

Democracy from the perspective of electoral systems: The case of Albania

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Abstract

The selection of the electoral system is one of the most crucial decision-making for the state's policy. The selected model has a direct impact on the type of government system, as well as on the country's ability to prove the level of democracy. Certainly, no electoral system is considered perfect. An electoral system that has produced a fair representation of voters and political parties in one country, may not produce the same result in other countries. Even Albania, like other countries, has an interesting and full of unexpected experience in the electoral systems implementation, under the primary objective to reflect a real configuration of the expression of political will in parliament. All the energy of the Albanian political class and society is focused on building a state that reflects democratic character. However, on the 100th anniversary of the first multiparty elections in the country, Albania still suffers from a long political transition and a lack of fulfillment of international parameters for free and widely accepted elections.

This article examines the long trajectory of Albania in the electoral systems implementation, from the moment of its creation as a modern state until the last parliamentary elections of April 2021, by analyzing their impact on the level of democracy of the country, as well as the political and institutional crises that these systems have produced. To avoid the same issues in the future and to produce political and institutional stability, this paper concludes on the need of constitutional amendments and legal changes to be implemented through a comprehensive and transparent process.

Keywords: The right to vote, elections, electoral system, electoral law, democracy.

1. Introduction

The right to vote and the electoral system are valued as a capillary issue for the health of a society. Elections are considered as one of the main pillars of a country's democratic system, as they consist of regulating competition between political forces. Without guaranteeing free and fair elections, we cannot speak about the enjoyment of the rights and freedoms of citizens, as well as the strengthening of political and constitutional institutions.

Democracy is materialized through the electoral system. The individual becomes a participant in politics through the exercise of the active right to vote. Democracy, as a system of majority decision, presupposes agreements about what is beyond voting (Bockenforde, 2017, 332). Thus, identifying and defining the rules for electing the representatives who will exercise sovereignty and govern the country, has been and continues to be in the attention of experts and scholars of many disciplines, as a crucial issue for the functioning of democracy and the rule of law.

The right to vote, as a dynamic right, evolves and perfects in parallel with the progress of the democratic character of the state. At every development stage of the state, of international law and of state domestic law, the right to vote changes in accordance with these developments (Berhani, 2009, 16). It is a fact that, the organization of free democratic elections is in the domain of state and law enforcement structures. Consequently, the world practice offers various cases for the level of fulfillment or not of this categorical imperative of western democracies. In this framework, it is worth mentioning that:

“The construction of a functional democracy, requires overcoming many challenges including organising free elections. This is a process that constitutes a prerequisite for the establishment of a democratic society and is one of the primary requirements for the integration in the European Community. While, not free and fair elections, that do not comply with international standards and the criteria set in the Code of good practices in Election Issues, result in the creation of illegitimate and corrupt public institutions” (Pejo, 2013, 278).

The United Nations also directs states towards the advancement and consolidation of societies with democratic cultures. Interpreting the substance of the Resolution 2000/47 on “Promoting and Consolidating Democracy”¹, we deduce that political societies must implement electoral systems that activate the social order in the realization of a rational state power, whose mission is the social stability and the effective guarantee of law. Thus, the vote is valued as an essential component for the democracy or democratic character of a country. The electoral system is responsible for the institutional configuration, ie it is presented as a mechanism that translates the preferences of the political body into representative mandates, directly affecting the political character of the society. Therefore, it is of high importance that the electoral system does not show shortcomings and anomalies that compromise the democratic principles or the performance of a state regarding the quality of democracy.

2. The metamorphosis of elections in Albania

The history of elections and electoral processes in Albania, stretched in time and space, is presented to us as fragile and with many problematic aspects, such as the political history of the Albanian state (Krasniqi, 2009, 13). The legislative framework that regulates the electoral process and the right to vote², is not the product of a single moment, but it reflects the long evolution of Albanian parliamentarism, where positive developments are found, or even the opposite.

The elections held in 1912, after the proclamation of the independent Albanian state, cannot be considered in accordance with the classical features of the modern elections.³ They did not guarantee the vote’s secrecy, competitive process, electoral

¹ The Resolution states the objectives that states should achieve: the consolidation of democracy through the promotion of pluralism and the protection of human rights; maximizing the participation of individuals in decision-making and the development of public institutions, including an independent and effective legislative, and promotion of an electoral system, which can guarantee free and fair elections.

² The instrument of vote, as a foundation of the Albanian democracy, is consecrated in the third chapter of the Constitution of the Republic of Albania, of 1998. Article 45/4 of the Constitution stipulates: “The vote is personal, equal, free and secret”.

³ Officially there were several political groups and associations, mainly based on provincial and religious divisions, but no genuine political party operated. In this election there were two lists of

programs, or other basic elements for the identification of the electoral institution (Krasniqi, 2009, 14).

After the recognition of the Albanian state as an international legal entity in the League of Nations, the elections of 1921 marked the first electoral process with political parties, competitive process, and voting system. However, they are evaluated as not in accordance with the contemporary modalities of organization and functioning of elections (Fischer, 2020, 24).⁴ Meanwhile, the electoral process of 1923 for the Constitutional Assembly⁵, although it guaranteed the implementation of some principles sanctioned in the electoral law of 1920⁶, unlike previous elections, was considered well accepted by all political actors of the time.

Seen in this optics, the political life of the Albanian state is characterized by positive beginnings with democratic elements, judging by the time context to which we refer. This positive climate in the first steps of the Albanian parliamentarism, seems to have nurtured some optimism, but did not continue with the same intensity in the later periods of evolution and consolidation of the Albanian state. The unfavorable situation of the country's political life, and the non-supportive attitude of the international community towards the creation of an appropriate atmosphere, prevented the Noli government from holding parliamentary elections.

Until the elections of 1937, where it should be noted that the elections provided by the monarchical regime did not meet the criteria to be considered as democratic ones, continued to be implemented the majoritarian electoral system with multi-name regional lists by prefectures, based on the simple majority's formula.

In the later stages of the history of the Albanian parliament, there is a disappointing regression, as opposed to advancing towards the consolidation of the right to vote. Significant problems are found in the totalitarian regime, spanning for more than 4 decades and where it was voted 11 times. The guarantee of democratic principles and standards in this period, results simply and only a fiction, because reality testifies to serious constitutional handicaps. The right to vote in all its dimensions, was nothing but an expression of the ruling political ideology, and as such served to give legal

elected candidates, one list of candidates elected by the administration and the occupying regime, and another list of candidates who should not be elected. There were no voter lists, most of the population did not have the right to vote, elections were held by 2-3 steps, and the winning list of candidates was approved in advance at the highest ruling levels of the Ottoman Empire.

⁴ These elections took place with the participation of the first two political parties in the history of the Albanian state, the Popular Party and the Progressive Party, which competed with nominal lists for deputies, but without having a clear electoral program spread throughout the country. The electoral process was administrated by the Ministry of Interiors, and the elections were applied in two stages. According to the dispositions of the Electoral Law "On the election of deputies" of 1920, the right to vote continued to be denied for certain categories such as: women, the military, the mentally ill, those sentenced to more than 6 months in prison, bankrupts, persons without political rights, etc. At the end of these elections, a total of 77 deputies were elected.

⁵ The Electoral Law of October 11, 1923 "On the election of members of the Constitutional Assembly", defined the two-stages voting system. To guarantee equality between candidates and to avoid the influence of state's officials on the result of the elections, all persons holding high state positions in the constituency were excluded from the right to be second voters, such as: prosecutors, judges, mayors, and police commissioners, finance directors, etc. After an innovative campaign, where the emergence of the opposition was clear, the 1923 elections process ended with the election of 100 deputies.

⁶ The Electoral Law of 1920 defined the principle of general male voting, and the two-stages voting system.

form to the ruling elite. The monist regime aimed to strengthen state power harming the citizens' freedom, despite the formal constitutional and legal provision of freedoms and human rights (Berhani, 2009, 318), which were completely stripped of the guaranteeing legal instruments. The last elections in the period of the communist regime in Albania took place in 1987, and the Assembly emerged from these elections continued to work until 1991.

It is worth mentioning the first elections in communism, held on December 2, 1945 for the Constituent Assembly, which by specialist scholars are considered as elections held within the democratic standards of the time. In these elections are evidenced innovations, which are currently considered as a fundamental issue for democratic states. For the first time in the history of the Albanian elections, was ensured the general voting with the participation of all citizens over the age of 18, the direct, free and secret voting⁷, and 6 female deputies were elected in the Assembly.

With the change of the political system and the aspiration for the implementation of a democratic system according to the western European models, the Albanians in 1992, through the political rotation laid the foundations for the creation of the most important institution in a parliamentary republic, the parliament (Omari, 2004, 208). Despite the positive developments towards the establishment of parliamentary democracy, the Albanian society and its political class have not been able to implement a strong and solid structure that guarantees a democratic system, and not what is called a "hybrid democracy" or "fragile democracy".

After the fall of the monist regime in Albania, the pure majoritarian system was implemented as an electoral system. The March 31, 1991 elections, despite somewhat positive results, did not produce political stability and progress. The identifying characteristics of these elections consisted in the lack of effective guarantee of the basic constitutional principles for their recognition as free and fair elections. Confronted with such a political atmosphere, the Government of Stability that emerged from these elections, engaged in the preparation of new parliamentary elections. The elections held in 1992, described as the dividing line between the two political systems, were designed according to the German electoral model. The Albanian political class focused on creating a stable majority, as well as avoiding parliamentary factionalism. Therefore, the selected system was essentially proportional, but with majoritarian elements (Omari, 2004, 215). Albanian political actors, civil society and experts in the field, evaluate these elections as one of the few elections widely accepted in post-communist Albania. Thus, in the history of elections, the year 1992 marks the political rotation of power in a peaceful climate, as well as the first step towards the progress of the Albanian democracy.

Despite the historic achievements of the 1992 elections, they did not serve as a *modus vivendi* for the Albanian political class. The political rotation in 1997 and 2005, which was accepted with considerable reservations by political parties, imposed new constitutional adjustments on the electoral system, sanctioning the pure proportional system.⁸ At the core of the political discussions, prevailed the demand for a fair

⁷ The secret pebble voting was considered the best method to implement in these elections, based on the conditions when most of the Albanian population was illiterate.

⁸ Because of the constant recommendations of the OSCE/ODIHR for the parliamentary elections in Albania, part of the constitutional amendments in 2008 was the repeal of the relevant provisions governing the composition of the election administration body, leaving it to legal regulation, as has been done in other democratic countries. Regarding this issue, the well-known Albanian expert of law, Niazi Jaho, has previously supported these changes, by stating that, "in order to create an

relationship between the parliamentary map and the administrative map. The same attitude has been maintained in the reasoning of the constitutional panel, where it is underlined that “the formalization of vote’s equality goes further, which means not only the same numerical value, but also same value of success or same impact on the result” (Constitutional Court, 1/2005). In this prism, proportional system is considered more motivating, because it makes it possible for some minor interests to be represented, based on a certain number of votes (Siber, 2004, 3-27).

Electoral concerns in the Albanian reality remain diverse, a fact which should promote a comprehensive process (Bala, 2018, 276). As a result of a large-scale contestation by both domestic and international actors, the 2009 parliamentary elections were evaluated as elections that did not meet the standards for free and democratic elections. Despite the intention of the Albanian political class and legislators for a well-accepted electoral product, the irregularities found in these elections caused an institutional crisis and produced the perception of political instability. In the Albanian political reality, there were also distrustful attitudes towards the judicial authorities to punish the distortion of voter’s will. The behavior of political parties for the results announced by the Central Election Commission, further strengthened the polarization of the situation in the voter-candidate relationship, which negatively affected the provision of objective justice by the competent authorities.

The concerns manifested in the Albanian history of electoral systems, dictated the intervention of the European community structures, whose recommendations underlined the transformation of the electoral law into a legal instrument, and not its use as a political mechanism that violates the principle of free and fair elections. In this context, the 2013 parliamentary elections were conceived as a guarantee of stability and as an effective tool for reshaping the democratic physiognomy of Albanian society. Acceptance of the result without any equivocation by all parties, proved the ability of Albanian politics to perform towards the western political class. Consequently, these elections, “as an important evaluative and conditional indicator for Albania’s integration into the EU, were crowned with the seal of legitimate validity, taking sure steps towards the consolidation of the free voting institution” (Pejo, 2013, 281).

However, the 2017 parliamentary elections seemed to bring regress to the path of consolidating the free voting institution. Although the contesting subjects showed prudence conducting an election campaign in full respect of fundamental freedoms, the continuous politicization of electoral institutional structures, as well as the frequent accusations of vote buying and pressure on voters, reduced public confidence in the electoral process. Opposition allegations of elections manipulation by the government through the “gerrymandering” instrument⁹, brought the abandonment of their parliamentary mandates in February 2019, legitimizing the numerically truncated parliament. The political situation deteriorated and the opposition decided not to run in the 2019 local elections, while the ruling majority proved determined to hold elections without the opposition. We must not forget that the participation of political parties in elections constitutes *a condition sine qua non* for the functioning of the representative regime and democracy (Seiler, 2002, 15). Therefore, in these atypical independent or politically balanced CEC, it is necessary to regulate its composition by law” (Jaho, 2006, p. 26).

⁹ Known as one of the earliest classical ways of manipulating elections, ‘gerrymandering’ consists in distorting the size of the boundaries of administrative units by the leaders, to give their parties a priority in the elections.

elections without party pluralism, Albanian voters were not offered a meaningful opportunity to exercise their right to vote. Even in 2020 Albania was categorized into partially democratic countries or countries with hybrid democracies (Freedom House Report, 2020).¹⁰

The need to achieve standards that provided more guarantees for the integrity of the electoral process, dictated the necessity for constitutional and legal changes. It is worth noting that, in the joint opinion of the Venice Commission and the ODIHR on the constitutional and legal changes of 2020, reservations are read towards the hasty procedures for their approval without the participation of the deputies of the opposition parties. They emphasized that, before changing such basic texts, extensive consultations should have taken place between political actors and non-governmental organizations, ensuring sufficient time limits as well (Venice Commission-OSCE/ODIHR Albania Joint Opinion, 2020).

3. Assessments and issues on the parliamentary elections of April 25, 2021

The main purpose of the constitutional and legal amendments of 2020, was to give more dignity to the vote, to preserve and read the real will of the voters, as well as to avoid the problematic assessments identified during the previous electoral processes. Even in the reasoning of the constitutional panel, the necessity of equalizing the vote's value is underlined (Constitutional Court, 28/2021).¹¹

The adoption of new criminal and administrative sanctions against vote-buying and other electoral crimes, are evaluated and considered as reinforcing mechanisms that guarantee the non-recurrence of these irregularities in the future. Certainly, the sentence "in order to revive democracy, we must make it more difficult to manipulate democracy" (Cheeseman *et al.*, 2018, 281), is the right formula to avoid the phenomena that have continuously troubled the Albanian society.

For the first time, the regional proportional system was approved based on the division of multi-name zones, establishing the application of semi-open lists, which allows voters to vote not only for the electoral subject, but also for the candidates of multi-name lists.¹² Known as the mixed and preferential voting system, it is presented

¹⁰ The Freedom House report on the level of democracy in developing countries for 2020, shows that Albania has declined in the ranking related to the electoral process, being evaluated with 4.25 out of 7.00 points.

¹¹ In its decision no. 28, dated 30.06.2021, the Constitutional Court of Albania underlined that, "The prediction of the heretic, regarding its numerical value, as one of the criteria that affects the distribution of mandates, violates the right to vote, as it does not meet the criterion of proportionality", as a constitutional criterion that must be met to intervene in the restriction of fundamental human rights and freedoms.

¹² Article 64 of the Albanian Constitution stipulates: "The Assembly consists of 140 deputies, elected according to a system of proportional elections with regional competition and national threshold. Electoral subjects that reach the national threshold participate in the distribution of mandates. Voters enjoy the right to vote in favor of multi-name list candidates. The criteria and rules for the implementation of the electoral system, for the designation of constituencies, the national threshold, the number of mandates for each constituency, the distribution of mandates and the extent of the preferred voting are set out in the election law. The election law guarantees that no less than two-thirds of the multi-name list must be subject to preferential voting and that gender representation must be ensured."

as the opposite of the blocked list system.¹³ The open list formula is used in countries such as Norway, Finland, the Netherlands, Kosovo, where in any case voters can express their preferences for specific candidates on multi-name lists. This system favors underrepresented groups, including women (Taagepera, 2007). However, if voter choice is restricted to the candidates from a single party, candidates will be encouraged to compete against members of their own party rather than those from rival formations (O'Neal, 1993).¹⁴

In the attitudes of experts and scholars on the current electoral system, we can find controversial assessments, which have fostered a lack of consensus, society polarization and political intolerance. In these conditions, for the realization of a fair electoral process, it is necessary to create adequate spaces between candidates for equal opportunities in elections. Any restriction on the equality of the parties in the electoral competition "cannot be to the extent as to make impossible the participation of the political parties in the competition" (Bala, 2008, 264).

Another novelty in these constitutional changes is the sanctioning of the principle of the national minimum threshold for the participation of electoral subjects in the distribution of mandates, the numerical determination of which is left to the electoral law. The Albanian legislator, in order to increase the number of political parties represented in parliament, in the provisions of the electoral law provided the reduction of the electoral threshold from 3% at regional level, to 1% at national level. Despite the approved changes, there are still equivocs regarding the meaning of the electoral threshold for local elections, which requires subsequent legal adjustments. Meanwhile, in order to provide effective guarantee of running on equal terms, the possibility of exclusion from the national threshold of 1% for national minorities and independent candidates must be considered.

Another issue in the amended provisions of the electoral law, is the right recognized to the heads of political parties or coalitions, to run simultaneously in 4 constituencies, voluntarily choosing a single mandate after their distribution. However, in the joint opinion of the OSCE/ODIHR and the Venice Commission on the constitutional and legal changes of 2020, it is recommended to review any legal provision that gives the heads of political parties special voting rights, as it violates the principle of equality and non-discrimination. (Venice Commission-OSCE/ODIHR Albania Joint Opinion, 2020).

In the parliamentary elections of April 25, 2021, voters had the opportunity to choose between candidates who could campaign freely and under the conditions of a legal framework that respects fundamental freedoms. After a new agreement¹⁵, which

¹³ Thanks to the preferential vote, voters can mix up the multi-name list candidates and change the order of their appearance on the list drawn up by the party/coalition, although in practice it is very difficult to avoid blocking the list.

¹⁴ For the candidates of the big parties that are ranked at the top of the lists for each district, the race to become an MP is simpler compared to those who are ranked below the winning list. For the latter there are only two possibilities to become an MP: a) to secure at least one vote more than the average number of votes their party receives for each term, surpassing the last one on the winning list; b) to cross the threshold, which is 10 thousand + 1 preferential vote. For cases where the quotient is less than the threshold, the quotient is considered, otherwise the threshold is considered.

¹⁵ The April 2021 parliamentary elections took place following a broad and comprehensive

ended a political cramp, the main actors had enough confidence to participate in the elections. However, the election campaign had excesses, and from time to time a conflictual and polarized climate was created, where harsh rhetoric, denigrating language towards the opponent and mutual accusations of vote buying between political entities, were not absent. This concern was also reflected in the public position of Chief Commissioner, Ilirjan Celibashi, who underlined that “Political parties, candidates and institutions must work to ensure a quiet election campaign, giving to voters the opportunity to be freely informed about political and electoral offers, and to freely decide on the parties or candidate they want”. Of course, the Albanian political class was obliged in front of the voters and the international factor, to ensure legitimacy or to guarantee a free and fair process, as decisive criteria for the country’s European integration process. The electoral reality was also characterized by incidents, which are unusual for a democratic atmosphere during the election campaign. One of the events that raised the tone among the main electoral subjects and provoked the immediate reaction of the diplomatic corps in Albania, was the serious event in Elbasan that resulted in fatality. Yuri Kim and Luigi Soreca, US and EU Ambassadors to Albania, in unison made public calls for restraint, distancing from violence and inciting rhetoric, demanding the serious commitment of law enforcement bodies for a full and speedy investigation into the incident.

We must not forget that these elections were held in pandemic conditions, noting unprecedented problems that brought disputes between political entities. The decisions taken by the competent authorities for the management of the pandemic situation, led to the denial of the right to vote for over 23 thousand voters infected with Covid 19 in Albania, as well as the obstruction of the right to vote for thousands of other Albanian voters with residence in Greece and Northern Macedonia¹⁶. The Albanian government did not take any precautionary measures to guarantee the right to vote for these citizens, unlike other countries such as Kosovo, who knew how to manage the situation in the interest of practicing this right.¹⁷ The reasoning evoked by the government and the Central Election Commission (CEC) for the denial and violation of this universal right, was related to the lack of relevant legal provisions.¹⁸

political process reached in June 2020, which was followed by the electoral reform. Although the July 2020 amendments to the Electoral Code were based on a broad political consensus and followed a comprehensive consultation process, further constitutional and electoral changes in October 2020 were not preceded by proper consultation with all stakeholders. On June 5, 2020, the ruling party, parliamentary and extra-parliamentary opposition parties reached an agreement to end the political stalemate, focusing on electoral reform. This served to bring the opposition parties back into the political process, after the irrevocable resignation of mandates in February 2019.

¹⁶ This obstacle came because of the decision taken a few days before the elections, on April 19, 2021, by the Technical Committee of Experts for the management of the pandemic situation in the country, regarding the mandatory two-week self-isolation for Albanian citizens coming from Greece and North Macedonia.

¹⁷ In the February 2021 parliamentary elections in Kosovo, the right to vote for Covid 19-infected citizens was guaranteed by sending voting papers to their homes by mobile teams set up specifically for this purpose.

¹⁸ The only exception that is sanctioned in the Electoral Code in force, has to do with special polling

But despite these shortages, the preliminary report on the April 25 elections of the Coalition for Reforms, Integration and Consolidated Institutions (KRIIK Albania), concluded that the electoral process had to be conducted in the spirit of internationally accepted standards for free and democratic elections, keeping as a primary goal, the integrity of the process despite the legislation in force (KRIIK Albania, Statement of Preliminary Findings and Conclusions on the Parliamentary Elections of 25 April, 2021).

In the framework of the improvements made to the Electoral Code provisions in 2020, the legal basis for voting from abroad was created for Albanian citizens with permanent residence in other countries¹⁹, recognizing to CEC the competence to approve the rules for voter registration, voting procedures, administration of votes from abroad and their inclusion in the overall result of the Assembly elections (Electoral Code, art. 24-25). But the attempt to ensure the right of Albanian voters living abroad in these elections failed, due to the lack of consensus on the appropriate mechanism to implement it technically, and insufficient time to guarantee it. This constitutes a violation of the political commitments of the parties taken in the agreement of 5 June 2020.

In a democratic system, guaranteeing and respecting the principle of gender equality, direct and active participation in the political and public life of the underrepresented gender, is considered a fundamental instrument for elected bodies and the election administration. Under this philosophy, the main parties contributed positively to increasing the role and visibility of women as candidates. They also respected, and in most cases even exceeded, the mandatory quotas in the voter lists. The subject of the electoral law clearly and unequivocally provides the guarantee for the under-represented gender to be included in not less than 30% of the representative institutions at central and local level, as well as of the electoral administration (Electoral Code, art. 4). Specifically, it is expressly provided that “in each constituency in the elections for the Assembly, not less than one in every three names on the multi-name list must belong to the under-represented gender, while in the municipal council elections one in every two consecutive names must belong to the same gender” (Electoral Code, art. 67/6).

Another novelty that stands out in these elections is the use of electronic voter identification through the personal data verification. Recording fingerprints on the equipment, served the good administration of the electoral process, which resulted in positive assessments by the international community, considering it a way to avoid the risk of dual voting, family voting and voter falsification. In this context, the use of video-monitoring systems in polling stations and when the manual counting of votes is done, in order to monitor and test the regularity of the process in their internal environments, as well as the successful implementation of the pilot program stations that are set up in institutions such as prisons and in any case only when there are more than 15 voters.

¹⁹ From the moment the US state of Wisconsin passed the first law that allowed out-of-country voting for its soldiers fighting in the American Civil War, today there are almost 150 democracies that offer out-of-country voting for their citizens living abroad (Ellis, 2007, 11). Some of the methods used for out-of-country voting there are: personal voting in diplomatic missions or special places, voting by mail, authorized voting, electronic voting, as well as voting by fax.

of electronic voting and counting in no more than 20% of the total number of voters²⁰, while maintaining guarantees for the vote integrity of each voter, are other added elements of the 2020 electoral reform that help in the good administration of the electoral process.

Central Election Commission²¹, as the body responsible for the administration of the electoral process in the country, has the duty to engage maximally in the fulfillment of all obligations deriving from the legal framework and to guarantee the integrity of the process in all its important phases, including the election campaign, voting, counting, and issuing the result, as well as controlling the finances of political parties during the campaign. Conducting an electoral process with standards and integrity, is not only a major obligation to Albanian citizens, but also a precondition for the continuation of the country's integration process into the EU. In the April 25 elections, the re-dimensioned institution of the CEC²² demonstrated responsibility and transparency in terms of organization, functioning and decision-making, as well as a positive approach of cooperation with political actors, civil society, and the media. However, in the preliminary report on these elections, KRIIK Albania noted that the governing bodies of the CEC, continuously reflected a behavior that is not that of a single institution, but of three bodies functionally separated from each other. The behavior of the Complaints and Sanctions Commission and the Regulator Commission was found to be politically influenced, which was clearly observed in the positions expressed by the members of these commissions on issues in which the main political parties (Socialist Party and Democratic Party) had divided positions. KRIIK also underlined that "the current legal framework constitutes and guarantees to conduct an electoral process with standards, always if the main political and administrative will remains constructive and law enforcement" (KRIIK Albania, Statement of Preliminary Findings and Conclusions on the Parliamentary Elections, 2021).

Synthesizing, the national and international community congratulated the

²⁰ The pilot project for the electronic voting was conducted in the administrative unit no. 10 in Tirana, with 32 polling stations out of 5,199 polling stations throughout the country.

²¹ CEC is the institution responsible for the organization and administration of elections and referendums, which directs and supervises the activity of the election administration, monitors the activity of electoral subjects, state bodies and institutions as well as the media in relation to the elections, and resolves administratively requests or complaints related to electoral processes. Starting from 2008, with the constitutional amendments that led to the repeal of Articles 153 and 154 thereof, the rules for the composition and election of CEC bodies are no longer defined in the constitutional provisions, but in the content of the electoral law.

²² With the constitutional and legal amendments of 2020, CEC underwent fundamental changes in its structure. The new structure of the CEC consists of: State Election Commissioner, a monocratic body elected by the Assembly for a 7-year term, which sits at the head of the institution in the capacity of its director and representative; Regulatory Commission - composed of 5 members elected by the Assembly for a 5-year term, competent for the adoption of acts of a normative nature; Complaints and Sanctions Commission - composed of 5 members elected by the Assembly for a 9-year term, competent to decide on complaints filed by electoral subjects regarding the electoral process; and the Deputy Commissioner - elected by the Assembly for a 4-year term, competent to monitor and supervise the implementation of technology for electronic identification, recruitment and training of election officials. All CEC members are elected by the parliament with not less than three-fifths of all members votes.

participation of all political parties in these elections, for the first time since the 2017 parliamentary elections; the maintenance of a well-organized and transparent electoral process by the CEC, despite the challenges posed by the pandemic or the implementation of new technologies; as well as the commitment of the Albanian people with their active participation in the parliamentary elections of April 25. But despite the existence of a solid legal framework that prohibits the misuse of administrative resources and minimizes the advantage of the ruling party (Electoral Code, art. 91-92), the International monitoring bodies found that the ruling party gained significant advantages from being in power by having priority in these elections due to the control in the local administration and the misuse of public administration resources, amplified through the positive coverage of state institutions in the media. Even more worrying was presented the publication of citizens' data, including their political preferences, as well as the widespread practice of vote-buying (Albania's 2021 Parliamentary Elections, OSCE/ODIHR Limited Election Observation Mission Final Report, 2021). These concerns were also reflected in the public stance of the US mission to the OSCE, which called on the justice system to hold accountable any individual who violated the law and obstructed the people's right to free and fair elections.

4. Conclusions

Although 28 parliamentary elections have been held in Albania, where various electoral systems have been implemented, energetic efforts for the democratization of Albanian society continue. The recent improvements in the Albanian electoral legislation, the inclusion of technology and the return of multipartyism in the elections, are an undeniable proof of Albania's commitment to continue the path of its democratic development. However, the recent process for the parliamentary elections, reflected some of the elements of previous issues, among which prevailed the violation of the security of sensitive voter's data.

Thus, to produce political and institutional stability, constitutional amendments and legal changes need to be implemented through a comprehensive and transparent process, within a time that enables all actors to be acquainted with the innovations in the legal framework. The competent authorities and the entire state institutional pyramid should have as their mission the minimization of any form of pressure or aggression, and the penalization of any criminal offense against free and secret voting. Institutional structures must be engaged in creating and nurturing a democratic culture over the electoral process, both in the public and political spheres.

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