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Publicaţie trimestrială de studii, analize şi cercetări electorale

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ELECTORAL EXPERT REVIEW

Quarterly review of electoral studies, analysis and research

4(12)/2015

Autoritatea Electorală Permanentă

Permanent Electoral Authority

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FINANCING AND AUDITING OF POLITICAL PARTIES IN ELECTION CAMPAIGN AND CALENDAR YEAR

Lefterije LUZI (Lleshi)
Chairwoman, Central Election Commission of Albania

Abstract:

I have selected to discuss with you a very important topic related to the whole electoral process: "The control of financing political parties during election campaigns, funds received and spent by political parties in a calendar year."

This topic is more than real not only for the Albanian experience but anywhere in the world and sharing the Albanian experience with you would be a great contribution, because as you will see yourselves, Albanian experience in this area is fragile.

Considering from this standpoint, achieving success in this difficult process is indispensable not only for the consolidation of legal practices, but also for the cooperation with you, dear readers.

Yves Leterme cites that: "Democracy is a system in which the government is controlled by the people, and in which people are considered equals in the exercise of that control."[1]

[1] Yves Leterme, Secretary General, International IDEA Funding of Political Parties and Election Campaigns, International Institute for Democracy and Electoral Assistance 2014.

Abstract:

Am ales să discut cu dumneavoastră un subiect foarte important în ceea ce privește întregul proces electoral: „Controlul finanțării partidelor politice în timpul campaniilor electorale, fondurile primite și cheltuite de partidele politice într-un an calendaristic."

Acest subiect este de actualitate, nu numai pentru experiența albaneză, ci și în întreaga lume, iar împărtășirea experienței albaneze reprezintă o contribuție considerabilă, deoarece, așa cum veți putea observa, ea este fragilă în acest domeniu.

În acest context, atingerea succesului în acest proces dificil este indispensabilă nu numai pentru consolidarea practicilor juridice, cât și pentru cooperarea cu dumneavoastră, dragi cititori.

Yves Leterme citează că: „Democrația este un sistem în care guvernul este controlat de oameni și în care oamenii sunt considerați egali în exercitarea acestui control."[1]

Acesta este unul dintre motivele pentru care transparența finanțelor partidelor politice, donațiile și cheltuielile pe care le

[1] Yves Leterme, Secretary General, International IDEA Funding of Political Parties and Election Campaigns, International Institute for Democracy and Electoral Assistance 2014.

This is one of the reasons that the transparency of finances of political parties, donations and expenditures that they carry out in the electoral campaign as well as in non-election period constitutes one of the largest sensibilities of public opinion, and, but not only, one of the most important aspects in the fight against corruption, which increases also the public trust on politics.

Open and transparent financing is as important for democratic governance as free and fair voting. Transparency of resources related to political financing is known as a universal principle of the United Nations Convention against Corruption (Article 7 of the Convention).[2]

Keywords: *political party, financing, auditing, Central Election Commission, Albania*

efectuează în campania electorală, precum și în perioada non-electorală constituie una dintre cele mai mari sensibilități din punctul de vedere al opiniei publice, dar și unul dintre cele cele mai importante aspecte în lupta împotriva corupției, care crește, de asemenea, încrederea publicului în politică.

Finanțarea deschisă și transparentă este la fel de importantă pentru guvernarea democratică, precum și votul liber și corect. Transparența resurselor legate de finanțarea politică este cunoscută ca un principiu universal al Convenției Națiunilor Unite împotriva Corupției (articolul 7 din Convenție).[2]

Cuvinte-cheie: *partid politic, finanțare, audit, Comisia Centrală Electorală, Albania*

THE CENTRAL ELECTION COMMISSION (CEC) – RESPONSIBILITIES AND COMPETENCIES TO CONTROL FINANCING OF POLITICAL PARTIES

The Central Election Commission is the highest, permanent state body, charged with elections, administration in accordance with the rules defined in the Electoral Code of the Republic of Albania.

One of the main areas of its activity is the audit of the funds and expenses of the election campaign, but with the 2011 amendments of the law "on political parties" CEC also has the authority and responsibility to audit and supervise annual funds received and spent by political parties in non-election period.

Amendments to the Code gave CEC an active role to exercise full control on funds and expenses of political parties in the election campaign, replacing the reporting of political parties to finance the election campaign, defined by amendments in the Electoral Code of 2008, as the only state authority charged with the responsibility to exercise control of the finances of political parties in calendar year.

This new and challenging reality charges with responsibility not only CEC, but also the law making and law enforcement institutions.

Strengthening of the role of control over the financing of political parties is considered as one of the main challenges and directions of the government program on combating corruption within the objectives of the "cross-cutting anticorruption Strategy 2015 – 2020", approved by Decision no. 247, dated 20.03.2015, part of which is the Central Election Commission.

[2] The United Nations Convention against Corruption, 2004.

[2] The United Nations Convention against Corruption, 2004.

FINANCING AND AUDITING OF POLITICAL PARTIES DURING ELECTION CAMPAIGN AND CALENDAR YEAR

The current formal and legal framework

The Constitution of the Republic of Albania in article 9, point 3, provides that: "*The financial resources of the parties, as well as their expenses are always made public.*"

The Electoral Code of the Republic of Albania (EC), states in Section VII concrete provisions for financing of the elections and the election campaign.

Law no. 8580, dated 17.02.2000, "on political parties", amended, regulates the financing of political parties by the financial and material resources, public and non-public, for the calendar year, that are not regulated by the provisions of the Electoral Code.

Recommendations of Assessment in 2008 made by the Group of States against Corruption (GRECO) have played an important role in improving the legal framework.

This legal framework provides beneficial criteria of the electoral subjects of budget funds as well as non-public funds.

In the framework of the above-mentioned legislation, CEC has issued bylaws which met Law no. 10019 dated 29.12.2008.[1]

[1] Instruction No. 8, dated 25.03.2009 "on approval of the criteria and procedures for the selection and appointment of auditors licensed to audit the funds received and spent by electoral subjects for the election campaign" amended with the Decision no. 188, dated 15.04.2013.
Decision no. 266, dated 01.06.2009 "on approval of the special register to be used for the registration of electoral subjects received funds for the election campaign, as well as the model of declaration to be signed by the donor at the time of donation".
Decision no. 3, dated 18.01.2012 "on approval of rules for standardized formats for financial reports of political parties, electoral subjects and audit reports of accounting experts".

Financing of electoral subjects from budget funds

The state budget has provided funds, as a separate line budget which is addressed to political parties.

Electoral subjects participating in elections, which have received no less than 0.5 per cent of votes nationwide, are entitled to state budget funds. This fund is provided through a decision of the Assembly and comprises a separate line in the state budget for the respective election year. This fund may not be lower than the aggregated sum allocated to political parties in the previous elections. The fund is distributed in advance to the parties that are registered as electoral subjects as follows:

a) 95% of the fund is distributed to the political parties registered as electoral subjects, which have received no less than 0.5% of the valid votes in the previous elections;

b) 5% of the fund is distributed to the political parties registered as electoral subjects and which do not profit according to letter "a" of this article.

Within 5 days from the declaration of the final result at national level, the CEC determines, by a decision, the monetary value of a valid vote, dividing the adopted general fund by the overall number of valid votes received by the political parties that participated in the last elections which have received no less than 0.5% of the valid votes at national level. For elections for the local government bodies, the calculation is based on the number of votes received for the local councils at national level.

It is of great interest to mention in this presentation the provisions stipulated by the legislator in the Electoral Code such as:

- ✓ the political party which does not return the respective funds, within 90 days, loses the right for next financing from public funds for a period of no less than 5 years, and is not registered as an electoral subject in the next elections, either alone or as a member of a coalition;
- ✓ the parties that do not pass the threshold in previous elections are not subject for receiving funds.

The Electoral Code provides at the same time the cases of prohibition on using public resources to support electoral subjects, although in practice remains an issue unsolved despite legal provisions. [2]

Thus, the Code provides cases when there are not used or made available resources of central or local public bodies or entities or of any other entity where the state holds capital or shares or/and appoints the majority of the supervisory or administrative body of the entity, regardless of the source of the capital or ownership, to support candidates, political parties or coalitions in elections.

During the electoral campaign, the recruitment, dismissal, release, movement or transfer in position in public institutions or entities is prohibited, except for legally justified cases.

Financing of electoral subjects through non-public funds

Electoral subjects may receive funds for the purposes of their electoral campaigns only from domestic natural or legal persons. For the purposes of this Code, an Albanian citizen who resides outside the territory of the Republic of Albania shall also be considered a domestic natural person, but in this case the legislator has been careful and provided the criteria on the amount of funds that electoral subjects can receive from a third party, evidencing these funds through their registration. The amount that every natural or legal person may give to an electoral subject may not be larger than ALL 1 million or the equivalent value in goods or services.

The Electoral Code provides cases where donation of funds by a legal person or any of its shareholders is prohibited if one of the following conditions is applied:

a) has received public funds, public contracts or concessions in the last 2 years, exceeding ALL 10 million[3];

b) exercises media activity;

c) has been a partner in different projects using public funds;

d) has monetary obligations towards the state budget or any public institution. This obligation is not applicable if the shareholder owns these shares as a result of a public offer.

Registration of non-public funds

1. Each electoral subject shall register the amount of funds received of each natural or legal person, as well as other data related to the clear identification of the donor, in a special register which is approved as a template by a CEC decision. At the moment of donation, the donor signs a declaration affirming that none of the circumstances specified in the Code cited above apply to him/her and that he/she bears personal responsibility for false declaration. The form and content of the declaration are approved by the CEC and signing it is obligatory for all donations.

2. Non-public funds exceeding ALL 100,000 shall be donated only through a special bank account of the electoral subject. The finance officer of the electoral subject declares the number of the bank account opened for this purpose no later than three days from the start of the electoral campaign. The bank account number for each political subject shall be published on the official website of the CEC.

The total expenses spent by a political party, including its candidates, for an elec-

[2] OSCE/ODIHR Election Observation Mission Final Report, 21 June 2015, Local elections, Republic of Albania, pages 11 – 13.

[3] EUR 1 is approximately ALL 140 (Albanian Lek).

toral campaign shall not exceed 10 times the highest amount that an electoral subject has received from public funds.

Every expense for the electoral campaign is documented and carried out in respect of the fiscal legislation in force.

Obligations provided in this article are also applicable to candidates proposed by voters. The total amount that a candidate proposed by voters may spend shall not exceed 50% of the highest amount that an electoral subject has received from public funds.

AUDITING OF POLITICAL PARTY FINANCING

Pursuant to the provisions of the Electoral Code and the Law on Political Parties the financial control/audit of the funds received and spent by political parties during the electoral campaign and the funds received and spent by political parties during the calendar year, is carried out by an independent, certified auditor appointed by CEC, after a procedure of selection out of the list of registered experts done by the IEKA (Institute of Authorized Auditors of Albania) by lot at a public hearing, in the presence of political parties to be audited.

Procedures, criteria for the selection of the preliminary list and their appointment are determined by normative act/instruction of the CEC. In any case, one auditor may not audit the same electoral subject for two consecutive elections.

For auditing of election fund, CEC should perform the procedures for the selection and appointment of experts no later than 5 days after the declaration of the final election result, while for auditing of annual funds, CEC should perform selection and appointment procedures of experts within June 30, of the coming year.

Standardized documents

A positive role, in the process of controlling the financing of political parties, has played the standardization of documentation required to political parties by CEC, highlighting the fact that the financial reports of political parties should be completed in accordance with regular/fixed accounting principles. The CEC has approved bylaws for all necessary documentation, assisting electoral subjects in their election financial reports and has approved the rules for the standardized formats of reporting of auditors.

The Special Register is a document approved by CEC decision and available to electoral subjects to facilitate the registration of the amounts of funds received from each donor, as well as other data related to the identification of the donor.

The Statement/Declaration of the donor is another document, approved by CEC decision, that the donor has the legal obligation to sign, and through which he/she affirms that is not in conflict of interest in accordance with the Electoral Code.

No donor giving amounts over 100 thousand, or the same amount in-kind, is able to hide his donation by presenting this amount into small donations. This donation will be done by the donor, only through a special bank account of the electoral subject. Both these documents, the special register and the declaration, have been approved by CEC decision[4].

CEC has approved rules for standardized format/template on the reporting done by auditors regarding the annual financial reports of political parties and financing of election campaigns of political parties/ electoral subjects, the rules for standardized format of annual financial reporting on political party, the rules for standardized format of financial reporting on political party related to electoral campaign funds and expenses[5].

[4] CEC Decision no. 266, dated 1.06.2009.
[5] CEC Decision no. 3, dated 18.01.2012.

Auditing of election campaign funds and expenses

As above cited control/auditing of election campaign financing is a new reality in Albania. Since 2008, the CEC is the only state institution responsible to audit the funds received and spent by political parties for election campaign purposes and the publication of audit reports.

Referring to the audits made over years it results as follows:

Parliamentary elections in 2009

A total of 34 political parties participating in the elections were audited by 27 licensed accounting experts. Out of the 34 political parties participating in the 2009 elections, 11 political parties had received public funds, 8 political parties had spent zero funds for election campaign.

It resulted that the audit reports submitted to the CEC, within the deadline set by the experts made some remarks to the special bank account number and tax legislation in respect of such expenditures by political parties. CEC, in the absence of financial and human capacity, did not do any further verification regarding this issue, but only examined the audit reports in public hearing and did not apply any sanctions for the violations identified by the experts.

Elections for local government in 2011

161 political entities in total (55 political parties and 106 candidates supported by voters) participating in the elections were audited by 23 licensed accounting experts. Out of 55 political parties participating in the 2011 elections, 6 political parties had received public funds, 33 political parties had received funds from various donors, and 110 political entities had received public or non-public funds for election campaign in 2011.

In the audit reports submitted to the CEC, within the deadline set by the experts there were some remarks to the special opening account number and the tax legislation in respect of such expenditures done by political parties.

CEC, in this case, in the absence of financial and human capacity, has not conducted any further verification about this topic. 12 political entities (2 political parties and 10 independent candidates) could not be audited because the experts failed to contact.

CEC, after reviewing audit reports in public sessions, did not apply any sanctions for the violations identified by the experts.

Parliamentary elections in 2013

66 political parties and 2 independent candidates, participating in the elections, were audited by 9 licensed accounting experts in total. Out of 66 political parties participating in the 2013 elections, 66 political parties had received public funds, and also for 36 political parties here was public funding received from various donors. Audit reports submitted to the CEC, within the deadline set by the experts made some remarks to the special opening account number and tax legislation of such expenditures done by political parties.

CEC, in the absence of financial and human capacity, did not carry out any further verification regarding this issue. The CEC reviewed the audit reports in public hearing and did not apply any sanctions for the violations found by experts.

The auditing of funds received and spent during the calendar year by political parties

CEC has the authority and responsibility to supervise the audit of funds received and spent by political parties during the calendar year. Through this auditing done over the years results that:

In **2011**, the CEC should have audited 120 political parties registered in the Register of Political Parties in the Tirana District Court. Annual reports and financial statements were submitted by 10 political parties. Out of 120 political parties that had to be audited, auditors submitted reports for 53 political parties. 67 political parties were

not contacted by auditors because they had not given the accurate address to CEC.

In **2012**, the CEC should have audited 123 political parties registered in the Register of Political Parties in the Tirana District Court. Annual reports and financial statements were submitted by 13 political parties. Out of 123 political parties that had to be audited, auditors submitted the audit reports for 53 political parties, 67 political parties were not contacted by auditors because they had not given an exact address to CEC.

In **2013**, the CEC had to audit 124 political parties registered in the Register of Political Parties in the Tirana District Court. Annual reports and financial statements were submitted by 13 political parties. Out of 124 political parties that had to be audited, auditors submitted the audit reports for 53 political parties, 67 political parties were not contacted by auditors because they had not given an exact address to CEC. For 34 political parties there are no audit reports done by experts. Although these experts had a contract with the CEC they did not fulfil it, so CEC penalized those experts by not including them in the next lot drawing.

Transparency

Transparency is the friend of accountability and the enemy of corruption. Transparency is the cornerstone of the whole process of funding and financial control of political parties.

CEC is responsible for the publication of Annual Financial Reports submitted by political parties, audit reports submitted by auditors, account numbers provided by political parties to collect donations.

Publication is made via the official website of the CEC as well as in the Bulletin of Election published at the end of each election. Publication of annual financial reports of political parties began in 2011, after the Law on political parties was amended for that purpose.

For 2011, annual reports, financial statements were submitted by 10 political parties and these reports were published on the official website of the CEC, under section „publications".

For 2012, annual reports, financial statements were submitted by 13 political parties and these reports were published on the official website of the CEC, under section „publications".

For 2013, annual reports, financial statements were submitted by 14 political parties and these reports were published on the official website of the CEC, under section „publications".

Sanctions

The Electoral Code contains a range of administrative sanctions in case of violation of the provisions concerning the financing of the election campaign, referred to in Part XIII of the Electoral Code.

The Code provides "fine" as an administrative sanction against electoral subject, donor of funds, or finance head of the electoral subject, in cases when violation of provisions for financing of the electoral subjects does not constitute a criminal offense.

Also Law no. 8.580, dated 17.02.2000, „on political parties", amended, provides administrative sanctions against a political party, chief of finance, or the person who performs the financial operations of the party according to its statute and donor of funds in cases when violations do not constitute criminal offenses.

Administrative sanctions are imposed by the Central Election Commission, when after verification of reports of audit experts, there are noted infringements of the provisions of the Electoral Code, but as aforementioned so far CEC has not imposed administrative sanctions to electoral subjects, as it formally results that audited parties have respected the provisions of the Electoral Code.

Problematic issues

Experience to date of the process of the audit of funds and expenses of the election campaign or the finances of the calendar year

has identified a set of problematic issues that affect the effectiveness of the mechanism of the control of the finances of political parties or make it impossible to exercise this control. The typologies of these problems can be summed up as follows:

For a large number of political parties, control of finance of election campaigns as well as that of annual finance could not be realized because the Party headquarters are not located at the addresses registered in the Court, and every effort to contact them has been unsuccessful.

Auditing experts are appointed and paid for their services by CEC on the basis of funding that political parties which are subject to financial control should make available to the CEC for their payment. In many cases, political parties do not fulfil this obligation, on the grounds that they do not have financial resources. In these conditions, accounting experts, who meet the requirements for appointment and provide greater guarantees for auditing standards do not show interest to be involved in the process.

For a more effective implementation of the legal framework in terms of audit/ financial control of political parties in the election campaign but also during the calendar year, complete verification of the reports done by the auditors, consolidation of control by asking those involved, the investigation related to the origin of donation, CEC, as the state authority that has the power and responsibility of performing this activity, must strengthen financial resources and human capacity.

Due to the lack of legal commands, political parties do not make available to the public, members or voters their financial data, showing lack of accountability and transparency.

Political parties submit financial reports to the CEC in different periods of time, due to the gap in terms of the submission deadline in the law "on political parties", where it is not provided the date of reporting.

The law "on political parties" determines that the control of party finances should be done every year for each of the 140 parties registered in the Tirana District Court, although about 50% of them have not participated in the last four elections. The law should provide an effective mechanism to control the finances of the parties in terms of restrictions on budget and human resources.

The current format of the audit determined by law is too detailed and makes voluminous the work of audit by reducing its effectiveness.

The threshold of donations designated to become public is very high and leaves room to prevent the transparency of sources of funding under the set amount.

The issue of conflict of interest should be the subject of legal regulations for the post-election period besides the pre-election period.

There is also a lack of legal regulations on advertisement of political parties during their annual activity.

Creation of confidential economic situations among major political parties and radio/televisions, because of the way the provision is implemented, produces additional financial resources for them.

State funding of 50% of the total advertising time of political parties in local elections is the "hidden/undeclared" additional financing, as the amount of this financing is not clear, since the provision says half of the time, not half of the cost.

Technical roundtable organized by CEC

Central Election Commission, considering that the success of this process is one of the biggest sensibilities of public opinion and, at the same time, is one of the most important aspects in the fight against corruption, organized with the support of OSCE, on 14.05.2014, a technical roundtable for a comprehensive discussion with the active participation of prominent lawmakers and political actors who play a key role in the fight against corruption.

The roundtable addressed the approaches and attitudes of all actors and factors that influence the common responsibilities in this process, and aimed to identify methods,

tools and the best techniques to ensure the complete exercise of control over the finances of political parties.

Conclusions and recommendations of the roundtable on financing of political parties and electoral campaigns were translated in drafted laws for changes in legislation and were forwarded to Parliament to be included in the electoral reform. They can be found on the website of CEC[8].

Given the fact that there are still no changes to the Election Commissions, CEC after the recent local elections of June 2015 will initiate again roundtables focused on "Financing of political parties and electoral campaigns" to make sure that the expected reform of the future election will include all the necessary changes in the Albanian legislation. I will conclude my speech with two expressions probably known by you.

"Prevention is better than treatment."[9]

"Too many people believe more easily that there is life on Mars than there are honest politicians."

[8] http//www.cec.org/ Recommendations for improvement in the Code.

[9] Dr. Marcin Walecki, chief of DGGU UNIT OSCE/ ODIHR "Financing of political parties and electoral campaign", held at technical roundtable, Tirana, May 2014.

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THE 2015 GENERAL ELECTIONS IN NIGERIA: A RESEARCH NOTE

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Abstract:

The 2015 elections in Nigeria were for so many reasons a watershed in the political history of the country, one of them being that for the first time an incumbent president lost to an opposition candidate.

Historically, since the return of democracy in 1999, the country had grappled with many challenges concerning its electoral processes. Thus, prior to the 2015 elections, strategic steps were taken to ensure that the electoral process was improved upon.

Among the numerous measures employed by the Election Management Body in Nigeria (Independent National Electoral Commission) was notable the introduction of biometric card readers which undoubtedly helped in curtailing the degree of electoral fraud which had previously bedevilled credible elections in the country. Given this background, the research work discussed the nature of the electoral system, voter turnout and pattern of declared results in view of the innovations introduced during the 2015 general elections and their implication on democratic sustenance in Nigeria.

Keywords: *democracy, nigerian elections, electoral system, electoral turnover, voter turnout, card reader*

Abstract:

Alegerile care au avut loc în Nigeria în 2015 au constituit din numeroase motive un moment de cotitură în istoria politică a ţării, unul dintre motive fiind că pentru prima dată preşedintele în funcţie a pierdut în faţa contracandidatului său.

Din punct de vedere istoric, de la instalarea democraţiei în 1999, ţara s-a confruntat cu multe provocări în privinţa proceselor electorale. Astfel, înainte de alegerile din 2015, au fost luate măsuri strategice pentru a asigura îmbunătăţirea procesului electoral.

Printre numeroasele măsuri luate de către organismul de gestionare a alegerilor din Nigeria (Comisia Naţională Electorală Independentă), una notabilă o constituie introducerea cititoarelor de cartele biometrice care au contribuit fără îndoială la limitarea fraudei electorale, care până atunci pusese sub semnul îndoielii credibilitatea alegerilor din ţară. Dat fiind acest context, cercetarea s-a ocupat de natura sistemului electoral, de rata participării la vot şi de structura rezultatelor declarate, avându-se în vedere inovaţiile introduse în timpul alegerilor generale din 2015 şi implicaţiile acestora asupra susţinerii democraţiei în Nigeria.

Cuvinte-cheie: *democraţie, alegeri în Nigeria, sistem electoral, răsturnare de situaţie în alegeri, prezenţa la vot, cititor de carduri*

Introduction: Background to the 2015 General Elections

The 2015 elections in Nigeria were for so many reasons a watershed in the political history of the country. The introduction and use of biometric technology by the Electoral Management Body – called Independent Electoral Commission of Nigeria (INEC), the opposition parties winning and the relative calmness and peace of the elections, given the zero-sum game of politics and elections in Nigeria, made the 2015 elections different from previous ones. Unlike what had been observed in "mature" democracies where incumbents lost, conceded defeats and the government was transferred to the opposition via the ballot box, Nigeria remained an exception to this trend until 2015. The 2015 elections marked the first time an incumbent president lost, the opposition candidates won the electoral contests and the elections were generally declared free, fair and credible. In Nigeria, though a multiparty state, the presidential election was primarily contested by two main political parties: the then ruling People's Democratic Party (PDP) and an opposition coalition party called the All Progressives Congress (APC). The PDP had nominated Goodluck Jonathan and his running mate, former Vice-President Namadi Sambo, while the APC nominated Mohammadu Buhari who opted for the vice-presidential candidacy of Yemi Osinbajo, professor, lawyer and pastor of the Redeemed Christian Church of God, a church whose General Overseer (E. A. Adeboye) is one of the most influential Christian leaders in the country.

The organization of the election followed statutory requirements of the constitution which stipulates that elections be conducted every four years unless courts overturn election results; such decisions are common for Nigerian governorship and legislative elections, but unprecedented in presidential contests. The four year sequence has not been interrupted since the return of democracy in 1999. One early issue of controversy that was met during preparations for the election was the debate on whether the constitution permits Jonathan to serve another term. One noticeable constitutional provision indicates that a president may only be elected twice, suggesting that Jonathan (who has only been elected once as president in 2011) is eligible to run for another term. Some political and legal pundits interpreted a different section of the constitution which stipulated that a Nigerian president may only take the oath of office twice; an interpretation that would have left Jonathan ineligible to run in 2015 (since he had done so in 2010 when he took over as president from his deceased boss late President Yar-adua and in 2011 when he was elected as president). As this issue quite heated the polity, the court finally ruled in favour of Goodluck Jonathan.

INEC had earlier scheduled the elections as follows; February 14 for the Presidential and National Assembly elections, and February 28 for the Gubernatorial and State Assembly elections. The Electoral Management Body (INEC) on the 7th of February announced the postponement of the elections by six weeks. This came as a response to the advice from the National Security Adviser which stated that security could not be guaranteed for the proposed election days as the required personnel needed to conclude military operations against the Boko Haram insurgency during that time. Elections were thereby announced to take place on March 28 and April 11 respectively. This would give just about enough time to conduct the elections, given constitutional provisions that elections must be held 90 days before the handover date.

Rules of Engagement in 2015 Elections: The Electoral System Format

Elections to executive and legislative seats in Nigeria only require a simple majority/first-past-the-post system. Yet, the presidential election further involves some technical requirements which are well embedded in the constitution. Due to the ethno-religious diversity in the country, the

constitution thereby makes provisions which would ensure that whoever is to emerge as president must enjoy massive support of the people both in terms of number and in diversity. The 1999 Constitution in Chapter VI, Section 134(2) provides that the winner must secure not only a plurality of votes cast, but also at least 25% of votes cast at the election in each of at least two-thirds of all the States in the Federation and the Federal Capital Territory [FCT], Abuja. In the case where no candidate meets this prerequisite, a runoff election is to take place between the highest-scoring candidate and the runner-up with the greatest number of majorities in the greatest number of states. The winner of the runoff must secure both a majority of the total votes and the same threshold of votes in two-thirds of the states and the FCT; otherwise, a second runoff occurs, in which the winner must secure a simple majority. Since the constitution has come into effect, no presidential election has reached a runoff and the 2015 election was also not an exception.

Changes in Electoral Laws

The Electoral Management Body in the country is the Independent National Electoral Commission (INEC) which administers Nigerian national and state elections. Among the functions of the electoral body lie the duties to register voters, of compilation of voters' registers, of audit of political parties, of voters' education and of regulation of political campaigns.

The Nigerian EMB built on the gains achieved during the 2011 elections to ensure improved electoral processes which invariably facilitated the credibility of the elections. Scholars and stakeholders alike recurrently have bemoaned the degree at which series of electoral frauds were perpetrated during past elections thereby precipitating INEC to introduce measures aimed at curbing these. Most significant among these measures was the introduction of the "Biometric Card Readers" which became key in combating electoral manipulations. Their introduction was not without controversies as it took the intervention and approval of the National Assembly before this finally pulled through. Prior to the 2015 elections INEC approached the legislative arm to make proposals to further amend the Electoral Act 2010 which was aimed at improving the electoral process. In July 2014 the Senate passed the amendments to the Electoral Act 2010 to provide for tenure of Office of Secretary, Independent National Electoral Commission, INEC. The Bill, among others, provides N500,000 penalty or 12 months imprisonment or both for any polling officer, political party or party agent who conspires to falsify election results. The Bill also empowers INEC to determine the procedure for voting at an election, thereby removing the previous prohibition of electronic voting. Prior to the amendment, Section 52 had expressly prohibited the use of electronic voting machine but with the amendment, INEC is now at liberty to determine the procedure to use for the elections. The commission had earlier alerted the public of its intention to use the biometric card readers during the March 28 election in order to reduce electoral fraud perpetrated at the accreditation level but this was initially opposed by many groups and individuals, including those belonging to the ruling People's Democratic Party (PDP). Section 52 of the Electoral Act, titled conduct of poll by open secret ballot, as amended, now states: *"Voting at an election under this Act shall be in accordance with the procedure determined by the Independent National Electoral Commission."*

Discussion of Issues: Substance of the Elections

The 2015 general elections paraded a number of candidates sponsored by different political parties. In Nigeria, prior to and as of the 2015 elections, there was/is no room for independent candidacy. All contestants for elective positions in Nigeria are required by law to emerge from and to be sponsored by registered political parties. Thus, the main contenders were the then incumbent president of the country, Mr. Goodluck

Jonathan of the People's Democratic Party (PDP) and Mr. Muhamad Buhari of the All Peoples Congress (APC), a coalition party involving several smaller parties as well as decampees from the PDP.

The principal electoral issues were the management of the economy, biometric technology including computerised voters register, computerised Permanent Voters Card (PVC) and card readers. Other issues were the highly monetised nature of the campaigns, the relatively old age of the contestants (Mr. Buhari was 72 years old at the time of the elections), the creation of additional polling booths which were said to be skewed in favour of the North of the country and the order of elections.

Whereas the PDP looked for support among its coterie of governors, traditional rulers, businessmen who have profited from contracts received from the ruling party and some socio-cultural organizations that littered the country, the APC derived its own support from its own group of governors, its elected representatives, foreign governments, rich and influential individuals who were dissatisfied with the then ruling party and all kinds of people who were enchanted with the change slogan. Both candidates and their parties had electoral pacts with different socio-cultural groups and in some cases, patronage was extended to these groups as was the case with Odua People's Congress that was assigned a multimillion naira pipelines surveillance contract by the PDP leading government shortly before the elections.

The electoral campaign was intense and full of bitterness. Accusation and counter accusation were the order of the day given the zero-sum game of politics in Nigeria. The media coverage was intense but each party/candidate had its own media projecting it. For instance, most of federal owned media were deployed and used extensively to project the ruling party/candidate, while most of privately owned media were deployed (paid for) by the then opposition party to air its own views. Very little among the media was neutral. Accusations and counter accusations were made by both main contenders and their political parties, almost culminating in the abortion of the electoral process during the live counting and tallying of votes at INEC headquarters in Abuja. This was because the national agent representing the PDP candidate objected to the declaration of votes and attempted to disrupt/stop the counting/electoral process. Most of the electoral process was credible but some instances of electoral malpractice/corruption occurred especially in places where the card readers malfunctioned or did not work. This gave room for over and underage voting, declaration of fictitious and ridiculous figures, as well as snatching and destruction of electoral materials and manipulation of election figures.

Results

According to figures from INEC, 67,422,005 electorates registered for the elections; on election day, 31,746,490 voters were accredited but only 29,432,083 finally cast their ballots out of which 844,519 votes (2.87%) were rejected/invalid while only 28,587,564 votes (97.1% of the total votes cast) were declared valid. Again, the two top presidential candidates, Goodluck Jonathan of the PDP and Mohammadu Buhari of the APC cumulatively shared 28,278,083 votes (96.07% of the total votes cast) while the remaining twelve presidential candidates shared 309,481 votes (1.05%).

Analysis from the election results shows that there was massive shift in votes across the country. Official results from INEC show that Goodluck Jonathan had a decrease in the percentage of votes cast in all states except Ekiti and Osun State during the 2015 presidential election where he acquired 58.7% and 38.9% as against 51.6% and 36.7% he acquired in 2011 respectively. Likewise, the elected President, Muhammadu Buhari had an increase in the percentage of votes cast in all the states of the federation including the Federal Capital Territory. Though both Jonathan and Buhari had 25% (or more) of votes cast in twenty-five and twenty-six states respectively in addition to the FCT, Buhari was declared winner as he

met the requirements of both simple majority and 25% of votes in at least twenty-four states plus the FCT. Buhari pulled a total of 15,424,921 votes while Jonathan had a total of 12,853,162 votes.

There were also significant changes in the acquisition of votes by the two candidates across the country, but more positive changes occured for the eventual winner Mohammadu Buhari as shown in table1.

Table 1. *Vote turnover for both Buhari and Jonathan between 2011 and 2015 Presidential elections and changes in turnout*

REGIONS	BUHARI 2011	JONATHAN 2011	2011 VOTERS TURNOUT	BUHARI 2015	JONATHAN 2015	2015 VOTERS TURNOUT
SOUTH EAST	0.40	98.28	66.94	7.29	90.63	37.47
SOUTH	0.59	96.52	66.91	8.10	91.22	55.86
SOUTH WEST	**6.97**	60.39	32.27	**55.77**	41.75	33.66
NORTH CENTRAL	31.34	60.68	48.18	58.79	40.46	41.27
NORTH EAST	65.54	31.46	54.20	77.57	21.69	42.36
NORTH WEST	59.75	**31.44**	54.54	83.65	**15.75**	49.79
FCT	33.05	63.66	42.19	47.72	51.24	35.64
TOTAL	32.45	58.89	53.68	53.96	44.96	43.65

Source: *Independent Nation Electoral Commission (2011 and 2015 official election results)*

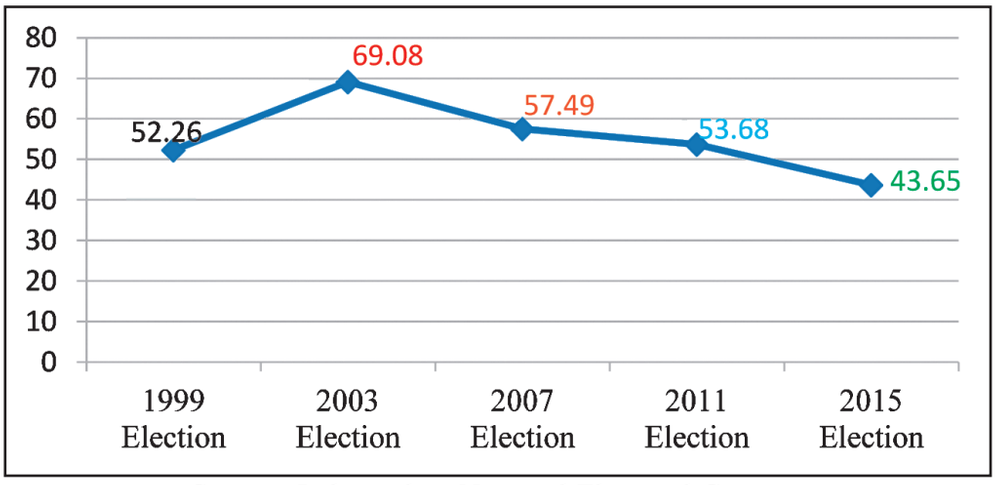
Election results announced by INEC also showed that out of the 109 seats in the Senate (upper chamber), the APC won 60 Senatorial Districts (55 percent) while the PDP won 49 (45 percent). Of the 360 seats in the House of Representatives (the lower chamber), the APC won 225 (62 percent), while the PDP won 125 seats (35 percent). The three other political parties, Labour Party, the All Progressives Grand Alliance and the Accord Party, shared the remaining 10 seats (3 percent). For the gubernatorial elections which were held on 11th of April, 2015, only 29 out of the 36 positions were contested, the APC won 20 governorship positions while the PDP settled for nine states. This gives the APC a total number of 22 state governors, while the PDP has 13 and APGA has one.

Turnout

The presidential and National Assembly elections held on the 28th of March and were followed by some two weeks break before Nigerians returned to the polls on the 11th of April, 2015, to elect governors and members of the State Houses of Assembly. While governorship elections were only held in 29 states, State Houses of Assembly elections took place in all the 36 states.

Statistics from the election show that there was huge decline in the rate of voter turnout as the 2015 elections in the country had a record low reaching 43.65% (the lowest since 1999).

Figure 1. *The rate of voter turnout in Nigeria's Presidential elections since 1999*



Source: *Independent National Electoral Commission*

There are contentions among scholars and writers over the factors that might have influenced this low turnout or decline. One might want to consider the introduction of biometric technology as a major factor which had impacted the rate of voter turnout both in terms of its role in curbing electoral fraud thereby limiting the rate of unregistered voting, multiple voting, etc. which were all norms in previous Nigerian elections and in terms of the fact that with the issuance of Permanent Voter Cards (PVCs) only holders (56,350,776) were allowed to vote, yet the number of registered voters (67,422,005) was used as denominator for calculating voter turnout.

Post-Election Effects: Of Negotiation, Coalition and Government Formation

The 2015 general elections had many effects in many regards. On government formation, as given the nature of the coalition of individuals and parties that formed the APC, as earlier said, the President and his Vice-President came from two different blocks within the party. Likewise, the Senate President and the Speaker of the House of Representatives all represent different power blocks within APC. The post-election coalition negotiations resulting from the election didn't follow the formal party line. Rather what was witnessed are the individual ambitions tramping official party lines and dictates. On how it fits the broader political context, as the 2015 elections have not changed much of the structure of dominance of the political and economic elites in the country. For example, the APC candidate who eventually won the election has run for president more than 3 times and has been in government for more than 30 years. Most of those in the two political parties, the two contestants, their supporters and party members have always been part and parcel of those who have ruled and continue to rule Nigeria. However, in other respects, the effects of the 2015 general elections fit into the narrative of the power struggle between the North and the South of Nigeria. More superficially is that it dislodges one group of elites to be replaced by another group whose aspirations, vision and political permutations are not radically different from the other.

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ELECTIONS IN MODERN SOCIETY AND POLITICS: THEIR IMPORTANCE AND ROLE
BRIEF REVIEW OF RESULTS, VOTING BEHAVIOR AND ELECTION OUTCOMES AT THE KIROVOHRAD CITY MAYOR'S RACE IN THE 2ND ROUND OF UKRAINE LOCAL ELECTIONS HELD ON THE 15th OF NOVEMBER 2015

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Abstract:

Elections are the essential part and one of the subseries of Politics. In all countries, changes in the political, social, and economic environment over time have influenced the process of elections and the voters' behavior. This paper intends to raise the question of importance of Elections in nowadays Society and Politics, presenting briefly the specific example of recent City Mayors' elections in Ukraine.

In general, a reader can get familiar with definition, characteristics and difficulties of elections in order to consider the significant impact they have today on the respective social and political groups. The main argument is that the subject of elections should be studied carefully by all layers of society: not only by scholars and politicians, but by voters as well or rather

Abstract:

Alegerile sunt partea esențială și una dintre componentele politicii. În orice țară, schimbările din cadrul mediului politic, social și economic au influențat de-a lungul timpului procesul alegerilor și comportamentul alegătorilor. Această lucrare își propune să ridice problema importanței alegerilor în societatea și politica de astăzi, prezentând pe scurt exemplul concret al alegerilor din Ucraina pentru postul de primar al orașului.

În general, cititorul se poate familiariza cu definiția, caracteristicile și problemele alegerilor pentru a reflecta asupra impactului semnificativ pe care îl au astăzi asupra grupurilor sociale și politice particulare. Principalul argument este că subiectul alegerilor ar trebui studiat cu atenție de către toate straturile sociale: nu numai de către erudiți și politicieni,

primarily. Ukraine case is reviewed based on author's empirical observation as well as on the material available due to recent local elections results published in November 2015.

Keywords: *elections, election results, voting behavior, city mayor race*

dar și de alegători sau mai degrabă în primul rând de ei. Cazul Ucrainei este privit atât din perspectiva observației empirice a autorului, cât și a materialului disponibil în urma rezultatelor alegerilor locale recente publicate în noiembrie 2015.

Cuvinte-cheie: *alegeri, rezultatele alegerilor, comportamentul la vot, cursa pentru postul de primar al orașului*

Introduction

The word "Election" came via French from Latin "electionem" from the earlier "eligere", "to choose, pick out" (Chambers Dictionary, 2005, p. 480). The formal process of selecting a person for public office or of accepting or rejecting a political proposition by voting was used in ancient Greece and Rome. Such selection was also used for Holy Roman emperors and popes, but as a truly organized process, it really only dates to the 17th century in Europe and North America.

An election is a political decision-making process by which a population chooses an individual to hold formal office. This is the usual mechanism by which modern democracy fills offices in the legislature sometimes in the executive and judiciary, and in the regional and local government. Elections are the essential part and one of the subseries of Politics.

The new wave of democratization has presented new challenges for politicians, political scientists and citizens to revise traditional forms of governance. Many important theoretical questions stimulated by this global revolution touched the field of elections and voters behavior and our understanding of democratic political institutions and processes that mainly came from the experience of North America and Western Europe. For political scientists such works as *The People's Choice* (Lazarsfeld, Berelson, and Gaudet 1944) and *The American Voter* (Campbell et all. 1960) were revealing. Models of voting and elections *"that derived exclusively from the U.S. experience were widely accepted as providing a sound theoretical basis for understanding the democratic experience more generally. As the opportunity to test such models in political environments outside the United States increased, substantial revision of these theories was inevitable, such as the studies of voting and elections on Britain, Canada, Germany, the Netherlands, Sweden, Denmark, Japan, and Australia, among others…"*[1]

In all countries, changes in the political, social, and economic environment over time have influenced the process of elections and the behavior of voters. This article intends to raise the question of the importance of elections in the society and politics nowadays, their role and place in social life. The main argument is that the subject of elections should be studied carefully by all layers of society: not only by scholars and politicians, but by voters as well or rather primarily. The argument is supported by guidelines to answer the key questions who, why and how to familiarize oneself with the matter of elections.

Undoubtedly the materials are broadly available in specialized books written upon the subjects of elections, as well as in many papers highlighting various angles of the problematic issues related to them.

Nevertheless, the author's intention is to back up available literature with her own election experience in order to analyze subjects of concern and to consider what influences elections today and what has significant impact on the final elections results.

[1] *Comparing Democracies, Elections and Voting in Global Perspective*, 1996, p. 5.

The Importance and Role of Elections

Voters trust and lack of confidence

Elections are accepted universally as a tool for selecting representatives in modern democracies. In ancient Athens elections were considered an oligarchic institution where office holders were chosen by lot. Political science is not perfect and nowadays, electoral reforms help to improve politics work to solve problems of democracy, and are the permanent feature of any democratic society. Electoral reform describes the process of introducing fair electoral systems where they are not in place or of improving the fairness or effectiveness of existing systems.

Newly emerging democracies implement new electoral systems and rules; already established democracies have instituted reforms. These developments, known as well as "new institutionalism", are well described by Lawrence LeDuc, Richard G. Niemi and Pippa Norris in the book *Comparing Democracies, Elections and Voting in Global Perspective*.[2]

"*... The new institutionalism has many different elements, but essentially it emphasizes the need to reintegrate different levels of analysis to understand how institutions shape, order, and modify individual choices*" (March and Olsen 1989; Taagepera and Shugart 1989). In contrast, a traditional approach to understanding election campaigns exemplified by the *Nuffield* series of general election studies in Britain (see, e.g., Butler and Kavanagh 1992), the *Making of the President* books in the United States (e.g., White 1961), or the *At the Polls* series elsewhere (see note 3 below).

At the same time, the "behavioral" approach dominated the study of voting behavior at the level of the mass public. To explain electoral change, the behavioral approach focused on long-term trends in the social or economic structure, secularization, and generational change, as well as on short-term responses to campaign events, party leaders, and policy platforms. Today, in the comparative study of elections, a major challenge is to try to integrate results derived from these different levels of analysis. In this respect, sources such as the Eurobarometers (Reif and Inglehart 1991), the World Values Study (Abramson and Inglehart 1995), and the International Social Survey Program (Jowell, Witherspoon, and Brook 1989) have created invaluable comparative surveys of social and political attitudes.

Contextual data about political systems in which are added cross-national surveys of voting behavior provide an opportunity to explore how the attitudes, values, and behavior of individual voters interact with particular institutional contexts.[3]

"*It should be evident from trends in democratization, political reform, and social and economic change that the context for the study of democratic elections has undergone a significant transformation in just the past decade.*"[4]

Studies of transformation to democratic elections are often based on data collected independently in particular countries and the replication of new studies in the same countries. Knowledge of these particular cases allows withdrawing correct conclusions from the perspective of time.

Observing Ukraine's transformation of the electoral system (the election law was amended on 4 September 2015), the new law on local elections introduces a two-round system for the election of mayors in 35 cities with a number of votes higher than 90,000 and absolute majority of more than half of the valid votes cast. It provides a possibility to run the race for party nominees as well as independent candidates. Obviously, voting rights are guaranteed by the constitution and the election law. Nevertheless, it was almost provisioned to observe a low turnout, especially for the 2nd round of city mayors' elections. A case of our interest, Kirovohrad

[2] Lawrence LeDuc, Richard G. Niemi, Pippa Norris, *Comparing Democracies, Elections and Voting in Global Perspective*, 1996, p. 6 – 7.

[3] *Comparing Democracies, Elections and Voting in Global Perspective*, 1996.

[4] *Comparing Democracies, Elections and Voting in Global Perspective*, 1996, p. 7.

City (Dnipropetrovsk oblast) came out with a result of 27.4% (Andrii Raikovich, BPPS) vs. 24.5% (Artem Strizhakov, self-nominated) in the first round of the race, resulting in a minimal difference of votes and a very low activity of voters during the 2nd round. According to protocols, 59-year-old Raikovich received 24,435 votes, and 31-year-old Strizhakov – 24,057 votes out of the 198,470 total number of voters.[5] About 42% (80,968) of the majority of eligible voters voted in the first round, though after the first round announcement, the turnout decreased signifying a lack of confidence. It resulted in voters' non-interest in the contested candidates and no wish to express their good will of choosing one of the two nominees. Voters' behavior of the rest, who still cast their ballots, indicated roughly 25% turnout. On one hand, evidently, both sides of the city mayor race could not boast themselves for convincing an individual voter of the positive changes they might bring by taking a mayor seat. On the other hand, such a slight difference in votes given to both candidates in two rounds of elections indicated itself an interesting subject to explore. One could argue that ballots cast to nominees by active voters were distributed equally providing almost the same chances for victory to both of them, thus keeping the interest about the final results up to the last moment. In the case of Kirovohrad City mayor race, preliminary results have been changing a couple of times after election days, announcing every time another mayor contestant as a winner, and even more, annulling results in two polling stations. Figures, certainly, raise a question whether there is or not a direct competition between main political forces in the city or a level of cooperation between them.

Mayoral race in Ukraine confirmed that many candidates are still focused more on business interests while joining local coalitions than on reaching out voters.[6]

More issues might be interesting to think of, for instance, allegations of potential fraud, though the main line of the author's reflections is dedicated to an impact of a voter behavior and his passiveness, particularly in such case as an election runoff. The runoff is a sort of a compromise and has as a feature the decrease of the scope of interest of an average voter.

The most significant aspects of election process that are transparency of the election administration, internal rules of procedure (including voting procedures), the degree of decentralization to lower levels of the election administration, past record of elections in the country will be still important mostly for the first rounds of elections. When there is an issue of selecting one out of two, there will be inevitably a tendency to a low turnout, passive activity of eligible voters and as an outcome, a twisted final election result. Citizens' attitude to an election choice of one out of two is challenged as far as the law does not provide with another option to cast their ballots.

The technical operational aspects, such as level of training for election administrators, human resources, financial resources, cost-effectiveness of electoral budgets as well as the role of new technologies in election management are of great interest but still do not argue the essence of a choice. All listed aspects may have a positive outcome on elections results, thus an argument of a vote-buying is a crucial concern in case of Ukraine electoral processes. Ukraine law introducing three electoral systems for the local elections in 2015 still lacks a thorough revision despite a strong public demand.[7]

Moreover, it is essential that information on voter education is provided in a timely manner: when, how and where to register to exercise the right to vote. It is addressed primarily to the young layers of society transiting to democratic principles of voting and choosing their candidates. This is when a voter behavior will rely directly on a level of voter education and awareness,

[5] Central Election Commission of Ukraine, http://www.cvk.gov.ua, last consulted on 30.11.2015.

[6] *Statement of Preliminary Findings and Conclusions*, OSCE/ODIHR EOM Ukraine 2015, http://www.osce.org/odihr/elections/ukraine/ 177906.

[7] Law of Ukraine on local elections 2015, OSCE/ODIHR English non-official translation.

in other words, civic education and civic awareness.

The effectiveness of results is directly linked to this stage of electoral process. However, voters aware of their rights, importance, and responsibilities generally could be identified by the indications of the turnout. Low turnout, as a matter of fact, reflects a lack of interest in voting and electoral processes. It also might include a degree of voters' disappointment or voters' fatigue.

As a result, all efforts to generate knowledge about the election process to build an atmosphere for open debate, voters' needs and demands to argue their concerns stopped to a halt. Civic education is a long-lasting process and lays in the fundamentals of democratic society and civic responsibilities. It may focus on the choices available to the voter and the significance of these choices within the respective political system.[8]

Declining voter participation is a problem faced by most countries in the world and the low participation of young people seems to be a special issue in many places. Ukraine is not an exception. Ukrainian voter behavior has also got to do with a certain age, the percentage of active voters statistically is closer to the age of retired people. In addition to this problem, the under-represented part of Ukrainian society, meaning the young population, risks being disengaged in politics and in the democratic process. It has also been earlier suggested (David Butler, Donald Stokes and Mark Franklin) that most people establish their pattern of electoral participation (or not) by roughly the third election after they reach voting age and that this pattern is hardly susceptible to change. To put it mildly, the low participation of young voters is likely to have negative consequences on turnout for a long time to come. It is therefore extremely important to grasp the potential voters while they are still young. Electoral education in many parts of the world is seen as a useful tool to increase participation in the democratic and electoral process.

Such international bodies as OSCE, Council of Europe or EU have developed their own election observation strategies and web sites content. It is vital that the sound and comprehensive methodology is widely available to study cases of countries in transition to democratic elections by mechanisms of election observation. OSCE/ODIHR worked out detailed handbooks where it underlined that elections are not an one-day event and a serious observation should cover all aspects[9]: "*While political parties, civic organizations and even international organizations may contribute to voter/civic education efforts, it is ultimately the responsibility of the government and the election authorities to ensure that voters receive objective and impartial information. It should be provided to all eligible voters, and special efforts should be made to target traditionally disaffected segments of the population*".[10]

The electoral systems are the characteristic of election which refers to detailed constitutional arrangements and voting systems. Due to it vote turns into a determination of which individuals and political parties are elected to positions of power with the following steps of tallying the votes by using various counting systems and ballots types.

The act of casting a vote and the content of a voter's ballot, so called secret ballot, is a relatively new development, but is considered as crucial in most of the free and fair elections. Many countries have growing electoral reform movement; others still use the traditional methods of counting. Openness is the principal feature of democratic system. Elections usually are held in one day with the possibility of early voting and absentee voting. In Europe significant number of votes is cast in advance voting.

Ukraine is rather far from implementing election novelties. CEC decision

[8] *Handbook for European Union Election Observation missions*, http://eeas.europa.eu/eueom/pdf/handbook-eueom_en.pdf, last consulted on 30.11.2015.

[9] *Election Observation Handbook*, sixth edition, OSCE/ODIHR, 2013.

[10] Election Observation Handbook, OSCE 2005.

on manual counting options and results calculation without a developed data base in the last local elections clearly indicated a high risk and possible fraudulent actions against principles of free and fair elections. Anyway, careful consideration also needs to be given to the risks of inappropriate or untimely introduction of technology, especially if it has the potential to compromise transparency, local ownership or sustainability of the electoral process. In case of Ukraine, public attention cannot be given so far to support the idea of electronic voting (E-voting) for instance.

Conclusion

Montesquieu pointed out in Book II, Chapter 2 of *The Spirit of Laws* that in the case of elections in either a republic or a democracy, voters alternate between being the rulers of the country as well as being the subjects of the government. By the act of voting, the people operates in a sovereign (or ruling) capacity, acting as "masters" to select their government "servants". The unique characteristic of democracies and republics is the recognition that the only legitimate source of power for a government "*of the people, by the people, and for the people*" is the consent of the governed – the people himself.

To conclude, voting is a citizen's right and a duty thus expressed voluntarily. All voters, nevertheless, should know the basic principles of a free democratic ballot if they are to exercise their voting rights fully and freely in a good will. The proper civic education is still an important concern even in Europe. The passive voter behavior and disinterest is not an exception of Ukraine, though it might be directly linked to authorities' little interest in knowledgeable citizens. Young population is of a special concern in matter of learning basic rules to be able to challenge the validity of a ballot and, if necessary, enforce their freedom to vote. So a civic education should start in advance in order to increase the voting behavior before a voter reaches the eligible age.

Chaos happens when electoral stakeholders do not know the rules of the game and regulations that govern an election process or they decrease their interest in it.

The CEC of Ukraine published a figure of 34% turnout country wide.[11]

Newly emerging democracies implement new electoral systems and rules comparing to already established democracies that have instituted reforms. These developments, contrary to established ones, may be considered as a privilege or may have an advantage to amend and improve the law, for instance taking into account a third candidate as an option with the third largest number of votes to take a vacant place in the runoff. This flexibility would provide a potential voter to have a bigger variety of choice of candidates, that is selecting from three in the runoffs. Amendments of law and electoral systems would be as well a correct response to social demands and needs of the citizens.

[11] *Statement of Preliminary Findings and Conclusions*, OSCE/ODIHR EOM Ukraine 2015, http://www.osce.org/odihr/elections/ukraine/177906.

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Liudmila BLINOVA is a graduate from Slavic languages and literature (Polish language and culture specialization), Vilnius University, Lithuania. She is fluent in Polish, Russian and has a fair command of Serbian language. However, her scope of interest is not limited to human sciences. She has specialized in the field of elections since 2002, working for such bodies as OSCE/UNMIK, UNOPS, etc. or seconded by MFA Lithuania.

She was a fellow of UNESCO Poland program twice and conducted several researches on electoral processes. The latest research opportunity yet was granted by the European Commission for MA postgraduate European Interdisciplinary Studies at College of Europe.

She has also started to participate as an election observer in the election observation missions since 2007, designated by institutions such as EU, OSCE/ODIHR and other international bodies active in this field. The most recent is OSCE/ODIHR mission to Ukraine local elections 2015.

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UNIFORM ELECTORAL PROCEDURES FOR THE EUROPEAN ELECTIONS*

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"There is no electoral system truly good or the best. The validity of an electoral system translates in the capacity to follow explicitly defined goals and, in a democracy, they have to be supported by general approval as much as possible." – ***Gianfranco Pasquino***[1]

Abstract:

The two levels of legal framework for European Parliament elections lead to several glaring differences in organizing and conducting European elections in terms of: the method of distributing the seats, the existence of an electoral threshold, the usage of closed or preferential voting lists, the allocation of vacant seats, the number of constituencies, and the way the candidates are nominated.

For this reason, one of the concerns put forth before and especially after the 2014 European Parliament elections is the harmonization of electoral legislation for this electoral process. In this context, I will analyse the issues raised in the debate on the harmonization of the legal framework for the European Parliament elections, and I will discuss the procedure on how to make a uni-

Abstract:

Cele două niveluri ale cadrului legal pentru alegerile pentru Parlamentul European duc la mai multe diferențe evidente în organizarea și desfășurarea alegerilor europene în ceea ce privește: modul de distribuire a mandatelor, existența unui prag electoral, utilizarea listelor de vot închise sau preferențiale, alocarea locurilor vacante, numărul de circumscripții și modul în care candidații sunt nominalizați.

Din acest motiv, una dintre problemele ridicate, înainte și mai ales după alegerile pentru Parlamentul European din 2014, este armonizarea legislației electorale pentru acest proces electoral. În acest context, voi analiza problemele ridicate în cadrul dezba-

[1] Pasquino, Gianfranco, *Curs de ştiinţă politică*, European Institute, Iaşi, 2002, p. 150.

form electoral legislation for the European Parliament elections, and the opportunities and vulnerabilities that this may present.

Keywords: *European Parliament, elections, EU political system, electoral reform, European Electoral Authority*

terii privind armonizarea cadrului legal pentru alegerile pentru Parlamentul European, și voi discuta modalitatea de uniformizare a legislației electorale pentru alegerile europarlamentare, precum și oportunitățile și vulnerabilitățile acestui proces.

Cuvinte-cheie: *Parlamentul European, alegeri, sistemul politic al UE, reformă electorală, Autoritatea Electorală Europeană*

A European Electoral System in the Context of EU's Political System

Whether we are talking about creating a new electoral system or only about remodelling an existing one it is obvious that we are in the presence of a political system. The political system determines the electoral system and the latter resets, reboots during electoral events the political system.

In other words, the configuration of an electoral system is important to determine the political system on which its specific effects will manifest.

Of course, some authors contest the quality of a political system of the European Union itself, just as others say that the phrase *"electoral system"* in reference to EU is a source of controversy[1], but the fact remains that when we speak of an electoral system the presence of a political system is implicit.

This analysis will try to answer several questions concerning the possibility to configure a uniform and integrated European electoral system and the shortcomings of such an approach, especially in the context when the political system to which we refer is an *"unidentified political object"*[2].

The premise I start from is that the European Union is already a political system, although there is controversy and doubt about the community entity's future political status. Currently, the difficulty of analysing the possible configuration of a homogeneous, integrated, European electoral system lies in the fact that the political system to which we refer and from which the decision to harmonize substantial and procedural election rules should come, remains an uncertainty.

Up to now, the European electoral system adapted itself step by step to the political changes, but we have to keep in mind that it can also represent an effective lever in influencing the European political system.

In this respect, one of the hypothesis used in this analysis is that, by configuring a uniform and integrated electoral system, in which the electoral operations, norms and procedures are based, regulated and monitored by a European electoral authority, would increase the chances to considerably reduce the democratic deficit, improve the turnout and, by consequence, it would consolidate the legitimacy of the European Union.

Even some recent studies[3] that argue that the exercise of identifying a single electoral system for EU is useless and ineffective approach in the same pragmatic manner the possibility to use the electoral system as a tool for addressing the democratic deficit.

I believe that the effort to model a uniform and integrated electoral system may generate positive results, especially

[1] Diamantopulos, Thanassis, *Les systemes electoraux aux presidentielles et aux legislatives*, Edition de l'Universite Libre de Bruxelles, Bruxelles, 2004, p. 13 – 14.

[2] Landau, Alice, *De la CEE à l'Union Européene*, Publibook, p. 13, Paris, 2006, apud **Turşie, Corina,** Parlamentul European şi Tratatul de la Lisabona. UE către un regim parlamentarizat?, Sfera Politicii, no. 147, May 2010.

[3] Marian, Claudiu, *Influența sistemelor electorale asupra democrației Uniunii Europene*, CA Publishing, Cluj-Napoca, 2013, p. 21 – 22.

if the process will not limit itself only to identifying ways to translate votes into mandates, but it will also be extended in the sense of harmonizing the whole set of electoral operations, procedures and rules that are specific to the EP elections.

Ideally, the analysis has to have the possibility to cover as many aspects related to the electoral system as possible, but the focus should be on those elements that can improve, in a relatively short timeframe, the quality of the electoral process, the turnout and, implicitly, the degree of legitimacy of the Union in terms of the principles of the electoral heritage (gender, fair representation of minorities, equality of the votes, consolidation of the party system etc.) and also in terms of technical and institutional aspects (European electoral roll, European voter's card, electronic voting, European Electoral Authority).

In this context I have developed a qualitative analysis of the electoral system of the EU and, by using the comparative method in terms of aggregating the common characteristics of the electoral systems of the member states, I have compiled a *"roadmap"* for the electoral system of the Union (in correlation with its political system).

Dieter Nohlen's analysis[4] on the concept of electoral system shows that *stricto sensu* it establishes the *"norms through which the voters can express their political preferences and which makes possible that their votes are translated into seats in the parliament (in the case of parliamentary elections) or in governmental positions (in the case of elections for president, governor, mayor, etc.)."*

I believe that in the case of my analysis it is of special interest to use *largo sensu*[5] the term electoral system, with the significance of electoral regime, understood as *"a set of rules that govern the conduct of elections and the designation of winners"*.

In this respect, I believe that there are enough arguments to use a holistic approach in analysing the electoral system of the European Union, in order to cover the full scope of the issue of the electoral law (voter registration, the conditions for acquiring and exercising the right to vote, nominating candidates and submission of candidacies, the development and financing of the electoral campaign, distribution of seats, electoral management bodies, procedures for exercising the right to vote, representation of women and minorities, including election procedures, etc.).

I will begin by highlighting that direct European elections have been organized in order to create and consolidate pan-European political parties and to ensure the representation of European citizens.

Unfortunately, these goals were not fully realized, so ever since the very first direct European elections (1979) took place they have been labelled as *second-order elections*[6].

There were two main reasons that led to labelling European elections as second-order ones: one is related to **form** – *the organization of election campaigns*, and another **to the merits** – *the stake of the European elections*.[7]

In terms of organizing election campaigns it has been argued that the European elections *"have been conducted primarily at the national level, due to the fact that they are organized and conducted by national political parties"*[8] which make

[4] Nohlen, Dieter, *Gramática de los sistemas electorales – Una introducción a la ingeniería de la representación,* 2012, Tribunal Contencioso Electoral Republica de Ecuador, Consejo Nacional Electoral de la República del Ecuador, Instituto de la Democracia. 2012, Ecuador, available at http://rimel.te.gob.mx/WebApplicationTrife/busquedas/DocumentoTrife. jsp?file=19843&type=Archivo Documento&view=pdf&docu=19349, p.3.

[5] Diamantopulos, Thanassis, *work cited*, p. 135.

[6] Reif, Karlheintz, Schmitt, Hermann, *Nine Second-Order National Elections. A Conceptual Framework for the Analysis of European Election Result*s, European Journal for Political Research, vol. 8 (1980) p. 3 – 44.

[7] Turşie, Corina, *Reforma alegerilor europene pentru 2014. Provocarea listelor transnaționale*, Sfera politicii, no. 162, 2011 – Parties and elections, p. 83.

[8] Hertner, Isabelle, *Are European Election Campaigns Europenized? The Case of the Party of European Socialists in 2009*, Government and Opposition, vol. 46, no. 3 (2011), p. 321. For a more detailed explanation on how European electoral campaigns are conducted primarily at a national level see Mair, Peter, *The limited impact of Europe on National party system*, West European Politics, vol. 23, no. 4, 2000, p. 27 – 51.

up candidates list, electoral programmes and finance the electoral campaigns.

In regards to the stake of European elections it was highlighted that *"it is insignificant, and has a national character rather than a European one"*. There is no European stake because, unlike national elections where the parliamentary majority determines the government, at the European level there is no such dynamic.

The procedures for the European Parliament elections are both governed by European legislation, which defines the common norms for all member states, and by specific national provisions, which may vary from one state to another.

The Community Acquis in the Field of Elections

The common provisions establish the principle of proportional representation and some incompatibilities with the mandate of MEP. Elections must be based on the principle of digressive proportionality[9] and use either the list system or the single transferable vote[10]. Many other important aspects[11] such as the electoral system used and the number of constituencies are regulated by national laws.

The European elections from the 25th of May 2015 were the first ones since the entry into force of the Lisbon Treaty through which the European Union strengthened its democratic foundations and granted EU citizens a greater role as political actors in the Union. Furthermore, the Lisbon Treaty affirms the role of Parliament as the democratic representative assembly of the Union.

The provisions of Articles 20, 22 and 223 of the Treaty on the Functioning of the European Union (TFEU) constitute the legal basis for the European elections.

National Legislation of the Member States in the Field of Elections

In regards to the electoral system used, the European elections must be based on the **principle of proportional representation** and use either the list system or the single transferable vote (Council Decision 2002/772/EC, Euratom). Member states may opt for voting based on a preferential list system in accordance with the procedure they adopt.

Regarding the **threshold** a member state may set a minimum threshold for the allocation of seats, which cannot exceed 5%. Belgium, Denmark, Estonia, Finland, Germany, Ireland, Luxembourg, Malta, Portugal, the United Kingdom, Slovenia, Spain and the Netherlands don't have a threshold, Cyprus has a threshold of 1.8%, Greece one of 3%, Austria, Italy and Sweden have a 4% threshold, meanwhile the maximum threshold of 5% is in Croatia, France, Latvia, Lithuania, Poland, the Czech Republic, Romania, Slovakia and Hungary.

Concerning **national constituencies**, at the EP elections the territory of the majority of member states forms a single constituency, but four member states (France, Ireland, Italy and the UK) divided the national territory in several regional constituencies.

There are also constituencies based on purely administrative interest or used exclusively for the distribution within party lists in Belgium (4), Germany (16 and only for the political alliance of Christian Democratic Union of Germany and Christian Social Union in Bavaria CDU/CSU), the Netherlands (19) and Poland (13). In

[9] The proportional system means that for each electoral competitor is allocated a number of mandates in proportion to the votes received. Proportional representation involves list voting and a single round. Proportional representation involves a dual operation. The first operation consists in the allocation of seats according to electoral coefficient, and the second operation – the redistribution (allocating mandates not distributed initially through the distribution of electoral remainders).

[10] 2002/772/EC, Euratom: *Council Decision of 25 June 2002 and 23 September 2002 amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom*, Official Journal of the European Communities L 283, 21/10/2002, available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002D0772&from=EN

[11] The European Parliament: Electoral Procedures, Fact Sheets on the European Union, 2015, available at http://www.europarl.europa.eu/ftu/pdf/en/FTU_1.3.4.pdf

Belgium, a place is reserved for choosing a representative of the German minority.

In respect to **electoral rights,** these can be exercised as follows:

1. ***The right to vote*** is exercised starting from the minimum age of 18, except in Austria where the minimum age is 16 years.

a) *Non-national voting in the host country*

Every citizen of the Union residing in a member state of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the member state in which he resides, under the same conditions as nationals of that State.[12] It is important to note that the concept of residence is different from one state to another[13].

b) *Non-national voting in origin state*

Some states limit the electoral rights of their own citizens who live abroad.

Hence, in the United Kingdom, citizens residing abroad for less than 15 years are entitled to vote.

In Belgium, Denmark, Greece, Italy, and Portugal the right to vote is only for non-resident nationals who live on the territory of another EU member state.

Austria, Finland, France, Spain, Sweden and the Netherlands grant their nationals the right to vote no matter what is their country of residence. Germany grants this right to citizens who reside in another country for less than 25 years. In Bulgaria, Ireland and Slovakia the right to vote is granted to citizens of the Union who have the domicile on their national territory.

2. ***The right to be elected***

In addition to the requirement of being a citizen of an EU member state, common to all member states (except the United Kingdom, where some Commonwealth citizens have the right to participate in elections to the European Parliament), conditions may vary from one country to another. In most member states the minimum age for being elected is 18 years old, except for Belgium, Estonia, Greece, Ireland, Latvia, Lithuania, Poland, Czech Republic, Slovakia and the United Kingdom (21 years old), Romania (23 years old) and Italy and Cyprus (25 years old).

In Luxembourg, a national of another member state has to have been a resident for 2 years in order to be elected to the EP elections. Also, the list may not include a majority of candidates who do not have Luxembourg citizenship. In most member states there is a requirement of residence as a condition for being eligible at elections.

In Denmark, Estonia, Germany, Greece, Czech Republic, Sweden and the Netherlands only the parties and political organizations may submit nominations. In other member states, applications may be submitted if they meet a certain number of signatures or groups a number of voters, and, in some cases, a financial deposit is required.

In France, Germany, Greece, Portugal, the United Kingdom and Spain voters can't change the order in which candidates appear on electoral lists.

On another hand, in Austria, Belgium, Denmark, Finland, Italy, Luxembourg, the Netherlands and Sweden the order on electoral lists can be changed through transferable votes. Voters from Luxembourg can even vote candidates that appear on different lists, and in Sweden they may add or exclude names from the list. The list system is not applicable in Ireland, Northern Ireland and Malta.

In terms of **allocation of mandates**, most member states use the D'Hondt electoral formula to allocate seats. Germany uses the method by division based on the traditional truncation method named Sainte-Laguë/Schepers, while in Italy according to the "method of whole electoral quotas and largest remainder", and in Ireland and Malta

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[12] In accordance with Article 22 paragraph (2) from the *Consolidated version of the Treaty on the Functioning of the European Union*, Official Journal of the European Union 326, 26/10/2012, available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=en

[13] In Estonia, Finland, France, Poland, Romania and Slovenia voters have to have a stable domicile or residence on the electoral territory, in others (Cyprus, Denmark, Greece, Ireland, Luxembourg, UK, Slovakia and Sweden) voters have to live regularly there, while for some (Belgium and Czech Republic) voters have to be registered in the Civil registry.

preferential uninominal voting system with transferrable votes (STV Droop).

Validation of election results and election campaign rules are made by the national parliament in Denmark, Germany and Luxembourg.

In Austria, Belgium, Estonia, Finland, Italy, Ireland, United Kingdom, Czech Republic and Slovenia this is done by the courts, while in Germany there are both options.

In Spain the validation of electoral results is made by the Central Electoral Bureau, while in Portugal, the Netherlands and Sweden this task is assigned to a validation committee.

In France, the Council of State is competent to rule on disputes concerning elections, but the Minister for the Interior also has the right to do so on the grounds that the legally stipulated forms and conditions have not been observed.

In most member states the rules on election campaigns (permitted funding, broadcasting time slots and publication of poll results) are the same as those applying to national elections.

In respect to **filling seats vacated before the expiration of the mandate**, in Austria, Denmark, Finland, France, Italy, Luxembourg, Portugal, Romania and the Netherlands, the seats vacated by resignation are allocated to the first unelected candidates on the same list. In Belgium, Germany, Ireland and Sweden they are allocated to substitutes. Furthermore, in Spain and Germany, if there are no substitutes it is taken into account the order of the candidates on the lists. Meanwhile, in the United Kingdom by-elections are held.

In Greece, the seats vacated are allocated to substitutes from the same list, and if there are not enough substitutes by-elections are held.

It is important to note that in some member states, such as Austria and Denmark, the MEPs have the right to return to the European Parliament if the reason for vacating the seats ceased to apply.

As shown in the analysis above, while the European legislation establishes common norms for the European Parliament elections there are notable differences in the national legislations in respect to many essential aspects, such as establishing constituencies, allocation of mandates, norms for conducting the electoral campaign, the right to elect and to be elected, etc.

The Reform of the Electoral System of the European Union

Therefore, although there is talk about the need for electoral reform in Europe, the ultimate goal is not necessarily uniformization in itself, but rather that improvement of the *de facto status quo* of the European elections regarding in terms of its gaps and deficiencies by identifying and implementing uniform electoral procedures for all member states.

For the purpose of establishing uniform electoral procedures, the objectives are:

- Emphasizing the democratic nature of the European elections;
- Strengthening the concept of European citizenship;
- Improving the functioning of European Parliament;
- Strengthening the legitimacy and effectiveness of the European Parliament;
- Ensuring increased equality between Union citizens in electoral terms.

In this context, a first coherent and progressive reform of election rules since their introduction in 1976 is the one proposed by Andrew Duff.

In its report on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976[14] Andrew Duff mentioned

[14] *Report on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976 [2009/2134(INI)]*, Committee on Constitutional Affairs, Rapporteur: Andrew Duff, A7-0176/2011, available at http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2011-0176+0+DOC+PDF+V0//EN

the need to organize a Convention on electoral reform with the purpose of analyzing, in a democratic and comprehensive way, the complex series of interrelated issues in terms of voting rights, turnout, composition, privileges and voting system, or even to review the differences and anomalies occurring between different national electoral systems[15].

Although encouraging an increased turnout should be a major objective of the electoral reform, there are some proposals – for example, lowering the voting age – which may not contribute to achieving this goal, but it will still have an inherent value.

Duff appreciates that the main purpose is to strengthen the European dimension of the European elections. An important role in this regard should have the public opinion and the media by getting involved in the formulation of policy options regarding the future of the EU and of the European political parties.

The mentioned report also suggests that in addition to the 751 elected MEPs in traditional national and regional constituencies there should be added 25 deputies in the 2014 Parliament elected from a single pan-constituency (in this regard there should be an optional vote on a second ballot paper), which would increase its representative capability, hence reflecting the amendments introduced by the Lisbon Treaty which states that MEPs are now *"representatives of the Union's citizens"* and not *"representatives of the peoples of the States"*[16]. These lists are supposed to be composed of candidates that are residents in at least one third of the States and to respect the gender balance. To this end the European political parties would have responsibility in terms of selecting candidates, establishing their order on the lists and in ensuring the electoral competition. On the other hand, the report proposes, firstly, the mandatory creation of regional or territorial constituencies within the larger states, and, secondly, the compulsory use of the preferential semi-open list system.

Other reform proposals stated in the Duff report are:

- To introduce a regular review practice in respect to the distribution of the 751 seats before the end of the fourth year of parliamentary mandate, in the sense of allowing a redistribution of seats according to the official figures established by the Eurostat;
- To create conditions for EU citizens living in another state to elect and be elected;
- To limit the national threshold at 5%, and for the European Union constituency to have no threshold;
- To create an EU electoral authority whose purpose will be to manage and oversee the transnational list election and resolve appeals;
- To reduce the voting program for the weekend in order to increase interest in voting and to reduce cases of negligence due to premature disclosure of results (changes are required in Ireland, the Netherlands and the United Kingdom);
- To bring forward the timing of elections from June to May in order to expedite the election of the new Commission;

[15] For more details on the differences of member states electoral systems see *Annex V to the Explanatory Statement: European Parliament: Current Electoral Practice in Member States* of the *Report on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976 [2009/2134(INI)]*, Committee on Constitutional Affairs, Rapporteur: Andrew Duff, A7-0176/2011, available at http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2011-0176+0+DOC+PDF+V0//EN

[16] Article 14 paragraph (2), *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007*, Official Journal of the European Union, C 306, 17 December 2007, available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2007:306:FULL&from=en

– To have a uniform minimum age for voters and candidates;
– To establish a uniform supra-national regime of privileges and immunities of MEPs;
– To extend electronic voting in an effort to mobilize voters and facilitate voting.[17]

The latest electoral reform proposal is that put forth by MEPs Jo Leinen and Danuta Hübner. Similar to Duff, these two believe that improving the electoral process in Europe is needed to introduce a uniform electoral procedure, both in terms of form and substance, in order to bring an added value to the organization and conduct of elections, especially in terms of reducing the democratic deficit.

In this regard, Leinen and Hübner identified the need for the following uniform procedures:

– Increasing the visibility of the European political parties;
– The introduction of a common minimum deadline in terms of establishing national list of candidates;
– The introduction of a threshold for the allocation of MEPs mandates of at least 3% and at most 5% for countries where the list system is used and which have more than 26 seats in the European Parliament;
– The introduction of a common deadline of 12 weeks for establishing the lists of candidates by the European political parties;
– Allowing EU citizens residing in countries other than the EU to exercise their right to vote in European Parliament elections;
– Harmonizing the legal voting age to 16 years;
– To have a common day of voting at European level, with simultaneous timing for closing of all polling stations in order to better reflect the joint participation of citizens throughout the Union and to underline that the EU is founded on representative democracy;
– To introduce measures to promote gender equality in all aspects of the European electoral process;
– To increase the use of electronic and postal voting in order to increase participation.[18]

One aspect to be highlighted in regards to the proposal of the two MEPs is the importance given to establishing uniform procedures aimed at electoral competitors. Whereas Duff puts more emphasis on technical issues, Leinen and Hübner underline the importance of reinforcing European political parties in forming European political awareness and in expressing the will of EU citizens, as well as the public mission conferred[19].

For Leinen and Hübner, creating a transparent link between the national parties for which citizens of the Union vote and

[17] *Report on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976 [2009/2134(INI)]*, Committee on Constitutional Affairs, Rapporteur: Andrew Duff, A7-0176/2011, available at http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2011-0176+0+DOC+PDF+V0//EN

[18] *Report on the reform of the electoral law of the European Union [2015/2035(INL)]*, Committee on Constitutional Affairs, Rapporteurs: Jo Leinen, Danuta Maria Hübner, A8-0286/2015, available at http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A8-2015-0286+0+NOT+XML+V0//EN

[19] As stated in Article 10 paragraph (4) from the *Consolidated version of the Treaty on the Functioning of the European Union*, Official Journal of the European Union 326, 26/10/2012, available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=en, and in Article 12 para. (2) from the *Charter of Fundamental Rights of the European Union,* Official Journal of the European Union 326, 26/10/2012, available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=RO

the European political parties that national parties are affiliated to should allow European political parties to express in a more direct way the will of EU citizens and should have a major impact on the transparency of the decision-making process at EU level.

In this regard, they recommend to indicate on the ballot papers used in elections to the European Parliament the European political party affiliation and to facilitate the information provided to the voters in terms of affiliation of national party to European political parties. To increase the transparency of EP elections and to strengthen at the same time the responsibility of political parties participating in the European electoral process as well as the confidence of voters in this process, national parties should make public before the election their affiliation to a European political party.[20]

Although different, I believe that both set of electoral procedures identified by Duff and by Hübner and Leinen, in terms of uniformity, have a high potential to bring added value to the European electoral process.

Of these, the one with the greatest potential to improve is the one that tries to establish a European electoral management authority. This would ensure not only an improved electoral management at the European level, but also the implementation of the uniform electoral procedures and an appropriate monitoring of this process.

However I believe that there are other procedures that should be uniformized, but also optimized. Here I refer to the exchange of information designed to ensure that citizens can not exercise their right to vote or to be elected in the same election in several Member States.

A series of reports[21] from the European Commission on the implementation of Directive 93/109/EC have identified weaknesses in the way the mechanism for preventing multiple voting and candidacies functions, that are caused, in particular, by the fact that the personal data that member states of residence notify to member states of origins in accordance with the Directive are insufficient under the Directive. Also these weaknesses are generated by differences in the electoral timetables of the member states. A consequence of these shortcomings was that a large number of EU citizens who have registered to vote in their member state of residence could not be identified by their member states of origin.

In the context of Directive 93/109/EC, most member states have already established a single contact authority[22] for the exchange of data on voters and candidates. Also, the dates in which electoral lists close are very different from one member state to another, ranging from two months to five days before

[20] Nogaj, Monika, Poptcheva, Eva-Maria, *The Reform of the Electoral Law of the European Union. European Added Value Assessment Accompanying the Legislative Own-Initiative Report (Co-Rapporteurs: Danuta Hübner and Jo Leinen)*, European Added Value Unit, Directorate for Impact Assessment and European Added Value, Brussels, 2015, p. 14 – 15, available at http://www.europarl.europa.eu/RegData/etudes/IDAN/2015/558775/EPRS_IDA(2015)558775_EN.pdf

[21] For more details see *Report from the Commission to the European Parliament and the Council on the application of Directive 93/109/EC – Voting rights of EU citizens living in a Member State of which they are not nationals in European Parliament elections* (COM/97/0731 final) available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:51997DC0731&from=RO, *Communication from the Commission on the application of Directive 93/109/EC to the June 1999 elections to the European Parliament – Right of Union citizens residing in a Member State of which they are not nationals to vote and stand in elections to the European Parliament* (COM/2000/0843 final) available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52000DC0843&from=RO, *Report from the Commission – Report on the election of Members of the European Parliament (1976 Act as amended by Decision 2002/772/EC, Euratom) and on the participation of European Union citizens in elections for the European Parliament in the Member State of residence (Directive 93/109/EC)* (COM(2010) 605 final) available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52010DC0605&from=RO

[22] The efficiency of the mechanism would increase if all member states would establish such authority.

Election Day. It would be advisable for member states to submit the data on voters in a timeframe in which the national provisions from member states of origins can still allow taking the necessary measures.

In closing, I want to emphasize that through setting up an integrated and uniform electoral system in which the operations, standards and election procedures are established, regulated and monitored by a competent European Electoral Authority, the chances to considerably reduce democratic deficit would augment, the voter turnout would increase, and consequently, the legitimacy of the European Union will be strengthened.

About the author:

Daniel DUȚĂ is the Director of the Electoral Management, Monitoring and Logistics Department of the Permanent Electoral Authority since 2007. Some of his main activities include: monitoring logistics and funds for the organization and conduct of elections, managing the "National Registry of the polling stations", endorsing the people to be appointed presidents or vice-presidents of the polling stations bureaus, preparing specific instruction materials and programs for electoral officials and drafting studies and proposals aimed for improving the organization and conduct of elections. He also participated as a member of electoral bureaus, including the electoral bureau for the Romanians abroad and the electoral bureau for the municipality of Bucharest. He has graduated from the Faculty of Law, University of Bucharest, "George Barițiu" University of Braşov and at the moment he is a PhD candidate in Political Science – International Relations at the National School of Political Science and Public Administration and is writing his thesis on the following subject: "Towards a European Electoral System". He participated in international and national scientific conferences and has published a number of papers on electoral systems and European elections.

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SCURTE CONSIDERAŢII PRIVIND VOTUL BIOMETRIC PE CONTINENTUL AFRICAN

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Abstract:

Garantarea drepturilor fiecărei persoane de a-şi putea exercita în mod liber şi direct dreptul de a vota aparţine esenţei oricărei democraţii. Pentru a putea fi garantat un astfel de drept, este necesară, pe de o parte, constituirea unor evidenţe electorale credibile şi exacte, iar pe de altă parte, corecta individualizare a alegătorilor, astfel încât să poată fi aplicat principiul „un om – un vot". Biometria este considerată în aceste condiţii, de tot mai multe state africane, o garanţie a democraţiei, fără a reprezenta însă condiţia suficientă pentru organizarea unor alegeri libere şi transparente.

Cuvinte-cheie: *alegeri, identificare, democraţie, transparenţă, corectitudine*

Abstract:

Guaranteeing the rights of every person to be able to exercise freely and direct his right to vote belongs to the essence of any democracy. To be guaranteed such a right, it is necessary, on the one hand, the establishment of credible and accurate electoral records and on the other, the correct individualization of voters, so that it can be applied the principle of „one man – one vote". Biometrics is considered in this conditions by more and more African countries as a guarantee of democracy, but it is not the sufficient condition for the holding of free and transparent elections.

Keywords: *elections, identification, democracy, transparency, fairness*

Dreptul oricărei persoane ce beneficiază de drepturi civile şi politice de a putea participa la exercitarea de funcţii publice constituie una dintre pietrele de temelie ale oricărei democraţii. Acest drept este consacrat de articolul 21 din Declaraţia Universală a Drepturilor Omului (adoptată în 1948), articolul 25 al Pactului Internaţional referitor la drepturile civile şi politice (adoptat în 1966), articolul 13 al Chartei Africane a Drepturilor Omului şi Popoarelor şi, respectiv, de Capitolul IV B al Declaraţiei de la Bamako (adoptată în 2000).

Un astfel de drept nu poate fi însă garantat în absenţa unor liste electorale exhaustive şi credibile, care să asigure o cât mai largă participare a alegătorilor la diferitele procese electorale. Pentru a garanta existenţa unor astfel de liste, organismele însărcinate cu organizarea, supravegherea şi validarea alegerilor în diverse state africane au concluzionat că este necesară facilitarea condiţiilor de înscriere a persoanelor pe listele electorale, veghind totodată ca o astfel de operaţiune să nu fie împiedicată de niciun fel de discriminare. Însă, pe baza constatărilor elaborate de misiunile organizate începând cu ultimul deceniu al secolului trecut sub egida OIF în domeniul electoral, s-a concluzionat că cea mai mare parte a ţărilor din spaţiul francofon (în special ţările sub-sahariene) întâmpină dificultăţi serioase cu privire la înregistrarea alegătorilor şi, corelativ, cu privire la constituirea listelor electorale, dificultăţi legate în special de absenţa sau proasta gestionare a registrelor de stare civilă, fapt ce generează impedimente în elaborarea unor liste electorale complete, care să reflecte ansamblul populaţiei care a împlinit vârsta necesară exercitării dreptului de a vota. În numeroase cazuri s-a constatat caracterul incert al modalităţilor de elaborare a acestor liste electorale, cum ar fi registre de stare civilă incomplete, confuzia patronimelor, mişcări ale populaţiei, necontrolate în interiorul teritoriilor naţionale, chiar inexistenţa stării civile în special în zonele rurale îndepărtate de administraţia centrală, imposibilitatea organizării unor recensăminte. În acelaşi context nu pot fi ignorate situaţiile unor ţări afectate de crize umanitare sau conflicte armate, factori ce au generat consecinţe dramatice în organizarea administraţiei în general, ducând la distrugerea unor arhive oficiale care conţineau inclusiv acte de stare civilă, la deplasări ale populaţiei şi, în fond, la o dezorganizare totală a administraţiei publice.

Date fiind aceste efecte defavorabile determinate de imperfecţiunile listelor electorale necesare organizării diverselor scrutine, cu consecinţe directe asupra procesului democratic în general, mai multe ţări africane au organizat politici diverse cu scopul de a realiza un control şi o evidenţă corespunzătoare asupra segmentului de populaţie ce beneficiază de dreptul de a vota. În acest context, apariţia biometriei a reprezentat o soluţie originală pentru constituirea unor liste electorale fiabile, fiind capabilă să furnizeze soluţii potrivite pentru orice dificultate întâmpinată în cadrul organizării unor procese electorale. Biometria intervine într-adevăr în momentul identificării alegătorilor, cu ocazia constituirii sau actualizării listelor electorale, permiţând reformatarea acestora utilizând kituri electorale, precum şi în ziua desfăşurării scrutinului electoral prin identificarea votantului cu ajutorul unei cărţi de alegător biometrice, presupunând cel mai adesea o fotografie şi o amprentă digitală.

În aceeaşi ordine de idei, se impune a se menţiona că, în situaţia în care listele electorale sunt incomplete ca urmare a faptului că registrele de stare civilă sunt afectate de numeroase imperfecţiuni, este necesară recurgerea la un remediu care să permită înregistrarea în mod corect a alegătorilor, numeroase state africane optând astfel pentru biometrie.

Cu toate că biometria reprezintă un avans incontestabil în materie electorală, se impune totuşi a se reţine că aceasta nu reprezintă doar prin ea însăşi o condiţie suficientă pentru organizarea unor alegeri libere şi transparente. Potrivit Reţelei de analiză electorală ACE, există trei mari metode de înscriere a alegătorilor: lista periodică, o listă nouă pentru fiecare tip de alegeri (cum este cazul Liberiei, al Ghanei sau al Republicii Malawi), registrul permanent sau lista permanentă cu actualizare periodică (cazul

Tanzaniei, al Mozambicului, al Algeriei, al Ciadului şi al Republicii Burkina Faso) ori registrul civil sau registrul de stare civilă (cazul majorității celorlalte state africane)[1]. Biometria este aplicabilă în toate aceste cazuri, experți în tehnologii electorale din cadrul ONU sau al UE considerând că „aportul biometriei în procesul electoral permite elaborarea unor liste electorale mai fiabile, care să individualizeze alegătorii în cadrul acestora, permițând astfel respectarea unui principiu esențial al democrației, anume un om – un vot"[2].

Este cert că tot mai mulți membri ai societăților civile africane susțin că în absența biometriei nu poate fi vorba de derularea unor alegeri corecte şi transparente, considerând implementarea acestui tip de vot mijlocul necesar pentru împiedicarea oricăror tentative de fraudă electorală. În realitate, lucrurile nu stau deloc aşa, cele două obiective principale ale biometriei fiind, pe de o parte, asigurarea unui mecanism de identificare a alegătorilor, iar pe de altă parte, garantarea stopării înscrierilor multiple pe listele electorale, în afara celor permise de regulamentele electorale. Biometria nu vizează de altfel decât o parte a proceselor electorale, respectiv pregătirea listelor electorale şi, mai mult sau mai puțin, prevenirea fraudelor din ziua votului. Întrucât există multiple metode de fraudare a votului, biometria nu garantează calitatea acestuia, însă introducerea sa ca modalitate de vot permite fără îndoială o dezbatere şi o evoluție a raportului de forțe între putere şi opoziție, care este adesea strategică într-un proces de democratizare.

Biometria permite, cel puțin în teorie, eliminarea votului multiplu, însă, făcând abstracție de ziua în care se desfăşoară procesul electoral, nu garantează eliminarea fraudelor dinaintea procesului electoral şi după închiderea urnelor. În fapt, biometria conferă într-adevăr posibilitatea autentificării manuale a alegătorilor (fotografia de pe cartea de alegător este comparată cu figura posesorului cărții respective şi cu fotografia ce figurează pe listele electorale gestionate de secția de vot la care este arondat alegătorul respectiv), însă pentru ca o astfel de autentificare să devină posibilă se impune atât derularea unui proces de pregătire corespunzătoare a agenților electorali, cât şi existența unei calități minimale a acelor fotografii, în acord cu criteriile stabilite de normativul ISO/IEC 19794-5. Acesta impune anumiți parametri câmpului fotografic (luminozitate, poziția şi expresia feței, focalizarea obiectivului), coroborați cu existența unor atribute numerice ale imaginii (rezoluție, dimensiune), exigențe dificil de îndeplinit în regiunile rurale şi care depăşesc adesea competențele tehnice ale funcționarilor administrativi sau electorali.

În cadrul Raportului aferent anului 2012 privind starea practicilor democrației, a drepturilor şi libertăților în spațiul francofon, Delegația pentru pace, democrație şi drepturile omului (DDHDP) din cadrul OIF a considerat folosirea biometriei un factor ce contribuie direct la fiabilitatea fişierului electoral şi indirect la desfăşurarea unor alegeri libere, fiabile şi transparente, realizându-se astfel unul dintre obiectivele urmărite prin Declarația de la Bamako din 3.11.2000[3]. Într-adevăr, introducerea biometriei în procesele electorale vizează asigurarea principiului egalității voturilor, principiu considerat ca una dintre pietrele de temelie ale corectitudinii oricărui scrutin electoral, caracteristică ce trebuie să răspundă unor exigențe de egalitate, libertate şi asigurare a secretului votului[4].

Chestiunea proceselor electorale la nivelul continentului african se impune cu atât mai mult în actualitate, cu cât aici, în perioada 2015 – 2016, au fost sau sunt programate un număr de cincizeci de procese electorale legislative sau prezidențiale[5].

Cu toate că virtuțile biometriei în materie electorală sunt incontestabile, anumite țări africane sunt în continuare

[1] http://www.aceproject.org/ace-fr/topics/vr/vra

[2] http://www.rfi.fr/emission/20130928-clement-aga-nahi-expert-technologies-electorales-aupres-onu-ue/

[3] http://www.francophonie.org/IMG/pdf/Rapport DDHDP2012.pdf

[4] Ibidem.

[5] https://regardexcentrique.wordpress.com/2015/02/24/ue-et-elections-en-afrique-en-2015-et-2016/

reticente în a introduce această modalitate de vot, țări situate în special în zona Maghrebului şi în sudul Africii. Reticența nu provine cu siguranță din absența mijloacelor materiale necesare implementării, dat fiind faptul că acestea reprezintă în general state cu economii avansate la nivel continental, fără a mai vorbi de faptul că pe teritoriul lor există firme private specializate în implementarea sistemelor biometrice[6]. Desigur, este necesar să fie luat în calcul şi faptul că în unele dintre aceste state (cum ar fi Africa de Sud şi Marocul) nu se impune modificarea urgentă a sistemului de vot, în condițiile în care acesta nu a generat probleme majore. Chestiuni pragmatice care ar putea în schimb să genereze dificultăți în privința implementării biometriei sunt reprezentate nu doar de necesitatea stabilirii prealabile a unei baze de date a alegătorilor, pornind de la existența unor mențiuni de stare civilă viabile, ci şi de furnizarea energiei electrice în anumite zone ale continentului, dat fiind faptul că utilizarea kiturilor necesare biometriei depinde de alimentarea cu energie electrică.

Țări cu o îndelungată tradiție democratică nu au adoptat procesul de biometrie electorală, procesele electorale interne nefiind afectate de fraude, iar evidențele de stare civilă fiind ținute corespunzător. Numeroşi cetățeni din țările respective nu au însă încredere în biometria electorală, îndoindu-se de aceasta şi percepând-o ca pe un element intruziv de supraveghere. Biometria transformă cel mai adesea amprentele personale în date publice, care nu mai permit o autentificare bazată pe date private, datele biometrice nefiind confidențiale[7] prin natura lor. Pe de altă parte, este imposibilă schimbarea acestor date odată ce ele au fost divulgate; s-a ajuns totuşi la stabilirea unui echilibru, indicându-se să se renunțe în general la tratarea datelor biometrice dacă identificarea sau autentificarea persoanelor în cadrul analizat pot fi realizate cu aceeaşi eficacitate şi securitate fără ca datele respective să fie divulgate şi cu utilizarea unor mijloace mai puțin intruzive[8].

Există mai multe țări în Africa, cum ar fi Ruanda sau Botswana, care au reuşit să îşi amelioreze datele de stare civilă, astfel încât acestea să poată constitui baza unei liste electorale fiabile, însă nu trebuie omis faptul că, în condițiile în care valorile democratice trebuie implementate în Africa în scopul limitării regimurilor dictatoriale, biometria poate reprezenta unul dintre instrumentele cheie ale oricărei dezbateri electorale. În fapt, înregistrarea biometrică de către o societate privată specializată poate constitui o soluție pentru crearea rapidă a unei liste electorale. În regimurile dictatoriale, întrucât liderii acestora nu acceptă progresele care restrâng posibilitatea organizării unor scrutine câştigate dinainte, instituirea biometriei este însoțită întotdeauna de evoluția raportului de forță între opoziția democratică şi guvern. Pe de altă parte, dacă biometria este prost utilizată, s-ar putea întoarce împotriva forțelor democrate, fiind afectată de manipulările puterii dictatoriale sau de gestiunea priorităților.

În Africa, primele alegeri organizate pe baza votului biometric au avut loc în anii 2000, mai exact din 2002, extinzându-se cu începere din 2010 şi în prezent, generalizându-se în 30 de țări africane dintr-un total de 55. Cu toate acestea, se apreciază că biometria nu este indispensabilă democratizării, două tranziții democratice (cea de la sfârşitul anului 2013 în Madagascar şi cea din 2014 în Tunisia) fiind considerate terminate ca urmare a derulării unor procese electorale care nu s-au bazat pe votul biometric, acesta fiind criticat în statele respective pentru raportul dintre costuri şi eficacitate[9].

Nu trebuie ignorat faptul că în mai multe cazuri legislațiile electorale desuete limitează folosirea biometriei, una dintre lacunele adesea constatate fiind reprezentată

[6] De exemplu cazul Waymak Infotech în Africa de Sud.

[7] http://www.preventica.com/dossier-surete-biometrie-limites-systemes-biometriques.php

[8] http://www.cnpd.public.lu/fr/dossiers-thematiques/nouvelles-tech-communication/biometrie-ptotection/index.html

[9] http://www.preventica.com/dossier-surete-biometrie-limites-systemes-biometriques.php

de absența măsurilor de protecție a drepturilor alegătorilor în materie de divulgare a datelor cu caracter personal. Un alt exemplu frecvent constă în absența indicațiilor utile pentru folosirea garanțiilor oferite de biometrie în privința verificărilor regularității scrutinelor electorale. Fără îndoială că utilizarea biometriei, cu precădere consultarea sistematică a fotografiilor ce figurează pe cărțile de alegător sau pe listele electorale, face posibilă determinarea cu exactitate a persoanelor care şi-au exercitat dreptul de vot, existând astfel o modalitate de control al procentului de participare la vot şi putându-se aprecia statistic dacă rezultatele electorale anunțate sunt cele corecte. Este posibil de asemenea să fie declanşate investigații în privința potențialelor fraude la urne, în măsura în care nivelul prezenței la vot în unele secții apare ca fiind prea ridicat în raport cu altele.

Se impune a se conştientiza de asemenea faptul că un scrutin electoral nu reprezintă un eveniment izolat, el desfăşurându-se într-un context istoric şi social, protagoniştii acestuia având adesea obiective divergente. Aspectul în sine trebuie conştientizat şi recunoscut de către organismele electorale care gestionează un proces electoral, pe întregul parcurs al derulării fazelor biometriei, adică atât înaintea, în timpul, cât şi ulterior datei scrutinului. Chiar dacă se preconizează generalizarea votului biometric în Africa până în 2020, acest fapt nu va fi cu siguranță suficient pentru eliminarea tuturor suspiciunilor privitoare la corectitudinea proceselor electorale.

Despre autori:

Judecător dr. Rustin-Petru CIASC este absolvent al Facultății de Drept „Nicolae Titulescu" din cadrul Universității din Craiova, promoția 1998. În anul 2006 a absolvit cursurile masterale în specialitatea „Drept comunitar şi integrare europeană", la Facultatea de Drept din cadrul Universității „Tibiscus" Timişoara. În anul 2014 a obținut titlul de doctor în disciplina ştiințe penale, al Şcolii Doctorale din cadrul Universității de Vest Timişoara. Este membru al Asociației de Ştiințe Penale, filiala Vrancea. A fost numit în funcția de judecător la 1.11.1999. În perioada 2006 – 2010 a exercitat funcția de vicepreşedinte al Tribunalului Caraş-Severin, iar din anul 2010 deține funcția de preşedinte al aceleiaşi instanțe, desfăşurându-şi totodată activitatea în cadrul Secției Penale. Este autorul mai multor articole şi lucrări ştiințifice. A condus mai multe birouri electorale județene în Circumscripția Electorală nr. 11 Caraş-Severin. De asemenea, este un foarte bun vorbitor de limbă spaniolă, franceză, italiană, engleză şi portugheză.

Judecător Mariana-Gabriela STUPARU este absolventă a Facultății de Drept din cadrul Universității Bucureşti, promoția 1990. A urmat cursurile postuniversitare, specializările drept penal şi drept comercial, în cadrul Universității de Vest Timişoara, în perioada 1998 – 1999. În anul 2005 a absolvit cursurile masterale în specialitatea „Drept penal şi ştiințe penale", la Facultatea de Drept din cadrul Universității „Vasile Goldiş" din Arad. Este membru în Asociația de Ştiințe Penale, Filiala Vrancea şi I.S.A.R. „Paul Negulescu" Sibiu. A fost numită în funcția de judecător la 1.09.1990, iar din anul 2011 deține funcția de vicepreşedinte al Tribunalului Caraş-Severin, desfăşurându-şi activitatea în cadrul Secției Penale. A condus mai multe birouri electorale județene în Circumscripția Electorală nr. 11 Caraş-Severin. Vorbeşte limbile spaniolă, engleză şi germană.

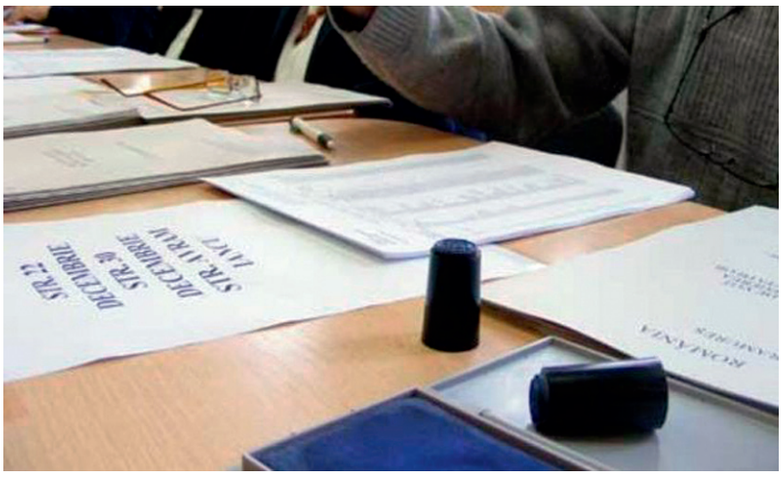
Referințe:

• http://www.aceproject.org
• http://www.rfi.fr
• http://www.francophonie.org
• https://regardexcentrique.wordpress.com
• http://www.preventica.com
• http://www.cnpd.public.lu

RAPOARTE, SINTEZE ȘI INFORMĂRI

REPORTS, SYNTHESES AND BRIEFINGS

CORPUL EXPERŢILOR ELECTORALI
CONDIŢIILE ŞI PROCEDURA DE ADMITERE



Începând cu primele alegeri generale din 2016, preşedinţii birourilor electorale ale secţiilor de votare şi locţiitorii acestora vor fi desemnaţi de către Autoritatea Electorală Permanentă, în şedinţă publică, anunţată cu 48 de ore înainte, prin tragere la sorţi computerizată, organizată la nivel judeţean sau al municipiului Bucureşti cu 15 zile înaintea datei alegerilor, pe funcţii, dintre persoanele înscrise în corpul experţilor electorali cu domiciliul sau reşedinţa în judeţul respectiv, pe baza criteriului apropierii domiciliului sau reşedinţei de sediul secţiei de votare, precum şi pe baza criteriului studiilor absolvite, conform art. 15 alin. (2) din Legea nr. 208/2015 privind alegerea Senatului şi a Camerei Deputaţilor, precum şi pentru organizarea şi funcţionarea Autorităţii Electorale Permanente.

Corpul experţilor electorali, o evidenţă permanentă a persoanelor care pot deveni preşedinţi ai birourilor electorale ale secţiilor de votare din ţară şi străinătate sau locţiitori ai acestora este înfiinţată, gestionată şi actualizată de Autoritatea Electorală Permanentă (AEP), conform art. 16 alin. (13) din Legea nr. 208/2015.

AEP a demarat deja campania de recrutare a experţilor electorali, conform metodologiei pe care a aprobat-o prin Hotărârea nr. 11/2015, publicată în Monitorul Oficial al României, Partea I, nr. 832/06.11.2015.

Ce reprezintă Corpul experţilor electorali?

Prin Corpul experților electorali se înțelege evidența permanentă a persoanelor care pot deveni președinți ai birourilor electorale ale secțiilor de votare din țară și străinătate sau locțiitori ai acestora, înființată, gestionată și actualizată de Autoritatea Electorală Permanentă.

Cine poate fi expert electoral?

Poate face parte din Corpul experților electorali, prin decizie a Autorității Electorale Permanente, persoana care îndeplinește următoarele condiții:

a) are cetățenia română;

b) cunoaşte limba română, scris şi vorbit;

c) are drept de vot;

d) are o stare de sănătate corespunzătoare îndeplinirii funcției;

e) nu face parte dintr-un partid politic;

f) a absolvit cel puțin învățământul general obligatoriu;

g) nu este urmărită penal, trimisă în judecată penală sau condamnată penal.

Care sunt condiţiile de admitere în Corpul experţilor electorali?

Admiterea se face:

• pe baza avizului favorabil acordat de Autoritatea Electorală Permanentă pentru activitatea anterioară ca preşedinte al biroului electoral al secției de votare sau locțiitor al acestuia;

• pe bază de examen.

Care este procedura de admitere în Corpul experţilor electorali pe baza avizului favorabil acordat de Autoritatea Electorală Permanentă?

Autoritatea Electorală Permanentă emite aviz favorabil pentru admiterea în Corpul experților electorali în cazul persoanei care îndeplineşte cumulativ următoarele condiții:

a) are cetățenia română;

b) cunoaşte limba română, scris şi vorbit;

c) are drept de vot;

d) are o stare de sănătate corespunzătoare îndeplinirii funcției;

e) nu face parte dintr-un partid politic;

f) a absolvit cel puțin învățământul general obligatoriu;

g) nu este urmărită penal, trimisă în judecată penală sau condamnată penal;

h) a exercitat funcția de președinte al biroului electoral al secției de votare sau de locțiitor al acestuia la cel puțin un scrutin care a avut loc înaintea datei intrării în vigoare a Legii nr. 208/2015 privind alegerea Senatului şi a Camerei Deputaților, precum şi pentru organizarea şi funcționarea Autorității Electorale Permanente;

i) nu a săvârşit contravenții în legătură cu alegerile sau cu un referendum pe durata îndeplinirii funcției de președinte al biroului electoral al secției de votare sau de locțiitor al acestuia;

j) nu a săvârşit erori grave în operațiunile de consemnare a rezultatelor votării în procesele-verbale prevăzute de legislația în vigoare;

k) nu a fost exclusă din Corpul experților electorali;

l) nu s-a retras din Corpul experților electorali.

Persoanele interesate pot depune în scris, la primari sau prefecți, ori la Autoritatea Electorală Permanentă, în scris sau în format electronic, până cel mai târziu cu 45 de zile înaintea datei alegerilor, o cerere scrisă privind admiterea în Corpul experților electorali din țară pe bază de aviz favorabil, datată şi semnată, conținând numele, prenumele, codul numeric personal, domiciliul, reşedința, ocupația, profesia, telefonul şi adresa de e-mail, însoțită de o declarație privind îndeplinirea condițiilor menționate, mai sus, la lit. a) – g), o copie a actului de identitate şi o copie a actului de studii.

Documentele pot fi depuse direct sau transmise prin poştă, în original, la sediul filialei sau al biroului județean al Autorității Electorale Permanente (coordonatele de contact ale filialei sau ale biroului județean al Autorității Electorale Permanente din județul dumneavoastră se regăsesc aici: http://www.roaep.ro/prezentare/filiala/) sau la sediul primăriei sau al instituției prefectului.

Primarii şi prefecții vor redirecționa cererile de admitere în Corpul experților electorali din țară însoțite de documentele solicitate către filiala sau biroul județean al Autorității Electorale Permanente din județul dumneavoastră.

Verificarea îndeplinirii condițiilor menționate mai sus se realizează prin analiza declarației, a copiei actului de identitate şi a copiei actului de studii.

În urma analizei, Autoritatea Electorală Permanentă aduce la cunoştință publică, prin afişare pe site-ul propriu, următoarele date de identificare ale persoanelor admise în Corpul experților electorali:

• numele;

- prenumele;
- inițiala tatălui;
- domiciliul.

Care sunt condiţiile de admitere în Corpul experţilor electorali pe bază de examen?

La examenul pentru admiterea în Corpul experților electorali poate participa persoana care îndeplineşte cumulativ următoarele condiții:

a) are cetățenia română;

b) cunoaşte limba română, scris şi vorbit;

c) are drept de vot;

d) are o stare de sănătate corespunzătoare îndeplinirii funcției;

e) nu face parte dintr-un partid politic;

f) a absolvit cel puțin învățământul general obligatoriu;

g) nu este urmărită penal, trimisă în judecată penală sau condamnată penal;

h) nu a mai exercitat funcția de preşedinte al biroului electoral al secției de votare sau de locțiitor al acestuia;

i) a fost exclusă din Corpul experților electorali, sub condiția ca excluderea să fi avut loc cu mai mult de 3 ani înaintea datei examenului;

j) s-a retras din Corpul experților electorali, sub condiția ca retragerea să fi avut loc cu mai mult de un an înaintea datei examenului.

Care sunt condiţiile de înscriere în Corpul experţilor electorali pe bază de examen?

Examenul de admitere în Corpul experților electorali poate avea una din următoarele forme:

a) examen scris, organizat într-un centru de examinare pus la dispoziție de către primar sau prefect, în condițiile legii, precum şi la sediile Autorității Electorale Permanente, ale filialelor şi birourilor acesteia;

b) examen în sistem online.

Examenul de admitere în Corpul experţilor electorali are ca obiect evaluarea următoarelor competenţe specifice:

a) cunoaşterea legislației în materia exercitării dreptului de vot şi a modului de aplicare a acesteia;

b) planificarea operațiunilor electorale din secția de votare;

c) consemnarea rezultatelor votării.

Persoanele interesate pot depune în scris, la primari sau prefecți ori la Autoritatea Electorală Permanentă, în scris sau în format electronic, până cel mai târziu cu 45 de zile înaintea datei alegerilor, o cerere scrisă, datată şi semnată, conținând numele, prenumele, codul numeric personal, domiciliul, reşedința, ocupația, profesia, telefonul şi adresa de e-mail, însoțită de o declarație privind îndeplinirea condițiilor menționate mai sus la lit. a) – g), o copie a actului de identitate şi o copie a actului de studii.

În ce constă examenul de admitere în Corpul experţilor electorali?

Examenul de admitere în Corpul experților electorali constă în soluționarea unui test-grilă de verificare a competențelor format din 15 întrebări cu câte 3 variante de răspuns. Numai o variantă de răspuns este corectă.

Rezultatul probei scrise se comunică verbal candidaților şi se afişează pe pagina de internet a Autorității Electorale Permanente.

Important

Candidații care nu promovează examenul de admitere în Corpul experților electorali pot susține un nou examen de admitere scris sau în sistem online, după caz, pe baza unei programări telefonice sau online, fără a mai îndeplini alte formalități.

OPERATORII DE CALCULATOR AI BIROURILOR ELECTORALE ALE SECŢIILOR DE VOTARE

În prima decadă a lunii octombrie 2015, Autoritatea Electorală Permanentă (AEP) a demarat campania de recrutare a operatorilor de calculator ai secţiilor de votare, în baza normelor metodologice privind funcţionarea Sistemului informatic de monitorizare a prezenţei la vot şi de prevenire a votului ilegal, selecţia şi desemnarea operatorilor de calculator ai birourilor electorale ale secţiilor de votare, aprobate prin Hotărârea AEP nr. 9/2015, publicată în Monitorul Oficial al României, Partea I, nr. 812 din data de 2 noiembrie 2015.

Campania demarată de AEP s-a bucurat de un interes sporit din partea cetăţenilor, care au solicitat în număr mare să devină operatori de calculator ai birourilor secţiilor de votare. Numai în primele două săptămâni de la lansarea campaniei AEP de recrutare a operatorilor de calculator ai birourilor secţiilor de votare, au fost înregistrate aproape 8.000 de cereri la nivel naţional, în condiţiile în care pentru cele 18.597 de secţii de votare din ţară este necesar un număr de 23.637 de operatori de calculator.

Ce reprezintă Sistemul informatic de monitorizare a prezenţei la vot şi de prevenire a votului ilegal (SIMPV)?

SIMPV are un rol instrumental în asigurarea integrității procesului electoral şi are următoarele funcționalități:

a) facilitează verificarea îndeplinirii condițiilor prevăzute de lege pentru exercitarea dreptului de vot;
b) semnalează cazurile în care datele de identificare ale alegătorilor care se prezintă la vot figurează deja ca fiind înscrise în SIMPV;
c) semnalează cazurile în care, potrivit evidențelor pe baza cărora se constituie SIMPV, persoanele care se prezintă la vot nu au drept de vot sau figurează cu interdicții de exercitare a dreptului de vot;
d) facilitează exercitarea dreptului de vot;
e) asigură unicitatea înscrierii în listele electorale;
f) agregă date statistice privind prezența alegătorilor la vot.

Ce reprezintă Aplicaţia informatică pentru verificarea dreptului de vot (ADV)?

ADV reprezintă un program informatic, realizat de către Serviciul de Telecomunicații Speciale, care asigură prelucrarea datelor de identificare ale alegătorilor culese de către operatorii de calculator şi compararea acestora cu datele deja înregistrate, respectiv cu evidențele prevăzute la art. 3 alin. (2) din Hotărârea AEP nr. 9/2015[1].

Ce condiţii trebuie îndeplinite pentru a fi operator de calculator al secţiei de votare?

Poate avea calitatea de operator de calculator al secției de votare orice persoană care îndeplinește următoarele condiții:

a) are cetățenia română şi domiciliul în România;

[1] a) Registrul electoral şi, în cazul alegerilor locale, listele electorale complementare;
b) Registrul secțiilor de votare.

b) cunoaşte limba română, scris şi vorbit;
c) are vârsta de minimum 18 ani împliniți;
d) are capacitate deplină de exercițiu;
e) a absolvit învățământul general obligatoriu;
f) are cunoştințe de bază în tehnologia informației.

Cum sunt selectaţi şi desemnaţi operatorii de calculator ai secţiei de votare?

Selectarea operatorilor de calculator ai birourilor electorale ale secţiilor de votare se realizează pe baza examinării practice a următoarelor competențe:

a) utilizarea noțiunilor de bază ale tehnologiei informației;
b) introducerea şi validarea datelor;
c) prelucrarea datelor;
d) utilizarea internetului şi a poştei electronice;
e) utilizarea echipamentelor periferice;
f) asigurarea confidențialității şi securității datelor.

Serviciul de Telecomunicații Speciale, cu sprijinul Autorității Electorale Permanente şi al Institutului Național de Statistică, organizează sesiuni de examinare practică, în centre de evaluare şi în sistem online. Persoanele care participă la sesiunile de examinare practică organizate în centre de evaluare vor fi notificate telefonic sau prin e-mail de către Autoritatea Electorală Permanentă cu privire la locul şi data sesiunii de examinare.

Sunt desemnate ca operatori de calculator ai secţiilor de votare din localitatea de domiciliu sau reşedință, după caz, prin decizie a Autorității Electorale Permanente, numai persoanele care sunt declarate admise ca urmare a examinării practice a competențelor menționate mai sus. Acestea semnează un acord privind desemnarea ca operatori ai secțiilor de votare şi un angajament privind confidențialitatea datelor şi sunt remunerați, pe perioada desfăşurării activității în secțiile de votare, cu o indemnizație stabilită prin Hotărâre a Guvernului.

Persoanele declarate admise ca urmare a evaluării care nu au fost repartizate pe secții de votare rămân la dispoziția Autorității Electorale Permanente pentru înlocuirea în cazuri deosebite a operatorilor de calculator desemnați prin decizie a Autorității Electorale Permanente.

La sesiunile de examinare practică participă persoanele propuse de către autoritățile administrației publice centrale şi locale, conform legii, precum şi alte persoane care au depus sau au transmis o cerere scrisă, datată şi semnată, conform modelului de cerere pentru desemnarea ca operator de calculator al biroului electoral al secției de votare, la birourile şi filialele Autorității Electorale Permanente sau la misiunile diplomatice şi oficiile consulare.

Care sunt atribuţiile operatorilor de calculator ai birourilor electorale ale secţiei de votare?

Operatorii de calculator exercită următoarele atribuții:

- preiau şi predau, pe bază de proces-verbal, terminalele informatice din secțiile de votare şi echipamentele conexe, de la reprezentanții Serviciului de Telecomunicații Speciale;
- sunt prezenți în secția de votare de la ora 06.00 a zilei votării până la momentul încheierii procesului-verbal de consemnare a rezultatelor votării;
- înscriu, în SIMPV, codurile numerice personale ale alegătorilor care se prezintă la vot, prin preluarea automată a acestora către mecanismul integrat în terminalul informatic sau prin tastarea cifrelor corespunzătoare în secțiunea destinată acestui scop în interfața SIMPV;
- controlează corectitudinea preluării codurilor numerice personale ale alegătorilor;

- validează preluarea codurilor numerice personale ale alegătorilor în SIMPV;
- comunică, de îndată, preşedintelui biroului electoral al secţiei de votare mesajele şi semnalările returnate de SIMPV;
- asigură îndeplinirea dispoziţiilor preşedintelui biroului electoral al secţiei de votare, în cazurile menţionate de normele metodologice;
- asigură introducerea şi transmiterea electronică a datelor din procesele-verbale privind consemnarea şi centralizarea rezultatelor votării, conform procedurii stabilite de către Biroul Electoral Central.

Situaţia privind numărul total al cererilor depuse de persoanele care doresc să devină operatori ai birourilor electorale ale secţiilor de votare, la nivel naţional, defalcat pe judeţe, respectiv sectoare ale municipiului Bucureşti, până la data de 11 decembrie 2015

JUDEŢ	NUMĂR CERERI ÎNREGISTRATE	NECESAR OPERATORI	NUMĂR SECŢII DE VOTARE
ALBA	607	559	440
ARAD	606	557	438
ARGEŞ	612	661	520
BACĂU	823	796	633
BIHOR	685	819	651
BISTRIŢA-NĂSĂUD	417	400	313
BOTOŞANI	524	534	422
BRAŞOV	571	559	447
BRĂILA	392	355	281
BUZĂU	568	552	427
CARAŞ-SEVERIN	653	473	365
CĂLĂRAŞI	345	304	235
CLUJ	579	821	656
CONSTANŢA	436	698	554
COVASNA	307	275	214
DÂMBOVIŢA	753	549	432
DOLJ	574	686	529
GALAŢI	757	552	436
GIURGIU	338	319	245
GORJ	461	423	332
HARGHITA	427	378	290
HUNEDOARA	695	656	524
IALOMIŢA	340	299	220
IAŞI	962	908	723
ILFOV	274	290	233
MARAMUREŞ	556	559	434
MEHEDINŢI	406	371	286

JUDEŢ	NUMĂR CERERI ÎNREGISTRATE	NECESAR OPERATORI	NUMĂR SECŢII DE VOTARE
MUREŞ	861	723	568
NEAMŢ	746	612	486
OLT	518	511	379
PRAHOVA	957	794	623
SATU MARE	518	427	334
SĂLAJ	396	396	312
SIBIU	541	473	370
SUCEAVA	881	712	555
TELEORMAN	629	447	334
TIMIŞ	632	754	595
TULCEA	298	271	204
VASLUI	742	660	523
VÂLCEA	673	547	430
VRANCEA	510	459	358
MUNICIPIUL BUCUREŞTI	91	0	0
MUNICIPIUL BUCUREŞTI SECTORUL 1	9	196	163
MUNICIPIUL BUCUREŞTI SECTORUL 2	10	243	202
MUNICIPIUL BUCUREŞTI SECTORUL 3	2	329	274
MUNICIPIUL BUCUREŞTI SECTORUL 4	12	214	178
MUNICIPIUL BUCUREŞTI SECTORUL 5	7	236	196
MUNICIPIUL BUCUREŞTI SECTORUL 6	77	280	233
TOTAL	**23778**	**23637**	**18597**

NUMĂRUL TOTAL DE ALEGĂTORI ÎNSCRIȘI ÎN REGISTRUL ELECTORAL LA DATA DE 3 DECEMBRIE 2015[1]

NUMĂRUL TOTAL DE ALEGĂTORI VALABIL LA DATA DE 3 DECEMBRIE 2015, AFERENT FIECĂRUI JUDEȚ, RESPECTIV MUNICIPIULUI BUCUREȘTI, ÎN FUNCȚIE DE SEX ȘI MEDIU (URBAN/RURAL)

JUDEȚ	NUMĂR ALEGATORI	NUMĂR BĂRBAȚI	NUMĂR FEMEI	NUMĂR ALEGĂTORI ÎN MEDIUL URBAN	NUMĂR ALEGĂTORI ÎN MEDIUL RURAL
ALBA	316153	154690	161463	190608	125545
ARAD	392085	187646	204439	225852	166233
ARGEŞ	539649	259462	280187	268009	271640
BACĂU	604030	296058	307972	294752	309278
BIHOR	504274	242887	261387	267544	236730
BISTRIŢA-NĂSĂUD	262231	129518	132713	104929	157302
BOTOŞANI	362872	178527	184345	162762	200110
BRĂILA	300381	144060	156321	200283	100098
BRAŞOV	517570	247436	270134	389348	128222
BUZĂU	396052	191070	204982	170263	225789
CĂLĂRAŞI	257018	124477	132541	104644	152374
CARAŞ-SEVERIN	274638	133074	141564	162011	112627
CLUJ	602846	287229	315617	404837	198009
CONSTANŢA	629515	302042	327473	447655	181860
COVASNA	184013	89843	94170	95847	88166
DÂMBOVIŢA	432741	209292	223449	142409	290332
DOLJ	581025	277820	303205	325314	255711
GALAŢI	521838	254928	266910	306504	215334
GIURGIU	227942	110144	117798	75509	152433
GORJ	303498	149098	154400	148387	155111
HARGHITA	270016	132223	137793	122192	147824
HUNEDOARA	396882	191970	204912	308308	88574
IALOMIŢA	236149	114828	121321	113078	123071
IAŞI	734409	363209	371200	366012	368397
ILFOV	315560	151119	164441	140884	174676
MARAMUREŞ	428077	208873	219204	260003	168074
MEHEDINŢI	238547	116409	122138	123268	115279
MUREŞ	482152	233588	248564	260839	221313
NEAMŢ	471477	229430	242047	191052	280425

[1] Conform datelor publicate în comunicatul de presă al Autorității Electorale Permanente, disponibil la http://www.roaep.ro/prezentare/comunicat-de-presa/comunicat-de-presa-175/

OLT	377921	185125	192796	164035	213886
PRAHOVA	673992	322697	351295	350452	323540
SĂLAJ	199631	97252	102379	87652	111979
SATU MARE	317104	152981	164123	157723	159381
SIBIU	377114	181350	195764	261131	115983
SUCEAVA	584953	287811	297142	262816	322137
TELEORMAN	328349	159889	168460	119100	209249
TIMIŞ	617937	293961	323976	385289	232648
TULCEA	201089	99562	101527	100638	100451
VÂLCEA	336766	163531	173235	162383	174383
VASLUI	383556	192923	190633	184108	199448
VRANCEA	317551	154134	163417	122284	195267
MUNICIPIUL BUCUREŞTI	1783045	814348	968697	1783045	0
TOTAL	18282648	8816514	9466134	10513759	7768889

NUMĂRUL TOTAL DE ALEGĂTORI VALABIL LA DATA DE 3 DECEMBRIE 2015, PE CATEGORII DE VÂRSTĂ ŞI ÎN FUNCŢIE DE MEDIU (URBAN/RURAL)

VÂRSTA	NUMĂR TOTAL ALEGĂTORI	NUMĂR BĂRBAŢI	NUMĂR FEMEI	NUMĂR ALEGĂTORI ÎN MEDIUL URBAN	NUMĂR ALEGĂTORI ÎN MEDIUL RURAL
18	228230	117089	111141	109113	119117
19	225339	115180	110159	108543	116796
20	230196	117873	112323	111496	118700
21	240056	122948	117108	117352	122704
22	244521	124874	119647	122713	121808
23	259591	132829	126762	134376	125215
24	268640	137532	131108	145561	123079
25	310946	158376	152570	174565	136381
26	349354	177727	171627	201248	148106
27	363586	185013	178573	213860	149726
28	366662	187076	179586	216483	150179
29	356497	181948	174549	214601	141896
30	345655	176823	168832	212317	133338
31	333193	170337	162856	205315	127878
32	304461	155702	148759	185994	118467
33	328236	167752	160484	202066	126170
34	358119	183225	174894	220373	137746
35	373026	190425	182601	229028	143998
36	380553	194576	185977	230634	149919
37	381229	194286	186943	228204	153025
38	387645	197616	190029	232486	155159
39	379895	194542	185353	223480	156415

40	378019	193233	184786	218988	159031
41	382376	195274	187102	219138	163238
42	335686	171436	164250	186659	149027
43	345900	175535	170365	193189	152711
44	352723	178878	173845	197726	154997
45	369902	186765	183137	211112	158790
46	402632	203028	199604	235938	166694
47	452058	226813	225245	272574	179484
48	428005	214639	213366	260990	167015
49	231969	117038	114931	135785	96184
50	237262	118154	119108	141126	96136
51	239474	119243	120231	144921	94553
52	241678	119720	121958	148280	93398
53	246193	120969	125224	152076	94117
54	259058	127487	131571	161247	97811
55	273354	133435	139919	170934	102420
56	282412	136627	145785	177055	105357
57	294014	140878	153136	187794	106220
58	300620	142717	157903	193411	107209
59	306789	145326	161463	198154	108635
60	317448	149137	168311	204575	112873
61	288636	134658	153978	184659	103977
62	271976	126163	145813	172363	99613
63	269893	124346	145547	166901	102992
64	260022	118530	141492	157620	102402
65	263171	118898	144273	157100	106071
66	263020	117488	145532	151387	111633
67	211184	93634	117550	120603	90581
68	191411	85052	106359	105523	85888
69	190926	83187	107739	100965	89961
70	150423	64258	86165	79291	71132
71	171136	72583	98553	87015	84121
72	146037	61102	84935	74831	71206
73	150430	62064	88366	75729	74701
74	151834	61326	90508	75153	76681
75	155096	61844	93252	74241	80855
76	161526	62656	98870	78355	83171
77	153775	58613	95162	73730	80045
78	144425	54852	89573	68468	75957
79	137712	51408	86304	63330	74382
80	119287	44409	74878	54438	64849
81	110053	40360	69693	49970	60083
82	98456	35808	62648	44674	53782
83	96452	35117	61335	42987	53465
84	79147	28055	51092	35774	43373

85	70196	24485	45711	31935	38261
86	58266	20382	37884	26764	31502
87	50917	17445	33472	23374	27543
88	40227	13760	26467	18598	21629
89	32526	10915	21611	15177	17349
90	26155	8615	17540	12250	13905
91	20375	6649	13726	9804	10571
92	15333	4923	10410	7495	7838
93	11647	3687	7960	5687	5960
94	8259	2587	5672	4212	4047
95	5370	1639	3731	2880	2490
96	4142	1335	2807	2308	1834
97	1550	479	1071	999	551
98	1330	432	898	884	446
99	1563	564	999	1029	534
peste 100	5562	2125	3437	3776	1786
TOTAL	**18282648**	**8816514**	**9466134**	**10513759**	**7768889**

INTERNSHIP

EXPERIENŢĂ OFERITĂ DE AUTORITATEA ELECTORALĂ PERMANENTĂ

Anamaria REVNIC

Eşti student şi, cum se întâmplă de obicei, încă nu-ți prea pasă de ceea ce urmează după încheierea perioadei de studiu din cadrul facultății. E cumva firesc. Altele sunt preocupările prioritare, de vreme ce finalul pare atât de îndepărtat. Pare doar.

Ştiu că este un clişeu această percepție a timpului „care zboară”, invocată de majoritatea părinților, bunicilor şi profesorilor. Am auzit şi eu de nenumărate ori această expresie, dar nu m-a convins cu adevărat până când nu am ajuns singură să simt cât de repede „zboară” timpul. Şi, pentru că trăim vremuri atât de alerte, voi trece direct la subiect.

Sunt o tânără la început de drum, studentă la un masterat de comunicare şi guvernanță europeană.

Prima parte a studiului universitar, ciclul de licență, a trecut foarte repede. M-am trezit deodată fără niciun suport, fără direcție, confuză şi singură. Este adevărat că am terminat o facultate vocațională, dar adevărul trist este că, azi, nicio diplomă nu-ți garantează vreun job. Aşadar, după luni de căutări şi întrebări apăsătoare, am decis să-mi extind aria preocupărilor şi cunoştințelor şi să aplic la masterul de Comunicare şi Guvernanță Europeană al Facultății de Comunicare din cadrul Şcolii Naționale de Studii Politice şi Administrative. Primul an a trecut, cum era previzibil, în goană, şi, pentru a evita „timpii morți”, m-am hotărât să îmi caut un internship. Ideea de internship este relativ nou integrată în structurile administrative româneşti, este preluată de la vestici şi urmăreşte să furnizeze studenților experiență în muncă şi integrare în domeniul profesional dorit.

În vânătoarea de internshipuri, mulțumită unui studiu pe care îl făceam pentru şcoală, am găsit anunțul postat de Autoritatea Electorală Permanentă pe site-ul www.roaep.ro şi, pentru că se potrivea cu domeniul masterului, m-am hotărât să încerc. În plus, am auzit lucruri bune despre etapa de plin avânt în care se află Autoritatea, aşadar m-am înscris. Aplicația a presupus trimiterea unui CV şi a unei scrisori de intenție, în primă fază, după care au urmat un interviu şi un test scris de limba engleză.

Interviul a fost uşor intimidant, în condițiile în care stăteam în fața unei comisii formate din şapte angajați ai Autorității, reprezentanți ai direcțiilor din aparatul central, care aveau un aer serios,

profesionist. Adevărul este că mă aşteptam să fiu intervievată de două, trei persoane şi mai degrabă formal, de vreme ce subiectul era un internship, adică o activitate de voluntariat, neplătită, şi nu o angajare. M-am adaptat situației treptat şi am răspuns la întrebările despre scopul meu în viață, experiență, contextul politic actual, elemente generale din organizarea Autorității şi, desigur, despre relația dintre formarea mea vocațională şi administrația publică, mai precis ce legătură are Autoritatea Electorală Permanentă cu arta spectacolului. La această ultimă întrebare era momentul meu de spontaneitate, dar trâmbițele care îmi răsunau în minte m-au „ajutat" să-l ratez cu grație tocmai din strădania de a nu da greş. Am primit, bonus, mai mult timp de gândire şi, astfel, am reuşit, din fericire, să mă revanşez şi să găsesc un răspuns ceva mai inspirat decât primul, care a fost o grimasă chinuită de căutări.

Pe parcursul discuției, atmosfera se relaxase, membrii comisiei erau deja mai destinşi, mai deschişi şi abordau răspunsurile mele cu umor, dar păstrând seriozitatea necesară. Am împrumutat, cu măsură, din atitudine şi am început să pendulez între tonurile glumeț şi serios. La final, îmi era neclar dacă m-am prezentat satisfăcător, aşadar eram oarecum nemulțumită, o trăsătură personală permanentă. M-am consolat cu gândul că un refuz avea să fie pierderea lor.

În etapa următoare, testul de limba engleză a presupus traducerea unor prevederi din legislația electorală, din română în engleză şi invers. Deşi textele conțineau termeni de specialitate, testul era astfel conceput să ajute, nu să încurce.

Rezultatele au fost anunțate în două zile şi, spre bucuria mea, au fost pozitive. După ce am fost admisă, a urmat o scurtă sesiune de instruire privind structura instituției, misiunea, obiectivele şi atribuțiile acesteia. Am apreciat faptul că, în urma descrierii activității departamentelor, ni s-a dat libertatea să alegem ce ne-ar plăcea să facem.

Desigur, mi-am ales Direcția de comunicare şi relații externe. Cererea mi-a fost acceptată şi am început marți, o zi excelentă pentru „începuturi", în ceea ce mă priveşte. M-a surprins plăcut că am fost instalată imediat. Am primit un „loc în spațiu", un birou şi un laptop, iar „distracția" a început. Mi-au fost atribuite sarcini care au presupus să caut informații despre trecutul Autorității Electorale Permanente, despre campaniile de comunicare abordate, despre imaginea în exterior a instituției şi despre relațiile Autorității cu alte instituții administrative şi cu societatea civilă. Am perceput ca pe o probă faptul că nu mi s-a dat un termen limită care să mă constrângă să îndeplinesc sarcinile, astfel că m-am străduit să îmi rezolv „temele" repede, dar mai ales bine. Am primit, în continuare, propunerea de a gândi şi a alcătui campanii de comunicare menite să atragă cetățenii la urne pentru a-şi exercita dreptul constituțional de a alege. În vremurile de acum, vremuri de cotitură, în care problemele sociale au ajuns atât de stringente şi vocale, iar majoritatea modelelor de guvernanță pe plan național, dar şi internațional, se dovedesc a fi nesatisfăcătoare, este esențială menținerea elementelor de bază ale democrației, printre care dreptul la alegeri libere, corecte şi transparente.

Acesta este unul dintre argumentele care te pot motiva să alegi să munceşti în cadrul unui organism care are ca scop asigurarea condițiilor propice de exercitare a drepturilor electorale şi a transparenței privind finanțarea activității partidelor politice şi a campaniilor electorale.

Un alt argument este oferit de un studiu recent, realizat de AEP, care concluzionează că tinerii sunt tot mai interesați să se implice în alegeri, intenția de vot prezentând o creştere semnificativă, de la 58% în 2011, la 73% în 2015, fapt care arată că situația se îmbunătățeşte în termeni de responsabilizare socială.

Dacă obiectivele tale personale şi profesionale pot fi atinse în cadrul instituției şi dacă dorești să îți asumi misiunea de a participa activ la reformarea societății, trebuie să-ți spun că activitatea Autorității se desfăşoară într-un mediu plăcut şi calm.

Oamenii de aici sunt deschişi şi se salută prietenește pe holuri, iar situațiile se rezolvă cu bunăvoință şi diplomație. Sentimentul de respect reciproc, normal de altfel, dar atât de rar întâlnit azi, este în permanență prezent între colegi. Dorința de a învăța, a evolua şi a face lucrurile să funcționeze primează în fața asperităților care, în mod natural, pot să apară din când în când.

Un aspect pe care îl consider esențial pentru a menține profesionalismul şi pentru a fi la curent cu schimbările este existența programelor de pregătire constantă a personalului prin testări frecvente, workshopuri şi organizarea unor tabere de lucru. Prin intermediul acestora din urmă, angajații se cunosc mai bine, experimentează sentimentul de apartenență la un grup profesional, iar echipa se sudează.

Nu regret nicio secundă că m-am înscris în acest program şi îmi mulțumesc că mi-am învins scepticismul inițial şi prejudecățile formate în urma a ceea ce am văzut şi am auzit până acum despre administrația publică în general.

Este total greşit să porneşti la drum încorsetat de prejudecăți. Te asigur că există locuri în care se face treabă foarte bună. Eu m-am convins.

Acest schimb între studenți şi Autoritatea Electorală Permanentă este prevăzut de Legea nr. 78/2014 privind reglementarea activității de voluntariat în România, în care la art. 10, alin. 2 această activitate este considerată experiență profesională în specialitate.

Au apărut şi la noi ofertele de internship plătit, dar cel mai adesea onorariul este echivalentul alocației şcolare pe două – trei luni, o sumă mai mare neputând fi justificată potrivit legislației actuale. Sunt conştientă că, în lumea în care trăim, resursele financiare sunt esențiale, dar este foarte posibil ca un internship neremunerat să se dovedească mai profitabil pe termen lung. Desigur, acest lucru depinde, în mare parte, de tine şi de felul în care răspunzi cerințelor, de seriozitatea şi de responsabilitatea pe care poți să ți le asumi, precum şi de alegerea de a nu urmări un câştig financiar imediat. Acestea pot fi atuurile tale.

Dacă eşti în căutarea unei experiențe profesionale valoroase, care să te îmbogățească şi personal, într-un mediu plăcut, relaxat, deschis, care s-ar putea finaliza, de ce nu, cu o angajare, urmăreşte site-ul roaep.ro pentru a fi la curent cu ofertele de stagii, programe şi internshipuri! Chiar îți doresc să ai parte de asta!

La momentul în care citiți aceste rânduri, afirmațiile entuziaste privitoare la seriozitatea şi profesionalismul cu care este abordat acest internship sunt susținute de faptul că, în prezent, sunt şi eu angajată a Autorității Electorale Permanente.

RECENZII EVENIMENTE

EVENTS REVIEW

SEMINARUL INTERNAŢIONAL CU TEMA „CODIFICAREA DREPTULUI ELECTORAL” ORGANIZAT DE AUTORITATEA ELECTORALĂ PERMANENTĂ ÎN PARTENERIAT CU COMISIA DE LA VENEŢIA

De ce este nevoie de un cod electoral, ce trebuie să cuprindă acesta, când şi cum trebuie realizată codificarea, care sunt avantajele şi riscurile? Acestea au fost întrebări la care au răspuns peste 40 de experţi electorali români şi străini, reprezentanţi ai mediului academic, ai unor organisme de management electoral şi ai unor organizaţii internaţionale, reuniţi la Bucureşti în perioada 19 – 20 octombrie 2015, în cadrul seminarului internaţional cu tema „Codificarea Dreptului Electoral”, organizat de Autoritatea Electorală Permanentă (AEP) în parteneriat cu Comisia de la Veneţia.

Iniţiativa AEP de a organiza consultări interne şi internaţionale pe această temă a avut loc într-un moment important al reformei electorale din România, pentru care Autoritatea pledează de mai mulţi ani. În 2015, a fost modificată substanţial legislaţia privind alegerile locale şi alegerile parlamentare, precum şi cea referitoare la finanţarea activităţii partidelor politice şi a campaniei electorale, cu implicarea activă a AEP. De asemenea, a fost promovată legea privind votul prin corespondenţă, care, la data desfăşurării seminarului, se afla în dezbaterea Parlamentului, fiind ulterior adoptată de Parlament şi promulgată de Preşedintele României.

Codificarea legislaţiei electorale este obiectivul major al AEP încă din 2011, când instituţia a elaborat un proiect de cod electoral, rămas însă în stadiu de proiect din cauza lipsei de receptivitate din partea decidenţilor politici. Din păcate, nici seminarul internaţional pe această temă nu a trezit interesul acestora, care nu şi-au trimis niciun reprezentant la eveniment.

În schimb, acest eveniment, ca de altfel toate acţiunile internaţionale ale AEP, s-a bucurat de o largă participare şi apreciere internaţională.

În ultimii ani, Autoritatea a organizat şi a găzduit în România conferinţe şi seminarii internaţionale pe teme electorale de mare actualitate, cum ar fi participarea femeilor în alegeri şi integritatea proceselor electorale. Comisia de la Veneţia a decis ca în 2017 să organizeze în România cea de-a 13-a Conferinţă Europeană a Organismelor de Management Electoral.

Implicarea AEP în activitatea internaţională a organismelor de management electoral a fost încununată, în 2013, de alegerea Preşedintelui Autorităţii, Ana Maria Pătru, în funcţia de Preşedinte al Asociaţiei Oficialilor Europeni (ACEEEO), iar în 2014, de desemnarea domniei sale în funcţia de Preşedinte al Asociaţiei Mondiale a Organismelor Electorale (A-WEB), începând cu anul 2017.

De ce este nevoie de un cod electoral?

La această întrebare, toţi vorbitorii au invocat nevoia de stabilitate, predictibilitate, coerenţă legislativă, condiţii vitale pentru asigurarea unor procese electorale corecte, transparente, cu proceduri accesibile tuturor actorilor implicaţi.

„Există un risc de malpraxis şi de inconsecvenţă dacă alegerile sunt reglementate prin legi diferite”, a explicat **Kare Vollan, expert electoral al Comisiei de la Veneţia**, care a susţinut că unificarea legislaţiei electorale este calea prin care se pot evita aplicarea inconsecventă a legii, precum şi practicile electorale greşite.

Existenţa unor legi separate pentru fiecare tip de alegeri *„implică un număr de norme diferite, potenţial conflictuale”*, fapt ce are un impact direct asupra activităţii organismelor electorale, a afirmat **Gael Martin-Micallef, consilier juridic al Departamentului Alegeri din cadrul Comisiei de la Veneţia.**

„O legislaţie electorală unificată şi armonizată este crucială pentru a clarifica legea şi pentru a evita inexactităţile şi regulile contradictorii. Codificarea participă la stabilitatea dreptului şi a eficienţei proceselor electorale. Nu în ultimul rând, armonizarea legislaţiei electorale va facilita o mai bună înţelegere a acesteia de către

partidele politice, candidaţi şi alegători”, a subliniat reprezentantul Comisiei de la Veneția.

Simina Tănăsescu, consilier prezidenţial pentru reformă constituţională şi instituţională, a susținut că *„scopul codificării este de a asigura eficienţa legislaţiei în materie electorală”*. Reprezentantul Administrației Prezidențiale din România a menționat că un cod electoral va pune capăt inflației de acte normative care a marcat România postdecembristă și care, după părerea sa, *„poate deveni uneori un pericol pentru statul de drept”*. Simina Tănăsescu a dat ca exemplu cele 36 de modificări parțiale sau totale ale legii privind alegerile parlamentare, realizate din anul 1992 până în prezent.

Rohas Stabingis, membru în Comisia Electorală Centrală a Lituaniei, a invocat experiența țării sale, unde Parlamentul a promovat din proprie inițiativă și a aprobat în 2013 un proiect de cod electoral, după ce s-a confruntat cu situații electorale inedite, cum ar fi alegeri desfășurate simultan, dar după reguli diferite. Un alt argument adus de oficialul lituanian în favoarea codificării a fost acela al armonizării legislației electorale cu jurisprudența Curții Constituționale, rezultatul fiind o lege organică unică, constituțională și mai puțin expusă modificărilor conjuncturale.

Cezara Grama, consilier juridic în cadrul Expert Forum, a enumerat principalele motive pentru care România are nevoie de un cod electoral: inflația legislativă în domeniu, deruta electoratului cauzată de modificările frecvente, multe dintre acestea efectuate în ani electorali, și ambiguitatea unor prevederi, urmate de o inflație de decizii în interpretarea legii, adoptate de Biroul Electoral Central la fiecare scrutin.

„Modificarea frecventă a normelor poate dezorienta alegătorul. Acesta poate conchide, în mod corect sau incorect, că dreptul electoral reprezintă doar un instrument cu care operează cei care sunt la putere şi că votul alegătorului nu mai este un element esenţial care să decidă rezultatul scrutinului”, a apreciat reprezentantul Expert Forum.

Instabilitatea legislației electorale românești și neclaritatea unor prevederi ale acesteia au fost evidențiate și în prezentarea susținută de **Daniel Morar, judecător al Curţii Constituţionale a României**. Magistratul a exemplificat numărul mare de sesizări de neconstituționalitate legate de legile electorale. Din acest motiv, Curtea a subliniat, prin Decizia nr. 51 din 25 ianuarie 2012, *„necesitatea ca întreaga legislaţie electorală referitoare la alegerea Camerei Deputaţilor şi a Senatului, a Preşedintelui României, la alegerile pentru Parlamentul European, precum şi la alegerea autorităţilor administraţiei publice locale să fie reexaminată, urmând a fi concentrată într-un cod electoral, ale cărui dispoziţii comune şi speciale să asigure, în concordanţă cu principiile constituţionale, organizarea unui scrutin democratic, corect şi transparent.”*

Daniel Morar a mai evidențiat faptul că, drept urmare a deselor modificări legislative în materie electorală pentru care s-a cerut control de constituționalitate, Curtea a decis să transforme în obligație pentru legiuitor recomandarea Comisiei de la Veneția de a nu modifica legislația electorală cu mai puțin de 12 luni înainte de data scrutinului.

„Introducerea în teoria dreptului electoral” prezentată de **Cristian-Alexandru Leahu, directorul Direcţiei legislaţie, legătura cu Parlamentul şi contencios electoral din cadrul Autorităţii Electorale Permanente**, a oferit o perspectivă asupra definiției dreptului electoral, ca ramură autonomă de drept, asupra distincției dintre dreptul electoral substanțial și dreptul electoral procesual, precum și asupra surselor formale și principiilor dreptului electoral românesc. Concluzia a fost că, din punct de vedere juridic formal, codificarea dreptului electoral românesc este atât posibilă, cât și dezirabilă, eficacitatea formei depinzând însă de capacitatea acesteia de a integra cerințele societății.

Ce trebuie să cuprindă un cod electoral?

Kare Vollan a identificat mai multe domenii comune ale diferitelor tipuri de alegeri care pot fi reglementate unitar, cum ar fi: instruirea oficialilor electorali, procesul de delimitare a circumscripțiilor, regulamentul privind desfăşurarea campaniei electorale, desemnarea candidaților, infracțiunile electorale, plângerile şi contestațiile, observarea alegerilor, numărarea voturilor, distribuirea mandatelor, votul din străinătate, agregarea şi publicarea rezultatelor.

Iulian Ivan, directorul Direcţiei instruire şi control electoral din cadrul Autorităţii Electorale Permanente, a menționat procedurile şi normele electorale avute în vedere de AEP în perspectiva codificării: operațiunile electorale principale şi succesiunea acestora; înscrierea în Registrul Electoral şi actualizarea acestuia, inclusiv înregistrarea alegătorilor români cu domiciliul sau reşedința în străinătate; delimitarea şi actualizarea secțiilor de votare; crearea corpului de experți electorali şi instruirea continuă a acestora; componența birourilor electorale; implementarea sistemului de monitorizare a prezenței la vot şi de prevenire a votului ilegal; finanțarea partidelor şi a campaniilor electorale; observarea alegerilor.

Când poate fi modificată legislaţia electorală?

Preşedintele onorific al Comisiei de la Veneţia, Peter Paczolay, a explicat că regula de bază este ca în timpul procesului electoral legea electorală să nu fie modificată, iar dacă acest lucru se întâmplă, noile prevederi să se aplice la următoarele alegeri. El a precizat însă că recomandarea Comisiei de la Veneția, potrivit căreia elementele fundamentale ale dreptului electoral nu ar trebui să poată fi modificate cu mai puțin de un an înainte de alegeri, *„nu prevalează asupra celorlalte principii ale Codului de bune practici în materie electorală”*. Prin urmare, a precizat Peter Paczolay, pot interveni modificări şi în ani electorali, dacă acestea nu afectează drepturile electorale şi dacă menținerea acestor elemente ar fi contrară normelor patrimoniului electoral european.

Referindu-se la alegerea momentului pentru elaborarea unui cod electoral, **Alexander Shlyk, directorul adjunct al Departamentului Alegeri din cadrul Comisiei de la Veneţia**, a recomandat ca aceasta să se facă „în timp util”, pentru a nu altera calitatea textului final din cauza lipsei de consens sau, dimpotrivă, a unor compromisuri dăunătoare, făcute de dragul consensului.

Cum putem avea un cod electoral de calitate?

Numai un proces consultativ, un proces de durată *„ne ajută să avem un cadru juridic electoral de bună calitate”*, a subliniat **Alexander Shlyk.** *„Acest proces consultativ trebuie să implice o gamă largă de părţi interesate, nu doar forţele politice, ci şi societatea civilă, diferitele agenţii sau organisme guvernamentale implicate în procesul electoral, instituţiile judiciare abilitate să se pronunţe asupra plângerilor legate de cadrul juridic electoral, comunitatea de experţi interni şi internaţionali etc.”*, a declarat reprezentantul Comisiei de la Veneția.

Care sunt dezavantajele/ riscurile codificării?

Deşi opțiunea pentru codificarea dreptului electoral este justificată în primul rând de nevoia de stabilitate şi predictibilitate legislativă, există riscul de a compromite exact aceste principii.

De unde vine acest risc? Din intervenția politicului, a afirmat **Alexandru Simionov, membru al Comisiei Centrale a Republicii Moldova**, țară care are un cod electoral din anul 1997. *„Există şi o statistică a intervenţiei politicului în modificarea codului electoral, care arată că s-a intervenit în amendarea şi modificarea acestuia de 48 de ori. Doar 51 de articole din codul electoral nu au fost atinse”*, a exemplificat oficialul electoral din Republica Moldova.

De altfel, majoritatea vorbitorilor au invocat rolul politicului în deciziile care reglementează domeniul electoral.

Consilierul prezidenţial Laurenţiu Ştefan a afirmat că volatilitatea mediului politic din România se reflectă în procesul de legiferare în materie electorală. În opinia lui, această stare de fapt este echilibrată de AEP, o instituție extrem de importantă, deoarece „*veghează procesele electorale, iar acestea reprezintă inima democraţiei*”.

Concluzii şi recomandări

✓ **Codificarea dreptului electoral nu este o obligaţie, ci o opţiune izvorâtă din evaluarea experienţelor electorale din fiecare ţară.**

„Nu există niciun angajament OSCE sau alte standarde internaţionale privind codificarea. Este până la urmă opţiunea ţărilor de a decide dacă să codifice sau nu legislaţia electorală” **(Alexander Shkyk).**

✓ **Activitatea responsabilă a tuturor actorilor implicaţi în procesele electorale este decisivă în asigurarea unor alegeri democratice.**

„Trebuie să se ţină cont de faptul că legile electorale în sine nu pot garanta alegeri democratice. Caracterul democratic al alegerilor depinde în mare măsură de responsabilitatea autorităţilor de a pune în aplicare în mod corespunzător legea electorală, precum şi de angajamentul tuturor părţilor interesate – candidaţi, partide, mass-media etc. – de a avea alegeri democratice” **(Peter Paczolay).**

„Aplicarea legilor cu bună-credinţă nu poate fi trecută în legislaţie, acest lucru trebuie realizat zilnic de către organismele electorale şi de celelalte instituţii implicate” **(Oliver Kask).**

✓ **În elaborarea unui cod electoral trebuie respectate nu doar normele constituţionale şi standardele europene, ci şi normele de conduită electorală care înseamnă că legile trebuie să fie accesibile tuturor actorilor implicaţi în alegeri.**

„De ce facem legi clare, previzibile, stabile? În scopul de a ne asigura că niciun vot nu va fi lăsat în urmă” **(Simina Tănăsescu)**.

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The Electoral Expert Review is a quarterly publication of studies, researches and analyses related to the elections field. The editorial project Electoral Expert Review appears in a European context in which articles and scientific research aimed at various aspects of national and European electoral processes are increasing in the last two decades, but it appears a small number of academic magazines and journals assemble them in a publication focused on the electoral field.

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✓ We recommend that submitted articles should be between 4,000 and 6,000 words in length (bibliography and footnotes included).

✓ Manuscripts must be accompanied by an abstract. The abstract must have between 100 and 150 words (Times New Roman, 12, italic). After each abstract the author must mention the keywords. We recommend that the articles submitted should be accompanied by a brief presentation of the author/authors (name, institutional or/and academic affiliation, brief research activity and published papers, e-mail address).

✓ The preferred working language of Electoral Expert Review is English.

✓ Main text of the manuscript: Times New Roman, 12, justified, 1.5 line spacing options. Page setup: A4 with 2.5 cm margins. Titles: Times New Roman, 14, bold. Subtitles: Times New Roman, 12, bold. Footnotes: Times New Roman, 10, justified.

✓ All figures, tables and photos must be clear and sharp. The tables should be numbered consecutively in Arabic numbers. The number and the title of each table should be written above it, using Times New Roman, 12, bold. The number and the title of each figure or photo should be written under it, using Times New Roman, 10, bold.

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Revista „Expert Electoral”, editată de Autoritatea Electorală Permanentă, primeşte spre publicare articole ştiinţifice ce tratează teme din domeniul electoral, precum şi din domenii conexe, cum ar fi: drepturile omului, ştiinţe politice, ştiinţe juridice şi administrative, adică articole cu caracter interdisciplinar şi care nu au fost sau nu urmează a fi valorificate prin publicare în alte reviste sau volume ale unor simpozioane ştiinţifice.

Având în vedere necesitatea unei dezbateri publice reale pe tema îmbunătăţirii şi uniformizării legislaţiei electorale, intenţionăm ca în următoarele numere ale publicaţiei să abordăm subiecte precum: reforma electorală, finanţarea partidelor politice şi a campaniilor electorale, sisteme electorale, metode de vot, gen şi alegeri etc.

Autorii pot transmite propunerile de articole pentru nr. 1(13)/2016 al revistei „Expert Electoral” la adresa de e-mail: expert.electoral@roaep.ro.

Termen limită de comunicare a lucrărilor: 25 februarie 2016.

Revista „Expert Electoral” este o publicaţie trimestrială de studii, cercetări şi analize cu tematică electorală. Autoritatea Electorală Permanentă a iniţiat editarea acestei reviste cu scopul de a crea o platformă de dezbatere a subiectelor referitoare la reglementarea şi administrarea proceselor electorale.

PORTALUL ELECTORAL WWW.ROAEP.RO

Autoritatea Electorală Permanentă a lansat în luna martie 2013 o nouă versiune a paginii sale de web www.roaep.ro.

Noul www.roaep.ro a fost gândit ca un portal electoral modern în spaţiul căruia publicul să găsească toate informaţiile privind procesele electorale, atât cele desfăşurate, cât şi cele în curs de desfăşurare sau care urmează să aibă loc.

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