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SUMAR

Studii, analize și comentarii

- **Ana Maria PĂTRU** – Autoritatea Electorală Permanentă – Realizări și provocări
- **Dieter NOHLEN** – Institutional Architecture, Sociocultural Context and Electoral Integrity
- **Paul DEGREGORIO** – Paying It Forward: Romania's Young Election Authority Makes a Difference in the World
- **Deyanira A. GALINDO RODRÍGUEZ, Stephanny Cabral CARRILLO** – Mexico's Political System and Its Democratic Transition Through Electoral Reforms. An Assessment of the 2015 Electoral Process
- **Samuel Olugbemiga AFOLABI, Maryam Omolara OUADRI** – Speed Without Motion: Election Administration in an Emerging Democracy – The Case of Nigeria
- **Miruna Andreea BALOSIN** – Lobbying and Romanian Party Financing

Evenimente

- Președintele Autorității Electorale Permanente, Ana Maria Pătru, lider al Asociației Mondiale a Organismelor Electorale din 2017

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Autoritatea Electorală Permanentă

Permanent Electoral Authority



SUMAR

Studii, analize și comentarii

Ana Maria PĂTRU – Autoritatea Electorală Permanentă – Realizări și provocări	3
Dieter NOHLEN – Arhitectură instituțională, context sociocultural și integritate electorală ...	13
Paul DEGREGORIO – Dăruind mai departe: tânăra Autoritate Electorală din România face diferența în lume	19
Deyanira A. GALINDO RODRÍGUEZ, Stephanny CABRAL CARRILLO – Sistemul politic din Mexic și tranziția la democrație prin intermediul reformelor electorale. Un bilanț al procesului electoral din 2015	29
Samuel Olugbemiga AFOLABI, Maryam Omolara OUADRI – Viteză fără mișcare: administrația electorală într-o democrație emergentă – Cazul Nigeriei	43
Miruna Andreea BALOSIN – Lobby și finanțarea partidelor politice românești	57

Recenzii evenimente

Președintele Autorității Electorale Permanente, Ana Maria Pătru, lider al Asociației Mondiale a Organismelor Electorale din 2017	63
Revista „Expert electoral”, recunoscută drept Knowledge-Hub pentru experții electorali	65

SUMMARY

Studies, analysis and opinions

Ana Maria PĂTRU – Permanent Electoral Authority – Achievements and Challenges	3
Dieter NOHLEN – Institutional Architecture, Sociocultural Context and Electoral Integrity	13
Paul DEGREGORIO – Paying it Forward: Romania’s Young Election Authority Makes a Difference in the World	19
Deyanira A. GALINDO RODRÍGUEZ, Stephanny CABRAL CARRILLO – Mexico’s Political System and Its Democratic Transition Through Electoral Reforms. An Assessment of the 2015 Electoral Process	29
Samuel Olugbemiga AFOLABI, Maryam Omolara OUADRI – Speed Without Motion: Election Administration in an Emerging Democracy – The Case of Nigeria	43
Miruna Andreea BALOSIN – Lobbying and Romanian Party Financing	57

Events review

The President of the Permanent Electoral Authority, Ana Maria Pătru, Leader of the Association of World Elections Bodies from 2017.....	63
“Electoral Expert” Review, Recognized as a Knowledge-Hub for Electoral Experts	65

AUTORITATEA ELECTORALĂ PERMANENTĂ – REALIZĂRI ȘI PROVOCĂRI

Ana Maria PĂTRU

Președintele Autorității Electorale Permanente



Anul 2015 a adus cu sine două mari realizări pentru Autoritatea Electorală Permanentă. Aceasta și-a consolidat în plan intern statutul de unică autoritate de management electoral, iar în plan extern și-a câștigat un binemeritat loc în topul organismelor internaționale similare, preluând, din anul 2017, președinția Asociației Mondiale a Organismelor Electorale (A-WEB).

Autoritatea Electorală Permanentă și-a consacrat, în anul 2015, în plan intern, statutul de organism de management electoral care are misiunea de a asigura organizarea și desfășurarea alegerilor și a referendumurilor, precum și finanțarea partidelor politice și a campaniilor electorale, cu respectarea Constituției, a legii și a standardelor internaționale și europene în materie.

O serie de proiecte mai vechi ale noastre, pe care le-am gândit mereu pentru a fi în slujba alegătorilor, se vor concretiza în urma îmbunătățirii cadrului legislativ: informatizarea secțiilor de votare, înființarea corpului experților electorali și extinderea Registrului electoral prin înscrierea alegătorilor români cu domiciliul sau reședința în străinătate.

Implementarea acestor proiecte, organizarea, în anul 2016, a alegerilor locale și a alegerilor parlamentare sunt teste deosebit de grele și de importante pentru Autoritatea Electorală Permanentă și, de aceea, le vom trata cu maximă responsabilitate.

În plan extern, cel mai mare succes reputat în anul 2015 este faptul că Autoritatea Electorală Permanentă a fost desemnată să preia, din 2017, președinția Asociației Mondiale a Organismelor Electorale (A-WEB), organizație din care fac parte organisme de management electoral din peste 100 de țări de pe cinci continente.

Astfel, cea de-a III-a Adunare Generală a A-WEB se va desfășura, în 2017, la București, odată cu preluarea președinției acestui organism internațional de către România. Aceasta va fi un veritabil summit electoral, la care vor participa președinți ai organismelor de management electoral din întreaga lume, experți în domeniul electoral, un eveniment care va spori vizibilitatea de care beneficiază țara noastră la nivel internațional.

Recunoașterea internațională de care se bucură în prezent AEP este rezultatul



eficienței cu care Autoritatea și-a intensificat relațiile cu organisme similare din întreaga lume, ajungând să fie cotate internațional ca un organism de management electoral profesionist, un furnizor apreciat de expertiză și asistență electorală.

AEP este o instituție independentă politic și concentrată pe aspectele tehnice ale procesului electoral, care are la dispoziție, din punctul de vedere al expertizei și al experienței acumulate, instrumentele

necesare pentru organizarea de alegeri corecte, transparente și participative.

Pentru atingerea obiectivelor sale, Autoritatea Electorală Permanentă își va desfășura activitatea, ca și până acum, cu respectarea principiilor independenței, imparțialității, legalității, transparenței, eficienței, profesionalismului, responsabilității, sustenabilității, predictibilității și legitimității.

ESTE ABSOLUT NECESAR CA ROMÂNIA SĂ AIBĂ O SINGURĂ LEGE ELECTORALĂ

În anul 2015, legislativul a făcut pași importanți în ceea ce privește reforma electorală, acordând noi prerogative și responsabilități Autorității, ceea ce este, în fapt, o reconfirmare a eficienței activității noastre în domeniul managementului electoral, atât în timpul perioadelor electorale, cât și în anii în care nu se organizează scrutine.

Astfel, în numai un an, Parlamentul a adoptat o serie de acte normative deosebit de importante din domeniul electoral: Legea nr. 208 în 20 iulie 2015 privind alegerea Senatului și a Camerei Deputaților, precum și pentru organizarea și funcționarea Autorității Electorale Permanente, Legea nr. 115 din 19 mai 2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale

nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali.

De asemenea, Senatul și Camera Deputaților au modificat prevederile Legii nr. 334 din 17 iulie 2006 privind finanțarea activității partidelor politice și a campaniilor electorale, atribuțiile AEP fiind sporite substanțial.

AEP salută toate aceste modificări legislative, care nu ar fi fost posibile fără determinarea clasei politice și a legislativului de a face pași importanți pentru o reală reformă electorală în România. Menționez că Autoritatea a participat activ și profesionist, acordând consultanța de specialitate necesară elaborării acestor proiecte legislative, ceea ce va face și în continuare.

Țin să reafirm însă că este absolut necesar ca România să aibă o singură lege electorală, care să reglementeze organizarea și desfășurarea alegerilor, indiferent de tipul acestora.

Codificarea legilor electorale aduce cu sine stabilitatea și predictibilitatea cadrului legislativ și este binevenită atât pentru cetățeni, care vor înțelege mai bine procesul electoral și vor avea mai multă încredere în buna desfășurare a acestuia, cât și pentru instituțiile implicate în organizarea alegerilor, care sunt chemate să aplice prevederile legale în domeniu.

Unificarea legislației electorale prin codificarea acesteia este recomandată de

Comisia Europeană pentru Democrație prin Drept (Comisia de la Veneția), de Curtea Constituțională și de organizațiile neguvernamentale care activează pentru respectarea drepturilor electorale, asigurarea egalității de șanse în competiția politică, pentru democrație și stat de drept.

Pentru codificarea legilor electorale, Autoritatea Electorală Permanentă pune la dispoziția decidenților din Parlament întreaga sa experiență și expertiză tehnică în domeniu, acumulate în cei peste zece ani de la înființare, perioadă în care instituția noastră și-a dezvoltat permanent capacitatea administrativă și și-a consolidat rolul de integrator al operațiunilor electorale.



Apreciem că ar fi deosebit de util ca, încă din toamna acestui an, să fie demarate dezbateri ample și întâlniri de lucru privind codificarea legilor electorale, la care să participe parlamentari, membrii Comisiei comune a Camerei Deputaților și a Senatului, reprezentanți ai Guvernului, ai AEP, în calitate sa de organism de management electoral, ai tuturor ministerelor cu atribuții în organizarea și desfășurarea alegerilor, precum și ai societății civile.

Informatizarea secțiilor de votare la alegerile din 2016 previne votul ilegal

Legea privind alegerea Senatului și a Camerei Deputaților îmbunătățește

substanțial vechile prevederi legale și era așteptată de alegătorii români din țară și din diaspora, precum și de societatea civilă.

Această lege aduce noi provocări pentru tânăra, dar experimentată echipă a AEP: informatizarea secțiilor de votare la alegerile parlamentare din 2016 și implementarea Sistemului informatic de monitorizare a prezenței la vot și de prevenire a votului ilegal, selectarea și instruirea operatorilor de calculator.

Enumerarea poate continua menționând extinderea Registrului electoral prin includerea alegătorilor români cu adresa de domiciliu sau de reședință din străinătate, votul pe liste electorale permanente în diaspora, constituirea și pregătirea corpului

experților electorali, precum și înființarea Centrului „Expert Electoral”.

La alegerile locale și parlamentare din anul 2016 va fi utilizat în premieră în România un sistem informatic de monitorizare a prezenței la vot și de prevenire a votului ilegal.

Alegătorii vor fi cei mai importanți beneficiari ai informatizării: va crește viteza procesului de votare și transparența acestuia, orice tentativă de vot multiplu va fi împiedicată, iar informațiile privind prezența la vot a alegătorilor vor fi disponibile în timp real.

Îi asigurăm pe alegători că prelucrarea datelor cu caracter personal se va face cu stricta respectare a legii și că aceste informații nu vor fi făcute publice sub nicio formă.

Sistemul informatic de monitorizare a prezenței la vot și de prevenire a votului ilegal va semnaliza și dacă persoana care s-a prezentat la vot a împlinit vârsta de 18 ani până în ziua votării inclusiv, și-a pierdut drepturile electorale, este arondată la altă secție de votare sau este omisă din lista electorală permanentă și are domiciliul în raza teritorială a secției de votare.

Potrivit rezultatelor generate de Sistemul informatic, a comunicărilor făcute prin intermediul său și a verificării actului de identitate, președintele biroului electoral al secției de votare îi va opri să voteze pe cei care nu au acest drept.

Autoritatea Electorală Permanentă, cu sprijinul Serviciului de Telecomunicații Speciale și al Institutului Național de Statistică, va asigura implementarea și gestionarea Sistemului informatic de monitorizare a prezenței la vot și de prevenire a votului ilegal, pe baza datelor și informațiilor din Registrul electoral, Registrul secțiilor de votare și listele electorale complementare.

AEP va asigura managementul proiectului și resursa umană, iar Serviciul de Telecomunicații Speciale va pune la dispoziție partea tehnică a sistemului informatic, software-ul necesar, și va asigura achiziționarea echipamentelor hardware, după evaluarea infrastructurii informatice deținute de autoritățile administrației publice

centrale și locale, precum și de unitățile de învățământ.

Misiunea cea mai dificilă în procesul de informatizare va fi selectarea și instruirea celor 30.000 de operatori de calculator, care trebuie să opereze în sistemul informatic în cadrul birourilor electorale ale secțiilor de votare, în cele peste 18.550 de secții de votare, cât se estimează a fi organizate atât la alegerile locale, cât și la alegerile parlamentare din anul 2016, în țară.

Autoritatea Electorală Permanentă va lansa o campanie de informare a cetățenilor cu drept de vot pentru a-i convinge să ia parte la acest proiect important pentru desfășurarea unor alegeri democratice și corecte în România.

Trebuie să găsim persoane calificate care să dorească să se implice în acest proiect, precum și resursele financiare necesare motivării acestora, operatorii de calculator ai birourilor electorale ale secțiilor de votare beneficiind, potrivit legii, de o indemnizație stabilită prin hotărâre a Guvernului.

Următoarea etapă, deosebit de importantă, va fi cea a pregătirii operatorilor de calculator în secțiile de votare. AEP va organiza programe de instruire și formare profesională în domeniul electoral pentru aceștia, împreună cu Serviciul de Telecomunicații Speciale și Institutul Național de Statistică, cu sprijinul logistic al prefecților, primarilor și președinților consiliilor județene.

Va fi necesar, în acest context, ca AEP și celelalte instituții implicate în implementarea Sistemului informatic de monitorizare a prezenței la vot și de prevenire a votului ilegal să beneficieze de suplimentarea bugetelor pentru a putea acoperi cheltuielile pentru instruirea operatorilor de calculator.

Pentru implementarea și gestionarea Sistemului informatic de monitorizare a prezenței la vot și de prevenire a votului ilegal, Autoritatea Electorală Permanentă a inițiat, cu sprijinul Serviciului de Telecomunicații Speciale și al Institutului Național de Statistică, un proiect de memorandum ce urmează a fi supus aprobării Guvernului, prin care sunt propuse o serie de măsuri tehnico-

organizatorice, precum și un calendar de acțiuni care trebuie să fie realizate până la scrutinul pentru alegerea autorităților administrației publice locale din anul 2016.

Pentru ca Sistemul informatic de monitorizare a prezenței la vot și de prevenire a votului ilegal să fie implementat și să funcționeze cu succes, am propus să fie constituit un grup de lucru interinstituțional, care să susțină demersurile pe care instituția noastră le va face în perioada următoare.

Acest grup ar urma să fie format din reprezentanți ai Autorității Electorale Permanente, ai Serviciului de Telecomunicații Speciale, ai Institutului Național de Statistică, ai Ministerului Afacerilor Interne, ai Ministerului Educației și Cercetării Științifice, ai Ministerului Dezvoltării Regionale și Administrației Publice, ai Ministerului pentru Societatea Informațională, ai Ministerului Afacerilor Externe și ai Ministerului Finanțelor Publice.

Obiectivul AEP este ca simularea națională a funcționării Sistemului informatic de monitorizare a prezenței la vot și de prevenire a votului ilegal să fie făcută până cel mai târziu în preziua alegerilor locale din 2016.

Înscrierea alegătorilor români din diaspora în Registrul electoral – esențială pentru buna desfășurare a votului în străinătate

O altă provocare majoră pentru Autoritatea Electorală Permanentă este extinderea Registrului electoral, prin înregistrarea alegătorilor români din diaspora care au domiciliul în țară și reședința în străinătate sau au domiciliul în străinătate, astfel încât, cu sprijinul Ministerului Afacerilor Externe, să fie înființate suficiente secții de votare.

La ultimele alegeri prezidențiale, din anul 2014, mulți dintre alegătorii români din străinătate au fost nemulțumiți de faptul că au așteptat ore în șir în fața unor secții de votare supraaglomerate, în unele cazuri fără a putea vota înainte de închiderea urnelor, că nu au fost înființate suficiente secții de votare ori că au fost nevoiți să meargă sute de kilometri pentru a-și putea exercita un drept constituțional elementar – acela de a vota.

Noua lege privind alegerile parlamentare oferă AEP instrumentul ca aceste probleme să fie rezolvate: înscrierea în Registrul electoral a cetățenilor români din diaspora, cu adresa de domiciliu sau de reședință din străinătate.

The screenshot shows the website of the Autoritatea Electorală Permanentă (AEP) for the Registrul Electoral. The header includes the AEP logo and the text 'AUTORITATEA ELECTORALĂ PERMANENTĂ REGISTRUL ELECTORAL'. Below the header is a navigation bar with links: ACASĂ, CETĂȚENI, INSTITUȚII PUBLICE, LINK-URI UTILE, and FORUM. The main content area is titled 'AFLĂ CARE ESTE SECȚIA TA DE VOTARE' and contains a form for finding the voting section. The form includes a dropdown menu for selecting a region, a text input for CNP, a text input for Nume de familie, and a section for 'VREI AET COD?' with a QR code and a text input for 'Introduceți ambele cuvinte din imaginea alăturată, separate de un spațiu.' There is also a 'Caută' button. A sidebar on the right offers a link to 'Dacă doriți, verificarea datelor suplimentare apăsați aici'.

Desfășurarea în cele mai bune condiții a votului în străinătate trebuie să fie un obiectiv major al anului 2016 pentru toate instituțiile care au atribuții în acest sens și, nu în ultimul rând, pentru Autoritatea

Electorală Permanentă, care își asumă cu responsabilitate acest deziderat.

Alegătorii români, indiferent dacă locuiesc în țară sau în străinătate, trebuie să aibă liber acces pentru a-și exprima opțiunea

prin vot. Este un drept consfințit prin Constituție, care trebuie respectat și asigurat în egală măsură pentru toți românii, inclusiv pentru cei aflați în afara granițelor.

Pentru buna desfășurare a votului în diaspora, AEP se bazează în primul rând pe implicarea și sprijinul alegătorilor români din străinătate.

De aceea, îi îndemnăm pe românii din diaspora care au domiciliul în țară și reședința în străinătate sau au domiciliul în străinătate să se înscrie, de la 1 aprilie 2016, în Registrul electoral, cu adresa din străinătate, printr-o cerere scrisă, pentru a fi arondați unei secții de votare, unde pot vota pe listele electorale permanente, asemenea românilor din țară.

Cererile pentru înscrierea în Registrul electoral și celelalte documente cerute de lege vor fi depuse sau transmise prin poștă la misiunile diplomatice sau oficiile consulare, urmând să fie comunicate, cu celeritate, de către acestea Autorității Electorale Permanente, care va face modificările necesare în baza de date cuprinzând alegătorii români cu drept de vot.

Legea prevede că, alături de secțiile de votare organizate pe lângă misiunile diplomatice, oficiile și secțiile consulare, institutele culturale din străinătate, se vor organiza secții de votare pentru localitățile sau grupurile de localități unde își au domiciliul sau reședința, potrivit Registrului electoral, cel puțin 100 de alegători.

În acest sens, prin înscrierea românilor din diaspora în Registrul electoral, vom putea avea o evidență mai clară a numărului de alegători români din străinătate și a distribuției acestora pe localități, pentru a putea stabili ce secții noi de votare trebuie să fie înființate.

Potrivit legii, AEP va comunica Ministerului Afacerilor Externe localitățile din străinătate în care trebuie să fie înființate secții de votare, precum și numărul acestora, în termen de cel mult 30 de zile de la data aducerii la cunoștință publică a datei alegerilor.

Pentru buna desfășurare a votului în străinătate la alegerile parlamentare din anul 2016, AEP va demara o amplă campanie prin care românii din străinătate să fie informați despre importanța înscrierii lor în Registrul electoral.

Campania va fi derulată inițial online și va consta în materiale video ce vor fi postate pe portalul instituției noastre, pe site-ul Registrului electoral, pe YouTube și pe pagina de Facebook ce va fi special creată pentru informarea alegătorilor din străinătate. Vom realiza, de asemenea, o serie de tipărituri de informare – broșuri, pliante, afișe, pe care dorim să le distribuim, cu sprijinul Ministerului Afacerilor Externe, concetățenilor noștri din diaspora.

Buna comunicare cu alegătorii din diaspora în perspectiva alegerilor parlamentare din 2016 a fost, de altfel, una dintre temele de discuție dintre reprezentanții AEP și șefii misiunilor diplomatice permanente –



ambasadori, consuli generali, directori ai institutelor culturale române din străinătate – prezenți la Reuniunea Anuală a Diplomației Române de la București, care au participat la dezbaterile „*Pregătirea organizării alegerilor, noua lege electorală, experiențe rezultate din pregătirea și desfășurarea exercițiilor electorale precedente*”, organizată de Ministerul Afacerilor Externe.

Votul prin corespondență trebuie să fie organizat corect și transparent

La solicitarea decidenților politici, AEP și-a asumat rolul de a contribui la elaborarea unui proiect de lege privind votul prin corespondență, ale cărui prevederi să fie aplicabile începând cu alegerile parlamentare din 2016.

Pentru a pune bazele proiectului de lege privind votul prin corespondență și a găsi cele mai bune soluții pentru implementarea acestui tip de vot alternativ, reprezentanții AEP au început o serie de discuții tehnice cu cei ai Ministerului Afacerilor Externe, Companiei Naționale „Poșta Română”, Companiei Naționale „Imprimeria Națională” și ai Regiei Autonome „Monitorul Oficial”.

Consultările vizează aspectele de natură tehnică referitoare la documentele necesare în cadrul unei proceduri de vot prin corespondență, aplicarea unor elemente de siguranță pe acestea, precum și traseul corespondenței poștale dintre instituțiile statului și alegători și securizarea acestui circuit.

Astfel, AEP dorește ca proiectul de lege privind votul prin corespondență să ofere garanțiile de securitate necesare pentru corectitudinea alegerilor, securizarea circuitului de transmitere a corespondenței și a documentelor necesare votării și costuri cât mai mici pentru statul român.

Acest proiect de lege va fi unul complex, prin care se vor stabili foarte clar atribuțiile ce vor reveni fiecăreia dintre instituțiile implicate, pentru a garanta alegătorilor că votul prin corespondență va fi organizat corect și transparent.

Corpul experților electorali – un proiect bazat pe selecție riguroasă și pregătire temeinică

Anul 2015 a adus AEP o nouă realizare, după ce legislativul a reglementat înființarea corpului experților electorali, un proiect pentru care am pledat constant de mai mulți ani.

Astfel, pentru buna desfășurare a alegerilor și a referendumurilor naționale și locale, Autoritatea Electorală Permanentă va înființa și gestiona corpul experților electorali, o bază de date ce va cuprinde persoanele care pot deveni președinți ai birourilor electorale ale secțiilor de votare sau locțiitori ai acestora.

Foștii președinți ai birourilor electorale ale secțiilor de votare sau locțiitorii acestora vor putea fi admiși în corpul experților electorali, la cerere, cu avizul favorabil al AEP. Aceste cereri trebuie să fie depuse în scris sau transmise în format electronic primarilor sau prefecților ori la Autoritatea Electorală Permanentă până cel mai târziu cu 45 de zile înaintea datei alegerilor.

De asemenea, celelalte persoane care doresc să devină președinți ai birourilor electorale ale secțiilor de votare sau locțiitori ai acestora vor putea intra în corpul experților electorali, la cerere, pe bază de examen.

Vor putea fi admise în corpul experților electorali, prin decizie a Autorității Electorale Permanente, persoanele care îndeplinesc, printre altele, următoarele condiții: au cetățenie română, au drept de vot și nu fac parte dintr-un partid politic.

După o selecție riguroasă a membrilor corpului experților electorali, AEP va organiza programe specifice de instruire și formare profesională în materie electorală pentru aceștia.

Președintele biroului electoral al secției de votare și locțiitorul acestuia vor fi desemnați de AEP dintre persoanele înscrise în corpul experților electorali, cu domiciliul sau reședința în județul respectiv, pe baza criteriului apropierii domiciliului sau reședinței de sediul secției de votare, precum și pe baza criteriului studiilor absolvite.

Desemnarea se va face, prin tragere la sorți computerizată, organizată la nivel județean sau al municipiului București cu 15 zile înaintea datei alegerilor, pe funcții, în ședință publică.

Corpul experților electorali din străinătate va cuprinde persoanele care pot deveni președinți ai birourilor electorale ale secțiilor de votare din diaspora.

Desemnarea președinților birourilor electorale ale secțiilor de votare din străinătate se face pe baza criteriului apropierii domiciliului sau reședinței de sediul secției de votare, precum și pe baza criteriului studiilor absolvite. Vor avea prioritate personalul misiunilor diplomatice și oficiilor consulare, secțiilor consulare, institutelor culturale din străinătate, juriștii și apoi absolvenții de studii universitare de licență.

Constituirea unui asemenea corp de profesioniști în domeniul electoral, pregătit temeinic în ceea ce privește prevederile legale în domeniu, va asigura desfășurarea în bune condiții a procesului electoral.

AEP – important și activ furnizor de expertiză și asistență electorală

Un alt proiect important al AEP în 2016 va fi înființarea Centrului „Expert electoral”. Acesta se va afla în subordinea Autorității Electorale Permanente și va sprijini fundamentarea și punerea în aplicare a strategiilor acesteia.

Centrul „Expert electoral” va avea ca obiective creșterea nivelului de cunoștințe și abilități ale persoanelor implicate în pregătirea, organizarea și desfășurarea proceselor electorale, îmbunătățirea accesului la instrumentele juridice internaționale și regionale în domeniul electoral, la legislația electorală națională, la jurisprudența și doctrina din acest domeniu. Printre obiectivele sale se vor mai număra informarea și educarea alegătorilor și a competitorilor electorali în spiritul principiilor și standardelor internaționale în domeniul electoral și dezvoltarea integrității electorale.

Centrul „Expert electoral” va elabora analize, studii și rapoarte de cercetare în domeniul electoral, la solicitarea AEP, a Parlamentului, a Guvernului și a Președintelui.

De asemenea, va oferi, printre altele, servicii de consultanță și va organiza programe de formare, specializare, educare sau instruire în domeniul electoral. Finanțarea cheltuielilor de funcționare și de capital ale Centrului „Expert electoral” va fi asigurată din alocații de la bugetul de stat și din venituri proprii.

Amintesc că Autoritatea Electorală Permanentă și Ministerul Afacerilor Externe au semnat în acest an un protocol de colaborare prin care cele două părți se angajează să conlucreze pentru promovarea internațională a experienței României în materie electorală și cooperarea regională în domeniul electoral.



Astfel, AEP intenționează să înființeze un organism regional cu rol principal în promovarea experienței României în materie electorală și a criteriilor de transparență și integritate în alegeri. Promovarea experienței

românești și a cooperării regionale în domeniul electoral de către noul organism se va realiza atât cu organisme electorale din diferite state, cât și cu reprezentanți ai mediului politic, societății civile, organizațiilor neguerna-

mentale și cu cei ai mass-mediei interesați de problematica electorală și drepturile omului.

În urma eforturilor depuse de întreaga echipă a AEP în ultimii ani, România a ajuns să fie recunoscută ca unul dintre cei mai importanți furnizori de expertiză electorală la nivel regional și internațional, iar București a devenit un important *knowledge-hub* în materie electorală.

Activitatea Autorității Electorale Permanente în domeniul asistenței electorale internaționale și eficiența cu care și-a extins rețeaua de contacte în întreaga lume au fost remarcate, în anul 2015, într-un raport realizat la solicitarea Programului Națiunilor Unite pentru Dezvoltare (UNDP) – Centrul Regional pentru Europa și Asia Centrală.

Raportorii UNDP au menționat că AEP este în prezent cel mai important furnizor de asistență electorală bilaterală al României și că Autoritatea are „*viziune ca organism de management electoral și dorește să își mobilizeze personalul și resursele pentru implementarea proiectelor de asistență electorală*”.

În raportul UNDP este menționată participarea AEP la cea de-a IV-a conferință



a Organizației Electorale Globale (GEO), precum și faptul că AEP este membră a Organizației Mondiale a Organismelor Electorale (A-WEB) și a Asociației Oficialilor Electoralilor Europeni (ACEEEEO).

Raportul recomandă AEP să își mențină parteneriatele strategice care și-au demonstrat deja eficiența, precum cele cu UNDP, Consiliul Europei, Asociația Oficialilor Electoralilor Europeni (ACEEEEO) și Asociația Mondială a Organismelor de Management Electoral (A-WEB), organism care „*și-a exprimat continuu angajamentul de a susține eforturile altor țări de a organiza alegeri libere și corecte prin facilitarea colaborărilor, realizarea de sinergii și generarea de proiecte comune pentru dezvoltarea democrației și a unor alegeri corecte*”.



AEP are drept scop să împărtășească bunele practici și experiența în domeniul electoral, să consolideze participarea femeilor la procesele electorale și în administrație și este furnizor de expertiză în ceea ce privește Registrul electoral, activitatea finanțării partidelor politice și instruirea oficialilor electorali care activează în cadrul secțiilor de votare.

În raport se mai arată că „*AEP are perspectiva unui organism de management electoral profesionist în privința modului său de abordare a cooperării pentru dezvoltare și în ceea ce privește activitatea în rețelele profesionale, care îi oferă acces la alte organisme similare și furnizorii de asistență electorală, cum ar fi Fundația Internațională pentru Sisteme Electorale (IFES)*”.



Raportul subliniază că, în ultimii ani, instituția a organizat cu succes conferințe electorale internaționale, precum și programe de pregătire de specialitate, ceea ce a adus vizibilitate în plan extern atât Autorității, cât și României, și că AEP a devenit din ce în ce mai activă și mai vizibilă în relația cu organizațiile profesionale din străinătate, precum și în domeniul electoral internațional.

De altfel, Autoritatea Electorală Permanentă, în colaborare cu reprezentanții Comisiei de la Veneția, va organiza la București, în luna octombrie, seminarul internațional cu tema „*Codificarea dreptului electoral*”. La seminar sunt așteptați să participe reprezentanți din cadrul Comisiei de la Veneția, Fundației Internaționale pentru Sisteme Electorale, Programului Națiunilor Unite pentru Dezvoltare, Oficiului pentru Democrație și Drepturile Omului, precum și oficiali din partea a numeroase organisme electorale naționale, cărora li se vor adăuga

experți români și străini în domeniu și reprezentanți ai mediului academic.

Acesta va fi un bun prilej pentru noi să identificăm mijloacele prin care realitățile românești pot fi armonizate cu standardele și bunele practici europene în codificarea legislației electorale.

Tot la București va avea loc și cea de-a 13-a Conferință Europeană a Organismelor de Management Electoral, organizată de Comisia Europeană pentru Democrație prin Drept (Comisia de la Veneția) în colaborare cu AEP, o altă bună ocazie pentru un schimb eficient de experiență.

Acestea sunt realizările și provocările pe care le are în față Autoritatea Electorală Permanentă, despre care vă invităm să aflați mai multe pe site-ul instituției noastre www.roaep.ro, unde echipa AEP vă stă la dispoziție cu toate informațiile de care aveți nevoie.

INSTITUTIONAL ARCHITECTURE, SOCIOCULTURAL CONTEXT AND ELECTORAL INTEGRITY¹

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Translation from Spanish: Ph.D. Andrada – Maria MATEESCU

I will discuss about institutional architecture, sociocultural context and electoral integrity, precisely on the complex interplay of the three phenomena. I will present the issue of the institutional architecture and electoral integrity on a rather abstract level, due to the fact that this first session of the conference views them in a close and specific relationship – “*electoral institutions are necessary to ensure electoral integrity*”. I will make some considerations that are rather general and conceptual, often having as a reference point the *Electoral Integrity Project* developed by Pippa Norris and her colleagues, the most ambitious project to measure electoral integrity worldwide. I will include in my remarks the sociocultural context in which elections occur. The context represents the historical framework that helps us to reflect on the institutions, their functions and real effects. I am going to reflect on the Latin American context, sometimes contrasting with other regions of

the world. By taking into account the context, I will call into question the assumption of this first session which consists of the fact that the institutions required to ensure electoral integrity can be determined, in broad terms. This desired objective depends on several factors, not only institutional factors, but especially the ones that are integrated into the concept of “*sociocultural context*”. This will be stated by pointing out that the degree of dependence on institutional and non-institutional factors varies by place and time, even from one election to another. Thus, from my point of view, the potential scope of the institutional architecture for electoral integrity depends on the context, for example the type of regime, in accordance with one of my thesis on the fact that the context makes the difference². However, too much impact leads to the way the interrelated phenomena are defined.

This is especially true for the concept of electoral integrity. Is electoral integrity an objective phenomenon, verifiable by

¹ Paper presented at the 2nd General Assembly of the Association of World Electoral Bodies (A-WEB) and A-WEB's International Conference, first session “Roles and Challenges of EMBs in Ensuring Integrity of Elections”, Punta Cana, Dominican Republic, August 2015, with the title “*Arquitectura institucional, contexto sociocultural e integridad electoral*”.

² Dieter Nohlen, *El contexto hace la diferencia: Reformas institucionales y el enfoque histórico-empírico*, edited and introduced by Claudia Zilla, Instituto de Investigaciones Jurídicas, Ciudad de México, 2003.

examining the correspondence between electoral practice and the legal framework? Or is it, at the same time, a subjective phenomenon, which is exposed to the perception of individuals and groups who participate in the elections themselves or observe and evaluate. It is a double perspective, similar to the popular concept of legitimacy: legitimacy attributed to institutions through the legitimacy of the validity of its design, which guarantees the validity of certain fundamental principles, or the legitimacy of belief, in which the recognition of institutions is legitimated by a part of the members of a society. In both concepts it is distinguished between intrinsic validity and validity of belief. I will return later to this quandary. Beforehand, I would like to emphasize that, in my opinion, institutions matter a lot, but in relative terms. To be specific, the necessary institutional architecture is one that fits the context, an institutional, administrative and legal design that corresponds to the specific challenges and variants in terms of organizing free and fair elections.

The concept of electoral integrity inward and outward

In regards to what electoral integrity means, I will distinguish between two dimensions. The first relates to its integrative scope. *“It assumes a holistic view of all aspects of the electoral cycle starting from the design of legislation and bodies and the selection of electoral authorities, to the processes of vote counting, publication of results and audit.”* This dimension of electoral integrity tends to consider that its scope is complete: is synonymous with such an aspiration in its entirety. Electoral integrity, in this first dimension, is associated with the idea of focus on an electoral cycle with different stages. Even more, it emphasizes the importance of addressing the before and after Election Day stages in the analysis of the elections – today the high incidence of party financing and election campaigns as well as the access to the media in the electoral race are, without a doubt, key elements in assessing the elections in terms of democratic standards.

Electoral integrity, in its second dimension, relates to the quality of elections, precisely the relationship between values and practices. It postulates the correspondence between values and laws on the one hand, and behaviour and results on the other: the aspiration towards this is synonymous with honesty. Electoral integrity is determined as the ethical postulate which guides the whole electoral process and the individuals involved in it to behave with integrity, in other words with honesty, according to the values and laws that underpin democratic elections, and to protect, where appropriate, the honesty of the electoral process in the face of challenges that call it into question.

The values that govern electoral integrity are manifested in international standards. These are multilateral agreements, conventions, treaties, and international laws relating to human rights, political rights and they include elections as the mechanisms of citizen's participation in expressing their political will. With this background of values and laws, we can thus assess ex negative electoral integrity. If the rules are not broken, if elements of the electoral process are not manipulated, and ultimately against legally or constitutionally established rules, and lastly, if there are no contradictions, not only in terms of laws, but also in regards to the values upon which they rest, then there is electoral integrity.

In their absence, we often speak of bad practices, distinguishing only between different degrees. We should distinguish, however, between electoral irregularities in terms of errors and electoral fraud or manipulation, an important distinction because errors may occur at any time, they are inherent to the human being. In this sense, electoral integrity can not mean the absence of errors, although widespread failures can have serious consequences for the confidence in the election results, especially when the media magnify them unduly, they confuse these failures with fraud or manipulation and the ones that lost the electoral competition take advantage of the confusion to try to delegitimize the results of the election. Electoral fraud or manipulation, in contrast, has to be perceived as an intentional attitude

against electoral integrity. It produces distrust and reduces the legitimacy of the election and its outcome. It can bring severe consequences. Even in regards to the type of regime.

The concept of institutional architecture

Regarding the institutional architecture, from the beginning, it is clear that by this concept, in the field of elections, we mean: electoral bodies, norms, conventions and forms of interaction that regulate the electoral process. Institutional theories claim that institutions can explain behaviour and policy outcomes. Hence, the assumption that institutions ensure electoral integrity and you have to find and introduce those institutions that induce such effects. New institutionalism, however, calls into question the existence of a deterministic relationship between institutional architecture and electoral integrity. As I said, the institutional architecture is important, but this is relative.

Taking into account the double dimension of electoral integrity, it can be argued that there are ideas of what to include as necessary electoral architecture. The integrative concept itself of electoral integrity postulates that electoral bodies and procedures are necessary to cover the entire electoral process. Completing the entire outlook of the concept, the question should be directed towards the type or structure of the institutional architecture. Comparative international experience indicates that there is no ideal architectural model and that there are alternatives to the institutional design. The evaluation parameter is the result of honesty, a consideration that reintegrates the second dimension of the analysis of electoral integrity, a correspondence between the practice and the values and laws that derive from the theory of democracy. However, one can distinguish between situations in which the formalized institutional architecture fails (e.g. when the electoral districts are set politically biased), and those in which the behaviour of individuals and groups involved in the electoral process makes it so that it fails. The institutional architecture itself does

not generate, nor guarantees honesty in how it operates. It is often observed that the same electoral institutions associated with honesty in some places, fail in others, and that there are similar results in terms of honesty, although the formal institutions are different. It is not the institutional architecture, but the honesty in managing elections that is the key criterion of electoral integrity.

The *Electoral Integrity Project* which advocates this position, refers, however, on two occasions to characteristics of an institutional nature. Both exhibit an enormous importance because they allude to the political regime, one is the rule of law (in other words the State that is governed by the rule of law) and the other is the impartiality of electoral bodies. As it is known, in authoritarian regimes, without the separation of powers and without the rule of law, the law is a weapon used by the ruling power against the opposition, and a correspondence with the law in terms of legal positivism does not guarantee electoral integrity. In authoritarian regimes, neither the independence, nor the autonomy of electoral bodies is guaranteed.

Thus, electoral integrity does not depend so much on the institutional architecture, but it is a requirement of democracy from within. In order to accomplish electoral integrity it depends on democracy as type of regime, as emphasized yesterday by the President of International IDEA. However, as we are seeing, the causal relationship between them is inverse. The type of regime is the decisive institutional variable for the degree of electoral integrity and the significance and structure of its institutional architecture. Latin America as a region is a good example. Overall, there has been great progress in the development of electoral justice. We must recognize this. However, in some countries, in which there were changes in the political regime towards authoritarian ones in different degrees, elections dramatically lost their previous free and fair character. The type of regime is a determining factor for electoral quality. We must take into account, however, that often non-institutional factors are the ones that promote a limited degree of electoral integrity or of recognition in terms of legitimacy. But

when it comes to non-institutional factors, it is rather a mystery how to make an informed evaluation effective in the world of behaviour and action.

Context variables in Latin America

No doubt there are many contextual factors that influence electoral integrity, and can, moreover, play a different role depending on the place and time. That is, it is not easy to generalize. You have to be sceptical of each, including this. For example, in cases where the degree of electoral integrity is low, the attention is drawn towards the low level of economic development, or high social inequality, or little experience with democracy. However, in global comparison, it is quite easy to find cases that oppose such generalizations. India is an example that often contradicts these supposedly universal theses. A context factor that for Latin America has a high explanatory value within the group of sociocultural variables is the widespread distrust of institutions.

This is based on several factors. Firstly, it is based on social distrust, the distrust in others which is comparatively high. Secondly, it stems from the perception that people have of politics and politicians in general, confirmed by the high degree of corruption as is highlighted by facts that are proved. Thirdly, it is based on clientelism in politics, because the actors who practice favouritism are often considered above the law. They often think that *“the end justifies the means”*. Fourthly, it stems from a lack of institutional culture, as demonstrated, for example, by the fact that people readily accept when politicians break the law if the objective is agreeable to them, a position that corresponds to the criteria and behaviour practiced in general in social relations.

Indeed, distrust is ubiquitous and can be legitimate and advisable. Furthermore, we should differentiate between different degrees of distrust. Latin America, in general, and as confirmed by surveys, seems to represent a case of extreme distrust. In the political and institutional fields, it calls into question any institution or political practice. It is

interesting to note that, in general, extreme distrust especially concerns democratic institutions, those of greater equity, including the bodies that protect these values, as are those from the electoral field. But confidence in the electoral bodies exceeds what is generally expressed in the judicial power.

In general, distrust appears as a phenomenon of results, experiences and observations lived. These experiences, however, induce individuals and groups to believe that compliance with the law results in few benefits and that, ultimately, only the “dumb” end respecting ethical standards. Thus mistrust is likewise an input phenomenon, it encourages fraud. The general assumption is that the fact that others defraud encourages and legitimizes individuals and groups to have an equally dishonest behaviour in order to compensate. This justifies why parties struggle to place their people in electoral bodies’ staff, and why they make pressures on electoral service members to enter their game for power.

Evaluating the evaluation of electoral integrity

In my closing remarks, I would like to point some general observations in relation to the evaluation of electoral integrity, especially by way of the Electoral Integrity Project.

A first observation concerns the scope and the way of evaluation. The measurement includes all elections in the world, no matter what kind of political regime. In the studies on elections from the seventies and the eighties, there is a difference made between competitive elections, non-competitive and semi-competitive, according to the type of regime: democratic, totalitarian and authoritarian. The category defines the analytical approach. In the studies of electoral integrity, there is no categorical distinction. What is determined is the degree of closeness with the international standard for each election. The evaluation is gradual and not categorical, and no political system is excluded. Some electoral integrity is found in each case. The paradigmatic example is Cuba. It is a one-

party dictatorship, the opposition is oppressed or in prison, elections do not have the function of representing political pluralism, there is no competition or alternation in power. However, the case is part of the evaluation and gets even an average degree of electoral integrity, above the global mean value and above other Latin American countries (Ecuador, Paraguay, Venezuela, and Honduras).

The second observation concerns disregarding the sociocultural context which can be decisive in terms of how successful a particular institutional design is, although it does not correspond to international standard. The paradigmatic example is Germany. There, the electoral body that organizes the elections is an office within the Ministry of Interior, the control of financing political parties and election campaigns is in the hands of the presidency of the Parliament, a political organism and not a judicial one gives tough sanctions when it sentences the cases when the law is broken by the political parties; the control of the election results is actually exercised by a parliamentary commission newly elected in the plenary, since it is rare that complaints made on their sentencing reach the judicial organism, which ultimately is the Federal Constitutional Court. Although this does not correspond with international standards, Germany is listed in the ranking of electoral integrity on one of the top positions.

The third (and last) remark concerns the evaluation of what is observed, reconsidering the concept of electoral integrity. A prime example is Mexico. The evaluation of the 2012 elections by the Electoral Integrity Project said: *“During the election, mass protests occurred in Mexico City against alleged pro-PRI bias favoring Peña Nieto in the print and television media. Following the elections, López Obrador demanded a full recount, claiming widespread irregularities, including vote-buying (using supermarket credit cards) and use of illicit funds by PRI. The Electoral Tribunal of the Federal Judiciary rejected the charges due to insufficient evidence. The OAS observer mission praised the election as peaceful and orderly, with professional administration. Protests continued, however, some violent.*

The PEI survey rated Mexico as moderate in integrity, due in part to some problems at the results stage.”

It follows that in the final assessment expressed as the degree of electoral integrity by which a case is ranked, it is integrated not only what is observed in relation to all stages of the electoral process as a whole, by applying in the analysis the parameter between the practice and the values and standards in terms of honesty, but also the perception of the political actors themselves, which we know is strongly influenced by sociocultural factors, by systemic distrust, precisely because the ones who lose the electoral race do not recognize the election results. In the concept of electoral integrity it is integrated its negation. Thus, the structure of the concept of integrity is similar to that of legitimacy, both of which consist of two dimensions, an objective one, the self-regard of the institutions, and a subjective one, the belief in them, as explained previously. While in the case of legitimacy, the classics of the theory of democracy state that the belief in legitimacy is a key element in the political science empirical evaluation of it, in my view, in the case of electoral integrity, we have to favour the empirical examination of dignity, or honesty as a parameter of evaluation. In addition, compliance with electoral integrity, meaning honesty demonstrated and proven throughout the electoral process, should precisely promote its active defence by the evaluators in the face of any attempts to deny and annihilate. It is a necessary service that we all must make in defence of democracy.

I conclude with some questions and a thesis: is it correct, is it convenient to unite electoral integrity with the distrust in it due to sociocultural conditions and political reasons presented? If the answer is yes, do we not assign to contingent sociocultural factors any results of the analysis of electoral integrity? The greater the distrust in the electoral process as a sociocultural variable in electoral integrity and its consideration in Latin America, the less impact the electoral architecture and behaviour of electoral bodies has on the electoral integrity evaluation.

About the author:

Dieter NOHLEN is Professor Emeritus of Political Science in the Faculty of Economic and Social Sciences of the University of Heidelberg. He has a variety of research projects carried out, whose thematic focus is on Latin America, elections and political parties, democracy development, social policy and foreign policy. Professor emeritus since 2005, Dieter Nohlen has published in the last decade a number of writings on Latin America, who made milestones in answering questions on institutional reform, particularly of presidentialism, the right to vote and electoral systems.

His scientific work was honored in 1991 with the Max Planck Research Prize award for his scholarly collaboration with the Inter-American Institute of Human Rights (Costa Rica). In 1995 the eight-volume Manual of the Third World, edited and compiled by Dieter Nohlen and Franz Nuscheler of the University of Duisburg, was selected for the special “Political Book” prize for the best German publication on development policy. In 2000 he received the University of Augsburg research prize for his outstanding work on Spain and Latin America, by the University of Augsburg and the Leimer Foundation. That same year, the book “Elections in Africa” by Dieter Nohlen and co-authors Michael Krennerich and Bernhard Thibaut has been selected as the Outstanding Academic Books of the Year in the United States, by the influential US library journal CHOICE. In 2005 Dieter Nohlen was honored with the Diploma honoris causa in Electoral Administration by the University of Paris, Pantheon II.

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PAYING IT FORWARD: ROMANIA'S YOUNG ELECTION AUTHORITY MAKES A DIFFERENCE IN THE WORLD

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Abstract:

The revolutions in the late 1980s and early 1990s in Central and Eastern Europe energized the international community to assess and support early elections in transitional democracies.

With significant bilateral and multilateral funding, key international institutions involved in the promotion of democracy, some of them quite new, stepped forward to assemble impressive teams of international experts in the field of democracy and elections to observe and assess elections, interview key stakeholders, and produce professional reports with vital recommendations. Those reports identified many issues and problems involved in the administration of those first multiparty elections. Romania was an early beneficiary of those missions and subsequent technical assistance. One of the most important and consistent recommendations from the experts for these new democracies was the need to establish a professional, independent and permanent Election Management Body (EMB). Romania received strong international support to achieve that important goal, and the now-Permanent Electoral Authority (PEA) has not only followed the good advice given to it, but has paid that advice forward

Abstract:

Revoluțiile de la sfârșitul anilor 1980 și de la începutul anilor 1990 din Europa Centrală și de Est au impulsionat întreaga comunitate internațională să evalueze și să sprijine primele alegeri din democrațiile în tranziție.

Cu finanțare bilaterală și multilaterală semnificativă, instituțiile-cheie internaționale implicate în promovarea democrației, unele dintre ele destul de noi, au început prin a închea echipe impresionante de experți internaționali în domeniul democrației și al alegerilor pentru a observa și evalua alegerile, pentru a intervieva principalele părți interesate și pentru a produce rapoarte profesionale cu recomandări esențiale. Aceste rapoarte au identificat multe aspecte și probleme apărute în administrarea primelor alegeri multipartite. România a fost un beneficiar timpuriu al acestor misiuni și a beneficiat ulterior de asistență tehnică. Una dintre cele mai importante și consistente recomandări ale experților pentru aceste noi democrații a fost necesitatea de a stabili un organism de management al alegerilor profesional, independent și permanent. România a avut un sprijin internațional consistent pentru a atinge acest obiectiv important și Autoritatea

by becoming a world leader in the field of election administration and support to the newer emerging democracies of the 21st century.

Keywords: *Romania election administration, IFES, USAID, OSCE, ODHIR, election assessment, technical assistance, election observation mission, PEA, ACEEEO, A-WEB*

Romania has become a world leader in the field of elections, and has made considerable positive transformations, including becoming a respected member of the European Union, Council of Europe and NATO, and of international organizations representing election officials. Considering the fact that a mere 25 years ago the country was in deep turmoil following decades of iron-fisted communist rule, and that its respected Permanent Electoral Authority (PEA) was just established 11 years ago, Romania has come a long way in a relatively short period of time.

It wasn't easy, and Romania received and accepted good advice along the way. Today, it returns that favor by offering its experiences and expertise to others.

For the record, in 2015, Romania has a population of 21,729,871 people, of which 18,280,994 are registered voters. Average voter turnout over the past 20 years has been about 52%, with 64% of the voters casting ballots in the 2014 presidential election.¹

After the 1989 revolution that brought about the downfall of the repressive regime of Nicolae Ceaușescu, international donor agencies, led by the United States Agency for International Development (USAID), funded important initiatives aimed at turning Romania into a sustainable democracy.²

¹ <http://www.electionguide.org/countries/id/178/> (Romania)

² http://pdf.usaid.gov/pdf_docs/Pnadt366.pdf "Civil Society Programs Financed by USAID in Romania: A Study of Best Practices and Lessons Learned".

Electorală Permanentă (AEP) nu numai că a urmat această bună recomandare, dar a și înaintat-o mai departe și a devenit un lider mondial în domeniul administrării alegerilor și în ceea ce privește sprijinirea democrațiilor noi, apărute în secolul 21.

Cuvinte-cheie: *administrarea alegerilor în România, IFES, USAID, OSCE, ODHIR, evaluarea alegerilor, asistență tehnică, misiuni de observare a alegerilor, AEP, ACEEEO, A-WEB*

This paper seeks to discuss that early support and also highlights the struggle to create a permanent Electoral Management Body (EMB) in Romania. It also focuses on the current status of the administration of elections, and how the Permanent Electoral Authority uses its own experience to support developing democracies around the globe.

The Early Days: Flawed Elections and Doubt

In 1990, during Romania's first multi-party elections in 40 years, the U.S.-based International Foundation for Electoral Systems (IFES) fielded an observation mission of technical experts who found numerous shortcomings and flaws.³ Those elections were followed by economic turmoil and even violence, which began to sow seeds of doubt among the citizenry about the new leadership of the country and the institutions they led.⁴

At the time IFES, a relatively new organization led by pioneer Richard Soudriette⁵, was building its reputation as a non-partisan institution that brought together some of the world's leading experts in the field of election administration to assist new

³ <http://ifes.org/publications/romania-dream-deferred-1990-elections-and-prospects-future-democracy>

⁴ <http://countrystudies.us/romania/2.htm> "Romania-Almost Free: 1989-1990", Ronald D. Bachman, ed., *Romania: A Country Study*. Washington: GPO for the Library of Congress.

⁵ <http://aceproject.org/electoral-advice/author/Soudriette>

democracies during their transition period. In the 25 ensuing years IFES set the gold standard for democracy assistance, and built its well-deserved reputation for the work that it did in over 100 countries, including Romania. Millions of voters from all over the world are selecting their leaders in free and fair elections because of the excellent work of IFES.⁶

International Assessments, Recommendations and Support

In 1991 IFES dispatched a fact-finding team of experts to Romania to review the political landscape and assess the electoral law and administration of elections. Their report found the election laws had not really been updated since the mid-1920s, and there was a dire need for technical assistance and expertise to rewrite the electoral code and to support political party development:

“While other democracies’ election laws have evolved from the early part of this century to take account of social, cultural and other changes, Romania’s has not benefitted from this luxury. As the activities of parliament and ministries become more structured, there should be an opportunity to review the election law. This can only be accomplished through a comparative analysis of the election laws of other democracies worldwide. Such a review would enable the country to incorporate current attitudes towards the democratic process in its election law.”⁷

As a result of that assessment, in the early 1990s IFES, along with the newly-formed Commission on Security and Cooperation in Europe Office for Democratic Institutions and Free Elections (now OSCE/ODHIR), sent experts to Romania to assist in the writing of new electoral laws, and to provide advice in the preparations for the 1992 parliamentary and presidential elections.

Through funding from the U.S. Agency for International Development (USAID) IFES and other organizations, including the



International Republican Institute (IRI) and the National Democratic Institute (NDI), was provided tremendous technical assistance and support to Romania’s new political parties, NGOs, election administrators and other stakeholders involved in the electoral and political process. Important detailed recommendations were made to improve the process, whether it was for the training of poll workers, a revamp of the electoral laws, a focus on protection of minority groups, or the need for transparency and fairness in the process.

In addition, with support from USAID, the Charles Steward Mott Foundation, the European Union, and others, IFES established a permanent office in Romania to provide ongoing technical support to NGOs and those involved in electoral reform.⁸

IFES’ Leadership

During those important early years of assistance IFES was very fortunate to have the leadership of Romanian-born Dr. Juliana Geran Pilon as its Director of Programs.⁹ The author of the 1992 book, *The Bloody Flag: Post-Communist Nationalism in Eastern Europe: Spotlight on Romania*, Dr. Pilon had first-hand experience of fleeing Ceaușescu’s repressive regime at the age of 14.¹⁰

⁶ http://www.ifes.org/sites/default/files/ifes_2012_annual_report.pdf

⁷ <http://ifes.org/sites/default/files/r01854.pdf> IFES Technical Assistance Romania 1992.

⁸ <https://www.ifes.org/publications/romania-civic-education-project-1994-1997>

⁹ https://en.wikipedia.org/wiki/Juliana_Geran_Pilon

¹⁰ <http://www.amazon.com/The-Bloody-Flag-Post-Communist-Nationalism/dp/1560000627>

Dr. Pilon wisely appointed the highly-respected author and former Romanian dissident Dorin Tudoran to lead IFES' efforts in Romania and neighboring Moldova, where he helped to establish and grow strong NGOs to support programs to develop domestic civil society and independent organizations who would promote true democratic values.¹¹

IFES' work in Romania was strongly praised by Thomas Carothers in his landmark book: *Assessing Democracy Assistance: The Case of Romania*. In the book Carothers states "The IFES program also helped advance a still-tentative process of positive evolution with regard to the Romanian government's attitude and policies towards NGOs".¹²

IFES continued to provide technical assistance to Romania and make recommendations on improving the conduct of elections. A 1992 IFES assessment of the presidential and parliamentary elections indicated multiple problems with Romania's election administration, including serious issues regarding inaccurate voter lists, poor poll worker training, ballot design and ballot marking problems, counting issues, and general confusion regarding procedures. That assessment also cited the lack of legal authorization for domestic observers. In its report, the IFES team strongly recommended the creation of a professional independent central election commission.¹³

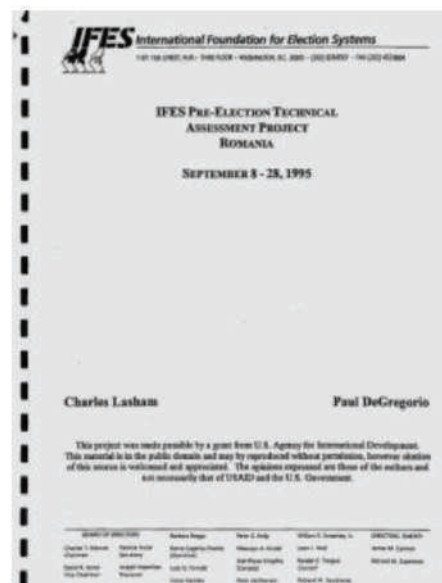
Temporary CEC: No Institutional Knowledge

In the early days of its transition to democracy, elections in Romania were overseen by a temporary group called the Central Electoral Commission (CEC), which started its work just nine months before every election. The CEC consisted of seven Supreme Court Justices and included the participation of ten representatives of the parties and political formations that

¹¹ https://en.wikipedia.org/wiki/Dorin_Tudoran

¹² <http://carnegieendowment.org/1996/01/01/assessing-democracy-assistance-case-of-romania>

¹³ http://pdf.usaid.gov/pdf_docs/pdabf923.pdf "1992 IFES Technical Assistance Project", S. Atwood, Marta Villaveces.



participated in the elections. The Central Electoral Commission's duty was to ensure strict observance of the rule of the electoral law. The commission was also responsible for investigating any complaints about the election that could not be resolved by local commissions and courts.

The problem with the CEC at the time was that it was temporary, and did not allow for the development of a strong permanent independent institution and staff that could address the myriad of problems found by domestic and international observers in those early elections.

My first experience (of many) in Romania was in September 1995, where I had the privilege of participating in an official assessment of the Romanian electoral process for IFES with Charles Lasham, an electoral expert from the United Kingdom. During our mission we met with many political, civic and NGO leaders across Romania, including then-professor Emil Constantinescu, who was later elected president in 1996, and Adrian Năstase, President of the Chamber of Deputies.¹⁴

During our assessment we visited Timișoara, a city in western Romania where many say the sparks of the 1989 revolution started. At the time there was still much evidence of some of the street violence

¹⁴ <http://ifes.org/publications/ifes-pre-election-technical-assessment-project-romania-september-8-28-1995>

that occurred in this city. I also visited the historical city of Cluj in the Transylvania region, and met with its controversial mayor, Gheorghe Funar, a nationalist who made life difficult for the 20% of the Cluj population with Hungarian heritage. His rhetoric was so extremely to the far-right ideology, I had to ask my interpreter whether he was really saying the words she was interpreting. It opened my eyes to the dark side of Romanian politics at the time.¹⁵

Our discussions with political parties yielded many complaints concerning problems associated with alleged fraud in the 1992 elections. IFES-supported NGOs, such as Pro-Democracy and LADO, were particularly concerned about the lack of civic education undertaken by the government. They were also concerned about the inconsistency in the implementation of the election law by the local electoral commissions at previous elections, and that poor training at all levels of election administration and for observers was a serious problem.



The author (center, in picture with glasses) in 1995 with leaders of the Civic Alliance Party

Consistent Recommendation and Need: A Permanent Electoral Authority

There was one issue that had unanimity among everyone we spoke to: A need for a permanent, professional and independent national election body to oversee all elections. It was certainly among the top

recommendations that we made in our final report.

We agreed with previous recommendations that a Central Electoral Bureau and its permanent staff could achieve an efficient and effective process of administering elections.

“This process could be coordinated by the CEB and would require the determination of the individual elector, political parties, government, parliament and civic groups. The Central Electoral Bureau should be responsible for the following:

(a) compilation of electoral lists; (b) production of voter cards; (c) allocation of voters to polling stations; (d) appointment of staff to local bureaus/stations; (e) production of election manuals for staff; (f) compilation and declaration of results; (g) all challenges and appeals concerning the election process; (h) determination of candidates at elections; (i) production of ballot papers; (j) provision of ballot boxes and polling booths; (k) civic and voter education in conjunction with civic groups; and standardization of all election procedures.”¹⁶

While improvements were noted in the 1996 elections, an election assessment report by ODHIR stated:

“There was a discernible improvement in election administration since the elections in 1992. However, the absence of a permanent and professionally staffed Central Electoral Bureau is regarded as a major weakness of the Romanian electoral system. Organisation may only be improved further and the democratic process strengthened by the establishment of a permanent independent body to oversee the electoral process. Given the ad hoc approach to organising the elections, the unwieldy nature of the process itself and the lack of clear guidelines in the form of instruction manuals, there were shortcomings resulting in a lack of consistency and uniformity of practice.”¹⁷

¹⁵ <http://www.independent.co.uk/news/world/europe/angry-mayor-shows-his-colours-gheorghe-funar-who-is-a-serious-patriot-insists-there-are-no-hungarians-in-romania-writes-adrian-bridge-in-cluj-1450599.html>

¹⁶ <http://ifes.org/sites/default/files/r01853.pdf> IFES Technical Assistance Project Romania 1992.

¹⁷ <http://www.osce.org/odihr/elections/romania/115748> Romania Parliamentary and Presidential Elections 1996.

In addition, recommendations from a 1997 assessment report issued by the International Institute for Democracy and Electoral Assistance (International IDEA) stated:

*“There appears to be widespread consensus among the political parties and governmental officials on the need for a permanent electoral body at the central level, and perhaps also at the constituency level.”*¹⁸

So while other new democracies in the region, including Moldova, Ukraine, Lithuania, Latvia and Estonia, took the advice of IFES, ODHIR, IDEA and others, and created permanent election authorities, the political class in Romania continued to resist establishing such a body. Domestic and international election observation and assessment missions, as well as technical advisors, continued to press for a permanent body, but to no avail.

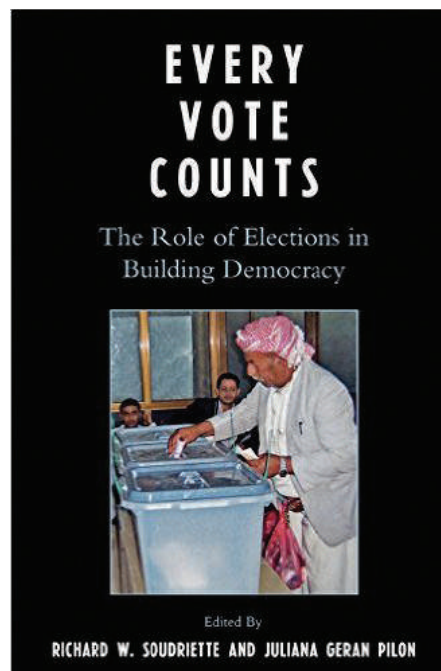


The Birth of the Romanian PEA

In September 2004, the Romanian Parliament finally adopted by a wide consensus new laws governing presidential and parliamentary elections, replacing the 1992 laws. This new law established the first Permanent Electoral Authority (PEA) (Autoritatea Electorală Permanentă or AEP in Romanian). Mr. Octavian Opriș was named president of the PEA and the well-respected Tiberiu Csaba Kovacs was named Secretary-General, a position he still holds today.¹⁹

In their book, *Every Vote Counts: The Role of Elections in Building Democracy*, Richard W. Soudriette and Dr. Julia Geran Pilon cite Romania and other examples of where democracy took root because of the professional development of Election Management Bodies. The writers underscore the importance of providing democratic assistance long enough for local officials to

acquire the expertise and confidence they need to manage elections on their own.²⁰



Looking back, the 1992 assessment by IFES was very clear on the need for a permanent election authority, particularly in the case of the Voter Registry. It stated:

“The Central Electoral Bureau should become a permanent body to ensure professionalization of the administration of elections. Currently a new Central Electoral Commission is appointed for every election. Such a Central Electoral Bureau should be provided with adequate staffing and a permanent budgetary provision. The Central Electoral Bureau should produce guidelines for the compilation of electoral lists. The responsibility for this currently rests with the Mayors who frequently resorted to obtaining lists from grocery stores where citizens register to obtain sugar. The Central Electoral Bureau should assume the responsibility of compiling and ultimately computerizing, these lists.”

While it took some time, Romania heeded those recommendations and implemented serious reforms. They no longer build their voter registry from “lists from grocery stores”. Today, the Permanent Electoral

¹⁸ <http://www.idea.int/publications/country/romania.cfm>; page 150.

¹⁹ https://aceproject.org/ero-en/regions/europe/RO/rom_electoral_system.pdf

²⁰ <http://www.amazon.com/Every-Vote-Counts-Elections-Collection/dp/0761836764>

Authority of Romania is a model for EMBs around the world.

The formation of the PEA in 2004 was a true turning point for democracy in Romania. In the years that followed, Romania became a member of the EU and NATO, and the PEA became an active member of the Association of European Election Officials (ACEEEO).

In 11 short years, PEA has evolved from one minor functioning branch to its current competent institution with eight regional and 34 county branches, and with major responsibilities. The President of the PEA holds ministerial status and along with the Vice-Presidents and Secretary they are empowered to oversee all aspects of election administration in Romania.

PEA: Building Respect and a Modern Voter Registry

As the numerous international election assessment reports in the 1990s recommended, the PEA became an independent respected dynamic body which institutionalized election best practices and sought to constantly improve the voting process for its citizens.

The PEA now operates with professional non-political employees and a robust internal structure with balanced leadership to maintain neutrality and independence. PEA recognizes that organizing elections is a team effort, with permanent collaboration with other institutions, including the Ministry of Internal Affairs and National Institute of Statistics.²¹

In recent years the PEA hired young professionals who brought new ideas and new energy to the institution. Perhaps one of their greatest achievements was to establish a digitized Electoral Registry that has become a model for others. Started in 2009 with a feasibility study, the PEA sought to develop a modern method to digitize voter records to improve efficiency and prevent fraud. In 2011, the PEA trained its staff in the use of

this new IT-based program, and subsequently developed a working portal that involved local municipal officials in the maintenance of the Register. Using modern software, this update allowed these officials to assign polling stations, add or remove or update voter information, and use the list for mailing purposes. In 2014, the new Registry was used successfully in the parliamentary and presidential elections.

The new modern electronic Registry is a long way from the days of when the registry was identified in a 1990 report as antiquated.

Recognized Progress

The progress of the PEA has been duly noted by international organizations. ODIHR, which has sent observer teams almost for every Romanian election since 1990, stated in its report on the 2012 elections:

“Electoral bureaus at all levels performed their duties efficiently, within legal deadlines and functioned professionally, addressing matters in a collegial manner. Both CEB and BECs held regular sessions, with BEC sessions open to observers and the media. Decisions were taken by majority vote. CEB meeting agendas and decisions were swiftly published on the internet, which effectively increased the transparency of the process. The election administration appeared to enjoy the confidence of both the public and electoral contestants, in part due to judicial leadership in the bureaus. Positively, bureaus appeared to be gender-balanced, although no legal provisions exist in this regard.”²²

Pătru: Making History

In 2012 Romania again made history by appointing the Honorable Ana Maria Pătru, a well-respected attorney and public figure, as the first woman to lead the PEA.

Ms. Pătru has taken the PEA to new heights, and has put Romania on the global

²¹ <http://www.roaep.ro/prezentare/en/> Official website of the Permanent Electoral Authority of Romania.

²² <http://www.osce.org/odihr/98757> ODIHR 2012 Romania Parliamentary Elections. Final Report.

map by conducting international conferences that highlight best practices in elections, fostering assistance to emerging democracies through study visits and technical support, and paying forward the advice and assistance Romania received during its earliest days of democratic transition.²³

Ms. Pătru's leadership was recently recognized as she was elected by acclamation as the new vice-president of the Association of World Election Bodies (A-WEB), and Romania was selected to host their 2017 General Assembly and World Conference, where Ms. Pătru will be installed as president of the organization.²⁴

Paying It Forward: Making a Global Impact

Some of the highlights of Romania's leadership in recent years include:

- 2011** PEA worked with UNDP, Ministry of Foreign Affairs of Romania, UNEAD and other international organizations to begin a series of workshops to offer technical support and study programs in the context of the Arab Spring and Romania's own experience in its transition to democracy in the 1990s.²⁵
- 2012** Working with the Ministry of Foreign Affairs, the PEA initiated a more active approach to provide bilateral electoral assistance and cooperation with international organizations, NGOs and public institutions.
- 2013** Launched new web portal with historical and modern information²⁶; PEA organized a BRIDGE module on Out of County Voting with EMBs from Libya, Egypt and Tunisia;

participated in the Global Election Organization (GEO) conference and 1st General Assembly of A-WEB in Seoul, South Korea.²⁷

- 2014** PEA First International Conference on Women Participation in Elections, focusing on the Middle East and North Africa regions, and hosted the 23rd Annual Conference and General Assembly of Association of European Election Officials (ACEEEO).²⁸



- 2015** Hosting of the meeting of the Executive Board of A-WEB, the Second PEA International Conference on "Electoral Integrity and Regional Cooperation", and a Social Media and Elections Summer Camp.²⁹

19 August 2015

Election of PEA President Ana Maria Pătru as the vice-president of A-WEB, and Romania selected to host the next A-WEB General Assembly and International Conference in 2017.³⁰

²³ <http://www.aod.ro/resurse/Thematic%20Evaluation%20-%20Electoral%20Assistance.pdf>

²⁴ <http://www.aweb.org/eng/bbs/B0000080/view.do?ntId=10305&menuNo=300045> Website of A-WEB.

²⁵ http://www.undp.ro/projects.php?project_id=64 UNDP Support to PEA Romania.

²⁶ <http://www.roaep.ro/>

²⁷ <http://www.aweb.org/eng/main.do>

²⁸ <http://www.aceeoo.org/hu/node/71>

²⁹ http://www.internationalpeaceandconflict.org/forum/topics/summer-elect-camp-how-social-media-is-making-a-difference-in-the?xg_source=activity#.VeEpWcqFNOA

³⁰ <http://www.romaniajournal.ro/romanian-lady-to-take-over-leadership-of-association-of-world-election-bodies/>



The Future

This paper has highlighted the remarkable transition Romania has made in the field of election administration, and that it is a model for other countries in transition. It should be applauded for its tremendous leadership in international efforts to assist other emerging democracies around the world, and to recognize that the election process is ever evolving, with new technology and new methods being developed to make

elections more efficient, and making voting easier and more convenient for citizens.

However, like other countries – including the United States – who have had experts from OSCE/ODHIR and other groups analyze their elections in recent years, Romania would be well-served by continuing to follow through on recommendations made by these institutions as it moves forward. It should be acknowledged that the PEA has already moved to establish a pool of trained staff for each election, which was one of the more recent recommendations. In particular, a consolidation of the election code for all elections – strongly recommended by ODHIR in its latest report – would build upon the other successes it has enjoyed in recent years.³¹ As it has done in the past, Romania could call upon experts to assist in this effort, and examine best practices used in other established democracies.

³¹ <http://www.osce.org/odihr/98757> ODHIR 2012 Romania Parliamentary Elections. Final Report.

About the author:

Paul DeGregorio is a long-time recognized international election expert who has worked in over 35 countries to promote democracy and the professional development of election officials. DeGregorio has served as a technical advisor and Executive Vice-President for the International Foundation of Electoral Systems (IFES) and has also led several OSCE/ODHIR election assessment missions.

A former local election official from St. Louis, Missouri in the United States, DeGregorio served as Chairman of the U.S. Federal Election Assistance Commission (EAC) and has received numerous awards for his leadership in election reform, including the Freedom Award from the National Association of Secretaries of State (NASS) and the Distinguished Alumni Award from the University of Missouri – St. Louis, where he received his baccalaureate degree in Political Science. DeGregorio was appointed a Senior Advisor to the Association of World Election Bodies (A-WEB) in January 2014, and also currently serves as a Senior Fellow to the Democracy Fund. A frequent writer and speaker in the field of election reform, he is an honorary member of the Association of European Election Officials (ACEEEO) and lifetime member of the International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT).

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MEXICO'S POLITICAL SYSTEM AND ITS DEMOCRATIC TRANSITION THROUGH ELECTORAL REFORMS. AN ASSESSMENT OF THE 2015 ELECTORAL PROCESS

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*“Democracy is the destiny of future humanity;
Liberty, its indestructible weapon;*

The possible perfection, the goal it is heading to.”

Benito Juarez, Mexico's Constitutional President (1856 – 1872)

Abstract:

Mexico developed its 2014–2015 electoral process with the implementation of a new electoral and political reform; the eighth reform in four decades. From a historical perspective, the Mexican political system has had a revolutionary transformation. The recent electoral process has revealed a highly competitive multiparty system with a mature citizenship who exercises a reasoned voting right which promotes the political alternation and the correct checks and balance between the Executive and the Legislative. Even when the political reforms have achieved most of the democratic principles, the road has been paved for a new political reform. However, there are two trends: on one side there are promoters of the reform who may range from moderated changes to a change of the regime; and on the other side, particularly the Academia, who consider that politicians

Abstract:

În Mexic procesul electoral din 2014 – 2015 s-a dezvoltat odată cu implementarea noii reforme electorale și politice, cea de a opta reformă în ultimele patru decenii. Din perspectivă istorică, sistemul politic mexican a cunoscut o transformare revoluționară. Procesul electoral recent a reliefat faptul că există un sistem multipartit puternic concurențial, cu cetățeni maturi care își exercită dreptul de vot care promovează alternanța la putere și o separație și un echilibru real între puterea executivă și cea legislativă.

Chiar și atunci când reformele politice îndeplineau cele mai multe dintre principiile democratice, drumul a fost pavat pentru o nouă reformă politică. Cu toate acestea, se întrevăd două tendințe: pe de o parte, există promotori ai unei reforme care vizează schimbări moderate și cei care ar putea

try to comfortably make changes through negotiations among a close elite instead of going back to their grassroots.

Keywords: *electoral reforms, democracy, Mexico, plurality, multiparty system, alternation, 2015 Federal Electoral Process*

Introduction

Unlike a revolution, understood as a complete change or the substitution of a process, system or organization, the political reforms have the objective to correct, modify or introduce elements that will specify or clarify the current legislation; these reforms may be addressed to multiple goals, like introducing changes in the process, institutions, or even the consecution of the basic principles of citizen's political rights. Experience has proved that, in democracy, political forces need to deliberate to reach agreements in order to promote a good performance of the government.

Through time, the legislative reforms in political electoral matter have been the element that has prevented social revolutions. The arrangements among the political forces promoted the democratic process as a mechanism used by the ruling parties to conserve the power by conceding in certain fields or by opening the system. These reforms, conceded agreements of the ruling political actors, have been an element for evolution and change in modern societies that demand the legislation's adaptation to the new reality.

In the last four decades, Mexico has introduced eight legislative reforms that have transformed its electoral system; it is important to remark that each political reform wasn't an agreement based on the good will of the political forces; as Dieter Nohlen has

pretinde o schimbare a regimului; și, pe altă parte, în special reprezentanții din mediul academic, care consideră că politicienii încearcă să facă modificări confortabile prin negocieri în cadrul unei elite apropiate în loc să se întoarcă la nivel local.

Cuvinte-cheie: *reformele electorale, democrație, Mexic, pluralitate, sistem multipartid, alternare la guvernare, procesul electoral federal din 2015*

pointed out in his book¹, the context does matter; and Mexico is not an exception. Every reform is the result of negotiations when the social and political forces are on the edge of a violent confrontation which happens at the end of every electoral process when there are protests that challenge the results.

It is possible to state that, when analyzed from a historical perspective, the impact of all added reforms may be considered as a revolution of the Mexican political regime.

Overview to Mexico's political system

Mexico is a federal republic made up by 31 states and one Federal District where the three powers of the Union are settled, and 2457 municipalities.² In the electoral field, the Constitution mandates the division of the country in 300 districts and five regions.

Executive Power. The President is the Head of State and Head of Government and is elected through universal suffrage for a period of six years by simple majority.

¹ Dieter Nohlen, *El contexto hace la diferencia: Reformas institucionales y el enfoque histórico-empírico*, edited and introduced by Claudia Zilla, Instituto de Investigaciones Jurídicas, Ciudad de México, 2003.

² The Federal District has a special political denomination; it has an Executive Power through the Chief of Government elected through universal suffrage, a unicameral assembly, a judicial branch and some kind of municipalities (16), however it is not an autonomous state since it is a federal district.

Legislative Power. Bicameral Congress. The Upper Chamber is the Senate with 128 Senators, 4 per each state, and the Federal District with a mixed system of Relative Majority (RM) and Proportional Representation (PR) according to the five regions from a close list. The Lower Chamber is the Chamber of Deputies with 300 deputies by RM (one per district) and 200 by PR for the five regions from a close list.

Judicial Power. It is represented by the Supreme Court of the Nation and has seven members, proposed by the Supreme Court and appointed by the 2/3 of the Senate.

Each of the 31 states and the Federal District has their three Branch Powers, but their Congress is unicameral, and they have governance autonomy and each one has its own electoral management bodies.

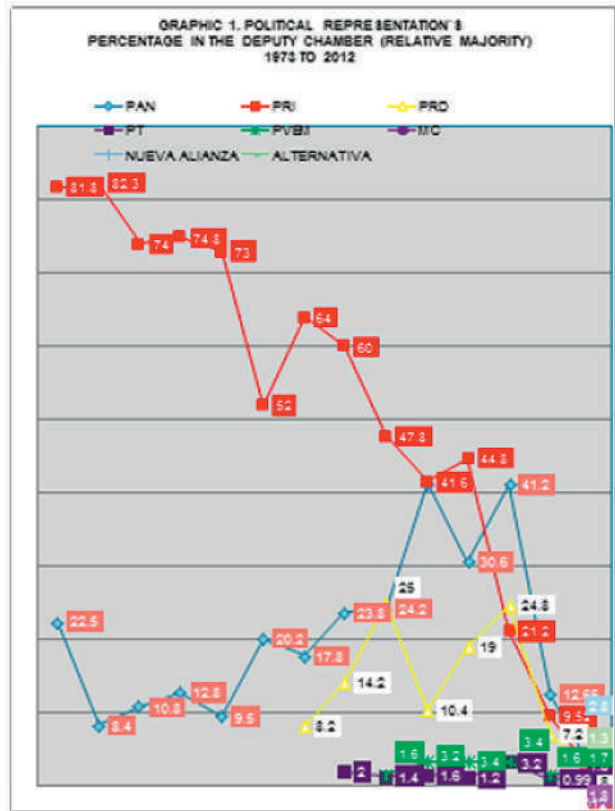
There are three institutions related to the electoral field: the National Electoral Institute (INE, by its acronym in Spanish) which is the administrative institution in charge to organize the election: from the

political parties' registration and management of the finances, to the electoral registry, and the civic and citizen education programs and the transmission of the official results. INE is an autonomous and independent organism from the government in its direction and in its budget. The Electoral Tribunal of the Federal Judicial Branch (TEPJF, by its acronym in Spanish) which is the specialized branch of the Judicial Power, is the last instance for any political right and electoral jurisdictional matter. The Specialized Prosecution Office for Electoral Crimes (FEPADE, by its acronym in Spanish), is a branch of the Executive Power in charge to prosecute crimes arose around the electoral process.

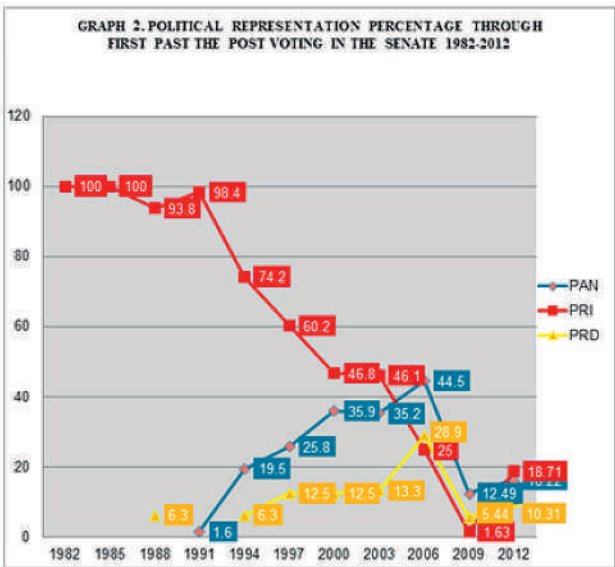
A glimpse to the electoral reforms and their impact

Opening the system. The Electoral reform of 1977 is the one that led to plurality by recognizing and registering political forces which were considered illegal. The

Graph 1: Percentage of political parties represented in the Chamber of Representatives from 1973 to 2012



Graph 2: Percentage of political parties represented in the Chamber of the Senate from 1982 to 2012



political parties' registration is introduced at a Constitutional level and grants funds for their activities. As an impact at institutional level, the Ministry of the Interior creates an office for the registration of the political parties in the Commission of the Federal Elections. The main democratic principle reached was the plurality.

Graph 1 shows the evolution of political parties representation in the Chamber of Deputies from 1973 (previous to the reform) and to 2012, and even when there have been other political parties, at the end of the 90's when political parties different from the PRI have been winning seats and even when they lose the majority in the chamber; while Graph 2 shows the same phenomenon but in the Senate Chamber in the period from 1982 to 2012.

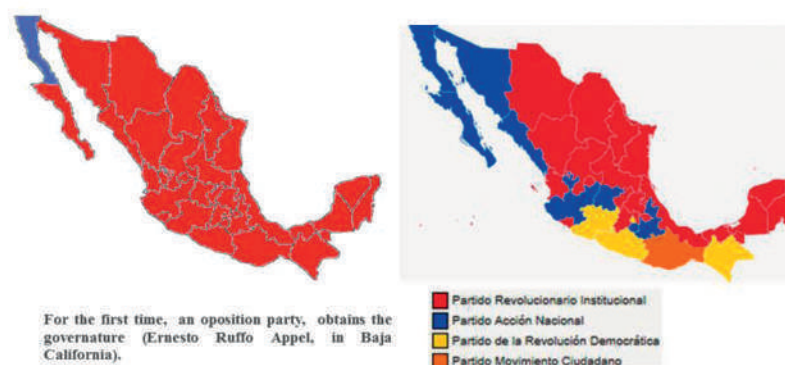
The reform of 1986 was also oriented toward the principles of representation and plurality since it increased the number of deputies in the Lower Chamber from 300 to 500 seats: 300 seats by relative majority (RM)

and 200 by the proportional representation (PR). But it also introduced the governance clause, which established limits to the number of seats a political party may get by relative majority and by proportional representation³. Other important aspects for this reform were the regulation of funding and granting access to media to all political parties.

New institutions are created for the electoral matter: an Electoral Tribunal (TRICOEL) and a new composition for the Federal Electoral Commission are redesigned allowing the representation of the legislators (1 deputy and 1 senator) and a representative for each political party present in Congress.

After this reform, the opposition party, PAN, won the Baja California governorship. The first map shows the jurisdictions governed by PAN in 1988 and the second one shows the 2012 map where four political parties governed: PRI – 21 states; PAN – 7 states; PRD – 3 states and Movimiento Ciudadano – 1 state.

Graph 3: Maps representing the political party governance in 1988 and in 2012



The revolutionary reform of 1990 was a breaking point for the Mexican political system. It introduced changes in the institutions and in the regulations of the political parties, of the campaigns. The Federal Electoral Institute where the Minister of the Interior is the president of its General Council that is made up of representatives of the political parties and from both Chambers of Congress. The councilors (citizens) must not have political background. The Electoral Tribunal is reformed and its members must be magistrates specialized in electoral matters;

4 regional Courts are established, one Court for each region by proportional representation. At the polling stations citizens chosen randomly are going to be the polling station officials who receive and count the votes.

The impact of those reforms can be observed in the following chart which presents the seats won by each political party from 1991 to 2012 only with the Relative Majority and the governance clause.

³ The governance clause is meant to avoid the possibility that only one party can reform the Constitution.

Graph 4: Table showing the seats each political party holds in the Representative and in the Senate Chambers from 1991 to 2012, by using First Past the Post voting

Seats by First Past the Post Voting in the Upper Chamber 1991-2012							
Year	PAN	PRI	PRD	PVEM	PT	Movimiento Ciudadano	Nueva Alianza
1991	1	31					
1994	0	64	0				
1997	9	13	8	1			
2000	37	47	11	1	0		
2006	41	27	13	2	0	3	0
2012	29	43	16	5	3	0	0
Seats by First Past the Post Voting in the Lower Chamber 1991-2012							
Year	PAN	PRI	PRD	PVEM	PT	Movimiento Ciudadano	Nueva Alianza
1991	10	290	0				
1994	20	273	7				
1997	63	165	71	0	1		
2000	133	132	24	6	2	0	
2003	81	161	55	3	0	0	
2006	137	63	90	2	3	5	0
2009	70	184	39	5	3	0	0
2012	52	164	59	13	4	8	0

The 1993 – 1994 reform is known for the citizenshipization (*ciudadanización*), a new word meaning that institutions are formed by citizens without a political membership background in order to avoid bias. The IFE gets autonomy from the government.

The reform changes again the institutions, aiming to increase representation by increasing the number of senators from 2 per state to 4 by a mixed system of MR and PR.

The regulations now are oriented to control the spending from the public funding for political parties by establishing thresholds on expenditures, to limit the type of donors and the amount of money, the origin, and to monitor the media access of the political parties – that is a new attribution for IFE. So control and transparency are the main principles pursued.

In the social field, the local observation is promoted and the international visitors that come here to know the electoral process are welcomed as there is a flexible regulation for their observing activities.

The 1996 reform gave more attributions to an autonomous and independent institution which started the civil professionalization on election of its operational officials who are responsible to apply and to implement

IFE’s decision regarding political parties, electoral training and civic education, electoral roll and the administration and management in each of the 300 electoral districts offices and in each of the 32 offices established in each capital of the federal entities of the Republic.

It is established a threshold of 2% of the votes for each political party to keep its registration, coalitions are allowed and the governance clause is reintroduced to avoid overrepresentation.

Regarding the political parties prerogatives, it is established a formula for the public financing: 30% divided equally between the political parties registered and 70% according to the valid votes received in the previous federal election. In the previous chart one can observe that in the 1997 electoral process, the PRI lost the control in the Chamber of Deputies for the first time.

The Electoral Tribunal is established in the Judicial Branch; to select the magistrates, the Supreme Court sends a list with possible candidates to the President of the Republic who will select three names and the Senate will appoint one. The term of the magistrates is of nine years and they will be replaced in a period of ten years; their attributions are federal and local elections; every IFE’s decision might be challenged

at the TEPJF. The IFE’s councilors are appointed by 2/3 of the votes casted in the Lower Chamber from citizens interested and fulfilling the requirements; they would be serving a period of nine years and would be replaced gradually; their attributions are only for the federal elections.

In the framework of this reform, appeared an alternation for the position of President of the Republic, thus ending 71

years of hegemonic governance of the Partido Revolucionario Institucional (PRI), and, for the first time it was governing the historical opposition party, Partido Acción Nacional (PAN). This phenomenon is also represented in the states as shown in the following chart which explains how states have had alternation in governorships between the three main political parties: PRI, PAN and PRD.

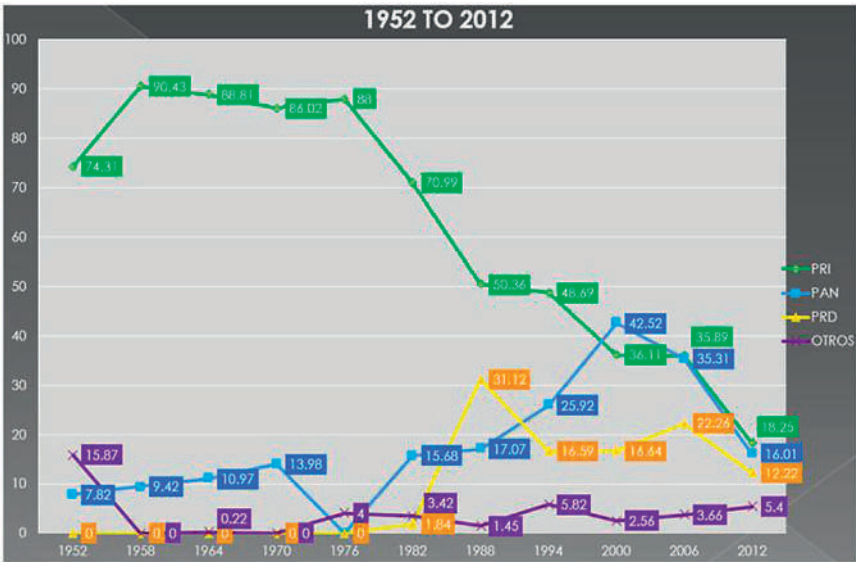
Graph 5: The States governorship in terms of political parties’ alternation

NEVER FACED ALTERNATION	ALTERNATION TWO POLITICAL PARTIES				ALTERNATION to THREE POLITICAL PARTY
	PRI to PAN	PRI to PRD	PRI to Movimiento Ciudadano	Alternancia PRI to Coalitions	
9 / 32	13 / 32	5 / 32	1 / 32	2 / 32	2 / 32

The 2007 – 2008 reform, nicknamed the media control reform, is a huge change for the control of the political parties spending, by imposing more controls to sources of private financing, spending and media control. The law established that non political parties or citizens may buy time in the media: print, TV or radio. All access to media for a political party must be done through IFE from the State air time, and it was divided according to the same formula as the public funding

(30 – 70%). IFE gets more control attributions as it is the first complain instance regarding media challenges. These new attributions implied the creation of an Oversight Unit to control the political parties and their campaign finances and a big investment in technology in order to monitor the media advertisements of each political party. IFE gets attributions and no restrictions to access to the banking, revenues and income taxes reports’ systems.

Graph 6: Electoral results of the Presidential elections from 1952 to 2012



Due to the frequent competitive and closed electoral results, a new rule was introduced to recount all the votes when there is a difference of 1% or less between the two main candidates. The chart shows the percentage results obtained by the candidates of the political parties from 1952 to 2012. In 2006, PAN's presidential candidate, Felipe Calderón Hinojosa, won with a difference of 0.58% of the votes.

The gender quota, as an affirmative action is introduced, with two mechanisms: 1. 3% of the public funding for political parties shall be for activities meant to promote and empower women's candidacies; and 2. political parties shall nominate a gender quota of 40 – 60%. For the first time, women get 23% representation in Congress.

This reform was considered too advanced and was thought to be the last one. However, the context and the new reality determined the political forces to negotiate a new reform.

The 2014 – 2015 electoral reform, once again, it is too ambitious and, with the electoral process ahead, that implied many challenges. The reform changed the structure of the former electoral institution and passed on its attributions at local and federal level. So the former Federal Electoral Institute is transformed into the National Electoral Institute (INE). The General Council is expanded from 9 to 11 members. INE gets attributions of coordinating some activities with the electoral institutions from each of the states and the power to nominate their councilors (the main decision board) and establishes that the main electoral officials (local and federal) must belong to the National Electoral Professional Service. The attributions as first instance on challenges regarding the media are transferred to the Electoral Tribunal; independent candidates are accepted, reelection is accepted for some public posts: deputies, senators, mayors, but it is forbidden for President of the Republic and governors for each federal entity.

Graph 7: INE's new logo and a picture of the new General Council



New causes for nullification of an election: surpassing the expenses limit by more than 5%; purchasing extra air time for electoral advertising besides that which is legally approved and illegal funding.

The gender quota is 50 – 50 and the threshold increased to 3% of the valid votes; more controls on the expenses of the political parties demand that they must report all expenses in a short period of time as INE has to review all financial reports because

exceeding expenses is a cause to annul the elections.

The INE organizes and conducts federal elections along the same lines that IFE did, but will also exert responsibilities over the local elections, including: districting; regulations on electoral surveys and electoral observation; provision of preliminary results and oversight of parties and campaign finances, among other issues.

Graph 8: Changes in the electoral reform 2007 – 2008 and 2014 – 2015

	Reform 2007 – 2008	Reform 2013 – 2014
THRESHOLD TO HAVE PROPORTIONAL REPRESENTATION	2%	3%
GOVERNANCE CLAUSE	Up to an 8% variation in the seats-votes relation in Federal Congress	Up to an 8% variation in the seats-votes relation in Federal Congress and Local Congresses
GENDER EQUITY	Gender quota based on the 60/40 pairing	A gender equity 50 – 50% mandate is guaranteed for nominations made by political parties on a federal and local level.
INDEPENDENT CANDIDACIES	Rights and prerogatives were bound to definitions set in the Regulations Legislation.	Prerogatives to public financing and free radio and television access are guaranteed.
REELECTION	There were no reelections.	On a federal level, congressmen may be reelected up to two or four terms. On a local level, municipal authorities may be reelected for a single term and local legislators for up to four terms.
VOTING ABROAD	Just for President of the Republic.	Elections for president and senators. Some local entities have regulations to elect governors.
	Voting card may only be obtained on national territory.	Issuing of the voting card may also be done and obtained abroad.
	Postal voting	Mixed mechanism to be introduced: postal voting, electronic voting and e-voting

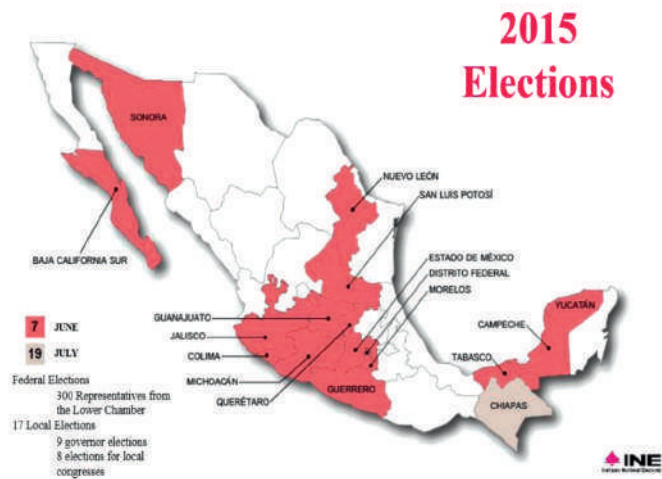
It would be hard to provide all the details on each electoral reform and their own impact in the political system in just few pages, so the above lines only outlined some of the most transcendental changes and the charts and graphs explain by themselves the impact on the Mexican Political System.

In the following section will be presented the impact of the last political electoral reform in the recently federal and local electoral process of June 7th, 2015.

The Federal electoral process
2014 – 2015

The electoral process was a challenge for the authorities. The first challenge was the implementation of the approved reform of April 2014: the electoral process officially started in October 2014, and E-Day was set on Sunday, June 7th, 2015. Plus, according to the new attributes, the INE had to organize and coordinate the federal elections for the 300 representatives and the local elections for 17 states, including the selection and appointment of the Local Public Electoral Organism’s (OPLE) councilors.

Graph 9: The Federal Electoral Process. Map of the Mexican Republic presenting the states which held elections at the same day.



The second challenge was the complexity of the social and political context in Mexico: the teacher’s union and the PRD protested the educational reform, particularly in the states of Guerrero, Michoacán, Oaxaca, and the Federal District; the augmentation of insecurity due to the combat against drug dealers by State forces; the killing of 21 political party members, candidates, and pre-candidates; the decrease of families’ income due to a long economic crisis; the disappearance of 43 students in which the local authorities from the state of Guerrero

had been implicated; and a conflict of interest involving the President Enrique Peña Nieto and his wife. In addition to the technical difficulty of the electoral organization, several groups of people called to annul the votes, and some more extremists tried to boycott the elections by taking violent actions against INE’s facilities and personnel, and destroying electoral materials.

The last challenge was the organization of one of the biggest elections in Mexican history.

Graph 10: Table presenting the elections numeralia regarding INE’s challenges in the logistics and the political contest at stake

Numeralia ⁴	
INE	Political parties
83.5 million citizens able to vote <ul style="list-style-type: none">• 48% men• 52% women	10 political parties competing, where 3 parties were newly registered; plus independent candidacies
Random selection of 8 million citizens from the electoral list who might be elected as polling station officials.	2,179 public positions to be elected
1 million citizens elected and trained to be polling station officials	4,496 candidates for MR representatives
149,043 polling stations	22 independent candidates registered in 12 states
41 million TV and radio spots administered by INE for the federal and local campaigns	2 coalitions
12,215 financial reports from pre-candidates and aspirants: <ul style="list-style-type: none">• 4,558 – federal candidacies• 7,658 – local candidacies	Public funding: 5 billion pesos (approx. 2.5 billion USD)
Organization of the Children and Youth Poll	

⁴ Rounded numbers.

Since the 2009 electoral process, INE had to administer the State time in radio and TV, facing the powerful discontent of media businessmen, but for this electoral process the number of advertisements was, in itself, a challenge although it was fulfilled by the media entrepreneurs by 98%. But the violations done by the political parties on the use of this mean was the topic of most sanctions processes boarded by INE's General Council and the political party PVEM was the most fined with a total of 26 fines summing 596 million pesos. The INE's General Council was pressured by other political parties and by the citizens to debate if the PVEM should keep its registration and should compete in the electoral process.

INE's decision was based on the fact that it was up to the citizens to decide if the PVEM should keep its registration according to the electoral results obtained by it.

The electoral campaign was characterized by the tight competition among the political forces. The multiparty system represented a challenge to the political parties in two ways: on one side to get the preference of the voters in order to reach the threshold of 3% of the national valid votes to keep their registration; and on the other the 10 political parties plus independent candidates contending in a plural society discontent with most of the political parties as they were perceived by the voters as the most corrupt and untrustworthy.

Graph 11: The chart presents the 10 political parties which participated at the 2015 electoral process in the order they got their own registration

NO.	LOGO	NAME
1		Partido Acción Nacional (PAN)
2		Partido Revolucionario Institucional (PRI)
3		Partido de la Revolución Democrática (PRD)
4		Partido del Trabajo (PT)
5		Partido Verde Ecologista de México (PVEM)
6		Movimiento Ciudadano
7		Nueva Alianza
8		Morena
9		Partido Humanista
10		Encuentro Social

The results

E-Day was conducted in a peaceful environment with few and localized problems, most of them in Michoacán, Guerrero and Oaxaca. These problems were registered and prosecuted by the FEPADE.

After the closing of the polling stations (18 hours or when the last citizen in line has voted) results are first posted out of

the polling station and then the official tally sheet and the electoral material are taken to the district board to register and deliver the district results to the data base⁵.

The law establishes that the only authority to provide electoral results is INE. Even when the official results are delivered

⁵ No other media, political party nor polling surveys are allowed to provide their own estimates after 20 hours on E-Day.

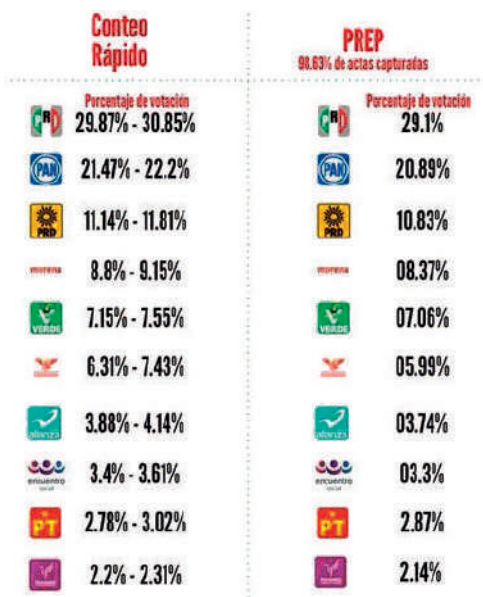
the first Wednesday after E-Day, INE provides the preliminary results through two mechanisms:

Fast counting is a statistical tool in which a percentage of polling stations from the whole country are registered to provide an estimate and the tendency of the results in an average of two to three hours.

The Preliminary Results Program (PREP) works only for 23 hours, it is a tool which is established to provide the results introduced in the data base, their precision being of 98.7%.

The results were very close to the official results which were recounted at district level.

Graph 12: The chart shows the results obtained by each political party for the Lower Chamber according to the Fast Counting (left column) and the PREP (right column)

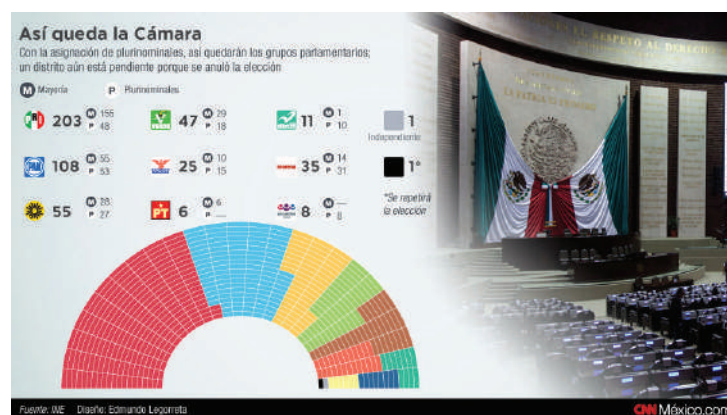


According to the official results, the balance of the E-Day was as follows:

- only 182 out of the 149,043 polling stations could not be installed in only 10 districts from the 300 federal districts in five states, meaning 0.12%;
- in 410 polling stations the elections were suspended, representing 0.27%;
- in 145 of the suspended polling stations the elections were interrupted due to violence and 245 cases were due to the destruction and robbery of electoral packages, mainly in the states of Oaxaca Guerrero and Chiapas; 56 people were arrested for federal electoral crimes;
- the citizen participation was of 39.87 million voters; it meant a 47.72% turn out, an increase of 3 points from the previous midterm electoral process (2009);

- annulled votes reached 4.88% of the total, less than the 2009 electoral process;
- INE had to recount votes in 300 districts, which meant opening and recounting 92,098 electoral packages, 61% of the total polling stations;
- two political parties lost their registration: PT and Humanista;
- two elections were annulled, one because of the active proselytism of the current governor of the state;
- these elections meant the alternation in 102 districts;
- 6 out of 125 independent candidates won the elections: 1 governorship; 1 federal representative; 3 mayors and 1 local Congressman;
- the new composition of Congress is presented in Graph 13.

Graph 13: *Composition of the Chamber of Representatives for the 2015 – 2018 period*



Conclusions

The lessons learned from the past electoral process reveal that no political party neither won nor lost everything; there is a plural and highly competitive political system. Citizens in Mexico have proved maturity in the exercise of a reasoned vote and preferred the democratic channels to demand the attention to the public interest and the problems the country faces, despite the fact that there were strong voices calling to the boycott and the great disappointment and distrust of the political parties.

Mexico, who in the 20th century was defined as a democracy, in fact, it was ruled by only one political party for more than 70 years. The winner of the Nobel Prize in Literature, the Peruvian Mario Vargas Llosa described the Mexican political regime as the Perfect Dictatorship by stating that, even though Mexico held periodic elections, these were smokescreen since all of the candidacies and the popular election positions were assigned by the political elite of the hegemonic party PRI, pointing out that this regime had all the characteristics of a dictatorship, not under the rule of one person but of one party; and the Mexican political analyst, Enrique Krauze, named it as the “Dictablanda”, meaning the Soft Dictatorship.

Analyzed through the lenses of the electoral reforms, Mexico could fit in Giovanni Sartori's (1988) list of democracy requirements: *"the government exercised by representatives freely elected through: 1) the universal right to the suffrage; 2) the celebration of regular and periodic elections; 3) freedom of association*

in order to nominate candidates; 4) equal opportunities for the candidates to media access and publicity; 5) neutrality from the government in the organization of the electoral process; 6) warranties to freely exercise the right to vote; 7) public and transparent vote counting; 8) assignment of the legislative seats according to the law; 9) existence of an independent authority to solve the conflicts arose during the electoral process.”

However it is not yet the end of the reform process since, again, political parties are calling to negotiate another political reform and some of the topics to review are based on the reiterated violations done by PVEM; or to decrease the number of seats in the Lower Chamber. But there are some political analysts who go farther by considering the implementation of a second round for the presidential elections in two scenarios: if the candidates don't reach a threshold of 50% of the votes or if the result is too tight.

Even though President Benito Juárez said that “*democracy is the possible perfection, the goal for which we strive*”, citizens are tired of new rules for every electoral process and many analysts⁶ have raised their voices stressing the fact that political parties must get back to the grassroots to convince citizens, and that public officials should provide efficiency during their tenure instead of trying to solve every problem through reforms.

⁶ Statement from Soledad Loaeza, Mexican Professor at Colegio de Mexico, during her participation in the International Visitors Forum for the 2015 Federal Electoral Process, organized by the International Affairs Unit of the National Electoral Institute of Mexico.

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SPEED WITHOUT MOTION: ELECTION ADMINISTRATION IN AN EMERGING DEMOCRACY – THE CASE OF NIGERIA

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Abstract:

In a liberal democracy, elections remain the irreducible factor. In developed democracies, issues of elections and their administration are taken for granted and the Electoral Management Body is seen as impartial, but this is not so in developing countries. Elections in developing societies are seen and approached as a “do or die affair”, requiring all legal, illegal and extra-legal means of securing the so-called peoples’ mandate. Thus, the administration of elections becomes the most important factor in an emerging democracy. How elections are handled and the outcomes sometimes determine whether democracy gives way to military coup or becomes stunted. This paper therefore examines why elections have remained mired in controversy, violence and unacceptable to the mass of the people since Nigeria returned to civil rule in 1999. The paper also attempts to provide answers as to why the more elections are conducted, the more controversial they become, resulting in speed without motion in Nigeria. In this context, the paper aims to provide possible solutions to problems of elections and their administration in the country.

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Abstract:

Într-o democrație liberală, alegerile sunt un factor ireductibil. Dacă în democrațiile consolidate nu se pune un accent considerabil pe aspecte privind alegerile și administrarea lor, iar organismele de management electoral sunt privite ca fiind imparțiale, situația este diferită în statele în curs de dezvoltare. În aceste societăți, alegerile sunt privite și abordate ca o problemă „de viață și de moarte”, care necesită toate măsurile legale, ilegale și extralegale pentru a securiza așa-numitul „mandat al poporului”. Astfel, administrarea alegerilor devine singurul factor important într-o nouă democrație. Modul în care alegerile se desfășoară și rezultatul acestora determină uneori dacă aceste democrații sunt înlăturate de lovituri de stat militare sau dacă sunt oprite din dezvoltare. Prin urmare, această lucrare analizează de ce alegerile au rămas învăluite în controverse, violență și inacceptabile pentru marea masă de oameni, deoarece Nigeria a revenit la un regim civil în 1999. Lucrarea încearcă, de asemenea, să ofere răspunsuri cu privire la motivul pentru care cu cât mai multe alegeri se desfășoară, cu atât mai controversate devin, rezultând viteză fără mișcare în Nigeria. Scopul lucrării este de a oferi posibile soluții pentru problemele privind alegerile și administrarea lor în această țară.

Keywords: *Nigeria, state, democracy, elections, election administration, electoral fraud*

Introduction

In a liberal democracy, elections remain the irreducible factor. Election administration is of critical importance for the enthronement of democracy and understanding democratic transition. Democracy as a concept and a system of rule has always been associated with elections. Whether direct or indirect, elections have often provided the means of achieving a democratic rule. Elections therefore *“are the key institutions of representative democracy... When they are open and competitive, it allows voters to decide which persons or parties shall control their government”* (Butler and Ranney, 1992: 1). It is the freedom of an individual to choose whosoever pleases him that distinguishes a democratic government from a military regime.

Theoretically, elections involve choice. The choice is usually determined and made from a set of alternatives set before the voter. The choice could either be picked as a result of the attractiveness of the manifestoes or as a result of the personality of the contestants. Voting therefore involves picking a particular choice among a set of choices set before the voters. Inasmuch as the above explanation is true, voting however is not limited to personality or programme of action of contestants alone. Other factors/institutions could be at play and influence voters' choice as well as determine electoral outcomes. The most powerful factor/institution that influences voters' choice and electoral contest and outcome in Africa are the Electoral Management Bodies (EMBs) (Obiyan and Afolabi, 2013; Ake, 2000; Pastor, 1999; Held, 1996; Nwabueze, 1993; Dunn, 1992).

In developing democracies, EMBs play an important and crucial role in the establishment and consolidation of the democratic rule. However, the level of administrative capacity and competencies of

Cuvinte-cheie: *Nigeria, stat, democrație, alegeri, administrarea alegerilor, fraudă electorală*

emerging democracies to conduct free and fair elections continued to be an issue of concern in the electoral history of those countries as their experiences at democratization have shown deficit in their electoral process. While elections have remained the most obvious framework in distinguishing military regimes from civilian ones, democracy itself has been mired in controversies and sometimes truncated as a result of failed elections.

The case of Nigeria particularly calls for investigation as experience has shown that since its return to democratic governance in 1999, successive elections towards each transition have been embroiled in controversy. There has been substantial evidence that elections conducted in Nigeria through the years are always marred by irregularities. If there is a consensus that elections are part of the critical process for understanding democratic transition, it becomes important to examine the role of the institution responsible for the administration and management of elections especially in emerging democracies. This is more so as Pastor (1999) observes that the character, competence and composition of EMBs can determine whether an election is a source of peaceful change or a cause for serious instability. Lopez-Pintor (2000) argues that if *“democratization involves the construction of participatory and competitive institutions [...] then EMBs are important institutions for democracy-building”*. They deal directly with the organization of multiparty elections and indirectly with governance and the rule of law.

This paper therefore focuses on the role of EMBs in troubled democracies using Nigeria as a case study. We argue that administration of elections and the totality of the framework (electoral system) guiding such elections would have an impact on the success or otherwise of democratic system in a developing country like Nigeria. We adopt

a critical analysis method to discuss the electoral and political situations under which EMBs in Nigeria have functioned and explain why in spite of repeated “elections”, votes do not seem to count and elections are adjudged most times as not credible. We, however, provide explanations as to why democracy in Africa is controversial, troubled and has stagnated, which has resulted in what we refer to as speed without motion.

Elections, Democracy and EMBs: A Conceptual Discourse

We reiterate here the notion that elections involve choice. But the choice itself is subject to various influences that could be internal or external. Elections also mean different things to different people. While some see them as the determination of who gets what in a political system, others see it as the determination of who gets what by the mass of the people (Ake, 2000). Even within the mass of the people, there are certain discriminations that may be based on wealth, property, and gender among other factors (Crowder, 1978). Yet, it is important to note that elections occur in everyday life experiences and take on more significance when it comes to the issue of public space and office. Therefore, elections “*serve certain purposes and help to guarantee, ceteris paribus, democratic values of equality of individuals and liberty to decide a course of action or who to vote for*” (Afolabi, 2011). In other words, elections mean “*a procedure that allows members of an organization or community to choose representatives who will hold positions of authority within it*” (Ujo, 2000:1). The critical features of this definition of elections are 1) procedure or process, 2) population or people, 3) representatives and 4) positions of authority, whether governmental or nongovernmental. These features are important in any discussion of elections. However, in discussing liberal democracy, Schumpeter believes election is the opportunity people have “*of accepting or refusing the men who are to rule them*” (Schumpeter 1976:270) while Sandbrook (1988) argued that election implies the right

of virtually all adult citizens to vote and be guaranteed a range of familiar political and civil rights in any society. Thus, elections, whether directly or indirectly, involve individuals, groups and the EMBs. Elections in the public realm involve the voters and the umpire. The voters are the individuals, while the umpire is the Election Management Body (EMB). Each role is unique, not mutually exclusive and is usually complementary. Therefore, in the public realm or politics, election is a decision-making process that the individual voter uses to determine the persons who would hold public offices. It is the principal vehicle that citizens use to determine who rules over them. Irrespective of ideological differences, elections are generally considered powerful enough to influence public office holders and thus shape public policies (Afolabi, 2014).

The discussion so far has to do with a system of governance where rights of individuals to choose their rulers are guaranteed and that is democracy. This refers to a set of ideas as well as to a system of rule. It is a system of rule or a form of political system in which the individual and the generality of the citizenry have the right to engage in self government and self regulation in any political society. The engagement could be undertaken by participating directly in governance or indirectly through representatives elected by them. Embedded in any definition of democracy is the issue of who constitute the people and to what extent the people could influence those in power. Attempts at defining who the people are and the limits of their influence have thrown up variants of democracy which include, but are not limited to, Classical Democracy, Liberal Democracy, and Social Democracy among others. The ideological position and emphasis on any of the values of democracy usually determine the type of democratic governance or variant in any given state [Afolabi, 2011(b)]. For liberal democracy however, which Nigeria aspires to and practices at a rudimentary level, democracy is seen as a system that permits people to have their say, especially through their votes, but with limited influence in the decision-making

process that directly affects their lives. In this perspective, democracy is seen as a method or an arrangement through which the ruled give their consent to the rulers (Schumpeter, 1976; Ake, 2000; Acemoglu and Robinson, 2006; Peter, 1998).

Election administration is concerned with management of elections by an electoral management body (EMB). Jinadu (1997) sees election administration as *“the organization and conduct of elections to elective public (political) office by an electoral body”*. For him, subsumed in election administration are the structures and processes. By structure is *“meant the bureaucracy that is set up to or established to organize and conduct elections”*. The Independent National Electoral Commission (INEC) is a good example. By process are *“meant the rules, procedures and activities relating, among others, the establishment of electoral bodies, the appointment of their members, the registration of voters, the nomination of candidates, balloting, counting of the ballots, declaration of results, the selection and training of electoral officials, constituency delimitation, voter education and, in some cases, registration of political parties and supervision of party nomination congresses”* (Jinadu, 1997:2). Furthermore, the EMBs are usually the legally recognized body or institution charged with the conduct of elections. Thus, we cannot talk of election administration without mentioning Electoral Management Bodies responsible for that election. Therefore, an Electoral Management Body is *“the organization or body which has the sole purpose of, and is legally responsible for, managing some or all of the elements that are essential for the conduct of elections and of direct democratic instruments – such as referendums, citizens’ initiatives and voters’ recall”* (Wall et al., 2006). The core elements of election administration are:

- 1) determining who is eligible to vote;
- 2) delineation of constituencies;
- 3) receiving and validating the nominations of electoral participants (for elections, political parties and/or candidates);
- 4) conducting polling;
- 5) counting the votes;

- 6) tabulating the votes;
- 7) making the votes count.

In addition to the process and structure of elections, Jennings (1993:3) recognizes that voters’ education on electoral issues by an EMB is one of the most important work an EMB should engage in as well as being crucial to having credible elections. According to him,

“We must constantly remind ourselves that elections are political processes not merely technical exercises. Often elections, and therefore voter education, occur in the transitional or developing societies within a political context conditioned by painful economic experiences associated with moving from centrally planned to market-oriented economies and/or from military or one-party regimes to pluralism. The political context at the time of an election normally may reflect concerns such as economic recession, environmental degradation, skyrocketing unemployment and social disintegration. Moreover in many transitional countries large sectors of citizens may have lost faith in public institutions, either because of the traumas of the prior undemocratic regime or because of disappointment in politicians during the early phase of transitions. Of course in some countries politicians who claimed to be democratic may have turned out to be just as autocratic as the previous rulers. In such situations citizens may have completely withdrawn from the political process” (Jennings, 1999:3).

In Nigeria, incidence of voters’ apathy is high and increasing and cases of withdrawal from electoral contests and processes by individuals and political parties abound. Such withdrawals are often attributed to the shortcomings of the Electoral Body. For Jennings therefore, it is not enough for EMBs to teach voters when, how and where to vote. EMBs must also educate voters that voting will make a difference because, *“voters must have confidence in the integrity of the electoral process. Building public confidence in the electoral process requires that voters hear the voices they trust and respect from civil society – i.e. from respected civic and religious institutions, community leaders. It simply is not enough that governmental authorities and electoral management bodies conduct voter*

education, as important as such efforts are to genuine elections” (Jennings, 1999:4).

Apart from the issues raised in terms of structure and process of election administration, there are other critical issues in election administration or management including but not limited to problems of funding of the EMBs, logistics, the pervasive role of the state, tenure of office and autonomy of the EMBs, among others (Mozaffat and Schedler, 2002; Lopez-Pintor, 1999; Norberg and Obi, 2007).

EMBs in Developing Democracies: Election Administration in Nigeria

Jibrin and Garuba (2010) observe that *“contemporary discourse of liberal democracy has recognised and appreciated the place of a free and fair electoral process as a critical component of any effort to enthrone a democratically responsive and development-focused government. Nonetheless, very little attention is paid to the importance of a truly independent and non-partisan electoral management body as an essential ingredient of such a system”*. Administration of free and fair elections is the core of the democratic process. In developing democracies without a history of strong democratic institutions, EMBs can help promote or detract from the credibility of the electoral process and ultimately the regime itself, depending on the perceived legitimacy of the EMBs (Kerevel, 2009). The integrity of the political process and the resultant outcome are greatly influenced by the perception of the electorates, political parties and their candidates. Most of the citizens tend to demonstrate their commitments to democracy at the polls only when there is confidence in the EMBs responsible for the conduct of elections. As it is with electoral systems, efficient and effective election administration is taken for granted in developed countries. There, the charges of prejudice or bias against the electoral body and its rules and conduct are few or almost non-existent. This is because in advanced democracies, problems that

arise are taken care of without any bias or prejudice. Election results are known and announced on the news media with the contesting parties and people having implicit faith that such results are honest, true and impartial. But in developing countries, issues of election administration are not that easy and straightforward. Due to a combination of factors, election administration in Nigeria has often been mired in controversies, violence and sometimes in the truncation of democratic aspirations of the people and democratic rule itself (Joseph, 1991; Ikpe, 2002; Aloysius, 2009). In Nigeria, there are instances where political parties and their candidates have boycotted elections when they felt that the electoral process would not favour them and that the electoral agency is biased. Therefore, the free, fair, effective and efficient administration of election rules (election administration) is as important as the rules themselves (electoral system) in any developing country. The type of an electoral system adopted in any country would have great impact on the structure, sustainability and functions of election administration bodies. Therefore, there is a direct correlation between the type of electoral system being used, election administration and democratization.

Jinadu (1997) observes that given the nature of Nigeria's politics, issues of funding, constituency delimitation, voters' registration, etc. directly impact on the performance of EMBs.

On the current EMB in Nigeria, Ibrahim and Garuba (2010), in a study of the Independent National Electoral Commission (INEC), found that deficiencies in capacity and organizational governance directly limit the ability of public institutions (INEC inclusive) in Nigeria to function properly. Writing on election administration in Nigeria, Chukwu analysed the relationship between the 1999 Constitution and conduct of elections by INEC in 2003. He believes that the 1999 Constitution is grossly defective and does not safeguard the independence of INEC. He therefore concluded that the 1999 Constitution contributed to the dismal performance of the electoral body in 2003 general elections (Chukwu, 2007).

A former head of INEC Guobadia gave an insider perspective on INEC and the conduct of elections in Nigeria. He stressed that provision and efficient use of technology, confidence and trust, and regulation of political party activities would help the Commission to achieve the organization and conduct of credible elections (Guobadia, 2005).

The problems faced by the Nigerian EMB are multifaceted and multidimensional and include institutional (INEC structure), legal (electoral laws and system) and perception (people) problems. Yet, the place and importance of the EMB in Nigeria in the electoral process and matters cannot be over emphasized.

History of elections in Nigeria is replete with controversy born out of election rigging, violence, and electoral fraud, outright condemnation of electoral exercise and rejection of election results. In most cases, electoral litigations delayed the completion of electoral competitions and declaration of winners. Hence the deficits in the country’s electoral history. Jinadu (2011) provides a checklist of the deficits in the country’s electoral history:

- “a) the abuse of the power of incumbency;*
- b) severe financial and logistical constraints on the work of electoral management bodies necessitating dependence on state and local governments by field offices of the electoral bodies;*

c) unreliability of voters’ registers, and failure to deliver them on time, and receive claims and objections against them, in line with regulations;

d) manipulated nomination processes, at party level and by electoral bodies or their officials, including failure to receive nomination papers of opposition candidates or the requirement for prohibitive nomination fees and deposits by candidates;

e) stuffing of ballot boxes, either within the polling units or elsewhere;

f) multiple voting and voting by under-aged or unregistered/surrogate people;

g) falsification of results;

h) electoral violence, during electioneering campaigns and on voting day;

i) the partisan role of the Police and security services to harass candidates and in encouraging or not taking action to prevent electoral malpractices before and during election; and

j) tardy and expensive adjudication processes, which encourage electoral impunity” (Jinadu, 2011:108 – 109).

Unarguably, the performance of the electoral management bodies in the chequered history of the country’s administration and management of elections has been described in several quarters as unsatisfactory and at one time or the other the electoral management body described them as incompetent to manage electoral process.

Names of Nigerian Electoral Management Bodies and their Chairmen 1958 – 2010

Name of Electoral Body	Chair	Chair’s tenure
Electoral Commission of Nigeria (ECN)	R.E.Wraith	1958 – 1959
Electoral Commission of the Federation	Eyo E. Esua	1964 – 1966
Federal Electoral Commission (FEDECO)	Chief Michael Ani	1976 – 1979
Federal Electoral Commission (FEDECO)	Hon. Justice V. Ovie-Whiskey	1980 – 1983
National Electoral Commission (NEC)	Prof. Eme Awa	1987 – 1989
National Electoral Commission (NEC)	Prof. Humphrey Nwosu	1989 – 1993
National Electoral Commission (NEC)	Prof. Okon Uya	1993
National Electoral Commission of Nigeria (NECON)	Chief Sumner Dagogo-Jack	1994 – 1998
Independent National Electoral Commission of Nigeria (INEC)	Hon. Justice Ephraim Akpata	1998 – 2000
Independent National Electoral Commission of Nigeria (INEC)	Dr. Abel Guobadia	2000 – 2005
Independent National Electoral Commission of Nigeria (INEC)	Prof. Maurice Iwu	2005 – 2010
Independent National Electoral Commission of Nigeria (INEC)	Prof. Attahiru Jega	2010 – present

Source: Adapted from Jinadu (2011), *Nigeria*, in Fall, I. M., Hounkpe, M., Jinadu A.L., and Kambale, P. (eds.), *Election Management Bodies in West Africa – A Comparative Study of the Contribution of Electoral Commissions to the Strengthening of Democracy*.

Since the 1960 Constitution, the membership of the Electoral Commission (EC) has changed several times. This is partly due to the increasing number of states in the federation, but also to changes in the provisions for appointing the members, as laid out in the country's constitutions and electoral laws (Jinadu, 2011). It is worthy of note that elections since 1998 when Gen. Abdusalam Abubakar dissolved NECON had been conducted by INEC. And none except the 2011 had gone without serious controversy delaying its execution.

Speed Without Motion: A Paradox of Nigeria EMBs and Democratic Consolidation

Nigeria's chequered history of democratic elections reveals that the problem associated with the conduct and management of elections is a central factor in the breakdown of democratic regimes in the country (Momoh and Adejumbi as cited by Jibrin and Garuba, 2010:27).

The general election of 1959 was the election that gave the right to the indigenous rulers of Nigeria. The Electoral Commission of Nigeria was established to conduct elections to various political offices of that period. In spite of the Commission's best efforts, the 1959 elections were contested by regionally based sociocultural political parties that relied heavily on their ethnic support to gain access to power. However, it should be noted that the 1959 elections were managed and supervised by the British colonial masters and some Nigerian appointees. The administration of the elections was supervised by an electoral body headed by a Chief Commissioner, Mr. R.E. Wraith with an Executive Secretary, Mr. J.J. Warren. Four Nigerians – Mr. M.A. Shosilva (Lagos), Prof. Oritsejomi Thomas (West), Alhaji Muhammed Bello (North) and Mr. Anthony Aniagolu (East) were later appointed to join the Commission as members. The Southern Cameroon was represented by Mr. K.A. de Bohn. All registered adults in the West and East were eligible to vote except in the North where

only registered male adults were permitted to vote. In this instance, voting was by secret ballot. The administration and conduct of the election generated a lot of controversy such that accusations were freely traded against the British colonizers. They were accused of manipulating the electoral system and administration to favour the North to clinch power at all costs. These distortions laid the foundation for the manipulation of the future elections and the attendant controversies (Post and Vickers, 1973; Mackintosh 1966).

Twelve political parties were registered to race for the 1959 elections but in reality only three strong parties emerged. The three parties, Northern Peoples Congress (NPC), Action Group (AG) and National Council of Nigeria and Cameroons (NCNC) represented the three major ethnic groups in Nigeria and were led by Sir Ahmadu Bello, Chief Obafemi Awolowo and Dr. Nnamdi Azikiwe respectively. It should be noted that the management of the elections left much to be desired. The political parties and their leaders campaigned vigorously across the length and breadth of Nigeria. The parties traded charges of violence and hooliganism with each other. Left unattended were issues that concerned the people. Primordial and ethnic sentiments were messages of the campaigns. More so, abusive language, ethno-religious (tribal) slurs and violence featured prominently. However, the symbols of the dominant political parties helped the campaigners to sell their identity and party programmes. The NPC had the Hoe as its symbol/logo, while AG had the Palm Tree and the NCNC had the cock as its symbol.

The NPC won by a simple majority and it had to go into alliance with NCNC to form the government at the centre. The AG thereafter became the official opposition in the parliamentary system of government in operation then. It should be noted that voting and election results reflected ethno-religious sentiments of each major party in its stronghold despite the presence of smaller parties that were affiliated with other "outside based" major political parties (Dudley, 1982).

The emergent civilian administration of Tafawa Belawa established the Federal Electoral Commission (FEC) in 1960 to conduct the federal and regional elections in 1964 and 1965 respectively. However, the civilian administration formed by the Northern People Congress (NPC) and the National Council of Nigerian Citizens (NCNC) was a coalition of ideological opponents faced with active opposition from the Action Group (AG). Each political party was essentially regionally-based and dominated by the major ethnic groups in its regions. The NPC was dominated by the Hausa Fulani in the Northern Region, the NCNC was for the Igbos in the Eastern Region and AG for the Yorubas in the Western Region. As was to be expected, the rivalry among these parties soon degenerated into an inter-ethnic struggle for national ascendancy and gave rise to political instability and lack of national consensus.

In 1962, a split occurred in the Action Group over attempt to relieve Chief Samuel Akintola of the premiership of the Western Region. The ruling federal coalition seized the opportunity to settle scores with the AG, suspended the regional government and appointed an administrator to take charge of the region for six months. In 1963, Chief Awolowo and other leaders of AG were jailed on charges of treasonable felony and Chief Akintola was restored to his position as Premier following a Supreme Court ruling. In attempts to weaken Chief Awolowo's political base, a fourth region, the Mid-Western Region was carved out from the Western Region (Dudley, 1982; Kurfi 1983).

In 1964, it was the turn of the Eastern Region and the Mid-Western Region to feel marginalized following the publication of new census figures which they rejected because they believed the figures for the Northern Region were inflated. Now perceiving itself to be in no better position than Action Group in what was emerging as North – South struggle for power, and becoming uncomfortable with its status as a junior partner in the ruling coalition, the

NCNC quickly agreed to a political alliance called the United Progressive Grand Alliance (UPGA) and which was headed by Dr. M.I. Okpara, Premier of the Eastern Region to race for the 1964 federal elections. The NPC in turn teamed up with Chief Akintola's Nigeria National Democratic Party (NNDP) to form Nigeria National Alliance (NNA) led by the Premier of the Northern Region, Sir Ahmadu Bello.

The 1964 general elections thus took place under a tense atmosphere. The delimitation of constituencies based on controversial census figures by the Electoral body was adopted despite opposition from NCNC and AG. In the Western and Northern Regions, the campaigns were marred by violence and UPGA's supporters were not allowed to campaign freely there. In fact, there were lots of arbitrary arrests and imprisonments. UPGA's call on the electoral commission to postpone the election was rejected and as a result it decided to boycott the election. Despite this, the election was held and the NNA won decisively. There was no election in the Eastern Region. The boycott in the Mid-West Region and Lagos was also hugely successful (Anifowoshe, 2003). But the tensions and violence arising from the elections conducted by FEC and its boycott in many parts of the country resulted in a military coup d'état. The coup of January 15, 1966 brought the military into civil governance. The military in 1966 dissolved the electoral body and it was not until 1978 that another electoral body was created to manage another electoral process. The electoral contest and process under the First Republic were thus severally compromised and flawed. The political parties and their leaders and supporters were generally unruly. Religion, ethnicity and basic sentiments were freely used to canvass and to demonize political opponents. Democratic values that could mediate political differences and struggles were completely absent. Under these pressures, the electoral process broke down completely and the FEC became helpless. However, the electoral body was not

perceived to be impartial and neutral. Hence, the body was dissolved by the military. Thus, the electoral body was not regarded as a mechanism for ensuring orderly democratic succession.

In 1977, the Federal Electoral Commission (FEDECO) was established in sections 77 and 78 of the Electoral Decree amended in 1978 and 1979 under the regime of General Olusegun Obasanjo to introduce a democratic government. Five political parties were registered to race for the election under the military government imposed guideline on party formation. The parties were Great Nigeria People's Party (GNPP), the National Party of Nigeria (NPN), Nigeria People Party (NPP), People Redemption Party (PRP) and Unity Party of Nigeria (UPN). However the NPN won the presidential election. Thus, the multiparty system character of the First Republic was retained. In the elections, only the NPN appeared to enjoy national spread, while the election itself was fairly smooth with minor cases of lawlessness compared with previous elections.

On the basis of the famous two-third formula, FEDECO declared Shagari as the winner, as the NPN had scored the required 25% out of the total vote cast. Chief Awolowo challenged the declaration of Alhaji Shehu Shagari as the winner of the election on the basis of this formula in court and lost (Oyediran, 1981). President Shehu Shagari was re-elected in 1983 in an election riddled with charges and counter charges of rigging and violence among the political parties. Indeed, before the election, the NPN had boasted that it would record not the familiar landslide but a "*moon slide*", an acronym for a total sweep of the polls. It made inexplicable trips into a number of traditional strongholds of rival parties like Anambra State where the NPP has held sway and Ondo State, which was traditionally a UPN state.

The level of cheating and manipulation of figures which characterized the election was revealed in many of the election petitions including the one challenging NPN's victory. In Ondo state, the earlier declared result was reversed and the UPN candidate was reinstated as the winner. Against the background of the election outcome, President Shagari's second term began on the most inauspicious note. Worse still, it was trailed by recriminations and reports of rampant corruption and violence across the country, and on the basis of the flawed elections, the military staged a coup d'état and took over governance. Therefore, precisely on December 31st, 1983, the army overthrew the Shagari government, accusing it, among other things, of fiscal recklessness and installed a military government led by Major General Muhammadu Buhari. The major tragedy in the events leading up to the fourth successful coup d'état was the failure of the second attempt by the civilian politicians to again hold a free and fair election (Dudley, 1982, Diamond, 2002). Thus, the military, under General Buhari toppled the Shagari government and dissolved the electoral body (FEDECO). There was NEC and NECON who were EMBs set up by Nigerian military rulers to oversee military mandated transition programmes.

However, due to Abacha's plan to succeed as the president of Nigeria, the Electoral Management Body (NECON) acted openly in favour of the government. Therefore, NECON's handling of the council polls and other elections was manipulated to favour those that were close to the Abacha regime, especially political parties that were in support of Abacha. The elections and their outcome, as should be expected, were condemned in many quarters and across the country. What worried political watchers and observers was that the NECON itself largely masterminded and effected many breaches of the provisions of the electoral laws and known democratic norms. The death of Abacha led to the demise of NECON.

The Independent National Electoral Commission (INEC) was established after NECON.

The Third Schedule, Part 1, F, Section 15 (a) and Part II, B Section 4(a – b) of 1999 Constitution provided for the functions and responsibilities of the electoral management body as presently constituted establishing: a federal electoral body, the Independent National Electoral Commission (INEC), to conduct federal and state general elections; state-independent electoral commissions (SIECs) “to organise, undertake and supervise” all local government elections in the state and to advise the INEC on “the compilation of and the register of voters” as “applicable to local government elections in the State”. The Electoral Act of 2010 states that, in addition to the functions conferred on the Commission by the Constitution, it shall have power to:

- a. conduct voter and civic education,
- b. promote knowledge of sound democratic election processes,
- c. conduct any referendum required to be conducted pursuant to the provision of the 1999 Constitution or any other law or Act of the National Assembly.

According to Jinadu (2011) Nigeria’s federal electoral management bodies have also had to rely at different times on state governments and state Electoral Commissions for logistical and administrative assistance. In this respect, “[...] the fact of underdevelopment, with its accompanying structural manifestations as well as the heavy burden of the geographical and topographical problems of access posed by the country’s immense size means that [the National Electoral Commission] cannot be as autonomous as it would wish to be”. This dependence on logistical and administrative support from state governments under civilian administrations since 1999 allows state governors and the governing parties at state level to gain unfair electoral advantage by abusing the power of incumbency through financial inducements to state resident Electoral Commissioners, their

local government electoral officers and their ward electoral officers (Jinadu, 2011:127). Elections had been conducted by INEC since 1998 when Gen. Abdusalam Abubakar dissolved NECON.

INEC was mandated to conduct elections into governmental offices both at national and State levels. The body was charged with responsibility to midwife a fresh transition programme to civil rule through elections. The Electoral Body (INEC) conducted all transitional elections that ushered in the 4th republic on May 29th, 1999. As a permanent body with “independence”, INEC workforce comprises the various staff employed since 1987 under the defunct National Electoral Commission (NEC). It presently has offices in all 36 States, including the Federal Capital Territory, as well as in the 774 Local Government Areas in Nigeria.

On the issue of administration of elections, most of the elections conducted between 1999 and 2007 were adjudged by both local and foreign observers as being deeply flawed as well as not being free, fair and credible (Hollis, 2006; Ujo, 2010, Iheme, 2000). An exception to this general trend was the 2011 general elections that were applauded in many quarters as one of the best elections conducted in the history of Nigeria’s electoral system. The INEC Chairman, Prof. Attahiru Jega explained that this was due to some measures introduced by INEC which included a new biometric register of voters, a Re-modified Open Ballot System (REMOBS), improved security features on sensitive electoral materials, by introducing serial numbering and colour coding of ballot papers and result sheets as well as security coding of ballot boxes. Other measures included also the revised framework for engagement of ad hoc staff, more transparent framework for result collation and returns, more open and transparent procedures, and modalities and processes on Election Day (The Guardian, 2014).

The most recent gubernatorial elections in Anambra on the November 16th won by Willie Obiano of the All Progressives Grand Alliance (APGA), in Ekiti on the

June 21st election won by Ayodele Fayose of Peoples Democratic Party (PDP) and in Osun on the August 9th election won by Ogbeni Rauf Aregbesola of All Peoples Congress (APC) were seen as a critical test for INEC with 2015 approaching. The Anambra election was criticized for being mired by irregularities and accusation of fraud and collusion amongst INEC staff. The INEC Chairman acknowledged that it was not the best of elections and thus emphasised his commitment to find out what went wrong. The Ekiti and Osun elections also served as litmus test for INEC's preparation for 2015. The INEC Chairman was quoted as saying that *"unlike the November 2013 Anambra State governorship election, our experience in the more recent Ekiti State election showed that we are making progress in enhancing the integrity of the register of voters"* (The Guardian, 2014). Osun State gubernatorial election was even better conducted than the Ekiti's.

However, we can say that it is not yet an *uhuru* for INEC as its operation still requires a lot of improvement if 2015 elections are to be successfully conducted. A lot still needs to be done in the area of reforms. At a recent public hearing on the amendment of the 2010 Electoral Act by the House of Representative Committee on Electoral Matters, the INEC Chairman in a position paper supported the amendment of Section 29(1) of the Electoral Act which inserts a new paragraph (b) that limits the role of the military to *"securing the distribution and delivery of electoral materials"*. The Chairman also gave the indication that electronic voting and balloting by Nigerians in the Diaspora can only be possible after the 2015 general elections because there is no time to put the necessary logistic in place. One would have expected that by now such issues would have been addressed and settled before 2015 general elections, a development which would have put INEC on a very high

pedestal. Some of the amendments being advocated by INEC include a constitutional guarantee for the operational independence of the Commission; selection of election dates to be made by the Commission in accordance with the Constitution, disqualification of persons convicted of electoral offences from contesting elections or holding of any position in political parties, allowing voting by Nigerians in the Diaspora, the establishment of an Electoral Offences Commission with powers to investigate and prosecute all breaches of electoral laws in Nigeria (ICiR, 2014). The outcome of the ongoing deliberations will determine to a great extent how far INEC will go in future elections.

Conclusion

While elections have remained the most obvious framework in distinguishing military regimes from civilian ones, and a democratic system from a non-democratic one, we have however argued in this paper that administration of elections and the totality of the framework (electoral system) guiding such elections would have an impact on the success or otherwise of democratic enterprise in a developing country like Nigeria.

The country's experience at democratization have shown deficit in her electoral process as most of its elections had been mired in controversies and outcomes of those elections sometimes have led to the truncation of the country's democratic process. The trend of noncredible and grossly fraudulent elections since shortly before independence and afterwards has resulted in speed without motion for Nigerian democratic experience. As commendable as the recently conducted elections by Nigeria's INEC have been, much is still required by INEC to improve on this performance if the country is to move forward in the effort to a democratic political future and consolidation of democracy.

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LOBBYING AND ROMANIAN PARTY FINANCING

Lect. univ. dr. Miruna Andreea BALOSIN



Abstract:

One of the Transparency International Reports in 2012¹ mentions that political parties, public administrations and the private sector are assessed as the weakest forces in the promotion of integrity across Europe. Such high levels of perceived corruption can be linked to the increasingly negative influence that unregulated party and campaign financing and unregulated lobbying activities have had on countries' political processes and decisions.

The ideal solution is that political leaders, their parties and the public must respond to these integrity deficits by building the transparency and accountability of political parties. Respecting the last GRECO recommendations, the Permanent Electoral Authority has passed the phase of public debate concerning the project of Decision approving the Norms for the application of Law no. 334/2006 regarding political parties and electoral campaign financing. The decision-makers have reached no conclusions concerning the regulation of lobbying.

Keywords: political party, financing, lobbying

Abstract:

Unul dintre rapoartele Transparency International din 2012 menționează că partidele politice, administrația publică și sectorul privat sunt evaluate ca fiind cele mai slabe forțe în promovarea integrității în Europa. Nivelul ridicat de corupție se datorează nereglementării finanțării partidelor politice și a campaniilor electorale, la care putem adăuga activitățile de lobby și influența acestora asupra proceselor și deciziilor politice.

Soluția ideală este ca liderii politici, partidele și publicul să răspundă la aceste deficite de integritate prin construirea transparenței și responsabilității partidelor politice. Prin respectarea recomandărilor GRECO, Autoritatea Electorală Permanentă a trecut de stadiul de dezbatere publică a proiectului de Hotărâre pentru aprobarea Normelor metodologice de aplicare a Legii nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale¹. În schimb, factorii de decizie nu au ajuns la concluzii cu privire la reglementarea activităților de lobby.

Cuvinte-cheie: partide politice, finanțare, activități de lobby

¹ Transparency International (2012), *Money, Politics, Power: Corruption Risks In Europe, Regional Policy Paper #2 Political Party Integrity: More Accountable, More Democratic*, https://www.transparency.org/whatwedo/publication/2012_regional_policy_paper_2_political_party_integrity_more_accountable_mor (last accessed 3.09.2015).

¹ Permanent Electoral Authority/Autoritatea Electorală Permanentă, *Minuta ședinței de dezbatere publică a proiectului de Hotărâre pentru aprobarea Normelor metodologice de aplicare a Legii nr. 334/2006 privind finanțarea activității partidelor politice și a campaniilor electorale*, 13 august 2015, <http://www.roaep.ro/legislatie/wp-content/uploads/2015/08/MINUTA.pdf> (last accessed 27.08.2015).

It is important to note that in spite of the fact that legislative frameworks on political party financing exist on paper in almost all European countries, a number of provisions tend to be lacking. Anti-corruption safeguards are both inefficient and insufficient to regulate the financing of political parties and campaigns, particularly when it comes to the oversight of funding from the private sector. When these weak controls also apply to regulating conflicts of interest and lobbying, inadequate political financing laws can lead to severe corruption risks¹.

Public trust in government is at an all-time low and the practice of lobbying is widely associated with secrecy and unfair advantage. It also comes at a moment when an increasing number of governments in Europe are promising to tackle the problem of undue influence in politics, and the need for good government is particularly pressing given the range of economic, social and political challenges currently faced by European countries and EU institutions.

Lobbying is an integral part of a healthy democracy, closely related to universal values such as freedom of speech and the right to petition of government. It allows for various interest groups to present their views on public decisions that may come to affect them. It also has the potential to enhance the quality of decision-making by providing channels for the input of expertise on increasingly technical issues to legislators and decision-makers².

It is surely right to continue attempts to enhance transparency of the political arena and shedding light on lobbying activities is a key element in these efforts. Learning from others' experience should be coupled with a sensitive approach towards patterns of lobbying practice, peculiarities of access

to politicians and other officials, realistic capacity of potential controlling bodies.³

Regarding Romania, 15 years have passed since the first legislative proposal of the PNȚCD MP Ulm Spineanu to regulate lobbying activities. The result is that there is no mandatory registration or obligation of public servants to report contacts with lobbyists. The Romanian authorities were of the view that such new legislation is not necessary since the risks related to lobbying are already covered by the existing rules on conflicts of interest and incompatibilities applicable to public officials.

An initiative registered under BP 311/27.04.2011 belonging to MPs from three major parliamentary political parties, both from the ruling side and opposition (PSD, PNL, PD-L), was rejected by the Chamber of Deputies in November 2011⁴ because it was too similar with another initiative of Social Democrat MP Constantin Niță proposed in 2010⁵. The initiative included institutions like the Permanent Electoral Authority to supervise compliance with the provisions in the bill banning donations from lobbyists to political parties/candidates⁶. In short, lobby companies cannot make any donations to political parties or candidates as there is a concern that the public officials might have a tendency to either ask for donations from lobbyists or lobbyists might consider that

¹ Transparency International, *op. cit.*

² Suzanne Mulcahy, *Lobbying In Europe – Hidden Influence, Privileged Access*, Transparency International, 2015, p. 8, http://issuu.com/transparencyinternational/docs/2015_lobbyingineurope_en?e=2496456/12316229 (last accessed 18.08.2015).

³ Valts Kalniņš, *Transparency in Lobbying: Comparative Review of Existing and Emerging Regulatory Regimes*, Centre for Public Policy PROVIDUS, 2011, pp. 34 – 35, <http://pasos.org/6521/transparency-in-lobbying-a-pasos-policy-seminar-in-prague/> (last accessed 23.08.2015).

⁴ <http://www.cdep.ro/proiecte/2011/700/30/9/pvg739.pdf> (last accessed 13.08.2015).

⁵ <http://www.cdep.ro/proiecte/2010/500/80/1/pvg581.pdf> (last accessed 27.08.2015). In December 2013, Constantin Niță's draft law on lobbying was awaiting the vote in the Romanian Parliament, after having been greenlighted by the judicial commission in the Chamber of Deputies, but the law was sent back to commissions for further debates, and it was no longer included on the vote session list.

⁶ Adrian Moraru, *Transparency in Lobbying in Romania*, Centre for Public Policy PROVIDUS, 2011, p. 9, <http://pasos.org/6521/transparency-in-lobbying-a-pasos-policy-seminar-in-prague/> (last accessed 27.08.2015).

making donations to public officials might “smoothen” the decision making process⁷.

The bill proposes that illegal donations to parties or candidates to be fined from 1000 Euro to 5000 Euro and the amounts donated to be confiscated and also proposes imprisonment from 2 to 10 years in case of the following three kinds of breaches: contracting activities and performing activities aimed at making the public official not undertake his/her legal official duties; participating in lobby activities in order to influence public procurement and promising, offering or intermediating a concrete material profit for the public officials⁸.

Regarding the need of transparency of the financial activity of the various types of structures related to political parties, interest groups being included, GRECO⁹ assesses measures taken by the Romanian authorities since the adoption of the Second Compliance Report in respect of its recommendations.

In the first Recommendation, GRECO recommended i) to clarify how the financial activity of the various types of structures related to political parties is to be accounted for in the accounts of political parties; ii) to examine ways to increase the transparency of contributions by “third parties” (e.g. separate entities, interest groups) to political parties and candidates. GRECO recalls that its recommendation had been categorized as partly implemented. Romania had provided assurances that all territorial structures must in principle be taken into account for the consolidation of the parties’ financial statements. To make this clear, amendments were contemplated by the draft law amending Law no. 334/2006 on financing of political parties and electoral campaigns to ensure the overall consolidation of accounts with the inclusion of all entities related directly or indirectly to political parties, and additional clarification and criteria as to the

determination of entities concerned (first part of the recommendation)¹⁰.

The Permanent Electoral Authority considers that the actual project will reflect the GRECO recommendations more broadly than it currently does. On 13th of August 2015, the Permanent Electoral Authority has passed the phase of public debate concerning the project of Decision approving the Norms for the application of Law no. 334/2006 regarding political parties and electoral campaign financing. Members of the civil society were present, but no reference to the words of interest groups, influence trafficking or lobbying was made in connection to this proposal.

Without a relevant national law, our country represents an environment where companies, lobbyists and individual donors could choose to fund different parties and candidates due to the weakest levels of control and disclosure for campaign and party financing.

Considering typology, structure, means of action of different types of pressure groups, it is difficult to consider them outside the political field. Influencing policy by the various participants in the winning party’s electoral campaign is a fact well-known and accepted by all political parties. What makes the difference is the possible form of payment equivalent to the agents involved. Businessmen give cash sums to election campaigns. Political parties through various exemptions offer services, information, etc.¹¹

The influence of lobbying activities over the political parties is more than overwhelming, especially in countries where the term of lobby is still “in the dark” for the decision-makers. Romania represents one of these cases. In the last years, many researchers, NGO’s representatives and politicians struggled to bring light and to regulate the practice of lobbying, wrongly associated with corruption and influence trafficking. Their work remained unsuccessful.

⁷ *Ibidem*, p. 11.

⁸ *Ibidem*, p. 12.

⁹ GRECO RC-III (2014) 22E, Second Compliance Report, p. 11, [https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/2nd%20RC3/Greco%20RC3\(2014\)22_Romania_2ndRC_EN.pdf](https://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/2nd%20RC3/Greco%20RC3(2014)22_Romania_2ndRC_EN.pdf) (last accessed 03.09.2015).

¹⁰ *Ibidem*.

¹¹ <https://bogdanmandru.wordpress.com/lobby-si-advocacy-grupuri-de-presiune-in-politica/> (last accessed 25.08.2015).

In interviews, some lobbyists said they had longstanding personal and professional relationships with politicians of one party, so it was natural to bestow money on them. Other lobbyists said they had to work with lawmakers of both parties, so their contributions reflected pragmatism rather than partisan loyalty.

The need for a discussion on the lobby activity in Romania demonstrates a level of maturity of the Romanian political class. But we must avoid connecting an objective discussion about the necessity of a lobby law with the internal political context of the moment, where some actions that influence the decision-makers tend to get penal connotations. Lobby is and must remain an activity that has nothing to do with the stipulations of the Penal Code, since it is a structured and professional form of addressing the decision-makers. Lobby is

much more than a persuasive action: it is a strategical analysis of the entire decision making process and of the political systems.¹²

A simple example of a positive relation between lobbying and political parties is the case of campaign finance, where the campaigning techniques are becoming so diverse and require more money to be spent with dedicated professional contractors; in modern politics one of the most efficient ways to get involved is through a professional service as a lobby company. Therefore the need of an existing professional lobby occupation is unquestionable¹³.

¹² Guy Burrow, *About the Status of the Lobby Activity in Romania*, Central Europe Consulting, Bucharest, 26th of February 2007, p. 1, <http://www.apd.ro/files/proiecte/Deposition%20Guy%20Burrow.pdf> (last accessed 20.08.2015).

¹³ Adrian Moraru, *op. cit.*, p. 15.

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RECENZII EVENIMENTE

EVENTS REVIEW

PREȘEDINTELE AUTORITĂȚII ELECTORALE PERMANENTE, ANA MARIA PĂTRU, LIDER AL ASOCIAȚIEI MONDIALE A ORGANISMELOR ELECTORALE DIN 2017



Președintele Autorității Electorale Permanente, Ana Maria Pătru, va deține, din 2017, președinția Asociației Mondiale a Organismelor Electorale (A-WEB), potrivit deciziei luate de Adunarea Generală a acestei asociații, din care fac parte organisme de management electoral din peste 100 de țări de pe cinci continente.

Președintele AEP a participat, în perioada 17 – 21 august 2015, la cea de-a II-a Adunare Generală a Asociației Mondiale a Organismelor Electorale (A-WEB).

„Este un succes al României și al Autorității Electorale Permanente care, încă o dată, se dovedește a fi un centru de expertiză în domeniul managementului electoral și un reper privind organizarea și desfășurarea corectă a alegerilor. Decizia Adunării Generale a A-WEB este o recunoaștere a eficienței Autorității, care și-a intensificat, în ultimii ani, colaborarea internațională în domeniul electoral și și-a extins rețeaua de contacte cu organisme de management electoral din toată lumea”, declară președintele Autorității Electorale Permanente, Ana Maria Pătru.

Potrivit statutului A-WEB, cea de-a III-a Adunare Generală a A-WEB se va desfășura, în 2017, în România, odată cu preluarea președinției acestui organism internațional de către președintele Autorității Electorale Permanente.

Astfel, peste numai doi ani, România va fi gazda unui summit electoral deosebit de important, la care vor participa peste 400 de reprezentanți ai organismelor de management electoral de pe cinci continente: Europa, America, Asia, Africa și Oceania, care va spori vizibilitatea de care beneficiază țara noastră la nivel internațional.

România va fi, pentru a doua oară în decurs de trei ani, gazda elitelor internaționale ale managementului electoral, după ce, în 2014, la București, a avut loc cea de-a 23-a Conferință anuală a Asociației Europene a Oficialilor Electoralilor (ACEEEO), a cărei președinție a fost deținută timp de un an de președintele AEP, Ana Maria Pătru.

AEP este membru al Asociației Mondiale a Organismelor Electorale încă de la înființarea organizației, în octombrie 2013. România a găzduit, în martie 2015, reuniunea Comitetului Executiv al A-WEB.



Potrivit Cartei A-WEB, această organizație a organismelor de management electoral promovează eficiența în organizarea unor alegeri libere, corecte, transparente și participative la nivel mondial.

Obiectivele sale sunt identificarea celor mai recente tendințe, provocări și evoluții în managementul electoral democratic și în ceea ce privește procesele electorale, precum și facilitarea schimbului eficient de experiență și expertiză între membri, pentru consolidarea democrației electorale la nivel mondial.

Activitatea Autorității Electorale Permanente în domeniul asistenței electorale internaționale și eficiența cu care și-a extins rețeaua de contacte în întreaga lume au fost remarcate, în anul 2015, într-un raport realizat la solicitarea Programului Națiunilor Unite pentru Dezvoltare (UNDP) - Centrul Regional pentru Europa și Asia Centrală.

„Autoritatea Electorală Permanentă este în prezent cel mai important furnizor de asistență electorală bilaterală al României”, au arătat raportorii UNDP, adăugând că AEP are „viziune ca organism de management electoral și dorește să își mobilizeze personalul și resursele pentru implementarea proiectelor de asistență electorală”.

În raportul UNDP este menționată participarea AEP la cea de a IV-a conferință a Organizației Electorale Globale (GEO), care a plasat România în topul organismelor de management electoral la această întrunire, precum și faptul că AEP este membră a Organizației Mondiale a Organismelor Electorale (A-WEB) și a Asociației Oficialilor Electoralilor Europeni (ACEEEO).

Potrivit raportorilor UNDP, participarea la reuniunile internaționale din domeniu constituie un bun prilej pentru România de a-și promova imaginea în plan internațional și pentru a-și demonstra capacitatea în domeniul electoral în relația cu celelalte organisme de management electoral, furnizori de asistență electorală.

Raportul subliniază că, în ultimii ani, instituția a organizat cu succes conferințe

electorale internaționale, precum și programe de pregătire de specialitate, ceea ce a adus vizibilitate în plan extern atât Autorității, cât și României.

„AEP a devenit din ce în ce mai activă și mai vizibilă în relația cu organizațiile profesionale din străinătate, precum și în domeniul electoral internațional”, se mai menționează în raport.

Raportul recomandă AEP să își mențină parteneriatele strategice care și-au demonstrat deja eficiența, precum cele cu UNDP, Consiliul Europei, Asociația Oficialilor Electoralilor Europeni (ACEEEO) și Asociația Mondială a Organismelor de Management Electoral (A-WEB), organism care *„și-a exprimat continuu angajamentul de a susține eforturile altor țări de a organiza alegeri libere și corecte prin facilitarea colaborărilor, realizarea de sinergii și generarea de proiecte comune pentru dezvoltarea democrației și a unor alegeri corecte”.*

„AEP dorește să împărtășească experiența electorală de tranziție a României, precum și propria experiență, ca organism permanent de management electoral”, este o altă concluzie a raportorilor.

Raportorii constată că AEP are drept scop să împărtășească bunele practici și experiența în domeniul electoral, să consolideze participarea femeilor la procesele electorale și în administrație.

Se arată că AEP este furnizor de expertiză în ceea ce privește Registrul electoral, activitatea finanțării partidelor politice și instruirea oficialilor electorali care activează în cadrul secțiilor de votare.

Autoritatea Electorală Permanentă își propune, de asemenea, să creeze propriul centru de cunoștințe electorale, unde persoanele interesate vor avea posibilitatea să discute cu experții AEP, să schimbe opinii și să urmeze cursuri de specialitate.

„AEP are perspectiva unui organism de management electoral profesionist în privința modului său de abordare a cooperării pentru dezvoltare și în ceea ce privește activitatea în rețelele profesionale, care îi oferă acces la alte organisme similare și furnizori de asistență electorală, cum ar fi Fundația Internațională pentru Sisteme Electorale (IFES)”, se notează în raport.

“ELECTORAL EXPERT” REVIEW RECOGNIZED AS A KNOWLEDGE-HUB FOR ELECTORAL EXPERTS



Throughout the activity of the Permanent Electoral Authority one of our priorities was to develop programs, projects and studies aimed at improving the management of electoral operations, adapting the organization and conduct of the electoral process at European and international standards, and to better inform and educate voters on the electoral process.

In this respect, through the editorial project “*Electoral Expert Review*”, we created a specialized scientific publication, with an interdisciplinary character and an academic profile, which brings together research, analysis and studies on various aspects of national and international electoral processes. “*Electoral Expert Review*” is designed as a platform for analysis, research and also one for debate for all actors interested in the electoral field, and at the same time, an opportunity to promote the activities of the Permanent Electoral Authority and of other electoral management bodies in Europe.

It is of the utmost importance to highlight that the editorial project “*Electoral Expert Review*” appeared in a European con-

text in which articles and scientific research aimed at various aspects of national and European electoral processes are increasing in the last two decades, but at the same time it appears that a small number of magazines and academic journals assemble them in a publication focused on the electoral field.

With an interdisciplinary and applied character, the publication aims at a wide audience, this being ensured by distributing our journal to the Romanian Parliament, the Government, the diplomatic missions of foreign countries in Romania, and other institutions from the central and local government, to the most important public libraries, universities, the media, other institutions of academia and NGOs.

Since its inception in 2013, the editorial project “*Electoral Expert Review*” was designed as a thematic peer-reviewed quarterly journal, with a Scientific Board comprised by well-known specialists in the electoral field. The most notable change for PEA’s editorial project was an increased interest expressed by foreign electoral experts and researchers to publish in our journal.

INDEX COPERNICUS

I N T E R N A T I O N A L

Currently, our journal has passed the international evaluation process by Index Copernicus International and is indexed in the international database.

Index Copernicus International is an international, specialized platform for promoting scientific achievements, as well as supporting national and international collaboration between scientists, publishers of scientific journals and scientific entities.

This proves that our specialized platform for sharing and debating the experience

and expertise of all stakeholders from the electoral field was a much needed one and it became a Knowledge-Hub for electoral experts.

Our editorial project brings an important contribution in terms of understanding and finding ways to improve the management of electoral operations, of facilitating the knowledge on organizing and conducting electoral processes at European and international standards, and of better informing and educating voters on the electoral process.

CALL FOR PAPERS

ELECTORAL EXPERT REVIEW

The Electoral Expert Review, published by the Permanent Electoral Authority, invites stakeholders and those interested to contribute in publishing scientific articles related to the electoral field and to areas such as: human rights, political science, legal and administrative domain. Regarding the next edition of the Electoral Expert Review, the editorial board welcomes articles with interdisciplinary character that have not been or are not published in other journals, reviews or scientific symposium volumes.

The authors may submit proposals for articles directly to the following address: expert.electoral@roaep.ro

The Electoral Expert Review is a quarterly publication of studies, researches and analyses related to the elections field. The editorial project Electoral Expert Review appears in a European context in which articles and scientific research aimed at various aspects of national and European electoral processes are increasing in the last two decades, but it appears a small number of academic magazines and journals assemble them in a publication focused on the electoral field.

With an interdisciplinary and applied character, firstly the publication aims at a wide audience, this being ensured by distributing our journal to the Romanian Parliament, the Government and other institutions from the central and local government, to the most important public libraries, universities, the media, other academic institutions and NGOs. Secondly, the Electoral Expert Review can be found in electronic format in Romanian; this will be completed by one translated into English, giving it an international character.

The last two issues of Electoral Expert Review will be published with the following general topics: **electoral reform, political financing, electoral system, voting methods, gender and elections, etc.** (deadline for submitting the articles: **30 of November 2015**).

Indications and text formatting requirements:

✓ Submitted articles may cover theoretical studies, case studies or researches that have not been published or submitted for other publications or part of the proceedings of scientific conferences. Submitted articles should be original.

✓ We recommend that submitted articles should be between 4,000 and 6,000 words in length (bibliography and footnotes included).

✓ Manuscripts must be accompanied by an abstract. The abstract must have between 100 and 150 words (Times New Roman, 12, italic). After each abstract the author must mention the keywords. We recommend that the articles submitted should be accompanied by a brief presentation of the author/authors (name, institutional or/and academic affiliation, brief research activity and published papers, e-mail address).

✓ The preferred working language of Electoral Expert Review is English.

✓ Main text of the manuscript: Times New Roman, 12, justified, 1.5 line spacing options. Page setup: A4 with 2.5 cm margins. Titles: Times New Roman, 14, bold. Subtitles: Times New Roman, 12, bold. Footnotes: Times New Roman, 10, justified.

✓ All figures, tables and photos must be clear and sharp. The tables should be numbered consecutively in Arabic numbers. The number and the title of each table should be written above it, using Times New Roman, 12, bold. The number and the title of each figure or photo should be written under it, using Times New Roman, 10, bold.

✓ Abbreviations and acronyms will be explained the first time they appear in the text.

✓ Quotations and references should be made using the Harvard or European system (only one of them will be used in the manuscript).

✓ Internet references should be quoted with the whole link and the date in which it was accessed.

For additional information you can contact us at: expert.electoral@roaep.ro

CALL FOR PAPERS

REVISTA „EXPERT ELECTORAL”

Revista „Expert Electoral”, editată de Autoritatea Electorală Permanentă, primește spre publicare articole științifice ce tratează teme din domeniul electoral, precum și din domenii conexe, cum ar fi: drepturile omului, științe politice, științe juridice și administrative, adică articole cu caracter interdisciplinar și care nu au fost sau nu urmează a fi valorificate prin publicare în alte reviste sau volume ale unor simpozioane științifice.

Având în vedere necesitatea unei dezbateri publice reale pe tema îmbunătățirii și uniformizării legislației electorale, intenționăm ca în următoarele numere ale publicației să abordăm subiecte precum: reforma electorală, finanțarea partidelor politice și a campaniilor electorale, sisteme electorale, metode de vot, gen și alegeri etc.

Autorii pot transmite propunerile de articole pentru nr. 4(12)/2015 al revistei Expert Electoral la adresa de e-mail: expert.electoral@roaep.ro.

Termen limită de comunicare a lucrărilor: 30 noiembrie 2015.

Revista „Expert electoral” este o publicație trimestrială de studii, cercetări și analize cu tematică electorală. Autoritatea Electorală Permanentă a inițiat editarea acestei reviste cu scopul de a crea o platformă de dezbatere a subiectelor referitoare la reglementarea și administrarea proceselor electorale.

PORTALUL ELECTORAL WWW.ROAEP.RO

Autoritatea Electorală Permanentă a lansat în luna martie 2013 o nouă versiune a paginii sale de web www.roaep.ro.

Noul www.roaep.ro a fost gândit ca un portal electoral modern în spațiul căruia publicul să găsească toate informațiile privind procesele electorale, atât cele desfășurate, cât și cele în curs de desfășurare sau care urmează să aibă loc.

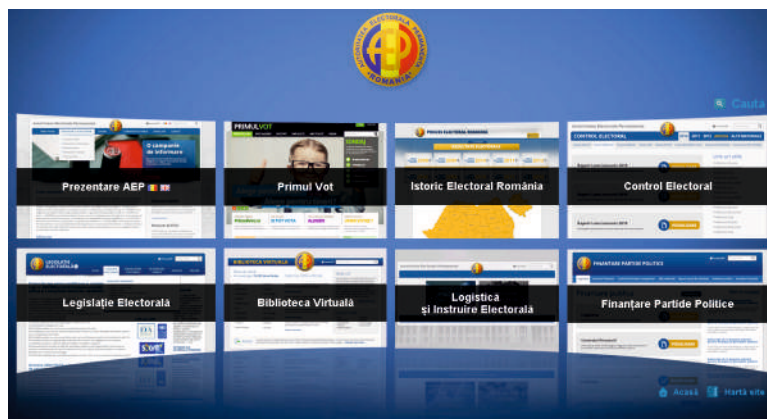
Secțiunea LEGISLAȚIE ELECTORALĂ conține actele normative în vigoare care guvernează procesele electorale, dar și proiecte pentru îmbunătățirea, perfecționarea și armonizarea cu acquis-ul comunitar, a cadrului legislativ electoral românesc.



Secțiunea ISTORIC ELECTORAL cuprinde date referitoare la toate alegerile și referendumurile din România începând cu anul 1990. De asemenea, înglobează site-urile Birourilor Electorale Centrale începând cu anul 2007.

Secțiunea FINANȚARE PARTIDE POLITICE include informații privind aplicarea legii finanțării activității partidelor politice și a campaniilor electorale, date despre alocarea subvențiilor partidelor politice, dar și îndrumarea partidelor politice sau a candidaților independenți privind legalitatea finanțării.

LOGISTICA ȘI INSTRUIREA ELECTORALĂ reprezintă două coordonate importante ale AEP. Secțiunea prezintă atât elemente de logistică



electorală, cât și materiale necesare instruirii actorilor implicați în procesul electoral.

De asemenea, secțiunea CONTROL ELECTORAL conține date despre acțiunile de control privind îndeplinirea atribuțiilor legale în materie electorală de către autoritățile administrației publice.

BIBLIOTECA VIRTUALĂ a fost concepută ca o secțiune de resurse documentare electorale dedicată persoanelor cu preocupări în domeniu, specialiști din mediul academic, universitar, societatea-civilă sau mass-media.

PRIMUL VOT este o secțiune dedicată tinerilor care împlinesc 18 ani și pentru care următoarele alegeri reprezintă ocazia de a-și exercita pentru prima dată drepturile electorale.





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