

**LAW No. 208**  
**of 20 July 2015**  
**on the election of the Senate and the Chamber of**  
**Deputies, as well as on the organisation**  
**and functioning of the**  
**Permanent Electoral Authority**

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**The Parliament of Romania** enacts this law.

## TITLE I

### **The election of the Senate and of the Chamber of Deputies**

#### CHAPTER I

#### **General provisions**

**Article 1** - This law hereby regulates the organisation and unfolding of the elections for the Senate and the Chamber of Deputies, as well as the organisation and functioning of the Permanent Electoral Authority.

**Article 2** - (1) Parliamentary elections in Romania shall be carried out in observance of the universal, equal, direct, secret and freely expressed nature of the vote, in compliance with this law.

(2) Romanian citizens have the right to elect and be elected, regardless of their race, gender, nationality, ethnic origin, language spoken, religion, political opinion, wealth or social origin, according to the Constitution and legislation in force.

(3) Romanian citizens domiciled or residing abroad shall exercise their right to vote in accordance with this law.

(4) Romanian citizens enjoy the right to vote from the age of 18, if they reached this age until the day of the elections included.

(5) The following cannot elect:

a) mentally retarded or ill persons, laid under interdiction;

b) the persons prohibited from exercising their right to elect, during the period set by final court ruling.

(6) The following cannot be elected:

a) the citizens falling under the categories referred to in Article 40 paragraph (3) of the Romanian Constitution, republished;

b) the persons falling under the categories referred to in paragraph (5);

c) the persons prohibited from exercising their right to stand as candidates in the elections for public authorities or in any other public functions, for the duration set through final court ruling or by law.

**Article 3** - (1) Every voter is entitled to just one vote for the election of the Senate and to just one vote for the election of the Chamber of Deputies.

(2) Every voter shall express his/her vote personally. The exercise of the right to vote on behalf of another voter is forbidden.

(3) The vote cast during the elections is secret.

(4) Citizens' participation in the elections is done based on their free consent.

**Article 4** - For the organisation of the elections, electoral constituencies shall be set up at the level of the 41 counties, a constituency in the Municipality of Bucharest and a constituency for the Romanian citizens domiciled or residing abroad. The total number of electoral constituencies shall be 43. The name, numbering and number of mandates for each electoral constituency are listed in Appendix 1, which is a part of this law.

**Article 5** - (1) Senators and Deputies are elected by slate voting, according to the principle of proportional representation.

(2) The representation rate for the election of the Chamber of Deputies is one Deputy for 73,000 inhabitants.

(3) The representation rate for the election of the Senate is one Senator for 168,000 inhabitants.

(4) The number of inhabitants taken into consideration corresponds to the population by domicile, as communicated by the National Institute of Statistics on 1 January of the year preceding the year when elections are being held.

(5) The number of mandates for the Senate, respectively for the Chamber of Deputies, shall be determined by dividing the number of inhabitants in each electoral constituency by the representation rates referred to in paragraphs (2) to (4), to which a mandate of Senator, respectively of Deputy, is added, for what exceeds half of the representation rate, provided that the number of mandates of Senators in an electoral constituency is not below 2 and those of Deputies, below 4.

(6) The number of mandates for the Senate, respectively for the Chamber of Deputies, for each individual constituency, is listed in Appendix 1.

(7) In the case of early parliamentary elections, the data used for the last parliamentary elections shall be taken into consideration.

**Article 6** - (1) The voting in the country takes place over a single day, which can only be a Sunday. Abroad, the voting also takes place on the Saturday immediately preceding the date of voting.

(1<sup>1</sup>) Abroad, on Saturday, voting opens at 7:00 local time and closes at 21:00 local time.

(2) The date of the elections shall be made public at least 90 days before the election date, by publication in the Official Gazette of Romania, Part I, of the Government decision on the election date.

(3) The electoral campaign shall start 30 days before the election date and it shall end 24 hours before the start of the vote.

## CHAPTER II Electoral bodies

**Article 7** - (1) For the organisation of the electoral process, the Permanent Electoral Authority operates on a permanent basis, issuing decrees, decisions and orders. During the organisation of the elections, the Central Electoral Bureau, constituency electoral bureaux at county level, at the level of the Municipality of Bucharest, sector electoral offices, in the case of the Municipality of Bucharest and a constituency electoral bureau for the Romanian citizens domiciled or residing abroad, as well as the electoral bureaux of the polling stations shall be set up.

(2) Electoral bureaux shall be composed only of citizens with the right to vote. The candidates in the elections, their spouses, their relatives and in-laws, up to the second degree inclusively, cannot be members of the electoral bureaux.

(3) While fulfilling the duties incumbent upon them, the members of electoral bureaux exercise a function implying state authority. The correct and fair exercise of the function of member of the electoral bureau is mandatory. Non-observance of this obligation entails administrative or criminal liability, where appropriate.

(4) Notwithstanding the provisions of Law No. 188/1999 on the Statute of civil servants, republished, as subsequently amended and supplemented, the persons holding public offices cannot be members of electoral bureaux.

(5) In the case of polling stations with less than 500 voters assigned to them, the Permanent Electoral Authority can decide that the president of the electoral bureau of the polling station or his/her alternate fulfilled the powers referred to by this law for computer operators. In the polling stations abroad, the president of the polling station can also fulfil the powers referred to by this law for computer operators.

**Article 8** - (1) Electoral bureaux and offices shall carry out their activity in the presence of the majority of their members and shall take decisions with the majority

vote of the members present. The Central Electoral Bureau shall carry out its activity in the presence of the majority of its members and shall take decisions with the majority vote of the members present.

(2) In case of a tie vote, the president's vote is decisive.

**Article 9** - (1) The representatives of political parties, political alliances and electoral alliances, as well as of organisations of citizens belonging to national minorities, members in the electoral bureaus and offices, cannot receive and cannot accomplish other tasks besides those stipulated by this law.

(2) The representatives of political parties, political alliances and electoral alliances, as well as of organisations of citizens belonging to national minorities, members in the electoral bureaus and offices, can be replaced, upon request by those having proposed them, with the approval of the hierarchically superior electoral bureau, until the day before the ballot, and, in case of death, sickness or accidents, even on the day of the elections.

(3) The members of electoral bureaus and offices, who do not represent political parties, political alliances, electoral alliances, or, where appropriate, organisations of citizens belonging to national minorities, can be replaced, in case of death, sickness or accidents, by those having appointed them, in observance, where appropriate, of the conditions referred to in Articles 11, 13, 15 and 17.

**Art. 9<sup>1</sup>.** - (1) The member of the electoral bureau of the polling station shall be compelled to bring to the electors' attention the name, surname and the position in the electoral office, by means of a badge that he shall wear visibly.

(2) In his relation to the other members of the electoral bureau of the polling station, as well as to the electors and the accredited persons, the member of the electoral bureau of the polling station shall be compelled to behave respectfully, with good faith, fairly and politely, and shall be denied any indecent behaviour.

**Article 10** - The capacity as member of an electoral bureau or office shall cease, as of right, in case of indictment for having committed an offence referred to by Articles 385 to 391 of the Criminal Code. Cases of rightful cessation of the capacity as member of an electoral bureau or office shall be ascertained, within 48 hours from the occurrence of such a situation, by the president of the hierarchically superior electoral bureau, and, in the case of the Central Electoral Bureau, by the President of the High Court of Cassation and Justice. The provisions of Article 9 shall apply accordingly.

**Article 11** - (1) At national level, a Central Electoral Bureau is set up, composed of 5 judges of the High Court of Cassation and Justice, the president and vice-presidents of the Permanent Electoral Authority and 12 representatives, at the most, of political parties, political alliances, electoral alliances, according to law, as well as a representative appointed by the parliamentary group of the national minorities within the Chamber of Deputies.

(2) The appointment of the 5 judges shall be done in public session, on the third day from the establishment of the date of the elections, by random draw, by the President of the High Court of Cassation and Justice, from among the judges in office thereof. The date, time and place of the public session for the random draw shall be notified in writing to the parliamentary political parties, by the President of the High Court of Cassation and Justice, one day prior to the random draw and it shall be made public in the broadcast media and written press. One representative, appointed as such, from each parliamentary political party can be present at the organisation and unfolding of the random draw. The result of the random draw shall be entered in the minutes, signed by the President and the First Assistant-Magistrate of the High Court of Cassation and Justice. The minutes represent the establishment document.

(3) Within 24 hours from the appointment, the appointed judges shall choose from

among them, by secret vote, the president of the Central Electoral Bureau and his/her alternate. Within 24 hours from the election of the president of the Central Electoral Bureau, the bureau shall be completed with the president and the vice-presidents of the Permanent Electoral Authority, with a representative from each parliamentary political party and organisation of citizens belonging to national minorities within the Chamber of Deputies, notified in writing by them. The completion of the Central Electoral Bureau with the representatives of the parliamentary political parties shall be made in descending order of the cumulative number of mandates obtained in the last elections for the Senate and the Chamber of Deputies, to the maximum limit number of 12 representatives referred to in paragraph (1). Establishing the list of parliamentary political parties and the cumulative number of mandates obtained in the last elections for the Senate and the Chamber of Deputies shall be established on the basis of the communication of the Permanent Electoral Authority to the President of the Central Electoral Bureau. The completion of the Central Electoral Bureau shall be recorded in the minutes, which represent the establishment document. In this composition, the Central Electoral Bureau shall fulfil all the powers that are incumbent upon it according to this law.

(4) Within 2 days from the date the candidatures have remained final, the non-parliamentary political parties and the organisations of citizens belonging to national minorities, other than those referred to in paragraph (3), the political and electoral alliances thereof, which take part in the elections, shall notify, in writing, to the Central Electoral Bureau, the first and last names of their representatives. All notifications sent after this deadline shall be disregarded.

(5) The appointment of the representatives of the political organisations referred to in paragraph (4) in the Central Electoral Bureau shall be done in the decreasing order of the number of candidatures remained final in the electoral constituencies.

(6) If, when appointing the representatives of the political organisations referred to in paragraph (4), the last seat to be allotted accrues to parties, organisations of citizens belonging to national minorities or alliances having filed the same number of candidatures, the appointment of the representatives shall be done, by random draw, by the president of the Central Electoral Bureau, in the presence of the persons delegated by the political parties, organisations of citizens belonging to national minorities, political alliances or electoral alliances in question.

(7) The completion of the Central Electoral Bureau with representatives of political organisations referred to in paragraph (4) shall be done within 24 hours from the expiry of the deadline referred to in paragraph (4), by the president of the Central Electoral Bureau, in the presence of the bureau's members and of the persons delegated by the political parties, organisations of citizens belonging to national minorities, political alliances and electoral alliances having communicated the representatives. The minutes drawn up by the president concerning the way to appoint representatives is the document ascertaining their capacity as members of the Central Electoral Bureau.

(8) Electoral competitors appointing representatives in the Central Electoral Bureau according to the provisions of paragraphs (3) and (4) can also appoint alternates thereof. The alternate can replace the respective holder, with the same rights and obligations, only when the latter cannot take part in the meetings of the Central Electoral Bureau.

(9) It is in the composition referred to in paragraph (1) that the Central Electoral Bureau shall adopt, within 2 days from being set up, the organisation and functioning regulations, to be published in the Official Gazette of Romania, Part I, which is mandatory for all electoral bureaus and offices.

(10) The auxiliary technical apparatus of the Central Electoral Bureau shall be

ensured by the Permanent Electoral Authority and the Ministry of Interior and the necessary statisticians, by the National Institute of Statistics.

**Article 12 - (1)** The Central Electoral Bureau has the following main powers:

a) to monitor the unitary application of the legal provisions concerning the elections and ensure the unitary interpretation of their provisions;

b) to ensure publication in the Official Gazette of Romania, Part I, of the list containing the electoral names and symbols of the political parties, political alliances, electoral alliances and organisations of citizens belonging to the national minorities, legally set up, which are entitled to take part in the elections and to communicate the list to all constituency electoral bureaus, immediately after their setting up;

c) to settle objections concerning its own activity and challenges concerning the activity of constituency electoral bureaus; challenges shall be settled through decisions binding for the respective electoral bureau, as well as for the public authorities and institutions that they concern, under the penalties referred to by law;

d) to receive the lists of supporters of the lists of candidates proposed by the political parties, organisations of citizens belonging to national minorities, political alliances, electoral alliances, if they choose to file the lists of supporters at national level and to communicate to the constituency electoral bureaus the list of electoral competitors entitled to file candidatures in all electoral constituencies;

e) to publish and display all the documents referred to by this law concerning the candidatures;

f) to centralise, based on the communications received from the constituency electoral bureaus, the number of final candidatures submitted by the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities; to communicate the centralised situation to the special committee in the Senate and the Chamber of Deputies for the allotment of the broadcasting time, within 24 hours from its drawing up, as well as to the Romanian Television Corporation and to the Romanian Radio Broadcasting Company;

g) to draw up, based on the minutes sent by the constituency electoral bureaus, the list of political parties, political alliances, electoral alliances and organisations of citizens belonging to the national minorities having reached the electoral threshold, as well as the list of those that have not reached the electoral threshold and to communicate these lists to the constituency electoral bureaus and to make them public, within 24 hours from their ascertaining;

h) to annul the elections in a polling station or electoral constituency if it finds that the voting or the setting of the results of the vote took place through electoral fraud;

i) it can order the recounting of the votes in a polling station or a new centralisation of the votes and of the vote results in an electoral constituency if it ascertains, based on the evidence administered, that errors have been committed or discrepancies have been recorded between the data recorded in the minutes;

j) to total the results at national level, based on the minutes received from the electoral bureaus set up at lower levels;

k) to send to the Permanent Electoral Authority, after the publication of the result of the elections in the Official Gazette of Romania, Part I, the materials necessary for drawing up the White Paper of the elections;

l) to establish, at national level, the number of mandates, in every electoral constituency, to which every political party, political alliance, electoral alliance, organisation of citizens belonging to a national minority, independent candidate taking part in the elections is entitled, according to this law;

m) to certify the allotment of a seat of Deputy to the organisation of citizens belonging to national minorities having met the conditions referred to in Article 56 and

to deliver a certificate of proof to the Deputy appointed on this basis;

h) to send for publication the final results of the elections to the Autonomous Regie 'Monitorul Oficial';

o) to organise and implement a system for data collection and periodical information of the public opinion about voter turnout;

p) to fulfil any other powers incumbent upon it under this law.

(2) If, when settling a challenge, factual verifications are necessary, these are conducted in the presence of a judge of the Central Electoral Bureau. Such verifications cannot be conducted on the day of the elections.

(3) The request for the annulment of the elections in a polling station or electoral constituency for electoral fraud can only be lodged by the electoral competitors having taken part in the elections in the respective electoral constituency. The request shall be filed with the Central Electoral Bureau within 48 hours, at the most, from the closing of the vote, under penalty of losing this right. The request must be thoroughly motivated and accompanied by the elements of proof on which it relies. The lack of proof entails the dismissal of the request. The request can be upheld only if the author of the referral is not involved in the fraud and only if it can be established that this was likely to modify the allotment of the mandates. The settlement of the request for the annulment of the elections by the Central Electoral Bureau shall be done within 3 days from its registration, at the most. The decision of the Central Electoral Bureau can be challenged within 24 hours from being made public before the High Court of Cassation and Justice, which settles it within 3 days, at the most, from the date of referral. Within 10 days, at the most, from the date the upholding of the request for the annulment of the elections remains final by final court ruling, a new ballot shall be held in the polling stations or in the electoral constituency where the electoral fraud was found. The constituency electoral bureau, together with the local public administration authorities, shall ensure the proper unfolding of the new ballot, with due application of the provisions of this law. Until the new results are obtained, the electoral operations concerning the counting of the votes and the ascertaining of the results are suspended.

(4) Within the meaning of this law, *electoral fraud* means any act incriminated by law committed before, during or after the closing of the vote or during the counting of the votes and the drawing up of the minutes, which leads to the alteration of the will of the voters and the creation of advantages translated into more mandates for an electoral competitor.

(5) While exercising the powers incumbent upon it according to the provisions of this law, the Central Electoral Bureau shall adopt decisions and decrees. The decrees of the Central Electoral Bureau are issued for the unitary interpretation of the law and are generally binding. The decisions of the Central Electoral Bureau are issued in accordance with the provisions of this law, as well as for the settlement of the objections and challenges that it is competent to settle. The decisions of the Central Electoral Bureau are binding for all public authorities and institutions, all electoral bureaus, as well as for all bodies with powers in the electoral field, once they are made public in public session. The decisions are communicated in public session and by any means of publicity and the decrees are published in the Official Gazette of Romania, Part I.

(6) The Central Electoral Bureau shall cease its activity within 48 hours from the publication, in the Official Gazette of Romania, Part I, of the results of the vote, in compliance with the provisions of this law.

**Article 13** - (1) At the level of each of the 43 electoral constituencies, a constituency electoral bureau shall be set up, composed of 3 judges, a representative of the Permanent Electoral Authority and of 12 representatives, at the most, of the political parties, political alliances, electoral alliances and organisations of citizens



belonging to national minorities taking part in the elections, under this law, in the respective electoral constituency. The premises of the constituency electoral bureau for the Romanian citizens domiciled or residing abroad are located in the Municipality of Bucharest.

(2) The appointment of the 3 judges shall be done in public session, within 21 days from the beginning of the electoral period, by random draw, by the president of the county court, from among the judges in office of the county court, respectively of the Bucharest County Court, for the Bucharest Electoral Constituency and for the electoral constituency for the Romanian citizens domiciled or residing abroad. The date of the session is made public, in the press, by the president of the county court, at least 48 hours before. The result of the random draw shall be entered in the minutes, signed by the president, representing the establishment document. Within 24 hours from their appointment, the judges, by secret vote, shall elect the president of the constituency electoral bureau and his/ her alternate. From that moment on, the bureau thus established shall fulfil all the powers that are incumbent upon it under this law and it shall be completed with the representative of the Permanent Electoral Authority, with representatives of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, according to this law.

(3) Within 24 hours from the expiry of the deadline referred to in paragraph (2), the constituency electoral bureau shall be completed with a representative of the Permanent Electoral Authority.

(4) The constituency electoral bureau, set up according to paragraphs (1) to (3), shall fulfil all the powers incumbent upon it according to this law.

(5) Within 48 hours from the date the constituency electoral bureaus are set up, the parliamentary political parties, as well as, the organisations of citizens belonging to national minorities in the Chamber of Deputies must notify, in writing, to the constituency electoral bureaus, the first and last names of their representatives therein. All notifications sent after this deadline shall be disregarded.

(6) Within 5 days from the date until which candidatures can be proposed, political parties, organisations of citizens belonging to national minorities, political alliances and electoral alliances taking part in the elections, other than those referred to in paragraph (5), must notify, in writing, to the constituency electoral bureaus, the first and last names of their representatives therein. All notifications sent after this deadline shall be disregarded.

(7) The completion of the constituency electoral bureaus with representatives of the parliamentary political parties and with the representative of the parliamentary group of national minorities in the Chamber of Deputies, whose identity data have been communicated according to paragraph (5), shall be done in 24 hours from the expiry of the deadline set in paragraph (5), in the order of the cumulative number of mandates obtained in the last elections for the Senate and the Chamber of Deputies.

(8) The completion of the constituency electoral bureaus with representatives of the political parties, organisations of citizens belonging to national minorities, political alliances and electoral alliances taking part in the elections, whose identity data have been communicated according to paragraph (6), shall be done in 48 hours from the expiry of the deadline set in paragraph (6), in the order of the number of final candidatures in the respective electoral constituency. In the event of an equal number of candidatures, the order for the completion of the constituency electoral bureau, up to the maximum number of members thereof, shall be established by random draw, in public session.

(9) Electoral offices are set up at the level of the sectors of the Municipality of Bucharest and are composed of a president, his/her alternate, a representative of the Permanent Electoral Authority and 8 representatives, at the most, of parliamentary



political parties and the parliamentary group of national minorities in the Chamber of Deputies, on behalf of organisations of citizens belonging to national minorities thereof.

(10) The president of the electoral office and his/her alternate are magistrates appointed by the President of the Bucharest County Court 20 days before the election date, by random draw, by positions, from among the judges in office of the sector court of first instance.

(11) Within 24 hours from the date the magistrates are appointed, the political parties, political alliances, electoral alliances and organisations of citizens belonging to the national minorities taking part in the elections shall communicate in writing the names of their representatives in the electoral office.

(12) Within 24 hours from the expiry of the deadline referred to in paragraph (10), the electoral offices shall be completed with one representative of the Permanent Electoral Authority.

(13) Within 24 hours from the expiry of the deadline referred to in paragraph (11), the electoral offices shall be completed with representatives of the political parties, organisations of citizens belonging to national minorities, political alliances and electoral alliances, with due application of the provisions of paragraphs (7) and (8) referring to the establishing of the order for the completion of the electoral bureaus of the electoral constituencies.

(14) Political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities can appoint a single representative in the Central Electoral Bureau, in a constituency electoral bureau or in an electoral office.

**Article 14 - (1)** Constituency electoral bureaus have the following powers:

a) to ensure the timely organisation of the polling stations, to monitor and ensure the unitary application and observance of the legal provisions concerning the elections by all the authorities, institutions and bodies with responsibilities in the electoral field in that constituency;

b) to register the candidatures filed in the constituency;

c) to communicate, within 24 hours from the date the candidatures have remained final, to the Central Electoral Bureau, the lists of candidates, as well as the independent candidatures at the level of that constituency;

d) to publish and display all the documents referred to in this law concerning the candidatures;

e) to ascertain the fact that the candidatures have remained final;

f) to settle any objection concerning their own activity and any challenge concerning the operations of the electoral bureaus of the polling stations or, where appropriate, of the electoral offices in the electoral constituency where they operate; the challenges shall be settled through decisions binding for the respective electoral bureau, as well as for the public authorities and institutions that they refer to, under the penalties referred to by this law;

g) to distribute to the electoral bureaus of the polling stations, through the mayors, based on a handover-takeover report, the ballot papers, the control stamp and the 'VOTED' stamps, the forms for drawing up the minutes, as well as the other materials necessary to the electoral process. The Constituency Electoral Bureau of the Municipality of Bucharest shall distribute these materials to the electoral offices; the constituency electoral bureau for the Romanian citizens domiciled or residing abroad shall distribute these materials to the electoral bureaus of the polling stations abroad, with the logistic support of the Ministry of Foreign Affairs;

h) to establish, at the level of the constituency, the number of mandates to which every political party, political alliance, electoral alliance, organisation of citizens belonging to a national minority, independent candidate taking part in the elections is

entitled, according to this law, in accordance with the provisions of Article 94;

- i) to issue to the candidates declared elected the certificate proving the election;
- j) to remit to the Central Electoral Bureau the minutes including the result of the elections at the level of the electoral constituency in which they operate, as well as the objections, challenges and minutes received from the electoral bureaus of the polling stations;

- k) to fulfil any other powers incumbent upon them according to this law.

(2) The decisions of the constituency electoral bureau are delivered in public session and by being posted on its own Website and are communicated to the parties concerned.

(3) Sector electoral offices have the following powers:

- a) to monitor the implementation of the legal provisions concerning the elections in the sectors where they operate and to ensure the timely organisation of the polling stations;

- b) to settle any objection concerning their own activity and any challenge concerning the operations of the electoral bureaus of the polling stations in the sector where they operate;

- c) to distribute to the electoral bureaus of the polling stations, through the mayors, the ballot papers, the control stamp and the 'VOTED' stamps, the forms for drawing up the minutes, as well as other materials necessary to the electoral process;

- d) to total the results of the elections, according to the minutes received from the electoral bureaus of the subordinated polling stations and to send the results to the Constituency Electoral Bureau of the Municipality of Bucharest, to which they are subordinated;

- e) to remit to the constituency electoral bureau to which they are subordinated the minutes including the result of the elections at the level of the respective sector, as well as the objections, challenges and minutes received from the electoral bureaus of the polling stations.

(4) The decisions of the sector electoral office are delivered in public session and by being posted on its own website.

**Article 15 -** (1) The electoral bureaus of the polling stations are composed of a president, his/her alternate, who are usually magistrates or legal experts, and as well as of 8 representatives of parliamentary political parties and of the Parliamentary Group of National Minorities in the Chamber of Deputies on behalf of citizens' organizations belonging to national minorities members thereof participating in elections. The electoral bureaus of the polling stations cannot operate with less than 5 members.

(1<sup>1</sup>) If the electoral bureaus of the polling stations do not reach the threshold of 8 representatives stipulated in paragraph (1), their number shall be completed by representatives of other political parties, organizations of citizens belonging to national minorities, political alliances and electoral alliances participating in elections, by drawing lots.

(2) The president of the electoral bureau of the polling station and his/ her alternate are appointed by the Permanent Electoral Authority, in public session, announced 48 hours earlier, by computerized random draw, held at county level or at the level of the Municipality of Bucharest 15 days before the election date, by functions, from among the persons registered in the body of electoral experts, domiciled or residing in the county in question, based on the criterion of the proximity of their domicile or residence to the premises of the polling station, as well as on the criterion of the studies completed. Priority is given to holders of bachelor's degrees from universities in the field of legal sciences and then come the holders of bachelor's degrees from other faculties.

(3) In cases of force majeure, the Permanent Electoral Authority shall replace the

presidents of the electoral bureaus of the polling stations or their alternates, by computerized random draw, from among the persons registered in the body of electoral experts, domiciled or residing in the respective county, pursuant to paragraph (2).

(4) The result of the random draw shall be recorded in the minutes signed by the representatives of the Permanent Electoral Authority and the presidents of the constituency electoral bureaus, which are made available to the public by posting on the website of the Permanent Electoral Authority, respectively at the premises of the constituency electoral bureaus and on their websites, pursuant to Article 16 paragraph (14).

(5) Within 2 days, at the most, from the expiry of the deadline set in paragraph (2), the political parties, political alliances, electoral alliances and organizations of citizens belonging to national minorities as well as the parliamentary group of national minorities in the Chamber of Deputies on behalf of the organizations of citizens belonging to national minorities taking part in the elections shall communicate to the constituency electoral bureau, respectively to the electoral office, in the case of the Municipality of Bucharest, the list of their representatives in the electoral bureaus of the polling stations, in the form of a table including the following: the number of the polling station, the last name, the first name, the personal identification number, the domicile or the residence and the form of contact, respectively the telephone number, fax number or email address.

(6) The appointment of the representatives of political parties, political alliances, electoral alliances and organizations of citizens belonging to national minorities completing the electoral bureaus of the polling stations shall be done by the president of the constituency electoral bureau, respectively by the president of the electoral office, in the case of the Municipality of Bucharest, in the presence of the representatives of the political parties in the constituency electoral bureau or in the respective electoral office, within 48 hours from the expiry of the deadline referred to in paragraph (5), while observing the order of completion provided for in Article 13 paragraphs (7) and (8). The operations for the appointment of the members completing the electoral bureau of the polling station shall be recorded in the minutes, which represent the establishment document. The electoral bureaus of the polling stations are deemed established on the date on which they are completed with the representatives of political parties, political alliances, electoral alliances and organizations of citizens belonging to national minorities.

(7) Upon written request by the delegates of the political parties, political alliances, electoral alliances and organizations of citizens belonging to national minorities having designated representatives in the electoral bureaus of the polling stations, the president of the constituency electoral bureau or, where appropriate, of the electoral office, shall provide them with certified copies of the minutes for the completion of the electoral bureaus of the polling stations.

(8) Within 2 days from the expiry of the deadline for completing the electoral bureaus of the polling stations, the president of the constituency electoral bureau shall inform the mayors, through the prefect's institutions, about the composition of the electoral bureaus of the polling stations located within the territorial jurisdiction of their localities.

**Article 16 -** (1) Any person meeting the conditions below can be accepted to the body of electoral experts, through decision of the Permanent Electoral Authority:

- a) has Romanian citizenship;
- b) knows Romanian, written and spoken;
- c) has the right to vote;
- d) enjoys a medical condition enabling him/her to hold the position in question;
- e) is not a member of any political party;
- f) has obtained a university bachelor's degree in the field of legal sciences or in

other fields;

g) is not subject to criminal prosecution, is not indicted or criminally convicted.

(2) If the number of university graduates in the field of legal sciences or in other fields in a locality is not sufficient, notwithstanding the provisions of point (f) of paragraph (1), graduates of the mandatory general education or higher can also be accepted to the body of electoral experts.

(3) Admission to the body of electoral experts is based on the favourable opinion given by the Permanent Electoral Authority for the previously conducted activity as president of an electoral bureau of a polling station or as their alternate and it is done following an exam.

(4) The Permanent Electoral Authority gives favourable opinion to the person having previously acted as president of an electoral bureau of a polling station or as his/her alternate, for at least a ballot and who:

a) meets the requirements in paragraph (1);

b) has submitted, in writing, to mayors or prefects, or to the Permanent Electoral Authority, in writing or in electronic format, 45 days before the election date, at the latest, a written, dated and signed application, including the last name, the first name, the personal identification number, the domicile, the residence, the occupation, the profession, the telephone number and email address, accompanied by a statement on the fulfilling of the requirements referred to in paragraph (1);

c) has not committed any minor offences related to the elections or to a referendum;

d) has made no mistakes while introducing the voting results in the minutes;

e) has not been excluded from the body of electoral experts;

f) has not withdrawn from the body of electoral experts.

(5) The mayors and prefects shall refer the applications filed under point (b) of paragraph (4) to the Permanent Electoral Authority within 48 hours of their registration, but no later than 40 days before the election date.

(6) Any person who fulfils the conditions provided in paragraph (1) and who has not been excluded from the body of electoral experts could participate in the exam for joining the body of electoral experts if the exclusion took place more than 6 months before the date of the exam.

(7) The exam for joining the body of electoral experts may be attended by the persons under paragraph (6), who declare in writing to be fulfilling the requirements in points (a) to (g) of paragraph (1) and ask the Permanent Electoral Authority, upon written application, dated and signed, including their last name, first name, personal identification number, domicile, residence, occupation, profession, telephone number and email address, to join the body of electoral experts on the basis of an exam.

(8) The methodology to enforce the provisions of this article is established by decision of the Permanent Electoral Authority.

(9) Exclusion from the body of electoral experts shall be done by the Permanent Electoral Authority in case of minor offences committed in relation to the elections or referendums.

(10) Upon request by the Permanent Electoral Authority, public authorities with powers in the electoral field are bound to provide, free of charge, premises for organising the exams for joining the body of electoral experts.

(11) Withdrawal from the body of electoral experts shall be done based on a written request filed within 5 days, at the most, from the beginning of the electoral period.

(12) If an electoral expert cannot fulfil the position of president of an electoral bureau of a polling station or that of alternate thereof during a ballot, (s)he is bound to request the Permanent Electoral Authority, in writing, to be suspended from the body

of electoral experts for the duration of the respective ballot, but no later than 30 days before the election date.

(13) The Permanent Electoral Authority manages the body of electoral experts, which includes the following identification data for the persons registered therein: last name, first name, personal identification number, domicile, residence, occupation, profession, telephone number and email address.

(14) The Permanent Electoral Authority shall publish, on its website, the following identification data of the persons registered in the body of electoral experts:

- a) last name;
- b) first name;
- c) father's initials;
- d) domicile - only the county and locality or the Municipality of Bucharest and the sector, where appropriate, are included.

(15) The Permanent Electoral Authority shall communicate to prefects the information referred to in paragraph (13) concerning the persons appointed as presidents of the electoral bureaus of the polling stations and their alternates.

(16) Electoral experts cannot take part in the electoral campaign.

(17) This article shall apply accordingly to persons domiciled or residing abroad.

**Article 17 - (1)** The electoral bureaus of the polling stations abroad are composed of a president, his/her alternate and at most 8 representatives of parliamentary political parties and of the Parliamentary Group of National Minorities in the Chamber of Deputies on behalf of citizens' organizations belonging to national minorities members thereof participating in elections. The electoral bureaus of the polling stations abroad cannot operate with less than 3 members, of which one is president.

(2) The presidents of the electoral bureaus of the polling stations abroad and their alternates are appointed by the Permanent Electoral Authority at the proposal of the heads of diplomatic missions and consular office. The appointment is made on the basis of signed and dated applications of citizens entitled to vote, which also declare the fulfillment of the conditions set out in art. 16 paragraph (1), sent by post, fax or e-mail or deposited at diplomatic missions and consular office. Decisions on the appointment of presidents of polling station bureaus abroad and their alternates is communicate to the constituency electoral bureau for the Romanian citizens domiciled or residing abroad. The operations of appointing the presidents of the electoral bureaus of the polling stations abroad and their alternates start 30 days before the date of the elections, as the headquarters of the polling stations abroad are established, and are completed no later than 15 days before the date of the elections, being made public by posting on the website of the constituency electoral bureau for the Romanian citizens domiciled or residing abroad.

(3) Within 5 days from the date of completion of the operations for appointing the presidents of the electoral bureaus of the polling stations abroad and their alternates, the political parties provided for in paragraph (1) who have proposed candidacies that have become definitive, send to the constituency electoral bureau for the Romanian citizens domiciled or residing abroad, by electronic means, the lists of their representatives in the electoral bureau of the polling station abroad, including the name, surname, telephones, e-mails and personal numerical codes of the holder and of the alternates, accompanied by their declarations of acceptance. A political party may have one holder and 2 alternates for each polling station. Alternates may temporarily replace holders when they cannot participate in the activity of electoral bureaus of the polling stations abroad.

(4) Within 48 hours, at the most, from the expiry date provided for in paragraph (3), the president of the constituency electoral bureau for the Romanian citizens

domiciled or residing abroad completes the electoral bureaux of the polling stations abroad, whose presidents and alternates have been designated. In this composition, the electoral bureaux of polling stations abroad perform all the duties provided by this law. The operations of filling in the electoral bureaux of the polling stations abroad are recorded in minutes representing the investing documents, being brought to public knowledge by posting on the website of the constituency electoral bureau for the Romanian citizens domiciled or residing abroad and communicated to the Ministry of Foreign Affairs and the Permanent Electoral Authority.

(5) The operations of filling in the electoral bureaux of polling stations abroad shall be completed no later than 7 days before the date of the elections.

(6) Following their investiture in an electoral bureau of the polling station abroad, the president, the alternate and the other members are obliged to fulfill their duties according to the law, and they are responsible for the proper management of the materials handed over to them for the proper unfolding of the electoral process.

(7) If the number of persons proposed by political parties is insufficient to fill in the electoral bureaux of the polling stations abroad, they are completed by Romanian citizens, entitled to vote, proposed by the heads of diplomatic missions or consular office, as the case may be.

(8) If the electoral bureaux of polling stations cannot be filled in according to paragraph (3) and (7), they shall be completed by the president of the constituency electoral bureau for the Romanian citizens domiciled or residing abroad with personnel provided by the Ministry of Foreign Affairs, as well as by other public authorities, at the request of the Ministry of Foreign Affairs. The travel and accommodation costs of personnel sent abroad to be part of the electoral bureaux of polling stations are borne by the Ministry of Foreign Affairs.

(9) By way of exception from the provisions of paragraph (1), if the president of the electoral bureau of a polling station abroad finds, on the previous day or on the day of the elections, that the number of members of the electoral bureau is insufficient for the proper unfolding of voting, he may supplement the number of members of that electoral bureau, up to a maximum of 15 members, with the approval of the constituency electoral bureau for the Romanian citizens domiciled or residing abroad. The completion may be made with alternates proposed by the political parties referred to in paragraph (1) or, if their number is not sufficient, with any Romanian citizen, entitled to vote, being recorded in a minute.

(10) All expenses related to transport, accommodation, meals and other current expenses of representatives of political parties in electoral bureaux of polling stations abroad shall be borne by their appointees.

(11) When the number of persons proposed under paragraph (3) is insufficient or when they have not confirmed until 3 days before the day of the elections, in writing, by e-mail or text message, that they will attend the activity of the electoral bureau of the polling station abroad, it shall be completed with the alternates proposed by the same political party, no later than two days before the day of the elections, and if they do not confirm their presence, they shall be completed, including on the day of the elections, by the presidents of the electoral bureaux of the polling stations abroad, after informing the hierarchically superior electoral bureau, with Romanian citizens, entitled to vote, proposed by the heads of diplomatic missions and consular offices.

(12) In case the presidents of electoral bureaux of polling stations abroad fail to fulfill their duties or commit contraventions provided for by this law, they shall be replaced immediately, at the request of the hierarchically superior electoral bureau, by their alternates. If the other members of the electoral bureaux of the polling stations do not fulfill their duties or commit contraventions provided for by this law, they shall be replaced immediately by the presidents of the electoral bureaux of the polling stations



abroad, after informing the hierarchically superior electoral bureau, with Romanian citizens, entitled to vote, proposed by the heads of diplomatic missions and consular offices.

(13) The Romanian citizens with the right to vote provided for in paragraphs (8), (9) and (11) must fulfill the conditions provided for in Article 16 paragraph (1), proven by an affidavit.

**Article 18** - The electoral bureaus of the polling stations have the following powers:

a) to receive, from the mayors, based on a report, a copy of the permanent electoral lists, on the eve of the vote;

b) to receive, from the mayors, the ballot papers, the control stamp and the 'VOTED' stamps, the forms for drawing up the minutes and the other materials necessary for the unfolding of the electoral process, as well as 2 ballot papers, one for the election of the Senate and one for the election of the Chamber of Deputies, annulled by the president of the constituency electoral bureau, to be displayed in a visible place, on the eve of the elections; the electoral bureaus of the polling stations abroad shall receive these materials from the electoral bureau of the constituency for the Romanian citizens domiciled or residing abroad, based on a report, with the logistic support of the Ministry of Foreign Affairs;

c) to conduct the voting process and to take all the measures aimed at ensuring order within the premises of the polling station and around it;

d) to count the votes and to record the results of the vote;

e) to settle objections concerning their own activity;

f) to remit to the constituency electoral bureaus or to the sector electoral office the minutes including the results of the vote, through electronic means and on paper, the ballot papers used and unchallenged, the ones null and those challenged, together with the challenges filed and the materials to which they refer, as well as the electoral lists used in the polling station, filed by types of lists; the electoral bureaus of the polling stations abroad shall remit these materials, except for the ballot papers used and unchallenged, to the constituency electoral bureau for the Romanian citizens domiciled or residing abroad, based on a report, with the logistic support of the Ministry of Foreign Affairs, and, if it has ceased its activity, to the Bucharest County Court;

g) to remit to the prefect, based on a report, the ballot papers annulled and unused, the stamps and the other materials used for the vote; the electoral bureaus of the polling stations abroad shall remit these materials, as well as the ballot papers used and unchallenged, to the diplomatic mission or consular office;

h) to issue to every representative of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities in the bureau, copies of all the minutes, certified by the president of the electoral bureau of the polling station;

i) to issue, upon request by the observers of non-governmental organisations, as well as by representatives of the media authorised with the respective polling stations, through the president of the polling station, copies of all the minutes stating the result of the elections in the respective station;

j) to verify, through electronic means, that the conditions referred to by law for the exercise of the right to vote have been met, as well as the correlations in the minutes stating the results of the vote, according to the procedure established by decree of the Central Electoral Bureau.

**Article 19** - (1) The political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities taking part in the elections according to this law, as well as independent candidates can challenge the way in which



the electoral bureaux have been set up, as well as their composition, within 48 hours, at the most, from the expiry of the deadline for the establishment or, where appropriate, for the completion of these bureaux.

(2) Challenges shall be filed and settled by the electoral body set up at the immediately superior level to the one at which the bureau concerned by the challenge operates, or by the High Court of Cassation and Justice, if the challenge concerns the Central Electoral Bureau, within 2 days from registration, at the most. The decision of the electoral body or, where appropriate, the ruling of the High Court of Cassation and Justice, is final.

### CHAPTER III

#### Polling stations

**Article 20** - (1) The Permanent Electoral Authority administers the Register of polling stations in the country, which represents a centralised database concerning the delimitation, number, premises and equipment of polling stations. The Register of polling stations is public.

(2) Within 30 days from the entry into force of this law, the Permanent Electoral Authority shall publish the Register of polling stations in the country, based on the registers held by the Permanent Electoral Authority upon the entry into force of this law.

(3) The delimitation of the polling stations in the country and the establishment of their premises shall be updated by the mayors, through order, only upon the assent of the Permanent Electoral Authority.

(4) The numbers of the polling stations in the country shall be updated by the Permanent Electoral Authority at the level of each county, respectively of the Municipality of Bucharest, starting with the county capitals and continuing with those in municipalities, towns and communes, in their alphabetical order. In the case of municipalities that include administrative- territorial subdivisions, the numbering shall be done in compliance with the order of these subdivisions, as set by law.

(5) No later than 30 days before the date of the ballot, mayors shall communicate to the public, with the help of prefects, the delimitation and number of each polling station in the country, as well as their premises, as set by the Permanent Electoral Authority, through decree.

**Article 21** - (1) The polling stations in the country shall remain unchanged, except for the changes requiring update. Any change, including those concerning the structure of the administrative-territorial units or the town planning, shall be forthwith notified to the Permanent Electoral Authority by the mayors.

(2) The methodology for the approval of the updates to the delimitation of the polling stations in the country and of the establishment of their premises, from the point of view of the fulfilment of the requirements set by this law, shall be established by decision of the Permanent Electoral Authority.

(3) When delimiting a polling station in the country, administrative- territorial units in their entirety or only certain localities thereof, entire streets or only segments thereof, isolated buildings or differently grouped buildings can be included, where appropriate.

(4) Other elements than those referred to in paragraph (3) can be included when delimiting the polling stations in the country only if, in the respective locality, no types and/or names of streets and no administrative numbers have been given or in case of inappropriate allotment thereof.

(5) The polling stations in the country must observe the following criteria:

- a) the polling stations cannot exceed the boundaries of the administrative-territorial units;
- b) the same address of a voter cannot be assigned to several polling stations;
- c) the number of voters assigned to a polling station cannot exceed 2,000;
- d) the number of voters assigned to a polling station cannot be lower than 50;
- e) the distance between the premises of the polling station and the voter's domicile/residence should not exceed, as a general rule, 3 km;
- f) the area of the polling station must be, as a general rule, compact.

**Article 22** - (1) Mayors' orders concerning the update of the delimitation of polling stations must observe the following requirements:

- a) to use the official classification and names of the territorial- administrative units, of the component localities or villages pertaining thereto, of streets, of administrative numbers, of building numbers and/ or names, in compliance with the official classifications and codes used by public authorities and institutions;
- b) to use, insofar as possible, the status codes of streets, respectively their changes;
- c) to include all existing streets, according to the street registry, approved by decision of the local council;
- d) to include all streets that no longer exist and that are mentioned in the ID documents or proofs of residence.

(2) The delimitation of the polling stations shall be done by using the following levels:

- a) commune, town, municipality;
- b) sector, in the case of the Municipality of Bucharest;
- c) component locality, village pertaining thereto or village pertaining to a commune;
- d) street;
- e) administrative number;
- f) building number/name;
- g) entrance number/name;
- h) flat number.

**Art. 22<sup>1</sup>.** - The mayors shall be compelled to provide accessibility for the voting premises, according to the methodology approved by decision of the Permanent Electoral Authority.

**Article 23** - (1) In the states where the diplomatic missions and consular offices of Romania have their premises, one or several polling stations for the voters voting abroad shall be set up, as a rule, at the premises of the diplomatic missions, consular offices, consular sections, if they operate in different locations, and the cultural institutes.

(2) Polling stations can also be set up in other locations than at the premises referred to in paragraph (1), with the assent of the authorities in the respective country.

(3) Besides the polling stations referred to in paragraph (1) and (2), other polling stations can be set up for the localities or groups of localities where at least 100 voters have opted to vote, with the assent of the authorities in the respective country, according to Article 42, paragraph (2).

(4) Within 5 days, at the most, from the expiry date provided in Article 42 paragraph (2), the Permanent Electoral Authority shall notify the Ministry of Foreign Affairs the localities abroad where polling stations must be set up, according to paragraph (3), as well as their number.

(5) Starting with the 15 day from the electoral period until 20 days at the most

before the voting day, the Ministry of Foreign Affairs shall communicate to the Permanent Electoral Authority, in stages, the diplomatic missions and the consular offices' proposals regarding the premises of the polling stations from abroad, provided by paragraphs (1) to (4), as soon as they are completed.

(6) The list provided in paragraph (5) shall be accompanied by the following documents:

a) the summary of the meetings between the diplomatic missions and the consular offices;

b) the summary of the meetings with persons who represent Romanian citizens that are abroad and the criteria used for their selection;

c) a verification note regarding the cases where polling stations that have been organised at previous elections shall not be organised, if the case may be;

d) a logistic note regarding each polling station premises, according to the model established by the Permanent Electoral Authority;

e) the informations provided by the foreign competent authorities regarding the number of Romanian citizens domiciled or residing abroad, or any other forms of registration abroad, broken down into states.

(7) Within 3 days at the most from the date of each notification provided in paragraph (5), the Permanent Electoral Authority approves, by decision, the diplomatic missions and the consular offices' proposals regarding the premises of the polling stations from abroad. Within 3 days at the most from the date of the last notification, the Permanent Electoral Authority shall bring to public knowledge the final list of the polling stations premises from abroad.

(8) The activities for coordinating the preparation and organisation of the voting process abroad are provided by the electoral bureau for the polling stations from abroad, with the logistic support of the Ministry of Foreign Affairs.

## CHAPTER IV

### **The Electoral Register and electoral lists**

#### *Section 1*

#### ***The Electoral Register***

**Article 24** - (1) The Electoral Register is a national computer system for the recording and update of the identification data of the Romanian citizens with the right to vote and of the information concerning their assignment to polling stations.

(2) The Electoral Register functions to ensure the following objectives:

a) recording and updating the identification data of the Romanian citizens with the right to vote;

b) carrying out the communications set by law concerning the identification data of voters and their assignment to the polling stations;

c) assigning the Romanian citizens with the right to vote to the polling stations;

d) drawing up the permanent electoral lists;

e) carrying out the communications set by law concerning the update of permanent electoral lists.

**Article 25** - (1) The Electoral Register is structured by counties, municipalities, towns, communes, for the Romanian citizens domiciled or residing in the country and for those domiciled or residing abroad, by states and localities.

(2) Every voter shall appear in the Electoral Register only once, being assigned to a single polling station.

**Article 26** - (1) The persons authorized to conduct operations in the Electoral Register including the Romanian citizens domiciled or residing in the country are the

mayors or the persons appointed by the mayors, by order, according to law. The persons authorized to conduct operations in the Electoral Register including the Romanian citizens domiciled or residing abroad are the persons appointed by the Permanent Electoral Authority. The Ministry of Foreign Affairs can appoint, with the Permanent Electoral Authority's assent, persons authorised to make inquiries in the Electoral Register including the Romanian citizens domiciled or residing abroad.

(3) The persons empowered, by order of the President of the Permanent Electoral Authority, shall carry out, in the Electoral Register, operations that fall under the jurisdiction of the Permanent Electoral Authority.

(4) Authorised persons shall ensure the update, in the Electoral Register, of the information concerning the Romanian citizens with the right to vote, as well as the information concerning their assignment to the polling stations.

(5) Authorised persons shall have access to all the data and information necessary to update the Electoral Register, held by the town hall and the local community public service of the respective administrative-territorial unit.

(6) Authorised persons shall enjoy 5 successive salary scales additional to the scale already held, without exceeding, in total, the number of salary scales referred to in Article 10 paragraph (2) of the Framework Law No. 284/2010 on the unitary payment of staff paid from public funds, as subsequently amended and supplemented.

(7) Starting with the date of entry into force of this law, the persons authorised shall enjoy an increase in their basic salary, corresponding to the 5 additional successive salary scales multiplied by the percentage referred to in Article 10 paragraph (5) of the Framework Law No. 284/2010, as subsequently amended and supplemented.

**Article 27** - (1) Any voter can request the mayor of the administrative- territorial unit of his/her domicile or residence, where appropriate, by written, dated and signed request, including the voter's last name, first name, personal identification number and domicile, respectively to the Ministry of Foreign Affairs, if domiciled or residing abroad, information concerning his/her own personal data included in the Electoral Register.

(2) The answers to the requests referred to in paragraph (1) shall be notified within 15 days from the date the request was received.

**Article 28** - (1) The access of an authorised person to the Electoral Register shall be done by using the authentication data provided by the Permanent Electoral Authority or by using a qualified electronic signature or an advanced electronic signature created with an electronic signature certificate issued by a Romanian public authority or institution.

(2) The mayors and the Ministry of Foreign Affairs shall send the list of the persons appointed for authorisation to the Permanent Electoral Authority within 45 days from the date of entry into force of this law.

(3) Authorised persons shall no longer have access to the Electoral Register during the suspension of their mandate, of their working or employment relationships or after the termination of their mandate, their working or employment relationships, where appropriate.

(4) The cases in which authorised persons are replaced by the mayors shall be notified to the Permanent Electoral Authority within 5 working days from the date of their occurrence, at the most.

**Article 29** - (1) Responsibility for ensuring the confidentiality of personal data and the security of data processing in the Electoral Register is incumbent upon the Permanent Electoral Authority, the persons authorised and the persons empowered, referred to in Article 26.

(2) The data and information included in the Electoral Register are meant exclusively for the voting processes.

**Article 30** - (1) The persons authorised, according to law, shall carry out operations in the Electoral Register and have access to the data and information in the Electoral Register only for the administrative-territorial unit or subdivision within whose jurisdiction they carry out their activity, with the exceptions set by this law.

(2) The persons empowered by order of the President of the Permanent Electoral Authority shall carry out the communications referred to by this law through the Electoral Register.

**Article 31** - (1) The Permanent Electoral Authority shall draw up and adopt instructions concerning the security measures related to the administration and use of the Electoral Register, concerning:

a) equipment and computer system access control, in order to prevent access by unauthorised persons to the equipment used for conducting operations in the Electoral Register;

b) data support control, in order to prevent unauthorised reading, copying, amending or erasing of the data support;

c) storage control, in order to prevent unauthorised data input and unauthorised data inspection, modification or erasing;

d) usage control, in order to prevent the use of automated data processing systems by unauthorised persons with the help of data transmission equipment;

e) data access control, in order to limit the access of the persons authorised to use the Electoral Register only to the data for which they have been authorised;

f) data input control, in order to ensure a subsequent verification and identification of the data introduced in the Electoral Register, when and by whom such were introduced;

g) data transport and transfer control, in order to prevent unauthorised data reading, copying, modification or erasing during their transmission or during data support transport, through securing technical measures;

h) control of the communications specific to the Electoral Register, in order to ensure the verification and identification of the authorities/ bodies that received or can receive personal data, by using communication equipment.

(2) In order to fulfil its powers related to the administration and technical support necessary for the functioning of the Electoral Register, to the coordination and methodological guidance of the persons authorised to operate in the Electoral Register, as well the control of the observance of the legal provisions applicable in this field, the Permanent Electoral Authority shall adopt technical, operative and procedural measures, according to the following principles:

a) *confidentiality* - providing access to information only for the persons authorised depending on their skills;

b) *integrity* - ensuring the exact and complete nature of the information, as well as the processing methods;

c) *availability* - ensuring access to information within the deadline required;

d) *identification and authentication* - ensuring the identification and authentication of all duly authorised persons, depending on their skills, before any operation;

e) *authorisation* - authorising the participants for accessing the data in the Electoral Register, depending on their skills.

(3) The Permanent Electoral Authority is authorised to take measures to prevent the loss of information and to ensure their recovery in fortuitous events or in cases of force majeure.

(4) The National Cyber Incident Response Centre - CERT-RO makes free audits of the Electoral Register's security.

**Article 32** - Access to and operations in the Electoral Register shall be carried out via the Internet.

**Article 33** - (1) The data to be included in the Electoral Register for each voter domiciled in Romania are the following:

- a) last name and first name, as well as the last name before marriage or before the administrative name change;
- b) date of birth;
- c) place of birth;
- d) personal identification number;
- e) country of residence, where appropriate;
- f) domicile address;
- g) residential address, in the country, as well as its period of validity;
- h) series and number of the ID document;
- i) date of issuance of the ID document;
- j) date of expiry of the ID document;
- k) number of the polling station.

(2) The data to be included in the Electoral Register for each voter domiciled abroad are the following:

- a) last name and first name, as well as the last name before marriage or before the administrative name change;
- b) date of birth;
- c) place of birth;
- d) personal identification number;
- e) domicile address;
- f) passport number;
- g) passport issuance date;
- h) passport expiry date.

(3) Besides the data mentioned in paragraph (2), for each voter domiciled abroad and temporarily living in Romania, the following data are included:

- a) residential address in Romania;
- b) series and number of the temporary ID document;
- c) date of issuance of the temporary ID document;
- d) date of expiry of the temporary ID document.

(4) Besides the data mentioned in paragraph (1), for each voter domiciled in Romania and residing abroad, the residential address abroad, his/her option concerning the postal voting and the postal code of the residential address abroad can also be included.

(5) Besides the data mentioned in paragraph (1), for each voter domiciled abroad and residing in another country, the residential address abroad, his/her option concerning the postal voting and the postal code of the domicile or residential address abroad can also be included.

**Article 34** - Besides the data referred to in Article 33, the email address provided by the voters can also be included in the Electoral Register. Such information shall be visualised and used exclusively by the Permanent Electoral Authority.

**Article 35** - (1) The registration, in the Electoral Register, of the Romanian citizens having turned or turning 18 years old until the elections' day inclusively, shall be done, *ex officio*, by the Permanent Electoral Authority, based on the communication by the Directorate for Persons Record and Databases Management.

(2) After obtaining Romanian citizenship, people having turned 18 years old shall

be registered in the Electoral Register, *ex officio*, by the Permanent Electoral Authority, based on the communication by the Directorate for Persons Record and Databases Management.

**Article 36** - Removal of a voter from the Electoral Register shall be done in case of death, loss of Romanian citizenship, prohibition from exercising the right to vote or if declared legally incapable.

**Article 37** - (1) Removal of voters domiciled in Romania from the Electoral Register in case of death shall be done *ex officio*, based on the official documents or communications, or upon the concerned person's request, based on the death certificate, only by authorised persons.

(2) *Ex officio* removal of deceased voters domiciled in Romania shall be done by the persons authorised to do so in the administrative-territorial unit within whose territorial jurisdiction the death certificate was drawn up, including for voters that are not domiciled in the respective administrative-territorial unit, within 48 hours from the issuance of the death certificate.

(3) *Ex officio* removal of deceased voters domiciled in Romania can also be done based on the communication by the Permanent Electoral Authority done through the Electoral Register.

(4) Any person concerned can request the mayor of the administrative- territorial unit within whose territorial jurisdiction the deceased voter domiciled in Romania had his/her last domicile his/her removal from the Electoral Register, based on a written, dated and signed request, accompanied by a copy of the death certificate, filed personally or through mail. The removal shall be done within 5 working days from the registration of the request, at the most.

(5) Any person concerned can address the mayor a written, dated and signed referral, concerning the situations in which a deceased voter, having his/her last domicile in the respective administrative-territorial unit, appears on the permanent electoral lists. The referral shall include the last name, first name and personal identification number of the deceased or other relevant data concerning the identity of the deceased.

(6) In the case referred to in paragraph (5), the mayor, through its specialised apparatus, is bound to verify the information existing in the civil status registry, as well as in the other records kept. Removal shall be done, where appropriate, within 10 working days, at the most, from the date the referral is registered.

(7) Removal of a voter domiciled abroad from the Electoral Register, in case of his/her death shall be done, *ex officio*, based on the official documents or communications or upon request by the person concerned, based on a copy of the death certificate, by authorised persons or by the Permanent Electoral Authority, where appropriate. The provisions of paragraphs (2) to (6) shall apply accordingly.

**Article 38** - In case of loss of the Romanian citizenship, persons having turned 18 years old shall be removed from the Electoral Register, *ex officio*, by the Permanent Electoral Authority, based on the notification from the National Authority for Citizenship.

**Article 39** - (1) If prohibited from exercising the right to elect, voters shall be removed from the Electoral Register while carrying out their sentence, *ex officio*, by the person authorised to do so in the administrative-territorial unit of their domicile, within 24 hours from the date of dispatch, by the court of law, of a copy of the operative part of the ruling, sent according to Article 562 of Law No. 135/2010 on the Criminal Procedure Code, as subsequently amended and supplemented and to Article 29 paragraph (1) point (d) of Law No. 253/2013 on the execution of sentences, of educational measures and of other non-custodial measures ordered by the judicial bodies during the criminal proceedings.



(2) If declared legally incapable, the voters shall be removed from the Electoral Register, *ex officio*, by the person authorised to do so in the administrative-territorial unit of their domicile, based on the notification, through the Electoral Register, by the person authorised to do so in the administrative-territorial unit where the birth of the person declared legally incapable has been recorded, within 24 hours from the date of dispatch, by the court of law, of the certified copy of the ruling, dispatched according to Article 941 paragraph (1) point (a) of Law No. 134/2010 on the Civil Procedure Code, republished.

(3) Removal, from the Electoral Register, of the voters prohibited from exercising their right to elect or declared legally incapable can be done by the person authorised to do so in the administrative-territorial unit of their domicile and based on the notification of such cases by the Permanent Electoral Authority through the Electoral Register.

(4) Upon the expiry of the duration of the sentence concerning the prohibition to exercise the right to elect, voters shall be automatically reenlisted in the Electoral Register.

(5) Removal of a voter domiciled abroad from the Electoral Register, if prohibited from exercising the right to elect or if declared legally incapable, shall be done by the person authorised to do so in the administrative-territorial unit of his/her last domicile. The provisions of paragraphs (1) to (4) shall apply accordingly.

**Article 40** - (1) In order to clarify certain specific situations related to certain persons registered in the Electoral Register, which are in one of the cases referred to in Article 37, respectively in Article 39, the mayor can address the local community public service for persons record in the territorial-administrative unit of the respective person's domicile, in order to obtain the information necessary for the update of the Electoral Register.

(2) In the situation referred to in paragraph (1), the local community public service for persons record is bound to answer the mayor's request within 5 working days, at the most, from the date of its registration.

**Article 41** - (1) Modifications, in the Electoral Register, concerning the change in domicile in Romania shall be done *ex officio*, according to the normative acts in force that regulate the activity related to persons record.

(2) The update, in the Electoral Register, of the data related to domicile, shall be done by the persons authorised to do so, within 24 hours, at the most, from the notification, through the Electoral Register, of the modifications concerning the domicile, by the Permanent Electoral Authority.

(3) The update, in the Electoral Register, of the data related to name changes shall be done by the persons authorised to do so, within 24 hours, at the most, from the notification, in the Electoral Register, by the Permanent Electoral Authority, of the changes concerning the voters' names.

**Article 42** - (1) No later than 45 days before the date of the elections, any voter registered in the Electoral Register with his/her domicile can address, to the mayor of the administrative-territorial unit of his/her residence, through mail or in person, a written application, dated and signed, including his/her last name, first name and domicile, in order to be registered in the Electoral Register with the residential address, for the ballot in question, accompanied by a copy of his/her ID document and a copy of the proof of residence.

(2) Starting with the date of 1<sup>st</sup> of April of the year in which parliamentary elections took place in due time, and until the expiry date of at most 15 days from the date of the beginning of the electoral period, the voter who wants to vote abroad at the parliamentary elections may register in the electoral Register as a voter abroad, by

means of an online form that is found on the site of the Permanent Electoral Authority, on which he/she shall register his/her name, surname, personal identification number, locality and the state where he/she shall choose to vote, to which he/she shall add a scanned copy or the photo of his/her identity card.

(3) Each voter registered in the Electoral Register with his/her domicile or residence abroad shall be assigned to a single polling station.

(4) The models for the applications referred to in paragraphs (1) and (2) are established through decision of the Permanent Electoral Authority.

(5) The voters registered in the Electoral Register with their domicile in the country and with their residence abroad, as well as those with their domicile abroad, shall vote only in the polling station to which they have been assigned, with the exceptions referred to by this law.

(6) Repealed.

**Article 43** - The documents referred to in Article 42 paragraph (2) shall be remitted to the Permanent Electoral Authority by the diplomatic missions or consular offices, where appropriate, within 24 hours from their receipt, in compliance with the procedure set out in Article 93 paragraph (11).

**Article 44** - (1) The operations for the update of the Electoral Register, referred to in Article 42 paragraph (1) shall be carried out by authorised persons, within 10 working days, at the most, from the date the application is registered.

(2) The operations for the update of the Electoral Register, referred to in Article 42 paragraph (2) shall be carried out by the persons empowered, by order of the President of the Permanent Electoral Authority, within 10 working days, at the most, from the date the application is registered.

**Article 45** - (1) The assignment of voters to polling stations in the country shall be done automatically, through the Electoral Register, based on the entries concerning their domicile or residence in the ID document or in the documents proving their residence, according to this law.

(2) If the entries related to domicile or residence in the ID document do not allow an automatic assignment of the voters domiciled or residing in the country, the authorised person shall ensure their manual assignment based on the information held by the town hall, in compliance with the criteria set out by this law.

(3) In order to implement paragraph (2), any official sources of data concerning the identity of the voters and the territory of the administrative- territorial unit, administered by the town hall, can be used.

(4) If the information referred to in paragraph (2) are insufficient for a manual assignment of the voters, these shall be assigned alphabetically to polling stations, in compliance with the criteria referred to by this law.

(5) If the assignment of the voters domiciled or residing in the country is not possible according to paragraphs (1) to (4), these shall be assigned to the first polling station of the respective locality.

(6) The assignment of voters to the polling stations organised abroad shall be carried out by the persons empowered by order of the President of the Permanent Electoral Authority, based on the data and information provided by the voters under Article 42 paragraph (2).

**Article 46** - (1) The Directorate for Persons Record and Databases Management within the Ministry of Interior shall communicate to the Permanent Electoral Authority, according to the format and deadlines set by protocol, the data referred to in Article 33 paragraph (1) points (a) to (j) and in Article 33 paragraph (3), the cases of people prohibited from exercising the electoral rights and the cases of people declared legally incapable, updates of the personal data of the Romanian citizens with the right to vote and information concerning the deceased, respectively those with mentions of death,

registered in the National Registry of Persons Record.

(2) The General Directorate for Passports within the Ministry of Interior shall communicate to the Permanent Electoral Authority, according to the format and deadlines set by protocol, the data referred to in Article 33 paragraph (2).

(3) The National Authority for Citizenship shall communicate to the Permanent Electoral Authority, according to the format and deadlines set by protocol, the nominal records of the persons having lost their Romanian citizenship, as well as that of persons of over 18 years old, who have obtained Romanian citizenship.

**Article 47** - (1) Voters shall have the right to verify their registration in the Electoral Register. Rebuttals against omissions, wrong entries and any other errors in the Electoral Register shall be filed with the county offices or branches of the Permanent Electoral Authority, the latter being bound to adjudicate on them, through decision, within 3 days, at the most, from the date of their registration.

(2) Challenges against the decisions rendered according to paragraph (1) shall be settled within 3 days, at the most, from the date of their registration, by the court of first instance within whose territorial jurisdiction the voter is domiciled, by final ruling.

(3) Challenges against the decisions rendered according to paragraph (1), concerning voters domiciled abroad, shall be settled within 3 days, at the most, from the date of their registration, by the Court of First Instance of Sector 1 of the Municipality of Bucharest, by final ruling.

## *Section 2*

### ***Electoral lists***

**Article 48** - The electoral lists shall include the citizens with the right to vote registered in the Electoral Register. These are permanent and supplementary.

**Article 49** - (1) The permanent electoral lists in the country shall be drawn up and printed by the mayors, by polling stations, based on the data and information in the Electoral Register.

(2) The Romanian voters having sent applications under Article 42 paragraph (2) shall be registered on the permanent electoral lists abroad.

(3) The permanent electoral lists from abroad shall be drawn up by the Permanent Electoral Authority and shall be sent to the constituency electoral bureau for the Romanian citizens domiciled or residing abroad, no later than 10 days before the date of the elections.

(4) No later than 10 days before the date of the elections and no later than 24 hours from the request, mayors must make available for political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities taking part in the elections, upon their request and at their expense, an excerpt from the Electoral Register containing the voters in the respective administrative-territorial unit, i.e. their last name, first name, date of birth and domicile, as well as the polling station to which they were assigned, on electronic support or on paper.

(5) The permanent electoral lists including the voters domiciled or residing in Romania shall be printed by the mayors, in 2 copies, no later than 3 days before the date of the elections and they shall include: the last name and first name of the voter, his/her personal identification number, domicile or residence, where appropriate, the series and number of his/ her ID document, the number of the electoral constituency, the number of the polling station and a section for the voter's signature. The permanent electoral lists including the voters domiciled or residing in Romania shall be signed by the mayor and the secretary of the administrative-territorial unit. A copy shall be kept by the secretary of the administrative-territorial unit and a copy shall be entrusted to the electoral bureaux of the polling stations.

(6) The permanent electoral lists abroad shall include: the last and first name of the

voter, his/her personal identification number, domicile or residence abroad, where appropriate, the series and number of the identity document, the number of the electoral constituency, the number of polling station and a column destined for the voter's signature. The permanent electoral lists abroad shall be signed by the proxies of the Permanent Electoral Authority.

**Article 50** - (1) The Permanent Electoral Authority shall communicate to the Central Electoral Bureau, within 24 hours from its setting up, at the most, the number of voters registered in the Electoral Register and the minimum non-rounded integer of signatures necessary for supporting the candidatures at national level, as well as in every electoral constituency.

(2) Within 24 hours from the setting up of the constituency electoral bureaus, the Central Electoral Bureau shall communicate the information in paragraph (1) to them.

(3) All communications shall be forthwith made public, by being posted on the Central Electoral Bureau's website or on the websites of the constituency electoral bureaus, where appropriate.

**Article 51** - (1) Additional electoral lists shall be drawn up in the cases referred to by this law and they shall include the elements referred to in Article 49 paragraphs (5) and (6), where appropriate. The additional electoral lists shall be signed by the president of the electoral bureau of the polling station where they have been drawn up.

(2) The additional electoral lists used in the polling stations in the country shall include, entered by the president of the electoral bureau of the polling station, the following persons:

a) the persons going to the polls and proving to be domiciled or residing within the jurisdiction of the respective polling station, but who have been omitted from the permanent electoral list;

b) the persons going to the polls and proving to be residing within the jurisdiction of the respective polling station, but who have not requested to be registered in the Electoral Register with their residential address;

c) the persons who, on the day of the vote, are in a different administrative-territorial unit than the one of their domicile or residence and who prove to be domiciled or residing within the jurisdiction of the electoral constituency where the respective polling station is located;

d) the members of the electoral bureaus of the polling stations and computer operators, if domiciled or residing within the jurisdiction of the electoral constituency where the respective polling station is located;

e) the persons responsible for ensuring the order or for monitoring those in charge of maintaining the order, if domiciled or residing within the jurisdiction of the electoral constituency where the respective polling station is located;

f) the candidates, if they stand as candidates in the respective electoral constituency.

(3) The additional electoral lists used in the polling stations abroad shall include, entered by the president of the electoral bureau of the polling station, the following persons:

a) the persons going to the polls in the polling stations set up abroad and proving to be domiciled or residing abroad;

b) the staff of diplomatic missions and consular offices, consular sections and cultural institutes abroad;

c) the members of the electoral bureaus of the polling stations and computer operators abroad, if domiciled or residing abroad;

d) the candidates, if they stand as candidates in the respective electoral constituency abroad.

(4) Objections filed concerning the additional electoral lists shall be settled by the electoral bureau of the polling station, by decision.

(5) Within the polling stations set up abroad, there shall be utilised only additional electoral lists, which shall be generated electronically, automatically, based on data recorded on computer terminals within the Computer system for monitoring turnout and preventing illegal voting.

(6) In case of malfunctions of the Computer system for monitoring turnout and preventing illegal voting, the additional electoral lists from abroad shall be drawn up on paper and shall include fields for the name and surname, personal numerical code, domicile or residence of the voter, as well as his/her signature.

## **CHAPTER V**

### **Candidatures**

**Article 52 -** (1) The lists of candidates and independent candidatures for the Senate and the Chamber of Deputies shall be filed with the constituency electoral bureaus, no later than 45 days before the election date.

(1<sup>1</sup>) The lists of candidates and independent candidatures for the Senate and the Chamber of Deputies in the electoral constituency for the Romanian citizens domiciled or residing abroad shall be filed with the electoral bureau for the Romanian citizens domiciled or residing abroad, no later than 60 days before the election date.

(1<sup>2</sup>) The lists of candidates proposed by the organisations of citizens belonging to national minorities for all electoral constituencies, according to Article 54 paragraph (4), shall be filed with the Central Electoral Bureau, no later than 60 days before the election date.

(2) The lists of candidates for the election of Senators and Deputies must be drawn up so as to ensure representation of both genders, except for the lists including a single candidate.

(3) The number of candidates on each list can be higher than the number of mandates resulting from the representation rate by 2 and up to a quarter of the total number of mandates; fractions are rounded up to 1, regardless of their value.

(4) In the same electoral constituency, a political party, political alliance or electoral alliance can propose, for each Chamber of Parliament, just one list of candidates. The political parties in the political alliances or electoral alliances can participate in the elections only on the alliance's lists. A party can be a member of a single political alliance or electoral alliance.

(5) No independent candidatures shall be accepted on the lists of candidates filed by the political parties, political alliances or electoral alliances. No lists of independent candidates shall be accepted.

(6) The same person can stand as candidate either for a mandate of Deputy or for a mandate of Senator and only in one electoral constituency.

(7) Candidatures on several lists of candidates or both on lists and as independent are null as of right. The nullity shall be ascertained by decree of the electoral bureau of the electoral constituency or, where appropriate, of the Central Electoral Bureau.

(8) Nominations shall be done in 4 copies, by the political parties, political alliances, electoral alliances, organisations of citizens belonging to the national minorities taking part in the elections, under the signature of their managing bodies or of the persons appointed to sign them, and, in the case of independent candidates, based on the declaration of acceptance of the candidature signed by them.

(9) In the case of political alliances and electoral alliances, the nominations shall be signed by the management bodies of every party in the alliance.

(10) Nominations must include the electoral constituency, the candidate's last

name, first name, personal identification number, domicile, place and date of birth, occupation, profession, as well as the Chamber of Parliament for which (s)he runs, and, in the case of political or electoral alliances, the party having proposed him/her.

(11) Nominations shall be accompanied by the statements of acceptance of the candidature, signed and dated by the candidates, as well as by the declaration of assets and of interests of each candidate.

(12) The statement of acceptance of the candidature shall include the electoral constituency in which (s)he runs, the last name, first name, personal identification number, political party or alliance having proposed him/her, profession, occupation and political affiliation of the candidate, his/her express consent to stand as candidate for the respective function, as well as the mention to be meeting the conditions set by law for standing as candidate.

(13) All candidates born before 1 January 1976 shall give a sworn statement, according to the criminal law, concerning their membership or not to the former 'Securitate' as the political police.

(14) Cannot stand as candidates the persons who, on the date of filing of the candidature, do not meet the requirements set by law for being elected, the conditions set out in article 37 of the Romanian Constitution, republished, may not stand for election and persons who, at the date of filing their candidacy, have been definitively sentenced to custodial sentences for intentional crimes, unless rehabilitation, post-conviction amnesty or decriminalization has occurred.

**Article 53** - (1) For the purpose of registering the candidatures, every political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities shall submit, to the constituency electoral bureau, 4 files including the following:

a) 2 original copies and 2 copies of the list of candidates for the respective constituency, including the data referred to in Article 52 paragraphs (8) to (10);

b) copies of the candidates' ID documents;

c) 2 original copies and 2 copies of the statements of acceptance of the candidature, referred to by Article 52 paragraphs (11) and (12);

d) 2 original copies and 2 copies of the declarations of assets and of interests of the candidates, according to the models referred to in the appendix to Law No. 115/1996 for declaring and controlling the assets of dignitaries, magistrates, persons holding management and control positions and public servants, as subsequently amended and supplemented;

e) 2 original copies and 2 copies of the statements of the candidates born before 1 January 1976 concerning their membership or not to the former 'Securitate' as the political police, to be drawn up according to the model in the appendix to Government Emergency Ordinance No. 24/2008 on access to one's file and the exposing of the former 'Securitate', approved as amended and supplemented by Law No. 293/2008, as subsequently amended.

(2) The files of candidature referred to in paragraph (1) shall be accompanied by an original copy of the list of supporters and a copy thereof or by the proof of these lists being filed with the Central Electoral Bureau.

**Article 54** - (1) The political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, filing to the Central Electoral Bureau a list of supporters including at least 0,5% of the total number of voters registered in the Electoral Register at national level, can submit lists of candidates in all electoral constituencies. In this case, the provisions of Article 53 paragraph (2) shall apply accordingly.

(2) Political parties, political alliances, electoral alliances and organisations of



citizens belonging to national minorities, choosing to submit the lists of supporters to the constituency electoral bureaus, can submit lists of candidates only if they enjoy the support of at least 0,5% of the total number of voters registered in the Electoral Register with their domicile or residential address in the respective constituency, without their number being lower than 1,000 voters.

(3) Independent candidates must enjoy the support of at least 0,5% of the total number of voters registered in the Electoral Register with their domicile or residential address in the respective constituency, without their number being lower than 500 voters.

(4) Notwithstanding the provisions of Article 52 paragraph (6), the organisations of citizens belonging to the national minorities referred to in Article 56 shall file with the Central Electoral Bureau the same list of candidates, in all electoral constituencies, with the due application of Article 53 paragraph (1), without needing other support than that referred to in Article 56.

(5) The list of supporters must contain the date of the elections, the name of the political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities or the last name and first name of the independent candidate, where appropriate, the last name and first name of the supporter, his/her personal identification number, date of birth, address, name, series and number of the ID document, as well as his/her signature. In the case of the list of supporters for electoral alliances, shall be mentioned only the name of the political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities that is part of the electoral alliance and which processes the data of supporters. The list shall also mention the last name, first name and personal identification number of the person having drawn up the list. The person having drawn up the list is bound to file a sworn statement ascertaining the accuracy of the supporters' signatures.

(6) The list of supporters represents a public document, with all the consequences referred to by law. The model for the list of supporters is set in Appendix 2, which is a part of this law.

(7) Only those citizens with the right to vote and domiciled or residing in the electoral constituency for which candidates are being proposed can be supporters. A supporter can support several lists of candidates or independent candidates.

**Article 55 -** (1) For the purpose of registering the nomination, every independent candidate shall submit personally, to the constituency electoral bureau, 4 files including the following:

a) 2 original copies and 2 copies of the request to register his/her candidature, under his/her own signature, including the data referred to in Article 52 paragraph (10), while indicating the position for which (s)he runs;

b) the documents referred to in points (b) to (e) of Article 53 paragraph (1).

(2) The files of candidature referred to in paragraph (1) shall be accompanied by an original copy of the list of supporters and a copy thereof.

**Article 56 -** (1) The organisations of citizens belonging to a national minority, legally set up, which have not obtained in the elections at least one seat of Deputy or Senator are entitled, according to Article 62 paragraph (2) of the Romanian Constitution, republished, to a seat of Deputy, if they have obtained, at national level, a number of votes equal to at least 5% of the average number of validly cast votes at national level for the election of a Deputy. The average number of validly cast votes at national level for the election of a Deputy represents the non-rounded integer of the ratio between the number of validly cast votes obtained at national level by all political parties, political alliances, electoral alliances or organisations of citizens belonging to the national minorities having met the requirement referring to the electoral threshold, the validly cast votes obtained by the independent candidates having received mandates and the total number of mandates for the Chamber of Deputies according to



## Appendix 1.

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

(4) By *national minority* we understand the ethnicity represented in the Council of National Minorities.

(5) Other organisations of citizens belonging to the national minorities, legally set up and of public utility, submitting to the Central Electoral Bureau, within 30 days from the date the election date is set, a list of members including at least 15% of the total number of citizens having declared, at the last census, as belonging to the respective minority, can also submit candidatures.

(6) If the number of members required for meeting the conditions set in paragraph (4) is above 20,000 people, the list of members must include at least 20,000 persons domiciled in at least 15 of the country's counties and the Municipality of Bucharest, but not less than 300 people for each of these counties and for the Municipality of Bucharest.

(7) The list of members shall be drawn up by localities and by counties and it shall include: the name of the organisation, the members' last name and first name, personal identification number, date of birth, domicile, name, series and number of the ID document, their signatures, as well as the last name and first name of the person having drawn it up. The person having drawn up the list is bound to file, together with it, a sworn statement certifying the accuracy of the members' signatures, as well as the fact that the list has been drawn up for the purpose of taking part in the parliamentary elections of the respective year.

(8) Under this law, the organisations of citizens belonging to the national minorities, referred to in paragraphs (1) to (4), shall be covered by the same legal regime as the political parties only during the electoral period.

(9) The provisions of paragraph (1) shall not apply to the organisation of citizens belonging to national minorities having participated in the elections as part of an electoral alliance.

(10) The seat of Deputy allotted according to paragraph (1) shall be granted beyond the total number of Deputies resulting from the representation rate.

(11) The organisations referred to in paragraphs (1) to (4) can take part in the elections and can file candidatures only under the name and with the electoral symbol of the respective organisation.

**Article 56<sup>1</sup>** – (1) Political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities and independent candidates may choose to prepare and submit on paper or electronically, under the law, candidacy files, with the proper application of the provisions of Articles 52 - 56. The lists of supporters can also be signed and submitted electronically, according to the law.

(2) The methodology for the implementation of the provisions of paragraph (1) shall be established by decree of the Permanent Electoral Authority.

**Article 57** - (1) Political parties, political alliances and organisations of citizens belonging to national minorities can come together only at national level, based on a protocol, forming an electoral alliance, for the purpose of participating in the election of the Senate and the Chamber of Deputies. A political party, a political alliance or an organisation of citizens belonging to national minorities can be the member of a single electoral alliance. The electoral alliance having participated in the previous elections under a name can keep it only if it has not changed its initial composition. Moreover, the respective name cannot be used by another alliance.

(2) The protocol establishing the electoral alliance shall be filed with the Central Electoral Bureau within 5 days from its setting up.

(3) The Central Electoral Bureau shall decide, in public session, about accepting or dismissing the protocol for the setting up of the electoral alliance, within 24 hours from

its filing.

(4) The decision of the Central Electoral Bureau accepting the protocol establishing the electoral alliance can be challenged by any natural or legal person concerned before the High Court of Cassation and Justice, within 24 hours from its rendering.

(5) The decision of the Central Electoral Bureau dismissing the protocol establishing the electoral alliance can be challenged by the signatories of the protocol before the High Court of Cassation and Justice, within 24 hours from its rendering.

(6) The High Court of Cassation and Justice shall rule on the challenges in paragraphs (4) and (5), within 24 hours from the registration of the challenge, by final ruling.

(7) The other provisions of this law concerning political alliances shall apply accordingly to electoral alliances as well.

**Article 58** - (1) The constituency electoral bureau shall examine the observance of the legal requirements for the exercise of the right to be elected, the observance of the substantive and formal conditions of the list of supporters, registering the candidatures meeting these conditions or dismissing the registration of those that do not meet the legal conditions.

(2) The original copies of the nominations shall be kept at the constituency electoral bureau and the other 2, certified by the constituency electoral bureau through the signature of its president, while mentioning the date and time, the registration number and by affixing the stamp, shall be remitted to the applicant. One of the copies remitted to the applicant shall be registered by the latter, within 48 hours from remittance, with the county court in whose territorial jurisdiction the electoral constituency is located. For the electoral constituency for the Romanians domiciled or residing abroad, the registration shall be done with the Bucharest County Court.

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

(4) Candidates can renounce their candidature, by the time limit for submitting candidatures. For this purpose, the person concerned shall give a sworn statement that (s)he shall file with the constituency electoral bureau.

(5) Electoral competitors can withdraw a nomination and make a different such nomination by the time limit for submitting candidatures. The withdrawal of the candidatures shall be done through an application signed by the same persons who signed the nomination.

(6) In the event of a renunciation to a candidature after the time limit for submitting the candidatures, the electoral competitors shall not have the possibility to replace the candidate. In case of death of a candidate after the time limit for submitting the candidatures, the electoral competitors shall not have the possibility to replace him/her.

(7) If the death occurred before the printing of the ballot papers, the respective candidate shall no longer be included on the ballot paper. If the death occurred after the printing of the ballot papers, the voting shall be carried out on the ballot papers thus printed and the deceased candidate shall not be allotted any mandates.

**Article 59** - (1) The acceptance, by the constituency electoral bureau or by the Central Electoral Bureau, where appropriate, of a candidature, shall be done within 48 hours from its submission, through decision and it can be challenged by the citizens holding the right to vote, political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, within 48 hours at the most from the date the decision of acceptance is posted.

(2) Dismissal, by the constituency electoral bureau or by the Central Electoral Bureau, where appropriate, of a candidature, shall be done within 48 hours from its submission, through decision and it can be challenged by the candidate or by the

electoral competitors having made the respective nomination, within 48 hours from the date the candidature dismissal is posted.

(3) The Central Electoral Bureau and the constituency electoral bureaux shall draw up minutes indicating the date and time the decision for the acceptance or, where appropriate, dismissal of a candidature is posted.

(4) Candidatures in several electoral constituencies or both for the office of Senator and for that of Deputy, except for those referred to in Article 54 paragraph (4), are null as of right. The nullity shall be ascertained by decision of the Central Electoral Bureau.

(5) Challenges shall include the last name and first name, address and capacity of the dissenter, the last name and first name of the person whose candidature was accepted or dismissed, a presentation of the grounds of the challenge, the date and signature of the dissenter and the indication, where appropriate, of the person appointed to represent the dissenter.

(6) The challenge and the request for appeal shall be filed with the court competent to settle them, under penalty of nullity.

(7) Challenges concerning the decisions of acceptance or dismissal of candidatures adopted by the constituency electoral bureaux shall be settled within 48 hours from their registration, by the county court in whose territorial jurisdiction the electoral constituency is located. Challenges concerning the decisions of acceptance or dismissal of candidatures adopted by the Central Electoral Bureau or by the constituency electoral bureau for the Romanian citizens domiciled or residing abroad shall be settled by the Bucharest County Court. The ruling shall be posted at the premises of the court having delivered it, in a visible place.

(8) An appeal can be lodged against the ruling issued following the challenge, within 48 hours from its issuance, with the hierarchically superior court. The appeal shall be settled within 48 hours from its registration.

(9) The ruling issued following the appeal is final.

**Article 60 -** (1) On the date the time limits for submitting the candidatures expire, to which the time limits referred to in Article 59 paragraphs (1), (2), (7) and (8) are added, where appropriate, the constituency electoral bureaux and the Central Electoral Bureau shall draw up the minutes ascertaining that the candidatures have remained final.

(2) The Central Electoral Bureau shall communicate to all constituency electoral bureaux the candidatures, at national level, of the organisations of citizens belonging to national minorities, within 24 hours, at the most, from the date these are ascertained as being final.

(3) Within 24 hours, at the most, from the expiry of the time limit set out in paragraph (2), the constituency electoral bureau shall order the prefect to draw the models of the ballot papers.

(4) The constituency electoral bureaux shall post, at their premises, the final candidatures, while indicating the last name and first name, locality of domicile, political affiliation, profession and occupation of the candidate. Final candidatures can be made public in the press and by any forms of media, their costs being covered by the entities concerned.

## CHAPTER VI

### Ballot papers and voting stamps

**Article 61 -** (1) The model, dimensions and printing conditions of the ballot papers shall be established by decree of the Permanent Electoral Authority.

(2) The order in which the lists of candidates and independent candidatures are registered on the ballot paper shall be established by the constituency electoral bureau,

as follows:

a) in the first stage, the political parties and the organisations of citizens belonging to national minorities having as members at least 7 senators or 10 deputies or which have obtained parliamentary representation in the previous electoral campaign, as well as the political and electoral alliances which consist of an at least one political party or organisation of citizens belonging to national minorities having as members at least 7 senators or 10 deputies or which have obtained parliamentary representation in the previous electoral campaign, shall be chosen by random draw;

b) in the second stage, the political parties, political alliances and electoral alliances, other than those provided in point a), as well as the organisations of citizens belonging to national minorities, others than those provided in point a), which submitted the lists for candidates at the constituency electoral bureaus, shall be chosen by random draw;

c) in the third stage, the organisations of citizens belonging to national minorities, others than those provided in point a), which submitted the list of candidates at the Central Electoral Bureau, according to the provisions of Article 54 paragraph (4), shall be chosen by random draw.

d) the independent candidates shall register on the ballot paper, at the end of it, in the order of the registration of the candidatures.

(3) The random draw shall be done by the president of the constituency electoral bureau, within 3 days from the date the candidatures remain final, in the presence of a representative from every electoral competitor in the respective constituency. The date, time and place of the random draw shall be displayed at the premises of the constituency electoral bureau, 24 hours before. The absence of a representative of an electoral competitor does not entail the nullity of the random draw. Challenges concerning the result of the random draw for establishing the order on the ballot papers shall be made and filed on the spot and settled forthwith by the constituency electoral bureau. The decision is final.

(4) Quadrilaterals shall be printed on the ballot paper, parallel to one another, in a sufficient number so as to include all the lists of candidates and independent candidatures, except for the last page, on which the control stamp shall be affixed. The quadrilaterals shall be numbered from left to right. The pages shall be numbered.

(5) The full name of the political party, political alliance, electoral alliance, organisation of citizens belonging to the national minority or, where appropriate, the mention 'Independent candidate' shall be printed in the upper left corner of each quadrilateral and the electoral symbol shall be printed in the upper right corner.

(6) The lists of candidates shall be printed in the quadrilaterals of each ballot paper. The candidates shall be identified on the list by their first and last names, and, in the case of the alliances, by their political affiliation and they shall be enlisted in the order established by the political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities that has submitted the list.

**Article 62** - (1) The electoral symbols shall be established and filed with the Central Electoral Bureau by each political party, political alliance, electoral alliance or organisation of citizens belonging to the national minorities taking part in the elections under this law, at least 40 days before the election date.

(2) The electoral symbols must clearly distinguish from the ones previously registered, the use of the same graphic symbols being forbidden, whatever the geometric form that includes them may be. The permanent symbol declared upon the legal registration of political parties, organisations of citizens belonging to national minorities and political alliances may be used as an electoral symbol.

(3) Electoral symbols may not reproduce or combine the national symbols of the Romanian state, of other states, of international bodies, or religious denominations. Political parties that are members of certain international political organisations are an

exception and they may use the symbol of that organisation as such or in a typical combination.

(4) The electoral symbol used by a political party, political alliance, electoral alliance, organisation of citizens belonging to a national minority, lawfully registered starting with 1990, is rightfully its if it has been the first user thereof and it can be taken up or used by another political party, political alliance, electoral alliance or organisation of citizens belonging to a national minority registered afterwards, only with the consent of its former owners, respectively of the parties having made up the initial political alliance or the electoral alliance.

(5) If the same electoral symbol is claimed by several political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities taking part in the elections under this law, the symbol shall be assigned to the political party, political alliance, electoral alliance or organisation of citizens belonging to the national minority that was the first to register that symbol.

(6) The registration or the dismissal of the registration of electoral symbols shall be done by the Central Electoral Bureau, through decision, within 5 days, at the most, from their filing.

(7) Challenges referring to the registration of electoral symbols shall be filed within 3 days from the expiry of the deadline referred to in paragraph (6) and shall be settled by the Bucharest County Court within 3 days, at the most, from the registration of the challenge. The ruling of the Bucharest County Court is final and it is notified to the parties and to the Central Electoral Bureau within 24 hours, at the most.

(8) Electoral symbols cannot be contrary to the law.

(9) The Central Electoral Bureau shall make public the electoral symbols on the day following the expiry of the deadline stipulated in the last phrase of paragraph (7), by publication on its website and in the Official Gazette of Romania, Part I.

(10) Until the candidatures remain final, the Central Electoral Bureau shall communicate the electoral symbols to the prefects, in order for them to be printed on the ballot papers.

(11) Independent candidates cannot use electoral symbols.

(12) The political alliance or the electoral alliance having taken part in the previous elections under a name can keep it only if it has not changed its initial composition or if none of the political parties having left the alliance does not send to the Central Electoral Bureau a letter stating that it does not agree with the fact that the respective name be kept by the respective alliance in its new composition. Moreover, the respective name cannot be used by other political alliance or electoral alliance.

**Article 63** - (1) For every electoral constituency, the ballot papers shall be printed with letters of the same size, with the same characters and the same ink, in a number equal to that of the voters registered in the Electoral Register, with an extra 10%. For the polling stations organised abroad, the number of ballot papers shall be established by the Permanent Electoral Authority, after consulting the Ministry of Foreign Affairs.

(2) The voting stamps shall have the word 'VOTED' imprinted in capital letters on them.

(3) The printing of the ballot papers shall be done by the Autonomous Regie 'Monitorul Oficial', under the care of the prefects, with the assent of the Permanent Electoral Authority. The printing of the ballot papers for the polling stations abroad shall be done by the Autonomous Regie 'Monitorul Oficial', under the care of the prefect of the Municipality of Bucharest. All the necessary ballot papers shall be printed at least 15 days before the election date. The stamps of the electoral bureaus shall be manufactured through the prefects' efforts and the stamp of the Central Electoral Bureau and the 'VOTED' stamps shall be manufactured by the Ministry of Interior. The 'VOTED' stamps shall be manufactured through the Ministry of Interior

by the Autonomous Regie ‘Monitorul Oficial’, at least 15 days before the election date. The ‘VOTED’ stamps shall be distributed to the electoral bureaus by the prefects, respectively by the Ministry of Foreign Affairs for the polling stations abroad.

(4) Within 48 hours from the expiry of the deadline set in Article 60 paragraph (3), the prefect shall send to the Permanent Electoral Authority the model for each type of ballot paper, in the respective electoral constituency, in order to receive a notice of compliance for them. If the model of the ballot paper does not observe the model established according to law, the Permanent Electoral Authority shall request the prefect to modify it. The notice of compliance shall be issued in 24 hours, at the most, from the date of its request.

(5) The president of the constituency electoral bureau shall display the copy of the model of each type of ballot paper at the premises of the constituency electoral bureau, for 48 hours from their notification by the prefect. If the name of the candidates, the electoral symbol or the name of political parties, political alliances or electoral alliances are incorrectly printed or are not visible, the electoral competitors can request the constituency electoral bureau to modify the model and the correct printing of the ballot papers by the prefect. After this deadline, no challenges shall be upheld.

(6) Ballot papers shall be handed over to the president of the constituency electoral bureau, who shall distribute them, through the mayors, to the presidents of the electoral bureaus of the polling stations, at least 2 days before the election date. Ballot papers shall be distributed and handed over in sealed packs, based on a report.

(7) 2 copies of the ballot papers, endorsed and annulled by the president of the constituency electoral bureau, shall be posted at the premises of each polling station, one day before the elections.

(8) Upon the written request of the political party, political alliance, electoral alliance, organisation of citizens belonging to the national minority taking part in the elections under this law or of independent candidates, the constituency electoral bureau shall release, to each of them, 2 ballot papers, endorsed and annulled.

## CHAPTER VII

### Electoral campaign

**Article 64** - The electoral campaign shall start 30 days before the election date and it shall end on the Saturday preceding the election date, at 7.00 hours.

**Article 65** - (1) During the electoral campaign, the candidates, the political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities taking part in the elections, as well as the citizens are entitled to express their opinions freely and without discrimination, by means of rallies, reunions, television, radio, press and other media.

(2) During the electoral campaign, the candidates shall benefit, without discrimination, from adequate spaces where to meet their voters. Such spaces may be located at the seat of the town hall, in schools, community centres, cultural centres and cinema theatres, based on agreements concerning the maintenance expenses.

(3) The means used during the electoral campaign cannot be contrary to the law.

(4) It is forbidden to organise electoral campaign meetings in military units, as well as in school premises while classes are being held.

(5) During the electoral campaign, discriminatory messages or slogans or messages inciting to hatred and intolerance are forbidden. Under this law, we understand by *speech inciting to hatred and discrimination* both the speeches and the messages of electoral propaganda inciting to, promoting or justifying racial hatred, xenophobia, anti-Semitism, other forms of hatred based on intolerance or any other form of discrimination referred to in Article 2 of Government Ordinance No. 137/2000 on the



prevention and sanctioning of all forms of discrimination, republished.

(6) During the electoral campaign, all forms, means, acts or actions of defamation and religious or ethnic feud, as well as public offense to religious symbols are forbidden.

**Article 66** - (1) The electoral campaign conducted through the audiovisual programme services, public or private, must serve the following general interests:

a) of the voters, who should receive correct information, so that they could vote with full knowledge of the facts;

b) of the political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities and candidates, who should be given the opportunity to introduce themselves and their platforms, their political programmes and electoral offers, to the public;

c) of the radio broadcasting companies, who should exercise their rights and duties deriving from the journalistic profession.

(2) Public and private radio broadcasters are bound to make sure that, within the audio-visual programme services, an equitable, well-balanced and fair electoral campaign takes place for all political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities, as well as for all candidates.

**Article 67** - (1) During the electoral campaign, the information concerning the electoral system, voting technique, electoral campaign calendar, political programmes, opinions and messages with an electoral content shall be presented only in the following types of shows:

a) news bulletins - where information concerning the electoral system, voting technique and the candidates' campaign activities may be broadcast; to this effect, the scheduled length of the news bulletin may be extended by 15 minutes at the most;

b) electoral shows - where candidates may present their political programmes and electoral campaign activities;

c) electoral debates - where candidates, journalists, analysts and other guests debate on the electoral programmes and on topics of public interest.

(2) During the news bulletins referred to in point (a) of paragraph (1), it is forbidden to disseminate information concerning the electoral system and the voting technique that are not real.

(3) The news bulletins referred to in point (a) of paragraph (1), broadcast by television stations, can be translated into sign language.

(4) Private radio and television stations, including cable television, may include, in their own programme grid, shows of the type stipulated under paragraph (1).

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

(6) 20-30 second publicity spots urging the voters to vote for a candidate, or a list of candidates may be broadcast only during the shows stipulated under points (b) and (c) of paragraph (1).

(7) Buying airtime with a view to broadcasting electoral videos or shows is forbidden.

**Article 68** - (1) The access of political parties, organisations of citizens belonging to national minorities, political alliances and electoral alliances that submit full lists of candidates in at least 23 electoral constituencies shall have free access to the national public radio and television broadcasting services, including the territorial studios thereof. The broadcasting time shall be granted after the candidatures remain final and must be proportional to the number of full lists of candidatures submitted and shall be calculated by the Romanian Television Corporation and the Romanian Radio Broadcasting Company within 24 hours from the receipt of the data communicated by the Central Electoral Bureau.

(2) The organisations of citizens belonging to national minorities that submit their candidatures to the Central Electoral Bureau, according to the provisions of Article 54 paragraph (2) shall have access to the territorial and national public radio and television broadcasting services, if they participate in the elections with lists of candidates in the electoral constituencies of counties and proportionately to their weight in the total population of that county, respectively of Romania.

(3) Until the broadcasting time is calculated, according to the provisions of paragraphs (1) and (2), the political parties, and the organisations of citizens belonging to national minorities having as members at least 7 senators or 10 deputies or which have obtained parliamentary representation in the previous electoral campaign shall be granted broadcasting time proportionately to the number of the parliamentary members.

(4) The access of political parties, political alliances, electoral alliances, as well as of independent candidates and organisations of citizens belonging to national minorities to private radio and television stations, including cable television, shall be done in the same price conditions for all electoral competitors, only during the electoral shows, according to Article 67.

(5) Buying broadcasting time for publicity purposes, as well as for and on behalf of the participants in the electoral campaign, or the transfer of broadcasting time to candidates by public or private capital trading companies, public institutions, non-governmental organisations, or natural persons is forbidden.

(6) Political parties, political alliances and electoral alliances, independent candidates, as well as organisations of citizens belonging to national minorities must apply for broadcasting time no later than 40 days before the election date, with the management of the public and private radio and television stations, or, as the case may be, of their territorial stations. The applications filed after this deadline shall be disregarded.

(7) The broadcasting time with the public and private radio and television stations, including cable television, shall be granted to political parties, political alliances and electoral alliances, or to organisations of citizens belonging to national minorities taking part in the elections on each Monday, Tuesday, Wednesday, Thursday and Friday. Each independent candidate shall be entitled to a broadcasting time, at the territorial stations, of 5 minutes at most, summed up for the entire duration of the electoral campaign.

(8) The shows broadcast within the broadcasting time granted to each political party, political alliance and electoral alliance, to independent candidates and organisations of citizens belonging to national minorities shall be live or recorded, in the proportions decided upon by them.

(9) During the electoral shows, it is forbidden to combine colours, graphical signs or sounds evoking the national symbols of Romania or some other state.

**Article 69** - (1) During the electoral campaign, the candidates and the representatives of the competing political parties shall have access only to the electoral shows and debates on public and private radio and television stations, under the terms of Articles 66 to 68.

(2) During the electoral campaign, the candidates and the representatives of the competing political parties may not be producers, directors or anchors of the shows produced by public and private radio broadcasting stations.

**Article 70** - (1) Public and private radio broadcasting stations shall be bound, by means of technical and editorial measures, to present the electoral campaign in an equitable, well-balanced and unbiased manner.

(2) News bulletins shall also be bound to observe the obligation to be objective and

equitable and to inform the public correctly.

(3) The candidates who are already holding public offices may appear during news bulletins strictly in matters related to the exercise of their office.

(4) If the news bulletins present special facts or events of public interest, besides the authorities' point of view, an opposite point of view must also be presented.

**Article 71** - (1) The electoral shows and debates must ensure equal conditions to all candidates as regards the freedom of expression, pluralism of opinions and equidistance.

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

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

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

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

d) not to urge to hatred or discrimination for racial, religious, nationality, gender, sexual orientation or ethnic considerations.

**Article 72** - The directors and anchors of the electoral shows and debates shall have the following obligations:

a) to be impartial;

b) to ensure the necessary balance during the show, giving each candidate participating in the debates the opportunity to express his/her opinions;

c) to formulate his/her questions clearly, without bias or partiality;

d) to make sure that the debate is kept within the sphere of interest of the electoral campaign and the topics set forth;

e) to intervene whenever guests, through their behaviour or vocabulary, violate the provisions of Article 65 paragraphs (5) and (6) and of Article 71; if guests do not comply with his/her requests, the anchor may decide to have their microphone cut off or to put an end to the show, as the case may be.

**Article 73** - The following are forbidden 48 hours before the voting date:

a) the presentation of opinion polls or broadcasting of electoral publicity spots;

b) the invitation or presentation of candidates during programmes, except for the situations stipulated under Article 74 paragraph (4);

c) comments concerning the electoral campaign.

**Article 74** - (1) The candidates and the political parties or the organisations of citizens belonging to national minorities taking part in the elections, whose rights or legitimate interests have been harmed due to the presentation of untruthful facts during an electoral programme, shall be entitled to the right to reply.

(2) The candidates and the political parties or the organisations of national minorities taking part in the elections whose rights or legitimate interests have been harmed due to the presentation of inaccurate information during an electoral programme, shall benefit from the right to correction.

(3) Radio broadcasting companies shall have the following obligations concerning the right to reply and to correction:

a) to decide about granting or not granting the requested right within 24 hours, at the most, from the receipt of a written request; if the request refers to a show broadcast on the last day of the electoral campaign, the decision must be made within 12 hours, at the most, from the receipt of the request;

b) to notify the decision made to the petitioner, within the time limits stipulated under point (a), by telephone and/or in writing; if the requested right is denied, the reasons for this must be notified to the petitioner and to the National Audiovisual Council of Romania;

c) if the decision made is to grant the requested right, to broadcast the correction or reply within 48 hours, at the most, from the receipt of the request; if the show making the object of the referral was broadcast on the last day of the electoral campaign, the correction or reply shall be broadcast on the day preceding the voting;

d) to broadcast the reply or correction within the time limit and under the terms communicated to the radio broadcasting company, if the National Audiovisual Council of Romania rules in favour of the petitioner.

(4) On the day preceding the vote, the radio broadcasting companies must accommodate in their programmes, right after the evening news bulletin, an airtime for broadcasting the corrections and replies resulting from the referrals concerning the shows broadcast on the last day of campaign.

**Article 75 - (1)** The radio broadcasting companies must ensure the recording of the shows meant for the electoral campaign, under the terms set up by the National Audiovisual Council of Romania.

(2) The recordings of the shows meant for the electoral campaign must be kept available for the National Audiovisual Council of Romania, throughout the electoral campaign and 30 days after the official communication of the results.

**Article 76 - (1)** Failure, by the radio broadcasting companies, to comply with the provisions of Article 65 paragraphs (5) and (6), of Articles 66 to 75, of Article 77 and of Article 78 paragraph (2) shall entail the enforcement of the sanctions stipulated by the Audiovisual Law No. 504/2002, as subsequently amended and supplemented.

(2) Facts shall be ascertained and sanctions shall be applied by the National Audiovisual Council of Romania, according to Law No. 504/2002, as subsequently amended and supplemented.

**Article 77 - (1)** During the electoral period, when opinion polls with an electoral content are presented, such polls must be accompanied by the following information:

a) name of the institution having conducted the poll;

b) date or time interval during which the poll was conducted and the methodology used;

c) sample size and maximum margin of error;

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

(2) Televoting or street surveys conducted amongst voters shall not be presented as representative for the public opinion or a certain social or ethnic group.

(3) The presentation of opinion polls, televoting or street surveys 48 hours before the vote date is forbidden.

**Article 78 - (1)** Exit polls can be carried out by the institutes specialised in conducting public opinion surveys or trading companies or nongovernmental organisations whose field of activity is conducting opinion polls and that are accredited to this purpose by the Central Electoral Bureau, by decision. Their poll operators shall have access, based on the accreditation of the institution for which they work, to the protected area of the polling station referred to in Article 84 paragraph (12), without having access inside the voting premises.

(2) On the voting day, it is forbidden to present exit polls before 21.00 hours, Romania's time.

**Article 79 - (1)** By the beginning of the electoral campaign, mayors shall be bound to establish, by order, special locations for electoral posting and to ensure the installation of electoral billboards thereto, taking into consideration the number of political parties, organisations of citizens belonging to national minorities, political alliances and electoral alliances stating to be submitting lists of candidates, as well as of independent candidates. Such locations must be in areas frequented by the citizens, without hindering the traffic on public roads and the other activities in those localities.

(2) Mayors shall be bound to set up at least one billboard for electoral display in every component locality or village pertaining thereto in the respective administrative-territorial unit as well.

(3) The use of electoral posting locations shall be permitted to the political parties, political alliances and electoral alliances or organisations of the national minorities taking part in the elections and to independent candidates.

(4) The use of the special locations for electoral posting by a political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities taking part in the elections or independent candidate, so as to prevent their use by another political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities taking part in the elections or independent candidate is forbidden. Each political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities taking part in the elections or independent candidate may apply only 2 electoral posters on an electoral billboard.

(5) An electoral poster posted in the locations stipulated under paragraph (1) may not exceed 500 mm on one side and 350 mm on the other side and the one convening an electoral rally, 400 mm on one side and 250 mm on the other side.

(6) Electoral posting in locations other than the ones stipulated under paragraph (1) is forbidden.

(7) Electoral posters combining colours so as to evoke the national flag of Romania or of another state are forbidden.

(8) The mayor, with the support of the local police or with the support of staff from the Ministry of Interior, in those localities where there is no local police, shall be bound to ensure the integrity of the electoral billboards and posters placed in authorised locations.

**Article 80** - (1) Constituency electoral bureaux shall ensure the proper unfolding of the electoral campaign within the constituency in which they operate.

(2) Constituency electoral bureaux shall settle the complaints addressed to them concerning the prevention of a political party, organisation of citizens belonging to national minorities, political alliance, electoral alliance or independent candidate from conducting their electoral campaigns as set by law, as well as the complaints alleging violations of the provisions of Articles 64, 65 and 79.

(3) If the constituency electoral bureau deems it necessary, upon settling the complaint, to take administrative measures or to apply administrative or criminal sanctions, it shall refer to the competent authorities.

(4) Challenges can be filed against the decisions rendered by the electoral bureaux in relation to the electoral campaign within 48 hours from the date of their posting, with the hierarchically superior electoral bureau. The decision is final.

(5) The complaints and challenges shall be settled within 3 days from their registration and the decisions taken shall be published in the press and displayed visibly at the premises of the electoral bureau having issued them.

(6) Political parties, organisations of citizens belonging to national minorities, political alliances, electoral alliances, independent candidates or mayors, where appropriate, shall be bound to enforce the final decisions issued by the electoral bureaux concerning the electoral campaign, within 48 hours, at the most, from the date they remain final.

## CHAPTER VIII

## Voting

**Article 81** - (1) Each polling station must have a sufficient number of ballot boxes, labelled accordingly, for the election of the Senate, respectively of the Chamber of Deputies, the special ballot box, polling booths, 'VOTED' stamps, considering the number of voters registered in the Electoral Register and in observance of the duration of the vote referred to by law. The ballot paper introduced in the other ballot box than the one corresponding to the type of elections shall be taken into consideration if the vote is validly cast.

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

(3) On the eve of the elections, mayors shall remit to the presidents of the electoral bureaux of the polling stations the materials necessary for the vote. After taking over the ballot papers, stamps, permanent electoral lists and the other standard forms necessary to the vote, the president of the electoral bureau of the polling station, together with his/her alternate shall ensure, with the mayor's logistic support, under escort by the staff of the Ministry of Interior, their transport, inside the voting premises.

(4) The materials referred to in paragraph (3) shall be remitted to the president of the electoral bureau of the polling station based on a handover takeover report, including the type and number of copies.

(5) The president of the electoral bureau of the polling station and the other members of the electoral bureau of the polling station must be present at the premises of the polling station on the eve of the voting day, at 18.00 hours and they must verify the materials referred to in paragraph (3). The president of the electoral bureau of the polling station shall order the necessary measures for ensuring order and the fairness of the voting operations, as well as the removal of any electoral propaganda materials inside and on the building of the polling station.

(6) The president shall order the setting up of guard posts around the voting premises.

(7) When leaving, the president of the electoral bureau of the polling station shall seal all the entries into the voting premises with paper bands, which (s)he signs after previously affixing the control stamp thereon. It is forbidden to leave the voting premises with the control stamp, the 'VOTED' stamps, ballot papers or electoral lists.

**Article 82** - (1) On the day of the elections, the activity of the electoral bureau of the polling station shall start at 6.00 hours. In the presence of the other members, and, where appropriate, of the accredited persons, the president of the electoral bureau of the polling station shall check the ballot boxes, the electoral lists, the ballot papers and the stamps, while mentioning, in the minutes referred to in Article 93, the number of persons registered on the permanent electoral lists, the number of packs of ballot papers, separately for the Senate and the Chamber of Deputies, as well as the 'VOTED' stamps. After finishing this operation, (s)he shall close and seal the ballot boxes by affixing the control stamp of the polling station.

(2) As (s)he opens the sealed packs, the president must ensure the affixing of the control stamp on the last page of each ballot paper therein.

(3) The voting shall start at 7.00 hours and close at 21.00 hours.

**Article 82<sup>1</sup>** - (1) On Saturday, at the end of the voting schedule provided for in art. 6 paragraph (1<sup>1</sup>), the presidents of the electoral bureaux of the polling stations abroad, in the presence of the other members, shall take the following measures:

a) seal the ballot boxes by sticking paper strips on their openings, which they



sign after applying the control stamp in advance;

b) insert the "VOTED" stamps in an envelope sealed by it and affixed with the control stamp;

c) conclude a report recording the number of unused ballot papers and the number of voters present to vote.

(2) Upon leaving the voting premises, after carrying out the operations provided for in paragraph (1), the president of the electoral bureau of the polling station seals all access routes to the polling premises with paper strips, which he signs after applying the control stamp in advance. It is forbidden to leave the voting premises with the control stamp, the "VOTED" stamps, the ballot papers or the electoral lists.

(3) On Sunday, at the beginning of the voting schedule provided for in art. 6 paragraph (1<sup>1</sup>), the seals shall be lifted by the president of the electoral bureau of the polling station abroad, in the presence of the other members of the electoral bureau of the polling station, only after the integrity of the unused seals, the electoral lists and the ballot papers have been verified.

(4) The premises of polling stations abroad shall be video-monitored, under the conditions established by decision of the Permanent Electoral Authority at the proposal of the Ministry of Foreign Affairs.

**Article 83** - (1) Romanian citizens domiciled or residing in Romania who, on the day of the vote, are in the country, can exercise their right to vote in the polling stations set up in Romania based on one of the following ID documents, valid on the day of the vote:

- a) ID card;
- b) electronic ID card;
- c) temporary ID card;
- d) ID bulletin;
- e) diplomatic passport;
- f) electronic diplomatic passport;
- g) service passport;
- h) electronic service passport;
- i) military service book, in the case of students of military schools.

(2) Romanian citizens domiciled in Romania, but registered in the Electoral Register with their residential address abroad, can exercise their right to vote in the polling stations set up abroad, based on one of the following ID documents, valid on the day of the vote, accompanied by an official document issued by the foreign state concerning the choice of residence:

- a) ID card;
- b) electronic ID card;
- c) temporary ID card;
- d) ID bulletin;
- e) diplomatic passport;
- f) electronic diplomatic passport;
- g) service passport;
- h) electronic service passport;
- i) regular passport;
- j) electronic regular passport;
- k) temporary regular passport.

(3) Romanian citizens domiciled abroad can exercise their right to vote in the polling stations set up abroad, according to this law, based on one of the following ID documents, valid on the day of the vote:

- a) regular passport, while mentioning the country of domicile;

b) temporary regular passport, while mentioning the country of domicile;

c) electronic regular passport, while mentioning the country of domicile.

(4) We understand by *residence abroad* the address abroad at which the natural person declares to have his/her secondary home, other than his/her domicile and where (s)he has the legal right to stay for more than 90 days. The documents proving the residence abroad shall be established by the Minister of Foreign Affairs, by order.

(5) Militaries, policemen and the Romanian civil personnel of the institutions pertaining to the defence, public order and national security systems deployed abroad can exercise their right to vote at any polling station set up in the country where they are conducting their mission. They shall be enlisted on the additional electoral list by the president of the electoral bureau of the polling station and shall vote based on their service passport.

**Article 84** - (1) Voters shall vote only at the polling station that has jurisdiction over their street or locality of domicile or residence, according to this law. If, on the voting day, the voters are in another administrative-territorial unit within the same electoral constituency, they can vote at any polling station within the electoral constituency of their place of domicile or residence.

(2) Voters' access in the voting room shall take place in series corresponding to the number of polling booths. Each voter shall present his/ her ID document, and, where appropriate, the document proving his/her residence, to the computer operator of the electoral bureau of the polling station, who shall insert the voter's personal identification number in the Computer system for monitoring turnout and preventing illegal voting.

(3) If the voter does not appear on the permanent electoral list existing at the respective polling station, the Computer system for monitoring turnout and preventing illegal voting shall signal if:

a) the person asking to vote has turned 18 years old until the day of the voting inclusively;

b) the person asking to vote has lost his/her electoral rights;

c) the person asking to vote is assigned to another polling station;

d) the person asking to vote is omitted from the permanent electoral list, is domiciled or residing within the jurisdiction of the respective polling station and if (s)he filed a request to be registered in the Electoral Register with his/her address of residence;

e) the person asking to vote has already exercised his/her right to vote for the same ballot.

(4) Based on the results generated by the Computer system for monitoring turnout and preventing illegal voting, the communications made by using this system and the verification of the ID document, the president of the electoral bureau of the polling station:

a) shall stop from voting the person having not turned 18 years old until the date of the voting, the person having lost his/her electoral rights, as well as the person having chosen the postal voting;

b) shall guide the voter to go and vote at the polling station to which (s) he is assigned, if assigned to another polling station;

c) shall guide the voter to go and vote at the polling station to which (s)he is assigned according to his/her residence, if registered in the Electoral Register with his/her residential address;

d) shall register on the additional electoral list the person asking to vote, which has been omitted from the permanent electoral list, who is domiciled or residing within the territorial jurisdiction of the respective polling station; if the person omitted is

registered on the permanent electoral list existing at another polling station, the president of the electoral bureau of that polling station shall be notified by the computer system to this effect and shall erase the respective person from the permanent electoral list; once the voter signs in the additional electoral list, (s)he shall receive the ballot papers and the 'VOTED' stamp;

e) shall register on the additional electoral list the person asking to vote, who is domiciled or residing in another administrative-territorial unit in the same electoral constituency; if the person is registered on the permanent electoral list existing at another polling station, the president of the electoral bureau of that polling station shall be notified by the computer system to this effect and shall erase the respective person from the permanent electoral list; once the voter signs in the additional electoral list, (s)he shall receive the ballot papers and the 'VOTED' stamp;

f) shall allow the voter fulfilling the conditions set by law and registered on the permanent electoral list to vote; to this purpose, once the voter signs in the permanent electoral list, (s)he shall receive the ballot papers and the 'VOTED' stamp.

(5) If, for well-founded reasons, ascertained by the president of the electoral bureau of the polling station, the voter cannot sign in the permanent electoral list, the president shall make a note thereof in the electoral list, confirmed by his/her signature and that of another member of the electoral bureau.

(6) Voters shall vote separately, in closed booths, by applying the 'VOTED' stamp in the quadrilateral that comprises the list of candidates or the name of the candidate (s)he wishes to vote for.

(7) The 'VOTED' stamp must be round and of such dimensions so that it should be smaller than the quadrilateral in which it is applied.

(8) After voting, voters shall fold the ballot papers so that the white page bearing the control stamp should stay out and then they shall insert them into the ballot box, making sure that they do not open. The wrong folding of the ballot paper shall not entail the ballot nullity, if the secrecy of the vote is preserved.

(9) If the ballot paper should open in such a way that the voting secrecy is no longer preserved, the ballot paper shall be annulled and the voter shall be given, only once, a new ballot paper and this shall be mentioned in the minutes concerning the voting operations.

(10) The 'VOTED' stamp, handed over to the voter for voting, shall be returned to the president, who shall affix it onto the ID document, also mentioning the election date. In the case of voters voting based on their ID cards, a self-adhesive stamp marked 'VOTED' and the election date shall be applied on the back of the card.

(11) The president may take measures so that a voter should not dwell without a reason inside the polling booth.

(12) The president of the electoral bureau of the polling station must take the necessary measures for the elections to take place in proper conditions. For this purpose, his/her powers shall extend also outside the voting premises, inside the polling station, in its courtyard, to courtyard entries, around the polling station, as well as in the streets and in public markets up to a distance of 50 m.

(13) In order to maintain the order, the president of the electoral bureau of the polling station shall have at his/her disposal the necessary means to ensure order, provided by the mayor and the prefect, together with the representatives of the Ministry of Interior.

(14) Besides the members of the electoral bureau of the polling station, the candidates, the delegates and accredited observers, no other person may dwell in the public places in the voting room or inside the voting premises for a period of time longer than the time needed to vote.

(15) During the vote, it is forbidden for the members of electoral bureaus and for the accredited persons to wear identity tags, badges or other electoral propaganda signs.

(16) Computer operators shall have the statute of auxiliary technical staff.

**Article 85** - (1) Candidates and members of the electoral bureaus of the polling stations shall have the right to challenge the identity of a person asking to vote. In such cases, the president of the electoral bureau of the polling station shall determine the identity of the person in question, by any legal means.

(2) If the challenge is well-grounded, the president of the electoral bureau of the polling station shall prevent the contested voter from voting, record the fact in the minutes and inform the competent authorities about this situation.

(3) The president of the electoral bureau of the polling station may suspend the voting for well-founded reasons.

(4) The total length of the suspensions cannot exceed one hour. The suspension shall be notified by posting on the door of the voting premises, immediately after the occurrence of the event having led to the suspension.

(5) During the suspension, the ballot boxes, the stamps, the ballot papers and the other documents and materials of the electoral bureau of the polling station shall remain under permanent guard. During the suspension, it is forbidden for more than half of the members of the electoral bureau of the polling station to leave the voting room at the same time.

(6) The candidates and the persons accredited to attend the voting under this law shall not be forced to leave the voting room during this interval.

(7) The presence of any person other than the voter inside the polling booth is forbidden.

(8) The voter who, for well-founded reasons, ascertained by the president of the electoral bureau of the polling station, cannot vote on his/ her own shall be entitled to call an attendant of his/her choosing, to help him/her in the polling booth. The attendant must not be an observer or a member of the electoral bureau of the polling station.

(9) The president of the electoral bureau of the polling station or, in his/her absence, his/her alternate must uphold and register any written referral concerning irregularities during the voting process, submitted by members of the electoral bureau of the polling station, candidates, accredited observers, accredited representatives of the written press, radio and television, Romanian and foreign, or voters present in the polling station for exercising their right to vote. If the referral is remitted to him/ her in 2 copies, the president of the electoral bureau of the polling station, respectively his/her alternate, shall mention on the copy remitted to the author of the referral the fact that (s)he has been informed about the respective referral and the number under which it is registered.

(10) For the citizens with the right to vote in the respective electoral constituency, who cannot present themselves at the premises of the polling station due to an illness or disability, the president of the electoral bureau of the polling station may approve, upon their written request, accompanied by copies of the documents attesting the respective medical condition or disability, registered with the polling station closest to the place of their location on the day of the vote, that a team composed of at least 2 members of the electoral bureau should go with a special ballot box and the materials needed for voting - the 'VOTED' stamp and ballot papers - to the voter's location, so that (s)he could vote. A single special ballot box shall be used within the jurisdiction of a polling station. Only the members of the electoral bureau of the polling station may carry the special ballot box, under escort by the staff of the Ministry of Interior. In the case of citizens who cannot present themselves at the premises of the polling station, the written requests can be sent through other persons or through the

specialised personnel of the healthcare units where they are admitted, where appropriate.

(11) In the cases stipulated under paragraph (10), the voting shall only take place based on an excerpt drawn up by the president of the electoral bureau himself/herself from the permanent electoral list or the additional list existing at that polling station. The excerpt shall be signed by the president and stamped, and the persons comprised in these excerpts must be erased from the other electoral lists existing at the polling station.

(12) Only those persons domiciled within the jurisdiction of the national electoral constituency may vote in the manner stipulated under paragraphs (10) and (11).

(13) The personal identification numbers of the voters having filed applications under paragraph (10) are pre-recorded in the Computer system for monitoring turnout and preventing illegal voting and then they are finally registered upon the return, to the voting premises, of the team referred to in paragraph (10), based on the signatures in the excerpt referred to in paragraph (11).

(14) Before the team of members of the electoral bureau of the polling station heads with a special ballot box to the persons who cannot vote at the polling station according to law, the president of the electoral bureau of the polling station shall request the operator to verify whether or not those persons have already exercised their right to vote on that day.

**Article 86** - For the polling stations abroad, the provisions of this chapter shall apply, where appropriate, by taking into consideration the specific conditions referring to the setting up of polling stations abroad.

**Article 87** - (1) Malfunctions of the Computer system for monitoring turnout and preventing illegal voting cannot lead to the suspension or interruption of the voting process. In such a situation, by way of derogation from the provisions of Article 84 paragraph (2), voters shall present their ID document to the computer operator or to the member of the electoral bureau of the polling station appointed by its president, who shall insert, on electronic support or on paper, where appropriate, the personal identification numbers of the voters and the time when they asked to vote. The provisions of Article 84 paragraphs (4) to (10) shall apply accordingly.

(2) The duration of the malfunction of the Computer system for monitoring turnout and preventing illegal voting shall be recorded by the president of the electoral bureau of the polling station in the minutes. Both the occurrence and ceasing of the malfunction of the Computer system for monitoring turnout and preventing illegal voting shall be notified, by telephone, to the hierarchically superior electoral bureau by the president of the electoral bureau of the polling station.

(3) The methodology for the implementation of the provisions of paragraphs (1) and (2) shall be established by decree of the Permanent Electoral Authority.

**Article 88** - (1) At 21.00 hours, the president of the electoral bureau of the polling station shall declare the voting closed and shall order the closing of the premises of the polling station.

(2) The voters who, at 21.00 hours, are inside the voting room, as well as those who are in line outside the polling station to enter the polling place can exercise their right to vote, under the terms of this law.

(3) At 21.00 hours, the special ballot box must be inside the polling station.

(4) The voters in the situations provided for in paragraph (2) can vote until 23.59 at the latest.

(5) 2 members appointed by the electoral bureau of the polling station, within it, shall verify at 21:00 whether there are voters waiting to exercise their right to vote outside the polling station and shall ascertain and monitor the order in which they have

access to the voting premises.

## CHAPTER IX

### Observing the elections

**Article 89 - (1)** Besides the members of the electoral bureaus of the polling stations, computer operators and protection staff, the operations carried out by the electoral bureaus of the polling stations can also be attended by the candidates, the persons accredited under this law, the representatives of the Permanent Electoral Authority, the members of the constituency electoral bureaus, of the electoral offices and of the Central Electoral Bureau.

(2) Under this law, we understand the following by *persons accredited*:

a) domestic observers, appointed by associations and foundations, conducting activities aimed at safeguarding democracy and human rights, accredited by the Permanent Electoral Authority;

b) representatives of the Romanian media institutions, accredited by the Permanent Electoral Authority;

c) international observers, appointed by foreign or international organisations for monitoring the elections or invited by the Romanian authorities, accredited by the Permanent Electoral Authority;

d) representatives of the foreign media institutions, accredited by the Permanent Electoral Authority;

e) delegates of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, accredited by the constituency electoral bureaus, according to law.

(3) No later than 15 days before the date of the elections, the association or foundation wishing to designate domestic observers must submit an application to the Permanent Electoral Authority requesting accreditation for the respective ballot. The application must be accompanied by documents proving that the association or foundation is conducting activities for the safeguarding of democracy and human rights and has been legally set up at least 6 months before the date of the elections.

(4) No later than 15 days before the date of the elections, the media institution wishing to designate representatives must submit an application to the Permanent Electoral Authority requesting accreditation for the respective ballot. The application must be accompanied by documents proving that the institution is conducting activities in the field of media.

(5) Based on the accreditation document issued by the Permanent Electoral Authority, the association, foundation or media institution can designate as domestic observers or representatives, where appropriate, only those persons that have no political affiliation.

(6) The Permanent Electoral Authority is in charge of accrediting international observers and representatives of the foreign media institutions requesting it.

(7) Challenges concerning accreditations and dismissals of the applications for accreditation shall be settled by the Bucharest Court of Appeal, within 2 days from their registration. The ruling issued is final.

(8) The accreditation granted by the Permanent Electoral Authority to associations, foundations and Romanian media institutions shall give them the right to designate domestic observers and representatives in all the electoral bureaus of the polling stations.

(9) The domestic observers and the representatives of the Romanian media institutions can attend the operations of the electoral bureaus of the polling stations



only based on the badges given by the association, foundation or Romanian media institution accredited by the Permanent Electoral Authority, accompanied by an ID document.

(10) The accreditation procedure, the models of the accreditation documents and of the badges are set by decree of the Permanent Electoral Authority.

(11) The accreditation of the delegates of political parties shall be done by the constituency electoral bureaus, according to the procedure established through decision of the Central Electoral Bureau, upon the written request by the management bodies of the county organisations of the political parties, political alliances and electoral alliances or of organisations of citizens belonging to national minorities, which have no representatives in the electoral bureaus of the polling stations, done at least 5 days before the voting date.

(12) The international observers and the representatives of the foreign media institutions can attend the operations of the electoral bureaus of the polling stations only based on the accreditation document issued by the Permanent Electoral Authority, valid also in copy, accompanied by an ID document.

(13) The accredited delegates of political parties can attend the operations of the electoral bureaus of the polling stations only based on the accreditation document issued by the constituency electoral bureau, valid also in copy, accompanied by the ID document.

**Article 90** - (1) The accredited persons can attend the electoral operations on the day of the vote, starting with 6.00 hours and finishing with the drawing up and signing, by the members of the electoral bureau of the polling station, of the minutes ascertaining the result of the elections in the respective polling station.

(2) The accredited persons cannot intervene, in any way, in the organisation and unfolding of the elections, having only the right to refer, in writing, to the president of the electoral bureau the cases of irregularities found. Any act of electoral propaganda, as well as the violation, in any way, of the provisions of this law, shall entail the enforcement of legal sanctions, the suspension of the accreditation by the electoral bureau having found the irregularity, and, on the day of the vote, the immediate removal of the respective person from the polling station.

(3) The accredited persons may dwell, in the electoral bureau of the polling station, only in the spaces specifically delimited for this purpose in the voting room by the president of the electoral bureau of the polling station.

## CHAPTER X

### Counting the votes and ascertaining voting results

**Article 91** - The members of the electoral bureaus of the polling stations shall take part in all the operations related to the counting of the votes, which can be attended by the persons accredited under this law, the representatives of the Permanent Electoral Authority, the members of the constituency electoral bureaus, of the electoral offices and of the Central Electoral Bureau.

**Article 92** - (1) After the closing of the polling station, the president, in the presence of the members of the electoral bureau and of the accredited persons, shall verify the integrity of the seals on the ballot boxes, seal the slot of the ballot boxes and put the 'VOTED' stamps in an envelope sealed by affixing the control stamp of the polling station. The disappearance of one or several stamps shall be mentioned in the minutes referred to in Article 93.

(2) After conducting the operation referred to in paragraph (1), the president of the electoral bureau of the polling station shall annul the unused ballot papers and shall enter in the minutes, separately for each type of elections, the number of ballot papers annulled. If there are intact packs of ballot papers, the word 'ANNULLED' shall be

written only once on the respective pack and the control stamp shall be affixed only once.

(3) All the voters in the permanent and additional electoral lists having participated in the vote shall be counted and their number shall be entered in the specific columns in the minutes. The additional electoral lists shall be filed in the order of them being drawn up.

(4) For every type of elections, the used ballot papers, as they result from the voter lists, shall be added to the unused and annulled ballot papers. Their total, which should correspond to the number of ballot papers received by the polling station, shall be entered in the minutes. If their total is not equal with the number of ballot papers received, the reason for this error shall be mentioned in the minutes, while taking into account the objections and challenges addressed to the electoral bureau of the polling station as well.

(5) If the sum is not the correct one, the members of the electoral bureau of the polling station can have dissenting opinions. These shall be mentioned in the minutes.

(6) Once these operations are finished, the ballot boxes are opened. The opening of the ballot boxes is done successively. The next ballot box is opened only after the counting of the votes in the previous ballot box and the entering of its results in the minutes.

(7) The president shall read out loud, when opening each ballot paper, the name of the electoral competitor voted and (s)he shall show the ballot paper to those present.

(8) One of the members of the electoral bureau, assisted by at least another member thereof, shall write down the option resulting from reading each ballot paper on the standard form delivered by the Permanent Electoral Authority.

(9) Every ballot paper read and mentioned in the form shall be put, by the president, helped by the other members of the electoral bureau, in a separate pack for each electoral competitor.

(10) Separate packs shall be formed for the null ballot papers, the blank votes, as well as for the challenged ones.

(11) The ballot papers without the control stamp of the electoral bureau of the polling station, the ballot papers having a different model than the one legally approved, or those on which the stamp has been affixed on multiple quadrilaterals or outside them, shall be considered null. These shall not be counted as validly cast votes.

(12) If there are ballot papers for which the opinions are different in what concerns the validity of the vote, this shall be attributed to a candidate or shall be deemed null, depending on the opinion of the majority of the members of the electoral bureau of the polling station.

(13) Are deemed blank votes the ballot papers that do not have the 'VOTED' stamp on them. These ballot papers shall not be counted as validly cast votes.

**Article 92<sup>1</sup>** – (1) Computer operators shall ensure, under the conditions established by decision of the Permanent Electoral Authority, uninterrupted audio-video recording of operations performed by members of electoral bureaus of polling stations for the counting of the votes.

(2) The president of the electoral bureau of the polling station shall ensure the transmission, by electronic means, to the Central Electoral Bureau of the photograph of the minutes on recording the voting results, as well as of the information resulting from the verification of the correlation of the data entered in the minutes on the recording of voting results.

(3) The records referred to in paragraph 1 and the photographs of the minutes

referred to in paragraph (2) shall be carried out in the voting premises through computer terminals provided by the Special Telecommunications Service.

(4) The Special Telecommunications Service verifies the existence of the records provided for in paragraph (1), records the findings in the report of receipt of computer terminals upon receipt from computer operators and transfer them to a storage device. Video-audio recordings shall be kept for a period of 12 months from the end of the electoral period, according to the law.

(5) The Special Telecommunications Service makes available to the competent bodies to ascertain electoral contraventions and frauds or to prosecute offences, upon their request, copies of audio-video recordings provided for in paragraph (1).

**Article 93** - (1) The results shall be entered in different tables and the minutes shall be drawn up, in 2 original copies.

(2) The minutes shall comprise:

a) the total number of voters included in the electoral lists existing at the polling station, in application of the formula:

$$\text{point a} = \text{point a1} + \text{point a2} + \text{point a3};$$

a1) the total number of voters according to the permanent electoral list, in application of the formula:

$$\text{point a1} > \text{point b1};$$

a2) the total number of voters according to the additional electoral list, in application of the formula:

$$\text{point a2} > \text{point b2};$$

a3) the total number of voters according to the excerpt of the permanent and additional electoral lists, in application of the formula:

$$\text{point a3} > \text{point b3};$$

b) the total number of voters included in the electoral lists existing at the polling station, present for the vote, in application of the formula:

$$\text{point b} = \text{point b1} + \text{point b2} + \text{point b3};$$

b1) the total number of voters present for the vote, included in the permanent electoral list;

b2) the total number of voters present for the vote, included in the additional electoral list;

b3) the total number of voters who voted by means of the special urn;

c) the number of ballot papers received, in application of the formula:

$$\text{point c} > \text{point d} + \text{point e} + \text{point f} + \text{point g};$$

d) the number of ballot papers unused and annulled;

e) the total number of validly cast votes, in application of the formula:

$$\text{point e} < [\text{point b} - (\text{point f} + \text{point g})]; \text{ point e} = \text{the total number of validly cast votes expressed in point h};$$

f) the number of null votes;

g) the number of blank votes;

h) the number of validly cast votes, obtained by each electoral competitor;

i) the number of challenged votes;

j) a brief account of the objections, challenges lodged and their solutions, as well as of the challenges filed with the constituency electoral bureau;

k) the integrity of the ballot box seals at the end of the voting.

(3) The minutes shall be signed by the president, by his/her alternate and by the members of the electoral bureau of the polling station and shall bear the control stamp thereof.

(4) The absence of the signatures of some members of the electoral bureau of the

polling station shall have no influence on the validity of the minutes. The president shall mention the reasons that prevented the signing thereof.

(5) Every member of the electoral bureau of the polling station shall be entitled to a copy of the minutes, signed by the president of the polling station or his/her alternate, where appropriate and by the other members of the bureau.

(6) During the voting operations and the opening of the ballot boxes, objections and challenges can be submitted in relation to these operations. These shall be settled on the spot by the president of the electoral bureau of the polling station.

(7) The challenges shall be presented to the president of the electoral bureau of the polling station. They shall be done in writing in 2 copies, of which one, signed and stamped by the president, shall be kept by the dissenter.

(8) The president of the electoral bureau of the polling station shall adjudicate, forthwith, on urgent challenges.

(9) Separately for the Senate and the Chamber of Deputies, a file shall be prepared, comprising: the minutes, in 2 original copies, the challenges concerning the electoral operations of the electoral bureau of the polling station, the null ballot papers and the ones challenged, the ballot papers used and unchallenged, the standard forms used to calculate the results, as well as the electoral lists used in the polling station, filed by types of lists. The files, sealed and stamped, accompanied by the electoral lists used at the respective polling station, shall be remitted to the constituency electoral bureau, respectively to the electoral office, within 24 hours, at the most, from the closing of the vote, by the president of the electoral bureau of the polling station, under military escort and accompanied, upon request, by the representatives of the political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities in the electoral bureau of the polling station, the candidates or the persons accredited under this law.

(10) The presidents of the electoral bureaus of the polling stations shall remit the files prepared according to the provisions of paragraph (9) at:

a) the premises of the constituency electoral bureaus, in the case of the polling stations set up in the counties;

b) the premises of the electoral office of the sector in which they operated, in the case of the polling stations set up in the Municipality of Bucharest;

c) the premises of Romania's diplomatic missions and consular offices in the country in which they have been set up.

(11) The minutes drawn up by the electoral bureaus of the polling stations set up abroad, signed by the president and the members present, accompanied by the challenges, shall be sent, by electronic means, to the electoral bureau of the electoral constituency for the Romanian citizens domiciled or residing abroad, by the president of the electoral bureau. The accuracy of the data in these minutes shall be confirmed by telephone to the president of the constituency electoral bureau or to his/her alternate, who shall countersign and stamp the documents received, by the president of the electoral bureau of the polling station abroad. The minutes countersigned shall be taken into consideration for the centralisation of the results of the vote.

(12) The electoral bureaus of the polling stations set up abroad shall draw up, separately for the Senate and the Chamber of Deputies, a file comprising: the minutes, in 2 original copies, the challenges concerning the electoral operations of the electoral bureau of the polling station, the null ballot papers and the ones challenged, the standard forms used to calculate the results, as well as the electoral lists used in the polling station, filed by types of lists. The files, sealed and stamped, accompanied by the electoral lists used at the respective polling station, shall be remitted, with the logistic support of the Ministry of Foreign Affairs, based on a report, to the

constituency electoral bureau for the Romanian citizens domiciled or residing abroad, and, if this has ceased its activity, to the Bucharest County Court. The used ballot papers and the ones unchallenged, the ballot papers annulled and unused, the stamps and the other materials necessary to the vote shall be remitted, based on a report, to the diplomatic mission or consular office.

**Article 94** - (1) After receiving the files referred to in Article 93, the constituency electoral bureau shall draw up, separately for the Senate and for the Chamber of Deputies, the minutes including the total number of votes validly cast for every political party, political alliance, electoral alliance and independent candidate, that it shall remit within 24 hours to the Central Electoral Bureau.

(2) After receiving the minutes drawn up by the constituency electoral bureaus, according to paragraph (1), the Central Electoral Bureau shall determine the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities that reach the electoral threshold, separately for the Senate and for the Chamber of Deputies. The electoral threshold represents the minimum number of votes validly cast necessary for parliamentary representation, calculated as follows:

a) 5% of the total number of votes validly cast at national level or 20% of the total number of validly cast votes in at least 4 electoral constituencies for all electoral competitors;

b) in the case of political alliances and electoral alliances, 3% of the votes validly cast at national level shall be added to the 5% threshold referred to in point (a), for the second member of the alliance, and, for each alliance member, starting with the third member, one percent of the votes validly cast in all electoral constituencies shall be added to the threshold, without exceeding 10% of these votes.

(3) The electoral threshold is equal to the non-rounded integer, without decimals, resulting by multiplying the percentage points established according to point (a) of paragraph (2).

(4) After receiving, from the Central Electoral Bureau, the confirmation concerning the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities having reached and those having not reached the electoral threshold, the constituency electoral bureau shall allot the Deputy mandates, respectively those of Senator. The candidates and the accredited persons are entitled to attend the works of the constituency electoral bureau.

(5) Mandate distribution shall be done by taking into consideration only those political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, having reached the electoral threshold stipulated under paragraph (2), distinctly for the Senate and for the Chamber of Deputies, as well as the independent candidates having obtained a number of votes at least equal with the electoral quotient of the constituency in which they stood as candidates.

(6) The distribution and allotment of the mandates of Deputy and Senator shall be carried out in 2 stages: at the level of each electoral constituency and at national level:

a) at the level of the electoral constituency, the electoral bureau shall establish, separately for the Senate and for the Chamber of Deputies, the electoral quotient of the constituency, by dividing the total number of votes validly cast for all the lists of candidates of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities meeting the condition referred to in paragraph (2) and for the independent candidates by the number of Deputies, respectively of Senators, to be elected in that electoral constituency; the electoral quotient is the non-rounded integer, without decimals, resulting from this division;

b) every list shall receive as many mandates as the number of times the electoral

quotient of the electoral constituency is included in the number of votes validly cast for that list;

c) the allotment of the mandates shall be done by the constituency electoral bureau, in the order of registration of the candidates on the list;

d) independent candidate shall receive a mandate each, if they obtained a number of votes validly cast at least equal with the electoral quotient for Deputies or for Senators, where appropriate; the independent candidates shall take part in the distribution of the mandates only in the first stage, that at the level of the constituency; an independent candidate can receive only one mandate;

e) the votes remaining, i.e. unused or below the electoral quotient, obtained by the lists of candidates of the political parties, political alliances, electoral alliances and organisations of citizens belonging to the national minorities meeting the condition in paragraph (2), as well as the mandates that could not be allotted by the constituency electoral bureau shall be notified by it to the Central Electoral Bureau, for a centralised distribution.

(7) The Central Electoral Bureau shall total, separately for the Senate and for the Chamber of Deputies, the unused votes and those below the constituency electoral quotient in all electoral constituencies, for every political party, political alliance, electoral alliance and organisation of citizens belonging to the national minorities meeting the condition in paragraph (2); the number of votes thus obtained by each political party, political alliance and electoral alliance shall be divided by 1, 2, 3, 4, etc., the number of divisions being equal with the number of mandates that could not be allotted at the level of the electoral constituencies; the decimal value of the quotient obtained from this division shall be truncated after the 15th decimal, without rounding; the quotients resulting from the division, regardless of the list from which they result, shall be classified in decreasing order, up to the number of mandates non allotted; the lowest such quotients shall represent the national electoral quotient, for Senators and, separately, for Deputies; every political party, political alliance or electoral alliance shall receive as many mandates of Deputies or, where appropriate, of Senators, as many times as the national electoral quotient is included in the total number of the votes validly cast for the respective political party, political alliance or electoral alliance, resulting from the national total of the votes unused and of those below the constituency electoral quotient.

(8) The Central Bureau shall distribute the mandates allotted by electoral constituencies as follows:

a) for every political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities, which received mandates according to paragraph (7), the number of unused votes and of those below the constituency electoral quotient, in every electoral constituency, shall be divided by the total number of the votes validly cast for that political party, political alliance or electoral alliance taken into consideration when distributing the national mandates; the result thus obtained for every constituency shall be multiplied by the number of mandates that the political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities is entitled to; the data obtained shall be ordered decreasingly, at national level, and, separately, decreasingly, within each constituency; in the constituencies where, following the computations performed, no clear delineation between 2 or more political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities, can be made in order to determine the divider for the respective constituency, the delineation for the decreasing ordering shall be done considering, first, the number of votes remained unused in the respective constituency, then the number of votes validly cast in the constituency, then the number of votes validly cast at national level and, finally, if none of the previous criteria leads to a clear delineation, by random draw, organised by the Central Electoral Bureau; for



every constituency, the first political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities shall be taken into consideration, within the limit of the mandates to be distributed in the respective constituency; the last number in this operation shall represent the distributor for that constituency; next, the mandates shall be distributed by constituencies in the order of the political parties, political alliances, electoral alliances, as well as of the constituencies in the list sorted at national level, as follows: the first number in the list sorted at national level shall be divided by the divider of the constituency from which it originates, thus giving the number of mandates to which it is entitled in the respective constituency; next, the procedure is identical for the following numbers in the list sorted at national level; if the number of mandates that should be allotted to a political party, political alliance, electoral alliance or organisation of citizens belonging to the national minorities or in an electoral constituency is exhausted, the operation shall continue without them; if the number in the list sorted at national level is below the constituency divider, a mandate shall be allotted;

b) if a distribution of the mandates is not possible in the order resulting from the implementation of the provisions of point (a), the Central Electoral Bureau shall consider the electoral constituency where the political party, political alliance, electoral alliance or organisation of citizens belonging to the national minorities has the highest number of candidates or a candidate, which did not receive any mandates, and if, consequently, there are still remaining mandates that have not been distributed by constituencies, the electoral constituency where the political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities has the highest number of unused votes or the highest number of votes below the constituency electoral quotient;

c) if, after the implementation of the provisions of points (a) and (b), there are still mandates remaining that have not been distributed by constituencies, the Central Electoral Bureau shall establish them based on the assent of the political parties, political alliances or electoral alliances that are entitled to these mandates, according to paragraph (4), and, in the absence of an assent, by random draw, within 24 hours from the closing of the previous operations.

(9) The mandates distributed by lists of candidates, according to paragraph (8), shall be allotted to the candidates by the constituency electoral bureau, in the order of their registration on the list.

(10) The constituency electoral bureau shall issue the certificate proving the election of the Senators and Deputies having received mandates, within 24 hours from the closing of each allotment procedure.

(11) If the organisations of citizens belonging to national minorities choose to submit the same list of candidates in all electoral constituencies, the mandate of Deputy shall be obtained, in the order of registration, by the candidate registered on the list of the organisation of the respective national minority.

(12) The mandate referred to in paragraph (11) shall be allotted at national level by the Central Electoral Bureau for each national minority, according to Article 56, to the organisation of the respective minority having obtained the highest number of votes validly cast at national level.

(13) The candidates registered on the lists who have not been elected shall be declared substitutes of the respective lists. In case of vacancy of the mandates of Senators or of Deputies elected on the lists of candidates, the substitutes shall occupy the seats become vacant, in the order of their registration on the lists, if, until the date of validation of the mandate for filling the vacant seat, the political parties or the organisations of citizens belonging to national minorities for which the substitutes ran

as candidates shall confirm, in writing, under the signature of the management bodies of the political parties or organisations of citizens belonging to national minorities, that the substitutes are members of the respective political party or organisation of citizens belonging to national minorities.

**Article 95** - (1) The constituency electoral bureau shall draw up, separately for the Senate and for the Chamber of Deputies, the minutes concerning all the electoral operations, the centralisation of the votes, the ascertaining of the result of the vote and the allotment of the mandates.

(2) The minutes shall comprise:

a) the total number of voters included in the electoral lists existing at the polling station, in application of the formula:

$$\text{point a} = \text{point a1} + \text{point a2} + \text{point a3};$$

a1) the total number of voters according to the permanent electoral lists, in application of the formula:

$$\text{point a1} > \text{point b1};$$

a2) the total number of voters according to the additional electoral lists, in application of the formula:

$$\text{point a2} > \text{point b2};$$

a3) the total number of voters according to the excerpt of the permanent and additional electoral lists, in application of the formula:

$$\text{point a3} > \text{point b3};$$

b) the total number of voters included in the electoral lists of the electoral constituency, present for the vote, in application of the formula:

$$\text{point b} = \text{point b1} + \text{point b2};$$

b1) the total number of voters present for the vote, included in the permanent electoral lists;

b2) the total number of voters present for the vote, included in the additional electoral lists;

b3) the total number of voters who voted by means of the special urn;

c) the number of ballot papers received, in application of the formula:

$$\text{point c} > \text{point d} + \text{point e} + \text{point f} + \text{point g};$$

d) the number of ballot papers unused and annulled;

e) the total number of validly cast votes, in application of the formula:

$$\text{point e} < [\text{point b} - (\text{point f} + \text{point g})]; \text{ point e} = \text{the total number of validly cast votes expressed in point h};$$

f) the number of null votes;

g) the number of blank votes;

h) the number of validly cast votes, obtained by each list of candidates and independent candidate;

i) the presentation of the way in which the mandates have been allotted, according to Article 94, the first and last names of the elected candidates, as well as, where appropriate, the political party, political alliance or electoral alliance having proposed them;

j) the mandates that could not be allotted at the level of the electoral constituency, as well as the validly cast votes to be counted, according to Article 94, at national level;

k) a brief account of the objections, challenges and decrees issued by the constituency electoral bureau.

(2<sup>1</sup>) The minutes drawn up by the constituency electoral bureau for the Romanian citizens domiciled or residing abroad shall include, besides the elements referred to in

paragraph (2), the following data:

- a) the total number of voters, according to the electoral lists for the postal voting;
- b) the total number of voters having voted by post, registered on the electoral lists for the postal voting;
- c) the number of outer envelopes dispatched;
- d) the number of outer or inner envelopes annulled.

(3) The minutes, together with the objections, challenges and the minutes received from the electoral bureaus of the polling stations and the electoral offices, where appropriate, that form a file, drawn up, sealed, stamped and signed by the members of the electoral bureau, shall be remitted, under escort by the staff of the Ministry of Interior, to the Central Electoral Bureau, within 48 hours, at the most, from receiving the notification of the Central Electoral Bureau concerning the distribution, by electoral constituencies, of the mandates allotted in a centralised manner at national level.

(4) The ballot papers used must be kept in absolute security, packed, sealed and labelled, by polling stations, at the constituency electoral bureaus and at the premises of the diplomatic missions, respectively of the consular offices, until the date of publication of the results of the elections in the Official Gazette of Romania, Part I.

**Article 96** - (1) The Central Electoral Bureau shall settle the objections and challenges filed, then separate minutes for the Senate and for the Chamber of Deputies shall be drawn up, including, at national level:

- a) the total number of voters included in the electoral lists, of which:
  - the total number of voters included in the permanent electoral lists;
  - the total number of voters included in the additional electoral lists;
  - the total number of voters included in the electoral lists for the postal voting;
  - the total number of voters included in the excerpts of the additional and permanent electoral lists;
- b) the total number of voters present for the vote, included in the electoral lists, of which:
  - the total number of voters included in the permanent electoral lists;
  - the total number of voters included in the additional electoral lists;
  - the total number of voters included in the electoral lists for the postal voting;
  - the total number of voters included in the excerpts of the additional and permanent electoral lists;
- c) the total number of validly cast votes;
- d) the number of null votes;
- e) the number of validly cast votes, obtained by each list of candidates or by each independent candidate;
- f) the number of ballot papers received by the polling stations and the number of outer envelopes sent to the voters;
- g) the number of ballot papers unused and annulled, as well as the number of outer or inner envelopes annulled;
- h) the findings concerning the way in which the constituency electoral bureaus implement the provisions of Article 94;
- i) the country allotment of the mandates according to Article 94 and their distribution by electoral constituencies, according to the same article;
- j) the organisations of citizens belonging to national minorities that, although took part in the elections, did not get any mandates of Senator or Deputy; the total of

the validly cast votes for the lists of each of these organisations and the identification of the organisations entitled to a mandate of Deputy; the last name and first name of the first candidate on the list of the organisation entitled to a mandate of Deputy, having obtained the highest number of votes; if the lists of the organisation have obtained an equal number of votes, the appointment shall be done by random draw;

k) the way in which the challenges and objections received have been settled.

(2) The minutes shall be signed by the president, by his/her alternate and by the other members of the Central Electoral Bureau in whose presence they have been drawn up and shall be remitted to the Senate and the Chamber of Deputies, for the validation of the elections, together with the files drawn up by the constituency electoral bureaus. The absence of the signatures of some members of the bureaus shall have no influence on the validity of the minutes and of the elections. The president shall mention the reasons that prevented the signing thereof.

**Article 97** - The Central Electoral Bureau shall publish the results of the vote in the Official Gazette of Romania, Part I, within the prescribed period, in compliance with the provisions of Article 63 paragraph (3) of the Romanian Constitution, republished.

## CHAPTER XI

### Minor offences and sanctions

**Article 98** - The following represent minor offences unless committed in such circumstances so as to represent, according to the criminal law, criminal offences:

a) violation of the provisions of Article 49 paragraph (2); deliberate registration of a voter on several permanent electoral lists, registration of fictitious persons or of persons who are not entitled to vote on the electoral lists, making recordings in or removals from the Electoral Register, in violation of the legislation in force;

b) failure to make recordings in or removals from the Electoral Register within the deadlines set according to this law;

c) performance of operations in the Electoral Register or in the permanent electoral lists by unauthorised persons;

d) violation of the provisions regarding the posting of nominations;

e) refusal to make available to the fact-finding agents referred to in Article 99 the documents and papers necessary for the inspection;

f) failure, by the organisers, to take the necessary steps for the normal unfolding of electoral rallies, as well as the distribution and consumption of alcoholic beverages during such rallies;

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

h) failure to comply with the provisions of Article 49 paragraph (4); failure to comply with the provisions of Article 79;

i) acceptance, by a person, of his/her candidature on several electoral constituencies or both for the Senate and for the Chamber of Deputies, except for the nominations made by the organisations of citizens belonging to national minorities;

j) failure to comply with the decisions and decrees of the electoral bureaus and offices; failure to comply with the decrees, decisions and orders of the Permanent Electoral Authority;

k) failure to comply with the legal provisions on the update of the delimitation of polling stations;

l) failure to comply with the legal provisions of Article 65 paragraphs (2) to (6), Articles 66 to 75, Articles 77 and 78 by other persons than the radio broadcasting

companies;

m) unauthorised printing of the ballot papers, except for the annulled sample made available to the electoral competitors;

n) refusal to grant access inside the voting premises to the candidates, the accredited persons, the members of the electoral bureaux and offices and to the representatives of the Permanent Electoral Authority for attending the unfolding of the electoral operations;

o) refusal to uphold and register a written referral, objection, challenge or complaint filed according to the provisions of this law;

p) refusal to comply with the orders of the president of the electoral bureau of the polling station as regards keeping order inside and outside the voting premises;

q) handing over a ballot paper to a voter who does not present an ID document or who refuses to sign in the electoral list in which (s)he is registered for receiving the ballot paper and the voting stamp;

r) failure to affix on the ID document the 'VOTED' stamp or the self-adhesive stamp, as well as the holding of the ID document, without well-founded reasons, by the members of the electoral bureau of the polling station;

s) drawing up the minutes in violation of the provisions of this law;

t) violation of the provisions of Article 16; electoral propaganda being continued after its closure, as well as advising the voters, on the voting day, at the premises of the polling stations to vote or not for a certain political party, political alliance, electoral alliance, organisation of citizens belonging to a national minority or independent candidate;

u) wearing, during the voting process, identity tags, badges or other electoral propaganda signs by the members of the electoral bureaux of the polling stations or by the accredited persons;

v) violation, by the members of the electoral bureaux, of the obligation to take part in the activity of these bureaux;

w) refusal, by the president of the electoral bureau or his/her alternate, to issue a certified copy of the minutes to the persons entitled to it according to the provisions of this law;

x) violation, by the associations, foundations and Romanian media institutions, of the conditions set by law for appointing the domestic observers and the representatives of the media institutions;

y) violation of the provisions of Article 90, by the accredited persons;

z) violation of the provisions of Articles 88, 92 and 93.

**Article 99** - (1) The minor offences referred to in points (b) to (e), (g) to (i), (k), (l), (n) to (p), (r), (s), (u) to (w), (x) and (y) of Article 98 shall be sanctioned with a fine ranging from RON 1,500 to RON 4,500, those referred to in points (a), (f), (j), (m), (q), (t) and (z), with a fine ranging from RON 4,500 to RON 10,000.

(2) The finding of the minor offences referred to in Article 98 and the enforcing of the sanctions referred to in paragraph (1) shall be done by:

a) police officers and agents of the Romanian Police and officers and non-commissioned officers of the Romanian Gendarmerie, for the actions referred to in points (a), (d), (f), (g), in the second phrase of point (h), in points (l), (m), (n), (p), (q), (r), (t), (u), (x), (y) of Article 98, as well as for the action referred to in point (j) of Article 98, if committed by natural persons or by legal persons of private law;

b) the hierarchically superior electoral bureau, for the actions referred to in Article 98 points (j), (o), (s), (v), (w) and (z), committed by the electoral bureaux;

c) the Central Electoral Bureau, for the actions referred to in Article 98 points (d) and (i);

d) proxies of the President of the Permanent Electoral Authority, for the actions

referred to in points (a), (b), (c), (e), in the first phrase of point (h), in point (k) of Article 98, for the action referred to in Article 98 point (j), if committed by political parties, political alliances, organisations of citizens belonging to national minorities, authorities of central or local public administration.

(3) Repealed.

(4) The provisions of Government Ordinance No. 2/2001 on the legal status of minor offences, approved as amended and supplemented by Law No. 180/2002, as subsequently amended and supplemented, shall apply to the minor offences stipulated under Article 98.

## TITLE II **The organisation and functioning of the Permanent Electoral Authority**

### CHAPTER I **The mission, organisation and specialised apparatus of the Permanent Electoral Authority**

**Article 100** - (1) The Permanent Electoral Authority is an autonomous regie with legal personality and general powers in the electoral field, whose mission is to ensure the organisation and the unfolding of elections and referendums, as well as the financing of political parties and electoral campaigns, in compliance with the Constitution, the law and the international and European standards in the field.

(2) The Permanent Electoral Authority shall carry out its activity in compliance with the principles of independence, fairness, lawfulness, transparency, efficiency, professionalism, responsibility, sustainability, predictability and legitimacy.

**Article 101** - (1) The Permanent Electoral Authority is headed by a president, having the rank of minister, helped by 2 vice-presidents having the rank of State Secretary.

(2) The president is appointed through law adopted in joint session of the Senate and the Chamber of Deputies, upon proposal by the parliamentary groups, from among the persons with training and experience in the legal or administrative field. The candidate obtaining the majority of the votes of the Deputies and Senators is appointed president.

(3) The president is helped by 2 vice-presidents having the rank of State Secretary, one appointed by the President of Romania, the other by the Prime Minister.

(4) The president and the vice-presidents cannot be members of any political party.

(5) The term of office of the president and those of the vice-presidents of the Permanent Electoral Authority are of 8 years and can be renewed once.

(6) The term of office of the president and of the vice-presidents shall cease in the following situations:

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

(7) The president and the vice-presidents can be revoked from office, for reasoned grounds, by the authorities having appointed them.

(8) The Permanent Electoral Authority, upon the opinion of the Ministry of Public Finances, shall approve its own draft budget, before the debate of the state budget and shall remit it to the Government in order to be included in the state budget. The inclusion of capital expenditure in its own budget is done upon consultation with the



Government.

(9) The President of the Permanent Electoral Authority is the authorising officer. In order to fulfil the tasks incumbent upon him/her, the president shall issue orders.

(10) Repealed.

(11) The Permanent Electoral Authority has a Secretary General. The Secretary General is appointed by the Prime Minister based on an exam, under the law.

(11<sup>1</sup>) The Permanent Electoral Authority can have 2 deputy secretaries general, appointed by the President of the Permanent Electoral Authority, under the terms of this law.

(12) In the absence of the president, his/her tasks are fulfilled by one of the vice-presidents, appointed by order.

**Article 102** - (1) The Permanent Electoral Authority has its own specialised apparatus, within which functions a central structure and territorial structures. Within the central structure of the specialized apparatus of the Permanent Electoral Authority there are departments divided into the following main fields of activity:

a) legislation, electoral litigation, relations with Parliament and the European Union;

b) IT development of electoral processes;

c) control of the financing of political parties and electoral campaigns;

d) electoral logistics;

e) coordination and monitoring of activities in the territory;

f) support of electoral bodies;

g) international cooperation.

(1<sup>1</sup>) Beside the departments referred to in paragraph (1), within the central structure of the specialized apparatus of the Permanent Electoral Authority are organized functional compartments with support role in the financial, legal, administrative, registry, internal audit and protection of classified information, at the level of general directorate, directorate, service, office or compartment, where appropriate.

(1<sup>2</sup>) Within the structures provided for in paragraphs (1) and (11) can be organized directorates, services, offices or compartments with related duties.

(1<sup>3</sup>) Within the central structure of the specialized apparatus of the Permanent Electoral Authority can be established, through the organization and functioning regulation, up to 3 positions of permanent representative to international organizations, which activate in the field of competence of the Permanent Electoral Authority, paid at the level of the parliamentary civil service of general director.

(2) The organisation and functioning of the apparatus of the Permanent Electoral Authority, the number of staff, the statute of its staff, its powers and structure are established by the internal regulations for its organisation and functioning, approved through bylaw of the permanent bureaus of the two Chambers of Parliament, upon proposal by the Permanent Electoral Authority. The staff of the Permanent Electoral Authority has the same statute as the staff of the apparatus of the two Chambers of Parliament. The offices of dignitaries are organised based on the provisions of Government Ordinance No. 32/1998 for the organisation of offices of dignitaries in the central public administration, approved as amended by Law No. 760/2001, as subsequently amended and supplemented, for the minister and, respectively, for the State Secretary. The provisions of Article XVI of Title III of Book II of Law No. 161/2003 on certain measures to ensure transparency in carrying out public dignities, public offices and in the business environment, the prevention and sanctioning of corruption, as subsequently amended and supplemented and those of Article III of Government Emergency Ordinance No. 229/2008 concerning certain measures for expenditure reduction at the level of public administration, as approved by Law No. 144/2009, do not apply to the organisation and functioning of its own apparatus.

(3) Repealed.

(4) The staff of the specialised apparatus of the Permanent Electoral Authority are paid at the level set by law for the staff of the apparatus of the two Chambers of Parliament.

(5) All the staff receive bonuses or other supplements to the salaries established according to law, calculated based on the monthly gross basic salary or on the classification allowance specific to the position held. By *staff of the Permanent Electoral Authority* we understand the staff paid and indemnified, appointed according to law.

(6) The provisions of Law No. 7/2006 on the statute of parliamentary civil servants, republished, as subsequently amended and supplemented, shall apply accordingly to the staff of the specialised apparatus of the Permanent Electoral Authority.

(7) The President of the Permanent Electoral Authority shall appoint, promote, dismiss or revoke from office the staff of the specialised apparatus of the Permanent Electoral Authority, according to law.

(8) The staff of the specialised apparatus of the Permanent Electoral Authority having the statute of high-ranking parliamentary civil servants shall be appointed by contest, examination or modification of service relations, where appropriate, upon the approval of the joint permanent bureaus of the two Chambers of Parliament. The persons holding public dignities and those holding public offices corresponding to the category of high-ranking civil servants, who do not have their domicile or a personal home in the Municipality of Bucharest, shall receive a travel allowance, as set through the internal regulations for the organisation and functioning of the Permanent Electoral Authority.

(9) The staff of the specialised apparatus of the Permanent Electoral Authority having the statute of parliamentary civil servant cannot be members of any political party or faction.

(10) The executive and management positions within the specialized apparatus of the Permanent Electoral Authority shall be filled in by contest, examination, appointment or modification of service or work relations, where appropriate, under the law and the organization and functioning regulations of the Permanent Electoral Authority. The conditions of studies and seniority in the specialty of studies, as well as the specific conditions for filling in the positions within the specialized apparatus of the Permanent Electoral Authority are established, under the law, by the regulation of organization and functioning of the Permanent Electoral Authority.

(11) Repealed.

(12) Repealed.

(13) Repealed.

(14) Repealed.

(15) Repealed.

(16) The assent referred to in paragraph (8) is advisory, which must be requested no later than 5 days from the date of completion of the examination or contest, where appropriate. The opinion referred to in paragraph (8) shall be issued within 15 days from the date of receipt of the request of the Permanent Electoral Authority.

**Art. 102<sup>1</sup>.** - (1) The National electoral network shall be set up, besides the Permanent Electoral Authority, an organism without legal personality, which works under the coordination of the president of the Permanent Electoral Authority, which shall have the following objectives:

a) to assist the Permanent Electoral Authority in elaborating, integrating, correlating and monitoring the policies regarding the security and resilience of the Romanian electoral system;

b) to assist the Permanent Electoral Authority in carrying out the activities of

implementing and manipulating the Voter turnout monitoring system to prevent illegal voting;

c) to assist the Permanent Electoral Authority in elaborating, implementing and manipulating the systems and information applications used in the electoral processes.

(2) When carrying out the tasks conferred upon it, the National electoral network shall emit recommendations and reports.

(3) The tasks, the structure, organisation and functioning of the National electoral network, as well as the allowances which are incumbent to its members shall be determined by decision of the Government, at the proposal of the Permanent Electoral Authority.

(4) Repealed.

**Art. 102<sup>2</sup>.** - (1) For elaborating, implementing and manipulating the systems and information applications used in the electoral processes, The Permanent Electoral Authority may hire qualified staff in the information technology domain, contractual staff that shall be registered with an individual employment contract on a limited period, ended by way of derogation from the provisions of Article 82 paragraphs (3) to (5) and from those of Article 84 paragraph (1) of Law No. 53/2003 - The Employment code, republished, as amended and supplemented.

(2) The staff provided in paragraph (1) shall carry out its activity in the positions of specialists in the information and communications technology, positions that are set up within the departments within the Permanent Electoral Authority.

(3) The number of positions related to the specialists in the information and communications technology, the criteria and methodology of selection, as well as the conditions under which this staff category carries out its activity shall be approved by order of the president of the Permanent Electoral Authority, within the limit of the maximum positions and of the approved budget destined thereof, to the staff of the Permanent Electoral Authority.

(4) By way of derogation from the provisions of Article 30 of Law No. 53/2004, republished, as amended and supplemented, and from those of Article 31 paragraph (1) of the Framework Law No. 153/2017 regarding the payment of the staff payee from public funds, as amended and supplemented, the classification of the qualified staff provided in paragraph (1) shall be made according to the criteria and methodology developed according to paragraph (3).

(5) The salary rights related to the positions set up according to paragraph (2) shall be established, by way of derogation from the provisions of the Framework Law No. 153/2017, as amended and supplemented, to the amount of 6 times the value of the gross average wage used to substantiate the budget of the state social insurances, by order of the president of the Permanent Electoral Authority.

## CHAPTER II

### The powers of the Permanent Electoral Authority

**Article 103** - (1) The Permanent Electoral Authority shall carry out the following main powers:

a) it draws up proposals concerning the provision of the necessary logistics for the unfolding of the elections, that it sends to the Government and to local public administration authorities for implementation and it monitors the effective implementation of these proposals;

b) it monitors the delimitation of polling stations, the establishment of the premises of polling stations and electoral bureaus; it proposes the establishment of new polling stations or the change of polling stations establishment in cases where

compliance with the provisions of Articles 20 - 22<sup>1</sup> is not ensured;

c) it monitors the timely provision of the equipment necessary to the polling stations: standard ballot boxes and booths, stamps, stamp pads, recipients for the transportation of the ballot papers and others; it controls their storage from one electoral period to another and can order measures to replace electoral logistics that do not comply with the standards established under this law;

d) it monitors the methods for ensuring the funds necessary for the timely staggered provision of the logistics necessary for the unfolding of the electoral process based on the information provided by the competent public authorities;

e) it monitors the security of polling stations, ballot papers and of the other documents and materials specific to the electoral period based on the information provided by the competent public authorities;

f) it monitors the drawing up and printing of the permanent electoral lists; it monitors and supervises the updates of the Electoral Register;

g) it administers the Electoral Register and the Register of polling stations in the country;

h) it supervises and monitors the fulfilment of the tasks incumbent upon the public authorities and other bodies while preparing and organising the electoral processes;

i) it ensures, within the limits of its competences, the unitary implementation of the legal provisions concerning the organisation of elections and referendums;

j) it draws up studies and proposals for the improvement of the electoral system, that it publishes and presents to the public authorities, political parties, as well as to the non-governmental organisations concerned;

k) it presents to the Parliament, within 3 months, at the most, from the closing of the elections for the Senate and the Chamber of Deputies, for the President of Romania, for the European Parliament and for the local public administration authorities, or from a national referendum, a report on the organisation and unfolding of the elections, respectively of the referendum, including mentions related to the electoral turnout, their unfolding, the irregularities and flaws, including of legislative nature, found and the result of consulting; the report is published under the form of a White Paper;

l) it implements programmes aimed at informing and educating the voters concerning the Romanian electoral system and concerning the observance of electoral ethics and it ensures their dissemination;

m) it organises specific professional training and education programmes in the electoral field for the staff of authorities and institutions with powers in the organisation and unfolding of the elections, as well as for the persons likely to become members of the electoral bureaus and computer operators at the level of polling stations;

n) it draws up programmes and it establishes unitary procedures concerning the exercise of the right to vote by disabled persons and it ensures their dissemination;

o) it draws up its draft budget, approved by the law on the state budget;

p) it draws up the list of the specialised staff certified by the National Institute of Statistics, taking part in the centralisation and processing of data and in the ascertaining of the results of the voting;

q) it coordinates the Computer system for centralizing the data from the minutes regarding the recording of voting results and the Voter turnout monitoring system to prevent illegal voting;

r) it organises and implements a system for data collection and periodical information of the public opinion about voter turnout;

s) it proposes and approves, through its president, draft laws, ordinances and decisions of the Government in its fields of competence; for the elaboration of draft normative acts in its fields of competence, it may use external collaborators under the law;

ş) it draws up and submits to the Government, for approval the draft decisions for the proper organisation and unfolding of the elections;

t) it draws up draft normative acts for the improvement and refinement of the Romanian electoral system, that it submits to the Government and/or members of the competent parliamentary committees for analysis and for exercising the right of legislative initiative;

ţ) it elaborates strategies and action plans for strengthening the integrity and resilience of the Romanian electoral system, which it submits for approval to the Parliament or the Government, where appropriate;

u) it certifies the computer applications used by the Central Electoral Bureau for the centralisation of the results of the voting and it makes them available for the political parties and organisations of citizens belonging to national minorities enlisted in the electoral competition, upon their written request;

v) it addresses proposals to the Government for the establishment of the date for the organisation and unfolding of the partial elections for the local public administration authorities and it supports their organisation;

w) it sees to the observance of the law on the organisation and unfolding of local referendums;

x) it ensures the implementation of the legislation concerning the funding of the activity of political parties and of the electoral campaigns;

y) it organises national and international conferences, seminars and congresses in its field of activity;

z) it ensures the transparency of the expenditure incurred for the organisation and unfolding of the elections and referendums.

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

(3) The Permanent Electoral Authority shall fulfil any other powers set by law.

**Article 103<sup>1</sup>** – (1) The Permanent Electoral Authority, with the support of the Special Telecommunications Service, shall ensure the functioning of an IT infrastructure at the headquarters of the Central Electoral Bureau that meets the following objectives:

a) ensures the functioning of the Computer system for centralizing data from the minutes regarding the recording of voting results;

b) ensures real-time storage of duplicates of databases generated by the Computer system for monitoring turnout and preventing illegal voting, as well as logs of the machines on which it runs, in order to facilitate their analysis and transparency.

(2) The IT infrastructure referred to in paragraph (1) is unique and includes servers, data storage systems, communication and security equipment, as well as licenses and computer applications, provided, installed and configured by the Special Telecommunications Service, according to the operational requirements of the Permanent Electoral Authority, being intended exclusively for the application of the provisions of this law.

(3) The Computer system for centralizing data from the minutes regarding the recording of voting results and the Computer system for monitoring turnout and preventing illegal voting can be accessed for real-time data visualization from the

headquarters of the Central Electoral Bureau, by representatives of the Central Electoral Bureau and of the Permanent Electoral Authority, based on access rights established by decision of the Permanent Electoral Authority.

(4) The Permanent Electoral Authority together with the Special Telecommunications Service shall provide technical assistance and support for the operation of computer equipment and applications provided for in paragraph (2).

(5) The Permanent Electoral Authority, with the support of the Special Telecommunications Service, shall provide the applications and/or IT services to be used by the Central Electoral Bureau for centralizing the data from the minutes on recording the voting results, as well as the IT equipment necessary for the centralization of voting results by the Central Electoral Bureau. They shall operate within the IT infrastructure provided for in paragraph (1), ensuring redundancy in the data centre of the Special Telecommunications Service.

(6) The computer applications provided for in paragraph (5) are certified by the Permanent Electoral Authority and made available by it to political parties and organizations of citizens belonging to national minorities participating in elections, upon their written request.

(7) The Permanent Electoral Authority shall ensure, throughout the voting day and the following day, the publicity of data on the number of voters present at the polls, respectively of the information resulting from the verification of correlations in the minutes on recording the voting results, obtained through the Computer system for monitoring turnout and preventing illegal voting.

**Article 104** - (1) While fulfilling its powers, the Permanent Electoral Authority shall adopt decisions, decrees and orders, which are signed by the president and countersigned by the vice-presidents.

(2) The decrees and orders of the Permanent Electoral Authority that have a normative nature shall be published in the Official Gazette of Romania, Part I.

(3) The decrees and orders of the Permanent Electoral Authority that do not have a normative nature, as well as the decisions of the Permanent Electoral Authority shall be notified to the persons concerned and are published by being posted on its own website.

### CHAPTER III

#### **The setting up and functioning of the ‘Electoral expert’ Centre**

**Article 105** - (1) The ‘Electoral expert’ Centre, legal entity subordinated to the Permanent Electoral Authority, shall be set up with the following objectives:

a) to support the drawing up and implementation of the strategies of the Permanent Electoral Authority;

b) to increase the level of knowledge and skills of the persons engaged in the preparation, organisation and unfolding of the electoral processes;

c) to improve access to the international and regional legal instruments in the electoral field, to the national electoral legislation, to the case-law and specialised literature in this field;

d) to inform and educate the voters and electoral competitors in the spirit of the international principles and standards in the electoral field;

e) to develop electoral integrity.

(2) The ‘Electoral expert’ Centre shall be headed by a director, appointed by the president of the Permanent Electoral Authority, based on a competition, under the law.

(3) The organisation and functioning regulations of the ‘Electoral expert’ Centre and the number of staff thereof shall be approved by bylaw of the permanent bureaux



of the two Chambers of Parliament, upon proposal by the president of the Permanent Electoral Authority.

(4) The staff of the 'Electoral expert' Centre is assimilated, from the point of view of statute and pay, to the staff of the Permanent Electoral Authority.

(5) The staff of the Permanent Electoral Authority can conduct activities paid by the hour within the 'Electoral expert' Centre, under the conditions set by the organisation and functioning regulations.

**Article 106** - (1) The 'Electoral expert' Centre shall fulfil the following powers:

a) it draws up analyses, studies and research reports in the electoral field, upon request by the Permanent Electoral Authority; the Parliament, Government and President of Romania can request the Permanent Electoral Authority to draw up analyses, studies and research reports in the electoral field by the 'Electoral expert' Centre;

b) it provides electoral consulting services, based on contracts signed with natural or legal persons;

c) it organises and conducts trainings, specialisation and education programs in the electoral field;

d) it draws up, edits, prints and disseminates, at national level and abroad, publications in the electoral field;

e) it organises scientific sessions, conferences and events in the electoral field.

(2) In order to fulfil the powers referred to in paragraph (1), the 'Electoral expert' Centre can sign, under the law, partnerships, agreements of cooperation and contracts with other public or private institutions and/ or with specialists in the country or abroad.

**Article 107** - (1) The operation and capital expenses of the 'Electoral expert' Centre shall be covered from state allowances and own income.

(2) The staff-related expenses of the 'Electoral expert' Centre shall be covered from state allowances.

(3) The granting of the budgetary allowances referred to in paragraphs (1) and (2) shall be done through the budget of the Permanent Electoral Authority.

(4) The own income of the 'Electoral expert' Centre shall include:

a) donations and sponsorships, under the law;

b) income resulting from consulting and research contracts;

c) fees for attending the training, specialisation and education activities;

d) selling of publications;

e) fees for attending scientific sessions, conferences and events;

f) other activities assimilated thereto, conducted based on contracts or in public-private partnerships or with other public institutions;

g) non-refundable grants.

(5) The expenses with the activities referred to in points (b) to (e) of Article 106 paragraph (1) shall be covered from the own income of the 'Electoral expert' Centre.

### TITLE III

#### Transitional and final provisions

**Article 108** - (1) The expenses for conducting the electoral operations shall be borne from the state budget.

(2) The Government shall provide the premises and supplies of the Central

Electoral Bureau and of the electoral bureau of the electoral constituency for the Romanian citizens domiciled or residing abroad, while those of the constituency electoral bureaus by the prefects and by the presidents of county councils, respectively by the General Mayor of the Municipality of Bucharest, and those of the electoral offices, as well as of the electoral bureaus of the polling station, by the mayor, together with the prefects.

(3) The documents drawn up while exercising the electoral rights referred to in this title shall be exempted from duty stamps.

**Article 109** - (1) In support of the activity of the electoral bureaus, the Government shall provide the necessary statisticians, the Permanent Electoral Authority, together with the Ministry of Interior, the necessary auxiliary technical staff, and the Permanent Electoral Authority, together with the Ministry of Foreign Affairs, shall provide the auxiliary staff for the electoral bureau of the constituency for the Romanian citizens domiciled or residing abroad.

(1<sup>1</sup>) The Mayors can provide auxiliary technical personnel necessary to support the activity of electoral bureaus of polling stations.

(2) During the functioning of the electoral bureaus and offices, the members thereof, the statisticians, the auxiliary technical staff and the computer operators shall be deemed seconded and shall receive an allowance set by Government decision, upon proposal by the Permanent Electoral Authority. The presidents of the electoral bureaus, their alternates and members shall receive the allowance starting with the date when the establishment minutes are drawn up.

(3) For the allowances referred to in paragraph (2), only the income tax shall be withheld, due and collected, according to law.

**Article 109<sup>1</sup>** - (1) During the operation of electoral bureaus and offices, the public authorities and institutions where the persons referred to in Article 109 ensures the payment of salary rights, secondment allowances, as well as any other daily allowances and monetary rights due under the law.

(2) Receiving the allowance determined in accordance with Article 109 paragraph (2) shall not affect the right to receive other daily allowances, allowances, pensions or other pecuniary rights due under some special laws.

(3) The members of the electoral bureaus of the polling stations in the country and their computer operators shall have the right to receive, upon request, a paid day off from work, on the day following the voting day, based on the certificate issued to this effect by the county electoral bureau, the electoral bureau of the Sector of the Municipality of Bucharest or the Permanent Electoral Authority, where appropriate.

(4) Upon request, the members of the electoral bureaus of the polling stations abroad shall receive certificates from the presidents of the electoral bureaus of the polling stations abroad attesting the activity carried out in the polling station.

(5) The funds necessary to cover the travel expenses for the participation in the electoral process of the presidents of the electoral bureaus of the polling stations abroad, of their alternates, as well as of the members of the electoral bureaus for the polling stations abroad proposed by the heads of diplomatic missions and consular offices shall be provided from the state budget, through the budget of the Ministry of Foreign Affairs, within the limits provided by Government Decision no. 518/1995 regarding certain rights and obligations of Romanian personnel sent abroad to fulfill temporary missions, as subsequently amended and supplemented.

**Article 110** - (1) The Permanent Electoral Authority, with the support of the Special Telecommunications Service and the National Institute of Statistics, shall ensure the implementation and management of the Computer system for monitoring turnout and preventing illegal voting, based on the data and information in the Electoral Register and the Register of polling stations.

(2) The methodology concerning the functioning of the Computer system for

monitoring turnout and preventing illegal voting, the selection and appointment of the computer operators of the electoral bureaux of the polling stations shall be approved by decree of the Permanent Electoral Authority.

(3) The computer infrastructure held by the local and central public administration authorities, as well as by schools, shall be used, as a general rule, for the implementation and functioning, during the elections, of the Computer system for monitoring turnout and preventing illegal voting, under the coordination of the Special Telecommunications Service.

(4) The Special Telecommunications Service shall provide the special telephony and voice and data communication services necessary to the electoral bureaux and offices, and it shall ensure the functioning of the Computer system for monitoring turnout and preventing illegal voting. The amounts necessary for covering these expenses shall be ensured by the state budget.

(5) Computer operators carry out their activity under the conditions set up by decision of the Permanent Electoral Authority.

(6) The distribution of computer operators appointed according to paragraph (2) to the electoral polling stations from the country shall be made by decision of the Permanent Electoral Authority.

(7) No more than 3 computer operators shall be distributed to a polling station from the country.

(8) Besides the computer operators distributed to the polling stations from the country, the Permanent Electoral Authority shall distribute, at the proposal of the Special Telecommunication Service, at least one computer operator near each polling station from the country.

(9) According to this law, by *polling station from the country* shall be read the property from the country where at least 2 polling stations are in function.

(10) The members of the electoral bureaux of the polling stations from abroad shall also fulfil the tasks that are incumbent to the computer operators, according to law.

(11) The central public and local authorities involved, according to law, in the setting up of the elections shall sustain the implementation and proper functioning of the Voter turnout monitoring system to prevent illegal voting, with their own staff, furthermore named *computer scientists*.

**Article 111** - The amounts necessary for covering the expenses generated by the activities of the Ministry of Interior in the field of public order and safety for the proper organisation and unfolding of the elections, respectively the amounts necessary for covering the expenses generated by the printing of the minutes for the centralisation of the results of the vote at national level, shall be ensured from the state budget, through the budget of the Ministry of Interior, respectively through the budget of the General Secretariat of the Government, for the National Institute of Statistics.

**Article 112** - (1) The amounts necessary for covering the expenses incurred by the prefect's institutions in order to manufacture the stamps of the constituency electoral bureaux and the control stamps of the polling stations, to print the ballot papers, to transport, pack and distribute the materials, documents and standard forms referred to by law for the unfolding of the electoral process, as well as the payment of the allowances of the members of the electoral bureaux of the polling stations, of the electoral bureaux, the payment of the auxiliary technical staff of these bureaux and of the computer operators of the polling stations shall be ensured from the state budget, through the budget of the Ministry of Interior, for the prefect's institutions.

(2) The amounts necessary for covering the expenses incurred by the Ministry of Interior for paying the paper actually used for printing the ballot papers and for manufacturing the 'VOTED' stamps and the self-adhesive stamps shall be ensured from the state budget, through the budget of the Ministry of Interior.

**Article 113** - (1) The National Administration of the State Reserves and Special Issues, shall provide the paper necessary for printing the ballot papers, as well as the transport to the Autonomous Regie 'Monitorul Oficial'.

(2) The paper quantities that are in their original intact packaging, remained unused, shall be returned to the territorial units of the National Administration of State Reserves and Special Issues from which they were taken, within 10 days from the publication of the results of the elections in the Official Gazette of Romania, Part I, based on a handover-takeover report.

(3) The paper actually used, after the restitution referred to in paragraph (2), invoiced at the cost of the accounting entry, as well as the transport of the paper returned in accordance with paragraph (2), shall be paid by the Ministry of Interior, within 30 days from the publication of the results of the elections in the Official Gazette of Romania, Part I.

**Article 114** - (1) Along with the voting day, the Government shall establish, by decision, upon the proposal of the Permanent Electoral Authority and of the Ministry of Interior, the calendar of the actions during the electoral period, the expenses necessary for the preparation and unfolding in good conditions of the local elections and the technical measures necessary for the proper organisation and unfolding of the elections. The decision concerning the setting of the date of the elections, the decision concerning the expenses necessary for the preparation and unfolding in good conditions of the elections, the decision concerning the technical measures necessary for the proper organisation and unfolding of the elections and the decision approving the calendar of the actions necessary for the organisation and unfolding in good conditions of the elections shall be published together in the Official Gazette of Romania, Part I.

(2) The model of the permanent electoral list, the model of the additional electoral list, the model of the excerpt from the permanent and additional electoral list, as well as of the stamps of the constituency electoral bureaus and of the Central Electoral Bureau, the model of the ballot paper, the model of the control stamp and of the stamp marked 'VOTED', the model of the self-adhesive stamp, the model of the minutes for recording the results of the vote and the model of the election certificate shall be established by decree of the Permanent Electoral Authority, published in the Official Gazette of Romania, Part I.

(3) The remittance and receipt of the forms, stamps and of the other materials needed for the voting shall be done based on a report.

(4) The Permanent Electoral Authority shall establish a set of minimum conditions that the premises of the polling stations must meet, as well as the minimum equipment thereof.

(5) The Ministry of Foreign Affairs and the Permanent Electoral Authority shall be responsible for informing the Romanian citizens domiciled or residing abroad about the registration in the Electoral Register, the conditions for voting abroad, as well as about the places where the vote shall take place abroad.

**Article 115** - (1) The settlement, by the courts, of the objections, challenges or any other petition concerning the electoral process shall be done in compliance with the rules set up by law for presidential ordinances, with the mandatory presence of the public prosecutor.

(2) There is no legal remedy against the final rulings delivered by the courts of law according to this law.

(3) The final rulings of the courts of law, rendered following objections, challenges or any other petition concerning the electoral process shall be forthwith notified to the electoral bureaus concerned.

**Article 116** - (1) The time limits per days, set out in this law, shall be calculated

from the day they start to flow, inclusively, to the day they have elapsed, inclusively, even if such days are not working days, until midnight of the respective day.

(2) The time limits per hours, set out in this law, shall start to flow at 00.00 h of the next day.

(3) Throughout the election period, the electoral bureaus shall operate according to the working hours set by the Central Electoral Bureau, through decision. The courts of law must ensure the permanence of their activity necessary for the citizens to exercise their electoral rights. On the day of the vote, the courts of law shall ensure the permanence of their activity.

**Article 117** - (1) The persons deprived of their electoral rights through final court ruling shall not participate in the voting and shall not be taken into consideration when establishing the total number of voters, for the entire duration ordered by the ruling.

(2) The provisions of Article 85 paragraphs (11) and (12) concerning the special ballot box shall apply accordingly to the persons in custody, detained based on a warrant for provisional detention or subject to the preventive measure of house arrest or to the persons serving a prison sentence, who have not lost their electoral rights, insofar as such a way of voting is requested. The procedure for exercising the right to vote by this category of voters shall be established by decision of the Central Electoral Bureau.

(3) Only the persons registered on the permanent electoral lists of the electoral constituency where elections take place shall vote under the terms of paragraph (2).

**Article 118** - (1) Within the meaning of this law, we understand by *electoral competitors* the political parties, political alliances, electoral alliances and legally set up organisations of citizens belonging to a national minority represented in the Council of National Minorities, taking part in the elections, as well as independent candidates.

(2) Repealed.

(3) Within the meaning of this law, we understand by *the body of electoral experts* the permanent record of the persons who can become presidents of the electoral bureaus of the polling stations in the country or their alternates, set up, managed and updated by the Permanent Electoral Authority.

(4) Within the meaning of this law, we understand by *the body of electoral experts abroad* the permanent record of the persons who can become presidents of the electoral bureaus of the polling stations abroad or their alternates, set up, managed and updated by the Permanent Electoral Authority.

**Article 118<sup>1</sup>** - (1) Within the meaning of this law, we understand by *parliamentary political parties* the political parties and organizations of citizens belonging to national minorities which, in the last elections for the Senate and the Chamber of Deputies, met, individually or in an alliance, the electoral threshold and obtained mandates of deputy or senator or which did not participate in the last parliamentary elections, but at the date of triggering the electoral calendar for parliamentary elections have as members 7 senators or 10 deputies.

(2) Political alliances and electoral alliances consisting of at least one parliamentary political party are assimilated to parliamentary political parties.

**Article 119** - Within the meaning of this law, we understand by *electoral period* the time interval starting to flow on the date of entry into force of the Government decision on the setting of the election date and ending with the publication in the Official Gazette of Romania, Part I, of the results of the ballot. The electoral period shall include the time interval starting to flow on the date of entry into force of Government decision on the setting of the election date and the date of beginning of the electoral campaign, the electoral campaign, the actual voting, the counting and centralisation of the votes, the setting of the result of the vote, the allotment of the mandates and the publication of the result of the elections in the Official Gazette of Romania, Part I.

**Article 120** - (1) The provisions of this law concerning the body of electoral experts, the members of the electoral bureaus, the computer operators, the Voter turnout monitoring system to prevent illegal voting, the polling stations, the Electoral Register and the permanent electoral lists shall apply accordingly to the elections for the President of Romania, for the local public administration authorities, for the European Parliament, as well as to national and local referendums.

(2) The civil servants and the civil servants with a special statute can have the status of electoral experts, can be presidents and representatives in the electoral bureaus of the polling stations or may work as auxiliary technical staff along the electoral bureaus, as computer operators or as computer experts, regardless of the ballot type.

**Article 121** - (1) The ballot papers used and the electoral lists used, as well as the other materials held by the constituency electoral bureaus shall be remitted by the constituency electoral bureaus to the prefects, who shall keep them archived, separately from the other documents, for 3 months from the publication of the result of the elections in the Official Gazette of Romania, Part I.

(2) After the expiry of the deadline set in paragraph (1), the prefects shall remit the ballot papers used, the electoral lists used, the ballot papers annulled and unused, the stamps and the other materials held by the constituency electoral bureaus or used during the unfolding of the vote for melting to the specialised economic operators, based on a report.

(3) The provisions of paragraphs (1) and (2) shall be applied accordingly by the diplomatic missions and consular offices.

(4) The archive of the Central Electoral Bureau shall be remitted to the Permanent Electoral Authority, which shall keep it according to the Law of the National Archives No. 16/1996, republished.

**Article 122** - The Government shall provide the Permanent Electoral Authority with the premises and material and financial means necessary for its proper functioning. To this purpose, it shall include, in the draft law on the state budget, the budget necessary for the functioning of the Permanent Electoral Authority.

**Article 123** - Upon the entry into force of this law, Law No. 35/2008 for the election of the Chamber of Deputies and of the Senate and amending and supplementing Law No. 67/2004 for the election of the local public administration authorities, Law of local public administration No. 215/2001 and Law No. 393/2004 on the Statute of local electees, published in the Official Gazette of Romania, Part I, No. 196 of 13 March 2008, as subsequently amended and supplemented, shall be repealed.



## APPENDIX I

### The name, numbering and number of mandates of the electoral constituencies

<b>Number of the electoral constituency</b>	<b>Territorial delimitation of the electoral constituency</b>	<b>Number of mandates of Senators for every electoral constituency</b>	<b>Number of mandates of Deputies for every electoral constituency</b>
Electoral constituency No. 1	Alba county	2	5
Electoral constituency No. 2	Arad county	3	7
Electoral constituency No. 3	Argeş county	4	9
Electoral constituency No. 4	Bacău county	4	10
Electoral constituency No. 5	Bihor county	4	9
Electoral constituency No. 6	Bistriţa-Năsăud county	2	5
Electoral constituency No. 7	Botoşani county	3	6
Electoral constituency No. 8	Braşov county	4	9
Electoral constituency No. 9	Brăila county	2	5
Electoral constituency No. 10	Buzău county	3	7
Electoral constituency No. 11	Caraş-Severin county	2	5
Electoral constituency No. 12	Călăraşi county	2	4
Electoral constituency No. 13	Cluj county	4	10
Electoral constituency No. 14	Constanţa county	5	11
Electoral constituency No. 15	Covasna county	2	4
Electoral constituency No. 16	Dâmboviţa county	3	7
Electoral constituency No. 17	Dolj county	4	10
Electoral constituency No. 18	Galaţi county	4	9
Electoral constituency No. 19	Giurgiu county	2	4

Electoral constituency No. 20	Gorj county	2	5
Electoral constituency No. 21	Harghita county	2	5
Electoral constituency No. 22	Hunedoara county	3	6
Electoral constituency No. 23	Ialomița county	2	4
Electoral constituency No. 24	Iași county	5	12
Electoral constituency No. 25	Ilfov county	2	5
Electoral constituency No. 26	Maramureș county	3	7
Electoral constituency No. 27	Mehedinți county	2	4
Electoral constituency No. 28	Mureș county	4	8
Electoral constituency No. 29	Neamț county	3	8
Electoral constituency No. 30	Olt county	3	6
Electoral constituency No. 31	Prahova county	5	11
Electoral constituency No. 32	Satu Mare county	2	5
Electoral constituency No. 33	Sălaj county	2	4
Electoral constituency No. 34	Sibiu county	3	6
Electoral constituency No. 35	Suceava county	4	10
Electoral constituency No. 36	Teleorman county	2	5
Electoral constituency No. 37	Timiș county	4	10
Electoral constituency No. 38	Tulcea county	2	4
Electoral constituency No. 39	Vaslui county	3	7
Electoral constituency No. 40	Vâlcea county	2	6
Electoral constituency No. 41	Vrancea county	2	5
Electoral constituency No. 42	Municipality of Bucharest	13	29
Electoral constituency No. 43	The electoral constituency for the Romanian citizens domiciled abroad	2	4

## APPENDIX 2

### Model of list of supporters

Name of the political party or political alliance (or the phrase 'Independent candidate", where appropriate)  
 The electoral symbol of the political party or political alliance

#### LIST OF SUPPORTERS for the election of the Senate and of the Chamber of Deputies (date of the elections)

No.	First name	Name	Personal identification	Date of birth	Address	Identity document	Signature
						Name   Series   Number	
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							

I, the undersigned, ....., **personal identification number**....., domiciled in....., born on .....in the commune/town/municipality ....., county ....., holder of the ID card (ID bulletin) series .....No....., hereby declare under oath that all the data and signatures contained in this list, which includes..... positions, reflect the reality.

Date .....

Locality .....

Signature .....

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Rectified.