

**RULES AND REGULATIONS ON THE ELECTIONS TO THE EUROPEAN
PARLIAMENT
LAW no. 33*
of 16 January 2007
on the organisation and conduct of the elections to the European Parliament
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**CHAPTER I
General provisions**

Art. 1. - (1) This law sets the general legal framework for the organisation and conduct of the elections of the candidates from Romania to the European Parliament.

(2) The candidates from Romania to the European Parliament shall be elected by universal, equal, direct, secret and freely expressed ballot, in accordance with this law.

(3) The members from Romania to the European Parliament shall be elected by citizens for a five-year term.

Art. 2. - For the purposes of this law, *the Member State of origin* shall mean the state whose citizenship is held by the citizen of the Member State of the European Union, other than Romania.

Art. 3. - The representation of Romania to the European Parliament shall be made in compliance with the provisions of arts. 9 and 24 in the Act concerning the Conditions of Accession and the Adjustments to the Treaties laying at the foundation of the European Union in the Treaty between the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Hungarian Republic, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Polish Republic, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and of Northern Ireland (Member States of the European Union) and the Republic of Bulgaria and Romania concerning the accession of the Republic of Bulgaria and of Romania to the European Union, signed by Romania in Luxembourg on 25 April 2005, ratified by Law no. 157/2005.

Art. 4. - (1) The candidates from Romania to the European Parliament shall be elected under a party list, by proportional representation, as well as on the basis of individual candidatures.

(2) **For the election of the candidates from Romania to the European Parliament, the territory of Romania shall represent one constituency only.***

*Amended by G.E.O. no. 11/2009.

Art. 5. - (1) *Community voter* shall refer to any citizen of a Member State of the European Union, other than Romania, who is entitled to vote in Romania in elections to the European Parliament, having his/her domicile or residence in Romania, in accordance with the provisions of this law.

*Amended by G.E.O. no. 11/2009.

(2) *Community national* shall refer to any citizen of Romania having his/her domicile or residence in Romania or abroad, who is entitled to elect candidates from Romania to the European Parliament, in accordance with the provisions of this law.*

*Amended by G.E.O. no. 11/2009.

(3) *Community eligible person* shall refer to any citizen of a Member State of the European Union who is entitled to be elected to the European Parliament, having his/her domicile or residence in Romania, in accordance with the provisions of this law.

(4) For the purposes of this law, *reference date* shall mean the day of elections for the candidates from Romania to the European Parliament.*

*Amended by G.E.O. no. 11/2009.

(5) Romanian citizens who turned 18 by the reference date inclusive are entitled to elect candidates from Romania to the European Parliament.

(6) The mentally retarded persons and the certified lunatics, as well as the persons who, on the reference date, are sentenced by final judgement to the loss of their electoral rights shall not be entitled to vote.

(7) Romanian citizens who are entitled to vote and have turned 23 until the reference date inclusive are entitled to stand as candidates to the European Parliament.

(8) The provisions of paragraphs (5) – (7) shall apply as well to the Romanian citizens having their domicile or residence abroad and who have the right to vote in accordance with the provisions of this law.*

*Amended by G.E.O. no. 11/2009.

(9) The citizens of the Member States of the European Union, for the purposes of art. 17 (1) in the Treaty for the establishment of the European Community, with the subsequent amendments and additions, who have their domicile or residence in Romania, have the right to vote and to stand as candidates from Romania to the European Parliament, under the same conditions as the Romanian citizens, provided that they meet the requirements of this law.

(10) For the election of the candidates from Romania to the European Parliament, both the Community national and the Community voter are entitled to one vote each.

Art. 5¹. - (1) For the purposes of this law, *electoral period* shall mean the time span that starts from the date of bringing the reference date to public knowledge and ends at the publication of the election result in the Official Journal, Part I; the electoral period includes the interval between the date of bringing the reference date to public knowledge and the starting date for the electoral campaign, the particular conduct of the election, the ballot counting and centralisation, the ascertaining of the election result, the allotment of mandates, election validation, as well as the publication of the election result in the Official Journal, Part I.

(2) For the purposes of this law, *identity document* shall mean an identity

document issued by the Romanian state, namely identity card, temporary identity card, identity document or diplomatic passport, electronic diplomatic passport, regular passport, regular electronic passport, temporary regular passport, or military service record for students in military schools.

(3) A regular passport, a regular electronic passport, and a temporary regular passport may be used with a view to exercising the right to vote only by the Romanian citizens who are abroad, or by the Romanian citizens having their domicile abroad.*

*Introduced by G.E.O. no. 11/2009.

Art. 5². - (1) The political parties, the political alliances, the electoral alliances and organisations of citizens belonging to national minorities may join in only at national level, on a protocol basis, making an electoral alliance with a view to take part in the elections for the candidates of Romania to the European Parliament. A political party, a political alliance, or an organisation of citizens belonging to national minorities may join in one electoral alliance only. The electoral alliance that took part in the former elections, irrespective of their kind, under a particular denomination may preserve it unless its original composition has changed. At the same time, the particular denomination shall not be used by another alliance.

(2) The protocol of establishing an electoral alliance shall be filed at the Central Electoral Bureau within 48 hours of its setting up.

(3) The Central Electoral Bureau shall pronounce in public meeting on the admission or rejection of the protocol on establishing an electoral alliance within 24 hours of its registration.

(4) The decision of the Central Electoral Bureau of approving the protocol on establishing an electoral alliance may be contested to the High Court of Cassation and Justice by any interested natural or legal entity within 24 hours of its posting.

(5) The decision of the Central Electoral Bureau of rejecting the protocol on establishing an electoral alliance may be contested to the High Court of Cassation and Justice by the signatories of the protocol within 24 hours of its posting.

(6) The High Court of Cassation and Justice shall pronounce on the contested decisions stipulated in paragraphs (4) and (5) within 24 hours of the registration thereof by final and irrevocable decision.

(7) The political parties, the political alliances and organisations of citizens belonging to national minorities that established an electoral alliance may nominate their candidates for the electoral alliance only.

(8) The protocol of setting up an electoral alliance which has been approved by decision of the Central Electoral Bureau and remained final since it was not contested or following the pronouncement of the High Court of Cassation and Justice may be broken only by agreement of the signatory parties in the setting up protocol of the electoral alliance.

(9) The agreement of breaking up the protocol for setting up an electoral alliance shall be filed 4 days at the least prior to the time limit for the submission of candidatures.

(10) The provisions of paragraphs (3)-(6) shall apply accordingly in the case of the agreement of breaking up the protocol for setting up an electoral alliance.

(11) However, if the agreement of the protocol for setting up an electoral alliance is broken after the expiry date for the submission of electoral signs, the members of the dissolved electoral alliance shall take part in the elections without an electoral sign.

(12) The other provisions of this law with reference to the political alliances shall

also apply to the electoral alliances, accordingly.*

*Introduced by G.E.O. no. 11/2009.

Art. 6. - (1) The Romanian citizens included in the following categories: judges of the Constitutional Court, ombudsmen, magistrates, full-time members in the armed forces, police officers, and other categories of public servants, set by means of organic law, including those with a special statute, are not allowed to stand as candidates from Romania to the European Parliament.

(2) The Community eligible persons who are part of categories similar to those provided for under paragraph (1), in the states whose citizens they are, are not allowed to stand as candidates from Romania to the European Parliament.

Art. 7. - (1) Without prejudice to the incompatibilities provided for in the 1976 Act on the election of the candidates to the European Parliament by direct universal ballot, with the subsequent amendments, the capacity as a member of the European Parliament is incompatible with the capacity as deputy or senator in the Romanian Parliament, as a member in the Romanian Government, with the offices provided for in art. 81 and 82 in Book I, title IV, chap. III, section 2 of Law no. **161/2003** on measures to secure transparency in the exercise of the public positions, of the public functions and in the business circles, the prevention and the sanctioning of corruption, with the subsequent amendments and additions, or with equivalent positions in the Member States of the European Union.

(2) Within 30 days of the validation of the result in the elections to the European Parliament, the persons who are not compatible shall choose between the mandate of member in the European Parliament and the position that generates incompatibility, resigning from one of the two positions.

(3) After the expiry of the time limit provided for under paragraph (2), if an incompatibility status arises or persists with regard to the positions referred to in Articles 81 and 82, book I, title IV, chap. III, section 2 of Law no. 161/2003, with the subsequent additions and completions, the persons in the incompatibility situation are deemed to have resigned from the position of member in the European Parliament. The resignation shall be established by decision of the Permanent Electoral Authority, which shall be published in the Official Gazette of Romania, Part I, and communicated to the European Parliament.*

*Amended by G.E.O. no. 11/2009.

(4) The National Agency for Integrity finds the cases of incompatibility between the mandate of member in the European Parliament and the positions referred to in paragraph (1), and informs the Permanent Electoral Authority about them within 15 days of their finding.*

*Introduced by G.E.O. no. 11/2009.

(5) The Permanent Electoral Authority shall notify, where appropriate, the European Parliament of the cases of incompatibility referred to in Article 7, paragraphs (1) and (2) of the 1976 Act, which is the case with the members from Romania in the European Parliament or shall find, in accordance with paragraph (3) the resignation of persons found in incompatibility situation.*

*Introduced by G.E.O. no. 11/2009.

(6) Within 15 days at the most of the validation of mandates, the members of Romania to the European Parliament are obliged to make their statements of wealth and interests to the National Agency for Integrity, by using the forms provided for in the annex to Law no. 115/1996 for making statements of wealth and maintaining the wealth control of dignitaries, of magistrates, of persons in leadership and control positions, as well as of public servants, with the subsequent amendments and completions, and in the annex to the Government Decision no. 506/2003 on the establishment of the model of Register of statements of interests, with the subsequent amendments.

*Introduced by G.E.O. no. 11/2009.

(7) The Permanent Electoral Authority shall carry out the formalities of acceptance for the candidates declared elected in the European Parliament.

*Introduced by G.E.O. no. 11/2009.

(8) Except for the cases referred to in paragraph (3), ascertaining the termination of office for a member of the European Parliament shall comply with the 1976 Act and with the Rules of Procedure of the European Parliament.*

*Introduced by G.E.O. no. 11/2009.

Art. 8. - (1) The reference date shall be Sunday. The reference date shall be made public by 90 days before at the latest, by publishing the Government decision on the setting of the reference date in the Official Gazette of Romania, Part I.*

*Amended by G.E.O. no. 11/2009.

(2) The reference date shall be set within the time interval decided for this purpose by the Council of the European Union.

CHAPTER II

Exercise of the right to vote and the right to stand as a candidate of Romania to the European Parliament

Art. 9. - (1) Electoral rolls are permanent, special, and additional.

(2) The permanent electoral rolls shall be drawn up by locality and shall include all Community nationals who have their domicile in the locality for which the rolls thereof have been drawn up.

(3) The permanent electoral rolls shall be drawn up for the communes by villages, and streets, where appropriate, and for the towns, municipalities, and administrative subdivisions of municipalities, by streets and by blocks of flats, where appropriate.

(4) The permanent electoral rolls shall include, in the succession of the number of buildings where the Community nationals live, the full name, the personal numerical code, the domicile, the identity document type, series, and number.

(5) In case the permanent electoral rolls cannot be drawn up in compliance with the provisions of paragraphs (2)-(4), the Community nationals may enter on the

permanent electoral rolls in alphabetical order by the opinion of the county or district electoral bureau.

(6) Within 45 days at the most of the bringing the reference date to public knowledge, the National Centre for Database Management of the People's Records shall select and operate the data regarding the Community nationals included in the National Register of People's Record, shall publish and place at the disposal of mayors free of charge two copies of the permanent electoral rolls through its territorial units. The permanent electoral rolls shall be signed by the mayor, by the secretary of the administrative-territorial unit, by the head of the county Community public service of the people's records, as well as by the head of the territorial unit of the National Centre for Database Management of the People's Records.

(7) A copy of the permanent electoral rolls shall be kept by the mayor, and the other one shall be handed in to the court of law under whose territorial jurisdiction the locality for which it has been drawn up falls.

(8) The updating of the permanent electoral rolls shall be carried out by the mayor of the administrative-territorial unit, together with Community public service of the people's records.

(9) Within 10 days of the receipt of the permanent electoral rolls, the mayor is obliged to place at the disposal of political parties, political alliances, and electoral alliances at their request and on their expense copies of the permanent electoral rolls.

(10) The Community nationals are entitled to check up their entries on the permanent electoral rolls. To this aim, the mayors are obliged to make available for consultation the permanent electoral rolls and to organize the information and guidance of the electors for making all the necessary verifications.

(11) The complaints with reference to any omissions, incorrect entries, any other errors on the rolls, as well as to the refusal to allow the verification of the entries shall be made in writing to the mayor of the locality, who is obliged to pass an order within 3 days at the most of the registration.

(12) The petitions regarding the solving of complaints shall be submitted in writing within 5 days of the notification of the orders to the court of law in the jurisdiction of which the elector resides, and shall be solved by the court thereof within 3 days at the most of the registration.

(13) Within 48 hours of the solving of complaints and of the operation of changes in the permanent electoral rolls, the mayors are obliged to transmit them to the National Centre for Database Management of the People's Records.

(14) By at least 5 days before the reference date, the National Centre for Database Management of the People's Records through its territorial units shall print and place at the disposal of the mayors, in three samples, free of charge, copies of the permanent electoral rolls, updated, which include the Community nationals in each polling station. The copies of the permanent electoral rolls shall be signed by the mayor, by the secretary of the administrative-territorial unit, by the head of the county Community public service of the people's records, as well as by the head of the territorial unit of the National Centre for Database Management of the People's Records.

(15) The copies of the permanent electoral rolls include the Community national's full name, personal numerical code, domicile, identity document type, series, and number, the polling station number, as well as a column for the Community national's signature.

(16) The copies of the permanent electoral rolls shall be handed in by the mayor, in two samples, on a statement of poll basis to the presidents of the bureaux of the

polling stations two days before the reference date. A sample shall be placed at the electors' disposal for consultation, and another one shall be used on the reference date. The third sample of the copy shall be kept by the mayor.

(17) Any inconsistency between the permanent electoral roll and the copy shall be solved by the mayor immediately, by order, based on the data included in the permanent electoral roll.

(18) Any alteration which occurs in the permanent electoral roll, after the handing in of the copy to the bureau of the polling station shall be immediately communicated to it in writing by the mayor.*

*Amended by G.E.O. no. 11/2009.

Art. 9¹ . - (1) 60 days at the latest before the reference date, the citizens entitled to vote from the Member States of the European Union, other than Romania, who have their domicile or residence in Romania may apply to enter on the special electoral rolls. Their applications shall be submitted in writing to the mayor of the locality of domicile or residence, together with a copy of a valid identity document.

(2) The special electoral rolls include the full name of the Community voter, his/her citizenship and address in Romania.

(3) The model and contents of the application shall be settled by Government Decision, upon the proposal of the Ministry of Administration and Interior with the Permanent Electoral Authority. The application is deemed a public document and falls under the incidence of Article 292 of the Criminal Code.

(4) Within the meaning of this law, by *valid identity document of the Community voter or of the Community eligible person*, one shall understand any document issued by the Member State, other than Romania, whose citizen is a holder of the document, which is considered an identity document in the issuing state.

(5) The mayor shall communicate the answer to the application to the applicant within 10 days at the most of its registration.

(6) The special electoral rolls shall be signed by the mayor and by the secretary of the administrative-territorial unit. A copy of the special electoral rolls shall be kept by the mayor, and the other one shall be handed in to the court of law under whose territorial jurisdiction the said administrative-territorial unit falls.

(7) The Community voters shall keep their entries on the special electoral rolls until they require to be removed from the rolls thereof or until these entries are removed when they cease to meet the conditions of exercising the right to vote. The removing of the Community voters' entries from the special electoral rolls shall be operated by the mayor.

(8) The complaints with reference to any omissions, incorrect entries, and any other errors on the special rolls shall be made in writing to the mayor of the administrative-territorial unit, who is obliged to solve them within 3 days at the most of the registration.

(9) The petitions regarding the solving of complaints shall be submitted in writing within 5 days of the notification to the court of law in the jurisdiction of which the citizen of the Member State of the European Union, other than Romania resides, and shall be solved by the court thereof within 3 days at the most of the registration.

(10) Within 30 days before the reference date at the latest, the mayors shall transmit to the Permanent Electoral Authority, in order to carry out the duty referred to in Article 11, copies of the applications of entrance on the special electoral rolls, together with the copies of the identity documents.

(11) The mayor shall make copies of the special electoral rolls, which include the Community voters in each polling station. Two days before the reference date, the mayor shall submit two samples of the copies of the special electoral rolls, on a statement of poll basis to the electoral bureau of the polling station. A sample shall be placed at the electors' disposal for consultation, and another one shall be used on the reference date. A third sample of the copy shall be kept by the mayor.

(12) The copies of the special electoral rolls shall be signed by the mayor and by the secretary of the administrative-territorial unit.

(13) The copies of the special electoral rolls shall include the full name of the Community voter, his/her citizenship and address in Romania, according to the application which has enabled the Community voter to enter on the special electoral rolls, the number of the polling station, as well as a column for the voter's signature.

(14) Any inconsistency between the special electoral roll and its copy shall be solved by the mayor, by order, on the basis of the data included in the special electoral roll.

(15) The mayor shall communicate immediately in writing to the electoral bureau of the polling station any alteration which occurs in the special electoral roll, after the handing in of the copy to the electoral bureau of the polling station.*

*Introduced by G.E.O. no. 1/2007 and amended by G.E.O. no. 11/2009.

Art. 9². - (1) Community nationals who are in another locality than in their domicile locality on the reference date may exercise their right to vote in any polling station and shall be entered on additional electoral rolls.

(2) The members of the electoral bureau of the polling station and the persons with duties in maintaining order shall vote at the polling station where they carry out their activity and shall be entered on the additional electoral rolls.

(3) The Community nationals who are abroad on the reference date may vote in any other polling station organised abroad and shall be entered on the additional electoral rolls.

(4) Community voters who exercise their right to vote by means of the special ballot box shall be entered on the additional electoral rolls.

(5) On the additional electoral rolls there shall also enter the voters who come to vote and prove by their identity document that they domicile in the jurisdiction of the said polling station, but they have been omitted from the permanent electoral roll, or from the copy of the permanent electoral roll from the polling station.

(6) The stipulations of paragraphs (1)-(4) shall apply accordingly in the case of the Community voters.

*Introduced by G.E.O. no. 1/2007 and amended by G.E.O. no. 11/2009.

Art. 10. - (1) When he/she submits his application to stand as a candidate, a citizen of a Member State of the European Union, other than Romania, shall produce the following documents:

a) a formal declaration specifying his citizenship, domicile or residence address on the Romanian territory, the local community or the constituency from the Member State where he has entered on the electoral roll, and that he/she does not stand as a candidate to the European Parliament in another Member State of the European Union;

b) a certificate, issued by the competent authority in the state whose citizen he/she is, certifying that he/she has not been deprived of the right to stand as a candidate in the

respective state by means of a final judgement or that, to the authority's knowledge, such an interdiction does not exist;

c) a valid identity document;

(2) The declaration referred to in paragraph (1), point a) is deemed a public document and falls under the incidence of Article 292 of the Criminal Code.

(3) The provisions of Articles 12 and 12¹ shall apply accordingly.

(4) The model of the declaration referred to in paragraph (1), point a) shall be set by Government Decision upon proposal of the Ministry of Administration and Interior and of the Permanent Electoral Authority.

(5) Within 24 hours of the admission of the Community eligible person's candidature, the Central Electoral Bureau shall send to the Permanent Electoral Authority a copy of this person's file of candidature.*

*Amended by G.E.O. no. 11/2009.

Art. 11. - (1) The Permanent Electoral Authority shall inform the authorities in the other Member States of the European Union with similar responsibilities with regard to the Community voters who have been entered on the special electoral rolls and to the Community eligible persons, whose candidature has been accepted by the Central Electoral Bureau.

(2) The Permanent Electoral Authority shall provide the required information to the authorities in the other Member States of the European Union with similar responsibilities, with regard to the Romanian citizens who expressed their intention to vote in the said Member States.

(3) In the event that the Permanent Electoral Authority is informed by an authority with similar responsibilities in another Member State of the European Union that a Romanian citizen has entered on the electoral roll in another Member State of the European Union, they shall communicate it to the National Centre for Database Management of the People's Records in order to cross off his/her entry from the copy of the permanent electoral roll, and to the Ministry of Foreign Affairs.

(4) At the request of the Romanian citizens who want to stand as candidates to the European Parliament in another state of European Union, the Permanent Electoral Authority shall draw up certificates, in order to certify the fact that they have not been deprived by the right to be elected in Romania, or that, to the authority's knowledge, such an interdiction does not exist.

(5) As a result of the information exchange between the authorities with similar responsibilities in the other Member States of the European Union, the Permanent Electoral Authority shall notify the Central Electoral Bureau the cases when the Romanian citizen registers stand as candidates to the European Parliament in other states of European Union.

(6) The Permanent Electoral Authority is the only public authority in Romania that may exchange information regarding the electoral rights of the citizens of Romania or of the other Member States of the European Union with the authorities in the other Member States of the European Union with similar responsibilities.

(7) The public authorities in Romania have the obligation to support the Permanent Electoral Authority in carrying out the duties referred to in paragraphs (1)-(6).*

*Amended by G.E.O. no. 11/2009.

Art. 12. - (1) The nomination of candidates shall be made only by the political parties, the political alliances and the organisations of citizens belonging to national minorities, duly established, as well as by the electoral alliances set up in compliance with the terms of this law. The lists of candidates for the election of members from Romania to the European Parliament shall be submitted to the Central Electoral Bureau 60 days at the latest before the reference date.

(2) The lists of candidates shall be submitted in writing in 4 samples, original and 3 copies, shall be signed by the leadership of the political party, the organisation of citizens belonging to national minorities, the political alliance or the electoral alliance or by the persons specially empowered to sign them and contain the full name, first name of parents, place and date of birth, citizenship, address, political affiliation, occupation and profession of candidates.

(3) The candidates nominated by a political party, a political or an electoral alliance must be part of the party thereof or, where appropriate, a political party, a member of that alliance.

(4) In order to be registered with the Central Electoral Bureau, the lists of candidates nominated by the political parties, the organisations of citizens belonging to national minorities, the political alliances or the electoral alliances shall be accompanied by a list containing at least 200,000 voters. The list of supporters shall be submitted in one sample only.

(5) The list of candidates shall be accompanied by the following documents:

a) a sample of the supporters' list;

b) a copy of the identity document of each candidate;

c) the declarations of candidature acceptance, drawn up in 4 samples each; the declaration of candidature acceptance shall be signed and dated by the candidate, personally, and shall contain the full name, first name of parents, place and date of birth, citizenship, address, political affiliation, occupation and profession of candidate, his specific consent to stand as a candidate, as well as the compliance with all the conditions referred to by law.

d) the candidates' statements of wealth and interest referred to in the Annex to Law no. 115/1996, with the subsequent amendments, and in the Annex to Government Decision no. 506/2003, with the subsequent amendments, filled in and signed by candidates, drawn up in two samples each.

e) the candidates' formal declarations stating that they had or they did not have the capacity as employees or as collaborators with the State Security, the model of which is provided for in the Annex to Government Emergency Ordinance no. 24/2008 with regard to the access to one's own file and discovery of Security, approved with amendments and completions by Law no. 293/2008, drawn up in two samples each.

(6) The candidates' statements of wealth and interest shall be published on the web page of the Central Electoral Bureau within 48 hours of the finalization of the candidatures. The candidates' formal declarations stating that they had or they did not have the capacity as employees or as collaborators with the State Security shall be put forward within 24 hours of their registration to the National Council for the Study of the Security's Archives.

(7) Two samples of the list of candidates and of the declarations of candidature acceptance, certified by the president of the Central Electoral Bureau by stamp and

signature shall be handed back to the one who submitted them, who is obliged to submit one sample of each to the Bucharest Tribunal.

(8) The lists of candidates from Romania for the elections to the European Parliament shall be drawn up so as both genders are represented.

(9) The number of candidates on each of the lists may not exceed more than 10% of the number of mandates for Romania in the European Parliament.

(10) Each political party, organisation of citizens belonging to national minorities, political alliance or electoral alliance standing in the elections to the European Parliament, according to this law, may submit one list of candidates only.

(11) The non-compliance with the provisions of paragraph (8) shall entail the nullity of the lists of candidates. Nullity shall be established by a decision of the Central Electoral Bureau.*

*Amended by G.E.O. no. 11/2009.

Art. 12¹. - (1) A Romanian citizen or a citizen of another Member State of the European Union may stand in the elections as an independent candidate if he/she is supported by at least 100,000 voters. The application of acceptance for an independent candidature shall be submitted to the Central Electoral Bureau in 4 samples, together with a sample of the list of supporters, 60 days at the latest before the reference date.

(2) The application of acceptance for an independent candidature shall contain the full name, first name of parents, place and date of birth, citizenship, address, occupation and profession of the candidate, as well as his/her signature.

(3) The provisions of Article 12 paragraphs (5)-(6) shall apply accordingly. Two samples of the nomination for independent candidature, certified by the president of the Central Electoral Bureau by stamp and signature, shall be handed back to the one who submitted them, who is obliged to submit one sample to the Bucharest Tribunal.

(4) Lists of independent candidates cannot be submitted. There shall not be admitted independent candidatures on the lists of candidates submitted by the political parties, political alliances or electoral alliances. There shall not be admitted independent candidatures of members of political parties, political alliances, and electoral alliances or of organisations of citizens belonging to the national minorities.

*Introduced by G.E.O. no. 11/2009.

Art. 12². - (1) A voter can support only one political party, political alliance, electoral alliance, organisation of citizens belonging to the national minorities or independent candidate.

(2) The list of supporters is a public act and falls under the Criminal Code. At the end of the list, the person who has drawn it up shall include a formal declaration certifying the authenticity of the supporters' signatures. The model of the supporters' list and that of the formal declaration are set by Government Decision.*

*Introduced by G.E.O. no. 11/2009.

Art. 12³. - (1) The Central Electoral Bureau sees to the carrying into effect of the conditions of substance and form provided for by this law on candidatures, accepts the candidatures which meet such conditions or rejects the candidatures which do not meet the legal conditions.

(2) The admission or rejection of the candidatures by the Central Electoral

Bureau shall be carried out by decision within 5 days at the most of their registration.

(3) The Central Electoral Bureau shall draw up statements of poll which register the date and the time of posting the decisions of admission of candidatures or, where appropriate, of rejection.

(4) Candidates may withdraw the candidatures up to the date when the candidatures become final. To this end, they shall make a formal declaration in writing stating the candidature withdrawal. The declaration shall be submitted to the Central Electoral Bureau.

(5) The political parties, the organisations of citizens belonging to national minorities, and the political alliances or the electoral alliances may withdraw candidatures from the list and may submit other nominations in order to complete the list of candidates up to the time limit for submitting the candidatures. The candidatures may be withdrawn by means of a petition, in writing, signed by the same persons who sign the initial lists of candidates.

(6) In the event of candidature withdrawal or of the demise of the candidate after the time limit for submitting the candidatures, the political parties, the organisations of citizens belonging to national minorities, and the political alliances or the electoral alliances are not allowed to replace their candidate.

(7) A person shall accept one candidature only. In the event that a person stands as a candidate for several times in the same elections to the European Parliament, his/her nominations shall be null *de jure*. Nullity shall be established by a decision of the Central Electoral Bureau.*

*Introduced by G.E.O. no. 11/2009.

Art. 13. - (1) Within 24 hours of the registration, the Central Electoral Bureau shall make public, by posting at its headquarters, at the seats of the county electoral bureaux, of the district electoral bureaux of Bucharest Municipality, and at the seat of the electoral bureau for the polling stations abroad the lists of candidates and independent candidatures it received, as well as by means of the Romanian Television Broadcasting Company and of the Romanian Radio Broadcasting Company.*

*Amended by G.E.O. no. 11/2009.

(2) Up to 45 days before the reference date, the Community nationals, the Community voters, the political parties, the organisations of citizens belonging to national minorities, the political alliances and the electoral alliances may question the candidatures.

(3) The petitions with regard to the admission or rejection of candidatures shall be submitted in writing to the Bucharest Tribunal and shall be settled by it within two days at the most of the registration.*

*Amended by G.E.O. no. 11/2009.

(4) The decision may be appealed, within 24 hours of its pronouncement, to the Court of Appeal in Bucharest. The appeal shall be settled within two days of the registration. The decision shall be final and irrevocable.

(5) Within 24 hours of the expiry of the time limits specified in paragraphs (2) – (4), the Central Electoral Bureau shall establish, based on a statement of poll, the final candidatures and shall make them public according to the conditions referred to in paragraph (1).*

*Amended by G.E.O. no. 1/2007.

(6) The order number on the ballot papers of the political parties, organisations of citizens belonging to national minorities, political alliances and of the electoral alliances which have submitted lists of candidates, as well as of the independent candidates, shall be determined as follows:

a) during the first stage, the lists of the political parties, of the organisations of citizens belonging to national minorities, political alliances and of the electoral alliances, thereof, that have members in the European Parliament shall be registered in the quadrilaterals on the ballot paper in the order resulted by drawing lots provided by the president of the Central Electoral Bureau; the list of the first party, first political alliance, first electoral alliance, first organisation of citizens belonging to national minorities taken out of the ballot box shall be printed in the quadrilateral with order number 1; the list of the second political party, second political alliance, second electoral alliance, second organisation of citizens belonging to national minorities taken out shall be printed in the quadrilateral with order number 2. The printing continues until the lists of all the political parties, political alliances, and of the electoral alliances, as well as of the organisations of citizens belonging to national minorities are exhausted;

b) during the second stage, the lists of the political parties, political alliances and of the electoral alliances, as well as of the organisations of citizens belonging to national minorities, duly established, that have no members in the European Parliament shall be registered in the next quadrilaterals on the ballot paper in the order resulted by drawing lots provided by the president of the Central Electoral Bureau.*

*Introduced by G.E.O. no. 1/2007 and amended by G.E.O. no. 11/2009.

(7) The drawing of lots specified under paragraph (6) shall be carried out in the presence of the representatives of the political parties, political alliances, and of the electoral alliances, as well as of the organisations of citizens belonging to national minorities that have submitted lists of candidates.*

*Introduced by G.E.O. no. 1/2007.

(8) For each independent candidate a distinct quadrilateral shall be printed at the end of the ballot paper, in the order of candidature registration with the Central Electoral Bureau.*

*Introduced by G.E.O. no. 1/2007.

Art. 13¹. - (1) For the organisation and conduct of the specific operations during the electoral period, there shall be set the Central Electoral Bureau, the county electoral bureaux, the electoral bureaux of the polling stations abroad, the electoral bureaux of the Bucharest Municipality districts, and the electoral bureaux of the polling stations.

(2) The electoral bureaux shall consist only by citizens entitled to vote. The nominated persons, their spouses, relatives, and in-laws up to the second degree inclusively are not allowed to be members in the electoral bureaux.

(3) In carrying out the duties incumbent to them, the members in the electoral bureaux are deemed to pursue a position which implies the state authority. The fair and

objective pursuance of the position of member in the electoral bureau shall be compulsory. The failure to comply with this obligation shall entail the legal, civil, or criminal liability, where appropriate.

(4) No one may be at the same time a member in two or more electoral bureaux.

(5) The polling statements drawn up on the setting up and filling in the vacancies in the electoral bureaux shall prove the capacity as member in the electoral bureau.*

*Introduced by G.E.O. no. 11/2009.

Art. 13². - (1) The county electoral bureaux, the electoral bureaux of the polling stations abroad, the electoral bureaux of the Bucharest Municipality districts, and the electoral bureaux of the polling stations shall work with all their members being present and shall adopt decisions through the vote of the majority of the present members.

(2) The Central Electoral Bureau shall work with all its members being present and shall adopt decisions and orders through the vote of the majority of the present members.

(3) In the event of a tie, the president's vote is conclusive.

*Introduced by G.E.O. no. 11/2009.

Art. 13³. - (1) The representatives of the political parties, of the organisations of citizens belonging to national minorities, of the political or electoral alliances thereof in the electoral bureaux shall not be entitled to be given or to pursue other duties except for those in compliance with this law.

(2) The representatives of the political parties, of the organisations of citizens belonging to national minorities, of the political or electoral alliances thereof in the electoral bureaux may be replaced upon request by the ones who nominated them with the approval of the electoral bureau up to one day before the voting day, and, in the event of demise, cases of illness, or accidents, even on the reference date with the compliance, where appropriate, with the conditions referred to in Articles 14, 14², 14⁴, and 14⁵.

(3) The capacity as member in an electoral bureau ends under the law in case of bringing him/her to trial for the perpetration of an offence, which is stipulated by this law. The ceasing of the capacity as member in an electoral bureau under the law shall be ascertained within 48 hours of the occurrence of the case by the president of the electoral bureau of higher level, and in the case of the Central Electoral Bureau by the president of the High Court of Cassation and Justice. The provisions of paragraph (2) shall apply accordingly.*

*Introduced by G.E.O. no. 11/2009.

CHAPTER III

Organisation and conduct of the elections

Art. 14. - (1) The composition of the Central Electoral Bureau shall consist of 5 judges of the High Court of Cassation and Justice, the president and the vice-presidents of the Permanent Electoral Authority, 10 representatives at the most of the political parties, of the organisations of citizens belonging to national minorities, of their political

or electoral alliances thereof who take part in the elections.*

*Amended by G.E.O. no. 11/2009.

(2) The appointment of the 5 judges shall be pursued by the president of the High Court of Cassation and Justice, in open meeting, within 5 days of the setting of the reference date, by drawing lots, from among the sitting judges of the Court. The date of the open meeting for the drawing of lots shall be communicated in writing, by the president of the High Court of Cassation and Justice, two days before the meeting, to the political parties, as well as to the organisations of citizens belonging to national minorities that have members in the European Parliament, and it shall be made public in the media.*

*Amended by G.E.O. no. 11/2009.

(3) In the organisation and the conduct of the drawing of lots one representative each is allowed to participate, appointed as such, of each political party, and of each organisation of citizens belonging to national minorities that have members in the European Parliament. The result of the drawing of lots shall be recorded in a minute signed by the president and the junior first-judge of the High Court of Cassation and Justice.

*Amended by G.E.O. no. 11/2009.

(4) Within 24 hours of the nomination, the appointed judges shall elect from among them, by secret ballot, the president of the Central Electoral Bureau and his deputy. Within 24 hours of the appointment of the president of the Central Electoral Bureau, in the composition of the Central Electoral Bureau shall enter the president and the vice-presidents of the Permanent Electoral Authority, as well as one representative of each political party, and of each organisation of citizens belonging to national minorities that have members in the European Parliament. The Permanent Electoral Authority shall communicate to the president of the Central Electoral Bureau, as soon as he/she is appointed, the list of political parties and organisations of citizens belonging to national minorities that have members in the European Parliament.*

*Amended by G.E.O. no. 11/2009.

(5) The setting up of the Central Electoral Bureau shall be recorded in a minute, which represents the appointment document. In this composition, the Central Electoral Bureau shall carry out all the duties that are incumbent to it, according to this law.*

*Amended by G.E.O. no. 11/2009.

(6) Within two days of the date up to which candidatures become final, each political party, organisation of citizens belonging to national minorities, political or electoral alliance thereof participating in the elections and having no members in the European Parliament shall communicate in writing to the Central Electoral Bureau the full name of their representative. The notifications transmitted after this time limit shall not be taken into account. The appointment of the nominated representatives in the Central Electoral Bureau shall be made by drawing lots, within 24 hours of the expiry of

the time limit allowed to the notifications, by the president of the Central Electoral Bureau, in the presence of the bureau members and of the persons delegated by the political parties, organisations of citizens belonging to national minorities, political and electoral alliances thereof, that communicated the representatives thereof.

(7) The Central Electoral Bureau functions at the level of the national constituency and uses, as working apparatus, specialised personnel within the Ministry of Administration and Interior, of the Permanent Electoral Authority, and of the National Statistics Institute.*

*Amended by G.E.O. no. 1/2007.

(8) The Central Electoral Bureau, with the composition referred to in paragraph (4), shall adopt, within 2 days of its setting up, an organisation and functioning regulation, which shall be published in the Official Gazette of Romania, Part I, and which shall be compulsory for all the electoral bureaux. *

*Amended by G.E.O. no. 1/2007.

¹
Art. 14 . – (1) The Central Electoral Bureau shall have the following duties:

a) it shall undertake the publication in the Official Gazette of Romania, Part I of the list with the name and the electoral signs of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities duly set up, entitled to participate in the elections;

b) it shall ascertain the carrying into effect of the conditions of substance and form provided for by this law on candidatures;

c) it shall notify the admitted candidatures to the county electoral bureaux, to the electoral bureaux of the Bucharest Municipality districts, as well as to the electoral bureaux of the polling stations abroad, and it shall make them public through the agency of the national Television and Radio Broadcasting companies;

d) it shall settle the objections referring to its own activity and the complaints with regard to the activity of the county electoral bureaux, the electoral bureaux of the Bucharest Municipality districts, and of the electoral bureau of the polling stations abroad; the complaints shall be solved by decisions which are mandatory for the particular electoral bureau, as well as for the public authorities and institutions to which they refer, under the sanctions provided for by this law; in the event that, in giving a solution to an objection or complaint, spot checks are necessary, these checks shall be carried out in the presence of a judge from the Central Electoral Bureau; however, such checks shall not be allowed on the reference date;

e) it shall ascertain, on the basis of the notifications received from the electoral bureaux of lower level whether there are political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities that reached the electoral threshold referred to in Article 20 (1), and independent candidates that reached the electoral quotient referred to in Article 20 (2), and shall make public, within 24 hours of its finding, the list of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities that reached the electoral threshold;

f) it shall receive from the county electoral bureaux, from the electoral bureaux of districts, and from the electoral bureau of the polling stations abroad, the statements of poll referred to in Article 19⁸; it shall centralize the number of validly cast votes, for each political party, political alliance, electoral alliance, organisation of citizens

belonging to national minorities, and independent candidate that meet the condition referred to in point e) and sees to the distribution and allotment of mandates;

g) it shall nullify the election result in case it establishes that the poll or that the ascertaining of the election result have taken place by fraud liable to modify the allotment of the mandates, and it shall order the ballot to be repeated in the polling stations where such fraud have been found;

h) it may order the recount of the votes in a polling station or the recentralisation of the votes and of the election result in a county, district, or in the polling stations abroad, in case it establishes, on the basis of the proofs produced, that there have been committed errors, or that have been found discrepancies between the data registered in the statements of poll;

i) it shall organize and implement a system for data collecting and periodical information of public opinion with regard to the presence of population to the poll, on the basis of a representative population sample at the county and national level;

j) it shall send to the Permanent Electoral Authority, after the publication of the election result in the Official Gazette of Romania, Part I, the material required to draft the White Book of the elections.

(2) The Central Electoral Bureau shall carry out any other duties as stipulated in this law.

(3) The petition for the annulment of the election results for reasons of electoral fraud may only be requested by the political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof that took part in the elections as well as by the independent candidates. The petition shall be submitted to the Central Electoral Bureau within 24 hours of the closing of poll under the sanction of forfeiture. The petition shall be based on solid grounds, and accompanied by the relevant proofs. The lack of proofs incurs the petition's rejection. The petition may be admitted only if it has been liable to modify the allotment of the mandates. The resolving of the petition for the annulment of the election results by the Central Electoral Bureau shall be operated within 48 hours at the most of the registration thereof. Within 10 days at the most of the date the petition for the annulment of the election results is admitted a new ballot shall be organised in the polling stations where the fraud was found. The county electoral bureau, the district electoral bureau or the electoral bureau of the polling stations abroad, and the local public authorities or, where appropriate, the Ministry of Foreign Affairs shall ensure the conduct of the new ballot in good conditions. The ballot shall be organised only at the polling stations where the fraud was found, based on the electoral rolls in use, and under the appropriate enforcement of the present law. Electoral operations regarding vote counting and ascertaining of results shall be suspended until the new results are obtained.

(4) After the resolution on the petitions for the annulment of the election results for reasons of electoral fraud, and the centralisation of election results, the Central Electoral Bureau shall validate the elections and see to the publication of the election results in the Official Gazette of Romania, Part I. Within 24 hours of the publication of the election results in the Official Gazette of Romania, Part I, the Central Electoral Bureau shall cease its activity.

(5) In exercising the duties incumbent upon it, the Central Electoral Bureau shall adopt decisions and orders. The Central Electoral Bureau's orders shall be passed aiming to a unitary interpretation of this law, and are generally binding. The Central Electoral Bureau's decisions shall be taken both for the uniform implementation of the provisions of this law, and the solving of objections and complaints, which fall under its competence. The Central Electoral Bureau's decisions are mandatory for all authority,

public institutions, electoral bureaux, as well as for all the organisms with duties in the electoral matters. The decisions shall be brought to public knowledge by posting and by any other publicity means, and the orders shall be published in the Official Gazette of Romania, Part I.*

*Introduced by G.E.O. no. 1/2007 and amended by G.E.O. no. 11/2009.

Art. 14². - (1) The county electoral bureau or the electoral bureau of Bucharest Municipality district shall be made up of 3 judges, a representative of the Permanent Electoral Authority, appointed by it by decision, and of 10 representatives at the most of the political parties, organisations of citizens belonging to national minorities, of the political or electoral alliances thereof, that take part in the elections.

(2) The judges shall be appointed in open meeting, 60 days prior to the reference date by the president of the tribunal, by drawing lots, from among the sitting judges or, in the case of the electoral bureau of Bucharest Municipality district, from among the sitting judges of the district court of law. The date of the meeting shall be made public in the media by the president of the tribunal, at least 24 hours before. The lots shall be drawn for the positions of president and deputy, and they shall be recorded in a minute signed by the president of the tribunal, which represents the act of investiture. The county electoral bureau or the electoral bureau of Bucharest Municipality district thus established shall exercise all the duties that are incumbent upon it, according to this law, and it shall be completed within 24 hours with the representative of the Permanent Electoral Authority.

(3) Within 15 days prior to the reference date at the latest, the county electoral bureau or the electoral bureau of Bucharest Municipality district shall be completed with a representative each for a political party, organisation of citizens belonging to national minorities, political or electoral alliance that have members in the European Parliament. Until this date the political parties, organisations of citizens belonging to national minorities, the political or electoral alliances thereof, that take part in the elections and have members in the European Parliament are bound to send to the county electoral bureau or to the electoral bureau of Bucharest Municipality district the full name of their representative. Notifications transmitted after this time limit shall not be taken into account.

(4) Within 5 days of the completion of the expiry of the time limit referred to in paragraph (3), the bureau shall be completed with a representative for each political party, each organisation of citizens belonging to national minorities, political or electoral alliance thereof, that take part in the elections and have no members in the European Parliament by the president of the bureau, by drawing lots, in the presence of members of the bureau, and persons delegated by the political parties, organisations of citizens belonging to national minorities, political alliances, or by electoral alliances that notified their representatives. Until this date, the political parties, organisations of citizens belonging to national minorities, the political or electoral alliances thereof, that take part in the elections and have members in the European Parliament are bound to send to the county electoral bureau or to the electoral bureau of Bucharest Municipality district the full name of their representatives. Notifications transmitted after this time limit shall not be taken into account.*

*Introduced by G.E.O. no. 1/2007 and amended by G.E.O. no. 11/2009.

Art. 14³. - (1) The county electoral bureaux and the electoral bureaux of Bucharest Municipality district shall have the following duties:

a) they shall pursue and ensure the unitary implementation and the observance of this law's provisions by all the authorities, institutions and organisms with duties in electoral matters within the county or Bucharest Municipality district; they shall ensure, together with the prefects, the instruction of presidents of the electoral bureaux of the polling stations, as well as of their deputies;

b) they shall settle objections referring to its own activity and petitions regarding the proceedings of the electoral bureaux of the polling stations; contestations shall be settled by decisions which are binding for the electoral bureau in question, as well as for the public authorities and institutions to which they refer, under the sanctions of this law;

c) they shall see to the organisation of the polling stations in due time; they shall distribute, on the basis of a minute, together with the mayors, to the electoral bureaux of the polling stations the ballot papers, the control stamps, the stamps with the specification "VOTED", as well as other material required in the electoral process.

d) on the basis of the table notified by the Permanent Electoral Authority, which includes the Community voters, whose names have been entered on the special electoral rolls, they shall confirm upon request from the electoral bureaux of the polling stations within their territorial jurisdiction that the Community voters who come to the poll according to Article 9² are entered on the special electoral rolls;

e) they shall totalize the number of validly cast ballots for each list of candidates and for each independent candidate and shall notify the results to the Central Electoral Bureau in order to establish the electoral threshold;

f) they shall centralize the results of the vote counting for the county or for the Bucharest Municipality district where they operate and shall submit to the Central Electoral Bureau the statement of poll referred to in Article 19⁸, the statements of poll received from the electoral bureaux of the polling stations, as well as all the objections and contestations;

g) they shall send to the county tribunals, or to the Bucharest Tribunal, on a statement of poll basis the null and the contested ballot papers, the electoral lists used in the framework of the polling stations, as well as the other documents and materials, which shall not be delivered to the Central Electoral Bureau.

(2) The county electoral bureaux or the electoral bureaux of Bucharest Municipality district shall carry out any other duties in compliance with this law.

(3) The decisions of the county electoral bureau or of the electoral bureau of Bucharest Municipality district shall be made public by posting or by any other means of publicity.

(4) Should there be found discrepancies between the data recorded in the minutes received from the electoral bureaux of the polling stations, the county electoral bureau or the electoral bureau of Bucharest Municipality district shall ask the president of the electoral bureau of the polling station to operate the necessary rectifications, which shall be certified by signature and by affixing the control stamp of the polling station.*

*Introduced by G.E.O. no. 1/2007 and amended by G.E.O. no. 11/2009.

⁴
Art. 14 . - (1) The electoral bureau for the polling stations abroad shall be made up of 3 sitting judges of the Bucharest Tribunal, a representative of the Permanent Electoral Authority, appointed by it by decision, and of 10 representatives at the most of the political parties, political alliances, electoral alliances or of the organisations of citizens belonging to national minorities that take part in the elections.

(2) The provisions of Article 14² (2) - (4) shall apply accordingly.

(3) The electoral bureau for the polling stations abroad shall have the following duties:

a) it shall see to the organisation of the polling stations abroad in due time, shall pursue and ensure the unitary implementation and the observance of this law's provisions by all the authorities, institutions and organisms with duties in electoral matters for the organisation of the poll abroad; it shall ensure the instruction of presidents of the electoral bureaux of the polling stations, as well as of their deputies;

b) it shall settle objections referring to its own activity and contestations regarding the proceedings of the electoral bureaux of the polling stations abroad; contestations shall be settled by decisions which are binding for the electoral bureau in question, as well as for the public authorities and institutions to which they refer, under the sanctions of this law;

c) it shall distribute, on the basis of a minute, through the Ministry of Foreign Affairs, to the electoral bureaux of the polling stations abroad the ballot papers, the control stamps, the stamps with the specification "VOTED", as well as other material required by the electoral process;

d) within 5 days at the latest, prior to the reference date, it shall receive from the Permanent Electoral Authority the table which includes the Romanian citizens who exercise their voting right in the elections to the European Parliament in another Member State of the European Union, as well as the table including the Community voters, whose names have been entered on the special electoral rolls to the electoral bureaux of the polling stations abroad, through the agency of the Ministry of Foreign Affairs;

e) it shall sum up the number of validly cast ballots for each list of candidates and for the independent candidates, and shall communicate it to the Central Electoral Bureau aiming to settle the electoral threshold;

f) it shall centralize the election result for the polling stations abroad and shall submit to the Central Electoral Bureau the statement of poll referred to in Article 19⁸, the statements of poll received from the electoral bureaux of the polling stations, as well as all the objections and contestations;

(4) The electoral bureau for the polling stations abroad shall carry out any other duties incumbent to it in accordance with the law.

(5) The decisions shall be made public by posting or by any other means of publicity.

(6) Should there be found discrepancies between the data in the statements of poll received from the polling stations abroad, the electoral bureau for the polling stations abroad shall ask the president of the electoral bureau to operate the necessary rectifications, which shall be certified by signature and by affixing the control stamp of the polling station.

***Introduced by G.E.O. no. 1/2007 and amended by G.E.O. no. 11/2009.**

14⁵. - (1) The electoral bureaux of the polling stations shall be made up of a president, a deputy thereof, usually magistrates or other jurists, and at least 7 representatives of the political parties, organisations of citizens belonging to national minorities, of the political or electoral alliances thereof that take part in the elections. The electoral bureaux of the polling stations cannot function with less than 5 members.

(2) The appointment of the president and its deputy shall be carried out by the president of the tribunal 10 days prior to the reference date at the most, in open meeting

announced by 48 hours in advance, by drawing lots for each position from among the magistrates or other jurists of the county or of the district's court of law.

(3) The list of the magistrates who will take part in the drawing of lots shall be drawn up by the president of the tribunal, and the list of other jurists by the prefect, together with the president of the tribunal, by 30 days at the latest prior to the reference date. The lists shall include at least 10% more persons than necessary, as a reserve at the disposal of the president of the tribunal for the replacement of the occupants under special circumstances.

(4) The lists referred to in paragraph (3) shall include only jurists who have no political affiliation, and meet the conditions provided for by Article 13¹ (2).

(5) Should the number of jurists be insufficient, the list shall be completed by the prefect's proposal with other persons enjoying prestige among the citizens, and who are not members of any political party or organisation of citizens belonging to national minorities that take part in the elections and who are not relatives up to the fourth degree with anyone of the candidates.

(6) The list proposed by the prefect shall exceed by 10% the required number of persons as a reserve at the disposal of the president of the tribunal. The list shall include the full names, addresses, telephone numbers, and signatures of acceptance of the proposed persons. The list shall be accompanied by the formal statements of the persons proposed with regard to the compliance with the conditions referred to in paragraph (4).

(7) The proposals of persons from the list drawn up by the president of tribunal, as well as the lists drawn up by the prefect shall be approved by the Permanent Electoral Authority, on the basis of evaluation of the activity carried out during the former elections, irrespective of their kind, in their capacity as presidents of the electoral bureaux of the polling stations, and as deputies, where appropriate. The lists shall be submitted by the prefects for an opinion to the Permanent Electoral Authority, in the format required by it. The opinion of the Permanent Electoral Authority shall be communicated to the prefects and to the presidents of tribunals up to 5 days at the latest prior to the appointment of the presidents of the electoral bureaux of the polling stations and of their deputies.

(8) The grouping of the persons on the list for the purposes of drawing lots shall be made by taking into account the proximity of their dwelling places to the electoral bureau of the polling station. The result of the drawing of lots shall be counter-signed in a minute signed by the president of the county tribunal. The minute represents the act of investiture.

(9) Within 48 hours at the most of the drawing of lots, the president of the tribunal shall submit to the county electoral bureau or, where appropriate, to the district electoral bureaux the list of the persons appointed as presidents of the electoral bureaux of the polling stations, and as their deputies.

(10) Within two days at the most of the expiry of the time limit referred to in paragraph (9), the political parties, the organisations of citizens belonging to national minorities, the political or electoral alliances thereof that take part in elections are obliged to communicate to the county electoral bureau, and to the district electoral bureau in the case of Bucharest Municipality, respectively, the list of their representatives in the electoral bureaux of the polling stations, as a table containing the following: polling station number, full name, personal numerical code, domicile or residence and contact modality, namely telephone and fax number or e-mail. A political party, an organisation of citizens belonging to national minorities, a political or electoral alliance thereof that take part in the elections shall be allowed to have 3 representatives at the most in an electoral bureau of a polling station.

(11) The electoral bureaux of the polling stations shall be completed with the representatives of the parliamentary political parties, of the organisations of citizens belonging to national minorities, of the political or electoral alliances thereof by the president of the county electoral bureau, and of the Bucharest Municipality district electoral bureau, respectively, in the presence of the representatives of the political parties, of the organisations of citizens belonging to national minorities, political or electoral alliances thereof in the county electoral bureau, and of the Bucharest Municipality district electoral bureau, within 48 hours of the expiry of the time limit provided for under paragraph (10). The operations incurred by the completion of the electoral bureaux of the polling stations may be carried out in both days, and shall be recorded in minutes, which represent the act of investiture. The electoral bureaux of the polling stations shall be considered set up on the date when they are completed with representatives of the political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof.

(12) The order to complete the electoral bureaux of the polling stations shall be as follows:

a) in the first stage, the electoral bureaux of the polling stations shall be completed with one representative each nominated by each political party, organisation of citizens belonging to national minorities, political or electoral alliance thereof that takes part in the elections, and has members in the European Parliament;

b) during the second stage, the electoral bureaux of the polling stations shall be completed with one representative each nominated by each political party, organisation of citizens belonging to national minorities, political or electoral alliance thereof that takes part in the elections, and has no members in the European Parliament; the appointment of their representatives shall be carried out according to the order set for the completion of the county electoral bureau or of the Bucharest Municipality district electoral bureau;

c) if, according to the order established at the completion of the county electoral bureau, a political formation of the ones stipulated in point a) or b) is entitled to a representative in an electoral bureau, but it has not nominated a representative for that electoral bureau, in completing the said electoral bureau there shall be taken into account the political formation from among those provided for in point a) or b), which follows next to it , which has proposed a representative for that bureau.

(13) In the event that after carrying out the operations referred to in paragraph (12), there are still electoral bureaux of the polling stations which could not be completed with the maximum number of members provided for in paragraph (1), their completion shall be carried out as follows:

a) the completion order shall be settled by the drawing of lots of all the political parties, the organisations of citizens belonging to national minorities, political or electoral alliances thereof that take part in elections, and proposed representatives in the electoral bureaux of the polling stations;

b) each electoral bureau which could not be completed with the maximum number of persons shall complete, in the order established according to point a), with a person each, representing the second choice of the political formation for that electoral bureau; if, according to the order provided for in point a), a political formation is entitled to a representative in an electoral bureau, but has no second choice for that electoral bureau, in completing the said electoral bureau, there shall be taken into account the next political formation that has a second choice for that bureau;

c) if there are still electoral bureaux of the polling stations which could not be completed with the maximum number of members, the operation provided for in point

b) shall repeat with the persons representing the third choice for the said electoral bureaux.

(14) In the event that after carrying out the operations referred to in paragraph (13), there are still electoral bureaux of the polling stations which have less than 5 members, namely president, his deputy, and 3 members, they shall be completed with persons from the list proposed by the prefect, referred to in paragraphs (5) and (6).

(15) Upon the written request of the delegates of the political parties, the organisations of citizens belonging to national minorities, political or electoral alliances thereof that appointed representatives in the electoral bureaux of the polling stations, the president of the county electoral bureau or, where appropriate, of the district electoral bureau shall place at their disposal certified copies of the minutes for the completion of the electoral bureaux of the polling stations.

(16) Within two days of the expiry of the time limit for the completion of the electoral bureaux of the polling stations, the president of the county electoral bureau or, where appropriate, of the district electoral bureau shall communicate the mayors, through the agency of the prefects, the composition of the electoral bureaux of the polling stations, which are within the territory of their localities.*

*Introduced by G.E.O. no. 1/2007 and amended by G.E.O. no. 11/2009.

Art. 14⁶ . - (1) The electoral bureaux of the polling stations abroad are made up by a president, appointed by the chief of the diplomatic mission, usually from its ranges, and a number of 2-6 members designated by the president of the electoral bureaux of the polling stations abroad from a list drawn up by the Ministry of Foreign Affairs by 30 days at the latest prior to the reference date, upon proposal of the political parties, the organisations of citizens belonging to national minorities, political or electoral alliances thereof that take part in the elections and have members in the European Parliament. If the number of persons proposed by them is insufficient, the list shall be completed by the Ministry of Foreign Affairs with other persons enjoying prestige among the citizens, and who are not members of any political party. The list shall be submitted by the Ministry of Foreign Affairs for an opinion to the Permanent Electoral Authority, in the format required by it. The opinion of the Permanent Electoral Authority shall be communicated to the Ministry of Foreign Affairs up to 5 days at the latest prior to the appointment of the presidents of the electoral bureaux of the polling stations and of their deputies.

(2) The expenditure with transportation, accommodation, meals, and other current expenses of the members of the electoral bureaux of polling stations abroad shall be borne by the ones who appoint them.*

*Introduced by G.E.O. no. 1/2007 and amended by G.E.O. no. 11/2009.

Art. 14⁷ . - (1) The electoral bureaux of the polling stations shall have the following duties:

a) they shall receive from the mayors, on the basis of a minute, two copies of the permanent electoral rolls, and two copies of the special electoral rolls, which include the voters from the polling station; a sample for each type of roll shall be placed at the electors' disposal for consultation, and another sample shall be used on the reference date;

b) they shall receive from the mayors, on the basis of a statement report, the ballot papers, the control stamps and the stamps with the specification "VOTED", the

forms for the conclusion of statements of poll, other printed materials required for the conduct of the electoral process, as well as a ballot paper rejected by the president of the county electoral bureau or, where appropriate, of the district electoral bureau of the Bucharest Municipality, or of the electoral bureau of the polling stations abroad; this ballot paper shall be posted in a visible place on the day which precedes the elections; the electoral bureaux of the polling stations abroad shall receive this material through the agency of the Ministry of Foreign Affairs;

c) they shall run all the voting operations, and take all the necessary steps for maintaining order both inside and outside the polling station;

d) they shall count the votes and record the voting results;

e) they shall settle the objections referring to their own activity;

f) they shall hand over to the county electoral bureaux or, where appropriate, to the district electoral bureau the statements of poll containing the voting results, the ballot papers used and the contested ones, together with the objections, contestations, and the matter to which they refer, as well as the electoral rolls used at the polling station, filed on type of roll; the electoral bureaux of the polling stations abroad shall submit this material, through the agency of the Ministry of Foreign Affairs, to the electoral bureau for the polling stations abroad or to the Bucharest Tribunal, if the said electoral bureau has ceased its activity;

g) they shall hand over, on a statement of poll basis, to the representative of the court of law under whose jurisdiction their premises fall, and who is based at the seat of the county electoral bureau or, where appropriate, at the district electoral bureau, the ballot papers used and uncontested, as well as the nullified ballot papers, the electoral stamps, and other material required in the voting process; the polling stations abroad shall hand over the said material to the diplomatic missions that shall submit and see to its destruction by specialised companies within 3 months of the publication of the election results in the Official Gazette, Part I;

h) on the reference date they shall provide information with regard to the presence of population at the poll, in compliance with a calendar settled by the Central Electoral Bureau.

(2) The electoral bureaux of the polling stations shall carry out any other duties in accordance with the law.

(3) Following the handing over, the material referred to in Article 14⁷ (1) a) and b) shall be sealed by the presidents of the electoral bureaux, and shall be kept on watch until their transportation to the locals of the polling stations in one place only provided by the mayor of the administrative –territorial unit where they carry out their activity. As for the polling stations abroad, after reception, the material referred to in point b) shall be sealed by the presidents of the electoral bureaux of the polling stations, and shall be kept until their transportation to the locals of the polling stations in one place only provided by the chief of the diplomatic mission in the respective state.*

*Introduced by G.E.O. no. 1/2007 and amended by G.E.O. no. 11/2009.

Art. 14⁸. - (1) The political parties, the organisations of citizens belonging to national minorities, political or electoral alliances thereof, as well as the independent candidates may contest the modality of setting up or the composition of the electoral bureaux within 48 hours of the expiry of the time limit or, where appropriate, of the completion of such bureaux.

(2) The contestations shall be filed to the electoral bureau higher in level or, if the contestation refers to the Central Electoral Bureau, to the High Court of Cassation and

Justice, and shall be resolved by them within two days at the most of the registration. The pronounced decision or the judgement, where appropriate, is final.*

***Introduced by G.E.O. no. 1/2007 and amended by G.E.O. no. 11/2009.**

Art. 14 . - (1) The county electoral bureaux, the Bucharest Municipality district electoral bureaux, the electoral bureau for the polling stations abroad, and the electoral bureaux of the polling stations shall cease their activity after the date when the statements of poll they have drawn up for the recording and centralisation of the voting results are submitted to the electoral bureaux at higher level, on condition there are not found any errors or inconsistencies thereof.*

***Introduced by G.E.O. no. 11/2009.**

Art. 15. - The polling stations shall be organised as follows:

a) in the urban localities having a population of over 1,000 inhabitants, one polling station per 1,000 – 2,000 inhabitants;

b) in the localities having a population of less than 1,000 inhabitants, only one polling station;

c) there may also be organised polling stations in the villages, groups of villages or districts with a population up to 500 inhabitants, situated within a distance of more than 3 km of the closest polling station from the residence of the commune, town or municipality.

(2) The delimitation of the polling stations shall be determined by the mayors of the communes, towns or municipalities or of the administrative-territorial subdivisions of the municipalities with the support of the territorial units of the National Centre for Database Management of the People's Records within 15 days at the most of the bringing to public knowledge of the reference day.

(3) The numbering of the polling stations within the territorial jurisdiction of a county, or of the Bucharest Municipality shall be set by the prefect within 5 days at the most of the delimitation of the polling stations, starting with the locality which is a county residence, and continuing with the ones in the municipalities, towns and communes, in the alphabetic order thereof; in the municipalities with administrative-territorial subdivisions, the numbering shall be done with the observance of these subdivisions, as provided for by law.

(4) Within 5 days at the most of the expiry of the time limit stipulated in paragraph (3), the prefects shall communicate the Permanent Electoral Authority the delimitation and numbering of each polling station, as well as other relevant data with reference to the building destined to the voting process, in the format established by it. Any alterations regarding the delimitation and numbering of the polling stations, as well as the places for carrying out the voting process shall be communicated to the Permanent Electoral Authority within 48 hours at the most.

(5) Within 45 days at the latest, prior to the reference date, the prefects shall make public the delimitation and numbering of each polling station by means of publications which indicate even the place for the conduct of voting.

(6) The mayors and the secretaries of the communes, towns or municipalities or of the administrative-territorial subdivisions, as well as the National Centre for Database Management of the People's Records shall ensure the data, information and necessary support for carrying out the obligations provided for in paragraphs (3)-(5) by the prefects.

(7) Near the diplomatic missions and consular bureaux of Romania there shall be

organised one or more polling stations for the voters who are abroad on the reference date.

(8) Apart from the polling stations referred to in paragraph (7), by government agreement in the respective country, there may also be organised polling stations in other localities than those where diplomatic missions and consular bureaux have their seat.

(9) The numbering of the polling stations abroad shall be settled by order by the minister of foreign affairs. Within the time limit stipulated in paragraph (5), the minister of foreign affairs shall make public the numbering of each polling station abroad, as well as the locals for the carrying out of voting.

(10) The polling stations referred to in paragraphs (7) and (8) shall be organised and endowed by care of the Ministry of Foreign Affairs. To this end, the Ministry of Public Finance shall allot the necessary funds.*

* Amended by G.E.O. no. 11/2009.

Art. 16. - (1) The electoral campaign shall start 30 days prior to the reference date and shall end on the Saturday morning which precedes the reference date, at 7:00 hours.

(2) During the electoral campaign, the candidates, the political parties, the political or electoral alliances, the organisations of citizens belonging to national minorities, that take part in the elections, as well as the citizens are entitled to freely express their opinions and without discrimination in meetings, gatherings, marches, as well as in mass media. The organisation of the meetings, gatherings, and marches shall be done only after the authorization thereof provided for by the legislation in force.

(3) The means used in the electoral campaign shall not contravene the rule of law.

(4) The electoral campaign activities of any kind are forbidden in the military units, education units, during the teaching programme, at the premises of the diplomatic representations, as well as in prisons.

(5) During the electoral campaign, the mayors shall ensure the candidates equal conditions to meet their electors in proper areas.*

* Amended by G.E.O. no. 11/2009.

Art. 17. - (1) The electoral campaign through the services of public and private radio and television programmes shall serve the general interests of the following:

a) of the electorate – to receive accurate information, so that they may exercise their voting right properly;

b) of the political parties, political or electoral alliances, organisations of citizens belonging to national minorities that take part in the elections and of the independent candidates – to make themselves known and to display their political platforms and programmes, and electoral offers;

c) of the broadcasters – to exercise their rights and liabilities pertaining to the profession of journalist.

(2) The public and private broadcasters are obliged to provide within the framework of audio-video programmes, the conduct of a just, balanced and fair campaign for all the political parties, political or electoral alliances, organisations of citizens belonging to national minorities that take part in the elections, as well as for the independent candidates.*

* Amended by G.E.O. no. 11/2009.

Art. 17¹. - (1) During the electoral period, the public opinion polls with electoral contents shall be accompanied by the following information:

- a) the name of the institution who made the poll;
- b) the date and time interval when the poll was made and the methodology thereof;
- c) the size of the population sample and the maximum margin of error;
- d) who ordered the poll and who paid for the poll.

(2) Tele-voting and street surveys of the electorate shall not be presented as representative for the public opinion or for a certain social or ethnic group.

(3) Within 48 hours prior to the reference date, the presentation of public opinion polls, Tele-voting or street surveys are forbidden.

(4) Either the poll institutes, the public companies, or the nongovernmental organisations that have as an activity object the opinion polls, and are authorized by the decision of the Central Electoral Bureau are entitled to make such exit polls. On the basis of the authorization of the institution they work for, the access of the poll operators thereof shall be allowed in the protection zone of the polling station, stipulated in Article 19³ (6), but it will be restricted within the premises of the polling station.

(5) On the voting day, the presentation of exit polls before the closing of poll is forbidden.*

* Introduced by G.E.O. no. 11/2009.

Art. 18. - (1) The political parties, political or electoral alliances, organisations of citizens belonging to national minorities that take part in the elections, as well as the independent candidates shall be obliged to request the air time to the management of the public services of radio and television broadcasting up to the date when the candidatures become final.

(2) The access of political parties, political alliances, and electoral alliances that take part in the elections, as well as of independent candidates to the public radio and television services shall be free of charge. The private radio and television broadcasting stations shall charge the same tariff per broadcast and per time unity for all the political parties, political or electoral alliances, and organisations of citizens belonging to national minorities that take part in the elections, and the air time must be comparable to the air time distributed by public stations. The failure to observe the provisions of this paragraph by the private radio and television broadcasting stations shall incur the penalization thereof. The sanctions shall be settled by decisions of the National Broadcasting Standards Council.

(3) The introduction of electoral advertising in broadcasts other than the electoral ones shall be forbidden.

(4) Within 48 hours of the finalization of the candidatures, the Romanian Radio Broadcasting Company and the Romanian Television Broadcasting Company shall set, on the basis of the notification from the Central Electoral Bureau, the calendar for the electoral campaign and the distribution of the air time for the access of political parties, political alliances, and electoral alliances that take part in the elections, as well as of independent candidates to the public radio and television services, taking into account the following quota of the allotted air time:

- a) 4/5 of the air time shall be equally distributed to the political parties,

organisations of citizens belonging to national minorities that have members in the European Parliament, and participating in the elections, as well as to the political alliances or electoral alliances thereof;

b) 1/5 of the air time shall be equally distributed to the political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities that have no members in the European Parliament who participate in the elections as well as to the independent candidates.*

* Amended by G.E.O. no. 11/2009.

Art. 18¹. – Within 30 days of the setting up of the reference date, the National Broadcasting Standards Council shall settle by decision the rules for the conduct of the electoral campaign for the election of the members from Romania to the European Parliament through the services of radio and television programmes.*

* Introduced by G.E.O. no. 11/2009.

Art. 18². – (1) After the expiry of the time limit for the filing of candidature applications but before the beginning of the electoral campaign, the mayors are obliged to set by order, special areas for electoral advertising for the display of electoral panels according to the number of political parties, organisations of citizens belonging to national minorities, political alliances or electoral alliances thereof that take part in the elections, as well as of independent candidates. Within the same interval, the mayor's order shall be made public by posting it at the town hall's premises.

(2) The special areas for advertising shall be set in public places convenient to the citizens, so that the participants in the elections may visit them frequently without hindering the traffic on public roads or activities in the respective localities. The mayors are obliged to take care in advance to remove any electoral material of propaganda remained from the former campaigns.

(3) Such special areas for advertising shall be used only by the political parties, organisations of citizens belonging to national minorities, political alliances or electoral alliances thereof that take part in the elections, as well as by the independent candidates.

(4) The use of the special areas for advertising by a political party, organisation of citizens belonging to national minorities, political alliance or electoral alliance that takes part in the elections, as well as by an independent candidate in order to prevent another political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities, that takes part in the elections, or another independent candidate from using them shall be forbidden.

(5) The electoral advertising shall be permitted in other places than the ones set in compliance with paragraph (2) only by the written agreement of their owners or holders, where appropriate, and only by taking the measures required by the legislation in force to ensure the citizens' safety.

(6) Each political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities, that takes part in the elections under this law, or independent candidate shall be allowed to post a single electoral poster on an electoral panel. An electoral poster put in the places referred to in paragraph (1) may not exceed 500 mm on one side, and 250 mm on the other side.

(7) There shall be forbidden the electoral posters which mix the colours in a range that reproduce Romania's or other state's flag.

(8) There shall be forbidden the advertising on electoral purpose laid on the walls

or piers of bridges, tunnels, viaducts, on traffic signs, road maps, as well as on electronic traffic indicators.

(9) The activities of electoral propaganda shall not affect in any way the green areas, natural reserves, and environment protected areas.

(10) There shall be forbidden to involve minors less than 16 years of age in the distribution or placement of electoral material of propaganda.

(11) After the closing of the electoral campaign, there shall be forbidden the broadcasting of electoral messages in audio, video, or mixed format on digital screens placed in public or private areas, or by means of specially equipped vehicles.

(12) The mayor, supported by public order authorities, shall be obliged to ensure the integrity of the panels, posters, and of the other electoral material of propaganda displayed in authorized places.

(13) The local councils may approve the installation of temporary enclosures on the public property by the candidates, political parties, political alliances and electoral alliances aiming to the distribution of electoral material of propaganda if their location does not cause road or pedestrian traffic restrictions.

(14) The electoral campaign may be carried out in a state other than Romania only with the observance of the legislation in force of the respective state.*

* Introduced by G.E.O. no. 11/2009.

Art. 18³. – (1) The county electoral bureaux, the Bucharest Municipality district electoral bureaux, and the electoral bureau for the polling stations abroad shall see to the fair conduct of the electoral campaign settling by decisions the complaints addressed to them with regard to the hindering of a political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities, that takes part in the elections, or of an independent candidate to carry out the electoral campaign thereof under the law.

(2) If the county electoral bureaux, the district electoral bureaux, and the electoral bureau for the polling stations abroad consider on settling the complaints that it is imperative to take administrative measures or to impose penalties for minor or criminal offences, they shall notify the authorities in charge.

(3) The decisions of the county electoral bureaux, of the district electoral bureaux, and of the electoral bureau for the polling stations abroad may be contested by filing contestations to the Central Electoral Bureau within 48 hours at the most of their posting. The solutions given to the contestations are final.

(4) The complaints and contestations shall be settled within 3 days of their registration.

(5) The contestations formulated in due time against the decisions adopted by the county electoral bureaux, of the district electoral bureaux, and by the electoral bureau for the polling stations abroad suspend their execution.

(6) The decisions adopted by county electoral bureaux, by district electoral bureaux, and by the electoral bureau for the polling stations abroad shall be enforceable from the date when the time limits for contesting them expires.*

* Introduced by G.E.O. no. 11/2009.

Art. 19. – (1) The model, size, and printing conditions of the ballot papers shall be set up by Government Decision within 5 days of the settling of the reference date, upon proposal of the Permanent Electoral Authority and of the Ministry of Administration

and Interior.

(2) The ballot papers shall be printed in letters of the same size, font, and ink in as many copies as the number of voters entered on the permanent and special electoral rolls, plus 10% extra. The printing of ballot papers shall be provided by the Ministry of Administration and Interior which is held responsible that all the necessary ballot papers are printed at least 10 days prior to the reference date. The ballot papers shall be stapled.

(3) The paper ballot model shall be presented by the Ministry of Administration and Interior to the members of the Central Electoral Bureau at least 10 days prior to the reference date. For the presentation of the paper ballot model there shall also be invited delegates of the political parties, political alliances and electoral alliances, and organisations of citizens belonging to national minorities that take part in the elections and have no representatives in the Central Electoral Bureau, as well as independent candidates. The operation of presentation of the paper ballot model shall be recorded in a minute which is signed by all the present persons. In the event of objections to it, they shall be formulated on the spot, as further objections are not to be taken into account. The members of the Central Electoral Bureau and the deputed delegates shall be entitled to ask the Ministry of Administration and Interior the alteration of the model and the correct printing of ballot papers in the event the name of candidates, the electoral sign, denomination of the political parties, political alliances and electoral alliances, and organisations of citizens belonging to national minorities are incorrectly printed or are not visible.

(4) At the written request of the political parties, political alliances and electoral alliances, and organisations of citizens belonging to national minorities that take part in the elections, as well as of independent candidates, the Central Electoral Bureau shall issue for each of them a ballot paper stamped and annulled by the president thereof.*

* Amended by G.E.O. no. 11/2009.

Art. 19¹. – (1) The electoral signs shall be set and communicated to the Central Electoral Bureau by each political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities, that takes part in the elections, or by the independent candidates at least 60 days prior to the reference date. The electoral signs may not be contrary to the rule of law.

(2) The electoral signs communicated to the Central Electoral Bureau must be clearly distinct from each other, since the use of the same graphic signs is forbidden, irrespective of the geometrical figure which borders them. The political parties and alliances may use as an electoral sign the permanent sign which they registered with the Bucharest Tribunal.

(3) The electoral signs shall not reproduce or combine the national symbols of the Romanian state, of other states, of the European Union, of international organisms or religious cults. However, the political parties which are members of international political organisations are an exception, and they may use the sign of the respective organisation as such or in a particular combination.

(4) The electoral sign used by a political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities legally registered starting from 1990 shall be rightfully its own, if it used it first, and may not be taken or used by another political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities registered afterwards or by an independent candidate without the consent of the ones that owned them, namely the parties that joined the

initial political or electoral alliance.

(5) In the event the same electoral sign is requested by more political parties, political alliances and electoral alliances, and organisations of citizens belonging to national minorities that take part in the elections or independent candidates, the assignment shall be to the benefit of the political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities or of the independent candidate who registered first the respective sign.

(6) Within 24 hours of the expiry of the time limit stipulated in paragraph (1), the Central Electoral Bureau shall admit, by decision, the electoral signs which meet the conditions stipulated in paragraphs (1)-(5), and shall reject by decision the electoral signs which do not meet such requirements.

(7) The contestations contesting the admission or rejection of the electoral signs shall be submitted in writing to the Bucharest Tribunal within 24 hours of the expiry of the time limit stipulated in paragraph (6), and may be settled within two days at the most of the contestation registration. The judgement shall be final and irrevocable, and shall be communicated to the petitioners and to the Central Electoral Bureau within 24 hours at the most.

(8) The Central Electoral Bureau shall see to make public the admitted electoral signs on the day after the expiry of the time limit stipulated in paragraph (6) or in paragraph (7), where appropriate, by publishing on its web page and in the Official Gazette of Romania, Part I.

(9) The political alliance or the electoral alliance that took part in the previous elections under a denomination may keep it unless it did not change the initial composition or no one of the political parties which left the alliance declares its disagreement that the respective denomination to be used by another political alliance or electoral alliance.

(10) The political parties, organisations of citizens belonging to national minorities, political alliances, electoral alliances, and independent candidates may take part in the elections without an electoral sign.*

* Introduced by G.E.O. no. 11/2009.

Art. 19². – (1) The manufacturing of the stamps of the county electoral bureaux, the Bucharest Municipality district electoral bureaux, and of the electoral bureaux of the polling stations shall be carried out through the offices of the prefects. The manufacturing of the stamp of the electoral bureau for the polling stations abroad and of the stamps of the electoral bureaux for the polling stations abroad shall be carried out through the offices of the Ministry of Foreign Affairs.

(2) The stamp of the Central Electoral Bureau, and the stamps with the specification “VOTED” shall be made by the Ministry of Administration and Interior.

(3) The ballot papers, the control stamps, the stamps with the specification “VOTED”, the forms for the conclusion of the statement reports, the samples of the electoral rolls, the forms of the additional electoral rolls, as well as other material required by the electoral process shall be taken over by the prefect, together with the president of the county or district electoral bureau, on a minute basis, and shall be preserved in special rooms, locked and sealed. Such material shall be distributed by the good offices of mayors to the presidents of the electoral bureaux of the polling stations, on a minute basis, two days at the latest prior to the elections. For the electoral bureaux of the polling stations abroad, the taking and handing over of the said material shall be done on a minute basis by the president of the electoral bureaux of the polling stations

abroad, by the support of the Ministry of Foreign Affairs.

(4) The delivery and distribution of ballot papers shall be carried out in sealed packages of 100 pieces each or multiples of 100 pieces on a minute basis.

(5) On the day preceding the elections, at the premises of each polling station there shall be posted a ballot paper, stamped and annulled, by the president of the county electoral bureau, of the Bucharest Municipality district bureau or of the electoral bureau for the polling stations abroad, where appropriate.*

* Introduced by G.E.O. no. 11/2009.

Art. 19³. – (1) Each polling station shall have a sufficient number of ballot boxes, polling booths, and stamps with the specification “VOTED”, proportional to the number of electors whose names entered on the copies of the permanent and special electoral rolls, and to the estimated number of electors whose names will be entered on the additional electoral rolls, as well as a special ballot box.

(2) The polling booths and ballot boxes shall be placed in the same room as the electoral bureau of the polling station. The polling booths and ballot boxes shall be secured by the mayors of the communes, towns, municipalities, and administrative-territorial subdivisions of municipalities, together with the prefects.

(3) The president of the electoral bureau of the polling station, together with its members shall be present at the premises of the polling station one day prior to the reference date at 18:00 hours, being obliged to order the necessary measures to provide the order and fairness of the voting operations. The president of the electoral bureau of the polling station shall order the removal of the electoral material of propaganda, irrespective of its type, both from the inside and outside of the polling station.

(4) The president shall order the setting up of the guard posts around the building of the polling station.

(5) On the reference date, the activity of the electoral bureau of the polling station shall start at 6:00 hours. The president of the electoral bureau of the polling station, in the presence of the other members, and observers, where appropriate, shall check the ballot boxes, electoral rolls, ballot boxes and stamps, recording in the statement of poll referred to in Article 19⁷ the number of persons whose names have been entered on the copies of the permanent electoral rolls, copies of the special electoral rolls, as well as the number of stamps with the specification “VOTED”. As he opens the sealed packages, the president provides the affixing of the control stamp on the last page of each ballot paper thereof. After he finishes these operations, the president shall close and seal the ballot boxes by affixing the control stamp.

(6) The president of the electoral bureau of the polling station is obliged to take the necessary steps so that the elections will be carried out in good terms. To this aim, his duties shall also extend outside the building of the polling station, to the courtyard, to the courtyard entrances, around the building, as well as in the streets and public squares within a distance of 500 m.

(7) The measures ordered by the president of the electoral bureau of the polling station shall be made public by posting them in a visible place.

(8) The administrative measures ordered by the electoral bureaux with reference to electoral advertising shall be carried out by the mayor of the administrative-territorial unit, as soon as they have been communicated.

(9) For maintaining order, the president of the electoral bureau of the polling station shall have the necessary means, provided by the mayor and prefect, together with the representatives of the Ministry of Administration and Interior.

(10) Except for the members of the electoral bureau of the polling station, candidates, and observers, no person is allowed to remain in the public places of the polling area or in the building of the polling station for more time than it is necessary to vote.

(11) During the voting, there is forbidden to the members of the electoral bureau of the polling station, to the persons in charge with maintaining the order, and to the accredited persons to wear badges, and other insignia of electoral propaganda.

(12) On the voting day, between 7:00 and 21:00 hours, the trading and consumption of alcoholic beverages within the protected area of the polling station, referred to in paragraph (6) are forbidden.

(13) For the polling stations abroad, the provisions of this Article shall apply, where appropriate, by taking into account the particular circumstances on the organisation thereof.*

* Introduced by G.E.O. no. 11/2009.

Art. 19⁴. – (1) Voting shall begin at 7:00 hours and shall end at 21:00 hours. At the premises of the polling station there shall be posted the polling hours in a visible place, namely: the time it starts and the time it closes.

(2) The electors may vote at the polling station where their entries are: on the copy of the permanent electoral roll or on the copy of the special electoral roll or at any other polling station, under the terms stipulated by Article 9².

(3) The electors' access to the polling station room shall be admitted in succession, according to the number of polling booths. The Community national and The Community voter shall present the identity document to the electoral bureau of the polling station. As the president of the electoral bureau of the polling station or the member assigned by him checks the entry on the copy of the permanent electoral roll or on the copy of the special electoral roll, the elector signs at the position corresponding to his/her entry. The president of the electoral bureau of the polling station or the member assigned by him shall deliver to the elector on a signature basis on the copy of the permanent electoral roll or on the copy of the special electoral roll, the ballot box and stamp with the specification "VOTED" to be affixed on the ballot box. In the event the elector cannot sign the electoral roll, based on solid grounds, ascertained by the president of the electoral bureau of the polling station, the president shall operate a specification on the roll, confirmed by his signature and by the signature of one more member of the electoral bureau.

(4) In the event the elector's entry is not to be found on the copy of the permanent electoral roll or on the copy of the special electoral roll, the president of the electoral bureau of the polling station or the member assigned by him shall check whether the provisions of Article 9² are met, and prevents the elector from voting if these provisions are not met.

(5) The Romanian citizens who are abroad on the reference date may vote for the election of the members from Romania to the European Parliament only if they cannot find their entries on the table drawn up by the Permanent Electoral Authority which contains the names of the Romanian citizens who exercise their voting right in the elections to the European Parliament from another state of the European Union.

(6) On the reference date, the Community voters who wish to vote in another polling station than in the one where there are their entries on the copy of the special electoral roll shall vote only if the county electoral bureau or the district electoral bureau confirms, upon the telephone request of the president of the electoral bureau of

the polling station, that their names have been entered on the special electoral rolls. The Community voters who are abroad on the reference date shall vote for the election of the members from Romania to the European Parliament only if they can find their entries on the table drawn up by the Permanent Electoral Authority which contains the names of the Community voters that entered on the special electoral rolls.

(7) The electors shall vote in closed booths, affixing the stamp with the specification "VOTED" inside the quadrilateral which contains the list of candidates or the full name of the independent candidate they intend to vote. The stamp with the specification "VOTED" shall be smaller in size than the quadrilateral.

(8) The presence of any other person outside the one who votes is forbidden. The elector who, on solid grounds, ascertained by the president of the electoral bureau of the polling station, cannot vote alone is entitled to call an attendant chosen by him/her to the booth, in order to help him/her. The attendant shall neither be part of the group of observers, nor from the members of the electoral bureau of the polling station.

(9) After they have voted, the electors shall fold their ballot papers so that the unprinted page bearing the control stamp remains outside and they shall introduce them into the ballot box, taking care not to open. The faulty folding of the ballot paper shall not incur the nullity thereof.

(10) At the elector's request, in the event he/she has incorrectly affixed the stamp with the specification "VOTED", but he/she has not yet introduced the ballot paper in the ballot box, the president of the electoral bureau of the polling station may deliver him/her only once a new ballot paper, by holding and rejecting the initial ballot paper and making the mentioning thereof in the statement report referred to in Article 19⁷.

(11) The stamp handed over for voting shall be handed back to the president or to those members of the electoral bureau of the polling station assigned by him, and then the president or the respective member shall affix on the identity paper or document, where appropriate, the stamp with the specification "VOTED", and the election date or, where appropriate, a self-adhesive stamp with the specification "VOTED", and the election date.

(12) The president may take the necessary measures, so that an elector's staying in the polling booth shall not last more than necessary.

(13) The candidates and any of the electors are entitled to contest the identity of the person who comes to vote. In this case, the identity may be settled by the president of the electoral bureau of the polling station by any legal means.

(14) In the event the dispute proves to be well-grounded, the president of the electoral bureau of the polling station shall prevent from voting the contested elector, shall record the fact in a minute, and notify the situation to the qualified authorities.

(15) The president of the electoral bureau of the polling station may suspend the voting for well-grounded reasons. The total duration of the interruptions may not exceed one hour. The interruption shall be notified by posting at the door of the polling station premises, immediately after the event which initiated the interruption.

(16) During the interruption, the ballot boxes, the stamps, ballot papers, and the other documents or material of the electoral bureau of the polling station shall remain on permanent watch. During the interruption, more than half of the members of the electoral bureau of the polling station are not allowed to leave the polling station room concomitantly. The candidates and the observers shall not be forced to leave the polling station room during this interval.

(17) The president of the electoral bureau of the polling station or, in his absence, his deputy shall be obliged to receive and to register any written petition with regard to the disorders produced during the voting process, submitted by members of the electoral

bureau of the polling station, candidates, observers or electors present in the voting station aiming to exercise their voting right. In the event he is submitted the petition in duplicate, the president of the electoral bureau of the polling station, his deputy, as appropriate, shall mention on the copy, which remains at the person who has submitted the petition, the fact that he has been acknowledged about the respective petition, and its registration number.*

* Introduced by G.E.O. no. 11/2009.

Art. 19⁵. – (1) For the electors who cannot be moved for reasons of illness or invalidity, at the written request thereof, submitted on the day prior to the elections at the latest, along with copies of medical or other official documents to certify that the persons in question are not movable, the president of the electoral bureau of the polling station may approve that a team made up of at least two members of the electoral bureau to go with a special ballot box and the material required to voting - the stamp with the specification “VOTED”, and ballot papers - to the place where the elector is, so that the voting may be carried out. Within the jurisdiction of a polling station there shall be used only one special ballot box. The special ballot box may be carried away only by the members of the electoral bureau of the polling station. The special ballot box may be carried only within the territorial jurisdiction rounded off to the respective polling station.

(2) For the cases referred to in paragraph (1) the voting shall be carried out on the basis of an extract from the additional electoral roll. The persons whose names have been entered on the additional electoral roll shall be erased from the other rolls which are to be found at the station.

(3) The provisions of paragraphs (1) and (2) shall apply accordingly to the persons detained, held on a warrant basis, or to the persons that are executing a punishment privative of freedom, but have not lost their electoral rights.*

* Introduced by G.E.O. no. 11/2009.

Art. 19⁶. – (1) At 21:00 hours, the president of the electoral bureau of the polling station shall declare the close of voting, and orders the closing of the room where the voting is carried out.

(2) The electors who are in the room where the voting is carried out at 21:00 hours may exercise their voting right.*

* Introduced by G.E.O. no. 11/2009.

Art. 19⁷. – (1) After the close of the voting room, the president, in the presence of the members of the electoral bureau, shall perform the operations of ballot paper counting and recording of the voting result, as follows:

a) he/she shall check the status of seals on the ballot boxes, shall seal the slit of the ballot boxes, and shall introduce the stamps with the specification “VOTED” in an envelope which will be sealed by affixing the control stamp of the polling station. The disappearance of one or several stamps shall be recorded in the statement of poll accompanying the handing over of the material received to the court of law under whose jurisdiction they are based;

b) he/she shall reject the unused ballot papers, by drawing the specification

“REJECTED” across the first page and by affixing the control stamp of the polling station; in the event there are packages with intact ballot papers, the specification “REJECTED” shall affix only once on the respective package; the number of these ballot papers shall be registered under the column d) in the statement of poll specified under paragraph (3);

c) he/she shall establish the number of voters included on the copy of the permanent electoral roll, and on the copy of the special electoral roll, respectively, received from the mayor of the territorial-administrative unit where the polling station is located; it is forbidden, under the sanction of the law that the rolls contain erasures, alterations or completions with the exceptions provided for in Article 9 (17) and (18), Article 9¹ (14) and (15), and), Article 9⁵ (2). The result of the ballot count shall be recorded under point a₁, and a₂ respectively, in the sample of the statement of poll specified under paragraph (3);

d) he/she shall establish the number of voters present in the poll by counting the signatures registered on the existent electoral rolls at the polling station. The results shall be registered in the statement of poll under point b¹, b², and b³, respectively, of the sample provided for in paragraph (3);

e) he/she shall unseal the ballot boxes one by one and shall count the votes found out in them;

f) there shall be considered rejected the ballot papers on which the control stamp of the polling station has not been affixed, the ballot papers with a different model than the duly approved one, the ballot papers on which the stamp “VOTED” or on which the stamp has been affixed on several quadrilaterals; the vote shall be valid when, although the affixed stamp exceeds the limits of the quadrilateral, the voter’s choice is obvious. The rejected ballot papers shall not be counted as validly cast votes.

(2) Upon opening of each ballot paper, the president shall read aloud the list of candidates which has been voted or, where appropriately, the full name of the voted independent candidate, and shall display the ballot paper to those present. The opened ballot papers shall be grouped on political parties, political alliances, electoral alliances, as well as on organisations of citizens belonging to national minorities, as well as on independent candidates, and shall be counted and bound separately. The rejected votes, the lists of candidates or the full name of independent candidates, and the validly cast votes for each one shall be recorded in a separate table each by one member each of the electoral bureau of the polling station, assigned by the president.

(3) After the opening of the ballot boxes and vote counting, the president of the electoral bureau of the polling station shall conclude a statement of poll in 3 copies including:

a) the total number of voters entered on the copy of the permanent electoral roll and on the copy of the special electoral roll (point a = point a1 + point a2), of which:

a1) the total number of voters entered on the copy of the permanent electoral roll (point a1 ≥ point b1);

a2) the total number of voters entered on the copy of the special electoral roll (point a2 ≥ point b2);

b) the total number of voters entered on the electoral rolls existing at the polling station that has come to the poll (point b = point b1+ point b2 + point b3), of which:

b1) the total number of voters entered on the copy of the permanent electoral roll that has come to the poll;

b2) the total number of voters entered on the copy of the special electoral roll that has come to vote;

b3) the total number of voters entered on the additional electoral roll that has

come to vote;

c) the number of ballot papers received (point c \geq point d + point e + point f);

d) the number of unused and rejected ballot papers;

e) the number of validly cast ballots (point e \leq point b - point f, point e = sum of validly cast ballots under point g);

f) the number of rejected ballots;

g) the number of validly cast ballots obtained by each list of candidates or by each independent candidate;

h) the report on the objections and contestations submitted to the county electoral bureau, to the Bucharest Municipality district electoral bureau or to the electoral bureau of the polling stations abroad;

i) the state of seals on the ballot boxes on close of voting.

(4) At point h) of the statement of poll, there shall also be recorded the situations when:

a) the number of the ballot papers found in the ballot box is different from the number of electors that has voted, after the counting of signatures on the permanent, additional, and special rolls;

b) the number of the ballot papers found in the ballot box added up with that of the unused and rejected ballot papers is different from the total number of the ballot papers received.

(5) The statement of poll shall be signed up by the president of the electoral bureau of the polling station, as well as by the other members thereof, and shall bear the control stamp of the electoral bureau. The absence of signature of some of the members the electoral bureau of the polling station shall not incur upon the validity of the statement of poll. The president shall record the reasons which have prevented the signing.

(6) A copy of the statement of poll shall be displayed in a visible place at the premises of the electoral bureau of the polling station.

(7) The members of the electoral bureau of the polling station shall be issued, upon request, a copy of the statement of poll, certified by all those who signed in the original.

(8) Two copies of the statement of poll referred to in paragraph (3), together with all the objections and contestations with reference to the electoral operations of the electoral bureau of the polling station, the rejected and disputed ballot papers, as well as the used electoral rolls shall constitute a stamped and sealed file. Within 24 hours of the closing of voting, the file shall be submitted to the county electoral bureau or, where appropriate, to the Bucharest Municipality district electoral bureau on military watch, accompanied upon request by other members of the respective electoral bureau.

(9) The statements of poll, drawn up by the electoral bureaux of the polling stations abroad, together with all the objections and contestations with reference to the electoral operations of the electoral bureau of the polling station shall be transmitted electronically to the electoral bureau for the polling stations abroad through the good office of the diplomatic missions and consulates, within 24 hours of their receipt. The accuracy of the data of these statements of poll shall be confirmed by telephone by the president or deputy of the electoral bureau for the polling stations abroad, who countersigns and stamps the received documents. The countersigned statements of poll shall be used in centralizing the voting results.

(10) Within 24 hours of the receipt of the file referred to in paragraph (8), the county electoral bureau or, where appropriate, the Bucharest Municipality district electoral bureau shall send a copy each for every statement of poll drawn up by the

electoral bureaux of the polling stations within the jurisdiction of the tribunal where its activity is based; the electoral bureau for the polling stations abroad shall transmit one copy each, countersigned and stamped, of each statement of poll drawn up by the electoral bureaux of the polling stations abroad to the Bucharest Tribunal.

(11) The political parties, organisations of citizens belonging to national minorities, political alliances or electoral alliances thereof, as well as independent candidates may receive copies of the samples of statements of poll stipulated in paragraph (10).*

* Introduced by G.E.O. no. 11/2009.

Art. 19⁸. – (1) After the receipt of the statements of poll from all the electoral bureaux of the polling stations, and after the settling of the objections and contestations received, the county electoral bureaux, the Bucharest Municipality district electoral bureau or the electoral bureaux of the polling stations abroad shall conclude a statement of poll centralizing the items included in the statements of poll of the polling stations, as follows:

a) the total number of voters entered on the copies of the permanent electoral rolls and on the special electoral rolls (point a = point a1 + point a2), of which:

a1) the total number of voters entered on the copies of the permanent electoral rolls (point a1 \geq point b1);

a2) the total number of voters entered on the copies of the special electoral roll (point a2 \geq point b2);

b) the total number of voters entered on the electoral rolls that has come to the poll (point b = point b1+ point b2 + point b3), of which:

b1) the total number of voters entered on the copy of the permanent electoral roll that has come to the poll;

b2) the total number of voters entered on the copy of the special electoral rolls that has come to vote;

b3) the total number of voters entered on the additional electoral rolls that have come to vote;

c) the number of ballot papers received (point c \geq point d + point e + point f);

d) the number of unused and rejected ballot papers;

e) the number of validly cast ballots (point e \leq point b - point f, point e = sum of validly cast ballots under point g);

f) the number of rejected ballots;

g) the number of validly cast ballots obtained by each list of candidates or by each independent candidate;

h) the modality of settling the objections and contestations received.

(2) The provisions of Article 19⁷ (5) and (7) shall apply accordingly.

(3) The statement of poll referred to in paragraph (1), together with the statements of poll received from the electoral bureaux of the polling stations, as well as with all the objections and contestations, making up a sealed file, stamped and signed by the members of the county electoral bureau, of the Bucharest Municipality district electoral bureau or of the electoral bureau for the polling stations abroad, shall be submitted under military watch to the Central Electoral Bureau within 48 hours at the most of the receipt of the latest statement of poll from the electoral bureaux of the polling stations.*

* Introduced by G.E.O. no. 11/2009.

Art. 20. – (1) For the political parties, the organisations of citizens belonging to national minorities, political alliances and electoral alliances, the electoral threshold for the allotment of mandates represents the whole number of a quota of 5% of the total of ballots validly cast at national level, including those received by independent candidates.

(2) The independent candidates shall be allotted mandates if each of them have acquired, separately, a number of ballots validly cast at least equal to the Community electoral quotient. The national electoral quotient represents the whole number of the ratio between the total number of ballots validly cast at national level and the number of mandates for members in the European Parliament distributed to Romania.

(3) *The total number of ballots validly cast at national level* shall mean the number of validly cast votes received from the political parties, organisations of citizens belonging to national minorities, political alliances, electoral alliances and independent candidates. *

*Amended by G.E.O. no. 1/2007.

Art. 21. - (1) The allotment of Members of European Parliament mandates shall be made, in keeping with the conditions provided for in Article 20, by the Central Electoral Bureau, as follows:

a) during the first stage, the Central Electoral Bureau determines the electoral threshold and the national electoral quotient and determines, in decreasing order, the number of validly cast ballots, the list of the political parties, organisations of citizens belonging to national minorities, political alliances, electoral alliances and independent candidates that may be allotted mandates;

b) during the second stage mandates are distributed at the level of national constituency for the lists selected under the conditions provided for under point a) using the d'Hondt Method. The d'Hondt Method for the allotment of mandates consists in the distribution of the validly cast votes for each list and for the independent candidate, selected under the conditions provided for under point a) by 1, 2, 3, 4 ... up to the total number of mandates to be allotted, and the hierarchical distribution of the quotients in decreasing order. The number of mandates allotted to each list separately corresponds to the total number of quotients related to each list included in the ordered series, until all the mandates are allotted; the allotment of mandates is made by the Central Electoral Bureau, in the order of entry of the candidates on the list; if there are not enough candidates on the list, mandates shall be allotted to the next political party, organisation of citizens belonging to national minorities, political alliance and electoral alliance having surpassed the electoral threshold;

c) the independent candidate who may be allotted at least one mandate shall be distributed one mandate, regardless of the number of mandates resulted from the calculation. In this case, the distribution of the other mandates shall be made, for lists or independent candidates, in keeping with the conditions provided for under points a) and b) and with the provisions of Article 20 (1);

d) if, by the hierarchical distribution of quotients, according to point b), two or more quotients are equal, the hierarchical distribution shall be made on the basis of the number of validly cast votes; if, under these circumstances as well, there is still a tie

result, the hierarchical distribution shall be determined by the entry order on the ballot paper.*

***Amended by G.E.O. no. 1/2007.**

(2) The statement of poll, drawn up according to the law, shall be signed by the president or by his/her deputy, as well as by the other members of the Central Electoral Bureau, in whose presence it has been drawn up. The absence of the signature of some members of the bureaux does not affect the validity of the statement of poll and of the elections. The president shall specify the reasons which prevented the signing thereof.

(3) The Central Electoral Bureau shall hand over to the elected candidates a certificate which ascertains the election.

(4) Following the receipt of the statements of poll from all the county bureaux, Bucharest Municipality district electoral bureaux or from the electoral bureau for the polling stations abroad, the Central Electoral Bureau shall conclude a statement of poll regarding the centralisation of votes and allotment of mandates as follows:

a) the total number of voters entered on the copies of the permanent electoral rolls and on the special electoral rolls (point a = point a1 + point a2), of which:

a1) the total number of voters entered on the copies of the permanent electoral rolls (point a1 \geq point b1);

a2) the total number of voters entered on the copies of the special electoral rolls (point a2 \geq point b2);

b) the total number of voters entered on the electoral rolls that has come to the poll (point b = point b1 + point b2 + point b3), of which:

b1) the total number of voters entered on the copy of the permanent electoral rolls that has come to the poll;

b2) the total number of voters entered on the copy of the special electoral rolls that has come to vote;

b3) the total number of voters entered on the additional electoral rolls that have come to vote;

c) the number of ballot papers received (point c \geq point d + point e + point f);

d) the number of unused and rejected ballot papers;

e) the number of validly cast ballots (point e \leq point b - point f, point e = sum of validly cast ballots under point g);

f) the number of rejected ballots;

g) the number of validly cast ballots obtained by each list of candidates or by each independent candidate;

h) the number of validly cast ballots obtained by each list of candidates that reached the electoral threshold, and by each independent candidate who has reached the electoral quotient (in decreasing order of the number of validly cast votes);

i) the list of quotients calculated in accordance with the d'Hondt Method for each list of candidates that has reached the electoral threshold, and for each independent candidate who has reached the electoral quota;

j) the list of quotients sorted in decreasing order, calculated in accordance with the d'Hondt Method;

k) the number of mandates allotted to each list of candidates or to each independent candidate (in decreasing order of the number of mandates);

l) the list of members elected to the European Parliament;

m) the list of deputy members elected to the European Parliament.*

*Amended by G.E.O. no. 11/2009.

Art. 21¹ (1) There shall be considered minor offences the following facts:

a) the deliberate entering of an elector on more electoral rolls, be they permanent or special, the entering on the electoral rolls of fictitious persons or of persons not entitled to vote;

b) the keeping of the registers with permanent electoral rolls or of registers with special electoral rolls under inappropriate conditions;

c) the failure to make the notifications stipulated by law in due time and to operate them on the permanent electoral rolls, and in the special electoral rolls;

d) the operations made by unauthorized persons on the permanent electoral rolls, and in the special electoral rolls;

e) the failure to notify the courts of law of the alterations operated on the sample of the permanent electoral roll or on that of the special electoral roll existing at the town hall;

f) the signing up of the list of supporters by infringing the dispositions of Article 12²;

g) the infringing of the dispositions with regard to the posting of candidature nominations referred to in Article 13 (1);

h) the use of the electoral sign registered to the Central Electoral Bureau by a political party, organisation of citizens belonging to national minorities, political alliance, electoral alliance or independent candidate by another political party, organisation of citizens belonging to national minorities, political alliance, electoral alliance or independent candidate;

i) the organizers' failure to take the necessary measures for the carrying out in normal conditions of the electoral meetings, as well as the distribution and consumption of alcoholic beverages during such meetings;

j) the destruction, deterioration, staining, covering by writing or by any other method of the electoral rolls, with the exceptions stipulated in Article 19⁷ (1) c);

k) the failure to observe the dispositions of Article 16 92) and (4) and of Article 18² (3)–(7); the posting of the electoral rolls and their copies; the destruction, deterioration, staining, covering by writing or by any other method of the platform-programmes displayed or of any other posters or printed advertisements of electoral propaganda;

l) the acceptance of the candidature for several times by a person in the same elections to the European Parliament;

m) the failure to observe the decisions and judgements of the electoral bureaux; the failure to observe the decisions and judgements of the Permanent Electoral Authority;

n) the refusal to permit the elector who brings the proof that he/she is entitled to vote to exercise his/her right to vote at the polling station where he comes to;

o) the refusal to permit the access of the accredited persons to the premises of the polling station, with the exception of the cases when the president of the electoral bureau of the polling station restricts the access of the accredited persons to the premises of the polling station due to the size thereof;

p) the refusal to receive and register a written petition submitted in compliance with the dispositions of Article 19⁴ (17);

q) the refusal to comply with the dispositions of the president of the electoral bureau of the polling station regarding the provision of order to the premises of the

polling station and to its surroundings;

r) the refusal to hand over the ballot paper and the stamp with the specification “VOTED” to the elector who has signed on the electoral roll; the handing over of the ballot paper to an elector who does not produce the identity paper or identity document, where appropriate, or who refuses to sign for the receipt thereof on the electoral roll on which he has entered; the failure to observe the dispositions of Article 19⁴ (8);

s) the failure to affix the stamp with the specification “VOTED” or the self-adhesive stamp on the identity paper or identity document, where appropriate, as well as the holding thereof without grounded reasons by the members of the electoral bureau of the polling station;

ş) the failure to observe the dispositions of Article 19⁴ (2); the drawing up of the statements of poll by the electoral bureaux of the polling stations, under the sanction of this law;

t) the continuation of the electoral propaganda after its closing, as well as the counselling of the electors at the premises of the polling stations on the voting day with a view to the voting of a certain political party, political alliance, electoral alliance, organisation belonging to national minorities or independent candidate;

ţ) wearing of badges, insignia or other signs of electoral propaganda during the voting process by the members of the electoral bureau of the polling stations, the persons on military watch or accredited persons;

u) the violation by the members of the electoral bureaux of the duty to take part in the activity of the bureaux;

v) the refusal of the president of the electoral bureau or of his/her deputy to deliver a copy certified by the statement of poll to the persons entitled to it in compliance with the provisions of law;

w) the infringing of the accreditation conditions by the accredited persons and by the poll operators of the poll institutes, of trade companies or of the Non-governmental organisations that have been accredited by the Central Electoral Bureau by decision;

x) the failure to observe the dispositions of Article 15;

y) the failure to observe the dispositions of Article 17, 17¹ (1)-(3) and (5), and of Article 18 (2)-(4);

z) the failure to observe the dispositions of Article 18² (8)-(11);

z¹) the failure to observe the dispositions of Article 19² (12).*

*Amended by G.E.O. no. 11/2009.

Art. 21² . – (1) The minor offences referred to in Article 21¹ b), c), d), e), g), j), k), l), m), o), p), ş), ţ), u), v), and z) shall be punished by fine from 1,000 lei to 2,500 lei, those in points f), h), q), t), w), x), and z¹) by fine from 1,500 lei to 4,500 lei, and the ones in points a), i), n), r), s), and y) by fine from 4,500 lei to 10,000 lei.

(2) The finding out of the minor offences referred to in Article 21¹ and the entering into force of the punishments stipulated in paragraph (1) shall be applied by:

a) the officers, agents, and non-commissioned officers within the Romanian Police, the Romanian Border Police, and the Romanian Gendarmerie for the facts stipulated in Article 21¹ i), k), n), o), q), r), t), w), z), and z¹);

b) the president of the county electoral bureau, of the district electoral bureau or of the electoral bureau for the polling stations abroad for the facts stipulated in Article 21¹ j), p), ş), and v);

c) the president of the Central Electoral Bureau for the facts stipulated in Article

21¹ f), g), h), and l);

d) the president of the electoral bureau in the event the members thereof have committed the facts, or the president of the electoral bureau of higher level in the event the presidents of the electoral bureaux of lower level or the deputies thereof have committed the facts stipulated in Article 21¹ n), s), t), u), and v);

e) the representatives of the president of the Permanent Electoral Authority for the facts stipulated in Article 21¹ a), b), c), d), e), and x);

f) the representatives of the president of the Permanent Electoral Authority in the event the facts stipulated in Article 21¹ m) have been committed by authorities of the central or local public administration authorities, and in the event the fact stipulated in Article 21¹ y) has been committed by other persons than the radio broadcasters; the president of the electoral bureau in the event the facts stipulated in Article 21¹ m) have been committed by the members of the electoral bureau, or by the president of the electoral bureau of higher level in the event the facts have been committed by the presidents of the electoral bureaux of lower level; policemen, in the event the facts stipulated in Article 21¹ m) have been committed by other natural or legal persons;

g) the National Broadcasting Standards Council, that shall refer to court or may be referred to court by the interested persons for the facts stipulated in Article 21¹ y) in the event they have been committed by the radio broadcasters;

(3) The offenders may pay on the spot or within 48 hours of the date of the conclusion of the minute or, where appropriate, of the date of the notification thereof half the minimum of fine stipulated in paragraph (1), the finding agent making mention of this option in the said minute.

(4) For the offences referred to in Article 21¹ shall be applicable the provisions of Government Ordinance no. 2/2001 on the legal regime of minor offences, approved with amendments and additions by Law no. 180/2002 with the subsequent amendments and additions.

(5) The responsibility of the members of the electoral bureaux for the offences referred to in paragraph (1) entails their replacement with other persons according to Articles 14, 14², 14⁴, and 14⁵, at the request of the president of the electoral bureau of higher level, or of the president of the Central Electoral Bureau, where appropriate.*

*Amended by G.E.O. no. 11/2009.

Art. 22. - (1) The prevention by any means of the free exercise of the right to vote or to be elected shall represent a criminal offence, and shall be punished with imprisonment from 6 months to 5 years and the interdiction of some rights.

(2) Any attempted action shall be punished.*

*Amended by G.E.O. no. 11/2009.

Art. 22¹. - (1) The deliberate introduction of entries on the copy of the permanent electoral roll or on the copy of the special electoral roll of persons whose entries are not in the permanent electoral rolls or in the special electoral rolls shall represent a criminal offence, and shall be punished with imprisonment from 6 months to 5 years.

(2) Any attempted action shall be punished.*

*Introduced by G.E.O. no. 11/2009.

Art. 22². - (1) The violation by any means of the secrecy of voting by the members of the electoral bureau or by other persons shall represent a criminal offence, and shall be punished with imprisonment from 6 months to 3 years.

(2) Any attempted action shall be punished.*

*Introduced by G.E.O. no. 11/2009.

Art. 22³. - (1) The promise, offer or giving of money, goods or other benefits aiming to determine the elector to vote or not vote a particular list of candidates or a particular independent candidate, as well as their acceptance by the electors, to the same purpose shall represent criminal offences, and shall be punished with imprisonment from 6 months to 5 years.

(2) Any attempted action shall be punished.

(3) The goods of symbolic value, inscribed with the insignia of the respective party shall not be included in the category of goods stipulated in paragraph (1)*

*Introduced by G.E.O. no. 11/2009.

Art. 22⁴. - (1) The fact committed by a person to vote without being entitled to or to vote twice or for more times on the reference date shall represent a criminal offence, and shall be punished with imprisonment from 6 months to 5 years.

(2) Any attempted action shall be punished.*

*Introduced by G.E.O. no. 11/2009.

Art. 22⁵. - (1) Using a forged ballot paper, introducing an extra number of ballot papers into the ballot box, and forging by any means of the electoral bureaux documents shall represent criminal offences, and shall be punished with imprisonment from 2 to 5 years.

(2) Any attempted action shall be punished.*

*Introduced by G.E.O. no. 11/2009.

Art. 22⁶. - (1) The attack by any means against the premises of the polling station, the stealing of the ballot box or electoral documents shall represent criminal offences, and shall be punished with imprisonment from 2 to 7 years, unless the deed is not representing a more serious offence.

(2) Any attempted action shall be punished.*

*Introduced by G.E.O. no. 11/2009.

Art. 22⁷. - (1) The opening of the ballot boxes before the settled time for the closing of voting shall represent a criminal offence, and shall be punished with imprisonment from 6 months to 5 years.

(2) Any attempted action shall be punished.*

*Introduced by G.E.O. no. 11/2009.

Art. 22⁸. - The introduction and use of a computer program with visible or hidden flaws, which alters the recording of the results obtained in the polling stations, totalizes errors, or leads to the allotment of mandates outside the provisions of this law shall represent criminal offences, and shall be punished with imprisonment from 2 to 7 years.*

*Introduced by G.E.O. no. 11/2009.

Art. 22⁹. - The introduction of data, information, or procedures which lead to the alteration of the national informational system shall represent a criminal offence, and shall be punished with imprisonment from 2 to 7 years.*

*Introduced by G.E.O. no. 11/2009.

CHAPTER IV

Transitional and final provisions

Art. 23. - (1) The Permanent Electoral Authority shall exercise the duties stipulated in Article 65 (1) of Law no. 35/2008, with the subsequent amendments and additions.*

*Amended by G.E.O. no. 11/2009.

(2) The provisions of Law no. 334/2006 on the financing of the activity of the political parties and of the electoral campaigns shall apply accordingly.

(3) The cases in which the related Community norms are directly applicable shall be exceptions from the provisions of paragraphs (1) and (2).

*Amended by G.E.O. no. 11/2009.

(4) With a view to enforcing the provisions of this law, the Permanent Electoral Authority or the Central Electoral Bureau, where appropriately, shall adopt decisions and instructions, which are to be published in the Official Gazette of Romania, Part I.

(5) The Permanent Electoral Authority together with the competent public authorities shall carry out the necessary formalities to accept candidates from Romania to the European Parliament.

Art. 23¹. - (1) Within 5 days at the most of the bringing to public knowledge of the reference date, the Government shall settle by decision, upon the proposal of the Permanent Electoral Authority and of the Ministry of Administration and Interior, the calendar for carrying out the necessary activities for the election of members from Romania to the European Parliament, the budget and the necessary expenses in view of the preparation, organisation, and conduct of the poll, the model of the copy of the permanent electoral roll, the model of the copy of the special electoral roll, of the additional electoral roll, of the extract of the additional electoral roll, the model of the supporters' list, the model of stamp of the Central Electoral Bureau, of the county

electoral bureau, of the Bucharest Municipality district electoral bureau, of the electoral bureau for the polling stations abroad, the model of the control stamp of the polling station and the model of the stamp with the specification "VOTED", the model of the ballot paper, the model of the self-adhesive stamp, the measures to be taken by the central and local public authorities for the organisation and conduct of the elections in good conditions.

(2) Within 15 days at the most of the bringing to public knowledge of the reference date, the Permanent Electoral Authority shall settle by decision which is to be published in the Official Gazette of Romania, Part I, the model of the declaration of candidature acceptance, the model of the list of candidates, the model of the application of the independent candidature admission, the model of application for candidature withdrawal, and the model of the certificate which attests the election.

(3) The Permanent Electoral Authority shall inform in due time and in an appropriate manner the Community voters and the Community eligible persons upon the terms and modalities of exercising the right to vote and to be elected in Romania.

(4) Within at least 20 days prior to the reference date, the Government shall settle by decision, upon the proposal of the National Statistics Institute, with the advisory opinion of the Permanent Electoral Authority the model of the statements of poll for the record and centralisation of the voting results.*

*Introduced by G.E.O. no. 1/2007 and amended by G.E.O. no. 11/2009.

Art. 23². - (1) The expenditure for carrying out the electoral operations shall be borne from the state budget.

(2) The seat of the Central Electoral Bureau shall be supplied by the Government, that of the electoral bureau for the polling stations abroad by the Ministry of Foreign Affairs, the seats of the county electoral bureaux by the prefects and presidents of the county councils, and those of the district electoral bureaux, as well as of the electoral bureaux of the polling stations by the mayors, together with the prefects.

(3) The expenditure for the endowment of the seats of the electoral bureaux referred to in paragraph (2) shall be borne from the state budget.

(4) The documents drawn up in exercising the electoral rights stipulated in this law shall be exempt from the stamp fee.*

*Introduced by G.E.O. no. 1/2007 and amended by G.E.O. no. 11/2009.

Art. 23³. - (1) In supporting the activity of the Central Electoral Bureau, of the county electoral bureaux, of the Bucharest Municipality district electoral bureaux, and of the electoral bureau for the polling stations abroad, the Government shall provide the necessary number of statisticians. The Ministry of Administration and Interior, together with the Permanent Electoral Authority shall supply the temporary technical staff necessary to the polling stations abroad.

(2) For the time span when the electoral bureaux operate, the members thereof, the statisticians, and temporary technical staff shall receive an emolument per day of activity, established by Government decision.

(3) For the emolument referred to in paragraph (2) there shall be retained, due and transferred only the income tax, according to the law.

(4) For the entire period of exercising duties regarding the organisation and conduct of the elections to the European Parliament, the employees referred to in

paragraph (2) are paid by the institutions that ensures them the due salaries, according to the law.*

*Introduced by G.E.O. no. 11/2009.

Art. 23⁴ . - (1) The judgement by the courts of law of the objections, complaints, or other contestations with regard to the electoral process shall be done according to the rules set by law for the president's ordinance with the binding participation of the prosecutor.

(2) According to this law, there is no appeal against the final and irrevocable decisions pronounced by the courts of law.

(3) The final and irrevocable decisions of the courts of law pronounced as a result of the objections, complaints, or other petitions with regard to the electoral process shall be communicated immediately to the interested electoral bureaux.*

*Introduced by G.E.O. no. 11/2009.

Art. 23⁵ . - (1) The terms per days, stipulated by this law, include the day when they start to run and stop at 24:00 hours of the day they meet, whether they are week days or not.

(2) Along the entire electoral period, the electoral bureaux shall operate in accordance with the calendar settled by the Central Electoral Bureau through the rules of organisation and functioning of the electoral bureaux. The courts of law shall ensure the permanent character of the activity so that the citizens may exercise their electoral rights.*

*Introduced by G.E.O. no. 11/2009.

Art. 23⁶ . - (1) The ballot papers either used or unused, the null ones, the statements of poll and the stamps necessary to the voting process, the other materials used in the electoral process received by the courts of law from the county electoral bureaux, the Bucharest Municipality district electoral bureaux, the electoral bureau for the polling stations abroad, or from the electoral bureaux of the polling stations, as well as the lists of supporters received by the High Court of Cassation and Justice from the Central Electoral Bureau shall be kept in the archive, separately from the other documents of the courts for 3 months from the date of publishing the elections results in the Official Gazette of Romania, Part I.

(2) After the expiry of the time limit referred to in paragraph (1), the courts of law, supported by prefects shall hand over to the economic agents for destruction, on a minute basis, the ballot papers used or unused, the null ones, the statements of poll and the stamps necessary to the voting process, the other materials used in the electoral process, as well as the lists of supporters.

(3) The lists of supporters for the elections to the European Parliament of 25 November 2007 shall be submitted by the Permanent Electoral Authority for destruction to the specialised economic agents.*

*Introduced by G.E.O. no. 11/2009.

Art. 24. - (1) The candidates entered on the lists, who have not been elected, shall remain on the respective lists in the order of entry.

(2) In the event of vacancy of the mandates of the candidates from Romania to the European Parliament, due to resignation, loss of electoral rights, incompatibility with the capacity as European Parliament member, or demise, the mandates for the vacant seats shall be allocated to the next persons on the lists of candidates, in the order of entry, if, up to the date of validation for the taking of the vacant seats, the parties or political formations on whose lists they have stood in the elections confirm, in writing, their adherence.

(3) The vacancy of the mandates of the candidates from Romania to the European Parliament, established as a result of a previous agreement concerning the resignation or the waiver to this position, shall be deemed null and void. The previous agreement concerning the waiver to the position of the candidate from Romania to the European Parliament shall not represent a reason for the vacancy of the position.

Art. 25. – (1) All the electoral operations carried out by the electoral bureaux of the polling stations may be attended, besides their members, by the accredited persons under the terms of this law.

(2) Within the meaning of this law, *accredited persons* shall mean the following:

- a) internal and external observers;
- b) internal and external mass media representatives;
- c) the delegates of the political parties, organisations of citizens belonging to national minorities, of the political or electoral alliances thereof that have no representatives in the electoral bureaux.

(3) There may be accredited as internal observers the representatives of Non-governmental organisations that have as a main object of activity the securing of democracy and human rights that are legally constituted within at least 6 months of the reference date. The persons appointed by these organisations as internal observers shall not have political affiliations.

(4) There may be accredited as internal mass media representatives from Romania the persons on contract with the institutions thereof, and appointed to this aim by their leaders. The persons appointed by such institutions as internal mass media representatives shall not have political affiliations.

(5) The internal observers and the internal mass media representatives shall be accredited by the county electoral bureaux, the Bucharest Municipality district electoral bureaux, and the electoral bureau for the polling stations abroad, for all the polling stations within the jurisdiction thereof, upon the written request of the leaders of Non-governmental organisations or of the mass media institutions from Romania within 5 days at least prior to the election date.

(6) The external observers and the external mass media representatives shall be accredited by the Permanent Electoral Authority, upon the proposal of the Ministry of Foreign Affairs for all the electoral bureaux.

(7) There may be accredited as internal observers only the persons nominated by those Non-governmental organisations that produce a certificate issued by the Permanent Electoral Authority regarding the compliance with the provisions of paragraph (3).

(8) There may be accredited as internal mass media representatives only the persons nominated by those mass media institutions that produce a certificate issued by the Permanent Electoral Authority regarding the compliance with the provisions of paragraph (4).

(9) The delegates of the political parties, organisations of citizens belonging to national minorities, of the political or electoral alliances thereof that take part in elections and have no representatives in the electoral bureaux shall be accredited by the county electoral bureaux, the district electoral bureaux or the electoral bureau for the polling stations abroad, for the respective electoral bureaux, upon the written request of the leaders of the county organisations of political parties, political and electoral alliances within 2 days at least prior to the election date.

(10) The accredited persons may attend to the electoral operations on the voting day, starting from 6:00 hours and finishing at the time when the members of the electoral bureau of the polling station are closing and signing the statement of poll to ascertain the voting results in the respective polling station, only if they produce the accreditation document, which shall also be valid in duplicate. They shall not interfere in any way in the organisation and conduct of the elections; they are only entitled to notify the president of the electoral bureau in writing in the event they find any inconsistencies. Any action of electoral propaganda, as well as the infringing by any means of the accreditation document shall entail the enforcement of the duly sanctions, the suspension of the accreditation by the electoral bureau that has found the misbehaviour, and on the voting day the immediate removal of the respective person from the polling station.

(11) At the electoral bureau of the polling station, the accredited persons shall be allowed to stay only within the area settled to this aim by the president of the electoral bureau of the polling station. The accreditation shall also permit the access of the holder thereof in the especially arranged to this aim at the county electoral bureau, the Bucharest Municipality district electoral bureau, or at the electoral bureau for the polling stations abroad that issued the accreditation.

(12) The contestations contesting the accreditation or the rejection of the accreditation request by the county electoral bureau, the Bucharest Municipality district electoral bureau, or at the electoral bureau for the polling stations abroad shall be filed within 2 days at the most of the posting of the decision to the tribunal in whose jurisdiction operates the electoral bureau, and shall be settled by it within 2 days at the most of registration. The decision shall be final and irrevocable.

(13) The contestations contesting the rejection by the Permanent Electoral Authority of the request for issuing the certificate referred to in paragraph (7) or (8) shall be filed within 2 days at the most of the communication of the answer to the Bucharest Court of Appeal, and shall be settled by it within 2 days of the registration. The decision shall be final and irrevocable.*

*Amended by G.E.O. no. 11/2009.

Art. 26. - (1) The first elections to the European Parliament shall be organised and carried out until 31 December 2007 at the latest.

(2) By way of exception from the provisions of Article 1 (3), the mandate of the candidates from Romania to the European Parliament that was assigned on the basis of the first elections, ceases on close of the 2004-2009 legislature of the European Parliament.

Art. 27. - In the first elections to the European Parliament organised in Romania, for the purposes of exercising the right to vote and of standing as candidates from Romania to the European Parliament, the citizens of the Member States of the European Union are obliged to

submit a formal declaration that they have not exercised their right to vote, and the right to be elected to the European Parliament in the elections organised in 2004.

Art. 28. - The Central Electoral Bureau shall confirm the results of the ballot and shall provide the publishing in the Official Gazette of Romania, Part I of the results of the election of the candidates from Romania to the European Parliament.

This law transposes the Council Directive no. 93/109/EC of 6 December 1993 laying down the conditions for the exercise of the right to vote and of the right to stand as a candidate in the elections for the European Parliament for citizens of the European Union residing in a Member State of which they are not nationals, published in the Official Journal of the European Communities no. L 329 of 30 December 1993, as well as the 1976 Act on the election of the candidates to the European Parliament, by universal direct ballot, published in the Official Journal of the European Communities no. L 278 of 8 October 1976, with the subsequent amendments.