

Date Printed: 11/03/2008

JTS Box Number: IFES_11
Tab Number: 1
Document Title: Electoral Systems Seminar: Brasov,
Romania
Document Date: 1992
Document Country: Romania
IFES ID: R01846



* 4 3 1 F E 4 1 D - 6 F 3 2 - 4 D E 3 - B A 4 5 - 0 0 7 F 5 B E 6 9 B 5 5 *



Electoral Systems Seminar

Brasov, Romania

September 2 - 4, 1992

This report was made possible by a grant from the U.S. Agency for International Development. The seminar was co-sponsored by IFES and the OSCE Office for Democratic Institutions and Human Rights in Warsaw.

BOARD OF DIRECTORS	F. Clifton White Chairman	Patricia Hutar Secretary	James M. Cannon	Jean-Pierre Kingsley	Randal C. Teague Counsel
	Charles Manatt Vice Chairman	David Jones Treasurer	Richard M. Scammon	Joseph Napolitan	Richard W. Soudnette Director
			Robert C. Walker	Sonia Picado S.	

TABLE OF CONTENTS

INTRODUCTION	Marta Maria Villaveces, IFES Project Manager
PRESENTATION	Juliana Geran Pilon, IFES Director of Programs
SEMINAR PAPERS	Charles Lasham and George Smith, members of the Association of UK Election Administrators
-	The Need for Elections. Are They Free and Fair?
-	Election Day Activities
-	A Permanent Electoral Body and Voter Registration System. Review of Performance and Training
-	The Role of Political Parties in the Democratic Process
-	Elections the Romanian Way
-	Dealing with Grievances and Challenges under Romanian Election Law
-	Civic and Voter Education
Appendices	
Workshop discussions	
List of participants	
Press coverage	

INTRODUCTION

The Romanian Electoral Systems Seminar was organized jointly by the International Foundation for Electoral Systems (IFES) and the Conference on Security and Cooperation in Europe (C.S.C.E).

IFES is a private, non-profit foundation, based in Washington, D.C., supporting and strengthening the process of elections worldwide.

Since its foundation in 1987, IFES has been a vital resource for any nation seeking assistance in developing a sound electoral process. This process is essential in establishing and maintaining a democratic form of government. IFES is committed to supporting free and fair elections as the expression of the will of the people.

Each nation requires an election system tailor-made to suit its unique culture and environment. The consultation of international experts, reflecting the diversity of electoral systems around the world, allows IFES to provide directly relevant assistance to countries establishing or fine-tuning an electoral process.

In addition to providing direct technical assistance, IFES serves as a clearinghouse for sharing information about all aspects of the electoral process. This includes a data base which identifies the individuals who are experts in different aspects of the electoral process as well as the material necessary for administering elections.

The CSCE began in the mid-1970s as a forum for communication and cooperation between East and West. It entered a new and dynamic phase with the end of the Cold War. The CSCE has now intensified its practical work through the creation of such institutions as the Office for Democratic Institutions and Human Rights (ODIHR). The ODIHR, based in Warsaw, is responsible for the "human dimension" of the CSCE - furthering human rights, democracy and the rule of law.

The ODIHR serves as a clearinghouse for information on democracy-building programs. Over the next year, it will organize international seminars on issues crucial to political development, including migration, tolerance, free media and national implementation of human rights standards in CSCE countries. It will also support the work of the new CSCE High Commissioner on National Minorities.

A key area of the ODIHR's work is support for democratic elections in the region and assistance to international election observers. In this context, it has organized election seminars in Poland, Bulgaria and Albania and has played a central role in the development of continuity among election administrators and

experts.

The purpose of this seminar was to bring together all groups involved in the democratic process in Romania in order to discuss freely and openly the political process in the country in the weeks prior to the September 27 parliamentary and presidential elections.

The participants were mayors, prefects, judges from the local electoral tribunals, political parties and non-governmental organizations.

The methodology of the seminar was to present papers by speakers in the plenary sessions. After these sessions the delegates moved into workshops where they had the opportunity to discuss in detail the topics raised in the plenary sessions. Each workshop had a moderator and rapporteur who had the responsibility of recording the discussions and reporting conclusions at the end of the seminar.

IFES and the CSCE were very pleased by the high turnout at the seminar. The content of the seminar was judged to have been of considerable value and the seminar itself afforded the participants the opportunity of meeting others involved in the election process around Romania and learning from each others experiences.

Marta Maria Villaveces
IFES Romania Technical Assistance
Project Manager

THE NEED FOR DEMOCRACY AND THE DEMOCRATIC PROCESS

By Juliana Geran Pilon, Ph.D.
Director of Programs
for The Americas/Asia/Europe
The International Foundation for Electoral Systems

I am deeply grateful to you for the opportunity to address this distinguished audience on the occasion of this important event. It is a special honor for me to take part in this conference, especially since I spent much of my childhood in the city of Brasov.

We live in an extremely difficult time, which I am tempted to describe not so much post-communist as proto-democratic. The political process thus becomes more important than ever, in a period of transition characterized by social crisis, typified by anxiety resulting from uncertainty. Society obviously cannot survive without some stability and order. But not just any order. There is, after all, the order of the concentration camp. Yet there only death lives.... Life requires a dynamic, flexible, legitimate order whose aim is creativity. In other words, life requires democracy.

But democracy, as we all know, is ambiguous. The theory of democracy necessarily implies ideas and principles whose aim is freedom. In addition, democracy consists of a number of practices and procedures that have evolved over the course of many centuries. It could be said that democracy is a process which involves a method of institutionalizing freedom. This idea starts with the premise that human dignity is unequivocally worthy of respect.

In other words, democracy consists of a set of values. A democratic society is characterized by certain principles: tolerance, respect for man as such, energy and trust in everyone's right and ability to contribute to implementing God's will -- a God that loves all beings equally.

I will start not by discussing democracy as a set of values but rather about democracy as a method whereby freedom is institutionalized, about democracy as a political process.

Let us return to the idea of the need for democracy, that is to say the idea that a certain political process is necessary. Why is that? Briefly put: in order to avoid violence. Democracy as process is in fact the instrument that lends legitimacy to the authority of the state. The need for a state is natural, necessary to avoid the chaos implicit in pure anarchy. Democracy creates legitimacy because it presupposes that the origin or source of all political authority is the will of each member of society. To put

it differently, authority derived voluntarily is legitimate authority.

So the political process of democracy must be analyzed in the final analysis as the result of every citizen's consent. In a democratic system, each member of society can express his wishes freely, in an orderly fashion. Accordingly, not only is order preserved but so is freedom, through the categorical guarantee of the inalienable rights of all.

This is in fact the basic principle behind the democratic system of government. Governments are instituted to protect every individual's rights. Who gives people these rights? Not the state, as authoritarianism would have it. They exist because the individual exists, because he is an intelligent and sacred being. To cite Thomas Jefferson's famous Declaration of Independence, written in 1776: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

The rights listed by Jefferson are simple, they do not depend on the place or circumstance of a person's birth, they are universal human rights.

Democratic government is government by all for all. Its legitimacy derives from this principle. Without consent expressed through the electoral act, through voting, there is no political legitimacy.

The British philosopher John Locke, who inspired Thomas Jefferson, explained this conception in his influential **Second Treatise on Civil Government**, written in 1690. Living in the atmosphere of the Newtonian revolution in science, at a time when men were sure that the universe was beautifully ordered by a deity whose works could be understood by unaided reason, Locke expressed the belief that all men are equal under God. And they associate not to hurt each other but to reach a harmonious, prosperous existence, with each respecting each other's rights. He thus explained in his **Treatise**:

[T]he end of law is not to abolish or restrain but to preserve and enlarge freedom; for in all the states of created beings, where there is no law, there is no freedom. For liberty is to be free from restraint and violence from others, which cannot be where there is no law; but freedom is not, as we are told: a liberty for every man to do what he lists -- for who could be free, when every man's humor might domineer over him? -- but a liberty to dispose and order as he lists his person, action, possessions, and his whole property, within the

allowance of those laws under which he is, and therein not to be subject to the arbitrary will of another, but freely follow his own.

Nor is it necessary to believe in God to appreciate the wisdom of equal liberty, but only to believe in order, and reason -- without which common human action is impossible in any case.

The purpose of law, then, is actually to preserve and even enhance freedom: this is the *raison d'etre* of a healthy political system. Being free of violence, so as to pursue one's own ends unafraid, in concert with others if one wishes -- that is the purpose of government. But notice what freedom is not: doing anything one wishes, whether or not it interferes with the rights of others. On the contrary, freedom has its limits: one may not violate others' legitimate rights to their own actions and property. And just as a man may not harm another (by murdering, stealing, or otherwise depriving him of what is his), neither may a government harm its subjects. It has no right to do so.

A government has no such right because people, who established the state, had no such right. What one does not have one cannot give. And since all legitimate rights of a state derive strictly and exclusively from the consent of the governed, the state cannot possess more rights than do the citizens themselves. This, in brief, is an outline of democratic theory as a method of implementing freedom.

The other component of democracy, which I mentioned briefly at the outset, is democracy as a set of values. Tolerance, respect for every individual as a human being, having confidence in oneself and in others, a spirit of optimism, the energy necessary for innovation and creation, all these values are important for the implementation of democracy and for its preservation.

The great difficulty faced by proto-democratic society is that values are much harder to promote than the political process. It is easier to print ballots than to encourage voting; it is easier to issue a law than to implement it. Until a constitution is read, understood, and respected, it is simply a piece of paper. But an adequate analysis of the political process in its entirety necessarily assumes an analysis of the process whereby values are promoted through the educational system, the church, and generally the private sector.

But for this to take place a private sector must exist first. Where does the cycle start? Unfortunately, the cycle will have to start while already in motion. I do have hope, however, that it will be possible to begin the difficult process of democratization. You, and many like you, will make sure that it happens.



The Need for Elections. Are they free and fair?

Speaking in a country which was starved of free and fair elections for many years, it is perhaps a dangerous path to tread if I begin by asking "Is there a need for elections? The question is worth asking only to set straight in our minds the usefulness of the electoral process.

A number of functions for elections can be discerned:

They confer legitimacy

- * on the political system
- * on the governmental system of the day and
- * on the party or parties forming the government

They select a leader and a governing body

- * for example Presidential elections, elections to national assemblies and to local and regional councils

They permit the electorate to express an opinion

- * on the incumbent government
- * on the opposition
- * on specific issues or policies

They permit the electorate to choose representatives

- * for an area
- * for a group of people (i.e. candidates)

They can mandate for action

- * a party to implement certain policies

Elections are therefore multi-functional. However, it is not enough to merely have elections. To truly confer the legitimacy referred to above elections need to be free and fair and in emerging or newly formed democracies they need to be seen to be free and fair.

HOW THEN IS THIS ACHIEVED?

Outside observers are used by governments to give the much sought-after seal of approval to the election process. In Namibia in 1989 over 1,600 United Nations "monitors" were present to oversee the process. I, together with my colleague, George Smith, was lucky enough to be present at this truly historic event. In Angola later this month and it is proposed in Cambodia at some future date, the United Nations will have a presence to observe those elections to confirm or otherwise the legitimacy of the process. George will be in Angola and I only hope he gets out!

in that way. (Produce English Ballot Paper) The minute which Article 62 provides for should be drawn up after the counting of the votes is quite specific in accounting for all the ballot papers received but as mentioned earlier, the report could be simplified by separating out the accounting for the ballot papers from the division of votes among candidates. I have not in this brief session been able to speak about the nomination process or the political campaign. I will mention these briefly now when I mention the role of outside observers or delegates.

Article 51 of the Section in Chapter VIII refers to the accreditation of delegates and also makes it clear that except for members of the electoral bureau and candidates no other persons should be in the polling station longer than the necessary time for voting save for the internal observers provided for in Article 93 - Chapter XII.

I have been an accredited delegate at a number of elections and I think in the first instance it is necessary to make absolutely clear that I have always regarded myself as being a guest in the country concerned and have approached this role on the basis that there is always scope for improvement in any election process not the least in the United Kingdom where I work for most of the time. There is no provision in United Kingdom law for overseas observers and the only people who may be present in the polling station are the Returning Officer's staff, the voters and the accredited agents of the candidates and even their activities are strictly controlled.

With the increasing international interest in elections, international observers are present in greater and greater numbers at many elections throughout the world. It is quite clear and is provided for in Article 49 that accredited delegates shall in no way intervene in the organisation and proceedings of the poll. If an accredited observer considers that there is some fault or discrepancy in the process then the Article 51(5) indicates that he or she has

It is not always the case that elections automatically have observers, domestic or otherwise. It may be that the Government of the day feels that there is no need as previous endorsements of good faith and proper conduct remain in the system. There needs to be a desire first of all by the State embarking on the road to democracy and this desire must be perceived as genuine. Additionally, the international community needs to be satisfied that certain criteria have been met before observers are despatched to the polling stations.

The elections held in the Federal Republic of Yugoslavia on May 31st this year gained little, if any, credibility. At the direction of the Conference on Security and Co-operation in Europe Council of Ministers Chairman, the CSCE Office for Democratic Institutions and Human Rights sent a fact finding mission to Belgrade and Podgorica between May 18-21. After that visit the CSCE issued a communication urging participating states not to send experts to observe the elections as their presence could have been misunderstood as support for what was a fundamentally flawed election.

What then is needed to have free and fair elections?

To be truly free and democratic, election contests need to meet seven basic conditions:

Firstly:

1. There should be a UNIVERSAL FRANCHISE: all adults, regardless of race or religion, should enjoy the right to vote; { It is generally accepted that at the age of 18, one is an adult and therefore entitled to vote. However a large number of democracies continue to insist on 21 years. Some countries have a different viewpoint as to the minimum voting age. Here are some examples: Brazil, Cuba, Iran & Phillipines 16 years; Guinea-Bissau 15 years; Austria 19. In Colombia it was not so long ago that the franchise was extended to married electors at an earlier age, 18, with the single, less responsible voting at 21 years. }

2. CONDUCT OF THE POLL: the ballot should be cast freely and secretly, in peace, without intimidation or subsequent redress;

{ The secrecy of the vote is of crucial importance. The elector must be convinced that his or her vote is known to no-one other than themselves and anyone they wish to voluntarily advise. It should be an offence for anyone to attempt to obtain information on how an individual voted. In the UK election Rules it states "No person who has voted at the election shall in any legal proceeding to question the election be required to state for whom he has voted"

This is an important provision. No-one, not even a Supreme Court judge, should be able to require you to divulge this information. }

3. ELECTION TIMETABLE: elections should be held regularly, within prescribed time limits and in accordance with election rules;

{In the UK the Government must go to the country within 5 years although they are able to hold elections earlier. There is no set term, therefore it makes life interesting, particularly at times of political crisis. In the USA, the President is elected to office for a fixed 4 year term and it cannot have escaped your notice that this is the year. Most Assemblies of the world have 4 or 5 year terms.}

4. CANDIDATURE RULES: all sections of the community should be free to put forward candidates, form political parties and campaign openly;

{Although there were elections in Eastern Europe prior to the events of 1989 one thing was missing - CHOICE-. This is obviously an important factor}.

5. CAMPAIGN: the campaign period should be of sufficient length to enable all parties and candidates to promote their platforms. There should be reasonable equality of media access and coverage. Voter bribery by candidates and parties should be proscribed and limits should be placed on campaign spending;

{ " The campaign should be of sufficient length to enable all parties to promote their platforms" New or developing democracies cannot win on this one. If they go to the country early the party in power is accused of not giving sufficient time for new parties to get organised to mount meaningful campaigns for example - Romania December 1989 - May 1990 as highlighted in the International delegation report produced jointly by the National Republican Institute and the National Democratic Institute following the first elections; Seychelles December 1991 - July 1992 as detailed in the International Foundation for Electoral Systems pre election assessment report of July this year. On the other hand if they delay they are accused of keeping hold of power for too long, without a proper mandate as is currently the case in Tanzania}.

6. IMPARTIAL ELECTION SUPERVISION: polling and vote counting should be supervised by an impartial administration, preferably a permanent Election Commission with an independent body, the judiciary, being available to adjudicate in electoral disputes;

{ Election fraud should be made an offence with heavy fines or imprisonment for offenders. This should be in the election legislation}.

7. PEACEFUL TRANSFER OF POWER: all parties and candidates should accept the adjudged results, handing over power to the successful party or parties within a prescribed time-scale. { Professor Michael Pinto-Duschinski, a political scientist from Brunel University in England, likens acceptable democracy to a removal van. That is correct a removal van. At the UK elections, should there be a change of Government, the outgoing Prime Minister on the morning after election day has outside number 10 Downing Street a removal van for furniture and personal effects. Once loaded and on its way to the private address another removal van comes around the corner of Downing Street loaded with the furniture and personal effects of the new Prime Minister. This must be the finest illustration of the acceptance of the result, not just by an individual politician, but by the party in power and a Nation.

It is worth pointing out at this stage that the acceptance of the result is, in some countries, an educational process. The need for voter education AND civic education in new or developing democracies should not be underestimated.

Let us remind ourselves of the seven basic criteria again for I believe them to be important: 1. Universal Franchise; 2. Conduct of the Poll; 3. Election Timetable; 4. Candidature Rules; 5. The Campaign; 6. Impartial Election Supervision and 7. Peaceful Transfer of Power

The newly democratised states of Eastern Europe should perhaps take a close look at the basic criteria detailed above and determine whether the set conditions have been met.

However, Romania and other States should not be too critical. Let us look at some of the points and see how established democracies fare.

1. UNIVERSAL FRANCHISE: One of the major sufferers in this area were women. In the former Soviet Union women secured the vote in, you guessed it, 1917; 1920 in the USA; 1928 for all women in the UK and as late as 1982 for women in Jordan. Leading the field were New Zealand who gave females the franchise as early as 1893.

Foreign nationals residing in the UK for decades are unable to vote.

Even European Community nationals cannot vote. This is however likely to change for the next European Assembly Elections. You may recall that the 2nd condition to be met is:-

2. The proper CONDUCT OF THE POLL. Votes should be cast freely without intimidation. Physical violence and intimidation both during the campaign and on election day itself are an every-day feature of elections in South and Central America. At Assembly elections in El Salvador in 1988, intimidatory tactics by one part led to a reduced electoral turnout of only 50%. I should tell you that turnout figures in the United States are embarrassingly low and at UK local government and European Parliamentary elections turnout figures average less than 40%. This is nothing to do with intimidation, merely a disinterested public.

Getting back to violence, it is no secret that at local elections in Colombia, also in 1988, hit-squads from both sides of the political spectrum were responsible for 150 assassinations.

5. CAMPAIGN: "Reasonable equality of media access etc." Wherever one goes this is always an issue. I have first hand experiences of such complaints in the newly democratised States of Bulgaria (1990) and Seychelles in July of this year. The International Foundation for Electoral Systems in a variety of pre-election assessment reports have highlighted much the same problems, in Comoros, November 1991; Seirra Leone, December 1991; Angola, March 1992 and Burundi, April 1992.

In established western democracies the smaller parties complain much the same as the opposition have done here that

" THEY HAVE MORE ACCESS TO THE MEDIA THAN US"

The joint NDI/NRI report published in 1991 mentioned earlier referred to better electronic media facilities for the National Salvation Front and state-owned printing presses not being made easily available to opposition parties.

Staying with Campaigns, reference is made to placing a limitation on campaign spending. Little is done in the USA and it is impossible to control in UK given the inadequate legislation currently in force.

Moving on to condition number 6

6. IMPARTIAL ELECTION SUPERVISION: The proper supervision of the poll and the vote counting is crucial. There have been recent cases of vote fraud in the UK and I am pleased to say that the police have investigated those matters brought to their attention and offenders have been brought to justice by being sent to prison for periods of up to 6 months even for the most "minor" offences.

It is my view that any vote fraud is major rather than "minor"
On a lighter note, in Northern Ireland the story goes that after
being elected a candidate says to some of his close friends that
he must go to the cemetery to thank his voters! In England the
dead do not vote, the story continues.....we merely elect them
to Parliament.

Election Day Activities

Thank you for the introduction. On a personal note it might help if I give a little background about my role. I am in charge of elections and registration for an area in South West England and I deal with 4 types of elections - those for local communities with a population of between 500 and 2,000; for 60 members representing 42 Wards of the District which has a total electorate of 115,000; for approximately one-third of the County of Somerset, again with an electorate of 115,000 and returning 17 members; for two United Kingdom Parliamentary Constituencies and for part of one United Kingdom European Constituency. I have worked in Namibia, Angola, Albania and Romania in connection with elections. I was here in February for the local elections and I observed these in Timisoara. I am very pleased to be able to return to Romania and to put everything else that is said here in context, I should stress that I visited many polling stations in the Timisoara area and looked also at many of the counts there and I was very impressed by the quality and commitment of all those who worked on the election process in that area. I would have been delighted if some of the election officials from Timisoara were able to work in the United Kingdom.

In this session I will look at election day activities. I am sure mention will be made later of the position on registration and I will be referring to it in the Session this afternoon. With regard to election day activities, these are the main part of any election process - namely when the voters come into the polling station and register their vote and how it is counted when the polling is complete.

Articles 18 to 22 in Chapter III deal with the organisation of polling stations. The arrangements for designating polling stations to deal with up to 2,000 electors seem quite logical and compare with the practice in many other parts of the world. Again, having separate polling stations for military units, hospitals and homes for the elderly as provided in Article 19 is helpful as well. I have some reservations about the fact that special polling stations are only organised for students where there are more than 500 electors. However, the provisions in Article 53 Chapter VIII would appear to enable students to be added to the Special Electoral List if there are less than 500 students in one location. In any event, I understand that for the forthcoming elections students will still be in their homes.

It may well be that stations catering for almost 2000 voters will be extremely busy with long queues, particularly if there are problems with some of the electoral registers. If at all possible, it would be best to aim for polling stations not serving more than 1000 electors.

Article 22 deals with the delimitation of the polling stations and their numbering and the requirement to give public notice. This again mirrors what happens in many other parts of the world.

The administration of the polling station is the responsibility of the Electoral Bureau as set out in Chapter IV - Articles 23-32. Article 28 deals specifically with the membership of the Bureau and Article 29 deals with the responsibilities of the Bureau.

The actual conduct of the poll is dealt with in Chapter VIII - Articles 49 to 60.

I will look at the question of the counting of the votes later but firstly we can look at the practical issues in terms of the polling process.

Polling Stations

The signing, layout, security and organisation of polling stations is very important. This is where the elector gains the impression of the efficiency of the election. It is up to the President of the Electoral Bureau to make sure that the access to the polling station and all necessary organisation is up to the appropriate standard. He has full powers over the building, the yard and the streets and public spaces within a radius of 500 metres (Article 51). This should give the President of the Bureau ample authority to see that the voters can find their way to the polling station easily and can be admitted to the polling station in an orderly manner. In fact the powers which the Electoral Bureau have in Romania are greater than is the case in the United Kingdom where the equivalent of the Bureau President can only control the immediate area where polling takes place. The President of the Bureau would already have received the polling booths, ballot boxes, stamps, electors lists and ballot papers prior to the commencement of the poll and it is his/her duty to be at the polling station at 1800 hours on the day prior to the poll to see that everything is in order.

Particular attention should be paid to the relationship between the entrance, the table

where the Electoral Bureau members sit, the polling booths and the ballot box to ensure that voters follow an orderly route through the polling station. It is advantageous for one member of the Bureau at least to remain outside the tables to deal with controlling voters going into and out of the booths, and possibly for another to deal with the orderly flow of voters up to the table to receive their ballot papers.

I visited many stations in Timisoara where the Presidents had achieved a very orderly flow of voters through the station; there were others where there was a considerable confusion in terms of the sheer number of people in the polling station at any one time and no orderly system for admitting voters, checking their credentials and issuing the ballot paper, watching the voters into the polling booths and then placing the ballot paper in the ballot box.

In some cases, the voters identity cards were held by the President and the Electoral Bureau staff whilst they voted; in others they were handed back with the ballot paper. My reading of Article 54 indicates that the procedure whereby the voter exchanges the identity card for the ballot papers, votes and then collects the identity card when the ballot papers are placed in the box, is the preferred one. In no areas in Timisoara did I see anything untoward but it was quite clear that the better organised polling stations dealt with the voters much more quickly and it was our experience that in some cases a large queue of voters outside a station meant that the organisation inside was less effective. The same comments can be applied to polling stations throughout the world - well organised ones work better than others - however, there will be considerable pressure here for the forthcoming elections with 3 lots of ballot papers some of which will have very long lists of candidates.

We also saw a number of cases where there were more than one person in a polling booth. Article 58 makes it quite clear that unless the President of the Bureau is satisfied with the position and the voter needs help then they must vote alone.

I would commend to the persons responsible for issuing the material to the President of the polling station Bureau organising a briefing of the staff and suggesting that they pay particular attention to layout and to another matter - which is security of the ballot papers.

There are considerable quantities of ballot papers to be accounted for and it is essential

that the ballot papers AT ALL TIMES are kept in a secure position within the polling station. The Romanian practice is unusual in that ballot papers are not numbered sequentially; in many cases elsewhere they are torn out of a book which is a double security check and also makes it easy to reconcile the number of ballot papers used and unused when polling is complete. I will in the session tomorrow give some examples of ballot papers used in other countries which you may find of interest. It could cause fundamental problems if a pile of ballot papers is misplaced or a number are taken from a polling station and the need for security for ballot papers, particularly not leaving them in piles where voters could easily touch them, should be drawn to the attention of the polling station Electoral Bureaus.

Article 51(7) specifically prohibits members of the electoral Bureau and accredited persons from wearing or exhibiting any badges or other signs of electoral propaganda. It could however be useful if the President and Vice-President of the Bureau wore labels identifying them so that voters and other persons coming in the polling station could see immediately who was in charge.

The requirement (Article 50) on polling day for the President of the Electoral Bureau to verify the ballot boxes, lists and other material at 5.00 a.m. is sensible and logical and the polling hours run from 0600 to 2100, with the provision that they can be extended up to no later than 2400 subject to the approval of the Bureau. The splitting of the electoral lists among the members of the Bureau is a sensible way of ensuring a smooth through-flow of voters and this enables the voters to be marked off on the lists more easily. The arrangements in Chapter VIII (Article 53(2)) for voting in another locality seem quite logical.

I will mention briefly an issue which I think requires careful consideration. Having read reports of the review of the February 1992 elections and of other by-elections held since, it seems that on each of these elections there has been a significant amount of non-registration. In Timisoara at virtually every polling station I visited in February there were a number of people not registered. They had all produced identity cards and were written on supplementary lists and were able to vote. From talking to a number of the people involved there seemed no reason to question that they were absolutely entitled to vote and the action of the Electoral Bureaus in allowing them to vote was in my view sensible and correct. I understand that the provisions that voters can only vote with the voters card and the identity card (Chapter VIII - Article 54) will not apply at these

elections. I understand the Bureau can write in any additional electors if they have an identity paper. No registration system can be 100% accurate and the "Walk in" arrangement seemed to work well in February and ensure those entitled to vote could vote.

The procedure whereby the candidates list is stamped with the voters stamp is not followed in many other parts of the world. In most cases people simply mark with a cross opposite the candidate's name (demonstrate on U.K. ballot paper) however, the situation is one with which the voters are familiar in Romania and seems to work quite well but I think many outside organisations have made the comment that it would be preferable to look at changing the law in this area in due course and leaving the elector to mark the ballot paper with a cross.

The size of the ballot paper and the fact that in some cases these will run to several sheets can cause particular difficulties for members of the Electoral Bureau. If the ballot paper is properly marked but the sheets become separated, then it is my understanding that the vote may not be recorded. Article 38 - Chapter VI refers to the sheets being stapled together. This is highly desirable but I understand it cannot be done for the forthcoming elections. However, Article 92(4) introduces the idea of putting the sheets of ballot papers into envelopes. I understand this has been used for previous elections in Romania. This may overcome some of the problems which I saw during counts at the local elections in 1992. I am not sure whether the use of envelopes is now to be universal practice in Romania. In any event, it will be highly desirable for members of the Electoral Bureau to give clear instructions to voters to ensure that the sheets are not separated and the vote recorded.

There is also the question of the use of ballot boxes and whether there will be separate boxes for each election or if all the ballot papers will be put in one box, which means they have to be separated before the count proper starts.

Electors Not Capable of Attending to Vote

Article 59 allows the President of the Electoral Bureau to designate members who will go to deal with people who are incapable of attending the poll because of illness or invalidity; this is a sensible provision and I hope it will be very fully utilised.

The Count and the Result

Chapter IV and Articles 61 - 64 deal with the immediate count of the votes after the close of the poll. The first action required of the Electoral Bureau is to account for and seal the stamps and then to cancel the ballot papers left unused and to then verify the seals on the ballot box. After the cancellation of the papers the ballot boxes are opened. Whilst it does not so specify in Article 61, it is prudent for the Electoral Bureau to firstly count the total number of ballot papers in the ballot box for each election. This information is needed in any event for the return required by Article 62. Watching a number of counts in Timisoara some Bureaux dealt with these by the President of the Bureau calling out the result of each ballot paper and then one member of the Bureau collecting the ballot paper for each list of candidates or candidate. The President had arranged the matter so that no member of the Bureau was dealing with ballot papers for their "own" candidate. In other cases the President called out the result and different persons for each party kept a note of this by making a tick against the candidate's name on a form of counting sheet. The former method was much more efficient and having completed the appraisal of all the ballot papers and dealt with those which were voided, the President arranged for each of the piles of ballot papers to be counted and this could then be checked with the total number of ballot papers at the beginning of the proceedings less the number which were voided. It seemed to my colleague and me who were watching the process in a number of stations that the Bureaux that used this method reached a quick and accurate result whereas the others relying on the more traditional method took much longer and appeared to have greater difficulty getting the same quality of result.

Whilst it may be a statement of the obvious it is a point which Mr. Lasham and I always make to our staff in the United Kingdom that it is far easier to do an orderly count in circumstances where there is plenty of room, where there are sufficient tables and space for the various ballot papers to be spread out and where one person is controlling proceedings. Those counts where there are a number of people running around but nobody apparently in charge and working in an unstructured manner seem to be those which usually take the longest and produce the least accurate results.

There are provisions in Article 62 for recording the result of the count which are entirely logical particularly that all members of the Bureau have the opportunity to sign the minute containing the information. It would be possible to considerably simplify the requirements of Article 62 by separating the information into two categories - the first

would be accounting for the ballot papers - the number received, the number cancelled as unused, the number voided and the number of valid ballot papers included in the count. The second would be dividing the valid ballot papers between the candidates.

To sum up, the essential requirements of election day activity is the proper organisation of the Electoral Bureau to ensure a smooth and orderly flow of voters and that the voting process complies with the law and also that the counting process again complies with the law and is accurate.

There are two final points I would mention which are essential to any free and fair election. These are:-

- Secrecy - The voter must have complete confidence in the secrecy of the process.
- Security - The voter must also have confidence that all ballot papers and electoral material will be kept in secure conditions in the period before the day of the poll and during the poll and the count.

Saturday, September 5th

(2.00 p.m. to 2.30 p.m.)

A PERMANENT ELECTORAL BODY AND VOTER REGISTRATION SYSTEM: REVIEW
OF PERFORMANCE: TRAINING

A Permanent Electoral Body and Voter Registration System

The object of this session is not to look specifically at the arrangements for the forthcoming elections but to give some thought possibly to improvements for the future and what lessons will be learned after the elections. The system whereby the various Electoral Bureaux are constituted for each election whilst having some advantages does run the risk of there being a lack of continuity with the staff concerned. From reading reports of various elections in Romania it is clear that in some areas the staff faced with the task of organising elections have virtually no experience and quite understandably find the task difficult.

In the United Kingdom officers such as Mr. Lasham and I are permanent officials who are required to organise whatever elections fall to be held in our particular areas. We are under a specific duty to hold these in accordance with the United Kingdom law and regulations and would be accountable to the Courts if we fail in our duty. Whilst there are election offences in Romania and the same principle of accountability applies, I would consider it very unfair to place the duty for organising elections in my area on some person who had little or no previous experience of the work. I feel, therefore, there should be some attempt made to form a permanent bureau whose responsibilities would include the overall organisation and control of elections. It would then be possible to build on the experience of staff and they in turn would have the incentive of knowing that they would be responsible for all elections and there would be some benefit in their developing a particular expertise in this area. There is no reason to assume that any permanent bureau would be any more liable to outside or negative influences than the ones established for each election and even though the bureau would be permanent its staff could change to some extent after each election but there would remain a core number of staff with experience in the election field.

Any permanent electoral body would be the key organisation in terms of elections - it may well be that such a body would not at national level undertake a large amount of clerical work. Its functions would be to ensure that the law regarding electors was applied

uniformly throughout Romania. It could give detailed guidance to Regional electoral organisations in terms of the preparation of electoral lists, the organisations of polling stations and counts and the instructions to be given to staff.

Whilst all the various existing Electoral Bureaus have the Electoral Law they have on occasions what appears to be different ways of interpreting this. A permanent electoral body could issue clear guidance and instructions to the people organising the elections in each area.

There are a variety of ways in which permanent electoral bodies could be organised. It may be that the body would deal with all complaints and grievances arising from the electoral process - alternatively, this could be left to the Courts.

I have reservations about the voter registration system proposed in Romania and in particular the requirement for voters to take a card with them to vote. In the United Kingdom there is a list of electors and if an elector's name is included on that list they can vote at the polling station without production of any further information by way of an I.D. card or voter's card. If the quality of the electors list can be improved then it ought to be possible to rely on the validity of the voters lists backed up, if necessary, by the production of the voters identity card. I will mention this in the Session tomorrow but the Romania election law is very bureaucratic and may well be it would benefit from being reduced in complexity. The greater the detail the harder it is to ensure 100% compliance.

There is also the question of the best method of dealing with the complaints and grievances which arise from an election. My colleague Mr. Lasham will be looking at this in one of his sessions, but again the establishment of a permanent electoral body which could include a commission for dealing with complaints and grievances other than those of a criminal nature might have some advantage. It would appear from a review of the conduct of several by-elections that the complaints being submitted are frequently relatively minor concerning items such as non-registration or the conduct of the poll, but they are, of course, very important to the electors concerned.

In the case of any permanent Electoral Bureaux it would be possible for the permanent members to be those not appointed by the political parties - the political parties' representatives could continue to be appointed as at present when elections are called. Again, it may well not be sensible to have permanent members of the polling station

bureaux because they have no role between elections.

However, having permanent members of the central and constituency bureaux could give the continuity and experience which might help the smooth running of future elections.

There is a major and continuing task in organising the preparations for electoral lists and the national and local elections. The cost of organising elections is substantial - if permanent electoral bureaux were established, it may well prove possible to improve organisation and reduce costs.

The responsibility for preparing the electoral lists is that of the Mayor who will also be responsible for producing the Voters Cards proposed by Section 2, Chapter II, Articles 14 to 17. If these new Voters Cards will be introduced for all elections from 1993 onwards then the importance of accurate voters lists will be greater than it is now. If under the new provisions electors can only vote with the voters cards then ensuring the voters lists are up to date needs a continuing responsibility of possibly the Constituency Bureau.

A permanent electoral bureaux would be the best place for considerations to be given to changes in the electoral procedures and could put suggestions to Parliament.

In an election in Romania the:

Central

Constituency

Electoral (Polling Station) Bureaux are involved
plus the Mayor (and Prefect).

All have varying responsibilities; in the United Kingdom one person (the Returning Officer/Electoral Registration Officer) is responsible which is a less confusing arrangement for everyone involved. His or her decisions are of course subject to challenge in the Courts.

Review of Performance

By speaking of review of performance I do not mean an evaluation of the validity of the elections or the electoral campaign - I am referring to looking back over the administrative process. In any election where I am involved in the United Kingdom there always a review of performance after the election process is complete.

I would look with my colleagues at every element of the process which is our responsibility:-

Official publicity about the elections

The siting and adequacy of polling stations

The conduct of the Count

The performance of the staff in my office and in the polling stations

The overall position - did the elections run smoothly - how many complaints did we get? How many were due to problems with our organisation.

I would then make notes as to what changes are needed when the next elections are held.

It would be very useful if all the electoral bureaux involved central, constituency and electoral bureaux of polling stations wrote a brief report on any problems which they encountered and the result of this could be analysed nationally to see what are the consistent and recurring problems after each election. In the United Kingdom after each major election I would write to the British Home Office which is our equivalent of the Central Electoral Bureau setting out what changes to organisation and legislation ought to be considered.

Training

Training of those staff involved in the main part of the election process is essential. Certainly the President and Vice-President of the each polling station bureau and the other key officials should all have clear and concise training in their duties. Romania election law is as stated previously quite complex and it would be unusual if there were not different interpretations of some of the provisions within it.

Mr. Lasham and I are both heavily involved in training electoral staff in the United Kingdom. There are many training courses run in the U.K. specially for electoral staff and these deal with all aspects of election work - the greatest advantage of the courses is that they endeavour to secure uniformity of interpreting the law and uniformity of practice in implementing it. They also enable common problems to be discussed. There is no substitute for exchanging information about election practices - this seminar will be a success even if the only result is to bring together a lot of people involved in the election process. One of the key roles of a permanent electoral body would be to implement programmes for training electoral staff.

THE ROLE OF THE POLITICAL PARTIES IN THE ELECTORAL PROCESS

It is best, I think, for me to explain at the outset what I mean by a political party and what I see as the electoral process.

FIRST

What is a political party? The best description I have come across is:

"an association of people who hold similar views about what should be a community's social and economic priorities who come together to establish these priorities by gaining control of the machinery of government".

SECOND

The electoral process.

I draw a distinction between the election process, which can be confined to a fairly tight and distinctive timetable, and the electoral process which is more wide-ranging. The electoral process is in being whether there is an election in the offing or not. Let me give you some examples. A permanent Electoral Commission, and hopefully you have been convinced of the need for such a constant body, will be regularly drawing-up the permanent voters list for the State.

The Electoral Commission should be involved in reviewing polling sites, preparing guidance notes for the staff who carry out duties at the polling station, organizing training and generally preparing themselves for each election.

Going back to political parties it is interesting to compare the theory, as defined above, and the practice of everyday political life. My home town of Liverpool is famous for, amongst other things, differing views within the labour of socialist party. The council I serve has 99 politicians elected for a 4 year term and is currently divided as follows:

58 Labour
39 Liberal
2 Conservative

A theoretical advantage for Labour you may think but no. Of the 58 Labour there are two factions which for the sake of this example we will call traditional (or centre) and broad left. There are 40 traditionals and 18 broad left who on certain issues will vote with the Liberals, thus defeating the traditional labour and throwing the definition which refers to the group of people with similar views. I digress

It must be accepted that political parties are different from interest groups of pressure groups operating within a state. Such groups are well represented in Romania and it is good to see so many taking part in this conference this week-end.

The main differences between interest groups and political parties are as follows:

First, interest groups have a clearly defined range of interests whereas a political party is prepared to take on board a virtually unlimited range.

Second, each interest group will usually tend to play a distinctive and individualistic role while the agenda of the political party may be similar to another but achievable by different means.

Third, the interest group merely wants to influence government whereas the political party is or wants to be the government.

It is possible, of course, for interest groups to step over the dividing line and form themselves into political parties. The best European example is that of the Green Party which has a history of success in Germany and limited success in U.K. and other European Parliamentary Elections.

WHAT THEN IS THE ROLE OF THE POLITICAL PARTIES WITHIN THE ELECTORAL PROCESS?

If I can set aside politics for the moment. There is the obvious goal of wishing to win control or obtain a sufficient percentage of the votes to have some influence in determining policy for a particular state. That is stating the obvious. Let us leave that to one side.

Political parties have an important role to play in the electoral process.

Let us consider first the voters lists. In Canada lists are drawn up by political party representatives who work on behalf of the Chief Electoral Officer. They tend not to work individually but jointly, to ensure that one party does not deliberately miss off the names of supporters from opposing political camps.

Prior to 1918 this was the case in the United Kingdom. Elections were based on lists drawn up by politicians. I am not sure whether I am comfortable with that method of operation which is why, in the U.K., lists are drawn up by officials working for Municipal Councils.

Two registers are published each year, one a draft in November, where people have the opportunity to check whether they have been included in the draft register. The other, published in February is the final register. Good Electoral Registration Officers involve the political parties at both stages by giving them copies of the Draft in November saying to them "have I missed anyone off? Please let me know". A copy of the final register is also sent to the parties asking them to undertake a further check using the local knowledge they have of the villages or communities they represent.

This political involvement has two uses: 1. A more accurate register and 2. It enables me at election time (usually May) to say to politicians: "do not tell me now that someone is missed off the register. You should have told me in November."

If there is an opportunity for political parties to bring inaccuracies to the attention of Mayors in Romania prior to elections being called, or even when the election process has begun, then this must be used. If not then pressure should be brought to bear to allow such a facility. So much for the register.

The political parties can also be of assistance with regard to the choice of polling sites. Again local knowledge can be used and if there is a more convenient site than say the one used at the last elections, then there should be a facility whereby the parties can inform the Mayors and Secretaries of local councils and have their suggestions considered.

The selection of staff at the local election bureaux and their training is an important role to for the parties. With the very long hours of polling followed by a laborious counting process, the members of the bureaux need to be physically fit and committed to their role on election day. They should be given an appreciation of the law and should be familiar with the process in order to ensure compliance with Article 1 of the election law which guarantees "secret and freely expressed suffrage." Any training the political parties are able to provide should be encouraged.

Another major role political parties can play in the electoral process is in regard to voter education. They should encourage their supporters to check that their names appear on the voters lists. If not the parties should advise how to appeal to have their names included. In addition they should encourage the electors to vote and if necessary advise on how and where to vote. The electorate should be advised about any changes in the process since the last time they voted. For example the introduction of envelopes for ballot papers at this month's elections here in Romania.

There should be a good reason between the administrators of the electoral process and the political parties. The various election bureaux, Mayors and Prefects should have a regular dialogue with politicians of all parties to disseminate information and listen to views and opinions about the process. This is a practice recommended to and undertaken by electoral administrators within the UK and other Western Democracies. It is an obvious point, but one worth making, that these meetings should include all political parties and not omit certain parties just say, "because I do not agree with their policies".

The parties also have a role to play in relation to the making of challenges in the laws and their interpretation. I shall be talking in detail about dealing with grievances and challenges tomorrow. It is worth pointing out at this stage in almost every case parties or political formations are included in the list of persons and groups entitled to appeal. All appeals should be considered carefully and only be made after time for reflection.

Frivolous challenges waste time and can undermine the process and damage the reputation of the party.

As in Romania, the UK has a process for appealing against decisions made by me and other Chief Electoral Officers on matters connected with the voters lists, nomination and election day itself. With regard to election day and the count appeals can be made only after the voting and counting has finished. The parties have 21 days to lodge a petition (appeal) with the court and this is accompanied by a deposit to cover costs of up to \$4,000. This makes them think twice before submitting a petition.

In summary then, political parties have a significant role to play in the electoral process particularly in connection with:

1. the production of the voters lists
2. the selection of polling sites
3. the selection and training of polling staff
4. voter education
5. liaison with election administrators
6. the making of challenges

Perhaps the single most important role political parties have is in connection with expressing confidence within the electoral process and acceptance of the result. In new and developing democracies this is particularly important. Whilst this may not necessarily be a problem in other recently democratised states. Elections are not only about winning; they are also about losing and as part of the civic and voter education this has to be learned. For some this can be a bitter pill to swallow.

Sunday, September 6th

(9.30 a.m. to 9.50 a.m.)

Elections The Romanian Way

In this session it is proposed to look briefly at the way in which elections are conducted in Romania with comparisons with other practices and to also look at the role of observers and clarify this. Many aspects of Romanian election law are similar to laws in other countries and this will be the third occasion on which elections have been held since December 1989. As a broad statement the simpler the election law and procedures are, the more chance they will be carried out in accordance with the law and the level of grievances and complaints will be kept to a minimum. It is also easier if the law is kept simple for everyone involved - the candidates, political parties, the voters, the observers, in fact the citizens at large - so that all parties can be satisfied that everything has been done properly.

As an overall statement the Romanian election law is quite complicated and might well benefit from an overall review to try and make it more simple both in terms of understanding and application.

Turning to specific issues I would mention the following:-

- (a) I have already made the point that there is a case to consider for establishing a permanent electoral body or commission which would give the benefit of continuity of experience and practice.
- (b) The Electoral List and Voters Cards - the requirement to have for future elections a voters card to enable the elector to vote makes the role of the electors list even

more important; whilst in Namibia for example, on the occasion of their first elections, the issue of a registration card to the voter which had to be produced at the polling station was a fundamental requirement but this was because there were no published lists at each polling station and it was possible to vote at any polling station although additional declarations had to be filled when voting outside the elector's home region. If the standards for the compilation of the electors lists in Romania were improved so that the electors list was compiled in alphabetical order of streets within the area which was to be served by the polling station then this would be a considerable improvement. The establishment of a permanent central electoral bureau who could produce guidelines on compilation of electors lists would be an advantage. I remain somewhat doubtful about the advantage of having the new voters card on top of the I.D. card and the list. I would favour an arrangement whereby accurate lists were produced and the elector when voting would also produce his or her I.D. card and, of course, be subject to challenge by any member of the bureau in any event if their identity was in doubt.

- (c) Size and Location of Polling Stations - the practice for provision of polling stations as set out in the Romanian law is consistent with that applied in many other countries and generally seem quite logical. The only areas where I have some reservation would relate to students, where in student accommodation for less than 500 people no polling station is to be provided, however, in these circumstances the students can vote (providing in future elections they have a voters card) by being added to the special list. The provision of polling stations in military establishments, hospitals and other similar locations is an advance on the situation used for example in the United Kingdom and the provision to have a ballot box taken to the elderly and disabled again, in some ways, is an improvement on the system we use in the United Kingdom and which is used in many other parts of

the world. I have some reservations about whether it is necessary to have polling stations at railway stations and airports.

- (d) Ballot Papers and the Marking of Ballot Papers - the practice of using the stamp to mark the ballot paper is one which might better be replaced by the marking of a cross opposite the candidate or the candidates list or the list of candidates as is done in most other democracies. The numbering of the ballot papers would also improve the security of the ballot papers and a redesign of the ballot papers to reduce the amount of paper used would be a considerable advantage. It may well not be necessary to have the full list of candidates on the ballot papers - the parties name alone could be included with the list of candidates being published elsewhere. (See Namibia page as an example.) Staffing of polling stations and electoral bureaux by involving members of the political parties in the direct administration of the election might well be considered unusual in the United Kingdom where all the work is carried out by staff who are independent of the political party process; however, having the party agents in the polling stations and in the other electoral bureaux is an effective way of parties being satisfied that the election is being conducted in a free and fair manner. In the long term, however, it might be worthwhile looking at the possibility of all the electoral officials actually dealing with the process at the polling station being independent of the political parties and the political parties being able to appoint agents who could watch the proceedings in the polling station but not participate directly in them; they would also have the right to challenge the identity of any voter.
- (e) Counting of Votes and Security of Ballot Papers - procedures in the election or for the counting of the votes are again reasonable but would be greatly aided by the ballot papers delivered to each polling station being numbered and accounted for

the right to intimate that to the President of the Electoral Bureau. In my view that is a very sensible provision and I would not recommend any observer to do anything other than simply draw any matter to the attention of the President of the Bureau and leave matters at that. It might well be a subject included in the later report from the accredited observer but that is a separate issue.

Overseas observers often get drawn into discussions on the merits of the electoral campaign and whether this has been undertaken on a free and fair basis. I have considerable experience of the polling processes in a number of countries and feel reasonably confident of my ability to assess the conduct of proceedings in a polling station and the way in which the votes are counted. These are matters basically of technical expertise rather than subjective judgement.

I have much greater reservations in attempting to form any opinion as to the fairness of any electoral campaign, funding of parties and issues of this type and I think it is an area where outside observers should be particularly careful. If judgements are to be made of this phase of the election activity, it is necessary to spend a considerably longer period in the country concerned and to undertake much greater investigations in depth.

I would not have thought it possible for any overseas observers to come to the United Kingdom only a few days before polling day and form a judgement on the fairness and impartiality of the campaign process. Many sectors of our British media blatantly support one party or another and some parties have access to much greater funds than others.

The overseas observers also have another important role in that the electorate may well feel reassured by the presence of a number of overseas persons with experience monitoring elections who can give an added authenticity to the process and an

endorsement hopefully, when it is complete, of what they have seen.

I hope the comments I have made during the three sessions have been of some assistance; the greatest benefit of any seminar is the ability of those present to exchange views on the way the election process is conducted and to identify the strengths and weaknesses of the electoral legislation.

DEALING WITH GRIEVANCES - CHALLENGING ELECTION LAWS

In the short time available to me I can only give you a brief summary of the provisions regarding challenges of the parliamentary and presidential elections in Romania.

According to Article 28(i) of the law on the presidential elections, the statutory provisions relating to the elections of parliament which refer to the settlement of challenges also apply to the election for president. Nevertheless, the law on presidential elections does contain some specific information regarding challenges. References are to provisions in the law on parliamentary elections unless otherwise stated.

If I can first deal with the activities of the various electoral bureaux:

Art. 25(i)(b) The Central Electoral Bureau has power to settle objections referring to its own activity and complaints about proceedings of the Constituency Bureau.

The Constituency Bureau has power to settle objections regarding its own activity and complaints regarding proceedings of polling site electoral bureaux in their area.
(Art. 27(i)(d)).

Polling site electoral bureaux have power to settle objections re their own activity
(29(d)).

Electoral Lists (Art. 12)

Initial Challenges should be lodged with the Mayor or other authority who drew up the list. There is no specified deadline for lodging the challenge and a decision must be given within 3 days of challenge being lodged.

Appeals can be made, within 48 hours and decisions must be given within 3 days of lodging.

Voiding of an Election or Polling in a Constituency (Art. 25(3))

At Parliamentary elections initial challenges must be lodged with the Central Electoral Bureau within 48 hours after the close of poll. There is no appeal provision. Only parties, political formations and their coalitions and independent candidates participating in the elections may challenge.

At the presidential elections initial challenges need to be lodged with the Constitutional Court (which has authority under Art. 144 of the Constitution) within 3 days of the close of poll and a decision needs to be made public prior to the announcement of election results. There is no appeal. Only parties, political formations and candidates may challenge. This is covered in Art. 24 of the Presidential Election Law.

Formation and Composition of
Electoral Bureaux (Art. 32)

Challenges in respect of:

Polling Site Bureau	to	Constituency Bureau
Constituency Bureau	to	Central Electoral Bureau
Central Electoral Bureau	to	Supreme Court

Challenges must be made within 48 hours of deadline for its formation or its completion and a decision must be made within 48 hours of the challenge being lodged.

There are no appeals allowed. Challenges may be made by parties, political formations participating in the poll and independent candidates.

Nomination of Candidates (Art. 36)

Citizens, parties and other political formations may, up to 20 days prior to the poll, lodge with the tribunal for the territory of the constituency an appeal in respect of the nomination of candidates of parliamentary elections. A decision must be made within 2 days of lodging and there is an opportunity for appeal.

At presidential elections (Art. 11) the same groups may lodge an appeal with the Central Electoral Bureau.

Conduct of the Electoral Campaign (Art. 44-48)

Challenges should be lodged with the constituency bureau who need to give a decision within 3 days. There is an appeal process to the Central Electoral Bureau who are required to give a decision within 3 days.

There are similar guidelines for Presidential elections

Electoral Proceedings and Counting of Ballots (Art. 63-65)

Candidates, members of the polling site bureaux and electors may lodge challenges with the polling site electoral bureau on polling day in writing to the president of the bureau. Decisions are given immediately and any appeals are made to the Central Electoral Bureau.

I made reference yesterday to the need for political parties to play a role in regard to challenges. I said that frivolous challenges can be a waste of time and can undermine the process and damage the reputation of the party. There appear to be sufficient safeguards in the current legislation to facilitate effective challenging of the process. Part of the education process all States have to go through is that of having sufficient faith in the challenge process. If it works well and impartially electors, candidates and political parties will be confident that rulings given are correctly determined and just.

CIVIC AND VOTER EDUCATION

the U.K., the U.S.A. and other established democracies have had what are considered free and fair elections for many centuries. You would expect therefore that there is no need for civic and voter education in these countries.

That is not the case. In the United States there is an organisation established specifically to educate people about the need to register to vote and, having done so, to go to the polling station to vote.

In the United Kingdom there is an annual advertising campaign organised by our Home Office, the Department of State responsible for such matters, which encourages people to register each Autumn. In addition local campaigns organised by Chief Electoral Officers like Mr. Smith and me are undertaken to ensure that everyone entitled to vote actually appears on the register of voters.

Even in established democracies there is a need for civic and voter education. There is much more of a need in newly democratised States and it is encouraging that this has been recognised here in Romania.

There is a distinction between civic and voter education. Civic education can encompass all, including young children, making them familiar with the voting process. Voter education is specifically targeted at those eligible to vote. Civic Education is about teaching people to live in a democratic society. Everyone should be free to express their opinion and they should respect the opinion of others.

Speaking freely, having free association and living in harmony is for the common good of the State.

In certain Latin American countries there are projects which take ballot boxes into schools and children are encouraged to cast a vote for a specific candidate. This is preceded by a campaign undertaken by the young candidates and posters and talks are provided to explain the process. From an early age children are introduced to the process and from that early age they learn about winning and losing which I referred to yesterday.

Certain civic groups have been established here and you are more familiar than I with their work not only in providing national observers but in bringing to the attention of the voters the need to check voters lists, how to vote and the need to vote.

SUGGESTIONS FOR THE WORKSHOPS

PLENNARY SESSION 1

THE NEED FOR DEMOCRACY AND ANALYSIS OF THE POLITICAL PROCESS HUMAN RIGHTS AND POLITICAL RIGHTS

Debating issues for the workshops.

- Would you define democracy as:
 - a political system
 - an economic and social system or
 - as a way of life?
- Which are the fundamental human values according to the Universal Declaration of Human Rights?
- Please identify the following concepts:
 - civic life
 - common good
 - human dignity
 - liberty
 - freedom of opinion
 - freedom of speech
 - tolerance
- Which is the difference between rights, duties, and responsibilities?
- What is the relationship of the government to the electoral process?
- Which is the relationship between Human Rights and democracy?
- Are political rights fundamental to establish a democratic system?
- How do you relate elections and democracy?
- What is an informed voter?
- It is important to educate the voters?

PLENNARY SESSION 2

THE PURPOSE OF ELECTIONS ELECTORAL DAY ACTIVITIES

Debating issues for the workshops

- What are standard elements for a free and fair election?
- Which is the difference between electoral procedures and mechanisms and the issues debated in the electoral context?
- What is the procedure of voting?
- What are the characteristics of the ballots used?
- How are votes counted?
- How it can be improved the process verbal?
- What kind of training should be given to the election officials for the day?
- Type of securities for election documents after voting?
- Which is the process to communicate the results?
- The use of seals and signatures to ensure people only vote once?
- The role of police on election day
- What it is the role of the press?

PLENNARY SESSION 3a.

A PERMANENT ELECTORAL BODY
VOTER REGISTRATION SYSTEM
REVIEW OF PERFORMANCE AND TRAINING

Debating issues for the workshops.

- What is the importance and role of a permanent electoral body?
- How are its members selected?
- From where does the electoral body derive its power?
- How does the electoral body work?
- What role does the electoral body have in electoral registration?
- What kind of staff does the electoral body have?
- What is the role of a permanent electoral body when there are no elections?
- What is the registration process?
- Is the process automatic or must the voters register?
- When are registration periods?
- Who maintains the lists of voters?
- How to up-date the lists?
- Should be a special body responsible for the list?
- What kind of technology could be used to maintain and up-date the lists?
- Should be different type of document for vote and for identification?
- Should be any subordination or hierarchy between the national and the local election bureaus?

PLENNARY SESSION 3b

THE ROLE OF THE POLITICAL PARTIES IN THE ELECTORAL PROCESS

Debating issues for the workshops.

- Which is the relationship between a party and the government?
- What constitutes a party both legally and in political terms?
- What is the relationship between parties and social bases ?
- How would you define voter education?
- Political parties appeal to voters by using t.v. Therefore political party organizations have a significant part to play in voter education.
- Parties cannot play an independent role in democratic politics if they receive a large proportion of their funds from the state. The alternative will be "no funds at all" what are the risks?
- What is the role of the political party in selecting the members of the polling sites?

PLENNARY SESSION 4

ELECTIONS IN THE ROMANIAN WAY AND THE ROLE OF THE OBSERVERS
DEALING WITH GRIEVANCES
CIVIC AND VOTER EDUCATION

Debating issues for the workshops

- What it is meant by objectivite in case of domestic observers?
- In many countries the domestic observers belong to the political parties. Would it be the same in Romania in the 1996 elections?
- How to train the observers?
- Which documents are used by the observers?

GRIEVANCES.-

Formation and Composition of Electoral Bureaux art.32

Errors in the electoral list arts 7 -13

- Nomination of candidates arts 33-35
- Presidential elections art 11
- Conduct of electoral campaign

Parliamentary elections art 44-48

Presidential elections art 17

- Electoral Proceedings and Counting of Ballots art 63-65

Voiding of election or poling in a constituency

Parliamentary elections art 28

Presidential elections art 24

- General Powers of the electoral bureau
art 25.1.b.
art 27.1.d.
art 29.d

CIVIC AND VOTER EDUCATION

- The individual as a member of a society.
- In your opinion what it means to be a citizen.
- What must we do to educate citizens for a democratic society?
- It is there any need for civic education at schools?
- How to organize non-partisan voter registration and education campaigns?
- What is the importance of civic education programs to promote a peacefull electoral climate?
- Is there a relationship between civic education and voter participation?
- What it is the importance of developing volunteer training program to go out and motivate registration and voting

PARTICIPANTII LA SEMINARUL "SISTEMUL ELECTORAL ROMAN ",
4 -6 SEPTEMBRIE 1992

1.ELENA ANGHEL	Circumscriptia No. Buzau
2.MARA ANGHEL	Expert Guvernamental
3.SORIN ALBULESCU	Director Adjunct
4.VIOREL ANDRUCU	Circumscriptia Nr.28 Neamt
5.IOAN ALEXANDRU	Consilier la Presidentia Romaniei
6.AURICA AVRAM	Primar Braila
7.INA BARDAN	LADO
8.NICOLAE BRAICA	Pro Democratia, Brasov
9.CEZARA BEBIS	Director
10.VALER BOCA	Circumscriptia No.1 Alba
11.GHEORGHE BORLESTEANU	Circumscriptia Nr. 31 Satu-Mare
12.MIHAIL BURLACU	PSDR
13.PETRE CARAMAN	LADO, Iasi
14.PAUL CARAVIA	Moderator
15.EUFROSINA CHIRICA	Circumscriptia Nr. 14 Constanta
16.DORIN CHIRICIOIU	Circumscriptia 3 Arges
17.IOSEFINA CIUREA	Circumscriptia Nr. 40 Vrancea
18.AURELIA COTUTIU	Circumscriptia Nr.2 ARAD
19.CONSTANTIN DIACONESCU	Consilier, Inspector Guvernamental
20.VICTOR DIMITRIU	Secretariatul General al Guvernului
21.RADU DEMETRESCU	Raportor
22.DONU DIMETRESCU	BUNIA, Brasov.
23.FRANCISC FODOR	Prefect Covasna
24.MIHAIL GONDOS	Secretar General Adjunct al Guvernului
25.TATIANA GRIGORESCU	PER
26.GHEORGHE GROSAN	Prefect Bistrita-Nasaud
27.AUREL GUBANDRU	Prefect Buzau
28.MIHAI CONSTANTIN IACOBESCU	PNL - CD
29.CRISTIAN IONESCU	Moderator
30.MIHNEA IONITA	PNL - AT
31.NICOLAE IORGA	Subprefect Bucuresti
32.EMILIAN IVANESCU	Circumscriptia No. 35 Teleorman
33.CHARLES LASHAM	Chief Electoral Officer-Liverpool
34.NICOLAE LATCAN	Primar Focsani
35.ION MANEA	Expert Guvernamental
36.DAN MARINCA	Prefect Maramures
37.EUGENIA MICU	Vicepresedinte Consiliul Judetean Prahova
38.DAN LIVIU MIRCEA	Primar Slatina
39.ION MITRICA	Primar Urziceni
40.OBIE MOORE	IFES Project Manager, Bucharest
41.ADRIAN MORUZI	Primar Brasov
42.CORNEL NEAGOE	Primar Constanta
43.ILIE NIMARA	Viceprimar Tirgu-Jiu

44.VLADUT NISIPEANU
 45.DIMITRIE ONICA
 46.VLADIMIR ORMENEAU
 47.IRINA PATRULIUS
 48.PAL LADISLAU
 49.INA PAVALACHE
 50.GEORGE PALE
 51.JULIANA PILON

 52.EUGEN PERSON
 53.LUCIA PETRUTA
 54.ALXANDRU POPESCU
 55.PETRE POPESCU

 56.EDWIN REKOSH
 57.JACQUES ROUSSELLIER
 58.ION SANFIRA
 59.DOREL SANDOR
 60.RODICA SERBANESCU
 61.IANFRED SILBERSTEIN
 62.IOAN SIPOS
 63.GEORGE SMITH

 64.RODICA SORESCU
 65.MILENA STANCESCU
 66.CONSTANTIN STEFANESCU
 67.MANUELA STEFANESCU
 68.MARIAN TATA
 69.MARTA MARIA VILLAVECES *
 70.DORU VIOREL URSU
 71.DORU VOLOSBAN
 72.VLADIMIR WEISSMAN
 73.RENATA WERBER
 74.ZOICA ZAMFIRESCU
 75.OVIDIU ZARNESCU
 76.IRINA ZLATESCU
 77.LUCIA PALAGHIA
 78.DANIELA SIMIONESCU

FDSN
 Biroul Electoral Central
 SIRDO
 Raportor
 Circumscriptia Nr. 21 Harghita
 APADO, Brasov
 PSDR
 IFES Director Program for Asia,
 America, Africa.
 SIRDO
 Raportor
 Pro Democratia
 Circumscriptia No. 42 Sectorul
 Agricol Ilfov
 Human Rights Law Group
 C.S.C.E.
 Primar Satu-Mare
 Secretar de Stat
 Moderator
 Moderator
 LADO, Tirgu-Mures
 Returning Officer and
 Electoral Registration Officer
 Circumscriptia No.33 Sibiu
 Raportor
 Primar Sighisoara
 LADO
 Pro Democratia, Brasov
 IFES Project Manager
 Secretar de Stat
 Prefect Harghita
 Comitetul Helsinki
 Comitetul Helsinki
 Prefectura Gorj
 Biroul Electoral Central
 IRDO
 AROLID
 AROLID

.CARMEN		IRDO
.BOGDAN POPESCU NECSESTI	*	Interpreter
.PAUL GOGIOU	*	Secretary
.VALERIU RENDEC		Secretary
.MONICA HERGHELIU	*	Interpreter
.CRISTINA NEAGU		Interpreter
.VIOREL MICESCU	*	IFES Assistant
.MICHAELA PARASCHIVESCU	*	IFES Assistant

Un seminar interesant

Stefan Eugen Pruhă

Problemele legate de sistemul electoral român, cuprinse în Legea nr. 68/1992 pentru alegerea Camerei Deputaților și a Senatului și Legea nr. 69/1992 pentru alegerea președintelui, au stat la baza seminarului cu titlul "Sistemul electoral român", desfășurat între 4-6 septembrie, la sala albastră a hotelului ARO din Brașov.

Seminarul a fost posibil datorită sprijinului acordat de Departamentul Administrației Publice Locale, Comisia Interministerială pentru Asistență Tehnică în cadrul Guvernului Român, BEC, Primăria, Institutul Român pentru Drepturile Omului.

Din străinătate au participat Fundația Internațională pentru Sisteme Electorale (IFES) și Conferința pentru Securitate și Cooperare în Europa, Biroul pentru Instituții Democratice și Drepturile Omului.

IFES este o fundație particulară, non-profit, cu sediu la Washington, care suportă îmbunătățirea proceselor electorale în toată lumea. CSCE, care a început în mijlocul anilor '70, ca un forum de comuni-

care și cooperare între Est și Vest, a intrat într-o nouă fază dinamică prin încetarea războiului rece. CSCE și-a intensificat, astfel, practica prin crearea de instituții noi, democratice, ca, de exemplu, Biroul pentru Instituții Democratice și Drepturile Omului. Acesta, cu sediul în Varșovia, este responsabil pentru "dimensiunea umană" a CSCE urmărind drepturile omului, democrația și respectarea legii.

În deschiderea seminarului, au luat cuvântul dl. Paul Jerbas, președinte al Comisiei Interministeriale, dl. Ovidiu Zărnescu, din partea BEC, dl. Doru Viorel Ursu, secretar de stat în Departamentul Administrației Locale, venit în absența primului ministru, dl. Adrian Moruzi, primarul orașului Brașov, dna Irina Zlătescu, director adjunct al IRDO și dna Maria Villaveces, director de programe IFES. Dna Villaveces, managerul acestui seminar, ne-a comunicat modul de desfășurare a seminarului. Acesta s-a desfășurat în sesiuni plenary și pe ateliere de lucru. Cele mai interesante idei din sesiunile plenary au fost prezentate

de dăni George R. Smith și Charles E. Lasham. Dinșii au vorbit despre scopul alegerilor, legislație și proceduri electorale, organisme electorale permanente în sisteme de înregistrare a alegătorilor, rolul partidelor politice în procesul electoral, particularități ale procesului electoral în România și rolul observatorilor, rezolvarea petițiilor, educația civică și educația electorală. Toate aceste teme s-au discutat având la bază Legea 68 și 69, dinșii făcând o paralelă între sistemul nostru electoral și sistemul electoral din Anglia. Dl. George R. Smith, participant la alegerile din mai '90 și februarie '92 de la Timișoara, a spus că a

fost profund impresionat de birourile electorale din cadrul circumscripțiilor, adăugând că ar fi bucurat dacă ar exista în Anglia, asemenea birouri electorale. Au fost și momente mai relaxante. În legătură cu persoanele decedate înscrise pe listele electorale, în Anglia o asemenea persoană nu numai că a fost trecută pe listă, dar a fost aleasă în Parlament. Participanții: prefecți, primari, directori ai BEC din țară, șefi de circumscripții au declarat că seminarul a fost interesant în ceea ce privește unele noi informații pe care le-au aflat, dar utilitatea acestuia a fost pusă sub semnul îndoielii, deoarece nu s-au discutat problemele concrete

cu care se confruntă cei care participă ca "administratori" la alegeri, discuțiile centrându-se pe marginea articolelor din cele două legi.

Oicum, seminarul a fost o reușită, dna Villaveces s-a declarat mulțumită de calitatea acestui seminar. Trebuie să amintim că atelierele au fost conduse de specialiști precum dl. Cristian Ionescu din Ministerul Justiției, Paul Caravia, sociolog IRDO etc.

Încheiem cu cuvintele dlui Smith care mai în glumă, mai în serios, a afirmat: "Legea electorală este foarte birocratică, cu cit sunt mai mari detaliile, cu atât mai greu se poate respecta în integralitatea ei".

„Sistemul electoral român“

Duminică 6 septembrie a.c. la Brașov, s-au încheiat lucrările Seminarului Internațional „Sistemul electoral român“, organizat de Fundația Internațională pentru Sisteme Electorale, cu sediul în Washington și de Biroul pentru Instituții Democratice și Drepturile Omului din cadrul Conferinței pentru Securitate și Cooperare în Europa, cu sediul în Varșovia. Acesta a fost scriitorul de la Departamentul Administrației Publice Locale, Comisia Inter-

ministerială pentru Asistență Tehnică în cadrul Guvernului Român, BEC, Primăria, Institutul Român pentru Drepturile Omului ș.a. În calitate de invitați au participat: dl. Paul Jerbas președinte al Comisiei Interministeriale pentru organizarea alegerilor, dl. Paul Florea, președinte al BEC, dl. Doru Viorel Ursu, secretar de stat în Departamentul Administrației Locale, dl. Dorel Sandor, secretar de stat al Departamentului pentru Structuri Socio-politice, dl. Adrian Moruzi, primarul Brașovului și dna Irina Zlătescu, director adj. al Institutului Român pentru Drepturile Omului. (Dan Iorga).

„Realitatea românească“

nr. 512/8.09.1992

"Cotidianul" nr. 175/8.09.1992

Seminar "Sistemul electoral român"

Fundația Internațională pentru Sisteme Electorale (IFES) cu sediul în Washington și Conferința pentru Securitate și Cooperare în Europa (CSCE) organizează în perioada 4-6 septembrie 1992, la Brașov, un seminar pe tema "Sistemul electoral român" la care vor participa primari, prefecți, membri ai comisiilor electorale locale, membri ai partidelor politice, membri ai organizațiilor nonguvernamentale. Organizatorii se bucură de sprijinul următoarelor instituții din România: Departamentul pentru Administrație Publică; Comitetul Tehnic Interministerial pentru Organizarea Alegerilor; Biroul Electoral Central; Primăria Brașov; Institutul Român pentru Drepturile Omului.

Seminarul se va desfășura sub forma unor sesiuni în plen care vor trata aspecte tehnice ale procesului electoral, urmate de dezbateri în patru secțiuni pe teme audiate.

"România liberă" nr.
733/29.08.1992