

VOTING PROCEDURE WITH A SPECIAL BALLOT BOX AT 2020 LOCAL AND PARLIAMENTARY ELECTIONS IN VIEW OF THE COVID PANDEMIC -19

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ABSTRACT

The paper presents the way of organizing the voting procedure with special ballot box in the national parliamentary and local elections held in 2020 under special conditions in view of the COVID -19 pandemic.

The special ballot box can be used by citizens entitled to vote in the respective constituency who cannot go to the polling station due to illness or disability, those who are in pre-trial detention, prisoners, in hospital, and the president of the polling station electoral office may approve, their written request, accompanied by copies of documents showing their state of health or disability, registered at the polling station nearest to their place of residence on polling day, for a team of at least two members of the polling station to go with a special ballot box and the necessary voting material - stamp marked "VOTED" and ballot papers - to the place where the voter is located in order to vote.

In the cases provided for above, voting shall be carried out only on the basis of an extract drawn up personally by the President of the polling station from the permanent or supplementary electoral list existing at the polling station concerned.

The extract shall be signed and stamped by the president of the polling station's electoral bureau and the persons included in the extract must be removed from the other electoral lists at the polling station. The extract from the permanent electoral list, the copy of the supplementary electoral list or the copy of the supplementary list existing at the precinct in question shall be used at the election of the local public administration authorities for voting by special ballot box. It shall be drawn up by the president of the polling station electoral bureau, who shall sign and stamp it.

KEYWORDS: *computer system for monitoring voter turnout and preventing illegal voting (SIMPV), computer application for verifying the right to vote (ADV), computer operator of the polling station electoral office, special ballot box, extract from the permanent and supplementary electoral list.*

1. INTRODUCTION

Elections in Romania are held with respect for the universal, equal, direct, secret and freely expressed character of the vote. Romanian citizens have the right to vote and to be elected, regardless of race, sex, nationality, ethnic origin, spoken language, religion, political opinion, wealth or social origin, according to the Constitution and the legislation in force. Each voter has the right to cast only one vote, which he or she casts personally; voting on behalf of another voter is prohibited. Voting in elections shall be secret. Romanian citizens who have reached the age of 18, including those who reach this age on election day, have the right to vote.

The mentally ill or mentally retarded, under interdiction; persons who have been prohibited from exercising the right to vote, for the period established by a final court decision, may not vote.

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The polling stations are made up only of citizens entitled to vote.

In elections to the Senate and the Chamber of Deputies, each voter receives 2 separate ballot papers: 1 ballot paper for the Senate and 1 ballot paper for the Chamber of Deputies.

In local government elections, 4 separate ballot papers are used in each polling station.

- a) ballot papers for the election of the mayor;
- b) ballot papers for the election of the local council;
- c) ballot papers for the election of the president of the county council;
- d) ballot papers for the election of the county council.

At the level of the Municipality of Bucharest there are:

- a) ballot papers for the election of the mayor of the district;
- b) ballot papers for the election of the district local council;
- c) ballot papers for the election of the Mayor General of Bucharest;
- d) ballot papers for the election of the General Council of Bucharest.

2. MANUSCRIPT

2.1. Organisation of the ballot box voting procedure for the 2020 elections in view of the COVID-19 pandemic

For parliamentary elections, the polling station electoral board (BESV) is composed of a president[†], a deputy president and a maximum of 8 representatives of the political parties taking part in the elections. It may not have fewer than 5 members, i.e. the President, his deputy and 3 representatives of the political parties taking part in the elections. (Romanian Parliament, 2015)

In local elections, the polling station electoral offices (BESV) in municipalities and cities are made up of: the president, the deputy and 9 members of the political parties. Polling station electoral offices in municipalities and sectors of Bucharest are made up of: president, deputy and 11 members of political parties.

It ceases its activity on the date of the conclusion of the verification of the minutes of the election results it has drawn up.

The polling station is staffed by computer operator(s) appointed by decision of the Permanent Electoral Authority (2016). Computer operators have the status of auxiliary technical staff.

Due to the COVID-19 pandemic, a number of health protection measures have been taken so that citizens can exercise their right to vote safely. The sanitary materials were taken over by the President of the BESV on the eve of the vote, together with the materials necessary for the electoral process, with the support of the auxiliary technical staff of the polling station electoral office (Ministry of Health and the Ministry of Internal Affairs, 2020).

Each member of the polling station electoral office and computer operator had 5 protective masks and 5 pairs of gloves. The sanitary protection materials were stored together with the materials necessary for the electoral process (Ministry of Interior Affairs, 2021).

These materials were used throughout the voting process, on the eve of voting (Saturday) and on voting day (Sunday).

Bottles of alcohol-based hand sanitizer were placed in the polling station premises and in the polling place, and were marked with the appropriate markings, as well as containers of sanitary bags, which were changed periodically, for the disposal of used masks and gloves.

At the entrance to the polling station, a dedicated area was set up for disinfecting voters' hands, equipped with alcohol-based disinfectant bottles and paper towels.

[†] The president of the polling station is obliged to take the necessary measures to ensure that the elections run smoothly. His or her duties in this regard also extend outside the polling station premises, in the polling station premises, in the courtyard, in the entrances to the courtyard, around the polling station premises, and in the streets and public squares up to a distance of 50 m.

In order to maintain order, the president of the polling station electoral office has the necessary means of order at his disposal, provided by the mayor and the prefect, together with representatives of the Ministry of the Interior.

The polling station was ventilated by keeping the window(s) open throughout the voting and polling station office operations; if permanent ventilation of the polling station is not possible, the polling station will be ventilated by opening the window(s) at least 10 minutes every 2 hours. If the building where the polling station is located did not allow the windows to be opened, arrangements were made with the building manager to ensure that the installation was not set to recirculate air.

These persons were required to wear a protective mask, so as to cover their nose and mouth, throughout the time they were in the polling station and polling place and were required to maintain a physical distance of at least 1 m. from other persons participating in the electoral process.

2.2. Receipt of applications for the special ballot box

Applications for the special ballot box will be received on Saturday between 18.⁰⁰ and 20.⁰⁰. The President of the BESV is on duty at the polling station on the day before the vote, from 18⁰⁰ to 20⁰⁰ hours, in order to receive applications from voters for the special ballot box.

They can vote through the special ballot box in parliamentary elections (Romanian Government, 2020):

1) Voters who are unable to travel to the polling station because of illness or disability, if they are domiciled or reside in the constituency in which the polling station is located.

The application to vote through the special ballot box must be submitted at the polling station closest to the building where the team accompanying the special ballot box is requested to travel, at the latest on the day before voting - 5 December 2020, between 18.00 and 20.00.

Requests for voting by special ballot box submitted to the constituency electoral office or to the electoral office shall be forwarded by any means to the electoral office of the polling station closest to the building to which the special ballot box is requested to be moved.

The request for voting through the special ballot box may be submitted by any person, must be dated and signed in holography by the voter requesting the special ballot box and must include: name, surname, personal identification number, domicile or residence, as indicated on the identity card or proof of residence, as the case may be, the address of the building where the BESV team is requested to travel to, the series and number of the identity card and the telephone number.

The application must be accompanied by copies of any documents showing illness, state of health or disability; it must be possible to establish from the content of the documents received that the voter is unable to travel to the polling station by himself/herself, and it is not necessary for them to expressly include the phrase "non-movable person".

In deciding on the applications submitted, the President of the BESV may also carry out other checks, using any means of information, if the documents attached to the application only state a sickness or disability code, and then, on the basis of this information, assess, as far as is possible for a reasonably informed person, the compatibility of the illness with the voter's ability to travel.

2) Voters who, on the date of the election, will be hospitalized in a public or private health facility, home for the elderly or other such public or private social facilities, if they have their domicile or residence in the county or in the municipality of Bucharest, as the case may be, within the radius of which that facility is located.

Applications for voting through the special ballot box may be submitted on the day of voting between 18⁰⁰-20⁰⁰ hours, at the polling stations in the locality in which the respective unit is located, established by decision of the county electoral office or the electoral office of the Bucharest municipality, as the case may be, within whose radius the building where they are interned is located.

Requests submitted to the district electoral office or to the electoral office shall be forwarded by any means to the electoral office of the polling station closest to the building to which the BESV team accompanying the special ballot box has been requested. Applications must be dated and signed in holographic form and must include: surname, first name, personal identification number, domicile or residence, serial number and identity card number of each voter. They may be sent via other persons or via the specialist staff of the medical units where the voters are hospitalised, as appropriate.

The presidents of the polling station electoral office (BESV) where the applications are submitted will inform the constituency electoral office of the number of persons admitted to the polling station to be visited by the BESV team with the special ballot box.

3) Persons detained on the basis of a preventive arrest warrant, detained persons and persons serving a custodial sentence but who have not lost their electoral rights and who are entered on the permanent electoral roll of the constituency in whose district the prison or place of detention is located.

Requests for voting through the special ballot box shall be made in writing by the above-mentioned persons and shall be submitted to the directors of the prisons or places of detention no later than 1200 hours on the day before the vote. They must be dated and signed in holography and include the surname, first name, date of birth, personal code, address, ID number and serial number.

The director of the prison or place of detention shall ensure that applications are submitted, at the latest on the day before the vote, between 18⁰⁰ and 20⁰⁰ hours, to the polling stations in the locality in which the prison is located, as determined by decision of the district electoral office in whose district the prison is located.

The presidents of the polling stations where the applications are submitted shall inform the constituency electoral office of the number of inmates to be visited by the polling station electoral office team with the special ballot box.

4) Persons under house arrest, who submit a request to this effect to the polling station electoral office of the nearest polling station, if they are entered on the permanent electoral roll of the constituency in whose district the measure is executed.

The request for voting through the special ballot box shall be made in writing and must be dated and signed holographically and shall include the name, surname, date of birth, personal number code, domicile, serial number and number of the identity card and telephone number and must be accompanied by a copy of the court decision ordering the house arrest. The application must be submitted to the polling station no later than the day before the vote between 18⁰⁰-20⁰⁰ hours.

After expiry of the period during which applications for voting through the special ballot box may be submitted, the president of the polling station's polling station shall examine the applications for voting through the special ballot box received. If they meet the above-mentioned conditions, he or she shall ensure that the identification data of the non-transportable persons are entered on the extract from the electoral roll, which he or she shall sign and initial with the polling station control stamp. The president of the polling station's polling station shall take the necessary steps to establish, by decision of the BESV, the composition of the team for voting through the special ballot box, consisting of at least two members of the polling station's polling station.

The following categories of people can vote in local elections through the special ballot box:

- the voter entitled to vote who cannot go to the polling station because of illness or disability. They must make a written request, accompanied by copies of documents showing their state of health or disability.

In this way, only the persons mentioned above who reside in the locality or sector of the Bucharest municipality in which the polling station is located may vote.

- voters who are arrested, detained on the basis of a preventive arrest warrant or who have been placed under preventive house arrest or persons serving a custodial sentence but who have not lost their electoral rights, at their request.

Only the persons mentioned above who reside within the territorial radius of the municipal, town or city constituency in which the elections are held may vote through the special ballot box.

Citizens of the European Union who are unable to go to the polling station due to illness or disability may request to vote through the special ballot box.

2.3. Voting with a special ballot box

After checking the applications for voting by ballot box received and the accompanying documents, the presiding officer of the polling station shall take the following steps:

a) Requests the computer operator to take, by typing the CNP in the section designated for this purpose in the ADV[‡] (Romanian Government, 2020) interface, the personal data of the voters who have made applications to vote by special ballot box, approved by the BESV president according to the law. Following the retrieval of the personal identification data of the voters who have requested to vote through the special ballot box in the ADV[§]

He/she draws up an extract from the permanent or supplementary electoral list existing at the respective precinct, signs and stamps it.

Before the team of BESV members travels with the special ballot box to the persons who cannot vote at the polling station according to the law, it asks the operator to check whether those persons have already exercised their right to vote on the same day.

The operator communicates the message returned by SIMPV.

He/she ensures that the team travelling with the special ballot box has all the materials necessary for voting. Arranges the necessary measures so that at 21⁰⁰ hours on 6 December 2020, the special ballot box is in the polling station.

The persons included in the extract from the permanent and supplementary electoral list must be removed from the other electoral lists existing at the polling station.

b) Voters who vote through the special ballot box shall be removed from the other electoral lists in the polling station after the special ballot box has been returned to the polling station, based on the signatures on the extract from the permanent and supplementary electoral list.

c) If, after the return of the special ballot box to the polling station, it is found that there are voters who have requested the special ballot box but have not voted, they shall be removed from both the extract from the permanent and supplementary electoral list and the supplementary electoral list, if applicable. The crossing out is done by cutting a horizontal line and the crossed out positions are not taken into account when drawing up the record of the results of the vote.

The team travelling with the special ballot box shall have the following materials necessary for exercising the right to vote:

- the special ballot box, sealed with the polling station control stamp
- the extract from the electoral roll containing all the identification data of the persons who will vote through the special ballot box
- a voting slip
- a stamp marked 'VOTED'
- at least one pen, with blue ink
- ballot papers bearing the polling station control stamp and the necessary number of self-adhesive stamps corresponding to the extract from the electoral roll

Only one special ballot box is used within a polling station.

The special ballot box is carried only by members of the BESV, under the security of the MAI staff.

2.4. Protection measures established by MS-MAI Order No. 2009/166/2020 for the use of the special ballot box

On the day of voting, the team transporting the special ballot box shall first go to the addresses of non-COVID-19 applicants, non-COVID-19 health units, medical-social units, old people's homes, prisons and detention and remand centers.

On the day of voting, the director of the prison or place of detention, as the case may be, shall allow the team trained for voting by means of the special ballot box access to the specific area set aside for voting,

[‡] is a computer program that ensures the processing of voter identification data collected by computer operators and their comparison with the data already registered, i.e. with the electoral rolls, the polling station register and the list of persons prohibited from exercising the right to vote and the list of persons subject to a judicial prohibition.

[§] For a voter who has applied to vote through the special ballot box and who goes to the polling station without having voted in the same election, the message highlighted on a red background will be "Voter (Please enter your full name.), with National ID, is listed as having applied to vote with a special ballot box at Polling Station No from the town, countythe time.";

which must have the minimum facilities to ensure the secrecy of the vote. The director of the prison or place of detention, as the case may be, shall temporarily release to persons who have applied for the special ballot box, for the sole purpose of exercising their right to vote, their identity papers in their individual files. The team transporting the special ballot box shall go to the COVID-19 health units and to the addresses of isolated and quarantined persons only after having ensured the exercise of the right to vote by the above-mentioned categories of voters.

Polling station officers and security staff accompanying the special ballot box must wear a mask and gloves which must be changed or disinfected with an alcohol-based disinfectant solution when leaving each enclosure.

Polling station officers and security staff accompanying the special ballot box shall not enter the voter's dwelling and shall carry out all formalities upon entering the dwelling, ensuring a minimum distance of 1 metre from the voter; (Ministry of Health and the Ministry of Internal Affairs, 2020)

- the voter voting through the special ballot box and other persons present in the premises must wear a mask. The voter disinfects his/her hands before taking the ballot papers and the stamp marked 'VOTED', briefly removes the mask to identify him/herself and repositions the mask covering the nose and mouth;
- voters whose applications to vote through the special ballot box have been approved may vote only on the basis of an identity document. The BESV team members hand the voter the ballot papers and the stamp marked "VOTED" only after the voter has presented his/her identity card and signed the extract from the electoral roll in the right of his/her identity data;
- the voter signs the extract from the electoral roll using his/her personal pen whenever possible;
- the stamp marked 'VOTED' and, if applicable, the pen used by the voter shall be disinfected after voting by one of the members of the team transporting the special ballot box by spraying/wiping with disinfectant solution or by wiping with alcohol-based disinfectant-impregnated wipes/wipes;
- in the case of persons admitted to health facilities, voting with the special ballot box is ensured with the implementation of specific measures; protective equipment for the BESV members and security staff accompanying the special ballot box is provided by the health facility, in accordance with the level of equipment corresponding to the respective ward. All protective materials used are placed in a dedicated bag.

When the team of BESV members accompanying the special ballot box returns, the computer operator validates in the ADV, on the basis of the signature on the extract from the permanent electoral list or the supplementary list, as the case may be, the CNP of the voter who voted through the special ballot box. (Permanent Electoral Authority, 2016)

2.5. Settlement of complaints concerning voting operations

The President of the BESV or, in his absence, his deputy, is obliged to receive and record any written complaint about irregularities during the voting process, submitted by members of the BESV, candidates, accredited observers, accredited representatives of the written press, radio and television, Romanian and foreign, or voters present at the polling station to exercise their right to vote (Romanian Parliament, 2015)

If the complaint is submitted to him/her in duplicate, the President of the BESV or his/her deputy shall indicate on the copy which remains with the person submitting the complaint that he/she has taken cognisance of the complaint and the number under which it is registered.

At 21⁰⁰ hours, the President of the BESV shall declare the voting closed and order the polling station closed. At 21⁰⁰ hours, the special ballot box must be in the polling station premises.

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