

Romania and the Referendum

Notes of the Presentation by Ciprian Dinita, Member of Democracy International.

Short history:

Referendums and plebiscites held in Romania:

10 to 14 May 1864

- Approval of Developer Statute of the Paris Convention, proposed by Alexandru Ioan Cuza.
- Basically, the bicameral parliamentary system was introduced in Romania through this plebiscite.

2 to 8 April 1866

- Approval of Carol I as Prince of the United Principalities

February 24, 1938

- Approval of the Romanian Constitution adopted at the initiative of King Carol II

2 to 5 March 1941

- Approval of General Ion Antonescu policy

9 to 16 November 1941

- The second plebiscite for the approval of Marshal Ion Antonescu policy

November 23, 1986

- Approval of a 5% reduction of armaments, troops and military spending

1989

- Prohibition of foreign debt, proposed by Ceausescu

December 8, 1991

- Approval of the Romanian Constitution (constitutional referendum in Romania, 1991)
- Votes expressed 10,948,468 (67%?) Of voters:
 - YES 77.3% (NSF, PUNR)
 - NO 20.4% (UDMR PNTCD PNL)
 - canceled 2.3%

18 to 19 November 2003

- Approval of revision of the Romanian Constitution (constitutional referendum in Romania, 2003)
- The constitutional referendum was held on 18-19 October 2003. The estimates were probably needed two days to collect 50% + 1 voters.
 - Voters: 17,842,103
 - Voted: 9,938,441 (55.7%)
 - YES: 8,915,022 (89.70%)
 - NO: 875,172 (8.81%)
 - null votes: 148,247 (1.49%)

May 19, 2007

- President Traian Basescu's impeachment referendum, 2007

On March 21, announced that Dan Voiculescu report by the President Basescu stated that "violated the Constitution and is involved in criminal acts". ???

On April 5 the Constitutional Court finds, by majority vote, that the proposal to suspend President Traian Basescu "refers to acts and violations of the Constitution, committed in the exercise of the mandate, the content and consequences cannot be deemed serious infringements, likely to cause the suspension of the President of Romania within the meaning of Article 95 para. (1) of the Constitution" and gave a negative opinion on a proposal to suspend.

Constitutional Court decision was only advisory to the Parliament and on April 19, 2007 the Romanian Parliament voted to suspend the application on grounds of unconstitutionality, with 322 votes for, 108 against and 10 abstentions. Date of referendum was set for Saturday, May 19, 2007, to a maximum of 30 days, according to the Constitution. Saturday was an unusual day for elections in Romania, Sunday is preferred for this purpose.

On April 23 the Parliament passed an amendment proposed that the PSD where turnout will not be half plus one of voters voting and the Constitutional Court decides that it is a reason for invalidating the referendum, but Parliament "decides the procedure as follows.

"The amendment was adopted with 238 votes for, 2 against and 4 abstentions after PD and PLD's withdrew from the room.

The amendment was controversial and views lawyers divided. On May 3, the Constitutional Court decides by majority vote:

Article 10 of Law on the organization nr.3/2000 referendum, published in the Official Gazette, Part I, no. 84 of 24 February 2000, as amended and supplemented, is amended to read as follows: "Article 10. - By derogation from article 5. (2), dismissal of the President of Romania is approved if a majority of valid votes in the country, citizens who participated in the referendum. »

Reactions of civil society

On May 7, over 100 leading Romanian intellectuals like Liiceanu signed an appeal entitled "For the rule of law and democracy" asking the government to properly organize a referendum, asking people to go to referendum and signals their concern over "the tendency of authorities to circumvent or violate the principles and practices of democracy and rule of law."

On May 15 anticommunist dissident Doina Cornea said that intellectuals would argue even Basescu flaws "make the mistake of falling into admiration, legitimized and sustained action to Ceausescu".

Question of the Referendum was: "Do you agree with the dismissal of Romanian President Traian Basescu?"

Vote	no. votes	percentage
Yes	2,013,099	24.75%
NO	6,059,315	74.48%
	62,858	invalid votes 0.77%
Total (turnout 44.45%)	8,135,272	100.00%
No.	18,301,309	voters voting

November 25, 2007

- A referendum on the introduction of the single vote, 2007

Referendum election voting system in Romania, held on November 25, 2007, was initiated by President Traian Basescu on October 23, 2007.

Traian Basescu has motivated the desire to launch a referendum to consult the Romanian citizens in the voting system proposed by him only in his opinion that provides the necessary reform of the political class in Romania

Question of the Referendum:

"Do you agree that from the first elections to be held for the Romanian Parliament, all Deputies and Senators are elected in single-member constituencies based on a majority vote in two rounds?"

According to Article 5. (2) of Law no. 3/2000 on organizing and holding the referendum, published in the Official Gazette, Part I, no. 84 of 24 February 2000, as amended and supplemented, to validate the referendum results, turnout should be "at least half plus one of the persons registered on electoral lists."

Results according to the Central Electoral Commission:

People registered: 18296459

Voted: 4,851,470 (26.51%)

Of which:

YES: 3,947,212 (81.36%)

NO: 784,640 (16.17%)

Null votes: 119,618 (2.46%)

Due to the fact that turnout was not plentiful, the referendum was invalidated, its results have no legal force.

November 22, 2009

- A referendum on unicameral parliament and reducing the number of deputies, 2009

The two questions of the Referendum were:

You agree to shift to a unicameral Parliament in Romania?

You agree to reduce the number of deputies to a maximum of 300 people?

To be validated, they needed a turnout of 50% +1 of the number of voters. Authorities announced that 50.16% of voters have cast its votes leading to validation referendum

The effect:

Since according to the Romanian Constitution, the people sovereignty through elected representatives in Parliament and directly, by referendum, Parliament is obliged to act in the sense of the result recorded.

To shift to a unicameral parliament it is necessary to have some constitutional amendments, and the procedure is validated through another referendum. Reducing the number of deputies is an organic law, initiated and adopted in Parliament and promulgated by the President.

In response to the call made by President Traian Basescu referendum, Liberal National Party introduced a bill that would have reduced the number of deputies to a total of 316 representatives - 99 senators and 217 deputies.

No other actions were taken after that moment to put into act the will of the people.

2009 Presidential elections

Results:

valid votes	Basescu	Geoana
10,483,815	5,277,068 50.34%	5,206,747 49.66%

Recent Developments:

President's Traian Basescu, impeachment Referendum will be held Sunday, July 29, 2012.

Wednesday, June 27.

Official Gazette is subordinated to the Government (previously being subordinated to the Parliament), by emergency ordinance. The decision marked the beginning of a long series of arbitrary publications of the laws.

Thursday, June 28.

Despite the decision of the Constitutional Court, which concluded that President Traian Basescu is entitled to represent Romania in European Council, Prime Minister Victor Ponta went to Brussels, in contempt of the Court. CCR decision was not published in the Official Gazette.

Friday, June 29.

The first decision published in the Official Gazette is subordinated to the Government, and it is resignation of Dan Voiculescu from the Senate. By this maneuver, his file on the privatization of the Institute of Food Research (ICA) was moved from the High Court of Cassation and Justice, which was near completion, to the Bucharest Court, to gain time.

Tuesday, July 3.

In the extraordinary session of Parliament President of the Senate, Vasile Blaga and Roberta Anastase, head of the Chamber of Deputies, are removed from their positions.

Revocation Chambers has violated regulations, decisions of the CCR and the Constitution.

According to regulations, revoke the President of the Chamber may be required by the Parliamentary Group of the proposal, and the special session could be convened only Blaga or Anastase. The same day the People's Advocate, Gheorghe Iancu, was also revoked and replaced with man from in-house PSD, Valer Dorneanu. Stake: The People's Advocate can only challenge the ordinances of the Government CCR.

Wednesday, July 4.

Government adopted an emergency ordinance which provides that the Parliament cannot be challenged by the Constitutional Court. It is published in the Official Gazette before Parliament decisions to revoke of Vasile Blaga, Roberta Anastase and Gheorghe Iancu, so that appeals PDL cannot be discussed by the CCR.

Thursday, July 5.

Prime Minister Victor Ponta replaced two vice presidents of the National Statistics Institute (INS). Government amended, by emergency ordinance, referendum law stating that the President may be removed by a majority of valid votes of citizens who come to vote.

Friday, July 6.

Is the Day suspension of President Basescu, with 256 votes "for" and 114 "against". The president submitted a request to CCR legal settlement with Parliament constitutional.

Monday, July 9.

Constitutional Court established the procedure to suspend President Traian Basescu met and rejected Constitution and referral to the existence of a conflict between Parliament and President. Appeals regarding revocation of Vasile Blaga PDL and Roberta Anastase were rejected as inadmissible, not substantive but procedural grounds. This is because publication in the Official Gazette of decisions to revoke the Government was postponed until after the entry into force of the emergency ordinance prohibiting CCR to rule on the decisions of Parliament. **But the court ruled that it cannot be excluded from the constitutional control of Parliament decisions.** (That decision was not publicized in the Official Gazette, so it is not yet instated as mandatory)

Tuesday, July 10.

The Constitutional Court ruled unanimously to dismiss the referendum is valid "as far as turnout ensures at least half plus one of the persons registered on electoral lists permanent". Soon after release of the Court, Ministry of Interior (MI) said that the referendum of July 29 will apply to government emergency ordinance that the president is ousted by a simple majority of those who come to the polls. (Government Emergency Ordinance of 5 July 2012)

Wednesday, July 11.

Prime Minister Victor Ponta sent Presidents of both Houses of Parliament a letter proposing convening an extraordinary session in linking all the texts of law on the referendum with the Constitutional Court.

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