

# Teim



## TEIM Election Watch Analysis

**PRE-ELECTION ANALYSIS:**

**ALBANIA/ The electoral reform – the right decision?**

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Since the violent conflicts that took place in Albania during the decade of the nineties, and in particular the especially violent ones of 1997, a new legal framework was adopted in order to master the anti-democratic developments that had plagued the country since the fall of communism. In this spirit, and with particular emphasis on the electoral system, a new legislative framework was designed with a new Constitution ratified by referendum on 22 November 1998 and amended on 13 January 2007.

The latest constitutional reform, which took place in April 2008, allowed for new electoral guidelines to be established, which have been developed in a new Electoral Code. The Constitution establishes the principles considered essential for the democratic development of the country and its institutions, regulating voters' and candidates' conduct, establishing the separation of powers as well as the main characteristics of each of the system's core vertebrae.

From the electoral point of view, and in compliance with Article 68 of the Constitution, the Electoral Code was promulgated in the year 2003, and then underwent reforms in the year 2004 and 2005. Finally, law number 10,019 of 29 December 2008 established a new electoral code with a new regulatory framework for general elections.

## **The electoral reform**

Albanian politics is dominated by the Democratic Party, the Socialist Party and their respective alliances. The representation of the other political parties has been minor throughout the years of democracy in Albania, even in those previous elections where a proportional system was combined with a majority one, in order that all citizens might feel represented, without governability being affected. The electoral reform has established a proportional system of representation with 12 constituencies for the 140 seats that make up the Parliamentary Assembly. In the opinion of the Office for Democratic Institutions and Human Rights (OSCE) this may mean an advantage for the representation in Parliament of small parties, which have traditionally been under-represented in the previous system (in which 100 seats were elected through a majority system and only 40 were subject to a proportional system).

In the current reform, the number of seats per electoral district has been changed, and now ranges from a low of 4 in the region of Kukës to a high in Tirana, where voters are responsible for choosing 32 of the seats in the Chamber.

The D'Hondt formula will be used for the initial calculation of the party results and the Saint-Lague formula for calculating the seats of those parties that are running as part of a political coalition.

Another change worthy of mention in the electoral reform, are the modifications to the makeup of the Central Electoral Commission and the electoral roll.

Membership of the CEC has been reduced from nine to seven members, all of which will be appointed by those parties with parliamentary representation. The appointments will be confirmed by a parliamentary vote. The seventh member, who will be at the same time, the President of the Central Election Commission, will be chosen at the proposal of the majority party in Parliament. The preparation of the electoral roll has been an issue to controversy throughout the recent history of the country. It has undergone several reforms which have

not fully convinced either party, which thereby explain the controversial nature of the measures taken during the present round of reforms.

In the current electoral process, the Albanian Government has been very strict as far as the observation of timelines goes and has followed to the letter the guidelines set for electoral reform, in favour of a transparent procedure. This attitude has also applied to the voter registration process. On 23 January 2009, the Electoral Administration requested a list of voters from the civil registrar. After finding and purging at least 50,000 duplicate records, on 6 February 2009 the Ministry of Interior gave the nod to the roll of registered voters nationwide.

On 28 February 2009 electronic copies of the preliminary electoral roll were sent from the Local Government offices to the relevant civil institutions. In total, there were 3.1 million people registered to vote.

On 6 March 2009, the preliminary list of voters was made public. Citizens included on the list were allowed to request the relevant modifications to their details until late April and on May 29 the definitive electoral roll of people entitled to exercise their right to vote was published

This process, with its guarantee that all persons registered on the electoral roll may exercise their electoral suffrage if they so desire, is one step forward for the transparency of the electoral system.

Another of the main points in the reform is the limitation of which identification documents need be displayed in order to vote. In the previous legislation, a birth certificate was allowed as a valid document to display at voting centres. Following the current reform, only citizens bearing passports or national identity cards will be allowed to vote.

The real impact of the reform is still unknown, but all such measures do seem designed to prevent voter fraud. Ultimately, however, it will be necessary to await the results of the 28 June 2009 to check the efficacy of the reform.