EUROPEAN ELECTIONS IN ROMANIA
AND ELECTORAL THRESHOLD

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Abstract

　　The electoral cycle brings us periodically in the presence of new electoral ballots. Their importance is overwhelming in how the interests of local or national communities will be managed for a good period of time. Stagnation, prosperity, or economic, social or political regression depend on those who temporarily occupy the representative functions as they result from the establishment and validation of the election result. As far as the European Parliament elections are concerned, they took place in 2014, the next being in 2018.

　　The question we raise is related to the electoral threshold and its necessity, given the existence of a proportional electoral system. The electoral law sets a 5% electoral threshold in Romania, and independent candidates can be assigned mandates if they each have a valid number of votes at least equal to the national electoral coefficient. The national electoral coefficient represents the full part of the ratio between the total number of votes validly expressed and the number of European parliamentary mandates belonging to Romania.

　　Abolishing the electoral threshold would create a better representation in the European Parliament and smaller parties, and this would bring about a balance. We do not opt for its annulment, but we believe that a diminution of this electoral threshold may be a welcome legislative measure.

Key Words*: european elections, electoral threshold, mandate, legal provisions.*

JEL Classification: [K11]

1. Introduction

　　Philippe Schmitter and Terry Lynn Karl are the ones in those vision *"Modern political democracy is a system of government where leaders are permanently responsible for their actions in the public space towards citizens".* [2]

　　The Fundamental Law of the State, the Constitution of Romania, provides in Article 36 and Article 37 for the right to vote and the right to be elected, being fundamental rights of the citizens within a democratic society.

　　Thus, democracy is the political system in which the power belongs to the people, having the possibility to choose their representatives[3]. Article 38 of the same basic law provides that: under the conditions of Romania's accession to the

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[2] Schitter, Philippe and Karl, Terry Lynn, (2002), *"Ce este... şi ce nu este democraţia"*, in the Romanian Review of Political Sciences, no 1, vol. 2, p. 5.

[3] Criste, Mircea, (2012), *Instituţii Constituţionale Contemporane,* Vest Publishing House, Timişoara, p. 211.

European Union, Romanian citizens have the right to vote and to be elected in the European Parliament. Electoral systems determine and influence the way in which they are conceived, the political representation of citizens, and their behavior as voters[4].

Romania has allocated 35 seats to the European Parliament for the period 2007-2009, when no elections were held, the period between the date of accession and the date of the elections. In the period 2009-2014. Romania had a number of 33 MEPs, who were elected by list, based on the legal provisions.[5]

2. Electoral threshold at european parliament's elections

Giovanni Sartori[6] suggests that some systems may be more permissive or less indulgent with small parties. Rein Taagepera[7] analyzes the threshold by raising the issue of the size of the party when it comes to national representation. A democratic system is also characterized by the ease with which small parties can gain representation, it can be said that a permissive[8] electoral system generates the fragmentation of the political scene, but in case of a little less indulgent with the small parties there would be a democratic involution. It is also questioned that not necessarily a low electoral threshold facilitates the presence for several small parties, but we think that some parties could gain representation due to the decrease of the paragon, and the number of parties that get minimal representation could decrease.

For the calculation of the electoral threshold, Arend Lijphart[9] uses the formula: $P = 75\% / (M + 1)$, where P is the electoral threshold, and M is the average magnitude of the constituency. Taagepera says that the electoral threshold at national level is lower than the electoral threshold at the constituency level, and a national electoral threshold at national level would be harder to reach than one at constituency level. Lijphart brings up the concepts of the minimum and maximum

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[4] Bischoff, Carina S., (2008), *National level electoral thresholds: Problems and solutions,* Electoral Studies 28, 232-239, p. 232.

[5] Deaconu, Ştefan, (2012), *Instituţii politice,* C.H. Beck Publishing House, Bucharest, pp. 131-132.

[6] Giovanni Sartori was born in Florence in 1924. He studied social and political science, and in 1954 he obtained his doctorate in the history of modern philosophy. From 1950 he teaches at the University of Florence modern philosophy, political science and sociology. In 1971 he founded Rivista Italiana di Scienza Politica, whose director he is. From the middle of the eighth decade, he began a prodigious university career in the United States, Stanford, Columbia, Harvard and Yale. His political studies enjoy a great deal of echo in the Italian, American and Hispanic spaces. She is a columnist at Corriere della Sera. They are among the protagonists of the cultural debates in Italy.

[7] Taagepera, Rein, (2002), *Nationwide threshold of representation,* Electoral Studies nr. 21, p. 384.

[8] Deaconu, Ştefan, (2012), *Instituţii politice,* C.H. Beck Publishing House, Bucharest, p. 130.

[9] Arend Lijphart is one of the most influential politicians in the world, specializing in comparative policies, electoral systems and democratic institutions. His most famous book, *Democratic models,* shares the democratic political systems based on an empirical study with 36 states in two major categories, majoritarian democracies and consensual democracies.

threshold. The minimum is also called the pre-presentation threshold and refers to the minimum percentage of votes with which a party can gain representation under the most favorable conditions. The maximum threshold is also called the exclusion threshold and represents the minimum percentage of votes that, in view of the most unfavorable conditions, a party may lose representation. If a party succeeds in crossing the threshold, it is likely to gain representation, even minimal (one place), but we can rest assured that the party has achieved representation only if the maximum threshold, the exclusion threshold, is exceeded.

The electoral formula is a mathematical formula after which mandates are given, namely the transformation of valid votes in mandates. There are several ways to turn votes into mandates. In the current mandate allocation system for the European Parliament elections, the d Hondt method (also called the common divisor method) is used. This method is also defined by Article 52 (1) (b) of Law 22/2007 on the organization and conduct of elections to the European Parliament and consists in dividing the valid votes cast for each list and independent candidate selected under the conditions set out in (A) of the same paragraph, 1,2,3,4 ... n, up to the total number of mandates to be distributed and the ranking of these quotas in descending order.

Thus, the total number of valid votes cast is divided by the total number of seats available in that constituency. A party receives a number of seats equal to the number of full quotes resulting from the division, and the number of non-attributed seats is given to the parties that have achieved the largest remainder following the divisions.

The European Parliamentary elections in 2007 were the first elections in which the first representatives of Romania were appointed to the European Parliament, they exercised their functions until 2009 when the elections took place. The ballot took place on 25 November 2007 for the 35 members of the European Parliament.[10] The total number of valid votes cast was 29.47% and the number of candidates was 551, presented by 13 formations and an independent candidate. The electoral threshold was 5% of the total votes, ie 2561111 votes (legal threshold). Victoria was the PD with 13 MEPs (28.81), followed by PSD with 23.11%, the PNL ranked with 13.44%, followed by PNL with 7.78%. UDMR gathered 282,929 votes, most of the counties with a Hungarian population, but in Covasna the independent candidate Tokes was imposed. He managed to exceed the electoral threshold for independents imposed by the national coefficient. Mandates were assigned according to the Hondt method, so the ranking was as follows: PD-13 mandates, PSD-10 mandates, PNL-6 mandates, PLD-3, UDMR-2 mandates, and a mandate to independent Tokes. The 2009 elections took place on 7 June, with 33 seats allocated to Romania. 258 candidatures were submitted by the 7 political parties, with a 27.67% presence.

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[10] Radu, Alexandru, (2012), *Politica între proporţionalism şi majoritarism. Alegeri şi sistem electoral în România postcomunistă*, European Institute, Iaşi, pp.195-196.

The first position was occupied by the political alliance PSD + PC with 31.07% of votes, then PD-L ranked with 29.17%. PNL obtained 14.52% and ranked No. 3. The fourth place was UDMR with 8.92%. PRM managed to enter the European Parliament with a score of 8.65%, promoting Gheorghe Becali as MEP. PSD + PC and PD-L had 11 mandates, PNL had 5, PRM and UDMR by 3. Elena Băsescu won a mandate as independent but enrolled in PDL later.

The European elections in 2014 had a higher turnout than the previous elections. There were 5,911,794 voters representing 32.4% of the total number of voters. The electoral alliance PSD + UNPR + PC ranked first with 37.60%. On the second place was PNL with 15% followed by PD-L with 12,23%. The surprise was the independent candidate Mircea Diaconu, who got the 4th position with 6.81% having a score close to that of a political party. Diaconu was ranked UDMR by 6.29%, and the sixth party was PMP, a newly formed political party.[11] Thus, the rankings on mandates were: PSD-16 mandates, PNL-6 mandates, PDL-5 mandates, PMP-2 mandates, and UDMR, a mandate was received by independent candidate Diaconu Mircea. In total, Romania received 32 MEPs.[12]

Thus, at the previous European Parliamentary elections, there was a difference of 10 mandates between 1st and 2nd. PSD + PC + UNPR had 16 mandates, and PNL, on second place, had 6 mandates. According to the electoral law, madads were awarded by the formula d Hondt, the formula that is advantageous to large parties by reducing proportionality. A more equitable formula in this sense would be a coefficient method, for example Hare, this being a method of the largest debris, this method being more advantageous for small parties. If the method is used by a coefficient (Hare, valid cast votes / seats available), we may notice that the attribution of mandates is probably more equitable by providing representation and small parties. According to the calculations by this method, the situation of mandate artifact would be as follows: PSD + UNPR + PC-12 mandates, PNL-5 mandates, PDL-4 mandates, UDMR and PMP by 2, PP-DD, PRM, FC, PER, PNȚCD And the National Alliance of Farmers, one place.

Conclusion

The European Parliamentary elections in 2014 were the most obvious as a difference in terms of assigned mandates. Electoral legislation for the European Parliamentary elections should be revised in the sense of lowering the electoral threshold, but also changing the method of awarding the mandates. Taking into account the fact that in 2018 a new electoral cycle is going on and we will have European Parliament elections again, it is necessary to revise the legislation so that it fully corresponds to the actual reality and necessity of the legislative and political environment. National representation at European level is not just a

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[11] http://www.bec2014.ro/wp-content/uploads/2014/05/Situatia-voturilor-valabil-exprimate.pdf (accesat la 14 martie 2016).

[12] http://www.bec2014.ro/wp-content/uploads/2014/05/PV-BEC.pdf (accesat la 14 martie 2016).

formality but a commitment with the highest responsibility of the legal attributions at national and European level.

The right to vote and to be elected, as well as the right to vote, are guaranteed by the fundamental law, which is why we are in the presence of fundamental rights with maximum weight and implications for both the citizen who exercises the vote and the competitor who, The terms of the law obtain its mandate and exercise it.

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