

Silba Election Observation Mission - Romania

Final Report

**Presidential Election 2019 10th November 2019
(First Round)**



Introduction

On 10 November 2019, Initiative for Dialogue and Democracy (SILBA) conducted a short-term Election Observation Mission (EOM) in all 6 districts (sectors) of Bucharest to observe the first round of the presidential election in Romania.

Silba's group followed an extensive programme of workshops, briefings, lectures, and meetings, in order for the Short Term Observers (STOs) to develop a broad understanding of the current situation in Romania. The STOs have received sufficient training in terms of The comprehensive E-Learning course from OSCE prior to the EOM, as well as a specific seminar on live coding for the observations throughout the day using appropriate survey tools. On election day, our STOs were accompanied by national election observers provided from the NGO Funky Citizens. They worked as interpreters for our observers as well.

FINDINGS FROM ELECTION DAY:

Opening procedure

Silba deployed 6 teams to view the opening procedures, which have been assessed overall positively by the observers, although some issues have been noted.

The observers went to polling stations (PS) in all 6 sectors of Bucharest. One of the teams in Sector 3 attempted to observe the opening at a polling station but was denied access by the police as well as not being allowed to meet the chairman of the polling station. The team eventually was granted access to another polling station. Another team also experienced an inconvenience regarding the fact that their interpreter had been denied access to enter the polling station because the chairwoman did not trust her credentials.

The four other teams did not face any serious issues with their polling stations beginning preparations at 6:30 in order to be able to do the opening at 07:00, except for a team in Sector

5 where voters entered the polling station at 6:30 already, due to a mistake made by the policemen in charge of the entrance. Consequently, the policemen and the president of the PS had a heated discussion due to the lack of communication. However, voters stayed in the main room of the PS until 7:00 when they were finally granted access to the voting booths.

Observers did not face any issue with regards to the visibility of the opening procedures, though in 2 of the polling stations, opening procedures had been almost completed when the observers came (around 6:30) which means that they could not properly assess the entire opening process.

All polling stations had the necessary election material, but it appeared that procedures suffered from incomplete preparations : ballot boxes had been sealed in almost all cases (only one did not have seals) but only with tape, visible serial numbers were never entered into a record book, the number of ballot papers were rarely entered into the protocols as the control sheets in the boxes. Ballot boxes appeared to be empty.

General procedure

The 12 STO teams managed to visit 87 different polling stations inside the 6 city sectors of Bucharest. The election had different noteworthy issues and incidents that our STO observed during the election day. A general pattern was seen in the ballot boxes that were often not properly sealed (paper box with regular tape in most situations).

In some instances, a lot of unnecessary contact with the ballot boxes occurred. Few instances with voting booths in either a mediocre condition or placed in a way, where it was possible for people outside of the booth to have a look inside and thereby limiting the secrecy of the voting process.

There was a moderate enthusiasm towards our observers from Polling Station Members and sometimes they openly complained about the presence of observers in both english and the local tongue. The PSO was very sceptical when seeing accreditation, this lead to different episodes of observers having their passport or/and accreditation scanned. At some points PSO withheld either the passport or accreditation of some observers that tried to leave polling station.

The police were not helpful but acted often in an inappropriate way towards the STOs. They interfered in the process of excluding and guarding STOs and interpreters. In several polling stations the chairman described the police as being inappropriate. They did not like to explain the reason of their actions. They dictated and commanded the STO's around in the polling stations.

Polling station members did at times deny Short Term Observers entrance, and at other times they were not checked for either accreditation or identification, or both.

The polling station members did not follow the voting line of order and at some polling stations they made the voter sign after throwing votes into the ballot box. Generally, too many people were inside the polling stations at once. This led to confusion, interruptions and made the voting process rather chaotic at times.

There is a heavy amount of polling stations that are not suitable for voters with disabilities. It is clearly a limitation for a certain society group, and it will continue if it is not changed. Furthermore, there is a large variation between the size and quality of the polling stations, we did not see any systematic trend in this, but the smaller polling stations led to less voters being processed at a time, making voting less available in certain neighbourhoods.

Closing procedure

Silba had 12 groups deployed to observe the closing procedure in different polling stations of the 6 sectors in Bucharest. Overall, closing and counting procedures were assessed positively by our observers: only 2 out of 11 teams observed a bad conduct of the process, which is a rather low number. The main improvements in the future are more in terms of anticipation of the observers' arrival and ensure more transparency in all steps of the process.

In the closing procedure there was a general problem with PSO personal not being properly informed/trained in order to understand what rights observers with legitimate accreditation are allowed to. Instances occurred where observers were not given permission to enter the POS to observe the counting procedure. Aswell did the overall procedure of the counting at polling stations lack a systematic order throughout all observed polling stations. Things were done in different ways to ensure transparency.

Some PSO lacked understanding of counting procedures. Among the irregularities observed : counting more than one ballot at a time, not always holding and showing of the ballot to PSO and observers when counting. Our observers noted that the PSO were not experiencing a satisfactory view of the counting process. When PSO's complained about this, a heated discussion took place resulting in no change of procedure from the polling president.

Conclusion

The overall election shows legitimate results with protection of the vote and with its secrecy intact. But there is a clear sign of a lack of training regarding the polling officials. A high amount of structural and practical errors occurred because of this. Furthermore, and genuinely way more serious, the lack of training of polling officials resulted in misunderstandings between them and the observers regarding observers rights and role - such situations causes a loss of transparency in the electoral process. If this lack of transparency is not addressed, it can in the long term compromise the legitimacy of the voting processes and thus harm Romanian democracy.

Recommendations for future electoral processes in Romania

We have noticed a lot of problems regarding the meetings between POS personal, police and observes. There is a general lack of training and information provided for the POS personal as well as bad communication with election authorities, which leads to general confusion. Even though PSO personal acquire valid accreditation from observes, there have been instances of them choosing to restrict the observers or deny them access to polling stations and counting processes.

We promote the idea of better education of PSO personal prior to the elections, in terms of general procedures, better knowledge of who are allowed to enter the polling station and structural standards, as well as making sure that there has been proper communication between authorities and everyone present at the polling stations.

Secondly, we are concerned with ballot boxes potentially permits to conduct a low-scale falsification via ballot-stuffing. The hole where voters put the ballot paper is constantly open and is big enough to put discreetly up to 3 or 4 ballots at the same time. We recommend the use of transparent ballot boxes, as well as a system of closing-opening lid that may prevent potential sneaky stuffing or a complete overhaul of the voting process with a personal ballot paper system, rather than what is currently provided in Romania where you will gain the ballot paper upon arrival.

These recommendations are conducted in the vision to make the electoral process in Romania more transparent, to prevent fraud and future complications.

The electoral code of Romania is in many places lacking in specificity and is overly abstract. As a foreigner it is hard to follow and understand. Our native Romanian interpreters also found it hard to understand.

Silba recommends this law to be reconsidered and consolidated, this would alleviate the amount of random errors made by polling station officials and ease their training overall.



Appendix:

Disclaimer: Due to lack of clarity in the electoral code Silba's observers often had problems identifying the minimum requirements PSO's had to accomplish in order to follow the code. In such cases observers have labelled their responses as N/A. In cases where the law applies to these observations this indicates that the team did not observe mentioned behaviour.

ROM - Opening Procedure Responses:

https://docs.google.com/spreadsheets/d/1R9PkydUvvHXqwrD9_0Y7ahNoYZKJ-3gXml8DxeYonMg/edit#gid=1912210725

ROM - General Responses:

https://docs.google.com/spreadsheets/d/12EdmWcMehyIv89J4fGJ3jHbjmpLy82_q5X_UU3mdU2Q/edit#gid=1944065662

ROM - Closing Procedure Responses:

<https://docs.google.com/spreadsheets/d/1H225gJVCdv8JKvVBYNWIDyWEWWiiPwMlfc18QpQ10TU/edit#gid=706791727>

Meetings with

- Funky Citizens <https://funky.org/> (Elena Calistru)
- Active Watch <https://activewatch.ro/ro/acasa/> (Ionut Codreanu)
- Balkan Investigative Reporting Network <https://birn.eu.com/> (Marian Chiriac)
- Le Courier des Balkans <https://www.courrierdesbalkans.fr/> (Florentin Cassonnet)

Opening procedure

Sector 1: Nothing To Report (NTR)

Sector 2: NTR

Sector 3: Team 4 attempted to observe the opening at Polling Station 369 situated at *Commercial High School Nicolae Kretzulescu* but was denied access by the police. As well as not being allowed to meet the chairman of the polling station. Team 4 eventually was granted the access at *PS Middle School Barbu Delavrancea* (PS 375).

Sector 4:NTR

Sector 5: Team 2 observed voters entered the polling station PS 957 (*Liceul Teoretic Ion Barbu*) at 6:30 already, due to a mistake made by the policemen in charge of the entrance. Consequently, the policemen and the president of the PS had a heated discussion due to the lack of communication. However, voters stayed in the main room of the PS until 7:00 when they were finally granted access to the voting booths.

Sector 6: Team 1 also experienced an inconvenience regarding the fact that their interpreter had been denied access to enter the polling station at PS 1067 (*Școala Gimnaziala Nr. 193*) because the chairwoman did not trust her credentials.

General procedure

Sector 1: An incident occurred when a party official got sick and lost his balance, resulting in him falling into one of the ballot booths. At PS 87(*Centrul National De Calificare Si Instruire Feroviara*), 67% of the voters came from outside of Bucharest, which is a very high

number of supplementary voters. In general, transparency and perception of the observers were genuinely bad, while observing the station.

Sector 2: At polling station 348 (*Școala Gimnazială Nr. 24*), at 17:00, the chairwoman told the observers they would be denied coming back to watch the counting progress. According to her and against both common sense and legality, she stated that our accreditations guaranteed us only the admission for the voting process and not for the counting process. Apparently, she even called the election authority to justify her refusal by the orders of her superiors.

To prevent the possibility of having a team being prevented to observe the counting, plans were modified: each team asked in advance every chairperson about their intention to come back for the counting. Eventually, all teams managed to find a PS and followed the discovery of the results.

Sector 3: At polling station 654 and 655 (*Școala Gimnazială Nr. 67*), at 10:50, team 4 were given an express tour of the station, before being shown out again and not allowed to stay on their own.

Sector 4: One observation group wasn't allowed to leave the premise without a thorough check, they were held back for some time (accused for not having valid enough passports, in order to observe).

Sector 5: at PS 872 (*Școala Gimnazială "LUCEAFĂRUL"*) around 15:00 the president of the polling station allowed Silba's two observers in, but denied access to their interpreter (accredited under Funky Citizen) this continued for 1 hour, in spite of 4 attempts at convincing the President of the polling station, until the silba team came out.

Sector 6: At polling station 1076 (*Școala Gimnazială Nr. 193*), the observation team was firstly denied access at the polling station but was later allowed to enter. Interpreter of team 12 was taken out from PS by the gendarmes. It was announced that the observers would arrive, but apparently the MP had been told that they should not be allowed to observe.

Closing procedure

Sector 1: Team 7 reported the presence of an unauthorized person with no legitimate identification inside the counting room at PS 79 (*Colegiul National "Sfantul Sava"*), this person accordingly participated in the counting of votes.

Sector 2: NTR

Sector 3: Team 4 had their accreditation detained at PS 404 (*Școala Gimnazială Nr. 80*) during the counting process, this was given back after the confirmation of the voting results.

Sector 4: NTR

Sector 5: NTR

Sector 6: NTR