

THE IMPACT OF THE LEGISLATIVE ENVIRONMENT ON THE EUROPEAN PARLIAMENTARY ELECTIONS IN ROMANIA

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Abstract

The accession of Romania to the European Union on the 1st of January, 2007, after the Accession Treaty, signed on the 25th of April, 2005, was ratified by all the Member States of the Union, led to changes in the legislative environment governing the electoral market. Our country organized in May 2014, for the third time, elections for the European Parliament. The election system practiced in Romania does not provide incentives for candidates to develop a competitive election bid, explained in detail to the electorate, so the performance during the mandate can be assessed. The Romanian representatives in the European Parliament are elected under a system of closed national list vote, which reduces the power of voters to distinguish the candidates in the vote. At the European Union level, there is not a unique voting system adopted, in the context that most Member States practice competitive electoral systems, in which candidates have the opportunity to differentiate themselves by an electoral offer.

Keywords

electoral system; the European Parliamentary elections; electoral threshold; political party; independent candidate; European Parliament

JEL Classification

M31; M38

Following the events of 1989, the communist state structures were abolished, and a political pluralism was restored. The Romanian Communist Party disappeared, old existing political parties until 1947 reappeared in modified forms, and new ones have been set up (Teodorescu, 2001).

The Electoral Act of 1990 and the Constitution of 1991 provided that the Parliament should consist of the Chamber of Deputies and the Senate. The Parliament is elected by a universal, equal, direct and secret, freely expressed vote (Teodorescu, 2001).

The politico-legal environment refers to all laws, government agencies and pressure groups that influence and limit the freedom of action of organizations and individuals in a given society (Kotler, 1998).

The political component of this environment, the result of the previous elections, is very important in the political marketing in general, and in the election one, especially. The identification of the electoral constituencies that, traditionally, are the fief of a particular party, the climate of stability or instability in which the elections take part, the opportunities taken by the candidate to convey his/her political message to the voters are examples of issues that should be considered in determining the electoral strategies of a party or candidate (Zaharia, 2001).

The accession of Romania to the European Union on the 1st of January, 2007, after the Accession Treaty, signed on the 25th of April, 2005, was ratified by all the Member States of the Union, led to changes in the legislative environment governing the electoral market.

Therefore, the need to elect representatives of Romania in the European Parliament led to a law that stipulates their organization and development. The first legislative act has appeared since January, 2007 – the Law No. 33 of 16th of January, 2007 related to the organization and development of the European Parliament elections.

On the occasion of the three polls of the European elections (2007, 2009 and 2014) the law number 33 was amended substantially in its technical aspects, from the composition of the electoral lists to the form of the finding records of the voting results. Changes have been made every time by the Government emergency ordinances:

- The Government Emergency Ordinance 1/2007 on certain measures for the organization and development of the elections for the European Parliament;
- The Government Emergency Ordinance 8/2007, for the amendment of Art. IV of the Government Emergency Ordinance 1/2007 and Art. 92, paragraph (1) of Law No. 33;
- The Government Emergency Ordinance 15/2007 on certain measures concerning the election of the Romanian members in the European Parliament in 2007
- The Government Emergency Ordinance 84/2007 for amending and supplementing the Law No. 33/2007, for amending Art. IV section (6) of the Government Emergency Ordinance 1/2007 and for amending Art. 3 of the Government Emergency Ordinance No. 15/2007;
- The Government Emergency Ordinance 11/2009 and the Government Emergency Ordinance 55/2009 amending and supplementing the Law No. 33/2007;
- The Government Emergency Ordinance 4/2014 on the operationalization of the electoral Register and amending Law No. 33/2007, as well as measures for the proper organization and conduct of elections to the European Parliament in 2014.

The Government Decisions establishing the reference day for the election of the Romanian members in the European Parliament (GD 79/2014, GD 216/2009) are added to the above mentioned Government Emergency Ordinances.

If we look at the general implications of the legislation on the electoral system we can say that there is not a unique voting system adopted in the European Union, context in which, most of the Member States practice the competitive electoral systems, in which candidates are able to differentiate themselves by the election offer.

Each Member State is free to establish its own electoral system for the European Parliamentary elections within the following limits:

- it should be a proportional system (where the number of seats won by a political party to be proportional to the number of votes received);
- it should be organized in the form of a party list or as the single transferable vote;
- several districts in the country may be organized whether this partition will not affect the proportionality of the election results;
- the electoral threshold cannot be higher than 5%.

These limitations arise from the need of the European Parliament to reconcile the two demands that partially diverge:

- the representation of minorities, which recommends a proportional voting system;
- operation based on political family ideologically oriented, a goal that can be achieved by imposing filters when submitting the candidates' applications.

Regarding the voting systems used in those 28 European Union member countries, they differ from state to state, both in terms of the allocation of seats among

the candidates, and the voter's ability to decide which candidate is elected. At the European elections of May, 2014 there were four different versions practiced:

- A. A proportional voting system based on the party lists - involves choosing a multiple number of candidates on a single electoral list. The party list can be:
 - A.1. closed – the Party establishes the order of candidates on the list, and they are elected by the Party's electoral score in the order they were placed on the electoral list;
 - A.2. open - the voters are forced to put the candidates on the list in the order of their preferences, this order resulting from the vote of those who opt for that Party. Finally, the order of candidates on the list is determined by the number of individual votes received by each candidate; this voting system is also called "compulsory preferential voting" because if the voter does not express a vote for a particular candidate on the list, the vote is canceled;
 - A.3. semi-open – the Party establishes the order of candidates on the list, but the voters have the opportunity to vote for a favorite and to place him/her on the leading places on the list; this voting system is called "optional preferential voting" because the voter can vote the list submitted by the Party, by accepting the order already established, the preferential voting for a particular candidate being possible, but not mandatory.
- B. The voting system by a single transferable vote - is effective in districts with a relatively small number (3-5) seats to be assigned. The applications are individual, each voter has to rank the candidates from the electoral district in order of preference constituency, having the freedom to include in his/her own "top", candidates representing different political Parties.

Table 1 presents the number of features of the electoral systems in the European Union, namely:

- 22 of the 28 Member States practice a single electoral district;
- 15 Member States do not impose electoral thresholds while 13 impose, of which 10 countries opt for the highest permitted variant, 5%;
- the most used method of distribution of seats is the D'Hondt method¹ (in 15 states), followed by various other combinations;
- the country with most European Parliament Members is Germany - 96, followed by France - 74, the U.K. and Italy - 73, Spain - 54 and Poland - 51. Opposite is Malta, Luxembourg, Estonia and Cyprus each with 6 representatives in the European Parliament.

The regulatory environment that characterizes the electoral market of the 2014 European elections is also specific by the following matters:

- they are the first elections since the European Union has 28 members, after the adherence of Croatia in July 2013;
- the total number of the European Parliament Members for the 2014-2018 legislature will be 751;
- in 4 of the 28 states it is not allowed the citizens' vote from abroad - Czech Republic, Ireland, Malta and Slovakia;
- the Estonians abroad are the only ones who can vote by three ways: vote by post, at the Estonian Embassy in that country, or by e-mail;
- 4 countries - Belgium, Cyprus, Greece and Luxembourg - voting is mandatory;

¹ the most known method of the seats distribution, developed by the Belgian Jurist and Mathematician Victor D'Hondt in 1878. In D'Hondt Victor's option the series of divisors consists of the integer numbers: 1, 2, 3, 4 ... n. Each party participating in elections corresponds to an average of votes determined by dividing the votes to be distributed to 1,2, ... n seats which are to be granted. The Party that obtains the highest average gains the seat. The result is favorable for the big parties and unfavorable to the small ones. (Sorescu, A., Pârvolescu, C. - 25 +2 electoral models)

- the minimum age for voters is 18 years, except Austria, where it is 16 years old.

Table 1 Particularities of the electoral system of the U.E. Member States for the Euro Parliamentary elections in 2014

No.	Member State	Constituencies	Allocation of seats	Electoral threshold	Number of MEPs
1.	Austria	1	D'Hondt method	4%	18
2.	Belgium	4 (3 linguistic districts)	D'Hondt method	No	21
3.	Bulgaria	1	Hare-Niemeyer method	No	17
4.	Cyprus	1	D'Hondt method	No	6
5.	Croatia	1	D'Hondt method	5%	11
6.	Denmark	1	D'Hondt method	No	13
7.	Estonia	1	D'Hondt method	No	6
8.	Finland	1	D'Hondt method	No	13
9.	France	8	D'Hondt method	5%	74
10.	Germany	1	Sainte-Lague method	5%	96
11.	Greece	1	Hare method	3%	21
12.	Ireland	4	Transferable single vote	No	11
13.	Italy	5	Hare method	No	73
14.	Lithuania	1	Sainte-Lague method	No	8
15.	Lithuania	1	Hare-Niemeyer method	5%	11
16.	Luxemburg	1	D'Hondt method/Hagenbach-Bischoff	No	6
17.	Malta	1	Transferable single vote	No	6
18.	Netherlands	1	D'Hondt method	No	26
19.	Poland	13	D'Hondt/Hare-Niemeyer method	5%	51
20.	Portugal	1	D'Hondt method	No	21
21.	United Kingdom	12	D'Hondt method/Transferable single vote	No	73
22.	Check Republic	1	D'Hondt method	5%	21
23.	Romania	1	D'Hondt method	5%	32
24.	Slovakia	1	D'Hondt method	5%	13
25.	Slovenia	1	D'Hondt method	4%	8
26.	Spain	1	D'Hondt method	No	54
27.	Sweden	1	Sainte-Lague method	5%	20
28.	Hungary	1	D'Hondt method	5%	21

Source: data operated according to www.elections.eu/.../in-the-member-states/.../electoral-law

In Romania, the European Union Member State since the 1st of January, 2007, the legislative rules above mentioned require to the electoral system the following features: (www.elections.eu/ro/in-the-member-states/ro/electoral-law)

- for the political parties the representation is proportional on the closed lists, supported by 200,000 signatures and independent candidates, the support of 100,000 signatures nationwide. The lists can include up to 10 more candidates than the number of seats allocated to our country. In 2014 the maximum is 42 candidates on the list of a political party;
- the allocation of seats is done in two steps: (1) the calculation of the electoral threshold and the national election coefficient, and (2) the allocation of mandates for the selected lists within the national constituency by D'Hondt method;

- the registration deadline for candidates' applications to the Central Electoral Bureau is at least 60 days before the elections;
- the incompatibilities with the duties of a MEP are: the Ombudsman, magistrates, active officers in the army, police and other public officials, including those with a special status, deputies and senators in the Romanian Parliament;
- the right to vote have all the Romanian citizens who have reached the age of 18 years, including on the election day and all the E.U. citizens resident or domiciled in Romania, which are in the possession of their voting rights;
- the right to run for the European Parliament elections have all the Romanian citizens who are at least 23 years old on election day, and all the E.U. citizens resident or domiciled in Romania, which are in the possession of their rights to be elected;
- voting is not compulsory and there is no penalty;
- the campaign starts 30 days before the election, and funding is done according to the Law 334/2006 on the financing of political parties and election campaigns;
- the threshold is 5% of the total valid votes nationally expressed.

Based on these legal issues and in compliance with all legal regulations above mentioned, statistically speaking, the three polls of the European elections held in our country are presented in Tables 2, 3 and 4.

One aspect that can be noticed is that in 2009 the number of candidates (parties and independent candidates) was lower, both compared to 2007, due to simplifications of the party system, and competed to 2014. In 2014 580 people ran for the European elections, of which 8 are independent, the rest coming from 15 political parties.

There are four political parties - PSD alone or in various alliances, PNL, PD or PDL and UDMR that obtained MEPs mandates to all the three editions of the European elections. To these a fifth independent party is joined by - PLD in 2007, PRM in 2009 and PMP in 2014 and one seat is for an independent candidate - Laszlo Tokes in 2007, Elena Basescu in 2009 and Mircea Diaconu in 2014.

Table 2 The results of the Parliament elections on 25th November, 2007

No.	Electoral Actor	Votes (%)	Mandates	
			Number	%
1.	PD	28.81	13	37.14
2.	PSD	23.11	10	28.57
3.	PNL	13.44	6	17.43
4.	PLD	7.78	3	8.57
5.	UDMR	5.52	2	5.72
6.	PNG	4.85	-	-
7.	PRM	4.15	-	-
8.	L. Tokes	3.44	1	2.86
9.	PC	2.93	-	-
10.	PIN	2.43	-	-
11.	PNTCD	1.38	-	-
12.	Romi Party	1.14	-	-
13.	Socialist Alliance	0.55	-	-
14.	Green Party	0.38	-	-

Source: <http://www.sferapoliticii.ro/sfera/136/art04-radu.html>

Table 3 The results of the Parliament elections on 7th June, 2009

No.	Electoral Actor	Votes (%)	Mandates	
			Number	%
1.	PSD+PC	31.07	11	33.33
2.	PD-L	29.71	10	30.30
3.	PNL	14.52	5	15.15
4.	UDMR	8.92	3	9.10
5.	PRM	8.65	3	9.10
6.	E. Băsescu	4.22	1	3.03
7.	PNȚCD	1.45	-	-
8.	A. Pavel	1.03	-	-
9.	Civic Force	0.40	-	-

Source: <http://www.sferapoliticii.ro/sfera/136/art04-radu.html>

Table 4 The results of the Parliament elections on 25th May 2014

No.	Electoral Actor	Votes (%)	Mandates	
			Number	%
1.	PSD+UNPR+PC	37.6	16	50
2.	PNL	15	6	18.75
3.	PDL	12.23	5	15.62
4.	UDMR	6.3	2	6.25
5.	PMP	6.2	2	6.25
6.	Diaconu Mircea	6.8	1	3.12
7.	PPDD	3.67	-	-
8.	PRM	2.7	-	-
9.	Civic Force	2.6	-	-
10.	PER	1.15	-	-
11.	National Alliance of Agricultures	0.95	-	-
12.	PNȚCD	0.89	-	-
13.	Green Party	0.34	-	-
14.	New Republic Party	0.27	-	-
15.	Social Justice Party	0.24	-	-
16.	Socialist Alternative Party	0.17	-	-

Source: data operated according to www.gandul.info/politica/rezultate-finale-bec-alegeri-europarlamentare-2014-lista-oficiala-a-europarlamentarilor-romani-12661387 and www.realitatea.net/alegerile-europarlamentare-2014-primele-rezultate-oficiale-anun-ate-de-bec_1447788.html

Finally, after numerous European elections law changes, we can say that the last two editions in Romania were practically held based on other legal rules than the election of 7th June 2007, except for circumstances which theoretically at least, should not be repeated - the vote on closed lists. The election process for the designation of representatives in the European Parliament is characterized by a massive absenteeism. 30% threshold was exceeded by only 2.16% in 2014, while in 2007 and 2009 the national turnout at the Central Electoral Bureau was 29.12% and 27.21% respectively.

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