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MARINA POPESCU

In Quest of a Better Political System: More Accountability and Better Representation

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In quest of a better political system: more accountability and better representation

- POLICY STUDY -

Marina Popescu

Median Research Centre, Bucharest
International Policy Fellow, OSI Budapest

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INTRODUCTION

Electoral system reform was advocated in Romania as a solution to the malfunctioning of its political system, more specifically of issues related to corruption and thus political accountability. The inefficiency and poor quality (*i.e.* low performance) of MPs and the legislature in general, the unexplainable fortunes of politicians and the vague unrealistic promises in election campaigns followed by an apparent disinterest for the public good cannot be efficiently sanctioned by the citizens. Elections after elections corrupt politicians remain in 'power' *i.e.* they retain "at least" their parliamentary or other elected positions. The way to improve the system is the introduction of the 'uninominal' vote or system, a term probably borrowed from French and/or Italian where it refers to a system with a single deputy per district (*député unique*), but used with a much wider and imprecise meaning. The basic argument in its favour has been that by voting for a person rather than a party list, the electorate can distinguish better whom to hold responsible. This ease of monitoring allows voters more say about who becomes an MP and thus it would be more difficult for corrupt or inefficient politicians who do not serve the interests of their constituents to survive politically since they would not be able to hide behind the party name. In this manner 'partitocrația' would be curtailed and a cleansing of the political class would take place.

'All actors in favor of reform clearly associated *partidocratie* – the closed internal workings of parties, their penetration of other groups in civil society, and the disciplined, partisan (but non-ideological or programmatic) nature of public discourse – with political corruption and economic decline. Reform was motivated by a desire to move away from a set of behaviours and policies, not by a strategy to arrive at a set of behaviours and policy outcomes' (Crisp and Rey 2001: 174). This could easily be a summary of efforts for political reform in Romania.

Thus, even the most cursory look into both the formal proposals and the newspaper articles on the topic, as well as the above summary alone, clearly suggests that there is a need to make a step backwards. It is what the basic rules in institutional design and in policy-making would also suggest. Supporting electoral reform and especially whether or not to have 'uninominal' or not is not the issue or the question; it can logically be the answer, one solution or the solution to part of the problem, such as ease of monitoring. However, before rallying support for one electoral system or another, the issues need to be disentangled, the roots of the problem identified, and then the concerns and the goals clearly defined. The technical/practical remedy needs to be thoroughly thought through but only after clarifying what kind what kind of political system, and more specifically of parliament and government is intended. As Donald Horowitz also notes in his *Electoral Systems Primer for Decision Makers* 'to evaluate an electoral system or to choose a new one, it is necessary to ask first what one wants the electoral system to do'. It is basically what both the IDEA handbook for electoral system design, and what most discussions of the topic start with. As Andrew Reynolds put it 'When designing an electoral system, it is best to start with a list of criteria that sum up what you want to achieve, what you want to avoid and, in a broad sense, what you want your parliament and government to look like' (www.aceproject.org). Only afterwards, one can look at the alternatives and devise a solution or a set of solutions.

Elections are a crucial element in representative democracy. They can be seen as the process through which citizens delegate their power to their representatives and through which afterwards hold them accountable. There are inherent problems in any process of delegation; some of the things intended by the rightful power holder, in the case of elections the voter, may not be fulfilled by the representatives for a host of reasons. However, since elections are a

process of both delegation and accountability, if in the delegation part (during the elections or afterwards) the voter cannot find the right representatives or the representatives misbehave (i.e. do not follow their mandate, spend their time with leisure and rent-seeking), the voter must have the possibility to impose sanctions. The problem in Romania appears to be on both levels and the focus is rightly on the second, the accountability aspect since that is what can limit the problems of delegation, often unavoidable due to the socio-economic context of the country. However, one needs to look at the different aspects and levels of accountability and find remedies to all the (institutional) factors that determine the problem. It is especially the framing of the currently debated question of electoral system reform as a way to improve the functioning of the political system (and of accountability mechanisms in particular), which obliges us to consider these questions as the fundamental/primary aspect to focus on. That would in fact oblige anyone interested in improving the political system to stop looking in isolation at one aspect of the electoral system, but also at other institutional factors that contribute to the malfunction of the political system and specifically to its accountability and representation mechanisms.

In turn, the electoral system, seen as the body of rules that oversee elections, plays an important part in the good functioning of the delegation relationship. Due to limits on time and space and especially because of the current focus of the debates in Romania, this paper will largely concentrate on the goals set for the electoral system and the specific way in which the electoral system can contribute to the improvement of the way the democratic political system functions in Romania. However, in the recommendations section, the paper will look at other institutional features related to the functioning of representative institutions that have a significant impact on the main points of concern, the mechanisms of accountability and representation.

A note is necessary beforehand. The term ‘goals’ could be misleading and could wrongly suggest that I also share the view that simply through some small isolated institutional fixes, important and difficult aims such as accountability and representation can be immediately achieved. On the contrary, unlike many commentators and politicians in Romania and elsewhere, I do not believe in the unlimited power of the electoral system or of (single) institutions in isolation. This is a position that the stock of knowledge in political science would commend. The focus here is on formal rules because they are the core instruments of public policy even if their net impact will be the result of their interaction with the society, as Pippa Norris (REF) notes in her book on *Electoral Engineering*. Although institutional design is likely to be our main tool in reaching the intended goals, they cannot be achieved simply and only through legal/institutional changes and especially not only of a single institution, even one as important as the electoral system.

Thus, following the line goals-alternatives-evaluation-recommendations, the first step in this paper is to define the problem and determine the goals of the reform and specifically of the electoral system. The goals of the electoral system or the criteria for the assessment of the electoral system are derived both from an analysis of normative principles aimed at in electoral design and empirically from an analysis of the Romanian context and its problems as defined by the existing calls for change.¹ The next step, in the second section, is carefully considering all the alternatives and evaluating them against the goals, individually and as a set, weighting all of them equally. The necessary tradeoffs are incorporated in the evaluation firstly because the goals are put in relative and not absolute terms and can work as a set. In the last section, linking the goals and the state of scientific knowledge about the electoral system effects as well as about the

¹ Combining a normative perspective and an empirical one is similar to the logic followed by Andre Blais in his 1999 submission to the Advisory Committee of Registered Political Parties Elections Canada/ Comité consultatif des partis politiques enregistrés Élections Canada and appears as the most appropriate given the nature and level of the debate in Romania on the topic.

process of electoral system design leads to specific recommendations regarding possible reforms and the ways of implementing them.

Since ‘electoral law’ and ‘electoral system’ can include a very wide range of elements related to the electoral process, a note on terminology is necessary in this introduction. In this paper, the definition of electoral system is minimalist. It refers only to those elements “which govern the processes by which electoral preferences are articulated as votes and by which these votes are translated into distributions of governmental authority (typically parliamentary seats) among competing political parties” as defined by Douglas Rae in his book *Political Consequences of Electoral Laws*, a cornerstone study on electoral systems (Rae 1967). This means electoral formula, district structure and ballot format. It includes only two of the four defining elements of electoral systems as described by Richard Katz in another fundamental book on electoral systems, in itself a reduced version of what electoral law pertains to, i.e. already excluding important aspects such as voting day procedures and electoral administration. These two aspects are the translation of votes into seats, in turn covering the electoral formula and the constituency structure, and the choice the voter is facing. This limitation intends above all to keep the discussion focused but it also fits the nature of the debate regarding electoral system reform towards ‘uninominal’, the trigger of this analysis.

Therefore, the following do not fall within the focus of this paper.

- a. The paper will not propose a full-fledged electoral system or to analyse the interests or the reasons of the parties to choose one or another system. It only aims at bringing in necessary information on alternatives, on the criteria for judging them, and a comparative perspective on both the alternatives and the process of electoral reform.
- b. Neither will the paper start commenting in detail on the technical merits and demerits of the existing proposals or make exhaustive proposals in terms of technicalities as an end in itself. These are very important issues and need to be examined but they are subsequent to the choices discussed in this paper in which all macro and micro features of the electoral systems are considered in light of the goals set as essential by all actors concerned (parties, civil society organizations, public opinion) and the political science/ relevant specialist literature. The paper however stresses the importance of the micro features of the electoral system often have a major role.
- c. The paper will not dwell into what Reynolds (2003) called ‘affordable and manageable elections’ although this is certainly a valid goal but it is mostly achieved outside the electoral formula, district magnitude and ballot format, which are as noted above the focus of this paper. More specifically it will not refer to questions of administration/management of elections and election procedures and the need to find a balance between ease of voting and guarantees against fraud, included in the OSCE/ODIHR report and recommendations following the 2004 elections as well as the concurrent APD recommendations. Other aspects of ‘affordable and manageable elections’ will be touched upon since the goal of clarity and simplicity of the choice for the voter is to a certain extent related to it and thus the choice of electoral formula may impact on both.

A. Problem description and derived goals of reform

This section will first define the policy problems motivating electoral system reform in Romania since 1996. It does that through systematizing the varied perceptions of the actors in the given case. As we shall see, such reforms were advocated in Romania as a solution to the malfunctioning of its political system, more specifically of issues related to corruption and thus, political accountability. Hence, the paper goes on to review and assess symptoms of a faulty political system as perceived by the citizens, civil society organization and mass media, as well

as indicated by comparative analyses of Romanian democratic performance. Next, I will show that electoral system reform, though not the main institutional device likely to efficiently tackle the crisis of accountability and representation, cannot be treated lightly due to its multiple possible implications for the legitimacy and stability of the democratic system. The paper will then look into what kind of goals electoral systems can reasonably be expected to achieve, or more specifically to contribute to the fulfilment of. By matching these two, the last section will draw a list of goals of possible electoral system reform in Romania, bearing in mind the limits of institutional engineering.

A1. The main issue: accountability and responsiveness of representative institutions

A1.1. Media and civil society criticism of elected institutions

Media and civil society formulated a set of criticisms regarding the functioning of representative institutions and they are briefly presented in this section. These criticisms led to the definition of the policy question as responsiveness and responsibility of the political class, the term of political class itself suggests that politicians are seen as remote and inscrutable.²

1. Parliament itself is perceived as an institution entirely remote from the electorate, slow, inefficient and unaccountable. The usual images of the Parliament on TV and in newspaper reports included MPs reading the newspaper or even sleeping during plenary sessions, MPs spending more time at the café than in the frequently empty session rooms. A growing emphasis was put on the lack of attendance during plenary sessions, parliamentary inactivity as measured by the reduced number of interventions in the same plenary sessions and the low number of tabled legislative proposals and amendments.

A commentary in the British high-brow daily ‘The Independent’ (19 May 2005) emphasised it is indeed the case that American legislative politics is always presented in the media as dignified. It is even not allowed to film those not involved in the discussion (in order not to show they are doing something else, like reading the newspaper or dozing off). Such ‘cover-ups’ would be unthinkable at Westminster. So what we see may not be what we get. Regarding Romanian parliamentary activity, we ‘see’ very little. First, we know that the government is not only the main legislative agenda setter but also the main legislator (for a detailed monitoring of parliamentary activity see <http://www.advocacy.ro>). Moreover, a number of governmental emergency decrees are passed by Parliament in an unchanged form or even not discussed. Generally governmental bills take the centre stage and not only in Romania. Although at Westminster the majority of bills discussed are government initiated, that is not because there are not enough ‘private bills’ (i.e. MP proposals). There are so many that each year a draw is made to select which ones make it to be discussed in committees and in the plenary sessions. Second, according to procedure all laws are first discussed in the specialized committees. Like in most parliaments, the biggest part of parliamentary work is expected to take place in these specialized committees.³ But one has to remember that if the apparently restrictive rules about presenting parliamentary activity in the US are just about image, when it comes to content, all the meetings of the committees are public (except those strictly related to clearly defined top-secret security issues). Any citizen can in principle (i.e. if they had the interest and the time) monitor what the representatives do in committees, as well as when voting laws. The media are doing the monitoring on behalf and for the benefit of the citizens. Although in Europe there is variation, the trend is increasingly towards more transparency. This is not the case in Romania where, given the impossibility to monitor the work of the committees, one cannot really assess either the amount or the quality of this work. It is probably what the Romanian press would like to do but cannot; yet with few notable exceptions (Cristian Ghinea being the most prominent) such a complaint was not specifically formulated in the press. Only in 2005 it captured the interest of

² It is a particularly strange parlance in a country where class questions are avoided, which is very different from Britain where even after its demise of class in explaining political behaviour explanations and thinking in terms of class remain present. Moreover, due to the abuse of the term during communism, “class” is a word that belongs to the wooden language of the past but still a word with a negative connotation.

³ “The committees are the working bodies of the Deputy Chamber, established in order to fulfil the given tasks necessary for preparing the workings of the Chamber” Regulamentul Camerei Deputatilor, p. 7, Section 5, 1, art. 37.

civil society organizations, most notably IPP and then APD. In September 2005, a group of NGOs launched a proposal for transparency of parliamentary activities, open and recorded votes in plenary sessions and access to parliamentary committees. However, nobody so far tried to hold the Tariceanu government responsible for not fulfilling the D.A. Alliance pledge regarding the transparency of parliamentary (committee) work.⁴

2. The overall number of MPs and the expenses incurred is considered too high for a country of the size and wealth of Romania and constant press attention is dedicated to the unjustifiable purchases of the two chambers. To this excessive size contributes the existence of two chambers, which has also been considered futile even after their prerogatives and the procedures of passing of a bill through the two chambers were clarified. For a long time calls for a change away from bicameralism waned under the apparent weight of the historical argument, i.e. the value of democratic traditions, but also probably because it was particularly hard, if not impossible, to sell to incumbent MPs, a reduction of their numbers by 30% and a reduction in committee positions with roughly 50%. The resurrection of proposals to change the constitutions to have a unicameral parliament in September 2005 can hardly be regarded as a response from public opinion (almost evenly split on the matter) or civil society (given that the more immediate requests regarding parliamentary transparency are either ignored or forgotten). Their exact content and their seriousness are yet to be seen. This is especially so given that during the process of constitutional change in 2003 the same politicians had the opportunity to render the current bicameral system really meaningful (i.e. separate prerogatives for the two chambers, no extensive debate on all laws in both chambers) and thus efficient.

Moreover, it is possible to argue that these are superficial indicators and that what is too much is relative. There are fewer MPs per population in Romania than in other countries; in Hungary with a population half that of Romania, its single parliamentary chamber has 386 deputies compared to the total of 469 for the two Romanian chambers, including the minority MPs, or 451 without them; yet in Poland, twice the size of Romania, there are 391 deputies and 100 senators, a total of 491. The definition of high spending is relative, and maybe even after controlling for GDP the Romanian parliament is not more expensive than others. It is quite clear that the Romanian parliament does not spend enough on expertise and meaningful personnel if one is to consider just the frequent off-record complaints of MPs that they do not have sufficient and sufficiently trained support staff, mostly concentrated in the hands of the parliamentary groups. Yet, the expenses of the Parliament are quite high and thus most probably the question refers rather to what the money is spent on, which is how it is often formulated both in the press and in NGO reports. But this is also kept away from public scrutiny. Surprisingly no newspaper commented on this outrageous secrecy of a public institution until the Institute for Public Policy, a Bucharest-based think-tank won a court case based on the Freedom of Information Act against the Chamber of Deputies and gained access to their financial records. Even the most summary of analyses showed a host of irregularities and abusive use of funds, such as unjustifiably high mobile phone bills and per-diem received for more than 365 days a year. Despite the presentation/publication of the report, neither the parties whose members mentioned in the report nor the authorities responsible commented on the consequences and/or on the actions they will

⁴ Chapter 10, Anti-corruption policies, Section II on Parliament, p. 49-50. Exact Romanian language text is “Alianța D.A., prin parlamentarii săi, va depune toate diligențele necesare pentru asigurarea transparenței lucrărilor comisiilor permanente de specialitate, precum și a comisiilor de anchetă special constituite. În acest sens, regulamentul celor două camere ale Parlamentului va trebui să prevadă în mod expres obligativitatea caracterului public a lucrărilor comisiilor parlamentare.”

take against the individual MPs as well as against the bureaucrats of the Chamber that allowed/approved these expenses. For the full report see <http://www.ipp.ro>.

→ Thus, these two points alone very clearly suggest what might be a change of focus: from the problem of an expensive parliament, to the idea of its transparency. This is what limits the accountability of parliament as a whole.

3. Apart from the overall quality and accountability of the parliament to which it is however inherently linked, the ‘quality’ of individual members of Parliament has been perceived as the weakest link in the malfunctioning of the political system and was placed at the centre of the calls for electoral system change. Corrupt politicians, often related to illegal economic activities and ‘trafficking influence’ can remain MPs covered/sheltered/protected by the party label and it is not possible to hold them individually accountable for their acts.

Before the 2003 constitutional amendments -- when Parliamentary immunity was restricted to political opinions -- MPs’ immunity from prosecution was unqualified. For example, one of the most important Constitutional provisions stated that an MP can be prosecuted only after the concerned Chamber agreed upon it. Such a provision breached the meaning and the usual aim of immunity, namely to guarantee full liberty of opinion for political representatives; its misuse and the kind of stories that involved a lengthy immunity withdrawal process had a negative impact on the image of Parliament and MPs increasing the impression of unaccountability. Its change eliminated only the most extreme of provisions.

4. In the same vein of poor standard of MPs performance and the impossibility for the citizen to monitor and then hold responsible is the practice of ‘parliamentary tourism’ or ‘political migration’ – i.e. changes of party affiliation during a parliamentary term. An MP elected on a party list who decides to quit the party remains in parliament as independent; in practice, that MP can join a party and behave as a member of a particular parliamentary caucus/group.

Although all parties pretend to abhor this behaviour, they are content to accept ‘independent’ MPs even on their party lists, unlike the practice in many democracies. Few countries allow the parties to request a deputy to resign its seat in case of defection from the party (Portugal being a case in point), given the supremacy of the constitutional principle of immovability, present in the Romanian constitution and crucial in a liberal democracy. However, countries that encountered this problem at a large scale (such as new democracies) found mechanisms to avoid that, through agreements between parties (Spain). Moreover, the political science literature shows that in the specific cases of post-communist democracies those who defected are generally less successful in being elected in another party. However, there is an important difference in likelihood to be elected in another party depending on the reasons of the change of party affiliation. In a 2004 article, Shabad and Slomczynsky (2004, 156-157) differentiate between two types of inter-party mobility: structural and voluntary. People belonging to the first category switch from a party to another due to reasons independent of their own will. For example, structural changes at the party system level (i.e. party dissolution, party splitting, or party merges) or in the programme of the party can be causes that could account for the first category. On the other hand, individuals who were not forced to leave the party, but they did it voluntarily, are part of the second category of inter-party mobility. In their study, Shabad and Slomczynsky analyse two Czech parliamentary elections and three Polish elections. Looking at this data, they established that in the case of these two countries, although voluntary movers stand a better chance than the newcomers, they would have gained more had they remained with their original partisan choice (Shabad and Slomczynsky, 2004, 171).

We do not have an analysis of what happened in the successive Romanian parliaments, either regarding the motives, or the exact numbers. However, the discussions and commentaries in the

press tend to suggest that the practice is still thriving and the parties are still content to accept 'political tourists' on their lists. The 2004 'Coalition for a Clean Parliament' drew a list of all candidates from all major political parties in which were identified those involved in scandals related to corruption and conflict of interests, who collaborated with the 'Securitate' and changed party affiliation. The criteria were agreed with the political parties; the lists made public were those that resulted after a review system in which were accepted a number complaints.

The only way in which this scrutiny could have an effect was indirect, though the political parties decision to remove these candidates from their lists. This could be indeed a sign of responsiveness of the parties. Yet, its impact was limited, since the party that could suffer most from not removing its 'dubious' candidates (PSD with 95 citations) also has the voters who are least likely to be politically aware, and thus be aware of such a campaign. Therefore still a large number were left on the list. Moreover the fundamental criteria related to parliamentary performance as well as indications of abuse of parliamentary funds could not be included in the monitoring.

5. Linked, but rather different in nature, are the criticisms regarding the weak links of the MP with the constituency where they are elected. Like SMD MPs in other countries, Romanian MPs are obliged to hold office hours in their constituencies once a week, the question of territorial representation being high on the agenda when the electoral system was designed, reason for which after the national level reallocation of votes, the seats won at this tier are still assigned to a constituency. This is different from countries like Hungary or Poland (until 2001) where this tier leads to the election of MPs from a national list. Yet, Romanian deputies and senators have been over the years still perceived as largely ignorant of or at least uninterested in the concerns of their constituency. This may be linked to the fact that at the following elections they may run in another constituency, or that local issues are left to local politicians (mayors, councillors), but this cannot provide a full explanation, given their duties toward the constituency. To what extent the perception is entirely accurate for all or the majority of MPs is hard to tell. Again, we have no idea since there are no published records and their per diem and inflated petrol reimbursements can hardly be counted as good indicators of constituency activity. I am personally not aware of any attempt to monitor how often MPs go to the constituency, how many letters they receive and answer, whether when a party has more MPs in a constituency they divide the tasks. Some of them focus on national issues or on a legislative agenda and others more on local policies but how many do not do either is a mystery.

The ailments as suggested by the press and civil society organizations can be summarized as being related to the

a. Functioning of Parliament especially related to:

- i. Excessive size
- ii. Expenses and waste
- iii. Lack of transparency
- iv. Efficiency

b. Quality of MPs especially related to:

- i. Corruption
- ii. Weak performance in parliament
- iii. Political migration (party switching)
- iv. Weak links with the constituents

Thus, it is apparent that all these problems reduce the accountability of Parliament in general and of individual MPs in particular, leading to a low quality of representation.

These last points regarding accountability of the individual MP provide the justification of the need for electoral system change for the civil society advocates of electoral reform. Their argument goes further to say that due to the closed list, and despite the change in government, the same politicians continue to hide behind the party name and the voters just bring the same (kind of) people in and out of government. Elimination from the political scene, as a consequence of corruption or inefficiency, is deemed (almost) non-existent in Romania. The political survival of individual politicians is independent from their performance vis-à-vis the electorate, and especially their constituents. The explanation is that the current list electoral system does not create incentives for individual politicians to represent their constituents appropriately, and thus allows corrupt behaviour to be perpetuated because the nomination and place on the list depends exclusively on the party, and not on the views of the citizens. Moreover, it is very difficult for voters to know anything about the people on the list and to have an impact on who is elected. The crucial assumption is that political parties do not use performance criteria when putting together their lists because they have no or limited interest in constituents' opinion on individual candidates and no fear regarding their public support.

In a schematic way the problem as derived from reports of the mass media and civil society organizations looks like this:

- I. The representatives, no matter how promising they look when elected, once in office are highly likely to “misbehave”. Temptations are very numerous. (a) The MPs start following their own political/partisan agenda and do not represent the policy interests of their voters. (b) Once elected they get caught up in the more pleasurable things associated with office, rather than work. (c) Worst of all, they intentionally do not represent their voters, follow their interests, they are rent-seekers. These are all the classic traps leading to agency loss.**
- II. The electoral system, in conjunction with the parliamentary and party rules, allows these people to hide and therefore direct accountability to the voter does not function. There is no way to sanction these politicians. Because of that even if the party is sanctioned by electoral defeat that does not necessarily translate into a change of style of conducting politics.**

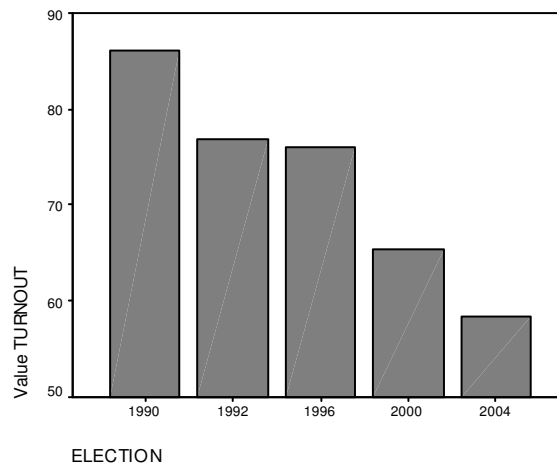
A1.2. Symptoms of a problem with representative democracy in Romania: Public opinion indicators of dissatisfaction and disaffection and comparative assessment indicators

I. At the citizens level, although it is not possible to tell whether the disenchantment of Romanians with the functioning of their democracy follows the line of argument described by the media and civil society organizations, there are some indications of disaffection from and disenchantment with politics and political institutions.

1. Turnout is the first and most commonly referred to indicator of political disaffection. Since voting is the basic form of political participation, its relevance for the functioning of democracy cannot be overestimated. Voting is the corner stone of representative democracy. At the foundation of representative democracy is the mandate of the citizens who delegate their power to their representatives. Therefore those who delegate should be the people, all those with voting rights who delegate their power. If some do not vote, their preferences and interests are not known and thus under-represented. The more those people are, the more people are placed outside of political representation. Romania experienced constant decrease from 86.19% at the founding elections in 1990, 76.92% in 1992, 76.01 in 1996, 65.31% in 2000 and 58.51% in 2004 (see Figure 1). Even in a hotly contested election as that of 2004 with a very close ‘race’ in

second round, almost half of the eligible citizens did not find any reason to vote. Although even in this manner turnout in Romania is around the East European average and the same can be said about the drop from the founding elections to the third, the problem does not diminish.⁵ Decrease in turnout is regarded in both new and old democracies with concern and the roots of disaffection are studied and targeted to the highest extent possible.

Figure 1: Decrease in turnout at Romanian parliamentary elections



2. There is no individual level analysis looking at the reasons of the decrease in this most basic form of political participation over time. Although the cursory presentations of poll results show that young people in urban areas are the non-voters, we know very little about their motivations. We know even less about the implications of non-participation, whether the non-random selection of the non-voters from certain social and economic strata has an impact on who gets elected, on the topics covered in elections and thus whether their non-participation renders some important interests unrepresented.

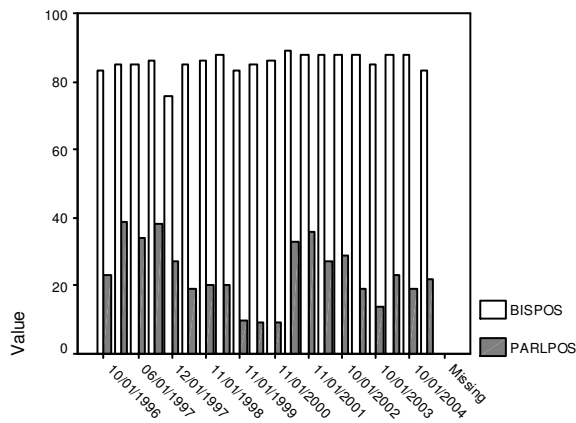
However, a preliminary analysis of 2004 post-electoral survey data suggests that the probability of non-participation is increased by dissatisfaction as well as by lack of trust, even among the more politically aware respondents. The larger pools of non-voters were characterized by dissatisfaction and indifference towards politics. Also, high levels of pessimism and perceptions of low levels of influence over politics, but interestingly combined with fairly decent levels of political knowledge and information exposure, seem to decrease the probability to go and cast a ballot (Hatieganu 2005).

3. Trust in political institutions is very low in Romania. In the Public Opinion Barometer from May 2005, only 3% of the respondents said they have very much confidence, 19% that they have quite a lot of confidence; 41% have little confidence, 18% very little and 15% none whatsoever. Actually one can say that it is in a different category than trust in more traditional institutions such as the church and the army, the figures for them being reversed: 3% have no trust at all in the army and the church, 13% have very much trust and 49% a lot of trust in the army, 39% have very much trust and 44% a lot of trust in the army.

This is not a peculiar occurrence in this survey or in this year; on the contrary it is indicative of a pattern that can be observed over the years in the Barometer (see figure 3a and 3b below)

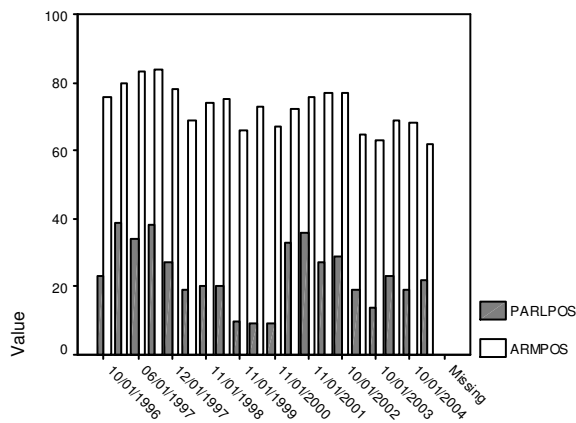
⁵ The average turnout in post-communist elections is 70.49% and for Romania it is 72.59%. For the third and fourth post-communist elections the average is 65.84%, for fourth elections it is 63.83%, while for Romania the figures are 66.61% and 61.91% respectively.

Figure 4a. Over time comparison of trust in church vs. Parliament



V1

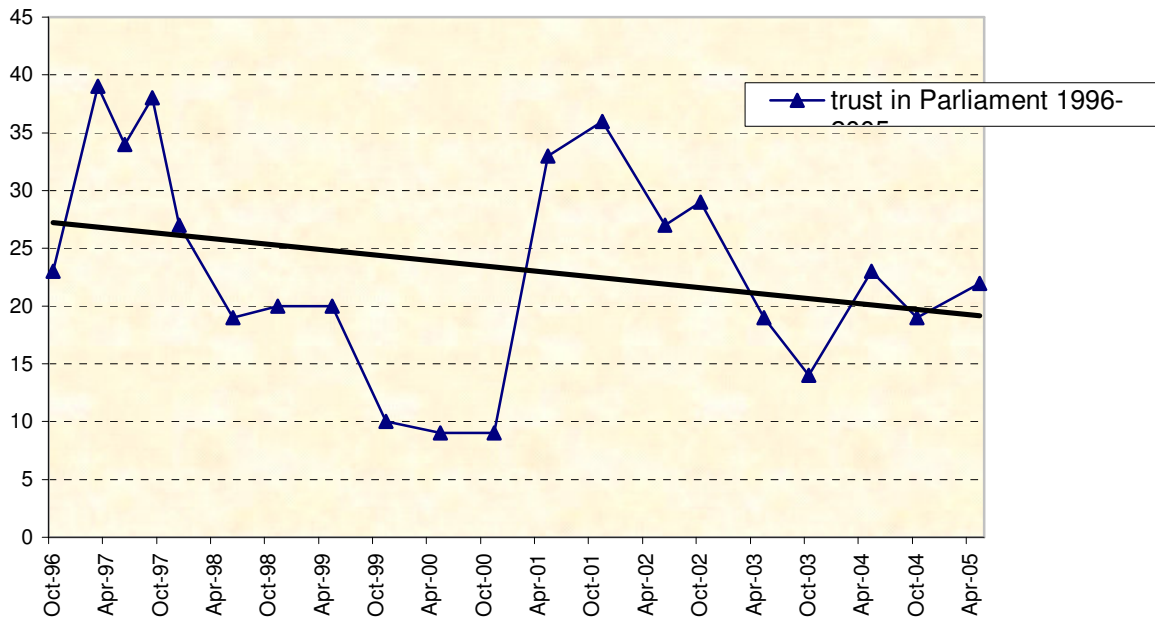
Figure 4b. Over time comparison of trust in army vs. Parliament



V1

The Public Opinion Barometer also shows that over time trust in political institutions is decreasing and trust in parliament even more. The black trend line from figure 4c clearly shows a declining trust in Parliament over the last 9 years. The highest pick of trust was reached in February 1997 (immediately after the 1996 elections that brought to power CDR), while the lowest point(s) is marked by the end of the CDR governance, in the year 2000 (April and October).

Figure 4c. Trust in Parliament 1996-2005



4. Politicians enjoy even less trust and a bad image. Actually 69.3% of respondents in a survey believe that it is better not to trust politicians (BOP 05.2002). Moreover, in the same survey 83.5% believe that those who get involved in politics these days are only interested in getting rich. In the May 2005 Public Opinion Barometer politicians appear to be perceived as having a dubious morality by 51% of the respondents. In the same survey 33% of the respondents think that almost all politicians are corrupt, 32% that a large part are corrupt and only 3% think that almost none is corrupt, with 15% thinking that a small part is corrupt. Only judges are anywhere near in terms of bad reputation (24% almost all corrupt, 34% most/a large part corrupt, 20% a small part and 4% almost none).

5. The figures indicating cynicism towards politics and distrust that the relationship of delegation-accountability works are equally telling:

- 58.5% totally agree, 27.3% rather agree that no matter who wins the elections, things will go in the same way over the next 4 years (BOP 10.2004); 85.7% true/agree that as long as the things in the country function well, they don't care who is in government (BOP 05.2002).
- 59.3% are total agreement and 24.2% in partial agreement that politicians do not think about (i.e. care) the life of ordinary people; 71% think that politicians do not do everything to know the citizens' views (BOP 05.2002); 89.9% think that politicians care about the opinions of the people only at election time

Moreover, very few citizens feel efficacious in their relationship with their representatives:

- Over time less than or around 20% say that they can influence decisions taken for your locality to a large and v large extent; another 30% a little and over time there is a slight increase of those who say not at all.
- Regarding decisions taken for the country, those who feel they can influence very little or not at all ranges from 48.1% to 61.7% with slight increase over time.
- Even after the 2004 elections, 74.9% of respondents agreed that people like them have no power over what the government does.

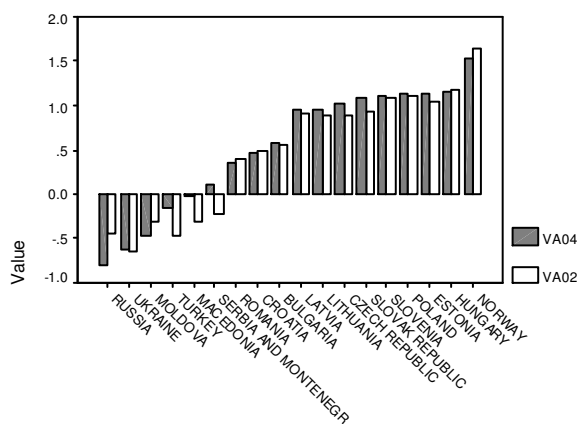
6. Also over time party disaffection as measured by the percentage of respondents without a party choice increased (Popescu and Stefuriuc 2003). Instead of more people to be able to express of vote choice as democracy consolidates, in Romania, the trend is descending. This can be interpreted as a decrease in the linkage between party and voters, as a of the extent to which voters see in the existing political parties good channels through which delegation can take place. The emerging picture looks like a vicious circle created by the reciprocal causation between performance evaluations, party system disaffection and trust in democratic political institutions. The less favourable performance evaluations are, the lower the trust is likely to be, while disaffection from the party system is likely to get higher. When party system disaffection is higher, both confidence in democratic institutions and governmental performance evaluations are likely to be lower; when there is higher trust in democratic institutions the governmental performance evaluations are more favourable and the percentage of people who do not have a party choice is lower. However, over time, party disaffection is a more important determinant of confidence in democratic institutions than performance evaluations, whilst rates of party disaffection are both influenced and influence performance evaluations (Popescu and Stefuriuc 2003).

7. Last but not least, elections are believed to make the government pay attention to the opinions of the voters only by 37% of the respondents, and less than 50% (48% BOP May 2005) believe that the voters have whom to choose at election time.

II. On a large number of comparative indicators of democratic quality, including accountability and responsiveness, the assessment of Romania is rather negative, especially compared with countries with a democratic experience of equal length. The comprehensive quantitative assessment of the World Bank gives us an indication of these differences. It also helps us see the changes over time since it comprises data for every two years since 1996.

Romania is placed below all the other accession countries and even Croatia. Regarding voice and accountability, there is a big difference in comparison with the top countries (Norway, Sweden) that have a score more than four times higher (see Figure 1). But even Bulgaria (with an identical electoral system) fares 62% better (or 1.62 times better). After Romania, Croatia and Bulgaria the leap to the next former post-communist countries new EU members is very high. Latvia, a country that experienced a lot of party system fragmentation and its fare share of party splits within parliament leading to high figures on MP change of party affiliation, still performs 2.67 times better. Poland performs three times better (3.12). The difference is even more dramatic on control of corruption (Figure 2) and rule of law (Figure 3).

Figure 1. World Bank Voice and accountability indicators for a range of post-communist countries & Norway – difference between 2002 and 2004



TARA

Figure 2. World Bank control of corruption indicators for a range of post-communist countries & Norway – difference between 2002 and 2004

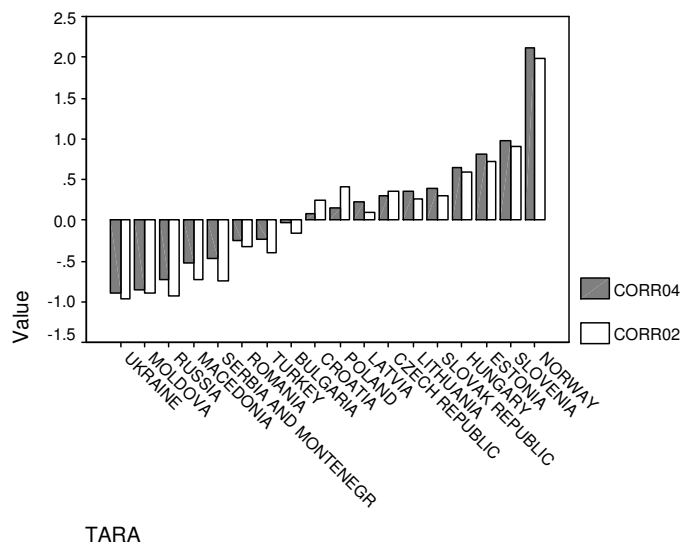
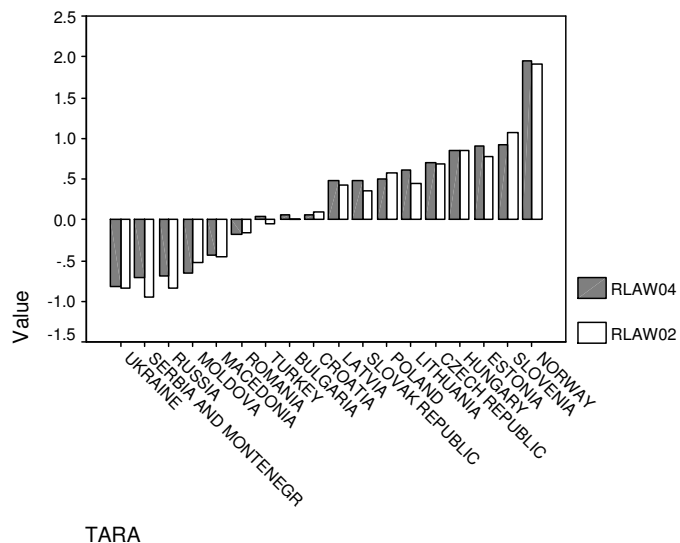


Figure 3. World Bank rule of law comparative indicators of rule of law for a range of post-communist countries & Norway – difference between 2002 and 2004



A2. Electoral system reform as a partial answer to the problems: setting realistic goals and criteria

A2.1. Why focus on electoral reform

The review in section A.1 showed (albeit in a brief manner) the symptoms of a problem with representative democracy and its institutions as identified within citizens' behaviour. It appears rather clearly that there is a high level of dissatisfaction with, and disaffection from politics and specifically from representative institutions with decreasing trends in trust in parliament and very

low levels of political efficacy and very high levels of cynicism.⁶ The section also put forward the criticisms of mass media and civil society organizations regarding the defective/inadequate functioning of representative institutions, especially of the Parliament and its members. All these issues are reflected in the rather negative assessment of Romanian democratic performance in cross-national analyses.

→ It is quite clear that Romania has a significant problem with political corruption, lack of accountability and thus flawed/defective representation.

Yet, the electoral system functioned largely as expected by its designers (see Popescu 2003c). For three elections in a row, Romanians managed to throw the rascals out (i.e. change the government at election time), which suggests that the fundamental electoral accountability mechanisms function. The electoral system did have the restraining/limiting effect on the party system; the presence of largely the same political parties in parliament, the decrease in wasted votes, and the limited support for new parties and independents suggests that the electoral system and its mechanics are understood by the electorate and the parliamentary parties are considered as the acceptable channels of representation (see Popescu 2002).

But then, given the aspects highlighted so far, it also seems that one has to look at the way representative institutions function rather than at how they are elected. That is certainly the case and a discussion of these aspects will be briefly covered in the recommendations section.⁷ However, focusing on the electoral system is neither new to Romania nor entirely gratuitous.

First one has to note that the electoral system is expected to have a bearing on the severity of the problems between voters and representatives; given the very negative assessments of the functioning of Romanian institutions, looking at ways to improve it (so that to allow for easier, more and better scrutiny of elected officials) is natural. By not allowing a choice of candidate (even an optional one or an ineffective one), the Romanian electoral system is rather restrictive in terms of how much input the voters can have in the election of their representatives. More input by the voters in the delegation process is believed to create a more direct link between the voters and the representatives and at the same time to allow for more efficient possibilities to hold them accountable. Therefore, calls for changing the electoral systems to give voters more say into the election of their representatives have been frequent in the last decades. The cross-national tendency towards a more direct link between voters' preferences and candidates for office is the most important change in the relationship between voters and representatives in the last forty years; change in this direction, although modest in magnitude has been the trend (Bergman et al 2003: 213). Italy is alone in restricting this possibility.

Second, even if certain aspects of the electoral system were in need of a reshuffle, it has also been rather common to use the electoral system as a scapegoat for many problems of the

⁶ No order of causality between public opinion and media/civil society focus on problems of representation and accountability is assumed here. It is not possible to assess with the means available to this research whether the public opinion concerns motivated the civil society and media to take on issues of representation and accountability or the emphasis put in the media on these issues led to public opinion perception of these institutions and of politics in general, and how much it is a two-way process. Despite its importance, this chain is of little concern here.

⁷ Civil society organizations did not ignore this type of action as it is shown by the continuous APD scrutiny and analysis of party finances, the IPP examination of the finances of parliament, and the joint inquiry into the background [ADD EXACT CRITERIA] of parliamentary candidates (the 2004 campaign for a clean Parliament-*Campania pentru un parlament curat*). [ADD REFERENCES] Yet, more concrete proposals came only recently. The recommendations section of this paper will discuss the institutional elements other than the electoral system necessary to tackle the accountability deficit.

functioning of the elected institutions, often with little consideration for alternative institutional features with a more direct impact than the electoral system. Italy is the most striking example in this respect. The reform brought alternation, but hardly government stability or more capacity for the voter to hold accountable their representatives. Other good examples of using the electoral system as a scapegoat are Bolivia and Venezuela where the discourse was very similar to the one in Romania, but the success of the reform was also limited. Yet, the 'side effects' due to lack of foresight and short sightedness were significant and reduced the positive impact of the reform even if slightly less than in Italy.

Third, existing political parties are directly affected by any discussions regarding election rules and are likely to try to make the best of the situation.

What is particular for Romania is the extreme vagueness/ambiguity over what are the goals of the reform; the target in most discussions is a poorly defined element of the electoral system. 'Uninominal' refers in the usual parlance in the debate (a) vote for a single individual and (b) vote in a constituency with only one representative; a) and b) are often meant jointly, as in the French use of the word, meaning systems based on single-member districts, but also separately, referring to vote for an individual candidate. In any case, the reference to 'uninominal' indicates some preference about two of the three defining elements of an electoral system, ballot format and constituency structure, without even specifying them fully. It does not automatically imply much for the third, electoral formula, i.e. the way these votes are translated into parliamentary seats, and thus it does not tell almost anything about what kind of majorities and power structure is envisaged. Therefore manipulating the process of reform and derailing it from the aims of the citizens is much easier than in other contexts. Thus the need to clarify what the electoral system ought to do and thus what the electoral reform should be about.

This need is further increased by the fact that a lot is at stake given firstly the link in the public opinion (and the press) between reform and legitimacy of the system. Politicians understood that ignoring the topic increases the danger of delegitimation because keeping the status-quo is in the minds of many citizens and especially many opinion leaders is a manner in which politicians want to remain unaccountable. In a survey after the 2004 election, in an open question about who is against the change of the electoral system, very few people knew that the correct answer is UDMR and PRM. It is interesting that the answers volunteered are either the disliked party or generic answers the corrupt politicians, the big parties, etc. Furthermore, public opinion support for electoral reform (as indicated by the question of support for uninominal) is correlated strongly with dissatisfaction, distrust and cynicism towards politicians. (For a more detailed analysis of patterns of public opinion regarding electoral reform see forthcoming analysis of Median Research Centre on the topic).

Thus in terms of public opinion the legitimacy problem is twofold:

- no change leads to delegitimation of the system because keeping the status-quo is in the eyes of many citizens a manner in which politicians want to remain unaccountable and the idea of 'uninominal' a system giving the voter more say channelled some of the lack of trust and dissatisfaction with representative institutions;
- change as presented so far brings unreasonably and thus dangerously high expectations for the public who has been fed with the idea that the functioning of the accountability mechanisms and the solution to political corruption is in the way politicians are elected.

Secondly there is the possibility that parties with the fiat power to change the system might decide to stay on the bandwagon and by exploiting the vague meaning of the word 'uninominal'

in Romanian (or at least its imprecise use covering a wide range of meanings) and by over-interpreting the popular mandate for reform towards uninominal settle on a change that might make them even less accountable. It was the fear of delegitimation that was the reason for which most parties initially took up the issue. Their next step, as fully rational actors, has been to try to take advantage of the public mood and try to use the reform for their own interests. In this manner the political parties try to hijack a good cause and bring about through the back door something else than the public expects, i.e. something else than more direct power, more control for the citizen.

Thus, it is hard to imagine that with a few explanations - no matter how true and realistic - the issue of electoral reform can simply be dismissed as unnecessary. In turn, any change brings unreasonably and thus dangerously high expectations for the public who was fed with the idea that the functioning of the accountability mechanisms and the solution to political corruption depends on the way politicians are elected. Therefore change has to take place, but it is imperative to clarify (for the public opinion and not only) what can be achieved. The risk is that the consequences of failed expectations are likely be very significant on the support for the democratic regime, especially in a new democracy like Romania, one marred by low trust in institutions, one in which lack of trust leads to support for extremist anti-system parties (Pop-Eleches 2001), and where anti-democratic views are still very present. Moreover since change can easily be derailed and used by political parties to their own benefit especially when the goals are very vaguely specified it appears essential to clearly spell out the goals of the reform. It is what the next sub-section will do by linking the problems highlighted in the previous sections with the values/principles aimed at in electoral design.

A2.2. Goals of electoral system reform

As Kaare Strom points out, in ideal-typical terms government can be thought as a vast chain of delegation and accountability relationships linking voters, legislators, ministers and civil servants. In reality, every stage of this chain is marred with potential agency losses, i.e. those to whom power is handed over do not act in the interests of those who entrusted them, for a host or reasons. Elections are widely regarded as the basic feature of representative democracy, the contemporary form of democracy, the first and fundamental step in the chain of delegation (Strom 2003, Katz 1997). It is through elections that the people pass on their power to their representatives who are taking policy decisions in their name. The electoral system is the contract at the basis of the delegation process and its different aspects are meant to ensure a minimization of the agency losses both in the stage of delegation and of accountability.

[DEVELOP ON EACH POINT]

It is commonplace in institutional design and policy-making to say that many lists of goals can be drawn. This is certainly the case regarding the criteria on which to assess electoral systems or, in other words, the goals to be achieved with the mediation/ support of electoral systems. The choice of goals in this study is based on the need to take into account the double function elections have to fulfil, delegation and accountability. It considers the electoral system as one of the means through which the inevitable agency losses between voters and representatives are minimized.

This paper suggests that the following goals are the most relevant; they are listed in the order suggested in the calls for reform:

1. Individual MP accountability
2. Power (choice) to the voters

3. Government stability
4. Broad proportionality between votes and seats
5. Government and parliament accountability
6. Minority representation
7. Clarity of the choice and of the outcomes for the voter

This list does not pretend to be either exhaustive or parsimonious. It is not a list of all the possible goals, a list from which to pick and chose, but rather **a set of goals**.⁸ For this reason, a more general and moderate tone is employed, but more specific than the normative criteria of fairness, representativeness, accountability, decisiveness, equality, etc. from which they originate since they are modelled as a set meant to be applied on the particular empirical case of Romania. This set can be conceived largely as the common ground between all actors involved, as it should be, but as it would be expected the weight the different actors (parties and civil society organizations) assign to each goal differs.⁹

⁸ These goals are not fully compatible with each other in their extreme form, reason for which they are actually listed here with some caveats. For instance, full proportionality may lead to fragmentation and thus make government stability impossible, reason for which it is 'broad' proportionality that is aimed at.

⁹ As expected, the big parties, especially the PSD, give priority to government stability, while smaller parties (PRM, PC) and minority parties to proportional representation. However, the big parties also pay at least lip-service to the need for minority representation, clarity of the choice and outcome, power for the voters, etc.

B. The Alternatives

Following the goals established in the previous section and bearing in mind that the electoral system alternatives cannot solve the whole problem, this section will look into what are these alternatives and how they fare relatively to the goals established. As already mentioned, the focus is on evaluating electoral system alternatives because of the nature of the current debate in Romania and the impracticality of simply abandoning the topic. Moreover, from the set of goals, we have seen that the first three are found as most problematic in the current Romanian context, reason for which the focus will be on the elements on which higher accountability, increased power/choice for the voter, and stronger links MP-constituency depend. Yet, the other goals in the set also have to be kept in mind and taken into account in the evaluation.

Most of the alternatives covered in this section have been proposed, supported or at least mentioned by various actors, parties and civil society, but there are also a few new but imperatively necessary to be added to the range of choices debated if an informed choice is to be made. The reasons behind the positions of any of the parties or actors referred to in this section are beyond the scope of this analysis; they are documented and commented upon in other papers (see chapter on Romania in Birch et al 2003, Popescu 2002, 2003 a,c).

This section brings two important new aspects/points to the current Romanian debate:

- a. The inclusion of all electoral systems that previous literature judges to increase the links between MPs and their constituents and/or the role and choice of the voters in holding accountable their representatives and more precisely in electing them
- b. A systematic evaluation of the proposals based on the stock of knowledge in the field and based on carefully considered comparative examples.

This evaluation is done in three stages.

- First, section B1 provides an overview of the three strategies possible, no change, radical change and medium-range change, the advantages and disadvantages of these strategies as well as of each of the technical alternatives associated with each.

Although explanations about the basic principles and functioning of these systems are provided in this section, they are focusing mostly on their advantages and disadvantages vis-à-vis the goals. Therefore, for more information please refer to the more detailed technical annex. It covers the usual/standard interpretation of the merits and demerits of the respective electoral system, occasionally with caveats on how robust the findings on the matter are. A note will be made on how these potential effects are likely to interact, be enhanced or diminished by societal and institutional factors present in Romania.

- Second, section C2 provides an evaluation by criteria, ranking each system on each of the seven criteria.
- Third, C3 is summing up these advantages and disadvantages, bearing in mind the need for tradeoffs and weighting them against each other. It provides an evaluation of the set of criteria proposed in section A2.2.

No such evaluations can be totally unbiased given the inherent problem of the choice of criteria and especially the weight assigned to each of them. That is the case even if the authors, like here, do not have a particular affinity for any type of system. However, with this approach it is possible to follow the evaluation and by changing the weight assigned to one criteria or another find a different 'preferred' system. Last but not least, this section also notes that there are multiple ways in which the technical aspects can be combined, including and the possibilities of combining different electoral formulas with a number of forms of nominal voting in a range of district structures. This is in conjunction with what Dummett noted in his book on 'Principles of

Electoral Reform' that DIY (do-it-yourself), i.e. combining elements from different existing systems rather than copying one in its entirety is how to reach an alternative solution.

B1. Strategies and technical alternatives: advantages and disadvantages

B1.1. No change

The first policy choice is generally 'no change' and certainly maintaining the current electoral system as it is (in respect to electoral formula, ballot and constituency structures) is an option with advantages and disadvantages like any other.

This option has been considered as the only valid one by the UDMR since discussions about electoral reform started, the only party with a consistent opinion over time. There is no reason for change because in their view proportional representation is the only system that allows the fair representation of the Hungarian minority (i.e. in proportion to its share of the population and of the vote), which was ensured since the first post-communist elections. Issues related to the quality of MPs are considered by the UDMR as a matter of party organization that was solved long time ago in the UDMR, where 'primaries' are organized in order to ensure the support of the local party members even when some candidates are promoted for their usefulness in the legislative process rather than in local politics. It is indeed generally recognized that the UDMR deputies are very competent and serious and even if there are criticisms regarding the extent to which the nomination system in the UDMR is in practice as democratic as on paper, that discussion is normal in any party.

The second party opposed to any changes is the PRM, a more recent position since the party did not pay attention to the matter until the issue reached the parliamentary stage in 2003. The whole discussion is considered by the PRM as futile, a divagation from the real issues, from what really does not function, while in their opinion the electoral system functions; the justice system is meant to punish corruption, including that of MPs, and it just does not do its job and that's why corrupt individuals are not prevented from becoming MPs.

ADVANTAGES

- The first point one needs to note regarding the advantages of the 'no change' option is related to the idea that electoral systems are best left alone (Farrell 2001:182). Some of the effects of electoral systems are considered to be discernible only on the long term; therefore changes prevent the strategic and psychological adaptation of parties and voters to the system. This is especially the case when radical changes are adopted, leading to a rearrangement of the party system as well as of the linkages between voters and parties. Such changes are more likely to be successful when the electoral system is deemed inappropriate for allowing delegation through the relevant range of agents, i.e. when a groups of people and/or a party is systematically denied representation in Parliament (as it was the case in New Zealand) or when the agents fail to achieve basic goals – such as government stability (Italy) or accountability through alternation (Japan). Yet, even in such circumstances, it is hard to predict whether the changes will not lead to other problems without necessarily solving the ones it was aimed at, as it has been largely the case in Italy (Katz 2001, D'Alimonte 2001, Gambetta and Warner 2004). Due to the difficulty of predicting with precision the outcomes of a reform, there is a frequent incidence among heavy-weights of the study of electoral systems of the opinion that no change is the best or at least the safest option; Taagepera and Shugart (1989) are among those who think that 'Keeping with the ills we know of may be better than leaping into the unknown'.

- Second, one has to take into account the advantages usually attributed to PR systems and in conjunction, the fact that on most of these issues the system worked rather well in Romania given the characteristics of the system - threshold, second tier national level seat allocation, in order of importance/impact. (For more see the Annex and Popescu2002)

DISADVANTAGES

The main two disadvantages usually attributed to (closed) list PR systems refer to

- the lack of a direct link of the voters with their individual representatives (diminishing in this way the accountability of individual politicians)
- problems with government stability due to lack of majority of a single party or a meaningful coalition, leading to minority governments or to large and unstable coalitions

These are two points on which it is criticized in Romania as well and are both included in our 'to do' list, with two caveats

- (a) There is an unavoidable tradeoff between ensuring more interests represented and one-party governments and in highly diverse societies, such as Romania, the first cannot be sacrificed for the second
- (b) Government stability in Romania has been less related to problematic majorities but to problematic inter-party relations due to the unbalanced structure of the party system. The minority government of Nastase survived a whole term in office while the usually referred to instability of the 1996-2000 governments was based on a significant parliamentary majority based on only three components that faced the voter scrutiny

(For more see the Annex and Popescu2002)

B1.2. Radical reform: nominal voting in single member districts

Most proposals in the current debate suggest radical reform as the only alternative. It is what both the civil society organization Pro Democratia (APD) and the major parties (PSD, PNL and PD) are proposing. Although I place all proposals in the category of radical, it is very clear that they are not equally radical, the PSD (and now apparently the PD) proposal being more extreme by putting forward a majoritarian type of democracy, while the APD-PNL proposal only aims to improve on the capacity of the voters to hold their representatives accountable by diminishing the district magnitude (to 1) within the current model/principle of proportional representation. There are two commonalities between the two proposals: the first one is 'nominal voting', which allows voters the possibility to vote directly for a candidate and not just for a party; the second one is the creation of single-member districts (SMDs). Both nominal voting and single-member districts are usually considered as means to facilitate stronger ties between the representative and the represented and to ease the monitoring task of the citizen in respect to MP's performance, which are indeed the goals of the APD-PNL proposals; they are also present on the PSD list of motives, but subsequent to the first goal of stable government, i.e. single-party majority government. Thus, the priorities in terms of goals are distinct and the proposals belong to two different categories of electoral systems. The PSD proposal fits in to the classic majoritarian and the APD-PNL in to the newer but currently very popular one of mixed electoral systems being a proportional system based on single-member districts and compensation. They are based on two different principles and the advantages and disadvantages of these two types of systems will be analysed separately.

B1.2.a. PLURALITY-MAJORITY ELECTORAL SYSTEMS

Plurality-majority electoral systems (also commonly referred to as majoritarian due to their tendency to create a parliamentary majority for the winning party¹⁰) are not only the oldest but also the most widespread electoral systems in the world, both in terms of number of countries using the system and in terms of the size of the population living in these countries (see Annex 1.2).

The systems included in this category are

- a) First-Past-the-Post (FPTP) as practiced for the Westminster Parliamentary elections
- b) Two-Round-Majoritarian (TRM) as in France and as in the PSD proposal
- c) The (Australian) Alternative Vote (AV)

These systems share two basic features: are based on single-member districts in which a plurality/majority of votes is the only criterion for allocating a seat. Therefore, they are considered to share some advantages and disadvantages.

ADVANTAGES: Clear legislative majorities that facilitate enduring one-party governments, and closer ties between individual representatives and a geographically defined constituency are the advantages most frequently talked about. The extent to which this is the case depends on the type of majoritarian system and its interaction with the existing cleavages and parties in each political context.

DISADVANTAGES: Lack of representativity and inequality between voters, since even large sections of the electorate can be excluded from representation in parliament. Small and medium-sized parties that are not geographically compact are especially disadvantaged and there is a gross inequality in the value of one's vote depending on the constituency in which one lives because of complex problems of district boundary .

Although they have the same district structure and the same majority-plurality principle regarding seat allocation, there are important differences within this category about how the choice of the voter is expressed as well as how the preferences are aggregated:

- FPTP, also known as the plurality system, it is the system in which in each constituency there is one seat and the winning candidate secures more votes than any other, but not necessarily a majority. Used in the UK and US and in the SMD component in Lithuania since 2001.
- TRM, two-round majoritarian, is the system in which a second round of voting is called if no candidate receives more than an absolute majority of the vote in the first round. It is used in France and in the SMD component in Hungary and Ukraine both under majoritarian (1994) and mixed parallel system (1998, 2002) Two-round systems vary in how many of the initial candidates may contest the second round, and whether the winner of the second round needs to win an absolute majority of the votes, as for a time in Ukraine; or just a plurality, as in French legislative elections.
- AV – allows (or even obliges like in Australia) voters to express more than a choice; they do have to rank the candidates from all parties. In theory a party could nominate two candidates but in practice that does not happen since that would split the party vote and may allow for the candidate of another party to gather more votes. The candidate receiving over 50 per cent of first preference votes is elected. If no candidate achieves an absolute majority, votes are reallocated until one candidate gains an absolute majority of votes cast. Due to the preference system, it is likely that that candidate and thus his party have the support of a wider group since it includes second (third and so on) preference.

FPTP> TRM&AV than all in terms of simplicity

¹⁰ The winning party is simply the party with the highest number of seats, rather than votes since it happened that the party with the highest number of votes does not obtain the highest number of seats.

TRM&AV>FPTP the winner has a majority in the constituency

AV >TRM>FPTP parties need to find a more centrist platform and seek alliances in order to secure majorities; AV>TRM because the voters decide which party is their second most preferred rather than party deals regarding which candidate to be supported in the second round
For more see ANNEX

B1.2.b. MIXED ELECTORAL SYSTEMS

Mixed electoral systems have been a popular option for electoral reformers in the last few decades, given the multiplicity of goals generally needed to be achieved through elections and the fact that mixed systems aim specifically at that. Here, like in the most part of the relevant literature, mixed systems are considered those electoral systems that combine a nominal and a list component (Shugart and Wattenberg 2001: 9; for more see [Annex 1.2](#) and references on mixed systems in the Annex). In this paper, mixed systems are considered a radical change mostly because they involve major administrative changes in terms of drawing single-member constituencies but also because they introduce into the system another principle of representation compared to the existing PR, namely majority-plurality. However, they are a less radical change compared in respect to the principle of the system since proportionality is retained in part of the system if not in its entirety and depending on the proportion between the two components and the relationship between them (ranging from none, in parallel systems, such as in Lithuania and Russia, to the result in one part defining the total election result, like in Germany and New Zealand).

Mixed systems are usually categorized depending on the type of relationship between tiers as parallel or compensatory.

1. Mixed member systems – parallel or majoritarian (MMM) as in Lithuania and Russia and in the proposal of the Conservative Party in Romania; intrinsically uses two-votes, one for each component, the votes are by definition not linked and determine the seat allocation in each part of the system.
2. Mixed member systems –proportional (MMP) or with compensation, which can be further distinguished based on the number of votes given to the citizen
 - (a) two-vote systems like the ‘classic’ MMP in Germany and the New Zealand
 - (b) one-vote systems, a more recent idea, used in elections for the Italian senate and the Albanian parliament and in Hungarian local government elections, and included in the APD – PNL Electoral Code.

The main ADVANTAGE of this type of system is that it aims to get the best of both worlds – accountability, ties with constituents and higher government stability from majoritarianism and representativeness, inclusiveness and fairness from PR.

DISADVANTAGES:

The most frequently cited disadvantage of the MMS is considered to be their complexity.

- Another disadvantage attributed to MMS is that it creates two types of MPs, not only with different interests and objectives but with different levels of legitimacy and accountability.

Regarding the specific types of mixed systems:

MMM

ADVANTAGES:

- simpler to understand than MMP
- simpler to administer the seat allocation procedures than MMP

- easier to agree upon since it is necessary to negotiate fewer elements and less interactions
- two-votes → allow the possibility of a separate evaluation of individual candidates from that of the party, thus giving more leverage to the voter

DISADVANTAGES:

- issues of redistricting raise the same problem as for pure SMD systems
- produces fragmentation in the SMD component

MMP

ADVANTAGES:

- capacity to maintain the principle of proportional representation (supported by the public and deemed essential by the bulk of political science for the kind of diverse and multiethnic society Romania is) and also introduce the vote for a candidate in a single-member district
- when with two-votes → allow the possibility of a separate evaluation of individual candidates from that of the party, thus giving more leverage to the voter
- the possibility to obtain higher or lower proportionality by playing around with the distinct elements
- no issues regarding border delimitation especially when PR is the stated principle

DISADVANTAGES:

- complexity. even in a one-vote system the link between his/her vote and the seat allocation is not entirely straightforward to the voter (however not impossible to learn, see discussion on New Zealand in the annex)
- difficult to agree on a combination of the elements since each alteration of each element has a bearing on the overall proportionality of the result
- when only one vote there is the possibility of fragmentation since all parties will run separately in order to maintain their individuality but also to obtain at least one seat in the SMDs; that might even have a spiral effect since the compensation is based on the vote in the SMDs and once winning a seat the small parties might be (depending on provisions and vote shares) eligible to participate in the corrective part.

B3. Medium-range or incremental reform proposals: Nominal voting without single member districts

Medium-scale or incremental reforms are the means considered most efficient by many reputable specialists of electoral systems; Taagepera, Shugart, and Lijphart suggest that for existing systems ‘incremental improvements, not revolutionary upheaval’ should generally be preferred. Such affirmations are motivated by the idea that electoral systems effects are long term and changes should not be disruptive but tackle specific issues. Such changes have been taking place in many post-communist countries as well as in Romania, with a certain degree of success. However, it is quite apparent that these changes were intended at a reduction of the number of (parliamentary) parties with the overt reason of increasing government stability and efficacy (Birch et al 2003, Popescu 2002).

Other goals, especially increasing accountability and giving more direct power of the voter, were hardly aimed at and certainly not in a clear and consistent manner. This paper gives the rightful place to the goals of accountability, constituency ties and voter choice; this section presents technical alternatives that maintain the main lines of the current system, notably the principle of proportional representation and the multi-member constituencies, but add preferential voting and/or nominating districts as a means to increase both the role of the voters in the choice of their representatives and the possibility to hold each MP accountable. Following the same logic as in

the previous section, these alternatives are considered as mid-range because they involve less administrative changes regarding constituency structure and electoral formula than those presented in section B2 and not because they target to a lesser extent the goals of the electoral reform as highlighted in section A.

The alternatives included under this banner are:

1. STV – single transferable vote – used in Ireland and Malta
2. SNTV – single non-transferable vote – used in Japan until the 1990s reform
3. Open list preferential systems – used in most European PR systems (most candidate centred – Finland no party list order, the voter picks a candidate, candidate votes determine who is elected; most options for the voter – Switzerland & Luxembourg – allow for multiple votes cross parties; based on single-member nominating districts – Denmark, Slovenia; effective open lists – Greece, Poland, Latvia – party ordered list but candidate votes determine order of seat allocation; ineffective preferential systems – Belgium, Netherlands, Czech Republic); an Estonian type system was proposed by Alina Mungiu-Pippidi (1999).

Also within these medium-scale changes, some alternatives are further from the current system (Single Transferable Vote) and some are closer (effective open lists). They also provide different levels of choice to the voter, different levels of personalization and of geographical linkage, as well as create a range of problems regarding complexity for the voter and the administrators.

The ADVANTAGES of all these systems are firstly related their capacity to maintain the principle of proportional representation (supported by the public and deemed essential by the bulk of political science for the kind of diverse and multiethnic society Romania is) and also introduce the vote for a candidate, similarly with the mixed systems. At the same time, unlike the MMS, these systems involve a much lower risk in implementation due to the less radical administrative changes and to the ease with which all could be implemented (exception being STV).

- A lot more candidate choice to the voter than any of the other systems.
- Individual accountability eased because of the possibility to target specific candidates and at the same time not desert the party; allows the citizen to vote honestly for the most preferred party; it has both direct impact (some candidates fail to be elected or others are elected despite their lower ranking according to the party) and indirect (parties take into account the results of the preference vote when compiling the lists at the subsequent elections since they need to take into account the preferences of the voters, not only for normative reasons but because of intra-party dynamics)

Their most cited DISADVANTAGE compared to SMD based systems is that although they include nominal voting, the MPs so elected represent a rather big geographical constituency and they are not the single representative of the voters in a geographically determined area. In this way, accountability can be direct since individual MPs can fail to regain their seat even if originally placed on an eligible position by the parties if known to be corrupt, inefficient or underperforming in one way or another but monitoring is not so easy as under SMDs, therefore restraining accountability. This problem is significantly diminished in those systems that use nominating districts; for instance in Denmark they match the old SMDs.

Other disadvantages cited but often not substantiated in cross-national research refer to:

- diminishing party coherence
- leading to fragmentation

C2. Assessing the alternatives: Rating on each individual criteria

Let us recall once more the goals or criteria:

8. Individual MP accountability
9. Power (choice) to the voters
10. Government and parliament accountability
11. Government stability
12. Broad proportionality between votes and seats
13. Minority representation
14. Clarity of the choice and of the outcomes for the voter

This section will specifically look at all the alternative systems against each goal. An ordered list will be constructed on each criterion to the extent to which there is sufficient evidence in the literature suggesting that. For this reason, there will be no 'ordered list' when the empirical evidence is very mixed and/or when it is probable that the new system would not function as it is generally expected to following the bulk of the literature but might rather operate like in some unusual cases due to the specificities of the Romanian context in respect to relevant aspects such as existing social divides or structure of the parties and the party system.

1. Individual MP accountability is one of the central concerns motivating the current calls for a reform of the electoral system. Single-member districts are considered the district structure most likely to bring about these close ties by simplifying the monitoring task of the voters, their capacity to engage their MP in their problems and their capacity to hold him/her accountable because they have to follow the activity of only one MP and a single, clearly identifiable person to contact and then hold responsible. The possibility of the voter to express a choice for a candidate and not only a party is the second aspect with a bearing on individual MP accountability. Recent studies (Curtice and Shively 2000 and Norris 2004) based on the cross-national dataset of the Comparative Study of Electoral Systems back these ideas with some important empirical evidence; after controlling for all relevant micro and macro variables there is evidence that voters are significantly more likely to know their MP and to contact him/her in SMD systems than in closed list PR systems, with the preference systems (open list and STV) in between. This capacity is in turn positively associated with satisfaction with democracy.

However, these are not the only indicators of higher accountability, since knowledge and monitoring are prerequisites of accountability but do not guarantee it. Even in 'candidate-based' systems the vote is still determined mainly by party preference and not by the qualities of the individual candidate. In pure SMD systems, like FPTP or TRM, in fact the vote for a candidate is superposed on that for the party, reason for which there are constituencies which will elect an MP from a certain party largely irrespective of the candidate. These are the safe seats. Voting for another party than the preferred one is a very difficult decision for the voter, especially in bipolar systems, and it takes (a) a hugely negative view on the candidate, problem ignored by the nominating party, (b) knowledge and interest in these issues and (c) a lot of mobilization on a single alternative candidate. Suggesting that by sanctioning the candidate one will more easily punish the party ignores this difficulty of the voter to switch sides and not just the secondary nature of candidate choice to party choice even in candidate-centred systems.

Considering these problems, two-vote mixed systems are best since they allow for double accountability, of the MP and the party. This can be partly superseded by the party by nominating the SMD candidate on an eligible place on the list to ensure his/her election but the impact of losing an SMD seat in a safe or hopeful constituency usually has implications for the position of the respective candidate in the party organization, both at the local and at the national level. For this reason, for instance in Hungary some party leaders with limited links to a

constituency do not run in the SMD to avoid the ‘shame’ of not getting even as many votes as the party. Nevertheless, the crucial aspect is that it gives the voter the possibility to separate the two votes for instrumental or expressive reasons since it creates the possibility of better delimitation of individual responsibility; certainly voters will make use of this in an unequal manner, and it is indeed likely that more politically interested and/or informed voters will do that in an effective manner.

Thus the ranking in this respect is from the highest to the lowest likelihood of individual accountability:

- Two vote mixed-member systems including an SMD component –high ease of monitoring and contacting; easy possibility to punish individual candidate without punishing the party or to reward a good SMD MP while still voting for the first preference party (especially if a smaller one)
- One vote mixed-member systems (where naturally the vote is in SMDs) - high ease of monitoring and contacting; difficult to punish or reward individual candidate without punishing the party
- Effective open list with nomination districts – more difficulties of monitoring but easy to maintain party choice separate from the punishment or reward individual candidates; nomination districts make identification and monitoring easier
- SMD plurality-majority – highest ease of monitoring and contacting but difficult decision to abandon party in order to punish individual
- Open list, STV - difficulties of monitoring; easy to maintain party choice separate from the punishment or reward individual candidates but difficult to express that preference, very demanding on the voter
- Closed list – individual accountability not at the level of the electoral system and the voter choice but through parties and parliamentary procedures

However, the crucial point is, as Pippa Norris also accentuates, ballot structure (nominal voting) and a geographic link to the constituency tend to have the expected effects and should be considered by electoral engineers interested in strengthening the link representative-represented. However they should not believe that this change would automatically bring the level of constituency service found in the UK or the US or automatically increase accountability, which depends on a number of other factors than ballot and constituency structure (see Norris 2004: 245).

2. All systems discussed as alternatives except the status-quo include vote for an individual candidate but that does not guarantee more choice (and thus more power) for the voter. The nature and extent of choice depends on the type of ballot structure: categorical vs. ordinal, and in this sense closed list PR, FPTP and one-vote mixed systems offer the same limited degree of choice to the voter.

Below there is an adapted version of Farrell’s ranking of electoral systems based on the degree of ‘voter choice’ from the highest to the lowest (Farrell 2001:170):

- STV: can rank all candidates from all parties → makes individual candidates interested to serve not only the limited electorate providing the first vote but a wider range of voters; since the chances of being elected depend on all votes the candidate needs to ensure s/he gathers sufficient second, third, etc. votes as well.
- Panachage: the voter has several votes and can vote for candidates from more than one party → allows the voter to cross party lines, to support good candidates without deserting the preferred party
- Effective open list: ‘personal’ votes determine ranking of candidates → allows a choice for candidate as well as for party; depending on the details, the voter has more or less power

- Mixed-member: two votes – one for candidates, one for party
- Alternative vote: can rank all candidates from several parties, but only one gets elected → like STV, the AV makes individual candidates and their parties interested in gathering sufficient second, third, etc. votes as well, thus to address a wider pool, take more widely acceptable policy positions
- Mixed-member: one vote –for candidate in SMD
- TRM: one vote in first round, one in the second; **ADD the correct French expressions on vote de preference and vote de decision - CHECK**
- Closed list: can only vote categorically for one party
- FPTP: can only vote categorically for one candidate (or one party)

Allowing for separate choice for party and candidate gives not only more chances to accountability of individual candidates but also eases the task of the voter of evaluating individual candidates but at the same time political parties. This is why the systems in which more votes can be expressed give more power to the voter, which is in line with the current calls for reform in Romania.

3. On the question of **proportionality**, there are certainly degrees within systems. Most PR systems are less than fully proportional, to say the least. Spain is a case in point where the disproportionality is high. The current Romanian system changed from almost full proportionality in the 1990 elections to an average level of proportionality once the threshold was introduced. However, all systems based on the principle of proportionality between votes and seats achieve the set goal of at least broad proportionality between votes and seats, whilst all majoritarian fare very badly on this. All systems with some form of compensation stand a chance of reaching this goal, to what extent depending on the technical details. The Romanian current system being proportional it is possible to maintain broad proportionality without compromising government stability if the right technical details are chosen.

- List PR – the degree of proportionality depends on the size of the threshold and district magnitude, including the tier system and in interaction with the cleavage and party structure
- MMP – the extent of proportionality depending on the extent to which they aim at proportionality and to the extent to which the technical details regarding the compensation are right to ensure it (such as a sufficient number of compensation seats)
- MMM – the more majoritarian the higher the proportion of SMD majority-plurality seats
- All majoritarian systems: FPTP, AV and TRM – proportionality is not aimed at all, on the contrary, ensuring a parliamentary majority for the governmental party is.

4. Government and parliament accountability

Like individual MP accountability, government and parliament accountability has two components, monitoring and sanction. Without the capacity to monitor, sanction cannot be effective. The responsibility and the governmental alternatives need to be clearly identifiable in order to allow proper monitoring of performance. Sanction implies the conversion of changes in citizen support into changes in government, thus leading to alternation in government. In terms of ideal-types majoritarian systems perform best on both accounts. However, reality is hardly so black and white. Even with coalition governments identifiability is possible though more difficult. There is evidence that lack of alternation does not necessarily mean less accountability but because the government included a wide range of parties in order to form the majority, more people were satisfied with it (Nagel 2004). It is however a problem under PR that some medium

sized parties may be pivotal for the formation of a governmental majority and thus less accountable; however when the vote share of that party decreases so does the seat share and thus it may lose its pivotal status. On the other hand, plurality-majority systems are less sensitive to changes in public opinion and the impact of such changes depends on their geographical spread, on the district structure and the fortunes of third parties. Often a very big swing in votes is necessary in order to unseat a government, while winning a majority of seats with a favourable districting may not even require a plurality of votes (see C1.2.a and Annexes).

Last but not least, regarding government and parliament accountability, the problems experienced in Romania seem to be related largely to other factors than the electoral system. Regarding the two things electoral systems can contribute to in terms of accountability are clarity of responsibility and alternation in government functioned fairly well. This was due to its rather average proportionality (in turn due to the threshold) and to its interaction with the concurrent presidential elections. It is thus important to note that each election brought alternation in government (the 1992 elections are usually interpreted to have brought continuity but given the inchoate nature of the previously governing FSN and the 1991 split, such an assessment cannot be very precise).

→ Therefore, government and parliament accountability are complex issues and the details of the electoral system in interaction with the existing party system rather than the main lines determine which system performs best.

5. Regarding government stability, bearing in mind that the electoral system is not the only determinant of government stability, the literature would envisage the following order:

- FPTP: is meant and known to create artificial majorities for the biggest party;
- Mixed Member Majoritarian: its majoritarian component would decrease proportionality and thus increase the probability of a majority for a single party
- Proportional systems: closed list and mixed
- Open list more likely to increase fragmentation as well as to decrease party discipline

This discussion follows the logic of current debates in Romania, in which it is assumed not only that a stable government has a parliamentary majority but a single-party majority. In this way, certainly majoritarian systems provide the desired stable majorities in parliament but as it has been mentioned they are rarely based on majorities of votes and may even not be based on a plurality of the votes. The evidence is quite strong that governments based on majorities of votes leading to a majority of seats for a coalition of parties are not less stable than single-party governments based on a majority of seats (Katz 1997: 164). In the recommendation section, this point will be revisited suggesting that especially in a diverse society as Romania, a majority of votes should be more important than artificially creating a majority of seats.

Two qualifications are necessary.

(a) The assumption behind the ranking is that parties are coherent, unitary actors, and that the higher the majority of a single party in parliament the more stable the government

(b) It is not so easy to predict the way majoritarian SMD systems would work in Romania, taking into consideration the novelty of the system in the country and a number of aspects in the Romanian political and social context. It is crucial to understand that if mechanical effects are rather easy to predict for a system already in place, the strategic and psychological ones are generally not; in case of a change, it is not possible to assume that the behaviour of voters, parties and individual political candidates would remain the same as under the current system. And the effect of an electoral system is the combination, the interaction of its mechanical and strategic/psychological effects.

First, it is not entirely sure who would be the contenders in the SMDs. It is not irrational to imagine a high number of personalities running either as independents or as leaders of personal parties given (a) the rather high rate of personal parties and or party formation either entirely

anew or through splits, and (b) the already personalistic nature of the Romanian parties and their ideological and policy disarray; the caveat remains valid even if we assume that the internal factions of the biggest party emerging under such as system remain united behind the governmental decisions such as it happens in Britain, an assumption that most probably overestimates the strength and unity of Romanian political parties and especially the power of party whips in Romania, following the estimation of the parties themselves in the absence of any other systematic and credible means to measure it. Moreover, the example of the local mayoral elections - with TRM and where despite the role of the individual candidate, it is the party umbrella that remained crucial - should also be taken with a grain of salt because the differences in the nature of the office create distinct behaviour. Part of the reason refers to the ties that exist between local administration and national government place the first in a sort of dependency towards the latter and therefore few independents stand a real chance of succeeding.

Second, given the numerous socio-economic, ethnic and value divides within the Romanian electorate, some of which geographically located, it is possible to imagine proper representation of these interests through the SMD component which cannot require a national level of support.

Third, in Eastern Europe, unlike in Western Europe where parties are far more entrenched, the SMD component of mixed systems brought more fragmentation than the list part through the presence of independents and small parties targeting one or very few single-member constituencies. In the same vein, there is no reason to believe that a parallel of MMM system in Romania won't work at least like in Lithuania where there is no single party majority; that would place the MMM associated with the same level of likely government stability as MMP and PR (with closed or open lists).

→Therefore paradoxically, in the Romanian context it is not hazardous to say that a system based on PR as a principle (either list or mixed) is not drastically less likely to ensure government stability than a majoritarian system because of their likely higher capacity to keep at bay party system fragmentation and maintain party cohesion and discipline and because of the unpredictability of the shape of the party system under majority-plurality SMD. Only two-round majoritarian or AV systems may fare slightly better since coordination between small and medium-sized parties is necessary. MMS based on one vote may increase fragmentation since all parties have the interest to run alone in order to be able to participate in the compensation mechanism and even if they do not pass the threshold, winning a single seat gives them representation leaving to fragmentation. It can thus be said that to the extent it is possible to rank these systems in respect to fragmentation and party cohesion the order would be the following.

- TRM & AV
- Closed list PR with threshold
- MMP two votes
- MMM
- Open list PR, MMP 1 vote and FPTP

6. The evidence regarding the impact of each alternative on **minority representation** is mixed (Norris 2004). PR is generally considered better for small parties and minority interests. However there are occasions when a minority is concentrated and may fare well and possibly even better under SMD. Ethnic gerrymandering has been considered in many instances a solution for the problems of minority representation in the US, black and Latino districts being continuously crafted in the highly contentious process of redistricting. Yet, their merit is highly controversial since it raises questions about the equality of one vote and it may also create more segregation and isolation. This is also one of the complaints of the UDMR about SMD and regional based systems. However, PR systems with a high threshold are equally effective in barring minorities from representation. By setting the threshold just above the maximum a

minority can obtain, that minority is denied a chance to representation. This is the case with the Kurds in Turkey.

7. In terms of clarity/simplicity of the choice and of the outcome for the voter, although FPTP is considered as the simplest, and this is one of the qualities most praised by its supporters, in the particular Romanian case, the current system (closed list PR) should be considered at least as equally simple. STV, which requests the voter to rank all candidates, as well as the Alternative Vote and *Panachage*, which require to rank or select candidates from different parties are also considered as demanding for the voters. Thus in terms of simplicity the list is:

- SMD: can only vote for one candidate or one party
- Closed list: can only vote for one party
- Mixed-member: one vote - can only vote for one candidate
- Open list: vote for one candidate
- Mixed-member: two votes – one vote for candidates,
- Open list positive and negative votes for several candidates
- Open list with panachage: can vote for candidates from more than one party
- Alternative vote: rank all or several candidates from several parties
- STV: rank all candidates

Open lists are separately ranked depending on the type/extent of choice offered since they have different levels of complexity for the voter; when not combined with panachage it is rather straightforward to select and/or deselect (cut off) candidates from the list of one party. It has to be said that all these systems often dismissed as complicated in Romania (in past and current debates) have been successfully used in a number of countries some with significant rural populations, like Poland and Greece (open lists) but also Ireland (STV) and Australia (AV). It is important to take into account simplicity but one should not underestimate the capacity of voters to understand, though this is a potent tendency in Romania. Of course the level of development of all the countries referred to is (at least slightly) higher than that of Romania. But the president of Sri-Lanka is also elected with a type of AV system in order to avoid the complication of a second round. Indeed care has to be taken that all voters, not just the more educated can understand what choices they can make. But that can be obtained with an effort to be creative rather than eliminate options otherwise valuable simply on grounds of a need for simplicity. Both administering such systems and explaining them to the citizens are much easier now given the more numerous technical possibilities compared to the period when electoral systems in most established democracies were introduced. The biggest effort involved in case of a change would be related to fact of change itself rather than to the content of the new system.

Complex systems impede on the clarity of the result since it is difficult for voters to understand how their vote is used to allocate parliamentary seats and thus political power. Even the current system is not entirely clear, though not so complicated. The voter understands the basic principle that the party with the highest no of votes will have the highest no of seats, that parties that do not gain 5% of the votes do not enter Parliament and that the MPs represent the counties. The allocation of the seats to constituencies after the third tier national allocation of votes is close to a mystery even for journalists and political commentators and certainly the article in the law is not very easy to comprehend. That may have an impact on the legitimacy of the system but not on the capacity of the voter to express an informed vote regarding the link votes-seats. The same kind of problems would occur in other systems, deemed complicated. On the other hand a simple FPTP or even TRP system would decrease the voters' capacity of to understand his/her choices and the outcome in at least two respects:

(a) The implications of his/her vote in the particular constituency where it will actually matter may remain unknown to a large number of voters because the probability of this or that candidate

winning at the constituency level may be harder to guess since national predictions can hardly be extrapolated to the local level.

(b) If the actual winner of the elections (i.e. of the highest number of seats in parliament) may actually have fewer votes than the second party and usually less than the second and third (when the third party gathers a relatively significant share of the votes), the mechanics and thus the fairness of the process may fail to reach a large part of the electorate. This problem is even higher when PR was the principle of the pre-reform systems, such as in Romania.

B3. Assessing the alternatives: Trade-offs and overall evaluation of alternatives

As expected, there is no system that performs best on all criteria. Therefore it is necessary to settle for some trade-offs. Since here the criteria are considered important as a set, firstly the more radical solutions, scoring high on one goal but very low on any other has to be excluded. Secondly it is necessary to look at how the different technical aspects can be combined in order to obtain a good overall score. Thirdly, although there is no criterion that is intrinsically more important, the first two are found as lacking in the current system, they motivate the calls for reform and therefore they need to be addressed at the outset.

The table below summarizes the comments above and produces overall calculations. A score of '1' is assigned when the system can positively influence the achievement of a goal. '0' is assigned when the evidence is mixed or the impact of the system is dependent on a wide range of other features. A score of '-1' is given when the system is likely to have negative effect on the possibility to achieve a certain goal. A '*' is assigned to emphasize the increased possibility of a system's features to contribute to the achievement of a particular goal. For instance MMP with two votes is superior to MMP with one vote or to MMM in terms of individual MP accountability because by having two votes, the voter can hold the SMD MP accountable without the high cost of defecting the party. Effective open lists with nominating districts are better than those without because with a single representative of a geographically determined constituency it is plausible to obtain a stronger link between representative and represented.

TABLE X: Quantitative evaluation of the alternatives

GOAL/CRITERIA	current system	FPTP	TRM	AV	MMP 1vot	MMP 2vot	MMP	STV	Eff. open list	Open list nomin. district
1 Individual MP accountability	-1	0	1	1	1	1*	1	1	1	1*
2 Power (choice) to the voters	-1	-1	0	1	0	1	1	1	1	1
3 Broad proportionality between votes and seats	1	-1	-1	-1	1	1	0	1	1	1
4 Government and parliament accountability	1	0	1	1	1	1	1	1	1	1
5 Government stability	1	0	1	1	1	1	0	0	1	1
6 Minority representation	1	0	0	0	1	1	1	0	1	1
7 Clarity of the choice and of the outcomes for the voter	1	1	0	0	0	0	0	-1	0	0
TOTAL	3	-1	2	3	5	6	4	3	5	5

Since the goals are a set, all systems that fare a -1 on any of the criteria are not appropriate choices. In this manner are excluded:

- the current system because it does not allow for candidate choice, thus limits the possibilities of individual MP accountability and the choices of the voter
- all majority-plurality systems because they cannot ensure fairness through proportionality of seat outcomes compared to votes
- the single transferable vote – on grounds of complexity

This leaves as possible alternatives the mixed systems and the effective open lists, which also fare highest overall, with MMP with two votes as the best alternative.

It is important to note that the assumption is that common features are broadly identical. For instance the comparison is not between an MMP with one vote where 75% of the seats are allocated in SMDs and an MMP with two votes where at least 50% and flexible are allocated in the list part as the existing examples – the Italian senate and Germany- might give the impression. Moreover, details such as tier of compensation, number and nature of compensatory seats, presence of threshold, rules for participation in the compensation, all with a bearing on proportionality, fragmentation and minority representation are not discussed here since it does

not fall within the specific focus of the paper. Their importance is impossible to ignore but they are subsequent to the points discussed here.

1. The MMP with two votes, like that employed in Germany and New Zealand, appears as the best alternative to the detriment of the MMP with one vote because it gives at least the theoretical possibility to the voter to separate his/her vote between the candidate and the party. Even if in all candidate-centred systems, it is still party preference that has determines vote (i.e. candidate) choice, two votes give the possibility to separate party and candidate vote. Without jeopardizing the chances of the preferred party, it is (theoretically) possible to punish or reward an SMD candidate, or simply to vote in the SMD for the candidate from the biggest party (with the highest chances to be elected) and in the list components with the preferred party, whose candidate stood no chance of taking the SMD. In MMP with one vote the voter has the same problem as in closed list or in majority-plurality SMD to punish a disliked candidate, namely the difficulty of abandoning the party and jumping ship given the priority of party preference over candidate evaluations in all candidate-centred systems for the majority of the voters (including in presidential elections in Romania).

Another criticism to this logic is that most SMD candidates are also list candidates (if that is allowed) and then one still cannot avoid voting for disliked candidate and still vote for the party. However, allowing choice to the voter in the list part (i.e. through intrinsic effective preference voting) is possible since electoral systems are made of components which can vary. Such a combination would not even be unique to Romania since Lithuania has list preference voting for the PR component of its parallel system.

→ **the best would be a MMP with two votes and preference voting in the list component**

Alternatively, in order to give higher choice to the voter and to ensure that in the SMD the seat is allocated to the candidate with majority, AV could be used in the SMD part. This way a second round would be avoided but alliance preferences made clear. In the compensation part only first votes would be used. This system however presents too many complications to the voter who will be in difficulty to understand the implications of his/her choices.

2. MMP with one vote comes as a close second due to its increased simplicity for the voter, though the clarity of the result is rather similar as in MMP with two votes. For such a system it is even more important than for others to get the details right because a single detail can jeopardize the functioning of the entire system. This would make inter-party negotiations very difficult. They would be even more difficult than for a two-vote MMP because at least with two votes some parties may feel that they can fare well enough in one component of the system and that under virtually no circumstances they would do very well in the other.

3. Another alternative for personalized voting or for candidate centred system is an open list PR system. To attain these scores it is assumed that this is an intrinsic and effective preference voting, i.e. the vote is candidate centred (the voter has to vote for a candidate) and only preferences determine the ranking of the candidates and thus the seat allocation. The Finnish system is the archetype, but Poland and Estonia employ simpler versions (see Annex for details). The main criticism is that monitoring is not easy since there is more than one seat per constituency. Nevertheless, this option would be better than the radical ones presented above because it would be easier to implement. The details are less difficult to negotiate since they have a less dramatic impact on any party. It is a matter of individual judgement whether the difficulties of monitoring surpass the difficulties of intra-party negotiations on complex technical details and an administratively demanding implementation.

C. RECOMMENDATIONS

As stated in its introduction, this policy study does not intend to propose yet another full-blown new electoral system. Neither does it try to impose a single solution to the problems identified and even less to the more general aspiration to improve the Romanian political system. It seeks primarily to bring into the existing debate the missing relevant (a) logical reasoning, (b) comparative perspective and (c) stock of political science knowledge on the matter. The recommendations will largely follow the same path. That might be considered rather analytical and too principled, and not specific enough. Yet, given that the choice of one or another specific policy option depends on the agreed goals and the nature of the process of choice, focusing on those seems a necessary step prior to specific technical aspects. A fundamental mistake in the current debate in Romania is the constant focus on the technical detail as if the choice of electoral system was simply a technicality and not a political decision regarding the kind of democracy aimed at. Moreover, bearing in mind that although electoral system design is thought by many to be more art than science, it is an art that has to include all the science available and follow a consistent logic. This may seem paradoxical but it is what great art usually does.

The paper was triggered by an existing debate, that on the reform of the electoral system ongoing since the late 90s. Consequently, as previously mentioned, both the goals and the alternatives it looks at are within the frame of the debate that it had to respond to. Since the electoral system is just one institutional feature that can contribute to the achievement of the general goal of better representation and accountability, this section will look at other institutional features with an impact on accountability mechanisms as well as take a more whole system approach regarding how the goals can be achieved.

Similarly with the paper, the recommendations refer on the one hand on the process of defining the problem, the goals and choosing alternatives and on the other hand on the technical alternatives and their evaluation. The order here will be the same as in the paper. The principles will be emphasized first regarding the prerequisite to focus on the goals and . Second, the specific technical recommendations will be summarized, including those not-related to the electoral system. Third, the focus will be on the necessity to have a democratic process of choice using the best expertise available in order to ensure the quality of the policy choice, here the new electoral system.

C1. First things first

C1.1. Focus on the goals relentlessly, above and prior to the means

Apart from the more specific recommendations that will be mentioned in section C2, the point this policy paper has tried to make is a rather basic one, namely that before embarking on devising a new electoral system it is essential to clarify first what the problem is and thus what the goals are. It is what this paper does: defines the problem, derives the goals and then evaluates the technical solutions vis-à-vis them. It is simply the logical way to proceed but it is not the dominant line in the current debates in Romania and this is the first contribution the paper tried to bring in. In other words the paper aims to bring to attention the imperative need to improve on the flawed policy cycle in order to be able to improve the functioning/quality of Romanian democracy.

As Michael Dummett emphasised in his book on 'Principles of Electoral Reform' **the first priority is to ask what one wants to achieve and the answer to this question needs to be very precise.** It is what is considered the essential first step in any policy making process. Neither seems to be central in the Romanian debates; quite the contrary. First the focus of the debate has been for most of the time on 'uninominal' voting, thus on the means or instruments rather than on objectives. Second, when the goals were mentioned, they were not defined in careful and precise terms but in extremely general ones: clean political class and a better political system. Consequently, since the logic was reversed, for a long time this umbrella of 'uninominal' was covering very different, often irreconcilable, ideas of representation and consequently views of the 'ideal' electoral system. The consensus reached was just apparent. But that consensus was on a vaguely specified technicality, not on a principle and/or a goal. Uninominal means in current parlance anything involving vote for an individual (and even vote of an individual). Even if used more precisely, agreeing on vote for a candidate as the choice available to the voter and even on single member constituencies as the constituency structure does not say much about the other defining element of electoral systems, the way votes are converted into seats, in itself the element without which the others do not fall into place. That there was no agreement on that became clear both in the 2004 parliamentary committee (see Popescu 2004) and in the 2005 proposals. Yet, for reasons beyond the scope of this paper, politicians want us to believe that once agreement on 'uninominal' is reached, the choice is just technical, whilst there are fundamental differences of principle between the various proposals.

Agreeing on a set of precisely defined goals and thus of criteria on the basis of which to judge the merits and demerits of technical alternatives and details was what a successful reform such as that in New Zealand were based on. The compromises and vagueness of the goals of the Italian reform are part of the reason for which the electoral reform was far less successful in tackling the problems of the political system that stirred it. In other debates, the discussion on the technical solutions, on which agreement could not be reached, was based on. The Jenkins commission report in Great Britain set as the fundamental goals or as fundamental criteria on the basis of which to judge any technical alternative.

Therefore one central recommendation is to make a step back from the arguments on technical details to a discussion about the specific problems that need to be tackled and the precise/ unambiguous/ unequivocal objectives, trying to reach an agreement on a set of explicit goals. The goals should be the driving force in devising any new (electoral) law or any institutional change and they should at least aim to be supported by the widest range of political actors.

Furthermore, it is not a productive strategy but a rather dangerous one for the legitimacy of the political order, to pretend that consensus was reached on the direction of change, when it was actually reached on a vague point related to the technical alternatives but encompassing insurmountable differences.

A few points regarding the process of devising a set of goals:

- a) Like this paper tried to do, a set of goals can be deductively devised, based on normative principles and inductively through the empirical analysis of the context. After understanding the domain of the electoral system and its limits, a thorough analysis of the context is crucial since the policy goals have to be specific and thus fitted to the context. Yet, the theoretical/normative point is essential for devising the goals not least by keeping the expectations within reason. In this respect, it is imperatively necessary to have more and better analyses of the problems regarding the political elite and the political system, as well

as serious and systematic study of the linkages between the voters and their representatives - MPs and parties. Without clarifying the problems, the goals will remain general and thus the answers to them imprecise.

- b) There are incompatibilities between the different goals, but a parsimonious set can be devised and there is no substitute for that since in the absence of an agreement on the goals, any potential agreement on technicalities is bound to be flawed. It is not the case that one cannot have both government stability and fully fair representation. Indeed one may prioritize government stability over fair representation of parties and interests but nobody can deny that both are valid goals and a good electoral system should at least try to find a balance between the two. Moreover, once government stability is not equalled with one-party government and fully fair representation is not equalled with perfect proportionality, the two can be achieved.

Most importantly, “once we recognize that electoral systems have multiple effects it becomes a certainty that there will be no system that is best with respect to all possible criteria of evaluation” (Grofman and Bowler 1996: 47). By admitting this, the field of the debate about electoral system choice is significantly broadened and its nature less polemic. The focus is thus on the appropriate trade-offs among multiple competing criteria, all of which have something to recommend them (Grofman and Bowler 1996: 47).

Because the decision will involve political bargaining in which the interests of several political actors/parties need to be taken into consideration, as Horowitz points out in his “Primer for electoral system designers”, no matter how great ‘the clarity about the goals at the outset, the perfectly coherent electoral reform is difficult to achieve’ (Horowitz 2003). This is quite normal since electoral system choice is not a technical decision and thus its coherence is not the only measure. While without aiming at clarity of goals, no rational policy making can take place, the inclusion of all relevant actors (in policy parlance all stakeholders) is what ensures its democratic nature and limits the probability that the system will be systematically and deliberately biased against any party. This is what the next set of recommendations focuses on.

C1.2 A democratic process of choice: expertise, public hearings, information and involvement of public opinion

Last but not least, the manner in which a reform is decided is not at all irrelevant. The reasons why a democratic process of choice is better than a closed and non-transparent one are twofold: normative and instrumental. From a normative point of view it is always better to seek to include as many people, as many opinions as possible in the debate since deliberation essential for democracy. Informed choices are inherently better than uninformed ones. Since electoral systems have intrinsically the problem of being endogenous, are decided by those whose ‘fate’ is most likely to be influenced by them, apart from the deliberation role, citizens’ direct involvement takes away some of this endogenous character of electoral institutions.

Instrumental – an informed choice more likely to last – a well argued proposal aiming to more likely to

Moreover, the more involved the voters and non-party organizations will feel they express more through this system and the wider the consensus of the system the more likely to maintain a feeling of satisfaction even among election losers.

‘What is apparent from the recent wave of electoral reform in established democracies’:

1. a preference for some form of mixed system (Shugart and Wattenberg 2000)

2. evidence that, to varying degrees, the mass public has had some input into the process of electoral system selection: that is the choice of which electoral system to adopt was not the sole decision of the political elite.’ (Farrell 2001: 180-181)

Last but not least, experience shows that the more successful reforms are those based on proposals rooted in expertise and decided in a democratic fashion, including a wide consultation of experts and public, as well as a real information campaign. These reforms brought more of the expected effects; they were more broadly accepted, even if powerful political actors did not support the choice initially. The archetype of this positive process of choice is New Zealand. The opposite is Italy where the process was started with high hopes, noble and reasonable goals; it coincided with a tremendous political crisis and did not allow for either careful consideration of alternatives or for through thinking of the implications of the details.

It is what Andrew Reynolds noted in his entry on ‘Designing Electoral Systems’ in the International Encyclopedia of Elections, edited by Richard Rose (Rose 2000: 58):

‘Sometimes electoral systems are born of wide agreement; other times they are imposed by a dominant group. The evidence suggests that the most enduring and successful of electoral systems are those born of open, lengthy and inclusive negotiations – when information is maximized and the electoral system’s legitimacy is based upon the fact that its parents include all of the significant political forces contained within society.’

C2. Consider all institutional features likely to impact on achieving the goals

By focusing on the goals it is possible to look at the range of options and evaluate them in a consistent manner. The recommendations derived from this analysis in section B will be summarized in the sub-section C2.1. It was emphasized in section ‘A’ that electoral system change is not the only solution to the problems that triggered the calls for a reform of the political system. Therefore it is essential to look at and take into account all possible alternatives considered likely to have the desired impact not only among electoral systems but more generally in the institutional framework. This is what section C2.2 will briefly cover.

C.2.1. A meaningful ‘uninominal’

There is no agreement among specialists what electoral system is best and there is no system that is best at everything. However, there are rather clear patterns regarding what technical solutions are more conducive to each of the goals and how balance between the multiple goals needed to be addresses can be achieved. It is what section B has done.

It is not at all clear what the public understands by ‘uninominal’ (the question refers to vote for a candidate for a party vs. vote for a list) and the word ‘uninominal’ has been abused almost to loss of meaning. It may indeed be difficult for the APD to go public and say that there is no such thing as a uninominal system but what they propose is personalized proportional representation system based on single-member districts (circumscriptii uninominale). But it is not impossible. There can be ‘scrutin uninominal de reprezentare proportionala’ vs. scrutiny uninominal majoritar. And thus give content and meaning to the buzz-word ‘uninominal’.

Therefore first, any candidate-centred system was considered as being in line with the current discussion, in a way as belonging to the category of ‘uninominal’, which was interpreted to mean in English nominal voting used by Shugart and Wattenerg (2001). The logic of mainstream

political science the distinctions are between candidate-centred systems and party-centred systems (Katz 1997: 109) and between majoritarian vs. proportional representation (Norris 2004: 66). This choice referred to the first distinction. Second, since as mentioned earlier, candidate-centred tells us very little about how the parliament would look like, how voter preferences are aggregated, here I took into account the forgotten but crucial distinction between two principles of seat allocation – majoritarian (winner takes all) versus proportional.¹¹ This resulted in a list of goals and an evaluation based on them. The evaluation in section B suggested that the systems that appear as more suitable are mixed systems with compensation (in which proportionality is the main principle of preference aggregation) and effective open list with nominating districts. This includes:

1. MMP with two votes
2. MMP with one vote
3. Effective open lists

As highlighted almost unanimously by electoral system experts, electoral systems are not almighty/ omnipotent /all-powerful and their effects are highly dependent on the social, political and institutional context. In this vein, one should not imagine that one feature of the electoral system will have a certain effect in isolation from other institutional features (within the electoral system, the party system or the organization of representative institutions). Therefore it is necessary to look at

- the full range of options including a range of combinations between the defining elements of an electoral system (constituency structure, electoral formula at constituency and national level and ballot format, i.e. the nature of choice for the voter)
- the interactions with the socio-political context
- the interactions with other institutional features
 - between different institutions – lower chamber, upper chamber, presidency, government
 - with minor institutional features which might have major effects

C.2.2. Non-electoral system alternatives

It is essential to emphasize once again here that if the problem that needs to be addressed is the lack of accountability and responsiveness of the political class, marred by corruption and indifference, then the responses should be searched more widely in the institutional context, rather than just within the electoral system.

Regarding individual MP and parliament accountability, first in the monitoring task transparency of parliamentary activity is fundamental since no matter if one or several MPs represent one constituency if we cannot tell much about their activity, we cannot make an informed choice on whether to commend or punish an incumbent. Therefore, apart from the reporting of their activity, MPs have to allow a direct control

For the second aspect of the accountability process, the possibility to impose sanctions, the electoral sanction has a specific role but given the kind of problems of ‘misbehaviour’ of politician, i.e. corruption, the central role is given to the justice system. At a workshop organized by Pro Democratia Association, both the British and the German experts were surprised that the

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discussion centred on electoral sanctions for behaviour that deserves a penal sanction. Politicians face temptations to either ignore or misrepresent the interests of their voters and concentrate on other things and even worse on their interests. However if the elected position allows them to be immune from prosecution (not necessarily through formal rules), more people will be attracted in obtaining office for personal gains even for short term since the benefits of 'misbehaviour' are likely to be much higher than the dangers/sanctions. Therefore, electoral sanction cannot be effective as long as the justice system does not provide sanction for unlawful behaviour.

Moreover, the electoral system is not the main channel through which to tackle the problem of the domination of all state structures by the political parties, in turn dominated by a small powerful leadership group, without any meaningful citizen control. The example is Venezuela where the process of electoral reform did not achieve the goal of giving more power to the voters despite the introduction of single-member-districts. The power of party leadership remained largely the same (since rules on nomination procedures were not changed/included in the new law) and the voter-MP relationship did not change fundamentally → these findings 'stem from the fact that adopting MMP electoral rules changed only a narrow set of rules and institutions; it did not alter some of the institutions that more directly shape legislator's career strategies and goals' (Kulisheck and Crisp 2001: 431). Therefore the focus has to be directly on these rules:

- transparency of parliamentary activity in order to allow for monitoring:
 - no secret votes but open and recorded votes
 - public access to the work parliamentary committees even if not in person but at least access to full records
 - reporting of parliamentary activity: expenditures, experts, constituency visits, no of letters answered, legislative interests
- democratic and transparent party selection mechanisms in order to increase the power of the voter in sanctioning misbehaviour:
 - more democratic selection rules and nomination rules: transparency and consistency.
 - respect for party democracy

If the selection of candidates takes place in primaries/ internal party elections, these elections must have clear rules and be held at the constituency level. In most countries central party leadership is ensured good positions on the list as well as some capacity to change a limited percentage of (eligible) seats. The first is due to the logical assumption if they were disliked by the party, they would not have been leaders. Through the second, the party leadership is given the possibility to ensure that their team needed for government gets elected even if their local roots are weaker. It is however essential that the number/percentage of such seats is known and agreed upon before the internal-party elections. In Germany, due to their history, party democracy is guaranteed and ensured by law. [ADD EXACT REFERENCE]

The other points listed in section 'A1.1.' referring to the functioning of Parliament need a more thorough analysis in order to devise the best solution. Aiming at efficiency and transparency is fundamental. However, what needs to be emphasized in this respect too is that there is not a single solution for all problems or that an isolated change would automatically lead to achieving these targets. For instance efficiency can be increased by meaningful bicameralism, and not only through unicameralism. Both would increase efficiency and reduce waste only if transparency of all parliamentary activities is ensured. Special minority representation would be difficult to include in a smaller parliament. If roughly the same number of 470 MPs is maintained, at least in order to keep the weight of minority deputies at the same level in the overall decision making, then unicameralism brings little in terms of waste limitation. In turn it renders the change far

more complicated to implement due to administrative complications than a clear separation of prerogatives.

Last but not least, the goal of government stability cannot be judged as dependent on the electoral system in isolation from other institutions with an executive power, most notably the on the number of parties (in parliament or in government) as usually is the case in Romania. Treating government stability as exclusively linked to the number of parties falls in the same fallacy as believing that the problems of representation can be solved through the introduction of any new candidate-centred electoral system. Therefore a clarification of the position and prerogatives of the president and of the prime minister is necessary.

This also suggests that there is a need for a whole system approach in institutional design, since significant interactions between institutions as well as between different institutional features are at work. A bigger place should be given to research into how these institutions function in Romania, how they are meant to and how they do elsewhere in order to better tackle the problems.

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As a conclusion, I would like to stress once more that institutional reform is of the essence and the improvement of the legal - institutional framework in order to achieve a better quality of democracy should be relentlessly sought. It is certainly the case that humans can more easily tinker with legal/institutional aspects than with deeper things such as attitudes, values, and mentalities. The effect of the first is likely to be quicker as well as easier to achieve and there is indeed a large extent of predictability in its effects, especially in the most mechanical ones. Yet they are not 100% so. The institutional framework interacts with the society in which it is implemented. In our specific case regarding accountability and representation, the institutional will interact with the individual level behaviour of voters and politicians, with the existing political organizations as well as with the existing socio-economic, ethnic and value divides within the society.

Moreover one should remember that:

- a. a single institution will not always work in the same way in all contexts
- b. the structure of the society and the behaviour of other institutions will matter in respect to the way this new institution will function
- c. the main features of the institutional framework need to be coordinated with minor ones in order to have the expected effects since minor features can create significant obstacles preventing the main features to work as intended

Therefore, the power of institutions and thus of institutional reform, especially when looking at one institution, no matter how central, should not be overestimated or seen to have a guaranteed effect. It is just one tool even if it is the most concrete and accessible. It can backfire so change has to be very carefully and meticulously addressed, with due consideration not only to detail but to all possible interactions with other institutions and organizations. One should not ignore the views of the existing political actors and of public opinion and at the same time consider the best technical solutions for agreed goals. Moreover, if change is abused, the long-term effects of an institution can't even start being fully felt and thus are hard to assess.

Although delegation from citizens to representatives is the crucial element of representative democracy (Strom 2003) and thus elections are the defining institutions of democracy (Katz 1997), this is also the link in the chain most prone to problems, most difficult to get right. Therefore, one should strive to improve on the way elections lead to a better aggregation of citizens' preferences but not pretend that there are easy or perfect solutions.

ANNEXES

ANNEX 1. BASICS ON ELECTORAL SYSTEMS

ANNEX 1.1. GLOSSARY OF RELEVANT ELECTORAL TERMS

Apparentement. An arrangement in some PR-list systems that permits two or more party lists to be joined in the initial counting of votes and allocation of seats. The parties normally appear on the ballot as separate entities, but votes given for each are combined in the allocation of seats.

Ballot structure. Type and complexity of the choices that the voters can indicate on the ballot paper. Categorical ballots - typical under FPTP and in list PR - allow voters to choose just one party/candidate and thus reject all others; but semi-open list PR may also allow preference voting. Ordinal ballots - used under STV and implicitly employed in two-round systems where voters' choice may change from one round to the next - allow voters a more sophisticated ranking of the candidates.

Disproportionality of seat allocation. The extent to which the percentage distribution of parliamentary seats by party deviate from the percentage distribution of votes. The best known measures of disproportionality are the Loosemore-Hanby and Gallagher indexes.

The **Loosemore-Hanby** index of disproportionality measures the disproportionality of seat allocation with the formula $D = \sqrt{\frac{1}{2} \sum (v_i - s_i)^2}$ where v_i is each party's share of the vote, and s_i each party's share of the seats.

$D = \sqrt{\frac{1}{2} \sum (v_i - s_i)^2}$, where v_i and s_i are the proportions of votes and seats, respectively, won by party i .

The **Gallagher** index of disproportionality measures the disproportionality of seat allocation with the formula $LSq = \sqrt{1/2 \sum (v_i - s_i)^2}$, where v_i and s_i are the proportions of votes and seats, respectively, won by party i .

District magnitude. The size of the electoral district in terms of seats, i.e. the number of members to be elected in each electoral district.

Effective number of parties. A formula devised by Marku Laasko and Rein Taagepera to measure the fragmentation of the party system. It is calculated as one divided by the sum of the squared proportion of popular votes (or legislative seats) won by each party.

ENEP = effective number of elective parties – calculated based on votes

ENPP = effective number of elective parties – calculation based on seats

Electoral Formula. This refers to that element of the electoral system concerned with the translation of votes into seats.

Highest average methods of seat allocation. Highest average systems use a series of divisors (see d'Hondt and Sainte-Laguë below) to allocate N seats proportionally among the competing parties. At each stage the party with the highest average wins. The count continues with party total vote being divided by sequential divisors until all seats are filled.

d'Hondt formula. A highest average method that uses the divisors 1, 2, 3, 4, 5 ... It is more favourable for large parties than the Sainte-Laguë method.

Modified Sainte-Laguë formula. A highest average formula that replaces the first divisor (1) used in the Sainte-Laguë method with 1.4 but leaves the remaining divisors unchanged. It is slightly more favourable for larger parties than the Sainte-Laguë method.

Sainte-Laguë formula. A highest average formula that uses the divisors 1, 3, 5, 7 ... n . It is more favourable for small parties than the d'Hondt method.

Largest remainder methods of seat allocation. Largest remainder systems use an electoral quota (see Hare, Droop, Hagenbach-Bischoff and Imperiali) to allocate N seats proportionally among the competing parties. First, parties are awarded seats in proportion to the number of quotas they fill. Second, the remaining votes are allocated in order of vote size.

Hare quota. A frequently used quota for seat allocation in largest remainder list systems. It is calculated as the total number of valid votes divided by the number of seats to be allocated. The seat allocation obtained with the Hare quota is ceteris paribus more favourable for small parties than those obtained with the Droop and Imperiali quotas.

Droop quota. A frequently used quota for seat allocation in largest remainder list systems. It is calculated as the total number of valid votes divided by the number of seats, then one is added to the product: $\lceil \text{votes} / (\text{seats} + 1) \rceil + 1$. The term "+ 1 vote" avoids a tie for the last seat.

Hagenbach-Bischoff quota. This is simply the number of total valid votes divided by the number of seats plus one ($\text{votes}/(\text{seats}+1)$). It is often confused with Droop.

Imperiali quota. A quota that is infrequently used for seat allocation in largest remainder list systems. The quota is derived from the formula total seats divided by the number of seats plus two ($\text{seats}/\text{votes}+2$). The seat allocation obtained with the Imperiali quota is ceteris paribus less favourable for small parties than those obtained with the Droop, Hare, and Hagenbach-Bischoff quotas.

Preference voting. Any system that permits voters to rank candidates in order of preference. The Alternative Vote and STV are systems of this type. When used with PR preference voting is sometimes referred to as a semi-open list system.

Reference: Unless specified, the entries are reproduced with additions from 'Embodying Democracy'

ANNEX 1.2. The World of Electoral Systems (May 1997) -

	# of Countries/ Territories	%	Total Population (in millions)	%	Established Democracies	%	Total Population (in millions)	%	'Free' Countries/ Territories	%	'Not Free' Countries/ Territories	%
FPTP	70	33	1,850	45	11	30	1,273	71	35	36	17	37
Block Vote	10	5	139	3	1	3	1	0.1	3	3	3	6
AV	2	1	18	0.4	1	3	18	1	2	2	0	-
TRS	31	15	427	10	1	3	58	3	7	7	11	24
Parallel	20	9	443	11	1	3	126	7	5	5	5	11
SNTV	2	1	5	0.1	0	-	-	-	1	1	0	-
List PR	67	32	968	23	15	42	158	9	39	40	10	22
MMP	7	3	265	6	4	11	162	9	4	4	0	-
STV	2	1	4	0.1	2	6	4	0.2	2	2	0	-
	211		4,119		36		1,800		98		46	

NB: 36 established democracies as categorised by Arend Lijphart in *Democracies*, 2nd ed. (New Haven, Yale University Press, 1998). Lijphart includes all countries considered democratic now, and for the last 20 years, which have a population of at least a quarter of a million people. *Free* and *Not Free* classifications from *Freedom in the World 1995-1996* (New York, Freedom House, 1997).

SOURCE: Administration and cost of elections project, <http://www.aceproject.org>

ANNEX 2. REFERENCES

ANNEX 2.1. Cited references

- Bergman, T., Müller, W., and Strøm, K. (2003). "Parliamentary Democracy: Promise and Problems" in Kaare Strøm, Wolfgang C. Müller, and Torbjörn Bergman, (eds) *Delegation and accountability in parliamentary democracies*. Oxford: Oxford University Press.
- Birch, Sarah, Frances Millard, Marina Popescu and Kieran Williams (2002) *Embodying Democracy: the Design of Electoral Systems in Post-Communist Europe*. Basingstoke: Macmillan - Palgrave.
- Blais, André (1999) "Criteria for assessing electoral systems" Paper presented to the Advisory Committee of Registered Political Parties, Ottawa, Ontario, Canada.
- Blais, André (2000) 'Mixed electoral systems' in Richard Rose (ed.) *International Encyclopedia of Elections*. Washington, DC: CQ Press.
- Colomer, Josep M. 2003. "It's Parties that Choose Electoral Systems (Or Duverger's Laws Upside Down)." Paper presented at the 2003 Annual Meeting of the American Political Science Association, Philadelphia, NJ, 28-31 August 2003.
- Curtice, John, and Philippe W. Shively. 2000. "Who Represents us Best? One Member or Many?" Working Paper. Oxford: Centre for Research into Elections and Social Trends.
- Dummett, Michael. 1997. *Principles of Electoral Reform*. Oxford: Oxford University Press.
- Farrell, David M. 2001. *Comparing Electoral Systems*. Basingstoke: Macmillan - Palgrave.
- Horowitz, Donald L. (2003) "Electoral Systems: A Primer for Decision Makers." *Journal of Democracy* 14 (4): 115-127.
- Katz, Richard S. 1997. *Democracy and Elections*. Oxford: Oxford University Press.
- Norris, Pippa. 1997. "Choosing Electoral Systems: Proportional, Majoritarian and Mixed Systems." *International Political Science Review* 18: 297-312.
- Norris, Pippa. 2003. *Electoral Engineering: Voting Rules and Political Behavior*. New York: Cambridge University Press.
- Popescu, Marina (2002) 'Electoral system design in Romania: Objectives and consequences' paper presented at the Journée Roumanie, organized by CERI – IEP, Institute of Political Science, Paris, 24 April 2002.
- Popescu, Marina (2003a) 'Le design du système électoral roumain: objectifs et conséquences', in 'Société et Politique dans la Roumanie Contemporaine', Eds. Alexandra Ionescu et Odette Tomescu-Hatto, Paris: L'Harmattan.
- Popescu, Marina (2003b) 'The parliamentary and presidential elections in Romania, November 2000', *Electoral Studies*, Vol. 22 (2) June 2003, pp. 325-335.
- Popescu, Marina (2003c) 'The Romanian Electoral System: Handling Multiple Interests in a Dominant Party System', paper presented at the Annual Meeting of the American Political Science Association, Philadelphia 28 August – 1 September 2003.
- Popescu, Marina and Irina Stefuriuc (2003) 'Cleavage Mobilization, Performance Evaluations and Support for Democratic Institutions: A Longitudinal Analysis of Romania', paper presented at the ECPR Joint Sessions of Workshops, Edinburgh, 28 March – 2 April 2003.
- Rae, Douglas W. (1967). *The Political Consequences of Electoral Laws*. 2nd ed. New Haven, CT: Yale University Press.
- Reynolds, Andrew (2000) 'Electoral System Design' in Richard Rose (ed.) *International Encyclopedia of Elections*. Washington, DC: CQ Press
- Reynolds, Andrew, and Ben Reilly, eds. 1997. *The International IDEA Handbook of Electoral System Design*. Stockholm: Institute for Democracy and Electoral Assistance.
- Shabad, Goldie and (2004) 'Inter-party mobility among parliamentary candidates in post-communist East Central Europe' *Party Politics* 10(2):151-176.
- Shugart, Matthew Soberg, and Martin P. Wattenberg, eds. 2001. *Mixed-member Electoral Systems: The Best of Both Worlds?* New York: Oxford University Press.
- Strøm, Kaare (2003) 'Parliamentary democracy and delegation' in Kaare Strøm, Wolfgang C. Müller, and Torbjörn Bergman eds, *Delegation and accountability in parliamentary democracies*, Oxford : Oxford University Press.

- Strøm, Kaare, Wolfgang C. Müller, and Torbjörn Bergman Eds.), *Delegation and accountability in parliamentary democracies* (Oxford : Oxford University Press, 2003)
- Taagepara, Rein, and Matthew Soberg Shugart. 1989. *Seats and Votes: The Effects and Determinants of Electoral Systems*. New Haven, CT, & London: Yale University Press.

ANNEX 2.2. Recommended sources

Basic introductions to electoral systems and electoral system design

- Blais, André, and Louis Massicote. 1996. "Electoral Systems." In *Comparing Democracies: Elections and Voting in a Global Perspective*, edited by Lawrence LeDuc, Richard Niemi and Pippa Norris. London: Sage, pp. 49-81.
- Farrell, David. 2001. 'Electoral Systems: A Comparative Introduction'. Basingstoke and New York: Palgrave-Macmillan.
- Reynolds, Andrew and Ben Reilly (Eds.) 1997. *International IDEA Handbook of Electoral System Design*. Stockholm: IDEA.

On-line references

- A comprehensive but easy to follow guide to electoral systems and issues involved in electoral system design and reform is the *International IDEA Handbook of Electoral System Design*. Stockholm: IDEA. An updated version (2005) is available free at <http://www.idea.int>
- A guide aimed at practitioners, with simple presentations and many examples, is the joint project of IFES, IDEA and UNDP is *Administration and cost of elections project*, available on-line free <http://www.aceproject.org>