

Report on Romania's Democratic Transition

Table of Contents

CHAPTER ONE - CONCLUSIONS AND RECOMMENDATIONS

- A. Conclusions 1
 - Transition to Democracy 1
 - Pre-Election Environment 2
 - Electoral Laws 3
 - A Political Opposition 5
- B. Recommendations 6
 - Written Procedures for Polling Stations 6
 - Special Lists 6
 - Domestic Observers 7
 - Media Law 7
 - Public Disclosure Law 7
 - Public Financing 7
 - Party Registration 8
 - Exit Polls 8
 - Complaint Process 8

CHAPTER TWO - HISTORICAL BACKGROUND

- A. The Revolution 10
- B. May 1990 Elections 11

CHAPTER THREE - POLITICAL DEVELOPMENTS

- A. June 1990 to January 1992 14
- B. February 1992 Local Elections 17
 - Election Day 19
 - Delegation Observations 19
 - Recommendations 23
- C. Political Realignments 24

CHAPTER FOUR - 1992 NATIONAL ELECTIONS

- A. The Electoral Framework 26
- B. The Campaign 32
 - Democratic Convention of Romania (CDR) 32
 - Democratic Front for National Salvation (FDSN) 33
 - National Salvation Front (FSN) 34
 - Romanian National Unity Party (PUNR) 35
 - Other Parties and Candidates 36
 - Campaign Environment 36
 - Media Access 37
 - Campaign Resources 39
 - Pre-Election Challenges and Complaints 39
- C. Election Day 40
 - Delegation Observations 41
 - Invalid Ballots and Special Lists 42
 - Parallel Vote Tabulations 45
 - Complaint Procedures 45
 - Run-Off Election 46
- D. IRI/NDI Program Activities in Romania 47
 - Program Activities 47

Election Observation Missions 47

Appendix I.	Political Parties in Romania 49
Appendix II.	Presidential Results 50
Appendix III.	Parliamentary Results 51

CHAPTER ONE

CONCLUSIONS AND RECOMMENDATIONS

The International Republican Institute (IRI) and the National Democratic Institute for International Affairs (NDI) co-sponsored three election observation missions to Romania after the fall from power of communist dictator Nicolae Ceausescu in December 1989. IRI and NDI observers traveled to Romania to monitor the first post-communist presidential and parliamentary elections in May 1990, the local elections in February 1992, and a second round of presidential and parliamentary elections in September 1992. The purpose of this report is to provide the findings of the two 1992 observer delegations; compare those observations with those of the 1990 observer mission; draw conclusions on Romania's progress in its democratic transition; and make recommendations for further political and electoral reform.

From the numerous election observation missions the two Institutes have sponsored around the world, experience has shown that it is a rare occurrence for an observer delegation to make an absolute finding as to whether an election was free and fair. Such a determination about the legitimacy of an election is difficult to make and often even more difficult to prove. The IRI and NDI share the philosophy that the function of election observation mission is not limited to observing the actual administration of the voting process. To obtain a comprehensive picture of an election, an observation mission must also consider the fairness of the campaign period which preceded the election. Therefore, election observation missions must go beyond the mere quantitative analysis of election results and offer qualitative judgements regarding those elements which affect the outcome of voting: the government's commitment to a free and democratic political process, the mood and understanding of the electorate, and the ability of political parties to build organizational strength and deliver competing messages to the electorate.

A. Conclusions

The conclusions rendered in this section encompass the two and a half year period from March 1990 to September 1992 (the beginning of the campaign period for Romania's first round of post-communist elections and the third round of elections in September 1992). These conclusions are based upon an analysis of the significant problems which arose in the 1992 elections and a determination of whether they were new and unanticipated problems or resulted from the government's failure to adequately address problems encountered in the 1990 elections.

Transition to Democracy

The IRI/NDI Joint International Delegation Report from the May 1990 elections concluded that the first post-communist round of elections were "but a first step in Romania's political development." The two joint delegations which traveled to Romania in February and September

CONCLUSIONS AND RECOMMENDATIONS

1992 felt that those elections were again tentative steps in an incomplete process. Two schools of thought emerge on Romania's progress in electoral and political reform.

- 1) Recent elections were a reasonably successful effort under the circumstances, since the government has been preoccupied with more immediate crisis and has not had a true opportunity to embark upon a program of fundamental political reform.
- 2) The government used elections for an exercise in legitimacy rather than an exercise in choice, opening the political process just enough to gain the valuable approval of western powers.

Pre-Election Environment

The fundamental issue in evaluating the pre-election environment is whether the campaign period provides the various political parties an opportunity to communicate their message to voters. The September 1992 delegation found the continued absence of an objective and independent broadcast media inhibited the flow of information. The state monopoly of national television, which served as the primary source of information on candidates and political parties for most Romanians, led to both overt and subtle biases in electoral news coverage. In addition, the allocation system by which broadcasting time was distributed to the political parties for advertising was diffuse and arbitrary.

The certification of election results affected the campaign period for the presidential run-off election on October 11, 1992. The election law required that a fourteen day campaign period precede the run-off election. The BEC decided that the fourteen day period started after the polls closed on September 27. The Parliamentary Commission on the Media, however, did not believe the campaign period began until the Constitutional Court certified the results and consequently did not initiate the allocation of television time until October 4. The two presidential candidates, therefore, were denied access to television during the first week of the run-off election.

The widespread violence and overt intimidation of the 1990 election campaigns was largely absent in both the local and national elections held in 1992. In the 1990 campaign, the police did little to stop politically-motivated assaults and in some instances were the actual perpetrators of these threats and attacks. In the 1992 campaigns, the police helped ensure a peaceful campaign environment in which public rallies could be held without fear of reprisal, party headquarters and posters were respected, and threats were far less common. In addition, Romanians displayed a greater tolerance for differences of opinion and an appreciation for the healthy and robust competition of political ideas.

In the September 1992 elections, however, doubt was cast upon the Central Election Bureau's commitment to a free and open election when it decided four hours before the polls closed to rescind an earlier promise to allow the Romanian League for the Defense of Human Rights (LADO) to conduct a parallel vote count in the constituency electoral bureaus. The absence of a clearly defined

CONCLUSIONS AND RECOMMENDATIONS

process for such an operation as well as the failure of both parties to seek and obtain a written agreement contributed to the collapse of LADO's parallel vote count. Although there is some basis in the BEC's justification that a parallel count was unworkable because of logistical problems, the governments commitment to overcoming such obstacles was inadequate. The absence of the parallel vote count also delayed the identification of anomalies by interested parties and made it more difficult for them to file complaints within the legally defined 48 hour period.

Electoral Laws

Given their previous experience with a totalitarian government, many Romanians remain highly suspect of central authority in any form and believe that a decentralized electoral system is synonymous with a democratic process. The central problem of the electoral law governing presidential and parliamentary elections passed by Parliament in July 1992 is the lack of specificity in its provisions. In fact, the electoral system's weak central authority created an opportunity for inconsistent interpretation and biased implementation of the electoral law at the local administrative level. The vague provisions also allow local officials, such as mayors, to insinuate themselves into a process in which they have no legal jurisdiction to interpret the law, arbitrate disputes, or adjudicate complaints.

The new electoral law also failed to establish an adequate mechanism to resolve charges of fraud and abuse. The 48-hour complaint period after the polls have closed, during which political parties and other organizations may file grievances with the Central Election Bureau, is an insufficient amount of time to both gather and analyze the election data and prepare a worthwhile case. For example, the official presidential election results were released by the BEC on October 4th and the parliamentary results on October 9th, five and ten days, respectively, after the 48-hour period had expired. Furthermore, there is no forum of higher appeal if the Central Election Bureau rejects an official complaint.

Many Romanians have been conditioned by the lasting legacy of the communist regime not to expect a resolution to their grievances through officials channels, given their lifelong experience with a system which was unsympathetic and even hostile to their complaints. Therefore, the need to reform the complaint mechanism runs deeper than merely devising a more efficient process. It is necessary to restore confidence in the nation's government and legal institutions which for so long have been held suspect by its citizens.

Finally, Romania took a step backwards in its new electoral law when it limited access to each polling station to one domestic observer. An unrestricted system of domestic observers is the accepted standard in most democratic elections, a standard which Romania met in its May 1990 and February 1992 elections. The Central Election Bureau's last-minute accommodation to permit a second domestic observer to rotate with the first was a weak and inadequate compromise.

Election Quality

The quality of the September 1992 election may have been significantly compromised by two major anomalies which arose in the voting and tabulation process: an unusually high percentage of invalid ballots and a large number of voters casting ballots on special registry lists. Exactly 4.74% of the presidential ballots, 12.44% of the senate ballots, and 13.18% of the chamber of deputies ballots were invalidated because they were unmarked or marked incorrectly. The difference compared to the 1990 election is significant: 3.12% of the presidential ballots, 5.8% of the senate ballots, and 8.16% of the chamber of deputies ballots. It is difficult to find a plausible explanation for such a leap in the percentage of invalid ballots.

It is true that Romanian voters were faced with three separate booklets for the presidential and parliamentary elections in September 1992, and that voters could have been confused by the wide array of candidates and parties contained in each booklet. After three elections in three years, however, their understanding of the voting process and ballot format should have improved. Administrative mistakes could also account for at least some of the invalid ballots. Human error would be inevitable in a counting process which required fatigued polling station workers to hand-count thousands of paper ballots. It is also true that the Romanian ballot format invites manipulation by election officials, since a second stamp for candidate or party choice invalidates the ballot. Evidence of such outright fraud occurring in certain areas does exist. The available evidence, however, is insufficient to conclusively state that this was a common and widespread practice.

Whether the high percentage of invalid ballots is attributable to voter confusion, simple errors in the tabulation process, or outright fraud, the quality of the September 1992 elections was clearly undermined by the exclusion of so many votes. The impact of the invalid ballots on the election is significantly greater for the parliamentary elections because the margins between winning and losing were so much smaller than in the presidential race. Furthermore, many Romanians who went to the polls in September 1992 to make their voice heard through the democratic process were effectively disenfranchised. Future voters may be discouraged from participating in the political process if they lose confidence in an electoral system which they view as unreliable and capricious.

The integrity of the balloting process is again questioned when the issue of special registry lists is considered. Approximately 12.5% of the voters in the September 1992 elections were added on special lists on election day, with the proportion varying greatly, and somewhat inexplicably, in different regions. Over 2,000 of the 14,651 polling stations had 20% or more of the voters cast their ballots on the special list. These special voter lists were intended to supplement the normal use of voter registries and permit citizens mistakenly left off the permanent list or legitimately away from their home on election day to cast votes. Although initially a well-intentioned effort to widen the opportunity to vote, the massive use of special lists and their incomplete documentation expanded the opportunity for fraud, abuse, and the possibility of multiple voting.

Finally, the release of exit polls at 9:02 p.m. on September 27, 1992, ignored the fact that

CONCLUSIONS AND RECOMMENDATIONS

some polling stations may still have been open. While the exit polls probably did not have a significant impact in discouraging late voters from casting their ballots, it could have had a larger impact on the members of polling station commissions. Premature polls could have convinced commission members that the election outcome was a foregone conclusion, discouraging them from being diligent or even participating in the counting process.

A Political Opposition

An election must provide the voter with a genuine element of choice in order to be meaningful. Elections under Ceausescu's regime had little significance, as only communist party candidates were on the ballots, and were designed instead to help legitimize the political leadership. Romanians again found little in the way of choice when they went to the polls in May 1990. In the barren political environment which emerged from the Ceausescu era, a viable political opposition was almost non-existent. Furthermore, the National Salvation Front (FSN), as the ruling party, failed to implement needed reforms and exploited the most undemocratic advantages of incumbency.

The political landscape had changed dramatically when Romanians returned to the polls twenty months later to vote in the local elections of February 1992. The Democratic Convention of Romania (CDR) had established itself as a strong and viable opposition coalition of fifteen parties and civic organizations, providing a clear alternative to the policies of the incumbent government. The CDR's electoral victories in February and again in September 1992 gave reason to hope that multi-party competition could become a durable fixture of Romania's political process. The accomplishments of the CDR are impressive, especially when viewed in the context of the obstacles overcome in a political environment still hostile to nascent parties.

B. Recommendations

In response to the inconsistencies and irregularities of the 1992 elections, IRI and NDI have the following ten recommendations to offer in the context of Romania's long-term transition to a democratic society.

Central Election Bureau

The election law required that each polling station be open from 6:00 a.m. until 9:00 p.m., with the provision that if voters were still waiting to cast ballots at 9:00 p.m., the hours of the polling stations could be extended to as late as midnight.

CONCLUSIONS AND RECOMMENDATIONS

The establishment of an effective and permanent central election authority is essential to further democratic development in Romania. At the top of an administrative hierarchy, a strong and independent central election authority with the requisite enforcement powers would serve two purposes: 1) provide detailed interpretation of election laws and procedures and thereby impose consistency on the entire system, and 2) operate as the highest administrative body for adjudicating complaints and appeals from the local level.

Written Procedures for Polling Stations

Simply providing polling station chairman with copies of the electoral law is an insufficient measure to guarantee its consistent application and invites erroneous administrative and legal interpretation at the local level. The Central Election Bureau should provide polling station chairmen and commission members with well-written administrative guidelines as well as its interpretation of the legal rights and responsibilities of the chairmen, commission members, and domestic observers.

Special Lists

In order to minimize opportunities for multiple or unqualified voting in future elections, the use of special lists should be refined to provide greater uniformity and accountability. Polling commission members should record the voter's full name, address, date of birth, and bulletin identification number. Lists should be examined and cross-checked against permanent and other special lists for the indications of multiple voters. Special attention should be directed to lists from locations where unusually high numbers of ballots were invalidated or other serious irregularities were reported. In addition, the election law must be amended to provide clearly for scrutiny and correction of permanent lists. The government, therefore, must insure that municipalities have adequate resources to produce and update accurate permanent voter lists as required by law.

Domestic Observers

In addition to removing restrictions on the number of observers which can be accredited for each polling place, Romania's parliament should adopt a provision allowing domestic observers in the constituency electoral bureaus. The rights and responsibilities of domestic observers under the law should also be clarified in legislation to avoid conflicts with polling station chairman. Furthermore, the procedure for conducting a parallel vote count should be defined and clarified to allow for formal agreements to be made in advance with specific notice paid to logistical requirements.

Media Law

In May 1992, Parliament adopted an ambiguously worded Law on the Broadcasting Media which provided guidelines for establishing radio and television stations and established a new set of operational rules. However, the media law has several shortcomings which need to be addressed in additional legislation in order to encourage an open and diverse broadcasting industry which facilitates the unencumbered flow of information and ideas.

Romania also has yet to pass any reform legislation regarding the printed press. A draft press law was introduced in Parliament but was withdrawn in the Spring of 1991 after opposition members denounced it as undemocratic. A second draft law introduced in the Spring of 1992 met similar objections and has not yet been acted upon. Therefore, the press law left from the Ceausescu era theoretically remains in effect, leaving an independent press without legal guarantees and protections.

Public Disclosure Law

While there are certain advantages of incumbency to be found in any electoral process, new legislation is needed clearly restricting the use of state resources by any party for political purposes and requiring parties and candidates to disclose sources of income and expenditures. An effective public disclosure law would help resolve allegations of exploiting state resources, inhibit such misuse in the future, and provide greater confidence in the electoral system.

Public Financing

The utilization of public funds for electoral campaigns varies widely from country to country and, consequently, there is no established international standard. Nascent parties, however, face a monumental task in competing in Romania's resource-scarce environment. Many sectors of Romania's economy are still state-owned, private resources are limited, and economic adversity makes individual campaign contributions difficult to solicit. The new electoral law passed in July 1992 provided for public funding of parties but parliament never enacted the necessary legislation for implementation. The fairness of the electoral environment would be greatly enhanced if the Romanian parliament would pass the appropriate legislation to make public financing for political parties a reality.

Party Registration

Although the absence of barriers to political party registration is commendable, the

CONCLUSIONS AND RECOMMENDATIONS

Romanian Parliament should revise the threshold requirement for such official registration because the current requirement encouraged the proliferation of small and fragmented parties unable to attract widespread support. The atomization of political interests makes parties indistinguishable to the electorate and dissipates the benefits of allocating television broadcasting time. The requirement of 251 signatures to form a political party, therefore, should be raised to a more realistic level.

Exit Polls

The results of exit polls should not be released until after every poll has closed. This will ensure that the voting and counting processes are not compromised or influenced by the premature release of such information.

Complaint Process

The 48 hour period for filing official complaints with the Central Election Bureau should be redefined and extended. All interested parties should have an opportunity to file complaints during an adequate period of time defined as the interval between the BEC's receipt of the judet results from all constituency electoral bureaus and its transmittal of those results for certification. In addition, the starting point for run-off elections should be defined as the time when results from the first round of voting are certified.

The BEC is required by law to transmit the results of the presidential election to the Constitutional Court for certification and the results of voting for the senate and chamber of deputies to the parliament.

CHAPTER TWO

HISTORICAL BACKGROUND

Modern Romania was formed at the Versailles peace talks of 1919 and had become a constitutional monarchy by 1923. Romania's fifteen-year experiment with democracy was weakened by an internal fascist movement, fragile political parties, and external claims on territories incorporated into the new Romanian state. In 1938, King Carol abolished all political parties and assumed dictatorial authority that lasted until his abdication in 1940, when a military dictatorship was established by Marshall Ion Antonescu with the support of the fascist Iron Guards. Antonescu held power through most of World War II, during which Romania fought on the side of Germany in hopes of regaining territories lost to the USSR. Antonescu fell in 1944 when Carol's heir, King Michael, allied Romania with Soviets to drive out the Germans.

In November 1946, the National Democratic Front, an organization wholly controlled by the Soviet-backed Communist Party of Romania (PCR), won 89% of the vote in conspicuously rigged elections. The communists quickly consolidated their power by forcing King Michael to abdicate, outlawing all other political parties, arresting opposition leaders under charges of treason, and purging the government bureaucracies of non-communists.

Romania's post-war period was dominated by two communist dictators. From 1946 to the 1965, Gheorghe Gheorghiu-Dej headed the communist Romanian Workers' Party. During his tenure, Romania joined COMECON and the Warsaw Pact; the army was reconfigured by Soviet advisers into an instrument for internal social and political control; and a pervasive secret police force, the Securitate, was developed. Harsh political repression was combined with a Stalinist economic program aimed at the collectivization of agriculture and the development of heavy industry.

During the regime of his successor, Nicolae Ceausescu (1965-1989), political repression reached Orwellian proportions. While cultivating an international reputation as an independent and even progressive communist state outside the Soviet sphere, Ceausescu consolidated his power through oppressive tactics and a grotesque cult of personality at home. Under Ceausescu, conversations with foreigners were illegal, all typewriters and computers were registered with government authorities, little travel was permitted outside Romania, and the Securitate developed a vast network of informants which included the clergy and school teachers. While elements of a civil society started to coalesce in Poland, Hungary, and Czechoslovakia in the 1970's and 1980's, Ceausescu's rigidity only increased.

In 1980, Ceausescu spread the pain of his regime even further when he decided to pay of Romania's \$11 billion foreign debt in eight years. During the eighties, Romania exported food, oil, and any other commodity which could be sold for hard currency. No part of the Romania population was untouched by the massive suffering and huge shortages of essential goods brought by

Ceausescu's economic program.

A. The Revolution

As communist regimes collapsed in rapid succession across Eastern Europe in the fall of 1989, Ceausescu only sought to tighten his grip on power. The PCR's Fourteenth Party Congress in November 1989, devoted itself to praising Ceausescu and the true socialist path. Ceausescu was overthrown a month later in a sudden and bloody revolution that stunned the world. What had begun in Timisoara as a spontaneous protest to protect a minister named Laszlo Tokes from arrest by the Securitate quickly evolved into a popular demonstration against the government. Similar demonstrations quickly spread to several other cities and finally to Bucharest's University Square. The hasty trial and execution of Ceausescu and his wife on December 25, 1989, brought an abrupt end to the violence in which several hundred civilians are estimated to have been killed.

In the midst of this chaos emerged Ion Iliescu, a former high-ranking PCR official who had lost favor with Ceausescu in the 1970's. Together with the youthful Petre Roman, a university professor whose father had been a founder of the PCR, Iliescu consolidated a disparate coalition of dissidents, former communists and military leaders into an interim government called the National Salvation Front (FSN). Initially, both Romanians and westerners believed that the Romanian revolution was a popular uprising supported by the army. While a variety of conspiracy theories seek to account for the obscure origins of the FSN, it is widely believed that a core group had coalesced before the popular uprising and was waiting patiently to step into the power vacuum once Ceausescu was deposed.

In the weeks immediately following Ceausescu's downfall, the National Salvation Front enjoyed widespread popularity and emphasized its intention to act as an provisional steward that would step down following democratic elections. Political parties began to emerge, including the formation of new parties representing ecological and ethnic minority groups and the revival of the three pre-war parties: the National Liberal Party, the National Peasants' Party and the Social Democratic Party.

In late January 1990, however, the Front reversed course and announced that it too would compete in new elections. The FSN's sudden about-face produced doubts about the legitimacy of the Front's exercise of even transitional power. There was growing discontent over the prominent role of former high-level Communist Party officials within the Front, who seemed reluctant to confront the legacies of the most odious elements of the old regime, namely the nomenklatura and the Securitate, which led to a tense series of demonstrations and counter-demonstrations in late January and early February in University Square. Additional pressure came from the international community for the Front to hold elections as quickly as possible.

In February 1990, the ruling National Salvation Council was dissolved and the Provisional Council of National Unity (CPUN) was established in its place with over 200 members. The CPUN, in effect, acted as a transitional government through which proposed measures were debated and

amended before implementation. Although it included representatives from the opposition parties and other independent groups, the CPUN was dominated by the Front. Its 21 member Executive Board elected Iliescu president and Petre Roman prime minister. The CPUN professed its main purpose to be establishment of the legal framework for the presidential and parliamentary elections held in May 1990, Romania's first multiparty elections since 1946.

B. May 1990 Elections

The 60-day electoral campaign which began in March 1990 pitted the National Salvation Front against more than 80 disparate political parties. The largest of these, the National Liberal Party and the National Peasants' Party, were the only ones to field presidential candidates against FSN leader Ion Iliescu. To some, the Front was a heroic organization that had played a crucial role in igniting the December Revolution. To others, the Front was a manipulative band of neo-communists determined to reimpose one-party rule in Romania.

During the campaign, the Front wrapped itself in the banner of the December Revolution while presenting a vague platform. Shrewdly recognizing the anxiety with which many Romanians viewed the post-Ceausescu era, the FSN repeatedly raised the specter of the massive unemployment that could result from opposition plans to implement privatization. At the local level, the FSN sustained support by increasing food supplies. Significantly, the Front did not identify itself as a party and presented little in the way of ideology -- an effective strategy for an electorate that had its fill of both.

Newly reconstituted in 1990, the National Liberal Party (PNL) had no clearly defined base aside from a loose coalition of professionals, students and intellectuals. The PNL was led Radu Campeanu, who returned to Romania after having spent more than 15 years in exile to run as his party's presidential candidate. The Liberals urged a vigorous economic modernization program, including privatization and the reestablishment of property rights. The party also sought to establish legal institutions that would guarantee civil and political rights and support a multiparty political system.

The Peasants' Party, believed to have been the rightful winner of the 1946 elections, faced similar difficulties in identifying a constituency after a 45-year hiatus. It too advocated a transition to a market economy, with an emphasis on the de-collectivization of agriculture and the establishment of a democratic political system. The party chose Ion Ratiu as its presidential candidate. A wealthy entrepreneur who returned to Romania in March 1990, Ratiu's personal financial contributions supported a significant amount of the Peasant Party's activities.

In addition to the National Liberal Party and the Peasants Party, the Social Democratic Party was the only other party with historical antecedents. All other political parties were created in the immediate wake of Ceausescu's fall. A few of these, such as the Hungarian and Ecology parties, were visible during the campaign. However, most of the new parties were tiny, consisting of no

more than one or two leaders and a handful of supporters. Indeed, many opposition leaders believed that the FSN encouraged the creation of numerous small parties to divide its competition.

Throughout the campaign, the Front enjoyed advantages from assuming the reins of an absolutist state and exploited these advantages to the maximum. The control over information and means of communication remained highly centralized, significantly restricting the outreach capacities of opposition parties. Despite electoral law provisions that guaranteed all parties television and radio time, the opposition suffered from limited access to programming on the single, state-owned television. In addition, opposition party efforts were frustrated by uneven access to recording studios and other production equipment. Television news coverage of the campaign was blatantly and consistently biased toward the Front. Printing facilities and distribution networks for newspapers and journals also were monopolized by the FSN government.

Campaign financing posed another serious problem for opposition parties. The electoral law provided for public campaign financing but little, if any such support, found its way into the coffers of the political parties. Declaration requirements for foreign assistance do not appear to have been followed or enforced, in keeping with the generally lax approach taken by all parties to campaign finance reporting.

In addition to the structural advantages enjoyed by the Front, the campaign was marred by reports of violence, harassment and intimidation directed at candidates and party members. The victims of these incidents were almost exclusively opposition party members, while instigators were predominantly police or Front supporters. The Front reported few acts of violence directed against its supporters other than the destruction of windows at some Front campaign offices. In many cases, opposition members did not bother reporting the incidents to the police, believing such action to be futile and potentially dangerous. President Iliescu made no effort to help ensure a safe and tolerant campaign. Iliescu issued numerous public statements suggesting that opposition party rallies and demonstrations were illegal, declaring that the police would assume an attitude of indifference and neither disperse their participants nor guarantee their safety.

As Romania approached its first round of post-communist elections, the systematic violence directed against opposition parties cast serious doubt on the authenticity of the country's democratic transition. First, the campaign violence demonstrated that while the December revolution decapitated the Ceausescu regime, the vast internal security network which was left behind continued to operate against political activists on behalf of the state. Second, the Front's tacit acceptance of the violence undermined its credibility when viewed in contrast to its declared support of democratic government.

The May 1990 election results gave added credence to the view that Romania remained a one-party state. The FSN won an amazing proportion of the vote in the presidential and parliamentary elections on May 20, 1990. Of the three presidential candidates, FSN candidate Ion Iliescu as the ostensible incumbent, received 85% of the vote, Liberal Party candidate Radu Campeanu received only 10% and a mere 3% went to Peasant Party candidate Ion Ratiu. The FSN

garnered 66% and 67% of the seats in the Chamber of Deputies and Senate, respectively, which meant that prime minister Petre Roman also retained his position. The Hungarian Democratic Union of Romania received the second-largest block of votes in the parliamentary elections (7.2%) because of their ability to dominate the vote of the Hungarian minority. The National Liberal Party polled third with 6.41%, and more than 15 other parties gained parliamentary representation with less than 3% of the vote.

The international observer delegation organized by NDI and IRI noted that the campaign period was tarnished by many incidents of intimidation and harassment, by the great degree of control the FSN exercised over the media, and by the Front's overwhelming advantage in material resources. Moreover, the opposition's charges of massive fraud could not be substantiated because of its organizational inability to effectively monitor and document allegations of fraud and abuse.

While it was an unprecedented challenge for opposition parties to mount a serious national campaign within just a few months of their inception, the margin of the Front's victory, however, cannot be explained by this imbalance alone. In addition to the FSN government's monopoly on resources, a major factor in the opposition's performance in the 1990 elections was its inability to form a unified coalition. The three historical parties had quickly emerged as the leading opposition groups, but their leaders were unknown to much of the population, fought amongst themselves, and sometimes thought of their respective parties as personal political domains rather than popular movements. Opposition leaders also profoundly miscalculated the degree to which their parties could find supporters within a population that deeply distrusted political parties and had little concept of choice because of the 45-year experience with the communists.

Finally, the May 1990 elections were noteworthy in that the Romanian electorate displayed an almost complete lack of understanding about the relationship between political choice and democratic elections -- a relationship the interim authorities did little to elucidate through a civic education program. The IRI/NDI observer delegation pointed to this as one of the most serious obstacles to Romanian democratic development.

Hungarians represent 9% of the population and are concentrated in the Transylvania region of Romania formerly a part of the Austro-Hungarian Empire.

CHAPTER THREE

POLITICAL DEVELOPMENTS

A. June 1990 to January 1992

Many Romanians emerged from the 1990 elections with the realization that the elimination of the Ceausescu would not automatically bring democracy and the initial euphoria of the December Revolution began to fade. In June 1990, Iliescu called coal miners from the Jiu Valley to Bucharest to clear University Square of the remaining anti-government protestors. The miners went on a three-day rampage during which they attacked student, intellectuals, and foreigners, destroyed national headquarters of opposition parties, and killed six people. The events in June were the third time since the revolution that the Front had called upon the miners to come to Bucharest and drew international condemnation. Moreover, the absence of government condemnation of the miners actions dispelled remaining doubts over the nature of the Iliescu regime and prompted opposition leaders to work together more closely. Within this context, there were two major events which shaped Romanian politics after the 1990 elections: the development of a coalition which brought together many of the opposition parties and a major internal split within the National Salvation Front.

The FSN government performed an about-face in the fall of 1990 when the Roman government introduced an economic package of shock-therapy. The most painful component was the liberalization of prices on goods coupled with a devaluation of the leu, Romania's currency. The Roman government also passed a land reform law regulating the return of expropriated land to its original owners, a law on privatization, and a law on foreign investment - all considered positive measures by such organizations as the International Monetary Fund (IMF) and the United States' Overseas Private Investment Corporation (OPIC).

Because the Front did not make a serious effort to explain these policies, and had in fact campaigned against such measures during the elections, Romanians were caught unprepared. Although the initial blow was cushioned by compensatory cash handouts and by the partial indexation of wages to prices, the policies were very unpopular. At the first post-election manifestations of public dissatisfaction with the Front, opponents outside of the parliament began to explore the formation of a broad-based opposition coalition.

During the second half of 1990 and early 1991, movements like the Anti-Totalitarian Forum and the Civic Alliance emerged in an attempt to consolidate opposition to the Front among student organizations, intellectuals and trade unions. The Civic Alliance movement, in particular, had appeal as an alternative opposition force that was open to supporters of all parties.

In early 1991, the opposition parliamentary parties initiated a "Democratic Alliance" to signal

support for a unified opposition and assert their leadership within any emerging coalition. As relations between the parliamentary Alliance and extra-parliamentary groups were strengthened, the parliamentary parties maintained the upper hand in transforming the political alliance into an electoral one. The coalition efforts gathered greater momentum after some leaders of the Civic Alliance Movement decided to form the Party of the Civic Alliance (PAC) and sought to position the PAC as the natural anti-communist leader.

In the summer of 1991, six opposition parties formed the National Convention for the Installation of Democracy (the three pre-war parties combined with the Hungarian Democratic Union, the Civic Alliance Party, and the Romanian Ecologist Party). Known popularly as the Democratic Convention, the coalition later attracted at least 12 other small parties and several politically active civic organizations, such as the Association of Former Political Prisoners, the Civic Alliance Movement, and University Solidarity. While member parties maintained a large degree of autonomy, especially at the local level, the Democratic Convention planned to present common lists of candidates in the next elections.

The election calendar, however, continued to lack momentum. Support for local elections was overshadowed by several factors: the opposition's pressure to hold new national elections, the Front's reluctance to devolve genuine powers beyond the central government, lack of progress on the new Romanian constitution, and the Front's overall complacency following its 1990 electoral triumph. With the introduction of a local election law in late July 1991, elections to fill over 40,000 local offices nationwide were expected in October or November. This timetable, however, was interrupted with the onset of a government crisis that ultimately marked the end of the Iliescu-Roman partnership.

Thousands of the Jiu Valley coal miners again returned to Bucharest in the last week of September 1991. But this time they were there to protest rather than support the Iliescu government and demanded higher salaries, better living conditions, and a freeze on prices, giving voice to widespread popular frustrations with the economic situation. With calls for the resignations of both President Iliescu and Prime Minister Roman, order was restored with the announcement that Roman would step down.

In the weeks following Petre Roman's resignation, Prime Minister-designate Theodor Stolojan and political party leaders negotiated the formation of a new government. A former finance minister and head of the National Privatization Agency, Stolojan had a reputation as a skilled professional with a commitment to even more radical reforms than those favored by Petre Roman. While not a member of the FSN, he had always maintained close relations with the Front. Although the new cabinet was still clearly dominated by the FSN, it included representatives of three other parties, including the opposition National Liberal Party.

Stolojan made it clear from the moment he came into office that he intended to guide the country through local and national elections as quickly as possible. The damage to Romania's image abroad after the miners' demonstrations in Bucharest and the resignation of the Roman government

led the Stolojan government to emphasize economic reform in an effort to divert international attention away from problems of political instability. Its efforts to stabilize the economy encompassed a number of reforms, including convertibility of the leu, decreases in government subsidies, and continuing implementation of land reform and privatization measures. While these reforms were expected to yield economic gains in the long term, they contributed to the short-term erosion of average citizen's standard of living and purchasing power.

Shortly after Stolojan became Prime Minister, the Romanian parliament adopted a new constitution. Parliamentary opposition to the constitution was largely limited to members of the Democratic Convention who objected to provisions stipulating that Romania is a republic, arguing that there should be a referendum on whether to restore the monarchy. Ethnic Hungarians were concerned that the constitution did not provide adequate protections for minorities, but were reluctant to campaign openly against it, fearing a nationalist backlash. The hasty scheduling of a popular referendum in December to approve the constitution was criticized [by?] for not allowing opponents time to mount an effective campaign. Despite extremely cold weather and calls by some opposition groups for a boycott, a reported 61% of the electorate turned out to vote, and the government announced that the Constitution was approved by 77.3% of those who voted.

Of major concern before the local elections, however, was the degree to which instruments of local authority remained in the hands of ruling party functionaries and how that control would be exploited during the upcoming campaign. The final draft of the constitution, however, did not address the issue of decentralization and left the judet system intact.

Romania's new constitution was passed by Parliament in November 1991 and the local election law was passed shortly thereafter. The constitution was approved in a national referendum on December 8, 1991, thus starting the sixty-day campaign period. Despite his lack of personal initiative in promoting other more far-reaching political reforms, Stolojan injected a measure of stability into Romanian public life and remained above the political fray.

Parallel to the development of a more unified opposition were increasingly public divisions within the ruling FSN. The loosely formed movement that won the 1990 elections encompassed within its ranks several factions that spanned the ideological spectrum. Manifestations of this ideological diversity included such seemingly contradictory actions as the Front's frequent appeal to nationalism versus its self-definition in March 1991 as a "center-leftist party of social-democratic orientation." As long as the FSN enjoyed the support of a large majority of the Romanian population, its leaders could gloss over their differences. However, as the country's economy continued to decline and opinion polls started to show a sharp drop in the Front's popularity, it became apparent that it would not remain intact for long. Despite these early tremors, the Front remained largely intact through the February 1992 local elections.

B. February 1992 Local Elections

The new law on local elections established the guidelines for electing over 40,000 mayors and local council members. The local councils were elected through a proportional system in which councilors ran on party lists and seats were allocated proportionately through a complex counting process that established minimal thresholds and allowed "extra votes" for parties which did not meet the threshold to be redistributed. Newly elected local councils would form an "electoral college" to select representatives to the Judet Council. Mayors were elected by a simple majority requirement.

The new law on local elections also stipulated that a minimum of 50% plus one of the eligible voters must have participated in the first round of voting for the election to be valid. An invalid election would then force a second round which would feature the same slate of candidates without the 50% plus one requirement. In addition, a run-of election would be held between the two most popular mayoral candidates if no single candidate received a majority in the first round.

The jurisdiction of these 40,000 local offices was established by the three types of constituencies defined by the extant administrative boundaries of communes, towns, and cities. The law divided responsibility for election administration between three entities:

- 1) the Central Election Bureau in Bucharest with national oversight and the constituency and polling site electoral bureaus at the judet and district level respectively;
- 2) local officials, such as mayors and federal judet administrators known as prefects and appointed by the national government to perform ministerial functions at the judet level; and
- 3) the local courts.

The Central Electoral Bureau (BEC) was composed of the seven members of the constitutional court. The BEC did not believe that it was responsible for the promulgation of written guidelines for polling place administration. While BEC members would be available to any local officials who requested clarification of the electoral law, they would not assume the responsibility for the implementation of the process and its monitoring.

The electoral law provided for the establishment of constituency election bureaus, a new apparatus to administer the voting process at the judet level and serve as the intermediaries between the polling places and the Central Election Bureau. The constituency bureaus were composed of between two and four magistrates and between five and eleven political party representatives depending upon the population of the constituency. Constituency electoral bureaus were given the responsibility of candidate registration and the publication of final candidate lists; the administration of the balloting and counting processes; and "the observance of the legal provisions regarding the elections in keeping with their territorial competence." Constituency electoral bureaus exercised primarily administrative functions and did not have the power to resolve complaints, with the exception of grievances about the composition polling station commissions.

Polling station electoral commissions consisted of a chairman and vice chairman, both of whom were also magistrates, and between seven and nine political party representatives who were nominated by their organizations but assigned to individual polling stations through a lottery system administered by the constituency bureau. The electoral law allowed that if a sufficient number of magistrates was not available to fill all of the polling stations, lawyers or other individuals with "an impeccable reputation who do not belong to any political party" may be appointed. Prefects would submit lists of such qualified individuals to the constituency bureaus. Local officials such as mayors were charged with the production and correction of voter registry lists; the identification of polling station sites, the designation of public places suitable for the posting of political materials; and the purchase and delivery of election materials, including ballots.

Polling station commissions resolved their own complaints and disagreements without any mechanism for appeal. The local court system in the Judets had the responsibility to resolve official claims of violations in electoral law with no forum of higher appeal provided. The courts were also vested with the authority to appoint electoral bureaus.

Modifications to the electoral law made by the Central Election Bureau (BEC) in the last fourteen days of the campaign were more cosmetic than substantive. However, the willingness of election authorities to review the process was an indication of their desire to improve Romania's electoral process. Some of the modifications included:

- 1) Conferences held via telephone between the constituency election bureau chairmen, the prefects, the Central Election Bureau members, and other relevant government officials to clarify certain sections of the electoral law and eliminate confusion or misguided interpretations by local officials.
- 2) Decision No. 27 issued by the BEC on January 27th which provided students with travel vouchers to return home on election day and vote in the districts of their legal residence.
- 3) An increase in civic education programs implemented by the political parties, the electronic and print media, and election authorities regarding ballot procedures and integrity.
- 4) Political candidates were allowed some access to military installations in the last two weeks of the campaign period to ensure that officers did not restrict information on candidates and parties available to military personnel.

Election Day

Twenty-one months after Romania's first post-communist round of elections, Romanians returned to the polls again for the first round of post-communist elections at the local level.

Approximately 65% of eligible voters participated in the local elections, a considerable decline compared to the 86% turnout of the May 1990 elections. One factor in the low turnout was the cold weather which discouraged people from leaving their homes.

Only 66 of Romania's 2,951 districts failed to meet the minimum turnout requirement and were required to hold a second round of elections. However, only 40 of those districts holding a second round in late February gave a majority vote to a mayoral candidate, requiring the remaining 26 districts to call the electorate back to the polls for a third round of elections in early March. Of the 2,895 districts which did meet the minimum turnout requirement, more than 1,300, or slightly less than half, elected mayors with a majority vote, forcing the remaining districts also to hold a second round.

The National Salvation Front won 57% of the mayoralty races in the first round and 14% in the second. However, this figure can be slightly misleading because it combined all mayoralty races, from major cities to the tiniest villages and hamlets. The Democratic Convention of Romania (CDR) won the country's largest city, Bucharest, and four of the other largest municipalities: Brasov, Constanta, Ploiesti, and Timisoara. A better picture of the election outcome is obtained when viewed in terms of the percentage of the total vote won. The FSN received only 33% of the total votes cast, compared to the CDR with 24% and the UDMR with 7%. In general, the election results indicated that the FSN retained control in the countryside attracting the older, poorer, and less educated voters who depended upon agriculture for their livelihood while the CDR was more successful in winning votes in urban areas where they appealed to younger, better educated, and more affluent voters.

Delegation Observations

Many positive developments in the electoral process emerged from the February 1992 local elections in Romania, but these improvements often involved a question of degree and left abundant room for modification and improvement. For example, there was a marked decrease in violence and intimidation in a political environment which showed more tolerance for discourse and debate. However, the delegation did receive credible reports of scattered incidents such as telephone threats of beatings and job loss.

Overall, the new electoral law demonstrated the government's inability to strengthen institutional mechanisms, as opposed to merely establishing the legal foundations, through which democratic institutions such as a free and independent press or viable political parties can be developed effectively. These legal reforms, upon further examination, often seemed superficial. Areas of specific concern to the delegation members included ballot preparation and security, composition of election commissions, vote counting procedures, and the voter registries.

The Delegation received complaints that the absence of detailed written procedures on the administration of the election including instructions on the disposition of unused ballots, tabulation methods, filling vacated positions on electoral commissions, and voter identification, left an

administrative vacuum which led to the inconsistent application of the law by local officials. This problem was further complicated by uncertainty over which officials were responsible for clarifying these ambiguities. The Delegates believed these inconsistencies resulted from a lack of procedural guidelines from the national election authority. This was partly due to the concern that such guidance would be perceived as government interference (i.e., authorities in Bucharest dictating to local authorities and thereby mitigating a fair and democratic process.) The absence of any central electoral authority legally endowed with the power to issue substantive decrees on election law or adjudicate any complaints again created an administrative vacuum which opened the process to possible manipulation at the local level.

Delegation members were particularly concerned with aspects of ballot preparation and distribution. First, ballots were to be prepared under the auspices of the prefects and constituency bureaus before February 1, 1992. In many cases ballots were not printed by the deadline or were printed under the supervision of military guards and state run printing houses rather than the designated authorities. In addition, constituency bureaus were often unable to provide the precise number of ballots printed, which jeopardized ballot security from the outset of the voting process. Furthermore, the mechanism for counting, transporting, and securing the ballots after the count were only minimally outlined in the local election law.

The delegation was concerned with the impartiality of prefects and mayors in the selection of polling station commission chairman and members when vacancies could not be filled with magistrates or political party members. The inordinate number of chairman assigned to polling stations close to their residence or place of employment could not be easily explained by mere coincidence. The improper use of public resources for partisan activity, the absence of an adequate system of public disclosure for in-kind and direct party financing during the electoral campaign, and uneven administration of rent and utility charges lead to fundamental problems with political party financing for the local elections.

Substantial in-kind contributions were the primary means of support for certain political parties. While such contributions were legal, the law required they be registered with the government. Attempts to determine the party officials responsible for internal records who could provide public disclosure statements were unsuccessful. In addition, the government could not provide public access to any disclosure reports.

The original draft of the Romanian local election law promulgated in July 1991 included an article which addressed the issue of media access for political parties. That section was deleted in the debate process, with the professed intention of writing a more complete and appropriate statute at a later date. However, such a law was still absent when the local election campaign was about to enter its last thirty days. Therefore, unable to reach a consensus on legislation, an ad hoc Parliamentary Commission on the Media was established.

Although the campaign period officially began on December 9th, there was little evidence that a political campaign was underway because parties weren't given access to television until after

the commission first convened on January 6, 1992. The 23 member commission provided one seat to each party already represented in parliament while political parties without parliamentary representation were limited to observer status. The commission was chaired by an "independent" Member of Parliament, who actually was elected in 1990 on an FSN list. Three commission members met daily to respond to requests for time and the entire commission met weekly to finalize the following week's schedule. The commission allocated 90 minutes of time on Romanian Television (RTV), Monday through Friday between the hours of 6:30 p.m. and 7:00 p.m. up until two days before the election when the campaign period officially ended. The allocation of time was also biased towards "parliamentary parties" which received five minute blocks while candidates of extra-parliamentary parties received three minutes and independent candidates received two minutes.

While access to media had improved over the situation in 1990, an ad hoc parliamentary committee was a poor substitute for legislation guaranteeing a free and independent media. Several problems still existed in this "ad hoc" solution. "Lumped" ninety-minute time slots diminished viewer interest when distinctions between political parties become blurred by consecutive and tedious political messages. In addition, political parties reiterated their problems with deficient messages due to time constraints in production and the poor production quality offered at independent studios.

There also remained a disturbing degree of state control over the media. The nightly national news broadcast on RTV exhibited only scant attention to the local elections. Protests were lodged against some independent stations for not following the "standard Romanian format" of reporting only hard facts and avoiding editorial perspective. The weak state distribution network for newspapers and the unavailability of newsprint made the widespread dissemination of newspapers difficult. Many people also found that when newspapers were available, they were unable to afford the cost which had increased 500% since 1989.

The enhanced political party participation in the administration of the electoral process combined with the remarkable twenty-month trajectory of the Democratic Convention indicated that opposition political parties had achieved a degree of legitimacy which they did not enjoy in 1990. The election law, however, did not alter the 251-signature requirement for registration as an official political party which was established in 1990. While the support of minimal barriers to participation in the political process is to be commended, the development of a meaningful multi-party system in Romania would be advanced by a serious attempt to define political parties as distinct institutions with a broad base of support rather than small groups that can identify 251 individuals willing to sign their names on a petition. Given the uncertainty about the number of political parties (estimates ranged from 87 by the Parliamentary Commission on the Media to more than 150 according to Central Election Bureau) it appeared that the legal basis for parties was open to different interpretations by government authorities.

The Delegation was concerned with the disqualification of certain candidates who were allegedly barred without adequate review procedures. Government-appointed magistrates charged

with election administration are accountable only to the court with immediate jurisdiction where the election has taken place without the ability to appeal to higher authorities. This highly localized jurisdiction does not ensure impartiality in the court's decisions, particularly when the historical absence of an independent judiciary is taken into account. Even with assurances of impartiality, there was little indication that the courts had the necessary resources to properly investigate complaints or possessed the legal training to adjudicate such claims. In addition, given their experience with an unsympathetic and even hostile system, the Romanian people have retained a cultural bias against utilizing official channels to redress grievances and obtain a just resolution.

Problems arose in February 1992 elections which were unique given the special characteristics of local elections. The first problem was the establishment of an equitable residency requirement. Non-residents, such as students, were not allowed to vote for local representatives in districts in which they did not officially reside while conscripts were allowed to vote in the districts in which their military units were stationed. The delegation felt the exception to the residency requirement for conscripts was a "double-standard" when compared to the restrictions placed on students.

The BEC attempted to help students overcome this obstacle to voting by issuing vouchers for students to travel without charge to their home districts and vote in the local elections. However, many students still did not vote because election day frequently conflicted with exam periods, which also discouraged many students from engaging in other political activities in the final days of the campaign period. The delegates were also concerned that conscripts on military installations represented large voting blocs which could be manipulated by senior officers to deliver votes for the government wherever needed.

The delegation also questioned the fact that mayors remained responsible for the voting lists and the provision of ballots and other materials, since the mayors were also candidates in the local elections with a vested interest in the outcome. Their actions required additional scrutiny that did not appear to be exercised by other governmental entities and was not assured by the framework of the electoral law.

Recommendations

The conduct and outcome of the February 1992 local elections gave rise to cautious optimism that Romania's political process would tolerate greater pluralism and allow for the consolidation of democratic institutions. Although the legal and organizational framework presented some major problems, both international observers and Romania's contesting parties concluded that the elections represented a meaningful step forward in an ongoing transition to democracy. In light of the positive and negative elements, the delegation made the following ten recommendations to provide the appropriate Romanian authorities with guidelines for rectifying problems in the electoral process.

- 1) The Delegation recommended that the members of the government establish a negotiation mechanism for achieving consensus on key electoral reforms for the next round of presidential and parliamentary elections.
- 2) Although minimal barriers to political party registration are to be commended, the 251-person membership threshold should be reconsidered to bring greater coherence to the political party system.
- 3) Public access to voter lists should be improved as well as the availability of lists to civic organizations and political parties.
- 4) Disclosure laws concerning political party funding and assets should be enacted.
- 5) The following efforts should be made to enhance available information to voters on political parties and candidates: a wider and more effective distribution of newspapers throughout the country, reconsideration of public financing of political parties, and enactment of a democratic audio-visual law.
- 6) Detailed procedures should be promulgated from a central authority on the administration of elections to promote a more consistent application of the electoral law. Moreover, efforts should be made to maximize the impartial administration of elections at all levels.
- 7) Methods to reduce the evident fatigue of polling place workers during the lengthy voting and counting process, including the possibility of two shifts of officials for each polling site.
- 8) Domestic observers should be made a permanent component of the electoral process given the important role played by them in the local elections of February 1992.
- 9) A wider voter education program should be developed and voting procedures should be posted inside the polling places in future elections.
- 10) As recommended by the 1990 delegation, a non-partisan body should be empowered to investigate vigorously all complaints regarding the campaign period, voting, and counting of ballots.

C. Political Realignments

After the February local elections, many political leaders and civic groups turned their attention to building organizational strength and improving election safeguards as the focus turned to the upcoming national elections. At the same time, however, brewing tensions within the major

political forces came to the surface. These intense political struggles diverted attention from efforts to strengthen the electoral process, and slowed the momentum that had been building for the organization of national elections before the summer.

The moderate gains of the February elections led most of the Democratic Convention leaders to conclude that it was imperative to keep the coalition together through national elections. There was one notable exception, however, as Radu Campeanu and the aging leadership of the National Liberal Party decided to leave the coalition in late March. Despite the fact that Campeanu's 1990 presidential candidacy had garnered the large majority of the ethnic Hungarian vote, Campeanu now claimed that the entire Convention's electoral prospects were seriously undermined by the presence of the UDMR. Amidst speculation that his real quarrel in the Convention was with the PAC, Campeanu pressed for an alliance among the historical parties and left the Convention when this proposal was rejected. The decision created a split within the PNL, as a faction calling itself the National Liberal Party, Democratic Convention (PNL-CD) chose to remain in the Convention.

Following the admission of the PNL-CD, the Convention also accepted the membership of the National Liberal Party - Youth Wing (PNL-AT). The PNL-AT, which had split from the PNL in July 1990, had a few members of parliament and close ties with the Roman faction of the FSN. The parliamentary representation of the reconfigured Democratic Convention thus included the PNT-CD, UDMR, PSDR, PER, PNL-CD, and PNL-AT. However, the Convention's most influential leaders were outside the parliament. Corneliu Coposu, the leader of the PNT-CD, retained the presidency of the Convention after the local elections, and PAC leader Nicolae Manolescu had announced his interest in becoming the coalition's presidential nominee in the upcoming elections.

Balancing internal tensions stemming from both the left and the right, FSN president Petre Roman had managed to maintain a semblance of cohesion until he was forced to resign his position as prime minister. Following Roman's fall in September 1991, his supporters engaged in bitter public attacks on the presidents of the two parliamentary chambers, and on the director of the intelligence service. Subsequently, Roman used thinly veiled references to old communists to bash President Iliescu, who found himself weakened somewhat by the FSN's poor showing in the February elections.

The decisive moment came at the Front's national conference at the end of March 1992, when Roman's faction emerged triumphant in the adoption of a platform advocating continued economic reforms as well as intra-party procedures that signalled an abandonment of FSN support for the Iliescu presidency. While Iliescu supporters staged a walk-out, and in the following weeks, left the FSN to form a new party called the Democratic Front of National Salvation (FDSN). Iliescu's political clout was revived as the FDSN became the largest parliamentary group in the Senate and the second largest in the Chamber of Deputies.

CHAPTER FOUR

1992 NATIONAL ELECTIONS

A. The Electoral Framework

The Stolojan government submitted for debate draft presidential and parliamentary election laws in January 1992. The process of drafting the laws, therefore, took into account only the experience of the May 1990 elections and the 1991 constitutional referendum. On the other hand, the timing enabled the parliament to consider the laws soon after the February local elections and, theoretically at least, establish the electoral framework for national elections before the summer.

The new parliamentary law included several features that distinguished it from the 1990 law. Among the most noteworthy of these were: an increase in the number of senators and a decrease in the number of deputies to be elected; a new formula for the allocation of parliamentary seats to ethnic minority groups; more stringent requirements for independent candidacies; provisions for and more detailed procedures regarding both public financing of campaigns and more equitable access to the media; and the establishment of a national electoral threshold for parliamentary representation. Except for the fact that it was developed and submitted separately from the parliamentary law, the provisions of the presidential draft law did not depart substantially from 1990.

Debate within both the Senate and Chamber of Deputies on the draft parliamentary law was extensive, often heated, and consumed the better part of four months. Significant time was devoted to seemingly trivial matters, such as the legally permissible size of campaign posters, while procedural maneuvering further complicated the handling of issues like public financing. Leadership was not forthcoming from the Stolojan government, which sought to remain neutral as the political factions debated the provisions that could help or hinder their electoral prospects. And although the enmity between the FSN and FDSN might have worked to the Democratic Convention's advantage in passing key amendments, the Convention was reluctant to court an alliance with a Roman-led FSN that had done little while in power to build relations with the opposition.

Perhaps the most contentious issue of the debate was the date of the elections themselves. In early April, both the Convention and the FSN were in favor of elections as soon as possible and targeted late June as the latest possible date. Prime Minister Stolojan also supported early elections and consistently reiterated his intention not to run for office. The break-away FDSN, however, still lacked legal standing as a political party and needed more time to consolidate its assets in the wake of the split from the Front. Because FDSN sympathizers controlled key leadership positions in both the Senate and the Chamber, the FDSN was able to control the debate on the election laws and delay their passage.

So long as elections seemed possible before the summer, the issue of greatest concern to the

Democratic Convention was the proposal to hold the parliamentary and presidential elections simultaneously. In an effort to avoid a divisive contest for its presidential nomination, the Convention advocated that the elections should be held separately, with parliamentary elections in June and presidential elections in the autumn. The FDSN, however, had much to gain from simultaneous elections held as late as possible. This would enable a still-popular Iliescu to campaign for himself and for the new FDSN parliamentary slates. The FSN, intent on consolidating a place for itself between the FDSN and the Convention, decided it had more to gain from early elections -- simultaneous or separate. In the end, the FSN and Convention were ready to compromise on early simultaneous elections, but other issues, such as public funding, remained unresolved and held up passage of the legislation.

As was the case prior to the local elections, proponents of public financing were unable to reach a consensus on a formula to allocate the monies. Absent that consensus, the Senate voted to reallocate funds originally designated for the campaign to humanitarian relief for Moldova, its conflict-ridden neighbor. Having lost the fight in the Senate, supporters of public campaign financing later found themselves unable to take up the issue again in the Chamber because of shrewd procedural maneuvers by the FDSN in both houses.

The FDSN also introduced an amendment to establish a higher national threshold for multiparty coalitions than for single parties. Through this measure, which ultimately passed, single parties were required to obtain a three percent threshold nationally to have winning candidates seated in parliament, but coalitions needed up to eight percent depending on the number of parties in the coalition. Although this particular formulation of a national threshold was controversial, the general concept drew support across the board as parties of all persuasions recognized the need to allocate parliamentary representation to parties with genuine support.

Surprisingly, the access to the media proved to be one of the less contentious issues. The process that had been introduced in the local election campaign (allocation of state-subsidized time to competing political parties by a multi-party committee of parliamentarians) was generally acknowledged as the optimal solution. Even though not all of the Convention's member parties were represented on the parliamentary commission for the media, the opposition could participate in and monitor the allocation process. Moreover, the formulas for allocating time reflected a compromise between favoring parties currently in the parliament and favoring the best organized parties that would contest the upcoming elections.

Political parties instead shifted their focus from media access issues to legislation which established the Audio-Visual Council. The primary function of the Council was to develop guidelines for and oversee the process of licensing independent electronic media outlets throughout the country. In the debate over election-related issues, however, the Council's mandate attracted less attention than its composition since the appointment process of Audio-Visual Council members was narrowly controlled by Iliescu supporters. The creation of the Council thus assumed a political

Two of the council members were appointed by the President, three by the Senate, three by the Chamber of Deputies, and three by the Prime Minister.

significance disproportionate to its influence regarding the upcoming campaign and election.

Notably absent throughout the debate were measures to address the technical aspects of election administration. There were no proposals to create a permanent and professionally-staffed election commission. Although the national election authority, the Central Election Bureau (BEC), was legislatively empowered to ensure uniform application of election law, there was no effort to require it to conduct any training or instruction of nonpartisan or party-designated election officials. The provision to introduce a new system of voter identification *after* the national elections was not challenged by any party. Deadlines for filling positions on the election bureaus, contesting candidacies, and lodging complaints about the conduct of the elections -- all issues that some parties had raised concerns about in previous elections -- received little if any attention during the debate over the electoral law.

Indeed, with the general absence of attention to improved electoral safeguards, the nature of the debate on domestic observers proved particularly disappointing. The concept came under fire despite the international praise for the positive role played by these observers in the local elections. Powerful political interests associated with the FSN viciously attacked the organizations that fielded domestic observers as partisan meddlers and American lackeys. Even more disturbing was the reaction by some parliamentarians to public pressure for the access that observers had been allowed in February. The very advocacy of domestic observers was attacked as an intrusion into the business of the parliament. The final version of the electoral law allowed for domestic observers but retained significant restrictions.

Perhaps the best illustration of Romania's fractious political scene was exemplified in the PNL's efforts to force the Convention to change its name and symbol after it left the coalition. The PNL introduced an amendment that would force any coalition whose membership did not exactly reflect its pre-February incarnation to change its legal name and registered symbol. The Convention courted and reportedly received FSN support to oppose the adoption of the measure as both parties wanted to retain symbols which voters recognized. When the vote came, however, the FSN joined the FDSN and the PNL in supporting the measure. The National Convention for the Installation of Democracy was subsequently renamed the Democratic Convention of Romania (CDR), and its symbol changed from a key to a key within a circle. The impact of the changes were minor, but the episode reflected the degree to which the use of tactics designed to confuse the electorate, waste limited resources, and exact revenge on political opponents remained commonplace among Romania's political leaders during a critical phase of the country's transition.

As the completion of the election laws slowly progressed, the likelihood of June elections diminished and attention was focused on holding the elections in late July. Prime Minister Stolojan convened the leaders of all parties in an attempt to reach consensus that the elections should be held before the August vacation period and made a last-ditch appeal before the parliament in early June.

Such consensus was not forthcoming as the Senate and Assembly versions of the election laws languished in a joint parliamentary mediation commission for several weeks. The mediation commission finally issued the compromise legislation for President Iliescu's signature in early July, thus ensuring that the elections would not be held until September. After the parliament's adoption of separate legislation establishing the date of simultaneous elections on September 27, President Iliescu signed all election-related laws on July 15, and the two month electoral campaign was officially underway ten days later.

The ratification of the election laws paved the way for direct elections of the bicameral parliament and the president. Seats in the parliament were to be filled through proportional representation in 42 electoral constituencies determined on the basis of Romania's existing territorial units (*judets*). As noted above, the number of senators was increased from 119 in 1990 to 143 in 1992, with each constituency electing a minimum of two senators. The number of deputies elected to the Chamber was decreased from 387 in 1990 to 328 in 1992, with each constituency electing a minimum of four deputies.

As was the case in 1990, the president was to be directly elected by a majority of the eligible electorate. In the event that no candidate received 50 percent plus one in the first round, the electoral law provided for a run-off election between the top two candidates two weeks later. Both the president and the members of parliament were elected to four-year terms.

The election law specified in great detail the procedural and documentation requirements for nominating candidates, an improvement over the 1990 provisions. Parties, coalitions, and independent candidates were to submit their nominations within 30 days of the election, and nominees were subject to basic age and citizenship requirements. Several types of persons were barred in the constitution from running for office, including judges, policemen and military personnel. In addition to these restrictions, the election law stipulated that prefects, sub-prefects, and other centrally-appointed government representatives who had exercised power at the local level

The number of electoral constituencies (42) for the 1992 elections reflected an electoral delimitation of one new district since 1990. In 1992, the agricultural sector surrounding Bucharest (ILFOV) was made a separate constituency from that of the Bucharest municipality. In 1990, ILFOV and Bucharest had been a single constituency.

The Romanian Constitution does not differentiate the jurisdictional authorities or provide for other distinctive characteristics between the two parliamentary chambers. Thus, the changes in the composition of the Senate and the Chamber correlate parliamentary representation more closely to population distribution. The 1990 electoral law established a broader formula for allocating the number of seats for each chamber to each constituency. The formula adopted for 1992 established so-called representational norms as the basis for the number of senators and deputies to be elected from each constituency. The norm for Chamber representation was 160,000 residents per representative; the standard for the Senate was 70,000 per representative.

during the previous six months could not stand for election.

The election law also provided for more stringent requirements on independent candidacies. During the local elections, the proliferation of independent candidacies contributed to the need for a number of second round elections that proved both costly and time-consuming. For the national elections, independents were barred from running for parliament on party or coalition lists. Candidates on party lists were required to be members of political parties and declare themselves as such upon filing their nomination. In addition, independent candidates for parliament were required to submit a petition of supporting signatures totalling .5 percent of the *judet* population with their nomination, a substantial increase over the 251 signatures needed in May 1990. This provision reduced the number of independent candidacies significantly when combined with the absence of public financing and more limited media access. With one exception (see page 42), the restrictions on independent candidates generated little controversy during the electoral campaign.

Owing to the multiplicity of candidacies in the 1990 elections, there had also been an effort during the spring to introduce more stringent legal requirements for establishing a political party. However, the draft law on political parties was not passed by both houses of parliament and received little support from the Prime Minister, who stated that the matter of reforming political party legislation should be taken up by a new parliament not pressed with impending elections.

As in February 1992, the electoral law provided for the establishment of election bureaus at the national, constituency and polling site levels to administer the electoral process. The Central Electoral Bureau (BEC) initially comprised seven judges who were designated by lottery among the 38 members of the High Court of Justice. Constituted five days after the campaign began, the BEC was completed 30 days later with the addition of 16 party representatives who were nominated by the parties that had filed the greatest number of lists throughout the country. Each party or coalition was permitted only one representative on the BEC.

As noted previously, the absence of a permanent and professionally-staffed election bureau was persistently cited as a major weakness in the Romanian electoral system. Although this weakness was not completely remedied by the new election law, there was an effort to ameliorate its effect by providing that the BEC "ensure [the] uniform interpretation" of the law.

Similarly, constituency bureaus established at the *judet* level included both jurists and party representatives. The constituency BECs were composed of three judges selected through a lottery administered by officials at the *judet* courts and, upon the completion of candidacy filings, an additional eight members representing political parties. The constituency electoral bureaus were also

The 1990 law had stipulated that parties needed to submit the signatures of only 251 supporters and an electoral symbol to register legally with the court.

The 1990 law provided for only 10 party representatives.

charged with constituting the election-day bureaus for the 14,615 polling sites around the country, which were composed of two magistrates and up to seven party representatives or independent members.

Once again, the electoral law provided for the use of permanent and special voter lists on election day. Implicitly acknowledging the inadequacy of Romania's permanent voter lists, the electoral law included a new requirement that permanent lists be updated by the mayors annually as well as within 15 days of the establishment of the election date. While the law allowed for corrections to the lists based on information provided by the citizenry, it dropped previous requirements that the lists be publicly posted so that voters could check whether their names and addresses were recorded accurately.

Although the presence of international observers during the elections was widely accepted by most political leaders, the issue of domestic observers was one of the most contentious aspects of parliamentary debate on the draft electoral law. Unfounded complaints about their role in the process led to parliamentary measures to bar domestic observers entirely. However, the final law incorporated compromise provisions that restricted the number of domestic observers to one per polling station and required accreditation to a single specific polling site. Additional provisions produced a "chilling effect" on the recruitment of domestic observers, namely the effective ban on foreign funding to support election day observation activities and the imposition of penalties that were more harsh on domestic observers who violated the law than on other categories of persons involved in the electoral process.

After the law was passed, the Stolojan government acknowledged that the restrictions on domestic observers created the perception of resistance to maximum transparency in the electoral process. At the same time, BEC officials found the accreditation requirements beyond their capacity to implement. Consequently, the government encouraged the BEC to accredit two persons per polling station who could work on a rotational basis, and Romanian NGOs worked with the BEC to accredit the observers.

These measures enabled organizations that fielded domestic observers to have their pollwatchers in individual polling stations relieved periodically. However, they did not address the limitations on mobility for domestic observers that resulted from the accreditation to only a single polling station. Moreover, as was noted throughout the parliamentary debate, the provisions regarding access by Romanian citizens to the electoral process were far more restrictive than that given to international observers.

B. The Campaign

The beginning of the 60-day campaign period for the national elections coincided with the August vacation season. Consequently, campaign appearances during the first 30 days were largely limited to the presidential nominees of the major parties and coalitions. In accordance with the

electoral laws, parliamentary parties began to receive and use broadcast time on television and radio within five days after the campaign began. With many voters, however, more concerned with their August vacations than the electoral campaign, much of the election-related activity during the first half of the campaign focused on organizational tasks such as the identification, recruitment and certification of candidates and election officials rather than electioneering.

The introduction of a national threshold requirement for parliamentary representation increased the likelihood that fewer parties would be elected, but this did not significantly reduce the number of contesting parties or candidates. By the end of the 30-day registration period, 81 parties and coalitions had presented 7,253 candidates for the 328 seats in the Chamber of Deputies, and 66 parties had nominated 3,267 candidates for the 143 Senate seats. In the presidential race, six candidates ultimately emerged to contest the first round of elections.

Despite this proliferation of candidacies, both the parliamentary and presidential contests were viewed as head-to-head races between the CDR and the FDSN. At least 10 parties had submitted lists in all 42 constituencies, but the CDR, FDSN, and FSN were the only parties to field complete lists for each *judet*.

Democratic Convention of Romania (CDR)

After the departure of the PNL, the CDR parliamentary campaign remained heavily influenced by the National Peasants Party - Christian and Democratic wing (PNT-CD) and, to a lesser extent, the Civic Alliance Party (PAC). The PNT-CD took approximately 45% of the slots on every *judet* list, followed by the PAC at 18 percent, the liberal parties (PNL-CD and PNL-AT) at 14 percent, and the social democrats (PDSR) at nine percent. As in the local elections, the UDMR remained part of the Convention's political alliance even though it ran its own lists for the parliamentary elections while supporting the CDR presidential candidate. It was felt the UDMR could win more seats for the Convention if it ran its own party list because of the strong identification ethnic Hungarians felt with the UDMR.

In June 1992, the CDR selected a virtual unknown, University of Bucharest Rector Emil Constantinescu, as its presidential candidate. A lawyer and geologist by training and a former member of the Romanian Communist Party, Constantinescu emerged as a compromise candidate after the failure of the two leading contenders, PAC Chairman Nicolae Manolescu and the PNT-CD's 1990 candidate, Ion Ratiu, to achieve a consensus within the alliance. Constantinescu's candidacy was strongly promoted by the Civic Alliance Movement faction within the CDR in part to project a new image that would personify the themes of change and national reconciliation in a post-communist Romania.

The CDR campaign message was simple and consistent: "*Votati Schimbarea*" or "Vote [for] the Change." Embodied in the younger visage of Constantinescu, the exhortations to change were broad in scope and sought to harness the dissatisfaction of an electorate who saw their standard of

living had declined along with Romania's status in the international community. The coalition symbol of the key, featured along with likenesses of the American Statue of Liberty on the CDR posters, was thought to have even greater resonance in a national campaign than it had during the local elections. These images called attention to the opposition's close ties with the West and symbolized the CDR's ability to unlock the country from its international isolation.

Given his lack of national prominence at the time of his nomination, Constantinescu gained ground rapidly and was considered a certainty to contest a second round of presidential elections as soon as the campaign opened officially. His growing popularity, particularly in urban areas, was considered an asset for the CDR's parliamentary prospects, which seemed promising enough for the CDR to gain the plurality necessary to form the next government.

Democratic Front for National Salvation (FDSN)

Despite the acrimonious and highly personal nature of the Roman-Iliescu struggle that ultimately split the Front, virtually all accounts attribute the rupture to fundamental policy differences that could no longer be resolved within the existing framework. Iliescu supporters characterized the struggle as one between the guarantors of social protection and national dignity against ambitious and greedy political amateurs. Roman supporters called it the last battle between a new generation of democratic reformers and old guard communists. Observers from the opposition combined the worst of both interpretations, describing it as a fight between opportunists who wanted to divide up the country's riches quickly and take the largest pieces for themselves (FSN), and communist authoritarians wedded to sustaining centralized structures and with a vested interest in business as usual (FDSN).

However one characterizes the breakup, the result was an FDSN composed of former communists who controlled important governmental institutions, including the presidency, the senate and, most believed, the Romanian Information Service (SRI). Although it claimed to advocate a gradual and measured reform program, FDSN parliamentarians had hardly been on record as initiators of reform (except land reform) and were more consistently identified as obstructionists to free market measures. Frequently espousing commitment to law and order, FDSN members often resorted to highly nationalist appeals in the face of pressures from the West and, indeed, from their detractors within Romania.

The FDSN supported Ion Iliescu for the presidency and also nominated him as a candidate for the senate. The notion that Iliescu would stand for the Senate was viewed by many as the FDSN's admission that it might actually lose the presidency and was indicative of a more politically competitive Romania. Moreover, the fact that the national leadership of the CDR did not aggressively challenge his senate candidacy reflected a mature willingness to allow Iliescu a political twilight in the Senate. As one member of the opposition said, if Iliescu loses the presidency, "We want him where we can see him." President Iliescu's bid for re-election was also supported by the reconstituted communist party, the Socialist Party of Labor (PSM), and the extremist Party of Greater

Romania (PRM).

The FDSN campaign also relied heavily on Iliescu's presidential candidacy, with the slogans "We Began Together, Let's Continue Together" and "The Right Man for the Country" accompanying high-quality photos of the incumbent Iliescu. Posters in rural and working-class urban areas invariably featured Iliescu in casual attire, while posters in the upscale urban areas conveyed a dignified, almost regal, presidential persona. The FDSN symbol of three roses (as opposed to the single rose of the FSN) symbolized the national unity of Romania's three historical regions and hinted at a greater prosperity than the single rose might deliver.

National Salvation Front (FSN)

If it was clear in the aftermath of the local elections that the FSN was no longer the dominant force it once had been, it became even more clear during the national campaign that the FSN had become like most any other Romanian party. When the FDSN broke away, it took with it not only members of parliament and important officials in the countryside, but also some physical assets such as local headquarters. Throughout the campaign, however, it was evident that neither the FSN nor the FDSN could be completely certain about its real strength until after the results were in.

In some ways, however, Petre Roman's leaner FSN became stronger. The FSN was now a fairly homogenous group of young, ambitious politicians who considered it in their and the country's enlightened self-interest to continue the program of free market economic reforms and were publicly more sensitive to Western concerns. At the same time, the FSN was aware of the great uneasiness about radical reform throughout the countryside and the perception that its leadership pursued individual ambition at the expense of social protection. The new FSN thus found itself in the unenviable position of simultaneously trying to credibly convey the antithetical appeals that were the strengths of its two main political opponents -- the change personified by the CDR and the reassuring stability promised by the FDSN.

After early speculation that Roman would run for the presidency himself, the FSN nominated Roman's close ally, Caius Dragomir, as its presidential candidate. Dragomir, a relatively unknown and rather pedantic politician who had been Roman's information minister, was given little chance to last beyond the first round of elections. In an effort to position itself as a future government partner early in the campaign, the FSN stated publicly that it would encourage its supporters to back the Convention candidate, acknowledging Dragomir's slim chances in a run-off election against Iliescu. Although the FSN heavily promoted its presidential candidate, the more recognized Roman was also featured prominently in the campaign literature and public appearances. FSN slogans such as "Change without Revenge" and "A Job for Each, a Country for All" reflected the FSN's attempts to position itself as the modern social democratic alternative for Romania.

Romanian National Unity Party (PUNR)

Although the PUNR was generally perceived by the West as an extreme nationalist party, its position within Romanian politics seemed at times less easy to pinpoint. The election of Gheorghe Funar as the mayor of Cluj exacerbated some divisions in the PUNR that were manifest at the local level both before and during the campaign. For example, in some areas of the country, disaffected PUNR members opened the district branches of the FDSN to pursue a more nationalist alternative. In others, PUNR supporters contrasted their advocacy of national unity to the extremism of the Party of Greater Romania (PRM) and denied that personalities constituted the main division between these two nationalist parties.

With the selection of Funar as its presidential candidate, however, the PUNR staked its electoral prospects on one of most controversial figures in the country. After issuing several provocative mayoral decrees that increased inter-ethnic tensions and drew international attention, Funar assumed the national stage to promote "Work, Legality, Dignity, National Unity, and Belief in God." Funar's campaign, and indeed that of the PUNR's, consisted almost exclusively of vitriolic appeals to national identity and cultural integrity with occasional references to the looming dangers of outside influences and domestic extremists (a codeword for Hungarians). The party's symbol included the "VR" logo of the organization *Vatra Romaneasca* within an outline of the Romanian territory, which the PUNR also tied to appeals to vote "*Pentru Viitorul Romaniei*" or "For the Future of Romania."

Other Parties and Candidates

Two other presidential candidates were able to garner the necessary 100,000 signatures to get on the ballot: Ioan Minzatu and Mircea Druc. Minzatu, head of the Republican Party, was a former communist who had been an executive member of the interim Provisional Council for National Unity (CPUN) formed in early in 1990. Mircea Druc, previously a prime minister of the former Soviet republic of Moldavia, had initially been associated with the Ecological Movement of Romania (MER) but ultimately ran as an independent.

The National Liberal Party (PNL) caused a considerable stir in July when it announced its intention to field the deposed monarch King Mihai as its presidential candidate. Their announcement, however, was made before consultations with the exiled King, who stated firmly that he had no intention of seeking elected office in Romania. Nonetheless, the PNL fielded at least partial parliamentary lists throughout the country, as did the Socialist Party of Labor (PSM), the Party of Greater Romania (PRM), the Democratic Agrarian Party (PDAR), the Republican Party (PR), and the Ecological Movement of Romania (MER).

Campaign Environment

The atmosphere throughout the campaign was generally peaceful and orderly. Unlike the

1990 campaign, complaints of politically-motivated violence or intimidation against candidates and campaign workers were few and scattered. There were two highly-publicized incidents involving presidential candidates during the campaign. In August, Ion Iliescu appeared at a rally in Constanta at which a journalist who reportedly shouted defamatory remarks was allegedly physically mistreated by the president's bodyguards (and according to some accounts, by the president himself.) In September, a campaign appearance in the city of Timisoara by PUNR candidate Gheorghe Funar was marred by demonstrators who reportedly threw rocks at the candidate while he attempted to address the crowd. Given Funar's nationalist and implicitly anti-Hungarian rhetoric, his appearance in Timisoara was viewed by many as an attempt to foment ethnic tensions for political advantage.

The Timisoara incident drew a strong condemnation of campaign-related violence from the government, which urged investigation and prosecution of the culprits. The Prime Minister also requested additional security for all the presidential candidates. However, charges were not filed in either case, and the incidents were perceived as exceptions to an otherwise peaceful campaign environment.

Somewhat more common, but less measurable, were reports of more insidious manipulation and intimidation during the campaign. There were, for example, some political rumors that played on ethnic tensions. These were often attributed to extremists amongst several competing parties, particularly those parties whose membership and message were heavily ethnically-based. The virility of rumors moving within Romanian society, however, should not be underestimated. People traditionally were more inclined to rely upon news delivered by word of mouth since official sources of news and information traditionally lacked credibility.

Nevertheless, those parties that might have conveyed themes of intolerance were not hindered from doing so, and others that objected to that intolerance were likewise free to object. In general, parties and candidates of all persuasions expressed confidence that the political climate was conducive to free expression and assembly and that the greatest barrier to a more extensive campaign was the lack of resources.

Media Access

The electoral law provided for some government funding of television and radio broadcast time for political advertising. Parties, coalitions and independents elected to parliament in 1990 were eligible for a 100 percent subsidy of their broadcast time, while non-parliamentary parties and independents were required to purchase their time for a nominal fee. Although the provisions for broadcasting were clear, the law was vague in providing for access to the state-owned media production facilities.

In addition to mandating subsidized time on the state-owned media facilities, the law again placed responsibility for allocating that time with a committee of parliamentarians from the different political parties. The state-owned media's role was thus limited (with regard to political advertising)

to implementing the decisions of the parliamentary committee. The government financed political broadcasting for up to 90 minutes every day except Sunday. The large number of parties which were allocated broadcast time made it more difficult for voters to absorb and digest diverse messages emanating from these advertising blocs.

During the first 30 days of the campaign, broadcast time was allocated to the parties in accordance with their current parliamentary strength. In addition, parliamentary parties as a whole received twice as much of the total broadcast time available during this first phase of the campaign as non-parliamentary parties. During the second half of the campaign, parties were allocated time based on the number of candidate lists they had fielded throughout the country. In this way, organizationally strong parties which could compete throughout the country were allocated the bulk of time available toward the close of the campaign. The election law also showed a preference for party-supported candidacies by allowing independent candidates to appear on television only once.

After the 30-day filing deadline for candidates had passed, the presidential candidates were each accorded equal time during a special period reserved for their advertisements. There was no impediment to the parties' promotion of their presidential candidates during the time allocated for parliamentary advertising. This in fact occurred with some frequency in the early part of the campaign and drew criticism from parliamentary candidates of all parties.

The existence of the newly-created Audio-Visual Council was a source of some confusion early in the campaign. The Council's role largely confined to reviewing applications for licensing of independent media outlets and monitoring their adherence to the licensing requirements. The Council had no role in the allocation of time to the parties. Its mandate during the election campaign was limited to ensuring that state television and radio was in fact broadcasting the legally mandated time for political advertising. While the Council could encourage unbiased reporting of the campaign and candidates during the regular news broadcasts, it had no authority to impose or enforce sanctions.

Although parties expressed general satisfaction with the arrangements for providing advertising time, there remained lingering suspicion about the fairness of news coverage, particularly on the state-owned Romanian Television (RTV). In the summer of 1992, prior to the onset of the official campaign period, opposition leaders charged that RTV provided extensive and favorable coverage of activities of the incumbent president and virtually ignored the opposition. This pattern of news bias continued into the election campaign period. The most frequently cited and egregious example of bias occurred on September 23, when the Democratic Convention organized a huge end-of-campaign rally in Bucharest to show-case its presidential and leading parliamentary candidates. Despite the fact that an estimated 150,000 Romanians turned out, the rally was never covered on the television news broadcast. Based on this and other reports, the NDI/IRI international delegation concluded that while access to the media had improved significantly, there remained instances of both subtle and overt bias in the news coverage on the state-owned television.

Although radio was generally considered a more credible source of news than television (the

CDR's rally, for example, was reported on Radio Bucharest), television was the most influential source of information about the campaigns and elections. Information gained from print media was usually held in very low regard, as many publications were perceived to be scandal sheets and otherwise lacking in factual veracity. The absence of newspapers of any kind in predominantly rural areas remained disturbingly prevalent, but print circulation in urban and suburban areas also declined considerably since 1990. The lack of print media in many areas had previously been attributed to state-sanctioned interference. More recent barriers to wider dissemination of newspapers seem to be consistent with Romania's overall economic problems, which have increased the costs of supplies, production and distribution in an increasingly more competitive (and less subsidized) market.

Campaign Resources

The 1992 national election campaign seemed markedly more competitive than in 1990 insofar as no political party complained that access to campaign resources was dominated by a single political force. To be sure, there were regional disparities, and in some areas of the country the distinction between party and state had hardly diminished. Although the electoral law expressly forbid use of state resources for political purposes, the mechanisms to monitor such practices were undeveloped and the resources to undertake such monitoring were limited. The same was true of provisions regarding public disclosure of party finances, which the law mandated but did not effectively provide for its implementation. The electoral law provision for state support of campaign financing was never supported by enabling legislation, but insofar as no parties received government funds, the impact of this deficiency was felt across the board.

Pre-Election Challenges and Complaints

Perhaps the most publicized challenge to a candidacy during the electoral campaign was the attempt to bar Ion Iliescu from running simultaneously for the presidency and the Senate. Two complaints were filed, one in Bucharest by the president of the League for the Defense for Human Rights (LADO), and one by the CDR representatives in Iasi, where Iliescu had been nominated by the FDSN for the Senate. The issue was the apparent discrepancy between the constitution, which barred the president of Romania from being a member of any political party, and the electoral law, which prohibited independents from running as candidates on party lists. As the incumbent president, Iliescu would have been barred from membership in the FDSN and therefore ineligible as a senate nominee. (The presidential ballot only listed the names of the nominees, not their party affiliations or symbols.)

LADO's complaint against Iliescu was upheld by the Bucharest Municipal Court and but later

A survey sponsored by the U.S. Information Agency on the eve of the election concluded that television was the primary source of information for a majority of Romanian (61%), while a substantially smaller number got their information from newspapers (13%) and radio (12%).

overturned by the Constitutional Court, which apparently was able to affirm the lower court's ruling without providing a written opinion. The CDR complaint received a favorable ruling in the Iasi *judet* court but was overruled, again without a written decision, by the Constitutional Court.

Most of the complaints received by the constituency electoral bureaus during the campaign focused on the illegal posting of campaign materials or the use of materials that were too large or included symbols or coloring technically prohibited by the electoral law. In general, constituency electoral bureaus took a relaxed attitude toward complaints that would effectively diminish the flow of information about parties and candidates. Ironically, the FDSN, which had argued for the requirement of a particular poster size, routinely distributed posters that exceeded the size permitted in the electoral law. However, virtually all parties benefitted by the laxity in enforcing the provisions that limited where campaign literature could be posted.

Overall, most parties expressed satisfaction that the constituency electoral bureaus were responsive to their complaints in a manner conducive to the overall fairness of the campaign. This could be attributed in no small measure to the parties' preparations of their own representatives on the constituency bureaus as well as the Stolojan government's persistent efforts to convey its expectation that the election be as open as possible.

C. Election Day

Approximately 12.5 million Romanians, or 76% of the 16.4 million eligible voters, went to the polls on September 27, 1992 to cast their ballots in the presidential and parliamentary elections. In all, more than 10,880,252 votes were cast at the country's 14,615 polling stations throughout 42 constituencies. The 76% turnout was halfway between the 86% turnout in May 1990 and the 65% turnout in February 1992.

On September 27th, a Sunday morning, polling stations opened at 6:00 a.m. and closed at 9:00 p.m., but were allowed to stay open until midnight if voters were still waiting to cast their ballots. The electoral law enumerated guidelines for the administration of the polling station including provisions regarding proper sealing of ballot boxes, control of ballots and ballot stamps, posting of voter lists and sample ballots, and the format of ballots. However, the documentation format of the special lists varied according to *judet* and, in some places, among polling stations within the same *judets*.

Voters were required to show their identification card upon admission to the polling station to check their name against the permanent list. The electoral law stipulated that the right to vote could only be exercised upon presenting the national identification card or the legally recognized temporary

The Constitutional Court was created earlier in the year after the ratification of the constitution. Its nine members comprised three appointees by the President, three by the Senate, and three by the Chamber of Deputies.

ID. No other forms of identification were acceptable. If a voter's name was not on the list, she would be required to sign the special list that would accommodate voters in transit, residents of other constituencies, or persons whose residences had simply not been documented on the permanent list.

Voters were given three separate paper ballot booklets, one each for the presidential, Senate, and Chamber of Deputies races. In some cases, multiple-page ballots were stapled together; in other instances, the pages were merely placed inside one another. Some polling stations provided envelopes for marked ballots, while at other sites, the ballots were folded before being placed in the ballot box. After a voter had cast his ballot, a member of the polling station commission was required to mark the identity document with the voting section stamp and the date of the election in order to prevent multiple voting.

Upon closing, the polling station commission was first required to count and destroy all unused ballots. The BEC issued instructions that unused ballots could be annulled by cutting off one corner of the booklet (polling stations were required previously to use the time-consuming method of writing annulled on each ballot page). The ballot box would then be opened and the ballots counted, with invalid ballots being put aside for a separate count. The law did not proscribe any particular tabulation method, leaving the procedure instead to the discretion of the commission chairman. The counting was usually completed in a few hours by smaller precincts which had only a few hundred voters, while in the larger precincts the counting process frequently lasted until the following morning.

The electoral law required immediate posting of the *proces verbal*, or tally sheet, at the polling station. The chairman then transported all used, unused, and invalid ballots to the constituency electoral bureaus along with tally sheets. The constituency bureaus tabulated the results recorded on each tally sheet and eventually forwarded the compiled results of the entire *judet* to the BEC in Bucharest. The polling station chairmen had the authority to change the results of the *proces verbal* at the constituency bureau level if mistakes were identified but were required to notify the other members of the polling station commission of any such changes.

Exit poll results were first reported on Romanian Television (RTV) beginning at 9:02 p.m., two minutes after the official closing of the polls. Final results were not released by the Central Election Bureau for certification by the Constitutional Court, as required by law, until October 4 for the presidential election. The results for parliamentary races were sent to Parliament on October 9.

Delegation Observations

In meetings with the political parties prior to election day, the international delegation observed a marked improvement in the preparedness and participation of political parties during the electoral campaign. Particularly in urban and suburban areas, the delegation observed increased awareness of and tolerance for diverse political viewpoints among the citizenry, and even in rural areas, competing parties were able to convey their message to the electorate more effectively than

had been the case in previous Romanian elections.

Members of the observer delegation were also impressed by the orderly voting observed on election day. Several delegates commented on the professionalism and collegiality they observed among the members of the polling site commission, noting that despite their opposing political views, the party representatives on the election bureaus were willing to work together to ensure a smooth balloting and counting process. The role of the police in ensuring the security of the campaign environment and the polling stations was also cited as a positive development, particularly in contrast to 1990.

At the same time, delegates drew attention to the administrative shortcomings, procedural inconsistencies and irregularities they observed during the balloting and counting processes. Major structural problems highlighted by the delegation included the long balloting and counting process, which contributed greatly to the fatigue of election officials, and the restrictions on the presence of domestic observers.

Of particular concern was the quality of the permanent voter lists, which clearly in many areas (based on the heavy reliance on the special lists) had not been updated in accordance with the law. Delegates also reported scattered instances of tally sheets not being posted in accordance with the law, attempts by some voters to cast ballots on behalf of family members not present at the polling site, less than impartial behavior by polling station chairpersons, and the presence of party symbols or insignia inside the polling station. As in the previous elections, some delegates also expressed concern about the presence of local officials such as mayors and prefects in the polling stations for long periods of time, particularly in rural areas. They believed that this presence could go beyond the routine exercise of overseeing the process and might be attempts to influence voters.

Moreover, certain aspects of the voting process (cumbersome ballots and misunderstanding of the voting procedures) continued to pose problems for voters who sought assistance from polling station officials. Delegates reported numerous instances of family members voting together, indicative of both cultural factors and a more general lack of appreciation for the secrecy of the ballot. And finally, although delegation members could not definitively determine its impact, they expressed concern that the release of exit poll results before all the polls had closed was an attempt to manipulate public opinion and discourage further voting.

Invalid Ballots and Special Lists

Two issues emerged as the focus of major concern as the election results were being calculated. The first was the large percentage of invalid ballots being reported across the country. The second was the large number of voters that had been accommodated on the special lists on election day. The following table shows a comparison of national percentages of invalid ballots in 1990 and 1992.

	<u>1990 Invalid Ballots</u>	<u>1992 Invalid Ballots</u>
Presidential	1.65%	3.12%
Senate	5.87%	12.7%
Chamber	8.16%	13.4%

As reports from the constituency bureaus arrived in Bucharest, there was growing concern about the number of invalid ballots and the realization that at least some valid ballots were not counted properly. On September 30, the BEC issued a request to all the constituency bureaus to recount and report the number of invalid ballots within 48 hours. The BEC also recommended that domestic observers be permitted to observe the recount. Some constituency bureaus complied completely, while others conducted partial counts. Others merely sent certifications asserting the veracity of their first reports and refused to conduct a recount, stating that they were tired and had to prepare for the run-off elections. The BEC extended the 48-hour deadline to obtain more information on the recounts and finally called a halt by October 3 to tabulate the results. When many of the constituency electoral bureaus failed to fulfill the BEC Chairman's request for a recount to check for ballots which were mistakenly invalidated, the Chairman's only recourse would have been to declare the entire election null and void and order new elections.

The BEC provided three possible explanations for the high number of invalid ballots: 1) double-stamping of the CDR and UDMR lists on the parliamentary ballots, 2) double-stamping of the FSN and FDSN lists on the parliamentary ballots, and 3) blank ballots cast with correctly stamped ballots. The BEC claimed the first category of invalid ballots was particularly pervasive in Transylvanian constituencies, where the majority of ethnic Hungarians reside, while the other types of invalid ballots were prevalent throughout the country. The BEC, however, failed to provide any documentation to support its hypotheses.

In a few cases, there were verified instances of double-stamped ballots in two shades of ink that would serve as evidence of fraud; however, identifying the culprit proved more difficult. In other cases, it became clear that valid ballots were incorrectly labelled invalid because of the pollworkers' fatigue and poor lighting in the polling site. Invalid ballots were in some instances (either purposely or accidentally) included with unused ballots and destroyed, making it more difficult to verify the possibility of fraud and constituting in any event a violation of the requirements regarding the handling of invalid and unused ballots.

The argument for voter confusion is less persuasive in light of the fact that Romania had

The results of this partial recount effort yielded 9,163 additional valid ballots for the presidential race, 54,749 additional valid ballots for the Senate and 47,102 additional valid ballots for the Chamber of Deputies. The newly-validated ballots roughly corresponded to the overall results that were being reported.

undergone three rounds of post-communist elections. It would follow that the Romanian voter's level of understanding would have increased during this period rather than decreased. On the other hand, there was no evidence of a systematic pattern by polling station commissions to orchestrate double-stamping and thereby fraudulently invalidate ballots.

Regardless of whether this situation resulted from a well-concealed conspiracy, technical errors by fatigued polling station workers, or voter confusion about the political parties listed on the ballots and ballot procedures, the government recognized that the huge number of invalid ballots cast a shadow on the electoral process. In his final press conference on the elections, Prime Minister Stolojan ordered the safe storage and preservation of all the ballots and encouraged parties to review the invalid ballots to assuage outstanding concerns and, if fraud was detected, file a criminal action. Stolojan's request, however, occurred too late in the process to be effective because election officials were not certain of the location of all invalid ballots by mid-October.

The existence of valid ballots incorrectly labelled as invalid conceivably had an impact on the outcome of the parliamentary elections because the allocation of parliamentary seats was affected by the number of parties able to meet the required national threshold. For example, the PDAR was 1,775 votes short of meeting the threshold, while the PSM was 3,518 seats above the threshold. Had either party's totals been changed by the existence of incorrectly invalidated ballots, it would have affected the awarding of parliamentary mandates at both the first phase and second phase of the allocation process. In a situation where no party wins an outright majority and coalition-building is essential to forming a government, the need to make every vote count at the outset is particularly imperative.

The integrity of the balloting process is again questioned when the issue of special registry lists is considered. Approximately 12.5% of the voters in the September 1992 elections were added on special lists on election day, with the proportion varying greatly, and somewhat inexplicably, in different regions. Over 2,000 of the 14,651 polling stations had 20% or more of the voters cast their ballots on the special list. These special voter lists were intended to supplement the normal use of voter registries and permit citizens mistakenly left off the permanent list or legitimately away from their home on election day to cast votes.

During the first round of the national elections, approximately 16%, or two million, of the votes cast, recorded on the special voter registry lists. This accommodation was made in the 1990 elections partly because communist-era voter registries were in such poor condition. As noted above, the special lists were designed to facilitate maximum participation on election day and to provide a basis for updating the permanent lists before the next elections. The fact that 12% of voters utilized the special lists in September 1992 perhaps is an indication that the permanent lists have improved little in three rounds of voting.

One problems with the implementation of this approach was that the required information for voting on special lists was often incomplete, preventing any verification by election authorities. Specifically, the absence of the bulletin identification number, the Romanian equivalent of a social

security number, made verification of double-voting impossible. It should be pointed out, however, that the voter's identification papers are stamped to provide a second safeguard against multiple voting. Another fact which also deserves repeating is that many voters were using the special list not because they were wrongly omitted from the permanent list but because they were voting in a jurisdiction outside their normal place of residence.

Parallel Vote Tabulations

As part of the ongoing consultations between the BEC and Romanian NGOs that sought to monitor the elections, a verbal agreement had been reached prior to the elections between the BEC Chairman and the League for the Defense of Human Rights (LADO) enabling LADO to bring computers into the constituency bureaus to allow a parallel and simultaneous tabulation of the tally sheets arriving from the polling stations. However, the BEC Chairman reneged on this agreement late on election day, stating that LADO volunteers would not be permitted access to the constituency bureaus until 48 hours after the polls closed because of logistical and administrative problems posed by the parallel count. LADO representatives suspended plans to proceed with the count on these terms, stating that they would not have access to the equipment loaned to them for this purpose after the 48 hours and expressing suspicion that the tally sheets they would be provided could already be manipulated.

The incident proved particularly embarrassing for the BEC, which sought to promote a more efficient counting process at the apparent expense of providing maximum transparency. At the same time, LADO's frustration over the BEC's decision foreclosed any proposals for a compromise over an agreement it had never received in writing. The absence of provisions in the electoral law for the presence of domestic observers during the counting process fueled the position of both sides.

The Pro Democracy organization conducted a "quick count" that projected results for the parliamentary and presidential races based on a sample of the results its volunteers reported from individual polling stations. While the presidential count proved fairly accurate, even with a relatively small sample, the parliamentary count could not be completed. Finally, virtually all the major parties were equipped with their own tally sheets to record the results at the polling station level.

Complaint Procedures

The new election law had numerous provisions for registering complaints and grievances such as: contesting voter registries; challenging the composition of the Central Election Bureau, constituent bureaus, and polling place commissions; challenging candidacies; demanding elections be overturned because of fraud; and filing complaints about campaign incidents. Each type of complaint has its own deadline. The deadline for complaints about the voter registry, for example, passed more than a month before the election results were announced.

The election law, however, allowed only a 48 hour period after the polls have closed to file complaints regarding any activities on election day with the Central Election Bureau in Bucharest, when in reality it can often take days or weeks to analyze election data and identify problems. The same law provides that the polling station must report their results within 24 hours after polls closed, when half the complaint period has already expired. The final election results for the presidential race were not certified until October 4th for the presidential race and October 9th for the parliamentary race.

The CDR did submit a comprehensive complaint which documented nationwide inconsistencies with localized examples. However, the CDR was not able to submit this report until September 30 because of delays in the tabulation process. The BEC rejected the CDR complaint in its entirety, based upon the CDR's failure to meet the 48 hour deadline rather than the merits of the complaint itself.

Run-Off Election

The electoral law established that presidential candidates would be elected by winning a simple majority, an unlikely outcome in September 1992 with six presidential candidates on the ballot. As a result, the top two finishers on September 27, Ion Iliescu and Emil Constantinescu, faced each other in the run-off election scheduled, as the law required, two weeks after the first round. The BEC Chairman stated that according to his interpretation of the law, the run-off campaign period began at midnight on September 27th. However, as required by law, the Constitutional Court could not certify the election results until October 5th, or after the BEC had completed the count on October 4.

While other campaign activities were permissible, the allocation of television time for the run-off campaign was delayed by the counting process, and in particular the recount of invalid ballots. Consequently, the Audio-Visual Council did not allocate any television time for run-off campaigns until the certification, and the Parliamentary Commission on the Media could not allocate broadcast time among the candidates until after the first week of the fourteen day campaign period had elapsed.

The media campaign consisted primarily of nightly appearances by the two candidates with varying formats. The candidates received approximately two hours per night from October 5-8, which required them to spend every evening that week in Bucharest for the live broadcasts. Both candidates encouraged active campaigning on their behalf by surrogates and supporters throughout the country.

On October 11, Ion Iliescu was re-elected as president of Romania with 61.4 percent of the vote, while his opponent Emil Constantinescu received 38.6 percent. Voter turnout was approximately 73% of eligible voters, a decrease of only 2 percent from the elections held two weeks

earlier. Less than 1% of the total ballots cast were declared invalid in the run-off election compared to the 4.72% in the presidential ballots of September 27. The percentage of votes cast on special lists, however, remained relatively constant with 12.58% using the lists in September compared with 12.29% in the October run-off.

D. IRI/NDI Program Activities in Romania

Program Activities

After Romania's first post-communist round of elections in May 1990, the IRI came to the conclusion that vestiges of the totalitarian state established under Ceausescu threatened the emergence of a viable multi-party system in Romania. The IRI designed its Romanian Program guided by the principle that elections are not meaningful unless voters are provided with a clear choice between different parties and candidates. The IRI, therefore, sought to foster the development of an opposition coalition in Romania's hostile political environment through a program of party training and material assistance. This coalition, the Democratic Convention of Romania (CDR), eventually included 18 political parties and civic organizations. The IRI also established an in-country office, provided guidance on electoral law reform, and established eleven "communications centers" supplied with computers and copiers at local CDR headquarters throughout the country.

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Election Observation Missions

The IRI and NDI co-sponsored an international observation mission to monitor Romania's first local elections. The observer delegation was comprised of 30 delegates from 10 countries representing a diversity of political and professional backgrounds. The delegates were deployed to 16 regions throughout Romania to monitor the voting process on election day, February 9, 1992. In addition, the IRI and NDI conducted three separate assessment missions to Romania in the month before the election to observe and document the campaign environment. The IRI sponsored two Assessment Missions to Romania. The first mission was from January 13-17th to the cities of Bucharest, Brasov, Cluj, Constanta, and Iasi, and the second mission lasted from January 31 to February 4th and traveled to the cities of Baia Mare, Braila, Craiova, Galati, and Tirgu Mures. NDI sponsored a Pre-Election Delegation to Romania which traveled to Bucharest and two other cities during January 13-18th.

IRI and NDI also sponsored a forty-member election observation mission to the parliamentary and presidential elections in September 1992. The Delegation deployed to 22 regions around Romania. The observers visited an estimated 500 of the nation's 14,615 total polling sites.

In selecting which polling places to visit, the election observers made a conscious effort to cover a representative geographic and demographic cross-section within their assigned region, often bypassing the more accessible polling sites to travel to remote locations.

On election day, the observers witnessed the opening of polling sites, the balloting process throughout the day, and the closing and tabulation processes. Observers frequently returned unannounced to polling sites they had visited earlier in the day to observe the same site at different stages of the process. Observers also went to the constituency electoral bureaus to observe the receipt of proces verbals or tally sheets as they were delivered in the early morning and afternoon on the day after the election from polling stations throughout the judets.

An additional eleven IRI/NDI election observers went to Romania to monitor the election day process for the October 11th presidential run-off. These observers coordinated their efforts with representatives of other non-government organizations monitoring the election in order to cover the maximum amount territory.

To assist them in making qualitative judgments, the IRI and NDI delegates to both of the election observation missions to Romania met with political party representatives, candidates, and government and electoral officials at the national and local levels prior to election day to help them evaluate the larger political environment in which the election occurred. Furthermore, the delegates themselves were selected based on their extensive experience with political campaigns, election administration, regional issues, and other elements of a democratic civil society such as the media or legal/judicial institutions.

Appendix I. Political Parties in Romania

Appendix II. Presidential Results

Appendix III. Parliamentary Results

