Electoral Authority, for Romanian citizens having the domicile or residence abroad as well.

(6) The voting card may be received only by its owner and under his/her signature, and shall be delivered on the election day by the electoral bureau of constituency on an identity card basis to the electors who have not collected their voting card from the community public service for personal records.

(7) The domicile shall be proven only by identity card.

(8) An elector shall be delivered a single voting card.

(9) Objections and contestations with regard to the drawing up or delivery of voting cards shall be addressed to the community public service for personal records and are to be solved within 3 days.

(10) Voting cards shall be permanent and valid for all types of elections, according to the number of ballots stipulated as such, and shall be delivered to the electors registered in the Electoral register.

(11) The voting card shall be held and used by its owner only.

(12) In case of loss or damage of the voting card, irrespective of reasons, the public service for personal records shall deliver a duplicate.

(13) The duplicate shall be delivered at the owner's request, and on his/her account. The original card which has been declared lost or discarded shall be null and void.

(14) The voting card of the person who is crossed out from the electoral register is null and void. The Permanent Electoral Authority shall inform the community public services for personal records, the mayors, the diplomatic missions, and the electoral bureaux of constituencies in connection with the names of the citizens whose voting cards have become null and void.

## CHAPTER V

### **Candidatures**

Art. 29. – (1) In every uninominal college, each electoral competitor may have only a single nomination for election.

(2) A candidate may represent a single electoral competitor within one single uninominal college.

(3) The nominations of candidates shall be filed at the electoral bureaux of constituencies, which operate at the very level of candidates' election, 40 days before the election day, at the latest.

(4) The candidature put forward by the organisations of citizens belonging to national minorities, under the terms of article 9 (11) shall be filed at the Central Electoral Bureau.



(5) On filing the candidatures, each political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities, independent candidate shall produce a deposit receipt for the deposit created and paid into the account of the Permanent Electoral Authority amounting to 5 minimum gross salaries in Romania for each candidate.

**(6) The Permanent Electoral Authority shall open depository accounts for the candidates to the office of Deputy or Senator.\***

(7) The deposit shall be reimbursed within 14 black-letter days of the date of the final declaration of the election results organised in the constituency only to the political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities that have totalised a minimum of 2% votes out of the votes validly cast at the national level. The deposit shall also be reimbursed to the organisations of citizens belonging to national minorities, other than the ones that have reached the electoral threshold, that obtain a deputy mandate from the organisations thereof under the terms of the present title. At the same time, the deposit shall be reimbursed to the independent candidates who have obtained a minimum of 20% votes out of the votes validly cast in the uninominal college where they stood as candidates. The amounts of money which are not to be reimbursed shall go to the state budget.

**(7<sup>1</sup>) The Permanent Electoral Authority shall, by decision, set rules on the creation and reimbursement of deposits.\*\***

(8) The nominations of candidates shall be put forward in writing, in 4 copies, by the political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities that participate in the elections, pursuant to the present title, with signatures of their leaders or of the persons designated to sign for, and on a basis of the supporters' list in the case of independent candidates.

(9) The nominations of candidates shall be signed by the leaders of each party in the alliance in the case of political alliances and electoral alliances.

**(10) The nominations for election shall include the constituency and the uninominal college for which the candidate stands, full name, personal numerical code, domicile, place and date of birth, occupation, profession, and in the case of political or electoral alliances the party that put forward their nomination. Independent candidatures for political parties, political or electoral alliances shall not be allowed.\***

(11) The nominations of candidates shall be filed together with the declaration of candidature acceptance, signed and dated by candidates, as well as with the capital and conflict of interest statements of each candidate.

(12) The declaration of candidature acceptance shall mention the constituency and the uninominal college for which the candidate stands, full name, personal numerical code, political party or alliance that nominated him/her, profession, occupation, and political affiliation, his/her express acceptance to stand as a candidate for the respective office, as well as the specification that he/she meets the conditions stipulated by law for standing as a candidate.

(13) All the candidates born before 1 January 1976 shall make a statement on their own account, in accordance with the penal law, regarding their affiliation or non-affiliation to the security forces as political police.

(14) A person cannot accept to stand as a candidate for more than one single constituency, or for more than one single uninominal college within such constituency, except for the persons who stand as candidates on behalf of the organisations of citizens belonging to national minorities in accordance with article 9 (11).

(15) The persons who do not meet the conditions to be elected provided for in article 37 in the Romanian Constitution, republished, cannot stand as candidates.

**(16) The higher public servants shall be entitled to stand as candidates in the elections to the Chamber of Deputies and the Senate on condition their service obligations have stopped at the time of filing their candidature, under the terms of law. By derogation from the provisions of article 34 (3) of Law no. 188/1999 on the Statute of Public Servants, republished, the higher public servants are allowed to stand as candidates in the elections to the Chamber of Deputies and the Senate if they suspend themselves from the public position occupied during the electoral campaign.\***

**Art. 29<sup>1</sup>. – In order to register the candidatures, each political party, political alliance, electoral alliance, or organisation of citizens belonging to national minorities shall submit to the electoral bureau of constituency 4 files, each of them having the following contents:**

**a) the list of candidates for the respective constituency including the data provided for in article 29 (8), (9), and (10), specifying the uninominal college and the office for which they stand;**

**b) the copies of the candidates' identity papers;**

c) the deposit receipts for the depositary accounts, as stipulated in article 29 (5) for each candidate;

d) the declarations of candidature acceptance, as provided for in article 29 (11);

e) the candidates' capital and conflict of interest statements, in compliance with the models provided for in the annex to Law no. 115/1996 for the public declaration and control of the officials' assets, with subsequent amendments and additions;

f) the statements of the candidates born before 1 January 1976 with reference to their affiliation or non-affiliation to the security forces as political police, which shall be written in compliance with the model provided for in the annex to the Government Emergency Ordinance no. 24/2008 on the access to one's own file and exposure of the Security forces.\*

Art. 30. – (1) Independent candidates shall be supported by minimum 4% out of the total number of electors enlisted on the permanent electoral rolls in the uninominal college for which they stand, but not less than 2,000 electors for the Chamber of Deputies and not less than 4,000 electors for the Senate.

**(1<sup>1</sup>) The independent candidates for the constituency of the Romanian citizens with the domicile or residence abroad shall be supported by minimum 4% of the electors with their domicile settled in one of the states which are part of the uninominal college for which they stand, but not less than 2,000 electors for the Chamber of Deputies and not less than 4,000 electors for the Senate.\***

(2) The supporters' list shall include the election date, full name of the candidate, the uninominal college for which he/she stands, full name of the supporter, personal numerical code and date of birth of the supporter, address of the supporter, type, series, and number of the supporter's identity card, and his/her signature. The roll shall also include the full name and personal numerical code of the person who drew it up.

(3) The supporters' list represents a public document with all the consequences stipulated by law.

**(4) Only citizens entitled to vote, and who have their domicile in the nominal college for which the independent candidate wishes to stand shall act as supporters. A supporter can back up a single candidate for each office for which the elections are being held.\*\***

\_\_\_\_(5) The supporters' adherence shall be given on their own account.

**(6) Repealed.\*\*\***

**Art. 30<sup>1</sup>.** – For the purpose of registering the nomination for election, each independent candidate shall personally submit 4 files to the electoral bureau of constituency, each of them having the following content:

**a)** a request for candidature registration on his/her own signature including the data provided for in article 29 (10), stating the office to which he/she stands for;

**b)** the documents provided for in article 29 (b–f);

**c)** an original model of the supporters' list.\*

Art. 31. – (1) The electoral bureau of constituency shall examine the observance of the legal terms so that a person may put forward his/her candidature, and the observance of the conditions of content and form of the supporters' list, registering the candidatures that meet these terms, or rejecting the registration of those that do not comply with such terms.

**(2)** Two copies of the nomination for election shall be held at the electoral bureau of constituency, and the other two, certified at the electoral bureau of constituency by its president's signature, specifying the date and time, and registration number, and by affixing the stamp, shall be given back to the one who filed it; one of the returned copies shall be registered by this person within 48 hours of its return at the tribunal under the jurisdiction of which the constituency falls. In the case of the constituency for the Romanians with their domicile or residence abroad, the registration shall be made at the Tribunal of Bucharest.\*\*

**(3)** Within 24 hours of each candidature registration, one of the nomination copies shall be posted by the electoral bureau of constituency in a visible place at its headquarters.

**(4)** Candidates may withdraw their candidatures up to the date of the final settlement of the candidatures. For this purpose, the respective person shall deliver a statement on his/her own account and file it at the electoral bureau of constituency.\*\*

**(5)** The electoral competitors may withdraw the nominations for election and may put forward another nomination up to the time limit of filing the candidatures. The withdrawal of candidatures shall be possible by a petition written on behalf of the persons who sign the nomination for election.\*

**(6) In case of candidature withdrawal after the time limit of filing the candidatures, the electoral competitors shall not be in the position of replacing their candidate.\***

**(7) If a candidate's demise occurs before the printing of ballot papers, the name of the respective candidate shall not be inscribed on the ballot paper anymore. If the demise occurs after the printing of ballot papers, voting shall go on with those ballot papers; in case the deceased candidate is allotted a mandate, by-elections shall be held.\***

**Art. 32. – (1) The electoral bureau of constituency shall acknowledge a candidature within 24 hours of its filing, by decision, which may be contested by the citizens entitled to vote, political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, within 48 hours of the display of the acknowledgement decision.\*\***

**(2) The electoral bureau of constituency shall reject a candidature within 24 hours of its filing, by decision, which may be contested by the candidate or by the electoral competitors who put forward the respective candidature, within 48 hours of the display of the rejection decision.\*\***

**(2<sup>1</sup>) The electoral bureaux of constituency shall draw up minutes which mention the date and the time for displaying the decision of acceptance, or if the case may be, of rejection of the candidature.\***

**(2<sup>2</sup>) The candidatures put forward to several uninominal colleges, or for both offices of deputy and senator shall be null and void, except for the ones provided for in article 9 (11). nullity shall be found by decision of the Central Electoral Bureau.\***

**(3) The contestations shall include the full name, the address and quality of the person making the contestation, the full name of the person whose candidature was accepted or rejected, explanation of the grounds of the claim, the date, and the signature of the person making the contestation, and the indication, if need be, of the person designated to represent this petitioner.**

**(4) The contestation and the appeal shall be made to the competent court, under the sanction of nullity.**

**(5) The contestations regarding the acceptance or rejection of the candidatures shall be settled within 48 hours of the registration, by the tribunal under the jurisdiction of which the constituency falls. The contestations against**

the candidatures for the constituency for the Romanians with the domicile outside Romania shall be settled by the Tribunal of Bucharest. The sentence shall be visibly posted at the seat of the court having pronounced it.

(6) They may appeal the sentence pronounced for the contestation within 24 hours of the pronouncement, to the hierarchically superior court. The appeal shall be settled within 24 hours of the registration.

(7) The sentence pronounced in the appeal shall be final and irrevocable.

Art. 33. – After the expiry of the time limit for submitting the candidatures, to which the terms stipulated in article 32 (1), (2), (5), and (6) are added, the electoral bureaux of constituency shall conclude a minute by which they find that the candidatures remain final, they order the printing of the ballot papers, they post up at their seat, as well as at the seat of the polling stations, after the setting up of their electoral bureaux, the final candidatures, by mentioning the full name, the domicile, the political affiliation, the profession, and the occupation of the candidate. The final candidatures may be made public by press and by any means of mass information, the expenses being borne by the interested persons.

## CHAPTER VI

### Ballot papers and stamps

**Art. 34. – (1) The model, sizes and printing conditions of the ballot papers shall be set by Government decision, within 7 days of the setting of the election day, at the proposal of the Permanent Electoral Authority and of the Ministry of the Interior and Administrative Reform.\***

(2) The order of printing the names of the candidates on the ballot papers shall be set by the electoral bureau of constituency, by successively drawing lots: first for the parliamentary political parties and organisations of citizens belonging to national minorities having their own parliamentary group in both Chambers of the Parliament, and the political or electoral alliances including at least one parliamentary political party, then for the non-parliamentary political parties and political or electoral alliances from among them, then for the organisations of citizens belonging to national minorities. The independent candidates shall be entered on the ballot paper, in its final part, in the order of registration of the candidatures.

**(3) The drawing of lots shall be made by the president of the electoral bureau of constituency, within 3 days of the date on which the candidatures remain final, in the presence of one representative of each electoral**

**competitor in the respective constituency. The date, place and time of drawing lots shall be posted up at the seat of the electoral bureau of constituency, with 24 hours in advance. The absence of a representative of an electoral competitor shall not entail the nullity of the drawing of lots. The contestations regarding the result of the drawing of lots for the setting of the order on the ballot papers shall be formulated and instantly submitted, and shall be settled immediately by the electoral bureau of constituency. The decision shall be final.\***

(4) On the pages of the ballot paper they shall imprint quadrilaterals, in a sufficient number in order to comprise all the candidatures, save the last page, on which they shall lay the control stamp. The pages shall be numbered.

(5) In the upper left angle of the quadrilateral they shall imprint the complete name of the political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities or, as appropriate, the phrase “independent candidate”, and in the upper right angle they shall imprint, as appropriate, the electoral sign. The name of the candidate shall be printed in the centre of the quadrilateral.

(6) The ballot papers shall be stapled.

Art. 35. – (1) The electoral signs shall be set by each political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities participating in the elections under the terms of the present title, within at least 60 days of the election day.

(2) The electoral signs must be communicated to the Central Electoral Bureau with a view to registering them, and they must clearly differ from those previously registered, with the use of the same graphical symbols being forbidden, irrespective of the geometrical figure in which they are framed. The political parties and alliances may use, as electoral sign, the permanent sign with which they registered themselves to the Tribunal of Bucharest.

(3) The electoral signs may not reproduce or combine the national symbols of the Romanian state, of other states, of international bodies or of religious cults. The political parties that are members of certain international political organisations shall make an exception, with them being entitled to use the sign of the respective organisation as such or in a specific combination.

(4) The electoral sign used by a political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities, legally registered since 1990, shall belong *de jure* to them, if they are the first having used it, and may not be appropriated or used by another political party, political

alliance, electoral alliance, organisation of citizens belonging to national minorities registered afterwards, unless with the consent of those to whom it belonged, of the parties forming the initial political or electoral alliance respectively.

(5) If the same electoral sign is requested by several political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities participating in the elections under the terms of the present title, the granting shall be made in favour of the political party, political alliance, electoral alliance, or organisation of citizens belonging to national minorities being the first having registered the respective sign.

**(6) The contestations regarding the registration of the electoral sign shall be submitted within 24 hours of the expiry of the time limit stipulated in paragraph (1) and shall be settled by the Tribunal of Bucharest within no more than two days of the registration of the contestation. The decision shall be final and shall be communicated to the parties and to the Central Electoral Bureau within 24 hours at the most.\***

(7) The electoral signs may not be contrary to the order of law.

**(8) The Central Electoral Bureau shall ensure that the electoral signs are made public the second day after the expiry of the time limit stipulated in paragraph (1) or, as appropriate, of the time limit stipulated in paragraph (6) final thesis, by publication on the personal Internet page and in OJ, Part I.\***

**(81) Until the date on which the candidatures remain final, the Central Electoral Bureau shall communicate the electoral signs to the prefects, with a view to imprinting them on the ballot papers.\*\***

(9) The independent candidates may not use electoral signs.

(10) The political alliance or the electoral alliance having participated in the previous elections under a certain name may keep this name only if they didn't change the initial structure or if none of the political parties having left the alliance submit to the Central Electoral Bureau a letter in which they state that they do not agree the respective name to be kept by the respective alliance under its new form. Also, the respective name may not be used by another political or electoral alliance.

Art. 36. – (1) For each uninominal college, the ballot papers shall be imprinted with letters of the same size and same characters, and with the same ink in as many copies as the number of electors registered in the permanent electoral rolls, with a supplement of 10%.



(2) The control stamps shall include the inscription “VOTED”, written with capital letters.

(3) The printing of the ballot papers shall be ensured by the electoral bureaux of constituency, through the prefects. The printing of the ballot papers for the polling stations from abroad shall be carried out through the prefect of the municipality of Bucharest. The prefects shall ensure that all necessary ballot papers are printed at least 10 days prior to the election day. The stamps for the electoral bureaux shall be manufactured through the care of the prefects, and the stamp of the Central Electoral Bureau and the stamps with the specification “VOTED” shall be manufactured by the Ministry of the Interior and Administrative Reform. The stamps with the specification “VOTED” shall be distributed to the electoral bureaux through prefects, of the Ministry of Foreign Affairs for the polling stations from abroad respectively. The stamps with the specification “VOTED” shall be manufactured at least 10 days prior to the election day.\*

(3<sup>1</sup>) With at least 15 days before elections, the prefects shall present the model for each ballot paper, of each uninominal college, to the members of the electoral bureau of constituency. If the name of the candidates, the electoral sign or the name of the political parties, political alliances or electoral alliances are incorrectly printed or are not visible, the electoral bureau of constituency must request the prefect to modify the model and print accurate ballot papers.\*\*

(3<sup>2</sup>) The president of the electoral bureau of constituency shall post up, for consultation, the copy of the model for each type of ballot paper at the seat of the electoral bureau of constituency, for 48 hours. After this term, no contestation shall be accepted anymore.\*\*

(4) The ballot papers shall be handed in to the president of the electoral bureau of constituency, who will distribute them, through mayors, to the presidents of the electoral bureaux of the polling stations, with at least two days before the election day. The ballot papers shall be handed in and distributed in sealed packages of 100 pieces each or multiple of 100 pieces, based on a minute.\*

(5) 2 copies of each model of ballot paper shall be stamped and annulled by the president of the electoral bureau of constituency, and shall be posted, with one day before the elections, at the seat of the courts, as well as at the seat of each polling station.

(6) At the request of the political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities participating in the elections under the terms of the present title, or of the independent candidates, the electoral bureau of constituency shall release two stamped and annulled ballot papers for each.

## CHAPTER VII

### **Electoral campaign**

Art. 37. – (1) During the electoral campaign, the candidates, political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities, as well as the citizens with a right to vote shall be entitled to express their opinions freely and without any discrimination, by protests, gatherings, use of television, radio, written press, electronic means and of the other means of mass information.

(2) The means used during the electoral campaign may not contravene to the order of law.

(3) The organisation of electoral campaign within the military units shall be forbidden.

Art. 38. – (1) The political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities participating in the elections under the terms of the present title, and the independent candidates shall have free of charge access to the radio and television public services proportionally to the number of candidatures forwarded and remained final. Every radio and television public society shall take into consideration the number of candidatures forwarded by each electoral competitor within the geographical area covered by the respective radio or television station.

(2) The political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities participating in the elections under the terms of the present title, as well as the independent candidates shall have the obligation to request, within 48 hours of the setting of the election day, to the leaderships of the radio and television public services, the granting of airtimes. The request made after this time limit shall not be taken into account.

(3) Private radio and television stations shall practice the same tariff per show and per time unit for all the electoral competitors participating in the elections, according to the present title, and the airtimes offered to the electoral competitors must be proportional to those practiced by the public stations.

(4) The insertion of electoral advertisements within other shows than the electoral ones shall be forbidden.

**Art. 38<sup>1</sup>.** – (1) During the electoral period, the presentations of election-oriented public opinion polls must also include the following information:

- a) the name of the institution having made the public opinion poll;
- b) the date on which or the interval in which the poll was carried out and the used methodology;
- c) the proportion of the sample and the maximum margin of error;
- d) who requested and who paid for the poll to be carried out.

(2) The television voting or the inquiries made on the street among the electors must not be presented as representative for the public opinion or for a certain social or ethnic group.

(3) With 48 hours before the election day the presentation of public opinion polls, television votes or inquiries made on the street shall be forbidden.\*

**Art. 38<sup>2</sup>.** – (1) Public opinion polls may be carried out, at the exit from the polls, by the institutes for public opinion poll or the trading companies or non-governmental organisations whose object of activity includes the carrying out of public opinion polls and which are accredited by the Central Electoral Bureau, by decision, in this respect. The poll operators of such institutions shall have access, based on the accreditation of the institution for which they work, in the protected area of the polling station, stipulated in article 41 (10), yet without having access inside the polling station.

(2) On the election day, the public opinion polls made at the exit from the polls must not be presented before the close of poll.\*

**Art. 39.** – (1) The mayors shall have the obligation, after the expiry of the time limit for submitting the candidatures, but until the beginning of the electoral campaign, to set and ensure by disposition special places for the electoral posters, taking into account the number of electoral competitors participating in the elections. The mayor's disposition shall be made public by posters displayed at the seat of the mayoralty.\*\*

(2) The special places for posting up must be set in public places frequently visited by citizens, so that the electoral competitors may use them without disturbing the traffic on public roads and the other activities in the respective localities. Beforehand, the mayors shall have the obligation to ensure that any materials of electoral propaganda remained from the previous electoral campaigns are removed from the public space.\*\*

(3) The use of special places for electoral advertisement shall only be allowed for the political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities, the independent candidates participating in the elections under the terms of the present title.

(4) The political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities participating in the elections under the present title, or the independent candidate shall not be allowed to use special places for electoral posters in a manner impeding the use of such places by another political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities participating in the elections, or another independent candidate.

(5) In other places than the ones set according to paragraph (2), the display of electoral posters shall only be allowed with the consent of the owners or, as appropriate, of the holders.

(6) Each political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities participating in the elections under the present title, or independent candidate may post up a single electoral poster on an electoral panel. An electoral poster displayed in the places provided for in paragraph (1) may not exceed the sizes of 500 mm x 300 mm, and the one by which an electoral meeting is convened, 400 x 250.

**(7) The electoral posters that combine the colours in a succession reproducing the flag of Romania or of another state shall be forbidden.\***

(8) The police, including the military police, shall have the obligation to ensure the integrity of the panels and the electoral posters.

Art. 40. – (1) The electoral bureaux of constituency shall ensure that the electoral campaign in the constituency in which they operate is carried out correctly, by settling the contestations addressed to them regarding the act of preventing a political party, political alliance, electoral alliance, organisation of citizens belonging to a national minority participating in the elections under the present title, or an independent candidate from carrying out their electoral campaign under the terms stipulated by the present title and with the observance of the electoral deontology.

(2) If the representatives of the electoral bureau of constituency think it would be necessary, on the occasion of settling the complaint, to take administrative measures or apply contravention or criminal sanctions, they will inform the competent authorities.

**(3) The decision of the electoral bureau of constituency may be contested to the Central Electoral Bureau within 48 hours of its posting up. The decision pronounced on the contestation shall be final.\***

(4) The complaints and contestations shall be settled within 3 days of their registration, and the sentences pronounced shall be visibly posted up at the seat of the electoral bureau having issued them.

## CHAPTER VIII

### Voting process

**Art. 41. – (1) Each polling station must have a sufficient number of ballot boxes, labelled accordingly for the election to the Chamber of Deputies, and to the Senate respectively, a special ballot box, booths, stamps with the specification “VOTED”, taking into account the number of the electors registered in the permanent electoral rolls and the observance of the duration of vote stipulated by law. The ballot paper introduced in another ballot box than the one corresponding to the type of election shall be taken into consideration if the vote is validly cast.\***

(2) The ballot booths and boxes must be placed in the same room with the office of the president of the electoral bureau of the polling station. The booths, boxes, stamps and other materials necessary for the electoral bureau of the polling station shall be provided by the mayors of the communes, towns, municipalities and administrative-territorial subdivisions of the municipalities, together with the prefects.

**(3) Repealed.\*\***

(4) The materials necessary for the electoral bureaux of the polling stations shall be handed over, based on a minute, by the mayors, the presidents of the electoral bureaux of the polling stations with at least two days prior to the election day. After taking over the ballot papers and stamps, the president of the electoral bureau of the polling station shall ensure that they are being kept in full safety.

(5) The forms and the other printed materials needed for the vote shall be handed over to the electoral bureau of the polling station, based on a delivery note, comprising the type and number of copies of each form.

(6) The president of the electoral bureau of the polling station, together with the members of the bureau, must be present at the seat of the polling station in the eve of the elections, at 6.00 p.m., having the obligation to order the necessary steps to be taken to ensure order and correctness of the voting operations. The president of the electoral bureau of the polling station shall order

all propaganda material of any kind to be removed from inside and outside of the premises of the polling station.

(7) The president shall order the setting of the watch posts around the voting premises.

**(8) On the election day, the electoral bureau of the polling station shall start the activity at 6.00 a.m. The president of the electoral bureau of the polling station, in the presence of the other members and, as appropriate, of the authorised persons, shall check the ballot boxes, electoral rolls, ballot papers and stamps, writing down in the minute provided for in article 45 the number of the persons registered in the copies of the permanent electoral rolls, the number of the ballot papers, separately for the Chamber of Deputies and for the Senate, as well as the number of the stamps with the specification “VOTED”. After the termination of this operation he shall close and seal the boxes, laying the control stamp of the polling station.\***

(9) The president shall have the obligation to ensure that the last page of each ballot paper is stamped as well.

(10) The president of the electoral bureau of the polling station shall have the obligation to take the necessary steps to ensure that the elections are conducted in good conditions. His competences, in this respect, shall be extended outside the voting premises as well, in its courtyard, in the entries to the courtyard, around the voting premises, as well as on streets and in public squares up to a distance of 500 m.

(11) To maintain order, the president of the electoral bureau of the polling station shall have at his disposal the necessary means of order, provided by the mayor and prefect, together with the representatives of the Ministry of the Interior and Administrative Reform.

(12) Besides the members of the electoral bureau of the polling station, candidates and authorised delegates and observers, no other person shall be allowed to stop in the public places in the voting area or in the voting premises more than the time necessary for the vote.

(13) During the vote the members of the electoral bureaux and the authorised persons shall not be allowed to wear escutcheons, badges or other marks of electoral propaganda.

Art. 42. – (1) The vote shall start at 7.00 a.m. and shall take place until 9.00 p.m., when the polling station is closed. The interval during which the electoral process is carried out shall be posted up on the door of the polling station.

(2) If the elector, for grounded reasons, found by the president of the electoral bureau of the polling station, is not able to sign in the electoral roll, the specification shall be made in the list, with the confirmation, based on signature, of a member of the electoral bureau.

**(3) The access of the electors in the voting room shall be made in series corresponding to the number of booths. Each elector shall present the voting card and the identity paper to the electoral bureau of the polling station. The electoral bureau of the polling station shall check if the elector is registered in the copy of the permanent electoral roll, and after that the elector shall sign in the roll within the rubric meant for him. Based on the signature in the copy of the permanent electoral roll, the president or a member of the electoral bureau of the polling station shall give the ballot paper and the stamp with the specification “VOTED” to the elector, who will lay the stamp on the ballot paper. If an elector comes to the poll with the duplicate of the voting card, the electoral bureau of the polling station shall mention this fact in the copy of the permanent electoral roll.\***

(4) The electors who collect their voting card from the polling station shall sign for its receipt in the minute drawn up upon the delivery, by the community public service for personal records, of the uncollected voting cards.

**(5) The electors who prove by the identity card that they have the domicile in the area distributed to the respective polling station, and have been omitted from the copy of the permanent electoral roll, may vote at the respective polling station only based on the voting card and identity paper, with them being registered in the additional electoral roll.\***

(6) The electors shall vote in separate closed booths, by laying the stamp with the specification “VOTED” inside the quadrilateral comprising the full name of the candidate they vote for.

(7) The stamp with the specification “VOTED” must have a smaller size than the quadrilateral.

(8) After they cast their vote, the electors shall fold the ballot papers in such a way that the unprinted page bearing the control stamp remain outside, and they will introduce them in the ballot box, making sure they do not open.

(9) The inadequate folding of the ballot paper shall not entail its nullity.

(10) At the elector’s request, in the case when he has laid the stamp with the specification “VOTED” incorrectly, but he has not introduced the ballot

paper in the box, the president of the electoral bureau of the polling station may issue, only once, a new ballot paper for him, holding back and annulling the initial ballot paper and making the adequate specification in the minute of the voting operation.

(11) The stamp entrusted for vote shall be returned to the president or to the members of the electoral bureau of the polling station designated by the president, after which the president or the respective member will lay it on the voting card in the spot corresponding to the number of ballot.

(12) The president may take measures so that an elector does not spend unjustified time in the ballot booth.

**(13) Repealed.\***

(14) The candidates and any other elector shall have the right to contest the identity of the person coming to the poll. In this case, the identity shall be set by the president of the electoral bureau of the polling station by any legal means.

(15) If the contestation is grounded, the president of the electoral bureau of the polling station shall stop the contested elector from voting, shall write down the fact in a minute and shall inform the competent authorities on this situation.

(16) The president of the electoral bureau of the polling station may interrupt the vote for grounded reasons.

**(17) The total duration of the interruptions may not exceed one hour. The interruption shall be announced by posting up the information on the door of the premises of the polling station immediately after the event took place and the interruption started.\*\***

(18) During the interruption, the ballot boxes, stamps, ballot papers and the other documents and materials of the electoral bureau of the polling station shall remain under permanent watch. During the interruption they shall not allow for more than half of the members of the electoral bureau of the polling station to leave the voting room at the same time.

(19) The candidates and the authorised persons who are present at the vote under the terms of the present title may not be obliged to leave the voting room during this time.

(20) The presence of any person in the ballot booths, save the one who votes, shall be forbidden.

(21) The elector who, for grounded reasons, found by the president of the electoral bureau of the polling station, is not capable to vote by himself shall have the right to call a companion he chooses in the booth in order to get help.



This companion may not be chosen from among the observers or members of the electoral bureau of the polling station.

**(22) The president of the electoral bureau of the polling station or, in his absence, his deputy shall be obliged to receive and register any petition regarding irregularities occurred during the voting process, submitted by members of the electoral bureau of the polling station, candidates, authorised observers, authorised representatives of the written press, radio or television, Romanian and foreign, or electors present in the polling station for the exercise of the right to vote. If the president of the electoral bureau of the polling station, or his deputy respectively, receives the petition in two copies, he shall write down, on the copy remaining with the person who forwards the petition, the fact that he has taken knowledge of the respective petition and its registration number.\***

**(22<sup>1</sup>) For the electors who cannot be transported on grounds of illness or invalidity, the president of the electoral bureau of the polling station may approve, following their written request, accompanied of the copy of medical documents or other official documents attesting the fact that the respective persons cannot be transported, that a team formed of at least 2 members of the electoral bureau goes, with a special ballot box and with the material needed for the vote – stamp with the specification “VOTED” and ballot papers – to the place where the elector is, in order to carry out the vote. Under the jurisdiction of a polling station, a single special ballot box shall be used. The special ballot box may be crossed out only under the jurisdiction allocated for the respective polling station.\*\***

**(22<sup>2</sup>) In the cases stipulated in paragraph (22<sup>1</sup>) the vote shall only be carried out based on an excerpt, personally drawn up by the president of the electoral bureau, of the copy of the permanent electoral roll or of the additional electoral roll existing at the respective polling station, signed and stamped by the president with the control stamp of the polling station. The persons included in these excerpts must be crossed out from the other rolls existing at the station.\*\***

**(22<sup>3</sup>) The means of vote provided for in paragraph (22<sup>1</sup>) and (22<sup>2</sup>) may only be used by the persons having the domicile under the jurisdiction of the respective polling station, and only if the ballot is ensured to remain secret.\*\***

(23) At 9.00 p.m. the president of the electoral bureau of the polling station shall declare the close of poll and order the closing of the polling station.

**(24) The persons who are still in the voting room at 9.00 p.m. shall be allowed to exercise their right to vote.\***

(25) In the situation stipulated in paragraph (24), the president of the electoral bureau of the polling station shall have the obligation to inform the electoral bureau or office operating at the immediately superior level about the decision to prolong the duration of the vote, as soon as such decision is adopted, as well as about the closing of the polling station when the period of prolongation ends, as soon as this happens.

(26) The electoral bureaux and offices that receive information according to the provisions of paragraph (25) shall have the obligation to send the respective information to the electoral bodies operating at the immediately superior levels until all information are centralised at the Central Electoral Bureau.

**Art. 42<sup>1</sup>. – For the polling stations from abroad, the dispositions of the present article shall be applied accordingly, by taking into consideration the conditions specific to the organisation of polling stations abroad.\*\***

## CHAPTER IX

### Observation of elections

Art. 43. – (1) Besides the members of the electoral bureaux and the candidates, all the operations of the polling stations, as well as all the operations carried out by the electoral bureaux at all levels may be watched by:

- a) authorised internal observers;
- b) authorised representatives of foreign organisations;
- c) authorised representatives of the written press, radio and television, Romanian and foreign.

(2) The representatives of non-governmental organisations whose main object of activity is the defence of democracy and of human rights, that are legally set up with 6 months prior to the day of conduct of the elections and whose leadership does not include any member of a political party or organisation of citizens belonging to a national minority may also be accredited as internal observers. The persons appointed by these organisations as observers

may not be members of any political party or organisation of citizens belonging to a national minority participating in the elections under the present title.

(3) The representatives of the written press, radio and television of Romania shall be accredited by the Permanent Electoral Authority. Any contestation regarding the accreditation or rejection of the accreditation request shall be settled by the Court of Appeal in Bucharest, within two days of the registration. The sentence pronounced shall be final and irrevocable.

(4) They may accredit as internal observers only the persons proposed by those non-governmental organisations thought by the Permanent Electoral Authority to be compliant with the provisions of paragraph (2). The internal observers shall be accredited by the electoral bureaux of constituency.

(5) The accreditation of the representatives of the foreign press, radio and television stations, as well as of the representatives of international organisations with activity in the field of democracy and of human rights which demand this shall be made by the Permanent Electoral Authority, at the proposal of the Ministry of Foreign Affairs.

(6) The violation of the terms of accreditation shall entail, *de jure*, the termination of the accreditation.

(7) The accredited persons may be present at the electoral operations on the day of vote, starting with 6.00 a.m. and ending with the moment when the members of the electoral bureau of the polling station conclude and sign the minute for finding the result of the vote in the respective polling station, provided that they present the accreditation document. These persons may not intervene in any way in the organisation and conduct of the elections, their only right being that of informing in writing the president of the electoral bureau in the case of irregularities of any kind. Any act of propaganda for or against a political party, political alliance, electoral alliance or organisation of citizens belonging to a national minority participating in the elections under the present title, or independent candidate, or the attempt to influence the elector's choice, as well as the violation by any means of the act of accreditation shall entail the application of the legal sanctions, the annulment of the accreditation by the electoral bureau having found the infringement, and on the election day, the immediate removal of the respective person from the polling station.

## CHAPTER X

### Counting the votes and ascertaining the results

Art. 44. – All the operations relating to the counting of votes shall be carried out in the presence of the members of the electoral bureaux of the polling stations

and may be watched by the persons accredited under the terms of the present title.

Art. 45. – (1) After the close of poll, the president, in the presence of the members of the electoral bureau of the polling station, shall annul the ballot papers remained unused.

(2) The number of the annulled ballot papers shall be distinctly written down in the minutes for each type of election.

(3) All electors in the permanent and additional electoral rolls having participated in the elections shall be counted and their number shall be written down in the appropriate rubrics of the minutes. The additional electoral rolls shall be filed in the order in which they have been drawn up.

(4) For each kind of election, they shall gather the ballot papers used as resulting from the electors' lists with the ballot papers received within the polling station, which shall be written down in the minute. If their total number is different from the number of ballot papers received, the reason causing the error shall be stated in the minute, by also taking into consideration the objections and contestations submitted to the electoral bureau of the polling station.

(5) If the total number is not checked, the members of the electoral bureau of the polling station may have different opinions. These opinions shall be written down in the minute.

(6) After these operations, they shall proceed to the opening of the ballot boxes. The opening shall be made successively. The next box shall be opened after the ballot papers are counted and the result is written down in the minute for the previous box.

(7) The president shall read loud, upon the opening of each ballot paper, the full name of the voted candidate, and shall show the ballot paper to those present.

(8) One of the members of the electoral bureau, in the presence of at least one other member of the bureau, shall write down the choice resulting from the reading of each ballot paper on the standard form drawn up by the Permanent Electoral Authority.

(9) The president, helped by the other members of the electoral bureau, shall put each ballot paper, read and written down in the form, in a package separately for each political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities and independent candidate.

(10) They shall make separate packages for the null ballot papers, blank ballots, and for those contested.

(11) The ballot papers which do not have the control stamp of the electoral bureau of the polling station, the ballot papers having another model than the

one approved or on which the stamp is laid on several quadrilaterals or outside them shall be null. These ballots shall not be a part of the calculation of the validly cast votes.

(12) If there are ballot papers on which different opinions are expressed regarding the validity of the vote, the respective ballot shall whether be granted to a candidate or considered null, depending on the opinion of the majority of the members of the electoral bureau of the polling station.

(13) The ballot which do not have the stamp “VOTED” on them shall be white ballot. These ballots shall not be taken into account in the calculation of the validly cast votes.

(14) The result shall be written down in separate tables and a minute for each shall be drawn up in two original copies.

**(15) The minute shall include:**

**a) the total number of the electors stipulated in the electoral rolls existing in the polling station, by observing the formula:**

**point a = point a<sub>1</sub> + point a<sub>2</sub>**

**a<sub>1</sub>) the total number of electors according to the additional electoral roll, by observing the formula:**

**point a<sub>1</sub> ≥ point b<sub>1</sub>;**

**a<sub>2</sub>) the total number of electors according to the additional electoral roll, by observing the formula:**

**point a<sub>2</sub> ≥ point b<sub>2</sub>;**

**b) the total number of electors who went to the poll, registered in the electoral rolls existing in the polling station, by observing the formula:**

**point b = point b<sub>1</sub> + point b<sub>2</sub>**

**b<sub>1</sub>) the total number of electors who went to the poll, registered in the copy of the permanent electoral roll;**

**b<sub>2</sub>) the total number of electors who went to the poll, registered in the additional electoral roll;**

**c) the number of ballot papers received, by observing the formula:**

**point c ≥ point d + point e + point f + point g;**

**the number of unused and annulled ballot papers;**

**e) the total number of the validly cast votes, by observing the formula:**

**point e ≤ [point b – (point f + point g)]; point e = the sum of the validly cast votes at point h;**

**f) the number of null ballots;**

**g) the number of blank ballots;**

**h) the number of validly cast votes obtained by each candidate;**

**i) the number of contested ballots;**

**j) the short account of objections, contestations and means for settling them, as well as on the contestations submitted to the electoral bureau of constituency;**

**k) the situation of the seals on the ballot boxes upon the close of poll.\***

**(16) The minutes shall be signed by the president, his deputy, as well as by the members of the electoral bureau of the polling station, and shall bear the control stamp of such bureau.\***

(17) The lack of signatures of some members of the electoral bureau of the polling station shall not influence the validity of the minute. The president shall state the reasons impeding the signing.

(18) Each member of the electoral bureau of the polling station shall be entitled to obtain a copy of the minute, signed by the president of the polling station, or by his deputy, as appropriate, and by the other members of the bureau.

(19) During the voting process and opening of ballot boxes, objections and contestations regarding these operations may be made. They shall be solved immediately by the president of the electoral bureau of the polling station.

(20) The contestations shall be forwarded to the president of the electoral bureau of the polling station. They shall be formulated in writing in two copies, one of which, signed and stamped by the president, remains to the petitioner.

(21) The president of the electoral bureau of the polling station shall decide, immediately, on the contestations that need to be settled urgently.

**(22) They shall draw up, separately for the Chamber of Deputies and the Senate, a file for each including: the minute, in two original copies, the contestations regarding the electoral operations of the electoral bureau of the polling station, the null and contested ballot papers, the forms used in the calculation of the result, as well as the electoral rolls used within the polling station, filed by types of rolls. The files, sealed and stamped, accompanied by the electoral rolls used at the respective polling station shall be forwarded to the electoral bureau of constituency, the electoral office respectively, within no more than 24 hours of the close of poll, by the president of the electoral bureau of the polling station, under military watch and accompanied, on request, by the representatives of the political parties, political alliances, electoral alliances, organisation of citizens belonging to national minorities in the electoral bureau of the polling station, the candidates or persons authorised according to the present title.\***

**(23) The presidents of the electoral bureaux of the polling stations shall hand over the files drawn up under the provisions of paragraph (22) to:**

a) the seat of the constituencies, in the case of the polling stations organised under the jurisdiction of counties;

b) the seat of the district electoral office under the jurisdiction of which they have carried out their activity, in the case of the polling stations organised in the municipality of Bucharest;

c) the seat of the diplomatic missions and consulates of Romania situated in the country where they have been organised.\*

(24) The minutes drawn up by the electoral bureaux of the polling stations organised abroad, accompanied by contestations, shall be sent by electronic means to the electoral bureau of the constituency for the Romanian citizens with the domicile or residence outside the country, by care of the diplomatic missions and consulates, within no more than 24 hours of their receipt. The accuracy of the data included in these minutes shall be confirmed by telephone by the president or deputy of the electoral bureau of constituency, who will countersign and stamp the documents received. The countersigned minutes shall enter the centralisation of the result of the vote. The documents drawn up, under paragraph (22), by the electoral bureaux of the polling stations organised abroad shall be sent in the country and handed over, by care of the Ministry of Foreign Affairs, to the electoral bureau of the constituency for the Romanian citizens with the domicile or residence outside the country, and if this one ended its activity, to the Tribunal of Bucharest.\*

Art. 46. – (1) The electoral bureau of constituency shall centralise the information on the votes cast in the entire constituency, for each type of election.

(2) The electoral bureaux of constituency at county level and the electoral bureau of the constituency for the Romanian citizens with the domicile or residence outside the country, the electoral offices in the municipality of Bucharest respectively, shall draw up, as appropriate, the following minutes for each type of election:

a) a minute for each uninominal college set up under the jurisdiction of the constituency, or of the district electoral office respectively;

b) a minute regarding the centralisation of votes and the finding of the election result, by electoral competitors, at the level of the constituency, or of the district electoral office respectively.\*\*

(2)<sup>1</sup> The electoral bureau of the Municipality of Bucharest shall draw up a centralising minute, on electoral competitors, by summing up the minutes drawn up by the district electoral offices.\*

**(3) The minute drawn up by the electoral bureau of constituency, or by the district electoral office respectively, for each uninominal college must include the following data and information:**

**a) the total number of the electors provided for in the electoral rolls in the uninominal college, by observing the formula:**

$$\text{point a} = \text{point a}_1 + \text{point a}_2$$

**a<sub>1</sub>) the total number of electors according to the copies of the permanent electoral rolls, by observing the formula:**

$$\text{point a}_1 \geq \text{point b}_1;$$

**a<sub>2</sub>) the total number of electors according to the additional electoral rolls, by observing the formula:**

$$\text{point a}_2 \geq \text{point b}_2;$$

**b) the total number of electors who went to poll, registered in the electoral rolls in the uninominal college, by observing the formula:**

$$\text{point b} = \text{point b}_1 + \text{point b}_2$$

**b<sub>1</sub>) the total number of electors who went to poll, registered in the copies of the permanent electoral rolls;**

**b<sub>2</sub>) the total number of electors who went to poll, registered in the additional electoral rolls;**

**c) the number of the ballot papers received, by observing the formula:  $\text{point c} \geq \text{point d} + \text{point e} + \text{point f} + \text{point g}$ ;**

**d) the number of the unused and annulled ballot papers;**

**e) the total number of the validly cast votes, by observing the formula:**

**point e  $\leq$  [point b – (point f + point g)]; point e = the sum of the validly cast votes at point i;**

**f) the number of the null ballots;**

**g) the number of the blank ballots;**

**h) the minimum necessary number (the majority) of the votes cast for the receipt of a mandate, by observing the formula:**

$$[(\text{point e} : 2) + 1];$$

**i) the total number of the validly cast votes obtained by each candidate.\***

**(3<sup>1</sup>) For the setting of the electoral threshold, each electoral bureau of constituency shall draw up a minute including the following data and information:**

**a) the total number of electors stipulated in the electoral rolls of constituency, by observing the formula:**

$$\text{point a} = \text{point a}_1 + \text{point a}_2$$



**a<sub>1</sub>) the total number of electors according to the copies of the permanent electoral rolls, by observing the formula:**

**point  $a_1 \geq$  point  $b_1$ ;**

**a<sub>2</sub>) the total number of electors according to the additional electoral rolls, by observing the formula:**

**point  $a_2 \geq$  point  $b_2$ ;**

**b) the total number of electors who went to polls, registered in the electoral rolls in the constituency, by observing the formula:**

**point  $b =$  point  $b_1 +$  point  $b_2$**

**b<sub>1</sub>) the total number of electors who went to polls, registered in the copies of the permanent electoral rolls;**

**b<sub>2</sub>) the total number of electors who went to polls, registered in the additional electoral rolls;**

**c) the number of the ballot papers received, by observing the formula: point  $c \geq$  point  $d +$  point  $e +$  point  $f +$  point  $g$ ;**

**d) the number of the unused and annulled ballot papers;**

**e) the total number of the validly cast votes, by observing the formula:**

**point  $e \leq$  [point  $b -$  (point  $f +$  point  $g$ )]; point  $e =$  the sum of the validly cast votes at point  $h$ ;**

**f) the number of the null ballots;**

**g) the number of the blank ballots;**

**h) the number of the validly cast votes obtained by each candidate;**

**i) the means for settling the contestations and the objections received.\***

(4) The minutes shall be drawn up in two original copies, shall be signed by the president and the other members of the electoral bureau of constituency and shall bear his stamp.

(5) Two copies for each of the two types of minutes drawn up by constituency, together with the objections and contestations, forming one file for each, sealed and signed by the members of the electoral bureau of constituency, shall be sent to the Central Electoral Bureau, under military watch, within no more than 48 hours, with a view to setting the electoral threshold.\*\*

(6) One copy of the minute remained at the seat of the electoral bureau of constituency may be placed, on request, at the disposal of the interested persons.\*\*

CHAPTER XI  
Ascertaining the election results

**Art. 47. – (1) Repealed.\***

(2) After the receipt of the minutes drawn up by the electoral bureaux of the constituencies, according to article 46, the Central Electoral Bureau shall set the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities that meet the electoral threshold, separately for the Chamber of Deputies and for the Senate. The *electoral threshold* refers to the minimum needed number of validly cast votes for the parliamentary representation or of uninominal colleges in which the candidates of the political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities have obtained the biggest number of validly cast votes, calculated as follows:

a) for the Chamber of Deputies, 5% of the total of validly cast votes in all constituencies, for all political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities;

b) for the Senate, 5% of the total number of the validly cast votes in all constituencies, for all political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities;

c) for the Chamber of Deputies and the Senate, by the cumulative fulfilment of the condition to obtain 6 uninominal colleges for the Chamber of Deputies and 3 uninominal colleges for the Senate, in which the candidates of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities are situated on the first place, in the order of the number of validly cast votes, even if they have not met the terms stipulated at letters a) or b);

d) in the case of the political alliances and electoral alliances, to the threshold of 5% stipulated at letters a) and b) they shall add, for the second member of the alliance, 3% of the validly cast votes in all the constituencies and, for each member of the alliance, beginning with the third one, one percentage of the validly cast votes in all the constituencies, without exceeding 10% of these votes.\*\*

(3) For the organisations of citizens belonging to national minorities having met the terms stipulated in paragraph (2) and that are entitled, under the law, to a representation in the Chamber of Deputies, they shall set an electoral coefficient at national level representing the average number of validly cast votes

needed for the election of a Deputy, to determine those organisations of citizens belonging to national minorities that may have representatives in the Chamber of Deputies.

**(4) The electoral coefficient at national level shall be set by dividing the total number of validly cast votes for the election to the Chamber of Deputies in all constituencies, obtained by the political parties, organisations of citizens belonging to national minorities, political alliances, electoral alliances, by the total number of uninominal colleges set up for the election to the Chamber of Deputies. The organisation of citizens belonging to the national minority having obtained at least 10% of the electoral coefficient shall be entitled to representation. They shall declare as elected the representative of the organisation of citizens belonging to the national minority having obtained the largest number of votes.\***

**(5) The result of the operations stipulated in paragraphs (2)–(4), calculated as complete part, not round, shall be delivered by the Central Electoral Bureau, based on a minute, to each of the electoral bureaux of constituency.\***

Art. 48. – (1) After the receipt from the Central Electoral Bureau of the finding regarding the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities that meet or do not meet the electoral threshold according to article 47 (2), the electoral bureaux of constituency shall proceed to the first stage of allotment by electoral competitor of the mandates of Deputy, of Senator respectively, at constituency level.

(2) The candidates and authorised persons shall have the right to be present at the works carried out by the electoral bureau of constituency.

**(3) The electoral bureau of constituency shall set, separately for the Chamber of Deputies and the Senate, the electoral coefficient of the constituency, set as the complete part, not round, resulted from dividing the number of validly cast votes for all the electoral competitors who meet the provision stipulated in article 47 (2), including the validly cast votes for the independent candidates having obtained the majority of the validly cast votes in the uninominal college where they stood for election, by the total number of Deputies, Senators respectively, who are to be elected in the respective constituency.\***

(4) For each electoral competitor they shall divide the total number of validly cast votes obtained by totalising the validly cast votes in favour of all its

candidates in the uninominal colleges under the jurisdiction of the constituencies with the electoral threshold, by retaining the complete part, not round, of the quotient. The result obtained shall constitute the number of mandates allocated by the electoral bureau of constituency to the electoral competitor at the level of the constituency in the first stage of allotment of the mandates. Each independent candidate shall be granted a mandate by the electoral bureau of constituency if they have obtained the majority of the validly cast votes in the uninominal college in which they stood for election.

(5) The votes remained, that is the unused ones or those inferior to the electoral coefficient, obtained by the electoral competitors meeting the provision stipulated in article 47 (2), as well as the mandates that could not be allocated by the electoral bureau of constituency shall be communicated by the latter to the Central Electoral Bureau, in order to be allocated by centralisation in the second stage, at national level.

**(6) The Central Electoral Bureau shall totalise, on the entire country, separately for the Chamber of Deputies and the Senate, the neutralized votes and those inferior to the electoral coefficient of the constituency in all the constituencies, for each political party, political alliance or electoral alliance meeting the provision stipulated in article 47 (2); the number of the votes thus obtained by each political party, political alliance and electoral alliance shall be divided by 1, 2, 3, 4, etc., by making as many operations of division as how many mandates could not be allocated at the level of the constituencies; the quotients resulted from the division, calculated with 8 decimals, regardless of the electoral competitor from which they come, shall be classified in decreasing order, up to the number of undistributed mandates; the smallest of these quotients shall constitute the electoral coefficient on the country for Deputies and, separately, for Senators; each electoral competitor having met the provision stipulated in article 47 (2) shall be allocated as many mandates of Deputy or, as appropriate, of Senator, as how many times the electoral coefficient on the country is comprised in the total number of validly cast votes for the political party, political alliance or the respective electoral alliance, resulted from totalising on the country of the unused votes and of those inferior to the electoral coefficient of the constituency (the complete part, not round).\***

(7) The distribution of the mandates allocated on constituencies shall be made by the Central Electoral Bureau, as follows:

a) for each political party, political alliance or electoral alliance that meets the provision stipulated in article 47 (2), they shall divide the number of the unused votes and of those inferior to the electoral coefficient of the constituency, in each constituency, by the total number of these validly cast votes for that political party, political alliance or electoral alliance, remained unused at national level. The result thus obtained for each constituency shall be multiplied by the number of mandates due to the political party, political alliance or electoral alliance. The data obtained, calculated with 8 decimals, shall be decreasingly ordered at the level of the country, and decreasingly, separately, within each constituency. At two equal values, the separation shall be made depending on the total number of validly cast votes and the total number of the unused votes or of those inferior to the electoral coefficient at constituency level. For each constituency they shall take into account the first political parties, political alliances, or electoral alliances, within the limit of the mandates remained to be allocated in the respective constituency. The last number of this operation shall represent the distributing frame of the respective constituency. Then they shall proceed to the allocation of mandates on constituencies in the order of the political parties, political alliances, electoral alliances, as well as the constituencies in the list ordered per country, thus: the first number in the list ordered per country shall be divided by the distributing frame of the constituency from which it comes, resulting the number of mandates due in the respective constituency. Further on, they shall proceed identically with the following numbers in the list ordered per country. If the number of mandates due to a political party, political alliance or electoral alliance or those in a constituency comes to an end, the operation shall be carried on without them. If the number in the list ordered per country is less than the distributing frame of constituency, a mandate shall be granted;

b) if it is impossible to grant mandates in the order resulting from the implementation of the provisions of letter a), the Central Electoral Bureau shall have in view the constituency in which the political party, political alliance or electoral alliance has the largest number of candidates, and if in this case there still remained undistributed mandates on constituencies, the constituency in which the respective political party, political alliance or electoral alliance has the largest number of unused votes or votes inferior to the electoral coefficient of constituency;

c) if after the implementation of the provisions of letters a) and b) there still remained mandates undistributed on constituencies, the Central

**Electoral Bureau shall set them based on the agreement of the political parties, political alliances or electoral alliances to which these mandates are due, according to paragraph (4), and in the absence of an agreement, by drawing lots, within 24 hours of the termination of the previous operations.\***

(8) The electoral bureau of constituency shall carry out the allocation on uninominal colleges and grant the candidates the mandates, by taking into account only the electoral competitors having met the electoral threshold stipulated in article 47 (2), distinctly for the Chamber of Deputies and the Senate.

(9) In each uninominal college for the Chamber of Deputies, for the Senate respectively, a single mandate of Deputy, of Senator respectively, shall be granted.

(10) The mandate of Deputy and Senator shall be granted in two stages, at the level of the uninominal colleges and at the level of each constituency.

(11) In the first stage, at the level of the uninominal colleges, the candidates belonging to an electoral competitor having met the electoral threshold under article 47 (2) and who has obtained the majority of the validly cast votes in the uninominal college in which he stood for election shall be granted a mandate.

(12) In the second stage, of allocation on colleges and granting of mandates for the electoral competitors having met the electoral threshold, the electoral bureau of constituency shall draw up, separately, for the Chamber of Deputies and the Senate, an ordered list with all the candidates who were not granted mandates in the first stage, arranged in the decreasing order of the relations between the validly cast votes obtained in the uninominal colleges in which they stood for election and the electoral coefficient of the respective constituency, calculated up to the eighth decimal inclusive.

**(12<sup>1</sup>) The decision between 2 or more candidates having obtained identical results following the operations made under paragraph (12) shall be made based on the validly cast votes or, in case of equality, depending on the positions registered at the level of the polling stations.\*\***

(13) If for an electoral competitor the number of mandates allocated according to the provisions of paragraph (11) is larger than or equal to the number of mandates allocated to the respective electoral competitor in that constituency, calculated according to the provisions of paragraphs (3)–(7), this competitor will not be granted any mandate in the second stage stipulated in paragraph (12), and will retain the mandates allocated under the provisions of paragraph (11).

(14) For each electoral competitor having met the electoral threshold under the provisions of article 47 (2), from the number of mandates allocated in that constituency, calculated under the provisions of paragraphs (3)–(7), they shall subtract the number of mandates granted at the level of the uninominal colleges under paragraph (11), the result representing the number of mandates to be granted to each electoral competitor at the level of the constituency in the second stage of granting and allocation of mandates. The number of mandates resulted for each electoral competitor shall be allocated for their candidates in decreasing order depending of the positioning in the list stipulated in paragraph (12). If the following candidate to be granted a mandate in the ordered list stipulated in paragraph (12) belongs to an electoral competitor having already used the mandates due to it in that constituency or if a mandate was already granted in the uninominal college in which this one stood for election, they shall proceed to the next candidate in the ordered list, until all mandates are granted.

(15) If, following the granting of mandates in the two stages under the provisions of paragraphs (11)–(14), one or more electoral competitors having met the electoral threshold under the provisions of article 47 (2) was not granted the number of mandates due to it in that constituency, calculated under the provisions of paragraphs (3)–(7), they shall be granted as many mandates as up to this number. The mandates shall be allocated additionally to the candidates of the respective electoral competitors who are best placed in the ordered list stipulated in paragraph (12) who were not granted a mandate, in the uninominal college in which they stood for election, by accordingly increasing the number of mandates in the respective constituency, and by exception from the provisions of paragraph (9).

**(16) In case of termination of the mandate of a Deputy or Senator, for the occupation of the vacant seat they shall organise by-elections at the level of the uninominal college in which the respective Deputy or Senator was elected, provided that these elections are to take place with less than 6 months prior to the term set for the parliamentary elections. The elections shall be organised by implementing the provision of the present title accordingly, within no more than 3 months of the publication in OJ, Part I, of the decision of the Chamber of Deputies or the Senate, as appropriate, by which they find the termination of a mandate of Deputy or Senator.\***

(17) By-elections shall be carried out in one ballot, and the best placed candidate shall be declared as winner.

CHAPTER XII  
**Publication of the election results**

Art. 49. – (1) In each constituency, the electoral bureau of constituency shall bring to public knowledge the preliminary election results, once in 24 hours at least, before the receipt of minutes and voting results from all the electoral bureaux subordinated to it.

**(2) Following the receipt of voting results from all the electoral bureaux of constituency, the electoral bureau of constituency shall bring the election results to public knowledge.\***

**(2<sup>1</sup>) Within 48 hours of the receipt of the final results from all the electoral bureaux of constituencies, the Central Electoral Bureau shall conclude a separate minute for the Chamber of Deputies and the Senate, respectively, throughout the country, including:**

- 1. the number of electors who entered the electoral rolls;**
- 2. the number of electors who went to pool – total;**
- 3. the degree of participation in the elections – %;**  
**point 3 = (point 2 : point 1) x 100**
- 4. the number of validly cast votes – total;**
- 5. the number of null votes – total;**
- 6. the number of blank votes – total;**
- 7. the number of allotted mandates – total;**

**8. the grouping of mandates and validly cast votes allotted per political parties, organisations of citizens belonging to national minorities, political alliances, electoral alliances, independent candidate inclusive;**

**9. distribution of mandates throughout the country per constituencies and electoral colleges;**

**10. the organisations of citizens belonging to national minorities, that took part in the elections, but did not obtain any Deputy or Senator mandate, although they are entitled to one Deputy mandate, pursuant to article 9; full name of the candidate who obtained the largest number of votes.\*\***

**(2<sup>2</sup>) The minute shall be signed by the president, by his deputy, and by the other members of the Central Electoral Bureau who are to be present at its drawing up, and shall be submitted to the Chamber of Deputies and the Senate with a view to validating the mandates, together with the files drawn up by the electoral bureaux of constituency. The absence of any of**



**the members' signature shall have no relevance upon the validity of the minute and elections. The president shall mention the reasons which hindered the signing thereof.\***

(3) The Central Electoral Bureau shall publish the election results in the written press and in OJ, Part I, in due time.

## CHAPTER XIII

### Minor offences and infractions

Art. 50. – There shall be considered minor offences, if not infractions, the following deeds:

a) the deliberate registration of an elector on several electoral rolls in the locality of domicile, the registration on the electoral rolls of fictitious persons or of persons who are not entitled to vote;

**a<sup>1</sup>) the improper storage of registers containing the permanent electoral rolls;\***

**a<sup>2</sup>) the failure to operate in due time the communiqués stipulated by law and the failure to operate them on the permanent electoral rolls;\***

**a<sup>3</sup>) the operation in the electoral rolls made by unauthorised persons;\***

**a<sup>4</sup>) the failure to communicate to the courts the changes operated on the copy of the permanent electoral roll found at the town hall;\***

b) the signing up of the supporters' list by infringing legal dispositions;

c) the infringement of legal dispositions with reference to the display of nominations for election or to the use of electoral signs;

d) the unjustified denial to deliver, at the written request of the interested person, of the voting card or the failure to draw up the voting card within the allotted time;

e) the organisers' failure to take the necessary steps for the fair conduct of the electoral meetings, and the consumption of alcoholic drinks during such meetings;

f) the destruction, deterioration, blotting, covering by any means of electoral rolls or of electoral platforms displayed or of any other posters or printed electoral propaganda;

**g) the non-observance of dispositions of article 39;\*\***

**h) a citizen's candidature acceptance in several uninominal colleges, or for both the Chamber of Deputies and the Senate, except for the**

**candidatures put forward by the organisations of citizens belonging to national minorities;\***

**h<sup>1</sup>) the non-observance of dispositions and decisions of the electoral bureaux and offices;\*\*\***

**h<sup>2</sup>) the non-observance of dispositions of article 18;\*\*\***

**h<sup>3</sup>) the non-observance of dispositions of article 37 (3) and of article 38 (1), (3), and (4);\*\*\***

**h<sup>4</sup>) the non-observance of dispositions of article 38<sup>1</sup>;\*\*\***

i) the denial to allow an elector to vote, although he/she produces the proof of being entitled to vote at the polling station where he/she comes to, under the terms of the present title;

j) the denial to allow access at the polling station of candidates or of accredited persons to be present at the electoral process;

k) the denial to file and register a written petition which is lodged in compliance with the provisions of the present title;

l) the denial to follow the instructions of the president of the polling station electoral bureau regarding the order to be secured at the polling station and in the vicinity of it;

m) the unjustified denial to hand over the ballot paper and the voting stamp to the elector who signed in the electoral roll, the handing over of the ballot paper to an elector who has not presented the voting card and identity paper or who refuses to sign for their reception in the electoral roll where he/she is registered;

**m<sup>1</sup>) the failure to affix on the voting card or, as the case may be, on the identity paper the stamp with the specification “VOTED” or the self-adhesive stamp, as well as the holding of the voting card without well-grounded reasons by members of the electoral bureau of the polling station;\*\*\***

**m<sup>2</sup>) the holding of a voting card by an unauthorised person, as well as the entrusting of the voting card by its owner to another person for the purpose of voting;\*\*\***

n) the drawing up of minutes by the polling station electoral bureaux by infringing the dispositions of the present title;

o) the continuation of the electoral propaganda after the end of this process, as well as the influence exercised upon electors at the polling stations premises on the election day to vote or not to vote a distinct political party, political

alliance, electoral alliance, organisation of citizens belonging to a national minority or an independent candidate;

p) the wearing of coats of arms, badges or other insignia of electoral propaganda by members of the polling stations electoral bureaux or by accredited persons during the voting process;

q) the violation of the duty to take part in the activity of the said bureaux made by members of the electoral bureaux;

**r) the denial of the electoral bureau's president or of its deputy president to deliver a certified copy of the minute to the persons entitled to receive it, in compliance with the provisions of the present law.\***

**Art. 51. – (1) The minor offences stipulated in article 50 a<sup>1</sup>), a<sup>2</sup>), a<sup>3</sup>), a<sup>4</sup>), c), f), g), h), h<sup>1</sup>), h<sup>2</sup>), h<sup>3</sup>), k), o), q), and r) shall be sanctioned by fine ranging from 1,000 to 2,500 lei, those stipulated in b), l), and p) by fine ranging from 1,500 to 4,500 lei, and the ones stipulated in a), d), e), h<sup>4</sup>), i), j), m), m<sup>1</sup>), m<sup>2</sup>), and n), by fine ranging from 4,500 to 10,000 lei.\*\***

(2) The finding of the minor offences stipulated in article 50 and the punishment provided for in paragraph (1) shall be operated by:

**a) policemen, for the deeds stipulated in article 50 e), f), g), i), j), l), m), m<sup>1</sup>), and o);\*\***

b) the president of the constituency electoral bureau, for the deeds stipulated in article 50 a), f), h), n), o), p), and q);

c) the president of the Central Electoral Bureau, for the deeds stipulated in article 50 b), c), and h);

**d) the president of the electoral bureau, in the case of minor offences committed by its members, or the president of the higher level electoral bureau, in case of minor offences committed by the presidents and deputy presidents of the lower level electoral bureau for the deeds stipulated in article 50 i), k), o), m<sup>1</sup>), p), q), and r);\*\***

**e) the commissioners of the Permanent Electoral Authority's president for the deeds stipulated in article 50 a), a<sup>1</sup>), a<sup>2</sup>), a<sup>3</sup>), a<sup>4</sup>), b), d), and h<sup>2</sup>);\*\***

**f) the commissioners of the Permanent Electoral Authority's president in case the deed stipulated in article 50 h<sup>1</sup>) has been committed by authorities of the central or local public administration, and in case the deed stipulated in article 50 h<sup>4</sup>) has been committed by other persons than broadcasters; the president of the electoral bureau, in case the deed stipulated in article 50 h<sup>1</sup>) has been committed by the electoral bureau members, or the president of the higher level electoral bureau, in case the**

**deed stipulated in article 50 h<sup>1</sup>) has been committed by presidents of lower electoral bureaux; policemen, in case the deed stipulated in article 50 h<sup>1</sup>) has been committed by other natural or legal persons than the ones stipulated above;\***

**g) The ational Council of the Audio-visual, that shall take<sup>3</sup> notice or be notified by those interested in the deed stipulated in art 50 h<sup>3</sup>) or the deed stipulated in art 50 h<sup>4</sup>) in case it has been committed by broadcasters.\***

(3) The offender may pay on the spot, or no later than 48 hours of the date of drawing up of the report, or, as the case may be, of the date of its notification, half of the minimum fine stipulated in paragraph (1), which shall be specified by the finding agent in the report.

(4) The provisions of this article shall be completed with the dispositions of Government Emergency Ordinance no. 2/2001 on the legal regime of minor offences, approved with amendments and additions by Law no. 180/2002, with subsequent amendments and additions.

Art. 52. – (1) The obstruction by any means of casting the right to vote or of the right of being elected by free choice shall be considered an infraction, and be punishable by prison from 6 months to 5 years and suspension of certain rights.

(2) Any attempted action shall be punishable.

Art. 53. – (1) The deliberate registration in the copy of the permanent electoral roll of persons that are not registered in the electoral roll shall be considered an infraction, and be punishable by prison from 6 months to 5 years.

(2) Any attempted action shall be punishable.

Art. 54. – (1) The violation by any means of the secrecy of voting committed by members of constituency electoral bureau or by other persons shall be considered an infraction, and be punishable by prison from 6 months to 3 years.

(2) Any attempted action shall be punishable.

Art. 55. – (1) The promise, offer, or giving of money, goods or other benefits for the purpose of influencing the elector to vote or not vote a certain electoral competitor, or a certain candidate, as well as their acceptance by the electors, for the same purpose, shall be considered infractions, and be punishable by prison from 6 months to 5 years.

(2) Any attempted action shall be punishable.

(3) The goods of symbolical value inscribed with the insignia of the respective party are not included in the category of goods mentioned in paragraph (1).

Art. 56. – (1) The deed of a person who casts his/her vote without being entitled to, or who casts his/her vote twice or for several times on the election day shall be considered an infraction, and be punishable by prison from 6 months to 5 years.

(2) Any attempted action shall be punishable.

Art. 57. – (1) The use of a null or false voting card, or false ballot paper by an elector, the introduction into the ballot box of extra ballot papers than he/she is entitled to, or the forgery by any means of the documents in the electoral bureaux shall be considered infractions, and be punishable by prison from 2 to 7 years.

(2) Any attempted action shall be punishable.

Art. 58. – (1) The attack by any means to the polling station's premises, the stealing of the ballot box or of electoral documents shall be considered infractions, and be punishable by prison from 2 to 7 years unless the deed represents a more serious infraction.

(2) Any attempted action shall be punishable.

Art. 59. – (1) The opening of the ballot boxes before the scheduled time for the end of the vote shall be considered an infraction, and be punishable by prison from 6 months to 3 years.

(2) Any attempted action shall be punishable.

Art. 60. – The employment and use of a computer program with apparent or hidden flaws, which alters the registration of results obtained at the polling stations, totalises with errors, or leads to the allotment of mandates beyond the provisions of the present title shall be considered infractions, and be punishable by prison from 2 to 7 years.

Art. 61. – The employment of data, information, or procedures which lead to the alteration of the national information system shall be considered an infraction, and be punishable by prison from 2 to 7 years.

## CHAPTER XIV

### **Permanent Electoral Authority**

Art. 62. – The Permanent Electoral Authority shall be employed for the purpose of supplying the logistic conditions necessary to the precise implementation of the legal dispositions regarding the vote casting, as well as the proper conditions for the conduct of the electoral operations.

Art. 63. – (1) The Permanent Electoral Authority is an autonomous administrative institution, being a legal entity with general competence, which ensures the integrated implementation, within the time lapse between two electoral periods, of the legal dispositions regarding the organisation and

conduct of elections, or of other consultations with national or local character. The Permanent Electoral Authority shall pursue and support the endowment of the polling stations with the necessary logistics, as well as the achievement of specific operations within the time lapse between two electoral periods.

(2) Within the meaning of the present title, the electoral period is the time lapse that begins at the time of bringing to public knowledge of the election day and ends with the official communication of the election results. The electoral period includes the time lapse between the time of bringing to public knowledge of the election day and the date of the commencement of the electoral campaign, the electoral campaign, the actual conduct of voting, the numbering and centralisation of votes, the acknowledging of the election results, the allocation of mandates, and the publication of the election results in OJ, Part I.

(3) The Permanent Electoral Authority is led by a president with a rank of minister, seconded by two vice presidents with a rank of state secretary.

(4) The president is appointed by decision adopted in a joint session of the Chamber of Deputies and the Senate, at the proposal of parliamentary groups, from among the personalities educated and trained in the legal or administrative field. The candidate who meets the Deputies and Senators' majority of votes shall be appointed president.

(5) The president is seconded by two vice-presidents with a rank of state secretary, of which one is appointed by the President of Romania, and the other by the Prime Minister.

(6) The president and vice presidents cannot be members of a political party.

(7) The mandate of the president and the mandates of the vice presidents of the Permanent Electoral Authority shall be of 8 years each and may be renewed only once.

(8) The mandate of president and vice-presidents shall cease in the following instances:

- a) expiry of mandate;
- b) resignation;
- c) dismissal;
- d) demise.

(9) The president and the vice presidents may be dismissed, on solid grounds, by the authorities that appointed them.

(10) The Permanent Electoral Authority, with the opinion of the Ministry of Economy and Finance, shall approve the draft of its own budget, before the debate on the state budget, and shall submit it to the Government with the view to including it in the state budget. In order to include the capital expenditure in its own budget, the Permanent Electoral Authority consults the Government.

(11) The president of the Permanent Electoral Authority shall be a loan manager. In fulfilling the duties which are incumbent upon him/her, the president shall issue orders.

(12) The Permanent Electoral Authority shall have a general secretary appointed by the Prime Minister on an examination basis, under the terms of law.

(13) In the president's absence, his/her duties shall be fulfilled by one of the vice presidents settled by order.

Art. 64. – (1) The Permanent Electoral Authority shall have its own specialised apparatus.

(2) The organisation and functioning of the Permanent Electoral Authority's own specialised apparatus, the number of positions, the personnel's statute, their duties, and the organisational structure shall be established by the regulations of organisation and functioning approved by decision of the permanent bureaux of the two Chambers of the Parliament, at the suggestion of the Permanent Electoral Authority. The personnel of the Permanent Electoral Authority shall enjoy the same status as the personnel of the two Chambers of the Parliament. In the organisation and functioning of its own apparatus, the provisions of article XVI of Title III of book II of Law no. 161/2003 regarding some measures for ensuring transparency in exercising public dignities, public offices, and in the business environment, the prevention and sanctioning of corruption, with subsequent amendments and additions, shall not apply.

(3) The Permanent Electoral Authority may have regional subsidiaries in each of the regions of development. The setting up of regional subsidiaries, the number of positions, their duties and relationships to the Permanent Electoral Authority shall be set by the regulations of organisation and functioning of the latter.

(4) The wage system for the personnel of the Permanent Electoral Authority's specialised apparatus shall be established at the level provided for by law for the personnel employed in the apparatus of the two Chambers of the Parliament.

Art. 65. – (1) The Permanent Electoral Authority shall discharge the following main duties in the time lapse between two electoral periods:

a) elaborating proposals with regard to the supply of logistics necessary to the conduct of elections, and transmitting them to the Government and to the local public administration authorities, and taking care of the way how these proposals are fulfilled.

b) taking care of the modality of setting the seats for the polling stations and for the electoral bureaux;

c) taking care of and providing for the achievement in advance of the specific endowment of the polling stations: standardised ballot boxes and polling booths, stamps, ink pads, containers for the transport of ballot papers, and so on; checking the modality of storage between the electoral periods;

d) taking care of the modality of supplying the necessary funds for the achievement at intervals, in advance, of the necessary logistics in the electoral process;

e) elaborating systems of protection of the polling stations, ballot papers, and of the other specific documents and materials during the elections;

f) monitoring and checking out the modality of drawing up and updating of the permanent electoral rolls, and the modality of storage for the registers containing the permanent electoral rolls, as well as the modality of making the notifications stipulated by law, and their operation in time in the electoral rolls;

g) taking care of the modality of drawing up and delivering of voting cards in accordance with the permanent electoral rolls;

h) taking care and controlling the modality of ensuring the agreement between the contents of the permanent electoral rolls that are to be found in the town halls and the model found in the law courts;

i) ensuring within its jurisdiction the integrated implementation of the legal dispositions with reference to the organisation of elections;

j) elaborating and publishing studies and proposals regarding the improvement of the electoral system, and presenting them to the public authorities, political parties, as well as to the interested non-governmental organisations;

k) submitting a report to the Parliament, within 3 months at the most of the close of the elections to the Chamber of Deputies and the Senate, the President of Romania, and to the local public administration authorities, or of the end of a national referendum, on the organisation and conduct of the elections, or of the referendum, mentioning the participation in the ballot, its progress, the infringements and drawbacks found, including the ones in legislation, and the result of consultation. The report shall be published in the form of a White Book;

l) elaborating materials and programmes of information and training of the electors on the Romanian electoral system, and on the observance of the electoral deontology, and ensuring their popularisation;

m) elaborating specific programmes for training in electoral matters for the mayors and secretaries of the territorial-administrative units, as well as for the persons that can become members of the electoral bureaux, and organising the conduct of these programmes together with the National Institute of Administration and with the regional subsidiaries;



- n) elaborating programmes and setting integrated rules in keeping with the cast of vote by illiterate or disabled persons, and ensuring their popularisation;
- o) elaborating the draft of its own budget, which shall be approved by the law on the state budget;
- p) drawing up the list of specialised personnel, certified by the National Statistics Institute, that takes part in the centralisation, processing, and ascertaining of the election results;
- q) supporting the establishing of the specific material foundation for the computerised system at the national level, necessary to ascertain the election results;
- r) organising bids for the purpose of selecting the computer programmes, which will be exploited by the Central Electoral Bureau for the centralisation of the election results;
- s) elaborating and submitting to the Government, for approval, together with the Ministry of the Interior and Administrative Reform, the schedule of activities during the electoral period;
- ş) elaborating and submitting to the Government, for approval, together with the Ministry of the Interior and Administrative Reform, the draft decisions for the proper organisation and conduct of the elections;
- t) elaborating drafts of statutory instruments for the improvement and upgrading of the Romanian electoral system, and submitting them to the Government for analysis and exercise of legislative initiative;
- ţ) submitting to the Government, for approval, together with the Ministry of Economy and Finance, and the Ministry of the Interior and Administrative Reform, the draft Government decision on the approval of the necessary expenditure for the organisation and conduct of the elections; the decision shall be approved within 5 days at the most of the bringing to public knowledge of the elections day;
- u) certifying, for not being changed, by 10 days before the elections date, the computer programmes selected as a result of the bid organised in accordance with the legal provisions in force and making them available to the parties registered in the electoral competition, at their request;
- v) keeping a record of the communes, towns, municipalities, and districts of Bucharest Municipality where there are vacancies for the office of mayor, or where the local councils have been dissolved, and submitting proposals to the Government for the setting up of the date for the organisation and conduct of new elections;
- x) supporting the organisation and conduct of by-elections.

(2) The Permanent Electoral Authority shall submit to the Parliament, yearly, a report on its activity.

(3) The Permanent Electoral Authority shall fulfil any other duties stipulated by law.

(4) In fulfilling its duties, the Permanent Electoral Authority shall adopt decisions, resolutions, and rules, which are to be signed by its president and countersigned by its vice presidents. The decisions of the Permanent Electoral Authority shall be published in OJ, Part I, and shall be mandatory for all the bodies and authorities with electoral duties.

## CHAPTER XV

### Transitory and final provisions

#### **Art. 66. – Repealed.\***

Art. 67. – (1) The expenses for carrying out the electoral operations shall be incurred from the state budget.

(2) **The premises and the endowment of the Central Electoral Bureau and of the constituency electoral bureau for the Romanians having their domicile or residence abroad shall be ensured by the Government; the premises and endowment of the constituency electoral bureau by the prefects and by the presidents of the county councils, and by the general mayor of Bucharest Municipality, respectively; the premises and endowment of the electoral offices, as well as of the electoral bureaux of the polling stations by the mayor, together with the prefects.\*\***

(3) The documents drawn up with a view to exercising the electoral rights stipulated in the present title shall be exempted from the stamp duty.

**Art. 68. – (1) The Government shall provide the necessary of statisticians in order to support the activity of the electoral bureaux, the Ministry of the Interior and Administrative Reform, together with the Permanent Electoral Authority shall provide the necessary supplementary technical personnel, and the Ministry of Foreign Affairs, together with the Permanent Electoral Authority shall provide the supplementary personnel at the constituency electoral bureau for the Romanians having their domicile or residence abroad.**

(2) **For the time lapse allotted to the elections, members of the electoral bureaux and offices, statisticians, and temporary technical personnel shall be deemed seconded and shall be allocated an allowance set by**

**Government decision. The presidents of the electoral bureaux, their deputies, and members shall receive the allowance since the date of drawing up of their appointment minutes.**

**(3) For the allowances stipulated in paragraph (2), only the income duty shall be withheld, owed, and transferred, according to the law.\***

**Art. 69. – (1) Within 7 days of the setting of the elections date, the Government shall establish, at the proposal of the Permanent Electoral Authority and of the Ministry of the Interior and Administrative Reform, the calendar of activities within the electoral period, the necessary measures for the proper conduct of the elections, the model of the copy of the permanent electoral rolls, the model of the additional electoral roll, of the extract of the copy of the permanent electoral roll, or on the additional electoral roll, of the supporter’s list, of the list of members of the organisations of citizens belonging to national minorities, of the stamp of the electoral bureaux, and of the stamp with the specification “VOTED”, of the declaration of nomination acceptance, of the declaration of nomination withdrawal, as well as of the certificate which proves the election of Deputies and Senators. Likewise, within the same time lapse, the Government shall approve by decision, at the proposal of the Permanent Electoral Authority, of the Ministry of the Interior and Administrative Reform, and of the Ministry of Economy and Finance the budget required for the organisation of the elections, and the expenditure for the preparation, organisation, and conduct thereof. At the same time, the Government shall establish, at least by 20 days prior to the date of elections, at the proposal of the National Statistics Institute the model of record for the writing down of the election results.**

**(2) Within 60 days of the setting of the elections date, the Government shall establish, by decision, the length of time and the conditions of storing the unused ballot papers, of the disputed ones, as well as of the unused ones, of the stamps, and of the other materials utilised during the electoral process.**

**(3) Within 60 days of the setting of the elections date, the Permanent Electoral Authority shall elaborate a set of minimal conditions to be met by the locations where the polling stations are to be organised, as well as with respect to their minimal endowment.\***

**Art. 70. – (1) The judgement by courts of objections, contestations, or of any other petitions regarding the electoral process shall be done in accordance**

with the rules stipulated by law for the President's ordinance, with the compulsory participation of the public prosecutor.

(2) There is no appeal against the final judgements pronounced by courts.

**(3) The final and irrevocable decisions pronounced by courts as a result of objections, contestations, or of any other petitions regarding the electoral process shall be immediately notified to the interested electoral bureaux.\***

Art. 71. – (1) The summons to court on days, as provided for in the present title shall be calculated from the day when they start running, inclusive, up to the day when they elapse, even if they are not working days, up to 24.00 hours of the respective day.

**(2) During the entire electoral period, the electoral bureaux shall function in compliance with the working timetable set by the Central Electoral Bureau, by decision. The courts shall provide the permanent service for the citizens, with a view to exercising their voting rights. On the election day, the courts shall ensure the permanent service.\*\***

Art. 71<sup>1</sup>. – (1) **The persons sentenced by final judgement to the loss of electoral rights shall not take part in the voting process, and shall not be taken into account in establishing the total number of electors.**

(2) **For the persons detained on the basis of a preventive arrest warrant or for the persons who are carrying out an execution of sentence, but who have not lost their electoral rights yet, there shall apply accordingly the dispositions of article 42 (22<sup>1</sup>) regarding the special ballot box, on condition that the person deprived of liberty has his/her domicile in the administrative-territorial unit under whose jurisdiction the imprisonment is located. The complaint for the sending of the special ballot box shall be written personally by the applicant, and shall be filed through the agency of his/her dependants at the polling station where the person deprived of liberty is distributed according to his/her domicile.\***

Art. 72. – (1) The stipulations of the present title with reference to the use of voting cards shall apply starting with the parliamentary elections organised in 2012.

**(2) For the parliamentary elections organised in 2008, the voting right shall be exercised on an ID basis, as it is defined in article 2 (32), by affixing on it the stamp bearing the specification “VOTED” and the ballot date or, as the case may be, a self-adhesive stamp bearing the specification “VOTED” and the ballot date. The model of the self-adhesive**

**stamp, the terms of publishing, management and use in the 2008 parliamentary elections shall be settled by the Government, by decision, within 7 days of the setting of the elections date.\***

Art. 73. – (1) The stipulations of the present title with reference to the National Electoral Registry shall apply starting with the parliamentary elections organised in 2012.

(2) The National Centre for Database Management of the People’s Record within the Ministry of the Interior and Administrative Reform shall select and process the data in the National Register of People’s Record concerning the citizens entitled to vote, and shall print and make available to the mayors two copies of the permanent electoral rolls. Updating of the permanent electoral rolls shall be accomplished by the mayor of the administrative-territorial unit, together with the local community public service of the people’s record. The time limit for making available to the mayors the permanent electoral rolls by the National Centre for Database Management of the People’s Record is 45 days of the setting of the elections date.

**(2<sup>1</sup>) The permanent electoral rolls shall include, in the order given by the electors’ address number, their full name, personal numerical code, domicile, series and number of identity paper, number of uninominal college for the elections to the Chamber of Deputies, number of uninominal college for the elections to the Senate, as well as number of constituency.\***

(3) Within 10 days of the receipt of the permanent electoral rolls, in compliance with the provisions of paragraph (2), the mayor is bound to make available to the political parties, political alliances, and electoral alliances copies of the permanent electoral rolls, at their request, and on their own expense.

(4) The National Centre for Database Management of the People’s Record, within the Ministry of the Interior and Administrative Reform shall place at the disposal of the mayors copies of the permanent electoral rolls, in triplicate, that include the electors in each polling station. The copies of the permanent electoral rolls shall be handed over by the mayor, in duplicate, based on a minute, to the president of each polling station by 3 days prior to the elections date. One copy shall be made available to the electors, for consultation, and another one shall be used on the elections day. The third one shall be kept by the mayor.

**(4<sup>1</sup>) The copies drawn up according to paragraph (4) shall include: the elector’s full name, personal numerical code, domicile, series and number of identity paper, number of uninominal college for the elections to the Chamber of Deputies, number of uninominal college for the elections to the Senate, number of the polling station, as well as a box for the elector’s signature.\***

(5) The copies of the permanent electoral rolls shall be signed by the mayor, by the secretary of the administrative-territorial unit, by the chief of the local community public service of the people's record, and by the chief of the territorial structure of the National Centre for Database Management of the People's Record.

**(6) The provisions of article 26 shall apply accordingly. The provisions of article 26 (1), (4), and (5) shall apply starting with the elections organised in 2012.\***

Art. 74. – The present title shall enter into force 30 days after its publication in OJ, Part I.

Art. 75. – (1) The Government shall provide the premises and the material and financial means necessary to the proper functioning of the Permanent Electoral Authority. To this aim, it shall provide in the state budget draft the amounts of money necessary for the activity of the Permanent Electoral Authority.

(2) The Government shall approve the electoral period budget within 5 days of the setting of the elections date.

Art. 76. – On the date of entering into force of the present title, Law no. 373/2004 for the election to the Chamber of Deputies and the Senate, published in OJ, Part I, no. 887 of 29 September 2004, with the subsequent amendments and additions shall be repealed.

[...]

*A EX*  
*to Title I*

### **Denomination and numbering of constituencies**

Constituency Number	Territorial delimitation
Electoral Constituency No. 1	Alba County
Electoral Constituency No. 2	Arad County
Electoral Constituency No. 3	Argeş County
Electoral Constituency No. 4	Bacău County
Electoral Constituency No. 5	Bihor County
Electoral Constituency No. 6	Bistriţa-Năsăud County
Electoral Constituency No. 7	Botoşani County
Electoral Constituency No. 8	Braşov County
Electoral Constituency No. 9	Brăila County

Constituency Number	Territorial delimitation
Electoral Constituency No. 10	Buzău County
Electoral Constituency No. 11	Caraș-Severin County
Electoral Constituency No. 12	Călărași County
Electoral Constituency No. 13	Cluj County
Electoral Constituency No. 14	Constanța County
Electoral Constituency No. 15	Covasna County
Electoral Constituency No. 16	Dâmbovița County
Electoral Constituency No. 17	Dolj County
Electoral Constituency No. 18	Galați County
Electoral Constituency No. 19	Giurgiu County
Electoral Constituency No. 20	Gorj County
Electoral Constituency No. 21	Harghita County
Electoral Constituency No. 22	Hunedoara County
Electoral Constituency No. 23	Ialomița County
Electoral Constituency No. 24	Iași County
Electoral Constituency No. 25	Ilfov County
Electoral Constituency No. 26	Maramureș County
Electoral Constituency No. 27	Mehedinți County
Electoral Constituency No. 28	Mureș County
Electoral Constituency No. 29	Neamț County
Electoral Constituency No. 30	Olt County
Electoral Constituency No. 31	Prahova County
Electoral Constituency No. 32	Satu Mare County
Electoral Constituency No. 33	Sălaj County
Electoral Constituency No. 34	Sibiu County
Electoral Constituency No. 35	Suceava County
Electoral Constituency No. 36	Teleorman County
Electoral Constituency No. 37	Timiș County
Electoral Constituency No. 38	Tulcea County
Electoral Constituency No. 39	Vaslui County
Electoral Constituency No. 40	Vâlcea County
Electoral Constituency No. 41	Vrancea County
Electoral Constituency No. 42	Bucharest Municipality
Electoral Constituency No. 43	Constituency for the Romanians with their domicile abroad