CRIMINAL LIABILITY OF THE CHAIRMAN OF THE ELECTORAL OFFICE OF THE VOTE SECTION

Alexandra IANCU

ABSTRACT: Unlike the previous legislation on electoral contraventions, legislation that was not consolidated in one piece of legislation, but was, on the contrary, spread in several special laws (Law No. 67/2004, Law No. 33/2007, Law no. 3/2000, Law 35/2008 and Law 370/2004) from February 1, 2014, the electoral offenses are included only in the New Penal Code (NCP), in Title IX, art. 385, art. 392. The regrouping of electoral offenses into a distinct title of the New Criminal Code is based on several reasons, namely:

• ensuring greater stability of these texts and eliminating existing regulatory parallelism in previous legislation;
• eliminating uncorrelations or differences in regulation from different special laws,
• a better systematization of criminalization in this matter, having regard to their legal object,
• a more correct legal personalization.

Therefore, according to the New Penal Code, the electoral contraventions are the following:

• preventing the exercise of electoral rights (Article 385);
• corruption of voters (article 386);
• voting fraud (Article 387);
• electronic voting fraud (Article 388);
• violation of voting confidentiality (article 389);
• non-observance of the ballot box regime (Article 390);
• forgery of electoral documents and records (Article 391);
• acts committed in connection with a referendum (Article 392).

KEYWORDS: elections; contraventions; prevention of the exercise of electoral rights; fraud to vote; violation of the confidentiality of voting; falsification of electoral documents and records; Body of electoral experts; chairman of the polling station electoral bureau.

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* Assistant Ph.D, National University of Political Studies and Public Administration, Faculty of Public Administration; Parliamentary advisor, Permanent Electoral Authority, ROMANIA.