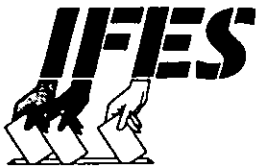


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International Foundation for Election Systems

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**IFES PRE-ELECTION TECHNICAL
ASSESSMENT PROJECT
ROMANIA**

SEPTEMBER 8 - 28, 1995

Charles Lasham

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EXECUTIVE SUMMARY

Since the revolution of 1989, Romania has conducted several important elections in an attempt to move her people from its sordid past toward a process which allows for self determination. In the elections of 1990 and 1992, the people placed into positions of authority public officials who are determining the future course of this proud nation. In 1991, they adopted a new constitution.

The International Foundation for Electoral Systems (IFES) first became involved in the electoral process in Romania in May, 1990, when it sent a team to observe the first multi-party elections held in over forty years. Despite an atmosphere of intimidation and violence, it was generally accepted by the international community that the conduct of those elections was the first stage in Romania's transition to democracy. However, the elections were considered administratively chaotic as there were no guidelines for voters, no written instructions or training of poll workers.

The February 1992 local elections showed little administrative improvement. The administration of the elections was left to the local commissions, some using their initiative others not, leading to inconsistencies. Again, there was no training or guidance notes to electors or officials.

In March, 1992, IFES sent a two-person team to undertake a comprehensive assessment of the election process in Romania and the ability and willingness of the Government to conduct parliamentary elections, which would be deemed to be free, fair and open by established international standards. Two experienced election consultants, Marta Maria Villaveces of Colombia and Charles Lasham from the United Kingdom, produced a report, "IFES Technical Election Assessment Project - Romania March 1-9 1992". This report made certain recommendations for the improvement of the administration of elections in Romania.

Ms. Villaveces remained in Romania until the September 27, 1992 Parliamentary and Presidential elections and, in the intervening period, worked closely with the Central Electoral Commission on matters relating to the administration of the elections and with NGOs and Government Ministries on civic education issues. She worked on the production of a poll worker guide and a voter education guide which were used in the September election. Ms. Villaveces also undertook training sessions for election officials in various parts of the country, which then cascaded to the members of the local election commissions.

It was noted that while technical problems still remained at the September 1992 elections, observers found that there was an "increased transparency in the organisation and administration of election day procedures". The IFES report "IFES Technical Assistance Project - Romania March 10 - September 1992", made numerous recommendations - most of which were contained in the Lasham/Villaveces report referred to earlier.

During this current 1995 assessment, the DeGregorio/Lasham team met with a wide-range of people and organizations in five major cities to determine if progress had been made to improve the electoral process and if adequate preparations had begun for the upcoming 1996 elections.

Our assessment includes the following recommendations:

- ▶ The need to follow-up to Chamber President Nastase's request to assist the parliament in the review of the draft electoral law;
- ▶ The requirement for a significant voter education effort through the mass media and other means such as NGOs and other organizations;
- ▶ Election commission (at all levels) and party observer training, including the development of a uniform training manual;
- ▶ Voter card/registration assistance in the form of commodities, such as computers and data base management software, and uniform written procedures;
- ▶ Improved ballot design and instructions;
- ▶ Structural improvements to the electoral system, such as the need for a permanent Central Election Commission; a shortening of poll hours and other changes.

It is disappointing to note that the recommendations in earlier IFES reports have not been embraced by the Government of Romania. One prime example is the IFES proposal to establish a Permanent Central Electoral Commission within Romania. We wonder how long the Government can continue to ignore this perfectly sensible and highly desirable change for the good. The need for a comprehensive voter education effort throughout the electoral process is abundantly clear. These and other important issues are addressed in more detail throughout this report. A complete set of recommendations are contained on pages 23-25 of this report.

On a positive note it should be said that several NGOs--such as Pro-Democracy--have been working diligently to encourage greater participation in the political process. Such programs are reaching average citizens and fostering the development of the electoral process by facilitating the debate and exchange of ideas, which is a crucial element of a participatory democracy.

One disturbing finding of our assessment was the increase in ethnic unrest and simultaneous growth of the nationalist movement in the country, which is causing uneasiness to many people involved in the political process. With similar activity manifesting itself in other countries of the region, it is not a problem to be taken lightly. An enlightened and politically aware citizenry can be an important mechanism to help prevent such problems from developing into major civil discord.

We hope that recent activity by the Romanian government to institute greater control over free speech and the press is not a sign of things to come. In spite of the fact that there have been four nationwide elections in the country since the 1989 revolution, there is still much progress to be made in order to improve the electoral process and for Romania to be recognized by the world community as a country that is serious about democracy.

Finally, with local elections, following a brand new election law, scheduled for early next year, it is vital that these recommendations be taken seriously and implemented expeditiously if such elections are to have a chance of being deemed free and fair.

I. INTRODUCTION

In 1995, the U.S. Agency for International Development awarded a grant to the International Foundation for Electoral Systems (IFES) to undertake a Technical Election Assessment Project for Romania. The two member team was made up of consultants Charles Lasham from the United Kingdom and Paul DeGregorio of the United States. Further Project Team information is detailed in Appendix A.

A pre-trip briefing was given by Dorin Tudoran of IFES, and various background papers were supplied by him and the IFES office in Bucharest. Lasham arrived in Bucharest on 8 September and was joined by DeGregorio on 15 September. Tudoran also arrived in Bucharest on 12 September to assist with arrangements and provide additional administrative backup.

The report covers the period 8 - 28 September 1995, when various meetings were held with leaders of civic organisations, political parties, government representatives, local government officials, NGOs and others. In this document, we will report on the discussions we had with these different sources. While we will generalize comments from certain groups, specific remarks by important leaders will be discussed in detail. For a listing of sources see Appendix B.

a. Scope of the Project

The Project Team was required to undertake a comprehensive pre-election assessment of the Government of Romania's electoral system and the prospects for implementing voter education initiatives in Romania in collaboration with both governmental and non-governmental bodies. The Team was required to meet with key participants in the electoral process, including members of parliament, representatives of political parties, former members of the Central Electoral Commission, leaders of NGOs involved in voter education projects, local and judet leaders and other groups.

In addition to the above, the Team undertook examination of various technical elements of the electoral process of Romania to determine if progress had been made from previous recommendations and what deficiencies may currently exist.

b. Country Background

Romania is a country in southeastern Europe which, like many others in the region, has had a history of domination by various royal monarchies, empires and stringent dictators. In modern times, Romanians suffered under the rule of Nicolae Ceausescu who, from 1965 until his removal from power by force in 1989, sought to impose his orthodox socialist social and economic policies on the country in a very coercive and abusive manner. Even before that, however, since the late 1940s, Romania was an independent Communist state having been forced under Soviet influence after World War II, losing territory in the process.

There is a Latin heritage present in the country which is embodied in its language. A variety of cultures are represented in this nation of 23 million citizens. An overwhelming 89% of the people are ethnic Romanians while approximately 7% have Hungarian ancestry and less than 1% are Germans. A small but noticeable gypsy population is also present throughout the country. While Eastern Orthodoxy is the religion of choice for most Romanians, Catholics, Lutherans and a new wave of evangelical Christians can be found, particularly in the Transylvania region. Most, but not all, of the Jewish population have left.

The country is blessed with adequate natural resources, a decent transportation network, a relatively good climate and a literate workforce, all of which should provide significant opportunities for economic growth and development. Modernization has been slow but steady, in spite of the harsh rule of Nicolae Ceausescu. Romania has a reasonably good education system, although acceptance to a public university is very competitive and teacher salaries are dismally low. About one-half of the population lives in rural areas, making it among the least urbanized countries in Europe. As in most post-Communist states, while there are a limited number of well-trained professionals, health care facilities are overcrowded and suffer from a lack of equipment and medicine.

In recent years, economic growth in Romania has been slow with most of the market still retaining characteristics of the social democratic welfare system. Goods are certainly more plentiful now than before the revolution, and new enterprises are starting up in the major cities. However, while the inflation rate, which was wildly out of control in the early 90s, has been brought down, conditions are still dismal in many parts of the country where the average monthly wage is \$115-120 USD. Therefore, while there may be goods in the stores, most Romanians cannot afford more than the basics.

Since the revolution of 1989 and subsequent elections of 1990 and 1992, a myriad of political parties, both national and regional in scope, and alliances have developed in Romania. The country has been ruled by leaders aligned with what is now known as the Party of Social Democracy (PDSR). President Ion Iliescu was popularly elected in 1990 with 85% of the vote and re-elected in 1992 with 62% of the ballots cast. The Parliament, consisting of a House of Deputies and a Senate, has been dominated by Iliescu's party, which has formed a coalition with several extremist and nationalist parties of Romania, such as the Party of Romanian National Unity (PRNU), the Greater Romanian Party (GRP) and the former Romanian Communist Party, today's PSM, to govern. Since coming to power the present government has slowly moved toward market reforms and decentralization. In the first few years of governing, the Iliescu administration showed some movement toward improving basic human rights and free speech. However, within the past year, legislation was passed to provide more control over the press and free speech, which is an indication that the government may not be as interested as it once was in democratic reforms. In fact, many members of the opposition, several of whom were jailed during the Ceausescu regime, point out that many of those in positions of authority were Communist leaders under Ceausescu.

The opposition consists of several parties and alliances, such as the Democratic Convention of Romania (DCR), whose strongest member is the National Peasant Christian Democratic Party (NPP-CD); Civic Alliance Party (CAP), which was formerly part of the DC; the Hungarian Democratic Union of Romania (HDUR); and others. While they do not control the Chamber of Deputies nor the Senate, the Democratic Party (PD) (with 47%) did have relative success in the 1992 local elections by electing mayors and members of local councils, particularly in large cities. Since many of the opposition alliances are fragile or have fallen apart since the 1992 elections, it remains to be seen whether there will be a unified effort by the opposition to capture the presidency and parliament in 1996.

In recent years, there have been increasing number of reports regarding incidents of "ethnic unrest" in the country, most of which involve Romanian nationals and ethnic Hungarians. This, coupled with the increasing strength of those aligned with nationalism, could make the 1996 elections an important turning point for the country.

c. The Electoral System

Article 59 of the Romanian constitution, adopted by voters on November 11, 1991, allows for Universal Suffrage for citizens 18 years old and older. The Romanian parliament has enacted three separate laws governing national and local elections. These laws describe the various systems to be used, as well as the administrative process.

1. National

Romania uses the proportional system (D'Hondt formula) which allows for the direct election of a President (Law 69/1992). Voters also elect a parliament consisting of a Chamber of Deputies and Senate (68/1992). All three elections are held on the same day.

In the Presidential contest, candidates must obtain 100,000 signatures to have their name listed on the ballot. In order to win outright in the election, a candidate has to receive an absolute majority of votes cast. Otherwise, a second election must be held between the top two winners from the first election.

Under current law, forty-two multi-member districts have been created for the parliamentary elections with approximately one representative elected to the Chamber of Deputies for each 70,000 persons and one Senator for each 160,000. In the 1992 election, 328 deputies and 143 senators were elected. Parties submit lists of their candidates to be printed on the ballot under their banner. Each party determines the sequence of its members listed on the ballot. Independent candidates may have their name placed on the ballot by obtaining the signatures of one-half of one percent of the voters in the district. Voters cast one vote for the House of Deputies and one for the Senate.

The number of candidates elected from each party list is determined by the percentage of votes the party receives. There is a 3% of the vote minimum threshold for parties to have representation in the parliament; for parties that were listed on the ballot together as part of a coalition (such as the Democratic Convention), the threshold is raised an additional 1% for each party in the coalition, up to 8%.

One important element of the Romanian electoral law is the provision which guarantees national minorities at least one seat in the lower house if the party representing their interest fails to elect one member.

2. Local

Public Law 70/1991, the legal basis for the February 9, 1992 local election, was enacted in November, 1991. Political parties submit the names of candidates for mayor, city councils and county councils. A person could become an independent candidate for mayor by obtaining the signatures of at least 1 % of the eligible voters but no fewer than 150 names. A voter would then cast one vote choosing between the party or independent candidates. The system was established to require a candidate for mayor to receive a simple majority of votes cast in order to be elected outright. If that did not happen in the first election, then a second contest would be held and voters would then choose between the top two contenders.

In the contest for local council, candidates are elected from multi-member districts. The number of council members to be elected is established by the overall population of the jurisdiction. As in parliamentary elections, each of the political parties eligible to participate in the election, must submit a list of candidates to appear on the ballot under the party name. Independent candidates can also participate by submitting a petition containing the names of 1% of the voters of the city divided by the number of council members to be elected (but a minimum of at least 50 signatures).

For the first round of elections for mayor and for council to be legally recognized, a majority of eligible voters, plus one, must participate. No such turnout requirement exists if a second round is needed.

Interestingly, county councilors are elected indirectly by a committee of all local councilors. Party and independent council members may submit candidates for appointment.

3. Time Line

Time line of past/future Romanian elections 1990-1996

Date	Event
May 1990	By decree, Romanians go to the polls to elect a President, House of Deputies and a Senate
November 1991	New election law passed by parliament establishing 1992 local elections
December 1991	Constitution adopted by referendum mandating Universal Suffrage 1992 National elections established by law passed by parliament
February 1992	Elections for Mayor and Local Councils
September 1992	National Elections for President, Deputies and Senators
October 1995	Date of 1996 Local Elections to be established by government/parliament
October 1995	New Law on elections to be proposed by government
November 1995	New Election Law enacted
December 1995	Central Election Commission to be named Other Electoral Commissions appointed Parties/Candidates must begin to file papers to gain access to the ballot
March 1996	Local Elections expected to be held
September 1996	Presidential/Parliamentary Elections scheduled

II. IFES TEAM'S ACTIVITIES AND FINDINGS

The IFES Team organized a large number of meetings in Bucharest with representatives of the Government, civic organizations and other NGOs and political parties, together with members and staff of local authorities. Realizing the importance of obtaining the complete representative picture, similar meetings were held in other parts of the country. Lasham and DeGregorio travelled separately to Bacau, Timisoara, Sibiu and Cluj Napoca.

The Team heard complaints from the political parties concerning problems associated with alleged fraud at the last elections. While the Team noted this in the historical context, it was not within their agenda to review the detail of the evidence presented by the parties. However, introducing improvements in the administration of the elections should be the goal of any Government, and this report addresses this.

The NGOs, such as Pro - Democracy and LADO, were particularly concerned about the lack of civic education undertaken by the Government. They were also concerned about the lack of consistency in the implementation of the election law by the local electoral commissions at previous elections. They pointed out that as far as they were aware, there was no training planned for these commissions prior to the elections. Both these issues are of concern to IFES.

a. Training of Election Commission Members

The Government maintains that training exists for members of the local electoral commissions. However, based on what we learned, any training that has been undertaken is limited and not structured. Furthermore, it appears that written materials used for such training do not provide adequate instruction. We found that for the most part, those that worked at the polling stations only received a copy of the election law, and nothing else. They relied solely on the President of the commission for direction and information. In order to have a proper check and balance, it is important that all polling station workers receive the identical information that a commission president is given. It is clear that the training and materials provided by IFES in 1992 were helpful to those who received them.

There remains a need for a nation-wide training manual to be produced and for organized training Seminars for members of the all electoral commissions throughout the country. This training and the production of the manual are strongly recommended.

b. Training of Observers

On the positive front it was pleasing to note that training is being addressed by the NGOs. LADO has received funding for an election expert to visit Romania and prepare a manual for observers which will be distributed to their volunteers prior to the 1996 elections. In addition two foreign trainers will visit Romania on 27 & 28 October 1995 to deliver a two day Seminar

aimed at the training of observers. This training will be based upon the manual prepared in September. Up to 40 observers will be trained. In addition, one representative from each of the Prefect offices of each Judet have been invited to attend. This will add another 40 to the attendance. An additional 20 persons, representing the political parties, have also been invited.

Each of the observers attending the course will be expected to "train-the-trainers" in their own areas. These are positive steps. It does leave the Team wondering whether the observers will be better trained than the President and other members of each of the local electoral commissions.

The Team believes that this kind of training should be expanded. It is very important that all observers, domestic and foreign, are properly trained.

c. Training of City Officials

The Federation of Romanian Municipalities is a recently formed NGO representing the interests of 86 major towns throughout Romania. Approximately 49% of the population live in these towns. The responsibility for the practical organisation of elections at the local level is left with the Mayor. Daily responsibility is delegated to the Secretary of the Council who has received foreign aid to deliver a series of Seminars throughout the country, aimed at achieving consistency in local election management. Again, this is a positive step.

We feel that this kind of assistance should be continued and expanded. In particular, uniform guidance should be given to local officials who are responsible for the registration of the electorate.

d. Voter Education

The election law states that the government has a duty to inform and educate the electorate on the voting procedures. In the opinion of IFES, this duty has not been fulfilled adequately, resulting in problems within the polling station which lead to voter confusion. Lack of voter education contributed to the unacceptably high number of annulled ballots at the September, 1992 elections. The average annulment for the country was 13%, however, in some parts of Romania, particularly in rural areas, the percentage was reportedly much higher.

The Team met with Mr Viorel Hrebenciuc, the General Secretary of the Government, to discuss the voter education issue, among others. He indicated that money from the next fiscal budget will be allocated to the creation of a series of television and radio spots educating the voter. In addition, the national press will be used to promote such education.

In our discussions with leaders throughout the country, it was clear that there was substantial agreement regarding the need for stronger voter education efforts. While efforts have been made by groups like Pro-Democracy and others to promote better communication between the

people and their government, it is plainly obvious that they have a long way to go to engage the general population in the debate of ideas as well as create an understanding of the political process. Another problem mentioned was that most voters do not know the candidates on the party lists and many of those who get elected from such lists fail to communicate with the voters. Such problems make it difficult for voters to understand and support a responsive democratic system. Several leaders told us that because the "novelty" of having elections may have worn out, the voters in the upcoming 1996 elections may pay even less attention to the political and election process, which could lead to diminished support for democratic reforms and greater problems at the polling stations.

It is the opinion of the Team that a comprehensive voter education project needs to be undertaken on a much wider basis than has occurred in the past. This needs to be targeted correctly and professionally implemented.

e. Design of Ballots

In the elections of 1992, the design of the ballots confused the electorate. In both IFES reports of 1992, reference was made to the need to redesign the ballots to make them less cumbersome. In addition, it was recommended that the ballots for the election to the Chamber, Senate and Presidency be different colours.

The General Secretary of the Government indicated that he would examine this problem and consider whether it would be possible to implement such improvements. While he did not dismiss the proposals, the Team believes a positive will is necessary to introduce these measures. It may be that the international community could provide assistance to the Government regarding ballot design and possibly printing to ensure that problems encountered in 1992 do not recur.

The Team recommends that ballots be redesigned to minimize confusion at the polls.

f. Hours of Poll

Almost everyone with whom the Team spoke agreed that the hours of poll were too long and that 12 hours for polling would be sufficient. The law states that polls should remain open between 6.00 and 21.00 hours but, in special circumstances, they may remain open until 12 midnight. Immediately following the polling, local commission members are required to count the votes. This is unreasonable.

The dissenting voice was that of the Secretary General who presented the Government's view that there would be no change in polling hours. This was a disappointment to the Team who believe long hours required of the members of each bureau lead to fatigue. This, in turn, leads to mistakes which may compromise the effectiveness of the bureau.

IFES continues to recommend that poll hours be reviewed and reduced to 12 hours.

g. Domestic Observers

There is provision in the law to allow the presence of international observers at the national and local elections. The position of domestic observers is, however, different. They are entitled to have a presence at local elections, but there is no such permanent provision for national elections. Article 93 of Law No. 68/1992 on the Election to the Chamber of Deputies and the Senate allows "internal observers only for the 1992 elections". The Team was advised that the Government is considering the position of domestic observers' presence at the 1996 elections. It would be much simpler to allow a permanent provision within the law by deleting the words which restrict their presence to the next elections only.

It is recommended that domestic observers be given permanent rights to be present at the polling station.

h. Voters Cards/Voter Registration

Romanian Law provides that voters' cards shall be issued to all electors. (See Articles 14-17 of the current electoral law 68/1992). In the IFES report covering the period March-September, 1992, the following comments were made: "Although lack of time and resources meant that no cards were issued for this election, this provision will be implemented before the next election".

The Team established that while voter cards had been issued to some of the local authorities for processing, no instructions were given to those officials on what to do with the cards. Until further instructions were received by local officials, the cards were being stored in warehouses.

We spoke to several officials about efforts to "clean up" the voter rolls in preparation for the 1996 local elections. In some jurisdictions serious attempts were being made to remove those who did not belong and add those who did. All of this was being accomplished with the assistance of, or through, the police. Several local officials said that they would welcome modern computer equipment and data base software which would help them keep lists current. It should be noted, however, that in some areas, there was no activity whatsoever in improving the lists. With such inconsistency, it is apparent that some of the same voter list problems, which existed in the 1992 election, will manifest themselves in the upcoming voting.

There was widespread agreement among the opposition that it was a national disgrace that the voters cards had not been issued to the citizens by now. Comments ranging from "intentional fraud" to simple "incompetency" were often heard.

The Team recommends that all appropriate authorities be directed to update their lists immediately so that they can issue correct voter cards to eligible citizens in time for the local

elections. Assistance in the form of computers and appropriate software would also be helpful.

i. Central Election Commission

Without exception, all leaders to whom we talked felt that the establishment of a permanent Central Election Commission would be a positive step toward improving the electoral system. They said it would be important that all of the major parties be included in such a body. At the same time, many were skeptical that such a fair and impartial body be established, since it was in the present government's interest to keep tight control of the process.

We certainly repeat the recommendation made by previous IFES teams and others that a permanent Central Election Commission be established to provide a professional, fair and uniform approach to the conduct of elections in Romania.

j. Raising the threshold for the political parties

There was general agreement that there were too many parties in the 1992 election and in the parliament. Most leaders to whom we spoke felt that the minimum requirement for a political party or coalition organization to be listed on the ballot and to have representation in the parliament, be raised. Some thought the threshold for parliamentary representation should be set at 5-6 % with a coalition set at 8%.

The Team agrees that raising the threshold slightly for ballot listing and representation would have the effect of fewer political parties on the ballot and allow for less confusion.

k. Other changes suggested for the electoral system

Many of the people with whom we met held strong opinions on various issues relating to changes in the electoral system. Several leaders brought up the idea of changing the system of electing people from party lists. Some felt that the country needed to adopt a more direct election of deputies and senators to the parliament as well as a direct election system for those chosen for the local councils. Others felt there needed to be a mixed system with some officials elected by party lists and others through direct election. Another issue related to candidates' and parties' accessibility to campaign funds and to the media. Many in opposition groups felt that it was very difficult to raise campaign funds because of government intimidation and that the media, particularly television and radio, gave little coverage to opposing views. They believed public financing of the campaigns, in conjunction with a more independent board governing the state television and radio, was part of the answer.

While the team takes no position on these particular issues, we do believe that there should be more support given for an appropriate public discussion and debate of these and other important proposals to improve the electoral system.

III. IFES ELECTION LAW WORKING GROUP

The IFES office in Bucharest established an internal working group, called the Legal Administrative Reform group (LAR), which met on a weekly basis between December 1994 and May 1995 to discuss important issues of substance connected with the law. The Team met with several members of LAR to discuss their findings. The members, aware of the necessity of early consideration of proposals for change if they are to be effective for the 1996 elections, drafted amendments to the Law on the Election of the Chamber of Deputies and the Senate of Romania (68/1992). Requests for changes in the law can be brought to the attention of Parliament in three ways: Firstly, by the support and signatures of 250,000 citizens; secondly, by being introduced by the Government and thirdly, by being introduced by Members of the Parliament. The first two options were considered not viable and accordingly, the amendment was presented by Members of the Parliament. An excerpt from the contents of their recommendations can be found in Appendix E.

IV. MEETINGS WITH ELECTION OFFICIALS

During our assessment mission, we had the opportunity to meet with officials who were involved in the administration of the 1990 and 1992 elections at the judet and local level. They generally agreed on the following issues:

- ✓ The 1992 elections were too complicated for the voters.
- ✓ Voter education needs to be significantly improved, especially in rural areas. Many voters came to the polls totally unaware of the process of casting a ballot.
- ✓ The number of signatures and threshold required for political parties to be listed on the ballot needs to be raised. The ballots in 1992 were too confusing to the voters.
- ✓ Training procedures for observers and electoral commission members should be improved. In 1992, training materials for the poll workers consisted of a copy of the election law only.
- ✓ Voter cards did not exist. Registration lists contained numerous errors including the names of dead people, citizens who had moved from the city long ago and the list was missing many long-time members of the community. They felt that this needed serious attention to ensure a more orderly process at the polls and to prevent fraud.
- ✓ In their opinion, fraud was minimal. Most mistakes that were made were not intentional, but rather ignorance of the proper procedures. Computers could resolve this issue. One judet instituted a password system to prevent unauthorized access to the counting system.

There was some disagreement on whether the voter cards were necessary. One judge, who served as Chairman of a local election commission, felt the cards were redundant since a registration list would be present at the polls and voters would be required to show some kind of identification anyway. On the other hand, others involved in administering the 1992 local elections said that because so many people were missing from the voter rolls, voter cards would have helped the process run more efficiently.

V. OBSERVATION/DISCUSSIONS WITH PRO-DEMOCRACY

The NGO "Pro-Democracy" was formed in recent years to promote the general understanding of the democratic process and to encourage citizen participation in the electoral process. We had the opportunity to speak with several national and local leaders of the organization as well as observe a "town hall forum" and a street survey of citizens they sponsored in Timisoara. The forum and survey were elements of a 48-city tour of the country by the group to promote participation by citizens in the democratic process. A copy of the survey can be found in Appendix C.

Members of Pro-Democracy appeared to be passionate in their attempt to involve average Romanian citizens in their government. Most seemed to devote a considerable amount of their own time to the cause. Several were skeptical of the political parties and were not sure they could do anything to improve the lives of the average Romanian.

We found it interesting that some members of the government felt Pro-Democracy was too close to the opposition while some opposition, members felt that Pro-Democracy was a tool of the government. Perhaps the real answer is somewhere in the middle, where it should be.

a. Town Hall Forum in Timisoara

On 20 September, we observed a town hall forum in Timisoara sponsored by Pro-Democracy (a photograph of this event can be found in Appendix D). This meeting was designed to be an open discussion between Mayor Viorel Oancea, and any citizen who wanted to attend. The discussion was held in the council chambers and was attended by about 20 citizens and included members of the local media. Mayor Oancea, who was elected under the Civic Alliance banner, opened the dialogue by giving the audience a historical perspective on the power given to local governments in Romania. He then discussed various alternative electoral systems which could be used at the local level. His preference was based on the French system with a "management team" elected together to promote cooperation. Mayor Oancea also felt that council members should be elected directly from districts, making members more responsive to their constituency.

The mayor claimed he had made positive changes in Timisoara, that it was a cleaner and safer place to live because its people had become more responsible. At the same time, he said that there were problems beyond his control. He was particularly concerned about the environment.

After his talk, the Mayor fielded questions from the audience. Several citizens challenged the Mayor on issues such as: 1. Why wasn't there heat in their apartment? 2. Why were discos in town allowed to make so much noise at all hours of the night? 3. Why are some businessmen allowed to not follow the law? 4. Why do some people want the central government to suspend him? The Mayor made every attempt to answer these questions, however, a couple of audience members did not like his answers and raised their voices loudly in protest. Nevertheless, Mayor Oancea maintained a professional manner.

VI. MEETING WITH ADRIAN NASTASE, PRESIDENT OF THE CHAMBER OF DEPUTIES

Assistance welcomed

In our 40 minute meeting on 27 September with Parliamentary President Nastase, he expressed an immediate interest in having an election expert from IFES review and comment on the draft of the new election law which his government is developing. Mr. Nastase indicated that the draft law will be ready in mid-October and that IFES should contact Mr. Ristea Priboi, his assistant (who was present for the meeting), to follow up with this request. (It should be noted that IFES did obtain a copy of a working draft of election law changes proposed by the PDSR. These changes can be found in Appendix F.) Mr. Nastase also indicated that based on the problems found in 1992, the voters definitely needed more instructions on the process of voting and participation. He welcomed voter education assistance for the 1996 elections from groups such as IFES.

Local observer question

While he welcomed foreign observers to the elections, Nastase was uncertain as to how to handle the issue of local observers, particularly those from NGOs. He was concerned that some of the NGOs were becoming politically biased against the government. He added that his party had recently formed some NGOs more favorable to the government, that "perhaps a consensus could be reached on who could observe the elections" and that there should be "joint training programs" sponsored by groups such as IFES.

Voter Card issue

In regard to the lack of voter cards, Mr. Nastase said he did not understand why they have not been issued and will talk to Mr. Hrebenciuc about this issue. Mr. Nastase indicated that he welcomed the donations of any technical equipment, such as computers, which could help facilitate the election process (including the registration of voters).

VII. DISCUSSION WITH EMIL CONSTANTINESCU, 1992 CANDIDATE FOR PRESIDENT AND A LEADER OF DEMOCRATIC CONVENTION

In a long discussion that involved a wide range of subjects, Mr. Constantinescu spoke about several issues relating to the 1992 elections, present conditions and foreign assistance.

Present international assistance

During our meeting, Mr. Constantinescu was at times bitter toward the United States for what he saw as its strong support of the current government and failure to provide encouragement to the opposition and others who are pushing for democratic reforms in Romania. He feels he has "wasted his time with many American officials and others" with whom he has spoken because they failed to follow-up with his recommendations. Constantinescu believes that the present way foreign assistance funds are being used to help NGOs and others involved in pushing democratic reforms, would take 15 years to reach everyone (he used seminars and books as examples). He added that such programs do not reach peasants, workers, and the poor, who are important to the future of Romania and who also vote. When asked what program he would propose to reach such a constituency, he replied that "we must break the wall between NGOs and the government". Mr. Constantinescu said that while he realized most international assistance was channeled toward NGOs, as opposed to political party development, it was his feeling that most NGOs in Romania are controlled by political parties, with most linked to the present government in power. He suggested that a broad-based voter education program would be beneficial to the whole country if it were instituted in a fair and non-biased way through the mass media, reaching the maximum audience.

The DC success/failures in 1992 elections

Mr. Constantinescu said that the Democratic Convention enjoyed relative success in the 1992 local elections but he lost the Presidency in the September national elections receiving 41% of the vote in the runoff. He helped form the DC as a coalition to represent the most important opposition in Romania and that the "American side" provided absolutely no assistance. He registered a foundation (NGO) called "The Romanian Foundation for Democracy" with IRI/NDI to seek assistance in party development. He said that while his foundation is non-partisan, it is tied to the opposition.

Problems with the present regime:

Mr. Constantinescu said that after the 1989 revolution, Romania did not move toward market and democratic reforms as swiftly as Poland and the Czech Republic. He said the government was controlled by the old bureaucracy, who still held a firm grip on the economy, the state and any kind of development. He said major problems exist in the country which include:

- Chaos in economic policy which causes great financial stress for most Romanians. He sees

people every weekend in his district who are desperate.

- ▶ There is no law on political parties. Why?
- ▶ Opposition parties have no real financial sources.
- ▶ President Iliescu's party uses the state to support itself. As an example he explained that Mr. Nastase, President of the House of Deputies, frequently visits the countryside to promote his programs using government transportation and expenditure. Constantinescu can only afford to visit his own district.
- ▶ The government newspaper, funded by taxpayers, consistently runs negative articles about Constantinescu and his party.
- ▶ There needs to be stronger laws against corruption. Examples of fraud he cited:
 - There is much corruption involving companies who are forced to support the government in order to do business.
 - Foreign companies support the government's parties to obtain lower tariffs and favorable treatment. PDSR is constantly recruiting new members through coercion.

Does not favor foreign observers

Mr. Constantinescu indicated that he does not favor the presence of foreign observers at Romanian elections. He reasoned that in the 1990 and 1992 elections, most foreign observers said the elections were fair and honest, while he feels strongly they were not. He said few observers ever visit the countryside where, in his opinion, the real fraud occurs.

Fraud widespread in 1992

Constantinescu indicated that in 1992, 1.5 million ballots were invalid and that most were found in areas where the DC fared the worst (but were expected to do well). In addition, another 1.5 million people voted in locations where they did not actually reside, especially in the south and Moldova region. He said results were deliberately delayed. Mr. Constantinescu said about 20% of the polling stations had no observers, foreign or domestic. While the DC did not contest the 1992 election, the party attempted to file complaints about fraud but the process was flawed since the CEC, to whom the party made the complaints, was dissolved and therefore no follow-up was achieved. Constantinescu added that since the President appoints the chief prosecutor, cases of fraud can be easily dismissed. Mr. Constantinescu said he could support a fair and impartial permanent Central Election Commission.

Removal of local officials

According to Constantinescu, over 130 mayors, most of them members of the opposition, have been removed from office by the government. An additional 100 have been forced to resign under pressure. The effect of this is to allow the central government to have more control at the local level.

Constantinescu's recommendations for assistance

According to Constantinescu, in the last three years only one program regarding the development of local administration was submitted to the U.S. Embassy. He indicated that it is now being completed in order to move the country toward true democratic reforms, he said the U.S. can provide assistance in several areas including:

1. Campaign Training. The training of political parties, candidates and others involved in seeking public office on campaign techniques and procedures.
2. Training of poll worker observers. He feels that LADO is a good organization to work with and that his party will appoint those trained by LADO to observe the 1996 elections. Constantinescu said that if observers are not properly trained, then the opportunity for wide-spread fraud will exist.
3. Youth Training. Encourage more young people to get involved in the process.
4. Leader Training. Party, civic, NGO and other leaders need to be instructed as to why it is important to be involved in the governmental system.
5. Voter Education. Ensure that the electoral is informed as to the procedures of voting as well as why it is important for them to participate in the process.
6. Institute a system of parallel counting of votes at each polling station in each election. This method is the only way to avoid fraud and to ensure that computers have not been manipulated. He suggested that a copy of each protocol from every polling station be given to official observers at that polling station. This protocol can then be compared to the "official" count contained on computer printouts. Mr. Constantinescu believes that without proper safeguards in place, voter fraud will be bigger in 1996 because those in power will have to protect their interests.
7. Sponsor the development of a "white paper" for each of the judets of the country. Such a paper would contain vital information on each judet such as work force, industry, transportation facilitates and other data. This information could be used by foreign investors to determine where they can invest.

Romania should not be ignored

Finally, the former presidential candidate said that it is in America's and the U.N.'s best interest to look at Romania in the long-term. Constantinescu said that if the country is ignored in the short-term because of perceived stability, then they are ignoring the deep-seated problem that exists under the surface. He believes it is vital that Romania be allowed to join NATO. Not doing this will push Romania toward the East and to other forces such as Iran, Iraq, Libya and other socialist states. He said Vadim Tudor is aligned with Vladimir Zhirinovsky of Russia who is a dangerous man. He cannot understand why the United States supports this party who has people in the present government.

VIII. ETHNIC UNREST AND THE GROWING NATIONALISM MOVEMENT

Since the revolution of 1989, there has been a growing nationalist movement in Romania. Indeed, some of the political parties that have been formed have been closely associated with this movement. With the opportunity to have discussions with Mayor Gheorghe Funar of Cluj-Napoca City, one of the increasing number of Romanian politicians raising the issue of nationalism, and Senator Marko Bela, President of the Democratic Alliance of Hungarians in Romania and others, we were able to obtain some feel for current and potential ethnic problems that exist in Romania.

Mayor Funar says problem does not exist

The issue of "ethnic unrest" can be defined as a diversity of opinion whether it exists at all in Romania. Mayor Funar, a 1992 candidate for President under the Party of Romanian National Unity (PRNU) banner, says emphatically "There is no ethnic problem. We do not have it". He criticizes the new education law saying it is a mistake to teach people in their native tongue. Funar says that minorities have adequate representation in the parliament and do not need special treatment. As I left the meeting with Mayor Funar, he handed me a book entitled *The Towns of Transylvania* by Octavian Dan Capatana. The book is a scathing attack on the Magyar (Hungarian) people. It seeks to blame all the ills of Romanian society on the Hungarians, adopting an almost neo-Nazi approach. It was very troubling to see that a Mayor of a major city in Romania, and a member of a Party of the national ruling coalition, was promoting such thought.

Witnessing unrest

While in Cluj-Napoca, we witnessed an incident which illustrates some of the current ethnic problems. A local state theater for the arts, which was designed specifically for the Hungarian population, placed a banner in the Hungarian language on the front of the theater to advertise an upcoming concert. The banner was immediately taken down by local authorities. Those responsible for hanging it were fined \$1.5 million lei (\$721 USD) for violating a law which states that such banners on a public building must be in the Romanian language. The banner was then put right back up in defiance of the fine. A picture of the banner can be found in Appendix D.

Others say unrest is a growing and serious problem

Senator Bela of the Hungarian Party said there was indeed an ethnic problem in Romania. He mentioned the incident of the banner (cited above) as an example. Bela said that extremist parties are trying to create unrest for their advantage. Interestingly, Bela agreed with Funar that the new education law was not good, albeit for a different reason. The Senator said that the law was not fair to the Hungarian population because technical schools were not taught in the Hungarian language, therefore, would put those students at a disadvantage. On another matter, he said that the ballots should be in both languages in areas where there are many Hungarian-speaking people.

Others we spoke with about the growth of nationalism said that both sides, the Hungarians and politicians like Funar, were to blame. They said that there are an increasing number of extremist Hungarians who like to "bait" nationalists like Funar. They added that people of many ethnic origins have generally gotten along well in Romania, but that politicians were "creating" this problem. The end result is that the fervor developed from such incidents cause both sides to become hardened to their positions, while attracting more people to their cause. Many we spoke to in Cluj and elsewhere were concerned that the nationalists were having an increasing influence on the present government, and that they could be a real force in the 1996 elections by pitting the large majority Romanian population against all minorities. Many professionals such as doctors, engineers, professors and others expressed a fear that Romania could turn into another Bosnia-Herzegovina with the divisions exploding into violence and repression. It is clearly not an issue to be taken lightly.

IX. CONCLUSION

While Romania has gone through several elections since the 1989 revolution, positive changes toward true democratic reforms have been slow in coming. For a country that has a strong desire to become part of NATO, and a partner with western Democracies, many of its government leaders seem to be sending conflicting messages. More control over the press and free speech, a delay in market reforms and the failure to establish a permanent Central Election Commission are but a few examples of this lack of resolve. The Romanian people must be enlightened to understand the important connection between voting and holding their elected officials accountable. It is vital that the Romanian government be encouraged, through every means possible, to institute the changes recommended in this report. It is certainly in their best interest to do so.

X. RECOMMENDATIONS

a. Training of All Election Commission Members

Because of the absence of full-time professionals in election administration in Romania, it is essential that there be a mechanism for the thorough training of election officials at all levels to help prevent some of the problems that occurred in the 1992 elections. Modern election management techniques should be taught to those at the top level of the election administration process. While there appears to be equipment needs (such as computers and software) to help

modernize the election process, it may be best to tie such aid to the establishment of a permanent central election commission. There remains a clear need for a nation-wide uniform training manual. It is crucial that organized training Seminars be conducted for all members of the local electoral commissions throughout the country. It appears that too much discretion is given to the President of the polling place commissions. Therefore, it is important that all commissioners receive written guidelines, check-off lists and instructions on how to handle unusual circumstances. If workers are uniformly trained, it is more likely to prevent fraud or at least, make them aware of it.

b. Training of Observers

It is very important that all observers, domestic and foreign, are properly and uniformly trained. Observers should be provided with a copy or a synopsis of the electoral law and procedures as well as a check off list to help determine if proper procedures are being followed. They should also be aware of the mechanism to be used to file official complaints.

c. Training of City Officials

We feel that new programs which are designed to improve the professionalism of administrators at the local level should be continued and expanded. In particular, uniform guidance should be given to local officials who are responsible for the registration of the electorate. If possible, computer equipment and software should be donated to facilitate the compilation of the voter registration lists. Such programs and assistance can help prevent confusion at the polls and voter fraud.

d. Voter Education

Ample evidence and support has been provided throughout this report to make it clear that a comprehensive voter education project needs to be undertaken on a much wider basis than has happened in the past. Such a program needs to be accomplished in a professional manner and targeted correctly for maximum penetration. IFES should provide assistance to the government, NGOs and other groups for this important effort.

e. Design of Ballots

Based on the high number of invalid ballots experienced in the 1992 elections, ballots will need to be redesigned to minimize confusion at the polls. Parties should not be allowed to utilize identical symbols on their promotional materials or on the ballot.

f. Hours of Poll

We agree with previous recommendations by IFES consultants that the hours of polls be reviewed and reduced to 12 hours.

g. Domestic Observers

In order to have the proper checks and balances at the polling stations and to prevent fraud, it is imperative that domestic observers be given permanent rights to be present in the polling station.

h. Voters Cards/Voter Registration

We believe that Voter Cards should be issued to all voters which can be used for identification at the polling station, helping to avoid confusion on election day. However, if the cards cannot be designed to prevent unauthorized duplication, then another form of identification should be required at the polls. All appropriate authorities should be directed to update their lists of eligible citizens immediately so that they can issue correct voter cards in time for the local elections. Assistance in the form of computers and appropriate software would also be helpful (see Recommendation c).

i. Central Election Commission

We certainly repeat the recommendation by previous IFES teams and others that a permanent Central Election Commission be established to provide a professional, fair and uniform approach to the conduct of elections in Romania.

j. Raising the threshold for the political parties

Raising the threshold required for political parties to have representation in the parliament would have the effect of fewer political parties on the ballot while allowing for less confusion at the polls. We believe a minor increase would be a good idea.

k. Ballots in dual languages

Consideration should be given to the possibility of printing ballots in languages other than Romanian in areas where it is clear that the language regularly spoken by voters is not Romanian.

l. Other changes suggested for the electoral system

While the Team takes no position on other important issues relating to the election process that were raised by many of the leaders we met with, it does feel that there should be an appropriate public debate and discussion of many of these issues which are mentioned in Section II. k. of this report. Seminars, symposiums and other means of fostering the public debate of these issues should be encouraged and financially supported by donor nations.

XI. IFES ASSISTANCE

The International Foundation for Electoral Systems has the capability to provide much of the assistance and expert advice that is needed to help Romania implement the numerous recommendations identified in this report. Under the leadership of Director Dorin Tudoran, IFES-Romania has developed a professional staff who have provided tremendous assistance to Romania in the past several years. It is clear that because of their work, they have earned the respect of leaders in the government, of the opposition and of the major NGOs in the country who work to foster democracy in the country.

In less than one year, Romania will have to conduct two major elections under new electoral laws using an inexperienced new election commission, a very difficult task at best. In order for both of those elections to be conducted in a free and fair manner, for the voters to be better educated to the process and better informed of the important reasons for participating, and for the international community to have more confidence that Romania is serious about moving towards true democracy, it is imperative that IFES and others provide the assistance and support that is needed to move them in that direction.

APPENDIX A

Team Details

Paul S. DeGregorio

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DOB 1 June, 1952

Married, wife Kerry, 4 daughters

With his breadth of experience in management and considerable knowledge of the intricacies of government at all levels, Paul DeGregorio has developed a reputation for excellence and hard work during his professional career. As Director of Outreach Development for the University of Missouri-St. Louis since 1993, he is on the cutting edge of making higher education more accessible for Citizens of Missouri. DeGregorio is overseeing the effort to establish University satellite centers in St. Charles and Jefferson counties. As an election administration expert, he has used his skills to assist emerging democracies throughout the world.

Election Administration Experience. As chief administrator of the election agency of Missouri's largest county from 1985-1993, DeGregorio worked with leaders at every level—from the White House to Congress, from the legislature to the councils of county and municipal governments to the officials who operate schools and fire protection services. He is considered an expert in election administration and been a speaker at local, state, national and international election conferences. As Director of Elections in St. Louis County, a jurisdiction of one million people, 91 cities, 3 U.S. Congressional districts, 39 state legislative districts, 7 county council districts, 24 fire and school districts and over 1100 precincts, DeGregorio instituted major improvements in voter registration, training, counting, and management procedures. He was successful in fighting voter fraud and in drafting legislation to improve the electoral process. DeGregorio's considerable achievements have earned him local, national and international recognition. He currently serves as the Chairman of the Education and Training Committee for the International Association of Clerks, Records, Election Officials and Treasurers (IACREOT) and responsible for developing the training workshops for their annual convention. He's been an active member of IACREOT and member of its Election Officials committee since 1985. DeGregorio has written many articles and reports regarding the election process throughout the world.

Overseas Election Experience. In 1991 DeGregorio studied the election process in Japan with the American Council for Young Political Leaders (ACYPL) and that same year represented IACREOT at the annual conference of Canadian Election Officials in Fredericton, New Brunswick. Twice during 1993 DeGregorio was asked by the International Foundation for Electoral Systems (IFES) to travel to Russia provide assistance to the Central Election Commission of the Russian Federation for their historic December 12 parliamentary election. He produced a 24-minute documentary of that election for IFES. In 1994 DeGregorio spent time in the former Soviet republic of Kazakhstan to assist in their parliamentary election and also traveled to China to participate as an U.S. observer for village elections. DeGregorio served as an IFES advisor to the Central Election Commission of Moldova for their first-ever local elections held in April, 1994. While in Moldova, he trained members of NGO's who served as domestic election observers. In July 1995 DeGregorio completed a Pre-election Assessment of Cambodia and September 1995 he did the same in Romania for IFES. He also was a participant in the 1995 annual conference of the Association of Central and Eastern European Election Officials (ACEEEO) held in Siofok, Hungary.

Other Experience. From 1982-1985, DeGregorio served the entrepreneurial community with distinction as an official with the U.S. Small Business Administration. As an Assistant to Missouri Attorney General John Ashcroft from 1977-1981, DeGregorio gained considerable knowledge of the workings of Missouri government and local communities. In 1974 and 1976 he worked as a campaign coordinator for John Ashcroft in his campaigns for State Auditor and Attorney General. He has participated in events in every one of Missouri's 115 counties. DeGregorio's opinion and knowledge is sought and respected by members of the media, government and civic leaders as well as the average citizen.

EDUCATION/TRAINING/SKILLS:

- University of Missouri-St. Louis. Bachelor of Arts-Political Science.
- St. Louis Community College at Forest Park. A.A. in Liberal Arts.
- Bishop Dubourg High School. St. Louis, Mo. Graduate.
- IACREOT (election officials) training conferences 1986-1995.

MAJOR PROFESSIONAL COMMITTEES AND ACTIVITIES:

- * Member, International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT) (1986-1995).
- * Chairman, Education and Training Committee, IACREOT (1994-95)
- * IACREOT Election Officials Committee (1986-1995)
- * IACREOT Legislative, Resolutions and Long Term Planning Committees(1992-93)
- * Coordinator and speaker at IACREOT Training Sessions, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995.
- * Missouri Secretary of State's Election Advisory Committee (1986-1991).
- * Speaker, Missouri Election Authorities Conference, 1989.
- * Speaker, Mid-West Election Authorities Conference, 1989, 1991.
- * Speaker, Conference of Canadian Election Officials, 1991.
- * Speaker, Conference of Iowa Election Officials, 1993.
- * Speaker, Federal Election Commission Conference, 1993.
- * Speaker, UM-St. Louis Lecture series "Russian Election", 1994
- * Speaker, Citizenship for Education Clearing House-International Election seminar, 1994
- * Participant, Association of Central and Eastern European Election Officials Conference, 1995
- * Member, Urban Election Boards of Missouri (1985-1993).
- * Member, Missouri County Clerks/Election Authorities Association (1988-1993).

OTHER ACTIVITIES/ACCOMPLISHMENTS (partial list):

- Vice-Chairman, St. Louis County Charter Revision Advisory Committee (1995)
- Treasurer, St. Louis Archdiocesan Pro-Life Committee (1994-95)
- President, St. Richard's Board of Education (1992-1993).
- Co-Chairman, Chancellor's Committee on Public Access, University of Missouri-St. Louis (1991-1993)
- Board of Directors, Committee of Italian American Organizations (CIAO).
- St. Louis Regional Commerce and Growth Association (RCGA) Small Business Council, 1983 (appointed).

09/95

CURRICULUM VITAE

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EMPLOYER: LIVERPOOL CITY COUNCIL

POSITION HELD: CHIEF ELECTORAL OFFICER

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DUTIES AND RESPONSIBILITIES

As Chief Electoral Officer for the City of Liverpool I have a statutory responsibility for the production of the electoral register for the City, in my capacity as Electoral Registration Officer and responsibility for the conduct of all elections held within the City boundary, in my capacity as Returning Officer.

I am Acting Returning Officer for the six Liverpool Parliamentary Constituencies; the ARO for the European Constituency of Merseyside West; the Deputy Acting Returning Officer for the Merseyside East European Parliamentary Constituency and the Returning Officer for the City of Liverpool's 33 Wards.

OVERSEAS EXPERIENCE

I have observed and undertaken election assessments in Namibia { on behalf of UN }, Bulgaria { two occasions }, Hungary, El Salvador, Estonia, Romania, Seychelles and Tanzania. I have taken part in and spoken at International Seminars organised by various groups as follows:

Venezuela 1990	Speaker on British Electoral Organisation at Central and South American Electoral Seminar organised by International Foundation for Electoral Systems, Washington, USA.
Hungary 1991	Panellist with Ambassador Luchino Cortese, Director of CSCE; Horacio Boneo, Head of United Nations Elections Unit. Topic: Perspectives on Regional Integration of Electoral Administrators. IFES Seminar.
Romania 1992	Speaker at joint IFES/CSCE Seminar on application of Romanian Electoral Law. Various topics.
Hungary 1993	Speaker and delegate at Association of Central and East European Electoral Officers Annual Meeting in Budapest. Spoke on organisation of counting of votes and transmission of results.
USA 1993	Panellist at International Institute of Municipal Clerks Conference in Florida. Subject: International election monitoring and observation.
Korea 1994	Panellist at electoral seminar - subject election campaigns. Selected by FCO.

Ukraine 1994

Speaker at ACEEEEO Annual General Meeting " Election
Administration as a Crucial Component in Democracy"

In November 1992 I undertook an assessment of training needs for the Electoral Commission of Kenya on behalf of the Overseas Development Administration and the British Council. This was followed by my participation in an Election Training Seminar immediately prior to the Country's historic step towards multi-party democracy.

In December 1993 I wrote a poll workers manual for the Russian Central Elections Commission which required me to meet with CEC representatives and others connected with elections.

In March 1994 I carried out poll worker training in Uganda and assisted with the production of a poll worker manual over a two week period.

In June 1994 on behalf of the Overseas Development Administration I undertook an assessment of a training seminar for electoral officers in Tanzania organised by the National Electoral Commission.

In March 1995 I observed the Estonian elections and co-ordinated observers on behalf of the OSCE Office for Democratic Institutions and Human Rights. I was responsible for producing a report on my findings on behalf of the ODIHR.

In June 1995 I was commissioned by the European Union to visit Armenia to deliver seminars over a 5 day period to candidates and members of the Central Elections Commission as part of the Tacis programme for democracy.

In September 1995 I undertook a pre-election technical assessment in Romania on behalf of IFES.

The above assignments involved meetings and negotiations with representatives at the highest level. This included Prime Ministers, opposition leaders, Heads and members of Electoral Commissions, Ministers of State, Ambassadors and representatives of various NGOs from a variety of donor communities.

OTHER ACTIVITIES

In 1987 I was founder member of the Association of Electoral Administrators being its Chairman between 1990-1992. On behalf of the AEA I negotiated a visit of 15 electoral administrators from countries in membership of the Association of Central and East European Election Officers to observe and take part in the European Parliamentary Elections in June 1994. This involved working closely with foreign government representatives, the Foreign and Commonwealth Office for funding, the Director of the International Foundation for Electoral Systems in Washington and others.

TRAINING EXPERIENCE IN UNITED KINGDOM

Since 1987 I have gained extensive experience of training electoral personnel in the United Kingdom lecturing on residential and other courses organised by the Association of Electoral Administrators {4}, Unison {10} and the South West Provincial Employers {8}.

PUBLICATIONS

Various articles on electoral matters in local government and other journals.

" Electoral Administrator's Manual" published by Shaw and Sons 1992. Joint author with G. R. Smith.

Contributor to Electoral Registration and Elections Chapters of the Local Government Administrator's Manual on behalf of the Institute of Chartered Secretaries and Administrators.

APPENDIX B

Sources of Information

Sources of Information for this report

Bucharest Meetings

U.S. Ambassador Alfred Moses

Richard Hough

C. Scott Johnson

Corina Ionescu

Elena Dinu

United States Agency for International Development (U.S. AID)

Dorin Tudoran

Alexandru Savulescu

Viorel Micescu

Laurenti Vasilescu

Andrei Caracoti

IFES

Andrei Constantinescu

Interpreter

Adrian Nastase

President of the Chamber of Deputies

Viorel Hrebenciuc

General Secretary of the Government

Ristea Priboi

Counsellor to Mr. Nastase

Ion Ratiu

Vice-President of the Chamber of Deputies

Emil Constantinescu

President of the Democratic Convention

Stephanescu Dragonesti

President of LADO

Paul Florea

Supreme Court Judge

Former Chairman of Central Electoral Bureau

Eugen Bujoreanu
Mayor of Sector 4 Bucharest

Mr Nicolae Manolescu, President
Civic Alliance Party

Alina Inayeh Executive Director, Pro Democracy Association
Adrian Sorescu, Programme Officer

Marko Bela
President of the Democratic Alliance of Hungarians in Romania

Miron Tudor Mitrea, Vice President
Social Democratic Party of Romania

Ion Diaconescu, Deputy
Vice-President of PNT-CD party
Constantin Ionescu, Deputy PNT-CD

Dorel Sandor, Director
Center for Political Studies and Comparative Analysis

Virginia Gheorghiv
Romanian-American Enterprise Fund

Ileana Pascal
President of Association of Romanian Municipalities

Adrian Costa
National Association of Tenants Inhabitants

John Swanson
NDI

John Anelli
IRI

Ileana Pascal
Irina Frimu
Federation of Municipalities of Romania

Costica Topala
Former Representative of Pro Democracy
now Head of Knights of Democracy

**Petru Dugulescu, Deputy
PNT-CD**

**Mr. Nicolae Heredea
Ecology Movement**

Bacau Meetings

Vice Mayor and Council Members of Bacau

**Gheorghe Hura
Director General of Bacau Judet**

Secretary of Bacau City Council

Members of the Democratic Convention:

**Gabriela Luta
Dorusca Sendra
Ioan Chiriac
Vasile Popa
CED (knights)**

**Professor Ioan Neacsu
Aurel Popa
Ion Cornita
Flaviu Ioan Pop
PNT-CD**

**Gheorghe Valeriu
Dan Avram
PNL**

**Alexandru Bulau
President of Civic Alliance**

Professor Costica Topala

Timisoara Meetings

**Mr. Gheorghe Tatar
Economist, leader of Pro-Democracy**

Viorel Oancea
Mayor of Timisoara

Town Hall Forum with Mayor Oancea
Sponsored by Pro-Democracy

Peter Miculescu
Vice-President of Timis Judget

Mircea Chereau
Vice-President of Local Council

Virgil Mancas
1992 Election Commisison Chairman
Judge of Appeals Court

Vassile Dorobantu
Stefan Pitrop
Leaders of Civic Alliance Party for Timis Judget

Theodore Stanca and others
Leaders of PNT-CD

Florica Fisie, Buni Daiua, Gheorge Ghigore, Josif Iovaescu
Leaders of PDSR Party

Cluj-Napoca Meetings

Sanda Mile
Local leader of Pro-Democracy NGO

Rodica Tomca, Teacher
Visit to 7th and 11th grade English Classes

Iuliu Pacurariu
President of Cluj Judget PD

Mayor Gheorghe Funar of Cluj
Emil Aluas, Foreign Affairs Department
Mr. Marnescu, General Secretary of PUNR-Cluj Judget

Grigore Zanc
Prefect of Cluj

Senator Matei Boila
PNT-CD
Petru Litiu, MP Deputy
Liberal Party '93 ('92 candidate for Mayor)

Nicolai Vlasie and 10 others
Leaders of Civic Alliance in Cluj Judget

Sibiu Meetings

Judge Rodica Sorescu
1990 and 1992 Chair of Electoral Commission

Dr. Adrian Mogar, member of Local Council, CA
Nicolai Olescu, VP of CA-Sibiu

Visit to local hospital with Dr. Mogar

Traian Muntean
Prefect of Sibiu Judget

Romeo Marius Trifu
President of the Local Council
President of the Association of Regional Councils in Romania

Aurel Maxim
Vice-Mayor of Sibiu (acting Mayor)
Plus City Manager

Other sources

Citizens of Romania

The Constitution of Romania

The Electoral Laws of Romania

Dr. Steve Roper
University of Missouri-Columbia

U.S. Department of State *Background Notes*

The *Academic American Encyclopedia*

APPENDIX C

Pro Democracy Survey

Dear citizens,

The Pro Democracy Association offers you the opportunity to express your opinions about the activity of the mayor of your town now, only few months prior to the local elections. You can take this opportunity by filling in the questionnaire that follows. After gathering all the questionnaires, the mayor will be informed by the results, which will also be disseminated through media to all the citizens.

PRO DEMOCRACY Association

QUESTIONNAIRE

I. What are the fields you feel your city hall have had some success? Check one or more.

- | | |
|--------------------------|-----------------------------|
| 1. Building new houses | 6. Ensuring public safety |
| 2. Public transportation | 7. Improving water supply |
| 3. Repairing the roads | 8. Heating of buildings |
| 4. City sanitation | 9. Places for rest and play |
| 5. Parking lots | 10. None of the above |

II. What are, in your opinion, the reasons the city hall could not achieve more? Check one or more.

- | | |
|--|----------------------|
| 11. Lack of adequate legislation | 15. Lack of interest |
| 12. Obstacles set by the actual government | 16. Other |
| 13. Obstacles set by the opposition | |
| 14. Incompetency | |

III. How do you find communication between the mayor and the citizens? Check only one.

- | | |
|------------------|------------------------------------|
| 17. Very good | 20. Unsatisfactory |
| 18. Good | 21. There is no such communication |
| 19. Satisfactory | |

IV. What do you think should be the top three priorities for the local administration? Check three.

- | | |
|--------------------------------|------------------------------|
| 22. Building houses | 27. Delinquency |
| 23. Public transportation | 28. Parking lots |
| 24. Kindergartens and schools | 29. Places for rest and play |
| 25. Improving the water supply | 30. Sanitation |
| 26. Heating | 31. Other..... |

V. Did you vote for the present mayor?

- | | |
|---------|--------|
| 32. Yes | 33. No |
|---------|--------|

Translation provided by IFES-Romania

Stimați cetățeni

Asociația PRO DEMOCRAȚIA vă propune, acum când mai sunt câteva luni până la alegerile locale, să vă exprimați părerile cu privire la activitatea primarului localității Dumneavoastră. Acest lucru îl puteți face răspunzând la întrebările din chestionarul de mai jos. În urma centralizării tuturor răspunsurilor, rezultatele vor fi aduse la cunoștința primarului și, prin intermediul presei, vor fi făcute cunoscute tuturor cetățenilor din oraș.

Asociația PRO DEMOCRAȚIA

CHESTIONAR

I. În care dintre următoarele domenii considerați că primăria localității Dumneavoastră a înregistrat anumite succese ? Însemnați căsuțele din dreptul răspunsurilor potrivite.

- | | | | |
|----------------------------|--------------------------|----------------------------------|--------------------------|
| 1. construcția de locuințe | <input type="checkbox"/> | 6. asigurarea ordinii publice | <input type="checkbox"/> |
| 2. transportul în comun | <input type="checkbox"/> | 7. aprovizionarea cu apă | <input type="checkbox"/> |
| 3. starea drumurilor | <input type="checkbox"/> | 8. încălzirea locuințelor | <input type="checkbox"/> |
| 4. salubritatea orașului | <input type="checkbox"/> | 9. spațiile de joacă și recreere | <input type="checkbox"/> |
| 5. locurile de parcare | <input type="checkbox"/> | 10. în nici un domeniu | <input type="checkbox"/> |

II. Care credeți că sunt cauzele pentru care primăria nu a reușit să realizeze mai mult decât a realizat ? Însemnați căsuțele din dreptul răspunsurilor potrivite.

- | | | | |
|------------------------------------|--------------------------|------------------|--------------------------|
| 11. lipsa unei legislații adecvate | <input type="checkbox"/> | 15. dezinteresul | <input type="checkbox"/> |
| 12. piedici din partea puterii | <input type="checkbox"/> | 16. altele | |
| 13. piedici din partea opoziției | <input type="checkbox"/> | | |
| 14. incompetența | <input type="checkbox"/> | | |

III. Cum apreciați comunicarea primarului cu locuitorii orașului ? Însemnați o singură căsuță, aceea din dreptul răspunsului potrivit.

- | | | | |
|--------------------|--------------------------|---|--------------------------|
| 17. foarte bună | <input type="checkbox"/> | 20. nesatisfăcătoare | <input type="checkbox"/> |
| 18. bună | <input type="checkbox"/> | 21. nu există nici un fel de comunicare | <input type="checkbox"/> |
| 19. satisfăcătoare | <input type="checkbox"/> | | |

IV. Care considerați că ar trebui să fie primele trei priorități avute în vedere de organele locale ale administrației publice ? Însemnați trei căsuțe, acelea din dreptul răspunsurilor potrivite.

- | | | | |
|---------------------------------------|--------------------------|-----------------------------------|--------------------------|
| 22. problema locuințelor | <input type="checkbox"/> | 27. problema delincvenței | <input type="checkbox"/> |
| 23. problema transportului | <input type="checkbox"/> | 28. locurile de parcare | <input type="checkbox"/> |
| 24. problema grădinițelor și școlilor | <input type="checkbox"/> | 29. spațiile de joacă și recreere | <input type="checkbox"/> |
| 25. aprovizionarea cu apă | <input type="checkbox"/> | 30. salubritatea | <input type="checkbox"/> |
| 26. încălzirea | <input type="checkbox"/> | 31. altele | <input type="checkbox"/> |

V. Ați votat primarul care este în prezent în funcție ?

APPENDIX D

Photographs



Romania, September 1995
Timisoara

Top left: Local Leaders of the PDSR

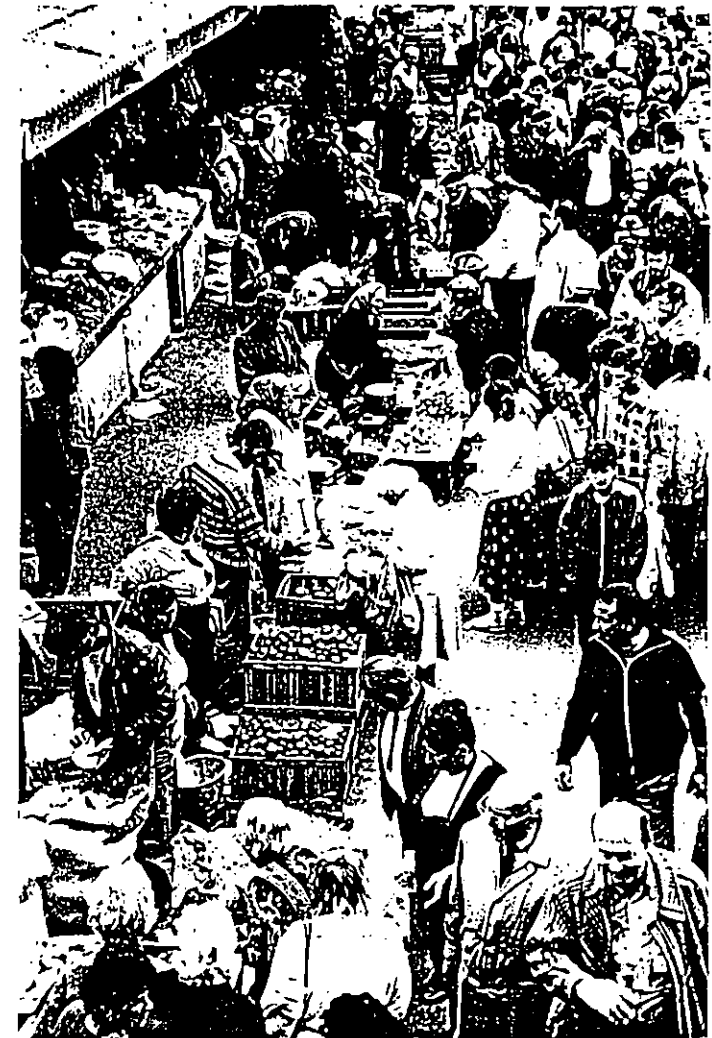
Left: Mayor Gancea speaks to a town hall forum

Top: Alina Inayeh and others of Pro Democracy
distribute materials on street corner



Romania, September 1995
Cluj-Napoca

- Top left:* Local Leaders of the Civic Alliance Party
- Left:* Controversial banner at state theater
(in Hungarian)
- Top:* Team member Paul DeGregorio (L) with
Mayor Gheorghe Funar



Romania, September 1995

The People

- Top left:* Students in the 7th Form-Cluj
- Left:* Local farmers near Pitesti
- Top:* Citizens buying goods at a local market in Cluj

APPENDIX E

Report of Special IFES Committee on changes needed in electoral law

**Excerpts from the Report by the special committee of Romanian leaders
appointed by IFES to review the electoral law.**

On 23 February 1995 an Amendment to the electoral law 68/1992 was presented to the Chamber of Deputies by MPs Victor Babiuc, Calin Anastasiu and Alexandru Anthanasiu. The amendment, which was co-signed by 22 other deputies concentrated on improving the administration of the electoral process. It did not aim to change the electoral system adopted by the Government of Romania.

The most important proposals concerned the formation of electoral bodies. Permanent electoral bodies were provided for in addition to those create only for the period of the election, as follows:

- [i] Permanent Central Electoral Commission (PCEC)*
- [ii] Central Electoral Council (CEC)
(to replace the Central Electoral Bureau)*
- [iii] Permanent Electoral Commissions for the constituencies*
- [iv] Electoral Councils for the constituencies
(to replace electoral bureaux of constituencies)*
- [v] Electoral Commissions of Polling Stations
(to replace the electoral bureaux of polling stations)*

The permanent electoral bodies would perform administrative tasks between elections and will be the core of the respective councils that are created at the beginning of the electoral periods. The members of the permanent bodies should not be members of any political party, but political parties will be represented on the councils, which will be created from the commissions, by adding representatives of the political parties that participate in the elections.

The attributions of the Permanent Electoral Commission include: planning the elections, interpretation of the legislation on elections, setting regulations for the procurement of election materials, training the electoral officers for the constituencies, drafting studies for the improvement of the electoral system, printing the "White Paper" with the analysis of the elections, drafting education programs for the voters, supervising the activities of the permanent electoral commissions of the constituencies.

The attributions of the Electoral Council are those of the Central Electoral Bureau provided for in the actual law and include: presenting the Government with the budget of the electoral period, supervising the operation of the elections, ensuring the uniform interpretation of the law through obligatory decisions, gathering the reports from all the commissions of the constituencies, supervising the distribution of the seats of the Parliament.

The attributions of the Permanent Electoral Commissions for the constituencies include: enforcing decisions of the PCEC, working with the PCEC to improve the electoral process, ensuring all the activities necessary between the electoral periods. The attributions of the Electoral Council of the constituency are those of the electoral bureaux of the constituencies provided for in the actual law and include: enforcing the provisions of the electoral law in the constituency, registering the candidates and publishing the lists of candidates, performing the cumulating of all votes from the polling stations and announcing the Central Electoral Council of the results of the election in the constituency.

The amendments also provide changes in the way that international and domestic observers are accredited. Thus, the Central Electoral Council will provide accreditation for the central newspapers, radio and tv stations, but the individual accreditation for the journalists and cameramen will be done by the Electoral Councils of the constituencies based on the accreditation given by the CEC. The accreditation of national and international organizations that will send observers will be done by the CEC, but the individuals representing these organizations will be accredited by the Electoral Councils of the constituency. The amendment also provides that only individuals that are appointed by a legally registered nongovernmental organization that activates in the field of human rights can be accredited as national observers, and only if they are not members of a political party.

Another important aspect is that the amendment enhances the role of justice in the electoral process, thus improving the fairness of elections. The decisions made by the electoral bodies can be appealed at the Supreme Court of Justice (for decisions made by the Central Electoral Council) or the local courts (for the decisions made by the Electoral Councils of the constituencies and the Electoral Commissions of the polling stations) the courts having to make a decision in a short time after the complain is filed

APPENDIX F

**Party of Social Democracy (PDSR) working draft
of proposed changes for Romanian elections laws**

*Draft Submitted by PDSR
Possibly to be considered
this fall (1995).*

LAW

ON CHANGING AND ADDITION OF THE LAW
ON LOCAL ELECTIONS, NO 70/1991

Romania's Parliament adopts the law herein.

Article 1: The Law on local elections, no 70/1991, published in Romania's Official Gazette, Part I, no 239 of 28 November 1991, shall be modified and completed as follows:

1. Article 1 shall have the following wording:

"Article 1: The local councils and the mayors shall be elected by universal, equal, secret and freely expressed suffrage, in the conditions of the law herein. The county councils shall be elected by indirect suffrage."

2. After article 1, articles 1¹ and 1² shall be inserted, as follows:

"Article 1¹: The elector has the right to one vote for electing the local council and one vote for electing the mayor."

"Article 1²:

(1) The local councils and the county councils shall be elected in electoral constituencies by suffrage expressed on the basis of list ballot and independent candidatures.

(2) The mayors of the communes and towns shall be elected in constituencies by suffrage expressed on the basis of the uninominal ballot."

3. Article 3 paragraph 1 shall have the following wording:

"(1) Romanian citizens having attained the age of 18 by or on the election day have the right to vote."

4. Paragraph 2 of article 3 shall be annulled.

5. Article 3 paragraph 3 shall have the following wording:

"The right to vote shall be expressed shall be exercised only in the commune, town or municipality or administrative-territorial subdivision of the municipality of the elector's domicile."

6. Article 4 paragraph 1 shall have the following wording:

“(1) Citizens with a right to vote and having attained the age of 23 by or on the election date, in case that they are not forbidden the association in political parties, under article 37 paragraph (3) of Romania’s Constitution, have the right to be elected councillors or mayors.

7 Article 5 paragraph 2 shall have the following wording:

“(2) The following persons cannot be elected:

- a) the citizens of the categories provided in article 37 paragraph (3) of the Constitution;
- b) the persons of the categories provided in letters a) and b) of paragraph (1).

8. Article 6 shall have the following wording:

“Article 6: (1) Nominations for the local councils and county councils shall be submitted by lists of candidates only by political parties and formations, established under the law, or by coalitions of them. Independent candidatures can also be submitted, under the terms of the present law.

(2) Candidates proposed by political parties and formations or independent candidates can run in the elections of mayors.

(3) One person can run either for a councillor office and for a mayor office.

(5) The number of candidates on each list may exceed the number of councillors established under the Law on local public administration, by no more than 3 candidates.

(6) In one constituency, a political party, formation or coalition of them, may submit one list of candidates and one candidate for the mayor office. The coalitions of political parties and formations may be made at a national, county or local level.

The political parties and formations from electoral coalitions may participate in the elections only on the lists of the coalition. A political party or formation can be part at one level of only one coalition.

(7) The nominations on more lists of candidates or both on lists and as independents shall be annulled de jure.”

9. Article 7 shall have the following wording:

“Article 7: (1) The election date shall be established and shall be made public by the Government, at least 60 (sixty) days prior to the election day.

(2) The elections take place in one day, that can be only Sunday.”

10. Article 8 shall have the following wording:

“Article 8: For the election of local councils and mayors, each commune, town, municipality and administrative-territorial subdivision of municipalities, shall constitute a constituency.”

11. Article 9 shall have the following wording:

"Article 9: (1) Numbering of the constituencies in each county and in the Municipality of Bucuresti shall be made by the prefect within 5 days after the establishment of the election day.

(2) Numbering shall be made starting with the municipality residence of county and shall continue with the others municipalities, towns and communes, each category in an alphabetical order.

12. Article 10 shall have the following wording:

"Article 10: The number of each constituency shall be made public to the electors by the mayor within 10 days after the establishment of the election day."

13. Article 11 paragraph 1 shall have the following wording:

"(1) The polling stations shall be organised in each locality as follows:"

14. Paragraph 3 of article 11 shall be annulled.

15. Article 13 shall have the following wording:

"Article 13: (1) The delimitation and numbering of the polling stations shall be made by the mayors, through disposition, within 20 days from the establishment of the election day."

(2) The mayor shall make public to the electors the delimitation and numbering of the polling stations, within the period provided in paragraph (1).

(3) In the first part of the publication where it is made public to the electors the delimitation and numbering of polling stations, shall be mentioned their headquarters in the chronological order of the stations.

(4) In the second part, shall be mentioned the delimitation of the stations, the streets of the locality being published in the alphabetical order, mentioning the number of the polling station of each street and portion of street.

16. Article 14 shall have the following wording:

"Article 14: (1) The mayors of communes, towns, municipalities and administrative-territorial subdivisions of municipalities shall make copies of the permanent electoral list drawn out under the provisions of Law no 68/1992, they shall submit two copies to the electoral commissions of the polling stations within 24 hours from their establishing. One of the copies shall be post up at the electors' disposal for checking, and the other shall be used in the election day.

(2) The modifications occurred after the submittal of the copies of the electoral lists shall be communicated to the electoral commission of the polling station within 24 hours."

17. After article 14 articles 14¹ and 14² which shall have the following wording:

"Article 14¹: (1) The copies of the permanent electoral lists shall be drawn up separately for each polling station. They will include all the citizens with the right to vote who have the

domicile in the locality where the elections are held and who, according to the delimitation made in conformity with the provisions of article 13, shall exercise their right to vote in the respective station.

(2) The model of the electoral list copy shall be established by the Government within 5 days from the establishment of the election day. The list shall include: the name, surname, age and residence of the electors, as well as the number of the constituency. The list shall also include a space assigned for the elector's signature.

"Article 14²: (1) Mayors shall ensure the necessary conditions for the electors to check the copies of the permanent electoral lists, both at the headquarters of the local council and of the polling station. They shall ensure the necessary personnel for this aim.

(2) Any misfit between the copy and the permanent electoral list shall be solved by the mayor, on the basis of the data included in the permanent electoral list.

18. Articles 16 and 17 shall be annulled.

19. Article 18 shall have the following wording:

"Article 18: (1) In case of change of residence to another locality after the electoral lists have been submitted to the polling station, the mayor shall issue a certificate to the elector on the exercise of the right to vote and shall make a note both in the electoral list with him or her and in the copy submitted to the electoral commission of the polling station.

(2) On the election day, at his or her new residence, the elector shall be entered on a separate electoral list by the chairperson of the electoral commission of the polling station upon presentation of the certificate provided in paragraph (1) and the document attesting the change of residence.

(3) The entering of the elector on the separate electoral list shall be made only after the checking of the document attesting the change of residence and only if this one has not a stamp with the mark "voted" on it.

20. Article 19 paragraph 1 shall have the following wording:

"(1) The mayor shall make known to each constituency electoral commission the number of electors resulted from the permanent election lists within 24 hours from the establishing of the commission. The final number of electors shall be made known to the commission 10 days before the election day.

21. Paragraph 2 of article 19 shall be annulled.

22. Chapter II, section 4 shall have the following title: "Section 4 - Electoral Commissions".

23. Article 20 shall have the following wording: "Article 20: (1) For the organisation and carrying out of elections there shall be organised, under the conditions of the present law, for each election:

- a) constituency electoral commissions,
- b) polling station electoral commissions;
- c) county electoral commissions;
- d) Central Electoral Commission.

(2) The electoral commissions shall be composed only of citizens with the right to vote; the candidates cannot be members of the electoral commissions.

(3) In achieving the duties assigned to electoral commissions, all their members exercise a position involving the state authority. The correct and impartial exercising of this position is compulsory.

24. Article 21 shall have the following wording:

"Article 21: (1) The constituency electoral commissions in communes shall be composed of 7 members, the constituency electoral commissions in towns, municipalities and administrative-territorial subdivisions of municipalities shall be composed of 9 members, and in the municipality of Bucuresti of 15 members.

(2) The constituency electoral commission in communes shall be composed of 2 lawyers and 5 representatives of the political parties and formations and their coalitions running in the elections in the constituency where the electoral commission is functioning.

(3) The constituency electoral commission in towns, municipalities and administrative-territorial subdivisions of municipalities shall be composed of 2 lawyers and 7 representatives of the political parties and formations and their coalitions, running in the elections in the constituency where the electoral commission is functioning.

(4) The constituency electoral commission in the municipality of Bucuresti shall be composed of 3 lawyers and 12 representatives of the political parties and formations and their coalitions, running in the elections in the municipality of Bucuresti.

(5) The nomination of lawyers, out of which, as a rule, one shall be a magistrate, shall be made in a public session, within 5 days from the establishment of the election day, by drawing lots, from a list with the magistrates or other lawyers existing in the county or in the municipality of Bucuresti drawn up with this aim by the prefect together with the president of the court. The provisions of article 24 paragraph 5 shall be applied accordingly.

(6) The list provided in the above paragraph shall include magistrates and other lawyers who are not members of any political party or formation.

(7) In case that the number of lawyers is insufficient, the list shall be completed with other persons who have a undeniable reputation, are not members of any political party or formation and have at least high school education.

(8) The date of the session where lots are drawn shall be made public through the media by the president of the court at least 48 hours in advance. The result of the lots drawn shall be mentioned in a minutes signed by the president of the court.

(9) The minutes constitute an act of investing.

(10) The president of the court shall nominate the chairperson of the constituency electoral commission and his or her replacing person.

(11) The constituency electoral commission constituted under the above paragraphs fulfils all the assigned duties under the present law, and shall be completed with representatives of

the political parties and formations or their coalitions running in the elections in the respective constituency.

(12) Within 2 days from the deadline of submitting candidatures, the local branches of political parties and formations and their coalitions shall communicate in written to the constituency electoral commissions the name and surname of their representatives who will be included in the commissions. The communications transmitted after this date shall be no longer taken into consideration.

(13) The additioning of the constituency electoral commissions with representatives of the political parties and formations and their coalitions, shall be made within 24 hours before the expiration of the term provided in paragraph (12), by the chairperson of the electoral commission in the presence of the persons delegated by the political parties, formations and their coalitions, which communicated representatives, in the decreasing order of the number of proposed candidates for the local councils and mayor. One political party or formation or their coalition cannot have more than 2 representatives.

(14) The persons who have the quality of representatives of a political party or formation or their coalition in the constituency electoral commission shall be established in the order mentioned in the communication provided in paragraph (12).

(15) In case that two or more political parties or formations or their coalition proposed the same number of candidates, their representatives shall make up the constituency electoral commission in the limit of the unfilled seats by the representatives of the political parties or formations or their coalitions, placed, under paragraph (13) in a more favoured position; if, by applying this provision, it is not possible that all the representatives to be included in the electoral commission, the chairperson shall proceed to drawing lots, in the presence of the delegates of the respective political parties, formations or their coalitions.

(16) In case that the political parties, formations or their coalitions do not nominate representatives, the chairperson shall proceed to completing the constituency electoral commission by including in it, by drawing lots, persons who are not member in any political party or formation, from a list proposed by the mayor.

25. Article 22 shall have the following wording:

"Article 22: The constituency electoral commission have the following duties:

- a) to follow up the application of the legal provisions concerning the elections in the constituency where it functions;
- b) to watch over the drawing up in time of the copies of the permanent electoral lists and over the organisation of the polling stations;
- c) to register the lists of candidates and independent candidatures for the local councils as well as the candidatures for mayor; to ascertain that the candidatures remain final;
- d) to perform the publicity and bill sticking provided by the law concerning the lists of candidates and independent candidatures for local councils as well as candidatures for mayor;

- e) to establish, on the basis of the number of electors inscribed in the permanent electoral lists, communicated by the mayor under the provisions of article 19 paragraph (1), the number of necessary supporters for submitting the independent candidatures;
- f) to distribute to the electoral commissions of the polling stations the ballot papers, control stamps and stamps with the mark "voted";
- g) to solve the all the objections regarding its activity and the complains regarding the operations of the electoral commissions of the polling stations from the respective constituency;
- h) to sum up the expressed votes and to establish the election results for the respective constituency;
- i) to transmit to the local council the file provided in article 69 paragraph (4) herein in view of validating the mandates of the councillors; for mayor, the file shall be transmitted to the court, and for the General Mayor of the capital, to the Court of the Municipality of Bucuresti, in view of validating the election;
- j) to organise the holding of the second ballot, as the case may be;
- k) to communicate data on elections and their results, through the county electoral commission, to the Central Electoral Commission and the Government; to make public the election result to the population of the constituency by any mean of publicity;
- l) to receive from the electoral commissions of the polling stations and to deliver to the territorial courts of first instance, the ballot papers used and not contested, as well as the annulled ballot papers, the stamps and other materials used for the ballot;
- m) to fulfil any other attributions established by the law as their duty.

26. Article 23 shall be annulled.

27. Article 24 shall have the following wording:

Article 24: (1) The electoral commissions of the polling stations shall be composed of a chairperson, a deputy chairperson and no more than 7 members.

(2) As a rule, the chairperson and the deputy chairperson shall be lawyers who are not members of any political party or formation appointed by the president of the county court or Bucuresti court, 15 days before the election day by drawing lots from among a list drawn up by prefects and communicated by them to the president of the court at least 5 days before the drawing lots.

(3) In case that the number of lawyers is insufficient, the list shall be completed with other persons having at least high school education and with an undeniable reputation in the locality where they have residence and who are not members of any political party or formation running in the elections in the constituency where the commission functions.

(4) The list proposed by the prefect shall include a number of persons exceeding by ten percent the necessary number, who are the reserve at the disposal of the president of the court, for replacing in special cases the persons nominated under the provisions of paragraph (2) herein; the list shall include: the name, surname, residence, work place, telephone number and acknowledging signature of the proposed persons.

(5) The listing of persons for drawing lots shall be made having in view the condition that their residences to be in the locality where the polling station is or as close as possible to this one

(6) The electoral commissions of the polling stations shall be constituted on the date of the nomination of its members.

(7) The members of the electoral commissions of the polling stations shall constitute in one representative of each political party, formation and their coalitions running in the elections in the respective constituency, in a decreasing order of the number of proposed candidates for the local council and mayor.

(8) For nominating the members of the electoral commission of the polling station, the chairperson of the constituency electoral commission shall notify the chairpersons of the electoral commissions of the polling stations, within 24 hours from their nomination, under the provisions of paragraph (2) herein, the number of candidates proposed by each political party, formation or their coalition. Each political party, formation or their coalitions which submitted lists of candidates or candidates for the mayor in the respective constituency are bound to notify, through their local branches, to the chairperson of the constituency electoral commission, within the same period, the name and surname of their representative.

(9) The provisions of article 21 paragraphs (14), (15) and (16) shall be applied accordingly; the lots being drawn by the chairperson of the electoral commission of the polling station.

(10) The nomination of the members of the electoral commission of the polling station shall be made by the chairperson, on the basis of the notifications provided in paragraph (8) or on the basis of the provisions of paragraph (9), as the case may be.

(11) The nomination operations of the members of the electoral commission of the polling station shall be registered in a minutes which constitutes the attesting document of their quality as members of the electoral commission of the polling station.

(12) The nomination of the members of the electoral commission of the polling station and the drawing up of the minutes shall be performed within 24 hours from the expiration of the period provided in paragraph (8) herein, in the presence of the delegates nominated by the political parties, formations and their coalitions.

28. Article 25 shall have the following wording:

"Article 25: The electoral commissions of the polling stations have the following duties:

a) to receive from the mayors the copies of the permanent electoral lists communicated under the provisions of article 14, and to ensure the necessary conditions for the electors to check them;

b) to receive from the constituency electoral commissions the ballot papers for the electors who are to cast their vote in the respective polling station, the control stamp and the stamps with the mark "voted";

c) to run the voting operations, to take all the all the necessary measures to keep order in the polling station and around it;

d) to count the votes and record the polling results both for the local council and mayor;

- e) to rule on objections referring to their own activity
- f) to submit to the constituency electoral commission the minutes with the polling results, together with all lodged objections and materials to which they refer;
- g) to deliver together with a minutes to the constituency electoral commission the used and not contested ballot papers, as well as the annulled ballot papers, stamps and the other materials necessary for polling;
- h) to fulfil any other tasks established under the law as their duty.

29. After article 25, articles 25¹ - 25⁷ shall be inserted with the following wording:
 "Article 25¹:

- (1) The county electoral commission shall be composed of three judges.
- (2) The nomination of the three judges shall be made in a public session, within 5 days from the establishment of the election day, by the president of the court, by drawing lots, from among the active judges of the county court and the municipality court of first instance. The provisions of article 21 paragraphs (8), (9) and (10) of the present law shall be applied accordingly."

"Article 25²: The county electoral commissions have the following duties:

- a) to follow the application of the legal provisions regarding the elections in all constituencies in the county;
- b) to ensure the notification of the constituency electoral commissions and the electoral commissions of the polling stations the decisions of the Central Electoral Commission, and to follow the way of their application;
- c) to perform the training of the members of the constituency electoral commissions and electoral commissions of the polling stations in the county;
- d) to receive from the constituency electoral commissions the minutes with the polling results, to centralize the results per county and political parties, formations and their coalitions, and to make them public.

The result of the centralization of the county data shall be recorded in a minutes which shall be transmitted to the Central Electoral Commission, under the provisions of the present law."

"Article 25³:

- (1) The county electoral commissions shall be also constituted in the case of partial local elections and only in the counties where such elections are held.
- (2) The county electoral commissions constituted according the provisions of paragraph (1) fulfil, in an adequate manner, the duties provided in article 25², as well as the duties provided in the present law for the Central Electoral Commission."

"Article 25⁴:

- (1) The Central Electoral Commission shall be composed of 7 justices of the Supreme Court of Justice.

(2) The nomination of the 7 justices shall be performed in a public session, within 5 days from the establishment of the election day, by drawing lots, by the Chief Justice of the Supreme Court of Justice, from among all the active justices of the Supreme Court of Justice. The result of the drawing lots shall be recorded in a minutes, signed by the Chief Justice and the Chief Consultant of the Supreme Court of Justice, which constitutes the investing document. The session date shall be made public through the media by the Chief Justice of the Supreme Court of Justice, at least 48 hours in advance.

(3) Within 24 hours from the investing, the 7 judges nominate from among them by secret poll, the chairperson of the Central Electoral Commission."

"Article 25⁵:

(1) The Central Electoral Commission has the following duties:

a) to watch over the updating of the permanent electoral lists and over their drawing up copies of them by mayors;

b) to follow and to ensure the observing and correct application of the legal provisions regarding the elections on the entire territory of the country; to ensure the uniform interpretation of the legal provisions;

c) to solve the lodged objections regarding its own activity and the claims regarding the way of constituting, the composition and the activity of the county electoral commissions;

d) to receive and to solve all complaints regarding the organization and unfolding of the local elections, others than those, under the present law, fall under the competence of constituency electoral commissions, the county electoral commissions or the courts;

e) to receive the minutes drawn up by the county electoral commissions, together with minutes with the polling results, drawn up by the constituency electoral commissions, to sum up the results, per country, political parties, formations and their coalitions, separately for the local councils and mayors, and to publish them in Romania's Official Gazette and in the mass media;

f) to solve the claims regarding the electoral fraud, it may order the annulment of elections in a certain constituency in case that the polling and the establishment of the polling results took place by fraud which may have modified the granting of mandates in the respective constituency; in such cases, it orders the repetition of the ballot within no more than 2 weeks. the new elections shall take place in the same conditions, using the same electoral lists and the same lists of candidates and candidature, except for the cases when the commission ordered the annulment of a certain list of candidates or independent candidatures responsible for committing the fraud which determined the annulment of the elections;

g) to solve the objections regarding the infringement of the legal provisions regarding subsidizing the political parties, to order the annulment of ballots and the mandates granted to the guilty political party, formation, their coalition or independent candidate.

In such cases, the Central Electoral Commission orders the establishment of the election result, under the terms of article 66 of the present law;

h) to perform any other duty established by law.

(2) The Central Electoral Commission shall accredit national and foreign observers, as well as the delegates of the Romanian and foreign mass media.

(3) The request for annulling the elections in a constituency may be made only by the political parties, formations, their coalitions or independent candidates running in the elections, within 48 hours from the closing of the polling, under the sanction of decline. The request must be motivated and accompanied by evidence on which it is based. The request may be admitted only if the issuer of the request is not involved in committing the fraud. The solving of the request by the Central Electoral Commission shall be made until the date of publishing the polling result in Romania's Official Gazette.

(4) In exercising its duties, the Central Electoral Commission shall issue decisions which are made known in a public session and through mean of publicity. The decisions of the Central Electoral Commission shall be binding for all the electoral commissions in the country, as well as for all the bodies with duties in electoral matter from the date of their making known in a public session.

(5) The decisions of the Central Electoral Commission through which there are provided interpretations to the provisions of the present law shall be published in Romania's Official Gazette."

"Article 25⁶: The Central Electoral Commission shall terminate its activity after the publishing in the Romania's Official Gazette of the result of the local elections under the provisions of article 25² paragraph (1) letter c of the present law."

"Article 25⁷: The expenses for the functioning of the Central Electoral Commission shall be borne the Government."

30. Article 26 shall have the following wording:

"Article 26:

(1) The political parties, formations, their coalitions and independent candidates may contest the manner of constituting and the composition of the electoral commissions in no more than 48 hours from the expiration of the period of their constituting or the period of completing, as the case may be.

(2) The complaints shall be solved by the constituency electoral commission if they concern the electoral commission of the polling station, by the county electoral commission if they concern the constituency electoral commission, and by the Supreme Court of Justice if they concern the Central Electoral Commission, within 2 days from the its registering.

The decision shall be final.

31. Article 27 shall have the following wording:

"Article 27: The electoral commissions work in the presence of at least half plus one of the number of members they are composed, and make decisions with the vote of the majority of those present."

32. After article 27, articles 27¹-27² shall be inserted, having the following wording:

"Article 27¹: The representatives of the political parties, formations or their coalitions in the electoral commissions cannot receive other accreditations provided by the present law."

"Article 27²:

(1) The refusal of the chairperson, deputy chairperson or the nominated members of the electoral commissions to participate in the activity of the electoral commissions constitutes a contravention and it shall be sanctioned with fines of Lei 250,000-500,000.

(2) The acknowledgement of the contravention mentioned above shall be performed by the chairperson of the electoral commission, in the case of its members, or by the mayor in the case of the chairpersons and their deputies.

(3) While acknowledging the contravention, the chairperson of the respective electoral commission shall also enforce the sanction.

(4) The minutes acknowledging the contravention drawn up by the mayor shall be transmitted to the president of the court for enforcing the sanction.

(5) The provisions of articles 25 and 26 of Law 32/1966 shall not apply to the contravention provided in paragraph (1).

33. Article 28 shall have the following wording:

"Article 28: The candidates running in the elections, their spouses, relatives and in-laws up to and of the second grade, as well as persons who do not have the right to vote, cannot be members of the electoral commissions."

34. Article 29 shall have the following wording:

"Article 29: The number of councillors making up each local council shall be established according to the provisions of Law on local public administration."

35. Article 31 shall have the following wording:

"Article 31:

(1) The nominations of candidates shall be made in written, in four copies, by the political parties, political formations or their coalitions running in the elections, under the signature of their local leadership, and in the case of independent candidates, on the basis of the list of their supporters.

(2) In the case of coalitions of political parties or formations, the nominations shall be submitted by the leaderships of all component political parties or formations.

(3) The nominations of candidates shall include the name, surname, residence, place and date of birth, occupation, profession, and in the case of coalitions, the political party or formation to which the candidate is affiliated.

(4) The nominations shall be accompanied by the declaration of accepting the candidature, written, signed and dated by the candidate.

36. After article 31, articles 31¹ - 31³ shall be inserted, with the following wording:

"Article 31¹ (1) The independent candidates for the councillor office shall be supported by at least one percent of the total number of electors inscribed on the permanent electoral lists, divided to the number of councillors that may be elected in the respective commune or town, but not less than one hundred.

(2) For the mayor office, the independent candidates shall be supported by at least one percent of the total number of electors inscribed in the permanent electoral lists of the constituency in which they are running, but not less than 150.

(3) Independent candidatures on lists of candidates submitted by political parties, formations or their coalitions, as well as lists of independent candidates are not allowed."

"Article 31² (1) The list of supporters shall include the election date, the name and surname of the candidate, the name, surname, date of birth, address, name of identity document, its serial and number, as well as the signature of the supporters. The list shall also mention the name of the person who drew up the list.

(2) The list of supporters constitute a public document, with all the consequences provided by the law.

(3) The supporters may only be citizens with the right to vote.

(4) One supporter may support only one candidate for the councillor and one for mayor.

(5) The adhesions of the supporters shall be given on their own responsibility.

(6) The list of supporters shall be accompanied by the declaration of accepting the candidature - drawn up in the conditions of article 31 paragraph (4)."

"Article 31³: The declaration of accepting the candidature shall include the name, surname, political affiliation, profession and occupation of the candidate, his or her expressed consent in running in the elections, as well as the mention that the conditions provided under the law for running in the elections are met."

37. After article 33, articles 33¹ and 33² shall be inserted, with the following wording:

"Article 33¹: (1) The persons who, at the date of submitting the candidature, shall be included in one of the categories provided in article 5 paragraph (2) of the present law, cannot run in elections, since they cannot be elected.

(2) The person who was elected both councillor and mayor is bound that, until the validation date, to opt between the quality of councillor or mayor."

38. Article 34 shall be annulled.

39. Article 35 shall have the following wording:

"Article 35: (1) The constituency electoral commission shall examine the observing of the legal conditions for a person to be able to run in the elections, the observing

of the formal conditions of the lists of candidates, as well as the list of supporters, shall register the candidatures fulfilling these conditions or shall reject the registration of those which do not fulfil the legal conditions

(2) Two copies of the candidature nomination shall be kept with the constituency electoral commission and the other two copies, certified by the constituency electoral commission, by the signature of the chairperson of the constituency electoral commission and stamped, shall be returned to the respective submitting entity; one of the copies returned to the submitting entity shall be registered by him or her to the territorial court of first instance in the constituency, or to the Court of the Municipality of Bucuresti, respectively."

40. After article 35, article 35¹ shall be inserted, with the following wording:

"Article 35¹: Candidates may renounce to the candidature until the date of the issuing of the order for printing the ballot papers.

With this aim, the respective person shall give a declaration, under the conditions of article 31 paragraph (4)."

41. Article 36 shall have the following wording:

"Article 36: (1) The accepting or rejection by the constituency electoral commission of a candidature may be contested by citizens, political parties, formations or their coalitions, within 3 days from the posting up of the candidature proposal.

(2) With this aim, within 24 hours from the registration of each candidature, one of the copies of the candidature proposal shall be posted up by the constituency electoral commission at its headquarters.

(3) The complaints regarding the accepting or rejection candidatures shall be solved within 24 hours from the registration, by the territorial court of the constituency, or the Court of the Municipality of Bucuresti, respectively. The decision shall not be communicated.

(4) Within 24 hours from the pronouncement, an appeal against the decision regarding the complaints may be filed to the hierarchically superior instance. The appeal shall be solved within 24 hours from its registration.

(5) The decision pronounced in appeal shall be final and irrevocable.

(6) The complaints shall include the name and surname, the address and quality of the complainer, the name and surname of the person whose candidature was accepted or rejected, the reasoning of the complaints, the date and the signature of the complainer, and shall mention the person nominated to represent him or her, as the case may be.

(7) The complaints and the appeal shall be filed at the competent instance, under the sanction of nullity."

42. Article 37 shall have the following wording:

"Article 37: (1) After the expiration of the periods provided in article 36 paragraphs (1), (3) and (4) of the present law, the constituency electoral commissions shall draw up a minutes acknowledging the finality of candidatures, shall post up at their headquarters, as well as the headquarters of the polling stations after the constituting of the electoral commissions of the polling stations, the final candidatures, and shall order the printing of the ballot papers.

43. In article 39, after paragraph (1), a new paragraph shall be inserted, with the following wording:

"The ballot papers shall be stapled, and the pages shall be numbered."

44. Article 39 paragraph (3) shall have the following wording:

"The above left corner of the quadrilateral shall carry the name of the political party, political formation or their coalition, or, as the case may be, the mention "Independent Candidate", and in the above right corner their electoral sign.

45. Paragraph (4) of article 39 shall be annulled.

46. Article 39 paragraph (5) shall have the following wording:

"In the quadrilaterals of each ballot paper the lists of candidates shall be printed in the order resulted from the lots drawn by the constituency electoral commission; the candidates shall be identifying themselves by name and surname and, as the case may be, by their political affiliation."

VARIANT

"In the quadrilaterals of the first ballot paper it shall be printed the name and surname of the first candidate of the list submitted by the respective political party, formation or their coalition, in the order resulted from the lots drawn by the constituency electoral commission."

47. In article 39, after paragraph (5), a new paragraph shall be inserted, with the following wording:

"For each independent candidate a distinct quadrilateral shall be printed, in the final part of the ballot paper, where they shall be presented in the order of proposals registrations."

48. Article 40, paragraph (1) shall have the following wording:

"The electoral signs shall be established by each political party, formation or their coalition, and it shall be communicated to the Central Electoral Commission within 5 days from its constituting."

50. In article 40, after paragraph (2), a new paragraph shall be inserted, with the following wording

"The electoral signs used in the previous elections may be used by other political parties, political formations or their coalitions, only with the consent of those who owned them, that is, the parties which composed the initial coalition."

51. Article 40 paragraph (4) shall have the following wording:

"(4) In all constituencies, the political parties, political formations and their coalitions set up at a national or county level shall use the same electoral sign."

52. Paragraph (5) of article 40 shall be annulled.

53. Article 40 paragraph (6) shall have the following wording:

"(6) In case that the same electoral sign is requested by more political parties, formations or their coalitions, the political party, formation or their coalition who registers the first the respective sign shall be granted it; in case that the registrations took place simultaneously or if it is impossible to establish a priority, the granting shall be performed by lots drawn by the chairperson of the Central Electoral Commission, within 48 hours from the expiration of the period provided in paragraph (1). The result of the drawing lots shall be communicated to those interested within 24 hours. The granting attracts the change of the electoral sign of the other political parties, formations or their coalitions. The new sign shall be communicated to the Central Electoral Commission within 24 hours from the communication of the result of the drawing.

54. Article 40 paragraph (7) shall have the following wording:

"(7) The Central Electoral Commission shall communicate to the prefects the electoral signs, until the date of the finalizing of the candidatures in view of their printing on the ballot papers."

55. After article 40, article 40¹ shall be inserted, with the following wording:

"Article 40¹: The coalition of political parties or formations which ran in the previous elections under one name can keep this name only if it has not changed the initial composition. The respective name cannot be used by other coalition as well."

56. Article 41 paragraph (3) shall have the following wording:

"(3) The ballot papers shall be printed 5 days before the election day at the latest. The candidates who have renounced to their candidature under the conditions of article 35¹ or who deceased until the date of issuing of the order for printing the ballot papers, shall not be inscribed in the ballot papers, based on the request of the constituency electoral commission."

57. Article 42 shall have the following wording:

"Article 42: The ballot papers shall be delivered in the constituency by the prefects and shall be received by the mayor, together with the chairperson of the constituency electoral commission, on the basis of a minutes. The ballot papers shall be delivered to the chairpersons of the polling stations, on the basis of a minutes, the day before the elections at the latest. The distribution of ballot papers shall be performed in sealed packs each of them containing 100 ballot papers."

58. Article 43 shall have the following wording:

"Article 43: At the headquarters of the local councils, constituency electoral commissions and polling stations, within 3 days from the expiration of the printing period, one copy of each ballot paper shall be posted up, after it was initialled and annulled by the chairperson of the constituency electoral commission."

59. Article 44 shall have the following wording:

"Article 44: At the request of the political parties, formations, their coalitions and independent candidates running in the elections, the constituency electoral commission shall issue for each of the above a copy of each ballot paper, initialled and annulled."

60. Article 45 shall have the following wording:

"Article 45: The electoral campaign shall start on the day when the election date shall be made public and it shall end 2 days before the election day."

61. In article 46, after paragraph (2), a new paragraph shall be inserted, with the following wording.

"It is forbidden any procedure of commercial advertising by the printed press or by audio and video communication means aiming at electoral campaign."

62. After article 46, article 46¹ - 46² shall be inserted, with the following wording:

"Article 46¹: (1) The subventions received by political parties, formations, their coalitions or independent candidates, from Romanian natural or legal persons, after the opening of the electoral campaign, may be used only if they are publicly declared in advance.

(2) It is forbidden the subvention of the electoral campaign, directly or indirectly, by natural or legal persons from abroad. The amounts thus received shall be confiscated and constitute an income to the State Budget.

(3) It is forbidden the subvention of the electoral campaign of one political party, formation, their coalition or independent candidate, by a public authority, public institution, autonomous regie or fully or majority state owned trade company.

(4) The receipt for electoral campaign of subventions from natural or legal persons shall be performed only through a financial authorized agent, nominated with this aim by the leadership of the respective political party or formation.

(5) The financial authorized agent shall be responsible together with the political party or formation which nominated him or her with regard to the

lawfulness of the expenses made out of the granted subventions and to the observing of the provisions of paragraph (1).

(6) The financial authorized agent may be a natural or legal person.

(7) One political party or formation may have more financial authorized agents; in this case, during nominating, their authorizations shall be also delimited.

(8) More political parties or formations may use the services of the same financial authorized agent.

(9) The quality of financial authorized agent shall be acquired only after its official registration with the Ministry of Finances and after this is made public in the press.

(10) The provisions of the present article shall be applied accordingly to the independent candidates who receive subventions from Romanian natural or legal persons."

"Article 46²: The access to public radio and television services, within the electoral campaign, of political parties, formations, their coalitions and independent candidates, may be made on the basis of a contract concluded between the appropriate institutions of the Romanian Radiotelevision and the financial authorized agents representing them, at unique fees per unit of time on the air."

63. Article 47 shall have the following wording:

"Article 47: (1) Mayors are bound that, within 5 days from the beginning of the electoral campaign, to establish the special places for posting up electoral notices, taking into account the number of political parties, formations and their coalitions declaring that they will submit list of candidates, candidatures for mayor, and the number of persons declaring that they will run in the elections as independents.

(2) Mayors shall ensure that the special places for electoral notices to be placed in market places, on the streets and in other public places, without disturbing the traffic on public roads, and the other activities in the respective localities. Mayors are bound to ensure in advance the removal of any posters, inscriptions and signs remained from the previous electoral campaigns.

(3) The use of places for posting up electoral notices shall be allowed only to the political parties, formations and their coalitions running in the elections, and for the independent candidates.

(4) It is forbidden for a political party, formation, their coalition or independent candidate to use the special places for posting up electoral notices in a manner that prevent their use by other political party, formation, their coalition or independent candidate.

(5) The posting up of electoral notices in other places that the places established according to the provisions of paragraph (1) herein shall be allowed only with the permission of the owners or keepers, as the case may be.

(6) Each political party, formation, their coalition or independent candidate may post up only one electoral poster on one billboard.

(7) An electoral poster cannot exceed the dimensions of 500 mm one side and 300 mm the other side, and those convoking an electoral meeting, 400 mm one side and 250 mm the other side.

(8) The electoral posters combining colors such as to evoke the flag of Romania or other state.

(9) The police is bound to ensure the integrity of the electoral billboards and posters.

54. After article 47, article 47¹ shall be inserted, with the following wording:

"Article 47¹: (1) The constituency electoral commissions shall watch over the correct unfolding of the electoral campaign in the respective constituency, and shall solve the complaints addressed on the prevention of one political party, formation, their coalition or independent candidate to unfold its electoral campaign in the conditions provided by the law and with observing the electoral deontology.

(2) If the constituency electoral commission considers, on the occasion of solving the complaint, that it is necessary to take some administrative measures or to apply fines or penal sanctions, it shall notify the competent authorities.

(3) A complaints may be filed against the solution provided by the constituency electoral commission to the county electoral commission; the solution over the complaints shall be final.

(4) Solving complaints and complaints shall be made within 3 days from their registration, and the decisions shall be published in the press and shall be posted up in a visible manner at the headquarters of the issuing electoral commission.

65. Article 48 shall be annulled.

66. Chapter II shall have the following title: "Unfolding of polling".

67. Chapter III "Unfolding of polling", articles 49 - 59 shall have the following wording:

"Article 49: (1) Each polling station shall have a sufficient number of polling booths, ballot boxes and polling stamps, proportional with the number of electors from the lists communicated by mayors.

(2) The polling booths and the ballot boxes shall be placed in the same room with the desk of the chairperson. The polling booths, ballot boxes, polling stamps and other polling materials necessary to the electoral commission of the polling station shall be ensured by the mayors of the communes, towns, municipalities and administrative-territorial subdivisions of the municipalities, together with the prefects.

(3) The polling stamps and other materials necessary to the electoral commissions of the polling stations shall be delivered on the basis of a minutes by mayors to the chairpersons of the electoral commissions of the polling stations at least 2

days before the election date. After receiving the ballot papers and stamps, the chairperson of the polling station shall ensure their keeping in complete security.

(4) The forms and other printed materials necessary for the polling shall be delivered to the electoral commission of the polling station based on a delivery-receipt document, including the kind and number of copies of each printed material.

(5) The chairperson of the electoral commission of the polling station shall be present at the polling station at the headquarters of the polling station the day before the election day at 18:00 hrs, and is bound to take at once the necessary measures to ensure the order and the fairness of polling operations.

(6) The chairperson shall order the position of guards around the polling place."

"Article 50: (1) In the election day, at 5:00 hrs, the chairperson of the electoral commission of the polling station, in the presence of the other members, shall check the ballot boxes, the existence of electoral lists, ballot papers and stamps, and afterwards shall close and seal the ballot boxes, applying the control stamp of the polling station.

(2) The chairperson is bound to ensure the application of the control stamp also on the ballot papers."

Art. 51 - (1) The chairman of the electoral commission of the polling station has the duty to take the necessary measures for the polling to take place in order.

(2) His powers in this respect also cover the area outside the polling station, in its yard, entrances to the yard and the polling station, as well as the streets and public squares within a 500-meter distance.

(3) Except for the members of the electoral commission of the polling station, the candidates and the accredited delegates, no other person is allowed to remain in the public places within the voting area or in the building where the voting takes place, more than the time necessary for voting.

(4) Romanian press, cinema, radio and television delegates are accredited by the Central Electoral Commission, while foreign press, cinema, radio and television representatives as well as the representatives of international organizations that request to be accredited are accredited by the Ministry of Foreign Affairs. The violation of accreditation requirements lawfully entails the cessation of the accreditation.

(5) Accredited delegates are allowed to attend polling operations only if they produce their accreditation document. They cannot intervene in any way in the organization and development of the elections, having only the right to notify the chairman of the electoral commission if they notice any disorders. Any propaganda activity for or against a party, a political organization, a coalition of parties or a candidate or the attempt to influence the voter's option, as well as any violation of the accreditation document entail the enforcement of legal sanctions, the cancellation of the accreditation by the electoral commission that notices the infringement and on the voting day, the respective person shall immediately be removed from the polling station.

(6) In order to keep order, the chairman of the electoral commission of the polling station shall have available the necessary means for keeping order, ensured by the prefects together with the Ministry of the Interior.

(7) During the voting period, the members of the electoral commissions of the polling stations and the accredited persons are prohibited from wearing badges, buttons or any other signs of electoral propaganda.

Art. 52 - Voting starts at 6:00 a.m. and lasts until 9:00 p.m., when the polling station shall close. By way of exception, the chairman of the electoral commission of the polling station may extend the polling time after 9:00 p.m., but not later than midnight, with the approval of the constituency electoral commission.

Art. 53 - Voters shall vote only at the polling station where they were registered in the voters' lists, except for the ones provided in art. 18 par. (2) who shall vote in the circumstances provided by this article.

Art. 54 - (1) The voters' access to the polling room shall take place in series corresponding to the number of the polling booths. Each voter shall present his identity document to the electoral commission of the polling station; after checking the voter's registration in the electoral list or, as the case may be, in the special electoral list provided under art. 18, the electoral commission of the polling station shall give the voter the ballots and the polling stamp, under the signature in the electoral list.

(2) If a voter, for reasons found by the chairman of the electoral commission of the polling station, is not able to sign the electoral list, this shall be mentioned in the list and confirmed under signature by a member of the electoral commission.

(3) The voters shall vote separately in closed polling booths, by applying the stamp with the mention "Voted" within the rectangle which includes the list of candidates or the name and surname of the independent candidate whom they wish to vote.

(4) The size of the stamp with the word "Voted" shall be smaller than that of the rectangle.

(5) After voting, voters shall fold the ballots so that the white page that bears the control stamp shall remain on the outside, and they shall introduce them into the ballot-box, taking care that they shall not unfold.

(6) The wrong folding of the ballot does not entail the voiding of the vote.

(7) In case the ballot paper opens by mistake, at the voter's request, it shall be voided, it shall be cancelled and the voter shall be given a new one only once, mention being made of this in the minutes of the polling proceedings.

(8) The stamp entrusted to the voter for voting purposes shall be returned to the chairman, after which the latter shall apply it on the voter's identity document in the place established by the Government through the decision by means of which the elections date was established.

(9) The chairman can take measures that a voter's stay in the polling booth shall not be unduly extended.

Art. 55 - The chairmen and the members of the electoral commissions of the polling stations, as well as the persons whose duty is to maintain order shall vote at the polling

station where they carry on their activity, after they have been registered in the electoral list provided under art 18.

Art 56 - (1) The candidates and any other voter shall have the right to dispute the identity of the person present for voting, in which case, the person's identity shall be established by the chairman by using any lawful means.

(2) In case the dispute is found to be justified, the chairman shall stop the disputed voter from voting and mention this incident in the minutes and shall inform the police authorities about this incident.

Art. 57 - (1) The chairman of the electoral commission of the polling station can suspend the voting, for good reasons.

(2) The suspension cannot exceed one hour and it shall be announced by placing a note at the door of the voting building at least one hour in advance. The total duration of the suspensions cannot exceed two hours.

(3) During the suspension, the ballot boxes, stamps, ballots and the other documents and materials of the electoral commission shall remain under permanent guard, and the members of the electoral commission shall not leave the voting room all at the same time.

(4) The persons who, under art. 51 par. (3), attend the voting, cannot be compelled to leave the voting room during this time.

Art. 58 - (1) The presence of any person in the polling booth, except for the voter, shall be prohibited.

(2) The voter who, for good reasons, found by the chairman of the electoral commission of the polling station, is not able to vote alone shall have the right to call into the polling booth an attendant of his/her own choice for helping him/her. The attendant cannot be one of the observers or members of the electoral commission of the polling station.

Art. 59 - For the voters who cannot be moved for reasons of illness or disablement, at the request of those in such state or at the request of the administration bodies of the health or social protection institution where the persons who cannot be moved are hospitalized, the chairman of the electoral commission of the polling station shall appoint, from among the members of the commission, a number of members who shall go with a special ballot-box and the necessary material for voting, to the place where the voter is, so that the voting be carried out.

68. After article 59, article 59¹ shall be inserted, which reads as follows:

"Art. 59¹ - At 9:00 p.m. or at the time up to which the extension of the voting has been approved as provided by article 52, the chairman of the electoral commission of the polling station shall declare the voting concluded and shall order the polling station to be closed."

69. Chapter IV will have the following title:

"Establishing the results obtained in elections."

70. The first section of Chapter IV will have the following title:

"Returning of the result of voting at the polling stations."

71. Article 60 will read as follows:

"Art. 60 - (1) After the voting is concluded and in the presence of the members of

the electoral commission of the polling station and, as the case may be, of the candidates and the persons accredited to assist in the voting, the chairman of the electoral commission shall proceed to make an inventory of the stamps with the mention "Voted" and also seal them, and he shall also count and cancel the ballot papers left unused, he shall check the seals on the ballot-boxes and, after concluding these operations, he shall proceed to open the ballot-boxes.

(2) On opening each ballot paper, the chairman shall read aloud the list of candidates which was voted or, as the case may be, the name and surname of the independent candidate or of the candidate for mayor who was voted and he shall show the ballot paper to those present. The opened ballot papers shall be arranged by parties, political organizations and coalitions, as well as by independent candidates and shall be counted and bound up separately.

(3) Ballot papers which do not have the control stamp of the polling station, ballot papers of another form than the one approved by law, ballot papers which do not have the stamp "Voted" or in which the stamp is applied on several rectangles shall be void. But the vote shall be valid in case that, although the stamp exceeded the limits of the rectangle, the voter's option is obvious.

(4) The voided ballot papers shall not be counted together with the validly expressed votes.

(5) The result of the voting for the local council and for the mayor shall be recorded in two separate tables. Each table shall be drawn up by a separate member of the electoral commission of the polling station, nominated by the chairman. If candidates are attending the recording of the results, they also shall have the right to draw up a table for the local council and for the mayor.

(6) In the table provided under paragraph (5), there shall be recorded the total number of voters, the number of void votes, the lists of candidates or, as the case may be, the names and surnames of independent candidates and of candidates for mayor, as well as the number of votes obtained by each of them."

72. Article 61 will read as follows:

"Art. 61 - (1) After opening the ballot boxes and counting the votes, the chairman of the electoral commission of the polling station shall draw up the minutes in two copies, which shall specify:

- (a) the number of voters, according to the electoral lists;
- (b) the number of voters who have voted;
- (c) the total number of validly expressed votes;
- (d) the number of void votes;
- (e) the number of validly expressed votes obtained by each list of candidates or by each independent candidate;
- (f) the number of validly expressed votes obtained by each candidate for mayor;
- (g) a brief statement of objections and their solutions and of questionings presented to the electoral commission of the constituency;
- (h) the state of the seals on the ballot boxes at the conclusion of the voting;
- (i) the number of ballot papers received;

(j) the number of unused and cancelled ballot papers.

(2) The minutes shall be signed by the chairman and the members of the electoral commission and shall have the control stamp on them. The chairman and members shall sign opposite their name and surname and, as the case may be, political affiliation of each of them.

(3) On request, a duplicate certified by all those who have signed the minutes shall be issued to the members of the electoral commissions of polling stations who have signed the master copy; the request shall be made before the drawing up of the minutes.

(4) Missing signatures of some members of the electoral commission shall not affect the validity of the minutes. The chairman shall mention the reasons which have prevented them from signing.

73. Article 62 will read as follows:

"Art. 62 - (1) During the voting proceedings and those of opening ballot boxes, objections can be made regarding these proceedings by the candidates, members of the electoral commission, as well as by voters themselves up to the conclusion of the voting.

(2) Objections shall be made in writing and they shall be forwarded to the chairman of the electoral commission of the polling station, who shall issue a certificate of receipt.

(3) The chairman of the electoral commission of the polling station shall immediately make a decision on those objections whose settling suffers no delay."

74. Article 63 will read as follows:

"Art. 63 - (1) Separate files shall be set up for the local council and for the mayor, which shall include: the minutes and questionings against the decisions made when the objections provided under article 62 were settled, as well as the void ballot papers and the questioned ones. The sealed and stamped files shall be forwarded to the electoral commission of the constituency, under military guard, by the chairman of the electoral commission of the polling station, within twenty-four hours at most after the closing of the polling station.

(2) The chairman shall be accompanied by two members of the polling station, chosen by drawing lots from among the representatives of parties, political organizations or coalitions. Drawing of lots shall be performed by the chairman of the electoral commission of the polling station, after the files are set up and sealed.

75. The second section of Chapter IV will read as follows:

"Establishment of election results and assignment of mandates."

76. Article 64 shall read as follows:

Art. 64 - (1) After receiving the minutes with the polling returns from all the electoral commissions of polling stations and after ruling on the objections and questionings received, the constituency electoral commission shall proceed to adding up the validly expressed votes for each party, political organization or coalition, independent candidate and candidate for mayor and to assigning mandates, according to the provisions of the present law.

(2) To this purpose, the constituency electoral commission shall record the number of votes obtained by each list of candidates or independent candidates throughout the constituency, under separate headings.

(3) Likewise, the number of votes expressed for each candidate for mayor's office shall be added up.

(4) The operations carried out by the constituency electoral commission can be attended by all the persons entitled to remain in the polling station during the poll.

77. Article 65 shall be repealed.

78. Article 66 shall read as follows:

"Art. 66 - (1) The assignment of councillor mandates shall be done as follows:

(a) in the first phase, half of the number of mandates established according to the Law on local public government shall be assigned to the list of the party, political organization or coalition that obtained the vote of at least half plus one out of the number of voters recorded in the electoral lists (or "of the number of validly expressed votes" or "the largest number of votes"). The number shall be rounded down.

(b) in the second phase, the mandates that remained after the first phase was completed will be assigned to each list of candidates, as well as to the independent candidates, based on the electoral coefficient established for each constituency by the constituency electoral commission by dividing the total number of validly expressed votes for all lists and independent candidates to the total number of councillors to be elected in the respective constituency; the constituency electoral commission shall assign to each a number of mandates equal to the quotient between the total number of validly expressed votes for the respective list and the electoral coefficient; the assignment of mandates to candidates on each list shall be done in the order in which the candidates appear on the list and it shall begin with the list of candidates for which the largest number of votes were expressed; likewise, the independent candidate who obtained a number of votes at least equal to the electoral coefficient shall be declared elected.

(c) in the third phase, the constituency electoral commission shall record the number of unused votes for each party, political organization, party coalition or independent candidate; the mandates which have not been assigned in the second phase shall be given to the parties, political organizations, party coalitions or independent candidates, in the decreasing number of unused votes, one for each party, political organization, party coalition and independent candidates, until the mandates are exhausted. If there is the case, this operation shall be repeated until all mandates are exhausted.

(2) The votes that remained after the assignment of mandates according to paragraph 1 letter b, as well as the ones lower than the electoral coefficient shall be considered unused, for each list of candidates of parties, political organizations, party coalitions or independent candidates.

(3) The enlisted candidates who were not elected shall be declared substitutes of the respective lists. In case of vacancy of the mandates of councillors elected on the lists of candidates, the substitutes shall occupy the seats become vacant, in their order on the list if, until the date when the mandate for occupying the vacancy is validated, the parties or political organizations on whose lists the substitutes ran for office confirm in writing that the latters are members of the respective party or political organization.

79. Art. 67 shall read as follows:

"Art. 67 - (1) For the mayor's office, the adding up of the votes shall be done by the constituency electoral commission. The candidate who got at least half plus one of the number of validly expressed votes shall be declared mayor.

(2) In case none of the candidates gets the majority provided in paragraph (1), a second ballot shall be held, de jure, between the candidates on the first two places, in a fortnight's time after the first ballot.

(3) In the second ballot, the candidate who gets the largest number of votes shall be declared elected.

80. Article 68 shall read as follows:

"Art. 68 - In case there is an equality of votes between at least two candidates to the mayor's office, on the first place, an equality of votes shall be declared and new elections shall be held, de jure, in a fortnight's time from the first elections. Only the candidates who got the same number of votes shall take part. The candidate who obtained the largest number of votes shall be declared mayor. If there still is an equality of votes, lots shall be drawn between the two candidates in such situation.

81. After article 68, article 68¹ shall be inserted, reading as follows:

"Art. 68¹ - (1) The second, respectively the third round of elections shall not take place any more in case there are agreements among the parties, political organizations and their coalitions whose candidates for mayor's office or respectively independent candidates are facing the situation of taking part in one of these rounds of elections, agreements by which they give up in favor of one of the two candidates placed first or having acquired an equal number of votes.

(2) Such agreements shall be concluded in the presence of the members of the constituency electoral commission and shall be signed by the leaders of the local branches of parties, political organizations, by the candidates involved, as well as by the members of the constituency electoral commission.

(3) In the cases provided under paragraphs (1) and (2), the constituency electoral commission shall declare the agreed candidate as elected mayor.

(4) The second, respectively the third round of elections shall not take place in case of the demise of some of the candidates in this situation or in case they do not fulfil any more the conditions provided by law for being elected, therefore there remaining one single candidate. The provisions of paragraph 3 shall apply correspondingly.

82. Article 69 shall read as follows:

"Art. 69 - (1) The constituency electoral commission shall draw up separate minutes for the local council and for mayor, regarding all polling operations, the adding up of votes, the returning of the elections results and the assignment of mandates.

(2) The minutes shall include:

- (a) the number of voters in the constituency, according to the voters' lists;
- (b) the total number of voters present at the polls;
- (c) the total number of validly expressed votes;
- (d) the total number of void votes;
- (e) the total number of votes obtained by each candidate list or by each independent candidate;

(f) the number of votes obtained by each candidate for the mayor's office;
 (g) the full name of the candidates elected for each local council and the party or political organization which supported them or a note stating that he/she is an independent candidate;

(h) the full name of the elected mayor and the party or political organization which supported him or a note stating that he/she is an independent candidate;

(1) a brief description of the objections, questionings and decisions made by the constituency electoral commission, which are final.

(3) The minutes shall be signed by the chairman and the other members of the constituency electoral commission and shall bear its stamp.

(4) The minutes concerning the local council, together with the objections, questionings and minutes received from the electoral commissions of polling stations, making up a complete file, sealed and signed by the members of the constituency electoral commission shall be forwarded to the local council with a view to their validation of the elections.

(5) For the mayor, the file made up according to paragraph (4) shall be forwarded, under military guard, within 48 hours at most, to the court in the area of which there is the constituency for which he was elected or, in the case of the general mayor, to the Municipality Court of Bucharest.

(6) The constituency electoral commission shall issue the document that certifies the election of the local councillors and of the mayor.

(7) One copy of each of the minutes shall be sent to the county electoral commission, within 24 hours.

83. After article 69, article 69¹ shall be inserted, reading as follows:

"Art. 69¹ - (1) The county electoral commission shall add up the votes and the result of elections by county, by parties, by political organizations or their coalitions and by independent candidates and it shall draw up separate minutes for local councillors and for mayors.

(2) The minutes shall be drawn up within 24 hours from the receipt of all the minutes from the constituency electoral commissions and they shall include:

(a) the total number of voters in the county, according to the voters' lists;
 (b) the total number of voters present at the polls;
 (c) the total number of validly expressed votes;
 (d) the total number of void votes;
 (e) the total number of votes obtained by each candidate list, as well as by independent candidates;

(f) the total number of votes obtained by the candidates for the mayor's office, grouped by parties, political organizations or their coalitions and by independent candidates;

(g) the total number of councillor mandates, grouped by parties, political organizations or their coalitions and by independent candidates;

(h) the total number of mayor mandates, grouped by parties, political organizations or their coalitions and by independent candidates.

(3) The minutes shall be signed by the county electoral commission and shall bear its stamp.

(4) One copy of the minutes shall be forwarded, under military guard, within 24 hours from their drawing up, to the Central Electoral Commission, together with the minutes received from the constituency electoral commissions.

(5) The county electoral commission shall make public the elections result for the respective county, in the county "Monitorul Oficial" gazette.

84. Article 71, paragraph 1, shall read as follows:

"The members of county councils shall be elected by indirect vote, by a body of electors, within 30 days from the setting up of all local county councils."

85. Article 73, paragraph 1, letter (b) shall read as follows:

"(b) to receive the candidates lists forwarded by parties, political organizations and their coalitions, as well as independent candidacies; to check compliance with the law of each electoral list and each candidate; to register the lists and independent candidacies that comply with the requirements of the law."

86. Article 74 shall read as follows:

"Art. 74 - The number of the members of the local council shall be established according to the provisions of the Law on local public administration."

87. Article 75, paragraph 1, shall read as follows:

"(1) Each party, political organization or their coalition which has obtained seats in the local councils in the county can forward a list of candidates for the county council. The list can also include candidates who are not local councillors. Independent candidacies for the county council can be forwarded only by those persons who are local councillors."

88. Article 75, paragraph 2, shall read as follows:

"(2) The candidates lists and independent candidacies shall be forwarded to the county constituency electoral commission, within 7 days from its setting up."

89. Article 75, paragraph 4, shall read as follows:

"(4) The registration or the rejection of registration of candidacies can be contested, within 3 days from the registration or, respectively, from the rejection of registration, by parties, political organizations or their coalitions, which forwarded candidates lists or by independent candidates, as well as by voters themselves."

90. Article 75, paragraph 5, shall read as follows:

"(5) The objections shall be ruled by the county court, within 48 hours. The decision is not to be made public. It is final and mandatory."

91. Paragraph 4 of article 86 shall be repealed.

92. Article 87 shall read as follows:

"Art. 87 - (1) With a view to the validation by them of mandates, the county council shall be forwarded the master copy of the minutes, together with the questionings regarding the voting proceedings and those of establishing the result of the vote, together with the rulings made and the other documents drawn up, all making up a file, sealed and signed by the chairman of the electoral commission and by its other members.

(2) The used and the unused ballot papers, the control stamp and the other stamps necessary for the voting shall be delivered to the county court, with the respective minutes.

(3) One copy of the minutes shall be forwarded to the Central Electoral Commission, within 48 hours from their drawing up."

93. Article 89, paragraph 1, letter (a) shall read as follows:

"(a) the deliberate registration of a voter in several electoral lists of the locality where his/her domicile is, the registration of fictitious persons or who do not have the right to vote, the signing of the supporters list with the infringement of provisions of art. 31², as well as the violation of the provisions concerning the posting up of electoral lists and of independent candidates or the usage of party emblems."

94. Article 89, paragraph 1, letter (h) shall read as follows:

"(h) refusal to comply with the orders of the chairman of the electoral commission of the polling station regarding the keeping of order in the polling station and its surroundings, according to the provisions of art. 51, par. 2."

95. Article 89, paragraph 1, letter (j) shall read as follows:

"(j) drawing up of minutes by the electoral commissions of polling stations, by violating the provisions of the present law."

96. For article 89, paragraph 1, after letter (l), letters (m) and (n) shall be inserted, reading as follows:

"(m) the receipt of subsidies for the electoral campaign otherwise than by a financial proxy or the infringement by the latter of his duties according to the provisions of the present law."

"(n) during the voting, the wearing by the members of the electoral commissions of the polling stations or by accredited persons, of badges, buttons or other signs of electoral propaganda."

97. Article 90 shall read as follows:

"Art. 90 - The petty offences provided under art. 89, letters (c), (d) and (g) shall be sanctioned with a fine from 15,000 to 25,000 lei, the ones under letters (c), (f), (j), (k), (l), (m) and (n), with a fine from 25,000 to 35,000 lei, and the persons committing the offences under letters (a), (b), (h) and (I) shall be liable to imprisonment for a term from one month to six months or a fine from 35,000 to 50,000 lei."

98. For article 91, paragraph 1, letter (a), there is added "letter (j).""???

99. Article 91, paragraph 1, letter (c) shall read as follows:

"(c) the chairman of the constituency electoral commission, for the actions provided under letters (c), (j), (k) and (n)."

100. Article 91, paragraph 2, shall read as follows:

"In the case of the petty offences provided under letters (c), (d), (e), (f), (g), (j), (k), (l), (m) and (n), the person who draws up the minutes shall also apply the fine."

101. Article 91, paragraph 4 shall read as follows:

"The minutes stating the petty offences provided under letters (a), (b), (h) and (I) shall be forwarded to the court of the area where the petty offence was committed, which shall apply the sanction, also considering the provisions of Law # 61/1991."

102. For article 93, paragraph 1, the phrase "the electoral bureau of the polling station" shall be replaced with "the electoral commission of the polling station."

103. Article 94 shall read as follows:

"Art. 94 - (1) Any person promising to give, offering or giving any money or benefits to any voter in order to induce him to vote or not vote for a certain list of candidates or independent candidate, as well as any voter accepting such money or benefits, to the same purpose, shall be liable to imprisonment from 6 months to 5 years.

(2) If the offence provided in paragraph (1) has been committed by a domestic observer, the penalty is imprisonment from 2 to 7 years.

(3) The penalty provided in paragraph (1) shall likewise apply to the person who votes without having the right to vote or to the voter who votes twice or several times on elections day.

(4) The attempt is liable to penalty."

104. Article 95, paragraph 1, shall read as follows:

"Art. 95 - (1) Any person who prints or uses counterfeit ballot papers, who puts into the ballot box an additional number of ballot papers than the number a voter is entitled to, or who counterfeits, in any manner, any document of the electoral commission shall be liable of imprisonment from 2 to 7 years."

105. Article 98 shall be repealed.

106. After article 99, article 99¹ shall be inserted, reading as follows:

"Art. 99¹ - The goods meant or used for committing the petty offences provided in article 89 or for committing the criminal offences provided in articles 92-97 or which resulted from the committing of these offences shall be confiscated."

107. Chapter VII shall have the following title:

"Final and transitory provisions."

108. Article 100 shall be repealed.

109. After article 101, article 101¹ shall be inserted, reading as follows:

"Art. 101¹ - The head office and the supplies of the Central Electoral Commission shall be ensured by the Government, those of the county electoral commissions and of the county constituency electoral commissions, by the chairmen of county councils, together with the prefects, and those of the electoral commissions of village, city, municipality and neighborhood/sector constituencies, as well as those of polling stations, shall be ensured by the mayors, together with the prefects."

110 - Article 103 shall read as follows:

"Art. 103 - (1) For supporting the activity of electoral commissions, the Government, the chairmen of county councils and the mayors shall provide the necessary statisticians and auxiliary technical staff.

(2) For the duration of the functioning of electoral commissions, their members, the statisticians and the auxiliary technical staff who have a regular labor contract shall be considered temporarily working for the electoral commissions."

111. For article 104, a new paragraph shall be inserted, reading as follows:

"There is no remedy against the final and mandatory decisions pronounced by courts according to the present law."

112. After article 104, articles 104¹ and 104² shall be inserted, reading as follows:

"Art. 104¹ - (1) The terms expressed in days, provided by the present law, shall be calculated from the day when they start up to including the day when they elapse, even if these are not working days.

(2) For the duration of the elections, electoral commissions and courts shall ensure the permanent staff necessary for the exercise by the citizens of their right to vote."

"Art. 104² - (1) The persons deprived of the right to vote, by means of a final and mandatory court ruling, shall not take part in the voting and shall not be taking into account for the counting of the total number of voters, during the whole period which the court ruling established.

(2) For the persons detained under a probation arrest warrant or who are serving time for an offence punished by imprisonment, the provisions of art. 59 on the special ballot box shall correspondingly apply.

113. Article 106 shall read as follows:

"Art. 106 - Within 3 days from the setting of the election date, the Government shall establish the model of the sample of the permanent electoral lists and of the stamps of constituency electoral commissions, county electoral commissions and of the Central Electoral Commission.

Likewise, at least 20 days before the elections, the Government shall establish the model of the control sample and of the stamp necessary for voting, of the minutes for entering the results of the voting, of the document that certifies the election of the local councillors and of the mayor and of the document that certifies the exercise of the right to vote."

114. After article 106, articles 106¹ through 106⁷ shall be inserted, reading as follows:

"Art. 106¹ - (1) Prefects shall verify the correct carrying out by the mayors of the duties bestowed on them according to the present law and, in case electoral frauds are noticed, they shall notify the bodies in charge.

(2) Likewise, in case the prefects notice that a voter has not been enlisted or erased from the list, according to the law, or that constituency electoral commissions or those of polling stations are not legally made up, they shall forward objections and questionings, that shall be solved according to the provisions of the present law."

"Art. 106² - According to the present law, "identity document" means the identity card, the certificate that replaces the identity card or the diplomatic passport or the office passport, and - for soldiers and the students of military high schools - the military card."

"Art. 106³ - For 1996 elections, if it is not possible to staple ballot papers, they will be put into the ballot box after the voter put them into envelopes corresponding to their size, envelopes that shall be provided by the electoral commissions of polling stations."

"Art. 106⁴ - (1) The Central Electoral Commission can accredit as domestic observers only those voters empowered by a non-government organization whose single purpose is that of defending human rights, legally set up until the date when the electoral campaign starts.

(2) The persons appointed as domestic observers may not be members of a party or political organization. Accreditation shall be issued for only one polling station. The Central

Electoral Commission may accredit only one domestic observer for each polling station, based on the observer's written statement of precisely observing the requirements of the accreditation. The statement shall be made on one's own responsibility and it shall represent a public document, with all the consequences provided by law. The requirements of the accreditation shall be written down in the accreditation document; if there are several persons with empowering documents for the same polling station, accreditation shall be issued by drawing lots.

(3) Likewise, the provisions of art. 46¹ paragraph (2) and of art. 51 paragraph (5) shall apply to non-government organizations stipulated under paragraph (1)."

"Art. 106⁵ - For 1996 local elections, the responsibilities provided by the present law for county courts shall be exercised - for Ilfov county - by the Municipality of Bucharest Court."

"Art. 106⁶ - The Government shall establish the duration and the circumstances for keeping the ballot papers that were used, questioned or unquestioned, as well as of the unused ones, the stamps and the other materials necessary for the voting."

"Art. 106⁷ - (1) The provisions of the present law shall apply accordingly to the elections organized during a legislature or as a result of vacancies of mayor's offices or of the dissolution of various local councils.

(2) During the last year before the expiration of the regular duration of a mandate, no elections for mayor or local council shall be organized."

115. Articles 107 and 108 shall be repealed.

Art. II - The Law on Local Elections # 70/1991, with the changes and additions operated by the present law, shall be published again in the "Monitorul Oficial" Gazette of Romania, articles bearing new numbers.