

## **ELIGIBILITY IN LOCAL PUBLIC ADMINISTRATION OFFICES**

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*Motto: "Few people reach the opposite shore. Therefore, the others, agitate on this shore here."<sup>1</sup> Thoughts of the Ancient World*

**ABSTRACT:** *Elections in local authorities represents, aside a democratic exercise, a means of acquiring a particular legitimacy for the representatives of citizens in local administrative authorities. However, local elections, as these have been organized in the last three decades, regulated by a few normative acts that have succeeded over time, represent a characteristic of the Romanian legal system and certain analyses, conclusions and perhaps even suggestions can be made from the several electoral cycles completed under the current Constitution.*

**KEY-WORDS:** *elections, local elected, dignities, public officials, representativeness, and vote.*

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Of those that hold leading functions at either locality or county level – in other words at local level, not all have gained these functions as a result of the eligibility principle. Out of the multitude of leadership functions existing in authorities such as the prefecture, county council, and city hall, other decentralized institutions or local public services or other institutionalized structures, only certain functions are occupied after undergoing previous electoral processes. More so, there are many types of elections: some have a universal character and take place at county or local level while others at institutional level or merely the level of some structures from an institution. For example, the rector of a university, according to the present legislation, gains this office after elections organized at the level of the institution, elections at which do not take part all

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<sup>1</sup> Wisdom Encyclopedia, Roossa Publishing House, p.17.

of the employees of the university, but merely the teaching staff. Or, the vice-mayor of a locality is not elected by the citizens of that locality and not even by the employees of the City Hall, but by its city council member colleagues. In this paper, we will not analyse the elected functions from all local or county institutions, but rather focus in the following pages on eligible functions from local public administration authorities with maybe a few exceptions that will take us towards other institutions or authorities that carry out activities with a strong administrative component, as are for example the county prefecture offices.

When enumerating the leading functions at the level of autonomous local administrative authorities, it must be highlighted that these are of two kinds: one category consists of those elected directly (by the citizens) and the second comprised of those elected indirectly (by a certain collective). Within the first category we have the mayor, county councillors and city councillors while the second category includes the president of the county council, the vice-presidents of county councils and the vice-mayors of localities.

All the offices previously nominated are not part of the public servants' category in the meaning given by the legislation that regulates the statute of public servants. However, there have been some confusions on this matter that we consider important to avoid or perhaps even to better regulate through legal provisions by using a different terminology that would limit certain interpretations and implicitly certain effects, without any negative intentions.

As we have already mentioned, Law no. 188/1999, republished, does not include persons that hold leading positions at local administration levels in any category of public servants or even high public servants. In other words, all those holding functions such as the president of the county council or local councillors – are not public servants. More so, not even these categories can exercise any sort of public function while holding the administrative dignity office, for this accumulation is expressly forbidden in present Romanian law. It has thus been outlined in the vast interpretation of the status of the person in local public administration, the fact that those elected into offices by voters, either directly or indirectly, are not public servants, and this is perfectly true. We noted, however, that certain aspects should be scrutinized and perfected, regarding other legal provisions also in force. For example, we will choose the following text from the initial form of the new Criminal code entered into force in 2014: “The deed of the public servant that, in exercise of its duty, has fulfilled an act or participated in the taking of a decision by which it has obtained, directly or indirectly, a patrimonial gain, for itself, for its spouse, for a relative or a relative by alliance up to the 2<sup>nd</sup> level or for another person with which it has had commercial or work relations in the previous 5 years or from which it has benefited or benefits gains of any nature, is punishable with prison from one to five years and the interdiction of exercising the right to hold a public function” (New Criminal code, art. 301, initial form).

Later, the content of this text has been subject to more legislative alteration procedures, but the phrase “public servant” has been kept still. The lecturing of this text that incriminates a deed, especially when taking into consideration the situation of a person without specialty studies, which will take into account strictly the opposability of the legal provision in interest, without taking into consideration the multitude of different

legal provisions from the general or special part of the criminal code, will conclude that this crime is opposable exclusively to the public servants, as these are nominated in the Statute of the public servant in Romania. Since the person holding a local dignity office (the mayor, the county councillor, etc.) knows it has a different statute, and that it is not a public servant, will consider that this text is not applicable to itself and that it does not regard its activity as a person holding a public office obtained through elections. It is however true that article 175 from the same legislative act provides that this law assimilates in the public servant notion also the person holding a public dignity office. We cannot be sure about how common this determination is, and according to an old precept “nobody can invoke not knowing the law”. However, the wording of the law must be of such nature as to not cause confusions. Furthermore, the tens of thousands of legislative acts in force, some of them amended in a quick rhythm, cannot be remember nor verified instantaneously, except via a computer, for the human mind does not have this capacity. However, the amendment of a legislative act is carried out in accordance with the new trends set by the evolution of social relations, as these are perceived by the authority that issues the act that amends the existing legislation (Vida, 2012, p.130).

Over the years, after 2006, when the text of this crime was introduced in the criminal legislation, there have been certain people that acted in good faith and considered that this provision is applicable strictly to the category expressly mentioned, although the will and intention of the legislator had been different entirely, as resulted from the indicated corroboration of legal texts. We believe that a clearer structure of the wording of the text and a more precise formulation would help individuals and would eliminate different interpretations, even if these have been made in good faith.

On the issue of those that are elected into leading positions at local level, by direct voting, we have the office of mayor and county and local councillor. For two terms of office (legislatures), those beginning in the years 2008 and 2012, the presidents of county councils were also elected by vote, just as in the case of mayors, but by the citizens that had the right to vote from the entire county.

All those previously nominated carry out activities specific to the office they hold, within the framework of administrative law. There are opinions, however, interesting nevertheless, according to which this branch of law is maintained separate from that of constitutional or financial law due to reasons pertaining to tradition and some practical aspects. Otherwise said, financial law develops the means of imposing and taking over private money through taxation and transforms these into public money, constitutional law indicates those authorities that manage these funds after their transformation into public money, and administrative law detains a monopoly in administrating these funds (Losano, 2005, p.97) that return to the citizens under the form of public services.

The voting process of electing the mayor and the local councillors, at the level of each locality, does not entirely coincide. There are even phrases like: *people choose the mayor and vote the city councillors*. These nuances are logical and touch the essence of details that are related to the results of the elective process. The election of the mayor is notorious after so many electoral cycles undergone since 1992 and the population knows all too well the means of designating local public leaders. Concerning the city councillors, the difference between choosing and voting has a different nuance.

Although the common phrase used is that of local elected, referring directly also to councillors for these too undergo the elective process. The variant of list voting places the voter into the position of not choosing candidate *x* from any political formation because the voter has to choose a political formation and of its proposals for a certain office only those that have gained the best places in the order on that list, order that cannot be changed or established in any way by the voter since its structure is established by each political formation on its own. Therefore, if the voter desires to vote for candidate *x*, and this candidate is third on the list proposed by the political party and that party, considering the number of votes gained, wins two city council mandates, the vote of the citizen represents legitimacy for the first two candidates from the list but not for candidate *x* too, placed on the third position, that the voter desired to have elected in the first place. In those cases, when the voting citizen chooses an independent candidate for the local council then its vote produces effects the same way as in the case of electing the mayor since there are no lists of independent candidates and candidates participate in the electoral competition on their own.

One of the conditions set by the fundamental law for a person to be able to candidate for a leading function within a local administrative authority, be it as a county councillor, mayor or local councillor, and implicitly other functions indirectly elected in virtue of having gained the status of councillor, is the condition of age. Although a subject that has periodically come to the attention of the scholarly literature, the age limit has remained the same for many years. Therefore, for nominalized functions, the candidate must be 23 of age. If this is much or not enough is up for debate and the invoked arguments can have certain judgements. However, it is certain that for certain elected offices in the Romanian state and at central level the required minimum age is of 33 (senator), 35 (president) years (Romanian Constitution, art. 37). Then, based on a principle of electoral symmetry, invoked also in other occasions, it is shown that there exists an electoral inequity since a citizen is allowed to vote only after turning full age but, in order to be elected, five more years have to pass since the moment of turning full age. On the opposite side there are arguments concerning experience and previous activities since there exists the possibility that a person of 23 years can become a local elected in a city of tens or hundreds of thousands of inhabitants and that person is completely lacking any experience in any activity since this age coincides with university study graduation time. This represents an aspect that can be considered at different initiatives of revising the supreme law, although each argument has its own counter-arguments.

Beyond issues related to the age of the elected, more precisely the age of acquiring a leading office in local administration, and regulations in this matter are welcome, we can take into consideration some other aspects as well. One of these refers to experience. In the present legislation, there is not stated a condition relating to experience, be it either the case of the president of the county council, or of the mayor and implicitly the vice-presidents and the vice-mayor. The activity of councillors is one of deliberation, within collective bodies, so at least for this category there are no present debates concerning experience in a particular area, so far.

For the person that runs the county or the locality, experience represents with certainty an advantage in the public management activity that it has to carry out.

However, nothing can stop a person having only secondary education and without any activities and experience either in the public field or in the private sector to become president of the county council, or mayor of any type of locality. Over the years, there have been debates on the subject of the level of education required for elective offices and the legislation in the area of local elections and of local public administration has been amended over time and still no legislative act has ever demanded that candidates to the previously mentioned offices have a certain level of graduated education, more or less specialized. More so, such persons can take over the public affairs of a county/locality without having ever before carried out any sort of work or a particular type of work that has a connection whatsoever with the administration.

It can be argued that a certain minimum level of education for future presidents of county councils and mayors would be useful for it would represent an extension of the knowledge horizon and level of culture. There are also counter-arguments on this topic, extremely pertinent, one of these being that nowadays faculties are easy to graduate from, that the level of exigence has significantly decreased and that having graduated higher education, in many situations, does not bring a qualitative leap for culture, knowledge or skills acquired. Any opinion must be of course listened to and not necessarily agreed to, but perhaps assimilated and processed or counter-argued. In many cases, having graduated a form of higher education represents for the owners of the titles obtained a huge leap. Young graduates of Romanian higher education institutions work at well-known companies or clinics either abroad or on national territory.

The issue remains open under a scholarly perspective and the debates and duels will continue. Perhaps the right to be elected, obtained with such difficulty, must not be subject to too many containments. However, since in a county council or in a city hall, even a small size one, a percentage of more than 75% of the employees are graduates of higher education, the statute of the leader of the authority lacking these studies seems to be inferior. This could be the reason why a great number of the local elected leaders have undergone higher education programs while carrying out their terms of office as local elected. It seems therefore that, even if the law does not require any form of education, this results however as a necessity generated by the social life and the statute of that person. Concerning the area of studies, we do not believe that this should be present. There have been, worldwide, numerous examples of mayor or leaders of districts or other forms of administrative units with excellent results, true models for their successors, from all areas: entrepreneurs, engineers, doctors and many other specialties too.

Similarly, perhaps neither experience should be transformed into a condition for the same reasons as those concerning the accessibility of the subjective right to be elected. Still, we can imagine situations, hilarious at least, when a young person that is not capable of promoting in more than one occasion the final exam for promoting high school, and has not been engaged in any activities, as an employer, employee or authorized person in a certain field, can take the lead, after an electoral game, of the destiny of an entire community.

In the constitutional text, the right to be elected is not affected by any condition. However, in case of a mayor that has had certain interdictions, either of a criminal or administrative nature, as is the case of the legal effects of being declared incompatible, there is a restriction of the exercise of this right. A condition regarding education and

studies or experience would certainly bring about a certified interpretation of the legislative act in question, from the institution that holds the competence in the area of constitutional contentious, risking to be declared as non-compatible with the fundamental provisions. However, if we take into consideration the hypothesis of these being minimal conditions, it could be interpreted as being within the limits of constitutionality.

It has been experimented, under a practical aspect, upon the best way of electing the president of the county council. Initially, after the (re)instatement of these type of administrative authorities, the option was to indirectly elect the president and therefore the members of the county council were the ones that designated, from among its members, the person that would lead the county council. It usually was a dispute having a strong local political nature, based on the majority obtained in elections or post-election set-up, sometimes even ad-hoc. Starting with 2008, for two terms of office, the presidents of county councils were directly elected by the citizens of that county and their legitimacy was thus much greater than before, since they represented the intentions of the majority of those that had exercised their right to vote from that particular county. Presently, the legislative authority has decided to return to the previous system and to designate the presidents of county councils by votes cast by members of the county council for one of their own.

Under electoral perspective, the legislative amendment in its present form does not necessarily represent a step forward. The more extensive the voting, the more representative it becomes. Then, the citizens of the county decide for themselves on the person of the county leader. On the contrary, since the argument is one of political nature eminently, between political factions that have reached the electoral threshold and compose the county council and the vote of each county councilmen weighs a lot, the difference in many cases is made by one, perhaps two votes either way.

Then, of course, neither does the role of the elected president seems to be the same. When the person occupying the office of county council president knows that he owes this office to the votes of the citizens it is human, normal for that person to be more involved and interested by the intentions, objectives or needs of the citizens, out of both moral reasons and political interest reasons, that is to gain from the population of the county a new terms of office. On the other hand, in the second variant, the gratitude and possible satisfaction of some interests or fulfilling of some tasks are oriented merely to his few dozens of county council fellows to whom triumph is owed to and eventually the possibility of obtaining a new terms of office, at the beginning of the new electoral cycle.

Under an economic point of view, it has certainly been underlined the fact that elections through direct voting imply a series of additional expenses and the county or state budget is not ready to support these expenses, more logistics being necessary (voting ballots, staff in the voting sections and more). However, in reality, taking into account that the election of the president by the votes of the citizens is done in the context of local elections, so in the same time as the election of the mayor, of local council members and county council members, the financial and human resource effort is minimum, and turns this argument in one lacking substance. However, there can be yet other reasons, generated exclusively by political factors, since it is easier to choose the president of the county council with 21, 23 or 27 votes then with the votes of tens or

hundreds of thousands. Even so, there are coordination relations between the county council and the administrative authority of localities and we cannot help wondering how are these circumstances perceived given that the president of the county council presents situations, models, directions and objectives to mayors and is elected with two dozen votes while the leaders of localities with thousands and thousands of votes.

When analysing the principle of eligibility at the level of local authorities, deliberative authorities must be taken into view as well, more precisely local councils and the county councils.

Concerning both the local and county council, the situation is somewhat different including the area of their material competence. Therefore, if the local council chooses out of its own members the vice mayor or, when the case, the vice mayors, the county council designates in the same manner both the vice-presidents and the president of the county council. We focus for now upon the subject of how the local and county councils are elected and formed.

The members of the local council are elected through voting by the citizens that have the right to vote from that locality. There are two possibilities for an aspirant to an office of member of the local council to be able to run for office: either as a candidate on the list of a political party or political formation or as an independent candidate. If the independent candidate succeeds to obtain a mandate as local councillor, it will find itself in a privileged position: no political force will be able to withdraw its supports and cause the loss of the mandate as a consequence. The other type of councillors can lose the support of the party that included them on their electoral lists and implicitly lose their position as local councillor. The situation is the same also if they withdraw from that party and are no longer a party member or if they adhere to another political structure.

The election of local councillors is therefore done by voting and these have to candidate either on councillor lists or can run as independent candidates. Regarding the first category, we have to take into account that a candidate positioned on the end part of the electoral list or perhaps even the last one on that list has only in theory any chances of acceding to the local deliberative authority. However, it is possible for that candidate to enjoy a good reputation and to attract the votes of the electorate. These votes will be counted, as we have already mentioned previously, by the party on whose list that candidate is running, but will be useful to those positioned on the top of the electoral list for these will be later on validated for office, due to this system of closed or blocked candidate lists. Therefore, if we are to imagine that a party obtains 33% of the votes, then the first third or the upper third of the list of candidates for the local council will be taken into consideration and only those positioned in this first third will be declared as elected as city councillors, even if the electorate truly preferred those candidates positioned on the lower two thirds of the list.

This system of appointing the members of the local council is democratic, but not necessarily tuned to reality. If the option would shift towards a system that is more transparent in nominating the candidates, both democracy and the administrative authorities would benefit. In addition, the voter would be differently mobilized to participate in the electoral process, knowing that the person he will vote for might represent him. If not, the voter realizes that only those found at the beginning of the list can obtain office and therefore represent them, and the interest for exercising the right

to vote decreases easily and proportionally feelings of apathy and indifference towards a democratic exercise and the formation of a local authority grow.

We believe that this type of representation of the voting citizen is located at the boundary between representativeness and fiction. There is representativeness since the elected is found on the list voted by the citizen although this could wish that all those on the list become councillors except the person positioned first on the list and in this situation representativeness is transformed into a situation that does not match the electoral reality.

Fictions were however not created by Romanians or by contemporary world scholars, being truly old institutions, used even by the Babylonians and the old Greeks and Romans, thousands of years ago (Leroyer, 1995, p.8 apud Deleanu, 2005, p.2).

If the voter could establish by himself and on its own the order within the candidate list or to choose candidates from all the lists from all the political parties, the selection of local elected would meet in a high degree the will of the electorate and, in the same time, would stimulate both the voter and the candidate to confirm through the carried out activity while in office. Logistically perhaps the voting process would become a little more difficult, but the existence of informational techniques and of technical support in the voting process would certainly make these practices of designating the local councillors practical and the expectations would be confirmed. Otherwise, the same logic, the voter votes (if it still wants to participate at voting), and the party chooses!

Another solution is the nominal vote and the division of the locality, territorially, into electoral nominal colleges, in the same number as the number of local councillors in the deliberative authority and in each on these colleges every political force must designate a candidate. This system presents some advantages, from the perspective of representativeness and of the bond between the candidate and the voter. However, under an organizational aspect, it involves multiple tasks and expenses and from an efficiency perspective, it is possible for one political force to win each electoral college at only a small difference and this way to obtain all the seats in the city council, even lacking a significant difference compared to other political competitors.

If the voter has only one option, to vote merely the entire list, as this has been drawn up, without having the possibility to alter it in any way, we are in the presence of a blocked list in the voting system; however, if the voter has the possibility to alter the order of the candidates on the list, we have a preferential vote and, finally, if the voter can choose candidates from more than one list and the voter is in reality the one making the list, we are in the presence of the third version of voting system (Muraru & Tănăsescu, 2005, p.98).

The fundamental law has set an age threshold for running for any public office, a minimum of 23 years of age – the inferior age threshold, but it did not do the same for the opposite age pole and thus there isn't a superior age limitation. In other words, a person can hold an elected office in the local administration regardless of the age it has, regardless of being a pensioner as a consequence of having worked for the legal amount of time required to become pensionable, and carried out this work stage in a different field of activity. The legislation dealt with this issue, under a labor relation view, somewhat differently and the local elected do not have a salary for the work they carry

out in this capacity but receive instead a benefit or allowance. The level of this benefit depends on criteria such as the occupied function, the type or grade of the locality. Therefore, their activity is not normed in the way it is with public servants or other types of employees in public authorities.

The lack of a superior age limitation has generated different perspectives. One of these points out that it would not be useful to have such a limitation since the population is the one designating this office by voting a certain person and the population can entrust anyone it pleases with a representation mandate. That things are not truly so, results implicitly from the way elections are carried out. As we have already pointed out, in the candidate list voting system, the choice does not belong to the voter to a great degree but rather to the political formation that places a particular candidate in a certain position on that list. Another argument in favour of not setting an age limit consists of the political component since elections are a debate of a political nature even if at local level the political factor is, or should be, less pronounced. Since politics as an activity, on a bigger level, usually begins at a certain age, and persons that have only four or five decades of life are considered relatively young for politics, the setting of a higher age limit does not find its grounds for existing.

However, on the other hand, if for a regular employee of any category or for an entrepreneur that fulfils an administration function, there have been set superior age limitations when the person is obliged to stop its activity by retiring, for reasons such as life expectation, health, efficiency in the workplace or of a social or medical nature, even more so in case of a function of such importance as is the local elected, regardless of the rank of the locality, the afore mentioned reasons should be grounds for establishing a maximum age limit for exercising public offices. Of course democracy must be valued and the vote represents its quintessence but still, this electoral filter as well can be misled. It's the only possible explanation for the fact that there are candidates that enjoy a high degree of electoral trust and obtain considerable electoral success but after obtaining the office they quickly disappoint and at the next electoral exercise have miserable results or even quit entering the competition.

Taking all these considerations into account, if at one moment there will be a maximum age limitation set, either through the fundamental law or through other legislative mechanisms, some factors must be taken into account, among which the experience of the candidate or the results obtained in the professions that candidate has exercised previously. If the political activity starts latter then the professional career, it is logical for this to be able to continue after the age limit for the professional activity is reached.

However, the completion of a successful professional career, culminating in the achievement of performance in it could be the very condition to be fulfilled by a person to be able to continue its political activity after reaching the retirement age. A simple logic indicates to us that someone that couldn't achieve results in the professional area, the less should take over the destinies of a community of people and, especially not after reaching the age at which would have ended its professional career, with humble results too. Diametrically opposed, for a person that has reached excellence in its professional activity, continuing a political activity can represent a bonus and an incentive to better carry out its work attributions.

One category of local elected having certain particularities in occupying a public office are the vice-presidents of county councils and the vice-mayors of localities. There aren't any elections organized where the voters are invited to designate the persons that will hold these offices. However, both categories maintain their status of local elected, at the level of counties, or of communes, cities or municipalities. The vice-mayor of a locality is elected after the entire electoral process is finalized, more precisely after the final results of local elections are set, the deliberative authority (local council) is constituted and it begins its activity. The vice-mayor, although holding an elected office of great relevance, does not undergo a selection procedure decided by the voters.

However, in order to be able to obtain this office, the aspirant to this office, the second of importance in the local administration, must first become a local councillor. The vice-mayor of a locality is thus elected by the local councillors from among the members of the local council. It is an absolute condition for any candidate at the office of vice-mayor to have previously gained the status of local councillor. The election of the vice-mayor is done by secret vote and all the other local councillors take part at the process. Any one of the local councillors has this subjective right to candidate for the office of vice-mayor. Considered under a stability point of view, there are major differences between the mayor and the vice-mayor. The mayor can never be deposed by the local council, under no circumstances, while the vice-mayor, at any moment during terms of office, can be replaced, by the same body that designated the position in the first place.

The same situation exists for the election of the vice-presidents of the county council and, lately, as we have already mentioned and exposed, for the election of the president of the county council.

This way of acquiring leading positions through this electoral process, that we would call indirect, in the sense that the voters elect the local councillors and from one of these the vice-mayor is elected by his fellow councillors, is a democratic mechanism. However, we consider that it distances from the pure eligibility principle in local administration. We have already pointed how easily a person that does not have the support of the people, on the contrary, can even be unpleasant, but occupies a good, front position of the list of candidates of a political party to the local council, has to obtain, in the next phase, of a total of merely a few votes, many times not even 10 votes or, sometimes, just a little above 10 votes, in order to become the second person in the local administration.

There can be more options of voting the vice-mayors. If this system were to be kept, then at least the election of the local councillors should not be done by using blocked lists, but either nominally or preferentially, in any of its variants.

Another option is to elect the vice-mayor directly, by the voters themselves, at local elections. Given the status the vice-mayor has at present, in its relation with the local council it is on a superior position than even the mayor, since it maintains its position as local councillor, unlike the mayor.

Other options can also be used: for example, if the local councillors would be elected nominally, then the candidate that obtains the highest number of votes could automatically become the vice-mayor of the locality and in case it does not wish to

occupy this position the next councillor with the highest number of votes would come in line and so on.

The need to make a legislative amendment in this area comes exactly from what the principle of electivity implies, as basic, constitutional principle, in designating the members of administrative authorities and not only.

The procedure is similar for electing the vice-presidents of county councils.

Eligibility is a recognized principle in European state as well as in other democracies world-wide. The period previous to becoming an EU member state, but also posterior to 2007, has meant a series of years of legislative harmonization, of actually taking-over principles and provisions in our national legislation from the European community legislation, process that has many times brought criticism at a popular level and less from an official level upon the insertion and import of ideas and directions. "The East has been invited to wait quietly in the waiting room of the integration train, just to later be told that the train no longer stops, or that it has even passed by some time ago, and so all those who want to catch it would better run after it ..." (Năstase, 2000, p. 60).

Across all these aspects, that at a certain moment will become history and will define the concept of integration in a European structure, Romania is a member of the European Union and this status is a positive one in the opinion of the majority of the Romanian population and not only. We underline the term majority, because in a real democracy the opinion of minorities has to be listened to and analysed and, most importantly, be given the opportunity to be exposed.

In the field of public administration, according with the European treaties, the EU holds competences in the coordination and support of the administrative coordination at the level of the member states, also having the possibility of issuing certain complementary measures, when and if the case. (Diaconu & Crăciunescu, 2010, pp. 18-19).

Eligibility represents a basic principle in the delineation of the human component in local administration, at a decisional level, and is expressly provided in the legislative act that regulates the organization and functioning of the local public administration, in force beginning with the year 2001 (Manta, et al., 2014, pp. 79-80). The fact that people can choose their leaders, the people that will administrate that locality is, without doubt, a positive reality in the organization of a collectivity. However, the principle of free choice is applicable, according with the legal provisions, somewhat in degrees since out of the six categories of local elected (president of county council, vice-presidents, county councillors, mayor, vice-mayor, local councillors), only some are directly and nominally elected in the voting process. The number could be considered low, in the light of the phrase free choice.

Perhaps a future legislative approach in the area of local elections will bring some changes and the people will be able to designate their representatives in a more precise manner, knowing with certainty towards which one of the candidates their voting option is directed to and that not all of the local elected are designated through elections but on a later moment, within and by collective, collegial bodies. Perhaps such a change will not bring any spectacular qualitative jumps of those elected but, for sure, the interest of the electorate, mirrored in the number of citizens that participate in voting, will increase.

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