

Preferential vote in the Constitution and Unconstitutionality of its application by the Electoral Code in Albania

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Abstract

The Constitution of the Republic of Albania with the amendments of July 30, 2020 determines the way how the deputies of the Assembly of the Republic of Albania are elected, adding as part of Albania's electoral system the preferential vote. Article 64 of the Constitution sanctions that:

- The Assembly consists of 140 deputies, elected according to a system of proportional elections with regional competition and national threshold;
- The electoral subjects that reach the national threshold participate in the distribution of mandates;
- Voters enjoy the right to give their preferential vote to candidates on multi-name lists. The election law establishes the criteria and rules for implementing the electoral system, the designation of constituencies, the national threshold, the number of mandates for each constituency, the distribution of mandates and the extent of the preferential vote. "The election law guarantees that no less than two-thirds of the multi-name list will be subject to preferential voting and will ensure gender representation."

Due to the special importance of the Institution of the Assembly of the Republic of Albania, the Constitution has defined in the basic act not only the composition of this body, its functions and competencies, but also the way the deputies are elected in the Republic of Albania. By defining the main rules and principles of the selection process by the electors of the deputies of the Assembly of the Republic of Albania, the constitution-maker on the one hand proves the special importance of this body and on the other hand takes care that the composition of the Assembly of the Republic of Albania is an expression of popular will.

Keywords: Preferential vote, Constitution, Electoral Code, Albania.

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Academic Journal of Business, Administration, Law and Social Sciences ISSN 2410-3918 (print)

ISSN 2410-8693 (online)

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