

AN EVALUATION OF TWO ELECTORAL REFORMS

Juliana MARKO

Electoral systems have been widely and thoroughly analyzed when reflecting about the main features of political systems, especially when determining their effects on such features as political stability, party systems, democratic participation, etc. Obviously, it is important to study and compare not only the legal framework but also its impact and relation to the functional political system and the pre-established goals.

The above discourse is particularly true in the case of new democracies or political systems transitioning from authoritarian regimes to the liberal democratic form of government. In the Albanian case, one of the challenges has been the choice of a suitable electoral framework and, moreover, its positive implementation.

From the first pluralistic electoral legislation to date, Albania has made a considerable number of changes in its electoral rules (the country has reformed 16 times its electoral code since the fall of communism in 1990), trying to adopt different territorial subdivisions, electoral formulas and legal guarantees. These changes have gone from constitutional amendments to bipartisan political agreements, but still today there persists a climate of uncertainty and dissatisfaction with the result of holding free and fair representation through a widely accepted democratic standard.

This paper intends to provide a comparative evaluation of two of the great Albanian electoral frameworks: the Electoral Code as of Law No. 9087 dated 19 June 2003 and the Electoral Code as of Law No. 10019 dated 29 December 2008 and amended by Law No. 74/2012 dated 19 July 2012. The first and more important political choice in this change has affected the electoral formula, but there have been raised even more important questions about territorial and democratic representation, fairness of application of such framework in sensitive cases including media access, campaign financing, results publishing, etc. The peculiar Albanian history with ballots has given a huge importance to the evaluations and recommendations of international specialized bodies such as OSCE/ODIHR and the Venice Commission. Some progress have been certainly made, but Albania's elections have never been declared fully free and fair by international monitors and the winners and losers have frequently expressed accusations of fraud.

This topic is made very interesting because of multiple correlations between its actors and factors, as the only fixed notion remains that the way we apply the law will be more important than what we have written.

Key words: democratic transition, party system, electoral reform, electoral code, international observers.

