

ELECTORAL REPRESENTATION OF COMMUNITIES IN ROMANIAN PARLIAMENT

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Abstract

Since 2003 and especially in 2007 and 2008, civil society and political parties launches extensive discussions aimed at reforming the electoral system. The stake of reform is to strengthen the ties between MPs and the communities they represent. Discussions and negotiations taking place in a firmawork described by the public perception that MPs not really stand for the community that has given the mandate, the MPs being formally elected on party closed lists proposed at constituency level (county). In this context, the article aims to conduct a brief analysis of the results achieved by the first two elections of “uninominal” (actually a Mixed Member Proportional with an absolute majority in first stage and a proportional compensate system for the remaining seats in proportion to the compensation, with voting constituencies) on parliamentary elections in November 2008 and parliamentary elections in December 2012. Article assesses the impact of the new electoral system by following three dimensions: (1) the rank from which parliamentary seats were won, (2) the degree of systemic disproportionality and (3) the distribution of of MPs in the proportion of newly elected MPs, distribution categories according to their age and gender. The article is based on a secondary analysis of data available to the Central Electoral Commission, the Institute for National Statistics, the Institute for Public Policy, Lower House and Upper House. One of the conclusions is that although changing the electoral system, with the adoption “uninominal” vote brought a renewal of parliament, however, the most important positions have been filled in both legislative by re-elected MPs.

Keywords: Electoral representation, Electoral System, Systemic disproportionality, *Fabricated majority*, Artificial minority

Résumé

Depuis 2003 et surtout en 2007 et 2008, la société civile et les partis politiques lance des discussions approfondies visant à réformer le système électoral. Réforme enjeu est de renforcer les liens entre les législateurs et les populations qu'elles représentent. Les discussions et les négociations qui se déroulent dans une opinion publique marquée que les législateurs pas vraiment la communauté qui a donné le mandat d'être élu officiellement partie listes fermées niveau de la circonscription proposée (comté). Dans ce contexte, l'article vise à faire une brève analyse des résultats obtenus par les deux premiers choix de «uninominal» (en fait un système électoral mixte en proportion de la rémunération, avec les circonscriptions de vote) et les élections législatives de Novembre 2008 et élections législatives en Décembre 2012. L'article évalue l'impact du nouveau système électoral en suivant trois dimensions: (1) le lieu à partir duquel sièges ont été remportés, (2) le degré de

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disproportion systématique et (3) la répartition des députés dans la proportion de députés nouvellement élus, les catégories de distribution selon leur âge et leur sexe. L'article est basé sur une analyse secondaire des données disponibles à la Commission électorale centrale, l'Institut national de la statistique, l'Institut pour les politiques publiques, la Chambre basse et haute Houseul Roumanie. Article Une des conclusions est que, bien que la modification du système électoral, avec le vote d'adoption "uninominal" apporté un renouveau des législateurs, cependant, les positions les plus importantes ont été remplis dans les deux députés législatives réélus.

Mots-clés: la représentation électorale, le système électoral majoritaire disproportion fabriqué systématique, artificielle des minorités

Rezumat

Începând cu anul 2003, dar mai ales în 2007 și 2008, societatea civilă și partidele politice demarează ample discuții care vizează reformarea sistemului electoral. Miza reformei este întărirea legăturilor între parlamentari și comunitățile pe care aceștia le reprezintă. Dezbaterile și negocierile au loc într-un cadru marcat de percepția publică conform căreia parlamentarii nu reprezintă cu adevărat comunitatea care le-a acordat mandatul, fiind aleși formal pe liste închise propuse de partide la nivel de circumscripție electorală (județ). În acest context, articolul își propune să realizeze o analiză succintă a rezultatelor înregistrate de primele două alegeri de tip „uninominal” (în fapt un sistem electoral mixt, proporțional prin compensare, cu vot în circumscripții uninominale), respectiv alegerile parlamentare din noiembrie 2008 și alegerile parlamentare din decembrie 2012. Articolul evaluează impactul noului sistem electoral parcurgând trei dimensiuni: (1) locul de pe care au fost câștigate mandatele de parlamentar, (2) gradul de disproportionalitate sistemică și (3) distribuția parlamentarilor în funcție de procentul de parlamentari nou aleși, distribuția pe categorii de vârstă și în funcție de apartenența de gen. Articolul se bazează pe o analiză secundară a datele disponibile la Biroul Electoral Central, Institutul Național de Statistică, Institutul pentru Politici Publice, Lower House și Upper Houseul României. Una dintre concluziile articolului este aceea că deși schimbarea sistemului electoral, concretizată prin adoptarea votului „uninominal”, a adus o înnoire a parlamentarilor, totuși, cele mai importante funcții au fost ocupate în ambele legislative de parlamentari realeși.

Cuvinte cheie: Reprezentare electorală, Sistem electoral, Disproporționalitate sistemică, Majoritate fabricată, Minoritate artificială

1. Introduction

In general, the vote is a type of social choice where community members express an option for a person / party (ideally to be read as option for a particular solution or idea) to represent their interests. Easton (1953 cited Coman, 2004, pp. 67-69) shows that the political system receives the requirements that come from the environment (inputs) through media that are represented by the parties, and then will decide the adoption of government policies, thus taking birth actions (outputs). Government policies act on the system as a feedback mechanism, which through

new requirements, determine their adjustment. On the other hand, the voters can be controlled by through the vote to a large extent both inputs and outputs of the system policy. Electoral system plays the role of communication medium between the electorate and the political system, acting indirectly on the political system. Therefore, the choice of electoral system is one of the most important decisions for a society. The electoral system has a profound impact both on political life and, in the end, on community well being. As a definition, “electoral systems translate the votes cast in a general election into seats won by parties and candidates” (International Institute for Democracy and Electoral Assistance, 2008, p. 5).

Electoral formula is a key element of the electoral system. Depending on the different combinations of electoral system elements we can describe several types of electoral systems. Election literature recorded a number of models of taxonomy of the types of electoral systems. In this regard, Lijphart (2006, p. 143) distinguishes between three major types as follows: (1) majority and plurality formulas, (2) semi-proportional formulas (they are little used, being found in Japan) and (3) proportional representation. Another taxonomy, proposed by the International Institute for Democracy and Electoral Assistance (2008, p. 28), describe four “families” of electoral systems: (1) plurality and majority (2) mixed, (3) proportional and (4) other (see Table 1).

Table 1: The Electoral System Families (IDEA)

Electoral System Families	Systems	Representation
Plurality and Majority	First Past The Post	Plurality
	Two-Round System	Majority
	Alternative Vote	Majority
	Block Vote	Majority
	Party Block Vote	Majority
Proportional representation	List Proportional Representation	Proportional
	Single Transferable Vote	Proportional
Mixed	Mixed Member Proportional	Proportional (Mixed)
	Parallel System	Semi-proportional (Mixed)
Other	Single Non-Transferable Vote	Semi-proportional
	Limited Vote	Semi-proportional
	Borda Count	Semi-proportional

Source: International Institute for Democracy and Electoral Assistance (2008, p. 28).

2. Romanian electoral system

In Romania, the November 2008 parliamentary elections were held under a new electoral framework. The same electoral system was used again during parliamentary elections in December 2012. Parliamentary elections based on the List Proportional Representation system used from 1990 to 2004 was seen as one

of the causes of social and political fracture which divide Romanian society. This electoral system has been described as a strong barrier that blocked the interests of “disadvantaged groups who aspired both minimal political participation and ensuring satisfactory access to resources” (Pro Democracy Association, 2008, p. 5). For this purpose there have been various proposals to reform the electoral system.

After several rounds of discussions and negotiations between the parties in November 2007 a referendum was convened at which citizens are called upon to decide “yes” or “no” to the question: *Do you agree that from the first election to be held for the Romanian Parliament, all members of the Upper House and Lower House should be elected in single-member constituencies based on a majority vote in two rounds?* (Central Electoral Bureau, 2007). Out of the people who expressed their voting rights 81.36% chose to “YES”. But national referendum was invalidated because only 26.51% of the citizens voted, the threshold being set at of 50% plus one.

Finally, after further political negotiations on 4 March 2008, the Lower House passed the new electoral law (Law 35/2008) which describes “an electoral system inspired by the Pro Democracy Association formula, but adjusted according to the requirements of political parties” (Teodorescu (ed.), 2009, p. 56). Although the new electoral system adopted is known and promoted in the media by the name “uninominal system” in fact the electoral system described in Law 35/2008 is a Mixed Member Proportional with an absolute majority in first stage and a proportional compensate system for the remaining seats. The magnitude of of the electoral district is one.

Implementation of the new electoral law determined the appearance of numerous controversies, the most virulent being two: (1) the delimiting of electoral district and (2) the results (due to misunderstanding on how the system works). Rather late adoption of the Law (March 2008) in relation to the date of the elections for Lower House and Upper House (November 2008) “has determin the cropping of the districts to be made in a quick and rather opaque way. The tensions generated by this process were raising a number of questions about the possibility to influence the election results with a convenient cropping district”(Teodorescu (ed.), 2009, p. 56).

A second controversy was caused by the situation where candidates ranked second or third as the number of votes obtained won office after compensation at the expense of the winner of the largest number of votes. This situation, perfectly legal, is the result of the operating principles of the electoral system. Thus, a candidate need 50% plus one to win elections at the district level and in the absence of such a situation seats shall be distributed proportionately to compensate the county constituency proportional representation at the national level. Therefore the law describes, in fact, three stages of allocating seats in the college uninominal

at county and district level to the national level. Alternative threshold was changed: in the previous electoral system threshold was set at 5% or a four Lower House Members and two Upper House Members, the new electoral law determines that it is necessary, in addition to the 5% threshold of six Lower House Members and three Upper House Members. The nine candidates must be in the first position of their college for their party to have access to Parliament.

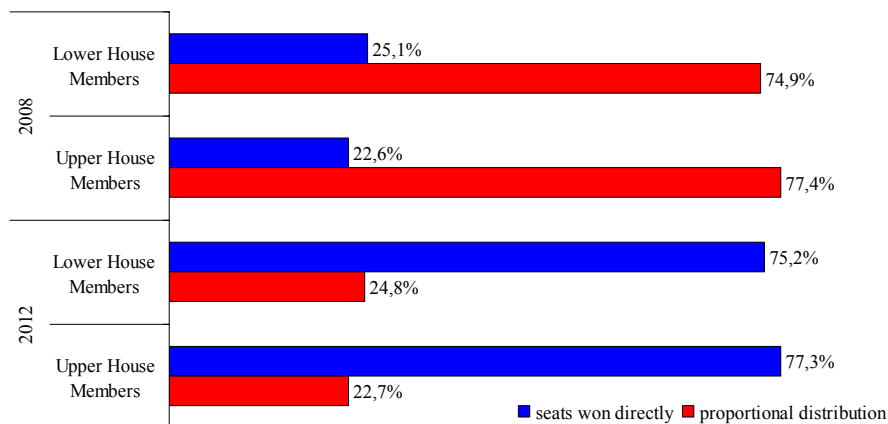
3. The impact of the new electoral system

Further we will analyze the impact of the new electoral system considering three dimensions: (1) the place from which parliamentary seats were won, (2) the degree of systemic disproportionality and (3) the distribution of MPs in the proportion of newly elected MPs, distribution according to age and gender affiliation. The results presented are based on a secondary analysis of data available to the Central Electoral Bureau, National Statistical Institute, the Institute for Public Policy, Romanian Parliament: Lower House and Upper House.

The draft electoral for law changes initiated by Pro Democracy Association (2008) determined the need to address a central problem of the political system in Romania: the lack of accountability of MPs to the electorate. By “direct” choosing the MPs was targeting to change public perception which is characterized by a very low confidence in Parliament, but also a way for citizens to directly penalize individual MPs. However, at the November 2008 parliamentary elections and the 2012 parliamentary elections, voters were able to observe a curious phenomenon: in some cases, candidates who win the most votes in colleges do not earn and mandate. As noted above, this does not exceed the legal provisions are determined by proportional allocation of seats to political parties in terms of elections in constituencies colleagues. However, many people have considered this situation "an anomaly" (Popa, 2009, p. 73).

Due to assigning the mandates system, a relatively large number of candidates ranked first in college constituencies have received mandates, even if they won the election in that college. In 2008, 75.63% of seats allocated were obtained by the candidates who won in college (or have achieved more than 50% plus one, or have occupied the first position) for the Lower House, the Upper House or 70.07% . The difference in terms of candidates was obtained runners II, III, IV, VII right. Of these warrants for Lower House only 25.1% and 22.6% for the Upper House were directly attributable to candidates achieving 50% plus one of the votes cast. Unlike the 2008 parliamentary elections, the 2012 elections recorded a spectacular result: over 75% of parliamentary seats, Upper House respectively, were assigned directly (see Figure 1).

Fig. 1: Seats distribution for the Lower House and Upper House



Source: Central Electoral Bureau (2008, 2012)

In both election ballots analyzed the data lead us to conclude that mandates are validated vote obtained from the colleges situations winners on position II or below as soon as exceptions.

Another widely publicized was the comparison between the actual number of votes cast and the number of seats assigned. In 2008, which sparked a wave of indignation true among politicians was “perverse system of placing the alliance with the largest number of valid votes cast in his favor at the national and the largest number of seats awarded to 50% plus one of the votes in second position to the actual number of seats obtained in the legislature” (Teodorescu (ed.), 2009, p. 96). In fact, PSD-PC obtained more votes¹ for Lower House and Upper House, but PDL won more seats in both Houses of Parliament (complete data can be found in Annexes article).

This was due to the fact that whole votes determined the proportionality results at the party, but the "debris" that votes not to the distribution of seats in the constituency. From a theoretical perspective in the analysis of electoral systems such as that of a systemic disproportionality in elections in November 2008 is acceptable and justifiable. From a practical standpoint, this disproportion – albeit very small – had a major impact on the Romanian political scene, returning government leadership PDL. Analysis of systemic disproportionality in the 2008 parliamentary elections, the results show that the transformation of votes into seats had the highest degree of proportionality in the electoral history of Romania (Teodorescu (ed.), 2009, pp. 91-112).

Lijphart (2006, p. 160) emphasizes that all electoral systems, whether we refer to the majority or to the proportion in the mixed or other electoral systems:

¹ The percentage of votes received by each political party, both the Lower House and Upper House was calculated by dividing the sum of votes obtained by the parties that won seats in Parliament.

1. tend to generate disproportionate results;
2. tend to reduce the effective number of parliamentary parties compared to the actual number of electoral parties;
3. may produce a parliamentary majority for parties that have obtained the support of most voters.

These three trends are emphasized in the majority and pluralitar electoral systems and lower in those with proportional representation, but not nonexistent. Also, as the disproportion is greater, the number of parties is small.

Also, Lijphart (2006, pp. 160-163) indicates that systemic disparities resulting from the implementation of electoral systems result in two types of parliamentary majority – fabricated or won. Fabricated majority We are talking about when political party won a majority of seats without winning the majority of votes and the won majority when a political party wins a majority of seats and so majority. Moreover, Lijphart (2006, pp. 160-163) identify and describe the natural minority where no political party wins the majority of seats or votes. In addition to these three categories identified by Lijphart (2006) we proposes a fourth category in which a political party that wins the most votes does not win the majority of seats. It is a situation we have just described above with reference to the results of the parliamentary elections of 2008 and we can designate as *artificial minority*. Of mandates has led to a majority of the PD-L made an artificial minority PSD-PC Alliance.

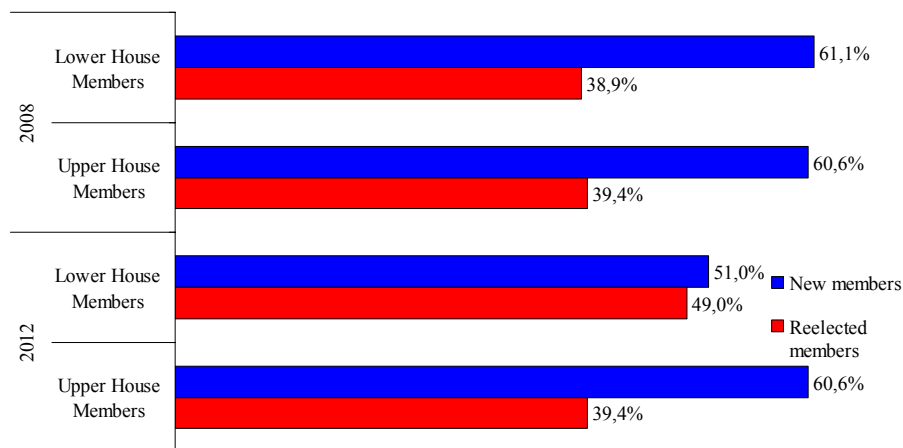
Elections in December 2012 brought a new wave of discussion about quota seats and votes widely publicized in public space. This time the subject was not represented on the provision of artificial majority, but the increase in the number of seats. Thus, the Lower House increased by 18.9% in the number of seats from 334 to 412 seats in Lower House Members and the Upper House an increase of 22.2% from 137 to 176 seats in Upper House Members. Increasing the number of seats in the legislature 2012-2016 versus 2008-2012 legislature was determined by the principle of proportionality. Due to the large number of seats allocated directly, as we have already pointed out (see Figure 1) to preserve the principle of proportionality, the number of seats was increased.

Electoral situation in December 2012 shows how changing the electoral law within the meaning of the award the seat to the winner in each college (ie a pluralitar) – topic under discussion in the political – to suspend the principle of proportional distribution of seats in relation to votes nationally, shifting the focus from a proportional electoral system in a non-proportional electoral system, such as “first class”. Effects are on the one hand the low representation of voters who vote for candidates of the party in the minority. Moreover, in theory, we can expect to meet more frequently fabricated majority (party that wins the most seats, although they have won the most votes).

The positive effect as controlling the number of mandates and Upper House constituencies delimited by the number of districts. For example, Romania resident

population recorded by the Institute for National Statistics (2012) in 2008 is 21,528,627 people. Applying the cubic root law (which describes the number of seats in the lower house expected in a parliament) (Lijphart, 2006, p. 151) means that the Lower House “should” be awarded approx. 278 seats compared to 334 seats in the legislature from 2008 to 2012 (an oversize with 56 seats (about 20%)). Applying the same reasoning elections in 2012, resulting in an oversize 135 seats (about 48%), compared to 277 places calculated by extracting the cube root of the total resident population recorded by the Institute for National Statistics (2012) 2012 (21,355,849 people).

Fig. 2: Seats distribution according to MPs newly elected



Source: Institutul pentru Politici Publice (2009, pp. 1-2), Romanian Parliament: Lower House and Upper House

Renewal of the political class, one of the major objectives of the implementation of the new electoral system can be measured by the proportion of new MPs elected / re-elected compared to a legislature in the past. In respect of those who have won mandates a study by the Institute for Public Policy (2009) shows that over 50% of members of parliament from 2008 to 2012 were changed compared to previous mandate. By comparison with the mandate 2004-2008, Upper House members (39%) were re-elected almost the same percentage as the Lower House members (40%). Please note that 186 Lower House Members and 72 Upper House members were never in Parliament. If on average 60.9% of the total number of MPs (471) are new entrants in office from 2008 to 2012, the term 2012-2016 average of new entrants is only 51.7% of the total 588 MPs: 51% Lower House Members are newly elected and 60.6% of the Upper House Members (see Figure 2).

Most Upper House Members of the Legislature 2008-2012 were aged 50-60 years. The average age is higher than the Lower House, which is between 40 and 50 years, comparable with the legislature from 2004 to 2008. Institute for the Study

of Public Policy (2009, p. 3) reveals that the Lower House, are 17 members aged under 30 years. The legislature 2012-2016 most of the Lower House Members are aged also 40 to 50 years, and the Upper House members between 50 and 60 years (see Table 2).

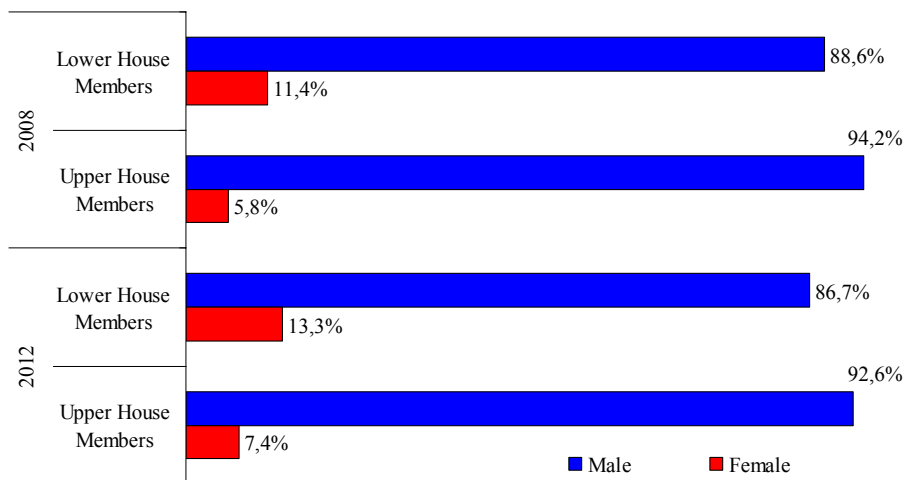
Table 2: Seats distribution according to MPs age group

years old	2008				2012			
	Lower House Members		Upper House Members		Lower House Members		Upper House Members	
	N	%	N	%	N	%	N	%
29 and under	12	3,6			7	1,7		
30 – 39	89	26,6	13	9,5	107	26,0	27	15,3
40 – 49	109	32,6	40	29,2	132	32,0	55	31,3
50 – 59	94	28,1	67	48,9	116	28,2	68	38,6
60 – 69	28	8,4	15	10,9	45	10,9	26	14,8
70 and over	2	0,6	2	1,5	5	1,2		
TOTAL	334	100,0	137	100,0	412	100,0	176	100,0

Source: Institutul pentru Politici Publice (2009, pp. 3-4), Romanian Parliament: Lower House and Upper House

In terms of gender distribution, the Romanian Parliament remains a strong masculine structure. The average parliamentary woman was only 9.8% in the 2008-2012 legislature and 11.6% in the 2012-2016 legislature.

Fig. 3: Seats distribution according to MPs gender



Source: Institutul pentru Politici Publice (2009, pp. 1-2), Romanian Parliament: Lower House and Upper House

4. Conclusion

In this article we intend to realize an overview of the results achieved by the first two elections of “uninominal”: the November 2008 parliamentary elections and the parliamentary elections of December 2012. Although promoted in the media as “uninominal vote”, in fact, the new electoral system described by Law 35/2008 is a Mixed Member Proportional with an absolute majority in first stage and a proportional compensate system for the remaining seats. The analysis is based on data available to the Central Electoral Bureau, National Statistical Institute, the Institute for Public Policy, Lower House and Upper House.

In a context where public perception that MPs not really stand for the community that has given the mandate (being elected on closed party lists) and the trust shares were registered by parliament increasingly lower, civil society and political parties starts ample discussion about electoral reform, reform to strengthen the ties between MPs and the communities they represent.

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Annex 1. *Proportion of seats and votes cast for the Lower House and Upper House in the Romanian Parliament 2008-2012*

Partidul	Lower House			Upper House				
	Seats (N)	Seats (%)	Votes cast (N)	Votes cast (%)	Seats (N)	Seats (%)	Votes cast (N)	Votes cast (%)
PD-L	115	34,43	2.228.860	35,81	51	37,23	2.312.358	36,15
Alianța PSD-PC	114	34,13	2.279.449	36,63	49	35,77	2.352.968	36,78
PNL	65	19,46	1.279.063	20,55	28	20,44	1.291.029	20,18
UDMR	22	6,59	425.008	6,83	9	6,57	440.449	6,89
Minorities	18	5,39	11.086	0,18	--	--	--	--
Total	334	100,00	6.223.466	100,00	137	100,00	6.396.804	100,00

Source: Central Electoral Bureau (2008)

Note: The percentage of votes received by each political party, both the Lower House and Upper House was calculated by dividing the sum of votes obtained by the parties that won seats in Parliament.

Annex 2. *Proportion of seats and votes cast for the Lower House and Upper House in the Romanian Parliament 2012-2016*

Partidul	Lower House			Upper House				
	Seats (N)	Seats (%)	Votes cast (N)	Votes cast (%)	Seats (N)	Votes cast (N)	Seats (%)	Votes cast (%)
USL	273	66,26	4,344,288	62,19	122	4,457,526	69,32	62,15
ARD	56	13,59	1,223,189	17,51	24	1,239,318	13,64	17,28
PP-DD	47	11,41	1,036,730	14,84	21	1,086,822	11,93	15,15
UDMR	18	4,37	380,656	5,45	9	388,528	5,11	5,42
Minorities	18	4,37	12,947	0,19	--	--	--	--
Total	412	100,00	6,997,810	100,17	176	7,172,194	100,00	100,00

Source: Central Electoral Bureau (2012)

Note: The percentage of votes received by each political party, both the Lower House and Upper House was calculated by dividing the sum of votes obtained by the parties that won seats in Parliament.