

Measuring the Political Consequences of the Electoral Laws: Case study Albania

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Abstract

This paper explores the political consequences of the Albanian electoral laws in representation and country's political party system. It focuses on two different electoral systems: Mixed Member Proportional system and Regional Proportional system, respectively applied in the Albanian parliamentary elections of 2005 and 2009. The findings prove that the theoretical models of electoral systems' consequences in vote to seat translation and political party systems devised in developed and consolidated Western democracies are applicable to non-consolidated democracies, such as the case of Albania. They also confirm that the interpretation of electoral systems' concepts in Albanian conditions resulted not only in changes of party system's fragmentation, but also in what are theoretically known as systems' pathologies: *gerrymandering*, *malapportionment* and *disproportionality*.

Introduction

Electoral reforms happen in specific situations and are an integral part of bargaining over institutional design. The choice of the electoral system is usually affected by many contradictory concerns, which in connection with specific historical situations make the outcomes highly unpredictable. The outcomes of the electoral systems are also affected by political parties' strategies during the elections. Electoral systems are very important as they help determine how many parties a country has, how cohesive they are, which forms the government etc. They are expressed in election laws, and their impact depends on the way politicians and voters make use of these laws. Elections, being a product of complex political processes, decide on who will govern and on the legitimacy of the institutional framework.

Albania's post communist period has been characterized by a high frequency of electoral engineering experiments, which have introduced hybrid electoral systems in the country.

On the surface, a Mixed Member Proportional system (MMP) dominated the Albanian electoral scene between 1992 and 2005. Nonetheless, many components that would classify the system as a MMP were ambiguous and changed through the electoral reforms of 1996-2005, making it "lean" towards both Majority and Proportional types of Mixed Member Systems with an unclear linkage between the nominal and list tiers (whether parallel or compensatory).

The electoral reform of 2007-08 introduced for the first time a Regional Proportional Electoral system followed by a significant change in the map of electoral districts. Given the fact that the electoral system is embodied in the Albanian constitution since 1998, the latest electoral reform was accompanied by important amendments of the constitution. These amendments regarded not only the election of the Assembly (the electoral system and its components), but brought about significant changes in the election of the President of the Republic, the relationship of confidence between the Assembly and the Council of Ministers, and in the constitutional provisions about the Central Electoral Commission (CEC). It is important to mention that all these institutional changes were made based on a bi-partisan agreement between the two major Albanian political parties (the Democratic Party and the Socialist Party), and put through without an open public debate, consultation, and consensus of all significant political actors, and citizens' approval through a referendum. The electoral reforms of the past two decades in Albania, in principle have taken place in order to meet the internationally recognized standards of free and fair elections and create the institutional mechanisms that provide checks and balances. However, the conditions and patterns, in which the bargaining over electoral and institutional design took place influenced by legacies and the pressure of the international community, combined with political actors' cognitive maps, correlation of powers and strategies before and after elections, have created a current state of affairs characterized by legitimacy crisis, contested elections, crisis of representation, weak state institutions, and a political deadlock, which hasn't been resolved yet. They increased with the time electoral systems' pathologies known as *gerrymandering*,

malapportionment and deviation from proportionality, influenced voter's choices, state-citizens' linkage, the institutional framework for the division of powers, as well as the linkage of political actors with the Albanian citizens.

For the purpose of the analysis of the mechanical and psychological effects of the two electoral systems applied in the Albanian parliamentary elections of 2005 and 2009 in representation (translation of seats into votes) and in the party system, the paper is organized into three parts: the first part explains the methodology and the theoretical framework on which the analysis is based; the second part includes a summary of the Albanian institutional and electoral engineering between 1991-2008 and their outcomes; the third part includes a multivariate analysis of the electoral systems applied in 2005 and 2009 parliamentary elections. Here I will measure the interaction of systems' components and their mechanical effects in representation and party system.

1. Methodology and Theoretical Framework

1.1 Methodology

I will use both qualitative and empirical analysis with the purpose of proving the applicability of the main theoretical models of electoral systems and their consequences, devised in consolidated Western democracies to non-consolidated democracies, such as the case of Albania. I will also bring into light how these concepts are transformed into Albanian conditions and explain their outcomes following a sequential model of analysis based on the nexus of correlation between the main variables. The political system meaning the institutional sphere, the political actors meaning the political parties, the political elite, and electoral laws/systems can be both independent and dependent variables in the qualitative analysis. The empirical analysis, however, will consider the electoral laws/ systems as an independent variable, whereas the institutional framework and the party system as dependent variables.

In measuring the "mechanical effects" in the party system, the components of electoral systems: assembly size, ballot structure, district magnitude, seat allocation formula, and electoral thresholds, as well as the number of parties, will be the main variables. I will identify the effects of their changes and interaction with regards to systems' pathologies and use the index of fragmentation - the effective number of parties devised by Laakso and Taagepera (1979) to measure the fragmentation of the political party system. I will also use the concepts of effective threshold and effective magnitude to measure the components' combination results. The choice of the latest two parliamentary elections in Albania, which were based on two different electoral systems, will facilitate a better understanding of the mechanical effects in the fragmentation of the party system.

In measuring the "mechanical effects" in representation, the number (percentage) of votes and seats will be used as additional variables. Through the index of disproportionality – Gallagher's least square index (1991), I intend to measure and compare the deviation from proportionality between votes and seats in 2005 and 2009 elections. In an attempt to describe the "psychological effect" of the elections, I will focus on the effect of systems' pathologies in the post election behavior of political actors and citizens, as well as in the structure and functioning of institutions.

1.2 Theoretical Framework

The logic of institutional design is often analyzed in transitions' theory. The initial institutional framework following a regime change is often described as dependent on power configurations and bargaining among political actors at the moment of transition. Initial choices of institutional design are highly influenced by political actor's cognitive maps shaped by structural and historical legacies. Once installed and with time, the institutions lose their endogeneity from the political bargaining and become exogenous determinants of democratic processes, which regulate the rules of the game. Primarily, they regulate the rules of the competition for power and conflict resolution among political actors, as well as they impose the institutional framework within which this competition for power takes place making democracy "the only game in town". (Kitschelt 1999)

The relation of force and objective conditions the institutional results after a regime change. Whenever a regime negotiates its way out of power, the optimal strategy for democratization is inconsistent and transitions by extrication leave institutional traces, become more problematic and last longer. With the institutions adopted as temporary solutions, which terminate the initial conflict, new democracies are likely to experience continued conflict over the basic institutions. The political forces that suffer defeat as a result of the interplay of these institutions will repeatedly bring the institutional framework back to the political agenda. (Przeworski 1991:94)

It is also a generally accepted view that the political actors- political parties and the political elite- are most of the time lead by the desire to maximize the gain from the bargaining of the institutions. With time, the correlations between institutions and political actors shape the political culture of a nation along with historical, cultural, and social traditions. The political culture influences the relations between the state and the citizens as well as the linkage between the citizens and the political actors/political parties as channels of representation of citizens' interests. (Taagepera 2007)

Taagepera (2007) explained the opposite impacts of electoral systems and party politics in the distribution of seats and votes through the following chart.

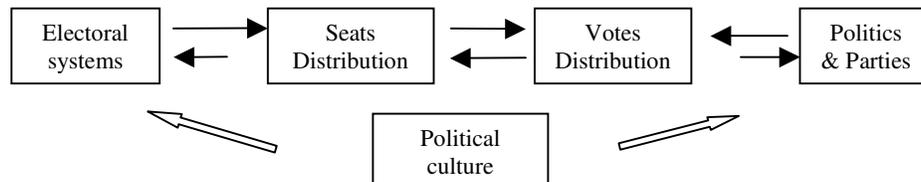


Figure 1.1. The opposite impacts of electoral systems and current party politics (2007: 3)

Taagepera (2007) explains that the electoral systems and party politics have opposite impacts on the distribution of seats and votes among parties. Electoral systems impact directly the distribution of the seats through electoral laws, but have remote impact on which parties get the votes. On the other hand, the impacts of existing political party system and party politics have a direct influence on the citizens' votes. Their policies and strategies in between elections can alternate voters' preferences and determine which parties obtain how many votes. However, the impact on the electoral system is very remote, with exception to cases when a new electoral system is worked out and the bargaining determines the outcome. On the other hand the political culture plays a role at all stages.

"The same electoral laws play out differently in different political cultures shaping different party systems. Along with the initial party system, political culture shapes the adoption of electoral laws. If stable electoral and party systems succeed in lasting over a long time, this experience itself can alter the initial political culture." (ibid: 4) Taagepera continues in his argument stating: "An excellent institutional framework cannot compensate for flawed political culture, but inadequate institutions can make it worse. Such a risk is high when political culture is corrosively intolerant and does not value cooperation and compromise. To maximize stability, institutions should be congruent with political culture, but not so congruent as to help perpetuate an undemocratic culture. Electoral systems are part of such institutions."(ibid: 5)

Translation of votes into seats by different electoral systems can lead to drastically different outcomes.

1.2.1 Components of Electoral Systems

By electoral system is understood the set of rules that specify how voters can express their preferences (ballot structure,) and how the votes are translated into seats. The system must specify at least the number of areas where this translation takes place (electoral districts), the number of seats allocated in each of these areas (district magnitude *M*), and the seat allocation formula. (Taagepera 2007:2)

The **district magnitude** (M) is measured operationally by the **arithmetic mean (average) of district magnitudes** under any electoral systems. The mean is figured by dividing the total number of seats by the total number of districts. $M = S/D$, where S stands for the total number of seats or the assembly size, and D stands for the total number of districts. (Rae 1971:19)

The electoral process ends with the distribution of parliamentary seats among winning parties. The seat allocation formula stipulates how the resulting votes are to be converted into seats. This is closely tied in with ballot structure. (Taagepera 2007:16). Another important dimension of the electoral system is the **electoral threshold** for minimum representation. **Assembly size, district magnitude and seat allocation formula** (plus the corresponding **ballot structure**) are indispensable features regarding which a choice cannot be avoided, if one wants to allocate seats on the basis of votes.

1.2.2 Effects of the Electoral Systems on Political Party Systems

Maurice Duverger was the first who tried to explore the influence of electoral systems on party systems. The 'Duvergerian agenda' has dominated the electoral studies for the past half-century as the attempt to express the impact of the main features of electoral systems on representation and party system. Duverger's law in his own formulation is the proposition: "the simple majority single-ballot system favors the two-party system". He called this sentence a true sociological law. Related to this sentence is another which he considers a hypothesis: "The simple-majority system with a second-ballot and proportional representation favors multipartism". (1963:217,239)

Douglas Rae reformulated Duverger's law from the theory that "the simple-majority, single-ballot system favors the two-party system", to "plurality formulae are always associated with two-party competition, except, where strong local minority parties exist". (1971:95)

1.2.3 Effects of the Electoral Systems on Representation

Duverger (1954, 1963) was the first to mention that electoral systems can have two effects: 1) a "mechanical effect" of under or over representing losing parties and 2) a "psychological factor" of voters not wishing to waste their votes on losing parties. The variety of combination of electoral system's elements can result to different outcomes. Nonetheless some of them have a much distinguishable outcome than the others.

Seat allocation formulas, as mentioned above, have "**mechanical effects**" in penalizing the small parties and giving bonus to the large parties; even in proportional representation systems. This mechanical effect of electoral rules leads to a **deviation from proportionality** between seat and vote shares for the system as a whole. This may lead to a "**psychological**" effect by which voters resist from "wasting their vote" on losing or under represented parties in the future. As a result, the effective number of parties is reduced; formation of single-party or coalition governments made easier and cabinet durability may increase. (Taagepera and Shugart, 1989)

One of the best findings of Rae's 'The Political Consequences of Electoral Laws' (1971) - the first systematic comparative analysis of the two effects of electoral systems *on disproportionality and multipartism*, is the extremely strong influence of **district magnitude**. He states as follows: "The decisive point in proportional representation is the size (*magnitude*) of the constituencies: the larger the constituency, that is, the greater the number of members which it elects, the more closely will the result approximate to proportionality. Most disproportions in the allocation of seats advantage large parties and disadvantage small parties. Therefore small district magnitudes will tend to concentrate seats in the already strong parties. Large district magnitudes will not have the concentrating effect, leaving seats relatively dispersed among smaller parties."(ibid: 21)

However, the effect of magnitude is reversed when a proportional allocation formula is used. With these formulas, the larger the district magnitude, the more proportional the seat shares are to the vote shares, and the more parties may be represented. A decreasing district magnitude increases the large party advantage and hurts small parties. (Taagepera 2007:23)

Plurality formulas are inherently unfavorable for small parties, and they don't need- don't use- electoral thresholds. With the first-past-the-post system, FPTP, most voters in most countries tend to vote for the largest nationwide parties. Seat allocation can be made on the basis of votes for

individual candidates, or votes for party lists. When party lists are used (usually with one vote per voter) the basic choice is between plurality rule and one of the many proportional representation (PR) seat allocation formulas. (Taagepera 2007:17) Among the highest averages formulas, the D'Hondt method (is the least proportional and systematically favors larger parties. It contrasts with the pure Sainte-Laguë formula which approximates proportionality very closely. The Hare quota is impartial tends to yield closely proportional results. Less proportional outcomes are produced by Droop quota or Imperiali quotas. (Lijphart 1994:23-24)

The most explicit barrier to proportionality is the use of **electoral thresholds**. High thresholds, which discriminate against small parties and their supporters, are usually justified in terms of preventing excessive fragmentation and thereby making it easier to form stable governments, a particular concern where there is a weak structured party system. Non proportional systems generally do not have rules specifying a threshold, mainly because they do not need to. (Gallagher and Mitchell, 2005) Low magnitudes have the same effect as high thresholds: both limit proportionality and the opportunities for small parties to win seats. In other words, legal thresholds and district magnitudes can be seen as two sides of the same coin, so Lijphart uses them as one variable: *the effective threshold*, stated in terms of percentage of the total national vote. (1994:11)

1.2.4 The Effects of Variables in Mixed Member Systems

Mixed member electoral systems combine the **majority/plurality and proportional principles** in the same chamber. Mixed member systems come in a variety of options, with the most important choices being how seats and /or votes are linked between the two tiers.¹ (Shugart; Wattenberg 2001: 9-10)

Most mixed member systems tend to "lean" towards either majority or proportional in their overall effects. Thus, two broad subtypes are identified, which are called Mixed Member Majority (MMM) and Mixed Member Proportional (MMP). On the other hand, the tier linkage refers to whether votes are transferred from the nominal tier to the list tier, or whether the number of list seats a party receives is based in some way on how many nominal tier seats it has won. Tiers can be of a parallel or compensatory type. (ibid:16-19)

Turning to other variables in mixed member systems, a very important one is the **percentage of seats set aside in the list tier**. In the case of MMP systems, the seats set aside for compensatory allocation must be a sufficient percentage of the total for a high degree of proportionality to be achieved. Taagepera and Shugart (1989:131) note that full compensation is achieved if the percentage of seats set aside for this purpose is at least the same percentage as the deviation from proportionality resulting from the lower-tier allocation.

1.2.5 Pathologies of Electoral Systems

In his analysis of the proportional or disproportional effects of different electoral formulas, Michael Gallagher (1994) warns that other dimensions of electoral systems may also affect the degree of proportionality of election outcomes. In addition to district magnitude and thresholds, he points to the possibility of **malapportionment**. Malapportionment may systematically favor one or more parties and, therefore, contribute to **electoral disproportionality**. Malapportionment often takes the form of rural or regional overrepresentation. (Lijphart 1994:16)

The other known pathology is **gerrymandering**, which means drawing single seat district borders in a way that assures safe districts to the party that is in charge of districting, while leaving the other major party with wastefully large losing minorities in these districts and with wastefully huge winning majorities in other districts. (Taagepera 2007:43)

¹ Mixed member systems have a specific proviso that one tier must entail allocation of seats nominally to individual candidates on the basis of the votes they receive, whereas the other must entail allocation of seats by lists of parties participating in elections.

The pathologies of electoral practices such as malapportionment and gerrymandering, except for pointing out which electoral systems are more conducive to such manipulation and have strong impact in the deviation from proportionality between votes and seats.

2. Albanian Electoral and Institutional Engineering

Twenty years since the fall of Communism, in comparison with other former communist countries, Albania has had major setbacks in its democratization process due to political inputs in the process. With Albania coming out from a patrimonial communist regime through a transition by preemptive strike and/or extrication (Kitschelt 1999, Przeworski 1991), the initial institutional design choices of the emerging Albanian political actors and their cognitive maps were highly shaped by historical legacies. The choices were also influenced by the constellation of powers primarily between the Socialist Party (SP), as the reinvented Albanian Party of Labour (APL), which held the power for 50 years and the Democratic Party (DP) initially emerging as the main opposition party. The power correlation between DP and SP has dominated the political scene during the past two decades as they have been both leading ruling political parties and leading opposition parties.²

The emerging political actors found it impossible to liberate themselves from the authoritarian mentality and showed an inability to act in conditions of uncertainty. The identification of the state with the party was parallel to the self-identification of the leaders with their respective parties and the decision making process.

The wars in former Yugoslavia led to a toleration of authoritarian practices by the international community in Albania in the 90's, at the expense of neutrality and noninvolvement in the conflicts. The strategies applied by the ruling elites once in power towards their political rivals, as well as their vision of state design implied in the institutional and electoral engineering led to 3 major crisis: 1) the 1997 fall of pyramid schemes followed by a total state failure and civil unrest, 2) an attempted coup d'état in 1998 3) a political deadlock following the elections of 2009, escalated in violent protests in January 2011.

With elections being the foundations of institutional building process, Albanian political actors' strategies and tactics aimed at securing the stronghold of the party in power. Expressed in the electoral reform processes and electoral laws for the past two decades, they resulted in a very conflicting power transition, legitimacy crises, the subjugation of public institutions to narrow clan interests, and the emergence of a spoiled political system, which lacks the checks and balances and the separation of powers.

The political culture, created as a result of the political actors'-state institutions interaction and intra-party and inter-party party competition, is very conflicting. Political actors' tendencies to eliminate morally or use violence on political adversaries, to support the creation of small satellite one person parties in the inter- party competition, to eliminate factions and opinions contrary to the those of the chairpersons of the parties in the intra-party competition, led to a major fragmentation in the party system with internal factions emerging as independent political parties.

The tactics to mobilize the population based on counter ideology, to strengthen the cleavages in the population into a new class-struggle, although had a different application by the different ruling parties (in DP's case more radical and SP's case more liberal and sophisticated), have had the same overall effect: the polarization of the Albanian society.

These phenomena specific to the formation phase (1991-2001) continued to exist and formed the cognitive maps of the political factors, which shaped the consolidation phase (2001-2011). The uncompromising approach of the Albanian political elite has led to a lack of political consensus over very important national issue such as the constitution, type of political system and electoral

² DP led governments were between 1992-1996, 2005-2009 and 2009 till present. SP led governments were between 1997-2001 and 2001-2005.

law, which resulted in many institutional experiments and electoral reforms. (See Table 5 and 6 in the Annex) Especially since the crisis of 1997, this lack of domestic consensus has led to a strong involvement of the international community in Albania, as a mediator, facilitator and many times arbiter of Albanian institutional design and legislation, specifically OSCE and EU.

2.1 Electoral Engineering

The first post-communist election law was adopted on 4 February 1992 from the Assembly of the Republic of Albania, which was elected in the elections of 1991 at that time dominated by the former ruling party APL. This election law provided important changes in electoral system from a Majority system, applied in the elections of 1991 to a Mixed Member system applied in the elections of 1992. The system used in 1992 elections wasn't very clear in its features. The electoral reforms of the following years provided more clear mixed member systems with a combination of features leaning towards both Mixed Member Majority (1996) and Mixed Member Proportional systems (1997, 2000, 2003, 2005). (See Table 5 and 6 in Annex) Post 1992 election laws' designs would play frequently with the number of seats allocated to the list tier and the seat allocation formulas used to distribute the seats from this tier. Major changes also affected the electoral thresholds for parties and coalitions and the conditions of their eligibility for seat allocation from the list tier. A major 'apple of argument' has been the electoral administration and the compositions of electoral commissions. The election law of 1992 opened the road for the future politicization of the electoral administration with allowing the composition of all the levels of the electoral administration commissions to be proposed by the political parties. This political opportunity has been widely abused by all the political parties that have held the power in the past twenty years. The failure to set up an independent non politicized permanent electoral administration has been one of the major pathologies of the electoral systems in Albania. The electoral system of Albania was officially included in the Constitution of Albania approved in 1998 as a Mixed Member Proportional system. Although the term Mixed Member Proportional system was used its components and concrete application of seat allocation formulas never gave to the system a distinctive parallel or compensatory character.

The post constitution election laws were designed and amended through the electoral reforms that took place in 2000, 2003, 2005, 2007- 08 in relation to the article 64 of the constitution. Changes and complications of their components had both mechanical and psychological effects. The strategies applied by the two major political parties of Albania, DP and SP since the 2000 reform, together with the provision of joint candidates and joint multi-lists, created the phenomena of apparentment, which wasn't eliminated in the following electoral reforms. Apparentment was further institutionalized, together with **gerrymandering** and **malapportionment**, which in Albania is known as the *Dushk phenomena*. The ways election laws were designed and applied allowed for maximum bargaining among political parties for coalition cabinets composition leading to the phenomena of recirculation of the posts of cabinet ministers among small coalition parties in view of having votes in the assembly required to secure government's stability and hold of power. This also resulted in the transformation of the Albanian political parties from parties as channels of citizen's interests to parties as channels of representation of narrow clan interests.

Party-voters' linkage was damaged and parties' actual electoral weight transfigured.

It is a basic democratic principle for the voter to know the consequences of his/her vote and for the vote to be counted for the party for which it was cast. The applications of 2005 election law permitted both, a re-ranking of candidates in closed party lists to occur after the ballots were cast, and a transfer of votes casts by the voters among political parties after the elections. Furthermore the election law of 2005 added to the **malapportionment**, because the electoral district borders allowed for an official 10 percent deviation from the average of the voters per districts, a deviation which many times was more than 10 percent.

The election law of 2008 provided a Regional Proportional system where the seats would be allocated to the political parties and coalitions on a regional level, with the electoral districts

corresponding to the 12 administrative territories of the country. This provision embodied **gerrymandering** by allowing a *strong deviation from the average number of the citizens with the right to vote per districts*. This added to **malapportionment** because districts had different densities of voting populations. The legal thresholds combined with natural thresholds for a seat per district led to the elimination of the small parties in the elections of 2009 although they favored the creation of large coalitions. As mentioned in the theoretical part, among the highest averages formulas, *the D'Hondt method is the least proportional and systematically favors larger parties*. It contrasts with the pure Sainte-Laguë formula which approximates proportionality very closely and treats large and small parties in a perfectly even-handed way. On the other hand, the higher the district magnitude the higher the proportionality of votes towards seats. Nonetheless the combination of the D'Hondt divisors with the high legal thresholds, combined with the natural thresholds created by gerrymandering, favors only major parties, eliminates small parties and creates disproportional results. Overall, in the elections of the 2009 the Socialist Party gained more votes in the national level than the Democratic Party. However, the number of seats allocated to the SP based on the provisions was lower than the number of seats allocated to the DP.

3. Empirical Analysis: Albanian Parliamentary Elections of 2005 and 2009 and Their Mechanical Effects

In this part will attempt to measure and compare the mechanical effects of the elections of 2005 and 2009, which were based on two different electoral systems. The elections of 2005 were based on a Mixed Member Proportional system where out of 140 seats of the Assembly 100 were seats were allocated based on the single-member plurality system (known as First Past the Post) in 100 single-seat districts (SSD) and 40 seats were allocated proportionally to the political parties based on their votes on the national level. The elections of 2009 were based on a Regional Proportional system, where the seats were allocated to the political parties and coalitions on a regional level based on a combination of D'Hondt and Saint Laguë divisors.

3.1 Indexes of Fragmentation and Disproportionality

Effective Number of Parties

The concept of Effective Number of Parties was devised by Laakso and Taagepera (1979) as an attempt to summarize the degree of fragmentation of a party system. It is calculated as follows:

$$N_v = \frac{1}{\sum_{i=1}^n (P_i)^2}, \text{ where } P_i \text{ is each party's proportional of total votes.}$$

Deviation from Proportionality

The least square index, which measures deviation from proportionality between parties' shares of the votes and shares of the seats, was devised by Gallagher (1991). It emerged as the most widely employed measure. It was employed as the main measure of disproportionality by Lijphart in his 1994 study of electoral systems too. (Lijphart 1994:62) The least squares index is calculated as follows:

$$LS_q = \sqrt{\frac{\sum_{i=1}^n (S_i - V_i)^2}{2}} \quad i=1,2,3\dots n., \text{ where } S_i \text{ is the percentage share of seats and } V_i \text{ is the}$$

percentage share of votes for each party.

Effective Threshold and Effective Magnitude

The district magnitude and the formal threshold are both clear and straightforward concepts. However, they are linked. The strong relationship between these two variables of electoral systems gives rise to the concepts of "effective threshold" and "effective magnitude" (concepts introduced in Taagepera and Shugart 1989:126-41 and elaborated in Lijphart 1994: 25-29)

Effective threshold in a constituency level is measured as follows: $t_{eff} = \frac{0.75}{(m+1)}$, where t_{eff} is the effective threshold and m is the average district magnitude.

The effective district magnitude on a national level would be approximated by: $M_{eff} = M * (1 + \log E)$, where E is the number of electoral districts.

3.2 Elections 2005

Effective Number of Parties

The effective number of parties for the elections of 2005 is calculated based on the formula and the election results presented in table 1. Annex is: **Nv= 6.57**

The election law of 2005, as the previous ones, created a highly fragmented political party system. The party system behaved as if it is composed of 6 major parties of equal electoral weight and a party which can be small but influential in cabinet coalitions (with bargaining power). This number is the closest possible based on the election results. It should be taken in consideration that based on the strategies of the political parties, the voters were asked to vote in the list tier for the allies of the major parties The Democratic Party and the Socialist Party. Therefore, as we can see from table 1. Annex, the number of the votes cast for the Democratic Party and Socialist Party in the list tier was very low in comparison with the nominal tier. However, the final seat allocation led to a strong fragmentation of the political party system.

Deviation from Proportionality

The deviation from proportionality for the elections of 2005 is: **LSq= 11.61**

As the number shows, the deviation from proportionality between votes and seats is really high, and the proportional part didn't adjust this deviation despite all the complicated seat allocation formulas and the allocation of the compensatory seats to all political parties that crossed the threshold, with exception of the major ones.

It is difficult to calculate the effective threshold and the effective district magnitude for the mixed member systems, because of their combination of two tiers and fixed district magnitudes. Therefore I will calculate them only for the elections of 2009.

3.3 Elections 2009

Effective Number of Parties

The effective number of parties for the elections of 2009 calculated based on the formula and table 3. Annex is as follows:

Nv= 2.33 for the coalitions in a national level.

For the individual political parties which gained seats in the parliament, as a result of the application of the seat allocation formula (see table 4. Annex), the effective number of parties is: **Nv= 3.01**

The numbers are very close. The coalitions' results show that there are two major coalitions, which in Albania would represent the PD and PS led coalition and one smaller coalition with a bargaining potential, which would represent the LSI-led coalition. In fact, the Socialist Movement for Integration LSI was the only party in its coalition that won 4 seats becoming, thus, the decisive political party for the cabinet creation. LSI abandoned its pre-electoral promises and orientation and gave its support to the PD led coalition, by becoming part of the coalition cabinet. The elections of 2009 resulted in a consolidation of the political party system, dominated by 3 political parties. This is a positive development from the fragmentation of the system as a result of the electoral law of 2005, and the parties' strategies during the elections.

Deviation from Proportionality

The deviation from proportionality for the elections of 2009 is: **LSq =7.34**

As the number shows, the deviation from proportionality between votes and seats is really high, although it is a proportional system. Nonetheless the deviation from proportionality in these elections is smaller than the previous ones. Overall the 2009 elections contributed to a major clarification of the channeling of electoral weight and significance of individual political parties.

I think that had the thresholds been applied on a national level, we would have seen more political parties in the final configuration of seats.

Effective Threshold and Effective Magnitude

The measurements of the effective thresholds and effective magnitude apply only for the elections of 2009. The concrete distribution of the effective thresholds for each constituency as in 2009 elections would be:

Districts	m	t
Berat	8	8.33
Dibër	6	10.71
Durrës	13	5.36
Elbasan	14	5
Fier	16	4.41
Gjirokastrë	5	12.5
Korçë	12	5.77
Kukës	4	15
Lezhë	7	9.38
Shkodër	11	6.25
Tiranë	32	2.27
Vlorë	12	5.77

As we see, the effective thresholds are way higher than the legal thresholds that the political parties need based on the election law 2008. With exception of Tirana, where the threshold is lower than the formal 3.5% and smaller parties would have higher chances to pass the threshold, in all other districts, parties would need to have from 5% to 15% of the votes in order to be allocated seats in the constituencies. The system clearly favors major parties.

What would change if the threshold was applied nationwide?

On a national level, where M would be the average district magnitude, S total assembly size and E number of electoral districts, based on Taagepera (2007:390) the nationwide effective thresholds T_{eff} can be best approximated by :

$$T_{eff} = \frac{0.75}{\left[\left(\frac{S}{E}\right) + 1\right] * \sqrt{E}}$$

In Albania S=140, E=12, and **Teff= 1.7026** for the current number of electoral districts. This suggests, the parties winning precisely this level of support would have a 50-50 chance of securing representation in parliament, leading to a maximum fragmentation of the political scene.

The effective district magnitude on a national level would be approximated by:

$$M_{eff} = M * (1 + \log E), \text{ where } E \text{ is the number of electoral districts.}$$

The effective district magnitude on a national level would be: **Meff= 24.24**

If we were to find the effective nationwide threshold for the above Meff= 24, based on the effective threshold formula than the result would be **Teff=3**. This suggests that if Albania were to be divided into about 5.8 districts with a fixed magnitude of 24 seats per district, than the system would be very proportional and the effective threshold nationwide would be Teff= 3.

However, this would create much more **malapportionment** and **overrepresentation** than the current system considering the distribution of density of the voting population among the regions of Albania.

These findings proved that the theoretical models about the effects of electoral systems in representation and party systems devised for Western democracies were also applicable for Albania.

Annex:

Table 1: Election Results for the Parties and Coalitions in Parliamentary Elections 2005

INITIALS	List Tier	Nominal Tier	Total votes	% of votes	TTL	SSD seats	List seats
PSD	174,103	18,365	192,468	7.04			7
PSSH	121,412	538,906	660,318	24.16		42	0
LSI	114,798	112,449	227,247	8.31		1	4
PD	104,796	602,066	706,862	25.86		56	0
PAA	89,635	9,988	99,623	3.65			4
AD	65,093	10,649	75,742	2.77			3
PDSSH	57,998	8,514	66,512	2.43			2
PBDNJ	56,403	12,171	68,574	2.51			2
ALDM*			457,143*	33.83*			18*
PR	272,746		272,746	9.98			11
PDR	101,373		101,373	3.71			4
PDK	44,576		44,576	1.63			2
BLD	14,418		14,418	0.53			1
LDLNJ	9,027		9,027	0.33			
PBDK	7,632		7,632	0.28			
BDSH	7,371		7,371	0.27			
Independent		5,234	5,234	0.19		1	0
Others	125,966	48,435					
Total votes	1,367,347	1,366,777			Total seats	100	40
Total votes cast	2,734,124.00						

*Source: Komisioni Qëndror i Zgjedhjeve: Bulletin i zgjedhjeve për Kuvend 2005³

** ALDM has the total votes and seats as a coalition and the votes and seat allocation for its individual parties

Table 2: Election Results for the Coalitions in Parliamentary Elections 2009

The results below are those of coalitions and political parties that were allocated seats after the application of D'Hondt and Saint Laguë divisors in the elections of 2009.

Political party/coalition	Nr of Votes	% of votes	of seats
Independent	756.00	0.05	
Alliance for Change	713,150.00	46.93	70
Freedom Pole	27,660.00	1.82	
Social Alliance for Integration	84,410.00	5.55	4
Union for Change	688,768.00	45.33	66
Party for Law and Justice	4,865.00	0.32	
Total	1,519,609.00	100	140

* Source: Komisioni Qëndror i Zgjedhjeve: Bulletin i Zgjedhjeve për Kuvend 2009⁴

³ Albanian Acronyms are used to represent the names of the parties as follows: Social Democratic Party of Albania (PSD), Socialist Party of Albania (PS), Socialist Movement for Integration (LSI), Democratic Party of Albania (PD), Environmentalist Agrarian Party (PAA), Democratic Alliance Party (AD), Social Democracy Party of Albania (PDSSH), Unity for Human Rights Party (PBDNJ), Alliance for Freedom, Justice and Welfare (ALDM), Republican Party (PR), New Democratic Party (PDR), Christian Democratic Party of Albania (PDK), Liberal Democratic Union (BLD), Movement for Human Rights and Freedoms (LDLNJ), National Democratic Front Party (PBDK), Albanian Democratic Union Party (BDSH).*** PR, PDR, PDK, BLD participated as part of a larger coalition (ALDM), which included other parties such as the PBDK, BDSH, LDLNJ, that didn't gain any seats. This coalition was allying with the Democratic Party.

⁴ **The Alliance for Change**, a PD led coalition registered as a coalition made up of 17 parties, including the Democratic Party. Other parties in the coalition which were represented in the outgoing Parliament included the

Table 3. Election Results for the Individual Parties in Parliamentary Elections 2009

Political Parties	Nr of Votes	% votes	Seats
PD	610,463.00	40.18	68
PR	31,990.00	2.11	1
PDI	4,477.00	0.95	1
PS	20,586.00	40.85	65
PBDNJ	8,078.00	1.19	1
LSI	3,678.00	4.85	4
Other	839,904.00		
Total Votes	1,519,176.00		140

* Source: Komisioni Qëndror i Zgjedhjeve: Bulletin i Zgjedhjeve për Kuvend 2009

** The Albanian acronyms of the political parties in this table are the same as in Table 1, with exception of PDI (The Party for Justice and Integration)

Table 4: Distribution of Seats per District in Parliamentary Elections 2009

Districts	Seats	M
Berat	8	8
Diber	6	6
Durres	13	13
Elbasan	14	14
Fier	16	16
Gjirokaster	5	5
Korce	12	12
Kukes	4	4
Lezhe	7	7
Shkoder	11	11
Tirane	32	32
Vlore	12	12
Total	140	
Average District Magnitude	11.66	

* Source: Komisioni Qëndror i Zgjedhjeve: Bulletin i Zgjedhjeve për Kuvend 2009

Republican Party, the Environmental Agrarian Party, the Democratic Alliance Party, and the Liberal Democratic Union. It also included the Party for Justice and Integration (PDI) a newly formed party. **The Union for Change**, a PS led coalition was made up of *five parties*, including the Socialist Party, as well as the Social Democratic Party and the Social Democracy Party, which also had seats in the outgoing Parliament. The Human Rights Union Party participated in the previous DP-led Government, but joined the SP-led coalition just before the deadline for the registration of coalitions. The Union for Change coalition also included a new party, G99, which was created by prominent civil-society figures. **The Socialist Alliance for Integration**, a LSI led coalition, was made up of six parties, including the Socialist Movement for Integration (LSI). It also included the Real Socialist Party '91, a party formed at the beginning of 2009 following a split within the SP. **The Freedom Pole**, a six-party centre-right coalition, was formed in April 2009. It included the Movement for National Development and the Christian Democratic Party, which was part of the PD-led bloc in the 2005 elections. The Party for Law and Justice, created by Spartak Ngjela was formed after he left the PD following a conflict with the PD chairperson Sali Berisha. It competed alone in the elections of 2009.

Table 5: Electoral Engineering (1991-1997)

Year	1991	1992	1996	1997
Electoral System Type	Pure Majority System	Mixed Member Proportional System	Mixed Member Majority System	Mixed Member Proportional System
Assembly Size	250	Flexible (140MPs final result)	140	155
Nr of Districts	n/a	n/a	n/a	n/a
Tiers	1-Nominal tier	2-Nominal tier 100 SSD, List tier- nation- wide (Unclear linkage)	2-Nominal tier 115 SSD, List tier-nation-wide (unclear linkage)	2-Nominal tier 115 SSD, List tier- nation-wide (Unclear linkage)
Ballot Structure	Categorical 1 vote	Categorical 1 vote in nominal tier	Categorical 2 votes, 1 in nominal tier, 1 in list tier	Categorical 2 votes, 1 in nominal tier, 1 in list tier
Seat Allocation Formula	Winner takes all	100 seats- 2 round Majority plurality ,40 seats PR based on nominal tier votes	115 Seats 2-round Majority/plurality, 25 seats complicated PR formula $\frac{V_{mi}}{V_{pi}} * M$ M=25 (Other conditions apply)	115 seats 2-round Majority/Plurality, 40 seats PR: 2 largest parties(10 seats) rest of parties (30 seats) $\frac{V_a}{(V_a + V_b)} * 10$ $\frac{V_b}{(V_a + V_b)} * 10$ $\frac{V_i}{\left[\sum_{j=1}^n V_j \right]} * 30$
District Magnitude	M=1	M=1,M=140	M=1, M=140	M=1, M=155
Electoral Threshold	n/a	4% - national level (conditions apply)	4% parties, 8% coalitions (conditions apply)	2% parties, no thresholds coalitions(conditions apply)

*Source Albanian election documents 1991, 1996, 1997

Table 6: Electoral Engineering (2000-2008)

Year	2000	2003	2005	2007-08
Electoral System	Mixed Member Proportional System	Mixed Member Proportional System	Mixed Member Proportional System	Regional Proportional System
Assembly Size	140	140	140	140
Nr of Districts	100	100	100	12
Tiers	2-Nominal tier 115 SSD List tier-nation-wide (unclear linkage)	2-Nominal tier 115 SSD List tier-nation- wide (unclear linkage)	2-Nominal tier 115 SSD, List tier-nation-wide (unclear linkage)	1 List tier- regional level
Ballot Structure	Categorical 2 votes, 1 in nominal tier, 1 in list tier	Categorical 2 votes, 1 in nominal tier, 1 in list tier	Categorical 2 votes, 1 in nominal tier, 1 in list tier (composed and joint multi name lists)	Categorical 1 vote in multi-names list- party /coalition
Seat Allocation Formula	100 seats 2-round Majority/Plurality, 40 seats-complicated PR formulas applied in two tiers: Electoral quota belonging to one seat and seat allocation: $Q_s = \left[\frac{V_i}{\sum_{i=1}^n V_i} \right] * S$ $N = (S_{pi} - S_{ssd}) * \left[\frac{40}{(40 + C)} \right]$ Conditions apply	100 seats-FPTP Plurality, 40 seats -complicated PR formulas applied in two tiers: Electoral quota belonging to one seat and seat allocation $Q_s = \left[\frac{V_i}{\sum_{i=1}^n V_i} \right] * S$ $N = (S_{pi} - S_{ssd}) * \left[\frac{40}{(40 + C)} \right]$ Conditions apply	100 seats-FPTP Plurality, 40 seats - complicated PR formulas applied in two tiers: Electoral quota belonging to one seat and seat allocation: $Q_s = \left[\frac{V_i}{\sum_{i=1}^n V_i} \right] * S$ $N = (S_{pi} - S_{ssd}) * \left[\frac{40}{(40 + C)} \right]$ Conditions apply	D'Hondt divisors for the initial allocation ,pure Sainte-Laguë divisors (1, 3, 5, 7, 9, et seq.) for allocating mandates to political parties within a coalition.
District Magnitude	M=1, M=100	M=1, M=100	M=1, M=100	Average 11.66
Electoral Threshold	2.5% parties, 4% coalitions	2.5% parties, 4% coalitions	2.5% parties, 4% coalitions	3% parties, 5% coalitions

*Source: Albanian election documents 2000, 2003, 2005, 2007, 2008

Bibliography

Election Documents:

Komisioni Qëndror i Zgjedhjeve. *Buletini i Zgjedhjeve për Kuvend 2005*. [cd-room]. Available at: <http://www.cec.org.al/>

Komisioni Qëndror i Zgjedhjeve. *Buletini i Zgjedhjeve për Kuvend 2009*. [cd-room]. Available at: <http://www.cec.org.al/>

Republic of Albania, Law No 7491. *On Major Constitutional Provisions*, dated 29 April 1991 [online]. [Accessed 2010-06-10]. Available at: http://www.servat.unibe.ch/law/icl/al00000_.html

The Constitution of the Republic of Albania, approved by Referendum on 22 November 1998. [online]. [Accessed 2010-06-10]. Available at: <http://www.ipls.org/services/kusht/contents.html>

The Constitution of the Republic of Albania, Law No. 8417, dated 21 October 1998, approved by Referendum 22 November 2008, amended by Law No. 9675, dated 13 January 2007, and by Law No. 9904, dated 21 April 2008 [online]. [Accessed 2010-06-10]. Available at: http://www.osce.org/documents/pia/1998/11/4321_en.pdf

ACE: Electoral Knowledge Network [online]. [Accessed 2010-06-10]. Available at: <http://aceproject.org/regions-en/countries-and-territories/AL>

Election Guide [online]. [Accessed 2010-06-10]. Available at: <http://www.electionguide.org/>

Republic of Albania, Law No. 7556, dated February, 1992. *On the Elections of the People's Assembly of the Republic of Albania*. Official Journal of the Republic of Albania, No. 1/1992, pp. 36-51.

Republic of Albania, Law No. 7556, dated February 4, 1992. *On the Elections of the People's Assembly of the Republic of Albania*, amended by Law No. 8055, dated February 1, 1996.[online].[Accessed 2010-06-10]. Available at:

<http://www1.law.nyu.edu/eecr/bycountryrefs/albania1996AmendmentsToElectCode.html>

Republic of Albania, Law No. 8218, dated May 16, 1997. *On Some Changes to Law No. 7556, dated February 4, 1992 "On the Elections of the People's Assembly of the Republic of Albania"*, amended by Law No. 8143, dated September 11, 1996. [online].[Accessed 2010-06-10]. Available at:

<http://www1.law.nyu.edu/eecr/bycountryrefs/albania1997AmendmentsToElectLaw.html>

The Electoral Code of the Republic of Albania. Law No.8609, dated May 8, 2000 [online].[Accessed 2010-06-10]. Available at:

<http://www1.law.nyu.edu/eecr/bycountryrefs/albaniaElectoralCode.html>

The Electoral Code of the Republic of Albania. Law No. 9087, dated 19 June 2003. [online] Opinion No. 273/2004, CDL-AD(2004)009.[Accessed 2010-06-10]. Available at:

<http://www.venice.coe.int/docs/2004/CDL%282004%29009-e.asp>

The Electoral Code of the Republic of Albania. Approved by Law No. 9087, dated 19 June 2003, amended by Law No. 9297, dated 21 October 2004, by Law No. 9341, dated 10 January 2005, by Law No. 9371, dated 14 April 2005 and by Law No. 9676, dated 13 January 2007. [online]. Opinion No. 435 / 2007, CDL-EL(2007)009. [Accessed 2010-06-10]. Available at:

<http://www.venice.coe.int/docs/2007/CDL-EL%282007%29009-e.asp>

The Electoral Code of the Republic of Albania. Law No. 10019, dated 29 December 2008. [online]. Opinion No. 513 / 2009, CDL(2009)005 [Accessed 2010-06-10]. Available at:

<http://www.venice.coe.int/docs/2009/CDL%282009%29005-e.asp>

Articles and Journals

GALLAGHER, M. (1991). Proportionality, Disproportionality and Electoral Systems. *Electoral studies*, Vol.10, pp 43.

RAMA, SH. A.(1997). Failed Transition, Elite Fragmentation and the Parliamentary Election of June 29, 1997. *The International Journal of Albanian Studies*. Vol. 1, No. 1, pp. 82-125.

Books:

- Biberaj, E. (1998). *Albania in Transition: the Rocky Road to Democracy*. Boulder, Colo.: Westview Press.
- Duverger, M. (1963). *Political Parties; their Organization and Activity in the Modern State*. New York, N.Y.: Wiley.
- Gallagher, M.; Mitchell, P. (2005). *The Politics of Electoral Systems*. Oxford, U.K.; New York N.Y.: Oxford University Press.
- Kitschelt, H. (1999). *Post-Communist Party Systems: Competition, Representation, and Inter-Party Cooperation*. Cambridge, U.K.; New York, N.Y.: Cambridge University Press.
- Lijphart, A. (1994). *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945-1990*. Oxford, U.K.; New York, N.Y.: Oxford University Press.
- Lijphart, A. (1999). *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. New Haven, Conn.: Yale University Press.
- Przeworski, A. (1991). *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America*. Cambridge, U.K.; New York, N.Y.: Cambridge University Press.
- Rae, D. W. (1971). *The Political Consequences of Electoral Laws*. New Haven: Yale University Press.
- Shugart, M. S. ; Wattenberg, M. P. (eds) (2001) *Mixed-Member Electoral Systems: The Best of both Worlds?*. Oxford, U.K.; New York, N.Y.: Oxford University Press.
- Taagepera, R. (2007). *Predicting Party Sizes: The Logic of Simple Electoral Systems*. Oxford, U.K.; New York, N.Y.: Oxford University Press.
- Taagepera, R.; Shugart, M. S. (1989). *Seats and Votes: The Effects and Determinants of Electoral Systems*. New Haven: Yale University Press.