

Law no. 288 of 19 November 2015
on the postal voting, as well as amending and supplementing
Law no. 208/2015 on the election of the Senate and the Chamber of
Deputies, as well as on the organisation and functioning of the
Permanent Electoral Authority

The Romanian Parliament hereby adopts this law.

CHAPTER I General provisions

This law hereby regulates the exercise of the right to postal voting for the election of the Senate and the Chamber of Deputies and for the election of the President of Romania.

Within the meaning of this law, the concepts below shall have the following meaning:

- a) voter - Romanian citizen with the right to vote, domiciled or residing abroad, in compliance with the law;
- b) exercise of the right to postal voting - equivalent alternative to the exercise of the right to vote in person in polling stations, through the use of the postal services.

Article 1

(1) The right to vote can be exercised by post only by observing the equal, secret, direct and freely expressed nature of the vote, in compliance with the law.

(2) Voters can exercise their right to postal voting only once, for every ballot, under the penalties provided for by the criminal law.

(3) Voters having confirmed the receipt of the documents necessary for exercising their right to postal voting, referred to in Article 15 paragraph (1), cannot exercise their right to vote during the respective ballot at the polling stations.

(4) If a voter having requested the right to postal voting ascertains that his/her application has not been registered in the Electoral Register, (s)he can send another application within the deadline set out in Article 4 paragraph (4).

(5) Voters are bound, under the penalties provided for by the criminal law, to observe the secrecy of the vote, and are prohibited from disclosing their voting option expressed by post to other persons.

(6) The exercise of the right to postal voting is personal. The exercise of the right to postal voting on behalf of or for another voter is prohibited, under the penalties provided for by the criminal law.

(7) The exercise of the right to postal voting shall be carried out only based on the voter's free consent.

(8) The exercise of the right to postal voting is free of charge, under the law.

CHAPTER II Registration of the voters choosing to vote by postal voting

(1) Voters domiciled or residing abroad, wishing to exercise their right to postal voting for the election of the Senate and the Chamber of Deputies or for the election of the President of Romania, must register for the postal voting. The registration is done by registering in an online form, located on the website managed by the Permanent Electoral Authority, the name, the surname, the personal numerical code, the home or residence address and e-mail address, as well as the option of transmitting in the country or to the diplomatic representation the postal vote, to which the voter attaches the scanned copy or photo of the identity document and of the document proving the right of residence, issued by foreign authorities.

(2) Repealed.

(3) Repealed.

(4) The period for the voter's registration in for postal voting begins on the 1st of April of the year in which the election takes place and expires 45 days before the voting day.

(5) The ID documents referred to in paragraph (1) must be valid, in accordance with the law.

(6) The registration in the Electoral Register with the option for postal voting does not depend on the prior registration in the Electoral Register, referred to in Article 42 paragraph (2) of Law no. 208/2015.

(1) Within five days, at the most, from the registration of their option for postal voting referred to in Article 4 paragraph (1), the Permanent Electoral Authority shall ensure the verification of the data provided by the voters domiciled or residing abroad in comparison with the data already existing in the Electoral Register.

(2) The verification of the data provided by the voters in compliance with Article 4 shall be carried out by comparison with the data already existing in the Electoral Register.

(3) After the expiry of the deadline set out in paragraph (1), voters shall have the right to verify online their registration in the Electoral Register with the option for postal voting.

(4) The provisions concerning the Electoral Register in Law no. 208/2015 shall apply accordingly.

(5) Registration in the Electoral Register with the option for postal voting shall be valid only for the ballot for which the registration has been requested.

(6) If the data provided according to Article 4 paragraph (1) are inaccurate or incomplete, the voter in question shall not be registered in the Electoral Register with the option for postal voting.

(1) Within 48 hours from the expiry of the deadline referred to in Article 5 paragraph (1), the Permanent Electoral Authority shall draw up the electoral lists for the postal voting, in electronic form, based on the data and information provided by the on-line form referred to in Article 4 paragraph (1). These shall include the voters, in alphabetical order by States, having requested the dispatch of the documents necessary for the vote at their domicile or residential address abroad.

(2) The Permanent Electoral Authority shall make the electoral lists abroad for the postal voting available to the constituency electoral bureau for the Romanian citizens domiciled or residing abroad, within three days from its setting up.

(3) Within 24 hours from the expiry of the deadline referred to in paragraph (1), the Permanent Electoral Authority shall make the electoral lists for the postal voting available to the C.N. "Poșta Română" - S.A.

(4) Repealed.

The electoral list for the postal voting shall include the type of ballot, the last and first names of the voter, his/her personal identification number, domicile or residence, where appropriate, series and number of ID document, the postal code of his/her domicile or residence, as well as columns for the date of registration of the outer envelope and for the date when the inner envelope has been placed in the ballot box, to be filled in by the competent electoral bureau for postal voting, in compliance with this law.

CHAPTER III

Electoral bureaus for postal voting

(1) The electoral bureaus for postal voting shall be set up and completed in accordance with the provisions of Article 15 of Law no. 208/2015.

(2) The electoral bureaus for postal voting are located abroad or in Romania, where appropriate. The location of the electoral bureaus for postal voting operating abroad shall be established in the premises of diplomatic missions or consular posts, where appropriate. The electoral bureaus for postal voting operate with and subordinated to the constituency electoral bureau for the Romanian citizens domiciled or residing abroad.

(2¹) In each state where more than 5,000 voters domiciled or residing in that state have opted for transmitting or depositing votes at the diplomatic mission or consular post, as the case may be, an electoral bureau for postal voting shall be established by decision of the constituency electoral bureau for the Romanian citizens domiciled or residing abroad.

(2²) By decision of the constituency electoral bureau for Romanian citizens with domicile or residence abroad, one electoral bureau for postal voting is established for every 10,000 voters who opted for the forwarding of the postal votes in the country.

(3) An electoral bureau for postal voting shall be set up for every 10,000 voters. If, abroad, less than 10,000 voters have chosen to vote by post, a single electoral bureau for postal voting shall be set up.

(4) The electoral bureaus for postal voting are set up, provided that the criteria set up in this law are complied with, 15 days before the day of the ballot.

(5) The assignment of voters to the electoral bureaus for postal voting shall be done alphabetically, by ensuring a proportionate distribution, by the constituency electoral bureau for the Romanian citizens domiciled or residing abroad.

(6) Political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof, as well as independent candidates can challenge the setting up and composition of the electoral bureaus for postal voting, within 48 hours at the most from the expiry of the deadline for their setting up or completion.

(7) Challenges shall be filed with the constituency electoral bureau for the Romanian citizens domiciled or residing abroad and shall be settled by it, in compliance with the provisions of Law no. 208/2015, within two days from their registration, at the most.

Article 8

(1) The electoral bureau for postal voting shall fulfil the following main tasks:

- a) ensure the registration of the outer envelopes sent by the voters;
- b) ensure the unsealing of the outer envelopes sent or filed by the voters and verify the existence of the documents referred to in Article 10 (1) (b) and (c);
- c) ensure the placing, in the ballot box, of the inner envelopes, before the end of the day prior to the elections;
- d) ensure, the day of the vote, after the closing of the ballot boxes, respectively after 21.00 h, the unsealing of the inner envelopes, the counting of the votes and the registration of the results of the postal voting in the minutes referred to by this law;

e) send the minutes on the registration of the results of the postal voting to the hierarchically superior electoral bureau;

f) settle, through decision, the challenges concerning its own activity;

g) fulfil any other tasks incumbent upon it under this law.

(1¹) If less than 5,000 voters with domicile or residence in that state have opted to vote by mail in a state, no

electoral bureau for postal voting shall be established, the duties provided by this law for electoral bureaus for postal voting being fulfilled by the electoral bureau of the polling station abroad designated for this purpose by decision of the constituency electoral bureau for the Romanian citizens domiciled or residing abroad.

(2) The working hours and premises of the electoral bureaus for postal voting shall be notified to the public, by any means of publicity, by the Permanent Electoral Authority and the Ministry of Foreign Affairs.

(3) On Thursday of the week set for the ballot day, the electoral bureau for postal voting shall carry out its activity from 7,00 h and 24,00 h.

CHAPTER IV

The procedure for exercising the right to postal voting

SECTION 1

Manufacturing and dispatch of the outer envelopes to the voters

(1) The documents necessary for exercising the right to postal voting, which are sent to the voters, are the following:

a) an outer envelope presenting the security elements to ensure its sealing, in which the inner envelope and the voter certificate shall be placed; in the case of the presidential elections, two outer envelopes are sent to the voter, marked separately for each ballot;

b) an inner envelope presenting the security elements to ensure its sealing, in which the voting option(s) shall be placed, where appropriate; the inner envelope shall contain a "VOTED" self-adhesive stamp, presenting the security elements established by Government decision. The voter shall glue the stamp on to his/her option in the postal voting form; in the case of the presidential elections, two inner envelopes and two stamps are sent to the voter, marked separately for each ballot;

c) the voter certificate; in the case of the presidential elections, two voter certificates are sent to the voter, marked separately for each ballot;

d) instructions concerning the exercise of the right to vote, user data for accessing the site where the voter can download his ballot papers and the deadline within which the voter must put in the mail box or at the post office the documents referred to in Article 14 paragraph (5), so that they are dispatched to the competent electoral bureau, within the deadline set by law;

e) Repealed;

f) a self-adhesive stamp with the address of the electoral bureau for postal voting in the country that the voter, who opted for forwarding the postal voting in the country, shall glue to the outer envelope.

(2) The outer envelope is self-addressed and it presents the safety elements to ensure its sealing.

(3) The outer envelope has imprinted on it the last and first names of the voter, the postal address of the voter, as well as a barcode to ensure the sole identification of the voter.

(4) By way of derogation from the provisions of the Law no. 98/2016 on public procurements, as subsequently amended and supplemented, the manufacturing of the documents referred to in paragraphs (1) and (2), as well as the dispatch of all the documents necessary for exercising the right to postal voting to the voters are ensured by the C.N. "Poșta Română" - S.A..

(5) The documents necessary for exercising the right to postal voting shall be placed in another envelope and sent to the domicile or residential address of the voter, as indicated in the electoral list for the postal voting, made available by the Permanent Electoral Authority.

(6) The dispatch of the documents necessary for exercising the right to postal voting to voters can be done through a priority or express system, for which an acknowledgement of receipt shall be requested.

(7) The manufacturing of all the documents referred to in paragraph (1), as well as their dispatch shall be carried out under the supervision of the constituency electoral bureau for the Romanian citizens domiciled or residing abroad.

(1) The voter certificate is a document presenting safety elements, ascertaining that the person holding it is the one having exercised his/her right to postal voting.

(2) The voter certificate shall include the last and first names of the voter, his/her personal identification number, domicile or residence abroad, where appropriate, series and number of his/her identity document, as well as a sworn statement from the voter concerning the free, direct and secret exercise of the right to vote, dated and bearing a holograph signature. The type and date of the ballot shall also be mentioned in the statement.

(3) The voter certificate shall bear the voter's holograph signature and it can be used only once, for the ballot for which it has been issued.

(4) Voters must forthwith notify the Permanent Electoral Authority about the loss, theft, damage or destruction of the documents referred to in points (a) to (c) and (e) of Article 10 (1), for reasons for which they cannot be held accountable, as well as the situations in which these documents have not reached them 20 days before the voting

day, at the latest.

(5) Voters in the situation described in paragraph (4) shall be able to exercise their right to vote in polling stations, in accordance with the law.

The C.N. "Poșta Română" - S.A. shall ensure the dispatch of the documents referred to in Article 10 paragraph (1) to the voters no later than 25 days before the election date.

SECTION 2

Voting

The ballot papers for the postal voting referred to in point (e) of Article 10 (1) shall have the same format as the ballot papers used in the polling stations set up abroad, and shall have the phrase "Ballot paper for the postal voting" printed on the first page. The printing of the ballot papers for the postal voting shall be done through the efforts of the Prefect of the Municipality of Bucharest, by the "Monitorul Oficial" R.A., within three days from the establishing of the models of ballot papers.

(1) The voter downloads the ballot papers for the Senate and the Chamber of Deputies or for the President of Romania, where appropriate, from the website provided for in Article 10 paragraph (1) point d), (s)he prints them, affixes to his options therein the self-adhesive stamps referred to in Article 10 paragraph (1) point b) and inserts both ballot papers in the inner envelope provided for in Article 10 paragraph (1) point b).

(2) The voter shall fill in, date and sign by hand the voter certificate.

(3) The voter shall place the inner envelope, sealed according to paragraph (1), and the voter certificate filled in according to paragraph (2) in the outer envelope, which (s)he shall seal.

(4) The outer envelope, sealed according to paragraph (3), can be sent from any post office or any mail box. The outer envelope, sealed according to paragraph (3), can be sent by any voter by using any delivery services provider or to the diplomatic missions or consular posts, where appropriate, at his/her expense. The outer envelope, sealed according paragraph (3) can be lodged personally by the voter at the diplomatic missions or consular posts, where appropriate.

(5) The outer envelopes, sealed according to paragraph (3), must be dispatched with enough time before the date of the vote, in order to ensure their delivery up to three days before the date of the vote, at the premises of the electoral bureau for postal voting.

(6) The C.N. "Poșta Română" - S.A. shall ensure the remittance of the outer envelopes, sealed according to paragraph (3), based on the handover-takeover report, to the electoral bureau for postal voting.

(7) The sealed outer envelopes delivered after the expiry of the deadline referred to in paragraph (5) shall be annulled without being unsealed.

(1) The electoral bureaus for postal voting shall ensure the verification of the barcodes printed on the outer envelopes and the registration of their receipt.

(2) After registering the outer envelopes, the president of the electoral bureau for postal voting, his/her alternate or the member appointed by the president of the electoral bureau for postal voting shall verify the integrity of the seal on the outer envelope.

(3) If the outer envelope is unsealed or deteriorated to such an extent that it is likely to affect the integrity of the postal vote, the electoral bureau for postal voting shall annul, by decision, the outer envelope, which is no longer subject to unsealing, verification of the voter certificate and extraction of the inner envelope and its placing in the ballot box.

(4) The outer envelopes sealed and registered according to paragraph (1) shall be unsealed by the electoral bureau for postal voting, which shall verify the voter certificates and the integrity of the inner envelopes and their seals.

(5) The outer envelopes that do not contain the voter certificate shall be annulled by decision of the electoral bureau for postal voting.

(6) The provisions of paragraph (3) shall apply accordingly if the inner envelope is unsealed or deteriorated to such an extent that it is likely to affect the integrity of the postal vote.

(7) Voter certificates shall be grouped by packs, separately from the other materials.

(8) The sealed inner envelopes shall be placed in the ballot boxes, which are sealed at the end of each day of activity and unsealed, where appropriate, in the beginning of each day of activity.

(9) The ballot boxes shall be kept by the electoral bureau for postal voting in absolute safety and under protection ensured by the staff of the Ministry of Interior.

CHAPTER V

Counting the votes and registering the voting results

(1) On the day of the vote, after 21,00 h, the electoral bureau for postal voting shall unseal the ballot boxes, one by one, and shall unseal the inner envelopes.

(2) The cases when there is no ballot paper in the inner envelope shall be mentioned in the minutes for the registration of the results of the vote.

(3) The voting options shall be grouped by types of ballot papers, by candidates and lists of candidates, where appropriate.

(4) If two or more ballot papers have been placed in the same inner envelope, these shall be declared null by the electoral bureau for postal voting.

(1) After the closing of the operations referred to in Article 16, the electoral bureau for postal voting shall enter the result of the postal vote in the minutes, for each type of ballot, drawn up in two original copies, including:

a) the total number of voters assigned;

b) the total number of outer envelopes received from the voters, of which:

b1) the total number of outer envelopes valid;

b2) the total number of outer envelopes null;

c) the total number of inner envelopes, of which:

c1) the total number of inner envelopes valid;

c2) the total number of inner envelopes null;

d) the total number of votes, of which:

d1) the number of validly cast votes;

d2) the number of votes null;

e) the number of validly cast votes obtained by every candidate or list of candidates;

f) the number of votes challenged;

g) a brief account of the objections, challenges lodged and their solutions, as well as of the challenges filed with the hierarchically superior electoral bureau.

(2) The minutes signed by the president, his/her alternate, as well as by the members of the electoral bureau for postal voting, bearing its control stamp, shall be remitted to the constituency electoral bureau for the Romanian citizens domiciled or residing abroad, within 24 hours, at the most, from the voting date.

(3) The constituency electoral bureau for the Romanian citizens domiciled or residing abroad shall ensure the centralisation of the data referred to in paragraph (1) and their entry in the minutes concerning the registration and centralisation of the results of the vote, which they draw up according to the legal provisions applicable.

(4) The constituency electoral bureau for the Romanian citizens domiciled or residing abroad shall remit to the Central Electoral Bureau an original copy of the minutes referred to in paragraph (2) within 24 hours, at the most, from the expiry of the deadline referred to in paragraph (2).

(5) The minutes referred to in paragraph (1) shall be published on the Central Electoral Bureau's Website, within 24 hours, at the most, from their receipt, according to paragraph (4).

Article 18

(1) During the operations for opening the outer envelopes and the inner envelopes, as well in what concerns the counting of the votes, objections can be filed by the persons attending these operations, the political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof, as well as by independent candidates.

(2) Objections shall be settled on the spot, through decision, by the electoral bureau for postal voting.

(3) Objections shall be submitted to the president of the electoral bureau for postal voting. These shall be drawn up in writing, in two copies, of which one, signed and stamped by the president, shall be kept by the dissenter.

(4) The political parties, organisations of citizens belonging to national minorities, political or electoral alliances thereof, as well as independent candidates, can file challenges concerning the decisions referred to in paragraph (2), as well as other operations performed by the electoral bureau for postal voting.

(5) The challenges referred to in paragraph (4) shall be filed with the constituency electoral bureau for the Romanian citizens domiciled or residing abroad and shall be settled by it, through final decision, within two days, at the most, from their registration.

Besides the auxiliary technical staff of the electoral bureaus for postal voting, all the operations conducted by it can be attended by the persons accredited according to the law as well.

(1) The outer envelopes, the voter certificates, the inner envelopes and the valid, null and challenged ballot papers shall be remitted, based on a report, to the president of the hierarchically superior bureau by the president of the electoral bureau for postal voting, after which they are archived according to the legal provisions.

(2) The applications for the registration of voters in the Electoral Register with their option for the postal voting shall be kept according to the Law of the National Archives no. 16/1996, republished.

CHAPTER VI

Transitory and final provisions

(1) The expenses related to postal voting shall be borne from the State budget, according to the law.

(2) The Ministry of Foreign Affairs shall provide the premises and supplies of the electoral bureaus for postal voting.

(3) The Permanent Electoral Authority and the Ministry of Foreign Affairs shall organise and conduct campaigns for informing the Romanian citizens with the right to vote, domiciled or residing abroad, about how to exercise the right to postal voting.

(4) During the functioning of the electoral bureaus for postal voting, the members thereof, and the auxiliary technical staff shall be deemed seconded and shall receive an allowance for the activity conducted, according to the law, the presidents, their alternates and other members of the electoral bureau of the polling station abroad, and the corresponding auxiliary technical staff.

(5) For the allowances referred to in paragraph (4), only the income tax shall be withheld, due and collected, according to the law.

Article 21¹

The Permanent Electoral Authority shall establish, by decision, normative acts regarding the provisions of this law.

Article 21²

In the case of the presidential elections, the duties provided by this law for the constituency electoral bureau for Romanian citizens residing abroad shall be fulfilled by the electoral bureau of the polling stations abroad.

Article 21

(1) The models and dimensions of and the conditions for manufacturing the documents referred to in Article 10 shall be established by Government decision, upon proposal by the Permanent Electoral Authority, within 90 days from the entry into force of this law.

(2) Within 90 days from the entry into force of this law, the Government shall establish, through decision, the following:

a) the authorising officer with whom the C.N. "Poșta Română" - S.A. shall sign the contract for the manufacturing of the documents necessary to exercise the right to postal voting and the postal services specific to the electoral process;

b) the types of postal services and products used for the exercise of the right to postal voting;

c) the types of expenses specific to postal voting;

d) the modality of payment of the services covered by the contract in point (a), according to the postal fees in force, specific to every type of service and product.

(3) The C.N. "Poșta Română" - S.A. shall acquire the services and products necessary for fulfilling the obligations incumbent upon it under this law, by way of derogation from the provisions of the legislation on public procurements.

(4) The deadline for drawing up and adopting the legislative instruments referred to in Article 4 (2) and Article 21 paragraph (4) shall be of 90 days from the entry into force of this law.

This law shall be supplemented with the provisions of Law no. 208/2015.

Law no. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as on the organisation and functioning of the Permanent Electoral Authority, published in the Official Journal of Romania, Part I, no. 553 of 24 July 2015, shall be amended and supplemented as follows:

1. In Article 33, paragraphs (4) and (5) shall be amended and worded as follows:

"(4) Besides the data mentioned in paragraph (1), for each voter domiciled in Romania and residing abroad, the residential address abroad, his/her option concerning the postal voting and the postal code of the residential address abroad can also be included.

(5) Besides the data mentioned in paragraph (1), for each voter domiciled abroad and residing in another country, the residential address abroad, his/her option concerning the postal voting and the postal code of the domicile or residential address abroad can also be included."

2. In Article 49, paragraph (3) shall be amended and worded as follows:

"(3) The permanent electoral lists abroad shall be drawn up and printed by the Permanent Electoral Authority and shall be sent to the electoral bureau for the Romanian citizens domiciled or residing abroad, within five days from the expiry of the deadline referred to in Article 23 (6)."

3. In Article 52, after paragraph (1), two new paragraphs shall be inserted, paragraphs (1^{A1}) și (1^{A2}), worded as follows:

"(1^{A1}) The lists of candidates and independent candidatures for the Senate and the Chamber of Deputies in the electoral constituency for the Romanian citizens domiciled or residing abroad shall be filed with the electoral bureau for the Romanian citizens domiciled or residing abroad, no later than 60 days before the election date.

(1^{A2}) The lists of candidates proposed by the organisations of citizens belonging to national minorities for all electoral constituencies, according to Article 54 (4), shall be filed with the Central Electoral Bureau, no later than 60 days before the election date."

4. In Article 60, paragraph (1) shall be amended and worded as follows:

“Article 60

(1) On the date the time limits for submitting the candidatures expire, to which the time limits referred to in Article 59 (1), (2), (7) and (8) are added, where appropriate, the constituency electoral bureaus and the Central Electoral Bureau shall draw up the minutes ascertaining that the candidatures have remained final.”

5. In Article 84, point (a) of paragraph (4) shall be amended and worded as follows:

“a) shall stop from voting the person having not turned 18 years old until the date of the voting, the person having lost his/her electoral rights, as well as the person having chosen the postal voting;”

6. In Article 95, after paragraph (2), a new paragraph shall be introduced, paragraph (2¹), worded as follows:

“(2¹) The minutes drawn up by the constituency electoral bureau for the Romanian citizens domiciled or residing abroad shall include, besides the elements referred to in paragraph (2), the following data:

- a) the total number of voters, according to the electoral lists for the postal voting;
- b) the total number of voters having voted by post, registered on the electoral lists for the postal voting;
- c) the number of outer envelopes dispatched;
- d) the number of outer or inner envelopes annulled.”

7. In Article 96, points (a), (b), (f) and (g) of paragraph (1) shall be amended and worded as follows:

“a) the total number of voters included in the electoral lists, of which:

- the total number of voters included in the permanent electoral lists;
- the total number of voters included in the additional electoral lists;
- the total number of voters included in the electoral lists for the postal voting;

b) the total number of voters present for the vote, included in the electoral lists, of which:

- the total number of voters included in the permanent electoral lists;
- the total number of voters included in the additional electoral lists;
- the total number of voters included in the electoral lists for the postal voting;

.....

f) the number of ballot papers received by the polling stations and the number of outer envelopes sent to the voters;

g) the number of ballot papers unused and annulled, as well as the number of outer or inner envelopes annulled;”.