

## Constitutional Court

Dear Mr. President Marian Enache,

The undersigned, **George-Nicolae Simion**, as a candidate who participated in the 2025 presidential elections,

pursuant to art. 146 letter f) of the Constitution of Romania, republished, in conjunction with the provisions of art. 52 paragraph (2) of Law no. 370/2004, I hereby formulate

### REQUEST TO CANCEL THE ELECTIONS

whereby I request you to **note that the electoral process regarding the election of the President of Romania was vitiated by multiple irregularities and violations of electoral legislation which had a convergent effect of disregarding the essential principles of democratic elections and to dispose its cancellation,**

for the following

### REASONS

#### I. The factual situation

On May 4, 2025, the first round of the election of the President of Romania took place.

Following this round of voting, which had a voter turnout of 53.21%, the candidates elected to participate in the second round were Mr. George-Nicolae Simion, who obtained a score of 40.96% of the votes, and Mr. Nicușor-Daniel Dan, who obtained a score of 20.99% of the votes.

Following the conclusion of the electoral process for the first round, in the period between the day of voting in the first round and the start of the electoral campaign for the second round, an operation to inform the electorate and denigrate me began, which continued even after the start of the electoral campaign (May 9, 2025) and which took place inclusive on May 18, 2025, election day.

During this period, an extremely serious information attack was carried out, in which false scenarios were invoked, devoid of evidence and used to incite hatred among the population against me, with the aim of instilling fear in the electorate.

These scenarios referred to a possible rapprochement of the Alliance for the Unification of Romanians party (hereinafter, *Party* or *GOLD*) and mine about Russia, to the fact that I would have supposed pro-Russian, pro-legionary or pro-fascist views, to the fact that I and AUR would like to remove Romania from the EU and NATO (aspects repeatedly contested in all my and the Party's public statements), to the fact that my election as President of Romania is supported by the services

of Romanian intelligence, namely that my eventual election would be likely to destroy democracy in Romania.

All the propaganda elements mentioned above were used systematically, repeatedly and aggressively by both Nicușor-Daniel Dan's campaign team and the parties that supported his candidacy, as well as by individuals or legal entities that carried out direct or indirect campaigns for this candidate.

Also, this allegation of the danger to democracy represented by my election as President of Romania was used even by institutions of the Romanian State, in this regard, for example, the University of Bucharest expressing messages that support the aforementioned denigrations and urge people to vote for candidate Nicușor Dan, even on the day of the election. Thus, historical notions and elements were used and falsified, in an irresponsible manner (eg, Mineriada of June 1990) for the purpose of disinformation and denigration of me and inducing a generalized state of fear in the mentality of the Romanian population.

Thus, the aggressive propagation of quasi-conspiracy theories to the Romanian population that supported the return to power of extremist movements, the destruction of democracy in Romania, or Romania's exit from the EU, represent accusations of extraordinary gravity that were inoculated to voters and which led to their being misled about me, by instilling a state of fear among citizens .

Moreover, there were foreign interventions in the conduct of the electoral process in Romania, which had, on the one hand, the purpose of carrying out acts of electoral fraud and facilitating this fraud, and, on the other hand, were of an informational nature and contributed to the propagation of disinformation and my denigration by artificially promoting the false scenarios mentioned above.

In what follows, I will briefly present the factors that led to the flawed electoral process.

Regarding the alleged proximity to Russia, pro-legionnaire or pro-fascist "sympathies", I assure you that this statement has been made repeatedly since 2020, the moment when AUR entered the Romanian Parliament. Recently, for example, see "*Who is George Simion, the leader of the far-right AUR party, who qualified from first place in the 2nd round of the 2025 presidential elections?*"<sup>1, 2</sup>.

Regarding non-state entities, commercial companies such as Decathlon indirectly urged employees to vote for my opponent, putting pressure on them to do so.<sup>3</sup> In the same sense, the organizers of the UNTOLD festival offered vouchers as a benefit for voters, based on the presentation of the stamp certifying that they voted in the second round of voting, which, among other things, constitutes a crime according to art. 386 of the Criminal Code. Moreover, the UNTOLD organizers also publicly thanked the people who responded to the call to vote on the social media platform Facebook.com.

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<sup>1</sup><https://www.g4media.ro/cine-este-george-simion-liderul-partidului-de-extrema-dreapta-aur-calificat-de-pe-primulloc-in-turul-2-al-prezidentialelor-2025.html>

<sup>2</sup><https://putereaacincea.ro/fenomenul-aur-radacini-in-national-securism/>

<sup>3</sup><https://www.gandul.ro/actualitate/mai-multe-multinationale-printre-care-si-decathlon-acuzate-ca-l-sustin-pe-nicusordan-cu-mesaje-subliminale-un-weekend-frumos-20519534>

As I mentioned, the University of Bucharest conducted a survey on the social media platform Facebook.com, which was, in fact, an appeal to vote for my opponent, Nicușor-Daniel Dan.<sup>4</sup>

At the same time, in violation of the legislation in force regarding electoral propaganda materials, opinion leaders were mobilized (*Influencer*) important in supporting the candidacy of Nicușor-Daniel Dan, according to Annex no. 1 hereto, including notorious people such as Delia Matache, Mihai Bendeac, Imogen, Andreea Suci, Irina Rimes, Lora Official, etc.

I also specify that these opinion leaders acted in a concerted manner under the coordination of **management agencies** (including a French company) with which they have contractual relationships, identified in Annex 1.

Additionally, in this illegal campaign carried out in favor of Nicușor-Daniel Dan, people from the business environment also contributed, such as, for example, Florin Talpeș - the founder and CEO of Bitdefender, according to the list in Annex

Thus, regarding foreign interventions in the electoral process in Romania (foreign state entities), I indicate, as an example, the French, Polish, Moldovan and Spanish interventions.

Regarding the intervention **French**, while claiming the undermining of resilience and submission to manipulation by "*foreign international interference*", Emmanuel Macron indirectly showed his support for Nicușor-Daniel Dan, pointing out that the elections of May 18, 2025 are extremely important for Romania's successful European path.

Regarding the interference in the electoral process by some French actors, the founder of the messaging application Telegram, Pavel Durov, claimed that he had refused a request from a Western country, which he did not name, to "silence" conservative voices in Romania. He later stated that French foreign intelligence services had asked him for access to IP addresses of terrorism suspects during a meeting that was supposedly about combating terrorism and child pornography. However, according to Durov, The main topic of the discussion, however, was of a geopolitical nature and targeted countries such as the Republic of Moldova, Romania and Ukraine. Moreover, he has expressed his agreement to be heard in order to prove what I hereby claim.

Regarding the intervention **Polish**, Donald Tusk publicly stated that "*At the time it seemed impossible to me, but he succeeded. And you will succeed! I then received his goalkeeper gloves from the late Duckakovi. He told me then: "defend Europe, defend Romania and our freedom, just as I defended the royal in Seville. I am convinced that these gloves should be received today our leaders- Nicușor Dan and Rafał Trzaskowski. Long live Romania! Long live Poland! Long live United Europe!"*"

Regarding the intervention **MOLDOVA**, the President of the Republic of Moldova publicly showed her support for my opponent, Nicușor-Daniel Dan, stating, regarding him, that

<sup>4</sup>[https://web.facebook.com/story.php?story\\_fbid=1114769214023764&id=100064720869064&rdid=Uwb6aOy8gcmi4Lr&\\_rdc=1](https://web.facebook.com/story.php?story_fbid=1114769214023764&id=100064720869064&rdid=Uwb6aOy8gcmi4Lr&_rdc=1)

<sup>5</sup><https://www.digi24.ro/alegeri-prezidentiale-2025/nicisor-dan-a-vorbit-cu-emmanuel-macron-presedintele-frantei-despre-arestecul-rusiei-in-alegerile-din-romania-3243195>

<sup>6</sup><https://newsmaker.md/ro/fondatorul-telegram-acuza-serviciile-franceze-de-informatii-principalul-lor-interes-estemoldova-romania-si-ukraina>

<sup>7</sup><https://agora.md/2025/05/15/donald-tusk-isi-exprima-sprijinul-pentru-nicisor-dan-in-limba-romana-veti-reusit-raiasca-romania>

"Good luck, Nicușor Dan! I admire your decency, your resilience, your respect for the truth. It's not easy in populist times!", drawing a parallel with the situation of the country he leads, about which he stated that "Several polls showed that my opponent, a Kremlin-controlled figure, would win the elections. No one believed that we would be able to raise a wave for an honest and free Moldova. But we did.", the allusion being that I am a pro-Russian candidate.

Regarding the intervention **Spanish**, the leader of the Spanish opposition and the president of the Spanish People's Party (PP), Alberto Núñez Feijóo, sent a message of support for Nicușor-Daniel Dan, in which he communicated the following to Romanians living in Spain: "*To all Romanians living in Spain, who love your country, we wish you a successful future. And that's why I tell you, don't trust populism, don't trust those who have solutions for everything without ever having solved anything. Trust Europe. Trust the pro-European parties*". At the same time, he stated that Nicușor-Daniel Dan is "*without a doubt Romania's European future*" and conveyed to the Romanians in Spain that "*From here, in Spain, we wish the best future for this people, whom we love so much. Because we know you, because you live here, because you work with us and we form an extraordinary country*".<sup>8</sup>

Moreover, even in the press in the United States of America, there are claims of interventions and pressures from some EU states regarding the electoral process in Romania, in the sense that "*the will of the people was trampled underfoot by a union of technocrats, pressure from foreign intelligence services, and judicial decrees*".<sup>9</sup>

## II. Legal reasons

1. As regards the legal arguments likely to lead to the admission of this appeals, I hereby inform you that, according to the provisions of art. 146 letter f) of the Constitution, of art. 37 paragraph (1) of Law no. 47/1992 (republished in the Official Gazette of Romania, Part I, no. 807 of December 3, 2010, and of art. 3 of Law no. 370/2004 for the election of the President of Romania, republished in the Official Gazette of Romania, Part I, no. 650 of September 12, 2011, the Constitutional Court shall monitor compliance with the procedure for the election of the President of Romania and confirm the results of the vote.

The purpose of the constitutional attribution provided for in art. 146 letter f) is to ensure compliance with the principle of the supremacy of the Constitution, provided for in art. 1 paragraph (5), throughout the presidential election, as well as with the constitutional values provided for in art. 1 paragraph (3) and art. 2 paragraph (1) of the Constitution, which characterize the Romanian state and which the President of Romania has the duty to respect and defend.

As the Constitutional Court held in Decision No. 32 of December 6, 2024, "*The Constitutional Court's authority to "ensure compliance with the procedure for electing the President", regulated by art. 146 letter f) of the Constitution, cannot be interpreted restrictively*.", since the provisions of art. 146 letter f) of the Romanian Constitution must be corroborated with those of art. 142 paragraph (1) of the Romanian Constitution and with those of art. 1 paragraph (2) of Law no. 47/1992, the attribution of the constitutional court "*to ensure compliance with the procedure for*

<sup>8</sup><https://hotnews.ro/video-liderul-opozitiei-din-spania-mesaj-de-sustinere-pentru-nicusor-dan-pe-care-il-numesteviitorul-european-al-romaniei-1977356>

<sup>9</sup><https://r3media.ro/david-sacks-lovitura-tacuta-data-de-ue-in-romania/>

the election of the President cannot be dissociated from the role of the Constitutional Court in the constitutional architecture, that of guarantor of the supremacy of the Constitution".

Taking these issues into account, the Constitutional Court ruled in the aforementioned decision that, in the situation where during the electoral process there were "*multiple irregularities and violations of electoral legislation*" which led to the distortion of the character "*free and fair voting by citizens and equal opportunities for electoral competitors*" and who have "*affected the transparent and fair nature of the electoral campaign and disregarded the legal regulations regarding its financing*", all of these have a converging effect of "*disregard for the essential principles of democratic elections*".

But, because "*Democracy represents a fundamental element of the national constitutional order and of the European constitutional heritage, and the right to free elections is unanimously appreciated as the most profound expression of the organization of a democratic society.*", and "*The right to vote and the right to be elected are crucial for establishing and maintaining the foundations of a genuine and effective constitutional democracy, governed by the rule of law (...), and are guaranteed by the Constitution.*", the Constitutional Court held that "*Electoral rights are fundamental rights of a political nature, they represent a sine qua non condition of democracy and the democratic functioning of the state and are exercised in compliance with the requirements of the Constitution and the laws.*".

At the same time, taking into account the provisions of art. 1 paragraph (3), which stipulate that "*Romania is a democratic and social state governed by the rule of law, in which human dignity, the rights and freedoms of citizens, the free development of the human personality, justice and political pluralism represent supreme values, in the spirit of the democratic traditions of the Romanian people and the ideals of the Revolution of December 1989, and are guaranteed*", a text that expressly establishes the values on which the Romanian state is founded, as a corollary of its existence over time, namely the provisions of art. 2 para. (1) of the Constitution of Romania, which states that "*National sovereignty belongs to the Romanian people, who exercise it through their representative bodies, established through free, periodic and fair elections, as well as through referendums.*", the Constitutional Court noted the following aspect: "***the fair character of the elections is an expression of sovereignty and a fundamental principle of the Romanian state, which is the basis for establishing the result of the elections for the position of President of Romania.***"

Taking these arguments into account, the constitutional court held in the aforementioned decision that "***the state has the obligation to ensure a transparent electoral process in order to guarantee the integrity and impartiality of the elections (...)***", in the exercise of its positive responsibility "*to prevent any unjustified interference in the electoral process by referring to constitutional principles*", to cope with "*the challenges and risks generated by organized disinformation campaigns, likely to affect the integrity of electoral processes*".<sup>10</sup>

With regard to the present case, the main aspects imputed to the electoral process regarding the election of the President of Romania in 2025 are those regarding the manipulation of voters' votes and the distortion of equal opportunities for electoral competitors, through the non-transparent use and in violation of electoral legislation of digital technologies and artificial intelligence in the conduct of the electoral campaign, as well as through the financing of the electoral campaign from undeclared sources,

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<sup>10</sup>See, in the same sense, also points 14, 17 and 20 of the Interpretative Declaration of the Code of Good Conduct in Electoral Matters on Digital Technologies and Artificial Intelligence, adopted by the European Commission for Democracy through Law (Venice Commission).

including in the online environment, similar to the factual situation retained by the Constitutional Court in Decision No. 32 of December 6, 2024.

All of this has led to the impairment of the free expression of citizens' votes, by denying their right to be informed.~~correct~~before making a decision on candidates and the electoral process from all sources, namely by failing to ensure protection against undue influence on voting behavior, through illegal and disproportionate acts and deeds, the political advertising made in favor of candidate Nicușor-Daniel Dan also manifested itself in the form of continuous denigrations against me, intended to incite hatred and instill fear among the electorate .

In this way, political advertising has transformed into a "*vector of disinformation*", given that, many times, he did not reveal his "*political nature, comes from sponsors outside the Union or is subject to techniques for targeting a target audience or distributing advertising material*"<sup>11</sup>, an aspect in relation to which the Constitutional Court held in Decision no. 32 of December 6, 2024, regarding the 2024 presidential elections, that "*interference from entities must be excluded*~~state~~~~or non-state~~*in carrying out electoral propaganda or disinformation campaigns*".

As an example that was used to instill fear among the electorate and for which I was "credited", was the increase in the exchange rate of the euro, which was attributed to me as a result of winning the first round of the presidential elections, which is why "*The National Bank of Romania (BNR) spent about 2 billion euros on Monday alone to maintain the stable exchange rate of the leu after George Simion's victory.*", whereas "*Investors and ordinary citizens began selling lei and buying euros out of fear of the economic consequences of a possible victory for George Simion, the official sources quoted told G4Media.*"<sup>12</sup>. Relevant in this regard is that even after the results of the second round of elections, JP Morgan forecasted that, in 2025, the euro exchange rate would be 5.1 lei per euro at the end of the second quarter, 5.18 lei per euro at the end of the third quarter, **5.25 lei per euro at the end of the year**, and in the first quarter of 2026 it will rise to 5.32 lei<sup>13</sup> Therefore, it is easy to see that the forecasted evolution of the euro exchange rate was used as a leitmotif in the electoral campaign with the aim of disinforming the electorate and instilling collective fear.

Thus, I appreciate that we are in the hypothesis in which the freely expressed nature of the vote was violated by the fact that voters **they were misinformed** through an illegal electoral campaign in which one of the candidates benefited from aggressive promotion, carried out with the circumvention of national legislation in the electoral field and through the abusive exploitation of social media platform algorithms .

The vote manipulation was all the more obvious as the electoral materials promoting a candidate **did not wear the specific signs for electoral advertising according to Law no. 270/2004**, and, more than that, candidate Nicușor-Daniel Dan also benefited from treatment

<sup>11</sup>See also Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on transparency and targeting of political advertising, recital 4.

<sup>12</sup><https://www.g4media.ro/banca-nationala-a-cheltuit-2-miliarde-de-euro-intra-o-singura-zi-ca-sa-mentina-cursulstabil-al-leu-dupa-victoria-lui-george-simion-in-turul-1-surse.html>

<sup>13</sup><https://www.profit.ro/povesti-cu-profit/financiar/banci/jp-morgan-pachet-masuri-fiscale-ar-putea-veni-spre-finalulunii-iunie-retrogradarea-ratingului-romaniaiei-acum-putin-probabila-bnr-ar-pute-limita-deprecierea-leu-panaformarea-unui-guvern-22038155>



preferentially on social media platforms, which had the effect of distorting the expression of voters' will.

In this way, the equality of opportunity of his opponent in the second round of voting was affected, **which reflects an alteration of my very right to be elected**, although this equality of opportunity must be guaranteed to all candidates and parties and must stimulate the state to adopt an objective and impartial attitude towards them and to apply the same legislation fairly to everyone.

These irregularities in the electoral campaign have affected me since it was created a **blatant inequality** between me and the opposing candidate Nicușor-Daniel Dan, who ran an electoral campaign evading electoral legislation.

Or, as the constitutional court previously held, "*the use of digital technologies and artificial intelligence, both by candidates or electoral competitors, and by political parties, **their supporters or sympathizers must be transparent to guarantee the integrity and impartiality of elections***", which did not happen in the present case, which led to the voters being prevented from forming an opinion *correct* about candidates and misleading them regarding the identity and quality of opposing candidates or voting procedures.

I also inform you that the constitutional court also noted the fact that "**Legal and transparent financing of the electoral campaign is an important factor in the regularity of the electoral process, and the financing of online activities must also be transparent.**(points 107 and 108 of the Explanatory Report to the Code of Good Practice in Electoral Matters and point 46 of the Interpretative Declaration of the Code of Good Conduct in Electoral Matters on Digital Technologies and Artificial Intelligence).

At the same time, he also noted that "**Online electoral advertising must always be identified as such and be transparent both in terms of the identity of his sponsor, as well as regarding dissemination technique used.**"

I would like to point out that, in relation to the materials distributed online by Nicușor-Daniel Dan, on the day of the vote, he systematically campaigned on the most popular social media platforms, posting promotional videos and urging people to vote every 30 minutes, with the BEC issuing approximately 40 decisions to remove illegal content in this regard.<sup>14</sup>

At the same time, Mr. Nicușor-Daniel Dan benefited from an aggressive campaign carried out on voting day, with over 15 songs being uploaded on the TikTok platform promoting him, and denigrating Mr. George Simion, songs that were later boosted and taken over by hundreds of people.

<sup>14</sup> See BEC Decisions: 6012D/18.05.2025, 6010D/18.05.2025, 5998D/18.05.2025, 5997D/18.05.2025, 5983D/18.05.2025, 5981D/18.05.2025, 5980D/18.05.2025, 5979D/18.05.2025, 5978D/18.05.2025, 5977D/18.05.2025, 5976D/18.05.2025, 5975D/18.05.2025, 5974D/18.05.2025, 5969D/18.05.2025, 5968D/18.05.2025, 5967D/18.05.2025, 5966D/18.05.2025, 5965D/18.05.2025, 5963D/18.05.2025, 5939D/18.05.2025, 5938D/18.05.2025, 5937D/18.05.2025, 5931D/18.05.2025, 5930D/18.05.2025, 5929D/18.05.2025, 5928D/18.05.2025, 5927D/18.05.2025, 5926D/18.05.2025, 5925D/18.05.2025, 5924D/18.05.2025, 5923D/18.05.2025, 5922D/18.05.2025, 5921D/18.05.2025, 5920D/18.05.2025, 5919D/18.05.2025, 5918D/18.05.2025, 5917D/18.05.2025, 5916D/18.05.2025, 5915D/18.05.2025.

of inauthentic users and for which BEC issued 5 decisions on the removal of illegal content, removing over 1,500 audio-visual materials from the TikTok platform<sup>15</sup>.

In particular, Decision No. 5907D/18.05.2025 contains 11 songs and 960 video clips, more materials were thus removed by a Decision than are usually removed in a single BEC meeting – but, even under these conditions, other audio-visual materials were immediately re-uploaded, amplifying the illegal content in favor of this candidate.

We emphasize, in this regard, that in the annex to SRI document no. 778639 of 28.11.2024, a document that served the Constitutional Court to annul the presidential elections of 2024, it was noted that:

"Massive promotion involved a campaign on TikTok, through several coordinated accounts that actively published electoral content, both with the help of recommendation algorithms and through paid promotion"

Account network directly associated Călin Georgescu's campaign was initially made up of 25,000 accounts on the TikTok platform, who became very active two weeks before the election date. The promotion campaign was particularly well organized, with the number of followers increasing significantly."

It can be seen that, in the case of my opponent, the situation was even more serious than the previous year, as he constantly had an intense promotional activity on social networks, the climax being reached on voting day, the sanctions and measures taken by the BEC being completely ignored.

However, as you will see from the administration of the evidence proposed by me for the fair and thorough resolution of the case, the electoral campaign conducted by Mr. Nicușor-Daniel Dan was one lacking in legality and transparency, a fact that affected the formation of a correct opinion among voters and misled them regarding my person, causing them, at the same time, an unjustified and unfounded fear regarding the alleged acts or deeds that I would have done as President of Romania, if I had been elected.

However, as the Constitutional Court held in Decision No. 32 of December 6, 2024, these aspects led to the tainting of the electoral process, given the distortion of the free and fair nature of the vote expressed by citizens and the equality of opportunity of electoral competitors, the impact on the transparent and fair nature of the electoral campaign and the disregard for legal regulations regarding financing, issues that *"had a converging effect of disregarding the essential principles of democratic elections"*.

2. In addition to what is shown above, in connection with the fact that Nicușor-Daniel Dan has also benefited from preferential treatment on social media platforms, which had the effect of distorting the manifestation of voters' will, as we argued previously, with the start of the second round of voting, following complaints filed by AUR and the AUR Brașov branch, respectively by several individuals, hundreds of decisions have been issued ordering the same thing: the removal of illegal content.

According to art. 17 para. (5)-(8) of GEO no. 1/2025:

<sup>15</sup>See BEC Decisions: 5990D/18.05.2025, 5973D/18.05.2025, 5972D/18.05.2025, 5971D/18.05.2025, 5907D/18.05.2025.



"(5) Decisions of the Central Electoral Bureau admitting complaints ... regarding the online electoral campaign (...) represents orders to take action against illegal content within the meaning of Article 9 of Regulation (EU) 2022/2065.

(6) The decisions provided for in paragraph (5) must contain the elements provided for in art. 9 para. (2) letter a) of Regulation (EU) 2022/2065 and they are executors.

(7) The decisions of the Central Electoral Bureau provided for in paragraph (5) communicate immediately to the Permanent Electoral Authority, for transmission to very large online platforms, within the meaning of Article 3 point 8 of Regulation (EU) 2024/900, under penalty of paying a fine of between 1% and 5% of the turnover of the online platform, if within 5 hours of notifying the Permanent Electoral Authority, the online platform does not remove the advertising material in question.

(8) The decisions of the Central Electoral Bureau provided for in paragraph (5) may be appealed to the Court of Appeal. Bucharest Appeal, within 48 hours of their posting on the Central Electoral Bureau's website."

To the detriment of the enforceable and binding nature of these decisions, as follows from the economy of the provisions of art. 17 para. (5)-(7), META did not comply with the majority of these orders, although they were communicated to it by the AEP, in accordance with the legal provisions.

By registered mail at the Central Electoral Office under no. 2055C/BEC/PR2025/ On 29.04.2025, META, being asked by ANCOM why it does not enforce the aforementioned Decisions, provided the following response:

"Dear colleagues,

Meta Platforms Ireland Limited ("MPIL") is writing to you following the productive discussions we had with the National Authority for Communications Administration and Regulation ("ANCOM") on 25 and 28 April 2025. We look forward to continuing to work with ANCOM, the Central Electoral Office ("BEC"), the European Commission ("Commission") and the Coimisiún na Meán ("CnaM") to appropriately handle content removal requests received from the BEC between 9 and 24 April 2025 ("TDRs") and beyond. We are also forwarding this letter to the BEC, the Commission and the CnaM.

In the electoral context, MPIL has standard rules and procedures for handling complaints from government authorities alleging that content violates local law.<sup>1</sup> Such complaints are first reviewed against Meta's policies. If the content violates these policies, it is removed. If it does not violate the policies, in accordance with Meta's commitments as a member of the Global Network Initiative and based on Meta's Human Rights Policy, MPIL's legal team conducts a legal review of the procedural validity and merits of the complaint under applicable law. If the legal team does not reject the request following this review, a human rights impact assessment is conducted to determine whether the request is compatible with international human rights standards.

As regards TDRs, the illegality of the content depends on the involvement of a "political actor", who is obliged to label political advertising, according to Article 16(2) of Government Emergency Ordinance No. 21/2025 ("GEO"). In the absence of the involvement of a "political actor", there cannot be an illegality that would validly justify a removal request by the BEC.

*In view of the above, MPIL confirms that it is in the process of taking action on those URLs that are clearly linked to content on MPIL platforms originating from or on behalf of "political actors", as defined in Article 3(4) of the EU Regulation on the Transparency and Targeting of Political Advertising ("TPPA Regulation") and the related recitals, to which Article 16(2) of the GEO expressly refers. To date, MPIL has taken action on 74 such URLs, and notifications explaining the actions taken by MPIL are in the process of being sent. Given the conflicting legal obligations set out below, MPIL considers that it acted promptly.*

*Regarding the remaining 239 URLs, which target content on MPIL platforms where it is unclear whether a "political actor" is involved, MPIL is still in the process of evaluating them. MPIL's actions on these TDRs are without prejudice to its position on the legality of the URLs, the TDRs, or the GEO itself.*

*This assessment is complicated by the BEC's very broad interpretation of the notion of "political actor", extending it to "persons who do not hold elective or other public office, but who post electoral propaganda materials on personal accounts opened on very large online platforms, in a predominant and repetitive manner", an interpretation that appears to go significantly beyond Article 3(4) of the TPPA Regulation. In fact, several of the TDRs received by MPIL aim to restrict content posted by ordinary users expressing their personal opinions about candidates.*

*An excessively broad interpretation of the notion of "political actor" in this context also contravenes the right to freedom of expression and information, including freedom of the press and media pluralism, rights enshrined in the Charter of Fundamental Rights of the European Union. This right requires a cautious and restrictive approach to provisions that subject political discourse to additional requirements, under penalty of illegality.*

*Because of these complex and sensitive legal questions, MPIL needed more time to analyze the various TDRs, while also acting promptly.*

*MPIL wishes to emphasize that it fully recognizes the importance of ensuring that the ongoing electoral process in Romania is not compromised by interference from malicious actors on social media, including on MPIL platforms. In this spirit, MPIL is taking additional steps to analyze and process TDRs with the utmost urgency, while maintaining the necessary balance to consider the conflicting legal implications.*

*However, this complex challenge cannot be solved by the generalised removal of (allegedly) illegal content from social platforms alone: effective and coordinated action by all competent authorities is needed to combat coordinated activities carried out outside the platforms by networks seeking to influence the electoral process. In this regard, MPIL has collaborated with sixteen different Romanian authorities, including the National Directorate for Cybersecurity, to coordinate the exchange of information on various threats. MPIL remains available to continue supporting ANCOM and the Romanian authorities in their essential efforts in this area."*

*As can be clearly seen, META expressly refused to enforce the aforementioned orders, referring to aspects related to the substance of the decisions executed, matters which, however, could be exclusively controlled by the courts.*

Thus, META's refusal is grafted on its internal policies for evaluating the content of posts, in relation to its own criteria established in the terms and conditions of use of the services, but this refusal is clearly unlawful, contravening national legislation in the electoral field, namely the provisions of art. 17 para.(5)-(7), in conjunction with the provisions of art. 11 para.(3) sentence II of Law no. 370/2004. However, its internal regulations cannot take precedence over national legislation.

Furthermore, META also showed bad faith when it refused to execute such orders, given that the territorial scope of the orders is Romania, so it is not obliged to permanently delete the materials covered by the decisions ("purge), but only to hide their visibility on the territory of the Romanian state, they being still stored on its servers.

In particular, META's refusal contravened the objective of an electoral process free from digital manipulation, an objective set by the Constitutional Court through Decision No. 32/2024, which annulled the entire electoral process due to the significant exposure of a candidate, with the consequence of the diversion of the will of the voters:

" 14. In the present case, the freely expressed nature of the vote was violated by the fact that voters were misinformed through an electoral campaign in which one of the candidates benefited from aggressive promotion, carried out in circumvention of national electoral legislation and through the abusive exploitation of social media platform algorithms. The vote manipulation was all the more evident as the electoral materials promoting a candidate did not bear the specific signs of electoral advertising according to Law no. 370/2004. In addition, the candidate also benefited from preferential treatment on social media platforms, which had the effect of distorting the manifestation of the voters' will. r.

[...]

16. In the present case, taking into account the provisions of art. 37 of the Constitution, the Court notes that The equality of opportunity of electoral competitors was affected, which reflects an alteration of the very right to be elected. The irregularities in the electoral campaign affected the electoral competitors, since they created a clear inequality between the candidate who manipulated digital technologies and the other candidates participating in the electoral process. Thus, the significant exposure of a candidate led to a directly proportional reduction in the online media exposure of the other candidates in the electoral process. However, the use of digital technologies and artificial intelligence, both by candidates or electoral competitors, and by political parties, their supporters or sympathizers, must be transparent in order to guarantee the integrity and impartiality of the elections. Otherwise, voters are prevented from forming an opinion about the candidates and the electoral alternatives or may be misled regarding the identity and quality of the candidate or the voting procedures. Therefore, the use of such practices in an electoral process by electoral competitors, including political parties, vests the competent public authorities, according to the law, with the power to verify, ascertain and, where appropriate, sanction such conduct. ."

It is also worth noting that META initiated a series of litigations requesting the annulment of the decisions issued by the BEC, but according to the data available on the websites of the courts, it emerged that it only succeeded in annulling one.

AUR had no legal possibility to act to enforce these decisions.

As follows from the economy of the provisions of art. 16-17 and, in particular, the provisions of art. 17 paragraph (8) of GEO no. 1/2025, The jurisdiction of the courts, more precisely the Bucharest Court of Appeal, can only be engaged in challenging the BEC Decisions admitting/rejecting complaints regarding electoral propaganda in the online environment.

In this case, we are not talking about challenging BEC Decisions but about an explicit refusal of a private legal entity to comply with these Decisions.

Moreover, META could not be engaged in an administrative dispute in electoral matters, as long as it is not a public authority, within the meaning of Law no. 554/2004.

At the same time, neither I nor AUR had the opportunity to request the enforcement of the BEC Decisions through common law.

As such, in the absence of a procedural remedy available to compel META to enforce the aforementioned orders, the Party was unable to combat electoral propaganda in favor of candidate Nicușor-Daniel Dan, which was likely to influence the electorate's ability to form an informed opinion.

**3.** At the same time, I assure you that the Romanian state was incapable of acting against the accounts inauthentic, a fact doubled by the passivity of online platforms to suspend or remove accounts targeted by illegal content.

Thus, during the electoral campaign, following complaints, the BEC reported to the National Communications Regulatory Authority and the Cybersecurity Directorate several accounts with suspicious activity, which were not clearly assumed by a natural or legal person and on which posts were actively made in favor of Mr. Nicușor-Daniel Dan.

The National Directorate for Cyber Security has been in continuous correspondence with BEC, confirming that it has identified a number of user accounts, among those transmitted by BEC, and many of these apparently have inauthentic behavior - possibly of the type *muzzle*, part of an automated network.

The Directorate applied the following methodological approach to verifying user accounts:

- *Verification whether an account transmitted by the BEC to the DNSC is found in the Directorate's internal data sources and reports, being correlated with cyber attacks or incidents;*
- *Checking the main statistics of the user account:*
  - *Followers*
  - *Number of likes*
  - *Number of users followed (following)*
  - *Date of first post*
- *Verification of the main elements that define user behavior:*
  - *Avatar + Bio*
  - *Account activity characteristics*
    - *Frequent and repetitive posts on the same topic*
    - *Recent account creation with large volume of content*
    - *Generic or alphanumeric usernames*

- Profile without real photo or with stock images
- Sudden changes in content theme
- Artificial amplification behavior
  - Massive reposts on a single topic
  - Excessive use of political hashtags
  - N/A - Not Applicable
- Indicators of information manipulation or propaganda
  - Spreading false or unverified information
  - Using alarmist or clickbait headlines
  - Political propaganda
- Use of false identity or impersonation
  - Pretending to be official institutions or influencers or journalists
  - Illegal use of logos and visual identity
  - N/A - Not Applicable

However, multiple accounts were reported by DUSC to social media platforms, without any prompt intervention by state authorities, respectively without BEC or ANCOM ordering measures to eliminate or suspend accounts with suspicious activity.

The only measures ordered by the BEC were to request very large platforms to carry out verifications regarding the authenticity/inauthenticity of accounts targeted by illegal content, in order to take the necessary measures according to the provisions of Article 7 of Regulation (EU) 2022/2065, but some of the platforms did not comply with this requirement in a timely manner, given the urgent nature of the measures ordered in the electoral context.

The inauthenticity of the owners of the claimed materials led to massive misinformation and violation of the voters' freedom of choice, being fully relevant the considerations of art. 4 of EU Regulation no. 2024/900 according to which "Political advertising can be a vector of disinformation, especially when the advertising does not disclose its political nature, comes from sponsors outside the Union or is subject to techniques for targeting a target audience or distributing the advertising material. r. A high level of transparency is necessary, inter alia, to support open and fair political debates and campaigns, as well as ELECTIONS or referendums free and fair and to combat manipulation and interference with information, as well as illegal interference, including from third countries. If political advertising is transparent, voters and the general public can better understand, when presented with political advertising, on whose behalf the advertising is being broadcast, as well as how and why they are being targeted by an advertising service provider, and are thus better able to express their informed voting choices."

Thus, as long as the online platforms on which the complained materials were posted were not expressly assumed by a natural or legal person, it becomes obvious that the public receiving the posts did not have the opportunity to know on whose behalf the advertising material was being disseminated, an aspect likely to create confusion in the exercise of voting options, which is equivalent to disinformation of voters.

The conduct of online platforms (especially TikTok, Meta often not executing removal orders) was limited to removing political advertising materials indicated in the decisions to remove illegal content, but without demoting user accounts in recommendation systems or

without suspending or eliminating them, this conduct being contrary to recital 55 of the Preamble to RE no. 2022/2065, according to which (55) | Limiting visibility can consist of demotion in the hierarchy or in recommendation systems, as well as limiting accessibility by one or more recipients of the service or blocking the user's access to an online community without the user knowing this. ("shadow banning").

The Organization for Security and Cooperation in Europe, in its preliminary report submitted on 19.05.2025, noted that: "The campaign remained dominated by online activity, with messages often centered on polarizing themes and personal attacks. Disinformation and misinformation circulated extensively, including on the electoral process, prompting repeated calls for public accountability from the authorities. Public trust was undermined by fragmented institutional responses that failed to adequately address the growing prevalence of inauthentic behavior and related complaints.

[...]

The spread of disinformation and inauthentic behavior aimed at amplifying or suppressing the messages of both candidates persisted. Although platforms proactively removed some online content they assessed as inauthentic, significant volumes remained accessible and transparency of their activities remained limited. Civil society organizations and the Ministry of Internal Affairs reported a substantially higher number of cases of disinformation and inauthentic behavior to the platform than in the first round. The BEC received over 3,900 complaints, mostly related to inauthentic accounts and unlabeled posts by alleged "political actors", which led to 2,600 content removal decisions regarding 3,600 posts

[...]

Inauthentic online behavior, including attempts to amplify or suppress candidates' messages, persisted. While Very Large Online Platforms (VLOPs) proactively restricted certain content assessed as inauthentic, a large volume of such content remained accessible. Transparency regarding VLOPs' content moderation practices was limited, as details of enforcement actions and criteria for content removal were not publicly disclosed. Several civil society organizations (CSOs) continued to monitor and report instances of inauthentic behavior and disinformation, submitting significantly more reports than in the first round.

The Ministry of Internal Affairs reported approximately 4,800 posts to VLOPs for alleged inauthentic behavior, violations of electoral legislation, and incitement to violence, a significantly higher figure than in the first week. r. Between 5 and 17 May, the BEC received over 3,900 complaints, mainly related to inauthentic accounts and unlabeled posts by alleged "political actors", leading to around 2,600 content removal decisions for more than 3,600 posts, bringing the total number of removal decisions since the start of the first round campaign to over 9,000. When the VLOPs decided not to enforce the BEC's removal decisions, the affected individuals were not informed that the BEC had identified a breach."

4. In addition, I also point out to you that the electoral process was also tainted by interference from national security institutions that, being directly involved in the electoral process, took advantage of the key position they held and abusively manipulated voters' options.



Thus, as a method of election fraud, this was possible for the Special Telecommunications Service (hereinafter, STS), through the computer system used in the electoral process, responsible for centralizing the results from the polling stations.

This system managed by STS electronically takes over the data entered at each departmental level, and then these are processed and entered into centralized databases.

However, through internal manipulation of the system, following unauthorized access (or authorized but illegally used), the initially entered numbers can be altered in favor of a candidate, before the official final results are displayed.

Moreover, given the institution's total lack of transparency and its practically political leadership, the IT system may be full of vulnerabilities and its auditing may be difficult. – impossible, in the context where free access to the application's source code is not allowed in order to verify and ensure its integrity and security.

Furthermore, if this software is manipulated prior to the vote to produce distorted results under certain specific conditions (for example, activating a script that triggers at a certain time or when the differences between candidates are small), this fraud could remain undetected in the absence of independent and thorough checks.

Also, on a normal election day, the polling station operator would scan the ID card with the tablet provided by STS. The system instantly verifies the format of the CNP, marks it as "voted" and stores the photo of the document, leaving a digital trail that is easy to verify later.

In 2025, however, the data shows that more than a third of personal identification numbers were entered into the database not by scanning, but by manual typing. This proportion is several times higher than the usual average and cannot be justified by faulty tablets or damaged documents.

Manual entry eliminates photo evidence and opens the door to abuse: one or more people with privileged access to the system directly entered strings of plausible CNPs in a burst, without the office members at the department level realizing that they were registering non-existent people. The process took place late, probably towards the end of the day, when public attendance graphs are only sporadically monitored, and the insertion goes unnoticed on the surface.

In parallel, the STS application contains a mechanism that blocks a voter's vote as soon as he or she has gone to the polls, regardless of whether he or she is in the country or abroad. When the function is active, a citizen who has already voted abroad cannot be accepted again in Romania: the tablet displays the message "the person has already voted", and the process stops.

However, in the 2025 election, credible reports emerged that the "double voting" alerts were not triggered at all. Such a "silence" has only one technical explanation: the parameter that triggers the control was disabled, and the replication of the databases between the external (abroad) and the internal network was deliberately delayed, or the tablets were taken offline during peak hours and synchronized the information only after the polls had closed. Regardless of the variant, the result is identical – the same CNP can appear twice, artificially generating additional votes.

When the two flaws came together, the vulnerability became massive. The application configured to no longer check for duplicate votes and a database that accepted, without images, any string of manually entered numbers allowed for the industrial fabrication of votes. In a very short time, even in the last minutes of voting day, a user with extended rights could have uploaded a huge file

with invented or duplicated CNPs, enough to generate about 1.6 million electoral options in favor of a single candidate. As the total turnout approached nine million, that additional volume – almost 18% – was decisive in overturning the final result.

Now, considering the results of the first round, which show an obvious gap between the votes given to me and those given to Nicușor-Daniel Dan, a reversal of the percentages can be observed in the second round, which would have been possible only as a result of the gross manipulation of the election results.

I would like to point out that the inaccuracies in the voting results caused by gross fraud mediated by the STS computer system, were found by international experts in the field.

In this regard, in the expertise carried out by Mr. Xavier Azalbert in relation to the results of the presidential elections, he conducted a comparative analysis of electoral polls (voting intention of eligible citizens) and the actual results of the election.

Thus, the polls showed, on average, in my favor - 56% of the votes, and in favor of Nicușor-Daniel Dan - 44% of the votes, the evolution of voting intention showed a number of 1,476,922 voters who would have been taken over by me from those who voted in the first round, which would have led to winning the elections with more than 6,444 million votes, compared to the predicted number of approximately 5,063 million voters for Nicușor-Daniel Dan.

However, a reversal of the votes given to me and Nicușor-Daniel Dan was observed, which led to the reversal of the result of the presidential elections and, implicitly, of the popular will.

Therefore, the fact that there was voting fraud mediated by STS is obvious, an aspect that led to the overturning of the election results, by attributing approximately 1.6 million votes to my opponent, Nicușor-Daniel Dan.

### III. The evidence

In proving the claims made in this appeal, I request that you provide evidence with the documents, the material means of evidence attached hereto and with the videoconference hearing of Pavel Dumitru, who agreed to his hearing in order to support the arguments I have made here.

### IV. Conclusions

For all these reasons, I respectfully request you **to note that the electoral process regarding the election of the President of Romania was flawed throughout its duration and at all stages by multiple irregularities and violations of electoral legislation which had a convergent effect of disregarding the essential principles of democratic elections essential principles of democratic elections and to dispose its cancellation.**

**George-Nicolae Simion**