

In Romania, electoral reform is taking a backwards step, to the benefit of the ruling parties.

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Since the fall of communism, Romania has used a system of proportional representation in its parliamentary elections. But now, according to [Cristina Bucur](#), a month after the collapse of the coalition government led by the Democratic Liberal Party due to a motion of no confidence, the new ruling coalition of the National Liberals and the Social Democrats are set to rewrite the electoral law to introduce a first-past-the-post style system which will virtually guarantee these parties a clear majority in the upcoming elections.



Last week, Romania's Chamber of Deputies approved an electoral law, which, if signed by President Basescu, will introduce a first-past-the-post (FPTP) system at the national level. Passed in early May by the Senate, the bill was initiated by Victor Ponta (the new prime minister and Social Democratic Party leader) and Crin Antonescu (the National Liberal Party leader and coalition partner of the PSD).

After the fall of communism, Romania adopted a closed-list proportional system, whose inclusiveness was gradually reduced by the introduction of an electoral threshold of 3% in 1992, which was raised to 5% for individual parties and 8%-10% for alliances in 2000. However, as the threshold failed to reduce significantly party fragmentation in parliament, the idea of introducing single-member constituencies gained more and more ground and in time all major parties lined up behind it.

The reform of the electoral system rose to the top of the political agenda in late 2004, when a centre-right coalition formed by the National Liberal Party (PNL) and the Democratic Party (PD/PDL) replaced the incumbent Social Democratic Party (PSD). The PNL-PD/PDL coalition won both the 2004 presidential and parliamentary elections. However, things took a different turn in 2007, when President Basescu's PD/PDL party left the governing coalition, beginning a period of cohabitation. Around the same time, President Basescu was suspended from office by parliament for supposedly unconstitutional conduct, although the Constitutional Court later declared that his actions had not violated the Constitution. The parliament's decision to suspend the president was unpopular and was rejected by almost 75% of voters in a referendum that was organised one month later. However, this incident, as well as the political crisis that had been ongoing since 2005 due to the poor relations between the parties who formed the PNL-PD/PDL coalition, increased the pressure for the introduction of single-member constituencies so that the accountability of MPs might be increased in some way.



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In the following months, the adoption of a new electoral law became a priority, but while the PNL government was in favour of a mixed system, President Basescu remained a strong supporter of the two-round system that is used in France. When the bill was finally passed by the parliament in October 2007, the president sent

it to the Constitutional Court and called a referendum for the adoption of the two-round system. Although more than 80% voted in favour of the reform, the referendum was not valid due to low voter turnout. As a result, despite the changes imposed by the Constitutional Court on the government's bill, the parliament adopted a mixed electoral system that was eventually signed off by President Basescu in March 2008.

Under the mixed electoral system adopted in 2008, voters cast ballots in single-member constituencies. The country is divided in 42 administrative counties, with a 43rd constituency dedicated to the Romanian citizens living abroad. Each of the 42 counties is divided into several single-member constituencies depending on the number of inhabitants in each constituency. The special constituency for Romanian citizens living abroad consists of four constituencies for the Chamber of Deputies and two for the Senate. Overall, there are 452 single-member constituencies, 315 for the election of deputies and 137 for senators.

This version of a mixed electoral system combines a single round of voting in single-member constituencies with a complicated system of seat allocation for parties that surpass an electoral threshold of 5%. Only those candidates who win over 50% of the votes in single-member constituencies are automatically elected. The remaining seats are distributed among the political parties first at the county level (using the Hare quota) and then at the national level (according to the d'Hondt method), provided they pass the 5% threshold. An exception to this rule is made for parties that do not surpass the threshold, but manage to win at least six constituencies in the elections to the Chamber of Deputies or three constituencies in the elections to the Senate. The complex rules of the redistribution of seats mean that this system cannot be classed as a mixed member proportional system and may result in the election of candidates who were ranked third or even fourth in a constituency at the expense of candidates who were ranked second in the same constituency, depending on the quota that their parties reached in the respective counties.

Four years later, the circumstances under which the electoral system is about to change are surprisingly similar. In late April 2012, the governing coalition, of which the PDL was the dominant party, lost a vote of no-confidence and a new period of cohabitation began. Less than a fortnight after, the Senate adopted the new election bill initiated by Victor Ponta (the new prime minister and PSD leader) and Crin Antonescu (the leader of the main coalition partner, the PNL).

The new electoral bill introduces two key changes. First of all, the element of proportional allocation of seats is completely removed at both the county and national level and so is the electoral threshold. Nothing is supposed to change in either the drawing of the 42 counties (plus the special constituency for the Romanian diaspora) or their sub-division into single-member constituencies. Thus, voters will cast ballots in the same 452 single-member constituencies as before. As a result, this system seems to resemble the UK-style first-past-the-post, single-member plurality system. However, there is a twist for the representation of minorities. Every ethnic group that exceeds 7% of total population at the county level and does not win a seat in any of the single-member constituencies in that county receives a wild-card seat for their best-placed candidate in the county. For example, even if none of the candidates of the Hungarian minority manages to win a seat in those counties where they exceed 7% of the population, the one who is best placed among them will win a seat, which is added to the number of seats that would normally result from the number of single-member constituencies allocated to that county. However, the same rule also applies to Romanian candidates in those counties where the Hungarians hold a majority. A side-effect of this change is that the number of MPs may increase due to the addition of 'wild-card' seats. However, the electoral bill limits this increase to a maximum of 10 new mandates. Although this is seen as a concession made to the Hungarian minority, the Hungarian UDMR party abstained from the vote last week and declared their opposition to the introduction of a majoritarian electoral system.

President Basescu's PDL party, which is now in opposition, opposes the increase in the number of MPs. In fact, they had previously made an electoral promise to reduce their number to 300. They are also opposed to the removal of the electoral threshold. As a result, they plan to send the bill to the Constitutional Court. In any case, the bill cannot enter into effect until it is signed by President Basescu, who is a strong supporter of the two-round system and has constantly advocated the adoption of this electoral formula since he first gained office in 2004. Should he want to delay the introduction of the current bill, the president has several options at hand. He may choose to exercise his veto and ask the parliament to reconsider it (Art. 77) or he can send it to the Court unless somebody else does so first (Art. 146). However, if the Court does not declare the bill unconstitutional and if the parliament overturns a presidential veto by passing the law again, he will have no

other choice than to sign it.

With the legislative election scheduled for November this year, the parties that are currently in power, the PSD and the PNL are expected to benefit most from these electoral changes. While together they are credited with over 50% in the current opinion polls, the new electoral law means that they are likely to win a majority in parliament even in the context of a deepening economic crisis. For its part, the PDL's popularity has eroded significantly since 2008, when it was re-elected, mostly due to the austerity measures that it has had to impose since this time. Except for the short period of cohabitation between April 2007 and December 2008, the PDL was in power from 2004 until one month ago. As a result, although the PDL is in favour of an electoral system that is based on single-member constituencies, this party has good reason to resent the adoption of a first-past-the-post system. The UDMR, the party representing the Hungarian minority, is in a similar situation, given that a plurality system would reduce its chances of being co-opted in a government coalition, of which it has been an almost constant presence since 1996.

A version of this article first appeared on the [Semi Presidential One blog](#).

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