



Munich Personal RePEc Archive

Democracy and politics: Romanian mechanisms, realities and electoral developments

Matei, Lucica

National School of Political Studies and Public Administration(NSPSPA)

15 February 2007

Online at <https://mpra.ub.uni-muenchen.de/22440/>

MPRA Paper No. 22440, posted 03 May 2010 05:07 UTC

DEMOCRACY AND POLITICS.
ROMANIAN MECHANISMS, REALITIES AND ELECTORAL
DEVELOPMENTS

Prof. Dr. Lucica Matei
National School of Political Studies and Public Administration
Bucharest
Romania

Contents

Part 1

I. Contemporary political arena

I.1. Years: 1990-1992

I.2. 1992-2006. Political developments

I.2.1. Electoral cyclic feature and alternation to governance

I.2.2. Evolution of the political spectrum and access to legislative power

I.2.3. Political stability/instability

II. Citizens' political rights

III Electoral management

III.1. Level of local elections

III.2. Level of parliamentary elections

III.3. Level of presidential elections

Part 2

IV. Presidential elections in Romania

IV.1. Legislation

IV.2. Results and interpretations

V. General and local elections

V.1. Legislation: continuity and adaptability

V.2. Results and interpretations

List of abbreviations

PNL	National Liberal Party
PNT-CD	Christian Democrat National Peasants Party
PSDR	Romanian Social Democratic Party
FSN	National Salvation Front
UDMR	Hungarian Democratic Union of Romania
CDR	Democratic Convention of Romania
FDSN	Democratic National Salvation Front
Social Democrat Pole of Romania (PDSR+ PUR+PSDR)	
PDSR	Romanian Party of Social Democracy
PUR	Romanian Humanist Party
PUNR	Romanian National Unity Party
PRM	Large Romania Party
PSM	Labour Socialist Party
USD	Democratic Social Union
PSD	Romanian Socialist Democratic Party
D.A. Coalition	“Justice and Truth” Coalition (PNL-PD)
PD	Democratic Party
PC	Conservative Party
PS	Socialist Party
CPUN	Provisional Council of National Union
PR	Republican Party
PPR	Party of Pensioners of Romania
ANL	Liberal National Alliance
UNC	Center National Union
ANLE	Ecological Liberal National Alliance
PNA	Motorists National Party
APR	Alliance for Romania
PRN	National Reconciliation’s Party
PLDR	Romanian Liberal Democratic Party
UN	National Union (PSD+PUR)
PNG	New Generation Party
PAP	Popular Action Party
PTD	Youth Democratic Party
URR	Union for Romanian Reconstruction
APCD	Christian Democrat Popular Alliance
PRSD	Social Democrat Party of Romania
AUR	Alliance for Romanian Unity
MER	Romanian Ecological Movement
PER	Romanian Ecological Party
PDAR	Agrarian Democratic Party of Romania

Part 1

I. Contemporary political arena

The year 1989 marked also for the Romanian social, political and economic life the beginning of some major changes, in view of Romania reintegration within the circuit of the European and international values of democracy and freedoms.

Coinciding with the fall of a totalitarian political regime, the moment of December 1989 initiated, in a natural way, latent or oppressed energies, especially in the political sphere. In a relative short period of time, they led to multiplication of the number of political formations, beginning the reorganisation of the state institutions, emancipation of civil society related to the political one, occurrence of groups of interest and pressure and growth of the mass communication means in a rapid pace.

I.1. Years: 1990-1992

Within the above-described context, 1990 represents itself the decisive step for creation and growth of the Romanian political life as well as for the main consequences of this historical process on social level.

These developments do not represent a single situation for Romania, in almost all former communist countries of Central and Eastern Europe, the phenomena and processes recording similar characteristics. Referring only to the evolution of the Romanian political arena, we should emphasise the fact that in 1990, in only few months, on the basis of the Decree-Law no. 8/26, December 1989 on constituting political parties, tens of parties were set up, 75 parties being registered at the start of the first democratic post-communist elections.

In comparison with other states, having a similar political situation, at the beginning of 1990s we remark that the Romanian political effervescence was among the greatest ones, the statistics concerning the number of parties revealing 40 for Bulgaria, 26 for Czechoslovakia, 35 for East Germany and 50 for Hungary.

The Romanian political spectrum is familiar with diverse orientations and doctrines, many being confused but asserting unanimously the need for democratisation of the Romanian society, the persistence of social topics, citizens' rights and freedoms etc. Of the 75 political formations present at the first democratic elections, we remark historical parties (PNL, PNT-CD, PSDR) with roots in the period between World Wars, new parties and a mass party (FSN), born from the revolutionary impetus, comprising at least in the initial stage the outstanding representatives of the Romanian Revolution in 1989.

The elections on 20 May 1990 (see chapters on parliamentary and presidential elections) confirmed again the anti-totalitarian option of the majority of population and the support to legitimise the new form of political organisation.

The post electoral political analyses underline three main aspects¹:

1. the popular front obtained the greatest legitimacy (FSN), being transformed afterwards into a political party, with a candidate proposed and supported;
2. the historical tradition was not able, at least in 1990, to offer electoral support to the parties and candidates with political roots in the period between World Wars;
3. the parties with ethnical support, as UDMR succeeded to gather almost in totality their ethnical supporters (7% for UDMR will be also found at the next elections).

¹ Niță, M., (2000), "Marketing and electoral management", Ed. Universitas XXI, Bucharest, Romania, p.53.

Most of the important persons in the Revolution of December 1989 were legitimated by vote, holding offices in the state - President Ion Iliescu - or Parliament and afterwards in central and local public administration.

The constitution of the first democratic post-communist Parliament who also undertook the mission of Constituent Assembly will determine and ascertain essentially the development of Romanian social, economic and political life for the next decades.

The Romanian parliamentary life was reborn after almost five decades, the organisation in two Chambers was compatible with that of European countries with long democratic traditions and the framework for debating and adopting the new fundamental law, Constitution of Romania gets legitimacy in the context of social and political changes without precedent both in our country and other Central and Eastern European countries.

The start to normality in the Romanian society will be accompanied during the whole period by the existence of the Constituent Assembly and provisional executive power, the political developments aimed to move away the new political class from the moments of growth and stabilisation. Thus, in less than two years, the number of the political parties attains 150 in a context where even in this relative short period of time the political options of the electorate start their restructuring. We assist at a concentration of the political doctrines and occurrence of parties representing trade movements, social categories (Pensioners Party) or even historical regions (Party of Moldavians).

The fragile political arena is already facing serious regrouping and repositioning. One of the most relevant re-position refers to the case of the historical parties: PNL, PNT-CD and PSDR, on the basis of the powerful adversity towards FSN, are situated in fact on the same side of the political spectrum, taking into account the political and strategic opportunities, although the doctrine of each party do not justify this fact.

Basically, we shall assist, in premiere, to the constitution of the first pre-electoral alliance in the political history after December 1989, the Democratic Convention of Romania (CDR) is based on the three above-mentioned important historical parties and comprised also other formations, including organizations of the civil society. The Convention elaborated, presented and supported a unique platform and a single candidate for the presidential elections: Emil Constantinescu.

The second important event of the analysed period refers to FSN re-position and even to the fact that some members of FSN Council, created during the days of the revolution left the party.

In fact, it proved to be only a stage in the imminent reorganisation of FSN. Consequently, in March 1992, few months before next parliamentary and presidential elections, a powerful scission takes place inside FSN, dividing it into two formations of social-democrat orientation: FDSN (grouped around Ion Iliescu) and FSN (led by the former Prime Minister, Petre Roman).

Adopting the new Constitution of Romania and submitting it to a national referendum represents the third major event on political level, during the period 1990-1992. Even if it was vehemently criticised and was not accepted by a part of the opposition, the adoption of the fundamental law represented the basis of democratisation and normalisation of the Romanian social and political life.

I.2. 1992-2006. Political developments

This period aims around a decade and a half and it reveals the implementation of the democratic mechanisms, restructuring the electorate political options, related to the whole society evolution, full growth of the electorate and Romanian political class.

Some current analysts do not agree with this conclusion. However, if we analyse the initial data of the problem, in the internal and external political context, for the time being when we write this material, Romania has fulfilled the standards and requirements necessary for integration into the European Union, revealing the image of an ascending path towards European democratic values, expressed in ideals, partially achieved by the Romanian society.

Therefore, we shall refer briefly to the following issues:

1. structuring the electoral activity in Romania on cycles and achieving the alternation to governance;
2. evolution of the political spectrum and access of the parties to the legislative power;
3. political stability/instability and political migration.

I.2.1. Electoral cyclic feature and alternation to governance

According to the constitutional provisions, Law no. 370/2004 for electing the President of Romania and Law no. 373/2004 for electing the Chamber of Deputies and Senate, the President of Romania, Chamber of Deputies and Senate are elected by universal, equal, direct, secret and freely expressed suffrage. The mandate of the Chamber of Deputies and Senate is 4 years, and since 2004 the mandate of the President of Romania is five years. At the same time, for the local elections the mandate is four years.

Similar with other European countries, we remark also in Romania a cyclic feature of the electoral process that marks the activity of the political parties.

The direct link between the electoral process and activity of the parties is expressed especially by:

- ❖ enhancing the party activities, ideological restructuring and even political regrouping before the period of elections;
- ❖ expressing highly the political interest by possible candidates and abandoning the party ideology in favour of greater opportunities to accede into the Parliament;
- ❖ a coagulation around the political formations of business men and supporting them in a privileged way related to their electoral chances;
- ❖ constituting pre and post electoral alliances for accessing or exerting the executive power;
- ❖ intensifying the popular speech and strengthening the dialogue with the citizens.

Of course, we can add to these conclusions other issues connected directly to abuse of power, proliferation or fight against corruption etc.

At the same time, the period 1992-2006 revealed the alternation to governance, namely the formation or coalition who held the power in an electoral cycle did not hold it on the whole or not at all in the next electoral cycle. Therefore, unlike other states, where the political option focus on two-three political formations, and consequently the alternation aims each time another political formation, in Romania this thing is not possible, as the

last electoral cycles enabled only to pre and/or post electoral alliances to hold the executive power. It was also determined by the fact that, since 1992, no formation or pre-electoral alliance gathered the parliamentary majority (excepting the electoral cycle 2000-2004 when the Government was formed by the Social Democrat Pole of Romania, with UDMR parliamentary support). Synthetically, Table 1 presents alternation to governance.

Electoral cycle	Structure of the power	Observations
1990-1992	FSN	
1992-1996	FDSN, PUNR, PRM, PSM	- during the mandate, PNL is involved in governance; - FSN creates USD with PSDR that leaves CDR.
1996-2000	CDR, USD, UDMR	- PSDR merges with PS and afterwards PSM merges with PSDR (by absorption) -USD disintegrates, FSN becomes PD, and PSDR merges with PDSR creating PSD.
2000-2004	PDSR (PSD+PUR)	- with UDMR and minority group parliamentary support.
2004-2008	D.A. (PNL-PD), UDMR, PC	-PC draws back from governance; -the Democrat Liberal Party is created, former members of PNL having parliamentary representation)

Table1. Alternation to governance

1.2.2. Evolution of the political spectrum and access to legislative power

The Constitution of Romania acknowledges the principle of political pluralism as a condition and guarantee of constitutional democracy (art.8 paragraph (1)), meaning that the fundamental law recognises the importance of the political parties in the free organisation of the society, in the definition and expression of the political will of the citizens (art.8 paragraph (2)).

For the time being, in Romania, the political parties are functioning according to the legal provisions in this area – Law on political parties no. 14/2003.

According to the law, the political parties are associations with political feature of Romanian citizens having the right to vote and to freely express their political will, accomplishing a public mission to guarantee the Constitution. The legislative framework regulating the registration and functioning of political parties in Romania has undergone a succession of changes. The most important changes aimed the possibility to register the political parties, imposing a minimum level of founder members, as follows:

- 3 founder members in Decree - Law no. 8/1989;
- 10,000 founder members in Law no. 27/1996;
- 25,000 founder members in Law no. 14/2003.

The current legislation stipulates that into the Register on political parties, the parties existent in the moment of its promulgation should register again and present (art.19 paragraph (3) in Law no. 14/2003) “a list with signatures for support that should comprise at least 25,000 founder members, with residence in at least 18 counties and Bucharest Municipality, but no less than 700 persons for each county and Bucharest Municipality”.

These laws try to present in an objective manner the reality of Romanian political life and to determine its restructuring, revealed by the number and orientation of the political formations.

An eloquent image on the situation and evolution of the Romanian political spectrum is presented in Table 2.

Electoral year	Number of parties	Number of parliamentary parties	Accessibility [%]	Observations
1990	75	16	21.3	Without electoral threshold.
1992	150	12	8	An electoral threshold of 3% was introduced.
1996	38	9	23.7	Law no. 27/1996 entered into force.
2000	39	6	15.4	An electoral threshold of 5% was introduced.
2004	31	6	19.3	Law no. 14/2003 entered into force.

Table 2. Evolution of the political spectrum and access to the Parliament

Table 2 shows that by introducing the new legislation on political parties, an important number of the political parties remained outside the political spectrum and the increase of the electoral threshold led to the decrease of the number of parliamentary parties.

We may complete the analysis, referring to the relation between competition and democracy. In this prospect, Ciobanu, I. (2006) achieves an analysis for the Romanian system of parties, based on the assertion from the specialised literature: “inter-parties competition is important for democracy as it is one of the two essential ways in order to articulate or aggregate a collective interest.”² A conclusion of the analysis³ reveals the multi-dimension feature for the political competition, focused by the author on the empirical analysis of the dimensions for the competition⁴, namely:

- ✚ Contestability - possibility of the political actors – parties - to register into the competition and structure of the opportunities to accede to the Parliament;
- ✚ Availability – availability and existence of an electoral segment, able to enable the result of election in favour of an alternative block of parties in competition;
- ✚ Ability to decide - voter’s ability to make the distinction between the programmes proposed and capacity of the parties to propose various programmes;
- ✚ Vulnerability - level of probability that the Government in force is replaced with one of the parties or blocks of parties that are in competition;
- ✚ Post-electoral predictability - capacity of the parties to maintain pre electoral alliances after the moment of elections.

² Arrow, K., (1951), „Social Choice and Individual Values”, New York: Wiley, p.1.

³ Ciobanu, I., (2006), „Romanian system of parties: from competition to collision”, Sphere of politics, no.123-124, pp.1-23.

⁴ Idem, p.2.

Referring to contestability, it is obvious that there will be various values for this indicator in different stages of the development of political life.

As the precise content of contestability aims the chances of some older or new parties to accede to the Parliament, the specialised literature makes this concept operational by two measures:

1. systemic permeability (Pst) and
2. analysing the number and percentage of votes obtained by the parties under the electoral threshold.

The above-mentioned paper uses the following formula for the systemic permeability:

$$Pst = \frac{2(P_{in} + P_{out})}{P_{t-1} + P_t}$$

where P_{in} represents the number of new parties in Parliament,

P_{out} represents number of parties leaving the Parliament,

P_{t-1} represents the moment of previous elections and

P_t represents the actual moment.

For the Romanian system of parties, using the data from Table 2, we obtain:

Electoral year	Number of parliamentary parties	New parties that entered into the Parliament	Parties that left the Parliament	Pst
1990	16	16	0	2
1992	12	3	7	0.71
1996	9	0	3	0.29
2000	6	2	3	0.66
2004	6	0	0	0

Table 3. Systemic parliamentary permeability

Table 3 emphasises the fact that the greatest genuine systemic parliamentary permeability was recorded in 1992; afterwards, due to other measures established for the electoral threshold and the modalities for registering the political parties, as well as taking into consideration the maturing stage for the electorate political options, it presented fluctuations, reaching the minimum value “0” in 2004; around this figure we believe that it will vary in future⁵.

1.2.3. Political stability/instability

The issue of political stability, respectively, instability may be approached from two perspectives. The first perspective and the most used one, takes into consideration the stability as “probability that those holding the power are able to implement their projects in time”⁶. Consequently, in the context of a cyclic electoral evolution, we refer to

⁵ The other dimensions concerning the political competitiveness within the system of parties in Romania are presented in details in the mentioned paper.

⁶ Campante, R., F., Chor, D., Quoc-Anh, (2005), „Instability and the Incentives for Corruption”, Harvard University Press, USA, p.2.

the probability that those holding the power are able to keep it and to achieve the projects during their mandate.

The second perspective refers to the public perception on the political situation in a certain period of time, usually an electoral cycle. The public perception on the political stability may be influenced by the political movements or results obtained by those holding the power, especially on social and economic level.

Obviously, the meaning for political instability may derive from the logic of negation, the two phenomena being contrary.

a) Quantitative evaluations

Below we shall try to describe political stability through a quantitative evaluation, exemplifying the political parties system in Romania and using the first perspective.

The brief above presentations lead to synthesising some characteristics, that will be used as working hypotheses in the proposed model of analysis⁷, characteristics valid also for other Central and Eastern European countries.

From the Romanian perspective, we remark the following main characteristics:

- Persistence of political instability as effect of fluidity for the political life and non-maturation of electoral options;
- Existence of electoral cycles, both for central public administration and local public administration;
- Alternation to governance, between power and opposition, structured each time from other coalitions, factions or parties.

In this context, we propose a simplified model for evaluating the political stability through an index of stability (IS), calculated for each electoral cycle. The aggregated elements in this index are as follows:

- Probability to hold the power, by the same government during the period of the electoral cycle. In fact, this probability will be calculated, indirectly, by means of a random variable (AS);
- Ratio of forces between power and opposition (RF), expressed by a sub unitary coefficient related to the number of parliamentary mandates of the opposition and number of parliamentary mandates of the power;
- Structure of the power, expressed by the number of political formations participating to governance (SP).

Trying to model the above assertions, for Romania situation, we shall take into calculation 4 electoral cycles, respectively: (1): 1992-1996; (2): 1997-2000; (3): 2001-2004; (4): 2005-2008.

The probability to hold power in these four periods will be determined by means of a random variable with the following form:

⁷ Matei, A., Matei, L., (2006), "A Model of Social and Economic Analysis of Corruption", EGPA Annual Conference, „Public Managers under Pressure: between Politics, Professionalism and Civil Society”, Milan, Italy, Sept. 2006.

$AS_i: \begin{pmatrix} 1 & 2 & \dots & n \\ p_1 & p_2 & \dots & p_n \end{pmatrix}$; $n =$ number of major changes in Government, the values $\overline{1, n}$ being assigned on the basis of a chronological scalar operation, related to the stages of governance.

The expression for the index of stability is as follows:

$$IS_i = \frac{2}{n \cdot (n+1)} \cdot \frac{RF_i}{SP_i} M(AS_i), i = \overline{1, 4}$$

where $M(AS)$ is the average of the random variable AS .

In Romania case we shall have:

$$AS_1: \begin{pmatrix} 1 \\ 1 \end{pmatrix}; \quad AS_2: \begin{pmatrix} 1 & 2 & 3 \\ \frac{2}{8} & \frac{5}{8} & \frac{1}{8} \end{pmatrix}; \quad AS_3: \begin{pmatrix} 1 & 2 \\ \frac{3}{4} & \frac{1}{4} \end{pmatrix}; \quad AS_4: \begin{pmatrix} 1 & 2 \\ \frac{23}{24} & \frac{1}{24} \end{pmatrix}$$

$$RF_1 = \frac{2}{3}; \quad RF_2 = \frac{46}{54}; \quad RF_3 = \frac{49}{51}; \quad RF_4 = \frac{49}{51}$$

$$SP_1 = 4; \quad SP_2 = 6; \quad SP_3 = 2; \quad SP_4 = 4$$

Consequently, we obtain:

$$IS_1 = 0.17; \quad IS_2 = 0.04; \quad IS_3 = 0.20; \quad IS_4 = 0.08;$$

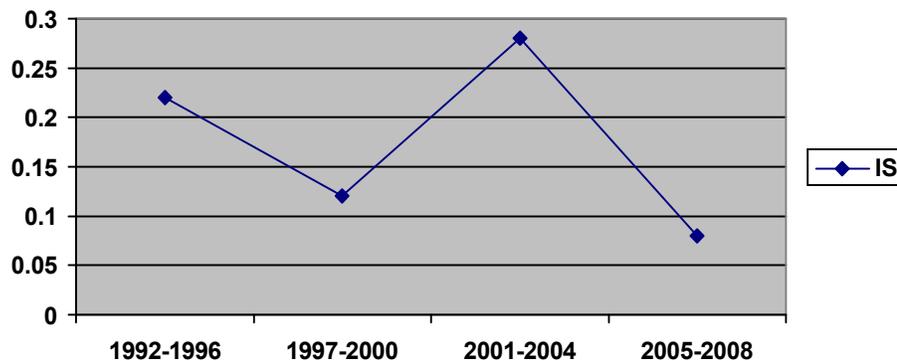


Chart 1. Evolution of the political stability

Consequently, mentioning that the last electoral cycle is not complete, according to the results of the quantitative evaluation, the greatest political stability was registered in the electoral cycle 2001-2004, followed in a decreased order by the electoral cycles (1), (4) and (2).

At the same time, we mention that the ratio of forces in Parliament was approximated, depending on the number of mandates assigned at the moment of constituting the Parliament, without taking into account the further political migrations.

b) Political migration

Another characteristic of the Romanian political life represents the political migration. The phenomenon of migration, present both at parliamentary and local level, influences the political stability, creating the perception of a high instability for the electorate.

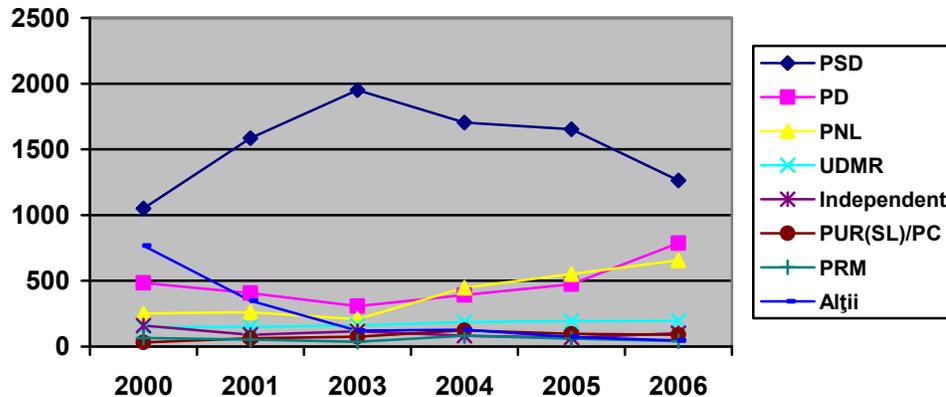


Chart 2. Political migration at the local elected officials level

During the analysed period of time, the Institute for Public Policies (IPP) made public⁸ some studies achieved at local public administration level, emphasising both the causes of migration and the dimensions of this phenomenon.

Chart 2 presents, using the data published by IPP, the developments of the phenomenon of political migration. We remark that 2004 represents an important pillar for the attitude of the local elected officials towards their political formations. As 2004 represents the milestone between two electoral cycles, the conclusion derived easily from the above developments refers to the fact that the political membership of an important percentage of elected officials is direct linked to political opportunity and less to political programmes or doctrines.

In the attempt to stop political migration, Law no. 393/2004 was adopted, on the statute of elected officials, namely they are obliged, under the sanction of ceasing their mandate, to declare their political membership, by written statement about their responsibility. The application of this law meant to enhance for the time being, the phenomenon of migration, and to analyse the future effects.

The above-mentioned source considers that the phenomenon of political migration of local elected officials, mayors and councillors, “could not be stopped in a genuine way, on the contrary” it makes responsible the political class holding the power to “tolerate and even to encourage them to attract mayors of other formations”⁹.

⁸ IPP, (2007), „Political migration of mayors in Romania 2006”, www.ipp.ro.

⁹ Idem, p.4.

II. Citizens' political rights

The principles of Athenian democracy, of *equality* before the law of all those belonging to the civic community and of *freedom* to live and think, are found in the nowadays society, within dialogue, debate and membership¹⁰ where the individual rights and liberties are rigorously protected by law. "Human dignity, the citizens' rights and freedoms, the free development of human personality, ... equality before the law and public authorities..." (Title I, General Principles, art.1 paragraph (3), art. 16 paragraph (1), Constitution of Romania) represent supreme values of the democratic and social state, legitimising the new Romanian society in the latest 17 years, consented in the fundamental law, Constitution of Romania.

Democracy creates the conditions necessary to exert actively the statute of citizen. We perceive democracy from the point of view of the citizens' rights and obligations and ensuring the guarantees in order to exercise these rights. The elections represent the expression of the constitutional rights of a people¹¹, being expression of the democracy in a state. The different forms of citizen participation to:

- organisation and participation in public meetings (art.39 in Constitution of Romania¹², Law no. 60/1991 on organisation and holding of public meetings),
- public debates represent a priority of good governance (art.102 and art. 31, Constitution of Romania¹³),
- the public decision-making process (Law no. 52/2003 on decisional transparency),
- the electoral actions, the citizen's right to elect and to be elected, as fundamental rights (art.36, art.37, Constitution of Romania¹⁴, the electoral legislation for

¹⁰ Matei, L., Matei, A., (2004), „*The European Public Space Identity – Communication Resource in Central and Eastern Europe*”, Symposium, May 2004, Athens, Greece.

¹¹ See „Constitution of Romania commented and ad noted”, Autonomous Regies Official Gazette, Bucharest, 1992, p.35.

¹² „*Public meetings, processions, demonstrations or any other assembly shall be free and may be organized and held only peacefully, without arms of any kind whatsoever*”. **Freedom of assembly** - art.39, Constitution of Romania, 2003.

¹³ „*The public authorities, according to their competence, shall be bound to provide correct information to the citizens in public affairs and matters of personal interest*”. **Right to information** - art.31 paragraph (2), Constitution of Romania, 2003.

„*In the exercise of its powers, the Government shall co-operate with the social bodies concerned*”. **Role and structure of the Government** - art.102, paragraph (2), Constitution of Romania, 2003.

¹⁴ „(1) *Every citizen having turned eighteen up to or on the election day shall have the right to vote.*

(2) *The mentally deficient or alienated persons, laid under interdiction, as well as the persons disenfranchised by a final decision of the court cannot vote*”. **Right to vote** – art.36, Constitution of Romania, 2003.

„(1) *Eligibility is granted to all citizens having the right to vote, who meet the requirements in Article 16 (3), unless they are forbidden to join a political party, in accordance with Article 40 (3).*

(2) *Candidates must have turned, up to or on the election day, at least twenty-three in order to be elected to the Chamber of Deputies or the bodies of local public administration, at least thirty-three in order to be elected to the Senate, and at least thirty-five in order to be elected to the office of President of Romania.*” **Right to be elected** -art.37, Constitution of Romania, 2003.

„*After Romania's accession to the European Union, Romanian citizens shall have the right to elect and be elected to the European Parliament.*” **Right to be elected to the European Parliament** - art.38, Constitution of Romania, 2003.

- local, presidential and general elections, other laws, ordinances and Government decisions with special feature, legal tools and rulings of the courts¹⁵),
- the right to legislative initiative (art.74 and art.150, Constitution of Romania¹⁶, Law no. 189/1999 on exerting the legislative initiative by the citizens)
- represent the evidence of a democracy that is functioning in Romania.

The vote represents the means to express the electorate's option, being a non-material relationship between the voter and the voted person. The texts of the articles in the Constitution of Romania reveal the characteristics of the vote: universal (all Romanian citizens that fulfil the conditions stipulated in the Constitution), equality (equality of rights for the Romanian citizens, art.4 and 16 in the Constitution), free, direct and secret. They are also considered constitutional conditions of the vote, being completed by special laws, those on the electoral action, such as: registering the citizens with "vote" right in an (permanent or special) electoral list and holding the voter's card¹⁷.

III. Electoral management

The elections in Romania were held and are held on three levels:

1. local level (for local councils, county councils, city halls and General Council of Bucharest Municipality),
2. general level (respectively for the Parliament of Romania) and,
3. presidential level (for the office of President of Romania).

Consequently, electoral management presupposes an hierarchical structure developed on three levels (Figure 1), to each level corresponding assignments and responsibilities that are established on the basis of constitutional provisions by special laws: Law no. 70/1991 on local elections, Law no. 68/1992 for electing the Chamber of Deputies and Senate, Law no. 69/1992 for electing the President of Romania, with further modifications and completions, Law on political parties and other normative deeds, ensuring a democratic feature to the electoral process.

We remark that the electoral elections management on three levels, taking into account the development of the legislative framework has meant to adopt a package of laws, valid for the elections in 1992 that has undergone modifications for the elections in 1996 and essential modifications for the elections in 2004.

¹⁵ See the legislation in the next chapters of the paper on presidential, parliamentary and local elections.

¹⁶ „ (1) A legislative initiative shall lie, as the case may be, with the Government, Deputies, Senators, or a number of at least 100,000 citizens entitled to vote. The citizens who exercise their right to a legislative initiative must belong to at least one quarter of the country's counties, while, in each of those counties or the Municipality of Bucharest, at least 5,000 signatures should be registered in support of such initiative”.

Citizen's right to legislative initiative– art.74, Constitution of Romania, 2003

”(1) Revision of the Constitution may be initiated by the President of Romania on the proposal of the Government, by at least one quarter of the number of Deputies or Senators, as well as by at least 500,000 citizens with the right to vote.

(2) The citizens who initiate the revision of the Constitution must belong to at least half the number of the counties in the country, and in each of the respective counties or in the Municipality of Bucharest, at least 20,000 signatures must be recorded in support of this initiative.” **Initiative of revision of the Constitution** – art.150, Constitution of Romania, 2003.

¹⁷ See Ionescu, C., (2002), “ Political regime in Romania”, Ed. All Beck, Bucharest, pp.123-139.

III.1. Level of local elections

Chronological, the legislative issues for the local elections in Romania were represented by the following laws:

1990: Constitution of Romania

1992: Law no. 70/1991 on local elections

1996: Law no. 70/1991 on local elections, *modified* by Law no. 25/1996

2000: Law no. 164/1998 *modifies and completes* Law no. 70/1991 on local elections, modified by Law no. 25/1996

2004: Law no. 67/2004 for electing the local public administration authorities

Concerning electoral management, it involved distribution of tasks, individual assignments (presidents and vice-presidents) and group assignments (commissions), assigning the roles conceived after organisation of the polling stations and electoral bureaux, configuring the information and communication system, adequate to the electoral organisational structure, stipulated by law.

We may easily identify a functional-type organisation, for organising and holding the electoral operations, where a hierarchy of the electoral bureaux¹⁸ is functioning (art.21, (2), Law no. 70/1991 on local elections) namely: the Central Electoral Bureau (BEC), 42 county constituency electoral bureaux (BECJ), represented by 41 county constituency electoral bureaux and 1 Municipal Electoral Bureau (BEM) of Bucharest Municipality, with the same responsibilities of a county constituency electoral bureau, electoral bureaux of the polling stations (BESV) and 6 electoral offices, one for each administrative sector of Bucharest Municipality. Law no. 70/1991 on local elections stipulates the assignments of the constituency electoral bureaux, electoral bureaux of polling stations and central electoral bureau. We should mention the fact that BEC and electoral bureaux are functioning only during the electoral intervals.

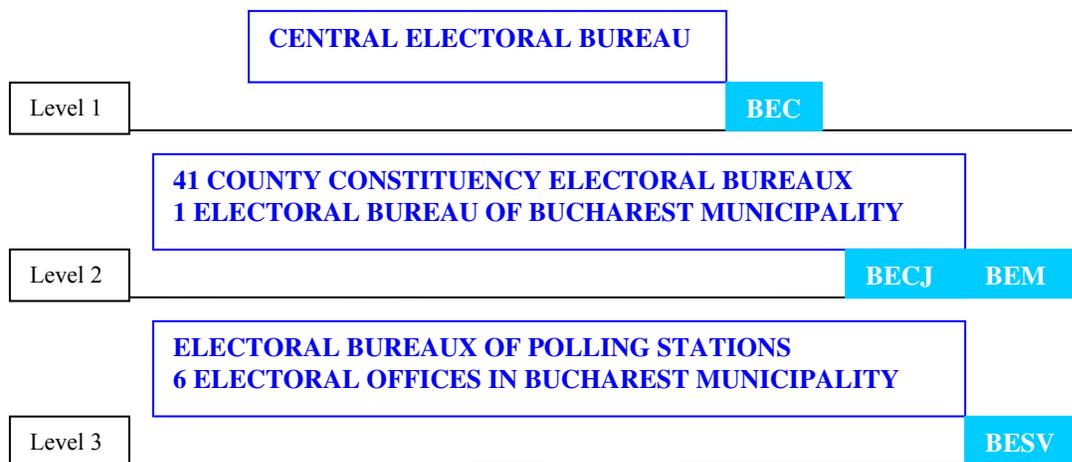


Figure 1. Hierarchy of electoral bureaux

¹⁸ „by the designation of *constituency electoral bureau*, used in the present law there shall be understood the *electoral bureau of the communal, town, municipal, county constituency and that of the territorial-administrative subdivision of a municipality*”, art.111, Law no. 70/1991 on local elections.

The electoral management is practiced in *electoral constituencies* organised at the level of each commune, town, municipality and territorial - administrative subdivision for electing local councils and mayors, and an *electoral constituency* (art.8, paragraph (1), (2), Law no. 70/1991 on local elections) is formed for electing county councils at each county level. The electoral law stipulates that the number of the polling stations in a constituency is determined depending on the number of voters assigned to each polling station. The vote is exerted in polling stations, organised in localities, observing the representation norm, depending on the number of inhabitants (art.11, paragraph (1), (2), (3) in Law no. 70/1991 on local elections), thus:

- a. in localities with a population of more than 2,000 inhabitants one polling station for 1,000-2,000 inhabitants;
- b. in communes with a population of less than 2,000 inhabitants one polling station only;

At the same time, a polling station is organised:

- c. in villages or clusters of villages with a population of up to 1,000 inhabitants, situated at a distance bigger than 5 km from the headquarters of the polling station in the commune residence;
- d. for the military units if there are at least 50 voters.

III.2. Level of parliamentary elections

Chronological, the legislative issues for the parliamentary elections in Romania were represented by the following laws:

1990: Decree – Law no. 92/1990 for electing Senate, Chamber of Deputies and President of Romania

1992: Law no. 68/1992 for electing Chamber of Deputies and Senate

1996: Law no. 115/1996 modifying Law no. 68/1992 for electing Chamber of Deputies and Senate

2000: Government Emergency Ordinances no. 63/2000, no. 129/2000 and no. 154/2000 valid for the elections in 2000

2004: Law no. 373/2004 for electing Chamber of Deputies and Senate

Aiming the improvement of electoral management, taking into account a series of OSCE¹⁹ recommendations concerning the elections in 2000 and the deviations recorded at the previous elections about the lack of continuity from a poll to another as well as the need to set up a permanent electoral structure, on 1 July 2004 the Permanent Electoral Authority (AEP) was set up, as mentioned in the electoral legislation. As emphasised by OSCE latest Report²⁰ on elections in Romania [2005: 11] and according to the electoral legislation (Law no. 373/2004 for electing Chamber of Deputies and Senate), the main objective of this institution is to fulfil the specific operations between the electoral intervals and to monitor the relevant activities of some state bodies.

In 2004, the electoral management was practiced in a new configuration, on the basis of the previous one from 1992, 1996, 2000, keeping the elements of organisational and functional continuity, introducing the modifications imposed by the new adopted laws. Thus we identify the institutional level *AEP*, *electoral constituencies* organised at the level of each commune, town, municipality and territorial-administrative subdivision for

¹⁹ „Report of OSCE/ODIHR Mission to evaluate the elections in Romania”, p.10, Warsaw, 2005

²⁰ Idem, p. 11.

electing the local councils and mayors (art.10, paragraph (1) in Law no. 67/2004 for electing the local public administration authorities), and for electing county councils and General Council of Bucharest Municipality, at the level of each county, respectively Bucharest Municipality, a *county electoral constituency and an electoral constituency of Bucharest Municipality* were set up (art.10, paragraph (2), Law no. 67/2004). The new things that were introduced: criteria to set up the polling stations, segmented on urban or rural area, the maximum number of inhabitants is decreased to 500 inhabitants, it is cancelled the organisation of polling stations in military units, the military staff voting at the polling stations in their locality of residence (only at local elections), etc. The representation norm depending on the number of inhabitants is defined according to the articles of the electoral law (art.13, paragraph (1), (2) in Law no. 67/2004 and art.21 in Law no. 373/2004 for electing the Chamber of Deputies and Senate), thus:

- a. in urban localities, one polling station to 1,000-2,000 inhabitants;
- b. in communes, one polling station for 500-2,000 inhabitants, usually in each village;
- c. polling stations can be organised also in the villages or clusters of villages with a population up to 500 inhabitants.

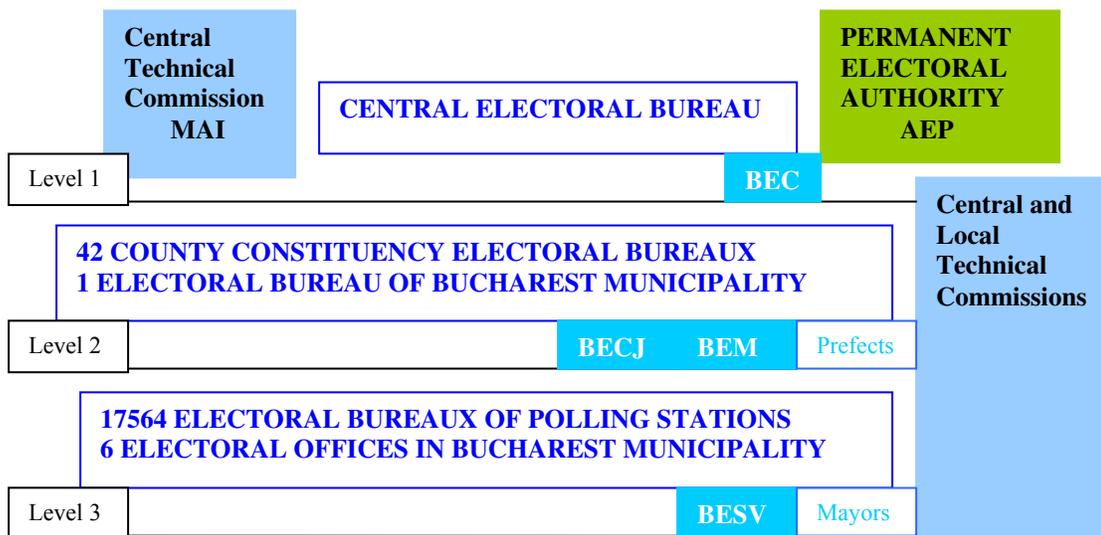


Figure 2. Romanian electoral management

As revealed by Figure 2, the activity of the traditional structures with responsibilities in the organisation and holding of the electoral elections, at the last ballot in 2004 was supported by AEP, prefects, as representatives appointed by the Government, mayors and central and local technical commissions created for this purpose, and at central level, a Central Technical Commission, organised by the Ministry of Administration and Interior (MAI), at local level, joint technical commissions coordinated by prefects.

The new thing concerning the functioning of the three centers responsible for organisation and holding of general elections created also the conditions for some deviations that were determined, on one hand by distribution of activities and responsibilities among the three factors – electoral bureaux, prefects and mayors -, and on the other hand, by the multiplication of factors with similar assignments – mayors and

prefects. At the same time as presented by OSCE²¹ Report [2005: 13] «there are doubts concerning the strict political neutrality at all levels for administrating elections».

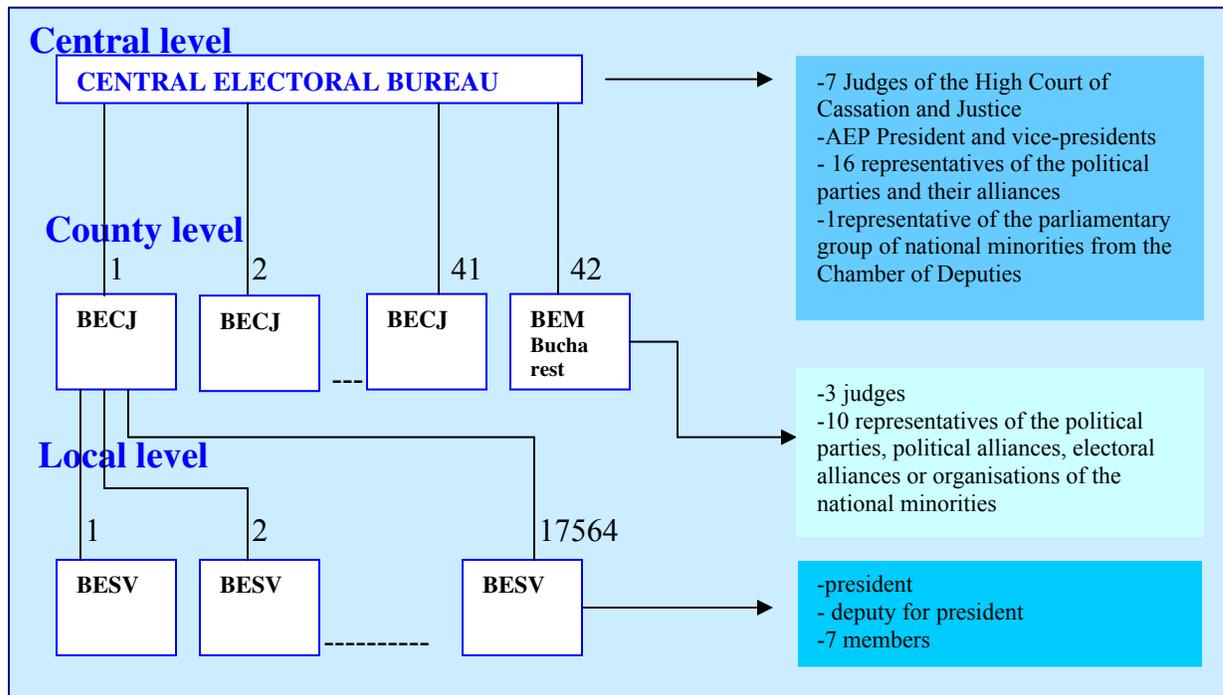


Figure 3. Space configuration of the electoral organisational levels for the parliamentary elections in 2004²²

The appreciations on BEC electoral management were positive, especially concerning its relative efficient, professional and visible manner of action.

III.3. Level of presidential elections

Chronological, for the local elections in Romania the legislative issues were represented by the following laws:

1990: Constitution of Romania

1992: Law no. 69/1992 for electing the President of Romania

2004: Law no. 370/2004 for electing the President of Romania

In 1992, 1996 and 2000, the parliamentary and presidential elections were held in the same day, under the coordination of the same electoral bureaux and within the same polling stations.

For the presidential elections, the organisation and holding of the vote are achieved at the level of the electoral constituencies and polling stations, under the management of the electoral bureaux, stipulated in Law for electing the Chamber of Deputies and Senate. BEC, BECJ, BESV assignments are stipulated in the text of the Law for electing the President of Romania (art.5, art.6, art.7 in Law no. 370/2004). We should emphasise the

²¹ Idem, p. 13.

²² According to the Law no. 373/2004.

fact that the assignments of the electoral bureaux refer to activities ensuring the good development of the elections until the centralisation of the results and the legality of the electoral operations.

Part 2

IV. Presidential elections in Romania

IV.1. Legislation

The republican government form adopted²³ by the Constituent Assembly in 1991 and the political presidential regime represent the characteristics of the actual Romanian system.

The election of the President of Romania and the aspects of the presidential elections are regulated by *Constitution of Romania from 1991 and Constitution of Romania revised in 2003, Law no. 69/1992 for electing the President of Romania, Law no. 370/2004 for electing the President of Romania* (Table 4).

<i>No.</i>	<i>Law</i>	<i>Contents</i>
1.	Constitution of Romania, 1991	
2.	Law no. 62/1992	Concerning the election of the President of Romania
3.	Law no. 429/2003	Law for revising the Constitution of Romania
4.	Law no. 370/2004	Concerning the election of the President of Romania

Table 4. Legislative framework concerning the presidential elections in Romania

The legislative dynamics on presidential elections in Romania demonstrates the flexible feature and necessity to adapt of the legal framework in a changing democratic society, where a new parliamentary practice is functioning, based on pluralism of parties, in a state of law.

According to the Constitution, the system for electing the President is based on suffrage in 2 ballots. The election takes place "in the first ballot with the majority of the electors' votes entered on the electoral lists" (art.81 paragraph (2), Constitution of Romania). The second ballot is organised when no candidate fulfilled this majority. It is organised in two weeks after the first ballot, with the participation of the first two candidates, ranked in the order of the votes obtained in the first ballot. In order to be declared elected in the second ballot, the candidate should obtain the relative majority, thus it is enough one vote in plus compared to those obtained by the other candidate²⁴. After centralisation of results, observing the procedure of the first ballot, the candidate who obtained the greatest number of votes is declared President of Romania.

²³ Decree-law no. 2/1989 stipulates the republican government form, undertaken by the Constituent Assembly in 1990, found in art.1 paragraph (2) in the Constitution of România: „The form Of Government Of The Romanian State Is A Republic”. Constitution Of România, Title I, General Principles, p.3, Ed.Libertatea, Bucharest, 1992.

²⁴ Ionescu, C., (2002), Op. cit, p. 221.

The elections organised in Romania in the spring of 1990 (20 May 1990) were held on the basis of CPUN Decree no. 92, 14 March 1990, on electing the Parliament and President of Romania.

IV.2. Results and interpretations

At the presidential elections, there were present candidates proposed by parties and political formations or independent candidates, the registrations showing an atypical evolution for the patterns of the stable societies, but specific to those in transition. Thus, in the electoral years, when presidential elections were held, 1990, 1992, 1996, 2000 or 2004, the number of candidates to the supreme office in the state, has recorded a justified growth, from 3 candidates (in 1990), representatives of the three political formations, with the quality of political “poles”, on one side, the historical parties - PNL and PNT-CD -, and on the other side, FSN, to 5 or 13 candidates (in 1992, respectively, 1996), while the number of independent candidatures oscillates between 1 and 2 candidates, and in one electoral year there were 3 candidates (Chart 3).

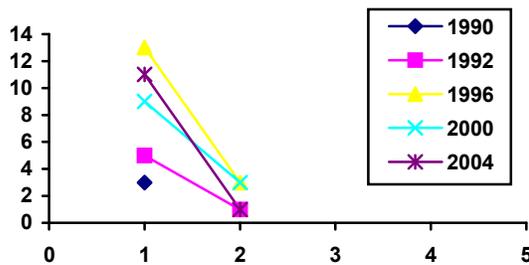


Chart 3. Evolution of the number of presidential candidatures at the presidential elections in 1990, 1992, 1996, 2000, 2004

The dynamics of the candidatures and valid votes²⁵ may be presented in synthesis as follows:

➤ Electoral year 1: **20 May 1990**

- 3 candidatures on behalf of the parties and political formations²⁶ (Chart 4).

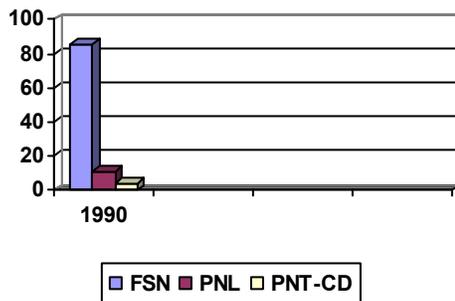


Chart 4. Dynamics of the valid votes at the presidential elections in 1990 for political formations.

²⁵ The source of the statistical data is extracted from „Electoral Statistics”, *Parliamentary and presidential elections*, achieved by the National Institute of Statistics in collaboration with the Permanent Electoral Authority, January 2005

²⁶ FSN, PNL, PNT-CD.

Ion Iliescu with 85.07% and the political formation FSN won the elections, his counter candidates on behalf of the historical political parties, PNL, respectively Radu Câmpeanu got 10.64% and PNT-CD with Ion Rațiu obtained 4.29%.

➤ Electoral year 2: **1992**

- *First ballot, 27 September 1992*: 5 candidatures on behalf of the political parties and formations²⁷ and 1 independent candidature;
- *Second ballot, 11 October 1992*: 2 candidatures on behalf of the political parties and formations (Chart 5).

The presidential elections in 1992 start with the registration of an independent candidate (Mircea Druc) on the background of the candidatures registered on behalf of the new created or reorganised political parties and formations, FDSN (Ion Iliescu), CDR (Emil Constantinescu), PUNR (Gheorghe Funar), FSN (Caius Dragomir Iacob) and PR (Ioan Mânzatu); Ion Iliescu won with 43.34% compared with his counter candidate in the second ballot, Emil Constantinescu, who obtained 31.24% valid votes.

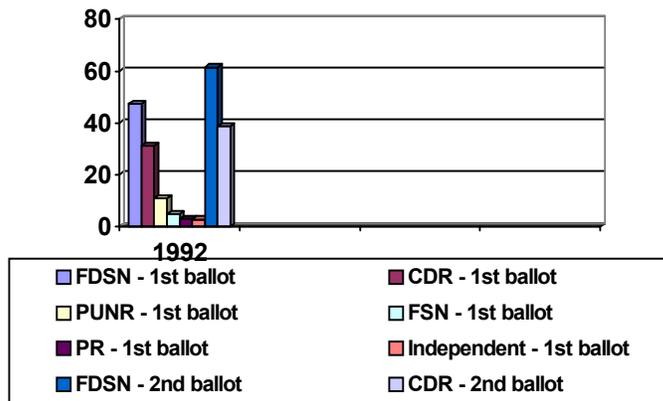


Chart 5. Dynamics of the valid votes at the presidential elections in 1992 for political formations

➤ Electoral year 3: **1996**

- *First ballot, 3 November 1996*: 13 candidatures on behalf of the political parties and formations²⁸ and 3 independent candidatures;
- *Second ballot, 17 November 1996*: 2 candidatures on behalf of the political parties and formations (Chart 6).

1996 represented the victory year for CDR in the presidential elections, in the second ballot Emil Constantinescu won against Ion Iliescu, with 54.41% valid votes.

²⁷ FDSN, CDR, PUNR, FSN, PR.

²⁸ Social Democrat Pole of Romania - PDSR+ PUR+PSDR, CDR, USD, UDMR, PRM, PUNR, PS, ANL, PSM, UNC, PPR, ANLE, PNA.

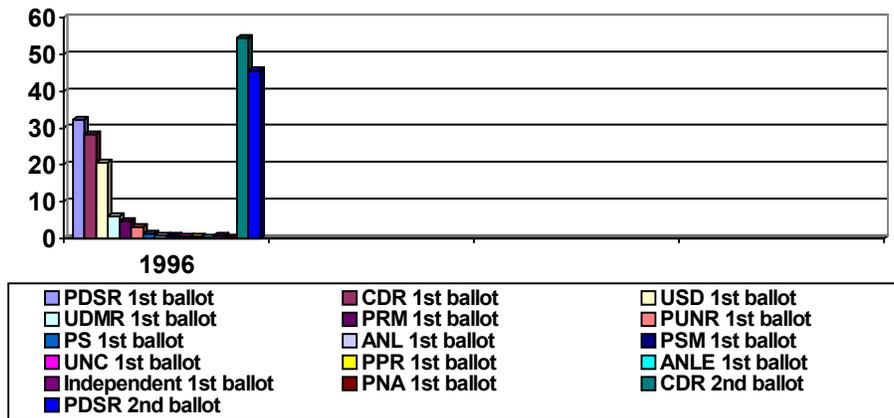


Chart 6. Dynamics of the valid votes at the presidential elections in 1996 for political formations

➤ Electoral year 4: **2000**

- *First ballot, 26 November 2000:* 9 candidatures on behalf of the political parties and formations²⁹ and 3 independent candidatures;
- *Second ballot, 10 December 2000:* 2 candidatures on behalf of the political parties and formations.

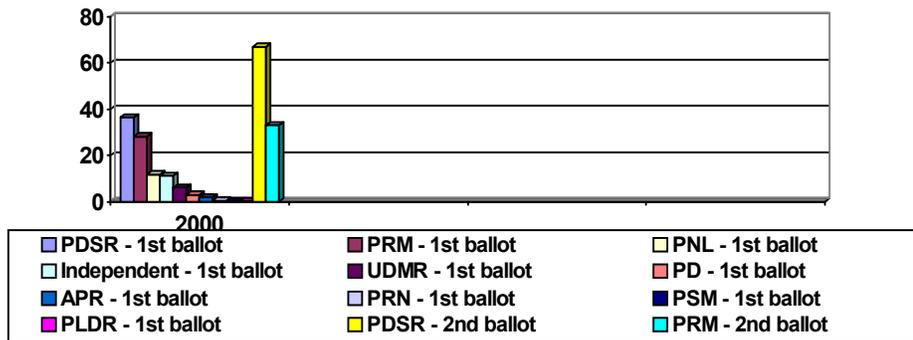


Chart 7. Dynamics of the valid votes at the presidential elections in 2000 for political formations

At the elections in 2000, PDSR became the most important political force (Chart 7). Ion Iliescu won the presidential elections in the second ballot against Corneliu Vadim Tudor, president of Large Romania Party.

➤ Electoral year 5: **2004**

- *First ballot, 28 November 2004:* 11 candidatures on behalf of the political parties and formations³⁰ and 1 independent candidature;

²⁹ PDSR, PRM, PNL, UDMR, PD, APR, PRN, PSM, PLDR.

³⁰ UN (National Union – UN = PSD+PUR), D.A. (“Justice and Truth” Coalition – D.A. = PNL - PD), PRM, UDMR, PNT-CD, PNG, APR, PAP, URR, APCD, PTD.

- *Second ballot, 12 December 2004: 2 candidatures on behalf of the political parties and formations.*

Since 2003, on the Romanian political arena, the trend of political bipolarisation is higher, political alliances are formed, such as “Justice and Truth” Coalition (D.A.), comprising PNL and PD, and the National Union comprising PSD and PUR. This fact determined a powerful confrontation on the political arena, in two ballots where the candidates of the two political alliances, Traian Băsescu, respectively Adrian Năstase had close results in the first ballot, 33.92% for the candidate of D.A. Coalition and 40.94% for PSD+PUR candidate, on the background of a significant representation of other political parties (9 parties) and an independent candidate. In the second ballot, the result for validating the candidature of D.A. Coalition was supported by a percentage of 51.23% related to that of PSD+PUR candidate of 48.77%.

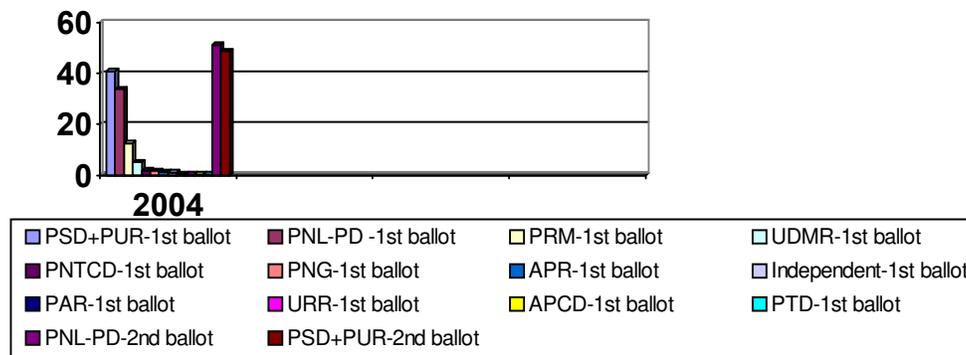


Chart 8. Dynamics of the valid votes at the presidential elections in 2004 for political formations

Situating the elections in 2004 within an important international political context for Romania, the Report of OSCE Mission³¹ (2005: 4) appreciates: ”in the same year, Romania became member of North Atlantic Treaty Organisation, the discussions for accession into the European Union (EU) were in an advanced stage, and before the second ballot of the presidential elections, there were concluded the negotiations on technical level between EU and Romania. At the EU Ministerial Council on 16-17 December 2004, Romania was officially invited to become EU Member State on 1 January 2007.”

Analysing the data, we remark candidatures on behalf of political parties and alliances shyly represented in the electoral years, 1990 and 1992 (3 respectively 5 candidatures), their increase in the elections in 1996 (13 candidatures) and 2004 (11 candidatures) and their decrease in 2000 (9 candidatures). The presidential elections determined the configuration of pre-electoral alliances in 1996, CDR was an alliance comprising 9 organisations, or in 2000, the Social Democrat Pole in Romania comprised PDSR+PSDR+PUR, or post-electoral alliances, confirming the electoral options in 2004, further the trend concerning bipolarisation of the political life in the Romanian space.

At the presidential elections in 2004, it is registered a concentration of votes in a percentage of 70% for the two political formations: National Union (UN) comprising PSD and PUR, and “Justice and Truth” Coalition (D.A.), comprising PNL and PD, fact

³¹ Op. cit. p.4.

proving electorate's reorientation to the „useful vote” and the trend to balance the Romanian political arena³². The analysts assert a new signification for the „vote-sanction”, the electorate is changing its attitude towards the vote, recording an increase of absenteeism, thus proving „a new type of civic competence”.

We may appreciate it on one hand, as a phenomenon of maturation and political strengthening, and on the other hand as constraints imposed by the new adopted legislation.

For example, Law no. 69/1992 was modified³³, increasing the number of supporters for a candidate from 100,000 electors to 300,000 electors. Law no. 370/2004 reduced the number of supporters from 300,000 to 200,000.

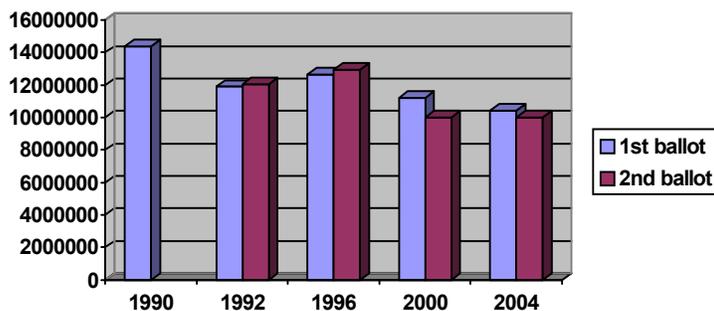


Chart 9. Dynamics of the valid votes at the **presidential** elections in 1990, 1992, 1996, 2000, 2004³⁴

On the background of a genuine decrease of participation to ballot boxes, recorded in the electoral years: 1990, 1992, 1996, 2000, 2004, we assert a decrease of the number of valid votes from around 14 millions to 10 millions (Chart 9).

Configuring the map of the results for the presidential elections on development regions in Romania confirms the fact that according to the increase of the total number of electors in the electoral lists, it is registered a decrease of participation to ballot boxes, expressed by valid votes; for example, electoral constituencies in South region, recorded a real decrease (from 19.78% in 1992 to 15.73% at the elections in 2004), the electoral constituencies from the regions of West, North-West or Center recorded a smaller decrease (between 0.5 and 1.76%) (Table 5). In this context, the explanations are those above-mentioned, those related to migration of labour force to the space outside Romania and non-participation in the ballot boxes.

	<i>1992</i>	<i>1996</i>	<i>2000</i>	<i>2004</i>
<i>Development</i>				

³² “Pro Democracy” Association, “*Elections at the limit of democracy*”, www.apd.ro, 2005, p.8.

³³ GEO no. 129/2000.

³⁴ The source of the statistical data is extracted from „Electoral Statistics”, *Parliamentary and presidential elections*, achieved by the National Institute of Statistics in collaboration with the Permanent Electoral Authority, January 2005.

<i>region</i>	<i>1st ballot [%]</i>	<i>2nd ballot [%]</i>						
North- East	16.38	16.38	16.22	16.17	16.39	17.87	16.52	17.22
South - East	13.12	13.11	13.12	12.99	13.18	13.88	13.54	14.03
South	19.78	15.18	14.97	14.93	15.06	15.53	15.53	15.73
South-West	9.62	10	9.84	9.99	10.34	10.82	10.36	10.53
West	9.3	9.21	9.48	9.52	9.37	8.82	9.02	8.84
North- West	12.99	12.62	12.72	12.74	12.26	11.58	11.76	11.22
Center	12.85	12.7	12.6	12.54	12.43	11.37	11.82	11.09
Bucharest	10.87	10.75	11.06	11.15	10.98	10.09	11.4	11.53

Table 5. Evolution of the valid votes [%] at the **presidential** elections on development regions in Romania in the total of the valid votes in the country

Taking into account this general characteristic, we may remark sensitive increases of participation to ballot boxes, expressed by valid votes (Table 5 and Chart 10), such as North-East, South-East or Bucharest regions. Attempting a correlation between the years recording increases of the valid votes, the political party or formation winning through its candidate the presidential elections and the region recording the increases, we remark that generally in these regions, the electorate's option is towards social-democracy (2000 and 2004, Charts 8 and 9); they are regions (North-East and South-East) with a powerful representation of the active labour force, especially women and a degree of development, low represented by powerful companies that may ensure jobs for inactive population on the labour market.

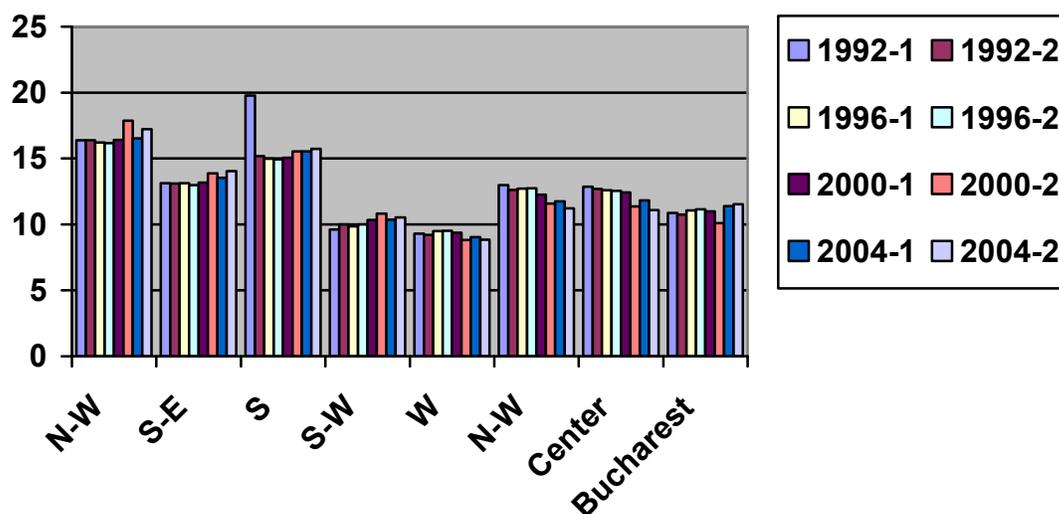


Chart 10. Graphical representation of the total number of valid votes (%) at the 8 development regions level in Romania from the total of the votes in the country recorded at the **presidential** elections in 1992, 1996, 2000, 2004 in the 1st and 2nd ballot.

At the same time, we remark a greater mobilisation of electorate in the second ballot, since the elections in 2000, confirming a bipolarisation of the Romanian political

arena and the electorate's clarification about political options, behaviour that is also characteristic for the parliamentary and local elections in Romania.

V. General and local elections

V.1. Legislation: continuity and adaptability

1990 represented for the Parliament of Romania the beginning of the organisation with two chambers, form met in our country during the period between World Wars. „The Parliament is the supreme representative body of the Romanian people and the sole legislative authority of the country” (Title III, Chapter I. art. 58. paragraph (1), Constitution of Romania, 1991). The Parliament exerts the legislative power, expressing „the attitude or empowerment to vote, awarded by the Constitution”³⁵. Concerning the electoral system, according to the Constitution of Romania, art.72 paragraph (3), the Parliament should pass organic laws³⁶, with the support of the absolute majority of the two Chambers³⁷, Chamber of Deputies and Senate. At the same time, the Government has the right to adopt emergency ordinances and other decisions (art.107 paragraph (1) Constitution of Romania), „aimed to align the political structure to that of EU Member States”³⁸.

The Romanian electoral system is situated within the dimensions of the European electoral system, that of *proportional representation* and observes the principle of proportional representation, enabling thus the access of a greater number of political parties into the Parliament.

The parliamentary elections are held on the basis of *list ballot*, being a *proportional electoral system with list ballot* (blocked list). This assumes that the political parties and alliances, the organisations of minorities and independent candidates submitted in each constituency³⁹ the lists of their own candidates⁴⁰. Based on the *representation norm*⁴¹ the number of *mandates*⁴² is calculated, allocated to each electoral constituency, depending on the number of inhabitants with domicile in that area.

The political parties and alliances, the organisations of minorities and independent candidates obtain the mandates of Deputy and Senator, if they comply with the *electoral*

³⁵ See Ionescu, C. (2002), „Political regime in Romania”, Ed. All Beck, 2002, pp. 139-212.

³⁶ „The Parliament passes constitutional, organic, and ordinary”, art.72 paragraph (1), Constitution of Romania.

³⁷ Decree-Law no. 92/1990 for electing the Parliament and President of Romania, Law no. 68/1992 for electing the Chamber of Deputies and Senate, Law no. 373/2004 for electing the Chamber of Deputies and Senate.

³⁸ Op.cit. p.5.

³⁹ The elections were held in 42 separated constituencies. They correspond to 41 counties and Bucharest Municipality

⁴⁰ The number of candidates is related to the number of mandates assigned to each electoral constituency.

⁴¹ For the election of the Chamber of Deputies the representation norm is of one Deputy to 70,000 inhabitants, and for the election of the Senate, of one Senator to 160,000 inhabitants. (Art.3 paragraph (1), Law no. 373/2004 for electing the Chamber of Deputies and Senate).

⁴² The number of mandates of Deputies and Senators is calculated by dividing the total number of inhabitants in each constituency to the representation norm (art.3 paragraph (2) and (3) in Law no. 373/2004), adding a seat of Deputy or Senator for exceeding half of the representation norm.

*coefficient*⁴³ (calculated with Hare formula). Quoting Law no. 373/2004, the votes that are „not used” for each party during the stage of assigning mandates are summed at national level and are used to allocate mandates that were not assigned in the first stage (d’Hondt formula is used).

The parliamentary elections were held on the basis of laws adopted, with transitory feature, Decree-Law no. 92/1990 for the elections in 1990 or stable feature, accepting „adaptability” as a permanent condition for the legislative system, necessary for change, whenever required by the organisation and holding of parliamentary elections – Law no. 68/1992 or Law no. 373/2004.

The adaptability of the legislative system, specific for the parliamentary elections (Table 6) was confirmed by amendments to Law no. 68/1992 for electing the Chamber of Deputies and Senate: Law no. 115/1996 for the elections in the electoral year 1996 and Emergency Ordinances no. 63/200 and no. 154/2000 for the elections in the electoral year 2000.

<i>No.</i>	<i>Law</i>	<i>Contents</i>
1.	Constitution of Romania, 1991 Constitution of Romania, 2003 (revised)	
2.	Decree-Law no. 92/1990	For electing the Parliament and President of Romania
3.	Law no. 68/1992	For electing the Chamber of Deputies and Senate
4.	Law no. 373/2004	For electing the Chamber of Deputies and Senate

Table 6. Legislative framework for parliamentary elections in Romania

The law was conceived during a period of economic, social and political transition, characterised by an increase of the number of political parties and formations, set up of alliances, lack of political maturation both for elected officials and electorate, ideological instability, immature political culture, demonstrated by politicians’ migration depending on their interests, political and electoral situation of the moment.

We mention the establishment of the new principles and legal provisions for democratic election of the Parliament and President of Romania (Decree-Law no. 92/1990), the adoption of Law no. 68/1992 for electing the Chamber of Deputies and Senate, law whose partial content was undertaken by Law no. 373/2004 on parliamentary elections, mentioning: polling, representation norm, electoral facilities for citizens organisations belonging to electoral minorities, using the voter’s card etc.

In the second electoral year, 1992, we introduce a new criterion that will impose the access into the Parliament by obtaining a certain percentage from the total of the valid votes at national level. The criterion *electoral threshold* introduced by Law no. 68/1992 on elections for Chamber of Deputies and Senate reaches 3%, level valid for the electoral years 1992 and 1996. Starting with the elections in the electoral year 2000, for a political

⁴³ The electoral coefficient is established by dividing the total number of valid votes at the number of mandates assigned to the respective constituency (see Law no. 373/2004).

party the electoral threshold is 5% from the total of the valid votes and for political⁴⁴ and electoral⁴⁵ alliances the threshold is minimum 8% and maximum 10%⁴⁶, imposed by Government Emergency Ordinance no. 129/2000.

V.2. Results⁴⁷ and interpretations

Taking into account the domination of the new identity of the power installed after 1989, the electorate presence at ballot boxes in the general elections from the spring of 1990 recorded the greatest value (76.29% from the total of voters) in comparison with presence in the next years at the ballot boxes, i.e 1996 (76.01%), 2000 (65.31%) or 2004 (58.51%), thus demonstrating the development of a new type of civic competence (Charts 11 and 12).

We may appreciate the absenteeism as a new electorate's attitude or as stated by analysts, „the means to disapprove the political class, expressing the profound feeling of helplessness and indifference”⁴⁸.

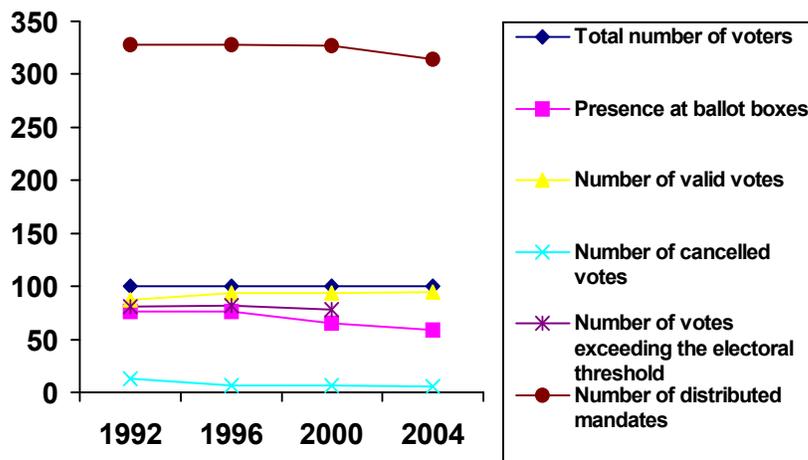


Chart 11. Dynamics of the valid votes at the elections for **Chamber of Deputies** obtained by the candidates who exceeded the electoral threshold depending on the variables: voters' presence at ballot boxes, valid votes, cancelled votes.

⁴⁴ The political alliance represents the form of association of two or more parties, based on a protocol of association, stipulated by Law on political parties no. 14/2003.

⁴⁵ The electoral alliance represents the form of association of political parties and alliances with pre-determined electoral purpose: participation to electing public authorities. See Ionescu, C, 2004.

⁴⁶ The political and electoral alliances should meet a greater electoral threshold, respectively the percentage of 5%, adding 3% for the second party and 1% for each other party, without exceeding 10%.

⁴⁷ The source of the statistical data is extracted from „Electoral Statistics”, *Parliamentary and presidential elections*, achieved by the National Institute of Statistics in collaboration with the Permanent Electoral Authority, January 2005.

⁴⁸ Local elections, 2004, Report, “Pro Democracy” Association, p.18, www.apd.ro

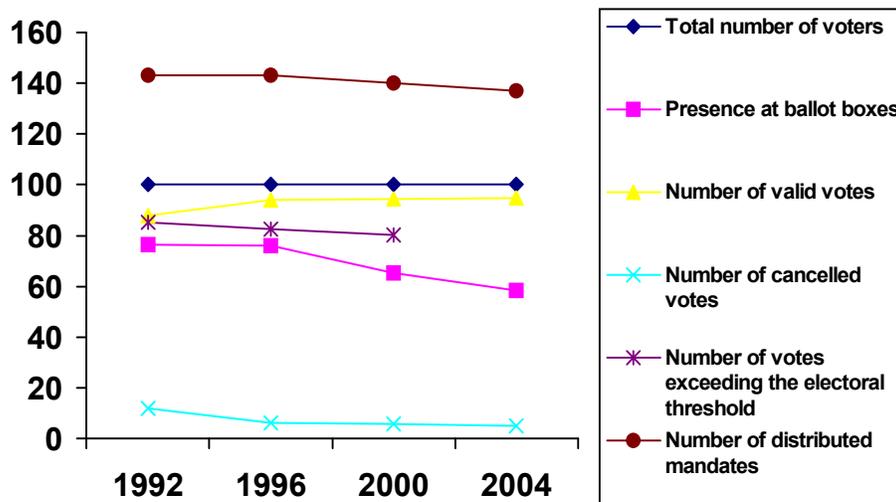


Chart 12. Dynamics of the valid votes at the elections for **Senate** in 1992, 1996, 2000 and 2004, obtained by the candidates who exceeded the electoral threshold depending on the variables: voters' presence at ballot boxes, valid votes, cancelled votes.

Attempting an interpretation on participation to ballot boxes and the results in electoral years 1992, 1996, 2000, 2004 and turning into account the correlations between some criteria of segmentation and independent variables, we find out the following aspects:

- ❖ *By residence environment, age, sex and profession* at the level of the 8 development regions, we record a great presence of electorate at ballot boxes in the regions of North-East and South (Table 7), regions characterised by counties with great natural growth, high percentage of the population employed in agriculture and forestry, low weight of urban population, youth and population employed in industry and services. Correlating with the results of presidential elections in 1990 and 1992, when the winning candidate of elections, Ion Iliescu registered votes of over 90% in historical regions - Dobrogea, Moldova, Muntenia, Oltenia-, namely the votes of majority of each professional category, being less preferred by pupils and students, with an women-based electorate, with a greater weight of the voters of medium age (35-64 years old) related to the electorate of the other candidates and representatives of those between 18-34 years old, we remark a similar profile for the electorate's option in the parliamentary and local elections, demonstrating that the electorate had a unitary image about the candidate to presidency and the political parties for general and local elections.

No.	Development Region	27 Sept.1992		3 Nov.1996		26 Nov.2000		28 Nov.2004	
		CD	S	CD	S	CD	S	CD	S
1.	North- East	15.47	15.78	15.48	15.71	16.62	16.60	12.60	16.41
2.	South - East	12.79	12.96	12.96	13.15	13.17	11.02	13.51	13.55
3.	South	14.34	14.50	14.57	14.05	15.58	15.50	15.46	15.47
4.	South-West	8.55	9.47	9.32	9.06	10.84	10.71	10.30	10.31
5.	West	8.91	9.05	9.47	9.47	8.84	8.84	9.05	9.05
6.	North- West	13.69	13.30	13.36	13.42	12.12	12.05	11.79	11.79
7.	Center	13.74	13.35	13.52	13.46	12.36	12.65	11.86	11.84
8.	Bucharest	11.52	11.63	11.30	11.70	10.49	10.53	11.60	11.57

Table 7. Dynamics of the valid votes, structured by residence environment

- ❖ On the background of the results for elections there are emphasised for each electoral cycle significant differences of the weight of votes, namely we remark the decrease of the weight of percentages obtained by political parties, new entered into the Romanian political arena after 1989 related to the historical parties - PNL and PNT-CD, in the development regions for the parliamentary elections (Charts 13 and 14), while passing from the rural to the urban environment, from small towns to large towns.
- ❖ Some papers⁴⁹ reveal the idea about delimitation of some „spaces” at the family level as traditional ones concerning the political options, related to the modern ones, showing „the relative homogenisation of the electoral preferences”.

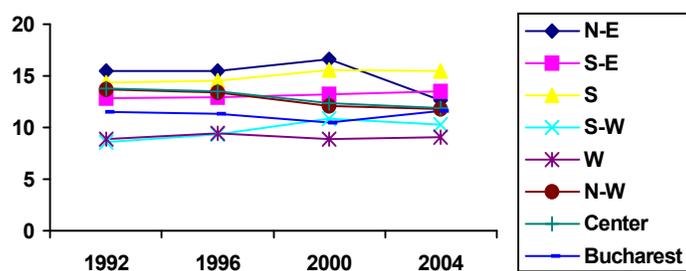


Chart 13. Development of the valid votes obtained at the elections for **Chamber of Deputies** at the level of the development regions in the elections in 1992, 1996, 2000 and 2004

⁴⁹ Op.cit.1, p.42

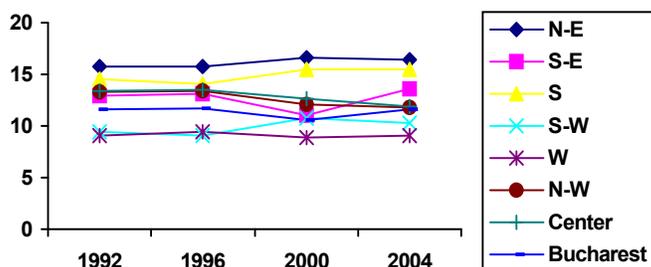


Chart 14. Development of the valid votes obtained at the elections for **Senate** at the level of the development regions in the elections in 1992, 1996, 2000 and 2004

- ❖ Analysing the distribution of the valid votes in the 8 development regions, on county electoral constituencies (Tables 8-16) we distinguish the target groups for the candidate parties, behaving as some elements specific for market-type mechanisms, such as demand and offer, demand on behalf of the electorate and offer of the political parties through the proposed candidates. Thus, in the development regions of North-East, South-East, South, South-West, the social-democrat political formations represent the preference of an electorate living in rural areas or with social problems above the average on the country. The electorate in the regions: West and Bucharest Municipality express option for the electoral platforms of historical political parties or their political formations.

No.	Electoral constituency	27 Sept.1992		3 Nov.1996		26 Nov.2000		28 Nov.2004	
		CD	S	CD	S	CD	S	CD	S
1.	Bacău	2.98	3.31	3.23	3.31	3.29	3.46	3.20	3.20
2.	Botoșani	2.09	2.04	1.70	2.05	2.16	2.14	2.00	1.99
3.	Iași	3.03	2.91	3.22	3.19	3.55	3.51	3.65	3.65
4.	Neamț	2.67	2.68	2.61	2.50	2.70	2.74	2.48	2.48
5.	Suceava	2.95	3.05	2.88	2.81	2.92	2.82	3.07	3.08
6.	Vaslui	1.75	1.79	1.84	1.85	2.00	1.93	2.01	2.01
	Total	15.47	15.78	15.48	15.71	16.62	16.60	12.60	16.41

Table 8. North-East Development Region

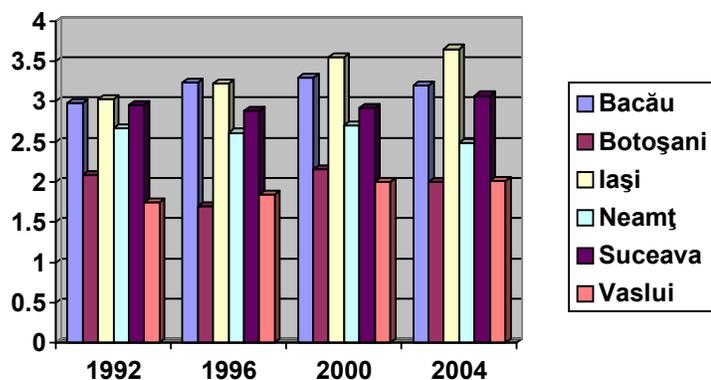


Chart 15. Development of the valid votes obtained at the elections for **Chamber of Deputies** at the level of electoral constituencies in the North-East Development Region for the elections in 1992, 1996, 2000 and 2004

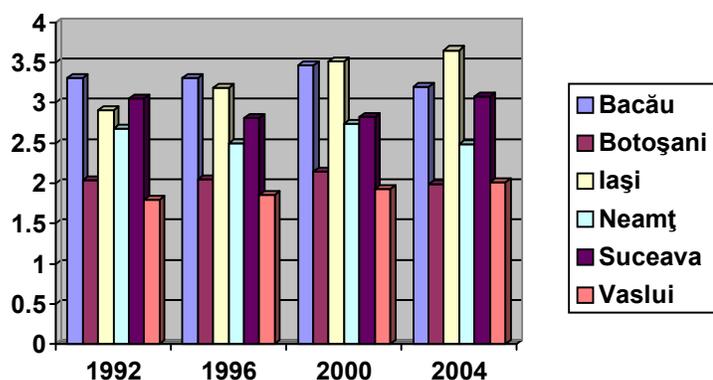


Chart 16. Development of the valid votes obtained at the elections for **Senate** at the level of electoral constituencies in the North-East Development Region for the elections in 1992, 1996, 2000 and 2004

No.	Electoral constituency	27 Sept.1992		3 Nov.1996		26 Nov.2000		28 Nov.2004	
		CD	S	CD	S	CD	S	CD	S
1.	Brăila	1.81	1.92	1.74	1.82	1.91	1.91	1.84	1.84
2.	Buzău	2.60	2.45	2.38	2.36	2.33	2.34	2.30	2.31
3.	Constanța	3.07	3.17	3.35	3.33	3.24	3.36	3.69	3.69
4.	Galați	2.36	2.47	2.67	2.79	2.80	2.66	2.82	2.83
5.	Tulcea	1.07	1.12	1.03	1.05	1.12	1.16	1.11	1.12
6.	Vrancea	1.88	1.83	1.79	1.80	1.77	1.70	1.75	1.76
	Total	12.79	12.96	12.96	13.15	13.17	11.02	13.51	13.55

Table 9. South-East Development Region

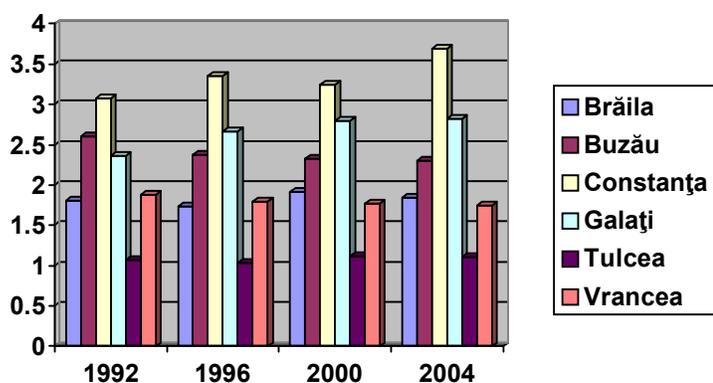


Chart 17. Development of the valid votes obtained at the elections for **Chamber of Deputies** at the level of electoral constituencies in the South-East Development Region for the elections in 1992, 1996, 2000 and 2004

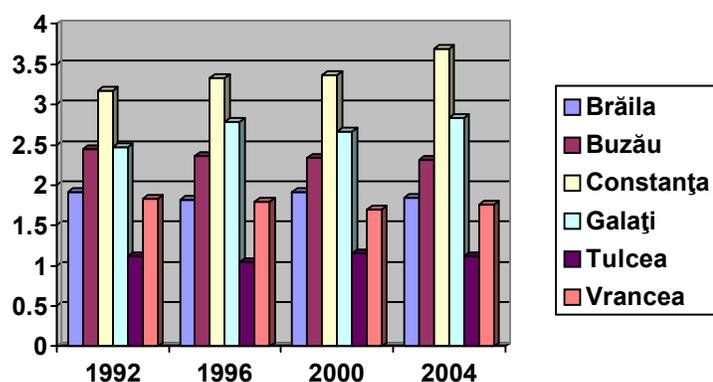


Chart 18. Development of the valid votes obtained at the elections for **Senate** at the level of electoral constituencies in the South-East Development Region for the elections in 1992, 1996, 2000 and 2004

No.	Electoral constituency	27 Sept.1992		3 Nov.1996		26 Nov.2000		28 Nov.2004	
		CD	S	CD	S	CD	S	CD	S
1.	Argeș	2.81	2.81	2.80	2.53	3.07	2.98	2.96	2.95
2.	Călărași	1.31	1.43	1.35	1.31	1.43	1.42	1.36	1.38
3.	Dâmbovița	2.19	2.14	2.37	2.38	2.52	2.55	2.55	2.53
4.	Giurgiu	1.16	1.06	1.12	1.10	1.14	1.21	1.26	1.27
5.	Ialomița	1.28	1.31	1.21	1.18	1.38	1.39	1.31	1.31
6.	Prahova	3.54	3.68	3.81	3.75	3.76	3.71	3.85	3.85
7.	Teleorman	2.05	2.07	1.91	1.80	2.28	2.24	2.17	2.18
	Total	14.34	14.50	14.57	14.05	15.58	15.50	15.46	15.47

Table 10. South Development Region

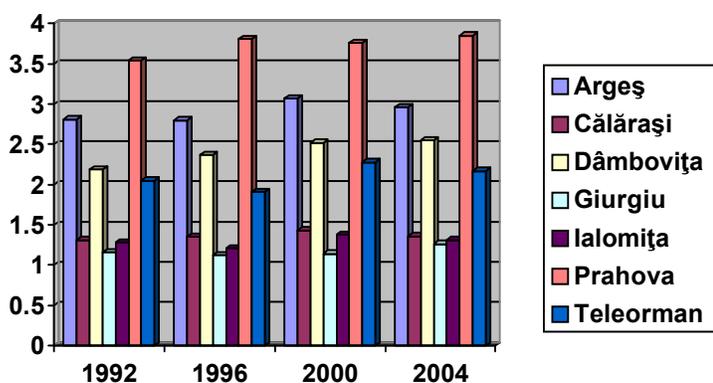


Chart 19. Development of the valid votes obtained at the elections for **Chamber of Deputies** at the level of electoral constituencies in the South Development Region for the elections in 1992, 1996, 2000 and 2004

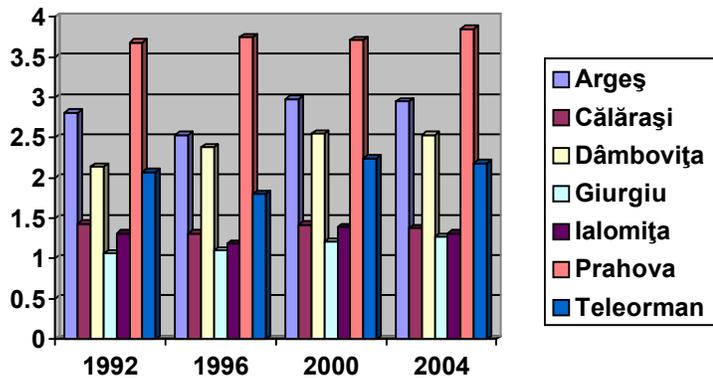


Chart 20. Development of the valid votes obtained at the elections for **Senate** at the level of electoral constituencies in the South Development Region for the elections in 1992, 1996, 2000 and 2004

No.	Electoral constituency	27 Sept.1992		3 Nov.1996		26 Nov.2000		28 Nov.2004	
		CD	S	CD	S	CD	S	CD	S
1.	Dolj	3.04	3.02	3.14	2.99	3.41	3.27	3.20	3.19
2.	Gorj	1.45	1.40	1.23	1.26	1.63	1.67	1.66	1.67
3.	Mehedinți	1.21	1.18	1.24	1.26	1.39	1.42	1.34	1.34
4.	Olt	1.98	2.02	2.00	1.80	2.45	2.36	2.18	2.18
5.	Vâlcea	1.87	1.85	1.71	1.75	1.96	1.99	1.92	1.93
	Total	8.55	9.47	9.32	9.06	10.84	10.71	10.30	10.31

Table 11. South-West Development Region

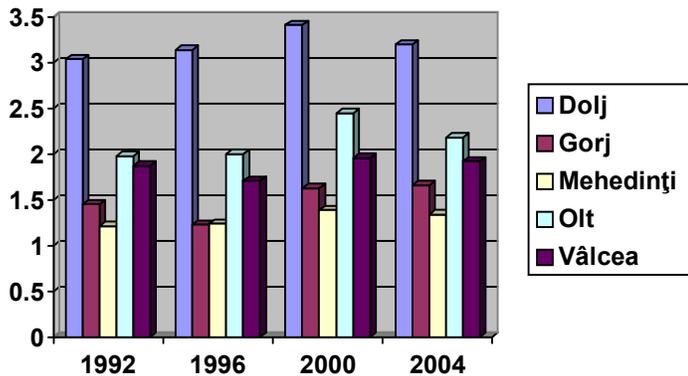


Chart 21. Development of the valid votes obtained at the elections for **Chamber of Deputies** at the level of electoral constituencies in the South-West Development Region for the elections in 1992, 1996, 2000 and 2004

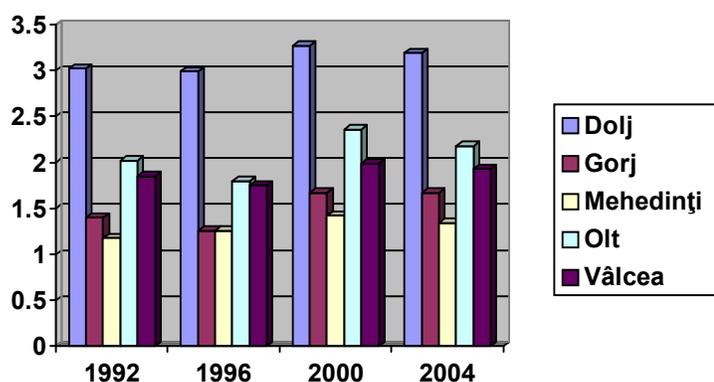


Chart 22. Development of the valid votes obtained at the elections for **Senate** at the level of electoral constituencies in the South-West Development Region for the elections in 1992, 1996, 2000 and 2004

- ❖ Maintaining an electorate that is segmented, represented by the Hungarian population (around 1.5 million, representing about 7% from the total of the population), most of the voters coming from two county electoral constituencies, Covasna and Harghita, with the domicile especially in Transylvania and Banat. Beyond this electorate, there are the national minorities, recognised to have the right to parliamentary representation, situated geographically in Center, West and North-West of our country, recording a good presence at the ballot boxes, expressed also by the development of the valid votes (Tables 12,13,14 and the related Charts). The organisations of the national minorities at the last elections registered 28, expressing greater trust in the electoral process than some political parties.
- ❖ Roma minority (approximately 535,250 members) was represented in the Parliament since 1992, fact leading to the conclusion that they have an electorate, well segmented, distributed geographically on the whole territory of the country. In fact, this is not the reality, as part of the electorate of Roma population is voting other political parties and formations than those belonging to them (at the elections in 2004, two organisations of Roma persons registered lists of PRSD and AUR candidates); the Roma persons' presence at ballot boxes is smaller than the national average, expressing a lack of understanding the electoral process.

No.	Electoral constituency	27 Sept.1992		3 Nov.1996		26 Nov.2000		28 Nov.2004	
		CD	S	CD	S	CD	S	CD	S
1.	Arad	2.15	2.08	2.22	2.23	2.03	1.99	2.02	2.02
2.	Caraș-Severin	1.49	1.56	1.56	1.60	1.43	1.46	1.56	1.57
3.	Hunedoara	2.22	2.34	2.33	2.48	2.55	2.61	2.34	2.34
4.	Timiș	3.05	3.07	3.36	3.16	2.83	2.78	3.13	3.12
	Total	8.91	9.05	9.47	9.47	8.84	8.84	9.05	9.05

Table 12. West Development Region

- ❖ Analysing the representation of political parties in Parliament (Table16) and trying a delimitation of electorate's behaviour in Romania at the elections during the period 1990-2004, the image shows a trend for simplification of the political spectrum, focused on two political formations: PDSR and CDR - moment 1992 or, moment 2004 – coalitions: D.A. and UN, so we remark political bipolarisation and relative balance of the political arena, based on an obvious instability of the presence at ballot boxes at the level of development regions.
- ❖ The electorate in the West development region in all electoral constituencies recorded an increase of the presence at ballot boxes in the electoral year 1996 (Table 12), expressing the option for CDR, that wins the elections. At the same time, CDR identifies its electorate in the West and North-West regions of development (Charts 25, 26), (the latter mentioned region presenting a decrease of electorate's presence at ballot boxes from 13.69% to 11.79% at the last elections (Table 13)), entering in the territorial competition for attracting voters with PUNR for Cluj county, with UDMR for Satu- Mare county and independent candidates for Caraş-Severin county.

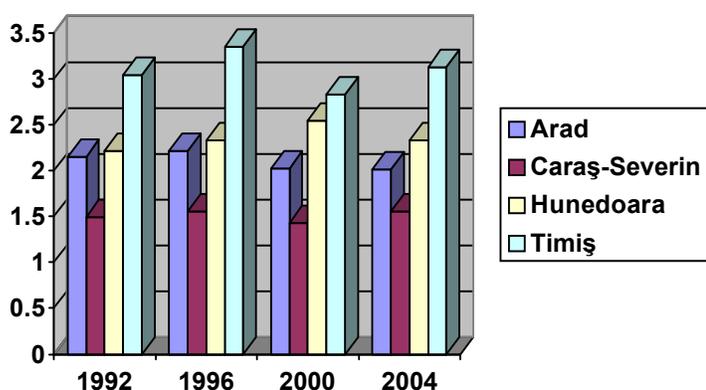


Chart 23. Development of the valid votes obtained at the elections for **Chamber of Deputies** at the level of electoral constituencies in the West Development Region for the elections in 1992, 1996, 2000 and 2004

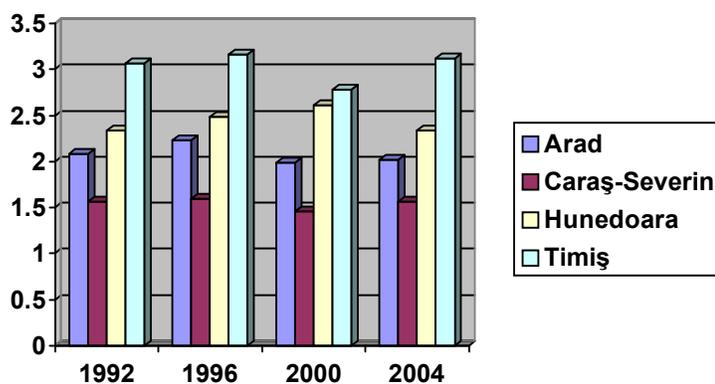


Chart 24. Development of the valid votes obtained at the elections for **Senate** at the level of electoral constituencies in the West Development Region for the elections in 1992, 1996, 2000 and 2004

No.	Electoral constituency	27 Sept.1992		3 Nov.1996		26 Nov.2000		28 Nov.2004	
		CD	S	CD	S	CD	S	CD	S
1.	Bihor	3.21	3.08	2.75	2.87	2.85	2.74	2.66	2.66
2.	Bistrița-Năsăud	1.26	1.12	1.38	1.40	1.28	1.26	1.29	1.29
3.	Cluj	3.63	3.62	3.90	3.88	3.34	3.43	3.29	3.28
4.	Maramureș	2.24	2.16	2.31	2.30	1.99	2.00	2.01	2.01
5.	Sălaj	1.35	1.40	1.26	1.28	1.19	1.17	1.10	1.12
6.	Satu -Mare	2.00	1.92	1.76	1.69	1.47	1.45	1.44	1.43
	Total	13.69	13.30	13.36	13.42	12.12	12.05	11.79	11.79

Table 13. North-West Development Region

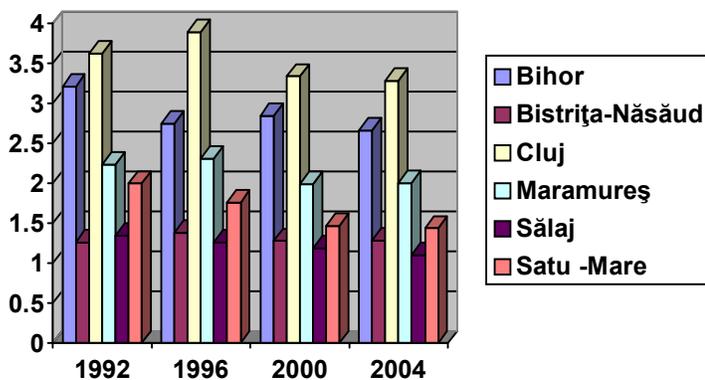


Chart 25. Development of the valid votes obtained at the elections for **Chamber of Deputies** at the level of electoral constituencies in the North-West Development Region for the elections in 1992, 1996, 2000 and 2004

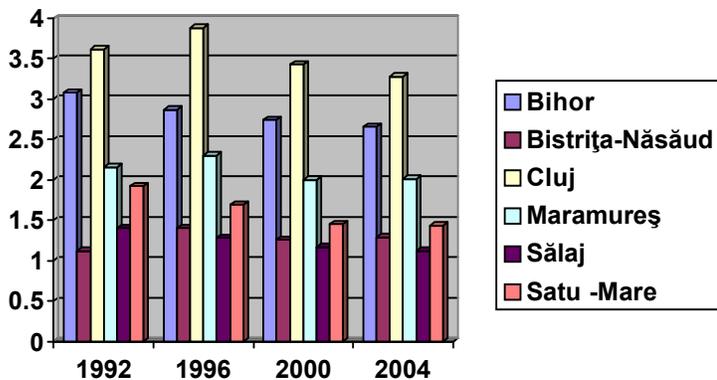


Chart 26. Development of the valid votes obtained at the elections for **Senate** at the level of electoral constituencies in the North-West Development Region for the elections in 1992, 1996, 2000 and 2004

No.	Electoral constituency	27 Sept.1992		3 Nov.1996		26 Nov.2000		28 Nov.2004	
		CD	S	CD	S	CD	S	CD	S
1.	Alba	1.80	1.76	1.89	1.84	1.66	1.62	1.72	1.71
2.	Braşov	2.89	2.80	3.04	3.07	2.63	2.76	2.80	2.79
3.	Covasna	1.40	1.33	1.28	1.27	1.37	1.33	1.03	1.03
4.	Harghita	2.20	2.08	2.00	2.00	1.99	1.93	1.54	1.53
5.	Mureş	3.56	3.38	3.22	3.19	3.12	3.14	2.73	2.75
6.	Sibiu	1.89	2.00	2.09	2.09	1.59	1.87	2.04	2.03
	Total	13.74	13.35	13.52	13.46	12.36	12.65	11.86	11.84

Table 14. Center Development Region

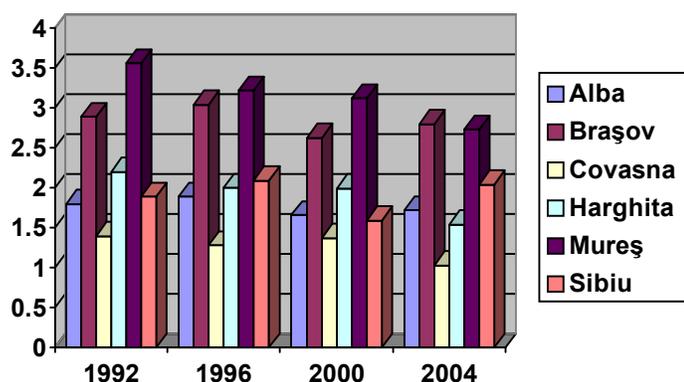


Chart 27. Development of the valid votes obtained at the elections for **Chamber of Deputies** at the level of electoral constituencies in the Center Development Region for the elections in 1992, 1996, 2000 and 2004

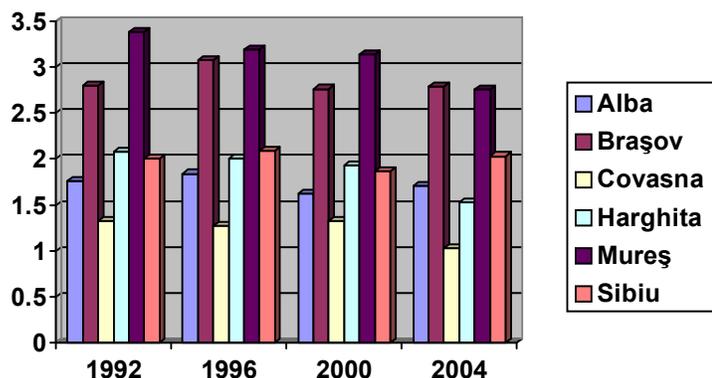


Chart 28. Development of the valid votes obtained at the elections for **Senate** at the level of electoral constituencies in the Center Development Region for the elections in 1992, 1996, 2000 and 2004

- ❖ At the same time, at the local elections we should make the distinction between the individual candidate, where the person is voted - see the candidatures of mayors, local and county councillor candidates, where the list of the political party is voted. The local elections emphasise the lowest participation, decreasing since 1992, when in Romania „it started a trend of decreasing the interest towards

⁵⁰ until those held in 2004. On the general background of absenteeism at local elections, it is confirmed the fact that they represent a test for parliamentary elections, reflecting a possible configuration of the general and presidential results, their results influencing the position or re-position of the areas with political power and influence (see the development of the valid votes for the Chamber of Deputies and Senate both in the counties forming the development regions - Tables 8-14, inside a region and between the development regions, Table 7 and the results of the political parties in the electoral years - Table 16).

No.	Electoral constituency	27 Sept.1992		3 Nov.1996		26 Nov.2000		28 Nov.2004	
		CD	S	CD	S	CD	S	CD	S
1.	Bucharest Municipality	10.46	10.51	10.01	10.45	9.43	9.43	10.29	10.26
2.	Ilfov	1.06	1.12	1.29	1.25	1.06	1.10	1.31	1.31
	Total	11.52	11.63	11.30	11.70	10.49	10.53	11.60	11.57

Table 15. Bucharest Development Region

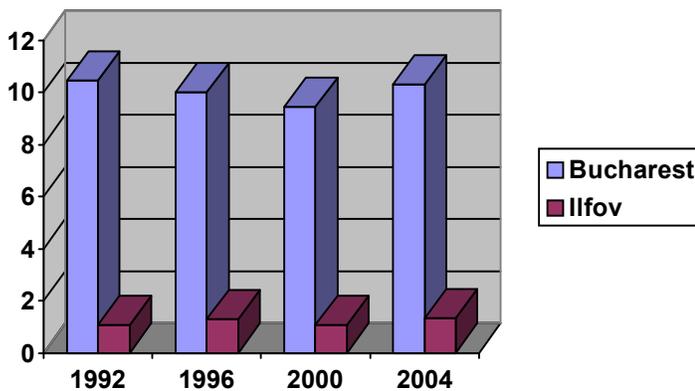


Chart 29. Development of the valid votes obtained at the elections for **Chamber of Deputies** at the level of electoral constituencies in Bucharest Development Region for the elections in 1992, 1996, 2000 and 2004

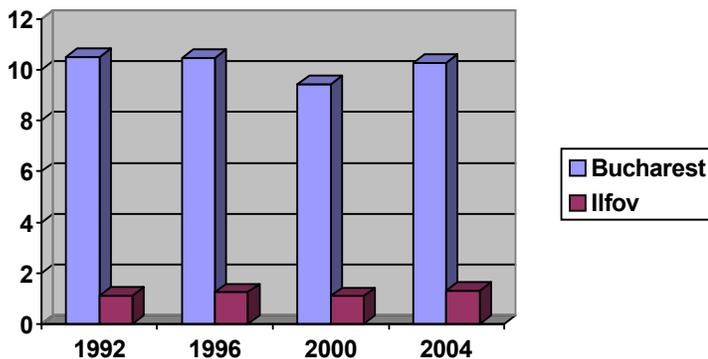


Chart 30. Development of the valid votes obtained at the elections for **Senate** at the level of electoral constituencies in Bucharest Development Region for the elections in 1992, 1996, 2000 and 2004

⁵⁰ To read also the Report of „Pro Democracy” Association, „Electoral elections, 2004”, www.apd.ro

Electoral year	Political party	Chamber of Deputies [%]	Senate [%]
1990	FSN	66.41	76.47
	UDMR	7.32	10.08
	PNL	7.32	8.4
	MER	3.03	0.84
	PNT-CD	3.03	0.84
	AUR	2.27	1.68
	PDAR	2.27	0
	PER	2.02	0.84
	PSD	1.27	0
	Others	5.06	0.85
1992	FDSN	27.7	28.3
	CDR	20	20.2
	FSN	10.2	10.4
	PUNR	7.7	8.1
	UDMR	7.5	7.6
	PRM	3.9	3.8
	PSM	3	3.2
	PDAR	-	3.3
	Ethnical minorities	1.4	-
1996	CDR	30.17	30.70
	PDSR	21.52	23.08
	USD	12.93	13.16
	UDMR	6.64	6.82
	PRM	4.46	4.54
	PUNR	4.36	4.22
	Others	19.92	17.48
2000	PDSR	36.61	37.09
	PRM	19.48	21.01
	PD	7.03	7.58
	PNL	6.89	7.48
	UDMR	6.80	6.90
	Others	23.18	19.94
2004	UN (PSD+PUR)	36.80	37.17
	D.A. (PNL-PD)	31.49	31.81
	PRM	12.99	13.65
	UDMR	6.20	6.23
	Others	12.97	11.14

Table 16. Political configuration of the Parliament

References

- Arrow, K., (1951), „*Social Choice and Individual Values*”, New York: Wiley
- Campante, R.,F., Chor,D., Quoc-Anh, (2005), „*Instability and the Incentives for Corruption*”, Harvard University Press, USA.
- Ciobanu, I., (2006), „*Romanian system of parties: from competition to collision*”, Sphere of politics, no.123-124.
- Ionescu, C. (2002), “ *Political regime in Romania*”, Ed. All Beck, Bucharest
- Matei, A., Matei, L., (2006), „*A Model of Social and Economic Analysis of Corruption*”, EGPA Annual Conference, „Public Managers under Pressure: between Politics, Professionalism and Civil Society”, Milan, Italy, Sept. 2006
- Matei, L., Matei, A., (2004), „*The European Public Space Identity – Communication Resource in Central and Eastern Europe*”, Symposium, May 2004, Athens, Greece
- Niță,M.,(2000),”*Marketing and electoral management*”, Ed. Universitas XXI, Bucharest, Romania
- “*Elections at the limit of democracy*”, “Pro Democracy” Association, 2005
- Local elections, 2004, Report*, “Pro Democracy” Association
- Constitution of Romania, 2003*
- „*Constitution of Romania commented and ad noted*”, Official Gazette, Bucharest, 1992,
- „*Report of OSCE/ODIHR Mission to evaluate the elections in Romania*”, Warsaw, 2005
- „*Electoral Statistics*”, *Parliamentary and presidential elections*, National Institute of Statistics in collaboration with the Permanent Electoral Authority, 2005