

The Effects of the 2008 Romanian Electoral System on Candidate Behaviour. Evidence from the Lab*

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Abstract. *The purpose of this study is to analyse the effects of the new Romanian electoral system on the strategies of the candidates. The main argument is that under the new system, inter and intraparty competition coexist and that intraparty competition manifests itself mostly through the choice of a single-member district (SMD). Due to the manner in which seats are allocated to candidates and to variations in SMD size, running in one SMD or another alters the candidates' chances of winning a seat.*

As the system has only been applied once in 2008 and few data are available, we use laboratory experiments to simulate elections in a mixed-member district (MMD) with 5 SMDs, where 3 parties with 5 candidates each run for office. In order to identify the effects of the new electoral system on the candidates' behaviour, we contrast the findings against results under the plurality voting rule, using the same setting.

Thus, the experiment provides an innovative manner of studying results of intraparty negotiation, through which parties assign candidates to specific SMDs in specific MMDs, altering their chances of winning seats. Given the SMD characteristics and the party's ranking of the candidates, how would they choose SMDs so as to maximize their chances of winning seats, if they could choose their SMDs freely?

Keywords: Romanian electoral system, electoral studies, lab experiments, voting rules

The new Romanian electoral system

For the 2008 Romanian general elections a new electoral system was used (Electoral law no 35/2008), replacing the former closed list proportional one. Although under the new system candidates run for office in single member districts, the system continues to produce rather proportional results, very similar to the old one, due to the mandate redistribution process.

The 2008 system is the result of a compromise which has ended the long debates regarding the electoral reform. The NGO Pro-Democracy (Pro Democrația) had been

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pushing for reform back in 1995, when they proposed a mixed system for the Chamber of Deputies and a majoritarian formula, based on single member districts for the Senate. (Pro Democracy, 2008: 19). Since 1995, several unsuccessful campaigns have been carried out by Pro-Democracy in the attempt to gather the necessary number of signatures (250000) to promote the electoral reform to Parliament as a citizen initiative. Although unsuccessful, these attempts have raised awareness among the members of the political parties regarding the necessity of electoral reform. As a result, by 2006 a Parliamentary Commission was appointed to draft a new electoral law. In 2007, the debates concerning the reform amplified, when president Basescu threatened to organise a referendum on the electoral reform if parties could not agree on the content of the new law. To help with the reform process, Pro-Democracy had a series of informal debates with the leaders of the main political parties, the result of which was the draft law that the appointed Parliamentary Commission put forth to the Chamber of Deputies in September 2007. Because by the middle of October the two chambers had still not reached a decision, and president Basescu was again threatening to organise a referendum on the law, the National Liberal led government decided to assume responsibility¹ and pass the law on the 29th of October.

Even though the government assumed responsibility for the law, the president decided to organize a referendum on the 25th of November, the same day as the first European Parliamentary elections. However, the referendum would not refer to the project assumed by the government, but to the classic two-round majority system, an alternative proposal also considered by the Social Democratic Party back in 2003. The referendum was invalidated due to the low turnout rate (26.51%).

After the referendum, debates regarding the reform continued as two articles of the law assumed by the government were declared unconstitutional, sending the law back to Parliament. The articles declared as unconstitutional referred to the use of a spare national list for the case in which a party would win more seats than the district had to offer, through national redistribution. The argument offered was that these people would become MPs without having been elected by the citizens, going against the spirit of the Constitution (Decision of no.1177/12.12.2007 of the Constitutional Court).

During this last round of negotiations, several aspects of the Pro-Democracy project have been altered. First of all, parties were no longer able to nominate more than one candidate per SMD. Secondly, candidates in the SMD tier would not be elected according to the plurality rule. Finally, no spare national list would be allowed (Pro-Democracy, 2010).

Under the new Law 35/2008, which was finally passed in March 2008, elections are organized in 43 multi-member districts for both chambers of the Parliament (Senate and the Chamber of Deputies). Each of the 41 counties plus Bucharest city represents a multi-member district and there is another district for Romanians living abroad. In each multi-member district there are several single member districts (SMD) depending on the number of inhabitants of the county. SMD's are called uninominal colleges. The representation norm is 70.000 inhabitants for a deputy college and 160.000 for a senator college. Each multi-member district needs to have at least two senator SMDs and four deputy SMDs. The senator SMDs are composed of two or more deputy SMDs. The

¹ Under Romanian legislation, assuming responsibility for a law is a provision allowing the Government to adopt laws without passing them through Parliament. Assuming responsibility may result in the termination in the Government if the Parliament strongly opposes the legislation.

biggest SMD in a MMD cannot exceed the smallest SMD in the same MMD by more than 30%, the size being measured by the number of inhabitants in the colleges. Also SMDs must include only neighbour regions.

In each SMD a party or an electoral alliance can only propose one candidate. Candidates can also run independently if they supply a signature list of at least 4% of the inhabitants of the SMD where they intend to run for office. In order to obtain representation, each party needs to meet the 5% threshold at the national level, or win 6 deputy SMDs and 3 senator SMDs. The threshold increases to 7% if the alliance has two members, to 8% if it has three members and so on, not exceeding 10% in total.

The mandates are allocated to the electoral competitors (parties and alliances) in two rounds, separately for the Senate and the Chamber of Deputies. The first round takes place at the county (MMD) level according to the Hare quota. More precisely, each competitor that has met the threshold receives as many mandates as the times its valid vote share at the county level is divided by the electoral coefficient of the county. The electoral coefficient of the county is calculated by dividing all valid votes in the county for all competitors that have met the threshold by the number of mandates to be allocated in the county. Then, all unallocated mandates in each county are summed up at the national level. Also, for each competitor, all unused votes are summed up at the national level, separately for the Senate and the Chamber of Deputies. Then, using the d'Hondt method the rest of the mandates are allocated at the national level to the competitors.

Finally, the mandates are also divided between counties. First, the unused votes of each competitor in each county are divided by the total number of unused votes for that competitor at the national level, and multiplied by the number of mandates that the competitor is entitled to according to the national redistribution. The results obtained are ordered in a descending manner, both at the national level and separately within each county. For each county, the number in the ordered list corresponding to the number of unallocated mandates in the county is the allocator of the county. Mandates are allocated in the order of the national list, each number on the list being divided by the allocator of the county it pertains to. The result is the number of the mandates that each competitor receives in this second round in each county.

After the mandates have been allocated to the competitors by county, they are also distributed by SMDs in two rounds. In the first round, a candidate receives a mandate if she got at least $50\% + 1$ of the total valid votes in the SMD where she has run for office. In the second round, a descending list of all candidates that have not received a mandate in the first round is made at the county level, by dividing the vote share of the candidate by the electoral coefficient of the county. Mandates are allocated according to the order on the list if the following two conditions are satisfied: 1) the mandate in the SMD where the candidate ran for office has not already been given to another candidate; 2) the competitor which the candidate represents still has mandates to distribute in that county (MMD). If at least one of these conditions is not satisfied, then we pass on to the next position on the list.

Main implications of the new electoral system:

According to Shugart and Wattenberg's (2001) definition, the new electoral system would be a mixed-member proportional one. There are two tiers. The first one, the majoritarian tier, requires candidates to obtain absolute majority ($50\%+1$ of the valid vote) in order to win a mandate. The second tier, the PR tier, is composed of two rounds of

compensatory redistribution of mandates: first at the county level (multi-member district), using the Hare quota and then at the national level, using the d'Hondt system. Because the redistribution process is based on SMD vote, parties have incentives to nominate candidates in as many SMDs as possible (Ferrara, Herron and Nichikawa, 2005: 37). The candidates entitled to obtain compensatory mandates are the best losers from the SMDs. However, according to the new electoral system, a new variable is taken into account when distributing these mandates among candidates of a party at the county level. Instead of just distributing the mandates according to the ordered list by party, the new electoral system also accounts for the SMDs where these candidates have run for office. If the particular SMD where a candidate ran has already been won by another candidate, either in the majoritarian tier or thorough redistribution, the first candidate is no longer eligible to receive a mandate, even though she might have surpassed her fellow party members in the number of votes she has received.

Due to the manner in which the number of compensatory mandates is calculated and due to the manner in which these mandates are distributed, we can conclude that the new system has both a vote and a mandate linkage between the two tiers. Thus, the votes that all candidates of a party have obtained, even the ones of the candidates who received the majority of votes in a SMD, are used in the PR tier. Second, the number of mandates won in SMDs is subtracted from the number of compensatory mandates each party is entitled to, ensuring the mandate linkage.

In comparison to the previous closed-list PR system that has been in place until 2008, the new electoral system does not fundamentally change the mandate distribution process among parties (Marian and King, 2010)². However, the system does significantly change the mandate distribution logic inside each party, among candidates. Though it has been said that the new electoral system focuses on the candidates instead of the party and the party platform, the party has not lost influence, as candidates are still proposed by parties and also because a candidate's chances of winning a seat depend on the national results of the party as well as on the results of the party in the given county (i.e., MMD). Nominations are still an internal affair of the party and voters get no say as to who the nominees are. From the ballot point of view, the system is still a highly party-centred one on the intraparty dimension (Shugart and Wattenberg, 2001:36). In spite of the fact that the vote is nominal, highlighting the candidate's personal electoral strength and allowing voters to have a say in who gets elected, the redistribution mechanism in MMDs and the fact that individual mandate allocation also keeps count of the SMDs where candidates ran, make party strength both at the county and national level a key variable in determining a candidate's chances of winning through redistribution (Roescu, 2010).

Therefore, the new electoral system introduces both inter and intraparty competition at the county level, as candidates of the same party running in the same county not only compete with candidates of the other parties in the race but also with each other. If they don't receive a majority of the votes in the SMD where they are running, then their chances of receiving a mandate depend upon the number of mandates the party has in the county and upon the results of the other candidates of the same party in the constituency. Thus, on one hand they have to act as a team and gain as many votes in order for the party to receive as many mandates as possible in the two round distribution; on the other hand they have to compete with each other for one of the seats the party won

² Using the previous closed-list PR system to aggregate the 2008 results reveals that the mandate distribution at the party level would have been almost the same as under the new system. (Marian and King, 2010)

in the county. Also, due to the fact that the redistribution accounts for the SMDs where candidates ran, each candidate has an incentive to try to surpass not only fellow party members but also all other opposing candidates running in the same county, even the ones in different SMDs. Furthermore, candidates are ranked by the absolute number of votes that they have received in SMDs, not by the percentage of votes, meaning that the number of people who live in each SMD and therefore the number of voters in each SMD are essential in order to discriminate among candidates.

To conclude, candidates' chances of winning are determined by personal strength both in the SMD and relative to the candidates of the rest of the SMD's in the county, but also by the strength of the party at the county and the national level. Also, the size of the chosen SMD, measured by the number of votes in the district (Popa, 2010), seems to play a key role in determining a candidate's chances. Candidates should either negotiate a "safe" SMD where they have a high chance of winning a majority of votes, or failing to do that, should go for large SMDs where they can expect to get a larger number of votes that would place them at the top of the intraparty and interparty ranking at the county level. However, candidates running in smaller colleges, where they have not received even a plurality of votes are expected to win, if their party still has mandates to distribute while the parties of counter candidates' have exhausted their mandates. This strategy might be appealing to candidates of smaller parties with lower personal strength than counter candidates from larger parties.

Experimental design and hypotheses

The new electoral system has been applied only once and little data is available to test its effects and understand the way the system works in practice. In order to make up for the lack of data, we employ an experimental approach. Using laboratory experiments, we simulate elections and test hypotheses regarding the strategies that candidates might pursue in order to increase their chances of winning a mandate. The advantage of our experimental methodology is that it allows us to vary the electoral rule, while holding everything else constant, in order to analyse the effects of the voting rule on the candidates' behaviour. Thus, using the new electoral system as the treatment and the plurality rule as control, we analyse the behaviour of the candidates under the new system in comparison to plurality. The four hypotheses that we aim to test through the experimental design are the following:

- **H1:** *The better the position of the candidate's party in the interparty competition at the county level (MMD), the better the candidate's chances of winning a seat under the new system, as compared to plurality;*
- **H2:** *The better the candidate's position in the intraparty ranking at the county level, the better the candidate's chances of winning a seat under the new system, as compared to plurality;*
- **H3:** *The better the candidate's position in the SMD ranking, the higher his or her chances of winning a mandate under the new electoral system, as compared to plurality;*
- **H4:** *The larger the size of the SMD, the higher a candidate's chances of winning a seat under the new electoral system, as compared to plurality;*

Elections for each chamber of the Parliament are held separately in Romania. However, the experimental design does not discriminate between the two chambers, as it only simulates one county with 5 SMDs for which 3 parties, which 5 candidates each, are competing, regardless of the fact that they are competing for senatorial or deputy seats. We have chosen to simulate a 5 SMD county because the constraints of the new electoral system are clearer when the number of SMDs increases. A 5 SMD county would only correspond to a deputy MMD, as no Senate MMD has so many SMDs. However, the same conclusions should also be applicable for the Senate³, even though they would probably be harder to notice. Secondly, the experiment only simulates one county, leaving aside the national level which clearly has its own influence in real elections. Thus, the experimental setting is a simplified version of the real electoral setting, making it easier to observe the strategies that the players (candidates) develop in order to increase their chances of winning mandates. Thirdly, with respect to the new electoral system, the experimental setting only simulates the mandate distribution among SMDs, after the county and national mandate distribution between parties has taken place and the number of mandates that each party is entitled to in that county is known. Finally, by design, no candidate (player) can ever gain the majority of votes (points) in the SMD where she ran for office. Therefore, under the new electoral system, the experiment only simulates the allocating of compensatory mandates among candidates⁴. We have chosen to simulate only the compensatory mandate allocation, as we are looking to analyse the strategic behaviour of candidates from SMDs that are rather competitive and do not ensure a comfortable majority for any of the candidates running in that district.

The experimental setting builds on the assumption that under the new electoral system, candidates can improve their chances of winning a seat by choosing a particular SMD to run for office. For this purpose we randomly divide the 15 subjects into 3 groups, each representing a party with 5 members. Then we randomly assign a total number of votes to each party which is then randomly distributed between the members of the party. In real elections, these would be the approximate vote share that each party and each candidate expects to win in the elections, based on opinion polls or on the results of the local elections, which take place only a few months before.

Randomly assigning a vote share to parties and candidates allows us to rank the parties and the candidates inside each party. By design, there would always be a strict hierarchy between the three parties and within each party. Then, when simulating the new electoral system, we randomly draw one of the two possible distributions of the 5 mandates in the county between the three parties. The two possible distributions are 2-2-1 and 3-1-1, the number of mandates each party is entitled to being determined by the random party ranking done at the previous step. The random distribution is necessary when simulating elections under the new electoral law, as we only simulate one county, making it impossible to otherwise determine the number of mandates each party is entitled to after the national redistribution.

The distribution, the total number of votes of each party and the vote distribution between the members of each party are written on the blackboard for everyone to see, including the members of competing parties.

³In practice, no county except Bucharest has this many senatorial SMDs. Most counties have 2 or 3 senatorial SMDs, overlapping 2 deputy SMDs each.

⁴According to the 2008 results, only about 25% of all winning candidates received a majority of the votes in the SMD where they ran for office, while the rest received compensatory mandates, in accordance with the party's strength at the county and national level.

Finally, we ask each member of each party to decide in which of the 5 SMDs in the county she will run for college, knowing that: SMD I increases the number of votes of the candidate by 20%, SMD II by 10%, SMD III does not alter the number of votes, SMD IV decreases the number of votes by 10% and SMD V by 20%. The vote variation that each SMD induces accounts both for the difference in size of the SMDs and also for any personal electoral strength or weakness that a candidate might have in comparison to those of the party.

Each experimental group makes this choice, knowing what voting rule is in place. The two simulated rules, plurality and the new electoral system, are alternated, each one being played half of the time.

A further variation is made. Half of the time SMDs are selected in an ordered way, known to all, starting with the first ranked member of the first ranked party and the other half of the time, party members negotiate among themselves the SMD each member will place herself in, without knowing how the members of the other two parties will do this, but knowing their total number of votes and the vote distribution between the members.

Financial incentives are provided to the participants as a function of the number of mandates that each of them won. Each mandate won is rewarded with 5 lei, which would be a little over what the minimum income per hour is in Romania. In order to raise the stakes of the game, the first three participants with the most mandates won receive a bonus of 15 lei (a little under 5 euro). As the participants were students, they also received some extra credit⁵ for showing up and taking part in the experiment, regardless of the number of mandates they won.

Finally, a post-experimental online survey was filled out by the participants. First, the survey measured the participants' knowledge regarding the two electoral rules used in the experiment. Secondly, the participants were asked to describe the strategies they employed during the experiments: whether they thought that strategies to improve their chances of winning a mandate existed, and if so, which strategies would those be and whether they had employed any during the experiment.

Experimental results

So far we have used 2 groups of 15 students. The 30 students were randomly divided into two groups. We simulated a number of 6 elections for each group of 15 students, three under the plurality rule and three under the new electoral system. Both groups played both rules in turns. However, we randomly decided which group would begin with the new electoral system and which would begin with plurality, to account for any effect that would be induced because of the order in which the two rules were played.

Each group was explained the rules of game and each participant received an instructions sheet with the same explanations. Then, they received an example of the application of the two rules on a fictive situation and each group also played a test round under the new electoral system to make sure that all participants have understood the rules of the game.

⁵ In Romania courses are organized in lectures and seminars. Students typically receive 50% of their grade by taking a final exam and 50% by completing homework assignments and actively participating in seminars. They received an extra point to the seminar grade for taking part in the experiment.

We have analysed the results using a logit model. The dependent variable is whether a candidate has won a seat or not and the independent variables are the size of the SMD, the candidate's position in the intraparty ranking, the candidate's position in the SMD ranking and the party's position in the interparty ranking. We also included interaction effects between the voting rule and the other independent variables. We have chosen to use a single regression model and include the voting rule as a dummy variable instead of doing two separate regression models because we have only run two experimental sessions so far and the number of cases is relatively small.

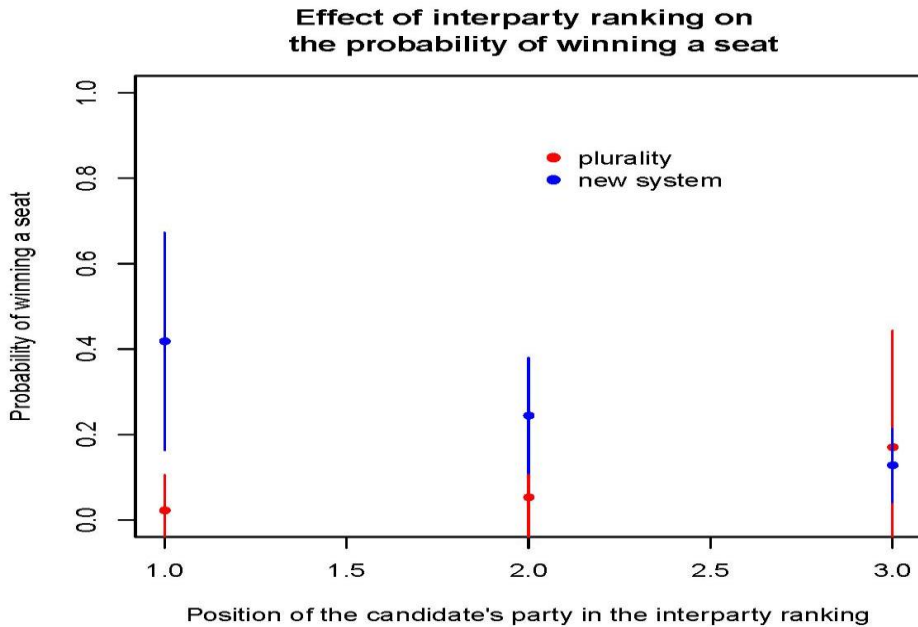
Coefficients:

	Estimate	Std. Error	z value	Pr(> z)	
(Intercept)	5.1730	0.7259	7.126	1.03e-12	***
Party ranking	1.3696	0.7397	1.851	0.064104	.
SMD size	0.2003	0.3665	0.547	0.584677	
Ranking in SMD	-5.8595	1.4304	-4.096	4.20e-05	***
Ranking in party	0.2062	0.5240	0.394	0.693949	
R in party * rule	-1.2192	0.5510	-2.213	0.026923	*
R in SMD * rule	5.0605	1.4363	3.523	0.000426	***
SMD size * rule	-0.3435	0.3952	-0.869	0.384765	
Party R * rule	-2.2251	0.7736	-2.876	0.004027	**

 Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1 ' ' 1

As expected, the results seem to indicate that except for SMD size, all other variables taken into account have a significant impact on the candidate's chances of winning a seat. However, the effect depends on the voting rule in place. Therefore, we further interpret the results using predicted probabilities to make sense of these effects under each voting rule.

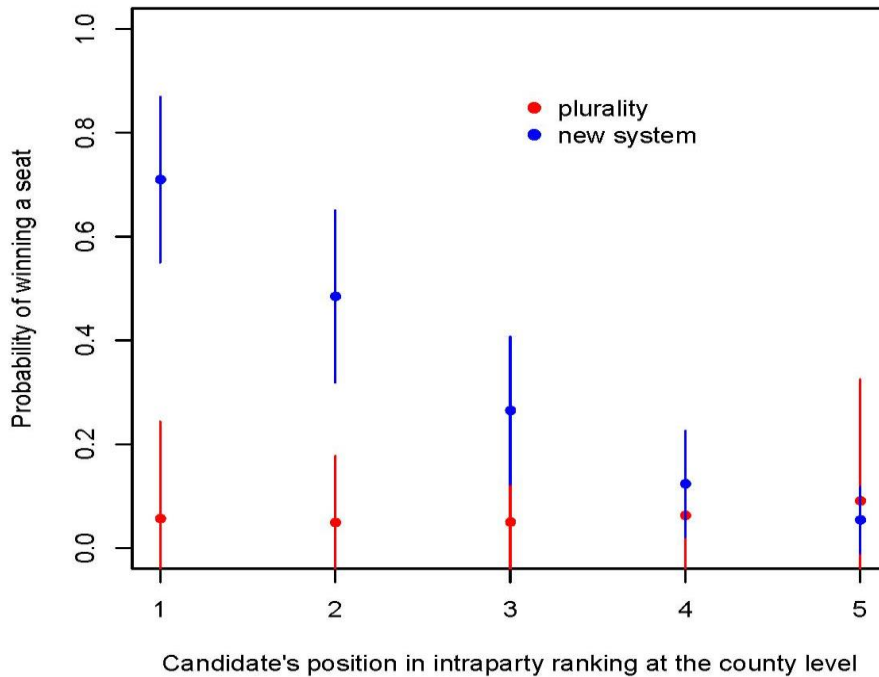
H1: The better the position that the candidate's party holds in the interparty competition at the county level, the better the candidate's chances of winning a seat under the new system, as compared to plurality;



As the graph indicates, the interparty ranking makes little difference under the plurality rule, while under the new system there is a significant negative relation between the interparty ranking and the candidate's chances of winning a seat. Thus, the stronger the party at the county level, the higher the candidate's chances of winning a compensatory seat. This result is caused by the mandate redistribution process at the county and national level. The more votes a party receives at the county level, the higher the number of compensatory mandates it has to distribute among its candidates under the new electoral system. As the experimental design awards the number of mandates under the new electoral system to each party according to the random party ranking, this relation is implicit by design under the new system. However, this result is just to show that having a mandate distribution among parties ties the candidate's chances of winning a mandate to the electoral strength of the party at the county level, as opposed to the situation under plurality where only candidate's individual results matter.

H2: The better the candidate's position in the intraparty ranking at the county level, the better the candidate's chances of winning a seat under the new system, as compared to plurality;

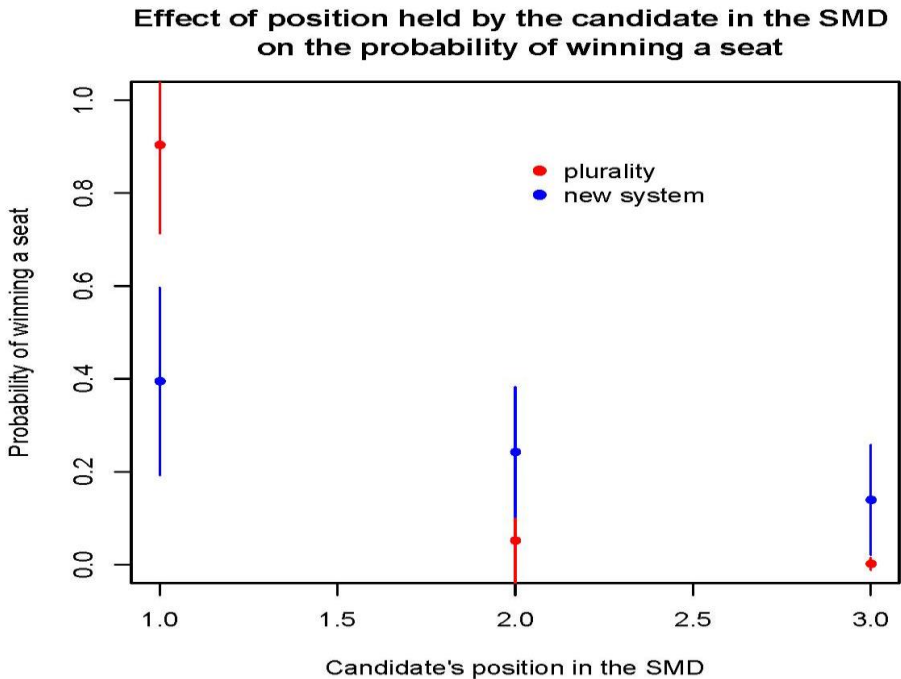
Effect of intraparty position on the probability of winning a seat



Probably the most important finding of the experiment is the negative relation between the intraparty ranking and the candidate's chances under the new system. While it makes no difference under the plurality rule, under the new system the candidate's chances significantly improve when they are ranked among the first of her party. This result indicates that the highest chance of winning a seat belongs to the best of the best-losers. Even though the new system accounts for the SMD where the candidate ran for office when awarding compensatory mandates and it does not allow two candidates from the same SMD to be appointed⁶, being one of the first ranked best-losers of a party increases the chances of winning a seat. However, this might be at best a necessary but not sufficient condition, as the seat from the SMD where the candidate ran for office might be won by the candidate of a different party having run in the same district. In any case, if this result holds, then in order to increase their chances of winning a seat, candidates not only compete with the other candidates from the same SMD, but also with their own party colleagues in the county.

H3: The better the candidate's position in the SMD ranking, the higher his or her chances of winning a mandate under the new electoral system, as compared to plurality;

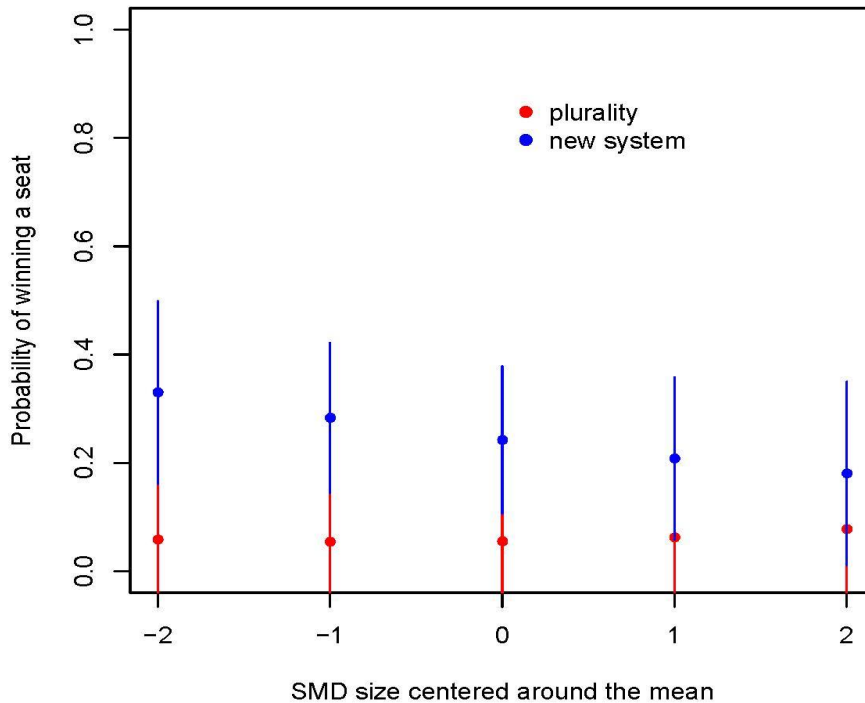
⁶Except in rare cases where a party cannot receive the total number of compensatory mandates in a county, because the SMDs of some of the candidates who should receive compensatory mandates have already been won by members of other parties. For example, if in 3 out of the 5 SMDs party A's candidates have won a majority and party B is entitled to 3 compensatory mandates, two candidates from the same SMD will receive seats. In 2008 this situation happened once, in the Arad county.



While only being ranked first makes a difference under plurality, under the new system the chances slightly decrease as the candidate moves lower in the college. However, even when ranked third, a simulated candidate has about 20% chances of winning a mandate. This result implies that even best-losers should win as many votes as possible in their SMD to increase their chances of winning a mandate. On the other hand, lower ranked candidate still have a good chance of winning when higher ranked candidates represent parties that have already exhausted all compensatory mandates. In other words, putting hypotheses H2 and H3 together we can conclude that candidates, who cannot negotiate SMDs where they will most likely win a majority of the votes, should negotiate SMDs that rank them among the first in their party and rank opposing candidates running in the same SMD among the last in the opposing parties. If opposing candidates are ranked among the last in the intraparty ranking of opposing parties, it makes little difference if the candidate has surpassed the opposing candidates in the SMD, the odds are that opposing parties will have already exhausted all compensatory mandates in other SMDs.

H4: The larger the size of the college, the higher a candidate's chances of winning a seat under the new electoral system, as compared to plurality;

Effect of SMD size on the probability of winning a seat



Finally, regarding the relationship between the SMD size⁷ and the probability of winning a mandate, a slight negative correlation can be noticed under the new electoral system, while under plurality, SMD size does not seem to make much difference. Because both candidates of the same party and of opposing parties are ranked according to the absolute number of votes they have received in the SMD and not according to their vote share, the absolute number of votes in the SMD is a key variable in determining candidate ranking, even when assuming the share of favourable votes per party is constant across SMDs. Moreover, a SMD where a lower share of the vote is won is preferred by a candidate to a SMD where a larger share is won if in absolute numbers the former SMD surpasses the latter one. Linking hypotheses H2 and H4 we can conclude that candidates will pursue SMDs large enough to allow them to be ranked among the first in the intraparty ranking. However, the question is how they will position themselves if larger SMDs imply being surpassed by candidates of opposing parties? Again, we argue that the answer resides in the position that the opposing candidates in the SMD would hold in the opposing parties' intraparty ranking at the county level.

Conclusion

The purpose of this study is to analyse the constraints that the new Romanian electoral system imposes on candidates running for office. We argued that under the new system intraparty competition coexists with interparty competition, turning members of

⁷Where the SMD size, as previously mentioned, refers to the number of inhabitants, and implicitly of voters, in that district.

the same party running in the same county (MMD) into adversaries. Because candidates who did not receive a majority of the votes in their SMD can still win seats based on a county ranking and because this ranking is done according to the absolute number of votes received, the SMD where candidates choose to run for office becomes very important. There are four key variables that determine a candidate's chances of winning a mandate: the position of the candidate's party in the interparty ranking at the county level, the position of the candidate in the intraparty ranking at the county level, the candidate's position in the SMD ranking and the size of the SMD. Thus, candidates that run for office in large SMDs, that have won at least a plurality of the votes in the SMD, that have surpassed their fellow party members running in the same county and that represent strong parties at the county level, have the highest chances of becoming MPs. Simplifying these conditions, candidates should pursue SMDs that allow them to surpass their fellow party colleagues in the county, while competing against counter candidates that do not surpass their own fellow party colleagues in the county.

Although additional experimental sessions are necessary for conclusive results, these hypotheses are supported by the experimental data collected so far. While these aspects make little difference under plurality, they have a significant impact on the candidate's chances under the new electoral system.

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