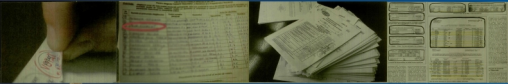




asociația pro democrația



Pushing the Limits of Democracy

Report on the Romanian Elections in October -
December 2004

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Introduction

The 2004 parliamentary and presidential elections constituted the 8th major electoral moment monitored by Asociatia Pro Democratia, representing a part of a long chain of such moments, starting with the local elections from February 1992 – the first election after 1990 being carefully observed by Romanian civic organizations.

After the 2000 elections, Asociatia Pro Democratia had somehow been ambiguous with regard to its further implications in the monitoring of Romanian elections. Despite this consideration, the findings that followed, with the occasion of the partial, anticipated local elections from May 2003, but especially with the occasion of the Referendum for revising the Constitution, in October 2003, proved to us that the monitoring of elections still represents a necessity in Romania and the local elections from June 2004 only made this belief stronger.

Another reason determining us to continue our involvement in this kind of activity was the importance of these elections, seemingly more important than any of the previous ones, due to the fact that they were to be the last ones (at least theoretically speaking) before Romania would join European Union.

The paper presented here is the result of the effort of Asociatia Pro Democratia members, not only during the parliamentary elections from the autumn of 2004, but also long before the beginning of the electoral campaign and long after the second ballot.

Through this report, Asociatia Pro Democratia wishes to bring into the attention of Romanian and international public opinion the main conclusions about the manner in which these elections have been carried on. You will find in its pages references to the political context from 2004's fall, to the legislative background in which the elections have been organized, to the precise way in which they have taken place, based on the conclusions that the observers of the APD reached along, as well as a series of recommendations concerning the manner in which the electoral process in Romania could be improved.

It should be mentioned that the assessments regarding the way in which the elections from November-December 2004 took place are connected to institutional aspects, but they do not refer to issues such as the quality of the discourses and debates during the electoral campaign or the programmes and offers made by political parties and by candidates.

We consider very useful the fact that the release of this paper takes place in a time when, at the level of the political class, discussions about the opportunity of founding a committee to investigate the suspicions and fraud clues in the elections of the autumn of 2004 are being carried out. We express our hope that this paper, along with other studies and documents that APD possesses, will contribute to the success of this action and, consequently to solving out aspects connected to the correctness of these elections.

Also, we take this opportunity to express our hope that in the future, the political class, in partnership with the civil society, will produce the electoral reform, of which necessity was again revealed (if this was still necessary) by the manner in which the 2004 elections were conducted. APD continues to militate for the replacement of all laws that regulate the elections in Romania with a single law – The Electoral Code, which would at last bring the uniformity and coherence

lacked by this legislation domain and which would contribute to a better understanding of the regulations by those involved in organizing the elections. We also hope that once this major change has been adopted, all technical problems that concern the organization and administration of the electoral process would be solved (with respect to the legislation) and a better solution regarding the electoral system would be found in accordance with the views of the majority of the citizens.

The Political Context in Fall 2004

The rhythm and the direction of the Romanian political life result from electoral cycles. The electoral years – 1990, 1992, 2000 or 2004 – influenced the Romanian political domain by infusing it with sense and consistency for a limited time. In the absence of other intermediate electoral consultations (although the Referendum for modifying the Constitution had considerable impact on the electors) the first stage of the fourth electoral cycle, the local elections, became the main political test before the parliamentary and the presidential elections from November 2004. Local elections from June 2004 determined the configuration of pre- or post- electoral alliances and prefigured the electorate's tendencies. Merging the two-rounds majority system for the mayor's election with the proportional party list system with 5% threshold for electing the local or county councillors led to the personalisation of the electoral confrontations, resulting in the relativity of party influence, especially in small towns and in villages. Thus, the electoral results had a relative value, as the positioning regarding the local or central government was a priority. The hierarchies resulting from the local elections contributed, however, to the refreshment of negotiations of pre-electoral alliances and of possible governmental formulae.

The Electorate after Local Elections

The 2004 electoral year highlighted the changes of the Romanian electorate. After a decade and a half of transition, the electorate realised the political crisis of the parties, which were rather prisoners of a staged conflict. The concentration of the votes in proportion of 70% towards two political parties (PSD and D.A. Alliance) proves the reorientation towards the useful vote and the tendency of attaining equilibrium on the Romanian political scene. In this context, the penalty vote took on a new significance. Unlike in the parliamentary and presidential elections in 1992 or the ones in 1996 and 2000, some categories of the electorate became aware of the impact of the vote and attempted to impose a new political strategy. At the local elections in 2004, the old political figures were rejected; the last decade's politicians were no longer accepted. The bi-polarization of political life (facilitated by the electoral system as well), the role of the 3 arbiter- formations (P.U.R.; PRM; UDMR), and the new balance attained after the local elections created the premises of a certain restructuring of the parties.

14 years after the first post-communist elections, the Romanian electorate has undergone a radical transformation. The parties' ability to manipulate the options of the new electors has significantly decreased. Beyond the circumstantial and always counter-productive control of the mass media (especially at a local level), beyond the migration of local elected representatives and the artificial political unbalance, the electors have redefined their role.

Traditionally, the local elections display the lowest participation. Nonetheless, the absenteeism at the locals in 2004 highlighted a significant reduction: by comparison with the 50, 85 % from 2000, 54, 23% of the electors came to the ballot box this year. The changing tendency regarding the vote presence pointed towards a new kind of civic awareness. Unlike the public opinion polls from the campaign, the exit polls indicated particularly the mobilisation of the consistent electorate (voting uniformly in all elections) and whose voting intention was already shaped (in 60% of the cases) prior to the beginning of the electoral campaign.

Under the influence of this relative absenteeism, the local elections revealed a new side of the Romanian electorate, taking by surprise both the politicians and the electoral advisors. Absenteeism

is generally seen as a means of disapproving of the political class and expresses profound helplessness and disgust. This dissatisfaction usually benefited populists and extremists of all kinds, who were more familiar with focusing protesting behaviours than other political families. However, in these elections, the Romanian citizens displayed an European behaviour. Like most Europeans at the elections on the 10th -13th of June 2004, the Romanians also chose between the “useful vote” and “the penalty vote”. Besides these, the “retrospective vote” or the “thematic vote” also revealed a complex typology of politic and electoral behaviours. More and more electors gathered information, more or less structured, which they interpreted according to their own experience, thus turning the vote into a form of public investment economically oriented towards the future. This shift in perspective resulted in a reasonable vote, a brief cost-benefit analysis depending on the elector’s environment. As to the retrospective vote, the electors voted according to an evaluation of the situation prior to the electoral period. By maximising this kind of vote, the government promoted social or local development programs precisely at this time. The thematic component of the vote has rendered this tendency relative. Set apart from the biased references or identifications, the thematic vote implies processing and simplifying of information according to the sources and resources of the elector.

The Bipolarisation of Political Scene

While the elections on June 6th 2004, especially by the results from the local and county councils, indicated the bipolarisation of the Romanian party-system and the relative equilibration of the power ratio at an electoral level, the situation from a local perspective was different. After negotiating the positions of presidents and vice-presidents of County Councils, PSD managed to retain its dominant party status, re-configuring the county political space beyond the expressed vote. Realizing with surprise – as the evolutions of the internal debates within the governmental party after the second ballot seem to plead for- that the electorate massively turned towards the parties of the Alliance, PSD attempted to minimise the effect of the vote by transactions or pressures. The equilibrium resulted from the vote became relative, but PSD had to give up, after negotiations, two County Presidencies (Olt and Vaslui) to PRM, one each to PUR (Valcea) and FGDR (Sibiu), and three (Bihor, Satu Mare and Mures) to UDMR. In Transylvania, Banat, Crisana and Maramures, PSD encountered a serious setback, but won Salaj, which had been ruled by PNTCD after 2000 and by AP. In Banat, in 2004’s autumn, PSD was not directly controlling any county, or County Council; in Transylvania, only Bistrita Nasaud and Salaj (counties with mostly agrarian economy) had presidents from the government party; neither in Crisana nor in Maramures was a single presidency won by the social democrats. The polychrome nature of these regions grew stronger in 2004 and Transylvania’s role as an electoral arbiter already announced parliamentary and presidential tight elections.

Anyhow, holding the direct control of over 20 counties and indirect, but real control, of over 10 more, with 54% of the mayors and the support of all prefects, PSD started the electoral campaign from 2004’s autumn on a favoured position. Once the result of the vote became relative due to the negotiations the motivation and the shifting of the electorate appeared more likely to be accidental, as for PSD the local elections results, although modest when confronted with the expectations, were better than in 2000. Even though the Alliance did not take advantage of the vote, it gained several counties (Cluj, Arad, Caras-Severin, Alba, the General Council of Bucharest), preserved Brasov, but lost Constanta to PSD and Bihor to UDMR. In a few counties, the frictions between the Alliance’s parties and certain interest groups led to circumstantial alliances with PSD (in Bihor, PD, in Gorj, PNL). While compared with the equilibrium of the vote, the unbalance of the access to administrative resources became obvious after the election of county leaders. In this phase, the

bipolarisation particularly favoured small parties (PUR, PRM, UDMR) that obtained 25% from County Presidencies with 20% of the votes, while the Alliance did the same with 34% of the votes.

The negotiation between parties for ensuring county control revealed, once more, the partisanship of the Romanian political system. Out of indifference or wrong estimation, the important Romanian parties did not comprehend the deep significance of the vote from the 6th and 20th of June.

The 2004 elections were atypical compared to the parliamentary or presidential ballots between 1990 and 2000. Once the number of parliamentary parties had been reduced, the bipolarisation tendency of political life, but especially of electoral competition, grew stronger. If in October 1996, 58% of those questioned by the Public Opinion Barometer (BOP) were choosing two political formations (but one of these, CDR, was an alliance formed by 9 organisations, and the results of the elections from November, same year, lowered at 33% the proportion of those who had ultimately chosen the two areas), in October 2000, this bipolarisation tendency had decreased, 52% of those questioned preferring PSD (with the rest of the parliamentary parties following at a long distance: PRM 15%, PNL 10%, PD 8%) for the elections to bring PSD at 37 %, PRM at 21%, PD and PNL at almost 8%.

In October, 2004, 81% of those who answered the BOP questions opted for two important political formations: DA Alliance and National Union PSD+PUR, a tendency confirmed since the local elections in June, when the two political formations were already cumulating 67% of the votes for County Councils and over 81% of the mayor mandates (DA Alliance 26,54 % and PSD 54,33 %), but 79% of the votes (from which DA Alliance 36,92 % and PSD 41,83 %).

One effect of bipolarisation and of the relative equilibration of the political scene after the local elections was the tight competition between the first competitors.

The difference between the Alliance and the Union decreased to approximately 3%, within the accepted error margin. Never after 1990 had the public opinion polls displayed such close results. Therefore, given the conditions in which the electoral irregularities could have affected 3-5 % of the vote results, the fraud suspicion appeared. This was another chapter in which the Romanian society was divided: in a CURS public poll from October 2004 41 % of the interviewed persons considered that the results of the elections could be affected by fraud and 41% had a contrary belief.

The temptation of the Romanian electorate towards the simplification of the political spectrum has manifested itself since the elections from 1992 when 47 % of the votes were gathered by two political formations, PDSR and CDR. The improvised nature of CDR contributed to this formation's lack of success once in government after the elections from 1996, as its structural weakness were used by PDSR once this party surpassed the internal crisis caused by the APR scission in 1997. Taking advantage of the political void created in the summer of 2000 by the separation of CDR, and thus favoured, with a social and national message addressed to the lower classes, PRM became the second political formation in the country, and the main opposition force, allowing PDSR, which for conformity became PSD in 2001, to attain international legitimacy as a European socialist party. Within such new international circumstances the PSD hegemonic temptation was tolerated as a historical fatality. In this context the appearance of the D.A. Alliance in September 2003 brought bipolarity back in the attention of the public opinion, tendency confirmed by the success of this structure in the local and parliamentary elections.

A Hectic Campaign

After the local elections, the re-configuration of the political field, not only at the level of the party system, but also involving the internal organisation of the political structures, became a topical subject. Either an apparent consequence of the change in the political space in June 2004 or a result of the recommencing of the internal competition between the influent groups, the reorganisation of the important competitors is a consequence of the delay in the institutionalization of parties. The excessive personalization of the parties is postponing their transformation into open political organisations, not only in relation with its members, but also in relation with the open public or with the electoral groups.



A Meeting of the Chamber of Deputy

In an almost logical chain of events, after the local elections have announced the tendency of bipolarity of the political space, but not of the political spectrum, PSD and the DA Alliance, the two dominant and dominating structures of the moment, have confronted, from different reasons,

with a stage exam, concerning themselves with the reorganisation theme. After a short crisis, the disintegration of the permanent Delegation of PSD from the 10th of July, was leaving the impression of a fast, but at the same time, improvised reorganisation. The Coordinating Bureau, which became, beyond the provisions of the status, in July 2004, the only managing structure and which was under the president-prime-minister's control, organised an extraordinary congress meant to put an end to the period of strategic positioning in relation with the D.A. Alliance. Planned as a political marketing move, PSD's extraordinary congress underlined the end of a phase in the party's campaign. The internal elections and the launch of the president-prime-minister tandem opened a new direction of tactic confrontation which would place the D.A. Alliance in a defensive position on the electoral stage, especially when it came to corruption or the candidates' nominalization, issues which contributed to the score obtained in the local elections, at least in urban Romania.

The D.A. Alliance was tempted by reorganisation formulas as well. The theme of the fusion between PNL and PD, put forward after the local elections, was aiming at the re-launch of the structure after the semi-isolation resulting from the elections of the county councils leadership. But neither in their case, nor in the PSD's, was the theme of reorganisation proposed for a serious and detailed internal debate.

Still, the electoral context in 2004 offered a limited freedom to the Romanian political structures. The bipolar political space and also the effect of the European integration on the parties with real chances for forming the government (PSD, Alliance) have raised questions about how the parliamentary majority and the government would be formed. The issue of the governmental coalitions and of the pre-electoral negotiations in order to maximise chances in elections have again been included in the

Romanian public debate. In this context, the pre-electoral bargaining concentrated on the electoral formulas (alliances, electoral non-aggression pacts, collaboration in the local administration) but also on the allocation of the governmental positions. The small parties with blackmail potential (PRM, PUR, UDMR, DGR) which took advantage of their part as arbiters in the local elections, obtaining 14 presidencies in the district councils, when pressured by their connections, re-evaluated their possibilities and attempted to consolidate their influence. Authentic coalition parties, they can only resist if they manage to be a part of the government.

With a haste generating doubtful results, PSD and PUR settled an agreement that was formally approved by a Congress organised with lightning speed. Through this political strategy the bipolarity established as a result of the local elections became even more concentrated, invading the inner space of the parties, just like in PUR's case. The National Union PSD+PUR attested a marriage of convenience out of electoral purposes. On a short term, PUR was confronted with the first consequence, the most important district subsidiary after the locals, Prahova turned to the Alliance via PNL. PUR lost not only the presidency of the county Council, but also 12 out of 14 mayors, all county counsellors, municipal counsellors and also a vice-mayor in Ploiesti. This way, the Alliance gained one more county, cumulating 10 presidents in the county councils and also controlling the general council in Bucharest. The most famous PUR mayor, Romeo Stavarache refused to cooperate with PSD and later on joined PNL.

Taken by surprise by the evolution of the public opinion, the Romanian political class was confronted with a pre-campaign dominated by ethical themes. Ethics, a simple but compulsory rhetorical formula for the professional politicians, took control of the weak public area. The two competing forces (PSD and the Alliance) and, by influence, the other competitors within or outside the Parliament were forced to suggest trustworthy forms of internal change. Even the parties with blackmail potential, which were favoured by the bipolarity after the local elections and which became referees in over a quarter of the districts, are forced to adjust to the new context and clarify the controversial aspects. In this context the failure of forming the popular pole through the fusion between PNTCD and AP, beyond its electoral consequences, brought up serious political and ideological dilemmas not because the two parties would have endangered the supremacy of the two important structures of the moment, but because on an average term, for the Romanian elections from 2008 and especially taking into consideration the elections for the European Parliament, a structure similar to the most powerful European parliamentary group would have been shaped. In the absence of a unifying construction, the Romanian Popular movement became, aspect noticed in 2005, a manoeuvre-space, open to political adventures.

From confrontation to alternation

The uncertainties of the pre-electoral campaign were to influence the development of the electoral campaign. But, beyond these events, they point out two features of the Romanian politics: the confusion of roles and the absence of value reference points. The functionality of a coherent and efficient system parties depends on the manner in which the electoral obligations set up a certain political space, not only for organising the competition system, but also from a strategic perspective. The tendency of the Romanian parties to limit the public debate only to the parliamentary area, to elude the ethical aspects, to prefer campaign stereotypes and substitutes for platforms to strategic, valuable structures indicate an obstruction of the political vision.

The option for a short electoral campaign revealed its consequences. The agglomeration of events in a short period of time confused the public opinion. On these terms, the political communication should have meant more than just marketing formulas adjusted to the public area, offering solutions

for the reconfiguration of the relation between the voted and the voters. Even though the vote represents the easiest way of participating in the political decision-making process, its power of communication, due to the legitimacy it offers to the government, is essential to any democracy. It is democracy that depends on the quality of the campaign and of the electoral strategies, not only the result of an election or another. But since improvisation, extempore speech replaced topic coherence, the professionalism dissipated. The promised transparency turned into opacity: the candidates' lists were secretly established, the ethical criteria became relative, political speech was replaced by the supremacy of the image showed on TV. The elections fraud does not consist only in changing the result of the vote but also in diverting the citizens' attention away.

The Romanian political life stepped out of stillness after the elections from 2004. After a decade and a half of elective authoritarian regime (from which the last four years with an intense sense of reigning aspects), the Romanian politics began to change for the better in electoral pace in 2004. The bipolarity that occurred in succession in the local elections, when the two important political structures gathered 67% of the votes, became even more emphatic in the parliamentary elections. In this way, The National Union PSD+PUR and the DA Alliance gathered 69% of the votes and 73, 4% of the mandates in The Chamber of Deputies and 77, 3% of the mandates in the Senate. Between the tendency of fusion (the DA Alliance) and the possibility of parting (in a PSD divided between the past and the future), the two political structures express where the Romanian politics stands. The fact that the presidential alternation from the 12th of December 2004 determined a governmental alternation also shows the level of personalization in Romanian politics. Consequently, the coexistence of a president of one political orientation and of a government of another had neither a political, not a constitutional logic, in the new political context.

The most important change in 2004 occurred among the electors, much less willing to waste their votes. Based not on illusions, but on rational estimations, the electors voted successfully. Right from the local elections a change could be seized in the Romanian electoral public after 14 years since the first post-communist elections. The parties' ability of manipulating the electors' opinions became less effective. Beyond the circumstantial control and always anti-productive of the media and beyond the artificial political lack of balance the electors understood their contribution. If until now the elector was only an onlooker to the electoral game, he became more active, not so much in favour of a party or another, but as an authentic judge.

The elections from 2004 allowed the participation of a developing middle class whose expectations are linked to the real reform of free market economy. Having higher expectations towards the political and administrative performance, the new electoral public is not the prisoner of any political structure and is not willing to accept occult politics. Under a critical eye, the political area is compelled to performance. That is why the civil society finds itself in front of a turning point. As an expression of the state of mind of the new electors, the civil society became a governing judge. The independence of the civil society is the key to the success of the critical approach and of the civic control and any digression from this programme might cause delays and failures.

The Legislative Framework

As it occurs each time the elections are approaching, the representatives of the Government and of the political parties took into consideration the revision of the legislation upon which the election process would be based and organized. This time, however, as a consequence of the pressure made by certain segments of the civil society, pre-requisites appeared that the modifications of the electoral laws should be a part of a more profound and substantial electoral reform, with long lasting effects. As it will be ascertained in the following, these pre-requisites have never been fulfilled; the elections of 2004 did not interrupt the line of superficial modifications of the legislation initiated in 1992 (in the precursory period of the presidential and parliamentary elections of that year).

The electoral code – a good, yet unimplemented idea

First of all, we have to mention the fact that, shortly after its investment, the Nastase Government, through the voice of Octav Cozmanca, the Minister of Public Administration at that time, announced that on the list of priorities of the Government for the year 2001, regarding the normative acts that were going to be promoted in the Parliament, there was a project for an electoral code which, once adopted, should have replaced all the normative acts referring to the course of the elections in Romania. After more than 4 years since that announcement was made, we can draw the conclusion that there has never even been an attempt of the Government on this matter. The only project of an electoral code that actually got to the Parliament was the one elaborated by APD and introduced to the Senate by Senator Paul Pacuraru.

The parliamentary committee that was in charge of the electoral legislation

The first concrete step for the revision program, in the Romanian Parliament, of the electoral legislation, was the decision of creating the *Common Committee of the Chamber of Deputies and Senate for the elaboration of the legislative proposals regarding the electoral laws*, in the spring of 2003 (the list of the members of the committee is presented in annex 1). Initially, the deadline for this Committee to present the revision proposals of the electoral laws was the 30th of September 2003. Until that date, the members of the Committee did not manage to meet once; hence the permanent bureaus of the two Chambers set a new deadline for their activity to be defined, on the 30th of November 2003. Not even this final deadline proved to be a realistic one from the members' of the Committee point of view, as they started their activity only towards the end of November 2003.

The Committee and the issue of the voting system

The first part of the activity of this Committee was dedicated to the debate regarding the voting system in which the legislative elections in Romania were going to take place, once the new regulations were to be adopted. From our point of view, the positive side of these debates was the invitation addressed to APD members to take part in the Committee's activities, due to the fact that APD had introduced in the Parliament, by a member of the Senate, a project for the electoral Code which had been sustained with a list of 161,000 signatures. The negative aspect concerned some of the members' strategy of simulating the interest for replacing the vote on the list with an uninominal one, while doing everything in their power for the electoral system to remain the same. The most eloquent example for this is the decision taken by the members of the Committee at the very beginning, so that any proposal regarding the electoral system could be assimilated by the

Committee only if it had been voted by 2/3 of the members of the Committee (although this Committee's role was only to propose laws, the decision being in the hands of the two Chambers of the Parliament). This decision proved, in the end, to have an important role as to the manner in which the discussions would be turned into decisions: when the vote concerning the voting system the Committee was to propose took place, the PSD proposal (the majority uninominal system with two rounds only for the Senate) came out with 10 votes, while the proposal of the PNL-PD alliance (in fact the APD proposal, assumed by the Alliance deputies) obtained 4 votes.

After setting aside the delicate matter of the voting system, the members of the Committee could now consider the problems regarding the organization of the elections. Unfortunately, despite the availability of a project for an electoral Code on which they could work on (by eliminating the texts regarding the modification of the voting system they had just rejected), the members of the Committee preferred to work individually, bringing some circumstantial changes (as it happened every time, before the elections, since 1990) and therefore waiving the chance of giving Romania an Electoral Code.

The results of the Committee's activities

The law of the local elections was focused upon by APD comments during the local elections in the summer of 2004, comments that have been included in the paper "Local Elections 2004", edited and released by APD in July 2004. Therefore, in the present material we are referring only to the Law of Elections for the Chamber of Deputies and the Law of Elections for the President of Romania.

The most significant moment taking place in the Committee, regarding this law, occurred with the debates in July-August concerning the legislative proposal, in the form it had been passed by the Senate and in the perspective of the debates that were going to take place in the Chamber of Deputies. The result of the discussions and the decisions adopted in the Committee provided us with enough reasons to believe that the law regarding the organization of the legislative elections from the fall of 2004 was to be even worse, under various aspects, than the one in force at the moment. The principal shortcomings detected at that moment were the following:

- the provision that settled the organization of polling stations in military units, hospitals, maternities, sanatoriums, railway stations, harbors, etc. – that created conditions for the registration of the voters to get out of control;
- the renunciation at the elector card and the marking of the ID cards of those who voted with a stamp (easily removable from the card, as was proved in the other occasions when the method was applied), thus creating conditions for the multiple vote phenomena to appear.
- the elaboration by the prefect of the list of the people who were to be randomly selected for the functions of presidents and deputies of the bureaus of the polling stations by the President of the county court, an issue which has always raised suspicions as to the political affiliations of the respective people (suspicions which often proved to be true);
- the establishment of different terms of participation at the elections for the organizations belonging to national minorities, depending on their number in the Parliament – an unexplainable and unacceptable discrimination between the two types of organizations;
- the right granted only to the political parties to have access to copies of the permanent electoral lists, while the mass media or the public opinion polling institutes were not allowed to benefit of such a right, fact that was going to influence the transparency of the electoral

process and the quality of the scientific research on the electoral behavior or the voting intentions;

- the absence of real provisions regarding the right of participation of the candidates, authorized representatives from the press and domestic observers to the operations taking place in the polling stations between 6 and 7 AM, having as a consequence the fact that at the local elections, in many polling stations, people belonging to this type of categories (candidates, authorized representatives from the press and domestic observers) were not permitted to enter the stations before 7 AM;
- the provision according to which the electoral bureaus of the polling stations organized abroad were going to be constituted by one president and two members – all selected from lists made by the Ministry of Foreign Affairs, the political parties being forbidden to send officials to the respective polling stations before 9 PM (the counting of the ballots);
- the provision according to which the electoral county bureau could only accredit for a polling station one domestic observer, and for the situations in which various nongovernmental organizations had required access to the same station the accreditation was supposed to be granted after a random drawing, this provision aiming at preventing the civic organizations from observing the elections in the polling stations where they considered observation necessary, and from organizing an observation activity in what they believed to be a proper manner.

Another problem may also be added to the above, one that APD had signaled in numerous occasions and referring to the Permanent Electoral Authority (PEA) – institution that has been transformed, by both the provisions that settle its organization and activity and by the manner in which its members have been elected, into an annex of the Government. This problem was not a direct consequence of the activity of the Committee (the settlements regarding the PEA had been adopted in the summer of 2003), but could have been eliminated by the Committee.

The APD efforts of influencing the modification of the electoral legislation

At the beginning of the debates inside the Chamber of Deputies, regarding the proposals of modification of the Law for the election of the Chamber of Deputies and Senate, in a final attempt of convincing the deputies to adopt this law in a shape that could ensure a minimum of correctness and transparency for the elections of 2004, APD addressed an open letter to the Chamber of Deputies, a copy of the letter being sent to each deputy. At the meeting where the draft of the legislative proposal, as established by the Committee, was presented and debated, the deputy Ioan Onisei had the initiative to present, from the tribune of the Chamber of Deputies, the letter from APD and especially the issues to be emphasized. Both the vote of the deputies and the following



Ioan Onisei

discourses showed that our efforts had no effect. We shall render a part of a dialogue between Deputy Viorel Hrebenciuc (PSD) and Mister Ioan Onisei (PD) from that meeting (the entire intervention of deputy Ioan Onisei and the reply of Mister Hrebenciuc to this intervention are presented in annex 2).

Ioan Onisei:

“As you well know, the civil society, through the voice of Mister Cristian Parvulescu, the president of APD, tells us also that the project we will debate contains: < a series of regulations that can affect the voting process> and that < in the given conditions, the risk of fraud in the elections is high >. Asociația Pro Democratia is signaling no less than 7 categories of reasons that can sustain the serious, but true, affirmation, namely: the law will render the electoral fraud legal. Finally, I allow myself to adopt the conclusion of Mister Adrian Sorescu, the executive director of APD: In my opinion, if things will remain like the Committee proposed, , this fall we will vote in vain.”

Viorel Hrebenciuc:

“Because you have spoken about Pro Democratia and about the law draft that you have sustained: I wouldn't have wanted you to be in the place of your colleagues, who acted as representatives in the Electoral Committee, to see their faces when the people from Pro Democratia presented their project. Beside the fact that they found out about the project only in the Committee, if we were to discuss that project everyone would laugh at us. Beside the fact that it was anti constitutional, not even the ones who were presenting the project, I mean here the illustrious Mister Sorescu, who Mister Onisei quoted, did not know what the project consisted of.



Viorel Hrebenciuc

I shall not even discuss the fact that there were deputies who were candidates in more than one county, that instead of constituencies something completely different was happening. This was shameful. And, although you all agreed that you did not sympathize with that project, but this is politics, we have to do this.

I am glad that, at least here, at the uninominal vote you subdue to the majority vote, so to say. Because, you know very well that The Romanian Academic Society did not agree with the uninominal vote project, which we, from PSD, proposed ever since the year 2000, not now, and we also had it in the electoral program from 2000; you did not agree with it because this was, in fact, the real uninominal vote. The obsession of fraud in the elections!

Distinguished colleagues,

Regarding the electoral bribe I have generally agreed with almost everything. I do not realize exactly what Mister Onisei refers to now, but I ask you not to speak so much of bribery, because this bribery, absolutely quasi-inexistent, has no way of decisively influencing any election. And I say such a thing with full awareness, after a long practice of what organizing elections and electoral programs mean (...)

It is easy to understand that the remarks of Mr. Hrebenciuc concerning the electoral Code proposal of APD (determined by either ill-will or misunderstanding of the subject) have no connection with the subject of the letter from APD: at the meetings of the Committee he presided upon and where the proposal from APD for the electoral Code was also presented, the issues regarding exclusively the voting system have been discussed, whereas the letter that had reached the deputies, and to which Mr. Onisei had referred to in his intervention, included issues regarding the shortcomings of the law as to the organization of the elections and the electoral process

We leave to the judgment of each reader of this material to determine, from the transcription of each speech of the two deputies, but also from the shorthand reports from the Committee's meetings, the

estimation of the major shortcomings of the law as it was adopted, and how much they were the result of the lack of professionalism and interest of those who contributed to the creation of this form or the expression of a premeditated electoral fraud (as the representatives of the opposition had accused then).

Taking into consideration the manner in which the Law for the election of the Chamber of Deputies and of the Senate and the Law for the election of the President were adopted, the General Assembly of the Association analyzed the opportunity of withdrawing the Association from the process of observing the elections, and decided that the Association would observe the elections only when all the serious aspects that were affecting the transparency and correctness of the electoral process were to be removed. Therefore APD addressed to Mister Adrian Nastase – Prime Minister of Romania at the time, an open letter bringing to his attention the serious shortcomings of the 373/2004 Law regarding the Law for the election of the Chamber of Deputies and of the Senate, as the Government of Romania was the last instance able to take action in this matter.

In this context, in October, a series of meetings and discussions took place between the representatives of PSD and those of the Ministry of Administration and Internal Affairs, on one side and the representatives of APD, on the other, in order to find a remedy for the deficiencies which had been signaled.

A first result of the approach undertaken by the APD was the adoption of the 80/2004 Emergency Decree by which two of the APD requests were solved, but, unfortunately, there were no actions regarding the most serious of the problems, namely the possibility for every elector, with an ID card, of voting more than once. The measures taken by the Government and other authorities, compared to the requests and solutions proposed by the APD, as well as the manner in which they have been fulfilled, are presented in the following table.

The APD proposals	The response of the PSD representative, of the Government or other authorities
For eliminating the possibility of the ID card owners to vote more than once, in more than one polling stations	No solution was found.
Having only one polling station for the voters who did not belong to the city, thus creating a higher transparency and security level (by an Emergency Ordinance)	Was not accepted, on the grounds that there were too many laws which should have been modified.
Permitting the political parties, the mass media, the Romanian and foreign Coalitions, to have access to a copy of the permanent and supplementary electoral lists, where the names of the voters would appear	Was denied, because of the provisions of Law 677/2001 regarding the protection of personal data and the free circulation of these data.
Adopting the necessary measures for the adhesive stamps not to be removable from the ID cards.	On October the 8 th the Government took a decision regarding this matter and invited APD to participate at the selection and the validation of the glue that was going to be used. As a result of the meeting between the representatives of APD and the management of the National Printing House (which was assigned to fulfill this task), but also as a result of the consultancy of the APD representatives with certain material advertising producers, it has been decided

	that there was no glue that could enter in a proper chemical reaction with the material of the card, so that it couldn't be removed.
For removing the obstacles for the domestic observers	The APD proposal was adopted.
The replacement of the law according to which the accreditation is valid for only one voting station, and for one voting station only one observer is accredited (thus only one organization), with the local elections Law that did not have such interdictions	<u>The request was favorably solved</u> , as one of the points from the OUG 80 from October 14 th 2004, referred to the replacement of Law 373 with the one regarding the local elections, so that the accreditation would be possible for the whole district, and each organization could have as many observers as it considered necessary
For eliminating the possibility that the presidents of the electoral bureaus and their deputies, which, unless lawyers, were randomly selected from a list designed by the prefect, to be members of a party	No measure was taken
The introduction of the obligation that the presidents of the electoral bureaus and their deputies should not have been members of a political party for the past 2 years.	Was denied, on account of the lack of personnel.
For the correctness of the voting in the polling stations abroad	The APD proposal was adopted
Assuring the possibility that the political parties have a representative for either of these stations, from the opening of the station, until the final counting of the votes, and the final result	Was adopted, by OUG 80 from 10.14.2004, where the text was exactly as APD proposed
Diminishing the possibility that the mobile ballot box could be used for fraud	The APD solution was adopted
The obligation that in a case of a mobile ballot box, due to a medical condition of the voter, the poll should be accompanied by copies of the papers stating the medical condition of the voter	It was adopted, the Central Electoral Bureau adopting the Decision no. 17/A/25.10.2004, in which the mobile ballot box had to be accompanied by copies of the papers stating the medical condition of the voter
For the correctness of the printing process of the ballots	The APD solution was adopted
Assuring the real possibility for the political parties and the Coalitions to observe the elections	Was adopted, with the promise from the Technical Electoral Committee that we would be invited to the presentation and the printing of the ballots
For preventing the possibility of using "not normal and legal circuit" ballots with the purpose of fraud	No measure was taken.
Initiating the procedure requiring each representative of a political party to stamp the ballots with a special extra-control stamp	Was denied, on account that such an operation would be too difficult to accomplish.

Trusting the promises of a series of representatives of the authorities and public institutions who were taking part in the organization of the electoral process, concerning the issue of finding a manner of solving and removing the problem regarding the multiple vote, APD decided that, on the

2nd of November 2004, it would observe the parliamentary elections and the presidential ones from the 28th of November 2004.

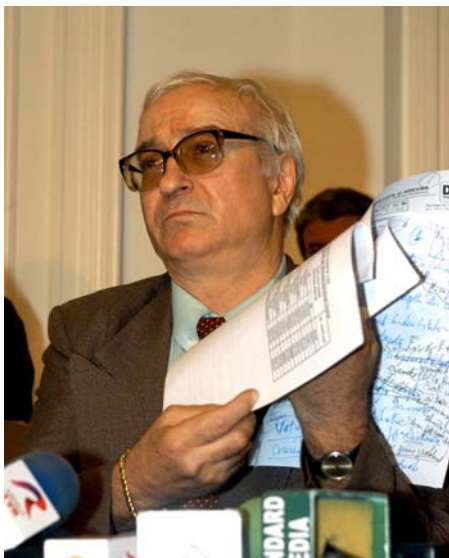
Anticipating the dangers of fraudulent elections, before the first round, APD asked all the political forces to ensure, while abiding by the terms of the Constitution and respecting democracy, the right to free choice and the correctness of the electoral process and, moreover, APD called on the citizens of Romania to exert maximum civic vigilance.

The Electoral Campaign

IV.1 ESTABLISHMENT AND FUNCTIONING OF THE ELECTORAL BUREAUS

The Central Electoral Bureau

According to the legal stipulations, The Supreme Court of Justice was reunited at a public meeting, on the 15th of October 2004, in order for the president of The Supreme Court of Justice to designate, by means of random drawing, the seven judges who would be part of The Central Electoral Bureau for the elections for The Chamber of Deputies and The Senate, as well as for the election of the president of the state.



Emilian Gherguț – President of the Electoral Bureau 2004

According to the declaration of the president of The Supreme Court of Justice, the judges who had been members of The Central Electoral Bureau at the local elections in 2004, as well as at the local and legislative elections that took place four years before, the members of CSM who were involved in organizational activities, the judges whose husbands or wives were nominated for the elections or who were members of The Constitutional Court did not take part in the random drawing. Although this “selection” was made in order not to allow misinterpretations concerning the objectivity of The Bureau’s decisions, after about a month from their designation, the members of The Central Electoral Bureaus made a first decision questioning not only their objectivity, but also their impartiality: the contestation regarding the participation of Mr.

Ion Iliescu –president of Romania at the time- in the electoral campaign of the National Union PSD + PUR, was rejected by The Central Electoral Bureau, on the grounds that the involvement of Mr. Iliescu in the campaign was not a violation of The Romanian Constitution. It has to be mentioned that one of the arguments supporting this decision was based on the ruling of The Constitutional Court no. 339/11.17.2004, a ruling that had also been criticized by the representatives of the civil society, as well as by a series of journalists and by political analysts. Beyond the controversial character of the decision of The Constitutional Court, it has to be noted that the agreement of The Constitutional Court for Mr. Iliescu to take part in the elections, as an independent nominee on the lists of The PSD+PUR Union, did not mean that the president Ion Iliescu could be involved in the electoral campaign of this electoral alliance.

The errors which appeared in the process of centralizing the ballots, denounced by the representatives of the opposition at the time, but most of all, the manner in which The Central Electoral Bureau explained these errors and the president’s-Emilian Ghergut- attitude have constituted another moment when the political independence and neutrality of The Central Electoral Bureau were contested.

A series of decisions adopted by The Central Electoral Bureau may be added to all this, especially those from the day of the second round of the presidential elections, adopted at the proposal and under the pressure of the governing party (decisions that we are going to refer to more explicitly in one of the following chapters) and which were obviously made against the D.A. PNL-PD Alliance and its nominee for president.

Still, we think that a range of the problems which appeared throughout the activity of The Central Electoral Bureau were caused by the gaps in the electoral legislation, and as far as this aspect is concerned we should also mention a positive side of the activity of The Central Electoral Bureau—that related to The Central Electoral Bureau's decisions which brought a series of welcome clarifications in the electoral process.

County Constituency Electoral Bureaus

In the previous electoral years, at the elections for the Parliament and for the position of president organized in Romania, The Central Electoral Bureau made the accreditation of the internal observers. Moreover, the old legislation did not allow two delegates of different nongovernmental organizations to act as observers; it had to be only one, chosen randomly by The Central Electoral Bureau, in the case that more than one organization had the intention of sending observers to a certain polling-station.

Before the elections of autumn 2004, there were two important occurrences concerning the activity of the internal observers:

1. The law had been already modified by the Parliament, providing that the accreditations were no longer to be issued by the Central Electoral Bureau, but the County Constituency Electoral Bureaus would issue them;
2. as a result of the pressures exerted by APD on autumn 2004, the Government adopted The Emergency Decree no. 80/2004, eliminating the restriction regarding the number of observers who could observe the electoral process at a polling-station and ruling that the accreditation of every observer was to be valid for an electoral constituency (a county), and not only for a polling-station (as the situation had previously been).

Despite the fact that the Emergency Decree 80/2004 was adopted a month and a half before 28 November, there have been presidents/members of The County Constituency Electoral Bureaus who were not aware of its existence, a fact underlining the deficient communication between The Central Electoral Bureau and The County Constituencies, as well as a poor training of the presidents/ members of The County Constituencies. As an example, the delegates of The County Constituency of Hunedoara and Valcea had settled a date for the drawing of lots of the observers, and in Olt and Bistrita-Nasaud the delegates of The County Constituency delivered the accreditation for the observers with a specification of the number of the polling-station where they would be observers. Another problem, contested by the APD at The Central Electoral Bureau, was encountered in the county of Maramures, where the president of The County Constituency required “the concrete proof of the certificate released on the basis of the Decree 33/2002 which testifies the fact that APD is acknowledged as an association of public interests”, even if the law does not require this.

The difficulties encountered by the APD representatives in the course of the process of attaining accreditations for the observers were also caused by the fact that the legislation – the Law 373/2004, modified and completed with the Emergency Decree 80/2004 – does not clearly describe the necessary documents for the release of the accreditations and by the fact that there is no pattern of accreditation which The County Constituencies could use. As a consequence, there have been situations when the presidents of The County Constituencies misinterpreted the provisions of the law.

The Polling Stations Electoral Bureaus

So far as the organization and functioning of the electoral bureaus of the polling-stations were concerned, we have to mention that there have been problems such as the deficient organization and the poor knowledge and / or misinterpretation of the electoral law, the biased attitude of the presidents and vice-presidents of the polling site bureaus, as well as the “subordination” of the members of the Polling Station electoral bureaus to the mayors. Moreover, as we will show in the chapter referring to the day of elections, at the first round of elections there have been situations that had not been previously encountered by APD, namely the threat or harassment of the observers.

IV.2 Mass-media and the Electoral Campaign

The manner of depicting the electoral campaign by the mass media is a significant indicator of the stage of democracy of the entire electoral process. Mass media is the main source that provides people with political information and, consequently, a glance at the manner in which the press behaves during the electoral campaign reveals the nature of the information that the electors receive and which is the basis of their decisions about whom they should vote.

A first characteristic of the electoral campaign depicted by mass media was the “over-regulation”. The decisions of The National Council of Audio-Visual allowing electoral publicity only during the shows with an electoral theme, the prohibition of the campaign two days before the elections, the establishment of an equal number of broadcast minutes for all the candidates who ran for president and so on, have limited the debates, and the confrontations between candidates were reduced to a simple presentation of intentions.

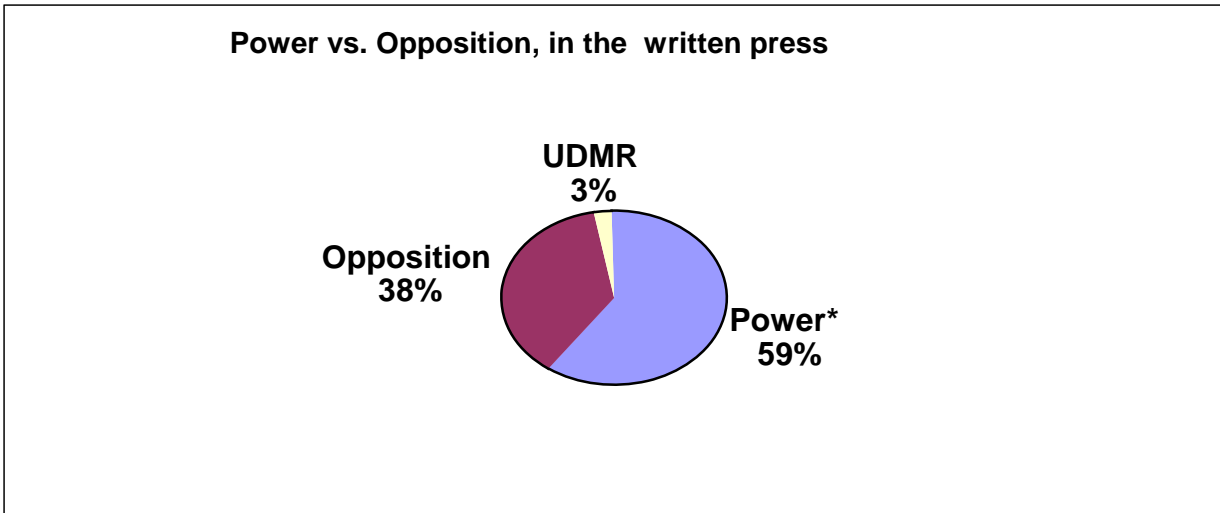
Another essential aspect of the electoral campaign from a media perspective was the *use* by a series of candidates of *their public position in order to transmit messages with electoral character*. We believe to be significant, within this context, that a certain part of the press, instead of attempting to diminish the phenomenon, used this abuse in order to promote a certain supported candidate or group of candidates.

This brings us to the third characteristic of mass media in the electoral campaign, namely *the obvious bias of written and audio-visual press in favor of one candidate or another*. We believe that most of the journals and televisions did not respect the deontological standards that assert the journalists’ obligation of providing correct and balanced information and multiple points of view. We consider that the most serious aspect concerning this issue consisted in the usage by the governing party of the information media in order to spread its electoral message.

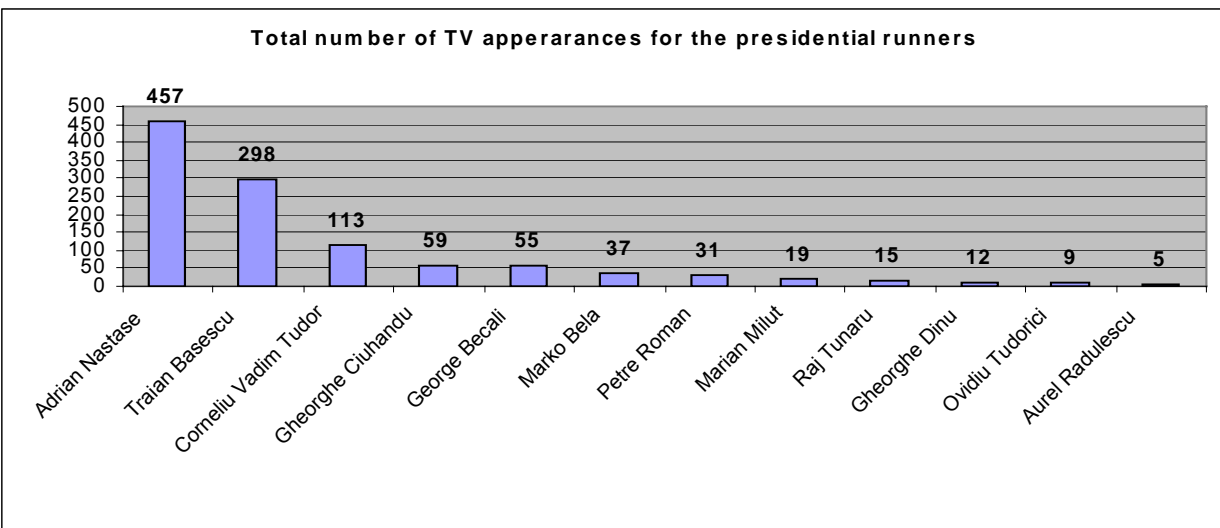
Taking into account all the aspects pointed at above and which are not at all exhaustive, we deplore *the slow and inconsistent manner in which The National Council of Audio-Visual responded to the*

various violations of its own rules. The lack of reaction from The National Council of Audio-Visual made the electoral race sometimes appear unfair for the candidates who respected the law.

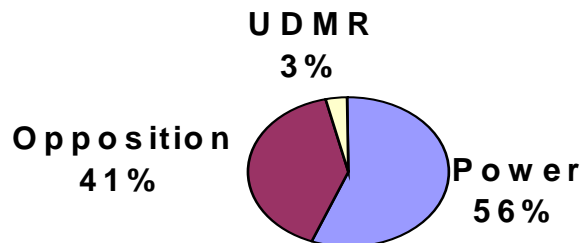
As a conclusion, one could say that the progress of the electoral campaign in the media field was neither meant to encourage the essential debates nor to significantly contribute to the correct and unbiased information of the citizens. Consequently, we believe that a unique law, only referring to the manner in which an electoral campaign is to take place, as well as a much more prompt reaction from The National Council of Audio-Visual to the violations of the law, could be a promising start in guaranteeing an electoral campaign abiding by democratic standards.



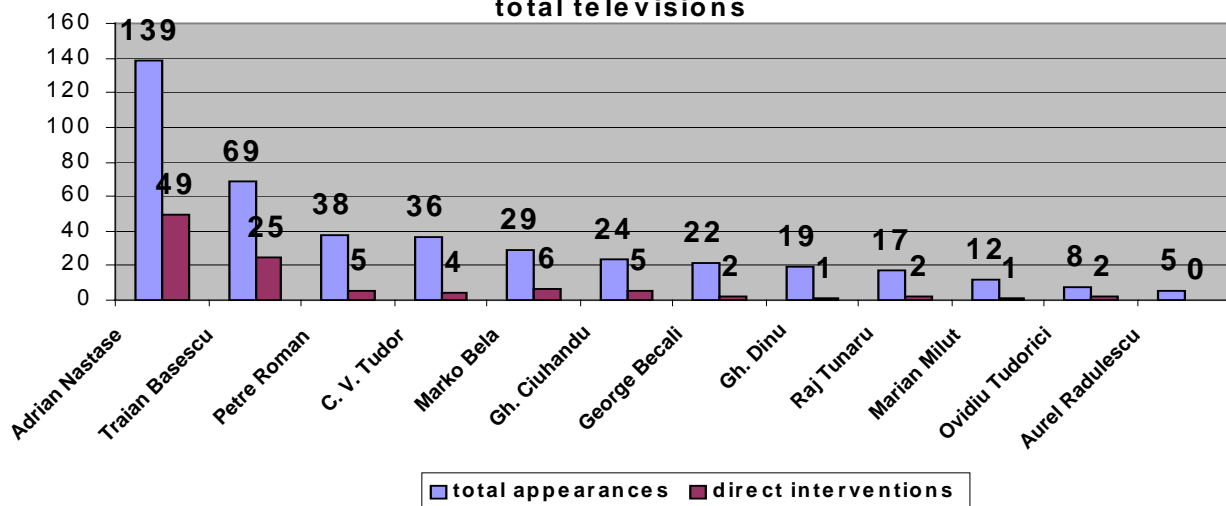
*Power= ministers, the president of Romania, the members of PSD party and their allies in the electoral campaign (PUR)



Power vs. Opposition, at television total



Number of appearances and direct interventions of the presidential runners, total televisions



The above graphics are taken from the report of the Media Monitoring Agency. The report is available at www.mma.ro and in its files the aspects presented above are depicted in a more detailed manner.

IV.3. “Vote with your Eyes Open!” -a Campaign of the Coalition for a Clear Parliament

The campaign “Vote with your eyes open” was one of the most spectacular and debated themes of the electoral period in the autumn of 2004, and this (and not so much the fact that the APD was a part of this campaign) determined us to briefly present it in this project.

What did the Campaign of the Coalition for a Clear Parliament reside in?

In the beginning of 2004, at the initiative of The Academic Society of Romania, a group of civic organizations created The Coalition for a Clear Parliament (with Asociația Pro Democratia as one of its members). Its purpose was that of informing the electors on the biographies of some of the candidates for deputies or senators (the list of the Coalitions members of The Coalition for a Clear Parliament is to be found in annex no. 3). It concerned the candidates who, according to a very clear number of criteria established by the Coalition, did not possess the moral standards that any person aiming for the position of elected delegate in the Romanian Parliament should have. The elements pursued in the verification of the biographies of candidates were related to:

- The business relations that the candidate or someone in his family could have had with the State, while holding an influential function in a state institution;
- The migration from a political party to another during the period when he had a public function;
- The discrepancy between the declared incomes and his real financial situation;
- The cooperation with the former Security (before 1990) or/ and being a PCR militant.

The campaign of The Coalition for a Clear Parliament may be described by presenting the most important steps that it involved:

1. The creation of a network of investigation journalists, represented in every county, who were to verify the biographies of those who were going to run for the legislative elections, and providing the training for the journalists involved;
2. The organization of meetings with the leaderships of some of the political parties, namely those parties whose candidates were going to be checked by the network of journalists, with the purpose of obtaining their cooperation concerning the project;
3. The actual verification of the biographies of those who would be on eligible places on the lists of the candidates of some political parties, in every county and in Bucharest;
4. The communication, to the leaderships of the parties who agreed to cooperate with the Coalition, of the biographies of the candidates who did not correspond to the criteria of moral integrity;
5. The acceptance of contestations from the leaderships of the political parties and from the candidates and their evaluation, within the Coalition;
6. The elaboration of the final shape of the biographies, by also taking into account the contestations considered justified by the members of the Coalition;
7. The dissemination within the population of the biographies of the candidates for the Chamber of Deputies and the Senate who did not correspond to the Coalition criteria of moral integrity, by means of:
 - The publication of those biographies in the daily and weekly journals the management of which agreed to cooperate with The Coalition for a Clear Parliament;
 - Printing of a total number of 1.600.000 flyers and their distribution in all the counties, especially in the small and average size towns and in the villages;

The Reactions of the Political Parties Regarding the Campaign of the Coalition for a Clear Parliament

As far as this aspect is concerned, it should first be mentioned that, from all the parties the candidates of which were targeted, PRM was the only one which refused from the very beginning any connection and any cooperation with the representatives of The Coalition for a Clear Parliament. From the parties presented with the project, PUR was the only one which more or less directly declined the Coalition's offer for cooperation, while PSD, PNL, PD and UDMR publicly stated their appreciation for the Coalition's campaign and their disposition to cooperate with the Coalition, by acknowledging the fact that this campaign presented them with the opportunity (and, in some of the cases, the pretext) of "cleaning" their own lists of candidates.

Finally, it resulted that the leaders of the PSD party had a different interpretation regarding the criteria on the moral integrity of the candidates than that of the members of The Coalition for a Clear Parliament. Therefore, they manifested not only their discontent, but also their protest regarding the large number of candidates the biographies of whom were made public- 95 biographies for the PSD+PUR Union. Still, we have to mention that at the beginning of the period of nominating the candidates, the leadership of PSD used the Coalition's project in order to eliminate from the list some of those who had developed a negative image in the eyes of the public opinion throughout the years.

The leaders of PNL and those of PD have used to the highest extent the campaign of The Coalition, the result being the elimination from the D.A. Alliance lists of about 30 candidates, the biographies of whom had been pointed out to them by the Coalition for a Clear Parliament (candidates who had initially been on the lists).

In the end, 12 candidates of the D.A. Alliance still remained part of the materials distributed by the Coalition.

UDMR had three candidates whose biographies were presented to the public, while PRM – a party that did not cooperate with the Coalition, as we previously mentioned, had 43 such candidates.

A counter-Campaign

Three weeks before the elections, false flyers of The Coalition for a Clear Parliament were distributed in several counties. There were flyers printed with the same graphics as the originals, with the same introduction text and including the same instructions for the electors, having the signatures of the same organizations, of their leaders, the only difference being that the biographies included were referring to other candidates than those whose biographies could be read in the Coalition's flyers. Moreover, while the biographies of the candidates printed by the Coalition were exclusively referring to the political, professional or business activity of the mentioned candidates, the false flyers particularly contained information about the candidates' relatives, their relationships of any nature with other persons and so on.

As for the authors of these flyers, distributed, as it seems, in a larger number than those of the Coalition, there is no clear evidence, despite the fact that the Coalition's delegates pressed charges at the Police and at the Prosecution Office at the time, requiring that the authors should be identified and sanctioned. All that we know is the fact that the false flyers exclusively presented the candidates of D.A. Alliance and of PRM, and no candidate of the PSD+PUR Alliance. All these,

added to the fact that those who distributed the flyers in Buzau were identified as working for firms subordinated to PSD, and added to the fact that such a large operation (the distribution of millions of flyers in most counties) needs a huge amount of resources, of logistics and organizational possibilities that are not available to everyone, could lead to certain conclusions, which we leave at the public's better judgment after reading this paper.

Epilogue to the Campaign of the Coalition for a Clear Parliament

A part of the of the PSD candidates pressed charges against Alina Mungiu Pippidi, Cristian Parvulescu, Asociatia Pro Democratia and The Coalition for a Clear Parliament (the last one being wrongfully sued, since it did not exist as a legal entity). This was due to the fact that The Coalition presented certain elements of their biography, which they either contested or saw as irrelevant for the position of a member of the Parliament, to the public for a Clear Parliament. The persons who initiated this action are (in alphabetical order): **Ioan Brunei** (Arges), **Dan Nica** (Galati), **Ioan Mircea Pascu** (Satu Mare), **Victor Sanda** (Dambovita), **Rodica Stanoiu** (Olt), **Ioan Talpes** (Caras Severin), **Nicolae Vacarioiu** (Arges). Each of them asks for moral compensations of 1.500.000.000 lei (\approx 50.000 USD).

It has to be mentioned that all the other members of the Coalition declared themselves part of this trial, supporting a common cause together with their colleagues brought up for trial.

At the time this paper is being written, the trials are in full development, The Coalition for a Clear Parliament having already won some of them.

IV.4 The Participation of Ion Iliescu in the Electoral Campaign

A special case in the Romanian electoral landscape was the participation of Ion Iliescu in the electoral campaign, resulting in a double illegal situation.

On the one hand, the participation of the president Ion Iliescu in the electoral campaign of the PSD+PUR Union violated the Romanian Constitution, namely the article no. 84, paragraph 1: "during his mandate, the president of Romania cannot be member of a political party and cannot have any other public or private function". The purpose of this article is that of imposing the compulsoriness and of underlining the fact that the President of Romania must not take on the policy of any party.



România Liberă, 25.11.2004

Although The Constitutional Court agreed to Mr. Ion Iliescu's participation in the elections, as an independent candidate on the lists of the PSD+PUR National Union, this decision did not mean that the president Ion Iliescu could be involved in the electoral campaign of this electoral alliance.



Ion Iliescu, President of Romania in 2004

The first moment of the president's involvement in the electoral campaign of The PSD+PUR National Union was at the launch of the nomination of Adrian Nastase as candidate for the position of president of Romania, on

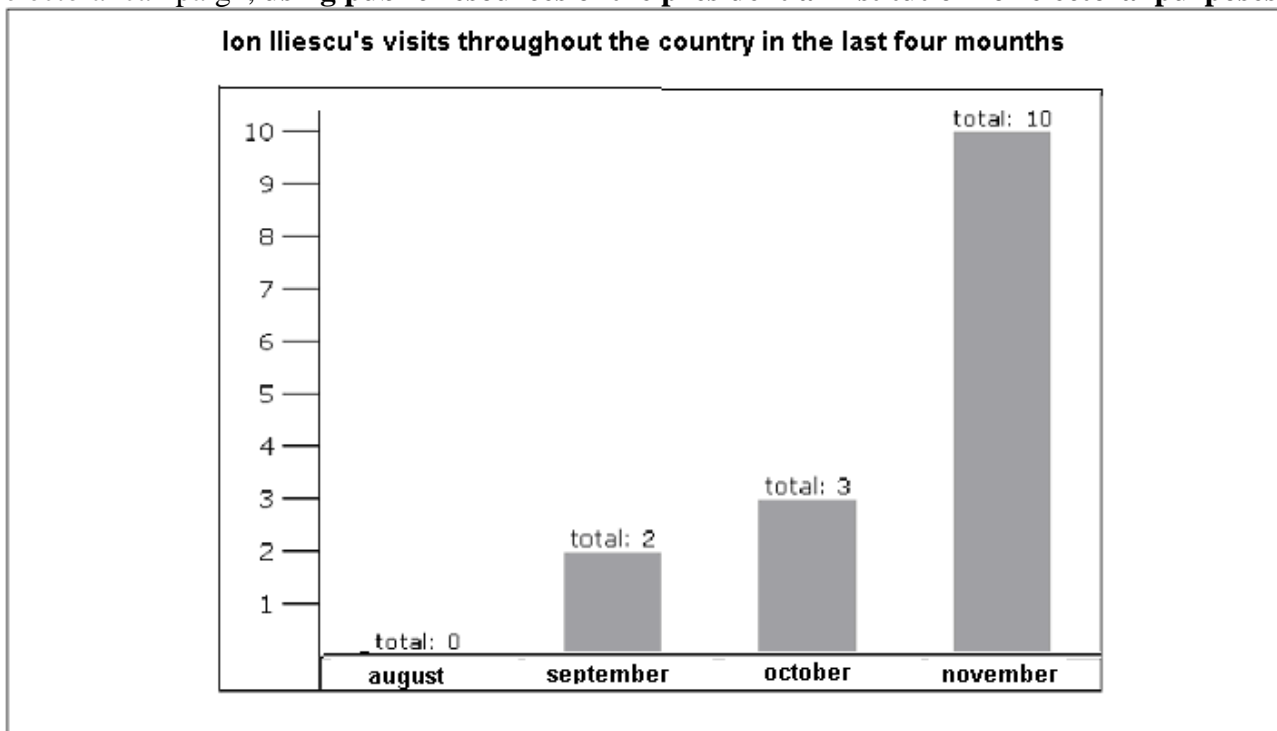
30 October 2004. On this occasion, Ion Iliescu declared: “I’m not here as the leader of the state, but as a citizen who exerts his primary right of electing and of being elected, guaranteed by the Romanian Constitution”. At the same time, Ion Iliescu talked about the one that he saw as his successor as: “the politician which is most qualified for this dignity”, the one who “has lead the most efficient Romanian Government in the last years”, the one who “has the capacity of learning”.

The international press also recorded the participation of president Iliescu in the electoral campaign of PSD. Therefore, The Reuters Agency signaled in an article with the title “The political parties of Romania protest against the electoral posters of Iliescu” (The Ziu Journal, 11.11.2004), the fact that the president was accused of having violated the Romanian Constitution, because he appeared in the electoral posters of the PSD+PUR Union.

APD reported this violation to The Central Electoral Bureau (annex 4) and to The Electoral Bureau of Bucharest. The president of The Central Electoral Bureau replied to the report by telling us to address to The Electoral Bureau of Bucharest, as if the illegal act pointed by us had just been a local phenomenon and had not involved (as it really happened) the majority of Romanian counties.

As for The Electoral Bureau of Bucharest, we did not receive any answer, but we found out from off the record sources that the APD complain was submitted to the debate of the members of The Electoral Bureau of Bucharest and rejected with a difference of one vote.

On the other hand, the participation of Ion Iliescu is a case of abuse of public resources in order to support electoral purposes. First, because the participation of Ion Iliescu in the PSD electoral campaign, by means of his visits in the counties, by his appearances in the governing party’s electoral posters, by his appearances in TV shows, can be appointed as an abuse of institutional resources, namely the *support offered by the officials of the state for a political party*. Then, the agenda of the official visits within the country of president Ion Iliescu intensified during the electoral campaign, **using public resources of the presidential institution for electoral purposes.**



As it may easily be observed from the situation presented in the graphic above, in November, the president Iliescu had three times more visits than in September. During these visits that appear in the official agenda of the president Iliescu, declarations were made with an obvious Party-spirit character in favor of the PSD+PUR Union (Annes 5).

If we take into account only the transportation costs necessary for these visits (about 1.750 km and about 4 cars) we reach the amount of 22,4 millions lei, spent from public money, for the electoral journeys of the president.

IV.5 The Political Parties' and the Candidates' Expenses for the Electoral Campaign

When we refer to corruption, it is often seen as being inevitably linked to the political corruption. On the other hand, most people consider that this phenomenon is not limited to the political environment, and that "money has no political color". Still, the intersection of the political and economical interests is obvious in the political parties funding and in the electoral campaign funding, and the political corruption seems to be clearly related to electoral corruption.

The electoral corruption manifests itself through two main phenomena, both being related to the political parties' and the electoral campaigns' funding. The first phenomenon is the so-called classical political corruption, through which private firms offer material resources to a certain party or to a candidate, in exchange for a future material advantage. Another phenomenon appears when the party and the candidates who have the power use the public resources that they administrate, for electoral purposes. In both cases, the candidates who have been elected as a result of these actions have reached their position by means of corruption and it is unlikely that they should create the premise for a just society.

Because of this, ever since 2000, Asociatia Pro Democratia developed a series of programs aimed at fighting against the practice of political corruption of parties and candidates by monitoring their financing and supervising the observance of the laws related to their financial transparency.

During the electoral year 2004, Asociatia Pro Democratia developed the "Money and Politics" project, financed by The Canadian International Development Agency (CIDA), project that had the purpose of diminishing the corruption generated by the illegal and underground financing of the political parties. We thought that this purpose could be reached by:

- Improving the way of *applying the legislation* concerning the financing of the political parties and of the electoral campaigns, by writing a *Guide of financing of the political parties and of the electoral campaign* and by initiating a series of training sessions with the representatives of the main political parties in Bucharest, Bacau, Brasov, Cluj-Napoca, Constanta, Rm. Valcea and Timisoara.
- Promoting a higher transparency level regarding the electoral campaign's and the political parties' financing, through the independent monitoring of the political competitors' expenses in the electoral campaign and through monitoring of legal provisions on the transparency of the parties' incomes and expenses.

The estimation of APD regarding the expenses that the political parties and the independent candidates had during the electoral campaign has a double role: on the one hand, it offers mass-media and electors relevant information concerning the political competitors' finances before the elections day. On the other hand, the comparison with the parties' officially declared amounts of money offers an image of the level of "black money" used by a political party or by a candidate, money by which the candidate illegally reached a position in the highest state institution, the Romanian Parliament.

The amount of illegal money used by a candidate and by a party represents not only an amount of money that has not been declared, but also hidden interests and, in the same time, obligations of politically and economically answering to some support actions that certain private organizations provided during the electoral campaign. The level of black money in politics clearly represents a level of corruption.

Therefore, through the monitoring and estimations of Asociația Pro Democratia, we were able to establish that, if we leave aside the discounts that the parties and the candidates could have benefitted from, (the discounts are not at all legislated by the Law 43/2004), we arrive at the following results:

- The amount spent only for the written press publicity and for the bill-boards in the electoral campaign of PSD+PUR National Union's candidate at the position of president - Adrian Nastase was of about three and a half times more than the declared incomes;
- Adrian Nastase spent almost a million USD more than the amount of money allowed;
- The amounts spent only for the written press publicity and for the out-door campaign of D.A. – PNL-PD Alliance's candidate for the position of president – Traian Basescu was of about three and a half times more than the declared incomes;
- The financial reports sent to the Court of Accounts with the Chamber of Deputies and Senate candidates' incomes and expenses are more realistic than those of the candidates to the position of president;
- About 50% of the amounts meant for the electoral campaign were absorbed by the candidates to the position of president, acknowledging the fact that in nowadays electoral system (the party lists) the candidate to the position of president is the engine of the party, leaving behind, in the shadow, the candidates who run for Parliament;
- As for the official declarations made by the regional leaders of the political parties, Asociația Pro Democratia monitorings reveal a normal situation for the PSD+PUR Union in the counties of Bacau and Cluj, and for the D.A. PNL-PD Alliance in the counties of Brasov, Cluj, Constanta, Timis and Valcea; Unrealistic situations were found for the PSD+PUR Union in the counties of Brasov, Constanta and Valcea, and for the D.A. PNL-PD Union in the county of Bacau;
- Over 10 million \$ were spent by the most important political parties for electoral publicity in the written press and for the out-door publicity at national level. Besides these expenses, approximately the same amount was necessary for arrangements, staff, consulting firms, concerts, posters, flyers, bags, notebooks and so on.



Costel Popa – Deputy Director APD and Adrian Sorescu - Executive Director APD at a press conference in the project "Money and Politics"

- The highest expenses belonged to the PSD+PUR Union, although the difference from the D.A. PNL-PD Alliance is smaller when compared to that of the campaign for the local elections on June 2004. If the difference of expenses was at the local elections of 3/1, now it became 1.7/1;
- Compared to the local elections, the D.A. PNL-PD Alliance spent around 1.6 million \$ on written press publicity for each of the two electoral campaigns, meanwhile the PSD+PUR National Union spent on the campaign for the local elections more (3.9 million \$) than on the campaign for the Parliament and for the position of President (2.84 million \$);
- Four years ago, on the occasion of the Asociația Pro Democratia report about the political parties' financing in the year 2000, Mr. Valeriu Stoica- The Minister of Justice at that time, said that "80% of the political parties' financing was illegal". Analyzing APD's reports and evaluations made during the electoral campaigns of 2004 by comparing them with the parties' and candidates' official declarations about their incomes and expenses, it seems that the percentage of the illegal financing, of the black money in Romanian politics has waned under 50% of the financing of the political parties of Romania.

What and how we monitored

Similarly to the period of the local elections, during the parliamentary and presidential election campaign, Asociația Pro Democratia monitored the main competitors' expenses, as well as the manner in which the stipulations of Law 43/2003 regarding the financing of the political parties' activity and of the electoral campaigns were respected.

We are doing this starting from the premises that money, in large amounts, contributes to the substitution of political debate among parties and among candidates with their quasi-commercial promotion, and this is favorable neither to the electoral competition, nor to democracy in general. Just as well, the danger that general interest should be marginalized by private interests, which can use the opportunity of electoral campaigns in order to create, through political financing, privileged positions with regard to the future power holders, is all the more bigger while the use of money in the campaign is less regulated and lacks in transparency.

Among the expenses that political parties have during a campaign, the only kinds that can be approximated by an organization having no access to the parties' financial accounts or to those of the firms with which they collaborate, are the ones connected to electoral publicity. As far as we are concerned, we chose to monitor two components of electoral publicity, that is publicity in written media and out-door publicity, trying ever since the local elections to perfect the mechanisms for this activity.

One should underline the fact that APD is the only organization in the world that has developed and carried out a methodology for monitoring out-door publicity, achieving this in order to shed as much light as possible in the grey area of financing electoral campaigns. The importance of this method of monitoring the electoral campaigns expenses can be also observed as well by taking into consideration the fact that electoral publicity enjoys within the campaign budget a percentage comparable to that of the expenses on written publicity (see graphic 5).

Monitoring publicity in the written media

For the evaluation of expenses for publicity in the written media at the central level, there were monitored the next types of publications:

- 27 dailies
- 21 weeklies
- 23 monthly publications
- 4 bimonthly publications

As to the local press, 266 publications (dailies, weeklies and monthly publications) from 38 counties of the country were monitored. The company Media Image ensured the printed press monitoring.

Monitoring the out-door publicity

The monitoring of out-door publicity was undertaken in seven of the largest counties of the country- Bacau, Brasov, Constanta, Cluj, Valcea, and Timis, as well as in Bucharest.

In order to supervise the expenses of the parties for out-door electoral publicity as thoroughly as possible, the next types of advertisements were monitored:

1. Big publicity boards:

- a) On entering the subway: publicity boards situated upon the entrances of the subway stations
- b) Standard
- c) Classical
- d) Unfurled

2. Small publicity boards (dimension 1,1x 1,6 m)

- a) On entering the subway stations
- b) In bus stations
- c) On blind walls
- d) On foot
- e) With clock

3. Advertisement on posts:

- a) Simple panels
- b) Lighten caskets
- c) Curtains

4. Banners

5. Atypical:

- a) Mesh-the huge cloths covering the buildings' front
- b) Cubes
- c) Mobile boards



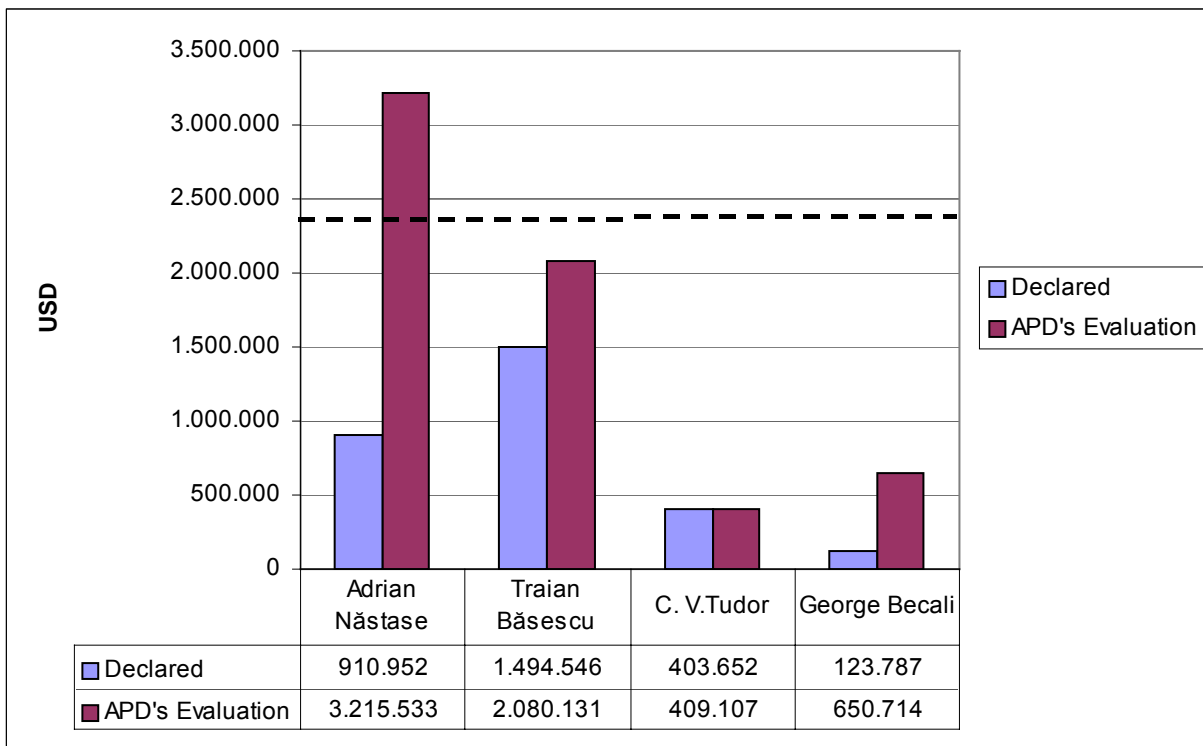
Out-door publicity

The monitoring of out-door publicity was carried out by over 200 volunteers of APD, who supervised the most important boulevards and streets of Bucharest and of the districts Bacau, Brasov, Cluj, Constanta, Valcea and Timis. In order to be representative a circumscription level, for the parliamentary elections we performed the monitoring on county's level. Thus, these next cities were monitored:

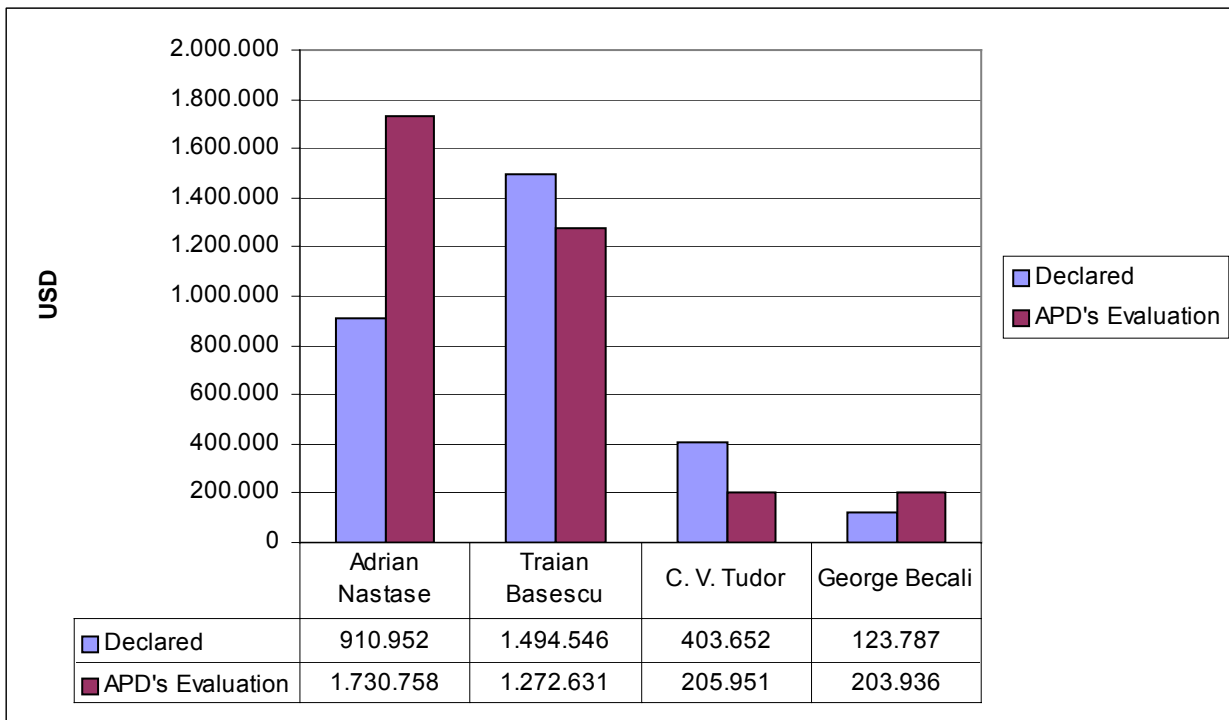
- in Bacau: Moinesti, Comanesti, Targu Ocna, Darmanesti and Bacau;
- in Brasov: Sacele, Ghimbav, Codlea and Brasov
- in Cluj: Turda, Gherla, Campia Turzii and Cluj-Napoca;
- in Constanta: Navodari, Mangalia, Medgidia, Cernavoda and Constanta;
- in Timis: Lugoj, Sannicolau-Mare, Jimbolia and Timisoara;
- in Valcea: Calimanesti, Babeni, Dragasani and Ramnicu-Valcea.

In order to assure a better accuracy of data, the frequency of monitoring out-door publicity was twice a week, and data were registered concerning the type of advertisement, the place, its duration of display, the party and the candidate advertised for. For the centralization of data we used an on-line system developed by the ID department of APD, system that enabled us to keep under control the methodology and to have quick access to the results (Annex 6).

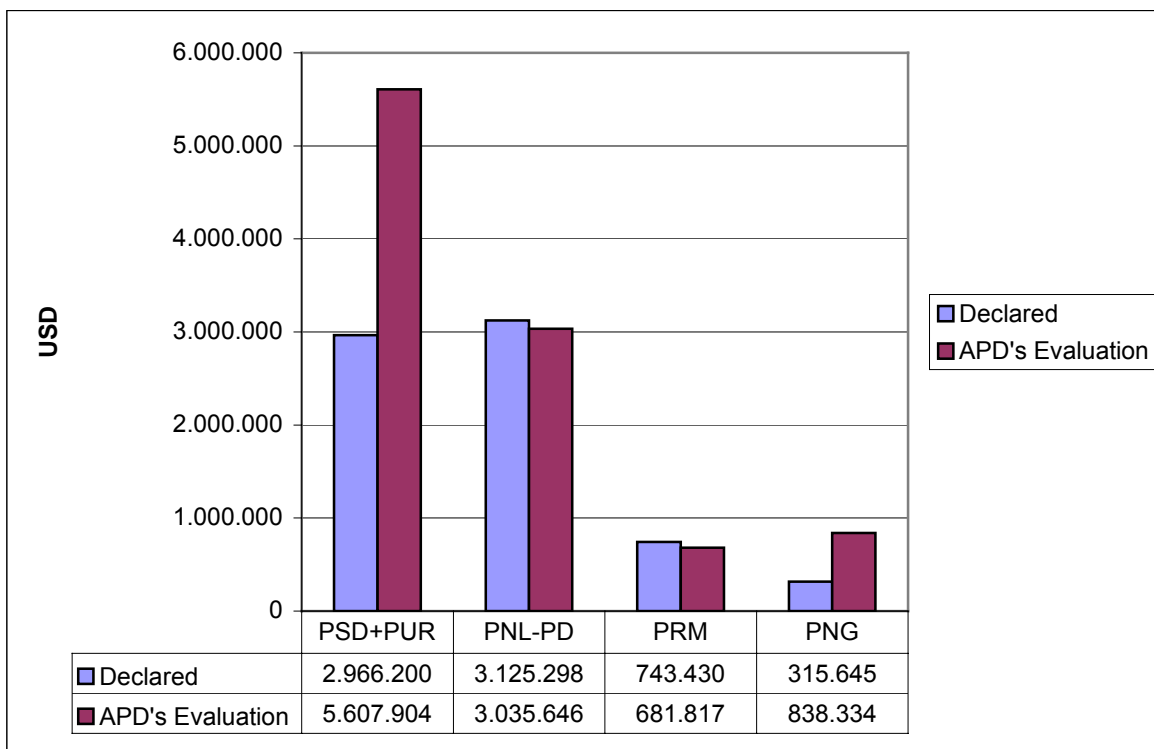
The costs' calculation was completed taking as a starting point "the list prices" and represented the rough sums. The possible discounts or barter were not considered, being forms not settled by law. For national out-doors publicity, the estimation was performed starting from the results of the monitoring for the 6 counties where APD evaluated the out-door publicity (Bacau, Brasov, Cluj, Constanta, Timis, Valcea) and Bucharest. Thus the evaluation for all the country's counties was generated, having as base for the calculation a medium cost per party/monitored county/inhabitant.



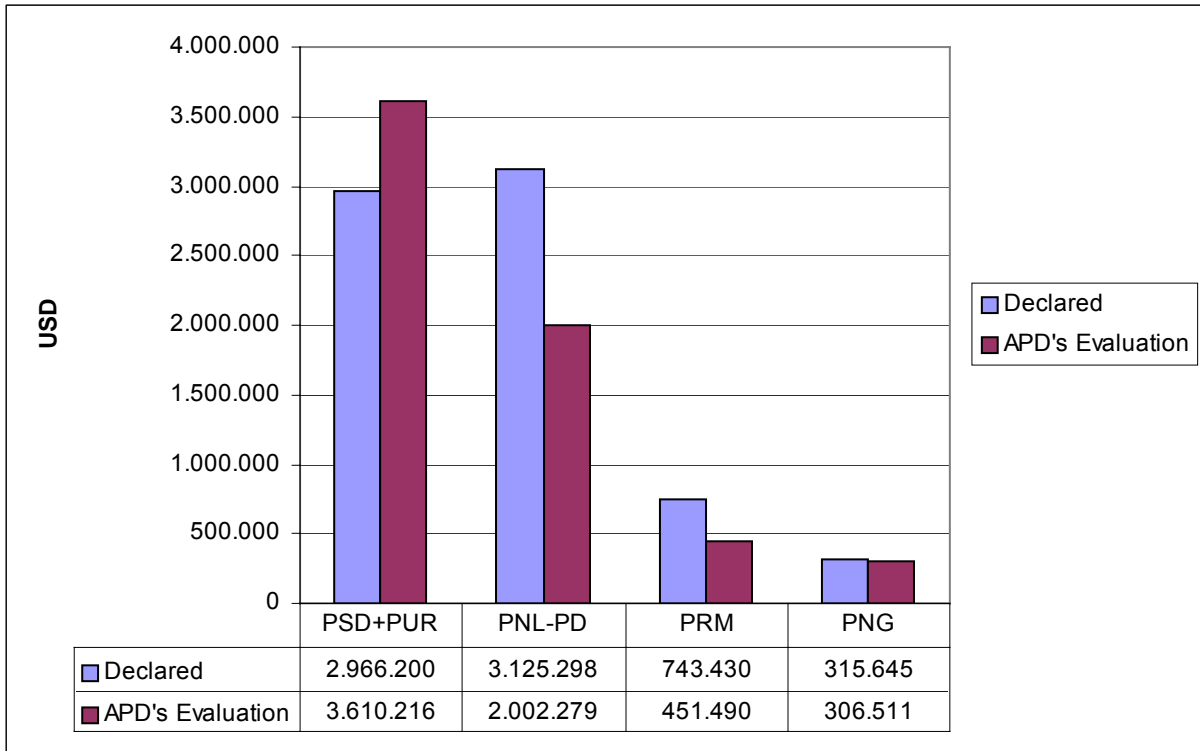
Graphic 1: Comparison between the stated expenses at the Court of Accounts and those evaluated by the APD for candidates running for Presidency



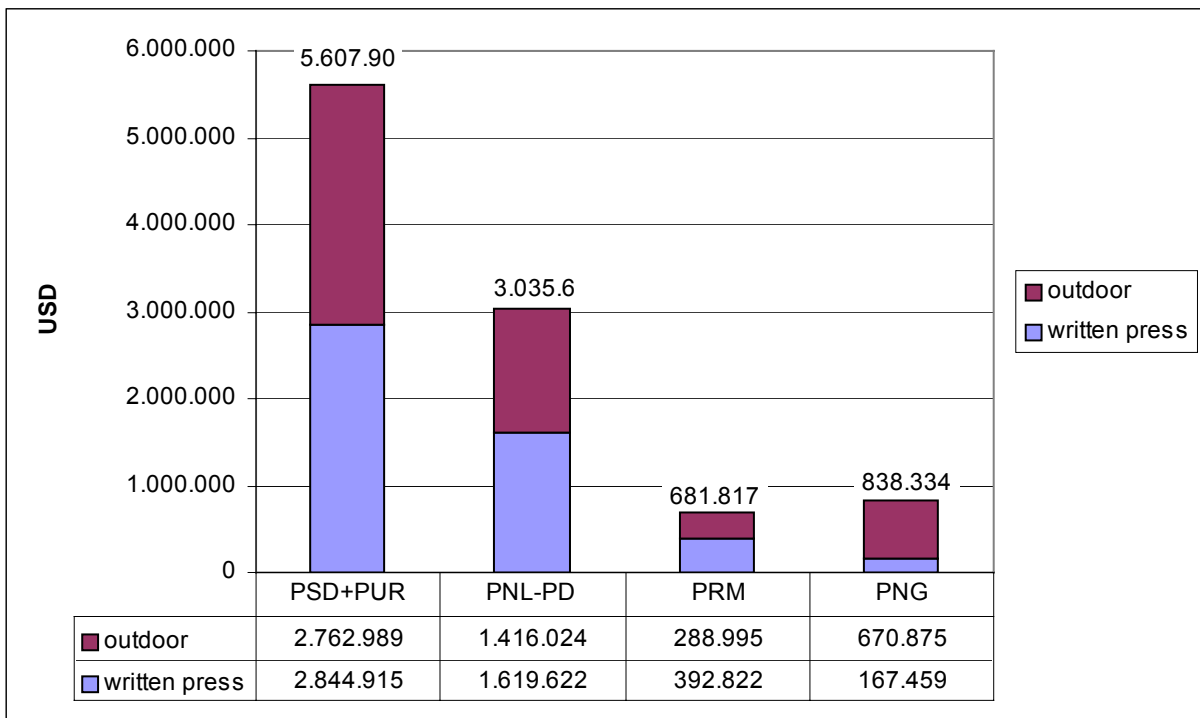
Graphic 2: Comparison between the stated expenses at the Court of Accounts and those monitored by the APD for candidates running for Presidency



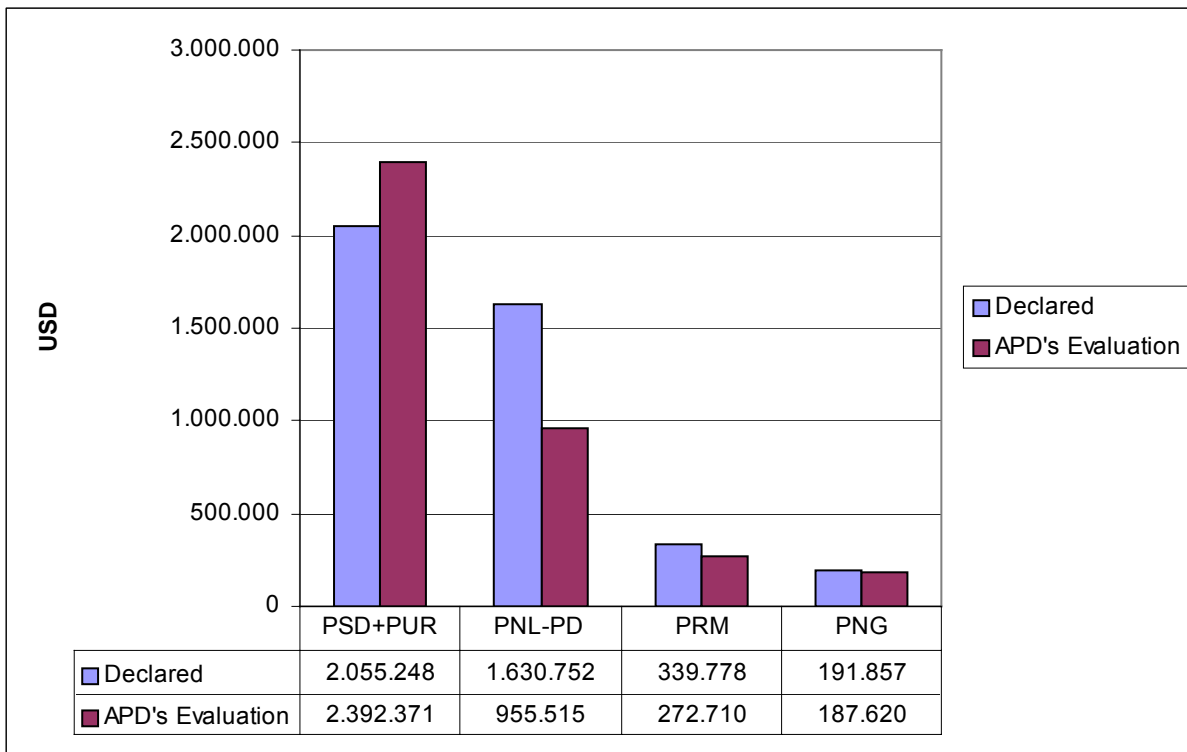
Graphic 3: Comparison between the stated expenses at the Court of Accounts and those evaluated by the APD for the main political parties



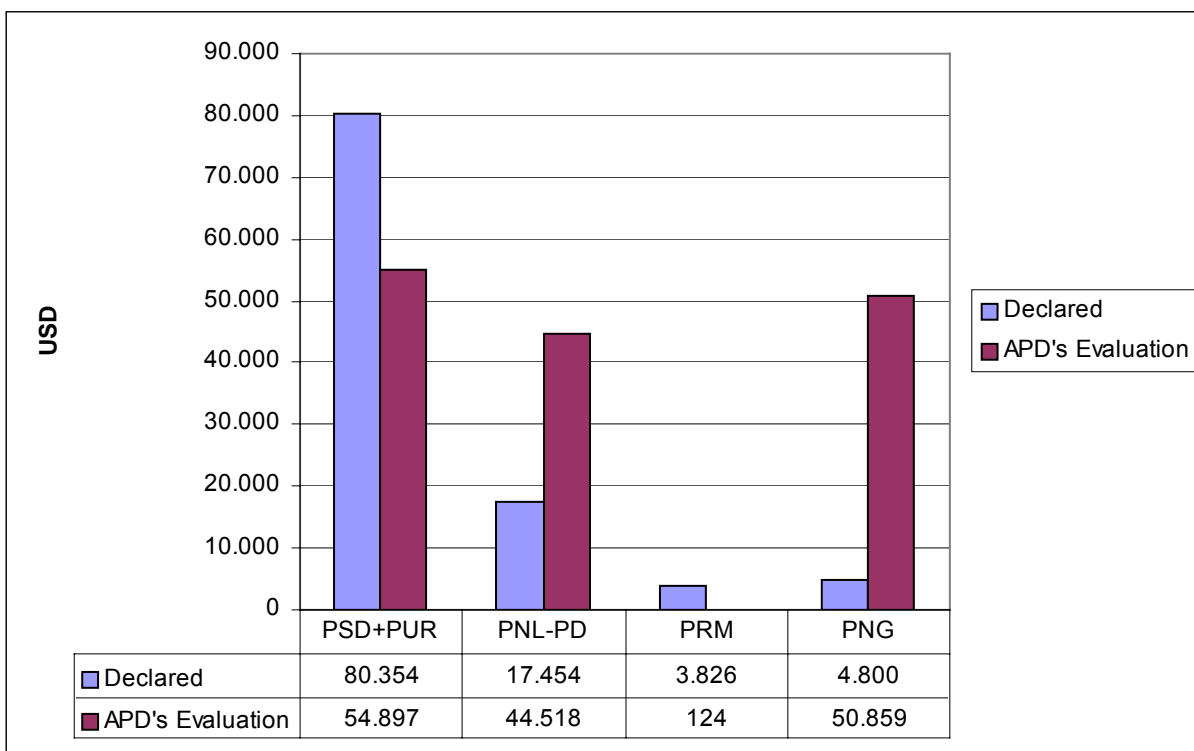
Graphic 4: Comparison between the stated expenses at the Court of Accounts and those monitored by the APD for the main political parties



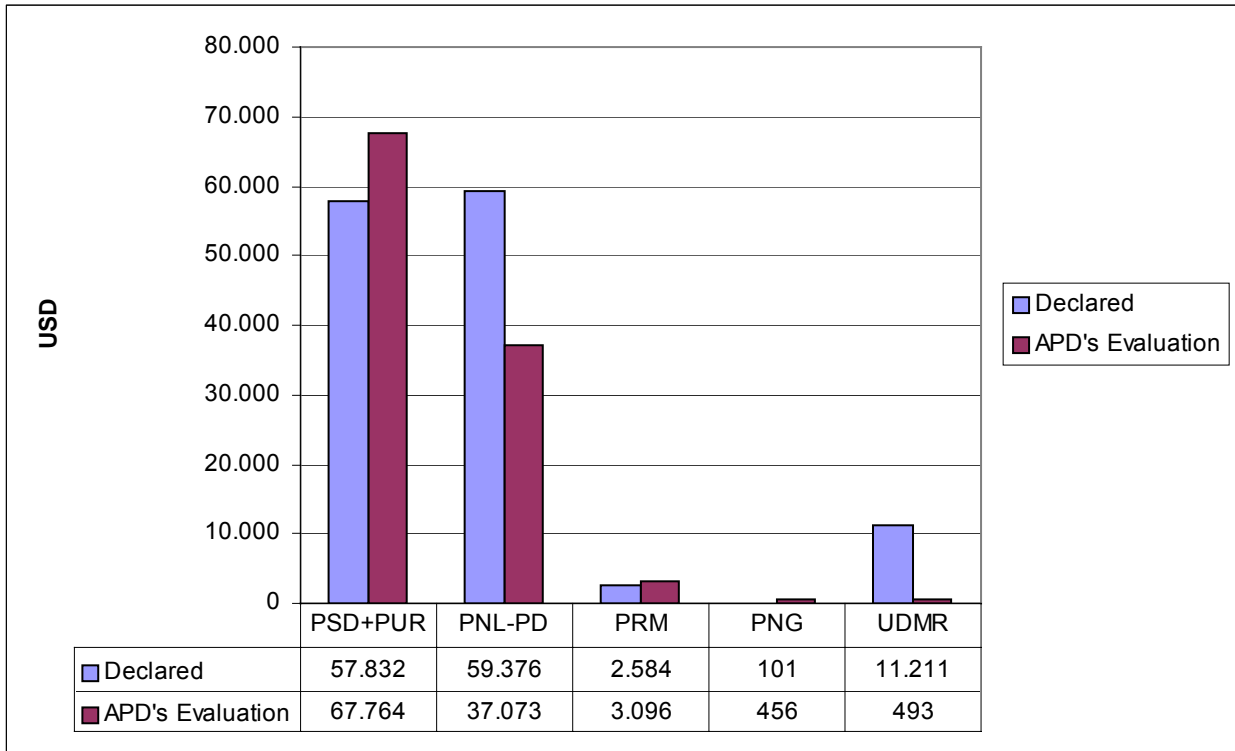
Graphic 5: Report between the monitored expenses on press advertising and the evaluation of expenses with out-door advertising at a national scale



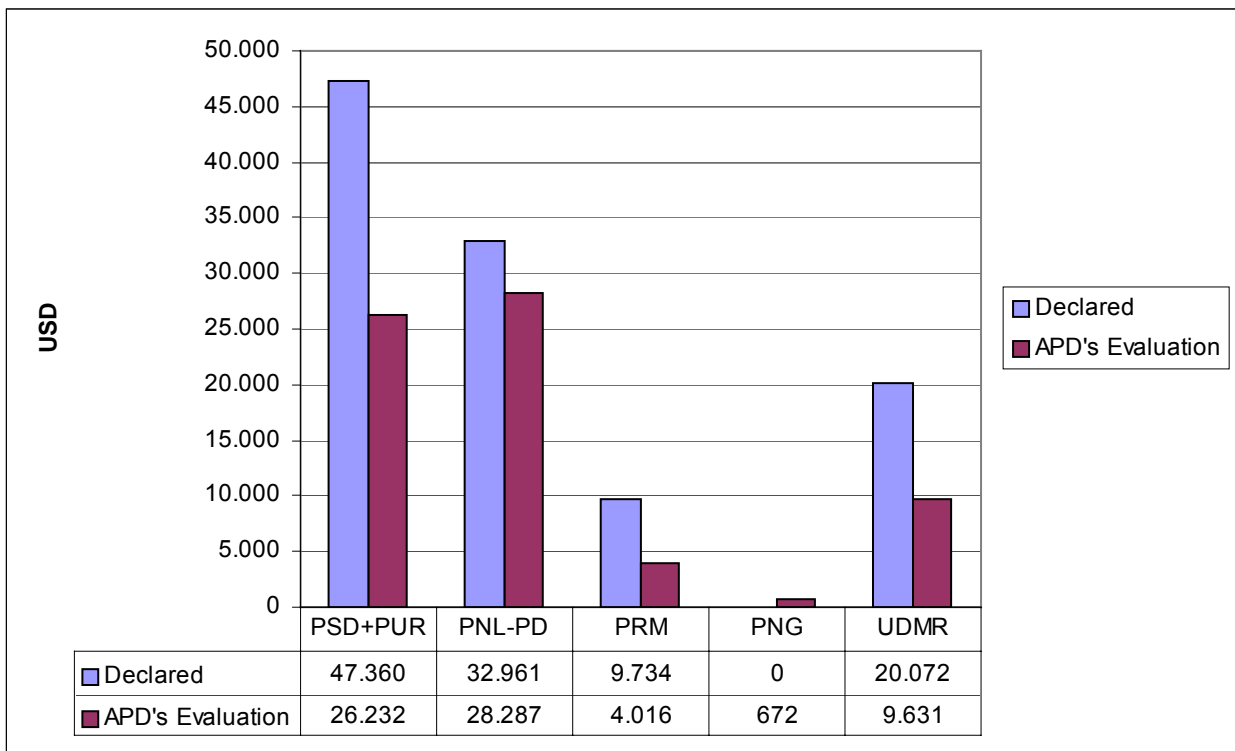
Graphic 6: Comparison between the stated expenses at the Court of Accounts and those evaluated by the APD for candidates running for Parliament at a national scale (does not include expenses for the presidential campaign)



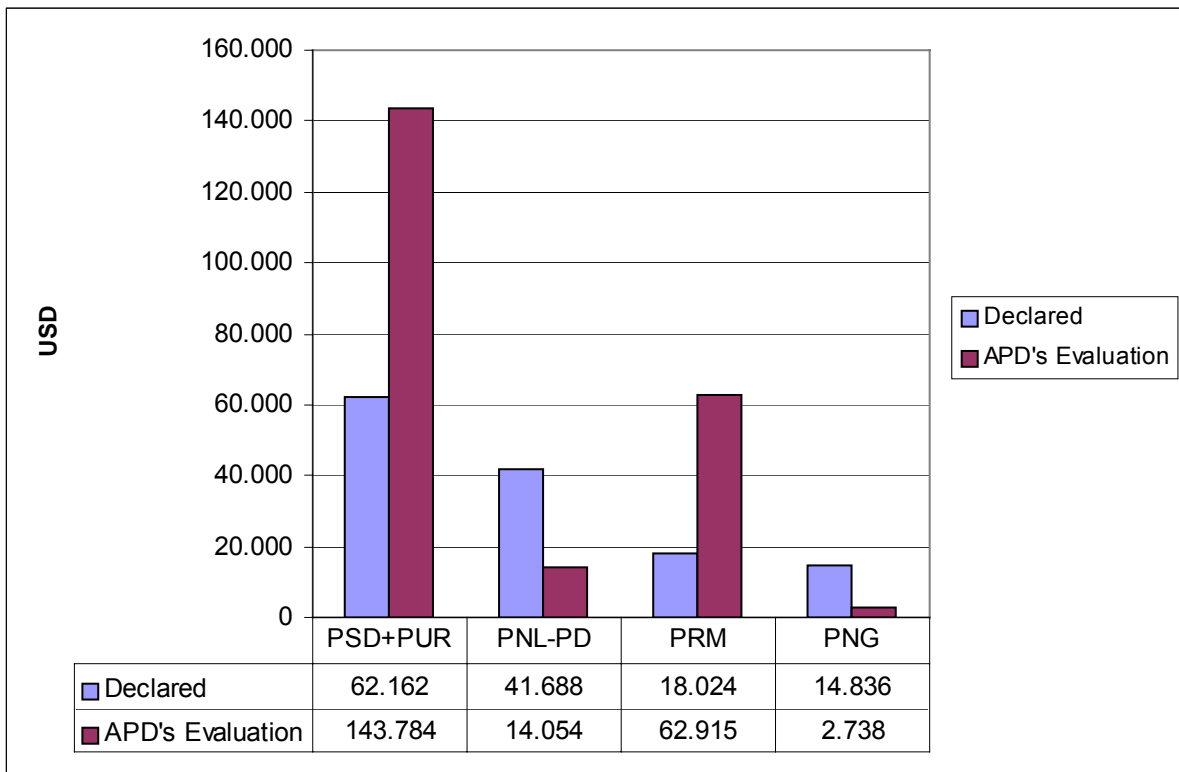
Graphic 7: Comparison between the stated expenses at the Court of Accounts and those evaluated by the APD for candidates running for Parliament in Bacau County



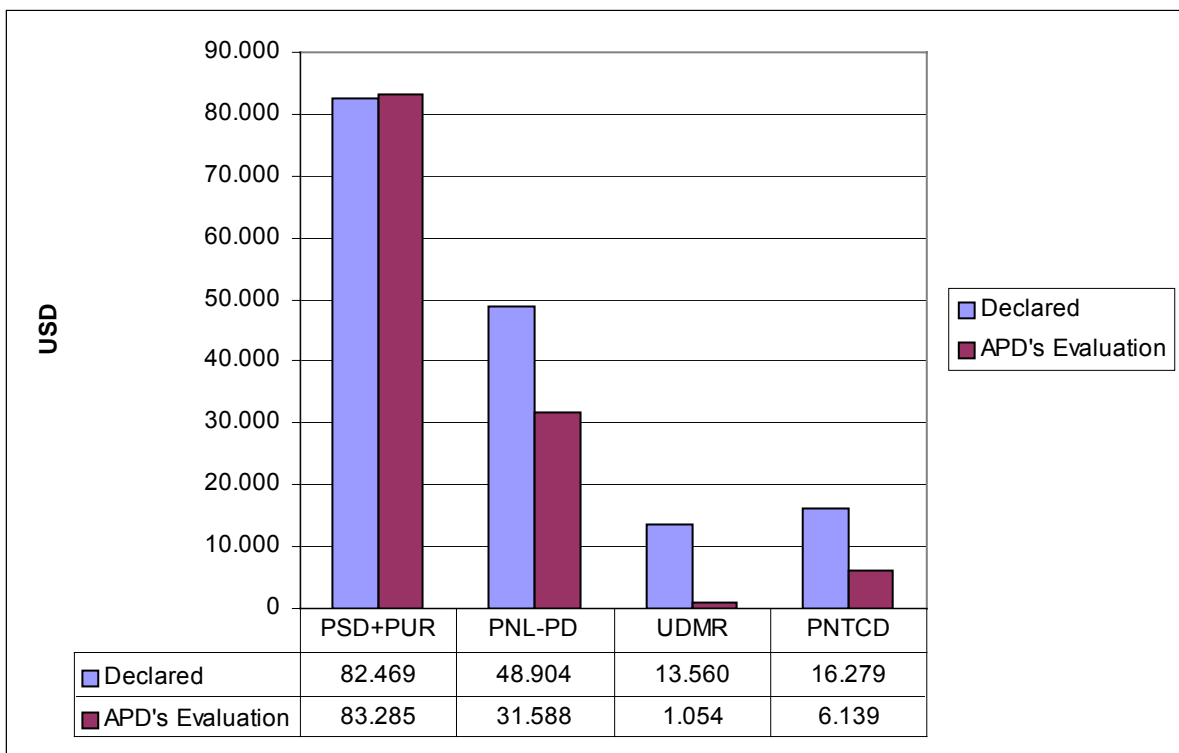
Graphic 8: Comparison between the stated expenses at the Court of Accounts and those evaluated by the APD for candidates running for Parliament in Brasov County



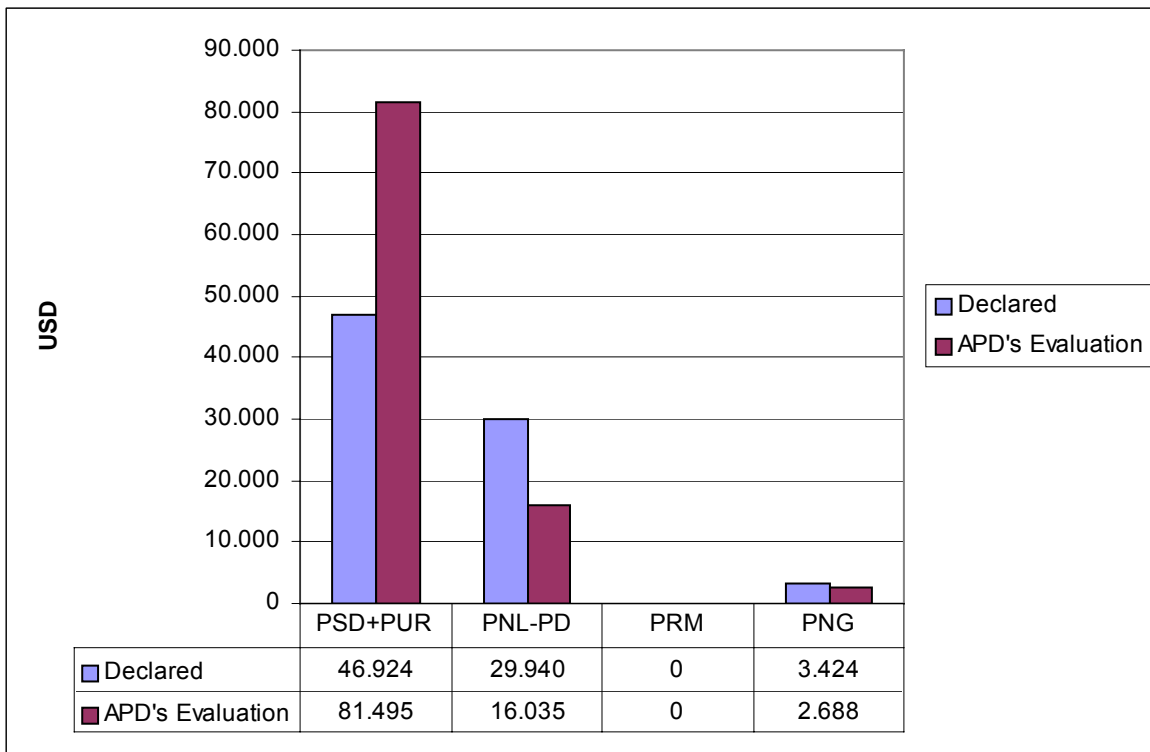
Graphic 9: Comparison between the stated expenses at the Court of Accounts and those evaluated by the APD for candidates running for Parliament in Cluj County



Graphic 10: Comparison between the stated expenses at the Court of Accounts and those evaluated by the APD for candidates running for Parliament in Constanta County



Graphic 11: Comparison between the stated expenses at the Court of Accounts and those evaluated by the APD for candidates running for Parliament in Timis County



Graphic 12: Comparison between the stated expenses at the Court of Accounts and those evaluated by the APD for candidates running for Parliament in Valcea County

Electoral propaganda with public money

Although the Romanian Constitution affirms political pluralism as a condition and as a guarantee for constitutional democracy, and Law 373/2004, states the equal and unbiased access of parties to the means of information, the practice of power abuse by using public resources for individual purpose continued just as well with the occasion of the electoral campaign for the Parliamentary and Presidential Elections.

The abuse of administrative resources can be divided in two major categories: coercive practices and corrupt practices, both illegal. To the former category belong abuses such as hindering certain political formations from registering or submitting their list of candidates, while abuses such as using money or public goods in electoral purposes are part of the corrupt practices category.

In the electoral campaign at the end of last year, the PSD Government continued to abuse public resources through TV publicity with propagandistic character to the programs carried on by The National Agency of Dwellings (ANL) and The National Company for Highways and Roads.

The indifference towards the illegality and immorality of this type of abuse of public resources is all the more serious when considering the numerous public warnings against this practice, especially during the electoral campaign.

Thus, during the monitored period (November 15-December 8)¹, over 120.000 USD were used for publicity contracts for the programs: “ANL-we’ve set off together on the road home” and “Sun’s

¹ The monitoring of governmental publicity took place from November 15th to December 8th 2004, covering the main national TV stations. The evaluation of costs is based on the prices of list of these televisions. From the press conference in which we accuser the abuse of public resources through expenses with government publicity during 15-22 Nov. in value of 65000 USD in the next three weeks this practice continued, increasing expenses with 59.419 USD.

Highway-the first 100km on a European level”. These were broadcast on TV stations: Romania 1, Antena 1, Prima TV.

We add the fact that, through their manner of creation, these advertisements assume elements of the National Union PSD + PUR’s electoral message.

The publicity spot of the National agency of Dwellings	The electoral message of the PSD + PUR National Union
<p>Slogan: “ ANL- we’ve set off together on the road home”</p> <p>Message: “we’ve made plans together and we set off together on our way home. A way that covers the whole country. A way at the end of which 32.000 families of young Romanians will reach home.”</p>	<p>“we go further together” “we continue together” “we’ve built 32.000 homes” “the economical program PSD +PUR –the guarantee of a better future”</p>

Just as well, one should mention the fact that in the same category we can include the recent reveals concerning the way in which the publicity funds on the year 2004 of the government or of the state agencies and companies were used for political control upon publications having publicity contracts.

Consequently, the need of tackling the phenomenon of abuse of public resources in the electoral campaign becomes is clearly developing into a priority, and a starting point for such a project would be just the typology used by APD in the analysis it elaborated (Annex 7).

The campaign “ Your silence costs us”

On the other hand, in order to counter this occurrence, the Club APD Timisoara coordinated within the project “Stop corruption!” the campaign “Your silent costs us” so as to reduce the level of corruption in the institutions of local public administration, phenomenon that manifests itself through the orientation of public resources towards the private area of financing political parties:

- raising the awareness of public servants and that of the employees of local public institutions regarding the phenomenon of defalcation of the existing resources, may they be money from the public budget, equipments, consumable materials or human resources
- the promotion of the new Romanian legislation concerning the protection of the whistleblowers among employees of the public institutions so as to encourage them to take stand against breaking laws in the structures where they work.

Within the campaign, a flyer in colours was edited in 16.000 copies and then spread within the public institutions, and a web site was also created <http://stopcoruptia.resurse-pentru-democratie.org/index.php>.

Also, the manner in which the financing of this project was carried out is rather interesting: individual donations, as physical persons, of the public institutions’ superiors and local representatives, The County Council of Timisoara, Mirtun Tipography of Timisoara, LuxImage.

IV.6 The transparency in financing the electoral campaign

From APD's perspective, the issue of transparency in financing political parties is the key against political corruption generated by the "black" exchange between various services assumed by the private sustainers and political competitors. By revealing the relationship between the political parties and the political parties' financial supporters, the civil society and the other political parties can ensure the control element which should block a phenomenon which is now prohibited by law only in a rather metaphorical way

"The acceptance under any form, direct or indirect, by political parties of donations of material goods, sums of money or free services done with the obvious purpose of obtaining an economical or political advantage is forbidden." (Law 43/2003, art.5, al.10).

On the other hand, the publication of information regarding public financing is done with the clear purpose of informing the electors as to the level of current incomes and expenses of political parties, and, at the same time, to inform them about the sustainers of the political parties and about the candidates, in other words about the various groups of interests that sustain one party or the other, one candidate or the other. One must notice, nonetheless, that the effects of this law regarding the assurance of public information are limited, also due to the fact that the law does not oblige political parties to make this information public before the elections.

The stipulations of Law 43/2003 regarding the publication of information on political financing are referring to:

- a) The list of natural or juridical persons who made donations to a political party throughout a year must be published in the Official Monitor, Part III until March 31st the next year, as well as the total amount of confidential donations (art.5, al.8)-(Annex 8).
- b) The financial reports with the incomes and expenses during the electoral campaign must be published in the Official Monitor, Part III, within 15 days from the publication of the elections' result (art.25, al.1).
- c) The appointment of the financial agent is brought to public knowledge through press publication (art.17, al.7).
- d) The printing on all the ads and propaganda materials of the name of the party that edited them and of the economic agent that printed them (art.20, al.2).

One of the most important elements intended to ensure the transparency of the financing in the electoral campaign is, nonetheless, the publication of incomes and expenses reports in the Official Monitor.

The list of political formations and that of the candidates that have published in the Official Monitor (until mid March) the reports of incomes and expenses effected during the electoral campaign of October-November 2004:

No.	Date of publication	No. O.M.	Party/Candidate
1.	December 14, 2004	847	Justice and Truth Alliance D.A. PNL-PD, Sibiu
2.	December 21, 2004	862	The Jews Communities Federation of Romania
3.	December 21, 2004	862	The Turkish Democratic Union of Romania
4.	December 27, 2004	868	The Democratic German Forum of Romania
5.	December 28, 2004	871	The Magyar Democratic Union of Romania
6.	December 28, 2004	871	The Magyar Democratic Union of Romania, for the presidential campaign
7.	December 28, 2004	872	Independent candidate Matei Vintila
8.	December 30, 2004	877	Independent candidate Fleancu Constantin, to Deputy Chamber in no.27 circumscription – Mehedinti
9.	December 30, 2004	877	Romania Mare Party (detailed on counties)
10.	January 10, 2005	17	The Union for the Reconstruction of Romania (URR)
11.	January 13, 2005	26	The National Union PSD+PUR, Salaj branch
12.	January 17, 2005	32	Romanian Union of Armenians
13.	January 19, 2005	40	The Romanian Labor Party
14.	February 1, 2005	73	The Humanist Party of Romania, Sibiu
15.	February 1, 2005	73	Candidate Stoica Ilie of PUR, Sibiu
16.	February 3, 2005	81	The Bulgarian Union of Banat
17.	February 11, 2005	98	The Serbian Union of Romania
18.	February 15, 2005	102	The Humanist Party of Romania (Social- liberal)
19.	February 22, 2005	120	For the Country Party
20.	March 14, 2005	167	Social Democratic Party, Sector 5 Branch

One can see that, compared to the manner in which the political parties published their incomes and expenses report for the local campaign, more political groups followed this legal obligation for the Parliamentary and Presidential elections.

Still, the biggest political structures-D.A. Alliance PNL-PD and PSD, in spite of having specialized staff in financial issues, did not feel the need to respect *The law of financing political parties and electoral campaign*. This phenomenon can be explained, firstly, by the fact that breaking the law is not promptly punished by the State's institutions, and, secondly, by the fact that big parties have enough money to pay fines from 30 to 300 million lei.

It is interesting to notice the fact that, when it came to the law that made it compulsory for the political structures and independent candidates to submit to the court of accounts the report of incomes and expenses for the electoral campaign, the majority of the competitors have obeyed the legal provision. The main reason was probably connected to the gravity and harshness of this law, its violation having some of the roughest consequences for the winning candidates: the invalidation of the obtained mandate (Annex 9).

Art.25. (1) *In due term of 15 days from the publication of the result of the elections, the financial agent is compelled to submit to the Court of Accounts a detailed report of electoral incomes and expenses for each independent party or candidate. The report will be published in the Official Monitor, Part III.*

(2) *The validation of the candidates' mandates declared elected is conditioned by the submission in time of the financial report stipulated in paragraph (1).*

In order to increase the degree of transparency in financing the electoral campaigns, Law 43/2003 compels the financial agents of political parties and of independent candidates to report to the Court of Accounts a series of financial information concerning the electoral campaign. Nonetheless, the condition for these rules to be respected is for this institution - The Court of Accounts - to be itself transparent, which sometimes it is not the case.

These types of information are:

- The name of the financial agent
- The donations received during the electoral campaigns
- The number of printed advertisements

On Asociația Pro Democratia's demand, the Court of Accounts provided answers concerning the number of electoral ads printed and the donations received during the campaign by the political competitors, and a non-answer regarding the names of the financial agents registered in the Court of Accounts. Also on APD's demand that this information should be received in electronic format as well, the answer was negative, under the motivation that they have no electronic format. An absurd reason, for the received information was printed on paper and not hand written. Consequently, APD sent an administrative reclamation to Mr. Dan Drosu Saguna, the president of Court of Accounts (Annex 10).

Thus, from the official declarations of the political parties and those of the independent candidates who ran for parliamentary elections, one can see the following: (Annex 11) during the campaign, over 5.120.000 electoral posters were printed, among which 1.586.609-D.A Alliance PNL-PD and 1.126.478-PSD-PUR Union.

-Donations of over 78, 3 billion lei were made; D.A Alliance PNL-PD received 40 billion lei, and National Union PSD-PUR 13, 5 billion lei.

-Among the parties that did not manage to surpass the electoral barrier, most posters were printed by the New Generation Party-596.117 and the Romanian Ecologist Party-455.000.

With regard to the information declared at the Court of Accounts for the candidates to Presidency, (Annex 12) the following must be highlighted:

-for the candidates to Presidency 3.535.096 posters were printed, among which 1.502.059 for George Becali and 1.500.000 for Traian Basescu;

-Adrian Nastase declared that he had printed 180.000 posters, which seems unreal (just as a comparison, for the local elections, the PRM candidate to the mayoralty of Bucharest, Dumitru Dragomir, declared that he had printed over 280.000);

-for the UDMR candidate, Marko Bela 7 posters were declared, and for the URR candidate, Ovidiu Tudorici 10 posters, while the PNTCD candidate, Gheorghe Ciuhandu declared none;

-for the candidates for Presidency 19 billion lei was the overall sum donated, where Traian Basescu received 10,5 billion lei, while Adrian Nastase got only 2,33 billion lei.

Regarding the observance of article 20 (2) from Law 43/2003, the situation is far from being normal, although we can detect a certain progress.

Despite the explicit obligation of printing on all ads and propaganda materials the name of economic agent who printed and the political parties who ordered them exists in Law 43/2003, it must be mentioned that political parties and the qualified institutions did not act for resolving, during the election campaign, the situations as to which APD informed the Court of Accounts and the County Account Chambers, and also through mass-media, situations in which those advertisements were not following legal provisions.

This absence of reaction during the election campaign is connected to another major lack of the actual legislation regarding the financing of political parties' activities and electoral campaigns, but also caused by a profound institutional incapacity: the fact that political parties are not sanctioned immediately, but usually long after elections, if ever.

The way in which electoral propaganda materials of candidates to Presidency have respected the demands of article 20(2) from Law 43/2003 differs from one town to another. Thus, in Bacau, Brasov and Ramnicu Valcea the situation was according to the law, in Cluj-Napoca none of Adrian Nastase and Traian Basescu's advertisements has respected the transparency regulations.

In Bucharest, the majority of publicity materials of Adrian Nastase have not respected the legal demands. We mention that the fine according to Law 43/2003 for breaking those legal provisions is between 30 and 300 million lei.

Nonetheless, in many cases, political parties were rendered sensitive by APD's campaign promoting Law 43/2003 and they acted to straighten out the situation, after the cases of breaking the law had been made public, through press conferences.

In addition, there were situations in which some political party branches had a good training and returned the advertisement packages to "the center", because those were not in agreement with article 20(2).

The site: www.apd.ro/map

To replace the informational lack in financing political parties, Asociația Pro Democrația developed, starting with 2003, the data base "Money and Politics".

This site has the following sections:

-Campaigns: the results of evaluating political parties expenses during electoral campaign from 2000 and 2004;

-Incomes: a database with all political parties' incomes starting from 2000 to the present. This database has a search engine, which offers the possibility of accessing the information about parties' donors after several criteria, including by name;



banii și politica

Despre Campanii Venituri Resurse Presă

Baza de date Banii și Politica

Bine ați venit!

Site-ul "Banii și Politica" este un portal dedicat finanțării partidelor politice din România. Aici găsiți informații despre legislația din domeniu, o bază de date cu donațiile declarate de partidele politice, precum și rezultatele monitorizărilor efectuate de Asociația Pro Democrația începând cu anul 2000.

Campanii

- 10 decembrie 2004
Partidul Social Democrat continua publicitatea electorală pe bani publici
In perioada campaniei electorale, Guvernul a realizat publicitate TV in valoare de peste 120.000 USD pentru anunturi cu caracter propagandistic.
[Citește...]
[Vezi graficete...]

Resurse

- Legea 43/2003 - Legea finanțării partidelor politice și a campaniilor electorale
- Ghid de aplicare a Legii 43/2003

Cheltuieli la nivel național Cheltuieli pe județe

In presa pe partide afiseaza Municipiul Bucuresti afiseaza

Program finanțat de  Canadian International Development Agency

Programul "Banii și Politica" a fost inițiat în anul 2003, în colaborare cu International Foundation for Electoral Systems (IFES) și cu sprijinul financiar al United States Agency for International Development (USAID). În anul 2004, programul se bucură de sprijinul financiar al Canadian Agency for International Development (CIDA).

- Resources:** contains the legislation in the field, studies about the financing of parties from Romania and other countries, conferences, links;
- Press:** APD's releases, press files, press articles.

The voting process, the counting of the ballots process and the results

In view of monitoring the parliamentary and presidential elections due on the 28th of November, Asociația Pro Democratia (APD) and its partners – ‘Acces Centre - Zalau’, DUNAREA Association – Mehedinti, the “Pro Europe League” – Targu Mures, the “Regional Center of Suggestions for Citizens PROCIVIC” – Buzau and the “Targoviste towards Europe” Association – have recruited and prepared nearly 3.300 observers, who were sent to election stations in Bucharest and to the following other 32 counties: Arad, Bacau, Bihor, Bistrita-Nasaud, Botosani, Brasov, Braila, Buzau, Caras-Severin, Cluj, Constanta, Dambovita, Dolj, Galati, Giurgiu, Hunadoara, Iasi, Ilfov, Maramures, Mehedintzi, Mures, Neamt, Olt, Prahova, Sibiu, Salaj, Suceava, Timis, Teleorman, Tulcea, Valcea and Vrancea. APD had accredited observers in a few polling stations abroad, to be more exact in Treviso(Italy), Vienna, Paris, Budapest and Cleveland (USA).

For the first time during its activity, APD has been focusing mostly on the polling stations in the countryside, where 2.500 of its 3.300 observers have been present. This allowed us to notice manifold problems regarding the manner in which the election process takes place in the countryside, problems unknown to the public opinion until 2004.

V.1. The poll on the 28th of November

The main conclusions drawn at the end of monitoring of the elections on November, the 28th are presented as it follows, under two categories: irregularities and frauds.

The multiple vote – the main characteristic of this election

The defining trait of the elections that took place on the 28th of November 2004 was the impossibility to provide an efficient control of the number of votes expressed by the electors who identified themselves using their ID cards. This is the result of the elections have been regulated and organized, starting from the debating and accepting of the electoral law, to the administrative measures adopted in the last few weeks before the elections.

Throughout the entire voting day, APD received a great deal of information that led to the conclusion that “electoral tourism” has been practiced on a large scale. From different regions of the country we have received signals that very many cases of citizens who voted in other towns than those in which they actually lived, the respective persons having been transported in different types of buses. (Annex 13)

The leading county in this respect has been Ilfov. We consider the voters’ transport by bus from one polling station to another in Ilfov County, as it has been pointed out by our own observers as well as by other citizens, to be one of the reasons for the percentage of participation in voting of the people in this county – the highest in the entire country. The following data, as compared to this percentage, will enable us to draw some interesting conclusions:

- Vote participation on the 28th of November 2004, at 20:00:
 - National level: 57%
 - In Ilfov county: 72%
- The evolution in vote participation in the Ilfov county, in parliamentary elections:
 - In 2000: 47,24%
 - In 2004: 72,66%

As a result of our obtaining access to the permanent and the special lists where the names of the electors who voted on the 28th of November 2004 have been entered (as decided by BEC, decision which came into effect from the 9th of December), APD initiated a research regarding the Ilfov county case. By introducing the names and the data of 9.322 of the voters in Ilfov as well as all the data recorded in the first and second special lists in the county in a data base on computer and by processing all this information, we came to the following conclusions:

351 voters – 3,76% of the 9.322 electors who voted in their assigned polling stations and who were “checked” by the APD, have voted at least twice somewhere in the Ilfov county.

In the top we made of the towns in Ilfov where multiple voting was most present, the following places came in first:

- Moara Vlasiei commune, with 184 voters (5,94% of the total of 3093 electors registered in permanent lists and who were “checked” by the APD) who voted twice;
- Stefanestii de Jos commune, with 47 voters (2,44% of the total of 1.926 electors) who voted twice;
- Cernica commune, with 41 electors (1,14% of the total of 3589 voters) who voted twice.

An issue worth mentioning is the fact that the result of the APD (Bucharest Club) members’ investigation shows only an insignificant part of the multiple voting phenomenon present in this county. In order for us to have a perfectly clear image of what has happened in a county such as Ilfov, the investigation should include:

- The electors who were registered in all the permanent lists in the Ilfov county;
- The voters registered in the first and second types of special lists everywhere in Ilfov;
- The electors who voted, having been registered in all the permanent lists in all the towns adjacent to the Ilfov county;
- The voters registered in the first and second types of special lists in all the towns adjacent to the Ilfov county;
- The electors who voted having been registered in all the permanent lists in Bucharest;
- The voters registered in the first and second types of special lists in all the polling stations in Bucharest.

It is obvious this would require the introduction and processing of data regarding a few million voters in a data base, an unapproachable operation for a civic organization such as APD, but undoubtedly a quite accessible one for the authorities and for the public institutions that ought to investigate the fraud accusations related to the elections in the autumn of 2004.

The transport of voters to polling stations by varied means of transportation belonging to political parties’ organizations, to political activists or to branches of the Local Public Administration (or other clues regarding possible “electoral tourism” activities)

Generally speaking, the ones involved in the transport of these voters to the polling stations assert the fact that this procedure is legal, moreover, that it was inspired by the political strategies in the USA. If we were to read the law literally, we might agree. The law itself, however, is against this kind of procedure. Besides the fact that we are talking about a free (of charge) service provided to voters, and this could easily be considered election bribery, most of the times the means of transport used in such activities are attributed either to activists in political parties or to some political parties, or to the town halls, led, of course, by political figures. Thus, it is hard to imagine that the

mobilizing and transport of these electors by a political activist have not been done so as to support a certain party, considering the amount of money and effort required for such an action. For this very reason, we have considered this procedure an irregularity in the election, most of the times being combined with another – election tourism. Some examples can be mentioned:

- In the Bihor county, Gepiu town, polling station no. 389:
The motorcar that brought the electors to vote several times had a flyer of the PSD+PUR National Alliance on its back. The plate number of the car: BH 03 RGY.
- In the Dambovita county, Titu region:
People have been brought to the polling station no.187, from a bar in the Maruntesti village, by a few cars. Their plate numbers are: B 51 DGP (a blue Dacia), DP 30 MVZ (a blue Dacia), and DB 05 FGC (a blue Dacia); the ones who brought them made a nominal list of all the persons that they had transported; when the observer showed up, they left.
- In the Dambovita county, Tartaresti town, polling station no. 331:
Elderly persons, some in slippers, brought to this polling station by bus, voted on a special list, stating that they come from Sinaia. On the bus stood written: “Piccolino”.
- In the Galati county, Fartanesti town, polling station no. 261:
Two buses (plate numbers: GL 19 SPP, GL 05 XAV) have brought persons to the polling station. One of the drivers admitted that he was a PSD member and asserted that he had “accreditation” and had the right to transport people to vote.

The abusive use of the mobile ballot box

The APD observers noticed a great number of cases in which the mobile ballot box has been used illegally. Thus, the mobile ballot box has been sent to varied addresses, from some of these addresses there were no copies of the medical documents that could certify the health problem of the one who asked for the ballot box; from others there was no written request of the respective persons, but there have been cases in which the mobile ballot box was taken to addresses where people had not actually requested it.

Although after the incidents that took place during the Referendum for the revision of the Constitution in the autumn of 2003 (when the mobile ballot box was the main fraud), the laws regarding the use of the mobile ballot box became much stricter, it seems that this time the laws were infringed on a large scale, without any punishment for it to the present day. Here are some examples of abusive use of the mobile ballot box:

- In Bucharest, 3rd district, polling station no. 333:
The mobile ballot box has left the polling station, despite the lack of any medical document
- In the Dambovita county, Costesti/Tomsani town, polling station no. 187:
The mayor came with 30 requests for the mobile ballot box, without bringing any necessary medical justification documents. The mobile ballot box left, and the observer sent a written notice to the BESV.
- In the Dambovita county, Selaru town, polling station no. 324:
17 written requests signed by the doctor responsible for the respective commune have been brought to the polling station; although no medical certificate was attached to the requests, it was decided that the mobile ballot box should be used.

- In the Ilfov county, Bragadiru town, polling station no. 57:
The president of the polling station refused to show the requests for the mobile ballot box, stating that there was no need for medical justification documents for its use. When the mobile ballot box returned, the votes have been canceled after a PNL candidate/senator disputed the legitimacy of those votes.
- The Maramures county, Mara town, polling station no. 262:
The mobile ballot box has been used in 25 cases of medically unjustified requests.
- In the Prahova county, Breaza town, polling station no. 224:
There have been 2 requests for the mobile ballot box, despite the fact there were no medical documents to certify them. The APD observer sent a notification to the President of the polling station, however the mobile ballot box was still sent on the specified route.
- In Timis county, Timisoara city:
The Election Bureau of the Timis District (BEJ Timis) has sent forth recommendations that proved to be contrary to the 5th article of the BEC 17A regulation dating from the 25th of October 2004. In fact, the BEJ Timis allowed the mobile ballot box to be sent throughout the town Padureni, although none of the 40 persons who requested its use presented any medical proof as stated in the BEC law. The respective 40 requests have been registered until 10:00 AM.

The unjustified and illegal presence of mayors or other officials of the local public administration, as well as the presence of political figures in the polling stations throughout the voting day.

Our work in the countryside allowed us to notice a phenomenon that has been quite unknown to the public until the year 2004: the presence of mayors or other officials of the local public administration in polling stations throughout the voting day. Not only that this is it clearly forbidden by the law (which specifies who has the right to be present in the polling stations on the voting day), but also the insistence of the respective persons on spending the voting day in the polling stations would obviously be based on their wish to remind the electors the person they should vote for.

The threatening and violent behavior against observers

The threatening and the harassment of the observers were two instances that APD had to deal with for the first time during polls. These problems ranged from threats of intimidation made by some polling stations presidents, in order to make our observers leave the polling stations, due to their irritating notifications, to physical threats received from persons outside the polling stations who seemed to transport the electors to voting stations and also from some mayors or some town hall clerks (for instance, the Mayor of Pantelimon town, Ilfov county). These methods were used so as to intimidate the observers as they had obviously become inconvenient due to their questions and to the notices they sent to the presidents of the polling station bureau.

We present further on the statements of some observers in Ilfov, who report the way in which they were threatened and who tried to bribe them when they intended to make notifications:

B.I., observer, polling station, no. 146, Pantelimon:

“At about 10 AM I noticed a large number of citizens having been registered on special election lists. I got out of the station and inquired some APD observers from other stations in the area if they noticed similar cases. They confirmed my suspicion. Then I went to station gate noticing a group of electors getting on a 523 private minibus with the plate number B 37 JHR as they got out the stations. I immediately called APD informing them of the situation. After about 40 minutes I noticed another 523 minibus parked nearby. No one was in it. I asked the driver if he could take me as well, as I was going on the same route. He replied that he couldn’t because that minibus “was for voting purposes”. I left in a hurry towards the polling station but I was stopped by 3 well-built electors (who had been waiting in front of the polling station’s gate) telling me “Hey, hey! You over there! What do you think you’re doin’, ha? Wanna get in trouble?”. I left them shouting behind me and I entered the polling station where I called APD. They advised me to show the minibus to the polling station President. I entered the main polling station no. 145 and asked the president to go outside and see a minibus that transported electors to vote. He replied that he wasn’t allowed to do that. I told him I was only interested in him reporting it. He refused. Then in front of the station another APD lady observer told me whispering: “Look at the fellow dressed in a blue jacket – he’s been standing in front of the gate all day long”. That person noticed us talking and came straight to us saying in a harsh tone:” What’s your problem, lady, what are you saying about the man dressed in a blue jacket? What, can’t I stay here and help my grandma and my relatives to vote?”.

(the President of the polling station no.146 in Pantelimon stated on Sunday, the 28th of November in an interview for Realitatea TV that our observer had left the station because he was hungry, and not as a result of any threats.)

L.O. – observer, polling station no. 138, Moara Vlasiei:

A person called Matei Constantin told me that: “it would be better for you if they took you away from here faster”; the Mayor: “Why don’t you get out of this polling station and take a walk?”; “don’t write any more reports!”(these threats have been received when the observer noticed Matei Constantin introducing several voting papers in the ballot box in a moment of general flurry and confusion); the Mayor: “watch what you’re doing, or else I’ll take care of you ”(this threat was, however, considered a joke by our observer).

B.N. – observer, polling station no. 65, Cernica:

The Mayor: “...I’ll call the police to come and pick you up” – when the observer was writing some notifications to the bureau president.

D.C. – observer, section 159, Periș

President BESV:” if you keep on taking notice, we will settle you down”

Not last, we must remind the message sent by a Romanian woman from Cyprus, who describes very well the way in which the elections were held at the polling station where she had cast her vote,

example which is representative for many polling stations abroad. The content of this message is rendered below:

”Dear Sirs,

I am a Romanian and a European citizen living in Cyprus and wish to strongly raise my voice of protest against the mockery of the election held today at the premises of the Romanian Embassy in Nicosia.

I went twice to vote, and outside was a huge queue of people waiting in the cold outside the embassy to be let in. The people conducting the elections were mainly Cypriot citizens with no official function. Outside in queue, there were people making propaganda for Mr. Năstase in a much-uncivilized way. The election’s organizers were calling in people they knew, giving them priority and letting outside in the cold the people with strong opinion against this candidate

When I finally succeeded to go in, I realized there was only one low level Embassy Official present in the ballot station and the rest were civilians. This person tried to forbid me to vote by scrutinizing and trying hard to find a fault/error in my Romanian passport.

I live in this country for seven years and I have learnt the virtues of democracy and of respect to human and political rights. What happened tonight proves that Romania is far away of being a truly democratic country. I participated in many elections as a Cypriot citizen and the last one was for the EU Parliament. In Europe and in this country, elections are held in an official and organized manner with no queues, intimidations and campaigning outside or inside the polling station.

Romania is due to become a member of the EU in 2 years and I believe we must work hard to cement respect of political rights and freedom of opinion.

Regards,

Maria Galazis ”

V.2. The Period between the two Polls

The period between the two polls was a particularly troubled one, as the starting point in all the tensioned discussions that followed, but also the mutual allegations that were being made on both sides, was constituted by the suspicion and clues about the fraud reported at the first poll, and the presumed irregularities registered in the process of centralizing the data at a national level and establishing the results.

The fraud suspicion and clues at the elections of November 28th and the announcement of APD that it would not monitor the second poll

On November 29th (the second day after the elections), APD organized a press conference where it presented not only its activity during the election-day, but also the main irregularities and fraud categories, the ones that its monitors had noticed directly and those for which there were sufficient clues. Even more, through its President’s voice – Mr. Cristian Părvulescu, **APD announced that it would not monitor the second poll of the Presidential elections.** This announcement was made for two reasons:

- The first was connected to the fact that the 28th elections confirmed the fears expressed by the APD members months before the elections, that the legislation is not to assure a minimum of security on the fairness of the elections, and under such circumstance, the involvement of a civic organization, such as APD, in the process of monitoring, has no way of subscribing to the fairness of the elections. More likely, it would acknowledge those who win the elections.

- The second reason was the need to draw the attention of the Romanian and international public opinion on the gravity of the Romanian elections situation.

As for the second reason, we can say that we have fulfilled our goal.

At noon, that same day, the D.A. Alliance accused the massive fraud registered at the first poll, bringing their own proofs or clues. To these accusations added those made by PRM leaders, accusing a 20% fraud, but bringing no evidence to support these allegations.

During that day, but also the one that followed, a series of publications from the central and local written mass-media presented, in turn, what their journalists had observed during the election day, especially in what concerns the electoral tourism phenomenon.

The fraud allegations concerning the process of centralizing the votes and establishing the results

On December 2nd, DA Alliance leaders publicly accused the Central Electoral Bureau (CEB) and the National Institute of Statistics (NIS) of fraud in the process of centralizing the votes and establishing the results. The element that built this heavy allegation was the fact that, during the process of bringing up-to-date the final data of the elections made public by CEB, as the data from the polling sections reports were being introduced in the database, the number of the un-cast ballots started to diminish. It must be said that the number of the un-cast ballots was not mentioned, explicitly, in the CEB communiqués, but it could be easily calculated by a simple operation of subtracting the number of expressed valid votes from the number of the electors present at the polls, and that it is unlikely that this number diminishes as the results of the ballot from the polling station are being added.

The suspicion related to this type of fraud had been further fueled by the explanations more than incoherent and confusing offered to the press during that day by the CEB and NIS leadership. The first logical explanations appeared only during the press conference that the two institutions held together the evening of the same day and were based on the following aspects:

- Due to the way in which the forms had been conceived for the reports to be concluded in the polling stations, many polling station Electoral Bureau Presidents mistook the texts from two different columns (texts that were identical) and therefore, at the “number of electors present at the polls” column they put the number of electors from the permanent lists.
- This way, the number of electors present at the polls was overestimated and therefore, the number of un-cast ballots resulted as a subtraction between the number of electors present at the polls and the number of expressed valid votes was also overestimated.
- When those working at NIS realized this, they initiated the correction of the reports (correction made at the local electoral bureaus). As the correction was made, the number of un-cast ballots diminished.

These explanations were not to clarify the situation neither for the DA Alliance (even though it might be supposed that they were un-willing to be clarified), nor many journalists and even political analysts, and the reasons for this state of affairs were connected both to the incoherent and incongruent explanations that preceded them, and to the new questions raised by that press conference, that is the manner in which the reports had been modified at the polling stations..

The involvement of APD in examining the fraud allegations in the process of centralizing the votes and establishing the results

Observing the scandal raised by this issue, with possible serious consequences in how the public sees the results of the election and the way in which these results were to be accepted by the public opinion, APD suggested to CEB, NIS and the two political alliances, that had candidates in the second poll of the presidential Elections, a solution that APD considered to be plausible and acceptable by all the parts involved. The purpose was clearing the issue. The solution: inviting a team of foreign experts for an expertise on the process of centralizing the votes and establishing the results. The solution suggested seemed to be acceptable and was accepted by all the parts involved, and therefore APD invited at Bucharest the colleagues from the Center for Free Elections and Democracy (CeSID) from Belgrade.

It must be said that CEB and NIS gave CeSID all the elements needed for doing the expertise, to be more specific:

- The counting soft (it had been verified by introducing all the data from the NIS database in the CeSID soft)
- The database with the results of the vote from every Romanian and foreign polling station
- The scanned reports, from all the polling stations, mentioning that where the reports had been modified, in the database had been kept all the copies, from the initial one to the modified one

The results of the “investigation” made by the CeSID experts showed that despite the problems with the filling in of the reports, there was no irregularity in what concerns the process of centralizing the votes and establishing the results (the mistakes in mentioning the number of electors present at the polls could not possibly influence the final results obtained by the political parties and the candidates, results that are weighed by the number of expressed valid votes). Both the CeSID report and the APD declaration gave out due to this expertise are in the 14th annex.



Cristian Pîrvulescu –APD’s President and
Zoran Lučić –CeSID’s President

APD reconsidering the decision of not monitoring the second poll and the efforts made to diminish the fraud possibility

Between the two polls APD had received multiple demands of reconsidering the decision of not monitoring the second poll. Among those who had sent us demands on this issue were:

- His Excellency Mr. Jonathan Scheele – Chief of the European Commission Delegation in Bucharest;
- His Excellency Mr. Jack Dyer Crouch II – the Ambassador of the USA in Bucharest;
- Mr. Adrian Năstase – candidate of the National Union PSD+PUR at the Presidency of Romania
- Mr. Traian Băsescu – candidate of the DA Alliance at the Presidency of Romania
- Mr. Emilian Gherguț – President of the Central Electoral Bureau

Taking into consideration these demands and those received from the citizens, APD has decided to reconsider its position, not before it made a last attempt to limit the fraud possibilities, especially

the multiple vote fraud, at the second poll. Therefore, APD addressed CEB and the two candidates running for the elections a set of suggestions in this direction.

On December 7th, after a meeting where the CEB leadership, representatives of the National Union PSD+PUR, of DA Alliance and of APD participated, CEB issued the decision no 105 that prescribed:

1. The possibility for the electors that were not to vote in their residence town/village (at the polling section where they were subscribed) to cast their vote only at a section specially organized (in railway stations, airports etc.), for a better control, of the votes of this category of electors (solution far from being ideal and at the edge of law, but the only one possible on such a short notice);
2. Access of APD and other organizations that had observed the elections to the copies of the permanent and special lists with the electors that have cast their vote at the first poll and those with the electors that were to vote in the second poll (a decision that would turn out to be highly important for the APD activity of investigating the phenomenon of multiple vote, right after the elections).

Following the ratification of this decision by CEB, agreeing with the representatives of the two competitors still running for Presidency, APD has decided to monitor the second poll of the Presidential elections.

V.3. The Day of the second Poll

Taking into consideration the number of irregularities, APD thinks that in the second poll also there were serious suspicions concerning the liberty and the fairness of the electoral process. On the other hand, comparing with the first poll, the number of critical situations had diminished.

The conclusions resulted from the APD observers' activity, synthesizing the most important categories of frauds or irregularities, are presented in what follows:

The urban electorate that had not the residence visa (the floating visa) was disadvantaged

The CEB decision no. 105 of December 12th 2005 was obviously used in favor of the National Union PSD+PUR's candidate, by reducing the voting possibility for his opponent's electorate. Thus, in the big cities, the number of the polling stations where those with the residence in other places could cast their vote was limited to maximum (in most places, at a single polling station, in Bucharest at 6 sections, after, at first, there was only one), while in many other districts the members of the polling stations, under the pressure of the local authorities, had not respected the decision no. 105 of CEB, and therefore they had established a large number of polling sections.

The measures taken against the electors that were obviously Traian Băsescu's electorate has led to the creation, especially in Bucharest, of unacceptable situations. The crowdedness at the special polling sections was one inexperienced since the elections of May 1990, and a number of thousands



Adrian Năstase casting his ballot in the second tour of the presidential running

of electors that were still waiting in line at 21.00h could not finally exert their right to vote, others being discouraged during that day to vote.

To solve the matters, the Electoral Bureau of the City of Bucharest emitted, in the afternoon of December 12th, a decision by which it designated other 10 polling stations where the electors from the already crowded special stations to be guided (the 10 sections were in the same buildings as the other 6). By a contestation of the National Union PSD+PUR (that can have no grounds, other than not allowing Traian Băsescu's electors to cast their vote), CEB canceled the Electoral Bureau's of the Town of Bucharest decision, proving one more time the obedience of the majority of its members towards the government party.



Traian Băsescu casting his ballot in the second tour of the presidential running

meters.

To illustrate the situation of December 12th we suggest the following comparisons regarding the number of special stations established in various places:

- 6 stations in Sălaj – 6 sections in Bucharest;
- 1 station at the North Railway Station (and then, following EBB's decision another one nearby) – 2 stations next to the Zimnicea Station;
- at the 1st poll, the North Railway Station polling station was organized in the waiting room for the 1st class (result: Băsescu- 1150 votes, Năstase- 270 votes), at the 2nd poll, the polling station was organized in a room of 15 sq

At 20.00h, APD addressed CEB a demand (see annex 15) for all those who at 21.00h were to wait in queue at a section to vote to be considered as being inside the polling section in question. The final decision of CEB was to include in this category only those that were inside the building where the polling station was. Many people could not enter the buildings at that time, not having enough room, and therefore they were waiting in the yards of the schools or high-schools where the polling



The special voting station nr 1311 in the North Railway Station, during the second tour of the presidential elections

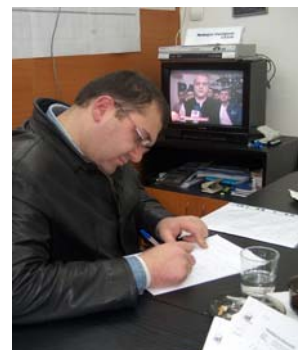
station were functioning. We should also mention the polling station from the North Railway Station, where the access was made directly from the platform, and all the electors waiting were outside the "building". The effect was that, at 21.00h, in Bucharest there were thousands of desperate people who had waited for hours in the freezing cold to cast their vote and that had their access denied from the polling stations. After 21.00h a few hundreds of them marched towards the CEB headquarters, on the way leaving a written appeal at the APD headquarters.

The involvement of the local authorities in the electoral process

In this poll also, the mayors, vice mayors and the local counselors had been illicitly involved in the voting process, especially in the countryside. In Dambovită district, for example, the mayors had

obtained press accreditations, lest they should have any problems in staying all the time in the polling stations.

The mayors and the vice-mayors were, in many places, among those who had organized the transport of the electors at the polling stations. There are at least a few cases where this practice was followed by the bribing of the electors (to make them get into the cars that were to transport them at the polling stations). Cases of involvement of the local authorities in the electoral process had also been noticed in the districts of Brasov, Ilfov, Salaj etc.



A dissatisfied citizen because he could not vote, signing a petition at the APD Headquarter

Serious irregularities and menaces towards APD observers

As we have said before, APD registered at the first poll a large number of threats and even aggressions towards its observers.

At the second poll, the phenomenon repeated, without diminishing. We must especially remind the



APD's press conference after the second round of the presidential running

case of the commune Stefanestii de Jos, district Ilfov, where the APD observers were told from the first hours of the December 12th morning that they were not to leave that place in one piece, and the reporters and cameramen of the TV crews that came there to film had been treated offensively. Even more, around 19.00h, the APD observer from section 166 observed that one of the members of the Electoral Bureau was signing the electoral lists for those who had not come to the polls. When the observer asked why this was done, he was answered: *“Because things must end as they should end.”*

Also, we remind the case of the APD's observers from the district Arad, who had monitored the elections

from Cernei, section 102, and for Taut, section 53. They have been contacted on their phones and threatened due to the fact they reported forgeries in the petitions for the mobile ballot box and in the medical documents.

Conclusions and Recommendations

As stated in the title of this work, the elections in November- December 2004 that took place in Romania could be considered to have pushed the limits of democracy. We consider that for a country in which there have been organized, in the last 15 years, 4 local and general elections (parliamentary as well as presidentially-1992, 1996, 2000, 2004) and that aspires to becoming a member of the European Union (status hopefully obtained in less than 2 years), the way in which the 2004 electoral process was organized and -most importantly- ruled, is unacceptable.

We consider that, now, there is nothing left to do but take knowledge from what happened during this elections and to start sorting things out as soon as possible. Next we take the permission to present a series of recommendations that refer to the legislative field as well as the organizational one.

VI.1. Recommendations regarding the improvement of legislation

1.Elaborating and adopting an Electoral Code

Changing all current laws that refer to the organizing of the elections and referendums with a single law would bring uniformity and coherence in this legislation field. This would discourage the situation existing at present, when several identical texts of law can be found in several distinct laws (the local elections law, the parliamentary elections law, the referendum organizing law). Moreover, this would elude the frequent references from one law to another, aspect that makes it difficult to follow the way in which a certain aspect is settled by different persons involved in organizing the elections (for example the members of the electoral bureaus of the polling stations). Another abnormal aspect that was eluded is the regulation of the way in which The Permanent Electoral Authority (law 373/2004) is founded and works, as this authority has attributions that concern all types of elections.

2. Solving the problem regarding the Permanent Electoral Authority (PEA)

The texts of law which refer to this institution should be modified so that PEA could become indeed, politically speaking, an independent and credible institution, lead by persons who cannot be suspected of political biases. Modifying these texts should ultimately lead to changing the actual leadership, especially the President of this institution (who, at the moment of his appointing to this position was a PSD deputy, at his fourth mandate). At the same time the law should stipulate that the President of PEA becomes President of CEB (Central Electoral Bureau) only at the moment of it's set up, before the elections, as no other persons are capable of presenting experience and competence, superior to those of the PEA President.

3. Solving the problem of the electors who, on the day of the elections, cannot vote at the polling station they belong to

No matter if we refer to the electors who, on the day of the elections are located in other places in Romania than their hometown or to the ones who are outside Romania, or to the one that cannot go by themselves to the polling station on ground of health problems, the solution for all these people

is voting through correspondence. It is a very secure means of expressing your opinion, meant to be of help for all those who confront themselves with one of the situations listed above (in the way that no other solution can), very spread all over the European Union but also in countries like USA or Canada.

4. Ensuring the impartiality of the Presidents of the Electoral Bureaus from the voting sections and of their deputies

First of all, the law should mention a period of time before the day of election, period during which the one suggested to take these entitlements could be verified with regard to their party affiliation. Secondly, it should be found another way of recruiting them, other than being chosen from the lists made by the mayors. Therefore a solution might be creating, by the PEA through its local bureaus, a group of "electoral clerks" who could then be trained. Furthermore, the law should stipulate that a person could only be a member of the electoral bureau of the polling station after having taking the courses organized by the PEA.

5. Improving the legal procedures referring to the financing of the political parties and electoral campaigns.

The aspect which needs to be most urgently modified refers to the practice of the "discounts" that are offered by the service providers to their clients from certain political parties and to candidates. As long as these discounts are unlimited, enormous sums of money can be hid beneath and used in their electoral campaigns. A possible solution would be to make these discounts and the donations equivalent, which would subsequently lead to mentioning these sums of money (which represent discounts) in the political parties' accountancy as well as in the service provider's one. At the same time, we consider that the attributions to check the financing of the political parties and of the electoral campaigns should be transferred from the Court of Accounts to the Permanent Electoral Authority, more precisely to a specialised department which should be provided with increased control measures, compared to those of the Court of Accounts at present, but also have attributions and responsibilities more important than those of the Court of Accounts.

6. Modifying the regulations which refer to the involving of mass media in the campaign

As showed in the chapter dedicated to mass media and electoral campaigns, the TV channels' spokesmen firstly but also those of the press have argued about an over-regulation of the broadcasts that relate to the electoral campaign. First of all, the decision of banning the acquisition of broadcast space by paying a fee, let aside the fact that it implies an unjustified involvement of the State in the contractual relations between the service providers and their clients, it is also unjust. Since the parties with no representation in the Parliament are clearly disadvantaged by the law, regarding the space allowed for them to have access on all TV and radio channels, the impossibility of these parties to obtain broadcast space by fee in order to be promoted, can be seen as a measure meant to reduce to the minimum their chances to be elected. Secondly, the TV channels, especially the commercial ones should be given more liberty in choosing which candidate to invite in their talk-show, with all the risks implied, namely the one related to the fact that some candidates might be advantaged for certain reasons by that TV channel. The positive aspect which such a simple regulation would bring is a higher attractiveness of that broadcasts and subsequently a bigger number of viewers who inform themselves about the political parties and the candidates and last but not least, the limitation of the inconsistency of the debate, which appears when the number of the participants is too large and as a result, some of them do not have time to speak.

VI.2. Recommendations regarding some organisational improvements

1. Reconfirming the electoral lists

This represents one of the oldest and most severe problems of the electoral process in Romania, a problem that not only might raise suspicion of fraud, but also can even more offer the possibility to fraud.

2. The distribution of electoral cards

The absence of electoral cards in the 2004 elections was the main fact that enabled fraud as some electors voted several times-"multiple voting". Reintroducing these cards (by the time stipulated by the law-31 December 2006) as the only document that can legitimate the one in right to vote, as well as introducing the "vote through correspondence" can make the "multiple vote" to become practically impossible.

3. Constituting a corpus of "electoral clerks"

As we mentioned before, this should become one of the main tasks and preoccupations of the Permanent Electoral Authority. Otherwise, there can never be made a progress in the activity of those with an essential role in ensuring the well-taking place of the elections-the members of the electoral bureaus.

VI.3. Conclusion

Apart from these recommendations which regard the legislation and organizing the elections, we consider that the electoral reform in Romania should begin with clarifying the way in which the 28 November-12 December 2004 elections took place. If before the publication of this work, there could only be mentioned some hints referring the frauds which could have happened, as a totally isolated phenomena-in the way the one who organized the elections like to say-we believe that the data we offer regarding the multiple voting phenomena in Ilfov County demonstrates as clear as possible that this phenomena really existed and that its magnitude it had is not at all inconsiderable.

What Asociația Pro Democratia started regarding the multiple vote phenomena should be continued by the State's institutions, apart from the fact that they have the moral and legal duty to do it, also have at their hands a capacity significantly larger than that of a civic organization to undergo such investigations. Therefore, APD salutes all the suggestions that were sent to Romania's Parliament for founding a special committee to study and clarify the fraud phenomena at the parliamentary and presidential elections in 2004 and hopes to see these suggestions fostered (as soon as possible) in the decision of creating such an institution. At the same time, PDA expresses its total willingness to collaborate with the State's institutions in this process providing them with all the documents and materials it possesses.



Annex 1

The Joint Senate for the elaboration Committee of the Chamber of Parliament And of the proposals regarding election laws

President: Viorel Hrebenciuc (PSD)

Secretary: Marton Arpad – Francisc (UDMR)

Members:

Dumitru Badea (PSD)

Constantin Balalau (PD)

Ioan Bivolaru (PSD)

Emil Boc (PD)

Octav Cozmanca (PSD)

Gheorghe Viorel Dumitrescu (PSD)

Titu Nicolae Gheorgheof (PNL)

Miron Mitrea (PSD)

Bogdan Niculescu Duvaz (PSD)

Varujan Pambuccian (group of minorities other than the Hungarian)

Nicolae Vlad Popa (PNL)

Seres Denes (UDMR)

Anghel Stanciu (PRM)

Doru Ioan Taracila (PSD)

Nicolae Vasilescu (PRM)

Annex 2

The assertion of Mr. Ioan Onisei (PD) during the full meeting of the Chamber of Parliament on September 1st, 2004

Mr. President,

Fellow Colleagues,

I had the honor to be part of The Parliament's Special Committee for the composition of proposals regarding Election Laws. Yet I cannot say I also had satisfaction by doing so. It is only fair to admit that the majority of the members of the Committee have worked hard and did their best to do a good job. We, the representatives of the DA Alliance PD – PNL have proposed, in the Committee ourselves, for example, 107 amendments to the law proposal regarding the election of the members of the Chamber of Parliament and Senate.

The Alliance's amendments imply, firstly, to ensure an election process as transparent and coherent as possible, the prevention and punishment of any attempts that would disturb or influence the organizing and procedure of the vote, the marking and correct validation of its results.

Sadly, both for PNL and PD, and most of all, for the citizens with a right to vote, most of the amendments and the most important ones composed by the members of the Justice and Truth Alliance have been rejected.

What's more, the parliamentary group of PSD of the Chamber of Parliament has introduced and imposed by vote a series of amendments different from the version adopted by the Senate, amendments that prove that the current governing party will try to legally fraud the Parliament and Presidential Elections. As a result, a highly serious point makes that of article 5, alignment 6 of the project, that states: "The President of Romania in function at the date of the elections of the members of the Chamber of Parliament and Senate can candidate independently on the lists of a political party in order to gain a function if he is in his last three months of functioning".

By means of this amendment, PSD is mocking the Constitution and lowers the institution of the President of Romania. If this item of the law proposal is accepted, the members of the Justice and Truth Alliance, the Parliamentary groups of PD and PNL will demand President Ion Iliescu not to agree to the passing of the law, in order to prove whether he is watching over the respecting of the Constitution or not and also, will act in the Constitutional Court the law proposal, as it is in violation of the supreme law.

Article 23 of the project states the organization of voting departments out of the country functioning in diplomatic missions and consulates of Romania, as well as in the cities where "at least 50 Romanian citizens with a right to vote exist". PSD has proposed the Central Office of the foreign voting centers to be composed of a President appointed by the Chief of the diplomatic mission and two members randomly picked out by the Central Office out of a list made up by the Foreign Affairs Ministry, after having, so to say, consulted the political parties.

Considering the big number of Romanian citizens working abroad, we, the representatives of the DA PNL - PD Alliance, have proposed that the offices of foreign voting centers also include a representative of the political parties, in order to ensure a fair and transparent process. The sending party would financially support the participation of these representatives. PSD has rejected this amendment, once more proving that they are trying to impose a law that makes it possible to fraud the elections. As to how many voting sheets will be extracted of the boxes placed in those foreign offices, no one will ever know how many Romanians have actually voted. As for the vote the ones stated on the list placed, the answer is rather predictable. Another aspect in order to influence

the development of the campaign and the results of the vote regards the chance given to prefects and vice-prefects to candidate, as well as the possibility to participate at the campaign actions.

We proposed that, provided the prefects and sub-prefects intend to run for the positions, they should quit their positions no later than 60 days before the day of the elections, and that, of course, those replacing them be given no right to participate in the campaign.

As far as what the mass-media, the citizens and we ourselves generally call election bribe, we have insisted that the statements of Law no 67/2004 regarding the choosing of the authorities of Public Administration that accuse, I remind you, “the promising, giving or offering of money, goods or other such benefits during the political campaign, or in the purpose of determining the voter to vote/not vote a certain list of candidates/independent candidate” be kept.

PSD has taken out the first statement of this amendment, thereby allowing election bribe during the campaign.

As you know, the civil society, by the means of Mr. Cristian Pirvulescu, the President of Asociatia Pro Democratia, points out to the fact that the project we are about to discuss contains: “a series of statements that can affect the voting process” and that: “under the given circumstances, the risk of fraud is considerable”.

Pro-Democratia signals no less than 7 categories of reasons that can sustain the serious, yet true claim: the law is going to make election fraud legal.

Finally, I dare undertake, as I agree to, the conclusion of Mr. Adrian Sorescu, Executive Director of the Asociatia Pro Democratia: “If things stay the way the commission proposed, as far as I am concerned, we will go to vote in vain in the fall”.

If the proposal stays in the shape that PSD supports, we, the parliament groups of PD and PNL, acting for the DA Alliance, will not vote this law. We do not wish to be part of the violation of the Constitution and legalization of electoral fraud.

Thank you.

The assertion of Mr. Viorel Hrebenciuc (PSD) during the full meeting of the Chamber of Parliament on September 1st, 2004, as a reaction to the speech of Ioan Onisei

I am speaking on behalf of the Parliament group of PSD.

I wish to remind the fellow colleagues of the Alliance and all those present in this room, who have approved the birth of this special Committee for these laws the following matters:

When the Special Committee has been approved, we discussed three laws: concerning local elections, general elections and presidential elections.

You know very well that all parties had different ideas on how those three laws should be like and we have negotiated with all parties a set of general principles regarding all three laws.

It is fairly clear that we, at the time, have given up a whole series of matters concerning the Law of local elections.

I want to remind you that we had proposed a single tour for mayor elections; you claimed the necessity of both tours and so on.

We had all kind of claims that we, in PSD, have given into and that were attached to the Law of local elections, the law that we have unanimously voted. Of course, by giving up on the Law of local elections, some of you have given up on the Law of general elections. And, I care to remind you, for instance, the discussions that took place inside the Committee, regarding the run of Mr. President Ion Iliescu.

Your esteemed absent of the day, Mr. Emil Boc, the Mayor of Cluj-Napoca, was one of the four representatives of the Alliance and directly asked me at a certain point: “Mr. Hrebenciuc, why are

you so keen on having independent candidates on the party's lists? Who is it that you mean?". He was afraid of the fact that we might place priests on the parties' parliamentary lists. I told him we only wanted that for Mr. President Iliescu. He answered: "Mr. Hrebenciuc, thank you for your honesty, and we do agree".

This matter has been introduced inside a negotiation package: we have approved the Law of local elections; in a way, the ball is in the Alliance's court, so to speak, and as for the law of general elections, the Alliance has indeed brought forward 107 amendments and I care to remind my esteemed colleague, Mr. Onisei, the fact that they brought up these amendments, in a perfect manner according to the regulation, precisely the day when the Committee was discussing the final form of the law. There were 285 amendments signed up by our colleagues from all parties, in the right time: 30 days, 5 days, as the regulation states. I believe that Mr. Onisei has been very busy this summer, he did not have any time to waste and has, during the last night, written 107 amendments that he sent the previous day, around 14, 00, to my office. I told him: "Mr. Onisei, we shall discuss them as the Committee, since you, as a member, are entitled to do so."; but the 107 amendments were now emerging from all channels we had set, not all, but most of them.

We have nothing against the parties having a representative in each office abroad, but let that be at their expense. Because, if you recall, we have discussed in the Committee at a certain point and calculated that, if we had 100 voting stations and the Govern should send representatives of parties in all of them, provided 5 representatives were sent – and I have added it up for you – it means millions of dollars I feel do not look that good. If you want to send at the expense of the party, we have nothing to object.

I am keen on reminding you that we have had this obsession of the votes since '92, '96 and 2000. And I also use this opportunity to remind you that the votes of the Romanians abroad, millions even before they went to work, are about thirty something thousands mathematically shared between the parties, and, generally, the number of votes gained out of these ones are but one Parliament member out of the entire 484, the current number.

So, I do not believe that more than one or two members is the stake of the votes from abroad. But I am telling you from the start, that we do agree to it, provided it implies the parties' expense, as I have told you in the Committee and then asked you to present the argument in the full meeting, because I do not want you to think that the Power has a long arm that follows, through its diplomats, God knows what purpose. You are free to... and we will agree that you have representatives in these voting offices. But don't get your hopes up there won't be more than 50000 votes from abroad, for all parties, not just one. We'll live and learn.

I care deeply for being serious when it comes to politics, and it literally hurts to see that, after having negotiated this law set so much, with representatives of both parties, we are talking today as if no negotiation ever happened, keeping in mind that, I care to remind you, esteemed colleagues, that your representatives, who are also members of the Senate, have unanimously voted this law, the amendments included.

Today, the last day, as we are getting closer to the campaign, you have completely different ideas, and I am sorry you are showing such, I don't know, lack of..., the fact that you do not keep your promises and turn those things according to current interest. It is extremely negative for your future in politics. This does not mean I am necessarily concerned with your political future, but it puts a big question mark on all future negotiations.

Since you have mentioned Pro-Democratia and the law proposal you have supported: I would not have wished that you were in the shoes of your fellow colleagues representatives in the Election Committee, to see the faces the gentlemen made when the people at Pro-Democratia presented their project. Besides the fact that they became aware of the project only in the Committee, if we were to discuss it, we would make the laughing stalk. Besides its unconstitutionality, the people presenting the project, I mean here the great Mr. Sorescu, who Mr. Onisei was quoting, had no idea what the law project consisted of.

I ignore the fact that there were members running in more than one department, that instead of lists, all kinds of things were being done, it was embarrassing. And yet you all have to do it. I agree that deep down you did not approve that law project, but it's the way politics goes, we have to do it.

I am glad that, at least here, at the uninominal vote, you undertake the vote of the majority, so to speak. Because, you know very well that the Romanian Academic Society did not approve the uninominal vote proposal that we, in PSD, had entered in 2000, not now, and we had it in our electoral program in 2000; you did not agree to it, because it was, in fact, the actual uninominal vote. The obsession of fraud in elections!

Esteemed colleagues,

As for the electoral bribe, we agreed, generally speaking, to all that had been proposed. I can't exactly say what Mr. Onisei refers to right now, but I do pray you not to speak so much of fraud, because this fraud, absolutely almost non-existent, cannot possibly influence in a certain manner any elections. And I am stating this fully aware, after a long practice in everything meaning the organizing of the elections and electoral campaigns

I close by asking you to keep your word, if you can, and if you cannot, it's life.



Annex 3

The Members of The Coalition For A Clean Parliament (alphabetically)

The “Academia Catavencu” Press Monitoring Agency

The Civic Alliance

The Association for the Defending Of Human Rights – Helsinki Committee

Asociatia Pro Democratia

The Political Sciences Students' Association SNSPA

Independent Journalism Centre

Freedom House Romania

Open Society Foundation

Social Dialogue Group

The Romanian Academic Society

Asociatia Pro Democratia
To
Judge Emil Ghergut
Central Elections Office
10, Flight Street, Bucharest

Notice

Mr. President,

Considering the attributions given to the Central Elections Office regarding the process of the elections for the Chamber of Parliament and Senate and the President of Romania, we bring to your attention the following:

1. The posters of the candidate of the National Union PSD – PUR for the position of President of Romania, Mr. Adrian Nastase, do not respect the dimensions requested by Law 373/2004 (in ANNEX 1 it s a sample with 86 x 40 cm dimensions).
2. The propaganda materials of the National Union PSD – PUR are in violation of article 71 of Law 73/2004, according to which posters that combine colors in a manner resembling the Romanian flag, that of another state or international organization are forbidden.
3. The participation of Mr. President Ion Iliescu in the campaign of the National Union PSD+PUR is in violation of the Romanian Constitution.

To be more precise, Mr. Ion Iliescu and the National Union PSD+PUR are in violation of article 84, line 1, of the Constitution, regarding “Not-suitability and immunity”: During the warrant, the President of Romania cannot be part of a party and cannot hold any other public or private function. The purpose of this article is to impose constraint and to underline the fact that the President of Romania is not pursuing the policy of any party.

The Constitutional Court has agreed to Mr. Iliescu participating at the elections, but as an independent candidate in the lists of the PSD+PUR Union, which does not by far mean that President Ion Iliescu can be a part of the campaign of this political alliance. (ANNEX 3 shows samples of such election materials).

4. The process of the election campaign for the candidate of the National Union PSD – PUR, Adrian Nastase at the entrance of School No. 197 in Bucharest, by the distribution of election materials especially designed for pupils is in violation of Law 373/2004. The types of materials spread out to pupils are: notebooks, ball pens, schedules etc.

Under these circumstances, we are asking you to take the necessary measures to straighten this absence of correction and send out a decision to retract all the materials belonging to parties or alliances as noted previously, that either is in violation of Law 373/2004, or the Romanian Constitution.

We would be most grateful, if, in reply to our notice, the measures taken by the Central Election Bureau in regard to the situations presented, as well as the punishments applied would be mentioned.

Yours faithfully,
Adrian Sorescu
Executive Manager

Annex 5

The Situation of the visits made in territory by President Ion Iliescu during the elections campaign
(October 22nd, 2004 – November 22nd, 2004)

No	Date	Place	Event	Pro-PSD Statements	No Kilometers
1.	30.10.2004	Bucharest – Sala Palatului	The launching of the candidacy of Adrian Nastase	ILIESCU: "Now, in the Romania of 2004, keeping in mind our nation's priorities, it is necessary and desirable to have a certain fluency when it comes to governing, in order to successfully finish the reforms and positive processes started at the beginning of 2001". (Evenimentul Zilei, 01.11.2004)	
2.	02.11.2004	Bucharest – "Dimitrie Cantemir" University	The launching of Adrian Nastase's book		
3.	03.11.2004	Barlad (Vaslui department) * Official visit, according to the Presidential Agenda (site: www. presidency.ro)	The grand opening of an expositional stand meant for the plastic artist Marcel Guguianu	ILIESCU: "To break the cycle of a successful team is an error that would cost us more than it did during 1997 – 2000. I recommend to those who represent me to vote for them". (Curentul, 04.11,2004) ILIESCU: "This is a key-moment. If the voters do not understand that and bring to power those who have lead the economy down during 1997 – 2000, the current state of things will become worse". (Jurnalul National, 04.11.2004) ILIESCU: "Now is the time. If the voters do not understand that, they will bring to power those who have lead the economy down, in a coma, during	Bucharest – Barlad (two-way journey) = around 550 km

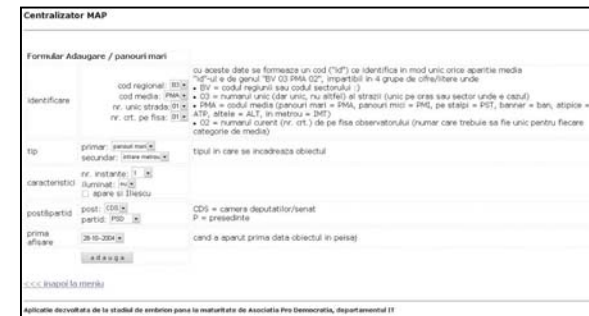
				1997 – 2000. If they come back, the current state of things will become worse. We shall create the premises to pursue our work. The inflation rate has been lowered fewer than 10 percent this year, for the first time in 15 years. We want it to reach 2 percent. We want to stabilize prices. After a serious 4-year fall, a beginning of rise has appeared. We shall create new economical activities. Variation in governing is a rule of democracy, but this has to be done carefully, at the right time. To stop a successful team is an error that would cost us more than the period of 1997 – 2000 did. (Evenimentul Zilei, 04.11.2004)	
4.	03.11.2004	Badeana village, county of Tutova (Vaslui department)	Visit at an animal farm		Barlad – Tutova = 30 km
5.	16.11.2004	Drajna (Ialomita department) *official visit, according to the Presidential Agenda (www.presidency.ro)	The opening of the Lehliu – Drajna freeway section	ILESCU: “I say we make another coalition against The Coalition For A Clean Parliament. “They call that a coalition?”, “But is the Coalition clean enough to present a clean Parliament? What moral authority has those that form this Coalition? They should even be ashamed!” (Curentul, 17.11.2004) ILIESCU: “What neutrality? Which neutrality? I am not Switzerland, I am the President of Romania. We have a Constitution. I am the President of the country and therefore it is only natural that I deal with the Prime-Minister, the External Affairs Minister... Therefore, such pointless observations have no impact whatsoever on me.” (Ziua, 17.11.2004)	Bucharest – Drajna (one way) =around 103 km
6.	16.11.2004	Calarasi City * Official visit, according	Meeting with the people of Calarasi in	ILIESCU: “If you please, my being bitter towards you, the people of Calarasi, is due to the manner you	Drajna – Calarasi (one

		to the Presidential Agenda (www.presidency.ro)	front of the Prefect building	have judged things. The way you are set, one cannot advance.” (Ziua, 17.11.2004) Note: The Mayor of Calarasi has been elected in June 2004, Nicolae Dragu, on behalf of PNL	way) = around 40 km
7.	16.11.2004	Oltenita City (Calarasi department) *Official visit, according to the Presidential Agenda (www.presidency.ro)	Meeting with the local authorities regarding the issue of the heating in the city	ILIESCU: “I have come at the request of the Mayor, regarding the issue of the heating for the winter and the debts the county maintenance has. I have stepped in at the Ministry of Finances, so that they would cancel the ban on the accounts for city heating.” (Jurnalul National, 17.11.2004)	Calarasi – Oltenita (one way) = around 70 km Oltenita – Bucharest (one way) = around 62 km
8.	17.11.2004	Potlogi (Dambovita department) *Official visit, according to the Presidential Agenda (www.presidency.ro)	Visit at the Palace of Constantin Brancoveanu	ILIESCU: “We have stepped into a much better episode. We have had demolishers and we still have them today. It is easy to demolish. The important thing is to strengthen the good things that are being built, to encourage those who have a calling for building, those who have the necessary responsibility, the capacity, the professionalism and competency to make this country prosperous. I believe this will be the great choice of voters today. And I but encourage them to think responsibly who they trust the leading of the country to. I trust the wisdom of the Romania people.” (Adevarul, 18.11.2004)	Bucharest = Potlogi (two way) = around 160 km
9.	18.11.2004	Campina City (Prahova Department) *Official visit, according to the Presidential Agenda (www.presidency.ro)	Visit the Orion Plant and Neptun SA and ISIS enterprises Meeting the senior citizens	ILIESCU: “Let us clearly think this over. Let us not be conquered by feelings. He who we set at the lead of the country must be a clear-minded person, a thoughtful man who knows both external and internal affairs.” (Mediafax, 18.11.2004) ILIESCU: “If we want adventures and want to try	Buchares – Campina (one way) = around 120 km

				another thing, we can even go back, that means we can spoil that which is done properly.” (Mediafax, 18.11.2004)	
10.	18.11.2004	Ploiesti *Official visit according to the Presidential Agenda (www.presidency.ro)	Participating at the award-giving ceremony of olympic students Visit constructions made through the “Flats for the young” programme		Campina – Ploiesti (one way) = 60 km Ploiesti – Bucharest (one way) = 60 km
11.	21.11.2004	Slatina (Olt department) *Official visit according to the Presidential Agenda (www.presidency.ro)	Visit at ALRO Slatina		Bucharest – Slatina (two way) = around 372 km
12.	21.11.2004	Oboga county (Olt department) *Official visit according to the Presidential Agenda (www.presidency.ro)	Visit at Calului Monastery	When asked if his visit in the Olt department is supported by means of public money, Iliescu answered: “And what business is that to you? What is the problem?”. (Evenimentul Zilei, 22.11.2004) ILIESCU: “It is only coincidence that makes me be during an election campaign. I have come for the ceremony at the monastery.” (Evenimentul Zilei, 22.11.2004)	Slatina – Oboga (two way) = around 120 km
					TOTAL KM: around 1750

ANNEX 6

MAP Centralizer		
Adding Form/ large billboards		
Identification	Regional code: B3 Media code : PMA Unique Street Code : 01 Number on Chart: 01	These data are used to form an “ID” code, that allows an unique identification of every media appearance The “ID” is something like “BV 03 PMA 02”, dividable into 4 groups of digits/letters, as follows: <ul style="list-style-type: none"> • BV = the code of region/sector • 03 = the unique number (unique, not otherwise) of the street (unique for the city or street, where necessary) • PMA = media code (large billboards = PMA, small billboards = PMI, on poles = PST, banners = ban, Unusual = ATP, other = ALT, in the subway = IMT)
Type	Primary: Large Billboards Secondary: Subway entrance	02 = the current number on the observer’s chart (has to be unique for each media category) The Type of object
Characteristics	Number of instants: 1 Illumination: No Iliescu also appears	
Job & party	Job CDS Party PSD	CDS = The Chamber of Parliament/Senate P = President
First listing	28-10-2004	The first time the object appeared in the scenery



This application has been developed from the embryo stage to maturity by the It Department f Asociatia Pro Democratia

Annex 7

The Classification of public resources abuse

Considering the Methodology created by the Russian Federation, Asociatia Pro Democratia showed the following types of abuse that were noticed during the local, parliamentary and presidential elections:

- a. **Institutional Resources** - the use of human resources and public goods in the purpose of election campaign
 - Support offered by state officials (judges, prefects, the President) for candidates or parties
 - Inclusion of state clerks in the campaign
 - The use of utilities of offices and public headquarters
 - The use of public vehicles free of charge or with deductions
 - Campaign activities during working visits institutionally built
 - The use of public events organized by officials in campaign purposes
 - The use of reports on public institutions in election and propaganda purposes
- b. **Budget Resources** – the abuse of public financial resources for organizing election events by candidates or parties
 - Direct distribution of budget money towards electors
 - Direct distribution of goods and services paid for from public money towards voters
 - Giving public funds without being present on Budget Agenda or any clear motivation of it
 - The apparition of unjustified under expenses in local budgets
 - Unexpected public payments during a campaign, without a clear motivation
 - The introduction of social importance programs, undertaken by means of budget with no previous announcement and which are not in the developing plan
- c. **Media Resources** – the use of public mass-media in favor of candidates or running parties
 - Hidden commercials for candidates or the party (as the case of the Mayor of Constanta City, whose name is written on a fairly high number of both mobile and not mobile goods made on public money)
 - The use of institutionally related reports
 - Hidden commercials against the candidate or party

Annex 8

The list of political parties and candidates that have published the donations received in 2004

Current Number	Date Publishing	of	Party/Candidate
1	July 14 th , 2004	474	PSD, Salaj Department Organization Council
2	February 7 th , 2005	84	PUR
3	February 22 nd , 2005	121	PUR
4	February 22 nd , 2005	121	DA Alliance Sibiu
5	March 4 th , 2005	147	PD, Sibiu Department Organization
6	March 4 th , 2005	147	PUR (Social – Liberal), Sector 4 Agency, Bucharest
7	March 4 th , 2005	147	FDGR
8	March 4 th , 2005	147	PUR (Social – Liberal), Dambovita Agency
9	March 9 th , 2005	159	PNL, Sibiu Agency
10	March 9 th , 2005	159	PUR (Social – Libreal), Arges Department Agency
11	March 14 th , 2005	167	Romanian Ecologist Party
12	March 14 th , 2005	167	Independent candidate Wittstock Eberhard Wolfgang
13	March 17 th , 2005	179	PUR, Baca, Cluj, Mures, Dambovita, Bihor, Caras, Dolj Agencies
14	March 17 th , 2005	179	FDGR

Annex 9

SITUATION
REGARDING THE SENDING OF INCOME AND EXPENSE REPORTS REGISTERED AT THE ROMANIAN COURT OF ACCOUNTS
FOR THE ELECTORS – THE SENATE

No	Departments	PSD	PUR	PRM	UDMR	DA PNL – PD
1	Alba	1429/6.12.2004	NOT THE CASE	1463/13.12.2004	1452/10.12.2004	1440/9.12.2004
2	Arad	1275/14.12.2004	NOT THE CASE	1234/9.12.2004	1245/10.12.2004	1237/9.12.2004
3	Arges	1116/10.12.2004	1078/3.12.2004	1113/9.12.2004	1118/10.12.2004	1119/10.12.2004
4	Bacau	1779/10.12.2004	NOT THE CASE	1799/15.12.2004	1792/13.12.2004	1785/12.12.2004
5	Bihor	2060/7.12.2004	2058/7.12.2004	2098/14.12.2004	2084/10.12.2004	2076/9.12.2004
6	Bistrita	2142/8.12.2004	2156/9.12.2004	2115/3.12.2004	2171/10.12.2004	2187/12.12.2004
7	Botosani	2042/8.12.2004	2013/6.12.2004	2029/08.12.2004	2058/10.12.2004	2034/8.12.2004
8	Brasov	1921/8.12.2004	1922/8.12.2004	1973/14.12.2004	1957/10.12.2004	1989/16.12.2004
9	Braila	1488/10.12.2004	1487/10.12.2004	1522/15.12.2004	1495/10.12.2004	1499/10.12.2004
10	Buzau	817/7.12.2004	815/6.12.2004	851/15.12.2004	831/10.12.2004	822/9.12.2004
11	Caras	1778/10.12.2004	NOT THE CASE	1805/16.12.2004	1775/10.12.2004	1776/9.12.2004
12	Calarasi	870/10.12.2004	870/10.12.2004	869/10.12.2004	871/10.12.2004	858/9.12.2004
13	Cluj	1807/10.12.2004	1807/10.12.2004	1886/15.12.2004	1818/10.12.2004	1794/9.12.2004
14	Constanta	1158/6.12.2004	NOT THE CASE	1204/10.12.2004	1202/10.12.2004	1190/9.12.2004
15	Covasna	1370/8.12.2004	1370/8.12.2004	1419/14.12.2004	1394/10.12.2004	1379/8.12.2004
16	Dambovita	1775/8.12.2004	1785/9.12.2004	1732/6.12.2004	1790/10.12.2004	1749/8.12.2004
17	Dolj	271/9.12.2004	261/9.12.2004	260/7.12.2004	272/10.12.2004	267/9.12.2004
18	Galati	1737/14.12.2004	1737/14.12.2004	1730/10.12.2004	1725/10.12.2004	1736/14.12.2004

19	Giurgiu	2779/8.12.2004	NOT THE CASE	2822/10.12.2004	2813/10.12.2004	2802/9.12.2004
20	Gorj	2282/7.12.2004	2284/7.12.2004	2302/11.12.2004	2300/10.12.2004	2249/30.11.2004
21	Harghita	2654/8.12.2004	2654/8.12.2004	2743/15.12.2004	2703/10.12.2004	2667/9.12.2004
22	Hunedoara	92/9.12.2004	87/8.12.2004	99/11.12.2004	97/10.12.2004	100/10.12.2004
23	Ialomita	57/7.12.2004	6179.12.2004	66/10.12.2004	70/10.12.2004	63/9.12.2004
24	Iasi	1768/9.12.2004	1752/9.12.2004	1719/6.12.2004	1743/13.12.2004	1766/9.12.2004
25	Maramures	2574/7.12.2004	2597/9.12.2004	2612713.12.2004	2609/10.12.2004	2599/9.12.2004
26	Mehedinti	1098/7.12.2004	110377.12.2004	1199/17.12.2004	1134/10.12.2004	1186/16.12.2004
27	Mures	2827/9.12.2004	2827/9.12.2004	2804/7.12.2004	2838/10.12.2004	2825/9.12.2004
28	Neamt	2160/8.12.2004	2167/9.12.2004	2190/13.12.2004	2183/10.12.2004	2184/10.12.2004
29	Olt	1890/8.12.2004	1897/10.12.2004	1932/14.12.2004	1905/10.12.2004	1898/10.12.2004
30	Prahova	1904/9.12.2004	1915/10.12.2004	1942/13.12.2004	1929/10.12.2004	1899/9.12.2004
31	Satu Mare	1049/9.12.2004	1049/9.12.2004	1069/14.12.2004	1058/10.12.2004	1053/10.12.2004
32	Salaj	494/7.12.2004	NOT THE CASE	506/15.2004	504/13.12.2004	489/3.12.2004
33	Sibiu	1084/7.12.2004	1075/7.12.2004	1078/7.12.2004	1126/10.12.2004	1109/9.12.2004
34	Suceava	616/7.12.2004	618/7.12.2004	636/10.12.2004	633/10.12.2004	628/9.12.2004
35	Teleorman	1189/9.12.2004	118979.12.2004	1207/14.12.2004	1193/10.12.2004	11196/13.12.2004
36	Timis	1643/7.12.2004	1652/8.12.2004	1704/15.12.2004	168/10.12.2004	1660/9.12.2004
37	Tulcea	3603/7.12.2004	3603/7.12.2004	3600/7.12.2004	3649/13.12.2004	3622/8.12.2004
38	Vaslui	2600/8.12.2004	NOT THE CASE	2631/14.12.2004	2624/13.12.2004	2649/15.12.2004
39	Valcea	1350/7.12.2004	1350/7.12.2004	1354/8.12.2004	1370/10.12.2004	1367/9.12.2004
40	Vrancea	732/7.12.2004	732/7.12.2004	749/14.12.2004	729/10.12.2004	703/9.12.2004
41	Bucuresti	1954/7.12.2004	1963/9.12.2004	1989/13.12.2004	54326/13.12.2004	1960/8.12.2004
42	Ilfov	554/7.12.2004	573/10.12.2004	553/6.12.2004	575/10.12.2004	561/8.12.2004

SITUATION
REGARDING THE SUBMITTING OF THE INCOME AND EXPENSES REPORTS REGISTERED AT THE ROMANIAN COURT OF
ACCOUNTS FOR THE PARLIAMENT ELECTIONS – THE CHAMBER OF PARLIAMENT

No.	Departments	PSD	PUR	PRM	UDMR	DA PNL – PD
1	Alba	1429/6.12.2004	1432/7.12.2004	1463/13.12.2004	1452/10.12.2004	1440/9.12.2004
2	Arad	1275/14.12.2004	1228/8.12.2004	1234/9.12.2004	1245/10.12.2004	1237/9.12.2004
3	Arges	1116/10.12.2004	NOT THE CASE	1113/9.12.2004	1118/10.12.2004	1119/10.12.2004
4	Bacau	1779/10.12.2004	NOT THE CASE	1799/15.12.2004	1792/13.12.2004	1785/12.12.2004
5	Bihor	2060/7.12.2004	2058/7.12.2004	2098/14.12.2004	2084/10.12.2004	2076/9.12.2004
6	Bistrita	2142/8.12.2004	2156/9.12.2004	2115/3.12.2004	2171/10.12.2004	2187/12.12.2004
7	Botosani	2042/8.12.2004	NOT THE CASE	2029/08.12.2004	2058/10.12.2004	2034/8.12.2004
8	Brasov	1921/8.12.2004	1922/8.12.2004	1973/14.12.2004	1957/10.12.2004	1989/16.12.2004
9	Braila	1488/10.12.2004	1487/10.12.2004	1522/15.12.2004	1495/10.12.2004	1499/10.12.2004
10	Buzau	817/7.12.2004	815/6.12.2004	851/15.12.2004	831/10.12.2004	822/9.12.2004
11	Caras	1779/10.12.2004	1790/14.12.2004	1806/16.12.2004	1776/10.12.2004	1767/9.12.2004
12	Calarasi	870/10.12.2004	870/10.12.2004	869/10.12.2004	871/10.12.2004	858/9.12.2004
13	Cluj	1807/10.12.2004	1807/10.12.2004	1886/15.12.2004	1818/10.12.2004	1794/9.12.2004
14	Constanta	1159/6.12.2004	1163/6.12.2004	1204/10.12.2004	1202/10.12.2004	1190/9.12.2004
15	Covasna	1370/8.12.2004	1370/8.12.2004	1419/14.12.2004	1394/10.12.2004	1379/8.12.2004
16	Dambovita	1755/8.12.2004	1785/9.12.2004	1732/6.12.2004	1790/10.12.2004	1749/8.12.2004
17	Dolj	271/9.12.2004	261/9.12.2004	260/7.12.2004	272/10.12.2004	267/9.12.2004
18	Galati	1737/14.12.2004	1737/14.12.2004	1730/10.12.2004	1725/10.12.2004	1736/14.12.2004
19	Giurgiu	2780/8.12.2004	NOT THE CASE	2820/10.12.2004	2813/10.12.2004	2801/9.12.2004

20	Gorj	2282/7.12.2004	2284/7.12.2004	2302/11.12.2004	2300/10.12.2004	2249/30.11.2004
21	Harghita	2654/8.12.2004	2654/8.12.2004	2743/15.12.2004	2703/10.12.2004	2667/9.12.2004
22	Hunedoara	92/9.12.2004	87/8.12.2004	99/11.12.2004	97/10.12.2004	100/10.12.2004
23	Ialomita	57/7.12.2004	61/9.12.2004	66/10.12.2004	70/10.12.2004	63/9.12.2004
24	Iasi	1768/9.12.2004	1752/9.12.2004	1719/6.12.2004	1743/13.12.2004	1766/9.12.2004
25	Maramures	2574/7.12.2004	2597/9.12.2004	2612/13.12.2004	2610/10.12.2004	2599/9.12.2004
26	Mehedinti	1099/7.12.2004	1103/7.12.2004	1199/17.12.2004	1134/10.12.2004	1187/16.12.2004
27	Mures	2828/9.12.2004	2828/9.12.2004	2805/7.12.2004	2839/10.12.2004	2824/9.12.2004
28	Neamt	2160/8.12.2004	2167/9.12.2004	2191/13.12.2004	2183/10.12.2004	2184/10.12.2004
29	Olt	1890/8.12.2004	1897/10.12.2004	1932/14.12.2004	1905/10.12.2004	1898/10.12.2004
30	Prahova	1904/9.12.2004	1915/10.12.2004	1942/13.12.2004	1929/10.12.2004	1899/9.12.2004
31	Satu Mare	1049/9.12.2004	1049/9.12.2004	1069/14.12.2004	1058/10.12.2004	1053/10.12.2004
32	Salaj	494/7.12.2004	1049/9.12.2004	506/15.2004	504/13.12.2004	489/3.12.2004
33	Sibiu	1084/7.12.2004	1075/7.12.2004	1078/7.12.2004	1127/10.12.2004	1109/9.12.2004
34	Suceava	616/7.12.2004	619/7.12.2004	636/10.12.2004	633/10.12.2004	628/9.12.2004
35	Teleorman	1189/9.12.2004	1189/9.12.2004	1207/14.12.2004	1193/10.12.2004	1196/13.12.2004
36	Timis	1643/7.12.2004	1652/8.12.2004	1704/15.12.2004	1681/10.12.2004	1660/9.12.2004
37	Tulcea	3604/7.12.2004	3604/7.12.2004	3600/7.12.2004	3649/13.12.2004	3622/8.12.2004
38	Vaslui	2600/8.12.2004	2601/8.12.2004	2632/14.12.2004	2624/13.12.2004	2649/15.12.2004
39	Valcea	1350/7.12.2004	1350/7.12.2004	1354/8.12.2004	1370/10.12.2004	1366/9.12.2004
40	Vrancea	732/7.12.2004	732/7.12.2004	749/14.12.2004	729/10.12.2004	703/9.12.2004
41	Bucuresti	1954/7.12.2004	1963/9.12.2004	1990/13.12.2004	54326/13.12.2004	1960/8.12.2004
42	Ilfov	554/7.12.2004	573/10.12.2004	553/6.12.2004	575/10.12.2004	561/8.12.2004

SITUATION REGARDING THE SUBMITTING OF THE INCOME AND EXPENSES REPORTS AT THE ROMANIAN COURT OF ACCOUNTS BY ORGANIZATIONS OF THE NATIONAL MINORITIES THAT HAVE REPRESENTATIVES IN THE PARLIAMENT – THE CHAMBER OF PARLIAMENT, AS STATED AFTER THE ELECTIONS OF NOVEMBER 28TH, 2004

No.	ORGANIZATIONS OF THE NATIONAL MINORITIES THAT HAVE REPRESENTATIVES IN THE CHAMBER OF PARLIAMENT, AS STATED AFTER THE ELECTIONS ON NOVEMBER 28 TH , 2004	ABBREVIATION	FIRST AND LAST NAME OF THE CANDIDATE	NO. AND DATE OF THE REGISTRATION OF THE INCOME – EXPENSES REPORT AT THE COURT OF ACCOUNTS
1	THE UNION OF THE ARMENIANS FROM ROMANIA	UAR	PAMBUCCIAN VARUJAN	5437/13.12.2004
2	THE UNION OF THE POLISH FROM ROMANIA	UPR	LONGHER GHERVAZEN	17661/14.12.2004
3	THE FEDERATION OF THE JEWISH COMMUNITIES FROM ROMANIA	FCER	VAINER AUREL	54424/14.12.2004
4	THE UNION MACEDONIANS FROM ROMANIA	AMR	DUMITRESCU LIANA	54178/08.12.2004
5	THE DEMOCRATIC UNION OF THE TURKISH-MUSLIMS TATARS FROM ROMANIA	UDTTMR	AMET ALEDIN	54549/16.12.2004
6	THE CULTURAL UNION OF THE RUTENS FROM ROMANIA	UCRR	FIRCZAC GHEORGHE	54337/13.12.2004
7	THE GREEK UNION FROM ROMANIA	UER	FOTOPOLOS SOTIRIS	54456/14.12.2004
8	THE DEMOCRATIC FORUM OF THE GERMANS FROM ROMANIA	FDGR	GANZ OVIDIU VICTOR	54435/14.12.2004
9	THE ASSOCIATION OF THE ITALIENS FROM	ROAS.IT	GROSARU MIRCEA	649/14.12.2004

	ROMANIA			
10	THE UNION OF THE SERBIANS FROM ROMANIA	USR	GVOZDENOVICI SLAVOMIR	54357/13.12.2004
11	THE DEMOCRATIC TURKISH UNION OF ROMANIA	UDTR	IBRAHIM IUSEIN	1179/8.12.2004
12	THE COMMUNITY OF RUSSIANS OF ROMANIA	CRLR	IGNAT MIRON	54455/14.12.2004
13	THE ASSOCIATION THE ALBANESE LEAGUE OF ROMANIA	ALAR	MANOLESCU OANA	54179/08.12.2004
14	THE DEMOCRATIC UNION OF THE SLOVAKS OF ROMANIA	UDSCR	MERKA ADRIAN-MIROSLAV	54327/13.12.2004
15	THE BULGARIAN UNION OF ROMANIA	UBBR	MIRCOVICI NICULAE	54449/14.12.2004
16	THE RROMS SOCIAL DEMOCRATIC PARTY	PRSDR	NICOLAE PAUN	17702/15.12.2004
17	THE UNION OF THE UKRAINIANS FROM ROMANIA	UUR	TCACIUC STEFAN	54387/13.12.2004

THE SITUATION OF THE INCOME AND EXPENSES REPORTED TO THE ROMANIAN COURT OF ACCOUNTS BY THE POLITICAL PARTIES, THE POLITICAL ALLIANCES AND THE ORGANIZATIONS OF CITIZENS BELONGING TO NATIONAL MINORITIES CONCERNING THE PARLIAMENT ELECTIONS ON NOVEMBER 28TH, 2004, UP TO JANUARY 20TH, 2005

Name of party/alliance/citizen organization belonging to national minority	INCOME MIL LEI	EXPENSES MIL LEI	INCOME SENATE MIL LEI	EXPENSES SENATE MIL LEI	INCOME CHAMBER OF PARLIAMENT MIL LEI	EXPENSES CHAMBER OF PARLIAMENT MIL LEI
PSD+PUR UNION	58.525	61.232	21.706	22.823	36.819	38.409
PRM	10.137	10.123	4.278	4.250	5.859	5.873
PNTCD	2.264	2.196	820	788	1.444	1.408
PND	97	97	33	42	64	55
PCD	0	0	0	0	0	0
PAP	830	674	268	162	562	512
PTR	0	0	0	0	0	0
PSD-CTP	6	4	1	1	5	3
PSR	0	0	0	0	0	0
PER	74	66	27	28	47	38
PUNR	218	223	95	98	123	125
PSU	148	148	66	66	82	82
PC	0	0	0	0	0	0
PTD	1	1	1	1	0	0
PNDC	201	197	109	110	92	87
PPR	0	0	0	0	0	0
URR	124	121	76	74	48	47
PNG	5.267	5.716	1.985	2.081	3.282	3.635
UDMR	8.681	8.872	2.869	2.967	5.812	5.905

PDN	0	0	0	0	0	0
PMR	8	8	3	2	5	6
PAS	140	135	59	59	81	76
D.A. PNL-PD	46.283	48.585	18.611	19.105	27.672	29.480
PM III	0	0	0	0	0	0
FDR	806	858	351	394	455	464
PPP	11	9	5	3	6	6
APCD	0	0	0	0	0	0
INDEPENDENTS	1.368	1.364	95	95	1.273	1.269
PRSDR	310	310	0	0	310	310
FDGR	867	823	0	0	867	823
THE COMMUNITY OF RUSSIANS OF ROMANIA	9	9	0	0	9	9
THE GREEK UNION FROM ROMANIA	189	189	0	0	189	189
THE UNION OF THE UKRAINIANS FROM ROMANIA	40	40	0	0	40	40
THE UNION MACEDONIANS FROM ROMANIA	45	45	0	0	45	45
THE CULTURAL UNION OF RUTENIANS	70	69	0	0	70	69
THE BULGARIAN COMMUNITY FROM BANAT	72	72	0	0	72	72
THE ASSOCIATION THE ALBANESE LEAGUE OF ROMANIA	14	13	0	0	14	13
THE UNION OF THE POLISH OF ROMANIA – “DOM	55	55	0	0	55	55

POLSKI'						
THE UNION OF THE SERBIANS FROM ROMANIA	7	7	0	0	7	7
THE ITALIAN COMMUNITY OF ROMANIA	22	21	0	0	22	21
THE UNION OF THE ARMENIANS FROM ROMANIA	187	187	0	0	187	187
THE DEMOCRATIC UNION OF THE SLOVAKS AND TZECHS OF ROMANIA	55	55	0	0	55	55
THE UNION OF THE CROATIANS OF ROMANIA	10	10	0	0	10	10
THE DEMOCRATIC UNION OF THE TURKISH-MUSLIMS TATARS FROM ROMANIA	20	16	0	0	20	16
THE FEDERATION OF THE JEWISH COMMUNITIES FROM ROMANIA	125	125	0	0	125	125
THE ASSOCIATION OF TURKISH ETHNICS OF ROMANIA	21	21	0	0	21	21
THE BULGARIAN CULTURAL ASSOCIATION	41	41	0	0	41	41
THE BRATSTVO COMMUNITY OF THE BULGARIANS	31	31	0	0	31	31
THE DEMOCRATIC UNION OF THE TURKISH OF	55	55	0	0	55	55

ROMANIA						
THE DEMOCRATIC ASSOCIATION OF THE SLAVES MACEDONIANS	263	30	0	0	263	30
THE ASSOCIATION OF THE ITALIANS FROM ROMANIA	11	11	0	0	11	11
THE ASSOCIATION CULTURAL UNION OF THE POLISH OF ROMANIA	6	6	0	0	6	6
THE TURKISH-MUSLIM UNION	9	9	0	0	9	9
THE DEMOCRATIC ASSOCIATION OF THE SLAVES MACEDONIANS	235	224	0	0	235	224
THE ALLIANCE FOR THE UNITY OF THE RROMES	3	3	0	0	3	3
THE DEMOCRATIC UNION FOR THE CROATIANS FROM ROMANIA	8	8	0	0	8	8
TOTAL	137.969	143.114	51.458	53.149	86.511	89.965

Annex 10

ADMINISTRATIVE CLAIM

Mr. Dan Drosu Saguna
President
The Court Of Accounts
22 – 24, Lev Tolstoi Street
Date: 18.03.2005

Mister President,

By this means I wish to state an administrative claim, according to Law no. 544/2001 regarding free access to public interest information, as I have received a negative answer on 15.02.2004 to the request I had registered at the Court of Accounts on 09.02.2004, under number 24.

The public interest documents I had requested were the following:

The names of the financial coordinators of the political parties that have run for the parliamentary elections in the year of 2004, as well as the names of the financial coordinators of the presidency candidates.

The documents fit the public information interest profile because of the following reasons:

- The names of the financial coordinators that have to be declared at the Court of Accounts is a documents that regards and is a result of the activity of the Court of Accounts and undertakes Law 544/2001, according to Article2, letter b). What is more, this information is not one that has been previously published by the Court of Accounts.

In addition to this, I would like to state an administrative claim, according to Law 544/2001 regarding free access to public interest information, as I have received a negative answer at my request sent to the Court of Accounts on 12.01.2005 demanding the electronic form of the centralized financial report, as detailed as possible, for the local, parliamentary and presidential elections.

Those documents exist in an electronic form because:

- a) I have personally checked the most detailed form of the financial reports at the Court of Accounts for the local elections in 2004
- b) I have received a printed version of the centralized financial reports for the parliamentary and presidential elections, but we were denied access to the electronic form of the reports.

In addition to this, I would like to state an administrative claim, according to Law 544/2001 regarding free access to public interest information, since I have received a negative answer at the request of the Asociatia Pro Democratia, number 35 from 19.11.2004, through which, according to Law 544/2001 regarding free access to

public interest information, I was requesting permission to consult the register of the public parties, owned by the Court of Accounts.

I would like to state that the information in those registers is public in the terms of each document registered and therefore do not depend on those registers being complete.

I take this opportunity to ask the reconsideration of the decision denying me access to the public interest information I have requested, in print or electronic form, considering that the right to information, as stated in the law, has been violated.

Thank you for your concern,

Costel Popa
Assistant Manager
Asociatia Pro Democratia
45 Unirii Boulevard, Bl. E3, sc. 3, ap. 76, sector 3, Bucharest
Tel: 327 77 57, 327 77 36 Fax: 321 67 44
E-mail: apd@apd.ro

Annex 11

THE SITUATION OF DONATIONS AND POSTERS AS REPORTED TO THE ROMANIAN ACCOUNT COURT BY THE POLITICAL PARTIES, POLITICAL ALLIANCES AND THE ORGANIZATIONS OF CITIZENS BELONGING TO THE NATIONAL MINORITIES FOR THE PARLIAMENT ELECTIONS OF NOVEMBER 28TH 2004, UP TO JANUARY 20TH 2005

No	Name of political party/alliance/national minority	TOTAL DONATIONS MIL LEI	OF	TOTAL POSTERS MIL LEI	OF
1	PSD+PUR UNION	13.561		1.126.478	
2	PRM	8.226		557.373	
3	PNTCD	1.526		151.840	
4	PND	92		16.600	
5	PCD	0		0	
6	PAP	1.028		111.992	
7	PTR	0		0	
8	PSD-CTP	0		8.500	
9	PSR	0		0	
10	PER	50		455.000	
11	PUNR	173		12.891	
12	PSU	3		3.082	
13	PC	0		0	
14	PTD	0		0	
15	PNDC	13		17.400	
16	PPR	0		0	

17	URR	7	4.720
18	PNG	5.734	596.117
19	UDMR	3.986	73.346
20	PDN	0	0
21	PMR	0	150
22	PAS	26	77.000
23	D.A. PNL-PD	40.073	1.586.609
24	PM III	0	0
25	FDR	846	85.381
26	PPP	8	12.021
27	APCD	0	200
28	INDEPENDENTS	538	30.900
29	PRSDR	310	120.400
30	FDGR	743	25.000
31	THE COMMUNITY OF RUSSIANS OF ROMANIA	0	0
32	THE GREEK UNION FROM ROMANIA	68	7.000
33	THE UNION OF THE UKRAINIANS FROM ROMANIA	40	7.000
34	THE UNION OF MACEDONIANS FROM ROMANIA	0	0
35	THE CULTURAL UNION OF RUTENIANS	0	0
36	THE BULGARIAN COMMUNITY FROM BANAT	72	200
37	THE ASSOCIATION THE ALBANESE LEAGUE OF ROMANIA	0	1.817
38	THE UNION OF THE POLISH OF ROMANIA – “DOM POLSKI”	55	500
39	THE UNION OF THE SERBIANS FROM ROMANIA	7	1.600
40	THE ITALIAN COMMUNITY OF ROMANIA	31	4.080
41	THE UNION OF THE ARMENIANS FROM ROMANIA	400	2.160
42	THE DEMOCRATIC UNION OF THE SLOVAKS AND TZECHS OF ROMANIA	65	810
43	THE UNION OF THE CROATIANS OF ROMANIA	10	250
44	THE DEMOCRATIC UNION OF THE TURKISH-MUSLIMS TATARS FROM	20	200

	ROMANIA		
45	THE FEDERATION OF THE JEWISH COMMUNITIES FROM ROMANIA	0	8.300
46	THE ASSOCIATION OF TURKISH ETHNICS OF ROMANIA	100	2.000
47	THE BULGARIAN CULTURAL ASSOCIATION	40	5.000
48	THE BRATSTVO COMMUNITY OF THE BULGARIANS	35	1.200
49	THE DEMOCRATIC UNION OF THE TURKISH OF ROMANIA	0	3.000
50	THE DEMOCRATIC ASSOCIATION OF THE SLAVES MACEDONIANS	250	1.500
51	THE ASSOCIATION OF THE ITALIANS FROM ROMANIA	11	0
52	THE ASSOCIATION CULTURAL UNION OF THE POLISH OF ROMANIA	0	1.000
53	THE TURKISH-MUSLIM UNION	0	0
54	THE DEMOCRATIC ASSOCIATION OF THE SLAVES MACEDONIANS	235	3.000
55	THE ALLIANCE FOR THE UNITY OF THE RROMES	0	40
56	THE DEMOCRATIC UNION FOR THE CROATIANS FROM ROMANIA	0	100
57	TOTAL	78.382	5.123.757

Annex 12

THE SITUATION OF DONATIONS, POSTERS, INCOME AND EXPENSES AS STATED TO THE ROMANIAN COURT OF ACCOUNTS
BY THE SPECIAL FINANCIAL COORDINATORS OF THE CANDIDATES RUNNING FOR PRESIDENT OF ROMANIA, UP TO
JANUARY 20TH, 2005

NO	THE CANDIDATES FOR PRESIDENT	DONATIONS MIL LEI	POSTERS PIECES	INCOME MIL LEI	EXPENSES MIL LEI
1	TRAIAN BASESCU	10.596	1.500.000	22.089	44.527
2	ADRIAN NASTASE	2.335	180.000	8.530	27.140
3	CORNELIU VADIM TUDOR	2.426	59.500	12.027	12.026
4	MARKO BELA	0	7	621	773
5	GHEORGHE CORIOLAN CIUHANDU	1.093	0	1.303	1.467
6	GEORGE BECALI	0	1.502.059	3.079	3.688
7	GHEORGHE DINU	560	100.000	560	560
8	OVIDIU TUDORICI	3	10	35	35
9	RAJ TUNARU	0	20.000	100	100
10	AUREL RADULESCU	0	50.000	700	667
11	PETRE ROMAN	0	23.493	132	132
12	MARIAN PETRE MILUT	1.990	100.000	2.065	2.058

Annex 13

Statement

I, _____, living in _____, owner of the ID card
_____ state the following:

On Friday, the 26th of November, 2004, at about 14:00 have met a neighbor nicknamed “Mosu”, living on Tunsu Petre Street Bl 12, sc. 2, in an apartment at the first or second floor. He told me we must meet on Sunday in order to go vote, promising he would give us money and supplies in exchange of voting for PSD and Adrian Nastase.

The morning of November 28th, in the morning at 11:00 we met on Tunsu Petre Street with a group of about 20 friends. By telephone, we were announced to come to Popa Nae Street, where there was a bottling centre that was the meeting point, which we left with several cars, approximately 50 persons at a time.

Mister Adrian, who is the owner of the bottling centre, promised he would give us 1000000, supplies and offered to get us houses from the state.

We left by car to Popesti Leordeni in the second turn, where we entered the Voting Office in the Cultural Centre and were told to go to the lady on the left side.

On the table I signed I was noted simply as “Alexandru”. I voted as I was told to.

When I got out, the driver of the bus told me to take the sticker off so that I can vote at the Office in School 136 in Ferentari. We got back to Adrian’s bottling centre. Adrian then sent us to Vasile, the gipsy on Tunsu Petre, where they gave us each two bottles of brandy.

I overheard the driver talking to a boss whom he reported all that was happening; therefore I realized he was a member of PSD.

Mosu told us he would give us the money he promised at the second round of elections.

Together with me voted in Popesti Leordeni my father, my brother, my uncle, my aunt and other people in the neighborhood I knew by nickname, Printu, Belmete, Florian Cizmaru and many others who voted at the office in school 136.

I have learned the consequences of the double vote, but they have attracted me. I learned it from the television, the day after the vote.

The 2nd of November 2004

Annex 14

Findings of CeSID experts regarding the results of the elections held in Romania on November 28th 2004

A high level of transparency of the results of the elections had been reached through the supplying of the scanned copies of the reports. Publishing the database of all the results of the elections for each polling station is highly recommended.

Incorrect or incorrectly introduced from the reports data had not been found. The database was compared with the supplied reports, by a random selection of the polling stations and a selection of the polling stations with extreme results (a raised percentage of votes for one candidate or a high presence at the polls).

All the results published as official results had been verified using the data from the database. No differences had been found.

1,247,369 electors for the Presidential elections voted at polling stations where they were not on the voters' lists. This number is the same as the one from the parliamentary elections for the Deputy's Chamber and the Senate. This means that at the elections 11.5% of the electors voted outside the sections where they were registered or that some of them had not been registered at all.

If the multiple vote is not prevented it can have a serious impact on the results of the elections.

The form of the reports caused confusions since there is an identical sentence for 1.1 and 2.1 columns, although two different figures should be introduced in these two fields. All the more, the same figure should be introduced in the 1.2 and 2.2 fields, which adds to the possibility of confusion.

There are many corrected reports (especially in the 1.1 and 1.2 fields). This proves that the members of the Electoral Bureaus from the polling stations had not been not well instructed.

Bucharest, December 11th, 2004

Zoran Lučić

Nebojša Vasiljević

Saša Dulić

Findings of Asociatia Pro Democratia regarding the insertion and centralizing the results of the elections of November 28th 2004

CEB's communicates regarding the partial results of the elections gave out to publicity during the day of November 29th started a debate in Romania regarding the way the results of the elections had been registered. Subtracting the difference between the number of the electors present at the polls and the number of the expressed valid votes, considered to be representing the number of un-cast ballots, seemed suspicious and generated doubts on the scanning, verifying and centralizing the data by NIS.

To clarify this situation that generated disbelief among the public opinion, Asociatia Pro Democratia had invited three independent experts representing CeSID (The Center for Free Elections and Democracy) from Serbia. Evaluating with them the insertion and processing of the electoral data by the NIS operators, we have seen the existence of some deficiencies into writing the forms for the reports that made possible the human errors, errors that, in their turn, lead to publishing some data that had no correspondent in reality, regarding the number of persons present at the vote.

To clarify the followed procedures, we shortly describe the way in which the votes had been counted, as the insertion an centralizing of the data.

Registering and centralizing the data infers the following phases:

Writing the report on the result of the elections at the local polling stations. All the members of the Electoral Bureau of the Polling Station (EBPS) usually sign the report.

The President of EBPS hands in (accompanied by two other members randomly elected) the report at the Electoral Bureau of Constituency, the results registered in the report being introduced, by scanning, in an electronic database. We must mention the fact that the database operator has the possibility of inserting or modifying the data in an electronic format, if these could not be read by scanning the report. For this operation a special program is being used.

The data being introduced, they are sent at CEB where they are being centralized. For the operation of centralizing the votes another part of the program is being used.

The main reasons for which centralizing the results allowed the error from CEB's communicates:

The way in which the report was written, the fields 1.1 and 2.1 having the same definition.

The fact that the program's formula of verifying for registering the results on the reports is "equal or lower" (CEB's decision no.68), which allowed the errors registered not to be detected.

“G. The total number of the expressed valid votes (point 3), summed up with the number of the un-cast ballots (point 4) must be equal or lower than the total number of the electors that cast their vote, number of the electors on the electoral lists existing at the polling station” (CEB, decision no.68)

Under the circumstances in which the report of ascertain of the results was written and due to the fact that, in fact, it could have been possible for some of the electors to leave the polling station with the ballot paper, it could not be introduced a key using the equality. Such a formula could have prevented the problem which appeared, but for such a formula to work out, it would have been necessary to be introduced in the report a new field such as “The number of ballot papers missing”.

Thus, from the analysis realized on the program of centralizing the data on the CEB level no errors were detectable. Even though, for the reasons mentioned above, at the Electoral Bureaus of Constituency registering level, the insertion of some incorrect data was possible.

In what concerns the way in which this problem was managed, we must specify the following:

The reports had been modified on most times (at the 2.1 field), not respecting the correct procedure (counting the electors that have signed they had voted in the permanent electoral list), by simply summing up the number of the expressed valid ballots with the number of un-cast ballots. Due to this procedure, verifying the compatibility between the number of votes from the urn and the number of voters that cast their vote was not possible any more.

In most cases, the reports had been modified only by the President of the polling station, or, even worse, having only the stamp of the Electoral Bureau of Local Constituency, but not the signatures and the stamp of Polling Station Bureau.

There are cases in which the reports had been modified without having any stamp whatsoever. (Neither PSB nor DEB).

As the process of summing up the votes by means of the soft used by NIS is concerned, no type of mistake had been observed.

On this occasion we must emphasize the transparency that BEC and NIS members had shown during this analysis, putting at PDA's and CeSID's disposition the electronic copies of all the reports (with each form derived from the modifications), and also the database.

Annex 15

December the 12th 2004

Mr. Emil Gherguț
President
Central Electoral Bureau

By fax: 326 8430, 326 8431, 326 8432

Mr. President,

Considering the situation created at an important number of polling stations from Bucharest and other places, where voters having the residence in other places are voting, the be more specific, the fact that on these sections there are, right as we write this petition, hundreds of voters that are waiting in queue to vote, we ask you to adopt a position that helps the voters in this situation, who had not had the chance to cast their vote by 21.00h.

More exactly, we consider that article 84 from Law 373/2004, in which is stated that “[...] the persons who are at 21.00h inside the polling station are allowed to vote” must be interpreted in such a way that the citizens who are waiting at 21.00h in line at a polling station be considered as being inside the polling station. According to this, the President of the Electoral Bureau of such a section should, at 21.00h, see who is the last person in line, and afterwards the security personnel of the section should not allow any other person to sit in that queue this decision should be applied only for those sections with a special regime, of polling stations where the electors having residence in other places can cast their vote.

We consider that such a decision is more than necessary, taking into consideration the effort the electors are making, at these hours, to vote, and the fact they are not to be blamed for the way in which elections in Romania are held and ruled.

Respectfully,

Cristian Pirvulescu
President

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