

“Deadwood” or “Driftwood”? Voter Turnout in Romania: the Myth of the Vanishing Voter and the Reality of a Disenfranchised Electorate

Studies of electoral participation in the past four decades have been almost unanimous in decrying ever decreasing voter turnout rates in both established and new democracies. Voter fatigue generated by too many elections, disenchantment with unresponsive or incompetent leaders, as well as lethargic, unmotivated voters—all have been invoked as reasons for the decline in voter turnout. To some extent, all of these explanations might be plausible.

However, the problem of the ever declining voter turnout might not rest at all with the demeanor, motivation or alacrity of the electorate, but with the way in which voters are being counted and registered by authorities. McDonald (2010)¹ argues that ever decreasing voter turnouts in the United States and Canada are just a myth, fueled by inconsistencies and mistakes made in calculating the number of eligible or registered voters. The presence of “deadwood” or “people who are registered at an address but are no longer eligible, perhaps because they have moved or died” (p9) in voter databases inflates the numbers of the voting-eligible population and leads to an underestimation of voter turnout. Thus, the constantly decreasing voter turnout rates may well be the result of miscalculations and the inflation of the voting-eligible population due to multiple registrations and insufficient or inconsistent “deadwood purging.”

This argument makes a compelling case for a close examination of the way in which turnout is calculated in other countries. Problems faced by the United States are intrinsic to a system where individual voter registration is required and where federal states do a poor job of coordinating registration records. The lack of a national ID or of a national registration database is a big part of the problem. But, McDonald’s work poses a universally compelling question, as voter turnout has been constantly declining in the past twenty years, across the board, both in countries that rely on voter registration and in countries where voter registration is not required and voter data are centralized and

¹ McDonald, Michael “The Myth of the Vanishing Voter in Comparative Perspective”, paper presented at the 2010 Midwest Political Science Association Meeting, Chicago, Illinois.

administered at the national level. Could the change in turnout be mostly attributable to mistakes in calculating the voting-eligible population across various electoral systems?

A credible answer will come, as McDonald indicates, from a careful study of elections in various countries across the world. This paper focuses on Romania, a new democracy, which has been experiencing a steady and significant decrease in voter turnout: from 86% in 1990 to 39.2% in the 2008 parliamentary elections. In Romania, voter registration is automatically administered by the national authorities and a national ID card exists, thus the challenges encountered by the US system with “deadwood” and lack of inter-state coordination should not be present. What accounts, then, for the steep decline in turnout? Does “deadwood” exist in Romania or in other electoral systems organized along national lists and centralized/automatic voter registration? Or is there another reason why turnout has been declining so steeply? What is the impact of the increase in Romanian emigration upon voter turnout?

In order to answer these questions, this case study examines Romanian electoral laws, voting-eligible population counts, turnout rates, electoral lists, as well as demographic and migration patterns.

The case study concludes that the “deadwood” phenomenon indeed does not apply here, but, instead, another phenomenon, which could be best described as “driftwood” can very well explain the dramatic decrease in turnout rates. The millions of Romanians who have emigrated in the past twenty years make up this “driftwood” category. They are being systematically disenfranchised by bureaucratic infringements on their constitutionally guaranteed right to vote and the disenfranchisement translates into erroneous voter turnout counts. In order to solve this problem, the Romanian government could embrace several solutions. Some of them are listed in this paper.

Romanian Electoral Laws

According to the 2003 Constitution and to the electoral law 35/2008, all Romanian citizens 18 or older have the right to vote.² Convicted felons and the mentally incompetent are the exceptions.

² Romanian Electoral Law, 35/2008.

<http://www.becparlamentare2008.ro/legislat/monitorul%20oficial%20nr.%20196-2008.pdf> Accessed 05/20/2010

All voting-eligible persons (VEP) are listed in a national electoral registry that is compiled by the Permanent Electoral Authority (PEA). The Ministry for Internal Affairs (Police and Population Statistics Division) and local authorities are in charge of providing the demographics information to the PEA, which then creates the “permanent electoral lists.” Each list contains all inhabitants of a certain village or neighborhood, their addresses, dates of birth and Personal Numerical Codes. The lists are sent to specific polling sites on the day of the election. Voters have to vote at their “resident” polling station, that is the polling station in their neighborhood or village. Only voters whose names appear on the permanent list in their neighborhood or town can vote at the “resident” polling station. Exceptions are made for those who have mistakenly not been listed and who can prove residency by showing their current, valid national ID card. Their names are included on “special lists.” Special “non-residential” polling places are set up for citizens who travel on the day of the vote, mostly in airports and train stations. Their names and personal ID numbers are registered on “special lists” as well.

The PEA has the responsibility to constantly update the voter registry and to remove all ineligible persons from the electoral lists: newly-convicted felons, people who renounce their citizenship, the mentally incompetent and those who pass away. Such updates must be done every business day, up to 45 days prior to the election day.

Permanent Electoral Lists and the Voting-Eligible Population (VEP)

The number of eligible voters (VEP) is determined by subtracting the ineligible persons from the overall number of the voting age population (VAP). According to the above-mentioned electoral law the Ministry of Internal Affairs, local authorities and the Permanent Electoral Authority work together to determine the VEP. The National Institute for Statistics (NIS) also releases VAP and VEP numbers, based on the official census or yearly census estimates. NIS numbers are not used for official electoral lists. They are used by NGOs and political parties as reference, in order to check the accuracy of official PEA numbers.

The National Authority for Penitentiaries issues lists with the names of jailed persons who have a right to vote. As such, in 2008, out of 26,783 incarcerated people, 11,658 still had the right to vote. Some of them had not been sentenced while others had

committed only misdemeanors and had consequently not lost their voting rights.

Numbers regarding the mentally incompetent that have been denied the right to vote are not available, but could be calculated by subtracting VEP and felons out of the VAP numbers.

Voter Turnout

In the early 1990s, voter turnout in Romanian elections was extremely high. This phenomenon is not surprising and occurred in most new democracies in Eastern Europe, where enthusiasm for participating in free elections was widespread. As shown in Figure One turnout has since steadily decreased and reached low levels in the mid- and late 2000s. This decrease may in part be due to public disinterest in politics and a loss of electoral enthusiasm, but it could also result directly from an erroneous calculation of the voting-eligible population. As discussed below, circumstantial evidence suggests that VEP numbers have been miscalculated and inflated by the Ministry of Internal Affairs and the PEA to the point where the anomaly shown in Figure One ($VAP < VEP$) was repeatedly reported by the two institutions. As a consequence, turnout rates have been lower on paper than in reality.

Thus, the miscalculation of voter turnout in Romania is rooted in several problems: inconsistent official VEP and VAP counts, contradictory electoral laws, the massive emigration of Romanian citizens and the government's inability or unwillingness to adopt alternative, more flexible voting procedures.

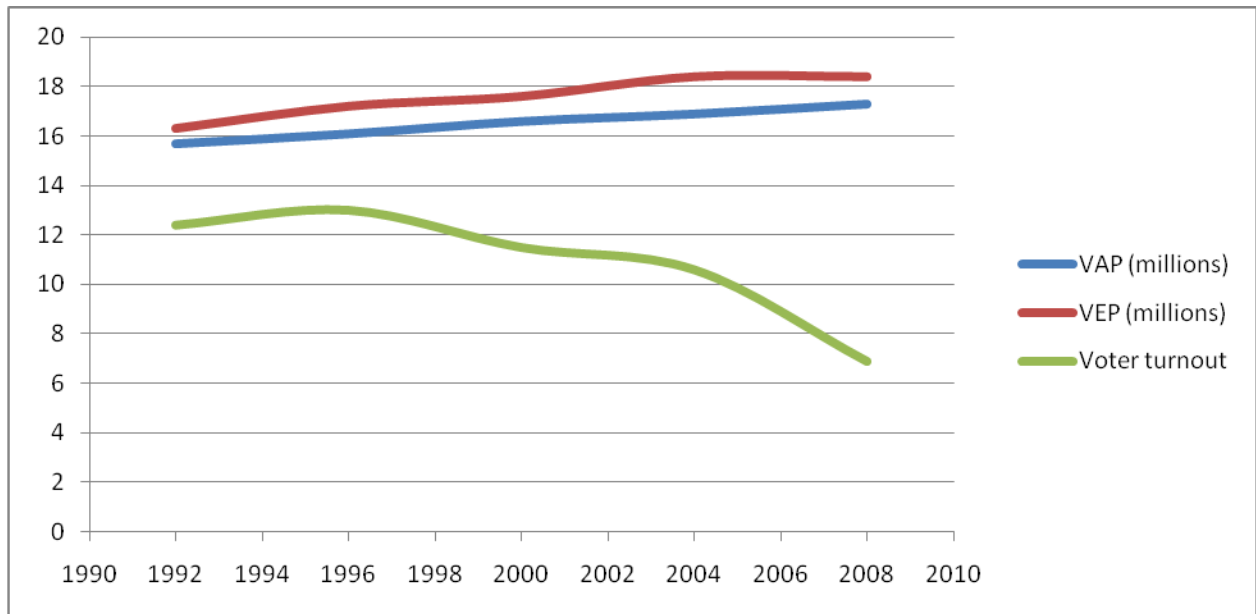
Problems with the VAP and VEP Counts

Beginning in the late 1990s, both the VAP and VEP numbers came under intense scrutiny and were questioned by politicians, the media, NGOs and the general public. In a country where negative population growth became ubiquitous starting with the 1990s, an increase in the VEP (from 16.3 million in 1992 to 18.3 million in 2008) looked suspicious. However, the increase in the VEP was a direct consequence of the dramatic increase in the country's population during the 1980s. Naturally, the negative population growth of the mid-1990s should start impacting the VEP in the near future.

Concerns regarding the accurate count of the voting-eligible population came from several instances when government institutions reported different numbers. Figure

One shows such an instance: VAP numbers³, as reported by the National Statistics Institute are lower than VEP numbers, as reported by the Permanent Electoral Authority, which creates an anomalous situation.

Figure 1. Romania: VAP, VEP and Voter Turnout 1992-2008



Sources: VAP: National Institute for Statistics, VEP and Turnout: Permanent Electoral Authority

Even in 2002, when the NIS population figures are based on a formal census instead of an estimate, the tally of eligible voters considerably exceeds the National Institute for Statistics' figure for the voting-age population. A quick glance at the result of the census shows that the number of Romanians 19 or older (approximately VAP) in 2002 was 16.2 million, whereas the PEA had listed 17.7 million VEP in the 2000 elections and 18.4 VEP for the 2004 elections. The VAP in 2002 was lower than the VEP in both 2000 and 2004— which is practically implausible.⁴ These types of discrepancies

³ Due to the way in which the NIS data collection questionnaire is constructed, VAP numbers here are for Romanian citizens twenty or older, thus leaving out the 18 and 19 year olds. This population segment is too small to account for the differences in between the VAP and the VEP.

⁴ Here it is worth noting that other potential sources of the discrepancy are not relevant, nor is this figure the result of Romanians living abroad, as noted below.

indicate problems in the way in which permanent voting lists are put together and voter turnout is calculated.

Other discrepancies also raise questions about the reliability of the PEA data. The largest discrepancy occurred in 2007 when the difference in the number of Romanian citizens reported by the PEA and the NIS was of almost one million people⁵. In 2009 when the PEA listed 18,293,277 VEP for the first round of the presidential elections and 18,303,224 VEP for the second round of the same election, which took place two weeks later. That is, in two weeks, the VEP number increased by about ten thousand voters. This change in VEP was especially surprising given that Romanian law states that no changes can be made to the permanent voting lists later than 45 days prior to the election date and there are no obvious potential causes for this change. No official explanation was given for this or any other such discrepancy.

Contradictory Laws

Another challenge to the VEP count and reported turnout comes from contradictory electoral laws and governmental decrees. The current electoral laws, 340/2004 and 35/2008, spell out (in accordance with the 2003 Constitution, articles 36 and 53) the conditions that have to be met in order for a person to be taken off the permanent voting lists (and thus be kept from voting): incarceration with suspension of voting rights, renunciation of Romanian citizenship, mental incompetency, or death.

A series of governmental decrees and ordinances (i.e. OUG 55/2009 & OUG 95/2009) call for the poll organizers to only allow citizens who show a valid, current ID card to vote. The same decrees apply to citizens who want to vote in consulates, embassies or polling stations abroad: they have to show a current passport. This rule contradicts both the Romanian constitution and the electoral laws, which state that all adult Romanian citizens not excluded for felonies or mental incapacity have the right to vote. The government decrees place administrative restrictions on a constitutionally guaranteed right of all Romanian citizens.

⁵ “Diaspora Representation and the Vote of Romanians Abroad” Soros Foundation, 2009, p 8.

Administrative procedures for the maintaining valid identification cards or passports once one resides abroad are rather complicated. Applications for new IDs or passports can only be made in person at the Romanian embassies or consulates. This entails, for many people, trips of hundreds of kilometers. At the same time, applications for IDs must sometimes be followed up by a relative or designated representative in Romania, who will have to represent the applicant and pick up and mail documents on the applicant's behalf. To complicate matters even more, recent changes in legislation reduced the validity term of passports from ten to five years.⁶ Another deterrent is the fact that Romanians applying for renewal of documents with embassies or consulates abroad must provide proof of their legal status abroad (visas, residence permits, foreign citizenship, etc). Few were able to do so until 2007, the year when Romania became a member of the EU. Many Romanians still residing abroad illegally still face the same problem.

Thus, the contradiction between the constitutional right to vote and the administrative restrictions put in place by governmental decrees has a clear impact on the way in which voter turnout is calculated in Romania and leads to inconsistent results. In fact, according to the constitution, all Romanian citizens are to be included in the VEP numbers and on permanent lists, even if their identification cards or passports have expired and they can, in practice (according to governmental decrees), no longer vote. One can only be removed from the VEP by losing one's citizenship through an official request or judicial proceeding, not by the mere expiration of the IDs. This fact leads to a miscalculation of the number of people who can actually vote and accordingly to a flaw in the calculation of voter turnout. Voter turnout is calculated out of the VEP (all citizens), not only citizens with current ID cards. Thus, decreasing voter turnout over time is very likely not a consequence of changing public attitudes, but a consequence of increasing enforcement of administrative hurdles to voting.

Romanians Abroad

Emigration patterns make it plausible that the proportion of Romanians who are VEP, but have expired IDs has increased from one electoral cycle to the next and, thus the fall in turnout rates has been overstated.

⁶ Romanian Consulate in Chicago: <http://chicago.mae.ro/index.php?lang=ro&id=69185>

The phenomenon of overstated decreases in turnout rates occurs in Romania, but in a way it mirrors the causes observed by McDonald in the United States and Canada, where noncitizen residents inflate the VAP and not the VEP. In Romania, non-resident citizens inflate the VEP numbers, whereas VAP census numbers are smaller. (This phenomenon might explain the VAP, VEP discrepancy shown in Figure One.) This is the case, given that a large number of Romanians have emigrated since 1990s and many, although still Romanian citizens, entitled to vote and to be on the VEP lists, might not be in possession of a valid ID anymore and are not counted in the VAP category by the national census.

More than 18 million Romanian citizens are listed on the country's permanent voting lists today and are registered as residing in Romania. According to the NIS, between 1990 and 2007 only 395,637 Romanians left the country with the stated purpose of establishing residence abroad. The Ministry of Foreign Affairs (MAE) states on its website that the number of said emigrants is around 500,000. In fact, the number is much higher. Millions of Romanians changed residence in the past twenty years and reside in other parts of the world.⁷ Many of these emigrants fail to report the change in address or residency with the authorities and thus continue to be listed on permanent voting lists in Romania.

The Romanian authorities do not remove voters from permanent lists once their national IDs or passports expire, even though, as shown above, the OUGs deny these citizens their right to vote. This is the main reason why the permanent voting lists and VEP numbers are grossly inflated, -- and turnout rates have become more and more unreliable as emigration from Romania has increased over time.

Between 1990 and 2010 millions of Romanians left the country, seeking better employment opportunities in Europe, the United States and other parts of the world. The actual number of emigrants is not known; estimates vary from 4 to 6 million people. In 2004 border patrol officials estimated that 3 million Romanians were residing abroad, having recently left the country. The government's own Department for Romanians Everywhere reported in 2010 a conservative estimate: 4 million⁸, while several countries'

⁷ "Diaspora Representation and the Vote of Romanians Abroad" Soros Foundation, 2009, p 10.

⁸ <http://www.dprp.gov.ro/comunitati-romanesti/>

censuses (Spain, Italy, Germany, US) of resident Romanians add up to about 5 million (my own calculation). Over time, some efforts have been made to accommodate these emigrants' voting rights. In 2004, the Romanian parliament debated a bill that would have mandated the opening of a polling station in any foreign town where 50 or more Romanians resided. The bill was drafted due to a legitimate concern over the disenfranchisement of thousands of voters who did not live close to any Romanian embassy or consulate, where polling stations are usually organized. Eventually the proposal was struck down due to cost and logistical concerns.

However, the number of polling stations opened abroad increased significantly, almost doubling between 2000 and 2009 (see Table 2). The increase in polling stations shows that the government acknowledged the fact that more Romanians were residing abroad and thus made some effort to accommodate their voting needs⁹. However, what the government gave with one hand, it took away with the other, since it placed administrative restrictions on voting, that kept Romanians residing abroad away from the ballot box. As long as most Romanians who lived abroad during the 2000s did so illegally, the requirements for ID renewals (that they provide proof of legal residence abroad) disenfranchised them to a great extent. This should explain why in 2009, the Ministry of Foreign Affairs shipped six hundred thousand paper ballots to almost three hundred polling stations across the globe, but only one hundred and fifty thousand people voted (0.4% of the national VEP)¹⁰.

Numerous cases were reported where Romanian citizens showed up to the polls, but were not allowed to vote because their Romanian identification documents had expired¹¹. Even so, the participation of Romanians residing abroad was crucial for the election outcome, as the foreign vote decided the 2009 presidential election (Table 1).

⁹ Another way to estimate the increase in Romanians residing abroad is by examining the number of new Romanian Orthodox Parishes that have been established throughout the world in the past decade. A quick glimpse reveals that in some countries, like Italy, their numbers have risen exponentially, from about 15 parishes in 1995 to 100 in 2009. <http://www.mitropolia.eu/ro/site/175/> Accessed 08/04/2010.

¹⁰ Soros Foundation Study (2009)

¹¹ This was the author's personal experience when volunteering as a referendum organizer at the Romanian Honorary Consulate in Dallas, Texas, May 2007.

Table 1: 2009 Romanian Presidential Elections¹²

	Traian Basescu (incumbent)	Mircea Geoana
Total votes	5,275,808	5,205,760
Votes in Romania	5,159,977	5,174,715
Votes Abroad	115,831	31,045

Figure 2 Romanian Elections: Polling Stations Abroad 2000-2009

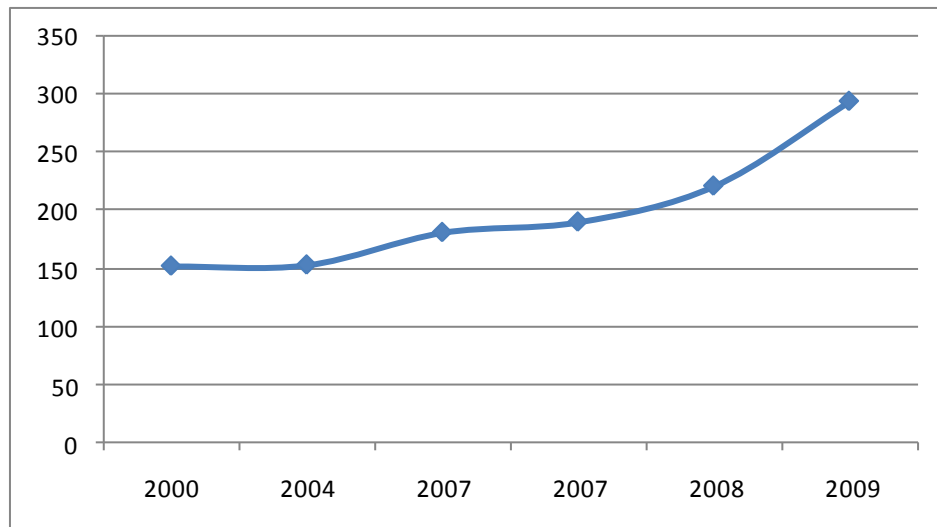
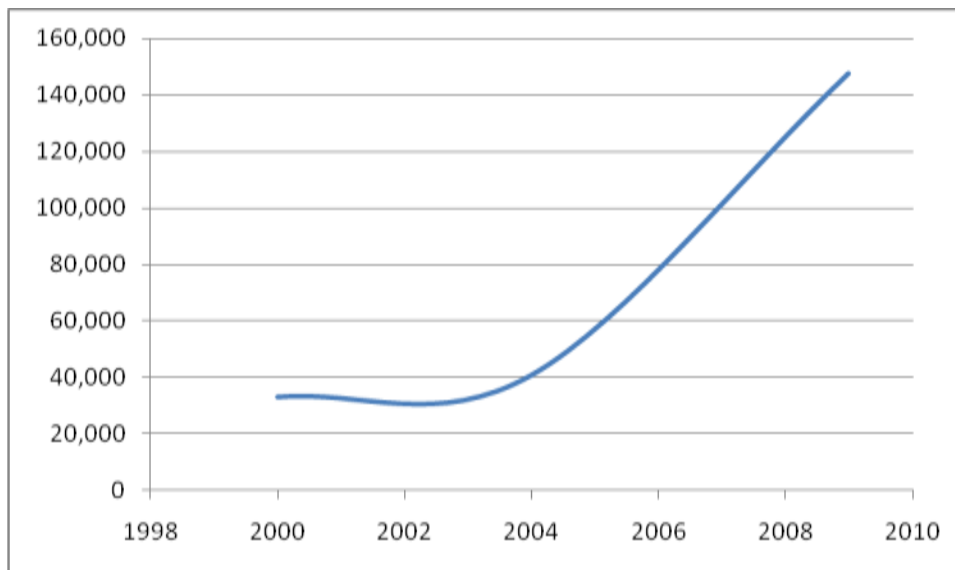


Figure 3. Romanian Presidential Elections: Votes Cast Abroad 2000-2009



¹² Source: Central Electoral Office: 2009 Presidential Elections Results

Even though Figure Two shows a steep increase in the number of polling stations abroad, a study by the Soros Foundation Romania (2009) showed that in Italy, only 42% of those who voted lived within reasonable distance (the same city) of the polling stations, other voters travelling distances of 10km to more than 100km in order to be able to vote.

As more and more Romanians reside abroad for long periods of time, the number of Romanian citizens whose IDs and passports expire without being renewed is very likely to increase. Unfortunately, data about expired IDs and passports are not made public by the Romanian authorities. As stated above, there is no accurate, reliable official count of the number of emigrants that have left the country in the past two decades, nor of how many of them have maintained valid IDs. Thus, the problem of VEP inflation, VEP/VAP discrepancies and voter turnout miscalculation will likely become more significant in the coming years, (as more emigrants fail to renew expiring documents). Possible solutions could be found through substantial changes to one or more of the following documents: the constitution, the electoral laws, governmental decrees or administrative provisions for the renewal of expired documents for citizens residing abroad.

Deadwood v. Driftwood: Miscalculation v. Disenfranchisement

VEP inflation in the US is known as “deadwood”¹³, as it is mostly made up of duplicate registration and omissions in removing deceased people from registration lists. In Romania, the terminology that would be more appropriate in the case of VEP inflation would be that of “driftwood”—these are mostly Romanian citizens who theoretically have the right to vote, but have “drifted” away from home and are no longer able to fulfill the administrative requirements of maintaining a valid ID or passport. Hence, even though theoretically they have the right to vote (they are still Romanian citizens) and they appear as VEPs in national statistics, they cannot participate in the voting process due to a technicality, or administrative impediment. In the United States, citizens belonging to the “deadwood” category are counted numerous times and thus inflate the VEP and deflate turnout, while they still can and many times do vote. In Romania the situation is

¹³ McDonald, 2010

different in that citizens are counted by the government as VEP, but denied the right to vote by the administrative barriers of the same government. Thus, in the case of Romania, voter disenfranchisement is pervasive when it comes to the Diaspora and this phenomenon has broad implications for both the way in which voter turnout is calculated and the bigger electoral picture.

Possible Solutions

These problems could be solved in several ways that would provide a more equitable treatment of Romanian citizens and would make turnout counts more accurate.

Unconstitutionality of Administrative Requirements

A possible solution to VEP inflation would be a ruling by the Romanian Constitutional Court showing that the administrative voting requirements go against constitutional Articles 36 and 53. If the court were to rule that even an expired ID or a Romanian birth certificate is proof enough to qualify one as Romanian citizen and give her the right to vote, VEP inflation and the driftwood category would certainly diminish.

Opposition to this solution comes from Romanian authorities who have portrayed the current ID requirements as the only viable method that would prevent fraud. When a person votes, a stamp is placed on their ID or passport, showing that they have done so and impedes multiple voting. If an out-of-date ID were allowed, some citizens might use multiple expired documents to cast numerous ballots—or so the official argument goes. Thus, the current ID is regarded as the only viable method of deterring or preventing fraud.

Reports from observers for the 2004, 2008 and 2009 elections have noted that this method is not at all efficient. The stamp placed on the new, plastic ID cards can be easily removed and a voter can travel to a nearby town and vote again, registering her name on a “special list”. Representatives of the “Pro Democratia” NGO and of OSCE have reported several instances when this type of fraud, or “electoral tourism” occurred during elections. NGO attempts at exposing all instances or keeping an accurate record of voter fraud were met with resistance from national authorities who have declined making special lists or permanent lists public. By law, only political parties and polling stations have access to these official lists. The lack of transparency increases uncertainty about

the true turnout rate. While inflated VEP numbers create a false denominator, these instances of fraud and multiple voting also affect turnout rates, this time by creating a false numerator. Thus, both inflated VEP and election fraud eventually lead to a miscount in turnout rates.

Thus far, representatives of the civil society, NGOs and organizations of Romanians residing abroad have petitioned the government for a change in the current ID voting requirements. Several alternatives were put on the table: the creation of a voter ID card, the creation of an interactive electronic data base, admission to the polls based on the birth/ naturalization certificate (a sure sign of citizenship, that does not expire) or voting based on the Personal Numerical Code (each Romanian citizen has one for the duration of his/her life). Such potential changes, while clarifying future turnout counts and diminishing VEP inflation may complicate efforts to analyze rates over time. Past turnout rates may not be comparable to numbers calculated under the new rules.

Voter Identification Cards

The 1992 Parliamentary Election Law¹⁴ stated that every person who had the right to vote in Romania would be issued a voter ID card that would help keep track of the votes cast and prevent multiple-voting and fraud. The card would be hard to replicate, would bear the picture and personal information of the voter and would be stamped and dated at the time a ballot was cast. This way, multiple-voting fraud could be prevented. However, due to numerous problems related to the printing and issuing of secure cards, they were not used in 1992 or 1996. Some were issued in 2000 but never actually used. Later, the idea of using a voter ID card was rejected by Parliament through the introduction of two new electoral laws, two months before the 2004 general election¹⁵.

National Electronic Election Registry

Some Romanian NGOs have suggested the creation of a national electronic election registry, to be ready for the 2012 elections. This registry would contain the names of all Romanian citizens 18 or older, based on birth certificates and naturalization records. Deceased citizens, felons and the mentally ill could be removed in a timely fashion. Thus, the registry would be interactive, kept up to date with the latest changes in

¹⁴ http://www.osce.org/documents/odihr/2005/02/4281_ro.pdf

¹⁵ idem

Romania's demography. It would also allow authorities to monitor fraudulent activity and prevent multiple voting on election day. Such a registry, if conceived and put together in a way that would include all Romanian citizens (independent of the status of their identification cards) would help eliminate the "driftwood" problem and would allow for a more accurate calculation of voter turnout. As such, it would need to be based on birth certificates and personal numerical codes, and not on passports or IDs. The registry would also facilitate distance voting, by mail or electronically and solve the problem of Romanians residing abroad, far from embassies, consulates or other polling stations. Possible problems with this registry are those problems inherent to any electronic voting system: susceptibility to hacking, viruses and software/coding problems.

Taking Disenfranchisement one Step Further: the 2008 Electoral Law and Parliamentary Elections

The decrease in voter turnout cited at the beginning of the paper referred specifically to parliamentary elections: from about 86% in 1990 to 39.2% in 2008. During the same time frame, turnout for presidential elections has also decreased, but by far less. A possible explanation might rest with the already known inclination of most electorates to vote more in presidential elections and ignore other elections. However, in the case of Romania, the decrease in turnout in parliamentary elections is more so a consequence of willing disenfranchisement by Romanian authorities, than a result of electoral preference. Besides the causes enumerated above, one recent change in the Romanian electoral laws has led to more disenfranchisement of Romanians living abroad.

The electoral law of 2008 mandates a change in legislative elections from the proportional representation to a district system. Article 5 states that for every 79000 citizens, there should be one representative elected to the Chamber of Deputies and each Senator should represent 170000 citizens. The same document states, under Article 3, that Romanian citizens residing abroad have the same voting rights as all other Romanian citizens. At the same time, Articles 10 and 11 mandate the number of Deputies (four) and Senators (two) that can be elected by Romanians residing abroad. This provision directly contradicts Article 5, because it is not based on the actual number of voters. By all accounts there are more than 340000 Romanian citizens residing abroad and the current

system of representation, as mandated by the above-cited law, clearly disenfranchises them.

This blatant disenfranchisement produces two grave consequences. One is that Romanian citizens abroad rightfully perceive this law as unjust, have protested it and feel discouraged from participating in parliamentary elections. This might explain the great difference in turnout in the 2008 parliamentary elections and the 2009 presidential elections.

A second consequence is that while Romanians abroad are grossly underrepresented in the National Parliament, Romanians residing at home are overrepresented. The grave shortcomings that Romania is experiencing in keeping count of resident and non-resident citizens, as well as the refusal to acknowledge the mass migration that has occurred in the past two decades, means that there are a lot fewer Romanians in the country than the authorities claim. Thus, the drawing of electoral districts for the 2008 has been a haphazard endeavor, based on demographic data that are far from accurate.

Conclusion

In his paper, Michael McDonald makes a reference to the “myth of the vanishing voter” in the US and Canada. In the cases he describes, the voter is still present and still participating, but the inflation of VEP through deadwood makes voter participation less visible.

The phenomenon under observation in my case study is the same: a mistaken undercount of voter turnout, but the causes are different and in a way more grave. Instead of the myth of an electorate performing a vanishing act at the polls, Romania faces a different challenge. Its electorate is getting caught in the grey areas of legal limbo due to the increasing disenfranchisement caused by administrative impediments to voting. In a way, the polls perform a vanishing act on Diaspora voters and not the other way around. Geographical distance, administrative requirements and the introduction of the district-based voting procedure have increasingly disenfranchised the growing numbers of Romanians living abroad. This phenomenon directly affects the ways in which voter turnout is being measured and reported.

The aim of this paper was that of evaluating voter turnout miscounts in Romanian elections. My findings indicate that the interaction of numerous, complex issues make such an evaluation almost impossible. First, VAP and VEP data are debased to the point where official VEP exceeds VAP. Various state institutions which are in charge of gathering these data are issuing contradictory statements and numbers. At the same time, legal ambiguity makes it unclear who is eligible to vote. De jure, people without documents are eligible to vote and they appear on VEP lists, but de facto they are turned away from the polls. The increasing share of Romanians abroad has compounded these problems by leading to inflation in VEP numbers.

These issues make it hard to determine how much of the recent Romanian turnout decline really reflects changes in attitudes or behavior and how much is just a result of poor data gathering, poor legislation and the “driftwood” problem of emigration.

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