

**How do the Political Parties Survive? Case
Study on the Private Financing of Political
Parties in Romania**

**Valentina Cornea¹, Ștefania Cristina Mirică², Ecaterina Cornelia
Ungureanu³, Liliana Mihaela Moga⁴, Andi Mihalache⁵**

Abstract: In the present paper we aim to analyze several important aspects regarding the methods in which political parties obtain their finances and to present the amounts and the private financial sources of Romanian parliamentary political parties in the last legislature (2016-2020). Political parties are necessary elements for any democratic society. The exercise of fundamental human rights is only possible in democracies and democracies require a group of representatives in order to govern the society. The political parties provide these representatives and, there for, the good functioning of political parties is essential in a democratic society. In the present paper we discuss the financial resources of political parties, and the Romanian legal provisions in this matter and also, we will present and analyze data regarding the financing of parties. The political parties are financed by the state and also have private resources like: membership fees, donations, loans and other resources. In our case study we referred to the case of Romania, more specifically of the amount of financing the parliamentary political parties in the 2016 – 2020 legislature. The method used is scientific research and data analysis.

Keywords: democracy; political party; right to vote; financial sources; human rights

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¹ Dunarea de Jos University of Galati, Romania, Address: Domneasca Street 47, Galati, Romania, Corresponding author: valentina.cornea@ugal.ro.

² Dunarea de Jos University of Galati, Romania, Address: Domneasca Street 47, Galati, Romania, E-mail: cmirica@ugal.ro.

³ Dunarea de Jos University of Galati, Romania, Address: Domneasca Street 47, Galati, Romania, E-mail: corneliaungureanu13@gmail.com.

⁴ Dunarea de Jos University of Galati, Romania, Address: Domneasca Street 47, Galati, Romania, E-mail: liliana.moga@gmail.com.

⁵ Dunarea de Jos University of Galati, Romania, Address: Domneasca Street 47, Galati, Romania, E-mail: andys972@yahoo.com.

1. Introduction

No matter they are considered organizations (Daniel-Louis Seiler, pp. 22-23), collective identities (Burdeau, 1968, p. 268; Aron, 2001, pp. 85-86) or institutions (Ofee, 1996, pp. 199-207) political parties are indispensable to any democratic society. Their genesis is in combination with the need to think of an instrument, which, through the means of democracy such as speeches, propaganda, the recurrence to electoral legitimacy to lower social tensions, avoiding armed conflicts (Cornea, 2008, p. 97). Training parties in races for taking power is seen as an “implicit contract” between voters and politicians with low transactional costs in a “political market” (Jones, 1998). The parties provide information without any “direct cost” to voters, the stake being participation in the vote and the election of candidates supported by the party. However, the electoral process itself is costly and extremely complex, and political parties need funds for carrying out their specific operations. The exercise of their functions and the achievement of their specific role imply the accessing of financial resources under legal conditions. The need for adequate financing of political parties is supported by the literature, being argued that the demand for resources targets the need to cover the annual expenses for headquarters, public information, recruitment of members and selection of candidates, (Speck & Baena, 2013), communication with voters and consolidation the participation in the voting Schram and Sonnemans (1996).

In order to ensure fair conditions for all parties trained in electoral races, it was also necessary to develop an adequate legal framework. Unfortunately, not always the legislation in the field of political parties financing is clear or broad enough. The representatives of political parties take advantage of these gaps, assigning various interpretations to the definitions of “political party”, “donation” or what qualifies as “foreign” in order to fraudulently enlarge the funds of their own parties (Pinto-Duschinsky & Olabe, 2013).

Together with the strategy and organizational style of the party, its specific urges and promises, as well as its leading style (Tavits, 2012; Deegan-Krause, 2017), the financial size is one of the factors of party survival. The organizational dynamics of the party, as well as its representation goal, depend on the financial capital. Moreover, the financial framework allows an examination of the links of the party with the representatives of civil society and their specific interests (van Biezen, 2003, p. 12; Fisher, 2004; Fiorelli, 2021, p. 7). From the historical point of view, the political parties in the Western Europe have depended firstly on private contributions to finance their activities (van Biezen, I. 2004, p. 701). On the other hand, in countries such as Spain and France, the state has a predominant role as donor and supervisor. In countries such as Germany, Ireland, Austria and Greece, the level of public funding being relatively similar to that of private financing, the state plays a mediator role concerning sources of financing. In Great Britain, the role of the state

is narrowed to the supervision of incomes and expenditures of political parties. In the United Kingdom, public funding is indirect and is limited to free access by political parties to the media, that is, to areas intended for meetings during electoral campaigns, as well as free postal expenses. The financial support from the state granted to parties is backed by at least three arguments: 1) parties are legitimized as key intermediary institutions of contemporary democracy, 2) through state support it can be ensured equal opportunities, fairness and equality in political competition, 3) through public funding it can be restricted the influence of private money and their potential to limit the distortion of the democratic political process. The average estimated for the direct contributions of the state to the revenues of the post-communist parties was approximately 65% of their total resources (van Biezen, 2004, p. 710). Nevertheless, this specific strategy of organizational survival is nuanced by a new trend - private financing of the parties. This phenomenon occurred mainly in the late 2000.

In Romania the number of parties has increased vertiginously, meeting statistically one of the basic criteria of democracy: pluripartidism (Radu & Buti, 2012). In the span between the forthcoming of Decree-Law No.8/1989, which enacted multiple party system, and the elections of May 20, 1990, it was registered one party every day. In the eve of the elections, more exactly on May 15, 1990, no less than 88 political bodies were registered, of which 75 presented electoral lists, their number far outrunning the reasonable palette of political offers. A similar situation occurred in Hungary, Poland or Bulgaria (Bucur, 2014, p. 28). In 2019 the list of political parties registered in the Fiscal Registry Book held by the Permanent Electoral Authority and at the Bucharest Municipality Court has 165 parties (finantarepartide.ro). From 2015 to 23 February 2022, 364 applications for the granting of legal entity to political parties were registered at the Bucharest Court. Under these circumstances, survival and electoral competitions are becoming fiercer and fiercer.

The background question of this study concerns the financial dimension of party survival in Romania, exploring two key areas: revenue of the parties, and regulation of the party financing. On the basis of empirical data, there are presented brief discussions on each of these areas.

2. General Considerations on the Private Financing of the Activities of Political Parties

Taking into account that political parties are voluntary private associations, private sources of funding should not be neglected. The literature distinguishes between internal and external sources of the party (van Biezen, 2003), sources that may be subject to a certain degree of control and Regulation by the state.

The regular fees for membership or affiliation are one of the forms of internal financing of the parties, regulated by the legislation specific to some European States. As long as the amount of the fee is reasonable, the payment of the party membership fee does not contravene the principle of free association. The statutes of political organizations may mention in their content the exemption from the payment of the fee for the disadvantaged categories of party members.

The political parties may design a differentiated system of membership fees, provided the compliance with the legal provisions concerning the system of membership fees. In practical terms, the amount of the membership fee is different for European parliamentarians, parliamentarians, local elected officials or members of parties occupying various other public positions. In Poland, for example, the amount of the party membership fee cannot exceed the minimum monthly wage value, and in France the fees are limited to Eur 7,500 /member. In Iceland, the amount of the membership fee can be up to Eur 670/year. There are also countries such as Denmark, Finland, Germany, Austria, where there are no limitations as concerns the amount or frequency of collecting the party membership fee.

Being given voluntarily, without direct benefits for the member, the party membership fee is a traditional source of funding, considered as the most democratic and legitimate. From a legal point of view, party membership fees are the most “unproblematic” form of financing for political organizations (Van Biezen, 2003). They guarantee a certain degree of influence of party members on the official policy of the party, without allowing individuals or groups with unique financial privileges to have too much influence (Van Biezen, 2003, p. 18). The fees are uncapped, which has led to the need to enter mandatory requirements for transparency concerning membership fees in the legislation of some Member States. This is the case of Estonia which, starting with 2010, has forced political parties to register membership fees separately from donations and publish them on its own internet page.

Another private source is the income coming from the trade activities of the parties. The classic forms of business activities carried out by the parties are the sale of party literature and newspapers and the holding of affiliated publishing companies. Parties can also manage their own recreation facilities, provide social security services, possess travel agencies, sports teams, shopping malls or even build housing through a company owned by the party or in association with other companies.

Donations are part of the category of foreign private sources and keep on constituting a crucial source of income for parties in most European countries (Van Biezen, 2003, p. 20). The donation can be offered in several forms, without requiring a consideration in exchange. It can be transferred to electoral competitors or political parties in financial form (amounts of money), in kind (movable or immovable property), information, property rights or other material or immaterial values. Donors can be both natural and legal persons. Donations are a source as important

as susceptible to generate flagrant financial disparities among political forces, for which reason, in the legal rules of the European Union countries, the most common prohibitions are those related to donations.

In order to limit the concentration of private influence on parties, in addition to external control and transparency efforts (Bertoa & Walecki, 2012), there are two basic approaches that back up this concern: 1) through public law, States may set restrictions regarding the allowable amount of donations; 2) - States may impose certain conditions on the qualification of donors or donations (Van Biezen, 2003, p. 21). Most European legal provisions provide forbiddances as concerns citizenship, transparency and donation limits for individuals. As regards legal entities, donations could be forbidden from foreign corporations or entities in which the state owns shareholdings, public institutions, trade unions and faith groups. In many OSCE participating states, donations from foreign donors are prohibited in order to avoid foreign interfering in the internal political affairs of that state.

Specific legislation in European countries mentions “unallowed donors” as being assimilated to prohibited categories, from which electoral competitors cannot accept donations or who can offer limited donations. There are also regulated “admissible donors”, whose identity data must be known and registered in the records of political parties. On this line, 40% of OSCE countries use means of limiting the number of eligible donors who could contribute financially to the achievement of the goals of the parties. The legal rules concerning donations also provide for a forbiddance on donations coming from state-owned companies or companies where the state owns a holding. Equally, there are not accepted donations from foreign entities and foreign natural persons, donations from trade unions or faith groups.

Unlike prohibitions, limiting donations above a certain ceiling does not directly target certain types of interests, but has as purpose to limit the influence of a donor over a political party or candidate.

In some countries of the European Union there are legal provisions as regards limiting donations.

3. Private Financing of the Political Parties in Romania

The Law on financing the activity of political parties and electoral campaigns (2006, republished in 2015) and the Law on the election of the Senate and the Chamber of Deputies, as well as on the organization and functioning of the Permanent Electoral Authority (2015) are the main laws governing the financing of political parties in Romania. The legal framework constituted by these acts stipulates that the sources of financing the activity of a political party are: A) the membership fees of party members; b) donations, related and other liberalities; c) income coming from own

activities, d) subsidies from the state budget; e) loans in money from natural persons and legal entities.

The legal framework in Romania does not provide for the limiting on the total revenue collected, but it conditions the membership fee of a party member to a value lower than the equivalent of 48 gross minimum wages per country. The legislation also provides compulsoriness of the parties to publish, in the Official Gazette of Romania, the list of party members who paid membership fees whose total amount exceeds 10 gross minimum wages per country.

The own activities of parties are expressly specified in the law.

With regard to donations, the legislation in Romania provides for their granting on the basis of a Donation Agreement whereby the Donor, with the intention of gratifying, irrevocably disposes of a good in favor of the Receiver – the electoral competitor. The Beneficiary has no legal obligation to the Donor due to the free nature of the Donation Agreement. Instead, the action itself can lead to a moral obligation of the Receiver to the Donor.

According to the specific legislation in Romania, political parties have the obligation to transmit by April 30 of the current year, the financial reports related to the preceding year, to the Permanent Electoral Authority, which has the responsibility of publishing them in the Official Gazette of Romania, Part I. The financial reports include the annual amounts related to all sources of private financing.

4. Membership Fees from Parliamentary Political Parties in Romania

As mentioned in the previous section, the total amount of membership fees is not limited. From an operational point of view, the payment of membership fees can be made both in cash and through bank accounts and must be highlighted in the accounting of the party.

In practice, the amount of the membership fees differs from one parliamentary political party to another and is determined by resolution or decision of the party.

Concerning the evolution of the membership fees of all political parties in the last three parliamentary legislatures in Romania, (see Table 1) there is noticed a fluctuation of increases and decreases in membership fees. The alternation was mainly due to the succession of electoral periods with non-electoral ones. Comparing the electoral years: 2008, 2012, 2016 and 2020, there is a considerable reduction in the contributions, up to 1,75 times, from lei 48,955,498 in 2008 and up to lei 27,842,509 in 2020.

Starting from 2017 and up to 2020, there was an upward trend of these. In the 2016 - 2020 legislature, the value of membership fees enhanced moderately, from lei

18,433,024 to lei 27,842,509. The volume of membership fees in 2019 exceeded the amount of membership fees in an electoral year. In 2016 the contributions marked the lowest result of the mentioned electoral years, amounting to only lei 26,318,177, at a level approximately equal to 2019, which was also a year in which elections were held.

5. Donations from Parliamentary Political Parties in Romania

The national legal rules provide the possibility of financing political parties through donations, whose total value may not exceed in one year 0.025% of the income provided in the state budget for that year. Donations received from a natural person in one year can be a maximum of 200 gross minimum basic salaries per country, and those coming from legal entities cannot exceed 500 gross minimum basic salaries per country.

Operationally, cash donations exceeding 10 gross minimum basic salaries per country are legal only if they are made by bank transfer, and those with a limit of up to 10 gross minimum basic salaries per country can be also confidential.

When receiving the donation, parties have the obligation to verify and record the identity of the donor, regardless of the public or confidential nature of the donation. All donations, including confidential ones, will be properly recorded and highlighted in the accounting documents and donations in kind (goods and services rendered free of charge) will be reflected in the accounting at the market value from the time of making the donation.

As in the case of membership fees, donations record the same alternation and fluctuation of increases in electoral periods with decreases in non-electoral years. Analyzing only the electoral years, the trend of donations is of accelerating reduction, from 2008 to 2016, by about 70%, from the maximum value of lei 84,020,444 to the value of lei 27,141,401. The year 2020 marks a significant return up to the level of lei 68,373,143, which is the second largest amount related to donations from 2008 to 2020. The value achieved in 2020 is more than double the donation in 2016, but lower than the total in 2008. Their minimum result was recorded in 2017, when the total amount of donations was only lei 1,081,956.

6. Loans from the Parliamentary Political Parties in Romania

Another source of political financing provided by national legislation and practiced in Romania is that of loans. The amounts of money that are the subject of loans received by a political party in a fiscal year cannot exceed 0,025% of the revenues provided in the state budget for that year.

The limits of loans from natural persons and legal entities are similar to those from donations, and the repayment term provided by the legislation cannot be more than 3 years.

In Romania, between 2008 and 2015 parliamentary political parties did not finance their current activity through loans. They became an important source of funding in the last legislature, from 2016 to 2020.

Since the national legislation regulates this method of financing, starting with 2016, the parties access the first loans in total amount of lei 1,113,238.

In 2017 and 2018, there followed a decrease in the funds coming from loans, up to the value of lei 47,195. The evolution continues with a fulminant increase in loans, from lei 51,430 lei in 2018 to lei 28,657,049 in 2019. The growth was extended until 2020, when it was reached a historical maximum of loans, amounting to lei 34,477,620.

From the perspective of the electoral years, in 2020 compared to 2016, the increase of the total amount of loans of all parliamentary political parties was 31 times.

7. Income from Other Sources

The legal framework in Romania enables political parties to get income also from other activities expressly regulated by law, as well as from bank interests. Article 16 of Law no. 334/2006 expressly mentions: The production and dissemination of publications or other materials of own propaganda and political culture; the sale of tickets, fees for participation in cultural, sports actions, as well as in political, economic or social meetings; the sale of printed materials with the insignia of the political party. The most used source of income for the party is the sublease of areas for organizing parliamentary offices.

The income from other sources is more difficult to construe, as it includes many activities from which the party can receive income. The lease and/or underlease of the premises for organizing parliamentary offices is a relatively constant activity since the number of parliamentarians does not fluctuate very much from one year to another, but not the other actions through which the parties can supplement their income. The reasoning may correspond to the alternation of increases and decreases registered in the period 2008 – 2020. The fluctuating evolution marks a maximum output in 2014, when its value was lei 3,395,048, and a minimum output of only lei 947,084 registered in 2015.

8. Summary Concerning the Analysis of Data on Public and Private Financing of Parliamentary Political Parties in Romania

According to the existing data, between 2017 and 2020, the Romanian parliamentary political parties had at their disposal a total financing budget amounting to lei 1,010,069,196, approximately Euro 204,467,449. The annual average of political financing was lei 252,517,299, around Euro 51,116,862. The financing sources distribution indicates a sharp disproportion between private financing and public funding sources, namely subsidies.

The synthesis of the values of financing sources for all the parliamentary political parties in Romania in the 2016 – 2020 legislature is shown in Table 2.

Table 1. The Amount of Financing the Parliamentary Political Parties in the 2016 – 2020 Legislature

Period	Financing Source	PSD	PNL	USR	UDMR	ALDE	PMP	PRO ROMANIA	Total (lei)
2017	Subsidies	16,449,371	8,072,689	2,315,426	0	1,923,042	1,273,391	0	30,033,920
2018	Subsidies	96,849,680	44,441,815	13,061,605	0	9,681,537	6,306,838	0	170,341,476
2019	Subsidies	143,751,950	65,861,723	19,368,144	29,436,580	14,315,729	9,321,655	0	282,055,781
2020	Subsidies	124,124,729	70,297,121	19,653,636	32,311,890	14,498,483	9,361,363	12,380,251	282,627,473
2017 2020	Public funding	381,175,730	188,673,349	54,398,811	61,748,470	40,418,792	26,263,247	12,380,251	765,058,650
2017	membership fees	8,538,187	6,653,777	250,262	950,130	1,373,367	667,301	0	18,433,024
2018	membership fees	8,499,854	6,770,056	907,205	1,415,340	2,648,862	656,181	250,603	21,148,101
2019	membership fees	10,062,248	6,407,065	2,349,739	1,592,041	3,970,228	678,389	1,783,391	26,843,100
2020	membership fees	11,070,764	7,417,088	3,161,262	1,875,567	1,094,976	850,955	2,371,897	27,842,509
2017 2020	Total membership fees	38,171,052	27,247,986	6,668,468	5,833,078	9,087,433	2,852,826	4,405,891	94,266,733
2017	Donations	119,855	562,807	278,952	119,442	0	900	0	1,081,956
2018	Donations	69,000	203,805	117,349	691,147	60,050	25,000	0	1,166,351

2019	Donations	46,000	7,211,571	413,000	361,893	0	26,290	130,306	8,189,060
2020	Donations	411,000	59,602,550	236,640	7,951,093	0	23,000	148,860	68,373,143
2017 2020	Total Donations	645,855	67,580,733	1,045,941	9,123,575	60,050	75,190	279,166	78,810,509
2017	Loans	0	44,295	0	0	0	2,900	0	47,195
2018	Loans	0	49,500	0	0	0	1,930	0	51,430
2019	Loans	930,000	60,000	5,095,717	0	1,000,000	7,400	21,563,932	28,657,049
2020	Loans	12,709,025	126,500	4,602,395	0	0	0	17,039,700	34,477,620
2017 2020	Total Loans	13,639,025	280,295	9,698,112	0	1,000,000	12,230	38,603,632	63,233,294
2017	other income	935,900	1,832,367	60	108,717	32,138	39,450	0	2,948,633
2018	other income	899,917	1,346,027	6,663	99,490	38,904	2,310	0	2,393,310
2019	other income	729,984	1,356,107	1,271	102,824	49,920	2,743	8,533	2,251,382
2020	other income	468,141	415,127	124	113,703	7,944	1,210	100,437	1,106,686
2017 2020	Total other income	3,033,942	4,949,629	8,118	424,734	128,906	45,713	108,970	8,700,010
2017 2020	Private financing	55,489,874	100,058,642	17,420,639	15,381,386	10,276,389	2,985,958	43,397,659	245,010,547
2017 2020	Total financing	436,665,604	288,731,991	71,819,450	77,129,856	50,695,181	29,249,206	55,777,910	1,010,069,196

Source: Personal contribution, based on the references in the financial reports of parliamentary political parties published in the Official Gazette of Romania

Of the total budget of political financing, 76% represents public money and only 24% represents financial contribution from private sources. This distribution outlines the fact that the parliamentary political parties in Romania are mainly financed with income from the state budget.

The speedy growth of subsidies in 2019 was due to the legislative amendments initiated by the government in 2018. The promotion of women on electoral lists also meant the increment of the amount allocated from the state budget, double in proportion to the number of mandates got in elections by women candidates. Similarly, by entering an amendment to the 2020 State Budget Law, it was given a new interpretation to the conditions for the allocation of the public subsidy that favored parliamentary political parties. The new allocation criterion depended on the total number of parliamentarians enrolled in each of the political parties on 1 January

2020 and not on the number of votes received by those political parties in the elections.

Thus, the changes that led to a significant increase in the subsidies assigned to parliamentary political parties.

The most important source of private financing is the one related to membership fees with a share of 38.47% in total income from private sources. The largest share of the membership fees is held by PSD (40.49%), followed by PNL with 28,90%. Notable is the performance of the newly established ProRomania party. In just 3 years it reached a volume of membership fees of lei 4,405,891, exceeding 1.54 times the membership fees collected by PMP throughout 4 years.

Between 2017 and 2020 the hierarchy related to donations changed considerably, the NLP being first, with lei 67,580,733. The amount represents 85.75% of the total donations collected by all parliamentary political parties, followed by the DUHR with 11,57%. For the SDP, which holds the most parliamentarians and local elected representatives, the amount collected from donations was feeble (lei 645,855) compared to the global financial strength of the party. From the comparison of the first two parliamentary parties, the amount of donations related to the SDP is about 1% of the value of the donations associated with the NLP.

With regard to the evolution of loans, ProRomania was the party with the largest weight of values coming from loans in the total private financing. Compared to the other parties, the value of loans in the case of ProRomania represents 61.04% of the total loans related to all political parties in the legislature. Starting with 2019, the SDP has also used this form of financing, having a weight of 24.57% in the total value of the private financing related to the party. In the SDP case, accessing loans was the second method of financing the current activity of the party, after contributions.

Concerning the analysis of income from other sources, during the reference period, the NLP recorded the highest value, in the amount of lei 4,949,629, followed by the SDP with lei 3,033,942. In the case of the NLP, the amount collected from the income coming from other sources outweighs the value of the loans. The situation is the reverse in the case of the SDP, where loans outrun income from other sources.

Conclusions

The international and national legislation, as well as studies and analyzes relating to the financing of political parties, converge toward the dependence of political parties on public funding and donors. The political parties in Romania tend to adopt a sui generis financing strategy based on party members and state resources. The largest political funder in Romania is the state that finances the activity of political parties

through the amounts of money granted monthly in the form of a subsidy, according to the legal provisions. Public funding can have two destinations: financing the current activity of parliamentary political parties and financing electoral campaigns of electoral competitors.

A major role in shaping the framework for party financing is also played by party parliamentarians both from a decision-making perspective by amending the legislation in the area and from the perspective of collecting membership fees. In the case of donations, the major financial contribution falls on the European parliamentarians, they representing the category of natural persons who regularly donate amounts whose value exceeds 10 gross minimum wages per country.

Romania is considered a good example of the “prescriptive” regulation of political parties: the constitutional and legal provisions building a meticulous portrait that details the meaning, functions, structure and internal dynamics that should be embraced by a group in order to be admitted as a political party in the Romanian public space. For comparison, in the Republic of Moldova the initial definition of the party in a law adopted in 1991 differs substantially from the definition in the 2007 Law (see Munteanu, 2010, p. 43), the legislation of Poland in this area has been amended 15 times in 23 years (Bertoa & Walecki, 2012). Through the Constitution and the laws dedicated to them, political parties have been transformed into a mechanism meant to ensure the permanence of a political regime in the process of invention and consolidation, on the one hand and the political expression of social plurality, acquired by virtue of a natural representational ability” (Ionescu, 2013, p. 114).

In order to strengthen financing models, crowdfunding (González-Cacheda & Cancela Outeda, 2021) could represent a new approach and an opening of political parties to civil society, with the contribution of small donors being able to gradually become a financing base.

For Romania, the first step toward this direction would be the legalization of crowdfunding and subsequently the improvement and expansion of the initiatives being still at an early stage of implementation.

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