



LIMITED ELECTION OBSERVATION MISSION Romania — Presidential Election, 22 November 2009

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Bucharest, 23 November 2009 – Following an invitation from the Permanent Delegation of Romania to the International Organizations in Vienna, and in line with the recommendations of the Needs Assessment Mission conducted by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in Bucharest on 23–25 September, the OSCE/ODIHR on 28 October 2009 deployed a Limited Election Observation Mission (LEOM) for the 22 November 2009 presidential election in Romania.

The election is assessed for its compliance with OSCE commitments and international standards for democratic elections, as well as with Romanian legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the process, including the second round on 6 December and the handling of possible post-election complaints and appeals. The overall assessment of the election will depend, in part, on the conduct of the remaining stages of the election process. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the election process.

In line with standard OSCE/ODIHR methodology for LEOMs, the mission included long-term observers but not short-term election observers. The LEOM did not conduct a comprehensive and systematic observation of election-day proceedings, but visited a limited number of polling stations.

PRELIMINARY CONCLUSIONS

The 22 November 2009 presidential election in Romania took place in an environment characterized by respect for fundamental political freedoms and was generally conducted in conformity with OSCE commitments and international standards for democratic elections, as well as with national legislation. However, in order to further improve the election process and to enhance public confidence, steps should be made to address remaining shortcomings, in particular related to the practice of introducing last-minute changes to the election legislation and with regard to voting at special polling stations.

The election campaign was fairly active, with most candidates campaigning throughout the country. Candidates could freely share their views with voters and present their platforms. It took place in a calm environment, without major incidents or problems, but at times saw strong language and personal attacks among some candidates, including accusations that they were preparing electoral fraud. A referendum on reform of the parliament, called by President Traian Băsescu for the same day as the first round of the presidential election, became one of the most prominent and controversial issues in the campaign, overshadowing discussions on policy issues.

The legal framework provides an adequate basis for the conduct of democratic elections but certain provisions should be reviewed in order to improve the electoral process and enhance its transparency. The fact that the Law on the Election of the President (the election law) was consolidated by a Government Emergency Ordinance issued after the election had already been called, however, is not in line with good electoral practices, undermines the separation of powers, and may raise further constitutional issues.

Overall, the election administration worked professionally. The Central Election Bureau (BEC) took decisions in a timely and efficient manner. However, the sessions of the BEC and of mid-level

election bureaus and their minutes were not public. Although in line with the legislation it significantly reduced transparency.

One of the main issues of concern expressed by various electoral stakeholders was related to the integrity of the voting process at some 3,300 special polling stations established for voters who were away from their place of permanent residence. Although some steps were taken to reduce the potential for multiple voting at these polling stations, safeguards remained insufficient to fully guarantee the integrity of the electoral process and to increase public trust. In addition, several interlocutors raised concerns about alleged attempts of vote buying, in particular among the Roma community. There were also some concerns expressed in relation to the integrity of the out-of-country voting process.

Twelve candidates were registered in an inclusive manner, offering voters a wide and genuine choice. Fifteen nominations were rejected because candidates lacked the required number of supporting signatures or other required documentation. All candidates were men and only two of the 27 nominees were women. Two presidential candidates belong to national minorities – one ethnic Hungarian and one Roma.

The media, taken as a whole, offered an ample range of political information, enabling voters to make an informed choice on election day. The election law contains clear rules for news coverage of the campaign and provides for equal and free-of-charge campaign opportunities for all candidates in public and private broadcast media. The first channel of public Romanian Television gave all candidates equal access to free airtime in its electoral broadcasts but provided little campaign coverage during its regular news reporting. Two private broadcasters, while not favoring any candidate, were overwhelmingly critical of the incumbent President. A number of debates among candidates were broadcast – and in some cases organized – by the main media. Some candidates protested that they were not allowed to take part in certain debates, none of which, however, had been organized by the media.

Complaints and appeals were adjudicated in line with the law and in a timely manner, providing effective remedy. Around 80 appeals were received by the BEC before election day, and three complaints were filed with the Constitutional Court during the campaign period. Most of them were related to posting of campaign materials formation of mid-level election bureaus.

A high number of Romanian non-governmental organizations (NGOs) were accredited to observe the election, and domestic observers generally took an active part in observing the election process. Some political parties, which under the election law are not entitled to have observers, accredited their party activists through domestic observer organizations, thus circumventing the law.

According to partial preliminary results, no candidate received the required majority to be elected in the first round; therefore, a second round will take place on 6 December. Voting in regular polling stations visited by the OSCE/ODIHR LEOM proceeded in a generally calm and orderly manner. However, voting in many special polling stations was problematic, with long queues and slow processing of voters, which resulted in those waiting in line outside polling stations at the closing of the polls being effectively disenfranchised. The Ministry of Administration and the Interior received over 1,000 reports of incidents and identified 72 violations of the law, mainly with regard to multiple voting and vote buying. The vote count and the tabulation at BEJ level appeared to be conducted in a professional and transparent manner, although some procedural problems were observed.

PRELIMINARY FINDINGS

Background

The Government of Romania, on 2 September 2009, called a presidential election for 22 November, with a possible second round on 6 December. As a result of the 2003 constitutional reforms, for the first time the presidential election was held separately from parliamentary elections. On the same day as the first round, a referendum was held at the initiative of President Traian Băsescu to make the Parliament unicameral and to limit the number of its members to 300.

The presidential election unfolded against the backdrop of a governmental crisis, following the breakup of the coalition between the Democratic Liberal Party (PD-L) and the Social Democratic Party (PSD), and the subsequent passing by Parliament of a motion of no confidence in the Government on 13 October. Lucian Croitoru, councilor to the Governor of the Romanian National Bank, nominated by President Băsescu as Prime Minister failed to receive a vote of confidence in Parliament on 4 November. Two days later, the President mandated Liviu Negoită (PD-L), the Mayor of Sector 3 of Bucharest Municipality, to form a new Government. On 9 November, Mr. Negoită submitted to Parliament the list of members of his proposed Government. Thus far, no date for holding the vote of confidence in Mr. Negoită and his Government has been set by Parliament and the old Government is acting in a caretaker capacity.

Legal Framework and Election System

According to the Constitution, the President of Romania is elected directly for a five-year term and may serve a maximum of two terms. To be elected in the first round, a candidate needs to obtain the votes of more than one half of all registered voters. If no candidate is elected in the first round, a second round takes place two weeks later between the two candidates with the highest number of votes. In the second round, the candidate who receives the higher number of valid votes is elected.

The primary legislation regulating the presidential election comprises the Constitution of Romania (adopted in 1991, as amended in 2003) and the Law on the Election of the President of Romania (2004; hereafter election law), last amended by Government Emergency Ordinance 95/2009, which entered into force on 3 September 2009. The ordinance aimed at consolidating the law by removing cross references to the 2004 Parliamentary Election Law which was amended in 2008. The amendments also introduced clear rules for private broadcast media which decide to cover the election campaign, requiring them to give all candidates equal opportunities in the news as well as in free-of-charge airtime. Amending election legislation after the election had already been called is not in line with good electoral practices.¹ Besides, doing that through Government Ordinance is highly unusual and circumvents the legislative process, thereby challenging both the principle provided by the Constitution about separation of executive and legislative powers and its explicit requirement that electoral matters be regulated by organic laws.

Overall, the election legislation provides an adequate basis for the conduct of democratic elections. Some provisions, however, might need to be addressed in order to improve the electoral process and enhance its transparency. These include the provision on observers which excludes political parties

¹ The Code of Good Practice in Electoral Matters of European Commission for Democracy Through Law (Venice Commission) of the Council of Europe states that: “The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.”

and candidates' representatives from observing the voting process, particularly detrimental to independent candidates who are not entitled to representation in election bureaus at any level.

Other applicable laws are the Law on Radio and Television Broadcasting (2002, last amended in 2008) and the Law on Political Parties (2003, amended in 2005). The funding of political parties and campaigns is regulated by the Law on the Funding of the Activities of Political Parties and Electoral Campaigns (2006, last amended in 2009), which sets a ceiling for campaign expenses. If the limit is exceeded, the offending party has to contribute to the state budget a sum equal to the excess amount, on top of which a fine may have to be paid. The competent body for the control of campaign funding and the implementation of the law is the Permanent Election Authority (AEP).

Election Administration

At the central level, the presidential election is being administered by the Permanent Election Authority and the Central Election Bureau (BEC) which is established anew for each election. The second level of the election administration comprises 41 County Election Bureaus (BEJs), one election bureau for each of the six sectors of Bucharest Municipality, and an election bureau for polling stations abroad. Polling was administered by a total of 21,707 Polling Station Election Bureaus (BESVs), among which 3,360 for special polling stations and 294 for voting abroad.

The BEC consists of 17 members: five judges from the High Court of Cassation and Justice, the President and the two Vice-Presidents of the AEP, and nine members nominated by the political parties that had presidential candidates². In general, the BEC addressed election issues in a timely manner and efficiently. However, BEC and BEJ sessions and session minutes were not public, which significantly reduced the overall transparency of election administration.

BEJs and other mid-level commissions were formed under a formula similar to that for the BEC, with up to eleven members. Due to a lack of resources, the AEP in the case of 14 BEJs did not fulfill its obligation to appoint one member to each mid-level election bureau.

BESVs were composed of a President and a Deputy, who by law should be non-partisan, and up to seven members representing political parties that had candidates in the election. By election law, the Presidents and Deputies should have a law degree, which was frequently not the case.³ In case there are not enough jurists available, vacant positions could be filled with persons "who enjoy a good reputation". However, the implementation of this provision varied across the country and resulted in concerns expressed by some interlocutors that the selection of candidates for BESV Presidents and their Deputies by the Government-appointed prefects was politically influenced.

The presidential election and the referendum were organized by the same election bureaus. On 12 November, the Bucharest Court of Appeals suspended a governmental decision that provided for one voter list with two separate columns for voters' signatures. The Government passed a new decision the following day, which provided for two separate voter list copies.

Voters, as a rule, vote in polling stations serving the place of their registered residence. However, any voter who on election day was away from home had the possibility to vote in any of the 3,360

² At all levels of the election administration, parliamentary parties are entitled to be represented on the election bureaus. After their places have been filled, the remaining number of party seats is filled from non-parliamentary parties which have a candidate. If there are more nominations from such parties than seats left, lots are drawn.

³ In Iași county, for instance, less than 5 per cent of BESV presidents and vice-presidents had a law degree.

special polling stations.⁴ Additional safeguards were introduced in special polling stations, such as declarations to be signed by voters to the effect that they would vote only once, and the installation of video cameras, recording voters as they cast their ballots. However, some interlocutors considered these measures insufficient as there was no way to identify and prevent multiple voting on the spot, except the practice of putting stickers on voters' ID cards in all polling stations to mark that a voter has voted, but this was largely seen as ineffective since the stickers could be removed. The AEP has an obligation to cross-check voter lists within six months after the election in order to uncover and forward information to the prosecutor on any instances of multiple voting.

The final number of registered voters, as announced on 18 November, was 18,317,925. Voter lists used in regular polling stations were based on residency records and updated by mayors' offices. The voters could check the voter lists and ask for corrections. Some interlocutors voiced concerns related to the issue of unrecorded migration, both inside the country and abroad.⁵

Candidate Registration

Any Romanian citizen with voting rights who has permanent residence in Romania and is at least 35 years old on election day may run for President, unless he or she belongs to one of the categories of citizens who are forbidden to join political parties under Article 40 of the Constitution.⁶ Nominations were submitted to the BEC and had to contain, *inter alia*, supporting signatures of at least 200,000 registered voters, who are only allowed to sign in support of one candidate. The signatures were checked by the BEC for obvious mistakes and incompleteness. However, the BEC could not, for lack of time and resources, check each and every signature against the voter list.

In an inclusive process, the BEC registered 12 candidates, out of 27 nominees. Four candidates were nominated by political parties represented in the Parliament: incumbent President Traian Băsescu (nominated by the PD-L); President of the Senate and PSD Chairman Mircea Geoană; Crin Antonescu, President of the National Liberal Party (PNL); and Hunor Kelemen, Executive President of the Democratic Union of Hungarians in Romania (UDMR). A further five candidates were nominated by non-parliamentary parties⁷, while three ran as independent candidates.⁸ Fourteen nominations were rejected due to an insufficient number of supporting signatures, while one nomination had not been signed by the authorized representative of the nominating party. The BEC decisions on 20 nominations were appealed to the Constitutional Court, which upheld these BEC decisions.

⁴ In many previous elections, such voters could vote at any polling station outside their place of residence, where they were added to a supplementary voter list. In order to reduce the potential for multiple voting, for this election this possibility was limited to special polling stations.

⁵ Some 3 million registered voters are estimated to be living abroad, but remain registered on the voter list. Such voters are only deleted if they register their permanent residence abroad with the respective Romanian diplomatic mission.

⁶ According to Article 37 of the Constitution, persons who may not join political parties are not eligible to stand for elected office. Article 40 of the Constitution specifies that judges of the Constitutional Court, the advocates of the people (ombudspersons), magistrates, active members of the Armed Forces, policemen and other categories of public servants, established by an organic law, are forbidden to join political parties.

⁷ Corneliu Vadim Tudor, President of the Greater Romania Party (PRM); George Becali, President of the Christian Democratic New Generation Party (PNG-CD); Remus Cernea, Executive President of the Green Party (PV); Constantin Rotaru, President of the Socialist Alliance Party (PAS); and Ovidiu-Cristian Iane of the Romanian Ecologist Party (PER).

⁸ Sorin Oprea, the Mayor of Bucharest, Constantin Ninel Potîrcă and Gheorghe-Eduard Manole.

Election Campaign

The election campaign started on 23 October and ended at 07:00 hours on 21 November. It was fairly active, with posters, billboards and banners of many candidates in evidence. Most candidates campaigned across the country in order to get their message to the electorate. Candidates could freely share their views with voters and present their platforms. The ten presidential candidates whom the OSCE/ODIHR LEOM met underlined that the campaign was conducted in an overall calm environment, without major incidents or problems. The campaign was, nonetheless, at times characterized by strong language and personal attacks of candidates against their competitors, including accusations that they were preparing election fraud.

While candidates focused on the economic crisis, social policy, and proposals to resolve the current political stalemate, the referendum became one of the most prominent and controversial issues in this campaign. President Băsescu's campaign in particular emphasized on the proposed parliamentary reform, which was strongly criticized as a populist move by his competitors and other interlocutors (mainly from civil society), both in public and in their meetings with the OSCE/ODIHR LEOM. As such, the referendum issue played a prominent role in the presidential campaign and detracted the campaign from policy areas for which a Romanian president is responsible.

During the campaign, billboards and banners attacking the incumbent President were put up, without any indication of who is responsible for the content (in violation of Article 29 of the Law on Funding of Political Parties and Election Campaigns). Within days, big stickers accusing previous PSD-led Governments of corruption were put on some of these billboards. Such unattributed campaign material targeting the PSD also appeared in a number of newspapers; one of these newspapers told the OSCE/ODIHR LEOM that these ads had been placed by the PD-L.

Political parties launched a number of formal complaints regarding destruction of their candidates' campaign posters in several counties, and representatives of different parties complained to OSCE/ODIHR LEOM long-term observers (LTOs) in several regions about such cases.

During their meetings with the OSCE/ODIHR LEOM, candidates and their representatives highlighted a number of issues that in their opinion might impact negatively on the election. Apart from criticism related to the referendum, these included concerns over the high number of special polling stations and of polling stations abroad, which in their view might facilitate electoral fraud. Many interlocutors also highlighted the issue of possible vote buying. OSCE/ODIHR LEOM LTOs based in Bucharest, Constanța, Iași, Cluj and Timișoara were approached by different candidates' representatives, who accused supporters of other candidates of distributing food, domestic appliances or money in order to secure popular support. At the same time, these interlocutors could not substantiate their accusations, noting that it is very difficult to prove such violations in practice.

Candidates from non-parliamentary parties complained during their meetings with the OSCE/ODIHR LEOM that the legislation favors the parties represented in the Parliament, e.g. with regard to party and campaign financing provisions and representation on election administration bodies. Candidates of non-parliamentary parties and independent candidates also said that they were at a disadvantage in terms of media access and media coverage, as well as due to most local administrations being loyal to major political parties.

The Media

In Romania, freedom of expression and freedom of the media are enshrined in the Constitution and are generally respected. Romania has a dynamic and diverse media environment, including public

and private broadcasters and a variety of print media. Taken as a whole, the media offered the electorate an ample range of political information and opinions that enabled voters to compare candidates and their platforms and make an informed choice on election day.

The election law contains clear rules for equal coverage of campaign activities in the news and for identical and free-of-charge campaign opportunities for all candidates in the public and private broadcast media. In practice, however, provisions relating to the equal news coverage of candidates proved difficult to implement due to the fact that some candidates were covered in the news while performing official duties, but also due to the different levels of campaign activities of individual candidates.

The National Audiovisual Council (CNA), which is in charge of monitoring the broadcast media, imposed sanctions on a number of private broadcasters for minor violations of the law, mainly with regard to candidates' equal coverage in the news.⁹ Among these broadcasters, the privately owned news channel Antena 3 was sanctioned most frequently.

During the three weeks preceding the first-round election day, OSCE/ODIHR LEOM media monitoring shows that the coverage of the campaign by TVR 1, the first channel of public Romanian Television, gave all candidates equal access to free airtime in its broadcasts dedicated to the election. Special programs for elections were broadcast on a daily basis during prime time, and all candidates had the opportunity to reach out to voters. The programs' format, with journalists interviewing the candidates, allowed candidates to present their view and opinion on the main topics of the campaign. However, TVR 1 provided little campaign coverage during its regular news reporting. TVR 1 devoted 26 per cent of its political and electoral prime time news coverage to the President; 67 per cent of this coverage was neutral in tone, and often related to his institutional activities. Other candidates received marginal coverage. 19 per cent of the coverage, mainly neutral or positive in tone, went to Mr. Croitoru's and Mr. Negoită's attempts to form a new Government.

The prime-time news of private Pro TV showed a similar pattern, with the incumbent President receiving 21 per cent (almost all neutral) of the very limited political coverage, while the rest of the coverage mainly went to political subjects who were not candidates (e.g. Mr. Croitoru and Mr. Negoită). Private Prima TV took a similar approach but devoted more time to other candidates in its prime-time news: it gave 22 per cent of the time to President Băsescu, 10 per cent to Mr. Geoană and 5 per cent to Mr. Antonescu; the coverage was generally balanced in tone.

Realitatea TV devoted significantly more coverage to the elections, both in its news and in other information programs. In its prime-time news, Realitatea TV devoted 39 per cent of the political time to the incumbent (56 per cent of which was negative in tone), 12 per cent to Mr. Geoană (53 per cent positive) and 9 per cent to Mr. Antonescu (41 per cent positive). A similar trend, though more accentuated, was observed in private Antena 1's prime-time news, where President Băsescu received 59 per cent of the coverage, 72 per cent of which was negative in tone.

A number of debates were organized and televised during the last week of the campaign. A first debate was organized on 14 November in Cluj among candidates Băsescu and Antonescu, and the two main private news TV channel broadcast it live. On November 18, public TV organized a debate with only four candidates, while the other candidates could not reach an agreement on the format of a subsequent debate among the candidates having the highest rating in opinion polls, which had been scheduled for the same day. A final debate among three candidates, Mr. Băsescu, Mr. Geoană and Mr. Antonescu, took place on 20 November and was broadcast live by the main media networks

⁹ The sanctions ranged from the requirement to broadcast a written notice to the public explaining the reasons for the punishment, to the imposition of a fine, depending on the seriousness of the transgression.

(including public TV) and a number of smaller media outlets, thus reaching a large audience. Some candidates publicly protested that they were not allowed to take part in this and one of the other debates; however, neither debate had been organized by the media, but by a university and by a non-governmental organization (NGO) active in the field of public policy, respectively.

Among the monitored newspapers, *Jurnalul Național* gave 83 per cent out of the total space dedicated to candidates to President Băsescu (77 per cent of it negative in tone), *Cotidianul* gave him 74 per cent (83 per cent negative), and *Gândul* gave him 62 per cent (59 per cent negative). *România Liberă* and *Evenimentul Zilei*, by contrast, provided more balanced coverage of the candidates, both in terms of space devoted to candidates and tone of coverage.

Two candidates (Constantin Ninel Potîrcă and Eduard Manole) filed complaints to the Constitutional Court with regard to their access to free airtime on public television and radio. The Court accepted both complaints and ordered that airtime be granted to the candidates. An additional complaint by Mr. Manole, also with regard to free airtime, was dismissed by the Court.

Participation of Women and National Minorities

Women are under-represented both in the Parliament and the Government.¹⁰ In this election, all registered candidates were men, and there were only two women among the 27 nominees. Women are well-represented in the election administration. One of the two Vice-Presidents of the AEP is a woman. The President and the Vice-President of the BEC are also women, as are five more BEC members. In BEJs, 50 per cent of the Presidents and 77 per cent of Deputy Presidents were women.

According to the 2002 population census, ethnic Hungarians account for 6.6 per cent of Romania's population, and Roma for 2.5 per cent; other national minorities make up slightly more than 1 per cent in total. A total of 20 such minorities are represented in the Council of National Minorities, a consultative governmental body. The Democratic Union of Hungarians in Romania currently has nine seats in the Senate and 22 in the Chamber of Deputies. The latter also includes 18 members who represent the other 19 national minorities¹¹, elected under a constitutional provision which establishes a lower electoral threshold for such minorities.¹² Two presidential candidates belong to national minorities: Mr. Kelemen, an ethnic Hungarian, and Mr. Potîrcă, a Roma.

A number of interlocutors told the OSCE/ODIHR LEOM that they expected vote buying to be an issue particularly affecting the Roma community, due to the social vulnerability of many Roma. Similar charges of widespread vote buying among Roma were made in previous elections. Some interlocutors estimated that a considerable number of Roma do not have identity documents or are not registered with the authorities, and will thus be unable to vote. The number of such people is, however, not known, which makes it difficult to establish the veracity of these claims.

Complaints and Appeals

Around 200 complaints were filed with BEJs, mostly regarding the location and dimension of campaign materials and the formation of BESV. At least five complaints alleging vote buying were filed in Botoșani, Sector 5 of Bucharest Municipality, Timișoara and Brașov. They have been forwarded to prosecutors to launch investigations. Up to election day, around 80 appeals against BEJ

¹⁰ Forty-six of the 471 members of Parliament are women, as are two of the 11 Ministers of the current caretaker Government.

¹¹ The Czech and Slovak minorities are jointly represented by one MP.

¹² National minority organizations are entitled to one seat in the Chamber of Deputies if they obtain, nationwide, a number of votes equal to 10 per cent of the average number of valid votes needed to elect a deputy.

decisions were filed with the BEC. Twenty-four of them were filed by the PD-L and challenged BEJ decisions stating that posters for the referendum could not be displayed at the spaces allocated for posters for the presidential election. The BEC overturned the BEJ decisions, invoking the Law on Referenda which stipulates that the conduct of the referendum will be regulated by the election law if both elections are held on the same day. The BEC subsequently issued a decision, within its competence of interpreting the law, which stated that a candidate is entitled to put one single poster on each space allocated for that purpose, either for the presidential election, or the referendum, or both. Other appeals pertained to issues such as posting of oversized posters, placement of campaign material in places specifically excluded for the purpose by the election law, and the formation of BEJs.

The election law does not explicitly state who has the right to challenge decisions of election administration bodies. In two instances where party-nominated BEJ members appealed decisions of the BEJ of which they were a member, the BEC ruled that they do not have the right to file an appeal. The BEC maintained that, as BEJ members, they exercise state authority by taking part in the decision making and can no longer act as party members. Complaints and appeals were resolved in a timely manner, and legal deadlines were respected.

Domestic Observers

The election law provides for domestic and international observation. Domestic observers can be appointed by NGOs active in the field of human rights and democratization, and by the media. Political parties and candidates do not have the right to appoint observers but the candidates themselves are allowed to observe election-day proceedings.

The AEP certified a total of 47 NGOs as domestic observer organizations, enabling them to accredit observers with BEJs.¹³ On election day, the Pro Democracy Association (APD) deployed around 1,400 observers in static and mobile teams. In addition, APD monitored candidates' and parties' spending for outdoor campaign material in Bucharest and in 14 other cities and towns.

Several NGOs publicly warned that political parties may try to accredit their activists under the guise of NGO observers, in contravention of the law which provides that domestic observers may not be party members. One organization which deployed a significant number of observers in Bucharest and Ilfov county told the OSCE/ODIHR LEOM that they would accredit sympathizers of several major parties under the organization's name. PSD officials in several counties stated publicly or in meetings with OSCE/ODIHR LEOM LTOs that their party would field activists accredited under the umbrella of various "foundations" on election day.

Election Day

The BEC put preliminary voter turnout in the presidential election at 54.09 per cent of registered voters. Voting in regular polling stations visited by the OSCE/ODIHR LEOM proceeded in a generally calm and orderly manner, and procedures were generally followed. By contrast, voting in most special polling stations visited was problematic, with long queues and slow processing of voters, in particular in urban centers. In some cases, a considerable number of people were queuing outside the polling station at the official time of closing the polls and were unable to vote, being effectively disenfranchised. Several special polling stations visited by the OSCE/ODIHR LEOM ran out of ballots during the day, having to wait for several hours for additional ballots to be sent by the BEJ.

¹³ The total number of certifications is higher since some NGOs submitted requests for their national structures as well as for local branches.

The Ministry of Administration and the Interior reported that on election day it received 1,059 reports of election-related incidents and had identified 72 violations of the law, mainly with regard to multiple voting and vote buying; the Ministry initiated criminal proceedings against several individuals. There were also numerous reports by the media and domestic observers about such violations.

In polling stations visited, domestic observers frequently could not readily state which organization they represented, and some said they were observing on behalf of certain candidates or parties. Occasionally, such observers were seen interfering in the process.

The BEC did not release partial preliminary results until 08:00 hours on 23 November, and then only at the national level, rather than by polling station. According to these results, no candidate received the required majority to be elected in the first round; therefore, a second round will take place on 6 December.

The CNA sanctioned three TV channels for breaching the campaign silence, and one for broadcasting opinion poll results during the last 48 hours prior to election day. Several Internet sites, including those of major media outlets, published exit poll results throughout the day.

In polling stations visited, the vote count was conducted in a professional, orderly and transparent manner, although minor procedural problems were noted. The tabulation at BEJ level also seemed to be professional. Not all OSCE/ODIHR LEOM observers, and no domestic observers, were able to follow the computer processing of results protocols in BEJs visited, since this is not specifically foreseen in the election law, thus reducing the transparency of an important part of the process.

*This statement is also available in the Romanian language.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGEMENTS

The OSCE/ODIHR Limited Election Observation Mission (LEOM) opened in Bucharest on 28 October with 11 experts in the capital and 14 long-term observers deployed throughout Romania. Vadim Zhdanovich (Russian Federation) is the Head of the OSCE/ODIHR LEOM. Mission members are drawn from 17 OSCE participating States.

The OSCE/ODIHR LEOM wishes to thank the authorities of Romania for the invitation to observe the elections, the Central Election Bureau and the Permanent Election Authority for their co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs for their assistance and co-operation. The OSCE/ODIHR LEOM also wishes to express appreciation to other national and local state institutions, election authorities, candidates, political parties and civil society organizations for their co-operation.

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