

THE HISTORICAL STRATIGRAPHY OF THE ROMANIAN VOTING FORMULAS: DEFINING ATTRIBUTES OF THE 1866 ELECTORAL LEGISLATION

Adrian-Alexandru HERȚA *

Received: September 4th, 2025

Accepted for publication: September 15th, 2025

Abstract: The present contribution seeks to provide an in-depth analysis of the constitutive structures of the 1866 Romanian electoral system. Two defining pillars are highlighted: a multiple-layered census-based framework and the coexistence of majority single-member and multi-member constituencies. The former reveals an archaic legal-political pattern. The latter illustrates how social cleavages and geography shaped the design and theoretical matrix of the ballot. A broad comparative perspective is employed; the study draws parallels with legislation and voting formulas from Belgium, the Scandinavian states, Prussia, the Austro-Hungarian Empire, and Italy.

Keywords: censitary electoral system; majority vote; constituency; comparative electoral legislation

Introduction

The present paper addresses the origins of modern European representative systems. Embedded in the continent's legal culture, the Romanian electoral framework of 1866 rested on two essential pillars. The first relates to how the body of franchise-holders was delineated. This issue has already been extensively discussed by jurists, political scientists, and historians¹.

* Ovidius University of Constanța, Romania, adrian_hertza@yahoo.com

¹ Gheorghe Tătărescu, *Regimul electoral și parlamentar în România* (București: Editura Fundației Pro, 2004), 31-38. It is a reissued, translated edition of a doctoral thesis in law, defended in 1912 at the Sorbonne. Ioan Macovei, *Représentation nationale en Roumanie. Thèse pour le doctorat Sciences Politiques*. Présentée le Mardi 31 Mai 1927, à 2 heures (Troyes: Imprimerie Les Presses Modernes, 1927), 19-31. Unfortunately, there are striking and unacceptable similarities between this first two works (in the sections dedicated to the pre-war electoral system). Also see, among others, Ilie Gănescu, Const. Gr. Zotta, and Alex. Kostachi, *Dreptul electoral român* (București: Institutul de Arte Grafice „Vremea”, 1937), 13-14; George Alexianu, “Regimul electoral în România,” in *Enciclopedia României. Volumul I. Statul* (București: Imprimeriile Naționale, 1938), 236 (It is worth mentioning that Alexianu was a highly controversial political figure. He began its career in government structures during the dictatorship of King Carol II. The peak of this profesional trajectory was between August 1941 and January 1944 – his appointment as governor of Transnistria.

The second constituent element, not as often under the scrutiny of specialists², concerns the legal and technical model into which the vote was incorporated at that time. In this context, it may be considered necessary to remap the theoretical landscape of the issue by fitting in some missing puzzle pieces. Such a reconstruction effort would bring to light not only novel elements, but also the challenge of a typological reframing. It would also create the opportunity for an extensive comparative approach. Thus, this study will evaluate not only the structural mechanisms of the Romanian electoral system of 1866, but also the origins and ideological foundations of its sources of inspiration.

An Archaic Method of Electorate Segmentation

Within the constitutional setting, the Romanian voting arrangement of 1866 was combined with a dual form of asymmetric bicameralism: both chambers of the Parliament embodied hybrid structures. Thus, on the one hand, while the Assembly of Deputies was composed exclusively of candidates chosen by the citizens at the polls, the Senate also included personalities designated by the universities of Bucharest and Jassy and ex officio members (the heir to the throne, the metropolitans, and eparchial bishops). On the other

In this capacity, he oversaw and ordered measures that led to the extermination of Jews and Roma populations); Paul Negulescu and George Alexianu, *Tratat de drept public, tomul I* (București: Casa Școalelor, 1942), 450-452; a heavily ideologized view: Lucrețiu Pătrășcanu, *Sub trei dictaturi* (București: Editura Forum, 1944), 66; a structured and synthesized analysis: Matei Dogan, *Analiza statistică a „democrației parlamentare” din România* (București: Editura Partidului Social-Democrat, 1946), 8-14; a work on the early modernization of the Romanian institutions: Tudor Drăganu, *Începuturile și dezvoltarea regimului parlamentar în România* (Cluj-Napoca: Editura Dacia, 1991), 188-191, 197-200; an overview: Florin Costiniu and Paul Dorin Șerban, *Aspecte ale evoluției sistemului electoral în România* (București: Regia Autonomă Monitorul Oficial, 2000), 29-33; also see: Filon Morar, *Democrația privilegiilor. Alegerile aleșilor în România* (București: Editura Paideia, 2001), 25-27; a broad historical survey: Sorin Radu, *Modernizarea sistemului electoral din România (1866-1937)* (Iași: Institutul European, 2005), 19-30; an in-depth original examination: Cristian Preda, *Rumânii fericiți. Vot și putere de la 1831 până în prezent* (Iași: Editura Polirom, 2011), 113-118; a study primarily focused on electoral corruption and administrative pressure practices: Silvia Marton, ““Transparency” and “corruption” in Romanian electoral politics (1866-1914),” in *History of Transparency in Politics and Society*, eds. Jens Ivo Engels and Frédéric Monier (Goettingen: Vandenhoeck & Ruprecht GmbH & Co., 2020), 36. For a wide-ranging historiographical perspective, see Andreea Zamfira, “Élections et électeurs aux XIX^e et XX^e siècles: Une généalogie de l’étude électorale en Roumanie,” *Studia Politica: Romanian Political Science Review* VII, no. 2 (2007): 341-342, 344-347, 349-353.

² Brief and somehow incomplete references in Tătărescu, *Regimul electoral*, 33-34; Macovei, *Représentation nationale*, 21-23; Costiniu and Șerban, *Aspecte*, 31-32. Most details in Preda, *Rumânii fericiți*, 114.

hand, while the Senate was configured solely through direct voting, the Assembly of Deputies employed both direct and indirect voting³.

This heterogeneous juridical architecture was shaped by two overlapping defining attributes: a highly restrictive census suffrage and the subdivision of the electorate. In other words, in Romania during the second half of the 19th century and the beginning of the 20th century, the annual amount of taxes and fees paid functioned not only as a relatively high threshold for voter qualification, but also as a demarcation line between different categories of voters. Thus, according to the provisions of 1866, two divisions of the electoral body (called *colegii*) were established for the Senate: the first was reserved for owners of rural properties with high land income, while the second included the owners of urban real estate and, eventually, rural owners with somewhat lower incomes. At the same time, four *colegii* were designated for the elections to the Assembly of Deputies: the first two dedicated to large and medium rural owners, the third to the emerging bourgeoisie in cities, and the fourth to those who paid any kind of tax contribution to the state, however small. The overarching guiding principle was that, along this gradation or hierarchy – from the higher to the lower subdivisions of voters – the mathematical weight of each vote cast at the ballot box was appreciably and progressively reduced. A statistical snapshot from 1866 shows that, in *colegiul I*, 3388 voters elected 30 deputies, which meant, on average, one mandate per 113 individuals registered in the electoral lists. According to the same calculations, for the next two *colegii* the representation quotas would be, on average, 160 and 308 potential voters per deputy seat, respectively. As for the last subdivision of enfranchised citizens, voting was not conducted directly but through intermediary representatives (one for every 50 indirect voters). In this case, the deduced representation ratio would be roughly one deputy for every 1236 indirect voters⁴. In 1884, alongside a slight reduction of the census, the electorate segments established by law were, to some extent, resized and, in certain cases, merged⁵. However, even after this readjustment, the overwhelming majority of the population remained unrepresented in Parliament (estimates from the early 1910s indicated nearly 94% of the male population was excluded from voting for Assembly of Deputies, and 98.5% for the

³ The revised version of the law: C. Hamangiu, *Codul general al României (Codurile și legile uzuale în vigoare 1860-1903). Volumul I. Codurile* (București: Editura Librăriei Leon Alcalay, 1903), 32-71. See especially art. 5-14.

⁴ The calculations are done by me. The most detailed perspective on this subject: Drăganu, *Începuturile*, 188-191. Also see Preda, *Rumânii fericiți*, 113, 117.

⁵ Tătărescu, *Regimul electoral*, 32-35; Macovei, *Représentation nationale*, 20-24; Radu, *Modernizarea*, 26-27.

Senate)⁶. Moreover, the theoretical and political arrangement of stratifying the electorate was preserved within regulations until the outbreak of World War I.

Enacting legal barriers not only between those without and those with electoral rights, but also within the electorate itself, formally signified the preservation of a political-normative tradition established under the Paris Convention regime (1858)⁷. At the same time, this was a rather uncommon feature in the European legal order of the 19th century. Another notable exception was the Belgian electoral system of 1831-1848, which also employed several simultaneous census thresholds. In this specific case, the variations in the annual fiscal contribution were determined by territory; to prevent the underrepresentation of poorer areas and to limit the political influence of urban inhabitants, different tax rates were imposed from province to province, as a qualification criterion for suffrage. The value scale ranged from 20 florins per year in the underdeveloped rural provinces to 80 florins per year in major cities such as Brussels, Antwerp, or Ghent.⁸ Although the constitution adopted in Bucharest in 1866 reflected a significant adaptation of the Belgian Fundamental Act of 1831, there are solid grounds to argue that the adjacent Romanian census-based electoral system does not appear to be a legal transplant from the same source⁹. In other words, the electoral design of the *colegii* reflects not so much a theoretical solution about voting and territory, but rather *features and traces of the estates-based structures of proto-parliaments from the medieval and early modern eras*. In the first half of the 19th century, such voter-grouping constructs were still in force in the Scandinavian region. The longest-lasting example was the Swedish system, where until the second half of the 1860s, nobles, representatives of the Lutheran clergy, the bourgeoisie, and farmers went to the polls in distinct, separate categories¹⁰. A subsequent case of tax-based division

⁶ Dogan, *Analiza statistică*, 9-11.

⁷ Tătărescu, *Regimul electoral*, 24-30; Macovei, *Représentation nationale*, 13-18; Dogan, *Analiza statistică*, 4-7.

⁸ Joseph Barthélemy, *L'Organisation du suffrage et l'expérience belge* (Paris: Libraires-Éditions M. Giard & É. Brière, 1912), 14-52; Els Witte, Jan Craeybeckx and Alain Meynen, *Political History of Belgium from 1830 onwards* (Brussels: Academic and Scientific Publishers, 2009), 33, 39; J. Charbonnier, *Organisation électorale et représentative de tous les pays civilisés* (Paris: Librairie de Guillaumin et C^{ie}, 1874), 123; Andrew McLaren Carstairs, *A Short History of Electoral Systems in Western Europe* (London: George Allen & Unwin, 1980), 49.

⁹ A similar conclusion after a comparative legal approach: Andrei Rădulescu, *Influența belgiană asupra dreptului român* (București: Regia M. O., Imprimeria Națională, 1931), 15-16.

¹⁰ Bo Särilvik, "Party and Electoral System in Sweden," in *The Evolution of Electoral and Party Systems in the Nordic Countries*, eds. Bernard Grofman and Arendt Lijphart (New York: Agathon Press, 2002), 220, 232; McLaren Carstairs, *A Short History*, 98-99, 110-111; Charles Seymour and Donald Paige Frary, *How the World Votes: The Story of*

of the voters was that of autocratic Prussia. The deeply conservative law of 1849 drew sharp lines between an upper tier of high contributors (dominated by great landowners, industrialists, and financiers), an intermediate one (largely composed of small entrepreneurs), and a lower one (of workers and smallholders). This three-class scheme was combined with an outdated form of public (oral) voting and a territorial apportionment of mandates that was out of step with prevailing socio-economic realities and dynamics. Together, these characteristics led to a significant imbalance of power between the executive and legislative branches¹¹. Finally, perhaps the closest parallel to the Romanian pattern of 1866 was the method of dividing the electorate adopted in 1873 in Cisleithania, the northern and western political-administrative half of the Austro-Hungarian Empire. This reform replaced an earlier, largely indirect and much more restrictive arrangement, built on a broadly similar hierarchical structure. Based on the financial status of adult men, four classes (called *curiae*) were delimited by the legal provisions and exclusion criteria of the time: the first composed of the landed elites, the second of the urban property holders, the third of the representatives of chambers of commerce and industry, and the last of inhabitants of rural areas. As in Romania, for this latter category the vote was indirect. In response to sustained pressure for reform, a fifth division of voters was added in 1896, formally extending suffrage to all adult males. As a result, the whole mechanism became a sort of plural voting formula. Then, in 1907, universal male suffrage was introduced. This meant the complete abolition of the *curial* system¹².

Both its sources of inspiration (or comparable arrangements in other European countries at that time) and its internal nature and spirit point to the same conclusion regarding the 1866 *colegii* framework (amended in 1884): throughout the second half of the 19th century and the first decade and a half of the 20th century, *Romanian voters were legally organized according to archaic principles*. The bridge between the outdated and ossified stratification of the electorate and the theoretical matrix into which suffrage was cast was the urban-rural cleavage. Social stratification shaped and fractured the electoral landscape.

Democratic Development in Elections. Vol. 2 (Springfield, MA: C. A. Nichols Company, 1918), 180-181.

¹¹ Seymour and Frary, *How the World Votes*, 14-21.

¹² William Alexander Jenks, *The Austrian Electoral Reform of 1907* (New York: Columbia University Press, 1950), 13-64; Seymour and Frary, *How the World Votes*, 58-64; McClaren Carstairs, *A Short History*, 123-127; Andrzej Dubicki, "The influence of Austrian voting right of 1907 on the first electoral law of the successor states (Poland, Romania [Bukovina], Czechoslovakia)," in *European Journal of Social Sciences Education and Research* I, Issue I (May-August 2004): 56-57. Also see Drăganu, *Începuturile*, 201-202.

Voting in a Dual Legal Setting

The pre-war, census-based Romanian representative system used a two-round majority voting formula. Constituency boundaries were drawn by overlapping the national structure of *colegii* (strata based on the amount of taxes paid) with the administrative counties. According to the legal provisions of 1866, each territorial unit was therefore divided into two electoral districts for the Senate elections and four electoral districts for determining the composition of Assembly of Deputies. In this projection of parliamentary elections, most constituencies were single-member. However, some of the subdivisions of the third *colegiu* were exceptions: Bucharest had six reserved deputy seats (to be voted en bloc); Iași (together with smaller cities in its county) had four; Craiova, Galați, Focșani, Ploiești, Bârlad, and Botoșani had three each; and Pitești, Brăila, Bacău, Roman, and Turnu Severin had two each (also together with neighboring urban localities). The remaining, less populated cities were left with one deputy per county¹³. This duality of the pre-war Romanian electoral system was accentuated and, at the same time, overturned by the legal changes of 1884. The ratio between the two main types of constituencies was reversed. For instance, in the Senate elections, the first *colegiu* of each county (entirely rural divisions) was allocated two seats. As for the second *colegiu*, the number of candidates to be elected varied with the local population, ranging from one to five. The electoral districts for the Assembly of Deputies were also reconfigured following the same logic. The second *colegiu* of Ilfov County became the largest subdivision, with nine mandates at stake¹⁴.

Both majority voting in single-member constituencies and majority voting in multi-member constituencies were embedded in the tradition of 19th-century European representative systems. At a time when proportional formulas were rare – most often appearing in public debates as experimental algorithms or arithmetic-legal curiosities – pre-democratic parties and lawmakers pursued electoral reforms and engaged in electoral engineering mostly by reshaping ballots or manipulating electoral geography¹⁵. Perhaps one of the most illustrative examples of the overuse of such limited legal tools can be found in the instability of Italian electoral legislation from the 1880s to the 1890s: in less than a decade, political decision-makers in Rome abandoned the old system of single-member constituencies (part of the Piedmontese political heritage) in favor of a scheme of multi-member constituencies (from two to five mandates), only to replace it once again with another arrangement of

¹³ Preda, *Rumânii fericiți*, 114.

¹⁴ Hamangiu, *Codul general*, 32-71. See especially art. 2-11. Preda, *Rumânii fericiți*, 116; Costiniu and Șerban, *Aspecte*, 29-32.

¹⁵ Amel Ahmed, *Democracy and the Politics of Electoral System Choice: Engineering Electoral Dominance* (Cambridge: Cambridge University Press, 2013), 1-88; McClaren Carstairs, *A Short History*, 1-43.

single-member divisions¹⁶. In contrast, the rigidity of the Romanian electoral system of 1866 was, among other factors, rooted in *the coexistence of single-member and multi-member structures*.

Conclusion

By curiously combining various methods of constituency delimitation, direct and indirect voting, and multiple tax thresholds, the complex pre-war census-based Romanian representative system created a legal framework that was not only obsolete, but also resistant to change. Its inertia has a major explanation: it was founded on a broad consensus between the country's two leading pre-democratic political groups, and this commitment remained, for decades, stronger than any social pressure or ideological challenge. In this context, major Western reform trends (whether expanding the electorate or adopting proportional representation) were most often embraced in Romania only by factionalists, political outsiders, and dissidents, and they failed to produce any major legal impact¹⁷. Thus, the electoral system became a key element in a broader internal mechanism for preserving political influence and power.

¹⁶ Joseph G. La Palombara, "The Italian Elections and the Problem of Representation," in *The American Political Science Review* 47, no. 3 (September 1953): 677; V. E. Orlando, *Principii di diritto costituzionale* (Firenze: Tipografia Barbèra, 1921), 103, 119-121; Ernesto Orrei, *Il diritto costituzionale e lo stato giuridico* (Roma: Athenaeum, 1927), 151-155; McClaren Carstairs, *A Short History*, 149-151.

¹⁷ As highlighted in Radu, *Modernizarea*, 31-125.