



THE PERMANENT ELECTORAL AUTHORITY

**THE FINANCING OF THE ACTIVITY
OF POLITICAL PARTIES AND
OF THE ELECTORAL CAMPAIGNS
FOR THE ELECTION OF LOCAL
PUBLIC ADMINISTRATION
AUTHORITIES OF 2020**

Descrierea CIP a Bibliotecii Naționale a României

AUTORITATEA ELECTORALĂ PERMANENTĂ (București)

The financing of the activity of political parties and of the electoral campaigns for the election of local public administration authorities of 2020 / The Permanent Electoral Authority. - București : Monitorul Oficial R.A., 2020

ISBN 978-606-035-052-1

CONTENTS

SECTION I

Legislation on Financing the Electoral Campaign for the Election of Local Public Administration Authorities of 2020	5
– Permanent Electoral Authority Decision No. 4/2020 on the approval of the Guide on the financing of the electoral campaign for the elections of local public administration authorities of 27 September 2020	7
– Law No. 334/2006 on the financing of the activity of political parties and of the electoral campaigns	47

SECTION II

Electoral Legislation on the Election of Local Public Administration Authorities of 2020	79
– Law No. 115/2015 for the election of local public administration authorities, amending the Law of local public administration No. 215/2001, as well as amending and supplementing Law No. 393/2004 on the Statute of local electees.....	81
– Law No. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as on the organisation and functioning of the Permanent Electoral Authority.....	159
– Law No. 84/2020 on prolonging the mandates of the local public administration authorities and for the amendment of Article 151 paragraph (3) of the Government Emergency Ordinance No. 57/2019 on the Administrative Code	253
– Law No. 135/2020 on setting the election day for local public administration authorities of 2020, as well as some measures for their proper organisation and conduct.....	257

SECTION I

Legislation on Financing the Electoral Campaign for the Election of Local Public Administration Authorities of 2020

PERMANENT ELECTORAL AUTHORITY DECISION No. 4

of 6 August 2020

on the approval of the Guide on the financing of the electoral campaign for the elections of local public administration authorities of 27 September 2020

Published in the Official Gazette of Romania, Part I, No. 712 of 7 August 2020

Considering the provisions of Articles 64 – 80 of Law No. 115/2015 for the election of local public administration authorities, amending the Law No. 215/2001 of local public administration, as well as amending and supplementing Law No. 393/2004 on the Statute of local electees, as subsequently amended and supplemented,

noticing the provisions of Law No. 334/2006 on the financing of the activity of political parties and of the electoral campaigns, republished, as subsequently amended and supplemented, as well as the provisions of the Government Decision No. 10/2016 on the approval of the Methodological norms for implementing Law No. 334/2006 on the financing of the activity of political parties and of the electoral campaigns, as subsequently amended,

taking into account the provisions of Law No. 135/2020 on setting the election day for local public administration authorities of 2020, as well as some measures for their proper organisation and conduct,

considering the provisions of the Government Emergency Ordinance No. 38/2020 on using documents in electronic form by public authorities and institutions,

taking into account the provisions of Article 103 paragraph (1) point x) of Law No. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as on the organisation and functioning of the Permanent Electoral Authority, as subsequently amended and supplemented, according to which the Permanent Electoral Authority ensures the enforcement of the legislation on the financing of the activity of political parties and of the electoral campaigns,

on the grounds of Article 104 paragraphs (1) and (2) of Law No. 208/2015, as subsequently amended and supplemented,

The Permanent Electoral Authority enacts this decision.

Article 1. – There shall be approved the Guide on the financing of the electoral campaign for the elections of local public administration authorities of 27 September 2020, stipulated in the annex which is an integral part of this decision.

Article 2. – This decision shall be published in the Official Gazette of Romania, Part I.

ANNEX

GUIDE **on the financing of the electoral campaign for the elections** **of local public administration authorities of 27 September 2020**

CHAPTER I **Financial mandataries**

Article 1. – (1) Political parties, political alliances and organisations of citizens belonging to national minorities that take part in the local elections of 2020, on their own or in a political or electoral alliance, shall have the obligation to appoint coordinating financial mandataries, financial mandataries for each county, for the Bucharest Municipality and for each district of the Bucharest Municipality, respectively.

(2) The political party, political alliance and organisation of citizens belonging to national minorities that take part in the local elections of 2020 only in one county, in one district of the Bucharest Municipality or only in the Bucharest Municipality shall appoint only one financial mandatory, who shall act as coordinating financial mandatory.

(3) The independent candidate shall appoint only one financial mandatory, who shall act as coordinating financial mandatory.

(4) Political parties that are part in the same alliance may appoint the same financial mandataries for each county, for the Bucharest Municipality and for each district of the Bucharest Municipality.

Article 2. – (1) It may be appointed as financial mandatory only the natural person who is qualified as a chartered accountant or licensed accountant, only the certified legal person who provides accounting specialised services, respectively.

(2) By way of derogating from the provisions of paragraph (1), if the financial mandatory is not qualified as a chartered accountant or licensed accountant, the political party, the organisation of citizens belonging to national minorities or the independent candidate, as the case may be, shall

have the obligation to enter into a contract for specialised assistance with licensed natural or legal persons trained in providing accountancy services.

(3) More parties or organisations of citizens belonging to national minorities shall not use the same financial mandatary, regardless of the level, except for the situation when the parties are in the same political or electoral alliance.

(4) Several independent candidates shall not use the same financial mandatary.

(5) The candidates cannot be financial mandataries.

(6) The duties of the financial mandataries may be carried out under a free-of-charge contract or a contract for consideration, as the case may be.

Article 3. – In order to register the financial mandataries for the local elections of 2020, the political parties, political alliances, organisations of citizens belonging to national minorities and independent candidates or the persons nominated by them shall submit to the Permanent Electoral Authority, until 28 August 2020, at the latest, the following documents:

a) the applications for registration of the financial mandataries, in original form, according to the model provided for in Annex No. 15 to the Methodological norms for implementing Law No. 334/2006 on the financing of the activity of political parties and of the electoral campaigns, as approved by Government Decision No. 10/2016, as subsequently amended, hereinafter referred to as *Methodological norms*;

b) copies of the identity documents, in the case of natural persons, or excerpts from the trade register, in the case of legal persons;

c) copies of the documents which attest as chartered accountant or licensed accountant the natural persons, such as a copy of chartered accountant/licensed accountant card with a 2020 visa, certified as a true copy of the original;

d) copies of the certifications for the legal persons specialised in providing accounting services;

e) copies of the professional support contracts with self-employed natural persons or legal persons specialised in providing accounting services to the financial mandataries who are not chartered accountants or licensed accountants;

f) copies of the contracts concluded between the political party, organisation of citizens belonging to national minorities and independent candidate, as the case may be, and the financial mandataries;

g) the power of attorney of the political party or of the organisation of citizens belonging to national minorities or of the independent candidate, as the case may be, as well as the consent of the financial mandataries.

Article 4. – (1) The necessary documents for the registration of the coordinating financial mandatary shall be submitted to the central headquarters of the Permanent Electoral Authority, while the necessary

documents for the registration of the financial mandataries appointed at county level, at the level of the districts of the Bucharest Municipality and at the level of Bucharest Municipality, and for the registration of the financial mandataries of the independent candidates shall be submitted to the territorial headquarters of the Permanent Electoral Authority.

(2) The financial mandataries shall be registered only if all the necessary documents provided for in Article 3 shall be submitted.

(3) The financial mandataries registered with the Permanent Electoral Authority may be replaced at any time by the political parties, organisations of citizens belonging to national minorities and independent candidates who appointed them, with the adequate application of the provisions of Article 34 of Law No. 334/2006 on the financing of the activity of political parties and of the electoral campaigns, republished, as subsequently amended and supplemented, and of the procedure provided for in Article 42 of the Methodological norms.

(4) On the registration date to the Permanent Electoral Authority, the coordinating financial mandatary shall receive a unique identification code of the political party, organisation of citizens belonging to national minorities, political alliance or independent candidate, as the case may be, which shall be printed on all the electoral propaganda material produced and used during the electoral campaign of the political party, organisation of citizens belonging to national minorities, political alliance or independent candidate he represents.

(5) The Permanent Electoral Authority shall communicate the unique identification codes provided for in paragraph (4) also to the political parties, organisations of citizens belonging to national minorities, political alliances and independent candidates whose coordinating financial mandataries have been registered to the Permanent Electoral Authority.

(6) The names of the financial mandataries, the unique identification codes they received, as well as the political parties, political alliances, organisations of citizens belonging to national minorities and independent candidates which they represent shall be published on the web page of the Permanent Electoral Authority.

(7) The unique identification codes provided for in paragraph (4) shall be composed of the following elements: the type of the elections; the political party/the organisation of citizens belonging to national minorities/the independent candidate; the year of the elections; 4 figures awarded uniquely.

Article 5. – (1) Along with the applications for the registration of the financial mandataries, the political parties, organisations of citizens belonging to national minorities and independent candidates shall submit to the Department for the control of the financing of the activity of political parties and electoral campaigns the address and/or the email, phone

numbers and/or fax numbers that shall be used in their relation with the Permanent Electoral Authority, as well as the contact details of the financial mandataries.

(2) Any change in the data provided for in paragraph (2) shall be immediately notified to the Permanent Electoral Authority.

Article 6. – The coordinating financial mandatory shall have the following main duties:

a) to keep a record of the financial operations carried out through the account destined to the financing of the electoral campaign, as provided for in Article 28 paragraph (4) of Law No. 334/2006, republished, as subsequently amended and supplemented, through the account provided for in Article 13 paragraph (2) of Law No. 135/2020 on setting the election day for local public administration authorities of 2020, respectively, as well as some measures for their proper organisation and conduct, where appropriate;

b) to supervise the activity of the other financial mandataries of the political party or of the organisation of citizens belonging to national minorities and to centralise their records;

c) to endorse the commitment of electoral expenses, for the purpose of implementing the provisions of Article 28 paragraph (1) points a), c) and d) of Law No. 334/2006, republished, as subsequently amended and supplemented; in this case, it shall transmit to the Permanent Electoral Authority the information provided for at point d);

d) to centralise and transmit to the Permanent Electoral Authority the information communicated by the financial mandataries appointed at county level, at the level of Bucharest Municipality and at the level of its districts on the electoral expenses made by the political formation or by the candidate, as the case may be, within 3 working days at the most from the commitment of the electoral expenses; the communication shall be done by means of electronic devices and shall comprise the information in Table No. 1:

Table No. 1.
Information on the electoral expenses that shall be communicated
to the Permanent Electoral Authority within 3 working days
from the date of their commitment

The name of the political formation	The type of the electoral expense [as provided for in Article 38 paragraph (2) of Law No. 334/2006, republished, as subsequently amended and supplemented]	The value, in lei, of the electoral expense	The date of the commitment of the electoral expense	The name of the financial mandatory who approved the commitment of the electoral expense	The electoral constituency for which it was done the electoral expense (It shall be recorded the name of the county or the Bucharest Municipality, as the case may be.)	The position for which the electoral expense was made
-------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------	-----------------------------------------------------	------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------

- e) to draw the in-depth report on electoral income and expenses;
- f) to transmit to the Permanent Electoral Authority the documents and reports provided for in Law No. 334/2006, republished, as subsequently amended and supplemented, in writing and in electronic form;
- g) to draw up and submit to the Permanent Electoral Authority the request for reimbursement of the expenses incurred with the electoral campaign;
- h) to submit to the Permanent Electoral Authority the list of candidates that submitted and that will be reimbursed the contributions received for the electoral campaign, endorsed by the leadership of the political party at county level, at the level of Bucharest Municipality districts, of Bucharest Municipality or at central level, as the case may be;
- i) may make payments from the bank account opened for the electoral campaign at his level of expertise on the grounds of the written power of attorney of the electoral competitor;
- j) to transmit to the Permanent Electoral Authority the list of bank accounts and/or sub-accounts opened for the electoral campaign, before making any electoral expense through them.

Article 7. – The financial mandatary appointed at county level, at the level of Bucharest Municipality or at the level of its districts shall have the following main obligations:

- a) to organise the records of the financial operations carried out for the electoral campaign and to check their lawfulness, at his level of appointment;
- b) to check and to register the contributor in the form whose model is provided in Annex No. 14 to the Methodological norms, upon receiving the electoral contribution;
- c) to endorse the commitment of electoral expenses, for the purpose of implementing the provisions of Article 28 paragraph (1) points a), c) and d) of Law No. 334/2006, republished, as subsequently amended and supplemented; to transmit immediately to the coordinating financial mandatary, by means of electronic devices, the information provided for in Article 6 point d);
- d) to carry out the payments from the bank account opened for the electoral campaign at his level of expertise based on the written power of attorney of the political party, organisation of citizens belonging to national minorities or of the independent candidate, as the case may be;
- e) to fulfil accordingly the responsibilities of the coordinating financial mandatary for independent candidates;
- f) to transmit to the coordinating financial mandatary data and information necessary to draw up the in-depth report on electoral income and expenses.

Article 8. – The registration of the financial mandatory shall be done by each political party, political alliance, organisation of citizens belonging to national minorities and independent candidate within the term and in the conditions provided for by law on the following grounds:

a) only the financial mandatory shall draw up and submit the mandatory reports to the Permanent Electoral Authority;

b) the mandate of the candidate declared elected shall not be validated unless the in-depth report on electoral income and expenses of the political party, organisation of citizens belonging to national minorities or of the independent candidate was submitted by the coordinating financial mandatory, under the provisions of the law;

c) in the absence of a financial mandatory, the electoral expenses cannot be committed, made or reimbursed.

CHAPTER II

Opening bank accounts for the electoral campaign

Article 9. – (1) Political parties and organisations of citizens belonging to national minorities shall open bank accounts and/or sub-accounts that shall be used for the electoral campaign, as follows:

a) a bank account or sub-account at central level;

b) a bank account or sub-account at the level of each county and of Bucharest Municipality.

(2) The political parties that shall have as income subventions from the state budget shall open at central level a distinctive bank account or sub-account for the amounts of money for financing the electoral campaign transferred from the account for subventions from the state budget, as well as a distinctive bank account or sub-account for the same purpose at county level, at the level of districts of the Bucharest Municipality and at the level of Bucharest Municipality.

(3) The independent candidate shall open a bank account or sub-account for the electoral campaign.

(4) All cash collection and payment operations for the electoral campaign shall be made exclusively through bank accounts or sub-accounts opened for the electoral campaign, previously notified to the Permanent Electoral Authority.

(5) The coordinating financial mandatory shall notify to the Permanent Electoral Authority or to its territorial headquarters, as the case may be, the list of bank accounts and sub-accounts opened for the electoral campaign. The list of bank accounts and sub-accounts opened for the electoral campaign by political parties and organisations of citizens belonging to national minorities, the bank account opened by the independent

candidate, respectively, comprising at least the IBAN code, the bank, and the subsidiaries where such accounts were opened.

(6) From the date of the notification of the Permanent Electoral Authority, the bank accounts and sub-accounts opened for the electoral campaign shall be intended exclusively for the collection of the electoral contributions, for the payment of the electoral expenses, respectively, but other types of transactions shall be forbidden. Via bank accounts and sub-account for subventions shall be done only transfers financed from the state budget subventions and payments of the electoral expenses done exclusively of subventions.

(7) Bank account and sub-accounts for the electoral campaign shall remain open until the date of refund to the candidates of the sums not spent or reimbursed by the Permanent Electoral Authority, as provided by law.

Article 10. – (1) The central bank account or sub-account for the electoral campaign shall be opened solely by a political party, political alliance or organisation of citizens belonging to national minorities, as the case may be.

(2) Funding the central bank account or sub-account for the electoral campaign can be done from the registration of the coordinating financial mandatary and until the closing of the electoral campaign, up to 26 September 2020, 7.00 hours respectively.

(3) Funding the central bank account or sub-account for the electoral campaign shall be done only from transfers of the funds from sources provided for in Article 12 paragraph (2), except for those from subventions of the state budget.

(4) From the central bank account or sub-account for the electoral campaign can be transferred, via bank transfer, amounts of money to the other bank accounts and/or sub-accounts for the electoral campaign and payments can be made solely for their own electoral expenses.

(5) From the central bank account of subventions amounts of money can be transferred into the accounts or sub-accounts of subventions opened at county level, at the level of Bucharest Municipality or at the level of its districts, within the limits provided by law.

Article 11. – (1) Funding the bank accounts and/or sub-accounts for the electoral campaign opened at county level, at the level of Bucharest Municipality and at the level of its districts shall be done exclusively of:

a) electoral contributions of the candidates in the county or in the Bucharest Municipality, as the case may be;

b) funds transferred from the campaign bank account or sub-account opened at central level.

(2) From the bank accounts for the electoral campaign opened at county level, at the level of Bucharest Municipality and at the level of its districts payments can be made only for the electoral expenses done at that specific level.

(3) In the bank accounts and/or sub-accounts of subventions opened at county level, at the level of Bucharest Municipality and at the level of its districts shall be collected solely transfers from the bank account of subventions opened at central level and shall be made payments of the electoral expenses done distinctively out of subventions.

CHAPTER III

Contributions for the electoral campaign

Section 1

Contributions of the political parties and of the organisations of citizens belonging to national minorities to the electoral campaign

Article 12. – (1) Political parties and the organisations of citizens belonging to national minorities may contribute with amounts of money to their own electoral campaign up to the extent of the total limits provided for in Table No. 2:

Table No. 2. Maximum limits of the electoral contributions which may be deposited or transferred by the political parties and the organisations of citizens belonging to national minorities

– lei –

No.	Category of contribution to the electoral campaign	No. of wages	Minimum wage	Total
1.	For each list of candidates to the local council of the commune	1	2,230	2,230
2.	For each list of candidates to the local council of the town	3	2,230	6,690
3.	For each list of candidates to the local council of the municipality	5	2,230	11,150
4.	For each list of candidates to the local council of the county seat municipality	30	2,230	66,900

No.	Category of contribution to the electoral campaign	No. of wages	Minimum wage	Total
5.	For each list of candidates to a district council of the Municipality of Bucharest	50	2,230	111,500
6.	For each list of candidates to the General Council of the Municipality of Bucharest	500	2,230	1,115,000
7.	For each list of candidates to the county council	100	2,230	223,000
8.	For each candidate for the office of commune mayor	5	2,230	11,150
9.	For each candidate for the office of town mayor	7	2,230	15,160
10.	For each candidate for the office of municipality mayor	10	2,230	22,300
11.	For each candidate for the office of mayor of the county seat municipality	50	2,230	111,500
12.	For each candidate for the office of mayor of a Municipality of Bucharest district	100	2,230	223,000
13.	For each candidate for the office of mayor of the Municipality of Bucharest	200	2,230	446,000
14.	For each candidate for the office of president of the county council	200	2,230	446,000

(2) The contributions of the political parties and of the organisations of citizens belonging to national minorities may only come from transfers of funds obtained from the following sources of financing:

- a) membership fees paid by the party members;
- b) donations, legacies and other gifts;
- c) income from their own activities, in accordance with the law;
- d) subsidies from the state budget, received according to Law No. 334/2006, republished, with subsequent amendments and supplements;

e) money loans from natural and legal persons.

(3) For each list of candidates to the county council and the General Council of the Municipality of Bucharest, a political party or an organisation of citizens belonging to national minorities may transfer in the central bank account for the electoral campaign the maximum amount of 111,500.00 lei.

(4) The maximum amount which may be deposited in the central bank account for the electoral campaign by a political party or an organisation of citizens belonging to national minorities is 4,683,000.00 lei (Example: If the political party has lists of candidates to the county council in only 5 counties, it may transfer in the central campaign account only the amount of 557,500.00 lei, namely 5 counties x 50 salaries x 2,230 lei).

(5) If the political party participates in the elections as part of a political or electoral alliance, the maximum limit of the funds which may be transferred by it into the central bank account or sub-account for the electoral campaign is proportionate to the number of candidates nominated by it on the joint lists for the county councils and the General Council of the Municipality of Bucharest, up to the maximum limits provided by law.

(6) Within 3 working days at the most from the date of the deposit or transfer of a sum of money originating in funds obtained from the financing sources of a political party into the bank account or sub-account for the electoral campaign opened at central level, the political party or the organisation of citizens belonging to national minorities shall be under the obligation to hand over to the coordinating financial mandatary a statement indicating the source of the contribution.

(7) The funds obtained by the political party or the organisation of citizens belonging to national minorities which have been transferred into the central bank account or sub-account for the electoral campaign shall be declared at the Permanent Electoral Authority by the coordinating financial mandatary within 3 working days from the date of receipt thereof into the bank account notified to the Permanent Electoral Authority.

(8) The transfer referred to in paragraph (7) shall be declared by submitting to the Permanent Electoral Authority a certified copy of the statement of the bank account of the opened at central level for the electoral campaign, in person, by email or by fax.

Article 13. – (1) The political party or the organisation of citizens belonging to national minorities may transfer amounts of money from the central bank account or sub-account for the electoral campaign, through its coordinating financial mandatary, into the bank accounts and/or sub-accounts opened at county level, Municipality of Bucharest level and in the districts of the Municipality of Bucharest, in compliance with the maximum legal ceiling set for the electoral contributions for the level in question.

(2) The funds transferred from the central account or sub-account for the electoral campaign into the bank accounts and/or sub-accounts for the electoral campaign opened at county level, Municipality of Bucharest level and in the districts of the Municipality of Bucharest shall be declared at the Permanent Electoral Authority by the coordinating financial mandatary, within 3 working days from the date of receipt into the bank account or sub-account notified to the Permanent Electoral Authority.

(3) The amounts of money transferred in accordance with paragraphs (1) and (2) shall be taken into account when calculating the maximum limits of the electoral expenses which may be made at central level.

(4) The funds transferred from the central account or sub-account for the electoral campaign, including those coming from state budget subsidies, into the bank accounts and/or sub-accounts for the electoral campaign opened at county level, at the Municipality of Bucharest level and at the level of the Municipality of Bucharest districts shall be included in the calculation of the maximum limits of the electoral contributions that may be deposited at the respective level.

(5) The payment orders concerning the transfers referred to in paragraphs (1) and (2) shall specify the electoral constituency/constituencies and the eligible position/positions for which the contribution is paid.

Article 14. – The statement indicating the source of the contribution of the political party or organisation of citizens belonging to national minorities, provided under Article 28 paragraph (13) of Law No. 334/2006, republished, with subsequent amendments and supplements, shall comprise a reference to the type of source of income: membership fee, donation, income from its own activities, money loans from natural persons and legal entities or subsidies from the state budget, as applicable.

Section 2 *Candidates' contributions*

Article 15. – (1) The candidates' contributions to the electoral campaign may exclusively come from the following sources:

- a) their own income;
- b) donations received from natural persons;
- c) loans granted by natural persons or taken out with credit institutions.

(2) The maximum limits of the contributions which may be deposited or transferred by the candidates or by the financial mandataries appointed at county level, at the level of the Municipality of Bucharest and at the level of the Municipality of Bucharest districts into the bank accounts and/or sub-accounts for the electoral campaign opened at county level, at the level of the Municipality of Bucharest and at the level of the Municipality of Bucharest districts are shown in Table No. 3.

Table No. 3. Maximum limits of the electoral contributions which may be deposited or transferred by the candidates or the financial mandataries appointed at county level, at the Municipality of Bucharest level and at the level of the Municipality of Bucharest districts

– lei –

No.	Category of contribution for the electoral campaign	No. of wages	Minimum wage	Total
1.	For each list of candidates to the local council of the commune	1	2,230	2,230
2.	For each list of candidates to the local council of the town	3	2,230	6,690
3.	For each list of candidates to the local council of the municipality	5	2,230	11,150
4.	For each list of candidates to the local council of the county seat municipality	30	2,230	66,900
5.	For each list of candidates to the council of a district of Bucharest Municipality	50	2,230	111,500
6.	For each list of candidates to the General Council of the Bucharest Municipality	500	2,230	1,115,000
7.	For each list of candidates to the county council	100	2,230	223,000
8.	For each candidate for the office of commune mayor	5	2,230	11,150
9.	For each candidate for the office of town mayor	7	2,230	15,610
10.	For each candidate for the office of municipality mayor	10	2,230	22,300
11.	For each candidate for the office of mayor of the county seat municipality	50	2,230	111,500
12.	For each candidate for the office of mayor of a district of the Bucharest Municipality	100	2,230	223,000
13.	For each candidate for the office of mayor of the Bucharest Municipality	200	2,230	446,000
14.	For each candidate for the office of president of the county council	200	2,230	446,000

(3) The contributions for the electoral campaign shall be deposited or transferred into the bank accounts or sub-accounts opened for the electoral campaign only by the persons whose candidatures have remained final or by the financial mandatary, based on a power of attorney from them, by the closing date of the electoral campaign at the latest.

(4) The contributions for the electoral campaign may be deposited or transferred by the persons whose candidatures have remained final into the bank accounts or sub-accounts opened for the electoral campaign, provided that, within 3 working days at the most from the date of the deposit or transfer of an amount of money into the bank account or sub-account opened for the electoral campaign, such persons hand over to the financial mandataries appointed at county level, at Bucharest Municipality level and at the level of the Bucharest Municipality districts the statements on the origin of the electoral contribution, according to the model stipulated in Annex No. 21 to the Methodological norms.

(5) The contributions for the electoral campaign may be deposited by the financial mandataries appointed at county level, at the level of the Bucharest Municipality and at the level of the Bucharest Municipality districts, into the bank accounts or sub-accounts opened for the electoral campaign, based on a written power of attorney given by the candidates and on the statements concerning the source of the contribution; the written power of attorney shall comprise the surname and first name of the candidate, the personal identity number of the candidate, the office for which (s)he candidates, the electoral constituency and the county. One power of attorney shall suffice for all the operations.

(6) The payment orders and the deposit forms of the candidates' contributions to the electoral campaign shall obligatorily include the mention 'contribution for the electoral campaign', as well as the identification data of the candidates (surname, first name and personal identity number) for which the contributions for the electoral campaign are deposited.

(7) The candidate's contribution for the electoral campaign shall be declared by the coordinating financial mandatary, who shall forward the summary table in electronic format, specifying each individual contribution that has been deposited per each electoral constituency, within 3 working days at the most from the date of receipt of the amount of money into the campaign bank account, in accordance with Table No. 4.

Table No. 4. Summary table of the candidates' electoral contributions

No.	County or the Bucharest Municipality	Surname and first name of the candidate who deposited the contribution	The office for which (s)he candidates and the electoral constituency in which (s)he candidates	The amount and source of the contribution			Total contribution	Date of receipt of the contribution in the campaign bank account
				Own income	Donation	Loan		

(8) In the case of the lists of candidates for councils, the contributions may be deposited by any candidate appearing on the list of that particular political organisation.

Article 16. – (1) The donations received by the candidates as contributions for the electoral campaign shall meet the following requirements:

a) shall only be received from natural persons;

b) shall be received through their own bank accounts, if they exceed 22,300 lei.

(2) Donations received by the candidates whose amount exceeds 25,000 lei shall be concluded pursuant to an authentic notarial act.

Article 17. – (1) If the candidate receives several donations from the same natural person, and the total amount thereof exceeds 22,300 lei, then the amount of money exceeding the said amount shall only be collected through a bank account or sub-account. [Example: A donor makes 3 donations to a candidate, amounting to 7,000 lei, 13,000 lei and 4,000 lei. The first 2 sums may be received in cash. As for the last sum, a part thereof, i.e. 2,300 lei (up to 22,300 lei) may be received in cash, while the rest, i.e. 1,700 lei, the part which exceeds the amount of 22,300 lei shall obligatorily be deposited into the candidate's personal account.]

(2) Upon acceptance of the donations, irrespective of the manner and form in which they were made, the candidate must check and register properly the identity of the donors in the form stipulated in Annex No. 3 to the Methodological norms.

(3) The donations received by the candidates shall be accompanied by statements given by the donors concerning their source, if they do not come from the candidates' own income.

Article 18. – (1) The donations received by the candidates as contributions for the electoral campaign shall be accompanied by supporting documents.

(2) Any acts under private signature which specify the amounts of money forming the donations, as well as the identity of the parties, accompanied by copies of the donors' identity documents will constitute supporting documents attesting to the donations received by the candidates.

(3) In the case of donations effected through a bank account or sub-account or through online payment systems, the supporting documents may consist in any kind of documents, including electronic ones, which

furnish proof of the offer of the donation and its acceptance, accompanied by copies of the payment orders/deposit forms, by statements of the donors' bank accounts and by copies of the donors' identity documents.

(4) In the case of the donations received by the candidates in accordance with paragraph (1) pursuant to authentic acts, the supporting documents shall be the donation contracts.

(5) The provisions of Law No. 287/2009 on the Civil Code, republished, with subsequent amendments and supplements, shall apply accordingly.

Article 19. – The loans received by the candidates as contributions for the electoral campaign may only be money from natural persons and/or credit institutions and must fulfil the following conditions:

a) shall be contracted solely pursuant to authentic notarial acts, accompanied by delivery receipt documents, providing in the contract for the manner and term of repayment thereof in the case of loans contracted with natural persons;

b) shall be made and repaid solely via bank transfer, in the case of money loans from natural persons and/or credit institutions.

Article 20. – (1) The electoral campaign shall not be funded in any way whatsoever by a public authority, public institution, autonomous *régie*, national company, company regulated by Law No. 31/1990 on business entities, republished, with subsequent amendments and supplements, or by a credit institution whose majority shareholders are the state or administrative-territorial units, or by companies regulated by Law No. 31/1990, republished, with subsequent amendments and supplements, carrying out activities financed from public funds. The prohibition shall also apply to the companies regulated by Law No. 31/1990, republished, with subsequent amendments and supplements, which, 12 months prior to the commencement of the electoral campaign, carried out activities financed from public funds, in accordance with the law.

(2) The electoral campaign shall not be financed by trade unions, religious cults, associations or foundations of Romanian or other nationality, being prohibited by the law.

(3) The electoral campaign shall not be financed, directly or indirectly, by natural persons who are not Romanian citizens or by legal persons of a nationality other than Romanian, according to law, except for natural persons who are citizens of the Member States of the European Union having their domicile in Romania and holding the capacity of member of the political party to the electoral campaign of which they bring a financial contribution.

(4) The receipt by candidates of donations for the electoral campaign from legal persons or from natural persons who are not Romanian citizens, except for those received from citizens of the Member States of the European Union domiciled in Romania and holding the capacity of member of the political party to the electoral campaign of which they bring a financial contribution shall be prohibited, in accordance with the law.

(5) No donations consisting in other items than amounts of money may be received and no services provided free of charge may be accepted for the purpose of financing the electoral campaign.

CHAPTER IV

Electoral expenses

Article 21. – (1) The efficiency and appropriateness of the expenses for the electoral campaign shall be decided by the political parties, the organisations of citizens belonging to national minorities and by the independent candidates, in compliance with the provisions of Law No. 334/2006, republished, with subsequent amendments and supplements.

(2) The expenses related to the electoral campaign must fulfil the following conditions:

a) to come solely from contributions made by the candidates or the political organisations;

b) to be incurred only with the prior visa of the financial mandatar, according to this guide;

c) to comply with the limits stipulated in Law No. 334/2006, republished, with subsequent amendments and supplements;

d) to be incurred only in order to promote its own candidates and electoral programmes.

(3) The maximum limits of the electoral expenses must comply with the maximum limits of the contributions to the electoral campaign set per each electoral constituency and eligible position.

(4) The expenses incurred shall not exceed the electoral contributions deposited.

(5) The maximum limits of the expenses that may be incurred during the electoral campaign at central level through the bank account or sub-account opened at central level are shown in Table No. 5.

Table No. 5. Maximum limits of the expenses which may be incurred in the electoral campaign at central level

– lei –

No.	Maximum limits of the expenses	No. of wages	No. of lists	Minimum wage	Total
1.	For each list of candidates to the county council	50	41	2,230	4,571,500
2.	List of candidates to the General Council of the Bucharest Municipality	50	1	2,230	111,500
	TOTAL	50	42	2,230	4,683,000

(6) The maximum limits of the expenses which may be incurred during the electoral campaign through the bank accounts and/or sub-accounts opened for the electoral campaign are shown in Table No. 6.

**Table No. 6. Maximum limits of the expenses
which may be incurred in the electoral campaign**

–lei –

No.	Maximum limits of the expenses which may be incurred in the electoral campaign	No. of wages	Minimum wage	Total
1.	For each list of candidates to the local council of the commune	1	2,230	2,230
2.	For each list of candidates to the local council of the town	3	2,230	6,690
3.	For each list of candidates to the local council of the municipality	5	2,230	11,150
4.	For each list of candidates to the local council of the county seat municipality	30	2,230	66,900
5.	For each list of candidates to the council of a district of the Municipality of Bucharest	50	2,230	111,500
6.	For each list of candidates to the General Council of the Bucharest Municipality	500	2,230	1,115,000
7.	For each list of candidates to the county council	100	2,230	223,000
8.	For each candidate for the office of commune mayor	5	2,230	11,150
9.	For each candidate for the office of town mayor	7	2,230	15,610
10.	For each candidate for the office of municipality mayor	10	2,230	22,300
11.	For each candidate for the office of mayor of a county seat municipality	50	2,230	111,500
12.	For each candidate for the office of mayor of a district of the Municipality of Bucharest	100	2,230	223,000
13.	For each candidate for the office of mayor of the Bucharest Municipality	200	2,230	446,000
14.	For each candidate for the office of president of the county council	200	2,230	446,000

Article 22. – (1) The maximum amount of the electoral expenses cannot exceed the limits of the contributions related to the individual candidatures and to the lists of candidates that have remained final.

(2) The maximum limit amount of the electoral expenses which may be incurred at central level shall be calculated by adding up the maximum limits accepted for each list of candidates to the county council and to the General Council of the Municipality of Bucharest.

Article 23. – (1) Electoral expenses may be incurred only through the bank accounts and/or sub-accounts opened for the electoral campaign at central level, at county level, at the level of the Municipality of Bucharest and at the level of the Municipality of Bucharest districts.

(2) The financial mandataries may carry out financial operations related to the electoral campaign only pursuant to a written power of attorney given by the management bodies of political parties or of the organisations of citizens belonging to national minorities or by the independent candidate, respectively. There may be one power of attorney for all the operations.

(3) The financial mandatory may also effect payment of the electoral expenses by means of a card associated with the bank account for the campaign and by means of electronic distance payment systems such as online banking and/or mobile banking.

(4) The invoices shall be drawn up separately per each type of electoral expense and shall obligatorily specify the electoral constituency and the eligible position.

(5) The payment orders shall obligatorily include references to the number of the invoice, the type of electoral propaganda material or service related to the electoral campaign, as well as the electoral constituency and the eligible position for which the expense is made.

(6) Within 3 working days at the most from the date the expense has been incurred by the political organisation or the candidate, as applicable, the coordinating financial mandatory shall inform the Permanent Electoral Authority of the amount and destination thereof, according to Article 38 paragraph (2) of Law No. 334/2006, republished, with subsequent amendments and supplements.

(7) The invoices shall be issued by the closing date of the electoral campaign at the latest, namely 26 September 2020, at 7.00 hours. The invoices issued after such date shall not be taken into consideration for the reimbursement of the electoral expenses.

Article 24. – (1) During the electoral campaign, the electoral competitors may use the contributions for the electoral campaign only for the categories of expenses stipulated in Table No. 7.

Table No. 7. Destinations of the contributions for the electoral campaign (permitted electoral expenses)

– percentages –

Types of expenses permitted for the electoral campaign	Admissible percentage
Expenses for the production of electoral propaganda materials and for their broadcasting on radio, television and in the printed press	40%
Expenses for the production and online broadcasting of electoral propaganda materials	30%
Expenses for sociological research	30%
Expenses for electoral posters	20%
Expenses for booklets, leaflets and other printed electoral propaganda materials	50%
Expenses related to telephony and Internet services, expenses for the transport and accommodation of the candidates, expenses for the meals, accommodation and transport of the volunteers and members of the political party, expenses for the rental of premises and equipment, expenses for the clothing of volunteers and members of the political party bearing the appellation or name of the electoral competitor, entertainment expenses intended for the organisation of electoral meetings, expenses for legal and other kinds of consultancy, as well as expenses for the payment of the services rendered by the financial mandataries	30%
Expenses for bank fees	Variable

(2) The ceilings laid down in Table No. 7 are determined in relation to each county, to the Municipality of Bucharest and at central level, respectively, by reference to the maximum amount of the electoral expenses to which the electoral competitor is entitled in such electoral constituencies and at central level, as the case may be. [Example: Let us take into consideration a political party which nominated candidatures in a county for the mayor of the county seat municipality, 2 candidatures for mayors of municipalities, 3 candidatures for mayors of towns, 15 candidatures for mayors of communes, one list of candidates to the county council, one list of candidates to the local council of the county seat municipality, 2 lists of candidates to the local council of the municipality, 2 lists of candidates to the local town council and 10 lists of candidates to the local commune council.

The maximum amount of the contributions which may be deposited in the campaign accounts, according to the submitted candidatures/list of candidates is 718,060 lei. The actual amount of the contributions deposited in the campaign account is 560,000 lei. However, the expenditure ceilings for each type of expense shall be reported at the 718,060 lei value. Thus, for each type of electoral expense, the maximum amount which can be spent is: 287,224 lei for the production of electoral propaganda materials and for their broadcasting on radio, television and in the printed press ($718,060 * 40\%$), 215,418 lei for the production and online broadcasting of electoral propaganda materials ($718,060 * 30\%$), 215,418 lei for sociological research ($718,060 * 30\%$), 143,612 lei for electoral posters ($718,060 * 20\%$), 359,030 lei for booklets, leaflets and other printed electoral propaganda materials ($718,060 * 50\%$) and 215,418 lei for telephony and Internet services, expenses for the transport and accommodation of the candidates, expenses for the meals, accommodation and transport of the volunteers and members of the political party, expenses for the rental of premises and equipment, expenses for the clothing of volunteers and members of the political party bearing the appellation or name of the electoral competitor, entertainment expenses intended for the organisation of electoral meetings, expenses for legal and other kinds of consultancy, as well as expenses for the payment of the services rendered by the financial mandataries ($718,060 * 30\%$). The total amount of the actual expenses however shall not exceed 560,000 lei.]

(3) The expenses for the production of electoral propaganda materials shall be exclusively incurred by the political parties, the organisations of citizens belonging to national minorities and the independent candidates.

(4) The access of parliamentary political parties, political alliances and electoral alliances formed by them, as well as of the independent candidates to public radio and television services, including to their territorial stations, shall be free of charge, according to Article 68 paragraph (1) of Law No. 115/2015 for the election of local public administration authorities, as well as amending and supplementing Law No. 393/2004 on the Statute of local electees, as subsequently amended and supplemented.

CHAPTER V

Electoral propaganda materials

Article 25. – (1) Any written, audio or video material shall be deemed to be an electoral propaganda material provided that it fulfils the following conditions:

a) it directly concerns a clearly identified candidate or political party which participates in the elections;

b) it is used in the time period 28 August 2020–26 September 2020, 7.00 hours;

c) it serves an electoral purpose and is intended for the general public;

d) goes beyond the boundaries of journalism as an activity meant to inform the public.

(2) During the electoral campaign, the political parties, political alliances and organisations of citizens belonging to national minorities taking part in the elections, as well as the independent candidates may only use the following types of electoral propaganda materials:

a) electoral posters with one side having a maximum length of 500 mm and the other side having a maximum length of 350 mm; the electoral posters convening an electoral meeting shall have 400 mm on one side and 250 mm on the other side and shall be placed in the posting locations specifically indicated by an order of the mayor;

b) electoral spots and electoral audiovisual materials broadcast by the audiovisual media free of charge or against payment, as applicable;

c) advertising in the printed media;

d) online electoral propaganda materials;

e) booklets, leaflets and other printed materials in the same category.

(3) Printed materials in the same category with booklets and leaflets refer to materials printed on paper, such as calendars, handbills, flyers, etc.

(4) The following types of electoral propaganda actions and materials are not allowed by the legal provisions in force during the electoral campaign:

a) the use of vehicles bearing campaign slogans or images of candidates inscribed or glued thereon, as well as any other references to the electoral competitors;

b) the use of vehicles broadcasting audio materials, whether moving or at a standstill;

c) shows, celebrations, fireworks, etc.;

d) banners, meshes, advertising tents, advertising pavilions, mobile advertising billboards, advertising flags, blind walls, advertising screens, directional advertising signs, self-supporting advertising structures, advertising means, advertising panels, special advertising projects, illuminated advertising, wrap advertising.

(5) Political parties, political alliances, the organisations of citizens belonging to national minorities and independent candidates shall visibly print, on all the printed electoral propaganda materials provided for in Article 36 paragraph (2) points a), c) and e) of Law No. 334/2006,

republished, with subsequent amendments and supplements, the following details:

a) the independent candidate's name, the name of the political party, of the electoral alliance/political alliance of which it forms part, or of the organisation of citizens belonging to national minorities, as applicable;

b) the name of the economic operator who made them;

c) the unique identification number ascribed by the Permanent Electoral Authority upon designating the coordinating financial mandatary;

d) the print run, for the materials provided for in Article 36 paragraph (2) points a) and e) of Law No. 334/2006, republished, with subsequent amendments and supplements.

(6) Before broadcasting the audio or video electoral propaganda materials, the audiovisual media shall be required to communicate the data provided for in paragraph (5) points a)–c).

Article 26. – (1) The production and broadcasting of electoral propaganda materials in other conditions than those provided for in Law No. 334/2006, republished, with subsequent amendments and supplements, shall be prohibited.

(2) Political parties, the organisations of citizens belonging to national minorities and the independent candidates cannot produce electoral propaganda materials by themselves.

(3) During the electoral campaign, political parties, the organisations of citizens belonging to national minorities and the independent candidates shall be forbidden to acquire, offer, distribute or give, directly or indirectly, ballpoint pens, mugs, watches, T-shirts, jackets, raincoats, vests, caps, hats, scarves, fabric bags, plastic bags, umbrellas, buckets, lighters, matches, food products, alcoholic products, cigarettes and the like. The permitted expenses shall include expenses with the clothing of volunteers and members of the political party, bearing the appellation or name of the electoral competitor.

(4) The means used during the electoral campaign cannot infringe the law.

(5) The organisation of electoral campaign actions in military units, or at school and university premises during the instruction period is forbidden, in accordance with the law.

(6) Within 30 days of the end of the electoral campaign, electoral competitors shall be required to transmit to the Permanent Electoral Authority a statement comprising information on the description of the online electoral propaganda materials, their production, period and broadcasting space.

CHAPTER VI

Reporting the expenses to the Permanent Electoral Authority

Article 27. – (1) Within 15 days from the election date, i.e. by 13 October 2020, 17.00 hours, the coordinating financial mandatary of each political party, organisation of citizens belonging to national minorities and each independent candidate shall be required to submit to the Permanent Electoral Authority, in written and electronic format, the following documents:

a) the in-depth report on electoral income and expenses, according to the model stipulated in Annex No. 17 to the Methodological Norms, which shall be signed and dated by the coordinating financial mandatary;

b) the statement on the total amount of the debts incurred following the electoral campaign, according to the model stipulated in Annex No. 18 to the Methodological norms; the statement on the total amount of debts incurred following the electoral campaign shall be prepared for the entire political organisation, shall be signed, dated and stamped by the legal representative of the political party or of the organisation of citizens belonging to national minorities, by the person authorised according to their statute, as applicable, or by the independent candidate;

c) the statement on the number of electoral propaganda materials produced and used, broken down by category, according to the model stipulated in Annex No. 19 to the Methodological norms; the statement on the number of electoral propaganda materials produced and used, broken down by category, shall be signed, dated and stamped by the legal representative of the political party or of the organisation of citizens belonging to national minorities, by the person authorised according to their statute, as applicable, or by the independent candidate;

d) the statement on the compliance with the maximum ceilings for the electoral expenses, according to the model stipulated in Annex No. 20 to the Methodological norms; the statement on the compliance with the maximum ceilings for the electoral expenses shall be signed, dated and stamped by the legal representative of the political party or of the organisation of citizens belonging to national minorities, by the person authorised according to their statute, as applicable, or by the independent candidate;

e) the list of the providers of services and/or assets used in the electoral campaign;

f) the candidate's statements regarding the origin of the electoral contributions, according to the model stipulated in Annex No. 21 to the Methodological norms;

g) the forms for registering the contributors, whose model is stipulated in Annex No. 14 to the Methodological norms: supporting documents

attesting to the source of the electoral contribution shall be attached thereto, an exception being made for electoral contributions coming from their own income;

h) the written powers of attorney regarding the deposit or transfer of the candidates' electoral contributions;

i) the statement of the legal representative of the political party or of the organisation of Romanian citizens belonging to national minorities, as applicable, regarding the failure to incur the electoral expenses from the income intended for the current activity.

(2) The in-depth report on electoral income and expenses prepared for the political party at central level shall be signed and dated by the coordinating financial mandatary and shall be drawn up based on the statements and in-depth reports on electoral income and expenses prepared by the financial mandataries appointed at county level, at the level of the Municipality of Bucharest districts and at the level of the Municipality of Bucharest.

(3) The Permanent Electoral Authority shall publish the in-depth reports on electoral income and expenses in the Official Gazette of Romania, Part I, and thereafter on its own website, and shall notify the electoral competitors of their publication in the Official Gazette of Romania.

Article 28. – (1) In the event that, on the date of submission of the in-depth report on the electoral income and expenses, political parties, the organisations of citizens belonging to national minorities and independent candidates incur debts, they shall be required to report quarterly to the Permanent Electoral Authority on the status of the repayment of the debts incurred during the electoral campaign, until the full repayment thereof, according to the model stipulated in Annex No. 18 to the Methodological norms.

(2) The candidates declared elected shall not have their mandates validated if the in-depth report on the electoral income and expenses has not been submitted according to law.

CHAPTER VII

The reimbursement of electoral expenses

Article 29. – (1) Political parties and the organisations of citizens belonging to national minorities which obtain, individually or as part of an alliance, at least 3% of the total number of valid votes cast obtained by adding up the votes cast for all the local councils and for the Bucharest Municipality district councils, county councils, the General Council of the Bucharest Municipality, as well as for all the candidatures for mayor or General Mayor of the Bucharest Municipality respectively, and who

fulfilled the legal conditions shall be entitled to the refund of the electoral expenses incurred by them at local, as well as central level.

(2) Political parties and the organisations of citizens belonging to national minorities which fail to obtain the number of votes mentioned above, but which do obtain, individually or as part of an alliance, at least 3% of the total number of the valid votes cast in the county constituency, obtained by adding up the valid votes cast for all the local councils, and for all the candidatures of mayor in the county, as well as for the county council, and who fulfilled the legal conditions shall be entitled to the refund of the electoral expenses incurred by them in the county constituency in question.

(3) Political parties and the organisations of citizens belonging to national minorities which fail to obtain the number of votes mentioned above, but which do obtain, individually or as part of an alliance, at least 3% of the total number of the valid votes cast in the district constituency, obtained by adding up the valid votes cast for the local council of the district and for the district mayor, and who fulfilled the legal conditions shall be entitled to the refund of the electoral expenses incurred by them in the electoral district constituency in question.

(5) The sums additionally spent at central level by the political party and the organisation of citizens belonging to national minorities shall only be reimbursed provided that they obtained at least 3% of the valid votes cast at national level.

(6) The expenses incurred in an electoral constituency by an independent candidate shall only be reimbursed provided that (s)he obtained at least 3% of the total number of the valid votes cast for the office for which (s)he stood as a candidate.

Article 30. – The reimbursement of the sums related to the expenses incurred in the electoral constituencies and at central level, provided for in Article 48 paragraphs (4)–(6) and paragraph (8) of Law No. 334/2006, republished, with subsequent amendments and supplements, shall be effected for those sums validated by the Permanent Electoral Authority, up to the ceilings provided for in Article 37 of Law No. 334/2006, republished, with subsequent amendments and supplements, and in accordance with Article 48 paragraph (11) of the same law.

Article 31. – (1) After the publication of the election results and the validation of the mandates, but no later than 30 days from the election date, namely by 28 October 2020, the coordinating financial mandatarary shall submit to the Permanent Electoral Authority the request for reimbursement of the electoral expenses related to the local elections of 2020, according to the model stipulated in Annex No. 23 to the Methodological norms, accompanied by the supporting documents.

(2) The request for reimbursement shall include only those expenses that have been incurred or committed throughout the term of the electoral campaign (28 August 2020–26 September 2020, 7.00 hours) and that have been paid no later than the date of submission of the request (28 October 2020).

(3) The request for reimbursement of the electoral expenses shall be submitted to the Permanent Electoral Authority by the coordinating financial mandatary.

(4) The request for reimbursement submitted after 28 October 2020 shall not be taken into consideration.

(5) Should any statements and documents be needed, in addition to those referred to in this guide, to check the lawfulness of the receipts and payments made during the electoral campaign, the time limit provided for in Article 58 paragraph (3) of the Methodological norms shall be extended by 15 days.

(6) The submission after the time limit of the request for reimbursement of the electoral expenses, the failure of the coordinating financial mandatary and of the legal representative of the political party or of the person empowered by him/her to sign it, according to the statute, the infringement of the obligation to submit the documents provided for in Article 54 of the Methodological norms, the lack or incomplete nature of the supporting documents, as well as the failure to submit any additional statements and documents requested by the Permanent Electoral Authority shall entail the non-reimbursement, in whole or in part, as applicable, of the sums related to the electoral expenses.

(7) The absence of the reports, statements and supporting documents, as well as the infringement of the legal provisions on the financing of the electoral campaign shall entail the non-reimbursement, in whole or in part, as applicable, of the sums related to the electoral expenses.

(8) The following shall not be reimbursed:

a) the amounts of money related to the expenses which go beyond the ceilings laid down in Article 37 of Law No. 334/2006, republished, with subsequent amendments and supplements;

b) the amounts of money related to the expenses financed from other sources than those provided for in Law No. 334/2006, republished, with subsequent amendments and supplements;

c) the amounts of money used in the electoral campaign in breach of the provisions of Article 38 paragraph (2) of Law No. 334/2006, republished, with subsequent amendments and supplements;

d) the amounts of money related to the electoral expenses which were financed from subsidies from the state budget.

Article 32. – (1) In the case of the expenses made from the bank accounts opened for the electoral campaign for the production and broadcasting

of electoral propaganda materials on radio and television, the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting documents:

a) the statement of account, which shall contain information concerning the invoice paid;

b) the invoices, which shall contain information concerning the type of service provided;

c) payment orders, which shall contain information concerning the type of expenditure, or a receipt, if the expenses were made by means of a card associated with the bank account for the electoral campaign;

d) receipt minutes for the audiovisual propaganda materials produced or any other supporting documents attesting to the reality of the expense;

e) a statement on the broadcast dates and times of the electoral propaganda materials on the radio/television station, according to the model stipulated in Annex No. 24 to the Methodological norms, or any other supporting documents attesting to the reality of the expense.

(2) In the case of the expenses made from the bank accounts opened for the electoral campaign for the production and dissemination of electoral propaganda materials in the printed press, the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting documents:

a) the statement of account, which shall contain information concerning the invoice paid;

b) the invoices, which shall contain information concerning the type of service provided;

c) payment orders, which shall contain information concerning the type of expenditure, or a receipt, if the expenses were made by means of a card associated with the bank account for the electoral campaign;

d) a statement regarding the publication date and the print run, according to the model stipulated in Annex No. 25 to the Methodological norms, or any other supporting documents attesting to the reality of the expense;

e) one copy of each publication.

(3) In the case of the expenses made from the bank accounts opened for the electoral campaign for the production and dissemination of online electoral propaganda materials, the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting documents:

a) the statement of account, which shall contain information concerning the type of expenditure;

b) the invoices, which shall contain information concerning the type of service provided;

c) payment orders, which shall contain information concerning the type of expenditure, or a receipt, if the expenses were made by means of a card associated with the bank account for the electoral campaign;

d) a statement regarding the online posting of the electoral propaganda material, in accordance with the model stipulated in Annex No. 26 to the Methodological norms, or any other supporting documents attesting to the reality of the expense;

e) one electronic copy of each online electoral propaganda material.

(4) In the case of the expenses made from the bank accounts opened for the electoral campaign for sociological research, the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting documents:

a) the statement of account, which shall contain information concerning the invoice paid;

b) the invoices, which shall contain information concerning the type of service provided;

c) payment orders, which shall contain information concerning the type of expenditure, or a receipt, if the expenses were made by means of a card associated with the bank account for the electoral campaign;

d) a written copy of the results of the sociological research.

(5) In the case of the expenses made from the bank accounts opened for the electoral campaign for the production and dissemination of electoral posters, the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting documents:

a) the statement of account, which shall contain information concerning the type of expenditure;

b) the invoices, which shall contain information concerning the type of service provided;

c) payment orders, which shall contain information concerning the type of expenditure, or a receipt, if the expenses were made by using a card associated with the bank account for the electoral campaign;

d) receipt minutes for the electoral posters or any other supporting documents attesting to the reality of the expense;

e) the list of distribution of the electoral posters, stating the number of electoral posters per locality or any other supporting documents concerning their distribution;

f) one copy of each type of electoral poster.

(6) In the case of the expenses made from the bank accounts opened for the electoral campaign for the production and dissemination of brochures, leaflets and of other printed electoral propaganda materials, the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting documents:

a) the statement of the bank account, which shall detail the type of expenditure;

b) the invoices, which shall detail the type of service provided;

c) the payment orders, which shall detail the type of expenditure, or a receipt, if the expenses were made by means of a card associated with the bank account for the electoral campaign;

d) the minutes for the receipt of the brochures, leaflets and of other printed electoral propaganda materials or any supporting documents which attest the reality of the expenditure;

e) the list of distribution of the brochures, leaflets and other printed electoral propaganda materials or any supporting documents regarding their distribution;

f) one counterpart of each type of brochure, leaflet and printed electoral propaganda material.

(7) In the case of the expenses made from the accounts opened for the electoral campaign for the rental of premises and equipment, the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting document:

a) the statement of the bank account, which shall detail the type of expenditure;

b) the invoices, which shall detail the type of service provided;

c) the payment orders, which shall detail the type of expenditure, or a receipt, if the expenses were made by means of a card associated with the bank account for the electoral campaign;

d) photographs of the premises and of the rented equipment.

(8) In the case of the entertainment expenses made from the bank accounts opened for the electoral campaign and intended for the organisation of events on political, economic, cultural or social topics, the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting documents:

a) the statement of the bank account, which shall detail the type of expenditure;

b) the invoices, which shall detail the type of service or goods provided;

c) the payment orders, which shall detail the type of expenditure, or a receipt, if the expenses were made by means of a payment instrument on magnetic support associated with the bank account for the electoral campaign;

d) a statement given by the legal representative of the political party concerning the number of participants, according to the model set out in Annex No. 27 to the Methodological norms, or any type of supporting documents regarding the organisation of the event, such as attendance registers.

(9) In the case of the expenses made from the the bank accounts opened for the electoral campaign related to the internet and telephone services,

the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting documents:

a) the statement of the bank account, which shall detail the type of expenditure;

b) the invoices in original, which shall detail the type of service or goods provided;

c) the payment orders, which shall detail the type of expenditure, or a receipt, if the expenses were made by means of a card associated with the bank account for the electoral campaign;

(10) In the case of the expenses made from the bank accounts opened for the electoral campaign for the transport and accommodation of candidates, the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting documents:

a) the statement of the bank account, which shall detail the type of expenditure;

b) the invoices in original, which shall detail the type of service or goods provided;

c) the payment orders, which shall detail the type of expenditure, or a receipt, if the expenses were made by means of a card associated with the bank account for the electoral campaign;

(11) In the case of the expenses made from the bank accounts opened for the electoral campaign for the meal, transport and accommodation of volunteers and political party members, the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting documents:

a) the statement of the bank account, which shall detail the type of expenditure;

b) the invoices in original, which shall detail the type of service or goods provided;

c) the payment orders, which shall detail the type of expenditure, or a receipt, if the expenses were made by means of a card associated with the bank account for the electoral campaign;

(12) In the case of the expenses made from the bank accounts opened for the electoral campaign for the clothing of volunteers and political party members, labeled with the name or the name of the electoral competitor, the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting documents:

a) the statement of the bank account, which shall detail the type of expenditure;

b) the invoices in original, which shall detail the type of service or goods provided;

c) the payment orders, which shall detail the type of expenditure, or a receipt, if the expenses were made by means of a card associated with the bank account for the electoral campaign;

d) the minutes for the receipt of clothing and or any supporting documents which attest the reality of the expenditure.

(13) In the case of the expenses made from the bank accounts opened for the electoral campaign for legal assistance and other types of consultancy, the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting documents:

a) the statement of the bank account, which shall detail the type of expenditure;

b) the contracts concluded;

c) the original invoices, which shall detail the type of service provided;

d) the payment orders, which shall detail the type of expenditure, or a receipt, if the expenses were made by means of a card associated with the bank account for the electoral campaign.

(14) In the case of the expenses made from the bank accounts opened for the electoral campaign for the payment of services of the financial mandataries, the financial mandataries shall submit to the Permanent Electoral Authority one original and one copy of the following supporting documents:

a) the statement of the bank account, which shall detail the type of expenditure;

b) the invoices or contracts, which shall detail the type of service provided;

c) the payment orders, which shall detail the type of expenditure, or a receipt, if the expenses were made by means of a card associated with the bank account for the electoral campaign.

(15) In the case of the expenses made from the bank accounts opened for the electoral campaign for the payment of the bank fees, the financial mandataries shall submit the original bank statement, which shall detail the type of expenditure in the information section. These mentions can be shortened.

Article 33. – (1) The copies of the original supporting documents shall be signed as a true copy of the original by the representatives of the Permanent Electoral Authority.

(2) The original supporting documents shall be returned to the financial mandataries, after the electoral incomes and expenditures have been verified.

(3) The submission of documents and the return of the originals thereof shall be carried out in accordance with the schedule agreed by the Permanent Electoral Authority together with the coordinating financial mandataries.

Article 34. – The political parties and organisations of citizens belonging to national minorities, by means of the coordinating financial mandataries, shall have the obligation to return to the candidates, within 30 days from the reimbursement from the Permanent Electoral Authority, the sums reimbursed and/or unspent, according to the list submitted to the Permanent Electoral Authority.

CHAPTER VIII

Political and electoral alliances

Article 35. – The provisions of this guide shall apply accordingly to the political alliances.

Article 36. – The political parties which are part of the same electoral alliance designate together a sole coordinating financial mandatary, with the adequate application of the provisions of this guide.

Article 37. – (1) The financial mandataries of the political parties and of the organisations of citizens belonging to national minorities which take part of electoral alliances shall draw up, sign and add the date on the detailed report on the incomes and expenses for the political party that they represent.

(2) The detailed report on the incomes and election expenses drawn up for an electoral alliance shall be signed and added the date on by the coordinating financial mandatary of the electoral alliance and shall be drawn up on the basis of the statements and detailed reports of the incomes and election expenses drawn up by the financial mandataries of each political party which takes part of the electoral alliance.

(3) For the positions of mayor and president of the county council, also for the lists of councillors, each political party and/or organisation of citizens belonging to national minorities that is part of the electoral alliance may submit contributions into the bank accounts for the electoral campaign, proportional to the number of candidates submitted on the list.

(4) On the printed electoral propaganda materials of the electoral alliances, the unique identification code of the political party that shall make the expense shall be imprinted.

CHAPTER IX

Minor offences and sanctions

Article 38. – The facts that are deemed minor offences according to Law No. 334/2006, republished, as amended and supplemented, with the

related sanctions, in the context of the 2020 elections for the local public administration authorities shall be described in Annex No. 1 of this guide.

CHAPTER X

Final provisions

Article 39. – The documents provided in chapters VII and VIII that are sent to the Permanent Electoral Authority by means of an email shall be signed or certified on each page, with advanced electronic signature, under the conditions of Article 5 paragraph (3) of the Government Emergency Ordinance No. 38/2020 on using documents in electronic form by the public authorities and institutions, or with qualified electronic signature, as the case may be.

Article 40. – (1) The documents and reports provided by this guide shall be submitted or shall be sent to the Permanent Electoral Authority as follows:

a) the documents and reports on a hard copy of the political organisations and of the financial mandataries thereof regarding the financing of the electoral campaign through the bank accounts opened at a central level may be submitted at the head office of the Permanent Electoral Authority;

b) the documents and reports on a hard copy of the political organisations and of the financial mandataries thereof regarding the financing of the electoral campaign through the bank accounts opened at a county level, at the level of the districts of the Municipality of Bucharest and at the level of the Municipality of Bucharest may be submitted at the territorial bureau premises of the Permanent Electoral Authority;

c) the documents and notifications on a hard copy of the independent candidates and of the financial mandataries thereof shall be submitted at the territorial bureau premises of the Permanent Electoral Authority;

d) the documents and electronic reports provided in point a) shall be sent to the email address raportaricentral@finantarepartide.ro;

e) the documents and electronic reports provided in points b) and c) shall be sent to the email addresses of the territorial bureaus of the Permanent Electoral Authority, provided in Annex No. 2 to this guide.

2) The clarification requests and the political organisations', independent candidates' and financial mandataries's questions may be addressed to the phone number 0213100760.

Article 41. – Annexes No. 1 and 2 shall form an integral part of this guide.

Minor offences and sanctions

No.	Description of the offence	Sanction
1.	<p>Non-compliance with the conditions regarding the expenses related to the electoral campaign, as follows:</p> <ul style="list-style-type: none"> a) to come only from contributions of the candidates or of the political organisations; b) to be signed only with the coordinating financial mandatary's prior visa; c) to fall within the limits according to law; d) to be made by the electoral competitors only to promote the candidates and the personal electoral programs thereof. 	Warning or penalty from 15,000 lei to 50,000 lei and confiscating the sums which are subject of the minor offence
2.	Non-compliance with the obligation regarding the collection of the electoral contributions and the payment of the electoral expenses only by means of the bank accounts that have been previously notified to the Permanent Electoral Authority	Warning or penalty from 15,000 lei to 50,000 lei
3.	Depositing or transferring the contributions for the electoral campaign by persons other than the candidates whom these contributions belong/the coordinating financial mandatary	Warning or penalty from 15,000 lei to 50,000 lei
4.	Not declaring the transfer of funds into the campaign bank account	Warning or penalty from 15,000 lei to 50,000 lei
5.	Transferring the financial contribution of the non-political organisation related to the political party into the electoral campaign bank accounts	Warning or penalty from 15,000 lei to 50,000 lei and confiscating the sums which are subject of the minor offence
6.	Exceeding the maximum limits of the candidates' contributions for the electoral campaign	Warning or penalty from 15,000 lei to 50,000 lei and confiscating the sums which are subject of the minor offence

No.	Description of the offence	Sanction
7.	Depositing or transferring into the bank accounts for the electoral campaign of some contributions/transfers for the campaign that come from illegal sources	Warning or penalty from 15,000 lei to 50,000 lei and confiscating the sums which are subject of the minor offence and the lack of imbursement of the electoral expenses
8.	Failure of the candidate or of the political party to submit to the financial mandatory a statement indicating the source of the contribution, according to the approved legal model, within 3 working days at the most of the submitting date or transfer of of money into the bank account notified for the electoral campaign	Warning or penalty from 15,000 lei to 50,000 lei
9.	Failure of the coordinating financial mandatory to bring to the Permanent Electoral Authority's attention, within 3 working days at the most of the commitment of the expenditure to the political organisation or to the candidate, as the case may be, of its value and destination, according to Article 38 paragraph (2) of Law No. 334/2006, republished, as amended and supplemented	Warning or penalty from 15,000 lei to 50,000 lei
10.	Depositing and using the electoral contribution for the payment of expenses into the electoral campaign bank accounts after 26 September 2020, 7.00 hours	Warning or penalty from 15,000 lei to 50,000 lei and confiscating the sums which are subject of the minor offence
11.	Surpassing the maximum limits of the contributions for the electoral campaign by the electoral competitors	Warning or penalty from 15,000 lei to 50,000 lei and confiscating the sums which are subject of the minor offence
12.	Financing the electoral campaign, directly or indirectly, by natural persons devoid of Romanian citizenship or by legal persons of other nationality than Romanian, with the exception of financing by the citizens of the member states of the European Union with Romanian domicile and who possess the quality of members of the political party to whose electoral campaign they contribute financially	Warning or penalty from 10,000 lei to 25,000 lei and confiscating the sums which are subject of the minor offence

13.	Financing by any means the electoral campaign of a political party, of an alliance thereof or of an independent candidate by a public authority, a public institution, an autonomous région, a national company, a company regulated by Law No. 31/1990, republished, as amended and supplemented, or by a credit institution, to which the state or administrative-territorial units are the majority shareholders, or by companies regulated by Law No. 31/1990, republished, as amended and supplemented, which, 12 months prior the beginning of the electoral campaign, have conducted activities financed from public funds	Warning or penalty from 10,000 lei to 25,000 lei and confiscating the sums which are subject of the minor offence
14.	Funding by any means the electoral campaign of a party, of an alliance thereof or of an independent candidate by unions, religious cults, associations or foundations	Warning or penalty from 10,000 lei to 25,000 lei and confiscating the sums which are subject of the minor offence
15.	Using any type of electoral propaganda materials by the electoral competitors in the electoral campaign that are not provided by Law No. 334/2006, republished, as amended and supplemented	Warning or penalty from 10,000 lei to 25,000 lei and confiscating the sums which are subject of the minor offence and the lack of imbursement of the electoral expenses
16.	Failure of the electoral competitors of the mandatory requirement to imprint on the electoral propaganda materials the mandatory references provided by law	Warning or penalty from 10,000 lei to 25,000 lei
17.	Using electoral propaganda materials by the electoral competitors whose expenses have been partially or fully incurred by other persons	Warning or penalty from 10,000 lei to 25,000 lei and confiscating the sums which are subject of the minor offence
18.	Failure of the electoral competitors of the mandatory requirement to declare to the Permanent Electoral Authority, via the coordinating financial mandatory, the number of electoral propaganda materials produced and used, broken down by categories, at the latest before 13 October 2020	Warning or penalty from 10,000 lei to 25,000 lei
19.	Exceeding the maximum limits of the electoral expenses	Warning or penalty from 15,000 lei to 50,000 lei, confiscating the sums which are subject of the minor offence and the lack of imbursement of the electoral expenses

No.	Description of the offence	Sanction
20.	Failure of the obligation to make the electoral campaign expenses only through the accounts opened for the electoral campaign	Warning or penalty from 15,000 lei to 50,000 lei and confiscating the sums which are subject of the minor offence
21.	Using the contributions in the electoral campaign for other purposes than those provided expressly by law	Warning or penalty from 15,000 lei to 50,000 lei, confiscating the sums which are subject of the minor offence and the lack of imbursement of the electoral expenses
22.	Using the contributions for the electoral campaign to the overrun of the amounts admitted for the destinations provided expressly by law	Warning or penalty from 15,000 lei to 50,000 lei, confiscating the sums which are subject of the minor offence and the lack of imbursement of the electoral expenses
23.	Failure of the electoral competitors of the mandatory requirement to submit to the Permanent Electoral Authority a statement of compliance with the expense ceilings provided by law, according to the approved legal model, at the latest before 13 October 2020	Warning or penalty from 10,000 lei to 25,000 lei
24.	Failure of the electoral competitors, the financial mandataries and/or of natural/legal persons as third parties of the mandatory requirement to submit to the representatives of the Permanent Electoral Authority the documents and solicited informations, within 15 days at the most of the date of the request	Warning or penalty from 15,000 lei to 50,000 lei
25.	Failure of the coordinating financial mandataries of the obligation to submit to the Permanent Electoral Authority the mandatory documents provided in Article 47 paragraph (1) of Law No. 334/2006, republished, as amended and supplemented, within 15 days of the date of the elections	Warning or penalty from 15,000 lei to 50,000 lei

26.	Not submitting to the Permanent Electoral Authority, within 30 days of the end of the electoral campaign, by the electoral competitors, of the statement containing information regarding the description of the online electoral propaganda materials, their production, period and their broadcasting space	Warning or penalty from 10,000 lei to 25,000 lei
27.	Failure of the coordinating financial mandataries of the mandatory request to submit to the Permanent Electoral Authority the statements indicating the source of the electoral contributions	Warning or penalty from 15,000 lei to 50,000 lei
28.	Failure of the political parties, political alliances and the organisations of Romanian citizens belonging to national minorities of the mandatory request to return to the candidates the unspent sums and/or reimbursed by the Permanent Electoral Authority	Warning or penalty from 10,000 lei to 50,000 lei
29.	Non-fulfilment or inappropriate fulfilment by the financial mandatary of the responsibilities incumbent to him according to law	Warning or penalty from 10,000 lei to 50,000 lei
30.	Unregistering the financial mandatary, as provided by law	Warning or penalty from 15,000 lei to 25,000 lei
31.	Failure of the obligation to report on a quarterly basis to the Permanent Electoral Authority the status of the payment for the debts recorded in the electoral campaign up till the date of their full payment	Warning or penalty from 10,000 lei to 25,000 lei

**The LIST of the email addresses of the territorial bureaus
of the Permanent Electoral Authority**

No.	Name of the county	Email address
1.	Alba	bj.alba@finantarepartide.ro
2.	Arad	bj.arad@finantarepartide.ro
3.	Argeş	bj.arges@finantarepartide.ro
4.	Bacău	bj.bacau@finantarepartide.ro
5.	Bihor	bj.bihor@finantarepartide.ro
6.	Bistriţa-Năsăud	bj.bistritanasaud@finantarepartide.ro
7.	Botoşani	bj.botosani.@finantarepartide.ro
8.	Brăila	bj.braila@finantarepartide.ro
9.	Braşov	bj.brasov@finantarepartide.ro
10.	Bucureşti	bm.bucuresti@finantarepartide.ro
11.	Buzău	bj.buzau@finantarepartide.ro
12.	Călăraşi	bj.calarasi@finantarepartide.ro
13.	Caras-Severin	bj.carasseverin@finantarepartide.ro
14.	Cluj	bj.cluj@finantarepartide.ro
15.	Constanţa	bj.constanta@finantarepartide.ro
16.	Covasna	bj.covasna@finantarepartide.ro
17.	Dâmboviţa	bj.dimbovita@finantarepartide.ro
18.	Dolj	bj.dolj@finantarepartide.ro
19.	Galaţi	bj.galati@finantarepartide.ro
20.	Giurgiu	bj.giurgiu@finantarepartide.ro
21.	Gorj	bj.gorj@finantarepartide.ro
22.	Harghita	bj.harghita@finantarepartide.ro
23.	Hunedoara	bj.hunedoara@finantarepartide.ro
24.	Ialomiţa	bj.ialomita@finantarepartide.ro
25.	Iaşi	bj.iasi@finantarepartide.ro
26.	Ilfov	bj.ilfov@finantarepartide.ro
27.	Maramureş	bj.maramures@finantarepartide.ro
28.	Mehedinţi	bj.mehedinti@finantarepartide.ro
29.	Mureş	bj.mures@finantarepartide.ro
30.	Neamţ	bj.neamt@finantarepartide.ro
31.	Olt	bj.olt@finantarepartide.ro
32.	Prahova	bj.prahova@finantarepartide.ro
33.	Sălaj	bj.salaj@finantarepartide.ro
34.	Satu Mare	bj.satumare@finantarepartide.ro
35.	Sibiu	bj.sibiu@finantarepartide.ro
36.	Suceava	bj.suceava@finantarepartide.ro
37.	Teleorman	bj.teleorman@finantarepartide.ro
38.	Timiş	bj.timis@finantarepartide.ro
39.	Tulcea	bj.tulcea@finantarepartide.ro
40.	Vaslui	bj.vaslui@finantarepartide.ro
41.	Vâlcea	bj.valcea@finantarepartide.ro
42.	Vrancea	bj.vrancea@finantarepartide.ro

LAW No. 334*

of 17 July 2006

on the financing of the activity of political parties and of the electoral campaigns

Published in the Official Gazette of Romania, Part I, No. 632 of 21 July 2006

Republished in the Official Gazette of Romania, Part I, No. 510 of 22 July 2010

Republished in the Official Gazette of Romania, Part I, No. 446 of 23 June 2015

CHAPTER I

General provisions

Article 1. – (1) This law regulates the financing of the activity of political parties and of the electoral campaigns, as well as the control of the financing of the activity of political parties and of the electoral campaigns.

(2) The financing of the activity of political parties and of the electoral campaigns relies on the following principles:

* Republished pursuant to Article IV of Law No. 113/2015 amending and supplementing Law No. 334/2006 on the financing of the activity of political parties and of the electoral campaigns, published in the Official Gazette of Romania, Part I, No. 339 of 18 May 2015, as renumbered.

Law No. 334/2006 was previously republished in the Official Gazette of Romania, Part I, No. 510 of 22 July 2010 and was further amended and supplemented by:

– Law No. 124/2011 supplementing Article 12 paragraph (1) of Law No. 334/2006 on the financing of the activity of political parties and of the electoral campaigns, published in the Official Gazette of Romania, Part I, No. 433 of 21 June 2011;

– Law No. 187/2012 implementing Law No. 286/2009 on the Criminal Code, published in the Official Gazette of Romania, Part I, No. 757 of 12 November 2012.

Subsequent to the last republication, Law No. 334/2006 was amended by Law No. 78/2016, published in the Official Gazette of Romania, Part I, No. 330 of 28 April 2016, Government Emergency Ordinance No. 44/2016, published in the Official Gazette of Romania, Part I, No. 682 of 2 September 2016, Law No. 183/2016, published in the Official Gazette of Romania, Part I, No. 828 of 19 October 2016, Law No. 3/2017, published in the Official Gazette of Romania, Part I, No. 48 of 17 January 2017, Law No. 34/2018, published in the Official Gazette of Romania, Part I, No. 55 of 18 January 2018, Government Emergency Ordinance No. 29/2019, published in the Official Gazette of Romania, Part I, No. 358 of 8 May 2019, and by Law No. 148/2019, published in the Official Gazette of Romania, Part I, No. 617 of 25 July 2019.

- a) the principle of legality;
- b) the principle of equal opportunities;
- c) the principle of the transparency of the income and expenses;
- d) the principle of the independence of political parties and candidates with respect to the financiers;
- e) the principle of the integrity of political and electoral competition.

Article 2. – Political parties may own, in accordance with the law, movable and immovable assets which are necessary to carry out their specific activity.

Article 3. – (1) Political parties may be financed from the following sources:

- a) membership fees paid by the party members;
- b) donations, legacies and other gifts;
- c) income from their own activities, according to Article 16;
- d) subsidies from the state budget;
- e) money loans from natural and legal persons.

(2) Political parties may only take money loans pursuant to authentic notarial acts, failing which the loans shall be declared null and void, accompanied by delivery-receipt documents; the relevant contract shall state the repayment details and period.

(3) The repayment period provided for in paragraph (2) may not exceed 3 years.

(4) Money loans may only be taken and repaid through bank transfer.

(5) Money loans that have not been repaid within the period provided for in paragraph (3) may be established as donations subject to the parties' agreement and provided that the donation ceiling provided for in Article 6 paragraph (1) for that year was not reached, up to the amount of such ceiling.

(6) Loans whose amount exceeds that of 100 basic national gross minimum wages shall be subject to the publication conditions provided for in Article 13.

(7) Political parties, political or electoral alliances and independent candidates are prohibited from granting loans to natural or legal persons.

(8) Political parties and their territorial organisations, including those established in the Bucharest municipality districts, shall be required to organise their own accounting system, in accordance with the applicable accounting regulations.

(9) Political parties and their territorial organisations shall perform their collection and payment operations through bank accounts in RON and foreign currency, opened with banks based in Romania, and in cash according to law.

(10) The income derived from the activities provided for in paragraph (1) point c) shall be exempt from taxes and duties.

Article 4. – The efficiency and appropriateness of the expenses incurred by political parties, political alliances and organisations of citizens belonging to national minorities shall be decided by their management bodies, according to their statute.

CHAPTER II

Private financing

Section 1

Membership fees

Article 5. – (1) The amount of the membership fees, their distribution and use shall be laid down in decisions made by the political party, according to its statute.

(2) No ceiling shall be applied to the total income derived from membership fees.

(3) The sum of the membership fees paid in the course of one year by a party member may not exceed 48 national gross minimum wages. The basic national gross minimum wage used as reference shall be the one valid on 1 January of that year.

(4) Political parties shall be required to publish, in the Official Gazette of Romania, Part I, by 30 April of next year, the total amount of the income from membership fees obtained by them during the previous tax year, as well as the list of party members who paid, during the previous tax year, membership fees totalling more than 10 national gross minimum wages.

(5) The list stipulated under paragraph (4) shall include the following elements: the surname and first name of the party member, the citizenship, the amount and the date on which the membership fee was paid.

Section 2

Donations

Article 6. – (1) Donations received by a political party in the course of one tax year may not exceed 0.025% of the income provided for in the state budget for the year at issue.

(2) Donations received from a natural person in the course of one year may be up to 200 basic gross national minimum wages, at the amount valid on 1 January of the year at issue.

(3) Donations received from a legal person in the course of one year may be up to 500 basic gross national minimum wages, at the amount valid on 1 January of the year at issue.

(4) The total sum of the donations made by legal persons directly or indirectly controlled by another person or by a group of natural or legal persons may not exceed the limits provided for in paragraphs (2) and (3).

(5) The market value of the movable and immovable assets donated to the party and of the services provided to it free of charge shall be included in the amount of the donations, within the limits provided for in paragraphs (1), (2) and (3).

(6) The assets and services referred to in paragraph (5) shall be valued by certified valuers pursuant to Government Ordinance No. 24/2011 on certain measures in the field of property valuation, approved as amended by Law No. 99/2013, as subsequently amended and supplemented.

(7) Legal persons whose debts to the state budget, the social security budget or the local budgets, on the donation date, have been due for more than 60 days, shall be forbidden to make donations to political parties, except when the sums to be recovered by them exceed their own debt.

(8) Upon donation, the political party shall request the legal person donor to submit a statement on its own account regarding its compliance with the requirement provided for in paragraph (7).

(9) Political parties shall not accept, directly or indirectly, donations of tangible assets, amounts of money or free-of-charge services which are made, given or supplied with the manifest purpose of gaining an economic or political advantage or in breach of the provisions of paragraph (8).

Article 7. – (1) The amounts of money received by a political party as loans in the course of one tax year may not exceed 0.025% of the income provided for in the state budget for that year.

(2) The amounts of money received by a political party as loans from a natural person in the course of one year may be up to 200 basic national gross minimum wages, based on the wage amount valid on 1 January of that year.

(3) The amounts of money received by a political party as loans from a legal person in the course of one year may be up to 500 basic national gross minimum wages, based on the wage amount valid on 1 January of that year.

(4) The total amount of the amounts of money lent to political parties by legal persons controlled directly or indirectly by another person or by a group of natural or legal persons may not exceed the limits provided for in paragraphs (1) – (3).

(5) The provisions of Article 6 paragraphs (7) – (9), as well as of Article 14 paragraphs (1) – (3), shall apply accordingly.

Article 8. – (1) Donations of buildings intended to serve as political party headquarters shall be exempt from the requirements provided under Article 6 paragraphs (2), (3), (4) and (5).

(2) Donations of money made in order to acquire buildings intended to serve as political party headquarters shall be exempt from the conditions provided for in Article 6 paragraphs (2), (3), (4) and (5).

(3) Political parties shall perform the task provided for in paragraph (2) within the time period and in observance of the conditions provided in the donation agreement.

(4) The time period for carrying out the task provided for in paragraph (3) may not exceed 2 years.

(5) Non-compliance with the time period provided for in paragraph (4) shall entail the revocation of the exceptions stipulated in paragraphs (1) and (2).

Article 9. – Donations of money whose amount exceeds 10 basic national gross minimum wages shall be exclusively performed through bank accounts.

Article 10. – Price discounts exceeding 20% of the amount of the goods or services offered to political parties and independent candidates shall be deemed to be donations and shall be entered separately in the accounting records of the party or the independent candidate, according to the rules issued by the Ministry of Public Finance.

Article 11. – (1) When receiving the donation, it is compulsory to check and enter the donor's identity, regardless of the public or confidential nature thereof.

(2) Upon the donor's written request, its identity shall remain confidential if the donation is within the limit of the annual amount of 10 basic national gross minimum wages.

(3) The total amount received by a political party as confidential donations may not exceed the equivalent of 0.006% of the income provided for in the state budget for that year.

Article 12. – (1) All donations, including the confidential ones, shall be adequately entered and emphasized in the accounting documents, specifying the date on which they were made and other information enabling the identification of the financing sources and of the donors.

(2) Donations of goods and services provided free of charge shall be reflected in the accounting books at their market value upon donation.

(3) Activities carried out on a voluntary basis according to law shall not be deemed to be donations.

Article 13. – (1) Political parties shall publish in the Official Gazette of Romania, Part I, the list of natural and legal persons who made, during the previous tax year, donations whose cumulated amount exceeds 10 basic national gross minimum wages, the list of natural and legal persons who granted loans whose amount exceeds 100 basic national gross minimum wages, as well as the total sum of the confidential donations or the total sum of the loans amounting to less than 100 basic national gross minimum wages received, by 30 April of next year.

(2) The list provided for in paragraph (1) shall contain the following elements:

a) for natural persons: the donor or the lender's surname and first name, the citizenship, the amount, the nature of the donation or loan and the date on which such donation or loan was made. In the case of loans, their repayment period shall also be stated;

b) for legal persons: the name, the headquarters, the nationality, the sole registration code, the value, the nature of the donation or of the loan and the date on which such donation or loan was made. In the case of loans, their repayment period shall also be stated.

Article 14. – (1) The use of the financial, human and technical resources belonging to public institutions, autonomous régies, national companies, companies regulated by Company Law No. 31/1990, as republished, with subsequent amendments and supplements, or to credit institutions in which the state or the administrative-territorial units are majority shareholders, to support the activity of political parties or their electoral campaigns, other than as provided by the electoral laws, is prohibited.

(2) Political parties may not accept donations or services provided free of charge from a public authority or institution, an autonomous régie, a national company, a company regulated by Law No. 31/1990, as republished, with subsequent amendments and supplements, or from a credit institution in which the state holds a majority or a full stake.

(3) The acceptance of donations from a trade union or a religious cult, regardless of the nature thereof, is prohibited.

(4) The sums received in breach of the provisions of paragraphs (2) and (3) shall be confiscated and shall be entered as income to the state budget.

(5) The provisions of paragraphs (1) – (4) shall apply accordingly to the political alliances, electoral alliances, as well as the independent candidates.

(6) The provisions of paragraphs (1) – (4) shall apply accordingly to the organisations of citizens belonging to national minorities, in order to finance the electoral campaigns.

Article 15. – (1) The acceptance of donations from other states or foreign organisations, as well as from natural persons devoid of Romanian citizenship or from legal persons of a different nationality than Romanian is prohibited, except for those received from the citizens of the Member States of the European Union who are domiciled in Romania and hold the capacity as member of the political party to which they granted the donation.

(2) An exception to the provisions of paragraph (1) shall be the donations consisting of tangible assets necessary for the political activity, but which are not electoral propaganda material, which have been received from international political organisations of which that political party is an affiliate or from political parties or political organisations engaged in political collaboration. Propaganda material may also be received when it is solely used during the electoral campaign for the election of Romania's representatives to the European Parliament.

(3) The donations provided for in paragraph (2) shall be published in the Official Gazette of Romania, Part I, by 30 April of next year.

(4) The donations provided for in paragraph (2) shall be exempt from customs fees, except for the means of transport.

(5) The sums received in breach of the provisions of paragraph (1) shall be confiscated and shall be entered as income to the state budget.

Section 3

Other sources of income

Article 16. – (1) Political parties may not carry out activities specific to the companies regulated by Law No. 31/1990, as republished, with subsequent amendments and supplements. By way of exception, political parties may obtain income from the following activities:

a) editing, making and disseminating publications or other political propaganda and political culture material of their own;

b) selling tickets, charging participation fees or the like in various cultural or sports events, as well as in meetings and seminars on political, economic or social topics;

c) selling printed matter bearing the signs of the political party in question;

d) provision of services by the party members with a view to organising the events referred to in point b);

e) letting of premises owned by them, without causing prejudice to public morals, public order or the image of the political party in question;*

f) disposal of land and buildings from the party's assets, but not earlier than at least 10 years after being entered as that party's assets, except for political parties in the course of dissolution. The 10-year period shall not apply to inherited real estate property;

g) disposal of movable property from the party's assets, unless such movable property consists in production or trading activities or in service supplies;

h) subletting the premises received according to the provisions of Article 26 paragraphs (1) – (3) for the organisation of parliamentary offices, provided that the amount of the monthly rent set out in the sublease agreement will not exceed the amount of the monthly rent stipulated in the lease agreement concluded with the local authorities. The maintenance expenses related to the sublet premises shall be incurred by the parliamentary office, according to the agreement concluded;

i) issuing booklets/cards attesting to the membership of that political party.

* Amended by Law No. 78/2016

2) Political parties may obtain income from bank interests.

(3) By 30 April of each year, political parties shall be required to publish in the Official Gazette of Romania, Part I, the total amounts of the income obtained during the previous tax year from the activities referred to in paragraph (1) and from the sources referred to in paragraph (2), broken down by type of activity and source.

Article 17. – (1) If a party is associated, according to law, with a non-political organisation, the financial contribution of the latter to that form of association may not exceed, during one tax year, the amount of 500 basic national gross minimum wages at the wage amount valid on 1 January of that year.

(2) The total financial contribution to forms of association with non-political organisations may not exceed, during one year, the equivalent of 0.006% of the income stipulated in the state budget for that year.

(3) The sums received in breach of the provisions of paragraphs (1) and (2) shall be confiscated and entered as income to the state budget.

(4) Political parties shall publish in the Official Gazette of Romania, Part I, the total amount of the sums referred to in paragraph (1), by 30 April of next year.

CHAPTER III

Public financing

Subsidies from the state budget

Article 18. – (1) Political parties shall receive yearly a subsidy from the state budget, according to law.

(2) The sum allocated yearly to political parties from the state budget shall range between a minimum of 0.01% and a maximum of 0.04% of the gross domestic product. For political parties promoting women on the election rolls, on eligible seats, the sum allocated from the state budget shall be increased by twice the ratio of the number of mandates obtained by women candidates at the elections.*

(3) The subsidy from the state budget shall be granted depending on the following criteria:

a) the number of votes received at the general elections for the Chamber of Deputies and the Senate;

b) the number of votes received at the general elections for the local public administration authorities.

(4) In the case of political or electoral alliances, the subsidy shall be divided between the alliance members according to the number of mandates obtained.

* Amended by Law No. 34/2018.

Article 19. – 75% of the annual budget allocated to political parties shall be distributed to political parties in proportion to the number of votes received at the parliamentary elections, namely the average of the valid votes cast for the Chamber of Deputies and the Senate, if they reached the electoral threshold.

Article 20. – 25% of the annual budget allocated to political parties shall be distributed to the political parties in proportion to the number of the valid votes cast, received at the local elections for the election of county councillors and Bucharest municipality councillors, if they obtained at least 50 mandates for county councillors and Bucharest municipality councillors.

Article 21. – At the request of the Permanent Electoral Authority, the Central Electoral Bureau shall be required to notify the number of votes obtained by the political parties, political alliances and electoral alliances at the general parliamentary elections, the number of candidates declared elected, broken down by party and/or alliance and by gender, the number of votes obtained by the political parties, political alliances and electoral alliances at the general elections for electing the county and Bucharest municipality councillors, as well as the number of candidates declared elected at these elections broken down by party and/or alliance and by gender.

Article 22. – Political organisations and political or electoral alliances shall receive subsidies from the state budget on an annual basis, in accordance with the law.

Article 23. – (1) The subsidy from the state budget shall be paid monthly, through the budget of the Permanent Electoral Authority, into a special account opened by each political party. The income from subsidies from the state budget shall be reflected separately in the accounting records of the political parties.

(2) A specialised department in charge of allocating the subsidy from the state budget shall be established within the Permanent Electoral Authority.

(3) The subsidies from the state budget granted to political parties shall be deemed as special purpose accounts and shall not be subject to enforcement through attachment of bank accounts.

Article 24. – (1) The subsidy from the state budget may be temporarily suspended, by decision of the Permanent Electoral Authority, for infringement of the provisions of Article 3 paragraph (8), Article 5 paragraph (4), Article 13, Article 15 paragraph (3), Article 16 paragraph (1), Article 17 paragraph (4), Article 25 paragraphs (1) and (2), Article 50, and Article 51 paragraph (2), until the legal requirements have been met.

(2) The Permanent Electoral Authority shall notify the political party in advance of the irregularities established and the period for the remedy thereof.

(3) The period granted to political parties for remedying any irregularities may not exceed 15 days.

(4) The decision to temporarily suspend the monthly tranches from the state budget may be challenged within 15 days of notification at the competent administrative court, which shall give a judgment within 15 days after the case has been referred to it. The court's judgment shall be final.

(5) During its temporary suspension, the subsidy shall be kept by the Permanent Electoral Authority as deposit withdrawals, until the issuance of a final court ruling, while such shall not be subject to refund to the state budget at the end of the year.

(6) Within 10 days of the political party's written notification informing that the irregularities established have been remedied, the Permanent Electoral Authority shall rule on cancelling the suspension of the monthly tranches.

Article 25. – (1) The income from the state budget subsidies may be used for the following purposes:

a) expenses on supplies and materials for the maintenance and operation of the headquarters;

b) staff expenses;

c) media and propaganda expenses;

d) expenses for the organisation of political activities;

e) expenses for trips in the country and abroad;

f) telecommunications expenses;

g) expenses for delegations abroad;

h) expenses for the membership fees owed to the international political organisations to which the political party is affiliated;

i) investments in movable and immovable assets, necessary for the activity of those political parties;

j) entertainment expenses;

k) expenses with office supplies;

l) expenses with bank fees;

m) expenses with the rents and utilities for the headquarters;

n) expenses with the maintenance and repair of motor vehicles;

o) expenses with insurance premiums;

p) transport expenses;

q) expenses with heating fuels and motor fuels;

r) expenses with the creation and dissemination of advertising spots;

s) expenses with political advice;

t) expenses with legal advice;

u) expenses with national and local opinion polls;

v) expenses with the lawyers', bailiffs' and experts' fees;

w) expenses with the stamp duties;

x) expenses with the duties related to registered trademarks;

y) expenses with penalties.*

(2) The use of the income obtained from subsidies from the state budget for any purposes other than those provided for in paragraph (1) is prohibited.

(3) The efficiency and appropriateness of such expenses shall be decided by the management bodies of the political parties, according to their statute and to the law.

Article 26. – (1) The central and local public administration authorities may ensure premises for the central and local headquarters of political parties, as well as the corresponding land, at their motivated request.

(2) Political parties may receive one headquarters at the most per administrative-territorial unit.

(3) Local authorities may let the premises intended to serve as headquarters for political parties subject to the body of legal rules governing the lease of residential premises.

(4) Political parties ceasing their activity following reorganisation, self-dissolution or dissolution under a final court ruling shall hand over to the local public administration authorities, within 30 days, the premises held by them under a lease agreement with such authorities. Owned premises shall be handed over in accordance with the law.

(5) Within 30 days, the Bucharest Tribunal shall notify the Ministry of Regional Development and Public Administration and the Permanent Electoral Authority of the termination of the activity of that political party.

(6) Within 15 days of receiving the notification, the Ministry of Regional Development and Public Administration shall send such decisions to the prefect's institution in all counties and in the Bucharest municipality, in order to take over the premises let by the public authorities through bailiffs, unless such premises were handed over within the legally prescribed period.

Article 27. – All the expenses related to telecommunications, electricity and heat, gas, water, sewage etc. incurred by a party shall be its exclusive liability and shall be paid at the fees charged for residential premises.

CHAPTER IV

Financing during the electoral campaigns

Section 1

Contributions for the electoral campaign

Article 28. – (1) The expenses for the electoral campaign shall observe the following conditions:

a) to be obtained only from contributions of the candidates or of the political formations;

* Amended by Law No. 3/2017.

b) to be committed only after obtaining the visa of the competent financial mandatary;

c) to not exceed the maximum limits laid down by this law;

d) to be made by electoral competitors only for promoting their own candidates and electoral programmes.

(2) Collecting electoral contributions and paying electoral expenses shall be done only through bank accounts previously notified to the Permanent Electoral Authority.

(3) In the case of the parliamentary elections, the political parties and the independent candidates shall use a distinctive bank account for the financing of the electoral campaign for each electoral constituency in which they take part in the elections. The organisations of Romanian citizens belonging to national minorities which propose candidates solely at a national level shall open a bank account at national level.

(4) In the case of local elections, political parties and independent candidates shall use a distinctive bank account for the financing of the electoral campaign for each county and for the Bucharest municipality, where they take part in the elections.

(5) In the case of the elections for the European Parliament and of the elections for the President of Romania, political parties and independent candidates shall use only one bank account for the financing of the electoral campaign.

(6) The contributions for the electoral campaign shall be deposited or transferred into the accounts provided for in paragraphs (2) – (4) solely by the candidates, by the political parties or by their financial mandataries.

(7) Derogating from the provisions of paragraph (5), in the case of the elections for the President of Romania, the candidate nominated by a political formation may receive electoral contributions and may incur electoral expenses only by means of a distinctive bank account than the one notified by the political formation, with the adequate application of the provisions of paragraphs (2) and (6). The electoral expenses made by the candidate and the political formation that nominated him cannot exceed the limit provided for in paragraph (12) point p).

(8) Derogating from the provisions of Article 25 paragraphs (1) and (2), the electoral campaign for the elections for the European Parliament and for the President of Romania may be funded through the incomes provided for in Article 3 paragraph (1) point d), and in this case, derogating from the provisions of paragraph (5), a distinctive bank account shall be used.

(9) No later than 3 working days after the political formation or the candidate have committed the specific expense, as the case may be, the competent financial mandatary shall notify to the Permanent Electoral

Authority the value and the destination of the expense according to Article 38 paragraph (2).

(10) The contributions for the electoral campaign shall be deemed to be special purpose accounts and shall not be subject to enforcement.

(11) The contributions of the candidates for their own electoral campaign or for the one of the political formation that nominated them may only come from donations received by the candidates from natural persons, from personal income or from borrowings taken from natural persons or from credit institutions.

(12) The maximum limits of the candidates' contributions for the electoral campaign shall be the following:

a) 60 basic national gross minimum wages for each candidate for the office of deputy or senator;

b) one basic national gross minimum wage for each list of candidates for the local council of the commune;

c) 3 basic national gross minimum wages for each list of candidates for the local council of the town;

d) 5 basic national gross minimum wages for each list of candidates for the local council of the municipality;

e) 30 basic national gross minimum wages for each list of candidates for the local council of the county capital municipality;

f) 50 basic national gross minimum wages for each list of candidates for the district council of Bucharest municipality;

g) 500 basic national gross minimum wages for each list of candidates for the General Council of Bucharest Municipality;

h) 100 basic national gross minimum wages for each list of candidates for the county council;

i) 5 basic national gross minimum wages for each candidate for the office of commune mayor;

j) 7 basic national gross minimum wages for each candidate for the office of town mayor;

k) 10 basic national gross minimum wages for each candidate for the office of municipality mayor;

l) 50 basic national gross minimum wages for each candidate for the office of mayor of the county capital municipality;

m) 100 basic national gross minimum wages for each candidate for the office of mayor of a Bucharest municipality district;

n) 200 basic national gross minimum wages for each candidate for the office of president of the county council and of mayor of the Bucharest municipality;

o) 750 basic national gross minimum wages for each candidate for the office of member in the European Parliament;

p) 20,000 basic national gross minimum wages for each candidate for the office of President of Romania.

(13) No later than 3 working days from the date on which a sum was deposited or transferred into the bank account dedicated to the electoral campaign, the candidate or the political party, as the case may be, shall be required to hand over to the competent financial mandatory a statement indicating the source of the contribution.

(14) The competent financial mandatory shall declare to the Permanent Electoral Authority the contribution for the electoral campaign within 3 working days after the transfer into the bank account notified to the Permanent Electoral Authority.

(15) The contributions for the electoral campaign may only be deposited into the accounts notified to the Permanent Electoral Authority by the closing date of the electoral campaign.

(16) In case a minor offence shall be done as provided by this law, by infringement of the provisions of this article, the sums for the electoral expenses done by infringement of paragraph (1) shall be confiscated and shall be entered as income to the state budget.*

Article 29. – The receipt by the political parties, political alliances, electoral alliances and independent candidates of any electoral propaganda material other than that provided for in Article 15 paragraph (2) is prohibited.

Article 30. – (1) The political party, political alliance or the organisation of citizens belonging to national minorities may contribute to their own electoral campaign until the total limit provided for in Article 28 paragraph (12) is met, as the case may be.

(2) In addition to the electoral contributions provided for in paragraph (1), the political party, political alliance or the organisation of citizens belonging to national minorities may contribute to their own electoral campaign up to 10 basic national gross minimum wages for each candidate for deputy or senator, or up to 50 basic national gross minimum wages for each list of candidates to the county council and to the General Council of the Bucharest Municipality.

(3) The contributions of the political formations to the electoral campaign may come exclusively from the funds obtained in accordance with the provisions of Article 3.*

Article 31. – (1) No later than 5 days after the commencement of the referendum campaign, the political party, through the financial mandatory, shall open a bank account at national level in the case of the national referendum or at county/Bucharest municipality level in the case of a local referendum.

* Amended by Law No. 148/2019.

(2) The contributions intended for the referendum campaign which are deposited by the political party may only come from transfers of funds originating outside the electoral campaign.

(3) The maximum limits of the contributions intended for the referendum campaign shall be the following:

a) 5 basic national gross minimum wages for the referendum for the dismissal of the local council or the commune mayor;

b) 7 basic national gross minimum wages for the referendum for the dismissal of the local council or the town mayor;

c) 10 basic national gross minimum wages for the referendum for the dismissal of the local council or the municipality mayor;

d) 30 basic national gross minimum wages for the referendum for the dismissal of the local council or of the mayor of the county capital municipality/Bucharest municipality district;

e) 100 basic national gross minimum wages for the referendum for the dismissal of the General Council of Bucharest Municipality or of the General Mayor of Bucharest Municipality;

f) 100 basic national gross minimum wages for the referendum for the dismissal of the county council;

g) 20,000 basic national gross minimum wages for the referendum for the dismissal of the President of Romania, for the referendum on matters of national interest or for the referendum on the revision of the Constitution.

(4) The provisions of Article 28 paragraphs (9) – (13) shall apply accordingly to the contributions intended for the referendum campaign.*

Article 32. – (1) The financing of the electoral campaign, directly or indirectly, by natural persons who are not Romanian citizens or by legal persons having a nationality other than Romanian is prohibited, with the exception that the electoral campaign may be financed by citizens of the Member States of the European Union having their domicile in Romania and holding the capacity as member of the political party to the electoral campaign of which they contribute financially.

(2) The sums thus received shall be confiscated and shall be entered as income to the state budget.

Article 33. – (1) Any financing of the electoral campaign of a party, an alliance of parties or an independent candidate by a public authority, a public institution, an autonomous régîe, a national company, a company regulated by Law No. 31/1990, as republished, with subsequent amendments and supplements, or a credit institution in which the state or administrative-territorial units are majority shareholders or by companies regulated by Law No. 31/1990, as republished, with subsequent amendments and supplements, which carry out activities financed from public funds, is

* Amended by Law No. 78/2016.

prohibited. The prohibition shall also apply to the companies regulated by Law No. 31/1990, as republished, with subsequent amendments and supplements, which, 12 months before the commencement of the electoral campaign, carried out activities financed from public funds.

(2) Any financing of the electoral campaign of a political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities and of an independent candidate by trade unions, religious cults, associations or foundations holding Romanian or other nationality is prohibited.*

(3) The sums received in breach of paragraphs (1) and (2) shall be confiscated and shall be entered as income to the state budget.

Section 2

The financial mandatary

Article 34. – (1) Records of the contributions and expenses for the electoral campaign belonging to the political parties and independent candidates shall be exclusively organised by the financial mandataries.

(2) The efficiency and appropriateness of the electoral campaign expenses shall be decided by the management bodies of the political parties, according to their statute, or by the independent candidates respectively.

(3) The financial mandatary shall be appointed by the management of political parties, political alliances, organisations of Romanian citizens belonging to national minorities or by the independent candidates.

(4) A political party, political alliance, organisation of citizens belonging to national minorities or an independent candidate shall nominate a coordinating financial mandatary. If more financial mandataries are nominated then only one coordinating financial mandatary shall be appointed.**

(5) The coordinating financial mandatary shall have the following duties:

- a) to keep a record of the financial operations;
- b) to supervise the activity of the other financial mandataries of the political party and to centralise their records;
- c) to make an in-depth report on the income obtained and electoral expenses;

d) to send to the Permanent Electoral Authority the documents and reports provided for in this law, in writing and in electronic form.*

(6) The financial mandatary designated along the coordinating financial mandatary shall organise the records of the financial operations carried out during the electoral campaign and check their lawfulness, at his level of appointment.**

* Amended by Law No. 78/2016.

** Amended by Law No. 148/2019.

(7) The financial mandatory shall be jointly liable with the political party which appointed him for the lawfulness of the financial operations carried out during the electoral campaign and for compliance with the provisions of Articles 28 – 33.

(8) Only natural persons who are expert or licensed accountants, or legal persons offering specialised accountancy services may be appointed coordinating financial mandataries.

(9) Those political parties, political alliances and independent candidates who appointed financial mandataries who are not expert or licensed accountants shall enter into a contract for the provision of specialised assistance with licensed natural or legal persons specialised in the provision of accountancy services.

(10) The Permanent Electoral Authority may request the financial mandataries, whenever necessary, to provide additional documents or explanations.

(11) Several parties may not use the services of the same mandatory, except when they are part of the same political or electoral alliance.

(12) The financial mandatory capacity may only be acquired after official registration with the Permanent Electoral Authority, based on the mandate granted by the political party or the organisation of citizens belonging to national minorities, as well as on its consent. The registration of the financial mandatory shall be effected between the public announcement of the election date and the beginning of the electoral campaign, by publication on the web page of the Permanent Electoral Authority.*

(13) On the official registration date, the coordinating financial mandatory shall receive from the Permanent Electoral Authority a unique identification code of the political party or of the independent candidate, which shall be printed on all the electoral propaganda material belonging to the political party or to the independent candidate he represents.*

(14) The candidates may not be financial mandataries.

Article 34¹. – The duties of the financial mandataries may be carried out under a free-of-charge contract or a contract for consideration, as appropriate.**

Article 34². – The financial mandataries registered with the Permanent Electoral Authority may be replaced at any time by the political parties, political alliances, organisations of citizens belonging to national minorities and the independent candidates who appointed them, with the adequate application of the provisions of Article 34.**

* Amended by Law No. 148/2019.

** Inserted by Law No. 78/2016.

Article 35. – The expenses related to the organisation and conduct of electoral operations shall be paid from the state budget or from the local or county budgets, as appropriate, in accordance with the provisions of electoral laws.

Article 36. – (1) During the electoral campaign, the candidates, political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities and the citizens holding the right to vote shall be entitled to freely express their opinions, free from any discrimination, at rallies and gatherings, through direct communication with the voters, on TV, on the radio, in the printed or electronic media, and in all the other mass media.

(2) During the electoral campaign, only certain types of electoral propaganda materials may be employed, as follows:

a) electoral posters with one side having a maximum length of 500 mm and the other side having a maximum length of 350 mm; the electoral posters convening an electoral meeting shall have 400 mm on one side and 250 mm on the other side and shall be placed in the posting locations specifically indicated;

b) audio or video propaganda materials broadcast by the audiovisual media;

c) advertising in the printed media;

d) online electoral propaganda materials;

e) brochures, leaflets and other printed materials.

(3) Political parties and alliances, as well as the independent candidates who ordered the electoral propaganda materials provided for in paragraph (2) points a), c) and e) shall print thereon the following details:

a) the independent candidate's name, the name of the political party, of the electoral alliance or political alliance of which it forms part, as appropriate;

b) the name of the economic operator who made them;

c) the unique identification code provided for in Article 34 paragraph (13);

d) the print run, for the materials provided for in paragraph (2) points a) and e).*

(3¹) Before broadcasting the electoral propaganda materials referred to in paragraph (2) point b), the audiovisual media shall be required to communicate the data provided for in paragraph (3) points a), b) and c).**

(3²) Within 30 days from the electoral campaign closing date, the electoral competitors shall be required to transmit to the Permanent Electoral Authority a statement containing information on the description of the online electoral propaganda materials, the production, period and dissemination area thereof.**

* Amended by Law No. 183/2016.

** Inserted by Law No. 183/2016.

(4) The expenses related to the creation of electoral propaganda materials shall be exclusively borne by their beneficiaries: independent candidates, political parties or political alliances.

(5) The production and dissemination of electoral propaganda materials in other conditions than those provided by this law is prohibited.

(6) Political parties and alliances, as well as the independent candidates, shall be required to declare to the Permanent Electoral Authority, through the financial mandatary, the number of electoral propaganda materials produced and used, broken down into categories, no later than 15 days from the date of the elections or of the referendum.

(7) Any written, audio or video material that fulfils the following conditions shall be deemed to be an electoral propaganda material:

a) it directly concerns a candidate or a political party who participates in the elections or in the referendum, clearly identified;

b) it is used during the electoral campaign period, as laid down in the laws on the organisation of the elections;

c) serves an electoral purpose and is intended for the general public;

d) goes beyond the limits of a journalistic activity of public information.

Section 3

The maximum limits of the expenses

Article 37. – The maximum limits of the expenses that may be incurred during the electoral campaign or for the referendum in a national constituency or in a county/Bucharest municipality/foreign constituency, as applicable, shall fall within the maximum limits of the contributions for the electoral campaign or for the referendum, as laid down in Articles 28 – 31 for the relevant constituency.

Article 38. – (1) Expenses related to the electoral campaign may be incurred solely through the accounts provided for in Articles 28 and 30.

(2) The contributions for the electoral campaign may only be used for the following purposes:

a) expenses for the production and dissemination of electoral propaganda materials on the radio, on TV and in printed publications, amounting to maximum 40% of the total expenses that may be incurred during the electoral campaign;

b) expenses for the production and online dissemination of electoral propaganda materials, amounting to a maximum of 30% of the total expenses that may be incurred during the electoral campaign;

c) sociological research expenses, amounting to maximum 30% of the total expenses that may be incurred during the electoral campaign;

d) expenses for electoral posters, amounting to a maximum of 20% of the total expenses that may be incurred during the electoral campaign;

e) expenses for brochures, leaflets and other printed electoral propaganda materials, amounting to a maximum of 50% of the total expenses that may be incurred during the electoral campaign;

f) expenses for telephone and internet services, for transport and accommodation of candidates, for food, accommodation and transport of volunteers and of the members of the political party, expenses for the rental of premises and equipment, expenses for the apparel of volunteers and of the members of the political party imprinted with the appellation or name of the electoral competitor, entertainment expenses intended for the organisation of electoral events, for legal assistance and other types of consultancy, as well as for remunerating the services provided by the financial mandataries, amounting to a maximum of 30% of the total expenses that may be incurred during the electoral campaign;*

g) expenses for bank fees.

(3) The provisions of paragraphs (1) and (2) shall apply accordingly to the campaign for the referendum.

(4) The sums received from the candidates proposed for the elections by a political party shall be deemed as donations and shall be governed accordingly by the provisions of this law.

(5) The provisions of this law shall not apply to the deposits established in view of the submission of candidatures for the office of deputy or senator, provided for in Article 29 paragraphs (5) – (7) of Law No. 35/2008 for the election to the Chamber of Deputies and the Senate, and for the amendment and completion of Law No. 67/2004 for the election of local public administration authorities, of Local public administration Law No. 215/2001, and of Law No. 393/2004 on the Statute of local electees, with the subsequent amendments and supplements.

Article 39. – (1) Within 15 days from the election date, political parties, political alliances and independent candidates shall submit to the Permanent Electoral Authority a statement on compliance with the limits provided for in Article 37.

(2) The sums exceeding the limits provided for in Article 37 shall be entered as income to the state budget.

Article 40. – When a candidate is proposed for several offices during an electoral campaign, the expenses that may be incurred shall be set at the highest maximum limit, according to Article 37.

Article 41. – The income and expenses of electoral alliances shall only be collected and made respectively by the political parties, political alliances or the organisations of citizens belonging to national minorities which make them up.

* Amended by Government Emergency Ordinance No. 29/2019.

Article 41¹. – During the electoral campaign related to a new round of voting within the same electoral process, the limits of electoral contributions and electoral expenses shall be reduced by half.*

CHAPTER V

Control of the financing of political parties and of the electoral campaigns

Article 42. – (1) The Permanent Electoral Authority is authorised to control the observance of the legal provisions on the income and expenses of political parties, political or electoral alliances, independent candidates, as well as the lawfulness of the financing of the electoral campaign.

(2) Control of the subsidies granted from the state budget shall also be concurrently conducted by the Court of Accounts, in accordance with the provisions of Law No. 94/1992 on the organisation and operation of the Court of Accounts, as republished and as subsequently amended and supplemented.**

(2¹) The Court of Accounts may control the lawfulness of the process of validation of the sums to be refunded to the electoral competitors within 30 days from the completion date of the control of the electoral campaign financing conducted by the Permanent Electoral Authority.***

(2²) If the Court of Accounts conducts the control referred to in paragraph (2¹), the periods for the reimbursement of electoral expenses provided for in Article 48 shall be extended by 30 days.***

(3) Within 60 days from the entry into force hereof, the Department for the Control of the Financing of Political Parties and of the Electoral Campaigns shall be set up within the Permanent Electoral Authority, by supplementing the current staff establishment plan.

(4) The entire staff of the Permanent Electoral Authority shall benefit from a complex work bonus amounting to 30% applied to the basic gross monthly wage. The provisions of Article 22 paragraph (1) of Framework Law No. 284/2010 on uniform salaries for the staff paid from public funds, with subsequent amendments and supplements, shall not apply to the Permanent Electoral Authority.

(5) The documents and information which may be requested by the Permanent Electoral Authority may exclusively concern those activities carried out by the political parties that are related to obtaining income and making expenses.

* Inserted by Law No. 78/2016.

** Amended by Government Emergency Ordinance No. 29/2019.

*** Inserted by Law No. 183/2016.

(6) Any person may be appointed general director of the Department for the Control of the Financing of Political Parties and Electoral Campaigns provided that he/she cumulatively meets the following conditions:

a) may hold an office, subject to the requirements laid down in points a) – h) of Article 12 paragraph (1) of Law No. 7/2006 on the statute of parliamentary officials, as republished, with subsequent amendments and supplements;

b) has academic education in the field of economic or legal sciences;

c) has not been a member of a political party in the last 5 years.

(7) The competition for the office provided for in paragraph (5) shall be organised by a special 7-member commission, appointed within 30 days after the entry into force hereof, by order of the president of the Permanent Electoral Authority, which shall consist of teaching staff with an economic or legal background.

(8) The commission referred to in paragraph (7) shall lay down the regulation for the competition and shall designate the winning candidate, who shall be appointed by the president of the Permanent Electoral Authority within 15 days from such designation.

(9) The general director of the Department for the Control of the Financing of Political Parties and Electoral Campaigns shall have the following exclusive duties:

a) to organise the control of the financing of political parties;

b) to coordinate the activity of the staff subordinated to him/her;

c) to propose to the president of the Permanent Electoral Authority the application of the sanctions provided herein.

Article 43. – (1) In order to check the lawfulness of the income and expenses of the political parties, the Permanent Electoral Authority may request documents and information from the natural and legal persons who provided services, free of charge or for consideration, to the political parties, as well as from any public institution.

(2) The natural and legal persons provided for in paragraph (1) shall make available to the representatives of the Permanent Electoral Authority the documents and information requested.

(3) Political parties shall be required to allow the access of the Permanent Electoral Authority's control bodies in their headquarters.

(4) Political parties and the persons provided for in paragraph (1) shall be required to provide the Permanent Electoral Authority with all the documents and information requested by such within no more than 15 days from the date of the request.

Article 44. – (1) Yearly and whenever applied to, the Permanent Electoral Authority shall verify whether each party has complied with the legal provisions on the income and expenditure of political parties.

(2) Any person who produces evidence that the legal provisions on the financing of political parties and of the electoral campaigns have not been complied with may apply to the Permanent Electoral Authority.

(3) The annual report shall be published in the Official Gazette of Romania, Part I, and on the web page of the Permanent Electoral Authority by 30 April of next year.

(4) The Permanent Electoral Authority may control the compliance with the legal provisions on the financing of political parties and of the electoral campaigns, including when suspicions arise that the legal provisions on the financing of political parties and of the electoral campaigns have been infringed, following the applications submitted by any persons concerned or *ex officio*.

(5) Should there arise any suspicions, during the control conducted by the Permanent Electoral Authority, in relation to the compliance with the legal provisions on the financing of political parties and of the electoral campaigns, that acts of a criminal nature have been perpetrated, the Permanent Electoral Authority shall refer the matter to the criminal investigation bodies.

(6) The outcome of each such control shall be published in the Official Gazette of Romania, Part I, and on the web page of the Permanent Electoral Authority within 45 days from the date of the control.

Article 45. – (1) The annual financial statements drawn up by the political parties which receive subsidies from the state budget shall be subject to the statutory audit conducted by statutory auditors who may be certified natural or legal persons, according to law.

(2) Within a maximum of 60 days from the audit date, the political parties referred to in paragraph (1) shall transmit to the Permanent Electoral Authority a copy of the audit report.

Article 46. – Public authorities shall be required to grant support to the Permanent Electoral Authority in conducting the control of the financing of political parties.

Article 47. – (1) **Within 15 days from the election date, the coordinating financial mandataries shall be required to submit to the Permanent Electoral Authority in-depth reports on the electoral income obtained and expenses made by political parties, political alliances, electoral alliances, organisations of Romanian citizens belonging to national minorities and by the independent candidates, as well as the amount of the debts incurred following the campaign, accompanied by the statements provided for in Article 28 paragraph (13).***

(2) The Permanent Electoral Authority shall ensure that the list of political parties, political alliances, electoral alliances, organisations of

* Amended by Law No. 148/2019.

Romanian citizens belonging to national minorities and independent candidates who submitted the in-depth reports on the electoral income and expenses is made public, as such reports are submitted, by means of successive publications in the Official Gazette of Romania, Part I.

(3) The reports provided for in paragraphs (1) and (2), and the amount of the debts incurred following the electoral campaign shall be published by the Permanent Electoral Authority in the Official Gazette of Romania, Part I, within 60 days from the publication of the result of the elections.

(4) In the event that, on the date of submission of the in-depth report on the electoral income and expenses, the independent candidates or the political parties are in debt, they shall be required to report quarterly to the Permanent Electoral Authority on the status of the repayment of the debts incurred during the electoral campaign, until the full repayment date.

(5) The candidates declared elected shall not have their mandates validated if the in-depth report on the electoral income and expenses for each political party or independent candidate has not been submitted according to law.

Article 48. – (1) Within no more than 90 days from the date of the elections to the Chamber of Deputies and the Senate, the Permanent Electoral Authority shall reimburse to the political parties, political alliances and organisations of citizens belonging to national minorities, based on the supporting documents provided by the financial mandatary within no more than 30 days from the election date, the sums related to the expenses incurred in all the constituencies, as well as those incurred at central level, if the political party, the political alliance, the electoral alliance or the organisation of citizens belonging to the national minorities has obtained a minimum of 3% of the valid votes cast at national level, for each of the two Parliament chambers.

(2) If the political party, political alliance, organisation of citizens belonging to the national minorities participating in the elections for the Chamber of Deputies or the Senate has failed to obtain a minimum of 3% of the valid votes cast at national level, the Permanent Electoral Authority shall reimburse to them, on the basis of the supporting documents provided by the financial mandatary, only the sums related to the expenses incurred in the constituency where it obtained a minimum of 3% of the valid votes cast.

(3) No later than 90 days after the date of the elections to the European Parliament and for the President of Romania, the Permanent Electoral Authority shall reimburse to political parties, political alliances, organisations of citizens belonging to national minorities or to the independent candidates respectively, on the basis of the supporting documents provided by the financial mandatary within no more than 30 days from the election date, the sums related to the expenses incurred at

national level if the political party, political alliance, electoral alliance, organisation of citizens belonging to national minorities or the independent candidate respectively has obtained a minimum of 3% of the valid votes cast at national level.

(4) Within no more than 90 days after the local elections date, the Permanent Electoral Authority shall reimburse to the political parties, political alliances, organisations of citizens belonging to national minorities, on the basis of the supporting documents provided by the financial mandatarly within no more than 30 days from the election date, the sums related to the expenses incurred in all constituencies, as well as those incurred at central level if the political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities has obtained a minimum of 3% of the valid votes cast by cumulating the votes cast for all of the local councils and the councils of the Bucharest municipality districts, the county councils, the General Council of Bucharest Municipality, and all the candidatures for the office of mayor or General Mayor of the Bucharest Municipality respectively.

(5) If the political party, political alliance, organisation of citizens belonging to national minorities participating in the local elections has failed to obtain a minimum of 3% of the valid votes cast as provided for in paragraph (4) at national level, the Permanent Electoral Authority shall reimburse to them, based on the supporting documents provided by the financial mandatarly, only the sums related to the expenses incurred at county, Bucharest municipality district or Bucharest municipality level, where it obtained a minimum of 3% of such votes, as applicable.

(6) The sums additionally spent at central level by the political party, political alliance and organisation of citizens belonging to national minorities shall only be reimbursed if they obtained a minimum of 3% of the valid votes cast at national level.

(7) No later than 90 days after the date of the elections to the Chamber of Deputies and the Senate, the Permanent Electoral Authority shall reimburse to the independent candidates, based on the supporting documents provided by the financial mandatarly within no more than 30 days from the election date, the sums related to the expenses incurred during the electoral campaign, if they obtained a minimum of 3% of the valid votes cast in the constituency where they stood as a candidate.

(8) In the case of local elections, the expenses incurred in a constituency by an independent candidate shall only be reimbursed if the candidate obtained a minimum of 3% of the valid votes cast for the position for which he/she stood as a candidate.

(9) No later than 90 days after the date of the elections for the Chamber of Deputies, the Permanent Electoral Authority shall reimburse the sums

related to the electoral campaign expenses to the organisation of citizens belonging to the national minorities which obtained one deputy mandate at national level, based on the supporting documents provided by the financial mandatarary within no more than 30 days from the election date.

(10) Political parties, through their financial mandataries, shall be required to refund to the candidates, within 30 days from the date of the reimbursement by the Permanent Electoral Authority, the sums reimbursed and/or the sums not spent according to the contributions deposited by them.*

(11) The following shall not be reimbursed:

a) the sums related to the expenses exceeding the ceilings laid down in Article 37;

b) the sums related to the expenses financed from different sources than those provided for in this law;

c) the sums used during the electoral campaign in breach of the provisions of Article 38 paragraph (2).

d) the sums related to the electoral expenses financed from the incomes provided for in Article 3 paragraph (1) point d).**

(12) The Permanent Electoral Authority shall validate and reimburse, in observance of the ceilings laid down in Article 37 and Article 38 paragraph (2), the sums related to the expenses incurred in the constituencies, as well as those incurred at central level, ascertained to comply with the intended purposes provided for in Article 38 paragraph (2), and which are not financed from other sources than those provided by law.***

(13) Electoral competitors may rectify any mismatches and/or errors in the supporting documents before completion of the control conducted by the Permanent Electoral Authority. If the errors are not rectified on its own initiative or at the request of the control authority, the sum provided in the supporting document in question shall no longer be validated and reimbursed by the Permanent Electoral Authority.****

Article 48¹. – (1) The term supporting documents provided in Article 48 paragraphs (1) – (5), (7) and (9) means invoices issued in accordance with the provisions of the national law or of the state in which they were issued or other accounting documents based on which the payment liability is registered, as well as documents attesting the making of the payments.

* Amended by Government Emergency Ordinance No. 44/2016.

** Amended by Law No. 148/2019.

*** Inserted by Law No. 78/2016 and amended by Government Emergency Ordinance No. 44/2016.

**** Inserted by Law No. 183/2016.

(2) In the event that the supporting documents provided for in paragraph (1), submitted by the financial mandataries, fail to clearly reveal the lawfulness and reality of the expenses, the Permanent Electoral Authority may request additional statements, clarifications or supporting documents.*

Article 49. – (1) On a yearly basis, by 30 April of each year, political parties shall submit to the Permanent Electoral Authority an in-depth report on the income obtained and expenses incurred during the previous year.

(2) The reports provided for in paragraph (1) shall also include detailed descriptions of the income and expenses of the internal structures of the political parties provided for in Article 4 paragraph (4) of Law No. 14/2003 on the political parties, as republished, of the income and expenses of the persons having a direct or indirect connection with the political party, as well as of the forms of association provided for in Article 17 of this law.

(3) Political parties shall be required to submit their annual financial statements to the Permanent Electoral Authority within no more than 15 days from the registration thereof with the competent tax authority.

(4) The Permanent Electoral Authority shall publish on its own web page the reports provided for in paragraph (1), the annual financial statements, as well as summaries thereof, within 5 days from the submission date thereof.

(5) The political parties' accounts shall be organised and managed, at national and county level, in accordance with the provisions of Accountancy Law No. 82/1991, as republished, with subsequent amendments and supplements.

Article 50. – (1) The Permanent Electoral Authority may request, in order to check the lawfulness of the receipts and payments made by the political parties and independent candidates during the electoral campaign, to be provided with any additional statements and documents deemed necessary by it.

(2) Political parties and independent candidates shall submit the documents requested to the Permanent Electoral Authority's representatives within 15 days, according to paragraph (1).

(3) Any irregularities found shall be subject to the sanctions provided in this law.

(4) The organisations of citizens belonging to national minorities participating in the elections shall be subject to the Permanent Electoral Authority's control solely with respect to the electoral period and in connection with it.

Article 51. – (1) The Permanent Electoral Authority shall publish on its website all the reportings to be published in the Official Gazette of

* Inserted by Government Emergency Ordinance No. 44/2016.

Romania, Part I, in accordance with Article 5 paragraph (4), Article 13 paragraphs (1) and (2), Article 15 paragraph (3), Article 16 paragraph (3), Article 17 paragraph (4) and Article 47 paragraph (3), as well as the statements provided for in Article 28.

(2) Political parties shall provide the data referred to in paragraph (1) in electronic form.

CHAPTER VI

Sanctions

Article 52. – (1) Infringement of the provisions provided for in Article 5 paragraphs (3) – (5), Articles 6, 7, Article 8 paragraphs (1), (2) and (4), Articles 9, 10, 11, 12, 13, Article 14 paragraphs (2) and (3), Article 15 paragraphs (1) and (3), Article 16 paragraphs (1) and (3), Article 17 paragraphs (1), (2) and (4), Article 31, Article 32 paragraph (1), Article 33 paragraphs (1) and (2), Article 34 paragraphs (5), (6), (8), (9), (11), (12) and (14), Article 36 paragraphs (2) – (4) and (6), Article 39 paragraph (1), Article 47 paragraph (4), Article 51 paragraph (2) and Article 60 paragraph (3) shall be deemed to be a minor offence, unless perpetrated in such circumstances as to be deemed a criminal offence, under the criminal law, and shall be penalised by a fine between lei 10,000 and lei 25,000.*

(2) Infringement of the provisions provided for in Article 3 paragraphs (2) – (4) and (6) – (10), Article 25 paragraph (2), Articles 28, 29, 30, 37, 38, Article 43 paragraphs (2) – (4), Article 45, Article 47 paragraphs (1), (2) and (5), Article 49 paragraphs (1) – (3) and (5) and Article 50 paragraph (2) shall be deemed to be a minor offence, unless perpetrated in such circumstances as to be deemed a criminal offence, under the criminal law, and shall be penalised by a fine between lei 15,000 and lei 50,000.*

(3) Infringement of the provisions provided for in Article 8 paragraph (3) shall be deemed to be a minor offence, unless perpetrated in such circumstances as to be deemed a criminal offence, under the criminal law, and shall be penalised by a fine between lei 100,000 and lei 200,000.

(4) The sanctions may be applied to the political party, political alliance, organisation of citizens belonging to national minorities, independent candidate, financial mandatary and/or donor, as appropriate, as well as to any other persons who infringed the provisions of paragraphs (1) – (3).*

(5) The limitation period for the sanctions provided for in paragraphs (1) – (3) shall be 3 years after the date of perpetration of the acts.

* Amended by Law No. 78/2016.

(6) In the case of continuous minor offences, the period provided for in paragraph (5) shall start to run from the date on which the act ceased to be perpetrated.

Article 53. – (1) In the cases provided for in Article 52 paragraphs (1) – (3), the offender shall pay to the state budget the sums and/or the monetary equivalent of the goods and services involved in the minor offence, on the basis of the Permanent Electoral Authority’s decision.

(2) Similarly, the donations accepted by a political party in the course of dissolution or by a political party acting based on an amended statute, notwithstanding that no amendments have been notified to the Bucharest Tribunal, according to law, or the court of law rejected the application for approval of the amended statute, shall be entered as income to the state budget.

Article 54. – (1) The minor offences provided for in Article 52 shall be ascertained by the representatives of the Permanent Electoral Authority, and the sanction shall be applied by decision of the Permanent Electoral Authority.

(2) The decision of the Permanent Electoral Authority may be challenged before the competent court, according to law.

Article 55. – The provisions of Articles 52 and 54 shall be supplemented with the provisions of Government Ordinance No. 2/2001 on the legal rules governing minor offences, approved as amended and supplemented by Law No. 180/2002, with subsequent amendments and supplements.

Article 56. – (1) Within 30 days from the date on which the judgment given with respect to the minutes establishing the minor offence has become final or the time limit for challenging the minutes establishing the minor offence has expired, as applicable, the sums representing the equivalent of the unpaid fines may be withheld from the monthly tranches to be paid as public financing, by applying accordingly the procedure of enforcement by attachment of bank accounts, provided for in Government Ordinance No. 92/2003 on the Fiscal Procedure Code, as republished, with subsequent amendments and supplements.

(2) The Ministry of Public Finance, through its empowered bodies, shall inform the Permanent Electoral Authority of non-payment within the period provided for in paragraph (1), of the fines applied by the Permanent Electoral Authority.

Article 57. – (1) If one or several candidates declared elected, from the ranks of a specific political party, were convicted by a final court judgment for a criminal offence in connection with the financing of the political party or of the electoral campaign, as applicable, they shall become incompatible with the status of Member of Parliament or local elected official for the obtained mandate, which shall be annulled.

(2) The incompatibility shall be ascertained by decision of the Parliament chambers or of the county council or local council, as applicable, and the deputy, senator or councillor seats that have thus become vacant shall be occupied by the alternates on the list of that political party.

(3) The provisions of paragraphs (1) and (2) shall also apply to political alliances, electoral alliances and independent candidates; in this case, the seat that has become vacant shall be occupied by the alternate on the list of that political party or electoral alliance which has obtained the highest number of valid votes cast.

Article 58. – The procedure for the enforcement of the measures provided for in Article 57 shall be laid down in the regulations of the Parliament chambers, as well as in the regulations of the county councils and local councils.

CHAPTER VII

Transitional and final provisions

Article 59. – (1) The provisions of this law shall apply accordingly to the organisations of citizens belonging to national minorities who obtained mandates in the elections or who propose candidates.

(2) The organisations of citizens belonging to national minorities who obtained only one deputy mandate, in accordance with the electoral law, or one councillor mandate in one constituency respectively, shall solely fall within the scope of the legal provisions on the financing of the electoral campaign.

(3) The provisions of this law shall apply accordingly to independent candidates.

Article 60. – (1) The Permanent Electoral Authority shall keep a political party tax register, in which it shall enter the following:

a) the surname and first name, the personal identification numbers, the domiciles and contact details of the persons responsible for managing the funds of the political party, at national and county level;

b) the addresses of the head offices, of the territorial organisations and of the internal structures of the political parties provided for under Article 4 paragraph (4) of Law No. 14/2003, as republished;

c) the surnames and first names, the personal identification numbers, the domiciles and the contact details of the persons authorised to represent political parties at central and county level;

d) data concerning the financial activity of the political parties;

e) the sanctions applied.

(2) The Permanent Electoral Authority shall maintain a tax register for the independent candidates, in which it shall enter the surnames and first names, personal identification numbers, domiciles and contact details

thereof, as well as information concerning the financial activity carried out during the electoral campaigns and the sanctions applied.

(3) Political parties shall notify to the Permanent Electoral Authority any change in the data provided for in paragraph (1) within no more than 45 days from the date of such change.

Article 61. – Personal data processed by the Permanent Electoral Authority are protected by the special law and may not be used for purposes other than those indicated by such authority.

Article 62. – The new organisational structure of the Permanent Electoral Authority shall be approved by decision of the permanent bureaux of the two chambers of Parliament, with a view to ensuring the functioning of the Department for the Control of the Financing of Political Parties and Electoral Campaigns and of the specialised department for the allocation of the subsidy from the state budget.

Article 63. – (1) Within 90 days from the entry into force of this law*, the methodological norms for the application of the provisions of this law shall be drawn up and submitted for approval, by Government decision, on a proposal from the Permanent Electoral Authority.

(2) The methodological norms shall obligatorily regulate:

a) the modalities and format for the registration, record-keeping and publication of the donations, membership fees, loans and own income, as well as of the political parties' expenses;

b) the grant and use of the subsidies from the state budget;

c) the specific modalities and format for the registration, record-keeping and publicity of the income and expenses during the electoral campaign;

d) the registration and duties of the financial mandatary;

e) the control procedure and methodology;

f) the categories of supporting documents and the methodology for the repayment of the sums spent for the electoral campaign.

Article 64. – (1) This law shall come into force 30 days after publication in the Official Gazette of Romania, Part I, except for the following provisions, which shall come into force on 1 July 2007, concerning:

a) the grant of the subsidies from the state budget;

b) the Permanent Electoral Authority, except for Article 42 paragraphs (3) and (5) – (9).**

(2) Upon the entry into force hereof, Law No. 43/2003 on the financing of the activity of political parties and electoral campaigns, published in the Official Gazette of Romania, Part I, No. 54 of 30 January 2003, with

* The 90-day period shall start to run from the date of entry into force of Law No. 113/2015, according to Article II of the same law.

** Prior to republication, Article 42 paragraphs (3) and (5) – (9) was Article 35 paragraphs (3) – (8).

subsequent amendments, shall be repealed, except for the provisions regarding the grant of subsidies from the state budget and the Court of Accounts, which shall be repealed as of 1 July 2007.

NOTE:

We reproduce below the provisions of

– Articles II and III of Law No. 113/2015 amending and supplementing Law No. 334/2006 on the financing of the activity of political parties and of the electoral campaigns, which are not incorporated in the republished form of Law No. 334/2006 and which shall continue to apply as its own provisions:

‘**Article II.** – The period provided for in Article 52* paragraph (1) of Law No. 334/2006, as republished, with subsequent amendments and supplements, as well as with those brought by this law, shall start to run as from the date of entry into force hereof.

Article III. – Within no more than 60 days from the date of entry into force hereof, political parties shall be required to provide to the Permanent Electoral Authority the data provided for in Article 49** paragraph (1) of Law No. 334/2006, as republished, with subsequent amendments and supplements, as well as with those brought by this law.’

– Article II of Government Emergency Ordinance No. 44/2016 amending and supplementing Law No. 334/2006 on the financing of the activity of political parties and of the electoral campaigns, which are not incorporated in the updated form of Law No. 334/2006 and which continue to apply as its own provisions:

‘**Article II.** – The time limit for repayment by the Permanent Electoral Authority of the sums related to the expenses incurred during the electoral campaign at the local elections of 2016, provided for under Article 48 paragraph (4) of Law No. 334/2006 on the financing of the activity of political parties and of the electoral campaigns, as republished, with subsequent amendments and supplements, shall be extended by 45 days.’

* Article 52 has become, through renumbering, Article 63.

** Article 49 has become, through renumbering, Article 60.

SECTION II

Electoral Legislation on the Election of Local Public Administration Authorities of 2020

LAW No. 115*

of 19 May 2015

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

Published in the Official Gazette of Romania, Part I, No. 349 of 20 May 2015

The Parliament of Romania enacts this law.

TITLE I

The election of local public administration authorities

CHAPTER I

General provisions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 6. – (1) The following cannot elect:

a) mentally retarded or ill persons, laid under interdiction;
b) the persons prohibited from exercising their right to elect, during the period set by final court ruling.

(2) The following cannot be elected:

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) If the number of members required for meeting the conditions set in paragraph (3) is above 25,000 people, the list of members must include at least 25,000 persons domiciled in at least 15 of the country's counties and the Municipality of Bucharest, but not less than 300 people for each of these counties and for the Municipality of Bucharest.

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

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

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

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

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

CHAPTER II

Organisation of the elections

Section 1

Electoral constituencies

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

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

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

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

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

Section 2

Polling stations

Article 14. – The electoral operations shall be conducted within polling stations organised according to Law No. 35/2008 for the election of the Chamber of Deputies and of the Senate and amending and supplementing Law No. 67/2004 for the election of local public administration authorities, Law on local public administration No. 215/2001 and Law No. 393/2004 on the Statute of local electees, as subsequently amended and supplemented.

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

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

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

Section 3
The Electoral Register and electoral lists

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

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

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

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

(2) No later than 10 days before the date of the elections, but no later than 24 hours from the application, mayors must make available to political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities taking part in the elections, upon their request and at their expense, an excerpt from the Electoral Register, including the voters in the respective administrative-territorial unit, respectively their surname, first name, date of birth and domicile, on electronic support or on paper.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4 *Electoral bureaus*

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

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

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

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

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

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

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

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

* Amended by Law No. 91/2020.

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

(5) The president of the constituency electoral bureau and his/her alternate are appointed in public session by the president of the county court, within 20 days from the setting of the election date. The appointment is done by random draw, from among the magistrates and the other legal specialists who meet the requirements provided for in paragraph (5¹), based on the criterion of proximity of their domicile or residence to the locality or administrative-territorial subdivision in which the constituency electoral bureau will operate. The random draw is done with priority from the list of magistrates, first for the presidents and then for the alternates. The list of magistrates taking part in the random draw is drawn up by the president of the county court, and that of the other legal specialists who meet the requirements provided for in paragraph (5¹) is drawn up by the Permanent Electoral Authority. The lists must include a number of persons higher by 10% than the necessary. The magistrates and the other legal specialists on the list who meet the requirements provided for in paragraph (5¹) who are not appointed presidents or their alternates shall remain at the disposal of the president of the county court, for the replacement, in particular cases, of the holders of those positions. The list must include: the surnames, first names, personal identification numbers, domiciles, residencies, workplaces, phone numbers, email addresses and confirmation signatures of the persons nominated. By legal specialist we understand any person having graduated a faculty in the field of legal sciences.**

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

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

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

* Amended by Law No. 91/2020.

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

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

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

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

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

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

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

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

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

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

* Amended by Law No. 91/2020.

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

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

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

* Amended by Law No. 91/2020.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

** Amended by Law No. 91/2020.

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

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

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

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

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

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

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

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

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

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

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

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

d) to count the votes and to record the results of the vote for the electoral constituencies for which people have voted in the respective polling station, distinctly, for the local council, for the mayor's office, respectively the office of General Mayor of the Municipality of Bucharest, for the county council and the president of the county council, respectively for the General Council of the Municipality of Bucharest;*

e) to settle objections concerning their own activity;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The appointment of the judges is done in public session, within 5 days, at the most, from the establishment of the date of the elections, by random draw, by the President of the High Court of Cassation and Justice, from among the judges in office thereof. The result of the random

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

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

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

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

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

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

* Rectified.

** Amended by Law No. 91/2020.

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

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

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

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

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

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

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

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

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

i) to fulfil any other powers established by law;

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

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

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

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

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

Article 40. – The Central Electoral Bureau shall cease its activity after the publication, in the Official Gazette of Romania, Part I, of the results of the vote, in compliance with the provisions of this law.

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

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

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

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

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

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

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

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

Section 5
Candidatures

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

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

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

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

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

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

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

** The Communist State Security Service.

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

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

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

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

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

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

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

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

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

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

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

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

(4) Support is given on their own responsibility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 6

Ballot papers

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

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

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

(3) The name of the political party, political alliance, electoral alliance, or of the organisations of citizens belonging to national minorities taking part in the elections or, where appropriate, the mention ‘Independent candidate’ shall be printed in the upper left corner of each quadrilateral, and the electoral symbol shall be printed in the upper right corner.

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

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

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

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

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

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

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

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

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

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

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

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

** Amended by Law No. 91/2020.

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

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

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

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

(3) Electoral symbols may not be contrary to the rightful order and morality and may not reproduce or combine the national symbols of the Romanian State, of other states, of international bodies, or religious denominations. Political parties that are members of certain international political organisations are an exception, and they may use the symbol of that organisation as such or in a typical combination.

(4) The electoral symbols communicated to the Central Electoral Bureau must clearly distinguish from the ones previously registered, the use of the same graphic symbols being forbidden, whatever the geometric form that includes them may be. The permanent symbol declared upon the registration of the political party or political alliance may be used as an electoral symbol.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) 20-30 seconds publicity spots urging the voters to vote for a candidate or a list of candidates may be broadcast only during the shows stipulated under points b) and c) of paragraph (1).

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

Article 68. – (1) The access of parliamentary political parties, political alliances, and their electoral alliances, as well as of independent candidates to public radio and television services, including to their territorial stations, shall be free of charge. Non-parliamentary political parties, political alliances and their electoral alliances shall have free access to the territorial public radio and television broadcasting services only if they submit lists of candidates in at least 50% of the electoral constituencies in a county that is covered by those territorial stations. The broadcasting time granted under such circumstances must be proportional to the number of full lists of candidates submitted in that territory, and shall be calculated by the Romanian Television Corporation and the Romanian Radio Broadcasting

Company within 24 hours from the receipt of the data communicated by the Central Electoral Bureau. Non-parliamentary political parties, political alliances and electoral alliances submitting full lists of candidates in at least 50% of the electoral constituencies in 15 counties shall have access to the national public radio and television broadcasting services. Broadcasting time shall be granted after the candidatures become final; it shall be proportional to the number of full lists of candidates submitted and it shall be calculated by the Romanian Television Corporation and the Romanian Radio Broadcasting Company within 24 hours from the receipt of the data communicated by the Central Electoral Bureau.

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

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

(4) The access of political parties, political alliances, electoral alliances, as well as of independent candidates and organisations of citizens belonging to national minorities to private radio and television stations, including cable television, shall be free only during electoral shows, according to the provisions of Article 67.

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

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

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

stations, of 5 minutes at most, summed up for the entire duration of the electoral campaign. Independent candidates in the electoral constituencies in the Municipality of Bucharest and those in municipalities that are county seats and are not within the coverage of a station, shall have access to the national public radio and television services for the same interval of 5 minutes at most, summed up for the entire duration of the electoral campaign.

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

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

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

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

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

(2) News bulletins shall also be bound to observe the obligation to be objective and equitable, and to inform the public correctly.

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

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

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

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

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

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

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

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

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

a) to be impartial;

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

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

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

e) to intervene whenever guests, through their behaviour or expressions, violate the provisions of Article 71 paragraph (2); if guests do not comply with his/her requests, the anchor may decide to have their microphone cut off or to put an end to the show, as the case may be.

Article 73. – (1) When opinion polls with an electoral content are presented, such polls must be accompanied by the following information:

a) name of the institution having conducted the poll;

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

c) sample size and maximum margin of error;

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

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

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

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

b) the invitation or presentation of candidates during programmes, except for the situations stipulated under Article 76 paragraph (4);

c) comments concerning the electoral campaign.

Article 75. – (1) Exit polls can be carried out by institutes specialised in conducting public opinion surveys or trading companies or non-governmental organisations whose field of activity is conducting opinion polls and that are accredited to this purpose by the Central Electoral Bureau, by decision. Their poll operators have access, based on the accreditation of the institution for which they work, to the area referred to in Article 83 paragraph (1), without having access inside the voting premises.

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

Article 76. – (1) The candidates and the political parties or the organisations of citizens belonging to national minorities taking part in the elections, whose rights or legitimate interests have been harmed due to the presentation of untruthful facts during an electoral programme, shall be entitled to the right to reply.

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

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

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

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

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

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

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

Article 77. – (1) The radio broadcasting companies must ensure the recording of the shows meant for the electoral campaign, under the terms set up by the National Audiovisual Council of Romania.

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

Article 78. – (1) Failure to comply with the provisions of Articles 66 to 77 shall entail the sanctions stipulated by the Audiovisual Law No. 504/2002, as subsequently amended and supplemented.

(2) Facts shall be ascertained and sanctions shall be applied by the National Audiovisual Council of Romania, which may take up the issue by itself or upon referral by those concerned.

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

(2) Mayors shall be bound to set up billboards for electoral display in each subdivision of the administrative-territorial unit.

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

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

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

(6) Electoral posting in locations other than the ones stipulated under paragraph (1) shall be permitted only based on the consent of their owners, administrators, or, as the case may be, of their holders.

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

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

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

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

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

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

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

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

(6) Political parties, organisations of citizens belonging to national minorities, political alliances, electoral alliances, independent candidates or mayors, where appropriate, shall be bound to enforce the final decisions issued by the electoral bureaus concerning the electoral campaign, immediately after their communication.

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

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

CHAPTER III

The unfolding of the elections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d) the person asking to vote, omitted from the permanent electoral list and domiciled within the jurisdiction of the respective polling station, did not file a request to be registered in the Electoral Register with his/her address of residence;

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

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

a) shall stop the person having not turned 18 years old until the date of the voting inclusively and the person having lost his/her electoral rights from voting;

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

c) shall guide the voter to go and vote at the polling station to which (s)he is assigned according to his/her residence, if included in the category of the persons referred to in Article 18 paragraph (1);

d) shall register on the additional electoral list the person asking to vote, which has been omitted from the permanent electoral list, who is domiciled within the territorial jurisdiction of the respective polling station and is not among the persons referred to in Article 18 paragraph (1); if the person omitted is registered on the permanent electoral list existing at another polling station, the president of the electoral bureau of that polling station shall be notified by the computer system to this effect and shall erase the respective person from the permanent electoral list; once the voter signs in the additional electoral list, (s)he shall receive the ballot papers and the 'VOTED' stamp;

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

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

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

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

(8) After voting, voters shall fold the ballot papers so that the white page bearing the control stamp stays out, and then they shall insert them into the ballot box, making sure that they do not open.

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

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

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

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

Article 86. – (1) Malfunctions of the Computer system for monitoring turnout and preventing illegal voting cannot lead to the suspension or interruption of the voting process. In such a situation, by way of derogation from the provisions of Article 85 paragraph (2), voters shall present their ID document to the computer operator or to the member of the electoral bureau of the polling station appointed by its president, who shall insert, on electronic support or on paper, where appropriate, the personal identification numbers of the voters and the time they asked to vote. The provisions of Article 85 paragraphs (4) to (12) shall apply accordingly.

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

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

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

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

Article 88. – Candidates and voters have the right to challenge the identity of a person asking to vote. In such cases, the president of the

electoral bureau of the polling station shall determine the identity of the person in question, by any means. If the challenge is well-grounded, the president of the electoral bureau of the polling station shall prevent the contested voter from voting, record the fact in a report, and inform police authorities.

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

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

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

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

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

Article 91. – (1) For the voters who cannot be transported to the premises of the polling station due to an illness or disability, the president of the electoral bureau of the polling station may approve, upon their written request, accompanied by copies of documents attesting the respective medical condition or disability, that a team composed of at least 2 members of the electoral bureau should go with a special ballot box and the materials needed for voting – the ‘VOTED’ stamp and ballot papers – to the place where the voter is located, so that (s)he could vote. A single special ballot box shall be used within the jurisdiction of a polling station. Only the members of the electoral bureau of the polling station may carry the special ballot box, under escort by the staff of the Ministry of Interior.

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

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

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

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

Article 92. – (1) At 21.00 hours, the president of the electoral bureau of the polling station shall declare the voting closed and shall order the closing of the premises of the polling station.

(2) The voters who, at 21.00 hours, are inside the polling station, can exercise their right to vote.

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

CHAPTER IV

Establishing and ascertaining voting results

Section 1

Establishing the voting results

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

a) (s)he shall verify the integrity of the seals on the ballot boxes, seal the slot of the ballot boxes, put the ‘VOTED’ stamps in an envelope sealed by affixing the control stamp of the polling station. The disappearance of one or several stamps shall be mentioned in point i) of the report referred to in Article 94 paragraph (3);

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

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

c) (s)he shall determine the number of voters enlisted in the permanent electoral list and in the copy of the complementary electoral list received from the mayor of the administrative-territorial unit in whose jurisdiction the polling station is located. It is forbidden to have any erasures, modifications or additions on these lists, other than those resulting from applying Article 85 paragraph (4) point d), Article 87 and, respectively, Article 91 paragraph (2). The voting result is registered under points a₁), a₂) respectively, of the report's model referred to in Article 94 paragraph (3);

d) (s)he shall determine the number of voters present for the vote, by counting the signatures on the electoral lists existing at the polling station. The results shall be registered in the report in points b₁), b₂), b₃) and b₄), respectively, of the model referred to in Article 94 paragraph (3);

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

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

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

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

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

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

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

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

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

(3) The report shall comprise:

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

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

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

- a₂) the total number of voters according to the copy of the complementary electoral list (point a₂ ≥ point b₂);
 - a₃) the total number of voters according to the additional electoral lists (point a₃ ≥ point b₃);
 - a₄) the total number of voters for which the special ballot box has been used (point a₄ ≥ point b₄);
 - b) the total number of voters included in the electoral lists existing at the polling station, present for the vote (point b = point b₁ + point b₂ + point b₃ + point b₄),
of which:
 - b₁) the total number of voters present for the vote, included in the permanent electoral list;
 - b₂) the total number of voters present for the vote, included in the copy of the complementary electoral list;
 - b₃) the total number of voters present for the vote, included in the additional electoral lists;
 - b₄) the total number of voters present for the vote, for which the special ballot box has been used;
 - c) the total number of validly cast votes (point c ≤ point b - point d) (point c = the total number of validly cast votes expressed in point g);
 - d) the number of null votes;
 - e) the number of ballot papers received (point e ≥ point c + point d + point f);
 - f) the number of ballot papers unused and annulled;
 - g) the number of validly cast votes, obtained by each list of candidates or by each independent candidate for the office of councillor or, as the case may be, the number of validly cast votes, obtained by each candidate for the office of mayor or for the office of president of the county council respectively;***
 - h) a brief account of the objections lodged and their solutions, as well as of the challenges filed with the constituency electoral bureau;
 - i) the number of 'VOTED' stamps; record shall be made about the disappearance of one or several stamps, where appropriate, as well as about the integrity of the ballot box seals at the end of the voting.
- (4) The reports shall be signed by the president and the members of the electoral bureau of the polling station, and shall bear the control stamp. Signatures shall be placed next to the surname and first name and, as the case may be, to the political affiliation, respectively after stating the abbreviated name of the political party that they represent.

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

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

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

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

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

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

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

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

Section 2

Ascertaining the voting results

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Art. 101¹. – (1) **For the position of president of the county council, the centralization of the votes shall be made by the county constituency electoral bureau.**

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

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

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

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

(2) The report shall comprise:

a) the total number of voters included in the electoral lists existing in the electoral constituency (point a = point a₁ + point a₂ + point a₃ + point a₄), of which:

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

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

- a₁) the total number of voters according to the permanent electoral lists (point a₁ ≥ point b₁);
- a₂) the total number of voters according to the copies of the complementary electoral lists (point a₂ ≥ point b₂);
- a₃) the total number of voters according to the additional electoral lists (point a₃ ≥ point b₃);
- a₄) the total number of voters for which the special ballot box has been used (point a₄ ≥ point b₄);
- b) the total number of voters included in the electoral lists existing in the electoral constituency, present for the vote (point b = point b₁ + point b₂ + point b₃ + point b₄),
of which:
 - b₁) the total number of voters present for the vote, included in the permanent electoral lists;
 - b₂) the total number of voters present for the vote, included in the copies of the complementary electoral lists;
 - b₃) the total number of voters present for the vote, included in the additional electoral lists;
 - b₄) the total number of voters present for the vote, for which the special ballot box has been used;
- c) the total number of validly cast votes (point c ≤ point b - point d) (point c = the total number of validly cast votes expressed in point g);
- d) the total number of null votes;
- e) the number of ballot papers received (point e ≥ point c + point d + point f);
- f) the number of ballot papers unused and annulled;
- g) the total number of validly cast votes, obtained by each list of candidates or by each independent candidate for the office of councillor or, as the case may be, the total number of validly cast votes, obtained by each candidate for the mayor's office, the office of General Mayor of the Municipality of Bucharest or the office of president of the county council respectively;***
- h) the surname and first name of the candidates elected for the local council, respectively the county council and the General Council of the Municipality of Bucharest, the political party, political alliance or electoral alliance having proposed them, respectively the mention of independent candidate;
- i) the surname and first name of the mayor, of the General Mayor of the Municipality of Bucharest and of the elected president of the county council respectively and the political party, political alliance or electoral alliance having proposed him/her, or the mention of independent candidate;***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

of which:

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

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

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

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

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

d) the total number of null votes;

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

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

f) the number of ballot papers unused and annulled;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER V

Minor offences

Article 108. – The following represent minor offences:

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

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

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

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

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

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

f) failure to inform the Permanent Electoral Authority about the changes operated in the permanent electoral list;

g) failure of the organisers to take the necessary steps for the normal unfolding of electoral rallies, as well as the distribution, including by the candidates, of alcoholic beverages during rallies or, on the election day, within the premises of the polling stations, delimited under Article 83 paragraph (1);

h) failure to comply with the provisions of Article 65 paragraph (4);

i) failure to comply with the provisions of Article 81 paragraph (3) on the removal of the electoral propaganda means from the premises and from the building of the polling station;

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

k) posting electoral propaganda means in other locations than the ones permitted under the provisions of the law;

l) acceptance, by a person, of his/her registration on several lists of candidates for the same public authority;

m) failure of the members of the constituency electoral bureaus to bring candidature proposals to public knowledge;

n) refusal to grant access to the persons stipulated under Article 83 paragraph (5) inside the voting premises;

o) failure to observe the provisions of Article 90 concerning the presence of other persons in the voting booths, as well as taking pictures of or filming, by any means, the ballot paper by the voters during the exercise of their right to vote;

p) refusal to comply with the orders of the president of the electoral bureau of the polling station as regards keeping order inside and outside the voting premises, according to the provisions of Article 83 paragraph (1);

q) handing over a ballot paper to a voter that does not present an ID document;

r) violation of the provisions of Article 93 by the president of the electoral bureau of the polling station and drawing up reports in breach of the provisions of Article 94;

s) leaving the polling station premises, by the members of the electoral bureau, before establishing the voting result and before signing the report;

ş) electoral propaganda being continued after the closure of the electoral campaign according to the provisions of Article 64, by releasing, posting or distributing electoral materials of any kind, as well as by advising the voters, on the voting day, at the premises of the polling stations or within the perimeter set out in Article 83 paragraph (1), to vote or not for certain political parties, political alliances, electoral alliances or independent candidates;

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

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

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

v) failure of the mayor to comply with the provisions of Article 26 paragraph (6¹) of Law No. 35/2008, as subsequently amended and supplemented, that shall apply accordingly to the provisions of Article 16 paragraph (3);

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

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

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

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

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

Article 110. – (1) The finding of the minor offences and the enforcing of the sanctions referred to in Article 108, respectively in Article 109, shall be done by:

a) police officers and agents of the Romanian Police and officers and non-commissioned officers of the Romanian Gendarmerie, for the actions referred to in Article 108 points a), b), g) to k), m) to q), ș), w), x) and z);

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

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

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

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

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

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

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

CHAPTER VI

Transitional and final provisions

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

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

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

Article 113. – The amounts required for covering the expenses generated by the activities of the Ministry of Interior related to public order and safety for the proper organisation and unfolding of the elections, respectively the amounts required to cover the expenses generated by the printing of the minutes for the centralisation of the voting results at national level shall be ensured from the state budget, through the budget of the Ministry of Interior, respectively through the budget of the General Secretariat of the Government, for the National Institute of Statistics.

Article 114. – (1) The Permanent Electoral Authority, with the support of the Special Telecommunications Service and the National Institute of Statistics, shall ensure the implementation and management of the Computer system for monitoring turnout and preventing illegal voting,

based on the data and information in the Electoral Register, the Registry of polling stations and the complementary electoral lists.

(2) The methodology concerning the functioning of the Computer system for monitoring turnout and preventing illegal voting, the selection and appointment of the computer operators of the electoral bureaus of the polling stations shall be approved by resolution of the Permanent Electoral Authority.

(3) The computer infrastructure held by the local and central public administration authorities, as well as by schools, shall be used, as a general rule, for the implementation and functioning, during the elections, of the Computer system for monitoring turnout and preventing illegal voting, under the coordination of the Special Telecommunications Service.

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

Article 115. – The Special Telecommunications Service shall provide the special telephony and voice and data communication services necessary to the electoral bureaus, and it shall ensure the functioning of the Computer system for monitoring turnout and preventing illegal voting. The amounts necessary for covering these expenses shall be ensured by the state budget.

Article 116. – (1) The amounts necessary for covering the expenses incurred by the prefect's institutions in order to manufacture the stamps of the constituency electoral bureaus and the control stamps of the polling stations, to print the ballot papers, to transport, pack and distribute the materials, documents and standard forms referred to by law for the unfolding of the electoral process, as well as the payment of the allowances for the members of the electoral bureaus of polling stations, of the electoral bureaus, the payment of the auxiliary technical staff of these bureaus and of the computer operators of the polling stations shall be ensured from the state budget, through the budget of the Ministry of Interior, for the prefect's institutions.

(2) The amounts necessary for covering the expenses incurred by the Ministry of Interior for paying the paper actually used for printing the ballot papers and for manufacturing the 'VOTED' stamps and the self-adhesive stamps shall be ensured from the state budget, through the budget of the Ministry of Interior.

Article 117. – (1) The Ministry of Interior, through the National Administration of the State Reserves and Special Issues, shall provide the paper necessary for printing the ballot papers.

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

(3) The amounts of paper that are in their original intact packaging, remained unused, shall be returned by the prefect's institutions to the territorial units of the National Administration of State Reserves and Special Issues from which they were taken, within 10 days from the publication of the results of the elections in the Official Gazette of Romania, Part I, based on a handover-takeover report.

(4) The paper actually used, after the restitution referred to in paragraph (3), invoiced at the cost of the accounting entry, shall be paid by the Ministry of Interior, within 30 days from the publication of the results of the elections in the Official Gazette of Romania, Part I.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2⁴) During the whole period of carrying out the tasks regarding the organisation and conduct of the elections of public administration authorities, the authorities and public institutions where the persons referred to in paragraph (2³) are hired provide these with wage payment, emoluments for transfer, as well as any other daily allowances than those provided by paragraph (2³) and also with any other due payment rights, according to law, from the state budget sources.**

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

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

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

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

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

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

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

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

Article 124. – (1) The persons deprived of their electoral rights through final court ruling shall not participate in the voting and shall not be taken into consideration when establishing the total number of voters, for the entire duration ordered by the ruling.

(2) The provisions of Article 91 concerning the special ballot box shall apply accordingly to the persons in custody, detained based on a warrant for provisional detention or subject to the preventive measure of house arrest or to the persons serving a prison sentence, who have not lost their electoral rights, insofar as such a way of voting is requested. The procedure for exercising their right to vote by this category of voters shall be established by decision of the Central Electoral Bureau.

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

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

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

(2) The model of the permanent electoral list, the model of the copy of the complementary electoral lists, the model of the additional electoral list, the model of the excerpt from the permanent, complementary and additional electoral list, the model of the supporters' list, as well as of the stamps of the constituency electoral bureaus and of the Central Electoral Bureau, the model of the ballot paper, the model of the control stamp and of the stamp marked 'VOTED', the model of the self-adhesive stamp, the model of the minutes for recording the results of the vote and the model of the election certificate for councillors, mayor, and of the president of the county council are established by resolution of the Permanent Electoral Authority, published in the Official Gazette of Romania, Part I.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE II

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. Articles 89¹–89³ shall be repealed.

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

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

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

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

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

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

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

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

12. Article 102¹ shall be repealed.

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

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

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

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

TITLE III

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

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

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

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

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

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

‘Article 12. – (1) With the exception of the case provided in article 9 paragraph (2) point h¹), in the case the mandate ceases before the expiry of its normal duration, the local council or the county council, as the case may be, shall adopt in the first common meeting, at the mayor’s proposal, and of that of the president of the county council, respectively, a decision by which the arising situation shall be taken into account and the position of the councillor in case shall be declared vacant.’

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

‘(3) In the case provided by article 9 paragraph (2) point h¹), within 30 days from the date of the notice of the political party or of the organisation of citizens belonging to national minorities on whose list the local councillor or county councillor has been elected, the prefect notices, by order, the cease of the mandate of the local or county councillor before its normal period of expiry and declares vacant the position of the local or county councillor.’

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

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

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

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

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

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

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

NOTE:

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

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

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

Published in the Official Gazette of Romania, Part I, No. 553 of 24 July 2015

* Law No. 208/2015 has been amended by Law No. 288/2015, published in the Official Gazette of Romania, Part I, No. 866 of 19 November 2015, rectified in the Official Gazette of Romania, Part I, No. 553 of 22 July 2016, amended by Government Emergency Ordinance No. 47/2016, published in the Official Gazette of Romania, Part I, No. 685 of 5 September 2016, amended by the Framework Law No. 153/2017, published in the Official Gazette of Romania, Part I, No. 492 of 28 June 2017, amended by Law No. 51/2018, published in the Official Gazette of Romania, Part I, No. 205 of 7 March 2018, amended by the Government Emergency Ordinance No. 29/2019, published in the Official Gazette of Romania, Part I, No. 358 of 8 May 2019, amended by Law No. 148/2019, published in the Official Gazette of Romania, Part I, No. 617 of 25 July 2019, amended by Government Emergency Ordinance No. 64/2019, published in the Official Gazette of Romania, Part I, No. 746 of 12 September 2019, amended by Government Emergency Ordinance No. 26/2020, published in the Official Gazette of Romania, Part I, No. 118 of 14 February 2020, and amended by Law No. 91/2020, published in the Official Gazette of Romania, Part I, No. 551 of 25 June 2020. By Decision of the Romanian Constitutional Court No. 418 of 18 June 2020, published in the Official Gazette of Romania, Part I, No. 612 of 13 July 2020, the exception of unconstitutionality raised directly by the Ombudsman has been admitted and has been noticed that the phrase ‘who have a parliamentary group of their own in at least one of the Chambers of the Parliament’ in the summary of Article 118 paragraph (2) of Law No. 208/2015 is unconstitutional. By Decision of the Romanian Constitutional Court No. 150 of 12 March 2020 on the exception of unconstitutionality of the provisions of Government Emergency Ordinance No. 26/2020 on amending and supplementing of some legislative acts in the matter of elections for the Senate and Chamber of Deputies, as well as on some measures for the good organisation and conduct of the early parliamentary elections, published in the Official Gazette of Romania, Part I, No. 215 of 17 March 2020, the exception of unconstitutionality raised by the Ombudsman has been admitted and it has been noted that Government Emergency Ordinance No. 26/2020 was overall unconstitutional.

The Parliament of Romania enacts this law.

TITLE I

The election of the Senate and of the Chamber of Deputies

CHAPTER I

General provisions

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

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

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

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

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

(5) The following cannot elect:

- a) mentally retarded or ill persons, laid under interdiction;
- b) the persons prohibited from exercising their right to elect, during the period set by final court ruling.

(6) The following cannot be elected:

- a) the citizens falling under the categories referred to in Article 40 paragraph (3) of the Romanian Constitution, republished;
- b) the persons falling under the categories referred to in paragraph (5);
- c) the persons prohibited from exercising their right to stand as candidates in the elections for public authorities or in any other public functions, for the duration set through final court ruling or by law.

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

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

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

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

Article 4 – For the organisation of the elections, electoral constituencies shall be set up at the level of the 41 counties, a constituency in the

Municipality of Bucharest and a constituency for the Romanian citizens domiciled or residing abroad. The total number of electoral constituencies shall be 43. The name, numbering and number of mandates for each electoral constituency are listed in Appendix 1, which is a part of this law.

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

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

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

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

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

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

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

Article 6 – (1) The elections shall take place over a single day, which can only be a Sunday.

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

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

CHAPTER II

Electoral bodies

Article 7 – (1) For the organisation of the electoral process, the Permanent Electoral Authority operates on a permanent basis, issuing decrees, decisions and orders. During the organisation of the elections, the Central Electoral Bureau, constituency electoral bureaus at county level, at the level of the Municipality of Bucharest, sector electoral offices, in the case of the Municipality of Bucharest and a constituency electoral bureau

for the Romanian citizens domiciled or residing abroad, as well as the electoral bureaux of the polling stations shall be set up.

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

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

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

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

Article 8 – (1) Electoral bureaux and offices shall carry out their activity in the presence of the majority of their members and shall take decisions with the majority vote of the members present. The Central Electoral Bureau shall carry out its activity in the presence of the majority of its members and shall take decisions with the majority vote of the members present.

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

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

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

(3) The members of electoral bureaux and offices, who do not represent political parties, political alliances, electoral alliances, or, where appropriate, organisations of citizens belonging to national minorities, can be replaced, in case of death, sickness or accidents, by those having

appointed them, in observance, where appropriate, of the conditions referred to in Articles 11, 13, 15 and 17.

Art. 9¹. – (1) **The member of the electoral bureau of the polling station shall be compelled to bring to the electors’ attention the name, surname and the position in the electoral office, by means of a badge that he shall wear visibly.**

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

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

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

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

* Inserted by Law No. 148/2019.

** Amended by Law No. 91/2020.

(3) Within 24 hours from the appointment, the appointed judges shall choose from among them, by secret vote, the president of the Central Electoral Bureau and his/her alternate. Within 24 hours from the election of the president of the Central Electoral Bureau, the bureau shall be completed with the president and the vice-presidents of the Permanent Electoral Authority, with a representative from each parliamentary political party and organisation of citizens belonging to national minorities having as members at least 7 senators or 10 deputies or which obtained parliamentary representation in the previous electoral campaign, as well as with the representative appointed by the parliamentary group of the national minorities within the Chamber of Deputies, notified in writing by them. The completion of the Central Electoral Bureau with the representatives of the political parties and of the organisations of citizens belonging to national minorities having as members at least 7 senators or 10 deputies or which obtained parliamentary representation in the previous electoral campaign shall be made cumulatively depending on the number of deputies and senators, to the maximum limit number of 12 representatives referred to in paragraph (1). Establishing the list of political parties and of the organisations of citizens belonging to national minorities having as members at least 7 senators or 10 deputies or which obtained parliamentary representation in the previous electoral campaign and the number of their parliamentaries shall be made by informing the general secretaries of the two Chambers of Parliament by the president of the Central Electoral Bureau. The completion of the Central Electoral Bureau shall be recorded in the minutes, which represent the establishment document. In this composition, the Central Electoral Bureau shall fulfil all the powers that are incumbent upon it according to this law.*

(4) Within 2 days from the date the candidatures have remained final, the political parties and the organisations of citizens belonging to national minorities having as members at least 7 senators or 10 deputies or which did not obtain parliamentary representation in the previous electoral campaign, the political and electoral alliances thereof, which take part in the elections, shall notify, in writing, to the Central Electoral Bureau, the first and last names of their representatives. All notifications sent after this deadline shall be disregarded.*

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

* Amended by Law No. 91/2020.

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

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

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

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

(10) The auxiliary technical apparatus of the Central Electoral Bureau shall be ensured by the Permanent Electoral Authority and the Ministry of Interior and the necessary statisticians, by the National Institute of Statistics.

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

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

b) to ensure publication in the Official Gazette of Romania, Part I, of the list containing the electoral names and symbols of the political parties, political alliances, electoral alliances and organisations of citizens belonging to the national minorities, legally set up, which are entitled to

* Amended by Law No. 91/2020.

take part in the elections and to communicate the list to all constituency electoral bureaus, immediately after their setting up;

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

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

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

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

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

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

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

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

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

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

m) to certify the allotment of a seat of Deputy to the organisation of citizens belonging to national minorities having met the conditions referred to in Article 56 and to deliver a certificate of proof to the Deputy appointed on this basis;

n) to send for publication the final results of the elections to the Autonomous Régie 'Monitorul Oficial';

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

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

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

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

(4) Within the meaning of this law, *electoral fraud* means any act incriminated by law committed before, during or after the closing of the

vote or during the counting of the votes and the drawing up of the minutes, which leads to the alteration of the will of the voters and the creation of advantages translated into more mandates for an electoral competitor.

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

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

Article 13 – (1) At the level of each of the 43 electoral constituencies, a constituency electoral bureau shall be set up, composed of 3 judges, a representative of the Permanent Electoral Authority and of 11 representatives, at the most, of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities taking part in the elections, under this law, in the respective electoral constituency. The premises of the constituency electoral bureau for the Romanian citizens domiciled or residing abroad are located in the Municipality of Bucharest.*

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

* Amended by Law No. 91/2020.

with representatives of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, according to this law.

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

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

(5) Within 48 hours from the date the constituency electoral bureaus are set up, the political parties and organisations of citizens belonging to national minorities having as members at least 7 senators or 10 deputies or which have obtained parliamentary representation in the previous electoral campaign must notify, in writing, to the constituency electoral bureaus, the first and last names of their representatives therein. All notifications sent after this deadline shall be disregarded.*

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

(7) The completion of the constituency electoral bureaus with representatives of the political parties and of the organisations of citizens belonging to national minorities having as members at least 7 senators or 10 deputies or which have obtained parliamentary representation in the previous electoral campaign, whose identity data have been communicated according to paragraph (5), shall be done in 24 hours from the expiry of the deadline set in paragraph (5), in the order of the number of deputies and senators.*

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

* Amended by Law No. 91/2020.

(9) Electoral offices are set up at the level of the sectors of the Municipality of Bucharest and are composed of a president, his/her alternate, a representative of the Permanent Electoral Authority and 7 representatives, at the most, of political parties, organisations of citizens belonging to national minorities, political alliances and electoral alliances.

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

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

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

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

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

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

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

b) to register the candidatures filed in the constituency;

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

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

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

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

stations or, where appropriate, of the electoral offices in the electoral constituency where they operate; the challenges shall be settled through decisions binding for the respective electoral bureau, as well as for the public authorities and institutions that they refer to, under the penalties referred to by this law;

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

h) to establish, at the level of the constituency, the number of mandates to which every political party, political alliance, electoral alliance, organisation of citizens belonging to a national minority, independent candidate taking part in the elections is entitled, according to this law, in accordance with the provisions of Article 94;

i) to issue to the candidates declared elected the certificate proving the election;

j) to remit to the Central Electoral Bureau the minutes including the result of the elections at the level of the electoral constituency in which they operate, as well as the objections, challenges and minutes received from the electoral bureaus of the polling stations;

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

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

(3) Sector electoral offices have the following powers:

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

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

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

d) to total the results of the elections, according to the minutes received from the electoral bureaus of the subordinated polling stations and to

send the results to the Constituency Electoral Bureau of the Municipality of Bucharest, to which they are subordinated;

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

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

Article 15 – (1) The electoral bureaus of the polling stations are composed of a president, his/her alternate, who are usually magistrates or legal experts, as well as of 7 members. The electoral bureaus of the polling stations cannot operate with less than 5 members.*

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

(3) In cases of force majeure, the Permanent Electoral Authority shall replace the presidents of the electoral bureaus of the polling stations or their alternates, by computerized random draw, from among the persons registered in the body of electoral experts, domiciled or residing in the respective county, pursuant to paragraph (2).

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

(5) Within 2 days, at the most, from the expiry of the deadline set in paragraph (2), the political parties, political alliances, electoral alliances and organizations of citizens belonging to national minorities taking part in the elections shall communicate to the constituency electoral bureau, respectively to the electoral office, in the case of the Municipality of Bucharest, the list of their representatives in the electoral bureaus of the polling stations, in the form of a table including the following: the

* Amended by Law No. 91/2020.

number of the polling station, the last name, the first name, the personal identification number, the domicile or the residence and the form of contact, respectively the telephone number, fax number or email address. A political party, a political alliance, an electoral alliance or an organization of citizens belonging to national minorities taking part in the elections cannot have, in the electoral bureau of a polling station, more than 3 representatives.

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

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

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

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

- a) has Romanian citizenship;
- b) knows Romanian, written and spoken;
- c) has the right to vote;
- d) enjoys a medical condition enabling him/her to hold the position in question;
- e) is not a member of any political party;

f) has obtained a university bachelor's degree in the field of legal sciences or in other fields;

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

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

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

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

a) meets the requirements in paragraph (1);

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

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

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

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

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

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

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

(7) The exam for joining the body of electoral experts may be attended by the persons under paragraph (6), who declare in writing to be fulfilling the requirements in points (a) to (g) of paragraph (1) and ask the Permanent Electoral Authority, upon written application, dated and signed, including

* Amended by Law No. 148/2019.

their last name, first name, personal identification number, domicile, residence, occupation, profession, telephone number and email address, to join the body of electoral experts on the basis of an exam.

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

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

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

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

(12) If an electoral expert cannot fulfil the position of president of an electoral bureau of a polling station or that of alternate thereof during a ballot, (s)he is bound to request the Permanent Electoral Authority, in writing, to be suspended from the body of electoral experts for the duration of the respective ballot, but no later than 30 days before the election date.

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

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

- a) last name;
- b) first name;
- c) father's initials;

d) domicile – only the county and locality or the Municipality of Bucharest and the sector, where appropriate, are included.

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

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

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

* Amended by Law No. 148/2019.

Article 17 – (1) The electoral bureaus of the polling stations abroad are composed of a president and of 8 members, at the most. The electoral bureaus of the polling stations abroad cannot operate with less than 3 members, of which one is president.

(2) The presidents of the electoral bureaus of the polling stations abroad are appointed by the Permanent Electoral Authority, 15 days before the date of the elections, in public session, announced 48 hours before, by computerised random draw, from among the persons enlisted in the body of electoral experts abroad.

(3) The staff of the diplomatic missions, consular offices, cultural institutes abroad, as well as other Romanian citizens with the right to vote, domiciled or residing abroad, are part of the body of electoral experts abroad. The provisions of Article 16 shall apply accordingly.

(4) The appointment of the presidents of the electoral bureaus of the polling stations abroad shall be done based on the criterion of the proximity of their domicile or residence to the premises of the polling station, as well as on the criterion of the studies completed. Priority is given to the staff of diplomatic missions and consular offices, consular sections, cultural institutes abroad, legal experts and then to holders of bachelor's degrees.

(5) The members of the electoral bureaus of the polling stations abroad are chosen, by random draw, upon proposal by the political parties, political alliances, electoral alliances and organisations of citizens belonging to the national minorities taking part in the elections, by the president of the electoral bureau of the constituency for the Romanian citizens domiciled or residing abroad.

(6) When the number of persons proposed according to paragraph (5) is insufficient or when these have not confirmed, up to 3 days before the vote, that they would take part in the activity of the electoral bureau of the polling station abroad, it can be completed by the president of the constituency electoral bureau no later than 2 days before the vote, up to the maximum number of members, with other representatives of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities.

(7) If, after conducting the operations referred to in paragraph (6), the number of members of the electoral bureau of the polling station is lower than the maximum number set by law, it can be completed by the president of the constituency electoral bureau for the Romanian citizens domiciled or residing abroad with other persons in the body of electoral experts abroad, including on the voting date.

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

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

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

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

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

e) to settle objections concerning their own activity;

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

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

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

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

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

Article 19 – (1) The political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities taking part in the elections according to this law, as well as independent candidates can challenge the way in which the electoral bureaus have been set up, as well as their composition, within 48 hours, at the most, from the expiry of the deadline for the establishment or, where appropriate, for the completion of these bureaus.

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

CHAPTER III

Polling stations

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

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

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

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

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

Article 21 – (1) The polling stations in the country shall remain unchanged, except for the changes requiring update. Any change, including those concerning the structure of the administrative-territorial

units or the town planning, shall be forthwith notified to the Permanent Electoral Authority by the mayors.

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

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

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

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

a) the polling stations cannot exceed the boundaries of the administrative-territorial units;

b) the same address of a voter cannot be assigned to several polling stations;

c) the number of voters assigned to a polling station cannot exceed 2,000;

d) the number of voters assigned to a polling station cannot be lower than 50;

e) the distance between the premises of the polling station and the voter's domicile/residence should not exceed, as a general rule, 3 km;

f) the area of the polling station must be, as a general rule, compact.

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

a) to use the official classification and names of the territorial-administrative units, of the component localities or villages pertaining thereto, of streets, of administrative numbers, of building numbers and/or names, in compliance with the official classifications and codes used by public authorities and institutions;

b) to use, insofar as possible, the status codes of streets, respectively their changes;

c) to include all existing streets, according to the street registry, approved by decision of the local council;

d) to include all streets that no longer exist and that are mentioned in the ID documents or proofs of residence.

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

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

Art. 22¹. – The mayors shall be compelled to provide accessibility for the voting premises, according to the methodology approved by decision of the Permanent Electoral Authority.*

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

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

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

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

(5) Starting with the 15 day from the electoral period until 20 days at the most before the voting day, the Ministry of Foreign Affairs shall communicate to the Permanent Electoral Authority, in stages, the diplomatic missions and the consular offices' proposals regarding the premises of the polling stations from abroad, provided by paragraphs (1) to (4), as soon as they are completed.

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

- a) the summary of the meetings between the diplomatic missions and the consular offices;**
- b) the summary of the meetings with persons who represent Romanian citizens that are abroad and the criteria used for their selection;**

* Inserted by Government Emergency Ordinance No. 29/2019.

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

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

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

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

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

CHAPTER IV

The Electoral Register and electoral lists

Section 1

The Electoral Register

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

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

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

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

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

d) drawing up the permanent electoral lists;

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

* Amended by Law No. 148/2020, with the exception of paragraphs (5) and (7), amended by Government Emergency Ordinance No. 64/2019.

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

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

Article 26 – (1) The persons authorized to conduct operations in the Electoral Register including the Romanian citizens domiciled or residing in the country are the mayors or the persons appointed by the mayors, by order, according to law. The persons authorized to conduct operations in the Electoral Register including the Romanian citizens domiciled or residing abroad are the persons appointed by the Permanent Electoral Authority. The Ministry of Foreign Affairs can appoint, with the Permanent Electoral Authority's assent, persons authorised to make inquiries in the Electoral Register including the Romanian citizens domiciled or residing abroad.

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

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

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

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

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

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

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

Article 28 – (1) The access of an authorised person to the Electoral Register shall be done by using the authentication data provided by the Permanent Electoral Authority or by using an extended electronic signature based on a qualified certificate issued by an authorised certification service provider, generated through a secure device for creating signatures, which allows a positive identification of the authorised person.

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

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

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

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

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

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

(2) The persons empowered by order of the President of the Permanent Electoral Authority shall carry out the communications referred to by this law through the Electoral Register.

Article 31 – (1) The Permanent Electoral Authority shall draw up and adopt instructions concerning the security measures related to the administration and use of the Electoral Register, concerning:

a) equipment and computer system access control, in order to prevent access by unauthorised persons to the equipment used for conducting operations in the Electoral Register;

b) data support control, in order to prevent unauthorised reading, copying, amending or erasing of the data support;

c) storage control, in order to prevent unauthorised data input and unauthorised data inspection, modification or erasing;

d) usage control, in order to prevent the use of automated data processing systems by unauthorised persons with the help of data transmission equipment;

e) data access control, in order to limit the access of the persons authorised to use the Electoral Register only to the data for which they have been authorised;

f) data input control, in order to ensure a subsequent verification and identification of the data introduced in the Electoral Register, when and by whom such were introduced;

g) data transport and transfer control, in order to prevent unauthorised data reading, copying, modification or erasing during their transmission or during data support transport, through securing technical measures;

h) control of the communications specific to the Electoral Register, in order to ensure the verification and identification of the authorities/bodies that received or can receive personal data, by using communication equipment.

(2) In order to fulfil its powers related to the administration and technical support necessary for the functioning of the Electoral Register, to the coordination and methodological guidance of the persons authorised to operate in the Electoral Register, as well the control of the observance of the legal provisions applicable in this field, the Permanent Electoral Authority shall adopt technical, operative and procedural measures, according to the following principles:

a) *confidentiality* – providing access to information only for the persons authorised depending on their skills;

b) *integrity* – ensuring the exact and complete nature of the information, as well as the processing methods;

c) *availability* – ensuring access to information within the deadline required;

d) *identification and authentication* – ensuring the identification and authentication of all duly authorised persons, depending on their skills, before any operation;

e) *authorisation* – authorising the participants for accessing the data in the Electoral Register, depending on their skills.

(3) The Permanent Electoral Authority is authorised to take measures to prevent the loss of information and to ensure their recovery in fortuitous events or in cases of force majeure.

(4) The National Cyber Incident Response Centre – CERT-RO makes free audits of the Electoral Register's security.

Article 32 – Access to and operations in the Electoral Register shall be carried out via the Internet.

Article 33 – (1) The data to be included in the Electoral Register for each voter domiciled in Romania are the following:

- a) last name and first name, as well as the last name before marriage or before the administrative name change;
- b) date of birth;
- c) place of birth;
- d) personal identification number;
- e) country of residence, where appropriate;
- f) domicile address;
- g) residential address, in the country, as well as its period of validity;
- h) series and number of the ID document;
- i) date of issuance of the ID document;
- j) date of expiry of the ID document;
- k) number of the polling station.

(2) The data to be included in the Electoral Register for each voter domiciled abroad are the following:

- a) last name and first name, as well as the last name before marriage or before the administrative name change;
- b) date of birth;
- c) place of birth;
- d) personal identification number;
- e) domicile address;
- f) passport number;
- g) passport issuance date;
- h) passport expiry date.

(3) Besides the data mentioned in paragraph (2), for each voter domiciled abroad and temporarily living in Romania, the following data are included:

- a) residential address in Romania;
- b) series and number of the temporary ID document;
- c) date of issuance of the temporary ID document;
- d) date of expiry of the temporary ID document.

(4) Besides the data mentioned in paragraph (1), for each voter domiciled in Romania and residing abroad, the residential address abroad, his/her option concerning the postal voting and the postal code of the residential address abroad can also be included.*

(5) Besides the data mentioned in paragraph (1), for each voter domiciled abroad and residing in another country, the residential address abroad, his/her option concerning the postal voting and the postal code of the domicile or residential address abroad can also be included.*

Article 34 – Besides the data referred to in Article 33, the email address provided by the voters can also be included in the Electoral Register. Such

* Amended by Law No. 288/2015.

information shall be visualised and used exclusively by the Permanent Electoral Authority.

Article 35 – (1) The registration, in the Electoral Register, of the Romanian citizens having turned or turning 18 years old until the elections' day inclusively, shall be done, *ex officio*, by the Permanent Electoral Authority, based on the communication by the Directorate for Persons Record and Databases Management.

(2) After obtaining Romanian citizenship, people having turned 18 years old shall be registered in the Electoral Register, *ex officio*, by the Permanent Electoral Authority, based on the communication by the Directorate for Persons Record and Databases Management.

Article 36 – Removal of a voter from the Electoral Register shall be done in case of death, loss of Romanian citizenship, prohibition from exercising the right to vote or if declared legally incapable.

Article 37 – (1) Removal of voters domiciled in Romania from the Electoral Register in case of death shall be done *ex officio*, based on the official documents or communications, or upon the concerned person's request, based on the death certificate, only by authorised persons.

(2) *Ex officio* removal of deceased voters domiciled in Romania shall be done by the persons authorised to do so in the administrative-territorial unit within whose territorial jurisdiction the death certificate was drawn up, including for voters that are not domiciled in the respective administrative-territorial unit, within 48 hours from the issuance of the death certificate.

(3) *Ex officio* removal of deceased voters domiciled in Romania can also be done based on the communication by the Permanent Electoral Authority done through the Electoral Register.

(4) Any person concerned can request the mayor of the administrative-territorial unit within whose territorial jurisdiction the deceased voter domiciled in Romania had his/her last domicile his/her removal from the Electoral Register, based on a written, dated and signed request, accompanied by a copy of the death certificate, filed personally or through mail. The removal shall be done within 5 working days from the registration of the request, at the most.

(5) Any person concerned can address the mayor a written, dated and signed referral, concerning the situations in which a deceased voter, having his/her last domicile in the respective administrative-territorial unit, appears on the permanent electoral lists. The referral shall include the last name, first name and personal identification number of the deceased or other relevant data concerning the identity of the deceased.

(6) In the case referred to in paragraph (5), the mayor, through its specialised apparatus, is bound to verify the information existing in the civil status registry, as well as in the other records kept. Removal shall be

done, where appropriate, within 10 working days, at the most, from the date the referral is registered.

(7) Removal of a voter domiciled abroad from the Electoral Register, in case of his/her death shall be done, *ex officio*, based on the official documents or communications or upon request by the person concerned, based on a copy of the death certificate, by authorised persons or by the Permanent Electoral Authority, where appropriate. The provisions of paragraphs (2) to (6) shall apply accordingly.

Article 38 – In case of loss of the Romanian citizenship, persons having turned 18 years old shall be removed from the Electoral Register, *ex officio*, by the Permanent Electoral Authority, based on the notification from the National Authority for Citizenship.

Article 39 – (1) If prohibited from exercising the right to elect, voters shall be removed from the Electoral Register while carrying out their sentence, *ex officio*, by the person authorised to do so in the administrative-territorial unit of their domicile, within 24 hours from the date of dispatch, by the court of law, of a copy of the operative part of the ruling, sent according to Article 562 of Law No. 135/2010 on the Criminal Procedure Code, as subsequently amended and supplemented and to Article 29 paragraph (1) point (d) of Law No. 253/2013 on the execution of sentences, of educational measures and of other non-custodial measures ordered by the judicial bodies during the criminal proceedings.

(2) If declared legally incapable, the voters shall be removed from the Electoral Register, *ex officio*, by the person authorised to do so in the administrative-territorial unit of their domicile, based on the notification, through the Electoral Register, by the person authorised to do so in the administrative-territorial unit where the birth of the person declared legally incapable has been recorded, within 24 hours from the date of dispatch, by the court of law, of the certified copy of the ruling, dispatched according to Article 941 paragraph (1) point (a) of Law No. 134/2010 on the Civil Procedure Code, republished.

(3) Removal, from the Electoral Register, of the voters prohibited from exercising their right to elect or declared legally incapable can be done by the person authorised to do so in the administrative-territorial unit of their domicile and based on the notification of such cases by the Permanent Electoral Authority through the Electoral Register.

(4) Upon the expiry of the duration of the sentence concerning the prohibition to exercise the right to elect, voters shall be automatically re-enlisted in the Electoral Register.

(5) Removal of a voter domiciled abroad from the Electoral Register, if prohibited from exercising the right to elect or if declared legally incapable, shall be done by the person authorised to do so in the administrative-

territorial unit of his/her last domicile. The provisions of paragraphs (1) to (4) shall apply accordingly.

Article 40 – (1) In order to clarify certain specific situations related to certain persons registered in the Electoral Register, which are in one of the cases referred to in Article 37, respectively in Article 39, the mayor can address the local community public service for persons record in the territorial-administrative unit of the respective person's domicile, in order to obtain the information necessary for the update of the Electoral Register.

(2) In the situation referred to in paragraph (1), the local community public service for persons record is bound to answer the mayor's request within 5 working days, at the most, from the date of its registration.

Article 41 – (1) Modifications, in the Electoral Register, concerning the change in domicile in Romania shall be done *ex officio*, according to the normative acts in force that regulate the activity related to persons record.

(2) The update, in the Electoral Register, of the data related to domicile, shall be done by the persons authorised to do so, within 24 hours, at the most, from the notification, through the Electoral Register, of the modifications concerning the domicile, by the Permanent Electoral Authority.

(3) The update, in the Electoral Register, of the data related to name changes shall be done by the persons authorised to do so, within 24 hours, at the most, from the notification, in the Electoral Register, by the Permanent Electoral Authority, of the changes concerning the voters' names.

Article 42 – (1) No later than 45 days before the date of the elections, any voter registered in the Electoral Register with his/her domicile can address, to the mayor of the administrative-territorial unit of his/her residence, through mail or in person, a written application, dated and signed, including his/her last name, first name and domicile, in order to be registered in the Electoral Register with the residential address, for the ballot in question, accompanied by a copy of his/her ID document and a copy of the proof of residence.

(2) **Starting with the date of 1st of April of the year in which parliamentary elections took place in due time, and until the expiry date of at most 15 days from the date of the beginning of the electoral period, the voter who wants to vote abroad at the parliamentary elections may register in the electoral Register as a voter abroad, by means of an online form that is found on the site of the Permanent Electoral Authority, on which he/she shall register his/her name, surname, personal identification number, locality and the state where he/she shall choose to vote, to which he/she shall add a scanned copy or the photo of his/her identity card.***

* Amended by Law No. 148/2019.

(3) Each voter registered in the Electoral Register with his/her domicile or residence abroad shall be assigned to a single polling station.

(4) The models for the applications referred to in paragraphs (1) and (2) are established through decision of the Permanent Electoral Authority.

(5) The voters registered in the Electoral Register with their domicile in the country and with their residence abroad, as well as those with their domicile abroad, shall vote only in the polling station to which they have been assigned, with the exceptions referred to by this law.

(6) The voters referred to in paragraph (5), who have changed their domicile or residence abroad after the expiry of the deadline set in paragraph (2), shall vote only in the polling stations organised with Romania's diplomatic mission, consular offices, consular sections and cultural institutes abroad.

Article 43 – The documents referred to in Article 42 paragraph (2) shall be remitted to the Permanent Electoral Authority by the diplomatic missions or consular offices, where appropriate, within 24 hours from their receipt, in compliance with the procedure set out in Article 93 paragraph (11).

Article 44 – (1) The operations for the update of the Electoral Register, referred to in Article 42 paragraph (1) shall be carried out by authorised persons, within 10 working days, at the most, from the date the application is registered.

(2) The operations for the update of the Electoral Register, referred to in Article 42 paragraph (2) shall be carried out by the persons empowered, by order of the President of the Permanent Electoral Authority, within 10 working days, at the most, from the date the application is registered.

Article 45 – (1) The assignment of voters to polling stations in the country shall be done automatically, through the Electoral Register, based on the entries concerning their domicile or residence in the ID document or in the documents proving their residence, according to this law.

(2) If the entries related to domicile or residence in the ID document do not allow an automatic assignment of the voters domiciled or residing in the country, the authorised person shall ensure their manual assignment based on the information held by the town hall, in compliance with the criteria set out by this law.

(3) In order to implement paragraph (2), any official sources of data concerning the identity of the voters and the territory of the administrative-territorial unit, administered by the town hall, can be used.

(4) If the information referred to in paragraph (2) are insufficient for a manual assignment of the voters, these shall be assigned alphabetically to polling stations, in compliance with the criteria referred to by this law.

(5) If the assignment of the voters domiciled or residing in the country is not possible according to paragraphs (1) to (4), these shall be assigned to the first polling station of the respective locality.

(6) The assignment of voters to the polling stations organised abroad shall be carried out by the persons empowered by order of the President of the Permanent Electoral Authority, based on the data and information provided by the voters under Article 42 paragraph (2).

Article 46 – (1) The Directorate for Persons Record and Databases Management within the Ministry of Interior shall communicate to the Permanent Electoral Authority, according to the format and deadlines set by protocol, the data referred to in Article 33 paragraph (1) points (a) to (j) and in Article 33 paragraph (3), the cases of people prohibited from exercising the electoral rights and the cases of people declared legally incapable, updates of the personal data of the Romanian citizens with the right to vote and information concerning the deceased, respectively those with mentions of death, registered in the National Registry of Persons Record.

(2) The General Directorate for Passports within the Ministry of Interior shall communicate to the Permanent Electoral Authority, according to the format and deadlines set by protocol, the data referred to in Article 33 paragraph (2).

(3) The National Authority for Citizenship shall communicate to the Permanent Electoral Authority, according to the format and deadlines set by protocol, the nominal records of the persons having lost their Romanian citizenship, as well as that of persons of over 18 years old, who have obtained Romanian citizenship.

Article 47 – (1) Voters shall have the right to verify their registration in the Electoral Register. Rebuttals against omissions, wrong entries and any other errors in the Electoral Register shall be filed with the county offices or branches of the Permanent Electoral Authority, the latter being bound to adjudicate on them, through decision, within 3 days, at the most, from the date of their registration.

(2) Challenges against the decisions rendered according to paragraph (1) shall be settled within 3 days, at the most, from the date of their registration, by the court of first instance within whose territorial jurisdiction the voter is domiciled, by final ruling.

(3) Challenges against the decisions rendered according to paragraph (1), concerning voters domiciled abroad, shall be settled within 3 days, at the most, from the date of their registration, by the Court of First Instance of Sector 1 of the Municipality of Bucharest, by final ruling.

Section 2

Electoral lists

Article 48 – The electoral lists shall include the citizens with the right to vote registered in the Electoral Register. These are permanent and supplementary.

Article 49 – (1) The permanent electoral lists in the country shall be drawn up and printed by the mayors, by polling stations, based on the data and information in the Electoral Register.

(2) The Romanian voters having sent applications under Article 42 paragraph (2) shall be registered on the permanent electoral lists abroad.

(3) The permanent electoral lists from abroad shall be drawn up and printed by the Permanent Electoral Authority and shall be sent to the electoral bureau for the Romanian citizens domiciled or residing abroad, within 5 days from the expiry of the deadline referred to in Article 23 paragraph (7).*

(4) No later than 10 days before the date of the elections and no later than 24 hours from the request, mayors must make available for political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities taking part in the elections, upon their request and at their expense, an excerpt from the Electoral Register containing the voters in the respective administrative-territorial unit, i.e. their last name, first name, date of birth and domicile, as well as the polling station to which they were assigned, on electronic support or on paper.

(5) The permanent electoral lists including the voters domiciled or residing in Romania shall be printed by the mayors, in 2 copies, no later than 3 days before the date of the elections and they shall include: the last name and first name of the voter, his/her personal identification number, domicile or residence, where appropriate, the series and number of his/her ID document, the number of the electoral constituency, the number of the polling station and a section for the voter's signature. The permanent electoral lists including the voters domiciled or residing in Romania shall be signed by the mayor and the secretary of the administrative-territorial unit. A copy shall be kept by the secretary of the administrative-territorial unit and a copy shall be entrusted to the electoral bureaus of the polling stations.

(6) The permanent electoral lists abroad shall include: the last and first name of the voter, his/her personal identification number, domicile or residence abroad, where appropriate, the series and number of the identity document, the number of the electoral constituency, the number of polling station and a column destined for the voter's signature. The permanent electoral lists abroad shall be signed by the proxies of the Permanent Electoral Authority.

Article 50 – (1) The Permanent Electoral Authority shall communicate to the Central Electoral Bureau, within 24 hours from its setting up, at the most, the number of voters registered in the Electoral Register and the minimum non-rounded integer of signatures necessary for supporting the candidatures at national level, as well as in every electoral constituency.

* Amended by Law No. 148/2019.

(2) Within 24 hours from the setting up of the constituency electoral bureaux, the Central Electoral Bureau shall communicate the information in paragraph (1) to them.

(3) All communications shall be forthwith made public, by being posted on the Central Electoral Bureau's website or on the websites of the constituency electoral bureaux, where appropriate.

Article 51 – (1) Additional electoral lists shall be drawn up in the cases referred to by this law and they shall include the elements referred to in Article 49 paragraphs (5) and (6), where appropriate. The additional electoral lists shall be signed by the president of the electoral bureau of the polling station where they have been drawn up.

(2) The additional electoral lists used in the polling stations in the country shall include, entered by the president of the electoral bureau of the polling station, the following persons:

a) the persons going to the polls and proving to be domiciled or residing within the jurisdiction of the respective polling station, but who have been omitted from the permanent electoral list;

b) the persons going to the polls and proving to be residing within the jurisdiction of the respective polling station, but who have not requested to be registered in the Electoral Register with their residential address;

c) the persons who, on the day of the vote, are in a different administrative-territorial unit than the one of their domicile or residence and who prove to be domiciled or residing within the jurisdiction of the electoral constituency where the respective polling station is located;

d) the members of the electoral bureaux of the polling stations and computer operators, if domiciled or residing within the jurisdiction of the electoral constituency where the respective polling station is located;

e) the persons responsible for ensuring the order or for monitoring those in charge of maintaining the order, if domiciled or residing within the jurisdiction of the electoral constituency where the respective polling station is located;

f) the candidates, if they stand as candidates in the respective electoral constituency.

(3) The additional electoral lists used in the polling stations abroad shall include, entered by the president of the electoral bureau of the polling station, the following persons:

a) the persons going to the polls in the polling stations set up with Romania's diplomatic missions, consular offices, consular sections and cultural institutes abroad and proving to be domiciled or residing abroad, who are not on the permanent electoral lists of the polling stations abroad;

b) the staff of diplomatic missions and consular offices, consular sections and cultural institutes abroad;

c) the members of the electoral bureaus of the polling stations and computer operators abroad, if domiciled or residing abroad;

d) the candidates, if they stand as candidates in the respective electoral constituency abroad.

(4) Objections filed concerning the additional electoral lists shall be settled by the electoral bureau of the polling station, by decision.

(5) Within the polling stations set up apart from the diplomatic missions, the consular offices, the consular sections or the cultural institutes abroad, there shall be utilised only additional electoral lists.*

(6) In the polling stations abroad set up outside Romania's diplomatic missions and consular offices, consular sections and cultural institutes abroad, only the voters enlisted in the permanent electoral lists and the members of the electoral bureau of the polling station, as well as the computer operators, referred to by this law, can exercise their right to vote.

CHAPTER V

Candidatures

Article 52 – (1) The lists of candidates and independent candidatures for the Senate and the Chamber of Deputies shall be filed with the constituency electoral bureaus, no later than 45 days before the election date.

(1¹) The lists of candidates and independent candidatures for the Senate and the Chamber of Deputies in the electoral constituency for the Romanian citizens domiciled or residing abroad shall be filed with the electoral bureau for the Romanian citizens domiciled or residing abroad, no later than 60 days before the election date.**

(1²) The lists of candidates proposed by the organisations of citizens belonging to national minorities for all electoral constituencies, according to Article 54 paragraph (4), shall be filed with the Central Electoral Bureau, no later than 60 days before the election date.**

(2) The lists of candidates for the election of Senators and Deputies must be drawn up so as to ensure representation of both genders, except for the lists including a single candidate.

(3) The number of candidates on each list can be higher than the number of mandates resulting from the representation rate by 2 and up to a quarter of the total number of mandates; fractions are rounded up to 1, regardless of their value.

(4) In the same electoral constituency, a political party, political alliance or electoral alliance can propose, for each Chamber of Parliament, just one list of candidates. The political parties in the political alliances or electoral

* Amended by Law No. 148/2019.

** Inserted by Law No. 288/2015.

alliances can participate in the elections only on the alliance's lists. A party can be a member of a single political alliance or electoral alliance.

(5) No independent candidatures shall be accepted on the lists of candidates filed by the political parties, political alliances or electoral alliances. No lists of independent candidates shall be accepted.

(6) The same person can stand as candidate either for a mandate of Deputy or for a mandate of Senator and only in one electoral constituency.

(7) Candidatures on several lists of candidates or both on lists and as independent are null as of right. The nullity shall be ascertained by decree of the electoral bureau of the electoral constituency or, where appropriate, of the Central Electoral Bureau.

(8) Nominations shall be done in 4 copies, by the political parties, political alliances, electoral alliances, organisations of citizens belonging to the national minorities taking part in the elections, under the signature of their managing bodies or of the persons appointed to sign them, and, in the case of independent candidates, based on the declaration of acceptance of the candidature signed by them.

(9) In the case of political alliances and electoral alliances, the nominations shall be signed by the management bodies of every party in the alliance.

(10) Nominations must include the electoral constituency, the candidate's last name, first name, personal identification number, domicile, place and date of birth, occupation, profession, as well as the Chamber of Parliament for which (s)he runs, and, in the case of political or electoral alliances, the party having proposed him/her.

(11) Nominations shall be accompanied by the statements of acceptance of the candidature, signed and dated by the candidates, as well as by the declaration of assets and of interests of each candidate.

(12) The statement of acceptance of the candidature shall include the electoral constituency in which (s)he runs, the last name, first name, personal identification number, political party or alliance having proposed him/her, profession, occupation and political affiliation of the candidate, his/her express consent to stand as candidate for the respective function, as well as the mention to be meeting the conditions set by law for standing as candidate.

(13) All candidates born before 1 January 1976 shall give a sworn statement, according to the criminal law, concerning their membership or not to the former 'Securitate'* as the political police.

(14) Cannot stand as candidates the persons who, on the date of filing of the candidature, do not meet the requirements set by law for being elected.

Article 53 – (1) For the purpose of registering the candidatures, every political party, political alliance, electoral alliance or organisation of

* The Communist State Security Service.

citizens belonging to national minorities shall submit, to the constituency electoral bureau, 4 files including the following:

a) 2 original copies and 2 copies of the list of candidates for the respective constituency, including the data referred to in Article 52 paragraphs (8) to (10);

b) copies of the candidates' ID documents;

c) 2 original copies and 2 copies of the statements of acceptance of the candidature, referred to by Article 52 paragraphs (11) and (12);

d) 2 original copies and 2 copies of the declarations of assets and of interests of the candidates, according to the models referred to in the appendix to Law No. 115/1996 for declaring and controlling the assets of dignitaries, magistrates, persons holding management and control positions and public servants, as subsequently amended and supplemented;

e) 2 original copies and 2 copies of the statements of the candidates born before 1 January 1976 concerning their membership or not to the former 'Securitate' as the political police, to be drawn up according to the model in the appendix to Government Emergency Ordinance No. 24/2008 on access to one's file and the exposing of the former 'Securitate', approved as amended and supplemented by Law No. 293/2008, as subsequently amended.

(2) The files of candidature referred to in paragraph (1) shall be accompanied by an original copy of the list of supporters and a copy thereof or by the proof of these lists being filed with the Central Electoral Bureau.

Article 54 – (1) The political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, filing to the Central Electoral Bureau a list of supporters including at least 1% of the total number of voters registered in the Electoral Register at national level, can submit lists of candidates in all electoral constituencies. In this case, the provisions of Article 53 paragraph (2) on the number of original copies and copies of the list of supporters shall apply accordingly.

(2) Political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, choosing to submit the lists of supporters to the constituency electoral bureaus, can submit lists of candidates only if they enjoy the support of at least 1% of the total number of voters registered in the Electoral Register with their domicile or residential address in the respective constituency, without their number being lower than 1,000 voters.

(3) Independent candidates must enjoy the support of at least 1% of the total number of voters registered in the Electoral Register with their domicile or residential address in the respective constituency, without their number being lower than 1,000 voters.

(4) Notwithstanding the provisions of Article 52 paragraph (6), the organisations of citizens belonging to the national minorities referred to in Article 56 shall file with the Central Electoral Bureau the same list of candidates, in all electoral constituencies, with the due application of Article 53 paragraph (1), without needing other support than that referred to in Article 56.

(5) The list of supporters must contain the date of the elections, the name of the political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities or the last name and first name of the independent candidate, where appropriate, the last name and first name of the supporter, his/her personal identification number, date of birth, address, name, series and number of the ID document, as well as his/her signature. The list shall also mention the last name, first name and personal identification number of the person having drawn up the list. The person having drawn up the list is bound to file a sworn statement ascertaining the accuracy of the supporters' signatures.

(6) The list of supporters represents a public document, with all the consequences referred to by law. The model for the list of supporters is set in Appendix 2, which is a part of this law.

(7) Only those citizens with the right to vote and domiciled or residing in the electoral constituency for which candidates are being proposed can be supporters. A supporter can support several lists of candidates or independent candidates.

Article 55 – (1) For the purpose of registering the nomination, every independent candidate shall submit personally, to the constituency electoral bureau, 4 files including the following:

a) 2 original copies and 2 copies of the request to register his/her candidature, under his/her own signature, including the data referred to in Article 52 paragraph (10), while indicating the position for which (s)he runs;

b) the documents referred to in points (b) to (e) of Article 53 paragraph (1).

(2) The files of candidature referred to in paragraph (1) shall be accompanied by an original copy of the list of supporters and a copy thereof.

Article 56 – (1) The organisations of citizens belonging to a national minority, legally set up, which have not obtained in the elections at least one seat of Deputy or Senator are entitled, according to Article 62 paragraph (2) of the Romanian Constitution, republished, to a seat of Deputy, if they have obtained, at national level, a number of votes equal to at least 5% of the average number of validly cast votes at national level for the election of a Deputy. The average number of validly cast votes at national level for the election of a Deputy represents the non-rounded integer of the ratio between the number of validly cast votes obtained at national level by all political parties, political alliances, electoral alliances or organisations of

citizens belonging to the national minorities having met the requirement referring to the electoral threshold, the validly cast votes obtained by the independent candidates having received mandates and the total number of mandates for the Chamber of Deputies according to Appendix 1.

(2) The organisations of citizens belonging to the national minorities represented in the Parliament can submit candidatures.

(3) By *national minority* we understand the ethnicity represented in the Council of National Minorities.

(4) Other organisations of citizens belonging to the national minorities, legally set up and of public utility, submitting to the Central Electoral Bureau, within 30 days from the date the election date is set, a list of members including at least 15% of the total number of citizens having declared, at the last census, as belonging to the respective minority, can also submit candidatures.

(5) If the number of members required for meeting the conditions set in paragraph (4) is above 20,000 people, the list of members must include at least 20,000 persons domiciled in at least 15 of the country's counties and the Municipality of Bucharest, but not less than 300 people for each of these counties and for the Municipality of Bucharest.

(6) The list of members shall be drawn up by localities and by counties and it shall include: the name of the organisation, the members' last name and first name, personal identification number, date of birth, domicile, name, series and number of the ID document, their signatures, as well as the last name and first name of the person having drawn it up. The person having drawn up the list is bound to file, together with it, a sworn statement certifying the accuracy of the members' signatures, as well as the fact that the list has been drawn up for the purpose of taking part in the parliamentary elections of the respective year.

(7) Under this law, the organisations of citizens belonging to the national minorities, referred to in paragraphs (1) to (4), shall be covered by the same legal regime as the political parties only during the electoral period.

(8) The provisions of paragraph (1) shall not apply to the organisation of citizens belonging to national minorities having participated in the elections as part of an electoral alliance.

(9) The seat of Deputy allotted according to paragraph (1) shall be granted beyond the total number of Deputies resulting from the representation rate.

(10) The organisations referred to in paragraphs (1) to (4) can take part in the elections and can file candidatures only under the name and with the electoral symbol of the respective organisation.

Article 57 – (1) Political parties, political alliances and organisations of citizens belonging to national minorities can come together only at national level, based on a protocol, forming an electoral alliance, for the purpose of participating in the election of the Senate and the Chamber of Deputies.

A political party, a political alliance or an organisation of citizens belonging to national minorities can be the member of a single electoral alliance. The electoral alliance having participated in the previous elections under a name can keep it only if it has not changed its initial composition. Moreover, the respective name cannot be used by another alliance.

(2) The protocol establishing the electoral alliance shall be filed with the Central Electoral Bureau within 5 days from its setting up.

(3) The Central Electoral Bureau shall decide, in public session, about accepting or dismissing the protocol for the setting up of the electoral alliance, within 24 hours from its filing.

(4) The decision of the Central Electoral Bureau accepting the protocol establishing the electoral alliance can be challenged by any natural or legal person concerned before the High Court of Cassation and Justice, within 24 hours from its rendering.

(5) The decision of the Central Electoral Bureau dismissing the protocol establishing the electoral alliance can be challenged by the signatories of the protocol before the High Court of Cassation and Justice, within 24 hours from its rendering.

(6) The High Court of Cassation and Justice shall rule on the challenges in paragraphs (4) and (5), within 24 hours from the registration of the challenge, by final ruling.

(7) The other provisions of this law concerning political alliances shall apply accordingly to electoral alliances as well.

Article 58 – (1) The constituency electoral bureau shall examine the observance of the legal requirements for the exercise of the right to be elected, the observance of the substantive and formal conditions of the list of supporters, registering the candidatures meeting these conditions or dismissing the registration of those that do not meet the legal conditions.

(2) The original copies of the nominations shall be kept at the constituency electoral bureau and the other 2, certified by the constituency electoral bureau through the signature of its president, while mentioning the date and time, the registration number and by affixing the stamp, shall be remitted to the applicant. One of the copies remitted to the applicant shall be registered by the latter, within 48 hours from remittance, with the county court in whose territorial jurisdiction the electoral constituency is located. For the electoral constituency for the Romanians domiciled or residing abroad, the registration shall be done with the Bucharest County Court.

(3) Within 24 hours from the registration of each candidature, one of the copies of the nomination shall be displayed by the constituency electoral bureau at its premises, in a visible place.

(4) Candidates can renounce their candidature, by the time limit for submitting candidatures. For this purpose, the person concerned shall

give a sworn statement that (s)he shall file with the constituency electoral bureau.

(5) Electoral competitors can withdraw a nomination and make a different such nomination by the time limit for submitting candidatures. The withdrawal of the candidatures shall be done through an application signed by the same persons who signed the nomination.

(6) In the event of a renunciation to a candidature after the time limit for submitting the candidatures, the electoral competitors shall not have the possibility to replace the candidate. In case of death of a candidate after the time limit for submitting the candidatures, the electoral competitors shall not have the possibility to replace him/her.

(7) If the death occurred before the printing of the ballot papers, the respective candidate shall no longer be included on the ballot paper. If the death occurred after the printing of the ballot papers, the voting shall be carried out on the ballot papers thus printed and the deceased candidate shall not be allotted any mandates.

Article 59 – (1) The acceptance, by the constituency electoral bureau or by the Central Electoral Bureau, where appropriate, of a candidature, shall be done within 48 hours from its submission, through decision and it can be challenged by the citizens holding the right to vote, political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, within 48 hours at the most from the date the decision of acceptance is posted.

(2) Dismissal, by the constituency electoral bureau or by the Central Electoral Bureau, where appropriate, of a candidature, shall be done within 48 hours from its submission, through decision and it can be challenged by the candidate or by the electoral competitors having made the respective nomination, within 48 hours from the date the candidature dismissal is posted.

(3) The Central Electoral Bureau and the constituency electoral bureaus shall draw up minutes indicating the date and time the decision for the acceptance or, where appropriate, dismissal of a candidature is posted.

(4) Candidatures in several electoral constituencies or both for the office of Senator and for that of Deputy, except for those referred to in Article 54 paragraph (4), are null as of right. The nullity shall be ascertained by decision of the Central Electoral Bureau.

(5) Challenges shall include the last name and first name, address and capacity of the dissenter, the last name and first name of the person whose candidature was accepted or dismissed, a presentation of the grounds of the challenge, the date and signature of the dissenter and the indication, where appropriate, of the person appointed to represent the dissenter.

(6) The challenge and the request for appeal shall be filed with the court competent to settle them, under penalty of nullity.

(7) Challenges concerning the decisions of acceptance or dismissal of candidatures adopted by the constituency electoral bureaus shall be settled within 48 hours from their registration, by the county court in whose territorial jurisdiction the electoral constituency is located. Challenges concerning the decisions of acceptance or dismissal of candidatures adopted by the Central Electoral Bureau or by the constituency electoral bureau for the Romanian citizens domiciled or residing abroad shall be settled by the Bucharest County Court. The ruling shall be posted at the premises of the court having delivered it, in a visible place.

(8) An appeal can be lodged against the ruling issued following the challenge, within 48 hours from its issuance, with the hierarchically superior court. The appeal shall be settled within 48 hours from its registration.

(9) The ruling issued following the appeal is final.

Article 60 – (1) On the date the time limits for submitting the candidatures expire, to which the time limits referred to in Article 59 paragraphs (1), (2), (7) and (8) are added, where appropriate, the constituency electoral bureaus and the Central Electoral Bureau shall draw up the minutes ascertaining that the candidatures have remained final.*

(2) The Central Electoral Bureau shall communicate to all constituency electoral bureaus the candidatures, at national level, of the organisations of citizens belonging to national minorities, within 24 hours, at the most, from the date these are ascertained as being final.

(3) Within 24 hours, at the most, from the expiry of the time limit set out in paragraph (2), the constituency electoral bureau shall order the prefect to draw the models of the ballot papers.

(4) The constituency electoral bureaus shall post, at their premises, the final candidatures, while indicating the last name and first name, locality of domicile, political affiliation, profession and occupation of the candidate. Final candidatures can be made public in the press and by any forms of media, their costs being covered by the entities concerned.

CHAPTER VI

Ballot papers and voting stamps

Article 61 – (1) The model, dimensions and printing conditions of the ballot papers shall be established by decree of the Permanent Electoral Authority.

(2) The order in which the lists of candidates and independent candidatures are registered on the ballot paper shall be established by the constituency electoral bureau, as follows:

* Amended by Law No. 288/2015.

a) in the first stage, the political parties and the organisations of citizens belonging to national minorities having as members at least 7 senators or 10 deputies or which have obtained parliamentary representation in the previous electoral campaign, as well as the political and electoral alliances which consist of an at least one political party or organisation of citizens belonging to national minorities having as members at least 7 senators or 10 deputies or which have obtained parliamentary representation in the previous electoral campaign, shall be chosen by random draw;

b) in the second stage, the political parties, political alliances and electoral alliances, other than those provided in point a), as well as the organisations of citizens belonging to national minorities, others than those provided in point a), which submitted the lists for candidates at the constituency electoral bureaux, shall be chosen by random draw;

c) in the third stage, the organisations of citizens belonging to national minorities, others than those provided in point a), which submitted the list of candidates at the Central Electoral Bureau, according to the provisions of Article 54 paragraph (4), shall be chosen by random draw.

d) the independent candidates shall register on the ballot paper, at the end of it, in the order of the registration of the candidatures.*

(3) The random draw shall be done by the president of the constituency electoral bureau, within 3 days from the date the candidatures remain final, in the presence of a representative from every electoral competitor in the respective constituency. The date, time and place of the random draw shall be displayed at the premises of the constituency electoral bureau, 24 hours before. The absence of a representative of an electoral competitor does not entail the nullity of the random draw. Challenges concerning the result of the random draw for establishing the order on the ballot papers shall be made and filed on the spot and settled forthwith by the constituency electoral bureau. The decision is final.

(4) Quadrilaterals shall be printed on the ballot paper, parallel to one another, in a sufficient number so as to include all the lists of candidates and independent candidatures, except for the last page, on which the control stamp shall be affixed. The quadrilaterals shall be numbered from left to right. The pages shall be numbered.

(5) The full name of the political party, political alliance, electoral alliance, organisation of citizens belonging to the national minority or, where appropriate, the mention 'Independent candidate' shall be printed in the upper left corner of each quadrilateral and the electoral symbol shall be printed in the upper right corner.

(6) The lists of candidates shall be printed in the quadrilaterals of each ballot paper. The candidates shall be identified on the list by their first and

* Amended by Law No. 91/2000.

last names, and, in the case of the alliances, by their political affiliation and they shall be enlisted in the order established by the political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities that has submitted the list.

Article 62 – (1) The electoral symbols shall be established and filed with the Central Electoral Bureau by each political party, political alliance, electoral alliance or organisation of citizens belonging to the national minorities taking part in the elections under this law, at least 40 days before the election date.

(2) The electoral symbols must clearly distinguish from the ones previously registered, the use of the same graphic symbols being forbidden, whatever the geometric form that includes them may be. The permanent symbol declared upon the legal registration of political parties, organisations of citizens belonging to national minorities and political alliances may be used as an electoral symbol.

(3) Electoral symbols may not reproduce or combine the national symbols of the Romanian state, of other states, of international bodies, or religious denominations. Political parties that are members of certain international political organisations are an exception and they may use the symbol of that organisation as such or in a typical combination.

(4) The electoral symbol used by a political party, political alliance, electoral alliance, organisation of citizens belonging to a national minority, lawfully registered starting with 1990, is rightfully its if it has been the first user thereof and it can be taken up or used by another political party, political alliance, electoral alliance or organisation of citizens belonging to a national minority registered afterwards, only with the consent of its former owners, respectively of the parties having made up the initial political alliance or the electoral alliance.

(5) If the same electoral symbol is claimed by several political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities taking part in the elections under this law, the symbol shall be assigned to the political party, political alliance, electoral alliance or organisation of citizens belonging to the national minority that was the first to register that symbol.

(6) The registration or the dismissal of the registration of electoral symbols shall be done by the Central Electoral Bureau, through decision, within 5 days, at the most, from their filing.

(7) Challenges referring to the registration of electoral symbols shall be filed within 3 days from the expiry of the deadline referred to in paragraph (6) and shall be settled by the Bucharest County Court within 3 days, at the most, from the registration of the challenge. The ruling of the Bucharest County Court is final and it is notified to the parties and to the Central Electoral Bureau within 24 hours, at the most.

(8) Electoral symbols cannot be contrary to the law.

(9) The Central Electoral Bureau shall make public the electoral symbols on the day following the expiry of the deadline stipulated in the last phrase of paragraph (7), by publication on its website and in the Official Gazette of Romania, Part I.

(10) Until the candidatures remain final, the Central Electoral Bureau shall communicate the electoral symbols to the prefects, in order for them to be printed on the ballot papers.

(11) Independent candidates cannot use electoral symbols.

(12) The political alliance or the electoral alliance having taken part in the previous elections under a name can keep it only if it has not changed its initial composition or if none of the political parties having left the alliance does not send to the Central Electoral Bureau a letter stating that it does not agree with the fact that the respective name be kept by the respective alliance in its new composition. Moreover, the respective name cannot be used by other political alliance or electoral alliance.

Article 63 – (1) For every electoral constituency, the ballot papers shall be printed with letters of the same size, with the same characters and the same ink, in a number equal to that of the voters registered in the Electoral Register, with an extra 10%. For the polling stations organised with the diplomatic missions, consular offices, consular sections and cultural institutes abroad, the number of ballot papers shall be established by the Permanent Electoral Authority, after consulting the Ministry of Foreign Affairs.

(2) The voting stamps shall have the word ‘VOTED’ imprinted in capital letters on them.

(3) The printing of the ballot papers shall be done by the prefects, with the assent of the Permanent Electoral Authority. The printing of the ballot papers for the polling stations abroad shall be done by the prefect of the Municipality of Bucharest. The prefects are responsible for having all the necessary ballot papers printed at least 15 days before the election date. The stamps of the electoral bureaus shall be manufactured through the prefects’ efforts and the stamp of the Central Electoral Bureau and the ‘VOTED’ stamps shall be manufactured by the Ministry of Interior. The ‘VOTED’ stamps shall be distributed to the electoral bureaus by the prefects, respectively by the Ministry of Foreign Affairs for the polling stations abroad. The ‘VOTED’ stamps shall be manufactured at least 10 days before the election date.

(4) Within 48 hours from the expiry of the deadline set in Article 60 paragraph (3), the prefect shall send to the Permanent Electoral Authority the model for each type of ballot paper, in the respective electoral constituency, in order to receive a notice of compliance for them. If the model of the ballot paper does not observe the model established according

to law, the Permanent Electoral Authority shall request the prefect to modify it. The notice of compliance shall be issued in 24 hours, at the most, from the date of its request.

(5) The president of the constituency electoral bureau shall display the copy of the model of each type of ballot paper at the premises of the constituency electoral bureau, for 48 hours from their notification by the prefect. If the name of the candidates, the electoral symbol or the name of political parties, political alliances or electoral alliances are incorrectly printed or are not visible, the electoral competitors can request the constituency electoral bureau to modify the model and the correct printing of the ballot papers by the prefect. After this deadline, no challenges shall be upheld.

(6) Ballot papers shall be handed over to the president of the constituency electoral bureau, who shall distribute them, through the mayors, to the presidents of the electoral bureaus of the polling stations, at least 2 days before the election date. Ballot papers shall be distributed and handed over in sealed packs, based on a report.

(7) 2 copies of the ballot papers, endorsed and annulled by the president of the constituency electoral bureau, shall be posted at the premises of each polling station, one day before the elections.

(8) Upon the written request of the political party, political alliance, electoral alliance, organisation of citizens belonging to the national minority taking part in the elections under this law or of independent candidates, the constituency electoral bureau shall release, to each of them, 2 ballot papers, endorsed and annulled.

CHAPTER VII

Electoral campaign

Article 64 – The electoral campaign shall start 30 days before the election date and it shall end on the Saturday preceding the election date, at 7.00 hours.

Article 65 – (1) During the electoral campaign, the candidates, the political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities taking part in the elections, as well as the citizens are entitled to express their opinions freely and without discrimination, by means of rallies, reunions, television, radio, press and other media.

(2) During the electoral campaign, the candidates shall benefit, without discrimination, from adequate spaces where to meet their voters. Such spaces may be located at the seat of the town hall, in schools, community centres, cultural centres and cinema theatres, based on agreements concerning the maintenance expenses.

(3) The means used during the electoral campaign cannot be contrary to the law.

(4) It is forbidden to organise electoral campaign meetings in military units, as well as in school premises while classes are being held.

(5) During the electoral campaign, discriminatory messages or slogans or messages inciting to hatred and intolerance are forbidden. Under this law, we understand by *speech inciting to hatred and discrimination* both the speeches and the messages of electoral propaganda inciting to, promoting or justifying racial hatred, xenophobia, anti-Semitism, other forms of hatred based on intolerance or any other form of discrimination referred to in Article 2 of Government Ordinance No. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished.

(6) During the electoral campaign, all forms, means, acts or actions of defamation and religious or ethnic feud, as well as public offense to religious symbols are forbidden.

Article 66 – (1) The electoral campaign conducted through the audio-visual programme services, public or private, must serve the following general interests:

a) of the voters, who should receive correct information, so that they could vote with full knowledge of the facts;

b) of the political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities and candidates, who should be given the opportunity to introduce themselves and their platforms, their political programmes and electoral offers, to the public;

c) of the radio broadcasting companies, who should exercise their rights and duties deriving from the journalistic profession.

(2) Public and private radio broadcasters are bound to make sure that, within the audio-visual programme services, an equitable, well-balanced and fair electoral campaign takes place for all political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities, as well as for all candidates.

Article 67 – (1) During the electoral campaign, the information concerning the electoral system, voting technique, electoral campaign calendar, political programmes, opinions and messages with an electoral content shall be presented only in the following types of shows:

a) news bulletins – where information concerning the electoral system, voting technique and the candidates' campaign activities may be broadcast; to this effect, the scheduled length of the news bulletin may be extended by 15 minutes at the most;

b) electoral shows – where candidates may present their political programmes and electoral campaign activities;

c) electoral debates – where candidates, journalists, analysts and other guests debate on the electoral programmes and on topics of public interest.

(2) During the news bulletins referred to in point (a) of paragraph (1), it is forbidden to disseminate information concerning the electoral system and the voting technique that are not real.

(3) The news bulletins referred to in point (a) of paragraph (1), broadcast by television stations, can be translated into sign language.

(4) Private radio and television stations, including cable television, may include, in their own programme grid, shows of the type stipulated under paragraph (1).

(5) The shows stipulated under paragraph (1) shall not be deemed electoral publicity.

(6) 20-30 second publicity spots urging the voters to vote for a candidate or a list of candidates may be broadcast only during the shows stipulated under points (b) and (c) of paragraph (1).

(7) Buying air time with a view to broadcasting electoral videos or shows is forbidden.

Article 68 – (1) The access of political parties, organisations of citizens belonging to national minorities, political alliances and electoral alliances that submit full lists of candidates in at least 23 electoral constituencies shall have free access to the national public radio and television broadcasting services, including the territorial studios thereof. The broadcasting time shall be granted after the candidatures remain final and must be proportional to the number of full lists of candidatures submitted and shall be calculated by the Romanian Television Corporation and the Romanian Radio Broadcasting Company within 24 hours from the receipt of the data communicated by the Central Electoral Bureau.*

(2) The organisations of citizens belonging to national minorities that submit their candidatures to the Central Electoral Bureau, according to the provisions of Article 54 paragraph (2) shall have access to the territorial and national public radio and television broadcasting services, if they participate in the elections with lists of candidates in the electoral constituencies of counties and proportionately to their weight in the total population of that county, respectively of Romania.*

(3) Until the broadcasting time is calculated, according to the provisions of paragraphs (1) and (2), the political parties, and the organisations of citizens belonging to national minorities having as members at least 7 senators or 10 deputies or which have obtained parliamentary representation in the previous electoral campaign shall be granted broadcasting time proportionately to the number of the parliamentary members.*

(4) The access of political parties, political alliances, electoral alliances, as well as of independent candidates and organisations of citizens belonging

* Amended by Law No. 91/2020.

to national minorities to private radio and television stations, including cable television, shall be done in the same price conditions for all electoral competitors, only during the electoral shows, according to Article 67.

(5) Buying broadcasting time for publicity purposes, as well as for and on behalf of the participants in the electoral campaign, or the transfer of broadcasting time to candidates by public or private capital trading companies, public institutions, non-governmental organisations, or natural persons is forbidden.

(6) Political parties, political alliances and electoral alliances, independent candidates, as well as organisations of citizens belonging to national minorities must apply for broadcasting time no later than 40 days before the election date, with the management of the public and private radio and television stations, or, as the case may be, of their territorial stations. The applications filed after this deadline shall be disregarded.

(7) The broadcasting time with the public and private radio and television stations, including cable television, shall be granted to political parties, political alliances and electoral alliances, or to organisations of citizens belonging to national minorities taking part in the elections on each Monday, Tuesday, Wednesday, Thursday and Friday. Each independent candidate shall be entitled to a broadcasting time, at the territorial stations, of 5 minutes at most, summed up for the entire duration of the electoral campaign.

(8) The shows broadcast within the broadcasting time granted to each political party, political alliance and electoral alliance, to independent candidates and organisations of citizens belonging to national minorities shall be live or recorded, in the proportions decided upon by them.

(9) During the electoral shows, it is forbidden to combine colours, graphical signs or sounds evoking the national symbols of Romania or some other state.

Article 69 – (1) During the electoral campaign, the candidates and the representatives of the competing political parties shall have access only to the electoral shows and debates on public and private radio and television stations, under the terms of Articles 66 to 68.

(2) During the electoral campaign, the candidates and the representatives of the competing political parties may not be producers, directors or anchors of the shows produced by public and private radio broadcasting stations.

Article 70 – (1) Public and private radio broadcasting stations shall be bound, by means of technical and editorial measures, to present the electoral campaign in an equitable, well-balanced and unbiased manner.

(2) News bulletins shall also be bound to observe the obligation to be objective and equitable and to inform the public correctly.

(3) The candidates who are already holding public offices may appear during news bulletins strictly in matters related to the exercise of their office.

(4) If the news bulletins present special facts or events of public interest, besides the authorities' point of view, an opposite point of view must also be presented.

Article 71 – (1) The electoral shows and debates must ensure equal conditions to all candidates as regards the freedom of expression, pluralism of opinions and equidistance.

(2) During electoral shows, the candidates shall have the following obligations:

a) not to jeopardise the constitutional order, public order, safety of persons and goods;

b) not to make statements that could harm human dignity or public morals;

c) to prove potential accusations that could have a criminal or moral impact on another candidate;

d) not to urge to hatred or discrimination for racial, religious, nationality, gender, sexual orientation or ethnic considerations.

Article 72 – The directors and anchors of the electoral shows and debates shall have the following obligations:

a) to be impartial;

b) to ensure the necessary balance during the show, giving each candidate participating in the debates the opportunity to express his/her opinions;

c) to formulate his/her questions clearly, without bias or partiality;

d) to make sure that the debate is kept within the sphere of interest of the electoral campaign and the topics set forth;

e) to intervene whenever guests, through their behaviour or vocabulary, violate the provisions of Article 65 paragraphs (5) and (6) and of Article 71; if guests do not comply with his/her requests, the anchor may decide to have their microphone cut off or to put an end to the show, as the case may be.

Article 73 – The following are forbidden 48 hours before the voting date:

a) the presentation of opinion polls or broadcasting of electoral publicity spots;

b) the invitation or presentation of candidates during programmes, except for the situations stipulated under Article 74 paragraph (4);

c) comments concerning the electoral campaign.

Article 74 – (1) The candidates and the political parties or the organisations of citizens belonging to national minorities taking part in the elections, whose rights or legitimate interests have been harmed due to

the presentation of untruthful facts during an electoral programme, shall be entitled to the right to reply.

(2) The candidates and the political parties or the organisations of national minorities taking part in the elections whose rights or legitimate interests have been harmed due to the presentation of inaccurate information during an electoral programme, shall benefit from the right to correction.

(3) Radio broadcasting companies shall have the following obligations concerning the right to reply and to correction:

a) to decide about granting or not granting the requested right within 24 hours, at the most, from the receipt of a written request; if the request refers to a show broadcast on the last day of the electoral campaign, the decision must be made within 12 hours, at the most, from the receipt of the request;

b) to notify the decision made to the petitioner, within the time limits stipulated under point (a), by telephone and/or in writing; if the requested right is denied, the reasons for this must be notified to the petitioner and to the National Audiovisual Council of Romania;

c) if the decision made is to grant the requested right, to broadcast the correction or reply within 48 hours, at the most, from the receipt of the request; if the show making the object of the referral was broadcast on the last day of the electoral campaign, the correction or reply shall be broadcast on the day preceding the voting;

d) to broadcast the reply or correction within the time limit and under the terms communicated to the radio broadcasting company, if the National Audiovisual Council of Romania rules in favour of the petitioner.

(4) On the day preceding the vote, the radio broadcasting companies must accommodate in their programmes, right after the evening news bulletin, an air time for broadcasting the corrections and replies resulting from the referrals concerning the shows broadcast on the last day of campaign.

Article 75 – (1) The radio broadcasting companies must ensure the recording of the shows meant for the electoral campaign, under the terms set up by the National Audiovisual Council of Romania.

(2) The recordings of the shows meant for the electoral campaign must be kept available for the National Audiovisual Council of Romania, throughout the electoral campaign and 30 days after the official communication of the results.

Article 76 – (1) Failure, by the radio broadcasting companies, to comply with the provisions of Article 65 paragraphs (5) and (6), of Articles 66 to 75, of Article 77 and of Article 78 paragraph (2) shall entail the enforcement of the sanctions stipulated by the Audiovisual Law No. 504/2002, as subsequently amended and supplemented.

(2) Facts shall be ascertained and sanctions shall be applied by the National Audiovisual Council of Romania, according to Law No. 504/2002, as subsequently amended and supplemented.

Article 77 – (1) During the electoral period, when opinion polls with an electoral content are presented, such polls must be accompanied by the following information:

- a) name of the institution having conducted the poll;
- b) date or time interval during which the poll was conducted and the methodology used;
- c) sample size and maximum margin of error;
- d) who has requested and who has paid for the poll.

(2) Televoting or street surveys conducted amongst voters shall not be presented as representative for the public opinion or a certain social or ethnic group.

(3) The presentation of opinion polls, televoting or street surveys 48 hours before the vote date is forbidden.

Article 78 – (1) Exit polls can be carried out by the institutes specialised in conducting public opinion surveys or trading companies or nongovernmental organisations whose field of activity is conducting opinion polls and that are accredited to this purpose by the Central Electoral Bureau, by decision. Their poll operators shall have access, based on the accreditation of the institution for which they work, to the protected area of the polling station referred to in Article 84 paragraph (12), without having access inside the voting premises.

(2) On the voting day, it is forbidden to present exit polls before 21.00 hours, Romania's time.

Article 79 – (1) By the beginning of the electoral campaign, mayors shall be bound to establish, by order, special locations for electoral posting and to ensure the installation of electoral billboards thereto, taking into consideration the number of political parties, organisations of citizens belonging to national minorities, political alliances and electoral alliances stating to be submitting lists of candidates, as well as of independent candidates. Such locations must be in areas frequented by the citizens, without hindering the traffic on public roads and the other activities in those localities.

(2) Mayors shall be bound to set up at least one billboard for electoral display in every component locality or village pertaining thereto in the respective administrative-territorial unit as well.

(3) The use of electoral posting locations shall be permitted to the political parties, political alliances and electoral alliances or organisations of the national minorities taking part in the elections and to independent candidates.

(4) The use of the special locations for electoral posting by a political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities taking part in the elections or independent candidate, so as to prevent their use by another political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities taking part in the elections or independent candidate is forbidden. Each political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities taking part in the elections or independent candidate may apply only 2 electoral posters on an electoral billboard.

(5) An electoral poster posted in the locations stipulated under paragraph (1) may not exceed 500 mm on one side and 350 mm on the other side and the one convening an electoral rally, 400 mm on one side and 250 mm on the other side.

(6) Electoral posting in locations other than the ones stipulated under paragraph (1) is forbidden.

(7) Electoral posters combining colours so as to evoke the national flag of Romania or of another state are forbidden.

(8) The mayor, with the support of the local police or with the support of staff from the Ministry of Interior, in those localities where there is no local police, shall be bound to ensure the integrity of the electoral billboards and posters placed in authorised locations.

Article 80 – (1) Constituency electoral bureaus shall ensure the proper unfolding of the electoral campaign within the constituency in which they operate.

(2) Constituency electoral bureaus shall settle the complaints addressed to them concerning the prevention of a political party, organisation of citizens belonging to national minorities, political alliance, electoral alliance or independent candidate from conducting their electoral campaigns as set by law, as well as the complaints alleging violations of the provisions of Articles 64, 65 and 79.

(3) If the constituency electoral bureau deems it necessary, upon settling the complaint, to take administrative measures or to apply administrative or criminal sanctions, it shall refer to the competent authorities.

(4) Challenges can be filed against the decisions rendered by the electoral bureaus in relation to the electoral campaign within 48 hours from the date of their posting, with the hierarchically superior electoral bureau. The decision is final.

(5) The complaints and challenges shall be settled within 3 days from their registration and the decisions taken shall be published in the press and displayed visibly at the premises of the electoral bureau having issued them.

(6) Political parties, organisations of citizens belonging to national minorities, political alliances, electoral alliances, independent candidates or mayors, where appropriate, shall be bound to enforce the final decisions issued by the electoral bureaux concerning the electoral campaign, within 48 hours, at the most, from the date they remain final.

CHAPTER VIII

Voting

Article 81 – (1) Each polling station must have a sufficient number of ballot boxes, labelled accordingly, for the election of the Senate, respectively of the Chamber of Deputies, the special ballot box, polling booths, ‘VOTED’ stamps, considering the number of voters registered in the Electoral Register and in observance of the duration of the vote referred to by law. The ballot paper introduced in the other ballot box than the one corresponding to the type of elections shall be taken into consideration if the vote is validly cast.

(2) The polling booths and ballot boxes must be placed only in the voting room. The polling booths, ballot boxes, stamps and the other materials necessary to the electoral bureau of the polling station shall be provided by the mayors of communes, towns, municipalities and of the administrative-territorial subdivisions of municipalities, together with the prefects.

(3) On the eve of the elections, mayors shall remit to the presidents of the electoral bureaux of the polling stations the materials necessary for the vote. After taking over the ballot papers, stamps, permanent electoral lists and the other standard forms necessary to the vote, the president of the electoral bureau of the polling station, together with his/her alternate shall ensure, with the mayor’s logistic support, under escort by the staff of the Ministry of Interior, their transport, inside the voting premises.

(4) The materials referred to in paragraph (3) shall be remitted to the president of the electoral bureau of the polling station based on a handover-takeover report, including the type and number of copies.

(5) The president of the electoral bureau of the polling station and the other members of the electoral bureau of the polling station must be present at the premises of the polling station on the eve of the voting day, at 18.00 hours and they must verify the materials referred to in paragraph (3). The president of the electoral bureau of the polling station shall order the necessary measures for ensuring order and the fairness of the voting operations, as well as the removal of any electoral propaganda materials inside and on the building of the polling station.

(6) The president shall order the setting up of guard posts around the voting premises.

(7) When leaving, the president of the electoral bureau of the polling station shall seal all the entries into the voting premises with paper bands, which (s)he signs after previously affixing the control stamp thereon. It is forbidden to leave the voting premises with the control stamp, the 'VOTED' stamps, ballot papers or electoral lists.

Article 82 – (1) On the day of the elections, the activity of the electoral bureau of the polling station shall start at 6.00 hours. In the presence of the other members, and, where appropriate, of the accredited persons, the president of the electoral bureau of the polling station shall check the ballot boxes, the electoral lists, the ballot papers and the stamps, while mentioning, in the minutes referred to in Article 93, the number of persons registered on the permanent electoral lists, the number of packs of ballot papers, separately for the Senate and the Chamber of Deputies, as well as the 'VOTED' stamps. After finishing this operation, (s)he shall close and seal the ballot boxes by affixing the control stamp of the polling station.

(2) As (s)he opens the sealed packs, the president must ensure the affixing of the control stamp on the last page of each ballot paper therein.

(3) The voting shall start at 7.00 hours and close at 21.00 hours.

Article 83 – (1) Romanian citizens domiciled or residing in Romania who, on the day of the vote, are in the country, can exercise their right to vote in the polling stations set up in Romania based on one of the following ID documents, valid on the day of the vote:

- a) ID card;
- b) electronic ID card;
- c) temporary ID card;
- d) ID bulletin;
- e) diplomatic passport;
- f) electronic diplomatic passport;
- g) service passport;
- h) electronic service passport;
- i) military service book, in the case of students of military schools.

(2) Romanian citizens domiciled in Romania, but registered in the Electoral Register with their residential address abroad, can exercise their right to vote in the polling stations set up abroad, based on one of the following ID documents, valid on the day of the vote, accompanied by an official document issued by the foreign state concerning the choice of residence:

- a) ID card;
- b) electronic ID card;
- c) temporary ID card;
- d) ID bulletin;
- e) diplomatic passport;
- f) electronic diplomatic passport;

- g) service passport;
- h) electronic service passport;
- i) regular passport;
- j) electronic regular passport;
- k) temporary regular passport.

(3) Romanian citizens domiciled abroad can exercise their right to vote in the polling stations set up abroad, according to this law, based on one of the following ID documents, valid on the day of the vote:

- a) regular passport, while mentioning the country of domicile;
- b) temporary regular passport, while mentioning the country of domicile;
- c) electronic regular passport, while mentioning the country of domicile.

(4) We understand by *residence abroad* the address abroad at which the natural person declares to have his/her secondary home, other than his/her domicile and where (s)he has the legal right to stay for more than 90 days. The documents proving the residence abroad shall be established by the Minister of Foreign Affairs, by order.

(5) Militaries, policemen and the Romanian civil personnel of the institutions pertaining to the defence, public order and national security systems deployed abroad can exercise their right to vote at any polling station set up in the country where they are conducting their mission. They shall be enlisted on the additional electoral list by the president of the electoral bureau of the polling station and shall vote based on their service passport.

Article 84 – (1) Voters shall vote only at the polling station that has jurisdiction over their street or locality of domicile or residence, according to this law. If, on the voting day, the voters are in another administrative-territorial unit within the same electoral constituency, they can vote at any polling station within the electoral constituency of their place of domicile or residence.

(2) Voters' access in the voting room shall take place in series corresponding to the number of polling booths. Each voter shall present his/her ID document, and, where appropriate, the document proving his/her residence, to the computer operator of the electoral bureau of the polling station, who shall insert the voter's personal identification number in the Computer system for monitoring turnout and preventing illegal voting.

(3) If the voter does not appear on the permanent electoral list existing at the respective polling station, the Computer system for monitoring turnout and preventing illegal voting shall signal if:

- a) the person asking to vote has turned 18 years old until the day of the voting inclusively;
- b) the person asking to vote has lost his/her electoral rights;
- c) the person asking to vote is assigned to another polling station;

d) the person asking to vote is omitted from the permanent electoral list, is domiciled or residing within the jurisdiction of the respective polling station and if (s)he filed a request to be registered in the Electoral Register with his/her address of residence;

e) the person asking to vote has already exercised his/her right to vote for the same ballot.

(4) Based on the results generated by the Computer system for monitoring turnout and preventing illegal voting, the communications made by using this system and the verification of the ID document, the president of the electoral bureau of the polling station:

a) shall stop from voting the person having not turned 18 years old until the date of the voting, the person having lost his/her electoral rights, as well as the person having chosen the postal voting;*

b) shall guide the voter to go and vote at the polling station to which (s) he is assigned, if assigned to another polling station;

c) shall guide the voter to go and vote at the polling station to which (s)he is assigned according to his/her residence, if registered in the Electoral Register with his/her residential address;

d) shall register on the additional electoral list the person asking to vote, which has been omitted from the permanent electoral list, who is domiciled or residing within the territorial jurisdiction of the respective polling station; if the person omitted is registered on the permanent electoral list existing at another polling station, the president of the electoral bureau of that polling station shall be notified by the computer system to this effect and shall erase the respective person from the permanent electoral list; once the voter signs in the additional electoral list, (s)he shall receive the ballot papers and the 'VOTED' stamp;

e) shall register on the additional electoral list the person asking to vote, who is domiciled or residing in another administrative-territorial unit in the same electoral constituency; if the person is registered on the permanent electoral list existing at another polling station, the president of the electoral bureau of that polling station shall be notified by the computer system to this effect and shall erase the respective person from the permanent electoral list; once the voter signs in the additional electoral list, (s)he shall receive the ballot papers and the 'VOTED' stamp;

f) shall allow the voter fulfilling the conditions set by law and registered on the permanent electoral list to vote; to this purpose, once the voter signs in the permanent electoral list, (s)he shall receive the ballot papers and the 'VOTED' stamp.

(5) If, for well-founded reasons, ascertained by the president of the electoral bureau of the polling station, the voter cannot sign in the

* Amended by Law No. 288/2015.

permanent electoral list, the president shall make a note thereof in the electoral list, confirmed by his/her signature and that of another member of the electoral bureau.

(6) Voters shall vote separately, in closed booths, by applying the 'VOTED' stamp in the quadrilateral that comprises the list of candidates or the name of the candidate (s) he wishes to vote for.

(7) The 'VOTED' stamp must be round and of such dimensions so that it should be smaller than the quadrilateral in which it is applied.

(8) After voting, voters shall fold the ballot papers so that the white page bearing the control stamp should stay out and then they shall insert them into the ballot box, making sure that they do not open. The wrong folding of the ballot paper shall not entail the ballot nullity, if the secrecy of the vote is preserved.

(9) If the ballot paper should open in such a way that the voting secrecy is no longer preserved, the ballot paper shall be annulled and the voter shall be given, only once, a new ballot paper and this shall be mentioned in the minutes concerning the voting operations.

(10) The 'VOTED' stamp, handed over to the voter for voting, shall be returned to the president, who shall affix it onto the ID document, mentioning also the election date. In the case of voters voting based on their ID cards, a self-adhesive stamp marked 'VOTED' and the election date shall be applied on the back of the card.

(11) The president may take measures so that a voter should not dwell without a reason inside the polling booth.

(12) The president of the electoral bureau of the polling station must take the necessary measures for the elections to take place in proper conditions. For this purpose, his/her powers shall extend also outside the voting premises, inside the polling station, in its courtyard, to courtyard entries, around the polling station, as well as in the streets and in public markets up to a distance of 50 m.

(13) In order to maintain the order, the president of the electoral bureau of the polling station shall have at his/her disposal the necessary means to ensure order, provided by the mayor and the prefect, together with the representatives of the Ministry of Interior.

(14) Besides the members of the electoral bureau of the polling station, the candidates, the delegates and accredited observers, no other person may dwell in the public places in the voting room or inside the voting premises for a period of time longer than the time needed to vote.

(15) During the vote, it is forbidden for the members of electoral bureaus and for the accredited persons to wear identity tags, badges or other electoral propaganda signs.

(16) Computer operators shall have the statute of auxiliary technical staff.

Article 85 – (1) Candidates and members of the electoral bureaus of the polling stations shall have the right to challenge the identity of a person asking to vote. In such cases, the president of the electoral bureau of the polling station shall determine the identity of the person in question, by any legal means.

(2) If the challenge is well-grounded, the president of the electoral bureau of the polling station shall prevent the contested voter from voting, record the fact in the minutes and inform the competent authorities about this situation.

(3) The president of the electoral bureau of the polling station may suspend the voting for well-founded reasons.

(4) The total length of the suspensions cannot exceed one hour. The suspension shall be notified by posting on the door of the voting premises, immediately after the occurrence of the event having led to the suspension.

(5) During the suspension, the ballot boxes, the stamps, the ballot papers and the other documents and materials of the electoral bureau of the polling station shall remain under permanent guard. During the suspension, it is forbidden for more than half of the members of the electoral bureau of the polling station to leave the voting room at the same time.

(6) The candidates and the persons accredited to attend the voting under this law shall not be forced to leave the voting room during this interval.

(7) The presence of any person other than the voter inside the polling booth is forbidden.

(8) The voter who, for well-founded reasons, ascertained by the president of the electoral bureau of the polling station, cannot vote on his/her own shall be entitled to call an attendant of his/her choosing, to help him/her in the polling booth. The attendant must not be an observer or a member of the electoral bureau of the polling station.

(9) The president of the electoral bureau of the polling station or, in his/her absence, his/her alternate must uphold and register any written referral concerning irregularities during the voting process, submitted by members of the electoral bureau of the polling station, candidates, accredited observers, accredited representatives of the written press, radio and television, Romanian and foreign, or voters present in the polling station for exercising their right to vote. If the referral is remitted to him/her in 2 copies, the president of the electoral bureau of the polling station, respectively his/her alternate, shall mention on the copy remitted to the author of the referral the fact that (s)he has been informed about the respective referral and the number under which it is registered.

(10) For the citizens with the right to vote in the respective electoral constituency, who cannot present themselves at the premises of the polling station due to an illness or disability, the president of the electoral

bureau of the polling station may approve, upon their written request, accompanied by copies of the documents attesting the respective medical condition or disability, registered with the polling station closest to the place of their location on the day of the vote, that a team composed of at least 2 members of the electoral bureau should go with a special ballot box and the materials needed for voting – the ‘VOTED’ stamp and ballot papers – to the voter’s location, so that (s)he could vote. A single special ballot box shall be used within the jurisdiction of a polling station. Only the members of the electoral bureau of the polling station may carry the special ballot box, under escort by the staff of the Ministry of Interior. In the case of citizens who cannot present themselves at the premises of the polling station, the written requests can be sent through other persons or through the specialised personnel of the healthcare units where they are admitted, where appropriate.

(11) In the cases stipulated under paragraph (10), the voting shall only take place based on an excerpt drawn up by the president of the electoral bureau himself/herself from the permanent electoral list or the additional list existing at that polling station. The excerpt shall be signed by the president and stamped, and the persons comprised in these excerpts must be erased from the other electoral lists existing at the polling station.

(12) Only those persons domiciled within the jurisdiction of the national electoral constituency may vote in the manner stipulated under paragraphs (10) and (11).

(13) The personal identification numbers of the voters having filed applications under paragraph (10) are pre-recorded in the Computer system for monitoring turnout and preventing illegal voting and then they are finally registered upon the return, to the voting premises, of the team referred to in paragraph (10), based on the signatures in the excerpt referred to in paragraph (11).

(14) Before the team of members of the electoral bureau of the polling station heads with a special ballot box to the persons who cannot vote at the polling station according to law, the president of the electoral bureau of the polling station shall request the operator to verify whether or not those persons have already exercised their right to vote on that day.

Article 86 – For the polling stations abroad, the provisions of this chapter shall apply, where appropriate, by taking into consideration the specific conditions referring to the setting up of polling stations abroad.

Article 87 – (1) Malfunctions of the Computer system for monitoring turnout and preventing illegal voting cannot lead to the suspension or interruption of the voting process. In such a situation, by way of derogation from the provisions of Article 84 paragraph (2), voters shall present their ID document to the computer operator or to the member of the electoral bureau of the polling station appointed by its president, who shall insert,

on electronic support or on paper, where appropriate, the personal identification numbers of the voters and the time when they asked to vote. The provisions of Article 84 paragraphs (4) to (10) shall apply accordingly.

(2) The duration of the malfunction of the Computer system for monitoring turnout and preventing illegal voting shall be recorded by the president of the electoral bureau of the polling station in the minutes. Both the occurrence and ceasing of the malfunction of the Computer system for monitoring turnout and preventing illegal voting shall be notified, by telephone, to the hierarchically superior electoral bureau by the president of the electoral bureau of the polling station.

(3) The methodology for the implementation of the provisions of paragraphs (1) and (2) shall be established by decree of the Permanent Electoral Authority.

Article 88 – (1) At 21.00 hours, the president of the electoral bureau of the polling station shall declare the voting closed and shall order the closing of the premises of the polling station.

(2) The voters who, at 21.00 hours, are inside the voting room, can exercise their right to vote.

(3) At 21.00 hours, the special ballot box must be inside the polling station.

CHAPTER IX

Observing the elections

Article 89 – (1) Besides the members of the electoral bureaus of the polling stations, computer operators and protection staff, the operations carried out by the electoral bureaus of the polling stations can also be attended by the candidates, the persons accredited under this law, the representatives of the Permanent Electoral Authority, the members of the constituency electoral bureaus, of the electoral offices and of the Central Electoral Bureau.

(2) Under this law, we understand the following by *persons accredited*:

a) domestic observers, appointed by associations and foundations, conducting activities aimed at safeguarding democracy and human rights, accredited by the Permanent Electoral Authority;

b) representatives of the Romanian media institutions, accredited by the Permanent Electoral Authority;

c) international observers, appointed by foreign or international organisations for monitoring the elections or invited by the Romanian authorities, accredited by the Permanent Electoral Authority;

d) representatives of the foreign media institutions, accredited by the Permanent Electoral Authority;

e) delegates of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, accredited by the constituency electoral bureaus, according to law.

(3) No later than 15 days before the date of the elections, the association or foundation wishing to designate domestic observers must submit an application to the Permanent Electoral Authority requesting accreditation for the respective ballot. The application must be accompanied by documents proving that the association or foundation is conducting activities for the safeguarding of democracy and human rights and has been legally set up at least 6 months before the date of the elections.

(4) No later than 15 days before the date of the elections, the media institution wishing to designate representatives must submit an application to the Permanent Electoral Authority requesting accreditation for the respective ballot. The application must be accompanied by documents proving that the institution is conducting activities in the field of media.

(5) Based on the accreditation document issued by the Permanent Electoral Authority, the association, foundation or media institution can designate as domestic observers or representatives, where appropriate, only those persons that have no political affiliation.

(6) The Permanent Electoral Authority is in charge of accrediting international observers and representatives of the foreign media institutions requesting it.

(7) Challenges concerning accreditations and dismissals of the applications for accreditation shall be settled by the Bucharest Court of Appeal, within 2 days from their registration. The ruling issued is final.

(8) The accreditation granted by the Permanent Electoral Authority to associations, foundations and Romanian media institutions shall give them the right to designate domestic observers and representatives in all the electoral bureaus of the polling stations.

(9) The domestic observers and the representatives of the Romanian media institutions can attend the operations of the electoral bureaus of the polling stations only based on the badges given by the association, foundation or Romanian media institution accredited by the Permanent Electoral Authority, accompanied by an ID document.

(10) The accreditation procedure, the models of the accreditation documents and of the badges are set by decree of the Permanent Electoral Authority.

(11) The accreditation of the delegates of political parties shall be done by the constituency electoral bureaus, according to the procedure established through decision of the Central Electoral Bureau, upon the written request by the management bodies of the county organisations of the political parties, political alliances and electoral alliances or of organisations of citizens belonging to national minorities, which have no

representatives in the electoral bureaus of the polling stations, done at least 5 days before the voting date.

(12) The international observers and the representatives of the foreign media institutions can attend the operations of the electoral bureaus of the polling stations only based on the accreditation document issued by the Permanent Electoral Authority, valid also in copy, accompanied by an ID document.

(13) The accredited delegates of political parties can attend the operations of the electoral bureaus of the polling stations only based on the accreditation document issued by the constituency electoral bureau, valid also in copy, accompanied by the ID document.

Article 90 – (1) The accredited persons can attend the electoral operations on the day of the vote, starting with 6.00 hours and finishing with the drawing up and signing, by the members of the electoral bureau of the polling station, of the minutes ascertaining the result of the elections in the respective polling station.

(2) The accredited persons cannot intervene, in any way, in the organisation and unfolding of the elections, having only the right to refer, in writing, to the president of the electoral bureau the cases of irregularities found. Any act of electoral propaganda, as well as the violation, in any way, of the provisions of this law, shall entail the enforcement of legal sanctions, the suspension of the accreditation by the electoral bureau having found the irregularity, and, on the day of the vote, the immediate removal of the respective person from the polling station.

(3) The accredited persons may dwell, in the electoral bureau of the polling station, only in the spaces specifically delimited for this purpose in the voting room by the president of the electoral bureau of the polling station.

CHAPTER X

Counting the votes and ascertaining voting results

Article 91 – The members of the electoral bureaus of the polling stations shall take part in all the operations related to the counting of the votes, which can be attended by the persons accredited under this law, the representatives of the Permanent Electoral Authority, the members of the constituency electoral bureaus, of the electoral offices and of the Central Electoral Bureau.

Article 92 – (1) After the closing of the polling station, the president, in the presence of the members of the electoral bureau and of the accredited persons, shall verify the integrity of the seals on the ballot boxes, seal the slot of the ballot boxes and put the ‘VOTED’ stamps in an envelope sealed by affixing the control stamp of the polling station. The disappearance of

one or several stamps shall be mentioned in the minutes referred to in Article 93.

(2) After conducting the operation referred to in paragraph (1), the president of the electoral bureau of the polling station shall annul the unused ballot papers and shall enter in the minutes, separately for each type of elections, the number of ballot papers annulled. If there are intact packs of ballot papers, the word ‘ANNULLED’ shall be written only once on the respective pack and the control stamp shall be affixed only once.

(3) All the voters in the permanent and additional electoral lists having participated in the vote shall be counted and their number shall be entered in the specific columns in the minutes. The additional electoral lists shall be filed in the order of them being drawn up.

(4) For every type of elections, the used ballot papers, as they result from the voter lists, shall be added to the unused and annulled ballot papers. Their total, which should correspond to the number of ballot papers received by the polling station, shall be entered in the minutes. If their total is not equal with the number of ballot papers received, the reason for this error shall be mentioned in the minutes, while taking into account the objections and challenges addressed to the electoral bureau of the polling station as well.

(5) If the sum is not the correct one, the members of the electoral bureau of the polling station can have dissenting opinions. These shall be mentioned in the minutes.

(6) Once these operations are finished, the ballot boxes are opened. The opening of the ballot boxes is done successively. The next ballot box is opened only after the counting of the votes in the previous ballot box and the entering of its results in the minutes.

(7) The president shall read out loud, when opening each ballot paper, the name of the electoral competitor voted and (s)he shall show the ballot paper to those present.

(8) One of the members of the electoral bureau, assisted by at least another member thereof, shall write down the option resulting from reading each ballot paper on the standard form delivered by the Permanent Electoral Authority.

(9) Every ballot paper read and mentioned in the form shall be put, by the president, helped by the other members of the electoral bureau, in a separate pack for each electoral competitor.

(10) Separate packs shall be formed for the null ballot papers, the blank votes, as well as for the challenged ones.

(11) The ballot papers without the control stamp of the electoral bureau of the polling station, the ballot papers having a different model than the one legally approved, or those on which the stamp has been affixed on

multiple quadrilaterals or outside them, shall be considered null. These shall not be counted as validly cast votes.

(12) If there are ballot papers for which the opinions are different in what concerns the validity of the vote, this shall be attributed to a candidate or shall be deemed null, depending on the opinion of the majority of the members of the electoral bureau of the polling station.

(13) Are deemed blank votes the ballot papers that do not have the 'VOTED' stamp on them. These ballot papers shall not be counted as validly cast votes.

Article 93 – (1) The results shall be entered in different tables and the minutes shall be drawn up, in 2 original copies.

(2) The minutes shall comprise:

a) the total number of voters included in the electoral lists existing at the polling station, in application of the formula: point a = point a1 + point a2 + point a3;*

a1) the total number of voters according to the permanent electoral list, in application of the formula: point a1 \geq point b1;

a2) the total number of voters according to the additional electoral list, in application of the formula: point a2 \geq point b2;

a3) the total number of voters according to the excerpt of the permanent and additional electoral lists, in application of the formula: point a3 \geq point b3;*

b) the total number of voters included in the electoral lists existing at the polling station, present for the vote, in application of the formula: point b = point b1 + point b2 + point b3;*

b1) the total number of voters present for the vote, included in the permanent electoral list;

b2) the total number of voters present for the vote, included in the additional electoral list;

b3) the total number of voters who voted by means of the special urn;*

c) the number of ballot papers received, in application of the formula: point c \geq point d + point e + point f + point g;

d) the number of ballot papers unused and annulled;

e) the total number of validly cast votes, in application of the formula: point e \leq [point b – (point f + point g)]; point e = the total number of validly cast votes expressed in point h;

f) the number of null votes;

g) the number of blank votes;

h) the number of validly cast votes, obtained by each electoral competitor;

* Amended by Law No. 51/2018.

** Inserted by Law No. 51/2018.

i) the number of challenged votes;
j) a brief account of the objections, challenges lodged and their solutions, as well as of the challenges filed with the constituency electoral bureau;
k) the integrity of the ballot box seals at the end of the voting.

(3) The minutes shall be signed by the president, by his/her alternate and by the members of the electoral bureau of the polling station and shall bear the control stamp thereof.

(4) The absence of the signatures of some members of the electoral bureau of the polling station shall have no influence on the validity of the minutes. The president shall mention the reasons that prevented the signing thereof.

(5) Every member of the electoral bureau of the polling station shall be entitled to a copy of the minutes, signed by the president of the polling station or his/her alternate, where appropriate and by the other members of the bureau.

(6) During the voting operations and the opening of the ballot boxes, objections and challenges can be submitted in relation to these operations. These shall be settled on the spot by the president of the electoral bureau of the polling station.

(7) The challenges shall be presented to the president of the electoral bureau of the polling station. They shall be done in writing in 2 copies, of which one, signed and stamped by the president, shall be kept by the dissenter.

(8) The president of the electoral bureau of the polling station shall adjudicate, forthwith, on urgent challenges.

(9) Separately for the Senate and the Chamber of Deputies, a file shall be prepared, comprising: the minutes, in 2 original copies, the challenges concerning the electoral operations of the electoral bureau of the polling station, the null ballot papers and the ones challenged, the ballot papers used and unchallenged, the standard forms used to calculate the results, as well as the electoral lists used in the polling station, filed by types of lists. The files, sealed and stamped, accompanied by the electoral lists used at the respective polling station, shall be remitted to the constituency electoral bureau, respectively to the electoral office, within 24 hours, at the most, from the closing of the vote, by the president of the electoral bureau of the polling station, under military escort and accompanied, upon request, by the representatives of the political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities in the electoral bureau of the polling station, the candidates or the persons accredited under this law.

(10) The presidents of the electoral bureaus of the polling stations shall remit the files prepared according to the provisions of paragraph (9) at:

a) the premises of the constituency electoral bureaus, in the case of the polling stations set up in the counties;

b) the premises of the electoral office of the sector in which they operated, in the case of the polling stations set up in the Municipality of Bucharest;

c) the premises of Romania's diplomatic missions and consular offices in the country in which they have been set up.

(11) The minutes drawn up by the electoral bureaus of the polling stations set up abroad, signed by the president and the members present, accompanied by the challenges, shall be sent, by electronic means, to the electoral bureau of the electoral constituency for the Romanian citizens domiciled or residing abroad, by the president of the electoral bureau. The accuracy of the data in these minutes shall be confirmed by telephone to the president of the constituency electoral bureau or to his/her alternate, who shall countersign and stamp the documents received, by the president of the electoral bureau of the polling station abroad. The minutes countersigned shall be taken into consideration for the centralisation of the results of the vote.

(12) The electoral bureaus of the polling stations set up abroad shall draw up, separately for the Senate and the Chamber of Deputies, a file comprising: the minutes, in 2 original copies, the challenges concerning the electoral operations of the electoral bureau of the polling station, the null ballot papers and the ones challenged, the standard forms used to calculate the results, as well as the electoral lists used in the polling station, filed by types of lists. The files, sealed and stamped, accompanied by the electoral lists used at the respective polling station, shall be remitted, with the logistic support of the Ministry of Foreign Affairs, based on a report, to the constituency electoral bureau for the Romanian citizens domiciled or residing abroad, and, if this has ceased its activity, to the Bucharest County Court. The used ballot papers and the ones unchallenged, the ballot papers annulled and unused, the stamps and the other materials necessary to the vote shall be remitted, based on a report, to the diplomatic mission or consular office.

Article 94 – (1) After receiving the files referred to in Article 93, the constituency electoral bureau shall draw up, separately for the Senate and for the Chamber of Deputies, the minutes including the total number of votes validly cast for every political party, political alliance, electoral alliance and independent candidate, that it shall remit within 24 hours to the Central Electoral Bureau.

(2) After receiving the minutes drawn up by the constituency electoral bureaus, according to paragraph (1), the Central Electoral Bureau shall determine the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities that reach the

electoral threshold, separately for the Senate and for the Chamber of Deputies. The electoral threshold represents the minimum number of votes validly cast necessary for parliamentary representation, calculated as follows:

a) 5% of the total number of votes validly cast at national level or 20% of the total number of validly cast votes in at least 4 electoral constituencies for all electoral competitors;

b) in the case of political alliances and electoral alliances, 3% of the votes validly cast at national level shall be added to the 5% threshold referred to in point (a), for the second member of the alliance, and, for each alliance member, starting with the third member, one percent of the votes validly cast in all electoral constituencies shall be added to the threshold, without exceeding 10% of these votes.

(3) The electoral threshold is equal to the non-rounded integer, without decimals, resulting by multiplying the percentage points established according to point (a) of paragraph (2).

(4) After receiving, from the Central Electoral Bureau, the confirmation concerning the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities having reached and those having not reached the electoral threshold, the constituency electoral bureau shall allot the Deputy mandates, respectively those of Senator. The candidates and the accredited persons are entitled to attend the works of the constituency electoral bureau.

(5) Mandate distribution shall be done by taking into consideration only those political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities, having reached the electoral threshold stipulated under paragraph (2), distinctly for the Senate and for the Chamber of Deputies, as well as the independent candidates having obtained a number of votes at least equal with the electoral quotient of the constituency in which they stood as candidates.

(6) The distribution and allotment of the mandates of Deputy and Senator shall be carried out in 2 stages: at the level of each electoral constituency and at national level:

a) at the level of the electoral constituency, the electoral bureau shall establish, separately for the Senate and for the Chamber of Deputies, the electoral quotient of the constituency, by dividing the total number of votes validly cast for all the lists of candidates of the political parties, political alliances, electoral alliances and organisations of citizens belonging to national minorities meeting the condition referred to in paragraph (2) and for the independent candidates by the number of Deputies, respectively of Senators, to be elected in that electoral constituency; the electoral quotient is the non-rounded integer, without decimals, resulting from this division;

b) every list shall receive as many mandates as the number of times the electoral quotient of the electoral constituency is included in the number of votes validly cast for that list;

c) the allotment of the mandates shall be done by the constituency electoral bureau, in the order of registration of the candidates on the list;

d) independent candidate shall receive a mandate each, if they obtained a number of votes validly cast at least equal with the electoral quotient for Deputies or for Senators, where appropriate; the independent candidates shall take part in the distribution of the mandates only in the first stage, that at the level of the constituency; an independent candidate can receive only one mandate;

(e) the votes remaining, i.e. unused or below the electoral quotient, obtained by the lists of candidates of the political parties, political alliances, electoral alliances and organisations of citizens belonging to the national minorities meeting the condition in paragraph (2), as well as the mandates that could not be allotted by the constituency electoral bureau shall be notified by it to the Central Electoral Bureau, for a centralised distribution.

(7) The Central Electoral Bureau shall total, separately for the Senate and for the Chamber of Deputies, the unused votes and those below the constituency electoral quotient in all electoral constituencies, for every political party, political alliance, electoral alliance and organisation of citizens belonging to the national minorities meeting the condition in paragraph (2); the number of votes thus obtained by each political party, political alliance and electoral alliance shall be divided by 1, 2, 3, 4, etc., the number of divisions being equal with the number of mandates that could not be allotted at the level of the electoral constituencies; the decimal value of the quotient obtained from this division shall be truncated after the 15th decimal, without rounding; the quotients resulting from the division, regardless of the list from which they result, shall be classified in decreasing order, up to the number of mandates non allotted; the lowest such quotients shall represent the national electoral quotient, for Senators and, separately, for Deputies; every political party, political alliance or electoral alliance shall receive as many mandates of Deputies or, where appropriate, of Senators, as many times as the national electoral quotient is included in the total number of the votes validly cast for the respective political party, political alliance or electoral alliance, resulting from the national total of the votes unused and of those below the constituency electoral quotient.

(8) The Central Bureau shall distribute the mandates allotted by electoral constituencies as follows:

a) for every political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities, which received mandates according to paragraph (7), the number of unused votes and

of those below the constituency electoral quotient, in every electoral constituency, shall be divided by the total number of the votes validly cast for that political party, political alliance or electoral alliance taken into consideration when distributing the national mandates; the result thus obtained for every constituency shall be multiplied by the number of mandates that the political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities is entitled to; the data obtained shall be ordered decreasingly, at national level, and, separately, decreasingly, within each constituency; in the constituencies where, following the computations performed, no clear delineation between 2 or more political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities, can be made in order to determine the divider for the respective constituency, the delineation for the decreasing ordering shall be done considering, first, the number of votes remained unused in the respective constituency, then the number of votes validly cast in the constituency, then the number of votes validly cast at national level and, finally, if none of the previous criteria leads to a clear delineation, by random draw, organised by the Central Electoral Bureau; for every constituency, the first political parties, political alliances, electoral alliances or organisations of citizens belonging to national minorities shall be taken into consideration, within the limit of the mandates to be distributed in the respective constituency; the last number in this operation shall represent the distributor for that constituency; next, the mandates shall be distributed by constituencies in the order of the political parties, political alliances, electoral alliances, as well as of the constituencies in the list sorted at national level, as follows: the first number in the list sorted at national level shall be divided by the divider of the constituency from which it originates, thus giving the number of mandates to which it is entitled in the respective constituency; next, the procedure is identical for the following numbers in the list sorted at national level; if the number of mandates that should be allotted to a political party, political alliance, electoral alliance or organisation of citizens belonging to the national minorities or in an electoral constituency is exhausted, the operation shall continue without them; if the number in the list sorted at national level is below the constituency divider, a mandate shall be allotted;

b) if a distribution of the mandates is not possible in the order resulting from the implementation of the provisions of point (a), the Central Electoral Bureau shall consider the electoral constituency where the political party, political alliance, electoral alliance or organisation of citizens belonging to the national minorities has the highest number of candidates or a candidate, which did not receive any mandates, and if, consequently, there are still remaining mandates that have not been distributed by constituencies, the

electoral constituency where the political party, political alliance, electoral alliance or organisation of citizens belonging to national minorities has the highest number of unused votes or the highest number of votes below the constituency electoral quotient;

c) if, after the implementation of the provisions of points (a) and (b), there are still mandates remaining that have not been distributed by constituencies, the Central Electoral Bureau shall establish them based on the assent of the political parties, political alliances or electoral alliances that are entitled to these mandates, according to paragraph (4), and, in the absence of an assent, by random draw, within 24 hours from the closing of the previous operations.

(9) The mandates distributed by lists of candidates, according to paragraph (8), shall be allotted to the candidates by the constituency electoral bureau, in the order of their registration on the list.

(10) The constituency electoral bureau shall issue the certificate proving the election of the Senators and Deputies having received mandates, within 24 hours from the closing of each allotment procedure.

(11) If the organisations of citizens belonging to national minorities choose to submit the same list of candidates in all electoral constituencies, the mandate of Deputy shall be obtained, in the order of registration, by the candidate registered on the list of the organisation of the respective national minority.

(12) The mandate referred to in paragraph (11) shall be allotted at national level by the Central Electoral Bureau for each national minority, according to Article 56, to the organisation of the respective minority having obtained the highest number of votes validly cast at national level.

(13) The candidates registered on the lists who have not been elected shall be declared substitutes of the respective lists. In case of vacancy of the mandates of Senators or of Deputies elected on the lists of candidates, the substitutes shall occupy the seats become vacant, in the order of their registration on the lists, if, until the date of validation of the mandate for filling the vacant seat, the political parties or the organisations of citizens belonging to national minorities for which the substitutes ran as candidates shall confirm, in writing, under the signature of the management bodies of the political parties or organisations of citizens belonging to national minorities, that the substitutes are members of the respective political party or organisation of citizens belonging to national minorities.

Article 95 – (1) The constituency electoral bureau shall draw up, separately for the Senate and for the Chamber of Deputies, the minutes concerning all the electoral operations, the centralisation of the votes, the ascertaining of the result of the vote and the allotment of the mandates.

(2) The minutes shall comprise:

a) the total number of voters included in the electoral lists existing at the polling station, in application of the formula: point a = point a1 + point a2 + point a3;*

a1) the total number of voters according to the permanent electoral lists, in application of the formula: point a1 \geq point b1;

a2) the total number of voters according to the additional electoral lists, in application of the formula: point a2 \geq point b2;

a3) the total number of voters according to the excerpt of the permanent and additional electoral lists, in application of the formula: point a3 \geq point b3;**

b) the total number of voters included in the electoral lists of the electoral constituency, present for the vote, in application of the formula: point b = point b1 + point b2;

b1) the total number of voters present for the vote, included in the permanent electoral lists;

b2) the total number of voters present for the vote, included in the additional electoral lists;

b3) the total number of voters who voted by means of the special urn;**

c) the number of ballot papers received, in application of the formula: point c \geq point d + point e + point f + point g;

d) the number of ballot papers unused and annulled;

e) the total number of validly cast votes, in application of the formula: point e \leq [point b – (point f + point g)]; point e = the total number of validly cast votes expressed in point h;

f) the number of null votes;

g) the number of blank votes;

h) the number of validly cast votes, obtained by each list of candidates and independent candidate;

i) the presentation of the way in which the mandates have been allotted, according to Article 94, the first and last names of the elected candidates, as well as, where appropriate, the political party, political alliance or electoral alliance having proposed them;

j) the mandates that could not be allotted at the level of the electoral constituency, as well as the validly cast votes to be counted, according to Article 94, at national level;

k) a brief account of the objections, challenges and decrees issued by the constituency electoral bureau.

* Amended by Law No. 51/2018.

** Inserted by Law No. 51/2018.

(2¹) The minutes drawn up by the constituency electoral bureau for the Romanian citizens domiciled or residing abroad shall include, besides the elements referred to in paragraph (2), the following data:

a) the total number of voters, according to the electoral lists for the postal voting;

b) the total number of voters having voted by post, registered on the electoral lists for the postal voting;

c) the number of outer envelopes dispatched;

d) the number of outer or inner envelopes annulled.*

(3) The minutes, together with the objections, challenges and the minutes received from the electoral bureaus of the polling stations and the electoral offices, where appropriate, that form a file, drawn up, sealed, stamped and signed by the members of the electoral bureau, shall be remitted, under escort by the staff of the Ministry of Interior, to the Central Electoral Bureau, within 48 hours, at the most, from receiving the notification of the Central Electoral Bureau concerning the distribution, by electoral constituencies, of the mandates allotted in a centralised manner at national level.

(4) The ballot papers used must be kept in absolute security, packed, sealed and labelled, by polling stations, at the constituency electoral bureaus and at the premises of the diplomatic missions, respectively of the consular offices, until the date of publication of the results of the elections in the Official Gazette of Romania, Part I.

Article 96 – (1) The Central Electoral Bureau shall settle the objections and challenges filed, then separate minutes for the Senate and for the Chamber of Deputies shall be drawn up, including, at national level:

a) the total number of voters included in the electoral lists, of which:

– the total number of voters included in the permanent electoral lists;

– the total number of voters included in the additional electoral lists;

– the total number of voters included in the electoral lists for the postal voting;

– the total number of voters included in the excerpts of the additional and permanent electoral lists;**

b) the total number of voters present for the vote, included in the electoral lists, of which:

– the total number of voters included in the permanent electoral lists;

– the total number of voters included in the additional electoral lists;

– the total number of voters included in the electoral lists for the postal voting;

* Inserted by Law No. 288/2015.

** Amended by Law No. 288/2015; the 4th dash has been inserted by Law No. 51/2018.

– the total number of voters included in the excerpts of the additional and permanent electoral lists;*

c) the total number of validly cast votes;

d) the number of null votes;

e) the number of validly cast votes, obtained by each list of candidates or by each independent candidate;

f) the number of ballot papers received by the polling stations and the number of outer envelopes sent to the voters;**

g) the number of ballot papers unused and annulled, as well as the number of outer or inner envelopes annulled;**

h) the findings concerning the way in which the constituency electoral bureaux implement the provisions of Article 94;

i) the country allotment of the mandates according to Article 94 and their distribution by electoral constituencies, according to the same article;

j) the organisations of citizens belonging to national minorities that, although took part in the elections, did not get any mandates of Senator or Deputy; the total of the validly cast votes for the lists of each of these organisations and the identification of the organisations entitled to a mandate of Deputy; the last name and first name of the first candidate on the list of the organisation entitled to a mandate of Deputy, having obtained the highest number of votes; if the lists of the organisation have obtained an equal number of votes, the appointment shall be done by random draw;

k) the way in which the challenges and objections received have been settled.

(2) The minutes shall be signed by the president, by his/her alternate and by the other members of the Central Electoral Bureau in whose presence they have been drawn up and shall be remitted to the Senate and the Chamber of Deputies, for the validation of the elections, together with the files drawn up by the constituency electoral bureaux. The absence of the signatures of some members of the bureaux shall have no influence on the validity of the minutes and of the elections. The president shall mention the reasons that prevented the signing thereof.

Article 97 – The Central Electoral Bureau shall publish the results of the vote in the Official Gazette of Romania, Part I, within the prescribed period, in compliance with the provisions of Article 63 paragraph (3) of the Romanian Constitution, republished.

* Amended by Law No. 288/2015; the 4th dash has been inserted by Law No. 51/2018.

** Amended by Law No. 288/2015.

CHAPTER XI

Minor offences and sanctions

Article 98 – The following represent minor offences unless committed in such circumstances so as to represent, according to the criminal law, criminal offences:

a) violation of the provisions of Article 49 paragraph (2); deliberate registration of a voter on several permanent electoral lists, registration of fictitious persons or of persons who are not entitled to vote on the electoral lists, making recordings in or removals from the Electoral Register, in violation of the legislation in force;

b) failure to make recordings in or removals from the Electoral Register within the deadlines set according to this law;

c) performance of operations in the Electoral Register or in the permanent electoral lists by unauthorised persons;

d) violation of the provisions regarding the posting of nominations;

e) refusal to make available to the fact-finding agents referred to in Article 99 the documents and papers necessary for the inspection;

f) failure, by the organisers, to take the necessary steps for the normal unfolding of electoral rallies, as well as the distribution and consumption of alcoholic beverages during such rallies;

g) destruction, deterioration, soiling, covering by writing on or in any other manner of the electoral lists, programme platforms posted, or of any other posters or electoral propaganda notifications printed;

h) failure to comply with the provisions of Article 49 paragraph (4); failure to comply with the provisions of Article 79;

i) acceptance, by a person, of his/her candidature on several electoral constituencies or both for the Senate and for the Chamber of Deputies, except for the nominations made by the organisations of citizens belonging to national minorities;

j) failure to comply with the decisions and decrees of the electoral bureaus and offices; failure to comply with the decrees, decisions and orders of the Permanent Electoral Authority;

k) failure to comply with the legal provisions on the update of the delimitation of polling stations;

l) failure to comply with the legal provisions of Article 65 paragraphs (2) to (6), Articles 66 to 75, Articles 77 and 78 by other persons than the radio broadcasting companies;

m) unauthorised printing of the ballot papers, except for the annulled sample made available to the electoral competitors;

n) refusal to grant access inside the voting premises to the candidates, the accredited persons, the members of the electoral bureaus and offices and to the representatives of the Permanent Electoral Authority for attending the unfolding of the electoral operations;

o) refusal to uphold and register a written referral, objection, challenge or complaint filed according to the provisions of this law;

p) refusal to comply with the orders of the president of the electoral bureau of the polling station as regards keeping order inside and outside the voting premises;

q) handing over a ballot paper to a voter who does not present an ID document or who refuses to sign in the electoral list in which (s)he is registered for receiving the ballot paper and the voting stamp;

r) failure to affix on the ID document the 'VOTED' stamp or the self-adhesive stamp, as well as the holding of the ID document, without well-founded reasons, by the members of the electoral bureau of the polling station;

s) drawing up the minutes in violation of the provisions of this law;

t) violation of the provisions of Article 16; electoral propaganda being continued after its closure, as well as advising the voters, on the voting day, at the premises of the polling stations to vote or not for a certain political party, political alliance, electoral alliance, organisation of citizens belonging to a national minority or independent candidate;

u) wearing, during the voting process, identity tags, badges or other electoral propaganda signs by the members of the electoral bureaus of the polling stations or by the accredited persons;

v) violation, by the members of the electoral bureaus, of the obligation to take part in the activity of these bureaus;

w) refusal, by the president of the electoral bureau or his/her alternate, to issue a certified copy of the minutes to the persons entitled to it according to the provisions of this law;

x) violation, by the associations, foundations and Romanian media institutions, of the conditions set by law for appointing the domestic observers and the representatives of the media institutions;

y) violation of the provisions of Article 90, by the accredited persons;

z) violation of the provisions of Articles 88, 92 and 93.

Article 99 – (1) The minor offences referred to in points (b) to (e), (g) to (i), (k), (l), (n) to (p), (r), (s), (u) to (w), (x) and (y) of Article 98 shall be sanctioned with a fine ranging from RON 1,500 to RON 4,500, those referred to in points (a), (f), (j), (m), (q), (t) and (z), with a fine ranging from RON 4,500 to RON 10,000.

(2) The finding of the minor offences referred to in Article 98 and the enforcing of the sanctions referred to in paragraph (1) shall be done by:

a) police officers and agents of the Romanian Police and officers and non-commissioned officers of the Romanian Gendarmerie, for the actions referred to in points (a), (d), (f), (g), in the second phrase of point (h), in points (l), (m), (n), (p), (q), (r), (t), (u), (x), (y) of Article 98, as well as for the action referred to in point (j) of Article 98, if committed by natural persons or by legal persons of private law;

b) the hierarchically superior electoral bureau, for the actions referred to in Article 98 points (j), (o), (s), (v), (w) and (z), committed by the electoral bureaux;

c) the Central Electoral Bureau, for the actions referred to in Article 98 points (d) and (i);

d) proxies of the President of the Permanent Electoral Authority, for the actions referred to in points (a), (b), (c), (e), in the first phrase of point (h), in point (k) of Article 98, for the action referred to in Article 98 point (j), if committed by political parties, political alliances, organisations of citizens belonging to national minorities, authorities of central or local public administration.

(3) The offender may pay, on the spot, or no later than 48 hours from the date the report has been drawn up, or, as the case may be, from the date of its notification, half of the minimum fine stipulated in paragraph (1) and the fact-finding agent shall mention this possibility in the report.

(4) The provisions of Government Ordinance No. 2/2001 on the legal status of minor offences, approved as amended and supplemented by Law No. 180/2002, as subsequently amended and supplemented, shall apply to the minor offences stipulated under Article 98.

TITLE II

The organisation and functioning of the Permanent Electoral Authority

CHAPTER I

The mission, organisation and specialised apparatus of the Permanent Electoral Authority

Article 100 – (1) The Permanent Electoral Authority is an autonomous *régie* with legal personality and general powers in the electoral field, whose mission is to ensure the organisation and the unfolding of elections and referendums, as well as the financing of political parties and electoral campaigns, in compliance with the Constitution, the law and the international and European standards in the field.

(2) The Permanent Electoral Authority shall carry out its activity in compliance with the principles of independence, fairness, lawfulness, transparency, efficiency, professionalism, responsibility, sustainability, predictability and legitimacy.

Article 101 – (1) The Permanent Electoral Authority is headed by a president, having the rank of minister, helped by 2 vice-presidents having the rank of State Secretary.

(2) The president is appointed through bylaw adopted in joint session of the Senate and the Chamber of Deputies, upon proposal by the parliamentary groups, from among the persons with training and experience in the legal or administrative field. The candidate obtaining the majority of the votes of the Deputies and Senators is appointed president.

(3) The president is helped by 2 vice-presidents having the rank of State Secretary, one appointed by the President of Romania, the other by the Prime Minister.

(4) The president and the vice-presidents cannot be members of any political party.

(5) The term of office of the president and those of the vice-presidents of the Permanent Electoral Authority are of 8 years and can be renewed once.

(6) The term of office of the president and of the vice-presidents shall cease in the following situations:

- a) expiry of the term of office;
- b) resignation;
- c) dismissal;
- d) death.

(7) The president and the vice-presidents can be revoked from office, for reasoned grounds, by the authorities having appointed them.

(8) The Permanent Electoral Authority, upon the opinion of the Ministry of Public Finances, shall approve its own draft budget, before the debate of the state budget and shall remit it to the Government in order to be included in the state budget. The inclusion of capital expenditure in its own budget is done upon consultation with the Government.

(9) The President of the Permanent Electoral Authority is the authorising officer. In order to fulfil the tasks incumbent upon him/her, the president shall issue orders.

(10) Repealed.*

(11) The Permanent Electoral Authority has a Secretary General. The Secretary General is appointed by the Prime Minister based on an exam, under the law.

(12) In the absence of the president, his/her tasks are fulfilled by one of the vice-presidents, appointed by order.

Article 102 – (1) The Permanent Electoral Authority has its own specialised apparatus.

(2) The organisation and functioning of the apparatus of the Permanent Electoral Authority, the number of staff, the statute of its staff, its powers and structure are established by the internal regulations for its organisation and functioning, approved through bylaw of the permanent bureaux of the two Chambers of Parliament, upon proposal by the Permanent Electoral Authority. The staff of the Permanent

* Repealed by the Framework Law No. 153/2017.

Electoral Authority has the same statute as the staff of the apparatus of the two Chambers of Parliament. The offices of dignitaries are organised based on the provisions of Government Ordinance No. 32/1998 for the organisation of offices of dignitaries in the central public administration, approved as amended by Law No. 760/2001, as subsequently amended and supplemented, for the minister and, respectively, for the State Secretary. The provisions of Article XVI of Title III of Book II of Law No. 161/2003 on certain measures to ensure transparency in carrying out public dignities, public offices and in the business environment, the prevention and sanctioning of corruption, as subsequently amended and supplemented and those of Article III of Government Emergency Ordinance No. 229/2008 concerning certain measures for expenditure reduction at the level of public administration, as approved by Law No. 144/2009, do not apply to the organisation and functioning of its own apparatus.

(3) The Permanent Electoral Authority can have branches and offices in every county and in the Municipality of Bucharest. The setting up, organisation and functioning of its branches and bureaus, the number of staff, as well as their powers are established by the internal regulations on the organisation and functioning of the Permanent Electoral Authority.

(4) The staff of the specialised apparatus of the Permanent Electoral Authority are paid at the level set by law for the staff of the apparatus of the two Chambers of Parliament.

(5) All the staff receive bonuses or other supplements to the salaries established according to law, calculated based on the monthly gross basic salary or on the classification allowance specific to the position held. By *staff of the Permanent Electoral Authority* we understand the staff paid and indemnified, appointed according to law.

(6) The provisions of Law No. 7/2006 on the statute of parliamentary civil servants, republished, as subsequently amended and supplemented, shall apply accordingly to the staff of the specialised apparatus of the Permanent Electoral Authority.

(7) The President of the Permanent Electoral Authority shall appoint, promote, dismiss or revoke from office the staff of the specialised apparatus of the Permanent Electoral Authority, according to law.

(8) The staff of the specialised apparatus of the Permanent Electoral Authority having the statute of high-ranking parliamentary civil servants shall be appointed, dismissed or revoked from office upon the approval of the joint permanent bureaus of the two Chambers of Parliament. The persons holding public dignities and those holding public offices corresponding to the category of high-ranking civil servants, who do not have their domicile or a personal home in the Municipality of Bucharest, shall receive a travel allowance, as set through the internal regulations for the organisation and functioning of the Permanent Electoral Authority.

(9) The staff of the specialised apparatus of the Permanent Electoral Authority having the statute of parliamentary civil servant cannot be members of any political party or faction.

Art. 102¹. – (1) The National electoral network shall be set up, besides the Permanent Electoral Authority, an organism without legal personality, which works under the coordination of the president of the Permanent Electoral Authority, which shall have the following objectives:

a) to assist the Permanent Electoral Authority in elaborating, integrating, correlating and monitorizing the policies regarding the security and resilience of the Romanian electoral system;

b) to assist the Permanent Electoral Authority in carrying out the activities of implementing and manipulating the Voter turnout monitoring system to prevent illegal voting;

c) to assist the Permanent Electoral Authority in elaborating, implementing and manipulating the systems and information applications used in the electoral processes.

(2) When carrying out the tasks conferred upon it, the National electoral network shall emit recommendations and reports.

(3) The tasks, the structure, organisation and functioning of the National electoral network, as well as the allowances which are incumbent to its members shall be determined by decision of the Government, at the proposal of the Permanent Electoral Authority.

(4) Of the National electoral network take part public servants of great importance from the Permanent Electoral Authority, department chiefs respectively and their public servants thereof, as well as representatives of the Ministry of Communications and Information Society and of the unities that work under its subordination or coordination, of the Special Telecommunication Service, of the National Institute of Statistics, of the National Authority for Management and Regulation in Communications, of the Ministry of Interior, of the Ministry of Foreign Affairs, of the Ministry of National Education, experts from the civil society, representatives of the parliamentary political parties, as well as of other institutions with attributions in the electoral domain.*

Art. 102². – (1) For elaborating, implementing and manipulating the systems and information applications used in the electoral processes, The Permanent Electoral Authority may hire qualified staff in the information technology domain, contractual staff that shall be registered with an individual employment contract on a limited period, ended by way of derogation from the provisions of Article 82 paragraphs (3) to

* Inserted by Law No. 148/2000.

(5) and from those of Article 84 paragraph (1) of Law No. 53/2003 – The Employment code, republished, as amended and supplemented.

(2) The staff provided in paragraph (1) shall carry out its activity in the positions of specialists in the information and communications technology, positions that are set up within the departments within the Permanent Electoral Authority.

(3) The number of positions related to the specialists in the information and communications technology, the criteria and methodology of selection, as well as the conditions under which this staff category carries out its activity shall be approved by order of the president of the Permanent Electoral Authority, within the limit of the maximum positions and of the approved budget destined thereof, to the staff of the Permanent Electoral Authority.

(4) By way of derogation from the provisions of Article 30 of Law No. 53/2004, republished, as amended and supplemented, and from those of Article 31 paragraph (1) of the Framework Law No. 153/2017 regarding the payment of the staff paid from public funds, as amended and supplemented, the classification of the qualified staff provided in paragraph (1) shall be made according to the criteria and methodology developed according to paragraph (3).

(5) The salary rights related to the positions set up according to paragraph (2) shall be established, by way of derogation from the provisions of the Framework Law No. 153/2017, as amended and supplemented, to the amount of 6 times the value of the gross average wage used to substantiate the budget of the state social insurances, by order of the president of the Permanent Electoral Authority.*

CHAPTER II

The powers of the Permanent Electoral Authority

Article 103 – (1) The Permanent Electoral Authority shall carry out the following main powers:

a) it draws up proposals concerning the provision of the necessary logistics for the unfolding of the elections, that it sends to the Government and to local public administration authorities for implementation and it monitors the effective implementation of these proposals;

b) it monitors the delimitation of polling stations, the establishment of the premises of polling stations and electoral bureaus;

c) it monitors the timely provision of the equipment necessary to the polling stations: standard ballot boxes and booths, stamps, stamp pads,

* Inserted by Law No. 148/2019.

recipients for the transportation of the ballot papers and others; it controls their storage from one electoral period to another;

d) it monitors the methods for ensuring the funds necessary for the timely staggered provision of the logistics necessary for the unfolding of the electoral process;

e) it monitors the security of polling stations, ballot papers and of the other documents and materials specific to the electoral period;

f) it monitors the drawing up and printing of the permanent electoral lists; it monitors and supervises the updates of the Electoral Register;

g) it administers the Electoral Register and the Register of polling stations in the country;

h) it supervises and monitors the fulfilment of the tasks incumbent upon the public authorities and other bodies while preparing and organising the electoral processes;

i) it ensures, within the limits of its competences, the unitary implementation of the legal provisions concerning the organisation of elections and referendums;

j) it draws up studies and proposals for the improvement of the electoral system, that it publishes and presents to the public authorities, political parties, as well as to the non-governmental organisations concerned;

k) it presents to the Parliament, within 3 months, at the most, from the closing of the elections for the Senate and the Chamber of Deputies, for the President of Romania, for the European Parliament and for the local public administration authorities, or from a national referendum, a report on the organisation and unfolding of the elections, respectively of the referendum, including mentions related to the electoral turnout, their unfolding, the irregularities and flaws, including of legislative nature, found and the result of consulting; the report is published under the form of a White Paper;

l) it implements programmes aimed at informing and educating the voters concerning the Romanian electoral system and concerning the observance of electoral ethics and it ensures their dissemination;

m) it organises specific professional training and education programmes in the electoral field for the staff of authorities and institutions with powers in the organisation and unfolding of the elections, as well as for the persons likely to become members of the electoral bureaus and computer operators at the level of polling stations;

n) it draws up programmes and it establishes unitary procedures concerning the exercise of the right to vote by disabled persons and it ensures their dissemination;

o) it draws up its draft budget, approved by the law on the state budget;

p) it draws up the list of the specialised staff certified by the National Institute of Statistics, taking part in the centralisation and processing of data and in the ascertaining of the results of the voting;

q) it coordinates the national electoral information system;

r) it provides, with the support of the authorities and institutions from the National electoral network, the applications and/or information services used by the Central Electoral Bureau for centralizing the voting results, as well as the information equipments that are necessary for centralizing the voting results by the Central Electoral Bureau;*

s) it draws up and submits to the Government for approval, together with the Ministry of Interior, the date of the elections and the calendar of the actions scheduled to take place during the electoral period;

ș) it draws up and submits to the Government, for approval, together with the Ministry of Interior, the draft decisions for the proper organisation and unfolding of the elections;

t) it draws up draft normative acts for the improvement and refinement of the Romanian electoral system, that it submits to the Government for analysis and for exercising the right of legislative initiative;

ț) it presents to the Government, for approval, together with the Ministry of Public Finances and the Ministry of Interior, the draft Government decision for the approval of the expenditure necessary for the organisation and unfolding of the elections;

u) it certifies for proof of non-alteration, 10 days before the date of the elections, the computer applications used by the Central Electoral Bureau for the centralisation of the results of the voting and it makes them available for the political parties and organisations of citizens belonging to national minorities enlisted in the electoral competition, upon their written request;

v) it addresses proposals to the Government for the establishment of the date for the organisation and unfolding of the partial elections for the local public administration authorities and it supports their organisation;

w) it sees to the observance of the law on the organisation and unfolding of local referendums;

x) it ensures the implementation of the legislation concerning the funding of the activity of political parties and of the electoral campaigns;

y) it organises national and international conferences, seminars and congresses in its field of activity;

z) it ensures the transparency of the expenditure incurred for the organisation and unfolding of the elections and referendums.

(2) The Permanent Electoral Authority shall submit to the Parliament, on a yearly basis, a report concerning its activity, according to law.

*Amended by Law No. 148/2019.

(3) The Permanent Electoral Authority shall fulfil any other powers set by law.

Article 104 – (1) While fulfilling its powers, the Permanent Electoral Authority shall adopt decisions, decrees and orders, which are signed by the president and countersigned by the vice-presidents.

(2) The decrees and orders of the Permanent Electoral Authority that have a normative nature shall be published in the Official Gazette of Romania, Part I.

(3) The decrees and orders of the Permanent Electoral Authority that do not have a normative nature, as well as the decisions of the Permanent Electoral Authority shall be notified to the persons concerned and are published by being posted on its own website.

CHAPTER III

The setting up and functioning of the ‘Electoral expert’ Centre

Article 105 – (1) The ‘Electoral expert’ Centre, legal entity subordinated to the Permanent Electoral Authority, shall be set up with the following objectives:

a) to support the drawing up and implementation of the strategies of the Permanent Electoral Authority;

b) to increase the level of knowledge and skills of the persons engaged in the preparation, organisation and unfolding of the electoral processes;

c) to improve access to the international and regional legal instruments in the electoral field, to the national electoral legislation, to the case-law and specialised literature in this field;

d) to inform and educate the voters and electoral competitors in the spirit of the international principles and standards in the electoral field;

e) to develop electoral integrity.

(2) The ‘Electoral expert’ Centre shall be headed by a director, appointed by the president of the Permanent Electoral Authority, based on a competition, under the law.

(3) The organisation and functioning regulations of the ‘Electoral expert’ Centre and the number of staff thereof shall be approved by bylaw of the permanent bureaus of the two Chambers of Parliament, upon proposal by the president of the Permanent Electoral Authority.

(4) The staff of the ‘Electoral expert’ Centre is assimilated, from the point of view of statute and pay, to the staff of the Permanent Electoral Authority.

(5) The staff of the Permanent Electoral Authority can conduct activities paid by the hour within the ‘Electoral expert’ Centre, under the conditions set by the organisation and functioning regulations.

Article 106 – (1) The ‘Electoral expert’ Centre shall fulfil the following powers:

a) it draws up analyses, studies and research reports in the electoral field, upon request by the Permanent Electoral Authority; the Parliament, Government and President of Romania can request the Permanent Electoral Authority to draw up analyses, studies and research reports in the electoral field by the ‘Electoral expert’ Centre;

b) it provides electoral consulting services, based on contracts signed with natural or legal persons;

c) it organises and conducts trainings, specialisation and education programs in the electoral field;

d) it draws up, edits, prints and disseminates, at national level and abroad, publications in the electoral field;

e) it organises scientific sessions, conferences and events in the electoral field.

(2) In order to fulfil the powers referred to in paragraph (1), the ‘Electoral expert’ Centre can sign, under the law, partnerships, agreements of cooperation and contracts with other public or private institutions and/or with specialists in the country or abroad.

Article 107 – (1) The operation and capital expenses of the ‘Electoral expert’ Centre shall be covered from state allowances and own income.

(2) The staff-related expenses of the ‘Electoral expert’ Centre shall be covered from state allowances.

(3) The granting of the budgetary allowances referred to in paragraphs (1) and (2) shall be done through the budget of the Permanent Electoral Authority.

(4) The own income of the ‘Electoral expert’ Centre shall include:

a) donations and sponsorships, under the law;

b) income resulting from consulting and research contracts;

c) fees for attending the training, specialisation and education activities;

d) selling of publications;

e) fees for attending scientific sessions, conferences and events;

f) other activities assimilated thereto, conducted based on contracts or in public-private partnerships or with other public institutions;

g) non-refundable grants.

(5) The expenses with the activities referred to in points (b) to (e) of Article 106 paragraph (1) shall be covered from the own income of the ‘Electoral expert’ Centre.

TITLE III

Transitional and final provisions

Article 108 – (1) The expenses for conducting the electoral operations shall be borne from the state budget.

(2) The Government shall provide the premises and supplies of the Central Electoral Bureau and of the electoral bureau of the electoral constituency for the Romanian citizens domiciled or residing abroad, while those of the constituency electoral bureaus by the prefects and by the presidents of county councils, respectively by the General Mayor of the Municipality of Bucharest, and those of the electoral offices, as well as of the electoral bureaus of the polling station, by the mayor, together with the prefects.

(3) The documents drawn up while exercising the electoral rights referred to in this title shall be exempted from duty stamps.

Article 109 – (1) In support of the activity of the electoral bureaus, the Government shall provide the necessary statisticians, the Permanent Electoral Authority, together with the Ministry of Interior, the necessary auxiliary technical staff, and the Permanent Electoral Authority, together with the Ministry of Foreign Affairs, shall provide the auxiliary staff for the electoral bureau of the constituency for the Romanian citizens domiciled or residing abroad.

(2) During the functioning of the electoral bureaus and offices, the members thereof, the statisticians, the auxiliary technical staff and the computer operators shall be deemed seconded and shall receive an allowance set by Government decision, upon proposal by the Permanent Electoral Authority. The presidents of the electoral bureaus, their alternates and members shall receive the allowance starting with the date when the establishment minutes are drawn up.

(3) For the allowances referred to in paragraph (2), only the income tax shall be withheld, due and collected, according to law.

Article 110 – (1) The Permanent Electoral Authority, with the support of the Special Telecommunications Service and the National Institute of Statistics, shall ensure the implementation and management of the Computer system for monitoring turnout and preventing illegal voting, based on the data and information in the Electoral Register and the Register of polling stations.

(2) The methodology concerning the functioning of the Computer system for monitoring turnout and preventing illegal voting, the selection and appointment of the computer operators of the electoral bureaus of the polling stations shall be approved by decree of the Permanent Electoral Authority.

(3) The computer infrastructure held by the local and central public administration authorities, as well as by schools, shall be used, as a general

rule, for the implementation and functioning, during the elections, of the Computer system for monitoring turnout and preventing illegal voting, under the coordination of the Special Telecommunications Service.

(4) The Special Telecommunications Service shall provide the special telephony and voice and data communication services necessary to the electoral bureaus and offices, and it shall ensure the functioning of the Computer system for monitoring turnout and preventing illegal voting. The amounts necessary for covering these expenses shall be ensured by the state budget.

(5) **Computer operators carry out their activity under the conditions set up by decision of the Permanent Electoral Authority.***

(6) **The distribution of computer operators appointed according to paragraph (2) to the electoral polling stations from the country shall be made by decision of the Permanent Electoral Authority.***

(7) **No more than 3 computer operators shall be distributed to a polling station from the country.***

(8) **Besides the computer operators distributed to the polling stations from the country, the Permanent Electoral Authority shall distribute, at the proposal of the Special Telecommunication Service, at least one computer operator near each polling station from the country.***

(9) **According to this law, by *polling station from the country* shall be read the property from the country where at least 2 polling stations are in function.***

(10) **The members of the electoral bureaus of the polling stations from abroad shall also fulfil the tasks that are incumbent to the computer operators, according to law.***

(11) **The central public and local authorities involved, according to law, in the setting up of the elections shall sustain the implementation and proper functioning of the Voter turnout monitoring system to prevent illegal voting, with their own staff, furthermore named *computer scientists*.***

Article 111 – The amounts necessary for covering the expenses generated by the activities of the Ministry of Interior in the field of public order and safety for the proper organisation and unfolding of the elections, respectively the amounts necessary for covering the expenses generated by the printing of the minutes for the centralisation of the results of the vote at national level, shall be ensured from the state budget, through the budget of the Ministry of Interior, respectively through the budget of the General Secretariat of the Government, for the National Institute of Statistics.

Article 112 – (1) The amounts necessary for covering the expenses incurred by the prefect's institutions in order to manufacture the stamps of the constituency electoral bureaus and the control stamps of the polling

* Inserted by Law No. 148/2019.

stations, to print the ballot papers, to transport, pack and distribute the materials, documents and standard forms referred to by law for the unfolding of the electoral process, as well as the payment of the allowances of the members of the electoral bureaus of the polling stations, of the electoral bureaus, the payment of the auxiliary technical staff of these bureaus and of the computer operators of the polling stations shall be ensured from the state budget, through the budget of the Ministry of Interior, for the prefect's institutions.

(2) The amounts necessary for covering the expenses incurred by the Ministry of Interior for paying the paper actually used for printing the ballot papers and for manufacturing the 'VOTED' stamps and the self-adhesive stamps shall be ensured from the state budget, through the budget of the Ministry of Interior.

Article 113 – (1) The Ministry of Interior, through the National Administration of the State Reserves and Special Issues, shall provide the paper necessary for printing the ballot papers.

(2) The Ministry of Interior shall distribute, upon report, to the prefect's institutions, the paper quantity necessary for printing the ballot papers.

(3) The paper quantities that are in their original intact packaging, remained unused, shall be returned by the prefect's institutions to the territorial units of the National Administration of State Reserves and Special Issues from which they were taken, within 10 days from the publication of the results of the elections in the Official Gazette of Romania, Part I, based on a handover-takeover report.

(4) The paper actually used, after the restitution referred to in paragraph (3), invoiced at the cost of the accounting entry, shall be paid by the Ministry of Interior, within 30 days from the publication of the results of the elections in the Official Gazette of Romania, Part I.

(5) The prefect's institutions shall ensure the printing of the ballot papers in order to guarantee the security of these documents.

Article 114 – (1) Along with the voting day, the Government shall establish, by decision, upon the proposal of the Permanent Electoral Authority and of the Ministry of Interior, the calendar of the actions during the electoral period, the expenses necessary for the preparation and unfolding in good conditions of the local elections and the technical measures necessary for the proper organisation and unfolding of the elections. The decision concerning the setting of the voting date, the decision concerning the expenses necessary for the preparation and unfolding in good conditions of the elections, the decision concerning the technical measures necessary for the proper organisation and unfolding of the elections and the decision approving the calendar of the actions necessary for the organisation and unfolding in good conditions of the elections shall be published together in the Official Gazette of Romania, Part I.

(2) The model of the permanent electoral list, the model of the additional electoral list, the model of the excerpt from the permanent and additional electoral list, as well as of the stamps of the constituency electoral bureaus and of the Central Electoral Bureau, the model of the ballot paper, the model of the control stamp and of the stamp marked 'VOTED', the model of the self-adhesive stamp, the model of the minutes for recording the results of the vote and the model of the election certificate shall be established by decree of the Permanent Electoral Authority, published in the Official Gazette of Romania, Part I.

(3) The remittance and receipt of the forms, stamps and of the other materials needed for the voting shall be done based on a report.

(4) The Permanent Electoral Authority shall establish a set of minimum conditions that the premises of the polling stations must meet, as well as the minimum equipment thereof.

(5) The Ministry of Foreign Affairs and the Permanent Electoral Authority shall be responsible for informing the Romanian citizens domiciled or residing abroad about the registration in the Electoral Register, the conditions for voting abroad, as well as about the places where the vote shall take place abroad.

Article 115 – (1) The settlement, by the courts, of the objections, challenges or any other petition concerning the electoral process shall be done in compliance with the rules set up by law for presidential ordinances, with the mandatory presence of the public prosecutor.

(2) There is no legal remedy against the final rulings delivered by the courts of law according to this law.

(3) The final rulings of the courts of law, rendered following objections, challenges or any other petition concerning the electoral process shall be forthwith notified to the electoral bureaus concerned.

Article 116 – (1) The time limits per days, set out in this law, shall be calculated from the day they start to flow, inclusively, to the day they have elapsed, inclusively, even if such days are not working days, until midnight of the respective day.

(2) The time limits per hours, set out in this law, shall start to flow at 00.00 h of the next day.

(3) Throughout the election period, the electoral bureaus shall operate according to the working hours set by the Central Electoral Bureau, through decision. The courts of law must ensure the permanence of their activity necessary for the citizens to exercise their electoral rights. On the day of the vote, the courts of law shall ensure the permanence of their activity.

Article 117 – (1) The persons deprived of their electoral rights through final court ruling shall not participate in the voting and shall not be taken into consideration when establishing the total number of voters, for the entire duration ordered by the ruling.

(2) The provisions of Article 85 paragraphs (11) and (12) concerning the special ballot box shall apply accordingly to the persons in custody, detained based on a warrant for provisional detention or subject to the preventive measure of house arrest or to the persons serving a prison sentence, who have not lost their electoral rights, insofar as such a way of voting is requested. The procedure for exercising the right to vote by this category of voters shall be established by decision of the Central Electoral Bureau.

(3) Only the persons registered on the permanent electoral lists of the electoral constituency where elections take place shall vote under the terms of paragraph (2).

Article 118 – (1) Within the meaning of this law, we understand by *electoral competitors* the political parties, political alliances, electoral alliances and legally set up organisations of citizens belonging to a national minority represented in the Council of National Minorities, taking part in the elections, as well as independent candidates.

(2) Within the meaning of this law, we understand by *parliamentary political parties* the political parties and other political groups having their own parliamentary group in at least one of the Chambers of Parliament, which have obtained, following the last elections for the Romanian Parliament, mandates of Deputies or Senators for the candidates registered on their lists or on the lists of a political or electoral alliance that the respective political parties or groups have been members of, as well as the political or electoral alliances including such political parties or groups.

(3) Within the meaning of this law, we understand by *the body of electoral experts* the permanent record of the persons who can become presidents of the electoral bureaus of the polling stations in the country or their alternates, set up, managed and updated by the Permanent Electoral Authority.

(4) Within the meaning of this law, we understand by *the body of electoral experts abroad* the permanent record of the persons who can become presidents of the electoral bureaus of the polling stations abroad or their alternates, set up, managed and updated by the Permanent Electoral Authority.

Article 119 – Within the meaning of this law, we understand by *electoral period* the time interval starting to flow on the date of entry into force of the Government decision on the setting of the election date and ending with the publication in the Official Gazette of Romania, Part I, of the results of the ballot. The electoral period shall include the time interval starting to flow on the date of entry into force of Government decision on the setting of the election date and the date of beginning of the electoral campaign, the electoral campaign, the actual voting, the counting and centralisation of the votes, the setting of the result of the vote, the allotment of the mandates and the publication of the result of the elections in the Official Gazette of Romania, Part I.

Art. 120. – (1) The provisions of this law concerning the body of electoral experts, the members of the electoral bureaus, the computer operators, the Voter turnout monitoring system to prevent illegal voting, the polling stations, the Electoral Register and the permanent electoral lists shall apply accordingly to the elections for the President of Romania, for the local public administration authorities, for the European Parliament, as well as to national and local referendums.*

(2) The civil servants and the civil servants with a special statute can have the status of electoral experts, can be presidents and representatives in the electoral bureaus of the polling stations or may work as auxiliary technical staff along the electoral bureaus, as computer operators or as computer experts, regardless of the ballot type.*

Article 121 – (1) The ballot papers used and the electoral lists used, as well as the other materials held by the constituency electoral bureaus shall be remitted by the constituency electoral bureaus to the prefects, who shall keep them archived, separately from the other documents, for 3 months from the publication of the result of the elections in the Official Gazette of Romania, Part I.

(2) After the expiry of the deadline set in paragraph (1), the prefects shall remit the ballot papers used, the electoral lists used, the ballot papers annulled and unused, the stamps and the other materials held by the constituency electoral bureaus or used during the unfolding of the vote for melting to the specialised economic operators, based on a report.

(3) The provisions of paragraphs (1) and (2) shall be applied accordingly by the diplomatic missions and consular offices.

(4) The archive of the Central Electoral Bureau shall be remitted to the Permanent Electoral Authority, which shall keep it according to the Law of the National Archives No. 16/1996, republished.

Article 122 – The Government shall provide the Permanent Electoral Authority with the premises and material and financial means necessary for its proper functioning. To this purpose, it shall include, in the draft law on the state budget, the budget necessary for the functioning of the Permanent Electoral Authority.

Article 123 – Upon the entry into force of this law, Law No. 35/2008 for the election of the Chamber of Deputies and of the Senate and amending and supplementing Law No. 67/2004 for the election of the local public administration authorities, Law of local public administration No. 215/2001 and Law No. 393/2004 on the Statute of local electees, published in the Official Gazette of Romania, Part I, No. 196 of 13 March 2008, as subsequently amended and supplemented, shall be repealed.

* Amended by Law No. 148/2019.

APPENDIX I

The name, numbering and number of mandates of the electoral constituencies

Number of the electoral constituency	Territorial delimitation of the electoral constituency	Number of mandates of Senators for every electoral constituency	Number of mandates of Deputies for every electoral constituency
Electoral constituency No. 1	Alba county	2	5
Electoral constituency No. 2	Arad county	3	7
Electoral constituency No. 3	Argeş county	4	9
Electoral constituency No. 4	Bacău county	4	10
Electoral constituency No. 5	Bihor county	4	9
Electoral constituency No. 6	Bistriţa-Năsăud county	2	5
Electoral constituency No. 7	Botoşani county	3	6
Electoral constituency No. 8	Braşov county	4	9
Electoral constituency No. 9	Brăila county	2	5
Electoral constituency No. 10	Buzău county	3	7
Electoral constituency No. 11	Caraş-Severin county	2	5
Electoral constituency No. 12	Călăraşi county	2	4
Electoral constituency No. 13	Cluj county	4	10
Electoral constituency No. 14	Constanţa county	5	11
Electoral constituency No. 15	Covasna county	2	4
Electoral constituency No. 16	Dâmboviţa county	3	7
Electoral constituency No. 17	Dolj county	4	10
Electoral constituency No. 18	Galaţi county	4	9
Electoral constituency No. 19	Giurgiu county	2	4

Electoral constituency No. 20	Gorj county	2	5
Electoral constituency No. 21	Harghita county	2	5
Electoral constituency No. 22	Hunedoara county	3	6
Electoral constituency No. 23	Ialomița county	2	4
Electoral constituency No. 24	Iași county	5	12
Electoral constituency No. 25	Iłfov county	2	5
Electoral constituency No. 26	Maramureș county	3	7
Electoral constituency No. 27	Mehedinți county	2	4
Electoral constituency No. 28	Mureș county	4	8
Electoral constituency No. 29	Neamț county	3	8
Electoral constituency No. 30	Olt county	3	6
Electoral constituency No. 31	Prahova county	5	11
Electoral constituency No. 32	Satu Mare county	2	5
Electoral constituency No. 33	Sălaj county	2	4
Electoral constituency No. 34	Sibiu county	3	6
Electoral constituency No. 35	Suceava county	4	10
Electoral constituency No. 36	Teleorman county	2	5
Electoral constituency No. 37	Timiș county	4	10
Electoral constituency No. 38	Tulcea county	2	4
Electoral constituency No. 39	Vaslui county	3	7
Electoral constituency No. 40	Vâlcea county	2	6
Electoral constituency No. 41	Vrancea county	2	5
Electoral constituency No. 42	Municipality of Bucharest	13	29

APPENDIX 2

Model of list of supporters

.....

Name of the political party or political alliance (or the phrase ‘Independent candidate’ , where appropriate)

The electoral symbol of the political party or political alliance

LIST OF SUPPORTERS

for the election of the Senate and of the Chamber of Deputies

– –

(date of the elections)

No.	First name	Name	Personal identification number*	Date of birth	Address	Identity document			Signature	
						Name	Series	Number		
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										
14										
15										

I, the undersigned,, **personal identification number***, domiciled in, born on in the commune/town/municipality, county, holder of the ID card (ID bulletin) series No., hereby declare under oath that all the data and signatures contained in this list, which includes positions, reflect the reality.

Date..... Locality Signature

* Rectified.

LAW No. 84

of 17 June 2020

on prolonging the mandates of the local public administration authorities and for the amendment of Article 151 paragraph (3) of the Government Emergency Ordinance No. 57/2019 on the Administrative Code

Published in the Official Gazette of Romania, Part I, No. 520 of 17 June 2020

Considering that, in the present epidemiological context, the elections for the local public administration authorities cannot be organised within the agreed deadline provided for by the legislation in force because the pre-electoral and electoral operations cannot be done without major risks for the public health and without the infringement of the measures taken by the medical authorities,

taking into account the fact that the elections must take place in a safe environment, able to allow the effective exercise of rights, of political rights without any restraints and to ensure the safety of everyone involved,

the Parliament of Romania enacts this law.

Article 1. – The mandates of mayors, General Mayor of the Bucharest Municipality, presidents of county councils, local councils, General Council of the Bucharest Municipality and county councils shall be extended up to 1 November 2020.

Article 2. – (1) By way of derogation from the provisions of Article 10 paragraph (1) of Law No. 115/2015 for the election of local public administration authorities, amending the Law of local public administration No. 215/2001, as well as amending and supplementing Law No. 393/2004 on the statute of local electees, as subsequently amended and supplemented, the date of the elections for the local public administration authorities of 2020 shall be set by organic law, at least 60 days before the voting day.

(2) As provided in paragraph (1), by way of derogation from the provisions of Article 126 paragraph (1) of Law No. 115/2015, as subsequently amended and supplemented, within no more than 5 days from the date of entry into force thereof, the Government shall establish, by decision, upon the proposal of the Permanent Electoral Authority, the calendar of the actions to be taken during the electoral period, the expenses necessary for the preparation and conduct of the local elections in good conditions, as well as the necessary technical measures for the proper organisation and conduct of the local elections. The decision on the expenses necessary for the preparation and conduct of the local elections in good conditions, the decision on the necessary technical measures for the proper organisation and conduct of the local elections and the decision for the approval of the calendar for the execution of the activities required for the organisation and conduct of the elections of local public administration authorities in good conditions shall be published together in the Official Gazette of Romania, Part I.

(3) As provided for in paragraph (1), the deadlines provided for in Law No. 115/2015, as subsequently amended and supplemented, shall be reduced by half except for the period of electoral campaign, the deadline for submitting candidatures and the deadline of 24 hours. If the operation of reducing the deadlines by half results in fractions of days equal or higher than 12 hours, the rounding is done upwards; fractions lower than 12 hours shall be disregarded.

Article 3. – By way of derogation from the provisions of Article 49 paragraph (2) and of Article 50 of Law No. 115/2015, as subsequently amended and supplemented, for the elections of local public administration authorities of 2020, the minimum number of supporters required for the submission of candidatures shall be reduced by half.

Article 4. – By way of derogation from the provisions of Article 49 paragraph (2), Article 50 and of Article 51 paragraph (5) of Law No. 115/2015, as subsequently amended and supplemented, for the elections of local public administration authorities of 2020, political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities and independent candidates shall submit only one list of supporters for candidatures to the local council and for the office of mayor in the same electoral constituency, for candidatures to the county council and for the office of president of county council in the same electoral constituency, respectively.

Article 5. – For the elections of local public administration authorities of 2020, political parties, political alliances, electoral alliances, organisations of citizens belonging to national minorities and independent candidates may choose to draw up and submit in electronic format, under the law, candidatures files, with the proper application of the provisions of Article 47

and Article 49 – 51 of Law No. 115/2015, as subsequently amended and supplemented. The lists of supporters may be signed and submitted also in an electronic format, under the law.

Article 6. – The methodology for the application of the provisions of Article 5 shall be established by Permanent Electoral Authority decision, adopted within 30 days from the date of entry into force of this law, in consultation with the Authority for Digitalisation of Romania.

Article 7. – In Article 151 of the Government Emergency Ordinance No. 57/2019 on the Administrative Code, published in the Official Gazette of Romania, Part I, No. 555 of 5 July 2019, as subsequently amended and supplemented, paragraph (3) shall be amended as follows:

‘(3) Under the provisions of paragraph (1) the mayor’s office shall be exercised up to the moment when the elected mayor shall take the oath. In case of war or natural disaster or any other situations especially provided by law, the mayor’s mandate may be extended, by organic law, when, just because of these situations, elections cannot be held until the mandate provided for in paragraph (1) expires.’

LAW No. 135

of 16 July 2020

on setting the election day for local public administration authorities of 2020, as well as some measures for their proper organisation and conduct

Published in the Official Gazette of Romania, Part I, No. 626 of 16 July 2020

The Parliament of Romania enacts this law.

Article 1. – The date of the election for the local public administration authorities of 2020 shall be set on Sunday, 27 September 2020, for:

- a) the local councils of communes, towns, municipalities and districts of Bucharest Municipality, as well as for the office of mayor;
- b) the General Council of Bucharest Municipality, as well as for the office of General Mayor of the Bucharest Municipality;
- c) county councils, as well as for the office of president of county councils.

Article 2. – (1) For the elections of local public administration authorities of 2020, the deadlines provided for in Article 12 paragraph (1), Article 26 paragraph (5) and Article 38 paragraph (2) of Law No. 115/2015 for the election of local public administration authorities, amending the Law of local public administration No. 215/2001, as well as amending and supplementing Law No. 393/2004 on the Statute of local electees, as subsequently amended and supplemented, shall be reduced as provided for in Article 2 paragraph (3) of Law No. 84/2020 on prolonging the mandates of the local public administration authorities and for the amendment of Article 151 paragraph (3) of the Government Emergency Ordinance No. 57/2019 on the Administrative Code and shall start to run from 29 July 2020. Electoral alliances between political parties or political alliances at county or local level shall register to the county constituency bureau or to the electoral bureau of the constituency of the Bucharest Municipality, as the case may be, within 5 days, at the most, from the date the electoral

bureau is set up. A political party may be part, in the same constituency, in only one electoral alliance and may candidate in the elections in the respective constituency only on the list of the alliance in which it is part of.

(2) For the elections of local public administration authorities of 2020, the deadline provided for in Article 68 paragraph (6) of Law No. 115/2015, as subsequently amended and supplemented, shall be deemed met on 24 August 2020.

Article 3. – (1) For the elections of local public administration authorities of 2020, the provisions of Article 1 – 3, Article 5 and 6 of the Government Emergency Ordinance No. 38/2020 on using documents in electronic form by public authorities and institutions shall apply accordingly to the Central Electoral Bureau and to the constituency electoral bureaus.

(2) For the elections of local public administration authorities of 2020, the Permanent Electoral Authority along with the Special Telecommunications Service shall ensure the necessary resources for the configuration of email accounts for the Central Electoral Bureau and for the constituency electoral bureaus.

(3) The Special Telecommunications Service shall be designated to provide qualified certification services through its own certification authority, exclusively for the members of the Central Electoral Bureau, for the presidents of county electoral bureaus and their alternates and of the electoral bureau for the constituency of the Bucharest Municipality, as well as for the presidents of the electoral bureaus of the constituency for commune, town, municipality and districts of Bucharest Municipality, in order to achieve the functional duties incumbent upon them.

Article 4. – (1) For the elections of local public administration authorities of 2020, by way of derogation from the provisions of Article 30 paragraph (1) of Law No. 115/2015, as subsequently amended and supplemented, the electoral bureaus of the polling stations shall be set up of a president, his/her alternate and 9 members for the polling stations set up in communes and towns, and of a president, his/her alternate and 11 members for the polling stations set up in municipalities and in the districts of Bucharest Municipality.

(2) In the first stage, the electoral bureaus of the polling stations shall be complemented with representatives of political parties, political alliances and electoral alliances or organisations of citizens belonging to national minorities that have a parliamentary group in both Chambers of the Parliament and that take part in the elections in that constituency.

(3) In the second stage, the electoral bureaus of the polling stations shall be complemented with representatives of political parties and of other political formations that are represented in the Parliament after the previous ballot, as well as a representative of the group of national minorities in the Chamber of Deputies, in the name of the organisations of citizens

belonging to national minorities represented in this parliamentary group and that take part in the elections in the specific electoral constituency.

(4) In the third stage, the electoral bureaux of the polling stations shall be complemented with representatives of the political parties, political and electoral alliances that have as members at least 6 senators or 10 deputies.

(5) In the fourth stage, the electoral bureaux of the polling stations shall be complemented with representatives of the other political parties, political alliances and electoral alliances or organisations belonging to national minorities, in descending order of the number of nominated candidates.

Article 5. – (1) For the elections of local public administration authorities of 2020, by way of derogation from the provisions of Article 27 paragraph (3), Article 39 paragraph (2) and Article 83 paragraphs (2) – (4) of Law No. 115/2015, as subsequently amended and supplemented, the provisions of Article 89 and 90 of Law No. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as on the organisation and functioning of the Permanent Electoral Authority, as subsequently amended and supplemented, shall apply accordingly.

Article 6. – (1) The members of the electoral bureaux, the auxiliary technical staff, the accredited persons, the accredited delegates, the computer operators, the staff in charge of maintaining order and the voters may receive, free of charge, sanitary protective materials, under the conditions established by Government Decision on the necessary technical measures for the proper organisation and conduct of the local elections, as provided for in Article 2 paragraph (2) of Law No. 84/2020 for preventing and combating the effects of COVID-19 pandemic.

(2) The sanitary protective materials provided for in paragraph (1), as well as cleaning and disinfecting the polling stations shall be ensured by the Ministry of Health, while their transport and distribution shall be ensured by the Ministry of Interior and the prefect's institutions, with the mayors' support.

Article 7. – (1) For the elections of local public administration authorities of 2020, the Permanent Electoral Authority shall transmit to the presidents of county courts, with at least 48 hours before nominating the presidents of the electoral bureaux of constituency and their alternates, through electronic mail, the list of legal specialists registered in the Body of Electoral Experts that accepted to be nominated in the electoral bureaux of constituency that shall include the surname, first name, personal identification number, domiciles, email and telephone number.

(2) The persons provided for in paragraph (1) that have not been nominated presidents of the electoral bureaux of constituency and their alternates, as provided for in Article 26 paragraphs (5) – (11) of Law No. 115/2015, as subsequently amended and supplemented, may be

nominated presidents of the electoral bureaus of the polling stations and their alternates.

Article 8. – (1) For the elections of local public administration authorities of 2020, the computer operators shall ensure the continuous video-audio recording of the operations made by the electoral bureau members of the polling station for ballot counting, under the provisions established by Permanent Electoral Authority decision.

(2) The president of the electoral bureau of the polling station shall ensure the transmission by means of electronic devices to the Voter turnout monitoring system to prevent illegal voting of the picture of the minutes regarding the drawing up of the voting results, as well as of the information resulted from comparing the data in the minutes drawn up on voting results.

(3) The recordings provided for in paragraph (1) and the pictures of the minutes provided for in paragraph (2) shall be made in the polling station by means of computer terminals provided by the Special Telecommunications Service.

(4) The Special Telecommunications Service verifies the existence of the recordings provided for in paragraph (1), draws up the aspects found in the minutes on receiving the computer terminals, on the occasion of receiving the computer terminals from the computer operators, transferring them into a storage media. The video-audio recordings shall be kept for a period of 12 months after closing the electoral period, in accordance with the law.

(5) The Special Telecommunications Service shall provide to the competent body to observe minor offences, electoral frauds or criminal offences, upon their request, copies of the video-audio recordings provided for in paragraph (1).

Article 9. – (1) For the elections of local public administration authorities of 2020, the Permanent Electoral Authority, with the support of the Special Telecommunications Service, shall ensure for the headquarters of the Central Electoral Bureau the IT infrastructure in order to fulfil these objectives:

a) shall ensure the functioning of the System for the centralization of the data recorded in the minutes drawn up on voting results;

b) shall ensure the real time storage of the copies of the database generated by the Voter turnout monitoring system to prevent illegal voting, as well as of the records of the equipment on which it operates, in order to facilitate their analysis and transparency.

(2) The IT infrastructure provided for in paragraph (1) is unique and includes servers, data storage systems, communication and security equipment, as well as software licences and computing applications provided, installed and configured by the Special Telecommunications

Service, as requested by the Permanent Electoral Authority, just for the enforcement of the provisions of this law.

(3) The System for the centralization of the data recorded in the minutes drawn up on voting results and the Voter turnout monitoring system to prevent illegal voting can be accessed in order to visualise data in real-time from the headquarters of the Central Electoral Bureau, by the representatives of the Central Electoral Bureau and of the Permanent Electoral Authority, based on their access rights granted in a decision of the Permanent Electoral Authority.

(4) The Permanent Electoral Authority together with the Special Telecommunications Service shall ensure technical assistance and support for the proper functioning of the equipment and computing applications provided for in paragraph (2).

(5) The Permanent Electoral Authority with the support of the Special Telecommunications Service shall ensure the applications and/or IT programmes to be used by the Central Electoral Bureau to centralise data recorded in the minutes drawn up on voting results, as well as IT equipment necessary to the Central Electoral Bureau in order to centralise voting results. These will operate within the IT infrastructure provided for in paragraph (1) with redundancy in the data centre of the Special Telecommunications Service.

(6) The Permanent Electoral Authority shall certify and make available to the political parties and to the organisations of citizens belonging to national minorities who take part in the elections the IT applications provided for in paragraph (5), upon their written request.

(7) For the elections of local public administration authorities of 2020, the Permanent Electoral Authority shall make public, during the voting day and the next day, data regarding the number of voters present for the vote and information resulting from the corroboration of minutes drawn up on voting results, obtained through the Voter turnout monitoring system to prevent illegal voting.

Article 10. – For the elections of local public administration authorities of 2020, the mayors may supply the necessary technical staff in order to support the activity of the electoral bureaus of the polling stations.

Article 11. – (1) For the elections of local public administration authorities of 2020, for the activity done for the electoral bodies and for their technical support, the following emoluments shall be granted:

a) 250 lei per day of activity for the presidents of the electoral bureaus of the polling stations, their alternates and for the computer operators;

b) 150 lei per day of activity for the members of the electoral bureaus of the polling stations, others than the ones provided for at point a);

c) 250 lei per day of activity for the presidents of the electoral bureaus of county constituency and for the president of the electoral bureau of

the Bucharest Municipality constituency, for their alternates, as well as for the members of the electoral bureaus of county constituency and for the members of the electoral bureau of the Bucharest Municipality constituency;

d) 200 lei per day of activity for the presidents of the electoral bureaus of commune, town, municipality and district of the Bucharest Municipality constituency, as well as their alternates;

e) 100 lei per day of activity for the members of the electoral bureaus of constituency, others than the ones provided for at point d);

f) 100 lei per day of activity for the technical staff provided for in Article 10;

g) 100 lei per day of activity for the auxiliary technical staff of the electoral bureaus of constituency, for the members of the county technical commissions and for the members of the technical commission of the Bucharest Municipality;

h) 250 lei per day of activity for the members of the Central Electoral Bureau;

i) 200 lei per day of activity for the auxiliary technical staff of the Central Electoral Bureau.

(2) The emoluments provided for in paragraph (1) points a) – e) and g) shall be paid from the state budget, through the Ministry of Interior budget, for the prefect's institution.

(3) The emoluments provided for in paragraph (1) point f) shall be paid from the budgets of communes, towns, municipalities, districts of Bucharest Municipality or counties, as the case may be.

(4) The emoluments provided for in paragraph (1) points h) and i) shall be paid from the state budget, through the budget of the Permanent Electoral Authority.

(5) The acceptance of the emoluments provided for in paragraph (1) shall not affect the right to receive any other per diems, emoluments, pensions or any other financial rights given under special laws.

(6) The emoluments provided for in paragraph (1) represent income from different source as provided for in Article 114 of Law No. 227/2015 on the Fiscal Code, as subsequently amended and supplemented, and are exempted from social tax, and so, only the income tax shall be due and shall be transferred according to law.

(7) The emoluments provided for in paragraph (1) shall be paid on the basis of the attendance list drawn up as provided in the Government decision on the expenses necessary for the preparation and conduct of the local elections in good conditions, provided for in Article 2 paragraph (2) of Law No. 84/2020.

(8) The members of the electoral bureaus, the computer operators, the auxiliary technical staff, as well as the personnel of the Ministry of Interior

who are in charge of maintaining public order at these bureaus and at the headquarters of the Permanent Electoral Authority shall be allocated, per day of activity, a protocol emolument of 20 lei per person for water, coffee and snacks.

(9) The members of the electoral bureaus of the polling stations and their computer operators shall be allowed to receive upon request a paid personal day from the workplace, the following day after the voting, on the basis of a certificate issued for this purpose by the constituency electoral bureau or by the Permanent Electoral Authority, as the case may be.

(10) By way of derogating from the provisions of Article 61 and 155 of Law No. 227/2015, as subsequently amended and supplemented, the protocol emolument provided for in paragraph (8) is tax-free income and is exempted from the payment of social contributions.

(11) The members of the electoral bureaus of the polling stations and their computer operators shall receive the emoluments provided for in paragraph (1) points a) and b) for 5 days of activity in the first round of voting and for 3 days of activity in the second round of voting held as provided for in Article 39 paragraph (1) point h), Article 101 paragraph (3) and Article 101¹ paragraph (3) of Law No. 115/2015, as subsequently amended and supplemented.

(12) For the elections of local public administration authorities of 2020, candidates cannot be designated computer operators of the electoral bureaus of the polling stations.

Article 12. – (1) For the elections of local public administration authorities of 2020, the ballot papers shall be printed by the Autonomous Régie ‘Monitorul Oficial’ as provided for in Article 58, 60, 116 and 117 of Law No. 115/2015, as subsequently amended and supplemented.

(2) For the elections of local public administration authorities of 2020, under prefects’ observance, the ballot paper model for each electoral constituency shall be presented to the members of the electoral bureaus of county constituency, 23 days at the latest before the voting day.

(3) For the elections of local public administration authorities of 2020, the manufacturing of the sticker stamps is provided, according to law, by the National Company ‘Imprimeria Națională’ – S.A., within 10 days at the latest before the voting day.

(4) For the elections of local public administration authorities of 2020, the stamps marked ‘VOTED’ shall be manufactured by the Autonomous Régie ‘Monetăria Statului’, within 10 days at the latest before the voting day.

(5) After publishing the results of the elections of local public administration authorities of 2020 in the Official Gazette of Romania, Part I, the institutions provided for in paragraphs (1), (3) and (4) shall make available for the Permanent Electoral Authority, upon its request, ballot

papers, sticker stamps and stamps marked 'VOTED', in order to make an archive for public interest, for purposes of scientific and/or historical research.

Article 13. – (1) For the elections of local public administration authorities of 2020, by way of derogating from the provisions of Article 25 paragraphs (1) and (2) of Law No. 334/2006 on the financing of the activity of political parties and of electoral campaigns, republished, as subsequently amended and supplemented, the contributions of the political parties for the electoral campaign as provided for in Article 30 of Law No. 334/2006, republished, as subsequently amended and supplemented, may come also from the financing source provided for in Article 3 paragraph (1) point d) of Law No. 334/2006, republished, as subsequently amended and supplemented.

(2) As provided for in paragraph (1), by way of derogating from the provisions of Article 28 paragraph (4) of Law No. 334/2006 republished, as subsequently amended and supplemented, each political party shall use a distinctive bank account.

R.A. MONITORUL OFICIAL

București, Str. Parcului nr. 65, sectorul 1

Email: editura@ramo.ro, Internet: www.monitoruloficial.ro

Pass for press: 3 September 2020. Printed: 2020
