

**LAW no. 370**

**of 20 September 2004**

**on the election of the President of Romania**

**Republished**

**CHAPTER I**

**General provisions**

Art. 1. – (1) This law establishes the organization and conduct of the election of the President of Romania.

(2) The President of Romania shall be elected by universal, equal, direct, secret, and freely expressed vote, under the terms of this law.

(3) The candidate who, in the first round, achieved the majority of votes of the voters who are registered on the permanent electoral rolls, shall be declared elected.

(4) In case none of the candidates has achieved the majority provided for in paragraph (3), a second round shall be organized in which shall participate only the first 2 candidates established in accordance with the number of votes obtained in the first round. The candidate who obtained most of the votes validly cast shall be declared elected.

(5) A voter shall be entitled to a single vote in each round organized for the election of the President of Romania according to Art. 81 (2) and (3) of the Constitution of Romania, republished.

Art. 2. – (1) Within the meaning of this law, the terms below shall have the following meanings:

- a) *electoral period* – the time span that starts on the date of coming into force of the Government Decision on setting the election date, and ends when the results of the poll are published in the Official Journal of Romania, Part I; the electoral period covers the time span between the date of coming into force of the Government Decision on setting the election date and the date when the electoral campaign starts, the electoral campaign, the actual conduct of the voting, the vote counting and centralization, the ascertaining of the results of the voting, the allocation of the mandate, the validation of election, and the publication of the results in the Official Journal of Romania, Part I;
- b) *voters' majority of votes* – is determined as the full, unrounded share of the balance between the number of voters registered on the permanent electoral rolls and the figure 2, to which one unit shall be added, and represents the minimum number of votes validly cast that a candidate must obtain in the first round, in order to be elected President of Romania;

- c) *permanent electoral rolls* – the lists comprising the Romanian citizens entitled to vote, who have turned 18 by the election day inclusive;
- d) *identity document* – the identity card, the electronic identity card, the temporary identity card, the identity certificate or the diplomatic passport, the electronic diplomatic passport, the official passport, the electronic official passport, the regular passport, the electronic regular passport, the temporary regular passport, the travel document, and the military service report card for students in military schools, all valid on election day;
- e) **parliamentary political parties - parties and other political formations which have their own parliamentary group in at least one of the Houses of Parliament and which obtained from the last general election for the Parliament of Romania mandates of deputies or senators for candidates on their lists or lists of political or election alliances which included political parties or formations concerned.**

(2) The regular passport, the electronic regular passport, the temporary regular passport, and the travel document may be used with a view to exercising the right to vote only by the Romanian citizens who vote abroad or by the Romanian citizens who have their domicile abroad, and vote in Romania.

#### Art. 3.

The Constitutional Court, according to Art. 146 f) of the Constitution of Romania, republished, shall see to it that the provisions of this law are observed all over the country, and shall ascertain the election results.

Art. 4. – (1) In the elections for the office of President of Romania may run candidates proposed by the political parties or political alliances established according to the Law of political parties no.14/2003, as well as independent candidates. Political parties and alliances may propose only one candidate each. The member parties of a political alliance that proposes a candidate may not propose other candidates separately.

(2) Candidacies proposed by political parties and alliances, as well as independent candidacies may be submitted only if supported by at least 200,000 voters. A voter may support only one candidate.

Art. 5. – (1) The election day is a Sunday. The elections shall take place in the month prior to the month in which the presidential mandate comes to an end. The Government shall set by Decision the election date at least 60 days prior to the election day.

(2) In the circumstances provided for in Art. 97 (1) of the Constitution of Romania, republished, the election date shall be set and made public by the Government within 30 days at most of the date when the office of President fell vacant.

(3) The Decision on setting the election date shall be adopted on the proposal of the Ministry of Administration and Interior and of the Permanent Electoral Authority.

Art. 6. – (1) In case several political parties, political alliances, and legally constituted organizations of citizens belonging to national minorities represented in the Council for National Minorities wish to propose the same candidate for the office of President of Romania, they may join in making an electoral alliance only at national level, based on a protocol. A political party, a political alliance or a legally set up organization of the citizens belonging to the national minorities represented in the Council for National Minorities may only belong to a single political alliance. The electoral alliance that took part in the former elections, irrespective of their kind, under a particular denomination may preserve it unless its original composition has changed. That particular denomination shall not be used by another alliance.

(2) The protocol of establishing the electoral alliance shall be filed with the Central Electoral Bureau within 24 hours at most of completing this electoral bureau with the representatives of the Permanent Electoral Authority, and of the parliamentary political parties.

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

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

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

(6) The High Court of Cassation and Justice shall rule on the petitions stipulated under paragraphs (4) and (5), within 24 hours at most of the registration thereof, by final and irrevocable judgements, which shall be transmitted to the Central Electoral Bureau.

(7) The agreement to break up the protocol of establishing an electoral alliance shall be filed in writing with the Central Electoral Bureau no later than 4 days at most prior to the date when the deadline for the submission of candidatures expires.

(8) The provisions of paragraphs (3) – (6) shall apply accordingly to the agreement to break up the protocol of establishing an electoral alliance.

## CHAPTER II

### **Organization and conduct of the elections**

#### *SECTION I*

##### *Permanent electoral rolls and electoral tables*

Art. 7. – (1) Not later than 15 days from the date of entry into force of the decision of the Government on the announcement of elections, mayors prepare and print a copy of the permanent electoral lists, based on the data and information contained in the electoral register.

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

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

## ART. 8

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

Art. 9. – (1) The voters who come to cast their vote and who can prove with their identity document that they reside within the territorial radius of the respective polling station, but who were left out of the copy of the permanent electoral roll which is to be found at the electoral bureau of the polling station, as well as the members of the electoral bureau of the polling station, the persons entrusted with keeping the order and who are not registered in the copy of the permanent electoral roll in that polling station, the voters who on election day are in another commune, town or municipality than the one they reside in, as well as the voters who vote at the polling stations abroad shall be registered in a table including the full name, the personal numerical code, the domicile, the identity document type, series, and number, as well as other elements established by Government Decision.

(2) The voters who exercise their right to vote by means of the special ballot box, according to Art. 45 para (1), shall be registered on another table.

## SECTION 2

### ***Polling stations***

Art. 10. – (1) On the national territory, the electoral operations shall be conducted in the polling stations organized according to the Law no. 35/2008, with the subsequent amendments and completions.

(2) Repealed

Art. 11. - Repealed

Art. 12. – (1) One or several polling stations shall be organized next to the diplomatic missions and consular offices of Romania for the voters who are abroad on the election date.

(2) Polling stations may also be organized, with the agreement of the government of the respective foreign country, in addition to the ones referred to in paragraph (1), in other localities than those in which the diplomatic missions or consular offices are based.

(3) The organization and numbering of the polling stations abroad shall be settled by order of the minister of foreign affairs which shall be published in the Official Journal of Romania, Part I and also on the web-site of Ministry of Foreign Affairs, within 15 days of the date of the entry into force of the Government decision on setting the election date.

### *SECTION 3*

#### *Electoral bureaux*

Art. 13. – (1) The Central Electoral Bureau, the county electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality, the electoral bureau for the polling stations abroad, and the electoral bureaux of the polling stations shall be set up for the organization and conduct of specific electoral operations.

(2) The electoral bureaux shall be made up only of citizens entitled to vote. The presidents of the electoral bureaux of the polling stations, the deputies thereof, and the representatives of the Permanent Electoral Authority may not be politically affiliated. The candidates, the spouses, the relatives and their affines up to the second degree inclusive may not be members of the electoral bureaux.

(3) In the discharge of their duties, the members of the electoral bureaux exercise an office that involves state authority. The fair and unbiased exercise of the office of member of the electoral bureau is mandatory. The failure to comply with this obligation shall entail legal, civil or criminal liability, as the case may be.

(4) Nobody shall be allowed to be a member of two or several electoral bureaux at the same time.

(5) The reports written on the occasion of the setting up and completion of the electoral bureaux shall certify the capacity as member of the the electoral bureau.

Art. 14.- (1) The electoral bureaux shall function legally in the presence of the majority of their members.

(2) The meetings of the electoral bureaux shall be presided over by the presidents.

(3) In the absence of the president of the electoral bureau, his duties shall be discharged by his deputy.

(4) The members of the electoral bureaux shall be obliged to attend the meetings. The presidents of the electoral bureaux may approve the absence of certain members for justified reasons.

(5) The electoral bureaux shall adopt acts and take measures, according to their competence, only with the majority vote of the members who are present. In case of equality of votes, the president's vote shall be decisive.

Art. 15. – (1) The representatives of political formations in the electoral bureaux may not receive or discharge other duties than those provided for in this law.

(2) The representatives of political formations in the electoral bureaux may be replaced at the request of those who nominated them, with the approval of the hierarchically superior electoral bureau, till the day before voting day, and in case of demise, illness or accident, even on voting day, with the observance of the conditions stipulated under Art. 16 - 23.

(3) **The membership in an electoral bureau rightfully ends if he/she has been brought to justice for the perpetration of an offence stipulated by Article 385 – 391 of the Criminal Code or under the terms provided for in Article 56, paragraph (5).** The cessation *de jure* of the capacity as member of an electoral bureau shall be ascertained within 48 hours of the occurrence of the case by the president of the hierarchically superior electoral bureau, and in the case of the Central Electoral Bureau by the president of the High Court of Cassation and Justice.

Art. 16. – (1) The Central Electoral Bureau shall be made of 5 judges of the High Court of Cassation and Justice, the president and vice-presidents of the Permanent Electoral Authority, and 10 representatives at the most of the political formations.

(2) The appointment of the 5 judges shall be done by the president of the High Court of Cassation and Justice, in open meeting, within 3 days of the coming into force of the Government Decision on setting the election date, by drawing lots, from among the sitting judges of the Court. The date of the meeting shall be made public in the media by the president of the High Court of Cassation and Justice, two days before the meeting.

(3) The result of the drawing of lots shall be recorded in a written report signed by the president and the first assistant magistrate of the High Court of Cassation and Justice.

(4) Within 24 hours of the nomination, the appointed judges shall elect from among them, by secret ballot, the president of the Central Electoral Bureau and his deputy. Within 24 hours of the election of the president of the Central Electoral Bureau, the structure of the Central Electoral Bureau shall be made of the president, the vice-presidents of the Permanent Electoral Authority, and one representative of each parliamentary political party. Consequently, the Central Electoral Bureau shall discharge all the duties that are incumbent upon it according to this law until it is completed with the representatives of the non-parliamentary political formations that proposed candidates.

(5) The making up of the Central Electoral Bureau shall be recorded in a written report that shall represent the deed of investiture.

(6) Within 48 hours at most of the date the candidacies have become final, each political formation that is not represented in Parliament and has proposed a candidate shall communicate to the Central Electoral Bureau the full name of its representative. Communications sent after

this time limit shall no longer be taken into consideration. The Central Electoral Bureau shall be completed with the proposed representatives by drawing lots within 24 hours of the expiry of the time limit allocated to the communications, by the the president of the Central Electoral Bureau, in the presence of the members of the bureau and of the candidates, or of the persons delegated by the political formations that proposed the candidates, within the limits of the number of representatives stipulated under paragraph (1).

(7) The Central Electoral Bureau has a technical working apparatus made up of specialists from the Ministry of Administration and Interior, the Permanent Electoral Authority and the National Institute of Statistics.

(8) The Central Electoral Bureau, with the composition stipulated under paragraph (4), shall adopt, by decision, within 3 days of its constitution, the organization and functioning regulations of the electoral bureaux and the working apparatus thereof, which shall be published in the Official Journal of Romania, Part I, and shall be compulsory for all electoral bureaux and the working apparatus thereof.

Art. 17. – (1) The Central Electoral Bureau shall have the following duties:

- a) it shall ensure the application and unitary interpretation of the provisions of this law;
- b) it shall ascertain that the content and form of the conditions stipulated under this law for the candidacies are carried out; it shall communicate the registered candidacies to the county electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality, and the electoral bureau for the polling stations abroad, and shall make these candidacies known through the agency of the public radio and television services, as well as by posting them on its own Internet page;
- c) within 48 hours of the date the candidacies have become final, it shall establish the order of candidates on the ballot paper, by drawing lots, in the first place from among the candidates proposed by the political formations represented in Parliament, and in the second place from among the other candidates; it shall communicate the order of the candidates and of their electoral signs on the ballot paper to the Constitutional Court and the Autonomous Régie "Monitorul Oficial", and it shall make it public through the agency of the public radio and television services, as well as by posting it on its own Internet page;
- d) it shall solve the objections referring to its own activities , and the contestations regarding the activity of the county electoral bureaux, of the electoral bureaux of the districts of Bucharest Municipality, and of the electoral bureau for the polling stations abroad; in the event that actual checks are needed to be carried out in order to solve an objection or contestation, these checks shall be done in the presence of a judge of the Central Electoral Bureau; such checks shall not be done on election date;
- e) it shall centralize the election results, ascertain the elected candidate, and present to the Constitutional Court the documents which enable the validation of the mandate of President of Romania;

- f) it shall organize and implement a system designed to collect data and to periodically inform public opinion about the presence of the population in the voting process;
- g) it shall transmit to the Permanent Electoral Authority all the materials and documents it has collected, after the publication of the election results in the Official Journal of Romania, Part I;
- h) it shall decide on the recounting of the votes in a polling station or on the remaking of the centralization of the votes and of the election results, in case the Bureau finds that there are errors or inconsistencies among the data recorded in the statements of poll;
- i) it shall carry out any other obligations incumbent upon it according to this law.

(2) In the discharge of the duties incumbent upon it according to the provisions of this law, the Central Electoral Bureau shall adopt decisions and resolutions.

(3) The decisions of the Central Electoral Bureau shall be adopted in order to apply the provisions of this law, to approve or reject the protocol for setting up an electoral alliance, to approve or reject the registration of candidacies, to approve or reject the registration of electoral signs, to solve the objections and contestations within its competence, as well as in order to be applied in other cases provided by this law. The decisions of the Central Electoral Bureau shall be mandatory for all the authorities, public institutions, electoral bureaux, and organizations which have responsibilities in electoral matters, as well as for all the participants in the elections, shall be transmitted to the interested parties, and shall be made public by posting on its own Internet page.

(4) The resolutions of the Central Electoral Bureau shall be adopted for the unitary interpretation of this law, shall be generally mandatory, and shall be made public by posting on its own Internet page and by the publication in the Official Journal of Romania, Part I.

Art. 18.- (1) The county electoral bureau, the electoral bureau of the district of Bucharest Municipality respectively, shall be made of 3 judges, a representative of the Permanent Electoral Authority nominated by the Authority, and 7 representatives at the most of the political formations that proposed candidates.

(2) The appointment of the judges shall be made in public meeting, within 10 days at most of the coming into force of the Government Decision on setting the election date, by the president of the court of law, by drawing lots, from among the sitting judges thereof or, as is the case of the electoral bureau of the district of Bucharest Municipality, from among the sitting judges of the district court of law. The date of the meeting shall be made public through the press, by the president of the court of law, at least 24 hours before the meeting is held. The drawing of lots shall be done per offices, president and deputy, and shall be recorded in a written report signed by the president of the court of law, and which represents the deed of investiture. The county electoral bureau or the electoral bureau of the district of Bucharest Municipality constituted as such shall carry out all the duties that are incumbent upon it according to this law, and within 24 hours it shall be completed with the representative of the Permanent Electoral Authority.



(3) Within 48 hours at most of the date the candidacies have become final, each political formation that proposed a candidate shall communicate to the county electoral bureau or to the electoral bureau of the district of Bucharest Municipality the full name of its representative. The communications transmitted after this deadline shall no longer be taken into consideration. Within 24 hours of the expiry of the time limit for the communications to be made, the county electoral bureau or the electoral bureau of the district of Bucharest Municipality shall be completed with the representatives proposed by the political formations represented in Parliament, and which proposed candidates, within the limits of the number of representatives provided for in paragraph (1). Within 24 hours of the completion of the county electoral bureaux or of the electoral bureaux of the districts of Bucharest Municipality with the representatives proposed by the political formations represented in Parliament, and which proposed candidates, these bureaux shall be completed by the president of the county electoral bureau or of the electoral bureau of the district of Bucharest Municipality, as the case may be, with the representatives of the other political formations represented in Parliament, and which proposed candidates, within the limits of the number of representatives provided for in paragraph (1), by drawing lots, if the need arises, in the presence of the members of the bureau, and of the candidates or persons delegated by the leadership of the political formations which proposed the candidates.

Art. 19. – (1) The county electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality respectively, shall have the following duties:

- a) they shall monitor and ensure the unitary application and observance of the provisions of this law, as well as of the resolutions and decisions of the Central Electoral Bureau by all the authorities, institutions and organizations which have responsibilities in electoral matters, in a county or the district of Bucharest Municipality;
- b) they shall provide, together with the prefects and the Permanent Electoral Authority, the training of the presidents of the electoral bureaux of the polling stations and of their deputies;
- c) they shall solve the objections referring to their own activity, and the contestations regarding the operations of the electoral bureaux of the polling stations and the voting process; the decisions shall be final;
- d) they shall distribute, on the basis of a written report, through the mayors, the ballot papers, the control stamps, the stamps marked “VOTED”, and the other materials required by the electoral process of the electoral bureaux of the polling stations;
- e) they shall centralize the results of the vote counting for the county or the district of Bucharest Municipality in which they operate, and shall submit to the Central Electoral Bureau the statements of the vote regarding the centralization of the results of the vote at the level of the administrative-territorial units in which they operate, the statements of the vote received from the electoral bureaux of the polling stations, the files containing the copies of the permanent electoral rolls, and the tables used in the polling stations, as the case may be, as well as all the contestations and objections received;

- f) they shall hand over, on the basis of a written report, to the county courts of law, the Bucharest Court of Law respectively, the spoiled and the contested ballot papers, as well as the other documents and materials which are not handed over to the Central Electoral Bureau.

(2) The county electoral bureaux, and the electoral bureaux of the districts of Bucharest Municipality shall discharge any other duties incumbent upon them according to this law.

(3) In the discharge of the duties incumbent upon them according to the provisions of this law, the county electoral bureaux, and the electoral bureaux of the districts of Bucharest Municipality shall adopt decisions. The decisions shall be mandatory for all the authorities, public institutions, electoral bureaux, and organizations which have responsibilities in electoral matters, as well as for all the participants in the elections they refer to, falling under the territorial jurisdiction of the bureau, and shall be made public by posting or by any other means of advertising.

Art. 20.- (1) The electoral bureau for the polling stations abroad shall be made of 3 sitting judges of the Bucharest Court of Law, one representative of the Permanent Electoral Authority appointed by decision, and no more than 7 representatives of the political formations that proposed candidates.

(2) The provisions of Art. 18 (2) – (3) shall apply accordingly.

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

a) it shall monitor and ensure the unitary application and observance of the legal provisions concerning the elections by all the authorities, institutions and organizations which have responsibilities in electoral matters regarding the organization of the voting abroad;

b) it shall provide the training of the presidents of the electoral bureaux of the polling stations organized abroad;

c) it shall solve the objections referring to its own activity, and the contestations regarding the activity of the electoral bureaux of the polling stations abroad;

d) it shall distribute to the electoral bureaux of the polling stations abroad, through the agency of the Ministry of Foreign Affairs, on the basis of a written report, the ballot papers, the control stamps, the stamps marked “VOTED”, as well as the other materials required by the electoral process;

e) it shall centralize the results of the vote counting in the polling stations abroad, and shall submit to the Central Electoral Bureau the statement of the vote regarding the centralization of the results of the vote in the polling stations abroad, the statements of the vote received from the electoral bureaux of the polling stations abroad, as well as all the contestations and objections received;

f) it shall hand over, on the basis of a written report, to the Bucharest Court of Law all the documents and materials which are not handed over to the Central Electoral Bureau.

(4) The electoral bureau for the polling stations abroad shall discharge any other duties incumbent upon it according to the law.

(5) In the discharge of the duties incumbent upon it according to the provisions of this law, the electoral bureau for the polling stations abroad shall adopt decisions. The decisions of the electoral bureau for the polling stations abroad shall be mandatory for all the authorities, public institutions, electoral bureaux, organizations which have responsibilities in electoral matters, as well as for all the participants in the elections they refer to, falling under the territorial jurisdiction of the bureau, and shall be made public by posting or by any other means of publication.

Art. 21. – (1) The electoral bureaux of the polling stations shall be made of a president, a deputy, who are usually jurists, as well as of 7 representatives at the most of the political formations that proposed candidates. The electoral bureaux of the polling stations may not function with less than 5 members.

(2) The appointment of the presidents of the electoral bureaux of the polling stations and of their deputies shall be carried out in 10 days at the most prior to the election date by the president of the court of law, in public meeting announced by 48 hours in advance, by drawing lots for each position, from among the jurists to be found in a county or in Bucharest Municipality.

(3) The lists of jurists who shall be selected by drawing lots shall be drawn up by the president of the court of law together with the prefect in 30 days at the latest before the election date. The lists shall include at least 10% more persons than necessary, as a reserve at the disposal of the president of the county electoral bureau or of the electoral bureau of the district of Bucharest Municipality, as the case may be, for the replacement, in special cases, of those entitled to hold that position, or for the completion of the electoral bureaux of the polling stations which have not the minimum number of members as stipulated under this law.

(4) The lists provided for in paragraph (3) shall include only jurists who meet the conditions stipulated under Art. 13 paragraph (2).

(5) In case the number of jurists is insufficient, the lists shall be completed, on the proposal of the prefect, with persons who enjoy a good reputation, and who meet the conditions stipulated under Art. 13 paragraph (2).

(5<sup>1</sup>) The rolls referred to in paragraph (3) and (5) can contain public servants, which meet the conditions referred to in Article 13, paragraph (2).

(6) The lists with proposals for the positions of president of the electoral bureau of the polling station and of his deputy shall include: the full names, the personal numerical codes, the addresses, telephone numbers, and the signatures of acceptance of the persons proposed. The lists shall be accompanied by the formal statements of the persons proposed with regard to the compliance with the conditions referred to in Art. 13 paragraph (2). The signatures of acceptance of the persons proposed shall represent the approval for the processing of their personal data by the institutions of the prefect and the Permanent Electoral Authority.

(7) The proposal of persons for the president of the electoral bureau of the polling station and his deputy must be approved by the Permanent Electoral Authority from the point of view of their former activity as members of the electoral bureaux, as the case may be. Within 2 days at most of the drawing up, the lists with proposals of persons stipulated under paragraphs (4) and (5) shall be submitted for approval to the Permanent Electoral Authority by the prefects, in the format required. The approval of the Permanent Electoral Authority shall be communicated to the prefects and presidents of courts of law by 5 days at the latest prior to the appointment of the presidents of the electoral bureaux of the polling stations and of their deputies.

(8) The grouping of the persons on the list for the purpose of drawing lots shall be made by taking into account the proximity of their dwelling places to the electoral bureau of the polling station. The result of the drawing of lots shall be recorded in a written report signed by the president of the county court of law. The written report shall represent the deed of investiture.

(9) Within 48 hours at the most of the drawing of lots, the president of the court of law shall submit to the county electoral bureau or, as the case may be, to the electoral bureaux of the districts of Bucharest Municipality the list of the persons appointed as presidents of the electoral bureaux of the polling stations, and as their deputies, as well as the reserve lists stipulated under paragraph (3).

Art. 22. – (1) Within 2 days at the most of the expiry of the time limit stipulated under Art. 21 paragraph (9), the political formations that proposed candidates shall communicate to the county electoral bureau, the electoral bureau of the district respectively, in the case of Bucharest Municipality, the list of their representatives in the electoral bureaux of the polling stations as a table containing the following: polling station number, full name, personal numerical code, domicile or residence and contact modality, namely telephone and fax number or e-mail. A political formation may have 2 representatives at most in an electoral bureau of a polling station.

(2) The electoral bureaux of the polling stations shall be completed with the representatives of the political formations by the president of the county electoral bureau, the president of the electoral bureau of the district of Bucharest Municipality respectively, in the presence of the representatives of the political formations in the county electoral bureau or in the electoral bureau of the respective district, within 48 hours of the expiry of the time limit provided for in paragraph (1). The operations incurred by the completion of the electoral bureaux of the polling stations may be carried out over those 48 hours, and shall be recorded in written reports, which shall represent the deeds of investiture. The electoral bureaux of the polling stations shall be considered set up on the date when they are completed with the representatives of the political formations.

(3) The electoral bureaux of the polling stations shall be completed - in the first stage, with the representatives of the political formations represented in Parliament that proposed candidates, and, in the second stage, by drawing lots in each polling station, with the representatives of the other political formations that proposed candidates – by the president of the county electoral bureau or that of the district of Bucharest Municipality, as the case may be.

(4) In the event that, following the carrying out of the operations referred to in paragraphs (2) and (3), there are still electoral bureaux of the polling stations which have not the maximum number of members provided for in paragraph (1), these bureaux shall be completed by drawing lots, in each polling station, from among all political formations that filed proposals for the second representative in that polling station.

(5) In the event that, following the carrying out of the operations referred to in paragraphs (2).- (4), there are still electoral bureaux of the polling stations which have not at least 5 members, namely president, deputy and 3 members, these bureaux shall be completed with persons on the reserve list at the disposal of the president of the county electoral bureau or that of the district of Bucharest Municipality, as the case may be, by drawing lots, with the observance of the provisions of Art. 21 paragraph (8).

(6) At the written request of the representatives of political formations in the electoral bureau, the president of the county electoral bureau or, as the case may be, that of the electoral bureau of the district of Bucharest Municipality shall put at the disposal thereof certified copies of the written reports for the completion of the electoral bureaux of the polling stations.

(7) One certified copy of the written reports of completion shall be handed over to the presidents of the county electoral bureaux through the agency of the mayors.

Art. 23. – (1) Each electoral bureau of the polling station abroad shall be made up of a president, appointed by the chief of the diplomatic representation office, usually from its ranks, and of 2 to 6 representatives of the political formations that proposed candidates. The electoral bureaux of the polling stations abroad shall not function with less than 3 members, the president and 2 representatives of the political formations that proposed candidates.

(2) The electoral bureaux of the polling stations abroad shall be completed with the representatives of the political formations that proposed candidates by the president of the electoral bureau for the polling stations abroad, and shall be recorded in a written report that shall represent the deed of investiture. With this composition, the electoral bureaux of the polling stations abroad shall discharge all the duties stipulated under this law. The provisions of Art. 22 (2) – (4) shall apply accordingly.

(3) In case the number of persons proposed by the political formations is insufficient for the completion of the electoral bureaux of the polling stations abroad, these shall be completed with persons enjoying a good reputation, without political affiliation, and who meet the conditions stipulated under Art. 13 paragraph (2), from a list drawn up by the Ministry of Foreign Affairs. The list shall be submitted for approval to the Permanent Electoral Authority, by the Ministry of Foreign Affairs, in the format required, within 2 days of it being drawn up. The approval of the Permanent Electoral Authority shall be communicated to the Ministry of Foreign Affairs up to 5 days at the latest prior to the appointment of the presidents of the electoral bureaux of the polling stations.

(4) The time limits for the appointment of the presidents of the electoral bureaux of the polling stations abroad, for the communication of the representatives of the political formations in the

bureaux respectively, as well as for the completion of the electoral bureaux of the polling stations abroad shall be those stipulated under this law for the local electoral bureaux of the polling stations.

(5) The total expenditure on transportation, accommodation, food, and other everyday expenses of the members of the electoral bureaux of the polling stations abroad shall be borne by those who appoint them.

(6) At the written request of the representatives of political formations in the electoral bureau of the polling stations abroad, the president shall put at the disposal thereof certified copies of the written reports for the completion of the electoral bureaux of the polling stations abroad.

Art. 24. – (1) Two days before election date, the electoral bureaux of the polling stations shall receive, on the basis of a written report from the county electoral bureaux or from the electoral bureaux of the districts of Bucharest Municipality, through the agency of the mayors, the following:

- a) two copies of the permanent electoral rolls, that include the voters in the polling station; one copy shall be put at the disposal of the voters for consultation, and one copy shall be used on election date;
- b) the ballot papers, the control stamp, and the stamp marked “VOTED”;
- c) the forms of the tables stipulated under Art. 9, the forms for the conclusion of the statements of the vote, other printed forms and materials required for the conduct of the electoral process, as well as a ballot paper that was rejected, as the case may be, by the president of the county electoral bureau, of the electoral bureau of the district of Bucharest Municipality respectively, and that shall be posted in a visible place at the polling station on the eve of the election.

(2) On receipt, the materials provided for in paragraph (1) a)- c) shall be sealed by the presidents of the electoral bureaux of the polling stations, and shall be kept under guard, until they are transported on the premises of the polling stations, in a single place only , provided by the mayor of the administrative-territorial unit in which these stations operate.

(3) The electoral bureaux of the polling stations abroad shall receive, on the basis of a written report, from the electoral bureau of the polling stations abroad, through the agency of the Ministry of Foreign Affairs, the ballot papers, the control stamp, the stamps marked “VOTED”, the forms of the tables stipulated under Art. 9 paragraph (1), the forms for the conclusion of the statements of the vote, other printed forms and materials required for the conduct of the electoral process, as well as a ballot paper that was rejected by the president of the electoral bureau for the polling stations abroad, and that shall be posted in a visible place at the polling station on the eve of the election. On receipt, all these shall be sealed by the presidents of the electoral bureaux of the polling stations, and shall be kept, until they are transported on the premises of the polling stations, in a single place only , provided by the chief of the diplomatic representation office in the respective state.

(4) The electoral bureaux of the polling stations shall discharge the following duties:

a) they shall ensure the good organization and conduct of the electoral operations falling under their territorial jurisdiction;

b) they shall solve the objections referring to their own activity, and the contestations regarding the voting process;

b<sup>1</sup>) shall provide, on the election date, information concerning voter turnout, according to a schedule established by the Central Electoral Bureau.

c) they shall count the votes, and shall record the results in the statement of the vote provided for in Art. 49 paragraph (1); they may decide the recounting of the votes, at the request of any member, before the results are recorded in the statement of the vote provided for in Art. 49 paragraph (1);

d) they shall discharge any other duties established by this law or by decisions and resolutions issued by the hierarchically superior electoral bureaux.

(5) After the voting is over and the vote results have been recorded, electoral bureaux of the polling stations shall carry out the following activities:

a) they shall hand over to the county electoral bureaux or, as the case may be, to the electoral bureau of the district the following: the statements of the vote with the vote results, the spoiled and the contested ballot papers, together with the objections, the contestations and the materials referring to these statements, which fall under the jurisdiction of the above mentioned bureaux, the files containing the copies of the permanent electoral rolls and the tables used in the polling station, as well as the statements on one's own account stipulated under Art. 44 paragraph (4), as the case may be; the electoral bureaux of the polling stations abroad shall hand over, through the agency of the Ministry of Foreign Affairs, to the electoral bureau for the polling stations abroad or, in case the latter has ceased its activity, to the Bucharest Court of Law the statements of the vote with the vote results, the spoiled and the contested ballot papers, together with the objections, the contestations and the materials referring to these statements, and shall hand over to the Permanent Electoral Authority, through the agency of the Ministry of Foreign Affairs, the files containing the tables used in the polling stations abroad, as well as the statements on one's own account stipulated under Art. 44 paragraph (5);

b) they shall hand over, on the basis of a written report, to the representative of the court of law in the territorial jurisdiction of which they are based, and who is on the premises of the county electoral bureau or, as the case may be, on the premises of the electoral bureau of the district of Bucharest Municipality, the ballot papers which were used and uncontested, as well as the rejected ones, the stamps and the other materials required in the voting conduct; the electoral bureaux of the polling stations abroad shall pass on these materials to the diplomatic representation offices, which, within 3 months of the publication of the vote results in the Official Journal of Romania, Part I, shall hand them over with a view to having them melted by specialized economic services.

(6) In the discharge of its duties, the electoral bureau of the polling station shall adopt decisions. Decisions shall be mandatory for all the parties involved and shall be made public by posting in a visible place on the premises of the electoral bureau of the polling station.

Art. 25.- (1) The political formations participating in the election and the candidates may contest the setting up and the composition of electoral bureaux within 2 days at most of the expiry of the time limit for the setting up and, as the case may be, the completion of these bureaux.

(2) The contestations shall be lodged before the hierarchically superior electoral bureau or, in case the contestation refers to the Central Electoral Bureau, before the High Court of Cassation and Justice, and it shall be solved within 2 days at most of the lodging. The decision or, as the case may be, the judgement issued shall be final.

Art. 26. - The county electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality, the electoral bureau for the polling stations abroad, and the electoral bureaux of the polling stations shall cease their activity on the date the results of the election for the elected President shall be validated.

#### *Section 4*

##### *Candidacies*

Art. 27.- (1) The proposals for candidates for the election of the President of Romania shall be submitted to the Central Electoral Bureau by 40 days at the latest prior to the election date.

(2) The proposals shall be made in writing, and shall be accepted only if:

a) they are signed by the leadership of the party or of the political alliance, or by the leaderships thereof, that have proposed the candidate or, as the case may be, by the independent candidate;

b) they include the candidate's full name, place and date of birth, civil status, domicile, education, occupation and profession, and the specification that he/she meets the conditions provided by the law in order to stand in the election;

c) they are accompanied by the declaration of candidacy acceptance, written, signed and dated by the candidate, the statement of wealth, the statement of interests, a statement on the candidate's own account as to the fact that he/she has or has not been an employee or collaborator of the *Securitate*, as well as the list of supporters whose number may not be less than 200,000 voters.

(3) The list of supporters is a public act subject to the sanction under Art. 292 of the Criminal Code (The former Criminal Code was repealed. See Article 326 of Law No. 286/2009 regarding the Criminal Code). The list or lists of supporters shall include the candidate's full name, as well as the full name, date of birth, address, name, series and number of the identity document, and



the signature of the voters who support the candidacy. At the end of the list, the person who has drawn it up shall make a statement on his/her own account, attesting to the truthfulness of the supporters' signatures. The model of the supporters' list and that of the statement are provided for in the annex which is an integral part of this law.

**(3<sup>1</sup>) The list of supporters, referred to in paragraph (3), shall be submitted in one sample only, at the Central Electoral Bureau.**

(4) The proposal for candidacy shall be submitted and registered with the Central Electoral Bureau in 4 samples, the original sample and 3 copies. The original sample and one copy shall be kept at the Central Electoral Bureau, another copy shall be sent to the Constitutional Court, and the forth, certified by the Central Electoral Bureau, shall be returned to the distributor.

(5) The candidates' statements on their own account as to their being or not employees or collaborators of the *Securitate* shall be sent, within 24 hours of the filing thereof, to the National Council for the Study of the Securitate Archives.

(6) The statements of wealth and the statements of interests shall be published on the Internet page of the Central Electoral Bureau within 48 hours of the submission of candidacies.

(7) Also, the provisions of paragraphs (1) and (2) shall apply accordingly to the candidates proposed by the organizations of citizens belonging to national minorities, as well as to the candidates proposed by electoral alliances.

(8) The political affiliation of the candidate to the political party, the organization of citizens belonging to national minorities or to one of the members of the political alliance or electoral alliance that proposes him/her shall not constitute a condition for standing in the election.

Art. 28. – The persons who, on the date of the submission of candidacies, do not meet the conditions under Art. 37 of the Constitution of Romania, republished, to be elected or who were previously elected twice President of Romania, cannot stand for election.

Art. 29. – (1) The Central Electoral Bureau shall check if the conditions are met both in content and form as provided by this law for candidacies, shall register the candidacies which meet these conditions, and shall reject the registration of those which do not meet the legal conditions.

(2) The registration and rejection of the registration of candidacies by the Central Electoral Bureau shall be made by decision within 48 hours at most of the registration thereof.

(3) The Central Electoral Bureau shall draw up written reports where one can see the date and time of posting the decisions of the registration or, as the case may be, of rejection of the registration of candidacies.

(4) The candidates may renounce candidacies until these become final. For this purpose they shall state in writing on their own account that they give up the candidacy. The statement shall be submitted to the Central Electoral Bureau.

Art. 30. – (1) The electoral signs shall be sent to the Central Electoral Bureau, both in writing and in electronic format, together with the candidacy.

(2) The electoral signs of the candidates for the office of President of Romania must be clearly different, the use of the same graphic symbols, no matter in what geometrical figure they appear, being forbidden. The candidates proposed by political parties and political alliances may use as electoral sign the permanent sign with which those political formations registered with the Bucharest Court of Law.

(3) The electoral signs shall not reproduce or combine the national symbols of the Romanian state, of other states, of the European Union, of international organizations or religious cults.

(4) In case a candidate opts for the electoral sign of the political party, the organization of citizens belonging to national minorities, the political or electoral alliance that proposes him/her, as the case may be, the candidate may use it only if the political formation referred to, legally registered as from 1990, used that sign in the first place; the sign may not be owned or used by another political party, political alliance, electoral alliance or organization of citizens belonging to national minorities that was registered later, or by an independent candidate except for the consent of those who have had the sign, namely the parties that made up the initial political alliance or electoral alliance.

(5) In case the same electoral sign is requested by several candidates, it shall be assigned to the candidate who was the first to have registered that sign.

(6) The registration and rejection of the registration of electoral signs shall be made by the Central Electoral Bureau, by decision, together with the registration and rejection of the registration of candidacies.

Art. 31. – (1) Within 24 hours at most of the expiry of the time limit under Art. 29 paragraph (2), Art. 30 paragraph (6) respectively, the candidates, political parties, organization of citizens belonging to national minorities, political alliances, electoral alliances, and the voters may contest the registration or rejection of the registration of candidacies or electoral signs, as the case may be. Contestations shall be submitted in writing to the Constitutional Court.

(2) The Constitutional Court shall solve the contestations within two days at most of the submission thereof. The decisions shall be final, shall be communicated immediately to the Central Electoral Bureau, and shall be published in the Official Journal of Romania, Part I.

(3) Within 24 hours at most of the expiry of the time limit for solving contestations provided for in paragraph (2), the Central Electoral Bureau shall make public, by posting on its own Internet page and through the mass-media, the final candidacies and electoral signs, in the order of the submission thereof. Within the same time limit, the Central Electoral Bureau shall communicate to the county electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality, and the electoral bureau for the polling stations abroad, the final candidacies and electoral signs, in the order of the submission thereof, the bureaux being obliged to post them immediately at their premises.

## *Section 5*

### *Ballot papers and electoral stamps*

Art. 32. – (1) The model, dimensions and printing conditions of the ballot papers shall be established by Government Decision , within 5 days of the coming into force of the Government Decision on setting the election date, on the proposal of the Permanent Electoral Authority and of the Ministry of Administration and Interior.

(2) The ballot papers shall be printed by the Autonomous Régie “Monitorul Oficial” in letters of the same size, the same character font, and with the same ink, in as many copies as the number of voters on the permanent electoral rolls, with a supplement of 10%, completed with the estimated number of ballot papers required by the polling stations abroad, as well as the estimated number of ballot papers required by the special polling stations. For this purpose, within 10 days of the coming into force of the Government Decision on setting the election date, the National Centre for Managing Databases regarding the Persons’ Records, the Ministry of Foreign Affairs, and the institutions of the prefect shall communicate to the Central Electoral Bureau: the number of voters on the permanent electoral rolls, the estimated number of ballot papers required by the polling stations abroad , as well as the estimated number of ballot papers required by the special polling stations.

(3) By at least 15 days before the election date, the layout of the ballot paper shall be presented by the Autonomous Régie “Monitorul Oficial” to the members of the Central Electoral Bureau. This presentation shall be recorded in a written report signed by all the people who were present. The possible objections shall be raised on the spot, further objections shall not be taken into account anymore. The members of the Central Electoral Bureau must request the Autonomous Régie “Monitorul Oficial” to modify the layout and to print properly the ballot papers, if the full names of the candidates, as well as the electoral sign are printed incorrectly or are not visible.

(4) One copy of the ballot paper, endorsed and invalidated by the president of the Central Electoral Bureau, shall be posted on the web site of this institution.

Art. 33. –(1) The manufacturing of the stamps of the county electoral bureaux, of the electoral bureaux of the districts of Bucharest Municipality, of the control stamps of the electoral bureaux of the polling stations, of the stamp of the electoral bureau for the polling stations abroad, and of the stamps of the electoral bureaux of the polling stations abroad shall be carried out through the offices of the prefects, of the Ministry of Foreign Affairs respectively, by 10 days at the latest before the election date.

(2) The stamp of the Central Electoral Bureau shall be made by the Ministry of Administration and Interior, and the stamps marked “VOTED” shall be made by the Autonomous Régie “State Mint”. The stamp marked “VOTED” must be proportioned in such a way as to be smaller than the quadrilaterals on the ballot papers, smaller than the distance in-between respectively.

(3) In case of loss or theft of electoral stamps, the hierarchically superior electoral bureaux that owned those stamps shall take measures in order to replace them, with the support of the

Autonomous Régie “State Mint”, of the prefect or of the Ministry of Foreign Affairs, as the case may be.

Art. 34. – (1) The ballot papers, control stamps and stamps marked “VOTED”, the forms for making the written reports, the copies of the electoral rolls, the tables under Art. 7, and the other materials required by the conduct of the electoral process shall be taken over by the prefect, together with the president of the county electoral bureau or of the electoral bureau of the district of Bucharest Municipality, on the basis of a written report, and shall be kept in special rooms, locked and sealed. These materials shall be distributed, by the agency of the mayors, to the presidents of the electoral bureaux of the polling stations, on the basis of a written report, two days at the latest before the election. For the polling stations abroad, the taking over and the distribution of these materials shall be carried out, on the basis of a written report, by the president of the electoral bureau for the polling stations abroad, through the agency of the Ministry of Foreign Affairs.

(2) The delivery and the distribution of the ballot papers shall be done in sealed packages of 100 pieces each or multiple of 100 pieces, on the basis of a written report.

(3) On the eve of election, at the premises of each polling station there shall be posted a ballot paper, endorsed and invalidated, as the case may be, by the president of the county electoral bureau, of the district of Bucharest Municipality or of the electoral bureau for the polling stations abroad.

## *Section 6*

### *Electoral campaign*

Art. 35. – (1) The electoral campaign shall start 30 days prior to the election date and shall end on the Saturday morning preceding the election date, at 7:00 p.m.

(2) The President in office may participate in the electoral campaign of the political party or political alliance that proposed or supports his candidacy, according to Art. 27.

Art. 36. – (1) Access to the public radio and television services shall be equal and free of charge for the candidates standing for President of Romania.

(2) The timetable of the electoral campaign and the air time distribution for the equal and free of charge access of candidates to the public radio and television services shall be established after the term for the submission of candidacies is over, by the joint standing bureaux of the two Chambers of Parliament, together with the representatives of the public radio and television services, with the participation of the candidates.

(3) In case the elections for the President of Romania take place simultaneously with the elections for the Chamber of Deputies and the Senate, the timetable and the air time distribution

for the electoral campaign regarding the election of the two Chambers shall be taken into consideration as well.

Art. 37. – (1) In the electoral campaign the candidates and, as the case may be, the political parties, political alliances and electoral alliances, the organizations of citizens belonging to national minorities that proposed them, as well as the citizens shall be entitled to express their opinions freely and without any discrimination in rallies, meetings, marches, as well as in the media. Such rallies, meetings and marches shall be organized only if they are authorized by the legislation in force.

(2) The means used in the electoral campaign may not contravene the legal order.

(3) The electoral campaign actions of any kind shall be forbidden in military units, educational institutions, during the educational program, on the premises of diplomatic representation offices, as well as in prisons.

(4) During the electoral campaign, the mayors shall provide the candidates and political formations having proposed them, indiscriminately, with appropriate spaces for meeting their voters.

Art. 38. – (1) The electoral campaign, through the audiovisual program services, public and private, must serve the following general interests:

- a) of the electorate – to receive accurate information so that they can exercise their right to vote with full knowledge of the fact;
- b) of the candidates and their supporting political parties, political alliances, electoral alliances, organizations of citizens belonging to national minorities – to make themselves known and to present their platforms, political programs and electoral offers;
- c) of the broadcasters – to exercise their rights and duties resulting from the journalistic profession.

(2) The public and private broadcasters shall have the obligation to ensure, through the audiovisual program services, the conduct of an equitable, balanced and fair electoral campaign for all the candidates and all supporting political parties, political alliances, electoral alliances, organizations of citizens belonging to national minorities.

Art. 39. – (1) During the electoral period, in case any opinion polls with electoral contents are presented, these must be accompanied by the following information:

- a) the name of the institution carrying out the poll;
- b) the date or period in which the poll has been carried out, and the methodology used;
- c) the size of the sample and the maximum margin of error;

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

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

(3) 48 hours prior to the election day, the presentation of any polls, televotes or surveys conducted in the street shall be forbidden.

(4) Upon exit from the voting, polls may be carried out by the polling organizations or the trading companies, or the non-governmental organizations which are entitled to carry out polls and which are accredited in the field, by decision, by the Central Electoral Bureau. Based on the accreditation of the institution they are working for, the poll operators shall have access to the polling station protection area stipulated in Art. 43 paragraph (6), without having access inside the polling station premises.

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

Art. 40. – (1) The candidates shall have the obligation to ask the management of the public radio and television services, until the date on which the electoral campaign begins, the granting of the air time. The requests exceeding this time limit shall not be taken into consideration.

(2) The candidates shall benefit from free access to the public and private radio and television services. The private radio and television stations shall offer the candidates air time proportional to that practiced by the public stations. The private radio and television stations which do not observe the provisions of this paragraph shall be sanctioned. The sanctions shall be established by decisions of the National Audiovisual Council.

(3) There shall be forbidden the introduction of electoral spots in other shows than the electoral ones.

(4) Within 10 days of the entry into force of the Government Decision on setting the election day, the National Audiovisual Council shall establish, by decision, the rules for conducting the electoral campaign for President through the audiovisual program services.

(5) The candidates may designate their campaign coordinators at county, district of Bucharest Municipality level, and for abroad, and then they shall notify them to the Central Electoral Bureau and to the Permanent Electoral Authority within 48 hours at most of the finalization of candidacies.

(6) The campaign coordinators of the candidates shall have the role of representing the candidates and of leading their electoral campaign, there where they have been designated.

Art. 41. - (1) After the expiry of the time limit for the submission of candidacies, but before these become final, the mayors shall have the obligation to establish, through an order brought to public knowledge by posting at the headquarters of the town hall, special places for the display of electoral posters, taking into account the number of candidates.

(2) The special places meant for electoral posters should be located in public places frequently visited by citizens, so that they can be used without disturbing the public traffic and the other activities in the respective localities. Beforehand, the mayors shall have the obligation to make sure that any electoral propaganda material left behind from the previous electoral campaigns are removed from the public space.

(3) The special places for electoral posters may only be used by the candidates for the office of President and by the parties that proposed them.

(4) The use of the special places for electoral posters by a candidate in such a way that it prevents another candidate from using these places shall be forbidden.

(5) The electoral posters shall be allowed in other places than those established according to paragraph (2) only with the written consent of the owners or, as the case may be, of the holders, and only by taking the measures laid down in the legislation in force on granting the citizens' safety.

(6) Each candidate may place one, single electoral poster on an electoral board. An electoral poster placed in the locations stipulated in paragraph (1) shall not exceed the size of 500 mm x 300 mm, and that by which an electoral meeting is convened, 400 mm x 250 mm.

(7) The electoral posters combining the colors in a succession which reproduces the flag of Romania or that of another state shall be forbidden.

(8) There shall be forbidden the posting for an electoral purpose on the walls or piers of bridges, tunnels, viaducts, on the road signs, road orientation and information panels, as well as on the electronic systems of traffic regulation.

(9) The electoral propaganda actions may not affect by any means the green areas, natural reservations, and ecologically protected areas.

(10) The use of minors under the age of 16 for the distribution and placing of electoral propaganda materials shall be forbidden.

(11) After the closure of the electoral campaign there shall be forbidden the broadcasting of electoral messages in audio, video or mixed format on digital screens placed in public or private places, as well as through any specially equipped vehicles.

(12) The mayor, supported by the public order bodies, shall have the obligation to ensure the integrity of the boards, electoral posters, and of other electoral propaganda materials displayed in authorized places.

(13) The mayors may approve the installation, on the public property, by the candidates and, as the case may be, by the political parties, organizations of citizens belonging to national minorities, political alliances and electoral alliances supporting them, of provisional facilities with a view to distributing electoral propaganda materials, provided the location thereof does not entail restrictions of road or pedestrian traffic.

(14) The electoral campaign may be conducted in a state other than Romania provided the legislation in force of the respective state is observed.

Art. 42. – (1) The county electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality, and the electoral bureau for the polling stations abroad shall supervise the fair conduct of the electoral campaign, solving, by decisions, the complaints referring to the electoral campaign.

(2) If the county electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality, and the electoral bureau for the polling stations abroad consider that, on the occasion of solving the complaint, it is imperative to take administrative measures or to impose penalties for minor or criminal offences, they shall notify the competent authorities.

(3) The contestations against the decisions issued by the county electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality, and the electoral bureau for the polling stations abroad may be submitted to the Central Electoral Bureau, within 48 hours at most of them being posted.

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

(5) The contestations formulated, within the legal time limit, against the decisions adopted by the county electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality, and the electoral bureau for the polling stations abroad shall suspend their execution.

(6) The decisions adopted by the county electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality, and the electoral bureau for the polling stations abroad shall become executory as from the date the contestation deadlines expire.

(7) The contestations concerning the hindrance of a party or a political formation, or of a candidate to conduct the electoral campaign according to the law shall be solved by the Constitutional Court, with the majority vote of the judges, within 48 hours at most of their registration.

## *SECTION 7*

### *Voting*

Art. 43. – (1) Each polling station must have a sufficient number of ballot boxes, voting booths, stamps marked “VOTED”, proportional to the number of voters on the copies of the permanent electoral rolls and to the estimated number of voters who will be included in the tables stipulated in Art. 9, as well as a special ballot box.

(2) The voting booths and ballot boxes must be placed in the same room where the electoral bureau of the polling station is placed. The voting booths and ballot boxes shall be provided by



the mayors of the communes, towns, municipalities and of the administrative-territorial subdivisions of municipalities, together with the prefects.

(3) The president of the electoral bureau of the polling station together with its members shall be present at the premises of the polling station, on the eve of the election day, at 6:00 p.m., having the obligation to order all the measures necessary for ensuring order and fairness of the voting operations. Between 6:00 a.m. and 8:00 p.m., the president of the electoral bureau of the polling station shall receive, according to the provisions of Art. 45 paragraph (1), the requests for voting by means of the special ballot box. The president of the electoral bureau of the polling station shall make sure, with the support of the mayor, that all the electoral propaganda materials of any kind are removed from the premises and outside the premises of the polling station, and shall order the setting up of watch posts around the voting premises.

(4) Upon departure, the president of the electoral bureau of the polling station shall seal the entry into the voting premises by affixing the control stamp on a paper tape. Leaving the voting premises in possession of the control stamp or of stamps marked "VOTED" shall be forbidden.

(5) On election day, the activity of the electoral bureau of the polling station shall start at 6:00 a.m. The president of the electoral bureau of the polling station, in the presence of the other members and, as the case may be, of the accredited persons, shall check the ballot boxes, electoral rolls, ballot papers and the stamps, by writing down at points e) and i) in the written report stipulated in Art. 49 paragraph (1) the number of the ballot papers received, the number of the stamps marked "VOTED" received, respectively. As he opens the sealed packages, the president makes sure he affixes the control stamp on the last page of each ballot paper in these packages. After these actions are completed, the president shall close and seal the ballot boxes by affixing the control stamp on all their openings, except for the slit through which the ballot papers shall be introduced. The lack of ballot papers shall be written down at point j) in the written report stipulated in Art. 49 paragraph (1).

(6) The president of the electoral bureau of the polling station shall have the obligation to take the necessary measures so that the elections are conducted in good conditions. His duties shall also be exercised outside the voting premises, in the courtyard, at the entries into the courtyard, around the voting premises, as well as in the streets and in public squares, up to a distance of 500 m.

(7) The measures ordered by the president of the electoral bureau of the polling station shall be brought to public knowledge by posting in visible places.

(8) The administrative measures ordered by the electoral bureaux concerning the electoral posting shall be carried out by the mayor of the administrative-territorial unit, as soon as these have been communicated.

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

(10) Except for the members of the electoral bureau of the polling station, the candidates and observers, no other person may stay in the public places in the voting area or on the voting premises longer than the time necessary to vote.

(11) Throughout the voting process, the members of the electoral bureaux, the persons in charge with keeping order, and the accredited persons shall not be allowed to wear name tags, badges or any other signs of electoral propaganda.

(12) On voting day, between 7:00 a.m. and 9:00 p.m., the selling and consumption of alcoholic beverages shall be prohibited in the protection area of the polling station stipulated in paragraph (6).

(13) For the polling stations abroad, the provisions of this article shall be applied, as the case may be, by taking into account the specific circumstances regarding the organization thereof.

Art. 44. – (1) The voting shall start at 7:00 a.m. and shall close at 9:00 p.m. The starting time and the closing time shall be posted at the premises of the polling stations, in visible places.

(2) The voters shall vote at the polling stations to which they belong according to their domicile, with the exceptions stipulated in this law.

(3) The members of the electoral bureaux of the polling stations and the persons in charge with keeping order shall vote at the polling station where they carry out their activity.

(4) The voters who, on election day, find themselves in a commune, town, or municipality other than the one where they have their home, shall vote only at the special polling stations established according to paragraph 9 paragraph (1), after stating in writing on their own account that they have not voted and they will not vote again in that ballot. The model of the statement on one's own account shall be set by Government Decision within the time limit stipulated in Art. 65 paragraph (1).

(5) The voters who are abroad on voting day shall vote at the polling stations established under the terms of Art. 12, after stating in writing on their own account that they have not voted and they will not vote again in that ballot. The model of the statement on one's own account shall be set by Government Decision within the time limit stipulated in Art. 65 paragraph (1).

(6) The access of the voters to the voting room shall take place in series corresponding to the number of voting booths. The voter shall present the identity document to the electoral bureau of the polling station. The president of the electoral bureau of the polling station or the member designated by him shall check if the voter is included in the copy of the permanent electoral roll, and afterwards the voter shall sign the roll at the position meant for him. The voter who finds himself in one of the situations stipulated in paragraphs (3) – (5) shall be included, by the president of the electoral bureau of the polling station or by the member designated by the president, in the table stipulated in Art. 9 paragraph (1), and afterwards the voter shall sign in line with the personal data at the position meant for the signature in the table. Based on the signature in the copy of the permanent electoral roll or in the table, as the case may be, the president or the member of the electoral bureau of the polling station designated by him shall

entrust the voter with the ballot paper and the stamp marked “VOTED”, which he shall affix on the ballot paper. In the event the voter, based on solid grounds, found by the president of the electoral bureau of the polling station, cannot sign the electoral roll, then the president shall mention this on the list, confirmed by his signature and by that of another member of the electoral bureau.

(7) The voters shall vote separately in closed booths, affixing the stamp marked “VOTED” inside the quadrilateral including the full name of the voted candidate.

(8) The presence of any person in the voting booths, except for the person casting the vote, shall be forbidden. The voter who, for good grounds, found by the president of the electoral bureau of the polling station, cannot vote alone, is entitled to call in the voting booth an attendant chosen by him, to help him. The attendant may not be chosen from amongst the accredited persons or members of the electoral bureau of the polling station.

(9) After having voted, the voters shall fold the ballot papers so that the unprinted page bearing the control stamp remains outside, and then they shall introduce them into the ballot box, seeing that they do not open. The inappropriate folding of the ballot paper shall not incur the invalidation thereof.

(10) At the voter’s request, if he/she has inappropriately affixed the stamp marked “VOTED”, but he/she has not introduced the ballot paper into the ballot box, the president of the electoral bureau of the polling station may give him/her, only once, a new ballot paper, by keeping and invalidating the initial ballot paper, and making the appropriate mention according to point f) in the written report stipulated in Art. 49 paragraph (1).

(11) The stamp entrusted for the voting shall be given back to the president or to those members of the electoral bureau of the polling station designated by the president, who shall affix on the identity document of the voter the stamp marked “VOTED” or a self-adhesive stamp, as the case may be, and shall write down the date of the ballot.

(12) The president may take measures so that a voter’s staying in the voting booth shall not last more than necessary.

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

(14) In case the contestation is well-grounded the president of the electoral bureau of the polling station shall prevent the contested voter from voting, shall put this fact down in a written report, and shall notify the situation to the qualified authorities.

(15) The president of the electoral bureau of the polling station may suspend the voting for good grounds. The suspension may not exceed one hour. The suspension shall be notified by posting at the door of the premises of the polling station as soon as the event that caused the suspension has occurred.

(16) During the suspension, the ballot boxes, the stamps, the ballot papers, and the other documents and materials of the electoral bureau of the polling station shall stay under permanent guard. During the suspension, more than half of the members of the electoral bureau of the polling station shall not be allowed to leave simultaneously the voting room. The candidates and the observers who attend the voting shall not be forced to leave the voting room during this interval.

Art. 45. – (1) For the voters in Romania who are unfit to be moved for reasons of illness or disablement, at the written request thereof, submitted on the eve of the voting at the latest, accompanied by copies of medical or other official documents certifying that the persons in question are unfit to be moved, the president of the electoral bureau of the polling station may approve that a team made up of at least two members of the electoral bureau goes with a special ballot box and the material required by the voting - a stamp marked “VOTED”, ballot papers, and self-adhesive stamps necessary for the voting to be carried out. Within the jurisdiction of a polling station there shall be used only one special ballot box. The special ballot box may be carried only by the members of the electoral bureau of the polling station. The special ballot box may be carried only within the territorial jurisdiction of the respective polling station.

(2) For the cases referred to in paragraph (1) the voting shall be carried out on the basis of the table provided for in Art. 9 paragraph (2).

(3) The procedure for exercising the right to vote by persons who are under arrest, taken into preventive custody based on a warrant, or by persons who are serving a sentence with the loss of liberty, but who have not lost their electoral rights, shall be established by decision of the Central Electoral Bureau. The provisions of paragraphs (1) and (2) shall apply accordingly.

(4) Notwithstanding the provisions of paragraph (1), if within a prison is required voting by special ballot box by more than 400 people in detention, voting applications for the special ballot box may be submitted no later than the day before election day, at more polling stations in the locality of the prison, established by decision of the county electoral bureau and of the electoral bureaux of the Bucharest Municipality districts, respectively.

(5) Notwithstanding the provisions of par. (1), applications for voting by special ballot box formulated by persons which have the right to vote who are in hospitals may be submitted, no later than the day before voting at several polling stations in the locality of the hospital, established by decision of the county electoral bureau and of the electoral bureaux of the Bucharest Municipality districts, respectively.

Art. 46. – (1) At 9:00 p.m. the president of the electoral bureau of the polling station shall declare the close of voting, and shall order the closing of the room where the voting takes place.

(2) The voters who are in the room where the voting is carried out at 9:00 p.m. may exercise their right to vote.

Art. 47. – (1) The electoral operations carried out by the electoral bureaux of the polling stations may be attended, apart from the members thereof, by the persons accredited under the conditions of this law.

(2) Within the meaning of this law, by *accredited persons* one shall understand:

a) the internal and external observers;

b) the internal and external representatives of the media.

(3) The representatives of non-governmental organizations that have in their line of business the defence of democracy and of human rights or the observation of the elections, and that are legally set up at least 6 months before the election date may be accredited as internal observers. The persons appointed internal observers by these organizations may not have a political affiliation.

(4) As internal representatives of the media may be accredited the persons specially appointed in writing by the management of the media institutions. The persons appointed internal representatives of the media may not have a political affiliation.

(5) The accreditation of internal observers and of internal representatives of the media shall be made by the county electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality and the electoral bureau for the polling stations abroad, for all the polling stations within the jurisdiction thereof, following the petition filed by the non-governmental organizations or media institutions in Romania at least 5 days before the election date.

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

(7) Only the persons proposed by those non-governmental organizations that present a certificate attesting to the fulfilment of the conditions provided for in paragraph (3), issued by the Permanent Electoral Authority, may be accredited as internal observers. The certificate may be requested by 10 days at the latest prior to the election date.

(8) The persons proposed by those media institutions that present a certificate issued by the Permanent Electoral Authority attesting to the fact that they carry on activities in that field may be accredited as internal representatives of the media. The certificate may be requested by 10 days at the latest prior to the election date, based on certain documents that show the line of business of the respective institution.

(9) The accredited persons may attend the electoral operations on the election day, from 6:00 a.m. till the moment when the members of the electoral bureau of the polling station draw up and sign the statement of the vote in the respective polling station, only if they present the accreditation document, the copy of which is valid as well. These persons may not intervene in any way in the organization and conduct of the elections, they are only entitled to notify in writing the president of the electoral bureau of the polling station in case they notice an

irregularity. Any electoral propaganda action, as well as the violation in any way of the accreditation document shall incur the enforcement of legal sanctions, the suspension of the accreditation by the electoral bureau that found the infringement, and on voting day the immediate removal of the respective person from the polling station.

(10) At the electoral bureau of the polling station the accredited persons may stay only in the space established for this purpose in the voting room by the president of the electoral bureau of the polling station. At the same time the accreditation shall entitle the holder to have access to the space specially arranged for this purpose at the county electoral bureau, the electoral bureau of the district of Bucharest Municipality or at the electoral bureau for the polling stations abroad that issued the accreditation.

(11) The contestations on the accreditation or rejection of the request for accreditation by the county electoral bureau, the electoral bureau of the district of Bucharest Municipality or by the electoral bureau for the polling stations abroad shall be submitted with the court of law within the territorial jurisdiction of which functions the electoral bureau, and shall be solved by the court of law within two days at most of the registration. The judgement shall be final and irrevocable.

(12) The contestations on the rejection, by the Permanent Electoral Authority, of the request for the issue of the certificates provided for in paragraphs (7) and (8) shall be submitted with the Bucharest Court of Appeal within two days at most of the communication of the reply, and shall be settled by the Court within two days of the registration. The judgement shall be final and irrevocable.

### CHAPTER III

#### Ascertaining the election result

Art. 48.— (1) After the closing of the voting room, the president, in the presence of the members of the electoral bureau, shall perform the operations of ballot paper counting and recording of the voting result, as follows:

a) he/she shall check the state of the seals on the ballot boxes, shall seal the slit of the ballot boxes, and shall introduce the stamps marked “VOTED” into an envelope which will be sealed by affixing the control stamp of the polling station. The disappearance of one or several stamps shall be recorded at point i) of the statement of the vote provided for in Art. 49 paragraph (1);

b) he/she shall reject the unused ballot papers, by writing down “REJECTED” across the first page and by affixing the control stamp of the polling station; in the event there are intact packages with ballot papers, the mark “REJECTED” shall be written down only once on the respective package, and the control seal shall be affixed once;

c) he/she shall establish the number of voters included on the copy of the permanent electoral roll; it shall be forbidden, except as provided by art. 44 paragraph (6), under the sanction of the law that the rolls contain erasures, alterations or completions; the counting result shall be written down at point a) of the statement of the vote provided for in Art. 49 paragraph (1);

d) he/she shall establish the number of voters present in the voting by counting the signatures entered on the copies of the electoral rolls at the polling station, and on the tables drawn up according to Art. 9, respectively. The results shall be registered in the statement of the vote at point b), and points b1, b2, and b3, respectively, of the statement of the vote provided for in Art. 49 paragraph (1);

e) he/she shall unseal the ballot boxes one by one, shall count the ballot papers, and shall open the ballot boxes one by one; when opening each ballot paper, the president shall read aloud the full name of the voted candidate, and shall show the ballot paper to the people present; the opened ballot papers shall be arranged per candidates, shall be counted and tied separately; the rejected votes and the validly cast votes for each candidate shall be recorded in a separate table each by one member each of the electoral bureau of the polling station appointed by the president.

(2) There shall be considered rejected the ballot papers on which the control stamp of the polling station has not been affixed, the ballot papers with a different model than the legally approved one, the ballot papers on which the stamp marked "VOTED" has not been affixed, the ballot papers on which the stamp marked "VOTED" has been affixed on several quadrilaterals or outside them; the vote shall be validly cast when, although the affixed stamp marked "VOTED" exceeds the limits of the quadrilateral, the voter's choice is obvious, when the ink has penetrated the other side of the sheet on which the stamp marked "VOTED" has been affixed, as well as when the stamp has been affixed several times on the same quadrilateral or both inside and outside any other quadrilateral; erasures and writing on the already existing lines of the ballot papers shall not incur the rejection thereof; the rejected ballot papers shall not be counted as the validly cast votes.

Art. 49 – (1) ) After the opening of the ballot boxes and the vote counting, the president of the electoral bureau of the polling station shall draw up a statement of the vote in 3 copies including:

a) the total number of voters provided for in the copy of the permanent electoral roll at the polling station [point a)  $\geq$  point b1 ];

b) the total number of voters who reported to the polls [point b) = point b1 + point b2 + point b3], of which:

b1 – the total number of voters who reported to the polls, entered on the copy of the permanent electoral roll;

b2 – the total number of voters who reported to the polls and who are not included on the copy of the permanent electoral roll, entered on the table provided for in Art. 9 paragraph (1);

b3 – the total number of voters who voted using the special ballot box, entered on the table provided for in Art. 9 paragraph (2);

c) the total number of the validly cast votes [point c)  $\leq$  point b) – point d)], [point c) = sum of validly cast ballots under point g)];

d) the number of rejected votes;

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

f) the number of unused and rejected ballot papers;

g) the number of validly cast ballots obtained by each candidate;

h) a short account of the objections drawn up and the solution thereof, as well as of the contestations submitted to the county electoral bureau, the electoral bureau of the district of Bucharest Municipality or to the electoral bureau for the polling stations abroad, as the case may be;

i) the number of stamps marked “VOTED” at the beginning of the voting; the disappearance of one or several seals shall be mentioned, if need be, as well as the state of the seals on the ballot boxes at the end of voting;

j) other situations; there shall be recorded if the number of ballot papers found in the ballot box is different from the number of voters who have voted, resulted following the counting of the signatures on the permanent added to that of the unused and rejected ballot papers is different from the total number of the ballot papers received, as well as any other incidents.

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

(3) A copy of the statement of the vote shall be posted in a visible place at the premises of the electoral bureau of the polling station.

(4) The members of the electoral bureau of the polling station shall be issued, on request, a copy of the statement of the vote, certified by all those who signed the original.

(5) Two copies of the statement of the vote provided for in paragraph (1), all the contestations on the electoral operations of the electoral bureau of the polling station, the rejected and contested ballot papers shall constitute a stamped and sealed file that must be accompanied by the control stamp. The copy of the permanent electoral roll together with the tables used in the polling station, as well as the statements on one’s own account provided for in Art. 44 paragraph (4), as the case may be, shall constitute a separate file. Within 24 hours at most of the closing of voting, both files shall be submitted to the county electoral bureau or, as the case may be, to the



electoral bureau of the district of Bucharest Municipality under military guard, accompanied, on request, by other members of the respective electoral bureau.

(6) The statements of the vote, drawn up by the electoral bureaux of the polling stations abroad, together with all the objections and contestations on the electoral operations of the electoral bureau of the polling station shall be transmitted electronically to the electoral bureau for the polling stations abroad, thanks to the diplomatic representation offices, within 24 hours at most of the receipt thereof. The accuracy of the data in these statements of the vote shall be confirmed by telephone by the president or deputy of the electoral bureau for the polling stations abroad, who shall countersign and stamps the received documents. The countersigned statements of the vote shall be used in centralizing the voting results.

(7) In case dissimilarities are found among the data in the statement of the vote received from the electoral bureau of a polling station, the county electoral bureau or that of the district of Bucharest Municipality must request the president of the respective electoral bureau of the polling station to make the necessary corrections. These shall be deemed valid provided they are certified by signing and affixing the control stamp of the polling station.

(8) In case dissimilarities are found among the data in the statements of the vote received from the electoral bureaux abroad, the electoral bureau for the polling stations abroad must request the president of the electoral bureau of the polling station to make the necessary corrections. These shall be deemed valid provided they are certified by signing and affixing the control stamp of the polling station. The provisions of paragraph (6) shall apply accordingly.

(9) Within 24 hours of the receipt of the file provided for in paragraph (5), the county electoral bureau or, as the case may be, to the electoral bureau of the district of Bucharest Municipality shall submit one copy of each statement of the vote drawn up by the electoral bureaux of the polling stations with the court of law within the territorial jurisdiction of which they operate; the electoral bureau for the polling stations abroad shall submit with the Bucharest Court of Law one copy, countersigned and stamped, of each statement of the vote drawn up by the electoral bureaux of the polling stations abroad.

(10) The Candidates may obtain copies of the samples of the statements of the vote provided for in paragraph (9).

Art. 50. – (1) After the receipt of the statements of the vote from all the electoral bureaux of the polling stations, and after the settlement of the contestations received from the electoral bureaux of the polling stations, the county electoral bureau, the electoral bureau of the district of Bucharest Municipality or the electoral bureau for the polling stations abroad shall draw up a statement of the vote that shall include:

- a) the total number of voters provided for in the copies of the permanent electoral rolls [point a)  $\geq$  point b1 ];
- b) the total number of voters who reported to the polls [point b) = point b1 + point b2 + point b3], of which:

b1 – the total number of voters who reported to the polls, entered on the copies of the permanent electoral rolls;

b2 – the total number of voters who voted in another polling station than the one they belonged to by distribution according to their domicile, entered on the table provided for in Art. 9 (1);

b3 – the total number of voters who voted by using the special ballot box, entered on the table provided for in Art. 9 paragraph (2);

c) the total number of the validly cast votes [point c)  $\leq$  point b) – point d)], [point c) = sum of validly cast votes under point g)];

d) the total number of rejected votes;

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

f) the number of unused and rejected ballot papers;

g) the total number of validly cast votes obtained by each candidate;

h) a short account of the objections and contestations drawn up and the decisions pronounced.

(2) The provisions of Art. 49 (2) – (4) shall apply accordingly.

(3) The statement of the vote provided for in paragraph (1), together with the statements of the vote received from the electoral bureaux of the polling stations, as well as all the contestations and objections falling within the competence of the Central Electoral Bureau, all of which constitute a file sealed, stamped and signed by the members of the county electoral bureau, of the electoral bureau of the district of Bucharest Municipality or of the electoral bureau for the polling stations abroad, as well as the files including the copies of the of the permanent electoral rolls and the tables used in the polling stations, as well as the statements on one's own account provided for in Art. 44 paragraph (4), as the case may be, accompanied by the stamp of the respective electoral bureau shall be submitted under military guard to the Central Electoral Bureau within 48 hours at most of the receipt of the last statement of the vote from the electoral bureaux of the polling stations.

(4) In case dissimilarities are found among the data in a statement of the vote received from a county electoral bureau, an electoral bureau of a district of Bucharest Municipality or from the electoral bureau for the polling stations abroad, the Central Electoral Bureau must request the president of the respective electoral bureau to make the necessary corrections. These shall be deemed valid provided they are certified by signing and affixing the control stamp of the polling station.

Art. 51. – (1) The Central Electoral Bureau shall settle the contestations received from the county electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality and the electoral bureau for the polling stations abroad, and afterwards it shall draw up a statement of the vote that shall include:

- a) the total number of voters entered on the permanent electoral rolls [point a)  $\geq$  point b1];
- b) the total number of voters who reported to the polls [point b) = point b1 + point b2 + point b3], of which:

b1 – the total number of voters who reported to the polls, entered on the copies of the permanent electoral rolls;

b2 – the total number of voters who voted in another polling station than the one they belonged to by distribution according to their domicile, entered on the table provided for in Art. 9 (1);

b3 – the total number of voters who voted by using the special ballot box, entered on the table provided for in Art. 9 paragraph (2);

- c) the total number of the validly cast votes [point c)  $\leq$  point b) – point d)], [point c) = sum of validly cast ballots under point h)];
- d) the total number of rejected votes;
- e) number of ballot papers received [point e)  $\geq$  point c) + point d) + point f) ];
- f) the number of unused and rejected ballot papers;
- g) the number of votes necessary to be elected President of Romania, according to Art. 2 (1) point b)  $[\text{point a})/2 + 1]$ ;
- h) the total number of validly cast votes obtained by each candidate;
- i) the full name of the candidate that met the conditions of Art. 81 of the Constitution of Romania, republished;
- j) the full names of the candidates who will participate in the second round, in case of need.

(2) The provisions of Art. 49 (2) – (4) shall apply accordingly.

(3) The statement of the vote for each round, together with the statements of the vote – that record and centralize the voting results – drawn up by the county electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality, the electoral bureau for the polling stations abroad, and the electoral bureaux of the polling stations, received according to Art. 50 paragraph (3), shall be submitted within 24 hours of the registration of the last file.

(4) In the second round, the provisions of paragraph (1) shall apply accordingly; next, the full name of the candidate whose election has been established shall be entered on the statement according to the provisions of Art. 81 paragraph (3) of the Constitution of Romania, republished.

(5) The Central Electoral Bureau shall submit to the Permanent Electoral Authority the files containing the copies of the permanent electoral rolls and the tables used in the polling stations in both rounds, as well as the statements on one's own account provided for in Art. 44 paragraph

(4). Upon the complaint of the political parties, organizations of citizens belonging to national minorities, political alliances, electoral alliances, and of the independent candidates participating in the elections, lodged within 15 days at most of the validation of each round and accompanied by the related proofs, the Permanent Electoral Authority shall check the copies of the permanent electoral rolls and the tables used in the polling stations the complaint refers to, in order to discover the cases in which a person has voted without being entitled to, or has voted several times in the same round. The time limit set for the check of the electoral rolls used in the polling stations shall be of 6 months since the receipt thereof. In case the Permanent Electoral Authority finds out evidence about the perpetration of the offences provided for in Art. 387 of the Criminal Code, it shall refer the case to the competent authorities.

(6) At the expiry of the time limit provided for in paragraph (5) for the check of the copies of the permanent electoral rolls and of the tables used in the polling stations, the Permanent Electoral Authority shall ensure the electronic filing thereof, as well as of the statements on one's own account provided for in Art. 44 (4) and (5), by a provider of electronic filing services in compliance with Law no. 135/2007 on the electronic filing of documents.

**Art. 52. – (1) The Constitutional Court shall annul the elections result in case it establishes that the poll or that the ascertaining of the elections result has taken place by fraud liable to modify the allotment of the mandate, or, respectively, the order of the candidates who may participate in the second round. In this situation, the Court shall order the voting on the second Sunday of the date of the annulment of the elections result.**

**(2) The application for the annulment of the elections may only be submitted by the political parties, political or electoral alliances, organisations of citizens belonging to national minorities, as well as by the independent candidates that took part in the elections, within maximum 3 days after the voting is closed; the application shall be based on solid grounds, and accompanied by the relevant proofs.**

**(3) The application for the annulment of the elections by the Constitutional Court shall be settled within the date established by law for bringing the elections result to public knowledge.**

**Art. 53. – (1) The Constitutional Court shall validate the result for each round, and see to the publication of the elections result in the Official Journal of Romania, Part I, for each round and validates the elections result for the elected president.**

**(2) The validation document shall be drawn up in 3 copies, of which one shall stay with the Constitutional Court, one shall be sent to the Parliament for the oath to be taken as provided for in Art. 82 paragraph (2) of the Constitution of Romania, republished, and the third one shall be handed over to the elected candidate.**

**Art. 54. – (1) The second round shall take place under the conditions provided for in Art. 81 paragraph (3) of the Constitution of Romania, republished, two weeks after the first round, in the**

same polling stations and constituencies, the electoral operations being carried out by the same electoral bureaux and based on the same electoral rolls as in the first round.

(2) In the second round shall participate only the first 2 candidates who obtained the highest number of votes validly cast for the entire country, in the first round. The Constitutional Court shall confirm that number within 24 hours of the receipt of the statements of the vote provided for in Art. 51 paragraph (3), by making public the full names of the two candidates who shall participate in the second round, and the voting day set according to paragraph (1).

(3) The electoral campaign for the second round shall start on the date the voting day has been made public.

(4) Within two days of the opening of the electoral campaign there shall be set the timetable for the conduct thereof at the public radio and television services, and the air time distribution according to Art. 36 that shall apply accordingly.

(5) The persons accredited to attend the carrying out of the electoral operations in the first round shall be rightfully accredited to attend these operations in the second round as well.

## CHAPTER IV

### Minor offences and infractions

Art. 55. – (1) There shall be considered minor offences the following facts:

- a) the deliberate entering of an elector on more permanent electoral rolls, the entering on the electoral rolls of fictitious persons or of persons who are not entitled to vote;
- b) the keeping of the permanent electoral rolls under inappropriate conditions;
- c) the failure to make the communications stipulated by law in due time and to operate them on the permanent electoral rolls;
- d) the operations made by unauthorized persons on the permanent electoral rolls;
- e) the failure to notify the courts of law of the alterations operated on the sample of the permanent electoral roll existing at the town hall;
- f) the infringement of the provisions of Art. 4 (2) and Art. 27 (3);
- g) the infringement of the provisions regarding the posting of candidacy proposals provided for in Art. 31 (3);
- h) the use by a candidate of the electoral sign registered at the Central Electoral Bureau by another candidate;

- i) i) the organizers' failure to take the necessary measures for a normal conduct of the electoral meetings, as well as the distribution and consumption of alcoholic beverages during such meetings;
- j) the destruction, deterioration, staining, covering by writing or by any other method of the permanent electoral rolls, the copies thereof or of the electoral tables;
- k) the non-observance of the provisions of Art. 37 (1), (3), (4), and of Art. 39 (4);
- l) the posting of the permanent electoral rolls, the copies thereof or of the electoral tables; the destruction, deterioration, staining, covering by writing or by any other method of the posted electoral platforms or of any other printed electoral propaganda posters or advertisement;
- m) the non-observance of the decisions and resolutions of the electoral bureaux; the non-observance of the resolutions and instructions of the Permanent Electoral Authority; the non-observance of the resolutions of the Constitutional Court;
- n) the unauthorised printing of ballot papers with a view to using them on election day;
- o) the refusal to permit the access of the accredited persons to the premises of the polling station, except for the cases when the president of the electoral bureau of the polling station restricts the access of the accredited persons to the premises of the polling station due to the size thereof;
- p) the refusal to receive and register a written objection, contestation or any other petition;
- q) the refusal to comply with the orders of the president of the electoral bureau of the polling station regarding the maintenance of order at the premises and in the vicinity of the polling station;
- r) the refusal to hand over the ballot paper and the stamp marked "VOTED" to the voter who has signed on the electoral roll; the handing over of the ballot paper to a voter who does not produce the identity document or who refuses to sign for the receipt thereof on the electoral roll or table on which he is entered;
- r<sup>1</sup>) the non-observance of the provisions of Art. 44 (8) regarding the presence of other persons in the voting booth;
- s) the failure to affix the stamp marked "VOTED" or the self-adhesive stamp, as the case may be, as well as the holding of the identity document, without good reasons, by the members of the electoral bureau of the polling station;
- §) the non-observance of the provisions of Art. 48 (1) point e) regarding the reading aloud of the option expressed on the ballot paper; the drawing up, by the electoral bureaux of the polling stations, of the statements of the vote with the infringement of the provisions of this law;

t) the continuation of the electoral propaganda after it is over, as well as the counselling of the voters on voting day, at the premises of the polling stations, to vote or not to vote a certain candidate;

ț) the wearing of name tags, badges or other signs of electoral propaganda, during the voting, by the members of the electoral bureaux of the polling stations, the persons in charge with the guard, the accredited persons or the poll operators from the polling organizations;

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

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

w) the infringement of the accreditation conditions by the persons accredited according to Art. 47 and by the poll operators from the polling organizations, trade companies or from the non-governmental organizations that have been accredited by the Central Electoral Bureau by decision;

x) the non-observance of the provisions of Art. 10 – 12 regarding the delimitation, numbering and establishing of polling stations;

y) the non-observance of the provisions of Art. 39 (1) – (3) and (5);

z) the non-observance of the provisions of Art. 41 regarding electoral posting;

aa) the non-observance of the provisions of Art. 43 paragraph (12) regarding the selling and consumption of alcoholic beverages.

ab) the failure to observe the provisions of Article 43 paragraph (4);

ac) the failure to observe the provisions of Article 48 paragraph (1) c);

Art. 56. – (1) The minor offences provided for in Art. 55 points b), c), d), e), g), j), k), l), m), o), p), ș), ț), u), v), z), ab) and ac) shall be punished by fine from 1,000 lei to 2,500 lei, those in points f), h), q), t), w), x), and aa) by fine from 1,500 lei to 4,500 lei, and the ones in points a), i), n), r), s), and y) by fine from 4,500 lei to 10,000 lei.

(2) The ascertainment of the minor offences provided for in Art. 55 and the enforcement of the punishments provided for in paragraph (1) shall be carried out by:

a) the officers, agents, and non-commissioned officers in the Romanian Police, the Romanian Border Police, and the Romanian Gendarmerie, as well as the community policemen, for the facts stipulated in Art. 55 points i), k), l), n), o), q), r), t), w), z), and aa);

b) the president of the county electoral bureau, of the district electoral bureau of the district of Bucharest Municipality or of the electoral bureau for the polling stations abroad, for the facts stipulated in Art. 55 points j), p), ș), ab) and ac);

c) the president of the Central Electoral Bureau, for the facts stipulated in Art. 55 points f), g), and h);

d) the president of the electoral bureau in case the members thereof have committed the minor offences, or the president of the hierarchically superior electoral bureau in case the presidents of the hierarchically inferior electoral bureaux or the deputies thereof have committed the minor offences, for the facts stipulated in Art. 55 points n), s), ț), u), and v);

e) the representatives of the president of the Permanent Electoral Authority, for the facts stipulated in Art. 55 points a), b), c), d), e), and x);

f) the representatives of the president of the Permanent Electoral Authority in case the fact stipulated in Art. 55 point m) has been committed by authorities of the central or local public administration, and in case the fact stipulated in Art. 55 point y) has been committed by other persons than the radio broadcasters; the president of the electoral bureau in case the fact stipulated in Art. 55 point m) has been committed by the members of the electoral bureau, or the president of the hierarchically superior electoral bureau in case the fact stipulated in Art. 55 point m) has been committed by the presidents of the hierarchically inferior electoral bureaux; policemen, in case the fact stipulated in Art. 55 point m) has been committed by other natural or legal persons;

g) The National Audiovisual Council, that shall take up the case or the case may be submitted to it by the interested persons, for the facts stipulated in Art. 55 point y) in case they have been committed by the radio broadcasters.

(3) The offender may pay, on the spot or within 48 hours at most of the date of the drawing up of the written report or, as the case may be, of the date of the communication thereof, half the minimum of the fine stipulated in paragraph (1), while the agent shall record this option in the said written report.

(4) To the minor offences provided for in Art. 55 shall be applicable the provisions of the Government Ordinance no. 2/2001 on the legal regime of minor offences, approved with amendments and completions by Law no. 180/2002 with the subsequent amendments and completions.

(5) The members of the electoral bureaux who committed the minor offences provided for in Art. 55 shall be replaced by other persons, at the request of the president of the hierarchically superior electoral bureau, or of the president of the Central Electoral Bureau, as the case may be.

Art. 57. – Repealed



Art. 58. – Repealed

Art. 59. – Repealed

Art. 60. – Repealed

Art. 61. – Repealed

Art. 62. – Repealed

Art. 63. – Repealed

Art. 64 – The goods meant and used to commit the minor offences provided for in Art. 55 or those resulting from the perpetration of both of them shall be confiscated.

## CHAPTER IV

### Transitional and final provisions

Art. 65. – (1) Within 5 days at the latest of the coming into force of the Government Decision on setting the election date, the Government shall establish by decision, on the proposal of the Permanent Electoral Authority and of the Ministry of Administration and Interior, the calendar for carrying out the necessary actions for the election of the President of Romania, the budget and the necessary expenses for the preparation, organization and conduct of the voting, the model of the copy of the permanent electoral roll, the models of the tables provided for in Art. 9, the model of the stamp of the Central Electoral Bureau, of the county electoral bureau, of the electoral bureau of the district of Bucharest Municipality, of the electoral bureau for the polling stations abroad, the model of the control stamp of the polling station marked “VOTED”, the model of the ballot paper, the model of the self-adhesive stamp, the conditions for the printing, management, and use thereof, the measures to be taken by the central and local public authorities for the proper organization and conduct of the elections.

(2) Within 15 days at most of the coming into force of the Government Decision on setting the election date, the Permanent Electoral Authority shall establish by decision, that shall be published in the Official Journal of Romania, Part I, the model of the application for candidacy registration, the model of the application for candidacy renouncement, and the model of the statement of candidacy acceptance.

(3) Within 15 days of the coming into force of the Government Decision on setting the election date, the Government shall establish by decision, on the proposal of the National Statistics Institute and the Permanent Electoral Authority, the models of the statements of the vote for the registration and centralization of the voting results.

Art. 66. – (1) The expenditure for carrying out the electoral operations shall be borne by the state budget.

(2) The premises of the Central Electoral Bureau shall be provided by the Government, that of the electoral bureau for the polling stations abroad by the Ministry of Foreign Affairs, the premises of the county electoral bureaux by the prefects and the presidents of county councils, the premises of the electoral bureaux of the districts of Bucharest Municipality, as well as of the electoral bureaux of the polling stations by the mayors, together with the prefects, and the premises of the electoral bureaux of the polling stations abroad by the Ministry of Foreign Affairs.

(3) The expenditure for the equipment of the premises of electoral bureaux provided for in paragraph (2) shall be borne by the state budget.

(4) The documents drawn up in the exercise of the electoral rights shall be exempt from the stamp duty.

(5) The Permanent Electoral Authority shall provide the purchase of the computer programs that shall be used by the Central Electoral Bureau for the centralization of the voting results.

(5<sup>1</sup>) The National Institute of Statistics shall provide the publication and printing of the minutes determining the election results, at the Autonomous Régie 'Monitorul Oficial', the endowment with equipment, computers and consumable office supplies, as well as the training of the staff involved in performing the technical operations determining the election results, in the processing stations organised at the level of the Central Electoral Bureau, of the county electoral bureaux, the electoral bureau for the polling stations abroad and of the electoral bureaux of the Bucharest Municipality districts for the elections of the President of Romania.

(5<sup>2</sup>) The Special Telecommunications Service shall provide the special telephone services, and the voice and data communications services required by the electoral bureaux in the elections of the President of Romania.

(6) The Government shall provide the Permanent Electoral Authority with the necessary sums for the purchase of the computer programs that shall be used by the Central Electoral Bureau for the centralization of the voting results, the necessary sums for covering the expenses incurred by the check of the copies of the permanent electoral rolls and of the tables used in the polling stations, as well as by the electronic filing thereof and of the documents received from the Central Electoral Bureau.

(7) The Government shall provide the Permanent Electoral Authority with the necessary space for the storage of the copies of the permanent electoral rolls and of the tables used in the polling stations, as well as of the other materials resulting from the electoral process, and that shall be kept in the archive of the Authority.

Art. 67. – (1) In order to support the activity of the Central Electoral Bureau, of the county electoral bureaux, and of the electoral bureaux of the districts of Bucharest Municipality, the Ministry of Administration and Interior, together with the Permanent Electoral Authority, the National Statistics Institute and any other appointed public authority shall provide the necessary auxiliary technical personnel for the electoral bureau for the polling stations abroad.

(2) As long as the electoral bureaux shall function, the members thereof, the statisticians, and the auxiliary technical personnel shall be considered temporarily assigned and shall receive a daily allowance set by Government Decision.

(3) For the allowance provided for in paragraph (2) only the income tax shall be due, deducted, and paid in accordance with the law.

(3<sup>1</sup>) Are excepted from the provisions of art. 24 para. (1) b) of Government Emergency Ordinance no. 34/2009 regarding the 2009 budget rectification and regulation of fiscal measures, approved by Law no. 227/2009, as amended and supplemented, related procurement implementing the measures necessary for the proper organization and conduct of elections for the President of Romania.

(4) The institutions that have hired the employees provided for in paragraph (2) shall grant them the salaries they are entitled to, according to the law, throughout the period they shall exercise their duties regarding the organization and conduct of the election for the President of Romania.

Art. 68. – (1) The courts of law shall try the requests provided for in this law according to the rules set by law for the president's ordinance with the binding participation of the prosecutor.

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

(3) The final judgements of the courts of law pronounced as a result of the requests provided for in this law shall be communicated immediately to the interested electoral bureaux.

Art. 69. – (1) The daily terms stipulated by this law include the day when they start and stop at 24:00 hours of the day they come to an end, even though such days are not weekdays.

(2) Throughout the electoral period, the electoral bureaux shall function in accordance with the calendar settled by the Central Electoral Bureau in compliance with the organization and functioning rules and regulations of the electoral bureaux and of the working apparatus thereof. The courts of law shall ensure the permanent character of the activity so that the citizens may exercise their electoral rights.

Art. 70. – (1) The used or unused ballot papers, the null ones, the statements of the vote, and the stamps necessary to the voting process, received by the courts of law from the county

electoral bureaux, the electoral bureaux of the districts of Bucharest Municipality, the electoral bureau for the polling stations abroad, as the case may be, or from the electoral bureaux of the polling stations, the documents received by the Constitutional Court from the Central electoral Bureau, as well as the lists of supporters found at the Constitutional Court, and those received by the Permanent Electoral Authority from the Central Electoral Bureau shall be kept in the archive, separately from the other documents, for 3 months since the publication of the election results in the Official Journal of Romania, Part I.

(2) After the expiry of the time limit referred to in paragraph (1), the courts of law, supported by the prefect's institutions, the Constitutional Court and the Permanent Electoral Authority respectively, shall hand over, on the basis of a written report, to the specialized economic agents, for melting, the used or unused ballot papers, the null ones, the statements of the vote and the stamps necessary to the voting process, the other materials used in the electoral process, as well as the lists of supporters.

(3) The Permanent Electoral Authority shall ensure the electronic filing of the documents received from the Central Electoral Bureau by an electronic filing service provider, according to Law no.135/2007, then shall hand over, for melting, to the specialized economic agents, the materials and documents received from the Central Electoral Bureau.

(4) The lists of supporters from the previous election for the President of Romania shall be handed over by the High Court of Cassation and Justice to the specialized economic agents, for melting.

(5) Upon receipt of the permanent electoral rolls by the town halls and courts of law, according to Art. 7, any other copies of the permanent electoral rolls found at the town halls and courts of law shall be handed over to the specialized economic agents, for melting.

Art. 71. – (1) The Autonomous Régie “Monitorul Oficial” shall print the ballot papers, the models of the tables provided for in Art. 9, and the other prints and materials necessary for the conduct of the electoral process by 10 days at the latest before the election date.

(2) The Autonomous Régie “Monitorul Oficial” shall provide the publication and printing of brochures including consolidated versions of the legal regulations on the presidential election, in world wide spoken languages, as well as other information materials made by the Permanent Electoral Authority.

Art. 72. – Within 45 days at most of the publication of the election results in the Official Journal of Romania, Part I, the public authorities involved in the organization and conduct of the election of the President of Romania are obliged to inform the Permanent Electoral Authority on the way in which the duties in the electoral field have been carried out, as well as on the deviations and shortcomings, even of legislative nature, found in the organization and conduct of the voting.

Art. 73. – On the date of coming into force of this law, Law no.69/1992 on the election of the President of Romania, published in the Official Journal of Romania, Part I, no. 164 of 16 July 1992, with the subsequent amendments and completions, shall be repealed.

The name of the political party or political alliance (or the mention “independent candidate”, as the case may be)

The electoral sign of the political party or the political alliance

**THE SUPPORTERS’ LIST**

for the election of the President of Romania

-..... (date of elections)

Candidate.....(name and surname)

Crt. no.	Name	Surname	Date of birth	Address	ID			Signature*
					Type	Series	Number	

\* This list is a public document and falls under the incidence of Art. 292 of the Penal Code. Signing of several lists is forbidden.

## **Declaration**

The undersigned..... (*name and surname*), residing on....., born on....., in the commune/city/Municipality of....., in.....county, holder of the I.C. (I.D.) series....., number....., I hereby declare on my own account that all data and signatures contained in this list, which has.... entries, correspond to reality.

Date,

Locality,

Signature,

\*) The former Criminal Code was repealed. See Article 326 of Law No. 286/2009 regarding the Criminal Code.