

PhD Legislative Studies Conference

22nd July 2011

**The Effects of the 2008 Romanian Electoral System Reform:
when the Reformation Converts to Counter-Reformation**

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I. Introduction

In 2008, the Romanian electoral system has been changed into a mixed system, “which combines the relatively simple system of elector choice – a single round of voting in single member `colleges` - with a complex system of seat allocation”¹ applying a 5% threshold. The candidates win automatically the seats only if they win more than 50% of the constituency votes. All 42 administrative counties of Romania represent the electoral constituencies and are divided into single-member districts called “uninominal colleges”, and each citizen has a single vote to be cast for a candidate. A 43th constituency for the representation of the abroad Romanians has been added in 2008. The method of allocation of the seats in two rows, used by the old closed-list system, has been retained, using the Hare quota at the constituency level, and then d’Hondt formula for the nationally cumulated votes and for the seats remaining after the constituency-level allocation. Evidently, it is not a pure first-past-the-post vote; some list seats remain.

The choice for PR in 1990 and 1992

In 1990, Romania has opted for a closed-list proportional system for both chambers of the Parliament with two rows allocation in 42 constituencies. The threshold increased gradually over time, adapted to the institutional development. If in 1990 there was no threshold, in 1992 was introduced the 3%, and, in 2000, the threshold was raised to 5% for the political parties and to 8% for the electoral alliances, an increase of 1% for any party in addition up to 10%. The quota of representation is a deputy to 70.000 inhabits and a senator to 160.000 inhabits; the quota remained unchanged over the all electoral changes and over the 2008 reform. Since 1990, the constitution guarantees the representation of minorities; each organization of citizens belonging to national minorities has one seat of deputy reserved,² considered a success of representation of minorities.³

The legislation that governed the first post-communist elections marked the whole constitutional system and the subsequent elections, with the role of a mini-constitution. *Decree-law no.92 for parliamentary elections and the President of Romania* established in February 1990 the system of the proportional representation and the semi-presidential republic.

The first post-communist election law was written and adopted by Provisional Council of National Unity (CPUN), a provisional legislative body of the 1989 Revolution. The text proposed to the public debate referred to the values that led to the outbreak of riots in 1989, focused on principles such as the equal rights, the political pluralism, the free elections and the institutionalization of popular sovereignty. In the early '90s, the main focus of lawmakers was less bent on the relationship between citizens and MPs, but more on election procedures. The procedures were essential for their role to ensure free elections, the first condition for democracy. The historical parties were afraid of election fraud facilitated by the procedural weaknesses and the dominance of the National Front Salvation (FSN). A majoritarian vote would be favored the National Salvation Front, and the small parties would be disadvantaged, and this would be reduced the chance of creating the multi-party system.

¹ Ed MAXFIELD, “Romanian`s Parliamentary Elections”, 30 November 2008”, Routledge, p. 488.

² According to *Constitution of Romania*, Article 62, paragraph 2: “Organizations of citizens belonging to national minorities, which fail to obtain the number of votes for representation in Parliament, have the right to one Deputy seat each, under the terms of the electoral law. Citizens of a national minority are entitled to be represented by one organization only.”

³ Oleh PROTYSYK, “Representation of minorities in the Romanian parliament”, Inter-Parliamentary Union, www.ipu.org/splz-e/chiapas10/romania.pdf

Alexandra Ionescu, in *Du Parti-état à l'état des partis. Changer de régime politique en Roumanie*,⁴ identifies two meanings in the choosing of the proportional representation. The first meaning is that the option for PR was the result of negotiations between the parties. The second meaning refers to the fact that this type of system has enabled to state political parties, helping thus the rising of political pluralism. Choosing the PR marked the rupture of the old regime, which was established on majoritarian with single-member constituencies in a single round. "If the representative democracy accommodates with any form of electoral system, the party-state is incompatible with an electoral process that aims the allocation of the seats, and mostly with the representation of the diversity of society."

In 1992, the decree-law was repealed by the new electoral law, which was adopted after several months of parliamentary debate. At that time, FSN government could propose and support the adoption of majoritarian voting, but its split in March 1992 prompted the government to support the preservation of proportional system, with only some adjustments to support the development of the party system. The debate topics were about the same as in 1990: the distinction between chambers, the procedures for allocating seats and financing of the political parties. The only novelty was the debate on the introduction of the threshold. Most likely, the maintenance of RP in 1992 was because "many members of FSN were proud of legislation enacted in 1990".⁵

Post-communist Romania is not stranger to the majoritarian system. Since the first election, the president and the mayors were elected under a majoritarian system in two-tiers. Until the reform of 2008, three electoral laws have regulated the elections under PR system, along with other changes, in particular by governmental ordinances.

Although the electoral system was proportional, the Romanian political system was the most disproportional system known.⁶ Cristian Preda claims that the average district magnitude was an obstacle to representativeness. For instance, in the 2004 elections, the default threshold was 17%, for the Chamber of Deputies, and 8%, for the Senate, which both are very big. Romanian political system has a general disproportion of $G = 19.09$, placing Romania between Jamaica and France, according with Arend Lijphart's classification. But Jamaica has a plurality and France a majoritarian.

Table 1. The legislative (GL) and presidential (GP) disproportionality indices

	GL	GP
1990	7,86	93,19
1992	5,88	38,66
1996	7,03	45,59
2000	9,38	33,17
2004	4,98	48,77
Medii	7,03	51,88

⁴ Alexandra IONESCU, *Du Parti-état à l'état des partis. Changer de régime politique en Roumanie*, Editura Academiei Române, București, 1999, p. 239.

⁵ Sarah BIRCH, Frances MILLARD, Marina POPESCU and Kieran WILLIAMS, *Embodying Democracy: Electoral System Design in Post-Communist Europe*, Palgrave Macmillan, 2002.

⁶ Cristian PREDA, Sorina SOARE, *Regimul, partidele și sistemul politic românesc*, Nemira, 2008, p. 98-100.

Moreover, the disproportionality is similar to that of countries like Venezuela, Colombia and Costa Rica, known as most pervert proportional systems, but whose disproportionality comes especially from the presidential elections, all three being presidential republics, while the Romanian disproportionality comes from the legislative elections.

The evolution of the idea of electoral reform in public debate and the legislative process

The fourth post-communist electoral law, *Law no. 35 of March 13, 2008 for the Chamber of Deputies and the Senate and the amendment of Law no. 67/2004 for the election of local authorities, the Local Public Administration Law no. 215/2001 and Law no. 393/2004 regarding the status of local institution* is the result of a political consensus, after long debates and various legislative proposals and projects.

Civic and political discourse and action on electoral reform took place on several levels: discourse and public debate, civic action and institutional activity in three forms: parliamentary, presidential and governmental. The evolution of the discourse and action can be divided in several stages, which overlap the legislative mandates.

Until 1998, the topic of electoral reform was sporadic on the public debate. The most notable moment is in 1995, when Pro-Democracy Association (APD), supported by the *Adevărul* newspaper, led a civic information campaign about the benefits of majoritarian in single-member district system, accompanied by a campaign to collect signatures for a civic legislative initiative. The campaign for collecting signatures totaled 70.000 signatures of the 250.000 signatures which were needed.⁷ Since 1998, the number of political parties and civic actors who supported the need for electoral reform has increased. National Liberal Party (PNL) has been consistently supported the adoption of single-member constituencies followed by the Democratic Party (now Democrat Liberal Party - PLD), Humanist Party of Romania (now Conservative Party-PC) and, after 2000, the Social Democratic Party (PSD). Legislative activity started in 1998, when two liberals took the legislative project of APD and submitted to debate in the Senate. Until 2000, were submitted at least other four initiatives which proposed, in principle, the same type of modification. Without the support of the government or the opposition parties, the theme was addressed only in the public discourse. Together with NGOs, electoral reform was supported by unions and several journalists and writers, as the Octavian Paler, who said that “lists should not be anymore as the pasting for the flies”.⁸

Two years after the 2000 electoral elections, debates were resumed.⁹ MPs have submitted legislative proposals and several civic organizations and unions led the campaign to collect signatures and submitted them to the Chamber of Deputies. In 2003, the governmental party, PSD, assumed the goal of electoral reform. The Liberals proposed the organisation of an electoral committee, which will be founded on 26 June 2003. PSD has decided to reduce by 10% of seats of MPs and they supported the majoritarian system only for the Senate, while the Democrats and the Liberals proposed mixed system which would be awarded directly 50% of the mandates, and 50% through redistribution. On 4th of February

⁷ Broșură, *Istoria unui dezacord: uninominalul*, Decembrie 2008, p.19, disponibilă aici: http://www.apd.ro/files/publicatii/brosura_uninominal.pdf

⁸ „Octavian Paler: listele electorale nu trebuie să mai fie "hârtii de muște"”, *Evenimentul Zilei*, 5 Decembrie 1999.

⁹ “Miting al societății civile pentru votul uninominal”, *Rompres*, 2 noiembrie 2003, și în „Tineri membri ai Asociației Pro Democrația au protestat în plenul Camerei Deputaților”, *Rompres*, 4 noiembrie 2003.

2004, the electoral reform proposals were rejected by the Senate and the Chamber of Deputies; the decisive rejection votes came from the Greater Romania Party (PRM) and the Democratic Union of Hungarians in Romania (UDMR).

The period 2005-2008 is marked by a real public debate, involving all political parties and state institutions, Parliament, Government and Presidency. In this period, the debate took place especially at institutional level. APD was less involved in promotion and information, as in discussions with political parties.¹⁰

Winning the presidential elections by the electoral alliance between the Liberals and the Democrats meant an essential and decisive factor of the electoral reform, involving two other institutional actors, the Government and the Presidency. PUR is the one that called into question the issue of electoral reform through a legislative initiative in the Senate in February 2005. As old supporter of electoral reform, the President Traian Basescu held several consultations with the political parties, the representatives of civil society, and the academia, and initiated a referendum to consult citizens on the adoption of majoritarian voting in single-member constituencies. In March 2007, the President held consultations with political parties and agreed that, by the end of the legislative session, the political parties had to submit the new electoral reform law. The debates were accelerated, but the political parties could not get to consensus on the type of electoral system. After long debates, on 28 August, the Committee of Electoral Code decided to acquire the Pro Democracy Association's draft and, in short time, The Committee adopted the draft signed by 114 MPs from PSD, PD and PNL, and all other projects on the same subject were considered rejected. The same day, President Traian Basescu said that if the Parliament does not adopt the law by the end of October, ie 25 October, he will hold a referendum on this issue together with the European elections, ie on 25 November. Although discussions were held in an emergency procedure, the law was not adopted by the deadline of October 22, provided by the President. On October 23, Traian Basescu announced the signing of the decree on holding a referendum to introduce the majoritarian voting in single-member constituencies on November 25, with the European elections.

Meanwhile, the Prime Minister Călin Popescu-Tariceanu has supported electoral reform and urged the Parliament to reach a consensus on a project. On October 29, 2007, the Government has assumed responsibility in Parliament for the APD's project. The lawmakers submitted 113 amendments. President Traian Basescu said that the law assumed by the Government has "deep gaps" and is "a Romanian scam", warning that he will not promulgate it before the referendum. On November 21, 2007, Basescu has challenged the law to the Constitutional Court, because the law provided an additional list for national level.

On 25 November 2007, the referendum was held at the same time with the European Parliament elections. The Romanian citizens have been called to answer by "Yes" or "No" to the question: *Do you agree that, beginning with the next elections that will be held for the Romanian Parliament, all deputies and senators be elected in single-member constituencies, based on a majority vote in two rounds?* The referendum was invalid, because the turnout was just 26%, although 81% of voters were in favour of the proposal.

¹⁰ "Miting al societății civile pentru votul uninominal", *Rompres*, 2 noiembrie 2003, și în „Tineri membri ai Asociației Pro Democrația au protestat în plenum Camerei Deputaților”, *Rompres*, 4 noiembrie 2003.

Table 2. Summary of the 25th of November 2007 Romanian voting system referendum

Answer	Votes	%
Yes	3,947,212	81.36
No	784,640	16.17
Valid	4,731,852	97.53
Invalid	119,618	2.46
Total (turnout 26.51%)	4,851,470	100.00

On December 12, 2007, the Constitutional Court declared unconstitutional several articles of the law assumed by the Government. After intense debate, the deputies adopted the new law. On March 12, 2008, the President announced that he promulgated the Law amending the electoral system.

Reasons for the electoral reform

The most relied argument in support of the single-member district system was the increasing the accountability of the MPs and the building a stronger relationship between the the MPs and citizens. Also, the changing of the electoral system is closely linked to the decline of confidence in Parliament and the deterioration of the parliamentarians` image. Media broadcast images of MPs sleeping on seats during the legislative debates, and the exorbitate expenses of the Romanian state for the MPs. The Parliament was and still is perceived as "source of all evil", especially the source for the corruption and the poverty, thus, once reformed, Romanian politics will enter a normal democratic path. Parliamentary reform was also seen as a political system adjustment to achieve a consolidated democracy.

Another, less mentioned in public debate, but used as an argument in the explanatory memorandum of MPs to support a single-member constituencies system is that MPs were increasingly less representative, many of the votes were wasted by redistribution. In 1992, 14.63% of votes were wasted in the Senate and 19.45% of the Chamber of Deputies, in 1996, 16.67% of votes were wasted in the Senate and 17.89% of the votes in the Chamber of Deputies. In 2000, was the peak year with 19.92% wasted votes in the Senate and with 21.91% the Chamber of Deputies. On the other hand, wasted votes can be part of a natural process of formation of Romanian party system, as evidenced by the fact that in 2004, the number of wasted votes has decreased significantly to 11-13%.

Also, in electoral process, the choosing between candidates was presented to voters by the media and political commentators to be like the alternative between evil and less evil. Legislative and presidential elections in 2000 and in 2008 and the legislative and presidential elections in 2009 took place under this explicit or implicit slogan. Over time, the political parties` members have created a campaign behavior before the elections, characterized by allocating more money for the community and increasing the presence in the constituency.

The popular support for the electoral reform

Since the first survey investigating the adherence of Romanian citizens to the single-member district voting until 2008, there was approximately the same percentage of supporters of around 60%. About a quarter of people support the closed party-list proportional representation with significant decreases during the increasing of the public debate on the necessity of the electoral, between 2003 and 2007.

Table 3. The popular support for the electoral reform

Year	The support for the single-member district system	The support for the closed party-list proportional representation system	Support for the mixt system
1998	65%	14%	-
2000	78%	-	-
2001	54%	20%	-
2002	61%	26%	-
2003	58%	10%	-
2004	69%	17%	2%
2005	56%	26%	-
2007	58%	26%	-

II. The effects of the 2008 electoral system change

a. The effects on the electoral process

The drawing of new the uninominal colleges

Romania is divided in 42 constituencies that overlap the administrative counties of the country plus the 43th one, which has been added in 2008. The reason for a new constituency was the high number of Romanians who live abroad. Official statistics of the Institute of National Statistics are not relevant; the unofficial number of Romanians who live abroad would be about 3 millions. According to electoral reform, the constituencies were divided into single-member colleges. These subunits of the constituencies are also territorial, without being administrative. However, based on the logic of representation, the colleges can be seen like administrative for the MPs, which imply a relationship with their college. The 43 constituencies of Romania were divided into 452 single-member colleges, 315 for election to elect deputies and 137 senators.

As in the previous law, after drawing electoral colleges, the representation is calculated for mandates, which are 1 to 70.000 people for deputies and 1 to 160.000 people for senators. The difference in the new electoral divided the old constituencies in subunits called colleges. The number of single-member colleges depends on the number of people that can be included in the quota of representation, plus a college of deputy or senator for the population that exceeds half of the representation norm, with mention that number of

electoral colleges of a constituency can not be less than 4 for deputies, and less than 2 for senators.”

In Article 11, paragraph 2 of the electoral law lists a series of rules for determining the single-member colleges, such as territorial rules: "(1) a constituency can contain only whole uninominal colleges, (2) the territory covered by a uninominal college must be in one and the same county or Bucharest, (3) usually, within a locality can be defined, only complete single-member colleagues, (4) a college may include one locality or many, (5) in Bucharest, uninominal colleges should not exceed the administrative-territorial of the sectors, (6) special Constituency for Romanian citizens who reside outside Romania will form four colleges for the election Chamber of Deputies and two colleges for the Senate election, (7) in the colleges delimitation of the constituency, the size of the biggest uninominal colleges of deputy or senatos must be up to 30% higher than the lowest uninominal college.”

The delimitation of the colleges is permanent "is updated by the Permanent Electoral Authority," in two specific conditions: "after each census, and at least 12 months before parliamentary elections, "and unless" to the previous delimitation a variation of 10% of the population in that uninominal college."

The numbering of the constituencies are the same with the administrative counties. Technically, the previous multi-member constituencies (counties) did not change the multi-member nature and theirs names; they have only been redesigned according with the quota of representation.

A special parliamentary committee operated the delimitation of the colleges and worked for four months drawing boards. In this Electoral Code Committee, the negotiations took place on a background full of passion and divergence. Each party sought to draw a map of the colleges to advandege it. Finally, drawing single-member colleges gave rise to more debate and criticism. Even after the start of the campaign, PRM has complained to the Court of Appeal claiming that the decision does not comply with the law established that a college can be 30% lower or higher than another.

The selection of the candidates

Candidates were selected according with notoriety criteria. Political parties have invited several local stars to participate in elections as candidates of the parties. If at first they agreed, then very high campaign costs have led to potential candidates to quit. The second criterion, equally important was the financial situation should support a costly campaign. Other political parties have added a third criterion, that of physical health,"to make face the competition”.

In the electoral race, run 2960 candidates in 452 uninominal colleges for 137 seats of senators and 334 of deputies. Of these, 31 were independent candidates, mostly politicians who have lost their party supporting. The alliance Social-Democrat Party-Conservative Party, Democratic Liberal Party, National Liberal Party, Greater Romania Party, and non-parliamentary New Generation Party have sent candidates in all colleges. The number of women candidates was very low, less than 14%.

The procedure of allocation of the seats

The new type of election has been accused that the procedure of allocation of seats is complicated and without transparency. The allocation of seats is done in three stages. In the first stage, are awarded the candidates who obtained absolute majority of votes (50 % plus 1) in single-member colleges that have applied. In the second and third stages, the voting system kept the method of simple electoral quotient for the electoral constituency at county level and

d'Hondt method for national level. Cristian Preda believes that "the allocation of seats takes place by conflicting methods.

The first step is counting the votes obtained by each candidate in his college. The votes are added together and centralized at the Central Electoral Commission, which sets out the parties that have exceeded 5% and alliances of 8% plus 1% for each party in addition, separating the deputies and the senators. Subsequently, the national electoral quotient is determined by dividing the total number of national valid votes cast in the number of single-member colleagues, the results are centralized and the results of the parties that passed the threshold are sent to the electoral constituency (county) bureaux, where the electoral quotient at the county level is set. County election coefficient is determined by dividing the number of votes gathered for each party separately to the total number of seats in that constituency. Next, the electoral constituency (county) bureaux determine the number of seats that a party is entitled each uninominal college by dividing the total number of votes it won in the election coefficient. The result represents the number of direct seats of a party or alliance take in constituency. The electoral constituency bureaux send to BEC the rests of division, after establishing the seats at the county level, which will be used to stage the national allocation of seats. BEC makes a descending ordered list of all candidates, at district and country level. The order is given by the ratio of votes obtained and the coefficient electoral constituency and national electoral quotient.

The electoral campaign

According to the law, the electoral campaign begins 30 days before the elections and ends 24 hours before the opening of polls. Campaign for the elections of 30 November 2008 began on October 31, 2008. The candidates of political parties had as a condition to contribute to the national campaign an amount of money varied from one party to another.¹¹ National Liberal Party asked its own candidates to contribute the minimum amount of 2,500 euros. A calculation made by Julian Bolozan, "expert in communication, PR and political marketing" has shown that a candidate needs 44,834 euros in the campaign as the minimum amount, and three times greater if he wants to be almost certain he wins.¹²

In the campaign, the media played a much smaller role than it did in the previous elections. The televised debates have been replaced by the direct contact with the voters through face-to-face communication and gifts to voters consisting of small useful objects. Also, the internet was used more than in the past as a way of communicating messages and promoting electoral candidates' personal pages. Depending on the environment, rural or urban areas, the candidates have applied different strategies. But more than before, in both environments, the campaign focused on meeting directly with the voters. Throughout the campaign there were several conflicts between candidates, often arising due to policy differences between candidates and mayors of the uninominal colleges.¹³ Topics discussed during the campaign have not covered issues of national importance, but rather problems of local communities. The electoral programs were predictable as possible without innovative solutions, because they aimed to attract a large population of voters. "Some of the candidates`

¹¹ Mădălina IONESCU , „PSD va cere o "suma modesta" de la candidati”, *Ziare.com*, 28 August 2008. Sursă internet: www.ziare.com/psd/alegeri/psd-va-cere-o-suma-modesta-de-la-candidati-397615

¹² *Gardianul*, "Candidatii care vor sa intre in Parlament trebuie sa scoata din buzunar minimum 135.000 de", 23 octombrie 2008.

Sursă internet: eurostiri.rol.ro/candidatii-care-vor-sa-intre-in-parlament-trebuie-sa-scoata-din-buzunar-minimum-135-000-de-euro-155723.html

¹³ *Ziare.com*, „Pumnii și sexul, ingrediente de bază ale campaniei electorale”, 10 Noiembrie 2008. Sursă internet: www.ziare.com/alegeri/alegeri-parlamentare-2008/presa-de-azi-pumnii-si-sexul-ingrediente-de-baza-ale-campaniei-electorale-471766

promises were unrealistic, like building 1,000 km highway in a country where they completed only 300 km in the last 20 years or have set targets that exceeded the powers of parliamentary seats, like the allocation of free tractors equipped with GPS systems."¹⁴

The electoral results of the 2008 elections

Two political parties won the elections, the Social Democrat Party and the Democrat Liberal Party. Both parties are former parts of the National Salvation Front, believed to be democratic continuer of the Romanian Communist Party. At a very small distance, came PNL, the historical Liberal party, followed by UDMR, the party of the Hungarian minority. The legislative elected under the new electoral law has five political parties and 18 organizations of national minorities.

Table 4. The results of the 2008 elections

Political party or electoral alliance	The votes		The seats			Percent in Parliament
	Chamber of Deputies	Senate	Chamber of Deputies	Senate	Total	
Social Democrat Party – Conservator Party (PSD-PC)	2.279.449	2.352.968	114	49	163	35,24%
Democrat-Liberal Party (PD-L)	2.228.860	2.312.358	115	51	166	34,60%
Liberal Național Party (PNL)	1.279.063	1.219.029	65	28	93	19,74%
Democratic Union of Hungarians in Romania (UDMR)	425.008	440.449	22	9	31	6,58%
Ethnic minorities	-	-	18	-		3,82%
Total	7.238.871		334	137	471	

The turnout of the elections was just 39.2%, the lowest, compared with all other legislative elections in 1990. Only 7,238,871 citizens were to vote of the 18,464,274 voters eligible to vote.

¹⁴ Lavinia STAN, Diane VANCEA, “Alegerile parlamentare din 2008: Vin vechi în sticle noi”, *Sfera Politicii*, nr. 131-132, pp. 3-13, p. 7.

Table 5. *The turnout of the post-communist elections*

The general elections	The voters eligible to vote	The voters	The percent turnout (%)
1990	17.200.722	14.825.017	86,18
1992	16.380.663	12.496.430	76,28
1996	17.218.654	13.088.388	76,01
2000	17.699.727	11.559.458	65,31
2004	18.449.676	10.794.653	58,51
2008	18.464.274	7.238.871	39,2

The effects of the new electoral system

The predictions

Legislators were not sure of electoral effects. Cristian Preda, professor of political science and presidential adviser, warned in 2008 that it "this system crumbles the representation and encourage the rise of multi-colored coalitions. Preda argued that the new system will cause frustration because the new system is actually the same as the old one, with this small addition that the list is broken in many colleges in each county and will be awarded only who gets 50% +1 and they will be very few. Also, Preda said that the new electoral system does not encourage what Karl Popper called assumed responsibility.¹⁵ The PSD deputy Anghel Stanciu is the creator of this type of election. He estimated that 30% or 40% of MPs will be elected in the first round with 50% +1 of the votes. And about 50% of seats will be filled through redistribution by the winners of the electoral colleges, and only 10% will be filled by those ranked in second or third place. Anghel Stanciu compared the electoral law with football: "if you go with France, England, and Spain at the World Cup, this is what happens." Cristian Preda contradicted these predictions, arguing that the simulation shows that only 8% of seats will be filled by candidates who obtain 50% of the votes.¹⁶ The PRM's MPs were the strongest critics of the new electoral law. Thus, Lucian Bolcaş, warned that the new system will dissolve the political parties.

¹⁵ Dezbateri HotNews.ro-BBC, 9 martie 2008, HotNews.ro, Sursă internet: <http://www.hotnews.ro/stiri-politic-2538089-video-cristian-preda-noua-lege-electoral-a-provoca-frustrari-randul-cetatenilor-anghel-stanciu-sunt-inventatorul-uninominalului-romanesc.htm>.

¹⁶ Asociația Pro Democratia, "Simulare sistem electoral 2008", 2008. http://www.apd.ro/votuluninominal/files/Prezentare_sistem_electoral_2008.pdf

The allocation of the seats

A quarter (24.94%) of the Parliament, which means 113 seats won with an absolute majority of 50% +1, and three quarters received the seats after the redistribution. Half (50.11%) gained the seats after the redistribution, as winners of the uninominal colleges. So three quarters, or 227, of the MPs won in the uninominal colleges which they run. The remaining quarter of MPs received the mandate after the redistribution and they were ranked the second, third and fourth. Thus, 66 MPs, meaning 14.56%, received parliamentary mandates even they were ranked second, while 40, representing 8.83 %, were ranked third and only seven MPs, ie 1.54 %, were ranked fourth. According to the distribution and redistribution of seats, the results show that, at first glance, the effects of elections are in 75% majoritarian. Looking by a majoritarian logic, the winner was PSD, which won 51 seats, the highest number of mandates with absolute majority. The second placed was PDL, with 40 seats won with absolute majority, the third was UDMR, 20 seats and the fourth one was PNL, with just 4 seats. UDMR was the party which won most of the seats, ie 64.51%, with an absolute majority, and PNL was the main beneficiary of redistribution, it won 96,7% of the seats after the redistribution.

PSD won 51 mandates absolute majority, plus other 84 seats as first ranked in the uninominal colleges, 20 were ranked second, 7 on third place and only one on fourth place. Thus, 135 of PSD parliamentarians were ranked first and only 28 MPs were lower runners; about 31% gained an absolute majority, and 83% of the PSD's MPs won the first place in the uninominal colleges. The second winner was PDL, who won 40 seats absolute majority and 96 seats as first in uninominal colleges, 25 MPs were ranked second, 5 in third place and none of PDL's MPs was ranked fourth. Thereby, 136 MPs were ranked first and 30 MPs in lower places, so, 24% of PDL's MPs have won an absolute majority, and 82% have won the first elections in colleges. PNL was the main beneficiary of redistribution, it won 96.7% of the seats after the redistribution. Only four Liberal MPs have won an absolute majority and 40 were ranked first. The remaining 49 MPs were ranked on lower places: 20 MPs ranked second, 27 MPs in third place and two fourth place. Thus, just over 47% of Liberal MPs have won elections in the uninominal colleges that have run, 21.5% were ranked second and 29% in third place and 2% in fourth place. UDMR won most of the seats with an absolute majority, in number 20. Then 6 won the elections in uninominal colleges, none in second place, only an MP in third place and four in fourth place, which made UDMR the party with most MPs ranked fourth. So, 83.87% have won the first place in colleges, of which 64.5% of the UDMR's MPs won an absolute majority and 19.3% were placed first and given the mandate by redistribution. Four MPs ranked the fourth is a pretty substantial prize received from new elections.

Table 6. The levels of the seats distribution

Political party or electoral alliance	The Number of MPs		The MPs who won absolute majority (50%+1)		The MPs ranked in first place		The MPs ranked in second place		The MPs ranked in third place		The MPs ranked in fourth place	
	number	percent of the MPs from total of the number of MPs (471)	number	percent	number	percent	number	percent	number	percent	number	percent
PDL	166		40	24,09	96	57,83	25	15,06	5	3,01	0	0
PSD-PC	163		51	31,28	84	51,53	20	12,26	7	4,29	1	0,62
PNL	93		4	4,30	40	43,01	20	21,50	27	29,03	2	2,15
UDMR	31		20	64,51	6	19,35	0	0	1	3,22	4	12,90
Total MPs elected	453		113	24,94	227	50,11	66	14,56	40	8,83	7	1,54

The new poll had unexpected winners and unexpected losers. In many uninominal colleges, the candidates have lost the seats although they won almost 50 % of the votes at the expense of those who obtained third place with less than 10 % of the votes. The new electoral system left outside of Parliament personalities of Romanian politics. For example, Norica Nicolai and Ionuț Popescu, who obtained 45% and respectively 34.82% of the vote but lost at the redistribution in favor of candidates who were ranked on lower places. In contrast, Joseph Koto, the UDMR MP, won the seat of the uninominal college of Asia and Africa with only 34 votes. Also in Brașov, UDMR's candidate, Ana Farkas, won a seat in Parliament after the redistribution with only 1178 votes, meaning 6.42% of votes of uninominal college, while the PDL candidate of the same uninominal college won 44.04% of the votes.

However, the mechanism of the distribution of seats demonstrated its imperfections. "On the one hand, could not prevent the increase in the number of MPs over the representation given by the rule. True, it had been one case - Constituency Arad, uninominal college no. 1, where they were elected two deputies, where the total number reached to eight seats although according to law they should have been seven. Technically speaking, the situation appeared because in this constituency PD-L won a seat by a majority vote in excess of four of his entitlement as a consequence of proportionality principle. However, precisely in the name of electoral fairness, this place could be no more lost or dropped at the expense of another political entity, PD-L has received additional term, located in uninominal college no. 1, where UDMR have one mandate as well. But this was due to the combination "single vote" with the proportionality principle and nevertheless it is surprising that such a situation has not multiplied. On the other hand, the same mechanism may be responsible in part and reverse positions of the first two games after the allocation of seats, given that they were separated by

less than one percent. Thus, even if most seats won an absolute majority of valid votes, the PSD was penalized for lack of efficacy of votes they received.”¹⁷

The suspicions of fraud

Except for the 1990 elections, the statistics of the Central Electoral Bureau showed that the sum of the valid cast votes with the invalid votes is not equal to the number of turnout voters. Moreover, the media and some civic organizations have reported several irregularities during the electoral process and raised suspicions of fraud. Thus, the Central Electoral Bureau gathered 28 complaints regarding the cancellation of elections in some uninominal colleges or recount in some polling stations, but the Central Electoral Bureau dismissed them as unfounded, or because of lack of quality of the appeals.

The disproportionality index

Electoral disproportionality index fell at 3%, making the elections held under the new electoral system the most proportional elections of post-communist democratic history, more proportional than the previous system, which was PR, "given that the percentage of legal threshold remained unchanged and the magnitude of the average constituency has not undergone major changes. The value recorded in the 2008 elections, believes Radu Alexandru, "is comparable to the specific values of PR systems in democracies."¹⁸

Table 7. The post-communist disproportionality indices

	Electoral bonus (%)	Wasted votes	G (%)
1990	6, 58	1.394.770	7,33
1992	15, 06	1.656.541	5,34
1992	17, 47	2. 147.444	6,42
2000	19, 95	2.172.087	7,92
2004	11, 25	1.150.399	4,48
2008	7,18	491.251	3,08
Average	-	-	5, 76

The forms of protest

The 2008 electoral law makes the difference between white ballots and annulled ballots and thus between a form of protest vote and the wrong vote by incorrect application of the stamp. Thus, by 2008, the number of white ballots and the annulled ballots were counted together. In the 2008 election, 315.356 ballots were declared white, of which 139.139 for the

¹⁷ Alexandru RADU, "Reformă sau experiment electoral?", *Sfera Politicii*, nr. 30-31, 2009, p. 20-21.

¹⁸ Ibidem, p.21.

Senate and 176.217 for the Chamber of Deputies. Also, 383.878 ballots were annulled, which makes the number of invalid ballots in 2008 to be the lowest in the history of post-December, as the electoral attendance.

b. The effects on politics: legislative majority and government formation

Since 1990, the Romanian political scene has experienced a drastic instability. The calculation of the effective number of parties, after the Laakso and Taagepera's formula, shows that "in 15 years, the Romanian political system has experienced three different formulas, in 1990, the "one and a half party", between 1992 and 1996, the multiparty model without dominant party and, in 2000, acquired the features of a multiparty system with dominant party and once again after the 2004 elections a multiparty system without a dominant party."¹⁹ Following the November 2008 elections, no party has obtained a majority. Although the alliance between the Social Democratic Party and the Conservative Party obtained slightly more votes than the Liberal Democratic Party, the latter won slightly more seats than the first.

It is difficult to interpret the election results in ideological terms since the last two decades all parties, except UDMR, collected as many votes as possible, behaving as catch-all parties, and adopting policies contrary to their ideological commitments. However, it must be said that after the 2008 elections the right-wing claimed the victory, given that the PDL, beside PNL, wants to represent the right-wing, and PSD the left-wing. The election seemed to bring PDL to power and PSD in opposition, thus fulfilling the dream of President Basescu. UDMR expressed willingness to support a PDL government; the Liberals have made it clear they will not enter in coalition as long as the new government will not have a Liberal as prime-minister. The Liberals' requirements were not fulfilled. To the consternation of the entire country, Democrat Liberals have agreed to form a government with their old rivals, the PSD and the Conservative Party. "The movement was unexpected since the end of 2007 the PDL statute forbade collaboration with PSD, also they had few local conflicts and the Conservative President orchestrated in 2007 the impeachment of President Basescu. In addition, PDL and PSD were strongly criticized before and during the election campaign of 2008, when Boc alliance between PSD and PNL labeled as "axis of evil". The new cabinet was formed after many negotiations regarding the member of Cabinet, and the Parliament has invested Emil Boc as prim-minister who had been elected as mayor of Cluj-Napoca and 20 members."²⁰ Journalists questioned the integrity of the cabinet: 12 of 20 members were on the blacklist of civil society.

c. The effects on MPs – citizens' relationship

Although the new voting in single-member constituencies was done in order to facilitate the development of relations between parliamentarians and citizens, in fact, two years after the election, things are about the same as before the electoral reform. A poll conducted on 18-21 November 2010, ordered by the "Pro Democracy" Association, shows that more than three-quarters of Romanians do not know who their MPs are. Thus, 78% of respondents could not say the names of the deputies that represent them in Parliament, the percentage increasing to 89% when they were asked to say the names of their senators. Also, to the

¹⁹ C. PREDA, S. SOARE, 2008, *work cited*, p. 94.

²⁰ Lavinia STAN, Diane VANCEA, *work cited*, p.11.

question "How many times have you met your deputy / senator?" 71% of respondents answered that they never met the deputies and 78% never met the senators.

Media and civic organizations became more interested in the relationship between MPs and citizens. The televisions and newspapers give greater attention to parliamentary work in the district, and the civic organizations have committed to improve the relationship, writing brochures and manuals and monitoring parliamentary activity. Yet, the MPs are not so present in their constituencies, and the citizens wait, as before the reform, for the elections to come so the MPs will do something. Just few MPs took the new role in serious, working hard for the constituency, but most of them still prefer to debate on TV for being more visible for the success of the future elections.

III. Public debate and the arguments for new electoral change

Electoral reform attempted to reconcile the single-member district with proportional. The entire post-communist debate on electoral reform actually aimed to introduce the "uninominal vote", an incorrect use of terminology of majoritarian system in single-member district. In fact, the debate on electoral reform aimed less the beneficial effects of majoritarian voting, as the large majorities, government stability, but it aimed to reform the political class by changing the closed party lists with single-member constituency, which would have led to strengthen relationships between representatives and citizens. In terms of procedure, the new system is a hybrid voting which combines majority with proportional.

PSD and PDL criticized repeatedly the new electoral system. The Liberals were less critics, mostly because they were the main beneficiaries of this type of vote. The critics have focused on winning elections by candidates placed on the second place, third and even fourth.

The future reform on electoral system aims to correct all the errors. One of the goals of the new law was to increase in importance of the message and the quality of candidates, and not allow the political party to influence the vote, but three-fourths of all the seats were distributed according to party performance. The new system has been criticized for not allowing voters to vote between candidates of the same party. A critical aspect was the requirement for well-known figures, which led to support for the pop stars and the local barons. In short, both new and old electoral systems were unable to bring real change to the political elite. Thus, 19 of former MPs were re-elected, although they were on the civil society blacklist with files of allegations of corruption. The new voting system hindered the independent candidates of winning a seat in Parliament. Also, the poll favored the big parties and those with a concentrated base of territory support, but not new and small parties, with dissipated support.

Meanwhile, in the same debate on electoral reform, political actors have proposed other new reform provisions, such as the introduction of postal voting and / or electronic voting. Another time, The President Basescu proposed to increase the threshold at 10 % and to suit the electoral system change so to have a two-party system, consisting of two large parties that alternate in power with the support of a smaller one. Recently, a Democrat-liberal MP proposed the introducing of a constitutional or legislative provision that limits the number of parliamentary seats within two terms, to encourage the change of the political class. The European MP Cristian Preda had proposed the reducing of the voting age to 16 years.²¹

²¹ *Ziare.com*, "Cristian Preda vrea drept de vot la 16 ani", 22 Mai 2011, www.ziare.com/cristian-preda/stiri-cristian-preda/cristian-preda-vrea-drept-de-vot-la-16-ani-1096240

The main proposal for the future electoral change is the majoritarian system "first past the post" or two-tier majoritarian voting system. One of the new goals of the electoral changing is to reduce the number of MPs to a fixed number of 300, because of the legislative oversize, and the abolition of second chamber. In this regard, the President and the Government submitted a draft amendment to the Constitution in Parliament.

All these reforms make from Romanian electoral system an unstable and incoherent system, which cannot give rise to the desired political class. Nobody knows how it will show the future electoral system and nobody knows what other unexpected effects could provide future elections.

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