

THE ROMANIAN ELECTORAL SYSTEM. PERMANENT ELECTORAL AUTHORITY

I. The process of transformation of Romania into a social, democratic state of law, in which human dignity, the citizen's rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values, process begun in December 1989 after the falling of the communist regime, involved a complex reform at the institutional level which also led to the revision of the legal electoral framework.

One of the first regulations adopted by the newly formed authorities was **The Decree-law no. 8/1989 regarding the registration and the functioning of the political parties and the common organizations in Romania** which states the principle of political pluralism. The Decree-law stipulated that the forming and the organizing of the political parties shall respect the national sovereignty, independence and integrity, the democracy, the citizens' rights and freedoms and the dignity of the Romanian nation. The parties which promoted conceptions opposite to the state and law order were forbidden.

In the process of reconstruction of state institutions, **the Decree-law no. 92/1990 regarding the election of the Parliament and the President of Romania** played a crucial role. The stipulations of the Decree-law no. 92/1990 provided the legal frame for the elections held on May 20, 1990. The Decree-law stipulated that the Romanian Parliament shall have a bicameral structure – the Chamber of Deputies and the Senate – and also that the deputies and the senators shall be elected by universal, equal, direct, secret and freely expressed vote, under the terms of the proportional representation principle. The President of Romania shall be elected by universal, secret, equal, direct and freely expressed vote.

Due to the fact that the Romanian Constitution from August 1, 1965 no longer corresponded to the political and social realities of the moment, the election of a new Constitution was necessary. Therefore, according to the Decree-law no. 92/1990, the Parliament established after the elections from May 20, 1990, became the Constituent Assembly with the unique aim of adopting a new Constitution. After the adoption of the new Constitution the Constituent Assembly was to dissolve itself and new elections were to be held.

The Constitution from December 8, 1991

The Deputies Assembly and the Senate, elected on May 20, 1990, reunited in common meeting formed the Constituent Assembly. By the Decision no. 1 from July 11, 1990, the Constituent Assembly stipulated the establishment of a Commission for drawing up the Constitution, which submitted the new Constitution of Romania for the approval to the Constituent Assembly.

Through the referendum which was held on December 8, 1991¹, the new Constitution of Romania was voted with 8.464.624 (77.3%) votes in "favor" and 2.235.085 (20.4%) votes "against" and entered into force at this date, completely abolishing the Constitution from August 21, 1965.

The third title of the Constitution included regulations regarding the state organizing and functioning of the power of the people, based on the principles of the state of law and on the separation of powers in the state. The articles 34 and 35 of the Constitution stipulated the

¹ Organized according to Law no. 67/1991, published in the Official Gazette no. 236 from November 23, 1991.

right to vote and the right to be elected. Every citizen having turned 18 up to or on the election day shall have the right to vote. The right to vote was suspended only through final judiciary decision. Eligibility is granted to all citizens having the right to vote unless they are forbidden to join a political party. In order to be elected to the Chamber of Deputies or the bodies of local public administration, the candidates must have turned, up to or on the election day, at least 23 years old. In order to be elected in the Senate or as President of Romania they must have turned at least 35 years old.

The Constitution states the political pluralism principle in the Romanian society, principle which is a “guarantee of the constitutional democracy”.

In the same time, the 1991 Constitution also refers to new institutions which deal with the electoral process in the context of the internal political life.

Therefore, the **Constitutional Court** ensures that the procedure concerning the election of the President of Romania is respected and confirms the results of the suffrage. It also ensures that the procedure concerning the management and running up of the referendum is respected and confirms its results.

The **Court of Audit** ensures the control of the financing of the political parties and of their electoral campaigns, taking into consideration the electoral income and expenses reports of each political party and each independent candidate².

The **Ombudsman** has the role of defending the citizens’ rights (including their electoral rights) and freedoms in their relation with public authorities.

The **Legislative Council** advises draft normative acts for the purpose of a systematic unification and coordination of the whole body of laws.

These institutions have the role of guaranteeing the correctness, the transparency of the electoral process, therefore contributing to the consolidation of the state of law.

In accordance with the new Constitution, the new Parliament adopted three important laws concerning the elections: **Law no. 70/1991 regarding local elections; Law no. 68/1992 for the election of the Chamber of Deputies and the Senate and Law no. 69/1992 for the Election of the President.**

The revision of the Constitution

The political and social evolutions, as well as the perspective of the Romanian accession to the Euro-Atlantic structures, imposed the necessity of adapting the 1991 Constitution to the new realities.

Therefore, on June 25, 2002 the Commission for drawing up the proposal concerning the revision of the Constitution was established. In April 2003, this Commission presented the first draft on the propositions concerning the revision of the Constitution.

The Constitutional Court checked the constitutionality of this proposition, issuing the **Decision no. 148** from April 16, 2003, and noticed that the revision procedure had been initiated with the respect of the Constitution.

The **Law regarding the revision of the Constitution** was approved as a consequence of the referendum held on October 18-19, 2003. This law received no. 429/2003 and entered into force on October 29, 2003.

Due to the revision of the Constitution, a series of dispositions regarding the electoral area were modified.

- According to art. 2, paragraph (2) of the revised Constitution, the national sovereignty shall reside within the Romanian people, that shall exercise it by means of its representative bodies, resulting from **free, periodical and fair** elections, as well as by referendum. It is necessary to mention the free, periodical and fair character of the elections in

² In present, Law no. 43/2003 regarding the financing of the political parties and the electoral campaigns regulates the control of the political parties and the electoral campaigns by the Court of Audit.

order to emphasize the democratic character of the elections and of the Constitution and consequently the fact that the Fundamental Law is the main way to reach democracy. According to the new regulations, if the elections do not respect the legal, constitutional provisions they shall be invalidated by the Central Election Bureau (parliamentary elections) or by the Constitutional Court (presidential elections).

- One of the modifications of the Constitution stipulates the right of the European Union citizens to vote and be elected in the authorities of the local public administration in Romania (art.16 paragraph (4) and the right of the Romanian citizens to be elected in the European Parliament, in the conditions of Romania's accession to the European Union (art. 38).

- Art. 73 paragraph 3 of the revised Constitution states that the electoral legislation shall be regulated only by organic law.

There has been a series of modifications regarding the elections for the Chamber of Deputies and the Senate:

- The guarantee of equal opportunities for men and women to occupy public positions – art.16 paragraph (3);

- The diminishing of the age limit for the candidates for the Senate from 35, in the previous regulation, to 33 – art.37 (2);

- The Permanent Electoral Authority was mentioned for the first time – art.73 par. (3) letter a);

- The revised Constitution also modified the term of the President of Romania, extending it from 4 to 5 years;

- The art. 36 and 37 from the Constitution regulate for the Romanian citizens the right to vote and the right to be elected.

After the revision of the Constitution, the Law no.68/1992 on the elections for the Chamber of Deputies and Senate, the Law no. 69/1992 on the elections of the President of Romania and the Law no.70/1991 regarding local elections were abolished and the following ones were adopted: the Law no. 370/2004 on the election of the President of Romania, the Law no. 373/2004 on the election for the Chamber of Deputies and the Senate and the Law no. 67/2004 on the election of local public administration authorities.

One of these modifications concerns the structure, the organisation, the functioning and the competence of the election bureaux. For instance, within two days after its entering into force, the Central Election Bureau shall adopt its own set of regulations, published in the Official Gazette of Romania, Part 1, which shall be compulsory for every election bureau. The law regulates in detail the organisation of the election bureaux from abroad.

- The regime of the special electoral lists has also been modified and, as a result, these lists will be established only during the suffrage and only by the election bureaux of the polling stations, being also certified by their presidents.

Some changes were also made concerning the representation conditions of the national minorities in the Parliament. In this context, art. 4 (1) of the Law no. 373/2004 introduces the definition of “national minority”, and paragraph (2) of the same article stipulates that the organisations of the citizens belonging to a lawfully set up national minority which have not obtained at least one deputy's or senator's mandate in the elections, shall be entitled to one deputy's mandate, all together, if they have obtained throughout the country a number of votes equal to at least 10% of the average number of votes validly cast nationwide for the election of a deputy (as opposed to the 5% necessary according to Law no. 68/1992).

One of the changes which led to strong reactions from civil society was the one according to which the acting President of Romania may run as independent on the lists of a political group, in order to receive a senator or deputy term, if he is in the last three months of his presidential term.

The main change brought by the Law 370/2004 concerns the diminishing of the number of supporters needed for the registration of the candidates for the presidency: from 300.000, according to the previous regulation, to 200.000. A new element is represented by the art. 9 (2) c), according to which the propositions of the candidates must be presented together with an authentic declaration of the candidate, according to the criminal law, regarding his non-affiliation as agent or collaborator in the security bodies, as political policy.

The electoral legal framework is completed by provisions from normative acts such as the Law of the Political Parties no.14/2003; Law no. 43/2003 regarding the financing of the political parties and of the electoral campaigns; Law no. 3/2003 regarding the management and running up of the referendum.

The management of elections

According to the Law on the elections for the Chamber of Deputies and the Senate and the Law on the election of the President of Romania, several institutions are involved in the management and running up of the elections: institutions belonging to the Government and judicial power, the Constitutional Court and the Permanent Electoral Authority.

The Central Election Bureau, the constituency election bureaux, the electoral offices (for constituency no. 42 – Bucharest municipality) and the polling stations bureaux are established for organising and monitoring the operations during the election period.

The Central Election Bureau shall be comprised of 7 judges from the High Court of Cassation and Justice, the president and the vice-presidents of the Permanent Electoral Authority and 16 representatives of the political parties and their alliances that participate in the elections. One of the main categories of attributions of the Central Election Bureau, stipulated in art. 32 of the Law no. 373/2004, refers to monitoring the implementation of the law provisions on the elections throughout the country, and it has to make sure that they are uniformly interpreted. In the virtue of this attribution, the Bureau issues interpretation decisions which are compulsory for all the other election bureaux. Another attribution of the Central Election Bureau is to monitor the up-dating of the electoral lists. For that, the Central Election Bureau gets all the necessary information, checks the citizens' registration on lists and requires the elimination of the obstacles which might damage the legal electoral terms. The Law also stipulates electoral attributions of solving the electoral petitions, as the Central Election Bureau solves the objections concerning its own activity and the petitions concerning the activity, the organisation and the structure of the constituency election bureaux. The petitions shall be solved through decisions which are mandatory to that election bureau as well as to the public authorities and institutions it refers to, under the sanctions stipulated in the law. The Bureau has attributions concerning the registration of the result of the elections, the central distribution and the organisation of the senator and deputy terms according to constituencies; it attests whether a deputy term was assigned to the national minorities organisations, etc. In case frauds are revealed during the electoral process, the Central Election Bureau shall invalidate the elections in that electoral constituency.

A constituency election bureau runs the electoral operations in a constituency. The constituency election bureau shall be comprised of 3 judges and no more than 10 representatives of the political parties, political alliances or organisations of citizens belonging to national minorities that participate in the elections in the constituency where the election bureau functions. Constituency election bureaux are organised in every electoral constituency, which may be a county or Bucharest municipality.

Bucharest municipality election offices are organised only in the districts of Bucharest municipality, because of the city surface and of the population size. The election bureaux consist of a president, a substitute and no more than 7 members, as political representatives

(of political parties, alliances and national minorities organisations, which participate in elections); the president and the substitute must be judges.

The polling station election bureau runs the electoral operations which take place in the polling stations. They represent the basis electoral authorities and they are the most numerous. The polling station bureaux are comprised of a president, his locum-tenens and no more than 7 members.

The election bureaux of the polling stations established abroad may be organised near the diplomatic missions and the Romanian consular offices, for voters who are members of diplomatic missions and their families, as well as for the Romanian citizens who are in the that country on election day. These polling stations belong to the electoral constituency of Bucharest municipality. The law also stipulates the way of organisation of the **election bureaux of the polling stations on ships and on marine platforms**.

Electoral petitions

The procedures of solving the electoral petitions concern the following items: the admission or rejection of electoral alliances, voters' lists, voters' cards, the organisation and the activity of the election bureaux, the candidatures, the electoral signs, the electoral campaign, the voting operations, and the invalidation of elections.

- The organisation of electoral alliances is approved or rejected by the Central Election Bureau's decision, according to art. 6 of Law 373/2004. The decision of the Central Election Bureau may be attacked at the High Court of Cassation and Justice. Its decision is final and irrevocable.
- In case they notice omissions, wrong registrations or any other type of errors in the electoral lists, the law stipulates the possibility of some appeals (the objection and the petition) formulated by that voter.

The appeals referring to *the permanent electoral lists* are addressed to the mayor who must pronounce himself, by decision. The petitioner can attack the mayor's decision at the local court.

The objections referring to *the special electoral lists* are immediately handled by the president of the polling station and the petition is solved by the local court. The decision of the judge is final and irrevocable and shall be immediately notified to that election bureau.

The objections referring to *the voter's cards* are solved by the Person's Service of Informational Evidence. A petition can be formulated at the local court against the solution found as a result to the objection.

- The constituency and the activity of the electoral offices and bureaux.

The organisation and the structure of the election bureaux and offices can be contested at the electoral constituency bureau, if they regard the polling station bureaux, at the Central Election Bureau, if they regard the constituency bureaux and at the High Court of Cassation and Justice, if they regard the Central Election Bureau. In the case of the election bureaux of the polling stations in Bucharest municipality, the petitions are solved by the electoral offices specific only to this municipality because of its districts, and the petitions referring to the electoral offices are solved by the electoral constituency bureau.

The decisions are final and irrevocable.

- Candidacies

The procedure of solving the electoral petitions regarding the candidacies may start in case of registration and non-registration of candidacies by formulating a petition.

The solving of the petitions regarding the parliamentary candidacies enters in the competence of the court of the county or of the Bucharest municipality having jurisdiction in the electoral constituency where the candidacy has been registered. There can be presented an

appeal to these decisions at the competent appeal court. The pronounced decisions are final and irrevocable.

The petitions regarding the candidacies for the presidency shall be presented to the Central Election Bureau, which shall forward it to the Constitutional Court. The pronounced solution is final.

- Registration of electoral signs

Petitions against the registration of the political parties' electoral signs or their alliances or against an individual candidate shall be presented to the High Court of Cassation and Justice. The decision of the High Court of Cassation and Justice is final and irrevocable.

- Electoral campaign

The constituency election bureaux solve the petitions regarding the violation of the legal and electoral provisions by candidates, political parties, their alliances, or by persons who are forbidden to participate in electoral campaign operations, as well as petitions concerning the electoral deontology or the prevention of the electoral campaign. In solving the petitions, the constituency election bureaux announce the competent bodies in order for these to take administrative measures or to apply conventional or punitive sanctions, if required.

The decisions of the constituency election bureaux can be attacked to the Central Election Bureau and its decision is final.

Art. 17 of the Law no. 370/2004 stipulate that the decisions pronounced to solve the petitions regarding the presidential campaign can be contested at the Constitutional Court.

- The procedure of solving the electoral petitions regarding the voting operations, the opening of the ballot boxes, the counting of the votes, the writing of the official reports, has a special regime. In order to be solved, the petitions regarding this area shall be presented to the president of the polling station bureau.

- The law stipulates that, in case of major frauds able to influence the elections' result, the political parties, their alliances, or independent candidates who participated in the elections may require the invalidation of the elections in the electoral constituencies where the frauds were noticed. The invalidation petition can be presented to the Central Election Bureau, for the parliamentary elections, or to the Constitutional Court, for the presidential elections.

II. The Elections

In Romania, after the falling of the communist regime, there have been 5 general elections and 5 elections for the function of President of Romania, as follows:

- The elections of May 20, 1990 were won by the National Salvation Front (FSN) with 67,02% of the votes in the Senate and 66,31% of the votes in the Deputies Assembly, and by its candidate, Ion Iliescu, who obtained 85,07% of the votes. The electorate's turn out in this suffrage was of 86%.
- New presidential and general elections were also held in September 1992, due to the adoption of the new Constitution in 1991.

The parliamentary elections were won by Democratic National Salvation Front (FDSN), formed as a result of the division of the National Salvation Front, which obtained 28.29% of the votes in the Senate and 27,72% of the votes in the Chamber of Deputies.

Ion Iliescu, from FDSN, was elected President of Romania with 47,34% of the votes in the first round and 61,43 in the second. The turn out diminished comparatively with 1990 elections –76% in the first round and 73% in the second.

- The elections in 1996 were won by the Democratic Convention of Romania (CDR), a coalition made of several parties, which obtained 30.70% of the votes at the Senate and 30,17 at the Chamber of Deputies. The presidential elections were won by the coalition's candidate, Emil Constantinescu, with 28,22% of the votes in the first round and 54,41% in the second. The turn out increased at 76%.
- The results of the elections held in November 2000 confirm the victory of the Social Democratic Pole in Romania, formed by Social Democracy Party of Romania (former FDSN) in coalition with several small parties: Social Democratic Party of Romania (PSD) and the Romanian Humanist Party (PUR), which obtains 37,09% of the votes at the Senate and 36,61% at the Chamber of Deputies. Ion Iliescu, the candidate of this coalition, won the elections for the presidency again with 36,35% of the votes in the first round and 66,83 % in the second. The turn out was 65% at the first round and 57% at the second.
- The last elections from November 2004, held after the adoption of the new electoral legislation in 2004, had the following results: National Union PSD+PUR obtained 37,17% of the votes at the Senate, and 36,80% at the Chamber of Deputies; the Alliance Justice and Truth (National Liberal Party – PNL and Democratic Party – PD) obtained 31,81% of the votes at the Senate and 31,49% at the Chamber of Deputies, while its candidate, Traian Basescu, won the presidential elections with 33,92% of the votes in the first round and 51,23% in the second round. The participation at the polling stations decreased at 58,51% in the first round and 55,21% in the second. After the post electoral negotiations, the Government was formed of the representatives of the Alliance Justice and Truth, of the Romanian Humanist Party and of the Hungarian Democratic Union of Romania (UDMR).

The alternation in power represented an important characteristic of the political evolution in Romania in that period. No political party or alliance succeeded in winning the elections two times in a row, and neither did a candidate for the presidential elections. The increasing of the electoral threshold from 3% to 5% in 2000, led to a significant cut of the number of parties represented in the Parliament.

An important evolution was also noticed in the political ideologies and platforms which gained distinctive shapes, in relation to the great contemporary political ideologies and to the activity of the main parties at European level.

III. The Permanent Electoral Authority

Short after the revision of the Constitution in 2003, by modifying the Law no. 68 from 1998 by Law no. 286/2003, the Permanent Electoral Authority was established in order to make sure that the provisions of the law on the management and running up of elections or other national or local consultations are implemented consistently, between two election periods, as well as to ensure the improvement of the normative framework of the Romanian electoral system³.

The establishment of the Permanent Electoral Authority, as an autonomous administrative institution, acting as a legal entity of general competence represents a novelty at institutional level and a modern solution accepted worldwide.

³ The Permanent Electoral Authority presently functions in conformity with the legal dispositions of the Law no.373/2004 on the election for the Chamber of Deputies and the Senate and of the Regulations regarding the staff's organization and functioning from March 4, 2004, approved by Romanian Government Decision no. 279/2004, published in the Official Gazette no. 220 from March 12, 2004.

The organizing and functioning of the Permanent Electoral Authority are regulated by the Romanian Constitution but also by the recent organic laws regarding the elections. The Authority is headed by a president, elected by the Parliament, helped by two vice-presidents, one appointed by the President of Romania and the other by the Prime Minister. The president and the vice-presidents' terms of office are 8 years each. The Permanent Electoral Authority staff is led by a Secretary-general, appointed by the Prime Minister, following a contest. The Permanent Electoral Authority may establish branches in each of the 8 areas of regional development on the Romanian territory.

According to the attributions settled in art. 29 of the Law no. 373/2004, the Permanent Electoral Authority leads activities in the logistics, in legislation, as well as activities of study and documentation. Some of the main powers refer to:

- ensuring the logistics needed for the election process;
- preparing protection systems for polling stations, ballot papers and other documents and materials typical of the election period;
- monitoring and checking that the permanent electoral lists are being drawn up and updated, monitoring how the voter's cards are being printed and issued in compliance with the permanent electoral lists;
- the unitary implementation of the legislation regarding the management and running up of the elections;
- drawing up studies and proposals aimed at improving the election system;
- preparing information and instruction materials and programmes for the voters about the Romanian electoral system, programmes for the mayors and secretaries of administrative-territorial units, as well as for the persons who may become members of the election bureaux, programmes on the exercise of the right to vote by illiterate or disabled persons;
- **submitting to the Parliament a Report** on the management and running up of the elections/referendum, report made public as a White Book of the Elections; submitting to the Parliament an annual report on its activity;
- **organizing activities** regarding the establishing of **election results** such as supporting the establishment of the nationwide information system, organizing tenders with a view to selecting the computer software to be used by the Central Election Bureau for the centralisation of election results; certifying as unnecessary to change the software selected following the tender organized according to the provisions of the law in force and making it available to the parties participating in the electoral competition;
- **keeping records** of the administrative-territorial unities where there are vacancies for the mayor's position or where the local councils have been dissolved (the Authority makes proposals to the Government for setting the date for new elections).

In carrying out these attributions, the president of the Permanent Electoral Authority issues orders and adopts **decisions**⁴ and **instructions** which are countersigned by the vice-presidents.

Yet, the Authority's activity does not limit only to the interval in between electoral periods. During electoral periods, the president and the vice-presidents of the Permanent Electoral Authority are members of the Central Election Bureau and the Authority staff supports Central Election Bureau and the constituency election bureaux in fulfilling their legal attributions.

In its short period of existence, the Permanent Electoral Authority has established bilateral relations with electoral authorities from Austria, Sweden, Switzerland, Hungary,

⁴ The decisions are published in the Official Gazette of Romania, Part I, and are compulsory for all the public bodies, authorities and institutions having electoral attributions.

France and Great Britain, as well as relations with multilateral international bodies (International IDEA – Stockholm and the Association of Central and Eastern European Elections Officials – ACEEEO, Budapest). The Permanent Electoral Authority has also become a member of IMIE’s Steering Committee. Representatives of the Permanent Electoral Authority participated in the “Electoral Procedures and Technologies’ Challenges” Seminars, organized by OSCE-ODIHR in Vienna, between December 6-7, 2004 and April 20-24, 2005, as well as at the study visit due to the elections held in Great Britain (May 5, 2005), at the invitation of British Embassy in Bucharest.

The discussions with the representatives of International – IDEEA regarding an exchange programme with this important institution continued in Romania, on May 31, 2005.

Mass-media and electoral campaign

The electoral campaign is regulated by Law no. 373/2004 on the election for the Chamber of Deputies and the Senate. In consequence, art. 55-69 of Law no.373/2004 on the election for the Chamber of Deputies and the Senate regulate the conditions of the electoral campaign progress, the broadcasting repartition, the type of shows that can present information regarding the electoral system, the voting technique, the calendar of the electoral campaign, the candidates’ political programmes. It is important to mention that the art.20 from the Constitution stipulates the freedom of expression and the censorship’s interdiction.

According to art. 59 of Law 373/2004, before the completion of the candidacies, the parliamentary political parties, their political alliances or electoral alliances, as well as the organisations of citizens belonging to national minorities, represented in Parliament, shall receive air time proportional to their weight in Parliament. Regarding the period after the establishment of the candidacies, a special parliamentary commission will notify the proportion of time, established by the National Audio-Visual Council.

According to the legal provisions, the electoral publicity in the written press shall be made on contractual basis, on a payment basis, while the electoral videos broadcasted during the electoral campaign shall be broadcasted only during electoral shows or debates and shall be free of charges.

The National Audio-Visual Council has the possibility to apply sanctions in case the legal dispositions are not respected.

The Court of Audit shall have the control over the financing of the political parties and their electoral campaign, according to Law no. 43/2003 regarding the financing of the political parties and the electoral campaigns, based on the expenses and gains reports for each political party or independent candidate.

The electoral posting is regulated by art. 71 from Law no. 373/2004, according to which the mayor shall be bound to set up special locations for electoral posting for the political parties, political and electoral alliances and independent candidates.

The law 43/2004 regarding the financing of the political parties stipulates in art. 20 (2) the way to realize the electoral postings: “The political parties and alliances, as well as the independent candidates shall put the name of the party or of the alliance which edited it and the name of the economical agent who print it on every electoral posting and propaganda material, and shall declare to the Court of Audit, through financial mandatory, the number of printed electoral postings”.

Monitoring the elections

According to the provisions of the art.75 paragraphs (3)-(8) of Law no. 373/2004 and art. 18 and 26 (5) of Law no.370/2004, the electoral process in Romania can be monitorised

by observers from the Romanian non-governmental organisations which have as main activity object the protection of the values of democracy and of the human rights, observers from European and international bodies and institutions, as well as delegates of Romanian and international media.

The 2004 elections were monitored by thousands of internal observers from several organisations such as Pro Democracy Association, the Organisation for the Protection of the Human Rights, the League for the protection of the Human Rights, the Agency of monitoring the Press, etc.

Among the international observers there were also representatives of the Organisation of Security and Cooperation in Europe – Office for Democratic Institutions and Human Rights (OSCE/ODHIR), the Independent Electoral Commission of Iraq (IECI), the League for the Protection of the Human Rights of the Republic of Moldova, the United States Agency for International Development (USAID), the National Democratic Institute for International Affaires, etc.

The OSCE/ODHIR mission for the elections' assessment, formed of 15 international experts, focused its attention on the elections' legal framework, on the elections' management, on the electoral campaign and on the role of the media, as well as on the involvement of the national minorities, including Roma minority, in the elections. The preliminary report of the assessment Mission, published on October 21, 2004, mentioned the fact that, in Romania, there are the proper conditions to "ensure a substantial transparency level" of the electoral process and it suggested that a short time election assessment mission, formed of 6 members, be sent in Romania. Considering the importance of these general elections, the last ones before Romania's accession to the European Union, the Romanian Government took into account the assessment Mission's suggestions and asked OSCE for the supplementation of the number of its members.

The OSCE team, led by the ambassador Stephan Nash, the head of the OSCE/ODHIR Mission for the Election assessment, formed of 18 members, assisted by 8 interpreters, was in Romania during November 21 – December 13, 2004, following an official invitation from the Government. The members of the Mission had several meetings with the representatives of the main political parties, of the institutions involved in the management of the elections (the Central Election Bureau, the Permanent Electoral Authority, some ministries), as well as with representatives of the institutions which ensured the democratic control of the electoral process (the High Court of Cassation and Justice, the Court of Audit, the Constitutional Court, the written and audio-visual media, non-governmental organisations). A part of the Mission went to the electoral constituencies in Timiș, Iași, Cluj, Brașov and Constanța counties.

IV. Conclusions

After December 1989, the Romanian society passed through important social-political changes which had important consequences in the electoral area as well.

The adoption of the Constitution in 1991 and of the later electoral laws put the basis of an electoral system based on proportional suffrage which allowed an extensive affirmation of the existing political forces in the Romanian Parliament.

The participation of the political parties' officials in the election bureaux at the central level by the Central Election Bureau, as well as at the level of constituencies and polling stations, led to their direct decisional control over every electoral operation.

During this period, the media and the civil society had an active and visible involvement in the monitoring of the elections and in pointing out the irregularities of the electoral process, often by prompt public interventions. The bodies and the representatives of the civil society also stood up by their help into making the electoral public offer debates

more professional and suggesting some reflection themes regarding the revision of the electoral system. Such debates still go on today in the political and academic area and they aim themes as the introduction of the uninominal vote in the Senate, the interdiction of the political “migration” phenomenon or the dissolving of the Central Election Bureau, its attributions being taken by a neutral institution, politically uninvolved, having professional abilities.

The civil society also had an important role in the establishment of the Permanent Electoral Authority, organising round tables and public debates on the opportunity of such an institution. With these occasions it was underlined that such institutions with competence in the electoral area have been established in Canada, Great Britain, Sweden, Australia, South Africa, etc. Also it has been pointed out the necessity of creating a group of specialists in order to ensure the continuity of the electoral process based on the use of the experience from the previous elections.

The abstention shall constitute one of the major reflection themes in preparing the following elections due to the risk of non-representativity of the elected body involved. At the 2004 general elections, the participation rate decreased to 58,51% in the first round and to 55,21% in the second, registering a low decrease compared to 2000 and being into a continuous and alarming decrease tendency compared to the first free elections in 1990.

A special accent shall be put on the initiation of several campaigns aiming at the voters’ training and education and at the stimulation of their political participation (including electoral one). The postal voting and the e-voting shall be regulated as measures of fighting against abstention. Being a practical way of electoral consulting used by several European countries, the postal voting could reduce the abstention. The main problem of this form of voting is the security of the vote and the ways to ensure the voter’s real independence regarding the suggestions and the pressures that could come from the exterior and that could influence the voter’s free option. The electronic voting is a modern solution, still being tested worldwide, which raises technical problems, high costs, as well as security and training problems.