Regulations on local public administration and local elections

* LAW on local public administration

LAW on local elections

public administration and local elections
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CHAPTER I
General provisions

Art. 1. — (1) Public administration in territorial-administrative units shall be based on the principles of local autonomy, decentralization of public services, eligibility of the local public administration authorities, legality, and consultation of the citizens on local problems of particular interest.

(2) Local autonomy shall be administrative, and exercised only within the framework of the law.

(3) Local autonomy shall concern the organization and functioning of the local public administration, and represent the right and effective capacity of the local public administration authorities to settle and manage, in their own name and under their own responsibility, an important part of public affairs, in the interest of the local communities they represent. By local community it shall be understood the totality of the citizens in the territorial-administrative unit.

(4) The application of the stated principles shall not impair Romania’s unitary national state character.

Art. 2. — (1) The territorial-administrative units shall be the communes, towns, and counties.

(2) Communes may be formed of one or several villages and hamlets.

(3) Some towns may be declared municipalities under the terms established by law. Municipalities may have

* Republished on the grounds of art. III in the Law No. 24 of April 12, 1996, published in the Official Gazette of Romania, Part I, No. 76 of April 15, 1996, giving the articles and paragraphs the relevant numbering.


The up to date modifications and completions brought by the Government Expeditious Ordinance No. 107 of June 30, 1999, published in the Official Gazette No. 515 of June 30, 1999, and by the Law No. 50 of April 9, 1997, published in the Official Gazette No. 61 of April 10, 1997, have been made in the text of the present law. The modified or completed texts have been rendered in italics.
solving mutual problems. There shall be no subordination relations between the local and the county public administration.

Art. 9. – For the purpose of ensuring local autonomy, the public administration authorities of communes, towns and counties shall elaborate and approve the revenue and expenditure budgets, and be entitled to institute and collect local rates and taxes, under the terms of the law.

Art. 10. – Problems of particular interest from territorial-administrative units may be submitted, under the terms of the law, to the approval of the inhabitants, by a local referendum.

Art. 11. – (1) The Government shall appoint a prefect in each county and in the Municipality of Bucharest.

(2) The prefect shall be the Government’s representative at local level. He shall manage the decentralized public services of the ministries and of the other central bodies of the public administration organized in the territorial-administrative units.

Art. 12. – (1) The prefect may challenge before the Administrative Disputed Claims Court the deeds of the local public administration authorities, considered unlawful.

(2) The challenged deed shall be de jure suspended.

(3) The prefect shall be accountable according to the law, at the request of the county or local public administration authorities, in case the Administrative Disputed Claims Court shall have established that their deed was challenged abusively or with ill-faith.

CHAPTER II
Local councils

Section 1
Composition and constitution of local councils

Art. 13. – The councils of the communes and towns shall be composed of councillors elected by universal, equal, direct, secret, and freely expressed suffrage in the terms established under the Law on local elections.
Art. 14. — (1) The number of members of each local council shall be established by order of the prefect, depending on the population of the commune or of the town reported by the National Statistics Committee on the 1st of January of the running year, or on the 1st of July of the year preceding the elections, as the case may be, as shown in the following table:

<table>
<thead>
<tr>
<th>Number of inhabitants of the commune or town</th>
<th>Number of councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>— up to 3,000</td>
<td>11</td>
</tr>
<tr>
<td>— from 3,001 to 5,000</td>
<td>13</td>
</tr>
<tr>
<td>— from 5,001 to 7,000</td>
<td>15</td>
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<tr>
<td>— from 7,001 to 10,000</td>
<td>17</td>
</tr>
<tr>
<td>— from 10,001 to 20,000</td>
<td>19</td>
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<tr>
<td>— from 20,001 to 50,000</td>
<td>21</td>
</tr>
<tr>
<td>— from 50,001 to 100,000</td>
<td>23</td>
</tr>
<tr>
<td>— from 100,001 to 200,000</td>
<td>25</td>
</tr>
<tr>
<td>— from 200,001 to 400,000</td>
<td>31</td>
</tr>
<tr>
<td>— over 400,000</td>
<td>35</td>
</tr>
</tbody>
</table>

(2) The General Council of the Municipality of Bucharest shall be composed of a number of 65 councillors.

Art. 15. — (1) A councillor’s office shall be incompatible with that of:

a) a prefect and a sub-prefect;

b) an employee in the machinery of the respective communal, town or county councils, and that of the prefectures, as well as of manager of the Government-owned corporation of local or county interest, and of a specialized public service of the local or county council;

c) a mayor;

d) a Deputy, a Senator, a counsellor of Romania’s President, or a member of the Government.

(2) Other incompatibilities may be established by law.

Art. 16. — (1) The local councils shall be set up within 20 days after the election date. Convening of the councillors in a constitutive session shall be made by the prefect. The prefect or his representative shall participate in the constitutive session. The mayor shall be called upon to attend this session, too, even if his validation procedure is not finalized.

(2) The session shall be legally constituted if at least two thirds of the number of elected councillors participate in it. In case this majority cannot be ensured, the session shall be held de jure 5 days later, under the same conditions. If neither at the second convening the session cannot be legally constituted, a new convening shall be issued after another 3 days. At the new convening, the session shall be legally constituted if a majority of the elected councillors are present. In case, at this last convening, the council cannot be constituted either, because of the unmotivated absence of some councillors, the prefect shall declare vacant the seats of the elected councillors who were absent inexcusably from the previous 3 sessions, unless they can be replaced by candidates from the respective lists. Completing elections shall be organized within 50 days, under the terms of the Law on local elections. Within 5 days after the communication, the people concerned may challenge before the Administrative Disputed Claims Court the prefect’s order, declaring vacant the seats of the councillors who were absent without leave. The decision of the first instance shall be final and irrevocable.

(3) The absence of the councillors from the constitutive session shall be excused, if, on account of illness, they were irremovable, or if they were travelling abroad on official business.

(4) The proceedings of the constitutive session shall be chaired by the senior councillor, assisted by 2 junior councillors.

Art. 17. — (1) Local councils shall elect, from among their members, a validation commission, consisting of 5—7 councillors, for the entire duration of the mandate.

(2) The commission shall examine the legal conditions of each councillor’s election, and propose the validation or invalidation of the mandates to the council.

(3) The validation commission may propose the invalidation of a councillor’s election only in the case when:
a) it has ascertained the existence of certain incompatibilities or infringements of eligibility conditions;

b) it has ascertained that the councillor’s election was made by electoral fraud, found by the Central Electoral Office, or by any other infringement of the Law on local elections.

(4) The validation or invalidation of mandates shall be made by a majority of votes from the number of councillors present at the session. The person whose mandate is submitted to validation or invalidation shall not participate in the vote.

(5) The council shall be legally constituted after the validation of the mandate of at least two thirds of the number of its members.

(6) The decisions regarding the validation or invalidation of a councillor’s mandate may be challenged by interested people before the Administrative Disputed Claims Court, within 5 days after the adoption or communication, in the case of those absent from the session. The Court’s decision shall be final and irrevocable.

Art. 18. — (1) Councillors whose mandate was validated shall take the following oath in front of the council:

“I solemnly swear to abide by the Constitution and the country’s laws, and to do with good faith everything that is in my powers and in my ability for the welfare of the inhabitants of the commune (town, county) of...”.

(2) Councillors who decline to take the oath shall be considered resigned de jure from the office.

(5) After taking the oath, the councillor who chaired the constitutive session shall declare the council legally constituted.

Art. 19. — A councillor’s mandate shall cease before its term in case of demise; resignation; incompatibility; change of residence in another territorial-administrative unit; absence without leave from more than 3 consecutive ordinary sessions of the council; impossibility of having exercised the mandate over a period longer than 6 months; in case that, by a final judicial decision, it was found, after validation of the mandates, that the election had been won by electoral fraud, or by any other violation of the Law on local elections; in case of a final sentence of imprisonment imposed by a Court; in case of laying under interdiction for mental debility or alienation of the mind; or in case of disfranchisement. Cessation of a councillor’s mandate shall be established by a decision of the local council. In case of resignation, the councillor may reconsider it until adoption of the decision.

Section 2

Powers of local councils

Art. 20. — (1) The local councils shall have initiative, and decide, according to the law, on problems of local interest, except those established by law in the competence of other public authorities.

(2) The local councils shall have the principal powers set out below. They shall:

a) elect the deputy-mayor or deputy-mayors, as the case may be, from among the councillors;

b) approve the statute of the commune or town and the standing orders of the council on the grounds of the guiding basic statute and standing orders elaborated by the Government;

c) approve studies, guiding prognoses, socio-economic development and territorial planning and organization programmes;

d) approve, at the mayor’s proposal, the organization chart, the number of personnel from the council’s own machinery as well as its organizing and functioning regulations; it shall also approve the organization charts and the number of personnel from the Government-owned corporations and from the specialized public services of the local council;

e) approve the local budget, its formation, administration, and execution; approve credit transfers and the utilization mode of the budgetary reserve; loans and the closing account of the financial year;

f) establish local rates and taxes as well as special taxes for a limited period of time, under the terms established by law;
g) act as trustee to the commune or town’s public and private domain, and exercise the rights provided under the law with regard to the Government-owned corporations it has set up;

h) set up economic institutions and business organizations of local interest; decide on the leasing or renting of public goods or services of local interest as well as on the participation with capital or goods in trading companies for the achievement of works and services of local public interest, under the conditions established by law;

i) appoint to and dismiss from office, in the terms of the law, the managers of business organizations and public institutions of local interest, that are under its authority;

j) follow up, supervise and examine the activity of business organizations and of public institutions that are under its authority;

k) establish specific norms for public institutions and business organizations of local interest, that are under its authority, with observation of the general criteria established by law;

l) organize public services of communal husbandry, local transport, town networks and others, under conditions of efficiency and operativity, and ensure their proper functioning;

m) approve, under the terms of the law, the urbanistic organization and development plans of the localities, components of the territorial-administrative units as well as of urban and regional policy, and the measures required for their realization; approve, according to the lawful competences, the techno-economic documentations for investment works of local interest and ensure the necessary conditions for their achievement, in due time and at high quality levels;

n) ensure, within the framework of its competences, the necessary conditions for a good functioning of the educational, sanitary, cultural, youth and sport institutions, according to the law;

o) take measures for the creation of the necessary conditions enabling citizens to recreate themselves in their leisure carrying on scientific, cultural, artistic, sporting and pastime activities;

p) take action for environmental restoration and protection, improving the quality of life; it shall contribute to the protection and conservation of historic and architectural monuments, of parks and nature reserves;

r) contribute to the achievement of social aid and protection measures;

s) ensure free trade and fair competition, and stimulate free initiative, under the terms of the law;

s) set up and ensure the functioning of charity institutions of local interest;

l) ensure the maintenance of public law and order, and the observation of the fundamental rights and freedoms of the citizens;

m) organize fairs, market places, cattle markets, entertainment parks and places, and ensure their good management;

n) confer the title of citizen of honour of the commune or town on Romanian or foreign natural persons with special merits;

o) decide, under the terms of the law, upon association with other local or county public administration authorities for the achievement of certain works and services of public interest as well as upon collaboration with business organizations from the homeland or from abroad, for the purpose of achieving certain activities or works of common interest;

x) decide upon concluding relations of collaboration, co-operation, and union with localities from abroad;

y) encourage the activity of religious cults, under the terms of the law.

(3) The local council shall exercise other powers, too, established by law or by the statute of the commune or town.

Section 3
Functioning of local councils

Art. 21. – (1) The local councils shall be elected for a mandate of 4 years, which may be extended by an organic law in times of war or catastrophe.
(2) The local councils shall exercise their mandate after the date of their constitution and up to the date when the newly elected council is declared to be legally constituted.

(3) The legally constituted councils shall elect a chairman by show of hands and a simple majority, for the duration of each session.

Art. 22. — At the councillors’ request, and in keeping with the standing orders of each local council, the mayor shall be under an obligation to supply information necessary for the performance of their mandate, within not more than 15 days.

Art. 23. — (1) The local councils shall assemble monthly, in ordinary session, on the mayor’s convocation.

(2) The councils may assemble in an extraordinary session, whenever necessary, at the mayor’s request, or that of at least one third of the number of members of the council.

(3) The local councils shall be called together at least 5 days prior to ordinary sessions, or at least 3 days prior to extraordinary sessions.

(4) In circumstances of force majeure and maximum emergency, for solving the interests of the inhabitants of the commune or town, the local councils may be immediately summoned.

(5) The convocation shall be made in written form and mentioned in the minutes of the session. The invitation to attend on the session shall state precisely the agenda, the date, hour, and place where it will take place.

(6) The inhabitants of the commune or town shall be informed of the agenda through the local press or any other means of publicity. In territorial-administrative units in which the national minorities have a significant share, the citizens shall be informed of the agenda in their language, too.

Art. 24. — (1) The session of the local councils shall be legally constituted, if they are attended by a majority from the number of the councillors in office.

(2) The presence of the councillors at the sessions shall be compulsory. In case a councillor shall be absent twice consecutively, without good reason, he or she may be sanctioned under the terms of the council’s standing orders.

(3) In case a council cannot assemble over a period of 3 months consecutively, or shall not have adopted any decision in 3 consecutive sessions as well as in the situation in which the number of councillors reduces to less than one half plus one and cannot be completed from the list of candidates, it shall dissolve de jure.

(4) The council’s dissolution de jure shall be communicated by the mayor to the prefect, who shall issue an order, taking cognizance of the council’s dissolution and proposing to the Government the organization of new elections.

(5) The councillors may challenge the prefect’s order before the Administrative Disputed Claims Court within 10 days after the communication.

(6) The date of elections shall be established within 30 days, only after lapse of the term provided under paragraph (5) or after the judgement rejecting the councillors’ action at law remained final.

Art. 25. — (1) The sessions of the local councils shall be public, except cases when the councillors decide, by a majority vote, that they shall take place behind closed doors.

(2) The proceedings of the sessions shall carry on in the official language of the State.

(3) Budget problems shall always be discussed in a public session.

Art. 26. — (1) The debates of the council’s sessions shall be recorded in minutes signed by the session chairman, the secretary, and at least 3 councillors.

(2) At the beginning of each session, the secretary of the council shall read out the minutes of the previous session and submit them to the approval of the council. The councillors shall have the right to contest the contents of the minutes and to request the precise mentioning of the opinions expressed in the previous session.

(3) The minutes and documents debated in the session shall be placed in a special file of the respective session, which shall be numbered, signed and sealed by the
chairman of the session, the secretary, and the councillors provided under paragraph (1).

Art. 27. – The agenda of the sessions shall be approved by the council, on the proposal put forward by the person who, under the conditions of Article 23, asked for the summoning of the council. The agenda may be modified for urgent problems only.

Art. 28. – (1) In the exercise of its powers, the local council shall adopt decisions by a majority of votes from the number of members present, except cases when the law, or standing orders of the council shall require a different majority. In case of parity of votes, the decision shall not be adopted, and the debates shall be resumed in the following session.

(2) Decisions regarding the administration of the public and private domain of the commune or town, the urbanistic organization and development of the localities and planning of the territory, and the association with other councils, public institutions, or business organizations from the homeland or from abroad shall be adopted by the vote of at least two thirds of the number of the councillors in office.

(3) Decisions regarding the local budget as well as those by which local rates and taxes are established, shall be adopted by a majority vote from the number of councillors in office. If the budget cannot be adopted after two consecutive readings, which shall take place at an interval of not more than 5 days, the activity shall be carried out on the basis of the previous year’s budget, until adoption of the new budget.

(4) The council may establish that certain decisions shall be taken by secret vote. Decisions with regard to persons shall always be taken by secret vote.

(5) Draft decisions may be proposed by councillors or by the mayor. Drafts shall be drawn up by the people having proposed them.

Art. 29. – (1) The decisions of the local councils shall be signed by the chairman of the respective session, countersigned by the secretary, and communicated to the mayor. Should the chairman of the respective session be unable to sign, or refuse to sign, the decisions shall be signed by one of the councillors present.

(2) Normative decisions shall become obligatory after the date of their public announcement, and the individual ones, after the date of their communication.

(3) The public announcement of normative decisions shall be made only after expiry of the term within which the prefect may exercise his way of challenge before the Administrative Disputed Claims Court or after the interlocutory judgement rejecting the prefect’s action at law shall have remained final.

(4) In territorial-administrative units where national minorities represent a significant share, the decisions shall be announced publicly to the citizens in their language, too.

Art. 30. – (1) A councillor cannot participate in the deliberation and adoption of decisions, if he or she, either personally or by spouse, in-law, or relatives up to the fourth degree inclusive, has a patrimonial interest in the matter submitted for debate to the council.

(2) Decisions taken by a local council with violation of the provisions of paragraph (1) may be vacated, under the terms of the law.

Art. 31. – The problems placed on the agenda of a session of the local council cannot, as a rule, be debated, unless they are accompanied by a specialized report of the competent division from the council’s own machinery, which shall be elaborated within 50 days after the initiator’s request, as well as by the advice of the council’s specialized commission.

Art. 32. – (1) The councillors shall be jointly and severally liable for the activity of the local council of which they are members, and for its decisions, which they have voted. Likewise, each councillor is liable for his or her own activity carried on in the exercise of the mandate.

(2) At the councillors’ request, their vote shall be recorded in the minutes of the session.

Art. 33. – (1) A local council can be dissolved, if it should have repeatedly adopted decisions that were irrevocably vacated by a Court on the grounds of having
run counter to the general interests of the State, or violated the Constitution and laws of the country.

(2) The dissolution of the council shall be made by a decision of the Government, on the prefect’s motivated proposal, based on final decisions of a court. The decision and the motives on which its issue was based shall be brought to the notice of members of the council by the prefect, within 5 days after its publication in the “Monitorul Oficial” (Official Gazette of Romania).

(3) The councillors may challenge the dissolution decision at the Administrative Disputed Claims Court within 10 days after the date when it was brought to their notice according to paragraph (2). In this case, the preliminary procedure provided under the law shall no longer be carried out. The institution of proceedings shall suspend the execution of the measure of dissolution.

(4) The date for the organization of the election of the new local council shall be established by the Government, at the proposal of the prefect, within 50 days after expiry of the term provided under paragraph (3) or after the interlocutory judgement rejecting the councillors’ action at law remained final.

(5) Until the setting up of the new council the mayor shall solve the current problems of the commune or town.

Art. 34. – (1) In the exercise of their office, the councillors shall be in the service of the local community, and benefit by the protection of the law.

(2) On receiving a motivated notification from a Court or from the public prosecutor’s office, and only under these conditions, the prefect may issue and order suspension of a councillor from office, against whom proceedings were instituted for having committed, with premeditation, a criminal offence, as well as in the case the penal action was set in motion, if he or she is remanded in custody.

(3) The suspension shall last until the cause shall be finally settled, except the case when the Public Prosecutor’s Office or the Court should have requested an earlier removal of this measure. The suspension order shall be forthwith communicated to the councillor.

(4) Against the suspension order, the councillor may go to law in the terms under the Law on administrative disputed claims, within 10 days after having been informed.

Art. 35. – (1) The prefect, the chairman of the county council and their representatives, parliamentarians as well as people invited by the local council, whose presence is considered useful, may participate in the proceedings of the local council, without the right to vote.

(2) The citizens of villages and hamlets that have no elected councillors in the local councils shall be represented in sessions by a village delegate. The village delegate shall be elected for the period of a mandate of the local council by a village assembly, consisting of a representative of each family, carried out in the presence of the mayor or vice-mayor. At the discussion of problems with regard to the respective villages, the village delegates shall be compulsorily invited. Their vote bears a consultative character.

Art. 36. – (1) After their setting up, the local councils shall organize specialized committees, in the principal domains of activity.

(2) Councillors only can be members of the specialized committees.

(3) The specialized committees shall elect a chairman and a secretary.

(4) The specialized committees shall advise the draft decisions in their domains of activity.

(5) The specialized committees shall work in plenum and take decisions by a majority of votes from the number of their members.

(6) The organization, functioning, powers and duties of the specialized committees shall be established by the standing orders of the local council.

CHAPTER III

The mayor

Art. 37. – (1) The communes, towns, and municipalities shall have one mayor and one vice-mayor each; the county municipalities and the sectors of the
The mayor’s mandate shall cease before the term of office in case of demise; resignation; incompatibility; change of residence in another territorial-administrative unit; impossibility of exercising it over a period greater than 6 months; in case that, by a judicial decision which remained final after validation of the mandate, it was found that the election had been won by electoral fraud, or by any other violation of the Law on local elections; in case of laying under interdiction for mental debility or alienation of the mind, or in case of disfranchisement.

In the situations provided under paragraph (2), the local council shall adopt a decision by which it takes cognizance of the cessation of the mayor’s mandate, and declares this office vacant.

In case of resignation, until the local council shall adopt the decision provided under paragraph (3), the mayor may go back on the resignation.

(1) The mayor may be dismissed from office on the grounds provided under Article 33 paragraph (1), which shall be correspondingly applied, if the deeds incriminated were issued with ill-faith.

(2) The mayor’s dismissal, based on a Court’s final decision, shall be made by a Government decision, on the motivated proposal of the prefect. The decision and the motives on which its issue was based shall be made known to the mayor by the prefect, within 5 days after the publication of the decision in the “Monitorul Oficial” (Official Gazette of Romania).

(3) The dismissal decision may be challenged by the mayor at the Administrative Disputed Claims Court, within 10 days after the date of informing him of it, according to paragraph (2). In this case, the preliminary procedure provided under the law shall no longer be carried out. The taking of legal action shall suspend the execution of the measure of dismissal.

(1) The mayor and the mayor-general of the capital city shall be heads of the local public administration, and shall be answerable to the council for its good functioning.

(2) The mayor’s mandate shall be of 4 years and exercised until the newly elected mayor takes the oath. In time of war or catastrophe, the mayor’s mandate may be extended by an organic law.
(2) The mayor shall represent the commune or town in its relations with natural or legal persons from the homeland and from abroad as well as in courts.

(3) The mayor’s distinctive sign is a scarf in the colours of the national flag.

(4) The mayor shall compulsorily wear this scarf at solemn meetings, receptions, public ceremonies, and at marriage celebrations.

(5) The pattern of this scarf shall be established by Government decision.

Art. 45. — (1) In carrying out the duties of tutorial authority and of registrar, the tasks incumbent on the statutory orders regarding the census, the organizing and development of the elections, the taking of measures for civil protection, as well as other tasks established by law, the mayor also acts as representative of the state in the commune or town in which he had been elected.

(2) In this capacity, the mayor may request, through the prefect, under the terms of the law, the support of the heads of the decentralized public services of the ministries and of other central bodies from the administrative-territorial units, if the tasks incumbent on him cannot be solved by his own specialized apparatus.

(3) In the case in which the mayor does not carry out, or carries out in an unsatisfactory way one or more of his duties in which he acts as representative of the state, except for those referring to the organizing and development of the elections, the prefect proposes, justifiably, to the Government, through the Department for local public administration, the measure of suspending the carrying out of those duties. The Government shall approve, by decision, the measure and the duration of the suspension. Until the ceasing of the suspension, these duties shall be carried out by a representative of the state, appointed by order of the prefect. (As per G.E.O. No. 107/1999).

Art. 44. — (1) The mayor shall exercise the principal powers set out below. He or she shall:

a) ensure the observation of the citizens’ human rights and fundamental freedoms, of the provisions of the Constitution and of the country’s laws, of the decrees of Romania’s President, of the Government’s decisions, of the documents issued by the ministries and other authorities of the central public administration, and of the county council’s decisions;

b) ensure the execution of the local council’s decisions and, in case that one of its decisions is considered to be illegal, to inform the prefect within 3 days after being apprised;

c) propose to the local council a consultation of the population, by referendum, with regard to local problems of particular interest, and, on the basis of the council’s decision, take measures for organizing this consultation;

d) submit to the council, annually or whenever necessary, reports with regard to the economic and social state of the commune or town;

e) draw up the draft of the local budget and the closing account of the financial year, submitting them to the council’s approval;

f) exercise the rights and ensure the fulfilment of the obligations that are incumbent upon the commune or town as legal civil persons;

g) exercise the office of main official person entitled to authorize expenditure from the budgetary credits;

h) verify, ex officio or on request, receipts and expenditure of sums of money from the local budget and communicate the findings forthwith to the council;

i) take measures for the prevention and limitation of the consequences of calamities, catastrophes, fires, epidemics or epizootics, together with the State’s specialized bodies, also mobilizing to this end the population, business organizations and public institutions from the commune or town, that shall be obliged to comply with the summons, under the terms of the law;

j) ensure law and order and the inhabitant’s freedom from disturbance, with the support of the public watchmen corps, police, and the gendarmerie, firemen, and civil defence authorities, that shall be obliged to comply with the summons, under the terms of the law;

k) guide and supervise the activity of public watchmen, in keeping with contract arrangements;
l) take the measures provided under the law with regard to the carrying on of public meetings;

m) take measures of prohibition or suspension of shows, performances, or other public manifestations which contravene the established order, or infringe upon the good morals, public law and order and peacefulness;

n) supervise the hygiene and salubrity of public premises and of food and provisions for sale to the population, with the support of specialized bodies;

o) take measures for the prevention and control of dangers caused by animals;

p) ensure the elaboration of the local urbanism regulations, and of the urbanism and territorial planning documentations and submit them to the approval of the local council, abiding by the provisions under the law;

q) ensure the maintenance in good condition of the public roads in the commune or town, the fixing of road signs, the normal unrolling of the road and pedestrian traffic;

r) manage the local public services; ensure the functioning of the civil status services and of the tutorial authority; supervise the achievement of the measures of social aid and assistance;

s) perform the office of registrar;

t) elaborate the draft statute of the staff, propose the organizational structure, the number of employees and their wages, and submit these documents for approval to the local council;

u) appoint to and dismiss from office the personnel from the local council’s own machinery, except the secretary; propose to the local council the dismissal from office of the managers of business organizations and of public institutions of local interest that are under the authority of the respective local council;

v) supervise the activity of the personnel from the local council’s own machinery;

y) supervise the administration and the drawing up of an inventory of the assets belonging to the commune or town.

(2) The mayor shall exercise other powers, too, provided under the law or assigned by the local council.

Art. 45. — Quarterly or at the local council’s request, the mayor shall provide information on the execution of the decisions adopted by the council.

Art. 46. — (1) The mayor may delegate to the vice-mayors, by written order issued within 30 days after validation, the exercise of some of the powers incumbent upon him or her according to Article 44, pre-eminently those provided under letters k), n), r), s), and y), except those provided under letters a) to g), i), j), l), m), and t).

(2) The powers of registrar of births, marriages, and deaths may be delegated to the vice-mayor or other officers with experience in this domain.

(3) Powers incumbent upon the mayor, according to Article 43 paragraph (1), except those of registrar of births, marriages, and deaths, cannot be delegated.

Art. 47. — (1) The vice-mayor shall be elected by the secret vote of a majority of the councillors in office. The vice-mayor shall preserve his or her capacity of councillor. The duration of a vice-mayor’s mandate is equal to that of the local council’s mandate. The provisions under Article 40 paragraphs (2) and (3) shall apply correspondingly.

(2) The vice-mayor’s dismissal shall be ordered by the local council, at the proposal of a third of the number of councillors, by a decision adopted by a two-thirds majority from the number of councillors in office. The provisions under Article 41 paragraph (3) shall apply correspondingly.

Art. 48. — (1) In the exercise of the office’s powers, the mayor shall issue orders. These shall become enforceable after the people involved are duly informed.

(2) The mayor shall ascertain infringements of the law and take the legal measures to remove them, or to inform the competent bodies, as the case may be.

(3) The provisions under Article 29 paragraph (4) shall apply adequately.
Art. 49. — (1) In the exercise of the office, the mayor shall be under the protection of the law.

(2) The prefect may order the mayor’s suspension from office in cases of impeachment for having wilfully committed a criminal offence as well as in the situation when criminal proceedings were started, if he or she is remanded in custody.

(3) The suspension may be ordered only at the motivated request of a Court or of the Public Prosecutor’s Office.

(4) The suspension shall last until the cause is finally solved, except the case when the Public Prosecutor’s Office or the Court requested this measure to be abolished earlier.

(5) The suspension order shall be forthwith communicated to the mayor. Against the suspension order, the mayor may address a Court under the terms of the Law on administrative disputed claims, within 10 days after being apprised.

(6) The mayor suspended from office, if found not guilty, shall be entitled to damages, under the terms of the law.

(7) The provisions under the present article shall correspondingly apply to the vice-mayors, their suspension being ordered by a decision of the local council, adopted by a majority vote of the councillors in office.

Art. 50. — (1) In case of vacancy of the mayor’s office as well as in case of the mayor’s suspension from office, the mayor’s powers shall be exercised, de jure, by the vice-mayor, until validation of the new mayor’s mandate, or cessation of the suspension, as the case may be.

(2) In the situation provided under paragraph (1), the local council shall, by decision, delegate a councillor from among its members, to exercise the vice-mayor’s powers provisionally.

(3) In the situation in which both the mayor and the vice-mayor should be suspended from office at the same time, the local council shall delegate a councillor to exercise the powers of both the mayor and the vice-mayor, until the suspension shall have ceased.

(4) If both the mayor’s office and that of the vice-mayor should become vacant simultaneously, the local council shall elect a new vice-mayor, the provisions under paragraphs (1) and (2) applying until the election of a new mayor. The Government shall establish the date for the election of the new mayor within 50 days after the date when the two offices became vacant.

CHAPTER IV
The secretary and the local public services

Section 1
The secretary

Art. 51. — Each commune, town, and territorial-administrative subdivision of a municipality shall have a secretary whose wages shall be paid from the local budget. The secretary shall be a public clerk with a higher law or administrative education. By way of exception, in communes and towns with less than 30,000 inhabitants, people with other higher education, or only with a high school diploma may be appointed to the secretary’s office. The secretary may not be a member of a political party or grouping under sanction of dismissal from office.

Art. 52. — (1) The appointment of the secretary shall be made by the prefect on the basis of the local council’s proposals, at the mayor’s initiative, by competition or examination.

(2) The competition or examination shall be organized by the mayor, according to the law, within 45 days after the day when the office became vacant. One representative each of the prefect, of the county council’s chairman, and of the respective local council shall compulsorily participate in the competition or examination committee. The appointment order shall be issued within no more than 10 days after the proposal was received.

(3) The secretary shall enjoy stability in office and submit to the rules included in the public servant’s statute.

(4) The dismissal from office of the secretary shall be made by the prefect, only at the proposal of the local
council, adopted by the vote of at least two-thirds of the number of councillors in office, at the mayor’s initiative or that of one third of the number of councillors.

(5) The disciplinary sanctioning of the secretary shall be made by the prefect, at the mayor’s proposal or that of the local council, under the terms of the law.

Art. 55. – (1) The secretary shall exercise, under the terms of the law, the principal powers set out below. He or she shall:

a) participate in the sessions of the local council;

b) ensure the good functioning of the departments and activities with a juridical character from the framework of the local council’s own machinery;

c) advise the draft decisions of the local council, assuming responsibility for their legality;

d) receive and distribute the mail, following up the reply in due time;

e) ensure that the secretarial work is carried out;

f) ensure the convening of the local council;

(g) prepare the papers submitted to the debates of the local council;

h) communicate and forward the deeds issued by the local council or by the mayor to the authorities and people concerned, within 10 days, unless otherwise laid down by law;

i) ensure that the public be informed of the decisions and orders of general interest;

j) deliver extracts or copies of any document from the council’s archives, excepting those which have a secret character established under the law as well as copies of certificates of birth, marriage, or death;

k) certify signatures and confirm the authenticity of copies with the original deeds, except those which are issued by central public authorities;

l) ensure the functioning of the departments of the registrar of births, marriages, and deaths, of the tutorial authority, and of the social protection authority;

m) keep in touch with the cult organizations from the territorial-administrative unit, and make proposals to the mayor or to the local council for solving the problems linked to their good functioning.

(2) The secretary shall also fulfill other tasks provided by the law, or entrusted to him or her by the local council or by the mayor.

Section 2

Public services of the commune, of the town, and of the local council’s own machinery

Art. 54. – The public services of the commune or town shall be organized by the local council, in the principal domains of activity, according to the local character and needs, with observance of the legal provisions, and within the limits of the financial means available to the council.

Art. 55. – (1) The appointment to and dismissal from office of the personnel from the public services of the commune or town shall be made by the heads of the respective services, under the terms of the law.

(2) The appointment to and dismissal from office of the personnel from the local council’s own machinery shall be made by the mayor, under the terms of the law.

(3) By a motivated recommendation, the local council may suggest to the mayor the dismissal from office of the department heads from its own machinery.

Art. 56. – The local council shall approve the regulations of organization and functioning of its own machinery, establish the competences and powers of the personnel, under the terms provided by law.

Art. 57. – (1) The conditions with regard to the appointment, hiring, promotion, sanctioning, and dismissal from office, the rights and obligations of the personnel from the public services of the commune and of the town as well as of the personnel from the local council’s own machinery shall be established by the law and by rules and regulations.

(2) The employees from the local council’s own machinery shall enjoy stability in office and be submitted to the provisions of the statute of public servants.
ART. 58. — (1) In the relations between citizens and the authorities of the local public administration the language used shall be Romanian.

(2) Citizens belonging to the national minorities, in their relations with the authorities of the local public administration and with their machinery, may address themselves orally or in writing in their mother tongue, too.

(3) Petitions presented in writing shall be accompanied by their translations into Romanian.

(4) In case the representative of the public authority or its employee should not know the language of the respective minority, the services of an interpreter shall be used.

ART. 59. — The mayor, vice-mayor, secretary of the commune, town, or municipality, together with the local council’s own machinery shall constitute the mayoralty of the commune, town, or municipality, a public institution with permanent activity, which shall implement effectively the decisions of the local council and solve the daily problems of the local community in which it functions.

CHAPTER V
The county council

SECTION 1
Composition and constitution of the county council

ART. 60. — (1) The county council shall be the authority of the county public administration.

(2) The county council shall be composed of councillors elected under the conditions of the Law on local elections.

ART. 61. — The number of councillors of each county council shall be established by order of the prefect, in relation of the number of the county’s population, reported by the National Statistics Committee on the 1st of January of the current year, or on the 1st of July of the year preceding the elections, as the case may be, as shown in the following table:

<table>
<thead>
<tr>
<th>Number of inhabitants of the county</th>
<th>Number of councillors</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to 350,000</td>
<td>37</td>
</tr>
<tr>
<td>from 350,001 to 500,000</td>
<td>39</td>
</tr>
<tr>
<td>from 500,001 to 650,000</td>
<td>41</td>
</tr>
<tr>
<td>over 650,000</td>
<td>45</td>
</tr>
</tbody>
</table>

ART. 62. — When the county council is set up, the provisions of articles 15—19 and 36 shall apply correspondingly.

SECTION 2
Powers of the county council

ART. 63. — (1) The county council shall be the county’s public administration authority for the co-ordination of the communal and town councils’ activity, with a view to the achievement of the public services of county interest, and in this sense it shall exercise the following principal powers, namely:

a) to co-ordinate the activity of the local councils, with a view to providing the public services of county interest;

b) to organize and manage the county public services, and to approve their functioning rules and regulations;

c) to grant technical, legal, and any other kind of aid and support to the local councils and their own machinery, and to the public services of the communes and towns, at their request;

d) to examine the proposals made by the communes and towns with a view to the elaboration of economic prognoses or for the reclamation of derelict land and protection of the environment;

e) to adopt programmes and prognoses for the county’s economic and social development, and to follow up their implementation;

f) to adopt the county’s own budget, and the closing account of the financial year;

g) to establish the general guidelines with regard to the county’s urbanistic organization and development as well as the territorial planning;

h) to manage the county’s private and public domain;
(2) The county council shall exercise other powers established by law, too.

Section 3

Functioning of the county council

Art. 64. – (1) The county council shall be elected for a mandate of 4 years, which may be extended, by an organic law, in case of war or catastrophe.

(2) The county council shall exercise its mandate after the date of its setting up, and until the newly elected council shall be declared legally elected.

Art. 65. – (1) The county council shall assemble in ordinary sessions, once every two months.

(2) The county council may assemble in extraordinary sessions whenever necessary, at the request of its chairman, or of at least one third of its members, or that of the standing delegation.

(3) The convening of the county council shall be made by its chairman, at least 10 days before ordinary sessions, or at least 3 days before extraordinary sessions.

(4) The provisions under Article 24, Article 25, and Article 27 shall apply correspondingly.

(5) The convening shall be made in writing and recorded in the minutes of the session. The invitation to the session shall state precisely the agenda, the date and the place where it takes place.

Art. 66. – In the exercise of its powers, the county council shall adopt decisions. The decisions shall be signed by the chairman of the county council or by the vice-chairman who chaired the session, and it shall be countersigned by the secretary.

Art. 67. – (1) From among its members, for the duration of the mandate, the county council shall elect a chairman and 2 vice-chairmen of the council, and 4 or 6 councillors, with the observation as much as possible of the council’s political configuration, who, together, shall form the standing delegation.
(2) The chairman and vice-chairmen of the county council shall be chairman and vice-chairmen of the standing delegation, too.

(3) The chairman and vice-chairmen of the county council shall be elected by a majority of votes from the number of councillors in office.

(4) The dismissal from office of the chairman and of the vice-chairmen can be made by the county council, at the proposal of at least one third of the number of councillors, if the requirements provided by law for the dismissal of the mayor are met, and only by a two-thirds majority of votes from the number of councillors in office.

(5) Over the duration of the exercise of the mandate, the labour contract of the chairman and vice-chairmen of the county council with public institutions, Government-owned corporations, and trading companies with majority state capital shall be suspended.

Art. 68. – (1) The standing delegation of the county council, constituted as provided under Article 67, shall exercise the principal powers set out in the following; it shall:

a) draw up the agenda of the council’s session;

b) examine the draft decisions that shall be submitted to the council for debate and adoption, and ensure their substantiation;

c) prepare the unfolding under good conditions of the proceedings of the council’s sessions, ensuring the adequate elaboration of all documents submitted for debates;

d) propose to the chairman the convocation of the extraordinary sessions;

e) submit to the council’s approval its functioning regulations;

f) establish the necessary measures for the implementation of the county council’s decisions, and periodically examine the stage of their accomplishment.

(2) The standing delegations shall exercise any other powers established by law or by the county council’s functioning regulations, elaborated and approved with the observance of the legal rules.

(5) The standing delegation’s organization and functioning mode shall be established through the council’s functioning regulations.

(4) The secretary of the county shall be secretary of the standing delegation, too.

Art. 69. – The prefect or the prefect’s representative may attend the sessions of the standing delegation.

Art. 70. – (1) The chairman of the county council shall be head of the county public administration, and shall answer for the good functioning of the specialized departments from the county council’s own machinery as well as of the business organizations under the council’s authority.

(2) The chairman of the county council shall represent the county in relations with the other public authorities, with natural and legal persons from the homeland and from abroad as well as in courts of justice.

(3) The county council’s own machinery shall be subordinated to its chairman.

Art. 71. – (1) The chairman of the county council shall exercise, under the terms of the law, the following principal powers. He or she shall:

a) chair the sessions of the county council and of the standing delegation;

b) ensure the execution of the county council’s decisions;

c) lend support to the activity of institutions and Government-owned corporations of county interest;

d) exercise the powers incumbent upon the county as a legal person;

f) draw up the draft of the county's own budget and the closing account of the financial year, and submit them to the council for approval;

g) appoint to and dismiss from office and sanction the personnel from the county council’s own machinery, under the terms of the law;

h) submit to the council, yearly or whenever necessary, reports with regard to the county administration’s
activity and the state of the county as well as with regard to the county's social and economic state;

(2) The chairman of the county council shall exercise other powers, too, provided by law or entrusted to him by the county council.

Art. 72. – The chairman of the county council shall issue orders with an individual character, which shall become executory after the interested persons were apprised.

Art. 73. – (1) Every county and the municipality of Bucharest shall have a secretary, whose wages shall be paid from the budget of the county, respectively of the municipality of Bucharest. The secretary shall be a public servant and shall have a higher education in law or administrative sciences. The secretary may not be a member of a political party or grouping, under sanction of dismissal from office.

(2) The secretary's appointment shall be made by the Department for Local Public Administration, at the proposal of the county council, on its chairman's initiative, respectively that of the mayor-general of the municipality of Bucharest.

(3) The appointment shall be made on the grounds of an examination or competition organized, according to the law, by the chairman of the county council, respectively by the mayor-general of the municipality of Bucharest, within 45 days after the date when the office became vacant. A representative of the Department for Local Public Administration shall compulsorily be a member of the examination or competition commission.

(4) The appointment order shall be issued within no more than 10 days after the proposal was received.

(5) The dismissal from office as well as the disciplinary sanctioning of the county secretary shall be made by the Department for Local Public Administration, only at the proposal of the county council, adopted by the vote of at least two-thirds of the number of councillors in office, at its chairman's initiative, or that of a third of the number of councillors.

(6) The provisions of the present law with regard to the secretary of the commune or town shall be correspondingly applicable to the county secretary, too.

(7) The secretary of the county and the secretary of the municipality of Bucharest shall exercise the powers incumbent, according to the law, on the county and on the municipality of Bucharest in the domains of the civil status, the tutorial authority and the minors' protection, co-ordinating the specialized departments from the machinery of the county council, or of the General Council of the Municipality of Bucharest, as the case may be, in whose field of activity these powers are included.

Art. 74. – (1) The provisions of the present law with regard to the organization and functioning of the local councils as well as those with regard to the mayor, except those referring to powers, shall correspondingly apply to the county council and its chairman.

(2) The dissolution de jure of the county council, in case it should not have assembled for 6 months consecutively as well as when the number of councillors shall have been reduced to less than one half plus one and it could not be completed by candidates from the list, shall be communicated to the prefect and to the Government by the county secretary. After the necessary verifications shall be carried out, the Government shall issue a decision officially acknowledging the dissolution of the county council.

(3) The provisions under Article 24 paragraphs (5) and (6) shall apply correspondingly.

(4) Over the period in which the county council shall be dissolved or could not be constituted according to the law, the current problems in its chairman's competence shall be solved by a commissioner appointed by the Government, having the status of a public servant.

CHAPTER VI
Public administration of the municipality of Bucharest

Art. 75. – The sectors of the municipality of Bucharest shall be organized as its territorial-administrative subdivisions.
Art. 76. — The public administration of the municipality of Bucharest shall be achieved by the local councils of the sectors of the municipality of Bucharest and the General Council of the Municipality of Bucharest, as deliberating authorities as well as by the mayors of the sectors of the municipality of Bucharest, and the mayor-general of the municipality of Bucharest as executive authorities, elected under the terms of the Law on local elections.

Art. 77. — (1) The local councils of the sectors of the municipality of Bucharest shall function under the terms provided in the present law for the local councils of the communes and towns and shall exercise the powers provided for them, except those under Article 20 paragraph (2) letters b), c), f), m), u), v) and x). The budgets of the territorial-administrative subdivisions of the municipality of Bucharest shall be approved by their local councils, with the agreement of the General Council of the Municipality of Bucharest. The powers provided under Article 20 paragraph (2) letters g), h), i), j), k), and s) shall be exercised by the local councils of the sectors on the grounds of a decision of the General Council of the Municipality of Bucharest only.

(2) The General Council of the Municipality of Bucharest shall be elected, constituted, and function under the terms of the provisions of the present law and of the Law on local elections for local councils, which shall apply correspondingly.

(3) The mayor and vice-mayors of the sectors of the municipality of Bucharest shall function under the terms provided in the present law for the mayors and vice-mayors of the communes and towns, and shall exercise the powers established under the present law for the mayors and vice-mayors of the communes and towns, except those provided under Article 44 paragraph (1) letters c), l) and m), which shall be exercised only by the mayor-general of the municipality of Bucharest.

(4) The decisions of the General Council of the Municipality of Bucharest and the orders of the mayor-general of the municipality of Bucharest shall be obligatory for the authorities of the public administration organized in the sectors of the municipality of Bucharest, too.

(5) The mayor-general of the municipality of Bucharest together with the mayors of the sectors of the municipality of Bucharest shall assemble at least once monthly, at the convening of the mayor-general, to examine the way in which the decisions of the General Council of the Municipality of Bucharest and the orders of the mayor-general of the municipality of Bucharest are implemented, taking adequate measures. The prefect of the municipality of Bucharest shall participate in the session, too.

(6) The General Council of the Municipality of Bucharest, the mayor-general and the vice-mayors of the municipality of Bucharest shall exercise the powers provided by the law for the local councils, for the mayors and vice-mayors of the communes and towns, which shall apply correspondingly.

(7) The provisions under articles 79 to 105, 123 and 124 of the present law shall apply to the authorities provided under paragraphs (1) and (2), too.

Art. 78. — The provisions under articles 106 to 121 with regard to the prefect of the county, and the Administrative Committee shall also apply correspondingly to the prefect of the municipality of Bucharest, and to the Administrative Committee organized as part of the prefecture.

CHAPTER VII
Assets and works

Section 1
Administration of assets

Art. 79. — The patrimony of the territorial-administrative unit shall consist of the movable and immovable assets of local interest, belonging to the public domain or to its private domain as well as of the rights and obligations of a patrimonial nature.
Art. 80. — All assets which according to the law or by their nature are affected to a public utility, are of public use or interest, and were not declared of national interest, shall belong to the public domain of local or county interest. The assets of the public domain of local or county interest shall include the grounds on which constructions of local or county public interest are located, markets, street networks, public parks, buildings and monuments of local or county public interest, woods and lakes which, according to the law, do not belong to the public domain of national interest. Other assets acquired by the commune, town, or county, under the terms of the law, may belong to the public domain of local or county interest, too.

Art. 81. — The private domain of territorial-administrative units shall consist of movable and immovable assets — other than those provided under Article 80 — existing or entered into their property by the ways and means provided under the law.

Art. 82. — (1) The assets belonging to the public domain shall be inalienable, imprescriptible, and undistrainable.

(2) The private domain shall be submitted to the provisions of the common law, unless the law provides otherwise.

(5) Donations and legacy assets with burdens may be accepted only with the approval of the local council, or of the county council, as the case may be, by a two-thirds majority of votes from the number of its members.

Art. 83. — All the assets belonging to the territorial-administrative units shall be submitted to an annual inventory. A report on the situation of the assets shall be presented to the local and county councils annually.

Art. 84. — (1) The local and county councils shall decide whether the assets belonging to the public or private domain, of local or county interest, as the case may be, shall be given to the management of Government-owned corporations or of public institutions, or be rented or leased. Likewise, they shall decide upon the buying and selling of assets of local or county interest, belonging to the private domain, under the terms of the law.

(2) The sale, renting, leasing, or management tenancy agreement shall be made by public auction, organized under the terms of the law.

(3) The alienation of assets belonging to the private domain of the communes, towns, or counties, the exchanges of grounds, the delimitation or partition of buildings in jointly-held property with the private domain, the renunciation to rights or acknowledgement of rights in favour of third parties shall be made on the basis of an expert appraisal appropriated by the council.

Art. 85. — The local and county councils may enter into contracts for works and services of public utility, under the terms of the law, within the limits of the local and county budgetary appropriations, or of the public list achieved, as the case may be.

Art. 86. — The local and county councils may release for free use and for a limited period of time, buildings from their patrimony to companies and institutions of charitable or public utility, recognized as legal persons, for the purpose of carrying out activities meeting the needs of the commune, town or county's inhabitants.

Section 2

Public works

Art. 87. — Construction or repair works of public interest shall be carried out on the territory of communes, towns, municipalites, and counties only on the basis of technical and economic documentations advised or approved, as the case may be, by the local or county council, according to the law.

Art. 88. — Documentations of town and territorial planning, regarding the commune, town, or county shall be elaborated, examined, and approved in accordance with the provisions under the law.

Art. 89. — The works approved shall be assigned for execution, on the basis of an auction organized under the terms of the law and with the strict observation of the technical and economic documentations approved.
Art. 90. — The local and the county councils may decide upon the setting up, under the terms of the law, of trading companies, associations and agencies, and may organize other activities, for the purpose of the execution of certain works of local interest, with registered capital constituted by the contribution of the councils and of other legal and natural persons.

CHAPTER VIII*
Administration of public finances

CHAPTER IX
The prefect

Section 1
The county prefect and the prefect of the municipality of Bucharest

Art. 106. — (1) The Government shall appoint a prefect, as its representative, in each county and in the municipality of Bucharest. 
(2) The prefect shall be assisted by a sub-prefect. In the municipality of Bucharest, the prefect shall be assisted by two sub-prefects. 
(3) The appointment to and dismissal from office of the prefects and of the sub-prefects shall be made by a decision of the Government. 
(4) In order to be appointed to office, the prefect and sub-prefect must hold a degree from a higher education institute and be at least thirty years of age. 
(5) Over the whole duration of the office of prefect and of sub-prefect, their labour contract with public institutions or with business organizations with majority state capital shall be suspended.

Art. 107. — The prefect and sub-prefect cannot be deputies or senators, members of the county council or of local councils, or mayors, and cannot hold an office of professional representation of a national character, another public office or a paid professional activity or office within the framework of Government-owned corporations, trading companies, or any profit-making organizations or units.

Art. 108. — (1) As representative of the Government, the prefect shall supervise the activity of the local and of the county councils and of the mayors, in order that it be carried out according to the law. 
(2) Between the prefects, on the one hand, and the local councils, county councils, and mayors, on the other hand, there shall be no relations of subordination.

Art. 109. — The prefect shall control the decentralized public services of the ministries and of the other central bodies from the territorial-administrative units.

Art. 110. — (1) The prefect, as a representative of the Government, shall exercise the following principal powers; he or she shall:
   a) ensure the achievement of the national interests, and the observation of public law and order; 
   b) exercise control with regard to the legality of administrative deeds of the local and the county public authorities; 
   c) advise the appointment to or dismissal from office of the heads of the decentralized public services of the ministries and of the other central bodies from the territorial-administrative units; 
   d) order adequate measures to be taken by the legally constituted bodies for the prevention of violations of the law and for the protection of the citizens’ rights; 
   e) answer, under the terms of the law, for the preparation and fulfillment of the defence measures that have no military character; the military authorities and the local bodies of the Ministry of the Interior shall have the obligation to inform the prefect on any problem that may be important to the county; 
   f) submit to the Government an annual report on the general economic, social, cultural, and administrative state of the county, the achievement of the governing programme inclusive. 
(2) The prefect shall discharge other powers provided by law or tasks assigned by the Government, too.
Art. 111. – (1) In exercising control with regard to the legality of the deeds of the local and of the county public administration authorities, the prefect may challenge in front of the Administrative Disputed Claims Court their deeds as well as those of the chairman of the county council, except those of current management, if considered unlawful. Deeds thus challenged shall be suspended de jure.

(2) Ten days before instituting proceedings, the prefect shall solicit the local and the county public administration authorities, with the necessary motivation, to re-examine the deed considered unlawful, with a view to its modification or cancellation as the case may be.

(3) The institution of proceedings by the prefect shall be made within 50 days after communication of the deed, according to the provisions under Article 53 paragraph (1) letter (h). The term of 50 days shall be a term of prescription. The lawsuit shall be exempt from stamp duty.

Art. 112. – The prefect shall present to the county council or to the General Council of the Municipality of Bucharest an annual information with regard to the activity developed by the decentralized public services of the ministries and of the other central bodies organized in the county and in the municipality of Bucharest.

Art. 113. – (1) In order to carry out the powers of the office, the prefect shall issue orders, under the terms of the law.

(2) Orders establishing measures with a technical and specialized character shall be issued after consultation of the specialized bodies or services, and shall be countersigned by their heads.

Art. 114. – The prefect’s orders shall become executory only after they have been announced to the public by posting up and publication, when they refer to normative provisions, or after the date of their communication in all the other cases.

Art. 115. – (1) The prefecture shall dispose of a specialized technical staff whose structure and powers shall be established by a decision of the Government.

(2) The prefect, sub-prefect, and their own machinery shall deploy their activity in a prefecture. The prefecture and, if such be the case, the county council together with its own machinery shall have their seat in the Administrative Palace, a public property of national interest situated in the county residence municipality.

(3) People from the prefecture’s own machinery, and, respectively, that of the county council shall be subject to the regulations included in the statute of public servants.

Section 2

The Administrative Committee

Art. 116. – (1) In each county and in the municipality of Bucharest there shall be organized an Administrative Committee as part of the prefecture.

(2) The Administrative Committee shall be composed of the prefect – as chairman –, the chairman of the county council, or the mayor-general of the municipality of Bucharest, as the case may be, the mayor of the county residence municipality, and the heads of the decentralized public services of the ministries and of the other central bodies organized at county level and at that of the municipality of Bucharest as well as the directors of the branch offices of the Government-owned corporations of national interest from the respective counties.

Art. 117. – The Administrative Committee shall be called together by the prefect, on his or her own initiative, or at the request of the county council’s chairman, respectively of that of the mayor-general of the municipality of Bucharest, quarterly or whenever it is necessary. In the proceedings of the committee there shall be invited to participate the mayors of the localities from the county as well as any other people whose presence shall be deemed necessary.

Art. 118. – (1) The Administrative Committee shall draw up, annually, on the grounds of the governing programme, the county’s own programme, or that of the municipality of Bucharest, which it shall communicate to the decentralized public services of the ministries and of the other central bodies of the territorial-administrative
CHAPTER X
Transitory and final provisions

Art. 123. — (1) In the exercise of their mandate, the local and the county councillors as well as the mayors and vice-mayors shall be in the service of the local community.

(2) The local and the county councillors, mayors and vice-mayors shall enjoy the protection granted by the law on the statute of locally elected officials.

Art. 124. — (1) The mayors and vice-mayors, the mayor-general of the municipality of Bucharest, the chairmen and vice-chairmen of the county councils, the councillors, secretaries, and personnel from the county and the local councils' own machinery shall be accountable materially, or under the civil, administrative, respectively criminal law, as the case may be, for the deeds committed in the exercise of their powers, under the terms of the law.

(2) The provisions under paragraph (1) shall apply to the prefects, sub-prefects and personnel from the prefectures' own machinery, too.

Art. 125. — The prefect, sub-prefect, chairman and vice-chairmen of the county council, the mayor-general of the municipality of Bucharest, the mayors and vice-mayors may not be representatives of the State in general shareholders' meetings from trading companies with majority state capital and may not be members of the managing boards of Government-owned corporations.

Art. 126. — (1) From the date of coming into force of the present law and until the new administrative-territorial organization of the country, the Ilfov Agricultural Sector shall have the statute of county, with the name of Ilfov County and the chief town in the municipality of Bucharest.

(2) The decentralized public services of the ministries and of the other central bodies pertaining to Ilfov County, shall be organized and shall operate according to the law. (As per Law No. 50/1997).

Art. 127. — The deduction and passage into the property of the communes, towns, or counties, as the case may be, of assets and valuables of local interest from the

units, the Government-owned corporations of national interest and their branches from the respective county as well as to the local and county public administration authorities, as for information.

(2) The Administrative Committee shall lend support to the decentralized public services of the ministries and of the other central bodies organized at county level or at that of the municipality of Bucharest, to the activity of the Government-owned corporations of national interest or to their branches with activities in the county's territory as well as to those of the county public administration.

Art. 119. — (1) In its activity, the Administrative Committee shall adopt, by open vote, decisions to be signed by the chairman, and which shall be obligatory for the decentralized public services of the ministries and of the other central bodies organized in the counties and in the municipality of Bucharest.

(2) The works of the Administrative Committee shall be achieved by the staff of the prefecture.

Art. 120. — Differences of opinion between the decentralized public services of the ministries and of the other central bodies organized in the counties and in the municipality of Bucharest, and the county public administration authorities shall be mediated by the Government.

Art. 121. — The ministries and the other central bodies shall have the obligation to communicate to the prefects, too, the orders and other dispositions and instructions they shall transmit to the decentralized public services.

Art. 122. — Ensurance of the implementation of the powers incumbent upon the Government with regard to the local public administration, the control of the exercise by the mayor of the delegated powers inclusive, shall be achieved by the Department for Local Public Administration, which shall propose to the Government the taking of adequate measures.
private and public domain of the state shall be made by Government decision, under the terms of the law on the public and private patrimony.

Art. 128. — (1) Until the coming into force of the statute of public servants, the secretary of the territorial-administrative unit may contest in the Administrative Disputed Claims Court the deeds with regard to his or her dismissal from office or disciplinary sanctioning.

(2) The secretaries of the local and of the county councils, in office at the date of the present law, shall become secretaries of the commune, town, territorial-administrative subdivisions of the municipality of Bucharest, respectively of the county in which they are functioning, without any other formality.

Art. 129. — (1) The local and the county councils as well as the mayors elected in the course of a legislature, following upon the dissolution of some councils or the vacation of some mayor’s offices, shall conclude the mandate of their predecessors.

(2) The provisions under paragraph (1) shall apply to the councils and mayors elected in the course of the existing legislature.

Art. 130. — The Law No. 57/1968 on the organization and functioning of the people’s councils, the Law No. 5/1990 on the administration of the counties, municipalities, towns and communes up to the organization of local elections, and the Government Decision No. 952/1990 on the Guidebook for the implementation of the provisions under the Law No. 5/1990, as well as any other contrary provisions shall be abrogated.

Art. 131. — The present law shall come into force on the date of the constitution of the local public administration authorities resulted from the local elections held in 1996, except articles 14 and 61, which shall apply simultaneously with the publication of the law in the “Monitorul Oficial” (Official Gazette of Romania).
(4) Franchised citizens, who established their residence in another territorial-administrative unit by at least 5 months before the election, shall exercise their franchise in the respective territorial-administrative unit. (As per Law No. 164/1998).

**Art. 4.** — (1) Franchised citizens, having attained at least 25 years of age by election day inclusive, shall have the right to be elected councillors or mayors, if their association with political parties is not prohibited, according to Article 37 paragraph (5) under the Constitution.

(2) Only people having their domicile in the area of the territorial-administrative unit where they are to be elected may stand as candidates.

(5) People resident in the municipality of Bucharest may stand as candidates for sectors regardless of the sector in which they have their domicile.

**Art. 5.** — (1) A citizen shall be disfranchised if he or she is:
   a) mentally alienated or disabled and laid under an interdiction;
   b) disfranchised for a term established by court decision.

(2) A citizen shall be disqualified from being elected, if he or she:
   a) is one of the citizens belonging to the classes provided under the Constitution, Article 37 paragraph (5);
   b) belongs to the categories provided under paragraph (1) letters (a) and (b).

**Art. 6.** — (1) Nominations for the election of local and county councils as well as for mayors shall be submitted by political parties and political groupings constituted according to the law on political parties. Independent candidates as well as electoral alliances may also put forward their candidatures under the terms of the present law.

(2) Electoral alliances may be constituted between political parties or political alliances at county or local level. Political parties from political alliances or from electoral alliances may participate in the elections only on the lists of the alliances. A political party may belong at the same level to a single alliance only. Electoral alliances shall be registered at the electoral office of the constituency in which nominations are put up.

(5) One person may run for a single local council and for a single office of mayor.

(4) One person may run both for a councillor and mayor office.

(5) The number of candidates on each list may be greater than the number of councillors established according to the Law on local public administration, with up to one quarter of the number of mandates.

(6) Nominations on several lists of candidates, or both on lists and as independents shall be void de jure.

**Art. 7.** — (1) The date of elections shall be established by Government Decision, at least 45 days before the date chosen as election day.

(2) Elections shall take place in a single day, which may be only on a Sunday.

(3) In the case of partial elections organized according to the Law on local public administration, the electoral campaign shall be reduced to one half. The terms provided under the present law shall be reduced correspondingly, too, except those of 24 hours. If, from reduction operations of the terms to one half there shall result fractions of days, these shall be rounded up to a full day.

**CHAPTER II**

**Organization of elections for local councils, county councils, and mayors**

**Section 1**

**Constituencies**

**Art. 8.** — (1) For the election of local councils and of mayors, each commune, town, municipality, and territorial-administrative subdivision of the municipality becomes a constituency.

(2) For the election of county councils, each county shall become a constituency. The numbering of the
county constituencies shall be made by Government Decision.

Art. 9. — The numbering of the constituencies in each county and in the municipality of Bucharest shall be made by the prefects, within 5 days after the establishment of the election day.

Art. 10. — The number of each constituency shall be made known to the voters by the mayor, within 10 days after the establishment of the election day.

Section 2
Polling stations

Art. 11. — (1) Depending on the number of population, polling stations shall be organized as follows:
   a) in localities with a population of more than 2,000 inhabitants, one polling station for each lot of 1,000 to 2,000 inhabitants;
   b) in communes with a population of less than 2,000 inhabitants, one polling station only.

(2) Polling stations may also be organized in villages or clusters of villages with a population of up to 500 inhabitants, situated at a distance bigger than 5 km. from the commune’s chief village.

(3) The conscript military may vote in the domicile locality, within the limits of the military regulations. For the conscript military polling stations shall be organized near to military units, if there are at least 50 voters. The conscript military may vote in the military units, irrespective of the moment of their conscription. (As per G.E.O. No. 28/2000).

Art. 12. — At one and the same polling station, voters shall cast their vote both for the local council, and for the county council as well as for the mayor.

Art. 13. — (1) The delimitation and numbering of the polling stations shall be made by the mayors, by an order, within 20 days after the establishment of the election day.

(2) The mayor shall apprise the voters of the delimitation and numbering of the polling stations, within the term provided under paragraph (1), indicating the seat and address of the polling station.

Section 3
Electoral registers

Art. 14. — (1) The permanent electoral registers shall include franchised citizens, residing in the electoral district in which elections are held.

(2) Citizens shall have the right to verify the registrations made in the electoral registers. Objection against omissions, wrong registrations, or any errors may be presented to the mayor, who made the registers.

(3) The mayor shall be compelled to settle the objections, by an order, within 5 days after the date of registration.

(4) Against the order, a contestation may be made within 24 hours after its communication. The contestation shall be settled within 5 days at the most by the court of first instance in whose territorial area the polling station is situated. The judgment delivered shall be final and executory, and shall be communicated to the interested parties within 24 hours after it was passed.

(5) The mayors of the communes, towns, municipalities and territorial-administrative subdivisions of municipalities shall make copies from the permanent electoral registers, drawn up according to the provisions under Law No. 68/1992 for the election to the Chamber of Deputies and to the Senate, two of which shall be forwarded to the electoral offices of the polling stations, within 24 hours after their setting up. One of the copies shall be placed at the voters’ disposal for consultation, and the other one shall be used on election day.

(6) Any modification that may have occurred after the copies from the electoral registers are sent shall be communicated to the electoral office of the polling station within 24 hours.

(7) The electoral registers shall be signed by the mayor and the secretary.

(8) The franchised conscript military shall be entered in the special registers drawn up by the electoral office of the polling station in the domicile locality, or in the
special registers drawn up per military units and signed by their commanders, in the case of those who vote in polling stations organized near military units. The conscript military shall not be included in the copies of the permanent electoral registers of the localities in which they are domiciled, as drawn up by the mayors. (As per G.E.O. No. 28/2000)

Art. 15. – Copies from the permanent electoral registers shall be made separately for each polling station. They shall include all franchised citizens, residing in the constituency in which the elections are organized, and which, according to the delimitation carried out conformably to the provisions under Article 15, shall exercise their franchise at the respective polling station. These copies shall include the name, surname, date of birth, domicile, number of the constituency, as well as a column for the elector’s signature.

Art. 16. – (1) The mayors shall ensure the necessary conditions for the consultation by the electors of the copies from the permanent electoral registers both at the mayoralties, and at the seat of the polling station. To this end, 10 days prior to the elections they shall post up the electoral registers in public places, visibly, and they shall provide the necessary personnel at the polling stations. The posting up places shall be made known to the population by the mayor, who shall take the necessary measures, together with the bodies in charge of public order, for ensuring the integrity of the registers billed.

(2) Any disagreement between the copy and the permanent electoral registers shall be settled by the mayor on the basis of data included in the standing electoral registers.

Art. 17. – (1) At the request of the franchised citizens who established their residence in the constituency where polling is held by at least 3 months before the ballot, they shall be entered by the mayor in an additional electoral register, on the basis of the identity papers.

(2) The mayor of the residence locality shall request the mayor of the domicile locality the striking off from the electoral register of the person involved. The request shall be done in writing or by telephone. The telephone requests, under the form of notes, shall be entered in a special record.

(3) On polling day, the persons from the category of those provided in par. (1), omitted from the additional registers, shall be entered in the additional register by the president of the electoral office of the polling station, on the basis of the identity papers.

(4) In the additional register shall also be entered, by the president of the electoral office of the polling station, the persons who come to vote and prove that they domicile in the relevant constituency, but were omitted from the register.

(5) The model and the contents of the additional electoral register are established under the conditions of art. 104. (As per Law No. 164/1998)

Art. 18. – A voter may be registered in one electoral register only.

Art. 19. – (1) In case of change of domicile to another constituency, after the electoral register was forwarded to the electoral office of the polling station, the mayor shall issue to the voter a certificate attesting his or her franchise, which shall be mentioned both in the copy of the electoral register existing at the mayoralty, and in the copies forwarded to the electoral office of the polling station.

(2) On election day, at the new domicile, the elector shall be registered in a separate electoral register by the electoral office of the polling station, on the basis of the certificate provided under paragraph (1) and of the document confirming the change of domicile.

Art. 20. – The mayor shall communicate to the constituency office the number of electors resulted from the constituency electoral registers, within 24 hours after the office was set up. The final number of voters shall be communicated to the constituency electoral office 10 days before the election day.
Art. 21. — (1) For the organization and holding of elections a Central Electoral Office, county electoral offices, constituency electoral offices, and polling stations electoral offices shall be set up under the terms of the present law.

(2) The electoral offices shall be formed only of franchised citizens. Candidates may not be members of the electoral offices.

(5) In achieving the attributions incumbent upon the electoral offices, all the members they are formed of shall be deemed to exercise an office implying state authority. The correct and impartial exercise of this office is imperative.

Art. 22. — (1) The communal constituency electoral offices shall be formed of a number of 7 members, the electoral offices of towns, municipalities, and territorial-administrative subdivisions of municipalities shall be formed of 9 members, and those of the municipality of Bucharest and of the counties, of 15 members.

(2) The communal constituency electoral office shall be formed of a chairman, a deputy-chairman, as a rule jurists by profession, and 5 representatives of the political parties, political alliances, and electoral alliances, running for elections in the respective constituencies.

(5) The constituency electoral offices of towns, municipalities, and territorial-administrative subdivisions of municipalities shall be formed of 2 jurists and 7 representatives of the political parties, political alliances, and electoral alliances, running for elections in the respective constituency.

(4) The constituency electoral office of the municipality of Bucharest and the constituency offices of the counties shall be formed each of 4 jurists and 11 representatives of the political parties, political alliances, and electoral alliances, running for elections in the respective constituencies.

(5) The designation of the jurists, one of which shall as a rule be a magistrate, shall be made in a public sitting, within 5 days from the establishment of the election day, by the president of the county tribunal or of the Tribunal of the Municipality of Bucharest, by casting lots, from among magistrates or other jurists existing in the county or in the municipality of Bucharest. The list of the magistrates who shall participate in the casting of lots shall be set up by the president of the tribunal, and that of the other jurists, by the prefect together with the president of the tribunal. The lists shall include a number of people by ten per cent greater than the necessary one, forming a reserve at the disposal of the tribunal's president, for the replacement, in particular cases, of the titulars. The grouping on lists with a view to casting lots shall be made by taking into consideration the requirement that residence of the people in question should be in the locality where the constituency electoral office has its seat or as close as possible to it. The list shall include the data provided under Article 25 paragraph (3).

(6) In the list provided under the previous paragraph shall be included only jurists who belong to no party, political alliance or electoral alliance.

(7) In case the number of jurists should be insufficient, the list shall be completed by the prefect, at the proposal of the mayors, with other people of prestige before the inhabitants, who are not members of any party, political alliance or electoral alliance, and who are at least high school graduates.

(8) The date of the sitting in which lots shall be cast shall be made known to the public through the press, by the president of the tribunal, at least 48 hours earlier. The result of the casting of lots shall be recorded in the minutes, signed by the president.

(9) The minutes shall constitute the deed of investiture.

(10) The president of the tribunal shall designate the chairman of the constituency electoral office and his or her deputy.
(11) The constituency electoral office, set up according to the previous paragraphs, shall exercise all the powers incumbent on it according to the present law. It shall be completed with the representatives of the political parties, political alliances, and electoral alliances running in elections in the respective constituency.

(12) Within 5 days after the date up to which candidatures may be nominated, the local branches of the political parties, political alliances, and electoral alliances shall communicate, in writing, to the constituency electoral offices the name and surname of the representatives who shall participate in their proceedings. Communications transmitted after this term shall be disregarded.

(13) The completion of the constituency electoral offices with the representatives of the political parties, political alliances, and electoral alliances shall be made within 24 hours after expiry of the term provided under paragraph (12), by the chairman of the electoral office, in presence of the people delegated by the political parties, political alliances, and electoral alliances, having communicated the representatives, in decreasing order of the number of candidates proposed for the local council and for the mayor. A political party, political alliance, or an electoral alliance may not have more than 2 representatives.

(14) People having the capacity of representatives of a political party, political alliance or electoral alliance in the constituency electoral office shall be established in the order mentioned in the communication provided under paragraph (12).

(15) In case two or more political parties, political alliances, or electoral alliances shall have nominated the same number of candidates, their representatives shall be members of the constituency electoral office within the limit of the seats unoccupied by the representatives of the political parties, political alliances, or electoral alliances, which, according to the provisions under paragraph (15), should be in a more favourable position. If, by application of this provision it should not be possible for all representatives to be included in the composition of the electoral office, its chairman shall proceed to casting lots, in the presence of the delegates of the political parties or alliances in question.

(16) In case the political parties, political alliances, and electoral alliances should not nominate representatives, the chairman of the constituency electoral office shall proceed to the completion of the office, including in it, by casting lots, people belonging to no political party, political alliance, or electoral alliance from a list proposed by the mayor. The list shall be handed in by the mayor within 24 hours after the request of the chairman of the constituency electoral office.

Art. 23. — The attributions of the constituency electoral offices shall be:

a) to prosecute the application of the legal provisions with regard to elections in the constituency in which they function;

b) to supervise the drawing up, in time, of the copies of the permanent electoral registers and the organizing of the polling stations. (As per Law No. 164/1998)

c) to register the lists of candidates and the independent candidatures for the local council as well as the candidatures for the mayor’s office, and ascertain their finalization;

d) to make the publications and postings up required with regard to the lists of candidates and independent candidatures for councillors and for the mayor;

e) to establish, on the basis of the number of voters recorded in the permanent electoral registers, communicated by the mayor, according to the provisions under Article 20, the number of supporters required for putting in the independent candidatures;

f) to distribute to the electoral offices of the polling stations the ballot-papers, the control stamp, and stamps with the mention “voted”;

g) to rule on objections with reference to their own activity, and on contestations with regard to the operations of the electoral offices of the polling stations;

h) to totalize the votes expressed in as far as the communal, town, and municipal constituency electoral offices are concerned; to establish and record the voting
returns for the constituency in which it functions; to
issue to the councillors and mayors elected a certificate
attesting their election; to sum up the votes expressed for
county councillors; to draw up the minutes attesting the
voting returns, which shall be forwarded to the county
constituency electoral office together with the attached
costations;
i) to totalize the votes expressed for the county council,
in as far as the county constituency electoral office is
concerned, and to record the voting returns for the
county council; to issue to the councillors a certificate
attesting their election, after which it shall transmit to
the county council the minutes with regard to the voting
returns for councillors, with a view to the validation of
their election;
j) to organize, if such be the case, the holding of the
second suffrage round;
k) to communicate data with regard to the elections
and the polling returns, through the county electoral
office, to the Central Electoral Office and to the
Government, and inform the population from the
constituency, by any means of publicity, of the result of the
elections;
l) to receive from the electoral offices of the polling
stations and hand over to the courts of first instance,
respectively to the Tribunal of the Municipality of
Bucharest, in whose territorial area they function, the
ballot-papers used and not contested, as well as the
cancelled ones, the stamps and other materials required
for the voting.

Art. 24. – The constituency electoral office of the
municipality of Bucharest shall organize the election of the
General Council of the Municipality of Bucharest, too,
adequately carrying out the attributions provided under
the present law for the county constituency electoral
office.

Art. 25. – (1) The electoral offices of the polling
stations shall be constituted of a chairman, a deputy-
chairman and seven to nine members.

(2) As a rule, the chairman and the deputy-chairman
shall be jurists who are not members of any political
party, political alliance, or electoral alliance, and who
shall be designated by the president of the county
tribunal or that of the Tribunal of the Municipality of
Bucharest, by casting lots from among those entered in a
list drawn up by the prefects or mayors.

(3) In case that the number of jurists should be
insufficient, the list shall be completed with other people,
proposed by the mayor, who shall be at least high school
graduates, enjoying prestige in the locality of their
domicile, and who shall not be members of any political
party, political alliance, or electoral alliance. The list shall
include a number of people by ten per cent greater than
the necessary one, who shall constitute a reserve at the
disposal of the president of the tribunal, for replacing, in
particular cases, the titulars established according to
paragraph (2); the list shall include the name, surname,
domicile, working place, telephone numbers and
signatures of the people proposed. The provisions under
Article 22 paragraph (5) with regard to the grouping on
lists shall apply correspondingly.

(4) The designation of the chairman and deputy-
chairman as well as the completion of the electoral
offices of the polling stations with the other members
shall be made not later than 15 days before election day.

(5) The electoral offices of the polling stations shall be
completed with a representative each of the political
parties, political alliances and electoral alliances running
for elections, in decreasing order of the number of
candidates proposed.

(6) With a view to the designation of the members of
the polling station electoral office, the chairman of the
constituency electoral office shall communicate to the
chairmen of the electoral offices of the polling stations,
within 48 hours after their designation according to
paragraph (2), the number of candidates proposed by
each political party, political alliance, or electoral
alliance. Likewise, the political parties, political alliances,
and electoral alliances which have handed in lists of
candidates or candidates for the office of mayor in the

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respective constituency shall be compelled to communicate, each, through the local branches, to the chairman of the electoral office of the polling station, within the same term, the name and surname of their representative.

(7) The provisions under Article 22 paragraphs (14), (15), and (16) shall apply correspondingly, the casting of lots being carried out by the chairman of the electoral office of the polling station.

(8) The designation of members of the electoral office of the polling station shall be made by its chairman, on the basis of the communications provided under paragraph (6) or (7), as the case may be.

(9) The designation proceedings of members of the electoral office of the polling station shall be recorded in minutes, constituting the evidence of the quality of member of the electoral office of the polling station.

(10) The designation of members of the electoral office of the polling station and the conclusion of the minutes shall be made within 24 hours after expiry of the term provided under paragraph (6), in presence of the delegates designated by the political parties, political alliances, and electoral alliances.

(11) The electoral offices of the polling stations shall be constituted on the day of designation of their members.

Art. 26. — The attributions of the electoral offices of the polling stations shall be:

a) to receive from the mayors the copies of the permanent electoral registers and to ensure the necessary conditions for their verification by the voters; to receive from the constituency electoral offices the ballot-papers for the voters who are to vote at that station, the control stamp and the stamps with the mention “voted”; (As per Law No. 164/1998)

b) to keep under control the voting operations, and take all necessary measures of order in the building of the polling station and round about it;

c) to count the votes and record the returns of the poll at the constituencies for which the votes were cast at the respective station, namely, for the local council, for the mayor, and for the county council;

d) to rule on objections with reference to their own activity;

e) to forward to the constituency electoral office the minutes, including the polling returns, together with the legal contests handed in;

f) to hand over, with a written statement, to the constituency electoral office the ballot-papers cast and not contested as well as the cancelled ones, the stamps and other materials required for the polling.

Art. 27. — The county constituency electoral offices shall exercise the attributions provided under Article 25, correspondingly; they shall also:

a) follow up the application of the statutory provisions regarding the poll in all the constituencies included in the county;

b) ensure the information of the electoral offices throughout the county of the decisions of the Central Electoral Office and follow up the mode of their application;

c) carry out the briefing of the chairmen of the constituency electoral offices and of the electoral offices of the polling stations included in the county;

d) receive from the constituency electoral offices the statements of the polling returns; centralize the returns for the county, by political parties, political alliances, electoral alliances and independent candidates and publish them. The result of the centralization of the data for the county shall be recorded in a statement which shall be transmitted to the Central Electoral Office, according to the provisions under the present law.

Art. 28. — (1) In the counties in which elections are organized only in some constituencies, a county electoral office shall be constituted, formed of 5 judges, according to the procedure provided under Article 29, which shall apply correspondingly.

(2) The county electoral offices constituted according to paragraph (1) shall achieve correspondingly the attributions provided in the present law for the Central Electoral Office.
(5) The provisions of par. (1) and (2) are also applying accordingly to the municipality of Bucharest. (As per Law No. 164/1998)

Art. 29. — (1) The Central Electoral Office shall consist of 7 judges from the Supreme Court of Justice.

(2) The seven judges shall be designated in a public sitting, within 5 days after the date of elections has been established, by casting lots, by the president of the Supreme Court of Justice, from among all judges of the Court in office. The result of the casting of lots shall be recorded in minutes, signed by the president and the head-consulting judge of the Supreme Court of Justice, which shall constitute the deed of investment. The date of the sitting shall be made publicly known through the press by the president of the Supreme Court of Justice at least 24 hours earlier.

(3) Within 24 hours after their investment, the seven judges in their turn shall elect, by secret ballot, the president of the Central Electoral Office.

Art. 30. — (1) The attributions of the Central Electoral Office shall be:

a) to supervise the bringing up to date of the permanent electoral registers and their copying by the mayors;

b) to prosecute and ensure the observance and correct application of the statutory provisions with regard to elections all over the country's territory; to ensure the uniform interpretation of the statutory provisions;

c) to rule on objections referring to its own activity, and the appeals with regard to the mode of constitution, composition, and activity of the county electoral offices;

d) to receive and solve any appeal with regard to the organization and development of the local elections, other than those which, under the present law, are given in the competence of the constituency electoral offices, county electoral offices, and judicial instances;

e) to receive the minutes drawn up by the county electoral offices, together with the minutes containing the returns of the poll, drawn up by the constituency electoral offices; to sum up the returns over the whole country, by political parties, political alliances, electoral alliances, and independent candidates, separately for the local councils, the county councils, and the mayors and shall publish them in the “Monitorul Oficial” (Official Gazette of Romania) and in the press;

f) to solve intimations regarding electoral fraud, and to cancel the elections from a constituency, in case the voting and the returns of the poll shall have taken place by fraud of a nature to modify the assigning of the mandates in the respective constituency; in such cases, it shall order the suffrage to be repeated within no more than a fortnight. The new elections shall take place under the same conditions, using the same electoral registers and the same lists of candidates and independent candidatures, except cases in which the office ordered the cancelling of a list of candidates or of independent candidatures charged with the perpetration of the fraud which caused the cancellation of the elections;

g) to solve appeals with regard to the violation of the provisions under Article 56 paragraphs (1), (8), (9), and (10) referring to the subsidizing of political parties, political alliances, electoral alliances, or of independent candidates, ordering the cancelling of the votes and mandates granted to those who can be charged with this deed. In such cases, the Central Electoral Office shall order the returns of the poll to be re-established, under the terms of Article 77 of the present law;

h) to carry out any other attributions assigned to it by law.

(2) At the proposal of the Ministry of Foreign Affairs, the Central Electoral Office shall accredit foreign observers as well as delegates of foreign mass-media, and rule on appeals with regard to the accrediting or refusal of the accrediting by the county electoral office.

(3) A petition for cancelling the elections from a constituency may be made only by the political parties, political alliances, electoral alliances, or independent candidates having participated in these elections, within 48 hours after conclusion of the ballot, under sanction of limitation. The petition must be motivated and accompanied by the proofs on which it rests. The petition
may be admitted only if the person having lodged it is not involved in the fraud. The Central Electoral Office shall solve the petition up to the date of publication of the election returns in the “Monitorul Oficial” (Official Gazette of Romania).

(4) In the exercise of its incumbent attributions, the Central Electoral Office shall issue decisions which shall be made known in a public session and by any means of publicity. The decisions of the Central Electoral Office shall be compulsory for all electoral offices throughout the country as well as for all the bodies with attributions in electoral matters, after the date of information in a public session.

(5) The decisions of the Central Electoral Office by which certain provisions of the present law are interpreted shall be published in the “Monitorul Oficial” (Official Gazette of Romania).

Art. 31. – The Central Electoral Office shall cease its activity after publication in the “Monitorul Oficial” (Official Gazette of Romania) of the local and of the county electoral returns, according to the provisions under the present law.

Art. 32. – (1) Appeals on the mode of constitution and composition of the electoral offices may be made within 48 hours after their setting up or completion, as the case may be.

(2) Appeals shall be solved within two days after their registration, by a constituency electoral office, if they concern an electoral office of a polling station; by a county electoral office, if they concern a constituency electoral office; by the Central Electoral Office, if they concern a county electoral office; and by the Supreme Court of Justice, if they concern the Central Electoral Office.

(3) The decision shall be final.

Art. 33. – (1) The electoral offices shall work in the presence of a majority of the members they are composed of.

(2) The decisions of the electoral offices shall be taken by a majority of the votes of those present.

Art. 34. – The representatives of the political parties, political alliances and electoral alliances in the electoral offices may not receive other charges besides those provided under the present law.

Art. 35. – There shall not be members of the constituency electoral offices and of the electoral offices of the polling stations any candidates in the elections, their spouses, relatives and in-laws up to the second degree, as well as disfranchised persons.

Section 5
Candidatures

Art. 36. – The number of councilors in the local councils shall be the one specified in the Law on local public administration.

Art. 37. – Nominations of candidates for local councilors, county councilors, and for mayors shall be made for each constituency, and shall be submitted to the constituency electoral offices not later than 50 days before election day.

Art. 38. – (1) Nominations of candidates shall be made in writing, in 4 copies, by the political parties, political alliances or electoral alliances, running in the elections, under the signature of the leaders of their county organizations, and in the case of independent candidates, on the basis of a list of their supporters.

(2) In the case of electoral alliances between political parties, the lists with nominations shall also be signed by the county leaders of each party in the alliance.

(3) The lists of candidates shall include the name, surname, place and date of birth, occupation, profession, and political affiliation of the candidates, and in the case of alliances, the party having nominated them, too.

(4) The lists of candidates shall be accompanied by the declarations of acceptance of the candidature, signed and dated by the candidates.

(5) The declaration of acceptance of the candidature shall include the name, surname, political party or alliance having nominated the candidate, profession, occupation, and political affiliation of the candidate, the candidate's express consent to run for the respective
office as well as the precise statement that the candidate meets the conditions provided by law for him or her to stand as candidate.

Art. 39. – A person may consent to only one nomination in a single electoral constituency.

Art. 40. – Political parties, political alliances, and electoral alliances may propose only one list of candidates in each constituency for the local council, county council, and only one candidate each for the office of mayor.

Art. 41. – (1) Independent candidates for the office of councillor shall have to be supported by at least one percent of the total number of voters listed, divided by the number of councillors that can be elected in the respective commune, town, or county, but not less than 50.

(2) For the mayor's office, independent candidates shall have to submit a list of supporters, including at least one percent of the total number of voters listed in the constituency for which they run, but not less than 150.

(3) Within 24 hours after the registration of each candidature, one of the copies of the nomination shall be posted up by the constituency electoral office in a visible place at its seat.

Art. 42. – (1) The list of supporters shall include the date of elections, name and surname of the candidate, the office for which the candidate runs, name and surname of the supporters, their date of birth, address, kind, series, and number of the identity document as well as their signature and the name and surname of the person having drawn up the list, who shall compulsorily submit a declaration on his or her own responsibility attesting the truthfulness of the supporters' signatures.

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

(3) Supporters can be only franchised citizens. A supporter can back up only one candidate to the office of councillor or mayor.

(4) Supporters shall give in their adhesions on their own responsibility.

(5) The list of supporters shall be accompanied by the declaration of acceptance of the nomination, given in the terms under Article 38 paragraphs (4) and (5).

Art. 43. – (1) The constituency electoral offices shall examine the observance of the statutory conditions for a person to run as candidate, the observance of the conditions of form and substance of the lists of candidates as well as of the lists of supporters, recording the nominations meeting these conditions or rejecting the registration of those not complying with the statutory conditions.

(2) Two copies of the nomination shall be kept at the constituency electoral office, and the other two, certified by the constituency electoral office through its chairman's signature and application of the stamp, shall be returned to the deponent; one of the latter shall be registered by the deponent at the court of first instance, respectively the tribunal in whose territorial area the constituency lies.

(3) Within 24 hours after the registration of each candidature, one of the copies of the nomination shall be posted up by the constituency electoral office in a visible place at its seat.

Art. 44. – Candidates may renounce their candidature up to the date when the nominations shall remain final, according to Article 46 paragraph (1). To this end, the person in question shall give a declaration under the terms of Article 38 paragraphs (4) and (5).

Art. 45. – (1) The acceptance by the constituency electoral office of a nomination may be disputed by the citizens, political parties, political alliances, and electoral alliances within 5 days after the posting up of the nomination or the expiry of the term for submitting the nomination.

(2) The rejection by the constituency electoral office of a nomination may be disputed by the candidate, the political parties, political alliances, or electoral alliances having made the respective nomination, within 5 days after the rejection.
Section 6
Ballot-papers

Art. 46. – After expiry of the term for the deposition of nominations, to which should be added the terms provided under Article 45 paragraphs (1), (2), (5) and (6), if such be the case, the constituency electoral offices shall draw up an official report to the effect that the nominations were found to be final, which they shall post up at their seat as well as at the seat of the polling stations, after their electoral offices have been set up, stating precisely the name and surname, domicile, political affiliation, profession and occupation of the candidate. Candidatures that have remained final can be announced to the public through the press and any other mass media, at the expense of the interested parties.

Art. 47. – The form of the ballot-papers shall be established by the Government, and shall be different for the local councils and for mayors.

Art. 48. – (1) The ballot-paper shall consist of one or more sheets. On the inner pages of the ballot-paper a sufficient number of squares shall be printed so as to include all nomination lists, respectively independent candidates, leaving the last page free for the control stamp.

(2) The squares shall be printed parallel to each other, in two columns on the same page.

(3) In the top left hand side corner of the square shall be printed the name of the political party, political alliance, or electoral alliance running in the elections, or the mention “Independent candidate”, as the case may be, and in the top right hand side corner of the square, the electoral sign.

(4) In the squares of each ballot-paper there shall be printed the lists of candidates in the order resulted from the casting of lots carried out by the chairman of the constituency electoral office; candidates shall be identified on the list by their name and surname and they shall be entered in the order established by the political party, political alliance, and electoral alliance having submitted the list.

(5) For each independent candidate, a distinct square shall be printed in the final part of the ballot-paper, in which they shall be entered in the registration order of the nominations.

(6) Against the decision given in the contestation an appeal can be made within 24 hours after the passing at the hierarchically superior instance. The appeal shall be solved within 24 hours after its registration.

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

(8) The paper for the ballot-paper shall be white and thick enough so as not to allow the names printed and the vote cast to be seen from the back of it.

(9) By complete list of candidates is understood the list which includes a number of candidates at least equal to the number of mandates established in the respective district by the law.
(10) To establish the order number in the ballot-papers, which include lists of candidates and/or of independent candidates for county councillors, the president of the constituency electoral office shall proceed as follows:

(a) in the first stage he carries out the drawing of lots between all the parties, political groupings, political alliances or electoral alliances which submitted complete lists of candidates for county councillors;

(b) in the second stage, he carries out the drawing of lots between the other political groupings, political alliances or electoral alliances which submitted list of candidates for county councillors.

(11) To establish the order number in the ballot-papers which include candidates for mayor, as well as in the ballot-papers including lists of candidates and/or of independent candidates for local councillors, the president of the communal, town or municipality constituency electoral office, proceeds as follows:

a) in the first stage, he carries out the drawing of lots only between those parties, political groupings, political alliances or electoral alliances which submitted the candidature for mayor and complete lists for local councillors;

b) the order numbers designated as per let. a) are the same for each of the two categories of ballot-paper;

c) in the second stage, in completion of the order numbers in the ballot-paper which includes candidates for mayor, the drawing of lots is carried out between the other parties, political groupings, political alliances or electoral alliances which submitted candidature for mayor;

d) in the second stage, in completion of the order numbers in the ballot-paper which includes the list of candidates and/or of independent candidates for local councillors, the drawing of lots is carried out between the other parties, political groupings, political alliances or electoral alliances which submitted lists of candidates for the respective local council. (As per G.E.O. No. 28/2000)

**Art. 49.** — (1) The political parties, political alliances, and electoral alliances may establish their electoral signs, which shall be communicated to the Central Electoral Office within 5 days after its constitution.

(2) The political parties, political alliances, and electoral alliances having run in the previous elections may preserve their electoral signs, having the obligation to communicate them to the Central Electoral Office, as provided under paragraph (1).

(3) The electoral signs shall not violate the established order and good morals and manners.

(4) In all constituencies, the political parties, political alliances and electoral alliances formed at national or county level shall use the same electoral sign.

(5) In the case of new electoral signs, if the same sign is solicited by several political parties, political alliances, or electoral alliances, the assignment shall be made to the benefit of the political party, political alliance, or electoral alliance having been the first to register the respective sign.

(6) The Central Electoral Office shall communicate the electoral signs to the prefectures up to the date when the nominations shall remain final, with a view to their printing on the ballot-papers.

**Art. 50.** — (1) The printing of the ballot-papers shall be ensured by the constituency electoral office through the care of the prefects.

(2) For the whole constituency, the ballot-papers shall be printed with letters of the same size and characters, and the same ink, in a number of copies equal to that of the voters entered in the registers, with an additional reserve number of ten per cent.

(3) The ballot-papers shall be printed not later than 10 days before election day.

**Art. 51.** — (1) The ballot-papers shall be distributed in the constituencies by the prefects, and taken over by the mayors, together with the chairmen of the constituency electoral offices, on the basis of written statements. The ballot-papers shall be handed over to the chairmen of the electoral offices of the polling stations on the basis of...
written statements, on the eve of election day at the latest.

(2) The distribution and the handing of the ballot-papers shall be made in sealed packets of 100 pieces each.

Art. 52. — After being signed and cancelled by the chairman of the constituency electoral office, a ballot-paper from each class shall be posted up at the mayoralties, at the seat of the constituency electoral offices as well as at the seat of polling stations, within 3 days after expiry of the printing term.

Art. 53. — At the request of the political parties, political alliances, electoral alliances or independent candidates running in the elections, the constituency electoral office shall issue to each of them a ballot-paper from each class, duly signed and cancelled.

Section 7
The electoral campaign

Art. 54. — The electoral campaign shall begin on the day when the date of elections is made known publicly, and it shall be concluded two days before election day.

Art. 55. — (1) In the electoral campaign, the candidates, the political parties, political alliances, electoral alliances as well as the citizens shall have the right to express their opinions freely and without any discrimination, by meetings, assemblies, the utilization of television, radio, and the press and other mass media.

(2) During the electoral campaign the candidates shall get indiscriminately adequate spaces for meetings with the voters in mayoralties, schools, amphitheatres, arts centres, clubs and cinemas, on the basis of an agreement with regard to maintenance costs.

(3) Candidates shall establish meetings with the conscript military by mutual agreement with the commanders of the military units, in relation to their programme. These meetings shall take place outside the military units.

(4) The means used in the electoral campaign shall not violate the rule of law.

(5) Electoral campaign actions in military units shall be prohibited.

Art. 56. — (1) After the opening of the electoral campaign, the political parties, political alliances, electoral alliances, and independent candidates shall be obliged to declare publicly the subsidies received for the electoral campaign from natural and legal persons from the homeland.

(2) The reception for the electoral campaign of subsidies from legal or natural persons shall be made only through a financial mandatary designated to this end by the leaders of the party, political alliance, or electoral alliance.

(3) The financial mandatary shall be accountable conjointly with the political party, political alliance, or electoral alliance having designated him or her, for the lawfulness of the expenses made from subsidies granted and for the observance of the provisions under paragraph (1).

(4) The financial mandatary may be a natural or a legal person.

(5) A party or political alliance, or an electoral alliance may have several financial mandataries; in this case, designated, their powers shall be determined, too.

(6) Several parties, political alliances, or electoral alliances may use the services of one and the same mandatary.

(7) The position of financial mandatary shall be obtained only after his or her official registration with the Ministry of Finance, and after information of the public through the press.

(8) The provisions of the present article shall apply correspondingly also to independent candidates receiving subsidies from natural or legal persons from the homeland.

(9) The subsidizing of the electoral campaign, directly or indirectly, by foreign natural or legal persons, or from abroad shall be prohibited. Amounts of money thus received shall be confiscated and made revenue to the state budget.
(10) The subsidizing of the electoral campaign of a political party, of a political alliance, of an electoral alliance, or of an independent candidate by a public authority, public institution, Government-owned corporation, or trading company with integral or majority state capital shall be prohibited.

Art. 57. — (1) The access of parliamentary parties, political alliances and electoral alliances as well as of independent candidates to the public services of radio broadcasting and television, those of their territorial studios inclusive, shall be free of charge. The non-parliamentary parties, political alliances, and electoral alliances shall have free access to the territorial public services of radio broadcasting and television only to the extent in which they hand in lists of candidates in at least fifty per cent of the constituencies throughout the area of a county covered by the respective territorial studios. The airtime granted in these situations shall be proportional to the number of full lists of candidates handed in the respective territory. To the public national services of radio and television shall have access the non-parliamentary political parties, political alliances, and electoral alliances having handed in complete lists of candidates in at least fifty per cent of the constituencies from fifteen counties.

(2) The organizations of citizens belonging to the national minorities shall have access to the national and territorial public services of radio broadcasting and television, if they participate in the elections with lists of candidates in constituencies from counties proportionally to their share in the total population of the county, respectively of Romania.

(3) The access of political parties, political alliances, electoral alliances as well as of independent candidates and those of the citizens’ organizations belonging to the national minorities to the private radio and television broadcasting stations, cable television inclusive, shall be made by a contract concluded between the financial mandataries and the respective stations. Each station shall practice unique tariffs per broadcasting time unit for all solicitors, under the terms of the present article.

(4) Political parties, political alliances, and electoral alliances, as well as independent candidates and those of the citizens’ organizations belonging to the national minorities shall have the obligation to solicit, within 5 days after the release of the electoral campaign, from the management of the public and private radio and television broadcasting stations, as the case may be, from their territorial studios, the granting of airtime. Solicitations made after this term shall not be taken into account.

(5) Airtime at public and private radio and television stations, the cable ones inclusive, shall be granted to political parties, political alliances, and electoral alliances proportionally to the number of complete lists of candidates forwarded, every Tuesday, Wednesday, Thursday, Friday and Saturday, at hours of maximum audience. Each independent candidate shall have the right to an airtime, at the territorial studios, of 5 minutes at the most, over the whole duration of the electoral campaign. Independent candidates from the electoral constituencies of the municipality of Bucharest and those from county residence towns, which are not within the area covered by a studio, shall have access to the national public services of radio and television broadcasting within the same time interval, of 5 minutes, over the whole duration of the electoral campaign.

(6) Transmissions within the framework of the airtime granted to each political party, political alliance, and electoral alliance, to independent candidates and those of the citizens’ organizations belonging to the national minorities shall be effected live or recorded, within the proportions established by them.

(7) The observance of the provisions under the present law with regard to the exercise of the right to airtime shall come under the competence of the National Council of Radio and Television Broadcasting.
(8) Combination of colours, graphic signs or sounds that might evoke the national symbols of Romania or of another state shall be forbidden within the framework of transmissions having an electoral character.

(9) Opinion polls which are broadcast outside electoral transmissions shall have a press news character and shall follow their regime.

Art. 58. — (1) Within 5 days after the beginning of the electoral campaign, the mayors shall be obliged to establish by order special places for electoral bill posting, taking into account the number of political parties, political alliances, and electoral alliances which declare that they shall hand in lists of candidates, nominations for the mayor office, as well as of independent candidates. These places shall be situated in zones frequented by citizens, without hindering the circulation on public roads and other activities in the respective localities.

(2) Utilization of electoral bill posting places shall be permitted for the political parties, political alliances, and electoral alliances running in the elections and for the independent candidates.

(5) Utilization by a political party, political alliance, electoral alliance, or independent candidate of the special electoral bill posting places in such a way as to hinder their use by another political party, political alliance, electoral alliance, or independent candidate shall be forbidden. On an electoral board, each political party, political alliance, electoral alliance, or independent candidate may place a single electoral bill.

(4) In other places than those established according to paragraph (1), the electoral bill posting shall be permitted only with the agreement of the owners or holders, as the case may be.

(5) An electoral bill shall not exceed the size of 500 mm on one side and 300 mm on the other side, and that by which an electoral meeting is called, 400 mm on one side and 250 mm on the other side.

(6) Electoral bills combining colours or other graphic signs so as to evoke the national symbols of Romania or of another state shall be forbidden.

(7) The public order authorities shall compulsorily ensure the integrity of electoral boards and bills.

Art. 59. — (1) The constituency electoral offices shall supervise the correct carrying out of the electoral campaign within the constituency where they operate, solving the complaints lodged with them with regard to the hindrance of a political party, political alliance, electoral alliance, or independent candidate from unfolding their electoral campaign under the terms provided by law and observing the electoral deontology.

(2) If the constituency electoral office considers, on solving a complaint, that it is necessary to be taken administrative measures or to be applied contraventional or criminal sanctions, it shall notify the competent authorities.

(3) Against the solution given by the constituency electoral office a contestation may be lodged with the county electoral office, respectively with the Central Electoral Office; the solution given on the contestations shall be final.

(4) The solving of complaints and contestations shall be made within 3 days after their registration, and the decisions given shall be published in press and posted up visibly at the seat of the electoral office which has issued them.

CHAPTER III
Carrying out of elections

Art. 60. — (1) Each polling station must have a sufficient number of booths, ballot boxes, and voting stamps, which shall be provided by mayors.

(2) The booths and ballot boxes shall be placed in the same room where the chairman’s office is located.

(3) The chairman of the electoral office of the polling station must be present at the seat of the polling station on the eve of election day, at 6.00 p.m., having the obligation to immediately take the necessary measures for ensuring the orderly and correct carrying out of the ballot operations.
shall be found that there are still voters that wait to cast their ballot, the chairman of the electoral office of the polling station may extend, with the approval of the chairman of the constituency electoral office, the polling time until not later than midnight, when the polling shall be declared terminated.

Art. 64. — (1) Electors shall cast their vote only at the polling station where they were entered in the electoral registers.

(2) The access of the voters to the polling room shall take place in series corresponding to the number of booths. Each voter shall present his/her identity card to the electoral office, which, after checking the registration in the electoral register, shall hand over the ballot-papers and the voting stamp.

(3) Electors shall vote separately, in closed booths, by applying the stamp marked “voted” in the square including the list of candidates or the name of the candidate whom he/she wants to vote.

(4) The stamp marked “voted” must be round and thus dimensioned as to be smaller than the square in which it is to be applied.

(5) After having voted, the electors shall fold the ballot-papers so as to reveal the blank page with the control stamp, and introduce them into the ballot box, taking care not to unfold them.

(6) The wrong folding of the ballot-paper shall not entail nullity of the vote, if the secrecy of the vote is observed.

(7) In case a ballot-paper is unfolded by error, it shall be cancelled, and the voter shall be given, only once, a new ballot-paper, and the fact shall be mentioned in the official report on the ballot operations.

(8) The stamp handed over for voting shall be returned to the chairman.

(9) The chairman may take measures to prevent a voter from staying in the polling booth for an unduly long time.

(10) After voting, the stamp marked “voted” and the date shall be applied on each voter’s identity card.
(1) For the identity card, the stamp with the mention “voted” and the date are stamped on the back of a self-sticking label. The model of the self-sticking label, as well as the conditions of its printing, administration and utilization shall be established by Government Decision.

(As per Law No. 164/1998)

Art. 65. — (1) The chairmen, members of the electoral offices of the polling stations, as well as the personnel in charge of maintaining order shall vote at the polling station where they carry out their respective duties, if their domicile is in the locality for which the voting takes place at that station.

(2) The conscript military shall vote for the local council and for the mayor of the locality in which the military unit is located or, as the case may be, for the local council, the county council and the mayor in the domicile locality, depending on the place where they vote. (As per G.E.O. No. 28/2000).

Art. 66. — Candidates and any voter shall have the right to contest the identity of the person coming to vote. In this case, the person’s identity shall be established by the chairman by using any available means. In case the contestation proves to be founded, the chairman shall prevent the contested voter from casting his/her ballot, shall record the fact in the official report, and shall notify the police authorities on the situation.

Art. 67. — (1) The chairman of the electoral office of the polling station may suspend the voting for well-founded reasons.

(2) The suspension shall not exceed one hour and shall be announced by posting a notice up on the door of the polling station at least one hour earlier. The duration of all suspension periods shall not exceed two hours.

(3) During the time when voting is suspended, the ballot boxes, stamps, ballot papers, and all proceedings of the electoral office shall remain under permanent watch, and the members of the electoral office shall not leave the polling room all at the same time.

(4) The persons who, on the basis of Article 62 paragraph (7), may attend the voting cannot be obliged to leave the polling room during the time when the voting is suspended.

Art. 68. — (1) The presence of any person in the polling booth, except that of the voter, shall be prohibited.

(2) The voter who, for good reasons found as such by the chairman of the electoral office of the polling station, is not in a position to vote by himself, shall have the right to call an attendant of his own choice in order to help him/her in the polling booth.

Art. 69. — (1) For voters incapable of being removed on account of an illness or physical disablement, at their request or at that of the management bodies of the health or social security institutions where the voters unfit to be moved are admitted as patients, the chairman of the electoral office of the polling station shall designate a number of members of the electoral office to go, with a special ballot box and the materials needed for voting, to the voter’s place, in order that he/she may cast his/her ballot.

(2) In the cases provided under paragraph (1), the voting shall be conducted on the basis of a nominal list set up on the basis of the electoral registers, signed by the chairman of the electoral office of the polling station.

Art. 70. — At 9.00 p.m. or, in the situation provided under Article 65, at midnight, the chairman of the electoral office of the polling station shall declare the voting terminated.
(2) Upon unfolding each ballot paper, the chairman shall read out aloud the voted list of candidates, or the name and surname of the candidate elected for the mayor office, as the case may be, and shall show the ballot-paper to those present.

(5) All ballot-papers not bearing the control stamp of the polling station, all ballot-papers of another type than the legally approved one, all ballot-papers not marked with the stamp “voted”, or in which the stamp is applied on several squares or outside their border shall be cancelled; these ballot-papers shall not be counted as votes validly expressed.

(4) The results shall be listed in two separate tables, for the local council, the county council, respectively for the mayor; one table shall be kept by a member of the electoral office, and another by the attending candidates. At the municipality of Bucharest, a table shall be also prepared for the mayor-general of the capital.

(5) In these tables there shall be entered the total number of voters, the number of cancelled ballot-papers, the lists of candidates, or the name and surname of the independent candidates and of those for the mayor office, as the case may be, as well as the number of votes cast for each of them.

Art. 72. — (1) After the opening of ballot boxes and the counting of the votes, the chairman of the electoral office of the polling station shall draw up two official reports in two copies each, one for the council for which elections took place, and another for the mayors’ elections.

(2) The official report shall include:
   a) the total number of voters according to the electoral registers in the constituency, of which:
      — the total number of voters according to the permanent electoral register of voters;
      — the total number of voters according to the additional register of voters;
      — the total number of voters according to the special electoral register of voters;
      — the total number of voters according to the separate electoral register of voters;
   b) the total number of voters entered in the constituency electoral registers, who reported to the polls, of which:
      — the total number of voters entered in the permanent electoral register of voters who reported to the polls;
      — the total number of voters entered in the additional electoral register of voters who reported to the polls;
      — the total number of voters entered in the special electoral register of voters who reported to the polls;
      — the total number of voters entered in the separate electoral register of voters who reported to the polls; (As per G.E.O. No. 28/2000)
   c) the total number of votes validly expressed;
   d) the number of cancelled votes;
   e) the number of votes validly expressed, obtained by each list of candidates or by each independent candidate;
   f) the number of votes validly expressed, obtained by each candidate for the mayor office;
   g) a brief description of the objections and contestations and their ruling, as well as of the contestations forwarded to the constituency electoral office;
   h) the state of the seals on the ballot boxes, at the termination of the voting;
   i) the number of ballot-papers received;
   j) the number of ballot-papers left unused and cancelled.

(3) The official reports shall be signed by the chairman and members of the electoral office of the polling station, and shall bear its stamp.

(4) The absence of the signatures of some of the office’s members shall not affect the validity of the official report. The chairman shall mention the reasons having prevented the signing.

Art. 73. — (1) During polling operations and the opening of ballot boxes, objections and contestations may be made with regard to these operations.

(2) Contestations shall be formulated in writing and submitted to the chairman of the electoral office of the polling station, who shall issue a receipt.
(5) The chairman of the electoral office of the polling station shall immediately rule on the contestations the solving of which suffers no delay.

Art. 74. — For each local council, county council, and respectively for the mayor a file shall be set up, which shall include: the official reports and the contestations regarding the electoral operations of the polling station, as well as the cancelled and contested ballot-papers. The files, after being sealed and stamped, shall be forwarded to the constituency electoral office by the chairman of the electoral office of the polling station, under military guard, within 24 hours at the most from the termination of the poll, and, on request, accompanied by the parties' representatives.

Section 2
Returning of election results

Art. 75. — (1) Upon receipt of the official reports with the polling returns from all the electoral offices of the polling stations, and after ruling on the objections and contestations received, the constituency electoral office shall proceed to the summing up of the votes cast, and to the allocation of mandates, under the terms of the present law.

(2) To this end, the constituency electoral office shall separately record the number of votes obtained by each list of candidates or independent candidates throughout the constituency.

(3) Likewise, the votes cast for each candidate to the mayor office shall be added up.

(4) The operations carried out by the constituency electoral office may be attended by every person entitled to remain in the polling station seat during the poll.

Art. 76. — The elections for councillors are valid irrespective of the number of voters participating in the polls.

Art. 77. — (1) For the distribution of the mandates of councillor, the constituency electoral office shall establish:

a) an electoral coefficient, determined by dividing the total number of votes validly expressed for all the lists and independent candidates to the total number of councillors in the respective constituency, established as per law;

b) a limit of 5% of the total number of votes validly expressed in the respective constituency;

(2) Unused votes are considered the difference between the number of votes validly expressed in favour of each list of candidates of the parties, political groupings, political alliances or electoral alliances, or for each independent candidate, and the product of the electoral coefficient and the number of mandates allotted as per par. (4).

(3) The electoral ceiling is equal to:

a) the limit of 5%, in the case in which the electoral coefficient is higher than the limit of 5%, provided in par. (1) let. b); or

b) the electoral coefficient, if that is lower than the limit of 5%.

(4) The constituency electoral office shall distribute to each party, to each political grouping, political alliance or electoral alliance which achieved the electoral ceiling, within the limits of the number of candidates on the list, a number of mandates equal to the whole part of the result of the division between the number of votes validly expressed for each party, political grouping, political alliance or electoral alliance and the electoral coefficient; to each independent candidate shall be granted a mandate if the number of the votes validly expressed in his favour is at least equal to the electoral coefficient.

(5) The constituency office shall distribute to each party, to each political grouping, political alliance or electoral alliance which achieved the electoral ceiling the mandates remaining after the distribution provided in par. (4), according to the register which includes the decreasing order of the number of unused votes provided in par. (2), granting them one mandate each; the operation shall be repeated, in the order of the register, until all the undistributed mandates are exhausted.
(6) In the case in which no party, political grouping, political alliance or electoral alliance, or independent candidate achieves the electoral ceiling, a mandate is distributed to each of them, in the decreasing order of the number of votes validly expressed in favour of each, until the exhaustion of all the mandates established according to law.

(7) For the cases stipulated in par. (4) and (5), in case two or more parties, political groupings, political alliances or electoral alliances have the same number of votes remained unused before the granting of the last mandate to be distributed, this shall be granted to the party, political grouping, political alliance or electoral alliance which obtained the highest number of votes validly expressed before the re-distribution of the votes; if they have the same number of votes validly expressed, the granting of the mandate shall be made by drawing lots.

(8) The distribution of the mandates granted for each lists of candidates submitted by the parties, political groupings, political alliances or electoral alliances is made in the order of the entering of the candidates on the list.

(9) The candidates entered on the list, who were not elected, are declared substitutes in the respective lists. In case of vacancy of the mandates of councillors elected on lists of candidates, the substitutes shall occupy the vacant seats in the order in which they are entered on the lists, if until the date of the validation of the mandate for occupying the vacant seat, the parties, the political groupings, political alliances or electoral alliances on the lists of which the substitutes stood for, confirm, in writing, that they are part of the respective political party, political grouping, political alliance or electoral alliance. In case of vacancy of the mandate of an independent councillor, the vacant seat shall be taken by the substitute on the list of the party, political grouping, political alliance or electoral alliance which achieved the highest number of votes validly expressed.

Art. 78. — (1) For the office of mayor, the centralization of the votes is made by the constituency electoral office.

(2) In the case in which at least half plus one of the number of the voters entered in the electoral registers of a constituency reported to the polls and one of the candidates obtained the majority of the votes validly expressed, he is declared mayor.

(3) If out of the total number of voters entered in the electoral registers of a constituency only less than half plus one reported to the polls and none of the candidates obtained half plus one of the number of votes validly expressed, fact which shall be recorded in the official report drawn up by the constituency office, a second ballot shall be organized.

(4) The elections in the second ballot shall take place within two weeks from the preceding elections, in the elections participating only the first 2 candidates in the decreasing order of the number of votes validly expressed in favour of each. In the case in which on the second place are candidates who obtained an equal number of votes validly expressed in favour of each of them, these shall participate in the second ballot together with the candidate who obtained the highest number of votes validly expressed in his favour.

(5) The elections in the second ballot are considered valid irrespective of the number of voters reporting to the polls.

(6) In the second ballot, the candidate who achieved the highest number of votes validly expressed is declared mayor. (As per G.E.O. No. 28/2000)

Art. 79. — In case of parity of votes of at least two candidates for the mayor office, a second ballot must be declared and new elections shall be organized de jure, within a fortnight. In these elections shall run only the candidates in the situation of ballotage.

Art. 80. — (1) In case one of the candidates to the mayor office, among whom the second ballot is to be held, according to the provisions under Article 78 paragraph (2), should die, give up, or no longer meet the conditions provided by law in order to be elected, the candidate situated on the next place shall run in the second round.
f) the total number of votes validly expressed, obtained by each candidate to the mayor office;
g) the name and surname of the candidates elected for each local council and county council, the political party, political alliance, or electoral alliance having nominated them, respectively the mention of independent candidate;
h) the name and surname of the mayor elected and the political party, political alliance, or electoral alliance having nominated him/her, or the mention of independent candidate;
i) a brief account on the objections, contestations, and decisions delivered by the constituency electoral office which are final.

(3) The official reports shall be drawn up in two copies and signed by the chairman and the other members of the constituency electoral office, and they shall bear its stamp.

(4) One copy of the official report for the local council, the county council, and the General Council of the Municipality of Bucharest, together with the objections, contestations, and official reports received from the electoral offices of the polling stations, each forming a separate file, duly sealed and signed by the members of the constituency electoral office, shall be forwarded to the local council, respectively the county council, and to the General Council of the Municipality of Bucharest, with a view to the validation of the elections. For the mayor, the file formed according to the present paragraph shall be forwarded under military guard, within 48 hours at the most, to the court of first instance in the territorial area of which the constituency for which he/she has been elected is situated, and in the case of the mayor-general of the capital, to the Tribunal of the Municipality of Bucharest.

(5) The second copy of the official report shall be sent to the county electoral office, within 24 hours.

(6) At the request of the electoral offices of the polling stations who signed the official report, or of the representatives of the parties, political groupings, political alliances and electoral alliances who submitted the lists of candidates, as well as of the independent
candidates, shall be issued, compulsorily, by the president or vice-president of the electoral office, a certified copy of the respective official report. The request must be formulated before the drawing up of the official report. (As per G.E.O. No. 28/2000)

(7) The constituency electoral office shall issue the certificate proving the election of the local councillors, county councillors, and of the mayor.

(8) For the mayor-general of the capital and for the General Council of the Municipality of Bucharest the certificates proving the elections shall be issued by the Electoral Office of the Municipality of Bucharest.

Art. 82. – (1) The county electoral office shall centralize the votes and election returns for the county, by political parties, political alliances, electoral alliances, and independent candidates, and shall draw up an official report each for the local councillors, county councillors, and mayors.

(2) The official report shall be drawn up in two copies, within 24 hours after all official reports have been received from the constituency electoral offices, and it shall include:

a) the total number of voters according to the constituency electoral registers of which:
   - the total number of voters according to the electoral register of voters;
   - the total number of voters according to the additional electoral register of voters;
   - the total number of voters according to the special electoral register of voters;
   - the total number of voters according to the separate electoral register of voters;

b) the total number of voters entered in the constituency electoral registers, who reported to the polls, of which:
   - the total number of voters entered in the permanent electoral register of voters, who reported to the polls;
   - the total number of voters entered in the additional electoral register of voters, who reported to the polls;

   - the total number of voters entered in the special electoral register of voters, who reported to the polls;
   - the total number of voters entered in the separate electoral register of voters, who reported to the polls; (As per G.E.O. No. 28/2000)
   c) the total number of votes validly expressed;
   d) the total number of cancelled votes;
   e) the total number of votes validly expressed, obtained by the lists of candidates to the councillor office, grouped by political parties, political alliances, or electoral alliances, as well as by independent candidates;
   f) the total number of votes validly expressed, obtained by the candidates for the mayor office, grouped by political parties, political alliances, electoral alliances, and by independent candidates;
   g) the total number of councillor mandates, grouped by political parties, political alliances, electoral alliances, and by independent candidates;
   h) the total number of mandates for the mayor office, grouped by political parties, political alliances, electoral alliances, and by independent candidates.

(3) The official report shall be signed by the members of the county electoral office and shall bear its stamp.

(4) A copy of the official report shall be forwarded, within 24 hours after it has been drawn up, together with the official reports received from the constituency electoral offices, under military guard, to the Central Electoral Office.

(5) The county electoral office shall announce publicly, through the Official Gazette of the county, the returns of the elections for the respective county.

Art. 83. – The provisions of the present law shall be correspondingly applied for the election of the General Council of the Municipality of Bucharest, too.

Art. 84. – (1) Validated county councillors or those of the municipality of Bucharest shall not be, at the same time, members of local councils; the vacant seats shall be filled up according to Article 77 paragraph (2). Candidates having been declared elected, both for the local councillor office and for the county councillor one, shall
be obliged to choose, within 10 days after the date of the last validation, between one of the two qualities.

(2) The provisions under the present article shall be also applied in the case of persons elected both to the office of sector councillor and to that of councillor of the Municipality of Bucharest.

CHAPTER V

Contraventions and offences

Art. 85. – The following acts shall be considered contraventions, unless, according to the law, they are offences:

a) the deliberate registration of a voter in several electoral registers of the locality of domicile, the registration in the electoral registers of fictitious persons or of disfranchised persons, the signing of the list of supporters by violating the provisions under Article 42, as well as the violation of the provisions with reference to the posting up of the electoral registers, of the lists of candidates and of independent candidates, or to the use of electoral signs;

b) failure to take, by the organizers, the necessary steps for a normal carrying out of electoral meetings, as well as the distribution and consumption of alcoholic drinks during such meetings;

c) the destruction, deterioration, soiling, concealing by writing or in any other way of the electoral registers, of the programme-platforms posted up, or of any other printed electoral propaganda bills or announcements;

d) posting up of electoral propaganda materials in other places than those permitted according to the provisions under the present law;

e) the acceptance by a person of being entered in several lists of candidates;

f) failure, by the members of the constituency electoral offices, to publish the nominations for candidates;

g) the refusal to allow access to the polling station seat of the persons provided under Article 62 paragraph (7);

h) the refusal to follow the orders of the chairman of the electoral office of the polling station with regard to the maintenance of order in the polling station seat and around it, according to the provisions under Article 62 paragraph (2);

i) the unjustified refusal to hand over the ballot-paper and voting stamp to the voter entered in the list and who presents an identity card, as well as the handing over of the ballot-paper to a voter who does not present this card;

j) the drawing up by the electoral offices of the polling stations of the official reports with violation of the provisions under Article 72;

k) the desertion of the polling station seat by the members of its electoral office before the election returns have been established and the official report signed;

l) the continuation of electoral propaganda after termination of the electoral campaign, according to the provisions under Article 54, as well as the act of persuading the voters on election day, at the seat of polling stations or in the places provided under Article 62 paragraph (2), to vote or not to vote certain political parties, political alliances, electoral alliances or independent candidates;

m) the receiving of subsidies for the electoral campaign otherwise than through a financial mandatary, or to tolerate the infringement by the mandatary of the obligations incumbent upon him/her according to the provisions under the present law;

n) the wearing, over the duration of the poll, by the members of the electoral office of the polling station or by the accredited persons, of badges, escutcheons, or other electoral propaganda marks;

o) the unjustified absence of the chairman, of his/her deputy, or of the members of the electoral offices, established according to the provisions under the present law, from their activity.

p) the refusal by the president or vice-president of the constituency electoral office to issue a certified copy of the official report provided in Art. 81 par. (6). (As per G.E.O. No. 28/2000)
Art. 86. – The contraventions provided in Art. 85 letters c), d) and g) are sanctioned with fine from 500,000 lei to 700,000 lei, those provided in letters e), f), j), k), l), m), n), o) and p), with fine from 700,000 lei to 2,000,000 lei, and those provided in letters a), b), h) and i), with contravention prison from one month to 6 months or with fine from 2,000,000 lei to 8,000,000 lei. (As per G.E.O. No. 28/2000)

Art. 87. – (1) The ascertainment of the contraventions provided under Article 85 shall be made by an official report drawn up by:

a) police officers and non-commissioned officers, for the acts provided under letters a), b), c), d), f), g), h), i), l), and m);

b) the mayors and their proxies, for the acts provided under letters d) and f);

c) the chairman of the constituency electoral office, for the acts provided under letters e), j), k), and n);

d) the president of the electoral office, in the case of its members, and the president of the hierarchically higher electoral office, in the case of the presidents of the hierarchically lower electoral offices and for their substitutes, for the deeds provided in letters o) and p). (As per G.E.O. No. 28/2000)

(2) In case of the contraventions provided in Art. 85 letters c), d), e), f), g), j), k), l), m), n), o), and p), at the same time with the drawing up of the official report, the finding agent shall also apply the fine. (As per G.E.O. No. 28/2000)

(3) To the contraventions provided under Article 85 there shall also be applicable the provisions of the Law No. 52/1968 on the ascertainment and sanctioning of contraventions.

(4) The official report on the ascertainment of the contraventions provided under Article 85 letters a), b), h), and i) shall be forwarded to the court of first instance in whose territorial area the contravention has been committed, which shall apply the sanction, by taking into account the provisions under the Law No. 61/1991, too.

Art. 88. – (1) The prevention by any means of any person to freely exercise his/her right to elect or be elected shall be sentenced to imprisonment from 6 months to 5 years and legal incapacity with regard to some rights.

(2) In case the act provided under paragraph (1) has caused physical injuries or has damaged a person’s health, requiring medical care for healing of more than 60 days, or has caused any of the following consequences: loss of a sense or an organ, loss of its functioning, a permanent physical or psychic infirmity, disfigurement, miscarriage, or endangering of any person’s life, the term of imprisonment shall be of 3 to 10 years.

(3) The attempt shall be liable to punishment.

Art. 89. – (1) Violation by any means of the secrecy of vote, by the members of the electoral office of the polling station or by any other persons shall be punished with imprisonment from 6 months to 3 years.

(2) The attempt shall be liable to punishment.

Art. 90. – (1) Any person promising to give, offering, or giving any money or other benefits or advantages to any voter in order to induce him/her to vote or not to vote a certain list of candidates or an independent candidate, as well as their acceptance by any voter, to the same end, shall be punished with imprisonment from 6 months to 5 years.

(2) The punishment provided under paragraph (1) shall be also applied to the person who votes without having the franchise, or to the elector who votes several times on election day.

(3) The attempt shall be liable to punishment.

Art. 91. – (1) The printing and use of counterfeit ballot-papers, the casting into the ballot box of an additional number of ballot-papers other than those voted by electors, or the forging by any means of the documents of the electoral offices shall be punished with imprisonment from 2 to 7 years.

(2) The attempt shall be liable to punishment.

Art. 92. – (1) Anyone attacking by any means a polling station seat, stealing a ballot box or the electoral documents shall be punished with imprisonment from 2
The documents prepared in the exercise of the electoral rights provided under the present law shall be exempt from stamp tax.

Art. 93. — (1) The opening of a ballot box before the time established for termination of voting shall be punished with imprisonment from 1 to 5 years.

(2) The attempt shall be liable to punishment.

Art. 94. — The limits of the punishments for the offences provided in the Criminal Code or in special criminal laws, except those provided under articles 88–95, committed in connection with the carrying out of elections, according to Chapter III under the present law, shall be extended by half of the special maximum.

Art. 95. — For all the offences committed in connection with the election of councillors and mayors, the criminal prosecution shall be put in action ex officio.

Art. 96. — Material objects intended or used for committing the contraventions provided under Article 85 or the offences provided under articles 88–95, or resulting from their commitment, shall be confiscated.

CHAPTER VI
Transitory and final provisions

Art. 97. — (1) Expenses for the organization and carrying out of the elections shall be covered from the local and county budgets.

(2) The seat, endowment, and expenses of the Central Electoral Office shall be provided by the Government. The seats and endowment of the county electoral offices and of the county constituency electoral offices shall be provided by the mayors of the county residence municipalities together with the chairmen of the county councils and with the prefects, and those of the electoral offices of communal, town, municipal constituencies and of the territorial-administrative subdivisions of municipalities, as well as those of the polling stations, shall be provided by the mayor together with the prefects.

(3) For each day of activity rendered in the electoral campaign, an indemnity established by the Government shall be granted to the members of electoral offices.

Art. 98. — The trial in court of the objections, contestations, and of any other petitions provided under the present law shall be made according to the rules established by law for the presidential ordinance, with the public prosecutor's obligatory participation.

(2) Against the final and irrevocable decisions pronounced by the courts of law according to the present law there shall be no way of appeal.

Art. 100. — (1) The expenses for the organization and carrying out of the elections shall be covered from the local and county budgets.

(2) The seat, endowment, and expenses of the Central Electoral Office shall be provided by the Government.

The seats and endowment of the county electoral offices and of the county constituency electoral offices shall be provided by the mayors of the county residence municipalities together with the chairmen of the county councils and with the prefects, and those of the electoral offices of communal, town, municipal constituencies and of the territorial-administrative subdivisions of municipalities, as well as those of the polling stations, shall be provided by the mayor together with the prefects.

(3) For each day of activity rendered in the electoral campaign, an indemnity established by the Government shall be granted to the members of electoral offices.

7 to 7 years, unless the act constitutes a more severe offence.

(2) The attempt shall be liable to punishment.

Art. 93. — (1) The opening of a ballot box before the time established for termination of voting shall be punished with imprisonment from 1 to 5 years.

(2) The attempt shall be liable to punishment.

Art. 94. — The limits of the punishments for the offences provided in the Criminal Code or in special criminal laws, except those provided under articles 88–95, committed in connection with the carrying out of elections, according to Chapter III under the present law, shall be extended by half of the special maximum.

Art. 95. — For all the offences committed in connection with the election of councillors and mayors, the criminal prosecution shall be put in action ex officio.

Art. 96. — Material objects intended or used for committing the contraventions provided under Article 85 or the offences provided under articles 88–95, or resulting from their commitment, shall be confiscated.
activity necessary for the citizens to exercise their electoral rights.

Art. 102. – (1) Persons disfranchised by a final judicial decision shall not participate in the voting, and shall not be taken into account on establishing the total number of voters, over the whole duration established by the decision.

(2) For persons taken in custody on the basis of a warrant for arrest or who are executing a contravention penalty with imprisonment there shall be correspondingly applied the provisions under Article 69 regarding the special ballot box.

Art. 103. – In the sense of the present law, the legally constituted organizations belonging to national minorities shall be assimilated to political parties, political alliances, and electoral alliances.

Art. 104. – (1) Within 3 days after setting the date of elections, the Government shall establish the pattern of the copy from the permanent electoral registers and of the stamps of the constituency electoral offices, county electoral offices, and of the Central Electoral Office. Likewise, at least 20 days prior to the election day, it shall establish the pattern of the control stamp and of the stamp required for voting, of the official reports for recording the returns of the vote, of the certificate attesting the election of the councillors and of the mayor, and that of the certificate with regard to the exercise of the franchise.

(2) The handing over and reception of the printed forms, of the stamps and other materials needed for voting shall be made on the basis of a written statement.

Art. 105. – By identity document, in the sense of the present law, is understood the identity card, the provisional identity card, the certificate replacing the identity card or the diplomatic or service passport, while in case of the conscript military and the cadets from schools, the military service card. (As per Law No. 164/1998).

Art. 106. – The county electoral offices shall accredit as internal observers only franchised citizens empowered by a non-governmental organization, having as an object of activity the defence of human rights, legally set up at least 6 months before the beginning of the electoral campaign.

Art. 107. – Persons designated as internal observers shall not be members of a political party; their accreditation shall be granted for all polling stations from the area covered by the county constituency or that of the municipality of Bucharest, only at the request of the organizations mentioned under Article 106, accompanied by the written declaration of each observer that he/she shall observe the accreditation terms; the declaration shall be given on his/her own responsibility and shall constitute a deed of public law with all the consequences provided under the law; the accreditation terms shall be those provided under Article 99 paragraph (5) of the law and mentioned in the accreditation document.

Art. 108. – To the non-governmental organizations provided under Article 106 there shall be correspondingly applied the provisions of Article 56 paragraph (9) and of Article 99 paragraph (5).

Art. 109. – The Government shall establish the duration and conditions of preservation of the ballot-papers used, contested or not contested, as well as of those that have not been used, of the stamps and other materials required for voting.

Art. 110. – (1) The provisions under the present law shall correspondingly apply to the elections organized over the duration of a legislature, following upon the dissolution of some local or county councils, the invalidation of a mayor, respectively in case of vacancy of a mayor office.

(2) No elections shall be organized for local councils or county councils, or for a mayor office earlier than 6 months before the expiry of the normal duration of the mandate.

Art. 111. – By the designation of constituency electoral office, used in the present law, there shall be understood the electoral office of the communal, town, municipal, county constituency and that of the territorial-administrative subdivision of a municipality.