Electoral Systems in Albania as a Result of Political Wills

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Abstract *It is important to note that there is no perfect electoral system model and any country that has to select a new system is facing a very difficult choice. Of course that is easy to predict the mechanical effects of the chosen system, but when it comes to the psychological effects, the matter is more complicated, because of the institutional, political, cultural and social implications. The choice of electoral system in order to produce positive effects for the political system and society itself must fit maximally with the context in which it is applied. Questions such as: what is the experience with democracy and democratic institutions, what can be classified as country level of heterogeneity, what is citizen participation in elections, how important is to improve the gender balance, how important is political stability, seem to guide us in determining the most appropriate electoral system for a country. What is important to note, is that there is no electoral system that guarantees all the dimensions above, so the choice should reflect a compromise and fundamental interests of society.*

Keywords: *electoral systems, index of disproportionality, winning majority, natural minority, district magnitude and electoral threshold.*

1. Theoretical Framework

Most of the institutions that influence the formal electoral rules can be grouped into three subdivisions.

- Constitutional structure, which essentially represents the broad institutional context of a country. This structure determines whether the executive has presidential or parliamentary nature, if the legislature is organized into one or two rooms, if power is centralized in a central government or is federal in nature (Norris 2007).
- The electoral system is concerned with several aspects of electoral law, including a) the structure of the ballot paper which defines how voters can express their preferences, b) the electoral threshold or minimum number of votes required for a party to be represented in parliament (Taagepera&Shugart 1989), c) the electoral formula that determines how votes translate into seats, and d) district magnitude that has to do with the number of mandates that are produced by a certain electoral zone (Norris 2007).
- Electoral procedures deal with a set of rules, codes, guides, distribution of voting centers, voting documentation, drafting of the ballot, the counting process, regulations on political party financing and media coverage (Norris 2007).

What constitutes the real interest of this paper, more than the constitutional structure and electoral procedures, has to do with the nature, effects and classification of electoral systems in case of Albania.

Since the publication of the influential works of (Duverger 1954) and (Rae 1967) literature on electoral systems, classification and their influence appears to have increased rapidly. According to this literature dating to the early 60', electoral systems can be classified into three main families, each of which is comprised by a considerable number of subgroups (Lijphart 1999).

The first family is the majoritarian one, that includes subcategories like Majority Minimum System, the Majority System with Two Rounds, Block Vote System, the Non-transferable Single Vote System and

Alternative Vote System. On a global scale 91 of 191 countries use electoral systems that are included in the first family for parliamentary elections. The purpose of majoritarian electoral systems is to produce a natural or artificial majority. These systems produce an effective one-party government and a functioning parliamentary majority. On the other hand these systems penalize smaller parties and especially those parties whose support is spread out across the country (Lijphart 1999).

The second family is that of combined electoral systems which uses majoritarian and proportional formulas. A growing number of countries have begun to apply the combined electoral systems (Italy, Russia, New Zealand), using different electoral formulas within the same context. Two of the largest subdivisions in the family of the combined electoral systems are a) the combined dependent systems where the two parts of the system relate to each other and b) the combined independent electoral systems where the two parts of the system operate independently from one another (Norris 2007).

The third family of proportional electoral systems includes subdivisions like Party List System and System of the Single Transferable Vote. These kinds of party-list electoral systems are found widely in all Western Europe. Globally 62 countries apply this type of system (Norris 2007). Party lists can be opened, as in Norway, Finland, Netherlands and Italy. In this case, voters express their preferences for individual candidates within the party list. These party lists can also be closed, as in Israel, Portugal, Spain and Germany. When the lists are closed the ranking of candidates is made by the party leadership forums. Voters in this case vote for the party and depending on the results, its determined the number of the winnining candidates for each party (Lijphart 1999).

2. The Main Features of the Electoral Systems in Albanian Case After the Fall of Communism

What could be considered the main feature of the electoral systems in Albanian case during 20-years of transitional democracy, is their systematic change. In each parlamentary elections held in Albania we found either change on electoral system family or changes of electoral formula within the same electoral system family. During post-communist decades, Albania experienced different electoral systems as purely majoritarian on 1991, combined dependent on 1992, 2001, 2005, combined independent on 1996 and 1997 and regional proportional on 2009. In the case of combined dependent electoral system applied, the majority part of the systems can be classified as majoritarian on 2001 and first past the post on 1992 and 2005. What can be noticed in terms of electoral systems volatility, is the shift from majortitarian families towards combined and further more on proportional ones. The permanent switch of the electoral systems offered different political outputs that are reflected on entire Albanian political system and on the model of democracy that Albania is experiencing (Electoral Law 1991, 1992, 1996, 1997, 2003 and 2008).

The syndrom of "change" can be observed even in the size of the Albanian legislative bodie especially in the first post-communist decade. The size of the legislative bodie varied from 250 members of parliament on 1991, 140 on 1992 and 1996, while on 1997 parliamentary elections the number of the MPs was increased on 155. On 1998 the new Albanian Constitution passed through a popular referendum. In the new Constitution the size of the Parlament changed again in 140 MPs and it remains the same during the parliamentary elections on 2001, 2005 and 2009 (Albanian Constitution 1998).

Different electoral systems applied, offered to Albanian politics the "chance" to experience several models of oppositions and majorities ranging from weak, moderate and strong ones. It seems that the "taste" from the previous experiences has dictated the "choice" for the new ones. This could be said not only for the political actors in Albania but also for the international bodies which assisted almost all the electoral reforms in Albania (Albanian CEC 1991, 1992, 1996, 1997, 2001, 2005, 2009).

Its important to notice that several electoral systems applied in Albania have produced a complex relationship among smaller - bigger political parties and variations on the number of the effective political parties in the party system. Because of the changes of the electoral systems, the number of the effective parties in the party system has changed also. The change on the party system is reflected even in the

balances of power within the parlament. In this regard, smaller political parties becauese of the electoral systems, in some cases had a crucial role within the parlament and in some other cases their role was not significant at all.

One of the common denominators of the electoral systems applied in Albanian case are the consistent majoritarian formulas on each electoral system implemented, except the last parlamentary elections of 2009. On the parlamentary elections of 1991, 1992, 1996, 1997, 2001, 2005 at least 100 MPs from the entire legislative, are elected by majoritarian formulas (first past the post or majoritarian). 15 years of experience with majoritarian formulas is reflected in the way that politicians and parties in Albania, are getting familiar with this type of political competition among them. Candidate based electoral competition during all this period, has reinforced a logic of competition based on the candidates and their personal reputation. Also the voters are used to understand the political competition on candidate based campaigns, and through their learned expectations reinforce the way the political parties run the campaigns. This was the case on 2009 parliamentary elections where despite the regional proportional natyre of the electoral system, the most experienced parties organized campaigns very similar with those on majoritarin systems (candidate oriented campaign).

In terms of electoral thresholds used in different electoral systems applied in Albania, its important to notice that Albania could be classified as those countries with average thresholds. Usually the thresholds used, take into consideration the size and location of especially one of the main ethnic minorities in Albania, the Greek one. As it is shown in the graphic 1; on 1991 parliamentary elections the concept of the threshold its not applicalble, taking into consideration the type of electoral system used which is majoritarian. While relating to other parliamentary elections except 2009 (the thresholds used are on district level), the threholds used are on national level.
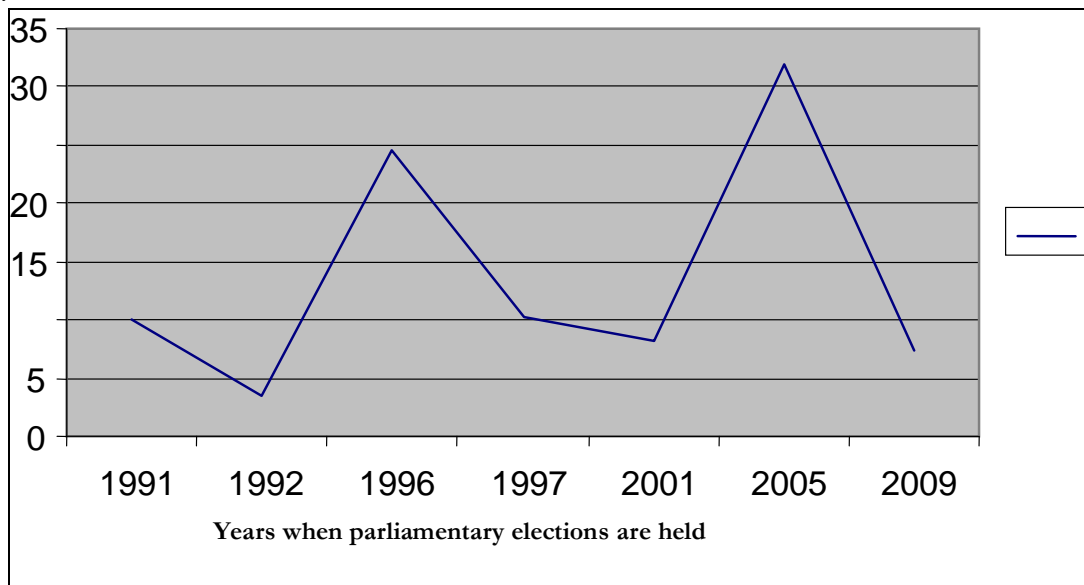
Graph 1.
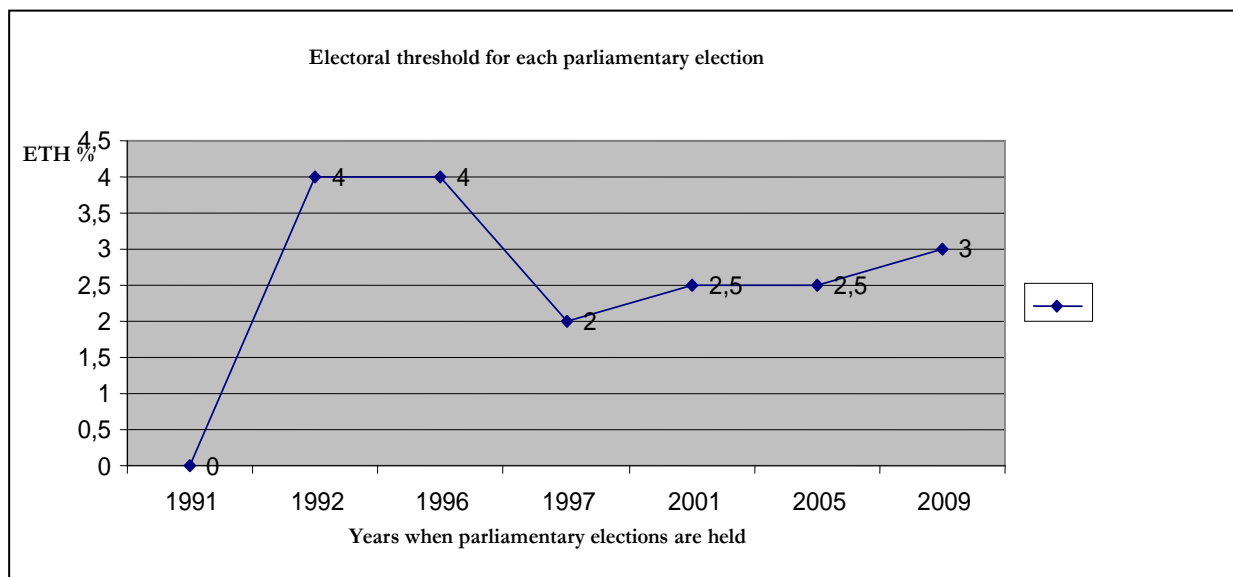
Relating to the index of disproportionality, different electoral systems have produced different indexes. In some cases the index of diproportionality could be considered within the theoritical expectations, while in some other cases its values are higher than expected due to tactic voting, manipulations and extraoridinary context where elections are held.

The average index of disproprotionality of the main parties in Albania seem to correlate positively with the overall index.
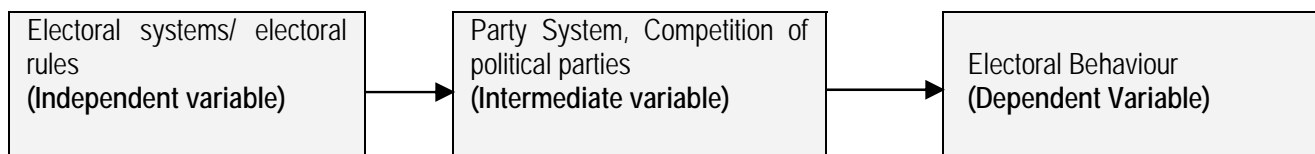
Graph 2.

Graph 3.
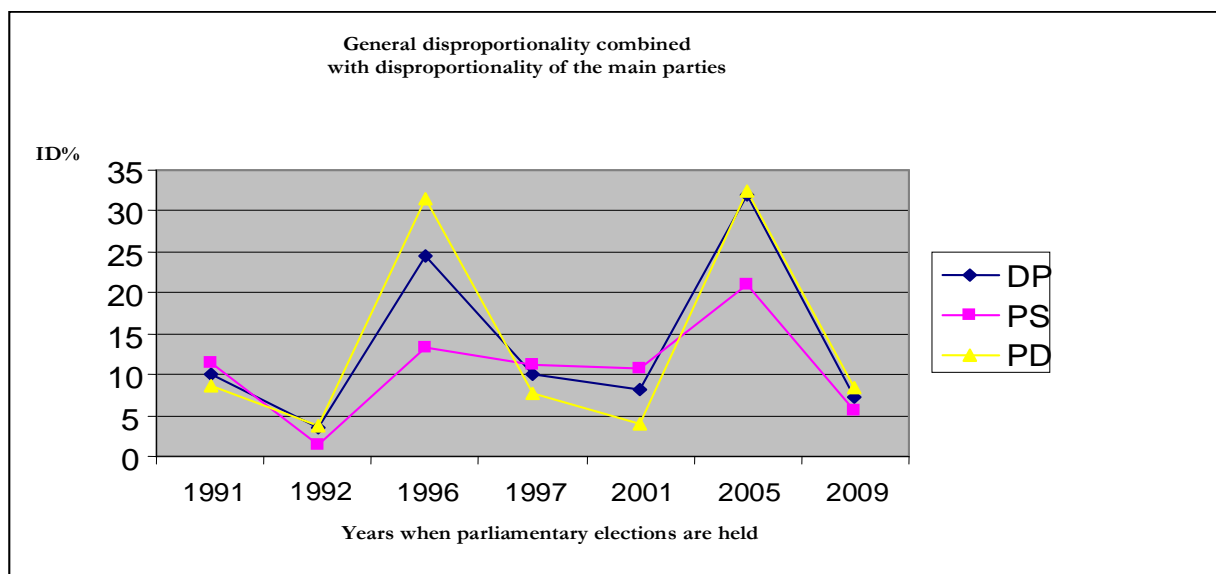
The type of majorities that different electoral systems have produced, vary depending on the natyre of the elctoral system itslef. There are 4 winning majorities (where the percentage of the national votes and percentage of the winning mandates in the parliament can be considered as absolute majorities). There is 1 manifactured majority on 2001 elections (where the percentage of national vote for the winning party is below 50% of the national vote, but in terms of mandates it reached an absolute majority). There are also 2 natyral minorities (where the winning party gets less than 50% of the national vote and mandates in the parliament). According to Rae (Rae 1967), all the families of the electoral systems can produce manifactured majorities, but moslty those of first past dhe post, majoritarian and combined indepenedent. In the case of Albania, there are different findings. Only once we found a manifactured majority on 2001 parliamentary elections (the electoral system is combined dependent, and the majoritarian part is majoritarian with two rounds). While the parliamentary elections of 1991 (majoritarian with two rounds), parliamentary elections of 1992 (combined dependent), 1996 and 1997 (combined independent) produced winning majorities. Meanwhile despite the

similarity of 2001 and 2005 (majoritarian part was first past the post) electoral systems, the majority of 2005 parliamentary elections is considered a natural minority (Albanian CEC 1991, 1992, 1996, 1997, 2001, 2005, 2009).

3. The Perspective of Institutional Rational Choice and the Albanian Case

According to this prespective formal electoral rules (as independent variable) have an impact in the political actors strategies (intermediate variable). The political actors adapt their strategies to the electoral rules in order to maximize their political interests. The impact of electoral rules is not limited only on the strategies of the political actors, but indirectly they influence even the voters understanding of the political competition and their behavior (dependent variable) (Norris 2007). Voters are effected by the strategies used by the political parties, candidates and their reactions vary according to these strategies. Different electoral systems and rules put pressure on political parties to adopt adequate strategies and campaigns in order to maximaze their chances. The strategies adopted by the political actors serve as guide for the voters behaviour (Norris 2007).

Schematically the institutional rational choice prespective can be summerized as follows:

Electoral systems/ electoral rules **(Independent variable)**	→	Party System, Competition of political parties **(Intermediate variable)**	→	Electoral Behaviour **(Dependent Variable)**

What is important to note in case of Albania is that more than an independent variable electoral systems, can be considered as dependent variable or as an effect of the political will of the two main parties in the country. The political product of 1991 seems to have been decisive in this regard. Only in this year's election, the electoral system can be considered as an independent variable (as determined by the state party years ago), while in all other elections cannot be considered as such.

The two main parties following the election of 1991' have been the main voice in any electoral system change made in the coming years. This means that they have produced systems that have guaranteed most of the time their interests. Compilation of reforms or Electoral Codes by representatives of political parties and their approval in Parliament (where the representatives from both parties have the absolute majority) has made it possible for any code to have the blessing of the major parties in other words guarantee their interests. According to Pippa Norris, "where an electoral system has existed for decades, the impact of the system in the type of party competitiveness and the political product is visible. While in those countries where electoral systems have less longevity, is much less expected to have one way cause-effect logic between systems (rules) and party competition or political products. What is expected in these countries (which Albania is part of) is a cyclical relationship with the kind of competition and main party interests which shape the electoral system (or rules) and these systems or rules preserve the dominance of the parties which produced it.

Certainly, in the case of Albania the main political parties have never been alone at the Parliament in the drafting and approval of Election Codes (where the electoral system formula is included). Agencies or international organizations with the status of the assessor (certifier) of elections had a significant role with their recommendations that have influenced the electoral process in Albania. These recommendations have been more technical in nature about the process management, and they have directly addressed election formulas a lot less. Smaller parties have had a voice in the process of drafting Election Codes, but in almost all cases where they have been against the will of major parties, their disagreements with the Code or specifically with the election formula have never been taken into account. In terms of other players such as

civil society, their role in discussions on the Code and the choice of electoral formula has been in the best cases vague or almost inexistent.

In the logic of the influence of large parties and other stakeholders on electoral formulas used in Albania, the unique case (including other countries that are considered transitional democracies or consolidated) in Albania is in 1997, the Council of Ministers asking the Constitutional Court to change the formula for allocating seats for the proportional part of the system (a request that was taken into account).

In summary, the institutional rational choice perspective does not apply in the case of Albania, because with the exception of the 1991 elections never in the coming years the system cannot be considered (regarded) as a pure independent variable, but dependent on the willingness of parties and predictable in its effects which mostly are in favor of the main political parties.

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