

[RO] The Electoral Code Draft and the Audiovisual Rules

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The Autoritatea Electorală Permanentă (Permanent Electoral Authority - AEP) finalised the draft of an Electoral Code, which includes provision for all types of elections and referenda taking place in Romania. The AEP announced on 25 January 2011 that the Draft has been presented to political parties and experts and submitted for public consultation (see IRIS 2005-1/34, IRIS 2008-10/27, IRIS 2009-6/28, and IRIS 2009-10/24).

The AEP intends to harmonise the Romanian electoral legislation and set up a general framework for all types of elections, in order to ensure greater coherence and stability of electoral procedures, to reduce discrepancies among different laws and cover regulatory gaps. The Draft Code, which contains 14 chapters, refers to European, presidential, parliamentary and local elections as well as to referenda.

Chapter 7 of the Draft covers the electoral/referendum campaigns, including provisions concerning: the duration of the campaigns; times of antenna-allocation; campaigns in audiovisual media (types of broadcasts, polls, etc.) under the supervision of the Consiliul Național al Audiovizualului (Council for Electronic Media - CNA); right of reply and rectification; electoral posters/banners and campaigns in printed media. According to the Draft, the CNA shall impose fines in the amount of RON 10,000-20,000 (EUR 2,350-4,700) for infringements of the electoral rules.

The public radio and television providers decide on the time allocated to electoral campaigns and communicate it to the CNA. Access to the public radio and television broadcasters (central and regional stations) for all competitors is guaranteed and free of charge. The commercial stations shall charge the same tariff per show and time unit for all candidates. The electoral clips can be broadcast only during electoral programmes.

80 percent of the broadcasting time for electoral competitors is allocated to the parliamentary parties, according to the final number of candidates; 20 percent of the time is allocated to non-parliamentary parties. Before the candidates are approved, the broadcasting time is allocated only to parliamentary forces, according to the number of MPs. Independent candidates shall have five minutes broadcasting time for the entire electoral campaign on the regional public

broadcasters covering their constituency. Only those electoral competitors who have declared candidates in at least 50 percent of the constituencies, from at least 15 counties for parliamentary and local elections are entitled to have broadcasting time on the national public radio/television stations. The presidential candidates receive equal broadcasting time.

The political parties receive broadcasting time for national referenda according to the number of parliamentary seats. In the event of a national referendum for the dismissal of the President, 50 percent of the time is allocated to the president whose suspension is called for and the political forces which back him/her, and 50 percent for the political forces backing the dismissal.

The broadcasters have to assure the equity, equilibrium and correctness of electoral/referendum campaigns. The electoral campaigns can only be presented in informative programmes, electoral shows and electoral debates. The public audiovisual services produce for free and broadcast daily after the evening newsreel, content regarding the electoral system and voting technique.

Electoral polls shall not be presented during the last 48 hours before the election/referendum. Exit polls shall not be presented before the close of voting.

The broadcasters have to decide about the right to reply and rectification within 24 hours after receiving a written demand from the offended party. The right to reply/rectification has to be given within 48 hours after receiving the written demand. If the CNA decides in favour of a claim, the broadcaster is obliged to give the right to reply/rectification in the time frame and under the conditions established by the Council.

Autoritatea Electorală Permanentă a finalizat proiectul de Cod Electoral; Comunicat de presă Serviciul Comunicare și Relații Publice 25.01.2011

<http://www.roaep.ro/ro/section.php?id=cauta&termen=cod>

Press release of 25 January 2011: The Permanent Electoral Authority finalised the Draft Electoral Code

Proiect de lege electorală supus atenției partidelor politice și opiniei publice

<http://www.roaep.ro/ro/getdocument.php?id=5293>

Draft Electoral Law presented to the political parties and the public

