



AN OVERVIEW OF ALBANIA'S ELECTORAL PR SYSTEM AND ITS  
OUTCOMES DURING THE PROCESS OF 2021

Master's Thesis

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# **AN OVERVIEW OF ALBANIA'S ELECTORAL PR SYSTEM AND ITS OUTCOMES DURING THE PROCESS OF 2021**

## **ABSTRACT**

This thesis is focused to give an introduction on how the implementation of the electoral proportional system adopted in 2009 in the Republic of Albania, with the support of the EU delegation, is to implement in practice during the electoral process of 2021. During its first practice up until the last, multiple changes have been made within the goal to provide a system that can be able to translate the will of the population in proportion to seats in the parliament. Through the thesis it is given a reason of the factors that impact the application of the electoral system, that can be external and internal. The analysis of it is based on the indices of representation, transparency, and inclusiveness factors as the main measures of an election. Then, multiple reasons are provided on how the regulations indicate the interdependence between main stakeholders and what competitive environment is available to them.

**Key words:** *electoral system, proportional representation, representation, transparency, inclusiveness.*

# **NJË PARAQITJE E REZULTATEVE DHE ZBATIMIT TË SISTEMIT ZGJEDHOR PROPORCIONAL RAJONAL NË SHQIPËRI GJATË PROCESIT TË 2021**

## **ABSTRAKTI**

Kjo tezë është fokusuar për të dhënë një hyrje se si zbatimi i sistemit proporcional zgjedhor i miratuar në vitin 2009 në Republikën e Shqipërisë, me mbështetjen e delegacionit të BE - së, është zbatuar në praktikë gjatë procesit zgjedhor të vitit 2021. Gjatë praktikës së tij të parë deri në të fundit, janë bërë ndryshime të shumta brenda qëllimit për të siguruar një sistem që mund të jetë në gjendje të përkthejë vullnetin e popullsisë në proporcion me mandatet në parlament. Përmes tezës jepet një arsye e faktorëve që ndikojnë në aplikimin e sistemit zgjedhor, që mund të jenë të jashtëm dhe të brendshëm. Analiza e tij bazohet në indekset e përfaqësimit, transparencës dhe faktorëve të përfshirjes si masat kryesore të zgjedhjeve. Pastaj, jepen arsye të shumta se si rregulloret tregojnë ndërvarësinë midis aktorëve kryesorë dhe çfarë mjedisi konkurrues është në dispozicion të tyre.

*Fjalet kyce: sistemi zgjedhor, përfaqësimi proporcional, përfaqësimi, transparenca, gjithëpërfshirja.*

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Also, I would like to express my sincere appreciation to the National Democratic Institution in Albania and Center of Electoral Commission (CEC), that during my internship helped me through my research will all the support in terms of documents and information regarding everything related to the electoral system. Their continual backing into my thesis encouraged me to go into more depth with my research and it made the entire process exponentially more interesting and stimulating.

## **DECLARATION STATEMENT**

The material included in this thesis has not been submitted wholly or in part for any academic award or qualification other than that for which it is now submitted.

The program of advanced study of which this thesis is part of has consisted of:

- Courses during the graduate study.
- Examination of several thesis guides of particular universities both in Albania and abroad as well as a professional book on this subject.

Kristian Lika

July, 2021

## **DEDICATION**

I am dedicating this thesis to my beloved people who have meant and continue to mean so much to me. A special feeling of gratitude to my loving parents, whose words of encouragement and push for tenacity ring in my ears. They have been a constant source of support and encouragement during the challenges of graduate school and life. My sister has never left my side and always guided me in the best directions.



## TABLE OF CONTENTS

<b>APPROVAL PAGE</b> .....	<b>i</b>
<b>ABSTRACT</b> .....	<b>ii</b>
<b>ABSTRAKTI</b> .....	<b>iii</b>
<b>ACKNOWLEDGMENTS</b> .....	<b>iv</b>
<b>DECLARATION STATEMENT</b> .....	<b>v</b>
<b>DEDICATION</b> .....	<b>vi</b>
<b>TABLE OF CONTENTS</b> .....	<b>vii</b>
<b>LIST OF FIGURES</b> .....	<b>x</b>
<b>LIST OF ABBREVIATIONS</b> .....	<b>xi</b>

### CHAPTER

<b>INTRODUCTION</b> .....	<b>1</b>
1.1 Background of the study .....	1
1.2 Research Question .....	3
1.3 Hypothesis .....	3
1.4 Objectives of the study .....	3
1.5 Significance of the study .....	3
1.6 Research methodology .....	4
1.7 Limitation of the study .....	4
1.8 Overview of the chapters .....	5

## **LITERATURE REVIEW: THE DEMONSTRATION OF ELECTORAL SYSTEM. 6**

2.1 What electoral systems are? .....	6
2.2 The Main Features of Democratic Elections .....	8
2.3 Types of electoral systems.....	10
2.4 Objectives of electoral systems .....	12
2.4.1 Representation .....	12
2.4.2 Transparency .....	13
2.4.3 Inclusiveness.....	14

## **CONCEPTUAL FRAMEWORK ..... 16**

3.1 The Proportional System .....	16
3.2 Electoral formula .....	16
3.3 District Magnitude.....	18
3.4 Malapportionment .....	19
3.5 Electoral threshold.....	21
3.6 List Proportionality system.....	21
3.7 Advantages of List PR.....	22
3.8 Disadvantages of PR.....	23
3.9 Open List Proportional System .....	24
3.10 Closed List Proportional System .....	25
3.11 Effort comparison .....	25

## **RESULTS AND INTERPRETATION..... 27**

4.1 The historical context of political discourse in Albania.....	27
4.2 The impact of the electoral formula .....	34
4.3 The impact of electoral threshold .....	38
4.4 The impact of ballot structure.....	40

4.5 A look into the election of individual candidates .....	43
4.6 District Magnitude and the influence of malapportionment.....	47
<b>CONCLUSIONS.....</b>	<b>52</b>
<b>REFERENCES .....</b>	<b>55</b>
<b>APPENDIX A.....</b>	<b>59</b>
<b>CURRICULUM VITAE .....</b>	<b>61</b>

## LIST OF FIGURES

Figure 3.1 Seat share according to d'Hondt method.....	17
Figure 4.1 Electoral results of 2021by Party .....	35
Figure 4.2 Disproportionality index formula.....	36
Figure 4.3 Gallagher index through elections. ....	37
Figure 4.4 District candidacy of party leaders.....	41
Figure 4.5 Example of the ballot paper .....	42
Figure 4.6 <i>List of candidates who passed the preferential condition.</i> .....	44
Figure 4.7 List of District Magnitude and the formula of distributing mandates. Source CEC .....	47
Figure 4.8 Example of seat distribution in the given DM if extra mandates were shared differently .....	49

## **LIST OF ABBREVIATIONS**

<b>CEC</b>	Center of Electoral Commission
<b>CLPR</b>	Closed List Political Representation
<b>D</b>	Loosemore-Hanby Index
<b>DM</b>	District Magnitude
<b>EU</b>	European Union
<b>FPTP</b>	First past the post voting
<b>FTA</b>	Free Trade Agreement
<b>I</b>	Rae's Index
<b>LSI</b>	Socialist Movement for Integration Party
<b>LSq</b>	The Gallagher index
<b>NATO</b>	North Atlantic Treaty Organization
<b>OLPR</b>	Open list Political Representation
<b>PD</b>	Democratic Party
<b>PR</b>	Proportional representation
<b>PS</b>	Socialist Party
<b>PSD</b>	Social Democratic Party

# CHAPTER I

## INTRODUCTION

### 1.1 Background of the study

Since the 1990 fallout of the Communist regime in Albania, the political elite driven by social pressure did start establishing a new perspective about politics. Back then, The Socialist Republic of Albania had held a centralized political power all over aspects of life and was driven by extremist leftwing ideologies. Considering the totalitarian behavior imposed on its citizens and its horrific impact, during its last moments' people started uprising at the beginning of 1990 for a greater change.

In the first decade when the regime was overthrown, we see a rise of new political parties influenced by social movements with the sole purpose to implement a new era of economic freedom, depolarization of institutions, and developing a spectrum of meritocracy in the social level where people would not have to be judged about their political thinking. Thus, we encounter at this moment political parties promising the national perspective to be driven towards a westernized economy and valuing the fundamental change under the principle of democratization.

Diamond views the importance of a democratic system based on the need of individuals to acquire the political power to make decisions only after a competitive struggle to convince the proletariat and seek their vote (2008). This approach is also defended by Moller, who qualifies democracy as build from competitive elections among numerous parties in a free and fair ballot vote (2013).

Also, in another study, he analyzed Albania as a minimalist democratic country when it's about the rule of law, civil liberties, and elections (Moller).

Even though Albania is a country that has made a transition from an authoritarian regime to a more or less form of democracy, the following national governors selected by pluralism elections have found it difficult to implement the international standards of democracy. Reports suggest that frequently countries with democratic problems constantly are inconsistent in providing what they call free and fair elections (Birch, 2007).

Albania serves as a case study since no other European country has seen such a wide range of election patterns in the last two decades, ranging from a pure majority system to a mixed system with a majority predisposition to a proportional electoral system. Each electoral process saw changes to the electoral system and the formula for converting electoral votes into parliamentary seats, altering the ratio between majority and proportional mandates, the threshold for gaining a parliamentary seat, and formulas for converting proportional votes into mandates, as well as facilitating or hindering the legal and administrative processes to extremes (2009). As a result, it is the only country in Europe to have used the majority system, the combined majority-proportional system, and the proportional system in seven different electoral processes.

Albania remains the only country in Europe that has applied within seven electoral processes the combination of three electoral systems, without continual decency of acceptance and consistency from every party involved. This is where the Albanian representation dilemma should be investigated and understood. Thus, e citizens lack a broad understanding of politics as the foundation upon which the values are constructed. We must concentrate on understanding what is happening politically in Albania before making recommendations for what should be done for democratization to succeed.

The purpose of this research is therefore to analyze in comparative perspective existing literature regarding the importance of electoral systems in providing efficient representation of the people. Moreover, an interpretive approach is applied towards the theories of PR representation and its developments, their characteristics, and how it influences candidates' behavior. In the latest chapter, the study is explanatory as it provides a reflection on how the fusion of party and electoral system impacts the political climate in Albania.

## **1.2 Research Question**

Is the Republic of Albania's existing election system capable of creating governments that can transform the votes of the majority of the people into appropriate representation in the Assembly?

## **1.3 Hypothesis**

The premise of this thesis is that political actors in Albania use their knowledge of electoral systems to push for election system designs that will promote their party's objective, external from the overall interest of the society.

## **1.4 Objectives of the study**

The objectives of this study are the following:

1. to acknowledge the role of electoral systems in securing representation and democracy and exploring the characteristics of proportional regional system.
2. to explore the results of the electoral process and interpret the reason behind it, how it affects representation, encourage or discourage the inclusiveness of the people in decision-making.

## **1.5 Significance of the study**

The significance of this thesis is of critical importance to the process of democratization of political parties in Albania on the one hand, and to evident the reliability of the electoral system to convert efficiently the vote of the electors towards the legislative seat on the other hand. By its focus on concrete examples of electoral and internal party regulation regarding leadership, it may be used to acknowledge the characteristics of these systems in Albania and how they operate together. The case study of this thesis will be the electoral results of the 2021 campaign.



## **1.6 Research methodology**

This section presents the techniques utilized in this study, including the summary of the research approach, strategy, data collecting and analysis. In addition, how the data was processed and which tools were used in the analysis are detailed. The methodology of this thesis is applied fully in qualitative techniques. This way the reader will get a wider understanding on the issues raised.

This thesis will generally rely on library and internet research. The thesis will present a literature assessment by demonstrating first what spectrum we must look at while considering electoral system concepts. The conceptualization framework will next explore the characteristics of electoral proportional representation in a detailed fashion in order to better understand how appropriate it is for use in Albania. Then, based on data acquired from the voting results of the 2021 electoral process, the results and interpretation are structured in order to compute and display the political outcomes created. Through it, the voting results are analyzed by following the components of district magnitude and malapportionment, the impact of electoral formula and threshold, as well as how the system influence the election of individual candidates.

I'll utilize a variety of proven disproportionality indices to measure proportionality, which I'll go through in depth in the conceptual framework and Appendix. The data for this section will be collected from CEC, because it seeks to create in a depth assessment of the electoral and party system institutionalization for the case of Albania. The conclusion are based on how the indices described above effect electoral representation, transparency, and inclusivity.

## **1.7 Limitation of the study**

The study will be limited to Albania as a country that is going under a long transition period after the fall of the communist regime. The focus of this long process will be on the interdependence of political parties and the electoral system. In summary, this study is restricted both in space and time constraints. I would not propose a comprehended examination of the electoral systems during the whole period after communism. This may require a more detailed analysis of all electoral laws and regulations from individuals who are more qualified and possess the long time to complete it. The bottom-line aspect of this

study is to analyze the current characteristics that are produced by the proportional system adopted in 2009, in the aspect of representation and how political parties have adopted around it in the national elections of 2021.

## **1.8 Overview of the chapters**

The study is divided into four chapters. The first chapter serves as an introduction, outlining the research's background, contexts, the question, and objectives of this research. The second and third chapter serves as literature review and theoretical framework where it explores on the importance of electoral systems, its objective, and giving an overview of various of them, focusing later in detail on PR. The last chapter will then analyse and interpret the characteristics of the electoral results of 2021 in Albania focused firstly on the Gallagher method of evaluation, and then addressing how representative, transparent, and inclusive it has been.

## **CHAPTER II**

### **LITERATURE REVIEW: THE DEMONSTRATION OF ELECTORAL SYSTEM**

#### **2.1 What electoral systems are?**

The electoral system serves as a major instrument that demonstrates the preferences of the people upon whom they desire to rule among them and make decisions on the national scale. Elections serve as a tool to hold political parties and politicians accountable for their behavior. The electoral system defines how the political system will function, by applying a mechanism that determines how the votes of electors are calculated into seats of electing politicians and parties (Steytler, 1994).

The design of the electoral system is a vital component of this process and the continuity of the stability of each state. Once constructed, the electoral system should avoid in its application any social conflict crisis and must operate in line with the constitutional and institutional design of the state. Reynolds reinforces the necessity to select electoral systems that initiate inclusivity and power-sharing (Reynolds, 1999). The focus should not be addressed in the structure of the system, rather than it should consider offering political stability with a decentralization of power.

The purest form of involvement where every individual of the state feels equal to each other is the ballot process. The ballot process is carried through the electoral system, a mechanism that comes in helps to express publicly the voice of the citizens upon the type of government they desire to coordinate the public goods. The nature of the ballot structure degrees the availability of the voter to make a choice.

There are different categories of ballot structures, where the voter can declare a preference for one candidate, party, or rank-order candidate with a given quota (Farrell, 1997).

The basic understanding of the electoral system is that it can convert votes in national elections into seats won by parties and candidates, primarily selected on the preferred choice of the people. In its design, the electoral system should be able to encourage public participation in the ballot and protect the principles of democracy in times of political change. The election process must relate to a democratic process that consistently creates substantive links between voters and their representatives, where people can adopt preferences about policy agenda, whereby they can encourage or penalize policymakers (Powell, 2013).

Citizens, with their vote, may strengthen or weaken the position of a political party based on their perspective regarding political performance. Every individual must enjoy the opportunity to be part, be selected, participate and involve themselves in the obligation of making decisions about its society and the governing administration. The behavior of being consciously aware of the political sphere and participate determines the construction of reality in the future.

Lijphart (1994) argues that when deciding on a first electoral system that would hopefully govern democratic elections for a long time, it's critical to weigh all of the possibilities, as well as their benefits and drawbacks. Electoral systems must be constructed in a way to work well in their current application as well to accommodate smoothly future changes in the political domain. Once done successfully, it can contribute to the development of coherent democracy. If not, it will hold back immoral autocracy.

The outcome of the electoral system consists of the election of the executive body of its legislature. In new political democracy, political crises lead to a continuous process of electoral system change, where decisions are made to establish the most appropriate system which suits every party involved. The choices and decisions of these changes may bring consequences that can harm the political health of the country in the long-term, and favor undemocratic behavior against their basic prospects.

We should consider the selection of an electoral system as a political process of parties' elite, where they enter the negotiation with their short-term political interest in

their pocket, which may lead to long-term consequences. Consequently, by recognizing the law constraints of the selected electoral law, our approach will be to analyze the benefits of political elites in the Republic of Albania and to reflect the political reality.

## **2.2 The Main Features of Democratic Elections**

“Elections must meet several key characteristics, first in terms of the people's engagement in terms of suffrage and choice, second in terms of the surrounding political conditions, and third in terms of the implications of the electoral results on the power structure” to be labeled as democratic (Nohlen, 2010). Genuinely democratic elections should be held regularly, provide universal adult suffrage with the use of a secret ballot, and be free, fair, and equal, according to the widely accepted international norms for elections outlined above.

The freedom to select between competing candidates standing for different platforms or ideologies, as well as the openness of the electoral results and acceptance of any electoral conclusion by all participants, according to D. Nohlen, contribute to the democratic character of elections (Nohlen, 2010). These characteristics were confirmed by the Organization for Security and Co-operation in Europe (OSCE) members who met in Copenhagen in 1990 and agreed on commitments stating that “truly democratic elections are based on seven key words: universal, equal, fair, secret, free, transparent, and accountable.”

When discussing the ideals of democratic elections, the final Copenhagen Document is frequently cited as a primary source. These values are also in line with the Albanian Constitution's Electoral Code, which commits the government to hold transparent, free, and fair elections on a regular basis. “Democratic elections should be conducted: (a) freely and fairly; (b) under democratic constitutions and in compliance with supportive legal instruments; (c) under a system of separation of powers that ensures, in particular, the independence of the judiciary; (d) at regular intervals, as provided for in National Constitutions; (e) by impartial, all-inclusive electoral commissions,” according to Albania's Electoral Code.

International election standards are a collection of normative standards designed to support, protect, and advance democratic government and human rights in the context of

electoral processes. Additional requirements based on the national legal framework, which is made up of constitutional provisions, specific electoral law, and general legislation, as well as adherence to international organizations and treaties, are complemented by these minimal international standards.

This is evidenced by the EU Election Observation Mission Guidelines, which summarize the criteria that are being evaluated to determine if the elections fit the so-called best practice for democratic elections (2008). At the very least, the following needs should be mentioned to show the requirements:

- "The electoral process accounts to transparency;
- the election administration implements regulation in an effective, impartial, independent, and accountable way;
- candidates and political parties have equal access to state resources;
- candidates and political parties have equal access to, and balanced coverage by, any state or publicly funded media;
- the electorate is informed of its rights."

Some of the ideas described above need special attention since they are particularly pertinent to the subject at hand. Starting with universal suffrage, which mandates that all citizens be allowed to vote and run for office, despite the existence of certain reasonable and properly justifiable legislative limits. Insanity or mental illness, imprisonment, the conviction of a (severe) crime, and sometimes active personnel of the armed forces, judges, or civil officials, in general, cannot vote during their employment are all examples of voter ineligibility.

Voting via secret ballot is an anonymous manner of expressing one's preferences, which should avoid or at least reduce any voter manipulation or "vote-buying." In this sense, the ballots are also designed with low requirements for elaborate handwriting to prevent anyone from tying a voter to a ballot that should remain untraceable. To maintain the election secret and free, voters should mark and cast ballots in the privacy of a polling booth by themselves.

We've discussed the primary principle behind elections, the key characteristics of a democratic electoral process, as well as election functions and their significance for democratic governance. According to the definition, a legitimate election is “a political contest that takes place in an environment distinguished by political pluralism, confidence, transparency, and accountability.” Basic human rights and freedoms are protected at all stages of the election process, as is non-discrimination and equal rights and treatment for all residents.

Despite the lack of a single globally acknowledged document embracing international standards for the conduct of authentic elections and national legislation that varies by country, good practice states that "the legal framework should be designed in such a way that it is simple and clear, transparent, and should address all components of an electoral system necessary to ensure democratic suffrage." The paper will take into account the available electoral engineering features that are relevant for a wide representation of voting and the minimization of any irregularity, keeping in mind that it is a legal base and international standards, which together with the country's broad historical, socioeconomic, and political context, as well as specific democratic characteristics, establish a ground for electoral designers' work.

### **2.3 Types of electoral systems**

In consolidated democracies, there is a different type of variety when it comes to the electoral systems. The electoral system serves as the crucial institution of being able to directly reflect the voice of the citizens regarding their support on policymakers they want to be elected as legislatures (LeDuc, 2010). The most reasonable pattern to categorize electoral systems is to group them according to how well they convert national votes into parliamentary seats, or how proportional they are.

There is a perplexity when it comes to distinguishing the concept of electoral laws from electoral systems. Farrell (Farrell, 1997) argues that electoral laws are the collectiveness of rules that didacts the whole period when elections take place and the procedures within it, starting from the moment of candidate and party nomination, campaigning, voting, and the counting process that determines the electoral result. Meanwhile, the electoral system is the structure of laws and regulations which balances the means on how votes are translated into seats in the upcoming legislature (Steytler, 1994).

Three are the main formulas of the electoral systems that are widely used in the democratic world: *Majoritarian, Mixed, and Proportional* systems. They differ in the calculation of mathematical formulas to convert votes into seats, districts' magnitude, and thresholds. Each type of electoral system has its own set of general advantages and pitfalls. Also, the main factor is the social environment where the system is applied. Thus, the electoral system should take into account whether it fulfills the cultural characteristics and objectives to include the representation of the majority of social groups in a given country.

The majoritarian system is described as the one where the winner takes it all. Under this system, the candidates or parties must receive more votes than any other candidate or party, or more than fifty percent of the vote, to win all of their respective parliamentary seats (Farrell, 1997). This can result in a politician being elected to represent all of the people in a constituency although more people voted against him or for other candidates. First- Past- The- Post with a single district is the most used electoral rule of selection where voters elect in one round for a single candidate. The design stimulates the centralization of legislative power in the hands of a single-party government while making it difficult for smaller parties that have diffused support (Norris, 2004).

The mixed electoral system is considered the involvement and combination of different electoral regulations in one electoral system. The citizens are given the space to cast their votes by fixation of plurality and proportionality methods (Massicotte). This type of system it is believed to deliver the best of the two worlds. For instance, local representatives have the advantage to be elected through the FPTP formula on their geographical district, whereby the political parties' seats on the parliament are calculated through the proportionality formula (Shugart, 2001). Thus, by benefiting from PR, small political parties have the advantage to be part of the parliament, while big parties' possibilities of obtaining an absolute majority are reduced.

The proportional system allows political actors to compete in one/multimember constituencies where the distribution of seats is determined by the support they receive on the ballot. Different from the majoritarian system, parties need to win a certain minimum of required quota to win seats in the parliament. There are two types of voting rules that represent the party substance: open and closed lists. Through a closed list, the decision of the representatives in the parliament is made by the ranking order of them in the party list, meanwhile, with open lists, voters have the opportunity of casting a preferential vote upon



a given representative (Reynolds, 1999). Also, the formal threshold percentage, district magnitude, the electoral formula have an impact on the level of proportionality between parties. Overall, this system aims to produce a power-sharing government where multiple political actors are influenced to be involved in bargaining and compromises on decision-making (Norris, 2004).

## **2.4 Objectives of electoral systems**

It's crucial to understand that an electoral system in one country may not work the same way in another. Although there are certain shared experiences in various parts of the world, the impacts of a particular type of voting system are heavily influenced by the socio-political context in which it is implemented. The selection of the electoral system has a significant impact on the country's future political life, and once adopted, frequently remain fairly consistent as political interests coalesce around and respond to the incentives offered by them.

Each type of electoral system may consequently lead to particular general advantages and disadvantages. Countries list their own objectives they attempt to achieve through electoral results that can be evaluated as neutral. Despite many possible objectives that can be compromised to attain a range of socio-political goals, representation, transparency, and inclusiveness remain as the core fundamental structure of the election.

### ***2.4.1 Representation***

An electoral system's primary goal is to convert votes into seats, or to translate the expressed will of voters into persons who will represent it. Legislatures, once elected, are expected to create a channel between the electoral promises and the application of the support given by the society. The citizens are able to develop their preferences on political parties or candidates depending how well their needs are converted in policymaking.

The meaning of political representation differs a lot of what is claimed in public and how it is constructed in bylaws of institutions. The core definition in politics about representation, is described through the presence of the individual in the parliament, who has the cognitive ability to object, appeal, or favor a cause in the interest of the collective

cause (Runciman, 2007). Thus, political groups act through the wishes of the majority of their members, and their decision reflects the unitary agreement of what is done.

Burke in his classical work elaborates two competing concepts on the role of the representative of its constituency. He distinguishes the status of the legislators in two perspectives: as a delegate, or a trustee of the voters (Connif, 1977). In short terms, the delegate legislators listen and behaves closely to the views of its supporters. Meanwhile, the trustee one serves on behalf of its constituency as a whole, even when its decision contradicts the views of the supporters.

The first viewpoint, focuses the representation of the parliament mirrored as a microcosm representation of the society at large. Mostly applied in proportional parliaments, this pattern balances the parliament substance in relative proportion of social groups of the country (McLean, 1991). Thus, the legislator serves according to the principal-agent conception, where it acts on behalf or interest of a certain group. As a result, the diversity of multiple social group representation in the parliament will have the tendency to push legislators to negotiate policies upon their respective preponderance support.

The second view, is most applicable in party-based electoral systems. Politicians are acknowledged to be able to understand in more depth the needs of the consistency. Thus, once given the mandate, they act upon their beliefs of what is the best interest for the constituency as a whole (Connif, 1977). In one hand, the voter is persistent for actions, but it cannot decide what that action should be. It is the representative's job to turn a district's hazy feelings into public laws, and to determine what the constituents' interests necessitate.

#### ***2.4.2 Transparency***

To avoid misunderstanding and mistrust in the outcome of elections, it is vital that the electoral system's procedures be made as transparent as possible and understood by voters, political parties, and candidates well in advance. The legal framework underpins an election system. The legislative framework is the methods by which a state can lay the groundwork for legitimate periodic elections, ensuring that the electorate's will is freely expressed (n.d.). If stakeholders' arguments and influence on the review, or adoption

process are presented openly, the process and the election system that emerges will have a better chance of being viewed as legitimate.

Statutory legislation, either in the form of a comprehensive code or a collection of laws that work together to promote openness, must be prepared to provide a clear and correct legal framework holding elections. It has also been suggested that electoral law be established at a high normative level to protect it from regular amendments that could jeopardize electoral participants' plans – and, more importantly, that electoral law not be amended for a significant period of time (such as a year) prior to an election (OSCE, 2003).

The method for directly electing legislators and other public officials is a matter of national choice, which should be transparent and based on universal and equal suffrage, without discriminating candidates or political parties. When implementing an electoral system, respective administrative bodies should evaluate how successfully it executes voter will, maintains political plurality, and protects the interests of minorities and other groups in society.

### ***2.4.3 Inclusiveness***

If the election system is perceived to work in an inclusive manner, it will have a better chance of being acknowledged as fair and genuine. The right to vote and the right to run for office, as well as the responsibilities of government to enable these rights, are inextricably tied to inclusiveness. The transition process towards democratic government continues by an electoral system that promotes cooperation and inclusion while discouraging conflict and exclusivity.

Another part of inclusion is the necessity to provide voter education and information on new voting and counting methods so that voters are aware of and comfortable with the technology. In order to effectively execute their tasks, voters must be knowledgeable of their rights and responsibilities under their country's constitution and election law (Runciman, 2007). It can be difficult to remove abuses such as vote buying or tampering through intimidation without adequate education, especially in countries with significant unemployment, low wages, and security issues. Voters may be unaware of their

rights, the processes in place to guarantee the confidentiality of their vote, or what motivates politicians and their supporters to try to buy votes.

A solid education campaign will enlighten voters about their rights, how to exercise them, and how the voting system operates. It should also highlight the ramifications of corruption and the need of preserving government and democratic processes' integrity. As a result, there's a better chance of decreasing invalid votes and turning citizens' choices into a more accountable process.

## **CHAPTER III**

### **CONCEPTUAL FRAMEWORK**

#### **3.1 The Proportional System**

In this section the paper will be focused in details understanding the proportionality system (PR) and its features. PR systems are designed to match parties' proportion of seats in the legislature to their share of votes cast nationally, provincially, or regionally, depending on the system's architecture. According to the basic principles behind proportional representation elections, all voters and political groups in society must be represented in the parliament in proportion to their strength in the electorate. In other words, everyone should be entitled to a fair hearing.

According to Gallagher, there should be four criteria in measuring political representation fairness: "electoral formula," "district magnitude," "malapportionment", and "electoral threshold" (Gallagher, 1991). These four elements can detect how successfully a voting system is executed, regardless of the ground designation.

#### **3.2 Electoral formula**

The counting rules that apply in a certain voting system are referred to as the electoral formula. The electoral formula in proportional systems usually results in more parties being represented in the legislature and fewer wasted seats, giving parties more incentive to provide more plural and diversified candidate lists (IDEA, 2013). There are different methods of calculating the electoral formula, but the aim of each is to reduce the impact of disproportionality during vote counting.

Since 2009, in Albania it has been applied the d'Hondt method of seat calculation. The d'Hondt method of proportional representation, which is fully engaged in a number of other nations, divides the number of votes a party receives – or, alternatively, its vote share as a percentage – by a set of divisors. The divisors in the d'Hondt formula are a string of 1, 2, 3, 4, and so on. The distribution figures, which are the numbers that arise from the division, are then compared to those of other parties. Parties are given seats in the order of their distribution figures, from highest to lowest. The goal of the d'Hondt formula is to reduce the over-representation of the most over-represented party. As a result of its harsh treatment of small parties and its rejection of party fragmentation, it has been popular as a practical formula for distributing seats to party lists, at least among the main parties, which explains its widespread use in Western Europe.

In the table below it will be illustrated how the division of seats through d'Hondt formula will work in a district magnitude with 5 seats. Let's suppose that the total turnout in ballot has been 100,000 votes. When the votes are counted, party A has received 60,000 votes, party B 28,000 votes, and party C 12,000 votes. The votes of each party are divided by the first divisor, 1, and the party with the highest average receives the first seat. Party A is awarded the first seat. Now the party A vote total is divided by the second divisor, 2, to produce a new average, 30,000. Considering that the Party A has a higher number of votes after the division, the seat goes to party A. Since the party A got the second seat, its total vote is divided to three, and by producing an outcome of 20,000, the third seat goes to party B which has the highest number and is yet undivided. And so, on the process continues like this up until there is no seat left to be allocated to any party.

Party	Votes	Votes divided by first divisor (1)	Votes divided by second divisor (2)	Votes divided by third divisor (3)	Votes divided by fourth divisor (4)	Total seats
A	60,000	60,000(1)	30,000(2)	20,000(4)	15,000(5)	4
B	28,000	28,000(3)	14,000			1
C	12,000	12,000	11,000			0
<b>Total</b>	<b>100,000</b>					<b>5</b>

Figure 3.1 Seat share according to d'Hondt method.

Source: Fictitious data, for illustration purposes only

According to Liphjard, the d'Hondt formula produces the least proportional variety of PR because large parties are over-represented under it, albeit such a judgment entails specific assumptions about how disproportionality should be judged (1994). This way, the formula itself might cause relatively electoral damage towards tiny parties as it discourages parliament fragmentation.

### **3.3 District Magnitude**

District Magnitude (DM) refers to the size of the constituency in terms of parliament members (MP) one given territory can produce. Generally, the DM of FPTP and majoritarian systems is one, whereas the DM of proportional systems is more than one. The size of the DM has a significant impact on PR system's overall proportionality: the greater the DM, the more proportional the system.

The combination of DM size and list type in elections is a critical factor on determining the interdependence of voters with their personal vote seeking, and party strategy. John M Carey and Matthew S Shugart argued that the greater the size of DM, the probability of competition in open list in party structure increases, meanwhile in closed list systems the competition between party candidates decreases in the minimum level (1994). In closed list systems, intra-party competition between candidates of the same party and the cultivation of personal votes is expected to reduce as district magnitude increases, whereas it is thought to increase in open list systems as district magnitude increases.

Within PR voting system, the variable of district size, and candidate list formats, there is a variety on how each index effects different outcomes. Furthermore, each of these variables interact to shape political outcomes, they are not mutually exclusive. Carey and Shugart establish a theoretical framework to evaluate the extent of the interdependence between these categories. Closed list, when compared to all other types of lists are the most effective at reducing vote personalization (1995). In situations where the DM is large, the less relevant the candidate's personal reputation becomes. Meanwhile, in small DM, the candidate's reputation can become decisive in winning the votes necessary for the election.

Furthermore, the largest electoral DM is the primary reason in PR system which helps to boost the representation of social groups. This because the number of candidates on the ballot is proportional to the size of the electoral district. As a result, parties prefer to

build more balanced lists with a broader socioeconomic scope, including candidates with the characteristics preferred by a wide range of people (Pitkin, 1967). Therefore, in big districts the reputation of individual candidates is unimportant due to the lack of intra-party competition.

According to the above-mentioned studies, it can be concluded that the PR system combined with large DM and closed lists provides satisfactory results in maximizing symbolical representation in the given scenarios. Also, the size of DM impacts the electoral participation in ballot. Multiple studies (Powell, 2013); (Farrell, 1997); (Lijphart, 1994) show evidence of how positive effect can have DM size in PR systems on electoral turnout. The most theoretical arguments imply that small party voters find no motivation to vote when they are part of small DM, since their participation are more likely to be squandered.

### **3.4 Malapportionment**

Malapportionment is a phenomenon that occurs when there are disparities in the population density of constituencies, favoring one party over another. It refers to the disparity between parliamentary seat shares and population shares held by geographical units. For instance, a party's voters will win less than their fair share of seats if they live in overcrowded districts or areas where their votes are wasted. Malapportionment is the process of creating electoral districts with different voter-to-representative ratios.

Malapportionment remains one of the key issues in political science. The principle of "one man, one vote" is regarded a cornerstone of any democratic government, and any infringement of it is seen as a betrayal of the democratic ideal. Many constitutions expressly guarantee the legal equality of every citizen's vote, suggesting that electoral districts should have the same proportion of national assembly members as their population share. However, this theory does not always apply in practice, and as a result, many countries' lower legislatures are misallocated.

In transition countries, malapportionment is a crucial factor promoted by pre-democratic elites as an attempt to preserve the political and economic influence they in the past regime. This argument is based on Acemoglu and Robinson's model for democratic transition (Robinson, 2006). Authors study shows how autocratic ruling elites can utilize



de jure or de facto civil governance to protect their own interest. Their model establishes the relationship between two groups: the elite and the citizens. The elite refers to the social group who owns the most of the state resources and connections during the previous regime, and the citizens as typically the poorer fraction of the population.

Malapportionment is expected to reduce election competitiveness and contribute to regionally concentrated patterns of political support by making programmatic electoral campaigns less enticing and successful, and by making clientelism and patronage a more feasible electoral strategy for politicians. Following this line of thought, the paper views malapportionment as an instrument which helps elites to hold de jure political power during the transition to democracy. By redistributing public monies to places where members of the elite have more political representation, malapportionment could help the elite maintain their political influence.

In this paper we are going to use three formulas to measure malapportionment. The first formula that comes to help is the Loosemore- Hanby index, which helps to calculate the total overrepresentation of all parties that won a higher percentage of seats than votes in an election. In other words, it tells us what percentage of seats were given to parties who received more than their proportionate share. This index is calculated with the formula below:

$$D = \frac{\sum |v_i - s_i|}{2}, \text{ where } v_i \text{ is a party's vote share and } s_i \text{ its share of seats.}$$

Example: The value D shows the index of the percentage of all seats are won by parties whose share of seats exceeds their share of votes. Thus, it interprets that the outcome percentage of seats went to ‘wrong’ parties.

The Gallagher index gives a value ranging from 0 to 100, which the outcome represents the greater deviation from perfect proportionality. Because it downplays the relevance of many small, and often politically unimportant, variations, this formula estimates the degree of politically meaningful disproportionality better than the other indices. The index is calculated with the formula below:

$$LSq = \sqrt{\frac{\sum (v_i - s_i)^2}{2}}, \text{ where } v_i \text{ is a party's vote share and } s_i \text{ its share of seats.}$$

Meanwhile, Rae's index calculates the average deviation between a party's seat and vote shares, indicating how many seats each party has gained below or above the average. The index is calculated with the formula below:

For instance, the outcome value from the calculation shows the percentage of seats the party has gained higher or lower than the average.

$$I = \frac{\sum |v_i - s_i|}{i}, \text{ where } v_i \text{ is a party's vote share, } s_i \text{ its seat share and } i \text{ the number of parties.}$$

### 3.5 Electoral threshold

All electoral systems include representation thresholds, or the minimal level of support required for a party to achieve representation. Formal thresholds can be enforced by law, or they might be a mathematical element of the election system (effective or natural thresholds) (Farrell, 1997). The constitutional or legal rules that define the PR system include formal thresholds. This concept was developed in order to prevent relatively minor political parties from winning seats in elections.

An effective, or natural threshold is established as a mathematical by-product of voting system properties, the most important of which is district magnitude. In a four-seat district with a PR system, for example, just as any candidate receiving more than 20% of the vote will be elected, any candidate receiving less than around 10% of the vote, or the provided threshold, will be unlikely to be elected.

### 3.6 List Proportionality system

The most widely used ballot papers by governments are Open (OLPR) and Closed List Representation (CLPR). While the List PR system is based on the premise that political parties or groupings submit candidates, it is possible to provide voters a degree of choice inside the system, both among candidates and within parties.

Legislators are chosen by the people who live in their district. A number of candidates equal to the number of seats available in the district is nominated by each political party. Independent candidates are able to run for office and appear on the ballot as if they were a political party in their own right. On the ballot, voters declare their preference for a particular political party, and parties are given seats based on their vote share.

When defining how a List PR system will work, there are a few more important aspects to consider. An explicit condition for legislative representation may be required; a high bar will likely exclude smaller parties, whilst a low bar will likely promote their participation.

### **3.7 Advantages of List PR**

In addition to the benefits of PR systems in general, List PR increases the likelihood of minority culture/group representatives being elected. When voting behavior is linked to a society's cultural or social divisions, List PR electoral systems can assist ensure that members of both the majority and minority groups are represented in the legislature. Under List PR systems, the objective is to increase the national vote, regardless of where those votes come from (Farrell, 1997). Every vote, even from a district with a low voting turnout, contributes to filling another quota and therefore earning another seat. As a result, the political space permits parties to field multiracial and multi-ethnic candidate lists.

With a low threshold, most of the votes in PR election are casted towards the chosen candidates, and consequently reducing the possibility of wasted votes. This enhances people' beliefs that voting during election season is important since they are more certain that their vote will make a difference in the election outcome, no matter how small.

The list PR encourages political parties to come up with structurally established agenda policy that reduces any differential within society about the party leadership. Coalitions among parties are most likely to be form in order to create a government, which influences the cooperation and consensus among different perspectives. This assertion is based on the idea that frequent changes in government between two ideologically polarized parties make long-term economic planning more difficult, but wide PR coalition

governments foster stability and consistency in decision-making, allowing for national growth.

### **3.8 Disadvantages of PR**

The disadvantages of PR vary on the type of the features that are implemented. For instance, if the electoral system consists to use one single national district, this might cause to create a gap between voters and their representatives. Thus, regional voters have less impact on the decision of determining who will govern over their territory, or to be able to keep accountable actual legislators.

If a country has past experiences of regime change and it's on transitional process, coalition governments make it difficult to implement fundamental reforms that are seen as vital for the change of rule. Faction-split coalition cabinets in the government can complicate the process of decision-making and making rapid and rational choices (John M Carey, 1994). Thus, the difficulty arises in times when small parties get disproportionately extended power, even if the percentage of supporters is lower than the seats delivered in the legislature.

The risk increases when small parties have the tendency to follow radical and extremist ideologies as their political agenda. Still, one method that can be set to use is the application of an acceptable threshold below a certain number which would directly reduce the possibility of these certain parties to gain representation in parliament. A second option is the implementation of legislation prohibiting the formation of specific types of political parties that combat the growth of any form of ethnicity, racial, religious discrimination.

Another disadvantage can be the circumstance where party headquarters possess an enormous power on dictating candidate's behavior in closed-list systems. Thus, the party constructs every manner of campaign competition, limiting the candidates' autonomy. Consequently, the candidate is more focused to behave on terms of completing the favors required by party headquarters rather than strengthening the relationship with the electorate.

### **3.9 Open List Proportional System**

The OLPR system offers the voters the opportunity to cast a preference for the candidate legislator on the party's list, whereby that vote is simultaneously added to the party's overall vote share at the district level. The vote percentage and number of seats in parliament are determined by the total number of preference votes received by all candidates on a party's list. The number of preferences votes earned by each candidate determines the intraparty allocation of parliamentary seats, with seats going to the candidates who received the most of these votes (McLean, 1991).

As a result of the open lists system, voters have a direct say in whose candidates from each party are elected for the legislature. The electoral success under PR is targeted with the cooperation among list members, but with open lists, competition between party members becomes more crucial. The overall number of votes cast, rather than the votes cast for each individual candidate, determines the number of seats in a PR election.

Following this logic, open lists should provide candidates with greater incentives than closed-list PR. Parties are coalitions of candidates competing for a single, indivisible prize: legislative seats (Caillaud, 2002). Thus, candidates contribute to the success of their party by committing time and resources to strengthening their platform and election results.

According to Myerson, if the electoral environment is complex and multidimensional, the incentives of candidates to cultivate favored votes from minority groups is higher (Myerson, 1993). Thus, it is easier for a candidate to generate its own favored electors, and simultaneously the party's electoral output shows strong complementarity between its list members.

However, an indirect consequence arises within the competition among politicians on the same list. When candidates are on open lists, they all have the same motivations and put in the same amount of effort. To earn preference votes, candidates might be eager to engage in activities that are contrary to the party's wishes (Bowler, 2011). Thus, the candidate might gain higher preferential vote if its campaign is focused on personal interest. Considering this behavior, the outcome favors the candidate to serve more in the interest of the constituency if elected rather than party's interest.

### **3.10 Closed List Proportional System**

The position of parliamentarians on the electoral list is established in CLPR systems before the election. If a party wins a certain number of seats, the top candidates on the party's list are given those seats. Political parties are entitled to propose a list of deputy candidates, meanwhile the electorate should judge upon each party's list choice, by selecting only a favorite party. In closed lists, personal reputation is the least essential factor.

As a result, candidates on the list are treated differently with those at the top of the list having a greater chance of winning a seat. Despite the fact that individual efforts have little impact on seat allocation within a party, politicians continue to attempt to increase their party's electoral success and, as a result, their own prospect of winning a seat. Thus, closed-list candidates are more likely to focus on presenting to voters the coherent policy packages that their party has promised to implement once elected (Carey, 1995).

If in open list systems voters need to be clarified and well informed about the characteristics of each candidate presented on ballot paper, with the closed-list system their interest is shifted towards generalized party's policy initiatives. With the closed-list, people have no means of acknowledging who might become their next representative of the district, nor can they reject a reselection of any representative if they have lost the sympathy of their past performance in office. Thus, since the voters cannot have the choice of selection for candidates, an individual's chance of re-election will depend on its place in the rank-list rather than its previous performance.

### **3.11 Effort comparison**

There are two significant differences between the two systems. The first distinction is based on preference votes. Individual effort does have an impact on both the party's electoral success and the candidate's intraparty rating when open lists are used. Competition for preference votes within one's own party provides an incentive not present with a closed list.

The second distinction is the uniformity of motivations. With open lists, all politicians are encountered with a similar goal, naturally putting the same amount of work

to obtain preferential vote, resulting thus in a state of equilibrium. With closed lists, not all candidates perceive the same altitude of responsibility on gaining votes. This depends on the position they are in the list. Politicians in the middle of the list, have the greatest marginal of reward based on the effort they put. Meanwhile, candidates at the top and the bottom of the list have little reason to put up effort, since their list position it partially deliberates the overall result.

Even if at first the open lists appear superior in efficiency than closed list, they both exercise different representation perspectives. The difference boils down to the type of motivation candidates have and how it constructs the party's output. Local representation is bolstered by open lists at the price of legislative coherence. Closed lists increase legislative coherence while reducing local representation. On the other hand, voter's education determines the outcome of the list representative. If the voters are not sufficiently informed about every candidate, closed list contribute greater on party outputs than open lists.

## **CHAPTER IV**

### **RESULTS AND INTERPRETATION**

#### **4.1 The historical context of political discourse in Albania**

After the Fall of the communist regime, newly emerged political parties in Albania have found difficulties in compromising a static electoral regulation to become widely accepted and representative by the most. Compared to other post-communist states of Eastern Europe, Albania has been experiencing a long, difficult, and frequently interrupted transition process to democracy, which at times chaotic with great consequence towards the expectations of democratic and economic progress. The country lacks the history of peaceful regime changes dating back since the independence and also evidencing a peculiar phenomenon, undergoing five regime changes in less than a century. So far, the country has more experience holding fictive elections under communist regime, other than any successful attempt.

The continuity of this political shock has left deep burden on the conscience of the political elites in the country, a factor that is reflective through their behavior and confrontation during and after elections. Many rallies demanding democratic reform took place in 1990, and the Albanian Party of Labour began to implement reforms to liberalize the economy, repeal repressive legislation, and allow political parties to form. The announcement of the first pluralist elections in the 1990' was perceived in good faith for the forthcoming of democratic stabilization and power decentralization in branches of power, but what really happens next show a different reality. The communist Albanian Party of Labor, which had dominated the country for nearly 50 years, won the first multiparty election in 1991 with a landslide victory (Europe, 1991).



The results came as a shock to the majority of the people, who didn't perceive it well and for months engaged in protests and demonstration. Also, the PD had boycotted the Assembly in the aftermath of the election, refusing to join any government combination with the Party of Labor, until the conditions were met for new elections. After many challenges, new elections were held in 1992, where the results strongly favored the DP party (1992). The period from 1992-1997, was categorized as the first wave of democracy in Albania as major reforms in political, economic, and social sphere were introduced.

The great majority in the Assembly it gave PD the power to set reforms unilaterally. Given its privileged power, PD deliberately excluded the PS (newly named) from the reform process, accusing it as a reincarnation of the communist forerunners. The country was looking towards a process of market liberalization, job creation, and privatization (2008). However, politically speaking, by 1993 the new leadership had become increasingly autocratic, mainly due to a lack of effective checks and balances. It imposed restrictions on political opposition, censored the media, interfered with judicial authority, and used excessive force to combat crime.

Even though the ideology of the newly formed government was concentrated towards a different style of political behavior, the contrary happened. Albania's third multi-party elections, held in May and June 1996, were a watershed moment in the country's transition. The PD won an enormous parliamentary majority once again, but the elections were marred by flagrant ballot-rigging and opposition police surveillance (Muco, 1997). In order to maintain political power, the DP engaged in various forms of electoral fraud, prompting virtually all other parties to withdraw their candidates.

As a result, a slew of human rights breaches occurred before, during, and after the vote, undermining the democratic process and jeopardizing the election's credibility. Physical violence, ballot stuffing, and voter list manipulation all violated the Albanian people's right to freely and fairly chose their government. Following the elections, extreme incidences of police violence have produced a tense climate around the country. OSCE declared the election to be invalid due to widespread vote rigged.

To make matters worse, shortly after the elections, Albania was hit by a catastrophic financial crisis, with the newly established stock market collapsing, resulting in a loss of 1.2 billion dollars and the disappearance of two-thirds of the population's

savings (Jarvis, 2000). Public anger and strong dissatisfactions pressured citizens to raid military bases, steal weapons, and take control of the major cities, public anger turned into social anarchy. During this time, state security collapsed, civil war fueled the chaos, and humanitarian intervention was a necessity. One of the solutions was the snap elections of July 1997, which resulted in a decisive victory for the PS.

Albania's transition after 1997 is known as the second attempt to implement democracy. The PS-led administration faced tremendous challenges when it retook power in July 1997, including normalizing social and economic order, restoring the rule of law and public trust, and pursuing NATO and EU reforms (2006). The opposition, led by the PD, has opted not to work with the administration. As a result, many crucial decisions had to be made unilaterally, and the opposition chose not to participate in the development of the constitution and boycotted public consultations on the drafts.

Albania's 2001 parliamentary election was the longest process in the country's history. The voting process took five rounds to produce a clear winner due to various irregularities and allegations of election fraud. International observers stated that the elections were free and fair, and that the observed irregularities had no bearing on the ultimate outcome, but still the main opposition parties didn't recognize it and boycotted the parliament for 6 months. Up until 2001, only the electoral process of 1992 was accepted, meanwhile every opposition has disputed the other results.

From 2005 to 2013, PD together with coalition won the majority of seats in the Assembly, where many necessary reforms were undertaken and major steps were made internationally. Naturally, both won elections were followed by a boycott from the opposition, the second stronger than the first. In 2008, after an agreement between two major parties, the electoral system was changed to regional proportional one. This change was highly supported by EU, who saw it as a step forward the democratization and stability of the country (2009).

Regional PR systems suit more developed nations that are multicultural and aim to give space to minority groups, as we briefly touched on in the theoretical framework. The latest data of INSTAT shows that in Albania are nearly 1.9% of minority groups spread nationally. There are no major division in culture, ethnicity, nationality or language. Also, the needs and issues addressed politically are almost identically the same. In the regional

level, there is no diversity of making electoral promises that can be different of another social group. The political slogans in the election campaigns are the same focused on agenda that affect the interest of everyone. With no difference between the interest of social groups, and as problems and promises are deeply rooted in strong reforms in infrastructure, the economy, and judicial, the society itself does not face a reality designed for regional PR system. Thus, political propaganda is constantly identical among political actors.

After its first electoral result in 2009, the opposition party refused to recognize the PD's and its allies narrow electoral victory and began a boycott of parliament in September 2009, which lasted until February 2010, accusing the PD of electoral fraud and manipulation. The situation would escalate while the organization of the demonstration in 2011, which lead in tragic loses, and also gave wide electoral support to the opposition that won the next elections in 2013. There has been no government rotation since then, but aggressive attempts to change power and the resulting non-recognition has always been a part of the political landscape.

During these years, Albania has been struggling with extreme change of electoral patterns, by transitioning from pure majority system to a mixed system, and then up to a proportional system. Each adjustment of the electoral system brought new regulations on electoral formula, thresholds, district magnitude, and vote conversion to parliamentary seats. Hence, Albania is the first country to apply three major electoral changes in seven electoral processes.

The political narrative has been following the same line since the fall of the communism, by addressing the competitors as the enemy of the public. Two major parties in Albania have expressed their voters as a whole during the transition period by portraying their force as a savior of the people against the threat embodied by their political opponent, resulting in highly aggressive politics. Under these circumstances, the demands of various social groups, such as farmers, laborers, and businesspeople, affluent or poor, were gradually reduced to moments within "the people" as a whole, rather than the starting point from which "the people" were formed.

The very first form of this antagonism start as soon as 1991 election, where the leader of the Communist Party of the time, Ramiz Alia, after agreeing to pluralize the

parliament started to attack the PD party by accusing them of being “a group of traitors, criminals, and agents that were up to crawl the country back in the conditions of WWII while stealing their savings, jobs and property” (2009). This campaign wanted to influence the fear towards marginal groups across the capital where the instrument of public debate and communication were isolated. The main goal was to appeal to traditional voters who were loyal to the previous system, as well as vulnerable social groups, by convincing them that significant political and economic reforms would throw the country into disarray.

When the PD firstly came in power it provided the perception that it would represent all of society’s interests. The PD acted more like an anti-dictatorial front that drew together disparate opposition forces against communism, according to one of its founders, rather than a party with a clear intellectual purpose or a consolidated social base (Ceka, 1992). The anticommunist discourse, by highlighting the menace of communism, overshadowed other internal socioeconomic divisions that posed a threat to society as a whole as well as the PD electoral base. Anticommunism served as a symbolic barrier against which the electorate might be defined.

The government under the rule of PD depicted the opposition Ps party’s objections of reform as an intention of bringing back the monstrous time of the communist tyranny by using every tool possible and implementing again the failed agricultural cooperatives economy that produced endless lines for food, and so on (Zogaj, 1998). During that time, there was a strong belief that the socialist opposition was attempting to control the electorate to bring the old regime back.

As the frustration enriched during the PD’s governance, the more the opposition was propagandized as a communist menace, whereby once the policies followed turned complicated and unfruitful, the hysteria grew on holding the power (Fuga, 2020). What’s interesting, the government portrayed the failure of overcoming social and economic challenges of transition as naturally as an essential price that had to be paid to complete reforms. To summarize, the DP as long as it was in power failed to unite people and constructing positive social identities, and in contrary it fueled social groupings to become alienated from their needs and oriented against one another.

Many of the Socialist Party's elite, on the other hand, originated from individuals who had been privileged and educated during communist rule, therefore the Socialist Party

was eager to disassociate itself from the communist past. Their political worldview was built to bring Europe closer together as a means of erasing the communist past. This is evidenced from many successful initiatives of such as signing agreements as FTA to go in line with EU integration (Dorian Jano, 2018). Still, the process of EU integration under the reign of PS has been going through a slow process that even if it was claimed as a top priority agenda, the footprints showed otherwise.

EU integration surpassed significantly on top of the hierarchy of needs for most of the people. Farmers, youth, and all social classes needs were justified within the larger picture of a future European society, instead of being the cradle of change from which its development would bring this vision to life. Obviously, desires aren't enough and a lot of responsibilities are demanded to be reconsidered of becoming part of a larger continental organization, whereby consequently the PS with time lost its ability to interpolate the paradigm in practice.

As a result, the PS honed down on PD leader as the primary target to construct it as a threat, attempting to mobilize its own voting base. Since 2005, electoral campaign escalated where the entire concentration point was on the PD leader as a threat towards the future of the country. Every propaganda tool such as banners, election commercials, journals etc., intended to strengthen the rhetoric of demonizing the leadership figure of PD (Lubonja, 2005). Thus, political failures were justified as very challenging to be achieved by anyone due to the previous governmental leadership.

The historical discourse of politics in Albania during the transition, provide us with example of two major political parties that the challenge of obtaining power is perceived through antagonism and complete annihilation of the other. The politics turn into a conflict where both parties construct their paradigm by addressing the other as an enemy of the people. This narrative can undoubtedly be interpreted as stemming from a deeper root of anti-democratic culture in the past.

To strengthen the argument, it is necessary to have a look inside the centralization of party headquarters. Both the Socialist and Democratic parties introduce a highly centralized party headquarters, where decisions are made at the top of the hierarchy and other members are less included. This argument can obviously justify political leaders'

disregard for the danger they incur when they go all-in on politics because they know they won't be challenged within the party.

With competitive voting, internal debates, and liberal views toward critical groups, the PS quickly established itself as one of the most democratic parties in the country, but after 2009 there is a tendency of repositioning the party headquarters in a traditional structure with a focus on the top of the hierarchy. Many can argue that this was influenced by the change of the electoral system which with the closed-list system it directly increases its position over other party substructures.

The selection of the party Chairman is the earliest indication of the party headquarters' shift in position over its subsequent organization. The mandate last 4 years and it was won by Mr. Rama in September 2009, but since then there has been no other election. From that point forward, the PS ignored its statutory responsibilities, and the Chairmanship of the SP was extended without a statutory decision.

Many voices inside the party raised criticism upon this matter, forcing the party committee making up the referendum held by the party congress 3 years after the first mandate had expired requesting that *“if the party is in the government and the Chairman is in power, shall its mandate be automatically renewed”*. Criticism increased by opposing the referendum where a paper was submitted by outlining 20 reasons of its cancellation, but it was instantly rejected from the party's steering structures (2016). The referendum passed, establishing the initial steps toward power shifts in the party's statutory framework, aligning the leadership mandate with the Prime Minister's office.

Following next, the PS proceeded to fill up other structures of the party where major concern are revealed. The first is the consolidation of several secretariat positions, which were reduced to 7 from 9 previously, and the election was held with only one candidate on the ballot. This practice signifies the high centralization of the party itself where the headquarters take full control of necessary structures by vulnerating party democracy. In other branches of the party, the same voting process for one candidate in a ballot was followed, while the appointment of regional leaders was announced without a voting process.

On the other hand, following the defeat in the 2013 elections, the PD party's lifelong leader resigned, paving the way for party elections in the coming months. Since

that moment, the PD party has held regular elections where all of them have been won by Mr. Basha. Following its leadership, the party began a period of transition during which decisions were made to reorganize the party's regional and local structures.

Firstly, it was determined to add more party branches adding up 14 new branches, expanding the number of branches to 67. The decision was explained by the necessity for “organizational adaptation of PD at the central levels to new realities and the need to energize PD activities in the face of future challenges”. Party elections at the regional level were held ahead of schedule, causing concern. In the end, only 1/3 of the scheduled branches had elections, while the remaining two-thirds had to be postponed.

After that, there were several abnormalities in the selection process for department heads. Despite the statute's premise that department heads be chosen democratically by secret ballot, they were appointed without competition and through direct appointment. The procedure was followed by a secret ballot, but its application meant no importance. As a result, several members left from the party out of dissatisfaction and as a show of protest.

Furthermore, the turnout of leadership selection of the PD is continuously reducing. Basha received 32,000 votes for the party's third leading mandate 2021-2025, the lowest figure since his winning results of 33,000 in 2013 and 53,000 in 2017 (Politike, 2021). The turnout shows to be significantly less, where 41,097 members participated out of the official total of 75,067, which raises concerning question regarding transparency, inclusiveness, and the efficient organization. Are the candidates the correct ones if they can't get members to participate in decision-making? Or was the winner already decided and participation was deemed pointless? According to the accounts, the PD party's membership has been declining over the years, with 103,000 members last year, indicating widespread dissatisfaction with the party's headquarters decisions.

#### **4.2 The impact of the electoral formula**

To understand the influence district magnitudes, have on the electoral outcome, it is important to look how proportionality is applied on seat distribution between parties in individual districts on the election of individual candidates. It is acknowledged that the way different voting systems apportion seats from the national level to the districts and

then to individual candidates will produce slightly different outcomes, even if the national results are similar but calculated differently.

In the table below, it is provided the final results of the last national elections in April 2021, certified by the CEC institution. In this election, we realize a pattern that identifies the inability of political parties for building strategic campaigns that helps to produce a proportional conversion of their collective votes. Political parties find it difficult to adjust to the regional proportional system even after more than a decade of its introduction as the main regulation of obtaining seats in the parliament. In the table below, we show the general results of elections held in 2021, where are given the total votes, each political party has received and how it has translated in mandates.

Nr	Logo	Subjekti	Sigla	Vota	%	Mandate
1		Partia Socialdemokrate	PSD	35475	2.25 %	3
2		Partia Edo Kombetar	PEK	3945	0.12 %	
3		Partia Lirizgj Demokratike Shqiptare	PDESH	4706	0.30 %	
4		Partia Eristja Demokratike	BD	8239	0.52 %	
5		Alianca Bashkimi Popullor Emrigjicori - Ora e Shpreses dhe Konservatozet	ABECK	1376	0.09 %	
6		Levizja Socialiste per Integrim	LSI	307538	6.65 %	4
7		Partia Nisma Thuge	NTH	30217	0.65 %	
8		Partia Lirizgj e Re	LRE	3767	0.24 %	
9		Partia Demokratike 'Alianca per Ndryshim'	PD-AN	622187	39.43 %	59
10		Partia Alianca Demokratike e Re	ADR	3832	0.20 %	
11		Partia Lirizgj Per Ndryshim	LN	7054	0.45 %	
12		Partia Socialiste e Shqiptare	PS	768134	48.87 %	74
13		Elton Dabeshi	E-D	580	0.04 %	
13		Ijaz Shehu	I-SH	400	0.03 %	
13		Krednik Mochani	K-M	348	0.02 %	
13		Bekim Abadi	B-A	2993	0.19 %	

Figure 4. 1 Electoral results of 2021 by Party

We can see that the sum of district proportionality method indexes disproportional shares of votes by looking at the overall vote collection of political parties in the election. This is understood as we lay down two narratives in both extremes. The first narrative is the overrepresentation one, where the PSD party has won 3 deputy mandates with the accumulation of 2.25% of votes. Meanwhile, the LSI party presents an unrepresentative narrative, reflecting that despite receiving 6.65% of the vote, it has only for deputy mandates. These two examples will lead the focus of the analysis to understand why some



parties in Albania have difficulties to translate their full vote collection in proportional seats in the parliament.

The first explanation of this phenomenon is the risk political parties have taken upon the regional proportionality method while campaigning during the election. Through the outcome of votes for the PSD party, it is understood that the campaign focus was on the region of Shkodra and Tirana, where it has received respectively 15.4% and 2.85% of votes, translated in three seats. On the other hand, the LSI party did wide its campaign focus in national scale, as it has received at least more than 5% of votes in 10 out of 12 districts, but still was unable to accumulate more than four seats.

Henceforth, there is a difference on the strategy of adjusting the party electorate in the regional method, where by comparing the number of votes with seats, the PSD party has perfected the advantage on its application while the LSI party has done the opposite. But, the phenomena of competing with a national strategy was followed up by almost every small- or medium size party in Albania, whereby did put in danger the values of representation of voters. Indirectly, the inability of political parties in Albania to perform successfully strategically it has costed the waste of 44,657 votes in total, whereby the LSI party alone couldn't convert the representation of 72,063 votes. Therefore, LSI as a medium-sized party has left a majority of voters without representation, even as it was being eliminated from all other parties.

<b>Disproportionality Index</b>	<b>2021 Elections</b>
Rae's Index (I)	3.5%
Loosemore-Hanby Index(D)	7%
The Gallagher index (LSq)	4.5%

*Calculations of the disproportionality indexes for the electoral results of 2021*

*Figure 4. 2 Disproportionality index formula*

To strengthen the analysis of the impact the electoral formula has had on the final results of the elections held in April 2021, the thesis will continue further by measuring the

disproportionality with three different indexes. In the table above is given the results of the calculation for each index provided in theoretical framework. The results show the indices of disproportionality where the calculations are made on the district level seat shares of parties in the parliament, and the values are averages of the index values of all 12 districts.

The Loosemore- Hanby Index (D) has been used to reveal the results aggregate deviation from perfect proportionality. With this formula, it will be understood how many seats have been appointed to “the wrong parties”, by calculating the total portion of seats according to the vote shares of the parties. The portion of ‘misallocated’ seats under the electoral regional system in the April 2021 election appears to have been 7% of the total of 140 seats, which means that at least 10 seats are given to “wrong parties”. This disparity is significant enough to have a major impact on the establishment of government and law.

The Gallagher index (LSq) is a statistical analytic tool used in political science to determine the relative disproportionality of an electoral system's votes received and seats awarded in a legislature. As a result, it gives a comparison between the percentage of votes each party received and the percentage of seats each party got in the given legislature, whereby it measures the disproportionality from all parties in the given election. The election's aggregate disproportionality is given an exact score, which can subsequently be used to compare different levels of proportionality. To get a clearer picture, the chart below shows the how LSq index varies since the first implementation of the proportional regional system up until now.

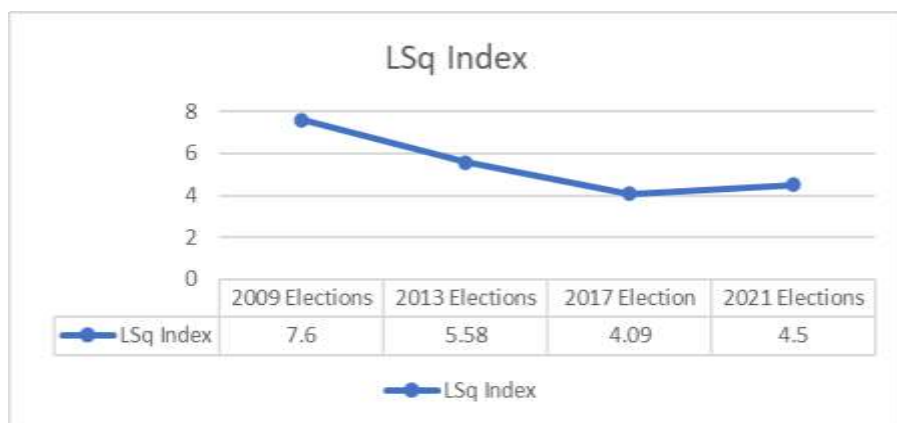


Figure 4. 3 Gallagher index through elections.

<sup>1</sup> Data chart received from:  
[https://www.tcd.ie/Political\\_Science/people/michael\\_gallagher/ElSystems/Docts/ElectionIndices.pdf](https://www.tcd.ie/Political_Science/people/michael_gallagher/ElSystems/Docts/ElectionIndices.pdf)

This index considers both large and small variations in the proportion of seats assigned and votes cast. Small differences, on the other hand, have less impact than large variances. Since its application, the regional proportional system in Albania has been the most disproportional in its first application, by showing an index of 7.6, meanwhile the least disproportional has been in the elections of the 2017. Still, the LSq index of the last elections is not as high as the elections of 2009 and 2013, but has reached a growth of 0.41 from the previous one.

Rae's index (I) reveals us how many seats each party obtained on average that were too many or too few. The formula calculates the average difference between the parties' share of votes and their share of seats of the elections of 2021 to determine (dis)proportionality. According to I, each party deviates at least 3.5%, or 5 seats, from the exact representation on average. However, the index has a critical flaw: its value is determined by the number of parties involved. Thus, the value of the index is very low when the number of parties that are not elected is very high.

### **4.3 The impact of electoral threshold**

Through a closer inspection, we deduce that the electoral threshold influenced smaller parties' behavior in terms of national campaign strategy to win votes. The electoral threshold is a feature of proportional representation which puts boundaries on the minimum requirement of votes a party must receive to be selected in the legislature. Thus, the percentage of the electoral threshold is highly determinant of party strategy.

There are two strategies parties follow up with according to the value of the threshold. When the electoral threshold is lower than the usual norm, parties deliberate more chance by adopting partisan strategies to mobilize support from a variety of voters who are homogeneous in some respect, whether its faith, identity, or ideology. In this scenario, the tendency is to find the key which expresses the commonality among people nationwide. When the electoral threshold is high, political parties tend to use strategies to attract voters from a particular region with the hope to gain representation in the parliament consisting that particular group.

In the national elections of the 2017, the natural threshold agreed upon for the minimum of votes a party should accumulate to be a representative in the legislature was 3%. According to the suggested restriction of 3%, a party needed to earn an approximate of 48,418 votes nationally. Henceforth, with the given boundary, political parties found it common to focus their agenda on particular regions as it is easier to gain representation. For example, in the previous election PSD did gain a seat in the parliament by collecting less votes than the threshold, but won enough presence in its region to be part of the legislature.

In 2020, prior to the national election of 2021, an agreement was struck in which the previous threshold would be dropped by 1% on a countrywide basis. Thus, the cast of votes a party ought to receive in order to gain seat, dropped to 16,622 based on the post electoral participation results. Thus, this electoral threshold became one of the deciding factors in small party strategy to swift the campaign in multiple districts. The time space of the decision for the new threshold was very close to election, in less than a year.

The new legal threshold would influence the fragmentation of the parliament with new party joining, but the opposite happened. It can be argued that even the new threshold attracted the small party strategy to focus in national scale, the short period of adaptation wasn't enough to transform their goals in strategy. Furthermore, the pandemic environment created an obstacle for leaders to maintain anything resembling their coherent policies and identities towards social groups. Also, the electoral threshold wasn't supportive to independent candidates, as they were unable to submit their candidacy in more than one district.

It can be concluded that the agreed electoral threshold was sufficient to promote the fragmentation of the parliament. The 1% threshold is significantly lower and indirectly promotes proportionality than the previous one, while accommodates smaller parties to receive the roughly same quantity of votes required by one district in national level to win a legislature seat. The lower threshold influences the voter behavior of marginal groups who feel doubted or unrepresented by the actual political forces. Still, no new small size party was able to collect 1% of votes nationally to be represented in the parliament, and older parties who were part of the parliament or candidates in the last election actually founded as favorable to be part of the largest opposition coalition.

#### **4.4 The impact of ballot structure**

The structure of ballot influences two important narrows. Firstly, the regulation of ballot structure influences the importance of party organization. The power balance between parties and candidates was dictated by the ballot mechanism used. While party ballot closed-list strengthened party organization, candidate's relevance was weakened. Secondly, the election of candidates with preferential votes intensified intra-party competition by creating a rivalry inside the party group.

The party ballot closed-list strengthen party organization as evidenced by the ranking order of candidate nomination process, whereby the preferential vote offers a slightly decline of the influence of party organization overall and leaders towards candidates who acquire a certain number of votes to surpass the others of the given list PR. It is widely accepted that in closed list system, the personal reputation is valued less and the policy agenda of the political party influences more by focusing the spectrum towards the leadership. The influence of party organization and leadership escalates relatively, particularly on the nomination process of candidates.

During the national election of April 2021, there was a slight difference of the formula of ballot structure implemented after a settlement reached from two major big parties in Albania and approved both from the parliament and the presidency. Since the implementation of regional proportionality system in Albania, the ballot structure has always followed with closed lists. The continuity of this ballot structure has caused many controversies in the efficiency of representation of residents' interests in the parliament, where often it is argued that there is a gap between the deputies' interest and the real needs of the citizens.

Back in January 2020, the civil organization group "Nisma Thurje" submitted a request with 50.000 signatures to change the ballot structure of the electoral system with open-list, where this was justified under the impression to end the domination of the party headquarters on its deputies. Also, this proposal request to establish a mechanism that would have allowed Albanian emigrants who are registered as residents in the nation to be able to vote from abroad, and the calculation of votes in national magnitude.

After long discussion in the political field to select the right option of list proportionality for the elections of 2021, the prime minister stated that the settlement can

be reached through the forces inside the parliament and not by the desires of political actors outside it. In the end, the parliament arranged that the electoral code can change the closed-list structure towards the closed-preferential list. This means, that the voters can have an effect to change a maximum of 2/3 of voting list. The formula rises the opportunity of the deputy to pass through the ranking order only if he individually receives a minimum of  $\{10,000 + 1\}$  votes in a district.

An agreement wasn't reached about changing the regional calculation to the national one, and the time-space to establish the right canal for the votes of the emigrants was very short. CEC argument over the incompetent to build the mechanism to canalize the emigration vote was justified under the unexpected global circumstances and the delay of political parties' agreement on it. Before we speak in detail about the ballot structure, we will stop to how affective the ballot papers are in the production of representative candidates and why some candidates are "more equal than others".

One of the newest details implement in the law of the Electoral Code attracted the attention of the Venice Commission, which has been used as a source to soften the political conflict in Albania and to advice on law regulations. According to Article 67 no. 3 *"The candidate for deputy, registered in a multi-name list for an electoral zone, or the candidate for mayor or for municipal council member, may not be registered as such for another electoral zone, even on behalf of another party or coalition, nor as a candidate proposed by a group of voters. The exception to this rule shall be the chair of the party or the chair of the party leading the coalition, who may register in up to four electoral zones in the elections to the Assembly. After the distribution of mandates under this law, he/she may not hold more than one mandate, which they choose according to their own free will."*

Party Sigla	Leadership Name	Electoral District of Candidacy		
PSD	Tom Doshi <sup>2</sup>	Shkoder	Tirane	
PD	Lulzim Basha	Tirane		
LSI	Monika Kryemadhi	Fier	Elbasan	Tirane
PS	Edi Rama	Durres	Vlore	

Figure 4. 4 District candidacy of party leaders

<sup>2</sup> Tom Doshi resigned right after elections took place

The Venice Commission delivered its opinion with the focus to review the application of allowing the leader party to candidate in four different districts because this creates a disadvantage for other candidates who can only apply to one district. This way, this law crosses the norms of equal representation and the principles of guaranteeing fair voting process for every party involved. Considering its opinion came in delay of time, whereby it was impossible to make changes, it was further suggested for political leaders to engage in reviewing this point of law after the elections take place. This law disfavors also independent candidates, that puts them in a strange position in front of privileged party leaders, who despite being leaders of their own unit they cannot candidate in more than one district.

Another complication of the ballot paper was the moment of its publication, which in comparison with pervious election it highly effected the vote counting process. Due to the preferences list system, the representatives of big parties have had a continuous disagreement on the format and the selection process. After long disagreements, the ballot paper was announced on 1 April 2021, twenty-four days before the election did take place<sup>3</sup>.

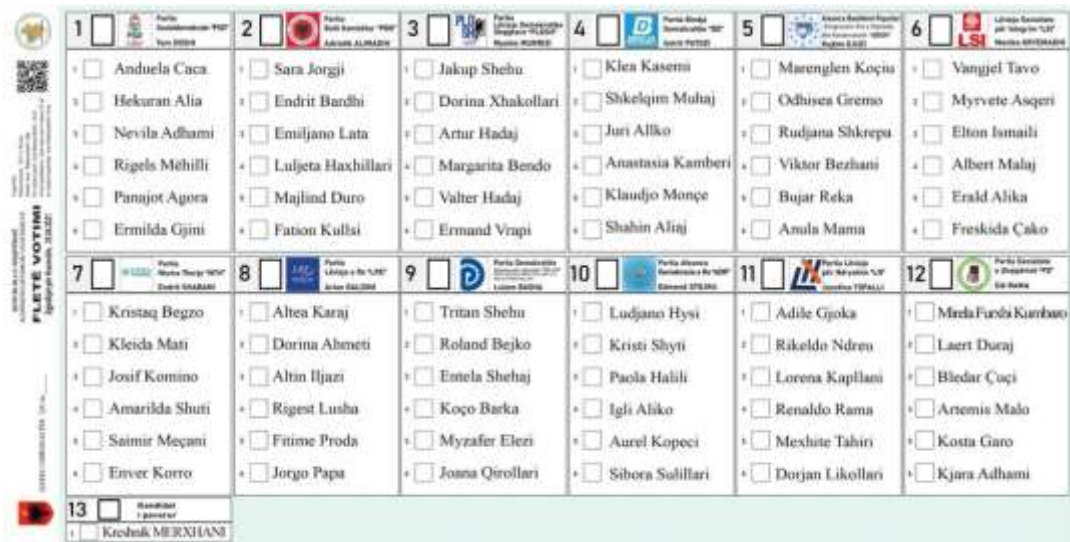


Figure 4. 5 Example of the ballot paper

The process of voting in the ballot was ruled under two compulsory conditions. In order for the vote to count, the resident must mark the party box, and the candidate box inside the party he has selected so it can execute the preferential option. Both marks were

<sup>3</sup> [http://kqz.gov.al/wp-content/uploads/2021/04/Vendim\\_nr\\_198\\_210401\\_Per-miratimin-e-permbajtjes-se-fletes-se-votimit.pdf](http://kqz.gov.al/wp-content/uploads/2021/04/Vendim_nr_198_210401_Per-miratimin-e-permbajtjes-se-fletes-se-votimit.pdf)

mandatory for the paper to count, and the candidate mark must have been filled inside the party selected. If there was any other marking process, that would make the vote uncountable. The delayed publication of the ballot paper caused many uncertainties because of the rules of how the voting would take place and the strict penalizations if you could use only one marking option, and not the other.

According to CEC, the information and education of electors through television broadcasts and other materials has been a priority, which were transmitted in television media, radio and informative online portals. The beginning of informing citizens towards the specifics of the election process, has started since the beginning of February 2021, where the main platforms have been national televisions, which cover 70% of the territory of the Albanian Republic. In average, there have been 170 television broadcasts in day, meanwhile in the last week a great focus was given towards the information of how to vote, and the broadcasts were increased to 200. CEC concludes the public have had full accesses to receive information about the election through television, radio, newspapers and online portals.

The final result showed that 83,000 votes were registered invalid. This number contains 5% of total vote. Compared to previous elections, in 2017 only 31,790 votes resulted invalid, nearly 1.39% of total vote. It can be concluded that this high percentage was caused due to the uncertainties of the new voting process, its strict counting rules, and the late delay of communicating to the public how the process would proceed.

Furthermore, the ballot structure influenced directly the behavior of party candidates during the campaign. Candidates from large parties competed more fiercely with fellow candidates from their own party, but worked less actively for their party, as they had a better chance of winning seats. Candidates from small parties with a slim possibility of gaining a seat, on the other hand, battled not only fiercely with fellow party members, but also worked even harder to ensure that their party's total votes exceeded the quota required for one seat.

#### **4.5 A look into the election of individual candidates**

The change of the electoral system in selection procedure of individual candidates to be part of the parliament produces a markedly different selection than the previous one.



Taking a closer look at who gets chosen and who doesn't by the systems may thus demonstrate their ability to reflect the expressed desire of the voters. Obviously, it would take an enormous amount of time and effort to go over every characteristic in candidate selection in each district with contrasting systems in these pages. It is also, thankfully, largely superfluous.

I will, however, highlight some of its most noteworthy variances, which I believe will assist to notice the differences in how the system converts votes into seats for certain candidates. The analysis will focus in firstly in how the selection procedure reflects through the electoral system, and secondly how the party selection process it affects the deputy accountability and representation in the parliament.

In the table below, we show the changing the results offered due to the closed-preferential list system proved significant on deputy ranking in general. According to the table below, only 8 deputies were able to receive votes by overpassing the preferential calculating order. Still, only two deputies of PS, Fatmir Xhafaj and Orinaldo Rakipi respectively, were the only ones who were listed far from the list number of deputies won by List PR in their district and then overpassed other candidates inside the List PR.

No.	Candidate	Party Subject	Votes
1	Taluant Balla	PS	21,604
2	Fatmir Xhafaj	PS	16,738
3	Lulzim Basha	PD	16,195
4	Orinaldo Rakipi	PS	15,697
5	Edi Rama	PS	15,871 <sup>4</sup>
6	Erion Brace	PS	15,622
7	Belinda Balluku	PS	15,361
8	Agron Shehaj	PD	13,855

Figure 4. 6 *List of candidates who passed the preferential condition.*

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<sup>4</sup> Here are taken as a reference only the votes E.Rama has received in Durres district, because it is the one where he chose to hold the mandate.

If the system would operate with Open List PR, then the results would be significantly different. In total, 34 out of 140 seats in the Assembly would be substituted from other deputies who received a considerable number of votes, but were unable to surpass the preferential condition. Inside the list of deputies of PD party, 16 deputies would have been ranked differently or let's say 27% of the Assembly group. For instance, Mr. Agron Kapllanaj of the Fier district, who was left out of the Assembly group of the PD, garnered 9274 votes, more than any other candidate, while the second-placed candidate obtained only 1295 votes. The similar phenomenon can be seen in Shkoder district, where Mr. Bardh Spahia, despite being the candidate with the highest votes, is left out of the Assembly.

Furthermore, the open list PR would have replaced 14 of the 74 deputies on the PS party's list. For instance, in Tirana district candidates 12 out 18 candidates inside the winning List PR have less votes than 8780 received by Mr. Pandeli Majko who wasn't able to be part of the Assembly group. Meanwhile, the LSI situation gains more attention, with half of its seats being substituted, and Mr. Petrit Vasili, who has obtained a mandate in the current system, would be ranked at least 15 places lower if the open list PR was used. At last, 3 out of 4 deputies from PSD party have also received lesser votes than 3 other candidates. The findings show how political parties have failed to include individuals with electoral support on their candidate lists, instead relying on tactical methods and formulas to achieve abbreviated mandates.

It would be a mistake to limit the focus on the deputies only at the sphere of election. The following content is concentrated to understand firstly how the relationship between the deputies and the party is established. Thus, it will be clearer what are the deputies' limitations and how it is interconnected with the responsibilities it has towards the party and the duties of representation of its own voters.

According to Article 73 point 1 of the Albanian Constitution “*A deputy does not bear responsibility for opinions expressed in the Assembly and votes cast by him in the exercise of function. This provision is not applicable in the case of defamation.*” (2021). Members of parliament are therefore entitled by law to protect its ideals and express them freely, to prioritize the public interest, and to maintain public integrity and avoid conflicts of interest by performing their public obligations professionally and truthfully, and to embrace diversity and political plurality.

Genuinely speaking, the Constitution gives political space to members of the parliament to become responsible in defending and arguing the legislature, still the statutory of political parties restrict them in multiple of cases. Here it can be argued how the statutory of two major political parties limits the deputies on the expression of their free will and the consequences that follows.

Both the statutory of the Socialist and Democratic parties have established their own bylaws where the verdict of the deputies in the parliament should be biased in accordance of the party's interest above of the citizens. According to Article 12, point 2 of the Democratic Party statutory "*Candidates for the elections in the Assembly of Albania are selected in cooperation and active consultation with the members of the party. After consulting with the membership, on the proposal of the Party Chairman, the party Presidency decides on the final list of electoral candidates for the Albanian Parliament*" (2021). Henceforth, every candidate who aspires to become part of the legislature, has to make a first priority to establish a network interest with the party leadership rather than reflecting this influence through its support from the electorate.

Moreover, in the Article 57 point 4 in the statutory of the Socialist Party it is written that "*The parliamentary group immediately deregisters its member deputies for cases of non-participation, voting against, and political abstention on the following issues: a. Adoption of constitutional laws, b. Approval of the state budget, c. Votes on the composition and program of the government, d. Election of state personalities, e. Other issues of particular political importance.*" (2018). Thus, member deputies are deprived to address an alternative option regarding these issues presented by the party, otherwise it risks its presence in the parliament. Does this stance deliberately go in the same line with the electorate?

Following the line of the two given Articles, one from each party, it can reflect that member of the parliament should avoid elaborating reasonable points that are in the national or electorate interest, if it could be used to counter, undermine, or cast doubt on the proposals of the party. The candidate must first earn legitimacy from the party that nominates him, specifically from the head of the party he represents, before receiving legitimacy from the public for his political value and electoral credibility.

Article 70 point 1 of the Constitution clearly says that “*Deputies represent the people and are not bound by any obligatory mandate*” (2021), meaning that deputies are direct representative of the society, but according to the statutory of political parties, the parliamentary group is the party's political body that carries out the party's platform and policies in the legislature. The elected deputy’s moral and political obligations are no longer to the people he is supposed to serve, but to the party that nominated him and its headquarters. Thus, there is an expropriated character from freedom, where deputies must have subservient personalities to serve at the best of their purpose.

#### 4.6 District Magnitude and the influence of malapportionment

The political parties and candidates are elected from 12 multi-seat electoral districts, each of which corresponds to a different administrative region. The number of seats given to each district is determined by the number of residents registered in that district, ensuring voter equality in general. In the table below, it is provided the district areas and the amount deputies corresponding to each of them in proportion of population<sup>5</sup>.

Nr.	Qarku / Zona Zgjedhore	Shtetas 27 Nëntor 2020	Shtetas pjesëtuar me nr. mesatar	Mandate të plota	Mbetja		Mandate nga mbetja	Mandate gjithsej
					Nr.	Shtetas		25 Prill Viti 2021
1	Berat	229202	7,0601	7	0,0601	1951		7
2	Dibër	173774	5,3528	5	0,3528	11453		5
3	Durrës	462202	14,2373	14	0,2373	7703		14
4	Elbasan	447944	13,7981	13	0,7981	25909	+1	14
5	Fier	509350	15,6896	15	0,6896	22387	+1	16
6	Gjirokastrë	147670	4,5487	4	0,5487	17813		4
7	Korçë	349563	10,7677	10	0,7677	24922	+1	11
8	Kukës	110083	3,3909	3	0,3909	12690		3
9	Lezhë	224927	6,9285	6	0,9285	30142	+1	7
10	Shkodër	344446	10,6100	10	0,6100	19803	+1	11
11	Tiranë	1157763	35,6629	35	0,6629	21520	+1	36
12	Vlorë	388.053	11,9533	11	0,9533	30947	+1	12
<b>Totali</b>		<b>4544977</b>						
Nr. mesatar i votave për mandat		<b>32464</b>		<b>133</b>				<b>140</b>

Figure 4. 7 List of District Magnitude and the formula of distributing mandates. Source CEC

<sup>5</sup> [http://kqz.gov.al/wp-content/uploads/2021/01/Vendimi-007\\_Per-caktimin-e-numrit-te-mandateve.pdf](http://kqz.gov.al/wp-content/uploads/2021/01/Vendimi-007_Per-caktimin-e-numrit-te-mandateve.pdf)

The establishment of each district magnitude characteristics is realized through the exchange of information between public institutions in order to secure credibility in its performance. The first intriguing pattern we realize is the number of populations provided from the Ministry of Interior, which is contradictory of what is announced from the INSTAT. To calculate the number of votes needed for one deputy, the CEC has used a total sum of 4,544,977 eligible people, while in the latest publication of census of Albania only 2,821,977 residents. Also, CEC has announced in sum that in Albania currently are 3,588,245 eligible residents to cast a vote.

The contrast of publications from three different public institutions regarding the population of Albania, and the validity of voters' contrasts in a very high margin. Hence, the announcement of mandates for each constituency is established from an outdated official source given by the Interior Ministry, and directly affects the importance of each vote and representation, because the value of mandates for one deputy overtakes the real proportion of exact number of residents needed to produce it. If it's calculated through the amount provided by CEC itself for the sum of eligible residents to vote, for one deputy it would require at least 25,630 votes to be selected in legislature. Thus, the current distribution of constituency mandates for one deputy it required residents of Albania to value one official vote converted to the participation of 1.3 residents. If we use the population value provided from INSTAT, then one deputy would need the sum of 20,156 votes.

Still, the question arises that if we should measure the representation values of one deputy with all the residents that are registered in the Republic of Albania, or only with the ones who are eligible to vote?

Another complication of the proportionality system in Albania is the regional formula of vote allocation for each party. According to Article 162 no.4 (2021), *“The quotients obtained through each division, including also the results of point 3 of this Article, shall be placed on a list ranked from the largest quotient to the smallest one, listing alongside them the subject to which the respective quotient belongs. If the quotient is a decimal number, the nearest whole number shall be considered the quotient. The ranking shall continue until as many quotients as the number of seats to be allocated in the respective electoral zone are ranked.”* Thus, the electoral formula will apply a hidden

threshold for any given constituency which will vary from the demographic size, manifesting disproportionality and inequality among districts.

In reality, this means that the percentage of votes needed to win a seat in a district with a limited number of selections for legislators is significantly higher than in larger districts. A party with who has supporters in small districts will have a much harder time electing candidates than a party with the same number of voters in larger districts. This election, the SMI party gives a clear example of this phenomena, that despite allocating votes in every district, it could only win legislative seats from the first three major districts.

For instance, in the table below we calculate how much votes a deputy needs for each of the consistency: Diber, Gjirokaster, Kukes, Tirane, Fier and Elbasan. We have selected three consistencies with the least mandates and three the largest. The table identifies than in district of Diber, a legislator seat requires +2,291 votes than the established average, in Gjiroakster it requires +4,454 votes, and in Kukes +4,231 votes. Meanwhile in the district of Tirana a legislator seat it can be filled with -304 votes less, in Fier with -630 votes, and in Elbasan with -468 votes less.

District Name	Population	Mandates	Votes per Mandate	Average Mandates	If Mandate	+1
Diber	173,774	5	34,755	32,464	28,962	
Gjirokaster	147,670	4	36,918		29,534	
Kukes	110,083	3	36,695		27,520	
					<i>If Mandate</i>	<i>-1</i>
Tirane	1,157,763	36	32,160		33,078	
Fier	509,350	16	31,834		33,956	
Elbasan	447,994	14	31,996		34,457	

Figure 4. 8 Example of seat distribution in the given DM if extra mandates were shared differently

The three largest districts are selected because they were allocated an extra seat from CEC. The paper creates a dynamic situation of how the electoral environment would change if these allocations of seats were given to the district with the least mandates. Our result shows that once the three small districts receive the extra mandate, the chance for a deputy to get one mandate is favored significantly, meanwhile in larger district the chance to receive a deputy mandate becomes more competitive. Still, given the demographic population in each of the districts, the exchange of one mandate doesn't affect much on the magnitude of receiving the mandate in larger districts, whereby it favors a chance for more proportional representation in smaller ones.

For example, the proposed calculation for a mandate in Diber it requires the deputy to allocate 17% of votes in order to represent its supporters in the legislature. The same way, in Gjirokaster it would require 18%, and in Kukes 25% of votes. Meanwhile in Tirana, by removing a mandate, a deputy would need a sum of 3% of actual support to be part of the legislature, in Fier only 7%, and in Elbasan 8%. Our results, show that a mandate received in the three least district, would have a significant weight in favoring deputies to receive a seat, meanwhile in three large district the percentage needed to allocate a seat, in contrast with population, is that low that would have had less affect in electoral competitiveness.

The practice of not distributing the seats to the districts of Diber, Gjirokaster, and Kukes, favors the malapportionment in the selection of deputies for parliamentary seat. This reality of the given districts, creates a situation where the geographical boundaries produce unfair proportional distribution of mandates. The great difference between the 6 districts shows significant disparities of electoral districts, whereby voter-representation for deputies applies a different ratio. This actuality enhances the difficulty of representation in underdeveloped regions.

Therefore, a party with a majority of voters in small districts will have a considerably more difficult time electing candidates than a party with an equal number of voters but in larger districts. This results in considerable differences in seat allocation between parties with strong regional support and those with strong national support. The practical result of this tendency against small parties is that modest parties find it extremely difficult to elect candidates in districts with less than ten elected representatives — even when their individual candidate would receive the most votes of any candidate in other

district. In contrast, the party with the most votes in a larger district are almost certain to receive more than its "fair share" of seats in that district, while other candidates are underrepresented in small district in relation to their vote percentages.

The argument that legislative malapportionment is largely responsible for the lack of party competition in small districts. It is evident that the differences on mandates per districts is very disproportional, as it contrast in high margin between each other. Henceforth, this creates a government where the distribution of funds for districts, and leads to unprogressive legislation. For example, the district of Tirana has significantly more mandates than any other, with 36. This value concentrates the focus of the election on this district, as it opens the space to represent candidates in the parliament with a very low percentage. Consequently, smaller districts face challenges to push forward their own strategic policies. Thus, malapportionment favors politically urban districts at the cost of rural ones.



## CONCLUSIONS

In this thesis, we have investigated how the electoral rules can influence the results of electoral campaign in the elections held in 2021. We have proposed a theoretical framework in which it is offer the characteristics of political candidates' behavior in both CLPR and OPLR systems due to their use of closed party lists and geographically large districts. We have also hypothesized different interaction effects between electoral rules and other institutional forms promote the interest of big political parties and exclude small parties in decision-making. The conclusion will remark how representative, transparent, and inclusive the process has been as a whole. To come up with the conclusion, I have followed the Gallagher choice of analysis.

To assess how well votes are converted into parliamentary seats, I calculated an average of the disproportionality measurements of the overall electoral outcomes using three methods. Rae Index reveals that at least each party that gained representation in the Assembly deviates an average surplus of 5 seats. Meanwhile, the D index shows us that on aggregate 10 seats have been appointed wrongly, deviating from perfect proportionality. Also, the Gallagher Index is taken in comparison with previous system, where it reveals that the electoral results deviate 4.5% from perfect proportionality, the second lowest score since the regional PR system has implemented. There is no exact measurement for the proportionality, but these three formulae give us indices of variation of how exact the electoral system is to translate votes into seats.

While this level of disproportionality may appear to be a minor blunder, it is important to note that other parties may not be able to obtain their "fair share" of seats from other districts. Moreover, with the d'Hond method in place, the phenomenon of parties receiving more seats with fewer votes than their competitors occur at certain level, although it doesn't necessarily represent a threat to democratic legitimacy rather than it

shows the level of efficiency of strategic narrative parties have followed while campaigning. Given that the PS party won an absolute majority in the parliament in this election, the results suggest that the discrepancy is large enough to have had a considerable impact on the establishment of government and law.

The agreement on a 1% electoral threshold before the election appeared to be a deciding factor that would have aided tiny parties in winning representation in the assembly. The lower threshold promoted small parties to campaign and mobilizing support from voters nationwide, since it offered the opportunity among them to gain representation with roughly sum of votes, they would need in one single district. Thus, they registered candidates in multiple districts, allowing voters to have more options. Despite the fact that this increase of voter choice appeared to benefit tiny parties and provide a potential for a more fragmented parliament, no new party was elected to the legislature. As a result, their votes ultimately failed to get even a single candidate. Regardless of the fact that electors may have considered voting for smaller parties because of the electoral threshold opportunity and to aid in the Assembly's fragmentation, more than 100,000 ballots were squandered in total.

Furthermore, the seat allocation regarding district size raises an uncertainty about the volatility of voting influence and it questions the possibility of malapportionment. The Republic of Albania is distinguished in 12 electoral districts, where the biggest is Tirana with 36 seats, and the lowest is the district of Kukes with 3 seats. The reasoning of allocating seats to each district is based on dividing the district population by the average number of people in the district, however the vast disparity in mandate distribution between districts produces misleading statistics regarding the relevance of citizens voting in delegate selection, thus favoring malapportionment.

When it comes to the effect of the electoral regulator on representation, the observations on party leaders, candidates, and independents lead us to the second conclusion. For the first time, the closed-preferential list PR was used, and it resulted in a boost for at least two deputies who were outside the secure rank slot to get elected, whereby because of the obstacle established by the preferential condition, the other 34 candidates who would have gotten elected if their personal votes mattered did not. Of course, this is a considerable number that requires a crucial attention on the representation

credibility of the electoral system, but still it shows that all other 116 candidates were likely to be among the most voted for in their respective districts.

When it comes to the potential of becoming a member of parliament, party leaders have the most privileged access, while independent candidates have the most restrictions. There is also much worry about the quality of representation of people's needs, given the layers imposed by party statutes, which are in direct conflict with deputy ideals safeguarded by the legislation.

Transparency was partially achieved during this electoral process. Despite the fact that there are many aspects of transparency, such as list PR obligation in front of the law, party finance, and so on, I have only focused in this paper on the mechanism for adapting the ballot paper and providing voters with information. The CEC itself have started the information on the voting procedure months ago the election took place, but its assurance of providing the citizens full education was halted by the delayed agreement of the ballot paper between stakeholders. Thus, in the end it resulted that 5% of voters failed to complete the ballot correctly. Spending on education may benefit the country in the long run and can easily be directed to local areas, but it should be clear that unforeseen changes shouldn't occur along the process.

Inclusivity of the citizens to be part of the ballot and decide upon the country future is one of the most important aspects, unachieved by both CEC and political parties. First, CEC failed to provide the necessary instruments for emigrants to vote, a prerequisite that has been demanded for more than a decade. On the other hand, the evolution of political parties reflects the profile of their leaders, rather than leadership grouping, which is highly reflected on the centralization of party headquarters and political narratives followed by addressing the other as the enemy. Political parties today pursue the same narrative as in the past, portraying their opponents as evils while neglecting to focus their agenda on finding solutions to meet people's needs.

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## Appendix A

### List of data calculations on disproportionality

#### Loosemore Hanby Index

Nr	Subjekti	Sigla	Vota (v)	Mandate (s)	% vota (Vi)	% Mandate (Si)	Vi-Si	Vi-Si	Column1	Z Vi-Si / 2	D = rezultati
1	Partia Socialdemokrate	PSD	35475	3	2.25	2.142857143	0.107143	0.107142857		6.905	6.905
2	Partia Balli Kombetar	PBK	1946	0	0.12	0	0.12	0.12			
3	Partia Levizja Demokratike Shqiptare	PLDSH	4705	0	0.3	0	0.3	0.3			Loosemore hanby index
4	Partia Bindja Demokratike	BD	8239	0	0.52	0	0.52	0.52			
										$D = \frac{\sum  Vi - Si }{2}$	
5	Aleanca Bashkimi Popullor Emigracioni - Ora e Shpreses dhe Konservatoreve	ABEOK	1376	0	0.09	0	0.09	0.09			
6	Levizja Socialiste per Integrim	LSI	107538	4	6.81	2.857142857	3.952857	3.952857143			
7	Partia Nisma Thurje	NTH	10217	0	0.65	0	0.65	0.65			
8	Partia Levizja e Re	LRE	3767	0	0.24	0	0.24	0.24			
9	Partia Demokratike " Aleanca per Ndryshim	PD-AN	622187	59	39.43	42.14285714	-2.71286	2.712857143			
10	Partia Aleanca Demokracia e RE	ADR	3232	0	0.2	0	0.2	0.2			
11	Partia Levizja per Ndryshim	LN	7054	0	0.45	0	0.45	0.45			
12	Partia Socialiste e Shqiperise	PS	768134	74	48.67	52.85714286	-4.18714	4.187142857			
13	Elton Debreshi	E.D	580	0	0.04	0	0.04	0.04			
14	Iljaz Shehu	I.SH	400	0	0.03	0	0.03	0.03			
15	Kreshnik Merxhani	K.M	148	0	0.01	0	0.01	0.01			
16	Boiken Abazi	B.A	2993	0	0.19	0	0.19	0.19			
17	Pal Shkambi	P.SH	126	0	0.01	0	0.01	0.01			
				<b>140</b>			<b>0.01</b>	<b>13.81</b>			

#### Rae's Index

Column1	Column2	Column3	Column4	Column5	Column6	Column7	Column8	Column9	Column10	Column11	Column12
Nr	Subjekti	Sigla	Vota (v)	Mandate (s)	% vota (Vi)	Mandate (Si)	Vi-Si	Vi-Si		$\sum Vi-Si/(i) (i=nr \text{ of parties} = 4)$	I (Rezultati)
1	Partia Socialdemokrate	PSD	35475	3	2.25	2.14285714	0.10714286	0.107142857		3.4525	3.4525
2	Partia Balli Kombetar	PBK	1946	0	0.12	0	0.12	0.12			$I = \frac{\sum  Vi - Si }{i}$
3	Partia Levizja Demokratike Shqiptare	PLDSH	4705	0	0.3	0	0.3	0.3			
4	Partia Bindja Demokratike	BD	8239	0	0.52	0	0.52	0.52			Rae's index
5	Aleanca Bashkimi Popullor Emigracioni - Ora e Shpreses dhe Konservatoreve	ABEOK	1376	0	0.09	0	0.09	0.09			
6	Levizja Socialiste per Integrim	LSI	107538	4	6.81	2.85714286	3.95285714	3.952857143			
7	Partia Nisma Thurje	NTH	10217	0	0.65	0	0.65	0.65			
8	Partia Levizja e Re	LRE	3767	0	0.24	0	0.24	0.24			
9	Partia Demokratike " Aleanca per Ndryshim	PD-AN	622187	59	39.43	42.1428571	-2.7128571	2.712857143			
10	Partia Aleanca Demokracia e RE	ADR	3232	0	0.2	0	0.2	0.2			
11	Partia Levizja per Ndryshim	LN	7054	0	0.45	0	0.45	0.45			
12	Partia Socialiste e Shqiperise	PS	768134	74	48.67	52.8571429	-4.1871429	4.187142857			
13	Elton Debreshi	E.D	580	0	0.04	0	0.04	0.04			
14	Iljaz Shehu	I.SH	400	0	0.03	0	0.03	0.03			
15	Kreshnik Merxhani	K.M	148	0	0.01	0	0.01	0.01			
16	Boiken Abazi	B.A	2993	0	0.19	0	0.19	0.19			
17	Pal Shkambi	P.SH	126	0	0.01	0	0.01	0.01			
				<b>140</b>			<b>0.01</b>	<b>13.81</b>			



## Gallagher Index

Nr	Subjekti	Sigla	Vota (v)	Mandate (s)	% vota (Vi)	% Mandate (Si)	Vi-Si	(Vi-Si)^2	$\sum(Vi-Si)^2/2$	Rezultati
1	Partia Socialdemokrate	PSD	35475	3	2.25	2.142857143	0.107143	0.01147959	20.83630918	4.564680622
2	Partia Balli Kombetar	PBK	1946	0	0.12	0	0.12	0.0144		
3	Partia Levizja Demokrate Shqiptare	PLDSH	4705	0	0.3	0	0.3	0.09		
4	Partia Bindja Demokratike	BD	8239	0	0.52	0	0.52	0.2704		
5	Aleanca Bashkimi Popullor Emigracioni - Ora e Shpreses dhe Konservatoreve	ABEOK	1376	0	0.09	0	0.09	0.0081		
6	Levizja Socialiste per Integrim	LSI	107538	4	6.81	2.857142857	3.952857	15.6250796		
7	Partia Nisma Thurje	NTH	10217	0	0.65	0	0.65	0.4225		
8	Partia Levizja e Re	LRE	3767	0	0.24	0	0.24	0.0576		
9	Partia Demokratike "Aleanca per Ndryshim"	PD-AN	622187	59	39.43	42.14285714	-2.71286	7.35959388		
10	Partia Aleanca Demokracia e Re	ADR	3232	0	0.2	0	0.2	0.04		
11	Partia Levizja per Ndryshim	LN	7054	0	0.45	0	0.45	0.2025		
12	Partia Socialiste e Shqiperise	PS	768134	74	48.67	52.85714286	-4.18714	17.5321653		
13	Elton Debreshi	E.D	580	0	0.04	0	0.04	0.0016		
14	Iljaz Shehu	I.SH	400	0	0.03	0	0.03	0.0009		
15	Kreshnik Merxhani	K.M	148	0	0.01	0	0.01	0.0001		
16	Boiken Abazi	B.A	2993	0	0.19	0	0.19	0.0361		
17	Pal Shkambi	P.SH	126	0	0.01	0	0.01	0.0001		
				<b>140</b>				<b>41.6726184</b>		

## **CURRICULUM VITAE**

Kristian Lika was born on 17 April 1998, in Tirana, Albania. He received his BS degree in Sociology in 2019 from University of Tirana, and M.S degree in 2021 in Political Science and International Relations from Epoka University. He worked as Teaching Assistant at the department of Political Science and International Relations from 2019-2021. During this time, he has been affiliated in multiple internships and training mobilities inside and abroad. His research interests include electoral studies, governance quality, and intra-party democracy.