

LEGISLATIVE PARTICULARITIES OF THE 2000 LOCAL AND GENERAL ROMANIAN ELECTIONS. SOCIOGRAPHY OF THE CONSOLIDATION OF THE ROMANIAN ELECTORAL SYSTEM: A RECENT HISTORY

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Abstract: *The study herein approaches the process of consolidation of the Romanian electoral system from a sociographical perspective – that level and branch of the sociological knowledge consisting in the collection of raw data on objects, phenomena, relations and social processes, in their description as objectively as possible, in their measurement and in the creation of statistics of the social phenomena observed. If the abstract sociology can be elaborated following a rather deductive path, the concrete one is inductive by excellence. Thus, sociography is related to concrete sociology, to which it provides a significant part of the empirical material (Zamfir; Vlăsceanu, 1998, 554-556), as a first step of the sociological knowledge. The analysis of the consolidation of the Romanian electoral system was carried out without taking into consideration a certain theoretical position or a position towards a particular principle, but only based on the objectivity defined by the norms of observation specific to concrete sociology, applied or practical, which analyses the way in which the general logic of society works. The data presented has been collected, over time, from the communications of the public institutions, media etc., being data of recent history, still current and active, rich in content as it has not yet been covered by oblivion and some of the persons involved are still alive. The support of recent history is the recent memory, the living document (still applicable), the oral history completing the written document. As such, the material was elaborated as an acknowledging description of some fragments of the concrete social reality, based on detailed information on the historical, social and political context in which the electoral legislation in Romania was reformed in 2000, without formulating laws and elaborating causal scientific explanations¹.*

Keywords: elections, electoral system, political parties, uninominal vote.

1. The ascent of the Romanian electoral system

1.1. The battle of the political parties for the electoral thresholds (1990-2000)

In the 1990-2000 period, a main feature of the Romanian political spectrum was the excessive fragmentation, which, according to analysts, was creating unpredictable difficulties in achieving a coherent and forward-oriented state policy.

Thus, following the first free parliamentary elections held on the 20 May 1990, 17 political forces, parties, coalitions, or ethnic unions won legislative seats, as no electoral threshold had been set.

The legislative and presidential elections on September 27, 1992 were held on the basis of a new electoral law - Law no. 68/1992 on the election of the Chamber of Deputies and the Senate, an absolute novelty of this law being the regulation on coalitions. Thus, coalitions could be formed only at national level and the parties and other political formations could be part of only one coalition, participating in the elections only on the lists of that specific coalition.

¹ The data herein represents personal analysis and processing from electoral statistics, election results from the 1990-2000 period as presented by the Central Electoral Bureau, electoral legislation and media sources.

The parliamentary elections were organized based on lists of candidates, according to Law no. 68/1992, which also established the 3% electoral threshold - the minimum required number of valid votes cast throughout the country for the parliamentary representation of the parties (Law no. 68 from the July 15, 1992). In the case of the electoral coalitions, to this 3% threshold a single percent of the total valid votes cast throughout the country was added for each member of the coalition, starting with the second party or political formation, but without exceeding 8%. Thus, of the 84 parties, political formations, coalitions or ethnic unions that submitted lists for the 1992 parliamentary elections, only eight entered the new Parliament: the Democratic National Salvation Front (FDSN), the Romanian Democratic Convention (CDR), the National Salvation Front (FSN), the Party of Romanian National Unity (PUNR), the Hungarian Democratic Union of Romania (UDMR), the Great Romania Party (PRM), the Socialist Party of Labour (PSM), the Agrarian Democratic Party of Romania (PDAR).

On the 3rd of November 1996, Romania held parliamentary elections for the third time after the Revolution in December 1989. These elections were also held based on Law no. 68 from July 15, 1992 on the election of the Chamber of Deputies and the Senate, published in the Official Gazette no. 164 on July 16, 1992 - the same as four years ago, and following these elections things radically changed: PDSR became the opposition party and the former opposition took over the reins of power (Iliescu, 1999, 183-187). After the collection and calculation of the results from all electoral districts, the Central Electoral Bureau released, on November 7, 1996, the final results of the parliamentary elections held on November 3 and, according to them, out of the approximately 50 political forces that had engaged in the electoral race, only six entered the Parliament, represented by two coalitions, four political parties: the Romanian Democratic Convention (CDR), the Social Democratic Union (USD), the Party of Social Democracy of Romania (PDSR), the Great Romania Party (PRM), the Party of Romanian National Unity (PUNR) and the Hungarian Democratic Union of Romania (UDMR). The Romanian Democratic Convention (CDR) included the National Christian Democratic Peasants' Party (PNȚCD), the National Liberal Party (PNL), the Romanian Ecological Party (PER), the National Liberal Party-the Democratic Convention (PNL-CD), the Romanian Alternative Party (PAR), the Romanian Ecological Federation (FER), and the Social Democratic Union included the Democratic Party (PD) and the Romanian Social Democratic Party (PSDR).

The parliamentary elections from November 26, 2000 were held on the basis of Law no. 68/1992 on the election of the Chamber of Deputies and the Senate, subsequently amended by Law no. 115/1996 for the 1996 elections and the Emergency Ordinances no. 63/2000, no. 129/2000 and no. 154/2000 for the 2000 elections.

The major difference between all these normative acts consisted in the establishment of the electoral threshold. Thus, unlike the Law-Decree from 1990, which did not condition the accession to the Parliament on obtaining a certain percentage of the total valid votes cast at national level, the 1992 electoral law established an electoral threshold of 3%, which was applied for the 1992 and 1996 elections.

For the 2000 elections, the Emergency Ordinance no. 129/2000 imposed a threshold of 5% for parties and a special threshold for coalitions of minimum 8% and maximum 10%. The main legislative feature of the 2000 parliamentary elections was the 5% threshold imposed for parties. Of the 88 political formations, parties, alliances and organisations of the national minorities that submitted electoral lists, only five entered the parliament after the vote on November 26. For the second time in the post-December history, Romania experienced governance alternation, with the election being won by the Democratic Social Pole in Romania, comprising the PDSR, the PSDR and PUR.

About two months before the date set for the local elections in Romania in 2000, the Parliament had not yet adopted the amendments to the electoral laws, namely the Laws no. 68, 69, 70/1992 on the local, parliamentary and presidential elections.

The prime minister at the time, Mugur Isărescu, in March 2000, requested the Permanent Bureau of the Chamber of Deputies to debate, "as a matter of extreme urgency", the

draft of the law for completing and amending Law no. 70/1991 on Local Elections, underlining that this election must take place within the deadline agreed with the parliamentary parties. At the same time, the prime minister confirmed that the Government agreed that the amendments to the above-mentioned law should focus on: reducing the number of rounds of voting for local elections to maximum two, reducing the number of local and county councillors by at least 20 percent, as well as establishing a variable electoral coefficient applicable to political parties and alliances. The Chamber decided that the leaders of the parliamentary groups should participate in a discussion for the introduction of this normative act on the agenda.

Contrary to the Prime Minister's position, PNTCD leaders announced that the Government will promote the amendment of the Law on Local Elections through an emergency ordinance, although the head of the Government had repeatedly expressed his distrust in such a procedure, as the Parliament could have modified the normative act on the eve of elections, which would have caused dysfunctions in the electoral process.

1.2. The uninominal vote

As far as the amendments proposed for the modification of the legislation on parliamentary elections are concerned, the main focus was on raising the electoral threshold from three to five percent, on introducing the uninominal vote and restructuring the Parliament, in the sense of reducing the number of senators and deputies and increasing the norm of representativeness.

According to the analysts and the representatives of the political spectrum, the division of the left and right in Romania imposed, in 2000, the reformation of the Electoral Law. In the opinion of the PDSR senator Ioan Predescu, "raising the electoral threshold is absolutely necessary, thus achieving a crystallization of the political environment through a triage of significant parties from those that have a reduced representation".

Another consequence of raising the electoral threshold was, in the opinion of political analysts, the concentration of the political spectrum through the polarization of the existing currents (left, right), but dissipated in numerous parties having programs if not identical, at least similar.

Considered beneficial only for the parties with a significant weight among the electorate, raising the electoral threshold was important also for the orientation of the satellite parties, "constrained", in this way, to conclude alliances or to merge with the large representative parties for a certain socio-political current, but also for the orientation of the citizen, who would have had the opportunity to exercise their right to vote in a more efficient and conscious way, and not randomly or emotionally-driven as before, thus giving consistency to the orientation of the parliamentary and state activity.

The introduction of the uninominal vote, even in a mixed system, according to the German model - combining the uninominal vote with the vote on lists - had as immediate consequence the possibility of revoking the parliamentary mandate and, therefore, the consolidation of the responsibility and representativeness of the parliamentarian towards his voters, as well as a stronger anchorage in the party and parliamentary life of the person involved, as analysts revealed. The Minister of Civil Service, Vlad Roșca, speaking as vice-president of PNTCD, also claimed that "the adoption of a normative act regulating the voter-parliamentary relation so that the latter can be held responsible in some way if they leave the party on whose lists they ran and, implicitly, won in the elections, is a matter kept in the attention of the leaders of the parliamentary parties, both those governing and those of the Opposition".

At the same time, it was considered that the uninominal vote would determine the largest electoral segment - the undecided (30-40 percent), whose number was higher than that of those with a clear option for a particular party, to be able to exercise their individual right to vote, granted by the Constitution, but also to apply the "tactical vote". It basically meant that in the regions where a candidate had little chance to succeed, the voter would vote the party closest to his political options - a party with a relatively high weight in that area, in this way

also strengthening the representativeness of the parties in the regions. So, the voter would be placed in front of two lists, applying the 'Voted' stamp either on the one with the candidates' names or on the one with the parties. At the same time, the voter would be aware to a greater extent both of his power to decide on the organization of political decision centres and of the validity of the principle of equal opportunities, said political analysts.

The introduction of the uninominal vote would also have been necessary to accelerate the reformation and adjustment of parties, which, in 2000, according to observers, were going through identity crises: they were parties for leaders or parties for the country. Overcoming this crisis would have made it possible to move from party-democracy to public-democracy.

1.3. Political trends and the relations of the parties and electoral alliances

The analysts noted that, until then, the voters' commitment was only a secondary utility, the parties being, in their turn, victims, either of the leaders or of the lately emerged social, ideological and political factions.

The working-class electorate fell apart, both from the point of view of the social and material condition and from the political point of view, a significant part voting for the left, in the context of a growing sense of insecurity.

The threshold effect was considered to be discouraging for those presenting small lists (promotion of a limited number of candidates or of a single candidate) and, on the other hand, would have been favourable to alliances, thus preventing the ascension of small parties of orientation, sometimes considered extremist, with insufficient representation at global level.

As far as the local, general and presidential elections in 2000 are concerned, the amendment of the electoral law generated, both at governmental and at parliamentary level, distress and controversies with extensive reverberations in the media. The most controversial topic was represented by the proposed amendments to the normative acts regulating the way in which the local, general and presidential elections were organised and carried out.

A first step in the legislative amendment was taken on June 22, 1998, when the deputies adopted a draft law for amending and supplementing some provisions of Law no. 70/1991 on Local Elections. The draft law regulated the establishment of an Electoral Bureau in the case of partial local elections in Bucharest also.

At the same time, the characteristics of the identity card did not allow the application, in practice, of art. 64 of the old law, according to which 'after voting, the identity card of each voter shall be stamped with the mention <voted> and <date>'. For these reasons, the new draft provided for the possibility of printing the stamp on a sticker, applied on the back of the identity card.

The draft for the modification of the Law on Local Elections was initiated by the Government for the partial elections for the City Hall of the Capital, which were to take place on October 12, 1998.

One year later, on November 4, 1999, the Government submitted to the Romanian Parliament a draft law for the amendment and supplementation of Law no. 68/1992 on the Election of the Chamber of Deputies and the Senate, of Law no. 69/1992 for the Election of the President of Romania and of Law no. 70/1992 on Local Elections. The draft was adopted by the Government on October 28, 1999 and was going to be discussed and approved by the Chamber of Deputies.

The discussions were long and contradictory. On March 1, 2000, the deputies of the Legal Commission started debating on the modification of the normative acts regulating the election of the Parliament, of the President of Romania, as well as the local elections.

Together with the draft of the Government, the members of the commission also analysed the amendments of the political parties for the modification of the Law on Elections. The Minister of Civil Service, Vlad Roșca, participated, on behalf of the Government - as initiator, in the works of the Commission, explaining that the draft of the Executive aims, in particular, to

regulate the technical aspects necessary for the proper conduct of the elections, without proposing to change the provisions with political connotation.

The Ministry of Civil Service drafted three Government Decisions on organizational measures for the local elections in June, namely the draft decision on the establishment of the measures for the organisation and conduct of the local elections of 2000, the draft decision on the expenses for the preparation and conduct of the local elections of 2000 and the draft decision on the design of the stickers and the conditions for their printing, administration and use.

The initiator of the drafts, the Minister of Civil Service, Vlad Roșca, warned that the Government could resort to an emergency ordinance if the Parliament delayed the modification of these laws.

The members of the Executive adopted, on April 6, at the Government meeting, an Emergency Ordinance for amending and supplementing Law no. 70/1991 on Local Elections, republished, amended and supplemented by Law no. 164/1998, based on the protocol signed by the representatives of all parties in the Parliament.

In order to eliminate some dysfunctions or discrepancies discovered in the application of the law on local elections, the organisation of polling places in the villages with low population (less than 500 inhabitants) and isolated villages (more than 3 km away from the polling centre) was stipulated. The conscript soldiers could vote in their place of residence, regardless of the moment of their conscription, within the limits of the military regulations. For the conscription soldiers, polling places could also be organised around the military units, if there were at least 50 voters.

According to the text of the ordinance, "the electoral threshold is established to the limit of 5%, if the electoral coefficient is higher than the limit of 5% and equal to the electoral coefficient, if it is lower than the limit of 5%".

The elections in the second round were considered valid regardless of the number of voters who participated in the vote, and in the second round of elections the candidate who obtained the largest number of valid votes was declared winner.

For the distribution of the mandates of councillors, the Constituency Electoral Bureau established an electoral coefficient, set by dividing the total number of valid votes for all lists and independent candidates by the total number of councillors in the constituency, as well as a limit of 5% of the total number of valid votes.

If no party, political formation, political alliance or electoral alliance or independent candidate reached the electoral threshold, a mandate was distributed to each of them, in the descending order of the number of valid votes in their favour, until the distribution of all mandates established according to the law.

It was decided to keep the electoral campaign period of 45 days. For the good conduct of the elections, it was also decided that the amounts necessary to cover the expenses should be provided to the local councils, county councils and the General Council of Bucharest from the reserve fund available to the Government.

2. The sociography of the electoral campaign for the 2000 parliamentary elections

The electoral campaign for the local elections of June 4 (the first round of elections) officially started on April 20, with the publication in the Official Gazette of the Government Decision setting the election date.

100 parties, political formations, political alliances and 8,644 independent candidates participated in the electoral race.

Following the local elections of June 4 and 18, for mayors, the PDSR obtained 1,051 mandates (337 mandates on June 4 and 714 on June 18), PD - 482 (96+386), ApR - 283 (30+253), PNL - 251 (39+212), Independents - 159 (33+126), UDMR - 148 (38+ 110), CDR - 147 (22+125), PRM - 66 (5+61), PSDR - 62 (8+54), PNR - 55 (3+52), PSM - 51 (4+47), PUNR - 47 (5+42), PUR - 32 (3+29), UFD - 29 (1+28), PS - 19 (1+18), FER - 15 (1+14), PPDR - 9 (2+7).

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The lists for the Chamber of Deputies included 9,828 candidates, and those of the Senate included more than 4,000, candidates from 88 parties, political alliances and electoral alliances, minorities' organizations and independent candidates.

At the elections for the Chamber of Deputies, out of the 17,699,727 voters on the electoral lists, 11,559,458 went to the polls, representing 65.31%. The total number of valid votes was 10,839,424, i.e. 93.77%, while those cancelled were 706,761, representing 6.11% of the total votes cast.

Following the collection and calculation of all the results, it turned out that the Social Democratic Pole of Romania (PDSR) obtained 3,968,464 votes (36.61%), PRM obtained 2,112,027 votes (19.48%), PD obtained 762,365 votes (7.03%), PNL obtained 747,263 votes (6.89%), UDMR obtained 736,863 votes (6.80%), the Romanian Democratic Convention - 2000 - 546,135 votes (5.04%), the Alliance for Romania - 441,228 votes (4.07%), the National Liberal Party - Câmpeanu - 151,518 votes (1.40%), the National Alliance Party (PUNR-PNR) - 149,525 votes (1.38%), independent candidates - 137,561 votes (1.27%).

Following these results, PDSR won 155 seats (44.93%), PRM got 84 seats (24.35%), PD got 31 seats (8.99%), PNL got 30 seats (8.70%), UDMR got 27 seats (7.83%), and the minorities got 18 seats (5.22%).

At the elections for the Senate, out of the 17,699,727 voters on the electoral lists, 11,559,458 participated in the elections, representing 65.31% of the total. The total number of valid votes cast was 10,891,910, representing 94.23%, the cancelled votes being 653 834, representing 5.6% of the total votes cast.

After the collection and calculation of the results, it turned out that PDSR obtained 4,040 212 votes (37.09%), PRM got 2,288,483 votes (21.01%), PD got 825,437 votes (7.58%), PNL got 814,381 votes (7.48%), UDMR got 751,310 votes (6.90%), the Romanian Democratic Convention - 2000 - 575,706 votes (5.29%), the Alliance for Romania - 465,535 votes (4.27%), the National Alliance Party (PUNR-PNR) - 154,761 votes (1.42%), the National Liberal Party - Câmpeanu - 133,018 votes (1.22%).

Following these results, the PDSR obtained 65 mandates, representing 46.43% of the total of 140 mandates, PRM obtained 37 mandates (26.43%), PD obtained 13 mandates (9.29%), PNL obtained 13 mandates (9.29%) and UDMR - 12 mandates (8.57%).

The Parliament, elected on 26 November 2000, had 345 deputies (327 elected and 18 appointed by the organizations of the national minorities, other than the Hungarian one) and 140 senators, the norm of representation being one deputy per 70,000 inhabitants and one senator per 160,000 inhabitants.

During the four-year mandate, the leaders of the two Chambers of the Parliament were Nicolae Văcăroiu (PDSR) - for Senate, elected on December 18, 2000, and Valer Dorneanu (PDSR) - for the Chamber of Deputies, elected on December 15, 2000.

For the second time in the post-December history, Romania experienced governance alternation. The Democratic Social Pole of Romania, including PDSR, PSDR and PUR, has appointed its prime minister in the new Executive.

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