Office for Democratic Institutions and Human Rights

ROMANIA

REPEAT PRESIDENTIAL ELECTION
4 May 2025

ODIHR PRE-ELECTION VISIT REPORT
3 – 5 March 2025

Warsaw
10 March 2025

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I. INTRODUCTION

Following an invitation from the authorities of Romania to observe the 4 May presidential election and potential 18 May second round, and in consideration of the findings and recommendations of a Needs Assessment Mission (NAM) deployed from 15 to 19 April 2024, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a visit to Bucharest from 3 to 5 March 2025. The ODIHR delegation included Keara Castaldo, ODIHR Senior Election Adviser, and Martina Barker-Ciganikova, ODIHR Election Adviser. The purpose of the visit was to update ODIHR's assessment of the pre-election environment and preparations for the forthcoming election, including in consideration of developments following the 1 December 2024 parliamentary elections and annulled 24 November presidential election. Based on this assessment, ODIHR seeks to supplement the NAM report with additional findings and to confirm the most appropriate format for a potential election observation activity.

Meetings were held with officials from the Ministry of Foreign Affairs and the Permanent Electoral Authority as well as with representatives of political parties and civil society organizations. A list of meetings is annexed to this report. ODIHR would like to thank the Ministry of Foreign Affairs for its assistance in organizing the visit, as well as all of its interlocutors for sharing their views.

II. BACKGROUND

The 24 November 2024 presidential and 1 December 2024 parliamentary elections in Romania took place following extended political negotiations on their scheduling and were preceded by the European Parliament and local elections in June. The parliamentary elections resulted in the formation of a coalition government comprising the Social Democratic Party (SDP), the National Liberal Party (NLP), the Save Romania Union (SRU) party, and the Democratic Alliance of Hungarians in Romania.

Following the first round of the presidential election, the Central Election Bureau (CEB) announced the allocation of 2.1 million votes (23 per cent) to independent candidate Călin Georgescu and 1.7 million (19 per cent) to Elena Lasconi of SRU.[1] Following a Constitutional

[1] The presidential election was contested by Prime Minister Marcel Ciolacu representing the SDP, Nicolae Ciucă representing the NLP, independent candidate Cristian Diaconescu, independent candidate Mircea Geoană, independent candidate Călin Georgescu, Elena Lasconi representing SRU, George Simion representing the Alliance for the Union of Romanians (AUR). Ludovic Orban respresented the Force of the Right but ultimately withdrew and endorsed Elena Lasconi; due to his late withdrawal, he was

Court order, in response to a contestant application, for a full recount of all votes, on 2 December, the Court determined that no evidence of fraud affecting the election results was detected in the recount of election materials.

Before and immediately after the election, concerns and allegations were raised by state institutions, international organizations and Romanian civil society and media, as well as complaints filed in court by unsuccessful presidential candidates, regarding irregularities in the conduct of the presidential election campaign, including in online platforms.[2] These allegations related to undisclosed sources of funding and illegal third-party campaigns, and described signs of foreign and malign interference in the information space during the pre-election period.

On 6 December, on the basis of conclusions issued by national security agencies concerning these allegations, the Constitutional Court annulled the presidential election in the midst of preparations for the second round, which included the ongoing process of early voting for citizens residing abroad. The CEB immediately issued a decision implementing the Constitutional Court ruling and cancelling the electoral process.[3] On 10 February 2025, President Klaus Iohannis resigned, and the head of the Senate, Ilie Bolojan, was appointed as interim president. On 26 February, prosecutors initiated a criminal investigation into Mr. Georgescu's campaign, citing multiple criminal offences, including incitement to actions against the constitutional order, communication of false information as well as involvement in establishing an organization with a fascist, racist or xenophobic character.[4]

On 6 March 2025, the European Court of Human Rights (ECtHR) rejected as inadmissible an application filed by Mr. Georgescu to overturn the annulment of the presidential election process.[5] An earlier application by Mr. Georgescu to the Court for an interim measure requesting suspension of the annulment was rejected in January.[6]

A number of interlocutors met by the ODIHR delegation expressed concerns that the developments surrounding the annulled presidential election could have a negative impact on public trust in the democratic process and in the institutional framework overseeing elections.

III. PREPARATIONS FOR THE UPCOMING PRESIDENTIAL ELECTION

On 16 January, with the stated aim to "prevent and avoid the occurrence of malfunctions in the electoral process", the government issued an emergency ordinance with a particular focus on the transparency of political advertising, including online.[7] The provisions, applicable

included on the ballot. The Constitutional Court disqualified the candidacy of Diana Șoșoacă of S.O.S. Romania.

2 See for example proceedings initiated by the European Commission in December in reference to violations of the Digital Services Act.

3 See the 6 December 2024 decision of the Central Election Bureau.

4 See the 26 February press release of the public prosecutor.

5 The Court held, "in particular, that in the light of the constitutional structure of Romania, there was no indication that the powers of the President of Romania are such as to make that office part of the "legislature" of the respondent State, within the meaning of Article 3 of Protocol No. 1 to the Convention, guaranteeing the right to free elections".

6 An interim measure is an emergency ruling granted by the ECtHR in exceptional cases where applicants are at immediate risk of irreversible harm. See the Court decision and press release.

7 See the Ordinance on some measures for the organization and conduct of the elections for the President of Romania in 2025 and the partial local elections in 2025.

exclusively to the upcoming election, oblige all political actors to ensure that all political advertising, including on online platforms, is marked as such, with references to the identity of the donor and an accompanying declaration that the amounts and modes of spending are in line with the established legal framework.[8] The ordinance provides for sanctions in case of non-compliance.

A number of interlocutors met by the ODIHR delegation expressed concerns about the lack of public debate preceding the adoption of the emergency ordinance and suggested that certain provisions are too vague and could adversely impact on the freedom of speech if the online posts of private individuals also fall under the regulations.[9] The Permanent Electoral Authority (PEA) issued a regulation aimed at clarifying procedures on posting and marking of the electoral material and informed the ODIHR delegation that the ordinance would not be interpreted to apply to non-contestants in the election campaign.[10] The PEA emphasized the challenges of regulating the election campaign in a rapidly evolving online environment. All interlocutors agreed on a need for a comprehensive electoral reform following the presidential election, including with respect to ensuring the access of voters to information that is not manipulated.

In addition to provisions on political advertising, the emergency ordinance provides some additional technical amendments to the election administration, such as changes in the composition of election bureaus,[11] measures aimed at preventing overcrowding, and the alignment of the time of closing polls abroad with the closing time in Romania (9 PM) on election day.[12] Some political parties opposed the latter amendment and sought unsuccessfully to revert the regulation on closing times.

Following the publication of the emergency ordinance, and with the aim of addressing regulatory challenges in the information space during the pre-election period, including online, the PEA together with other state institutions initiated a working group comprising the bodies involved in election administration, the Ministry of Internal Affairs, the National Audiovisual Council, the National Authority for Administration and Regulation in Communications, the National Directorate of Cyber Security, the Ministry of Foreign Affairs, and the National Institute of Statistics. While welcoming the increased focus on awareness-raising and co-ordination measures, most ODIHR interlocutors questioned the level of preparedness and resilience of the state institutions involved in the electoral process to address these concerns, including the challenges of dealing with hybrid threats in the election process. Interlocutors also noted that these institutions do not conduct their own campaign monitoring but perform their oversight function exclusively based on complaints.

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8 ODIHR was informed that the ordinance was prepared in accordance with the European Parliament and the Council of the European Union's 13 March 2024 EU Regulation 2024/900 on the transparency and targeting of political advertising.

9 See for example the statement of the citizen observer group Expert Forum. The PEA informed the ODIHR delegation that they were consulted in the preparation of the ordinance.

10 The decision includes visual identity rules for the labelling of political advertising materials, including correct display of the obligatory unique identification code of the financial representative of the contestants registered with the PEA.

11 In line with the amendment, the bureaus are first filled with representatives of parliamentary political parties and, only if vacancies remain, in the second phase, non-parliamentary parties that proposed a candidate may nominate members.

12 Voting abroad takes place on three consecutive days (Friday to Sunday); the amended provision only affects voting hours on Sunday. According to a government statement, the decision was taken so as not to influence voters abroad once exit polls are released in Romania after the close of polls.

On 28 February, the Parliament dismissed the chair of the PEA with the deputy chair taking the role of interim president. A few interlocutors met by the ODIHR delegation questioned the timing of the dismissal.[13] The PEA issued a public statement assuring voters and all stakeholders that its activities as well as those of the CEB would continue unimpeded.

IV. RECOMMENDATION

All interlocutors met by the ODIHR delegation underscored the necessity of a long-term ODIHR election observation activity as a means to promote confidence in the electoral process and to provide an independent and impartial scrutiny. Representatives of state institutions and political parties highlighted the added value of ODIHR electoral recommendations for improving the electoral framework and practices. In addition to the views shared during the 2024 ODIHR Needs Assessment process, interlocutors placed a continued emphasis on the observation of the pre-election period, highlighting the need for a comprehensive assessment and observation of the campaign, especially with respect to the regulation and financing of the online campaign and its oversight. Interlocutors also noted specific aspects that would benefit from further assessment, such as the recently revised legal framework, including the emergency ordinance and its implementation, the work of the election administration at all levels, and the effectiveness and timeliness of electoral dispute resolution. While some interlocutors raised concerns with respect to the transparency of the vote count in certain localities, as well as in the quality of training for polling station officials, most stakeholders pointed to a long tradition of efficiently organized elections and expressed confidence in election-day procedures and the voting process overall, without anticipating systemic irregularities.

Based on these considerations, ODIHR reiterates the recommendation issued in September 2024 to deploy a Limited Election Observation Mission (LEOM) for the upcoming presidential election. In addition to a core team of experts to assess the election, the ODIHR delegation recommends the secondment by OSCE participating States of 24 long-term observers to follow the electoral process countrywide. In line with ODIHR's standard methodology, the LEOM would include a media monitoring element.

[13] The vote on the dismissal was initiated by a request of the Speaker of the Chamber of Deputies due to the loss of support for the PEA president within the ruling coalition. Among the stated reasons were allocation of higher allowance to his own person than provided for by the law since assuming office in 2023, move of the headquarters of the CEB to a different location generating additional public costs and behavior and statements allegedly incompatible with the position of the PEA president.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Elisabeta-Maria David, Director general
Iulian Ivan, Special Envoy for electoral processes
Lavinia Zlotea, Director, Human Rights, Protection of Minorities and the Council of Europe Department
Ioana Dumitriu, Election Focal Point

Permanent Electoral Authority

Zsombor Vajda, Acting President
Cosmin-Gabriel Popp, Vicepresident
Daniel Duță, Director General, Electoral Management and Electoral Legislation Department
Cătălina Moraru, Director, Regulation, Electoral Disputes and Co-ordination of Unitary Application of Legislation Directorate
Carmen Raluca Voicu-Toader Director, Verification of Party Financing, Political Parties and Electoral Campaigns Directorate
Ion Mincu-Rădulescu, Director, External Relations and Protocol Directorate

Political Parties (Alphabetical order)

Cosmin-Ioan Corendea, MP, AUR, Vice-Chairperson of the Committee for Foreign Policy
Fabian-Cristian Radu, MP, AUR, Secretary of the Committee on European Affairs
Andreea-Firuța Neacșu, MP, AUR
Laurențiu Plăeșu, Senator, AUR, Vice-President of the Senate
Nicolae Vlahu, Senator, AUR, Vice-Leader of the AUR Parliamentary Group, Chairperson of the Committee on Investigation of Abuses, Combatting Corruption and Petitions
Cristian-Augustin Niculescu-Ţâgârlaş, Senator, PNL, Chairman of the Committee on Culture and Media
Liviu Sorin Robe, Senator, POT, Vice-leader of the P.O.T. Parliamentary Group, Vice-chairperson of the Committee for culture and media
Costel-Neculai Dunava, MP, SDP, Quaestor of the Chamber of Deputies
Alexandru-Mihai Ghigiu, MP, SDP, Chairperson of the Committee for Education
Ioan Mihalcea, MP, SDP, Vice-Chairperson of the Committee for Foreign Policy
Paul-Claudiu Cotîrleț, MP, SDP, Secretary of the Committee for Foreign Policy
Mirela Furtună, MP, SDP, Vice-Chairperson of the Committee on European Affairs
Mariana Vârgă, MP, SOS, Vice-leader of the S.O.S. Romania Parliamentary Group
Gábor Hajdu, MP, UDMR, Chairperson of the Committee for Foreign Policy
István-Szilárd Tasnádi, Senator, UDMR, Secretary of the UDMR Parliamentary Group, Secretary of the Committee on Human Rights, Equal Opportunities, Cults and Minorities

Civil Society

Septimius Parvu, Coordinator of Electoral Program, Expert Forum
Maria Krause, Election Expert, Vot Corect Coalition
Ioana Avădani, President, Center for Independent Journalism
Simona Calapodescu, President, Funky Citizens
Bogdan Manolea, President, Association for Technology and Internet (ApTI)
Liana Ganea, President, ActiveWatch
Georgiana Gheorghe, Executive Director, Association for the Defence of Human Rights in Romania – the Helsinki Committee (APADOR-CH)