

LAW No. 33
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on the organisation and conduct of the elections
to the European Parliament

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CHAPTER I

General provisions

Article 1. - (1) This law sets the general legal framework for the organisation and conduct of the election of the members from Romania to the European Parliament.

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

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

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

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

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

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

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

(2) *National voter* shall refer to any citizen of Romania having his/her

domicile or residence in Romania or abroad, who is entitled to elect members from Romania to the European Parliament, in accordance with the provisions of this law.

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

(4) Within the meaning of this law, *reference date* shall mean the day of elections for the members from Romania to the European Parliament.

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

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

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

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

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

(10) For the election of the members from Romania to the European Parliament, both the national voter and the community voter are entitled to only one vote.

Article 6. - (1) Within the meaning of this law, *electoral period* shall mean the time span that starts from the date of bringing the reference date to public knowledge and ends at the publication of the election result in the Official Gazette of Romania, Part I; the electoral period includes the interval between the date of bringing the reference date to public knowledge and the starting date for the electoral campaign, the electoral campaign, the actual conduct of the election, the ballot counting and centralisation, the ascertaining of the election result, the allotment of mandates, elections validation, as well as the publication of the election result in the Official Gazette of Romania, Part I.

(2) Within the meaning of this law, *identity document* shall mean an identity document issued by the Romanian state, namely identity card, temporary identity card, identity document or diplomatic passport, electronic diplomatic passport, business passport, business electronic passport, regular passport, regular electronic passport, temporary regular passport, or military service record for students in military schools.

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

Article 7. - (1) The political parties, the political alliances and the organisations of citizens belonging to national minorities may join in only at national level, on a protocol basis, making an electoral alliance with a view to take part in the elections of the members from Romania to the European Parliament. A political party, a political alliance, or an organisation of citizens belonging to national minorities may join in one electoral alliance only. The electoral alliance that took part in the former elections, irrespective of their kind, under a particular denomination may preserve it unless its original composition has changed. At the same time, the particular denomination shall not be used by another alliance.

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

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

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

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

(6) The High Court of Cassation and Justice shall rule on the petitions stipulated under paragraphs (4) and (5) within 24 hours of their registration, by final decision.

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

(8) The protocol establishing an electoral alliance which has been

approved by decision of the Central Electoral Bureau and remained final since it was not contested or following the pronouncement of the High Court of Cassation and Justice may be broken only by agreement of the signatory parties in the protocol establishing the electoral alliance.

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

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

(11) If the protocol establishing an electoral alliance is dissolved after the expiry date for the submission of electoral signs, the members of the dissolved electoral alliance shall take part in the elections without an electoral sign.

(12) The other provisions of this law with reference to the political alliances shall also apply to the electoral alliances, accordingly.

Article 8. - (1) The Romanian citizens included in the following categories: judges of the Constitutional Court, ombudsmen, magistrates, full-time members in the armed forces, police officers, and other categories of public servants, including those with a special statute, set by means of organic law, are not allowed to be elected as members from Romania to the European Parliament.

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

Article 9. - (1) Without prejudice to the incompatibilities provided for in the 1976 Act on the election of the candidates to the European Parliament by direct universal ballot, with the subsequent amendments, the European Parliament membership is incompatible with the Romanian Parliament membership, as deputy or senator, with the Romanian Government membership, with the offices provided for in art. 81 and 82 in Book I, title IV, chap. III, section 2 of Law No. 161/2003 on measures to secure transparency in the exercise of the public positions, of the public functions and in the business circles, the prevention and the sanctioning of corruption, with the subsequent amendments and completions, or with equivalent positions in the Member States of the European Union.

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

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

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

(5) The Permanent Electoral Authority shall notify, where appropriate, the European Parliament about the cases of incompatibility referred to in Article 7, paragraphs (1) and (2) of the 1976 Act, for the members from Romania to the European Parliament or shall find, as provided for in paragraph (3), the resignation of persons found in an incompatibility situation.

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

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

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

Article 10. - (1) The reference date shall be Sunday. The reference date shall be made public by 90 days before at the latest, by publishing the Government decision on the setting of the reference date in the Official Gazette of Romania, Part I.

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

CHAPTER II

Exercise of the right to vote and the right to be elected as member from Romania to the European Parliament

Article 11. - (1) The permanent electoral rolls shall be drawn, printed and updated according to Law No. 35/2008 on the election to the Chamber of Deputies and the Senate and for the amendment and completion of Law No. 67/2004 on the election of local public administration authorities, of Law No. 215/2001 of the local public administration and of Law No. 393/2004 on the Statute of the local elected officials, with the subsequent amendments and completions.

(1) The provisions of Law No. 35/2008, with the subsequent amendments and completions, on the objections and petitions against omissions, incorrect registrations and any other errors in the rolls shall be applied accordingly.

(2) Copies of the permanent electoral rolls are drawn, printed and made available to the electoral bureaux of the polling stations, according to Law No. 35/2008, with the subsequent amendments and completions.

Article 12. - (1) No later than 60 days before the reference date, the citizens entitled to vote from the Member States of the European Union, others than Romania, who have their domicile or residence in Romania may apply to enter on the special electoral rolls. Their applications shall be submitted in writing to the mayor of the locality of domicile or residence, together with a copy of a valid identity document.

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

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

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

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

(6) The special electoral rolls shall be signed by the mayor and by the

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

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

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

(9) The petitions regarding the settling of objections shall be submitted in writing within 5 days of the notification to the court of law in the jurisdiction of which the citizen of the Member State of the European Union, other than Romania has his/her domicile or residence, and shall be solved by the court thereof within 3 days at the most of the registration.

(10) No later than 60 days before the reference date, the mayors shall transmit to the Permanent Electoral Authority, in order to carry out the duty referred to in Article 15, copies of the applications for enlisting on the special electoral rolls, together with the copies of the identity documents.

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

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

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

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

(15) The mayor shall communicate immediately, in writing, to the

electoral bureau of the polling station and to the Permanent Electoral Authority any alteration occurred in the special electoral roll, after the handing in of the copy to the electoral bureau of the polling station.

Article 13. - (1) The national voters who are in another locality than in their domicile locality on the reference date may exercise their right to vote in any polling station and shall be entered by the president of the electoral bureau of the polling station on additional electoral rolls.

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

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

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

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

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

Article 14. - (1) The candidature proposal or the application to stand as an independent candidate of a citizen of a Member State of the European Union, other than Romania, must be accompanied, beside the documents provided for in Article 16 or Article 17, as the case may be, by a statement on one's own account, stating the following:

a) his/her citizenship, date and place of birth, last address in the Member State of origin, domicile or residence address in Romania;

b) that he/she does not stand as a candidate to the European Parliament in another Member State of the European Union;

c) an administrative certificate, but only if it is the subject of a legal remedy, or a particular final court decree certifying that he/she has not been deprived of the right to stand as a candidate in the Member State of origin;

d) the local community or the constituency from the state whose citizen he/she is and where he/she was enlisted last time.

(2) The declaration referred to in paragraph (1) falls under the incidence of Article 326 of Law No. 286/2009 regarding the Criminal Code, with the subsequent amendments and completions.

(3) The provisions of Articles 16 and 17 shall apply accordingly.

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

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

Article 15. - (1) The Permanent Electoral Authority shall inform the authorities with similar responsibilities in the other Member States of the European Union about:

a) the information contained in the application for enlisting the community voters on the special electoral rolls, 20 days at the latest before the reference date;

b) the information contained in the statement on one's own account provided for in Article 14 (1), in 24 hours at the latest of receiving them from the Central Electoral Bureau, in order to verify the candidate's eligibility.

(2) The Permanent Electoral Authority shall answer to the requests of examination the Romanian citizens' eligibility who submitted their candidatures in the Member State of residence, in 5 working days at the latest from the date when the application was submitted or even sooner if it is possible or if so it is required by the state of residence.

(3) The rejection of the community eligible person's candidature shall not be determined by the failure to communicate the answer to the intimation provided for in paragraph (1) point b), within the term provided in Article 19 (2).

(4) In the event that the Permanent Electoral Authority is informed by an authority with similar responsibilities in another Member State of the European Union that a community eligible person has lost his/her right to be elected or that he/she is also a candidate in the Member State of origin, or that a Romanian citizen has entered on the electoral rolls of the Member State of residence, it shall carry out the provisions of the law in order to:

a) prohibit the right to be elected to the same elections both in the Member State of origin and in Romania, the right to be elected of the persons who no longer have this right, as well as the right to exercise their mandate of the persons who had participated in the elections without having the right to be elected;

b) strike off from the copy of the permanent electoral roll of the Romanian candidates enlisted on the electoral rolls of another Member State of the European Union.

(5) The Permanent Electoral Authority shall communicate to the electoral

bodies or to the competent authorities, as the case may be, the information received from the authorities with similar responsibilities in the other Member States of the European Union regarding the national voters and the community eligible persons, with a view to enforcing paragraph (4), within 48 hours at the latest from the date of their receiving.

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

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

Article 16. - (1) The nomination of candidates shall be made only by the political parties, the political alliances and the organisations of citizens belonging to national minorities, legally established, as well as by the electoral alliances set up in compliance with the provisions of this law. The lists of candidates for the election of members from Romania to the European Parliament shall be submitted to the Central Electoral Bureau, 60 days at the latest before the reference date.

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

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

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

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

- a) a sample of the supporters' list;
- b) a copy of the identity document of each candidate;
- c) the declarations of candidature's acceptance, drawn up in 4 samples

each; the declaration of candidature's acceptance shall be signed and dated by the candidate, personally, and shall contain the surname, first name, first name of the parents, place and date of birth, citizenship, address, political affiliation, occupation and profession of the candidate, his specific consent to stand as a candidate, as well as the compliance with all the conditions provided by law in order to stand as a candidate;

d) the candidates' declarations of assets and interests referred to in the Annex to Law No. 115/1996, with the subsequent amendments and completions, and in the Annex to Government Decision No. 506/2003, with the subsequent amendments, filled in and signed by candidates, drawn up in two samples each;

e) the candidates' statements on their own account stating that they worked or they did not work as employees or as collaborators with the State Security, the model of which is provided for in the Annex to Government Emergency Ordinance No. 24/2008 regarding the access to one's own file and exposure of State Security, approved with amendments and completions by Law No. 293/2008, drawn up in two samples each.

(6) The candidates' declarations of assets and interests shall be published on the web page of the Central Electoral Bureau within 48 hours after the candidatures have become final. The candidates' statements on their own account stating that they worked or they did not work as employees or as collaborators with the State Security shall be put forward, within 24 hours of their registration, to the National Council for the Study of the State Security's Archives.

(7) Two samples of the list of candidates and of the declarations of candidature's acceptance, certified by the president of the Central Electoral Bureau by affixation of the stamp and signature shall be handed back to the one who submitted them, who is obliged to submit one sample of each to the Bucharest Tribunal.

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

(9) The number of candidates on each list may exceed by no more than 10 persons the number of mandates allotted to Romania in the European Parliament.

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

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

of the Central Electoral Bureau.

Article 17. - (1) A Romanian citizen or a citizen of another Member State of the European Union shall stand in the elections as an independent candidate if he/she is supported by at least 100,000 voters. The application of acceptance for an independent candidature shall be submitted to the Central Electoral Bureau in 4 samples, together with a sample of the list of supporters, 60 days at the latest before the reference date.

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

(3) The provisions of Article 16 paragraphs (5) and (6) shall apply accordingly. Two samples of the nomination for independent candidature, certified by the president of the Central Electoral Bureau by affixation of the stamp and signature, shall be handed back to the one who submitted them, who is obliged to submit one sample to the Bucharest Tribunal.

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

Article 18. - (1) A voter can support only one political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities or independent candidate.

(2) The list of supporters is a public act and falls under the provisions of Article 292 of the Criminal Code. At the end of the list, the person who has drawn it up shall include a statement on one's own account certifying the authenticity of the supporters' signatures. The model of the supporters' list and that of statement on one's own account are set by Government Decision.

Article 19. - (1) The Central Electoral Bureau sees to the enforcing of the conditions of substance and form provided for in this law with respect to candidatures, accepts the candidatures which meet such conditions or rejects the candidatures which do not meet the legal conditions.

(2) The admission or rejection of the candidatures by the Central Electoral Bureau shall be carried out by decision, within 10 days of their registration.

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

(4) Candidates may withdraw the candidatures up to the date when the candidatures become final. To that end, they shall make a statement on one's

own account in writing stating the candidature's withdrawal. The declaration shall be submitted to the Central Electoral Bureau.

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

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

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

Article 20. - (1) Within 24 hours of the registration, the Central Electoral Bureau shall make public, by posting at its headquarters, at the seats of the county electoral bureaux, of the districts electoral bureaux of Bucharest Municipality, and at the seat of the electoral bureau for the polling stations abroad the lists of candidates and independent candidatures received, as well as by means of the Romanian Television Broadcasting Company and of the Romanian Radio Broadcasting Company.

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

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

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

(5) Within 24 hours of the expiry of the time limits specified in paragraphs (2)-(4), the Central Electoral Bureau shall establish, based on a minutes, the final candidatures and shall communicate to the electoral bureaux the final lists of candidatures and the final lists of independent candidatures submitted, in

the order obtained after applying accordingly the provisions of Law No. 373/2004, with the subsequent amendments and completions.

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

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

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

Article 21. - (1) For the organisation and conduct of the specific operations during the electoral period, there shall be set the Central Electoral Bureau, the county electoral bureaux, the electoral bureau of the polling stations abroad, the electoral bureaux of the Bucharest Municipality districts, and the electoral bureaux of the polling stations.

(2) The electoral bureaux shall be made up only by citizens eligible to vote. The candidates, their spouses, relatives, and in-laws up to the second degree inclusive are not allowed to be members in the electoral bureaux.

(3) In carrying out their duties, the members of the electoral bureaux shall exercise a position that implies state authority. The fair and unbiased exercise of the position of member in the electoral bureau shall be mandatory. The failure to comply with this obligation shall entail the legal, civil, or criminal

liability, as the case may be.

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

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

Article 22. - (1) The county electoral bureaux, the electoral bureau of the polling stations abroad, the electoral bureaux of the Bucharest Municipality districts, and the electoral bureaux of the polling stations shall work with the majority of their members being present and shall adopt decisions through the vote of the majority of the present members.

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

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

Article 23. - (1) The representatives of the political parties, of the organisations of citizens belonging to national minorities, of the political or electoral alliances thereof in the electoral bureaux shall not be entitled to be given or to pursue other duties except for those stipulated by the present law.

(2) The representatives of the political parties, of the organisations of citizens belonging to national minorities, of the political or electoral alliances thereof in the electoral bureaux may be replaced upon request by the ones who nominated them, with the approval of the hierarchically superior electoral bureau, until one day prior to the voting day, and, in the event of demise, cases of illness, or accidents, even on the reference date with the compliance, where appropriate, of the conditions referred to in Articles 24, 26, 28 and 29.

(3) The membership in an electoral bureau rightfully ends if he/she has been brought to justice for the perpetration of an offence stipulated by this law. The acknowledgment of the rightful ceasing of the membership in an electoral bureau shall be ascertained within 48 hours of the occurrence of the case, by the president of the hierarchically superior electoral bureau, and in the case of the Central Electoral Bureau, by the president of the High Court of Cassation and Justice. The provisions under paragraph (2) shall apply accordingly.

CHAPTER III

Organisation and conduct of the elections

Article 24. - (1) The Central Electoral Bureau is made up of 5 judges of the High Court of Cassation and Justice, the president and the vice-presidents

of the Permanent Electoral Authority and of maximum 10 representatives of the political parties, the organisations of citizens belonging to national minorities, of the political or electoral alliances thereof taking part in the elections.

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

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

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

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

(6) Within two days of the date up to which candidatures become final, each political party, organisation of citizens belonging to national minorities, political or electoral alliance thereof participating in the elections and having no members in the European Parliament shall communicate, in writing, to the Central Electoral Bureau the full name of their representative. The

notifications transmitted after this time limit shall not be taken into account. The completion of the Central Electoral Bureau with the nominated representatives shall be done by drawing of lots, within 24 hours of the expiry of the time limit allowed for the notifications, by the president of the Central Electoral Bureau, in the presence of the bureau members and of the persons delegated by the political parties, organisations of citizens belonging to national minorities, political and electoral alliances thereof, that communicated the representatives.

Article 25. - (1) The Central Electoral Bureau shall have the following duties:

a) it shall carry out the enforcement and unitary interpreting of the provisions of the present law; it shall undertake the publication in the Official Gazette of Romania, Part I, of the list with the name and the electoral signs of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities duly established, entitled to participate in the elections;

b) it shall ascertain the enforcement of the conditions of substance and form provided for in this law with respect to candidatures;

c) it shall notify the admitted candidatures to the county electoral bureaux, to the electoral bureaux of the Bucharest Municipality districts, as well as to the electoral bureaux of the polling stations abroad, and it shall make them public through public broadcasting services;

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

e) it shall ascertain, on the basis of the communications received from the electoral bureaux of lower level whether there are political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities that reached the electoral threshold referred to in Article 51 (1), and independent candidates that reached the electoral quotient referred to in Article 51 (2), and shall make public, within 24 hours of its finding, the list of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities that reached the electoral threshold

and of the independent candidates that reached the electoral quotient;

f) it shall receive from the county electoral bureaux, from the electoral bureaux of districts, and from the electoral bureau of the polling stations abroad, the statements of poll referred to in Article 50; it shall centralise the number of validly cast votes for each political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities, and independent candidate that meet the condition referred to in point e) and sees to the distribution and allotment of mandates;

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

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

i) it shall organise and implement a system for data collecting and for informing periodically the public opinion about the presence of population to the poll, on the basis of a representative population sample at county and national level;

j) it shall send to the Permanent Electoral Authority, after the publication of the elections results in the Official Gazette of Romania, Part I, the materials required to edit the White Book of the elections.

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

(3) The application for the annulment of the elections for reasons of electoral fraud may only be submitted by the political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof that took part in the elections as well as by the independent candidates. The application shall be submitted to the Central Electoral Bureau within 24 hours after the voting is closed, under the sanction of forfeiture. The application shall be based on solid grounds, and accompanied by the relevant proofs. The lack of proofs entails the application's rejection. The application may be admitted only if it has been liable to modify the allotment of the mandates. The application for the annulment of the elections by the Central Electoral Bureau shall be settled within 48 hours at the most of the registration thereof. Within 10 days at the most of the date the application for the annulment of the elections is admitted a new ballot shall be organised in the polling stations where the fraud was found. The county electoral bureau, the district electoral

bureau of the Bucharest Municipality or the electoral bureau of the polling stations abroad, and the local public authorities or, where appropriate, the Ministry of Foreign Affairs shall ensure the conduct of the new ballot in good conditions. The ballot shall be organised only in the polling stations where the fraud was found, based on the electoral rolls used, and under the appropriate enforcement of the provisions of the present law. Electoral operations regarding vote counting and ascertaining of results shall be suspended until the new results are obtained.

(4) After the resolution of the applications for the annulment of the election results for reasons of electoral fraud, and the centralisation of elections results, the Central Electoral Bureau shall validate the elections and see to the publication of the elections result in the Official Gazette of Romania, Part I. Within 48 hours of the publication of the elections result in the Official Gazette of Romania, Part I, the Central Electoral Bureau shall cease its activity.

(5) In exercising the duties incumbent upon it as provided by this law, the Central Electoral Bureau shall adopt decisions and orders. The Central Electoral Bureau's orders shall be passed for a unitary interpretation of this law, and are generally binding. The Central Electoral Bureau's decisions shall be taken both for the uniform implementation of the provisions of this law, and the solving of objections and petitions, which fall under its competence. The Central Electoral Bureau's decisions are mandatory for all authorities, public institutions, electoral bureaux, as well as for all the bodies with duties in electoral matters. The decisions shall be brought to public knowledge by posting and by any other publicity means, and the orders shall be published in the Official Gazette of Romania, Part I.

Article 26. - (1) The county electoral bureau or the electoral bureau of Bucharest Municipality district shall be made up of 3 judges, a representative of the Permanent Electoral Authority, appointed by it by decision, and of 10 representatives at the most of the political parties, organisations of citizens belonging to national minorities, of the political or electoral alliances thereof, that take part in the elections.

(2) The judges shall be appointed in open meeting, 60 days prior to the reference date by the president of the tribunal, by drawing of lots, from among the sitting judges or, in the case of the electoral bureau of Bucharest Municipality district, from among the sitting judges of the district court of law. The date of the meeting shall be brought to public knowledge in the media by the president of the tribunal, with at least 24 hours before. The lots shall be drawn for the positions of president and deputy, and it shall be recorded in a minutes signed by the president of the tribunal, which represents the act of investiture. The county electoral bureau or the electoral bureau of Bucharest

Municipality district thus established shall exercise all the duties that are incumbent upon it, according to this law, and it shall be completed within 24 hours with the representative of the Permanent Electoral Authority.

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

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

Article 27. - (1) The county electoral bureaux and the electoral bureaux of Bucharest Municipality districts shall have the following duties:

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

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

institutions to which they refer, under the sanctions provided by this law;

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

d) on the basis of the table notified by the Permanent Electoral Authority, which includes the community voters, whose names have been entered on the special electoral rolls, they shall confirm, upon request from the electoral bureaux of the polling stations within their territorial jurisdiction, that the community voters who come to the poll according to Article 13 are entered on the special electoral rolls;

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

f) shall centralise the return of the vote counting for the county or the district of the Bucharest Municipality in which they function and shall submit to the Central Electoral Bureau the statement of poll provided for in Article 50, the statements of poll received from the electoral bureaux of the polling stations, the files including the electoral rolls used in the polling stations, filed according to the polling stations and types of rolls, as well as all the objections and petitions received;

g) shall hand over, on a statement of poll basis, to the county courts, to the Bucharest Tribunal, respectively, the null and contested ballot papers, as well as the other held documents and material, which are not handed over to the Central Electoral Bureau.

(2) The county electoral bureaux and the electoral bureaux of the districts of the Bucharest Municipality shall carry out any other attributions incumbent upon them under the present law.

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

(4) Should it find discrepancies between the data contained in the statements of poll received from the electoral bureaux of the polling stations, the electoral bureau of the county or of the district of Bucharest Municipality, shall request the president of the electoral bureau of the polling station to make the necessary corrections which he shall certify by his signature and by affixing the polling station control stamp.

Article 28. - (1) The electoral bureau for the polling stations abroad shall be composed of 3 sitting judges of the Bucharest Tribunal, one representative

of the Permanent Electoral Authority designated by it by decision and 10 representatives at the most of the political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities which participate in the elections.

(2) The provisions of Article 26 (2)-(4) apply accordingly.

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

a) shall see to the early establishment of the polling stations abroad, shall monitor and provide the equal implementation of and compliance with the provisions of the law on elections by all authorities, institutions and bodies involved in the field of elections for the organisation of the elections abroad; shall provide the training of the presidents of the electoral bureaux of the polling stations and of their deputies;

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

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

d) 5 days at the latest before the reference date, shall receive from the Permanent Electoral Authority the table including the Romanian citizens which vote in the elections to the European Parliament of another Member State of the European Union, as well as the table including the community voters registered on the special electoral rolls which it shall transmit through the Ministry of Foreign Affairs to the electoral bureaux of the polling stations abroad;

e) shall sum up the number of the validly cast votes for each roll of candidates and independent candidates, of which it shall notify the Central Electoral Bureau in order for it to determine the electoral threshold;

f) shall centralise the return of the elections in the polling stations abroad and shall submit to the Central Electoral Bureau the statement of poll provided for in Article 50, the statements of poll received from the electoral bureaux of the polling stations, as well as all the objections and petitions.

(4) The electoral bureau for the polling stations abroad shall carry out any other attributions incumbent upon it under the law.

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

(6) Should it find discrepancies between the data contained in the statements of poll received from the polling stations abroad, the electoral bureau for the polling stations abroad shall request the president of the electoral bureau of the polling station to make the necessary corrections which he shall certify by his signature and by affixing the polling station stamp. The provisions of Article 49 (9) apply accordingly.

Article 29. - (1) The electoral bureaux of the polling stations shall be composed of one president, his deputy, who are usually magistrates or other jurists, as well as of 7 representatives of the political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof which participate in the elections. The electoral bureaux of the polling stations cannot work with less than 5 members.

(2) The designation of the presidents of the electoral bureaux of the polling stations and of their deputies shall be made 10 days at the most before the reference date, by the president of the court, in open meeting announced 48 hours in advance, by drawing of lots, according to the positions, out of magistrates or other jurists from the county or the Bucharest Municipality.

(3) The rolls of magistrates who will participate in the drawing of lots shall be drawn up by the president of the tribunal, and those of other jurists, by the prefect, together with the president of the tribunal, until 30 days at the latest before the reference date. The rolls shall comprise a number of persons exceeding the necessary by at least 10% as backup at the disposal of the president of the tribunal, for the substitution, in special cases, of the position holders.

(4) On the rolls provided for in paragraph (3) shall be put only the jurists with no political membership who fulfil the conditions provided for in Article 21 (2).

(5) Should the number of the jurists be insufficient, the roll shall be completed, upon the proposal of the prefect, with other persons having a good reputation in the locality who are not member of any political party or of any organisation of citizens belonging to national minorities which participate in the elections and who are not relatives up to the fourth level of any of the candidates.

(6) The roll submitted by the prefect shall comprise a number of persons exceeding the necessary by at least 10% as backup at the disposal of the president of the tribunal. The roll shall include: the surnames, first names, addresses, telephone numbers, and signatures of approval of the proposed persons. The roll shall be accompanied by statements on one's own account of the proposed persons concerning the meeting of the conditions provided for in paragraph (4).

(7) The proposals of persons from the roll drawn up by the president of the tribunal and those from the rolls drawn by the prefect must be endorsed by the Permanent Electoral Authority, based on the evaluation of the activity in the previous elections, regardless of their type, as presidents of the electoral bureaux of the polling stations and their deputies, where appropriate. The rolls are submitted to the Permanent Electoral Authority for endorsement, by the prefects, in the layout required by it. The endorsement of the Permanent Electoral Authority shall be notified to the prefects and presidents of tribunals until 5 days at the latest before the designation of the presidents of the electoral bureaux of the polling stations and of their deputies.

(8) Grouping persons on the roll, for drawing of lots, shall be done taking into consideration the need for their addresses to be as near to the election bureau of the polling station as possible. The result of the drawing of lots shall be recorded in the minutes signed by the president of the county tribunal. The minutes represents the act of investiture.

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

(10) Within two days at the most of the expiry of the time limit provided for in paragraph (9), the political parties, the organisations of citizens belonging to national minorities, the political or electoral alliances thereof which participate in the elections shall be bound to notify the county electoral bureau, the district electoral bureau, respectively, in the case of Bucharest Municipality, of the roll of their representatives in the electoral bureaux of the polling stations, in a table including the following: the number of the polling station, the surname, the first name, the personal identification number, the address or residence address and contact details, the telephone number, the fax number or email address, respectively. A political party, an organisation of citizens belonging to national minorities, a political or electoral alliance thereof which participate in the elections may have 3 representatives at the most in an electoral bureau of a polling station.

(11) The completion of the electoral bureaux of the polling stations with representatives of political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof shall be made by the president of the county electoral bureau, the president of the electoral bureau of the Bucharest Municipality district, respectively, in the presence of the representatives of political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof in the county electoral bureau or in the electoral bureau of the district in question, within 48

hours of the expiry of the time limit provided for in paragraph (10). The operations of completion of the electoral bureaux of the polling stations may take place during both days and shall be recorded in the minutes which shall represent the acts of investiture. The electoral bureaux of the polling stations shall be deemed to be set up on the date of their completion with the representatives of political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof.

(12) The completion sequence of the electoral bureaux of the polling stations is the following:

a) during the first stage, the electoral bureaux of the polling stations shall be completed with one representative submitted by each political party, organisation of citizens belonging to national minorities, political or electoral alliance thereof which participate in the elections and have members in the European Parliament;

b) during the second stage, the electoral bureaux of the polling stations shall be completed with one representative submitted by each political party, organisation of citizens belonging to national minorities, political or electoral alliance thereof which participate in the elections and has no member in the European Parliament; the designation of their representatives shall be made according to the sequence agreed upon at the completion of the electoral bureau of the county or of the Bucharest Municipality district;

c) to the extent that, according to the sequence agreed upon at the completion of the county electoral bureau, a political organisation of those provided for in point a) or b) has the right to a representative in an electoral bureau, but it didn't submit any representative to that bureau, for the completion of the electoral bureau in question it shall be taken into consideration the next political organisation of those provided for in point a) or b) which submitted a representative to that bureau.

(13) To the extent that, following the operations provided for in paragraph (12), there are electoral bureaux of the polling stations which couldn't be completed with the maximum number of members provided for in paragraph (1), their completion shall be made as follows:

a) the completion sequence shall be established by drawing of lots of all political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof which participate in the elections and which submitted representatives to the electoral bureaux of the polling stations;

b) each electoral bureau which couldn't be completed with the maximum number of members shall be completed in the sequence agreed upon according to point a) with one person which represents the second option of the political

organisation to the electoral bureau in question; to the extent that, according to the sequence provided for in point a), a political organisation has the right to a representative to an electoral bureau, but it has no second option to that bureau, for the completion of the electoral bureau in question shall be taken into consideration the next political organisation which has a second option for that bureau;

c) should there still be electoral bureaux of the polling stations which couldn't be completed with the maximum number of members, the operation provided for in point b) shall be repeated with the persons representing the third option to the electoral bureaux in question.

(14) To the extent that, following the operations provided for in paragraph (13), there still are electoral bureaux of the polling stations which have not at least 5 members, namely president, deputy and 3 members, they shall be completed with persons from the roll submitted by the prefect, provided for in paragraphs (5) and (6).

(15) Upon the written request of the delegates of the political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof which have designated representatives to the electoral bureaux of the polling stations, the president of the county electoral bureau or, where appropriate, of the district electoral bureau provides them with certified copies of the minutes of the completion of the electoral bureaux of the polling stations.

(16) Within two days of the expiry of the time limit for completion of the electoral bureaux of the polling stations the president of the county electoral bureau or, where appropriate, of the district electoral bureau shall notify the mayors, through the prefects, of the composition of the electoral bureaux of the polling stations under the jurisdiction of their localities.

Article 30. - (1) The electoral bureaux of the polling stations abroad shall be composed of a president, designated by the head of the diplomatic mission, usually from within, and a number of 2 to 6 members designated by the president of the electoral bureau for the polling stations abroad, from a roll drawn up by the Ministry of Foreign Affairs 30 days at the latest before the reference date, upon the proposal of the political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof which participate in the elections and have members in the European Parliament. Should the number of the persons submitted by them be insufficient, the roll shall be completed by the Ministry of Foreign Affairs with other persons of good reputation and with no political membership. The roll is submitted for approval to the Permanent Electoral Authority by the Ministry of Foreign Affairs, in the layout required by it. The endorsement by the

Permanent Electoral Authority shall be notified to Ministry of Foreign Affairs until 5 days at the latest before designation of the presidents of the electoral bureaux of the polling stations and their deputies.

(2) All the expenditure concerning transportation, accommodations, meals and other current expenditure of the members of the electoral bureaux of the polling stations abroad shall be borne by those designating them.

Article 31. - (1) The electoral bureaux of the polling stations shall have the following attributions:

a) shall receive from the mayors, on the basis of a minutes, two days before the reference date, two copies of the permanent electoral rolls and two copies of the special electoral rolls, which include the voters of the polling station; a copy of each type of roll shall be provided to the voters for consultation and one copy shall be used on the reference date;

b) shall receive from the mayors, on the basis of a minutes, the ballot papers, the control stamp and the stamps marked “VOTED”, the forms for the conclusion of statements of poll, other printed material required for the conduct of the electoral process, as well as a ballot paper rejected by the president of the electoral bureau of the county, of the Bucharest Municipality district, or of the electoral bureau for the polling stations abroad, where appropriate, which shall be posted at the polling station’s headquarters in a visible place on the day before the elections; the electoral bureaux of the polling stations abroad shall receive this material through the Ministry of Foreign Affairs;

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

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

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

f) shall hand over to the county electoral bureaux or, where appropriate, to the district electoral bureau the statements of poll including the voting results, the null and the contested ballot papers, together with the objections, petitions, and the material which they refer to, as well as the files including the electoral rolls used within the polling station, filed according to the type of rolls; the electoral bureaux of the polling stations abroad shall hand over the statements of poll including the voting results, the null and the contested ballot papers together with the objections, petitions, and the material which they refer to, through the Ministry of Foreign Affairs, to the electoral bureau for the polling stations abroad or, in case it ceased activity, to the Bucharest Tribunal; the files including the electoral rolls used within the polling stations abroad, filed according to polling stations and types of rolls, shall be handed over to the Permanent Electoral Authority by the Ministry of Foreign Affairs;

g) shall hand over, on a minutes basis, to the representative of the court of law under whose jurisdiction they have their headquarters and which is located at the headquarters of the county electoral bureau or, where appropriate, at the headquarters of the district electoral bureau, the ballot papers used and uncontested, as well as the annulled ballot papers, the stamps and the other material used in the voting process; the electoral bureaux of the polling stations abroad shall hand over the above mentioned material to the diplomatic missions which, within 3 months of the publication of the election results in the Official Gazette of Romania, Part I, shall hand them over to be melted by the specialised economic agents;

h) shall provide, on the reference date, information concerning voter turnout, according to a schedule established by the Central Electoral Bureau.

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

(3) Following the handing over, the material provided for in paragraph (1) point a) and b) shall be sealed by the presidents of the electoral bureaux of the polling stations, and shall be kept under guard, until their transportation to the locations of the polling stations, in a place provided for by the mayor of the administrative-territorial unit where they carry out their activity. As for the polling stations abroad, after reception, the material provided for in point b) shall be sealed by the presidents of the electoral bureaux of the polling stations, and shall be kept until their transportation to the locations of the polling stations in a place provided for by the chief of the diplomatic mission in the state in question.

Article 32. - (1) The political parties, the organisations of citizens belonging to national minorities, the political or electoral alliances thereof, as well as the independent candidates may contest the way of setting up and the composition of the electoral bureaux within 48 hours at the latest of the expiry of the time limit for setting up or, where appropriate, for completion of such bureaux.

(2) The petitions shall be filed to the higher electoral bureau or, if the petition refers to the Central Electoral Bureau, to the High Court of Cassation and Justice, and shall be settled by them within two days at the latest of the registration. The decision of the higher electoral bureau or, where appropriate, the judgement delivered by the High Court of Cassation and Justice is final.

Article 33. - The county electoral bureaux, the district electoral bureaux, the electoral bureau for the polling stations abroad, and the electoral bureaux

of the polling stations shall cease their activity after the date when the statements of poll they have drawn up for the recording and centralisation of the voting results are handed over to the higher electoral bureaux, provided that the lack of errors and inconsistencies thereof is confirmed.

Article 34. - (1) On the national territory, the electoral operations shall take place in the polling stations set up according to Law No. 35/2008, with the subsequent amendments and completions.

(2) Repealed.

(3) Repealed.

(4) Repealed.

(5) Repealed.

(6) Repealed.

(7) Near the diplomatic missions and consular bureaux of Romania there shall be set up one or more polling stations for the voters who are abroad on the reference date.

(8) Apart from the polling stations provided for in paragraph (7), with the agreement of the government of the country in question, there may also be set up polling stations in other localities than those where diplomatic missions and consular offices have their headquarters.

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

(10) The premises of the polling stations provided for in paragraphs (7) and (8) shall be established and endowed by the Ministry of Foreign Affairs. To this end, the Ministry of Public Finance shall allot the necessary funds.

Article 35. - (1) The electoral campaign shall start 30 days prior to the reference date and shall end on the Saturday morning which precedes the reference date, at 7:00 hours.

(2) During the electoral campaign, the candidates, the political parties, the political alliances and the electoral alliances, the organisations of citizens belonging to national minorities which participate in the elections, as well as the citizens are entitled to express their opinions freely and without any discrimination through meetings, gatherings, marches, as well as through mass media. The organisation of the meetings, gatherings, and marches shall be done only with the authorisations thereof provided for in the legislation in force.

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

of law.

(4) The electoral campaign activities of any kind are forbidden in the military units, educational institutions, during instruction, at the premises of the diplomatic representations, as well as in penitentiaries.

(5) During the electoral campaign, the mayors shall provide the candidates with non-discriminatory proper locations so that they can meet with their voters.

Article 36. - (1) The electoral campaign through the services of audiovisual programmes, public and private, shall serve the general interests of the following:

a) the electorate - to receive accurate information, so that they may fully aware exercise their right to vote;

b) the political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities which participate in the elections and of the independent candidates -to make themselves known and to display their political platforms and programmes, and electoral offers;

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

(2) The public and private radio broadcasters shall be bound to provide within the framework of audiovisual programmes services, the conduct of a just, balanced and fair campaign for all the political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities which participate in the elections, as well as for the independent candidates.

Article 37. - (1) During the electoral period, the polls with electoral contents shall be accompanied by the following information:

a) the name of the institution which made the poll;

b) the date and time interval when the poll was made and the methodology thereof;

c) the sample size and the maximum margin of error;

d) who ordered the poll and who paid for the poll.

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

(3) 48 hours prior to the reference date, the presentation of public opinion polls, televoting or street surveys shall be forbidden.

(4) The poll institutes, the companies, or the non-governmental organisations that have as object of activity the public opinion polls, and are authorised by the decision of the Central Electoral Bureau may make exit polls. On the basis of the authorisation of the institution they work for, the access of the poll operators thereof shall be allowed in the protection zone of the polling station, provided for in Article 45 (6), but their access shall be restricted inside

the polling station.

(5) On the voting day, the presentation of exit polls before the close of voting shall be forbidden.

Article 38. - (1) The political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities which participate in the elections, as well as the independent candidates shall be bound to ask the management of the public broadcasting services for the air time up to the date when the candidatures shall become final. The requests following this time limit shall not be taken into consideration.

(2) The access of political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities which participate in the elections, as well as of independent candidates to the public broadcasting services shall be free of charge. The private broadcasting stations shall charge the same tariff per broadcast and per time unit for all the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities which participate in the elections, and the air time must be comparable to the air time granted by public stations. The failure to observe the provisions of this paragraph by the private broadcasting stations shall incur the penalisation thereof. The sanctions shall be settled by decisions of the National Audiovisual Council.

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

(4) Within 48 hours of the finalisation of the candidatures, the Romanian Radio Broadcasting Company and the Romanian Television Broadcasting Company shall set, on the basis of the notification from the Central Electoral Bureau, the schedule for the electoral campaign and the distribution of the air time for the access of political parties, organisations of citizens belonging to national minorities, political alliances, electoral alliances and of independent candidates to the public broadcasting services, taking into account the following quota of the allotted air time:

a) 4/5 of the air time shall be equally distributed to the political parties, organisations of citizens belonging to national minorities which have members in the European Parliament, and which participate in the elections, as well as to the political or electoral alliances thereof;

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

Article 39. - Within 30 days of the setting up of the reference date, the National Audiovisual Council shall settle by decision the rules for the conduct

of the electoral campaign for the election of the members from Romania to the European Parliament through the audiovisual programmes services.

Article 40. - (1) After the expiry of the time limit for the filing of candidature applications, but before the beginning of the electoral campaign, the mayors are bound to set by order, special places for electoral billboarding where electoral billboards shall be installed, according to the number of political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof which participate in the elections, as well as of independent candidates. Within the same interval, the mayor's order shall be made public by posting it at the town hall's premises.

(2) The special places for electoral billboards shall be set in public places convenient to the citizens, so that the participants in the elections may visit them frequently without hindering the traffic on public roads or the activities in the localities in question. Previously, the mayors shall be bound to remove from the public space any material of electoral propaganda left from the former electoral campaigns.

(3) Such special places for electoral billboards shall be used only by the political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof which participate in the elections, as well as by the independent candidates.

(4) The use of the special places for electoral billboards by the political party, the political alliance, the electoral alliance, the organisation of citizens belonging to national minorities which participate in the elections or the independent candidate in order to prevent another political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities which participate in the elections, or another independent candidate from using them shall be forbidden.

(5) The electoral billboarding shall be allowed in other places than those provided for in paragraph (2) only by written consent of their owners or, where appropriate, of their holders, and only by taking the measures required by the legislation in force to ensure the citizens' safety.

(6) Each political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities which participate in the elections according to this law, or independent candidate shall be allowed to post a single electoral poster on an electoral billboard. An electoral poster put in the places provided for in paragraph (1) may not exceed 500 mm on one side, and 300 mm on the other, and the one convening an electoral reunion, 400 mm on one side, and 250 mm on the other.

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

(8) There shall be forbidden the advertising on electoral purpose on the walls or piers of bridges, tunnels, viaducts, on traffic signs, road maps, as well as on electronic traffic indicators.

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

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

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

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

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

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

Article 41. - (1) The county electoral bureaux, the Bucharest Municipality district electoral bureaux, and the electoral bureau for the polling stations abroad shall see to the fair conduct of the electoral campaign settling by decisions the complaints addressed to them with regard to the hindering of a political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities which participate in the elections, or of an independent candidate to carry out the election campaign thereof under the law.

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

(3) The decisions of the county electoral bureaux, of the district electoral bureaux, and of the electoral bureau for the polling stations abroad may be contested at the Central Electoral Bureau within 48 hours at the latest of their

posting. The solutions given to the petitions are final.

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

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

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

Article 42. - (1) The model, size, and printing conditions of the ballot papers shall be provided for by Government Decision within 5 days of the setting of the reference date, upon proposal of the Permanent Electoral Authority and of the Ministry of Administration and Interior.

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

(3) The ballot paper model shall be presented by the Ministry of Administration and Interior to the members of the Central Electoral Bureau at least 15 days prior to the reference date. For the presentation of the ballot paper model there shall also be invited delegates of the political parties, political alliances, electoral alliances, and organisations of citizens belonging to national minorities which participate in the elections and have no representative in the Central Electoral Bureau, as well as independent candidates. The operation of presentation of the ballot paper model shall be recorded in a minutes which shall be signed by all the present persons. The potential objections shall be made on the spot, as further objections shall not be taken into account. The members of the Central Electoral Bureau and the authorised delegates shall be entitled to ask the Ministry of Administration and Interior the alteration of the model and the accurate printing of ballot papers in the event that the name of candidates, the electoral sign, denomination of the political parties, political alliances, electoral alliances, or organisations of citizens belonging to national minorities are inaccurately printed or are not visible.

(4) At the written request of the political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities

which participate in the elections, or of independent candidates, the Central Electoral Bureau shall issue for each of them a ballot paper stamped and annulled by the president thereof.

Article 43. - (1) The electoral signs shall be set and communicated to the Central Electoral Bureau by each political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities which participate in the elections, as well as by the independent candidates at least 60 days prior to the reference date. The electoral signs may not be contrary to the rule of law.

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

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

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

(5) In the event that the same electoral sign is requested by several political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities which participate in the elections or independent candidates, the assignment shall be to the benefit of the political party, political alliance, electoral alliance, organisation of citizens belonging to a national minority or of the independent candidate who first registered the sign in question.

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

(7) The petitions on the admission or rejection of the electoral signs shall be submitted in writing to the Bucharest Tribunal within 24 hours at the latest of the expiry of the time limit provided for in paragraph (6), and shall be settled by it within two days at the latest of the petition registration. The judgement shall be final and shall be communicated to the petitioners and to the Central Electoral Bureau within 24 hours at the latest.

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

(9) The political alliance or the electoral alliance which participated in the previous elections under a denomination may keep it unless it did not change the initial composition or none of the political parties which left the alliance declares that the denomination in question may not be used by the alliance in question in its new composition. Also, the denomination in question may not be used by another political alliance or electoral alliance.

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

Article 44. - (1) The manufacturing of the stamps of the county electoral bureaux, the Bucharest Municipality districts electoral bureaux, and of the electoral bureaux of the polling stations shall be carried out by the prefects. The manufacturing of the stamp of the electoral bureau for the polling stations abroad and of the stamps of the electoral bureaux of the polling stations abroad shall be carried out by the Ministry of Foreign Affairs.

(2) The stamp of the Central Electoral Bureau, and the stamps marked "VOTED" shall be manufactured by the Ministry of Administration and Interior.

(3) The ballot papers, the control stamps, the stamps marked "VOTED", the forms for the conclusion of the statements of poll, the copies of the electoral rolls, the forms of the additional electoral rolls, as well as other material required by the electoral process shall be taken over by the prefect, together with the president of the county or district electoral bureau, on a minutes basis, and shall be preserved in special rooms, locked and sealed. Such material shall be distributed by mayors to the presidents of the electoral bureaux of the polling stations, on a minutes basis, two days at the latest prior to the elections. For the polling stations abroad, the taking and handing over of this material shall be done, on a minutes basis, by the president of the electoral bureau of the polling stations abroad, with the support of the Ministry

of Foreign Affairs.

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

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

Article 45. - (1) Each polling station shall have a sufficient number of ballot boxes, polling booths, and stamps marked "VOTED", proportional to the number of voters registered on the copies of the permanent and special electoral rolls, and to the estimated number of voters whose names will be entered on the additional electoral rolls, as well as a special ballot box.

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

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

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

(5) On the reference date, the activity of the electoral bureau of the polling station shall start at 6:00 hours. The president of the electoral bureau of the polling station, in the presence of the other members, and observers, where appropriate, shall check the ballot boxes, electoral rolls, ballot papers and stamps, recording in the statement of poll referred to in Article 49 the number of persons whose names have been entered on the copies of the permanent electoral rolls, copies of the special electoral rolls, as well as the number of stamps marked "VOTED". As he opens the sealed packages, the president provides the affixing of the control stamp on the last page of each ballot paper thereof. After he finishes these operations, the president shall close and seal

the ballot boxes by affixing the control stamp.

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

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

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

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

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

(11) During the voting, there shall be forbidden to the members of the electoral bureaux, to the persons in charge with maintaining order, and to the accredited persons to wear badges, and other insignia of electoral propaganda.

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

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

Article 46. - (1) Voting shall begin at 7:00 hours and shall end at 21:00 hours. At the premises of the polling station there shall be posted the polling hours in a visible place, namely: the time it starts and the time it closes.

(2) The voters may vote at the polling station where they are registered on the copy of the permanent electoral roll or on the copy of the special electoral roll or at any other polling station, under the terms provided for in Article 13.

(3) The voters' access to the voting room shall be granted in series corresponding to the number of polling booths. The national voter and the community voter shall present the identity act, the identity document respectively, to the electoral bureau of the polling station. The president of the

electoral bureau of the polling station or the member assigned by him shall check the entry on the copy of the permanent electoral roll or on the copy of the special electoral roll, and the voter shall sign at the position corresponding to his/her entry. The president of the electoral bureau of the polling station or the member assigned by him shall hand over to the voter, considering his signature on the copy of the permanent electoral roll or on the copy of the special electoral roll, the ballot paper and stamp marked "VOTED" to be affixed on the ballot paper. In the event that the voter cannot sign the electoral roll, based on solid grounds, ascertained by the president of the electoral bureau of the polling station, the president shall mention it on the roll, confirmed by his signature and by the signature of one more member of the electoral bureau.

(4) In the event that the voter is not on the copy of the permanent electoral roll or on the copy of the special electoral roll, the president of the electoral bureau of the polling station or the member assigned by him shall check whether the provisions of Article 13 are met, and shall prevent the voter from voting if these provisions are not met.

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

(6) On the reference date, the community voters who wish to vote in another polling station than the one where they are registered on the copy of the special electoral roll shall vote only if the county electoral bureau or the district electoral bureau confirms, upon the telephonic request of the president of the electoral bureau of the polling station, that their names have been entered on the special electoral rolls. The community voters who are abroad on the reference date shall vote for the election of the members from Romania to the European Parliament only if they can find their entries on the table drawn up by the Permanent Electoral Authority which contains the names of the community voters registered on the special electoral rolls.

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

(8) The presence of any other person except the one who votes in the polling booth shall be forbidden. The voter who, on solid grounds, ascertained by the president of the electoral bureau of the polling station, cannot vote alone

shall be entitled to call an attendant chosen by him/her to the booth, in order to help him/her. The attendant shall neither be part of the group of observers, nor of the members of the electoral bureau of the polling station.

(9) After voting, the voters shall fold their ballot papers so that the unprinted page bearing the control stamp remains outside, and they shall introduce them into the ballot box, careful not to unfold them. The wrong folding of the ballot paper shall not entail the nullity thereof.

(10) At the voter's request, in the event that he/she has incorrectly affixed the stamp marked "VOTED", but he/she has not yet introduced the ballot paper into the ballot box, the president of the electoral bureau of the polling station may deliver him/her only once a new ballot paper, by holding and annulling the initial ballot paper and mentioning it in the statement of poll referred to in Article 49.

(11) The stamp handed over for voting shall be handed back to the president or to those members of the electoral bureau of the polling station assigned by him, and then the president or the member in question shall affix on the identity paper or document, where appropriate, the stamp marked "VOTED", and the ballot date or, where appropriate, a sticker stamp marked "VOTED", and the ballot date.

(12) The president may take the necessary measures, so that the voter shall not stay in the polling booth more than necessary.

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

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

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

(16) During the suspension, the ballot boxes, the stamps, ballot papers, and the other documents or materials of the electoral bureau of the polling station shall remain under permanent watch. During the suspension, more than half of the members of the electoral bureau of the polling station shall not be allowed to leave the polling station room concomitantly. The candidates and the observers who attend the voting shall not be obliged to leave the polling

station room during this period.

(17) The president of the electoral bureau of the polling station or, in his absence, his deputy shall be obliged to receive and to register any written complaint with regard to the disorders produced during the voting process, submitted by members of the electoral bureau of the polling station, candidates, observers or voters present in the polling station in order to exercise their voting right. In the event the complaint is submitted in duplicate, the president of the electoral bureau of the polling station or his deputy, respectively, shall mention on the copy, which remains at the person who has submitted the complaint, the fact that he has been acknowledged about the respective complaint and its registration number.

Article 47. - (1) For the voters who cannot be moved for reasons of illness or invalidity, at the written request thereof, submitted on the day prior to the elections at the latest, along with copies of medical documents or other official documents to certify that the persons in question are not movable, the president of the electoral bureau of the polling station may approve that a team made up of at least two members of the electoral bureau goes with a special ballot box and the material required for voting -the stamp marked "VOTED" and ballot papers - to the place where the voter is, so that the voting may be carried out. Within the jurisdiction of a polling station there shall be used only one special ballot box. The special ballot box may be carried only by the members of the electoral bureau of the polling station. The special ballot box may be moved around only within the territorial area pertaining to the respective polling station.

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

(3) The provisions of paragraphs (1) and (2) shall apply accordingly to the persons detained, remanded in custody by warrant, or to the persons that are serving a custodial sentence, but have not lost their electoral rights.

Article 48. -(1) At 21:00 hours, the president of the electoral bureau of the polling station declares the closing of voting, and orders the closing of the room where the voting has been carried out.

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

Article 49. - (1) After the closing of the voting room, the president, in the presence of the members of the electoral bureau, shall perform the operations of ballot paper counting and recording of the voting result, as follows:

a) he/she shall check the state of the seals on the ballot boxes, shall seal

the slit of the ballot boxes, and shall introduce the stamps marked “VOTED” in an envelope which shall be sealed by affixing the control stamp of the polling station. The disappearance of one or several stamps shall be recorded in the statement of poll accompanying the handing over of the materials received to the court of law within the jurisdiction of which the polling stations are based;

b) he/she shall annul the unused ballot papers, by drawing the mark “ANNULLED” across the first page and by affixing the control stamp of the polling station; in the event there are packages with intact ballot papers, the mark “ANNULLED” shall be affixed only once on the respective package; the number of these ballot papers shall be registered under the column d) in the statement of poll provided for in paragraph (3);

c) he/she shall establish the number of voters entered on the copy of the permanent electoral roll, and on the copy of the special electoral roll respectively, received from the mayor of the territorial-administrative unit where the polling station is located; it is forbidden, under the sanction of the law, that the rolls contain erasures, alterations or completions with the exceptions provided for in Article 11 (17) and (18), Article 12 (14) and (15), and Article 47 (2). The result of the vote counting shall be recorded under point a1, and a2 respectively, in the sample of the statement of poll provided for in paragraph (3);

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

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

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

(2) Upon opening of each ballot paper, the president shall read aloud the roll of candidates which has been voted or, where appropriately, the full name of the voted independent candidate, and shall display the ballot paper to those present. The opened ballot papers shall be grouped according to political parties, political alliances, electoral alliances, as well as according to organisations of citizens belonging to national minorities and independent

candidates, and shall be counted and bound separately. The annulled votes, the rolls of candidates or the full name of independent candidates, and the validly cast votes for each one shall be recorded in a separate table by one member of the electoral bureau of the polling station, assigned by the president.

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

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

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

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

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

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

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

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

c) the number of ballot papers received (point c >/ = point d + point e + point f);

d) the number of unused and annulled ballot papers;

e) the number of validly cast votes (point e </ point b - point f, point e = sum of validly cast ballots under point g);

f) the number of annulled votes;

g) the number of validly cast votes obtained by each roll of candidates or by each independent candidate;

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

i) the state of the seals on the ballot boxes at the closing of voting.

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

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

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

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

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

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

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

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

(10) Within 24 hours of the receipt of the file provided for in paragraph (8), the county electoral bureau or, where appropriate, the Bucharest Municipality district electoral bureau shall send a copy of each statement of poll drawn up by the electoral bureaux of the polling stations to the tribunal within the jurisdiction of which its activity is based; the electoral bureau for the polling stations abroad shall transmit one copy, countersigned and stamped, of each statement of poll drawn up by the electoral bureaux of the

polling stations abroad to the Bucharest Tribunal.

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

Article 50. - (1) After the receipt of the statements of poll from all the electoral bureaux of the polling stations, and after the settlement of the objections and contestations received, the county electoral bureau, the Bucharest Municipality district electoral bureau or the electoral bureau for the polling stations abroad shall conclude a statement of poll centralising the items included in the statements of poll of the polling stations, as follows:

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

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

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

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

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

b2) the total number of voters entered on the copies of the special electoral rolls that have come to the poll;

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

c) the number of ballot papers received (point c >/ = point d + point e + point f);

d) the number of unused and annulled ballot papers;

e) the number of validly cast votes (point e </ = point b - point f, point e = sum of validly cast votes under point g);

f) the number of annulled votes;

g) the number of validly cast votes obtained by each roll of candidates or by each independent candidate;

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

(2) The provisions of Article 49 (5) and (7) shall apply accordingly.

(3) The statement of poll provided for in paragraph (1), together with the statements of poll received from the electoral bureaux of the polling stations, as well as with all the objections and contestations, making up a sealed file, stamped and signed by the members of the county electoral bureau, of the

Bucharest Municipality district electoral bureau or of the electoral bureau for the polling stations abroad, as well as all the files containing the electoral rolls used in the polling stations, except for the polling stations abroad, filed according to polling stations and types of rolls, shall be submitted under armed guard to the Central Electoral Bureau within 48 hours of the receipt of the last statement of poll from the electoral bureaux of the polling stations.

Article 51. - (1) For the political parties, the organisations of citizens belonging to national minorities, political alliances and electoral alliances, the electoral threshold for the allotment of mandates represents 5% of the total of validly cast votes at national level.

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

Article 52. - (1) The allotment of mandates of members of the European Parliament shall be made, in keeping with the conditions provided for in Article 20, by the Central Electoral Bureau, as follows:

a) during the first stage, the Central Electoral Bureau shall calculate the electoral threshold and the national electoral coefficient and shall determine, in descending order of the number of validly cast votes, the roll of the political parties, organisations of citizens belonging to national minorities, political alliances, electoral alliances and independent candidates that may be allotted mandates;

b) during the second stage mandates shall be distributed at the level of the national constituency for the rolls selected under the conditions provided for in point a) using the d'Hondt Method. The d'Hondt Method for the allotment of mandates consists in the distribution of the validly cast votes for each roll and independent candidate, selected under the conditions provided for in point a), to 1, 2, 3, 4 ... up to the total number of mandates to be allotted, and the hierarchical distribution of the quotients in descending order. The number of mandates allotted to each roll separately corresponds to the total number of quotients related to each roll included in the ordered series, until all the mandates are allotted;

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

Article 51 (1).

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

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

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

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

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

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

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

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

b2) the total number of voters entered on the copies of the special electoral rolls that have come to poll;

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

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

d) the number of unused and annulled ballot papers;

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

f) the number of annulled votes;

g) the number of validly cast votes obtained by each roll of candidates or by each independent candidate;

h) the number of validly cast votes obtained by each roll of candidates that has reached the electoral threshold, and by each independent candidate who has reached the electoral coefficient (in descending order of the number of

validly cast votes);

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

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

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

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

m) the roll of deputy members of the European Parliament.

(5) The Central Electoral Bureau shall hand over to the Permanent Electoral Authority the files containing the electoral rolls used in the polling stations, filed according to polling stations and types of rolls. Upon the complaint of political parties, organisations of citizens belonging to national minorities, political alliances, electoral alliances, and of independent candidates who participate in the elections, made within 15 days of the date of validation of elections, and accompanied by the evidence on which it is based, the Permanent Electoral Authority shall verify the electoral rolls used in the polling stations the complaint referred to, in order to detect cases in which a person has voted without having the right to vote or has voted several times on the same reference date. The time limit for the scrutiny of electoral rolls used in the polling stations is 6 months after the receipt thereof. If the Permanent Electoral Authority discovers clues regarding the committing of the offence provided for in Article 387 of the Criminal Code, it shall refer the matter to the competent criminal investigation bodies.

(6) At the expiry of the time limit provided for in paragraph (5) for the scrutiny of electoral rolls used in the polling stations, the Permanent Electoral Authority shall ensure the electronic archiving thereof by a supplier of electronic archiving services, according to the Law No. 135/2007 on archiving of documents in electronic form.

Article 53. - There shall be considered minor offences the following facts:

a) the deliberate entering of a voter on several permanent or special electoral rolls, the entering on the electoral rolls of fictitious persons or of persons not entitled to vote;

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

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

d) the operations made by unauthorised persons in the permanent electoral

rolls, and in the special electoral rolls;

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

f) the signing up of the list of supporters by infringing the provisions of Article 18;

g) the infringing of the provisions with regard to the posting of candidature nominations provided for in Article 20 (1);

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

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

j) the destruction, deterioration, staining, covering by writing or by any other method of the electoral rolls, with the exceptions provided for in Article 49 (1) c);

k) the failure to observe the provisions of Article 35 (2) and (4) and of Article 40 (3)-(7); the posting of the electoral rolls and of their copies; the destruction, deterioration, staining, covering by writing or by any other method of the platform-programmes displayed or of any other posters or printed advertisements of electoral propaganda;

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

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

n) the unauthorised printing of ballot papers with a view to using them on election day;

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

p) the refusal to receive and register a written petition submitted in compliance with the provisions of Article 46(17);

q) the refusal to comply with the provisions of the president of the electoral bureau of the polling station regarding the provision of order to the premises of the polling station and to its surroundings;

r) the handing over of the ballot paper to a voter who does not produce the identity paper or identity document, where appropriate, or who refuses to sign the electoral roll where he/she is registered for the receipt of the ballot paper and the stamp marked “VOTED”; the failure to observe the provisions of Article 46 (8);

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

ş) the failure to observe the provisions of Article 49 (2); the drawing up of the statements of poll by the electoral bureaux of the polling stations being in breach of the provisions of this law;

t) the continuation of the electoral propaganda after the closing thereof, as well as the counselling of the voters at the premises of the polling stations on the voting day to vote or not to vote for a certain political party, political alliance, electoral alliance, organisation belonging to national minorities or independent candidate;

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

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

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

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

x) the failure to observe the provisions of Article 34;

y) the failure to observe the provisions of Article 36, of Article 37 (1)-(3) and (5), and of Article 38 (2)-(4);

z) the failure to observe the provisions of Article 40 (8)-(11);

z¹) the failure to observe the provisions of Article 45 (12).

Article 54. - (1) The minor offences provided for in Article 53 b), c), d), e), g), j), k), l), m), o), p), ş), ţ), u), v), and z) shall be punished by fine from 1,000 lei to 2,500 lei, those in points f), h), q), t), w), x), and z¹) by fine from 1,500 lei to 4,500 lei, and the ones in points a), i), n), r), s), and y) by fine from 4,500 lei to 10,000 lei.

(2) The finding out of the minor offences provided for in Article 53 and

the entry into force of the punishments stipulated in paragraph (1) shall be applied by:

a) the officers, agents, and noncommissioned officers in the Romanian Police, the Romanian Border Police, and the Romanian Gendarmerie for the facts provided for in Article 53 i), k), n), o), q), r), t), w), z), and z¹);

b) the president of the county electoral bureau, of the district electoral bureau or of the electoral bureau for the polling stations abroad for the facts provided for in Article 53 j), p), ș), and v);

c) the president of the Central Electoral Bureau for the facts provided for in Article 53 f), g), h), and l);

d) the president of the electoral bureau, in the event the members thereof have committed the offences, or the president of the electoral bureau of higher level, in the event the presidents of the electoral bureaux of lower level or the deputies thereof have committed the offences provided for in Article 53 n), s), ț), u), and v);

e) the representatives of the president of the Permanent Electoral Authority for the facts provided for in Article 53 a), b), c), d), e), and x);

f) the representatives of the president of the Permanent Electoral Authority in the event the fact provided for in Article 53 m) has been committed by authorities of the central or local public administration authorities, and in the event the fact provided for in Article 53 y) has been committed by other persons than the radio broadcasters; the president of the electoral bureau in the event the fact provided for in Article 53 m) has been committed by the members of the electoral bureau, or the president of the electoral bureau of higher level in the event the fact has been committed by the presidents of the electoral bureaux of lower level; policemen, in the event the fact provided for in Article 53 m) has been committed by other natural or legal persons;

g) the National Audiovisual Council, that shall refer the matter to the court or may be approached by the interested persons, for the facts provided for in Article 53 y) in the event they have been committed by the radio broadcasters.

(3) Repealed.

(4) For the offences provided for in Article 53 shall be applicable the provisions of Government Ordinance No. 2/2001 on the legal regime of minor offences, approved with amendments and completions by Law No. 180/2002, with the subsequent amendments and completions.

(5) The committing by the members of the electoral bureaux of the offences provided for in paragraph (1) entails their replacement with other persons according to Articles 24, 26, 28, and 29, at the request of the president of the electoral bureau of higher level or of the president of the Central

Electoral Bureau, where appropriate.

Article 55. - Repealed.

Article 56. - Repealed.

Article 57. - Repealed.

Article 58. - Repealed.

Article 59. - Repealed.

Article 60. - Repealed.

Article 61. - Repealed.

Article 62. - Repealed.

Article 63. - Repealed.

Article 64. - Repealed.

CHAPTER IV

Transitional and final provisions

Article 65.- (1) The Permanent Electoral Authority shall exercise the duties provided for in Article 65 (1) of Law No. 35/2008 for the election to the Chamber of Deputies and the Senate, and for the amendment and completion of Law No. 67/2004 for the election of local public administration authorities, of Law of local public administration No. 215/2001, and of Law No. 393/2004 on the Statute of the local elected officials, with the subsequent amendments and completions.

(2) The provisions of Law No. 334/2006 on the financing of the activity of political parties and of the electoral campaigns, republished, with the subsequent completions, shall apply accordingly.

(3) The cases in which the related community rules are directly applicable shall be an exception to the provisions of paragraph (2).

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

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

Article 66. - (1) Within 5 days of the bringing to public knowledge of the reference date, the Government shall settle by decision, upon the proposal of the Permanent Electoral Authority and of the Ministry of Administration and Interior, the calendar for carrying out the necessary activities for the election of members from Romania to the European Parliament, the budget and the necessary expenses in view of the preparation, organisation, and conduct of

the ballot, the model of the copy of the permanent electoral roll, the model of the special electoral roll, of the copy of the special electoral roll, of the additional electoral roll, of the extract of the additional electoral roll, the model of the supporters' list, the model of stamp of the Central Electoral Bureau, of the county electoral bureau, of the Bucharest Municipality district electoral bureau, of the electoral bureau for the polling stations abroad, the model of the control stamp of the polling station and the model of the stamp marked "VOTED", the model of the ballot paper, the model of the sticker stamp, the measures to be taken by the central and local public authorities for the proper organisation and conduct of the elections.

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

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

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

Article 67. - (1) The expenditure for carrying out the electoral operations shall be borne from the state budget.

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

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

(4) The documents drawn up in exercising the electoral rights provided for in this law shall be exempt from the stamp duty.

Article 68. - (1) In supporting the activity of the Central Electoral Bureau, of the county electoral bureaux, of the Bucharest Municipality district electoral bureaux, and of the electoral bureau for the polling stations abroad, the

Government shall provide the necessary number of statisticians. The Ministry of Administration and Interior, together with the Permanent Electoral Authority shall supply the necessary temporary technical staff for the Central Electoral Bureau, the county electoral bureaux and the Bucharest Municipality district electoral bureaux, while the Ministry of Foreign Affairs, together with the Permanent Electoral Authority shall supply the necessary temporary technical staff for the the polling stations abroad.

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

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

(4) For the entire period of exercising duties regarding the organisation and conduct of the elections to the European Parliament, the institutions hiring the employees provided for in paragraph (2) shall ensure them the due salaries, according to the law.

Article 69. - (1) The judgement by the courts of law of the objections, contestations or any other complaints with regard to the electoral process shall be done according to the rules set by law for the president's ordinance with the binding participation of the prosecutor.

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

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

Article 70. - (1) The time limits per days, provided for in this law, include the day when they start to run and stop at 24:00 hours of the day they are met even if they are not week days.

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

Article 71. - (1) The ballot papers, either used or unused, the null ones, the statements of poll and the necessary stamps for the voting process, the other materials used in the electoral process received by the courts of law from the county electoral bureaux, the Bucharest Municipality district electoral bureaux, the electoral bureau for the polling stations abroad, or from the electoral bureaux of the polling stations, as well as the lists of supporters

received by the High Court of Cassation and Justice from the Central Electoral Bureau shall be kept in the archive, separately from the other documents of the courts, for 3 months as from the date of publishing the election results in the Official Gazette of Romania, Part I.

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

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

Article 72. - (1) The candidates entered on the rolls, who have not been elected, shall remain on the respective rolls in the order of entry.

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

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

Article 73. - (1) All the electoral operations carried out by the electoral bureaux of the polling stations may be attended, besides their members, by the accredited persons under the terms of this law.

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

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

(3) There may be accredited as internal observers the representatives of nongovernmental organisations that have as a main object of activity the defence of democracy and human rights that are legally constituted at least 6 months prior to the reference date. The persons appointed by these organisations as internal observers shall not have political affiliation.

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

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

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

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

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

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

(10) The accredited persons may attend the electoral operations on the voting day, beginning at 6:00 hours and finishing at the time when the members of the electoral bureau of the polling station are closing and signing the statement of poll ascertaining the voting results in the respective polling station, only if they produce the accreditation document, which shall also be

valid in duplicate. They shall not interfere in any way in the organisation and conduct of the elections; they are only entitled to notify the president of the electoral bureau in writing in the event they find an inconsistency. Any action of electoral propaganda, as well as the infringement by any means of the accreditation document shall entail the enforcement of legal sanctions, the suspension of the accreditation by the electoral bureau that has found the misbehaviour, and, on voting day, the immediate removal of the respective person from the polling station.

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

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

(13) The contestations regarding the rejection by the Permanent Electoral Authority of the request for issuing the certificate provided for in paragraph (7) or (8) shall be filed within 2 days of the communication of the answer with the Bucharest Court of Appeal, and shall be settled within 2 days of the registration. The decision shall be final.

Article 74 - (1) The first elections to the European Parliament shall be organised and conducted until 31 December 2007 at the latest.

(2) By way of exception from the provisions of Article 1 (3), the mandate of the members from Romania to the European Parliament, that was assigned on the basis of the first elections, shall cease at the end of the 2004-2009 legislature of the European Parliament.

Article 75. -In the first elections to the European Parliament organised in Romania, for the purposes of exercising the right to vote and to be elected as members from Romania to the European Parliament, the citizens of the Member States of the European Union are obliged to submit a statement on one's own account that they have not exercised their right to vote and the right to be elected to the European Parliament in the elections organised in 2004.

Article 76. -The Central Electoral Bureau shall confirm the results of the ballot and shall provide the publishing in the Official Gazette of Romania, Part

I, of the results of the election of the members from Romania to the European Parliament.



This law adapts the Council Directive No. 93/109/EC of 6 December 1993 laying down the rules for the exercise of the right to vote and to be elected to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, published in the Official Journal of the European Communities No. L 329 of 30 December 1993, as well as the 1976 Act concerning the election of the members of the European Parliament by direct universal ballot, published in the Official Journal of the European Communities No. L 278 of 8 October 1976, with the subsequent amendments.

NOTE:

• We reproduce below Article II of the Government Emergency Ordinance No. 11/2009 for the amendment and completion of Law No. 33/2007 on the organisation and conduct of the elections to the European Parliament, approved with amendments by Law No. 303/2009, that is not incorporated in the republished version and that still applies as actual provisions of this law:

“**Article II.** - Within 5 days of the entry into force of this emergency ordinance, the Permanent Electoral Authority shall establish, by decision, which shall be published in the Official Gazette of Romania, Part I, the model of the certificate attesting that a Romanian citizen has not been deprived of the right to be elected in Romania or that such an interdiction is not known by the Romanian authorities.”