

**BODY OF ELECTORAL EXPERTS.  
PROCEDURE FOR THE DISCLOSURE OF  
PERSONS WHO MAY BE DESIGNATED  
CHAIRMAN OF THE VOTE BOARD  
ELECTORAL OFFICIALS**

**Abstract**

According to art.118 paragraph (3) and paragraph (4) of the Law no. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as for the organization and functioning of the Permanent Electoral Authority through the body of the electoral experts is meant permanent record of the persons who can become presidents of the polling stations. This are managed and updated by the Permanent Electoral Authority. The admission to the body of the electoral experts is based on the favorable opinion given by the Permanent Electoral Authority for the previous activity as president of the polling station electoral office or its deputy, as well as on the basis of an examination (art.16 para. Law No. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as for the organization and functioning of the Permanent Electoral Authority) for persons who did not fulfill the position of president / deputy in other elections. The specific activities of the procedure are carried out according to the legal provisions in force. The operations carried out for admission to the Electoral Expert Body are the following:

A) verifying the fulfillment of legal conditions by persons wishing to be admitted on a favorable opinion or exam.

B) verification of the submitted documents, namely the declaration (the model provided by the law), the copy of the identity document, the copy of the marriage certificate (in the case of name change) and the copy of the diploma attesting university or secondary education.

**Keywords:** electoral expert body, favorable opinion, exam, presidents of polling station electoral bureaus, Permanent Electoral Authority

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**CORPUL EXPERTILOR ELECTORALI.  
PROCEDURA DE AVIZARE A  
PERSOANELOR CARE POT FI  
DESEMNALE  
PRESEDINTI/LOCTIITORI AI  
BIROURILOR ELECTORALE ALE  
SECTIILOR DE VOTARE**

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**Rezumat**

Potrivit art.118 alin.(3) și alin (4) din Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente prin corpul experților electorali se înțelege evidența permanentă a persoanelor care pot deveni președinți ai birourilor electorale ale secțiilor de votare din țară sau locțiitori ai acestora, înființată, gestionată și actualizată de către Autoritatea Electorală Permanentă. Prin corpul experților electorali din străinătate se înțelege evidența permanentă a persoanelor care pot deveni președinți ai birourilor electorale ale secțiilor de votare din străinătate sau locțiitori ai acestora, înființată, gestionată și actualizată de către Autoritatea Electorală Permanentă. Admiterea în corpul experților electorali se face pe baza avizului favorabil acordat de Autoritatea Electorală Permanentă pentru activitatea anterioară ca președinte al biroului electoral al secției de votare sau de locțiitor al acestuia, precum și pe bază de examen (art.16 alin.(3) din Legea nr. 208/2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente) pentru persoanele care nu au îndeplinit funcția de președinte/locțiitor în cadrul altor scrutine. Activitățile specifice procedurii se realizează potrivit prevederilor legale în vigoare. Avizul favorabil acordat de către Autoritatea Electorală Permanentă este, în esență, o operațiune administrativă prealabilă adoptării deciziei de admitere în Corpul experților electorali, a cărei realizare este de resortul aparatului de specialitate al Autorității Electorale Permanente.

Operațiunile realizate pentru admiterea în Corpul experților electorali sunt următoarele:

- a) verificarea îndeplinirii condițiilor legale de către persoanele care doresc a fi admise pe bază de aviz favorabil sau examen.
- b) verificarea actelor depuse și anume: declarația (modelul prevăzut de lege), copia actului de identitate, copia certificatului de căsătorie (în cazul schimbării numelui) și copia diplomei care atestă studiile universitare sau medii.

**Cuvinte cheie:** corpul experților electorali, aviz favorabil, examen, președinți ai birourilor electorale ale secțiilor de votare, Autoritatea Electorală Permanentă



## 1. INTRODUCTION

### A. Main legislation

- art. 15 par. (2) and (3), art. 16, art. 17 par. (2), (3) and (7), art. 118 par. (3) and (4) and Art. 120 of the Law no. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as for the organization and functioning of the Permanent Electoral Authority, modified by the Law no. 288/2015 and by the rectification published in the Official Gazette of Romania, Part I, no. 553 of 22 July 2016.
- art. 26 par. (5) and (8) and art. 30 par. (2) of the Law no. 115/2015 for the election of the local public administration authorities, for the modification of the Local Public Administration Law no. 215/2001, as well as for amending and completing the Law no. 393/2004 on the Statute of local elected representatives, modified by the rectification published in the Official Gazette of Romania, Part I, no. 316 of April 25, 2016.

### B. Secondary legislation

- Permanent Electoral Authority Decision no. 11/2015 regarding the approval of the Admission Methodology in the Electoral Experts Corps, modified by the rectification published in the Official Gazette of Romania, Part I, no. 88 of 5 February 2016 and by the Decision of the Permanent Electoral Authority no. 20/2016.
- Law no. 677/2001 on the protection of individuals with regard to the processing of personal data and the free movement of such data, as subsequently amended and supplemented.

The chairperson of the polling station electoral bureau and its deputy are appointed by the Permanent Electoral Authority in a public meeting announced 48 hours in advance by computerized lottery organized at county or Bucharest level 15 days before the date of the elections, on the basis of the criterion of the proximity of the place of residence or of the residence of the polling station, as well as on the criterion of completed studies, on the positions of the persons registered with the Body of the electoral experts with the domicile or residence in the respective county. Graduates of undergraduate studies in the field of legal sciences and then undergraduate graduates in other fields have priority. If the number of graduates of a bachelor's degree in the field of legal sciences or other fields in a locality is insufficient, persons who have at least compulsory general education may be admitted to the Body of electoral experts. (Article 15 (2) of Law No. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as for the organization and functioning of the Permanent Electoral Authority).

The principles applicable to the procedure are: legality (observance of the legal conditions, namely: Romanian citizenship, Romanian speaking and speaking language, having the right to vote and a health condition corresponding to the fulfillment of the position, not to be part of a political party), transparency (assessment by examination or lawsuit file), efficiency (obtaining maximum results with minimal resources).

Admission to the body of electoral experts is based on the favorable opinion given by the Permanent Electoral Authority for the previous activity as president of the polling station electoral office or its deputy, as well as on the basis of an examination (art.16 paragraph (3) of the Law No. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as for the organization and functioning of the Permanent Electoral Authority) for persons who did not fulfill the position of president / deputy in other elections.

The operations carried out for admission to the Electoral Expert Body are the following:

- a) verification of the fulfillment of legal conditions by persons wishing to be admitted on a favorable opinion or exam.

Persons wishing to be part of the Body of Electoral Experts must meet the conditions set out in Art. 16 paragraph (1) of Law no 208/2015 and in the AEP judgment no. 11/2015 regarding the approval of the Methodology of Admission to the Body of Electoral Experts, namely:

- a. Romanian citizenship;
- b. knows Romanian, written and spoken;
- c. has the right to vote;
- d. has a state of health appropriate to the performance of his / her duties;
- e. is not part of a political party;
- f. has completed at least compulsory general education;
- g. is not prosecuted, prosecuted or convicted.

The necessary documents for registration in the Electoral Experts' Corps:

- a) written application for admittance to the Body of the electoral experts of the country dated and signed, containing the name, surname, personal numerical code, domicile, residence, occupation, profession, telephone and e-mail address, accompanied by a declaration on fulfillment of the mentioned conditions, above, at lit. a) - g),

- b) a copy of the identity document<sup>1</sup>
- c) a copy of the study document,
- d) a copy of the certificate of marriage in case of change of name,
- e) a copy of the residence permit (if applicable).

The Permanent Election Authority gives a favorable opinion to the person who has served as chairman of the electoral commission of the polling station or his deputy at least one poll and who:

- a. can be admitted to the body of the electoral experts by decision of the Permanent Electoral Authority. It has to meet the following conditions: it has Romanian citizenship, knows Romanian, written and spoken, has the right to vote, has a proper health condition for fulfilling the position; is not part of a political party; has graduated undergraduate studies in the field of legal sciences or other fields; is not prosecuted, prosecuted or convicted,
- b. submitted in written form to the mayors or prefects or to the Permanent Electoral Authority, in writing or in electronic form, no later than 45 days before the date of the election, a written, dated and signed application containing the name, surname, personal identification number, home address, residence, occupation, profession, phone number and e-mail address.
- c. has not committed contraventions in connection with the elections or a referendum,
- d. did not commit errors in the recording of the results of voting in the minutes,<sup>2</sup>
- e. was not excluded and did not withdraw from the body of electoral experts.

In order to issue the opinion of the Permanent Electoral Authority, it is necessary to evaluate the activity of the chairmen of the polling station electoral bureaus and their deputies, regardless of the type of ballot.

<sup>1</sup> Identity documents means: a) the identity card; b) the electronic identity card, c) the provisional identity card, d) the identity card; e) diplomatic passport; f) electronic diplomatic passport; g) service passport; h) electronic passport; i) Military service card for military school pupils.

<sup>2</sup> It is verified by analyzing the minutes of recording the results of voting, drafted and signed by the person who has requested a favorable opinion. It refers to the corrections made by the hierarchical electoral bureau on the obvious differences between the actual values of some figures to be included in the minutes of recording the voting results and the calculated values of these figures that were recorded in the minutes of recording the voting results. The errors recorded in the field of letter e) "the total number of votes validly expressed", respectively those under h) "the number of valid votes is considered to be errors in the record of the results of the voting, influencing the results of the voting in the polling station expressed by each candidate". The unfavorable opinion shall be given only to persons identified as having misinterpreted the results under letters e) and h) of the minutes.

The favorable opinion issued by the Permanent Electoral Authority is essentially an administrative operation prior to the adoption of the decision to admit to the Electoral Experts' Corps, the accomplishment of which is the endorsement of the specialized apparatus of the Permanent Electoral Authority.

According to art. 98 of the Law 208/2015 on the election of the Senate and the Chamber of Deputies, as well as for the organization and functioning of the Permanent Electoral Authority, constitute the offenses that may be committed by the chairperson / deputy of the polling station electoral bureau, the following facts:

- a. non-observance of the decisions and decisions of the electoral offices and offices, failure to observe the decisions, decisions and instructions of the Permanent Electoral Authority (sanctioned by the hierarchically superior electoral bureau with a fine from 4,500 lei to 10,000 lei)
- b. refusal to allow candidates, accredited persons, members of the bureaus and electoral offices and representatives of the Permanent Electoral Authority to vote in the polling station to assist in the conduct of electoral operations (sanctioned by officers and police officers within the Romanian Police and the officers and non-commissioned officers within the Romanian Gendarmerie with a fine from 1500 lei to 4500 lei),
- c. the refusal to receive and register a complaint, complaint, appeal or written complaint filed in accordance with the law (sanctioned by the hierarchically superior electoral bureau with a fine from 1500 lei to 4500 lei),
- d. handing of the ballot to an elector who does not present the identity document or who refuses to sign on the electoral roll in which he / she is registered for receiving the ballot and the voting stamp (sanctioned by the officers and police officers of the Romanian Police and the officers and non-commissioned officers within the Romanian Gendarmerie with a fine from 4,500 lei to 10,000 lei),
- e. drawing up the minutes in violation of the legal provisions (sanctioned by the hierarchically superior electoral bureau with a fine from 1,500 lei to 4,500 lei),
- f. violation of the provisions of art. 16 of Law 208/2015; the continuation of the electoral propaganda after its conclusion, as well as the counseling of the voters at the polling station to vote or not to vote with a certain political party, a political alliance, an electoral alliance, an organization of the citizens belonging to a national minority with an independent candidate

(sanctioned by officers and police officers within the Romanian Police and officers and non-commissioned officers within the Romanian Gendarmerie with a fine from 4,500 lei to 10,000 lei);

- g. the voting during the voting by the members of the electoral bureaus of the polling stations or by the persons accredited with badges, badges or other signs of electoral propaganda (sanctioned by officers and police officers within the Romanian Police and officers and non-commissioned officers from the Romanian Gendarmerie with a fine from 1,500 lei to 4,500 lei),
- h. the refusal of the president of the electoral bureau or of his deputy to issue a certified copy of the minutes to the persons entitled according to the legal provisions (sanctioned by the hierarchically superior electoral bureau with a fine from 1.500 lei to 4.500 lei)
- i. violation of the provisions of art. 88, 92 and 93 of Law no. 208/2015 (sanctioned by the hierarchically superior electoral bureau with a fine from 4,500 lei to 10,000 lei)

## 2. ADMISSION TO THE CORPUS OF ELECTORAL EXPERTS ON THE BASIS OF AN EXAMINATION

### *Admission to admission examinations in the Electoral Corps Body of the country*

- a. In order to be admitted to the Electoral Survey Body of the country, interested persons must submit in written form to the mayors or prefects or to the Permanent Electoral Authority, in electronic or written form, no later than 45 days before the date of the election, a written, dated and signed application containing the first name, surname, personal identification number, domicile, residence, occupation, profession, telephone and e-mail address, a copy of the identity card, a copy of the residence permit (if applicable).
- b. After the submission of the application, the AEP representative shall verify the existence of all the aforementioned documents and the consistency between the data recorded in the application and the data on the deposited documents.
- c. If there are inconsistencies between the data entered on the application and the data on the submitted documents, the applicant will fill out a new application at the time of the written examination. The completed application will receive the same number as the Application for admission to the Electoral Expert Body of the country on the basis of an initial examination (the



same number, different date - the date of filling in the new application). It will be scanned and entered into the IT application.

- d. Only those who have the complete file will be scheduled for the exam. In case there are people who have not filed all the documents in the file, their requests will be kept until the dossier is completed.

Contacting applicants for appointment at the written exam session.

- a) The persons to attend the examination sessions are contacted by the personnel of the territorial structures of the Permanent Electoral Authority by telephone and informed about the place, date and time of the admission examination in the Electoral Experts' Corps.
- b) Upon contact by phone, emails will be sent to each person attending examination sessions for the examination.
- c) Persons who do not have an e-mail address will be contacted when contacting them for appointment to go to the headquarters of the Permanent Electoral Authority's territorial structures in order to be in possession of the legislation for electronic or paper examinations.
- d) At the moment of the telephone contact, the AEP representative shall present and inform the applicant of the information necessary for scheduling.

If at the time of contact for appointment to the written examination the applicant refuses to participate on the grounds that he wishes to quit, he or she is compelled to send in writing by e-mail or to submit a renunciation information directly, which must include names, surname, CNP, address and reason for renunciation.

Distribution by groups in the IT application. When a session is completed, the Minutes of the admission session form in the Electoral Surgeons' Corps may be exported on the basis of an examination containing the list of persons scheduled to take the exam in a given location / day / hour.

At the entrance to the room where the written exam is held, the participants present the identity card.

The written exam consists of a 30-minute grid test.

The skill test grid test consists of 15 questions with 3 variants of response. Only a variant of the answer is correct. The admission exam in the Electoral Expert Body is considered to be promoted if the participant solves correctly at least 10 questions in maximum 30 minutes. Correction of the written work is done as soon as it has been taught in the presence of the candidate.

Persons who do not have their identity card can not take part in the admission exam in the Electoral Survey Corps.

Persons who are not present when making a nominal call are considered ABSENT.

From the moment the envelope in which the exam form is opened, no candidate can enter the room and no candidate can leave the room unless he / she teaches the written work and signs his / her handing over.

Participants will solve the exam grids only on stamped drafts.

***Rules for completing the grid test***

Each candidate receives the grid test, which he writes in his capitals, the father's first name and the first name.

Marking the correct answer is done only by enclosing the correct answer on the exam form.

Responses are recorded on the exam form. It is written with a normal blue or black paste. Multiple deletions or multiple replies to a question and no corrective paste changes are allowed. These errors cancel the answer to that question.

If, during the examination, some participants, for various reasons (corrections and / or mistakes), want to transcribe the results on another exam form without exceeding the probationary time, they receive new forms , which will be completed with all the data set on the form, and the ones originally used will be canceled on the spot, mentioning them ANULAT, under the signature of the representatives of the Permanent Electoral Authority, members of the Examining Board.

Participants may leave the examination room after completing the questionnaire and make entries for those dates and signatures in the Minutes on Admissions to the Electoral Expert Body of the Country on the basis of an examination.

At the end of the works, respectively at the expiration of the given time, each candidate hand over the work, under the signature. The participant signs in the minutes of the admission session in the Electoral Experts Body in the country on the basis of an examination.

Upon expiration of the time, all participants will pass the exam forms and the drafts of the AEP representatives.

The canceled exam forms are collected in separate files.



### ***After the exam***

Correction of the exam forms is done, on the spot, in the presence of the candidate, by the AEP representatives designated by Note by the Branch Manager. The result is verbally communicated to the candidates.

The verification of the answers to the admission exam in the Body of the electoral experts is done with the help of the Evaluation Grid by the registration on the Examination Form of the score obtained by each participant and the mention of ADMIS / RESPINS.

The admission exam in the Electoral Expert Body is considered to be promoted if the candidate correctly answers at least 10 questions out of the 15 questions in a maximum of 30 minutes.

When correcting the exam forms, a response to a subject is validated if one of the three possible answers to the question is marked with one correct answer and the other two left blank. Subjects marked with two or more responses or those that are not marked are not counted, not punctuated.

### ***Communicating the results to the participants***

The result of the written test is verbally communicated to the candidates on the spot.

### ***Observation***

Participants who do not promote admission examinations in the Electoral Experts' Corps may apply for a new written entrance examination based on a schedule without further formalities.

If an exam person appears at an examination session at the exam center, without prior appointment, after the exam group has been formed:

- a. A member of the Examining Board checks by telephone at the headquarters of the territorial structure if the person has submitted all the completed documents correctly. If he / she has not submitted the previous registration, he / she may submit it at the time of the examination. These will be recorded and entered into the IT application at the time of return to the premises.
- b. Once all the papers have been verified, access to the examination room is allowed under the same conditions as the other participants.
- c. Since the Minutes are generated automatically from the Computer Application, the applicant will have passed the Hologram on it.

- d. The applicant will receive the same exam form (the form will be multiplied by 10% more than the number of participants) as the persons entered in the Minutes.
- e. After completing the exam form, he / she signs the minutes as well as all the participants.
- f. Upon their return, the data of the person who has passed the Holograph on the Minutes will be entered in the Computer Application at the session he / she passed the exam according to the person input procedure in the created session.
- g. After the person was introduced to the previously created session, there are no longer any documents because they were already generated.
- h. The minutes of the applicant's handwritten registration are uploaded.

### **Suspension**

If an electoral expert can't perform the position of chairman of a polling station electoral bureau or his position as a substitute during elections, he / she is obliged to request in writing to the Permanent Electoral Authority the suspension from the Body of electoral experts during their election , no later than 30 days before the day of the election.

Approval of suspension requests can only be made for the next election and the operation is carried out in the IT application at the level of the county branches / offices of the Authority. If the persons concerned were admitted to the Electoral Experts' Corps, then the word "suspended" in the computer application, on the application and in the records register is made. If persons have not been admitted to the Electoral Body, suspension requests are communicated to be approved and can only be subsequently suspended from the Electoral Experts' Corps. The legal deadlines in which they can be operated must be considered.

### **The exclusion**

Exclusion from the Body of Electoral Experts is done by the Permanent Electoral Authority in the case of committing contraventions on elections or referendums, as well as in case of serious errors in the process of recording the results of voting in the minutes. The examination for admission to the Electoral Experts' Corps may be attended by persons who have not exerted the position of president of the polling station electoral bureau or its deputy, persons who have been excluded from the Body of electoral experts or who have withdrawn, provided that that the exclusion has taken place more than 3 years before the examination date or that the withdrawal has taken place more than one year before the examination date.

### ***Withdrawal***

The withdrawal from the Body of the electoral experts shall be made on the basis of a written request within 5 days from the date of commencement of the electoral period.

Approval of withdrawals can only be made for the next election and the operation is carried out in the IT application at the level of the branches / offices of the Authority. If the persons concerned were admitted to the Electoral Experts' Corps, then the "withdrawn" entry in the IT application, the request and the records register shall be made. If they were not admitted to the Electoral Body, then the withdrawal requests are in fact the abandonment of the initial request. The waiver request and the "waiver" entry are entered in the computer application. In case of withdrawal, phone notes may also be issued. The legal deadlines in which they can be operated must be considered.

The exams for admission to the Electoral Experts' Corps can also be attended by those who have withdrawn from the Electoral Expert Body, provided that the withdrawal took place more than one year before the exam date.

### ***Bringing to public knowledge / prefect***

The Permanent Electoral Authority informs the public, by displaying on its website, the following identification data of the persons registered in the body of the electoral experts:

- a. the name;
- b. first name;
- c. father's initial;
- d. the domicile - only the county and the city or the municipality of Bucharest and the sector, as the case may be.

The Permanent Electoral Authority submits to the prefects information on the surname and forenames, the father's original and the donkey (the county and the locality or the municipality of Bucharest and the sector, as the case may be) regarding the persons designated as presidents of the electoral bureaus of their polling stations and deputies.

### **REFERENCES**

Law no. 208/2015 on the election of the Senate and the Chamber of Deputies, as well as for the organization and functioning of the Permanent Electoral Authority, modified by the Law no. 288/2015 and by the rectification published in the Official Gazette of Romania, Part I, no. 553

Law no. 115/2015 for the election of the local public administration authorities, for the modification of the Local Public Administration Law no. 215/2001, as well as for amending and completing the Law no. 393/2004 on the Statute of local elected representatives, modified by the rectification published in the Official Gazette of Romania, Part I, no. 316 of April 25, 2016

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