THE UNINOMINAL VOTE AND ITS EFFECTS ON THE ROMANIAN ELECTORAL SYSTEM

Ph.D. Claudiu PORUMBĂCEAN
"Vasile Goldis" Western University of Arad
Faculty of Humanities, Politics and Administrative Sciences, Arad
Mobile phone: 0740/218234
E-mail: claudiupp@yahoo.com

ABSTRACT. *Since 1990, after the first democratic elections in Romania, before each election, there were debates about the technical way in which elections should be conducted. If, as of May 20th 1990 and till the autumn of 2004, parliamentary elections held in Romania were conducted in the form of proportional representation, by voting on political party lists, in electoral districts strictly drawn by type and capital district, after the 2004 election debates around the modification of the voting system were approached with increased interest and very intense discussions at the decision – making levels were initiated.*

Thus, after lengthy debates in parliament and inside the civil society, and also following the referendum on 25th of November 2007, initiated by the President under the Constitution of Romania (in consultation with the Parliament), it was decided that the Romanian electoral system would be modified from the proportional party lists voting method into the uninominal majority vote in electoral constituencies and uninominal colleges (districts).

The decision being thus taken by the voters, the Parliament started to discuss the suggested bills and finally Law no. 35/2008 was passed in March 2008, this law being known as the "law of the single vote".

Law no. 35/2008 confirms the modification of the Romanian electoral system and the November 2008 parliamentary elections were held under its prerogatives. The consequences of the electoral changes are still commented upon by the most prominent public life players in Romania.

Keywords: *uninominal voting, elections, electoral system, parliament, constituency.*

Both in the past, and mainly today, political science is concerned about how to find the best formula by which votes obtained during an election ballot should be transferred into seats in the legislative assembly. There have been

found various mathematical formulas, electoral systems have been invented that claim to achieve the highest representation of the voters' will. There is no consensus about the virtues of an electoral system: each has both advantages and disadvantages, and not always the electoral systems recommended by political scientists are they put into practice by the political class (Porumbăcean 2009: 145-155).

After 1990, since the democratic elections in Romania, before each election there were debates about the technical way in which elections should be conducted.

If, as of May 20th 1990 and till the autumn of 2004, parliamentary elections held in Romania were conducted in the form of proportional representation, by voting on political party lists, in electoral districts strictly drawn by type and capital district, after the 2004 election debates around the modification of the voting system were approached with increased interest and very intense discussions at the decision – making levels were initiated.

Thus, after lengthy debates in parliament and inside the civil society, and also following the referendum of November 25th 2007, initiated by the President under the Constitution of Romania (in consultation with the Parliament), it was decided that the Romanian electoral system would be modified from the proportional party lists voting method into the uninominal majority vote in electoral constituencies and uninominal colleges (districts).

It has been said that the system of proportional representation prevailing since 1990 is not making the political parties responsible and it rejects them from the voters' real will and there has been a need for transposing the Romanian voting system applying the majority uninominal system which would lead to the establishment of direct relations between elected representatives and voters because of that policy to get more familiar with the problems of the colleges to represent them and voters, in their turn, be more closely informed about the representing qualities of the candidates to public positions.

According to data from the Central Electoral Bureau which conducted the referendum on changing the voting system in Romania, which took place on 25th November 2007, the turnout was of 26.5%, the number of valid votes was of 4,851,470, valid votes cast to answer "yes" was of 3,947,212 which represented a rate of 81.36% and the number of valid votes cast with the answer "NO" was of 784,640, which is a percentage of 16.17 % of the total valid votes cast.

The decision being thus taken by the voters, the Parliament started to discuss the suggested bills and finally Law no. 35/2008 was passed in March 2008, this law being known as the "law of the single vote."

Law no. 35/2008 confirms the modification of the Romanian electoral system and the November 2008 parliamentary elections were held under its prerogatives. The consequences of the electoral changes are still commented upon by the most prominent public life players in Romania.

The occurrence of the **Law 35/2008**, known as "the single vote law" it is therefore the time that confirms that the parliamentary elections of November 30th 2008 to be held in a changed form as compared to those carried out since 1990.

If Chapter 1 of the law stipulates the General provisions relating to electoral rights, Chapter 2 deals with the first major changes in the electoral system. Following Article 10 which provides for the establishment within the country of 42 electoral districts, one in each county, one for Bucharest and a constituency for the Romanians abroad, a total of 43, Article 12 provides that within each electoral constituency, there will uninominal colleges based on the rule of representation constituencies, as follows:

a) the number of constituencies for the Chamber of Deputies, respectively the Senate shall be determined by dividing the total number of inhabitants of each constituency under the rules of representation provided in art. 5. (2) and (3), plus a deputy, respectively a senator college for what exceeds half the representation norm, the number of colleges of MP in a constituency being less than 4, and the Senator, less than 2 (....)

Delimitation of constituencies considers the following rules:
a) an electoral college may contain only whole constituencies;
b) the territory covered by a single member college must be in one and the same county or the municipality of Bucharest;
c) within a locality may be defined as a rule, only whole constituencies colleagues;
d) A college may include single name, usually one or more entire villages;
e) in Bucharest, college constituencies should not exceed the administrative-territorial boundaries of the 6 sectors. In each of the sectors, constituencies will be designed for the Chamber of Deputies colleges and the Senate election. (1). a), sub-paragraph. g) will be applied to colleges designed within each sector;
f) The Special Constituency for Romanian citizens residing outside Romania will consist of four uninominal constituency for the Chamber of Deputies and two constituencies for the Senate election. Geographical assignation of the four constituencies for the Chamber of Deputies and the two Senate constituencies will be established by Government decision, as decided by a special parliamentary commission established on the basis of parliamentary representation proportionality within 90 days after entry into force of this title;
g) in a constituency, the delimitation of colleges for the Chamber of Deputies and the Senate is done so that their size is calculated by number of inhabitants, be such that the largest single member to college,

usually, more than 30% higher than the lowest college constituencies, under the provisions of sub-paragraphs a)-e);

h) an uninominal college for the election of the Senate always consists of a whole number of constituencies for the Chamber of Deputies whole and contiguous, within the same electoral districts.

The law also provides electoral thresholds. The threshold is the minimum required number of votes cast for parliamentary representation or access to college constituencies where candidates of political parties have obtained the highest number of votes, at least 50%+1 valid cast. For the Chamber of Deputies and the Senate there is a requirement for access to parliament of 5% of the total valid votes cast in all the constituencies.

It is also this law that provides an alternative threshold for the Chamber of Deputies and the Senate, by cumulative fulfilling of the requirement of obtaining a cumulative six constituencies for the Chamber of Deputies colleges and 3 colleges for Senate constituencies where candidates of political parties stand in the first place, according to the order of the valid votes cast, even if they have not fulfilled the 5% threshold.

As I have mentioned before, the legal provisions are interesting but they are those telling us how the parliamentary seats are granted.

Mandates are distributed in a first phase, after the Central Electoral Bureau has declared the electoral district on the political parties have passed or not passed the threshold at the constituency level.

The single-vote (uninominal) system has been used until now in Romania for the appointment of mayors, the presidents of county council and the President of Romania. In those cases, however, the single-vote system was used in a simplistic way, the one who had an absolute majority was appointed the winner and for that respect the second round was in use as well. Candidates appointment in this way is a simple one. An absolute majority is required and it's easily obtained in the second round. Seats assignment is simple and differs from the system used in parliamentary elections in November 2008 when elections were held in constituencies in a single round and a complicated method of awarding the mandates was used.

These elections were therefore conducted in a completely new form in Romania. Neither voters nor candidates nor the legislature and executive, who decided that the elections were not coordinated very well prepared for the social experience.

Considering that the current population is 21 million, the optimum size of the legislature would have to be 282. Therefore, the current Chamber of Deputies meets a population of 36 million. The current electoral law which requires a standard representation of 70,000 inhabitants for the Chamber of Deputies maintains this disparity. It was normal, before determination of the principles on

allocation of parliamentary seats, to decrease the norm of representation. But which one of the MPs present in the Electoral Code Commission would be willing to conduct such a reform? If this Commission were composed not only of politicians, but of some experts had been recruited as well, perhaps today we would have an electoral system that does not cause this deviation from the above-mentioned rule (Carp 2008).

Here, therefore, scientists have observed at the outset that the law does not come first to correlate the number of parliamentarians considering the Romania's population to approach a normal average, maintaining the existing disproportion.

Since its first steps, though after extensive discussions over a long period of time after the law 35/2008 was adopted and after a series of virtual applications (practical tests, simulations), it was found that the law had provisions difficult to follow and that amendments to make it enforceable.

For example, Law no. 35/2008 provided that in the delimitation between colleges, between the highest and lowest college there should not be a difference of more than 30%. Rightly, the parliamentary debate set out idea that should have drawn first colleges and then to proceed with the discussion on the modalities of distribution of seats. When it was understood that the provision is difficult to put into practice, it appeared as necessary to adopt an emergency ordinance, no. 66/2008, adding to the maximum difference provision of 30%, the phrase "on a regular basis" meaning that the differences between colleges can be more than 30%.

The same government ordinance, no. 66/2008 sets up, for Bucharest, that the borders between electoral colleges from Bucharest constituency do not have to match those of the sectors, provision that has ruined the political parties plans which have strong organizations in the sectors, but which had to alter their flowcharts in an unnatural way in order to lead effective electoral campaigns.

There are lots of opinions according to which, beyond the decisions of the Constitutional Court and of the courts relating to the electoral law itself and its subsequent amendments, the existing legislation is profoundly undemocratic and should be amended quickly. It is believed that proportional representation was the best choice for Romania at the beginning and during the transition, but currently it has produced its effects and it is time to choose a different electoral system, but not practiced at the last parliamentary elections, in November 30th, 2008 (Carp 2008).

As I have already mentioned earlier, Law 35/2008 establishes elections into uninominal constituencies but adds the words "under proportional representation." This contradiction shows confusion between the two types of polls: single member plurality and proportional representation. This combination may be used only if it is voted on ballots mixed in two different lists in different ways. The electoral law I am referring to does not fit this type of ballot.

The main problem was an application of this law, otherwise foreseeable, the designation of candidates by mathematical calculations in such a way that the preferences of voters should be properly reflected in the allocation of seats. For example, if a competitor has obtained 90% of the votes and was elected in a college, according to this law, the remaining 40% of the votes that he received would be the benefit of other candidates of the party he belongs to. Normal inference is that it does not take into account the choices of voters, in violation of constitutional democracy rather that the parliament should be the result of the election and not math.

Voting system practiced in the November 30th 2008, adopted with Law 35/2008 therefore detrimental to the direct and equal vote, with officials in the stools of persons who, in fact, were not chosen.

One result of the new voting system is that it has led to the lowest electoral disparity in Romania after 1989 elections. Only 10% of the votes cast are not in parliament, compared to more than 20% in 1992, 1996 and 2000 and 13% in 2004. This is due to several factors:

a) Law 35/2008 requires a candidate to submit an amount of money sunk if it fails to obtain 2% of votes at stake which made many of those who sensed that they had chances success will not enter the electoral competition;

b) low turnout meant that those who participated in the election, voters determined, the captive of the major parties to know exactly whom they are voting the previous electoral experiences also having a say so that people avoid wasted vote, useless. Score of 10% electoral disparity was obtained with all that 2% of the votes cast were white votes, given by voters who wanted to vote but considered that none of those present candidate on the ballot is not in preferences their election.

Any electoral system must take into account the common principles of constitutional democracies. One such principle is equality of votes which may be obtained either by electoral colleges in the same number of MPs elected in colleges unequal number of inhabitants, or is an unequal number of MPs elected in equal number of inhabitants colleagues. The current law allows an unequal number of parliamentary election in populous mixed colleges. The difference between colleagues may be "generally, 30%." In these circumstances, it is understood that the principle of equality of the vote was not respected, with consequences that we have seen with the completion of parliamentary elections results (Carp 2008).

Normally, the democratic election of a person's vote must be made by obtaining a greater degree of representativeness as a vote. This principle was also promoted when he developed the law of the single vote. Here, however, that the results of the vote there were fellow candidates who have obtained a small number of votes and came in 4th place in the competition (for example) in their college, they clicked on a bench while the rest of the first. Instead, over 40% of

votes of the votes cast, have missed the entry into parliament. Parliament resulting from the application of this type of voting system is composed of 75% of parliamentarians who have won elections in the colleges of which 27% have candidate won more than 50% +1 of the votes, but 25% of winning a seat in parliament parliament without actually being elected by the voters really ran the college. Many of them were even very low electoral scores.

The Analysis of the Results Recorded in the Satu Mare Constituency Following the 2008 Ballot

As a particular case, but showing very well the situation throughout the country, we have analyzed the results of parliamentary elections held in November 2008 in no. 32 constituency of Satu Mare[1].

Satu Mare Constituency no. 32 included seven uninominal colleges. Two for the election of senators and five for the election of the House of Deputies divided among the 318 591 citizens entitled to vote (according to the County Department of Statistics).

The electoral Results for constituency no. 32 of Satu Mare:

Results for the Senate:
Electoral College no. 32, uninominal college no. 1 Senate
- Total number of voters listed in the electoral lists in college no. 1.................... 179,710
- Total number of valid votes... 61,110
- Minimum number of (mostly) valid votes necessary to get the mandate **30,556**
- Total number of valid votes cast for each candidate for Senator

2. Valer Marian .... 16,551 votes - won the mandate in a second phase award mandates
1. Petre Muresan...................................... 18,065
4. Ovidiu Ioan Silaghi................................8,097
3. Stephan Ladislaus Konya.......................14,523
5. Ludmila Chiuzbaian Delia...................... 1,096

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[1] All the data regarding electoral outcomes were collected from the County Statistical Institute (Direcția Județeană de Statistică) and from the Satu Mare Electoral Bureau no. 32 (Biroul Electoral de Circumscripție al Circumscripției Electorale 32 Satu Mare).

6. Teodor Gavrilaş.......................................1,056
7. Pop Nicolae...972
8. Finta Grigore.. 287

In this college the candidate Petre Muresan obtained the greatest number of votes. According to the method of allocation of seats, but he had to wait for the second stage of the award of mandates that resulted into a better placement of the Social democratic Party inside this college, therefore Mr Valer Marian, despite the fact he was elected on the second place in the college, with 1514 votes less, won the mandate.

Electoral College no. 32, uninominal college 2, Senate
- Total number of voters listed in the electoral lists in college 2 141,648
- Total number of valid votes 50,639
- minimum number of (mostly) valid votes necessary to get the mandate: **25,320**
- Total number of valid votes cast for each candidate for Senator

1. Tiberiu Gunthner .... **26,332 - won the first stage of awarding the mandate, obtaining an absolute majority**
2. Viman Vasile Ioan........................8,155
3. Pop Zoltan Carol......................... 7,055
4. Valentin Macec............................6,410
5. Crisan Ieronim.............................. 937
7. Bolba Cornelio Anca.....................842
6. Cotoros Daniela Dorina 908

In Constituency no. 32, for the Senate, the total number of voters listed in the constituency electoral lists 32 (Satu Mare) was of 321,358 out of which 111,749 votes have been validly cast, 1959 votes being invalid. An interesting aspect was that many voters (2% throughout the country) preferred the blank vote, probably trying to express that they wanted to go to the polls, but were not convinced by any candidate, so since they had no other option they submitted the ballot without any stamp (option) on it. The number of blank votes in this constituency for the election of senators is 2,274.

Number of valid votes obtained by each competitor in part:
1. Democratic Union of Hungarians in Romania 40,855
2. Liberal Democratic Party...25,120

3. Political Alliance Social Democratic Party and the Conservative Party.........24,706
4. The   National   Liberal   Party 14,507
5. New   Generation   Party 2,361
6. Greater   Romania   Party 2,033
7. Ecologist   Green Party... 1,880
8. People's   Party   and   Social Protection.. 287

The results for the Chamber of Deputies

Electoral College no. 32, the uninominal college no. 1, the Chamber of Deputies

- Total number of voters listed on the electoral lists in a college 1........................ 56,539
- Total   number   of   valid   votes :...18,597
- minimum number of (mostly) valid votes necessary to get the mandate **9,264**
- Total number of valid votes obtained by each candidate for Deputy

   1. Gheorghe Ciocan .... 7,039 - won the mandate from the second stage although he won the award as a place, did not garner a majority of 50%
   2. Tibil Ioan 6,432
   3. Rus Ioan................................ 2,312
   4. Rudolf Riedl 1,588
   7. Pop George Robert 161
   5. Ciorba Dumitru Florin 429
   6. Grigore Ghere.......................... 176

   Electoral College no. 32, the uninominal college no. 2, the Chamber of Deputies

- Total number of voters listed in the electoral lists in college no. 2........................ 66,423
- Total   number   of   valid votes.. 22,794

- minimum number of (mostly) valid votes necessary to get the mandate **11,398**
- Total number of valid votes obtained by each candidate for being elected Deputy

3. Rusu Mihaela Adriana.................. 5,339

2. **Holdiş Ioan................................. 6,637 - won the mandate** in the second stage of elections despite the fact that the college winner was Kovacs Mate, who got 161 extra-votes.

4. Zetea Silviu Gelu......................... 2,468

1. Kovacs Mate............................... 6,798

6. Margarit Viorel Matei...................... 457

5. Coste Teodor Ioan.......................... 507

7. Olar Alexandru 186

Electoral College no. 32, uninominal college no. 3, the Chamber of Deputies

- Total number of voters listed in the electoral lists in college 3.............................. 56,748
- Total number of valid votes 19,668
- minimum number of (mostly) valid votes necessary to get the mandate **9,835**
- Total number of valid votes obtained by each candidate for Deputy

3. Viorel Pop...................................... 4,651

2. Mihalca Ioan.................................. 4,983

4. **Buda Viorel Vasile.......................2,609 - won the mandate.** Here we are dealing with a candidate who has access to parliament, although in his college he won the fourth seat, at a distance of 3.231 votes as compared to the number of votes cast for the first candidate, Turos Lorand. The other two rival candidates who won more votes than him belong to parties that crossed the threshold so they came out of the race due to the mechanism of allocation of seats and not because they have not crossed the threshold with the party they came from.

1. Turos Lorand................................. 5,840

6. Szabo Elisabeta Ana.......................... 332

5. Şuta Boariu Petru............................. 465

7. Ignat Marius Mircea........................... 175

Electoral College no. 32, uninominal college no. 4, Chamber of Deputies

- Total number of voters listed in the electoral lists in college 4................................ 69,268
- Total number of valid votes.. 25,389
- minimum number of (mostly) valid votes necessary to get the mandate **12,695**
- Total number of valid votes obtained by each candidate for Deputy
  2. Mitraşca Vasile........................... 4,288
  3. Gal Florin Gabriel 3,655
  4. Ciuta Ilie 3,134
  1. Varga Attila............................. 12,691 – got the mandate, he missed four votes to obtain an absolute majority and mandate in the first phase of casting. Although very close to reaching an absolute majority (four votes were still needed in addition to the 12,691 received) and at a distance of 8,403 votes for the candidate placed in the second position (4,288 votes), the candidate Attila Varga had to wait for the second stage deployment allocation of seats to know if it occupied a seat in Parliament. According to the mandate allocation algorithm and the law, he might as well miss the competition.
  5. Barar Stelian Liviu 411
  6. Garbea Alexandru Ioan 407
  7. Pop Delia Cosmina 148

  Electoral College no. 32 uninominal college 5, the Chamber of Deputies
- Total number of voters listed in the electoral lists in college 5................................ 72,380
- Total number of valid votes.. 25,203
- minimum number of (mostly) valid votes necessary to get the mandate **12,602**
- Total number of valid votes obtained by each candidate for Deputy

3. Mare Lăcrămioara Paula 3,944
2. Ciobanu Adrian Victor.................. 4,696
4. Csapo Attila Csaba........................ 1,731
1. Erdei Doloczki Istvan................. 13,313 - won the first absolute majority mandate
5. Ciul Mircea...................................... 441
6. Bogdan Grigor 334
7. Bojan Ioan 13

The total number of voters listed in the electoral lists Satu Mare Constituency no. 32 was of 321,358, the total number of valid votes of 111,581, null votes, although this time, however, how the voting was simplified to the maximum, were of 2,818, the number of blank votes: 1,583.

Number of valid votes obtained by each competitor separately:

- Democratic Union of Hungarians in Romania 40,230
- Liberal Democratic Party.. 26,403
- The Political Alliance Between the Social democratic Party and the Conservative Party.. 25,261
- The National Liberal Party... 12,254
- New generation Party... 2,142
- Great Romania Party... 1,798
- Environmentalist Green Party... 823

Consequently, in the County Constituency no. 32 of Satu Mare, in the seven electoral colleges there were elected two senators and five deputies. One should note that out of the two Senators, only one won his mandate under the rules of the uninominal vote, more precisely the one who won over 50% +1 of the valid votes cast, winning according to the uninominal principle - "winner takes it all", the second candidate benefiting from an award corresponding to the proportional representation, although the voters cast their votes on a uninominal system.

Concerning the vote for the Chamber of Deputies, out of the five deputy seats, only one was assigned according to the principles of uninominal majority voting, the other two winning one seat in the first position, with the most votes in the college, while the last two managed to enter parliament one from the second place, the other one from the fourth place in their running colleges.

Although one cannot make an exact calculation, we can see that the results of parliamentary elections of November 30, 2008 held in the Satu Mare Constituency may be at least bizarre. They generally follow the whole country pattern. Certainly there have been major exceptions. There were candidates who were able to gain access to the parliament on the basis of only a few dozen votes. Let us say, however, that these are exceptions and we can afford not to

consider. The mass phenomenon, however, like the shocking random results can be noted in the Satu Mare candidates' results.

Conclusions

We are now capable to note that in Satu Mare, in this round of elections, we did not have any candidate imposed by the central party offices, which may be an argument to support this theory. Everyone who ran is a part of the Satu Mare branch and he or she is engaged in that party subsidiary of their respective parties. It is likely that those candidates coming from other places who used to occupy eligible seats on their party lists have been obliged by this type of vote to understand that they are running the risk of failing in case they candidate in small uninominal colleges where the locals are better perceived and more knowledgeable of the local social issues, therefore bearing more chances to win.

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