



Office for Democratic Institutions and Human Rights

## ROMANIA

### PARLIAMENTARY ELECTIONS

11 December 2016

### OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

27 – 29 September 2016



Warsaw  
31 October 2016

## TABLE OF CONTENTS

<b>I.</b>	<b>INTRODUCTION.....</b>	<b>1</b>
<b>II.</b>	<b>EXECUTIVE SUMMARY.....</b>	<b>1</b>
<b>III.</b>	<b>FINDINGS .....</b>	<b>2</b>
A.	BACKGROUND AND POLITICAL CONTEXT .....	2
B.	ELECTORAL SYSTEM .....	3
C.	LEGAL FRAMEWORK .....	4
D.	ELECTION ADMINISTRATION.....	5
E.	VOTER REGISTRATION.....	6
F.	CANDIDATE REGISTRATION .....	6
G.	ELECTION CAMPAIGN AND CAMPAIGN FINANCE .....	7
H.	MEDIA.....	8
I.	COMPLAINTS AND APPEALS .....	9
<b>IV.</b>	<b>CONCLUSION AND RECOMMENDATION.....</b>	<b>9</b>
	<b>ANNEX: LIST OF MEETINGS .....</b>	<b>10</b>

**ROMANIA**  
**PARLIAMENTARY ELECTIONS**  
**11 December 2016**

**OSCE/ODIHR Needs Assessment Mission Report**  
**27-29 September 2016**

**I. INTRODUCTION**

Following an invitation from the Permanent Mission of Romania to the International Organizations in Vienna to observe the 11 December 2016 parliamentary elections and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 27 to 29 September. The NAM included Steven Martin, Senior Adviser on New Voting Technologies, and Ulvi Akhundlu, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the parliamentary elections. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as with representatives of political parties, civil society, media, and the international community. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs for its assistance and cooperation in organizing the visit. The OSCE/ODIHR is grateful to all of its interlocutors for taking the time to meet with the mission.

**II. EXECUTIVE SUMMARY**

In the 11 December parliamentary elections, voters will elect 330 members of the lower house of parliament and 136 members of the upper house through a fully proportional system. The elections will be conducted under a substantially revised legal framework. Key changes address a number of previous OSCE/ODIHR recommendations and include new provisions on voter and candidate registration, recruitment of polling staff, postal voting for citizens abroad, political and campaign finance, and deadlines for review of complaints and appeals. Most OSCE/ODIHR NAM interlocutors stated that the drafting process of the new laws was generally inclusive, included public consultation, and they were overall satisfied with the outcome.

The elections will be managed by two administrative structures: the Permanent Electoral Authority (PEA) and a three-tiered structure of election bureaus, headed by the Central Election Bureau. Most OSCE/ODIHR NAM interlocutors expressed a high level of trust in the professionalism and confidence in the impartiality of the election administration, though some reservations were noted concerning its ability to recruit enough trained staff to fill lower-level positions.

Voter registration is managed by the PEA, which extracts the electoral register based on a compilation of information from various government authorities. Since 2014, the PEA has introduced a centralized electronic register to increase list accuracy and prevent multiple entries. The number of voters is estimated at 18.9 million. The majority of OSCE/ODIHR NAM stakeholders expressed support for the PEA's initiatives to improve the integrity of the register as well as general confidence in voter list accuracy.

Candidate registration procedures were amended in 2015, specifically with regard to establishing parties, and candidate registration requirements, and some of introduced changes address previous OSCE/ODIHR recommendations. Although the number of parties eligible to contest the elections increased significantly compared to previous elections, some OSCE/ODIHR NAM interlocutors noted that the signature collection process posed challenges to new and smaller parties.

The electoral campaign commences 30 days before and ends on the Saturday preceding election day. Despite stringent regulations, all parties that the OSCE/ODIHR NAM met with noted their ability to campaign freely and convey their messages to the electorate. Most OSCE/ODIHR NAM interlocutors did not express significant concerns over party and campaign finance. However, some questioned the PEA's ability to efficiently fulfil its oversight duties given limited resources.

A range of media outlets operate in the country with television considered the primary source of political information. While the media landscape is considered open and vibrant, aside from the public broadcaster, outlets were generally characterized as politically aligned with the larger parties. Broadcast media, both private and public, are subject to strict and detailed regulations of campaign coverage. OSCE/ODIHR NAM interlocutors generally noted that the Audiovisual Council was only partially effective in its oversight function of media during elections.

The system of complaints and appeals offers an effective opportunity for legal remedy. In line with previous OSCE/ODIHR recommendations, the legislation establishes an expeditious dispute resolution process. Overall, OSCE/ODIHR NAM interlocutors expressed confidence in the complaints process and the impartiality of authorities to resolve electoral disputes.

Most OSCE/ODIHR NAM interlocutors expressed confidence in the legal framework for elections and noted the overall professionalism and impartiality of the election administration and its ability to efficiently organize elections. While a number of previous OSCE/ODIHR recommendations have been addressed, the OSCE/ODIHR NAM interlocutors welcomed a potential observation activity, recognizing that an external assessment and recommendations would be of added-value and certain aspects of the electoral process would benefit from further review.

In this context, areas that could benefit from review include the implementation of the amended legal framework, campaign and campaign finance regulation, and the media's campaign coverage. Based on this, and available resources, the OSCE/ODIHR NAM recommends the deployment of an Election Expert Team (EET) for the 11 December parliamentary elections. The OSCE/ODIHR EET would focus its efforts on the effects of the new legislation and application of election procedures, the conduct of the campaign, campaign finance and aspects of media campaign coverage. Given the number of concurrent election-related activities taking place across the OSCE region in the fall of 2016, the deployment of an EET to the 2016 parliamentary elections in Romania will be contingent upon availability of resources.

### **III. FINDINGS**

#### **A. BACKGROUND AND POLITICAL CONTEXT**

Parliament is composed of two chambers: a lower house, the Chamber of Deputies, and an upper house, the Senate. The president is directly elected and appoints the prime minister and government with the approval of the parliament.

Following the last parliamentary elections in 2012, the coalition of the Social Liberal Union (USL) comprising the Social Democratic Party (PSD), National Liberal Party (PNL), and Conservative Party (PC) won the majority of seats in both houses and formed the government. Other political forces represented in parliament include the Right Romania Alliance, led by the Democratic Liberal Party, the Democratic Union of Hungarians in Romania (UDMR) and various national minority representatives in the lower house.

The ruling coalition disbanded in February 2014, after Prime Minister Victor Ponta from PSD rejected attempts by the PNL to replace several cabinet ministers. The PNL left the government and a new cabinet consisting of the PSD, the UDMR, and two small parties took office in March 2014. For the November 2014 presidential election, Klaus Iohannis, leader of the PNL, was elected on a reformist and anticorruption platform.

In 2015, the PNL initiated two no-confidence votes, but neither passed. A fire at a nightclub in Bucharest in October 2015, resulting in the death of a several dozen individuals, prompted mass demonstrations under an anti-corruption slogan with protesters demanding resignations and prosecutions as well as new anti-corruption legislation. This resulted in the resignation of the prime minister in November 2015, followed by the appointment of Dacian Cioloş as the new prime minister to lead a technocratic caretaker government.

The OSCE/ODIHR has observed eight elections in Romania since 1996, most recently in 2012, when the OSCE/ODIHR deployed an Election Expert Team (EET) for the parliamentary elections. The EET concluded that “the elections were administered professionally and efficiently but more could be done to bring the legal framework further in line with OSCE commitments and other international standards”.<sup>1</sup>

## **B. ELECTORAL SYSTEM**

The bicameral parliament is composed of 466 seats: 330 seats in the Chamber of Deputies and 136 seats in the Senate, all members are elected for four-year terms. Following the adoption of a new election law in July 2015, the parliament will be elected through a party-list proportional system.<sup>2</sup> The number of members of parliament (MPs) is determined by a quota system: one deputy of the lower chamber per 73,000 citizens and one senator per 168,000 citizens. Elections are to be held in 43 multi-member constituencies related to 41 counties, the municipality of Bucharest, and a constituency for citizens living abroad.<sup>3</sup>

To qualify for representation, parties must pass a national threshold of five per cent of total valid votes or twenty per cent of total valid votes in at least four constituencies. Coalitions must pass a higher threshold – an additional three per cent for the first additional party and one per cent for each party thereafter, up to a maximum of ten per cent. Independent candidates must pass the threshold of their constituency (the number of votes needed to obtain one mandate) to be elected.

Minority groups enjoy constitutionally guaranteed representation in parliament.<sup>4</sup> Each recognized

---

<sup>1</sup> [See previous OSCE/ODIHR election reports on Romania.](#)

<sup>2</sup> The previous two legislatures were elected through a first-past-the-post electoral system introduced in 2008; prior to this, a proportional electoral system was in place.

<sup>3</sup> Citizens abroad are represented by four seats in the Chamber of Deputies and two in the Senate. No official data is available on the number of citizens abroad, but estimates place the number around three million.

<sup>4</sup> Article 62 of the Constitution stipulates that “organisations of citizens belonging to national minorities, which fail to obtain the number of votes for representation in Parliament, have the right to one Deputy seat each, under the terms of the electoral law.”

national minority is entitled to one seat in the Chamber of Deputies, which is not subject to the five per cent threshold.<sup>5</sup> Instead, organizations representing national minorities qualify for a seat if the number of votes received exceeds five per cent of the average number of votes needed to obtain one mandate.

### C. LEGAL FRAMEWORK

Parliamentary elections are primarily regulated by the 1991 Constitution (amended in 2003), 2015 Law for the Election to the Chamber of Deputies and the Senate (Election Law), 2003 Law on Political Parties (amended in 2015), 2006 Law on Financial Activity of Political Parties and Electoral Campaigns (Political Finance Law, amended in 2016), 2015 Law on Postal Voting, and the 2002 Audiovisual Law (Broadcasting Law).

The legal framework also includes government decisions and regulations of election management bodies on specific aspects of the electoral process, such as voter registration, political finance, and election day procedures. For these elections, the schedule of electoral activities and samples of key election-related materials were established by government decisions on 6 September. Two government emergency ordinances were adopted ahead of the elections: on introducing the possibility for citizens living abroad to request postal voting via email, and on extending the deadlines to reimburse campaign expenditures following the 2016 June local elections.

The elections will be conducted under a substantially revised legal framework.<sup>6</sup> The new Election Law altered the electoral system from single-round first-past-the-post system to one that is fully proportional. Other key changes to the legislation since the last parliamentary elections include new provisions on voter and candidate registration, postal voting for citizens abroad, recruitment of polling staff, political and campaign finance and deadlines related to complaints and appeals. Some amendments address previous OSCE/ODIHR recommendations. In addition, legal provisions for non-criminal campaign violations have been revised to clarify procedures. Depending on the type of violation, sanctions can be imposed by the police, higher level election bureaus, and representatives of the PEA President.

The legislation explicitly provides for the observation of voting and counting by citizen and international observers, proxies of electoral contestants, and the media. Most OSCE/ODIHR NAM interlocutors emphasized the crucial role played by citizen observers.

Most OSCE/ODIHR NAM interlocutors stated that the drafting process of the new laws was generally inclusive, included public consultation, and they were overall satisfied with the outcome of the legislation. Several highlighted the importance of harmonisation of electoral laws to address remaining inconsistencies and increase stability and predictability of electoral legislation.

---

<sup>5</sup> Twenty groups are officially recognized as national minorities through their membership in the Council of National Minorities, a government consultative body. They are Albanians, Armenians, Bulgarians, Croats, Czechs, Germans, Greeks, Italians, Jews, Macedonians, Hungarians, Lipovan Russians, Poles, Roma, Ruthenians, Serbs, Slovaks, Tatars, Turks, and Ukrainians. Czech and Slovak minorities are represented by the same organization. The Hungarian minority participates in elections at the national level. Thus there is a maximum of 18 seats in the upcoming parliament made available for national minority representation.

<sup>6</sup> The Election Law, Political Finance Law and Law on Political Parties were amended in 2015 as part of an electoral reform process. The Law on Postal Voting was adopted in response to protest following long voting times and a large numbers of citizens living abroad unable to vote during the 2014 presidential election.

## D. ELECTION ADMINISTRATION

Elections are managed by two administrative structures: the Permanent Electoral Authority (PEA) and a three-tiered structure of election bureaus established for each election, headed by the Central Election Bureau (CEB). The mid-level comprises 43 Constituency Election Bureaus (BECs), including bureaus for the Municipality of Bucharest and for citizens living abroad. Voting will be organized in approximately 18,600 Polling Station Election Bureaus (BESVs). The Ministry of Foreign Affairs, in co-operation with the PEA, will establish 417 polling stations abroad. In addition, the law provides for the establishment of additional polling stations abroad at the request of at least 100 voters living in locations far from embassies, consulates, or cultural centres.<sup>7</sup>

The PEA is an autonomous institution responsible for issuing decisions and instructions to supplement the legal framework, ensuring logistical arrangements, revising constituency delimitation, overseeing the electoral register, and supervising political and campaign finance. The PEA is led by a president, appointed by a joint session of parliament, and supported by two vice-presidents. All three are appointed for an eight-year term and cannot be party members.<sup>8</sup> The current president was appointed in 2012 and is a woman.

The CEB is composed of up to 21 members. Five judges from the High Court of Cassation and Justice are randomly selected, and subsequently elect the CEB chairperson and deputy from amongst themselves. Other members include the PEA president and vice-presidents, up to 12 party representatives, and one representative of the parliamentary group representing national minorities. Each parliamentary party is entitled to a seat on the CEB, while the remaining seats are filled after candidate registration based on the number of candidates fielded by non-parliamentary parties. The CEB oversees the electoral process, publishes contestant lists, adjudicates appeals of lower-level decisions and tallies final results. BECs oversee county level activities and consist of three judges appointed from the local tribunal, one PEA representative, and up to nine representatives of parties, alliances, and national minority organizations running in the county.<sup>9</sup> BESVs comprise a president and a vice-president, who are usually magistrates or legal experts, and up to seven representatives of electoral contestants.

Parliamentary parties have priority to appoint members at all levels.<sup>10</sup> BESV management positions (president and alternate) are randomly appointed by the PEA from among experts registered in its electoral database, who pass mandatory training.<sup>11</sup> Following the introduction of postal voting, a special BESV will be created within the BEC for citizens abroad.<sup>12</sup>

The PEA plans a voter awareness campaign, including in sign language, targeting minority groups, first-time voters and citizens abroad. For voters with disabilities, legislation allows assistance with voting, provides for mobile voting, and requires public buildings to be accessible.

Most OSCE/ODIHR NAM interlocutors expressed a high level of professionalism and confidence in

---

<sup>7</sup> Seven such polling stations will be opened for these elections, including four in Moldova, two in Spain, and one in the United Kingdom.

<sup>8</sup> One vice-president is appointed by the President of Romania and the other by the prime minister.

<sup>9</sup> Bucharest County Court judges serve on the BEC of the constituency for citizens abroad.

<sup>10</sup> The same priority is enjoyed by national minorities having their own groups in the parliament, and in the case of CEB formation, the parliamentary group of national minorities in the lower chamber.

<sup>11</sup> Some 50,000 experts are thus far included in the database. Other BESV members are trained by their respective parties and other nominating bodies.

<sup>12</sup> According to the law, an electoral bureau for postal voting shall be set up for every 10,000 voters.

the impartiality of the election administration, though specific reservations were noted concerning its ability to recruit enough trained staff to fill lower-levels positions.

## E. VOTER REGISTRATION

Citizens aged 18 years or older on election day are eligible to vote, unless disenfranchised by a final court decision for reasons of legal incapacity or as part of a judicial sentence. Voter registration is managed by the PEA, which extracts the electoral register based on a compilation of information from various government authorities, including the National Register of Persons' Records, maintained by the Ministry of Interior. Since 2014, the PEA has introduced a centralized electronic register as a means to increase list accuracy and prevent multiple entries.<sup>13</sup> The number of voters is estimated at 18.9 million. Some 609,000 voters are enrolled on the register of citizens abroad, with some 7,000 registering for postal voting.

The Election Law provides for permanent and supplementary voter lists. Voters are to cast their ballots at the polling station where they are registered, and can be included in a supplementary voter list if they reside in the corresponding locality and present identification and proof of their domicile. Voters can verify their records online or in-person. If a voter's residential address differs from the permanent one, s/he can apply to the respective mayor's office to update their information not later than 45 days before election day. To prevent multiple and illegal voting, the PEA introduced an electronic system of voter verification on election day. Voters are required to present their identification cards, which are and stamped and checked against the electoral register through the centralized electronic system. The majority of OSCE/ODIHR stakeholders expressed support to the PEA's initiatives to improve the integrity of the electoral register as well as general confidence in voter list accuracy.

## F. CANDIDATE REGISTRATION

Citizens with the right to vote can stand for election; minimum of 23 years old for the Chamber of Deputies and 33 years old for the Senate. Candidates can be nominated by parties, coalitions, and organizations representing national minorities, or run independently.<sup>14</sup> Candidate registration procedures were amended in 2015, and some of the changes address previous OSCE/ODIHR recommendations. Supporting signature requirements to establish political parties have eased, the requirement to submit financial deposits for candidate registration was lifted, and voters can support multiple candidates and parties. The number of parties eligible to contest the elections has increased compared to previous elections, partly due to reduced requirements for registration.<sup>15</sup>

The CEB registers candidate lists at the national level with contestants required to submit lists of supporters of at least one per cent of the total number of voters registered in the electoral register at the national level.<sup>16</sup> BECs register candidate lists of parties, alliances and independent candidates

---

<sup>13</sup> The electronic register has been used in the three previous elections since its introduction in 2014.

<sup>14</sup> Organizations representing national minorities that are part of the Council of National Minorities and that have obtained a seat in either house of parliament may nominate candidates without further pre-conditions. If another organization representing a national minority wants to a nominate candidate(s), it should obtain a status of "public utility" and provide a list of persons constituting at least 15 per cent of the citizens who declared themselves as belonging to the respective minority.

<sup>15</sup> The Law on Political Parties previously required 25,000 supporting signatures for a party to be formally registered. In February 2015, the Pirate Party lodged a complaint with the Constitutional Court claiming the requirement was a violation of the constitutional provisions on freedom of association. The Court subsequently struck down the requirement as unconstitutional, and on 6 May 2015, a modified version of the law was approved, which allows the formation of a political party with only three signatures.

<sup>16</sup> Around 185,000 signatures.



standing in one or several constituencies; contestants require at least one per cent of the total number of voters permanently registered in the constituency where they intend to run, with a minimum of 1,000 signatures. Signature verification is not required by law and the OSCE/ODIHR NAM was informed that it is not undertaken by the authorities at any level. The CEB and BECs must decide on the registration of contestants within 48 hours of receiving registration documents.<sup>17</sup> Some OSCE/ODIHR NAM interlocutors noted that the number of required signatures posed challenges to the newly established political parties that had limited structures in place to facilitate signature collection.

## G. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

The electoral campaign commences 30 days before and ends one day prior to the elections. Several OSCE/ODIHR NAM interlocutors noted that due to the short campaign period, some parties started early informal campaigning, essentially circumventing the regulations. Although the law provides for equitable campaigning conditions for all contestants, it extensively regulates campaigning, including the format and location of candidates' printed material. The use of billboards is prohibited as is distributing many types of campaign material. Despite stringent regulations, all parties that the OSCE/ODIHR NAM met with noted their ability to campaign freely and convey their messages to the electorate.

Many OSCE/ODIHR NAM interlocutors do not expect a vibrant campaign and opined that key campaign issues would centre on the economy, social welfare, poverty reduction, and migration. Parties intend to centre campaign efforts around small meetings, door-to-door canvassing, posters, and advertisement in the private media, as well as on the Internet and social media. Some OSCE/ODIHR NAM interlocutors alleged that the misuse of administrative resources may occur in isolated instances and that vote-buying is still attempted in the more economically deprived regions of the country with minority, especially Roma, communities being more susceptible to such practices.

Political and campaign finance is primarily regulated by the Political Finance Law and supported by relevant government decisions. Recent amendments partially address previous Council of Europe's Group of States against Corruption (GRECO) recommendations.<sup>18</sup> The PEA monitors compliance with political and campaign finance regulations and can initiate investigations at the request of any interested person or *ex officio*, issue fines, and refer matters for court action. Convictions for related offences can lead to the annulment of an MP's mandate and removal from office. Electoral contestants are required to submit detailed financial reports on income and expenditures to the PEA not later than 15 days after election day. The PEA has 30 days to check these reports, but the scope of its review is limited to checking whether declared expenditures match declared donations without a thorough audit of specific expenses.

Parties may receive donations from individuals and legal entities up to an annual limit set at 200 and 500 minimum gross salaries respectively.<sup>19</sup> Parties can also apply for loans from individuals (up to 200 minimum gross salaries) and from financial institutions (up to 500 minimum gross salaries), and some OSCE/ODIHR NAM interlocutors opined that this form of financing was insufficiently regulated. An expenditure ceiling exists for each candidate (60 minimum gross salaries) and the limit of additional expenditure by parties and coalitions is calculated by adding up the maximum values for each proposed candidate.

---

<sup>17</sup> Electoral authorities coordinate with several government agencies on candidate registration, including the National Integrity Agency, which focuses on reviewing candidate declarations on assets/interests.

<sup>18</sup> [GRECO's Third Round Compliance report of 2015](#) notes that 8 of 13 recommendations concerning political finance have been fully implemented with the remaining 5 recommendations partially implemented.

<sup>19</sup> Currently, the national minimum gross salary set at 1,250 RON (approximately EUR 280).

Parties receive state funding divided between those parties that previously obtained parliamentary seats (75 per cent) and those that gained at least 50 local council seats (25 per cent) in proportion to the valid votes obtained in the corresponding elections.<sup>20</sup> State funding can increase in proportion to the number of seats obtained by women candidates. Few parties noted to the OSCE/ODIHR NAM about specific internal policies promoting women candidates.

In addition, amendments foresee the reimbursement of campaign expenditures to electoral contestants. According to the law, within 90 days after election day, the PEA must reimburse incurred expenditure in all electoral constituencies to contestants obtaining at least three per cent of the valid votes cast nationally.<sup>21</sup> Most OSCE/ODIHR NAM interlocutors did not express significant concerns over party and campaign finance; however, some questioned the PEA's ability to efficiently fulfil its oversight duties given limited human and financial resources.

## H. MEDIA

A range of media outlets operate throughout the country with television (TV) considered the primary source of political information. There are 10 national TV channels, some 300 local TV channels, and over 500 terrestrial radio stations. The circulation of print media is limited, with the Internet increasingly used as a source of political information. Most OSCE/ODIHR NAM interlocutors characterized the media landscape as open and vibrant, although aside from the public broadcaster, outlets were generally characterized as politically aligned with the larger parties to the exclusion of smaller and newly established ones.

Campaign coverage by broadcast media, both private and public, is subject to detailed and complex regulations outlined in the legislation, which requires a neutral and impartial approach. The National Audiovisual Council (CNA), a regulatory body for broadcast media, passes additional media regulations on campaign coverage before each election.

The law provides for free access to public television and radio, including territorial stations, for all parliamentary parties to promote their platforms. Such access is also granted to non-parliamentary parties that submit full candidate lists in at least 23 constituencies. Broadcasting time granted by public and private broadcasters and editorial boards must ensure non-discriminatory conditions. All contestants are required to apply for broadcasting time no later than 40 days before the election, which is proportionally calculated based on the number of candidate lists. Independent candidates are entitled to a total of five minutes of broadcasting time on territorial stations. The law also provides for talk-shows and debates between contestants and their representatives; the appearance in such programmes is not considered electoral publicity. Romanian public television (*TVR*) plans to organize a series of debates, the basic principles of which are stipulated in the law.

By law, candidates holding public offices may appear during news programmes strictly in matters related to the exercise of their office and this airtime is not counted towards the broadcasting time of the party with which they are associated. Private broadcasters are required to offer equal opportunity for paid ads for all contestants and require outlets to publish their respective price lists. The publication of opinion polls or broadcasting paid ads is prohibited two days before the elections.

The CNA intends to conduct monitoring of all national and territorial broadcasters during the campaign for compliance with election-related regulations, which focuses on time allocation over tone

---

<sup>20</sup> Equal to some 0.04 per cent of income of the state budget.

<sup>21</sup> The amount varies from 20 to 50 per cent depending on the type of expenditure.

and content.<sup>22</sup> The CNA may issue various sanctions depending on specific violations. OSCE/ODIHR NAM interlocutors generally noted that the CNA was only partially effective in its oversight and its responsibilities can be further clarified, monitoring capacity improved, and sanctioning powers strengthened. Several OSCE/ODIHR NAM interlocutors stressed that external monitoring of the media's campaign coverage would be of value.

## I. COMPLAINTS AND APPEALS

The system of complaints and appeals offers contestants and voters an effective opportunity for legal remedy. In line with previous OSCE/ODIHR recommendations, the Election Law establishes an expeditious dispute resolution process for complaints and appeals against elections commission decisions with one to three calendar days allotted for appeals and decisions. Such appeals are filed with the superior election bureau and appealed through the hierarchy of the election administration with CEB's decision being final. Amendments allow parties to challenge CEB decisions on the election results within 24 hours before the High Court of Cassation and Justice.

Complaints regarding voter lists are filed with the county offices or local PEA office, which have three days to take a decision. This decision can be appealed within three days to the local court, which then has three days to adjudicate the appeal. Decisions of the CEB and a BEC for citizens living abroad regarding the registration of candidates shall be settled by the Bucharest County Court. All other BEC decisions regarding candidate registration can be contested or appealed to the tribunal of the respective county and settled within 48 hours. These could be further appealed at the higher level court. Complaints regarding campaign violations can be filed with BECs or the police. BEC decisions on the campaign can be challenged within 48 hours to superior electoral bureaus. Overall, OSCE/ODIHR NAM interlocutors expressed confidence in the complaints process and impartiality of the election administration and courts in resolving electoral disputes.

## IV. CONCLUSION AND RECOMMENDATION

Most OSCE/ODIHR NAM interlocutors expressed confidence in the legal framework for elections and noted the overall professionalism and impartiality of the election administration and its ability to efficiently organize elections. A number of previous OSCE/ODIHR recommendations have been addressed, and interlocutors generally stated that a comprehensive OSCE/ODIHR observation mission was not required. However, they welcomed a potential observation activity, recognizing that an external assessment and recommendations could be of added-value and certain aspects of the electoral process would benefit from further review.

In this context, areas that could benefit from review include the implementation of the amended legal framework, campaign and campaign finance regulation and the media's campaign coverage. Based on this, the OSCE/ODIHR NAM recommends the deployment of an Election Expert Team (EET) for the 11 December parliamentary elections. The OSCE/ODIHR EET would focus its efforts on the effects of the new legislation and application of election procedures, the conduct of the campaign, campaign finance and aspects related to media campaign coverage. Given the number of concurrent election-related activities taking place across the OSCE region in the fall of 2016, the deployment of an EET to the 2016 parliamentary elections in Romania will be contingent upon availability of resources.

---

<sup>22</sup> The CNA noted that neither its monitoring reports nor complaints and related documents are made public.

## **ANNEX: LIST OF MEETINGS**

### **State and Electoral Authorities**

#### **Ministry of Foreign Affairs**

Cosmin Dinescu, Secretary General

Oana Rogoveanu, Director, Human Rights, Protection of Minorities and the Council of Europe Directorate

Cristina Simion, Expert

#### **Permanent Electoral Authority**

Marian Muhuleț, Vice-President

Cristian-Alexandru Leahu, Head of Legislative Department

#### **Central Election Bureau**

Marian Muhuleț, PEA Vice-President

Cristian Petraru, Co-ordinator of the auxiliary technical staff of the Central Electoral Bureau

Ivan Truțer, Member

#### **Constitutional Court**

Marieta Safta, Magistrate

#### **Ministry of Interior**

Ioan Buda, State Secretary

#### **National Agency for Integrity**

Bogdan Stan, President

Silviu Ioan Popa, Secretary General

#### **National Anti-corruption Agency**

Paul Dumitriu, Deputy Chief Prosecutor

#### **Department for Inter-ethnic Relations**

Laczikó Enikő, Undersecretary of State

Adriana Petraru, Head of the Legal Department

#### **Ombudsman**

Mircea Criste, Deputy Ombudsman

Ecaterina Mirea, Head of Department

#### **Romanian Post**

Ion Barbu, President, Stamp Factory

Alexandru Tucaliuc, Head of Corporate Sales and Client Management

Simona Tarabaseanu, Project Officer

#### **National Audiovisual Council**

Laura Corina Georgescu, President

Rodica Anghel, Communication and PR Counsellor

Radu Herjeu, Member

**Political Parties (in alphabetical order)**

**Alliance of Liberals and Democrats**

Luiza Marian, Deputy Campaign Manager

**Democratic Union of Hungarians in Romania**

Laczikó Enikő, Vice-President of Women Organization

**M10**

Florin Stan, President

Ovidiu Simion, Secretary General

**National Liberal Party**

Mihai Voicu, Vice-President, MP

Radu Surugiu, MP

**Save Romania Union**

Alexandru Ciurea, Vice-President of the Bucharest branch organization

Diana Punga, Member

**Social Democratic Party**

Marian Neascu, Secretary General, MP

Mihai Tudose, Member, MP

**National Union for Romania's Progress /People's Movement Party**

Cristian Diaconescu, Analyst

George Stanica, Member

**Media**

**Romanian Television**

Ioan Stavre, Producer

Olivia Visalom, International Relations Specialist

**Civil Society**

Razvan Martin, Programme Co-ordinator, FreeEx, Active Watch

Ionut Codreanu, Programme Co-ordinator, Research and Media Education, Active Watch

Paul Chioveanu, Programme Co-ordinator, Good governance, Active Watch

Claudiu Craciun, Advisor, Pro-Democracy Association

Septimius Parvu, Co-ordinator, Active Citizenship and Elections, Expert Forum

**International Organisations**

Alice Krisztina Pop, Resident Director, National Democratic Institute