



Office for Democratic Institutions and Human Rights

ROMANIA

PRESIDENTIAL ELECTION

10 November 2019

ODIHR NEEDS ASSESSMENT MISSION REPORT

16-18 July 2019



Warsaw
26 July 2019

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ROMANIA
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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an official invitation to observe the 10 November 2019 presidential election and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) to Romania from 16 to 18 July. The ODIHR NAM included Richard Lappin, Deputy Head of the ODIHR Election Department, and Vladimir Misev, ODIHR Election Adviser.

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

ODIHR would like to thank the Ministry of Foreign Affairs for their assistance and co-operation in organizing the visit. ODIHR would also like to thank all of its interlocutors for meeting with the mission and sharing their views.

II. EXECUTIVE SUMMARY

On 9 July, the government called a presidential election to be held on 10 November. The president is directly elected for a five-year term by an absolute majority. If no candidate receives above 50 per cent of the total number of eligible voters, a second round between the two candidates with the highest number of votes is held within two weeks. In the second round, the candidate who receives the higher number of votes is elected.

A number of changes were made to the election legislation since the last presidential election, with the most recent made in July 2019. The key changes are in relation to the procedures for out-of-country voting, the financing of election campaigns, and the candidate registration process. The majority of ODIHR NAM interlocutors expressed confidence in the legal framework and noted that the process of drafting and adopting the new amendments was inclusive. While a number of prior ODIHR recommendations have been addressed, several ODIHR NAM interlocutors noted that the legislation needs to be consolidated and codified, as previously recommended by ODIHR.

The election will be managed by two administrative structures: the Permanent Electoral Authority (PEA) and a three-tiered structure of election bureaus established ahead of each election comprising the Central Election Bureau (CEB), Constituency Election Bureaus (BECs) and Polling Station Election Bureaus. The Ministry of Foreign Affairs (MFA), in co-operation with the PEA, will establish polling stations for voting abroad. Most ODIHR NAM interlocutors expressed overall confidence in the work and the impartiality of the election administration at all levels.

Citizens over 18 years are eligible to vote, with the exception of those disenfranchised by a court decision on grounds of legal incapacity or judicial sentence. The PEA has overall responsibility for management of the permanent and centralized electoral register. Voters can verify their records in

person or online. According to the PEA, the number of voters is estimated at 18.2 million. The majority of ODIHR NAM stakeholders expressed confidence in the integrity of the voter registration process as well as general trust in the accuracy of the voter lists.

Voters residing abroad can vote by post or in person at the consular and diplomatic representations, or other designated locations, determined by the MFA. While prior registration for voting abroad is not required, which several ODIHR NAM interlocutors raised as a serious concern for effective planning, the recent amendments do oblige voters to register online to vote by post.

Voters over 35 years of age and with domicile in Romania are eligible to stand for election. Candidates can be nominated by political parties or group of citizens and, in both cases, require the support of 200,000 voters. Recent changes to the legislation provide that voters can give their support for more than one nominee, in line with a prior ODIHR recommendation. Most ODIHR NAM interlocutors expressed confidence in the inclusiveness of the candidate registration process and all parliamentary parties stated their intention to nominate candidates.

The legislation provides a basis for equitable campaigning conditions for all contestants, with specific and extensive campaign rules, including on the format and location of printed material. While some ODIHR NAM interlocutors saw some of these rules as overly restrictive, most ODIHR NAM interlocutors from the parliamentary parties expect to be able to campaign in a free atmosphere and without hindrance. According to the law, the BECs are responsible for oversight of fair conduct of the campaign. Most ODIHR NAM interlocutors from the parliamentary parties intend to use different campaign methods, including, rallies and door-to-door campaigning and social media.

The overall party and campaign finance framework has been substantially reformed. Campaigns can be financed by citizens' donations, personal income, loans from individuals or credit institutions, and since 2019, from political parties that nominate candidates. Campaigns of independent candidates cannot be financed by political parties. The majority of parliamentary parties met with by the ODIHR NAM expressed satisfaction with the party and campaign finance framework. However, a number of ODIHR NAM interlocutors noted that the recent changes, which also increased the public funds available for parties to use during the campaign, could contribute to an unlevel playing field between candidates, particularly affecting those standing independently or nominated by new parties.

The media landscape is diverse, providing a wide range of political information. The legal framework obliges all media to ensure balanced, fair, and equitable coverage and provides for free access of candidates to the public broadcasters. The public broadcaster intends to organize different formats of campaign-related programmes, including interviews and debates among candidates, as well as a voter information campaign in co-operation with the PEA. The broadcast media are supervised by the National Audiovisual Council (CNA), an autonomous body accountable to the parliament and mandated to impose sanctions on outlets that violate the law or CNA regulations.

In general, election-related complaints are filed with the superior election bureau and appealed through the hierarchy of the election administration with the CEB's decision being final. The legislation establishes an expeditious dispute resolution process within one to three days. Overall, ODIHR NAM interlocutors expressed confidence in the complaints and appeals processes and the impartiality of the election administration and courts in resolving electoral disputes.

The law provides for election observation by both citizen and international organizations. According to the legislation, sessions of the elections bodies at all levels are not open and election observers are allowed to observe only during the election day until the closing of the counting procedures. A

number of civil society organizations informed the ODIHR NAM of plans to observe the upcoming election across the country, including coverage of the campaign and election day processes.

All ODIHR NAM interlocutors expressed overall confidence in the professionalism and impartiality of the election administration and its ability to organize the election efficiently. The majority of ODIHR NAM interlocutors noted the open and inclusive process of adopting the recent amendments to the election law, which addressed some previous ODIHR recommendations. Political parties anticipate an inclusive candidate registration process and do not foresee challenges in their ability to campaign freely. However, most ODIHR NAM interlocutors emphasized the value of an ODIHR election observation activity for this election, recognizing that an external assessment and recommendations could contribute to further refinement of electoral law and practice. In particular, it was noted that specific attention should be given to the recent changes in the party and campaign finance framework, rules for out-of-country voting, and the legal framework, including to candidate and voter registration processes. Based on this, and subject to the availability of resources, the ODIHR NAM recommends the deployment of an Election Assessment Mission (EAM) for the 10 November presidential election.

III. FINDINGS

A. BACKGROUND

In line with the Constitution, on 9 July, the government called a presidential election to be held on 10 November.¹ Romania has a semi-presidential political system, with executive powers shared by the president and a government headed by a prime minister. The president is the head of the state and, among other duties, appoints the government and the prime minister, with approval of the parliament. According to the Constitution, the president is the supreme commander of the armed forces, has competences in the country's foreign affairs, and is obliged to safeguard the Constitution and the "proper functioning of the public authorities". The legislative powers are vested with the two-house parliament, comprising the Chamber of Deputies and the Senate. The judicial branch is composed of the Constitutional Court and a separate court system that includes the High Court of Cassation and Justice.

The last presidential election was held in 2014. A total of 13 candidates participated in the first round of the election, with a second round contested by the former prime minister Victor Ponta, supported by a coalition led by the Social Democratic Party (PSD), and the incumbent president Klaus Iohannis, supported by a coalition led by the National Liberal Party (PNL). The election turnout was 53.2 per cent in the first round and 64.1 per cent in the second round, and the incumbent president was elected with 54.4 per cent of the votes.

Following the 2016 parliamentary elections, a majority government was formed by the PSD and the Alliance of Liberals and Democrats (ALDE). The parliamentary opposition is composed of the PNL, Save Romania Union (USR), the Democratic Alliance of Hungarians in Romania (UDMR), the People's Movement Party (PMP) and a number of citizens organizations belonging to national minorities.² Women are underrepresented in the parliament, with 20.7 per cent of the seats in the

¹ The Government Decision 485 from 9 July 2019 will enter into force on 28 August, from which point the official election period starts.

² In the Senate, out of 136 seats, PSD has 67 members and ALDE 9 members, and in the Chamber of Deputies, out of 328 seats, PSD has 154 members and ALDE 20 members. In the Senate, the PNL, USR, UDMR and PMP are represented with 30, 13, 9 and 8 members, respectively, and in the Chamber of Deputies the PNL, USR, UDMR, PMP with 69, 30, 21, 18, respectively, with 17 members belonging to various national minorities.

Chamber of Deputies and 14.7 per cent in the Senate. Eight of the 26 government ministers are women, including the current prime minister.³

Numerous and large-scale anti-corruption protests took place between 2017 and 2019. The most recent protests were held against legal acts proposed by the government, which proposed the pardoning of certain crimes, including abuse of office. Following these protests and repeated negative reactions to the proposed legislation, by different national and international institutions, a consultative referendum on the matter took place on 26 May.⁴ Voters were asked whether to prohibit amnesties and pardons for corruption offences and, separately, whether to prohibit the government from passing emergency ordinances concerning the judiciary and to extend the right to appeal them to the Constitutional Court. With a turnout of over 40 per cent, both proposals were approved with over 85 per cent of the vote. On 27 May, following several investigations by the National Anticorruption Directorate, a state agency mandated to conduct investigations and prosecutions on high and medium level public officials, the former president of the PSD and member of the Chamber of Deputies, Liviu Dragnea, was sentenced to a three-and-a-half year prison term on corruption charges for abuse of office.⁵ Most recently, the Council of Europe's Group of States against Corruption (GRECO) noted a lack of progress by the country to combat corruption.⁶

ODIHR has observed eight elections in Romania since 1996. An Election Expert Team (EET) was deployed for the 2012 parliamentary elections, which concluded that "the elections were administered professionally and efficiently but more could be done to bring the legal framework further in line with OSCE commitments and other international standards". For the most recent 2016 parliamentary elections, ODIHR deployed a Needs Assessment Mission (NAM) which recommended the deployment of an EET "to focus its efforts on the effects of the new legislation and application of election procedures, the conduct of the campaign, campaign finance and aspects of media campaign coverage." However, due to insufficient financial and human resources ODIHR was not in a position to deploy an EET.⁷

B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is directly elected for a five-year term by an absolute majority. If no candidate receives above 50 per cent of the total number of voters, a second round between the two candidates with the highest number of votes is held within two weeks. In the second round, the candidate who receives the higher number of votes is elected.

Presidential elections are primarily regulated by the 1991 Constitution (amended in 2003), 2004 Law on the Election of the President of Romania (Presidential Election Law), 2015 Law on the Election to the Chamber of Deputies and the Senate (Parliamentary Elections Law), 2006 Law on Financial Activity of Political Parties and Electoral Campaigns (Political Finance Law), 2015 Law on Postal Voting, and the 2002 Law on Radio and Television Broadcasting (Broadcasting Law).⁸

A number of changes were made to the election legislation since the last presidential election, several of which address prior ODIHR recommendations, with the most recent adopted by parliament in July

³ See also, paragraph 24 of the 2017 [Concluding observations on the combined seventh and eighth periodic reports of Romania](#) of the Committee on the Elimination of Discrimination against Women (CEDAW).

⁴ The referendum took place concurrently with the 26 May 2019 elections to the European Parliament (EP).

⁵ Previously, in April 2016, Mr. Dragnea was sentenced to a two-year suspended sentence for election fraud which occurred during a 29 July 2012 referendum.

⁶ On 9 July 2019, in its [Interim Compliance Report](#), GRECO noted "[lack of progress in Romania on measures to combat corruption among parliamentarians, judges and prosecutors](#)."

⁷ See [previous ODIHR election reports](#) on Romania.

⁸ The legal framework also includes government decisions and regulations of election management bodies.

2019.⁹ These latest amendments primarily focussed on out-of-country voting, with the new legislation extending the number of voting days from one to three days, ensuring that voters arriving at the polling station within the voting hours can vote, providing video surveillance of polling stations abroad, requiring online registration to vote by post, and introducing additional safeguards for prevention of multiple voting such as scanning voters' identity documents and cross-checking data against the centralized voter register.¹⁰

Additionally, changes to the financing of presidential candidates' campaigns allow political parties to contribute to the campaigns of the candidates they nominated and for candidates who receive at least three per cent of the total number of votes to request reimbursement of eligible campaign costs. Amendments also allow for voters to give their support for more than one presidential nominee to register as a candidate, prolong the overall electoral period from 60 to 75 days before election day and the candidate registration period from 40 to 50 days, and allow voters with reduced mobility to vote in any polling station that provides for their unassisted access.

The majority of ODIHR NAM interlocutors expressed confidence in the legal framework and noted that the recent process of drafting and adopting legal amendments was inclusive. Notwithstanding, several ODIHR NAM interlocutors noted that the legislation needs to be consolidated and codified, as previously recommended by ODIHR, and others stated that the new legislation does not provide for sustainable solutions for out-of-country voting and recommended pre-registration for voters abroad.

C. ELECTION ADMINISTRATION

The election will be managed by two administrative structures: the Permanent Electoral Authority (PEA) and a three-tiered structure of election bureaus established ahead of each election, headed by the Central Election Bureau (CEB). The mid-level comprises 42 Constituency Election Bureaus, 6 election bureaus for the Municipality of Bucharest and one for citizens living abroad (BECs). Voting will be organized in over 18,700 Polling Station Election Bureaus (BESVs). The Ministry of Foreign Affairs, in co-operation with the PEA, will establish polling stations abroad and the exact number will be determined after 28 August.¹¹

The PEA is responsible for issuing decisions and instructions to supplement election laws, overseeing the electoral register, organizing voter education campaigns, supervising political and campaign finance, and ensuring logistical arrangements. The PEA is led by a president, appointed by a joint

⁹ On 20 June, a Joint Special Commission of the Chamber of Deputies and the Senate for the Elaboration, Modification and Completion of Legislative Proposals in Electoral Matters was established and introduced amendments to the Presidential Election Law, Parliamentary Elections Law, Political Finance Law and the Law on Postal Voting. The Commission has 23 members, including representatives from all parliamentary political parties and national minorities, and has a mandate of six months. Civil society and relevant institutions were consulted during the Commission's work. The draft amendments were passed by the parliament on 5 July and will enter in force on 29 July.

¹⁰ According to ODIHR NAM interlocutors, these measures aim to simplify election day procedures and were made in response to complaints received during the EP elections. Reportedly, voters abroad had difficulties to exercise their right to vote due to lengthy voting procedures, lack of human resources at polling stations, or inadequate voting venues. On 26 June, an Inquiry Parliamentary Committee for Investigating Possible Irregularities and Frauds Reported in the Public Space during the EP elections was formed. It has a mandate to assess potential discrepancies between the polling station results and the tabulated results at country level, as well as the functioning of the Computer System for Monitoring Turnout run by the Special Telecommunication Service, a military agency, tasked to "organize and coordinate telecommunications for the public authorities and other users as provided for by the law." The Committee has 23 members from all parliamentary political parties and is formed for a period of three months, with its results expected to be announced ahead of the presidential election.

¹¹ For the 2019 elections to the EP, voting took place in 441 polling stations abroad. According to several ODIHR NAM interlocutors, the number of polling stations abroad for the presidential election will likely increase.

session of parliament, and supported by two vice-presidents. All three are appointed for an eight-year term and cannot be party members.¹² According to the PEA, some 80 per cent of the permanent election administration is composed of women, with the three leadership positions occupied by men.

The CEB oversees the electoral process, adjudicates appeals of lower-level decisions and tallies final results. It is composed of up to 18 members; five judges from the High Court of Cassation and Justice, the PEA president and 2 vice-presidents, and up to 10 representatives from parliamentary parties or election contestants.¹³ Each parliamentary party is entitled to a seat on the CEB and has priority at the allocation, including at lower-levels of the election administration, with the remaining seats filled after candidate registration. According to the law, the CEB and the lower-level election administration meetings are not open to media or election observers, but their decisions are publicly available.

BECs administer county-level activities, including training of the BESV presidents and adjudicating appeals of activities at polling stations and during the voting process. They are composed of three judges appointed from the local court, one PEA representative, and up to seven representatives of parliamentary political parties or election contestants.¹⁴

BESVs comprise a president and a vice-president, and up to seven representatives of parliamentary political parties or election contestants.¹⁵ BESV management positions (president and alternate) are randomly appointed by the PEA from among legal experts registered in its electoral database, who have passed a mandatory exam.¹⁶ Out-of-country BESVs are composed of a president appointed by the chief of the diplomatic representation and from two to six representatives of parliamentary political parties or electoral contestants.¹⁷

Most ODIHR NAM interlocutors expressed overall confidence in the work and the impartiality of the election administration at all levels, although some concerns were raised regarding the overall administration of out-of-country voting and the training of lower-level election commissions.

D. VOTER REGISTRATION

Citizens over 18 years are eligible to vote, with the exception of those disenfranchised by a court decision on grounds of legal incapacity or judicial sentence. The PEA has overall responsibility for management of the permanent and centralized electoral register, which is based on a compilation of information from various state authorities, including the National Register of Persons' Records and maintained by the Ministry of Interior. Voters can verify their records in-person or online. The legislation also provides for the use of supplementary voter lists on election day, supported by electronic verification of voter data against the centralized register to safeguard against multiple voting.¹⁸ According to the PEA, the number of voters is estimated at 18.2 million.¹⁹ The majority of ODIHR NAM stakeholders expressed confidence in the integrity of the voter registration process as

¹² One vice-president is appointed by the President of Romania and the other by the prime minister. The current president was appointed in February 2019.

¹³ The judges are randomly selected, and from amongst themselves they elect the CEB chairperson and deputy.

¹⁴ Bucharest Court of Law judges serve on the BEC of the constituency for citizens abroad.

¹⁵ The July 2019 amendments allow electoral contestants that are not represented in the BESVs to nominate observers in each polling station.

¹⁶ Some 60,000 experts are thus far included in the database.

¹⁷ Depending on the number of voters and based on the request from the chief of the respective diplomatic representation. The recent amendments allow for up to 15 members of the respective BESVs.

¹⁸ Voters can be included in a supplementary voter list if they reside in the respective constituency and present identification and proof of their domicile.

¹⁹ According to the PEA, the number includes voters residing abroad who didn't change their identification documents and additional 700,786 voters are abroad who changed their identification documents. According to several ODIHR NAM interlocutors, the number of voters abroad is over 2 million.

well as general trust in the accuracy of the voter lists.

Voters residing abroad can vote by post or in person at consular and diplomatic representations, or other designated location, determined by the MFA.²⁰ The recent amendments require online registration for postal voters.²¹ However, prior registration for voting abroad in-person is not required, with a number of ODIHR NAM interlocutors stating that this could negatively impact the effective planning and delivery of election materials to the out-of-country polling stations,

E. CANDIDATE REGISTRATION

Voters over 35 years of age and with domicile in Romania are eligible to stand for election. Candidates can be nominated by political parties or group of citizens and, in both cases, require the support of 200,000 eligible voters. Recent changes to the legislation provide that voters can give their support for more than one nominee and extend the period for submission of nominations from 40 to 50 days before the election day. The nominations are submitted to the CEB which has 48 hours to register the candidates.²² Complaints against the CEB decisions on candidate registration can be made within 24 hours to the Constitutional Court, which has a 48 hour deadline to decide.

Most of the ODIHR NAM interlocutors expressed confidence in the inclusiveness of the candidate registration process and all parliamentary party stated their intention to nominate candidates. Some ODIHR NAM interlocutors noted concerns regarding the lack of a clear signature verification mechanism, as well as the short deadline for registration of the candidates by the CEB.

F. CAMPAIGN AND CAMPAIGN FINANCE

The campaign period will start on 12 October and end at 7:00 on 9 November. The legislation provides a basis for equitable campaigning conditions for all contestants, with specific and extensive campaign rules, including on the format and location of printed material. While some ODIHR NAM interlocutors saw some of these rules as overly restrictive, most ODIHR NAM interlocutors from the parliamentary parties expect to be able to campaign in a free atmosphere and without hindrance.²³ According to the law, the BECs are responsible for oversight of fair conduct of the campaign. Most ODIHR NAM interlocutors from the parliamentary parties intend to use different campaign methods, including, rallies and door-to-door campaigning and social media. Most interlocutors anticipated a civil campaign, although some noted concerns of intolerant rhetoric and online misinformation.²⁴

The financing of presidential campaigns is regulated by the Political Finance Law, which was substantially reformed in 2018 and further amended in July 2019. Under the revised framework, political parties are entitled to public funding, proportionate to the number of mandates won at the last national and local elections, with additional funds provided according to the number of mandates received by women.²⁵

²⁰ Postal voting for citizens living abroad was organized for the first time during the 2016 parliamentary elections.

²¹ Fifteen days after the start of the official election period on 28 August, voters who intend to vote by post should register online. Following this, the PEA has five days to verify the registrations and, within 48 hours, send the final voter list for out-of-country postal voting to the Romanian Post Office which is responsible for delivery of the ballots. No later than 25 days before election day, the voters should receive the ballot and the returning ballots should arrive back in Bucharest at least 3 days before election day.

²² The National Integrity Agency has a mandate to review and publish candidate declarations on assets and interests.

²³ The use of billboards is prohibited during the election campaign period.

²⁴ See also, the 2019 [European Commission against Racism and Intolerance \(ECRI\) report on Romania](#).

²⁵ The 2018 amendments also changed the basis on which the calculation for the public subventions to the political parties is made which significantly increased the amount that the political parties receive annually (in 2017 public subventions amounted to some 30 million RON, approximately 6,4 million Euro, in 2018 parties have received

Presidential campaigns can be financed from citizens' donations, personal income, or loans from natural persons or credit institutions, and since the 2019 amendments, from the political parties that nominate candidates.²⁶ Campaigns of candidates nominated by group of voters cannot be financed by political parties. Every candidate is required to open a dedicated bank account for all campaign finance transactions.

The ceiling for campaign contributions and expenses is 20,000 times the minimum gross salary, some EUR 8.9 million for this election. The 2019 amendments provide for reimbursement of the campaign costs if the candidate wins at least three per cent of the vote.²⁷ Electoral contestants are obliged to submit financial reports to the PEA 15 days after the election day which are made publicly available, but no interim reporting ahead of election day is envisaged. The PEA has overall oversight of the financial activities of candidates and can initiate investigations and issue fines.

The majority of ODIHR NAM interlocutors from the parliamentary parties expressed satisfaction with the party and campaign finance framework. However, a number of ODIHR NAM interlocutors noted that the recent legal changes have significantly increased the amount of public funds available to the parties during the campaign, which could contribute to an unlevel playing field between the candidates, particularly candidates running independently or nominated by new parties. Some ODIHR NAM interlocutors noted that further measures for improving the overall transparency of the party and campaign funding could be introduced as well as regulation for campaign activities by third-parties.

G. MEDIA

The media landscape consists of a diverse range of outlets, providing wide range of political information. In addition to Public Television and Radio, many privately-owned print and broadcast media outlets operate, as well as an increasing amount of online media. According to most ODIHR NAM interlocutors, the media environment is polarized along party lines.

The Broadcasting Law and the Presidential Election Law are the main acts that regulate the conduct of the media during the presidential election. The legal framework obliges all media to ensure balanced, fair, and equitable coverage and provides for free access of candidates to the public broadcasters. The public broadcaster intends to organize different formats of campaign-related programmes, including interviews and debates among candidates, as well as a voter information campaign in co-operation with the PEA. Electoral contestants can purchase advertisement time in the private broadcasters on equal conditions, which should be clearly labeled as such.

The broadcast media are supervised by the National Audiovisual Council (CNA), an autonomous body accountable to the parliament and mandated to impose sanctions on outlets that violate the law or CNA regulations.²⁸ The CNA is legally obliged to issue media rules for the campaign period ten days after the government decision announcing the election comes into force. The CNA stated that it

some 35 million Euro and the estimation for 2019 is approximately at 57 million Euro). Some ODIHR NAM interlocutors, such as the Expert Forum, a citizen organization, [expressed public concerns](#) about the significant increase of funds allocated to the political parties. Prior to these amendments, in April 2017, GRECO in its [Addendum to the Second Compliance Report](#), welcomed the adoption of the previous changes to the party and campaign finance legislation which “represent significant steps to strengthen transparency of political funding.”

²⁶ An individual can donate up to 200 times minimum gross salary (for 2019, approximately 447 Euro).

²⁷ The inquired campaign costs covered by the annual state subsidy to the party are ineligible for reimbursement.

²⁸ The CNA has 11 members. The Senate and the Chamber of Deputies and the government each nominate 3 members and 2 are nominated by the president. The CNA, in its current composition, was elected in 2018.

intends to conduct qualitative and quantitative monitoring of 17 television and 8 radio channels.²⁹ Some ODIHR NAM interlocutors noted the lack of regulations for online media.

H. COMPLAINTS AND APPEALS

In general, election-related complaints are filed with the superior election bureau and appealed through the hierarchy of the election administration with the CEB decision being final. The legislation establishes an expeditious dispute resolution process within one to three days. Complaints regarding voter lists are filed with the county administrative offices or local PEA office, which can be appealed to the local court. Complaints regarding campaign violations can be filed with BECs or the police. CEB decisions on formation of election coalitions for candidate support and on the formation of election bodies can be contested before the High Court of Cassation, while decisions on candidate registration, final decisions on campaign violations, and the final election results can all be contested before the Constitutional Court. Overall, ODIHR NAM interlocutors expressed confidence in the complaints and appeals process and the impartiality of the election administration and courts in resolving disputes.

I. ELECTION OBSERVATION

The election legislation provides for election observation by both citizen and international organizations. International observers are accredited by the PEA on request of the MFA, while the citizen and media observers are accredited by the BECs. According to the law, sessions of the elections bodies at all levels are not open and election observers are allowed to observe only during the election day until the closing of the counting procedures. Several ODIHR NAM interlocutors noted that civil society groups have requested the authorities to provide unimpeded access to all aspects of the election process, including the sessions of the election bodies for candidate and voter registration, but that these requests have not been met. A number of civil society organizations informed the ODIHR NAM of plans to observe the upcoming election across the country, including coverage of the campaign and conduct of election day processes.

IV. CONCLUSIONS AND RECOMMENDATIONS

All ODIHR NAM interlocutors expressed overall confidence in the professionalism and impartiality of the election administration and its ability to organize the election efficiently. The majority of ODIHR NAM interlocutors noted the open and inclusive process of adopting the recent amendments to the election law, which addressed some previous ODIHR recommendations. Political parties anticipate an inclusive candidate registration process and do not foresee challenges in their ability to campaign freely. However, most ODIHR NAM interlocutors emphasized the value of an ODIHR election observation activity for this election, recognizing that an external assessment and recommendations could contribute to further refinement of electoral law and practice. In particular, it was noted that specific attention should be given to the recent changes in the legal framework, including to candidate and voter registration processes, the party and campaign finance framework, and rules for out-of-country voting. Based on this, and subject to the availability of resources, the ODIHR NAM recommends the deployment of an Election Assessment Mission (EAM) for the 10 November presidential election.

²⁹ The CNA monitors the national broadcasters that are actively involved in the campaign, including their online content. A total of 74 television and 21 radio regional or local channels will be monitored by territorial inspectors.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Iulian Ivan, Special Envoy for Electoral Processes

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

Andreea Mocanu, First Secretary, Department for Human Rights, Protection of Minorities and Council of Europe

High Court of Cassation and Justice

Carmen Georgeta Negrilă, Judge

Rodica Zaharia, Judge

Carmen Trănica Teau, Judge

Ruxandra Monica Duță, Judge

National Anticorruption Directorate

Paul Dumitriu, Deputy Chief Prosecutor

Costin Varlan, Prosecutor

National Integrity Agency

Bogdan Stan, President

Joint Special Commission of the Chamber of Deputies and the Senate for the Elaboration, Modification and Completion of Legislative Proposals in Electoral Matters

Bădulescu Dorin Valeriu, Chairperson of the Commission and Member of Parliament

Nicolaie-Sebastian-Valentin Radu, Member of Parliament

Ibram Iusein, Member of Parliament

Marcu Ovidiu, Member of Parliament

Permanent Electoral Authority

Constantin-Florin Mitulețu-Buică, President

Cristian Leahu, Head of Legal Department

Sorin Gabriel Lazăr, Head of International Co-operation and Public Relations Department

National Audiovisual Council

Monica Gubernat, Chairperson

Radu Herjeu, Member

Orsolya Eva Borsos, Member

GrațIELA Fota, Director

Petre Dincă, Head of Unit

Vitalii Bolboceanu, Counsellor

Elena Șincă, Counsellor

Ruxandra Minea-Cristea, Counsellor

Post Office

Georgeta Budeanu, Director for Strategies and Development Policies

Dragos Turneanu, Head of Legal Services Department

Cristina Safta, Head of Analysis and Department for Development Prognosis

Mihaela Ionescu, Head of IT Department

Media

Doina Gradea, President-Director General, Public Broadcaster
Ion Stavre, Desk-officer (elections), Public Broadcaster
Nic Voican, Desk-officer (NCA relations), Public Broadcaster
George Tudor, Co-ordinator, News Department, Public Broadcaster
Robert Mihailescu, Chief Editor, hotnews.ro
Robert Stefanov, Program Producer, Digi24

Political Parties

Social Democratic Party (PSD)

Marcu Ovidiu, Member of Parliament
Robert Cazanciuc, Member of Parliament
Marin Gheorghe, Member of Parliament
Alexandru Ciucă, Counsellor of the Parliamentary Group in the Senate

National Liberal Party (PNL)

Ben Oni Ardelean, Vice-president
Robert Sighiartau, Secretary-general
Pavel Popescu, President of the Commission on IT and Digitalization and Member of Parliament

Save Romania Union (USR)

Nicolae Daniel Popescu, Member of Parliament
George Edward Dircă, Member of Parliament
Mihai Alexandru Badea, Counsellor of the Parliamentary Group in the Chamber of Deputies
Ana Mereacre, Counsellor

Alliance of the Liberals and Democrats Party (ALDE)

Ruxandra Cazacu, International Liaison Officer
Laurențiu Cazacu, Counsellor

Democratic Alliance of Hungarians in Romania (UDMR)

Izabella Ambrus, Member of Parliament
Dora Szilagyi, Parliamentary Counsellor

Popular Movement Party (PMP)

Dorel-Constantin Onaca, General Secretary

Parliamentary Group PRO EUROPA

Cosmin Cristian, Vice-president
Răzvan Cotovelea, Vice-president
Valentina Simion, Counsellor

Council of National Minorities

Alin Valentin Stalenoii, Association of Russians
Arsen Arzumanyan, Union of Armenians
Cristian Ognean, Union of Serbs
Georgiana Radmila Dragatoiu, Union of Serbs
Christian Topfer, Democratic Forum of Germans
Venera Popescu, Association of Macedonians and Member of Parliament
Victor Partan, Association of Italians

Radu Cosmin Savulescu, Association League of Albanians
Izabella Ambrus, Democratic Alliance of Hungarians
Dora Szilagyi, Democratic Alliance of Hungarians
Semi Turhan, Democratic Union of Turks
Mihai Traista, Union of the Ukrainians
Dorina Fartusnic, Union of the Ukrainians

Civil Society

Ionut Codreanu, Programme Co-ordinator, ActiveWatch
Septimius Parvu, Election Expert, Expert Forum
Maria Krause, Election Expert, Expert Forum
Elena Samoila, Community Organizing Co-ordinator, FILIA
Miruna Pantel, Co-ordinator of Organization Department, FILIA
Georgiana Ciuta, Executive Director, Transparency International
Victor Alistar, Board Member, Transparency International
Irina Lonean, Project Co-ordinator, Transparency International