

Capítulo 9

Out-of-country voting. Electoral participation of Romanian diaspora*

Bogdan M. Popescu

1. The distribution of Romanian Diaspora

The citizens that take part in elections abroad represent an important part of the active Romanian population having the right to vote. They have different statutes: some of these have dual citizenship according to the legislation of that specific country, others have only Romanian citizenship.

The official data are in a way contradictory, making a difficult mission to estimate the actual size of Romanian Diaspora. For example, on the 2002 population census, a little over 150.000 Romanian citizens appeared as living abroad, and in the same time, the official data of the German Minister of Interior show that between 1950 and 1989 around 240.000 Romanian citizens established themselves in Germany, and after 1990 around 190.000 Romanian citizens did the same thing. The official data from Italy (Istat) indicated that there were 625.000 Romanian citizens living there at the end of 2007. According to Eurostat, in 2006 there were 230.000 migrant Romanian citizens in the EU countries (8% of the total number of immigrants) representing the second largest group after the Polish citizens. In 2006, Romanian citizens were on the first place concerning immigration from Hungary (35% from the total of immigrants), Italy (19%), and Spain (16%).

* *Acknowledgments.* This work was supported by the strategic grant POS-DRU/89/1.5/S/62259, Project *Applied social, human and political sciences. Postdoctoral training and postdoctoral fellowships in social, human and political sciences*, cofinanced by the European Social Fund within the Sectorial Operational Program Human Resources Development 2007 – 2013.

According to statistics available at the Department of Policies for the Relations with Romanians Abroad (Ministry of Foreign Affairs) in 2011 the Romanian Diaspora around the world raised to around 4,3 mil. persons, of whom 3,3 mil. were residing in Europe, not all of them having Romanian citizenship. According to this source, the data available country by country are the following:

Table 1:
Romanians living abroad by region

No. crt.	STATE OF RESIDENCE	ROMANIAN DIASPORA (no. of persons)	Notes
EUROPE			
1	ALBANIA	150,000	Aromanian ethnics without Romanian citizenship
2	AUSTRIA	36,000	
3	BELGIUM	7,200	
4	BULGARIA	150,000	Romanian ethnics without Romanian citizenship
5	CZECH REPUBLIC	3,249	
6	CYPRUS	35,000	
7	CROATIA	1,500	Istro-romanian ethnics without Romanian citizenship
8	DENMARK	6,057	
9	SWIZERLAND	5,000	
10	ESTONIA	350	
11	FINLAND	500	1,000 unofficially
12	FRANCE	50,000	
13	GEORGIA	37	
14	GERMANY	300,000	
15	GREECE	33,315	100,000 unofficially
16	IRLAND	35,000	
17	ITALY	856,700	1,200,000 unofficially

18	KAZAKHSTAN	20,000	Romanian ethnics without Romanian citizenship
19	LATVIA	300	
20	LITHUANIA	350	
21	LUXEMBOURG	700	
22	FYR of MACEDONIA	20,000	Aromanian ethnics without Romanian citizenship
23	MALTA	300	
24	GREAT BRITAIN	100,000	
25	NORWAY	5,500	
26	HOLLAND	7,000	
27	POLAND	350	
28	PORTUGAL	40,000	
29	SERBIA	250,000	Romanian ethnics without Romanian citizenship
30	SLOVAKIA	2,500	
31	SLOVENIA	2,000	
32	SPAIN	796,576	
33	SWEDEN	2,500	
34	TURKEY	5,600	
35	UCRAIN	410,000	Romanian ethnics without Romanian citizenship
36	HUNGARY	10,200	Romanian ethnics without Romanian citizenship
	TOTAL	3,343,784	
MIDDLE EAST			
37	ALGERIA	100	
38	SAUDI ARABIA	250	
39	EGYPT	400	
40	UNITED ARAB EMI-RATES	5,000	
41	JORDAN	500	
42	IRAQ	231	
43	ISRAEL	300,000	

44	KUWEIT	500	
45	LIBAN	1,000	
46	LIBIA	500	
47	MAROCCO	500	
48	QATAR	1,000	
49	SYRIA	4,000	
50	TUNISIA	250	
	TOTAL	314,231	
FAR EAST			
51	CHINA	200	
52	KOREA	270	
53	INDIA	200	
54	INDONEZIA	50	
55	IRAN	500	
56	JAPAN	3,000	
57	MALAEZIA	80	
58	PAKISTAN	50	
59	SINGAPORE	200	
60	THAILAND	60	
61	VIETNAM	75	
	TOTAL	4,685	
NORTH AMERICA			
62	CANADA	192,170	
63	U.S.A.	457,693	1,000,000 unofficially
	TOTAL	649,863	
SOUTH AMERICA			
64	ARGENTINA	13,000	
65	BRAZIL	4,000	
66	CHILE	200	
67	COLOMBIA	270	
68	MEXICO	400	
69	URUGUAY	200	
70	VENEZUELA	10,000	

	TOTAL	28,070
71	NEW ZEALAND	3,000
72	AUSTRALIA	20,000
	TOTAL	23,000
	AFRICA	5,000
	TOTAL GENERAL	4,368,633

Source: Data detained by the Department of Policies for the Relations with Romanians Abroad in 2011.¹

According to different statistics detained by European Commission, in early 2011 the data regarding the Romanian residents in voting age across EU countries have been the following:

Table 2
Romanian citizens in voting age residing in other Member States

Country of residence	Romanian residents in voting age Total	Romanian residents who <u>registered to vote</u> in the 2009 European Parliament elections in the member state where they reside
Austria	592	592
Belgium	17 235	729
Cyprus	9671	835
Czech Rep.	3 357	Not available
Germany	92 196	3 023
Denmark	3 462	133
Estonia	56	3
Spain	668 985	49 317
Finland	881	Not available
Greece	19 546	190
Lithuania	22	3

1 See the website of the Department of Policies for the Relations with Romanians Abroad: <www.dprp.gov.ro>, functioning under the Romanian Ministry of Foreign Affairs.

Latvia	276	1
Malta	45	Not available
Netherlands	5612	Not available
Portugal	27 769	297
Slovenia	72	5
Slovakia	Not available	0
Sweden	5737	288
France	Not available	708
Hungary	61910	2423
Ireland	6 399	64
Italy	796.477 (estimation)	Not available

Source: Data obtained by courtesy of European Commission following the meeting of the European Electoral Expert Group, Brussels, 14 February 2011.

By comparing the data of all available sources, it comes out that more than half of Romanian Diaspora around the world is concentrated in two countries, namely Italy and Spain, both EU countries.

The most recent data published by Permanent Migration Observatory (Ministry of Labor in Spain) showed that on September 30th 2012, the Romanian community in Spain counted 913.405 persons. On the other hand, the data of the last census in Italy published in December 2013 indicate that the Romanians represent one fifth of the total number of foreigners i.e. 823.000 persons, in fact less than previously reported by different other sources (Istat, Caritas, Dossier Immigrazione).

2. Legal provisions

After 1989, a complex reform at the institutional level took place which led to the revision of the legal electoral framework. On the basis of the new Constitution of 1991, revised in 2003 by the introduction of some extremely important changes in order to facilitate the accession to the Euro-Atlantic structures (NATO - 2004 and European Union - 2007), several electoral laws have been adopted concerning: the election of the Parliament, of the President

of Romania, of the local public administration authorities, for the European Parliament (after the EU accession), as well as several other secondary normative acts that regulate how the elections are organized and carried out.

Until 2008, the members of Romanian Parliament were elected in electoral constituencies on closed lists, according to the principle of proportional representation as well as on the applications of the independent candidates.

The debate regarding the Romanian electoral system reform, already present in the Romanian society since the '90s, became central especially after 2005, when more and more political leaders and representatives of nongovernmental organizations endorsed the idea that party list voting, used for the elections of the Chamber of Deputy and the Senate, should be replaced in favor of a more personalized system.

By adopting the Law no. 35/2008, the proportional list system was replaced with a version of single member colleges system. For the distribution of the mandates both the majority formula is used (for the candidates that obtained 50%+1 out of the valid votes cast in the single member colleges where they ran for an office) as well as the proportional formula. The repartition and assignment of the mandates is done in several stages, on the basis of the votes cast for each competitor that exceeded the electoral threshold, following a special procedure of redistribution of the votes. The delimitation of the single member colleges was done by the Government according to the decision of a parliamentary special commission and it is updated by the Permanent Electoral Authority, the Romanian EMB.²

According to the law, there are electoral constituencies for each 41 counties, one constituency for the municipality of Bucharest and one distinct constituency for the Romanians living abroad. Since 1990, the Romanian citizens living abroad have the chance to cast their votes in person at the polling stations organized by the Romanian diplomatic missions and consular offices. Until the electoral reform of 2008, the polling stations organized abroad belonged to the constituency of Bucharest municipality, i.e the votes of the Romanian Diaspora contributed to the elections of the MPs representing the capital city.

A new provision of the electoral law was the establishment of the constituency electoral bureau for the Romanian citizens having their domicile or residence abroad. The Diaspora had for the first time the chance to appoint

direct representatives in the Romanian Parliament, 4 deputies and 2 senators as follows:

- For the Chamber of Deputies:
 - College no. 1: Western Europe
 - College no. 2: Eastern Europe-Asia
 - College no. 3: USA-Canada
 - College no. 4: Africa
- For the Senate:
 - College no. 1: Europe – Asia
 - College no. 2: USA

The representation of Diaspora in the national legislature is becoming at the moment an increasing practice around the world. The 2007 International IDEA Handbook³ is mentioning eleven countries that adopted regulations in this sense – four in Europe (Croatia, France, Italy and Portugal), four in Africa (Algeria, Angola, Cape Verde and Mozambique) and three in the Americas (Colombia, Ecuador and Panama):

Table n.3
 Political representation in national legislatures
 for external voters

Country	Number of seats. (percentage of total no. of seats in parliament, total no. of seats)
Algeria	8 (2.0%, 389)
Angola	3 (1.4%, 220) External voting has not been yet implemented
Cape Verde	6 (8.3%, 72) Two each from the Americas, Africa, and Europe, an the rest of the world.
Colombia	1 (0.6%, 166)
Croatia	6 (3.9%, 152) A maximum of 6 seats.
Ecuador	6 (4.6%, 130)

3 Andrew Ellis et al, *Voting from Abroad. The International IDEA Handbook*, p. 28.

France	12 (3.6%, 331) Senate only (elected through the Conseil Supérieur des Français L'Étranger).
Italy	12 (1.9% 630) One constituency of Italians abroad representing four geographical groups: a) Europe, including Russia and Turkey); b) South America; c) North and Central America; and d) Africa, Asia, Oceania and Antarctica
Mozambique	2 (0.8%, 250) Two single member constituencies, for Africa and for the rest of the world.
Panama	4 (4.6%, 130) External voting has not been yet implemented
Portugal	4 (1.7%, 230)

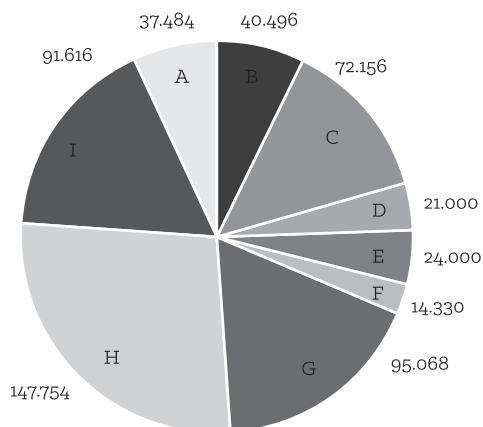
3. The dynamics of participation and turnout

In the following charts, it can be seen the evolution of the number of foreign polling stations, of the number of voters from the foreign polling stations and the participation of the Romanian living abroad in 3 election-type events during 2007-2009:

Graphic 1

The evolution of the number of voters from the foreign polling stations

- A ■ Parliamentary and presidential elections, 28th of November 2004, first round
- B ■ Parliamentary and presidential elections, 28th of November 2004, second round
- C ■ National Refrenda concerning the impeachment of the Romanian President, 19th of May 2007
- D ■ Election of the Romanian members in the European Parliament, 25th of November 2008
- E ■ Election of the Chambers of Deputies and the Senate of Romania, 30th of November 2008
- F ■ Election of the Romanian members in the European Parliament, 7th of June 2009
- G ■ Parliamentary and presidential elections, 22th of November 2009, first round
- H ■ Parliamentary and presidential elections, 22th of November 2009, second round
- I ■ Refrenda on changing the bicameral Parliament to an unicameral one and on reducing the number of members in the parliamente to no more than 300, 22th of November 2009



From the charts above, it can be noticed that the turnout of the voters abroad differs according to the type of elections that are organized and the corresponding stake the winner gets: the most attractive elections for the voters are the presidential elections – this fact is reflected in the higher turnout.

For the Presidential elections that were held on 22nd of November 2009 (first round) and 6th of December 2009 (second round) the participation abroad changed the final hierarchy. So, with 115.831 votes of the electors abroad, the Democrat-Liberal Party's candidate won the presidency of Romania.

4. The typology of the problems affecting the participation in elections of the Romanian voters abroad

Despite the increased number of polling stations abroad and the information campaigns organized by Romanian authorities, the turnout was not satisfactory against its potential represented by the total number of Romanian citizens living abroad.

The reasons for low turnout are various and of different nature: personal, political, administrative, institutional, financial, etc.

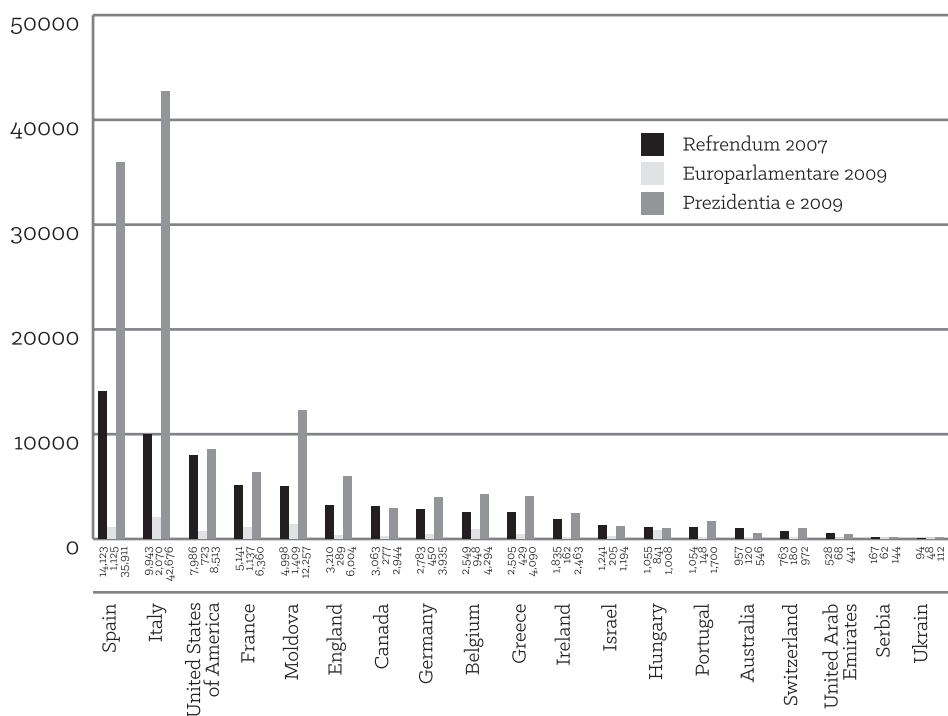
On the personal side, one possible cause mentioned in the literature on this topic is that: many “external voters, particularly if they are permanent residents abroad and/or hold multiple citizenships, may feel detached or apathetic regarding political events in their home state. This may be exacerbated if the decisions made by that state have little or no impact on the everyday life of the voter or the voter’s family.”⁴ However, this phenomenon could particularly become chronic if it is accompanied, as often happens, by a lack of information about the political actors and the developments on the political stage of home country. In fact, some reports consider that “this is probably the main reason, an extension of the Romanians’ general disinterest in politics. As happens within the country, probably half of Romanians manifest no interest in politics.”⁵

4 Andrew Ellis et al, *Voting from Abroad. The International IDEA Handbook*, p. 33.

5 *Reprezentarea Diasporei și votul românilor din străinătate*, Fundația Soros, May 2009, p. 6, 7.

Among other institutional actors, it is the aim of the Department of Policies for the Relations with Romanians Abroad, functioning under Ministry of Foreign Affairs, that of outreaching its own citizens abroad, “of preserving and affirming the ethnical, cultural, linguistic and religious identity of Romanians from the vicinity and emigration, according to the international standards on the matter, and strengthening the links between Romania and the Romanian communities abroad”.⁶ Moreover, the Ministry of Foreign Affairs through its diplomatic missions and consular offices is responsible for organizing and running up the elections abroad and operate as an “interface” with the communities abroad.

Graphic 2
 The participation of the Romanian living abroad in 3 election-type events
 2007-2009



6 Department of Policies for the Relations with Romanians Abroad – <http://www.dprp.gov.ro/about-us/drp-objectives/>

The abstention here should be regarded sometimes not only as the result of voters' apathy or lack of information, but also as an outcome of the disillusion felt about political actors and their performances.

Before the electoral reform of 2008, the Romanians living abroad could cast their vote with only a valid Romanian identity document. For the Parliamentary elections of November 2008, in order to cast their vote, the citizens from Diaspora needed an additional document to prove their residence abroad while most of them were still registered on the electoral rolls at home. This additional requirement is reported⁷ to prevent many out-of-country voters from exercising their right to vote. The turnout registered at the parliamentary elections was of 24.000 voters, i.e. 0.4 % of the total number of votes while in 2012 parliamentary elections the participation abroad was of 60878 voters and the overall participation was slightly higher than in the previous elections (39,2%) reaching 41,7%.

A new provision adopted in 2014 is that the Romanian citizens living abroad have to register themselves at the embassies and consulates abroad one month before the elections. This modification is in fact the effect of the implementation of the Electoral Register, a project that aims to correct the errors from the civil registry as well as to establish the real number of voters after the disputes resulted on the occasion of the referendum for the removing from office the president in 2012.

The distances to the polling stations, often hundreds of kilometers away from the places where Romanians are concentrated, and the high costs associated with travel costs negatively affect the participation rate. The long queues formed outside polling stations are also a discouraging factor for voters.

These inconveniences open the way for approaching another related issue: the need for introducing alternative voting procedures.

In Romania, there was a draft project for postal voting in 2007 that failed before obtaining the approval from the Parliament. The draft law regarding the postal voting was introduced on the legislative programme of the government for 2007, which was published at the beginning of the year as legislative priority to be presented to the Govern in March 2007. Although the postal voting project announced by the Ministry of Foreign Affairs was labeled as a

⁷ Miruna Căjvăneanu, "Votul Diasporei – un drept refuzat", *Reprezentarea Diasporei și votul românilor din străinătate*, Fundația Soros, May 2009, pp. 118-121.

priority for the government, a year after it was abandoned due to the strong criticism from the opposition.

This draft law addressed the Romanian citizens residing or living abroad only. They were given the possibility to choose to exercise their right to vote under the provisions of electoral laws in force (the classical method of presentation to the polls) or to exercise their right to vote by mail under the provisions of this draft.

The draft law had no implications regarding the exercise of the right to vote of the Romanian citizens that reside or live in Romania or of those that are temporarily abroad without having a residence at the time of the elections, for these situations the laws in force for parliamentary, presidential and for the European Parliament elections is applied.

Final remarks

Even if one of the provisions of the electoral law adopted in 2008 was to ensure the parliamentary representation of the Romanians living abroad by the allocation of two mandates of senator and four of deputy for them, the voting turnout showed that the level of representation of the Romanians living abroad is still low.

As the majority of political parties in Romania publicly expressed their dissatisfaction with the existing electoral system, a new electoral reform is envisaged in order to be in place for the next parliamentary election of 2016. One controversial effect of the electoral law was the unanticipated supplementation of number of mandates (with 1 extra mandate at the elections of 2008) and more than 100 at the last elections in December 2012) as a result of the redistribution algorithm.

It is expected that in the near future the debates related to our electoral system will intensify after the announced constitutional reform takes place. In the actual EU context, the Romanian Diaspora has a huge unexplored potential which no political party can ignore.

References

- ELLIS, Andrew et. al, (2007): *Voting from Abroad. The International IDEA Handbook*, International Institute for Democracy and Electoral Assistance, The Federal Electoral Institute of Mexico.
- OSCE/ODIHR Limited Election Observation Mission *Final Report on Presidential Election of 22 November and 6 December 2009*, available on-line at: <<http://www.osce.org/odihr/elections/romania/66916>>.
- REPREZENTAREA Diasporei și votul românilor din străinătate, Fundația Soros, May 2009, available on-line at: <<http://www.soros.ro/ro/publicatii.php?cat=21#>>
- ROMANIAN Permanent Electoral Authority's election reports available on-line at: <<http://www.roaep.ro/ro/section.php?id=85>>