

# LAW No. 115\*

of 19 May 2015

## **for the election of local public administration authorities, amending the Law of local public administration No. 215/2001, as well as amending and supplementing Law No. 393/2004 on the Statute of local electees**

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The Parliament of Romania enacts this law.

### TITLE I

#### **The election of local public administration authorities**

#### CHAPTER I

#### **General provisions**

**Article 1.** – (1) This law regulates the status of the elections for the local public administration authorities – local councils, county councils, mayors and presidents of county councils.

(2) **Local councils and county councils, mayors and presidents of county councils are elected through universal, equal, direct, secret and freely expressed vote.\*\***

(3) Local and county councils are elected by electoral constituencies, based on the slate voting, according to the principle of proportional representation.

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\* Law No. 115/2015 was rectified in the Official Gazette of Romania, Part I, No. 316 of 25 April 2016, amended by Government Emergency Ordinance No. 40/2019, published in the Official Gazette of Romania, Part I, No. 446 of 4 June 2019, by Government Emergency Ordinance No. 57/2019, published in the Official Gazette of Romania, Part I, No. 555 of 5 July 2019, and by Law No. 91/2020, published in the Official Gazette of Romania, Part I, No. 551 of 25 June 2020.

\*\* Amended by Government Emergency Ordinance No. 40/2019.

(4) The mayors of communes, towns, municipalities, the sectors of the Municipality of Bucharest and the General Mayor of the Municipality of Bucharest, as well as the presidents of the county councils are elected by electoral constituencies, through the first-past-the-post system.\*

(5) The deputy mayors as well as the vice-presidents of county councils are elected by indirect vote, by the local councils, respectively the county councils.\*

(6) The provisions of this law concerning local councils and mayors, as well as those concerning communal, town, municipal constituencies and sector constituencies, for the Municipality of Bucharest, shall also apply to the General Council and to the General Mayor of the Municipality of Bucharest, as well as to the electoral constituency of the Municipality of Bucharest, unless otherwise stipulated.

**Article 2.** – (1) Romanian citizens shall enjoy their electoral rights on an equal basis, without privileges and discriminations.

(2) The right to vote shall be exercised based solely on the ID document referred to in Article 127.

**Article 3.** – (1) The right to elect is enjoyed by all Romanian citizens having turned 18 years old, including those turning 18 years old on the day of the elections.

(2) **For the election of the local council, the county council, the mayor, as well as of the president of the county council, every voter enjoys a single vote.\***

(3) The right to vote shall be exercised solely in the commune, town, municipality or administrative-territorial subdivision of the municipality of the voters' domicile or residence, where appropriate.

**Article 4.** – (1) **Are entitled to be elected as councillors, mayors and presidents of county councils all citizens enjoying the right to vote and having turned, until the day of the elections inclusively, at least 23 years old, if they are not banned from associating in political parties, according to Article 40 paragraph (3) of the Romanian Constitution, republished.\***

(2) Only the persons domiciled within the administrative-territorial unit in which they are to be elected may stand as candidates.

(3) In the case of the sectors of the Municipality of Bucharest, the persons domiciled in the Municipality of Bucharest, regardless of the sector, may stand as candidates and be elected.

**Article 5.** – (1) European Union's citizens domiciled or residing in Romania have the right to elect and to be elected under the same conditions as Romanian citizens, in compliance with the provisions of this law.

(2) **European Union's citizens have the right to be elected as local councillor, county councillor, mayor or president of county council.\***

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\* Amended by Government Emergency Ordinance No. 40/2019.

(3) Under this law, the phrase *European Union's citizens* means the citizens of the European Union's Member States, other than Romania.

**Article 6.** – (1) 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.

(2) 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 (1), as well as the persons prohibited, through final court ruling, from exercising their right to stand as candidates in the elections for public authorities or in any other public functions.

**Article 7.** – (1) **Candidatures for local and county councils, as well as those for mayors and presidents of county councils are proposed by the political parties or political alliances, set up according to the Law on political parties No. 14/2003, republished. Candidatures can also be submitted by the electoral alliances set up under this law, by the organisations of citizens belonging to national minorities referred to in Article 8, as well as independent candidatures. The lists of candidates for the election of local and county councils must be drawn up so as to ensure representation of both genders, except for those including a single candidate.\***

(2) Electoral alliances can be formed between political parties or political alliances at county or local level. At the same level, a political party can be member of only one electoral alliance.

(3) Electoral alliances are registered with the county constituency electoral bureau or the electoral bureau of the constituency of the Municipality of Bucharest, where appropriate, within 10 days, at the most, from the date the electoral bureaus are set up. In the cases referred to in Article 33 paragraph (1) or when elections are being held in a single communal, town or municipal electoral constituency, the electoral alliances are registered with the county electoral bureau, with the electoral bureau of the constituency of the Municipality of Bucharest or with the electoral bureau of the constituency where elections are being held, where appropriate.

**(4) A person can stand as candidate for a single local council and a single county council and for a single position as mayor or president of county council.\***

**(5) A person can stand as candidate, at the same time, for the office of local councillor, county councillor, mayor or president of county council. A person can stand as candidate, at the same time, for the office of local and county councillor.\***

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\* Amended by Government Emergency Ordinance No. 40/2019.

(6) The number of candidates on each list can be higher than the number of councillors set according to the Law on local public administration No. 215/2001, republished, as subsequently amended and supplemented, by up to a quarter of the total number of mandates; fractions are rounded up to 1, regardless of their value.

(7) The candidatures filed on several lists of candidates or both on lists and independently, are null as of right.

**Article 8.** – (1) Under this law, we understand by *national minority* the ethnicity represented in the Council of National Minorities.

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

(3) Other organisations of Romanian citizens belonging to the national minorities legally set up, filing a list of members to the Central Electoral Bureau, can also submit candidatures. The number of their members cannot be lower than 15% of the total number of citizens having declared, at the last census, as belonging to the respective minority.

(4) If the number of members required for meeting the conditions set in paragraph (3) is above 25,000 people, the list of members must include at least 25,000 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.

(5) The list of members is drawn up by localities and by counties and it must contain: the name of the organisation, the members' surname and first name, date of birth, address, name, series and number of the ID document, their signatures, as well as the surname and first name of the person having drawn it up. The person having drawn up the list is bound, together with it, to file a sworn statement certifying the accuracy of the members' signatures.

**Article 9.** – The organisations referred to in Article 8 can take part in the elections and can submit lists of candidates only under the name and with the electoral symbol of the respective organisation.

**Article 10.** – (1) The date of the elections is set by Government decision, at least 75 days before the vote.

(2) In the case of partial elections, organised in the situations referred to by Law No. 215/2001, republished, as subsequently amended and supplemented, as well as by Law No. 393/2004 on the statute of local electees, as subsequently amended and supplemented, the date of their unfolding is set at least 35 days before the vote. In this case, the deadlines referred to by this law, except for those of 24 hours, shall be reduced by half. If the operation of reducing the deadlines by half results in fractions of days equal or higher than 12 hours, the rounding is done upwards; fractions lower than 12 hours shall be disregarded.

(3) The elections shall take place over a single day, which can only be a Sunday.

## CHAPTER II Organisation of the elections

### *Section 1 Electoral constituencies*

**Article 11.** – (1) For the election of local councils and mayors, every commune, town, municipality and administrative-territorial subdivision of a municipality represents an electoral constituency.

**(2) For the election of county councils, of president of the county council and of the General Council of the Municipality of Bucharest, every county, respectively the Municipality of Bucharest, represents an electoral constituency. The numbering of county electoral constituencies and of the Municipality of Bucharest is done by Government decision.\***

**Article 12.** – (1) The numbering of the electoral constituencies in each county, as well as that of the sector electoral constituencies in the Municipality of Bucharest is done by the prefect, by order, within 3 days from the setting of the election date.

(2) The numbering is done by starting with the municipality-county seat and it continues with the other municipalities, towns and communes, in the alphabetical order of each category of administrative-territorial units.

**Article 13.** – The number of the electoral constituency is notified to the voters by the mayor, together with the notification concerning the delimitation and numbering of polling stations.

### *Section 2 Polling stations*

**Article 14.** – The electoral operations shall be conducted within polling stations organised according to 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 local public administration authorities, Law on local public administration No. 215/2001 and Law No. 393/2004 on the Statute of local electees, as subsequently amended and supplemented.

**Article 15.** – **(1) At the same polling station, voters shall cast their votes for the local council, county council, for mayor and for the president of the county council.\***

(2) In the Municipality of Bucharest, at the same polling station, voters shall cast their votes for the sector's local council, for the sector mayor, for the General Council of the Municipality of Bucharest, as well as for the General Mayor of the Municipality of Bucharest.

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\* Amended by Government Emergency Ordinance No. 40/2019.

*Section 3*  
*The Electoral Register and electoral lists*

**Article 16.** – (1) Permanent electoral lists are drawn up, printed and updated according to Law No. 35/2008, as subsequently amended and supplemented.

(2) The provisions of Law No. 35/2008, as subsequently amended and supplemented, on objections and challenges against omissions, incorrect entries and any other errors on the lists are duly applicable.

(3) The permanent electoral lists are drawn up, printed and made available to the electoral bureaus of the polling stations, by mayors, no later than the eve of the elections, according to Law No. 35/2008, as subsequently amended and supplemented.

**Article 17.** – (1) Mayors shall ensure the necessary conditions for the voters to consult the Electoral Register within the town hall's premises.

(2) No later than 10 days before the date of the elections, but no later than 24 hours from the application, mayors must make available to 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, including the voters in the respective administrative-territorial unit, respectively their surname, first name, date of birth and domicile, on electronic support or on paper.

**Article 18.** – (1) No later than 45 days before the date of the voting, the citizens with the right to vote having set their residence within the electoral constituency in which elections are being held can request the mayor, based on their ID document, to be registered in the Electoral Register with their residence address for the respective ballot.

(2) The persons referred to in paragraph (1) shall exercise their right to vote during the ballot for which they have requested registration in the Electoral Register with their residence address only in the electoral constituency of their place of residence.

(3) The persons referred to in paragraph (1) shall appear only on the permanent electoral lists of the electoral constituency of their place of residence.

(4) On the voting day, the president of the electoral bureau of the polling station shall register on the additional electoral list, under the conditions set in Article 85 paragraphs (2) to (4), the persons referred to in paragraph (1) who have not requested registration in the Electoral Register with their residence address.

(5) The president of the electoral bureau of the polling station shall register, on the additional electoral list, under Article 85 paragraphs (2) to

(4), the persons omitted from the permanent electoral list who attend the voting.

**Article 19.** – A voter can be registered on a single electoral list.

**Article 20.** – The mayor shall communicate to the communal, town or municipal constituency electoral bureau, where appropriate, as well as to the county constituency electoral bureau, the number of voters according to the Electoral Register and to the complementary electoral lists, within 24 hours from their setting up. The mayors of the sectors of the Municipality of Bucharest shall communicate the total number of voters both to the sector constituency electoral bureaus and to the Electoral Bureau of the Municipality of Bucharest. Constituency electoral bureaus shall ensure the publicity of the total number of voters by display at their premises. The Permanent Electoral Authority shall communicate to the Central Electoral Bureau the number of voters for each electoral constituency, in view of its publication on the Central Electoral Bureau’s Webpage.

**Article 21.** – (1) Complementary electoral lists have a permanent nature and include all the citizens of the European Union with the right to vote that are listed in the records of the General Inspectorate for Immigration and are domiciled or residing in the locality for which the list is drawn up.

(2) Complementary electoral lists are drawn up and updated by the mayor, together with the territorial bodies of the General Inspectorate for Immigration.

(3) Complementary electoral lists are drawn up in 2 original copies and are signed by the mayor, by the secretary of the administrative-territorial unit and by the head of the territorial body of the General Inspectorate for Immigration. The complementary electoral lists are kept in special registries with tear-off pads.

(4) The mayor, together with the territorial bodies of the General Inspectorate for Immigration, shall update the complementary electoral lists until no later than 45 days before the day of the ballot.

(5) Within 5 days from the expiry of the deadline referred to in paragraph (4), the General Inspectorate for Immigration shall send to the Permanent Electoral Authority a copy of the data in the complementary electoral lists, in electronic format.

(6) The persons having lost their electoral rights are removed from the complementary electoral list, based on the communication of the court of law to the mayor, within 5 days from the date the court ruling remains final.

(7) If they no longer meet the conditions for exercising their right to vote, set out in this law, or if they expressly demand their removal from the electoral lists through written request addressed to the mayor, as



well as in case of death, the citizens of the European Union are removed from the complementary electoral lists by the mayor. In case of death, the removal of the citizens of the European Union from the complementary electoral lists is done based on the notification by the General Inspectorate for Immigration.

**Article 22.** – (1) Complementary electoral lists mandatorily include the following: the voter’s surname and first name, date and place of birth, Member State of origin, address in Romania, number of the electoral constituency.

(2) The citizens of the European Union have the right to verify the entries in the complementary electoral lists. For this purpose, the mayors shall inform the public about the place and time interval when these can be verified.

(3) Objections against omissions, wrong entries or any errors on the lists are filed in writing with the mayor. The mayor must state upon them, in writing, within 3 days at the most, from the date the objection is registered.

(4) Challenges can be lodged against the solution rendered by the mayor within 24 hours from notification thereof. The challenge shall be settled within 3 days, at the most, from its registration, by the court of first instance in whose territorial jurisdiction the locality is located. The court ruling is final and it shall be notified to the person concerned and to the mayor, within 24 hours from its rendering.

(5) The mayors, together with the territorial bodies of the General Inspectorate for Immigration, shall make copies of the complementary electoral lists. The copies of the complementary electoral lists are forwarded, by the mayor, based on a report, in 2 copies, to the electoral bureaus of the polling stations, 3 days before the elections. A copy is made available to the voters to consult it, and the other one is used on the day of the elections. A reproduced copy is kept by the mayor.

(6) The copies of the complementary electoral lists shall be signed by the mayor, by the secretary of the administrative-territorial unit and by the head of the territorial body of the General Inspectorate for Immigration.

(7) The copies of the complementary electoral lists shall include the voter’s surname and first name, date and place of birth, Member State of origin, address in Romania, the number of the electoral constituency, the number of the polling station and a section for the voter’s signature.

(8) Any discrepancy between the complementary electoral list and the copy drawn up under paragraph (5) is forthwith settled by the mayor, based on the data included in the complementary electoral list.

(9) Any change in the complementary electoral list, once the copies are sent to the electoral bureau of the polling station, shall be notified to it by the mayor, within 24 hours, at the most.



**Article 23.** – (1) The citizens of the European Union with the right to vote, domiciled or residing within the electoral constituency in which elections are being held, and who are not in the records of the General Inspectorate for Immigration, shall be registered, upon request, by the mayor, on the complementary electoral list, based on a document proving their identity and a document proving their home address.

(2) The provisions of Article 17 are duly applicable.

(3) By *document proving their address*, we understand one of the following documents:

a) documents signed under the validity conditions set out by the Romanian legislation in force, concerning the documents allowing the use of a domicile, respectively the purchase agreement, the lease agreement and others;

b) the written statement of the host, natural or legal person, concerning the taking in of a person as resident, accompanied by one of the documents in point a);

c) the sworn statement of the applicant, accompanied by the verification note of the public order police officer, ascertaining the existence of a building and the fact that the applicant is actually living at the address declared, for the natural person who cannot present the documents referred to in points a) and b);

d) the document issued by the town hall, ascertaining that the applicant is enlisted in the Agricultural Register, for the rural areas.

**Article 24.** – (1) On the day of the ballot, the president of the electoral bureau of the polling station shall include in the additional electoral list the citizens of the European Union omitted from the copy of the complementary electoral list who attend the voting and prove that their domicile or residence is located within the territorial jurisdiction of the respective polling station, with any of the documents issued by the General Inspectorate for Immigration or with one of the documents stipulated in Article 23 paragraph (3).

(2) If the voter, citizen of the European Union, changes his/her home address to another electoral constituency after the copy of the complementary electoral list has been sent to the electoral bureau of the polling station, (s)he shall exercise his/her right to vote in the electoral constituency in whose territorial jurisdiction (s)he is living, based on any valid ID document, accompanied by the certificate of registration proving the new address or, where appropriate, the permanent residence card or the permanent residence permit proving the previous address, accompanied by a certificate issued by the competent territorial body of the General Inspectorate for Immigration, proving the current address. Moreover, in order to exercise the right to vote, the citizen of the European Union can address the mayor a request, accompanied by one of the documents

stipulated in Article 23 paragraph (3); the mayor shall forthwith forward the request of the citizen of the European Union to the electoral bureau of the polling station, for his/her enlisting on the additional electoral list.

(3) In the cases referred to in paragraph (2), the voter is registered, on the day of the elections, on the additional electoral list, by the president of the polling station in whose territorial jurisdiction the new home address of the respective person is located.

#### *Section 4* *Electoral bureaus*

**Article 25.** – (1) For the organisation and unfolding of the electoral operations, according to this law, the Central Electoral Bureau, county electoral bureaus, constituency electoral bureaus and electoral bureaus of polling stations are set up.

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

(3) While fulfilling the duties incumbent upon the electoral bureaus, their members exercise a function implying state authority. The correct and fair exercise of this function is mandatory.

(4) Notwithstanding the provisions of Law No. 188/1999 on the Statute of civil servants, republished, as subsequently amended and supplemented, persons holding public offices can be members of the electoral bureaus.

**Article 26.** – (1) **Communal constituency electoral bureaus are composed of 9 members, those of towns, of municipalities and of the administrative-territorial subdivisions of municipalities, of 11 members, and that of the Municipality of Bucharest and those of counties, of 15 members.\***

(2) **The communal constituency electoral bureau is composed of a president, his/her alternate and of 7 representatives of political parties, political alliances and electoral alliances or organisations of citizens belonging to national minorities taking part in the elections in the respective electoral constituency.\***

(3) **The electoral bureau of a town, municipal constituency and of the constituency of the administrative-territorial subdivisions of municipalities is composed of a president, his/her alternate and of 9 representatives of political parties, political alliances and electoral alliances or organisations of citizens belonging to national minorities taking part in the elections in the respective electoral constituency.\***

(4) **The electoral bureau of the constituency of the Municipality of Bucharest and the county constituency electoral bureaus are composed**

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\* Amended by Law No. 91/2020.

of a president, his/her alternate, a representative of the Permanent Electoral Authority and of 12 representatives of political parties, political alliances and electoral alliances or organisations of citizens belonging to national minorities taking part in the elections in the respective electoral constituencies.\*

(5) The president of the constituency electoral bureau and his/her alternate are appointed in public session by the president of the county court, within 20 days from the setting of the election date. The appointment is done by random draw, from among the magistrates and the other legal specialists who meet the requirements provided for in paragraph (5<sup>1</sup>), based on the criterion of proximity of their domicile or residence to the locality or administrative-territorial subdivision in which the constituency electoral bureau will operate. The random draw is done with priority from the list of magistrates, first for the presidents and then for the alternates. The list of magistrates taking part in the random draw is drawn up by the president of the county court, and that of the other legal specialists who meet the requirements provided for in paragraph (5<sup>1</sup>) is drawn up by the Permanent Electoral Authority. The lists must include a number of persons higher by 10% than the necessary. The magistrates and the other legal specialists on the list who meet the requirements provided for in paragraph (5<sup>1</sup>) who are not appointed presidents or their alternates shall remain at the disposal of the president of the county court, for the replacement, in particular cases, of the holders of those positions. The list must include: the surnames, first names, personal identification numbers, domiciles, residencies, workplaces, phone numbers, email addresses and confirmation signatures of the persons nominated. By legal specialist we understand any person having graduated a faculty in the field of legal sciences.\*\*

(5<sup>1</sup>) The legal specialists registered in the Body of electoral experts who have a seniority in the field of at least 5 years may be appointed presidents of the constituency electoral bureaus and alternates thereof. \*\*\*

(6) Within 24 hours from the expiry of the deadline set in paragraph (5), the electoral bureau of the constituency of the Municipality of Bucharest and the county constituency electoral bureaus are completed with a representative of the Permanent Electoral Authority.

(7) The list in paragraph (5) must include only those legal specialists who, according to the sworn statement, are not members of any political party.

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\* Amended by Law No. 91/2020.

\*\* Amended by Government Emergency Ordinance No. 40/2019.

\*\*\* Inserted by Government Emergency Ordinance No. 40/2019.

(8) If the number of magistrates and of the other legal specialists is insufficient, the list is completed by duly applying the provisions of Article 30 paragraph (2).

(9) The date of the session for the random draw shall be made public in the press, as well as by display on the court's door, by the president of the county court, at least 48 hours before. The result of the random draw is recorded in a report signed by the president.

(10) The random draw is done by positions: president and alternate.

(11) The report in paragraph (9) represents the establishment document.

(12) Upon the written request of political parties, political alliances or electoral alliances or organisations of citizens belonging to national minorities taking part in the elections, the president of the county court, together with the prefect, shall draw up and make available to them, within 48 hours from the request, the list including the necessary data for contacting the presidents of the constituency electoral bureaus and their alternates, as well as the addresses and phone numbers of the locations of constituency electoral bureaus.

**(13) The constituency electoral bureau, set up in compliance with the previous paragraphs, shall fulfil all the responsibilities that are incumbent upon it according to this law.\***

**(14) Within 48 hours from the setting up of the constituency electoral bureaus, the political parties having among their members at least 7 senators or 10 deputies or who obtained parliamentary representation at the previous elections, as well as the parliamentary group of the national minorities in the Chamber of Deputies on behalf of the organisations of citizens belonging to the national minorities represented in such group shall communicate, in writing, to the constituency electoral bureaus, the surnames and first names of their representatives who shall be members thereof. Any communications sent after this date shall be disregarded. The communications may include a higher number of representatives for the same electoral bureau. The constituency electoral bureaus shall be completed with representatives of the political parties and of the organisations of citizens belonging to the national minorities having among their members at least 7 senators or 10 deputies or who obtained parliamentary representation at the previous elections within the limit of the maximum number of members stipulated under paragraphs (1) to (4), within 5 days from their setting up, by the presidents of the constituency electoral bureaus.\***

**(15) Within 5 days from the date by which candidatures may be proposed, the political parties and the organisations of citizens belonging to national minorities taking part in the elections, other**

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\* Amended by Law No. 91/2020.

than those provided under paragraph (14), as well as the political alliances and electoral alliances taking part in the elections shall communicate in writing to constituency electoral bureaus the surnames and first names of their representatives who shall be members thereof. Any communications sent after this date shall be disregarded. The communications may include a higher number of representatives for the same electoral bureau. The constituency electoral bureaus shall be completed with representatives of the political parties and of the organisations of citizens belonging to the national minorities, other than those provided under paragraph (14), as well as of political or electoral alliances not including among their members political parties or organisations of citizens belonging to national minorities, represented in accordance with paragraph (14), taking part in the elections in the respective constituency, within the limit of the maximum number of members stipulated under paragraphs (1) to (4), by the presidents of the constituency electoral bureaus, within 24 hours from the date on which the candidatures become final, in the descending order of the number of candidates proposed for the local council in question, to which shall be added, where appropriate, the candidate for the office of mayor. In the case of the county constituency electoral bureau, respectively of the electoral bureau of the Municipality of Bucharest, the number of all the candidatures submitted for the county council and its president, respectively for the General Council and mayor of the Municipality of Bucharest, as well as for the local councils and mayors, registered in the county, respectively in the Municipality of Bucharest, shall be taken into consideration.\*

(16) The persons representing a political party, a political or electoral alliance or an organisation of citizens belonging to national minorities taking part in the elections in the constituency electoral bureau are appointed in the order mentioned in the communication referred to in paragraph (14).

(17) If 2 or more political parties, political alliances or electoral alliances or an organisation of the national minorities taking part in the elections have proposed the same number of candidates, their representatives are members of the constituency electoral bureau, within the limit of the number of seats that have not been occupied by the representatives of political parties, political alliances and electoral alliances that are, according to paragraph (15), in a more favourable situation; if, by applying this provision, it is not possible for the representatives of all political parties, of the political and electoral alliances or of the organisations of the national minorities taking part in the elections and being at a tie, to be included in the electoral

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\* Amended by Law No. 91/2020.

bureau, its president proceeds to a random draw, in the presence of the delegates of the political parties, political and electoral alliances in question.

(18) If the political parties, the political and electoral alliances or the organisations of the national minorities taking part in the elections do not nominate any representative, the president of the constituency electoral bureau proceeds to the completion of the bureau, including therein, by random draw, people that are not members of any political party. The random draw is done from a list drawn up according to paragraph (8), within 24 hours from the request of the president of the constituency electoral bureau.

**Article 27.** – (1) Constituency electoral bureaus have the following powers:

a) to monitor the implementation of the legal provisions concerning the elections in the electoral constituency in which they operate;

b) to register the lists of candidates and independent candidatures for the local councils, as well as the candidatures for the mayor's office and ascertain their final nature;

c) to communicate to the county constituency electoral bureau, respectively of the constituency of the Municipality of Bucharest, the names of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, which have submitted full lists of candidates;

**d) to publish and display, insofar as necessary, the lists of candidates and independent candidatures for councillors and the candidatures for the office of mayor and president of the county council;\***

e) to establish, based on the number of voters enlisted in the Electoral Register and in the complementary electoral lists, communicated in compliance with the provisions of Article 20, the number of supporters necessary for submitting the candidatures of political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities and independent candidatures;

f) to distribute to the electoral bureaus of the polling stations the ballot papers, the control stamp and the 'VOTED' stamps;

g) to settle any objection concerning their own activity and any challenge concerning the operations of the electoral bureaus of the polling stations;

h) the electoral bureau of the communal, town, municipal constituency, respectively of the sector constituency in the case of the Municipality of Bucharest, shall sum up the votes cast and shall establish the result of the voting for the electoral constituency in which it operates; to issue, to the elected councillors and mayor, the certificate ascertaining their election;

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\* Amended by Government Emergency Ordinance No. 40/2019.

i) the county constituency electoral bureau, respectively the Constituency Electoral Bureau of the Municipality of Bucharest, shall sum up the votes cast for the county council, for the president of the county council, respectively for the General Council of the Municipality of Bucharest and for the General Mayor of the Municipality of Bucharest, and shall establish the result of the voting; shall issue to the county councillors and to the president of the county council and the General Mayor of the Municipality of Bucharest respectively, the certificate ascertaining their election, after which it will forward to the court of first instance or to the county court, as applicable, in whose territorial jurisdiction the electoral constituency for which the elections have been held is located, the minutes and the other documents concerning the results of the elections for councillors, as stipulated in Article 103 paragraph (5), in order to validate their mandates;\*

j) to organise, where appropriate, the second round of elections for mayors or for the presidents of the county council;\*\*

k) to communicate data concerning the elections and their result, through the county constituency electoral bureau, respectively of the Municipality of Bucharest, to the Central Electoral Bureau and to the Government, and publish, for the population within the electoral constituency, by any means of publicity, the results of the elections;

l) to receive from the electoral bureaus of the polling stations and to remit to the judges, in whose territorial jurisdiction they operate, the ballot papers used and unchallenged, as well as those annulled, the electoral lists used, the stamps and the rest of the materials necessary to the voting.

(2) By *full list of candidates* we understand the list including a number of candidates equal to the sum of the maximum number of seats of councillor, established under the provisions of Law No. 215/2001, republished, as subsequently amended and supplemented, for the respective administrative-territorial unit, and the number representing a quarter of the number of seats, established according to the provisions of Article 7 paragraph (6).

(3) County constituency electoral bureaus and those of the constituency of the Municipality of Bucharest shall accredit domestic observers.

**Article 28.** – The electoral bureau of the constituency of the Municipality of Bucharest shall organise the election of the General Council of the Municipality of Bucharest and of the General Mayor of the Municipality of Bucharest, by also duly fulfilling the other powers stipulated in this law for the county constituency electoral bureau.

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\* Amended by Government Emergency Ordinance No. 57/2019.

\*\* Amended by Government Emergency Ordinance No. 40/2019.



**Article 29.** – Within 2 days from the setting up of the constituency electoral bureaus, the prefects shall inform the public about the premises in which these shall conduct their activity, as well as their working hours.

**Article 30.** – (1) The electoral bureaus of the polling stations are composed of a president, his/her alternate and 5 members, in the case of polling stations in communes and towns, respectively 9 members, in the case of polling stations in municipalities and the sectors of the Municipality of Bucharest.

**(2) The presidents of the electoral bureaus of polling stations and their alternates are appointed under Law No. 208/2015, as subsequently amended and supplemented.\***

(3) The president and his/her alternate are appointed no later than 10 days before the election date.

**(4) The electoral bureaus of polling stations are completed, firstly, with the representatives of the political parties, political alliances and electoral alliances or of the organisations of citizens belonging to national minorities having their own parliamentary group in both Chambers of Parliament and participating in the elections in the electoral constituency in question. In a second stage, the electoral bureaus of the polling stations are completed with the representatives of the political parties, political and electoral alliances or the organisations of citizens belonging to the national minorities having among their members at least 7 senators or 10 deputies, as well as with a representative of the parliamentary group of the national minorities in the Chamber of Deputies on behalf of the organisations of citizens belonging to the national minorities represented in this group and participating in elections in the electoral constituency in question. In the third stage, the electoral bureaus of the polling stations shall be completed with the parties and the other political formations who obtained parliamentary representation in the previous elections. In the fourth stage, the electoral bureaus of the polling stations shall be completed with the representatives of the other political parties, political alliances and electoral alliances or organisations of citizens belonging to national minorities, in the descending order of the number of candidates proposed according to the provisions of Article 26.\*\***

(5) In view of appointing the members of the electoral bureau of the polling station, the president of the constituency electoral bureau shall establish, within 24 hours from their appointment under paragraph (2), the number of candidates proposed by each political party, political or electoral alliance or organisation of the national minorities taking part in the elections; within the same deadline, political parties, political and

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\* Amended by Government Emergency Ordinance No. 40/2019.

\*\* Amended by Law No. 91/2020.

electoral alliances or organisations of the national minorities taking part in the elections that have submitted lists of candidates or nominations for the office of mayor within the respective constituency must notify to the president of the communal, town, municipal or sector constituency electoral bureau, through the local organisations, the surname and first name of their representative. The president of the communal, town, municipal or sector constituency electoral bureau shall forthwith communicate the surnames and first names of the representatives of the political parties to the president of the electoral bureau of the polling station. The provisions of Article 26 paragraph (15) are duly applicable.

(6) The members of the electoral bureau of the polling station are appointed by the president of the constituency electoral bureau, based on the communications referred to in paragraph (5), by random draw.

(7) The provisions of Article 26 paragraphs (16) to (18) are duly applicable, and the random draw is done by the president of the electoral bureau of the polling station.

(8) The appointment of the members of the electoral bureau of the polling station is recorded in a report representing the establishment document.

(9) The members of the electoral bureau of the polling station are appointed and the report is drawn up within 24 hours from the expiry of the deadline set in paragraph (5), in the presence of the delegates appointed by the political parties, political and electoral alliances or the organisations of national minorities taking part in the elections.

(10) The electoral bureaus of the polling stations are set up on the date the report referred to in paragraph (8) is drawn up.

**(11) If the political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities having proposed candidates for the office of mayor and/or president of the county council taking part in the second round of the elections have no representatives in the electoral bureaus of the polling stations or in the electoral bureau of the respective constituency, the bureaus are completed with one representative thereof. The applications shall be filed in writing within 48 hours from the compilation of the results of the first round of the elections. The provisions of paragraph (5) are duly applicable.\***

**Article 31.** – The electoral bureaus of the polling stations have the following powers:

a) to receive, from the mayors, the permanent electoral lists, the copies of the complementary electoral lists and the additional electoral lists and to ensure the necessary conditions for their verification by the voters;

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\* Amended by Government Emergency Ordinance No. 40/2019.

b) to receive, from the constituency electoral bureaux, the ballot papers for the voters voting in the respective polling station, the control stamp and the ‘VOTED’ stamps;

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 for the electoral constituencies for which people have voted in the respective polling station, distinctly, for the local council, for the mayor’s office, respectively the office of General Mayor of the Municipality of Bucharest, for the county council and the president of the county council, respectively for the General Council of the Municipality of Bucharest;\***

e) to settle objections concerning their own activity;

f) to draw up and forward to the constituency electoral bureau the files referred to in Article 96;

g) to remit, based on minutes, to the constituency electoral bureau, the ballot papers used and unchallenged, as well as the ones annulled, the electoral lists used, the stamps and the other materials necessary to the vote;

h) to verify, through electronic means, the lawfulness of the exercise of the right to vote, according to Article 85, as well as the correlations between the minutes recording the results of the vote, referred to in Article 94 paragraph (3), according to the procedure established by decision of the Central Electoral Bureau.

**Article 32.** – The county constituency electoral bureaux and the electoral bureaux of the constituency of the Municipality of Bucharest shall duly fulfil the powers referred to in Article 27, as well as the following powers:

a) to monitor the implementation of the legal provisions concerning the elections in all the electoral constituencies of the county, respectively of the Municipality of Bucharest;

b) to ensure the notification of the other electoral bureaux in the county, respectively in the Municipality of Bucharest, concerning the decisions of the Central Electoral Bureau and to monitor their implementation and observance;

c) to ensure the training of the presidents of the electoral bureaux of communal, town, municipal and sector, in the case of the Municipality of Bucharest, constituencies and of the electoral bureaux of the polling stations in the county;

d) to centralise the number of full lists submitted by the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, based on the notification received from the electoral bureaux of communal, town, municipal and sector, in the

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\* Amended by Government Emergency Ordinance No. 40/2019.

case of the Municipality of Bucharest, constituencies, and to send to the Central Electoral Bureau the centralised situation, within 24 hours from its drawing up;

e) to receive, from the electoral bureaus of communal, town, municipal and sector, in the case of the Municipality of Bucharest, constituencies, the reports including the results of the elections, to centralise the results per county, per political parties, political alliances, electoral alliances and independent candidates, and to publish them. The result of the centralisation of data by county, respectively for the Municipality of Bucharest, shall be recorded in a report to be sent to the Central Electoral Bureau, according to the provisions of this law.

**Article 33.** – (1) In the counties where partial local elections are being held in at least 2 communal, town or municipal electoral constituencies, a county electoral bureau, composed of 2 of the judges in office from the county court, designated by random draw done by the president of the county court, is set up. The random draw is done by positions: president and alternate. The other provisions of Article 38 paragraph (2) are duly applicable.

(2) Within 24 hours from the setting up of the county electoral bureau under paragraph (1), it is completed with a representative of the Permanent Electoral Authority, appointed by resolution thereof, and with a representative of the political parties or organisations of citizens belonging to national minorities having their own parliamentary group in at least one of the Chambers of Parliament.

(3) The county electoral bureaus set up according to paragraphs (1) and (2) shall duly fulfil the powers referred to in this law for the Central Electoral Bureau. All challenges concerning the organisation and composition of the county electoral bureau shall be settled by the county court.

(4) In the counties where partial elections are being held in a single electoral constituency, a county electoral bureau is no longer set up, the settlement of the referrals stipulated in Article 39 paragraph (1) point h) being done by the court of first instance in whose territorial jurisdiction the respective electoral constituency is located. The court of first instance shall rule within 3 days, at the most, from the registration of the referrals and challenges. The ruling is final.

(5) The provisions of paragraphs (1) to (4) are duly applicable in the case of the Municipality of Bucharest as well.

(6) In the situations referred to in paragraph (4), the powers referred to in Article 8 paragraph (3), Article 39 paragraph (2), Article 59 paragraph (1) and in Article 128 are fulfilled by the constituency electoral bureau, and the competence to settle the challenges concerning the organisation and composition of the constituency electoral bureau belongs to the county court.

**Article 34.** – (1) If, in the same electoral constituency, partial local elections are being held both for the local council and for the mayor's office, electoral bureaus of communal, town, municipal constituencies and of constituencies of the administrative-territorial subdivisions of municipalities are set up, where appropriate, according to the provisions of Article 26, that are duly applicable.

**(2) In the case of by-elections for the county council, the president of the county council, the General Council of the Municipality of Bucharest and/or the General Mayor of the Municipality of Bucharest, county constituency electoral bureaus or an electoral bureau for the Municipality of Bucharest shall be set up, subject to the application of the provisions of Article 26.\***

**Article 35.** – In the case referred to in Article 34 paragraph (1), the electoral bureaus of the polling stations are set up under the conditions and based on the distinctions referred to in Article 30.

**Article 36.** – (1) In the cases in which, in a communal, town, municipal electoral constituency or in the electoral constituency of a municipal administrative-territorial subdivision or in a county electoral constituency, elections are being held only for the offices of mayor or General Mayor of the Municipality of Bucharest, the constituency electoral bureaus, respectively the electoral bureaus of the polling stations are set up according to Article 26 paragraphs (1) to (12), respectively to Article 30 paragraphs (1) to (6).

(2) The constituency electoral bureaus are completed with representatives proposed by the county organisations, respectively by the organisation of the Municipality of Bucharest, of the parliamentary political parties, as members, within the limits set out in Article 26 paragraphs (2), (3) and (4). The completion is done by the president of the constituency electoral bureau within 24 hours from his/her appointment. The completion is done in the decreasing order of the total number of Senators and Deputies of each party.

(3) If the number of members referred to by law is higher than the number of parliamentary parties, the operation of completion is repeated until the bureau is provided with the legally established number of members.

(4) The electoral bureaus of the polling stations are completed with representatives proposed by the county organisations, respectively by the organisation of the Municipality of Bucharest, of parliamentary political parties, filing a candidature for the offices of mayor, general mayor, as members, within the limits set out in Article 30 paragraph (1). The completion is done by the president of the electoral bureau of the polling station, within 24 hours from his/her appointment, in the decreasing order

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\* Amended by Government Emergency Ordinance No. 40/2019.

of the total number of Senators and Deputies of each party. The provisions of paragraph (3) are duly applicable.

**Article 37.** – (1) If, in the Municipality of Bucharest, elections are being held only for the public administration authorities at municipal level, the sector electoral offices referred to in Article 16 paragraph (6) of Law No. 35/2008, as subsequently amended and supplemented, are also set up.

(2) The electoral offices referred to in paragraph (1) are composed of a president and his/her alternate, and of 6 members, appointed by the municipal organisations of the parliamentary political parties. If a parliamentary political party does not have an organisation at the level of the Municipality of Bucharest, the appointment of this representative is made by the central management of the party.

(3) The president and his/her alternate are magistrates appointed by the President of the Bucharest County Court, at least 15 days before the date of the elections, by random draw, from among the judges in office of the sector court of first instance. The date of the public session for the random draw is announced in writing to the parliamentary political parties, 2 days before the date of its taking place, by the President of the Bucharest County Court. Representatives of the parliamentary political parties are entitled to take part in the organisation and unfolding of the random draw.

(4) The completion of the electoral office with representatives of the parliamentary political parties is done by the president of the office, within 24 hours from his/her appointment. The completion is done in the decreasing order of the total number of Senators and Deputies of each party.

(5) If the electoral office cannot be completed with the number of members set by law, given that the number of parliamentary parties is lower than the number of members of the office, the completion operation is repeated until the office is provided with the legal number of members.

(6) The electoral offices of the sectors of the Municipality of Bucharest shall duly fulfil the powers referred to in Article 17 paragraph (3) of Law No. 35/2008, as subsequently amended and supplemented.

**Article 38.** – (1) The Central Electoral Bureau is composed of 7 judges of the High Court of Cassation and Justice, the president and vice-presidents of the Permanent Electoral Authority and 11 representatives of political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities and a representative of the Parliamentary Group of the national minorities within the Chamber of Deputies.

(2) The appointment of the judges is done in public session, within 5 days, at the most, 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 result of the random

draw is entered in a report signed by the President and **first assistant-magistrate\*** of the High Court of Cassation and Justice, which represents the establishment document. The date of the session for the random draw is made public in the broadcast media and written press, by the President of the High Court of Cassation and Justice, at least 24 hours in advance.

(3) Within 24 hours from the appointment, the 7 judges shall choose from among them, by secret vote, the president of the Central Electoral Bureau and his/her alternate.

(4) Within 24 hours from the election of its president, the Central Electoral Bureau shall be completed with the president and the vice-presidents of the Permanent Electoral Authority, with one representative of each political party having among its members at least 7 senators or 10 deputies or having obtained parliamentary representation at the previous ballot, as well as with one representative of the parliamentary group of the national minorities in the Chamber of Deputies on behalf of the organisations of citizens belonging to national minorities represented in such group. The Central Electoral Bureau shall be completed with representatives of the political parties and of the organisations of citizens belonging to the national minorities having among their members at least 7 senators or 10 deputies or having obtained parliamentary representation at the previous ballot in the order of the cumulated number of deputies and senators, within the limit of the maximum number of 11 members provided under paragraph (1).\*\*

(5) Within 48 hours from the date the candidatures have remained final, the political parties and the organisations of citizens belonging to national minorities, other than those provided under paragraph (4), the political alliances and electoral alliances having submitted full lists for the county councils in at least 18 counties may each propose one representative within the Central Electoral Bureau. Political alliances and electoral alliances including political parties and organisations of citizens belonging to national minorities represented in compliance with paragraph (4) no longer enjoy the provisions of this paragraph. The completion is done within the limit of the maximum number of 11 members provided under paragraph (1), within 24 hours from the date of proposal of the representatives, depending on the number of candidatures submitted for county councils, and, in case of a tie, by random draw.\*\*

**Article 39.** – (1) The Central Electoral Bureau has the following powers:

a) to adopt, within 3 days from its setting up, the regulation concerning the organisation and functioning of the electoral bureaus;

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\* Rectified.

\*\* Amended by Law No. 91/2020.



b) to ensure publication in the Official Gazette of Romania, Part I, of the electoral names and signs of 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 election of the local public administration authorities, and to communicate the list to all constituency electoral bureaus, immediately after their setting up;

c) to monitor and ensure the observance and correct implementation of the legal provisions concerning the elections throughout the country; to ensure the unitary interpretation of the provisions thereof;

d) to settle objections concerning its own activity and challenges concerning the setting up, composition and activity of county constituency electoral bureaus and of the electoral bureaus of the constituency of the Municipality of Bucharest;

e) to receive and settle any challenge concerning the organisation and unfolding of the elections for the local public administration authorities, other than those which, by this law, fall under the competence of constituency electoral bureaus or under that of courts of law;

f) to centralise, based on the communications received from the county constituency electoral bureaus and from the electoral bureaus of the constituency of the Municipality of Bucharest, the number of full lists submitted by the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities and to communicate to the Romanian Television Corporation and to the Romanian Radio Broadcasting Company the centralised situation, within 24 hours from its drawing up;

**g) to receive the minutes drawn up by the electoral bureaus of county constituencies and of the constituency of the Municipality of Bucharest, together with the minutes containing the results of the vote, drawn up by the electoral bureaus of communal, town, municipal constituencies and of the sector constituency of the Municipality of Bucharest; to sum up the results at national level, by political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities taking part in the elections and by independent candidates, separately for the local councils, county councils, mayors, and presidents of county councils and to ensure their publication in the Official Gazette of Romania, Part I, and in the press;\***

h) to settle referrals concerning electoral frauds, having the authority to order the annulment of the elections in a certain electoral constituency, if it finds, based on the evidence administered, that the vote and the setting of the results of the vote took place by frauds likely to modify the allotment of seats in the respective electoral constituency; in such cases, it orders the

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\* Amended by Government Emergency Ordinance No. 40/2019.

repeating of the ballot, which will take place within 2 weeks, at the most, from the finding of the fraud. The new elections take place under the same conditions, by using the same electoral lists and the same lists of candidates and independent candidatures, except for the cases in which the bureau ordered the annulment of a list of candidates or of certain nominations of independent candidatures, found to have committed the fraud having led to the annulment of the elections. The existence of the electoral fraud is ascertained by the Central Electoral Bureau, on a case-by-case basis, based on the evidence presented by those having invoked it;

i) to fulfil any other powers established by law;

j) to ensure the periodical notification of the public opinion concerning the voter turnout.

(2) The Central Electoral Bureau shall accredit, upon proposal by the Ministry of Foreign Affairs, foreign observers, as well as delegates of the foreign media and shall settle any challenge concerning accreditations or refusals to accredit domestic observers by the county constituency electoral bureau or by the electoral bureau of the constituency of the Municipality of Bucharest.

(3) In case of an electoral fraud, the application for the annulment of the elections in a certain electoral constituency can be filed only by the political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities taking part in the elections or by independent candidates having participated in the elections and only within 48 hours from the closing of the vote, under penalty of losing this right. The application must be motivated and accompanied by the elements of proof on which it relies. The application can be upheld only if the entity finding the fraud is not involved in producing it. The application must be settled before the publication of the results of the vote in the Official Gazette of Romania, Part I.

(4) While exercising its powers, the Central Electoral Bureau shall issue decisions that are made public through public sessions and by any other means of publicity. The decisions of the Central Electoral Bureau are mandatory for all electoral bureaus in the country, as well as for all the bodies with powers in the electoral field, from the date of them being made public in public session.

(5) The decisions of the Central Electoral Bureau for the interpretation of certain provisions of this law shall be published in the Official Gazette of Romania, Part I.

**Article 40.** – The Central Electoral Bureau shall cease its activity after 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 41.** – (1) Challenges concerning the organisation and composition of the electoral bureaux can be filed within 48 hours from the appointment of the presidents and of their alternates or, where appropriate, from the completion of the electoral bureaux with representatives of political parties, political or electoral alliances or organisations of citizens belonging to national minorities taking part in the elections.

(2) Challenges are settled by the electoral bureau of the communal, town, municipal constituency or of the sector constituency, in the case of the Municipality of Bucharest, if they concern the electoral bureau of the polling station, by the electoral bureau of the county constituency or of the Municipality of Bucharest, if they concern the electoral bureau of the communal, town or municipal constituency, respectively of the sector constituency, in the case of the Municipality of Bucharest, by the Central Electoral Bureau, if they concern the electoral bureau of the county constituency or of the Municipality of Bucharest, and by the High Court of Cassation and Justice, if they concern the Central Electoral Bureau, within 2 days from the registration of the challenges.

(3) Challenges concerning the drawing up, by the prefect, of the list from which the random draw is to be conducted for the positions of presidents of the electoral bureaux of the polling stations and their alternates are settled by the county constituency electoral bureaux or by the constituency electoral bureau of the Municipality of Bucharest, where appropriate.

(4) The decision given is final and is notified, in the case of the president of the electoral bureau and his/her alternate, within 24 hours, to the president of the county court who, in case such a challenge is upheld, makes a new appointment.

**Article 42.** – The electoral bureaux shall carry out their activity in the presence of the majority of their members and shall take decisions with a majority vote of the members present. In case of a tie vote, the president's vote is decisive.

**Article 43.** – (1) The representatives of political parties, political and electoral alliances or of organisations of citizens belonging to national minorities taking part in the elections, members in the electoral bureaux, cannot receive and cannot accomplish other tasks besides those stipulated by this law.

(2) For well-founded reasons, examined on a case-by-case basis, the representatives of political parties or of organisations of citizens belonging to national minorities taking part in the elections, members in the electoral bureaux, can be replaced, upon request by those having proposed them, with the approval of the hierarchically superior electoral bureau, until the eve of the ballot, and, in case of death, sickness or accidents, even on the day of the elections.

**Article 44.** – The candidates in the elections, their spouses, their relatives and in-laws, up to the second degree inclusively, as well as those who do not enjoy the exercise of their electoral rights cannot be members of the constituency electoral bureaus or of the electoral bureaus of polling stations.

*Section 5*  
*Candidatures*

**Article 45.** – The number of councillors for the local councils and for the county councils is that established by order of the prefect, according to the provisions of Law No. 215/2001, republished, as subsequently amended and supplemented.

**Article 46.** – **The nominations for local councillors, county councillors, mayors and the presidents of the county councils are made by electoral constituencies and are submitted with the constituency electoral bureaus no later than 40 days before the date of the elections.\***

**Article 47.** – (1) Nominations are done in writing, in 2 original copies and 2 copies, by the political parties, political and electoral alliances or by the organisations of citizens belonging to national minorities taking part in the elections, signed by the management of their county organisations and based on the list of supporters, and, in the case of independent candidates, based on the list of supporters.

(2) In the case of electoral alliances between political parties, the lists with nominations must also be signed by the county managements of each political party in the alliance. If the electoral alliances are set up at communal, town, municipal or sectorial level, in the case of the Municipality of Bucharest, the lists are signed by the management of the alliance and are counter-signed by the management of each local organisation in the coalition.

(3) Nominations must include the candidates' surname, first name, place and date of birth, domicile, according to the ID document, the name, series and number of their ID documents, their occupation, profession and political affiliation, and, in the case of alliances, also the political or electoral alliance having proposed them.

(4) Nominations must be accompanied by (4) statements of acceptance of the candidature, the declarations of assets and of interests and sworn statements concerning their capacity as employee or collaborator of the 'Securitate'\*\*, signed and dated by the candidates, as well as copies of the ID documents of the candidates.

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\* Amended by Government Emergency Ordinance No. 40/2019.

\*\* The Communist State Security Service.

(5) The statement of acceptance of the candidature includes the candidate's surname, first name, domicile, the political party or alliance having proposed the candidate, his/her profession, occupation and political affiliation, his/her express consent for running for the respective office, as well as the mention that (s)he meets the requirements set by law in order to stand as candidate.

**Article 48.** – A person cannot accept to stand as candidate for more than one electoral constituency, except when this candidature is filed both for a local council and for the county council.

**Article 49.** – (1) **Political parties, political alliances and electoral alliances or the organisations of citizens belonging to national minorities taking part in the elections may propose a list of candidates in each electoral constituency for the local council, the county council and a single candidate for the office of mayor and for the office of president of the county council.**

(2) **For each candidate for the office of mayor and president of the county council and for each list of candidates for the local and county council, the political parties, political alliances, electoral alliances and the organisations of citizens belonging to national minorities must present a list of supporters, including at least 1% of the total number of voters registered in the Electoral Register and on the complementary electoral lists in the constituency for which they stand as candidates, but not less than 100 for communes, than 500 for urban localities of ranks II and III and than 1,000 for counties, the Municipality of Bucharest, the sectors of the Municipality of Bucharest and urban localities of rank I.\***

**Article 50.** – (1) **Independent candidates for the office of councillor must be supported by at least 1% of the total number of voters registered in the Electoral Register and on the complementary electoral lists in the constituency for which they stand as candidates, but not less than 100 for communes, than 500 for urban localities of ranks II and III and than 1,000 for counties, the Municipality of Bucharest, the sectors of the Municipality of Bucharest and urban localities of rank I.**

(2) **For the office of mayor, independent candidates must present a list of supporters, including at least 1% of the total number of voters registered in the Electoral Register and on the complementary electoral lists in the constituency for which they stand as candidates, but not less than 100 for communes, than 500 for towns and than 1,000 for municipalities and the sectors of the Municipality of Bucharest, as well as for the Municipality of Bucharest. The independent candidates for the office of president of the county council must present a list of**

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\* Amended by Government Emergency Ordinance No. 40/2019.

**supporters including at least 1% of the total number of voters registered in the Electoral Register and on the complementary electoral lists in the constituency for which they stand as candidates, but not less than 2,000.\***

(3) No lists of independent candidates are accepted for the office of councillor.

**Article 51.** – (1) The list of supporters must contain the date of the elections, the surname and first name of the candidate, the office for which (s)he runs, the surname and first name of the supporter, his/her citizenship, date of birth, address, name, series and number of the ID document, his/her signature, as well as the surname and first name of the person having drawn up the list. For the citizens of the European Union, in the column ‘Name, series and number of the ID document’, the name, series and number of the document issued by the General Inspectorate for Immigration are to be introduced. The person having drawn up the list is bound to file, together with that list, a sworn statement ascertaining the accuracy of the supporters’ signatures.

(2) The list of supporters is a public document, with all the consequences referred to by law.

(3) Supporters can be only Romanian citizens or citizens of the European Union with the right to vote, domiciled or residing in the respective electoral constituency. A supporter can support several candidates for the offices of local councillor, county councillor and mayor.

(4) Support is given on their own responsibility.

(5) The list of supporters is filed in an original copy and a copy thereof, with the electoral bureau of the electoral constituency where nominations are being submitted.

**Article 52.** – (1) The constituency electoral bureau shall examine the observance of the legal requirements for a person to be able to stand as candidate, the observance of the substantive and formal conditions of the lists of candidates, as well as of the list of supporters. Candidatures meeting the legal conditions are registered. Candidatures that do not meet the legal substantive and formal conditions are dismissed by the constituency electoral bureau.

(2) Acceptance or dismissal of candidatures is done by decision of the constituency electoral bureaus.

(3) The lists of candidates for the local or county councils on which there are persons that do not meet the legal conditions for being able to stand as candidates are partially accepted, only for those candidates that meet the legal requirements. In this situation, the positions held by the candidates accepted on the list of candidatures shall be renumbered

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\* Amended by Government Emergency Ordinance No. 40/2019.

accordingly, the accepted candidates moving to the eliminated positions, immediately superior to their position on the list.

(4) If lists of candidates are accepted only partially, the political parties, the electoral alliances can withdraw the list in order to complete it before the expiry of the deadline set for submitting it.

(5) Lists including a number of candidates meeting the legal requirements for standing as candidates higher than the legal number, under Article 7 paragraph (6), shall be partially accepted, while the last candidatures on the list are dismissed, while the others are accepted, within the limit of the legal number of candidates.

(6) The original copies of the nomination shall be kept at the constituency electoral bureau. Copies of the nomination, certified by the constituency electoral bureau through the signature of its president 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 with the court of first instance in whose territorial jurisdiction is located the electoral constituency for which the candidature is submitted, respectively with the county court.

(7) 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.

(8) The persons who, on the date of submission of the candidature, do not meet the legal requirements for being elected cannot stand as candidates. The candidatures of these persons are dismissed by the constituency electoral bureau.

**Article 53.** – Candidates can renounce to their candidatures until the date when these become final. For this purpose, they file with the constituency electoral bureau a statement of renunciation, signed and dated by the person concerned.

**Article 54.** – (1) The acceptance, by the constituency electoral bureau, of a candidature can be challenged by the citizens, political parties, political and electoral alliances, within 48 hours, at the most, from the date the candidature is posted.

(2) Dismissal, by the constituency electoral bureau, of a candidature, can be challenged by the candidate, the political parties, political and electoral alliances having made the respective proposal, within 48 hours, at the most, from the date the candidature dismissal is posted.

(3) Challenges must include the surname and first name, address and capacity of the dissenter, the surname 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.

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



(5) Challenges concerning the acceptance or dismissal of candidatures shall be settled within 48 hours from their registration, by the court of first instance, respectively the county court in whose territorial jurisdiction the electoral constituency is located. The ruling shall not be notified.

(6) An appeal can be lodged against the ruling issued following the challenge, within 24 hours from its issuance, with the hierarchically superior court. The appeal shall be settled within 24 hours from its registration.

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

(8) The courts of law competent to settle the challenges lodged against the decisions of acceptance or dismissal of a candidature by the constituency electoral bureau shall take the necessary measures to forthwith communicate the final ruling, after the expiry of the mandatory deadlines referred to in paragraphs (5) and (6), to the constituency electoral bureau having issued the decision challenged, for the finalisation of the candidatures.

**Article 55.** – Once the deadline for submitting the candidatures has expired, to which, where appropriate, the deadlines set in Article 54 paragraphs (1), (2), (5) and (6) are added, the constituency electoral bureaus shall draw up a report ascertaining that the candidatures have become final. The final candidatures are posted at the premises of the constituency electoral bureau, as well as at the premises of the polling stations, after the setting up of their electoral bureaus, whilst indicating the surname and first name, political affiliation, profession and occupation of the candidate. Final candidatures can also be made public through any types of media, at the expense of those concerned.

**Article 56.** – (1) The citizens of the European Union can run for office within the administrative-territorial unit of their domicile. Nominations are filed in the same conditions as for Romanian citizens.

(2) If the lists of candidates include citizens of the European Union, the following mentions are made for them: surname, first name, Member State of origin, place and date of birth, home address in Romania, occupation, profession and political affiliation, and, in the case of alliances, also the political or electoral alliance having proposed them.

(3) In the case of a candidature by a citizen of the European Union, the statement of acceptance of the candidature shall include his/her surname, first name, Member State of origin, home address in Romania, occupation, profession and political affiliation, his/her express consent to run for the respective office, as well as the mention that (s)he meets all the legal requirements to stand as candidate. The statement of acceptance of the candidature is accompanied by a document certifying the address in Romania, under Article 23 paragraph (3), or by a document issued by the General Inspectorate for Immigration.

(4) Once the candidature is submitted, besides the documents necessary to Romanian citizens, the citizens of the European Union shall present a document certifying their identity and a sworn statement including the following mentions:

a) that they are not deprived of the right to stand as candidates in their Member State of origin, following a final criminal or civil court ruling;

b) that they do not hold any positions, in another Member State of the European Union, that are equivalent to the positions that are incompatible in Romania with the statute of local elected official.

(5) Within 24 hours from the submission of the candidature, the constituency electoral bureau shall dismiss, by decision, all nominations that do not include, in the sworn statement, the mention referred to in point a) of paragraph (4).

*Section 6*  
*Ballot papers*

**Article 57. – The models of the ballot papers shall be different for the local councils, county councils, the General Council of the Municipality of Bucharest, for mayors, the presidents of the county councils and, respectively, for the General Mayor of the Municipality of Bucharest.\***

**Article 58. – (1)** A ballot paper is comprised of several sheets. Quadrilaterals shall be printed on the inside pages of the ballot paper, as many as to contain all the lists of candidates, respectively all independent candidates, so that the last page should remain blank in order to allow the affixing of the polling station control stamp; the pages of the ballot paper shall be numbered. Ballot papers shall be stapled.

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

(3) The name of the political party, political alliance, electoral alliance, or of the organisations of citizens belonging to national minorities taking part in the elections 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.

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

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\* Amended by Government Emergency Ordinance No. 40/2019.

**(5) For the election of mayors and presidents of the county councils, besides the elements stipulated under paragraph (3), the candidates' surname and first name shall also be printed in the quadrilateral of the ballot paper.\***

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

**(7) The ballot papers shall be printed on paper provided from the state reserve, as established by Government decision.**

**(8) In order to establish the order number on all the ballot papers used in an electoral constituency for the election of the mayor and the local council, for the election of the county council and the president of the county council or for the election of the General Council of the Municipality of Bucharest and of the General Mayor of the Municipality of Bucharest, as applicable, the procedure shall be as follows:**

**a) in the first stage, the candidatures submitted by the political parties having among their members at least 7 senators or 10 deputies or having obtained parliamentary representation at the previous ballot and the organisations of citizens belonging to national minorities, as well as the political alliances and electoral alliances between them shall be printed in the ballot papers' quadrilaterals in the order resulting from the random draw performed by the president of the electoral bureau of the constituency, in the presence of the majority of its members;**

**b) in the second stage, the candidatures submitted by political parties and the organisations of citizens belonging to national minorities, the political alliances and electoral alliances other than those provided under point a) shall be printed in the next quadrilaterals of the ballot papers, in the order resulting from the random draw performed by the president of the electoral bureau of the constituency.\*\***

**(9) The order established according to paragraph (8) shall apply for all the ballot papers used for the local public administration authorities to be elected in electoral constituency in question.\***

**(10) For each independent candidate, including the independent candidates running for the office of mayor and for that of president of the county council, a distinct quadrilateral shall be printed at the end of the ballot paper, in which they shall be enlisted in the order of registration of their candidatures.\***

**(11) The order established under paragraphs (8) to (10) shall be communicated to the prefect by the president of the electoral bureau of**

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\* Amended by Government Emergency Ordinance No. 40/2019.

\*\* Amended by Law No. 91/2020.

the county constituency, respectively by the presidents of the electoral bureaus of communal, town, municipal constituencies and of the sector constituencies for the Municipality of Bucharest, within 24 hours from the random draw.

(12) The random draw stipulated under paragraph (8) shall take place in the presence of the representatives of the political parties, political alliances and electoral alliances or organisations of citizens belonging to national minorities taking part in the elections that have submitted lists of candidates.

**Article 59.** – (1) The political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities may choose their own electoral symbols, which they shall communicate to the Central Electoral Bureau within 10 days from the latter’s establishment.

(2) The political parties, political alliances and electoral alliances or organisations of citizens belonging to national minorities taking part in the elections, which have participated in the previous local elections, may keep their electoral symbols, but they must communicate them to the Central Electoral Bureau according to paragraph (1). The electoral symbols used in the previous elections may be used by other political parties, political alliances or electoral alliances or organisations of citizens belonging to national minorities taking part in the elections only based on the written consent of those to whom they belonged, respectively of the parties having been part of the original alliance.

(3) Electoral symbols may not be contrary to the rightful order and morality and 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 symbols communicated to the Central Electoral Bureau 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 registration of the political party or political alliance may be used as an electoral symbol.

(5) At the level of all electoral constituencies, the political parties, political alliances and electoral alliances or organisations of citizens belonging to national minorities taking part in the elections, formed at national, respectively at county level, must use the same electoral symbol.

(6) In the case of new electoral symbols, if the same symbol is claimed by several political parties, political alliances or electoral alliances or organisations of citizens belonging to national minorities taking part in the elections, the symbol shall be assigned to the political party, political

alliance or electoral alliance or organisation of citizens belonging to national minorities taking part in the elections that was the first to register that symbol. Unless priority can be established, the president of the Central Electoral Bureau shall draw lots.

(7) The Central Electoral Bureau shall make public the electoral symbols on the next day following the expiry of the deadline stipulated under paragraph (1) and shall communicate them to the prefects by the date the candidatures become final, so that they can be printed on the ballot papers.

**Article 60.** – (1) The constituency electoral bureaux shall be in charge of printing the ballot papers, through the prefects' efforts.

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

(3) Through the prefects' efforts, a copy of the first print of each type of ballot paper, in each electoral constituency, shall be presented to the members of the electoral bureau of the county constituency. These are entitled to request the prefect to have the ballot papers reprinted if the candidates' names, electoral symbol, or the name of the political parties, political alliances or electoral alliances or organisations of citizens belonging to national minorities taking part in the elections are misprinted or are not visible.

(4) Ballot papers must be printed 10 days before the date of the elections, at the latest.

**Article 61.** – (1) The ballot papers shall be distributed to the electoral constituencies through the prefects' efforts. Ballot papers are received by the mayor, together with the president of the constituency electoral bureau, based on a report, and kept in special rooms, locked and sealed. Ballot papers shall be handed over to the presidents of the electoral bureaux of the polling stations, based on a report, no later than the day preceding the elections.

(2) Ballot papers shall be distributed and handed over in sealed packs.

**Article 62.** – A ballot paper from each category shall be posted at the seat of the town hall and of the constituency electoral bureau, as well as at the premises of the polling stations, within 3 days from the expiry of the printing deadline, after being endorsed and annulled by the president of the constituency electoral bureau.

**Article 63.** – Upon the request of political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities taking part in the elections or independent candidates taking part in the elections, the constituency electoral bureau shall release, to each of them, a ballot paper from each category, endorsed and annulled.

Section 7  
*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, universities, 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 and university 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 written or oral 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 or religious or ethnic feud, as well as public offense to religious symbols are forbidden.

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

a) of the voters, who should receive correct information, so that they 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) Private radio and television stations, including cable television, may include, in their own programme grid, shows of the type stipulated under paragraph (1).

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

(5) 20-30 seconds 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).

(6) Buying air time with a view to broadcasting electoral videos or shows shall be forbidden.

**Article 68.** – (1) The access of parliamentary political parties, political alliances, and their electoral alliances, as well as of independent candidates to public radio and television services, including to their territorial stations, shall be free of charge. Non-parliamentary political parties, political alliances and their electoral alliances shall have free access to the territorial public radio and television broadcasting services only if they submit lists of candidates in at least 50% of the electoral constituencies in a county that is covered by those territorial stations. The broadcasting time granted under such circumstances must be proportional to the number of full lists of candidates submitted in that territory, 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. Non-parliamentary political parties, political alliances and electoral alliances submitting full lists of candidates in at least 50% of the electoral constituencies in 15 counties shall have access to the national public radio and television broadcasting services. Broadcasting time shall be granted after the candidatures become final; it shall be proportional to the number of full lists of candidates submitted and it 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 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, and that of Romania, respectively.

(3) Until the broadcasting time is calculated, according to paragraphs (1) and (2), the parliamentary political parties, their alliances, and the organisations of citizens belonging to the national minorities represented in the Parliament shall be granted broadcasting time proportionately to their weight within the Parliament.

(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 free only during electoral shows, according to the provisions of Article 67.

(5) Buying broadcasting time for publicity purposes, 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 shall be 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 companies, 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, with the territorial

stations, of 5 minutes at most, summed up for the entire duration of the electoral campaign. Independent candidates in the electoral constituencies in the Municipality of Bucharest and those in municipalities that are county seats and are not within the coverage of a station, shall have access to the national public radio and television services for the same interval 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) Throughout the electoral campaign, the candidates and representatives of the political parties in competition shall only have access 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 representatives of the political parties in competition 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 companies 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) 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, sex, 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 expressions, violate the provisions of Article 71 paragraph (2); 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.** – (1) 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) Tele-voting or street surveys conducted amongst voters shall not be presented as representative for the public opinion or a certain social or ethnic group.

**Article 74.** – The following are forbidden 48 hours before the voting day:

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 76 paragraph (4);

c) comments concerning the electoral campaign.

**Article 75.** – (1) Exit polls can be carried out by institutes specialised in conducting public opinion surveys or trading companies or non-governmental 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 have access, based on the accreditation of the institution for which they work, to the area referred to in Article 83 paragraph (1), without having access inside the voting premises.

(2) On the voting day, it is forbidden to present exit polls before the voting is over.

**Article 76.** – (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 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 latest, 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 limits and under the terms communicated to radio broadcasting company, if the National Audiovisual Council of Romania rules in favour of the petitioner.

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

**Article 77.** – (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 to the National Audiovisual Council of Romania, throughout the electoral campaign and for 30 days after the official communication of the results.

**Article 78.** – (1) Failure to comply with the provisions of Articles 66 to 77 shall entail 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, which may take up the issue by itself or upon referral by those concerned.

**Article 79.** – (1) **By the beginning of the electoral campaign, the mayors shall be bound to set up, by order, special locations for electoral posting and to ensure the installation of electoral billboards thereto, taking into consideration the number of political parties, of organisations of citizens belonging to national minorities, political alliances and electoral alliances stating to be submitting lists of candidates, candidatures for the office of mayor and president of the county council, 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 billboards for electoral display in each subdivision of the administrative-territorial unit.

(3) The use of electoral posting locations is 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 shall be 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 one electoral poster 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) shall be permitted only based on the consent of their owners, administrators, or, as the case may be, of their holders.

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

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\* Amended by Government Emergency Ordinance No. 40/2019.

(8) The mayor, with the support of the local police or with the support of the 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, posters and of other materials for electoral propaganda placed in authorised locations.

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

(2) Constituency electoral bureaus 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 its electoral campaign 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 bureaus 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 are settled within 3 days from their registration, and the decisions taken are 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 bureaus concerning the electoral campaign, immediately after their communication.

(7) The electoral campaign, at national level, for the second round of the elections, shall start on the date of the official communication of the results of the first round of the elections, except for the electoral campaign conducted through public radio and television services.

(8) Within 24 hours from the totalisation of the votes at national level, public radio and television services shall allot new broadcasting time to the political parties with candidates in the second round of the elections, proportionately with the number of candidates, as well as to independent candidates.

## CHAPTER III

### The unfolding of the elections

**Article 81.** – (1) Each polling station must have a sufficient number of polling booths, ballot boxes and voting stamps, which shall be supplied by the mayors.

(2) The polling booths and ballot boxes must be placed in the same room where the president and the members of the electoral bureau of that polling station carry out their activity.

(3) The president of the electoral bureau of the polling station, together with its members, must be present at the premises of the polling station on the eve of the voting day, at 18.00 hours, and (s)he must take the necessary steps to ensure order and the fairness of the voting operations. The president of the electoral bureau of the polling station shall order the removal of any electoral propaganda means inside and on the building of the polling station. The removal of such means is requested by the president of the electoral bureau of the polling station and is carried out by the persons appointed by mayors within 2 hours at the most from notification.

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

(5) Selling or drinking alcoholic beverages over a distance of 500 metres around the premises of the polling station shall be forbidden.

**Article 82.** – (1) On the election day, at 6.00 hours, in the presence of the other members, the president of the electoral bureau of the polling station shall check the ballot boxes, the polling booths, (s)he shall verify the existence of the electoral lists, ballot papers and stamps necessary for voting, after which (s)he shall close and seal the polling boxes by affixing the control stamp of the polling station.

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

**Article 83.** – (1) The president of the electoral bureau of the polling station must take the necessary steps for the elections to take place in proper conditions. For this purpose, his/her powers shall extend also outside the premises of the polling station, up to a distance of 500 metres.

(2) Foreign observers and domestic observers, accredited for this purpose, may monitor the progress of the voting operations.

(3) Representatives of non-governmental organisations whose sole purpose is the safeguarding of human rights and which are lawfully set up may be accredited as domestic observers. The persons appointed by such organisations shall not be members of any political party.

(4) The accreditation of domestic observers may be challenged with the Central Electoral Bureau.



(5) Apart from the members of the electoral bureau of the polling station, the computer operators of the electoral bureau of the polling station, the candidates, the persons accredited according to law, as well as the Romanian and foreign media representatives, no other person may dwell in the public places inside the voting area or inside the voting premises longer than the necessary time for voting.

(6) In order to preserve order within the premises of the polling station and around it, the president of the electoral bureau of the polling station shall have at his/her disposal the necessary law enforcement means, through the prefects' efforts.

**Article 84.** – Voting shall take place in one day. It shall start at 7.00 hours and close at 21.00 hours.

**Article 85.** – (1) Voters shall vote only at the polling station that has jurisdiction over their street or locality, according to the delimitation made in compliance with Law No. 35/2008, as subsequently amended and supplemented, and where they are registered on the permanent electoral list or on the copy of the complementary electoral list.

(2) Voters' access in the voting room shall take place in series corresponding to the number of booths. Each voter shall present his/her ID document 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 or on the copy of the complementary electoral list existing within 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, omitted from the permanent electoral list and domiciled within the jurisdiction of the respective polling station, did not file 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 the person having not turned 18 years old until the date of the voting inclusively and the person having lost his/her electoral rights from 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 included in the category of the persons referred to in Article 18 paragraph (1);

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 within the territorial jurisdiction of the respective polling station and is not among the persons referred to in Article 18 paragraph (1); 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 allow the voter fulfilling the conditions set by law and registered on the permanent electoral list or on the copy of the complementary electoral list to vote; to this purpose, once the voter signs in the permanent electoral list or in the copy of the complementary 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 electoral list, the president shall make a note 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 stays out, and then they shall insert them into the ballot box, making sure that they do not open.

(9) The wrong folding of the ballot paper shall not entail the ballot nullity, if the secrecy of the vote is preserved.

(10) 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 one time, a new ballot paper, and this shall be mentioned in the report concerning the voting operations.

(11) The 'VOTED' stamp, handed over to the voter for voting, shall be returned to the president, who shall affix it to 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.

(12) The president may take steps so that a voter does not spend an unjustified period of time inside the polling booth.

**Article 86.** – (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 85 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 they asked to vote. The provisions of Article 85 paragraphs (4) to (12) 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 a report. 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 procedure for the implementation of the provisions of paragraphs (1) and (2) shall be established by resolution of the Permanent Electoral Authority.

**Article 87.** – (1) By way of derogation from the provisions of Article 85 paragraph (1), the president and the members of the electoral bureaus of polling stations, as well as the auxiliary technical staff and the staff in charge of maintaining order shall vote at the polling station where they carry out their activity, if they are domiciled within the administrative-territorial unit, and, in the case of the Municipality of Bucharest, if they are domiciled in the sector for which the voting takes place in that polling station. They must be included in the additional list by the president of the electoral bureau of the polling station, and erased from the permanent electoral list existing at the polling station that has jurisdiction over their place of domicile, upon request by the president of the electoral bureau of the polling station, sent through the Computer system for monitoring turnout and preventing illegal voting.

(2) For the Municipality of Bucharest, the president and the members of the electoral bureaus of polling stations, as well as the auxiliary technical staff and the staff in charge of maintaining order shall vote at the polling station where they carry out their activity, only if they are domiciled in the sector for which the voting takes place in that polling station. If they are not domiciled in that respective sector, these persons shall vote at the polling station of their domicile.

**Article 88.** – Candidates and voters 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 means. 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 a report, and inform police authorities.

**Article 89.** – (1) The president of the electoral bureau of the polling station may suspend the voting for well-founded reasons. Such suspension shall not exceed one hour and shall be notified by posting on the door of the voting premises, at least one hour before. The length of all the suspensions cannot exceed 2 hours.

(2) During the suspension, the ballot boxes, stamps, ballot papers, and all the paperwork of the electoral bureau shall remain under permanent guard, and the members of the bureau shall not leave the voting room at the same time.

(3) The persons who, according to Article 83 paragraph (5), are entitled to attend the voting shall not be forced to leave the voting room during the suspension of operations.

**Article 90.** – (1) The presence of any person other than the voter inside the polling booth shall be forbidden.

(2) 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, is entitled to call an attendant of his/her choosing, to help him/her in the polling booth. The attendant must not be a person accredited, a member of the electoral bureau of the polling station or a candidate.

**Article 91.** – (1) For the voters who cannot be transported to 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 documents attesting the respective medical condition or disability, 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 place where the voter is located, 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.

(2) In the cases stipulated under paragraph (1), the voting shall take place based only on an excerpt drawn up by the president of the electoral bureau himself/herself from the permanent electoral list, the copy of the complementary 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 those excerpts shall be erased from the other lists existing at the polling station.

(3) Only those domiciled in the locality or in the sector of the Municipality of Bucharest where the polling station is located may vote in the manner stipulated under paragraphs (1) and (2). Citizens of the European Union must meet, as the case may be, the conditions stipulated under Article 21 paragraph (1), Article 23 paragraph (1) or Article 24 paragraphs (1) and (2).

(4) The personal identification numbers of the voters having filed applications under paragraph (1) are pre-recorded in the Computer system for monitoring turnout and preventing illegal voting, and they are finally registered upon the return, to the voting premises, of the team referred to in paragraph (1), based on the signatures in the excerpt referred to in paragraph (2).

(5) 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 92.** – (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 polling station, can exercise their right to vote.

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

## CHAPTER IV

### Establishing and ascertaining voting results

#### *Section 1*

#### *Establishing the voting results*

**Article 93.** – (1) After the polling station has been closed, the president, in the presence of the members of the electoral bureau, shall proceed to the counting of the ballot papers and to the registration of the result of the voting, as follows:

a) (s)he shall verify the integrity of the seals on the ballot boxes, seal the slot of the ballot boxes, 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 point i) of the report referred to in Article 94 paragraph (3);

b) (s)he shall annul the unused ballot papers, by writing the word ‘ANNULLED’ on the diagonal of the first page and by affixing the control stamp of the polling station; if there are intact packs of ballot papers, the word ‘ANNULLED’ shall be written only once on the respective pack and the control stamp of the polling station shall be affixed only once;

the number of these ballot papers shall be registered in point f) of the report stipulated under Article 94 paragraph (3);

c) (s)he shall determine the number of voters enlisted in the permanent electoral list and in the copy of the complementary electoral list received from the mayor of the administrative-territorial unit in whose jurisdiction the polling station is located. It is forbidden to have any erasures, modifications or additions on these lists, other than those resulting from applying Article 85 paragraph (4) point d), Article 87 and, respectively, Article 91 paragraph (2). The voting result is registered under points a<sub>1</sub>), a<sub>2</sub>) respectively, of the report's model referred to in Article 94 paragraph (3);

d) (s)he shall determine the number of voters present for the vote, by counting the signatures on the electoral lists existing at the polling station. The results shall be registered in the report in points b<sub>1</sub>), b<sub>2</sub>), b<sub>3</sub>) and b<sub>4</sub>), respectively, of the model referred to in Article 94 paragraph (3);

**e) after unsealing the ballot box, the ballot papers found inside shall be counted, by separating the validly cast votes, respectively the null votes for the local council, the county council, or, as the case may be, the General Council of the Municipality of Bucharest, respectively for the mayor, the president of the county council or, as the case may be, the General Mayor of the Municipality of Bucharest;\***

f) (s)he shall read out loud, when opening each ballot paper, the list of candidates voted or, as the case may be, the surname and first name of the independent candidate or the surname and first name of the candidate for the mayor's office or the surname and first name of the candidate for the office of president of the county council voted and shows the ballot paper to those present; opened ballot papers are selected by local council, county council, or, as the case may be, the General Council of the Municipality of Bucharest, and by the mayor, president of the county council or, as the case may be, General Mayor of the Municipality of Bucharest, are grouped by political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities and independent candidates and are counted and bundled separately;\*

g) the results of the voting shall be recorded in separate tables for the local council, the county council, the mayor, and the president of the county council respectively, by a member of the electoral bureau of the polling station, appointed by the president; if, upon recording the results, candidates are also present, they have the right to draw up a table, too; in the case of the Municipality of Bucharest, a distinct table shall also be drawn up for the General Council of the Municipality of Bucharest, as well as one for the General Mayor of the Municipality of Bucharest;\*

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\* Amended by Government Emergency Ordinance No. 40/2019.

h) the total number of voters, the total number of null votes, the lists of candidates or, as the case may be, the surname and first name of independent candidates, and the surname and first name of the candidates for the office of mayor and of the candidates for the office of president of the county council, as well as the number of votes validly cast for each shall also be included in the tables referred to in point g); the tables thus drawn up are working instruments for filling in the minutes;\*

i) the ballot papers without the control stamp of the polling station, the ballot papers having a different model than the one legally approved, the ballot papers not having affixed the 'VOTED' stamp or those on which the stamp has been affixed on multiple quadrilaterals or outside them shall be considered null; even if the stamp affixed has exceeded the limits of the quadrilateral, the vote shall be deemed valid if the voter's option is obvious; null ballot papers shall not be counted as validly cast votes.

(2) Ballot boxes shall be opened only in the presence of the members of the bureau and, as the case may be, of the persons entitled to attend the voting. Representatives of all political parties, political alliances and electoral alliances or of organisations of citizens belonging to national minorities having participated in the elections and having no representatives in the electoral bureau of the polling station may participate in the counting of the votes, as delegates. The delegates are accredited by the electoral bureaus of communal, town, municipal or sector constituencies, as the case may be, upon the written request of the managements of the county organisations of political parties, political alliances and electoral alliances or organisations of citizens belonging to national minorities, at least 2 days before election date.

**Article 94. – (1) After counting the votes, the president of the electoral bureau of the polling station shall draw up minutes, separately for the local council, the county council, the mayor's office, as well as for the president of the county council, in 2 copies each.\***

(2) Similarly, in the Municipality of Bucharest, the president of the electoral bureau of the polling station shall also draw up minutes for the General Council of the Municipality of Bucharest, and one for the position of General Mayor of the Municipality of Bucharest.

(3) The report shall comprise:

a) the total number of voters included in the electoral lists existing at the polling station (point a = point  $a_1$  + point  $a_2$  + point  $a_3$  + point  $a_4$ ),

of which:

$a_1$ ) the total number of voters according to the permanent electoral list (point  $a_1 \geq$  point  $b_1$ );

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\* Amended by Government Emergency Ordinance No. 40/2019.



- a<sub>2</sub>) the total number of voters according to the copy of the complementary electoral list (point a<sub>2</sub> ≥ point b<sub>2</sub>);
- a<sub>3</sub>) the total number of voters according to the additional electoral lists (point a<sub>3</sub> ≥ point b<sub>3</sub>);
- a<sub>4</sub>) the total number of voters for which the special ballot box has been used (point a<sub>4</sub> ≥ point b<sub>4</sub>);
- b) the total number of voters included in the electoral lists existing at the polling station, present for the vote (point b = point b<sub>1</sub> + point b<sub>2</sub> + point b<sub>3</sub> + point b<sub>4</sub>),  
of which:
- b<sub>1</sub>) the total number of voters present for the vote, included in the permanent electoral list;
- b<sub>2</sub>) the total number of voters present for the vote, included in the copy of the complementary electoral list;
- b<sub>3</sub>) the total number of voters present for the vote, included in the additional electoral lists;
- b<sub>4</sub>) the total number of voters present for the vote, for which the special ballot box has been used;
- c) the total number of validly cast votes (point c ≤ point b - point d) (point c = the total number of validly cast votes expressed in point g);
- d) the number of null votes;
- e) the number of ballot papers received (point e ≥ point c + point d + point f);
- f) the number of ballot papers unused and annulled;
- g) the number of validly cast votes, obtained by each list of candidates or by each independent candidate for the office of councillor or, as the case may be, the number of validly cast votes, obtained by each candidate for the office of mayor or for the office of president of the county council respectively;\***
- h) a brief account of the objections lodged and their solutions, as well as of the challenges filed with the constituency electoral bureau;
- i) the number of 'VOTED' stamps; record shall be made about the disappearance of one or several stamps, where appropriate, as well as about the integrity of the ballot box seals at the end of the voting.
- (4) The reports shall be signed by the president and the members of the electoral bureau of the polling station, and shall bear the control stamp. Signatures shall be placed next to the surname and first name and, as the case may be, to the political affiliation, respectively after stating the abbreviated name of the political party that they represent.

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\* Amended by Government Emergency Ordinance No. 40/2019.

(5) The absence of the signatures of some members of the electoral bureau has no influence on the validity of the report and of the elections. The president shall mention the reasons that prevented the signing thereof.

(6) The president of the electoral bureau shall issue a copy of each report to the members of the electoral bureaus of the polling stations, upon request. The request must be done in writing before the drawing up of the report.

**Article 95.** – (1) During voting, ballot box opening, vote counting and totalling, as well as during registration of the voting result in the reports, objections may be filed in connection with such operations.

(2) The electoral bureau of the polling station shall decide forthwith upon the objections filed.

(3) Written challenges may be filed against the solution to the objections. Such challenges shall be submitted to the president of the electoral bureau of the polling station, who shall issue a proof of receipt to the deponent.

**Article 96.** – (1) **A separate file shall be prepared for the local council, the county council, the mayor, and the president of the county council respectively, comprising: the minutes and challenges filed, as well as the null and challenged ballot papers. The files shall be sealed, stamped, transported under escort by the staff of the Ministry of Interior and handed over to the constituency electoral bureau by the president of the electoral bureau of the polling station, within 24 hours from the voting closure at the latest. The president of the electoral bureau of the polling station must be accompanied by at least 2 members of the bureau, chosen by the president by random draw.\***

(2) Files shall be handed over based on reports.

## *Section 2*

### *Ascertaining the voting results*

**Article 97.** – (1) After receiving the files from the electoral bureaus of the polling stations, the electoral bureaus of communal, town, municipal constituencies and of the sectors of the Municipality of Bucharest shall proceed to setting them in order by categories of local public administration authorities for which the elections have been held.

(2) The files containing the report with the result of the ballot counting for the county council, respectively the General Council of the Municipality of Bucharest, and the other documents stipulated under Article 96 shall be handed over to the alternate of the president of the constituency electoral bureau based on minutes, who, together with another member of the bureau, appointed by random draw, performed by the president of the bureau, shall transport them under escort by the staff of the Ministry

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\* Amended by Government Emergency Ordinance No. 40/2019.

of Interior and hand them over to the electoral bureau of the county constituency, respectively of the constituency of the Municipality of Bucharest.

(3) Files shall be handed over to the electoral bureau of the county constituency based on a report mandatorily stating the number of files stipulated in the report mentioned under paragraph (2) and the number of files actually handed over.

**Article 98.** – (1) After receiving the files containing the minutes with the results of the ballot counting from all the electoral bureaus of the polling stations and after settling the challenges filed, the electoral bureaus of communal, town, municipal constituencies, of the sector constituencies of the Municipality of Bucharest, and county constituencies, respectively the electoral bureau of the constituency of the Municipality of Bucharest shall proceed to totalling the votes cast and to assigning the mandates, under this law.

(2) For this purpose, the constituency electoral bureau shall record, for the entire constituency, separately for each list of candidates or independent candidates, the number of votes obtained.

**(3) The electoral bureaus of the communal, town, municipal constituencies, of the sector constituencies of the Municipality of Bucharest, respectively the electoral bureau of the constituency of the Municipality of Bucharest shall total the number of votes obtained by each candidate for the mayor's office, for the office of General Mayor of the Municipality of Bucharest, respectively for the office of president of the county council.\***

(4) The activities of the constituency electoral bureau may be attended by the candidates and the persons accredited for this purpose, as well as by the persons stipulated under Article 93 paragraph (1).

**Article 99.** – **The elections for councillors, mayors and for the presidents of the county councils shall be deemed valid, irrespective of the number of voters having participated in the voting.\***

**Article 100.** – (1) In order to distribute the councillor mandates, the constituency electoral bureau shall establish the electoral threshold of the constituency, representing 5% of the total number of votes validly cast in that constituency. In the case of political alliances or electoral alliances, 2% shall be added to the 5% threshold for the second member of the alliance. For alliances with at least 3 members, the electoral threshold is 8%.

(2) The electoral threshold is equal to the integer, without decimals, non-rounded, resulting from multiplying the percentage points set under paragraph (1) by the total number of votes validly cast in an electoral constituency.

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\* Amended by Government Emergency Ordinance No. 40/2019.

(3) Mandate distribution shall be done by taking into consideration only those political parties, organisations of citizens belonging to national minorities, political alliances and electoral alliances having reached the electoral threshold stipulated under paragraph (1), and independent candidates having reached the electoral quotient stipulated under point a) of paragraph (4).

(4) The distribution of councillor mandates shall be carried out as follows:

a) in the first stage, the constituency electoral bureau shall establish the number of mandates to be allotted to each list of candidates, as well as to the independent candidates, based on the electoral quotient, which is equal to the non-rounded integer, without decimals, determined by dividing the total number of validly cast votes for all the lists of candidates and for the independent candidates having reached the electoral threshold by the total number of councillors in that electoral constituency; the constituency electoral bureau shall distribute to each list as many mandates as the number of times the electoral quotient is included in the total number of votes validly cast for that list; also, the independent candidate having obtained a number of votes at least equal to the electoral quotient shall be declared elected. The votes remaining after the mandate distribution, as well as those lower than the electoral quotient shall be considered unused votes for each list of candidates of political parties, political alliances and electoral alliances;

b) if a political party, political alliance or electoral alliance or organisation of citizens belonging to national minorities taking part in the elections has been allotted, based on the electoral quotient, more mandates than the number of candidates enlisted, the extra mandates received shall become available and be distributed in the second stage, according to the provisions of paragraphs (13) to (18);

c) in the second stage, the constituency electoral bureau shall distribute the unassigned mandates, based on a table including the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities having reached the electoral threshold, in the decreasing order of the number of votes unused; the unassigned mandates shall be distributed to the political parties, political alliances and electoral alliances, in the order of their registration in the table, one for each political party, political alliance and electoral alliance. If all mandates cannot be distributed, the operation shall be repeated until they are exhausted. If one or more organisations of citizens belonging to national minorities, other than the Hungarian one, have reached the electoral threshold, but not the electoral quotient, thus obtaining no mandate in the first stage, the provisions of paragraph (8) shall apply for the mandate distribution.

(5) If one or several organisations of citizens belonging to national minorities reach both the electoral threshold and the electoral quotient, they shall take part in the mandate distribution both in the first stage and in the second stage, within the limits of the votes remained unused, as any other political party. The independent candidates having obtained a number of votes validly cast lower than the electoral quotient set shall not take part in the second stage of councillor mandate distribution. If a political party, political alliance or electoral alliance has been allotted, in the first stage, a number of mandates equal to the number of candidatures on the list, it shall not participate in the second stage of the mandate distribution even if it has unused votes.

(6) The votes remaining after the distribution of the mandates in the first stage, as well as the votes validly cast for the political parties, political alliances or electoral alliances that, although having reached the electoral threshold, have not participated in the first stage of the mandate distribution because the number of votes received is lower than the electoral quotient shall be considered unused votes for each list of candidates of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities.

(7) If none of the organisations of citizens belonging to national minorities, other than the Hungarian one, has obtained any mandate, a councillor mandate shall be allotted, from those remaining after the first stage, to the organisation having reached the electoral threshold and having obtained the highest number of votes validly cast from among all these organisations.

(8) In the second stage, the electoral bureau shall firstly allot, where appropriate, a mandate to an organisation of citizens belonging to national minorities, other than the Hungarian one, if, in the first stage, no organisation of citizens belonging to national minorities has obtained any mandate.

(9) If no organisation of the Hungarian minority has obtained any mandate, the provisions of paragraph (8) are duly applicable to the latter as well.

(10) If there are 2 or more organisations with the same number of validly cast votes, the selection is done by random draw.

(11) The president of the constituency electoral bureau shall organize the random draw immediately after ascertaining the impossibility of applying the selection criteria set out in paragraph (1) for the registration of political parties, political alliances or electoral alliances on the list, in the presence of the majority of its members.

(12) The procedure shall be mentioned as such in the report drawn up by the members of the constituency electoral bureau in the column 'Brief account of the objections and challenges filed and the decisions rendered

by the constituency electoral bureau that are final', with a clear indication of the organisation elected by random draw.

(13) After the mandate distribution, where the conditions set out in paragraph (8) are met, by the organisation of citizens belonging to national minorities, other than the Hungarian one, the electoral bureau shall allot a mandate to each political party, political alliance and electoral alliance having reached the electoral threshold, in the order of their registration in a decreasingly ordered table, depending on the number of unused votes; if all mandates cannot be distributed, the operation shall be repeated until they are exhausted.

(14) If the conditions set out in paragraph (8) are not met, and if at least one organisation of citizens belonging to national minorities, other than the Hungarian one, of the organisations having reached the electoral threshold, also meets the condition of the electoral quotient, respectively it has received mandates in the first stage, then it shall participate in the second stage of the mandate distribution as well, within the limits of the votes remained unused. The other organisations of citizens belonging to national minorities, having not reached the electoral quotient and, therefore, having received no mandate in the first stage, shall not take part in the second stage redistribution.

(15) If, during the second stage of the mandate distribution, a political party, political alliance or electoral alliance, organisation of citizens belonging to national minorities completes its number of mandates according to 'the list of candidatures' submitted, before the exhaustion of all the mandates available, the respective organisation shall no longer receive any more mandates; the distribution of the remaining available mandates shall be done by continuing with the other organisations on the lists, until their full distribution.

(16) If during the operations stipulated under paragraphs (13) and (14), it is found that 2 or more political parties, organisations of citizens belonging to national minorities, political alliances or electoral alliances have the same number of unused votes, before the last mandate to be distributed is assigned, such a mandate shall be distributed to the political party, political alliance, organisation of citizens belonging to national minorities or electoral alliance having obtained the highest number of validly cast votes.

(17) If the number of validly cast votes is equal, the mandate shall be distributed by random draw; the president of the constituency electoral bureau shall organize the random draw immediately after ascertaining the impossibility of applying the selection criteria set out in paragraph (7) for the registration of political parties, political alliances or electoral alliances on the list, in the presence of the majority of its members.

(18) The procedure shall be mentioned as such in the report drawn up by the members of the constituency electoral bureau in the column 'Brief account of the objections and challenges filed and the decisions rendered by the constituency electoral bureau that are final', with a clear indication of the organisation elected by random draw.

(19) If during the operations stipulated under paragraph (4), it is found that 2 or more political parties, political alliances or electoral alliances have the same number of unused votes, before the last mandate to be distributed is assigned, such a mandate shall be distributed to the political party, political alliance or electoral alliance having obtained the highest number of validly cast votes; if the number of validly cast votes is equal, the distribution of the mandate shall be done by random draw.

(20) The president of the constituency electoral bureau shall organize the random draw immediately after ascertaining the impossibility of applying the selection criteria for the registration of political parties, political alliances or electoral alliances on the list, in the presence of the majority of its members.

(21) The procedure shall be mentioned as such in the report drawn up by the members of the constituency electoral bureau in the column 'Brief account of the objections and challenges filed and the decisions rendered by the constituency electoral bureau that are final', with a clear indication of the organisation elected by random draw.

(22) The mandates shall be assigned by the constituency electoral bureau in the order of registration of the candidates on the list, and it shall begin with the list of candidates for which the most votes have been cast.

(23) If a political party, political alliance or electoral alliance should be assigned more mandates than the number of candidates enlisted, the remaining mandates shall be assigned to the other lists of candidates or to independent candidates, according to the provisions of paragraph (4).

(24) If, following the first stage of distribution, there are still mandates left to distribute, and, for the second stage, there are political parties, political alliances or electoral alliances having received at least a mandate in the first stage and having no unused votes, such shall be registered on the list of the political organisations entering the second stage of distribution, with 0 votes unused.

(25) If 2 or more political parties, political alliances or electoral alliances have 0 unused votes, their registration on the list shall be done based on the number of validly cast votes obtained.

(26) If no differentiation can be made between the political parties, political alliances or electoral alliances even by using the criterion set out in paragraph (3), their registration on the lists shall be done by random draw.



(27) The president of the constituency electoral bureau shall organize the random draw immediately after ascertaining the impossibility of applying the selection criteria set out in paragraph (25) for the registration of political parties, political alliances or electoral alliances on the list, in the presence of the majority of its members.

(28) The procedure shall be mentioned as such in the report drawn up by the members of the constituency electoral bureau in the column 'Brief account of the objections and challenges filed and the decisions rendered by the constituency electoral bureau that are final', with a clear indication of the organisation elected by random draw.

(29) If no political party, political alliance or electoral alliance reaches the electoral threshold, and the number of independent candidates having reached the electoral quotient is lower than the number of councillor mandates in that constituency, the difference in mandates shall be distributed to the first 3 political parties, political alliances or electoral alliances, in the decreasing order of the number of votes validly cast for each of them. One mandate shall be distributed to each political party, political alliance or electoral alliance. The operation shall be repeated until all mandates are exhausted. If 2 or more political parties, political alliances or electoral alliances thus selected have the same number of validly cast votes, and if it is impossible to differentiate between the first 3, the differentiation shall be made by random draw.

(30) The president of the constituency electoral bureau shall organize the random draw immediately after ascertaining the impossibility of applying the selection criteria set out in paragraph (29) for the registration of political parties, political alliances or electoral alliances on the list, in the presence of the majority of its members.

(31) The procedure shall be mentioned as such in the report drawn up by the members of the constituency electoral bureau in the column 'Brief account of the objections and challenges filed and the decisions rendered by the constituency electoral bureau that are final', with a clear indication of the organisation elected by random draw.

(32) The provisions of paragraph (29) shall also apply if none of the political organisations or independent candidates on the ballot paper reaches the electoral quotient.

(33) The candidates on the lists, that have not been elected, are declared alternates for the respective lists. In case of vacancy of the mandates of councillors elected on lists of candidates, the alternates shall occupy the vacant positions, in the order in which they are registered on the lists if, until the validation of the mandate for occupying the vacant position, the political parties or organisations of citizens belonging to national minorities, on behalf of which the alternates have stood as candidates, shall confirm, in writing, under the signature of the county managements

of the political parties or organisations of citizens belonging to national minorities, that the alternates are members of the respective political party or organisation of citizens belonging to national minorities.

**Article 101.** – (1) For the mayor’s office, the constituency electoral bureau shall centralise the votes.

(2) The candidate having obtained the highest number of validly cast votes shall be declared mayor.

(3) A second round of elections shall be organised, 2 weeks after the first round, in the event of a tie between several candidates, and only the candidates in this situation shall participate in it.

**Art. 101<sup>1</sup>.** – (1) For the position of president of the county council, the centralization of the votes shall be made by the county constituency electoral bureau.

(2) The candidate who received the greatest number of cast valid votes shall be declared president of the county council.

(3) In case of a tie, a new round of voting shall be organized 2 weeks after the first round, to which shall participate only the candidates who are in this situation.\*

**Article 102.** – In the event of a tie between 2 candidates for the office of mayor or president of the county council that will participate in the second round of the elections, if one of the candidates dies, withdraws or no longer meets the requirements set by law for being elected, there will be no more elections held, and the constituency electoral bureau shall pronounce the other candidate as mayor or president of the county council, as the case may be.\*\*

**Article 103.** – (1) The electoral bureaus of communal, town, municipal constituencies, of the sector constituencies of the Municipality of Bucharest, and county constituencies, respectively the electoral bureau of the constituency of the Municipality of Bucharest, shall draw up minutes, separately for the local council, the General Council of the Municipality of Bucharest or the county council, as the case may be, and for the mayor, the General Mayor of the Municipality of Bucharest or for the president of the county council, as the case may be, concerning all the voting operations, vote centralisation, ascertaining of the election results and mandate assignment.\*\*

(2) The report shall comprise:

a) the total number of voters included in the electoral lists existing in the electoral constituency (point a = point a<sub>1</sub> + point a<sub>2</sub> + point a<sub>3</sub> + point a<sub>4</sub>), of which:

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\* Inserted by Government Emergency Ordinance No. 40/2019.

\*\* Amended by Government Emergency Ordinance No. 40/2019.

- a<sub>1</sub>) the total number of voters according to the permanent electoral lists (point a<sub>1</sub> ≥ point b<sub>1</sub>);
- a<sub>2</sub>) the total number of voters according to the copies of the complementary electoral lists (point a<sub>2</sub> ≥ point b<sub>2</sub>);
- a<sub>3</sub>) the total number of voters according to the additional electoral lists (point a<sub>3</sub> ≥ point b<sub>3</sub>);
- a<sub>4</sub>) the total number of voters for which the special ballot box has been used (point a<sub>4</sub> ≥ point b<sub>4</sub>);
- b) the total number of voters included in the electoral lists existing in the electoral constituency, present for the vote (point b = point b<sub>1</sub> + point b<sub>2</sub> + point b<sub>3</sub> + point b<sub>4</sub>),  
of which:
- b<sub>1</sub>) the total number of voters present for the vote, included in the permanent electoral lists;
- b<sub>2</sub>) the total number of voters present for the vote, included in the copies of the complementary electoral lists;
- b<sub>3</sub>) the total number of voters present for the vote, included in the additional electoral lists;
- b<sub>4</sub>) the total number of voters present for the vote, for which the special ballot box has been used;
- c) the total number of validly cast votes (point c ≤ point b - point d) (point c = the total number of validly cast votes expressed in point g);
- d) the total number of null votes;
- e) the number of ballot papers received (point e ≥ point c + point d + point f);
- f) the number of ballot papers unused and annulled;
- g) the total number of validly cast votes, obtained by each list of candidates or by each independent candidate for the office of councillor or, as the case may be, the total number of validly cast votes, obtained by each candidate for the mayor's office, the office of General Mayor of the Municipality of Bucharest or the office of president of the county council respectively;\***
- h) the surname and first name of the candidates elected for the local council, respectively the county council and the General Council of the Municipality of Bucharest, the political party, political alliance or electoral alliance having proposed them, respectively the mention of independent candidate;
- i) the surname and first name of the mayor, of the General Mayor of the Municipality of Bucharest and of the elected president of the county council respectively and the political party, political alliance or electoral alliance having proposed him/her, or the mention of independent candidate;\***

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\* Amended by Government Emergency Ordinance No. 40/2019.

j) a brief account of the objections and challenges lodged and of the decisions rendered by the constituency electoral bureau. The decisions issued by the constituency electoral bureaus are final.

(3) The reports shall be drawn up in 2 copies and signed by the president and the other members of the constituency electoral bureau, and shall also bear its stamp.

(4) The absence of the signatures of some members of the constituency electoral bureau shall have no effect on the validity of the report. The president shall mention the reasons that prevented the signing thereof.

**(5) A copy of the minutes for the local council, for the General Council of the Municipality of Bucharest and for the mayor, as the case may be, together with the objections, challenges and minutes received from the electoral bureaus of the polling stations, all making up a file, sealed and signed by the president and the members of the constituency electoral bureau, shall be forwarded, under escort by the staff of the Ministry of Interior, within 48 hours at the most, to the court of first instance in whose territorial jurisdiction is located the electoral constituency for which elections have been held, and, for the county council, for the president of the county council or for the General Mayor of the Municipality of Bucharest respectively, to the county court in whose territorial jurisdiction is located the electoral constituency for which the elections have been held, or to the Bucharest Tribunal respectively, as the case may be, for the validation of the mandates.\***

(6) The second copy of the minutes prepared by the electoral bureaus of communal, town, municipal constituencies, or of the sector constituencies of the Municipality of Bucharest, shall be sent, within 24 hours, to the electoral bureau of the county constituency, respectively of the Municipality of Bucharest.

(7) Upon request, the president or vice-president of the electoral bureau shall mandatorily issue to the members of constituency electoral bureaus or to the representatives of the political parties, political alliances and electoral alliances having submitted lists of candidates, as well as to the independent candidates, a certified copy of such minutes. The request must be filed in writing, before the minutes is drawn up.

(8) The electoral bureaus of communal, town, municipal or county constituencies, as the case may be, shall issue an election certificate to local councillors and to the mayor, respectively to county councillors.

(9) For the General Mayor of the Municipality of Bucharest, as well as for the members of the General Council of the Municipality of Bucharest, the election certificates shall be issued by the constituency electoral bureau

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\* Amended by Government Emergency Ordinance No. 57/2019.

of the Municipality of Bucharest, and for councillors and the sector mayor, by the electoral bureaux of sector constituencies.

**Article 104. – (1) Based on the minutes stipulated under Article 103 paragraphs (5) and (6) and on its own minutes, the electoral bureau of the county constituency, respectively of the Municipality of Bucharest constituency, shall centralise the votes and the result of the elections by county, political parties, political alliances, electoral alliances and independent candidates, and it shall draw up separate minutes for local councillors, the councillors of the Municipality of Bucharest and the county councillors, and for the mayor, the General Mayor of the Municipality of Bucharest and the president of the county council respectively.\***

(2) The report shall be drawn up in 2 copies, within 24 hours from the receipt of all the reports from the constituency electoral bureaux, and it shall comprise:

a) the total number of voters included in the electoral lists existing in the county constituencies (point a = point  $a_1$  + point  $a_2$  + point  $a_3$  + point  $a_4$ ), of which:

$a_1$ ) the total number of voters according to the permanent electoral lists (point  $a_1 \geq$  point  $b_1$ );

$a_2$ ) the total number of voters according to the copy of the complementary electoral list (point  $a_2 \geq$  point  $b_2$ );

$a_3$ ) the total number of voters according to the additional electoral lists (point  $a_3 \geq$  point  $b_3$ );

$a_4$ ) the total number of voters for which the special ballot box has been used (point  $a_4 \geq$  point  $b_4$ );

b) the total number of voters included in the electoral lists existing in the county, present for the vote (point b = point  $b_1$  + point  $b_2$  + point  $b_3$  + point  $b_4$ ),

of which:

$b_1$ ) the total number of voters present for the vote, included in the permanent electoral lists;

$b_2$ ) the total number of voters present for the vote, included in the copies of the complementary electoral lists;

$b_3$ ) the total number of voters present for the vote, included in the additional electoral lists;

$b_4$ ) the total number of voters present for the vote, for which the special ballot box has been used;

c) the total number of validly cast votes (point c  $\leq$  point b - point d) (point c = the total number of validly cast votes expressed in point g);

d) the total number of null votes;

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\* Amended by Government Emergency Ordinance No. 40/2019.

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

f) the number of ballot papers unused and annulled;

**g) the total number of validly cast votes, obtained by the lists of candidates for the office of councillor, grouped by political parties, political alliances or electoral alliances, as well as by independent candidates or, as the case may be, the total number of validly cast votes, obtained by the candidates for the office of mayor and by those for the office of president of the county council, grouped by political parties, political alliances, electoral alliances, and by independent candidates;\***

h) the total number of councillor mandates, grouped by political parties, political alliances or electoral alliances, and by independent candidates;

**i) the total number of mandates for the office of mayor or for the office of president of the county council, as the case may be, grouped by political parties, political alliances or electoral alliances, and by independent candidates.\***

(3) The minutes shall be signed by the president and the members of the electoral bureau of the county constituency, respectively of the constituency of the Municipality of Bucharest, and it shall bear its stamp.

(4) The absence of the signatures of some members of the bureau has no influence on the validity of the report. The president shall mention the reasons that prevented the signing thereof.

(5) A copy of the report shall be sent, within 24 hours from being drawn up, together with the minutes received from the constituency electoral bureaus, under escort by the staff of the Ministry of Interior, to the Central Electoral Bureau.

(6) The electoral bureau of the county constituency, respectively of the Municipality of Bucharest shall publish, in the Official Gazette of the respective county, the results of the elections for that county, respectively for the Municipality of Bucharest.

**Article 105.** – The constituency electoral bureaus shall remit, upon report, to the secretaries of the administrative-territorial units, a copy of the documents referred to in Article 47 paragraphs (3) and (4) belonging to the political parties, political alliances, electoral alliances and organisations of Romanian citizens belonging to the national minorities having been allotted mandates.

**Article 106.** – (1) The provisions of this chapter concerning the electoral bureaus of the polling stations shall also apply accordingly to the electoral bureaus of the polling stations in the Municipality of Bucharest.

(2) The provisions concerning the electoral bureaus of communal, town, and municipal constituencies shall also apply accordingly to the electoral

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\* Amended by Government Emergency Ordinance No. 40/2019.

bureaus of the sector constituencies of the Municipality of Bucharest, and, as the case may be, to the electoral bureau of the constituency of the Municipality of Bucharest.

(3) The provisions concerning the electoral bureaus of county constituencies shall also apply accordingly, as the case may be, to the electoral bureau of the constituency of the Municipality of Bucharest.

**Art. 107. – (1) The candidates elected both for the office of local councillor and for the office of county councillor shall be bound to choose one of the 2 offices. The candidates elected both for the office of local councillor and for the office of county councillor shall be bound to renounce one of the 2 capacities entailing the state of incompatibility within 15 days at the most from the date on which they started to fulfil, in accordance with the law, the first of the 2 mandates of local councillor, respectively of county councillor.**

**(2) The positions thus vacated shall be filled in accordance with Article 100 paragraph (33).**

**(3) The provisions of this article shall also apply in the case of the members of the General Council of the Municipality of Bucharest, who cannot be, at the same time, members of the local councils of the sectors of the Municipality of Bucharest.\***

## CHAPTER V Minor offences

**Article 108. –** The following represent minor offences:

a) deliberate registration of a voter on several electoral lists; registration of fictitious persons or of persons who are not entitled to vote on the electoral lists, signing the supporters' list in violation of the provisions of Article 51;

b) violation of the provisions regarding the posting of candidate lists and independent candidatures, or the use of electoral symbols;

c) keeping the registers of permanent electoral lists and complementary electoral lists in inappropriate conditions;

d) failure to make the communications stipulated by the law in due time and failure to operate them in the permanent electoral lists and in the complementary electoral lists;

e) performance of operations in the permanent electoral lists and in the complementary electoral lists by unauthorised persons;

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\* Amended by Government Emergency Ordinance No. 57/2019. The provisions of Article 107 shall come into force on the date of initiation of the measures provided by law for the organisation of the elections for the local public administration authorities in 2020.



- f) failure to inform the Permanent Electoral Authority about the changes operated in the permanent electoral list;
- g) failure of the organisers to take the necessary steps for the normal unfolding of electoral rallies, as well as the distribution, including by the candidates, of alcoholic beverages during rallies or, on the election day, within the premises of the polling stations, delimited under Article 83 paragraph (1);
- h) failure to comply with the provisions of Article 65 paragraph (4);
- i) failure to comply with the provisions of Article 81 paragraph (3) on the removal of the electoral propaganda means from the premises and from the building of the polling station;
- j) 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;
- k) posting electoral propaganda means in other locations than the ones permitted under the provisions of the law;
- l) acceptance, by a person, of his/her registration on several lists of candidates for the same public authority;
- m) failure of the members of the constituency electoral bureaus to bring candidature proposals to public knowledge;
- n) refusal to grant access to the persons stipulated under Article 83 paragraph (5) inside the voting premises;
- o) failure to observe the provisions of Article 90 concerning the presence of other persons in the voting booths, as well as taking pictures of or filming, by any means, the ballot paper by the voters during the exercise of their right to vote;
- 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, according to the provisions of Article 83 paragraph (1);
- q) handing over a ballot paper to a voter that does not present an ID document;
- r) violation of the provisions of Article 93 by the president of the electoral bureau of the polling station and drawing up reports in breach of the provisions of Article 94;
- s) leaving the polling station premises, by the members of the electoral bureau, before establishing the voting result and before signing the report;
- ş) electoral propaganda being continued after the closure of the electoral campaign according to the provisions of Article 64, by releasing, posting or distributing electoral materials of any kind, as well as by advising the voters, on the voting day, at the premises of the polling stations or within the perimeter set out in Article 83 paragraph (1), to vote or not for certain political parties, political alliances, electoral alliances or independent candidates;

t) wearing, during the voting process, identity tags, badges or other electoral propaganda signs by the members of the electoral bureau of the polling station or by the accredited persons;

ț) unjustified absence, from their duties, of the president, his/her alternate or of the members of the electoral bureaus, established under the provisions of this law;

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

v) failure of the mayor to comply with the provisions of Article 26 paragraph (6<sup>1</sup>) of Law No. 35/2008, as subsequently amended and supplemented, that shall apply accordingly to the provisions of Article 16 paragraph (3);

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

x) violation of the provisions of Article 81 paragraph (5);

y) failure to comply with the decisions of the electoral bureaus and offices; failure to comply with the resolutions of the Permanent Electoral Authority;

z) refusal to make available to the fact-finding agents referred to in Article 110 the documents and papers necessary for the inspection.

**Article 109.** – The minor offences referred to in Article 108 points h), j), k), n), o), v) and w) shall be sanctioned with a fine ranging from RON 600 to RON 1,000, those referred to in points c) to f), with a fine ranging from RON 1,000 to RON 1,400, those referred to in points i), l), m) and r) to u), with a fine ranging from RON 1,400 to RON 2,000, and those referred to in points a), b), g), p), q), x), y) and z), with a fine ranging from RON 2,200 to RON 3,000.

**Article 110.** – (1) The finding of the minor offences and the enforcing of the sanctions referred to in Article 108, respectively in Article 109, 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 Article 108 points a), b), g) to k), m) to q), ș), w), x) and z);

b) the president of the constituency electoral bureau, for the actions referred to in Article 108 points j), l), r), s), t) and z);

c) the president of the electoral bureau, if the minor offences are committed by the members of the electoral bureau or the president of the hierarchically superior electoral bureau, if the minor offences are committed by the presidents of the hierarchically inferior electoral bureaus or by their alternates, for the actions referred to in Article 108 points ț), u) and z);

d) proxies of the President of the Permanent Electoral Authority, for the actions referred to in Article 108 points a), b), c), d), e), f), y) and z);

e) prefects and subprefects, for the actions referred to in Article 108 points v) and z).

(2) The offender may pay, on the spot, or no later than 48 hours from the date the report has been drawn up, or, as the case may be, from the date of its notification, half of the minimum fine stipulated under Article 109, and the fact-finding agent shall mention this possibility in the report.

(3) The provisions of Government Ordinance No. 2/2001 on the legal status of minor offences, approved as amended and supplemented by Law No. 180/2002, as subsequently amended and supplemented, shall apply to the minor offences stipulated under Article 108.

**Article 111.** – The goods destined to or used for committing the minor offences stipulated under Article 108 points k), t) and w) or resulting from their committing shall be seized.

## CHAPTER VI

### Transitional and final provisions

**Article 112.** – (1) The expenses for the organisation and unfolding of the elections shall be borne from the local budgets of communes, towns, municipalities, the sectors of Municipality of Bucharest, counties, or the Municipality of Bucharest, as the case may be.

(2) The Government shall provide the premises, supplies and expenses of the Central Electoral Bureau. The premises and supplies of the electoral bureaus of county constituencies and, as the case may be, of county electoral bureaus shall be provided by the mayors of the municipalities-county seats, along with the presidents of county councils and the prefects, and those of the electoral bureaus of communal, town, municipal constituencies and of the sector constituencies of the Municipality of Bucharest, as well as those of the polling stations, by the mayor, along with the prefects.

(3) The members of the electoral bureaus, their statisticians and their auxiliary technical staff, as well as the computer operators of the electoral bureaus of the polling stations shall be granted an allowance set up by Government decision.

**Article 113.** – The amounts required for covering the expenses generated by the activities of the Ministry of Interior related to public order and safety for the proper organisation and unfolding of the elections, respectively the amounts required to cover the expenses generated by the printing of the minutes for the centralisation of the voting results 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 114.** – (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, the Registry of polling stations and the complementary electoral lists.

(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 bureaus of the polling stations shall be approved by resolution 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 Permanent Electoral Authority shall purchase the computer applications and/or services used by the Central Electoral Bureau for the centralisation of the results of the voting. The amounts necessary for covering these expenses shall be ensured by the state budget.

**Article 115.** – The Special Telecommunications Service shall provide the special telephony and voice and data communication services necessary to the electoral bureaus, 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.

**Article 116.** – (1) The amounts necessary for covering the expenses incurred by the prefect’s institutions in order to manufacture the stamps of the constituency electoral bureaus 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 for the members of the electoral bureaus of polling stations, of the electoral bureaus, the payment of the auxiliary technical staff of these bureaus 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 117.** – (1) The Ministry of Interior, through the National Administration of the State Reserves and Special Issues, shall provide the paper necessary for printing the ballot papers.

(2) The Ministry of Interior shall distribute, upon report, to the prefect’s institutions, the amounts of paper necessary for printing the ballot papers.

(3) The amounts of paper that are in their original intact packaging, remained unused, shall be returned by the prefect's institutions 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.

(4) The paper actually used, after the restitution referred to in paragraph (3), invoiced at the cost of the accounting entry, 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.

(5) The prefect's institutions shall ensure the printing of the ballot papers in order to guarantee the security of these documents.

**Article 118.** – (1) The citizens with the right to vote exercising this right based on their ID card shall receive a self-adhesive stamp with the mention 'VOTED' and the date of the ballot collated thereon.

(2) The members of the electoral bureau of the polling station shall apply the self-adhesive stamp on the back of the ID card.

(3) The self-adhesive stamp must adhere perfectly to the ID card, so that it could not be removed without deteriorating this document.

(4) Self-adhesive stamps have the same format for all electoral constituencies, are printed with letters of the same size, with the same font and the same ink, in a number equal to that of the voters with ID cards, with an extra 10%.

(5) The Ministry of Interior shall purchase the self-adhesive stamps and shall give them to the prefects, upon report.

(6) The prefects shall distribute, based on a handover-takeover report, the self-adhesive stamps to mayors, who shall remit them to the presidents of the electoral bureaus of the polling stations, based on a handover-takeover report, until the eve of the elections, at the latest.

(7) In order to distribute the self-adhesive stamps, the Permanent Electoral Authority shall communicate to the prefects and the mayors, 15 days before the day of the elections, at the latest, the number of voters with ID cards, registered on the permanent electoral lists, for each polling station.

(8) Once the voting is closed, the presidents of the electoral bureaus of the polling stations shall remit to the mayors, upon report, the unused self-adhesive stamps.

**Article 119.** – Prefects and subprefects shall not stand as candidates and shall not participate in the actions of the electoral campaign, under the penalty of being dismissed, unless they resign at least 50 days before the election date.

**Article 120.** – The documents drawn up while exercising the electoral rights stipulated in this law shall be exempted from the stamp duty.

**Article 121.** – (1) **The Permanent Electoral Authority, the Ministry of Interior, the National Institute of Statistics, the prefects, the presidents**

of county councils and the mayors must provide the necessary auxiliary technical staff in support of the activity of the electoral bureaux and offices.\*

(2) The auxiliary technical staff of the Central Electoral Bureau shall be provided by the Permanent Electoral Authority, the Ministry of Interior and the National Institute of Statistics.\*

(2<sup>1</sup>) The auxiliary technical staff of the county constituency electoral bureaux shall be provided by the Permanent Electoral Authority, the prefects and the National Institute of Statistics, and may be supplemented where necessary with personnel provided by presidents of county councils and mayors, under the conditions set by Government decision.\*\*

(2<sup>2</sup>) The auxiliary technical staff of county, municipality and town constituency electoral bureaux, also of the sector electoral offices shall be provided by mayors, under the conditions set by Government decision.\*\*

(2<sup>3</sup>) During the bureaux and electoral offices' period of functioning, their members, statisticians, the auxiliary technical staff and computer operators appointed by the Permanent Electoral Authority shall be deemed seconded.\*\*

(2<sup>4</sup>) During the whole period of carrying out the tasks regarding the organisation and conduct of the elections of public administration authorities, the authorities and public institutions where the persons referred to in paragraph (2<sup>3</sup>) are hired provide these with wage payment, emoluments for transfer, as well as any other daily allowances than those provided by paragraph (2<sup>3</sup>) and also with any other due payment rights, according to law, from the state budget sources.\*\*

(3) Accredited persons and delegates may attend the electoral operations only if they produce their accreditation document. They shall not interfere in any way with the organisation and unfolding of the elections, being only entitled to inform the president of the electoral bureau when finding irregularities. Any propaganda action for or against a political party, political alliance, electoral alliance or independent candidate, or attempt to influence the voters' option, as well as the violation, in any way, of the accreditation document shall entail the enforcement of the legal sanctions, the cancellation of the accreditation by the electoral bureau having found the fault, and, on the election day, the immediate removal of that person from the polling station. The removal from the polling station is done by the staff guarding the polling station only upon the request of the president of the electoral bureau of the polling station.

**Article 122.** – (1) The settlement, by the courts, of the objections, challenges and any other petitions stipulated by this law shall be done in compliance with the rules set up by law for presidential ordinances, with the mandatory presence of the public prosecutor.

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\* Amended by Government Emergency Ordinance No. 40/2019.

\*\* Inserted by Government Emergency Ordinance No. 40/2019.



(2) There is no legal remedy against the final rulings delivered by the courts of law according to this law.

**Article 123.** – (1) The time limits per days, set out in this law, shall be calculated from the day they start to flow to the day they have elapsed, inclusively, even if such days are not working days.

(2) The time limits per hours, set out in this law, shall start to flow at 00.00 hours of the next day.

(3) Throughout the election period, the electoral bureaus and courts of law must ensure the permanence of the activity necessary for the citizens to exercise their electoral rights. Their working hours for the entire period of the elections shall be posted in a visible place, and strictly observed.

**Article 124.** – (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 91 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 their right to vote by this category of voters shall be established by decision of the Central Electoral Bureau.

(3) Only the persons domiciled within the jurisdiction of the communal, town, or municipal constituency where elections take place shall vote under the terms of paragraph (2).

**Article 125.** – Within the meaning of this law, the lawfully established organisations of Romanian citizens belonging to national minorities shall be assimilated to political parties. The organisations of Romanian citizens belonging to national minorities having their own parliamentary group in both Chambers of Parliament shall be assimilated to parliamentary political parties.

**Article 126.** – (1) Along with the voting date, the Government shall establish, by decision, upon the proposal of the Ministry of Interior and of the Permanent Electoral Authority, 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 local elections. The decision concerning the setting of the voting date, the decision concerning the expenses necessary for the preparation and unfolding in good conditions of the local elections, the decision concerning the technical measures necessary for the proper organisation and unfolding of the local elections and the decision approving the calendar of the actions necessary for the organisation and unfolding in good conditions of the elections for the authorities of the local public administration shall be published together in the Official Gazette of Romania, Part I.



(2) The model of the permanent electoral list, the model of the copy of the complementary electoral lists, the model of the additional electoral list, the model of the excerpt from the permanent, complementary and additional electoral list, the model of the supporters' 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 for councillors, mayor, and of the president of the county council are established by resolution of the Permanent Electoral Authority, published in the Official Gazette of Romania, Part I.\*

(3) The remittance and receipt of the standard forms, stamps and the other materials needed for the voting shall be done based on a report.

**Article 127.** – (1) By *ID document*, within the meaning of this law, for the Romanian citizens, we understand the ID card, electronic ID card, temporary ID card, ID paper, or diplomatic passport, diplomatic electronic passport, service passport, service electronic passport, and in the case of students of military schools, the military service book, valid on the day of the voting.

(2) Citizens of the European Union may exercise their voting right based on any valid document attesting their identity.

**Article 128.** – The electoral bureaus of county constituencies and of the Municipality of Bucharest shall only accredit, as domestic observers, citizens with the right to vote, authorised by a non-governmental organisation whose object of activity is the safeguarding of human rights, lawfully established at least 6 months before the beginning of the electoral campaign.

**Article 129.** – The persons appointed as domestic observers cannot be members of any political party; the accreditation shall be granted for all polling stations within the jurisdiction of the county electoral constituency or of the Municipality of Bucharest, only upon the request of the non-governmental organisations mentioned in Article 128, accompanied by the written statement by each observer that (s)he will comply with the accreditation terms; this statement is a sworn statement and shall represent a public law document, with all the consequences stipulated by law; the terms of the accreditation shall be those stipulated under Article 121 paragraph (3) and shall be mentioned in the accreditation document.

**Article 130.** – The provisions of Article 121 paragraph (3) shall be duly applicable to the non-governmental organisations stipulated under Article 128.

**Article 131.** – The Government shall establish the duration and conditions for storing the ballot papers used, those challenged, as well as the unused ones, the stamps and other materials needed for voting.

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\* Amended by Government Emergency Ordinance No. 40/2019.

**Article 132. – (1) The provisions of this law shall apply accordingly to the elections organised over the duration of a mandate, as a result of the dissolution of certain local or county councils, or councils of certain sectors of the Municipality of Bucharest or of the General Council of Municipality of Bucharest, as well as a result of the invalidation or vacancy of the mayor’s position or of the president’s position of the county council.**

**(2) One year before the expiry of the normal duration of the mandate, no elections shall be organised anymore for the local councils, for the General Council of the Municipality of Bucharest, for the county councils, for mayors, for the General Mayor of the Municipality of Bucharest and for the presidents of the county councils.\***

**Article 133. –** By the expression *constituency electoral bureau*, as used in this law, we understand the electoral bureaus of communal, town, municipal constituencies, including that of the Municipality of Bucharest, and county constituency, as well as of the administrative-territorial subdivision of a municipality.

**Article 134. –** The Permanent Electoral Authority shall draw up materials and information programmes for the citizens of the European Union about their electoral rights and the manner to exercise them.

**Article 135. –** For the vacant positions of presidents of county councils elected by direct vote, until the moment of the local general elections, the provisions of Article 132 shall apply accordingly.

**Article 136. –** Upon the entry into force of this law, Law No. 67/2004 on the election of local public administration authorities, republished in the Official Gazette of Romania, Part I, No. 333 of 17 May 2007, as subsequently amended and supplemented, as well as other contrary provisions, shall be repealed.

## TITLE II

### **Amendment of Law for the local public administration No. 215/2001**

**Article 137. –** The Law for the local public administration No. 215/2001, republished in the Official Gazette of Romania, Part I, No. 123 of 20 February 2007, as amended and supplemented, shall be amended as follows:

**1. Article 3, paragraph (2) shall be amended and shall read as follows:**

‘(2) This right shall be exercised by the local councils and mayors, as well as by county councils, authorities of the local public administration, elected through universal, equal, direct, secret and freely expressed vote.’

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\* Amended by Government Emergency Ordinance No. 40/2019.

**2. Article 29, paragraph (1) shall be amended and shall read as follows:**

‘Art. 29. – (1) The number of members of each local council shall be determined by an order of the prefect, depending on the number of the inhabitants of the commune, town or municipality, according to population’s domicile reported by the National Institute of Statistics as follows:

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

**3. Article 55, paragraph (7) shall be repealed.**

**4. Article 57, paragraph (4) shall be amended and shall read as follows:**

‘(4) The replacement of the deputy mayor may be made by the local council, through a decision adopted with the vote of two thirds of the number of councillors in function, at the proper proposal of the mayor or of a third of the number of local councillors in function.’

**5. Article 69, paragraph (6) shall be repealed.**

**6. Article 88 shall be amended and shall read as follows:**

‘Article 88. – The number of members of each local council shall be determined by an order of the prefect, depending on the number of the inhabitants of the county, according to population’s domicile reported by the National Institute of Statistics at the date of 1st January of the current year, as follows:

The number of the inhabitants of the county	The number of councillors
up to 350,000	31
between 350,001 and 500,000	33
between 500,001 and 650,000	35
over 650,000	37’

**7. Article 89 shall be amended and shall read as follows:**

‘Article 89. – The procedure provided in Article 30 shall be applied accordingly for the validation of the county councillor’s mandates, the competent court being the tribunal.’

**8. Articles 89<sup>1</sup>–89<sup>3</sup> shall be repealed.**

**9. Article 90 shall be amended and shall read as follows:**

‘Art. 90. – The dispositions of articles 31 to 35 shall apply accordingly at the setting up of the county council.’

**10. Article 101, paragraphs (1) to (3) shall be amended and shall read as follows:**

‘Art. 101. – (1) The county council shall choose from its members one president and 2 vice-presidents.

(2) The president and the vice-presidents shall be elected by means of a secret vote of the majority of the county councillors in function.

(3) The removal from office of the president or of the vice-presidents of the county council shall be made by means of a secret vote of two thirds of the number of the councillors in function, at the proper proposal of at least two thirds of their number. The removal from office of the president or of the vice-presidents of the county council shall not be made during the last 6 months of the mandate of the county council.’

**11. Article 102, paragraph (2) shall be amended and shall read as follows:**

‘(2) The president of the county council shall be responsible to the county council for the good conduct of the county public administration.’

**12. Article 102<sup>1</sup> shall be repealed.**

**13. Article 108 shall be amended and shall read as follows:**

‘Art. 108. – (1) The president and the vice-presidents of the county council shall keep their quality of county councillors.

(2) The provisions of Articles 69 și 71 shall be also applied accordingly to the president of the county council.’

Art. 138. – The Law for the local public administration No. 215/2001, republished in the Official Gazette of Romania, Part I, No. 123 of 20 February 2007, as amended and supplemented, also with the amendments from the present law, shall be republished in the Official Gazette of Romania, Part I, and the texts shall be given a new numbering.

### TITLE III

## **Amending and supplementing Law No. 393/2004 on the Statute of local electees**

**Article 139.** – Law No. 393/2004 on the Statute of local electees, published in the Official Gazette of Romania, Part I, No. 912 of 7 October 2004, as amended and supplemented, shall be amended and supplemented as follows:

**1. Article 2, paragraphs (2) și (3) shall be amended and shall read as follows:**

‘(2) The local councillors and county councillors, as well as the mayors shall be elected through universal, equal, direct, secret and freely expressed vote by the citizens with the right to vote from the territorial-administrative unit in which they shall exercise their mandate, according to law.

(3) The presidents and vice-presidents of the county councils, as well as the deputy mayors shall be elected by secret indirect vote, according to the provisions of the Law for the local public administration No. 215/2001, republished, as amended and supplemented.’

**2. Article 12, paragraph (1) shall be amended and shall read as follows:**

‘Article 12. – (1) With the exception of the case provided in article 9 paragraph (2) point h<sup>1</sup>), in the case the mandate ceases before the expiry of its normal duration, the local council or the county council, as the case may be, shall adopt in the first common meeting, at the mayor’s proposal, and of that of the president of the county council, respectively, a decision by which the arising situation shall be taken into account and the position of the councillor in case shall be declared vacant.’

**3. In article 12, a new paragraph (3) shall be introduced after paragraph (2), and shall read as follows:**

‘(3) In the case provided by article 9 paragraph (2) point h<sup>1</sup>), within 30 days from the date of the notice of the political party or of the organisation of citizens belonging to national minorities on whose list the local councillor or county councillor has been elected, the prefect notices, by order, the cease of the mandate of the local or county councillor before its normal period of expiry and declares vacant the position of the local or county councillor.’

**4. Article 13 shall be amended and shall read as follows:**

‘Article 13. – The mayor shall exercise his rights and shall fulfil the tasks that are incumbent to him throughout the period of the mandate for which he had been elected.’

**5. Article 18, paragraphs (1), (3) și (4) shall be amended and shall read as follows:**

‘Article 18. – (1) The president and the vice-presidents of the county council, as well as the deputy mayors shall begin to exercise their mandates after they have been declared as legally elected, according to Law No. 215/2001, republished, as amended and supplemented.

.....  
(3) The cessation of the councillor’s mandate, as provided by the conditions of Article 9 paragraph (2), shall have the effect of cessation *de jure*, on the same day, of the mandate of the president or of the vice-president of the county council.

(4) The mandate of the county council's president or vice-president, and of that of the deputy mayor respectively, may cease before its due date after his removal or dismissal from duty, according to the provisions of Law No. 215/2001, republished, as amended and supplemented.'

**Article 140** – Law No. 393/2004 on the Statute of local electees, published in the Official Gazette of Romania, Part I, No. 912 of 7 October 2004, as amended and supplemented, as well as with the amendments and supplements brought by this law, shall be republished in the Official Gazette of Romania, Part I, and the texts shall be given a new numbering.

**NOTE:**

We reproduce below the provisions of Article V of Law No. 148/2019:

**Article V.** – The referral norms of Law No. 115/2015 for the election of local public administration authorities, amending the Law of local public administration No. 215/2001, as well as amending and supplementing Law No. 393/2004 on the Statute of local electees, as amended and supplemented, respectively of Law No. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as on the organisation and functioning of the Permanent Electoral Authority, as amended and supplemented, by Law No. 188/1999 on the Statute of civil servants, republished, as amended and supplemented, Law for the local public administration No. 215/2001, republished, as amended and supplemented, Law No. 161/2003 regarding some measures to ensure transparency in the exercise of public dignities, public functions and in business, preventing and punishing corruption, as amended and supplemented and Law No. 393/2004 on the Statute of local electees, as amended and supplemented, shall be considered carried out by the appropriate provisions of the Administrative Code.'