



**THE PERMANENT
ELECTORAL AUTHORITY**



ELECTION-RELATED CONFLICT MANAGEMENT

FROM THEORY TO PRACTICE

PARLIAMENTARY ELECTIONS

ROMANIA – DECEMBER 2012



I. LEGAL FRAMEWORK

- **Romanian Constitution**
- **Laws specific to each type of election**
 - **Law no. 35/2008** (governing the organization and the supervision of parliamentary elections)
- **The Criminal Code**

II. COMPETENT BODIES IN ELECTION-RELATED CONFLICT RESOLUTION



1. Electoral bureaux

- Electoral bureaux of the polling sections
- Electoral bureaux of constituency
- District electoral offices
- Central Electoral Bureau

2. The Courts

3. The Permanent Electoral Authority

4. Ministry of Administration and Interior



III. ELECTION-RELATED CONFLICT MANAGEMENT DURING THE PARLIAMENTARY ELECTIONS – ROMANIA, DECEMBER 2012

1. The electoral bureaux

- resolve complaints
- adopt decisions and rezolutions
- monitore the unitary application of legal provisions regarding the elections
- ensure consistent application and enforcement of laws
- resolve the objections related to their own activity



2. The Ministry of Administration and Interior

- ❑ reported a total of 1,700 incidents: 490 infractions and 491 misdemeanours
- ❑ on the Election Day: 67 misdemeanours and fines worth over 26,000 lei (5,700 EUR)
- ❑ most of the deviations related to the electoral campaign regarded the electoral posters
- ❑ 2,6 times fewer incidents recorded compared with the campaign for the local elections in June 2012



IV. CASE STUDY

- ❑ A candidate filed a complaint to the electoral bureau of the constituency
- ❑ The electoral bureau adopted the decision to send the complaint filed to the public authorities
- ❑ The decision of the electoral bureau of constituency was appealed at the Central Electoral Bureau
- ❑ The Central Electoral Bureau decided to admit the appeal, to reject the decision attacked and required to the electoral bureau of constituency to pronounce a decision on the merits of the complaint filed by the petitioner

V. CONCLUSIONS OF THE OSCE / ODIHR REPORT



- ❑ Law should clearly specify the time allowed for complaints and appeals
- ❑ A better differentiation between the jurisdictions of the police and the Central Electoral Bureau
- ❑ The necessity to amend the legislation in order to establish a clear jurisdiction on offenses and to establish possible sanctions
- ❑ Although electoral infractions are punishable by up to five years in prison in most cases are settled by issuing a fine by the prosecutor

VI. DRAFT ELECTORAL CODE



- Corroborate of rules, concepts and legal institutions specific to different types of elections
- Simplify the action means of the electoral administration
- Assure stability of electoral procedures and indirectly assure the predictability of the electoral administration act
- Standardize legal disparate solutions in the current legislation
- Implement necessary procedures to prevent electoral fraud