

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

Article 1

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

Article 2

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 3

(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 10 (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 (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

Article 4

(1) Voters domiciled or residing abroad, wishing to exercise their right to postal voting in the general elections for the Senate and the Chamber of Deputies, must register in the Electoral Register with their option for the postal voting, based on a written application, dated and signed, filed personally or sent by post, **including by email**, to the diplomatic mission or consular office in the State of their domicile or residence, to which they enclose a copy of their passport while mentioning their State of domicile, for the Romanian citizens domiciled abroad, respectively a copy of their ID document and a copy of the document proving their right of residence, issued by the foreign authorities, according to Article 83 (4) of 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, for the Romanian citizens residing abroad.

(2) The model of the application referred to in paragraph (1) shall be set out by decree of the Permanent Electoral Authority.

(3) The application referred to in paragraph (1) shall contain the following mandatory elements:

- a) first and last names, as well as the last name prior to marriage;
- b) personal identification number;
- c) all the elements necessary for the identification of the domicile or residential address, where appropriate;
- d) postal code of the domicile or residential address, where appropriate;
- e) email address;
- f) date;
- g) applicant's hand signature.

(4) The period for the voter's registration in the Electoral Register with his/her option for postal voting in the general elections for the Senate and the Chamber of Deputies is the one referred to in Article 42 (2) of Law no. 208/2015.

(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 (2) of Law no. 208/2015.

Article 5

(1) Within five days, at the most, from the expiry of the deadline set out in Article 4 (4), diplomatic missions and consular offices, through the persons

authorised according to the law, shall ensure the verification of the data provided by the voters domiciled or residing abroad, according to Article 4 (1), as well as their registration in the Electoral Register with their option for postal voting.

(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 (1) are inaccurate or incomplete, the voter in question shall not be registered in the Electoral Register with the option for postal voting.

Article 6

(1) Within 48 hours from the expiry of the deadline referred to in Article 5 (1), the Permanent Electoral Authority shall draw up and print the electoral lists for the postal voting, based on the data and information in the Electoral Register. 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) The voter for whom the C.N. "Poșta Română" – S.A. has sent to the Permanent Electoral Authority the proof of the receipt of the documents necessary for exercising the right to postal voting, referred to in Article 10 (1), shall not appear on the permanent electoral lists drawn up for the respective ballot.

Article 7

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

Article 8

(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 in Romania and they operate with and subordinated to the constituency electoral bureau for the Romanian citizens domiciled or residing abroad.

(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 9

(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.

(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

Article 10

(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;

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;

c) the voter certificate;

d) instructions concerning the exercise of the right to vote, including also the deadline within which the voter must put in the mail box or at the post office the documents referred to in Article 14 (5), so that they are dispatched to the competent electoral bureau, within the deadline set by law;

e) the postal voting paper.

(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, the address of the electoral bureau for postal voting, according to this law, as well as a barcode to ensure the sole identification of the voter.

(4) 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., in compliance with the provisions of Article 12 (b) of Government Emergency Ordinance no. 34/2006 on the allotment of public procurement

contracts, public works concession contracts and service concession contracts, approved as amended and supplemented by Law no. 337/2006, as subsequently amended and supplemented.

(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.

Article 11

(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.

Article 12

The C.N. "Poșta Română" - S.A. shall ensure the dispatch of the documents referred to in Article 10 (1) to the voters no later than 30 days before the election date.

SECTION 2

Voting

Article 13

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.

Article 14

(1) The voter shall place the ballot paper containing his/her voting option in the inner envelope, which (s)he shall seal.

(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, at his/her expense.

(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.

Article 15

(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

Article 16

- (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.

Article 17

- (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.

Article 19

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.

Article 20

(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

Article 21

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

(2) The Government 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, set by Government decision, upon proposal by the Permanent Electoral Authority.

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

Article 22

(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 (4) shall be of 90 days from the entry into force of this law.

Article 23

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

Article 24

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 (1¹) și (1²), worded as follows:

“(1¹) 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.

(1²) 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;
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- 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;”

This law has been adopted by the Romanian Parliament in compliance with the provisions of Article 75 and Article 76 (1) of the Romanian Constitution, republished.

p. PRESIDENT OF THE CHAMBER OF DEPUTIES,
FLORIN IORDACHE

PRESIDENT OF THE SENATE
CĂLIN-CONSTANTIN-ANTON POPESCU-TĂRICEANU

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No. 288.
