

(3) The president of the electoral bureau of the polling station shall decide forthwith on the questionings whose settlement suffers no delay.

Art. 64. - (1) For the Chamber of Deputies and for the Senate a file shall be set for each which shall include the minutes and the petitions questioning the electoral proceedings of the polling station as well as the void ballot papers and the questioned ones. The sealed files and the stamps shall be forwarded to the constituency bureau by the president of the electoral bureau of the polling station and by the members of the bureau, under military guard, within not more than twenty-four hours after the closure of the polling station.

(2) Within twenty-four hours after the receipt of the file, the constituency bureau shall send one copy of the minutes to the tribunal in whose territorial area of 'competence the constituency lies; the parties and political formations as well as the independent candidates may obtain authenticated copies of this minutes.

SECTION 2

Retuning of votes in the constituencies

Art. 65. - (1) After receiving the minutes with the results of the counting of the votes, the constituency bureau shall draw up separate minutes for the Chamber of Deputies and for the Senate specifying the votes validly expressed for each party, political formation, or their coalition, which they shall forward within twenty-four hours to the Central Electoral Bureau.

(2) After receiving from the Central Electoral Bureau the report with regard to the parties, political formations, or their coalitions which have not obtained at least three per cent of the votes validly expressed throughout the country, the constituency bureau shall proceed according to Article 66, to assign the mandates of Deputy, respectively of Senator.

(3) Candidates and accredited persons shall also have the right to assist at the proceedings of the constituency bureau.

Art. 66. - (1) The assignment, of mandates to the candidates on the lists shall be made by having in view only the parties, political formations, or their coalitions which have obtained throughout the country at least three per cent of the votes validly expressed separately for the Chamber of Deputies and for the Senate.

(2) The assignment of the mandates shall be made only after the communication of the Central Electoral Bureau with regard to the parties, political formations, and their coalitions which have obtained at least three per cent of the total number of validly expressed votes throughout the country, distinctly for the Chamber of Deputies, and for the Senate.

(3) The distribution and assignment of the Deputy and Senator mandates shall be carried out in two stages: at the level of each constituency, and at the level of the whole country.

(4) At the level of the constituency, the electoral bureau shall establish the electoral coefficient of the constituency separately for the Chamber of Deputies and for the Senate, by dividing the number of Deputies, respectively Senators that are to be elected in that constituency into the total number of votes validly expressed for all the lists of candidates, political formations, and their coalitions which meet the condition provided under paragraph (1) and also for the independent candidates; to each list as many mandates shall be assigned as many times the electoral coefficient of the constituency is included in the votes validly for that list; the assignment of mandates shall be made by the constituency bureau in the order of registration of the candidates on the list; a mandate shall also be assigned to each independent candidate having obtained a number of votes validly expressed at least equal to the electoral coefficient for Deputies or Senators, as the case may be. The remaining votes, that are those that have not been used, or are inferior to the electoral coefficient, obtained by the lists of candidates of the parties, political formations, and their coalitions which do not meet the condition provided under paragraph (1) above, as well as the mandates that could not be assigned by the constituency bureau shall be communicated by it to the Central Electoral Bureau to be centrally assigned.

(5) The Central Electoral Bureau shall totalize the unused votes and those inferior to the constituency coefficient from all constituencies, for each party, political formation, or their coalition which meet the condition provided under paragraph (1), throughout the country, for the Chamber of Deputies and for the Senate separately; the number of votes thus obtained for each party, political formation or their coalition shall be divided by 1,2,3,4, etc., making as many divisions as there are mandates which could not be assigned at the level of the constituencies; the quotients resulting from the division, regardless of the list from which they come, shall be classified in decreasing order down to the number of non-assigned mandates; the smallest of these quotients shall constitute the electoral coefficient throughout the country for Deputies and, separately, for

Senators; as many mandates of Deputy or, as the case may be, of Senators shall be assigned to each party, political formation or their coalition as many times the electoral coefficient throughout the country shall enter into the total number of votes validly expressed for the respective party, political formation or coalition, resulting by totalling the unused votes and those inferior to the constituency coefficient.

(6) The spreading of the mandates distributed by the constituencies shall be made by the Central Electoral Bureau as follows:

(a) For each party, political formation or their coalition, which shall have received mandates according to paragraph (5), the number of unused votes or of those lower than the constituency coefficient, from each constituency, shall be divided by the total number of votes validly expressed for that party, political formation or coalition considered in distributing the mandates throughout the country.

The result thus obtained for each constituency shall be multiplied by the number of mandates due to the party political formation, or their coalition. The data obtained shall be classified in decreasing order at country level, and in separately decreasing order within the framework of each constituency.

For each constituency, the first parties, political formations or their coalitions shall be taken into account within the limit of the mandates that have remained undistributed in the respective constituency. The last number in this operation shall represent the distributor of that constituency.

The next step shall be the distribution of the mandates by constituencies in the order of the parties, political formations, their coalitions as well as of the constituencies on the ordered list for the whole country as follows: the first number from the ordered list for the whole country shall be divided by the distributor of the constituency from which it originates, resulting the number of mandates that are due to the respective constituency. The procedure shall be continued in the same way with the following numbers from the ordered list for the whole country.

If the number of mandates due to a party, political formation, or their coalition from a constituency have been exhausted, the operation shall be continued without the these.

If the number from the ordered list for the whole country is smaller than the constituency distributor, a mandate shall be granted.

(b) In case the granting of mandates in the order resulting from the provisions under sub-paragraph (a) should not be possible, the Central Electoral Bureau shall take into account the constituency in which the party, political formation, or their coalition have the greatest number of candidates or one candidate to whom no mandates were assigned, and if, in this way too, there should have remained mandates unindividualized by constituencies, it shall take into account the constituency in which the party, political formation, or the respective coalition have the greatest number of unused votes, or the greatest number of votes inferior to the constituency coefficient.

(c) If, after application of the provisions under sub-paragraphs a) and (b), there shall have remained mandates not spread over the constituencies, the Central Electoral Bureau shall establish, on the basis of an agreement, the parties, political formations, or their coalitions to which these mandates shall be due according to paragraph (5), and failing an agreement, by drawing lots, within twenty- four hours after the previous operations were closed.

(7) The mandates read over the lists of candidates according to paragraph (6) shall be assigned by the constituency bureau to candidates in the order of their registration in the list.

(8) Within twenty-four hours after the closing of each assignment operation, the constituency bureau shall issue a certificate attesting the election of the Deputies and Senators to whom mandates have been assigned.

(9) The candidates registered in the lists who have not been elected shall be declared alternate candidates on the respective lists. In case of vacancy of the mandates of Deputies or of Senators elected on lists of candidates, the alternate candidates shall occupy the places that have become vacant, 'in the order in which they are registered in the lists, if up to the date of validation for the occupation of vacant seats, the parties or political formations on whose lists the alternate candidates have been nominated shall confirm in writing that they belong to them.

Art. 67. - (1) The constituency bureau shall draw up minutes, separately, for the Chamber of Deputies and for the Senate with regard to all the electoral-operations, centralization of the votes, counting and returning of the votes, and assigning of the mandates.

(2) The minutes shall specify:

(a) the number of the electors from the constituency, according to the permanent electoral lists;

(b) the total number of electors having participated in the polls; the breakdown of this number by electors on the permanent lists and on the special ones;

(c) the total number of votes validly expressed;

(d) the total number of votes validly expressed on each list of candidates and for each independent candidate;

(e) the number of void votes;

(f) the manner of assigning the mandates according to Article 66, the name and surname of the elected candidates as well as the party, political formation, or their coalition which has proposed them, as the case may be;

(g) the mandates that could not be assigned at the level of the constituency as well as the votes validly expressed that are to be totalized, according to Article 66, throughout the country;

(h) a brief account of the objections and questioning petitions received, and of the decisions taken by the constituency bureau.

(3) The minutes, together with the objections, questionings, and the minutes received by the electoral bureaux of the polling stations, forming a file, closed, sealed, and signed by the members of the electoral bureau shall be forwarded, under military guard, to the Central Electoral Bureau, within forty-eight hours at the most after receiving the communication from the Central Electoral Bureau referring to the spreading by constituencies of the mandates centrally distributed throughout the country.

Art. 68. - (1) The Central Electoral Bureau shall settle the objections and questionings presented, after which they shall draw up separate minutes for the Chamber of Deputies and for the Senate, specifying for the whole country:

(a) the total number of electors according to the permanent electoral lists;

(b) the total number of electors having participated in the polls;

(c) the total number of votes validly expressed;

(d) the total number of void votes;

(e) the finding with regard to the manner of application by the constituency bureaux of the provisions under Article 66, paragraph (4);

(f) the allotment throughout the country of the mandates according to Article 66, paragraph (5) and their spreading by constituencies according to paragraph (6) of the same article;

(g) the organizations of citizens belonging to the national minorities which, although they have participated in the elections, have not obtained a Deputy or Senator mandate; the totality of the votes validly expressed for the lists of each of these organizations, and the finding of the organizations to each of which a Deputy mandate is due according to Article 4; the name and surname of the first candidate on the list entitled to a Deputy mandate, who has totalized the greatest number of votes; in the case in which the lists of the organization have obtained an equal number of votes, the designation shall be made by drawing lots;

(h) the manner of settling the questionings and objections received.

(2) The minutes shall be signed by the resident and the other members of the bureau in whose presence they were drawn up, and they shall be forwarded to the Chamber of Deputies and to the Senate, in view of the validation of the elections, together with the files set up by the constituency bureaux.

(3) In view of the validation, the Deputies and Senators shall present to the senior president or acting president, as the case may be, a declaration on the wealth they possess. The declaration shall be confidential, and it shall be presented against a receipt of presentation.

(4) The programme used by the Central Electoral Bureau for the centralized allotment of the mandates and their spreading by constituencies shall be approved by the Central Electoral Bureau, and it shall constitute an appendix to the official report which shall be forwarded for the validation of the mandates.

Art. 69. - The Central Electoral Bureau shall publish the results of the elections in the press and in the "Monitorul Oficial" of Romania, in due time, for the observance of the provisions of Article 60, paragraph (3) of the Constitution

CHAPTER X

By-Elections

Art. 70. - (1) In case elections should be voided in a constituency, according to Article 25, paragraph (1), sub-paragraph (f) as well as in the case in which a mandate of Deputy or Senator should have