

# *Impact of electoral systems and rules on political representation in Albania: shortcomings, changes and fight against their violations*

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## **Abstract**

*The purpose of the article is to deal with the influence of electoral systems and rules on the strategies of political parties, on increasing voter confidence and on creating a sustainable electoral framework. Through research into the history of elections in Albania, especially in recent years, the article points out that electoral systems and rules have had and have a significant impact on political representation, the behavior of the electorate, the representation of minorities, regional and local representation, accountability, coalition building and public perception. For a democratic and standard development of elections in Albania, it is important to ensure that any reform matches the specific context and needs of the country. A well-defined, accessible and transparent legal framework can help improve the electoral process and minimize delays or confusion. Security and reliability in the electoral process is essential. The flaws and shortcomings that are noticed will be reduced and minimized by tightening the laws that protect the electoral process, accompanied by punitive measures to combat any violation of the electoral rules. This war is one of the current affairs that always accompanies the arena of politics in our country. Encouraging observation and transparency would be the most important and decisive step that would*

*motivate people to go willingly to vote and be aware that their vote would be valid and transparent. In recent years, Albania has undergone electoral reforms to address some of the challenges related to the election system and has made improvements.*

**Key words:** *electoral system, electoral rules, political party, voters, changes, violation of rules*

## **Introduction**

In the Dictionary of Today's Albanian Language (2006), the word "election" means "Giving the opinions of the electors and expressing their will by means of voting for those who should be elected to leading or governing bodies, popular courts, etc., " while in the Encyclopaedia Britannica (online) it is defined as a formal voting process, through which a person is elected to public office or a political proposal is accepted or rejected. The exercise of voting to choose and to be chosen is one of the basic human rights. In the Declaration of Independence of the United States (1776) it is sanctioned that "(... ) all men are created equal, that they are endowed by their Creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness". The right to vote is as inalienable as the above rights. The progress of human society is achieved through elections, which are the right and responsibility of the voters themselves. Elections are the basis of the democratic system and the source of legitimacy of the governing bodies of a country. Through them, every democratic country tests the functioning and effectiveness of its institutions in different time frames. In Article 21, point 3 of the Universal Declaration of Human Rights (1948) it is written: "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures." Nowadays, elections have become one of the most important instruments of democracy, which ensure the participation of citizens in political processes and developments. By participating in elections and voting, voters can influence the improvement of policies that affect their quality of life.

From the way they are conducted, the elections are simultaneously also indicative of a certain social system. The system that allows rivalry, competition, the expression of alternatives through the electoral process, is a democratic system. This system considers voters as equal, guarantees their preferences, ensuring, according to R. Dahl (1971), the opportunity to formulate them, to express them to fellow citizens and the government through individual and collective actions, as and to evaluate them without discrimination because of content or source. This



opportunity is ensured, according to him, on the basis of eight guarantees, the most prominent of which are free and fair elections and the right to vote.

In Albania, the monist system lacked democratic elections, while in the years of democracy the concept of them has changed from one decade to another, thinking and hoping for free and democratic elections. The Electoral Code of the Republic of Albania (2021) in Article 3, Point 2 states: "Elections are held by free, secret, equal and direct voting, according to the rules provided in this Code. Voters freely exercise their right to vote." (p. 4) This will be achieved through electoral reforms, changes and rules for credibility and motivation to participate in voting, fighting voter fear, fraud, manipulation, sale and theft of votes.

## **The impact of electoral systems and rules on political representation and party systems in Albania**

Political representation in Albania is the organization of political parties and other institutions political to represent their interests and goals in power, it is the expression of freedom of speech and human rights to vote and choose their representatives. Political science researchers conclude that they would not have modern democracy without the presence of political parties. In modern societies, they are still the principle agents that initiate the public opinion in the political decision-making process. (W. Hofmeister and K. Grabow 2023)The system of political parties that were created after the fall of communism in Albania is an important aspect of the country's political system. This political system still faces numerous challenges related to corruption, the polarization of the political spectrum, the separation of powers, the incomplete functioning of institutions, the dependence of politics on businessmen and oligarchs, etc.

Electoral systems and rules are two different sides of the electoral process. Electoral system describes the method or manner in which elections are held and how political representatives are selected in a given political system, while electoral rules are the rules and procedures that are established to guide, administer and control the electoral process. Electoral rules can affect the outcome and results of elections, as well as different political representation in electoral bodies.(M. Gallagher & P. Mitchell 2008). D. Farrell (2011) calls electoral systems cogwheels in the wheels of democracy that enable its normal functioning, while, according to A. Lijphart (1991), G. Sartor calls them "the most specific manipulative instrument of politics" (p. 73) Electoral systems determine how votes are translated into seats in the legislature, they can influence the formation and stability of political parties, as well as the representation of different groups within society. Electoral systems and rules play a crucial role in shaping political representation and party systems

in any country. Even Albania has had significant impacts on the political landscape from changes in electoral systems and rules, especially in recent years with the approval of the new electoral reform (2020), with the new reform for the financing of political parties (2017), with the law on increase the involvement of women in politics (2018), with the rules for political representation, demanding more transparency and accountability from political parties, etc. When voters perceive that the electoral system does not adequately represent their interests or leads to political instability, it can erode their trust in this system and in political institutions. It is important to note that the impact of electoral systems is complex and can vary based on multiple factors. Other contextual factors, such as the power of political parties, levels of corruption, the media landscape and voter participation, also interact with the electoral system to shape political representation and party dynamic in Albania.

Historically, Albania has used various electoral systems, including a majoritarian system, a mixed system and a proportional representation system. According to Euronews Albania (2021), majoritarian systems, the system (majority with national proportional correction), the regional proportional system with closed lists and the last, the regional proportional system with open lists have been implemented in Albania. The electoral system has undergone changes over time and these changes have had implications for political representation and party dynamics. Over the years, our country has experienced major changes between proportional representation and majoritarian systems. In recent years, Albania has undergone electoral reforms to address some of the challenges associated with the proportional representation system. For example, in 2020, a new electoral code was adopted that introduced a 1% threshold for parties to enter parliament. This reform aimed to reduce party fragmentation and increase the stability of the political system. However, it is essential to note that the specific impact of electoral systems may vary based on other factors such as political culture, socio-economic context and institutional arrangements. In our country, the system of proportional representation has contributed to frequent changes in government and coalition formations. The lack of a clear majority party often requires the formation of coalition governments, which can affect policymaking and the effectiveness of governance. Despite efforts to promote gender equality, women remain underrepresented in Albanian politics. The proportional representation system provides an opportunity for parties to promote gender diversity by including more women in their candidate lists.

Undesirable consequences and political instability sometimes come from changes in electoral systems and rules.

The frequent changes that may come in the electoral rules, affect the strategies of the political parties, the lack of trust in the political process and the creation of



a stable electoral framework which is the basis for promoting trust and stability in the democratic system. Another key role is played by: the broad socio-political context, the design of other factors such as political culture, party systems, which are essential to be taken into consideration and evaluated for the effectiveness of the electoral system in our country. Electoral systems can also influence the representation of different regions or localities within a country.

Choosing systems and rules that have fair representation in parliament can ensure that different regional interests are adequately represented. The connection between the elected representatives and their voters has the interaction of giving and receiving a certain opinion about the situation. In majoritarian systems, individual representatives may have stronger ties to their constituents, but may be less representative of the overall diversity of public opinion. The development to enter the political arena for small and new parties is related to the operation of electoral rules, on the other hand, majoritarian systems can present greater barriers for smaller parties, making it difficult for them to participate in representation.

Electoral systems and rules in Albania can shape the dynamics of coalition building and government formation. No single party can win an outright majority, which can lead to negotiation and cooperation between parties, potentially fostering consensus-based decision-making and coalition building and government formation. Electoral systems and rules have a significant impact on political representation and party systems in Albania. It is important that any electoral framework strikes a balance between ensuring fair representation and stability in the political system, while also reflecting the specific context and needs of the country.

The choice of system can affect party fragmentation or consolidation, voter behavior, minority representation, regional and local representation, accountability, coalition building, and public perception. The way parties choose and present their candidates to voters should be very effective and well thought out; they are encouraged to present a diverse range of candidates, appealing to different segments of the electorate, which can lead to increased representation of women, ethnic minorities and underrepresented groups. Parties may prioritize the selection of candidates who are most likely to appeal to the majority of voters in certain constituencies in majoritarian systems. Citizens perceive their votes as more influential in proportional representation, so the design of electoral systems and rules can influence voter participation in politics. Electoral systems have trade-offs between stability and consensus building versus efficiency to encourage greater voter participation. Majoritarian systems can enable more efficient decision-making by providing a stronger mandate to the governing party, but can also lead to a lack of inclusion and potential polarization. All-inclusive representation in reforms and integrity of voters can contribute to the strengthening of democratic

institutions that aim to improve and encourage citizens' trust in the electoral process. It is important to note that the impact of electoral systems and rules is not deterministic and may be influenced by various contextual factors.

### **Shortcomings and measures for an efficient election process. The changes for the reliability and motivation of participants in the electoral process in Albania**

Elections in Albania are often accompanied by reports of suspected violations of election rules, such as vote buying, illegal voter influence, vote counting fraud, and misinterpretation of election law. There are cases when electoral violations are not dealt with in an adequate and responsible manner. A prominent problem is political polarization. There are concerns about the independence and objectivity of the media, as well as their influence on voters. The lack of transparency and accurate information makes the process for free and fair elections difficult. Frequent criticisms are made of the political influence on the electoral institutions, the lack of independent and complete evaluation of the elections, as well as the limited ability of non-governmental organizations to fully monitor the elections. There are sometimes suspicions that judicial decisions on election complaints may be politically influenced, causing a lack of confidence in the judicial system. There are cases when the public administration is illegally used for political purposes and the active government uses administrative resources to gain advantage in the election campaign. In Albania, political tensions tend to increase during the election period. The charged political atmosphere and harsh political rhetoric affect the election climate and the ability of citizens to vote without fear and outside influence. Another critical stage is the end of the election process with the counting of votes. Stopping the manipulation of the vote counting process is a challenge to ensure the transparency and integrity of elections.

In the report prepared for Albania with the support of UNDP (2015) on the June elections of that year, it is noted that the transparency of the electoral process and the delay in issuing the results have reduced the enthusiasm of the voters. Even in the report of the US Department of State (2022), some flaws are pointed out for the parliamentary elections of 2021, related to the control of local administrations, the misuse of administrative resources, the credible claims of widespread vote buying and issuing and illegal use of sensitive personal data.

According to the Institute of Political Studies (2023), even for this year's local elections, the criticisms of the monitors have been addressed in terms of lack of political will, extreme polarization, personalization of politics and abuse of power. Regarding the above, it is important to take steps to address these challenges and



improve the integrity and transparency of elections in the country. This is a process that requires continuous commitment from government authorities, political parties and civil society to strengthen democracy, the rule of law and electoral integrity in the country. Today, a radical change of the electoral system is necessary, producing different balances for political actors. Changes in electoral systems and rules can be part of a wider process of democratic development in Albania. For a democratic development with the right standards in Albania, it is important to carefully consider the potential impacts and ensure that any reform matches the specific context and needs of the country. To ensure a smooth and timely development of elections, efficiency in the electoral process is essential. However, some areas where Albania may have had deficiencies or where improvements can be made to increase the efficiency of the electoral process are evident. Ensuring that the legal framework is well-defined, accessible and transparent can help improve the electoral process and minimize delays or confusion, for guidance on various aspects, including voter registration, candidate nomination, campaign finance and resolution of disputes. If these points were to be realized in a transparent and precise manner, we will have an election process where everyone will be aware of the reality and the supporting power of the sovereign in politics. Well-trained personnel can perform their duties effectively, ensure proper implementation of election procedures, and address any issues that may arise during elections. Regular training programs and capacity building initiatives can contribute to a more efficient and effective electoral process. Introducing automated voter registration, identification and vote counting systems can simplify the process, reduce human error and speed up results.

Public information campaigns in our country are very important that can also encourage voter participation and reduce possible barriers to access. Ensuring that these mechanisms are accessible, transparent and independent is vital. Timely resolution of disputes through fair and impartial processes can prevent delays and maintain public confidence in election results. Establishing robust mechanisms for addressing electoral disputes and complaints is essential for the efficiency and credibility of the electoral process. Establishing clear lines of communication, fostering cooperation and coordinating efforts can help ensure a cohesive and well-coordinated election process. Addressing these areas of improvement can contribute to a more efficient electoral process in Albania, enabling timely elections, increasing public confidence and strengthening democratic governance. Encouraging the observation and transparency of elections would be the most important and decisive step that would motivate all people to go willingly to vote and be aware that their vote would be valid and transparent. By implementing these changes, Albania can build a more credible and inclusive electoral process that motivates participation in voting, strengthens democratic governance and fosters public confidence in the electoral system.

Thus, it is crucial to invest in reliable and well-maintained electoral infrastructure, including voting centers, voting machines and transport systems for electoral materials, because there has been a neglect of the people towards the voting process and transparency for some time that he gives.

Relying on a new technology is also required to maintain public trust, although, according to OSCE/ODIHR (2017), it does not necessarily create trust. Such a case was also used in our country in the 2023 local elections, where the result was faster, but the allusions to the regularity of the final result raise their own questions.

However, the general feeling of the participants in the local and parliamentary elections has improved over three decades, increasing the number and confidence of those who vote and the negative performances shrinking continuously. This was also affirmed by the Albanian Prime Minister at the conference initiated by the Local Coalition of Observers (2016).

Citizens are better understanding that participating in voting is responsibility and fulfillment of their duty, it is an opportunity for changes and for solving daily problems in the community where they live or even beyond, to benefit from more services from the central government and it local, to prevent vote manipulation, to represent the community in government etc.

## **The fight against violations of election rules**

Violation of electoral rules is a well-known problem in every democratic country. It appears in the form of election fraud, voter intimidation, vote theft and buying, candidacy of persons with criminal records etc. This phenomenon characterizes the electoral process even in the most advanced democracies. Even in the most developed democracies, such as the American one, fraudulent practices of elections take different forms, such as: leaflets with false election rules, leaflets advertising the wrong date of elections, fraudulent messages on the Internet, robots with false information, etc. (Deceptive Election Practices and Voter Intimidation 2012). According to CNBC Tv, the FBI in early October 2022 warned voters of possible election crimes ahead of that year's midterm elections, in the categories: frauds with the votes or voters, campaign finance violations, and civil rights violations, including voter intimidation. In Albania, there have been reports of suspected cases of electoral fraud and pressure on voters during election processes. These reports include allegations of vote buying, pressure on voters, manipulation of the vote counting process, and violations of other electoral justice rules.

The fight against these phenomena is one of the current events that always accompanies the political arena in Albania. It is imperative to implement measures to diminish this domineering spirit: efforts are made to ensure that the bodies



responsible for organizing and supervising the elections are independent and have the necessary capacity and resources to carry out their duties independently and right; ensuring an independent and transparent monitoring of the electoral process, which can help detect and punish cases of electoral fraud; increasing education and raising public awareness can help reduce voter intimidation and electoral fraud; improving the legal system to deal more effectively with election violations; guaranteeing the support and independence of organizations and civil society to help detect and report cases of electoral fraud; the assistance of international organizations and friendly countries for monitoring, technical and diplomatic assistance, to ensure transparency and accountability, as their reports and recommendations affect the improvement of electoral processes and the addressing of potential issues; strengthen the creation of independent and impartial electoral dispute resolution mechanisms to address complaints and allegations of irregularities in a prompt and fair manner and toughen laws protecting the electoral process, accompanied by punitive measures to combat voter intimidation, electoral fraud and corruption.

“Koalicioni per Reforma, Integrim dhe Institucione te Konsoliduara” (2021) notes that in the parliamentary elections of 2021 the topic of the day during the campaign was vote buying, voter intimidation and other electoral crimes, while The International Institute of Middle East and Balkan Studies (2021) in the analysis before this year’s general elections lays out the need for more consultation and transparency in the lists of candidates, avoiding candidates with criminal records It is important to continue the effort to address the challenges of electoral fraud, voter intimidation and vote theft and buying in Albania. At the same time, a commitment of citizens and their support for electoral integrity are essential to create a fairer and more convenient electoral system for everyone.

## Conclusions

Albania has a tremendous potential for development and prosperity, yet it is the poorest country in Europe. This happens because throughout the long period of transition the political elite has not reached a complete social consensus, without which no country can move forward. The Albanian political system still has challenges to overcome. The Albanian state and government must normalize the political scene, reach a general consensus on the main strategic national interests, thus ensuring an efficient electoral system and the support of the citizens for the progress of this system. It is necessary that the Political Parties, and the institutions that stand above the parties, must guarantee the citizen to exercise the right to vote freely and without being influenced by anyone. The first necessity is the

punishment of the persons responsible for the election violations, in order to convince the citizens that justice is equal for all.

The maximum commitment of the election administration at all levels is necessary to guarantee the smooth running of the election process, especially during election day, in cooperation with the state police, to avoid intimidation of voters near the polling stations. The presence of officials and public servants near the polling stations and their media messages, which can be perceived by voters as propaganda messages, should be avoided. Electoral commissions should be independent and operate in accordance with established rules to guarantee accurate and reliable results.

The electoral subjects should also avoid the unnecessary presence of their militants on the voting day, to allow voters to vote according to their will. The lack of trust in the electoral process in general is present, therefore organizations dealing with voter education should pay attention to pre-election education, convey messages about a sense of civic responsibility and the impact on improving the quality of life in the community. Political culture and party systems, which are essential for the electoral process, should also be taken into consideration. In this process, it is important to establish a balance between guaranteeing fair representation and stability in the political system. Electoral systems and rules play a decisive role in shaping political representation and party systems. The comprehensive representation in reforms and integrity of voters can contribute to the strengthening of democratic institutions that aim to improve and encourage citizens' trust in the electoral process. Today, a radical change of the electoral system is necessary, producing different balances for political actors. The efficiency and reliability of the electoral process are achieved with more powerful mechanisms for coordinating efforts, establishing clear lines of communication, addressing and resolving electoral disputes and complaints. In recent years, citizens are more interested in voting, linking this with civic responsibility, with the possibility of changes in the future, with the addition of community services, etc.

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