

Electoral Systems and Democracy: a Comparative Analysis of Macedonia and Albania

Etem AZIRI, Oreta SALIAJ

Abstract. Elections and electoral systems are a factor of great importance for the functioning of political systems and their democratization. The end of the last century brought fundamental changes in the socialist countries of Europe. One party regime's were replaced with pluralism. Dictatorship of the proletariat was replaced with democracies; centralized economies were replaced with the market economy. Although, elections and the electoral systems were not considered important during the communist period of the development of Albania and Macedonia, things changed rapidly with the acceptance of the democratic way of living. For two decades, the Republic of Albania and the Republic of Macedonia are thriving towards functional pluralisms, and elections have played a major role in the process. Although elections do not necessarily mean that democracy is becoming more democratic, at least they make democracy possible. Although democracy includes free elections based on internationally acceptable standards, the fact remains that in many countries elections are not a guarantee for democracy. The Republic of Albanian and the Republic of Macedonia, when it comes to elections and electoral systems have a lot in common, but also much specificity, which make their electoral systems different from each other. The common aspects include the fact that both countries have accepted parliamentarism and a tendency of respecting the will of citizens expressed in fair and free elections. On the other hand, the level of socio-economic development, the historical past, the overall type of political culture, cause many differences in the electoral systems and level of democracy between these two neighboring countries.

Keywords: *democracy, elections, electoral systems, Republic of Macedonia, Republic of Albania*

Introduction

Elections and the electoral system play a significant role for the functioning of contemporary political systems. Without a doubt, elections are the most important and widely accepted form of citizen's participation in political life. Several opinions regarding elections exist among theoreticians. According to the instrumentalists elections are a means to get the right to govern, while according to the functionalist point of view elections are a mean for the creation of a balance between state and society. Elections are one way to determine who the leaders will be. This method is more peaceful than fighting it out, more credible in modern

times than claims of divine favor, and more systematic than estimating the loudness of noise made by various factions at an open-air meeting. Only transfer of power from parent to offspring can compete with elections in orderliness of procedure; and in the modern world, elections have become a more widespread practice. The supposed goal is to have the “people” express their will.¹

According to Duvergere elections are very important for democracy. In fact he considers democracy a form of government which is realized through direct and free elections. On the other hand according to Sartori the function of elections is not to make democracy more democratic, their function is to choose political leadership and not the maximization of democracy.

Election can be classified in many ways. They can be democratic and non-democratic, competitive and non-competitive, fair and unfair, direct and indirect, majority, proportional and mixed, presidential and parliamentary, local and general etc.

By electoral *system*, we mean 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*), and the seat allocation formula.²

Table 1 Categories of electoral systems

Broad Category	Specific types	Country Examples
Single-member constituency systems	Single member plurality Alternative Vote Two-round system	Australia, Canada, France, India, UK, USA
Mixed Systems	Mixed Compensatory Mixed Parallel	Germany, Hungary, Italy, Japan, New Zealand, Russia
Closed list systems		Israel, South Africa, Spain
Preferential list systems	Open list Flexible list	Austria, Belgium, Chile, Denmark, Finland, Netherlands

Source: Michael Gallagher, Paul Mitchell: The Politics of Electoral Systems, Oxford University Press, New York, 2005

¹ Rein Taagepera: **Predicting Party Sizes: The Logic of Simple Electoral Systems**, Oxford University Press, New York, 2007, 2

² Rein Taagepera: **Predicting Party Sizes: The Logic of Simple Electoral Systems**, Oxford University Press, New York, 2007, 2

Gallagher and Mitchell determine several categories of electoral systems, as presented in table 1.

In general, we can differentiate several election systems:

- The proportional system,
- The majority system and
- Mixed electoral systems.

Worldwide, in total, 91 out of 191 countries use majoritarian formulae in national election to the lower house of parliament. The aim of majoritarian electoral systems is to create a “natural” or a “manufactured” majority, that is, to produce an effective one-party government with a working parliamentary majority while simultaneously penalizing minor parties, especially those with spatially dispersed support. In “winner-takes-all” elections, the leading party boosts its legislative base, while the trailing parties get meager rewards. The design aims to concentrate legislative power in the hands of a single-party government, not to generate parliamentary representation of all minority views.³

Two types of majority systems can be differentiated: relative majority and absolute majority. According to the relative majority approach, the electoral body is grouped in electoral units (constituencies) and each unit chooses one representative for the legislative organ. The candidate that gets more votes compared to all other candidates is considered to be the winner. According to these systems, the theoretical chance of the political party to win most seats does not mean that the political party have the most votes on the state level exists.

Similarly, according to the system of absolute majority the country is divided in a certain number of electoral constituencies. The candidate who manages to win an absolute majority that is one half of the votes plus one, is considered as elected during the first election row. If none of the candidates manages to get an absolute majority during the first electoral row, in that case a second electoral row is organized. Candidates that have managed to get a certain number of votes during the first row, continue to be candidates during the second row. The candidate that wind a relative majority during the second electoral row is considered elected.

Proportional representation systems (PR) on the other hand, are focused

³ Pippa Norris: **Electoral engineering: Voting Rules and Political Behavior**, Cambridge University Press, Cambridge, 2004, 42

on parties and primarily designed to transform a party's share of the vote into a corresponding share of parliamentary seats. Hence, party proportionality is central in PR systems. Candidates in PR systems are in most cases elected in multimember districts where voters choose between party lists, not between individual candidates.⁴

According to the proportional electoral system, the voters vote for a party list rather than for an individual candidate. Now days some of the variants of the proportional system are implemented in all Western European Countries with the exception of the United Kingdom and France. The fact that according to this system voters choose among party lists, limits the possibility for one party to have the necessary majority to create a government by itself. Coalitions are sometimes created prior to elections but usually they are created after the elections finish. The formula for calculation of parliamentary seats is of great importance when it comes to the proportional electoral system.

Systems based on proportionality are seen as fairer: proportional representation systems are widely held to be more "egalitarian" than majoritarian systems in the value they accord to the vote. In a proportional system, every voter's vote counts in the final allocation of seats to the different parties and consequently in the choice of governmental winner(s). In a majoritarian or plurality system, however, the influence of individual votes is perceived to be much less. Firstly, all votes cast for a losing candidate are effectively lost or valueless: only those voting for a winning candidate influence the outcome.⁵

Mixes systems combine the characteristics of the majority system and the proportional system. A good example for this system is Germany in which the electoral system has made it possible for the Green Party to ensure some parliamentary representation.

Many newly adopted electoral systems, including those in long established democracies such as Israel, Italy, Japan, New Zealand, and Venezuela, have entailed various hybrids of the competing majoritarian/plurality and proportional principles. In the prototype of a mixed-member system, half of the seats in a legislative chamber are elected in single-seat districts while the other half are elected from party lists allocated by proportional representation (PR). Yet, as we shall see, there

⁴ Hans-Dieter Klingemann, Ian McAllister: **The Comparative Study of Electoral Systems**, Oxford University Press, New York, 2009, 160

⁵ Jocelyn A.J. Evans: **Voters and Voting: An Introduction**, SAGE Publications, London, 2004,157

are numerous variations within the general class of mixed-member systems. The universe of such systems has included the following examples: (1) a system with only one seat elected by the majoritarian principle (Israel); (2) one in which the share of seats elected by PR is only a quarter (Italy); (3) one in which the majoritarian tier is elected partly in multi-seat districts (Venezuela); and (4) one in which some significant share of seats is elected by lists, but not with a PR formula (Mexico, formerly). Establishing a generic definition of a mixed-member electoral system is therefore not as simple as it might at first seem.⁶

The electoral system of the Republic of Macedonia

After the acceptance of pluralism in the Republic of Macedonia in 1990, the need to change the electoral system surfaced. The county needed a new electoral regulation that would be proper for the multi-party reality, an electoral regulation that would create necessary preconditions for correct, fair and direct elections. Although it was obvious that due to the domination of the Communist Party the existing regulation was obsolete, still it remained very difficult to undertake more “radical” changes of the electoral code and electoral system.

The Communist Party of Macedonia was quite comfortable with the existing electoral system which in practice served only as a means to conform its domination, an electoral system that treated voting more as a duty towards the party than as a basic human right. On the other hand, the new political reality at least theoretically, required proper elections that would provide adequate relations of responsibility between the citizens and the government.

The choosing of type of an electoral system was not a technical issue. It was the source of serious polemics among scientists and politicians. The Communist Party of Macedonia which had a well established structure in all parts of the country insisted that the first plural elections should be organized according the majority system, while the alternative political parties required a proportional system due to the fact that they believed that the proportional system would create improved possibilities for them to provide seats in the parliament.

Even besides the many polemics and issues, the legislation decided to implement the system of absolute majority with two election rows. According to

⁶ Matthew Soberg Shugart and Martin P. Wattenberg:” *Mixed-Member Electoral Systems: A Definition and Typology*”, **Mixed Member Electoral Systems**, Oxford University Press, New York, 2001

the electoral code of 1990, in order to get elected during the first electoral row, the candidate needed to get majority of casted votes or his constituency, provided that the number of his votes is not smaller than $1/3$ of the total number of registered voters for that constituency. If none of the candidates manages to ensure the proper number of votes, in that case the second election row would be held no later than 14 days. Only candidates that would have at least 7% of the casted votes during the first row had the right to candidate in the second electoral row. If none of the candidates had managed to get 7% during the first row, in that case the whole process had to be repeated once more. In such cases, elected is the candidate that gats the most votes compared to his opponents. Although such situations were difficult to occur in practice, the theoretical chance was present. In fact such cases could occur and the Albanian population would decide to boycott the election process.

This system was expected to result in many advantages for the country such as: the creation of preconditions for a stable parliament and stable government, elimination of differences based on nationality and religious beliefs, creation of possibilities for independent candidates to get elected as members of parliament etc.

During the first parliamentary elections the whole territory of country was divided in 120 constituencies with every constituency electing one candidate for the parliament. Although according to article 18 of the electoral code all constituencies were supposed to have an equal number of registered voters, in practice many constituencies in the Western part of the country, inhabited mainly by Albanian population were twice larger that constituencies in the eastern parts of the country inhabited mainly by Macedonian population. This was one of the main reasons for the permanent insisting of the Albanian political parties to change the electoral code of the country.

The electoral code of 1990 in fact was a source of many disagreements between the Macedonian and Albanian political parties. The Albanian parties considered the code to be discriminatory for the Albanian population. According to the calculations, due to the code, during the first plural elections for each Albanian Member of Parliament had voted approximately 8.000 voters, while for each Macedonia Member of Parliament had voted only 4000 voters.

Due to the above mentioned reasons, the Albanian political parties required that the electoral system of the country should change and that either a

proportional or a mixed system should be implemented. In 1993 the Government proposed a new electoral code that was not accepted by the parliament. One year later the parliament accepted the changes of the electoral code. The new electoral system was one of majority combined with elements of the proportional system. In fact the country remained divided in 120 constituencies but 20 members of parliament would be elected according to the proportional approach. Besides this according to the new code only the two highest ranking candidates during the first electoral row, would get the right to take part in the second electoral row.

The biggest opposition party of that time VMRO-DPMNE as well as the Party for Democratic Prosperity and the Peoples Democratic Party opposed the new electoral system, but not for the same motives. VMRO-DPMNE as the largest Macedonian opposition party feared a homogenization of voters based on ethnic basis as well as government instability. The Albanian political parties on the other hand were more focused on the size of the electoral constituencies. They insisted that all constituencies must have an equal number of voters.

The second parliamentary elections in the country were done according to the old electoral code and system. The biggest opposition party VMRO-DPMNE expressed serious doubts regarding the fairness and boycotted the second electoral row.

By the end of 1998 the new version of the electoral code was presented to the parliament. According to the proposed changes 80 members of parliament were supposed to be elected according to the majority system and the other 40 according to the proportional system. In the proportional lists, the mandates were supposed to be divided proportionally in 12-15 regional constituencies. After many debates, it was decided that 85 members of parliament should be elected according to the majority system and 35 according to the proportional system.

In order to get elected during the first electoral row, the candidate needed to get majority of casted votes or his constituency, provided that the number of his votes is not smaller than 1/3 of the total number of registered voters for that constituency. If none of the candidates manages to ensure the proper number of votes, in that case the second election row would be held no later than 14 days. Only the two highest ranked candidates from the first election row had the right to take part in the second electoral row.

The other 35 members of parliament were elected according to the proportional system. The whole territory of the country represented only one

constituency. The voters voted for the lists of the political parties, and had no authority in influencing the way how the candidates would be ranked. In order to get parliamentary seats from this list the parties had to provide at least 5% of casted votes.

Although the new electoral system was implemented during the third parliamentary elections, right after the elections many criticisms for the system occurred. In fact the electoral system was not sufficient enough to fulfill the ambitions and needs of the plural practices of the Republic of Macedonia.

In 2001 the Government proposed a new electoral code and system according to which to possible alternatives could be implemented. According to both alternatives the total number of members of parliament would remain unchanged (120). The first alternative stipulated that all members of parliament should be elected according to the proportional system with the whole country representing only one constituency. According to the second proposed alternative half of members would be elected according to the majority system and the other half according to the proportional system. Besides this, it was stipulated that constituencies should not have more than 7% more or less voters compared to the state average.

The Parliament decided to implement a third version for the electoral system. In fact the new system was a proportional electoral system in which the whole territory of the country was divided in six electoral constituencies. Each constituency delegates 20 members of parliament. The constituencies can have up to 3% difference in voters compared to the state average.

The Electoral System of the Republic of Albania

The Election system in Albania in recent pluralism years has undergone numerous obstacles which have left traces in the history of democracy building in Albania. Election manipulations, disputes, boycotts, pre-mature elections, statements and counterstatements have accompanied the plural-party system during the past 20 years. The elections held in 1992 were the only ones not to be disputed; rather, they were labeled internationally as free elections. Since then, all of the following electoral processes have been associated with nerve strains on the part of the political camps, which gradually created a culture where the party which lose does not accept the failing result. Such practice continues to the present.

The first pluralistic elections in the country were to be held on 31 March 1991. Under a pure majority system, the Parliament of Albania consisted of 250 members. Albanians came from over 45 years of isolations which is why there was no shadow of doubt towards the Democratic Party becoming the election winner⁷. The least expected occurred: at the conclusion of the elections it resulted that The Labor Party of Albania (PPSH), which 3 months later became the Socialist Party of Albania (PSSH), had received 67% which was “equivalent” to 169 seats in the Parliament of Albania, compared to 33% received by the Democratic Party, which was equivalent to 75 seats in the Parliament. The majority formula applied did not reflect accurately the votes expressed in the electoral process in accordance with the number of mandates won. With "a proportional majority system", the Labor Party would have won 141 seats in the Parliament and the Democratic Party would have won 97”.

In the 1992 elections in order to correct this distortion, the electoral system was changed. In this framework, the law aimed at uniting justice and equity of votes, related to the proportional system, in order to create a stable majority delivered by the majority⁸. As a result, the law was settled that 40 parliament members be elected from the multi-name lists of parties, in order to correct the election result of the majority. The law established a high threshold, 4% of votes nationally, disfavoring small parties. At the end of the elections of 22 March, of year 1992 it was confirmed that the electoral system and the determined formula for allocating mandates were closer to the election outcomes. The Democratic Party received 62.09% of votes, while the Socialist Party successor of PPSH received only 25.73% of votes. The Social Democratic Party came in 3thd place with 4.38% of votes.⁹ The Elections were classified as satisfactory and were not contested internationally.

In the elections of 26 May 1996 would have applied the same electoral system. According to election results, the Democratic Party won 122 seats in Parliament with 140 MPs, while the Socialist Party occupied only 10 seats in Parliament. This result generated the opposition boycott (Socialist Party) and was

⁷ Editorial; The elections contest in Albania since 1991 up to the protests of Rama; Daily Newspaper Metropol; 8 December 2009

⁸ Berhani Ilir: Constitutional Changes in the Election System in the Republic of Albania; 20 March 2011: p 3

⁹ Official Gazette 1992 No. 2

accompanied by violent protests¹⁰. There was no discussion to be held in regards to these elections as deformed. Furthermore, the crisis of this election was to turn into a powerful motive of the political class to seek justice in other electoral processes.

The early elections of 29 June 1997 were conducted with a mixed system, which it meant “correct majority”¹¹ unexpectedly increased the number of MPs to 155 and the threshold of votes decreased to 2%; by lowering this threshold by 2 % were favored the small political parties to win mandates in the proportional system. These elections were contested by the Democratic Party (losers of these elections), which boycotted the Parliament for months.

The Constitution of the Republic of Albania in 1998, established a mixed electoral system, namely in Article 64, before the relevant amendment, there was common that electoral system was not a “pure” proportional system, but rather a combination of majority and proportional elements. The parliament consisted of 140 MPs; 1) 100 deputies were elected directly from single members constituencies with approximately equal number of voters, while 40 deputies were elected from multi-name lists of parties and /or party coalitions according to their ranking. This number (i.e. 40) was decided for the purpose of correcting the election results in majority. 2) The total number of MPs of each party and / or coalition of parties was defined in relation to the closest valid votes received by them throughout the country in the first round of elections, 3) Parties that received less than 2.5% and party coalitions that received less than 4% of the valid votes throughout the country in the first round of elections did not benefit from the respective multi-name lists.¹²

The Establishment of this "electoral threshold" did not favor the smaller political parties. According to this article, the electoral system is considered a mixed one, apparently as a majority, which is being corrected by the proportional part, approaching closer to the votes received, and being turned virtually into a nearly proportional system¹³. It meant that country's territory was divided into 100 electoral constituencies as the effect of majority system, and there is only a single

¹⁰ Ibid

¹¹ Berhani Ilir: Constitutional Changes in the Election System in the Republic of Albania; 20 March 2011: p 4

¹² Constitution of the Republic of Albania 1998

¹³ Prof. Meidani Rexhep; Elections and Election Administration System; Daily Newspaper "Koha Jone"; Thursday, 28 October 2010

constituency across the country for determining the proportional list. Formula specified in the Electoral Code of year 2000 was unclear for sharing additional mandates under the proportional system in Parliament. As a result, the Socialist Party blocked the election of first round at electoral constituency number 60, creating in that manner the possibility for its allies smaller parties, to get the votes needed to arrive 2.5% electoral threshold. So, referring to the point 1 (first) and 2 (second) of Article 64, are created potential mandates for being used by political parties for distorting the election result and getting electoral bonus benefit.

Amendments in the Electoral Code of 2003 affected the main issue, transferring to a majority system with one round, abolishing the provision provided by the Article 63 of Election Code of year 2000, which provided two rounds of elections. In the elections of 2005, with the removal of the second round, the Albanian electoral system resembled in the majority part to the traditional British system of elections type "first-past-the-post" in single-member constituencies¹⁴, where the place of MP was taken by the candidate who obtained the highest number of votes in comparison with other competitors, but not necessarily an absolute majority in that constituency.

Although, the elections were developed with one round but the voters had the right of two votes; 1) one vote for single-member constituencies and 2) the second vote for proportional part¹⁵. As a result, the major political parties did not claimed the votes in proportional, but guided the voters to vote for smaller parties by creating what was called the phenomenon of "Megadushk".

A completely legal finding but that deemed immoral, because it produced mandates that has no real base in the electorate, such as 11 Republican MPs or 7 Social-Democracy MPs.

The practice of previous elections proved once again that to avoid these distortions should be made changes in the current electoral system. Referring to this, the electoral changes affected the system and as well as the electoral formula. This was made possible by the change of Article 64¹⁶ which consisted of 1) The Assembly consists of 140 MPs, elected by proportional electoral system in the multi-name constituencies; 2) The multi-name constituencies comply with the administrative division of administrative territorial

¹⁴ Mediani; op cit.;

¹⁵ Ibid

¹⁶ Law no. 9904, dated 04.21.2008

organization. So, we did not have a pure proportional system, where Albania is a single constituency, but in contrary we have a regional proportional system based on multi-name constituencies.

The correction of the system, in the regional proportional system, aims that the election results on election subjects to be in proportion to the total number of votes, in each constituency and to avoid the distortion of results experienced by the application of electoral systems so far. At the same time the proportional electoral system allows voters the right to only one vote for a political entity that he prefers. This system aims at increasing the threshold of votes that an electoral subject should win in order to be represented in the representative authority, approximating in this way the parliament's political map with the political map of the country. The serious defect of the system was the great difference in the size of the electoral regions that meant different threshold to be chosen in them¹⁷.

One of the main issues in the political frame remains finding a better way to achieving the conversion of Albanian votes in Parliament mandates in the future. The obtained result from the first application of the electoral system and electoral code in the 2009 elections, showed that a significant part of the Albanian votes have failed to convert into seats in the Parliament. Due to this fact, the structure of the Parliament is not a real insight and understanding of these wills. Meanwhile, proportional systems at their core have as a main objective the realization of a better reflection possible, of what is voted on by what is built, as a result of the formulas used for translating votes into Parliament seats. In this context, the "National Rectification" (requested by small political parties) were displayed to the Commission on Electoral Reform, which resulted in the signing of the agreement between the 26 political parties, which requires the determination of the quota of votes that belongs to 1 (one) mandate at the national level, where out of the number of seats that each party wins at the national level, are deducted the seats obtained in the region. The calculation of seats for each subject will be on a national basis, while the competition for each subject will be on regional lists. In this case the division of seats would ensure a high proportionality. According to the initiators, such scheme would not affect the Constitution and takes into account the political reality and the development of the political parties in the current phase. The political parties that cross the 2% threshold and the coalitions that cross the 4% threshold both nationally will have the right to benefit from the calculation of seats. As an essential part of the

¹⁷ Mediani; Op cit.

electoral reform, is the improvement of the electoral system by introducing the national correction without eliminations and distortions and that enables each party within the coalition to obtain the seats it deserves.

In the political parties' suggestions for possible changes in the electoral code is the electoral voting, the creation of pilot areas for the application for the first time of this voting despite the difficulties this field presents, lowering the threshold for small political parties.

In conclusion, we can say that after more than 20 years of pluralism, the conditions are part for knowing exactly what system adjusts to the Albanian democracy. Time has shown that due to the capital role in the determining of the governance, the electoral system is definitely the most influential of the political institutions.

Conclusions

Elections in the Republic of Macedonia and the Republic of Albania have been characterized by continuous irregularities.

While in both countries electoral irregularities can be addresses to the lack of political culture and the inefficiency of electoral laws, the inter-ethnic relations have played a very important role in all electoral cycles in the Republic of Macedonia.

The democratization of these countries combined with the continuous pressure from the international community have slowly but surely have led to fair and correct democratic elections in both countries.

Even besides the evident improvement it is obvious that none of the analyzed countries have managed to find the proper formula that would guarantee fair and correct elections.

Both countries strive towards a continuous improvement in their election system in order to comply with the standards for EU integrations.

According to our analysis, both political parties and state institutions in the Republic of Albania and the Republic of Macedonia, must act multidimensional in order to create proper pre-conditions for fair and fully democratic elections. They should create proper mechanisms in order to assure the full implementation of electoral codes; make proper changes to the electoral codes by providing consensus between the political parties in government and opposition; motivate citizens to vote and contribute to an increased level of participatory political culture.