

## TESTING THE SECOND-ORDER ELECTIONS MODEL ON THE 2019 EUROPEAN ELECTIONS IN ROMANIA

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### Abstract

*The Treaty of Rome adopted in 1957 included provisions on the elections of the then European Parliamentary Assembly elections, but it took more than two decades for the members of the European Parliament to be directly elected. Immediately after the first direct elections of the European Parliament in 1979, the second-order elections model was conceived in order to understand the new type of supranational but less important elections. The model includes several hypotheses deriving from the idea that in the European elections there is less at stake, so instead of having genuine EU elections, in reality there are now 27 simultaneous national elections. The paper tests the second order elections to see whether its hypotheses are valid in the case of 2019 EU elections in Romania.*

**Keywords:** European Union, European Parliament, elections, Romania, 2019.

### The European Parliament elections

After the establishment of the European Economic Community and the European Atomic Energy Community, the Common Assembly of the European Community of Steel and Coal was expanded to cover all three

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communities. The new created assembly had 142 members and met for the first time in 1958 using the name of European Parliamentary Assembly. The European Parliament received its name in 1962 and acted as a body which lacked almost all recognized parliamentary functions. As noticed by Jan Kovar, the assembly was meant to exercise advisory and supervisory powers, according to the EC Treaty, contributing in this way to the limitation of the supra-national democratic deficit of the decision-making process of the European Community.<sup>1</sup>

The Assembly was formed by delegates designated by the National Parliaments of the member states, despite the fact that the Treaty of Rome contained specific provisions on the direct elections of the European Parliament. These provisions steamed from the belief that only with a strong parliament the European Union could claim authority over the Member States.<sup>2</sup> The idea of creating a genuine European Parliament dates back to the federalist movement during the World War II, but as the Treaty of Rome did not provide any timetable for universal suffrage, the elections were postponed due to the emphasis put at that time on economic integration.

The Member States decided that the European Parliament would consist of national MPs convening for a few weeks each year. In 1961, 1963 and 1969 the Assembly wanted to comply with the provisions in the Treaty of Rome regarding the direct elections and asked for proposals for direct elections to be organized in the member states based on a uniform procedure. The Council did not respond to these requests, mainly as it considered that its authority shall be weakened in case the European Parliament would strengthen its legitimacy and powers following direct elections.<sup>3</sup>

At the Summit Conference held in Paris in 1974, European national leaders decided that elections will take place in or after 1978. The member states reached an agreement in 1976, which following ratification by all

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<sup>1</sup> Jan Kovar, *Revisiting the Second-Order Election Model and Its Application to European Parliament Elections in Central and Eastern European Countries*, Prague: Metropolitan University Prague Press, 2016, p. 15.

<sup>2</sup> Yves Meny, *Building Parliament: 50 years of European Parliament History 1958–2008*, Florence: European University Institute, 2009, p. 34.

<sup>3</sup> Desmond Dinan, *Ever closer union: An introduction to European Integration*, Basingstoke: Palgrave Macmillan, 2005, p. 264.

member states entered into force in 1978. The first direct elections for the European Parliament took place on 7 and 10 June 1979.<sup>4</sup> 410 members representing the then nine member states were elected, and the first session of the newly elected assembly took place between 17 and 20 July 1979. The European elections take place every five years, and they aim to reduce the democratic deficit by creating a direct connection between the citizens of the now 27 member states and the decision-making process at the European level. Besides contributing to the creation of a representative democracy at the level of the EU, the European elections were considered to be a good instrument to create a common identity among the people of Europe and create a new balance among the European institutions.

The first European elections were seen as revolutionary and as an instrument to consolidate the European democracy: 185 million voters expressed their votes, representing a 63% of the citizens with right to vote. Due to the direct elections, the "Parliament was able to use its new legitimacy to consolidate its powers and to play its full role in the Community decision-making process, which at that time was, to say the least, opaque".<sup>5</sup>

Since the first European elections, the powers of the European Parliament have expanded considerably, leading optimists to believe that it has been a right move to increase legitimacy at EU level. While the Single European Act, the first major treaty to be adopted after the first European elections, introduced the cooperation procedure and the assent of the European Parliament for accession and association treaties, the Treaty of Maastricht introduces the codecision procedure, extended the cooperation procedure and gave it the power to approve the membership of the European Commission. The Treaties of Amsterdam and Nice extended the codecision procedure, while with the Treaty of Lisbon this procedure became the ordinary legislative procedure and the most widely used. As the European Parliament recognizes, "it became clear that Parliament had made full use of the Treaty provision of Article 14 TEU, which states: 'The European Parliament shall, jointly with the Council, exercise legislative and

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<sup>4</sup> The European Parliament, *The European Parliament: historical background*, [<https://www.europarl.europa.eu/factsheets/en/sheet/11/the-european-parliament-historical-background>], 5 March, 2020.

<sup>5</sup> Yves Meny, *op. cit.*, p. 37.

budgetary functions. It shall exercise functions of political control and consultation as laid down in the Treaties. It shall elect the President of the Commission".<sup>6</sup>

The last European elections were held in May 2019, being the ninth round of parliamentary elections since the first ones in 1979. The results of the elections held in 2019 can be summarized as being: 751 European Parliament members from the 28 member states have been elected and they will represent the will of more than 512 million people. Although the number of the MEPs was supposed to decrease following the decision of the United Kingdom to withdraw from the EU, the allocation of seats remained unchanged following the extension of Article 50 to 31 October 2019.

The elections of the European Parliament members take place according to national electoral systems, but all states, despite their electoral laws, need to respect some common rules, as for example the proportional representation. In some member states, the national electoral laws foresee the vote for closed list, in others preferential voting is used, meaning that voters can choose between one or more candidates, while others use the single transferable vote system. There are quite some differences also between member states in what concerns the threshold (it varies from 2% to 5%), the minimum age to be an eligible voter, or the minimum age to be eligible as candidate. Moreover, in five states voting is compulsory, thus also the turnout is quite high, and the precise date of vote is decided by individual member states (throughout 4 days in total).<sup>7</sup>

## **The second-order elections model**

Immediately after the first direct elections of the European Parliament in 1979, the second-order elections model was conceived in order to understand the new type of supranational but less important elections. Reiff and Schmitt, the fathers of the second-order elections model, suggestively start their article by stating that the "European Parliament

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<sup>6</sup> The European Parliament, *op. cit.*

<sup>7</sup> Giulio Sabatti, Gianluca Sgueo and Alina Dobрева, *2019 European elections: national rules*, European Parliamentary Research Service, 2019, p. 2.

direct elections should be treated as nine simultaneous national second-order elections".<sup>8</sup>

The model starts from the distinction between first order elections, which are national parliamentary elections in the case of parliamentary systems and national presidential elections in the case of presidential systems, and second-order elections (by-elections, municipal elections, regional elections, those for a second chamber). In other words, the European Parliament elections do not decide who gets the power and there was much less at stake in comparison with national elections where members of the national parliament or even presidents are elected. In these circumstances, voters preferences are significantly influenced in second order elections by political calculations concerning the first order arena. If indeed the voters perceive the two separate decision-making levels, the models predicts that the information from the national level determine the voters' decisions at the EU level.<sup>9</sup>

The first dimension of European elections, as developed in the original model, is the less at stake dimension, which lead to a series of characteristics. The first characteristics deriving from this dimension is that participation at European elections tends to be lower compared to previous national first order elections. This is very true if we analyze the turnout at European elections. Between 1979 and 1994, the turnout for the European Parliament elections was above 50%, but declining constantly. From 1999 to 2014 the turnout averages was below 50%, also declining constantly, while in 2019 at the last elections round the turnout increased to 50,66%. As Luiza Filimon correctly noticed, the "turnout has declined from one election to the next even though potential voters from new member states were added in seven out of eight electoral cycles".<sup>10</sup> The situation is also controversial if we have in mind the fact that the powers of the European Parliament raised constantly over decades.

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<sup>8</sup> KarlheinzReif and Hermann Schmitt, "Nine second-order elections - a conceptual framework for the analysis of European elections results" in *European Journal of Political Research*, no. 8, 1980, p.3.

<sup>9</sup> Simon Hix and Michael Marsh, "Punishment or Protest? Understanding European Parliament Elections", in *The Journal of Politics*, no. 2, 2007, p. 499.

<sup>10</sup> Luiza-Maria Filimon, "Beneficiaries of the second order elections model: radical right parties in the European Parliament", in *Europolity*, no. 2, 2015, p. 195.

This situation changed in 2019, as voter turnout increased in 20 out of 28 member states, mainly due to the mobilization of the younger generation. Still, this situation does not challenge the first characteristic of the second-order model as figures are still modest compared to most national elections on the European continent.<sup>11</sup> Moreover, several studies have shown that this increase cannot be seen as a mobilization of voters based on arguments which are relevant for the EU level, but is rather a consequence of national political agenda.

Existing research forecasts that the turnout for EP elections will continue to experience a decline - especially between 2020 and 2040. The main explanation for the low turnout for European elections compared to national elections is that indeed there is more at stake in the national elections compared to the European ones and the voters are well aware of this.<sup>12</sup> Voters do not vote as they feel that they cannot improve anything or abstain because their vote has no influence, in other words they see no reward in taking part in these elections.

The next characteristic of the model affirms that small and new parties do better in European elections, if we compare their results with the results obtained in national elections. In first order elections, citizens tend to vote strategically and as such the "large, electorally decisive parties may receive votes in first-order elections from voters whose actual preference lies with some small or new party".<sup>13</sup> Since in second order elections there is less at stake, there will be less strategic voting, which means that the electorate will vote for their most preferred party, even if it is a small party with no possibility to win, because there are less consequences for wasting one's vote. In other words, voters tend to vote more sincerely in second order elections than in first order national elections. After the second round of European elections, Reif expanded this characteristic about small and new parties and included radical parties. Consequently, he argues that more extreme parties (radical, populist or protest parties) have the tendency to receive more support and thus more centrist parties lose votes.<sup>14</sup>

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<sup>11</sup> Niklas Bolin and Kajsa Falasca, "Introduction", in Niklas Bolin and Kajsa Falasca (eds.), *Euroreflections, Leading academics on European elections 2019*, Sweden, 2019, p. 9.

<sup>12</sup> Jan Kovar, *op. cit.*, p. 37.

<sup>13</sup> Karlheinz Reif and Hermann Schmitt, "Nine second-order elections", p. 9.

<sup>14</sup> Karlheinz Reif, "Reflections: European elections as member state second-order elections revisited", in *European Journal of Political Research*, no. 31, 1997, p. 118.

The third characteristic of the model states that government parties lose in European elections. This characteristic is very much related to the concept of electoral cycle which considers that the popularity of national government parties increases shortly after the elections, but declines afterwards, reaches its minimum at the middle of the legislative period, only to increase again just before the next round of elections. In the case of European elections, several studies have confirmed that parties which are members of the government lose most at midterm, perform a bit better when EP elections take place shortly after the midterm or ahead of the next first-order elections.

There are several explanations for this situation: mobilization of the opposition, the voters' disappointment with the government or some supporters use their negative vote in EP to apply pressure on the government. This hypothesis has been tested during all rounds of EP elections and the conclusion is that except with the first EP elections, the anti-government tendency increased significantly between 1979 and 1994, fell slightly in 1999, only to be reconfirmed from 2004 onwards.<sup>15</sup> It can be said that European voters use the EP election to apply their evaluation of national government performance.

The fourth and last characteristic of the second-order elections model states that there will be a higher percentage of invalidated ballots. In the words of Reif and Schmitt "displeasure at the set of parties and/or candidates which is offered the voter in first-order elections may find expression here in more explicit ways: by invalid marking of the ballot."<sup>16</sup> This hypothesis was less tested and verified and some studies even exclude it. As Jan Kovar concludes, "this hypothesis has been tested partially in other countries and subsequent EP elections but has generally received only limited support."<sup>17</sup>

The majority of the studies have focused on the analysis of these four characteristics which are all related to election outcomes, but in time a new characteristic related to the EP campaign was added by Reif himself. The fifth characteristic states that the campaigns for the second order elections,

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<sup>15</sup> Luiza-Maria Filimon, *op. cit.*, p. 196.

<sup>16</sup> Karlheinz Reif and Hermann Schmitt, "Nine second-order elections", p. 9.

<sup>17</sup> Jan Kovar, *op. cit.*, p. 43.

so also for the European elections, are a mix between first-order arena specific issues and second-order arena issues.<sup>18</sup> While the hope was that the introductions of European elections will lead to genuine European debates and electoral campaigns, the studies conducted so far have proved that the European electoral campaigns are rather national campaigns and have little to do with what actually the EU does or could do for its citizens.

The European direct elections have not lead, as it was hoped, to an Europeanization of the electorate, but on the contrary. Nowadays, the fact that the EU elections are second order elections intensifies the democratic deficit of which the EU is so often accused of. But, as scholars have noticed, "when voters are given more information about the placement of parties on the EU dimension, the importance of European concerns also increases",<sup>19</sup> which means in practice that a more European campaign could determine the EP elections to become more important.

Several studies have focused also on pointing out the limits of the second order elections model. For example, Robert Rohrschneider and Nick Clark argue that "while EP elections are no doubt less relevant in power terms, they may not be second-order in terms of the mechanisms that underlie people's vote choice. In short, the aggregate approach is running the danger of committing the ecological fallacy".<sup>20</sup> The second concern states that "evidence of low turnout and defection from governing parties may be consistent with the second-order model, it can equally lend credence to alternative explanations",<sup>21</sup> as for example dissatisfaction with the position occupied by these parties on the European integration dimension.

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<sup>18</sup> Karlheinz Reif, "National electoral cycles and European elections 1979 and 1984", in *Electoral Studies*, no. 3, 1984, p. 247.

<sup>19</sup> Sara Binzer Hobolt and Jill Wittrock, "The second-order election model revisited: An experimental test of vote choices in European Parliament elections", in *Electoral Studies*, no. 30, 2011, p. 30.

<sup>20</sup> Robert Rohrschneider and Nick Clark, "Second-Order Elections versus First-Order Thinking: How Voters Perceive the Representation Process in a Multi-Layered System of Governance", in Cees van der Eijk and Hermann Schmitt (eds.), *The Multilevel Electoral System of the EU*, Mannheim: Connex, 2008, p. 142.

<sup>21</sup> Sara Binzer Hobolt and Jill Wittrock, *op. cit.*, p. 30.



## Testing the second order elections model on the 2019 European Elections in Romania

The ninth round of European election took place between 23 and 26 May and a total number of 751 members of the European Parliament representing more than 512 people from 28 member states have been elected. The European People's Party obtained 182 seats, less with 34 seats compared to 2014, the Social Democrats obtained 154 seats, less with 31 seats compared to 2014, the Renew Europe obtained 108 seats, more with 39 seats compared to 2014, the Greens obtained 74 seats, more with 22 seats, Identity and Europe got 73 seats, more with 37 seats compared to 2014, The European conservatives and Reformist won 62 seats, less with 15, Nordic Green Left obtained 41 seats, less with 11, The Europe of Freedom and Direct Democracy disappeared while the number of non-attached grew to 57 compared to 20 in 2014. The average turnout was of 50,66% marking a grew from 42,61% registered in 2014.

In Romania the elections for the European Parliament took place on May 26, 2019. Seven independent candidates and 23 parties have registered at the Central Electoral Office, and out of these the office validated three independent candidates and 13 parties or alliances. The elections took place simultaneously with a referendum on justice at the initiative of the Romanian president. The results obtained can be summarized as being:

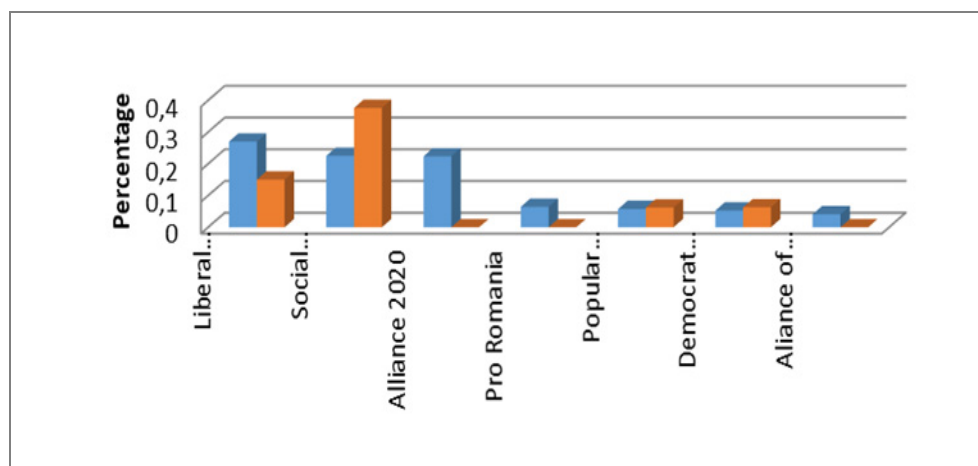


Chart 1. Results of European Elections in Romania 2014 versus 2019

These percentages have been translated into the following number of seats: National Liberal Party - 10, Social Democrat Party - 8, Alliance 2020 - 8, Pro Romania - 2, Popular Movement Party - 2 and Democrat Union of Hungarians - 2. The turnout was 51,20% in considerable raise compared to 2014 when the turnout was just of 32,44%.

The press rapidly concluded that "the opposition scored a massive victory over the ruling coalition in Romania in the elections for the European Parliament"<sup>22</sup> and that "Romania's pro-European parties inflicted a serious defeat on Romania's ruling Social Democrats (PSD)".<sup>23</sup> The results showed that the biggest opposition party at that moment - the National Liberal Party, won the vote in the country, while the alliance formed out of Save Romania Union and PLUS succeeded to gain most votes in cities and diaspora. The Social Democratic Party suffered a heavy loss compared to the former parliamentary elections in 2016 when it succeeded to achieve 45% of votes, while the Alliance of Liberals and Democrats for Europe (ALDE), their coalition partner, did not manage to pass the 5% threshold.

If after the thirds round of elections organized in Romania in 2014, Ovidiu Vaida correctly assessed that the second-order elections model should be applied with prudence in the case of Romania,<sup>24</sup> in 2019 we can consider that the Romanian electorate has acquired sufficient experience in European matters for the theory to be applied. In order to test the second order elections model, the results of the European Parliament registered in Romania in 2019 shall be compared with the results of the first order national parliament elections organized in December 2016. The Romanian Parliament has two chambers, the upper chamber being the Senate and the lower chamber being the Chamber of Deputies. As the electoral system does not differ for the two chambers, the results used in this analysis shall be the average between the scores registered for the two votes.

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<sup>22</sup> "EU elections: Opposition scores massive victory over ruling coalition in Romania", in *Romania insider*, 2019 [<https://www.romania-insider.com/eu-elections-2019-results-romania/>], June 20, 2020.

<sup>23</sup> Bogdan Neagu, *Romanian ruling social-democrats suffer heavy loss*, 2019 [<https://www.euractiv.com/section/eu-elections-2019/news/romanian-ruling-social-democrats-suffer-heavy-loss/>], June 22, 2020.

<sup>24</sup> Ovidiu Vaida, "Europeni în curs de dezvoltare. Trei runde de alegeri europarlamentare în România", in *Sfera Politicii*, no. 189-190, 2016, p. 68.

The results of the elections organized in Romania in 2016 for the national parliament can be summarized as being: the turnout was 39,49%, 136 senators and 329 deputies have been elected using the system of proportional representation with a threshold of 5%. The main parties obtained the following results: Social-Democrat Party - 45,57%, National Liberal Party - 20,22%, Save Romania Union (currently member of Alliance 2020 together with Plus party) - 8,89%, Democrat Union of Hungarians - 6,21%, Alliance of Liberal Democrats in Europe - 5,81%, Popular Movement Party - 5,49%.

We follow by testing the hypotheses of the second order elections model in Romania 2019 European elections:

*A. Participation at European elections tends to be lower compared to previous national first order elections*

The turnout at European elections 2019 in Romania was of 51,20%, slightly higher than the European average of 50,66% and considerably much higher than the turnout at previous national elections which was of 39,49%. The first hypothesis of the model does not stand in the case of the EU elections in Romania in 2019 but there are several explanations for this high turnout. First of all, the average turnout was the highest in 20 years determined mainly by a raise of the votes of young people below 39 years. One of explanation for this high turnout is directly linked with the fact that in Romania the elections for the European Parliament took place in the same day as the referendum for justice convened by the Romanian president who succeeded to mobilize better the voters, especially the young generation, after two years of heated debates on this subject. In consequence, the higher than average turnout can mainly be attributed to national circumstances and the mobilization of the voters due to the national agenda and not the European one.

*B. Small and new parties do better in European elections, compared to their results in first order national elections*

In terms of small and new parties, the main champions of European elections in Romania 2019 have been Alliance 2020 with a score of 22,36% and Pro Romania. Alliance 2020 is formed by Save Romania Union, which succeeded in obtaining just around 9% at the previous national elections,

and PLUS Party (Liberty, Unity, Solidarity), a new party formed in 2018. With an anti-corruption, pro-western and reformist discourse, the Alliance registered officially just some months before the elections, managed to conquer the young electorate and the diaspora. Another small party that entered the scene was Pro Romania launched in 2018 and comprising several former social-democrats displeased with the work of PSD. Being a pro-western center-left party has the advantage of having as leader a former prime-minister and as member the former EU Commissioner of Romania. In the case of the EU elections in Romania 2019, the second hypothesis is verified.

### *C. Government parties lose in European elections*

The government party during the European elections 2019 in Romania was the Social Democrat Party supported also by the Alliance of Liberal Democrats in Europe. As correctly predicted by the second order elections model, both of these parties loose during the European elections. While the Social Democrats obtained just 22,50% compared to 45,57% during the previous national first order elections, the Alliance of Liberal Democrats in Europe did not even pass the threshold obtaining just 4,11%. The European elections took place at the middle of the electoral cycle and this could be one of the explanations for the great fall in the voters' preference of the government parties. As already mentioned above, there has been a wide mobilization of the opposition and the European elections have been used to punish the government party for the reforms in the justice sectors for which a parallel referendum was taking place at the same time.

### *D. Higher percentage of invalidated ballots*

This is the most untested hypothesis of the second order elections model. As the Romanian Parliament has two chambers, we shall take into account the average number of invalidated ballots, which was of 209.944, while the number of invalidated ballots at the 2019 European elections was of 270.186, which is considerably higher. The electorate has used the EP elections, as pointed by the second order elections model, to show its dissatisfaction for all of the parties and for politics in general.

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*E. Second order election campaigns are a mix of second-order arena specific issues as well as first-order-arena specific issues*

While the introductions of the European elections was considered to be a tool which will lead to the Europeanization of the electorate, the successive round of elections have shown the contrary. In Romania, the European campaign was put in a shadow by the referendum for justice initiated by the president, and the political parties preferred to present themselves as highly-EU oriented without any clear indications on what they will do in Brussels once they become MEPs. For example, the National Liberal Party used as slogan for the EP elections "Romania first" copied after the slogan of Donald Trump "America first" promising the entrance of Romania in the Schengen and Euro areas, scholarships and free tickets, the Social Democrats ran under the slogans "Patriot in Europe" and "Romania deserves better" after several criticisms coming from Bruxelles on the state of law and corruption, while the USR chose to bet on the slogan "A Romania without corruption" and the Alliance's of Liberal Democrats in Europe campaign was based on the idea "#IrespectRomania".

None of these slogans take us to the idea that there is a campaign for the European elections, but rather a campaign for national first order elections. This situation is even more obvious in Eastern and Central Europe countries, where slogans like the ones used are a consequence of the short history of democracy and the low level of political culture. Moreover, the government parties chose to play the nationalist card at the 2019 EU elections, while the opposition did no better at structuring and presenting a clear programme of their future activities in the European Parliament. Even when these programmes exist, it is surprising to see that most candidates prefer to say what they will do for their country from Brussels and not what they will do for the entire Europe. The European Union exists, but the union between people and countries still needs to be developed. The second order elections model's hypotheses on the election campaign is definitely confirmed in the case of 2019 EU elections in Romania.

## Conclusions

Developed four decades ago, the second order elections model is far from being obsolete nowadays. Testing its hypotheses on the 2019 EU elections in Romania has shown that small and new parties did better in European elections, compared to their results in first order national elections, government parties lost, there were higher percentages of invalidated ballots than in national elections and the campaign was based on national specific issues. Still, there is a slight deviation from the second order elections model at the hypothesis on the participation at the European elections, but the percentage of voters tended to be higher than at the national elections in all EU countries and considerably higher than at the previous elections for the EU parliament. This deviation should by no means interpreted in the sense that EU elections have the same importance as the national elections, but is rather a consequence of the higher mobilization at national levels. In the case of Romania, the higher participation at EU elections can be attributed to the fact that the elections took place at the same time with the referendum on justice convoked by the president who succeeded in mobilizing the Romanian voters. As long as the EU elections remain 27 national elections, the second order elections shall most probably continue to be valid with small deviations from the original model.

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