



Office for Democratic Institutions and Human Rights

ROMANIA

PRESIDENTIAL AND PARLIAMENTARY ELECTIONS 2024

ODIHR NEEDS ASSESSMENT MISSION REPORT
16-19 April 2024



Warsaw
23 September 2024

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	EXECUTIVE SUMMARY.....	1
III.	FINDINGS.....	3
A.	BACKGROUND AND POLITICAL CONTEXT.....	3
B.	LEGAL FRAMEWORK AND ELECTORAL SYSTEM.....	4
C.	ELECTION ADMINISTRATION.....	5
D.	VOTER REGISTRATION.....	6
E.	CANDIDATE REGISTRATION.....	7
F.	ELECTION CAMPAIGN.....	7
G.	PARTY AND CAMPAIGN FINANCE.....	8
H.	MEDIA.....	9
I.	ELECTION DISPUTE RESOLUTION.....	10
J.	ELECTION OBSERVATION.....	11
IV.	CONCLUSION AND RECOMMENDATION.....	11
	ANNEX: LIST OF MEETINGS.....	12

ROMANIA
PRESIDENTIAL AND PARLIAMENTARY ELECTIONS
2024

ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the authorities of Romania to observe the upcoming parliamentary and presidential elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 15 to 19 April. The NAM included Keara Castaldo, ODIHR Senior Election Adviser, and Kakha Inaishvili, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for these elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR observation activity for the forthcoming elections and, if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions as well as with representatives of political parties, media, civil society, and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs for its assistance in organizing the NAM as well as all of its interlocutors for taking time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

Following the 2020 parliamentary elections, five political parties and various national minority representatives gained representation in the parliament. Subsequent political negotiations resulted in a coalition government established on a rotating model of governance, with the cabinet changing every year and a half. The coalition initially planned to advance the presidential election to September. However, the government revised the schedule and set the presidential election for 24 November and parliamentary elections for 1 December. The bicameral parliament is elected for four years by closed party lists while the president is elected for a five-year term by an absolute majority.

The electoral laws were last amended in 2022 to introduce additional candidacy requirements for presidential and parliamentary elections. The electoral legal framework otherwise remains unchanged, leaving many ODIHR recommendations unaddressed, including those related to the consolidation of the legislation, suffrage rights, transparency of the election dispute resolution and the right of observers to access all stages of the electoral process.

The elections are managed by the Permanent Electoral Authority (PEA) and a three-tiered structure of election bureaus established for each election, headed by the Central Election Bureau. While most ODIHR NAM interlocutors acknowledged the technical capacity of the PEA and election bureaus to manage the process efficiently, several political party and civil society representatives expressed concerns regarding the overall transparency of the election administration. Some also noted issues with the physical accessibility of polling stations and the lack of adapted voting booths, noting the need for further training of election officials on facilitating the participation of persons with disabilities.

The PEA oversees and manages the electoral register, which contains approximately 18,8 million registered voters. Voter lists are available for public scrutiny and voters can request corrections and

changes. The majority of ODIHR NAM interlocutors expressed general confidence in the accuracy of the voter list.

Citizens with active suffrage rights are eligible to stand for elections. Following the 2022 amendments, individuals who have been sentenced to imprisonment for crimes committed with intent, at the time of submission of their candidacy, may not run for office. While most ODIHR NAM interlocutors did not raise major concerns regarding the candidate registration process, several claimed that the prescribed 48-hour period does not provide sufficient time for electoral bureaus to properly scrutinize the submitted documents, including supporting signatures.

The legislation provides a basis for equitable campaigning conditions for all contestants and most parties met by the ODIHR NAM expected to conduct their campaign without hindrance. Several interlocutors expressed concerns about anticipated negative online campaigns, disinformation, and the spread of inflammatory or intolerant speech, including xenophobic, sexist, and misogynistic rhetoric. Some interlocutors also indicated that the misuse of administrative resources and vote-buying remain potential concerns, mostly in lower-income communities.

Campaigns are funded from public and private sources. Political parties which receive annual public subsidies may use them to fund election campaigns. The law sets limits for campaign expenditures and provides reporting and disclosure requirements. The PEA oversees political and campaign finances and the legislation provides for a set of gradual financial sanctions as well as suspension of public funding for various types of campaign finance irregularities. Several ODIHR NAM interlocutors cited a lack of sufficiently detailed reporting requirements and an absence of proactive oversight as factors diminishing the transparency of campaign finance.

The Constitution guarantees the freedom of expression and prohibits censorship. Incitement to hatred or discrimination is prohibited, and defamation is decriminalized. The media environment is characterised by a strong influence from political parties, which according to ODIHR NAM interlocutors contributes to self-censorship and could undermine independent journalism. Some interlocutors reported an increase in the number of strategic litigations against journalists, including some initiated by politicians. The National Audiovisual Council is the media regulatory body that supervises the broadcast media, and intends to monitor national and territorial broadcasters during the campaign for compliance with election-related regulations.

Decisions of lower-level election bodies are appealed to the superior election bureau through a hierarchical process. The law establishes expeditious deadlines with one to three calendar days allotted for appeals and decisions. ODIHR NAM interlocutors did not raise any concerns with the current system for resolving election disputes.

The election legislation provides for both citizen and international observation of voting and counting procedures but despite a long-standing ODIHR recommendation does not envisage observation of other stages of the electoral process. Sessions of election management bodies at all levels are not open to observers. A number of civil society organizations informed the ODIHR NAM of their plans to observe the upcoming elections.

Most ODIHR NAM interlocutors welcomed a potential ODIHR observation activity for the upcoming elections, noting the value of previous ODIHR recommendations and the importance of an external assessment as a means to promote confidence in the electoral process. Interlocutors noted several areas that would benefit from closer attention, including the work of the election administration; the conduct and oversight of the campaign, including online, and its inclusiveness; campaign finance regulations; as well as the media environment and coverage of the elections. Other interlocutors

placed a particular emphasis on the observation of the pre-election day period, especially with respect to use of state resources, while generally expressing confidence in the implementation of election-day procedures.

On this basis, the ODIHR NAM recommends the deployment of Limited Election Observation Missions (LEOM) for the upcoming presidential and parliamentary elections. Implementation of this recommendation is subject to the availability of resources. In addition to a core team of experts to assess each election, the ODIHR NAM recommends the secondment by OSCE participating States of 24 long-term observers to follow each electoral process countrywide. In line with ODIHR's standard methodology, the LEOMs would include media monitoring elements.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

Romania is a parliamentary republic with a directly-elected bicameral parliament comprised of an upper house, the Senate, and lower house, the Chamber of Deputies. The president is the head of state, and the government is accountable to the parliament.

Following the December 2020 parliamentary elections, five political parties and various national minority representatives gained representation in the parliament. The post-election negotiations resulted in the coalition government made up of the National Liberal Party (NLP), the USR-PLUS alliance, and the Hungarian Democratic Union of Romania (HDUR). Several months later, the ruling coalition broke up due to disagreements regarding the replacement of cabinet ministers, justice reform, and budget planning, as well as ensuing unsuccessful no-confidence votes.

In October 2021, the Social Democratic Party (SDP) with the support of the Alliance for the Unity of Romanians (AUR), and the USR, initiated a motion of no-confidence against the government, which passed in the parliament. Following lengthy negotiations, formerly rival parties, PNL and PSD formed a new government with Prime Minister Nicolae Ciucă and subsequently created the National Coalition for Romania (NCR), envisaging a rotating model of government with cabinet alternating every year and a half. In June 2023, the prime minister resigned in line with the NCR agreement and Marcel Ciolacu assumed the position of prime minister until the parliamentary elections.

Following negotiations earlier this year, the ruling coalition agreed to hold the local elections concurrently with the European Parliament elections on 9 June. This decision was adopted as part of the Government Emergency Ordinance, which included additional regulations on the forthcoming electoral processes.¹ While some ODIHR NAM interlocutors acknowledged the need for optimal use of resources due to the number of upcoming elections, many interlocutors criticised the need for an “emergency” parliamentary procedure to set the voting date for regular elections and to introduce respective amendments.² The coalition initially agreed to hold the presidential election in September and the parliamentary elections in December. However, the dates were later revised: the first round of the presidential election was scheduled for 24 November, with a potential second round on 8 December, while the parliamentary elections were set for 1 December.

¹ See [GEO No. 21](#) of 8 March 2024

² According to Article 115.4 of the Constitution “the Government can only adopt emergency ordinances in exceptional cases, the regulation of which cannot be postponed, and have the obligation to give the reasons for the emergency status within their contents.”

According to the Constitution, women and men should have equal access to public offices.³ The Law on Equal Opportunities and Treatment between Women and Men stipulates that to achieve equal opportunities, central and local public institutions as well as political parties must ensure fair and balanced representation of women and men at all decision-making levels.⁴ Nonetheless, women remain under-represented in the parliament holding 63 of the current 329 seats (19.1 per cent) in the lower house and 25 of the 136 mandates (18.4 per cent) in the Senate.⁵ In the current government, 6 of the 20 ministerial posts are held by women. There are 4 women among the 9 justices of the Constitutional Court.⁶

ODIHR has observed seven elections in Romania since 1996.⁷ Most recently, ODIHR deployed a Special Election Assessment Mission to the 2020 parliamentary elections. Its final report contains 22 recommendations, including 7 priority ones, for the authorities to improve the electoral process and bring it closer in line with OSCE commitments.⁸

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Elections are primarily regulated by the 1991 Constitution, 2015 Law for the Election of the Chamber of Deputies and the Senate (Parliamentary Elections Law, amended in 2022), the 2004 Law on the Election of the President of Romania (PEL, amended in 2022), and the 2006 Law on Financial Activity of Political Parties and Electoral Campaigns (Political Finance Law, amended in 2021).⁹ The legislation is affected by the use of emergency ordinances, a mechanism frequently used by the government to amend laws. Romania is a party to major international and regional instruments related to the holding of democratic elections.¹⁰

The electoral laws were last amended in 2022. Among others, the changes introduced additional candidacy requirements, whereby those who at the time of submission of their candidacy have been sentenced to imprisonment for crimes committed with intent, may not stand for elections. Despite recent amendments, most ODIHR recommendations remain unaddressed, including those related to the consolidation of the legislation, suffrage rights, the transparency of election dispute resolution, and the right of observers to access all stages of the electoral process. The adoption of a consolidated electoral code has been discussed for over ten years and efforts have been undertaken by various

³ Article 16.3 of the Constitution reads “[...] The Romanian State shall guarantee equal opportunities for men and women to occupy such positions and dignities.”

⁴ See [Chapter IV](#) of the 2002 Law on Equal Opportunities and Treatment between Women and Men.

⁵ See 2023 Inter-parliamentary Union data on [Women in Politics](#).

⁶ The UN Committee on the Elimination of Discrimination against Women (CEDAW) in its [2017 Concluding Observations](#) on the combined seventh and eighth periodic reports of Romania has recommended authorities to study the root causes that prevent women from participating in public and political life and accelerate the increase in women’s representation in high-level positions. See paragraphs 24-25.

⁷ See all prior [ODIHR observation reports on Romania](#).

⁸ In Paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”. See ODIHR Electoral Recommendations Database at [Paragraph25.odihhr.pl](#).

⁹ Other relevant laws include the 2003 Law on Political Parties, 2015 Law on Postal Voting, and the 2002 Law on Radio and Television Broadcasting (Broadcasting Law), the 1992 Law on the Constitutional Court as well as relevant provisions of the Criminal Code. The legal framework also includes regulations of election management bodies on voter registration, campaign finance, and election-day procedures.

¹⁰ Including the [1966 International Covenant on Civil and Political Rights](#), the [1979 Convention on the Elimination of All Forms of Discrimination Against Women](#), the [1965 International Convention on the Elimination of All Forms of Racial Discrimination](#), the [2003 Convention against Corruption](#), the [2006 Convention on the Rights of Persons with Disabilities](#), and the [1950 European Convention on Human Rights](#). Romania is a member of the Council of Europe’s Group of States against Corruption (GRECO) and of the Commission for Democracy through Law (Venice Commission).

national stakeholders. Several ODIHR NAM interlocutors noted that the period after the 2024 elections could constitute an opportunity for the enactment of a code.

The bicameral parliament is currently composed of 466 members, consisting of 136 Senate and 330 Chamber of Deputies seats, all elected for four years from closed party lists.¹¹ The number of seats in parliament is determined by a quota system.¹² To qualify for representation, parties must pass a national threshold of five per cent of valid votes cast or 20 per cent of valid votes in at least four constituencies. A higher threshold applies to coalitions; independent candidates must pass a threshold in the constituency where they run.¹³ Each recognized national minority has the right to compete in elections for a dedicated seat in the Chamber of Deputies that are not subject to the five per cent threshold.

The president is directly elected for a five-year term by an absolute majority. If no candidate receives an absolute majority of the total number of eligible voters, a second round between the two leading candidates is held two weeks later. The candidate who obtains the majority of votes in the second round is elected.

C. ELECTION ADMINISTRATION

The elections are managed by the Permanent Electoral Authority (PEA) and a three-tiered structure of election bureaus established for each election, headed by the Central Election Bureau (CEB).¹⁴ The mid-level comprises 43 County Election Bureaus (BECs), including one bureau for the municipality of Bucharest and another to manage polling stations abroad. Voting will be administered by some 20,000 Election Bureaus for Polling Stations (BESVs) in Romania and at least 900 polling stations abroad. Postal votes are assigned to three designated Election Bureaus for Postal Voting in Romania.

Responsibilities of the PEA include the issuance of decisions and instructions to supplement election laws, maintenance of the permanent electoral register, oversight of campaign finance, and implementing the various logistical arrangements for the election process. The PEA president is appointed by a joint session of parliament and supported by two vice-presidents who are appointed by the president of the country and the prime minister. Contrary to a previous ODIHR recommendation, sessions of the higher-level election bureaus are not open to the public, media and election observers, but the respective decisions are generally published. While most ODIHR NAM interlocutors acknowledged the technical capacity of the PEA and election bureaus to efficiently manage the process, several interlocutors from political parties and civil society expressed concerns regarding the overall transparency of the election administration.

The CEBs, established for each election contest, oversee the electoral process, publish contestant lists, adjudicate appeals of lower-level decisions and tally final results. Each CEB is composed of up to 18 members, including 5 judges from the High Court of Cassation and Justice, the PEA president and 2 vice-presidents, and up to 10 representatives of parliamentary parties or election contestants. The rules for composition of the CEB prioritize nominees from parliamentary parties, with the remaining seats filled after the completion of candidate registration.

¹¹ Elections are to be held in 43 multi-member constituencies related to 41 counties, the municipality of Bucharest, and a constituency for citizens living abroad.

¹² One deputy of the lower house per 73,000 citizens and one senator per 168,000 citizens.

¹³ An additional three per cent for the first additional party in a coalition and one per cent for each party thereafter, up to a maximum of 10 per cent.

¹⁴ Technical, administrative or logistical support to the election administration bodies is provided by the Ministry of Foreign Affairs, the Ministry of Interior, the National Institute for Statistics, the Special Telecommunications Service as well as offices of prefectures and municipalities.

The BECs administer county-level activities, including training the BESV presidents and adjudicating appeals of activities at polling stations. They are composed of three judges appointed from the local court, one PEA representative, and up to eight representatives of parliamentary political parties or election contestants. BESVs are in charge of organising voting and counting on election day. They comprise a president and a vice-president, who are selected by the PEA from a roster of electoral experts and up to eight representatives of parliamentary political parties or election contestants. Several ODIHR NAM interlocutors, however, expressed concerns about the potential lack of sufficient poll workers for the upcoming elections partially due to the low remuneration and workload on election day.

For voters with disabilities, legislation requires all polling station premises to be accessible, regulates assisted voting from a person of the voter's choice, and provides for mobile voting, but assistive technologies such as ballot templates or audio-guides are not available. The ODIHR NAM was informed that access to polling stations for voters with physical disabilities remains problematic and that voting booths lack adaptations for wheelchair users. Some interlocutors indicated that additional training and awareness raising efforts are needed for election officials and other stakeholders, with a focus on facilitating inclusive and equal participation in the electoral process.

D. VOTER REGISTRATION

Citizens aged 18 years or older on election day are eligible to vote, excluding those disenfranchised by a court decision on the grounds of a criminal conviction regardless of gravity of the crime, or whose legal incapacity is declared by a court decision, at odds with previous ODIHR recommendations on conforming the legislation with international standards.¹⁵

Voter registration is passive and the PEA oversees and manages the electoral register, which is based on the voter's registered residence and other data from various state institutions.¹⁶ Voters who opt for postal voting must actively register. Voters can verify their records online or in-person and request changes throughout the year, but no later than 45 days before election day, by applying to the respective mayors' offices. According to the PEA, approximately 18,800,000 voters are currently included in the register.

Mayors of the respective municipalities are responsible for drawing up and printing voter lists by polling station no later than three days before the elections. PSs are equipped with an electronic system of voter verification which also transmits preliminary election data on election day. Voters must present valid identity documents, which are checked against the electoral register through the centralized electronic system. Voters who intend to vote outside their registered residence are added to supplementary voter lists on election day.¹⁷ The majority of ODIHR stakeholders expressed confidence in the accuracy of the voter lists and the integrity of identification processes.

¹⁵ See Articles 12 and 29 of the 2006 [UN Convention on the Rights of Persons with Disabilities](#) (CRPD). See also [Hirst v. the United Kingdom](#) found that a blanket, automatic and indiscriminate disenfranchisement of prisoners, irrespective of the length of the sentence, the nature or gravity of the offences and individual circumstances, constituted a violation of Article 3 Protocol 1 of the ECHR.

¹⁶ Contesting political parties, coalitions and organizations of citizens belonging to national minorities are entitled to obtain an extract from the voter register at their own expense.

¹⁷ These include eligible voters whose data were omitted from the voter list, voters with domicile outside the respective administration unit, voters with domicile abroad voting in the country or abroad in a different PS than the assigned one, voters with reduced mobility voting in a different PS than the one assigned, and PS and security personnel on duty in the PS.

E. CANDIDATE REGISTRATION

Citizens with active suffrage right are eligible to stand for presidential and parliamentary elections. Following the 2022 amendments, individuals who at the time of submission of their candidacy have been sentenced to imprisonment for crimes committed with intent, may not stand for elections.

Candidates for the Chamber of Deputies and Senate must be at least 23 and 33 years old, respectively, and can be nominated by parties, coalitions, organizations representing national minorities, or run independently. Presidential candidates must be over 35 years of age with a domicile in Romania and can be nominated by political parties or groups of citizens.

Prospective candidates, in both types of elections, are required to submit a requisite number of support signatures.¹⁸ The regulatory framework is silent on the verification methodology used by electoral authorities and the process is not open to observation by contestants or observers. Several ODIHR NAM interlocutors expressed concerns regarding the signature verification process noting that in the absence of clearly defined rules, the verification remains at the discretion of electoral authorities and is open to potential abuse. Some interlocutors also claimed that the required number of signatures is cumbersome and challenging for new contestants.

Parliamentary candidate lists are required to ensure the representation of both genders, although lists with only one candidate can be registered if the candidate belongs to the least represented gender. There is no clear sanction for non-compliance with this requirement, the formulation of which several interlocutors described as ineffective. ODIHR has previously recommended additional incentives to promote the inclusion of women as candidates and their placement in electable positions on candidate lists.¹⁹ According to some civil society representatives, gender disaggregated data on candidate lists are not available to the public.

The respective CEB registers presidential candidates or parliamentary candidate lists at the national level, while BECs register parliamentary candidate lists of parties, alliances and independent candidates standing in one or several constituencies. The CEBs and BECs must decide on the registration of contestants within 48 hours of receiving registration documents.²⁰ While most ODIHR NAM interlocutors did not raise major concerns regarding the candidate registration process, several of them noted that given the number of supporting signatures required, the prescribed 48-hour period for the electoral bureaus to register candidates does not provide sufficient time to properly scrutinize the submitted documents, including supporting signatures.

F. ELECTION CAMPAIGN

The campaign period will start 30 days before the election day and end 24 hours before election day. The Constitution guarantees the freedoms of association and peaceful assembly and no ODIHR NAM interlocutor expressed concern regarding their ability to campaign freely.

¹⁸ For parliamentary elections, prospective candidates at the national level are required to submit signatures of at least 0.5 per cent of the total number of voters. Candidate lists of parties, alliances and independent candidates standing in one or several constituencies must be supported with at least 0.5 per cent of the total number of voters registered in the respective constituency. Presidential candidacies must provide at least 200,000 signatures.

¹⁹ The UN CEDAW in its [2017 Concluding Observations](#) also expressed concern regarding the lack of monitoring of the application of provisions requesting the representation of both sexes in political and public life, including on electoral lists of political parties. See paragraph 24.

²⁰ Electoral authorities coordinate with several government agencies on candidate registration, including the National Integrity Agency, which focuses on reviewing candidate declarations on assets/interests.

The legislation provides a basis for equitable campaigning conditions for all contestants and includes specific rules, including on the format and placement of printed material. The law does not allow placing of billboards, and campaign posters of a certain size and format are only allowed to be displayed on panels provided by the authorities. At the time of ODIHR NAM visit, the pre-campaign period was very visible, with posters and banners, as well as campaign volunteers seeking support for their candidates.

The campaign is expected to focus on topics such as the economy, social welfare, corruption, security, foreign policy, inflation, and cost of living. Most parliamentary parties that the ODIHR NAM met with intend to campaign via rallies, small meetings, social networking platforms and paid advertisements, and interlocutors noted that the transparency of political advertising remains an issue (see *Media* section).

Campaigning on social networks and other online portals is not regulated by the law, and several ODIHR NAM interlocutors expressed concerns about anticipated negative campaigns which tend to proliferate online, such as disinformation tactics and inflammatory or intolerant speech, including xenophobic, misogynistic, and homophobic rhetoric. Many interlocutors expressed concerns about the use of “bots” and other sponsoring tools, including by external actors, to manipulate information in social networking platforms in order to mislead or disinform the public during the campaign.

Some ODIHR NAM interlocutors also indicated that misuse of administrative resources and vote-buying remains a potential concern, specifying rural and lower-income communities.

G. PARTY AND CAMPAIGN FINANCE

Campaigns can be financed by contributions from party members, individual donations, candidates’ personal incomes and loans from individuals or financial institutions. In-kind donations must be declared at market value. Contributions from foreign sources, labour unions and state institutions and enterprises are prohibited. Donations must be deposited in a designated bank account and contestants are required to appoint a financial trustee for managing the dedicated bank account for all campaign contributions and expenditures.²¹

Political parties are entitled to public funding, which is allocated based on the number of votes received in the previous elections, with additional funds provided for each mandate obtained by a woman.²² Parties may receive donations from individuals and legal entities, with the annual limit for donations set at 200 minimum gross salaries for individuals and 500 for legal entities.²³ Newly formed political parties and independent candidates are ineligible for public funding. However, they can receive reimbursement for their campaign expenses if they reach the three per cent threshold either nationwide in both presidential and parliamentary elections, or at the county level in parliamentary elections. Parties can also apply for loans from individuals (up to 200 times the minimum gross salary) and financial institutions (up to 500 times the minimum gross salary).

In parliamentary elections, campaign donations per each candidate are capped at 60 minimum gross salaries and the limit of additional expenditure by parties and coalitions is calculated by adding up

²¹ In parliamentary elections, political parties and independent candidates must use a separate bank account for each electoral district.

²² The budget for 2024 public funding is approximately RON 314 million. EUR 1 equals some RON 5. Unlike public institutions, political parties are not obliged to transfer unused public funds to the state budget.

²³ The annual amount of public funding, ranges from 0.01 per cent to 0.04 per cent of the national GDP.

the maximum values for each proposed candidate.²⁴ In the presidential election, the overall ceiling for campaign contributions is 20,000 times the minimum gross salary. Campaign expenses must fall within the limits of contributions, and are reimbursed if a party receives three per cent of the valid votes nationwide in either type of elections, or at county level in parliamentary elections. The law does not provide a clear definition of third parties or their registration, nor is it clear what costs third parties can incur in election campaigns.²⁵

The PEA oversees political and campaign finance and has investigative and sanctioning powers, although it has limited auditing powers over campaign income and expenditure.²⁶ Contestants are required to provide the PEA with detailed information regarding all campaign-related contributions. Parties and candidates must submit financial reports on their campaign incomes and expenditures to the PEA within 15 days after election day, but no interim report is required. The PEA must examine submitted reports within 30 days.²⁷ The legislation provides for a set of gradual financial sanctions for various types of campaign finance irregularities as well as suspension of public funding for unlawful financing, delayed or false reporting. Overall, several ODIHR NAM interlocutors cited a lack of sufficiently detailed reporting requirements and the ineffectiveness of oversight as factors diminishing the transparency of campaign finance. ODIHR has previously recommended that the mandate of the PEA be enhanced in order to effectively identify and address campaign finance violations.

H. MEDIA

The media landscape is vibrant and diverse, featuring a variety of public and private television (TV) and radio stations, as well as growing number of online news portals. The Constitution guarantees the freedom of expression and prohibits censorship. Defamation has been decriminalized and incitement to hatred or discrimination is prohibited.

The media environment is characterised by a strong influence from political parties which according to most ODIHR NAM interlocutors distorts the media landscape, encourages self-censorship, and corrodes independent journalism. The Audiovisual Law, which regulates the ownership regime for TV and radio, does not include provisions for addressing conflicts of interest between media owners and political parties. Major political parties spend several millions of Euros as part of their public funding in political advertising, while paid content is not always marked as such, making it impossible for voters to distinguish genuine journalistic content from party sponsored material. According to many ODIHR NAM interlocutors, expenditure on political advertising has consistently increased, however, transparency and oversight remain an issue, since political parties channel funds through consultancy companies that other institutions, including the PEA, cannot trace.

Moreover, the lack of transparency mechanisms and undisclosed contracts signed by political parties with media outlets, facilitates entrenchment of clientelism between political parties and media. According to some interlocutors, the situation is further aggravated by the fact that media outlets, struggling in a small advertising market, are increasingly resorting to such funding, while media regulation and self-regulation mechanisms are lacking, undermining professionalism in the media industry. Regional media in this regard is of particular concern.

²⁴ The Council of Europe's Group of States Against Corruption (GRECO) in its [2017 Addendum to the Second Compliance Report of Romania](#) of the Third Evaluation Round, found the amount of donations disproportionately high.

²⁵ See paragraph 32 of the GRECO 2017 Addendum to the Second Compliance Report of Romania.

²⁶ The PEA performs verifications in terms of compliance with the law, deadlines, or rules of reporting, but has no power to conduct an actual financial audit over the amounts.

²⁷ The report must be published online and in the official gazette within 60 days from the publication of results.

Some ODIHR NAM interlocutors noted an increase in recent years in the volume of strategic litigation against journalists, including cases initiated by politicians.²⁸ Currently, there is no legislation in place to prevent such abusive litigation. According to some interlocutors, most journalists conduct their work safely, but described a growing trend of online hostility and trolling, especially against women journalists, and particularly investigative journalists.

In late 2022, the parliament passed a new law on cyber-security that introduced some institutional and regulatory changes to combat propaganda and disinformation, and following subsequent amendments to the national security legislation, disinformation is classified as a national security threat. Some ODIHR NAM media interlocutors expressed concern whether such discretion granted to intelligence services could be abused to discourage investigations or to gain access to journalists' sources, including in politically sensitive contexts such as during election periods.

The National Audiovisual Council (CNA) is the media regulatory body that supervises the broadcast media and is mandated to impose sanctions on outlets that violate the law or CNA regulations. The CNA is obliged by law to regulate campaign in the media starting from ten days after the government decision announcing the election comes into force. Broadcasters are obliged to inform CNA about their intention to cover the election campaign and indicate the format and schedule of their coverage prior to its start. The CNA intends to monitor national and territorial broadcasters during the campaign for compliance with election-related regulations.

The broadcast media coverage during the election campaign is regulated by the election law, the Broadcasting Law and the CNA regulations. The legal framework provides for free access of candidates to the public broadcasters and requires their equitable, balanced, and fair coverage. The law foresees coverage of the election campaign in three different formats, including informative programmes, electoral promotion programmes and electoral debates. Interlocutors informed the ODIHR NAM that the public broadcaster does not yet provide accessible information for persons with disabilities, such as sign language interpretation or subtitles, or adaptable information on its website.

I. ELECTION DISPUTE RESOLUTION

Any citizen with voting rights can file a complaint. Complaints about the decisions and inactions of election administration bodies are submitted to the superior level and appealed according to the hierarchy of the election bureaus. CEB decisions can be appealed either to the Court of Appeal or to the High Court of Cassation and Justice, depending on the nature of the complaint.²⁹ Complaints against the PEA are filed with the Court of Appeal in most cases. Decisions of the Court of Appeal can be challenged before the High Court of Cassation and Justice. The law establishes an expeditious process with one to three calendar days allotted for appeals and decisions.

Complaints related to the voter lists are filed with county administrative offices or local PEA offices and can be appealed to the local court. Cases pertaining to alleged campaign violations can be filed with BECs or the police. Decisions on candidate registration, final decisions on campaign violations,

²⁸ Paragraph 13 of the [2016 CoE Recommendation CM/Rec\(2016\)4](#) of the Committee of Ministers to member States recommends that “[m]ember States must exercise vigilance to ensure that legislation and sanctions are not applied in a discriminatory or arbitrary fashion against journalists and other media actors. They should also take the necessary legislative and/or other measures to prevent the frivolous, vexatious or malicious use of the law and legal process to intimidate and silence journalists and other media actors. [...]”

²⁹ For instance, issues related to the setting up of the CEB, formation of coalitions, and against CEB decisions to cancel elections.

and the final election results can be contested before the Constitutional Court, which oversees the constitutionality of the legal provisions. ODIHR NAM interlocutors did not raise any concerns with the current system for resolving election disputes.

J. ELECTION OBSERVATION

The election legislation provides for citizen and international election observation. Observers may follow voting and counting but, despite a long-standing ODIHR recommendation, the law does not permit observation of other stages of the electoral process, and prohibits observer presence at sessions of the election management bodies at all levels. The PEA, while acknowledging the limitations imposed by the law, informed ODIHR NAM that the PEA tries to consult with civil society organisations on various issues on a regular basis. International observers are accredited by the PEA at the request of the MFA, while citizen observers and media representatives are accredited by the respective BECs. A number of civil society organizations informed the ODIHR NAM of their plans to observe the upcoming elections.

IV. CONCLUSION AND RECOMMENDATION

Most ODIHR NAM interlocutors welcomed a potential ODIHR observation activity for the upcoming elections, noting the value of previous ODIHR recommendations and the importance of an external assessment as a means to promote confidence in the electoral process. Interlocutors noted several areas that would benefit from closer attention, including the work of the election administration; the conduct and oversight of the campaign, including online, and its inclusiveness; campaign finance regulations; as well as the media environment and coverage of the elections. Other interlocutors placed a particular emphasis on the observation of the pre-election day period, especially with respect to use of state resources, while generally expressing confidence in the implementation of election-day procedures.

On this basis, the ODIHR NAM recommends the deployment of Limited Election Observation Missions (LEOM) for the upcoming presidential and parliamentary elections. Implementation of this recommendation is subject to the availability of resources. In addition to a core team of experts to assess each election, the ODIHR NAM recommends the secondment by OSCE participating States of 24 long-term observers to follow each electoral process countrywide. In line with ODIHR's standard methodology, the LEOMs would include media monitoring elements.

ANNEX: LIST OF MEETINGS³⁰

Ministry of Foreign Affairs

Elisabeta-Maria David, Director general

Iulian Ivan, Special Envoy for electoral processes

Lavinia Zlotea, Director, Department for Human Rights, Protection of Minorities and the Council of Europe

Permanent Electoral Authority

Toni Greblă, Chairperson

Marian Muhulet, Vicepresident

Dan Duță, General director, Electoral Management and Electoral Legislation Department

Constantin Rada, General director, Political Parties and Election Campaigns Financing Control Department

Ovidiu Oproaica, General director, General Directorate for Informatics

Cătălina Moraru, Director, Regulations, Electoral Disputes and Coordination of the Unitary Application of Legislation Directorate

Mădălina Cerban, Director, Communications and Public Relations Directorate

Ion Mincu Rădulescu, Director, External Relations and Protocol Directorate

Denisa Marcu, Parliamentary counsellor, Director of Regulations, Electoral Disputes and Coordination of the Unitary Application of Legislation Directorate

Alexandra Lăzăroiu, Parliamentary expert, External Relations and Protocol Directorate

High Court of Cassation and Justice

Rodica Cosma, Vicepresident,

Aneta Ionescu, Assistant

Political Parties (Alphabetical order)

Antonio Andrușceac, MP, AUR Parliamentary Group Vice-Leader

Mircia Chelaru, MP, AUR

Zacharie Benedek, MP, HDUR Parliamentary Group Vice-Leader

Hajdu Gábor, MP, HDUR

Alexe Florin-Alexandru, MP, NLP

Christine Thellmann, MP, NLP

Claudia Benchescu-Pecingină, MP

Dănuț Bica, Senator, NLP, NLP

Cristian-Augustin Niculescu-Țăgârlaș, Senator, NLP

Claudia Mihaela Banu, Senator, NLP

Liviu Brătescu, Senator, NLP

Mihăiță Dohotar, Senator NLP

Patricia Simina Arina Moș, Senator

Vlad Mircea Pufu, Senator, NLP

Răzvan-Nicolae Sebe, Deputy Secretary General, People's Movement Party

Nicoleta-Cătălina Bozianu, Deputy Secretary General, People's Movement Party

Ramona Strugariu, MEP, REPER party

Dragoș Pîslaru, MEP, REPER party

Lucian Romașcanu, Senator, SDP Parliamentary Group Leader

Mirela Furtună, MP, SDP

Ștefan Mușoiu, MP, SDP

Costel Neculai Dunava, MP, SDP

Oana-Consuela Florea, MP, SDP

Silviu Nicu Macovei, MP, SDP

Dan Barna, MP, USR, Vice-President, Chamber of Deputies

Mihail Radu-Mihai, Senator, USR Parliamentary Group Leader

Ambrozie-Irineu Darău, Senator, USR

³⁰ The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Romania.

Diana Stoica, MP, USR
Andrei Miftode, MP, USR

National Audiovisual Council

Monica Gubernat, Chairperson
Grațiela Fota, Director
Cristina Tănase, Director
Răsvan Frînculescu, Director
Oana Anghel, Counsellor

Public Broadcaster

Otilia Gainar, Executive Producer
Nicu Cozma, Delegate Producer
Laurentiu Ciocazanu, Director of News Department
Ion Stavre, TV produce and Professor, National School for Political and Administrative Studies
Laurentiu Ciocazanu, Director of news
Crina Popa, Expert, International Relations Department

Department for Interethnic Relations

Dincer Geafer, Undersecretary of State
Adriana Petraru, Head of legal service

Council of National Minorities

Radu Cosmin Săvulescu, League of Albanians
Arsen Arzumayan, Union of Armenians
Klaus Fabritius, Democratic Forum of the Germans
Hajdu Gabor, Democratic Union of Hungarians
Ali Elvis, Tatar Union of Romania
Tukhan Semsî, Turkish Democratic Union;
Nicolae-Miroslav Petretchi, Union of Ukrainians
Fabian Popovici, Union of Ukrainians

Civil Society and Media

Daniela Tontsch, President, National Disability Council
Septimius Parvu, Election Expert, Expert Forum
Maria Krause, Election Expert, Expert Forum
Ovidiu Voicu, Executive Director, Center for Public Innovation
Cristina Lupu, Executive Director, Independent Journalism Center
Attila Biro, Investigative reporter, co-founder of www.context.ro
Andreea Braga, Advocacy Co-ordinator, Centru FILIA