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PORTALUL ELECTORAL WWW.ROAEP.RO

Autoritatea Electorală Permanentă a lansat în luna martie 2013 o nouă versiune a paginii sale de web www.roaep.ro.

Noul www.roaep.ro a fost gândit ca un portal electoral modern în spațiul căruia publicul să găsească toate informațiile privind procesele electorale, atât cele desfășurate, cât și cele în curs de desfășurare sau care urmează să aibă loc.

Secțiunea **LEGISLAȚIE ELECTORALĂ** conține actele normative în vigoare care guvernează procesele electorale, dar și proiecte pentru îmbunătățirea, perfecționarea și armonizarea cu acquis-ul comunitar a cadrului legislativ electoral românesc.



Secțiunea **ISTORIC ELECTORAL** cuprinde date referitoare la toate alegerile și referendumurile din România începând cu anul 1990. De asemenea, înglobează site-urile Birourilor Electorale Centrale începând cu anul 2007.

Secțiunea **FINANȚARE PARTIDE POLITICE** include informații privind aplicarea legii finanțării activității partidelor politice și a campaniilor electorale, date despre alocarea subvențiilor partidelor politice, dar și îndrumarea partidelor politice sau a candidaților independenți privind legalitatea finanțării.

LOGISTICA ȘI INSTRUIREA ELECTORALĂ reprezintă două coordonate importante ale AEP. Secțiunea prezintă atât elemente de logistică



electorală, cât și materiale necesare instruirii actorilor implicați în procesul electoral.

De asemenea, secțiunea **CONTROL ELECTORAL** conține date despre acțiunile de control privind îndeplinirea atribuțiilor legale în materie electorală de către autoritățile administrației publice.

BIBLIOTECA VIRTUALĂ a fost concepută ca o secțiune de resurse documentare electorale dedicată persoanelor cu preocupări în domeniu, specialiști din mediul academic, universitar, societatea civilă sau mass-media.

PRIMUL VOT este o secțiune dedicată tinerilor care împlinesc 18 ani și pentru care următoarele alegeri reprezintă ocazia de a-și exercita pentru prima dată drepturile electorale.



REVISTA EXPERT ELECTORAL

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STUDII, ANALIZE, COMENTARII

STUDIES, ANALYSES, OPINIONS

VOTING FROM ABROAD – A COMPARATIVE PERSPECTIVE ON LATIN AMERICA¹



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Abstract:

Who is able to vote from a country different from that he/she was born?; What kind of requirements citizens living abroad have to fulfill to vote from the country they are currently living?; For what type of elections are they able to cast their vote from abroad?; Are there specific requirements for the citizens living abroad to be registered in the electoral roll?

On a compared perspective, in this article we are trying to give possible answers to these and some other questions that have arisen around the Latin American region during the last 25 years on the voting from abroad topic. Latin America is the region that has the highest percentage of positive cases worldwide. Based on that premise, it is worth to take a look with a certain detail, to some of those mechanisms and procedures carried out – or that will be carried out – to guarantee the respect to the political-electoral rights of citizens living abroad.

Keywords: *voting abroad, Latin America, elections, registration in the electoral roll*

Abstract:

Cine poate vota din altă țară decât cea în care s-a născut?; Care sunt condițiile pe care trebuie să le îndeplinească cetățenii care locuiesc în străinătate pentru a își exercita dreptul de vot din țara în care trăiesc?; Pentru ce tip de alegeri pot vota din străinătate?; Există cerințe specifice pentru cetățenii care locuiesc în străinătate în ceea ce privește înscrierea în listele electorale?

Articolul de față încearcă să răspundă dintr-o perspectivă comparată la aceste întrebări, precum și la altele care au apărut în America Latină în ultimii 25 de ani în ceea ce privește votul din străinătate. America Latină este regiunea care a înregistrat cel mai mare procent de cazuri pozitive la nivel mondial în acest sens. Pornind de la această premisă, considerăm necesar că trebuie analizate în detaliu unele mecanisme și proceduri care sunt sau urmează să fie implementate pentru a garanta respectarea drepturilor politice și electorale ale cetățenilor care trăiesc în străinătate.

Cuvinte-cheie: *votul în străinătate, America Latină, alegeri, înscrierea în listele electorale*

¹ This article is based on a previous research conducted and published in Electoral Studies Compared International Perspective, "Voting from Abroad in 18 Latin American Countries" (2016). International Affairs Unit, National Electoral Institute, Mexico.

From 1990 to 2014, the number of Latin American countries with regulations and resources allowing their citizens to cast votes outside their territories rose from 3 to 16 (see Table 1. Countries with voting from abroad).

One theory would suggest that the noticeable growth of this phenomenon in the region can be explained by a linear, simple and almost natural correlation with the processes of access to, or restoration of, democratic institutionalism, which have occurred in recent decades throughout the region and around the world.

If this rationale stands, voting from abroad might be considered, to a certain extent, as a legitimate political and institutional response to the discourse and demands for democratic and universal suffrage that have grown to unprecedented levels globally.

Table 1. Countries with voting from abroad

Country	YEAR OF ADOPTION ²
Colombia	1961
Brazil	1965
Peru	1979
Argentina	1991
Venezuela	1993
Dominican Republic	1997
Honduras	2001
Ecuador	2002
Mexico	2005
Panama	2006
Bolivia	2009
Paraguay	2012
Costa Rica	2012
El Salvador	2012
Chile	2015
Guatemala	2016

The aim of this article is to render a comparative overview of the fundamental features of the regulations adopted by 16 countries in the region, and, in some of them, the systems that have been used to implement them.

² The date refers to the year when the legislation that enabled voting from abroad was approved, not necessarily the year when it was implemented.

The Comparative Panorama

As stated at the opening of this text, in the last quarter of the century the number of countries in Latin America that recognize and have adopted legal regulations to allow voting from abroad has risen from 3 to 16. This is the region with the highest percentage of positive cases worldwide, as shown in Table 2.

Table 2. Number of countries – by region with vote from abroad

Region	Number of countries	Countries with vote from abroad	Percentage
Latin America	18	16	88.89
Rest of the Americas	17	8	29.63
Africa	54	35	64.81
Asia	44	25	56.82
Europe	50	41	82.00
Oceania	14	8	57.14
TOTAL	207	133	64.00

This table demonstrates that most of the countries in the region have made efforts to develop and set electoral norms, institutions and procedures as keystone components in the process of strengthening and renewing democratic systems. Indeed, it is unlikely that any other region in the world in recent decades has been as keen to confirm electoral means as the only legal, social and legitimately recognized way to access and renew political powers periodically.

It is true that recognition and regulation of voting from abroad are not yet keystones in the reform processes of all the region's countries. Nevertheless, the rationale for this practice made in some of the arguments, and the power of the demands, have influenced agreements to include the vote from abroad in the body of law.

We shall now compare some features of the vote from abroad among the 16 countries that have taken steps to support it. We must state beforehand, though, that the data relative to Chile are incomplete because the constitutional reform that supports the vote from abroad, published at the end of 2014, is clear in principle but its implementation will begin only with the presidential elections in 2017. Same situation

for Guatemala, who adopted legal regulations in 2016, but the mechanism will be applied only starting with the presidential elections in 2019.

Therefore, this article covers only the basic definitions integrated in the approved constitutional reform.

Origin and Foundations

It has already been argued that the conditions and demands particular to each country must be taken into account in any attempt to explain the origin and motives that underlie support for recognition and casting of the vote from abroad.

Data relative to the year of adoption and first implementation of legal devices for voting from abroad (in the near future in the cases of Chile and Guatemala) may be useful to illustrate the relationship between these two tendencies.

Table 3. Adoption and implementation of legal devices for voting from abroad

COUNTRY	YEAR OF ADOPTION	YEAR OF IMPLEMENTATION
Argentina	1991	1993
Bolivia	2009	2009
Brazil	1965	1989
Chile	2013	2017
Colombia	1961	1962
Costa Rica	2012	2012
El Salvador	2012	2012
Ecuador	2002	2002
Guatemala	2016	2019
Honduras	2001	2001
Mexico	2005	2006
Panama	2006	2006
Paraguay	2012	2013
Peru	1979	1980
Dominican Republic	1997	2004
Venezuela	1993	1998

On the one hand, we have the pioneering experience of Colombia, with more than five decades of uninterrupted practice. It could be deemed exceptional, relative to the political development in the region as a whole, but not as concerns the process of articulation and maturing of its political regime. Colombia takes a different path than global dynamics, or even

regional ones. The processes for deliberation and decision-making about implementation are unprecedented, neither framed by external factors nor bound by their schedules. There is no sense of urgency.

The Brazilian case is notably contradictory, in the first place because of the conditions of its process. The legal mandate for the recognition of the vote from abroad was produced and approved in 1964 by the recently installed military regime, which soon after suspended all democratic institutions. So, the implementation of the mandate took place only 15 years later, when a civil government was again installed. The second reason is that, in a chronological sense, its implementation intertwines the acceptance of systems for voting from abroad with the processes of democratic change or restoring representation in the 1980s, even more so to the ensuing effort to preserve, strengthen or renew the legitimacy of those processes. With this as a backdrop, other countries took steps to accept systems for voting from abroad as the 1990s progressed.

In considering the regional trend, the other key component already mentioned must not be overlooked: the phenomenon of international migration. Before the 1990s, numerous countries suffered from massive exoduses of citizens to foreign countries, some of them driven by recurring causes. Notably, the processes of democratic change or restoration coincided largely with the effects of grave economic crises that struck the region, arising from the worldwide shift of paradigms for managing economies. As such, the return of democratic values, liberties and expectations took place in a context of serious economic precariousness and deprivation. What is the connection between these problems and our subject?

According to data from the International Organization for Migration (IOM), at the turn of the century, migration to/from Latin American countries was negative for the first time; that is, the number of citizens who migrated was greater than the number of foreigners who settled in these territories. Although the balance returned to positive in a few countries (Chile, Costa Rica and Venezuela) in the first decade of the new century, it remained negative in the others, and in several cases (Bolivia, El Salvador, Mexico,

Peru and the Dominican Republic) the negative trend was steady or accelerating³.

For the first time in recent history, massive migration to foreign countries – predominantly workers migrate – became common in most of the region's countries. This resulted in the need to visualize the diaspora, its needs and interests, importance and capabilities in a new light and from a new perspective. The vote from abroad was then proposed on new principles, beyond its symbolic role.

In this context, it is interesting to discern and contrast the experiences of several nations according to their original motives and the interests and demands that were decisive in their adoption of the corresponding devices for the vote from abroad. A two-pronged structure is proposed, in which one extreme is dictated by the will or interest of a specific state institution or outstanding political personage, while the other represents the capability of representatives or mediators for the diaspora, the potential beneficiaries, to exert political pressure.

One may begin by pointing out that in most cases, including the previously mentioned ones of Colombia and Brazil, the original or fundamental motives belong to the first pole, which, for the sake of clarity, we will label as state or political initiative. But within this tendency there are important variations and shades. In strict chronology, Peru inaugurated the contemporary stage or second-generation devices for the vote from abroad. This was the only occasion in which the vote from abroad was included in the political arrangements and electoral innovation resulting from a return to democratic institutionalism, thus ending a military dictatorship. It was a specific decision adopted by the constituent assembly created in 1978, and was included in the constitutional text announced the following year.

More than a decade would go by before the group of countries increased its number with

Argentina in 1991. Clearly, this was an instance of acceptance of the vote from abroad as a gesture of reconciliation, agreed by the government and the political parties with those in political exile after a cruel dictatorship. Paraguay is a very recent case, where the process stems from a wide public political agreement that goes beyond pragmatism, and whose terms are worth mentioning. As happened three years previously in Uruguay, political forces in Paraguay decided to submit the matter to a plebiscite. However, unlike Uruguay, the outcome was clearly favourable: though attendance at the polls was rather scarce, almost 85 percent of voters supported the expatriate vote.

In Ecuador and Honduras, where labour-driven migration has grown noticeably in recent decades, acceptance of devices for voting from abroad was the evident result of agreed or imposed decisions, mostly hidden and lacking public disclosure. Notably, evolution in these countries has followed diverging paths: in Ecuador social-political transformations soon caused interested or representative organizations of migrants to engage in the matter, and progress has continued. In Honduras, conflict and apathy have caused the project to become entangled, at least in terms of regulation and implementation.

What distinguishes the experiences in Costa Rica and Panama is that processes for the recognition of the vote from abroad were essentially issued as parts of the movements made by electoral authorities to expand and strengthen the electoral regimes, and they attained the necessary consensus in a relatively straightforward manner. In Costa Rica, the initiative was issued by the Supreme Electoral Tribunal. The experience in Panama was uneven, given that in 2001 Congress consented to a petition from the electoral tribunal to repeal the legal dispositions for voting from abroad, because of difficulties in implementation. Despite that decision, eight years later the legal mandate was reaffirmed following a proposal issued by a reform commission, which is constituted after each election and includes the electoral authority.

Three of the most recent cases, Chile, which will have a legal mandate for voting from abroad in 2017, Guatemala in 2019 and El Salvador (2012) are, along with Mexico, examples of a clear confluence between the two variables introduced for this analysis. In those cases, achievements were made after a long period of difficulties and via

³ See the section on migration numbers in the World Bank database: (<http://datos.bancomundial.org/indicador/SM.POP.TOTL>). To go deeper into the situation and international migratory dynamics of the Latin American countries, we recommend Durand's and Schiavon's work: *Perspectivas Migratorias: Un Análisis Interdisciplinario de la Migración Internacional* (Migration Perspectives: An Interdisciplinary Analysis of International Migration), CIDE, Mexico, 2010, especially the first two chapters.

political and legislative agreements that enabled the mechanisms. Indeed, the four cases can be said to have been driven by the systematic claims and demands made by their main beneficiaries – migrants. Even after finding an echo amongst some opinion-makers and political forces, this movement had to remove other obstacles and gradually generate consensus before it could achieve its aims.

Finally, in the cases of Bolivia, the Dominican Republic and Venezuela, we can say that the determining force for the realization of the vote from abroad was the systematic pressure exerted by representative groups or forces common to potential beneficiaries. These three cases, as well as the Mexican one in great measure, were the first examples of a series of requirements temporarily obstructing the coming into being of laws that expressly contemplated the possibility of voting from abroad. As the time to process any project or initiative was too long and an impasse had developed, it was necessary for supporters to intensify their pressure and demands until they succeeded.

The particularities and shades of these different experiences aside, it is pertinent to emphasize that, as a group, the devices adopted in Latin America have made sense within the framework of political-electoral regimes that satisfy basic democratic requirements and characteristics. This implies that devices for voting from abroad have been agreed upon as part of a game governed by the rules of democratic institutionalism, and have not revealed vulnerabilities in electoral processes, despite some insufficiencies or limitations in their concept or design. This is contrary to experiences in other regions.

Types of Elections where Voting from Abroad May Apply

Reflection or debate around the types of election that may include voting from abroad is very often limited to recent specialized literature, so that any decision on the subject is likely to be seen as the correct one. This may well be true, provided the decision is generated through institutional means.

Each case may be mediated by contextual factors and assessments, especially legal or political-institutional ones, and also by contingencies or restraints of administrative, budgetary operational nature. Thus, it should not be surprising to find a gamut of alternatives

and combinations throughout international experiences: while some countries exemplify an extreme where the vote from abroad is limited to presidential elections, a few go to the other extreme, permitting it for almost any kind of election or direct democracy instrument.

One may better understand the Latin American response by keeping in mind the differences in political-administrative organization and that weighing differences in governmental regimes is irrelevant in the face of the presidential authority that is a common feature in the region. To avoid unnecessary digressions on the subject, it is sufficient to differentiate, on one side, the most conventional concept of elections – the act of choosing members of the bodies for popular representation in different spheres of government – and on the other, the expression of preferences by means of what are generally called “direct democracy instruments” or “citizen initiatives”.

Even within such a simple two-fold classification – elections and referenda – further rationalization would require greater precision or elaboration to illustrate the variations of its components caused by the different forms of political organization or the nature and consequences of affairs subjected to the verdict of the citizenry.

In order to attain greater clarity, these are the characteristics of the data in Table 4: they are limited to differentiate, for elective posts, between national elections (presidential and legislative) and subnational elections (corresponding to the different spheres of government of the political-administrative organization in each country – from regions or provinces down to municipalities or neighbourhoods). In the case of devices for direct democracy instruments or citizen referenda, these are appointed generically to embrace any one applicable in each country, only specifying those instances where the concept “recall of mandate” is considered and referred to expressly.

One first relevant feature in the records of these 16 Latin American countries, with the exception of Mexico, is that the vote from abroad is solely considered for national elections or referenda, though with peculiarities worth mentioning. (Chile has been included in this section because the approved constitutional reform clearly defines which elections shall include the vote from abroad.)

Clearly visible in Table 4 is a first set of countries (Brazil, El Salvador, Guatemala, Honduras and Panama) whose voters abroad can take part only in presidential elections. A second set groups four countries where the vote from abroad embraces national referenda as well: Bolivia (the sole country to include the revocation of mandate), Chile, Costa Rica and Venezuela. A third set comprises four countries where citizens abroad

are able to vote in legislative elections, beside the compulsory presidential ones, though not in direct democracy instruments. This includes three countries with national parliaments divided into two chambers – Argentina, Paraguay and the Dominican Republic – and one, Ecuador, which has a single-chamber parliament.

This group includes two good examples of how, in a very short time span, devices for voting

Table 4. Types of elections where voting from abroad applies

COUNTRY	SCOPE OF APPLICABLE ELECTIONS	ELECTION TYPE⁴
Argentina	National	Presidential Legislative (both chambers)
Bolivia	National	Presidential Direct democracy instruments Recall of mandate
Brazil	National	Presidential
Chile	National	Presidential Direct democracy instruments
Colombia	National	Presidential Legislative (both chambers) Direct democracy instruments
Costa Rica	National	Presidential Direct democracy instruments
El Salvador	National	Presidential
Ecuador	National	Presidential Legislative
Guatemala	National	Presidential
Honduras	National	Presidential
Mexico	National and local	Presidential Legislative (only the Senate)
Panama	National	Presidential
Paraguay	National	Presidential Legislative (only the Senate)
Peru	National	Presidential Legislative Direct democracy instruments
Dominican Republic	National	Presidential Legislative (both chambers)
Venezuela	National	Presidential Direct democracy instruments

⁴ In those countries with a two-chamber congress where voting from abroad includes legislative elections, it is indicated if voting from abroad implies both chambers or only one.

from abroad were significantly widened in scope, by extending them to include legislative elections along with the original presidential elections. These cases also increase migrants' rights by including their own parliamentary representation, in keeping with the example of Colombia (see below). Ecuador did limit the vote to presidential elections in its first law in 2006, but this was changed in the constitutional text approved in 2008 and in the new electoral legislation in 2009. Dominican Republic had a similar experience, approving a constitutional text in 2010 that included migrants' rights to vote in legislative elections and for their own representatives, whereas the laws of 2004 and 2008 limited voting from abroad to presidential elections.

The list of countries that bound the vote from abroad to national elections and direct democracy instruments of national span is completed by Colombia and Peru, both adopting the amplest scope within this group of countries, including all the possibilities already mentioned for voting from abroad. Colombia pioneered this practice in the region more than half a century ago, when it was uncommon throughout the world and it remains the strongest model for continuing progress and innovation.

From 1961 until 1990, Colombia limited exercise of the vote from abroad to presidential elections. In December of the latter year, voters abroad were invited to participate in the integration of the national constituent assembly, which delivered the new constitutional text a few months later. It was published in July 1991. The new constitution ratified the right to vote in national direct democracy instruments and extended it to legislative elections, though implementation took some time. It has been valid for the Senate since 1998 and for the Chamber of Representatives since 2002. Most innovative was the recognition of parliamentary representation for migrants in the lower chamber, starting with one seat in 2002 and extended to two seats since the elections of 2013.

Mexico comes last in the list: for more than six decades there prevailed a marked division between the electoral competences of the federation and those of the states. In 2005, the right to vote from abroad was acknowledged

by the federation exclusively for presidential elections, setting a precedent for the 32 states to recognize it in their own realms. This has happened in a handful of states to date, making Mexico the first country to accept the vote from abroad in subnational spheres, though according to terms and modalities determined by each state.

Major constitutional and legal reforms that took place at the beginning of 2014 had significant impact on Mexico's vote from abroad experiment. For our purposes, suffice it to say that the new legislation of national type and reach has extended the right to vote from abroad to Senate elections in the federal realm, starting in 2018, and has also reasserted the possibility of the 32 states to include it for elections of local executive officials, at least.

It is worth pointing out that the seven regional cases where voting from abroad includes some type of national legislative elections apply conventional residence or birth criteria to determine the electoral jurisdiction of voters registered abroad. This means that each vote cast from abroad is assigned to the electoral district that corresponds to the territory where the voter lived or was born within the country, or that of his/her parents. This is important since there are cases elsewhere in the world where these votes are assigned to a pre-determined electoral district that has no relationship whatsoever with the voters' data.

Requirements for Eligibility

A review of the vote from abroad systems in the region reveals four defined requirements for someone to qualify as a voter: full citizenship, minimum age, residence abroad and the fulfilment of a registration procedure.

We may assume that none of these requirements imposes restrictions or undue difficulties in accessing the right to vote from abroad, therefore making these systems highly inclusive. Yet, some cases bear peculiarities worth mentioning because of the ways in which they may be interpreted for practical purposes: this could well be the basis for creating obstacles to the understanding and effective application of the guarantee to universal access to vote.

The requirements of citizenship and minimal age (which is inherent to citizenship), are generally accepted. In most Latin American countries the concept of citizenship is legally founded upon the requirements of nationality – acquired in any accepted fashion: by right of birth, by right of ancestry, by naturalisation – and a predetermined age: 16 to 18 years. Besides, citizenship explicitly grants the ability to exercise a set of additional rights, especially political ones.

There are divergent concepts and continued confusion about the notions of nationality and citizenship, and the relation between the concepts⁵. Nevertheless, it is interesting that today the legal norms of the 18 countries under analysis admit the possibility of multiple nationalities for citizens, on their own terms and conditions. That makes it possible for some people to achieve citizenship, and therefrom entitlement to the exercise of political rights, in two or more state jurisdictions.

It is therefore not unusual for the countries that accept twofold or multiple nationalities to impose certain restraints upon people in such a condition, including naturalized foreigners, to acquire or exercise specific political rights, including to be nominated or appointed for certain public posts. It is no surprise then, that in the cases of Brazil and El Salvador, explicit provisions bar people bearing another nationality from qualifying as voters abroad, or that in the Dominican Republic the restriction is applied only to persons who have previously performed military duties for another country whose nationality they also hold.

Leaving aside the practical challenges to the effective implementation of these restraints, and in contrast to other areas, we see no further complexities in discerning and validating citizenship in the countries of the region. The common trend in legal rules on the matter is to

emphasize the currency and validity of political rights adjacent to citizenship; that is, the person must not be charged with legal sanctions that deprive him/her of the full entitlement to their lawful rights.

The requirement of residence abroad is explicit in eight countries – Argentina, Bolivia, Brazil, Colombia, Guatemala, Mexico, Peru and Venezuela – though in distinct terms. This may be examined from two complementary points of view: on the one hand, it tends to eliminate the possibility for certain persons to be qualified as voters if they are abroad only temporarily or in transit; access may be completely denied in these and other cases due to the requirements or procedures for registration. On the other hand, the residence requirement might imply severe restrictions on those without legal documentation abroad, because they may be required to produce documents that are out of their reach.

The importance and implications of the last of the four most common requirements, demanding a registration procedure to qualify as a voter abroad, deserve special treatment. It is useful first to highlight that restrictions derived precisely from requirements and procedures for registration and, if relevant, the mechanism accepted for casting a vote, may be as important, or even more so, than restraints imposed by the requirements for eligibility. This is to say, even when the device accepted for the voting is the most inclusive in terms of eligibility requirements it might be drastically limited by the procedures foreseen for registration or by the method accepted for voting.

Procedures for Registration

In all countries that have implemented voting from abroad, one essential requirement for eligibility and voting itself is fulfilling specific registration procedures. These are in addition to the modes of electoral registration within these countries and are required in order to be entitled to electoral rights abroad.

Requirements and procedures for registration may include several variants in different countries. In Table 5, we can discern four basic features, allowing us to compare those variants in nature and reach.

⁵ To delve deeper into the subject the following texts are useful: Rubio, Ana and Moya, Mercedes, *Nacionalidad y ciudadanía: una relación a debate*, in the *Annals of the Cátedra Francisco Suárez*, University of Granada, Spain, 2003, <http://digibug.ugr.es/bitstream/10481/20144/1/nacionalidad%20y%20ciudadan%C3%ADa.pdf>; and Sojo, Carlos, *La noción de ciudadanía en el debate latinoamericano*, in *Revista de la CEPAL*, no. 76, April, 2002, http://repositorio.cepal.org/bitstream/handle/11362/10799/076025038_es.pdf?sequence=1.

Table 5. Requirements and procedures for registration for voting from abroad

COUNTRY	REGISTRATION TYPE	MODALITY FOR REGISTRATION	PERIOD	DOCUMENTS
Argentina	Permanent	In person and via Internet	Continuous and up to 6 months before elections	National Identity Document (NID)
Bolivia	Permanent	In person in embassies and consulates	Temporary and up to 4 months before elections	Official ID or valid passport
Brazil	Permanent	In person in embassies and consulates	Continuous and up to 5 months before elections	Official ID
Colombia	Permanent	In person in embassies and consulates	Temporary and up to 3 months before elections	Citizen card or valid passport
Costa Rica	Permanent	In person in embassies and consulates or inside the country	Continuous and up to 4 months before elections	Valid identity card
El Salvador	Permanent	In person and via Internet	Continuous and up to 6 months before elections	Identity document
Ecuador	Permanent	In person in embassies and consulates	Continuous and up to 5 months before elections	Citizen card or valid passport
Guatemala	Permanent	In person in consulates or inside the country and via Internet	Continuous and up to 4 months before elections	Personal identity document
Honduras	Permanent	In person in embassies and consulates (only in the US)	Temporary and up to 3 months before elections	Identity card
Mexico	Permanent	Personal, postal and via Internet	Temporary and up to 6 months before elections	Photo voting card
Panama	Permanent	In person and via Internet	Continuous and up to one year before elections	Valid identity card
Paraguay	Permanent	In person in embassies and consulates	Temporary and up to 4 months before elections	Identity card
Peru	Permanent	In person in embassies and consulates	Continuous and up to 3 months before elections	National identity document
Dominican Republic	Permanent	In person in embassies and consulates	Continuous and up to 3 ½ months before elections	Identity and electoral card
Venezuela	Permanent	In person in embassies and consulates	Continuous and up to 3 months before elections	Identity card

The first one is the temporal feature: in each case registration is permanent, which simply means that the voter preserves his/her quality as such for an indefinite length of time, that is, for all successive electoral processes, except in those cases where an additional requirement for validation or update is specified. Given that registrations are usually associated with certain territories – normally the jurisdiction assigned to an embassy or consulate – what is actually demanded of the voter, in case they change their place of residence or return to their country, is that they register the change with the new jurisdiction.

A second characteristic is the modality or means to carry out the registration process. One may discern the following methods: in person, which implies the personal and direct appearance of the person in a place designated for the purpose; and distance, such as postal or Internet-mediated systems. Distance modalities seem to offer greater advantages for the interested citizen, who would only need to have access to the Internet or a nearby post office to register as required, no matter where they may be. The in person method has the possible disadvantage of having to travel great distances between one's location or residence and the nearest registration site.

The in person modality is dominant across the region, therefore it is important to consider some of its aspects. First, the sites planned for registration from abroad are to be exclusively located in countries and cities holding official representations (embassies or consulates) because of diplomatic or organizational rationales, which are readily understandable. The probable reach of this method is usually limited since it depends on the span of the diplomatic network. Secondly, the in person modality is dictated in accordance with the characteristic of the voting, that is, they both require strict personal appearance.

These features are not uniformly associated in all cases, sometimes due to the fact that the sites for registration and voting are not necessarily located at official venues – logistical or political causes may determine this – or because the legal devices approved for the purpose limit the implementation of necessary resources to only certain countries or cities. Honduras is an extreme example of the latter: since the approval of voting from abroad in 2001, registration and voting have been limited solely to cities of the United States where the country has consular representations. In contrast, in 2004, the Dominican Republic centred its initial efforts for voting from abroad in five foreign countries, but for the following two occasions (2008 and 2009) expanded those to eight countries. Bolivia had a similar beginning in 2009, limiting registration and voting to four countries, but by October 2014 the elections extended to the 33 countries where it has diplomatic representations. Brazil has an interesting situation: registration may take place at any diplomatic venue abroad, but at least 30 registered voters are required before a voting station can be established.

Only two countries accepted from the beginning the modality of registration via postal service – Mexico and Panama. In both cases initial operating difficulties were so large, and compounded by complications for voters, that the systems were quickly revised. The ample reform of the electoral regime carried out in Mexico in early 2014 did significantly affect the device for the vote from abroad. Registration via postal service was not eliminated, but meant to be simplified: citizens were given the option of depositing their ballots at embassies, whose personnel would take charge of their delivery to the electoral authority. More importantly, voters

abroad now can vote via Internet. In Panama, the postal ballot has been replaced by the in person and distant, electronic modalities. One very interesting innovation is that the essential parts of registration can be performed via teleconference (Skype).

Efforts at including ways to register via Internet have become even more numerous and promising because of their potential scope and ample accessibility. Certainly, other electronic means or new technological applications will very soon offer added possibilities. Obviously, if interested citizens have access to several alternatives for registration, they will be more likely to register and possibly influence elections.

The third feature for assessing the benefits of a registration procedure is the time set for its deployment. Here, two aspects may be considered: the relative continuity or permanence of the procedure, that is, whether or not it is limited to periods around electoral processes; the other is how long before elections the registration periods end. Setting a deadline to complete the paperwork for registration is a feature common to the electoral regimes in Latin America. Adequate time is required for the authority to validate the submitted requests (registration, dismissal, update or correction of personal data) and to print and deliver the voters' lists that will be displayed on polling day.

Table 5 shows that in most cases – 9 out of 14 – the process for registering voters abroad is continuously available, so it may be performed at almost any given moment, save for after the closing or suspension dates for each election. This is further simplified if the process occurs at permanent venues, even more so if electronic distant means are available. Dominican Republic deserves special mention, since it has established permanent venues abroad specifically for processes related to the civil registry and electoral registration and they are autonomous of diplomatic representations.

The terms for registration are temporary in the other six countries – Bolivia, Colombia, Guatemala, Honduras, Mexico and Paraguay – and they cover a period that commonly ends before each electoral process. There are some variations. For example, the national elections of 2014 were Bolivia's second experience of voting abroad, and on this occasion the number of foreign countries where voting from abroad

was available grew from 4 to 33. The registration process was carried out in two stages: one lasting for slightly more than a month during November and December 2013, focused on the 7 countries with the highest numbers of potential voters; the second process included all 33 countries. However, while for the 7 most relevant countries the process in the second stage lasted 3 months (10 March – 10 June 2014), for the remaining 26 it operated only in the last month of that period.

Regarding the length of time before elections that closing dates for registration are set: to one extreme are Guatemala and Panama, where one full year is required, and to the other is Brazil, where it is one month. These terms are appointed in accordance with the time required to update registrations and issue electoral lists within the countries.

The fourth feature for assessing the benefits of a registration procedure corresponds to the identity documents required to register. Countries can be divided initially into two categories: in the first (the majority of countries), only one specific document is admissible. These include the nine nations that have unique national identity documents (whose denominations vary) and Mexico, where there is no national identity card or document but the electoral identification, issued exclusively by the electoral authority, which substitutes for it. The other category

consists of Bolivia, Colombia and Ecuador, where the passport is admitted as well as the national identity document, and Brazil, where any officially issued document is accepted.

Importantly, in Bolivia, Colombia and Panama it is mandatory for the required document to be valid at the time of the process because, if not, registration cannot be finalized. Yet, in every case for which the process requires in person appearance at an official venue abroad, that venue is also able to issue the required document. This is an evident advantage for people potentially interested in registering.

Mexico and the Dominican Republic did not initially consider issuing the document required for registration abroad, but given the problems and demands that arose, they reversed that stance. As mentioned earlier, in every country where it has implemented the vote from abroad, the Dominican Republic established permanent venues to carry out all registration procedures.

In order to be consistent and respectful of the terms established for the elaboration of this article, we have only taken into consideration in this document some of the variables associated to the voting from abroad topic in Latin America. Due the limits of extension of this article, we will try to offer a whole panorama of this topic in a complementary article for the next edition of the Electoral Expert Review.

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THROUGH CRISIS, SOUTH KOREA STRENGTHENS ITS DEMOCRACY AND DEMONSTRATES COMPETENCE



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Abstract:

On May 9, 2017, the Republic of Korea conducted a Presidential election to fill a vacancy in the office caused by extraordinary turn of events that saw a President charged with abuse of power by the National Assembly and ultimately removed from office by the Constitutional Court. The election was called just 60 days prior and was very competitive, with 13 candidates seeking the highest office in the land. The winner, Democratic Party candidate Moon Jae-in, who lost the presidency in 2012 with 48% of the vote, was successful in 2017 by obtaining 41% of the ballots cast with a 77% turnout, including a record turnout during the 2-day early voting period. It was the 19th Presidential election and it was held 30 years after the country moved to direct elections. Much has happened in those 30 years and indeed in the past 70 years in the Republic of Korea. The National Election Commission (NEC) conducted the special election with great impartiality and competence.

Keywords: Republic of Korea, elections, NEC, early voting, turnout

Abstract:

În data de 9 mai 2017, în Republica Coreea s-au organizat alegeri prezidențiale, pentru a ocupa postul rămas vacant în urma unei extraordinare răsturnări de situație în urma acuzării președintelui de abuz de putere de către Adunarea Națională, și înlăturării acestuia din funcție de către Curtea Constituțională. Alegerile au fost anunțate cu doar 60 de zile înainte și au fost caracterizate de o competitivitate ridicată, cu 13 candidați pentru cea mai înaltă funcție din stat. Câștigătorul, candidatul Partidului Democrat, Moon Jae-in, care a pierdut în cursa prezidențială din 2012, obținând atunci 48% din voturi, a reușit în 2017 să obțină 41% din voturile exprimate cu o rată de participare de 77%, prezența fiind record inclusiv în perioada de votare în avans de 2 zile. A fost cea de-a 19-a rundă de alegeri prezidențiale după cei 30 de ani de la primele alegeri directe organizate în această țară. 30 de ani plini de evenimente, în special în ultimii 70 de ani în Republica Coreea. Comisia Electorală Națională (NEC) a desfășurat aceste alegeri cu un grad ridicat de imparțialitate și competență.

Cuvinte-cheie: Republica Coreea, alegeri, Comisia Electorală Națională (NEC), votare în avans, rată de participare

Background

After the end of World War II, Korea was in shambles from decades of domination, and divided by the Allies into two entities, North Korea and South Korea, with the North associated with the Soviet Union, and the South more aligned with the United States. In 1948, South Korea held its first National Assembly elections in an attempt to bring democratic governance to the country. Sadly, this was followed by the Korean War, which brought forth great destruction and poverty on both sides, and death to over 1.2 million people. In 1953, a truce was put in place, resulting in the establishment of the Republic of Korea in the South, and the Democratic People's Republic of Korea in the North.¹ Both countries are located in East Asia and share a peninsula, which is divided by a 2.5-mile demilitarized zone. This zone continues to this day, and separates a Communist dictatorship from a vibrant democracy.²

Today the Republic of Korea boasts a population of nearly 51 million people, with half of the population residing in or near the capital of Seoul, which borders North Korea that has a population of 25 million people, with Pyongyang as its capital.

Up until 1987, South Korea struggled to find its footing as a democratic nation, and endured military dictatorship and authoritarian rule, with much public unrest, protests and violence, especially in the 1960s and 1970s, when there was no direct election of a president.

1987 proved to be a turning point for South Korea democracy, and was the beginning of an era that ushered in direct democracy and a crackdown on the political corruption that had dominated the country for decades. It also led to very competitive elections and periods of expanding capitalism and economic growth. Today, South Korea is an economic powerhouse of Asia, and the world. It is an example and beacon of hope for those newer democracies seeking to emulate their democratic and economic success.³

One very important element in the Republic of Korea's success has been the establishment of a truly independent National Election Com-

mission (NEC) as a constitutional body. While it was established in 1963 as a result of the widespread fraud in the 1960 election, it was not until the constitutional changes in 1987 establishing direct elections that the NEC really came into prominence, and really began to establish itself as a force that would fight fraud and corruption, and push for new laws, rules and regulation of candidates and money in politics, including the Public Official Election Act. The NEC hired professional civil servants and had institutionalized independence and high ethical standards. As a result, today, the NEC is one of the most respected institutions in the country and the world.

Removal of President Park and Setting the Date of the Election

The Presidential election was originally scheduled for December 20, 2017, when the 5-year term of Park Geun-Hye, who defeated Moon Jae-in with 52% of the votes cast in 2012, was to end.

In December 2016, the National Assembly of the Republic of Korea formally charged and impeached then-President Park Geun-Hye for corruption in office. This followed months of allegations and investigations, which precipitated massive weekend candlelight citizen protests and calls for her resignation. Under the Constitution, following the impeachment proceeding President Park was suspended from office, while the Constitutional Court investigated the matter and made its own determination on the charges, and whether she was to be removed from office. During the interim, Prime Minister Hwang Kyo-ahn was named Acting President.⁴

On March 10, 2017, in a unanimous decision, the Constitutional Court formally removed President Park from office, which then triggered a constitutional provision requiring the National Election Commission to schedule a new special election for president within 60 days. The NEC subsequently set the election for Tuesday, May 9, 2017. Acting President Hwang governed the nation until his successor was elected, and made the decision not to be a candidate in the election.⁵

¹ http://www.newworldencyclopedia.org/entry/History_of_South_Korea

² <http://www.earthnutshell.com/the-worlds-most-dangerous-border-a-tour-of-north-koreas-dmz/>

³ <https://www.forbes.com/places/south-korea/>

⁴ https://www.nytimes.com/2017/03/09/world/asia/park-geun-hye-impeached-south-korea.html?_r=0

⁵ http://news.xinhuanet.com/english/2017-05/08/c_136265168.htm

Administration of the Election



The National Election Commission (NEC) of the Republic of Korea is the governing body that oversees all elections, political parties, campaign funding and expenditures, and the administration of all elections and referenda.⁶ The Commission consists of nine members, including a Chairperson and Vice-Chairperson selected by the members. Three are appointed by the President, three are elected by the National Assembly and three are nominated by the Chief Justice of the Supreme Court, with one being a member of the Supreme Court itself. Commissioners serve 6-year terms, and the Vice-Chairman of the NEC is the only member serving in a full-time role, with the Chairperson usually a member of the Supreme Court.

Administratively, the NEC is led by a Secretary General, who is appointed by the commissioners. The Secretary General oversees a staff of directors and managers in ministerial-level offices in the capital of Seoul. Under its supervision, the NEC has various tiers of lower level election administration bodies. This includes:

- jurisdiction of the National Election Commission (tier 1);
- Si/Do: upper level subnational entities; similar to Province; jurisdiction of Si/Do EC (tier 2);
- Gu/Si/Gun: low level subnational entities; similar to county; subunits of Si/Do; jurisdiction of Gu/Si/Gun EC (tier 3);
- Eup/Myon/Dong: subunits of Gu/Si/Gun; nonautonomous entities; jurisdiction of Eup/Myon/Dong EC (tier 4).

⁶ http://www.nec.go.kr/engvote_2013/main/main.jsp

Election Period

- the election period begins with the candidate registration and includes the campaign period and election day;
- Presidential elections: 23 days;
- National Assembly elections, local government elections (National Assembly, heads of local governments): 14 days.

Term of Office

- President: 5 years;
- National Assembly members: 4 years (300 members: 253 constituency; 47 party list);
- local councilors and heads of local governments: 4 years.

Voting Rights

- Korean citizens over 19 years of age are eligible to vote;
- Non-Koreans: Not allowed to vote in Presidential/National Assembly elections, but allowed in local elections;
- Those without the right to vote:
 - any person declared mentally incompetent;
 - any person sentenced to imprisonment for more than one year, and the execution of such punishment has not been yet completed (excluding those on probation);
 - any person convicted of an election law violation (for between 5 and 10 years depending on the offense).

Voter Registration and Lists

- all citizens receive specific government identification number and registration at birth;
- 17-year olds are required to have their fingerprints placed on file with their identification number;
- eligible citizens are added to voter rolls automatically at age 19;
- voter registration lists are prepared for every election by local authorities;
- homebound, shipboard, and overseas voters must apply to vote by mail or at home.

Candidate Registration

At the time of application for candidate registration, a deposit should be paid to the relevant Election Commission, which is returned if the candidate wins a specified number of votes.

Election	Deposit (Approximately)	Criteria for Return (Votes)
Presidential elections	\$300,000 USD	<p>➤ full return:</p> <p>– if the candidate is elected or dies</p> <p>– where 15% or more of the total number of valid votes are won</p> <p>➤ 50% return:</p> <p>– where more than 10%, but less than 15% votes of the total number of valid votes are won</p> <p>– candidates must be reimbursed no later than 70 days after the election</p>
National Assembly elections	\$15,000 USD	
Si/Do council elections	\$3,000 USD	
Si/Do heads elections	\$50,000 USD	
Gu/Si/Gun heads elections	\$10,000 USD	
Gu/Si/Gun council elections	\$2,000 USD	

The NEC in South Korea heavily regulates political parties and candidates, including the monitoring of private campaign contributions, the use of public funds for the campaigns, expenditure of all funds and campaign activities, including advocacy and rhetoric. The NEC has strong investigative powers, including an Election Surveillance Unit and Cyber Election Unit to inform the public of political laws and to take preventive measures against violations. The NEC strongly encourages the public to report any activity which may be considered inappropriate, and has significant divisions that monitor the campaigns and investigate complaints.⁷

Campaign Finance and Disclosure

- all campaign committees (political fund-raising associations) must register with the NEC;
- all campaign bank accounts must be open and auditable;
- all contributions and expenditures, including detail, must be public;
- only Korean citizens can contribute funds;
- no contributions allowed from corporations, unions, or organizations;
- for Presidential contests, a person cannot give more than \$17,500 to all campaign

committees and no more than \$8,750 to one committee;

- all candidates for President were limited to spending no more than \$45 million.

Candidate Registration

- submission of preliminary candidate registration form, proof of eligibility, proof of criminal records, etc.;
- payment of deposit (20% of candidate deposit);
- criminal record and education certificates shall be disclosed to be seen by the constituents;
- if the candidate is not eligible for election, or if the candidate fails to submit the criminal record proof, the registration becomes invalid.

Initially, 15 candidates filed to be candidates for the special Presidential election on May 9. However, two candidates subsequently withdrew, and while their names remained on the ballot, they were marked through and any attempts to cast a ballot for them were not counted. Ballot numbers for party candidates were given according to the candidate's party seat distribution in the National Assembly. Ballot numbers for independent and minor party candidates were determined through a random lottery by the National Election Commission.

⁷ http://www.nec.go.kr/engvote_2013/03_politicalNfunds/03_01.jsp

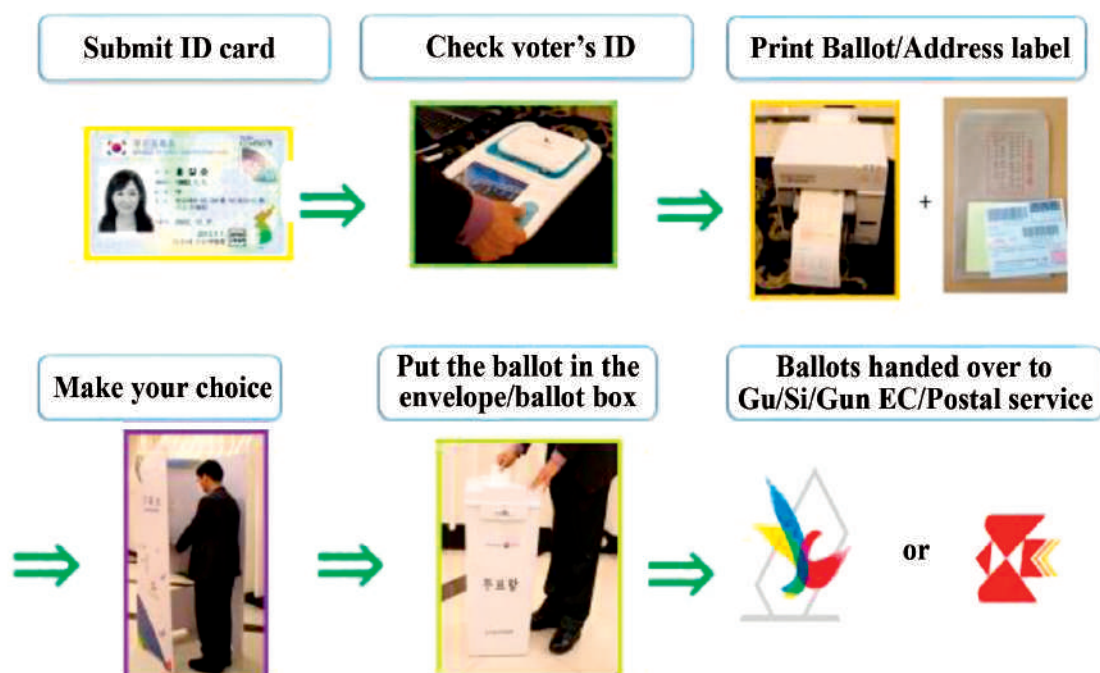
Early Voting



Early voting was first introduced in the Republic of Korea in 2014, and has seen a steady increase in participation since that time. For the May 9 election, early voting was conducted at 3,330 sites throughout the country on Saturday/

Sunday May 5 – 6. Any voter could go into any early voting polling place to cast his/her ballot, and use an app developed by the NEC to track wait times and directions to location. There were real time secure early voting site connections to prevent double voting. Ballots were printed on demand along with voter polling place address label, so cast ballot could be placed in an envelope and then delivered to the proper counting site on election day. Procedures included ID checking and fingerprint scanning for early voting fraud prevention. The NEC promoted early voting extensively through social media and other methods. With interest in the election very high, a record 26% of voters (11 million) cast ballots in the early voting period.⁸

Procedure in Early Voting Stations



In addition to Election Day Voting, other methods of voting included:

- **postal/home voting:** voters with mobility challenges or those in remote areas could register with local election commission to vote by mail or at home;

- **overseas voting:** overseas voters must register and vote in diplomatic missions;
- **shipboard voting:** ocean going sailors can vote on the ship 5 to 8 days before the election, with ballots delivered by secured fax.

⁸ http://www.nec.go.kr/engvote_2013/02_elections/01_02.jsp

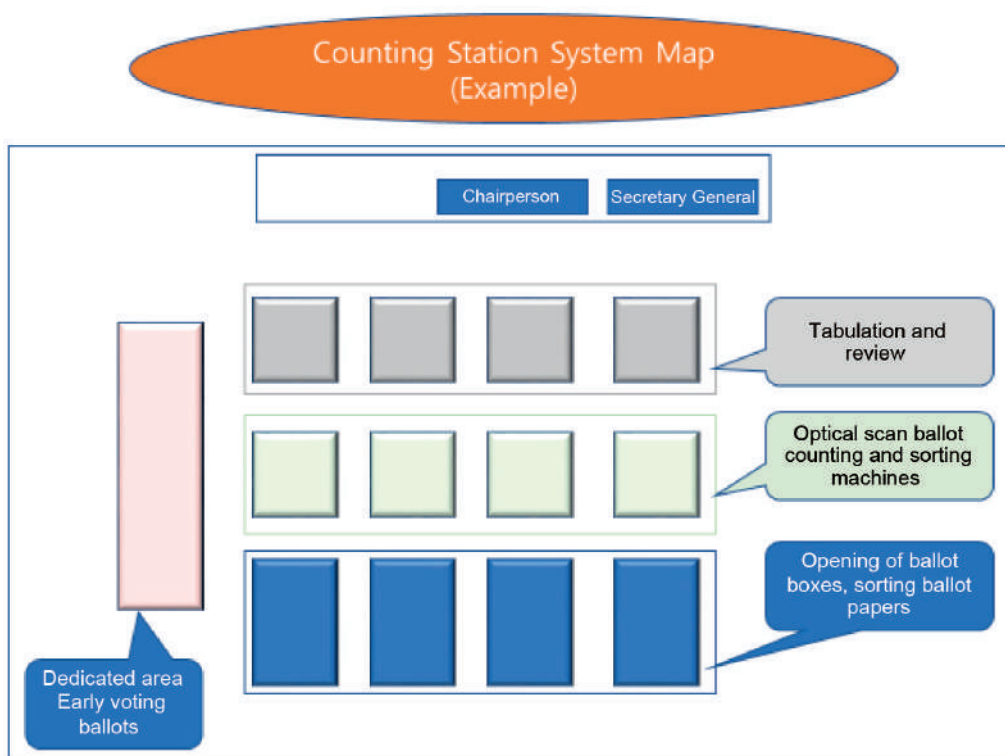
Election Day May 9, 2017

- polling stations: 13,837; must have access for disabled; prohibited in places of worship;
- voting hours: 6:00 until 20:00 (note: voting normally closes at 18:00, but is extended to 20:00 for special elections);
- polling station managers: public civil servants and teachers;
- polling station staff (6 – 8 people): civil servants, faculty, neutral persons.

Counting & Certification Process⁹

- counting process hands on, use of technology;
- young people very involved;

- 13,300 polling places which give the ballots to 201 counting centers;
- each center processes 50,000 ballots;



- results announced by the Chairperson of each counting center and transmitted to NEC for compilation and certification of winner;
- winner of May 9 election was announced by NEC on May 10, and new President sworn in that day;
- candidates or political parties that fielded candidates on the ballot that question the validity of the election must file a lawsuit or complaint within 30 days of the election.

Private Elections

In addition to public elections, the NEC is also often contracted by private concerns, including unions, corporations and neighborhood bodies, to conduct elections for representatives, directors and the like. In its administration of private elections, the NEC has developed and utilized internet voting techniques and procedures to increase participation and keep costs down.

⁹ http://www.nec.go.kr/engvote_2013/02_elections/01_12.jsp

Observers

Political parties and candidates are authorized to have official observers at meetings of the NEC and local election commissions, early voting and election day polling sites and counting locations.

In recent years, the NEC of Korea often conducts an International Visitors' Program during the period of national and local elections, and invites election officials, experts and international organizations involved in the promotion of elections in emerging democracies to observe and learn from elections conducted in the Republic of Korea. Oftentimes, such programs include an International Forum on Elections whereby well-known international experts are brought in to discuss important issues in elections and democracy. The NEC frequently partners with the Korean Civic Education Institute for Democracy (KOCEI) and the Seoul-based Association of World Election Bodies (A-WEB) to identify which countries would benefit from such programs.

The NEC conducted an International Visitors' Program and Forum from May 4 to May 10 in conjunction with the May 9, 2017 Presidential election. The program included a diverse group of over 70 election officials and experts from 29 countries and organizations.¹⁰

The Campaign and Election Result

While 15 candidates initially registered as candidates for the May 9 special Presidential election, two candidates withdrew their candidatures before election day. The remaining candidates represented a cross-section of the political spectrum.

From the beginning of the short campaign, Moon Jae-in, candidate of the Democratic Party, who received 48% of the vote in 2012 and lost the campaign for President, was the front-runner in all the polls. Corruption in government and the private sector was an overarching issue during the campaign, although increasing tensions

with North Korea and the US placement of controversial missile defense system in South Korea just days before the election also became issues. Economic issues and the uncertainty of the job market for young voters proved to be an important concern.

When all votes from the high 77% turnout were counted, the NEC declared liberal Moon Jae-in of the Democratic Party the winner of the election with a plurality of 41% of the votes cast, which was 1.2 million fewer votes than he received in 2012 when he lost to Park Guen-Hye. Nearly 59% of the votes were cast for losing candidates, including 24% for conservative Hong Jun-pyo of the Liberty Korea Party, 21% for the centrist Ahn Cheol-soo of the People's Party, 6.7% for Yoo Seong-min of the Barun Party, and 6.1% for Sim Sang-jung of the Justice Party, and the only woman in the contest.¹¹

Conclusion

The voters of the Republic of Korea have obviously demonstrated their clear intolerance for corruption in politics, and that the vibrancy of its democracy is strong and resilient. Voters expressed their displeasure in a loud but peaceful manner long before President Park was impeached by the National Assembly and then removed by the Constitutional Court.

Partisanship could have played a role in preventing her removal, but in the end, decisions were made based on facts and impartiality, greatly strengthening trust in the process. The policies, procedures, independence, competence and strong management and modernization of the National Election Commission in recent decades proved to be the key to allowing full trust by the voters in the process and results. International observers were very impressed by the competence and leadership of the NEC, and how voters participated in such large numbers in an election that was strongly contested in a relatively short period of time.

¹⁰ http://www.nec.go.kr/engvote_2013/04_news/01_02.jsp?num=179&pg=1&col=&sw=

¹¹ https://en.wikipedia.org/wiki/South_Korean_presidential_election,_2017

About the author:

Paul DeGREGORIO is a long-time recognized international election expert who has worked in over 35 countries to promote democracy and the professional development of election officials. He has served as a technical advisor and Executive Vice-President for the International Foundation of Electoral Systems (IFES) and has also led several OSCE/ODHIR election assessment missions.

A former local election official from St. Louis, Missouri in the United States, DeGregorio served as Chairman of the U.S. Federal Election Assistance Commission (EAC) and has received numerous awards for his leadership in election reform, including the Freedom Award from the National Association of Secretaries of State (NASS) and the Distinguished Alumni Award from the University of Missouri – St. Louis, where he received his baccalaureate degree in Political Science. DeGregorio was appointed a Senior Advisor to the Association of World Election Bodies (A-WEB) in January 2014.

A frequent writer and speaker in the field of election reform, he is an honorary member of the Association of European Election Officials (ACEEEO) and lifetime member of the International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT).

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IMPROVING ELECTORAL MANAGEMENT: THE ORGANIZATIONAL DETERMINANT FACTORS OF ELECTORAL INTEGRITY – A NEW RESEARCH PROJECT*



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Abstract:

Electoral management bodies (EMBs) are pivotal to the democratic process since they are responsible for organising and implementing

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Abstract:

Organismele de management electoral (EMB) sunt fundamentale procesului democratic întrucât ele sunt responsabile cu organizarea și desfășurarea alegerilor. Cu toate acestea, rolurile, structurile organizaționale și procedurile sunt extrem de diferite pe mapamond și există relativ puține studii comparative pentru a ajuta la identificarea a „ce funcționează cel mai bine?”. Acest articol descrie un nou proiect de cercetare

elections. Yet their roles, organisational structures, and procedures vary enormously around the world and there is relatively little comparative research to help to identify "what works best?" This article describes a new research project, in which European electoral management boards are participating, that involves a survey of EMB personnel, and collects key financial and organisational data. This project will lead to policy recommendations about the ways EMBs can improve electoral management in Europe, through the reform of human resource practices, organisational structures, and the use of technology and budgets.

Keywords: electoral management, performance management, electoral integrity, electoral reform

Introduction

The number of elections that are held around the world has increased substantially, with over 2,600 national contests taking place between 1945 and 2006 (Hyde and Marinov, 2012). However, there remains considerable variation in the quality of these elections. Alongside many well-run elections, which often use technology, resources and personnel innovatively and efficiently, there are often concerns about administrative problems, technological failures, incomplete electoral registers and opportunities for fraud. This variation is found in both established and transitional democracies (Lehoucq, 2003, Alvarez et al., 2012, Birch, 2011, Norris, 2014, Norris, 2015, James, 2014).

Indeed, conducting an election is a huge logistical challenge which involves the complex management of people, technology and resources. Electoral management bodies (EMBs) are the government agencies and departments that are tasked with the administration of elections. Yet EMBs come in many different organizational forms around the world. Some operate within the government structure, while others are independent agencies. Some are temporary bodies formed for each election, whether others are permanent parts of the public administration. Some administrate elections only at national level, while others only work at the local or

la care participă conducerile organismelor de management electoral, în care sunt transmise chestionare personalului organismelor de management electoral, prin intermediul cărora vor fi colectate date-cheie din punct de vedere financiar și organizațional. Acest proiect se va concretiza în formularea unor recomandări de politici în ceea ce privește modul în care organismele de management electoral pot îmbunătăți managementul electoral în Europa, prin reforme în ceea ce privește practicile de resurse umane, structurile organizaționale și utilizarea tehnologiei și a bugetelor.

Cuvinte-cheie: management electoral, managementul performanței, integritate electorală, reformă electorală

regional level. While we know that these major variations exist, scholars have little comparative data with which to better understand how EMB organization structures, formal mandates, personnel and resources impact electoral integrity.

This article introduces a new collaborate project that will conduct the first-ever cross-national survey of electoral administrators. The survey will capture the variations in capacity, personnel, network structure and independence among election management bodies across Europe. The project is working closely with the Venice Commission, European electoral management bodies, and the Electoral Integrity Project (an international scholarly research project).

This new research project aims to increase our understanding of (a) the variation in institutional design of EMBs worldwide, particularly focusing on capacity, personnel, network structure and autonomy; (b) the consequences of EMB institutional design for EMB performance; and (c) the impact of EMB institutional design for election integrity, credibility and legitimacy, as well as citizens' and political actors' perceptions of elections. The project will produce scholarly research and make recommendations to EMBs about the practices that they can use to improve their performance.

Recent Research on Electoral Management Bodies

In recent years, the design of electoral management bodies, the organizations and government departments responsible for conducting elections, has become a pressing concern for policy makers and scholars alike. In fact, the professionalization of electoral management bodies (EMBs) has been defined as an important policy objective by Kofi Annan's *Global Commission on Elections* (2012). National and international organisations have invested significant sums of resources to improve electoral management. For example, the European Instrument for Democracy and Human Rights spent approximately €307 million on over 700 projects relating to democracy promotion between 2007 and 2010 (EIDHR, 2011), much of which was spent on electoral assistance.

In many countries, independent EMBs, which operate at arm's length from the executive branch of government, have been championed as a key institutional reform measure to successfully strengthen election integrity. As a result, independent EMBs are now the most common institutional model for electoral management in the world (International IDEA, 2014, Wall et al., 2006, Lopez-Pinter, 2000). Yet, despite the intuitively appealing assumption that independent electoral management bodies will be better at their task of organizing and monitoring elections in an impartial manner, empirical evidence is mixed. While regional studies have found a positive impact of independent EMBs on election integrity in Latin America and Africa (Hartlyn et al., 2008, Fall et al., 2012, Hamberg and Erlich, 2013), global comparative studies appear to show that EMB institutional design is either negatively, or only very weakly related to election integrity (Birch, 2011, Norris, 2015).

Moreover, the emerging evidence is that other aspects of EMBs practices can be important to electoral integrity. Emerging scholarship demonstrates that the capacity (Clark, 2015, Clark, 2014, Garnett, 2015, Kerr, 2014), the techniques used to manage personnel (James, 2013, James, 2016), the relationships between the EMBs and their partners in civil society (James, 2015, James, forthcoming) and the legal institutional design (Van Ham and Lindberg, 2015, James, 2016) of EMBs can be key factors shaping the quality of elections.

However, the ability of scholars to provide policymakers with advice on improving EMB

designs and practices is limited by a lack of cross-national data. The only global comparative dataset on election management bodies' institutional design was conducted by International Institute for Democracy and Electoral Assistance (2014, 2006). These data distinguish three broad types of electoral management: independent, mixed, and governmental, provide some information about how EMB members are selected, and offer some commentary on other dimensions by which EMBs will differ. However, much of the data offered by the International IDEA datasets are outdated or incomplete. Furthermore, the organizational structure of election management bodies is vastly more complex than their formal independence, the focus of the International IDEA's classification. In practice, many more differences in functions and accountability exist between countries (Lopez-Pinter, 2000, Norris, 2015, Elklit and Reynolds, 2001).

Our Focus: Capacity, Human Resource Practices and Autonomy

This project therefore tackles this problem of a lack of comparative data, in an attempt to address the concrete challenge of running high-quality elections faced by EMBs around the globe. To do so, this project will be the first study to collect comparative data on the legal, institutional and administrative framework through which EMBs function. It focuses on three major areas that are of the utmost concern to practitioners and policy-makers: capacity, personnel and management, and autonomy.

The term **capacity** refers to an EMB's ability to adequately perform its functions. This capacity may be contingent on the budgetary, personnel and technological resources at its disposal: can electoral integrity be strengthened by larger budgets? More personnel? New technology? Research is needed to better understand influence of the internal allocation of personnel and resources on the capacity and performance of election management bodies. Research on technological capacity will allow us to better uncover the role of vendors and private companies in the technical management of elections.

Very little is known cross-nationally about the **personnel and management** of election management bodies. What are the demographic and educational profiles of EMB employees? What human resource practices are in place, and how do they affect employee outcomes and electoral integrity? Further research is needed

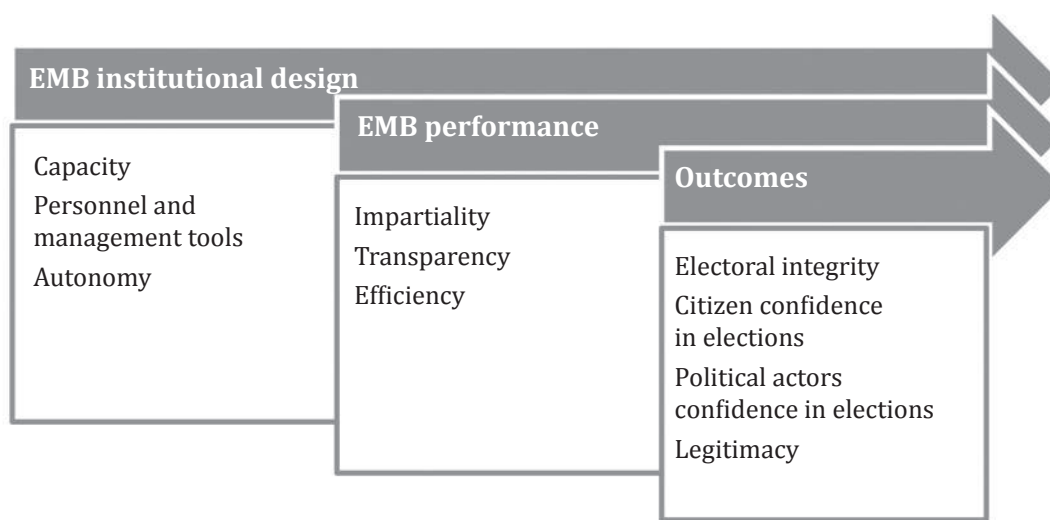
to link human resources practices with literature on electoral management and integrity.

Finally, we seek to explore EMB **autonomy** more in-depth than the aforementioned tripartite classification of EMB independence. Autonomy. To what extent are EMBs formally independent of government? What appointment procedures and tenure rules are used for EMB boards? What formal accountability structures are in place? What is the scope of tasks of EMBs? Research

on this topic will consider the consequences of EMB institutional design for *de jure* and *de facto* EMB independence, as well as wider outcomes of election integrity, credibility and legitimacy.

These three facets of EMB institutional design and personnel are hypothesized to impact EMB performance, which in turn will include outcomes such as electoral integrity, confidence in elections, and legitimacy (Figure 1).

Figure 1: Institutional Design, Performance and Electoral Integrity



Methodology

To understand the organizational determinants of electoral management body performance and electoral integrity outcomes, this new international research project must first collect high quality data on variation in the institutional design of election management bodies worldwide. It is doing so through a survey of election management bodies and their employees, to gather information on their capacity, human resource practices and autonomy. We intend to conduct this survey in all European EMBs with a population over 300,000. A parallel project is occurring in other parts of the world with our partners at the Electoral Integrity Project.

This project includes two main surveys, covering structural design and EMB personnel. **The structural survey** will be completed by one senior official from each EMB. This survey will collect data on:

- the organisational design of the EMB;
- the volume of staff;
- the tasks and responsibilities of the EMB;

- the decision-making process within the EMB;
- the budget and resources of the EMB;
- the EMBs' involvement with the international community.

The personnel survey will be sent to all employees of the EMB through an online platform with the help of EMB officials. The survey covers questions about the individual's:

- role within the EMB;
- perceptions of the quality of elections in their own country;
- perceptions of the human resource practices and their workplace;
- training and professional development;
- demographic information.

These data will increase our understanding of the consequences of institutional design on electoral management body performance, credibility and legitimacy, as well as electoral integrity more generally. In order for this project to succeed, we will need the help of European EMBs to complete the structural survey, and send the personnel survey to their employees.

Outcomes

This rich data source will allow for a number of outputs. For practitioners and policymakers, we plan to produce a policy report and presentation, co-authored by the team, with recommendations for “best practices” for electoral management in Europe. We are also able to offer bespoke, confidential advice to partner EMBs on request.

This project will also culminate in a number of academic conference papers, journal articles and book chapters. These scholarly publi-

cations will advance global scholarship on electoral management. Looking to the future, a longitudinal survey could include several waves so that trends could be identified and the impact of reforms could be traced over time.

In sum, this new project on the organizational determinants of electoral integrity will improve our scholarly and practical understanding of election management, through the collection and analysis of new data on European EMBs and their personnel.

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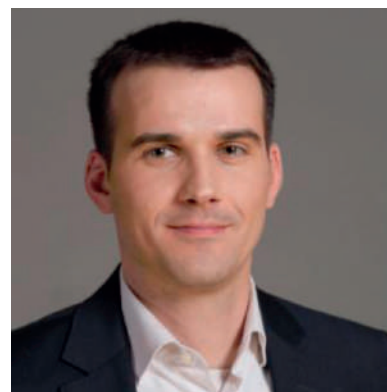
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MEDIA ACCESS FOR POLITICAL PARTIES AS A SAFEGUARD FOR FREE ELECTIONS. HUNGARIAN EXPERIENCES. EUROPEAN CONTEXT¹



Zoltán POZSÁR-SZENTMIKLÓSY

Abstract:

The paper intends to reach a better understanding of the relevance of media campaign in protecting the fairness of elections. Limitations related to media campaign in the election period are well-known. Country regulations – based on their different historical background, social context and political culture – vary on a wide range in this respect. Even if these limitations in most of the cases have a legitimate aim (the most common of these is preventing powerful political groups from distorting the political contest by using their significantly larger financial resources in promoting themselves), there is no international standard related to the conditions and the extent of the limitations. My position is that such limitations affect not only the sphere of action of political parties and media broadcasting companies, but also the freedom of speech of the members of the political community and the principle of free elections – therefore a careful approach is needed when assessing these regulations.

¹ The paper is the written version of the presentation given at the 6th Annual Meeting of Election Management Bodies, Lake Lopota (Georgia), February 17 – 18, 2016.

Abstract:

Articolul de față vizează o mai bună înțelegere a relevanței campaniei media în apărarea corectitudinii în alegeri. Limitările cu privire la campania media a competitorilor electorali în timpul perioadei electorale sunt foarte bine cunoscute. Reglementările naționale – bazate pe contextul istoric, social și cultura politică diferite – variază mult în acest sens. Chiar dacă în cele mai multe cazuri aceste limitări sunt impuse cu un scop legitim (cel mai frecvent întâlnit dintre acestea fiind de a preveni grupurile politice puternice să distorsioneze competiția politică prin utilizarea resurselor financiare considerabile de care dispun pentru a se promova), nu există un standard internațional cu privire la condițiile și amploarea limitărilor. Poziția mea este că astfel de limitări afectează nu numai sfera de acțiune a partidelor politice și a companiilor mass-media, ci și libertatea de exprimare a membrilor comunității politice și principiul alegerilor libere – prin urmare, este necesară o abordare atentă în evaluarea acestor reglementări.

În acest articol voi analiza, ca studiu de caz, noile reglementări din Ungaria în ceea ce privește campania media. După evaluarea dezbaterilor

In the following article I will analyse the new Hungarian regulation on the media campaign as a case study. After assessing the intensive debates related to the practice of the new regulation – arising between the National Assembly, the Constitutional Court, the National Election Commission and the Supreme Court – I will refer to the relevant practice of the European Court of Human Rights (ECtHR) as well. Alongside the European constitutional heritage, the later can function as a point of reference when trying to settle the constitutional boundaries of the media regulation taking into account the function of the media in supporting the principle of free elections.

Keywords: media campaign, political parties, regulations, limitations, Hungary, ECtHR

The Function of the Media Campaign Related to Elections

The freedom of speech and the free press are without doubt at the foundation of constitutional democracies. The freedom allows every person to form, express and exchange her opinion and also question the opinion of others without any significant substantive restriction. The right to get informed in order to form freely an opinion or to participate in public debates is naturally also part of this freedom.² When people elect representatives authorized to act in their name, the exercise of freedom of speech is more crucial: the free access to the messages of the candidates and rival political parties is the key to vote in a genuinely free way.

These messages are usually transmitted by the various means of the political campaign. The “messenger” is often the media, even if it is no longer the “essential disseminator” of the news.³

² “Freedom of expression may entail a positive right to acquire information from the state and public authorities. Without adequate information, citizens (...) cannot properly exercise their freedom of expression to contribute to debate on political issues.” See: Eric Barendt, Freedom of Expression, in Michel Rosenfeld, András Sajó (eds.), *The Oxford Handbook of Comparative Constitutional Law*, Oxford University Press, 2012, p. 899.

³ David A. Anderson points to the tendency that nowadays – by using the Internet – “Everyone who gathers news now has the capacity to disseminate it to the public directly.” David A. Anderson, The press and political community, in András Koltay (ed.), *Comparative Perspectives on the Fundamental Freedom of Expression*, Wolters Kluwer, Budapest, 2015, p. 43.

intense legate de practica acestor reglementări – apărute între Adunarea Națională, Curtea Constituțională, Comisia Electorală Națională și Curtea Supremă – voi face referire și la practica relevantă a Curții Europene a Drepturilor Omului (CEDO). Alături de patrimoniul constituțional european, aceasta din urmă poate funcționa ca un punct de referință atunci când se încearcă stabilirea limitelor constituționale în ceea ce privește reglementarea mass-media, având în vedere rolul său în susținerea principiului alegerilor libere.

Cuvinte-cheie: campanie mass-media, partide politice, reglementări, limitări, Ungaria, CEDO

However, the responsibility of the media did not change: it has to impartially provide access for the citizens to all the relevant information they need to take part in the life of the political community.⁴ At this point – as part of the European consensus – it is worth referring to the *EU Human Rights Guidelines on Freedom of Expression Online and Offline*:

“Free, diverse and independent media are essential in any society to promote and protect freedom of opinion and expression and other human rights. By facilitating the free flow of information and ideas on matters of general interest, and by ensuring transparency and accountability, independent media constitute one of the cornerstones of a democratic society. Without freedom of expression and freedom of the media, an informed, active and engaged citizenry is impossible.”⁵

The way how the messages of the political campaign reach the citizens is also relevant: the mass media (radio and television broadcasting) has a much faster and powerful effect than other

⁴ One can also evaluate the freedom of speech and the freedom of information unfolding through the media as “prerequisites for democracy”. See: Peter Smuk, The constitutional guarantees of democratic political discourses, in: András Koltay (ed.), *op. cit.*, p. 99.

⁵ The EU Human Rights Guidelines on Freedom of Expression Online and Offline, *Foreign Affairs Council meeting*, Brussels, 12 May 2014, Council of the European Union 1. https://eeas.europa.eu/sites/eeas/files/eu_human_rights_guidelines_on_freedom_of_expression_online_and_offline_en.pdf

channels of communication. That is why the regulation on this field in general and specifically related to political campaigns is more diverse compared to other sectors.⁶

Due to the powerful effect of the mass media in influencing public opinion, two tendencies related to the election campaign are common in constitutional democracies. First, regulatory measures which promote the media appearance of small or new parties and refrain the powerful political groups from dominating the mass media due to their financial resources (time limits, standardized price lists for broadcasting political advertisements or even free of charge broadcasting in public media channels). Second, counterbalancing the actual presence of the government and governing parties in the mass media during the election campaigns which otherwise would function as an advantage in the political contest (applying the editorial principle of balanced coverage).

Both approaches are relevant in the Hungarian case discussed below.

The Case of Hungary: Background and Facts

2014 was a special year in Hungary: there were organised parliamentary elections, election of members of the European Parliament and local elections as well. It is no surprise that the parliamentary elections got the utmost attention of the citizens, international organisations and the media. If we have a quick look at the *Final Report of the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) Limited Election Observation Mission on the Parliamentary Elections*, the first conclusion is rather optimistic:

“The 6 April parliamentary elections were efficiently administered and offered voters a diverse choice following an inclusive candidate registration process.”⁷

However, the picture is more diverse based on the second conclusion which runs as follows:

⁶ One can also consider that “media regulation to ensure pluralism is not only permissible but required by constitutional freedom of expression provisions.” See Eric Barendt: *op. cit.*, p. 907.

⁷ <http://www.osce.org/odihr/elections/hungary/121098?download=true> I. Executive Summary.

“The main governing party enjoyed an undue advantage because of restrictive campaign regulations, biased media coverage and campaign activities that blurred the separation between political party and the State.”⁸

What are the reasons behind this critical statement?

One should start the examination with the new *Act on the Electoral Procedure*⁹ which prescribed that during the election campaign all parties can advertise only within highly restricted time limits. More importantly, based on the new regulation, political parties were allowed to use only public TV and radio channels for broadcasting their political messages, and private broadcasting companies (commercial media) were excluded. The Hungarian Government explained that the goal of this provision was to ensure the publication of political advertising for political parties with nationwide support on an equal basis and free of charge.

Soon after its enactment, the Act on the Electoral Procedure was subject of preliminary norm control. In its decision – among other observations – the Constitutional Court stated that “the prohibition is a significant restriction of expressing political opinion in the course of the election campaign”, while from the constitutional point of view the regulation has to focus on “allowing the free formation and the expression of the voters’ will”.

For the mentioned reasons the Court found the regulation in question “gravely disproportionate”.¹⁰ The Court also pointed out that political advertising, besides influencing voters, also informs them. In the Court’s view a prohibition of political advertising on commercial television targets exactly the type of media that reaches voters in the widest range. Moreover, “since the Government usually has a better chance of public appearances, the governing parties’ positions will already be promoted indirectly through media coverage of governmental activities and statements”.

⁸ <http://www.osce.org/odihr/elections/hungary/121098?download=true> I. Executive Summary.

⁹ Act XXXVI. of 2013 on Electoral Procedure.

¹⁰ Decision 1/2013. (I.7.) CC Hungarian version: <http://public.mkab.hu/dev/dontesek.nsf/0/9C05BC19C310A316C1257ADA0052476B?OpenDocument>

As a result, this provision could not enter into force as part of the Act on the Electoral Procedure. However, the Hungarian National Assembly did not accept this assessment, rather decided to adopt an amendment to the Fundamental Law in order to put an end to the conflict between the text of the Constitution and of the Act on the Electoral Procedure.

The Hungarian Parliament, by enacting the *Fourth Amendment to the Fundamental Law* – among other controversial provisions – formally included the regulation in question into the text of the Constitution.¹¹ It is worth noting that this step was a milestone in the contemporary constitutional history of the country, symbolizing an open conflict between the legislative branch and the Constitutional Court. Regardless of the possible answers to the question which state organ has the final word in constitutional issues, one can note that in this case the genuine exercise of fundamental rights was at stake.

Shortly after, the *Venice Commission*¹² of the Council of Europe analysed in detail the Fourth Amendment to the Fundamental Law. In its opinion¹³ the Commission attached great importance to the former assessment of the Hungarian Constitutional Court regarding the political campaign. Based on these arguments the Venice Commission concluded that the practical prohibition of any political advertising in commercial media services – which are more widely used in Hungary than the public service media – deprived the opposition parties of an important chance to air their views effectively

¹¹ See Article 5, section (1) of the Fourth Amendment to the Fundamental Law: “In order to guarantee the condition for the formation of democratic public opinion, political parties which have a nation-wide support and other organizations that nominate candidates must be provided free and equal access, as defined in a cardinal Act, to political advertising in public media outlets during elections for Members of Parliament and Members of the European Parliament. Cardinal act may limit the publication of other forms of political campaign.”

English version: https://tasz.hu/files/tasz/imce/appendix_2_fourth_amendment_to_the_fundamental-law_unofficial_translation.pdf

¹² European Commission for Democracy through Law.

¹³ Opinion on the Fourth Amendment to the Fundamental Law of Hungary, *Adopted by the Venice Commission at its 95th Plenary Session* (Venice, 14 – 15 June 2013) [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad\(2013\)012-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad(2013)012-e)

and thus to counterweigh the dominant position of the Government in the media coverage.

Due to these and other extensive critiques from internal and international organisations the National Assembly finally enacted the *Fifth Amendment to the Fundamental Law*¹⁴, which – among other provisions – prescribed that the commercial media broadcasters would be able to air political ads as well, but they must operate similarly to public media channels – i.e. distribution of air time for political ads should be provided on equal basis and *free of charge*.

Seemingly this is a fair regulation taking into consideration that all political parties have equal and relatively easy access to all media channels – public and commercial media as well. However, in practice, the regulation led to a worrying tendency. By prescribing the free of charge broadcasting of political advertisements, the regulation resulted in a severely restricted access of the citizens to political messages of the candidates and the nominating organisations. During the 2014 campaign, *none of the commercial media broadcasters offered the possibility for political parties to broadcast their political messages for free* – this is a reasonable decision due to the fact that these companies build up their budget on vending airtime. As a result, political advertisements of political parties reached the citizens only via public broadcasting channels.

However, it is important to note that in Hungary commercial broadcasting channels are much more popular than the public ones. That means that in the campaign period approximately 7% of the total population accessed the political messages of the political parties via public television channels in prime time, while 43% of the population in the meantime accessed two commercial terrestrial broadcasters.¹⁵

Nevertheless – due to the fact that there was no regulation in this regard – the advertisements of the Government were accessible on every broadcasting channel. It is important to note, at this point, that the content of the advertisements of the Government were identical to the political

¹⁴ Hungarian version: <http://www.parlament.hu/irom39/12015/12015.pdf>

¹⁵ Terrestrial broadcasters monthly audience share (SHR%), population above age of 4 (2013) – the last data published by the *National Media and Infocommunications Authority* (April 2016) <http://adattar.nmhh.hu/agb/nezettseg/201301>

ads of the governing party – an assessment that was first rejected by the National Election Commission¹⁶ but later declared so by the Curia¹⁷ (the Supreme Court of Hungary).

All in all, the Fifth Amendment to the Fundamental Law and its practical effects resulted in the limitation of the freedom of speech of the citizens by minimalizing their access to relevant information necessary to make a rational decision when choosing between candidates and nominating organisations.¹⁸ Moreover, due to these circumstances the coincidence of the content of the advertisements of the Government and the advertisements of the governing party caused an undue advantage for the later compared to their contestants. The complex assessment of these consequences led to the critical statement of the OSCE/ODIHR cited above.

Concurring Arguments in European Context

It is important to note that the regulation related to political advertisements is diverse in Europe. Some countries have a ban on political advertisements, other countries allow political advertisements, others even allocate free air time for political parties. However, the *Recommendation of the Council of Europe's Committee of Ministers on measures concerning media coverage of election campaigns*¹⁹ offers some guidelines in this respect. On one hand, the Recommendation states that a ban of political advertisements is possible. If political

advertisements are permitted, the possibility of buying advertising space should be available to all contending parties, and on equal conditions and rates of payment.

At this point it is worth having a look at the practice of the European Court of Human Rights related to similar cases. It is rather interesting that this is a point of reference of the defenders of the regulation (i.e. the Government) and also of the critical voices (i.e. the Constitutional Court, international organisations and NGOs). Two cases are relevant in this respect.

The case of *TV Vest As & Rogaland Pensjonistparti v. Norway*²⁰ relates the prohibition of political advertising. In the case in question the Media Authority decided to impose a fine on TV Vest, a broadcasting company, under sections of the Broadcasting Act for violation of the prohibition on political advertising in television broadcasts because of broadcasting the political advertisements of the Pensioner's Party.

According to the assessment of the Supreme Court of Norway the rationale for the prohibition of political advertising on television was that it was likely to lead to an inappropriate form of political debate. An advertisement containing a political message could easily give a distorted picture of complex issues. Opening the possibilities for such advertisements would mean that financially powerful groups would have greater opportunities for marketing their opinions than less resourceful parties or interest organisations. According to the Supreme Court's assessment, the regulation of political advertising is less a question of the individual's freedom of expression and far more a question of how best to promote political debate and ensure good frameworks for the democratic electoral process.

In the case in question the ECtHR summarized that the audio-visual media has a more immediate and powerful effect than other media. However, in the assessment of proportionality the above cited reasons could not justify the disputed prohibition and the fine imposed. In the Court's view in the case in question there was no reasonable relationship of proportionality between the legitimate aim pursued by the prohibition on political advertising and the means deployed to achieve that aim – therefore declared

¹⁶ See Decision 745/2014 of the National Election Committee (13 March 2014), Hungarian version: <http://www.valasztas.hu/hu/nvb/hatarozatok/2014/2014-4837.html>

¹⁷ See Resolution Kvk. III. 37. 328/2014/6. of the Curia, Hungarian version: <http://www.valasztas.hu/hu/nvb/content/lb-kuria/2014/kvk328.pdf>

¹⁸ See the assessment of the Eötvös Károly Policy Institute, the Hungarian Civil Liberties Union, and the Hungarian Helsinki Committee (Hungarian NGOs): *Comments on the Fifth Amendment to the Fundamental Law of Hungary* (18 September 2013) 3, http://helsinki.hu/wpcontent/uploads/NGO_comments_on_the_5th_Amendment_to_the_Fundamental_Law_October2013.pdf

¹⁹ Recommendation No. R (99) 15 of the Committee of Ministers to member states on measures concerning media coverage of election campaigns, [http://www.coe.int/t/dghl/standardsetting/media/doc/cm/rec\(1999\)015&expmem_EN.asp](http://www.coe.int/t/dghl/standardsetting/media/doc/cm/rec(1999)015&expmem_EN.asp)

²⁰ Application no. 21.132/05, Judgment of 11 December 2008, [http://hudoc.echr.coe.int/eng#{„appno”: \[„21132/05”\],”itemid”: \[„001-90235”\]}](http://hudoc.echr.coe.int/eng#{„appno”: [„21132/05”],”itemid”: [„001-90235”]})

the violation of Article 10 of the *Convention for the Protection of Human Rights and Fundamental Freedoms* (Convention).

Another relevant case from the Court's practice is the *Animal Defenders International v. the United Kingdom* case²¹ which is quite similar to the former. The case started based on the application of an NGO (Animal Defenders International), complaining about the prohibition on paid political advertising prescribed in the Communications Act. The NGO campaigned against the use of animals in commerce, science and leisure, promoting changes in law in that respect. As part of the campaign, the NGO planned to broadcast a short television advertisement. Later, the advertisement was considered "wholly or mainly of a political nature" by a governmental agency, therefore the broadcasting of it was prohibited based on the Communications Act.

English courts stated that the rationale for the prohibition was to preserve the integrity of the democratic process by ensuring that the broadcast media were not distorted by "wealthy interests in favour of a certain political agenda". The NGO accepted the necessity of the prohibition during pre-election periods, but it considered disproportionate its maintenance outside those periods for social advocacy groups on matters of public interest.

The ECtHR declared that there is a wealth of historical, cultural and political differences within Europe – that is why the legislative and judicial authorities of each state are best placed to assess the particular difficulties in safeguarding the democratic order in their State. In the Court's view, both parties had the same objective, namely "the maintenance of a free and pluralist debate on matters of public interest and, more generally, contributing to the democratic process". The Court underlined that there is no European consensus between contracting states on how to regulate paid political advertising in broadcasting. At the end the Court "did not consider that the impact of the prohibition in the case outweighed the convincing justifications for the general measure" – therefore declared that there was no violation of the Article 10 of the Convention.

²¹ Application No. 48.876/08, Judgment of 22 April 2013, [http://hudoc.echr.coe.int/eng#{„appno“:\[„48876/08“\],„itemid“:\[„001-119244“\]”}](http://hudoc.echr.coe.int/eng#{„appno“:[„48876/08“],„itemid“:[„001-119244“]”})

One can emphasize that the key of both cases was the assessment of the relevant circumstances. Based on these, in the Norwegian case, the Court stated that there are cases in which the application of rules related to broadcasting political advertisements can depart from the aim of the regulation, namely ensuring good frameworks for the democratic electoral process. In the UK case – contrary to the former decision – the Court stated that the justifications for the general measure are so strong that have priority even in cases which occur outside of the campaign period. At the heart of both assessments is the relation between the freedom of speech and the public interest of having a free and pluralist debate during the elections.

A Possible Conclusion

What follows from these two decisions which ended in seemingly different conclusions? Let's turn to the explanation of the Venice Commission which runs as follows:

"... limits on political advertising have to be seen against the legal background of the particular Member State. Where political advertising in electoral campaigns is concerned, limitations have to be justified in a convincing way as to their necessity in a democratic society"²².

Special circumstances of the particular Member States are relevant in every above highlighted case. The fine imposed on the Norwegian broadcasting company seemed to be disproportionately based on the weight of the harm caused, while the regulation in the United Kingdom was satisfying from the point of view of the ECtHR, because the NGO in question had other channels as well to communicate its messages effectively. In the Hungarian case, the context had a special relevance: even if broadcasting for free was an open possibility for all the political parties, in practice this was restricted only to public media. At the same time, the Government communicated via all channels the political messages of the governing party.

One can also note that the reasons accepted by the ECtHR as legitimate aims of the possible restrictions in this respect (financially powerful

²² *Opinion on the Fourth Amendment to the Fundamental Law of Hungary*, Adopted by the Venice Commission at its 95th Plenary Session (Venice, 14 – 15 June 2013), [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad\(2013\)012-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=cdl-ad(2013)012-e)

groups would have greater opportunities for marketing their opinions than less resourceful parties) are not plausible in the Hungarian case. Limits related to the equal airtime provided for political parties (which promotes the principle of equality of opportunities among rival candidates) can be used separately from the requirement of broadcasting free of charge. When assessing the admissibility of the actual limitation of citizens' freedom of speech it is not relevant whether they are excluded from the messages of powerful political groups or less resourceful parties – the limitation still exists. It is also inadequate to refer to other possible communication channels (like in the *Animal Defenders* case). The campaign period is limited in time – therefore *the interest of a democratic society is to use the most effective communication channels during the campaign*. This argument is also underlined in the general assessment of the ECtHR, expressed in the *Bowman v. the United Kingdom* case:

“Free elections and freedom of expression, particularly freedom of political debate, together form the bedrock of any democratic system (...). The two rights are interrelated and operate to reinforce each other: for example, as the Court has observed in the past, freedom of expression is one of the ‘conditions’ necessary to ‘ensure the free expression of the opinion of the people in the choice of the legislature’ (...). For this reason, it is particularly important in the period preceding an election that opinions and information of all kinds are permitted to circulate freely.”²³

Based on the abovementioned reasons, one can conclude that in the Hungarian case the

harm caused by the limitation of fundamental rights in practice was not in proportion with the importance of the presumed aim of the legislative measures in question – even if these were prescribed in the Fundamental Law. As a result, citizens had a *limited, unequal and unbalanced access to the campaign messages* of political parties. This condition did not nullify the free nature of the parliamentary elections, but strongly affected the quality of it.

What is the general lesson resulting from all of the above discussed issues? It is worth underlining three key points in this respect.

1. Regulations related to a certain topic can vary on wide range. A certain rule in itself does not show precisely the effects it will cause – in this regard the circumstances are also of crucial importance. A regulation can be acceptable in a certain country while at the same time can be assessed as inadmissible somewhere else, based on the different social and historical context.
2. It is time to take seriously the common framework of interpretation of the freedom of speech and the principle of free elections. According to the interpretation of the ECtHR “the two rights are interrelated and operate to reinforce each other”²⁴.
3. The limitation of the freedom of speech in connection with the elections (i.e. the limitation of the “political speech”) may take place only in inevitable cases. The interest of building a democratic society in most of the cases prevails other public interests.

Freedom of speech and free elections belong to the most important human values we have to protect in Europe.

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²³ Case of *Bowman v. the United Kingdom*, Application No. 141/1996/760/961, Judgment of 19 February 1998, [42], [http://hudoc.echr.coe.int/eng#{\"fulltext\": \[\"B O W M A N\"\], \"documentcollectionid2\": \[\"GRANDCHAMBER\", \"CHAMBER\"\], \"itemid\": \[\"001-58134\"\]}](http://hudoc.echr.coe.int/eng#{\)

²⁴ Case of *Bowman v. the United Kingdom*, Application No. 141/1996/760/961, Judgment of 19 February 1998, [42], [http://hudoc.echr.coe.int/eng#{\"fulltext\": \[\"B O W M A N\"\], \"documentcollectionid2\": \[\"GRANDCHAMBER\", \"CHAMBER\"\], \"itemid\": \[\"001-58134\"\]}](http://hudoc.echr.coe.int/eng#{\)

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PLEBISCITUL – FORMĂ DE EXERCITARE A DEMOCRAȚIEI PRIN PARTICIPARE CETĂȚENEASCĂ



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Judecător

Abstract:

The plebiscite constitutes a fundamental means of exercising the “power of the people”. It represents the expression of the participation at the same time in the social and political life of a country, also being exhibited in a demanding programme of government characteristic of the majority of states. It is almost universally accepted that direct democracy contributes to the strengthening and recognition of true democracy, characterized by means of participation that facilitate direct involvement of persons, under various forms throughout history. Participatory process requires social knowledge, a proper methodology, resources and more political commitment and constructive citizenship. As an essential mechanism of a participatory democracy, the plebiscite will be analysed below in terms of concept, object, movement and historic landmarks.

Keywords: participation, democracy, electoral process, legislation, transparency

Abstract:

Plebiscitul constituie un mijloc fundamental de exercitare a „puterii poporului”. Acesta reprezintă expresia participării, în același timp, în viața socială și politică a unei țări, exprimată de asemenea printr-un program de guvernare exigent, caracteristic majorității statelor. Este un adevăr aproape universal acceptat faptul că democrația directă contribuie la consolidarea și recunoașterea unei adevărate democrații, caracterizate prin mijloace de participare care facilitează implicarea directă a persoanelor, sub diverse forme de-a lungul timpului. Procesul participativ implică cunoaștere socială, o metodologie adecvată, resurse și un angajament politic mai ridicat și o cetățenie constructivă. Ca mecanism esențial al unei democrații participative, plebiscitul va fi analizat mai jos în termeni de concept, obiect, răspândire și repere istorice.

Cuvinte-cheie: participare, democrație, proces electoral, legislație, transparență

Participarea cetățenească în viața politică și socială a unei țări constituie atât o exigență recunoscută în cadrul legislațiilor naționale, cât și o exigență asumată prin majoritatea programelor de guvernare caracteristice statelor democratice. De altfel, democrația directă contribuie la întărirea și legitimarea proceselor participative în cadrul acesteia, precum și la garantarea debaterii desfășurate pe marginea eventualelor beneficii sau prejudicii ce ar putea fi generate de adoptarea anumitor modificări legislative.

Principalele instrumente internaționale care au rolul consacrării acestui procedeu de consultare populară sunt Declarația Universală a Drepturilor Omului (care, la art. 21, stabilește că „orice persoană are dreptul să participe la guvernarea țării sale, direct sau prin intermediul reprezentanților aleși în mod liber... voința poporului reprezentând baza autorității puterii publice”), Declarația Americană a Drepturilor și Obligațiilor Omului (aceasta stipulând că „fiecare persoană, având capacitate legală, are dreptul să ia parte la guvernarea țării sale în mod direct sau prin intermediul reprezentanților săi, putând participa la alegerile populare, ce vor trebui organizate la intervale regulate, în mod liber și prin garantarea secretului votului”), Pactul Internațional al Drepturilor Civile și Politice (art. 25 stipulând că „orice cetățean poate participa la adoptarea sarcinilor publice direct sau prin intermediul unor reprezentanți liber aleși”).

Abordând subiectul dintr-o perspectivă cronologică, se poate remarca meritul fostelor cetăți grecești în a fi primele care au practicat democrația directă, cu toate că aceia care i-au atribuit o întrebuintare mai amplă au fost romanii. Începând cu secolul al IV-lea î.Hr., autoritățile romane au recurs la *plebiscitum* pentru a-și legitima deciziile asumate în fața adunărilor cetățenești. Ulterior, practica acestui tip de proces consultativ a fost utilizată pentru definirea unor probleme de suveranitate.

Mai târziu, importanți oameni de stat au recurs la această formă de participare cetățenească, distingându-se exemplul lui Napoleon Bonaparte, care, prin intermediul acestei forme de consultare, a obținut statutul de *Empereur*, a promovat o nouă constituție, s-a proclamat Protector al Republicilor Italiene și a anexat mai multe teritorii (Piacenza, Piemonte, Parma), în primii ani ai secolului XIX. Tot în Italia s-au realizat mai multe plebiscite în același secol,

putându-se exemplifica cu acela din 1860, care a avut drept obiectiv consultarea populară în privința oportunității anexării provinciilor Emilia și Toscana la monarhia constituțională constituită de Regele Vittorio Emmanuele I. Se poate exemplifica de asemenea cu plebiscitul organizat de naziști în martie 1938 în Austria, când poporul austriac a fost convocat să se pronunțe asupra independenței sale, obținându-se implicit înlocuirea cancelarului Schuschnigg cu Seyss-Inquart, acesta din urmă fiind considerat un om mai potrivit intereselor Reichului. Ulterior, în noaptea de 12 martie, trupele germane au intrat în Viena, pentru ca în ziua următoare noul guvern austriac să proclame Anschlussul. Referendumul convocat în ziua de 10 aprilie nu a mai făcut altceva decât să confirme un fapt deja consumat. În cazul Uniunii Sovietice, după ce a ocupat militar republicile baltice, Stalin a organizat un plebiscit în 1940 pentru a demonstra comunității internaționale că respectivele popoare au fost de acord să se supună hegemoniei sovietice¹.

Exemplele pot continua, întrucât pe parcursul întregului secol XX și chiar în primii ani ai secolului actual, plebiscitul a fost destul de uzitat, în formule diversificate și sub diferite denumiri, reprezentând un instrument caracteristic al sistemelor politice contemporane.

Se poate așadar conchide că recunoașterea egalității naturale dintre oameni, ca și a existenței unor drepturi naturale inalienabile și a unei fundamentări sociale a puterii va conduce în mod necesar la o participare populară în privința adoptării deciziilor comunitare. Motivele care au evidențiat inviolabilitatea unei democrații directe în interiorul unui stat liberal au condus, de asemenea, la elaborarea modelului statului liberal – constituțional, ceea ce a presupus dispariția totală a participării directe, însă din primele momente ale implementării mișcărilor constituționale au apărut anumite instituții care au încercat să armonizeze participarea populară directă cu ordinea constituțională, conferindu-se astfel un caracter excepțional și încercându-se stabilirea unei baze de legitimitate democratică într-un stat constituțional².

¹ Rojas Diaz Duran, A., Colina Rubio, R., *La Participación Ciudadana*, Ed. Porrúa, Ciudad de Mexico, 2007, pp. 42 – 43.

² Aguiar de Luque, *Democracia Directa y Estado Constitucional*, Ed. Revista de Derecho Privado, Madrid, 1977, p. 4.

Conceptul de plebiscit își are originea în termenul latin *plebiscitum*, din grecescul *plebis* (popor) și *scitum* (decizie), cu alte cuvinte decizia, voința poporului, pornind de la faptul că la momentul elaborării respectivului termen regula exercitării puterii de stat era cea a consultării directe, în vederea exprimării, aprobării sau respingerii populare asupra unei chestiuni specifice de mare importanță sau de mare interes public care ar afecta însăși esența unui stat³. Anumite medii academice definesc plebiscitul ca reprezentând „consultarea pe care puterile publice o supun votului popular direct pentru a aproba sau respinge o propunere determinată asupra suveranității, cetățeniei sau conferirii de puteri excepționale”⁴.

Pe de altă parte, diverși autori au adoptat definiții diferite ale respectivului proces de consultare electorală, de exemplu Garcia-Pelayo considerând că referendumul reprezintă „consultarea corpului electoral asupra unui act de natură guvernamentală sau constituțională... vizând un act legislativ sau o decizie politică susceptibile de a îmbrăca forme juridice”⁵. La rândul său, Serra Rojas caracterizează plebiscitul ca pe un „act extraordinar și independent prin care se consultă electoratul asupra unei chestiuni de stat vitale, relaționată cu o problemă de fapt referitoare la însăși structura acestuia”⁶. Baldomero Cores îl definește la rândul său ca pe un „proces de democrație directă utilizat de sistemele democratice și nedemocratice prin care se convoacă și se consultă corpul electoral pentru a adopta sau ratifica diferite decizii politice sau pentru a se conferi sau confirma încredere unei persoane”, considerând că utilizarea sa trebuie să fie cu atât mai prudentă atunci când „este necesară justificarea unor activități și comportamente politice”⁷.

Ca atare, plebiscitul poate fi caracterizat drept o instituție tipică unor democrații directe, prin

intermediul cărora electoratul este consultat în privința luării unor decizii politice sau realizării unor acte administrative, care nu au neapărat caracter legislativ. Ele reprezintă așadar o formă de manifestare democratică, un mecanism de participare cetățenească al cărei obiect constă în consultarea cetățenilor în vederea exprimării aprobării sau respingerii unor acte sau decizii ale puterii executive considerate de maximă importanță pentru ordinea publică, interesul social ori utilitatea unor acte sau dispoziții cu caracter administrativ. Nu poate fi negat faptul că respectivul procedeu de consultare populară reprezintă o manifestare originală a democrației directe, o formă de exprimare a votului care este, de asemenea, percepută ca o lege a mulțimilor ce izvorăște din necesitatea legitimării deciziilor guvernamentale și a regimurilor politice asupra bazei capacității de participare politică a mediului cetățenesc.

Întrucât plebiscitul reprezintă o consultare prin care cetățenii trebuie să răspundă cu „da” sau „nu” la o chestiune politico-administrativă care le este supusă atenției, acesta se poate clasifica în plebiscit consultativ (care nu obligă din punct de vedere juridic autoritățile să acționeze în sensul în care s-a manifestat voința populară) și plebiscit obligatoriu (pe baza căruia autoritățile trebuie să se conformeze voinței cetățenilor). În prezent, în regimurile democratice, plebiscitul funcționează ca o procedură de consultare directă a persoanelor asupra unor chestiuni politice de excepțională importanță, care țin de esența vieții sociale și necesită exprimarea consimțământului nemijlocit al cetățenilor.

Plebiscitul funcționează după anumite reguli minime, expuse în continuare. Astfel, pentru organizarea unui plebiscit este necesară, în primul rând, stabilirea unei proceduri specifice, în sensul determinării celor care pot convoca plebiscitul, stabilirea termenului necesar prezentării solicitării respective, determinarea numărului de persoane care pot solicita organizarea consultării populare, elaborarea rezoluției necesare de către autoritatea administrativă electorală. În această ultimă privință, pregătirea procesului de plebiscit de către autoritatea competentă are drept repere emiterea convocării specifice obiectului plebiscitului, elaborarea întrebărilor care fac obiectul consultării populare, stabilirea numărului de electori care au dreptul să

³ Martinez Silva, M., Salcedo Aquino, R., *Diccionario Electoral*, Ed. INEP, Ciudad de Mexico, 1999, pp. 552 – 553.

⁴ *Diccionario de la Real Academia de la Lengua Espanola*, Edición del Tricentenario, Madrid, 2001.

⁵ Garcia-Pelayo, G., *Obras completas*, www.babelio.com, p. 184.

⁶ *Diccionario de Ciencia Politica*, www.scielo.org.mx, p. 402.

⁷ *Diccionario UNESCO de ciencias sociales*, tomo III, www.universia.net, p. 1673.

participe, indicarea consecințelor pe care le-ar putea determina plebiscitul respectiv, publicarea acordului privind realizarea procedurală a procesului de consultare respectiv, fixarea circumscripției teritoriale unde se va aplica procesul de consultare, integrarea și publicarea actelor de procedură aferente, urmate de încredințarea documentației și materialului electoral necesare bunei desfășurări a acestuia. În sfârșit, din punctul de vedere al stabilirii rezultatelor, este necesară în primul rând interpretarea acestora (cu definirea clară și fără ambiguități a procentelor necesare pentru aprobarea deciziei rezultate din consultarea populară), urmată de aducerea la cunoștință publică a rezultatului plebiscitului.

Dat fiind faptul că plebiscitul este o consultare în cadrul căreia cetățenii trebuie să răspundă cu „da” sau „nu” la o chestiune politico-administrativă care le este adresată, poate fi clasificat într-un proces consultativ (care nu obligă juridic autoritățile să acționeze în sensul în care voința populară s-a manifestat), sau într-unul obligatoriu (caz în care autoritatea trebuie să se conformeze deciziilor cetățenilor, în sensul că, în cazul în care se impune „da-ul”, trebuie să îndeplinească actul politic respectiv, iar dacă se impune „nu-ul”, este obligată să manifeste rezervă).

Actualmente, în regimurile democratice plebiscitul funcționează ca o procedură de consultare directă a persoanelor asupra anumitor chestiuni politice de importanță majoră în viața colectivă, care necesită exprimarea consimțământului cetățenilor. În interiorul unor regimuri caracterizate prin guvernări reprezentative și democratice, se impune a fi valorificate toate formele și mecanismele de exprimare a voinței cetățenești, în special acele acte și problematice ale comunităților care sunt parte inerentă și care au un efect direct, justificarea realizării unui plebiscit constând tocmai în necesitatea acordării unui acces viabil consultării populare.

Una dintre cele mai stabile democrații din lume, Elveția, își bazează sistemul politic reprezentativ pe numeroase mecanisme de democrație directă. La rândul său, Constituția italiană din 1948 definește Italia ca pe o „Republică democratică bazată pe muncă; suveranitatea aparține poporului, care o exercită în formele și

în limitele constituționale”⁸. Analistul Tania Groppi din cadrul Universității din Siena a susținut că partea activă a poporului – prin care se exercită suveranitatea – este definită de doctrină ca un „corp electoral”, acesta exercitând suveranitatea în special prin intermediul alegerii reprezentanților sau congresiștilor ori prin exprimarea directă asupra unor decizii politice, fără a recurge la intermedierea reprezentanților aleși, instrumentele puse la dispoziție fiind inițiativa legislativă (aparținând unui număr de 50.000 de electori), petiția colectivă și referendumul.

De precizat că diferența dintre referendum și plebiscit constă în aceea că, prin organizarea unui referendum se aprobă, rectifică sau dezaproabă acte legislative, constituționale sau legi *in genere*, iar prin plebiscit se analizează chestiuni de ordin executiv, guvernamental, administrativ ori acte politice, în sprijinul sau împotriva actului de guvernare. De altfel, există opinii în sensul considerării referendumului ca reprezentând unicul instrument de democrație directă în Italia, ca modalitate de consultare a corpului electoral producătoare de efecte juridice. Prin intermediul acestuia, corpul electoral exprimă un vot, similar procedurii de alegere a reprezentanților. Cu toate acestea, referendumul prevăzut în Constituția italiană a avut o aplicație lipsită de frecvență, cu unica excepție a referendumului abrogativ⁹.

În America Latină poate fi citat exemplul Ecuadorului, care în procedura de tranziție și-a recuperat mecanismele de democrație directă prezente în cadrul Constituției din 1967 și chiar înainte, de vreme ce plebiscitul a fost introdus pentru prima dată în secolul XIX. De altfel, însăși Constituția prin care s-a restaurat procesul democratic a fost aprobată prin referendum în 1978, iar în anii următori, în special în ultimul deceniu al secolului trecut, s-au încorporat aceste mecanisme în numeroase alte țări. Totuși, se impune a se menționa că nu a fost introdus în toate țările și că forma sa a variat mult de la caz la caz, formele de participare cetățenească ocupând un loc tot mai important în unele țări unde alegerile au fost câștigate de conducători aparținând stângii progresiste (în afară de Ecuador, distingându-se exemplele Venezuelei

⁸ <http://www.derecho.uba.ar/publicaciones/lye/revistas/34/la-constitucion-italiana-de-1947.pdf>

⁹ *Ibidem*.

și Boliviei). În aceste țări, democrația directă s-a transformat de altfel într-o veritabilă armă de înfruntare politică, în Bolivia și Venezuela fiind utilizată atât de către partide guvernamentale, cât și de către forțe de opoziție¹⁰.

Pe de altă parte, se impune a fi remarcată Constituția chiliană din 1980 (impusă de regimul militar al lui Pinochet), care a căutat în mod deliberat stabilitatea politică prin intermediul limitării participării cetățenești. Faptul respectiv s-a exprimat prin numeroase formule care au căutat să depolitizeze țara, orientând acțiunea organizațiilor societății civile spre scopuri specifice, îndepărtate de acțiunea politicii conjuncturale. Cu alte cuvinte, a fost privilegiată participarea aferentă unor teme cotidiene care afectau comunitățile locale, fiind lăsate de o parte formulele mai deliberative sau care generau un mai mare control cetățenesc în fața autorităților alese¹¹.

Nu poate fi ignorat nici cazul Uruguay-ului, acesta reprezentând experiența cea mai veche și importantă în materie de democrație participativă. Este recunoscut de pildă cazul plebiscitului reformei constituționale, ce presupune prezentarea în fața Parlamentului a unui proiect articulat susținut de 10% dintre cetățenii înscrși în Registrul Civic Național sau de către 2/5 din totalul componentilor Adunării Generale. Au fost, de altfel, implementate mai mult de 15 plebiscite începând cu anul 1958, pe diverse teme, cum ar fi securitatea socială, dezvoltarea unor drepturi legate de protecția persoanelor pensionate, votul cetățenilor aflați în afara țării, protecția rezervelor naturale de apă. Există, de asemenea, posibilitatea organizării

unor plebiscite în vederea derogării legilor, caz în care Congresul își asumă un rol central (au fost organizate trei astfel de consultări).

Concluzii

Se poate, așadar, conchide că democrația participativă reprezintă o formă de relaționare între societate și instituții, prin intermediul mai multor elemente distinctive. Pot fi indicate ca elemente distinctive atât tehnicile directe care permit ca toți cei care sunt interesați în adoptarea unei decizii publice să fie consultați și să-și poată exprima o poziție personală, cât și împiedicarea transferului puterii de a adopta deciziile finale după bunul plac al participanților. În privința formelor de democrație deliberativă, obiectivul constă în posibilitatea conferirii libertății de exprimare unei voci populare care merită ascultată, odată garantate instrumentele necesare pentru formarea unei opinii conștiente și informate¹².

Chiar dacă consultările populare se desfășoară în numeroase cazuri în contextul unor procese de formare legislativă, de esență parlamentară, inițiativa organizării presupunând participarea diferitelor organe constituționale, totuși participarea cetățenească se proiectează – într-o manieră transversală – la toate funcțiile statului, nu doar la cea legislativă. Sunt elocvente în acest sens mecanismele de audiență cetățenească, forumurile de consultări sau consiliile cetățenești, fiind tot mai evidentă nevoia de legitimitate crescândă cerută de autoritățile politice pentru a-și putea exercita funcțiile și sarcinile conferite.

Despre autor:

Judecător dr. **Rustin-Petru CIASC** este absolvent al Facultății de drept „Nicolae Titulescu” din cadrul Universității din Craiova, promoția 1998. În anul 2006 a absolvit cursurile masterale în specialitatea „Drept comunitar și integrare europeană”, la Facultatea de drept din cadrul Universității „Tibiscus” din Timișoara. În anul 2014 a obținut titlul de doctor în disciplina științe penale, al Școlii Doctorale din cadrul Universității de Vest Timișoara. Este membru în Asociația de Științe Penale, Filiala Vrancea. A fost numit

¹⁰ Welp, Y., Massuger, N., *La democracia directa y sus diferentes culturas; analisis de las experiencias suiza, europea y latinoamericana*, tomo de la Conferencia del Observatorio Electoral, Madrid, 2010.

¹¹ Barrientos, F.S., *El rol de la participacion y del referendum en el sistema constitucional chileno*, Barcelona, 2012.

¹² Frosini, T.E., *Ponencia dentro del Observatorio Electoral*, Ciudad de Mexico, 2010.

în funcția de judecător la 1.11.1999. În perioada 2006 – 2010 a exercitat funcția de vicepreședinte al Tribunalului Caraș-Severin, iar din anul 2010 până în 2016 deține funcția de președinte al aceleiași instanțe. Este autorul mai multor articole și lucrări științifice. A condus mai multe birouri electorale județene în Circumscripția Electorală nr. 11 Caraș-Severin. De asemenea, este un foarte bun vorbitor de limbă spaniolă, franceză, italiană, engleză și portugheză.

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RAPOARTE, SINTEZE ȘI INFORMĂRI

REPORTS, SYNTHESSES AND BRIEFINGS

ALEGERI LOCALE PARȚIALE – 11 IUNIE 2017

Departamentul pentru coordonarea filialelor și relația cu autoritățile locale

Considerații generale¹

Alegerile locale sunt reglementate de Legea nr. 115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali.

În cazul unor alegeri parțiale, organizate în situațiile prevăzute de Legea administrației publice locale nr. 215/2001, republicată, cu modificările și completările ulterioare, precum și de Legea nr. 393/2004 privind Statutul aleșilor locali, cu modificările și completările ulterioare, data desfășurării acestora se stabilește cu cel puțin 35 de zile înaintea votării.

Conform art. 126 alin. (1) din aceeași lege, odată cu data alegerilor, Guvernul stabilește, prin hotărâre, la propunerea Ministerului Afacerilor Interne și a **Autorității Electorale Permanente**, calendarul acțiunilor din cuprinsul perioadei electorale, cheltuielile necesare pregătirii și desfășurării în bune condiții a alegerilor locale și

măsurile tehnice necesare bunei organizări și desfășurări a alegerilor locale.

Întrucât dispozițiile Legii nr. 215/2001, republicată, cu modificările și completările ulterioare, ale Legii nr. 393/2004, cu modificările și completările ulterioare, respectiv ale Legii nr. 115/2015 nu stabilesc un termen limită privind organizarea alegerilor parțiale în cazul încetării mandatelor de primar, rezultă că stabilirea datei acestora reprezintă o chestiune de oportunitate, a cărei apreciere este de resortul **Autorității Electorale Permanente** și de cel al Ministerului Afacerilor Interne.

Pe baza comunicărilor transmise de către instituțiile prefectului, centralizate la nivelul Ministerului Afacerilor Interne și al **Autorității Electorale Permanente**, în 49 de unități administrative-teritoriale au fost îndeplinite condițiile pentru organizarea alegerilor locale parțiale pentru funcția de primar, prevăzute de art. 59 alin. (2) și art. 69 alin. (3) – (6) din Legea nr. 215/2001, republicată, cu modificările și completările ulterioare, după cum urmează:

JUDEȚUL ALBA	1. Comuna Horea (demisie)
JUDEȚUL ARAD	2. Comuna Almaș (demisie)
	3. Comuna Covăsînț (pedeapsă privativă de libertate)
JUDEȚUL ARGEȘ	4. Comuna Valea Danului (demisie)
	5. Comuna Domnești (deces)
JUDEȚUL BACĂU	6. Municipiul Moinești (demisie)
JUDEȚUL BISTRIȚA-NĂȘĂUD	7. Comuna Șieu (deces)
JUDEȚUL BOTOȘANI	8. Comuna Vlăsinești (demisie)
JUDEȚUL BRAȘOV	9. Orașul Râșnov (demisie)
JUDEȚUL BRĂILA	10. Comuna Viziru (demisie)
JUDEȚUL CARAȘ-SEVERIN	11. Comuna Lăpușnicu Mare (demisie)
	12. Orașul Lehliu Gară (demisie)
JUDEȚUL CĂLĂRAȘI	13. Comuna Unirea (incompatibilitate)
JUDEȚUL CONSTANȚA	14. Comuna Nicolae Bălcescu (incompatibilitate)

¹ Notă de fundamentare la Hotărârea Guvernului nr. 251/2017 privind stabilirea datei alegerilor locale parțiale pentru primari în unele circumscripții electorale.

JUDEȚUL DOLJ	15. Municipiul Craiova (demisie)
	16. Comuna Ișalnița (demisie)
JUDEȚUL GORJ	17. Municipiul Târgu Jiu (demisie)
	18. Comuna Drăguțești (pedeapsă privativă de libertate)
JUDEȚUL HARGHITA	19. Comuna Siculeni (incompatibilitate)
JUDEȚUL HUNEDOARA	20. Municipiul Lupeni (demisie)
	21. Comuna Sălașu de Sus (demisie)
JUDEȚUL IALOMIȚA	22. Orașul Amara (demisie)
	23. Orașul Fierbinți-Târg (mandat invalidat)
	24. Orașul Țândărei (pedeapsă privativă de libertate)
JUDEȚUL IAȘI	25. Comuna Șipote (pedeapsă privativă de libertate)
JUDEȚUL ILFOV	26. Comuna Jilava (pedeapsă privativă de libertate)
JUDEȚUL MARAMUREȘ	27. Orașul Ulmeni (demisie)
	28. Orașul Baia Sprie (demisie)
JUDEȚUL MEHEDINȚI	29. Comuna Șimian (demisie)
	30. Comuna Godeanu (pedeapsă privativă de libertate)
JUDEȚUL NEAMȚ	31. Municipiul Roman (demisie)
	32. Comuna Pipirig (pedeapsă privativă de libertate)
	33. Comuna Bălțătești (pedeapsă privativă de libertate)
JUDEȚUL OLT	34. Comuna Osica de Sus (pedeapsă privativă de libertate)
	35. Comuna Sprâncenata (incompatibilitate)
JUDEȚUL PRAHOVA	36. Orașul Bușteni (demisie)
	37. Orașul Băicoi (pedeapsă privativă de libertate)
	38. Comuna Dumbrava (deces)
	39. Comuna Călugăreni (deces)
JUDEȚUL SĂLAJ	40. Comuna Fildu de Jos (deces)
JUDEȚUL SIBIU	41. Comuna Marpod (demisie)
JUDEȚUL SUCEAVA	42. Comuna Iacobeni (demisie)
	43. Comuna Siminicea (demisie)
JUDEȚUL TELEORMAN	44. Comuna Olteni (pedeapsă privativă de libertate)
JUDEȚUL TIMIȘ	45. Comuna Denta (deces)
JUDEȚUL TULCEA	46. Comuna Beidaud (demisie)
JUDEȚUL VASLUI	47. Comuna Frunțișeni (pedeapsă privativă de libertate)
JUDEȚUL VÂLCEA	48. Comuna Bujoreni (demisie)
JUDEȚUL VRANCEA	49. Comuna Jariștea (demisie)

Prin urmare, ținând cont de prevederile legale incidente, Guvernul a adoptat Hotărârea nr. 251 din 20 aprilie 2017 prin care a stabilit ziua de duminică, 11 iunie 2017, ca dată de desfășurare a alegerilor parțiale pentru primarii din circumscripțiile electorale menționate.

În vederea sprijinirii modului de organizare și desfășurare a alegerilor pentru autoritățile

administrației publice locale parțiale din data de 11 iunie 2017, Autoritatea Electorală Permanentă a adoptat Hotărârea nr. 18/2017 privind desemnarea reprezentanților Autorității Electorale Permanente în birourile electorale județene (*M. Of. nr. 339/09.05.2017*) și a comunicat instituțiilor prefectului reprezentanții teritoriale în comisiile tehnice județene constituite potrivit

dispozițiilor art. 9 alin. (1) din *Hotărârea Guvernului nr. 253/20.04.2017 privind stabilirea măsurilor tehnice necesare bunei organizări și desfășurării a alegerilor locale parțiale din data de 11 iunie 2017*.

În data de 10 mai 2017, birourile electorale județene s-au completat cu reprezentanții Autorității Electorale Permanente care au participat la activitățile birourilor electorale atât în calitate de membru, cât și de personal tehnic auxiliar.

Pe parcursul întregii perioade electorale, reprezentanții Autorității Electorale Permanente au participat activ la ședințele comisiilor tehnice județene pentru coordonarea activităților de organizare a alegerilor și la videoconferințele cu prefectii convocate de Ministerul Afacerilor Interne.

În acest sens, au acordat sprijin de specialitate prefectilor și primarilor în vederea realizării la termen și în condiții corespunzătoare a sarcinilor ce le revin și au acordat asistență și îndrumare persoanelor autorizate să efectueze operațiuni în Registrul electoral.

Conform calendarului electoral, până în data de 15 mai 2017, filialele teritoriale și birourile județene ale Autorității Electorale Permanente au întocmit, în urma solicitărilor primite din partea tribunalelor județene, și au comunicat lista cu juriștii din cadrul Corpului experților electorali în vederea tragerii la sorți pentru desemnarea președintelui biroului electoral de circumscripție și a locțiitorului acestuia.

Au fost contactate serviciile județene pentru imigrări cu privire la actualizarea și predarea listelor electorale complementare către unitățile administrativ-teritoriale în care se desfășoară alegeri locale parțiale.

Conform prevederilor art. 34 alin. (12) și alin. (13) din Legea nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale, republicată, cu modificările și completările ulterioare, structurile teritoriale ale Autorității Electorale Permanente au înregistrat mandatarii financiari ai competitorilor electorali și, de asemenea, au acordat îndrumare în ceea ce privește depunerea candidaturilor, în conformitate cu prevederile legale, atât candidaților independenți, cât și formațiunilor politice care și-au desemnat candidat la funcția de primar.

Cu ocazia controalelor efectuate în unitățile administrativ-teritoriale în care s-au organizat

alegeri locale parțiale, s-a acordat îndrumare în privința tipăririi listelor electorale permanente și a înregistrării cererilor alegătorilor care optează să voteze la adresa de reședință.

De asemenea, s-a transmis instituțiilor prefectului numărul de alegători înscriși în listele electorale permanente care dețin cărți de identitate, în vederea stabilirii necesarului de timbre autocolante.

Nu în ultimul rând, Autoritatea Electorală Permanentă a elaborat și a distribuit materiale de informare cu privire la organizarea și desfășurarea alegerilor, inclusiv materialul suport pentru instruirea președinților birourilor electorale ale secțiilor de votare și a locțiitorilor acestora cu privire la sarcinile ce le revin în vederea organizării și desfășurării în bune condiții a alegerilor locale parțiale din data de 11 iunie 2017 și Ghidul finanțării campaniei electorale la alegerile locale parțiale din 11 iunie 2017.

Corpul experților electorali

Reprezentanții filialelor și birourilor județene ale Autorității Electorale Permanente au desfășurat activități pentru informarea persoanelor interesate în vederea admiterii în Corpul experților electorali pe baza avizului favorabil sau pe bază de examen, în conformitate cu prevederile Hotărârii Autorității Electorale Permanente nr. 11/2015, cu modificările și completările ulterioare.

Au fost primite, prelucrate și înregistrate cereri de admitere în Corpul experților electorali și s-au organizat sesiuni de examinare a persoanelor care au depus cereri de înscriere în Corpul experților electorali pe bază de examen.

Ședințele publice pentru tragerea la sorți a președinților birourilor electorale ale secțiilor de votare și a locțiitorilor acestora, în urma cărora au fost desemnați **506 președinți** și **506 locțiitori**, au avut loc în data de **6 iunie 2017**.

Operatorii de calculator ai birourilor electorale ale secțiilor de votare

Reprezentanții filialelor și birourilor județene ale Autorității Electorale Permanente au desfășurat activități pentru informarea persoanelor interesate să devină operatori de calculator ai birourilor electorale ale secțiilor de votare, în conformitate cu prevederile Hotărârii

Autorității Electorale Permanente nr. 9/2015, cu modificările și completările ulterioare.

În acest sens, au fost primite, prelucrate și înregistrate cereri depuse de persoanele care doresc să devină operatori de calculator și s-au organizat, în colaborare cu reprezentanții structurilor teritoriale ale Serviciului de Telecomunicații Speciale, sesiuni de instruire și evaluare a acestora.

În data de **27 mai 2017** s-a efectuat desemnarea a **626 de operatori de calculator – titulari și rezerve** – ai birourilor electorale ale secțiilor de votare și s-a adoptat **Decizia Autorității Electorale Permanente nr. 117/27.05.2017**.

Ulterior desemnării operatorilor, au fost organizate sesiuni de simulare a funcționării Sistemului informatic de monitorizare a prezenței la vot și de prevenire a votului ilegal împreună cu Serviciul de Telecomunicații Speciale și s-au predat operatorilor de calculator desemnați echipamentele IT.

Prin **Decizia Autorității Electorale Permanente nr. 122/10.06.2017**, un număr de 42 de operatori au fost înlocuiți ca urmare a imposibilității de a se prezenta pentru a-și desfășura activitatea la biroul electoral al secției de votare.

Registrul secțiilor de votare

În perioada de referință nu s-au înregistrat cereri de acordare a avizului conform pentru modificarea delimitărilor sau a sediului secțiilor de votare din unitățile administrativ-teritoriale în care s-au organizat alegeri locale parțiale în data de 11 iunie 2017.

Cu ocazia controalelor efectuate, reprezentanții Autorității Electorale Permanente au verificat secțiile de votare și logistica electorală disponibilă (urne, cabine etc.) în cele **506 secții de votare organizate** și au asigurat desfășurarea în bune condiții a alegerilor.

Coordonarea Sistemului Informațional Electoral Național

Pe parcursul întregii perioade electorale, **Registrul electoral** (*sistemul informatic național de înregistrare și actualizare a datelor de identificare a cetățenilor români cu drept de vot și a informațiilor privind arondarea acestora la secțiile de votare*) a fost actualizat în permanență prin importuri de date de la Direcția pentru Evidența Persoanelor și Administrarea Bazelor de Date, organ de specialitate al administrației publice centrale care face parte din structurile de ordine și siguranță publică din subordinea Ministerului Afacerilor Interne.

În îndeplinirea atribuțiilor care îi revin, Autoritatea Electorală Permanentă a realizat activități de implementare a **Sistemului informatic de monitorizare a prezenței la vot și de prevenire a votului ilegal** și a aplicațiilor informatice pentru desemnarea operatorilor de calculator și pentru tragerea la sorți a președinților birourilor electorale ale secțiilor de votare și a locțiitorilor acestora.

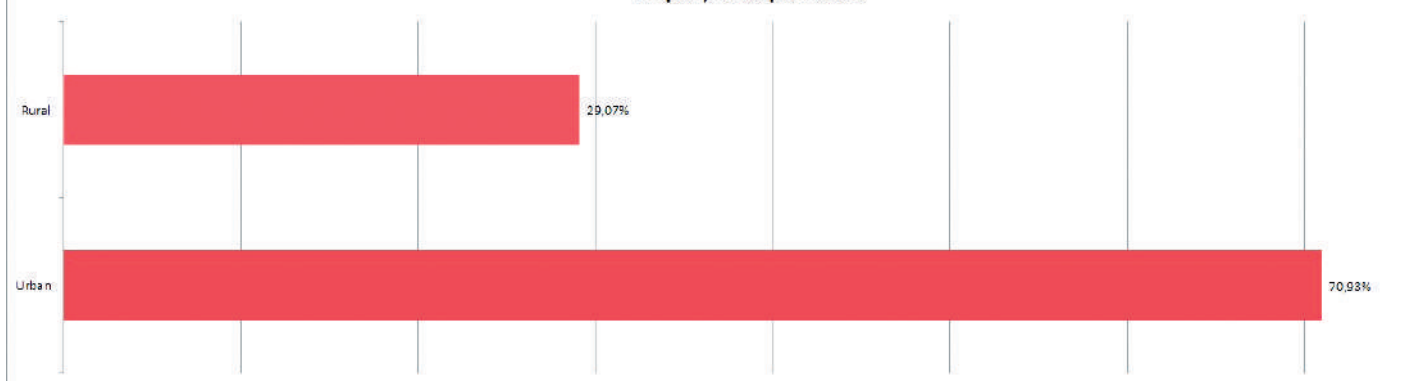
De asemenea, au fost generate **statistici electorale** referitoare la numărul de alegători arondați fiecărei secții de votare constituite pentru alegerile parțiale, precum și numărul de alegători, pe fiecare dintre aceste secții de votare, care sunt posesori de carte de identitate (CI), prezența la vot și rezultatele alegerilor.

Prezența la vot

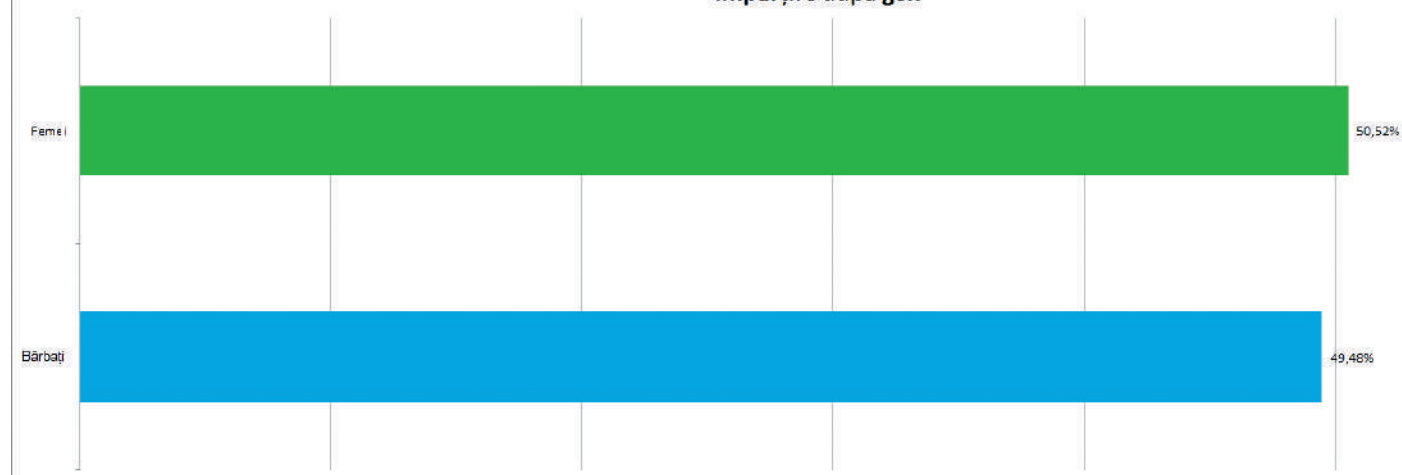
Vă prezentăm mai jos câteva date statistice înregistrate și generate în ziua votului prin **Sistemul informatic de monitorizare a prezenței la vot și de prevenire a votului ilegal** referitoare la prezența la vot și împărțirea alegătorilor conform criteriilor de mediu (*urban/rural*), gen și vârstă.

Județ	Nr. secții de votare	Total votanți înscrși în liste	Votanți liste permanente	Votanți liste suplimentare	Votanți liste complementare	Votanți urna mobilă	Total votanți prezenți la vot	Prezența la vot
ALBA	6	1.702	1.275	26	0	15	1.316	77.32 %
ARAD	6	4.246	2.537	75	3	97	2.712	63.87 %
ARGEȘ	4	5.207	3.395	43	0	86	3.524	67.68 %
BACĂU	17	20.326	9.244	139	0	67	9.450	46.49 %
BISTRIȚA-NĂȘĂUD	4	2.369	1.557	26	1	15	1.599	67.50 %
BOTOȘANI	3	2.411	1.420	20	0	90	1.530	63.46 %
BRĂILA	4	5.031	2.910	66	0	0	2.976	59.15 %
BRAȘOV	10	14.614	6.714	84	0	3	6.801	46.54 %
CĂLĂRAȘI	7	7.689	4.751	124	3	127	5.005	65.09 %
CARAȘ-SEVERIN	2	1.408	931	108	0	63	1.102	78.27 %
CONSTANȚA	3	4.273	2.587	28	0	21	2.636	61.69 %
DOLJ	175	259.193	47.257	1.636	5	465	49.363	19.04 %
GORJ	61	84.376	26.351	505	0	103	26.959	31.95 %
HARGHITA	2	2.286	335	0	0	0	335	14.65 %
HUNEDOARA	28	24.439	9.081	301	1	29	9.412	38.51 %
IALOMIȚA	17	21.890	8.807	124	0	44	8.975	41.00 %
IAȘI	4	4.017	1.696	15	0	0	1.711	42.59 %
ILFOV	5	8.600	4.319	56	0	12	4.387	51.01 %
MARAMUREȘ	20	19.572	8.142	159	0	117	8.418	43.01 %
MEHEDINȚI	10	8.794	4.491	191	0	5	4.687	53.30 %
NEAMȚ	53	69.527	22.657	430	0	4	23.091	33.21 %
OLT	8	6.092	3.635	151	0	0	3.786	62.15 %
PRAHOVA	25	28.949	15.145	178	2	93	15.418	53.26 %
SĂLAJ	4	1.061	781	69	0	15	865	81.53 %
SIBIU	2	705	437	52	2	9	500	70.92 %
SUCEAVA	6	4.145	2.197	19	0	16	2.232	53.85 %
TELEORMAN	2	2.438	1.518	28	0	26	1.572	64.48 %
TIMIȘ	4	2.642	1.513	41	0	41	1.595	60.37 %
TULCEA	3	1.249	826	83	0	0	909	72.78 %
VÂLCEA	4	3.853	1.871	35	0	0	1.906	49.47 %
VASLUI	2	1.409	753	11	0	20	784	55.64 %
VRANCEA	5	3.397	1.720	152	0	30	1.902	55.99 %
TOTAL	506	627.910	200.853	4.975	17	1.613	207.458	33,04%

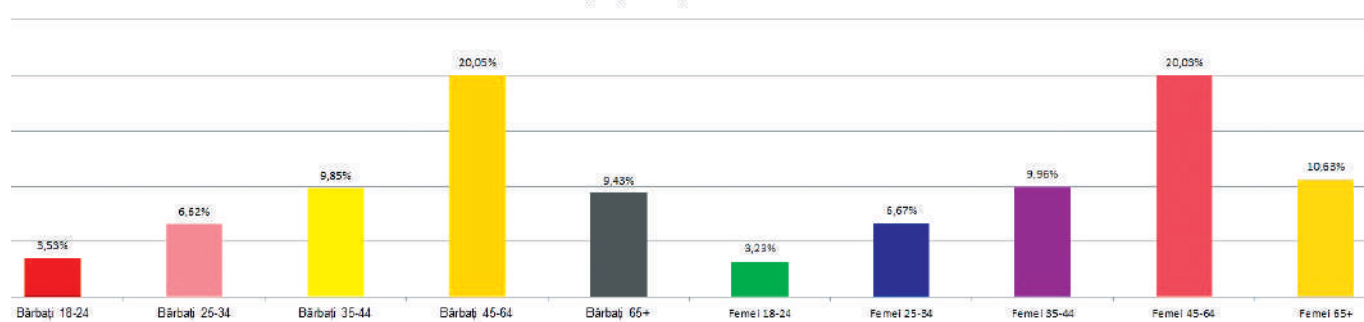
Împărțire după mediu



Împărțire după gen



Împărțire după vârstă



Rezultate finale

În urma colectării copiilor certificate ale proceselor-verbale privind consemnarea rezultatelor votării și centralizarea voturilor, conform prevederilor art. 9 alin. (4) din *Instrucțiunile Autorității Electorale Permanente nr. 1/05.05.2017 privind unele măsuri pentru organi-*

zarea și desfășurarea unitară a alegerilor locale parțiale pentru primari din data de 11 iunie 2017, Autoritatea Electorală Permanentă a publicat marți, 13 iunie 2017, rezultatele finale ale alegerilor, care pot fi consultate accesând adresa <http://www.roaep.ro/prezentare/rezultate/>.

Circumscripția electorală	Județul	Rezultat	Candidatul declarat ales pentru atribuirea mandatului de PRIMAR
Circumscripția electorală comunală nr. 11 Almaș	ARAD	Popa Florin Mihai (PSD) – 503 Avram Silviu-Teodor (PNL) – 282 Costea Aurel-Ginu (ALDE) – 575 Petrișor Sînziana-Mihaela (PMP) – 24 Precup Marius-Cosmin (USR) – 50 Oarcea Teodor Teofil (candidat independent) – 134 Pavel Marcel Teodor (candidat independent) – 12	Costea Aurel-Ginu (ALDE)
Circumscripția electorală comunală nr. 26 Covăsint	ARAD	Filip Daniel (USR) – 85 Stoica Valentin-Cristian (ALDE) – 73 Oneț Marius-Silviu (PNL) – 687 Pașcalău Raul (candidat independent) – 242	Oneț Marius-Silviu (PNL)
Circumscripția electorală comunală nr. 45 Lăpușnicu Mare	CARAȘ-SEVERIN	Popistaș Nicolae (PSD) – 514 Drăgilă Mihaela (PNL) – 567 Derleanu Andrei (PMP) – 15	Drăgilă Mihaela (PNL)
Circumscripția electorală municipală nr. 4 Lupeni	HUNEDOARA	Roșu Ioan-Cristian (PNL) – 1583 Țărcan Emil (USR) – 216 Brăndușe Aurică-Constantin (ALDE) – 553 Resmeriță Lucian-Marius (PSD) – 2910 Napău-Stoica Radu-Călin (PRM) – 1605 Ciucu Cristina-Viorica (candidat independent) – 784	Resmeriță Lucian Marius (PSD)
Circumscripția electorală comunală nr. 57 Sălașu de Sus	HUNEDOARA	Țirea Ion (PNL) – 590 Haitău Virgil-Valer (ALDE) – 87 Vlad Ioan (PSD) – 859	Vlad Ioan (PSD)
Circumscripția electorală comunală nr. 35 Denta	TIMIȘ	Tapanov Petru (PSD+ALDE) – 951 Giorici Laurențiu (PNL) – 547 Pasici Vlastimir (PMP) – 16 Petricaș Jean (PP-USL) – 34 Cerb Ion (UNPR) – 19	Tapanov Petru (PSD+ALDE)
Circumscripția electorală comunală nr. 43 Viziru	BRĂILA	Priceputu Dima (PSD) – 1243 Iacob Fănel (ALDE) – 45 Doagă Victor (PNL) – 1275 Bălțat Paul (PMP) – 49 Neacșu Florin (candidat independent) – 302	Doagă Victor (PNL)
Circumscripția electorală comunală nr. 51 Nicolae Bălcescu	CONSTANȚA	Constantin Lucian (PMP) – 35 Albu Marius Adrian (PNL) – 148 Ciocănete Nicolae (PSD) – 1144 Albu Nicolae (candidat independent) – 100 Tudor Gheorghe (candidat independent) – 15 Timofte Dumitru (candidat independent) – 1147	Timofte Dumitru (candidat independent)
Circumscripția electorală comunală nr. 7 Beidaud	TULCEA	Camburi Constantin (PSD) – 644 Popescu Dumitru (ALDE) – 223 Pașata Sterică (PNL) – 18 Bulgaru Adrian (PMP) – 12	Camburi Constantin (PSD)

Circumscripția electorală comunală nr. 30 Jariștea	VRANCEA	Grama Marius-Ciprian (PNL) – 1.062 Bolovan Lucian (PSD) – 694 Hainăroșie Iuliana-Maria (PMP) – 118	Grama Marius-Ciprian (PNL)
Circumscripția electorală orășenească nr. 5 Lehliu Gară	CĂLĂRAȘI	Bănescu Laurențiu (PNL) – 1228 Iacomî Iulian (PSD) – 1606 Toader Cornelia-Georgeta (PMP) – 22 Moga Ștefania-Victorița (candidat independent) – 539	Iacomî Iulian (PSD)
Circumscripția electorală comunală nr. 51 Unirea	CĂLĂRAȘI	Pârlea Aurica (PNL) – 444 Rădăcină Aurel (PMP) – 35 Belu Florian (PSD) – 1009	Belu Florian (PSD)
Circumscripția electorală orășenească nr. 4 Amara	IALOMIȚA	Măiță Ion (PSD) – 1330 Țintă Nicolae (PNL) – 1026 Onel Ion (PMP) – 741	Măiță Ion (PSD)
Circumscripția electorală orășenească nr. 6 Fierbinți-Târg	IALOMIȚA	Pârvu Dobre (PNL) – 1313 Cîmpean Marius-Alin (PSD) – 1307	Pârvu Dobre (PNL)
Circumscripția electorală orășenească nr. 7 Țândărei	IALOMIȚA	Toma Nicoleta (PSD) – 1108 Drima Vladimir (PMP) – 111 Mitrea Traian (PNL) – 758 Cioară Valere (PSR) – 57 Petrache Gheorghe (PI) – 1019 Pascu Mihăiță (CI) – 64	Toma Nicoleta (PSD)
Circumscripția electorală comunală nr. 31 Jilava	ILFOV	Petre Elefterie-Ilie (PNL) – 2318 Dumitrescu Mariana (PSD) – 1249 Drăgan Florin-Cristian (PMP) – 523 Sfia Pantelie (ALDE) – 117 Cimpoeru Anca-Daniela (PR) – 40	Petre Elefterie-Ilie (PNL)
Circumscripția electorală comunală nr. 47 Domnești	ARGEȘ	Zăvoianu Ion-Gabriel (PSD) – 1072 Crăciun Gabriel (PNL) – 744 Cojocău Ciprian (PMP) – 15 Micuț Traian (candidat independent) – 32	Zăvoianu Ion-Gabriel (PSD)
Circumscripția electorală comunală nr. 97 Valea Danului	ARGEȘ	Borz Alexandru-Virgil (PSD) – 697 Pleșa Mihai (PMP) – 37 Preda Vasile (PNL) – 860	Preda Vasile (PNL)
Circumscripția electorală orășenească nr. 4 Băicoi	PRAHOVA	Constantin Marius-Ioan (ALDE) – 4229 Stătescu Ciprian-Gheorghe (PNL) – 2214 Aldea Ștefania Antonela (PMP) – 656 State Marian Constantin (PSD) – 1340	Constantin Marius-Ioan (ALDE)
Circumscripția electorală orășenească nr. 7 Bușteni	PRAHOVA	Corbu Laurențiu-Mircea (ALDE) – 651 Achim Virgiliu-Cristian (PNL) – 249 Haiduc Gheorghe (USR) – 243 Codescu Valentin (PMP) – 294 Ghiță Irinel (PSD) – 1770 Toma Andronel (PRM) – 162 Totpal Mihai-Mircea (PER) – 165 Anghel Dan (candidat independent) – 176	Ghiță Irinel (PSD)
Circumscripția electorală comunală nr. 34 Călugăreni	PRAHOVA	Leescu Cristian Dragoș (PNL) – 32 Enache Ion (PSD) – 485 Velcea Tudorel (candidat independent) – 71	Enache Ion (PSD)

Circumscripția electorală comunală nr. 47 Dumbrava	PRAHOVA	Apostol Marian (PNL) – 1489 Baicu Adrian (PMP) – 43 Greeruș Ion (PSD) – 848	Apostol Marian (PNL)
Circumscripția electorală comunală nr. 56 Olteni	TELEORMAN	Mărcușanu Emilian (PSD) – 692 Iordache Marian (PNL) – 16 Ionescu Violeta Cătălina (PMP) – 831	Ionescu Violeta Cătălina (PMP)
Circumscripția electorală comunală nr. 38 Horea	ALBA	Mateș Ispas (PMP) – 15 Neag Ispas-Florin (PSD) – 539 Nicola Marin (PNL) – 747	Nicola Marin (PNL)
Circumscripția electorală orășenească nr. 7 Râșnov	BRAȘOV	Butnariu Liviu-Călin (PNL) – 3447 Diaconu Daniel-Nicolae (ART) – 2801 Lungu Marius-Cristinel (candidat independent) – 407	Butnariu Liviu-Călin (PNL)
Circumscripția electorală comunală nr. 55 Siculeni	HARGHITA	Csibi Jozsef (UDMR) – 321	Csibi Jozsef (UDMR)
Circumscripția electorală comunală nr. 38 Marpod	SIBIU	Bârsan Bogdan (PSD) – 195 Țiban Nicolae (PNL) – 296	Țiban Nicolae (PNL)
Circumscripția electorală municipală nr. 2 Moinești	BACĂU	Vieru Valentin (ALDE) – 5957 Cotîrleț Paul-Claudiu (PSD) – 2658 Vascan Ștefan-Cezar (PNL) – 520 Găburici Mircea-Ionel (PMP) – 77 Căpraru Pavel (PNȚCD) – 53	Vieru Valentin (ALDE)
Circumscripția electorală comunală nr. 76 Vlăsinești	BOTOȘANI	Bouariu Andrei (PSD) – 1144 Velnicu Corneli (PMP) – 45 Uniciu Ionel (PNL) – 304 Cojocariu Mihai (ALDE) – 17	Bouariu Andrei (PSD)
Circumscripția electorală comunală nr. 82 Șipote	IAȘI	Puiu Constantin (PSD) – 967 Corlat Petru (PMP) – 412 Nicuriu Ionel (PNL) – 309	Puiu Constantin (PSD)
Circumscripția electorală municipală nr. 2 Roman	NEAMȚ	Micu Lucian-Ovidiu (PNL) – 10662 Neculai Marius (PSD) – 6314 Samson Radu-Constantin (USR) – 664 Chelmuș Elena (PMP) – 337	Micu Lucian-Ovidiu (PNL)
Circumscripția electorală comunală nr. 9 Bălțătești	NEAMȚ	Acozmei Emilia (PNL) – 794 Marian Mihaela (PSD) – 436 Grigoraș Gheorghe-Eugen (PMP) – 273 Timofte Gheorghe (ALDE) – 178 Oprea Constantin (candidat independent) – 131	Acozmei Emilia (PNL)
Circumscripția electorală comunală nr. 55 Pipirig	NEAMȚ	Lăcătușu Alexandru (PMP) – 50 Agapie Grigore (ALDE) – 590 Diaconu George-Ciprian (PNL) – 265 Dorneanu Vasile (PSD) – 2000	Dorneanu Vasile (PSD)
Circumscripția electorală comunală nr. 65 Iacoveni	SUCEAVA	Maxim Viorel (PSD) – 633 Groza Vasile-Cezar (PNL) – 276 Iacoban Marilena-Eugenia (candidat independent) – 167 Șutea Viorel (PMP) – 14	Maxim Viorel (PSD)

Circumscripția electorală comunală nr. 92 Siminicea	SUCEAVA	Clim Vasile (PNL) – 742 Murariu Maria (PSD) – 300 Florea Cristi-Gheorghe (PMP) – 73	Clim Vasile (PNL)
Circumscripția electorală comunală nr. 38 Frunțișeni	VASLUI	Onel Ioan (PSD) – 564 Mocanu Dumitru (PNL) – 148 Anton Gheorghe (PMP) – 50	Onel Ioan (PSD)
Circumscripția electorală comunală nr. 51 Șieu	BISTRITA-NĂSĂUD	Cifor-Tiniș Ioan-Sebastian (Alianța Electorală ALDE-PSD pentru Șieu) – 729 Pașc Roxana-Bianca (candidat independent) – 460 Chereja Emil (PNL) – 397	Cifor-Tiniș Ioan-Sebastian (Alianța Electorală ALDE-PSD pentru Șieu)
Circumscripția electorală orășenească nr. 3 Baia Sprie	MARAMUREȘ	Tamas Etelka (PSD) – 535 Breban Gheorghe-Aurel (ALDE) – 204 Bîrda Sebastian-Alin (PNL) – 1295 Cetățeanu Claudia-Bogdana (PMP) – 258 Cherecheș Gheorghe (candidat independent) – 326 Corodan Ioan (candidat independent) – 598 Sabo Simion-Dorin (candidat independent) – 878 Pop Olimpiu-Alexandru (candidat independent) – 128 Ștefănoiu Luca (candidat independent) – 157	Bîrda Sebastian-Alin (PNL)
Circumscripția electorală orășenească nr. 12 Ulmeni	MARAMUREȘ	Luca Cornelia (PSD) – 1348 Morar Lucian-Ioan-Titus (PMP) – 2563	Morar Lucian-Ioan-Titus (PMP)
Circumscripția electorală comunală nr. 27 Fildu de Jos	SĂLAJ	Albert Nicolae-Marin (PSD) – 322 Antal Viorel (PMP) – 199 Bălaș Mircea-Ioan (ALDE) – 36 Răcășan Daniel Florin (PNL) – 301	Albert Nicolae-Marin (PSD)
Circumscripția electorală comunală nr. 18 Bujoreni	VÂLCEA	Anton Elena Luminița (ALDE) – 105 Raicu Ion (PMP) – 212 Gîngu Gheorghe (PSD) – 1251 Cîrtoiu Dragoș Gigel (PNL) – 298	Gîngu Gheorghe (PSD)
Circumscripția electorală municipală nr. 1 Târgu Jiu	GORJ	Popescu Aurel (PSD) – 8200 Romanescu Marcel-Laurențiu (PNL) – 12203 Miruță Radu-Dinel (USR) – 979 Lădaru Ion-Eduard (ALDE) – 509 Grădinaru Mari-Daniela (PMP) – 359 Caragea Viorel Salvador (candidat independent) – 1091 Caralicea Gheorghe (candidat independent) – 250	Romanescu Marcel-Laurențiu (PNL)
Circumscripția electorală comunală nr. 35 Drăguțești	GORJ	Butan Gheorghe (PSD) – 1092 Crăc Ionuț (PNL) – 87 Popescu Dumitru-Ion (ALDE) – 1719 Covrig Ion (PMP) – 45	Popescu Dumitru-Ion (ALDE)
Circumscripția electorală comunală nr. 68 Osica de Sus	OLT	Cernătoiu Nicușor Remus (ALDE) – 320 Roșca Mihai-Sabin (PNL) – 696 Văduva Alexandru (PRM) – 62 Manicea Gheorghe (PSD) – 1184 Raicea Marian (PMP) – 171	Manicea Gheorghe (PSD)
Circumscripția electorală comunală nr. 85 Sprîncenata	OLT	Cătănoiu Gigi-Daniel (PNL) – 415 Mihăeșteanu Marin (PSD) – 846 Popescu George-Alexandru (PMP) – 13	Mihăeșteanu Marin (PSD)

Circumscripția electorală comunală nr. 29 Godeanu	MEHEDINȚI	Nicolăescu Adrian (PSD) – 229 Achimescu Romică (PMP) – 120 Dragomirescu Viorel (PNL) – 107	Nicolăescu Adrian (PSD)
Circumscripția electorală comunală nr. 58 Șimian	MEHEDINȚI	Trușcă Constantin (PSD) – 3759 Drăghici Sevastian Dumitru (PMP) – 52 Vîlcu Emilian-Cornel (PNL) – 320 Vișan Sever (candidat independent) – 19	Trușcă Constantin (PSD)
Circumscripția electorală municipală nr. 1 Craiova	DOLJ	Genoiu Mihail (PSD) – 19798 Oprea Mario-Ovidiu (PNL) – 7512 Stănculescu Anișoara (ALDE) – 5574 Călina Dumitru (PMP) – 791 Prisnel Adrian-Claudiu (USR) – 5378 Preda-Nica Sorin (Partidul Noua Românie) – 453 Săuleanu Lucian-Bernd (candidat independent) – 6006 Mladin Emil-Iulian (candidat independent) – 754	Genoiu Mihail (PSD)
Circumscripția electorală comunală nr. 62 Ișalnița	DOLJ	Lăzeanu Pavel (PMP) – 151 Flori Ovidiu-Aurelian (PSD) – 1518 Munteanu Bogdan-Gheorghe (PNL) – 164	Flori Ovidiu-Aurelian (PSD)

ALEGERI PREZIDENȚIALE ANTICIPATE ÎN COREEA DE SUD, O ABORDARE TEHNICĂ PRECAUTĂ

Cosmin PINTEA

Șeful Serviciului Registrul electoral,

Direcția generală pentru coordonarea sistemului informațional electoral național

*Beautiful elections, happy Korea
– Mottoul alegerilor –*



Context

- 51.716.959 de locuitori;
- Alegători – peste 19 ani și cu drept de vot – aproximativ 42,4 milioane;
- 11 – 15 aprilie – generarea listelor electorale de către administrația locală, care operează de altfel registrul electoral computerizat, generarea listei electorale consolidate naționale care va fi folosită de către Comisia Electorală Națională (NEC, autoritatea electorală din Coreea de Sud) pentru votul în avans;
- 25 – 30 aprilie – votul în străinătate (*overseas voting*);
- 4 – 5 mai – vot în avans (*early voting*) în cele 3.507 secții de vot speciale (în care poate vota orice cetățean cu drept de vot);
- 9 mai – ziua votului general în cele 13.964 secții de vot (între 3.000 și 4.000 de alegători arondați pe secție), între 6 AM și 8 PM (pentru alegerile anticipate, pentru alegerile la termen votul se desfășoară între 6 AM și 6 PM);
- 77,2% prezența la vot;
- 249 de centre de numărare și centralizare a rezultatelor votării;
- Noul președinte ales a depus jurământul a doua zi după alegeri, în data de 10 mai.

Din perspectiva utilizării mijloacelor ITC se poate spune că procesul de vot și de centralizare

a rezultatelor îmbină relativ conservator utilizarea tehnicilor moderne și cea a metodelor tradiționale. Concret, aparatura tehnică este utilizată în două situații – în cazul votului în avans și la centralizarea rezultatelor din secțiile de vot după închiderea ultimei zile de vot. Votul propriu-zis se derulează în continuare prin mijloace tradiționale, respectiv votarea pe un buletin vertical din hârtie care este introdus într-o urnă de plastic.

În cazul votului anticipat la secție, principala noutate o constituie dotarea secțiilor speciale cu seturi complete de echipamente care pot susține organizarea ad-hoc a procesului electoral. Un astfel de set este compus dintr-un scanner de act de identitate și amprentă (la împlinirea vârstei de 17 ani, fiecărui cetățean i se scanează digital amprentele), un laptop/desktop, o imprimantă și o sursă de curent neîntreruptibilă (UPS). În funcție de locație, se mai adaugă mijloace de comunicare



(router). De regulă, există 3 sau 4 astfel de seturi în fiecare secție de vot specială, cu câte 2 operatori desemnați per set. Scannerul este folosit pentru identificarea alegătorului și semnare (inclusiv cu amprentă), ceea ce generează marcarea acestuia în lista electorală națională ca alegător care a votat. În pasul următor alegătorului i se imprimă buletinul de vot, care i se predă împreună cu plicul în care îl va introduce după ce a votat (dacă secția nu este înființată în spațiul unei secții obișnuite și dacă nu este arondat acelei secții). În

cel de al doilea caz, tehnica de calcul este utilizată în etapa de centralizare a rezultatelor, după închiderea secțiilor. În secțiile de vot deschise în ziua alegerilor generale nu există tehnică de calcul, evidența alegătorilor și a voturilor făcându-se exclusiv pe hârtie. După închiderea secției se întocmește în scris, pe suport de hârtie, un prim proces-verbal de secție care cuprinde doar numărul de urne, numărul de alegători înregistrați, numărul de votanți și numărul de buletine de vot utilizate.

Extras dintr-un proces-verbal întocmit în scris

2. Ballot

no. of ballot boxes	no. of registered voters	no. of voters who didn't vote	no of voters who voted (1)	no. of ballots issued (2)	difference between (1)and(2) (1)-(2)
2	247	0	247	247	0

Acest prim proces-verbal de secție pleacă împreună cu urna/urnele de vot sigilată/sigilate către centrele de numărare și centralizare a rezultatelor.

În cadrul unui astfel de centru se procedează la desigilarea urnelor, sortarea manuală a buletinelor de vot și pregătirea acestora pentru scanare, scanarea buletinelor de vot și generarea proceselor-verbale finale pentru secția respectivă.

După etapa de pregătire pentru scanare a buletinelor de vot (despăturire, îndreptare și formare de teancuri) se introduc manual într-un



calculator datele din procesul-verbal preliminar întocmit la secție, după care urmează operațiunea de scanare, sortare și numărare pe candidați a buletinelor de vot, operațiune realizată automat de aparatul de scanare/numărare. Datele astfel obținute sunt introduse automat în procesul-

verbal final al secției. În următoarea etapă a centralizării rezultatelor se verifică numărătoarea efectuată de scanner în pasul precedent. Astfel, fiecare teanc sortat pe candidat este introdus într-o mașină de numărat de tipul celor folosite de instituțiile bancare pentru numărarea

bancnotelor. Cifrele astfel obținute sunt comparate cu rezultatele centralizate automat din etapa anterioară.

Ultima etapă în care este implicată tehnica de calcul în centralizarea finală a rezultatelor este

introducerea manuală a fiecărui proces-verbal în baza de date națională, centralizarea datelor, alocarea mandatelor și publicarea rezultatelor. Introducerea se face de la un terminal de tip desktop de o echipă de 3 operatori.



Combinăția aceasta de metode tradiționale și moderne aplicate în cadrul procesului de votare și de centralizare s-a dovedit, în cazul particular al Coreei de Sud, relativ eficientă, deoarece, în condițiile unei prezențe la vot masive, comisia electorală a terminat numărarea și centralizarea voturilor la ora 7 dimineața a doua zi, iar la ora 8, în dimineața zilei de 10 mai, a declarat oficial candidatul învingător.



Există mai multe explicații pentru tipul acesta de succes. Acestea ar fi: o foarte bună organizare atât la nivelul secțiilor, cât și la nivelul centrelor de numărare prin identificarea clară a fluxurilor operaționale (atât pentru alegători, cât și pentru oficialii electorali implicați); buletinele de vot, datorită machetei și materialului folosit pot fi tipărite pe loc, sunt ușor de manipulat și permit numărarea lor rapidă (atât automat, cât și manual); mutarea operațiunilor de numărare și constatare a rezultatelor alegerilor din secțiile de vot în centrele de numărare; implicarea unui număr relativ mare de oficiali electorali pe toate palierele procesului electoral (secțiile obișnuite au un personal format în general din 8 persoane, în afară de observatorii din partea formațiunilor politice și de cei ai organizațiilor nonguvernamentale, iar centrele de numărare au până la 200 de persoane implicate) și, nu în ultimul rând, echipamentele folosite.

CEA DE-A TREIA ADUNARE GENERALĂ A ASOCIAȚIEI MONDIALE A ORGANISMELOR ELECTORALE ȘI CONFERINȚA INTERNAȚIONALĂ CU TEMA *CUM NUMĂRĂM ȘI CUM INTERPRETĂM VOTURILE: UTILIZAREA TEHNOLOGIEI PENTRU CONSOLIDAREA TRANSPARENȚEI PROCESELOR ELECTORALE*

(31 august – 2 septembrie 2017, Palatul Parlamentului, București)

Direcția comunicare și relații externe

De-a lungul existenței sale, Autoritatea Electorală Permanentă (AEP) a stabilit relații bilaterale cu autorități electorale din întreaga lume, precum și cu organisme regionale și mondiale. Cooperarea internațională a generat o sinergie între organizațiile internaționale și angajamentul AEP pentru susținerea alegerilor libere și corecte, prin stabilirea legăturilor, facilitarea contactelor și dezvoltarea ideilor vizând viitoare proiecte comune. AEP s-a remarcat activ pe plan extern printr-o serie de demersuri internaționale ce au sporit vizibilitatea instituției, beneficiind astfel de recunoaștere în rândul celor mai prestigioase organizații internaționale.

Anul 2013 a marcat intrarea oficială a Autorității Electorale Permanente în elita organismelor internaționale de profil.

Astfel, în luna octombrie 2013, Autoritatea a devenit membru cu drepturi depline al Asociației Mondiale a Organismelor Electorale (A-WEB), organizație internațională al cărei secretariat își are sediul la Incheon, Republica Coreea. A-WEB promovează eficiența în organizarea unor alegeri libere, corecte, transparente și participative la nivel mondial. Având ca obiectiv principal consolidarea democrației, organizația își propune să identifice cele mai recente tendințe, provocări și evoluții în domeniul gestionării alegerilor și să promoveze schimbul de experiență și cunoștințe între organismele de management electoral din întreaga lume. În același an, autoritatea a fost cooptată în comitetul executiv al A-WEB.

În martie 2015, AEP a organizat la București comitetul executiv al asociației și a contribuit activ la planul de lucru și la proiectele acesteia.

În același an, autoritatea a obținut vicepreședinția Asociației Mondiale a Organismelor Electorale, fiind desemnată să preia președinția organizației începând cu anul 2017. Președintele A-WEB activează ca șef al asociației pentru un mandat de doi ani, prezidează adunarea generală și ședința comitetului executiv. De asemenea, președintele este liderul organismului de management electoral național care găzduiește adunarea generală.

În perioada 31 august – 2 septembrie 2017, va avea loc la București cea de-a treia Adunare generală a Asociației Mondiale a Organismelor Electorale și conferința internațională cu tema *Cum numărăm și cum interpretăm voturile: utilizarea tehnologiei pentru consolidarea transparenței proceselor electorale*.

Evenimentul internațional va reuni oficiali electorali, experți și reprezentanți ai unor prestigioase organizații internaționale cu activitate în domeniul electoral. Adunarea generală reprezintă forul decizional al A-WEB și se întrunește, potrivit cartei asociației, la fiecare doi ani. Anul acesta, adunarea generală A-WEB va avea loc în data de 31 august 2017, la București. Adunarea generală evaluează și adoptă modificările cartei asociației, promovează politicile și proiectele asociației, evaluează și aprobă recomandările comitetului executiv, aprobă cererile de aderare pentru noi membri, evaluează și aprobă bugetul, aprobă raportul de audit și raportul financiar și alege organismul de management electoral care va găzdui următoarea adunare generală.

Conferința internațională cu tema *Cum numărăm și cum interpretăm voturile: utilizarea tehnologiei pentru consolidarea transparenței*

proceselor electorale va avea loc în perioada 1 – 2 septembrie 2017. Evenimentul, organizat de AEP în parteneriat cu A-WEB, își propune să evalueze rolul cooperării la nivel global între organismele de management electoral în definirea și dezvoltarea de standarde comune de utilizare a noilor tehnologii care pot fi folosite în alegeri, etapele din timpul proceselor electorale în care este benefică utilizarea acestora și riscurile pe care le prezintă adaptarea legislației electorale în vederea facilitării procesului de implementare a noilor tehnologii în alegeri. Evenimentul internațional vizează identificarea celor mai recente tendințe, provocări și evoluții în managementul electoral democratic și în ceea ce privește tehnologizarea proceselor electorale, precum și facilitarea schimbului eficient de expertiză. Conferința va reuni peste 120 de lideri ai organismelor de management electoral, experți și reprezentanți ai unor prestigioase organizații internaționale cu activitate în domeniu și va oferi o platformă solidă pentru valorificarea expertizei mondiale și a practicilor uzitate pentru tehnologizarea proceselor electorale.

În acest sens, una dintre preocupările majore ale oficialilor electorali ce vor fi prezenți la conferință va fi identificarea de standarde și de principii de integritate general acceptate în vederea implementării echipamentelor IT&C în domeniul electoral și care trebuie să reprezinte o garanție a desfășurării în bune condiții a alegerilor și a fluidizării etapelor proceselor electorale.

Pe perioada evenimentului va avea loc o expoziție de echipamente IT&C, ce va oferi participanților șansa de a cunoaște instrumente și aplicații tehnologice testate cu succes în diferite etape ale proceselor electorale din Republica Coreea.

Cooperarea internațională în materie electorală poate îmbrăca diverse forme, iar relațiile bilaterale și multilaterale între organismele de management electoral și organizațiile internaționale pot fi consolidate prin organizarea de conferințe sau seminarii pe problematici și teme de interes comun.

Unul dintre conceptele esențiale ale guvernării democratice este prevenirea și combaterea fraudei electorale. Astfel, provocările fundamentale ale oricărui organism de management electoral vizează modul în care acesta reușește să consolideze încrederea publică în ceea ce privește utilizarea noilor tehnologii în procesele electorale. Modalitatea de gestionare a acestui proces este esențială pentru orice autoritate electorală în organizarea alegerilor libere și corecte.

România va fi, pentru a doua oară în decurs de trei ani, gazda elitelor internaționale ale managementului electoral, după ce în 2014, la București, a avut loc cea de a 23-a Conferință anuală a Asociației Europene a Oficialilor Electoralii (ACEEEO).

CALL FOR PAPERS

ELECTORAL EXPERT REVIEW

The Electoral Expert Review, published by the Permanent Electoral Authority, invites stakeholders and those interested to contribute in publishing scientific articles related to the electoral field and to areas such as: human rights, political science, legal and administrative domain. Regarding the next edition of the Electoral Expert Review, the editorial board welcomes articles with interdisciplinary character that have not been or are not published in other journals, reviews or scientific symposium volumes.

The authors may submit proposals for articles directly to the following address: expert.electoral@roaep.ro

The Electoral Expert Review is a quarterly publication of studies, researches and analyses related to the elections field. The editorial project Electoral Expert Review appears in a European context in which articles and scientific research aimed at various aspects of national and European electoral processes are increasing in the last two decades, but it appears a small number of academic magazines and journals assemble them in a publication focused on the electoral field.

With an interdisciplinary and applied character, firstly the publication aims at a wide audience, this being ensured by distributing our journal to the Romanian Parliament, the Government and other institutions from the central and local government, to the most important public libraries, universities, the media, other academic institutions and NGOs. Secondly, the Electoral Expert Review can be found in electronic format in Romanian; this will be completed by one translated into English, giving it an international character.

The issues from 2017 of Electoral Expert Review will be published with the following general topics: **electoral reform, political financing, electoral system, voting methods, gender and elections, etc.** (deadline for submitting the articles: **30th of September 2017**).

Indications and text formatting requirements:

✓ Submitted articles may cover theoretical studies, case studies or researches that have not been published or submitted for other publications or part of the proceedings of scientific conferences. Submitted articles should be original.

✓ We recommend that submitted articles should be between 4,000 and 6,000 words in length (bibliography and footnotes included).

✓ Manuscripts must be accompanied by an abstract. The abstract must have between 100 and 150 words (Times New Roman, 12, italic). After each abstract the author must mention the keywords. We recommend that the articles submitted should be accompanied by a brief presentation of the author/authors (name, institutional or/and academic affiliation, brief research activity and published papers, e-mail address).

✓ The preferred working language of Electoral Expert Review is English.

✓ Main text of the manuscript: Times New Roman, 12, justified, 1.5 line spacing options. Page setup: A4 with 2.5 cm margins. Titles: Times New Roman, 14, bold. Subtitles: Times New Roman, 12, bold. Footnotes: Times New Roman, 10, justified.

✓ All figures, tables and photos must be clear and sharp. The tables should be numbered consecutively in Arabic numbers. The number and the title of each table should be written above it, using Times New Roman, 12, bold. The number and the title of each figure or photo should be written under it, using Times New Roman, 10, bold.

✓ Abbreviations and acronyms will be explained the first time they appear in the text.

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- ✓ Internet references should be quoted with the whole link and the date in which it was accessed.

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REVISTA „EXPERT ELECTORAL”

Revista „Expert Electoral”, editată de Autoritatea Electorală Permanentă, primește spre publicare articole științifice ce tratează teme din domeniul electoral, precum și din domenii conexe, cum ar fi: drepturile omului, științe politice, științe juridice și administrative, adică articole cu caracter interdisciplinar și care nu au fost sau nu urmează a fi valorificate prin publicare în alte reviste sau volume ale unor simpozioane științifice.

Având în vedere necesitatea unei dezbateri publice reale pe tema îmbunătățirii și uniformizării legislației electorale, intenționăm ca în următoarele numere ale publicației să abordăm subiecte precum: reforma electorală, finanțarea partidelor politice și a campaniilor electorale, sisteme electorale, metode de vot, gen și alegeri etc.

Autorii pot transmite propunerile de articole pentru nr. 3(16)/2017 al revistei „Expert Electoral” la adresa de e-mail: expert.electoral@roaep.ro.

Termen limită de comunicare a lucrărilor: 30 septembrie 2017.

Revista „Expert Electoral” este o publicație trimestrială de studii, cercetări și analize cu tematică electorală. Autoritatea Electorală Permanentă a inițiat editarea acestei reviste cu scopul de a crea o platformă de dezbateri a subiectelor referitoare la reglementarea și administrarea proceselor electorale.

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